



Notary Legal Awareness towards the Notary Profession's Code of Ethics in Sragen Regency

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Abstract

The position of a Notary in carrying out his duties is controlled by the existence of a notary professional code of ethics, but there are still some violations of the professional code of ethics. This study aims to examine the level of legal awareness of notaries in Sragen Regency in implementing the notaries' professional code of ethics and future concepts that need to be implemented to increase notary legal awareness in implementing their professional code of ethics. The research method used by the author in this study is empirical juridical. The results of this study indicate that the legal awareness of notaries in Sragen Regency to the code of ethics of the notary profession, therefore namely legal knowledge, legal understanding, legal attitudes, and notary legal behavior in Sragen Regency is not appropriate yet, because there are still two notaries who violate the notary code of ethics. Further concepts that are required to be executed to increase notary legal awareness in conducting the professional ethics codes are first, the factor of the laws themselves (law) by holding the qualification of violation linked with the witness, the factor of law enforcer by arranging routine surprise inspection, the factor of facility and supporting medium by providing facilities to the Regional, Areal and Central Ethics Council, the factor of society in making effort by increasing public participation, Cultural factor strengthen the internal notary related with communication and active society's participation.

Keywords: *Notary; Professional Code of Ethics; Legal Awareness*

Introduction

One of the legal professions that is developing in the society and whose existence is badly demanded is notary. The notary position came to existence because the community needed it, not a position that was deliberately created or formed and then socialized to the wider community.¹ Based on Article 1 paragraph (1) of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of a Notary, it states that a notary is a public official who is authorized to make

¹ Central Board of the Indonesian Notary Association, 2008, *Jati diri Notaris Indonesia dulu, sekarang, dan di masa datang [The identity of Indonesian Notaries past, present and future]*, Jakarta: Gramedia Pustaka Utama, p.40.

authentic deeds and has other authorities as referred to in this Law or under other laws. Based on the article, it can be seen if the notary is a public official (*openbaar ambtenaar*).²

Thus, in carrying out the duties of his position, the notary have to be guided by the rule of law and also the moral code that exists in Indonesia. The legal rule aforementioned is Law Number 2 of 2014 concerning Amendments to Law Number 10 of 2004 concerning the Position of a Notary, while the moral code that specifically regulates the notary profession is the Notary Code of Ethics. In the provisions of Law No. 2 of 2014 it regulates the obligations that must be carried out by a notary, also prohibitions that should not be carried out.

Basically, notaries in carrying out their professions are limited by the Notary Code of Ethics and the Law on Notary Positions, which both must be obeyed and implemented. If it is then not obeyed, the notary may be subject to sanctions by the agency or institution authorized to impose the particular sanctions. Thus, in order to enforce the Notary Code of Ethics and the Notary Position Act, a council or assembly has the task of supervising the actions taken by the notary in carrying out his office. his profession. Whereas if there is a violation of the obligations and prohibitions, the notary may be subject to sanctions in the form of a written warning, temporary dismissal, honorable discharge, dishonorable discharge.

In this study, the author conducted the research in Sragen Regency, there were 52 Notaries, of the 52 Notaries supervised by the Regional Notary Supervisory Council of Sragen Regency, which is located at Jl. Host Cokroaminoto No. 17 Sragen. In this case, the notarial supervisory board of Sragen district has the responsibility to oversee the performance of the notary in carrying out his professional code of ethics. The regional supervisory board itself has the authority namely to hold hearings to examine allegations of violations of the Notary's code of ethics or violations of the implementation of the notary's position, carry out inspections of the Notary Protocol periodically once a year or at any time deemed necessary, grant leave permission for a period of up to 6 (six) months, determining the case storage of notary protocol in which during the shifting time, the notary protocol is 25 years old or beyond, appointing the notary that will do the job as temporary notary protocol holder, who is also promoted as a state official as legally stated in Article 11 Paragraph (4), proceeding the reports coming from the society in regards of the notion of Notary Ethic Code violation or the violation of stipulation in these law, making and reporting the statement as mentioned in letter a, letter b, letter c, letter d, letter e, letter f and letter g to the Regional Supervisory Board.

However, as mentioned above, even though there has been a board or assembly that supervises notaries according to their authority aforementioned, there are still notaries who carry out actions that are prohibited in the Notary Code of Ethics and the Law on Notary Positions, for example a notary official who made land deeds with the initials Mul who came from the Hamlet of Tewel, RT 32, Mojorejo Village, Karangmalang, Sragen who was reported to the Sragen Police Resort, the Notary was reported on charges of embezzling his client's certificate.³

From the case examples above, it can be seen if there are still violations of the Code of Ethics of the Notary Profession. the violation of this professional code of ethics is due to the lack of legal awareness of the notary. This legal awareness is very important for every notary to possess, with the appropriate legal awareness, they will know and understand what they should do as well what they shouldn't do. With the implementation of this notary professional code of ethics, it can guarantee, provide

² Anshori, Abdul Ghofur, 2009, *Lembaga Kenotariatan Indonesia, Perspektif Hukum dan Etika [Indonesian Notary Institute, Legal and Ethical Perspectives]*, Yogyakarta: UII Press, p.101.

³ Puspo Wardoyo, 2018, *Terlalu NakalNotaris Perempuan di Sragen ini Akhirnya Dialporkan Polisi*. Begini Kelakuannya, Joglosemarnews.com/2018/02/terlalu-nakal-notaris-perempuan-di-sragen-ini-akhirnya-dilaporkan-polisi-begini-kelakuannya/ [*Too Disobedient, this female notary in Sragen was finally reported to the police. This is her behavior, Joglosemarnews.com/2018/02/terlalu-nakal-notaris-female-in-Sragen-ini-finally-reported-police-begini-beginning/*], accessed on Monday, 26 April 2021, 05:00 WIB.

certainty, order and legal protection that is needed as written evidence that has an authentic nature regarding agreements, actions, stipulations and legal events made before or by authorized officials. Because of that, this study is going to examine the level of notary's legal awareness in Sragen Regency in conducting their Professional Ethics Code and further concept that needs to be implemented to increase the notary legal awareness in conducting their Professional Ethics Code.

Research Methods

The nature this research used is empirical juridical which is legal research regarding the enforcement or implementation of legal provisions in every particular legal event that occurs in society.⁴The data used in this study, namely primary data, namely data that comes from the main data source, in the form of social actions and words.⁵ The secondary data, on the other hand, are consisted of primary legal materials in the form of laws and secondary legal materials in the form of books, literature and other library materials. The researchers used data collection tools in the form of library research, interviews and observations. The location of the research is situated in Sragen Regency while the subject of this research is the Regional Supervisory Council of the Sragen Regency and a number of samples of notaries who are active in Sragen Regency. The data analysis method used in processing the data is a qualitative analysis of the data that has been collected either from field research or library research will be analyzed qualitatively.

Research Results

Legal Awareness of Notaries in Sragen Regency on the Code of Ethics of the Notary Profession

Notary is a position that is dismissed and appointed by the State which in this case is represented by the government through the Minister of Law and Human Rights.⁶ Notary is the only public office that has the right to make an authentic deed as a perfect means of proof. Public officials are state internals that provide services to the public in the field of civil law only, this is what makes it different from state administration officials.⁷ Notaries are public officials, not civil servants.⁸ A notary is someone who is carrying out his position as a public official who holds trust in the community. Promises and oaths and KEN are norms of identity that must be adhered to by a Notary in acting and acting.⁹

According to Wignjoesobroto, legal awareness is the willingness of the community to behave in accordance with established legal regulations. Legal awareness consists of two dimensions, namely affective and cognitive. Affective is a form of awareness that provides recognition that the law must be obeyed and cognitive is knowledge of the law that provides regulation of certain behaviors, whether maintained or prohibited in accordance with prescribed laws.¹⁰ Furthermore, according to Ewick and

⁴ See Abdulkadir Muhammad, 2004, *Hukum dan Penelitian Hukum [Law and Legal Research]*, Bandung: Citra Aditya Bakti, p.134.

⁵ Lexy J. Moleong, 2011, *Metodologi Penelitian Kualitatif [Qualitative Research Methodology]*, Bandung: Remaja Rosdakarya Offset, p. 112

⁶ Budi Untung, 2015, *Karakter Pejabat Umum [Characteristics of Public Officials (Notary and Official Certifier of Title Deed)] Key to Success in Serving*, Yogyakarta: And Offset, p. 25.

⁷ Agus Pandoman, 2017, *Teori dan praktek akta Perikatan publisitas & Non Publisitas [Theory and practice of publicity & non-publicity engagement deed]*, Jakarta: PT. Raja Utama Kreasi, p. 93.

⁸ Harlien Budiono, 2015, *Kumpulan Tulisan Hukum Perdata di Bidang Kenotariatan [Collection of Civil Law Writings in the Notary Field]*, Bandung: PT. Citra Aditya Bakti, p. 143.

⁹ EY Kanter, 2001, *Etika Profesi Hukum: Sebuah Pendekatan Sosio-Religius [Ethics of the Legal Profession: A Socio-Religious Approach]*, Jakarta: Stora Graphic, p. 149.

¹⁰ Iwan Zainul Fuad, 2011, *Kesadaran Hukum Pengusaha Kecil di Bidang Pangan dalam kemasakan di Kota Semarang Terhadap regulasi sertifikasi Halal [Legal Awareness of Small Entrepreneurs in the Packaged Food Sector in Semarang City Against Halal certification regulations]*, Semarang: Diponegoro University Thesis, p. 47.

Silbey, legal awareness solidified in action and because it is a matter of practice that needs to be investigated empirically, which means legal awareness is a legal issue that becomes behavior and not law as a basic rule or norm.¹¹ In regard of this, the authors will carry out the research guided by the indicators to measure public legal awareness according to Soerjono Soekanto, namely as follows:¹²

1) Legal Knowledge

The behavior can be related to behavior that is prohibited or permitted by law. Legal understanding, according to Otje Salman is an understanding of law. Someone knows about certain behaviors that are regulated by law. The legal regulations in question are unwritten laws or written laws where the behavior is related to behavior that is prohibited by law or behavior that is permitted by law.¹³

The understanding and knowledge of the community members is followed by an appreciation given to the law. If one appreciates the benefits of law for common life in the society concerned. Thus, according to Soerjono Soekanto, if citizens figure the bigger picture of the law, they give an understanding of the law as follows: law as science, law as discipline, law as a legal system, law as an officer, law as a ruling or official decision, law as behavior that order, law as a fabric of values, law as a process of government, law as a rule, law as an art.

Thus, related to the explanation above, in order to determine the level of legal awareness in the community, especially in this study, namely notaries, several indicators regarding legal awareness can be used. The indicator of legal awareness is actually a clear indication of the tariff of legal awareness. With this indicator, someone who pays attention to legal awareness will know what really is legal awareness, even if only limited to certain aspects.¹⁴

Based on the explanation as presented above, it can be said that the community, especially in this case the notary, entailing to the law with different meanings. This meaning depends on their assumption of the law. Based on this, the writer has conducted interviews with several notaries in Sragen Regency, to find out their knowledge of the Notary Professional Code of Ethics. In this case, the writer has conducted interviews with 10 Notaries in Sragen Regency, the results of which are as follows:

The data as described above by the author is based on the latest code of ethics which is a change to the code of ethics of a notary as a result of the Extraordinary Congress of the Indonesian Notary Association which was held in Banten on 29 March 2015 stipulating the prohibition and exception obligations for Notaries whose descriptions are as follows: In carrying out its duties and responsibilities, a Notary has the obligations as regulated in Article 3 of the Code of Ethics for the position of a Notary, namely a Notary or other person who is concerned in carrying out the position of a Notary has an obligation. Meanwhile, based on Article 4 of the Notary's Code of Ethics in carrying out the position of a Notary, a Notary or other person as long as the person concerned carries out the position of a Notary, there are also several prohibitions. In connection with the data above, it can be seen that from the data obtained by the author from conducting interviews with 10 Notaries in Sragen, it can be seen that of the 10 resource persons there are only 50% of notaries who understand Law Awareness regarding the contents of the Code of Ethics of the Notary Profession in In this case, the author asks the Notary to mention the obligations of the Notary code of ethics as a result, there are only 5 Notaries who can explain their obligations in carrying out their notary positions completely and clearly. Meanwhile, related to legal

¹¹Ali Achmad, 2009, *Menguak Teori Hukum (Legal Theory) dan Teori Peradilan (Judicial Prudence) Termasuk Interpretasi Undang-undang (Legisprudence) [Revealing Legal Theory (Legal Theory) and Theory of Justice (Judicial Prudence) Including the Interpretation of Laws (Legisprudence)]*, Bandung: Kencana, p. 510.

¹²Ibid., p.125.

¹³Otje Salman, 1993, *Kesadaran Hukum Masyarakat Tentang Hukum Waris [Community Legal Awareness Regarding Inheritance Law]*, Bandung: Alumni, p. 40-42

¹⁴Soerjono Soekanto and Mustafa Abdullah, 1982, *Sosiologi hukum dalam Masyarakat [Sociology of law in society]*, Jakarta: Rajawali Press, p. 228.

knowledge (law awareness) regarding the existence of the code of ethics of the Notary profession, 70% of notaries know the prohibitions that must not be carried out by a notary. From the interview conducted, 3 notaries possess no knowledge regarding the prohibitions that must not be carried out by the notary, while the remaining 7 were able to distinguish it clearly and completely.

Thus, from the data above, it can be said that if the legal knowledge of the code of ethics of the notary profession, both in terms of content or existence, is still stated to be sufficient, which is basically the term sufficient is still considered not good because if the legal knowledge is known to the notary, it will have an impact on legal awareness and also has the potential for violations of the obligations and prohibitions of the notary profession code of ethics. Basically, knowledge of this law is very essential. Legal knowledge is the basis of notary behavior and will always comply with the code of ethics that should be implemented.

2) Legal Understanding

Legal understanding is someone who has understanding and knowledge of certain rules, for example, there is the correct understanding and knowledge of a student about the nature and importance of his school rules. According to Munir Fuadi, legal understanding is a number of information owned by someone about the contents of the written rules, namely the content, purpose and benefits of the regulation.¹⁵ Meanwhile, according to Otje, legal understanding is a number of information owned by a person about the contents of certain legal regulations. This legal understanding is an understanding of the purpose and content of a regulation in a particular law and has benefits for the parties whose lives are regulated by that regulation. A member of the community has the knowledge and understanding of each of certain rules.¹⁶ From the data aforementioned in the previous discussion regarding legal knowledge, this will affect the notary's legal understanding of the obligations and prohibitions of notaries in carrying out their duties.

As with legal knowledge, legal understanding is a continuation of legal knowledge, so notaries who already know the law related to the notary code of ethics will then be questioned regarding legal understanding with indicators of the content of the notary professional code of ethics and the existence of a notary code of ethics with parameters of obligations and notary prohibition regulated in the notary code of ethics itself. Regarding legal understanding in terms of efforts in obtaining data, the author conducted interviews with 10 Notaries in Sragen Regency as a means of the comprehension of legal understanding of notaries regarding the code of ethics on the notary profession. Moving swiftly on, it can be seen that if the legal understanding of the contents of the notary code of ethics from 10 notaries who were interviewed, 6 notaries did not fully grasp the contents of the notary code of ethics and the remaining four notaries understood the whole picture. The author in this case asked questions regarding the understanding of the obligations of the notary. Then, related with the existence of a notary in carrying out the contents of the notary code of ethics it can be revealed that 5 notaries understand the uttered questions and the other half didn't understand it, in this context, the writer gave question regarding the things that should not be carried out by the notary.

So from the data shown above, it can be seen that the notary legal understanding of the contents of the notary code of ethics is still considered low, lower than the notary legal knowledge of the contents of the notary code of ethics. Whereas basically, this legal knowledge is also important because if the notary does not know about his professional code of ethics, there will be a potential for violations against the notary. This legal emphasis and understanding needs to be carried out by notaries so that they can carry out their duties in accordance with existing legal provisions.

¹⁵Elly Rosana, 2014, *Kepatuhan Hukum [Legal Compliance]*, TAPI's Journal Vol.10 No. 1, January-June 2014, p. 77.

¹⁶Otje Salman, Loc. cit.

3) Legal Attitude

Legal attitude is someone who has tendencies to make an assessment of the law. According to Munir Fuady, legal attitude is a tendency to accept or reject a law due to an appreciation or even ignorance if the law has benefits for human life, in this case there has been an appreciation of the rule of law.¹⁷ Legal attitude is a tendency to accept the law as an appreciation of the law as something that has benefits or provides benefits when the law is obeyed by someone who in the future will have a tendency to make an assessment of the law.¹⁸ Thus, this legal attitude relates to the attitude shown or the response addressed by the notary to the implementation of the notary code of ethics. Regarding this indicator of legal attitude, and to assess the legal attitude of notaries in Sragen Regency, the author has conducted interviews with ten notaries in Sragen Regency. This interview is based on the legal attitude of the notary's obedience to the notary professional code of ethics and also the second is the notary's unwillingness in obeying the professional notary code of ethics. So this legal attitude will be clear whether the notary has a good or bad legal attitude towards the code of ethics of the notary profession. In this regard, the following data obtained from interviews that have been carried out, that is, from the data obtained above, it can be seen that of the 10 Notaries acted as the author's research subjects in this study, there were two notaries who had a legal attitude or legal attitude of compliance with the code of ethics of the notary profession who did not comply and eight notaries obeyed the existing regulations. Furthermore, with the indicator that the attitude of being unwilling in obeying the code of ethics of the notary profession shows that of the 10 Notaries who were the research subjects in this study, there are two notaries who felt unwilling in obeying the code of ethics of the notary profession, then eight do not possess such treat in complying with the code of ethics of the notary profession related to the implementation of obligations and also the prohibition of notaries.

In connection with the data above, it is known that there are still two notaries who have a legal attitude and are reluctant in carrying out the code of ethics of the notary profession which can be considered not good. Thus, it can be said that the legal attitude of notaries in Sragen Regency is still not good and needs to be improved so that there will be no more notaries possessing the mentioned negative behavior.

4) Legal Behavior

Legal behavior is someone who complies with applicable legal regulations. Related to the legal awareness of notaries in Sragen Regency to the code of ethics of the notary profession. According to Munir Fuady, legal behavior is related to whether or not a legal rule functions in the society, if a legal regulation is functioning, it will be analyzed on how far it applies and the extent to which the community obeys,¹⁹ which in this context is a notary. The pattern of behavior is a person or within a community group whose citizens always obey the applicable regulations. This indicator is the most important indicator because in this indicator it can be seen whether a regulation is running or not in the community, thus as far as legal awareness in the community can be seen from the legal behavior of the community.²⁰ Legal behavior can thus be interpreted as an assessment of whether legal awareness is functioning or not, because if there is a notary who violates the code of ethics, then he has a disobedient legal behavior.

Regarding the assessment of legal behavior towards notaries in Sragen Regency, the writer, in this case, uses the indicator whether the notary have violated the code of ethics or never. In this study, to assess the legal behavior of notaries in Sragen Regency, the author has conducted interviews with 10 (ten) notaries in Sragen Regency, where the indicator of the assessment is legal behavior or legal behavior compliance with the code of ethics of the notary profession in Sragen Regency. From the results of the

¹⁷Ellya Rosana. loc. cit.

¹⁸Otje, Loc.Cit

¹⁹Elly Rosana, Loc. cit.

²⁰Otje, Loc.Cit.

interviews that have been carried out, it can be seen that out of ten interviewees, there are two notaries who have legal behavior towards the notary professional code of ethics who are less compliant, besides that there are eight notaries who have good legal behavior by showing that they have never done any violation of the professional code of ethics.

Regarding the data above, it can be supposed if the legal behavior of notaries in Sragen Regency is not good because there are still two notaries who violate the notary code of ethics. In this regard, the writer has conducted an interview with Mr. Yuliwantoro with the results of the interview conducted by the author that several violations were found in Sragen Regency, namely the first two cases, namely the Notary who had his address in Gondang by the name of Nensi Nila Kandi by taking inappropriate actions in the social media, namely smoking and also posted on his private social media then the notary was given a briefing by the Indonesian Notary Association in Sragen. The next case was the violation done by Janika Dinar Umaratih who violated the Ethics Code by promoting oneself on the prize drawing in a Special Job Fair (*Bursa Kerja Khusus*) held in Karangmalang that mentioned her name and notary title. Due to the act, the notary on the second case mentioned was called, given construction and finally was given a Police Investigation Report (*BAP*).²¹ Regarding the two notaries who committed this violation, it shows that the legal awareness of notaries in Sragen Regency is still not obedient. These two violations carried out by a notary in Sragen district are continuous with knowledge, understanding, legal attitude and also legal behavior of a notary towards the implementation of his professional code of ethics.

From the data described above, it can be said that the legal awareness of the notary in implementing the code of professional ethics is still not good enough, because the violations of the code of ethics are still happening on site. If legal awareness is still relatively low, then this may be caused by several influencing factors, namely; being fear of sanctions, maintaining good relations with authorities, maintaining good relations with groups, guaranteed personal interests, in accordance with the values adopted.

Future Concepts that Need to Be Implemented to Increase Legal Awareness of Notaries in Carrying Out Their Professional Code of Ethics

The theory of legal effectiveness is an aspect that provides support and also influences which provides guidance for all law enforcement actions. Thus, future concepts that need to be carried out in order to increase legal awareness of notaries in implementing their code of ethics must improve the function of the law itself. In the thought of Soerjono Soekanto, mentioning the theory of legal effectiveness is a factor that can influence whether or not a law is effective or not is influenced by several factors that can be described, namely;²²

1. The Legal Factor Itself (Law)

Law is used as a means to achieve justice, certainty and benefit. In the implementation of law violations in the original reality, in the future there will be conflict between legal certainty and justice. According to Yuliwantoro, code of ethics for the advocate profession is regulated in the results of the Makassar National Conference and also the regulations for the position of a notary (the law on the position of notary in the Ministry of Human Rights).²³

Notary code of ethics or code of ethics is a moral code determined by the Indonesian notary associations, which are then referred to as associations based on the decisions of the Congress of associations and or those determined by and also regulated in the laws and regulations governing this

²¹Yuliwantoro, Sragen Regency Regional Supervisory Council, Personal Interview, Saturday, December 4, 2021, 13:00 WIB.

²²Soerjono Soekanto, 2008, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum [Factors Affecting Law Enforcement]*, Jakarta: PT RajaGrafindo Persada, pp.8-37

²³Yuliwantoro, Sragen Regency Regional Supervisory Council, *Wawancara Pribadi [Personal Interview]*, Saturday, December 4th, 2021, 13:00 WIB.

matter and who carry out their duties. as a notary, which includes official officials while a notary, a substitute notary at the time of carrying out his office. In the code of ethics there are obligations and prohibitions that must and should not be implemented. Obligations, according to the code of ethics of the notary profession are behaviors, attitudes, actions and actions that are mandatory or must be carried out by members of the association or other people who carry out and also hold the position of a notary, in the context of maintaining and sustaining the image and authority of notary institutions and upholding the nobility and dignity of the position of a notary. Meanwhile, prohibition is any act, behavior, attitude or action that is not allowed to be carried out by members of the association or other people who run and hold the position of a notary that can reduce the image and authority of a notary institution or lose the dignity and dignity of a notary.

In the notary's own code of ethics for violations of obligations and prohibitions, sanctions will be imposed. Sanction itself means as a punishment imposed by the honorary council which is intended as an effort, means and tool to enforce obedience and also discipline members of the association or other people who carry out and hold the position of a notary. In the notary code of ethics, the sanctions that can be imposed on members who violate the code of ethics can be in the form of reprimands, warnings, temporary dismissal from association membership, respectful dismissal from association membership, dishonorable discharge from association membership.

The absence of this reference will affect the imposition of sanctions given, all decisions will be passed onto a central honorary council which has the authority to decide and impose sanctions on violations committed by ordinary members of an active notary association, for violations of moral norms or actions that degrade the dignity of the notary or may cause the loss of public trust towards the notary. Thus, if there is a qualifying violation that is carried out and is directly linked to the sanctions to be given, the sanctions imposed will be more objective and there are also minimum and maximum sanctions that can be imposed on violators of the notary professional code of ethics. The imposition of sanctions will also be carried out more quickly and easily because with the details of violations and sanctions there will be continuity of regulations and the imposition of sanctions will be avoided from a subjective situation. Because for now, the imposition of sanctions can be said to be still an object. There can be same offenses but different penalties may be imposed. This future concept needs to be addressed by the Indonesian Notary Association so that the applicable law, in this case the notary code of ethics, can be better and more responsive to the development of the notaries. With this concept, it is hoped that it can increase legal awareness of notaries so that they do not carry out behavior or behavior that is contrary to the notary code of ethics.

2. Law Enforcement Factors

Law enforcers are parties who make or implement laws in carrying out legal functions, law enforcement characters have a very important role when existing regulations or laws are running well, but law enforcers have poor quality, so it can be said that there is a problem in this case of law enforcement. Based on the code of ethics of the notary profession, supervision over the implementation of the code of ethics is carried out by the Regency/City level by the Regional Management and Regional Honorary Council, at the Provincial Level carried out by the Regional Management and Regional Honorary Council, at the National Level carried out by the Central Executive and also the Council Honor Center.

According to Yuliwantoro, in the process of law enforcement, the Regional Supervisory Council, in this case, conducts surprise inspections once a year on a regular basis and can also be carried out at any time if there are complaints from the community. Legal action is carried out by providing guidance, the notary is summoned to the secretariat of the Supervisory Council by presenting the honorary board and also the Indonesian notary association, then clarifies complaints from the community, then mediates or brings together the complainant with the notary, an official report is made for the results, reports to the Regional Supervisory Council because the District Supervisory Council does not have the authority to

impose sanctions, if the case is more severe, the Regional Supervisory Council reports to the Notary Honorary Council.²⁴

In relation to the law enforcement, according to the author, the future concept that can be carried out is by holding more routine inspections, especially those carried out by regional administrators and also regional honorary councils. With inspections that are carried out more regularly, it will automatically increase notary legal awareness. Because indirectly, a notary will grasp vigilance and caution in carrying out his duties and professional positions. This concept uses preventive means, namely prevention which is different from legal factors which use more repressive means, namely the use of law as sanctions for notaries who violate the notary professional code of ethics.

3. Factors of Facilities or Supporting Facilities

Facilities factor or supporting facilities can be in the form of hardware and software, according to Soerjono Soekanto, law enforcers cannot work optimally if they are not supported by proportional means of communication and vehicles. Thus, related to supporting facilities that can be improved in the future, namely providing facilities to district, regional and central honorary councils in the form of supporting facilities and infrastructure, for example reporting if there is a notary who commits a violation then, there are facilities or media that make it easier to carry out reporting to district, regional and central honorary councils. In addition, other supporting facilities required are seminars or regular meetings for notaries to increase notary legal awareness of the code of ethics of the notary profession.

4. Community Factor

The community factor is the environment in which the law is applied and applies. Basically they are law enforcers from the community and has a goal to achieve peace in the community. In the process of increasing legal awareness for notaries, this community factor is very important. According to Yuliwantoro, the role of the community is very essential, namely by being concerned in supervising the activities of a notary and supervising the legal actions of a notary, then with the available evidence, the MPD will follow up on the report. The future concept that can be done is to try to increase public participation so that they can participate in supervising the behavior of notaries. If there is a violation committed by a notary, the public can report it to the regional honorary council.

5. Cultural Factor

Cultural factors are the result of creativity, work and taste based on human initiative in the association of cultural life which basically regulates the values that form the basis of applicable law, which values are basically abstract conceptions of what is considered good (which may be obeyed) and which are considered bad (which can be avoided). In addition, the Regional Supervisory Council also carries out guidance through a notary bond during workshop meetings.²⁵

The future concept that can be implemented is that notaries remind each other about the implementation of the notary code of ethics, with the aim that there are no more violations of the code of ethics. This culture of reminding each other is highly demanded so that notaries are more careful in carrying out their positions. Internal notary communication must be strengthened, solidarity and mutual assistance will be a good culture to increase notary legal awareness of the code of ethics of the notary profession.

²⁴Yuliwantoro, Sragen Regency Regional Supervisory Council, *Wawancara Pribadi [Personal Interview]*, Saturday, December 4th, 2021, 13:00 WIB.

²⁵Yuliwantoro, Sragen Regency Regional Supervisory Council, *Wawancara Pribadi [Personal Interview]*, Saturday, December 4th, 2021, 13:00 WIB.

Conclusion

Based on the results of the research described, in this paper the author draws the conclusion that the legal awareness of notaries in Sragen Regency towards the code of ethics of the notary profession is guided by indicators to measure public legal awareness according to Soerjono Soekanto, then the results are (1) Legal knowledge of the code of ethics of the notary profession, both in terms of content and existence, is still stated to be sufficient. (2) Notary legal understanding of the contents of the notary code of ethics is still low, lower than the notary legal knowledge of the contents of the notary code of ethics. (3) The legal attitude of notaries in Sragen Regency is still not good and needs to be improved and the improvement needs to be done so that there are no notaries who possess bad legal attitude. (4) The legal behavior of notaries in Sragen Regency is not appropriate because there are still two notaries who violate the notary code of ethics. Second, future concepts that need to be implemented to increase legal awareness of notaries in carrying out their professional code of ethics are the first (1) The legal factor itself (law) is to qualify for violations associated with sanctions that will be given. (2) The factor of law enforcement by holding more routine surprise inspections, especially those carried out by regional administrators and also regional honorary councils. (3) Facility factors or supporting facilities, namely providing facilities to district, regional and central honorary councils. (4) Community factors trying to increase community participation so that they participate in supervising the behavior of notaries. (5) Culture Factor strengthens the notary's internal related with communication, teamwork and cooperation and increase the active community participation.

From the results of the research and the conclusions described above, in this paper, the writers provide the following suggestions for the Indonesian Notary Association to implement changes to the notary professional code of ethics related to sanctions imposed on notaries who violate. For the Indonesian Notary Association through the District Honorary Council, Regional Honorary Council or Central Honorary Council to always update their notary legal knowledge of their professional code of ethics. For the community, to actively participate in reporting to the Indonesian Notary Association through the regional honorary council if one encounters a notary who violates the notary professional code of ethics.

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