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STRENGTHEINING THE ROLE OF THE NOTARY SUPERVISORY COUNCIL IN PREVENTING THE ABUSE OF NOTARIAL AUTHORITY

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Abstract

The Notary Supervisory Council plays a strategic role in ensuring that notaries perform their duties and authorities in accordance with the principles of legality, professionalism, integrity, and accountability. The abuse of notarial authority may undermine public trust, weaken the evidentiary value of authentic deeds, and create legal uncertainty for the parties involved. This study aims to analyze the role of the Notary Supervisory Council in preventing the abuse of notarial authority and to identify efforts to strengthen its supervisory function. This research employs a normative juridical method using a statutory and conceptual approach. The analysis focuses on the legal framework governing notarial supervision, the authority of the Notary Supervisory Council, and the mechanisms for preventing and responding to violations committed by notaries.

The findings indicate that the supervisory function of the Notary Supervisory Council should not be limited to responding to alleged violations but should also emphasize preventive supervision. Effective supervision requires regular monitoring, examination of notarial compliance, public access to complaint mechanisms, and consistent enforcement of administrative sanctions. In addition, coordination among the Notary Supervisory Council, the Notary Honorary Council, professional organizations, and law enforcement authorities is essential to ensure an integrated supervisory system. Strengthening institutional independence, human resources, transparency, and accountability is also necessary to minimize conflicts of interest and improve the effectiveness of supervision. Therefore, strengthening the role of the Notary Supervisory Council through preventive, transparent, and accountable supervision is essential to prevent abuse of notarial authority, protect the interests of the public, and maintain the integrity and credibility of the notarial profession.

Keywords: Notary, Notarial Authority, Notary Supervisory Council, Supervision, Abuse of Authority.

INTRODUCTION

The notary profession occupies an important position within the Indonesian legal system because notaries are entrusted with the authority to create authentic deeds that provide legal certainty, evidentiary value, and protection for the interests of the parties. As a public official authorized to make authentic deeds and perform other authorities as regulated by law, a notary does not merely carry out administrative functions but also performs an important role in ensuring that civil legal relationships are properly documented and legally protected. The existence of notaries is therefore closely connected with the principles of legal certainty, justice, and public trust. Authentic deeds produced by notaries are expected to provide strong evidence regarding legal acts, agreements, and statements made before them. Consequently, the exercise of notarial authority must be conducted carefully, independently, impartially, professionally, and in accordance with the applicable legal framework.

The importance of the notarial profession is accompanied by substantial legal and ethical responsibilities. Notaries are granted significant authority by the state, and such authority must be exercised within the limits established by legislation. The authority to formulate authentic deeds, provide legal services related to the preparation of deeds, and perform other duties cannot be separated from the obligation to comply with professional standards and the principles of good governance. Abuse of notarial authority may occur when a notary exceeds the limits of his or her legal authority, fails to comply with statutory obligations, acts contrary to professional ethics, or uses the position for personal or other interests that conflict with the rights of the parties. Such conduct may have serious consequences because errors or violations in the performance of notarial duties can affect the validity, evidentiary strength, and legal consequences of an authentic deed.

In the Indonesian legal system, the regulation of the notarial profession is primarily based on Law Number 30 of 2004 concerning the Position of Notary, as amended by Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary. This legal framework establishes the position, authority, obligations, prohibitions, and responsibilities of notaries. The legislation also provides a supervisory mechanism intended to ensure that notaries perform their duties in accordance with legal provisions and professional standards. Supervision is essential because the authority granted to notaries by the state must be accompanied by mechanisms capable of preventing arbitrary actions, negligence, conflicts of interest, and other forms of professional misconduct. (Adjie, H 2018)

The Notary Supervisory Council constitutes an important institutional mechanism in maintaining the accountability of the notarial profession. The supervisory system is designed to ensure that notaries comply with the provisions governing their office and perform their professional duties responsibly. Supervision is not merely intended to impose sanctions after a violation has occurred. More importantly, supervision should function as an instrument of prevention. A strong supervisory mechanism should be capable of identifying potential violations at an early stage, providing guidance to notaries, monitoring compliance, receiving and examining public complaints, and ensuring that violations are addressed proportionately and consistently. (Adjie, H. 2014)

However, the effectiveness of supervision remains an important issue. In practice, supervision may encounter various institutional and procedural challenges. These challenges may include limited resources, differences in the interpretation of supervisory authority, inadequate monitoring mechanisms, delays in handling complaints, insufficient coordination among relevant institutions, and the difficulty of identifying violations before they cause legal harm. In addition, the complexity of notarial activities and the increasing number of legal transactions require a supervisory system that is responsive to developments in society and technology. A supervision model that relies predominantly on complaints or reactive measures may be insufficient to prevent violations effectively.

The development of increasingly complex legal and economic transactions has also expanded the scope of activities involving notaries. Notaries may be involved in the establishment of companies, transfer of rights, agreements, inheritance arrangements, guarantees, fiduciary transactions, and various other civil legal relationships. The increasing complexity of these transactions creates greater opportunities for disputes and potential misuse of notarial authority. In certain circumstances, parties may attempt to use the notarial process to legitimize transactions that are legally problematic. Therefore, the notary's professional responsibility is not limited to formally recording the wishes of the parties but also requires compliance with legal requirements, professional prudence, and ethical standards.

The potential abuse of notarial authority becomes particularly significant because authentic deeds possess a strong evidentiary position. When a notary fails to fulfill statutory requirements or violates professional obligations, the consequences may extend beyond the notary personally. Such violations may affect the parties who rely upon the deed, create disputes, and generate uncertainty concerning the legal status of the transaction. In serious cases, professional violations may also result in civil, administrative, or even criminal liability, depending on the nature and consequences of the conduct. Therefore, preventing abuse of authority should be considered an integral part of protecting legal certainty and public confidence in the notarial institution. (Adjie, H., & Sjaifurrachman, 2011).

The supervisory function must consequently be developed from a predominantly reactive approach toward a more comprehensive preventive and corrective approach. Preventive supervision can be implemented through periodic examinations, evaluation of compliance with statutory obligations, professional guidance, dissemination of legal developments, and improvement of ethical awareness among notaries. Corrective supervision, on the other hand, must ensure that alleged violations are examined objectively and that sanctions are imposed based on clear legal standards and due process. The combination of preventive and corrective mechanisms is important to ensure that supervision does not merely respond to misconduct but actively contributes to the creation of a culture of legal and professional compliance. (Suryahartati, D., & Mahardika, J, 2025).

Another important aspect is the relationship between supervision and professional independence. Notaries must be able to perform their duties independently and impartially because their authority is exercised in the public interest. At the same time, independence cannot be interpreted as freedom from accountability. Professional independence must be balanced with effective supervision and responsibility. The supervisory institution therefore needs to exercise its authority objectively without interfering improperly with the legitimate professional functions of notaries. An appropriate balance between independence and accountability is essential for maintaining the integrity of the notarial profession. (Darus, L. H. 2017).

The strengthening of the Notary Supervisory Council is also closely related to transparency and public participation. Members of the public who experience potential violations of notarial duties need an accessible and reliable mechanism for submitting complaints. A transparent complaint mechanism can increase public confidence and facilitate the identification of professional misconduct. At the same time, complaints must be examined carefully to prevent the supervisory process from becoming a tool for personal disputes or pressure against notaries. Accordingly, the supervisory process should be based on objective evidence, clear procedures, proportionality, and respect for the legal rights of all parties. Ramadhani, I. N. (Widhiyanti, H. N., & Wisnuwardhani, D. A, 2025).

Coordination among institutions is another factor that needs to be strengthened. The supervision of notaries involves various institutional dimensions, including the Notary Supervisory Council, the Notary Honorary Council, professional organizations, and, in certain circumstances, law enforcement authorities. Each institution has different functions and legal competencies. Weak coordination may result in overlapping authority, procedural uncertainty, or delays in responding to alleged violations. An integrated supervisory framework is therefore necessary to ensure that institutional roles remain clear while enabling effective information sharing and coordination where required by law.

The digital transformation of legal services further demonstrates the need to modernize notarial supervision. Technological developments have influenced the way legal documents are prepared, stored, communicated, and administered. Although technological innovation may increase efficiency, it also creates new risks relating to document security, authenticity, confidentiality, data protection, and professional accountability. The supervisory system should therefore be sufficiently adaptive to address technological developments while maintaining the fundamental legal requirements applicable to notarial deeds and professional conduct.

From the perspective of legal theory, supervision over the exercise of public authority reflects the principle that every authority must be accompanied by accountability. The authority granted to a notary by the state should not be viewed as an unrestricted privilege but as a legal mandate that must be exercised for legitimate purposes and within statutory boundaries. Consequently, the Notary Supervisory Council has an important role in ensuring that the exercise of notarial authority remains consistent with the principles of legality, professionalism, responsibility, and public interest. Effective supervision can function as a mechanism for preventing the transformation of legitimate authority into abuse of power. (Padjadjaran, M. L. Q., & Sakinah, Z, 2026).

Strengthening supervision is also necessary to preserve the credibility of the notarial institution. Public trust is one of the fundamental elements supporting the effectiveness of the notarial profession. Individuals and legal entities use notarial services because they expect the resulting deeds to provide certainty and reliable legal evidence. When cases of negligence, misconduct, or abuse of authority arise without an effective supervisory response, public confidence may decline. Conversely, transparent and consistent supervision can demonstrate that the notarial profession is subject to accountability and that violations will not be tolerated.

Therefore, the strengthening of the role of the Notary Supervisory Council should be directed toward establishing a supervisory model that is preventive, professional, independent, transparent, and accountable. Strengthening should include improving the quality and capacity of supervisory personnel, developing standardized examination mechanisms, enhancing public complaint systems, improving institutional coordination, utilizing appropriate technology for monitoring, and ensuring consistent application of sanctions. Such measures are expected not only to respond to violations but also to create an environment in which notaries are encouraged to consistently comply with legal and ethical standards. (Rizaldy, A. F., & Santoso, B, 2024).

Based on the foregoing considerations, the issue of strengthening the role of the Notary Supervisory Council is highly relevant to the development of a reliable and accountable notarial system in Indonesia. The prevention of abuse of notarial authority requires more than the existence of statutory provisions; it requires an effective institutional mechanism capable of ensuring compliance and preventing violations before they produce broader legal consequences. Accordingly, this study focuses on "Strengthening the Role of the Notary Supervisory Council in Preventing the Abuse of Notarial Authority." The study is expected to contribute to the development of a more effective supervisory framework and to strengthen the protection of public interests, legal certainty, and the integrity of the notarial profession in Indonesia.

METHOD

This study employs a normative juridical research method, which focuses on examining legal norms, statutory provisions, legal principles, and relevant legal concepts concerning the supervision of notaries and the prevention of abuse of notarial authority. The normative juridical approach is considered appropriate because the research primarily examines the legal framework governing the authority and supervisory functions of the Notary Supervisory Council and evaluates the adequacy of existing legal mechanisms in preventing violations committed by notaries.

The research uses several approaches, namely the statutory approach, conceptual approach, and case approach. The statutory approach is conducted by examining relevant legislation governing the position, authority, obligations, prohibitions, responsibilities, and supervision of notaries, particularly Law Number 30 of 2004 concerning the Position of Notary as amended by Law Number 2 of 2014. The conceptual approach is used to analyze legal concepts relating to notarial authority, professional responsibility, supervision, abuse of authority, legal certainty, and accountability. Meanwhile, the case approach is used to examine relevant cases involving alleged violations or abuse of notarial authority in order to identify weaknesses and challenges in the existing supervisory mechanism.

The legal materials used in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include legislation and other authoritative legal instruments governing the notarial profession and the supervision of notaries. Secondary legal materials consist of legal books, scholarly articles, academic journals, research findings, and expert opinions relevant to notarial law and legal supervision. Tertiary legal materials include legal dictionaries, encyclopedias, and other reference materials that provide explanations of legal concepts and terminology.

The collection of legal materials is conducted through library research, involving the identification, classification, and systematic review of relevant legal documents and academic literature. The collected materials are then analyzed using qualitative juridical analysis. The analysis is conducted by interpreting legal provisions, comparing relevant legal concepts, identifying inconsistencies or weaknesses in the supervisory framework, and assessing the effectiveness of existing mechanisms for preventing abuse of notarial authority.

The analysis is directed toward formulating a stronger and more effective supervisory model for the Notary Supervisory Council. Particular attention is given to preventive supervision, institutional accountability, transparency, complaint mechanisms, professional guidance, coordination among relevant institutions, and the application of proportional sanctions. The results of the analysis are subsequently presented descriptively and analytically to formulate legal arguments and recommendations for strengthening the role of the Notary Supervisory Council in preventing the abuse of notarial authority and maintaining public trust, legal certainty, and the integrity of the notarial profession. (Yustiawan, Y. I., & Putri, R. R. F. A, 2025).

LITERATURE REVIEW

1. The Concept and Legal Position of Notaries

The notary profession occupies a distinctive and strategic position within the Indonesian legal system. A notary is not merely a private legal service provider but a public official who is entrusted by the state with specific legal authority. This special position derives from the need to guarantee legal certainty, order, and protection in civil legal relationships. The existence of a notary is particularly important because many legal acts and transactions require reliable written evidence that can provide certainty regarding the rights and obligations of the parties.

Under Law Number 30 of 2004 concerning the Position of Notary, as amended by Law Number 2 of 2014, a notary is defined as a public official authorized to make authentic deeds and to exercise other authorities provided by the Notary Position Law or other laws. This definition establishes two fundamental elements of the notarial position: first, the status of a notary as a public official; and second, the authority to create authentic deeds. The legal framework therefore places the notary in a position that is different from an ordinary legal practitioner because the authority exercised by a notary originates from legislation and is performed within a public legal function.

The position of the notary as a public official must be understood in connection with the function of the notarial office. The notary performs a public function in the field of private law by providing legal certainty through the preparation of authentic deeds. Although notaries generally operate independently and are not part of the conventional government bureaucracy, the authority attached to their office is granted by the state. Consequently, the exercise of notarial authority must remain subject to statutory requirements, professional standards, ethical principles, and mechanisms of accountability.

The concept of an authentic deed is central to understanding the legal position of a notary. An authentic deed is not simply a written document prepared by the parties themselves. It is a legal instrument prepared by or before an authorized public official in the form and manner prescribed by law. Under the Notary Position Law, a notarial deed is an authentic deed made by or before a notary according to the form and procedures stipulated by legislation. The legal status of the deed is therefore closely connected with the competence of the notary and compliance with statutory formalities.

The authentic nature of a notarial deed provides an important evidentiary function. In civil legal relationships, the parties often require certainty concerning the occurrence of a legal act, the identity of the parties, their declarations, and the terms agreed upon. A properly executed authentic deed can provide strong evidentiary value and reduce uncertainty concerning the legal relationship between the parties. For this reason, the reliability and integrity of the notary are fundamental to the effectiveness of the authentic deed itself.

The legal position of a notary is consequently inseparable from the principle of legal certainty. The establishment of the Notary Position Law was motivated, among other things, by the need for authentic written evidence concerning legal acts, agreements, determinations, and legal events. The legislation recognizes the notary as a public official who provides legal services to society and whose position requires legal protection and guarantees to achieve legal certainty.

At the same time, the authority granted to a notary cannot be interpreted as an unlimited power. Notarial authority is attributed and limited by law. A notary may only exercise authority that has a legal basis and must comply with the procedures and substantive requirements established by legislation. This principle is important because the legitimacy of notarial acts depends upon the proper exercise of legally granted authority. When a notary acts outside the scope of his or her authority or violates mandatory legal requirements, questions may arise concerning the validity of the deed and the legal responsibility of the notary.

The Notary Position Law regulates various aspects of the notarial office, including appointment and dismissal, authority, obligations, prohibitions, place of domicile, formation and territorial jurisdiction, leave and substitute notaries, remuneration, notarial deeds, and supervision. This comprehensive regulatory structure demonstrates that the notarial profession is subject to a system of legal control and accountability rather than being an unrestricted professional activity.

The professional nature of the notarial position also creates a dual dimension of responsibility. On one hand, a notary must provide legal services independently and professionally. On the other hand, the notary must comply with the obligations imposed by law and the ethical standards of the profession. This dual responsibility requires a balance between professional independence and public accountability. Independence is necessary to ensure that the notary can perform duties objectively and impartially, while accountability is necessary to ensure that the authority entrusted by the state is not misused.

The notary is also required to maintain impartiality in dealing with the parties appearing before him or her. The notary should not become an instrument for advancing the interests of one party at the expense of another. The notary's role is to ensure that the legal act is documented in accordance with the law and that the formal and legal requirements are properly fulfilled. Therefore, professional integrity is an essential component of the notarial office.

Another important characteristic of the notarial position is the requirement of professional prudence. Notarial activities involve the examination and documentation of legal acts that may have significant consequences for the parties. Errors in identifying parties, verifying legal capacity, preparing the deed, recording statements, or complying with formal requirements may produce disputes and potentially undermine the legal certainty expected from an authentic deed. Accordingly, professional prudence constitutes an important preventive mechanism against legal disputes and professional violations.

The legal position of a notary is also closely connected with the concept of public trust. Individuals and legal entities generally approach notaries because they expect notarial documents to provide reliable legal evidence. This expectation creates a relationship of trust between society and the notarial institution. The notary therefore has an obligation to preserve the integrity of the office and to avoid conduct that could undermine public confidence.

Public trust also explains why violations committed by notaries may have broader consequences than ordinary professional errors. A violation may affect not only the individual parties involved but also the credibility of the notarial institution as a whole. If an authentic deed is prepared through negligence, manipulation, abuse of authority, or disregard of statutory requirements, the resulting legal uncertainty may affect the rights of the parties and potentially generate civil, administrative, or criminal consequences depending on the circumstances.

For this reason, the legal position of the notary must be accompanied by an effective supervisory mechanism. The state cannot grant substantial legal authority without establishing mechanisms to ensure that such authority is exercised appropriately. The Notary Position Law therefore recognizes the existence of the Notary Supervisory Council, which is an institution entrusted with the authority and obligation to conduct guidance and supervision over notaries.

The supervisory function is particularly relevant because the notary exercises authority derived from the state while operating in a professional environment. Supervision does not necessarily contradict professional independence. Instead, appropriate supervision ensures that independence is exercised within the boundaries of law and professional ethics. The objective of supervision should therefore be to maintain the integrity of the notarial office, prevent misconduct, and protect the public from the consequences of improper exercise of notarial authority.

The legal position of the Notary Supervisory Council itself reflects the importance attached to accountability within the notarial profession. The regulatory framework identifies the Council as a body responsible for the guidance and supervision of notaries. In the Indonesian supervisory structure, supervision is organized at different levels, including the Regional Supervisory Council, the Provincial Supervisory Council, and the Central Supervisory Council, each with defined functions and competencies.

The relationship between notarial authority and supervisory authority is therefore fundamental to understanding the prevention of abuse of notarial authority. The greater the legal consequences associated with an authority, the stronger the need for effective accountability mechanisms. In this context, supervision should not merely be understood as a mechanism for imposing sanctions after violations occur. It should also function as a preventive instrument through professional guidance, periodic examination, compliance monitoring, and early identification of potential violations.

From a legal-theoretical perspective, the notarial office can be understood through the principle that authority must always be accompanied by responsibility. The attribution of authority to a notary serves a legitimate public purpose, namely providing legal certainty and reliable authentic evidence. Therefore, the authority must be exercised in accordance with its legal purpose. Any deviation from that purpose may undermine the legitimacy of the notarial function and potentially constitute an abuse of authority.

The distinction between authority, responsibility, and accountability is therefore important. Authority refers to the legal power granted to the notary; responsibility refers to the obligation to perform the office properly; and accountability refers to the obligation to justify and bear the legal consequences of the exercise of that authority. These three elements must operate together to ensure that the notarial profession functions effectively within the framework of the rule of law.

In addition, the concept of the notary as a public official should not be separated from the principle of good governance. Although the notary is not a government employee in the ordinary bureaucratic sense, the exercise of public authority requires principles such as legality, transparency, professionalism, accountability, impartiality, and integrity. These principles are particularly important in preventing conflicts of interest and ensuring that the notarial office serves the public interest.

Thus, the legal position of the notary in Indonesia may be characterized by several fundamental elements: the notary is a public official; the authority is granted by legislation; the principal function is to create authentic deeds and provide related legal services; the exercise of authority is subject to statutory and ethical limitations; and the notary is subject to supervision and accountability. These characteristics demonstrate that the notarial profession is a legally regulated public function rather than an unrestricted private profession.

In relation to the present research, understanding the concept and legal position of the notary provides the foundation for analyzing the potential abuse of notarial authority. Because notaries possess legally significant authority and their deeds may have substantial evidentiary consequences, the misuse or improper exercise of that authority must be prevented through an effective supervisory framework. The Notary Supervisory Council consequently has an important institutional role in ensuring that notaries exercise their authority within the limits of law, uphold professional ethics, and maintain public trust.

Ultimately, strengthening the legal position and professional integrity of notaries must be accompanied by strengthening the supervisory system. Effective supervision should preserve the balance between notarial independence and institutional accountability. Such a balance is necessary to ensure that notaries can perform their professional functions freely and objectively while remaining accountable for every exercise of authority entrusted to them by law. In this respect, the concept and legal position of the notary constitute an essential theoretical foundation for developing a stronger supervisory mechanism aimed at preventing the abuse of notarial authority and ensuring legal certainty for society.

2. The Notary Supervisory Council and Its Supervisory Function

The Notary Supervisory Council is an essential institution within the Indonesian notarial system because it functions as an instrument for ensuring that notaries perform their duties and exercise their authority in accordance with applicable laws and professional standards. The establishment of a supervisory mechanism is inseparable from the legal position of notaries as public officials who are entrusted with significant authority to create authentic deeds. Because notarial deeds have important evidentiary consequences, the exercise of notarial authority must be accompanied by effective supervision and accountability. (Rizaldy, A. F., & Santoso, B. 2024).

The legal basis for the supervision of notaries is primarily found in Law Number 30 of 2004 concerning the Position of Notary, as amended by Law Number 2 of 2014. The legislation establishes that the supervision and guidance of notaries are carried out through the Notary Supervisory Council. The supervisory structure is organized at several levels, namely the Regional Supervisory Council, the Provincial Supervisory Council, and the Central Supervisory Council. Each level has specific responsibilities and authorities within the supervisory framework.

The principal purpose of supervision is to ensure that notaries comply with the provisions governing their office, including their obligations, prohibitions, professional standards, and ethical responsibilities. Supervision therefore serves as a mechanism for maintaining the integrity of the notarial profession. It also provides institutional control over the exercise of authority so that notaries do not act beyond the limits established by law.

The supervisory function can generally be understood through two complementary approaches: preventive supervision and corrective or repressive supervision. Preventive supervision is directed toward preventing violations before they occur. It may include professional guidance, periodic monitoring, examination of compliance, dissemination of legal developments, and evaluation of the implementation of notarial obligations. This approach is particularly important because the primary objective of supervision should not merely be to punish violations but also to create professional awareness and legal compliance.

Corrective supervision is directed toward addressing alleged violations that have already occurred. In this context, the Supervisory Council may receive complaints, conduct examinations within its legal competence, evaluate the conduct of the relevant notary, and take measures or recommend sanctions in accordance with applicable regulations. The corrective function is necessary to ensure that violations do not remain without an appropriate institutional response and that professional accountability can be effectively implemented.

The Supervisory Council also has an important role in protecting the interests of the public. Members of the public generally rely on notaries to prepare authentic deeds that accurately reflect their legal acts and provide legal certainty. If a notary acts negligently, violates professional obligations, or abuses his or her authority, the consequences may affect the legal rights of the parties. Effective supervision therefore serves as a form of public protection by ensuring that notarial services are provided according to legal and professional standards.

Another important function of the Notary Supervisory Council is maintaining the balance between professional independence and accountability. Notaries require independence in performing their duties because they must act impartially and without improper influence from the parties. However, independence does not mean that a notary is free from supervision. On the contrary, independence must be exercised within the boundaries of law, professional ethics, and accountability. The Supervisory Council therefore provides an external institutional mechanism to ensure that professional independence does not become a basis for arbitrary or unlawful conduct.

Supervision must also be conducted objectively and fairly. The existence of a complaint against a notary does not automatically establish that a violation has occurred. Allegations must be examined based on relevant evidence and applicable legal standards. Therefore, the supervisory process should uphold principles of due process, proportionality, transparency, and impartiality. This approach is necessary to protect both the public and the professional rights of notaries.

In the context of preventing the abuse of notarial authority, the supervisory function should be strengthened beyond a complaint-based model. A purely reactive system may identify violations only after legal harm has occurred. A more effective approach requires continuous and preventive supervision capable of identifying potential risks at an early stage. Regular monitoring, professional education, standardized examination procedures, and effective complaint mechanisms can contribute to reducing opportunities for abuse of authority.

The effectiveness of supervision is also influenced by the competence and integrity of supervisory personnel. Members of the Supervisory Council need adequate knowledge of notarial law, civil law, administrative law, professional ethics, and relevant developments in legal practice. Without sufficient competence, supervision may become formalistic and fail to identify substantive violations. Therefore, strengthening human resources within the supervisory institution is an important component of improving the overall supervisory system.

Institutional coordination is another significant element. The supervision of notaries may involve the Notary Supervisory Council, the Notary Honorary Council, professional organizations, and law enforcement institutions, depending on the nature of the issue. Clear differentiation of authority and effective coordination are necessary to prevent overlapping functions, procedural uncertainty, and delays in responding to alleged violations. A coordinated supervisory framework can improve institutional effectiveness while respecting the legal competence of each institution.

Transparency and public accessibility should also form part of an effective supervisory system. The public should have a clear and accessible mechanism for submitting complaints concerning alleged violations by notaries. At the same time, the complaint process must be managed responsibly to prevent unfounded allegations from being used to exert improper pressure on notaries. Accordingly, public participation should be balanced with objective examination and protection of the legal rights of all parties.

The supervisory function is ultimately directed toward maintaining the credibility of the notarial institution. Public trust is fundamental to the effectiveness of authentic deeds because the parties rely on the integrity and professionalism of the notary. When violations are properly prevented, investigated, and addressed, public confidence in the notarial profession can be strengthened. Conversely, weak or inconsistent supervision may create the perception that professional violations are tolerated and may undermine confidence in the legal system.

Therefore, the Notary Supervisory Council should be understood not merely as a body that imposes sanctions but as an institution that performs a broader function of prevention, guidance, monitoring, examination, and accountability. Its supervisory role should encourage compliance while ensuring that violations receive appropriate legal responses. Such an approach is consistent with the broader objective of strengthening the rule of law and ensuring that public authority is exercised responsibly.

In relation to the research topic, strengthening the role of the Notary Supervisory Council is particularly important in preventing the abuse of notarial authority. Strengthening should include preventive supervision, improvement of supervisory competence, transparent complaint mechanisms, standardized examination procedures, institutional coordination, utilization of appropriate technology, and consistent enforcement of sanctions. Through these measures, supervision can become more effective in preventing violations before they cause legal harm.

Thus, the supervisory function of the Notary Supervisory Council constitutes an important component of the accountability system for the notarial profession. Effective supervision ensures that the authority granted to notaries is exercised within legal boundaries, protects the interests of parties relying on notarial deeds, promotes professional integrity, and strengthens public trust. The Council's role should consequently be developed from a predominantly reactive model toward a comprehensive, preventive, transparent, and accountable supervisory system.

3. The Role of Professional Ethics in Preventing Abuse of Authority

Professional ethics plays a fundamental role in preventing the abuse of authority by notaries. The notarial profession is not merely a legal profession based on technical competence, but also a profession that requires integrity, independence, impartiality, responsibility, and public trust. Because notaries are entrusted with public authority to create authentic deeds, the exercise of that authority must always be guided by legal norms and professional ethical standards.

Professional ethics provides moral and behavioral standards that complement the statutory regulations governing the notarial profession. Legal provisions establish what a notary may and may not do, while professional ethics provides standards concerning how notarial authority should be exercised responsibly and appropriately. Therefore, compliance with professional ethics is an important preventive instrument against misconduct and abuse of authority.

One of the fundamental principles of notarial ethics is integrity. A notary is expected to perform professional duties honestly, consistently, and responsibly. Integrity prevents a notary from manipulating information, improperly benefiting from a transaction, assisting unlawful conduct, or using the notarial position for personal interests. A notary with strong professional integrity will understand that the authority attached to the office is a public trust rather than a personal privilege.

The principle of independence is also essential in preventing abuse of authority. A notary must be able to perform his or her duties independently and without improper influence from clients, business interests, political pressure, or other parties. Independence enables the notary to assess legal acts objectively and to refuse actions that are inconsistent with statutory requirements or professional standards. Without independence, the notarial office may become vulnerable to manipulation by parties seeking to use the notary to legitimize unlawful or problematic transactions.

Another important ethical principle is impartiality. Notaries must maintain an objective position toward all parties appearing before them. The notary should not favor one party or allow personal interests to influence the preparation of a deed. Impartiality is particularly important because notarial deeds may affect the legal rights and obligations of multiple parties. By maintaining neutrality, the notary contributes to fairness and legal certainty.

The principle of professional prudence is equally important. Notaries are required to carefully examine the identity, legal capacity, authority, statements, and relevant documents of the parties before preparing a deed. Negligence in performing these duties may result in defective deeds, disputes, or legal losses. Ethical standards therefore encourage notaries to exercise a high degree of care and diligence in every professional activity.

Professional ethics also requires notaries to maintain confidentiality concerning information obtained in the performance of their duties, subject to applicable legal exceptions. Confidentiality protects the interests of clients and preserves public trust in the notarial institution. A breach of confidentiality may not only violate professional ethics but may also cause legal and reputational consequences. (Adjie, H. 2013)

The ethical obligation to avoid conflicts of interest is another important mechanism for preventing abuse of authority. A notary should not use his or her position to obtain improper personal or financial benefits. Situations involving personal interests, family relationships, financial interests, or other conflicting circumstances must be handled carefully in accordance with applicable legal and ethical standards. Avoiding conflicts of interest helps ensure that notarial decisions remain objective and professional.

Professional ethics also contributes to the prevention of abuse through self-discipline and professional accountability. Ethical rules encourage notaries to evaluate their own conduct before performing professional acts. This internal control is important because formal supervision cannot monitor every action of a notary continuously. Ethical awareness therefore functions as an internal preventive mechanism that complements external supervision by the Notary Supervisory Council.

The relationship between professional ethics and institutional supervision is particularly significant. The Notary Supervisory Council provides external supervision, while professional ethics provides an internal standard of professional conduct. These mechanisms should operate together. External supervision can identify and respond to violations, whereas ethical awareness can prevent inappropriate conduct from occurring in the first place. Consequently, strengthening ethical compliance should form an integral part of the overall notarial supervisory system. (Henny Saida Flora, 2026)

Professional ethics is also closely related to public trust. Society relies on notaries because notarial deeds are expected to provide reliable and legally certain evidence. If notaries consistently demonstrate honesty, impartiality, competence, and responsibility, public confidence in the profession will increase. Conversely, unethical conduct may damage not only the reputation of an individual notary but also the credibility of the notarial profession as a whole. (Henny Saida Flora, 2026)

In preventing abuse of authority, ethical education and continuous professional development are therefore necessary. Notaries should receive regular education concerning developments in legislation, professional ethics, judicial decisions, and emerging legal risks. Continuous professional development enables notaries to understand both the legal boundaries of their authority and the ethical responsibilities associated with their position.

Ultimately, professional ethics serves as an important preventive foundation for ensuring that notarial authority is exercised appropriately. Ethics encourages notaries to act with integrity, independence, impartiality, prudence, confidentiality, and accountability. When these principles are supported by effective supervision and consistent enforcement mechanisms, the possibility of abuse of authority can be significantly reduced.

Therefore, strengthening professional ethics should be considered an essential component of strengthening the role of the Notary Supervisory Council. Supervision should not focus exclusively on identifying violations and imposing sanctions but should also promote ethical awareness, professional guidance, and a culture of compliance among notaries. An integrated approach combining ethical responsibility and institutional supervision is necessary to ensure that notarial authority is exercised in accordance with the law, protects the interests of the public, and maintains the integrity and credibility of the notarial profession.

4. **Strengthening the Supervisory Mechanism for Notaries**

Strengthening the supervisory mechanism for notaries is essential to ensure that the authority granted to notaries is exercised in accordance with applicable laws, professional ethics, and the principles of accountability. Notaries occupy a strategic position within the Indonesian legal system because they are public officials authorized to create authentic deeds. Therefore, the significant legal consequences associated with notarial deeds require an effective supervisory mechanism capable of preventing negligence, professional misconduct, and abuse of authority.

The supervisory mechanism should not be understood merely as a means of responding to violations after they occur. Supervision should primarily have a preventive function, aimed at identifying potential violations and encouraging notaries to comply with their legal and professional obligations. A preventive supervisory model can be implemented through periodic monitoring, professional guidance, examination of compliance, dissemination of regulatory developments, and evaluation of notarial practices. Such an approach can reduce the risk of violations before they cause legal harm to the parties concerned. (Bahraine, L. U, 2024).

One important aspect of strengthening supervision is improving the institutional capacity of the Notary Supervisory Council. Effective supervision requires supervisory personnel who possess adequate knowledge and expertise concerning notarial law, civil law, administrative law, professional ethics, and relevant legal developments. Continuous training is therefore necessary to ensure that members of the Supervisory Council are able to conduct objective and professional examinations. Institutional capacity should also be supported by adequate administrative resources and clear supervisory procedures.

The strengthening of supervision should also involve the development of standardized supervisory and examination procedures. Clear procedures are necessary to ensure consistency in the handling of complaints and alleged violations. Standardization can include procedures for receiving complaints, verifying allegations, collecting relevant information, conducting examinations, evaluating evidence, preparing findings, and determining appropriate measures within the Council's legal authority. Consistent procedures can minimize arbitrary decision-making and strengthen legal certainty for both notaries and members of the public.

Another important element is the improvement of the public complaint mechanism. Members of the public who believe that a notary has violated legal or professional obligations should have access to an effective, transparent, and easily understood mechanism for submitting complaints. A well-designed complaint system can assist the Supervisory Council in identifying potential violations at an early stage. However, complaints must be examined objectively because the existence of a complaint alone cannot establish professional misconduct. The supervisory process must therefore distinguish between legitimate allegations and complaints arising from private disputes or misunderstandings.

The use of technology can further strengthen the supervisory mechanism. Digital systems may facilitate the recording of complaints, monitoring of supervisory activities, management of examination documents, and tracking of cases. Proper use of technology can improve administrative efficiency, transparency, and accountability. At the same time, digital supervision must comply with applicable requirements concerning confidentiality, data security, and protection of personal information. (Soekanto, S, 2008).

Strengthening supervision also requires effective coordination among relevant institutions**.** The Notary Supervisory Council does not operate in isolation. Depending on the nature of a matter, coordination may be necessary with other supervisory bodies, professional organizations, the Notary Honorary Council, and law enforcement authorities. Clear institutional boundaries and communication mechanisms can prevent overlapping functions and reduce procedural uncertainty. Coordination is particularly important when alleged professional violations may also have civil or criminal implications.

The relationship between supervision and professional independence must also be carefully maintained. Notaries require independence to perform their duties objectively and impartially. However, professional independence cannot be interpreted as immunity from accountability. Effective supervision should therefore regulate the exercise of authority without improperly interfering with legitimate professional functions. The objective is to establish a balanced relationship in which independence is protected while misconduct and abuse of authority remain subject to appropriate oversight. (Myaskur, M., & Wahyudiono, T. 2025)

Another important aspect is the consistent and proportionate application of administrative sanctions. Sanctions should correspond to the nature and seriousness of the violation and should be imposed through a fair and transparent process. Consistency in sanctions is necessary to create a deterrent effect and demonstrate that professional misconduct has consequences. At the same time, sanctions should not become the sole objective of supervision. Guidance and corrective measures should also be used where appropriate to encourage professional improvement and compliance.

Strengthening the supervisory mechanism should also promote a culture of professional accountability. Notaries should understand that the authority associated with their office is a public trust and not merely a professional privilege. Accountability requires notaries to be prepared to explain and justify the exercise of their authority and to accept legal consequences when they fail to comply with their obligations. This principle should be integrated into professional education, ethical guidance, and supervisory activities.

Transparency is another important component of effective supervision. The Supervisory Council should provide clear information concerning supervisory procedures, complaint mechanisms, and the general framework for addressing professional violations. Transparency can strengthen public confidence while also encouraging notaries to comply with professional standards. Nevertheless, transparency must be balanced with the confidentiality obligations applicable to notarial matters and the legal rights of the parties involved.

The supervisory mechanism should further adopt a risk-based approach. Not all notarial activities present the same level of risk. Transactions involving significant financial interests, complex corporate structures, property transfers, inheritance arrangements, or other legally sensitive matters may require greater attention. Risk-based supervision allows supervisory resources to be directed toward areas where the potential consequences of misconduct are greatest.

Ultimately, strengthening the supervisory mechanism requires a transformation from a predominantly reactive model toward an integrated preventive, corrective, and educational model**.** Preventive supervision seeks to avoid violations, corrective supervision responds to established misconduct, and educational supervision promotes continuous professional development. The combination of these approaches can create a more effective system of professional accountability.

In the context of preventing abuse of notarial authority, the strengthened supervisory mechanism should therefore include several interconnected elements: institutional capacity, competent supervisory personnel, standardized procedures, accessible complaint mechanisms, technological support, inter-institutional coordination, professional ethical guidance, transparency, and consistent enforcement. These elements should operate as an integrated system rather than as separate measures.

Accordingly, strengthening the supervisory mechanism for notaries is not simply a matter of increasing institutional control. It is an effort to create a balanced system that protects professional independence while ensuring accountability. An effective supervisory mechanism can prevent the misuse of notarial authority, protect the legal interests of parties, enhance the reliability of authentic deeds, and strengthen public trust in the notarial profession. This approach ultimately supports the broader objectives of legal certainty, justice, and the rule of law within the Indonesian legal system.

CONCLUSION

Strengthening the role of the Notary Supervisory Council is essential to prevent the abuse of notarial authority and to maintain public trust in the notarial profession. Effective supervision should not be limited to responding to violations but must prioritize preventive supervision through regular monitoring, professional guidance, accessible complaint mechanisms, and continuous evaluation of notarial compliance. The supervisory function should also be supported by competent supervisory personnel, clear procedures, institutional coordination, transparency, and consistent application of sanctions.

In addition, professional ethics, integrity, independence, impartiality, and accountability must be strengthened as internal mechanisms for preventing abuse of authority. A balanced supervisory system that protects notarial independence while ensuring professional accountability can provide stronger legal protection for the public and improve legal certainty. Therefore, the Notary Supervisory Council should be strengthened as a preventive, corrective, and educational institution to ensure that notarial authority is exercised within legal boundaries and in accordance with professional and ethical standards.

REFERENCES

1. Adjie, H. (2014). *Hukum Notaris Indonesia: Tafsir tematik terhadap Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris*. Refika Aditama.
2. ------------. (2013). *Kebatalan dan pembatalan akta Notaris*. Refika Aditama.
3. ------------, (2018). *Notaris dan dinamika hukum*. Prenadamedia Group.
4. Adjie, H., & Sjaifurrachman. (2011). *Aspek pertanggungjawaban Notaris dalam pembuatan akta*. Mandar Maju.
5. Darus, L. H. (2017). *Hukum Notariat dan tanggung jawab jabatan Notaris*. UII Press.
6. Henny Saida Flora, 2026, *Hukum Pengawasan Notaris di Indonesia, Majelis Pengawas dan Majelis Kehormatan Notaris,* Bravo Press, Indonesi, Riau
7. ----------------, 2026, *Hukum Jabatan Notaris dan PPAT di Indonesia*, Teori, Praktik dan Pertanggungjawaban, Bravo Press, Indonesia, Riau
8. Soekanto, S. (2008). *Faktor-faktor yang mempengaruhi penegakan hukum*. RajaGrafindo Persada.
9. Bahraine, L. U. (2024). Kewenangan pengawasan dan pembinaan Notaris sebagai Pejabat Lelang Kelas II berdasar Undang-Undang Jabatan Notaris. *Officium Notarium,* *4*(1), 111–119. https://doi.org/10.20885/JON.vol4.iss1.art8
10. Hidayat, F. N., Sulaiman, R. A., Simorangkir, D. F. R., Amin, R. F., & Baidhowi. (2026). Penyalahgunaan wewenang Notaris dalam pembuatan akta: Analisis celah hukum dan lemahnya pengawasan. *Jurnal Hukum, Administrasi Publik dan Negara,* *3*(3). https://doi.org/10.62383/hukum.v3i3.1021
11. Lalo, K., Herlindah, & Wisnuwardhani, D. A. (2024). Penetapan sanksi hukum untuk anggota Majelis Pengawas Notaris yang tidak melaksanakan tanggung jawab pengawasan. *Jurnal Magister Hukum Udayana, 13*(3), 698–708. https://doi.org/10.24843/JMHU.2024.v13.i03.p12
12. Loka, S., & Gunadi, A. (2024). The role of Notary Supervision Institutions and Notary responsibilities for violations of their obligations. *Jurnal Indonesia Sosial Teknologi,* *5*(4), 1866–1875. https://doi.org/10.59141/jist.v5i4.1019
13. Myaskur, M., & Wahyudiono, T. (2025). The authority of the Regional Supervisory Council for Notaries in enforcing the Notarial Code of Ethics. *UNISKA Law Review,* *6*(2), 110–138. https://doi.org/10.32503/ulr.v6i2.8213
14. Padjdjaran, M. L. Q., & Sakinah, Z. (2026). Legal certainty in the exercise of sanctioning authority by the Notary Supervisory Council under the Indonesian Notary Office Act. *Al-Risalah: Jurnal Ilmu Syariah dan Hukum*. https://doi.org/10.24252/al-risalah.vi.65405
15. Ramadhani, I. N., Widhiyanti, H. N., & Wisnuwardhani, D. A. (2025). The effectiveness of the supervision by the Regional Supervisory Council over notaries based on Article 67 paragraph (5) of the Notary Office Act. *YURISDIKSI: Jurnal Wacana Hukum dan Sains, 21*(2), 201–216. https://doi.org/10.55173/yurisdiksi.v21i2.303
16. Rizaldy, A. F., & Santoso, B. (2024). *Pembinaan dan pengawasan Majelis Pengawas Daerah Notaris sebelum dan setelah berlakunya UUJN. Notarius, 16*(3), 1422–1439. https://doi.org/10.14710/nts.v16i3.41784
17. Suryahartati, D., & Mahardika, J. (2025). Reforming the legal framework of notary supervision in Indonesia: Towards a digital governance model. *Supremasi Hukum: Jurnal Kajian Ilmu Hukum,* *14*(1), 89–110. https://doi.org/10.14421/2xx8sn14
18. Yustiawan, Y. I., & Putri, R. R. F. A. (2025). The implementation of authority and resolution efforts undertaken by the Ministry of Law and Human Rights

(Kemenkumham) in addressing the case of dualism within the Indonesian Notary Association (INI). *Journal of Private and Commercial Law, 1*(2). https://doi.org/10.20885/JPCOL.vol1.iss2.art

19. Republik Indonesia. (2004). *Undang-Undang Republik Indonesia Nomor 30 Tahun 2004 tentang Jabatan Notaris*.

20. Republik Indonesia. (2014). *Undang-Undang Republik Indonesia Nomor 2 Tahun 2014 tentang Perubahan atas Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris*. UU ini masih berstatus berlaku dan merupakan dasar utama pengaturan jabatan Notaris.

21. Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia. (2021). *Peraturan Menteri Hukum dan Hak Asasi Manusia Republik Indonesia Nomor 16 Tahun 2021 tentang Susunan Organisasi dan Tata Kerja, Tata Cara Pengangkatan dan Pemberhentian, serta Anggaran Majelis Pengawas Notaris*. Peraturan ini juga menjadi rujukan penting dalam membahas struktur dan mekanisme Majelis Pengawas Notaris.