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Legal Liability of Notaries Involved in Document Forgery: An Analysis of Court Decision No. 1362/Pid.B/2019/PN Jkt.Utr

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ABSTRACT

As public officials, notary have the authority to draw up authentic deeds that possess strong evidentiary value in the eyes of the law. However, abuse of this authority such as the falsification of documents by a notary poses serious problems within the legal system and undermines public trust in the notarial profession. This study aims to analyze the forms of legal accountability imposed on notaries proven to have falsified documents, from the perspectives of criminal law, civil law, and professional ethics. The research method employed is normative juridical, using statutory and case study approaches. The results indicate that notaries who are legally and convincingly proven to have committed document falsification may be subject to criminal sanctions under the Indonesian Criminal Code (KUHP), civil liability for damages caused to affected parties, as well as administrative and ethical sanctions from the Notary Supervisory Council. Firm law enforcement and effective oversight mechanisms are essential to prevent similar violations and to uphold the integrity of the notarial profession.

Keywords: Code of Ethics, Document Forgery, Legal Liability, Notary

INTRODUCTION

Legal accountability of notaries involved in the falsification of authentic deeds represents a critical issue within Indonesia's legal framework, particularly in maintaining public trust in the integrity of legal documents. As public officials authorized to draft authentic deeds, notaries bear a significant responsibility to ensure that every document they produce fulfills legal requirements and accurately reflects the parties' intentions. When a notary engages in falsification, the misconduct harms not only the parties bound by the deed, but also undermines the credibility of the notarial profession and erodes confidence in the legal system as a whole.¹

In Indonesia, the authority and ethical obligations of notaries are regulated under the *Undang-Undang Jabatan Notaris* (UUJN), which positions notaries as public officials entrusted with state authority to guarantee legal certainty.² Despite this clear legal mandate, several recent cases have revealed that notaries occasionally violate their duties by manipulating or falsifying authentic deeds for personal or external interests. Such actions expose a structural weakness in the supervision and enforcement of notarial ethics, raising concerns regarding the effectiveness of current regulatory mechanisms.³⁴⁵

Previous studies on notarial misconduct have primarily focused on administrative sanctions and professional ethics without sufficiently addressing the intersection between notarial responsibility and criminal liability. This gap necessitates a deeper exploration of how criminal law principles, particularly the concepts of *actus reus* and *mens rea*, are applied to notaries who commit forgery in the course of their duties. A clearer understanding of this legal intersection is

¹ Devi Andiya Fidiyanti and Khunsul Yaqin, "Polemic of Involvement of Notaries As Suspects Based On Article 263 of The Criminal Law Book," *YURISDIKSI : Jurnal Wacana Hukum dan Sains* 17, no. 4 (March 29, 2022): 415–420, <http://yurisdiksi.unmerbaya.ac.id/index.php/yurisdiksi/article/view/115>.

² Nadia Safitri and Aju Putrijanti, "Analisis Terhadap Pelanggaran Kode Etik Notaris Dalam Pembuatan Akta Jual Beli Saham," *Notarius* 16, no. 3 (December 29, 2023): 1348–1360, <https://ejournal.undip.ac.id/index.php/notarius/article/view/42473>.

³ Ahmad Yani and Taupiq Qurrahman, "The Authority of the Honorary Council of the Indonesian Notary Association in Imposing Sanctions for Violation of the Notary's Code of Ethics," *Veteran Law Review* 4, no. 1 (April 16, 2021): 1, <https://ejournal.upnvj.ac.id/index.php/Velrev/article/view/2696>.

⁴ Grace Avianti et al., "Legal Analysis of Cracking Down on Violations of Notary Code of Ethics According to Law No. 2 of 2014 Concerning Amendments to the Notary Position Law," *QISTINA: Jurnal Multidisiplin Indonesia* 2, no. 2 (December 1, 2023): 834–838, <https://rayyanjurnal.com/index.php/qistina/article/view/770>.

⁵ Safitri and Putrijanti, "Analisis Terhadap Pelanggaran Kode Etik Notaris Dalam Pembuatan Akta Jual Beli Saham."

essential for evaluating whether Indonesia's judicial system provides proportional and consistent accountability for notarial offenses.⁶⁷

Beyond the judicial perspective, the complexity of notarial accountability is rooted in the dual nature of a notary's role, as both a public official and a private professional. This duality often gives rise to overlapping responsibilities, particularly when the notary's public function as an instrument of legal certainty intersects with personal interests or external pressures. The *Jabatan Notaris* Law (Law No. 2 of 2014) emphasizes that a notary must act independently and in accordance with legal norms, yet in practice, breaches often occur due to weak ethical oversight and limited enforcement mechanisms. Inconsistencies between statutory provisions and the supervisory authority's capacity have resulted in varying interpretations of notarial misconduct and lenient sanctions, undermining the deterrent effect of existing regulations.⁸⁹

From a regulatory standpoint, Indonesia's legal framework provides multiple layers of control over notarial practice, including administrative, civil, and criminal liability. Administrative oversight is conducted through the *Majelis Pengawas Notaris* (Notary Supervisory Council), while disciplinary proceedings are guided by the *Kode Etik Notaris* established by the Indonesian Notary Association (*Ikatan Notaris Indonesia*).¹⁰ However, when a notary's actions meet the threshold of criminal behavior, such as falsification of authentic deeds under Article 263 of the Indonesian Criminal Code (KUHP), criminal liability becomes unavoidable.¹¹ This transition from ethical to criminal accountability remains one of the most contentious aspects of notarial regulation, reflecting tensions between professional autonomy and public accountability.

This study focuses on the judicial analysis of Decision No. 1362/Pid.B/2019/PN Jkt.Utr, which examines how the Indonesian court system

⁶ Santa Indah Theresia Pardosi, "The Limitations of Notary Legal Liability in Indonesia towards Disputed Authentic Deeds," *Nurani Hukum* 5, no. 2 (December 28, 2022): 172, <https://jurnal.untirta.ac.id/index.php/nhk/article/view/15659>.

⁷ Dwi Rossulliaty, Yoyok Ucuk, and Wahyu Prawesthi, "Criminal Liability of Notary in Criminal Act Committed by Notary Signing Agent," *Journal of Court and Justice* 2, no. 1 (March 1, 2023): 54–65, <https://journal.jfpublisher.com/index.php/jcj/article/view/258>.

⁸ Habib Adjie, "Legal Study Regarding the Responsibilities of Notaries in Providing Social Services in Accordance with the Implementation of Their Position," *Journal of Law and Sustainable Development* 11, no. 8 (September 29, 2023): e1435, <https://ojs.journalsdg.org/jlss/article/view/1435>.

⁹ Sulistyowati Sulistyowati, Umar Ma'ruf, and Deva Rita, "The Constitutionality of Notaries Honorary Assembly in the Enforcement of the Notary Ethics Code," *Jurnal Akta* 9, no. 2 (July 20, 2022): 222, <http://jurnal.unissula.ac.id/index.php/akta/article/view/22761>.

¹⁰ Alvie Naufal Furqani et al., "Legal Reform Urgency: A Critical Analysis of Notary Officials Convicted More Than Once with Imprisonment Sentences Below Five Years," *International Journal of Business, Law, and Education* 5, no. 1 (December 31, 2023): 1–13, <https://ijble.com/index.php/journal/article/view/339>.

¹¹ Devi Andiya Fidiyanti and Khunsul Yaqin, "Polemic of Involvement of Notaries As Suspects Based On Article 263 of The Criminal Law Book."

addresses cases of falsified authentic deeds committed by a notary. In adjudicating such cases, the court must carefully interpret provisions within the Indonesian Criminal Code (*Kitab Undang-Undang Hukum Pidana, KUHP*) and related statutory frameworks governing notarial conduct. The enforcement of criminal sanctions in these circumstances is essential for upholding the legitimacy of notarial institutions and reinforcing public trust in legal documentation.

The significance of this research lies in its examination of the legal implications arising from the falsification of authentic deeds by notaries and its impact on affected parties. Moreover, it aims to assess the extent to which the judicial decision embodies the principles of justice, legal certainty, and professional accountability. By analyzing this court decision, the research provides insights into the prevailing judicial practices and identifies areas for potential reform to strengthen the legal and ethical oversight of notarial work in Indonesia.

Ultimately, this study contributes to a deeper understanding of how legal accountability is applied in cases involving falsified authentic deeds. The findings are expected to inform the development of more robust legal policies and ethical standards for notarial supervision and law enforcement, ensuring that professional conduct within the notarial field aligns with the ideals of justice and the rule of law.

LITERATURE REVIEW

Notary as a Public Official

According to Law No. 2 of 2014 amending Law No. 30 of 2004 on the Office of the Notary (*Jabatan Notaris*), a notary is defined as a *public official* authorized to draw up authentic deeds and entrusted with an essential role in providing legal services to society. Sudikno Mertokusumo (2003) explains that a notary functions as an executor of the state's authority in the field of civil law, tasked with guaranteeing the *formal truth* of statements declared by the parties in a deed. Through this capacity, the notary acts as both a legal professional and a guardian of public trust, ensuring that every authentic deed produced carries evidentiary strength and legal certainty within civil transactions.¹²

Criminal Responsibility

The term criminal responsibility, referred to in other languages as “*toerekenbaarheid*”, “criminal responsibility”, or “criminal liability”, serves to determine whether an individual can be held legally accountable for a criminal act committed. Criminal law, as a branch of public law, primarily protects public interests over private concerns such as compensation. Therefore, when a person commits a criminal act, the state, through its judicial and enforcement institutions,

¹² Sudikno Mertokusumo, *Mengenai Hukum: Suatu Pengantar* (Yogyakarta: Liberty, 2003).

has the authority to impose sanctions, whether in the form of punishment (*straf*) or corrective measures (*maatregel*).¹³

Criminal responsibility thus pertains to the imposition of punishment upon the offender who has committed a criminal act and whose conduct fulfills the statutory elements of the offense. Within the Indonesian Criminal Code (KUHP), however, the elements of criminal acts (*delik*) and criminal responsibility are intermingled across Books II and III, making it necessary for legal experts to differentiate between them during judicial interpretation. The drafters of the KUHP equated the prerequisites of punishment with the elements of the offense itself. Therefore, in criminal prosecution, all elements of the offense must be proven in court to justify the imposition of punishment.

The principle underlying criminal responsibility is the maxim *geen straf zonder schuld*, meaning *no punishment without fault*. This foundational principle signifies that a person cannot be convicted unless culpability is established. The application of this principle reflects the balance between justice, fairness, and the protection of individual rights in Indonesia's criminal justice system (Moeljatno, 2002; Sudarto, 2011).

Forgery of Documents in Criminal Law

Forgery of documents is governed under Article 263 of the Indonesian Criminal Code (KUHP). This provision stipulates that any person who intentionally produces a forged document or falsifies an existing document, with the intent that it be used as if it were genuine, is subject to criminal penalties. Moeljatno (2002) classifies forgery as a *formal offense (delik formil)*, meaning that the crime is deemed complete once the falsified document has been created, regardless of whether tangible harm has occurred.¹⁴ The criminalization of forgery serves to protect the authenticity of legal instruments and maintain public confidence in the reliability of documentary evidence in both civil and criminal contexts.

Code of Ethics and Professional Supervision of Notaries

In addition to criminal sanctions, notaries are bound by a professional code of ethics as regulated by the Indonesian Notary Association (Ikatan Notaris Indonesia–INI) and are subject to oversight by the Notary Supervisory Council (Majelis Pengawas Notaris–MPN). Habib Adjie (2008) emphasizes that any violation of the code of ethics or statutory provisions may result not only in administrative sanctions but also in criminal liability if the act constitutes a criminal offense, such as document forgery.¹⁵ The dual system of professional and criminal accountability reflects the legal expectation that notaries must uphold both legal

¹³ S.R. Sianturi, *Asas-Asas Hukum Pidana Indonesia Dan Penerapannya* (Jakarta: Alumni Ahaem-Pateheam, 1996).

¹⁴ Moeljatno, *Asas-Asas Hukum Pidana* (Jakarta: Rineka Cipta, 2002).

¹⁵ Habib Adjie, *Sanksi Perdata & Administratif Terhadap Notaris : Sebagai Pejabat Publik* (Jakarta: Pusat Bahasa Departemen Pendidikan Nasional, 2008).

norms and ethical integrity. Consistent supervision and enforcement by INI and MPN are essential in preserving professional credibility and ensuring that notarial practice remains aligned with the principles of honesty and public service.

Legal Consequences and Public Protection

Acts of forgery committed by a notary have serious consequences for both the credibility of the profession and the legal interests of parties who depend on the authenticity of notarial deeds. According to Gunawan Widjaja (2010), strengthening the supervision system over notaries is crucial to prevent abuses of authority and to uphold the public's trust in notarial services. The imposition of firm criminal sanctions serves both a deterrent and corrective function, ensuring that legal professionals exercise their duties responsibly and within the bounds of law. Effective enforcement thus contributes to the broader goal of protecting society from malpractice and safeguarding the integrity of Indonesia's legal system.¹⁶

RESEARCH METHODOLOGY

Type of Research

This study constitutes a doctrinal legal research (normative legal research). It is grounded in the examination of legal principles aimed at analyzing existing statutory theories and their relation to the adoption of certain legal concepts into positive law.¹⁷ The approach seeks to understand how legislative provisions and legal doctrines are applied and interpreted within the Indonesian legal system. As emphasized by Richard Posner, doctrinal legal research plays a vital role in the development and refinement of law, as it provides a theoretical and systematic foundation for legal reform and policy formulation.¹⁸

Approach to the Problem

Several methodological approaches can be applied in legal research. In this study, a normative legal approach is adopted, combining the statutory approach and the conceptual approach. The statutory approach is essential in the context of Indonesia as a civil law country, where legislation serves as the primary source of law. This approach involves a thorough examination of all relevant laws and regulations, particularly those containing criminal provisions, to ensure a comprehensive understanding of legal norms governing notarial responsibilities and criminal liability. Legal materials in the form of statutory instruments, such as laws and regional regulations, are analyzed with reference to Law No. 12 of 2011

¹⁶ Gunawan Widjaja, *Seri Aspek Hukum Dalam Bisnis : Persekutuan Perdata, Persekutuan Firma, Dan Persekutuan Komanditer* (Jakarta: Mandar Maju, 2010).

¹⁷ T C M Hutchinson and T Hutchinson, *Researching and Writing in Law*, Researching and Writing in Law (Thomson Reuters/Lawbook Company, 2010), <https://books.google.co.id/books?id=JPD4SAAACAAJ>.

¹⁸ Rob van Gestel, Hans-W. Micklitz, and Miguel Poiars Maduro, *Methodology in the New Legal World*, *EUI Working Papers* (Florence, 2012), <http://jte.sagepub.com/cgi/doi/10.1177/002248719104200105>.

on the Establishment of Laws and Regulations, which serves as the fundamental framework for legislative drafting and interpretation in Indonesia (Subekti, 2019; Asshiddiqie, 2021).

Sources of Legal Materials

Sources of legal research are categorized into primary and secondary legal materials. Primary legal materials refer to binding legal sources, including constitutional provisions and statutory instruments that form the foundation of Indonesian law. These materials encompass the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), Articles 263 and 264 of the Indonesian Criminal Code (KUHP), Law No. 1 of 1946 on the Indonesian Criminal Code, Law No. 8 of 1981 on the Criminal Procedure Code (KUHAP), and Law No. 2 of 2014, which amends Law No. 30 of 2004 on the Office of the Notary (*Jabatan Notaris*). Collectively, these legal instruments provide the normative framework for analyzing the criminal liability of notaries and the authenticity of legal deeds within Indonesia's legal system.

Secondary legal materials are sources that support and elaborate upon the primary materials. These include scholarly books, academic journal articles, expert commentaries, and the proceedings of scientific forums such as seminars, symposiums, and legal discussions. Secondary materials play a crucial role in interpreting and contextualizing primary sources, enabling deeper analytical insight into the issues of notarial accountability and criminal falsification of authentic deeds.

RESULT AND DISCUSSION

Several important aspects should be noted in relation to criminal liability, namely:¹⁹

1. Elements of fault:
 - a. The commission of a criminal act;
 - b. The offender must have reached a certain age and possess the capacity to be held legally responsible;
 - c. The act must be committed with intent or negligence; and
 - d. There must be no grounds for excuse.
2. Forms or types of fault:
 - a. Acts committed with intent (*dolus*); and
 - b. Acts committed due to negligence (*culpa*).

Based on the above understanding, a person who commits a criminal act can only be subjected to criminal sanctions if all elements of criminal responsibility are fulfilled. In other words, criminal law, by its distinctive nature, consistently applies

¹⁹ Didik Endro Purwoleksono, *Hukum Pidana* (Surabaya: Airlangga University Press, 2014).

the principle of caution when imposing punishment. This is done by ensuring that all elements of criminal accountability are present before a sanction is delivered.

According to Moeljatno, “*criminal responsibility does not suffice merely with the commission of a criminal act; in addition, there must be fault or a culpable mental attitude.*” This principle is further reflected in the unwritten maxim of law, *geen straf zonder schuld* (no punishment without fault, ohne schuld keine strafe), which emphasizes that criminal liability cannot exist in the absence of culpability. The essential elements of criminal responsibility can thus be summarized as follows:²⁰

1. The existence of a human act;
2. The act must be committed either intentionally or negligently;
3. The presence of fault on the part of the offender; and
4. The absence of any exculpatory grounds that would negate criminal liability.

In essence, the fulfillment of these components ensures that punishment is imposed in accordance with both legal justice and moral responsibility, aligning with the fundamental principles of Indonesian criminal jurisprudence and the broader doctrine of *mens rea* in criminal law (Sudarto, 2011; Simons, 2020).

In the context of criminal law, the concept of criminal responsibility is inseparable from the elements that form its foundation. These elements serve as benchmarks for determining whether an individual can be held liable for a criminal act. Each element reflects a different dimension of culpability, ranging from the existence of an act to the mental state accompanying it. A comprehensive understanding of these components is essential to ensure that punishment is imposed only upon those who truly meet the criteria of legal guilt. The following discussion elaborates on these elements in order to clarify how Indonesian criminal law conceptualizes and applies the principles of responsibility, intent, negligence, and fault in the adjudication of criminal offenses.

An *act* in this context refers to any conduct, activity, or behavior carried out by an individual, in this case, the offender. Fundamentally, such conduct must be assessed to determine whether it constitutes a criminal act (*perbuatan pidana*) or a non-criminal act. According to the *Kamus Besar Bahasa Indonesia (KBBI)*, an act is defined as “something that is done” or “an action.” If the act fulfills the characteristics of a criminal offense, it must be regulated under a statutory provision that prescribes a corresponding criminal sanction. Conversely, if no criminal sanction is provided by law, the conduct is categorized merely as a violation (*pelanggaran*), not a crime (*kejahatan*). Thus, the classification of an act as criminal depends entirely on its legal basis within existing legislation.

Transitioning from the existence of an act, the next element focuses on *intent* (*dolus* or *opzet*), which represents the mental state accompanying the act. Although

²⁰ Moeljatno, *Asas-Asas Hukum Pidana*.

the Indonesian Penal Code (KUHP) does not explicitly define the term “intent,” it can be inferred from various statutory formulations that describe deliberate conduct. Expressions such as “with intent,” “knowingly,” “with purpose,” “by design,” or “through coercion” (as seen, for instance, in Articles 167 and 212 of the KUHP) indicate intentional action.²¹

Within legal theory, two major doctrines explain intent: the *will theory* and the *knowledge theory*. The will theory, supported by Von Hipel and Simmons, posits that a person acts intentionally when they consciously will to commit the act and accept its consequences. Conversely, the knowledge theory, advanced by Frank, asserts that intent exists when a person acts with awareness of both the act and its foreseeable outcomes. Both perspectives emphasize that intent forms the moral and psychological basis of criminal responsibility.

After discussing intent, the analysis proceeds to negligence (*culpa* or *schuld*), which constitutes another form of culpability. Negligence refers to carelessness, recklessness, or failure to exercise due caution, as defined in the *Kamus Besar Bahasa Indonesia* as an act of omission or inadvertence. In criminal law, negligence is punishable when it causes harm or endangers others, reflecting the legal principle that even unintentional wrongdoing cannot be left unaddressed when it leads to socially detrimental outcomes. Indonesian criminal law does not tolerate reckless behavior that jeopardizes public safety or human life, emphasizing accountability even in the absence of intent.

Building upon the preceding discussion, the final element concerns fault, which serves as the moral and legal foundation of criminal liability. Fault is considered an indispensable element in criminal law, encapsulated in the Latin maxim *actus non facit reum nisi mens sit rea*, which means an act does not make a person guilty unless the mind is also guilty. This principle underscores that criminal liability arises not merely from the commission of an act but from the existence of a blameworthy mental state accompanying it. The same notion is reaffirmed in the maxim *geen straf zonder schuld*, meaning “no punishment without fault.” In Indonesian positive law, this doctrine is codified in Article 6 paragraph (2) of the Law on Judicial Power, which stipulates that “*no one may be convicted unless the court, based on lawful evidence, is convinced that a person who is deemed capable of being held responsible is guilty of the act charged.*” This provision reinforces that legal punishment must always rest upon demonstrable culpability proven through lawful means.

A person may be subject to criminal punishment by examining whether the criminal act they committed constitutes a form of criminal responsibility and whether the act can be proven as a wrongful deed, either intentional or negligent, amounting to a crime or merely a violation. This assessment requires careful

²¹ Didik Endro Purwoleksono, *Hukum Pidana* (Surabaya: Airlangga University Press, 2014).

consideration of both the external and internal elements of the offense. In criminal law, it is well recognized that an act is deemed unlawful and punishable only when two essential components are fulfilled *actus reus* (the physical element) and *mens rea* (the mental element). The *actus reus* represents the material aspect of the crime, namely the conduct or action performed, while the *mens rea* embodies the mental state or intent of the offender at the time of committing the act.²²

Within the Indonesian criminal law framework, several doctrines address conditions under which criminal liability may be removed. These doctrines encompass justification, excuse, and grounds for the elimination of prosecution. According to the *Memorie van Toelichting (M.v.T)*, these principles are categorized as follows:²³

1. Grounds for the elimination of punishment
 - a. Grounds arising from the mental condition of the defendant, such as those regulated under Article 44 of the *Kitab Undang-Undang Hukum Pidana* (KUHP)
 - b. Grounds external to the defendant's mental state, such as those contained in Articles 48–51 of the KUHP

2. Grounds of justification

These grounds remove the unlawful nature of the act, rendering the defendant's conduct legally justified and proper.

- a. Article 49 paragraph (1) KUHP, lawful self-defense (*noodweer*)
- b. Article 50 KUHP, actions performed in accordance with statutory provisions
- c. Article 51 paragraph (1) KUHP, actions taken under a legitimate order from a superior

3. Grounds of excuse

These grounds eliminate the personal culpability of the offender. Although the act remains a criminal offense, the defendant cannot be punished due to the absence of fault.

- a. Article 49 paragraph (2) KUHP, excessive self-defense (*noodweer exces*)
- b. Article 51 paragraph (2) KUHP, execution of an unlawful order made in good faith

4. Grounds for the elimination of prosecution

This concept is rooted in the principle of *opportunititeit*, as regulated under Article 35 of the Law on the Attorney General's Office, granting discretion to terminate prosecution in certain circumstances.

²² Zainal Abidin Farid, *Hukum Pidana I*, Cetakan 1. (Jakarta: Sinar Grafika, 1995).

²³ Didik Endro Purwoleksono, *Hukum Pidana* (Surabaya: Airlangga University Press, 2014).

Based on the preceding discussion of criminal responsibility, it is also essential to understand the nature and character of criminal law itself. According to Van Hattum, modern criminal law is regarded as a branch of public law, reflecting a significant development from its earlier conception as private law.²⁴ This transformation underscores the evolution of criminal law from regulating individual disputes toward serving the broader function of safeguarding public interests and maintaining social order.

Roeslan Saleh further elaborates that the concept of a criminal act (*perbuatan pidana*) does not inherently include the notion of liability. A criminal act merely refers to conduct that is prohibited by law. Whether the person who commits such an act should be punished depends on whether the act was performed with fault or culpability. If it can be established that the offender acted with fault, punishment becomes justifiable and consistent with the principles of criminal justice.²⁵

In summary, a person may be held criminally liable when the following conditions are satisfied:

- a. The existence of an unlawful element (*objective element*).
- b. The presence of fault in the form of intent or negligence (*subjective element*).

Hence, the realization of criminal responsibility generally occurs when all elements of criminal liability are fulfilled concerning the act or offense committed. Once these elements are established, the offender is deemed deserving of the sanctions prescribed by applicable law.

CONCLUSION

A notary is a public official authorized to draw up authentic deeds, provided that the authority to create certain authentic deeds has not been specifically assigned to other public officials. The status of “public official” is not exclusive to notaries; it also extends to Land Deed Officials (*Pejabat Pembuat Akta Tanah/PPAT*), who are vested with the authority to prepare authentic deeds related to legal actions concerning land rights or ownership of condominium units. However, a notary or PPAT cannot be entirely separated from the potential of committing unlawful acts, including the falsification of authentic deeds, which directly contradicts the integrity of their professional duties.

The court, in this case, correctly and lawfully applied a juridical approach to assess the facts, evidence, and elements of the articles charged. Once the element of “intentional use of a forged document as if it were genuine for the purpose of

²⁴ Andi Hamzah, *Asas-Asas Hukum Pidana*, Cetakan 1. (Jakarta: Rineka Cipta, 1991).

²⁵ Roeslan Saleh, *Pikiran-Pikiran Tentang Pertanggungjawaban Pidana, Ghalia Indonesia* (Jakarta: Ghalia Indonesia, 1982).

obtaining rights” was proven, the imposition of criminal sanctions upon the defendants was in accordance with the prevailing principles and doctrines of criminal law. This judgment demonstrates the proper implementation of the principles of legal certainty, legal protection, and proportional criminal justice within the Indonesian legal system.

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