



## EXAMINATION AND CONFISCATION OF NOTARIAL DEEDS FOR THE PURPOSE OF CRIMINAL LAW ENFORCEMENT WITHOUT APPROVAL FROM THE NOTARY HONORARY COUNCIL

Moh. Roziq Saifulloh  
Enrekang District Court, Sulawesi Selatan  
Email: [roziqsaifulloh@gmail.com](mailto:roziqsaifulloh@gmail.com)

Paper received on: 07-07-2022; Revised on: 07-11-2022; Approved to be published on: 28-11-2022  
DOI: <http://dx.doi.org/10.30641/dejure.2022.V22.423-436>

### ABSTRACT

The Notary's right of refusal through the approval of the Notary Honorary Council (NHC) hinders the practice of criminal law enforcement because it is absolute and there is no further (final) legal remedy, even though a similar policy (beleid) has been revoked by the Constitutional Court. In practice, the notary cannot be examined by investigators, public prosecutors, or judges, unless they have previously obtained NHC approval, as regulated in Article 66 paragraph (1) of Law Number 30 of 2004 as amended by Law Number 2 of 2014 (Notary Position Law). Even if Notary Honorary Council refuses, then there will only be further legal remedies through a lawsuit by the State Administrative Court. In fact, the provisions regarding the Notary's right of refusal should be 'determination' by court decisions (vonnis) as regulated in Article 170 of the Criminal Code, and not 'administrative determination' (beschikking) through NHC approval based on the delegation of supervisory authority from state institutions. This paper concludes that every law enforcer in criminal cases (police, prosecutors, and judges) can examine a Notary with the condition of special permission from the Head of the local District Court, approval of direct interested parties, or NHC approval as stipulated in Article 43 of the Criminal Code in conjunction with Article 66 paragraph (1) of the Notary Position Law. This paper is normative research with a statutory approach, conceptual approach, and case approach.

**Keywords:** authority; examination; notary; approval; criminal

### INTRODUCTION

Law enforcement is a process of efforts to function as legal norms as guidelines for the behavior of legal relations in the life of society and the state.<sup>1</sup> In the context of law enforcement, the examination plays an important role in criminal law enforcement, because the examination is a benchmark in the early stages of entering a criminal case. In fact, every stage of criminal justice except execution, recognizes the same action, namely examination as one of the important and inseparable conditions to enter the next stage. The examination plays an important role for every criminal law enforcer<sup>2</sup>, not only for the prosecutor

but the police and even the judge who examines the case because this action is the key to the implementation of criminal justice.

The importance of examination in the criminal justice process is not supported by legal instruments related to the examination. This is as problematic as the application of Article 66 paragraph (1) of Law Number 2 of 2014 concerning Notary Position (Notary Position Law), which contains the right of refusal<sup>3</sup> for 'notary' public officials who cannot be examined in court, except with the approval of the Notary Honorary Council (NHC).<sup>4</sup> The examination

- 1 Laurensius Arliman. S, "Mewujudkan Penegakan Hukum Yang Baik Di Negara Hukum Indonesia," *Dialogia Iuridica: Jurnal Hukum Bisnis dan Investasi* 11, no. 1 (2019): 1–20.
- 2 Ulang Mangun Sosiawan, "Konstruksi Pra Peradilan Melalui Rekonstruksi Hakim Komisaris sebagai Perlindungan Hak Tersangka dalam Sistem Peradilan Indonesia," *Jurnal Penelitian Hukum De Jure* 18, no. 1 (2018): 73–92.

- 3 The right of refusal is the right to refuse to give information about something confidential related to his position or the deed he made and the information obtained for making the deed, in accordance with an oath or promise of office.
- 4 Mahkamah Konstitusi, "Dianggap Rugikan Jaksa dan Publik, UU Jabatan Notaris Diuji," diakses Juli 7, 2022, <https://www.mkri.id/index.php?page=web.Berita&id=16261>.

permit hinders the process of handling criminal cases because legal remedies for decisions take a long time and go through a long bureaucracy, even though similar legal instruments have been revoked by the Constitutional Court. The new legal instrument (*lex posterior*) regarding the Notary's right of refusal still raises the same problems as the previous legal instrument (*lex prior*), namely Law Number 30 of 2004, and even creates inconsistencies over the overruling<sup>5</sup> of the Constitutional Court (Mahkamah Konstitusi) decision.<sup>6</sup> Where the overruling of the Constitutional Court's decision regarding the Notary's right of refusal, is as follows:

1. Decision No. 49/PUU-X/2012  
The main point of the petition in this decision is to state that the provisions of Article 66 paragraph (1) of Law Number 30 of 2004, regarding the phrase "with the approval of the Regional Supervisory Council" are contrary to the 1945 Constitution of the Republic of Indonesia and have no binding legal force. The Petitioner used the test stones of Article 27 paragraph (1) and Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia. The Constitutional Court's ruling stated that the Petition granted, then the phrase "with the approval of the Regional Supervisory Council" was not binding. The basis for consideration of the decision is that the Regional Supervisory Council's approval is contrary to the principle of independence in the judicial process and is contrary to the obligations of a notary as a citizen who has equal standing before the law.

---

5 Overruling is a court practice of providing a new opinion of judicial review, replacing the old/previous opinion of judicial review. Mahkamah Konstitusi dan Universitas Kristen Satya Wacana, *Laporan Penelitian Legitimasi Praktik Overruling* (Jakarta, 2018), 2.

6 The principle of *lex posterior derogat legi priori* is that the new law replaces the old law. This becomes problematic if the problems in the old regulations reappear in the new regulations. Taufik Hidayat Simatupang, "Adult Age in Marriage in Indonesia (Theoretical Study of the Application of the *Lex Posterior Derogat Legi Priori* Principle)," *Jurnal Penelitian Hukum De Jure* 21, no. 2 (2021): 213–222.

2. Decision No. 72/PUU – XII/2014  
The main point of the petition in this decision is to state the provisions of Article 66 paragraph (1) along the phrase "... with the approval of the Notary Honorary Council"; Paragraph (3) and paragraph (4) of the Notary Position Law contradict the 1945 Constitution of the Republic of Indonesia and have no binding legal provisions. The Petitioner used the test stones of Article 27 paragraph (1) and Article 28D paragraph (1) and paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The Constitutional Court's decision stated that the petition could not be accepted because the Petitioner does not have legal standing.
3. Decision No. 22/PUU-XVII/ 2019  
The main point of the petition in this decision is to state that the provisions of Article 66 paragraph (1) and paragraph (4), Article 75 letter a, and Article 79 of the Notary Position Law, regarding the "authority of the notary honorary council" that is contrary to the 1945 Constitution of the Republic of Indonesia and have no binding legal force. The Petitioner used Article 27 paragraph (1) and Article 28D paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The Constitutional Court's decision stated that the petition was rejected because the petitioner did not fully understand the norms of Article 66 of the Notary Position Law. The basis for consideration of the decision is that the Notary Honorary Council approval does not aim to complicate the investigation process or the need for examination of a notary because it has given a maximum period of 30 (thirty) working days from the receipt of the letter of request for approval, as stated in paragraph (3) and paragraph (4) of a quo article. As for paragraph (4), the Notary Honorary Council cannot hinder law enforcement. The provisions of the a quo article intended to provide protection to the notary as a public official in carrying out his duties, in particular protecting the existence of minutes as the secret state document.
4. Constitutional Court Decision No. 16/PUU – XVIII/2020  
The main point of the petition in this decision is to state the provisions of Article 66 paragraph (1) of the Notary Position Law along the phrase "... with the approval of the Notary Honorary Council", are contrary to the 1945 Constitution

of the Republic of Indonesia and have no binding legal force. The Petitioner used the test stones of Article 1 paragraph (3), Article 27 paragraph (1), Article 28D paragraph (1), and Article 28I paragraph (2) of the 1945 Constitution of the Republic of Indonesia. The Constitutional Court's decision stated that the Petition could not be accepted and the petition was rejected because the First, Third, and Fourth Petitioners did not have legal standing; legal considerations in the Constitutional Court Decision No. 22/PUU – XVII/2019 mutatis mutandis applies to the petition, and the petition has no legal grounds. Furthermore, the Constitutional Court argued that Article 66 paragraph (4) of the Notary Position Law is redundant because it is considered substantively the same as Article 66 paragraph (3) of the Notary Position Law, which is inappropriate. Article 66 paragraph (4) of the Notary Position Law is actually an affirmation that the Notary Honorary Council cannot hinder the authority of investigators, public prosecutors, or judges in exercising their authority for the benefit of the judicial process as regulated in Article 66 paragraph (1) of the Notary Position Law.

Revocation of Article 66 paragraph (1) of Law Number 30 of 2004 through the Constitutional Court Decision No. 49/PUU-X/2012, has implications for the loss of the Notary's right of refusal through the permission of the Regional Supervisory Council so that the criminal investigations can be carried out directly by Investigators, Public Prosecutors, and Judges in the trial process in court. However, the regulation regarding the Notary's right of refusal reappears in the same article and paragraph in Law Number 2 of 2014 and it differs only in the licensing authority, which switches from Regional Supervisory Council approval to Notary Honorary Council approval. In fact, a similar provision (beleid) was revoked by the Constitutional Court. As for the examination of the article, the Constitutional Court held another opinion in the form of justification of the authority of the Notary Honorary Council related to the Notary examination permit through the Constitutional Court's Decision No. 22/PUU-XVII/2019. The justification is on the pretext that Article 66 paragraph (4) Notary Position Law is actually an affirmation that the Notary

Honorary Council cannot hinder the authority of law enforcement in examining a Notary.<sup>7</sup> In fact, the practice says otherwise that the petition arises as a result of the process of law enforcement in criminal cases being hindered by the approval of the Notary Honorary Council, so as long as the article is still valid, during that time the law enforcement process in criminal cases is hindered. Thus, it can be concluded that there has been legal uncertainty due to a shift in the opinion of the Constitutional Court judges on the examination of the Notary Position Law.<sup>8</sup>

This latest Notary Position Law regulation clearly contradicts the principles of justice (gerechtigheit) and equality before the law<sup>9</sup>, because it provides 'special treatment' to a Notary in the form of an 'examination permit'. Furthermore, no provision requires a permit before 'examining' the President, Vice President, Minister, or ministerial-level officials.<sup>10</sup> Even the definition of 'examination permit' is not regulated in various laws and regulations governing the permit

---

7 Mahkamah Konstitusi, "Permohonan Uji UU Jabatan Notaris Tidak Dapat Diterima," last modified 2020, diakses Juli 6, 2022, <https://www.mkri.id/index.php?page=web.Berita&id=16401&menu=2>.

8 The shift in the Constitutional Court's decision raises controversy (pros and cons), because it does not reflect the value of legal certainty so that it can be said to be a decision without constitutional morality. Tanto Lailam, "Membangun Constitutional Morality Hakim Konstitusi Diindonesia," *Jurnal Penelitian Hukum De Jure* 20, no. 4 (2020): 511–529.

9 The principle of equality before the law has been guaranteed by the constitution so that the absence of application of this principle means that the regulations are contrary to the constitution. Ni Gusti Agung Ayu Mas Triwulandari, "Problematika Pemberian Bantuan Hukum Struktural Dan Non Struktural Kaitannya Dengan Asas Equality Before The Law," *Jurnal Ilmiah Kebijakan Hukum* 14, no. 1 (2020): 539–552.

10 Various provisions regarding inspection permits are considered controversial, such as the approval of the President or the Minister of Home Affairs to examine the People's Consultative Assembly, the People's Representative Council, the Regional Representatives Council, the Regional People's Representative Council and the Regional Head as stipulated in Law Number 27 of 2009 and Law Number 23 of 2014.

procedure before conducting an examination.<sup>11</sup> Several self-criticism descriptions regarding regulatory uncertainty and inconsistency of the Constitutional Court's decision indicate that there has been a problem with criminal law enforcement (material and formal) related to notary examinations, so further research is needed to be in line with the principles of law enforcement<sup>12</sup> namely legal certainty (rechtssicherheit), justice (gerechtigheit) and expediency (zweckmassigkeit).<sup>13</sup>

This research has passed the literature review by comparing at least 3 (three) papers to find out the thoughts regarding the Notary Honorary Council Approval in the criminal law enforcement process. These writings include:

1. Tiara Rezky Prastika Ibrahim's Thesis entitled "Kewenangan Terhadap Penyitaan Minuta Akta sebagai Barang Bukti Dalam Perkara Pidana (Authority Against Confiscation of Minutes of Deed as Evidence in Criminal Cases)"<sup>14</sup>;
2. Irene Dwi Enggarwati's journal entitled "Pertanggungjawaban Pidana dan Perlindungan Hukum Bagi Notaris Yang Diperiksa Oleh Penyidik Dalam Tindak Pidana Keterangan Palsu pada Akta Otentik (Criminal Liability and Legal Protection for Notary Who Examined by Investigators in the Crime of False Statements on Authentic

Deeds";<sup>15</sup> and

3. The journal of I Made Sena and I Wayan Novy Purwanto, entitled "Inkonsistensi Putusan Mahkamah Konstitusi Dalam Membatalkan Majelis Pengawas Daerah Dan Majelis Kehormatan Notaris (Inconsistency of the Constitutional Court's Decision in Canceling the Regional Supervisory Council and the Notary Honorary Council)".<sup>16</sup>

The first and second papers have similar ideas, that the criminal case process must pass the approval of the Notary Honorary Council as stipulated in Article 26 of the Ministerial Regulation of Law and Human Rights Number 07 of 2016 (Permenkumham 07/2016). The author needs to convey that special permission from the Chair of the Court has been mentioned in the first paper, however the discussion flows to the conclusion that the Notary Honorary Council approval is still required to take the minutes of the deed, even though law enforcers have received special permission from the Chair of the Court in the criminal law enforcement process. While the third paper discusses the factors of inconsistency in several decisions of the Constitutional Court when examining the legal validity of the Notary Honorary Council approval.

In contrast to previous research, this study describes why the Notary Honorary Council approval authority exists and how it applies to criminal cases based on the *ius constitutum*, so that it will not only compares but also outlines the Notary Honorary Council approval in the criminal case examination process. The author uses a scientific view based on state administrative law and constitutional law so that this study looks at the law broadly based on the hierarchy of laws and regulations and the authority of state institutions.

Based on the description of the background

- 
- 11 Pusat Litbang Kejaksaan Agung RI, "Ijin Pemeriksaan Terhadap Pejabat Negara dalam Proses Penegakan Hukum," last modified 2008, diakses Juli 5, 2022, [kejaksaan.go.id/unit\\_kejaksaan.php?idu=28&idsu=35&idke=0&hal=2&id=55&bc](http://kejaksaan.go.id/unit_kejaksaan.php?idu=28&idsu=35&idke=0&hal=2&id=55&bc).
  - 12 Zainal Arifin Mochtar dan Eddy O.S Hiariej, *Dasar-Dasar Ilmu Hukum: Memahami Kaidah, Teori, Asas dan Filsafat Hukum* (Jakarta: Perpustakaan Nasional RI, 2021), 189.
  - 13 There are several views regarding the principle of legal certainty, the principle of justice and the principle of benefit cannot go hand in hand, but this does not rule out the opposite possibility. Muhaimin, "Restoratif Justice dalam Penyelesaian Tindak Pidana Ringan," *Jurnal Penelitian Hukum De Jure* 19, no. 2 (2019): 185–206.
  - 14 Tiara Rezky Prastika Ibrahim, "Kewenangan Terhadap Penyitaan Minuta Akta Sebagai Barang Bukti Dalam Perkara Pidana" (Universitas Hasanuddin, 2020).

- 
- 15 Nisa Wulandari dan Hayat Sholihin, "Pertanggungjawaban Pidana Dan Perlindungan Hukum Bagi Notaris Yang Diperiksa Oleh Penyidik Dalam Tindak Pidana Keterangan Palsu Pada Akta Otentik," *Jurnal Mahasiswa Fakultas Hukum* 1, no. 2 (2020): 274–282.
  - 16 I Made Sena dan I Wayan Novy Purwanto, "Inkonsistensi Putusan Mahkamah Konstitusi Dalam Membatalkan Majelis Pengawas Daerah Dan Majelis Kehormatan Notaris," *Jurnal Kertha Semaya* 9, no. 8 (2021): 1278–1288.

above, the formulation of the problem in this study is: How is legal immunity for a notary to disclose professional secrecy; How to restructure the authority of notary examination in the interest of criminal law enforcement; and How is the legal politics of law enforcement authority in the notary examination in the future.

The substance of this paper contains the quo vadis of criminal law enforcement in the Notary examination and legal immunity for Notary who disclose professional secrecy. As for the restructuring of authority as a form of criminal law enforcement efforts in examining notary. In addition, there needs to be an evaluation of the authority of law enforcement in notary examinations, especially law enforcement using criminal law instruments, which are always intertwined with the power-politics sector.

## RESEARCH METHOD

This paper is a legal argumentation study with the main characteristics and focuses on examining the application of a case accompanied by legal considerations made by law enforcers, as well as the interpretation behind the application.<sup>17</sup> This research is carried out by doctrinal/normative research or research conducted by examining the norm system construction to find the truth based on scientific logic from the normative side,<sup>18</sup> through the study and analysis of statutory regulations and other legal materials related to the restructuring of the authority of the Notary's examination in the criminal justice system in Indonesia. This normative research uses a research approach in the form of a statute approach, a conceptual approach related to the concept of decision (beschickking), regulation (regelling), and verdict (vonnis), as well as a case approach (case approach) in the Constitutional Court's decisions.

The technique of tracing legal materials in this study was carried out through literature and internet studies in the form of information

or legal documents. In compiling and analyzing the data, the author uses deductive reasoning<sup>19</sup> with the descriptive method.<sup>20</sup> After the analysis process, the synthesis process is carried out by drawing and connecting the problem formulation, the purpose of writing, and the discussion. Next, general conclusions are drawn and then some recommendations are made in an effort to transfer ideas. As well as in processing the data that has been obtained, we went through several stages such as editing, by checking for possible errors in filling out the list of questions and inconsistencies in information<sup>21</sup> and then classifying, by arranging the data in such a way so that an analysis can be carried out<sup>22</sup>.

## DISCUSSION

### A. Notary Legal Immunity to Disclose Professional Secrecy

The notary is a public official authorized by law to make authentic deeds and other authorities.<sup>23</sup> Where before carrying out his office, the Notary is obliged to take an oath/promise according to his religion in front of an authorized official and take an oath of office.<sup>24</sup> The oath is not only a moral norm but becomes a binding legal norm and can be subject to sanctions. Meanwhile, in carrying out his position, the notary is obliged to keep everything confidential about the deed he made and all information obtained for making the deed in accordance with the oath/promise of office, unless the law provides otherwise.<sup>25</sup> So the

---

17 Mark Van Hoecke, "Legal doctrine: Which Method(s) for What Kind of discipline?," in *Methodologies of legal research : which kind of method for what kind of discipline?* (Oxford: Hart Publishing, 2011), 1–18.

18 I Nyoman Putu Budiarta Atmadja, I Dewa Gede, *Teori-Teori Hukum* (Malang: Setara Press, 2018), 124–131.

---

19 Kamarusdiana, *Filsafat Hukum* (Jakarta: UIN Jakarta Press, 2018), 44.

20 Ismail Nurdin dan Sri Hartati, *Metodologi Penelitian Sosial* (Surabaya: Media Sahabat Cendekia, 2019), 33.

21 A'an Efendi dan Dyah Ochtorina Susanti, *Logika & Argumentasi Hukum*, Pertama. (Jakarta: Kencana, 2020), 106.

22 Zuchri Abdussamad, *Metode Penelitian Kualitatif* (Makasar: Syakir Media Press, 2021), 126.

23 Article 1 point (1) Law Number 30 of 2004 jo. Law Number 2 of 2014.

24 Ayu Ningsih, Faisal A.Rani, dan Adwani Adwani, "Kedudukan Notaris sebagai Mediator Sengketa Kenotariatan Terkait dengan Kewajiban Penyuluhan Hukum," *Jurnal Ilmiah Kebijakan Hukum* 13, no. 2 (2019): 201–227.

25 Article 16 paragraph (1) letter f Law Number 30 of 2004 jo. Law Number 2 of 2014.

Notary is a trusted position that is obliged to keep the professional secrecy.<sup>26</sup>

The provisions of the obligation to keep the professional secrecy of the notary create the right of refusal as regulated in Article 66 paragraph (1) of the Notary Position Law. Furthermore, obligations and sanctions related to the obligation to keep professional secrecy are also regulated under the public law Article 322 of the Criminal Code. The concept of professional secrecy of a notary adheres to the theory of relative secrecy based on Article 43 of the Criminal Code, namely the professional secrecy of a notary can be disclosed, if there is a public interest that must take precedence or legislation that provides exceptions.<sup>27</sup> This means that the obligation of secrecy for the Notary is not closed, but provides an exception for disclosing professional secrecy as long as there is a justification for disclosing the professional secrecy.

The exception to the professional secrecy of notary as regulated in Article 66 paragraph (1) of the Notary Position Law is that for every interest in the judicial process, examination by investigators, public prosecutors, or judges must be with the approval of the Notary Honorary Council. The approval (*beschikking*) can be interpreted as an examination permit for a Notary and is a decision of the State Administrative.<sup>28</sup> The Notary Honorary Council approval is referred to as a State Administrative decision because the Notary Honorary Council is a public official, whose actions originate from the delegation of government authority, namely the Minister of Law and Human Rights (Menkumham) for supervision of Notaries so that the written approval given by the Notary Honorary Council can be categorized as State Administrative (*administratief rechtshandeling*) actions.<sup>29</sup> . The

authority is concrete, individual, and final and has legal consequences for a Notary to be able or not to be examined by law enforcers for criminal purposes as stipulated in the legislation (Notary Position Law and Permenkumham 07/2016). Thus, the Notary examination permit can become an object of dispute in the State Administrative Court (PTUN) as regulated in Article 1 point 9 of Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning State Administrative Court (State Administrative Court Law).

In practice, the Notary cannot be examined by investigators, public prosecutors, or judges, unless they have previously obtained the Notary Honorary Council approval, as regulated in Article 66 paragraph (1) of Law Number 30 of 2004 concerning Notary Positions as amended by Law Number 2 of 2014.<sup>30</sup> Even if the Notary Honorary Council refuses, then there is only further legal action through a lawsuit by the State Administrative Court.<sup>31</sup> The Notary Honorary Council approval makes it difficult for law enforcers to carry out investigations for criminal purposes, as evidenced by several legal remedies in the form of a petition to the Constitutional Court so that the Notary Honorary Council authority to give approval for a notary examination in Article 66 of the Notary Position Law is declared contrary to the 1945 Constitution of the Republic of Indonesia and is not binding. However, the petition cannot be accepted or even rejected by the Constitutional Court on the grounds that Article 66 paragraph (4) of the Notary Position Law is in fact an affirmation that the Notary Honorary Council cannot hinder the authority of investigators, public prosecutors or judges in exercising their authority for the benefit of the judicial process as stipulated in Article 66 paragraph (1) Notary Position Law. Furthermore, the authority is given by law to protect the existence of the minutes as a secret state document.<sup>32</sup>

If the criminal law enforcers or even the

---

26 Teresia Din, "Pertanggungjawaban Notaris terhadap Akta Otentik Terindikasi Tindak Pidana," *Jurnal Penelitian Hukum De Jure* 19, no. 2 (2019): 171–184.

27 Pieter Latumenten, "Prosedur Penegakan Hukum Pidana Berkaitan Dengan Pelaksanaan Jabatan Notaris Dan Akta Aktanya," diakses Juli 5, 2020, [ikanotariatui.com/prosedur-penegakan-hukum-pidana/#\\_ftn3](http://ikanotariatui.com/prosedur-penegakan-hukum-pidana/#_ftn3).

28 Article 67 Law Number 30 of 2004 jo. Law Number 2 of 2014.

29 Constitutional Court Decision Number 009-014/PUU-III/2005.

---

30 Henry Lbn Toruan Donald, "Legalitas Keberadaan Majelis Pengawas Notaris dan Majelis Kehormatan Notaris," *Jurnal Penelitian Hukum De Jure* 20, no. 3 (2020): 435–458.

31 Roy Victor Karamoy dan Maarthen Y. Tapanguma, "Peran Majelis Kehormatan Notaris Terkait Rekomendasi Untuk Kepentingan Pemeriksaan Aparat Hukum Terhadap Notaris," *Lex Crimen X*, no. 13 (2021): 146–154.

32 Mahkamah Konstitusi, "Permohonan Uji UU Jabatan Notaris Tidak Dapat Diterima."

Constitutional Court in seeing the authority to conduct a notary examination only refers to Article 66 of the Notary Position Law, then the Notary Honorary Council authority in granting approval for a notary examination applies like a positive fictitious in the State Administrative Decision. Not without reason, the provisions regarding the Notary Honorary Council approval in Article 66 of the Notary Position Law can be juxtaposed with the State Administrative Decision as stipulated in Article 53 of Law Number 30 of 2014 concerning Government Administration (Government Administration Law).<sup>33</sup> Both have similarities, in which Article 66 of the Notary Position Law stipulates that the silence of the Notary Honorary Council within 30 (thirty) working days from the receipt of the letter of petition for approval is considered to have received a petition for approval, while Article 53 of the Government Administration Law stipulates that the silence of the Agency and/or Government Officials is within 10 (ten) working days after the petition is received, the petition is considered legally granted. The difference between the two is only in its validity, where the Notary Honorary Council approval takes effect immediately after the Notary Honorary Council is silent for a predetermined time, while the decision of the Agency and/or Government Officials (State Administrative) takes effect after the Agency and/or Government Officials remain silent for a predetermined time and there has been a decision to accept the petition by the State Administrative Court.

The Notary Honorary Council authority above clashes with the judicial authority in carrying out the criminal justice process. Granting of an examination permit cannot be interpreted as a permit for delegation from the executive, so it can be equated with a State Administrative Decision. In criminal procedural law, every examination in

33 Several substance articles in the Government Administration Law provide attribution of authority to the State Administrative Court (PTUN) to examine, assess, and decide whether there is an abuse of the authority of government officials and has the potential to weaken efforts to enforce criminal cases, especially corruption. Nicken Sarwo Rini, "Penyalahgunaan Kewenangan Administrasi Dalam Undang Undang Tindak Pidana Korupsi," *Jurnal Penelitian Hukum De Jure* 18, no. 2 (2018): 257-273.

the criminal justice process is a judicial authority, and the right of refusal in criminal justice can only be granted at the discretion of the judge. This is as stipulated in the provisions of Article 170 of the Criminal Code:

- (1) Those who because of their work, dignity or position are obliged to keep secrets, may request to be released from the obligation to give testimony as witnesses, namely concerning matters entrusted to them.
- (2) The judge determines whether or not all the reasons for the request are valid.

Furthermore, the right of refusal for the criminal justice process is not regulated based on the supervisory authority by the executive agency in the form of approval of an 'administrative decision (beschikking)', but rather a 'stipulation' of a court decision (vonnis). This means that the legal basis for the implementation of the right of refusal through the approval of the Notary Honorary Council does not have legal certainty if it is interpreted as the delegation of authority from the executive of the Minister of Law and Human Rights of the Republic of Indonesia.

The definition of 'examination permit' is not regulated in various laws and regulations governing the permit procedure before conducting an examination,<sup>34</sup> even by the Minister of Law and Human Rights of the Republic of Indonesia. In the context of criminal investigations, there is no public official who regulates examination permits in the criminal justice process, except for a notary. This can be compared based on regulations related to public officials, namely Notaries, Land Deed Making Officials (PPAT), and Auction Officers:

1. Notary, in a criminal examination, is required to use an Examination Permit with the Notary Honorary Council approval as regulated in Article 66 paragraph (1) of the Notary Position Law.
2. Land Deed Official, in Government Regulation Number 37 of 1998 jo. Government Regulation Number 24 of 2016 (Regulation of the Position of Land Deed Officials), does not regulate permits for criminal examinations. Furthermore, the

34 Pusat Litbang Kejaksaan Agung RI, "Ijin Pemeriksaan Terhadap Pejabat Negara dalam Proses Penegakan Hukum."

right of refusal is explicitly regulated with regard to professional secrecy under the Criminal Code.

3. The Auction Officer, in the Auctions Law (Vendu Reglement, Ordonantie February 28, 1908, Staatsblad 1908:189 jo. Staatsblad 1941:3), and other Ministerial Regulation of Finance, does not regulate permit for criminal investigations. Similar to Land Deed Officials, the right of refusal is explicitly regulated with respect to professional secrecy under the Criminal Code.

Based on the comparison above, it shows that there is different treatment among public officials in the notary body, so it is clearly contrary to the principles of justice (*gerechtigheit*) and equality before the law<sup>35</sup>. Apart from the existence of the right of refusal in the profession of public officials due to the obligation to protect professional secrecy, it can be understood that the Notary examination permit with Notary Honorary Council approval is a legal deviation from judicial authority because it is absolute and final. In practice, this hinders the enforcement of criminal law because the notary examination only recognizes one permit door and there is no further legal action.<sup>36</sup> Therefore, the Notary examination permit with Notary Honorary Council approval needs to be restructured because it is contrary to the principle of independence of judicial authority<sup>37</sup>, and the principle of fast, simple, and low-cost justice (*constante justitie*).<sup>38</sup>

---

35 Articles 27 and 28D of the 1945 Constitution of the Republic of Indonesia, Article 5 paragraph (1) of Law Number 4 of 2004 concerning Judicial Power, and General Explanation point 3e of the Criminal Code.

36 Hasullah's Argument in the judicial review of The Notary Honorary Council Authority at the Constitutional Court. Mahkamah Konstitusi, "Dianggap Rugikan Jaksa dan Publik, UU Jabatan Notaris Diuji."

37 Article 4 paragraph (3) and Article 5 paragraph (2) of Law Number 4 of 2004 concerning Judicial Power.

38 Article 4 paragraph (2) and Article 5 paragraph (2) of Law Number 4 of 2004 concerning Judicial Power and General Explanation point 3e of the Criminal Procedure Code.

## B. Authority of Notary Examination in the Interest of Criminal Law Enforcement

Institutional and authority reform is an attempt to improve the structure of the law, which is a continuous project that must continue to be built,<sup>39</sup> to achieve a new, holy civilization, from the dark shadows of the past.<sup>40</sup> According to Soerjono Soekanto, the parameters of the effectiveness and success of the law in society depend on the binding and coercive nature of the laws and regulations in society.<sup>41</sup> So that it is an obligation for the state to provide legal certainty in every law enforcement in Indonesia, including criminal law.

Before going any further, it should be understood that a notarial deed (authentic) is not a state secret, but part of a state document that must be kept secret by the Notary. The definition of state secret is not defined in the legislation, but its scope is regulated in Article 112 of the Criminal Code to Article 115 of the Criminal Code in Chapter I Crimes Against State Security. The scope of state secrets can be briefly understood, namely all written and unwritten information, which is kept secret for the interests of the state, such as Indonesia's defense or security against attacks from outside. Furthermore, a state secret is different from a notarial deed which is professional secrecy, as evidenced by the provisions concerning state secrets that are separated from the provisions concerning professional secrecy in the Criminal Code.

The definition of a notarial deed based on Article 1 point 7 Notary Position Law is an authentic deed made by or before a notary according to the form and procedure stipulated in this law. In other words, a notarial deed or often referred to as a state document can be interpreted as a document legalized by the state, whose manufacture is attached to its identity as a public official who carries out some of the state's public functions, namely making authentic deeds. Therefore, these state documents are not only attached to a notary but can be attached to every state

---

39 Satjipto Rahardjo, *Negara Hukum yang Membahagiakan Rakyatnya* (Yogyakarta: Genta Publishing, 2009), 14.

40 Febriansyah Ramadhan, Xavier Nugraha, dan Patricia Inge Felany, "Penataan Ulang Kewenangan Penyidikan Dan Penuntutan Dalam Penegakan Hukum Pelanggaran Ham Berat," *Veritas et Justitia* 6, no. 1 (2020): 172–212.

41 Soerjono Soekanto, *Pokok-pokok Sosiologi Hukum* (Jakarta: Raja Grafindo Persada, 2003), 98.

institution, such as school certificates, Resident Identity Cards, and other documents.

The Notarial Deed as part of a state document that must be kept secret can refer to Article 322 of the Criminal Code in Chapter XVII Disclose Secrets, which in that article regulates criminal sanctions for anyone who discloses professional secrecy. The official who is obliged to keep documents on the identity of his position is a notary, as regulated in Article 16 paragraph (1) letter f of the Notary Position Law, which reads:

*“In carrying out his/her position, a Notary is obligated to: ..... f. keep everything about the deed he made and all information obtained for the making of the deed in accordance with the oath/promise of office unless the law provides otherwise;....”*

Article a quo can be understood that the notarial deed is a confidential state document. However, the nature of the confidentiality of the notarial deed is not absolute, because the professional secrecy attached to the position of a notary can be deviated or excluded if the law determines otherwise. Therefore, to find out the exceptions to the notary's right of refusal, law enforcers need to explore the exception to the notary professional secrecy as stipulated in other laws.

The examination is an important requirement in the stages of criminal law enforcement, so it is necessary to reorganize the authority of the examination as part of the judicial authority, namely the Judicial Authority.<sup>42</sup> In connection with the permit for examination of professional secrecy, it is regulated in Article 170 of the Criminal Code, in which the judge has the authority to determine whether or not the reasons put forward to obtain the right of refusal is valid. This authority is not only limited to during the examination in court but in the process of investigation and prosecution. Furthermore, it refers to Article 43 of the Criminal Code which reads:

*“The confiscation of letters or other writings from those who are obliged by law to keep them secret, as long as they do not involve state secrets, can only be carried out with their consent or with the special permission of the chairman of the local district court unless the law provides otherwise.”*

42 Article 24 of the 1945 Constitution of the Republic of Indonesia.

Based on the article above, there are 2 (two) options for disclosing professional secrecy, namely with their approval (direct interested parties) or with special permission granted by the Head of the local District Court. The meaning of ‘unless the law determines otherwise’ means that different regulations can be added from the previous context, which refers to the word ‘can only’ from the 2 (two) options above. The word can be understood as an argumentum a contrario, the meaning of the word can only be 2 (two) options, and it can be excluded from being more than 2 (two) options if regulated by law. From this explanation, the Notary examination for the purposes of a criminal process can be carried out based on 2 (two) options in Article 43 of the Criminal Code or other provisions of the law, namely the approval of the Notary Honorary Council in Article 66 paragraph (1) of the Notary Position Law. Referring to Article 170 and Article 43 of the Criminal Code, it can be concluded that without the approval of the Notary Honorary Council, the notary examination for criminal purposes can still be carried out with the special permission of the Head of the local District Court or the approval of direct interested parties.

### **C. Legal Politic of Authority in Future Notary Examination**

Satjipto Rahardjo explained that politics is related to the choice of goals among various possible goals, while the law must always make adjustments to the social goals that the community wants to achieve so that the law has dynamics. Legal politics is one of the factors that cause this dynamic because it is directed to the *ius constituendum*, the law that should apply.<sup>43</sup> Meanwhile, according to Mahfud MD, legal politics is a legal formulation that has the essence of the formation and renewal of every legal material contained in it so that the implementation of the law and needs are mutually compatible.<sup>44</sup> In line with this, according to Bagir Manan, legal politics is nothing but the policies that will be and are being pursued regarding the determination of

43 Bambang Santoso, *Politik Hukum* (Pamulang: UNPAM Press, 2021), 24.

44 Muhammad Reza Winata, “Politik Hukum dan Konstitusionalitas Kewenangan Pembubaran Organisasi Kemasyarakatan Berbadan Hukum oleh Pemerintah,” *Jurnal Penelitian Hukum De Jure* 18, no. 4 (2018): 445–464.

the content of the law, the formation of the law, the enforcement of the law, along with all matters that will support the formation and enforcement of the law.<sup>45</sup> Internally, there are 3 (three) main spheres of legal politics, namely the politic of law formation, the politic regarding the content (principles and rules) of law, and the politic of law enforcement.

The politics of law formation is the policy concerned with the creation, renewal, and development of law. The politics of law formation includes statutory policies, jurisprudential legal policies or judges' decisions, and policies on other unwritten regulations. As for politics regarding the content of the law, it is wisdom so that the principles and rules of law: a) fulfill philosophical, juridical, and sociological elements; b) reflect policies in the economic, social, cultural, political and defense-security fields; c) reflect certain legal objectives and functions to be achieved; d) reflects the will to achieve the ideals of the nation and state in the political, economic, social, cultural and other fields.<sup>46</sup> Meanwhile, talking about the politics of law enforcement, especially criminal law, cannot be separated from the pathology of the judiciary, which tends not to be neutral and always justifies all means. Where those who have more ability will dominate legal practice, where do those who dominate will get better service, then the legal apparatus (Police, Prosecutors, Judges, and so on) must work in such a state of domination. So the legal system consists of processes in formal institutions and must run together with informal processes.<sup>47</sup>

Based on some of the explanations regarding legal politics above, it can be understood that legal politics is a strategy formulated to solve

legal problems and achieve certain goals. The formulation and selection of these strategies cannot be done exclusively, but inclusively into disciplines and non-legal dimensions. So it is necessary to fully understand all existing problems, before formulating strategies to solve existing problems. Referring to the discussion in the previous sub-chapter, it can be understood that the authority over the examination of a Notary can be exercised for the sake of proof in an investigation, prosecution, and trial with the special permission of the Head of the local District Court.

Before proceeding to the implementation stage, the main thing that needs to be re-understood in a Notary's examination is the limitation of the special permission of the Head of the local District Court. The word 'special' in the permit of the Head of the local District Court clearly has different boundaries from permits in general. The difference is that this special permit is only attached to the context of confiscation of confidential documents regulated in Article 43 of the Criminal Code and the examination of letters as regulated in Article 47 of the Criminal Code without any other procedures that can deviate from it, except that law enforcers in examining notaries use other options in the form of approval from interested parties and through Notary Honorary Council approval. As for the context of a notary examination, it is more appropriate to use a special permit for the confiscation of confidential documents as regulated in Article 43 of the Criminal Code, which states that:

*"The confiscation of letters or other writings from those who are obliged by law to keep them secret, as long as they do not involve state secrets, can only be carried out with their consent or with the special permission of the chairman of the local district court unless the law provides otherwise."*

This special permit cannot be waived under any circumstances, including very necessary situations and urgent circumstances. Furthermore, referring to Article 38 of the Criminal Code regarding confiscation in urgent circumstances states that:

- (1) *"Confiscation can only be carried out by investigators with a permit from the head of the local district court.*
- (2) *In a very necessary situation and urgent circumstances, when an investigator must act immediately and it is not possible to obtain a permit beforehand, without prejudice to the*

---

45 Ramadhan, Nugraha, dan Felany, "Penataan Ulang Kewenangan Penyidikan Dan Penuntutan Dalam Penegakan Hukum Pelanggaran Ham Berat."

46 Jazim Hamidi, "Paradigma Baru Pembentukan Dan Analisis Peraturan Daerah (Studi Atas Perda Pelayanan Publik Dan Perda Keterbukaan Informasi Publik)," *Jurnal Hukum Ius Quia Iustum* 18, no. 3 (2011): 336–362.

47 Muladi, *Hak Asasi Manusia: Hakikat, Konsep, dan Implikasinya Prespektif Hukum dan Masyarakat* (Bandung: Reflika Aditama, 2009), 72.

*provisions of paragraph (1), the investigator may confiscate only movable objects and for this purpose, immediately report to the head of the district court. local area for approval.”*

The nomenclature above is only a written permit, not a special permit. This means that confiscation in urgent circumstances can only be carried out if it is related to confiscation using a permit from the Head of the local District Court and not confiscation with special permission from the Head of the local District Court. So it is clear that the difference between ordinary permits and special permits lies in the authority to confiscate objects in urgent circumstances. The description of the limitations of this special permit, can not only provide legal certainty but can be an authority to improve the notary's examination in the future.

Based on the explanation above, it can be understood that the authority of a notary examination can be exercised by the Police, the Prosecutor's Office, or the Judge for criminal purposes. The notary inspection can be carried out by law enforcement through several options, including:

1. A special permit granted by the Head of the local District Court; or
2. Direct interested parties' approval; or
3. Notary Honorary Council approval.

The next question that needs to be answered is how to implement the concept of a notary examination in accordance with the laws and regulations (*das solen*). Referring to Article 43 of the Criminal Code in conjunction with Article 66 paragraph (1) of the Notary Position Law, the three options related to the notary examination permit above should be able to be carried out regardless of which examination permit must be prioritized by law enforcement and which can be the last option. This is not only because there is no provision regarding which permit should take precedence, the two provisions governing notary examination permits for criminal purposes (Criminal Code and Notary Position Law) are also legal norms with the same position, namely the Law. In short, the three options for examination permits can be submitted simultaneously by criminal law enforcers, in which one of the examination permits can be the legal basis for the confiscation of letters or other writings that are stored and kept confidential by the Notary.

With the options for a notary examination permit, the nature of the Notary Honorary Council's approval in judicial practice has shifted. The shift in nature is that the Notary Honorary Council approval is no longer absolute and final in the criminal examination stage because the Notary Honorary Council approval is not the only examination permit that can be submitted by criminal law enforcers based on statutory regulations. Nevertheless, the Notary Honorary Council's approval can still be said to be a State Administrative Decision because the final nature of State Administrative Decision is not seen from the decisions of other institutions, but is seen from the institution that issued the decision itself. In other words, the Notary Honorary Council can still issue approval (*beschikking*) as an option for a notary examination permit, but the absence of such a permit cannot hinder the notary examination process if criminal law enforcers obtain another notary examination permit. In conclusion, the shift in the absolute and final nature of Notary Honorary Council approval only occurs within the scope of criminal justice practice, especially the examination stage, but does not affect the final nature inherent in Notary Honorary Council's actions to establish an approval as a State Administrative Decision (*beschikking*).

The implementation of the concept of restructuring the authority of the Notary's examination is expected to be able to accommodate criminal law enforcement in the future. Institutional and system restructuring of authority is an effort to achieve the goal of establishing state institutions or state apparatus. Marwan Mas emphasized that the purpose of the establishment of state institutions or state apparatus is to carry out state functions and government functions factually. Practically, the function of state institutions is intended to carry out the basis or ideology of the state in achieving state goals. In a democratic rule of law, the relationship between the political infrastructure (socio-political sphere), where the people as the owner of sovereignty (political sovereignty), and the political superstructure (governmental political sphere) as the holder of implementing people's sovereignty according to the law (legal sovereignty), there is the relationship that is mutually determining and influencing each other.<sup>48</sup>

48 Marwan Mas, *Hukum dan Konstitusi Kelembagaan Negara* (Depok: Rajawali Press, 2018), 196.

## CONCLUSION

Notary legal immunity in the form of the right of refusal is a delegation of the Menkumham's supervisory authority to the Notary Honorary Council. This is not allowed. In criminal justice, a Notary's right of refusal is not an 'administrative determination' (beschikking) because of the delegation of authority of the Menkumkam, but the result of the authority of Article 43 of the Criminal Code and is neither final nor binding because it is the nature of the 'stipulation' of court decisions (vonnis). Mistakes in practice, it is necessary to reorganize criminal law enforcement, especially on examination permits. Based on the laws and regulations, every law enforcer in criminal cases (police, prosecutors, and judges) can examine a Notary with the condition of special permission from the Head of the local District Court, approval of direct interested parties, or approval of the Notary Honorary Council as regulated in Article 43 of the Criminal Code in conjunction with Article 66 paragraph (1) Notary Position Law. In this case, law enforcers can choose one of these options, even without Notary Honorary Council's approval.

## SUGGESTION

The author suggests law enforcers be able to realize between *das sein* and *das solen* so that the practice does not deviate much as a review is needed because of the binding nature of the notary's right of refusal and there is no further legal effort, except through the Administrative Court.

## REFERENCES

- Abdussamad, Zuchri. *Metode Penelitian Kualitatif*. Makasar: Syakir Media Press, 2021.
- Arliman. S, Laurensius. "Mewujudkan Penegakan Hukum Yang Baik Di Negara Hukum Indonesia." *Dialogia Iuridica: Jurnal Hukum Bisnis dan Investasi* 11, no. 1 (2019): 1–20.
- Atmadja, I Dewa Gede, I Nyoman Putu Budiarta. *Teori-Teori Hukum*. Malang: Setara Press, 2018.
- Din, Teresia. "Pertanggungjawaban Notaris terhadap Akta Otentik Terindikasi Tindak Pidana." *Jurnal Penelitian Hukum De Jure* 19, no. 2 (2019): 171–184.
- Dirdjosisworo, Sudjono. *Sosiologi Hukum*. Pekanbaru: Alaf Riau, 2018.
- Donald, Henry Lbn Toruan. "Legalitas Keberadaan Majelis Pengawas Notaris dan Majelis Kehormatan Notaris." *Jurnal Penelitian Hukum De Jure* 20, no. 3 (2020): 435–458.
- Efendi, A'an, dan Dyah Ochtorina Susanti. *Logika & Argumentasi Hukum*. Pertama. Jakarta: Kencana, 2020.
- Hamidi, Jazim. "Paradigma Baru Pembentukan Dan Analisis Peraturan Daerah (Studi Atas Perda Pelayanan Publik Dan Perda Keterbukaan Informasi Publik)." *Jurnal Hukum Ius Quia Iustum* 18, no. 3 (2011): 336–362.
- Hoecke, Mark Van. "Legal doctrine: Which Method(s) for What Kind of discipline?" In *Methodologies of legal research : which kind of method for what kind of discipline?*, 1–18. Oxford: Hart Publishing, 2011.
- Ibrahim, Tiara Rezky Prastika. "Kewenangan Terhadap Penyitaan Minuta Akta Sebagai Barang Bukti Dalam Perkara Pidana." Universitas Hasanuddin, 2020.
- Kamarusdiana. *Filsafat Hukum*. Jakarta: UIN Jakarta Press, 2018.
- Karamoy, Roy Victor, dan Maarthen Y. Tapanguma. "Peran Majelis Kehormatan Notaris Terkait Merekomendasi Untuk Kepentingan Pemeriksaan Aparat Hukum Terhadap Notaris." *Lex Crimen* X, no. 13 (2021): 146–154.

- Lailam, Tanto. "Membangun Constitutional Morality Hakim Konstitusi DiIndonesia." *Jurnal Penelitian Hukum De Jure* 20, no. 4 (2020): 511–529.
- Latumenten, Pieter. "Prosedur Penegakan Hukum Pidana Berkaitan Dengan Pelaksanaan Jabatan Notaris Dan Akta Aktanya." Diakses Juli 5, 2020. [ikanotariatui.com/prosedur-penegakan-hukum-pidana/#\\_ftn3](http://ikanotariatui.com/prosedur-penegakan-hukum-pidana/#_ftn3).
- Mahkamah Konstitusi. "Dianggap Rugikan Jaksa dan Publik, UU Jabatan Notaris Diuji." Diakses Juli 7, 2022. <https://www.mkri.id/index.php?page=web.Berita&id=16261>.
- . "Permohonan Uji UU Jabatan Notaris Tidak Dapat Diterima." Last modified 2020. Diakses Juli 6, 2022. <https://www.mkri.id/index.php?page=web.Berita&id=16401&menu=2>.
- Mahkamah Konstitusi dan Universitas Kristen Satya Wacana. *Laporan Penelitian Legitimasi Praktik Overruling*. Jakarta, 2018.
- Mas, Marwan. *Hukum dan Konstitusi Kelembagaan Negara*. Depok: Rajawali Press, 2018.
- Mochtar, Zainal Arifin, dan Eddy O.S Hiariej. *Dasar-Dasar Ilmu Hukum: Memahami Kaidah, Teori, Asas dan Filsafat Hukum*. Jakarta: Perpustakaan Nasional RI, 2021.
- Muhaimin. "Restoratif Justice dalam Penyelesaian Tindak Pidana Ringan." *Jurnal Penelitian Hukum De Jure* 19, no. 2 (2019): 185–206.
- Muladi. *Hak Asasi Manusia: Hakikat, Konsep, dan Implikasinya Prespektif Hukum dan Masyarakat*. Bandung: Reflika Aditama, 2009.
- Ningsih, Ayu, Faisal A.Rani, dan Adwani Adwani. "Kedudukan Notaris sebagai Mediator Sengketa Kenotariatan Terkait dengan Kewajiban Penyuluhan Hukum." *Jurnal Ilmiah Kebijakan Hukum* 13, no. 2 (2019): 201–227.
- Nurdin, Ismail, dan Sri Hartati. *Metodologi Penelitian Sosial*. Surabaya: Media Sahabat Cendekia, 2019.
- Pusat Litbang Kejaksaan Agung RI. "Ijin Pemeriksaan Terhadap Pejabat Negara dalam Proses Penegakan Hukum." Last modified 2008. Diakses Juli 5, 2022. [kejaksaan.go.id/unit\\_kejaksaan.php?idu=28&idsu=35&idke=0&hal=2&id=55&bc](http://kejaksaan.go.id/unit_kejaksaan.php?idu=28&idsu=35&idke=0&hal=2&id=55&bc).
- Rahardjo, Satjipto. *Negara Hukum yang Membahagiakan Rakyatnya*. Yogyakarta: Genta Publishing, 2009.
- Ramadhan, Febriansyah, Xavier Nugraha, dan Patricia Inge Felany. "Penataan Ulang Kewenangan Penyidikan Dan Penuntutan Dalam Penegakan Hukum Pelanggaran Ham Berat." *Veritas et Justitia* 6, no. 1 (2020): 172–212.
- Rini, Nicken Sarwo. "Penyalahgunaan Kewenangan Administrasi Dalam Undang Undang Tindak Pidana Korupsi." *Jurnal Penelitian Hukum De Jure* 18, no. 2 (2018): 257–273.
- Santoso, Bambang. *Politik Hukum*. Pamulang: UNPAM Press, 2021.
- Sena, I Made, dan I Wayan Novy Purwanto. "Inkonsistensi Putusan Mahkamah Konstitusi Dalam Membatalkan Majelis Pengawas Daerah Dan Majelis Kehormatan Notaris." *Jurnal Kertha Semaya* 9, no. 8 (2021): 1278–1288.
- Simatupang, Taufik Hidayat. "Adult Age in Marriage in Indonesia (Theoretical Study of the Application of the Lex Posterior Derogat Legi Priori Principle)." *Jurnal Penelitian Hukum De Jure* 21, no. 2 (2021): 213–222.
- Soekanto, Soerjono. *Pokok-pokok Sosiologi Hukum*. Jakarta: Raja Grafindo Persada, 2003.
- Sosiawan, Ulang Mangun. "Konstruksi Pra Peradilan Melalui Rekonstruksi Hakim Komisararis sebagai Perlindungan Hak Tersangka dalam Sistem Peradilan Indonesia." *Jurnal Penelitian Hukum De Jure* 18, no. 1 (2018): 73–92.
- Triwulandari, Ni Gusti Agung Ayu Mas. "Problematisasi Pemberian Bantuan Hukum Struktural Dan Non Struktural Kaitannya Dengan Asas Equality Before The Law." *Jurnal Ilmiah Kebijakan Hukum* 14, no. 1 (2020): 539–552.
- Winata, Muhammad Reza. "Politik Hukum dan Konstitusionalitas Kewenangan Pembubaran

Organisasi Kemasyarakatan Berbadan Hukum oleh Pemerintah.” *Jurnal Penelitian Hukum De Jure* 18, no. 4 (2018): 445–464.

Wulandari, Nisa, dan Hayat Sholihin. “Pertanggungjawaban Pidana Dan Perlindungan Hukum Bagi Notaris Yang Diperiksa Oleh Penyidik Dalam Tindak Pidana Keterangan Palsu Pada Akta Otentik.” *Jurnal Mahasiswa Fakultas Hukum* 1, no. 2 (2020): 274–282.