
Notarial Practice and Article 2(1) PDKP INI 2017 Compliance in Malang Raya



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Abstract

PDKP INI No. 1/2017 is a regulation formulated by the Indonesian Notary Association (INI) that governs the limit of the reasonable number of deeds a Notary may execute in a single day. Article 2, paragraph (1) of the regulation stipulates a maximum of 20 (twenty) deeds per day. However, in practice, several Notaries in the Malang Raya region still exceed this threshold. This research aims to analyze the contributing factors behind these violations and the resulting legal consequences. Employing a socio-legal research method with a sociological-juridical approach, the study identifies legal factors, law enforcement, societal influences (including Notaries who exploit the regulation), and cultural considerations as primary causes of non-compliance. The consequences of these violations include the degradation of the deed's status into a private deed due to procedural irregularities, as well as professional sanctions imposed on the Notary. In response, it is recommended that the regulation concerning the maximum number of deeds executed daily by a Notary be revised to ensure clarity and effectiveness.

Keywords: Notary, PDKP INI No. 1/2017, Reasonable Limit, Deed Execution, Professional Sanction

INTRODUCTION

The Indonesian legal system adheres to the civil law tradition, founded on a strong constitutional basis as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia ((n.d.)), which affirms that Indonesia is a state governed by law. According to the Preamble of the Constitution, the formation of legal rules in Indonesia pursues four main objectives: to promote public welfare, to educate the nation, to contribute to world order based on peace and justice, and to achieve social justice. These aims align with the Pancasila, the nation's philosophical foundation, which is explicitly mentioned in the Preamble and outlines the values of belief in the One and Only God, just and civilized humanity, the unity of Indonesia, democracy guided by deliberation and representation, and the realization of social justice for all Indonesians.

Grounded in this constitutional and philosophical foundation, Pancasila and the 1945 Constitution are inseparable components of Indonesia's legal order, shaping the framework for government action and public policy. Legal protection in Indonesia may take a preventive form, such as statutory regulations and agreements. Agreements themselves can be either written or unwritten, with written agreements categorized further into authentic deeds and private deeds under Article 1867 of the Indonesian Civil Code ((n.d.)). One of the public officials authorized to create authentic deeds is a Notary.

Notaries operate under the authority granted by Law No. 30 of 2004 as amended by Law No. 2 of 2014 on the Position of Notary (). To prevent excessive workloads and ensure professional integrity in deed-making, the Indonesian Notary Association (INI)(Undang, 2009a) has issued a Code of Ethics. This Code governs notarial duties, prohibitions, and the sanctions applicable for violations. Notably, Article 4(14) of the 2015 Code of Ethics prohibits Notaries from executing more deeds than the reasonable number established by the Honorary Council of Notaries. This is further regulated in the Honorary Council Regulation No. 1/2017 (PDKP INI 1/2017), which specifically sets a cap on the number of deeds a Notary may execute per day.(Pasal 1 angka 1 Kode Etik Notaris Tahun 2015., n.d.)

PDKP INI 1/2017 is a regulation issued by INI, a professional body legally recognized as a legal entity (rechtspersoon) under Article 1(1) of the Notary Code of Ethics (2015). Although it holds legal weight within the notarial community, this regulation does not fall within the hierarchy of legislation as defined under Article 8(1) of Law No. 12 of 2011 on the Formation of Laws and Regulations, since it originates from a professional association rather than a state legislative body.(Undang-Undang Republik Indonesia Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan Dengan, 2011)

Article 2(1) of PDKP INI 1/2017 stipulates: "The reasonable limit for deed-making by a Notary as a member of the association is 20 (twenty) deeds per day." However, field data indicate that several Notaries in the Malang Raya region (comprising Malang City and Malang Regency) continue to produce more than 20 deeds daily. This occurs particularly in densely populated areas with high notarial service demands. The following table presents survey results compiled from the Regional Supervisory Council (Majelis Pengawas Daerah/MPD) of Malang City and Regency:

Table 1.
Notaries in Greater Malang who violated and did not violate PDKP INI Number 1 of 2017, according to the Regional Supervisory Council (MPD) of Malang City and Malang Regency.

No	Variable	F	%
1	Notaries violating PDKP INI 1/2017	88	25
2	Notaries complying with PDKP INI 1/2017	266	75
Amount		354	100

Source: Primary Data, Processed 2025

As seen above, 25% of Notaries in Malang Raya have exceeded the daily deed-making threshold. This reality raises questions regarding the feasibility and enforcement of such regulations. Notaries face the dual challenge of complying with professional standards while meeting public demand for legal services. The data suggest a discrepancy between the prescribed legal framework (Article 2(1) of PDKP INI 1/2017) and the actual practice of Notaries in the field.

Given this discrepancy, the present study aims to analyze the implementation of Article 2(1) of PDKP INI 1/2017 in the Malang Raya region by examining the extent of adherence and the underlying factors that lead to non-compliance.

REVIEW OF LITERATURE

The Notary Profession in the Indonesian Legal System

A notary is a public official authorized by the state to draw up authentic deeds, as stipulated under Law Number 2 of 2014 concerning the Position of Notary. The notary's role is essential in ensuring legal certainty and protection in private civil transactions. As stated by Riswadi & Rufina Situngkir (2024), notaries do not merely serve an administrative function, but act as strategic legal actors in safeguarding legal order in modern civil society.

Professional Code of Ethics and Internal Regulation

In addition to statutory law, notaries are also subject to the Notarial Code of Ethics issued by the Indonesian Notary Association (INI). One key provision is PDKP INI No. 1 of 2017, which limits the number of deeds that may be executed to a maximum of twenty per day. Adinugraha, Sudarwanto, & Amiruddin (2018) argue that this regulation is ethical in nature rather than legally binding, thereby rendering it ineffective in practice, as many notaries circumvent it on the grounds of client demand and operational efficiency.

Violations of the Deed Limit Provision

Setyabudi (2020) affirms that the failure to read a deed aloud before the appearers or the excessive production of deeds without proper procedure reduces the deed's legal force from an authentic deed to a private deed, thereby violating the formal requirements set forth in Article 16 of the Notary Law. Similarly, Christy Chandra & Tjempaka (2024) emphasize that such procedural violations may constitute unlawful acts, exposing the notary to civil liability if the deed does not reflect the will of the parties and is not executed in their presence.

Unhealthy Competition and a Culture of Non-Compliance

According to Kusuma Prihayuningtyas & Silviana (2023), violations of ethical standards often stem from unhealthy competition among notaries. In the absence of effective enforcement mechanisms, ethical norms are often perceived as ceremonial rather than binding, which contributes to a culture of widespread procedural violations, particularly in regions with high transactional demand.

Socioeconomic Drivers of Non-Compliance

Economic incentives and operational cost pressures are significant factors underlying these violations. N Saly et al. (2023) observe that in order to sustain office expenses and staff salaries, some notaries are driven to engage in high-volume deed production while neglecting procedural integrity and ethical obligations. The absence of effective oversight mechanisms further allows such conduct to persist unchecked.

Regulatory Enforcement and Reform Proposals

Both Adinugraha et al. (2018) and Christy Chandra & Tjempaka (2024) recommend the formal integration of ethical provisions like PDKP INI into statutory law, such as the Notary Law, to elevate their legal authority. At present, these rules lack statutory recognition and therefore fail to produce binding legal consequences. Strengthening institutional oversight and embedding ethical norms within national legislation is essential to restore the probity and trustworthiness of the notarial profession.

RESEARCH METHOD

This study employed a socio-legal research method, combining legal norms with empirical field data. The research approach used was sociological juridical, aimed at examining the implementation of notarial regulations in practice. The research was conducted in Malang City and Malang Regency (Malang Raya), areas known for their rapid economic and business development, which consequently increases the demand for notarial services in private law matters.

Primary data were collected through interviews, while secondary data were obtained from processed materials such as books, journals, statutes, and other legal documents. The sampling technique used was purposive sampling, targeting specific respondents including the Regional Supervisory Council (Majelis Pengawas Daerah) of Malang City and Regency, the Regional Honorary Council (Dewan Kehormatan Daerah) of Malang Raya, and active Notaries in both jurisdictions.

The collected data were analyzed using qualitative descriptive analysis techniques, allowing for interpretation of legal and empirical findings without the application of complex statistical models.

RESULTS AND DISCUSSION

Notaries in Indonesia are granted the authority as public officials with a pivotal role in ensuring legal certainty through the drafting of authentic deeds, as stipulated in Article 15 paragraph (1) of the Notary Law (UUJN). For a deed to be classified as authentic, notaries must read it aloud before the parties and witnesses (*verleijden*), in accordance with Article 16 paragraph (1) letter m of the UUJN. To ensure that this authority is exercised reasonably,

the Central Honorary Council of the Indonesian Notary Association (DKP INI) issued Regulation Number 1 of 2017 (PDKP INI), limiting the number of notarial deeds to a maximum of 20 per day (Undang, 2009b).

The rationale behind this limitation was explained by Ms. Ismi from the DKP INI, who emphasized that bypassing the deed-reading process may result in the deed losing its evidentiary strength, reducing it to the status of a private deed (Multazam & Purwaningsih, 2018). Such violations not only carry legal implications but also tarnish the professional image of notaries. The regulation was also a response to previous malpractice involving fiduciary deeds being produced in large quantities without adequate authentication, with some deed minutes even being prepared by external institutions rather than by the notaries themselves ('Interview with Ismiati Dwi Rahayu, S.H., Sp.N., Member of the Central Honorary Council, March 21, 2025.', n.d.).

The limit of 20 deeds per day was based on a practical calculation of a notary's working hours—eight hours per day, excluding rest periods. Under this schedule, one deed requires approximately 19.5 to 24 minutes to complete, depending on the rest time and complexity of the document. The process includes document verification, client consultation, deed reading, and signing, and may take up to 30 minutes per deed. In practice, however, several notaries in Malang continue to exceed this limit, indicating the ineffectiveness of Article 2 paragraph (1) of PDKP INI.

According to Soerjono Soekanto's theory of legal effectiveness, a legal rule can be considered effective when it is implemented in practice and adhered to by its subjects. Based on this theory, five key factors explain the continuing violations: legal norms, law enforcement, infrastructure, community, and culture.

i) Legal Norms

PDKP INI is issued by a professional organization and therefore does not fall within the formal legislative hierarchy as outlined in Law No. 12 of 2011. Its normative authority is relatively weak. Furthermore (Dr. MD. Shodiq, S.H., 2023), Article 2 paragraph (2) opens space for ambiguity, especially with phrases such as "interrelated deeds," which are not explicitly defined. This leads to subjective interpretation by notaries. As the sanctions are merely administrative and social—without any binding penal consequences—the regulation aligns more with a moral norm rather than a formal legal norm (6 Kode Etik Notaris, 2015, n.d.).

ii) Law Enforcement

Regulatory enforcement lies with the DKD and MPD. However, DKD Malang Raya lacks direct authority to inspect notaries and relies instead on coordination. The MPD, despite holding formal authority, is reported to have issued only verbal warnings without taking firm disciplinary actions. The absence of legal repercussions reduces the deterrent effect and contributes to recurring violations (1 angka 8 Kode Etik Notaris, 2015, n.d.).

iii) Infrastructure

No significant obstacles were identified in terms of infrastructure. The DKD and MPD possess the tools necessary for supervision, and the regulation is accessible online and has been disseminated to all notaries. Thus, this factor does not significantly contribute to the violations.

iv) Community (Notaries)

Notaries themselves are critical to implementing the regulation effectively. A survey of 72 notaries in Malang showed full awareness of the regulation, but a majority (52.78%) considered it non-essential. Many believed that the deed limit hinders efficiency and service delivery. This indicates a professional culture resistant to regulatory restraint and a preference for productivity over procedural integrity.

Figure 2. Perceived Urgency of PDKP INI No. 1/2017 Among Notaries

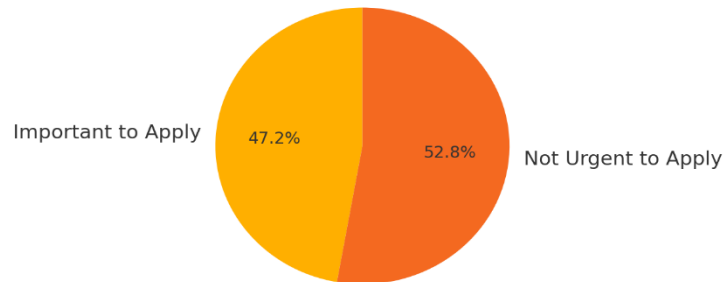


Figure 1.
Perceived Urgency of PDKP INI No. 1/2017 Among Notaries
Source: Primary Data, Processed 2025

v) Cultural Factors

Cultural dynamics reveal internal and external pressures on the profession, including economic demands and established habits. A culture of non-compliance, combined with negative perceptions of the regulation and financial incentives, drives notaries to continue exceeding the limit. While notaries are expected to uphold Pancasila values, such as justice and order, these ideals have not been fully internalized in professional conduct (Lutfi, 2016).

The violation of Article 2 paragraph (1) of the Regulation of the Central Honorary Council of the Indonesian Notary Association (PDKP INI) Number 1 of 2017 concerning the Reasonable Limit on the Number of Deeds per Day by notaries in Malang City and Regency has caused significant consequences, both for the authenticity and legal force of the deed, as well as for the notary as a professional figure. These impacts may be categorized into two dimensions: the implications for the deed and the repercussions for the notary.

Deeds produced by notaries function as authentic evidence, provided that they comply with material requirements as set forth in Article 1320 of the Indonesian Civil Code and formal requirements stipulated in the Notary Law (UUJN), including Article 38, Article 39 paragraph (2), and Article 16 paragraph (1) letter m. When notaries exceed the reasonable number of deeds in a single day, there arises a substantial risk that these formalities are not properly fulfilled.

Supervisory officials interviewed for this research disclosed that some notaries in Malang regularly produce between 500 to 1,500 deeds per month, equating to an average of 57 to 58 deeds daily. In more extreme cases, particularly in Malang Regency, some notaries draft up to 600 deeds weekly. This translates to approximately 100 deeds per day, reducing the average time spent per deed to less than nine minutes. Such timeframes are insufficient even for the simplest notarial acts (Interview with Dr. Hj. Diah Aju Wisnuwardhani, S.H.,

M.Hum., Member of the Regional Supervisory Council (MPD) of Malang City, February 12, 2025.', n.d.).

According to members of the DKP INI, the ideal preparation time for one deed—including document verification, reading, and execution—ranges between 15 and 30 minutes. Therefore, excessive production suggests the possibility of bypassing the verbal reading procedure (*verleijden*) (Multazam & Purwaningsih, 2018), which is essential for the deed to be considered authentic under Indonesian notarial law.

Further concerns arise when the time stated in the deed does not correspond with the actual events. For instance, a notary may list a ten-minute interval between two deeds, despite both being signed well outside this frame. One notary admitted to this practice, noting that when facing high volumes, he adjusts the timestamps accordingly. This manipulation poses a serious threat to legal certainty, as the deed no longer reflects actual legal facts.

From the perspective of legal certainty theory, as emphasized in Article 15 of the UUJN, notarial deeds must guarantee formal and material truth. Discrepancies in the timestamp compromise this function and may reduce the deed's status to that of a private deed, as reflected in Article 16, paragraph (9) of the UUJN. Even though Article 16 paragraph (7) permits exceptions to the reading requirement, paragraph (8) affirms that key parts—such as the preamble, parties' identity, the main provisions, and conclusion—must still be read aloud.

The brief time allocated for deed production, ranging from 4 to 8 minutes, clearly undermines these requirements. Deeds executed under such conditions risk invalidation if challenged in court. As Ms. Fairi stated ('Interview with Mrs. Fairial Fatimah, S.H., M.Kn., Member of the Regional Supervisory Council (MPD) of Malang Regency, January 24, 2025.', n.d.), deeds that fail to reflect the actual presence of parties or that are processed in implausibly short timeframes cannot be considered legally valid. One example includes the incorporation of a limited liability company, comprising dozens of pages, yet reported to be finalized in ten minutes.

The cumulative result of these violations is the potential degradation of the notarial deed to a mere private instrument, which holds significantly weaker evidentiary force and can be contested more easily (Elvina, 2020). Therefore, the breach of the reasonable deed limit severely affects the authenticity, validity, and legal certainty of the notarial instrument.

As for the notary, violations of Article 2, paragraph (1) of PDKP INI may trigger disciplinary measures under Article 6 of the 2015 Notary Code of Ethics. Sanctions range from verbal reprimands to temporary suspension or dismissal from the notary association. However, enforcement in the Malang region remains ineffective. The regional honorary council (DKD) lacks the authority to directly inspect notaries and instead relies on reports from the Regional Supervisory Council (MPD). In practice, penalties are limited to oral warnings, and even when complaints are escalated to the Ministry of Law and Human Rights (Kanwil Kemenkumham) (Pasal 1 angka 7 Peraturan Menteri Hukum dan HAM Nomor 19 Tahun 2019 tentang Syarat dan Tata Cara Pengangkatan, Cuti, Perpindahan, Pemberhentian, dan Perpanjangan Masa jabatan Notaris., n.d.), no meaningful action has followed.

Ambiguities in the substance of Article 2, paragraph (2) of PDKP INI further complicate enforcement. The clause permits notaries to exceed the daily deed limit if the deeds are "interrelated," but does not define what qualifies as such. This ambiguity hinders supervisory bodies from objectively determining whether a violation has occurred.

According to law enforcement theory (Rahardjo, 2009), effective legal application requires a coherent alignment between normative clarity, competent enforcement, and compliance by legal subjects. When rules are vague and oversight is weak, deterrence fails. Some notaries even perceive the regulation as a mere ethical suggestion rather than a binding legal norm.

From the lens of progressive legal theory proposed by Satjipto Rahardjo, law should evolve to reflect societal realities and should not merely function as a tool of control. PDKP INI must thus be revised to be more practical (Arief, 2014), enforceable, and integrated within the formal legal framework of the notarial profession.

Concrete recommendations for reform include the incorporation of the deed limit into the body of the Notary Law to provide it with stronger legal authority. Additionally, supervisory structures should be reinforced by integrating DKP members into MPD mechanisms to ensure more direct and authoritative oversight. The wording of Article 2, paragraph (2) should be reformulated to permit exceptions only for inseparable legal acts. Finally, the concept of “appropriateness and propriety” must be clearly defined to reflect the notary’s good faith and compliance with professional and legal norms. These revisions would help reduce future violations, preserve the integrity of notarial deeds, and restore public confidence in the notary’s role as a guarantor of legal certainty.

Another factor contributing to the violation of Article 2, paragraph (1) of PDKP INI Number 1 of 2017 is the economic pressure faced by notaries in maintaining operational costs. With rising expenses related to office space, staff salaries, administrative infrastructure, and digital systems, notaries often resort to high-volume deed production as a means to ensure financial sustainability. This economic motivation, while understandable, must be balanced against the imperative to uphold legal standards and ethical norms.

The situation is further exacerbated by the lack of public complaints or legal consequences. Many parties engaging notarial services remain unaware of the required formalities or the significance of the reading process. As such, even when notaries deviate from procedure, few clients initiate legal redress. This absence of external accountability enables continued breaches and fosters a culture of impunity (Rahardjo, 2010). It is also important to acknowledge the role of institutional inertia. Although the Indonesian Notary Association (INI) has established PDKP INI as a professional ethical framework, its normative character remains weak in the absence of integration into statutory law. As long as the regulation lacks binding force equivalent to legislation, many notaries may view it as optional rather than obligatory. This perception undermines the standardization of professional conduct across jurisdictions.

A comparative approach may be useful to understand the gravity of this issue. In several civil law jurisdictions such as the Netherlands, Belgium, and Germany, the formal authenticity of notarial deeds is stringently regulated, and violations may result in the invalidation of deeds or revocation of licenses. By contrast, Indonesia's current regulatory framework provides limited institutional mechanisms to address mass production of deeds, leaving significant gaps in enforcement and deterrence. Another area of concern is the absence of periodic performance reviews or workload assessments for notaries. Unlike other regulated professions, there are no standardized thresholds or auditing mechanisms to monitor daily deed production on a real-time basis. Such mechanisms could serve as an early warning system for potential breaches, allowing intervention before systemic violations occur.

In addition, the vague and overlapping language used in PDKP INI—particularly in Article 2 paragraph (2)—invites discretionary interpretation. Without clear definitional parameters for "related legal acts," notaries are free to justify excessive output under the guise of procedural linkage. This opens a legal loophole that is difficult for enforcement bodies to close without further legislative clarification.

Ultimately, the proliferation of deeds beyond reasonable daily limits does not merely represent a procedural irregularity; it constitutes a substantive threat to the reliability of notarial instruments as a cornerstone of legal certainty in civil transactions. Deeds that fail to adhere to authentic formalities may be rejected as evidence in court, thereby disadvantaging parties who relied in good faith on their presumed validity. Reaffirming the social function of the notary, as a neutral and impartial officer entrusted with public confidence, is crucial. Legal reforms must be accompanied by stronger professional education, internal accountability, and a shift in occupational culture—away from quantity-driven practices toward quality-centered service. Notaries must be reminded that legal certainty, not numerical productivity, is the measure of their public value.

In light of the above discussion, it is evident that violations of Article 2, paragraph (1) of PDKP INI Number 1 of 2017 by notaries in the City and Regency of Malang are not merely quantitative issues, but rather implicate the substantive integrity and legal authenticity of notarial deeds. Such practices undermine not only the evidentiary strength of notarial deeds but also public trust in the notarial profession as a safeguard of legal certainty. The absence of stringent sanctions, weak supervisory mechanisms, and ambiguous regulatory language has further exacerbated this issue. Accordingly, regulatory reform, institutional strengthening of supervisory bodies, and the revitalization of notarial ethics are imperative to ensure that the role of notaries within Indonesia's legal framework is exercised with accountability, professionalism, and justice.

CONCLUSION

This research concludes that the persistent violations of Article 2 paragraph (1) of the Regulation of the Honorary Council of the Indonesian Notary Association (PDKP INI) Number 1 of 2017 by notaries in Malang City and Regency are rooted in a combination of normative, institutional, and sociocultural deficiencies. Although the regulation stipulates a reasonable maximum of twenty authentic deeds per day to ensure proper verification, accurate readings, and the authenticity of each notarial act, its practical enforcement remains weak. From a legal standpoint, the regulation lacks a strong juridical position as it does not form part of the national regulatory hierarchy and is classified as a moral norm rather than a legally binding rule. This structural weakness is exacerbated by ambiguous language in Article 2 paragraph (2), which opens space for multiple interpretations regarding exceptions, thereby reducing the regulatory clarity and effectiveness of the provision. Institutional enforcement is equally limited. The Regional Honorary Council (DKD) does not possess direct investigatory authority, and while the Regional Supervisory Council (MPD) conducts annual reviews and can issue warnings, there is a lack of follow-up and definitive sanctions from the Ministry of Law and Human Rights. The failure to escalate violations beyond mere oral warnings undermines the deterrent function of legal supervision.

In addition, this study reveals that many notaries continue to view the rule as a soft guideline rather than a binding professional obligation, thus prioritizing quantity over

procedural integrity. Cultural and economic pressures—including client demand, operational costs, and long-standing informal practices—contribute to a professional environment where deviations from procedural norms are normalized. The result is not only a decline in procedural compliance but also a degradation of the legal force of notarial deeds themselves. When notarial deeds are produced in excessive quantities without proper readings, time verification, or compliance with statutory procedures, they risk being downgraded to private deeds with diminished evidentiary value. This undermines the very function of the notary as a public official who guarantees legal certainty in civil transactions.

Ultimately, the research affirms the urgent need to revise the existing regulatory framework in accordance with the principles of progressive legal theory. The rule should be integrated into formal statutory law—such as the Notary Office Law (UUJN)—to strengthen its legal force and ensure it becomes part of the binding legal system. Clearer definitions and limitations must be adopted to eliminate interpretive loopholes, and oversight mechanisms must be restructured to allow for more assertive and independent enforcement. By improving regulatory clarity, legal status, and institutional capacity, the profession of notary can better uphold its role as a guardian of legality and a provider of public trust in civil legal acts. These improvements are essential not only for the protection of the parties involved in notarial transactions but also for preserving the professional integrity and public accountability of notaries in Indonesia.

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