Journal of Legal Contemplation

e-ISSN: 3089-9850 | p-ISSN: 3089-5389
Journal Homepage: www.ejournal.candela.id/index.php/jlc

Vol. 2, No. 3, November 2026



Article

Check for updates

The Application of the Lex Specialis Principle in Conflicts Between a Notary's Right to Refuse and the Duty to Testify in Criminal Cases

Faisal Anugrah Sumarno[1*], Kartika Djuna[2]

[1] *Faculty of Law, Universitas Diponegoro, Semarang, Indonesia*
[2] *LL.M. Student at Washington University School of Law in St.Louis, Missouri, United States*

***Corresponding author**: faisalanugrahsumarno@students.undip.ac.id*

Article Info

Received : 23 Sep 2026
Revised : 10 Nov 2026
Accepted : 15 Nov 2026
Published : 25 Nov 2026

Keywords:
Lex Specialis Principle;
Notary's Right to Refuse;
Duty to Testify;
Criminal Law.

DOI : 10.63288/jlc.v2i3.29

Abstract

This research examines the horizontal norm conflict between the Notary Law (UUJN) and the Indonesian Penal Code (KUHP) concerning notary criminal liability over authentic deeds, which frequently leads to over-criminalization and legal uncertainty. Methods: This study employs a normative legal research method with statutory, conceptual, and case approaches to analyze the dogmatic boundary between administrative faults and criminal offenses. Results: The findings demonstrate that UUJN constitutes a self-contained system providing administrative and civil remedies for procedural errors in deed preparation. Applying the lex specialis derogat legi generali principle pursuant to Article 63(2) of the KUHP mandates that criminal prosecution against a notary is justified only if three cumulative criteria are met: proven intentional evil intent (mens rea/dolus) in collusion with the parties, violation of imperative UUJN procedures, and prior approval from the Notary Honor Council (MKN) as a procedural filter. Otherwise, the notary's actions fall under statutory execution duties protected by justification grounds under Article 50 of the KUHP. Based on these findings, it can be concluded that the consistent application of the lex specialis doctrine reinforces criminal law as the ultimum remedium, resolves the dilemma of dual criminal liability regarding professional secrecy and testimony, and restores legal certainty and public trust in the notary institution.

A. Introduction

The Republic of Indonesia is constitutionally established as a state governed by the rule of law *(rechtsstaat)*, as affirmed in Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which mandates that all aspects of national and state life must be subject to the supremacy of the law to realize legal certainty, justice, and the public good.[1] In the national legal system, legal certainty and protection for citizens depend heavily on authentic written evidence of acts, agreements, rulings, and legal events made before or by authorized officials.[2] In this context, the notary plays a central role as a public official *(openbaar ambtenaar)* who exercises the authority delegated by the state to serve the public interest in the preparation of authentic deeds.[3] An authentic deed drawn up by or in the presence of a

[1] *Undang-undang (UU) Nomor 20 Tahun 2025 tentang Kitab Undang-Undang Hukum Acara Pidana*.
[2] Maulida Rahimi, "Perlindungan Hukum Notaris dalam Perkara Pidana Pembuatan Akta Perubahan Berita Acara Rapat Umum Pemegang Saham," *Jurnal Lex Renaissance* 2, no. 2 (2017), https://doi.org/10.20885/JLR.vol2.iss2.art10.
[3] I. Gusti Made Ardianta dkk., "Analisis Yuridis Hak Ingkar Notaris Terhadap Kerahasiaan Isi Minuta Akta Notaris Berdasarkan Uujnp Dan Kode Etik Notaris," *Jurnal Risalah Kenotariatan* 4, no. 2 (2023), https://doi.org/10.29303/risalahkenotariatan.v4i2.150.

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License
Copyright © 2026 The Author(s) | Journal of Legal Contemplation
Published by Candela Edutech Indonesia

notary public has full probative force, both formal and substantive (volledig bewijskracht), and is binding on the parties and third parties, as provided in Articles 1868 and 1870 of the Civil Code. The office of a notary is, in essence, a position of trust *(vertrouwens ambt)*, in which the public entrusts legal secrets and their intentions to be formulated into a legally valid written document.[4]

In notarial doctrine, authentic deeds are classified into two main categories: official deeds (*ambtelijke acte or relaas acte*) and party deeds (*partij acte*). This distinction has very fundamental legal implications for the scope of a notary's legal liability. In party deeds, such as deeds of amendment to the Minutes of an Extraordinary General Meeting of Shareholders (EGMS) or other civil agreements, the content, statements, drafts, and supporting documents are derived entirely from the statements and intentions of the parties present. A notary public merely acts to record or formalize the intentions of the parties in an authentic form in accordance with the procedures and formalities established by law. Therefore, the notary is not legally obligated to investigate the substantive truth of the statements or documents submitted by the parties appearing before him or her; consequently, any substantive falsity in the statements made by the parties is entirely the legal responsibility of the parties concerned, not the notary. [5]

To ensure the independence, dignity, and public trust in the office of Notary, the law provides special protection through the obligation to keep confidential the contents of deeds and all information obtained in the performance of their duties. This obligation stems from the wording of the notary's oath of office as stipulated in Article 4(2) of Law No. 2 of 2014 Amending Law No. 30 of 2004 on the Office of the Notary (UUJN) and is reaffirmed in Article 16(1)(f) of the UUJN.[6] From this obligation to maintain professional secrecy arise the right to refuse to testify (*verschoningsrecht*) and the duty to refuse to testify (*verschoningsplicht*), that is, the notary's legal right and obligation to refuse to testify, to produce, or to hand over notarial documents to third parties, including law enforcement officials, to protect the interests of the parties who have entrusted their legal transactions to the notary. This legal framework is reinforced by Article 1909(3) of the Civil Code, Article 170(1) of the Criminal Procedure Code (KUHAP), and is subject to criminal penalties under Article 443 (1) and (2) of the Criminal Code (KUHP) if a notary unlawfully discloses the secrets of his or her office.[7]

Through the Notary Law (UUJN), Indonesia's notarial legal system has, in fact, established a self-contained legal system governing the procedures for drafting deeds, oversight, and the imposition of sanctions for misconduct in office.[8] If a notary commits negligence or violates the provisions regarding the procedures for drafting deeds or the

[4] Ali Arben dan Andrew Shandy Utama, "Kedudukan Akta Notaris Sebagai Akta Autentik Dalam Hukum Perdata Berdasarkan Undang-Undang Jabatan Notaris," *ANDREW Law Journal* 3, no. 1 (2024): 1–11, https://doi.org/10.61876/alj.v3i1.26.

[5] Rahimi, "Perlindungan Hukum Notaris dalam Perkara Pidana Pembuatan Akta Perubahan Berita Acara Rapat Umum Pemegang Saham."

[6] Lilisya Tri Nur Mulyahazizah dan Merline Eva Lyanthi, "Konflik Norma Antara Hak Ingkar Notaris Dengan Kewajiban Keterbukaan Informasi Dalam Sistem Peradilan Pidana," *Quantum Juris: Jurnal Hukum Modern* 8, no. 1 (2026), https://journalversa.com/s/index.php/jhm/article/view/5094.

[7] Prasetya Agung Laksana, "Batas – Batas Kewajiban Menjaga Kerahasiaan Notaris Dalam Kaitannya Hak Ingkar Notaris Berdasarkan Undang-Undang Tentang Jabatan Notaris," *Jurnal Akta* 3, no. 4 (2016), https://doi.org/10.30659/akta.v3i4.2919.

[8] Athena Permana Putri dan Steffani Yuliani, "Analisis Yuridis terhadap Keabsahan, Tanggung Jawab, dan Perlindungan Hukum Notaris dalam Pelaksanaan Jabatan Berdasarkan UUJN," *Jurnal Ilmu Multidisiplin* 4, no. 5 (2025): 3166–72, https://doi.org/10.38035/jim.v4i5.1532.

Copyright © 2026 The Author(s) | CC BY-SA 4.0 | Published by Candela Edutech Indonesia |

registration/numbering of deeds as stipulated in Article 58 of the Notary Law, the Notary Law explicitly provides for administrative sanctions under Article 65A of the Notary Law, which include written warnings, temporary suspension, honorable dismissal, and dishonorable dismissal. In addition, there are civil sanctions in the form of downgrading the evidentiary weight of an authentic deed to that of a private deed, as well as the obligation to pay damages, costs, and interest to the aggrieved party, as provided for in Article 48 (3), Article 49 (4), and Article 50 (5) of the Notary Law. This mechanism demonstrates that any procedural non-compliance in the preparation of a notarial deed essentially has its own distinct internal sanction resolution framework, encompassing both administrative and civil dimensions.[9]

Although the scope of administrative and civil sanctions has been regulated in detail in the UUJN, in the practice of criminal law enforcement in Indonesia, there has arisen a phenomenon of ambiguity and conflict of norms that is highly critical. Law enforcement officials, particularly police investigators and public prosecutors, often engage in unilateral legal reclassification or over-criminalization of notaries. When a notarial deed is contested or suspected of containing false information by one of the disputing parties, The notary is immediately implicated and charged as the principal offender or an accomplice *(medepleger)* in the criminal act of forging an authentic document under Article 391 or Article 264 of the Criminal Code. This kind of law enforcement practice disregards the procedural norms for the preparation of deeds as stipulated in the UUJN and confuses procedural negligence *(culpa)* with a substantive criminal act that requires the elements of full intent *(dolus)*, awareness, and criminal intent *(mens rea)* all of which must be premeditated in concert with the parties involved to commit the crime.[10]

This horizontal conflict of norms gives rise to a sharp conflict between the Notary Public Act as the legal framework governing the notarial profession and the Criminal Code as the general criminal law framework. On the one hand, the Notary Public Act (UUJN) provides for the protection of the notary profession, the duty of professional confidentiality, administrative and civil sanctions, as well as institutional review through the Notary Honorary Council (MKN) pursuant to Article 66 (1) of the UUJN before a notary can be summoned or investigated by law enforcement authorities. On the other hand, law enforcement officials tend to apply the Criminal Code (KUHP) and the Criminal Procedure Code (KUHAP) mechanically without regard for the specific procedures outlined in the UUJN, thereby creating fundamental legal uncertainty in the enforcement of criminal law against notaries.[11]

The urgency of this research stems from the pressing need to put an end to the disproportionate criminalization of notaries in the performance of their official duties. If every administrative error or inaccuracy in the information provided by a party to a notarial deed can immediately be treated as a criminal act of document forgery under the Criminal Code without applying the provisions of the Notary Law, then the notary's public function as a guardian of legal certainty for the public will be paralyzed (chilling effect). Notaries would live in constant

[9] T. Maharanny Ade Syah Erlin dkk., "Pembatasan Hak Ingkar Notaris Terhadap Penggandaan Sertifikat Tanah Dilihat Dari Undang-Undang Nomor 2 Tahun 2014 Tentang Jabatan Notaris," *Warta Dharmawangsa* 18, no. 3 (2024): 705–19, https://doi.org/10.46576/wdw.v18i3.4745.

[10] Deya Nathasya Rahmadany dan Sri Subekt, "Perlindungan Hukum Terhadap Pegawai Notaris Sebagai Saksi Instrumenter Dalam Akta Notaris," *UNES Law Review* 6, no. 3 (2024), https://doi.org/https://doi.org/10.31933/unesrev.v6i3.

[11] Ni Luh Putu Sri Purnama Dewi dkk., "Hak Ingkar Notaris Sebagai Wujud Perlindungan Hukum," *Acta Comitas* 3, no. 1 (2018): 145, https://doi.org/10.24843/AC.2018.v03.i01.p11.

Copyright © 2026 The Author(s) | CC BY-SA 4.0 | Published by Candela Edutech Indonesia |

fear of being criminally prosecuted for legal actions that were actually carried out in accordance with the law and the wishes of their clients.[12] Therefore, a critical and systematic doctoral-level academic study is needed to analyze the construction of this normative conflict and to establish a legal doctrine capable of setting clear boundaries for the enforcement of criminal law against notaries.

The academic and systematic solution offered in this study is the strict and consistent application of the principle of *lex specialis derogat legi generali*, the legal principle stating that a specific legal rule takes precedence over a general one as the "rules of the game" in the application of criminal law to notaries. This principle is also explicitly enshrined in Article 125, paragraph (2) of the Criminal Code, which affirms that if an act falls under both general criminal provisions and special criminal provisions, only the special criminal provisions shall apply.[13] This study posits that the Notary Law (UUJN) serves as lex specialis regarding the qualifications of a notary's actions in the performance of their duties; thus, law enforcement officials are strictly prohibited from dogmatically forcing a merger of the provisions of the general Criminal Code (KUHP) while disregarding the norms, sanctions, and institutional safeguards of the Notary Council (MKN) as set forth in the Notary Law (UUJN). Criminal prosecution of a notary may only be used as an *ultimum remedium* (last resort) when all sanction mechanisms under the UUJN and the Code of Ethics have been exhausted, and it has been proven that the notary actually and intentionally committed a criminal act in collusion with the party involved.[14]

To establish a comprehensive conceptual framework, this study critically examines three prior studies: recent scientific journal articles published within the last four years that are relevant to the realm of normative conflicts and the notary's right of refusal. The first prior study examined is Ardianta's work. The strength of Ardianta's study lies in the depth of its juridical-normative analysis in comprehensively mapping the normative foundations of a notary's right of refusal under Indonesian positive law, beginning with Article 1909 of the Civil Code, Article 170(1) of the Criminal Procedure Code (KUHAP), Article 16(1)(f) of the Notary Law (UUJN), and the criminal penalties for disclosure of secrets under Article 322(1) of the Criminal Code (KUHP), as well as successfully distinguishing between preventive and repressive forms of legal protection through the Regional Notary Honorary Council (MKNW). However, a fundamental weakness of Ardianta's research is that his analysis remains focused on the protection of the right to refuse to disclose the contents of a notarial minute in general, without specifically examining the conflict of substantive norms that arises when a notary is charged under criminal provisions of the Criminal Code regarding a "partij acte" (deed drawn up at the request of a party), nor has it formulated the principle of "*lex specialis derogat legi generali*" as a limiting doctrine for the enforcement of criminal law.

The second prior study was drawn from Sulistyawati's work. The strength of Sulistyawati's study lies in her ability to systematically outline the three limitations on the notary's right of refusal: explicit exceptions under special laws (such as those concerning corruption or tax

[12] Oddie Satriyo Wibowo dkk., "Kedudukan Akta Notaris Sebagai Akta Otentik Dengan Adanya Keterangan Palsu yang Tertuang di Dalam Akta," *JATISWARA* 40, no. 1 (2025), https://doi.org/10.29303/jtsw.v40i1.1172.

[13] Nasrullah Nasrullah dkk., "Penerapan Asas Lex Specialis Derogat Legi Generali dalam Penetapan Tanggal Efektif Akuisisi: Studi Kasus Putusan KPPU No. 02/KPPU-M/2018," *Jurnal Ilmu Hukum, Humaniora dan Politik* 6, no. 1 (2025): 327–41, https://doi.org/10.38035/jihhp.v6i1.6036.

[14] Pandam Nurwulan, *Buku Ajar Peraturan Jabatan dan Kode Etik Notaris* (Buku Litera, 2023).

Copyright © 2026 The Author(s) | CC BY-SA 4.0 | Published by Candela Edutech Indonesia |

crimes), the MKN approval mechanism under Article 66 of the Notary Law, and criteria related to the public interest or higher justice. Nevertheless, the weakness of Sulistyawati's research stems from its focus on the procedural aspects of the notary's right to refuse to testify in court; consequently, it does not address the notary's substantive criminal liability when there is a conflict between the sanctions provided for in the Notary Law and the criminal provisions of the Criminal Code, nor does it relate this to the guarantee of legal certainty in the enforcement of criminal law.

The third prior study was examined from Mulyahazizah's work. The strength of Mulyahazizah's research lies in its success in revealing a horizontal conflict of norms between the obligation to keep documents confidential under the UUJN and the obligation of information disclosure under the Criminal Procedure Code (KUHAP) and the Public Information Disclosure Act (UU KIP), as well as in emphasizing the strategic role of the MKN as a filtering institution based on the principle of proportionality. Nevertheless, the weakness of Mulyahazizah's research lies in the fact that her discussion focuses overwhelmingly on a comparison of information disclosure and the seizure of notarial deeds as evidence, but it has not addressed the core issue of the conflict regarding the criminal liability of notaries for the deeds they draft (particularly the offense of document forgery) nor has it consistently formulated normative adjustments based on the principle of *lex specialis derogat legi generali*.

Based on a review of these three previous studies, the significance and novelty of this study lie in its ability to address an unresolved research gap. While the studies by Ardianta (2023), Sulistyawati (2025), and Mulyahazizah (2026) tend to examine the right to refuse to testify, limitations on testimony, and information disclosure separately within the procedural realm of the judiciary, this study goes a step further by constructing a conflict of substantive norms the criminal liability of notaries for the deeds they draw up (particularly the "partij acte") and the strict application of the principle of "*lex specialis derogat legi generali*" as a dogmatic filter for the enforcement of criminal law. The novelty of this research lies in bridging notarial law and criminal law by asserting that the UUJN must be positioned as a special norm that supersedes the direct application of the Criminal Code (KUHP) without undergoing institutional review by the Notary Council (MKN) and the determination of criteria for notaries' substantive crimes, to establish a clear distinction between administrative/civil negligence and criminal offenses.

To conclude this introductory section and to guide the study in a systematic manner, this research formulates research objectives in place of research questions. The objectives of this study are, first, to analyze and critically construct the nature of the conflict of norms between the Notary Public Act and the Criminal Code in regulating the liability of notaries for the deeds they draw up. Second, to analyze and formulate the limits and consistency of the application of the principle of *lex specialis derogat legi generali* to resolve this conflict of norms, while also outlining its legal implications for the guarantee of legal certainty in the enforcement of criminal law against notaries in Indonesia.

B. Methodology

This study employs a normative legal research method (*doctrinal legal research*) to analyze the horizontal norm conflict between Act No. 2 of 2014 on the Position of Notary (UUJN) and the Indonesian Criminal Code (KUHP) regarding notary criminal liability. To thoroughly examine the dogmatic boundaries of criminal responsibility, three analytical

Copyright © 2026 The Author(s) | CC BY-SA 4.0 | Published by Candela Edutech Indonesia |

approaches are applied: the statutory approach (*statute approach*), the conceptual approach (*conceptual approach*), and the case approach (*case approach*).[15] The statutory approach analyzes relevant primary legal materials, including Act No. 2 of 2014, the Criminal Code (KUHP), Act No. 20 of 2025 concerning the Criminal Procedure Code (KUHAP), and Regulation of the Minister of Law and Human Rights No. 7 of 2016. The conceptual approach evaluates foundational legal doctrines, particularly the *lex specialis derogat legi generali* principle pursuant to Article 63(2) of the KUHP, the doctrine of *mens rea/dolus*, *verschoningsrecht* (right of refusal), and the distinction between *partij acte* and *ambtelijke acte*. The case approach critically examines relevant court precedents, specifically Samarinda District Court Decision No. 233/Pid.B/2016/PN Smr, to illustrate real-world instances of over-criminalization resulting from administrative errors in deed preparation. Secondary legal materials encompass reputable scientific legal journals, authoritative academic treatises, and legal literature published within the last five years. All legal materials were gathered through comprehensive library research and document analysis. The collected legal materials were analyzed using qualitative prescriptive analysis through legal syllogism, grammatical interpretation, and systematic legal interpretation to resolve the norm conflict and formulate a consistent framework for notary legal protection.

C. Results and Discussion

The Construction of a Conflict of Norms Between the Notary Public Act and the Criminal Code in Regulating the Liability of Notaries for the Deeds They Draft

The legal framework governing a notary's liability within the Indonesian legal system is based on the notary's status as a public official (*openbaar ambtenaar*) who exercises authority delegated by the state to serve the public interest in the preparation of authentic deeds. Pursuant to Article 1(1) in conjunction with Article 15(1) of Law No. 2 of 2014 Amending -Law No. 30 of 2004 on the Office of the Notary (UUJN), a notary has the authority to draw up authentic deeds regarding all acts, agreements, and determinations required by laws and regulations and/or requested by the interested parties.[16] An authentic deed issued by or in the presence of a notary public possesses full probative force both formal and substantive *(volledig bewijskracht)* and is binding on the parties as well as third parties, as provided for in Articles 1868 and 1870 of the Civil Code. This status affirms that the notary is a position of trust *(vertrouwens ambt)*, in which the public places its hope for guarantees of certainty, order, and written legal protection. However, the attributive authority inherent in the office of notary carries very strict dogmatic limitations regarding the scope of legal responsibility for the substance or content of the deeds they draw up.[17]

In notarial doctrine, notarial deeds are classified into two main categories: official deeds *(ambtelijke acte or relaas acte)* and party deeds *(partij acte)*. This distinction has very fundamental legal implications regarding the scope of a notary's liability. In party deeds, such as the minutes of an Extraordinary General Meeting of Shareholders (EGMS) or other civil agreements, the content, statements, drafts, and supporting documents are derived entirely

[15] Masidin H. Moh. Askin, *Penelitian Hukum Normatif: Analisis Putusan Hakim*, 1 (Prenada Media, 2023).
[16] *Undang-Undang Nomor 2 Tahun 2014 tentang Jabatan Notaris*.
[17] Kicuk Hariawan dan Habib Adjie, "Kedudukan Hukum Notaris, Akta Notaris Dan Saksi Akta Sebagai Alat Bukti Perkara Perdata," *Jurnal Hukum Magnum Opus* 5, no. 2 (2022): 269–79, https://doi.org/10.30996/jhmo.v5i2.7039.

Copyright © 2026 The Author(s) | CC BY-SA 4.0 | Published by Candela Edutech Indonesia |

from the statements and intentions of the parties present.[18] A notary, in essence, merely acts to record or formulate the intentions of the parties into an authentic form in accordance with the procedures and formalities established by law. Therefore, a notary is not legally obligated to investigate or verify the substantive truth of the statements, letters, or documents submitted by the parties. If, at a later date, material falsification is discovered in the statements provided by the parties, such falsification is, as a matter of legal doctrine, entirely the legal responsibility of the parties concerned and does not constitute a criminal liability for the notary.[19]

The notarial legal system in Indonesia has, in fact, established the UUJN as a self-contained legal system that regulates in detail the procedures for drafting deeds, obligations, prohibitions, and the sanctions regime for breaches of professional duty. If a notary commits negligence or violates the rules and procedures for the preparation of deeds such as errors in numbering or recording the list of deeds as stipulated in Article 58 of the UUJN, or violations regarding the reading of deeds the UUJN provides mechanisms for redress and the imposition of proportionate internal sanctions.[20] These sanctions include administrative sanctions under Article 65A of the UUJN, ranging from a written warning, temporary suspension, honorable discharge, to dishonorable discharge. In addition, there are civil sanctions in the form of downgrading the evidentiary weight of an authentic deed to that of a private deed, as well as the obligation to pay damages, costs, and interest to the aggrieved party, as provided for in Article 48(3), Article 49(4), Article 50(5), and Article 51(4) of the Notary Law. The existence of this internal sanctions regime underscores that any procedural deviation in the performance of a notary's official duties essentially falls within its own distinct legal resolution framework, encompassing both administrative and civil dimensions.[21]

Although the system of administrative and civil sanctions has been systematically established in the Notary Public Law (UUJN), in the practice of criminal law enforcement, dynamics and conflicts of norms have arisen, triggering horizontal conflicts between the Notary Public Law and the Criminal Code (KUHP). Law enforcement officials, particularly police investigators and public prosecutors, often engage in unilateral legal characterization (over-criminalization) of notaries. When a notarial deed is contested or suspected of containing false information by one of the disputing parties, Notaries are immediately implicated and charged as principal perpetrators or accomplices (*medepleger*) in the criminal offense of forging authentic documents under Article 391 or Article 264 of the Criminal Code. This unilateral criminalization occurs because law enforcement officials disregard the procedures for drafting deeds outlined in the Law on Notaries and confuse procedural negligence *(culpa)* with a substantive criminal act that requires the element of full intent *(dolus)*, awareness, and malicious intent (*mens rea*) all of which must be premeditated in concert with the parties involved to use the deed as a means to commit a crime.[22]

---

[18] Kristi W. Simanjuntak, "Pengambilan Minuta Akta Dan Pemanggilan Notaris Serta Hak Ingkar Notaris Berdasarkan Sumpah Jabatan Notaris Dalam Pemeriksaan Perkara Perdata Di Pengadilan," *JUSTISI* 5, no. 1 (2019): 34–49, https://doi.org/10.33506/js.v5i1.538.

[19] Ali Munib dkk., "Tanggung Jawab Notaris Terhadap Pembatalan Akta Atas Terjadinya Tindakan Pemalsuan Oleh Notaris," *JURNAL USM LAW REVIEW* 7, no. 3 (2024): 1241–59, https://doi.org/10.26623/julr.v7i3.9653.

[20] Rahimi, "Perlindungan Hukum Notaris dalam Perkara Pidana Pembuatan Akta Perubahan Berita Acara Rapat Umum Pemegang Saham."

[21] Pandam Nurwulan, *Buku Ajar Peraturan Jabatan dan Kode Etik Notaris*.

[22] Lilisya Tri Nur Mulyahazizah dan Merline Eva Lyanthi, "Konflik Norma Antara Hak Ingkar Notaris Dengan Kewajiban Keterbukaan Informasi Dalam Sistem Peradilan Pidana."

Copyright © 2026 The Author(s) | CC BY-SA 4.0 | Published by Candela Edutech Indonesia |

This confusion regarding legal qualifications on the part of law enforcement officials is clearly evident in various criminal justice practices in Indonesia, one example of which is examined in the case study of the Samarinda District Court Decision No. 233/Pid.B/2016/PN Smr.[23] In that case, a notary was sentenced to criminal penalties under Article 264(1) of the Criminal Code regarding the forgery of an authentic deed solely because of a technical error in the numbering and dating of the amended minutes of the Extraordinary General Meeting of Shareholders, even though the substance of the deed was prepared entirely based on the draft and information submitted by the parties involved. An error in recording the document number is, in fact, a violation of Article 58 of the Notary Law (UUJN), which is explicitly subject to administrative sanctions under Article 65A of the Notary Law, not a criminal offense of document forgery. The characterization of an administrative error as a criminal offense of document forgery indicates a dogmatic misconception regarding the role of a notary, as well as a failure to distinguish between procedural-administrative defects and criminal acts involving material criminal intent.

This situation creates a sharp conflict between the norms governing the protection of the notary profession, on the one hand, and the norms of general criminal law enforcement, on the other. The UUJN provides notaries with special protection through the obligation to maintain the confidentiality of the contents of deeds and all information obtained in the course of their duties.[24] This obligation stems from the wording of the notary's oath of office under Article 4(2) of the UUJN and is reaffirmed in Article 16(1)(f) of the UUJN. From this duty to maintain professional secrecy arises the concept of the right to refuse to testify *(verschoningsrecht)* and the duty to refuse to testify *(verschoningsplicht),* that is, the notary's legal right and obligation to refuse to testify, to produce, or to hand over notarial documents to third parties, including judicial institutions and law enforcement authorities, to protect the interests of the parties who have placed their trust in the notary.[25]

The concept of a notary's right of denial has a very solid legal foundation within Indonesia's positive law evidentiary system. This right is explicitly recognized in Article 1909(3) of the Civil Code and Article 170(1) of the Code of Criminal Procedure (KUHAP), which exempts anyone who, by virtue of their status, occupation, or position, is required by law to maintain confidentiality from the obligation to testify in court.[26] In fact, this duty of confidentiality is protected by criminal penalties under Article 443 (1) and (2) of the Criminal Code, which imposes a prison sentence on anyone who intentionally discloses a secret that they are obligated to keep due to their position or profession. Thus, a notary who unlawfully discloses the secrets of a deed without a valid justification may be subject to criminal penalties under Article 443 (1) and (2) of the Criminal Code.[27]

However, the rule regarding the protection of a notary's professional confidentiality is in direct conflict with the principle of criminal law enforcement, which requires every citizen to

[23] Rahimi, "Perlindungan Hukum Notaris dalam Perkara Pidana Pembuatan Akta Perubahan Berita Acara Rapat Umum Pemegang Saham."
[24] Lilisya Tri Nur Mulyahazizah dan Merline Eva Lyanthi, "Konflik Norma Antara Hak Ingkar Notaris Dengan Kewajiban Keterbukaan Informasi Dalam Sistem Peradilan Pidana."
[25] Suparman Marzuki, *Pengawasan & penegakan kode etik profesi hakim* (FH UII press, 2020).
[26] Purnama Dewi dkk., "Hak Ingkar Notaris Sebagai Wujud Perlindungan Hukum."
[27] Eudea Adeli Arsy dkk., "Tanggung Jawab Notaris Terhadap Akta Yang Cacat Hukum Dan Tidak Sesuai Dengan Ketentuan Pembuatan Akta Dalam Undang-Undang Jabatan Notaris," *Jurnal Bina Mulia Hukum* 6, no. 1 (2021): 130–40, https://doi.org/10.23920/jbmh.v6i1.324.

Copyright © 2026 The Author(s) | CC BY-SA 4.0 | Published by Candela Edutech Indonesia |

testify in order to uncover the material truth (due process of law).[28] Under the Criminal Code, a person's refusal to appear or testify as a witness in court is punishable by criminal sanctions pursuant to Article 285 of the Criminal Code. The conflict between Article 16(1)(f) of the Notary Law in conjunction with Article 443 (1) and (2) of the Criminal Code and Article 285 of the Criminal Code in conjunction with the provisions on witness examination in the Criminal Procedure Code creates legal ambiguity *(normvagheid)* as well as a double criminal dilemma for notaries. If a notary refuses to testify on the grounds of maintaining professional confidentiality, he or she risks being charged with the criminal offense of obstructing justice or refusing to testify under Article 285 of the Criminal Code. Conversely, if a notary testifies and discloses the contents of a deed without a valid legal basis, he or she risks criminal prosecution under Article 322(1) of the Criminal Code for the alleged disclosure of professional secrets.[29]

The existence of this conflict of norms is further complicated by demands for public information disclosure and transparency in the criminal justice system. On the one hand, the criminal justice system, as regulated in the Criminal Procedure Code (KUHAP) and updated in the National Criminal Procedure Code (Law No. 20 of 2025), requires the comprehensive collection of evidence to fully uncover criminal incidents. On the other hand, the UUJN guarantees the protection of the notary profession in order to maintain public trust in authentic deeds. The horizontal conflict between the obligation to keep deeds confidential under the UUJN and the obligation to disclose information under the KUHAP gives rise to legal uncertainty that hinders notaries from carrying out their professional duties independently and autonomously.[30]

To address and resolve such conflicts of norms, legal doctrine provides a means of resolution through the harmonization of legal principles, particularly the principle of *lex specialis derogat legi generali*. The principle of *lex specialis derogat legi generali* is a legal principle stating that a special law takes precedence over a general law.[31] In the realm of substantive criminal law, this principle has been explicitly incorporated and formulated into Article 125(2) of the Criminal Code, which states that if an act falls under both general criminal provisions and special criminal provisions, only the special criminal provisions shall apply. Article 125(2) of the Criminal Code serves as a dogmatic filter to determine the validity of a norm's applicability when an act is governed by two different laws.[32] In the context of a notary's liability, the Notary Law (UUJN) is a special legal provision (*lex specialis*) that governs the legal status of notaries, the procedures for drafting deeds, types of violations, and administrative and civil sanctions, whereas the Criminal Code (KUHP) is a general legal provision (*lex generalis*).

---

[28] Rizki Dwi Saputra dan Abdul Ismail, "The Validity of Loan-Use Agreements on Land Rights Certified by a Notary," *Journal of Legal Contemplation* 2, no. 2 (2026): 94–108, https://doi.org/10.63288/jlc.v2i2.22.

[29] Jody Friedelisky Toeweh dan Sebastian Putra Gunawan, "Harmonisasi Hak Ingkar Bagi Pegawai Notaris Sebagai Saksi Instrumen Dalam Sistem Pembuktian Perdata Dan Pidana Pasca Berlakunya Kuhp Nasional," *Al-Zayn : Jurnal Ilmu Sosial & Hukum* 4, no. 4 (2026), https://ejournal.yayasanpendidikandzurriyatulquran.id/index.php/AlZayn/article/view/9009.

[30] Putri dan Steffani Yuliani, "Analisis Yuridis terhadap Keabsahan, Tanggung Jawab, dan Perlindungan Hukum Notaris dalam Pelaksanaan Jabatan Berdasarkan UUJN."

[31] Nurfaqih Irfani, "Asas Lex Superior, Lex Specialis, Dan Lex Pesterior: Pemaknaan, Problematika, Dan Penggunaannya Dalam Penalaran Dan Argumentasi Hukum," *Jurnal Legislasi Indonesia* 17, no. 3 (2020): 305–25, https://doi.org/10.54629/jli.v17i3.711.

[32] Fathurrahim Fathurrahim dkk., "The Urgency Of Shifting The Regulation Of Enforcement Of Fisheries Criminal Laws From Criminal Sanctions To Administrative Sanctions," *JURNAL USM LAW REVIEW* 8, no. 3 (2025): 1869–89, https://doi.org/10.26623/julr.v8i3.12758.

Copyright © 2026 The Author(s) | CC BY-SA 4.0 | Published by Candela Edutech Indonesia |

The application of the principle that "*lex specialis derogat legi generali*" requires law enforcement officials to first examine and apply the specific provisions of the UUJN before applying the general criminal provisions contained therein.[33] When investigators or public prosecutors directly apply or combine general criminal provisions of the Criminal Code (such as Article 391 or Article 392 of the Criminal Code) to the actions of a notary which stem from procedural negligence in the preparation of deeds without first applying the standards of the Notary and Deed Law, then law enforcement officials have committed a clear violation of the principle of *lex specialis derogat legi generali* and Article 63(2) of the Criminal Code. Forcibly combining general and special criminal provisions results in the loss of the validity of the general provisions and deprives notaries as public officials of their right to legal certainty.[34]

The resolution of conflicts between legal norms through the principle of "*lex specialis derogat legi generali*" is also reinforced by the institutional filtering mechanism established by the legislature in Article 66(1) in conjunction with Article 66A of the UUJN. Pursuant to Article 66(1) of the UUJN, for the purposes of judicial proceedings, investigators, public prosecutors, or judges may only obtain photocopies of the original deed and/or summon a notary to appear at a hearing related to the deed after obtaining approval from the Notary Honorary Council (MKN). The MKN, whose operations are further regulated by Minister of Law and Human Rights Regulation No. 7 of 2016 as amended by Minister of Law and Human Rights Regulation No. 17 of 2021, acts as a legal filter and protector of the profession based on the principle of proportionality. The MKN is tasked with assessing whether a request by law enforcement officials is truly substantively relevant to an alleged material criminal offense or is merely an act of criminalization within the framework of the parties' civil relationship.[35]

The MKN's authority as an institutional filter is an integral part of preventive legal protection that reaffirms the position of the UUJN as lex specialis. If a police investigator or public prosecutor issues a summons, conducts an interrogation, or designates a notary as a suspect without first obtaining the MKN's approval, then such pro-justitia actions are procedurally unlawful (procedural unlawfulness). Because it violated the specific procedures mandated by law. An investigation of a notary without the MKN's approval violates the provisions of Article 66(1) of the UUJN and disregards the MKN's status as an institution authorized by the state to assess whether there are indications of a violation of the dignity of the notary's office.[36]

Dogmatically speaking, the imposition of criminal sanctions against a notary for a deed he or she has drawn up is justified only when three cumulative criteria are met. The first criterion is that it must be proven that the notary's legal actions regarding the extrinsic, formal, and substantive aspects of the deed were committed intentionally (*dolus*), with full awareness, and based on criminal intent *(mens rea)* that was planned in concert with the parties to the

[33] Shinta Agustina, "Implementasi Asas Lex Specialis Derogat Legi Generali Dalam Sistem Peradilan Pidana," *Masalah-Masalah Hukum* 44, no. 4 (2015): 503, https://doi.org/10.14710/mmh.44.4.2015.503-510.

[34] Shinta Agustina dkk., "Persepsi Aparat Penegak Hukum Tentang Implemenasi Asas Lex Specialis Derogat Legi Generali dalam Sistem Peradilan Pidana," *Jurnal: Masalah-Masalah Hukum* 41, no. 4 (2012), https://doi.org/https://doi.org/10.14710/mmh.41.4.2012.540-548.

[35] Ardianta dkk., "Analisis Yuridis Hak Ingkar Notaris Terhadap Kerahasiaan Isi Minuta Akta Notaris Berdasarkan Uujnp Dan Kode Etik Notaris."

[36] Bagus Gede Ardiartha Prabawa, "Analisis Yuridis Tentang Hak Ingkar Notaris Dalam Hal Pemeriksaan Menurut Undang-Undang Jabatan Notaris Dan Kode Etik Notaris," *Acta Comitas*, 3 April 2017, 98, https://doi.org/10.24843/AC.2017.v02.i01.p09.

Copyright © 2026 The Author(s) | CC BY-SA 4.0 | Published by Candela Edutech Indonesia |

deed to make the deed an instrument of crime. The second criterion is that the notary's legal actions in drafting the deed were demonstrably in violation of the procedural requirements for drafting deeds under the Notary Law. The third criterion is that the notary's conduct was reviewed and assessed by the Notary Honorary Council and deemed a serious violation that exceeded the bounds of official authority. All three of these elements must be satisfied simultaneously before the notary can be held criminally liable.[37]

If these three cumulative criteria are not met, for example, if the notary has performed his or her duties in accordance with the procedures outlined in the Notary Law, acted in good faith, and was unaware of any forgery in the documents submitted by the party appearing before the notary, then the notary cannot be held criminally liable. In such circumstances, the principle of justification as set forth in Article 31 of the Criminal Code applies, which states that anyone who commits an act to enforce the provisions of the law shall not be punished.[38] The notary's act of formulating the parties' intentions into an authentic deed constitutes the execution of a statutory mandate pursuant to Article 1(1) in conjunction with Article 15 of the UUJN; thus, such an act is legally deemed free from any unlawful nature *(afwezigheid van alle schuld)* and precludes criminal liability.[39]

The enforcement of criminal law against notaries must also be subject to the principle of *ultimum remedium*, which positions criminal law as the final sanction or last resort when administrative sanctions, civil sanctions, and sanctions under the professional code of ethics in the Notary Law are no longer effective in addressing the violations that have occurred. The practice of law enforcement officials who prioritize criminal law as the primary tool (*primum remedium*) in resolving disputes over notarial deeds undermines the notarial legal system, erodes the public's assurance of legal certainty, and creates a profound chilling effect for notaries in carrying out their public service functions. Therefore, the harmonization and consistent application of the principle *"lex specialis derogat legi generali"* must be firmly upheld at every stage of criminal law enforcement.[40]

Overall, the conflict of norms between the Notary Public Act and the Criminal Code highlights the need for a reorientation of law enforcement based on the lex specialis doctrine and the principle of fair legal certainty. Clarifying the limits of a notary public's criminal liability based on the classification of deeds (*partij acte* vs. *ambtelijke acte*), Respect for the self-contained system of the UUJN, the implementation of Article 63(2) of the Criminal Code, and the strengthening of the screening function of the Notary Honorary Council are absolute prerequisites for putting an end to the criminalization of notaries in Indonesia. Through the implementation of law enforcement that adheres to principles and is grounded in proper notarial doctrine, legal certainty, justice, and the benefits of the law for notaries and the public who utilize notarial services, as well as legal harmony in Indonesia can be consistently realized.

[37] Munib dkk., "Tanggung Jawab Notaris Terhadap Pembatalan Akta Atas Terjadinya Tindakan Pemalsuan Oleh Notaris."
[38] Agung Laksana, "Batas – Batas Kewajiban Menjaga Kerahasiaan Notaris Dalam Kaitannya Hak Ingkar Notaris Berdasarkan Undang-Undang Tentang Jabatan Notaris."
[39] *Undang-Undang Nomor 2 Tahun 2014 tentang Jabatan Notaris.*
[40] Rahimi, "Perlindungan Hukum Notaris dalam Perkara Pidana Pembuatan Akta Perubahan Berita Acara Rapat Umum Pemegang Saham."

Copyright © 2026 The Author(s) | CC BY-SA 4.0 | Published by Candela Edutech Indonesia |

To What Extent Can the Principle of "*Lex specialis derogat legi generali*" Be Consistently Applied to Resolve Such Conflicts of Laws, and What Are Its Implications for Legal Certainty in the Enforcement of Criminal Law Against Notaries

The application of the principle of *"lex specialis derogat legi generali"* in the Indonesian criminal justice system serves as a fundamental doctrinal basis for resolving conflicts between general legal provisions *(lex generali)* and specific legal provisions *(lex specialis)*.[41] From a historical-philosophical perspective, the principle of *lex specialis derogat legi generali* stems from the thinking of Aemilius Papinianus, a prominent jurist during the Roman Empire, who asserted that the specificity of a rule must always take precedence over a general rule because specific rules are precisely designed to address the legal needs and characteristics of specific legal subjects that cannot be adequately addressed by general provisions.[42] In the context of the dogmatics of substantive criminal law, the applicability of this principle has been explicitly codified in Article 125 of the Criminal Code (KUHP), which stipulates that if an act falls under a general criminal provision and is also regulated by a special criminal provision, then only the special criminal provision shall apply. According to Ancel, the principle of *lex specialis derogat legi generali* is, in essence, not merely a formulation of offenses, but acts as a set of "rules of the game" in the application of law enforcement.[43] In line with this, Hart argues that this principle serves to limit the repressive authority of law enforcement officials so that they do not arbitrarily select the norms to be applied to a specific incident. In legal doctrine, the criteria for the specificity of a norm are distinguished into two main perspectives: logical specificity *(logische specialiteit)*, in which a specific norm contains all the elements of a general norm plus specific elements; and juridical or systematic specificity *(jurisdische specialiteit or systematische specialiteit)*, namely, a situation in which the legislature explicitly intends for a provision to apply specifically, even though it does not contain all the elements of the general rule. To ensure the proper implementation of this principle, Bagir Manan formulated three main guidelines: general provisions remain in effect to the extent they are not specifically regulated by special provisions; *lex specialis* norms must be of an equivalent rank (of the same rank) as *lex generalis*; and *lex specialis* norms must fall within the same legal framework or regime (belong to the same genus) as *lex generalis*.[44]

The status of Law No. 30 of 2004 on the Office of the Notary, as amended by Law No. 2 of 2014 Amending Law No. 30 of 2004 on the Office of the Notary (UUJN), dogmatically meets all the criteria for being a lex specialis with respect to the Criminal Code (KUHP) and the Code of Criminal Procedure (KUHAP). Notaries hold the position of public officials (*openbaar ambtenaar*) who carry out certain duties and exercise certain state authorities as delegated by law to serve the public interest in the preparation of authentic deeds.[45] As a special law

[41] Andreas Andrie Djatmiko dkk., "Dampak Yuridis Anomali Penerapan 'Asas Lex Specialis Derogat Legi Generali' Dalam Ketentuan Hukum Pidana Indonesia," *Nomos : Jurnal Penelitian Ilmu Hukum* 3, no. 1 (2023): 13–23, https://doi.org/10.56393/nomos.v2i8.929.

[42] Fabián Raimondo, *General principles of law in the decisions of international criminal courts and tribunals* (M. Nijhoff Pub, 2008).

[43] Agustina, "Implementasi Asas Lex Specialis Derogat Legi Generali Dalam Sistem Peradilan Pidana."

[44] Jody Friedelisky Toeweh dan Sebastian Putra Gunawan, "Harmonisasi Hak Ingkar Bagi Pegawai Notaris Sebagai Saksi Instrumen Dalam Sistem Pembuktian Perdata Dan Pidana Pasca Berlakunya Kuhp Nasional."

[45] Ida Ayu Made Widhasani dan Pieter Everhardus Latumeten, "Penggunaan Hak Ingkar Notaris Terkait Dengan Kewajiban Melaksanakan Rahasia Jabatan," *Justicia Sains: Jurnal Ilmu Hukum* 6, no. 2 (2022): 302–19, https://doi.org/10.24967/jcs.v6i2.1525.

Copyright © 2026 The Author(s) | CC BY-SA 4.0 | Published by Candela Edutech Indonesia |

governing the profession and office of notaries, the UUJN is structured as a self-contained legal system that comprehensively establishes standards of conduct, the procedures for drafting deeds, the rights and obligations of notaries, and the sanctions regime for violations of official duties. In the area of sanctions, the UUJN provides detailed provisions on administrative sanctions under Article 65A of the UUJN, which include written warnings, temporary suspension, honorable dismissal, and dishonorable dismissal.[46] In addition to administrative sanctions, the UUJN provides for civil sanctions in the form of downgrading the evidentiary weight of an authentic instrument to that of a private document, as provided for in Article 41, Article 48(3), Article 49(4), Article 50(5), and Article 51((4) of the UUJN, which grants the aggrieved party the right to seek reimbursement of costs, damages, and interest.[47] This normative framework demonstrates that the UUJN has provided for any procedural inconsistencies or omissions in the preparation of notarial deeds through specific administrative and civil remedies.

Although the lex specialis framework in the UUJN is systematically structured, the practice of criminal law enforcement in Indonesia reveals sharp inconsistencies and a failure on the part of law enforcement officials to understand the fundamental principles of the notarial profession. Law enforcement officials, particularly police investigators and public prosecutors, often engage in over-criminalization by disregarding the existence of the UUJN and directly charging notaries under general criminal provisions in the Criminal Code (KUHP), such as Articles 391 and 392 of the KUHP regarding the forgery of authentic documents.[48] This practice is rooted in a fundamental dogmatic confusion, whereby law enforcement officials fail to distinguish between procedural and administrative negligence *(culpa)* in the process of drafting deeds and substantive criminal acts that require the notary's criminal intent *(mens rea)* and full intent *(dolus)* to commit a crime.[49] This failure of interpretation has had a destructive impact on criminal justice practice, as reflected in the analysis of the Samarinda District Court Decision No. 233/Pid.B/2016/PN Smr. In that case, a notary was sentenced to criminal penalties for forgery of an authentic document under Article 392 of the Criminal Code solely because of an error in recording the document number and date on the amendment deed to the Minutes of the Extraordinary General Meeting of Shareholders. In fact, errors in recording the deed's number and date constitute a violation of the procedures for registering deeds as stipulated in Article 58 of the Notary Law (UUJN), which is explicitly subject to administrative sanctions under Article 65A of the Notary Law (UUJN). Moreover, the deed in question is a party deed (*partij acte*), in which all content, statements, and supporting documents originate from the parties themselves; thus, the notary is not legally obligated to investigate the material truth of the parties' statements. Classifying technical-administrative

[46] Alyah Nanda Rayan Nagaring dan Supriyadi A. Arief, "Penegakan Sanksi Administratif terhadap Notaris yang Melakukan Penyalahgunaan Akun Notaris lain Secara Ilegal," *Notary Law Journal* 5, no. 1 (2026): 35–45, https://doi.org/10.32801/nolaj.v5i1.135.

[47] Deya Nathasya Rahmadany dan Sri Subekt, "Perlindungan Hukum Terhadap Pegawai Notaris Sebagai Saksi Instrumenter Dalam Akta Notaris."

[48] Shinta Agustina dkk., "Persepsi Aparat Penegak Hukum Tentang Implemenasi Asas Lex Specialis Derogat Legi Generali dalam Sistem Peradilan Pidana."

[49] Humam Balya dkk., "Peran Mens Rea Dalam Sistem Hukum: Analisis Hubungan Dengan Prinsip Etika Dan Keadilan," *As-Salam: Jurnal Studi Hukum Islam & Pendidikan* 14, no. 1 (2025): 99–107, https://doi.org/10.51226/assalam.v14i1.713.

Copyright © 2026 The Author(s) | CC BY-SA 4.0 | Published by Candela Edutech Indonesia |

errors as the criminal offense of document forgery constitutes a clear violation of the principle of "*lex specialis derogat legi generali*" and a disregard for Article 125 of the Criminal Code.[50]

Theoretically, in the author's view, the forced combination of general criminal provisions of the Criminal Code with the actions of a notary arising from procedural negligence in drafting a deed without verifying compliance with the UUJN constitutes a substantial flaw in the enforcement of criminal law. When investigators or public prosecutors unilaterally apply the Criminal Code while setting aside the procedures, sanctions, and institutional safeguards in the Notary Law, those general criminal norms dogmatically lose their validity for application to the specific case in question. Law enforcement actions that bypass the Notary Law result in the loss of fair legal certainty for notaries and undermine the notarial legal system. The detention or deprivation of liberty of a notary based on the application of incompatible general criminal provisions constitutes an act that deprives the notary of their constitutional rights as a citizen and public official. Therefore, the principle of *lex specialis derogat legi generali* must be consistently applied as a filter to determine whether a notary's actions fall under criminal law or should be resolved through the internal sanction mechanisms of the Notary Law.

Consistent application of the principle of *lex specialis derogat legi generali* requires respect for the institutional filtering mechanism established by the legislature in Article 66(1) in conjunction with Article 66A of the UUJN. The provision of Article 66(1) of the UUJN sets forth a mandatory rule that, for the purposes of judicial proceedings, investigators, public prosecutors, or judges may only obtain photocopies of the original deed and/or summon a notary to appear at a hearing related to the deed after obtaining approval from the Notary Honorary Council (MKN). The role of the MKN, as further regulated by Minister of Law and Human Rights Regulation No. 7 of 2016 in conjunction with Minister of Law and Human Rights Regulation No. 17 of 2021, is to serve as a legal filter and provide preventive legal protection for notaries based on the principle of proportionality. The MKN, which consists of notaries, government representatives, and experts/academics, is tasked with thoroughly examining and assessing whether the summons or seizure of deed documents by law enforcement officials has substantial relevance to alleged material crimes or is merely an attempt to criminalize civil disputes.[51]

If law enforcement officials summon, interrogate, or search a notary without first submitting a request and obtaining written approval from the Regional Notary Honorary Council (MKNW) pursuant to Article 66(1) of the Notary Law, then all such pro-justitia actions are legally deemed to be procedurally unlawful.[52] Compliance with the MKN approval procedure is a concrete manifestation of recognition of the UUJN as lex specialis. Disregarding MKN approval is tantamount to violating the specific procedures mandated by law and undermining the MKN's function as a legitimate professional protection body. Therefore, any evidence or witness testimony obtained from a notary without MKN approval must, as a matter

[50] Rahimi, "Perlindungan Hukum Notaris dalam Perkara Pidana Pembuatan Akta Perubahan Berita Acara Rapat Umum Pemegang Saham."
[51] Ardianta dkk., "Analisis Yuridis Hak Ingkar Notaris Terhadap Kerahasiaan Isi Minuta Akta Notaris Berdasarkan Uujnp Dan Kode Etik Notaris."
[52] Qonitah Annur Aziza dkk., "Penormaan dan Pelaksanaan Kewajiban Ingkar Notaris," *Perspektif Hukum*, 5 November 2020, 113–38, https://doi.org/10.30649/ph.v20i2.23.

Copyright © 2026 The Author(s) | CC BY-SA 4.0 | Published by Candela Edutech Indonesia |

of legal principle, be declared invalid and lacking probative value (unlawfully obtained evidence) in criminal proceedings.[53]

The consistent application of the principle of "*lex specialis derogat legi generali*" also provides clear dogmatic boundaries regarding when a notary may be held materially criminally liable for a deed they have drawn up. According to notarial law doctrine, criminal sanctions may only be imposed on a notary when three cumulative criteria are met. The first criterion is that it must be proven legally and convincingly that the notary's legal actions regarding the external, formal, and substantive aspects of the deed were committed intentionally (*dolus*), with full awareness, and based on malicious intent (*mens rea*) planned in concert with the parties to the deed to use the authentic deed as a means of committing a criminal offense. The second criterion is that the act[54] The notary, in the process of drafting the deed, was demonstrably found to have violated the mandatory rules and procedures established in the Notary Law. The third criterion is that the act was reviewed through the Notary Honorary Council's investigation mechanism and deemed a serious violation that exceeded the bounds of the notary's official authority. These three criteria are absolute requirements that cannot be compromised; if even one criterion is not met, the notary cannot be held criminally liable.[55]

When these three cumulative criteria are not met, for example, if the notary has drawn up the deed in accordance with the procedures of the Notary Public Law, acted in good faith, and was unaware of any forgery in the documents submitted by the parties, the notary's actions are protected by a justifying defense under Article 31 of the Criminal Code. Article 31 of the Criminal Code (KUHP) states that anyone who acts to carry out the provisions of the law shall not be subject to criminal punishment. The notary's act of formulating the parties' intentions into an authentic deed constitutes the execution of a statutory mandate pursuant to Article 1(1) in conjunction with Article 15 of the Notary Law; thus, this act legally eliminates the element of substantive unlawfulness (*afwezigheid van alle schuld*) and exempts the notary from all criminal charges.[56]

The dynamics of applying the *lex specialis* principle become particularly crucial when examining the rule regarding the obligation to keep the contents of a deed confidential and the construction of a notary's right to refuse to testify (*verschoningsrecht*) in criminal proceedings. The notary's duty to maintain professional secrecy is rooted in the wording of the oath of office under Article 4(2) of the Notary Law and is reaffirmed in Article 16(1)(f) of the Notary Law, which requires notaries to keep confidential all matters concerning the deeds they prepare and all information obtained for the purpose of preparing such deeds. This provision is reinforced by Article 54(1) of the Notary Law, which prohibits a notary from disclosing or revealing the contents of a deed except to the directly interested party or their heirs. In the field of the law of evidence, this obligation gives rise to the right to refuse to testify

[53] Laksamana Viggoutama Tanaga Hartono dan Muhammad Hafidh, "Tugas Majelis Kehormatan Notaris Wilayah dalam Menanggapi Permintaan Pemanggilan Notaris yang Diajukan oleh Penegak Hukum," *Sang Pencerah: Jurnal Ilmiah Universitas Muhammadiyah Buton* 11, no. 2 (2025): 431–42, https://doi.org/10.35326/pencerah.v11i2.7101.

[54] R. Bayu Probo Sutopo dan Hulman Panjaitan, "A Juridical Demarcation: Reconstructing the Proof of Mens Rea to Differentiate Policy and Corruption by Public Officials," *SIGn Jurnal Hukum* 7, no. 2 (2025): 765–84, https://doi.org/10.37276/sjh.v7i2.525.

[55] Nurjannah Nurjannah dkk., "Analisis Hukum Terhadap Keputusan Majelis Kehormatan Notaris Dalam Pemeriksaan Notaris," *Riau Law Journal* 2, no. 2 (2018): 173, https://doi.org/10.30652/rlj.v2i2.5965.

[56] Moeh Angga Nugraha, "Persetujuan Majelis Kehormatan Notaris Atas Pemanggilan Notaris Dalam Pemeriksaan Tindak Pidana," *Jurnal Officium Notarium* 1, no. 2 (2021): 403–13, https://doi.org/10.20885/JON.vol1.iss2.art20.

Copyright © 2026 The Author(s) | CC BY-SA 4.0 | Published by Candela Edutech Indonesia |

(*verschoningsrecht*) and the duty to refuse to testify *(verschoningsplicht)* that is, the notary's legal right and obligation to refuse to testify or to produce notarial deeds in court to protect the confidentiality of the parties who have entrusted their legal transactions to the notary. The legal basis for this right to refuse is explicitly recognized in Article 1909(3) of the Civil Code and Article 170(1) of the Criminal Procedure Code, and is protected by the threat of criminal sanctions under Article 322(1) of the Criminal Code for anyone who unlawfully discloses the secrets of their office.[57]

However, a sharp horizontal conflict of norms arises when a notary's duty of professional confidentiality clashes with every person's legal obligation to testify in criminal court for the sake of uncovering the material truth (due process of law). Under the Criminal Code (KUHP), refusing to appear or refusing to testify in court is punishable by criminal sanctions pursuant to Article 228 of the Criminal Code. This situation creates a conflict of norms and places the notary in a double criminal dilemma. If a notary refuses to testify to uphold their oath of office, they risk being charged under Article 228 of the Criminal Code for refusing to testify. Conversely, if a notary discloses the secrets of a deed without a valid justification, they risk being charged under Article 373 (1) of the Criminal Code for the alleged disclosure of official secrets.[58]

This situation of a dual criminal dilemma becomes even more complex for notary staff who act as instrumental witnesses *(instrumentair getuigen)* under Article 40 of the Notary Law. Notary staff have direct access to the process of drafting deeds and the identities of the parties, yet, from a legal standpoint, they do not take the notary's oath of office and are not protected by the formal right to refuse testimony under the Notary Law Amendment. When summoned by law enforcement officials, notary staff face a conflict of norms between their subordinate professional duty to maintain the confidentiality of the notary's office and their obligation to testify in criminal proceedings, where testifying risks being accused of disclosing secrets protected by law. Meanwhile, refusing to testify carries the risk of criminal penalties for refusing to fulfill one's duty as a witness. This complexity is further underscored by the enactment of the National Criminal Code (Law No. 1 of 2023), which introduces a paradigm shift regarding sanctions for the disclosure of confidential information and the duty to testify. Therefore, harmonizing legal norms through the application of the principle of *lex specialis derogat legi generali* and the establishment of procedural rules that limit the scope of testimony by notary employees has become an urgent academic and practical necessity to put an end to the threat of this double criminal dilemma.[59].

The resolution of conflicts regarding the notary's right of refusal through the principle of "*lex specialis derogat legi generali*" affirms that the notary's right of refusal is not absolute (a relative right), but may be set aside when there is a valid legal basis (statutory exception). Exceptions to the notary's right of refusal can be normatively justified under three main conditions. First, there must be an explicit provision in a special law (lex specialis) that explicitly overrides professional secrecy, such as the provisions in the Law on the Eradication

[57] Simanjuntak, "Pengambilan Minuta Akta Dan Pemanggilan Notaris Serta Hak Ingkar Notaris Berdasarkan Sumpah Jabatan Notaris Dalam Pemeriksaan Perkara Perdata Di Pengadilan."
[58] Lilisya Tri Nur Mulyahazizah dan Merline Eva Lyanthi, "Konflik Norma Antara Hak Ingkar Notaris Dengan Kewajiban Keterbukaan Informasi Dalam Sistem Peradilan Pidana."
[59] Deya Nathasya Rahmadany dan Sri Subekt, "Perlindungan Hukum Terhadap Pegawai Notaris Sebagai Saksi Instrumenter Dalam Akta Notaris."

Copyright © 2026 The Author(s) | CC BY-SA 4.0 | Published by Candela Edutech Indonesia |

of Corruption and the Tax Court Law. Under these circumstances, the disclosure of information by a notary does not constitute the criminal offense of disclosure of secrets under Article 322 of the Criminal Code, as it is protected by the justifying grounds outlined in Article 50 of the Criminal Code. Second, there must be written approval from the Notary Honorary Council pursuant to Article 66(1) of the Notary Law, which determines that the disclosure of the deed's secrets is strictly necessary for proving a substantive criminal offense. Third, there must be a far greater public interest or an urgent interest of justice (higher legal interest), such as the disclosure of an extraordinary crime that threatens the safety of the state or the general public.

The consistent application of the principle of "*lex specialis derogat legi generali*" has profound implications for the enforcement of criminal law and the realization of legal certainty for notaries in Indonesia.[60] The first implication is a reaffirmation of the status of criminal law as the *ultimum remedium* (last resort)[61] in the resolution of disputes regarding notarial deeds. Law enforcement officials are strictly prohibited from using criminal law as the primary means (*primum remedium*) to prosecute notaries for procedural errors in the preparation of deeds. All administrative sanctions, civil sanctions, and ethical sanctions stipulated in the Notary Law must be examined and prioritized before resorting to criminal liability.

The second implication is the realization of fair legal certainty for notaries in carrying out their public service functions. With the consistent application of the principle of *lex specialis derogat legi generali* and the MKN's institutional filter, notaries are free from the threat of unilateral criminalization (chilling effect) arising from the bad faith of the parties or the falsification of documents submitted by the parties in a party deed. Notaries can carry out their duties independently, autonomously, and impartially without fear of criminal prosecution for actions taken in accordance with the law.

The third implication is the preservation of the dignity of the notary's office (*officium nobile*) and the maintenance of public trust in the authenticity of notarial deeds. Authentic deeds are the main pillar guaranteeing legal certainty in civil transactions; if notaries are easily criminalized and authentic deeds are readily invalidated by criminal proceedings without undergoing the lex specialis test under the UUJN, then the system of written evidence in Indonesia will suffer a dogmatic collapse. Therefore, strengthening the MKN's role as a legal filter and harmonizing the enforcement of criminal law based on the principle of "*lex specialis derogat legi generali*" is an absolute prerequisite for creating a national legal order that is just, certain, and beneficial.

Based on the foregoing, the author believes that the consistent application of the principle of "*lex specialis derogat legi generali*" and Article 63(2) of the Criminal Code must be established as the primary doctrine at every stage of criminal law enforcement against notaries. Law enforcement officials, judicial institutions, and lawmakers are obligated to respect the self-contained system of the Notary Law (UUJN), uphold the cumulative criteria for the criminal liability of notaries, comply with the MKN approval procedures, and protect notaries' right to contest against arbitrary law enforcement actions. Through the implementation of law enforcement that adheres to principles and is grounded in proper

[60] Djatmiko dkk., "Dampak Yuridis Anomali Penerapan 'Asas Lex Specialis Derogat Legi Generali' Dalam Ketentuan Hukum Pidana Indonesia."

[61] Tri Wahyuni M. Saleh dkk., "Legal Analysis of the Application of Article 363 of the Criminal Code in the Sekayu District Court Decision Number 70/Pid.B/2021/PN Sky Regarding Theft in a Plantation Area," *Journal of Legal Contemplation* 1, no. 3 (2025): 131–44, https://doi.org/10.63288//jlc.v1i3.12.

Copyright © 2026 The Author(s) | CC BY-SA 4.0 | Published by Candela Edutech Indonesia |

notarial doctrine, harmony between notarial law and criminal law can be achieved, thereby firmly and sustainably upholding the guarantees of legal certainty, justice, and public benefit for notaries and the public who utilize notarial services in Indonesia.

D. Conclusion

This study concludes that the conflict between the Notary Law (UUJN) and the Criminal Code (KUHP) arises from the inconsistent legal characterization of notarial conduct, particularly in relation to party deeds (*partij acte*), professional confidentiality, and the obligation to testify in criminal proceedings. While the UUJN establishes specific mechanisms for addressing administrative and civil violations in the performance of notarial duties, the direct application of general criminal provisions may result in the criminalization of procedural errors that do not necessarily constitute criminal offenses. This study establishes that the principle of *lex specialis derogat legi generali* provides a normative framework for resolving such conflicts by requiring law enforcement authorities to prioritize the specific regulatory framework of the UUJN. Accordingly, criminal liability should only arise when intentional participation in a criminal act (*dolus* and *mens rea*), a violation of the applicable statutory requirements, and compliance with the institutional examination mechanism involving the Notary Honorary Council (MKN) are established. The right of refusal (*verschoningsrecht*), however, should be understood as a relative right that may be restricted only on legally recognized grounds and through proportionate procedures.

The findings have significant implications for strengthening legal certainty, preventing excessive criminalization, and maintaining public confidence in the notarial profession. The consistent application of the *lex specialis* principle reinforces criminal law as an *ultimum remedium* while ensuring that the enforcement of criminal liability does not undermine the statutory protection of professional confidentiality. In practical terms, law enforcement authorities and judicial institutions should incorporate a consistent normative assessment of the UUJN before determining criminal liability, while the MKN's institutional screening function should be implemented proportionately and transparently. Furthermore, lawmakers should consider harmonizing the relevant provisions governing the right of refusal, the obligation to testify, and the legal position of notary employees as instrumental witnesses to prevent conflicting legal obligations. Such measures are necessary to establish a coherent relationship between notarial law and criminal law while safeguarding legal certainty, procedural fairness, and the integrity of authentic deeds.

Author Contributions: Faisal.A.S. developed the research idea and conceptual framework, designed the statutory, conceptual, and case approaches, collected and reviewed the legal materials, and wrote the original draft. Kartika.D. strengthened the conceptual framework, assessed the arguments against developments in the new Criminal Code and Criminal Procedure Code, supervised the writing process, and reviewed and edited the manuscript. Both authors have read and approved the final version of the manuscript.

Acknowledgement: This article took shape through many conversations about where a notary's duty of confidentiality ends and criminal liability begins. We are grateful to the scholars and practitioners in notarial and criminal law who challenged our early reading of the Notary Law and the Criminal Code and pushed us to sharpen it. Access to the library and journal collections of Diponegoro University and Washington University in St. Louis School of Law made it possible to trace the doctrinal literature and the court decisions discussed here. We

Copyright © 2026 The Author(s) | CC BY-SA 4.0 | Published by Candela Edutech Indonesia |

also thank the anonymous reviewers and the editorial team of the Journal of Legal Contemplation for their careful reading.

Funding Statement: The authors independently covered all costs associated with this research. No grants, institutional funding, or financial contributions were obtained from external sources.

AI Use Declaration: In preparing this manuscript, the authors used Claude (Anthropic) to obtain preliminary reviewer-style feedback on the clarity of the arguments and the structure of the manuscript, and to assist with English language editing. AI was not used to determine the findings, interpret legislation, or generate citations and references. All provisions, court decisions, and literature were checked directly against the original sources by the authors, who take full responsibility for the content of this publication.

Conflict of Interest: The authors declare that they have no financial or non-financial relationships that could influence this research, including any involvement in the criminal cases involving notaries or the court decisions analyzed.

References

Agung Laksana, Prasetya. "Batas – Batas Kewajiban Menjaga Kerahasiaan Notaris Dalam Kaitannya Hak Ingkar Notaris Berdasarkan Undang-Undang Tentang Jabatan Notaris." *Jurnal Akta* 3, no. 4 (2016). https://doi.org/10.30659/akta.v3i4.2919.

Agustina, Shinta. "Implementasi Asas *Lex specialis derogat legi generali* Dalam Sistem Peradilan Pidana." *Masalah-Masalah Hukum* 44, no. 4 (2015): 503. https://doi.org/10.14710/mmh.44.4.2015.503-510.

Arben, Ali, dan Andrew Shandy Utama. "Kedudukan Akta Notaris Sebagai Akta Autentik Dalam Hukum Perdata Berdasarkan Undang-Undang Jabatan Notaris." *Andrew Law Journal* 3, no. 1 (2024): 1–11. https://doi.org/10.61876/alj.v3i1.26.

Ardianta, I. Gusti Made, Aris Munandar, dan Djumardin Djumardin. "Analisis Yuridis Hak Ingkar Notaris Terhadap Kerahasiaan Isi Minuta Akta Notaris Berdasarkan Uujnp Dan Kode Etik Notaris." *Jurnal Risalah Kenotariatan* 4, no. 2 (2023). https://doi.org/10.29303/risalahkenotariatan.v4i2.150.

Arsy, Eudea Adeli, Hanif Nur Widhiyanti, dan Patricia Audrey Ruslijanto. "Tanggung Jawab Notaris Terhadap Akta Yang Cacat Hukum Dan Tidak Sesuai Dengan Ketentuan Pembuatan Akta Dalam Undang-Undang Jabatan Notaris." *Jurnal Bina Mulia Hukum* 6, no. 1 (2021): 130–40. https://doi.org/10.23920/jbmh.v6i1.324.

Deya Nathasya Rahmadany dan Sri Subekt. "Perlindungan Hukum Terhadap Pegawai Notaris Sebagai Saksi Instrumenter Dalam Akta Notaris." *UNES Law Review* 6, no. 3 (2024). https://doi.org/https://doi.org/10.31933/unesrev.v6i3.

Djatmiko, Andreas Andrie, Roby Sanjaya, dan Rizna Khoirul Hidayati. "Dampak Yuridis Anomali Penerapan 'Asas *Lex specialis derogat legi generali*' Dalam Ketentuan Hukum Pidana Indonesia." *Nomos : Jurnal Penelitian Ilmu Hukum* 3, no. 1 (2023): 13–23. https://doi.org/10.56393/nomos.v2i8.929.

Erlin, T. Maharanny Ade Syah, Ayu Trisna Dewi, dan Rina Melati Sitompul. "Pembatasan Hak Ingkar Notaris Terhadap Penggandaan Sertifikat Tanah Dilihat Dari Undang-Undang

Copyright © 2026 The Author(s) | CC BY-SA 4.0 | Published by Candela Edutech Indonesia |

Nomor 2 Tahun 2014 Tentang Jabatan Notaris." *Warta Dharmawangsa* 18, no. 3 (2024): 705–19. https://doi.org/10.46576/wdw.v18i3.4745.

Fathurrahim Fathurrahim, Muhaimin Limatahu, dan Ahmad Mufti. "The Urgency Of Shifting The Regulation Of Enforcement Of Fisheries Criminal Laws From Criminal Sanctions To Administrative Sanctions." *Jurnal Usm Law Review* 8, no. 3 (2025): 1869–89. https://doi.org/10.26623/julr.v8i3.12758.

H. Moh. Askin, Masidin. *Penelitian Hukum Normatif: Analisis Putusan Hakim*. 1. Prenada Media, 2023.

Hariawan, Kicuk, dan Habib Adjie. "Kedudukan Hukum Notaris, Akta Notaris Dan Saksi Akta Sebagai Alat Bukti Perkara Perdata." *Jurnal Hukum Magnum Opus* 5, no. 2 (2022): 269–79. https://doi.org/10.30996/jhmo.v5i2.7039.

Hartono, Laksamana Viggoutama Tanaga, dan Muhammad Hafidh. "Tugas Majelis Kehormatan Notaris Wilayah dalam Menanggapi Permintaan Pemanggilan Notaris yang Diajukan oleh Penegak Hukum." *Sang Pencerah: Jurnal Ilmiah Universitas Muhammadiyah Buton* 11, no. 2 (2025): 431–42. https://doi.org/10.35326/pencerah.v11i2.7101.

Humam Balya, Muh. Zidni Syukran, dan Abrar Abrar. "Peran Mens Rea Dalam Sistem Hukum: Analisis Hubungan Dengan Prinsip Etika Dan Keadilan." *As-Salam: Jurnal Studi Hukum Islam & Pendidikan* 14, no. 1 (2025): 99–107. https://doi.org/10.51226/assalam.v14i1.713.

Irfani, Nurfaqih. "Asas Lex Superior, Lex Specialis, Dan Lex Pesterior: Pemaknaan, Problematika, Dan Penggunaannya Dalam Penalaran Dan Argumentasi Hukum." *Jurnal Legislasi Indonesia* 17, no. 3 (2020): 305–25. https://doi.org/10.54629/jli.v17i3.711.

Jody Friedelisky Toeweh dan Sebastian Putra Gunawan. "Harmonisasi Hak Ingkar Bagi Pegawai Notaris Sebagai Saksi Instrumen Dalam Sistem Pembuktian Perdata Dan Pidana Pasca Berlakunya Kuhp Nasional." *Al-Zayn : Jurnal Ilmu Sosial & Hukum* 4, no. 4 (2026). https://ejournal.yayasanpendidikandzurriyatulquran.id/index.php/AlZayn/article/view/9009.

Lilisya Tri Nur Mulyahazizah dan Merline Eva Lyanthi. "Konflik Norma Antara Hak Ingkar Notaris Dengan Kewajiban Keterbukaan Informasi Dalam Sistem Peradilan Pidana." *Quantum Juris: Jurnal Hukum Modern* 8, no. 1 (2026). https://journalversa.com/s/index.php/jhm/article/view/5094.

M. Saleh, Tri Wahyuni, Faissal Malik, dan Aslan Hasan. "Legal Analysis of the Application of Article 363 of the Criminal Code in the Sekayu District Court Decision Number 70/Pid.B/2021/PN Sky Regarding Theft in a Plantation Area." *Journal of Legal Contemplation* 1, no. 3 (2025): 131–44. https://doi.org/10.63288//jlc.v1i3.12.

Marzuki, Suparman. *Pengawasan & penegakan kode etik profesi hakim*. FH UII press, 2020.

Copyright © 2026 The Author(s) | CC BY-SA 4.0 | Published by Candela Edutech Indonesia |

Munib, Ali, Suratman Suratman, dan Diyan Isnaeni. “Tanggung Jawab Notaris Terhadap Pembatalan Akta Atas Terjadinya Tindakan Pemalsuan Oleh Notaris.” *JURNAL USM LAW REVIEW* 7, no. 3 (2024): 1241–59. https://doi.org/10.26623/julr.v7i3.9653.

Nagaring, Alyah Nanda Rayan, dan Supriyadi A. Arief. “Penegakan Sanksi Administratif terhadap Notaris yang Melakukan Penyalahgunaan Akun Notaris lain Secara Ilegal.” *Notary Law Journal* 5, no. 1 (2026): 35–45. https://doi.org/10.32801/nolaj.v5i1.135.

Nasrullah, Nasrullah, Yusup Hidayah, dan Aris Machmud. “Penerapan Asas *Lex specialis derogat legi generali* dalam Penetapan Tanggal Efektif Akuisisi: Studi Kasus Putusan KPPU No. 02/KPPU-M/2018.” *Jurnal Ilmu Hukum, Humaniora dan Politik* 6, no. 1 (2025): 327–41. https://doi.org/10.38035/jihhp.v6i1.6036.

Nugraha, Moeh Angga. “Persetujuan Majelis Kehormatan Notaris Atas Pemanggilan Notaris Dalam Pemeriksaan Tindak Pidana.” *Jurnal Officium Notarium* 1, no. 2 (2021): 403–13. https://doi.org/10.20885/JON.vol1.iss2.art20.

Nurjannah, Nurjannah, Aminuddin Ilmar, dan Zulkifli Aspan. “Analisis Hukum Terhadap Keputusan Majelis Kehormatan Notaris Dalam Pemeriksaan Notaris.” *Riau Law Journal* 2, no. 2 (2018): 173. https://doi.org/10.30652/rlj.v2i2.5965.

Oddie Satriyo Wibowo, Erwin Kunta Tejakusuma, dan Muhammad Bayu Tondy. “Kedudukan Akta Notaris Sebagai Akta Otentik Dengan Adanya Keterangan Palsu yang Tertuang di Dalam Akta.” *JATISWARA* 40, no. 1 (2025). https://doi.org/10.29303/jtsw.v40i1.1172.

Pandam Nurwulan. *Buku Ajar Peraturan Jabatan dan Kode Etik Notaris*. Buku Litera, 2023.

Prabawa, Bagus Gede Ardiartha. “Analisis Yuridis Tentang Hak Ingkar Notaris Dalam Hal Pemeriksaan Menurut Undang-Undang Jabatan Notaris Dan Kode Etik Notaris.” *Acta Comitas*, 3 April 2017, 98. https://doi.org/10.24843/AC.2017.v02.i01.p09.

Purnama Dewi, Ni Luh Putu Sri, I. Dewa Gde Atmadja, dan I. Gede Yusa. “Hak Ingkar Notaris Sebagai Wujud Perlindungan Hukum.” *Acta Comitas* 3, no. 1 (2018): 145. https://doi.org/10.24843/AC.2018.v03.i01.p11.

Putri, Athena Permana dan Steffani Yuliani. “Analisis Yuridis terhadap Keabsahan, Tanggung Jawab, dan Perlindungan Hukum Notaris dalam Pelaksanaan Jabatan Berdasarkan UUJN.” *Jurnal Ilmu Multidisiplin* 4, no. 5 (2025): 3166–72. https://doi.org/10.38035/jim.v4i5.1532.

Qonitah Annur Aziza, Aprilia Trisanti, dan Kiki Aristyanti. “Penormaan dan Pelaksanaan Kewajiban Ingkar Notaris.” *Perspektif Hukum*, 5 November 2020, 113–38. https://doi.org/10.30649/ph.v20i2.23.

Rahimi, Maulida. “Perlindungan Hukum Notaris dalam Perkara Pidana Pembuatan Akta Perubahan Berita Acara Rapat Umum Pemegang Saham.” *Jurnal Lex Renaissance* 2, no. 2 (2017). https://doi.org/10.20885/JLR.vol2.iss2.art10.

Raimondo, Fabián. *General principles of law in the decisions of international criminal courts and tribunals*. M. Nijhoff Pub, 2008.

Copyright © 2026 The Author(s) | CC BY-SA 4.0 | Published by Candela Edutech Indonesia |

Rizki Dwi Saputra dan Abdul Ismail. “The Validity of Loan-Use Agreements on Land Rights Certified by a Notary.” *Journal of Legal Contemplation* 2, no. 2 (2026): 94–108. https://doi.org/10.63288/jlc.v2i2.22.

Shinta Agustina, Iwan Kurniawan, dan Nani Mulyati. “Persepsi Aparat Penegak Hukum Tentang Implemenasi Asas *Lex specialis derogat legi generali* dalam Sistem Peradilan Pidana.” *Jurnal: Masalah-Masalah Hukum* 41, no. 4 (2012). https://doi.org/https://doi.org/10.14710/mmh.41.4.2012.540-548.

Simanjuntak, Kristi W. “Pengambilan Minuta Akta Dan Pemanggilan Notaris Serta Hak Ingkar Notaris Berdasarkan Sumpah Jabatan Notaris Dalam Pemeriksaan Perkara Perdata Di Pengadilan.” *JUSTISI* 5, no. 1 (2019): 34–49. https://doi.org/10.33506/js.v5i1.538.

Sutopo, R. Bayu Probo, dan Hulman Panjaitan. “A Juridical Demarcation: Reconstructing the Proof of Mens Rea to Differentiate Policy and Corruption by Public Officials.” *SIGn Jurnal Hukum* 7, no. 2 (2025): 765–84. https://doi.org/10.37276/sjh.v7i2.525.

Undang-Undang Nomor 2 Tahun 2014 tentang Jabatan Notaris.

Undang-undang (UU) Nomor 20 Tahun 2025 tentang Kitab Undang-Undang Hukum Acara Pidana.

Widhasani, Ida Ayu Made, dan Pieter Everhardus Latumeten. “Penggunaan Hak Ingkar Notaris Terkait Dengan Kewajiban Melaksanakan Rahasia Jabatan.” *Justicia Sains: Jurnal Ilmu Hukum* 6, no. 2 (2022): 302–19. https://doi.org/10.24967/jcs.v6i2.1525.

Copyright © 2026 The Author(s) | CC BY-SA 4.0 | Published by Candela Edutech Indonesia |