

Rehabilitation of Notary Offices After Cancellation of Dishonormal Dismissal In Protection of Notary Rights

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ABSTRACT

Indonesia as a state based on law places legal norms as the foundation for governance and the protection of citizens' rights. In ensuring legal certainty for civil legal acts, notaries have an important role as public officials authorized to make authentic deeds. However, in practice notaries may receive administrative sanctions, including dishonorable dismissal, if they violate their duties or the professional code of ethics. Problems arise when a dishonorable dismissal decision is later annulled by the court while there are no clear regulations governing the rehabilitation of the notary's position. This situation creates a legal vacuum that potentially causes legal uncertainty and weak protection of notary rights. This research aims to analyze the legal provisions regarding dishonorable dismissal of notaries and to formulate appropriate regulatory concepts regarding the rehabilitation of notary offices after the cancellation of such dismissal decisions. The research uses normative legal research with statutory, conceptual, and case approaches. Legal materials consist of legislation, legal doctrines, and court decisions, particularly Supreme Court Decision Number 294 K/TUN/2021. The results show that although legal remedies are available through administrative appeals and lawsuits before the State Administrative Court, there are no explicit provisions regulating the rehabilitation of a notary after the cancellation of a dishonorable dismissal decision. Therefore, specific regulations are required to regulate the rehabilitation mechanism, including restoration of reputation, reinstatement of office, restoration of the right to practice, and the recovery of administrative rights in order to ensure legal certainty and protection of notary rights.

Keywords: Notary, dishonorable discharge, job rehabilitation, legal protection, state administrative decisions.

1. INTRODUCTION

Indonesia is a state based on law as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. This provision affirms that all forms of governance and social life must be based on law as the primary foundation in regulating relations between the state and its citizens. The concept of a state based on law implies that state power is not exercised arbitrarily, but must be subject to applicable legal regulations in order to guarantee legal certainty, justice, and protection of citizens' rights. Within the framework of a state based on law, law not only functions as a tool for regulating social life, but also as a means to create order and legal protection for all citizens. As a state based on law, Indonesia places law as a guideline in every aspect of national and state life. Therefore, a structured and hierarchical legal system is required with the 1945 Constitution of the Republic of Indonesia as the highest law in the hierarchy of statutory regulations. The position of the constitution as the highest law provides a basis for legitimacy for all statutory regulations in force in Indonesia. Thus, every action of the government

and state institutions must be based on the authority granted by law and must not conflict with applicable legal norms. The concept of the rule of law also emphasizes legal certainty, justice, and protection of citizens' rights within state administration (Andriyanto et al., 2022; Alwino, 2016).

In order to guarantee legal certainty in society, the state requires various legal instruments, one of which is authentic written evidence. This is as emphasized in the explanation of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Office of Notaries, which states that the state guarantees legal certainty, order, and protection for every citizen through the existence of authentic written evidence regarding various legal acts. In this context, notaries have an important role as public officials authorized by the state to make authentic deeds that have perfect evidentiary force. Based on Article 1 number 1 of the Law on the Office of Notaries, notaries are public officials authorized to make authentic deeds and have other authorities as regulated by law. The position of notaries as public officials indicates that notaries carry out a public function in providing legal services to the community. Through the authentic deeds they create, notaries provide a guarantee of legal certainty for various actions and legal relationships in society, such as agreements, contracts, and various other legal events that require valid written evidence.

In carrying out their duties, notaries are not only required to possess professional skills, but are also required to uphold integrity, honesty, and comply with the professional code of ethics and applicable laws and regulations. The notary code of ethics serves as a moral guideline in carrying out their profession as well as an instrument to maintain the dignity and honor of the notary office. Therefore, every notary is required to carry out their duties and authorities professionally, independently, and responsibly in order to maintain public trust in the notary profession. As a consequence of their position as public officials, notaries can also be subject to sanctions if they violate the obligations and prohibitions of their position as stipulated in Articles 16 and 17 of the Notary Law. These sanctions are a form of supervision of the implementation of the notary office to ensure that notaries carry out their duties in accordance with applicable legal provisions. The forms of sanctions that can be imposed on notaries include verbal warnings, written warnings, temporary dismissal, honorable dismissal, and dishonorable dismissal from the notary office. The existence of ethical sanctions and supervision mechanisms aims to maintain the dignity and professionalism of the notary office (Ayuningtyas, 2020; Nainggolan et al., 2023).

Dishonorable dismissal is the most severe administrative sanction that can be imposed on a notary. Provisions regarding dishonorable dismissal are regulated in Articles 12 and 13 of the Notary Law, which in principle state that a notary may be dishonorably dismissed if they commit a serious violation of their official duties, engage in acts that demean the dignity of the notary



position, are declared bankrupt by a legally binding court decision, or are sentenced to imprisonment for certain crimes. Such dishonorable dismissal is carried out by the Minister of Law and Human Rights based on a recommendation from the Central Notary Supervisory Board following an examination by the Supervisory Board. However, in practice, the examination process and the imposition of sanctions on notaries do not always run perfectly. There is a possibility of errors in the examination procedure and in the issuance of administrative decisions related to the dismissal of a notary. This can result in losses for the notary if the dismissal decision is found to be inconsistent with applicable legal provisions. In the context of state administrative law, an administrative decision that is detrimental to an individual can be challenged in the State Administrative Court as a form of legal remedy to obtain legal protection.

This problem can be seen in Supreme Court Decision Number 294 K/TUN/2021, which essentially annulled the Decree of the Minister of Law and Human Rights concerning the dishonorable dismissal of a notary. In this case, the court stated that the dishonorable dismissal decision issued by the Minister of Law and Human Rights did not comply with applicable procedural requirements and was therefore declared null and void. This decision demonstrates that administrative decisions issued by state administrative officials must still comply with legal provisions and general principles of good governance. However, the court's annulment of the dishonorable dismissal decision raises new legal issues, namely regarding the rehabilitation of the notary's position and the restoration of his rights. Neither the Notary Law nor its implementing regulations clearly regulate the rehabilitation mechanism for notaries whose dishonorable dismissal has been annulled by a legally binding court decision. This situation creates a legal vacuum that has the potential to lead to legal uncertainty and the lack of legal protection for notaries harmed by invalid administrative decisions.

The absence of regulations regarding the rehabilitation of notary positions can have a significant impact on the notary concerned. Notaries who have been dishonorably dismissed have the potential to lose the right to resume their positions, even though the court has declared the dismissal invalid. This not only impacts the reputation and dignity of the notary profession, but also has the potential to eliminate sources of livelihood and hinder the sustainability of the notary profession concerned. Based on these conditions, a comprehensive legal study is needed regarding the rehabilitation of notary positions upon the cancellation of a letter of dishonorable dismissal decision in order to provide legal certainty and protection of notary rights. Therefore, this study examines the rehabilitation of notary positions upon the cancellation of a letter of dishonorable dismissal decision in relation to the protection of notary rights.

2. RESEARCH METHODS

This research is a normative legal study conducted by analyzing legal norms in legislation, legal doctrine, and court decisions related to the rehabilitation of notaries upon the cancellation of a dishonorable dismissal decision. Normative legal research views law as written norms (law in books), so the analysis focuses on secondary legal materials relevant to the research problem. The approaches used include the statute approach, the conceptual approach, and the case approach. The statutory approach is used to examine the provisions of the Notary Law, the State Administration Law, and regulations related to the supervision and imposition of sanctions on notaries. The conceptual approach is used to analyze the concept of legal certainty and legal protection for notaries, while the case approach is carried out through an analysis of Supreme Court Decision Number 294 K/TUN/2021. The legal materials used consist of primary, secondary, and tertiary legal materials. The legal materials were collected through literature study, then analyzed using grammatical and systematic interpretation to understand the meaning of legal norms and the relationships between laws and regulations relevant to the research issue. Normative legal research examines legal norms, doctrines, and legal principles contained in legislation and legal literature (Barus, 2013; Suhaimi, 2018).

3. RESULTS AND DISCUSSION

Legal Provisions Concerning Dishonorable Dismissal and the Protection of Notary Rights in Indonesia

As a public official, a notary public has the authority to create authentic deeds as stipulated in Article 1 number 1 of the Notary Law (UUJN). In carrying out their duties, notaries are not only granted authority but also burdened with certain obligations and prohibitions as stipulated in Articles 16 and 17 of the UUJN. These provisions emphasize that notaries must carry out their duties in a trustworthy, honest, independent, and impartial manner, and safeguard the interests of the parties involved in legal actions.

If a notary violates their obligations or official prohibitions, they may be subject to tiered administrative sanctions, ranging from verbal warnings and written warnings to temporary dismissal, to honorable or dishonorable dismissal. These sanctions are imposed through a supervisory mechanism by the Notary Supervisory Board, which consists of the Regional Supervisory Board, the Regional Supervisory Board, and the Central Supervisory Board.

The examination process for alleged notarial violations is carried out in stages in accordance with the provisions of the Minister of Law and Human Rights Regulation Number 15 of 2020. The examination begins with the submission of a report by the aggrieved party or based



on the findings of the Supervisory Board, which is then examined by the Examination Board. During this process, the notary, as the reported party, is given the opportunity to provide information and defend themselves at each stage of the examination. This mechanism provides procedural protection for notaries so that any alleged violations can be objectively tested through a transparent and tiered examination process.

Dishonorable dismissal of a notary is the most severe administrative sanction in the notary public supervision system. Provisions regarding dishonorable dismissal are regulated in Article 12 and Article 13 of the UUJN, which essentially state that a notary public can be dishonorably dismissed if they are declared bankrupt based on a court decision that has permanent legal force, are under continuous guardianship for more than three years, commit acts that demean the honor and dignity of the notary public office, commit serious violations of the obligations and prohibitions of the office, or are sentenced to five years or more in prison based on a court decision that has permanent legal force. Administrative sanctions are part of the regulatory framework to maintain professional accountability and public trust in notarial institutions (Tumundo et al., 2021; Pratama, 2019).

Furthermore, provisions regarding dishonorable discharge are expanded in Minister of Law and Human Rights Regulation Number 22 of 2025, which adds grounds for dismissal in the form of failure to carry out the handover of notary protocols without valid reasons within the specified timeframe. Such dishonorable discharge is carried out by the Minister of Law and Human Rights upon the recommendation of the Central Supervisory Board based on the results of a tiered examination.

During the sanction-imposing process, notaries have the right to defend themselves and file an administrative legal appeal against the decision of the Regional Supervisory Board to the Central Supervisory Board. Provisions regarding this appeal are regulated in Articles 28 to 30 of Minister of Law and Human Rights Regulation Number 15 of 2020. Through this appeal mechanism, the Central Supervisory Board has the authority to uphold, amend, or annul the decision of the Regional Supervisory Board if the arguments presented in the appeal memorandum are deemed reasonable.

If the Central Supervisory Board's decision recommends dishonorable dismissal, the proposal is submitted to the Minister of Law and Human Rights for issuance of a State Administrative Decree (KTUN). This Decree constitutes a State Administrative Decree (KTUN) because it is a written determination issued by a government official that is concrete, individual, and final and has legal consequences for the notary in question.

As a consequence of these characteristics, a decree on dishonorable dismissal of a notary can become the subject of a dispute in the State Administrative Court (PTUN). This is in line with the provisions of Article 53 of Law Number 9 of 2004 concerning State Administrative Courts, which grants individuals or civil legal entities who feel aggrieved by a state administrative decision the right to file a lawsuit requesting that the decision be declared null and void.

Thus, the Indonesian legal system has normatively provided a legal protection mechanism for notaries against decisions of dishonorable dismissal. This protection is realized through two mechanisms: administrative legal protection through self-defense and appeals within the Notary Supervisory Board, and judicial legal protection through filing a lawsuit against the dismissal decree with the State Administrative Court. These mechanisms aim to ensure that any sanctions imposed on notaries are carried out objectively, in accordance with legal procedures, and do not violate the notary's rights as a public official.

1. Case of a Notary in Bali who was temporarily suspended

The case that occurred in Bali shows a problem in the application of the Notary Supervisory Board's authority in imposing sanctions on notaries. In this case, a notary was given a temporary suspension sanction by the Bali Regional Supervisory Board. The imposition of this sanction is basically not in accordance with the limits of the authority held by the Regional Supervisory Board. Normatively, the authority of the Regional Supervisory Board is limited to the issuance of administrative sanctions in the form of verbal warnings or written warnings. This provision is expressly regulated in Article 73 paragraph (1) letter e of the Notary Law which states that the Regional Supervisory Board has the authority to issue sanctions in the form of verbal warnings or written warnings. A similar provision is also regulated in Article 26 paragraph (1) letter a of the Regulation of the Minister of Law and Human Rights Number 15 of 2020 which states that the Regional Examination Board can only impose sanctions in the form of verbal warnings or written warnings. Thus, the imposition of a temporary suspension sanction by the Bali Regional Supervisory Board is an action that exceeds the authority granted by statutory regulations. Similar supervisory disputes involving notaries have also been discussed in previous studies concerning appeals against supervisory board decisions (Mahayani et al., 2018).

In response to this decision, the notary in question then filed an appeal to the Central Supervisory Board, as stipulated in the tiered examination mechanism within the notary supervision system. The results of the examination at the appeal level indicated that the Central Supervisory Board overturned the decision of the Bali Regional Supervisory Board. This overturning indicated an error in the application of authority by the Regional Supervisory Board in imposing sanctions on the notary. This case demonstrates that the appeal mechanism within the



notary supervision system plays an important role as a corrective instrument against potential procedural errors and errors in the application of authority in the examination and sanctioning process. Through this appeal mechanism, decisions that do not comply with statutory provisions can be overturned, thereby providing legal protection for notaries.

Furthermore, the difference in consequences between temporary dismissal and dishonorable dismissal is also important to note. A notary subject to temporary dismissal still has the opportunity to return to their position after the termination period ends. Conversely, a notary subject to dishonorable dismissal loses the right to return to their position as a notary, as the dismissal is permanent and terminates their status as a public official. Therefore, accuracy in the application of authority and procedures for imposing sanctions is a crucial aspect of the notary's oversight system. This aims to ensure that every decision rendered not only fosters the notary profession but also guarantees legal protection for the notary's rights as a public official.

2. The case of Notary Muhammad Irsan, SH who was dishonorably dismissed

Another case that demonstrates the problem in the application of sanctions against notaries can be seen in Decision Number 235/G/2019/PTUN.JKT. In this case, a notary named Muhammad Irsan, SH, who holds the position of Notary/PPAT in Tangerang, filed a lawsuit with the State Administrative Court against the Ministry of Law and Human Rights. This dispute began with a complaint filed by Widya Agustien through her attorney against Notary Muhammad Irsan, SH regarding the implementation of the Sale and Purchase Agreement (PPJB) drawn up before the notary. The reporter stated that after signing the deed, he never received a copy of the PPJB deed.

Based on the report, the Tangerang City Regional Supervisory Board conducted an investigation and provided recommendations to the Banten Province Regional Notary Supervisory Board regarding the alleged violation of the code of ethics by the notary in question. However, during the investigation process, the notary as the reported party was not present at the investigation. Subsequently, the Central Supervisory Board rejected the appeal filed by the notary and confirmed the violation of the code of ethics, although it did not conduct a direct examination of the reported party before issuing the decision. Based on the decision of the Central Supervisory Board, the Minister of Law and Human Rights then issued a decree which is the object of the dispute in this case. However, the issuance of the decree was carried out on August 6, 2019, which is more than seven months after the Central Supervisory Board's proposed decision was issued on December 18, 2018. This condition does not comply with the provisions of Article 37 paragraph (3) of the Minister of Law and Human Rights Regulation Number 15 of 2020 which stipulates that the Minister must issue a decision regarding the imposition of sanctions no later than 30 days from



the receipt of the proposal. Thus, the issuance of the decree has exceeded the time limit determined by statutory regulations.

Another issue in this case is the simultaneous issuance of two decisions by the Minister against the same notary: one regarding temporary suspension and another regarding sanctions against the notary. This situation creates legal uncertainty because two different forms of administrative sanctions are imposed simultaneously against the same subject. Based on these considerations, the Panel of Judges at the State Administrative Court granted the lawsuit filed by the plaintiff through Decision Number 235/G/2019/PTUN.JKT. In the decision, the panel of judges stated that the object of the lawsuit, namely the Minister's decision, was declared null and void and required the defendant to revoke the decision. In addition, the panel of judges also ordered the restoration of the plaintiff's dignity and honor as a notary.

The Ministry of Law and Human Rights then filed further legal remedies in the form of an appeal and cassation. However, both at the appeal level through Decision Number 245/B/2020/PT.TUN.JKT and at the cassation level through Decision Number 294 K/TUN/2021, the panel of judges rejected the petition and upheld the first instance decision. Thus, legally, the decision annulling the dismissal of the notary has become legally binding. However, in practice, the implementation of the decision regarding the restoration of the notary's dignity and honor has not been fully implemented. This is evident in the failure to issue a reappointment letter or an official notification stating that the plaintiff was not proven to have violated the provisions of the Notary Law or the code of ethics. This situation indicates that although legal protection through judicial mechanisms has been provided, the implementation of the restoration of the notary's rights has not been optimally implemented.

3. The case of Notary Surya Hasan, SH who was temporarily suspended

Another case that demonstrates the complexity of the objection mechanism against notary sanctions can be seen in Decision Number 43/G/2011/PTUN.JKT involving Notary Surya Hasan, SH, a Notary in North Jakarta as the plaintiff against the Central Notary Supervisory Board as the defendant with PT. Sweet Indolampung as the Intervening Defendant II. This dispute began with a report from PT. Sweet Indolampung to the Regional Notary Supervisory Board regarding alleged violations in the implementation of notary duties committed by Surya Hasan, SH.

After an examination, the Regional Supervisory Board and the Regional Supervisory Board stated that the notary in question was not proven to have committed a violation and was not subject to sanctions. However, the reporting party, dissatisfied with the decision, filed an appeal to the Central Supervisory Board. Based on the recommendation of the Central Examination Board, the Central Supervisory Board then overturned the decision of the Regional Supervisory Board and



imposed sanctions in the form of a six-month temporary suspension and ordered the submission of the notary protocol. Against this decision, Surya Hasan, SH filed a lawsuit with the Jakarta State Administrative Court with the object of the lawsuit being the decision of the Central Supervisory Board. However, the Panel of Judges in Decision Number 43/G/2011/PTUN.JKT stated that the plaintiff's lawsuit was inadmissible because the State Administrative Court did not have the authority to adjudicate the dispute.

The legal considerations of the panel of judges were based on the element of finality of a State Administrative Decision (KTUN). According to the judge, the object of the lawsuit submitted was not final because the temporary dismissal of a notary according to Article 9 paragraph (3) of the Notary Law was carried out by the Minister upon the recommendation of the Central Supervisory Board. Thus, the decision of the Central Supervisory Board still requires the Minister's approval before giving rise to final legal consequences. Therefore, the decision did not fulfill the elements of a KTUN that could be used as an object of dispute at the PTUN. This case then continued to the judicial review stage at the Supreme Court through Decision Number 51 PK/TUN/2013. However, the judicial review application submitted by Surya Hasan, SH was rejected by the panel of judges with considerations that were basically the same as the decision at the previous level. In addition, the reasons for the judicial review application were deemed not to fulfill the provisions as stipulated in Article 67 of Law Number 14 of 1985 concerning the Supreme Court as amended by Law Number 5 of 2004 and Law Number 3 of 2009.

When comparing the case of the Notary in Bali and the case of Muhammad Irsan, SH, there are fundamental differences regarding the object of the dispute and the authority of the institution adjudicating the case. In the case of Muhammad Irsan, the object of the dispute was a decision of dishonorable dismissal issued by the Minister of Law and Human Rights, thus fulfilling the elements of a State Administrative Decision (KTUN) because it was written, concrete, individual, and final and had legal consequences for the notary in question. Therefore, the lawsuit filed was within the authority of the PTUN and was ultimately granted by the panel of judges. Conversely, in the case of Surya Hasan, the object of the lawsuit was a decision of the Central Supervisory Board that had not yet received the Minister's approval and therefore was not final. Because it did not fulfill the elements of finality as a State Administrative Decision (KTUN), the dispute did not fall within the authority of the PTUN to be examined and decided.

Meanwhile, in the case in Bali, the error occurred at the level of authority of the Regional Supervisory Board, which imposed a temporary suspension sanction that should not have fallen within its authority. Through an appeal mechanism to the Central Supervisory Board, the decision was subsequently overturned, thereby providing administrative legal protection for the notary in



question. A comparison of these three cases shows that legal protection for notaries against official sanctions can be achieved through two mechanisms: through the administrative mechanism within the Notary Supervisory Board system and through the judicial mechanism at the State Administrative Court. However, access to the judicial mechanism can only be done if the disputed decision has fulfilled the elements of a State Administrative Decision, particularly the element of finality.

In the case of Muhammad Irsan, the panel of judges not only overturned the decision of dishonorable dismissal, but also required the Ministry of Law and Human Rights to restore the dignity and honor of the notary concerned. This restoration is related to the concept of rehabilitation as a form of legal protection for someone who is harmed by an invalid decision. The concept of rehabilitation in the Indonesian legal system is basically the restoration of a person's rights in their position, dignity, and honor. According to Article 1 number 23 of Law Number 8 of 1981 concerning Criminal Procedure, rehabilitation is a person's right to obtain restoration in their abilities, position, and dignity and honor if someone is arrested, detained, prosecuted, or tried without a valid reason according to law. This concept is also in line with the explanation of Article 9 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power which states that rehabilitation is the restoration of a person's rights based on a court decision to their original position concerning honor, good name, and other rights.

In the context of state administrative courts, rehabilitation is regulated by Articles 97 and 121 of Law Number 5 of 1986 concerning State Administrative Courts. These provisions authorize the court to order the revocation of state administrative decisions declared null and void and require state administrative officials to restore the rights of the aggrieved party. However, the concept of rehabilitation in notarial cases has its own characteristics because notaries are not civil servants. Notaries are public officials who exercise some state authority in the civil sector, but are not included in the state civil service structure. Notaries are appointed by the government but do not receive a salary or pension from the state. Therefore, the restoration of a notary's position is more related to the restoration of his or her official status and the restoration of his or her good name as a public official, rather than as part of the state civil service system.

Thus, the existence of a mechanism for revoking a decision to dismiss a notary and granting rehabilitation plays a crucial role in ensuring legal protection for notaries. This mechanism aims to ensure that any sanctions imposed on a notary are carried out legally, in accordance with procedures, and do not violate general principles of good governance.

Appropriate Regulations Regarding the Rehabilitation of Notary Positions upon Cancellation of a Dishonorable Dismissal Decree Regarding the Protection of Notary Rights

Notaries play a crucial role as public officials, providing legal services to the public by drafting authentic deeds and ensuring legal certainty for parties engaging in legal acts. To exercise this authority, a supervisory mechanism is required to ensure that notaries fulfill their duties in accordance with statutory provisions.

Before the enactment of the Notary Law, supervision of Notaries was carried out by the judiciary. These provisions are regulated, among others, in the Regulation on the Legal Organization and the Policy of Justice, the Regulation on the Establishment of Notaries, the Ordinance on the Establishment of Notaries, and the Regulation on the Establishment of Notaries (PJM) of Staatblad 1860 Number 3. Furthermore, in Law Number 13 of 1965 concerning Courts within the General Courts and the Supreme Court, supervision of Notaries was carried out by the General Courts and the Supreme Court. After the enactment of Law Number 30 of 2004 concerning the Notary Law as amended by Law Number 2 of 2014, supervision of Notaries is under the authority of the Minister of Law and Human Rights, whose implementation is assisted by the Notary Supervisory Board. The Notary Supervisory Board is an extension of the Minister in carrying out the function of fostering and supervising Notaries. This transfer of authority is a form of delegation of administrative authority from the Minister to other government organs.

The authority of the Notary Supervisory Board is regulated in Ministerial Regulation No. 15 of 2020 and Ministerial Regulation No. 16 of 2021, which essentially authorize the Supervisory Board to conduct guidance, supervision, and investigations into alleged violations of the Notary's conduct and performance of office. If the investigation proves that the Notary has violated the obligations or prohibitions stipulated in the Notary Law, the Notary may be subject to administrative sanctions. These sanctions include verbal warnings, written warnings, temporary dismissal, and honorable or dishonorable dismissal.

Dishonorable dismissal is the most severe sanction in the notary disciplinary system. This sanction is essentially given to notaries who commit serious violations that undermine the honor and dignity of the notary position. Provisions regarding dishonorable dismissal are regulated in Articles 12 and 13 of the Notary Law, which include, among other things, bankruptcy, being under guardianship, committing acts that undermine the honor of the position, committing serious violations of official obligations, or being sentenced to five years or more imprisonment based on a court decision that has permanent legal force. In addition, further provisions regarding dishonorable dismissal are also regulated in Minister of Law Regulation Number 22 of 2025,

which adds other reasons such as failure to carry out the handover of notary protocols without valid reasons within the specified time period.

Although various regulations govern the mechanism for dismissing a Notary, to date there has been no explicit regulation governing the rehabilitation of a Notary's position if the decision to dismiss him dishonorably is subsequently overturned by the court. This absence of regulation creates a legal vacuum regarding the restoration of the position and rights of Notaries who have been harmed by an administrative decision that is later declared invalid. This legal vacuum has the potential to create injustice for Notaries. From the perspective of Plato's classical theory of justice, justice is defined as giving each man his due. Therefore, if a decision to dismiss a Notary dishonorably has been overturned by the court, the Notary has the right to obtain full restoration of his rights.

A dishonorable dismissal decision issued by the Minister has the potential to cause significant losses to Notaries, both material and immaterial. Notaries can lose their professional reputation, lose public trust, and lose their livelihood. Even if a court later declares the dismissal decision invalid, without a clear rehabilitation mechanism, the Notary's recovery cannot occur optimally. Therefore, regulations are needed that specifically regulate the rehabilitation of Notary positions as a form of legal protection. This regulation is important as a form of preventative legal protection, namely protection that aims to prevent legal losses by providing certainty regarding the rights and obligations of the parties before a dispute arises.

In this context, the rehabilitation of the position of a Notary whose dishonorable dismissal was annulled by the court should include several forms of restoration of rights, including:

1. Official restoration of good name announced by the Minister;
2. Reappointment as a Notary and restoration of the legal status of the position;
3. Restoration of the right to fully practice one's position; and
4. Return of rights to Notary protocols, use of stamps or seals, Notary initials and signatures, and access to the Legal Entity Administration System (SABH).

Restoring a good name is an important aspect because the sanction of dishonorable dismissal can create a serious social stigma against the Notary in question. Without an official announcement regarding the cancellation of the sanction, the Notary will have difficulty regaining public trust. This relates to the protection of honor and dignity as guaranteed in Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

In addition, the reappointment of a Notary is necessary to provide legal certainty regarding the status of the Notary's position. The cancellation of a dismissal decision by the court does not automatically restore the Notary's position status if it is not followed by administrative action from



the Minister. Restoration of the right to practice the position is also important because Notaries earn income from carrying out their position. The right to work is a constitutional right guaranteed by Article 28D paragraph (2) of the 1945 Constitution of the Republic of Indonesia.

In addition, the restoration of Notary protocols and access to administrative facilities such as Notary stamps and the Legal Entity Administration System (SABH) are essential elements in the implementation of the Notary's office. Without these facilities, Notaries cannot effectively exercise their authority as public officials authorized to make authentic deeds. The rehabilitation of Notary positions can be carried out by the Minister based on the principle of *Contrarius Actus*, namely the principle that states that state administrative officials who issue a decision also have the authority to revoke or cancel the decision. Thus, if the decision of dishonorable dismissal of a Notary is declared invalid by the court, then the Minister, as the official who issued the decision, has the authority to revoke the decision and issue a new decision that restores the Notary's position.

As an implementation mechanism, rehabilitation of the Notary's position can be carried out through the formation of a rehabilitation team established by the Ministry of Law and Human Rights. This team is tasked with verifying dismissal decisions, legally binding court decisions, and the administrative restoration of Notary rights. The rehabilitation team may involve representatives from Notary professional organizations, the Notary Supervisory Board, academics, and the Directorate General of General Legal Administration. Once the verification process is complete, the Minister can issue a decision on the rehabilitation of the Notary's position, which includes restoration of good name, reinstatement as a Notary, restoration of the right to practice, and the restoration of other administrative rights. This rehabilitation decision should be announced publicly on the Ministry of Law's official website so that the public is aware that the Notary's position has been legally restored. Therefore, regulations regarding the rehabilitation of the Notary's position are crucial to guarantee legal protection and justice for Notaries who suffer losses due to a dishonorable dismissal decision that is later declared invalid by the court.

4. CONCLUSION

Dishonorable dismissal of a Notary has been regulated in the UUJN and other laws and regulations, such as Regulation of the Minister of Law and Human Rights Number 61 of 2016, Regulation of the Minister of Law and Human Rights Number 15 of 2020, and Regulation of the Minister of Law and Human Rights Number 22 of 2025. In the examination and imposition of sanctions for dishonorable dismissal, Notaries can take legal action in the form of self-defense, appeals to the Central Supervisory Board, and through the courts, namely the State Administrative Court. The PTUN has the authority to decide on state administrative disputes that arise due to the



existence of a State Administrative Decision (KTUN) issued by a state administrative agency or official. Therefore, if the decision issued by the Supervisory Board or the Minister meets the elements of a KTUN, it can be challenged in the PTUN. Regarding Notaries who have been dishonorably dismissed but revoked, there are still no regulations governing the rehabilitation of the Notary's position, resulting in a legal vacuum.

Regulations for the rehabilitation of a Notary who has been dishonorably dismissed but revoked are necessary to provide justice for the Notary concerned. This rehabilitation includes the official restoration of his good name announced by the Minister, reappointment as a Notary and the restoration of his legal status, the right to practice fully, as well as the restoration of the Notary Protocol rights, the use of the Notary's seal/stamp, initials, and signature, and access to the Legal Entity Administration System or SABH. In addition, a rehabilitation team needs to be formed to assist in the verification process of the Notary's rehabilitation, which will then be followed by a decree issued by the Minister regarding the Notary's rehabilitation. This rehabilitation process will be carried out within a maximum period of 30 (thirty) days so that the Notary can immediately obtain his rights as a Notary.

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