



THE ROLE OF PROFESSIONAL ETHICS IN MAINTAINING NOTARY INTEGRITY IN INDONESIA: A PERSPECTIVE OF THEORY AND PRACTICE

Andri Nurwandri¹, Bela Sapriana², Joe Arofi³, Triwi Diana⁴,

¹Islamic Economic Law student at Daar Al Uluum Asahan Email: belasapriana@gmail.com

²Islamic Economic Law students of Daar Al Uluum Asahan, Email : Joearofi2@gmail.com

³Islamic Economic Law student at Daar Al Uluum Asahan, Email : triwidiana0812@gmail.com

*email Koresponden: andrinurwandri@iaidu-asahan.id

DOI: <https://doi.org/10.62567/micjo.v2i2.540>

Article info:

Submitted: 20/01/25

Accepted: 15/04/25

Published: 30/04/25

Abstract

This study aims to examine the role of professional ethics in maintaining the integrity of notaries in Indonesia, by adopting a theoretical and practical perspective. Notaries as public officials who have the authority to make authentic deeds play an important role in the legal system in Indonesia. This research method is qualitative descriptive. This study analyzes how professional ethics can function as a moral and legal guideline for notaries, and how the application of ethical principles can reduce the potential for violations that are detrimental to society and the state. The results of the study provide insight into the importance of ethics education for notaries, supervision from authorized institutions, and enforcement of codes of ethics in maintaining the integrity of the notary profession in Indonesia. The results of the study indicate that strengthening professional ethics can improve the quality of notary services, while strengthening public trust in this profession.

Keywords: Professional Ethics, Integrity, Notaries, Theory and Practice

1. INTRODUCTION

Notaries play an important role in the legal system in Indonesia, especially in making authentic deeds that serve as valid evidence of legal transactions and agreements. As a public official who has the authority to make legally binding deeds, the integrity and professionalism of notaries are crucial in maintaining public trust in the legal system in this country. Notaries are one of the professions that provide legal services to the wider community, who have responsibilities regarding authentic evidence in the form of letters, deeds or documents that they make in writing for various legal acts (Yustica, 2024).

The ethics of the notary profession are a set of moral principles that serve as guidelines in carrying out the duties and responsibilities of the profession. These ethical principles not only function as a basis for behavior that must be followed by every notary, but also as a supervision of the potential for abuse of authority that can harm the parties involved in making



the deed. Professional ethics, if implemented properly, can reduce the potential for violations and errors in notarial practices that can have fatal consequences for public trust in this profession.

In Indonesia, the existence of laws and codes of ethics for the notary profession are strictly regulated by professional associations and authorized government institutions, such as the Indonesian Notary Association (INI) and the Ministry of Law and Human Rights. However, violations of the code of ethics and the implementation of notarial duties that do not comply with ethical standards still often occur. These practices, such as abuse of authority, conflicts of interest, and non-compliance with applicable legal procedures, can reduce the integrity of the notary profession.

In this context, it is important to examine more deeply how professional ethics can function in maintaining the integrity of notaries, by considering the theory of professional ethics that underlies each existing norm, as well as its application in daily practice. This study aims to explore the role of professional ethics in maintaining the integrity of notaries in Indonesia, analyze the challenges faced in its implementation, and provide recommendations for improvements in the supervision and application of notary professional ethics. It is hoped that the results of this study can contribute to improving the quality and credibility of the notary profession in Indonesia, as well as strengthening the national legal system as a whole.

Definition of Professional Ethics

Ethics is a word derived from Ancient Greek, namely "ethikos" which means arising from habit. Ethics by definition means the main branch of philosophy that studies the values and qualities that are possessed, where later it will become a study of moral judgment and its standards. How to analyze something can be said to be right or wrong and the good and bad of something has been covered with various applications of its concepts in ethics (Dianiati, 2023). Ethics must be used as a guideline to be a benchmark for our lives so that we can always be human beings who can humanize humans (Hikmah Rahmadini et al., 2023).

Professional ethics is an attitude of life in the form of justice to be able to or be able to provide professional services to the community with full order and expertise, namely as a service in order to carry out tasks that are obligations to the community. In general, the definition of professional ethics is an ethical attitude possessed by a professional, namely as an integral part of the attitude of life in developing his duties and also applying general ethical norms to specific fields (professions) in human life (Mafazah, 2022). Professional ethics refers to a set of norms, principles, and moral standards that govern the behavior of members of a profession in carrying out their professional duties and responsibilities. Professional ethics aims to ensure that professionals act with integrity, responsibility, and fairness in serving the community and their clients. These ethics include guidelines for decisions made in a professional context, as well as interactions with clients, colleagues, and the general public.

Legal professional ethics refers to the norms that every legal practitioner must adhere to in carrying out their duties. These ethics cover various aspects, such as maintaining client confidentiality, not manipulating evidence, not engaging in conflicts of interest, and acting with honesty and fairness. The ethics of the legal profession do not only focus on how a legal professional carries out their duties technically, but also how they uphold moral values in practice. Professional ethics itself will later show a person's professionalism in carrying out their duties and obligations to be able to provide services to the community. The purpose of this professional ethics is none other than so that in carrying out their profession, a person can act and obey the professional code of ethics. In its realization, deviations from the professional



code of ethics occur very often. Including in becoming a law enforcement officer, deviations from the professional code of ethics often occur.

The Concept of Integrity in the Profession

Integrity is an awareness of the function carried out by humans in society without being influenced by anything. Integrity as a result of the moral and conscience struggle that occurs within a Notary so that he is firmly able to carry out his duties and responsibilities as a public official who carries out part of the state's duties and adheres to formal legal law, namely the Notary Law and the Notary Code of Ethics (Satya Wibowo et al., 2022).

Integrity refers to moral qualities that include honesty, sincerity, and consistency in behaving in accordance with ethical values and principles that are believed in. People who have integrity will act with transparency, can be trusted, and always adhere to the right moral values even in difficult or stressful situations.

In the legal profession, especially as a notary, integrity plays a very important role because a notary has the responsibility to carry out legal actions that are valid and guarantee the validity of the legal documents made. Here are some aspects of the application of integrity in the notary profession:

1. Honesty in Drafting Documents: A notary must draft deeds or documents with accuracy and honesty, reflecting the actual contents according to the statements of the parties involved, without any manipulation or change of information that can harm any party.
2. Confidentiality: Notaries are required to maintain the confidentiality of all information obtained from clients in carrying out their duties. This includes personal information, finances, or decisions made by clients in the documents prepared. Integrity here means that a notary must not leak the information for personal gain or other parties.
3. Objectivity and Fairness: Notaries must act objectively and fairly, without any bias or conflict of interest. In this case, a notary must ensure that all parties involved in the agreement or document he/she has drawn up are given a fair opportunity to express their opinions.
4. Fulfillment of Legal Obligations: Notaries must understand and comply with all legal obligations.
5. Avoiding Conflicts of Interest: A notary with integrity will not allow any conflicts of interest to affect their professionalism and decisions. For example, if a notary has a personal relationship with one of the parties to an agreement, they must be transparent and avoid being involved in the transaction.
6. Compliance with the Notary Professional Code of Ethics: The notary profession is governed by a code of ethics that requires them to act with high integrity. A notary with integrity will always comply with this code of ethics and carry out their duties with full responsibility, maintaining the image of their profession, and prioritizing the public interest.

The Relationship between Professional Ethics and Integrity

The relationship between professional ethics and integrity is very important because it creates the basis for integrity, fairness, and trust in the legal system. Ethical attitudes in legal practice shape public trust in legal institutions. In the era of digitalization, problems arise regarding privacy, data security, and the ethics of using technology in legal practice,



demanding the adaptation of traditional legal ethics to address these modern challenges (Siswanto, 2024).

Integrity is a quality that underlies public trust and is a benchmark for members in testing all decisions they make (Yoga et al., 2024). Professional ethics and integrity are closely related, because both regulate how a professional should act in the context of his profession.

In the notary profession, the relationship between professional ethics and integrity is very real. For example:

a. Notary Professional Ethics

The notary code of ethics requires a notary to maintain the confidentiality of information received from clients, act fairly, and objectively in preparing deeds.

b. Integrity

A notary who has integrity will ensure that the deeds he prepares are not only legally valid, but also do not contain incorrect information or manipulation. He will refuse to legalize a deed that does not meet legal provisions, even if there is external pressure to do so.

Integrity is the main foundation for the implementation of professional ethics. Without integrity, a person cannot fully follow the guidelines of professional ethics. For example, a professional (including a notary, doctor, or lawyer) must be able to act honestly and fairly, which is the core of his professional ethics. Integrity ensures that professional actions are always based on good moral principles.

Professional ethics often include an obligation to act with integrity. For example, in the legal profession (such as notaries), a code of ethics requires professionals to maintain confidentiality, avoid conflicts of interest, and act fairly and objectively. All of this requires integrity in every action taken.

Professional ethics provide guidelines for a professional to act in a correct, fair, and lawful manner in carrying out their duties, while integrity is a personal quality that underlies a person's ability to carry out these ethical guidelines consistently and honestly. Both support each other to ensure that a professional not only fulfills formal obligations in their profession, but also acts in accordance with high moral standards, maintains public trust, and protects the interests of clients or the community.

Notary Professional Code of Ethics

The Notary Code of Ethics refers to a set of moral rules that have been established by the Indonesian Notary Association (INI). These rules apply universally and must be followed by all individuals who are members of the association or even by other individuals who serve as Notaries, both in carrying out their duties and in their daily lives. It is important for Notaries to fully understand the contents of this code of ethics, which outlines behaviors that are considered ethical violations, as well as the sanctions that will be applied if there is a violation of the code of ethics (Astri Dewi Setyarini, 2023).

One of the attitudes that a notary must have in providing services to his clients is professionalism. With his professionalism, a notary must of course work with a sense of responsibility, prioritize the interests of the client over personal interests, and be fair regardless of the client's condition in order to maintain his dignity as a public official and create legal certainty from the products he makes. In addition to his professional attitude, a notary must also use his conscience in providing legal services to his clients (Setyowati & Huda, 2024).



The Notary Professional Code of Ethics is a guideline that regulates the behavior of a notary in carrying out his professional duties and responsibilities. his code of ethics is designed to ensure that a notary acts with integrity, objectivity, and honesty in carrying out his/her duties. This code of ethics regulates various principles and norms that must be followed by a notary in his/her relations with clients, colleagues, and the public.

Principles in the Code of Ethics for the Notary Profession

Compliance with the Law

1. Notaries are required to comply with applicable laws and regulations, both in carrying out their professional duties and in interactions with clients and other parties.
2. A notary must ensure that every deed made is valid and does not conflict with the law.

Integrity

1. Notaries must act honestly, transparently, and not harm other parties. Integrity is the main foundation in carrying out the notarial profession.
2. In every task, a notary must ensure that there is no manipulation of information or abuse of authority.

Confidentiality

1. Notaries are required to maintain the confidentiality of information obtained during the course of carrying out their professional duties, both information obtained from clients and information related to legalized documents.
2. Information obtained from clients may only be disclosed under conditions permitted by law or with the permission of the relevant party.

The notary's code of ethics regulates various basic principles that must be upheld by a notary, ranging from integrity, honesty, and confidentiality to compliance with the law and public interest. By following this code of ethics, a notary can maintain the credibility of his profession and ensure that every action taken is in accordance with applicable moral and legal standards.

2. RESEARCH METHODOLOGY

In this study, the method used is a qualitative research method, namely descriptive research and tends to use thematic analysis. In collecting reference data or readings, the author uses two steps. The first is to conduct a literature review on readings, books, journals, or articles that are related to the Role of Professional Ethics in Maintaining Notary Integrity in Indonesia: Theoretical and Practical Perspectives, the second is to draw conclusions from the data that the researcher has obtained.

3. RESULTS AND DISCUSSION

a. Application of Theory and Practice in Maintaining Notary Integrity in Indonesia Theoretical Perspective

Professional ethics are the moral foundation for professionals in carrying out their duties. Public trust in a profession is born from the application of ethical principles that are oriented towards integrity, transparency, and accountability. The theoretical perspective provides a deeper understanding of how professional ethics build public trust.

From a theoretical perspective, professional ethics is an important instrument in building public trust. First, Deontology Theory emphasizes that every professional has a moral



obligation to act in accordance with applicable ethical principles, without being influenced by the results or consequences. In this case, public trust is formed when the public sees that professionals such as notaries or doctors act in accordance with a code of ethics that protects their interests. Second, Utilitarianism Theory, on the other hand, shows that the application of professional ethics provides great benefits to society as a whole. For example, transparency in the management of legal documents by notaries creates a sense of security and legal certainty for the community. Third, the social contract theory supports this argument by asserting that a code of ethics is a form of moral agreement between professionals and society to maintain integrity and justice. (Amirullah, 2015)

Notary is a profession that has a strategic role in providing legal certainty, both for individuals and institutions. Integrity is the main key for a notary because their duties involve moral and legal responsibility in compiling and ratifying important documents. The principles of professional ethics regulated in the Indonesian Notary Code of Ethics provide guidelines that help maintain the integrity of a notary. Some of the principles of professional ethics that support notary integrity (Satjipto Rahardjo, 2010) are:

1. Independence, by ensuring that the notary acts without pressure from other parties. This prevents conflicts of interest that can damage public trust. (Law No. 2, 2014)
2. Confidentiality, where maintaining the confidentiality of client data as a form of respect for privacy. (Law No. 30, 2004)
3. Honesty, where avoiding manipulation or embezzlement of information in the process of making deeds.
4. Accountability, which requires notaries to be responsible for every action or document made.
5. Professionalism, which provides assurance that notaries have sufficient competence in carrying out their duties.

In analyzing, this shows that the application of these principles consistently increases public trust in the notary profession. However, violations of these principles can damage the reputation of the profession as a whole.

Practice Perspective

The notary code of ethics is an important guideline in carrying out the duties and responsibilities of a notary. This code of ethics regulates integrity, professionalism, and protection of public interests. The implementation of the code of ethics in daily practice involves various aspects, such as maintaining independence and impartiality, maintaining the confidentiality of documents, and providing fair and transparent services to clients. The implementation of the code of ethics in daily notary practice includes several important aspects, namely (Badriah, S., & Maulana, 2017) such as:

1. Confidentiality of Information, in this case the Notary maintains the confidentiality of client documents as a form of respect for privacy. For example, information stored in a notary protocol must not be disclosed without a valid legal reason.
2. Neutrality, where in this case the Notary acts as a neutral party in every transaction, so that both parties feel treated fairly.
3. Professionalism, where in this case the Notary continues to improve his/her competence through regular legal training.
4. Legal Compliance, where in this case all notary actions must be in accordance with applicable regulations, such as Law No. 2 of 2014 concerning the Position of Notary and the Code of Ethics of Indonesian Notaries.



And consistent implementation of the code of ethics provides assurance to the public that the documents they entrust will be managed professionally and safely. The implementation of the code of ethics in daily practice often faces obstacles, such as: Lack of Supervision, where the Notary Supervisory Board (MPN) sometimes experiences limited resources in effectively supervising notary practices. Conflict of Interest, where Notaries can be trapped in pressure from certain parties who have an interest in the transaction. Economic Pressure, where unhealthy competition between notaries causes some parties to violate the code of ethics to gain more profit. Lack of Understanding, where new Notaries often do not fully understand the application of the code of ethics in a practical context. And Lack of Enforcement of Sanctions, where sanctions for violations of the code of ethics are not always applied firmly, so they do not provide a deterrent effect. (Wibowo, 2018)

Challenges and Solutions

There are several main factors that influence violations of professional ethics, especially in the context of notaries, (Rahmat Ihya', 2023), namely:

1. Conflict of Interest, where Pressure from clients or other parties often encourages notaries to ignore the principle of independence.
2. Corruption, where Abuse of authority by notaries for personal gain damages the integrity of the profession.
3. Lack of Ethics Education, where Not all notaries understand the importance of the code of ethics in carrying out their duties.
4. Unhealthy Competition, where Practices such as lowering rates below official standards can influence notaries' ethical decisions.
5. Social and Political Pressure, where Intervention from influential parties is often an obstacle to maintaining the integrity of the profession.

To overcome these challenges, several strategic steps are needed, such as (Pratiwi, 2020):

1. Increased Supervision: Strengthening the capacity of the Notary Supervisory Board (MPN) to supervise notary practices more effectively.
2. Education and Training: Organizing regular training on the code of ethics and violation cases to improve notary understanding.
3. Strict Enforcement of Sanctions: Providing transparent and strict sanctions to notaries who violate the code of ethics to provide a deterrent effect.
4. Increased Transparency: Opening public access to the mechanism for monitoring and reporting violations of the code of ethics.
5. Implementation of Digital Systems: Integrating technology in the management of notary protocols to prevent data manipulation and increase accountability.

So it can be concluded that professional ethics, both from a theoretical and practical perspective, play an important role in building public trust. However, various obstacles and challenges, such as conflicts of interest and corruption, are still major obstacles. By implementing the right solutions, such as stronger supervision and intensive ethics education, the integrity of the notary profession can continue to be maintained.

4. CONCLUSION

The role of professional ethics in maintaining the integrity of notaries in Indonesia is crucial, both from a theoretical and practical perspective. The theory of professional ethics provides a clear basis for the obligation of notaries to act honestly, fairly, and in accordance



with the law, as well as to maintain confidentiality and objectivity in all their actions. In practice, the notary's code of professional ethics serves as a guideline that ensures that notaries carry out their duties with high integrity, preventing abuse of authority or manipulation in the preparation of legal documents. Thus, professional ethics not only strengthens public trust in the notary profession, but also ensures that the legal system in Indonesia runs transparently, fairly, and in accordance with the principles of social justice.

5. REFERENCES

- Amirullah. (2015). *Etika Profesi: Landasan Konseptual dan Implementasi*. Rajawali pers.
- Astri Dewi Setyarini, K. K. L. (2023). Pentingnya Penerapan Kode Etik Atas Etika Profesi Hukum Pada Profesi Notaris. *Socius: Jurnal Penelitian Penelitian Ilmu-Ilmu Sosial*, 1(December), 63–70.
- Badriah, S., & Maulana, A. (2017). Implementasi Kode Etik Notaris dalam Praktik Notaris di Indonesia. *Jurnal Ilmiah Ilmu Hukum*.
- Dianiati, J. (2023). Peran Etika Profesi Dalam Implementasi Hak Asasi Manusia. *Student Research Journal*, 1(1), 33–39.
- Hikmah Rahmadini, R., Anjani Sundayani, P., Maftuh, B., & Depriya Kembara, M. (2023). Pentingnya Etika dan Integritas dalam Dunia Pendidikan. *IBERS: Jurnal Pendidikan Indonesia Bermutu*, 2(1), 22–29. <https://doi.org/10.61648/ibers.v2i1.56>
- Mafazah, P. (2022). Etika Profesi Akuntansi Problematika Di Era Masa Kini. *SIBATIK JOURNAL: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan*, 1(7), 1207–1212. <https://doi.org/10.54443/sibatik.v1i7.143>
- Pratiwi, S. (2020). Efisiensi dan Transparansi dengan Sistem Digital dalam Praktik Notaris. *Jurnal Teknologi & Inovasi*, 15(1).
- Rahmat Ihya'. (2023). *Etika Profesi Hukum*. LPPM Unsur.
- Satjipto Rahardjo. (2010). *Membangun Etika Publik: Paradigma Baru dalam Pemerintahan dan Pelayanan Publik*.
- Satya Wibowo, W., Najwan, J., & Abu Bakar, F. (2022). Integritas Notaris Sebagai Pejabat Pembuat Akta Autentik dalam Undang-Undang Jabatan Notaris. *Recital Review*, 4(2), 323–352. <https://doi.org/10.22437/rr.v4i2.18861>
- Setyowati, D., & Huda, M. (2024). Efektivitas Kode Etik Notaris dalam Memberikan Pelayanan Jasa Kepada Klien. *Unes Law Review*, 6(3), 8860–8869.
- Siswanto, B. (2024). *Hubungan etika dengan profesi serta sikapnya dan permasalahan dalam masyarakat modern di era digitalisasi*. 1(4), 170–177.
- UU No. 2. (2014). *Jabatan Notaris. Kode Etik Notaris Indonesia, Pasal 3*.
- UU No. 30. (2004). *Jabatan Notaris, Pasal 16 ayat (1)*.



- Wibowo, R. (2018). Kendala dan Tantangan dalam Penerapan Kode Etik Notaris di Indonesia. *Jurnal Hukum & Kode Etik*.
- Yoga, I. K. A. D., Endiana, I. D. M., & Kumalasari, P. D. (2024). Pengaruh Integritas, Objektivitas, Kompetensi, Etika Profesi Dan Pengalaman Kerja Terhadap Kualitas Audit Pada Kantor Akuntan Publik Di Bali. *Kumpulan Hasil Riset Mahasiswa Akuntansi (KHARISMA)*, 6(1), 143–159.
- Yustica, A. (2024). Peranan Etika Profesi Notaris Sebagai Upaya Penegakan Hukum. *Jurnal Ilmiah Nusantara*, 1(4), 15–27. <https://doi.org/10.61722/jinu.v1i4.1571>