

# **The Effectiveness of The Supervision By The Regional Supervisory Council Over Notaries Based On Article 67 Paragraph (5) of The Notary Office Act**

**Intan Nirmala Ramadhani<sup>1\*</sup>, Hanif Nur Widhiyanti<sup>1</sup>, Diah Aju Wisnuwardhani<sup>1</sup>**

<sup>1</sup>Faculty of Law, Brawijaya University Malang, Indonesia

\*Corresponding Author E-mail: [intannirmala@student.ub.ac.id](mailto:intannirmala@student.ub.ac.id)

**Article History: Received: May 20, 2025; Accepted: July 18, 2025**

## **ABSTRACT**

This study examines the effectiveness of supervision by the Malang Raya Regional Supervisory Council (MPD) on the behavior and implementation of notary positions based on Article 67 paragraph (5) of the Notary Position Law. The background of the study is that there are still notaries who do not carry out their duties according to the provisions, so that effective supervision is important. The study uses an empirical method (sociological) with a legal and conceptual sociology approach, through interviews, observations, and literature studies. The results of the study indicate that supervision by the MPD is normatively in accordance with the rules, but in practice it is not optimal. Limited intensity, the absence of supervisory mechanisms at times, and a focus more on administrative aspects than professional ethics make the effectiveness of supervision low. The main obstacles include the lack of MPD members, the absence of firm sanctions, and low awareness of notaries. As a result, supervision does not fully reflect the principles of accountability, transparency, and the function of professional development. The study concludes that institutional strengthening, consistent enforcement of sanctions, and ethical development are needed to improve notary professionalism.

**Keywords:** Effectiveness, Notary, Supervision, Regional Supervisory Board.

## **1. INTRODUCTION**

As public officials, notaries play a vital role in Indonesia's civil law system (Putra et al., 2025). Their role is fundamental in providing legal certainty through the creation of authentic deeds, which serve as evidence or legal requirements for certain legal acts. In the context of Indonesia's economic and legal development, notaries play a strategic role in supporting the ease of doing business (EoB) by creating deeds related to company formation, investments, and various other business transactions.

The primary function of a notarial deed is to provide legal certainty and reduce the risk of future disputes, particularly in important transactions such as property sales, partnership agreements, inheritance distribution, and company establishment. The law grants notaries the legal authority to carry out their duties, along with the important responsibility of ensuring that the legal documents they create remain valid and reliable, as well as guaranteeing the protection of personal data and confidential information belonging to their service users..

Considering the strategic role they have, supervision of the performance of notaries is crucial to ensure that the implementation of their duties and responsibilities is carried out in



accordance with applicable legal provisions. Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (hereinafter referred to as UUJN) has comprehensively regulated the supervision mechanism for notaries (Setyawati & Sidik, n.d.).

In Article 67 paragraph (5) UUJN which reads: "Supervision of Notaries includes the behavior of Notaries and the implementation of Notary Office."

The article expressly states that "The Supervisory Board has the authority to conduct inspections of the behavior and implementation of the Notary's office." This provision provides a strong legal basis for the Supervisory Board to carry out its supervisory function which includes two fundamental aspects: first, supervision of the notary's behavior as a person and professional; second, supervision of the implementation of the notary's office in carrying out his/her authority and obligations. The scope of this supervision is also extended to Substitute Notaries, Special Substitute Notaries, and Temporary Notary Officials as regulated in Article 67 paragraph (6) of the UUJN which reads: "The provisions regarding supervision as referred to in paragraph (5) apply to Substitute Notaries and Acting Notaries."

Based on this, in practice, the effectiveness of MPD supervision faces various challenges, particularly in the Greater Malang area, which includes Malang City, Malang Regency, and Batu City. Several cases have come to light, highlighting weaknesses in the existing oversight system. One such case is the hotel fraud case involving notary Diana Istislam as a suspect. In this case, Diana Istislam was found guilty and sentenced to probation by the Malang District Court in 2022 for her involvement in a fraud scheme disguised as a hotel property sale.

Another case involves the alleged forgery of land exchange deed documents, also involving a notary in the Greater Malang area. This case demonstrates weaknesses in the verification and validation of documents used as the basis for notarial deeds. Furthermore, the case involving notary Benediktus Bosu on fraud charges related to the Kanjuruhan University Malang (UNIKAMA) dispute adds to the long list of violations committed by notaries in the region.

Based on an interview with Mrs. Fairial Fatimah, SH, M.Kn as Chair of the Malang Regency MPD that:

"Although Article 67 paragraph (5) of the UUJN is normatively clear, its implementation does not guarantee effective supervision. Supervision still depends on the personal factors of notaries, so formal instruments are inadequate. Furthermore, the high workload, vast territory, and minimal budget support from the government mean that supervision is carried out independently, without adequate facilities, so it does not run optimally and sustainably."

In a follow-up interview with Mrs. Fairial Fatimah, SH, M.Kn as Chair of the Malang Regency MPD, she said that:

There are approximately 10% of notaries who do not report online to the Regional Office; also found 10% of deeds with missing initials in the renvoi section; 10% of notaries did not affix their signatures to the minutes of the deeds; 10% did not bind the repertorium book; and approximately 1% of minutes were not stamped. In addition, there are also casuistic cases such as deeds that were not signed before a notary (1%) and minutes of deeds that were not typed perfectly, especially regarding the time, date, and day (10%). The MPD also noted the creation of deeds that do not comply with their intended use, for example, a debt acknowledgement deed that was actually made in the form of a sale and purchase agreement and power of attorney, which clearly violates the form and substance of the agreement that should be."

This was emphasized by Mr. Dr. Imam Rahmat Sjafi'i, SH, M.Kn as the Chair of the Malang Raya DKD, who stated that:

"Procedures for monitoring notary behavior still face ambiguity, particularly in distinguishing between personal and official actions. This uncertainty results in weak enforcement of alleged ethical code violations."

Furthermore, Mr. Junjung Handoko Limantoro, SH, M.Kn as the Chairperson of the MPD of Malang City and Batu City, said that:

"Although Article 67 paragraph (5) of the UUJN is quite clear normatively, technical elaboration is still needed to make its implementation more effective. The high number of violations in the field, such as minutes that have not been compiled (around 20%), as well as the limited number of inspection teams, high workloads, and weak sanctions against minor violations have an impact on the low effectiveness of supervision."

The emergence of various cases of legal violations involving notaries in Malang Raya shows a gap between *das sein* (reality) and *das sollen* (norms/obligations) in the implementation of the notary supervision system, and is a legal issue in this study. Based on a normative study, Article 67 paragraph (5) of the UUJN has provided adequate authority to the MPD to carry out effective supervision. However, in reality, various violations still occur which should be prevented or detected earlier through an optimal supervision mechanism.

The urgency of this research is increasing. This is reinforced by several fundamental factors. First, public trust in notary institutions is invaluable social capital in the Indonesian legal system. Repeated violations without effective oversight can erode public trust and ultimately impact the stability of the legal system as a whole. Second, the material and immaterial losses suffered by the

public due to notary malpractice are significant, necessitating a supervisory system that can prevent or minimize these losses. Third, in the era of digitalization and modernization of public services, the notary oversight system must be able to adapt to the dynamics of technological developments and the increasingly complex needs of society.

Research into the effectiveness of Article 67 paragraph (5) of the UUJN in supervising the behavior and implementation of notary duties by the Malang Raya MPD is very important for identifying the root of the problem, analyzing factors that hinder the effectiveness of supervision, and formulating recommendations for improving the supervision system to be more comprehensive and responsive to the dynamics of legal and societal developments.

## **2. RESEARCH METHODS**

The research method used is Socio-Legal Research. The approach used in this study is carried out using the method of legal sociology and a conceptual approach, namely an approach that analyzes how reactions and interactions occur when the norm system works in society. The research location in this case focuses on the Greater Malang area based on several substantive considerations. Data collection techniques are carried out through interviews and observations through library studies including internet materials, articles and scientific journals related to this research. After all legal materials are collected, they are then analyzed using qualitative descriptive. Because the researcher investigates issues, facts, or events that arise in society and provide an overview of the current situation, the researcher is interested in the use and choice of this approach.

## **3. RESULTS AND DISCUSSION**

### **Implementation of Supervision by the Malang Raya Regional Supervisory Council (MPD) regarding the Behavior and Implementation of the Position of Notary Public based on Article 67 Paragraph (5) of the Notary Public Law**

The notary institution occupies a central position in the architecture of Indonesia's civil law legal system, where legal certainty is a key pillar of upholding justice. The existence of notaries as public officials is inseparable from the fundamental need of society for legal instruments that can guarantee authenticity and perfect evidentiary power. In a legal system that prioritizes codification and normative certainty, notarial deeds serve as a legal foundation that supports the stability of legal relations between legal subjects, whether in the civil, business, or investment spheres. This strategic position places notaries as gatekeepers with the authority to provide legal legitimacy to various transactions and legal acts carried out by the community.

The broad authority granted to notaries in the UUJN reflects the state's trust in this profession to perform some public functions in the field of legal document authentication and verification. This attributive authority is accompanied by proportionate responsibility to ensure that each deed produced meets high legal quality standards and maintains the confidentiality of information mandated by the parties (Verboven & Yontcheva, 2024). However, the broad spectrum of authority held by notaries also carries the potential risk of moral hazard if not accompanied by an adequate control and oversight system. Empirical experience shows that a profession with extensive authority without effective oversight has the potential to give rise to various forms of irregularities that can harm the public interest.

The urgency of strengthening the oversight system for the notary profession becomes increasingly apparent in light of high public expectations for the quality of service and integrity of the legal profession. The UUJN (National Notary Law) responds to this need by constructing a more systematic and comprehensive oversight framework. This reformulation of the oversight mechanism reflects lessons learned from various cases of maladministration and malpractice that have occurred in notarial practice, as well as a preventative measure to minimize similar violations in the future.

In its implementation, the effectiveness of the MPD's oversight system faces various complexities, particularly in the Greater Malang area, which encompasses three distinct administrative entities: Malang City, Malang Regency, and Batu City. The heterogeneity of regional characteristics, diverse demographic profiles, and varying levels of economic activity create unique challenges in implementing uniform and effective oversight. Several cases that have surfaced publicly indicate a gap between the normative design of the oversight system and the reality of its implementation on the ground.

The case involving notary Diana Istislam in a hotel property fraud scheme is an indicator of the weak early detection system. The 2022 Malang District Court ruling, which imposed a suspended sentence on the notary, indicates that the violations had been ongoing for a considerable period of time without being detected by the MPD's routine oversight mechanisms. A similar case also occurred in the alleged forgery of a land exchange deed, indicating weaknesses in the verification and validation system for supporting documents. Furthermore, the involvement of notary Benedictus Bosu in the Kanjuruhan University dispute controversy in Malang further strengthens the indication of a systemic failure in the preventive oversight mechanism.

The long-term implications of ineffective notary oversight are significant, not only from a consumer protection perspective but also from the perspective of the stability of the national legal system. The erosion of public trust in notary institutions can impact public reluctance to use notary



services, which in turn will reduce the effectiveness of the evidentiary system in Indonesian civil law.<sup>32</sup> Furthermore, in the context of international economic competitiveness, distrust of the legal infrastructure system can reduce Indonesia's attractiveness as a foreign investment destination.

The complexity of these issues is increasingly pressing to address given the accelerated digitalization and modernization of public services, which require adaptation of oversight systems to technological developments and increasingly complex societal needs. The era of digital transformation necessitates the evolution of oversight mechanisms from conventional approaches to more responsive, real-time, and data-analytic systems that can proactively anticipate and prevent potential misconduct.

### **Implementation of supervision by the MPD in Malang Raya regarding the behavior and implementation of the notary's position**

Based on data submitted by the Malang City Notary Supervisory Council (MPDN) through an official letter dated July 2, 2025, information was obtained regarding the implementation of supervision of the behavior and implementation of notary offices in the Malang City and Batu City areas during the period 2020 to 2024. The results of the supervision indicate that several problems are still found in notarial practice. Among them are the implementation of random checks on deeds renvoi at 26%, the discovery of minutes of deeds that have not been bound at 20%, and the implementation of random checks on the conformity of the title of the deed with the contents of the deed at 16.25%. In addition, violations related to protocol were also found, namely the failure to attach party documents to the deed at 12.5%. The remaining 25.25% are categorized as other findings. These data indicate that the implementation of notary duties in Malang and Batu City still requires more intensive and continuous supervision to ensure compliance with legal provisions and the administration of notary offices.

The Malang Regional Honorary Council (DKD) of the Indonesian Notaries Association also provided information regarding behavioral violations committed by notaries in the Greater Malang area. Based on an official letter dated July 1, 2025, signed by the Chairman of the Malang DKD, R. Imam Rahmat Sjafti, SH, M.Kn., information was obtained that there were indications of ethical violations in the form of self-promotion by two notaries. The two notaries are domiciled in Malang City and Malang Regency, respectively. This finding indicates that in addition to administrative and technical violations, aspects of professional ethics are also a focus of attention in the implementation of supervision of notaries in the Greater Malang area. The following are the results of interviews with Mrs. Fairial Fatimah, SH, M.Kn., Mr. Junjung Handoko SH, M.Kn., and Mr. Dr. Imam Ramhat Sjafi'I, SH, M.Kn, namely:

### **Clarity of Article 67 paragraph (5) UUJN regarding the supervisory function of MPD**





Based on the results of interviews with the three sources, it can be concluded that Article 67 paragraph (5) of the UUJN is considered to have provided a fairly clear legal basis regarding the supervisory function of the Regional Supervisory Council (MPD) regarding notaries, especially in terms of the implementation of their duties. However, some sources believe that this provision still has shortcomings in terms of the clarity of the supervisory mechanism regarding aspects of notary behavior. Notary behavior, which is related to professional ethics and personal morals, has not been explicitly regulated in the UUJN or in the code of ethics, so it is prone to various interpretations. Therefore, even though the basic norms already exist, regulations regarding the supervisory mechanism for notary behavior still need to be clarified, especially to clarify the role and authority of the Regional Honorary Council (DKD) in handling ethical violations.

#### **Analysis of the adequacy of the notary supervision mechanism based on Article 67 Paragraph (5) of the UUJN**

The oversight mechanism for notaries as stipulated in Article 67 paragraph (5) of the UUJN is considered to be inadequate. Although the structure and procedures for oversight are in place, the substance of the norms in this article is still general in nature and does not provide detailed explanations, particularly in regulating notary behavior. This provision functions as a parent norm that requires additional implementing regulations through ministerial regulations, codes of ethics, or organizational regulations. Furthermore, the lack of a clear distinction between the behavior of notaries as public officials and as individuals also creates confusion in supervisory practices. Therefore, the effectiveness of supervision is highly dependent on more technical implementing regulations and the personal integrity of the notaries themselves. Strengthening regulations and specific oversight mechanisms is necessary to ensure professionalism and maintain the dignity of the notary office.

#### **The effectiveness of supervision as based on Article 67 Paragraph (5) of the UUJN**

The implementation of supervision of notaries based on Article 67 paragraph (5) of the UUJN is considered quite effective in practice, especially with the role of the Regional Supervisory Council (MPD) which actively carries out its supervisory function. However, the effectiveness of this article is still questionable because the norms contained are general in nature and do not describe in detail the mechanisms and indicators of success. Therefore, the effectiveness of supervision can be improved through more technical and operational implementing regulations, so as not to give rise to diverse interpretations and can guarantee notaries' compliance with ethics and their job duties.

#### **Aspects assessed in the supervision of notary behavior and the implementation of notary office**

The aspects assessed in the supervision of notaries include two main things: behavior and performance of office. Notary behavior relates to ethics, morals, and personality that reflect integrity as a public official, such as honesty, trustworthiness, and adherence to religious, legal, and moral norms. Personal violations of behavior that impact the image of the profession fall under the jurisdiction of the Regional Honorary Council (DKD). Meanwhile, the performance of notary duties, such as deed-making procedures, falls under the supervisory responsibility of the Regional Supervisory Council (MPD). Therefore, supervision should ideally encompass both aspects in a balanced and structured manner.

### **The level of compliance of notaries with the supervision carried out by the Supervisory Board**

The level of notary public compliance with supervision by the Regional Supervisory Council (MPD) is generally quite good, especially in the performance of official duties. However, a small number of notaries still show a tendency to be non-compliant, which is generally influenced by personal background, social environment, and motivation to become a notary. Furthermore, the effectiveness of enforcing sanctions, particularly for violations of the code of ethics, remains challenging, both at the MPD and Regional Honorary Council (DKD) levels. Supervision by the MPD tends to be reactive and focuses more on the official aspect, while behavioral aspects are followed up upon reports from the public.

### **Forms of behavioral violations that are often found in practice**

Based on the results of interviews with informants, the most frequently found violations in notarial practice occur more in the technical aspects of the implementation of the position than in the aspect of personal behavior. These violations include not reading the deed in front of the parties (*verlijden*), inaccuracy in the deed-making process, and non-compliance with procedures that should be carried out, such as not keeping the original certificate when making a deed of sale and purchase agreement. In addition, there are also violations in the form of making deeds that exceed authority, not binding or storing the minutes of the deed properly, not reporting the deed periodically, and not recording the deed in an orderly manner.

In other aspects, deficiencies in the formal completeness of the deed were also found, such as the absence of a *renvoi*, a lack of a stamp, and incomplete legal entities in the deed. Meanwhile, violations related to the notary's personal behavior, such as self-promotion, were deemed relatively rare. This indicates that the main problem lies in the implementation of the notary's duties and responsibilities, which are not fully in accordance with applicable laws and regulations.

### **The effectiveness of sanctions in enforcing discipline and ethics in the notary profession**



The effectiveness of sanctions in enforcing discipline and ethics in the notarial profession has shown mixed results. In general, sanctions are considered quite effective in fostering caution among the majority of notaries in carrying out their duties, especially after being sanctioned. However, a small number of notaries continue to commit repeat violations, indicating that the deterrent effect has not been fully achieved. Severe sanctions such as dishonorable dismissal have proven highly effective because they directly remove a notary's authority to issue deeds.

Suspensions are also considered quite effective because they limit the practice of the office for a specific period. Conversely, minor sanctions such as reprimands are only effective if the notary's personal conscience is followed, and will be ineffective if the violation is repeated. Furthermore, the Regional Honorary Council has not yet optimally implemented its role in imposing sanctions, as it has never imposed any sanctions, even in the form of a reprimand. This demonstrates the need for strengthened mechanisms and consistency in the application of sanctions to more effectively enforce discipline and ethics within the notary profession.

#### **Repeated violations by notaries after sanctions are imposed**

Based on interviews, repetition or recurrence of violations by notaries after sanctions were imposed was generally not found. This is due to the existence of a fairly strict sanction enforcement mechanism, such as the closure of the office by the MPD in cases of temporary suspension. Although there is the possibility of repeated violations in behavioral aspects, such as infidelity or fighting, these have never been formally sanctioned in the Malang region. Therefore, in general, there have been no cases of repeated violations after sanctions were imposed, particularly in the context of notary office performance in the region.

#### **Analysis based on the Theory of Legal Effectiveness by Soerjono Soekanto**

Soerjono Soekanto stated that there are five main factors that influence the effectiveness of the law, namely:

a) The Legal Factors Themselves:

This factor concerns the content or substance of the law. Interviews revealed that administrative sanctions, such as temporary suspension, are not accompanied by a firm or systematic oversight mechanism. For example, after a notary is temporarily suspended, the MPD immediately closes the notary's repertory, but there is no follow-up oversight if the notary continues to prepare deeds with another notary. This indicates that although the regulation exists, its implementation is not accompanied by a legal instrument that regulates the technical details of continued oversight. Therefore, the legal substance is not strong enough to guarantee effective enforcement.

b) Law Enforcement Factors:

The law enforcer here is the MPD itself. Interviews indicate that the MPD has attempted to take action, including dismissal, closure of notaries, and direct field monitoring. However, the mechanism to prevent dismissed notaries from issuing deeds through other notaries is not working. This means that law enforcers are carrying out their duties, but are still limited by their authority or the lack of a follow-up oversight system. This reduces the effectiveness of law enforcement.

c) Facilities Factors:

The effectiveness of the law depends heavily on the availability of resources, including database systems, technology, and supervisory personnel. In interviews, no system or tools were mentioned to facilitate the MPD's monitoring of the activities of dismissed notaries. For example, there is no connected information system to track whether a notary continues to operate through another notary. Therefore, these resources do not support effective enforcement of sanctions.

d) Community Factors:

The community factor here refers to those directly involved with notaries (clients/notary users). There's no mention of an active role for the community to report if a dismissed notary continues to operate illegally. Public participation is crucial for sanctions to be both normative and functional. This lack of community involvement weakens social control over problematic notaries.

e) Cultural Factors:

Legal culture concerns the attitudes and legal awareness of the public and legal practitioners (in this case, notaries). Interviews indicated that sanctioned notaries could still "maneuver" by seeking assistance from other notaries, indicating that ethics and legal culture among notaries are not yet fully aligned with the spirit of enforcing discipline and sanctions. This demonstrates that the values of obedience to the law are not yet deeply rooted. The values, attitudes, and mindsets of society toward the law influence the extent to which the law is accepted and enforced. A weak legal culture will create space for violations without strong social controls.

## 1. Analysis based on Supervision Theory by P. Manullang

Manullang stated that supervision has 3 (three) main elements, namely:

a) Determination of implementation standards

Interview results indicate that although these standards are normatively available and quite clear, in practice they have not been consistently used as a reference by the Regional Honorary Council (DKD) or the Regional Supervisory Council (MPD). This is evident in the lack of sanctions, even for obvious violations. As a result, the standards, which should serve as guidelines, have not functioned optimally as a basis for evaluation. Therefore, this first element of oversight has not been optimally implemented, because although the standards have been established, they have not been implemented firmly and operationally.

**b) Measurement of Work Implementation**

In practice, oversight by the MPD is still not fully active in conducting systematic evaluations or collecting data. Interviews revealed no structured monitoring activities or in-depth evaluations of notary performance. The absence of reports of violations or corrective actions indicates a weak monitoring and evaluation function. Consequently, the measurement of work performance has also not been implemented effectively, as there is no standardized mechanism for objectively detecting and assessing notary performance.

**c) Taking Corrective Action**

Based on interview findings, corrective action is almost never taken by the Regional Leadership Council (DKD) or Regional Leadership Council (MPD) in Greater Malang. Even the lightest sanctions, such as verbal or written warnings, have never been imposed. Even if violations do occur, they are not followed up with coaching or other preventive measures. This indicates that the oversight mechanism has not yet reached the stage of resolving problems or enforcing discipline. Therefore, the third element, corrective action, has not been implemented, resulting in a lack of deterrent effect or behavioral improvement.

Although implementation standards have been established through the provisions of the UUJN and the notary code of ethics, implementation measurement has not been carried out optimally, as evidenced by the weak evaluation process and the absence of a systematic assessment mechanism for notary performance and violations. Furthermore, corrective actions have not been consistently implemented, and even minor sanctions such as written warnings are rarely or never imposed, thus failing to create a deterrent effect. Therefore, it can be concluded that the implementation of supervision by the MPD in Malang Raya does not conform to the supervision theory proposed by P. Manullang.

**Factors that Inhibit the Effectiveness of Supervision as Referred to in Article 67 Paragraph (5) of the Notary Law by the MPD Malang Raya**

The implementation of supervision by the Regional Supervisory Council (MPD) of notaries is an important part of maintaining the quality, integrity, and compliance of notaries with applicable provisions. Although legally the provisions regarding supervision have been regulated in Article 67 paragraph (5) UUJN, in practice, the implementation of supervision does not always run smoothly. Various obstacles arise, both from the internal side of the MPD itself and from external factors such as the attitude of the notaries being examined, limited resources, and the dynamics of notarial practice in the field (Tasruddin et al., n.d.).

These obstacles pose unique challenges in ensuring that supervision is implemented effectively and sustainably. To gain a more concrete understanding of these obstacles, researchers

conducted direct interviews with relevant parties involved in supervision implementation in the Greater Malang area.

### **Inhibiting factors in the implementation of supervision by the MPD in Malang Raya regarding the behavior and implementation of the Notary's position**

In the process of implementing supervision of the behavior and implementation of the notary's office, the Malang Raya Regional Supervisory Council (MPD) is faced with a number of obstacles that affect the effectiveness of its function. Although Article 67 paragraph (5) of the UUNJ has provided a legal basis for the implementation of supervision, its implementation in the field still faces various obstacles (Tasruddin et al., n.d.). Therefore, an in-depth analysis is needed regarding the factors that hinder the implementation of supervision, efforts that have been and can be made to increase the effectiveness of supervision, and the urgency of revising or adjusting existing normative provisions. The following are the results of interviews with Mrs. Fairial Fatimah, SH, M.Kn., Mr. Junjung Handoko SH, M.Kn., and Mr. Dr. Imam Ramhat Sjafi'I, SH, M.Kn, namely:

### **The main obstacle in implementing supervision of Notaries based on Article 67 Paragraph (5) of the UUNJ**

Based on interviews with the three informants, it can be concluded that the implementation of supervision of the behavior and performance of notaries in the Greater Malang area faces various structural and technical obstacles (Soetopo, 2024). First, there are differences in challenges between the City MPD and the Regency MPD, where the Regency has a wider coverage area and a greater number of notaries and problems, but not matched by an adequate number of supervisors. Second, limited financial support and infrastructure from the state means that supervision must be carried out independently, without adequate operational facilities. Third, supervision of notary behavior is considered more difficult than supervision of positions because it requires accurate and valid information and is highly dependent on reports from external parties. Fourth, the continuously increasing number of notaries is not commensurate with the number of supervisory personnel at the DKD level, resulting in a high workload and hampering the effectiveness of overall supervision.

### **Efforts to increase the effectiveness of supervision of the behavior and implementation of notary positions in accordance with regulatory objectives.**

Based on the interview results, several important insights emerged regarding the supervision of notaries, particularly in the context of task performance and behavior. First, early guidance for new notaries is considered crucial to foster awareness and adherence to ethics and professional regulations (Ananda et al., 2022). Unfortunately, ethical violations still frequently

occur among new notaries. Second, financial constraints, such as limited honorariums, should not be a reason for weakening the performance of the Regional Supervisory Council (MPD), considering that this task is a form of national service. However, increasing operational support and the use of digital media as a monitoring tool are considered to contribute to the effectiveness of supervision. Third, imposing sanctions on notaries who violate the law still faces psychological challenges, particularly because the Regional Honorary Council must take action against its own colleagues, which creates a moral burden in carrying out its duties.

### **Urgency of Revision or Adjustment of Article 67 Paragraph (5) of the Notary Law**

The three sources agreed that there is an urgency to revise or at least adjust Article 67 Paragraph (5) of the Notary Law. The formation and implementation of the Supervisory Board's duties should not only be regulated normatively, but also supported by government funding. The provision prohibiting the acceptance of gratuities is at odds with the reality on the ground, which requires operational costs. Furthermore, there is still confusion in the explanation of the article, both in terms of work mechanisms, technical implementation, and the imposition of sanctions. Therefore, revisions are needed to make the regulations clearer, more effective, and more implementable.

### **Comparative Study: Notary Supervision Models in Other Countries as a Reference for Increasing Effectiveness in Indonesia**

Based on the interviews, there was insufficient information or direct experience from the informants regarding comparative studies of notary supervision models in other countries (Lahay et al., 2020). Ms. Fairial Fatimah emphasized that discussions in international forums were limited to the implementation of notary duties, without specifically addressing the supervision system. In fact, notaries' authority in some countries, such as Hungary, is much broader than in Indonesia. Meanwhile, two other informants stated they lacked experience or in-depth understanding of notary supervision systems abroad. Therefore, direct references to foreign supervision models cannot yet serve as a concrete guideline for improving the effectiveness of notary supervision in Indonesia.

### **Analysis based on Institutional Theory by Jimly Assiddiqie**

This fact shows that based on the results of interviews with informants, the implementation of supervision by the MPD in Malang Raya shows a discrepancy with several state institutional principles according to Jimly Asshiddiqie, which is reflected in the various obstacles and solutions expressed.

The main obstacle related to the principle of separation and distribution of powers is that it is not yet optimal due to the large workload of the Regional People's Representative Council

(MPD) with limited support from higher institutions. Independence and accountability are compromised by limited funding and reliance on member volunteerism. Member professionalism is adequate, but limited facilities and budget hamper performance. Transparency remains low, the oversight process is closed, and public participation is minimal. Law enforcement (rule of law) is not optimal due to indefinite sanctions and insufficient coercive power. Solutions such as increasing honorariums, using monitoring technology, and improving reporting mechanisms are expected to improve the effectiveness of oversight going forward.

Overall, the constraints expressed by the informants, such as limited resources, financial support, and a less than transparent oversight mechanism, indicate that the implementation of MPD supervision in Malang Raya has not fully complied with the principles of state institutions outlined by Jimly Asshiddiqie. However, the proposed solutions, such as increasing honorariums, using technology for monitoring, and improving reporting and sanction mechanisms, demonstrate efforts to improve this compliance in the future. Therefore, it can be concluded that the constraints and solutions to the implementation of supervision by MPD in Malang Raya do not yet align with the institutional theory proposed by Jimly Asshiddiqie.

#### **Analysis based on the Theory of Legal Professional Ethics by Abdulkadir Muhammad**

Abdulkadir Muhammad, in his book "Ethics of the Legal Profession," argues that legal professional ethics is an integral part of legal philosophy that regulates the behavior and moral standards of legal practitioners in carrying out their profession. This fact indicates that, based on the results of interviews with informants, the implementation of supervision by the MPD in Malang Raya shows inconsistencies with several principles of legal professional ethics by Abdulkadir Muhammad, which are reflected in the various obstacles and solutions expressed (Al Faruque, 2021).

Based on the results of interviews with the informants, the MPD has not been in accordance with the theory of legal professional ethics according to Abdulkadir Muhammad. The obstacles found, such as the less than optimal internalization of ethical values, the enforcement of sanctions that are not yet firm, limited professional development, and minimal transparency and operational support, indicate that the functions of professional ethics, both preventive, repressive, educational, as well as basic principles and their implementation, have not been running effectively. Therefore, the solutions proposed in the interviews, such as improving development, strengthening sanctions, increasing transparency, and adequate resource support, are very important to optimize the implementation of MPD supervision to comply with the ideal standards of legal professional ethics.





Thus, it can be concluded that the obstacles and solutions to the implementation of supervision by the MPD in Malang Raya are not in accordance with the theory of legal professional ethics put forward by Abdulkadir Muhammad.

#### 4. CONCLUSION

The implementation of supervision by the Malang Raya MPD towards notaries is normatively in accordance with Article 67 paragraph (5) of the UUN, but in practice it has not been running ideally. Limited intensity of supervision, the absence of a mechanism at any time, and a greater focus on administrative aspects rather than professional ethics have resulted in low supervision effectiveness. Based on Soerjono Soekanto's theory of legal effectiveness and P. Manullang's management theory, MPD supervision has not been fully effective because planning is not data-based and annual evaluations are not systematic.

The effectiveness of the Malang Raya MPD's oversight is hampered by a limited number of members, the absence of strict sanctions, and low notary public awareness of ethical and administrative obligations. These conditions make oversight less than optimal and do not guarantee notary compliance. Based on Jimly Asshiddiqie's theory of state institutions, oversight does not fully reflect the principles of accountability, independence, transparency, and the rule of law. Meanwhile, according to Abdulkadir Muhammad's theory of legal professional ethics, the MPD's preventive, repressive, and educational functions have not been effective due to weak internalization of ethics, inconsistent sanctions, and a lack of professional development for notaries, especially for new notaries.

#### REFERENCES

- Abdulkadir Muhammad (2020), *Legal Professional Ethics*, PT. Citra Aditya Bakti, Bandung.
- Al Faruque, A. (2021). An Empirical Study on Unethical Legal Practices in Bangladesh and Suggested Remedial Measures. *Dhaka Univ. LJ*, 32, 87.
- Ananda, R., Rohaini, R., Nurhasanah, S., & Sunaryo, S. (2022). The Role of The Notary Regional Supervisory Board in Responding to Violations of Notary Duties and Positions. *Indonesia Private Law Review*, 3(2), 97–106.
- Lahay, R. C. P., Kasim, N. M., & Mandjo, J. (2020). Study On The Effectiveness Of Supervision And Council By Regional Supervisory Assembly Against Notaries In Gorontalo District. *Estudiante Law Journal*, 2(3), 588–602.
- Mufti Khakim (2017), *Law Enforcement and Implementation of Article 27 paragraph (1) of the 1945 Constitution concerning Equality Before the Law*, Proceedings of the 3rd National Conference on Citizenship, Yogyakarta, 2017



- Putra, P. O. H., Muda, I., Bakry, M. R., Yusuf, C., & Santosa, I. (2025). A Framework for Integrated E-notary Services Based on Blockchain for Civil Law Notaries: The Case of Indonesia. *JOIV: International Journal on Informatics Visualization*, 9(1), 153–162.
- Setyawati, S., & Sidik, F. (n.d.). Legal Protection Against Substitute Notary in Semarang Based on Act No. 2 of 2014 Amendment Act No. 30 of 2004 concerning Notary. *Jurnal Akta*, 7(2), 446824.
- Soetopo, H. (2024). The Role and Responsibilities of Notaries as Members of the Notary Supervisory Council According to Law No. 30/2004. *UNES Law Review*, 6(4), 11145–11154.
- Soerjono Soekanto (2008), Factors Influencing Law Enforcement, PT. Raja Grafindo Persada, Jakarta.
- Tasruddin, A. M., Khisni, A., & Chalim, M. A. (n.d.). Supervision and Guidance Implementation on Notaries by Regional Supervisory Council & Legal Consequences. *Sultan Agung Notary Law Review*, 3(3), 884–892.
- Verboven, F., & Yontcheva, B. (2024). Private Monopoly and Restricted Entry—Evidence from the Notary Profession. *Journal of Political Economy*, 132(11), 3658–3707.

