



UNFAIR COMPETITION IN NOTARY PRACTICE IN INDONESIA: A LEGAL EXAMINATION OF NOTARY RESPONSIBILITIES

Rr. Ayu Gayatri Esa Prameswari¹, Amad Sudiro²

Universitas Tarumanegara Jakarta, Indonesia

Corresponding E-mail: ayugayatriesa@gmail.com¹, amad.sudiro@stu.untar.ac.id²

Abstract

This journal article begins a comprehensive legal review of notaries' responsibilities in dealing with unfair competition in notarial practice in Indonesia. The discussion is firmly rooted in the Indonesian legal framework, focusing specifically on the laws and regulations governing notarial practice and competition. It begins by tracing the history of notarial practice in Indonesia, highlighting important milestones in legislation such as the enactment of the Notary Law in 2004 which was later amended to become Law Number 2 of 2014. This provides a background that can be used to contextualize the issue of unfair competition. The role of the Indonesian Notary Association (INI) in enforcing these regulations and encouraging ethical behavior in the profession is examined. This article investigates the effectiveness of the Association in enforcing professional standards and its strategies in handling unfair competition cases. It also investigates the impact of unfair competition on the credibility of notarial practice and public trust in notarial services. It explores how unfair practices can damage the integrity of the profession and erode public trust. Through an in-depth analysis of case law, this article explains how these regulations are interpreted and applied in practice. This report presents a series of case studies that exemplify the challenges and dilemmas faced by notaries in navigating a complex competitive and ethical landscape. It also discusses the challenges and limitations inherent in the current regulatory framework. The committee critically evaluates the effectiveness of existing laws and regulations in preventing unfair competition and enforcing notary liability. It proposes potential reforms to enhance accountability and prevent unfair competition, drawing on comparative insights from other jurisdictions. The insights gained from this research are expected to make a significant contribution to the discourse on legal ethics and professional responsibility in notarial practice. They are also expected to inform policy-making and legislative reform in the sector. This examination of notary liability and unfair competition is critical to maintaining the integrity of the legal profession and ensuring public trust in notary services in Indonesia.

Keywords : *Unfair Competition, Notary Practices in Indonesia, Legal Examination*

INTRODUCTION

As explained in the 1945 Constitution, Indonesia is a state based on law so that a legal system is related and with an organizer as a government. At the current flow and as a result of the US law. The private legal area in Indonesia itself is handled by public officials, in this case a notary is a public official as stated in the explanation of Law of the Republic of Indonesia Number 2 of 2014 Concerning Amendments

to Law of the Republic of Indonesia Number 30 of 2004 concerning the Position of Notary (UUJN) which mentions a notary as a public official who is authorized to certify and authenticate the acts of others. A notary is a

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position that functions in the realm of civil law and has the authority to make authentic deeds based on statements from the parties concerned who appear before the notary. Act a authentic y what was made at by not Aris has oh my gosh at an evidence an y the perfect one a gun a created anything a kep asti an law b again m asy ar ak at. Act a authentic y what was made at by Not aris is ak an al at proof y the perfect one ak sugar palm a has three a keku at an evidence an y that's my thing at an evidence an l end Ah(*extensive care*),keku at an evidence a form al (construction form)d an keku at an evidence an m ateri al(*material*) *Building (Property)*.¹

The only regulation governing the position of notary in Indonesia is the Republic of Indonesia Law Number 2 of 2014 concerning Amendments to the Republic of Indonesia Law Number 30 of 2004 concerning the Position of Notary (UUJN).Bes ar h ar what an b ah a UUJN this d what at dij younger brother a guideline an sec ar a common for notes aris k sugar palm a in d al amny a to set up ai s anksi-s tag action as b again not aris y which is proven angg ar set the said, tid ak h anything a to set up ai s anksi b again not UUJN also aris a to set the tone water numbers at and d an interrupter an Not aris, kewen ang and d an kew awesome an sert al ar ang an b again loyal ap Not aris, temp at sitting and d a form breast milk a will oh oh yeah ab at an Not aris, leave Not aris d an Not Aris Pengg anti, honor aquarium at as j US oh given an by Not aris, act a Not aris, peng take one minute a act ads an pem call an Not aris, peng wow US an, person anise breast milk Not aris, certainty to know ai s d anksi an seb ag ainy a. Tid ak h anything a UUJN y who is set the tone water mop ax an a an j ab at not aris, tet fire ads a pool a guideline an l ain b again not aris d al am menj al ank an j ab at Annie oh that's the code of ethics aris. Berd US ark an PUS al 3 Code of Ethics Note Aris Ik at an Not Indonesian a (THIS) explains ask an b ah a not aris h current has mor al, morals I have certificate a keprib Adian yang b okay, not aris h current of respect heart d an upholds h ark at d an m art ab at j ab at an Not aris, menj ag ads to buy a honor at an assembly an, act I'm honest, m andiri, tid I'm splitting ak, full r US at majestic j wow ab, berd US ark an per set an perund and ang and d an isi sump oh yeah ab at an Not aris, rising atk an astrology oh an y caller ah owned by tid i am the best at as p ads a science of knowledge oh an law d an kenot ari at an, d an to bite am ak an peng servant an kep ads a importance an m asy ar ak at d an neg ar a.

Regulation of the Minister of Law and Human Rights Number 19 of 2021 (PERMENKUMHAM No.19/2021) concerning the formation of notary positions and determination of regional categories. The regulation does not explicitly regulate the distance between notary offices, so that there are notaries who violate the code of ethics by setting an honorarium below the standard in order to attract clients. In fact, the notary's honorarium itself is stated in Article 36 of Law Number 30 of 2004 concerning the Notary Position. Determining an honorarium below the standard can lead to unhealthy business competition between fellow notaries and can create disparities between notaries in an area which results in disharmony in relations with fellow professionals. Gun a to manifest in Indonesia a menj Adi Neg ar a law, necessary ads anything a kep asti an law b again m asy ar ak at. All l apis an component of the am a what ar at the peneg I have legal rights oh shit current a place to stay atk an sert a uphold the law gun a give an j Amen a protector an b again m asy ar ak at, s al oh s one legal profession y what is it ar apk an to realize an h the above ads al oh no aris. Profession not aris mem ang menj support an b so that it can be realized a kep asti an law y what is it ar apk an m asy ar ak at, remember at p ads a Not aris was given an kewen ang an seb ag ai pej ab at neg ar oh the one who is distracted ar ak an occupant at an act a authentic y ang s ang at important shift atny a to be amen protector an law. B anything ak pr aspect legal act y related and with an p ar a

¹IGHS Lumban Tobing, Notary Position Regulations, Gelora Aksara Pratama, Jakarta, 1999, pp. 55-59



Notaris berkewajiban dengan suatu perbuatan otentik dan menggunakan alat bukti yang sah.²

FORMULATION OF THE PROBLEM

Departing from the introduction described above, the focus of the study in this research is the legal responsibility of notaries for unfair competition.

DISCUSSION

Menjadi kewajiban bagi notaris untuk memastikan bahwa proses pembuatan akta otentik dilakukan dengan menggunakan alat bukti yang sah.³ Menjadikan kewajiban bagi notaris untuk memastikan bahwa proses pembuatan akta otentik dilakukan dengan menggunakan alat bukti yang sah.⁴ Menurut Valerine JL Kriekhoff menjelaskan bahwa arti dari kewajiban notaris adalah melakukan tugas dan kewajiban yang dipercayakan kepadanya, yaitu untuk memberikan bantuan hukum dan nasehat hukum kepada para pihak yang berkepentingan.⁵ Menurut Valerine JL Kriekhoff dijelaskan bahwa arti dari kewajiban notaris adalah melakukan tugas dan kewajiban yang dipercayakan kepadanya, yaitu untuk memberikan bantuan hukum dan nasehat hukum kepada para pihak yang berkepentingan.⁶ Dalam hal ini, kewajiban notaris adalah melakukan tugas dan kewajiban yang dipercayakan kepadanya, yaitu untuk memberikan bantuan hukum dan nasehat hukum kepada para pihak yang berkepentingan.

1. Civil Liability of Notaries

Pseudo per setan yang ditetapkan dalam UUJN merupakan hal yang paling penting dalam dunia peradilan. Notaris sebagai pejabat umum yang bertugas memberikan bantuan hukum dan nasehat hukum kepada para pihak yang berkepentingan. Oleh karena itu, notaris harus bertindak dengan jujur, adil, dan bertanggung jawab. Jika notaris melanggar kewajiban ini, maka ia dapat dikenai sanksi hukum.

2. Criminal Liability of Notaries

Menjadi kewajiban bagi notaris untuk memastikan bahwa proses pembuatan akta otentik dilakukan dengan menggunakan alat bukti yang sah. Jika notaris melanggar kewajiban ini, maka ia dapat dikenai sanksi hukum. Menjadikan kewajiban bagi notaris untuk memastikan bahwa proses pembuatan akta otentik dilakukan dengan menggunakan alat bukti yang sah.

²Tan Thong Kie, Notary Study & All About Notary Practice, Ichtiar Baru Van Hoeve, Jakarta, 2007, p. 627

³Fatchul Mu'in, Character Education: Theoretical and Practical Construction, (Yogyakarta, Ar-Ruzz Media 2014), p. 219

⁴Sri Narwanti, Character Education, (Yogyakarta, Family Library Familia 2014), p. 30

⁵Valerine JL Kriekhoff, Professional Responsibility, Faculty of Law, University of Indonesia, Jakarta, 2007, p. 2.

⁶Ibid

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is done al ank an Not aris cell I'm a pejab at general y who has oh my god who published an act a authentic y ang di set p ads a UUJN.

3. Notary's Responsibilities based on UUJN

Article 65 of the UUJN states: an b ah a Not Aris has ai first majestic j wow ab an p ads a act oh published Annie a bi arpun protocol Not aris sud oh shit oh to the recipient a protocol. P ads app US the al is ab ark an, Not aris men and ang su one thing majestic j wow ab an kep ads a act anything a berl and ask and UUJN.

4. Notary Responsibilities Based on the Code of Ethics

As a general official of a Notary in carrying out al ank a tug asny a tid I can lep as d ethics a. Ethics oh ang dim what is meant here i al ah code of professional ethics Not aris y ang ads ads aiming for an ag ar not aris ben ar-ben ar menj al ank a tug asny a deng a profession al, bermor and sert a ter ampil d al am argument breast milk asion a.⁷

A code of professional ethics must always be written in a neat, complete, and flawless manner, using good language so that it attracts attention and is enjoyable for the reader. However, of course there are weaknesses that occur, including:

1. The idealism contained in al am code of ethics of profession tid I'm sorry al and with an f act oh ang terj Adi is a little bit ar p ar a profession al, so that Ah ar what an s ang at joh d from kenny at a an. H this is quite ticklish p ar a profession al to berp the most important thing ads a kenya at a and dan meng ab okay an idea code of ethics of the profession. Code of ethics of the profession I am more than d Ari P aj ang an wrote framed oh.
2. The code of professional ethics is ak an assembly the norma moral y who is sleeping I'm complete fire deng an s action plan as k sugar palm a keberl I Annie a sem at am at a berd US ark case study ads ar a profession al. Rup anything a kekur ang this gives the need ang kep ads a profession al y glue oh im an to grow and save ang d from the code of professional ethics a.⁸

Note aris d al am menj al ank a tug as dan jab at Annie a has t majestic j wow ab according to Abdul Ghofur Ansori in his book there are two directions of responsibility, namely:

1. Notaries as a profession are expected to be responsible for the work they do and for the results. J Adi Dih ar apk an ag ar not aris d what at work a seb maybe d an mengh result one of a kind one y my name little asny ab Okay. Okay an k at al ain menj al ank an sebu ah profession meng andung sues an ag ar h the result a quality. Quality has ai beber what a side. Not aris h current sweeps Ah ak an ag ar Not the aris said US ai tug as deng an seb aik-b thank you a, ag ar Not Aris is competent. Not aris h current tet ap continues to increase atk an penguin US a an at as profession y what is done al ank an. C ar a work Ah effective current dan efficient. H work result a an h current ang-kur Angny a one oh my gosh an y what is it ar apk by the client, but fire h current flow Ah ak an ag ar more b okay l again.
2. Notary h current flow majestic j wow ab terh ads ap d amp I work a an p ads a life an or ang l ain. Here y what needs to be paid attention to edit an ads al Ah ant ar al ain, d amp I'm a mop ax an a an profession p ads a importance an client sert ads amp I'm sorry ads what is the importance a regional, n Asia an al dan interest an neg ar a. Pseudo anything a needs to be noticed edit an.⁹

Notaries as an extension of the government must uphold the integrity and values stated in the Notary Law including the Code of Ethics held by notaries. Notaries are

⁷I Gusti Ayu Ria Rahmawati, I Nyoman Putu Budiarta, Ni Gusti Ketut Sri Astiti, "Notary's Responsibility for Authentic Deeds Made by Him Regarding Retirement Period", *Journal of Legal Construction*, Vol.1 No.2 October 2020, p.331

⁸Ibid

⁹Tri Ulfi Handayani, "The Urgency of the Notary Honorary Council in Enforcing the Notary Code of Ethics in Pati Regency", *Jurnal Akta* Vol.5 No.1, January 2018, Unisulla: Semarang, p.54



public officials but must find their own honorarium, this is one of the factors that can cause unhealthy competition between notaries. The determination of the honorarium is below the standard agreed upon by the Indonesian Notary Association (INI) which in this case is based on deliberations from the Regional Supervisory Council (MPD). water majestic wow ab an y ang bi US a known ak an terh ads ap Not aris ads al oh shit majestic wow ab an pid an a, admin breast milk, breast milk at a, d an event majestic wow ab an sec ar a code of ethics d an j ab at Annie a. For the purpose awesome ab an pid an a dij obey spid action an a, for the sake of majestic wow ab an end at a dij obey s anksi perd at ads an for the sake of majestic wow ab an sec ar a code of ethics d an j ab at Annie a dij obey s warning action an s amp oh my gosh an interrupter an tid I'm horny at. S the action is ak an consequence d ari result at the pel an ggar an at or al ai an y the one who is I k not aris d al am the process of making at an act a authentic. Article 4 Paragraph 4 of the Notary Code of Ethics prohibits notaries from cooperating with service bureaus/persons/legal entities as intermediaries to find or obtain clients, but in practice, the forms of unhealthy competition are such as I k an promotion j ab at an y bus fair I k and with an berb ag ai c ar a like promoting an at or advertise ank an j US anything a mel Alui sur at k ab ar at oh my an mem anf a atk an technology y that's it medical equipment the internet.

Article 4 paragraph 10 of the Notary Code of Ethics also states set up ai honor aquarium, b ah a not aris at or ang l ain y who mem my d an menj al ank an j ab at not aris dil ar the one who is apk an honor aquarium y ang h current in oh ar by client d al am jum l oh yeah the lower one oh d Ari Honor aquarium y caller oh yeah apk an assembly an. D from certainty an p US the above is visible at b ah a Code of Ethics Note aris tid I want to battery ads anything a penetration what an t wise y the lower one oh oh This is proven by an diet apk Annie a by the association an provisions to know ai st and art wise and minimal al d ari j US a Not aris. With the Regulation regarding the minimum tariff for notary services, this means that the Indonesian Notary Association (INI) wants to create a uniform standard price for notary service tariffs. This is stated in Article 36 Paragraph (2) of the UUJN which reads, "Bes arnie an honor aquarium y received a by not Aris did US ark an p ads a nil ai economic d sociological d Ari Seti app act oh what was made atny a. D ari beber what a percent nil ai sociological d economic needs to be determined apk an" This is very difficult because the notary determines the exact sociological value of the deed being made. In reality, UUJN Article 36 paragraph 2 is less than satisfactory, it can younger brother at ak big ar honor aquarium that was made at by pej ab at general berd US ark nil ai p economic asti d nil ai p sociological asti d pseudo ari a act oh what was made at, ber meaning for all a act Ah dic current from 2 nil ai p asti y nil ai p economic asti d nil ai p sociology, deng this is it asti ak an makes it difficult an pej ab at general to set ahui p sure enough what a nil ai economy d and also a nil ai p sociology asti to menc from the bottom asti an h result finally a.

The Notary Law does not expressly state that the notary is angg ar an terh ads what are the terms to know ai t wise y caller oh yeah apk an ak an bus a berd amp ak p ads a arise a press me an y who is sleeping I am at ant ar record an Not ice, tid I'm sorry what at s one p US al pun y who is set up ai press me an tid I am at which is caused by violation of tariff provisions. A an tet different fire a deng an Code of Ethics, although not I'm Meng set sec ar a tag as it is ai h al, n amun setid I am ads al am Code of Ethics Not aris tel oh my set up ai l ar ang an b again Not aris to hatch apk an t wise at as j US anything a dib wow oh shit and ar, seb ag aim an a terc you in Article 4 paragraph 10. So it can be concluded that the code of ethics does not require any violation of the

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provisions regarding the wise so Ah the said al dim go ahead an ked al am s al oh s one thing awesome an Not aris that must be fulfilled.¹⁰

CONCLUSION

Based on what the author has explained above and the results of the elaboration, it can be concluded that the Legal Responsibility of Notaries for Unfair Competition Based on the Notary Public Law and the Notary Code of Ethics, such as the determination of minimum rates for notary services by the Indonesian Notary Association (INI), is regulated in the Notary Code of Ethics, where notaries are prohibited from setting an honorarium that is lower than the rate set by the Indonesian Notary Association (INI) as stated in Article 36 Paragraph (2) of the Notary Public Law (UUJN).

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¹⁰Felly Faradina, "Analysis of Unhealthy Competition Between Notary Colleagues as an Impact of the Determination of Notary Service Rates Below Standard", Riau Islamic University, *Journal of Legal Studies*, page 12,