



Legal Protection of Notary Employees in the Judicial Process Against Forgery of Signatures of Confrontants on Authentic Deeds

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ABSTRACT

Notaries are public officials authorized by law to draw up authentic deeds and are formally responsible for ensuring the accuracy of the parties' identities, the contents of the deed, and the signatures affixed. This study examines the legal protection available to notary staff who act as witnesses in the preparation of deeds, particularly in criminal proceedings involving forged signatures by parties appearing before the notary. Using a normative juridical method with a descriptive approach, the research analyzes secondary data obtained through document studies, including legislation, literature, and court decisions. The case analyzed is the Indonesian Supreme Court Decision No. 1209 K/Pid/2022, in which the notary was found guilty of initiating and participating in document forgery and sentenced to one year and six months of imprisonment. The findings indicate that notary staff who are not involved in the forgery are not subject to criminal liability. This research contributes to the discourse on legal accountability in notarial practice and emphasizes the importance of providing clearer legal safeguards for notary employees.

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1. Introduction

The notarial profession holds a strategic role in upholding legal certainty and fostering public trust in civil transactions. As public officials authorized to execute

authentic deeds, notaries are a primary instrument in ensuring the legality of various legal acts. However, in practice, this profession is not immune to public scrutiny—nationally and globally—due to the growing number of legal and ethical violations involving notaries. This phenomenon raises concerns about the integrity of the profession and prompts critical questions regarding the extent to which notaries internalize ethical values and legal principles in the performance of their duties.

To understand notarial responsibility comprehensively, examining how the profession is regulated within the Indonesian legal system is essential. As a state governed by the rule of law, Indonesia guarantees legal certainty, order, and protection for all citizens, as affirmed in the Pancasila and the 1945 Constitution of the Republic of Indonesia.¹ Within this legal framework, authentic deeds drawn up by notaries serve as valid written evidence and carry significant legal weight.² Article 1(1) of the Notary Position Act (Undang-Undang Jabatan Notaris/UUJN) stipulates that a notary is a public official authorized to draw up authentic deeds and carry out other duties prescribed by statutory regulations.

As public officials, notaries bear responsibilities beyond administrative duties to encompass legal aspects,³ including the formal validity of parties' identities and the authenticity of signatures affixed to deeds. In practice, deviations from the proper exercise of this authority occur—one of the most concerning being the falsification of signatures of appearing parties in authentic deeds. Such acts are often committed with the involvement of third parties, including notary staff who assist in administrative processes.⁴ A representative example of this issue can be found in Supreme Court Decision No. 1209 K/Pid/2022, in which a notary was found guilty of instructing a staff member to prepare a deed containing forged signatures of the appearing parties. This case illustrates that not only the notary, but also notarial staff, may be held legally accountable, directly or indirectly.

¹ Irfan Amir, "Constitutionality of Wiretapping by KPK in Optimization of Red-Handed Catch Operations," *Al-Bayyinah* 6, no. 1 (2022): 34–52, <https://doi.org/10.35673/al-bayyinah.v6i1.2625>.

² Kadek Setiadewi dan I Made Hendra Wijaya, "Legalitas Akta Notaris Berbasis Cyber Notary Sebagai Akta Otentik," *Jurnal Komunikasi Hukum (JKH)* 6, no. 1 (2020): 126, <https://doi.org/10.23887/jkh.v6i1.23446>.

³ Diah Imania, Ngadino Ngadino, dan Mujiono Hafidh Prasetyo, "Tanggung Jawab Dan Perlindungan Hukum Bagi Notaris Secara Perdata Terhadap Akta Yang Dibuatnya," *Notarius* 13, no. 1 (2020): 250–65, <https://doi.org/10.14710/nts.v13i1.30394>.

⁴ Mayrsha Ayu Khairina, "Pertanggung Jawaban Hukum Bagi Notaris Atas Tindak Pidana Yang Dilakukan Oleh Karyawan Notaris," *Jurnal Officium Notarium* 1, no. 1 (2021): 133–43, <https://doi.org/10.20885/jon.vol1.iss1.art14>; Irma Fadhilla Zulmi, Elwi Danil, dan Azmi Fendri, "Pertanggungjawaban Hukum terhadap Pemalsuan Surat Kuasa yang Dilakukan oleh Karyawan Notaris," *ANDALAS NOTARY JOURNAL* XX, no. X (2022): 1–20; Sondang Irene Simanjuntak dan Mohamad Fajri Mekka Putra, "Akibat Hukum Terhadap Pemalsuan Tanda Tangan Yang Dilakukan Karyawan Notaris Tanpa Sepengetahuan Notaris Yang Mempekerjakannya," *Jurnal Komunikasi Hukum (JKH)* 8, no. 1 (2022): 67–80, <https://doi.org/10.23887/jkh.v8i1.43874>.

Several previous studies have examined the legal liability of notaries in cases involving forged deeds; however, limited attention has been given to the position of notarial staff in such cases. Jamil M. (2019) emphasized that notaries may be subject to criminal liability under Articles 263 and 264 of the Indonesian Criminal Code (KUHP) in cases involving the falsification of authentic deeds.⁵ While this study highlights that notaries, as legal subjects, are not immune to criminal sanctions, it falls short of addressing the issue of legal protection for notarial staff who are involved in the administrative processes of deed preparation.

The study by Rahmayani et al. (2020) also highlights an instance of negligence by a notary who unilaterally altered the *minute of the notarial deed* without knowing one of the appearing parties.⁶ This case had legal consequences in civil and criminal proceedings, underscoring the critical importance of caution and diligence in notarial practice. Nevertheless, the study's focus remained on the notary as the principal actor, without thoroughly examining the involvement of notarial staff.

Subsequently, a study by Muhammad Fadhil Aditya (2021) found that a deed executed violating the law may lose its authentic status and be reclassified as a private deed. The study highlights the legal liability of notaries for breaches of formal requirements;⁷ however, it continues to overlook the legal standing of notarial staff who contribute to the administrative aspects of deed preparation.

The study by Mahadewi et al. (2022) explores the ethical dimensions of the notarial profession by examining the values of *Pancasila* as reflected in the Notary Position Act and the Notary Code of Ethics. The research emphasizes the importance of moral integrity, social awareness, and professional responsibility in executing notarial duties.⁸ Nevertheless, the involvement of notarial staff in legal violations remains outside the scope of the discussion.

From the aforementioned studies, it can be concluded that existing literature remains primarily focused on the liability of notaries as public officials. There is a notable absence of research that specifically examines the legal standing and legal protection of

⁵ M Jamil, "Pemalsuan Akta Autentik Sebagai Aspek Pidana Notaris," *Jurnal Bestuur* 7, no. 2 (2019): 114–21.

⁶ Sri Rahmayani, Sanusi, dan Teuku Abdurrahman, "the Changes of Minuta Deed By Notary Unilaterally," *Jurnal IUS Kajian Hukum dan Keadilan* 8, no. 1 (2020): 97–108, <https://doi.org/10.29303/ius.v8i1.679>.

⁷ Muhammad Fadhil Aditya, "Tanggung Jawab Pidana Notaris Terhadap Pembuatan Akta Palsu yang Merugikan Para Penghadap (Studi Kasus Notaris Agus Satoto, Wilayah Kedudukan Jabatan Daerah Denpasar)," *Indonesian Notary* 3, no. 2 (2021): 745–62.

⁸ I Gusti Agung Ika Laksmi Mahadewi, Ni Komang Tari Padmawati, dan I Gusti Agung Mas Rwa Jayantiar, "Notary in Indonesia: How Are State Fundamental Values Reflected in Law and Professional Ethics?," *Udayana Journal of Law and Culture* 6, no. 2 (2022): 204, <https://doi.org/10.24843/ujlc.2022.v06.i02.p05>.

notarial staff who are involved in the administrative process of preparing authentic deeds—particularly in cases involving the forgery of the appearing party’s signature. In practice, however, notarial staff constitute an essential component of a notary’s workflow and often occupy legally vulnerable positions, despite lacking the formal authority vested in notaries.

In light of this background, the present study aims to analyze the extent to which the involvement of notarial staff in the forgery of an appearing party’s signature may be classified as a criminal offense, and to explore the forms of legal protection available to such staff in the context of criminal proceedings. This research further seeks to contribute academically to the development of legal scholarship, particularly in the fields of criminal law and notarial law, and to offer a new perspective on the legal safeguards afforded to non-official parties involved in notarial practice.

2. Legal Material and Methods

This study employs a normative legal research approach, focusing on analyzing applicable legal norms, particularly those relating to the legal protection of notarial staff in cases involving the forgery of an appealing party’s signature in authentic deeds. It adopts a descriptive-analytical method to systematically outline relevant legal provisions and analyze their application in practice. The analysis is grounded in a Supreme Court Decision No. 1209K/Pid/2022 case study.

This research utilizes a statutory approach and a conceptual approach. The statutory approach examines various positive law provisions, including the Notary Position Act, the Indonesian Penal Code (KUHP), the Criminal Procedure Code (KUHAP), and the Law on the Protection of Witnesses and Victims. Meanwhile, the conceptual approach is used to analyze legal terms and principles related to criminal liability, the role of instrumentary witnesses, and legal protection within the context of the notarial profession.

The data used in this study are secondary, consisting of primary legal materials (statutes, jurisprudence, and codes of ethics), secondary legal materials (legal literature, journal articles, and previous research), and tertiary legal materials (legal dictionaries and encyclopedias). All legal materials are analyzed using a qualitative method, focusing on the interpretation of legal norms and their examination in light of the legal facts presented in the case study. This approach aims to comprehensively understand the legal protection afforded to notarial staff within the Indonesian legal system.

3. Results and Discussion

3.1. The Position of the Case of Forgery of the Signatory's Signature on Authentic Deeds in Notarial Practice

This case centers on the forgery of the signature of an appearing party in an authentic deed, involving Defendant I, Madiyana Herawati, a notary and Land Deed

Official (*Pejabat Pembuat Akta Tanah/PPAT*), and Defendant II, Fransiska Ely Wulandari, a notarial/PPAT staff member working at the same office⁹ The case began in late 2012, when Suratinah, a landowner, entered into a partnership with Puput Ariyanto to develop a shop-house (*ruko*) on land that had been pledged as collateral to Bank Perkreditan Rakyat (BPR) RAM in Semarang. As part of the transaction, Puput Ariyanto provided bridging funds to Suratinah under the agreement that two units of the shophouse would be sold to repay her bank debt. However, without Suratinah's consent or signature, Defendant I and Defendant II forged a Power of Attorney to Sell (*Akta Kuasa Menjual*) over the land owned by Suratinah.¹⁰

The process began with a cooperation agreement between Suratinah and Puput Ariyanto. As part of this agreement, Puput Ariyanto provided bridging funds to assist Suratinah in repaying her bank debt, understanding that two units of the developed shophouse would be sold to fulfil the financial obligation.¹¹ However, on December 28, 2013, Defendant I and Defendant II prepared and notarized a Power of Attorney to Sell (*Akta Kuasa Menjual*) that was used to transfer the ownership rights of Suratinah's land—even though Suratinah had never signed nor consented to the document.¹²

This act was carried out even though Suratinah was not present to sign the deed. Defendant I, acting in her official capacity as a notary, and Defendant II, serving as notarial staff, were both involved in preparing this falsified document.¹³ In legal terms, the actions of Defendant I constitute the forgery of an authentic document in violation of Article 264 paragraph (1) of the Indonesian Penal Code (KUHP), which governs document falsification. As a notary, Defendant I was legally obliged to ensure the validity and authenticity of the documents she executed. However, in this case, she abused her authority by drafting and legalizing a deed that lacked validity. Consequently, she was sentenced to one year and six months of imprisonment.

The case proceeded through various levels of judicial review. In the first instance, the Semarang District Court convicted both defendants of document forgery. The court found that Defendant I, Madiyana Herawati, had been negligent in executing her notarial duties, which resulted in the issuance of a problematic Power of Attorney to Sell, and sentenced her to one year and six months of imprisonment. Meanwhile, Defendant II, Fransiska Ely Wulandari, was also found guilty of her involvement in preparing the forged deed and was sentenced to one year and four months of imprisonment.¹⁴

⁹ Mahkamah Agung, "Putusan Nomor 773/Pid.B/2021/PN Smg," *Direktori Putusan Mahkamah Agung Republik Indonesia*, 2021.

¹⁰ Agung.

¹¹ Agung.

¹² Agung, 7.

¹³ The Criminalistics Laboratory Examination Report No. Lab: 1403/DTF/2019 dated 24 June 2019 contains the results of an analysis regarding the authenticity of signatures under the name Suratinah. The examination, conducted by a team from the Semarang Branch Forensic Laboratory, concluded that three of the signatures were suspected to be inauthentic.

¹⁴ Agung, "Putusan Nomor 773/Pid.B/2021/PN Smg."

The forgery committed by Defendant I and Defendant II resulted in serious legal consequences for the perpetrators and the victim, Suratinah. The falsification of the appearing party's signature in the authentic deed caused financial harm to Suratinah, as her ownership rights over the land were transferred without lawful consent and without receiving any proceeds from the transaction. From a legal perspective, the actions of Defendant I constitute an abuse of authority as a notary, which not only harmed the parties involved in the transaction but also undermined the integrity of the notarial profession in Indonesia.

Meanwhile, although Defendant II merely performed administrative tasks under the instruction of Defendant I, she was involved in the preparation of the document that was later declared falsified. However, based on the facts established during the trial, Defendant II did not obtain any personal benefit and acted solely in accordance with her superior's directives. Consequently, her involvement was deemed insufficient to constitute the elements of criminal liability in the document forgery.

This consideration was subsequently reflected in the decision of the Semarang High Court, which partially upheld the ruling of the lower court. The court affirmed the criminal liability of Defendant I but overturned the conviction of Defendant II, reasoning that her actions were administrative in nature and carried out without any intent of personal gain. In its verdict, the High Court ordered the acquittal of Defendant II from all legal charges and restored her legal rights.¹⁵

At the Supreme Court level, the cassation appeals filed by both the Public Prosecutor and Defendant I were entirely rejected, thereby rendering the High Court's decision final and binding. The Court also imposed court fees on Defendant I and reaffirmed the critical importance of notarial criminal liability in ensuring the validity and authenticity of legal documents issued under a notary's authority.¹⁶

3.2. Legal Protection for Notarial Staff in Judicial Proceedings Involving the Forgery of an Appearing Party's Signature in an Authentic Deed

In the Indonesian legal system, the role of *instrumentary witnesses* in drafting authentic deeds by notaries is essential to fulfilling the formal requirements of such deeds.¹⁷ Under Article 16 paragraph (1) letter m of Law Number 2 of 2014 concerning the Office of Notary (*UUJN*), it is stipulated that a notarial deed must be read aloud by the

¹⁵ Mahkamah Agung, "Putusan Nomor 153/Pid/2022/PT SMG," *Direktori Putusan Mahkamah Agung Republik Indonesia*, 2022.

¹⁶ Mahkamah Agung, "Putusan Nomor 1209 K/Pid/2022," *Direktorat Putusan Mahkamah Agung Republik Indonesia*, 2022.

¹⁷ Marina Dhaniaty, "Kedudukan Saksi Instrumentair Atas Akta Notaris Yang Menimbulkan Permasalahan Dalam Perkara Perdata," *Jurnal Media Hukum dan Peradilan* 5, no. 1 (2019): 118–32, <https://doi.org/10.1088/1751-8113/44/8/085201>.

notary in the presence of the appearing parties and witnessed by at least two witnesses.¹⁸ Instrumentary witnesses are generally notarial office staff who meet the qualifications as witnesses as regulated in the UUJN and its implementing regulations—namely, being at least 18 years of age or married, legally competent, able to understand the language of the deed, and having no conflicts of interest or familial relationship with the notary or the appearing parties, as outlined in Article 40 paragraph (2) of the UUJN.

The presence of witnesses in the execution of a deed guarantees its authenticity and integrity.¹⁹ Without qualified witnesses, the deed will lose its status as an authentic deed. It will only hold the evidentiary value of a private deed, by Article 41 of the Notary Position Act (UUJN). Therefore, the role of notarial staff as instrumentary witnesses is of vital importance within notarial procedures.

Nevertheless, it is important to understand that notarial staff, as *instrumentary witnesses*, do not bear responsibility for the substantive content of the deed. Their duties are limited to witnessing the reading and signing of the deed and ensuring that the law carries out the formal procedures.²⁰ Kusuma (2022) affirms this, asserting that notarial employees cannot be held accountable for the contents of a deed they sign as witnesses, given their position as staff members acting solely under the notary's instructions.²¹

However, notarial staff are not infrequently drawn into legal proceedings when allegations of forgery arise in a deed. This occurs because their signatures on the deed are often misinterpreted as indicating consent to, or direct involvement in, the substantive content of the deed—particularly in cases where the appearing party's signature is later found to be forged.²² Supreme Court Decision No. 1209K/Pid/2022 is a concrete example of how notarial staff may become implicated in criminal proceedings merely for performing administrative tasks. In this case, Fransiska Ely Wulandari, a notarial staff member, was instructed by her superior, Notary Madiyahana Herawati, to draft and sign

¹⁸ Dwi Merlyani, Annalisa Yahanan, dan Agus Trisaka, "Kewajiban pembacaan akta otentik oleh notaris di hadapan penghadap dengan konsep cyber notary," *Repertorium: Jurnal Ilmiah Hukum Kenotariatan* 9, no. 1 (2020): 36–47, <https://doi.org/10.28946/rpt.v9i1.358>.

¹⁹ Muhammad Tiantanik Citra Mido, I Nyoman Nurjaya, dan Rachmad Safa'at, "Tanggung Jawab Perdata Notaris terhadap Akta yang Dibacakan oleh Staf Notaris di Hadapan Penghadap," *Lentera Hukum* 5, no. 1 (2018): 156, <https://doi.org/10.19184/ejrh.v5i1.6288>.

²⁰ Hijriah Maulani Nanda Syaputri, Farida Patittingi, dan Nurfaidah Said, "Aspek Hukum Kewajiban Saksi Instrumentair untuk Merahasiakan Isi Akta Notaris," *Jurnal Ilmu Hukum AMANNA GAPPA* 25, no. 2 (2017): 25–37.

²¹ Krisna Adi Kusuma, "Kedudukan Dan Tanggung Jawab Saksi Instrumenter Di Dalam Akta Yang Dibuat Notaris Menurut Undang – Undang Jabatan Notaris" (Universitas Islam Sultan Agung, 2022).

²² Zalfa Kamelia Rona Afsila, "Kajian Pertanggung jawaban Pidana Seorang Notaris dalam Pembuatan Akta Otentik yang Didasarkan pada Keterangan Palsu (Studi Putusan Nomor: 773/Pid.B/2021/Pn Smg)," *Sosial Simbiosis : Jurnal Integrasi Ilmu Sosial dan Politik* 1, no. 2 (2022).

several Powers of Attorney to Sell, which were later discovered to contain forged signatures.

This raises the question of whether notarial staff can be criminally liable in such cases. To address this issue, reference must be made to Article 55 paragraph (1) of the Indonesian Penal Code (KUHP), which governs complicity in the commission of a criminal offense. The element of *complicity* requires the presence of both awareness and intent on the part of the actor to commit the criminal act jointly.²³

In the case of Fransiska, there was no evidence of intent or malicious intent (*mens rea*). She was merely executing the orders of her superior and was unaware that the deeds she had prepared contained forged signatures. Moreover, she did not receive any personal gain from the act. This aligns with the judicial reasoning in the Semarang High Court Decision No. 153/Pid/2022/PT SMG, which stated that Fransiska Ely Wulandari was carrying out administrative duties as notarial staff, received no special benefit, and was unaware that the deeds she typed contained elements of forgery.²⁴ Based on these considerations, the imposition of criminal liability on Fransiska was deemed irrelevant.

This is consistent with Article 51 paragraph (1) of the Indonesian Penal Code (KUHP), which provides that a person cannot be held criminally liable for an act committed in executing a lawful official order. Accordingly, an employee acting under the instructions of a competent authority cannot be held criminally responsible, provided that the individual did not have knowledge or intent to commit, a criminal offense.

The High Court, through Decision No. 153/Pid/2022/PT SMG, and the Supreme Court, through Decision No. 1209 K/Pid/2022 in the *a quo* case, rendered a verdict of *onslag van recht vervolging* (release from all legal charges) in favor of Fransiska. This ruling was issued because although the defendant's actions were proven, they did not constitute a criminal offense under the law. The legal basis for this verdict is in Article 191 paragraph (2) of the Indonesian Criminal Procedure Code (KUHAP).

This ruling further underscores the importance of legal protection for notarial staff performing administrative duties. Such protection is in line with the spirit of Law Number 13 of 2006 in conjunction with Law Number 31 of 2014 concerning the Protection of Witnesses and Victims, which guarantees the rights of individuals who provide testimony in legal proceedings to be free from coercion and unfair treatment. Moreover, the legal rehabilitation of Fransiska is governed by Article 97 of the Indonesian Criminal Procedure Code (KUHAP), which stipulates that a defendant who is acquitted or released from all

²³ Aknes Susanty Sambulele, "Tanggung Jawab Pelaku Penyertaan Dalam Tindak Pidana (Pasal 55 Dan 56 KUHAP)," *Lex Crimen* II, no. 7 (2013): 84–92.

²⁴ Agung, "Putusan Nomor 153/Pid/2022/PT SMG."

legal charges is entitled to the restoration of their good name, dignity, and reputation.²⁵ This right is constitutional and must be expressly stated in the court's ruling.

The release of Fransiska from criminal liability theoretically reflects the application of a just theory of legal responsibility, in which criminal liability must be based on personal guilt rather than on mere status or administrative involvement in a legal act. This underscores the importance of providing legal protection for notarial staff to prevent the criminalization of those who are simply carrying out administrative duties. In situations where there is no malicious intent, knowledge of wrongdoing, or personal gain derived from an unlawful act, such individuals should not be held criminally accountable. Supreme Court Decision No. 1209K/Pid/2022 stands as a significant precedent in criminal justice practice, emphasizing that law enforcement must be guided by the principles of justice, proportionality, and legality. Notarial staff must not become scapegoats for procedural misconduct that is the responsibility of the notary as a public official.

3.3. Legal Consequences of the Forgery of an Appearing Party's Signature in an Authentic Deed Committed by a Notary

Notaries bear a high professional responsibility, as their legal products—authentic deeds—possess full evidentiary power.²⁶ An authentic deed is a written instrument governed by Article 1868 of the Indonesian Civil Code (*KUHPerdata*) and may be used as evidence in court proceedings. However, such a deed loses its authentic status if it fails to meet the formal or material requirements stipulated by law. In cases where forgery is committed within the deed, the resulting legal consequences for the notary may include criminal, civil, or administrative sanctions.²⁷

The Notary Position Act (*UUJN*) and the Notary Code of Ethics regulate the sanctions imposed on notaries found to have committed violations. According to Habib Adjie, while the *UUJN* does not explicitly prescribe criminal sanctions, a notary may still be subject to criminal liability under the Indonesian Penal Code (*KUHP*) if the violation involves elements of forgery or other unlawful acts. In other words, if a notary

²⁵ Risky Palendeng, "Kepastian Hukum Atas Hak Memperoleh Rehabilitasi Berdasarkan Undang-Undang Nomor 8 Tahun 1981 Tentang Hukum Acara Pidana," *Lex Crimen VIII*, no. 4 (2014): 22–31.

²⁶ Putra Arifaid, "Tanggung Jawab Hukum Notaris Terhadap Akta in Originali," *Jurnal IUS Kajian Hukum dan Keadilan* 5, no. 3 (2017): 510, <https://doi.org/10.29303/ius.v5i3.456>.

²⁷ Fitra Deni dan Zulfadli Barus, "Cyber PPAT and Legal Certainty in Indonesia's Electronic Land Certification System," *Al-Adalah : Jurnal Hukum dan Politik Islam* 10, no. 1 (2025): 201–17.

intentionally or negligently engages in the forgery of a deed, they may be held criminally liable.²⁸

An authentic deed containing false statements may result in serious legal consequences. A court may annul such a deed during judicial proceedings if it is proven to be falsified or drafted in violation of legal provisions. As a result of the annulment, the deed loses its full evidentiary value and is regarded as a private deed,²⁹ which may lead to significant losses for the parties involved.

Regarding legal liability, a notary may be held accountable administratively, civilly, and criminally. Administrative liability is enforced by the Notary Honorary Council, with possible sanctions including written warnings, temporary suspension, or permanent dismissal. Civil liability involves compensation for damages arising from negligence that causes harm to other parties, while criminal liability may result in imprisonment or fines.³⁰

The case in Supreme Court Decision Number 1209K/Pid/2022 illustrates that Notary Madiyana Herawati was proven to have made a power of attorney to sell based on a forged signature. Her actions were proven to fulfill the elements in Article 264 paragraph (1) of the Criminal Code concerning forgery of authentic deeds. Therefore, the judge sentenced her to 1 year and 6 months in prison as a form of criminal responsibility.³¹

The deed of power of attorney to sell was signed by parties who had never been present before the notary. Based on the Minutes of the Criminalistic Laboratory Examination No. Lab: 1403 / DTF / 2019, dated June 24, 2019, it was found that Suratinah's signature on several deeds was non-identical or fake. This evidence strengthens the judge's belief that there had been a deliberate forgery by the notary.

Signature forgery is classified as a criminal offence under the Indonesian Penal Code (*KUHP*). Article 263 of the *KUHP* stipulates that any person who creates or falsifies a document that may give rise to a right, obligation, or discharge of debt may be subject to criminal punishment. Meanwhile, Article 264 explicitly governs the forgery of authentic deeds.

²⁸ Andi Nurfajriani Riandini Arief, Syukri Akub, dan Syamsuddin Muchtar, "Persetujuan Majelis Kehormatan Notaris Wilayah Dalam Pengambilan Minuta Akta Dalam Proses Peradilan," *Al-Adalah: Jurnal Hukum dan Politik Islam* 4, no. 1 (2019): 52–81, <https://doi.org/10.35673/ajmpi.v4i1.213>.

²⁹ Gladys Natalie Sirait dan Benny Djaja, "Pertanggungjawaban Akta Notaris Sebagai Akta Autentik Sesuai Dengan Undang-Undang Jabatan Notaris," *Unes Law Review* 5, no. 4 (2023): 3363–78.

³⁰ Simanjuntak dan Putra, "Akibat Hukum Terhadap Pemalsuan Tanda Tangan Yang Dilakukan Karyawan Notaris Tanpa Sepengetahuan Notaris Yang Mempekerjakannya."

³¹ Agung, "Putusan Nomor 153/Pid/2022/PT SMG."

Forensic laboratories play a crucial role in uncovering the authenticity of signatures in legal documents. Based on the findings of the Criminalistics Laboratory Examination Report No. 1403/DTF/2019, it was concluded that the signatures found in three out of four powers of attorney to sell were not identical to Suratinah's genuine signature. This finding served as compelling evidence in the conviction of the notary.³²

The legal consequences of forging a signature in an authentic deed include nullifying the deed and losing its authenticity. Furthermore, if the legally defective deed has been used in a transaction, the injured parties may file civil or criminal claims against the responsible party.

A notary must act honestly, independently, impartially, and by applicable legal provisions. Any deviation from these principles may result in sanctions not only of an administrative nature but also criminal, as affirmed in Supreme Court Decision No. 1209K/Pid/2022.

A notary's act of drafting a deed without the presence of the appearing party and the party's original signature constitutes a serious violation of Article 16 paragraph (1) letters a and c of the Notary Position Act (*UUJN*). In such a case, the notary has breached the professional code of ethics and the oath of office, obliging them to carry out their duties with full responsibility and integrity.³³

In addition, a deed prepared by a notary without the presence of the appearing party also contravenes the principle of prudence in the legal profession. This principle requires notaries to verify the identity and intent of the parties before drafting and signing any deed.³⁴ Failure to uphold this principle may indicate elements of negligence or even intentional misconduct.

In the context of the legal certainty theory, an authentic deed must provide assurance regarding its content, date, and the identities of the involved parties. The forgery of signatures in a notarial deed undermines this certainty and erodes public trust in the notarial profession, thereby affecting the integrity of the legal system as a whole. The court's ruling against the notary in this case also conveys an important message that any violation committed by a public official will be met with appropriate legal sanctions. This reinforces the application of the principle of legality, which dictates that any act prohibited by law must be punished accordingly. Therefore, the legal consequences of forging the

³² Agung, "Putusan Nomor 773/Pid.B/2021/PN Smg," 10.

³³ Nabila Mazaya Putri dan Henny Marlyna, "Pelanggaran Jabatan dan Perbuatan Melawan Hukum Yang Dilakukan Oleh Notaris Dalam Menjalankan Keewenangannya," *Acta Diurnal* 5, no. 1 (2021): 63–77.

³⁴ Brilian Pratama, Happy Warsito, dan Herman Adriansyah, "Prinsip Kehati-Hatian Dalam Membuat Akta Oleh Notaris," *Repertorium, Jurnal Ilmiah Hukum Kenotariatan* 11, no. 1 (2022): 24–33, <https://doi.org/10.28946/rpt.v11i1.1640>.

appearing party's signature in an authentic deed include the loss of legal force of the deed, financial harm to the injured parties, and criminal sanctions against the responsible notary. This case underscores the critical importance of moral, ethical, and legal accountability in the exercise of the notarial office in Indonesia.

4. Conclusion

Based on the discussion and analysis of the legal protection for notarial staff and the legal consequences of forging the appearing party's signature in an authentic deed, it can be concluded that notarial staff who merely follow their superior's instructions in an administrative capacity cannot automatically be held criminally liable for deed forgery, so long as they act in good faith and are unaware that their actions constitute a criminal offense. In this regard, legal protection for notarial staff is essential to uphold the principles of legal certainty and justice, as stipulated in the Notary Position Act (*UUJN*) and the Law on the Protection of Witnesses and Victims.

Notaries who actively draft, execute, and legalize deeds containing forged signatures without the presence of the appearing parties may be held liable under criminal, administrative, civil, and professional ethical frameworks. Supreme Court Decision No. 1209 K/Pid/2022 sets a precedent that a notary's actions deviating from their duties and obligations as stipulated in Article 16 of the Notary Position Act (*UUJN*), and violating Article 264 of the Criminal Code (*KUHP*) concerning the forgery of authentic deeds, are subject to criminal sanctions, including imprisonment, and may ultimately result in the revocation of their professional license.

Accordingly, the validity of an authentic deed executed by a notary is highly dependent on the fulfillment of both formal and material requirements. If elements of signature forgery or the absence of the appearing party at the time of signing are discovered, the deed loses its authenticity, may be annulled by a court ruling, and gives rise to legal consequences in the form of criminal, civil, and ethical liability for the notary concerned. All of this underscores the critical importance of moral responsibility, integrity, and prudence in the exercise of the notarial profession.

5. References

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