

# The Efforts to Fulfill Restorative Justice toward Notaries In the Criminal Justice System

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## ABSTRACT

*Notary authority is regulated in, namely making authentic deeds and other authorities as referred to in the Law on Notary Positions. Notaries who have carried out their duties in accordance with the legal corridor, in some cases are designated as suspects or defendants. The potential for criminalization may occur if an authentic deed that reflects the will of the interested parties to ensure their rights and obligations for the realization of certainty, order and legal protection for those concerned is deemed problematic. The steps taken by the Notary against the criminal snares he faces are to seek legal justice, although restorative justice should be put forward within the framework of the limitations that a Notary can be sentenced to.. The research approach model used is a normative juridical approach, namely an attempt to approach legal issues to be investigated with a normative legal nature. In this study, the problem raised is how to understand the essence of restorative justice that can be implemented in the notary world and how to fulfill restorative justice for notaries who are entangled in criminal cases. The results of this study are: the essence of restorative justice in the world of notary, making the perpetrators responsible for correcting mistakes, as well as providing opportunities for perpetrators to prove the capacity and quality of the Notary as a public official who has the authority to make authentic deeds, bears the title officium nobile, in addition to preventive measures. through supervision and guidance by the Notary Supervisory Council so that between the implementation of the duties of the position an integral conformity is achieved between the UUJN and the Notary Code of Ethics.*

**Keywords:** Restorative Justice, Notary, Criminal Justice System

## A. Introduction

As a public official who carries out some of the state's duties in making deeds, the role of a notary is very important in the framework of ensuring legal certainty over a legal event as evidenced by an authentic deed. A Notary Deed as an authentic deed was born due to the direct involvement of the parties. A Notary Deed is an authentic deed made by and/or before a Notary according to the forms and procedures that have been stipulated in the Act.

Authentic deeds describe all matters concerning deeds, agreements and stipulations witnessed by the appearers and witnesses. Notaries as officium nobile must be able to act in accordance with high legal awareness, but there are still Notaries who act deviate from their authority and authority.

An authentic deed must be made according to the form and procedure determined based on the laws and regulations in the context of creating certainty, order and legal protection. In addition to an authentic deed made by or before a notary not only because it is required, but also desired by interested parties to ensure the rights and obligations of the

parties for the sake of certainty, order and legal protection for interested parties as well as for the community as a whole.

Normatively guide the rule of law related to all actions that will be taken to be then poured into the deed, is an action based on the applicable legal rules and of course provides certainty to the parties, that the deed made before or by a notary is in accordance with the applicable legal rules, so that If there is a problem, the Notary deed can be used as a guide for the parties.<sup>1</sup>

In addition, a Notary deed is an authentic deed whose contents can be legally accounted for, therefore a Notary in carrying out his authority must pay attention to his obligations as regulated in the Law on Notary Positions and the Notary Code of Ethics and related laws and regulations.

Besides that, the Notary must also pay attention to the principle of accuracy in making the deed, by conducting research on all the evidence shown to the Notary and listening to the statements or statements of the parties must be carried out as the basic material to be included in the deed. This is necessary to minimize errors that can lead to disputes in the future, although a Notary cannot be required to formally prove his obligations for the statements of the appearers.

The legal profession is an honorable and noble profession (*officium nobile*). Because it is noble and honorable, legal professionals should feel this profession as a choice and at the same time as their calling to serve others in the legal field.<sup>2</sup> Likewise with the Notary profession which requires a responsibility both individually and socially, especially obedience to positive legal norms and a willingness to submit to a professional code of ethics, it is even mandatory so that it will strengthen existing positive legal norms..<sup>3</sup>

The impact that occurs if the deed made by the Notary is problematic, the Notary can be held accountable, if the Notary commits an unlawful act. The term fight is inherent in both nature and passive if he intentionally does something that causes harm to others so he deliberately makes a movement, then the active nature of the term fight is clearly visible.

On the other hand, if he deliberately stays silent, while he already knows that he must do something so as not to harm others, or in other words, if he is passive, then he has

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<sup>1</sup> Habib Adjie, *Sanksi Perdata dan Administratif Terhadap Notaris Sebagai Pejabat Publik*, (Jakarta: PT Refika Aditama, 2009), hlm. 85

<sup>2</sup> Theo Huijbers, *Filsafat Hukum*, (Yogyakarta: Kanisius), hlm. 145.

<sup>3</sup> Liliana Tedjosaputro, *Etika Profesi Notaris dalam Penegakan Hukum Pidana*, (Yogyakarta: PT. Bayu Indra Grafika), hlm. 4.

resisted without having to move his body. This is the passive nature of the term fight.<sup>4</sup> If the notary makes a deed on orders and requests from the parties and the formal requirements determined by law in making the deed have been fulfilled by the notary, then the notary is not responsible. Accountability for a person's actions is usually only meaningful when doing an act that is prohibited by law.

The responsibility of a notary in carrying out his professional duties is that a notary as a public official whose main task is in making authentic deeds, if a notary carries out his duties in accordance with Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions (UUJN), then materially in a formal atmosphere he has fulfilled the requirements and duties as well as possible.

However, the context of this responsibility issue becomes wider if it is not only material aspects that are in question, but civil and even criminal responsibilities. If there is a criminal snare of a Notary as a result of his legal product as a reflection of the will of an interested party to ensure that his rights and obligations for the realization of certainty, order, and legal protection turn out to be problematic, it can be studied the extent to which a Notary can be punished.

If the Notary is reported as a criminal which leads to the court and from the results of the examination it is found that the Notary for his actions is not legally and convincingly proven to have committed a criminal act, then the defendant is released. On the other hand, if the Notary fulfills the elements of a criminal act as indicted by the Public Prosecutor, the Notary is declared guilty and sentenced to a criminal sentence.

Criminal procedural law always seeks material truth and is different from civil procedural law which is enough to only state the formal truth<sup>5</sup>, so that the legal construction of fulfilling the elements of material actions cannot be separated from the evidentiary aspect. Therefore, evidence is a problem that plays a role in the examination process in court, and the evidence is as stated in Article 184 of the Criminal Procedure Code (KUHAP)..<sup>6</sup>

This study raises the issue of the dilemma between criminal liability imposed on the Notary as a result of the unintentional making of the deed in terms of material that is detrimental to other parties involved in the criminal realm and

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<sup>4</sup> Moegni Djojodirjo, *Perbuatan Melawan Hukum*, (Jakarta: Pradya Paramita, 1992), hlm. 13

<sup>5</sup> Koesparmono Irsan dan Armansyah, *Panduan Memahami Hukum Pembuktian dalam Hukum Perdata dan Hukum Pidana* (Bekasi: Gramata Publishing, 2019) hlm. 233.

<sup>6</sup> Bastianto Nugroho, "Peranan Alat Bukti Dalam Perkara Pidana Dalam Putusan Hakim Menurut KUHAP," *Yuridika* (Vol. 32, No. 1, Januari 2017): 18.

the criminalization of the Notary who is ignorant of the essence of evidence in the criminal justice system coloring the contemporary notary world which must be responded to through an academic approach. , so that preventively from the start, the inclusion of an exoneration clause is included in the deed as the way out in the event of a dispute, or alternative efforts can be made to reconstruct it so that there is no precedent in the future..

The approach that the researcher takes is a restorative justice approach which on the one hand gives victims (clients) the opportunity to meet or communicate with their violators (notaries) to explain the true impact of the crime or empower victims by giving them a voice in general through redress from the adjudication process. that is strict and comprehensive, rather than the litigation route taken so as to ignore the principles of true justice.

Restorative justice is a reaction to the retributive theory which is oriented towards revenge and the neo classical theory which is oriented to the equality of criminal sanctions and action sanctions. In retributive theory, criminal sanctions are based on the idea of "why the punishment is held". In this case, criminal sanctions emphasize the element of retaliation, which is reactive to an act. J. E. Jonkers argues that criminal sanctions are focused on the penalties applied for the crimes committed. Meanwhile, action sanctions are based on the idea "what is the punishment for?"

If in retributive theory, criminal sanctions are directed at the actions of one person through the imposition of suffering so that the perpetrator becomes a deterrent, then action sanctions are directed at efforts to provide help so that he changes. Meanwhile, retributive justice is seen as "a philosophy, a process, an idea, a theory and intervention". Restorative justice is a court that emphasizes the repair of losses caused or related to criminal acts, which is carried out through a cooperative process that involves all parties (stakeholders)..<sup>7</sup>

Restorative justice for Notaries as long as there is no intentional element in the alleged crime is the settlement of criminal cases by involving the parties, to jointly seek a fair solution by involving both parties in a balanced manner, to jointly seek a fair solution by emphasizing the restoration of justice. the original

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<sup>7</sup> Muladi & Barda Nawawi Arief, *Teori-Teori dan Kebijakan Pidana* (Bandung: Alumni, 1984), hal.4

state, and not retaliation, so the researcher raised the research topic entitled "The Efforts to Fulfill Restorative Justice toward Notaries in the Criminal Justice System."

### **B. Focus of Problems**

From the description in the introduction above, the problem is formulated as follows:

How to understand the essence of restorative justice can be implemented in the notary world.

“How to analyze the fulfillment of restorative justice against a Notary who is caught in a criminal case ? “

### **C. Literacy**

1. Notary is a public official (openbare ambtenaren), because it is closely related to the main authority or duties and obligations, namely making authentic deeds.<sup>8</sup>
2. Restorative justice is a paradigm that can be used as a framework for a strategy for handling criminal cases that aims to address dissatisfaction with the current working of the criminal justice system.

Restorative justice is a concept of thought that responds to the development of the criminal justice system by focusing on the need for community involvement and victims who feel excluded from the mechanisms that work in the current criminal justice system. On the other hand, restorative justice is also a new framework of thinking that can be used in responding to a crime for law enforcement and legal workers. The concept of restorative justice or what is often translated as restorative justice is an approach model that has emerged since the 1960s in an effort to resolve criminal cases..<sup>9</sup>

Evidence is provisions that contain guidelines and guidelines on ways that are justified by law to prove the guilt that has been charged to the defendant. Proof is also a provision that regulates the evidence that is justified by law and may be used by judges to prove the guilt of the accused..<sup>10</sup> The evidence provides a strong basis and argument for the public prosecutor to file charges. Evidence is seen as

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<sup>8</sup> Sjaifurrachman dan Habib Adjie, *Aspek Pertanggungjawaban Notaris dalam Pembuatan Akta*, (Bandung: Mandar Maju), hlm. 62.

<sup>9</sup> Eva Achjani Zulfa, *Keadilan Restoratif*, (Depok: Badan Penerbit FHUI, 2009), hal. 2

<sup>10</sup> M. Yahya Harahap, *Pembahasan Permasalahan dan Penerapan KUHP: Pemeriksaan Sidang Pengadilan, Banding, Kasasi, dan Peninjauan Kembali*, (Jakarta: Sinar Grafika, 2003), hlm. 273.

impartial, objective, and provides information to judges to draw conclusions about a case that is being tried. Especially in criminal cases, proof is essential because what is sought in criminal cases is material truth. M. Yahya Harahap stated that:

"Proof is provisions that contain guidelines and guidelines on ways that are justified by law to prove the guilt that has been charged to the defendant. Evidence is also a provision that regulates evidence that is justified by law and may be used by judges to prove the guilt of the accused."<sup>11</sup>

Hari Sasangka and Lily Rosita thought that:

"The Law of Evidence is part of the criminal procedure law which regulates various types of evidence that are legal according to the law, the system adopted in proof, the requirements and procedures for submitting such evidence and the authority of the judge to accept, reject and evaluate a proof."<sup>12</sup>

3. The Evidence System, from the point of the Criminal Procedure Code, the meaning of proof includes:

- a. Provisions that limit court proceedings in their efforts to seek and defend the truth. Both judges, public prosecutors, defendants, or legal advisors are each related to the provisions of the procedure and assessment of evidence determined by law.
- b. The panel of judges in searching for and laying down the truth that will be handed down in the decision, must be based on the evidence that has been determined by the law in a limited manner as referred to in Article 184 of the Criminal Procedure Code, namely
  1. : Witness testimony;
  2. Expert Statement;
  3. Letters;
  4. Hint;
  5. Statement of the defendant

What is generally known does not need to be proven.

The Criminal Procedure Code, according to Simon, are:

"Criminal procedural law is also called formal criminal law, to distinguish it from material criminal law. Material criminal law is criminal law that contains instructions and descriptions of offenses, regulations on the conditions under which an act can be punished, instructions on people who can be convicted, and rules on sentencing. Regulate to whom and how the punishment can be

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<sup>11</sup> Ibid

<sup>12</sup> Hari Sasangka dan Lily Rosita, *Hukum Pembuktian Dalam Perkara Pidana* (Bandung: Mandar Maju, 2003), hlm. 10.

imposed. While formal criminal law regulates how the State can through its tools carry out its rights to convict and impose a criminal, so it contains criminal procedures..”<sup>13</sup>

Van Bemmelen said that criminal procedural law studies the regulations created by the State, due to allegations of violations of the criminal law:

As much as possible investigate the perpetrators of the act.

- a. Take the necessary measures to arrest the perpetrator if necessary detain him.
- b. Collecting evidence (bewijs materiaal) that has been obtained in the investigation of the truth to be delegated to the judge and bring the defendant before the judge.
- c. The judge gives a decision on whether the alleged act is proven or not and for that imposes a criminal or disciplinary action.
- d. Legal efforts to challenge the decision.
- e. Finally, carry out decisions regarding criminal and disciplinary actions.<sup>14</sup>

4. In criminal procedural law, evidence is the central point in the examination of cases in court. This is because through this stage of evidence there is a process, method and act of proving to show whether the defendant is right or wrong in a criminal case in court.

4. Criminal Justice System, in this system Judges can impose punishment, acquittal and acquittal. If the court is of the opinion that the defendant is proven guilty of committing the crime he is accused of, the court shall impose a sentence. On the other hand, the defendant can be acquitted or if the court is of the opinion that the act that has been charged against the defendant is proven, but the act does not constitute a criminal act, then the defendant is acquitted of all lawsuits.

5. The notary code of ethics basically contains regulations regarding the following matters: 1). Notary ethics in carrying out their duties; 2). Notary's professional obligations; 3). Ethics regarding the relationship of a notary with his client; 4). Ethics of relations with fellow notaries; 5). Prohibitions for notaries.<sup>15</sup>

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<sup>13</sup> Lilik Mulyadi, *Hukum Acara Pidana Normatif, Teoretis, Praktik Dan Permasalahannya*, (Bandung: PT. Alumni, 2007), hlm. 1.

<sup>14</sup> Mohammad Taufik Makarao, Suharsil, *Hukum Acara Pidana Dalam Teori Dan Praktek*, (Jakarta: Ghalia Indonesia, 2004), hlm. 1-2.

<sup>15</sup> Abdul Ghofur Ansori, *Lembaga Kenotariatan Indonesia Prespektif Hukum Dan Etika*, (Yogyakarta: UII Press, 2017), hal. 25.

## **D. Research Methodology**

### **1. Characteristic of Research Methode**

The method used in this research is descriptive analytical, namely to describe, find legal facts as a whole and describe the applicable laws and regulations associated with legal theories and positive law implementation practices concerning the research problems raised..

#### **a) Model of Research Approach**

The research approach model used is a normative juridical approach, namely an attempt to approach legal issues to be investigated with a normative legal nature. Research with a normative juridical type essentially shows that in a provision, the research approach is carried out so that researchers get information from various aspects to find the issues to be answered.

#### **b) Sources of Data**

In this case the author uses secondary data, namely data obtained from library materials in general.<sup>16</sup>

Secondary data used in this case is data sourced from:

- 1) Primary legal materials are legal materials that have binding legal force, namely laws and regulations relating to, among others: the Criminal Code (KUHP), the Criminal Procedure Code (KUHAP), the Book of Laws Civil Law (Criminal Code), and Laws Number 30 of 2004 concerning the Office of Notary Public (UUJN), Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 (Law Number 30 of 2004).
- 2) Secondary legal materials are materials obtained indirectly to analyze and understand primary legal materials consisting of books on Notary, legal materials used are relevant to research related to the issues to be discussed..
- 3) Tertiary legal materials are materials that support, provide instructions or explanations of primary and secondary legal materials, including: abstracts, encyclopedias, legal dictionaries and articles from internet media.

#### **c) Technic of Data Collection**

This data collection technique uses literature study. Literature study is the collection of data obtained through library materials containing information about primary materials. Literature study is obtained by studying the literature related to the object and problem under study.<sup>17</sup>

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<sup>16</sup> Soerjono Soekanto dan Sri Mamudji, *op. cit.*, hlm. 12.

<sup>17</sup> Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: Universitas Indonesia, 1984), hlm. 21.



#### **d) Technic of Analysis Data**

The data that has been obtained is then analyzed through a qualitative analysis approach, namely by observing the data obtained and connecting each data obtained with the provisions and legal principles related to the problems studied with inductive logic,<sup>18</sup> namely thinking from the specific to the more general, using normative tools, namely interpretation and legal construction.

#### **E. Finding & Discussion.**

Notary comes from the word "nota literaria" which is a written sign or character used to write or describe the expression of a sentence conveyed by the source. The sign or character in question is a sign used in private notary assigned by the general authority to serve the community's need for authentic evidence that provides certainty in Civil Law relationships, so as long as authentic evidence is still required its existence in the community..<sup>19</sup>

The role of the Notary given by the state is very important, because the Notary as a public official is required to be responsible for the deed he makes. Disputes due to the Authentic Deed as a legal product of a Notary, it is necessary to ask whether this deed is the fault of the notary or the fault of the appearers. If the deed made or issued by the Notary is proven to contain legal defects due to the Notary's fault either due to negligence or because of the Notary's own intention, the Notary must be responsible both ethically and legally.

If the Notary is proven to have made mistakes, both individual and involving professionalism in making a deed that contains elements against the law, then several procedural stages include the Notary being summoned as a witness, as the defendant regarding the liability of the deed made to be used as evidence in the civil realm, or in the criminal justice system, where a notary can be used as a witness and suspect, or even a defendant if it turns out that the notary's guilt can be proven as stated in the indictment.

The existence of the ability to take responsibility for the perpetrator means that the mental condition of the perpetrator must be normal. This mental

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<sup>18</sup>Abdulkadir Muhammad, *Hukum dan Penelitian Hukum*, (Bandung: Citra Aditya Bakti, 2004), hlm. 10.

<sup>19</sup> G.H.S Lumban Tobing, *Peraturan Jabatan Notaris (Notaris Reglement)*, (Jakarta: Erlangga, 1999), hlm. 41.

relationship between the perpetrator and his actions, whether intentional (*dolus*) or negligent (*culpa*) is called a form of guilt. Even though in a criminal case, from an intellectual point of view, a Notary is fulfilled in his capacity, to determine a fault that can be held accountable other than there is no reason to erase the fault or no reason to forgive, it also requires comprehensive evidence.

In the perspective of evidence, several theories are known, namely positive theory, intimacy theory of belief, reasoning theory of belief and negative theory. The Indonesian criminal justice system adheres to a negative theory as stipulated in Article 183 of the Criminal Procedure Code (KUHAP), which emphasizes that the burden of proof rests with the public prosecutor, as does the principle of "who argues he proves".

This is in line with the principle of *actori incumbit onus probandi*, which means that whoever sues will prove it. included in proving the guilt of a Notary in the criminal justice system, although the achievement of the goal of seeking material truth is also less fulfilled or even far from expectations.

One of the alternatives offered in the settlement of criminal cases today is restorative justice as an approach to meeting these demands. The return of the authority for criminal settlement from the judiciary as the representative of the State to the community through a restorative justice approach where the victim and the community are a component that must exist and determine.

Restorative justice is accepted as one of the concepts of resolving criminal cases that prioritizes the recovery of victims, perpetrators, and the community. The main principle of restorative justice is the participation of victims and perpetrators, so that it leads to what to do with a case. This approach is different from a method such as retributive justice, in the form of an approach to punishing, but restorative justice aims at reparation of victims' losses, recognition of perpetrators for losses due to crimes committed, conciliation or reconciliation between victims, perpetrators and the community, reintegration of perpetrators with concrete accountability and through peaceful conflict resolution.

A restorative justice approach enables people to understand the root causes of crime, to promote societal well-being and prevent crime. Restorative justice features a flexible range of actions that can be adapted to the prevailing criminal justice system and are complementary to taking into account legal, social and cultural conditions.

Utilization of restorative justice will not harm the state's right to prosecute criminals. Restorative justice as a form of the latest development of various thoughts on criminal law and punishment, is still a debatable concept.

Restorative justice in the context of the *ultimum remedium* of the settlement of criminal acts in the notarial world is an effort to protect the interests and rights of notaries and maintain the reputation of the *nobile officium*. *Ultimum remedium* with alternative sanctions (non-penal) in the form of compensation, fines, warnings or other things. The pragmatic point of view of law in the context of the *ultimum remedium* does provide space for the wider community for efforts to improve, correct, and other efforts before the final alternative in the form of punishment, there are also aspects of law enforcement such as justice, certainty and benefit as the purpose of the law itself.

Sometimes the criminal justice system cannot find the material truth as intended, such as the distortion of aspects of formal evidence and the substance of understanding the UUJN and the principle of carrying out the duties of a Notary's office which is limited by matters outside of ethics and administration.

Departing from these problems, various approaches are needed to find a format for solving problems in the notarial world, including a restorative approach. The author begins first in the context of the approach in the criminal justice system which consists of three, namely retributive, restorative, and rehabilitation: a. retributive justice is an approach to punishment. b. restorative justice is an approach to recovery. c. rehabilitative justice is an approach only to improve the nature of the perpetrator, but has nothing to do with the rehabilitation of the victim. The restorative justice approach is more about recovery, what is restored is not in the context of the rehabilitation of the perpetrator but the rehabilitation of the victim.

What is more important is the restoration of social relations between perpetrators, victims, and the community. What was said by John Braithwaite who saw that the context of harmonization of social relations between the perpetrator and the community was important to avoid stigmatization. The victim must also be restored to social relations with the community, not only the perpetrator. For this case, there is no limit to all criminal acts, not only minor crimes.

According to Muladi, the characteristics of restorative justice are: a. crime is defined as one person's offense against another and is viewed as a conflict; b. focus attention on solving the problem of responsibility and liability for the future; c. the normative nature is built on the basis of dialogue and negotiation; d. restitution as a means of repairing the parties, reconciliation, and restoration are the main objectives; e. justice is formulated as a relationship between rights, judged on the basis of results; f. the focus of attention is on repairing the social wounds of crime; g. The community is a facilitator in the restorative process, the roles of victims and perpetrators are recognized, both in determining problems and resolving the rights and needs of victims, perpetrators are encouraged to take responsibility; i. The perpetrator's accountability is formulated as the impact of understanding his actions and is directed to participate in deciding the best; j. criminal acts are understood in a comprehensive, moral, social, and economic context; and K. stigma can be removed through restorative action.<sup>20</sup>

In line with Gordon Bazemore's view on the main points of thought in the restorative justice paradigm, it includes the following:

1. The purpose of imposing sanctions, that the indicators of achieving the objectives of imposing sanctions are achieved or not can be seen by indicators of whether the victim has been restored, the satisfaction of the victim, the amount of compensation, the awareness of the perpetrator for his actions, the number of repair agreements made, the quality of service and the overall process carried out. occurs, with one of the forms of sanctions that can be imposed on Notaries, namely restitution, mediation between perpetrators and victims, victim services, community restoration, direct service to victims or restorative fines, of course, law enforcement can involve law enforcement if the case has already been reported for criminal proceedings, either by investigator or judge.
2. Rehabilitation of perpetrators that the main focus of restorative justice is for the benefit and positive development. For the sake of rehabilitation of perpetrators, it is necessary to change the attitude of social institutions and the current paradigm of

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<sup>20</sup> Muladi, *Kapita Selektta Sistem Peradilan Pidana*, (Semarang : B. P. Universitas Diponegoro, 1995), hal. 129

punishment. In relation to this research, if it turns out that the Notary is proven to have made a mistake, then the paradigm of criminal imposition is no longer in the form of retaliation, but a corrective and educational effort for the perpetrator's actions, so that a deterrent effect occurs in the future. In fact, this rehabilitation can also indirectly be in the form of imposing criminal acquittal and/or escape from all lawsuits, which can be an entry point for a Notary to carry out restorative legal remedies in the form of restoration of good name accompanied by material and immaterial compensation through civil defamation lawsuits.

3. Aspects of community protection, that this is a collaborative effort of the criminal justice system and the general public to develop prevention. Criminal only as a last resort. In this case, the community is responsible and plays an active role in supporting the implementation of restoration. Indicators of achieving community protection if the incidence of unlawful acts in the criminal realm in the notarial world can decrease significantly. This can be done through supervision and guidance by the Notary Supervisory Council so that between the implementation of office duties an integral conformity between UUJN and the Notary Code of Ethics is achieved.

#### **F. Conclusion**

1. The essence of restorative justice in the notary world can be implemented by prioritizing corrective principles, being responsible for maintaining the reputation of the officium nobile, and if there is an element of error in the context of making an authentic deed, efforts are given to correct carelessness as long as there is no dolus element, while at the same time providing an opportunity for the perpetrator to prove the capacity and quality of the Notary Public as a public official who has the authority to make authentic deeds, in addition to preventive efforts through supervision and guidance by the Notary Supervisory Council so that between the implementation of the duties of office an integral conformity is achieved between UUJN and the Notary Code of Ethics.
2. Fulfillment of restorative justice for Notaries who are entangled in criminal cases, is not only an effort to change the approach to crime, but must go

further, namely in the context of achieving a just society, an equilibrium that can be achieved through a transformation to understand the existence of a Notary as an important and inseparable part of the state and society, for example through the inclusion of an exoneration clause in an authentic deed, so that the crime is merely an *ultimum remedium* in the criminal justice system that ensnares the Notary profession.

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