

# Juridical Analysis Of Notary Accountability In Authentic Deed Falsification

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## **Abstract**

*Notary is a public official appointed by the government to assist the community in making authentic deeds and other authorities regulated by laws that exist or arise in everyday life. Notaries in carrying out their profession of providing services to the community should behave according to the applicable rules. This is important because notaries carry out their duties not solely for personal interests, but also for the benefit of society, and have an obligation to ensure the correctness of the deeds they make, research uses a normative juridical approach, the results of the study state that The Central Honorary Council has the authority to limit the number of Notary deeds drafting because based on the Articles of Association of the Indonesian Notary Association it has been stated that the duties and powers of the Honorary Council are to enforce the Code of Ethics. In the Code of Ethics of the Indonesian Notary Association, it has been stated that Notaries and all people who carry out the Position of Notary Public are prohibited from making deeds in an unreasonable number. The making of the Deed in a fair amount is then followed up through the Regulation of the Honorary Council of the Indonesian Notary Association Number 1 of 2017.*

**Keywords:** *juridical analysis; Notary Accountability; Uthentic Deed Falsification;*

## **1. Introduction**

In carrying out his duties, the Notary is obliged to comply with all the provisions of the Position of Notary Public and other regulations. Notaries are not mere clerks, but notaries need to assess whether what the applicant wants to be stated in an authentic deed does not conflict with the Law on Notary Position, and the applicable legal rules. The obligation to know and understand the requirements for the authenticity, legality and reasons for the cancellation of a Notary deed, is very important to prevent preventive defects in the Notary deed which can result in the loss of authenticity and the cancellation of the Notary deed, which can harm the interests of the public, especially the parties- interested party.<sup>1</sup>

1. Sjaifurrachman dan Habib Adjie, *Aspek Pertanggungjawaban Notaris dalam Pembuatan Akta*, Mandar Maju, Bandung, 2011, page.121.

In the profession of a notary office, specific ethical principles apply to that profession. The basic rules that apply to a profession are as follows:<sup>2</sup>

1. Profession is a service, therefore they have to work selflessly, especially for clients who cannot afford it. Profession must be viewed (and lived) as a service. Therefore, disinterestedness becomes a characteristic feature in developing the profession. Selfless means that the decisive considerations in decision making are in the interests of the patient or client and the public interest, and not in his own interests (professional development). If this selfless nature is neglected, then professional development will lead to the exploitation (which can lead to abuse) of fellow human beings who are experiencing difficulties or distress.
2. Professional service in prioritizing the interests of patients or clients refers to the interests or noble values as critical norms that motivate attitudes and actions.
3. Carriers of the profession must always be oriented towards society as a whole.
4. In order for competition in services to take place in a healthy manner so as to guarantee the quality and quality improvement of the professional caretakers, professional development must be in the spirit of solidarity among fellow colleagues.

In understanding notary as a profession, Liliana Tedjosaputro presents the philosophy, essence of profession and professionalism as an integral part. According to him, the requirements for balance, harmony and harmony in accordance with Pancasila are things that must be considered. These three things must be operationalized in understanding the gradations of various interests in community life, which include individual interests, public interests (general), interests of the state and interests of professional organizations.<sup>3</sup>

The notary acts only as a medium for the birth of an authentic deed, and the Notary is not a party to the deed he makes. The legal rights and obligations that are born from the legal actions set forth in the notary deed only bind the parties to the deed, and the Notary is not involved in the implementation of the rights and obligations, therefore the Notary needs to first assess the wishes of the parties to be stated in a deed. authentic does not conflict with the Law on notary office and the applicable rules. The notary is obliged to understand and know about the authenticity, legality and reasons for the deed's invalidation, because this is very important to avoid any legal defects in the notary's deed that can harm the parties interested in the deed.<sup>4</sup>

Authentic deeds as the strongest and fulfilled evidence have an important role in every legal relationship in people's lives. In various business relations, activities in the banking sector, land affairs, social activities, etc., the need for written proof in the form of authentic deeds is increasing in line with the growing demands for legal certainty in various economic and social

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2. C.S.T. Kansil, *Pokok – Pokok Etika Profesi Hukum*, Pradya Pramita, Jakarta, 5.

3. Liliana Tedjosaputro, *Etika Profesi Notaris Dalam Penegakan Hukum Pidana*, BIGRAF Publishing, Yogyakarta, 1995, page.32

4. Sjaifurrachman dan Habib Adjie, *Op.Cit.* page.121

relations, at the national, regional, and global. Based on Article 1870 of the Civil Code (hereinafter referred to as the Civil Code) and Article 1871 of the Civil Code, "an authentic deed is a perfect tool of evidence for both parties and their heirs as well as all people who get rights from him about what is contained in the deed. such".

Lately, many Notaries have made deeds with extraordinary amounts. The Supervisory Board coordination meeting attended by the Supreme Court, Attorney General's Office and the National Police, in which discussing deeds made in an inappropriate number are deemed to have / have strong indications of violations of office and may also be indications of criminal offenses. In addition, Notaries get convenience and "respectful treatment" from the Government in matters of public service. One example of ease and respectful treatment is the creation of a Fiduciary Deed and deeds related to Home Ownership Loans. With the ease and respectful treatment that is obtained as mentioned above, it is possible for a notary before him to make hundreds to thousands of deeds in one day. This raises an allegation that the deed does not meet the requirements stipulated in accordance with the provisions of the Law on Notary Public Affairs, namely that the deed must be read out.

## **2. Research Method**

In research or study of normative legal science, activities to explain the law do not require the support of data or social facts, because normative law does not recognize social data or facts that are known only legal materials, so to explain law or to seek meaning and value The law only uses the concept of law and the steps taken are normative steps.<sup>5</sup> Normative legal research includes research on legal principles, legal systematics, and legal synchronization.<sup>6</sup>

## **3. Result and Discussion.**

### **1. Notary Accountability Analysis in Authentic Deed Falsification**

Notaries in providing services to the community do not differentiate from one another based on socio-economic conditions or other reasons. Even notaries are obliged to provide legal services in the field of notaries for free to persons who cannot afford it, which is regulated in Article 37 of the Law on the Position of Notary Public. Only legal reasons can be used as the basis that the notary cannot provide services to those who appear before the notary.<sup>7</sup>

As stipulated in article 16 paragraph (1) letter a of the Law on Notary Position, in carrying out his / her job duties, he is obliged to act to protect the interests of the parties involved in legal

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5. Bahder Johan Nasution, *Metode Penelitian Ilmu Hukum*, Mandar Maju, Bandung, 2008, page. 87.

6. Soerjono Soekanto, *Pengantar Penelitian Hukum*, Universitas Indonesia Press, Jakarta, 1986, page. 51.

7. Habib Adjie, *Hukum Notaris Indonesia, Tafsir Tematik Terhadap UU No. 30 Tahun 2004 Tentang Jabatan Notaris*, Refika Aditama, Bandung, 2008, page. 13.

acts. In addition, it is obligatory to prioritize the balance between the rights and obligations of the parties. Notaries are required to always listen to and consider the wishes of the parties so that their actions are stated in a notary deed, so that the interests of the parties are maintained proportionally which is then poured into a notary deed.

Article 1 number 1 of Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004 concerning the Position of Notary states that what is referred to as a Notary is a public official who has the authority to make authentic deeds and other powers as referred to in this Law. Notary is a public official whose sole authority is to make an authentic deed regarding an act, agreement and determination required by a general rule or by an interested party to be stated in an authentic deed, guarantees the certainty of date, keeps the deed and provides grosse, copy and quotations, all as long as the making of the deed by a general regulation is not assigned or excluded to other officials or persons. The notary is obliged to keep everything entrusted to him confidential and may not submit copies of the deeds to unauthorized persons.<sup>8</sup>

Notary as a public official (*openbaar ambtenaar*) who is authorized to make an authentic deed can be held responsible for his actions in connection with his work in making the deed. The scope of the notary's responsibility includes the material correctness of the deed he has made. Regarding the responsibilities of a notary as a general official relating to material truth, it can be divided into four points, namely:<sup>9</sup>

- a. Civil notary responsibility for the material correctness of the deed he makes;
- b. The notary's responsibility is criminally responsible for the material truth in the deed he makes;
- c. The notary's responsibility based on the notary's position regulations regarding the material accuracy in the deed he has drawn up;
- d. The notary's responsibility in carrying out his / her job duties is based on the notary code of ethics.

Law Number 30 Year 2004 concerning Notary Position which was promulgated on November 6, 2004 in the State Gazette of the Republic of Indonesia Year 2004 Number 117 Law on the Position of Notary jo. Law of the Republic of Indonesia Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary which was promulgated on January 15, 2014 State Gazette of the Republic of Indonesia of 2014 Number 3 (Amendment Law of the Law on the Position of Notary) contains material law as well as formal law, for example provisions regarding the position and function of a Notary. Furthermore, as a position of trust that carries out part of the government's authority, a notary is also required to have an unmistakable attitude and character with a measure that is more

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8. G.H.S Lumban Tobing, *Peraturan Jabatan Notaris*, Erlangga, Jakarta, 1999, page.31

9. Abdul Ghofur, *Lembaga Kenotariatan Indonesia: Perspektif Hukum dan Etika*, UII Press, Yogyakarta, 2009, page.34.

than that applicable to members of society in general. Regarding today, of course, a key point is needed for the attitude and character of a notary and these benchmarks are contained in the Indonesian Code of Ethics.

The code of ethics contained in each profession is basically a reflection of the profession concerned. Code of ethics is not only a formulation of human moral norms who carry out the profession but also a measure of the actions of members of the profession. The code of ethics is an effort to prevent members of the profession concerned from committing unethical acts. This provision is only effective if it is imbued with the ideals and values that live in the profession itself. Therefore it needs to be emphasized that notaries as public officials must have high integrity and morality in carrying out their duties and offices, notaries should achieve a meaningful life, because this is human nature. Notaries must also have high ideals, because this characteristic not only reflects the notary's personality but also the profession he is currently carrying out. every professional must carry out his profession with sincerity and basically constitutes an honorable position. This should also be actualized by the notary profession as a general official in carrying out his office. The ethics of every profession is a pillar and measure for every professional including the notary profession, with the hope that notaries always behave and work ethically, not only ethically according to the laws and regulations but also the rules stated in the oath of office and the professional code of ethics.<sup>10</sup>

Every profession has a code of ethics, and notaries are no exception. In general, the benefits that can be gained from the existence of a code of ethics include maintaining and improving moral quality, maintaining and improving the quality of technical skills, protecting the material welfare of professional practitioners, and being open. If it is described in more detail, through the code of ethics the following benefits can be achieved: <sup>11</sup>

1. Avoid unfair competition among members of the profession. The code of ethics contains the morality of the profession, limitations on permissibility and prohibitions for members as well as possible choices that must be made in the event of a dilemma in carrying out their profession. Therefore, every member should avoid unfair competition. On a broader scale, the moral quality of the profession will always be maintained.
2. Ensuring solidarity and collegiality among members for mutual respect. This solidarity attitude will create a life of fraternal order among members of the profession. By having a collegiality pattern, it can be ascertained that the profession and its members are able to avoid the interference of third parties or other parties in practicing their profession.
3. Obliging to prioritize the interests of service to the general public / public. The implicit demand for optimal service in the code of ethics must spur the personal honesty and self-

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10. Nico, *Tanggungjawab Notaris selaku Pejabat Umum*, Center for Documentation and Studies of Business Law, Yogyakarta, 2003, page.301

11. *Ibid.*, page.254-255

skills of members of the profession to continue to add skills in their fields. This obligation provides a guarantee of material satisfaction of the professional.

4. The professional code of ethics requires its members to work openly and transparently in exercising their professional expertise. Professional moral accountability is carried out in addition to one's conscience and morality, as well as to the wider community. With this meaning, a profession in carrying out professional expertise is avoided from the discourse of deception and lies against the public. However, personal secrets that must be held firmly by a professional because a position determined by law is obliged not to be published.

Liability demands in the code of ethics are ethical responsibility and this is different from legal responsibility. In the context of a notary as a professional who is an expert in the field of law, ethical responsibility is a matter related to the use of legal knowledge. In connection with this, there is an obligation to pay attention to human nature, human dignity, maintain the balance of the ecosystem, be responsible for the public interest, the interests of future generations, and are universal. Because basically science, including law, is to develop and strengthen human existence, not to destroy human existence.<sup>12</sup>

A code of ethics in the context of ethics is inappropriate if it is only in the form of regulations that emphasize sanctions for those who violate the ethics. The existence of sanctions in the code of ethics is a secondary thing, because what is actually referred to as a code of ethics is a norm whose respect comes from oneself. The purpose of the code of ethics is that without punishment the professionals do not violate the ethical principles that have been agreed upon by them. This means that the existence of sanctions is not a warning not to violate regulations. The code of ethics is a mutual agreement, which arises from the members themselves to better direct their development, in accordance with expected ideal values. So a code of ethics is a pure result that is in accordance with the professional aspirations of a certain group for the sake of common interest and measurement.<sup>13</sup>

In order for the professional code of ethics to function properly, there are at least two conditions that must be met. First, the code of ethics must be made by the profession itself, the code of ethics will not be effective, if it is taken for granted from above, from government agencies or other agencies, because it will not be imbued with the ideals and values that live in that profession. alone. Second, for a code of conduct to work well is that its implementation is under constant supervision.<sup>14</sup>

The position of the code of ethics for notaries is very important. First, not only because

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12. Ahmad Charis Zubair, *Dimensi Etik dan Asketik Ilmu Pengetahuan Manusia: Kajian Filsafat Ilmu*, Lembaga Studi Filsafat Islam (LSFI), Yogyakarta, 2002, page.49.

13. Simorangkir, *Etika Jabatan*, Aksara Persada Indonesia, Jakarta, 1998, page.21-22

14. Franz-Magnis Suseno, *Etika Sosial*, Buku Panduan Mahasiswa, APTIK Gramedia, Jakarta, 1991, page.282-283.

the notary is a profession so that it needs to be regulated by a code of ethics, but also because of the nature and nature of the notary's work which is very legalization-oriented, so that it can become the main legal foundation regarding the status of assets, rights and obligations of a client who uses it. services of the notary public. Second, so that injustice does not occur as a result of the granting of property status, rights and obligations that are not in accordance with the rules and principles of law and justice, so as to disrupt public order and also disrupt the private rights of the people who seek justice, for the world notary is also very necessary a good and modern professional code of ethics.<sup>15</sup>

There are at least 3 (three) categories of violations with consequences that must be borne as a result of the actions he has committed as follows:<sup>16</sup>

1. Notary in carrying out his position no longer heed professional ethics. If it is based on appropriateness, moral and religious aspects and according to conscience, it should not be done by a notary who holds and holds an honorable position, especially as a mandate holder. If there has been a violation and there are still noble values that are owned by the notary, the punishment that is served and feels is a sense of uneasiness, because it is covered with guilt. If the feeling of uneasiness always covers him, then the notary will not get the happiness of life, unless the notary is a group of people who feel the same pleasure between committing crimes and good deeds. So a notary who violates professional ethics, the punishment in the form of mental suffering and the punishment suffered is closely related to his position and profession. The notary becomes a group of people who are no longer trusted by the public and naturally he will be obeyed and the trust that is in him is lost. Notaries who have lost their trust or have no longer gained the trust of the public are basically not notaries and have no other choice but to stop and resign their position and profession as notary public. Thus, humans who carry out their positions and professions as notaries are only selected people who are qualified and have good behavior, this is an explanation of the experience of the science of practice and scientific practice.
2. Violation of the code of ethics, which means violations committed by a notary against professional ethics that have been recorded or regulations that have been written and are binding and must be obeyed by all members of the professional group to be obeyed and may be subject to sanctions for those who violate these provisions. Based on the consideration of a sense of justice, it would be felt unfair, if the actions and punishments were only imposed on members of professional organizations, while those who carry out the same profession, because they are not members of the organization,

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15. Munir Fuady, *Profesi Mulia (Etika Profesi Hukum Bagi Hakim, Jaksa, Advokat, Notaris, Kurator dan Pengurus)*, PT. Citra Aditya Bakti, Bandung, 2005, page.133.

16. Nico, 2003, *Loc Cit*, page. 277.

are free from sanctions, even if they commit violations or crimes. In this regard, the professional organization of the Indonesian Notary Association has compiled written rules from the results of joint agreements and pledges as rules of the game, namely in the form of articles of association, Bylaws and the Notary Code of Ethics.

3. Violation of the code of ethics contained in statutory regulations. Notaries who violate the code of ethics as stipulated in the laws and regulations will be resolved based on the provisions themselves, so that legal certainty for the notary profession is more secure. Notaries who violate ethics, appropriateness or moaral resolution are not only based on the code of ethics but can also be based on statutory regulations. Everything that a notary cannot do is clearly and expressly regulated in the form of legislation.

The Honorary Council is one of the organizational tools for the Indonesian Notary Association and consists of 3 (three) levels, namely the central, regional and regional levels. The existence of an honorary council is regulated in the Articles of Association of the Indonesian notary association. From the description above, the existence of the Honorary Council in the organization of the Indonesian notary association is a form of internal supervision of the Notary (its members) so that in carrying out their profession, the Notary does not violate the code of ethics, while externally supervision of Notaries is carried out by the government in this case the Minister of Law and Human Rights by delegating its authority to the Notary Supervisory Council. Binding Power of Honorary Council Regulations of the Indonesian Notary Association Center for Notaries.

In every organization, especially in government organizations, the supervisory function is very important, because supervision is an effort to ensure the existence of archival between the administrators of government tasks by the regions and by the government and to ensure the smooth running of government in an efficient and effective manner.<sup>17</sup>

Supervision is one of the basic functions of management which in English is called "controlling". In Indonesian, the controlling function has 2 (two) equivalents, namely supervision and control. Supervision in this case is supervision in a narrow sense, namely all efforts or activities to find out and assess the actual reality of the implementation of a task or job, whether it is in accordance with it or not, while the meaning of control is more forceful than supervision, namely as all efforts or activities to guarantee and direct so that the implementation of a task or job goes accordingly.<sup>18</sup>

The basic definition of supervision is any effort or activity to find out and assess the actual reality of the implementation of a task or activity, whether it is appropriate or not. Supervision is the process of observing the implementation of all organizational activities to ensure that all

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17. Viktor M. Situmorang dan Cormentya Sitanggang, *Hukum Administrasi Pemerintahan Di Daerah*, Sinar Grafika, Jakarta, 1993, page. 233.

18. Sujamto, *Aspek-aspek Pengawasan Di Indonesia*, Sinar Grafika, Jakarta, 1987, page.53.

work being carried out goes according to a predetermined plan.<sup>19</sup>

Unlike the position of the Notary Supervisory Board which is explicitly stated in the notary office law, the position of the Notary Honorary Council is not explicitly stated in the notary office law so that in order to understand the position and source of authority of the Notary Honorary Council, it must first be constructed through Article 82 and Article 83 of the law on notary office. In Article 82 of the law on the position of notary, it is stated that:

1. Notaries gather in one Notary Organization.
2. The organization of Notary Public as referred to in paragraph 1 is the Indonesian Notary Association.
3. The Notary Public Organization as referred to in paragraph (1) is the only organization for the Notary profession that is free and independent which is formed with the aim and objective of improving the quality of the Notary profession.
4. Provisions regarding the objectives, duties, authorities, work procedures and organizational structure are stipulated in the Articles of Association and Bylaws of Notary Organizations.
5. Provisions regarding the establishment, development and supervision of Notary Organizations shall be regulated by a Ministerial Regulation.

From the provisions in Article 82 of the Law on the Position of Notary Public, it can be seen that Notaries are assembled in a single organization, namely the Indonesian Notary Association. The Notary Organization is a free and independent organization formed with the aim and aim of improving the quality of the Notary profession.

In Article 1 point 5 of the Law on the Position of Notary Public, it is also emphasized that what is meant by the Notary Professional Organization is an organization with a legal entity. As an organization that is a legal entity, the Indonesian Notary Association has a Articles of Association and Bylaws as an organizational constitution that determines how the Indonesian Notary Association will operate. This is in accordance with what has been stated in Article 82 paragraph (3) of the Law on Notary Position above, in the Articles of Association and Bylaws of the Indonesian Notary Association, which regulates the objectives, duties, powers, work procedures, and organizational structure.

Notary as a position that runs the legal profession is certainly expected to be able to have uniformity in how to work professionally and with noble character. This can be realized by the existence of a standard of behavior for notaries both in carrying out their duties and in carrying out daily life. From this condition, it is necessary to stipulate a Code of Ethics in the organization of the Indonesian Notary Association.

The code of ethics is an inseparable part of professional organizations and almost all

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19. *Ibid*, page. 63

professional organizations have their own code of ethics. At the Indonesian Notary Public Association, the code of conduct that is enforced has a different character from the code of ethics for other professional organizations because the code of ethics for the Indonesian Notary Public Association is explicitly stated in the Law on the Position of Notary Public. This provision can be seen in Article 83 of the Law on the Position of Notary Public which states:

1. Notary organizations establish and enforce the Notary Code of Ethics.
2. The Notary Organization has a member register and a copy of it is submitted to the Minister and the Supervisory Council.

The provisions in Article 83 paragraph (1) of the Law on the Position of Notary Public instructs Notary organizations, namely the Indonesian Notary Association, to establish and enforce a code of ethics. Historically, before the code of ethics was explicitly ordered in the notary office law, the Indonesian Notary Association had a code of ethics that was first decided in the Congress of the Indonesian Notary Association in Surabaya in 1974.<sup>20</sup>

Article 83 paragraph (1) of the Law on Notary Position mentioned above not only instructs the Indonesian Notary Association organization to establish a Code of Ethics but also to enforce the Code of Ethics. From the existence of this law order, the Indonesian Notary Association then formed an Honorary Council to enforce the Indonesian Notary Association's Code of Ethics.

The Notary Position Law order for Notary organizations to enforce the Code of Ethics will then be followed up through the Articles of Association of the Indonesian Notary Association. The Articles of Association of the Indonesian Notary Association were previously mentioned in Article 82 paragraph (4) of the Law on Notary Position.

In Article 12 paragraph (1) of the Articles of Association of the Indonesian Notary Association, it is stated that the Honorary Council represents the association in terms of fostering, supervising and imposing sanctions in enforcing the Code of Ethics. The position of the Honorary Council is further stated in Article 1 point 8 of the Indonesian Notary Association Code of Ethics which states:

"The Honorary Council is a tool of equipment for the Association which is formed and functions to uphold the Code of Ethics, the dignity of the Notary, which is independent and free from partiality, in carrying out its duties and authorities in the Association"

From the description that has been mentioned above, it can be concluded that the source of authority of the Honorary Council of the Indonesian Notary Public is obtained through a delegation of the Notary Office Law to enforce the code of ethics as ordered in Article 83 paragraph (1) of the Law on Notary Position. Regarding the authority of the Notary Honorary Council, it is stated in the Articles of Association, Bylaws and Code of Ethics of the Indonesian

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20. Pengurus Pusat Ikatan Notaris Indonesia, *100 Tahun Ikatan Notaris Indonesia: Jati Diri Notaris Indonesia Dulu, Sekarang Dan Di Masa Datang*, Gramedia Pustaka, Jakarta, 2008, page. 198

Notary Association. In Article 12 of the Articles of Association of the Indonesian Notary Association as a result of the Extraordinary Congress of the Indonesian Notary Association of Banten, 29-30 May 2015, it is stated that Dewan Kehormatan mempunyai tugas dan kewenangan untuk:

1. provide guidance, supervision, coaching of members in upholding and upholding the Notary Code of Ethics;
2. examine and make decisions on suspected violations of the provisions of the Notary Code of Ethics;
3. provide suggestions and opinions to the Supervisory Board and / or Notary Honorary Council on the alleged violation of the Notary Code of Ethics and the position of Notary Public;
4. coordinating, communicating, and dealing directly with members and parties related to the implementation and enforcement of the Notary Code of Ethics;
5. Making regulations in the framework of enforcing the Notary Code of Ethics together with the Central Management."

The authority of the Notary Honorary Council is also stated in Article 6 paragraph (3) of the Indonesian Notary Association's Code of Ethics which states that the Central Honorary Council has the authority to decide and impose sanctions on violations committed by ordinary members (of active Notaries) of the Association, against moral norms or behavior degrading the dignity of the Notary or actions that can reduce public confidence in the Notary.

As an effort to uphold the Code of Ethics, the Central Honorary Council together with the Central Board of the Indonesian Notary Association have the authority to make regulations that are realized through the PDKP INI. This regulation is an elaboration of the rules regarding code of conduct enforcement that have not been contained in the Indonesian Notary Association's Code of Ethics.

As a regulation that functions to enforce a code of ethics, the PDKP is binding on all people who carry out the position of a Notary. This is based on the provisions stated in Article 3 paragraph 11 of the Indonesian Notary Association's Code of Ethics which states that "Notaries and other people (as long as they carry out the position of Notary) are obliged to: Respect, comply with, implement the Rules and Decrees of the Association."

The obligation to comply with the Code of Ethics is also based on the oath of office pronounced by a notary before carrying out his / her job duties. The oath of office is regulated in the provisions of Article 4 of the Law on the Position of Notary Public. From this construction, it can be seen that the PDKP INI is also part of the Indonesian Notary Association's Code of Ethics so that it has binding power for Notaries and other people who are carrying out their duties as a Notary.

#### **4. Conclusion.**

The Central Honorary Council has the authority to limit the number of Notary deeds drafting because based on the Articles of Association of the Indonesian Notary Association it has been stated that the duties and powers of the Honorary Council are to enforce the Code of Ethics. In the Code of Ethics of the Indonesian Notary Association, it has been stated that Notaries and all people who carry out the Position of Notary Public are prohibited from making deeds in an unreasonable number. The making of the Deed in a fair amount is then followed up through the Regulation of the Honorary Council of the Indonesian Notary Association Number 1 of 2017.

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