Effectiveness of Notary Ethical Sanctions Against Violations of the Ethical Code by Notaries in Banyumas District

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Abstract

Notaries as public officials must obey all moral methods that have lived and developed in society. The code of ethics of a notary profession is all moral rules determined by the Indonesian Association of Notaries. The notary code of ethics applies and must be obeyed by each and every member of the association and all those who carry out their office as notaries. Supervision of the implementation of the code of conduct is carried out by the Notary Honorary Board. The purpose of this study is to analyze the effectiveness of notary ethical sanctions against violations of the code of ethics by notaries in Banyumas Regency and examine the things that are obstacles to the application of the notary code of ethics in Banyumas Regency. The method used in this research is the sociological-juridical method, analyzed deductively. The results showed that the effectiveness of a notary code of ethics in the form of a warning and warning could not be effectively addressed in Banyumas District, a notary code of ethics would be more effective if the notary honor board of the Banyumas Regency applied more methods of determining sanctions against violations of a notary code of ethics as mentioned in article 6 paragraph 2 concerning the determination of the quality and quantity of notary code of ethics, if once a violation can be said to be the quality of a serious offense, the honorary council should be able to determine strict sanctions without having to go through the order of the code of ethics sanctions, and things that become obstacles to the application of the code of ethics sanctions notary in Banyumas Regency, is a factor of law enforcement that is the absence of an agreement between the Supervisory Board and Professional Organizations with the tools of the Honorary Council. As well as facilities and infrastructure factors, namely the absence of infrastructure and facilities of the Honorary Council in Bayumas Regency, because without certain facilities and facilities, it is not possible to enforce the law properly.

Keywords: Notary Public, Notary Ethics Code, Sanctions, Honorary Board.

Abstrak

Notaris sebagai pejabat umum harus mematuhi seluruh kaedah moral yang telah hidup dan berkembang di masyarakat. Kode etik profesi notaris adalah seluruh kaedah moral yang ditentukan oleh Perkumpulan Ikatan Notaris Indonesia. Kode etik notaris berlaku dan wajib ditaati oleh setiap dan semua anggota perkumpulan dan semua orang yang menjalankan tugas jabatan sebagai notaris. Pengawasan atas pelaksanaan kode etik itu dilakukan oleh Dewan Kehormatan Notaris. Tujuan penelitian adalah menganalisis efektivitas sanksi etik notaris terhadap pelanggaran kode etik oleh notaris di Kabupaten Banyumas dan mengkaji Hal-hal yang menjadi penghambat penerapan sanksi kode etik notaris di Kabupaten Banyumas. Metode yang digunakan dalam penelitian ini adalah metode juridis-sosiologis, dianalisis secara deduktif. Hasil penelitian menunjukkan bahwa Efektivitas sanksi kode etik notaris berupa sanksi teguran dan peringatan tidak dapat dikatakan efektif di Kabupaten Banyumas, sanksi kode etik notaris akan lebih efektif apabila dewan kehormatan notaris daerah Kabupaten Banyumas lebih menerapkan cara menentukan sanksi terhadap pelanggaran kode etik notaris sebagaimana disebutkan pada pasal 6 ayat 2 tentang penentuan kualitas dan kuantitas sanksi kode etik notaris, apabila sekali pelanggaran dapat dikatakan kualitas pelanggaran berat maka dewan kehormatan seharusnya dapat menentukan sanksi yang tegas tanpa harus melalui tata urutan sanksi kode etik, dan hal-hal yang menjadi penghambat penerapan sanksi kode etik notaris di Kabupaten Banyumas, adalah faktor penegakan hukum yaitu tidak adanya agreement antara Majelis Pengawas dan Organisasi Profesi dengan alat perkumpulan Dewan Kehormatan. Serta faktor sarana dan prasarana yaitu tidak adanya prasarana dan fasilitas Dewan Kehormatan di Kabupaten Banyumas, karena tanpa adanya sarana dan fasilitas tertentu, maka tidak mungkin penegakan hukum akan berlangsung dengan baik.

Kata Kunci: Notaris, Kode Etik Notaris, Sanksi, Dewan Kehormatan.
Introduction

Notaries in carrying out their professions not only carry out the work mandated by law but cover a wider area of what is outlined in the law. The Notaries perform a very important social function, which covers the wider field of the office that is actually mandated to him. Article 15 paragraph (1) of Law No. 2 of 2014 on Notary Department, states that:

Notaries are authorized to make an authentic Deed concerning all acts, agreements, and determinations required by the laws and/or regulations required by the interested to be stated in the authentic Deed, guaranteeing certainty of the date of creation of the Act, storing the Deed, providing Grosse, copies, and quotations of the Act, all of which as long as the creation of the Act is not also assigned or excluded to other officials or others stipulated by law”.

A Notary is a position of trust given by law and society, for which a Notary is responsible for exercising the trust given to him by always upholding the ethics of the law and the dignity and nobility of his office, for if it is ignored by a Notary it will be harmful to the general public he serves (Yudara, 2005).

The role and authority of notaries are very important for legal traffic in the community, therefore the Notary should be able to carry out his profession professionally, dedicated, and always uphold his dignity and dignity by enforcing the Notary code of conduct.

The code of conduct aims for a profession to be professionally run with motivation and orientation to intellectual skills and to argue rationally and critically and uphold moral values. In order to protect the interests of the general public and ensure the implementation of notary positions entrusted by the law and society in general, the legal arrangement regarding the supervision of the implementation of notary positions is very appropriate, because in carrying out his office mandated by law but also serves as a legal service that covers a very wide field. With the code of conduct of public interest that will be guaranteed so as to strengthen the public trust (Sulistiyono, 2009).

The code of conduct for notaries has been regulated both in Staatsblad 1860 Number 3 and in Article 89 of the Notary Department Law No. 30 of 2004 on the Notary Department and its sanctions. In conducting supervision of notaries as referred to in Article 67 paragraph (1) of Law No. 2 of 2014 on notary positions, ministers form a Supervisory Assembly consisting of the Central Supervisory
Effectiveness of Notary Ethical Sanctions...

Rini Andriati Siswoyo

Assembly, the Regional Supervisory Assembly, and the Regional Supervisory Assembly which at each level of the assembly consists of elements;

1. Government of 3 (three) people;
2. Notary Organization of 3 (three) people
3. Experts/academics as many as 3 (three) people

As for the description that governs the supervision, suppression, and defense for a notary has been compiled by the organization of the Indonesian Notary Association.

The implementation of the code of conduct in addition to being supervised by the supervisory panel as determined by the law is also supervised by the Notary Honorary Council as an independent body or institution and free from impartiality in the association of the Indonesian Notary Association, consisting of the Honorary Council of the Central Notary, the Honorary Council of regional notaries and the Honorary Council of Regional Notaries. The Indonesian Notary Association (INI) as a gathering of organizations for notaries has a very important role in enforcing the implementation of the professional code of conduct for notaries.

The code of conduct is all moral rules determined by the Association of Indonesian Notary Associations. The notary code of conduct applies and must be adhered to by any and all members of the association and all persons who perform the duties of the position as notaries, including notary Issued Officers, Substitute Notaries, and Special Substitute Notaries. Supervision of the implementation of the code of conduct is carried out in the following ways: (Priambodo, 2007)

1. At the first level by the Regional Administrator of the Indonesian Notary Association and the Honorary Council of Regional Notaries;
2. At the level of appeal by the Regional Administrator of the Indonesian Notary Association and the Honorary Council of Regional Notaries;
3. At the last level by the Central Administrator of the Indonesian Notary Association and the Honorary Board of the Central Notary.

The Notary Honorary Board which has the primary duty to supervise the implementation of the code of conduct is not only for the benefit of the notary itself, who has ties to the supervision carried out by the Supervisory Assembly which has been determined by law. However, it should be noted that the Notary Honorary Council in carrying out its duties and authority is not separated from the provisions, whether related to the organization of the Indonesian Notary Association or the Law of the Notary Department. Supervision of notaries not only applies in the case of a notary ignoring the nobility and dignity or duties of his office or committing a violation of the general rules or committing other errors in running his office as a notary.
Based on the Articles of Association of Indonesian Notaries Article 12, the Notary Honorary Council is a tool of the association consisting of several members chosen from ordinary members and notary members, who are highly dedicated and loyal to the association, have a good personality, intelligent, and wise, so as to be role models for members and appointed by congress for the same tenure as the term of management. Based on article 12 number (2) the Articles of Association of the Indonesian Notary Association of the Notary Council of Notaries are authorized to:

1. Conduct guidance, supervision, coaching of members in enforcement and uphold the notary code of conduct.
2. Check and make decisions on alleged violations of the provisions of the notary code of conduct.
3. Advice and advise the Board of Trustees and/or the Notary Honorary Assembly on alleged violations of the Notary code of conduct and notary positions.
4. Coordinate, communicate and connect directly to members and parties directly related to the implementation and enforcement of the notary code of conduct.
5. Make regulations in order to enforce the notary code of conduct together with the central administrator.

Article 6 of the Notary Code of Conduct also explains that the Honorary Council of central notaries is authorized to provide recommendations along with the proposed dismissal as a Notary to the Minister of Law and Human Rights of the Republic of Indonesia. Therefore, it is very important for notaries to be able to better understand the extent to which the act can be said to be a violation of the code of conduct, how the role of Indonesian Notary Association organizations/associations in providing guidance to notaries so as not to cause harm to the notary and the communities it serves. The author conducted pre-research to obtain more information about the Notary Honorary Council of Banyumas Regency (hereby called DKD Banyumas), in an effort to improve and maintain the dignity of notary positions, formed the Regional Honorary Council of Banyumas Regency on Friday, January 6, 2017, DKD Banyumas has dropped a reprimand against a notary in Banyumas district for violating the code of conduct for the installation of notary signatures that are known not to carry out their positions in Banyumas Regency but are known notary to carry out their positions in Semarang City (Cecep, 2019).

Based on the background above the author is interested in writing a scientific paper in the form of a Thesis entitled "Effectiveness of Notary Ethics
Sanctions Against Violations of The Code of Conduct by Notaries in Banyumas Regency”.

Research Problem

Based on the background of the above problems, the problems that will be reviewed in this study can be formulated as follows:

1. How is the effectiveness of notary ethics sanctions against violations of the code of conduct by notaries in Banyumas Regency?
2. What are the things that are inhibiting the implementation of the notary code of conduct sanctions in Banyumas Regency?

Research Methods

The method used in this study is a juridical-sociological method. Juridical approach (the law is seen as the norm or watershed sollen). Sociological approach (law as a social reality, cultural or watershed), while the empirical approach is used to analyze the laws seen in the implementation of field sanctions. The data used in this study is secondary data and primary data as a complement to secondary data. While the data analysis technique used is deductive.

Discussion

1. Effectiveness of notary ethics sanctions against violations of the code of conduct by notaries in the Banyumas Regency.

A Notary is a work that has special expertise that demands extensive knowledge, as well as a heavy responsibility to serve the public interest and the core task of a notary is to arrange in writing and authentic legal relationships between parties who are consensually requesting notary services, in carrying out the duties of his profession a notary must have steady moral integrity, to be honest, not only to his clients as well as to himself. The notary must know the limits of his authority and the Notary must abide by the prevailing provisions of the law on how far he can act and what he can and what should not be done. Although one's expertise can be utilized as a straightforward effort to earn money, in carrying out his professional duties he is not solely driven by the consideration of money.

A Pancasila notary must stick to an in the real sense of justice. Notaries in carrying out their positions in addition to referring to the Law of notary departments must also behave by the ethics of the profession. Professional ethics is an ethical attitude that is required to be fulfilled by professionals in
carrying their profession, the ethics of the profession vary according to the field of expertise. Professional ethics is formally embodied in a code of conduct. The basis for the establishment of the Notary Code of Conduct is Law No. 30 of 2004 Junto Law No. 02 of 2014 on notary departments, as well as rules, norms, or rules of life that have existed or were mutually agreed upon by individuals in the association.

The purpose of the notary code of conduct is to prevent violations of moral rules for notaries in carrying out their duties, while the law of notary office governs the procedure of carrying out the duties of his office. The Indonesian Notary Association (INI) is a professional organization of Indonesian notaries, which has a Board called the Honorary Council established to oversee the implementation of the notary code of conduct to make members better maintain moral nobility and honesty, to increase public confidence in notaries.

Considering as a general office is authorized to make an authentic deed which is a perfect proof tool. The Indonesian Notary Association (INI) to maintain the honor and dignity of notary positions, has a notary code of conduct established by the congress and is a moral rule that must be adhered to by every member of the INI and all persons who carry out their duties as Notaries, including Notary Issued Officers, Surrogate Notaries, and Special Substitute Notaries. This Code of Conduct applies to all members of the association as well as others who hold and perform notary positions, both in the implementation of the office and in daily life. The Honorary Council is an organ of THIS equipment. The Honorary Council is authorized to conduct checks for violations of the code of conduct and impose sanctions on its violators by its authority. The duties of the Honorary Board include conducting the construction, guidance, supervision, improvement, examining and making decisions on the expected budgeting of the provisions of the notary code of conduct in article 1 paragraph 8, which is internal and provides advice and opinions to the Board of Trustees for alleged violations of the code of conduct and notary Department. The Honorary Council is divided into the Regional Honorary Council (at the first level) of the Regional Honorary Council (at the appeal level) of the Central Honorary Council (at the last level). For Notaries who commit violations of the Code of Conduct, the Honorary Board coordinates with the Board of Trustees authorized to examine the violation and may impose Civil or Administrative sanctions on its violations, administrative sanctions imposed against members of the Indonesian Notary Association (INI) who commit violations of the Code of Conduct may be:
a) Reprimand;
b) Warning;
c) Schorzing (temporary termination) of sorority membership;
d) Onzetting (respectful dismissal) of a member of the association;
e) Disrespectful dismissal of the membership of the association.

A sanctioned notary may object to the sanction, the efforts that can be made by a Notary who is convicted of a violation of the Code of Conduct:
a) The examination and lifting of sanctions at the first level of the Regional Honorary Council is an autonomous body in making decisions that have the duty and obligation to provide guidance and supervise the implementation and supervision of the code of conduct by the members of the associations in their respective regions. If any member is suspected of a violation of the code of conduct, either the allegation is based on the knowledge of the Regional Honorary Council itself or because of a report from the Regional Administrator or any other party, then no later than 7 (seven) working days of the Regional Honorary Council shall immediately hold a hearing to discuss the alleged violations, if in the verdict of the regional honorary council is found to be a violation of the code of conduct, then the court at the same time determines the sanctions for its violations. The verdict of the Regional Honorary Council shall be sent to the infringing member by transgression to the Branch Board, The Regional Administrator, the Central Board, and the Central Honorary Board all within seven business days after the verdict of the Regional Honorary God. Reprimand and warning sanctions by the Regional Honorary Council are not obliged to consult with the Regional Board.
b) Examination and sentencing at the appeal level of the Examination and sentencing at the appeal level are carried out by the Honorary Council of the Territory. Decisions containing schorsing or onzetting of sorority membership may be appealed to the Regional Honorary Council, within 30 (thirty) business days after the date of receipt of the letter of award of sanctions from the Regional Honorary Council with a copy to the Central Honorary Council, Regional Management and Regional Administrator. The Honorary Board of the Territory shall give its verdict and send its verdict to the members who appeal and pass to the Regional Honorary Council, Regional Administrator, Regional Administrator, and Central Administrator of the Central Indonesian Notary Association, all of these within 7 (seven) business days after the session of the Regional Honorary Council to hand down its decision on the appeal. If the examination and
sentencing in the first level have been carried out by the Regional Honorary Council, since at the level of regional management in question has not been established the Regional Honorary Council, then the decision of the Honorary Council of the Territory is the decision of the level of appeal.

c) Examination and sentencing at the last level of the Award containing the provision of schorsing or onzetting of the membership of the association conducted by the Honorary Council of the Territory may be submitted/requested at the last level to the Central Honorary Council, within 30 (thirty) business days after the date of receipt of the letter of sanction from the Regional Honorary Council and its translucent to the Regional Honorary Council, Central Administrator, Regional Administrator and Regional Administrator. The Central Honorary Council is obliged to deliver a verdict in the final examination through its hearing. The decision stipulated by the Regional Honorary Council, the Regional Honorary Council, and by the Central Honorary Council is carried out by the Regional Administrator. The Regional Board shall record in the book of members of the association that is in the Regional Board of Directors for any decision stipulated by the Regional Honorary Council, the Regional Honorary Council, and/or the Central Honorary Council regarding the case of the code of conduct as well as the name of the member concerned. The imposing of sanctions as described above in the face of a Notary who violated the code of conduct is not dismissal from the Notary Department but rather the dismissal of the membership of the Indonesian Notary Association (INI) so that even if the Notary in question has been proven to be a violation of the code of conduct, the Notary can still make a deed and exercise other authority as a Notary. Likewise, the Notary who is sanctioned for disrespecting the membership of the Indonesian Notary Association (INI), the Notary can still make a deed and carry out his position as a Notary, because the sanction does not mean that the Notary is immediately dismissed from his position because only the Minister is authorized to fire the Notary from his Office.

Based on the results of research into the effectiveness of sanctions of the notary code of conduct there is an inequality of opinion between the results of interviews with the honorary board and notaries, if it is said to be effective by measuring on violations that look like in Banyumas district, the results of interviews with honorary board chairman Cecep Machron Dani, about violations of the creation of signboards that have violated article 4 paragraph 1 of the notary code of conduct by making signatic planks in Purwokerto,
however, the office activity in Semarang, it has been reprimanded, commemorated and fulfilled, as in the procedure of the honorary council in the regulation of the honorary council number 4 of 2017 on the imposition of sanctions against violations of the notary code of conduct in article 3 and article 4 of the notary code of conduct, and further until now 2019 there has been no violation of the notary code of conduct (Cecep, 2019).

Warning/reprimand sanctions are the lightest administrative sanctions and are usually the initial stage before heading to the next level of administrative sanctions, as administrative sanctions can usually be applied in a tiered way. That is, to apply severe administrative sanctions that are carried out in a tiered way starting with the following administrative sanctions, usually carried out warnings in advance up to several times. If it turns out that after several warnings, there is no new response to the next stage of administrative sanctions that are quite severe. In the notary code of conduct, administrative sanctions in the form of warnings/reprimands are often written in the form of letters so that judging by the form is no longer oral but written.

Based on the usual observations in the section concerning the letter it is mentioned "Subject: warning/verbal reprimand." Why is it done in written form, even if the type is oral? This is to make proof easier because if done orally it is very difficult to prove it. If done in writing can be documented to facilitate the proof.

Administrative sanctions in the form of reprimands/warnings can be carried out more than once, only after which the administrative sanctions are imposed in the next stage. Administrative sanctions in the form of written reprimands/warnings are usually the next stage if administrative sanctions have been given in the form of verbal reprimands/warnings but are still ignored and the actions violated have not been corrected. Similar to administrative sanctions of verbal reprimands/warnings, administrative sanctions of reprimands/written warnings can also be carried out for more than one time. In various laws and regulations, it is often required to go towards administrative sanctions to be preceded by reprimands/warnings (oral or written) in advance, except in very urgent circumstances. After, that it was only given administrative sanctions the next stage was somewhat heavier.

Things that need to be expressed in a written reprimand/warning include a clear order, what should be done by the person who is given a written reprimand/warning so that the state administration official does not arrive at the real action (forced action). This written strike/warning must contain legal certainty, meaning that the person given the strike/warning knows exactly
what to do and what the consequences would be if not done. Written reprimands/warnings also contain definitively the provisions of which notary code of conduct regulations are violated. The order stipulated in the strike / written warning cannot contain things that are outside the rules of the notary code of conduct violated.

For the above explanation, by the provision of warning sanctions and further the absence of violations of the notary code of conduct again then it can be said effective by the measure that the sanction is effective if no violation arises surface. However, when referring to the opinion of notary Agus Pandoman who stated the effectiveness of the sanctions code of conduct is ineffective, because based on the quality of the sanctions, on the basis that for the schorsing (temporary dismissal) of the Membership of the Association, Onzetting (dismissal) of the membership of the Association, and the disrespectful dismissal of the membership of the Association, has never been done when there are some violations that can state that such violations constitute a degrading dignity of notary that is a violation of the partner of the bank, because the notary is supposed to be neutral, he or she is chosen by the bank not to be an associate, to be a notary must make a deposit and not all notaries can make deposits and that is a gross violation, which is not only by the provision of reprimanded sanctions and warnings but can be sanctioned in the form of schorsing (temporary dismissal) of the Membership of the Association, Onzetting (dismissal) of the membership of the Association, and the disrespectful dismissal of the Membership of the Association. (Pandoman, 2019)

While in the opinion of the chairman of the Indonesian Notary Association the Regional Administrator of Banyumas Regency (hereby called INI Pengda Banyumas) argues that against the notary sanctioned sometimes feels mediocre, because the nature of the code of conduct does not have coercive sanctions, therefore the sanctions code of conduct can not be said to be effective (polite, 2019).

According to the author when linked to the theory of legal sanctions according to Hans Kelsen stated:

"The social order can command certain human behavior without having consequences for the obedience or disobedience of the commandment. Or the social order can command certain human behaviors and at the same time associate between the awarding and the exercise of that behavior; or associate between sanctions and the opposite behavior, i.e. punishment in the broad sense of the word. The principle of reacting to
certain human behaviors, both in return and punishment, is the principle of retribution. Rewards and penalties can be called "sanctions," but what is usually called a penalty, instead of a reward or reward". (Kelsen, 2007)

Based on the theory of sanctions above when linked to the effect of sanctions notary code of conduct as mentioned above against members who violate the code of conduct adjusted to the quantity and quality of violations committed by such members. As a disagreement between the honorary board and the notary about the effectiveness of sanctions, the author concluded that the sanctions reprimand and warning carried out by the Honorary Council in Banyumas Regency did not have any impact on the notary related to the violations he made, because based on the research by the authors, there are still many violations that are often committed notary in Banyumas Regency namely:

a) violations of general rates in Banyumas regency,
b) violation of bank associates,
c) violations of the making of the deed exceed the daily limit,
d) violations of the seizure of service users’ customers.
e) A violation has more than 1 (one) office, either a branch office or representative office.
f) violation by advertising by making a wreath.

Therefore according to the author of the effectiveness of notary code of conduct sanctions in the form of reprimand and warning sanctions cannot be effective in Banyumas Regency, notary code of conduct sanctions will be more effective if the honorary board of notary Banyumas district knows how to determine the sanction against violation of the notary code of conduct as mentioned in article 6 paragraph 2 on determining the quality and quantity of notary code of conduct sanctions.

If a violation can be said to be the quality of a gross violation then the honorary board should be able to determine a strict sanction without having to go through the order of sanctions of the code of conduct i.e. through reprimand/warning because it can directly sanction schorzing (temporary dismissal) of the membership of the association, or onzetting (respectful dismissal) of the member of the association, or the disrespectful dismissal of the membership of the association, based on a strong evidence tool to determine the quality and quantity of notary ethics sanctions.
2. Things that are obstruction of the implementation of notary code of conduct sanctions in Banyumas Regency

Supervision and coaching of notaries carried out by the Notary Honorary Council by its authority at each level is to supervise notary behavior stipulated in the notary code of conduct established by notary professional organizations. The Honorary Council is authorized to conduct an examination of violations of the code of conduct and impose sanctions on its violators by its authority and duty to:

a) conduct coaching, guidance, supervision, improvement of members in upholding the code of conduct;

b) examine and make decisions on alleged violations of the provisions of the code of conduct that are internal or that do not have a direct community;

c) provide advice and opinions to the supervisory panel for alleged violations of the code of conduct and notary positions.

The Honorary Council is divided over:

a) At the first level by the Regional Honorary Council.

b) At the level of appeal by the Honorary Council of the Territory.

c) At the last level by the Central Honorary Council.

The Regional Manager of I.N.I has a Regional Honorary Council in each management of the Regional Manager of the Indonesian Notary Association. The Regional Honorary Council consists of 3 (three) members among them, a Chairman, a Vice-Chairman, and a Secretary. Who can be appointed as a member of the Regional Honorary Council is an ordinary member who has served as a notary for at least 5 (five) years and an outstanding member (former notary), who always obeys the rules of association and the prevailing laws and regulations, is dedicated, well-armed and loyal and has a high sense of concern to regional conferences can determine other, especially regarding the composition of notaries and former notaries. The term of office of the Regional Honorary Council is the same as the term of office of a member of the Regional Board.

The Regional Honorary Council is an autonomous body in making decisions that have the duty and obligation to guide from conducting supervision in the implementation and administration of the code of conduct by the members of the association in their respective regions. To carry out its duties and obligations the Regional Honorary Council is authorized to: (Herlien, 2010).
a) Provide and convey suggestions and suggestions that have to do with the code of conduct and fostering a sense of professional togetherness (corpsgeest) to the Regional Administrator;
b) Provide warnings, either in writing or verbally directly to members in their respective regions who commit violations or commit acts that are incompatible with the code of conduct or contrary to the mutual ness of the profession;
c) Notify the Violation to the Regional Administrator, Regional Administrator, Regional Honorary Board, Central Administrator, and Central Honorary Board;
d) Propose to the Central Board through the Regional Honorary Council and the Central Honorary Board for the schorsing of sorority members who commit violations of the code of conduct.

The County Board of Honor may fact-finding violations on its initiative or after receiving a written complaint from a member of the association or another person with convincing evidence that there has been a violation of the code of conduct, after finding the facts of a violation of the code of conduct or after receiving a complaint, it is obligatory to call the member concerned to ascertain whether there has been a violation and allow him to provide an explanation and defense. From the meeting was made a treatise signed by the member concerned and the chairman and a member of the Regional Honorary Council. The District Council is required to decide within thirty days after the complaint is filed. In handling or resolving a case, members of the Regional Honorary Council must:

a) Remain respectful and uphold the dignity in question;
b) Always maintain a family atmosphere;
c) Keep everything it finds secret.

In carrying out the oversight of the code of conduct by the Board of Honor, several things that cause the code of conduct not to be heeded by the person running the profession of the Notary. This can be caused by internal and external factors. According to Abdul Ghofur Anshori, there are several negative influences in the promotion of the code of conduct, among others: (Anshori, 2009)

a) Influence of kinship.
b) The influence of the office.
c) Influence of consumerism.
d) The profession becomes a business activity.
e) Because of weak faith.
While according to Agus Pandoman, there are 5 (five) problems faced by the legal profession as a serious obstacle, namely:

a) Quality of legal professional knowledge;
b) There is an abuse of the legal profession;
c) The tendency of the legal profession to become a business activity;
d) Decreased awareness and social care;
e) Continuity of outdated systems.

The difficulty of applying the professional code of conduct by members of the profession is unfortunate because the profession is run by professionals who have the ability, knowledge, and competent capacity in their field. As for some weaknesses of the professional code of conduct, among others: (Muhammad, 2006)

a) The idealism contained in the professional code of conduct is not in line with the facts that occur around professionals, so expectations are very far from reality. It is quite tickling for professionals to turn away the profession’s ticks for nothing more than a display of framed writing.
b) The professional code of conduct is a set of moral norms that are not equipped with harsh sanctions because their enactment is solely based on professional awareness. This shortcoming allows a weak professional to deviate from his professional code of conduct.

Therefore, for the code of conduct to be adhered to by notaries, personal awareness is required so that the notary can maintain its behavior, maintain the dignity of the profession, and the organization of the profession. Regarding behavior as a notary, Sopan stated there are four main things to note: (Polite, 2019)

a) Have steady moral integrity.
b) Must be honest with the client as well as himself (intellectual honesty).
c) Be aware of the limits of its authority.
d) Not solely based on money.

Meanwhile, according to Abdul Ghofur Anshori, several factors that influence this ethical behavior, including the following:

a) Interpretation of the law,
b) The stage of moral development,
c) Personal values and personalities,
d) Motivation,
e) Final destination,
f) External factors.
So as for the factors that become obstacles in the effect of sanctions notary offenders when linked to the theory of legal effectiveness are as follows:

a) Law Enforcement Factors

Currently, the number of Notaries has been increasing, while the Regional Honorary Council only numbered 3 (three) members and is collective, so that if there is no due to busyness or other constraints then the Regional Honorary Council cannot carry out its duties and authority optimally. With a large number of notaries and large working areas, the Regional Honorary Council is difficult to supervise and supervise the code of conduct to all Notaries properly as required in the code of conduct. In addition, there is still a low awareness of notaries to adhere to the code of conduct, this is because notary education has been based on theory while the notary profession is a practice, so many notaries make mistakes that are violations of the professional code of conduct.

According to the authors regarding the weak application of notary ethics sanctions by the Honorary Council, although the code of conduct was made firm and clear and established the honorary board turned out in the field there are still many violations. Based on interviews with notaries Sopan and Agus Pandoman stated that the enforcement of the notary code of conduct is less effective carried out by the honorary board itself because there are still no reprimands or sanctions against their professional colleagues because those who supervise the notary are "fellow notary friends themselves" so as to have less effect of authority among notaries, even though the honorary board members are senior notaries. Another factor is the "reluctance" arising from the honorary board to act more decisively if those who breach the code of conduct are notaries who are "as senior" as honorary board members. It should be that the honorary board adheres to the rules of the notary code of conduct that apply because everyone has the same position. In law enforcement, there is no word on family or close relatives to release a person from the rule of law because everyone has the same position before the law knowing no office or power.

In addition to the above factors, there are several obstacles/constraints on the effectiveness of the sanctions code above related to the role of enforcement of the code of conduct by the Notary Honorary Council in conducting supervision, coaching, and sanctioning, the Honorary Council can be said to no longer function due to the overlap in conducting supervision because the Board of Trustees also has the authority to do so.
b) Facilities and infrastructure factors

This factor as a support in the running of law enforcement includes means in carrying it out. In the absence of certain means and facilities, it is unlikely that law enforcement will take place properly. In the absence of such funding, it is difficult for the Honorary Board to conduct supervision and review to notary offices and conduct correspondence. It also does not currently have its own secretariat so it is difficult to store files and other office stationery. Related to the constraints in implementing the enforcement of the Notary Code of Conduct. In terms of the organization has not been supported by a representative secretariat that occurs evenly in Indonesia, perhaps only in major cities, especially Java island that has been supported by a proper secretariat, also in terms of the management of offices and administration that is not good, and the budget is not yet clear, both for the Notary Honorary Council. Also, the lack of role and attention from the government as a policy determinant makes it difficult to conduct optimal supervision. But in terms of human resources, it's good enough.

Based on both factors above, in terms of law enforcement factors, it should be arranged between the Board of Trustees and the Professional Organization with the tools of the Association of honorary councils. The need for an agreement between the Board of Trustees and the Professional Organization on the division of duties and authority relating to the supervision of notaries, when it comes to the Code of Conduct that does not concern the deed and the interests of the public then becomes the authority of the Honorary Council, while beyond that the authority of the Supervisory Assembly. The results of this Honorary Council examination will be taken to the Board of Trustees.

The granting of such authority to the Notary Board of Trustees is a form of a takeover of authority from the Notary Honorary Council. Violations of the Notary Code of Conduct shall be examined by the Notary Honor Board itself should not be given to the Board of Trustees, so that if the Board of Trustees receives a report of a violation of the Notary Code of Conduct, it is appropriate if such a report is forwarded to the Notary Honorary Council, to be examined and sanctioned by the Notary Honorary Council or in this case the Board of Trustees shall sort and select a report that makes its authority to be examined and the report authorized by the Notary Honorary Council, and the implementation of notary code of conduct sanctions becomes effective because based on the authority of the honorary council in article 1 paragraph
8 of the Notary Code of Conduct, while for infrastructure and facilities should the Indonesian Notary Association provide a budget to the Honorary Council as the enforcer of the notary code of conduct because to support its operational performance in the efforts of coaching, counseling and supervision by the honorary board.

**Conclusion**

The effectiveness of notary code of conduct sanctions in the form of reprimand and warning sanctions cannot be effective in Banyumas Regency, notary code of conduct sanctions will be more effective if the honorary board of notary Banyumas district knows how to determine sanctions against violations of notary code of conduct as mentioned in article 6 paragraph 2 on determining the quality and quantity of sanctions of notary code of conduct, if a violation can be said to be the quality of a gross violation then the honorary board should be able to determine a strict sanction without having to go through the order of sanctions code of conduct i.e. through reprimand/warning, because it can directly sanction schorzing (temporary dismissal) of the membership of the association, or onzetting (respectful dismissal) of the member of the association, or the disrespectful dismissal of the membership of the association, based on a strong evidence tool to determine the quality and quantity of notary ethics sanctions.

The things that are the obstruction of the implementation of the notary code of conduct sanctions in the Banyumas Regency, which is seen from law enforcement factors, should be arranged between the Board of Trustees and professional organizations with the tools of the association of the Honorary Council. The need for an agreement between the Board of Trustees and professional organizations on the division of duties and authority relating to the supervision of notaries, when it comes to the Code of Conduct that does not concern the deed and the interests of the public then becomes the authority of the Honorary Council. Violations of the Notary Code of Conduct should be examined by the Notary Honor Board itself should not be given to the Board of Trustees, so that if the Board of Trustees receives a report of a violation of the Notary Code of Conduct, it is appropriate if such a report is forwarded to the Notary Honorary Board, to be examined and sanctioned by the Notary Honorary Council or in this case the Board of Trustees shall sort and select a report that makes its authority to be examined and the report authorized by the notary honorary board, and the application of sanctions of the notary code of conduct becomes effective because based on the authority of the honorary council in article 1 paragraph 8 of the Notary Code of Conduct, while for infrastructure and facilities should the Notary
Association of Indonesia provide a budget to the Honorary Council as the enforcer of the notary code of conduct because to support its operational performance in the development efforts, counseling and supervision by the honorary board.

Suggestion

Should the honorary board of notary Banyumas district emphasize article 6 paragraph 2 on determining the quality and quantity of sanctions notary code of conduct, if once a violation can be said to be the quality of a gross violation then the honorary board should be able to determine the sanctions decisively without having to go through the order of sanctions code of conduct.

The need for an agreement between the supervisory board and the honorary board of how the division of duties and authority relates to the supervision of notaries. so that if the tribunal receives a report of a violation of the notary code of conduct, it is appropriate that such a report be forwarded to the notary honorary board, to be examined and sanctioned by the notary honorary board or in this case the supervisory panel shall sort out and select a report that makes its authority to be examined and the report authorized by the Notary Honorary Council, for the application of sanctions of the notary code of conduct to be effective because based on the authority of the Honorary Council in article 1 paragraph 8 of the Notary Code of Conduct.

The honorary board should improve infrastructure and facilities to support its operational performance. Surely in this case there should be an adequate budget, to support the efforts of coaching, counseling, and supervision by the honorary board. For notaries who will run for notary, positions should be professional, honest, trusting, independent, responsible, and have high dedication and loyalty to the profession. Notaries should also respect and respect colleagues, clients, or society in general and serve the nation and country, as well as uphold the dignity and dignity of the profession and obey the prevailing laws and regulations.
References


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[165]
