

# LEGAL CONSEQUENCES FOR A NOTARY IN MAKING AN AUTHENTICIC DEED BASED ON A FORGED LETTER

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**Abstract.** This study aims to analyze the legal consequences for a notary in making an authentic deed based on a forged letter. This study used the literature study method and normative analysis to collect data from relevant literature sources. The results indicated that a notary involved in making an authentic deed based on a forged letter could face disciplinary sanctions, revocation of a notary's license, and criminal charges. In addition, they also face adverse social and reputational damage. A notary must maintain integrity, professionalism, and vigilance in every task carried out to prevent abuse or violations in making an authentic deed.

**Keywords:** notary; authentic deed; fake letter; integrity; legal sanction

## I. INTRODUCTION

The notary profession has a very important role in the legal system in many countries, including Indonesia [1], [2]. The notary is responsible for making authentic deeds with high evidentiary power in the eyes of the law [3]. The authentic deed becomes the legal basis for various transactions and agreements made by the parties involved. Therefore, the integrity and validity of authentic deeds are very important [4]. However, in practice, there is a risk of misuse or violation acted by a notary. One of the cases that often occurs is making an authentic deed based on fake letters or false documents. This can have serious legal consequences for the notary involved in making the deed [5]. Misuse or violations in making an authentic deed based on a forged letter can occur for various reasons. For example, a notary needs to check and verify the authenticity and correctness of the documents submitted. In other words, it could be because of an intentional act to manipulate or trick the parties involved in the transaction. In this case, the legal consequences faced by a notary may vary, depending on the level of error committed and the legal regulations in force in each country. Notaries are commonly involved in drafting authentic deeds based on fake documents that can face disciplinary sanctions, revocation of a notary's license, as well as criminal prosecution if the act is deemed a crime or a serious violation of the law [6].

Disciplinary sanctions provided by a notary institution or other supervisory authority can be in the form of a warning, reprimand, suspension of activities, or a ban on notary practice for a certain period of time. In addition, the revocation of a notary's license can also mean the end of the notary's career, and can no longer carry out the duties and

powers possessed as a notary. In some more serious cases, a notary drafting an authentic deed based on a forged letter may face criminal charges. Depending on the criminal law in force in the country, the notary may be the subject to imprisonment, a fine, or both. This criminal penalty aims to provide a deterrent effect and ensure that notaries do not violate the rule of law in practicing their profession [7].

In an effort to prevent abuse or violations in making authentic deeds, it is important for a notary to maintain integrity, professionalism, and vigilance in every task. They must carefully check the submitted documents, verify the information, and ensure that every action taken is based on truth and legal validity. In addition, notary supervisory authorities and related parties also have an important role in ensuring that notaries carry out their duties in accordance with applicable laws. Through strict supervision and disciplinary enforcement mechanisms, it is expected to prevent and overcome practices that are detrimental to society and undermine the integrity of the notary profession. This study aims to analyze the legal consequences for a notary in making an authentic deed based on a forged letter [8], [9].

## II. RESEARCH METHODS

This research used the method of literature study and normative analysis. A literature study [10], [11] was carried out by collecting and analyzing various literature sources, including laws and regulations, court decisions, and related scientific literature. This provides a comprehensive understanding of such cases' existing legal framework and practice. In addition, the normative analysis method was used to analyze the laws and regulations related to the actions of a

notary in making an authentic deed. The researchers mapped the legal regulations governing a notary's duties, obligations, and responsibilities in the context of making an authentic deed. This normative analysis also involved interpreting and evaluating relevant legal provisions and comparing them with existing cases.

### III. RESULTS AND DISCUSSION

#### *Strength of Authentic Deed Evidence Issued by Notary Officials in Proving Civil Process Litigation Proceedings*

An authentic deed issued by a notary official has very strong evidence in proving civil proceedings. This is because principles of validity, authenticity, and strength of proof are attached to authentic deeds. First, the validity of an authentic deed is based on the fact that a notary, as an authorized official, has the authority to make the deed. The notary acts as an independent and neutral witness in the deed making process, so that the authentic deed produced has high legal legitimacy [12], [13]. Second, the authenticity of authentic deeds is an important aspect in proving civil cases. The authentic deed contains information and statements of the parties involved in specific transactions or events conducted before a notary. The authenticity of this authentic deed is a strong basis for confirming the facts that occurred and strengthening the legal position of the parties listed in the deed. Third, the strength of evidence of an authentic deed is regulated in Article 1869 of the Civil Code (*KUHPerdata*) which states that an authentic deed is the perfect evidence. Therefore, an authentic deed has a higher evidentiary power than other evidence, such as letters or testimonies. Judges place great trust in these authentic deeds in making decisions in civil cases [14], [15].

However, it is important to note that the strength of authentic deed evidence does not mean absolute and unlimited. The judge still has the authority to assess and determine the strength of the evidence of an authentic deed based on legal considerations and the facts in the case. In addition, the existence of an authentic deed must also be in accordance with the provisions of the applicable laws and regulations. In practice, the strength of authentic deed evidence issued by a notary official provides benefits for parties who can obtain strong and valid evidence to strengthen their legal position in civil cases. However, this also requires a great responsibility for the notary in carrying out their duties with integrity and compliance with applicable legal principles [16], [17].

#### *Legal Consequences of a Notary Who Makes False Statements*

The legal consequences for a notary who makes false statements are very serious and violate the principles of integrity, public trust, and the interests of justice. A notary is responsible for ensuring the legitimacy and authenticity of the legal documents made. The act of making false statements by a notary public can have serious legal consequences and harm many parties. First of all, making false statements is a violation of the code of ethics related to the notary profession.

Notaries are expected to carry out their duties with high integrity and honesty and provide professional services. Violating these ethical principles can result in the revocation of the license to practice a notary, administrative sanctions, and complaints to the notary's professional organization which can have an impact on the notary's reputation and career [18], [19]. Legally, making false statements is an act that violates Article 242 of the Criminal Code (*KUHP*) which regulates document forgery. If a notary is proven to have made false statements, he can be subject to criminal sanctions in the form of imprisonment and fines. In addition, this action can also result in a civil lawsuit filed by the injured party due to false statements made by a notary. Besides the legal consequences, the social and reputational consequences resulting from making false statements are also very serious. A notary who engages in this practice will lose the public's trust and good reputation as a trustworthy professional in the preparation of legal documents. This can have a negative impact on the notary's career, destroy his professional track record, and make it difficult to regain the trust of clients and the wider community [20].

Furthermore, the legal consequences of a notary making false statements can also have an impact on the parties involved in the documents concerned. For example, in a case of making a forged deed involving a property dispute, the injured party could face significant financial loss, loss of property rights, or difficulty in proving their claim before a court of law. It is important to note that notaries have a crucial role in maintaining trust and legal certainty in society. They act as independent and neutral officials responsible for ensuring legal documents' legitimacy and authenticity. The act of making false statements by a notary public is a violation of these principles and can undermine the integrity of the legal system as a whole [21].

### IV. CONCLUSION

The legal consequences for a notary who makes an authentic deed based on a forged letter are very serious and have the potential to damage the integrity of the notary profession. This action violated the principles of integrity, public trust, and the interests of justice. A notary is responsible for ensuring the legitimacy and authenticity of the legal documents made. Making the false statements is a violation of the ethics and code of ethics of the notary profession, resulting in revocation of license to practice and administrative sanctions. Legally, this action violates Article 242 of the Criminal Code and cause criminal sanctions. Besides the legal consequences, notaries who engage in this practice will also face adverse social and reputational consequences, loss of public trust, and difficulty regaining reputation and trust from clients and the wider community. The legal consequences of a notary making false statements also have an impact on the parties involved in the documents concerned, such as financial losses, loss of ownership rights, or difficulty proving claims before the court. Therefore, the integrity and honesty of a notary in carrying out his

professional duties is crucial to maintain trust and legal certainty in society.

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