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Demarcation of Criminal Liability of Notary Publics in the Falsification of Authentic Deeds: Examination of Supreme Court Decision Number 933 K/Pid/2023

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ABSTRACT

Notaries public as public officials hold the attributive authority to issue authentic deeds, but this instrument is vulnerable to manipulation due to the disregard of the principle of prudence. A crucial problem arises due to the absence of uniform dogmatic parameters in distinguishing professional administrative negligence from the criminal intent of notaries public in the criminal act of falsification. This has implications for massive civil losses for third parties and triggers a disparity in judicial decisions. This research aims to evaluate the distinction between administrative negligence and conditional intent and to reconstruct the application of the doctrine of participation to public officials by examining the legal considerations in Supreme Court Decision Number 933 K/Pid/2023. Utilizing a normative legal research method through the statute, case, and conceptual approaches, legal materials are analyzed using a juridical qualitative method with deductive syllogism reasoning. The examination results prove that the active action of a notary public ignoring a clear written warning regarding defective documents and inserting them into the minutiae of the deed converts negligence into conditional intent that legally fulfills the elements of Article 264 section (1) of the Penal Code. This action fulfills the requirement of joint physical implementation in the crime of falsifying an authentic letter. Such action degrades the perfect evidentiary value of the deed into an underhanded act, resulting in civil losses amounting to billions of rupiahs. The cassation decision absolutely establishes the Defendant's criminal liability, simultaneously voiding the legal protection right of the Notary Honorary Council. This research concludes that the notarial mandate does not provide immunity against structural crimes. Therefore, it is recommended that the Ministry of Law of the Republic of Indonesia reform the supervision regulation to revoke professional protection at the initial investigation stage if an active action is proven, and to establish this decision as established jurisprudence to restore the legal certainty of evidentiary instruments in Indonesia.

Keywords: *Conditional Intent; Criminal Liability; Falsification of Authentic Deeds; Legal Considerations; Notary Public.*

INTRODUCTION

The existence of legal instruments that guarantee certainty and order in civil interactions is represented through the function of authentic deeds. Authentic deeds are constructed as state legal products drawn up in the form stipulated by the Law by or before a public official. [Adjie \(2008\)](#) asserts that a notary public is a state representation holding attributive authority to issue written evidence possessing perfect evidentiary value (*volledig bewijskracht*). This absolute evidentiary authority demands that notaries public consistently act independently, objectively, and strictly in accordance with positive legal rules to protect the interests of parties in good faith ([Rosalinda & Aminah, 2023](#)). This obligation to exercise due care positions notaries public not merely as passive recorders, but as the primary preventive instrument against unlawful civil acts.

Although designed to provide precise legal certainty, the authentic deed instrument is inherently vulnerable to manipulation when its drafting procedure fails to observe the principle of prudence. Violations of formal and material verification procedures can drastically degrade the value of the deed and open the potential for

the criminal act of falsification (Adjie, 2008; Faizeh & Latumahina, 2024). Chazawi (2005) emphasizes that severe criminal sanctions against the falsification of authentic deeds are enforced because such actions directly injure public trust in the integrity of the state's evidentiary system. The involvement of a public official in inserting fictitious data into the minutiae of a deed carries highly serious legal implications. This intellectual forgery directly grants pseudo-legality to fictitious statements which are limitatively threatened with criminal sanctions under Article 264 section (1) of the Penal Code.

An essential legal problem arises when a notary public knowingly issues a deed of transfer of rights despite knowing that a clear written warning or fictitious indications appear in the underlying documents submitted. Actions concerning defective documents frequently rely on the argument of professional immunity, asserting that notaries public are only responsible for the formal truth of documents. However, the reality of judicial practice shows that this administrative malpractice has a direct causal link to the disruption of the civil law order, resulting in massive financial losses of billions of rupiahs for third parties (Wardantik et al., 2023; Arianto & Djajaputra, 2024). This condition of property rights loss compels law enforcement authorities to apply direct criminal sanctions and to apply the doctrine of co-perpetration (*medeplegen*) to impose absolute criminal liability for the active actions of the public official (Lamintang & Lamintang, 2014).

The application of criminal liability to public officials creates a conflict between administrative protection and the qualification of criminal intent (*mens rea*). Judicial institutions frequently encounter technical difficulties in establishing firm legal parameters between administrative professional negligence (*culpa*) and conditional intent (*dolus eventualis*) (Hiariej, 2016; Syahputra & Sintara, 2024). This classification ambiguity is clearly reflected in the disparity of court decisions across various judicial levels. The qualification of a notary public's actions is often altered from merely an accessory to fraud (Article 378 juncto Article 56 of the Penal Code) at the court of first instance, to the principal perpetrator of falsifying an authentic deed based on Article 264 section (1) of the Penal Code at the appellate level. This disparity in legal considerations (*ratio decidendi*) proves the absence of uniform dogmatic parameters. Therefore, dogmatic evaluation of final-level court decisions by judges who examine the application of law (*judex juris*) becomes an essential instrument for discovering a coherent juridical construction (Khadijah et al., 2026).

The discourse regarding the liability of notaries public for the criminal act of falsification has been widely studied, but previous literature still leaves a research gap in examining cassation decisions concerning the demarcation parameters of *mens rea* and civil degradation. Prior research tended to focus on the juridical analysis

of general deed falsification (Suryanto, 2024) and on the debate over the limits of a notary public's attributive authority in the realm of unlawful acts (Saragih & Djaja, 2023). Several other studies emphasized the implications of the nullification of legally defective deeds (Arianto & Djajaputra, 2024; Sapni, 2025), the limitations of protection from supervisory institutions (Uyuni & Mispansyah, 2025), and the potential for formal violations in innovations of deed-making procedures (Al-Fath & Genial, 2025). Within the cluster of decision analysis, existing studies have only addressed the standard limits of the duty of care at the appellate level (Khadijah et al., 2026) and have criticized the judge's disregard for defects in the registration book (Budiman et al., 2026). The gap analysis clearly demonstrates that there has been no research reconstructing the anatomy of *dolus eventualis* comprehensively based on Article 264 section (1) of the Penal Code, analyzing its causality to massive civil losses through the examination of the Supreme Court's *ratio decidendi*.

Based on this mapping of academic gaps, this research aims to theoretically evaluate the demarcation parameters between professional administrative negligence and the *mens rea* of a notary public, and to analyze their causal relationship to the degradation of civil evidentiary value. Furthermore, this study primarily aims to reconstruct the application of the doctrine of participation to public officials by examining the judge's *ratio decidendi* in Supreme Court Decision Number 933 K/Pid/2023. The benefit of this research is to provide precise legal guidelines and jurisprudence for law enforcement authorities in their examination of professional legal protection. This research is also intended to contribute to doctrinal thought for the scientific development of criminal law and civil law in Indonesia.

METHOD

This research is absolutely constructed as normative legal research or doctrinal legal research (Qamar & Rezah, 2020). The selection of this research type is based on the characteristics of the legal problem examined, namely the absence of uniform parameters in the application of the intersection between public criminal law norms and private civil law toward public officials. The primary focus of the study is not empirical field data collection or sociological observation, but rather on testing the synchronization between positive legal instruments and judicial practice. The object of examination is focused on the vacuum of norms, the uncertainty of interpreting the duty of care, and the disparity of legal considerations from the district court level to the cassation level in deciding cases of authentic deed falsification.

To resolve these problems, this research operates three mutually integrated main approaches (Setiawan & Samosir, 2023). The statutory approach is used to analyze the hierarchical structure and the correlation among the criminal norms governing

falsification, civil compensation sanctions, and the administrative provisions of the notarial office. Furthermore, the case approach is absolutely designed to examine the legal construction, the proof of intent, and the operative part of the decisions from the district court level to the Supreme Court. As an analytical complement, the conceptual approach is used to build a dogmatic analysis framework using the doctrine of criminal liability, the theory of conditional intent, the doctrine of participation, and the limits of the evidentiary value of deeds.

The research database is built using legal material instruments classified into three literature hierarchies (Sampara & Husen, 2016). Primary legal materials consist of legal instruments possessing binding authority, including the Penal Code, the Civil Code, Law Number 8 of 1981, Law Number 30 of 2004¹, as well as court decision documents at three judicial levels that have become final and binding. Secondary legal materials consist of scientific literature that provides theoretical explanations for the primary legal materials. These materials include authoritative textbooks regarding the theory of intellectual forgery and relevant previous research journals. Meanwhile, tertiary legal materials are used as supporting materials, including standard legal dictionaries, to explain specific terminology etymologically.

The procedure for collecting legal materials involves conducting a literature review and retrieving comprehensive judicial documents. The inventory of primary legal materials is carried out by applying systematic rigor to avoid legislative historical discrepancies. The determination of the time limit for the commission of the criminal act is strictly applied to ensure that the regulation used as a test is the positive law in force at the time the event occurred and was adjudicated. All collected secondary legal materials are rigorously curated to identify the most relevant studies on administrative negligence, unlawful acts, and professional criminal liability.

The final stage of this methodological framework is the legal material analysis technique, which is determined using a juridical qualitative method with the instrument of legal discovery (*rechtsvinding*) (Irwansyah, 2020). All legal materials are not analyzed using quantitative statistical tools, but rather through deductive syllogistic reasoning. This process is conducted by drawing logical conclusions from the major premise in the form of statutory norms and expert doctrines into the minor premise in the form of specific trial facts and the material losses of the victims. Systematic interpretation and critical examination are specifically applied to comprehensively analyze the legal considerations underlying the cassation-level judges' decisions. Through this method, this research can produce a coherent, applicable, and academically accountable reconstruction of the limits of public official criminal liability.

¹Law Number 30 of 2004, as amended by Law Number 2 of 2014.

RESULTS AND DISCUSSION

A. Anatomy of Fulfilling the Element of Criminal Intent (*Mens rea*) of a Notary Public in the Offense of Falsification

The position of a notary public as a public official mandates an absolute obligation to apply the principle of prudence in every stage of issuing legal instruments. Based on the provisions of Article 16 section (1) point a of Law Number 2 of 2014, a notary public is obliged to consistently act carefully, honestly, and independently. This obligation to exercise due care constitutes the foundation of professional ethics demanding public officials not merely to be passive administrative officials, but to act as evaluators conducting formal due diligence on all underlying documents before incorporating them into an authentic deed (Yustica et al., 2020; Rosalinda & Aminah, 2023). The failure to implement this obligation to exercise due care does not merely produce an administrative violation of the code of ethics. Furthermore, this failure creates a potential risk of criminal liability.

Fulfilling the obligation of formal due diligence obliges notaries public to conduct strict verification of the appearer's identity and the legality of the land documents serving as the basis of rights. In the procedure for drafting a deed of transfer of rights, the deed drafting official is bound by standard operating procedures to ensure that the submitted certificate is free from legal defects or blocking (Hamzah & Mangarengi, 2023; Adam et al., 2024). Notaries public possess the authority and the unconditional obligation to reject a request for deed creation if, during the verification process, discrepancies, physical defects in the document, or indications of falsity are discovered in the data submitted by the parties (Aulia et al., 2025). The disregard for this physical document verification procedure is equated with a fundamental violation that undermines the legal certainty of the state instrument.

The transition from a procedural violation to a criminal offense in the notarial profession is evident in the disparity between the court decisions in this case at first instance and on appeal. Referring to the trial history, the Bekasi District Court, through Decision Number 335/Pid.B/2022/PN.Bks, initially only qualified the action of the Defendant Endah Sri Wahyuni as the criminal act of assisting in fraud based on Article 378 juncto Article 56 section (2) of the Penal Code. This first instance legal construction viewed the Defendant's involvement solely as a form of subordination providing the means for the principal crime. However, the decision was completely annulled by the Bandung High Court through Decision Number 73/Pid/2023/PT.Bdg. The appellate court viewed that the Defendant's action in processing the creation of Deed of Binding Sale and Purchase Agreement Number

1 of 2011 and the Deed of Sale and Purchase based on defective documents was an independent form of crime. The panel of judges at the appellate level adjudicated the matter themselves and declared the Defendant legally and convincingly proven guilty of committing the criminal act of falsifying an authentic letter as in the primary indictment, referring absolutely to the provisions of Article 264 section (1) point 1 of the Penal Code.

The legal facts underlying the panel of judges' juridical correction at the appellate level were based on the Defendant's disregard of the written warning in the underlying documents. During the trial, it was revealed that the process of the transfer of rights facilitated by the Defendant was based on Land Ownership Certificate Number 994/Margahayu and Land Ownership Certificate Number 4371/Margahayu, which had clearly been affixed with a warning stamp reading "Certificate Not Issued By the Bekasi City Land Office". The Defendant was not convicted of having created the fictitious stamp. The Defendant's fault lay in the conscious act of affixing the official institution's rejection stamp, as stated before her, which was subsequently followed by active action in the form of signing and authenticating the defective documents in the minutiae of the deed.

The distinction between administrative professional negligence and a pure criminal act in such cases is dogmatically evaluated under the doctrine of material criminal law regarding the subjective element of the perpetrator (Syam'ani & Setiawan, 2025). Hiariej (2016) asserts that the essential distinguishing boundary between negligence and criminal intent lies in the manifestation of conditional intent (*dolus eventualis*). In the construction of *dolus eventualis*, the perpetrator does not make the consequence of the crime their primary objective, but the perpetrator possesses full consciousness of the high probability of the prohibited consequence occurring and consciously chooses to accept that risk. The Defendant's mental attitude in ignoring the fictitious status of Land Ownership Certificate Number 994 and Land Ownership Certificate Number 4371, then taking active action to legalize the legal act, is a manifestation of fulfilling the element of criminal risk. The integration of fictitious data into the state's basic instrument voids the element of lack of care or gross negligence (*culpa*), and legally transforms it into *mens rea* fulfilling the qualification of the offense of falsification.

The fulfillment of the *mens rea* element became the juridical foundation for the appellate and cassation courts to explicitly convict the Defendant using Article 264 section (1) of the Penal Code. Fulfilling the criminal element in the context of this article requires the existence of an object in the form of an authentic letter and a subjective element with the intent to use or instruct another person to use the letter as if it were genuine and not falsified. Fulfilling this element does not emphasize the physical creation of the fake stamp, but rather the fulfillment of

the objective requirement of co-perpetration (*medeplegen*) where the Defendant, through her position, inserted incorrect data into the issued authentic deed with the intent that the deed be used as if valid (Syahputra & Sintara, 2024). In the era of legal certainty, which demands strict formal compliance, the Defendant's active integration of defective documents into the state evidentiary system constitutes intellectual forgery, with essential legal consequences (Al-Fath & Genial, 2025). Criminal causality analysis proves that the Defendant's attributive position as a public official was exploited not to prevent, but to legalize land crimes (Suryanto, 2024).

Proving the Defendant's *mens rea* in fulfilling the elements of the offense of Article 264 section (1) of the Penal Code directly nullifies the evidentiary value of the issued deed. The degradation of the legal instrument's authenticity resulting from procedural malpractice, driven by this active intent, necessarily entails systemic legal consequences, including massive financial losses for third parties. This disruption of the civil evidentiary order demands a deeper evaluation of the mechanism by which the value of an authentic deed is degraded, along with the civil legal consequences that follow.

B. Degradation of the Evidentiary Value of Authentic Deeds and Implications of Third-Party Losses

The validity of an authentic deed is based absolutely on fulfilling the qualifications mandated by Article 1868 of the Civil Code. Fulfilling these requirements guarantees that the document issued by a public official has full evidentiary value (*volledig bewijskracht*) for the parties and the court. Habib Adjie (2008) in notarial doctrine precisely situates the limits of a notary public's liability by distinguishing between formal and material truth. Based on Article 38 of Law Number 2 of 2014, notaries public are principally absolutely responsible for the formal truth regarding the presence, identity, and reading procedure of the deed. However, when a notary public consciously ignores a clear written warning and actively authenticates fictitious statements from an underlying document to be integrated into the deed instrument, that action is not merely a formal administrative violation. This action constitutes the facilitation of manipulating the material truth of a state legal instrument.

The Defendant's action of continuously facilitating the creation of the Deed of Binding Sale and Purchase Agreement and the Deed of Sale and Purchase based on Land Ownership Certificate Number 994/Margahayu and Land Ownership Certificate Number 4371/Margahayu bearing fictitious stamps resulted in the legal product suffering from juridical defects. The crime of inserting fake underlying documents into this evidentiary system dogmatically violates the

subjective requirements of an agreement, namely the absence of a defect of will in the form of fraud (Faizeh & Latumahina, 2024). Although a subjective defect renders the primary engagement voidable (*vernietigbaar*), the physical manifestation of the authentic deed produced from this falsification process has a different legal consequence. The deed absolutely loses its degree of authenticity and is degraded merely to an underhand deed that no longer possesses perfectly binding evidentiary value (Sapni, 2025). The degradation of this evidentiary value is inevitable considering that the authority of both notaries public and Land Deed Officials is strictly limited by the legality of the land object, which must conform to the state's physical and juridical data (Ardhita & Yunanto, 2023).

The degradation of the deed's evidentiary value does not stop at the level of administrative sanctions, but rather causes a causality chain resulting in financial losses for third parties acting in good faith. The loss of perfect evidentiary value (*volledig bewijskracht*) in the defective deed was successfully exploited to authenticate an invalid transfer of rights. Based on the trial facts, the issuance of the fictitious deed of transfer of rights facilitated by the Defendant directly caused the victim to suffer a real material loss amounting to IDR 7.5 billion. The emergence of this massive loss resulting from the issuance of a defective deed product legally constructs the Defendant's action as an unlawful act (*onrechtmatige daad*) in civil law (Wardantik et al., 2023). Legal certainty and protection for third parties become highly vulnerable when the primary instrument of legal protection is, conversely, used to seize property rights (Arianto & Djajaputra, 2024).

The demand for civil compensation liability for such massive losses effectively eliminates the doctrine of professional immunity, which public officials frequently claim as legal protection. The Defendant's conviction decision in the falsification case based on the construction of Article 264 section (1) of the Penal Code functions as a decision that has become final and binding (*res judicata*). This decision solidifies the fulfillment of the element of fault in an unlawful act lawsuit based on Article 1365 of the Civil Code. In this legal intersection between criminal and civil law, the liability of notaries public can be characterized as approaching the strict liability standard for all derivative consequences of the products they issue (Lestari, 2025). The Defendant's defense argument that she merely served as a passive recording official is invalidated, and this condition directly confers legal standing on the victimized party to demand full compensation (Saragih & Djaja, 2023).

The systemic impact of the defective deed and the massive nominal value of the victim's material loss demand that judicial institutions not view notarial malpractice as mere ordinary negligence. The concurrent destruction of the order of civil and criminal legal certainty cannot be comprehensively resolved if it is

addressed only through professional ethical reprimand sanctions. The need for this legal certainty becomes the robust rationale for the panel of judges at the appellate and cassation levels to effect juridical correction of the first-instance court decision. An in-depth examination of the disparity in judges' legal considerations in deciding the causality of the Defendant's crime and the principal perpetrator is a highly crucial analytical space for examining the consideration structure of Supreme Court Decision Number 933 K/Pid/2023.

C. Examination of the Supreme Court's *Ratio decidendi* in Convicting a Public Official

The juridical consequences of a degraded authentic deed causing massive losses have generated intense discursive debate over the appropriate criminal offense qualification for a notary public. Analysis of the Defendant's trial history reveals a fundamental disparity. The Bekasi District Court, through Decision Number 335/Pid.B/2022/PN.Bks, decided the Defendant was an accessory to the crime of fraud with a 3 (three) year prison sentence. This construction was subsequently completely corrected by the Bandung High Court through Decision Number 73/Pid/2023/PT.Bdg, which annulled the previous decision and adjudicated the matter itself. The appellate court declared the Defendant proven to have committed the crime of falsifying an authentic letter based on Article 264 section (1) point 1 of the Penal Code, and imposed a 5 (five) year prison sentence. This disparity ultimately culminated in a final-level examination at the Supreme Court to discover legal certainty ([Shalsabilla, 2025](#)).

Examination of Supreme Court Decision Number 933 K/Pid/2023 must emphasize the institution's position as a *judex juris*, authorized only to assess the application of law, not to reassess facts. In the "Considering" section, the Supreme Court rejected the Defendant's cassation by formulating the first key phrase stating that the reasons for the Defendant's cassation petition could not be justified because the decision of the judges examining the facts (*judex facti*) at the Bandung High Court was not wrong in applying the law. This phrase is not merely a standard rejection sentence, but a highly strong doctrinal affirmation. The Supreme Court officially validated the application of Article 264 section (1) of the Penal Code by the Bandung High Court, which altered the Defendant's legal qualification from merely an accessory to fraud into a perpetrator of deed falsification threatened with a maximum penalty of eight years in prison. This affirmation aligns with the theory of intellectual forgery advanced by [Chazawi \(2005\)](#), which holds that a deed drafting official need not materially alter the physical document to be convicted. Simply by inserting incorrect statements into a deed possessing absolute evidentiary value, the official has fulfilled the elements of the crime of falsification ([Khadijah et al., 2026](#)).

Furthermore, the Supreme Court broke the Defendant's objection argument through the extraction of the second key phrase in the "Considering" section. That phrase asserted that the Defendant's cassation ground concerned the assessment of the evidentiary results, which is the authority of the *judex facti*, and could not be considered at the cassation level. This limitation of authority under Article 253 of Law Number 8 of 1981 was utilized by the Supreme Court Justices to reject the Defendant's continuous denial of criminal intent alongside the principal perpetrator. Referring to the postulate of [Lamintang and Lamintang \(2014\)](#), the Defendant's cassation reason based on administrative ignorance was legally invalidated by the empirical fact that the Defendant had actively executed the physical implementation by signing the deed. This cassation decision serves as jurisprudence that gross negligence by a public official in facilitating the entry of a defective document has been qualified as a manifestation of conscious cooperation (*bewuste samenwerking*) in a crime ([Rossulliati et al., 2023](#)).

The Supreme Court's *ratio decidendi* was ultimately crystallized in the operative part of the decision, which is final and binding. In the operative part of "Adjudicating", the Supreme Court explicitly rejected the cassation petitions from Cassation Petitioner I (Public Prosecutor) and Cassation Petitioner II (Defendant). This operative part legally established the case status as *inkracht van gewijsde*, while solidifying the imposition of the 5 (five) year prison sentence reflecting the proportionality of the sanction against the crime violating Article 264 section (1) of the Penal Code. Through this rejection operative part, the Supreme Court also validated the *judex facti* determination regarding the evidence (including the fictitious Land Ownership Certificates and deed copies) confiscated to be used in a separate case file (*splitsing*) on behalf of the principal perpetrator Tan Madra Pujianto, confirming the existence of a structural crime chain. The Supreme Court's legal consideration in setting aside the potential for a pure administrative violation demonstrates that the final-level judiciary focused entirely on imposing the criminal sanction for falsification, which carries essential legal consequences ([Budiman et al., 2026](#)).

Supreme Court Decision Number 933 K/Pid/2023, which solidified the Defendant's *inkracht van gewijsde* status, ultimately proved the limitations of the notarial profession's protection authority. The Notary Honorary Council, which ideally serves as a filtering mechanism for professional cases, was found to lack legal standing to obstruct the conviction process if the concerned public official is found to be involved in a pure crime ([Uyuni & Mispansyah, 2025](#)). This cassation rejection asserts an absolute *ratio decidendi* that the notarial mandate attributed by the state is not an absolute immunity right. When this attributive authority is exploited to legalize land crimes, the sanction of dishonorable discharge from

office must be imposed concurrently with criminal sanctions (Prakoso & Sukirno, 2023).

CONCLUSIONS AND SUGGESTIONS

This research concludes that the demarcation parameter between professional administrative negligence and the *mens rea* of a public official lies precisely in the fulfillment of the *dolus eventualis* element qualified in Article 264 section (1) of the Penal Code. The active action of a notary public, ignoring a clear written warning on an underlying document and continuously inserting it into the minutiae of the deed, cannot be qualified as merely a formal code-of-ethics violation. This action dogmatically converts negligence into *mens rea* perfecting the crime of intellectual forgery. The notarial office attributed by the state is proven to have been exploited not to apply the principle of prudence, but as an instrument to facilitate the entry of fictitious data into the public law evidentiary system.

The fulfillment of this *mens rea* is proven to have direct causality with the destruction of the civil law order. This criminal act of falsification absolutely degrades the *volledig bewijskracht* of an authentic deed into that of an underhand deed. The loss of legal certainty in this state instrument causes systemic legal consequences, as it effectively grants legality to the seizure of property rights, massively harming third parties. This degradation of evidentiary value legally constructs the public official's action as an unlawful act, automatically voiding administrative protection and providing the victim with legal standing to file a full civil compensation claim, armed with a criminal decision that is *inkracht van gewijsde*.

The examination of the *ratio decidendi* of Supreme Court Decision Number 933 K/Pid/2023 has comprehensively reconstructed the application of the doctrine of participation toward public officials. The Supreme Court's cassation rejection validates the application of the law that the notary public's action in authenticating defective documents fulfills the objective requirement of joint physical implementation (*gezamenlijke uitvoering*) in the offense of falsifying an authentic letter, rather than merely the subordination of assisting in the crime of fraud. This decision imposing a five-year prison sentence demonstrates the limitations of the Notary Honorary Council's protective authority, while simultaneously asserting that public office attributes cannot be used as a justification for taking refuge from the criminal sanctions for a structural crime.

Based on this doctrinal conclusion, this research academically recommends advancing criminal and administrative law by enriching the literature on the legal intersection of professional criminal liability. The specific criminal law construction for public officials must explicitly adopt the parameters of conditional intent and

strict liability within the notarial education curriculum. This academic step is highly necessary to establish a fundamental understanding that a deed drafting official is the state's primary preventive instrument against land crimes, not merely a passive administrative official.

Practically and in terms of policy implications, this research recommends that the Ministry of Law of the Republic of Indonesia reform the regulations governing the supervision of the notarial profession. A notary public's right to legal protection must be revoked at the initial investigation stage if strong evidence is found of active actions to address document defects that harm the community's civil order. Furthermore, the Supreme Court needs to establish the *ratio decidendi* in this cassation decision, as established jurisprudence is binding on panels of judges at all judicial levels. This uniformity in the application of the law is necessary to minimize decisional disparities, achieve a proportional deterrent effect against the crime of falsifying authentic instruments, and restore public trust in the legal certainty of authentic deed instruments in Indonesia.

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