

# Rehabilitation of Notary Offices After Cancellation of Dishonorable Dismissal In Protection of Notary Rights

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## ABSTRACT

Indonesia, as a country governed by the rule of law, places law as the foundation for governance and the protection of citizens' rights. In ensuring legal certainty for various legal acts, notaries play a crucial role as public officials authorized to issue authentic deeds. However, in practice, notaries can be subject to administrative sanctions, including dishonorable dismissal, if they violate their obligations and prohibitions as stipulated in laws and regulations. Problems arise when the decision to dishonorably dismiss is subsequently overturned by the court, while the prevailing regulations do not clearly regulate the mechanism for rehabilitation of notaries. This situation creates a legal vacuum that has the potential to lead to legal uncertainty and the failure to protect the rights of injured notaries. This study aims to analyze the legal provisions regarding dishonorable dismissal of notaries and formulate appropriate regulations regarding rehabilitation of notaries upon the cancellation of such dismissal decisions. The research method used is normative legal research with a statutory, conceptual, and case-based approach. The legal materials used include laws and regulations, legal doctrine, and court decisions, particularly Supreme Court Decision Number 294 K/TUN/2021. The research results show that although the Indonesian legal system has provided legal protection mechanisms through administrative remedies and lawsuits to the State Administrative Court, there are no regulations that explicitly regulate the rehabilitation of a Notary's position after the revocation of a dishonorable dismissal decision. Therefore, regulations are needed that explicitly regulate the rehabilitation mechanism for a Notary's position, including restoration of a Notary's good name, reinstatement as a Notary, restoration of the right to practice, and the return of other administrative rights to ensure legal certainty and the protection of Notary's rights.

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

## 1. INTRODUCTION

Indonesia is a state based on law as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia hereinafter referred to as the UUD NRI 1945. This provision emphasizes 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 the rule of law implies that state power is not exercised arbitrarily, but must comply with applicable legal regulations to ensure legal certainty, justice, and the protection of citizens' rights. Within the framework of a state based on the rule of law, law functions not only as a tool for regulating social life but also as a means of creating order and legal protection for all citizens. As a state based on the rule of law, Indonesia places law as a guideline in every aspect of national and state life. Therefore, a structured and hierarchical legal system is required. UUD NRI 1945 as the highest law in the hierarchy of laws and regulations. The constitution's position as the highest law

provides the basis for legitimacy for all laws and regulations in force in Indonesia. Therefore, every action by the government and state institutions must be based on the authority granted by law and must not conflict with applicable legal norms. (Andriyanto et al., 2022; Alwino, 2016). (Putra et al., 2023).

To ensure legal certainty in society, the state requires various legal instruments, one of which is authentic written evidence. This is emphasized in the explanation of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Office of Notary. hereinafter referred to as UUJN, 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 play a crucial role as public officials authorized by the state to create authentic deeds with full evidentiary force. Based on Article 1, number 1 UUJN. A notary is a public official authorized to create authentic deeds and has other powers as stipulated by law. The notary's position as a public official demonstrates that the notary carries out a public function in providing legal services to the community. Through the authentic deeds they create, the notary provides legal certainty for various public actions and legal relationships, such as agreements, contracts, and various other legal events that require valid written evidence. (Mahayani et al., 2018).

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 position. 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 UUJN. These sanctions are a form of oversight of the performance of the Notary's duties to ensure that the Notary carries out their duties in accordance with applicable legal provisions. Sanctions that can be imposed on a Notary include verbal warnings, written warnings, temporary dismissal, honorable dismissal, and dishonorable dismissal from the Notary position (Ayuningtyas, 2020; Naingolan et al., 2023). (Rahmatullah, 2020).

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 UUJN, which in principle states that a Notary Public may be dishonorably dismissed if they commit a serious violation of their official duties, commit acts that demean the dignity of the Notary Public's office, are declared bankrupt based on a legally binding court decision, or are sentenced to

imprisonment for committing certain crimes. This dishonorable dismissal is carried out by the Minister of Law and Human Rights based on a recommendation from the Central Notary Supervisory Board after undergoing an examination process by the Supervisory Board. However, in practice, the process of examination and imposition of sanctions on Notaries does 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 Public. This can cause losses for the Notary Public if the dismissal decision issued is not in accordance with applicable legal provisions. In the context of state administrative law, an administrative decision that is detrimental to an individual can be sued to the State Administrative Court hereinafter referred to as PTUN as a form of legal effort to obtain legal protection. (Marpaung, 2019).

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 position and restoration of the Notary's rights. Neither the UUJN nor its implementing regulations clearly regulate the rehabilitation mechanism for a Notary whose dishonorable dismissal has been annulled by a legally binding court decision. This situation creates a normative vacuum that has the potential to lead to legal uncertainty and the lack of legal protection for Notaries harmed by invalid administrative decisions. (Syahfikri et al., 2025).

The absence of regulations regarding the rehabilitation of the Notary's position can have a significant impact on the Notary concerned. A Notary who has been dishonorably dismissed has the potential to lose the right to resume his/her position, even though the court has declared the dismissal decision 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's profession. Based on these conditions, a comprehensive legal study is needed regarding the rehabilitation of the Notary's position upon the cancellation of a letter of dishonorable dismissal decision in order to provide legal certainty and protection of the Notary's rights. Therefore, this study examines the rehabilitation of the Notary's position upon the cancellation of a letter of dishonorable dismissal decision in relation to the protection of the Notary's rights. (Nainggolan et al., 2023).

## 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 a Notary's position 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 provisions in the UUJN, 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 (Barus, 2013; Suhaimi, 2018). (Pratama, 2019).

## 3. RESULTS AND DISCUSSION

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

Notaries as public officials have the authority to make authentic deeds as regulated in Article 1 number 1 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. (Suhaimi, 2018).

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. (Tumundo et al., 2021).

The examination process for alleged Notary violations is carried out in stages in accordance with the provisions of the Regulation of the Minister of Law and Human Rights 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 Public, 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. (Wicaksono & Lukman, 2021).

Dishonorable dismissal of a Notary is the most severe administrative sanction in the Notary position supervision system. Provisions regarding dishonorable dismissal are regulated in Article 12 and Article 13 of the UUJN, which essentially state that a Notary can be dishonorably dismissed if he/she is declared bankrupt based on a court decision that has permanent legal force, is under continuous guardianship for more than three years, commits acts that demean the honor and dignity of the Notary position, commits a serious violation of the obligations and prohibitions of the position, or is sentenced to five years or more in prison based on a court decision that has permanent legal force (Tumundo et al., 2021; Pratama, 2019). (Yuliandari & Oppusunggu, 2021).

Furthermore, the provisions regarding dishonorable dismissal are expanded in Regulation of the Minister of Law and Human Rights Number 22 of 2025, which adds grounds for dismissal in the form of failure to carry out the handover of the notary protocol without valid reasons within the specified time period. Such dishonorable dismissal 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. (Andriyanto et al., 2022).

During the sanction-imposing process, a notary has the right to defend himself 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. (Arif Zainudin & Sri Sutjiatmi, 2018).

If the Central Supervisory Board's decision proposes dishonorable dismissal, the proposal is submitted to the Minister of Law and Human Rights for issuance of a dismissal decree. This decree is a State Administrative Decree hereinafter referred to as KTUN because it is a written decision issued by a government official which is concrete, individual and final and has legal consequences for the Notary concerned. (Askarial, 2018).

As a consequence of these characteristics, the Decree of dishonorable dismissal of a Notary can become the object of a dispute in PTUN in line with the provisions of Article 53 of Law Number 9 of 2004 concerning State Administrative Courts, which provides the right to

individuals or civil legal entities who feel aggrieved by a state administrative decision to file a lawsuit to request that the decision be declared null and void or invalid. (Ayuningtyas, 2020).

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 decision with the PTUN. This mechanism aims to ensure that any sanctions imposed on a Notary are carried out objectively, in accordance with legal procedures, and do not violate the Notary's rights as a public official. (Barus, 2013).

### **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 issuing 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. Minister of Law and Human Rights Regulation Number 15 of 2020, which states that the Regional Audit Board may only impose sanctions in the form of verbal or written warnings. Therefore, the imposition of temporary dismissal by the Bali Regional Supervisory Board constitutes an action that exceeds the authority granted by statutory regulations (Mahayani et al., 2018). (Anand, 2018).

In response to this decision, the Notary in question then filed a legal action in the form of an appeal to the Central Supervisory Board as stipulated in the tiered examination mechanism in 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 revocation indicated that there was 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 in the Notary supervision system has an important function as a corrective instrument against the possibility of procedural errors or errors in the application of authority in the examination process and the imposition of sanctions. Through this appeal mechanism, decisions that do not comply with the provisions of laws and regulations can be overturned, thereby providing legal protection for Notaries. (Putra et al., 2023).

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 dismissal period ends. Conversely, a notary subject to dishonorable dismissal loses the right to return to their position as a notary because 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 provides a developmental effect on the notary profession but also guarantees legal protection for the notary's rights as a public official. (Mahayani et al., 2018).

## **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. (Marpaung, 2019).

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. (Syahfikri et al., 2025).

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 PTUN granted the lawsuit filed by the plaintiff through Decision Number 235/G/2019/PTUN.JKT. In the decision, the panel of judges declared the object of the lawsuit, the Minister's decision, null and void and required the defendant to revoke the decision. Furthermore, the panel of judges also ordered the restoration of the plaintiff's dignity and honor as a notary. (Nainggolan et al., 2023).

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 has not been proven to have violated the provisions of the UUJN and codes of ethics. This situation indicates that although legal protection through judicial mechanisms has been provided, the implementation of rights restoration for the Notary concerned has not been optimally implemented. (Pratama, 2019).

### **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, Notary in North Jakarta as plaintiff against the Central Notary Supervisory Board as defendant with PT. Sweet Indolampung as Defendant II Intervening. 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. (Suhaimi, 2018).

After an investigation, the Regional Supervisory Board and the Regional Supervisory Board declared that the Notary in question was not proven to have committed any violations and was not subject to sanctions. However, the complainant, dissatisfied with the decision, filed an appeal with the Central Supervisory Board. Based on the Central Examination Board's recommendation, the Central Supervisory Board then overturned the Regional Supervisory Board's decision and imposed sanctions in the form of a six-month temporary suspension and an order to submit the Notary's protocol. Surya Hasan, SH, filed a lawsuit against the decision with the PTUN Jakarta, with the lawsuit being a decision of the Central Supervisory Board. However, the Panel of Judges, in Decision Number 43/G/2011/PTUN.JKT, declared the plaintiff's lawsuit inadmissible

because the State Administrative Court lacked the authority to adjudicate the dispute. (Tumundo et al., 2021).

The legal considerations of the panel of judges are based on the element of finality of KTUN. According to the judge, the object of the lawsuit filed 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 which could be used as an object of dispute at the PTUN. This case then continued to the review stage at the Supreme Court through Decision Number 51 PK/TUN/2013. However, the review application filed 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 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. (Wicaksono & Lukman, 2021).

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. (Yuliandari & Oppusunggu, 2021).

Meanwhile, in the case in Bali, the error occurred at the level of the Regional Supervisory Board, which imposed a temporary suspension sanction, which should not have been within its jurisdiction. Through an appeal to the Central Supervisory Board, the decision was subsequently overturned, 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: the administrative mechanism within the Notary Supervisory Board system and the judicial mechanism at the PTUN. However, access to the judicial mechanism can

only be done if the disputed decision has fulfilled the following elements as KTUN, especially the element of finality. (Andriyanto et al., 2022).

In the case of Muhammad Irsan, the panel of judges not only overturned the dishonorable dismissal decision but also required the Ministry of Law and Human Rights to restore the notary's dignity and honor. This restoration relates to the concept of rehabilitation as a form of legal protection for someone harmed by an invalid decision. The concept of rehabilitation in the Indonesian legal system essentially restores a person's rights to their status, dignity, and honor. According to Article 1 number 42 of Law Number 20 of 2025 concerning Criminal Procedure Law, rehabilitation is a person's right to obtain restoration of his/her abilities, position, and dignity if a person 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 his/her original position concerning honor, good name, and other rights. (Arif Zainudin & Sri Sutjiatmi, 2018).

In the context of PTUN, Rehabilitation is regulated in Article 97 and Article 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 injured party. However, the concept of rehabilitation in Notary 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/her position and the restoration of his/her good name as a public official, rather than as part of the state civil service system. (Askarial, 2018).

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. (Ayuningtyas, 2020).

### **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. (Dola Riza, 2018).

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Before the enactment of the UUJN, supervision of Notaries is carried out by the judicial body. 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 Notary Publics, and the Regulation on the Position of Notaries (PJN) 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 is carried out by the General Courts and the Supreme Court. After the enactment of UUJN, Supervision of Notaries falls under the authority of the Minister of Law and Human Rights, assisted in its implementation by the Notary Supervisory Board. The Notary Supervisory Board is the Minister's representative in carrying out the development and supervision functions of Notaries. This transfer of authority represents a form of delegation of administrative authority from the Minister to another government agency. (Anand, 2018).

The authority of the Notary Supervisory Board is regulated in the Regulation of the Minister of Law and Human Rights Number 15 of 2020 and Regulation of the Minister of Law and Human Rights Law Number 16 of 2021, which essentially authorizes the Supervisory Board to conduct guidance, supervision, and investigations into alleged violations of the behavior and performance of the Notary's office. If the investigation proves that the Notary has violated the obligations or prohibitions stipulated in the UUJN, the notary may be subject to administrative sanctions. These sanctions include verbal warnings, written warnings, temporary suspension, and even honorable or dishonorable dismissal. (Putra et al., 2023).

Dishonorable dismissal is the most severe sanction in the notary disciplinary system. This sanction is essentially imposed on notaries who commit serious violations that undermine the honor and dignity of the notary office. Provisions regarding dishonorable dismissal are regulated in Articles 12 and 13 of the UUJN, which include, among other things, bankruptcy, being under guardianship, committing acts that undermine the honor of office, committing serious violations of official duties, or being sentenced to five years or more in prison based on a court decision that has permanent legal force. In addition, further provisions regarding dishonorable discharge are also regulated in the Minister of Law Regulation Number 22 of 2025, which adds other reasons such as failure to carry out the handover of the Notary protocol without valid reasons within the specified time period. (Mahayani et al., 2018).

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 dishonorably dismiss him is subsequently overturned by the court. This absence of regulation creates a legal vacuum regarding the restoration of the status and rights of notaries who have been harmed by administrative decisions that are 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 person his due (giving each man his due). Therefore, if a decision to dishonorably dismiss a Notary has been annulled by the court, the Notary has the right to obtain full restoration of his rights. (Rahmatullah, 2020).

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. (Marpaung, 2019).

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 (Syahfikri et al., 2025):

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).

Reconciliation is crucial because dishonorable dismissal can create serious social stigma against the notary in question. Without an official announcement of the revocation of the sanction, the notary will struggle to regain public trust. This relates to the protection of honor and dignity as guaranteed by the UUD NRI 1945 Article 28G paragraph (1). (Tumundo et al., 2021).

Furthermore, the reappointment of a Notary is necessary to provide legal certainty regarding the Notary's official status. The revocation of a dismissal decision by a court does not automatically restore the Notary's official status unless followed by administrative action from the Minister. Restoring the right to practice is also important because Notaries earn income from their duties. The right to work is a constitutional right guaranteed by the UUD NRI 1945 Article 28D paragraph (2). (Wicaksono & Lukman, 2021).

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. (Yuliandari & Oppusunggu, 2021).

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. (Andriyanto et al., 2022).

Implementing the rehabilitation of the Notary profession requires the participation of notary professional organizations, the Notary Supervisory Board, academics, and the Directorate General of General Legal Administration. Participation is the involvement or involvement in a series of structured activities, from initiating and making decisions to implementation. Therefore, the participation of various parties is essential in implementing the rehabilitation of the Notary profession so that Notaries can achieve justice (Arif Zainudin & Sri Sutjiatmi, 2018).

#### **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. (Askarial, 2018).

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. (Ayuningtyas, 2020).

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