



JIHK is licensed under Creative Commons Atribusi4.0 Internasional license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

DOI: 10.46924/jihk.v7i2.422



Dishonorable Removal of a Notary for Breach of Professional Ethics: An Analysis of Decision No. 3/Pdt.G/2022/PN Plk

Kintan Salma Waluya^{1*}, Tetti Samosir², & Jum Anggriani³

^{1,2,3}Universitas Pancasila
Jakarta, Indonesia

Correspondence

Kintan Salma Waluya,
Universitas Pancasila Jakarta,
Indonesia, Jl. Lenteng Agung
Raya No.56, RT.1/RW.3,
Srengseng Sawah, Kec.
Jagakarsa, Kota Jakarta Selatan,
Daerah Khusus Ibukota Jakarta
12630, e-mail:
kintansal@gmail.com

How to cite

Waluya, Kintan Salma.,
Samosir, Tetti., & Anggriani,
Jum. 2026. Dishonorable
Removal of a Notary for
Breach of Professional Ethics:
An Analysis of Decision No.
3/Pdt.G/2022/PN Plk. *Jurnal
Ilmu Hukum Kyadire* 7(2), 1518-
1529.
[https://doi.org/10.46924/jihk.
v7i2.422](https://doi.org/10.46924/jihk.v7i2.422)

Original Article

Abstract

Dishonorable dismissal of a notary constitutes the most severe administrative sanction, directly affecting the continuity of office and the professional legitimacy of notaries as public officials. This study examines the legality of dishonorable dismissal imposed on a notary for ethical violations and evaluates the role of the Regional Supervisory Council within the notarial oversight system, focusing on Decision Number 3/Pdt.G/2022/PN Plk. The research employs a normative legal method using statutory and case-based approaches. Primary and secondary legal materials are analyzed qualitatively through legal interpretation and juridical reasoning. The findings reveal that although the authority to dismiss notaries is normatively regulated under the Notary Office Act, its implementation in the case under study raises significant concerns regarding legal certainty, proportionality of sanctions, and compliance with procedural justice, particularly the right to defense. Furthermore, the Regional Supervisory Council has not functioned optimally as a professional guidance mechanism and tends to operate in a predominantly procedural-administrative manner. This study underscores the need to recalibrate the notarial supervision framework to ensure that dishonorable dismissal is imposed in an accountable, proportional, and legally reasoned manner consistent with the principles of good governance.

Keywords: Notary, Dishonorable Dismissal, Code of Ethics, Regional Supervisory Council, Procedural Justice.

Abstrak

Pemberhentian tidak hormat terhadap notaris merupakan sanksi administratif terberat yang berdampak langsung pada keberlanjutan jabatan dan legitimasi profesional notaris sebagai pejabat umum. Penelitian ini menganalisis keabsahan prosedur pemberhentian tidak hormat terhadap notaris akibat pelanggaran kode etik serta mengevaluasi peran Majelis Pengawas Wilayah dalam mekanisme pengawasan notaris, dengan fokus pada Putusan Nomor 3/Pdt.G/2022/PN Plk. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan peraturan perundang-undangan dan pendekatan kasus. Bahan hukum primer dan sekunder dianalisis secara kualitatif melalui penafsiran hukum dan argumentasi yuridis. Hasil penelitian menunjukkan bahwa meskipun kewenangan pemberhentian notaris secara normatif telah diatur dalam Undang-Undang Jabatan Notaris, penerapannya dalam perkara a quo masih menyisakan persoalan serius terkait kepastian hukum, proporsionalitas sanksi, dan pemenuhan prinsip keadilan prosedural, khususnya hak pembelaan notaris. Selain itu, peran Majelis Pengawas Wilayah belum dijalankan secara optimal sebagai instrumen pembinaan profesi, melainkan cenderung berfungsi administratif-prosedural. Penelitian ini menegaskan pentingnya penataan ulang mekanisme pengawasan notaris agar pemberhentian tidak hormat diterapkan secara akuntabel, proporsional, dan selaras dengan prinsip asas-asas umum pemerintahan yang baik.

Kata kunci: Notaris, Pemberhentian Tidak Hormat, Kode Etik, Majelis Pengawas Wilayah, Keadilan Prosedural.

1. INTRODUCTION

A notary is a public official who plays a strategic role in ensuring legal certainty through the execution of authentic deeds. This position is not merely a conventional legal profession but functions as an extension of the state within the sphere of civil law. Accordingly, integrity, professionalism, and strict compliance with statutory regulations and the code of ethics constitute essential prerequisites for the proper exercise of notarial authority.¹ Any breach of legal norms or ethical standards by a notary therefore carries direct consequences for public trust and the credibility of the legal system.

Within the Indonesian legal framework, misconduct by a notary may result in administrative sanctions, including the most severe measure of dishonorable dismissal. The authority to impose such dismissal is vested in the Minister of Law and Human Rights and is exercised through a hierarchical supervisory structure consisting of the Regional Supervisory Council, the Provincial Supervisory Council, and the Central Supervisory Council, as regulated under the Notary Office Act.² Normatively, this oversight mechanism is intended to ensure that sanctions are imposed objectively, proportionally, and in accordance with the principles of good governance.

In practice, however, the imposition of dishonorable dismissal frequently gives rise to legal disputes, particularly with respect to procedural compliance, the protection of the right to defense, and the proportionality between the misconduct and the sanction imposed. A concrete illustration of these issues is found in Decision Number 3/Pdt.G/2022/PN Plk, which challenges the legality of a notary's dishonorable dismissal for alleged violations of law and professional ethics. This decision highlights the tension between the exercise of state administrative authority and the demands of procedural justice afforded to notaries as legal subjects.

Previous studies have addressed the issue of dishonorable dismissal of notaries from both statutory and ethical perspectives, generally emphasizing the normative basis of ministerial authority and the legal consequences of dismissal. Nevertheless, much of the existing literature remains abstract and normative in nature, offering limited engagement with the practical operation of supervisory bodies and judicial review of administrative decisions. Moreover, issues of procedural justice particularly the notary's right to defense and the consistency of sanctioning practices have received comparatively limited scholarly attention.

Against this backdrop, the present study adopts a distinct approach by examining not only the normative framework governing the dismissal of notaries but also its

¹ Wahyu Satya Wibowo, Johni Najwan, dan Firdaus Abu Bakar, "Integritas Notaris Sebagai Pejabat Pembuat Akta Autentik dalam Undang-Undang Jabatan Notaris," *Recital Review* 4, no. 2 (2022): 323–52, <https://doi.org/10.22437/rr.v4i2.18861>.

² Alidatussadiyah Almuslimah, Mohammad Rynan Bakry, dan Chandra Yusuf, "Kepastian Hukum Dalam Penyelenggaraan Pelanggaran Etika Rangkap Jabatan Notaris Oleh Majelis Pengawas Daerah," *Adil Jurnal Hukum* 12, no. 2 (2021): 21–54, <https://doi.org/10.33476/ajl.v12i2.2111>.

practical application through judicial analysis. By focusing on Decision Number 3/Pdt.G/2022/PN Plk, this article seeks to assess whether dishonorable dismissal has been implemented in accordance with prescribed legal procedures and principles of justice, while also evaluating the role of the Regional Supervisory Council in ensuring that oversight and sanctioning mechanisms operate in an accountable manner.

Based on this framework, the core issue does not lie solely in the existence of violations of law or professional ethics committed by notaries, but rather in the manner in which the state exercises its authority when imposing the sanction of dishonorable dismissal. Decision Number 3/Pdt.G/2022/PN Plk is particularly significant because it exposes legal debates concerning the conformity of dismissal procedures with statutory requirements, while simultaneously providing a basis for assessing the fulfillment of procedural justice for notaries subjected to sanctions. Moreover, the decision situates the Regional Supervisory Board in a strategic and decisive role, both in its supervisory capacity and in its responsibility for fostering the notarial profession.

Accordingly, this study aims to critically examine whether the mechanism for dishonorable dismissal applied in the case a quo was implemented in accordance with the prevailing legal framework and principles of procedural justice, as well as to assess the extent to which the functions and responsibilities of the Regional Supervisory Board were effectively carried out in preventing and addressing notarial misconduct.

Consistent with this focus, the article analyzes the validity and rationality of the dishonorable dismissal procedure through an examination of judicial decisions, while also evaluating the role of the Regional Supervisory Board within the notarial oversight system. The findings are expected to contribute to scholarly discourse on notarial law, particularly with regard to the enforcement of professional ethics and administrative sanctions, and to provide practical guidance for policymakers and supervisory institutions in developing dismissal mechanisms that are fairer, more proportional, and aligned with the principle of legal certainty.

2. RESEARCH METHODOLOGY

This study adopts a normative legal research method employing statutory and case-based approaches.³ The statutory approach examines the legal framework governing the notarial office, supervisory mechanisms, and the authority of the Minister of Law and Human Rights to dismiss notaries, while the case-based approach focuses on Decision Number 3/Pdt.G/2022/PN Plk as the basis for evaluating the application of legal norms and principles of justice in the practice of dishonorable dismissal.

The legal materials consist of primary and secondary sources. Primary materials include the Notary Office Act and its implementing regulations, the Civil Code, and

³ Irwansyah, *Penelitian Hukum Pilihan Metode & Praktik Penulisan Artikel (Edisi Revisi)*, ed. oleh Ahsan Yunus, Cetakan 5 (Yogyakarta: Mitra Buana Media, 2022), hal. 67.

relevant judicial decisions. Secondary materials are derived from legal textbooks, academic journals, and other scholarly works addressing notarial law, professional ethics, and theories of justice and supervision. All materials were collected through a comprehensive literature review.

Data analysis is conducted qualitatively through legal interpretation and juridical reasoning. The classified legal materials are examined to assess the consistency between normative legal provisions and their application in judicial decisions, particularly with regard to dismissal procedures and the role of the Regional Supervisory Board. Based on this analysis, the study formulates evaluative and prescriptive legal conclusions to address the research objectives and propose improvements in notarial supervision practices.

3. RESULT AND DISCUSSION

3.1. The Dishonorable Dismissal of Notaries by the Ministry of Law and Human Rights in Light of Statutory Regulations and the Notary Code of Ethics: An Analysis of Decision No. 3/Pdt.G/2022/PN Plk

Dishonorable dismissal of a notary represents the most severe form of state intervention in the notarial profession. This sanction not only brings about the permanent termination of the notary's office but also extinguishes the professional legitimacy attached to the notary's status as a public official. From the standpoint of administrative law and professional ethics, dishonorable dismissal should therefore be regarded as an exceptional measure, justified only when the violation is demonstrably serious, clearly established, and processed through a rigorous and fair mechanism.⁴

The Notary Office Act confers upon the Minister of Law and Human Rights the authority to appoint and dismiss notaries. Such authority, however, is not absolute, as it is circumscribed by hierarchical procedures and supervisory mechanisms involving the Regional Supervisory Council, the Provincial Supervisory Council, and the Central Supervisory Council.⁵ These procedural constraints reflect the legislative intent to prevent arbitrary exercises of administrative power and to ensure that sanctions imposed on notaries are both objective and proportionate.⁶

In Decision Number 3/Pdt.G/2022/PN Plk, the central issue did not merely concern the existence of violations of statutory provisions or the code of ethics, but rather the legal construction underlying the imposition of dishonorable dismissal. A key

⁴ Suprayitno dan Tony, *Jabatan Notaris Di Indonesia Pengangkatan, Pelaksanaan Jabatan, Kewenangan, Larangan, Pengawasan, Pembinaan dan Perlindungan Terhadap Notaris*, ed. oleh Mujib Medio Annas dan Kukuh Derajat (Medan: Merdeka Kreasi Group, 2025), hal. 87.

⁵ H. Salim HS, *Peraturan Jabatan Notaris*, ed. oleh Tarmizi (Jakarta: Sinar Grafika, 2021), hal. 78.

⁶ Chaterine Felicia Sihite, "Akibat Hukum Bagi Notaris yang Dijatuhi Sanksi Administratif Oleh Majelis Pengawas Notaris," *Jurnal Notarius* 2, no. 1 (2023): 54–64,
<https://jurnal.umsu.ac.id/index.php/notarius/article/view/15892>.

fact disclosed in the case was the divergence between the initial sanction recommendation issued by the supervisory body and the final decision that culminated in dishonorable dismissal. The decision underscored that an initial recommendation of a lighter sanction cannot be elevated to the most severe penalty without clear, rational, and measurable legal justification.

These normative findings are consistent with the author's interviews with members of the supervisory bodies, which revealed that, in practice, notarial supervision does not always proceed in a strictly hierarchical manner as prescribed by the Notary Office Act. One informant noted that recommendations issued at the Regional and Provincial Supervisory Council levels frequently do not serve as the primary basis for the final decision. In certain situations, sanctions may be escalated without a thorough evaluation of the prior guidance and supervisory measures that had been undertaken.

Another aspect that warrants close examination in this case concerns the reliance on criminal grounds as the basis for imposing the sanction of dishonorable dismissal. Although the notary was convicted by a criminal court, the offense in question fell below the statutory threshold prescribed by the Notary Office Act for automatic dishonorable dismissal.⁷ Consequently, the foundation for imposing administrative sanctions in this case does not fully correspond with the normative limits established by law. This misalignment obscures legal certainty and reflects an inadequate differentiation among criminal, ethical, and administrative liability. Where a relatively minor criminal offense is invoked to justify the most severe administrative sanction without a rigorous proportionality assessment, dishonorable dismissal risks transforming from an ethics enforcement mechanism into a form of excessive punishment.⁸

From the perspective of the notarial code of ethics, all violations may indeed give rise to sanctions; however, such sanctions are intended to be applied in a gradual and balanced manner.⁹ The code of ethics functions not merely as a repressive instrument, but as a framework for professional development. Accordingly, escalation to dishonorable dismissal should be preceded by a comprehensive evaluation of the degree of culpability, the impact of the violation, and the notary's professional record. The absence of these considerations in the dismissal process suggests that the sanction was

⁷ Franky Roberto Gomies, "Notaris Dalam Status Terpidana Yang Masih Menjalankan Jabatannya," *Jurnal Magister Hukum Argumentum* 7, no. 1 (2020): 16–26, <https://doi.org/10.24123/argu.v7i1.3009>.

⁸ Muhammad Jufri et al., "Analisis Pertimbangan Hukum atas Sanksi Administratif Pemberhentian Notaris oleh Majelis Pengawas Notaris Sulawesi Tenggara," *Halu Oleo Legal Research* 6, no. 1 (2024): 92–102, <https://doi.org/10.33772/holresch.v6i1.667>.

⁹ Agnes Tori Yolanda Silalahi dan Pieter Everhardus Latuementen, "Implementasi Hukum Terhadap Pelanggaran Kode Etik Notaris Terkait dengan Pelaksanaan Jabatannya Terhadap Akta-Akta Yang Dibuatnya," *JIHHP: Jurnal Ilmu Hukum, Humaniora dan Politik* 5, no. 3 (2025): 1655–63, <https://doi.org/10.38035/jihhp.v5i3.3623>.

imposed primarily as an administrative response rather than as the outcome of a measured ethical assessment.

A similar view was articulated by practicing notaries interviewed in this study. According to the informants, there is a discernible tendency for violations that could have been addressed through supervisory guidance or minor administrative sanctions to culminate instead in severe penalties. Practitioners observe that the lack of a clear distinction between ethical, administrative, and criminal violations often constitutes a primary source of imbalance in sanctioning practices, leading to the perception that dishonorable dismissal is disproportionate to the gravity of the misconduct.

Procedural fairness also emerges as a critical issue in this case. In the imposition of administrative sanctions particularly those resulting in the termination of a notary's office the principle of a fair hearing requires that the individual concerned be afforded a meaningful opportunity to present a defense. The process revealed in the case a quo, however, indicates that such opportunities were not fully ensured, either during the examination conducted by the supervisory bodies or prior to the issuance of the dismissal decision by the Minister. This circumstance raises serious concerns regarding the protection of notaries' procedural rights, especially given the final nature and substantial legal consequences of the sanction imposed.¹⁰

Interview findings further indicate that opportunities for notaries to present a defense during supervisory examinations remain limited in practice. Informants from the supervisory bodies acknowledged that examinations tend to prioritize administrative aspects of the alleged violations, while the notaries' ability to provide comprehensive explanations is not always adequately accommodated. These findings reinforce the normative conclusion that the principle of a fair hearing in the imposition of administrative sanctions particularly dishonorable dismissal has yet to be fully realized in supervisory practice.

The dishonorable dismissal of a notary in Decision Number 3/Pdt.G/2022/PN Plk should be examined within the framework of the general principles of good governance, particularly those of legal certainty, due care, and proportionality. Individual and final administrative decisions require clearly articulated legal reasoning, including a substantiated basis for the escalation of sanctions and a precise differentiation between ethical, administrative, and criminal violations. Where such reasoning is insufficiently articulated, legal certainty becomes difficult to sustain. In this respect, the decision illustrates that judicial review of a notary's dismissal extends beyond the mere existence of ministerial authority to encompass the manner in which

¹⁰ Marcelina Siti Nabila dan Pieter E. Latumeten, "Penerapan Sanksi Administratif Terhadap Notaris Yang Melakukan Pelanggaran Terhadap Jabatannya (Studi Putusan Pengadilan Tata Usaha Negara No. 235/G/2019/PTUN.KT)," *Unes Law Review* 6, no. 2 (2023): 5274–82, <https://doi.org/10.31933/unesrev.v6i2.1354>.

that authority is exercised, thereby ensuring that the imposition of dishonorable dismissal remains subject to judicial control.¹¹

The implications of this practice extend beyond the individual case and affect the broader professional environment of the notarial profession. Dismissal mechanisms that are applied inconsistently and without measurable standards risk placing notaries in a state of professional uncertainty and shifting supervision from a developmental function toward a predominantly repressive one. Over time, such conditions may erode confidence in the notarial oversight system and influence how notaries perform their duties as public officials providing legal services. Accordingly, the imposition of dishonorable dismissal should not be assessed solely on the basis of individual fault, but must also safeguard the credibility of the legal system and the certainty of notarial services.¹²

In the present case, it is evident that the decision to impose dishonorable dismissal was not fully grounded in clearly articulated legal considerations. While the formal authority to dismiss exists, the manner in which that authority was exercised was not adequately explained. The causal relationship between the conduct deemed to constitute a violation and the sanction of permanent dismissal was not set out in a balanced and reasoned manner, rendering the basis for the sanction difficult to trace through rational legal analysis. As a result, the decision appears to reflect a predominantly administrative action rather than a carefully constructed legal determination.

This pattern of sanctioning has direct consequences for the practice of notarial supervision. Supervision, which should function as a mechanism for professional development, increasingly shifts toward enforcement. The code of ethics no longer operates primarily as a behavioral guideline, but is instead invoked to justify the imposition of severe sanctions. When the most severe penalties are imposed without a clear assessment of the degree of culpability and the contextual circumstances of the conduct, supervisory practices lose their equilibrium.¹³ In the long term, such an approach risks producing inconsistent sanctioning standards and undermining perceptions of fairness in the enforcement of notarial law.

Based on this overall analysis, it can be affirmed that the dishonorable dismissal imposed in Decision Number 3/Pdt.G/2022/PN Plk is supported by a formal legal basis under the Notary Office Act and the professional code of ethics. Nevertheless, at

¹¹ Lolita Salsabilla, Dhimas Nur M. Ruata, dan Krens Saesar Tauhid Akbar, “Akibat Hukum Pemberhentian Tidak Hormat Kepada Notaris Terhadap Akta-Akta yang Telah Dibuatnya,” *Unes Law Review* 7, no. 1 (2024): 208–19, <https://doi.org/10.31933/unesrev.v7i1.2242>.

¹² Annisa Safira, “Kepatuhan Terhadap Kode Etik Sebagai Parameter Notaris untuk Mencegah Terjadinya Tindak Pidana,” *Jurnal Ilmu Hukum, Humaniora dan Politik* 5, no. 3 (2025): 1738–47, <https://doi.org/10.38035/jihhp.v5i3.3625>.

¹³ Rindiana Larasati, *Dinamika Sistem Pengawasan Notaris di Indonesia*, ed. oleh Bunga Desyana Pratami (Pekalongan: Penerbit NEM, 2023), Hal. 124.

the level of implementation, the dismissal mechanism continues to present fundamental concerns relating to legal certainty, proportionality of sanctions, and procedural fairness. This condition indicates that notarial law enforcement has yet to operate within a balanced framework that reconciles the exercise of state authority with the protection of notaries' professional rights as public officials.

3.2. The Functions and Responsibilities of the Regional Supervisory Board in the Supervision and Professional Guidance of Notaries

The Regional Supervisory Board (MPW) occupies a pivotal position within the notarial oversight system, acting as an intermediary between factual examinations conducted at the regional level and decision-making at the central level. This role confers upon the MPW a strategic function in substantively evaluating examination outcomes, ensuring procedural compliance, and formulating recommendations that extend beyond administrative formality to reflect the objectives of professional development. Accordingly, the MPW should serve as the principal control point to prevent the escalation of sanctions in the absence of adequate consideration.¹⁴

Nevertheless, the findings of this study indicate that this strategic function has not been fully realized in practice. The role of the MPW is often confined to reviewing files and transmitting recommendations, with limited engagement in the continued guidance of notaries under examination. As a result, recommendations tend to be brief and formalistic, prioritizing procedural compliance while offering limited substantive analysis of the context of the violation, the degree of fault, or the prospects for further professional guidance. Under these conditions, MPW recommendations are less effective as instruments of quality control within the oversight framework.

Empirical findings suggest that these limitations stem not from a lack of authority, but from how the MPW conceptualizes its role. Several informants noted that guidance is frequently perceived as a function separate from the examination process, rather than as an integral component of supervision. Consequently, the MPW tends to prioritize administrative case resolution over preventive efforts aimed at reducing the recurrence of violations through targeted guidance. In this respect, supervision loses its corrective character and operates primarily as a procedural mechanism.

In the case examined, the constrained role of the MPW was reflected in the absence of a clear rationale for the selection of sanctions or alternative guidance measures. The recommendations submitted failed to convey a comprehensive assessment of the MPW's professional judgment regarding the specific circumstances of the notaries concerned. As a regional supervisory body situated closest to notarial

¹⁴ Nurul Amriyat, "Penegakan Hukum atas Kewenangan Majelis Pengawas Wilayah Notaris Yang Memberikan Teguran Tertulis Kepada Notaris," *Jurnal Suara Hukum* 4, no. 1 (2022), <https://doi.org/10.26740/jsh.v4n1.p62-85>.

practice, the MPW is expected to provide contextual and field-based evaluations, which were not sufficiently articulated in this instance.

This condition reveals a gap between the normative design of the notarial supervision system and its practical implementation. When the MPW does not actively and substantively perform its guidance function, the oversight framework loses a critical layer intended to balance professional development and disciplinary enforcement. Over time, this deficiency may weaken the overall effectiveness of notarial supervision and unduly constrain opportunities for professional development, which constitute the core purpose of the supervisory mechanism.

Beyond its examination and recommendation functions, the MPW also bears strategic responsibility for ensuring the consistent application of notarial supervision standards at the regional level. This responsibility is particularly significant given the MPW's capacity to identify recurring patterns of violations, trends in notarial practice, and deficiencies in regional guidance. However, the findings demonstrate that such mapping and evaluative functions have yet to be institutionalized within the MPW's operations. Supervisory activities remain largely oriented toward the resolution of individual cases, without being accompanied by a broader analysis of the underlying causes and characteristics of notarial misconduct.¹⁵

The working relationship between the MPW and the Regional Supervisory Board also affects the effectiveness of notarial oversight. In practice, the MPW frequently receives the results of audits conducted by the Regional Supervisory Board in the form of administratively finalized files, thereby limiting opportunities for substantive review and correction. Where the MPW does not actively seek clarification or deeper examination of the findings, the resulting recommendations tend to be formalistic and procedural in nature. This condition reinforces the tendency for the MPW to function primarily as a procedural intermediary rather than as a forum for substantive evaluation of supervisory practices at the regional level.

This study further reveals the absence of a clear mechanism to ensure the sustained implementation of the MPW's guidance function. Guidance is generally delivered on an ad hoc basis, such as through written warnings or recommendations, without measurable follow-up. The lack of defined indicators to assess the effectiveness of guidance hampers the MPW's ability to determine whether such measures have produced meaningful improvements in notarial practice. Consequently, guidance loses its long-term orientation and becomes subsumed within the administrative examination process.

¹⁵ Shela Ardini, "Otoritas Majelis Pengawas Notaris Dalam Mengusulkan Pemberhentian Tidak Hormat Notaris Kepada Majelis Pengawas Pusat," *Gorontalo Law Review* 7, no. 2 (2024): 154–60, <https://doi.org/10.32662/golrev.v7i2.3815>.

These limitations have a direct bearing on the quality of recommendations issued by the MPW. Recommendations that fail to incorporate contextual analysis and an assessment of the notary's professional track record tend to constrain the range of policy options available to central-level decision-makers. Under such circumstances, the discretionary space that should be employed to balance professional development and disciplinary enforcement becomes increasingly restricted. As a result, the MPW, which is intended to serve as a balancing mechanism, gradually loses its strategic position within the oversight system.¹⁶

Accordingly, the principal challenge in the implementation of the MPW's functions does not stem from the absence of a legal foundation, but from the lack of reinforcement of its substantive role in practice. As long as the MPW continues to be positioned and to position itself primarily as a procedural executor, the fundamental objectives of notarial supervision, namely maintaining professional quality and preventing the recurrence of violations, will remain difficult to achieve. Strengthening the MPW's role as a regional institution for professional development is therefore a critical prerequisite for ensuring that the notarial supervision system operates effectively, proportionately, and with a clear orientation toward improving professional practice.

4. CONCLUSION

The dishonorable dismissal of a notary in Decision Number 3/Pdt.G/2022/PN Plk illustrates that the presence of a normative legal foundation does not necessarily reflect the quality of its practical implementation. Although the Notary Office Act and the professional code of ethics formally authorize the imposition of sanctions, the dismissal mechanism applied in this case reveals significant shortcomings, particularly in terms of legal certainty, proportionality of sanctions, and the rationality of administrative decision-making. The escalation of sanctions to dishonorable dismissal was not accompanied by a coherent explanation linking the gravity of the violation, the basis of accountability invoked, and the legal consequences imposed. This condition indicates that the exercise of administrative authority has not been carried out within a clearly articulated, measurable, and reviewable legal framework.

The findings further demonstrate that the Regional Supervisory Board (MPW) has not operated optimally in preserving a balanced system of notarial oversight. While normatively conceived as a substantive control mechanism that mediates between professional development and disciplinary enforcement, the MPW in practice tends to function predominantly as a procedural conduit. Its limitations in conducting

¹⁶ Guntur Ilman Putra, Siti Hasanah, dan Firzhal Arzhi Jiwantara, "Penguatan Kewenangan Majelis Pengawas Wilayah Notaris dalam Pembinaan dan Pengawasan Notaris," *Journal of Community Engagement* 4, no. 2 (2023): 679–88, <https://doi.org/10.47679/jb.2023475>.

contextual assessments, providing sustained guidance, and formulating well-reasoned recommendations have weakened the corrective dimension of supervision. Consequently, dishonorable dismissal risks being applied as a purely administrative response rather than as the outcome of a structured and measurable process of professional development.

Accordingly, the core issue in the case a quo does not concern the existence of state authority, but rather the manner in which such authority is exercised and subject to control. Equitable enforcement of notarial law requires a careful balance between administrative power, the protection of notaries' professional rights, and a supervision model oriented toward professional development. In the absence of improvements in these dimensions, the mechanism of dishonorable dismissal risks eroding confidence in the notarial oversight system and obscuring the regulatory purpose of the notarial office as an integral component of public legal services.

REFERENCES

Journals

Almuslimah, Alidatussadiyah, Mohammad Rynan Bakry, dan Chandra Yusuf. “Kepastian Hukum Dalam Penyelenggaraan Pelanggaran Etika Rangkap Jabatan Notaris Oleh Majelis Pengawas Daerah.” *Adil Jurnal Hukum* 12, no. 2 (2021): 21–54. <https://doi.org/10.33476/ajl.v12i2.2111>.

Amriaty, Nurul. “Penegakan Hukum atas Kewenangan Majelis Pengawas Wilayah Notaris Yang Memberikan Teguran Tertulis Kepada Notaris.” *Jurnal Suara Hukum* 4, no. 1 (2022). <https://doi.org/10.26740/jsh.v4n1.p62-85>.

Ardini, Shela. “Otoritas Majelis Pengawas Notaris Dalam Mengusulkan Pemberhentian Tidak Hormat Notaris Kepada Majelis Pengawas Pusat.” *Gorontalo Law Review* 7, no. 2 (2024): 154–60. <https://doi.org/10.32662/golrev.v7i2.3815>.

Gomies, Franky Roberto. “Notaris Dalam Status Terpidana Yang Masih Menjalankan Jabatannya.” *Jurnal Magister Hukum Argumentum* 7, no. 1 (2020): 16–26. <https://doi.org/10.24123/argu.v7i1.3009>.

Jufri, Muhammad, Muhammad Sabaruddin Sinapoy, La Sensu, Guasman Tatawu, Oheo Kaimuddin Haris, dan A. Wahyudin Said. “Analisis Pertimbangan Hukum atas Sanksi Administratif Pemberhentian Notaris oleh Majelis Pengawas Notaris Sulawesi Tenggara.” *Halu Oleo Legal Research* 6, no. 1 (2024): 92–102. <https://doi.org/10.33772/holresch.v6i1.667>.

Nabila, Marcelina Siti, dan Pieter E. Latumeten. “Penerapan Sanksi Administratif Terhadap Notaris Yang Melakukan Pelanggaran Terhadap Jabatannya (Studi Putusan Pengadilan Tata Usaha Negara No. 235/G/2019/PTUN.KT).” *Unes Law Review* 6, no. 2 (2023): 5274–82.

[https://doi.org/10.31933/unesrev.v6i2.1354.](https://doi.org/10.31933/unesrev.v6i2.1354)

Putra, Guntur Ilman, Siti Hasanah, dan Firzhal Arzhi Jiwantara. "Penguatan Kewenangan Majelis Pengawas Wilayah Notaris dalam Pembinaan dan Pengawasan Notaris." *Journal of Community Engagement* 4, no. 2 (2023): 679–88. <https://doi.org/10.47679/ib.2023475>.

Safira, Annisa. "Kepatuhan Terhadap Kode Etik Sebagai Parameter Notaris untuk Mencegah Terjadinya Tindak Pidana." *Jurnal Ilmu Hukum, Humaniora dan Politik* 5, no. 3 (2025): 1738–47. <https://doi.org/10.38035/jihhp.v5i3.3625>.

Salsabilla, Lolita, Dhimas Nur M. Ruata, dan Krens Saesar Tauhid Akbar. "Akibat Hukum Pemberhentian Tidak Hormat Kepada Notaris Terhadap Akta-Akta yang Telah Dibuatnya." *Unes Law Review* 7, no. 1 (2024): 208–19. <https://doi.org/10.31933/unesrev.v7i1.2242>.

Sihite, Chaterine Felicia. "Akibat Hukum Bagi Notaris yang Dijatuhi Sanksi Administratif Oleh Majelis Pengawas Notaris." *Jurnal Notarius* 2, no. 1 (2023): 54–64. <https://jurnal.umsu.ac.id/index.php/notarius/article/view/15892>.

Silalahi, Agnes Tori Yolanda, dan Pieter Everhardus Latuementen. "Implementasi Hukum Terhadap Pelanggaran Kode Etik Notaris Terkait dengan Pelaksanaan Jabatannya Terhadap Akta-Akta Yang Dibuatnya." *JIHHP: Jurnal Ilmu Hukum, Humaniora dan Politik* 5, no. 3 (2025): 1655–63. <https://doi.org/10.38035/jihhp.v5i3.3623>.

Wibowo, Wahyu Satya, Johni Najwan, dan Firdaus Abu Bakar. "Integritas Notaris Sebagai Pejabat Pembuat Akta Autentik dalam Undang-Undang Jabatan Notaris." *Recital Review* 4, no. 2 (2022): 323–52. <https://doi.org/10.22437/rr.v4i2.18861>.

Books

Salim, Salim HS. *Peraturan Jabatan Notaris*. Diedit oleh Tarmizi. Jakarta: Sinar Grafika, 2021.

Irwansyah. *Penelitian Hukum Pilihan Metode & Praktik Penulisan Artikel (Edisi Revisi)*. Diedit oleh Ahsan Yunus. Cetakan 5. Yogyakarta: Mitra Buana Media, 2022.

Larasati, Rindiana. *Dinamika Sistem Pengawasan Notaris di Indonesia*. Diedit oleh Bunga Desyana Pratami. Pekalongan: Penerbit NEM, 2023.

Suprayitno, dan Tony. *Jabatan Notaris Di Indonesia Pengangkatan, Pelaksanaan Jabatan, Kewenangan, Larangan, Pengawasan, Pembinaan dan Perlindungan Terhadap Notaris*. Diedit oleh Mujib Medio Annas dan Kukuh Derajat. Medan: Merdeka Kreasi Group, 2025.