Journal of Innovative and Creativity
Journal Homepage: https://joecy.org/index.php/joecy
e-mail: journaljoecy@gmail.com

Faculty of Education
University of Pahlawan Tuanku Tambusai
ISSN 2775-771X (Online)
ISSN 2962-570X **(Printed)**
5 (3) 2025, Page: 35010-35018

Notary Ethics in the Transfer of Fictitious Land Rights: The Role of Notaries in Preventing Property Fraud in the Case of Nirina Zubir Fake Certificates

Dito Aditia Darma Nst[1], Nabilah Syaharani [2], Lucas Medianov Grand[3], Citra Nurdiana[4], Ziqra Elfhadjri[5], Defri Dwi Saputra[6], Rizki Nanda Fauzi Harahap[7]
[1]Universitas Pembangunan Panca Budi, [2]Universitas Pembangunan Panca Budi, [3]Universitas Pembangunan Panca Budi, [4]Universitas Pembangunan Panca Budi, [5]Universitas Pembangunan Panca Budi, [6]Universitas Pembangunan Panca Budi, [7]Universitas Pembangunan Panca Budi
Corresponding Author: Dr. Dito Aditia Darma Nst, S.E., M.S, e-mail: ditoaditia@dosen.pancabudi.ac.id, Nabilah Syaharani, e-mail: nabilahsyaharani04@gmail.com, Lucas Medianov Grand, e-mail: lucassimbolon02@gmail.com, Citra Nurdiana, e-mail: citra25nurdiana@gmail.com, Ziqra Elfhadjri, e-mail: ziqrael11@gmail.com, Defri Dwi Saputra, e-mail: defridwisaputraa@gmail.com, Rizki Nanda Fauzi Harahap, e-mail: rfauzihrp@yahoo.com

Published: Desember, 2025

ABSTRACT
The land mafia case involving forged certificates belonging to Nirina Zubir's family highlights weaknesses in the integrity, professionalism, and supervision of notary practices in the transfer of land rights. The involvement of notaries in preparing deeds and legalizing false documents shows that their function as public officials responsible for ensuring the authenticity of identities and the formal validity of documents was not carried out according to legal and ethical standards. This situation causes significant losses for landowners and threatens public legal certainty, making an in-depth study of notary ethical accountability necessary. This research uses a normative juridical method with three approaches. First, a legislative approach to examine notary obligations, authority, and limits of responsibility under the Notary Law, Notary Code of Ethics, PPAT regulations, and land laws. Second, a case approach analyzing the chronology and role of notaries in the forgery of Nirina Zubir's land certificates. Third, a conceptual approach using Hans Kelsen's theory of legal liability and Gustav Radbruch's theory of legal certainty. The findings show that notaries who facilitate fictitious land transfers commit ethical, administrative, and criminal violations by ignoring prudence, integrity, objectivity, and identity verification duties. According to Kelsen, violating legal norms results in sanctions as normative accountability. Radbruch's perspective emphasizes that such practices undermine legal certainty. Strengthening ethics, improving supervision, and enforcing strict verification are essential to prevent property fraud.

Keywords: Code of Ethics, Notary, Land Mafia

© The Author(s). 2021 Open Access This article is licensed under a Creative Commons Atibution 4.0 International License, which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence, and indicate if changes were made. The images or other third party material in this article are included in the article's Creative Commons licence, unless indicated otherwise in a credit line to the material. To view a copy of this licence, visit http://creativecommons.org/licenses/by/4.0

INTRODUCTION
Land is a vital asset that has a huge economic and psychological value in Indonesia. The land law system seeks to ensure the certainty of ownership of land through the regulation of land institutions, including involvement in the making of deeds carried out by the notary profession (Indonesia, 2014). Based on the Law on the Notary Position (UUJN), Notaries have the authority to make authentic deeds, including deeds of transfer of land rights (sale and purchase, name change, grants, and others). In carrying out these duties, Notaries have an ethical and legal obligation to "act trustworthy, honest, thorough, independent, impartial, and protect the interests of related parties (Indonesia, 2014)." The principles of prudence, professionalism, and integrity are important foundations so that the deed made truly reflects the will of the parties, the state of land law, and the legality of legal documents.

However, in practice, the phenomenon of misuse of land deeds and documents has arisen which is widely known as the practice of the land mafia. Land mafias often commit forgery, transfer

of the name of certificates without the consent of the original owner, or manipulate documents and in many cases involve Notaries or other legal parties as part of criminal networks (Sibuea, 2024). This crime not only harms individual landowners, but also shakes the legal system and undermines public trust in land institutions and the Notary profession (Noor, 2025).

One of the land mafia cases that has attracted public attention is the case that befell the family of artist Nirina Zubir where assets in the form of several land certificates belonging to her family were claimed to have been transferred without consent, due to document manipulation involving the family's domestic assistant (ART) with a notary (Kumparan, 2022). The brief chronology based on the news is as follows:

1. Nirina's mother entrusted ART (domestic assistant) to take care of the family's land certificate that was considered "lost." However, the ART was then with her husband and assisted by a Notary to transfer the certificate in their own name (Detik, 2024).
2. There are six land certificates that were illegally transferred assets that originally belonged to his mother, brother, and himself.
3. As a result, the family suffered a large loss estimated at Rp 17 billion.
4. Law enforcement officials designated ART, ART's husband, and several Notaries as suspects. One of the Notaries has even been arrested.
5. The investigation and court process continued, and in February-May 2024, the family's land certificate was returned by the land agency to the family.

This case shows concretely how weaknesses in the supervision mechanism, professional integrity, and ethical responsibility of Notaries can be used for criminal acts so that they have a major impact on landowners and public trust in the land legal system.

Such a land mafia phenomenon should be a warning that the existence of Notaries as public officials with great authority is not merely an administrative formality. The ethical and professional responsibilities of Notaries are crucial in maintaining legality, legitimacy, and fairness in property transactions. If these professional obligations are ignored or abused, then the resulting authentic deed can become a legal tool for fraudulent acts and fictitious asset grabbing. Previous research has shown that Notaries can be held accountable for both administrative, civil, and criminal liability if the deed made is based on false information or invalid documents (Shavitri, 2025).

However, there is still an analytical vacuum in the academic literature related to the ethical aspects of the Notary profession in the context of the land mafia, especially by using the latest empirical cases such as the case of Nirina Zubir's family as study material. In fact, the evaluation of professional ethics is important in order to provide concrete recommendations to strengthen the mechanism for preventing property fraud both through regulations, professional supervision, and public education.

Thus, it is necessary to conduct in-depth research that examines how the ethical and professional responsibilities of Notaries are carried out or failed to be carried out in the transfer of fictitious land rights, as well as how the role of Notaries can be strengthened in preventing land mafia practices, with the case of the Nirina Zubir family land mafia as the basis for analysis. The examination of the aspects of ethics, integrity, prudence, professionalism, and legal responsibility of Notaries is very relevant and urgent because it is directly related to justice, protection of property rights, and public trust in the land law system in Indonesia.

In this research, the researcher used the theory of legal liability issued by Hans Kelsen and the theory of legal certainty. Here's the explanation:

1. Legal Liability Theory

According to Hans Kelsen in his theory of legal responsibility, it is stated that a person is considered to bear legal responsibility for a certain act if he has to bear sanctions as a consequence of an act that is contrary to the provisions of the law. In other words, legal responsibility means the obligation to accept the legal consequences arising from the actions taken. Furthermore, Hans Kelsen also asserts that: *"Failure to exercise the care required by law is called negligence; and error is usually seen as another type of fault (culpa), though not as hard as a fault that is fulfilled by anticipating and wanting, with or without malicious intent, harmful consequences."*

Hans Kelsen further shared about the responsibilities consisting of: (Mutaqien, 2006)

a. Individual liability means that a person only bears the legal consequences for his own wrongdoing, without involving other parties.
b. Collective accountability implies that an individual can be held accountable for actual violations committed by others in a group.
c. Liability for wrongdoing means that a person is subject to legal liability for committing an intentional violation with full awareness, even with a purpose that may cause harm.
d. Absolute liability is a form of responsibility imposed even if the violation occurs without any element of intentionality or the ability to estimate the consequences caused.

In legal terminology, responsibility is often referred to as *liability* and *responsibility*. The term *liability* refers to legal liability, which is the obligation to bear the consequences in the form of liability for mistakes made by legal subjects. Meanwhile, *responsibility* is more often associated with accountability in the political realm. The theory of responsibility itself emphasizes more on legal aspects that originate from laws and regulations. Therefore, the concept of responsibility from a legal perspective is usually understood in the sense of *liability*, which is a legal obligation inherent in a person so that he can be sanctioned if his actions are contrary to the applicable legal norms. (Azheri, 2011)

2. Legal Certainty Theory

According to Sudikno Mertokusumo, legal certainty is a guarantee that the law must be enforced and implemented correctly. The concept of legal certainty requires the existence of regulations outlined in laws and regulations prepared by institutions that have authority and legitimacy. Thus, the legal norms that are born have juridical power that can ensure that the law functions as it should, namely as a binding rule and must be obeyed by everyone (Zainal, 2012). The theory of legal certainty is seen as one of the main pillars in the philosophy of law which affirms that law must have a clear, fixed, and predictable nature. The principle of *legal certainty* serves to ensure that legal norms are applied consistently and unchangeably. With this certainty, every individual or group in society is guaranteed to be able to organize and plan their actions with a sense of security, because they can estimate the legal consequences that may arise from every act committed.

One of the figures who affirmed the importance of legal certainty was Gustav Radbruch, a German legal philosopher, who in his theory stated that law has three basic values: legal certainty (*Rechtssicherheit*), justice (*Gerechtigkeit*), and utility (*Zweckmäßigkeit). According to Radbruch, in a good legal system, these three values must run in balance. However, in practice, the value of legal certainty is often the dominant foundation in the positive legal system, especially in civil law countries such as Indonesia.*

Radbruch states that: *"Legal certainty means that laws must be formulated clearly, enforced consistently, and enforced with a mechanism that can be predicted by society."* Thus, a good legal system should not raise doubts in its application. Legal norms must be made and applied in such a way as to provide clarity regarding the legal rights and obligations of the parties. In this case, the researcher found a similar discussion with the authors Helen Melinda Siagian and Sadino with the title Perlindungan Hukum Korban Mafia Tanah bagi Pemegang Hak Atas Tanah dalam Kasus Pemalsuan Sertifikat Tanah (Siagian, 2025). Both studies discuss the phenomenon of land mafia and depart from the case of forgery of land certificates that harm rights owners. Both have a common point on the focus on irregularities in the land process and the importance of legal protection and law enforcement in preventing property crimes. In addition, both titles highlight the role of land officials, especially notaries or PPATs, in land transactions and how negligence or violations can trigger fraud.

However, the scope of the discussion is different. The research "Legal Protection of Land Mafia Victims for Land Rights Holders in Cases of Certificate Forgery" focuses on the position of victims, available forms of legal protection, rights restoration mechanisms, and the state's responsibility in ensuring legal certainty for land rights holders. The emphasis is on the aspect of the victim and his legal protection.

Meanwhile, the title research examines the role, responsibility, and violation of notary ethics in facilitating the transfer of illegal land rights. The main focus is the accountability of the notary profession, violations of the code of ethics, and efforts to prevent fraud through improving integrity and document verification. Thus, although both are in the realm of land law and land mafia cases,

the point of view is different: one looks from the perspective of the victim, while the other from the perspective of the notary as the perpetrator or authority in the document legalization process.

In addition, there are also studies that have similarities with the author's research, namely research from Raden Nadya Asshary Noviani dengan judul Perlindungan Hukum Bagi Pemilik Hak Atas Tanah Dari Praktik Mafia Tanah Di Indonesia (Noviani, 2023). Both titles highlight the problem of the land mafia and its impact on legal certainty in land transactions in Indonesia. Both see that the weakness of the supervision system, the integrity of officials, and the lack of document verification are the main factors in the emergence of land crimes. In addition, the two discussed the need to strengthen regulations, increase prudence, and improve fraud prevention mechanisms in the agrarian sector.

The difference lies in the focus of the discussion of each study. The title "Legal Protection for Land Rights Owners from Land Mafia Practices in Indonesia" focuses on the position of the community as victims, especially the form of legal protection provided by the state through administrative, civil, and criminal instruments. The discussion is broader because it covers various modes of land mafia, rights restoration mechanisms, and the responsibility of land institutions in protecting landowners.

Meanwhile, the author's title focuses more on the professional aspect of notaries as public officials. The focus is on ethical accountability, code of ethics violations, the role of notaries in preventing certificate forgery, and identity verification obligations in the transfer of rights process. Thus, his point of view leads to the accountability of officials, not to the protection of landowners. Overall, the two titles are in the same realm of issues, but with different directions of analysis: one places the owner of rights as the object of protection, while the other places the notary as the subject who must maintain the integrity of the land process.

METHOD

The type of legal research carried out is legal research, normative juridical research is a type of legal research that focuses on the study of written legal norms (Ali, 2011). This research examines laws and regulations, legal doctrines, legal principles, and legal concepts, to be analyzed systematically and conceptually to answer certain legal problems (Ibrahim, 2015). In this approach, the researcher uses *library research* to analyze how the law should apply and whether the existing law is in accordance with the values of justice, utility, and legal certainty. The nature of this research is descriptive and analytical which aims to describe in a complete and accurate manner the ethics of the notary profession in carrying out data manipulation actions (Ibrahim, 2011).

The research approaches used in this study are the *statue approach*, the *living* case *study*, and the *conceptual approach*. In this study, the author uses qualitative legal data, namely legal data in the form of normative points and other legal thoughts. The origin of the data used, according to Zainuddin Ali, is divided into two parts, namely secondary data. Secondary data is data obtained by reading documents with public status, reading books related to the research subject, and reporting the final results of research in the form of: thesis, dissertation and laws and regulations, and others. The secondary data itself contains primary legal material, secondary legal material, and part of tertiary legal material.

RESULT AND DISCUSSION

Notary Professional Ethics in Essence in Legislation and Legal Philosophy

Notary professional ethics are essentially a set of moral values and legal norms that govern how a Notary must carry out his position as a public official (Adjie, 2017). The position of Notary is a public trust office, which means that all actions must reflect integrity, honesty, and high professionalism, because the legal product it produces, namely an authentic deed, has perfect evidentiary power before the law (Talango, 2025). In the context of laws and regulations, Notary ethics have a normative-legal basis. Article 16 paragraph (1) letter a Undang-Undang Nomor 2 Tahun 2014 tentang Perubahan atas Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris expressly states that Notaries are obliged to act trustworthy, honest, thorough, independent, impartial, and safeguard the interests of related parties (Indonesia, 2014). This norm is not only

ethical, but is a legal obligation that if violated can cause administrative, civil, and even criminal consequences. In other words, ethics in the UUJN are no longer mere moral rules, but an integral part of the Notary's legal compliance in carrying out his profession. (Talango, 2025)

The ethics of the Notary profession in the regulations also include the obligation to verify identity, check the validity of documents, prudence in making deeds, and ensure the presence and free will of the parties (Derika, 2020). These obligations are the implementation of professional ethical principles such as prudence, veracity, impartiality, and accountability (INI, 2015). Kode Etik Notaries appointed by Ikatan Notaris Indonesia (INI) even reaffirms these moral standards by adding the prohibition of collusion, the obligation to maintain the secrecy of office, maintain the dignity of the profession, and maintain independence. (INI, 2015) Thus, Notary ethics is born from two sources: positive law and the moral norms of the profession.

From a philosophical perspective, the ethics of the Notary profession can be understood through ethical theories and legal philosophy. In his Nicomachean Ethics, Aristotle asserts that a professional's moral actions should be directed toward goodness and justice; a person who possesses certain skills has a moral obligation to ensure that his actions reflect virtue (Aristotle, 2014). In the context of notarity, this means that the Notary is obliged to ensure that the deed made is not only legally valid, but also morally correct and fair to the parties.

In the perspective of modern legal morality, Lon L. Fuller introduces the concept of "inner morality of law", which is a set of internal moral principles that must be fulfilled by the legal system in order to have legitimacy, such as clarity, consistency, openness, prohibition of manipulation, and prohibition of contradiction (Fuller, 1964). Notaries as part of the mechanism of legal creation and administration are obliged to maintain internal morality by ensuring that deeds are not used as a means of legal engineering, property crimes, or fictitious transactions (Serena, 2023). When Notaries are negligent or deliberately ignore this principle of legal morality, the resulting deed has the potential to become a legal tool for land mafia practices, fraud, or abuse of authority. (Zahira, 2021)

Philosophically, Notary ethics is also closely related to the idea of the state of law (rechtsstaat). In the state of law, an authentic deed functions as a guarantee of legal certainty and legal protection for the community. Therefore, Notaries are obliged to ensure that every deed made is based on material and formal truth. Violation of Notary ethics means damaging the joints of the state of law because it eliminates public trust in the legality of land documents and civil transactions. (Parlindungan, 2014)

Thus, the essence of the ethics of the Notary profession is a combination of legal norms, moral responsibility, and philosophical principles of justice. Ethics is not just an additional rule for Notaries, but a moral and legal foundation that is the main requirement for Notaries to carry out their social functions as guardians of validity and justice in legal events. Notaries without ethics not only fail to carry out their professional mandates, but have the potential to become a serious threat to legal certainty and justice in society.

Analysis of Nirina Zubir's Land Certificate Forgery Case Reviewed from Hans Kelsen's Theory of Liability and Gustav Radbruch's Theory of Legal Certainty

The land mafia case that befell the family of artist Nirina Zubir is one of the most prominent examples of how the abuse of trust, falsification of land documents, and the involvement of public officials, including Notaries/PPAT, can damage the legal protection order for property rights. The main modes used are forgery of signatures, transfer of the name of the certificate without the owner's consent, and notarization of deeds carried out by notaries without adequate identity verification. The six land certificates were then sold and collateralized by the perpetrators, causing losses of around Rp 17 billion for Nirina's family.

This case not only shows the weakness of the land system, but also clearly shows how violations of professional ethics and legal norms by Notaries can damage legal certainty. To analyze notary liability and its impact on the legal system, two important theories are used: Hans Kelsen's Theory of Legal Liability and Gustav Radbruch's Theory of Legal Certainty.

Analysis Based on Hans Kelsen's Legal Liability

Theory Hans Kelsen explained that law is a system of norms that are arranged in stages (Stufenbau), where violations of norms will give rise to sanctions orders (Kelsen, 1949). For Kelsen,

legal liability is understood as a normative consequence of a violation of a rule, not as a moral or psychological consideration of the perpetrator.

In Nirina's case, the act of a notary who authorizes a name change deed without verifying the documents and identity of the person facing is a violation of the norms of the position regulated in the Law on Notary Positions (UUJN), including the obligation of reading, verification, and prudence (Adjie, 2017). This violation directly fulfills the element of "unlawful act" in Kelsen's theory, i.e. actions that do not conform to norms and therefore trigger the imposition of legal sanctions (Kelsen, 1949).

According to Kelsen, ignorance or negligence does not remove responsibility, because legal norms assume that officials who hold public office have the normative competence to know and comply with the rules of their profession. Thus, notaries who neglect identity verification remain legally responsible because their actions objectively violate norms.

Analysis Based on Gustav Radbruch's Theory of Legal Certainty

Gustav Radbruch stated that the purpose of law encompasses three fundamental values: justice, utility, and legal certainty, but in modern practice, legal certainty is the top priority to ensure the order of society (Radbruch, 2006). The land system is one of the sectors that relies heavily on legal certainty, as land certificates serve as strong evidence of rights and must be protected from manipulation.

Nirina's case shows the destruction of the value of legal certainty because land certificates can be transferred through fake documents legalized by the party who is supposed to be the guardian of the integrity of the document, namely the notary. Radbruch called this condition rechtsunsicherheit, which is a state when society can no longer trust the law as a tool to protect rights.

According to Radbruch, the law loses its meaning when mandated officials violate their authority. He emphasized that "law is the will to justice", so that when the law no longer protects basic justice values such as the protection of property rights, the law enters the territory of extreme injustice (unrecht) (Radbruch, 2006). In this context, the involvement of notaries is not only an administrative violation, but also a form of moral collapse of the profession that weakens the legitimacy of the law and public trust.

Theoretical Synthesis of Notary Liability & Collapse of Legal Certainty

Using Kelsen's and Radbruch's theories together, it can be concluded that: First, based on Kelsen's theory, the notary is legally responsible because he commits a violation of professional norms, and the violation automatically activates the sanction mechanism. This shows that accountability is normative and does not depend on the subjectivity of the perpetrator. Second, based on Radbruch's theory, the act of a notary has wide implications for legal certainty because a deed that should be a tool of protection actually becomes a tool of crime. This shows that the state fails to meet the value of legal certainty, which according to Radbruch is the main pillar of the modern state of law. Third, these two theories simultaneously affirm that violations of professional ethics by notaries are not only personal errors, but are an attack on the broader legal structure, so it is necessary to strengthen the supervision system, professional integrity, and verification mechanism in the making of deeds.

Ethical Accountability of Notaries in the Transfer of Fictitious Land Rights in Land Mafia Cases (Case Study of Fake Land Certificates Nirina Zubir)

The land mafia case that befell Nirina Zubir's family is a concrete example of how land crimes can take place through document forgery, abuse of authority, and the involvement of parties who are supposed to be the guardians of the legality of transactions, namely Notaries and PPAT. In this case, six land certificates belonging to Nirina's deceased mother were illegally transferred through forgery of signatures and the issuance of deeds that were still considered administratively valid because they were signed by the notary personnel involved. This event shows that the role of notaries in preventing property fraud is not only administrative, but also ethical and moral, because notaries are in a strategic position as public officials who ensure the authenticity of deeds and the formal correctness of the data of the witnesses.

In professional ethics, notaries are obliged to carry out their duties with the principles of prudence, integrity, objectivity, and identity verification without compromise (Adjie, 2011). The Law on the Notary Position (UUJN) and the Notary Code of Ethics place the verification of the identity of the witness as the main obligation because the notary deed is considered the "highest authentic evidence" in civil law acts (Shofie, 2015). In Nirina's case, the notary involved committed a series of ethical violations, mainly related to:not checking the identity of the attendee, does not validate the validity of the power of attorney, process the transfer of rights despite the formal defect and giving legal legitimacy to documents that have been manipulated.

When a notary ignores this ethical obligation, the deed issued no longer reflects the formal truth as the purpose of the notary office, but instead becomes a means of crime that results in the fictitious loss of a person's property rights. In the study of property fraud, this condition is called a fraud-enabling condition, which is a situation when the authenticity guarantor official actually becomes the entrance to the manipulation of land documents.

From the perspective of professional ethics, the notary's liability is not only oriented to legal faults but also to moral-professional errors. Ethical accountability arises when notaries

a. breaching identity verification obligations;
b. Not checking supporting documents;
c. Assisting actions that have the potential to harm others;
d. acting independently or unobjectively.

The Notary Code of Ethics expressly stipulates that notaries are obliged to maintain professional dignity, uphold the truth, and reject requests to make deeds if there are indications of impropriety or potential administrative crimes. This is in line with the principle of fiduciary duty inherent in the notary profession as a public official.

The role of notaries in preventing the occurrence of land crime or property fraud is very important, considering that this form of crime generally involves four main elements, namely the use of fake documents, illegal sales, misuse of land data, and negligence or involvement of law enforcement officials. As an official authorized to ratify the deed of transfer of rights, the notary has a strategic position to close the opportunity for these four elements to occur.

In carrying out their duties, notaries play the role of *gatekeepers* or guardians of legality. This means that notaries have a legal obligation to ensure that there are no loopholes that allow document manipulation before the deed is signed. This principle requires notaries to always be aware of the potential for falsification of identities, signatures, and land documents.

In addition, notaries also act as validators of formal information. His task is not only to record the statements of the parties, but also to check the consistency of documents, assess the suitability of the parties' will, and ensure the formal legality of each data submitted. If this function is carried out correctly, most land crimes can actually be prevented in the first place.

The principle of *due diligence* is also an important foundation in notary practice. This principle requires the notary to refuse to make a deed if there is doubt about the correctness of the document submitted. Failure to apply this principle, as happened in the case of Nirina Zubir, opens up space for fictitious transfer of land rights. The failure of notaries to carry out this strategic role directly contributes to the emergence of land mafia practices. Therefore, notaries can be held ethical, administrative, and criminally accountable.

Critically, the responsibility of the notary in the case of Nirina Zubir can be seen from three aspects. First, ethical responsibility, where notaries are proven to have failed to maintain the integrity of the profession by not verifying identity and validating documents correctly. This ethical violation is the root of the fictitious transfer of rights. Second, from the administrative aspect, notaries can be subject to sanctions ranging from reprimands, temporary dismissals, to permanent dismissal by the Notary Supervisory Council (MPN), for violating the provisions of the UUJN, especially Articles 16 and 17 which regulate the obligation of prudence and document examination. Third, from the criminal aspect, notaries can be charged with Article 263 or 264 of the Criminal Code if they intentionally or through their negligence certify false documents or give legitimacy to incorrect information. These three forms of accountability show that ethical violations by notaries

are not only moral issues, but also have a direct impact on the legal order and the protection of people's rights.

In Nirina's case, the notary involved not only committed administrative errors, but also denied the basic values of professional ethics, namely integrity and prudence. The violation makes the notary ethically responsible because he has given legal legitimacy to the act of forging a certificate which then leads to a fictitious transfer of land rights. In this perspective, ethical accountability is directly related to the social impact of the violation of authentic deeds, namely the loss of the community's legitimate ownership rights and the destruction of public trust in the land system.

CONCLUSIONS

The land mafia case that befell Nirina Zubir's family shows that the involvement of notaries in the process of forging certificates and transferring fictitious land rights is a serious violation of positive laws, codes of ethics, and the principle of prudence that must be carried out by notary officials. Reviewed through Hans Kelsen's Legal Liability Theory, every notary action that violates legal norms automatically incurs sanctions as a form of normative accountability. From the perspective of Gustav Radbruch's Theory of Legal Certainty, this case reveals that the irregularities of notary and land officials have eroded the value of legal certainty that should protect the public in property transactions. The role of the notary as *the gatekeeper of legality* should be the main fortress in preventing property fraud through verification of the identity of the witness and the authenticity of documents, but when this task is ignored or abused, justice, legal certainty, and public trust are destroyed. Therefore, the ethical accountability of the notary in this case includes moral, ethical, administrative, and criminal dimensions, while emphasizing the urgency of strengthening integrity, supervision, and professional ethical standards in order to prevent similar land crimes in the future.

REFERENCES

ADJIE, H. (2011). *ETIKA PROFESI NOTARIS*. BANDUNG: REFIKA ADITAMA.

Adjie, H. (2017). *Hukum Notaris Indonesia: Tafsir Tematik terhadap UUJN*. Bandung: Refika Aditama.

Ali, Z. (2011). *Metode Penelitian Hukum*. Jakarta: Sinar Grafika.

Aristotle. (2014). *Nicomachean Ethics*. Cambridge: Cambridge University Press.

Azheri, B. (2011). *Corporate Social Responsibility dari Voluntary menjadi Mandotary*. Jakarta: Raja Grafindo Press.

Derika, D. (2020). Fungsi Notaris Dalam Pemeriksaan Identitas Penghadap Terhadap Autentisitas Akta Dihubungkan Dengan Asas Kehati-Hatian. *Syiar Hukum Jurnal Ilmu Hukum, 18*(2), 173-194. From https://ejournal.unisba.ac.id/index.php/syiar_hukum/article/view/6514

Detik. (2024). *Kasus Mafia Tanah Eks ART Nirina Zubir Hadapi Vonis Hari Ini*. From https://news.detik.com/berita/d-6236893/kasus-mafia-tanah-eks-art-nirina-zubir-hadapi-vonis-hari-ini

Fuller, L. L. (1964). *The Morality of Law*. New Haven: Yale University Press.

Ibrahim, J. (2011). *Teori dan Metodologi Penelitian Hukum Normatif*. Malang: Bayumedia Publishing.

Ibrahim, J. (2015). *Metode Penelitian Hukum Normatif dan Empiris*. Depok: Prenada Media Group.

Indonesia. (2014). *Undang-Undang Nomor 2 Tahun 2014 Tentang Perubahan Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris*. Jakarta: JDIH Republik Indonesia.

INI, I. N. (2015). *Kode Etik Notaris INI*. Jakarta: Ikatan Notaris Indonesia.

Kelsen, H. (1949). *General Theory of Law and State*. Cambridge: Harvard University Press.

Kumparan. (2022). *Fakta-fakta Mafia Tanah Yang Caplok Tanah Nirina Zubir*. From kumparan.com: https://kumparan.com/kumparannews/fakta-fakta-mafia-tanah-yang-caplok-tanah-nirina-zubir-1wwbPX0L4bt?

Mutaqien, R. (2006). *Teori Hukum Murni*. Bandung: Nuansa & Nusa Media.

Noor, A. V. (2025). Pengaruh Tindak Kejahatan Mafia Tanah Terhadap Konflik Dan Sengketa Pertanahan: Optimalisasi Kebijakan Pertanahan Elektronik Dalam Pembuatan Akta Peralihan Hak Atas Tanah. *Das Sollen: Jurnal Kajian Kontemporer Hukum Dan Masyarakat, 3*(1), 1-15. From https://journal.forikami.com/index.php/dassollen/article/view/793

Noviani, R. N. (2023). Perlindungan Hukum Bagi Pemilik Hak Atas Tanah Dari Praktik Mafia Tanah Di Indonesia. *Das Sollen: Jurnal Kajian Kontemporer Hukum dan Masyarakat, 2*, 1-25. From https://journal.forikami.com/index.php/dassollen/article/view/267

Parlindungan, A. (2014). *Pendaftaran Tanah di Indonesia.* Bandung: Mandar Maju.

Radbruch, G. (2006). Statutory Lawlessness and Supra-Statutory Law. *Oxford Journal of Legal Studies, 26*(1). From https://www.jstor.org/stable/3600538

Serena, M. A. (2023). Pertanggungjawaban Notaris Terhadap Pelanggaran Kode Etik Terkait Pemalsuan Akta Otentik. *Jurnal Ilmiah Wahana Pendidikan, 9*(20), 353-360. From https://jurnal.peneliti.net/index.php/JIWP/article/view/5262

Shavitri, A. D. (2025). Analisis Tanggung Jawab Notaris Terhadap Penyalahgunaan Akta Kuasa Menjual Dalam Pengalihan Hak Atas Tanah. *Nomos : Jurnal Penelitian Ilmu Hukum, 5*(4), 729-744. From https://journal.actual-insight.com/index.php/nomos/article/view/3388

Shofie, Y. (2015). *Hukum Notaris dan Tanggung Jawab Jabatan.* Jakarta: Pradnya Paramita.

Siagian, H. M. (2025). Perlindungan Hukum Korban Mafia Tanah bagi Pemegang Hak Atas Tanah dalam Kasus Pemalsuan Sertipikat Tanah. *Riwayat : Educational Journal of History and Humanities, 8*(4), 7560–7572. From https://jurnal.usk.ac.id/riwayat/article/view/50547

Sibuea, H. Y. (2024). Penanganan Kejahatan Mafia Tanah Di Indonesia. *Info Singkat, 14*(15), 1-5. From https://berkas.dpr.go.id/pusaka/files/info_singkat/Info%20Singkat-XVI-15-I-P3DI-Agustus-2024-215.pdf

Talango, A. A. (2025). Etika Profesi Notaris dalam Perspektif Hukum. *Sosial Simbiosis: Jurnal Integrasi Ilmu Sosial dan Politik, 2*(1), 77-88. From https://journal.lpkd.or.id/index.php/Sosial/article/view/1255

Zahira, S. (2021). Akibat Hukum Atas Adanya Pihak Fiktif Di Dalam Akta Jual Beli (Studi Putusan Pengadilan Negeri Jakarta Utara Nomor 845/ PID.SUS/2018/PN.JKT.UTR). *Indonesian Notary, 3*(1), 1-23. From https://scholarhub.ui.ac.id/notary/vol3/iss1/38/

Zainal, A. (2012). *Pengantar Tata Hukum Indonesia.* Jakarta: Rajawali Press.