**Legal Consequences Of The Incompatibility Of The Dual Positions**

**Of Notarits And Permanent Lecturers Based On**

**The Asn Law And Notary Department Law**

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| ***Abstract****.*  *This study discusses the legal impacts caused by the incompatibility of dual positions between notaries and permanent lecturers with the status of State Civil Apparatus (ASN), by referring to Law Number 2 of 2014 concerning the Position of Notaries and Law Number 5 of 2014 concerning ASN. The main focus of this study is to analyze the provisions prohibiting dual positions along with their legal consequences, including potential conflicts of interest, decreased quality of professionalism, and administrative sanctions that may be imposed. The approach used in this study is the normative legal method, with an emphasis on the analysis of laws and regulations and the review of legal documents. The research findings show that laws and regulations strictly prohibit the practice of dual positions in order to maintain the objectivity and integrity of notaries as public officials. Violation of this prohibition can have serious consequences, ranging from administrative sanctions to revocation of professional licenses. This study emphasizes the importance of enforcing legal provisions and the need for intensive supervision to prevent dual position practices that can damage the credibility of institutions and reduce public trust. The results of this study are expected to be used as consideration for policy makers and authorized agencies in strengthening the ASN management system and notary positions in Indonesia.*  ***Keywords:*** *Dual position; notary; ASN lecturer; Notary Law; ASN Law and legal consequences.* |

**I. INTRODUCTION**

A notary is a public official who is authorized to make authentic deeds and carry out notarial duties as stipulated in Law Number 2 of 2014 concerning the Position of Notary. On the other hand, permanent lecturers who work in state universities generally have the status of State Civil Apparatus (ASN) and are under the provisions of Law Number 5 of 2014 concerning ASN. These two positions have different systems of responsibility and management mechanisms, but in practice there are individuals who try to carry out both simultaneously. This practice of dual positions raises a number of legal, ethical, and professional issues.Article 17 paragraph (1) letter g of the Notary Law clearly prohibits notaries from holding other positions that could affect their independence and objectivity. On the other hand, the ASN Law also stipulates a prohibition for ASN from holding dual positions unless permitted through special regulations or obtaining certain permits. These provisions reflect concerns about potential conflicts of interest that could arise from combining two functional roles with different legal standings.According to research by Widayanti (2021), the prohibition is a preventive measure to ensure that the notary's position is carried out professionally and free from intervention from other interests. The research conducted shows that violations of the prohibition on dual positions by notaries still often occur, both due to ignorance of the regulations and due to neglect of professional ethics. The consequences of these violations can be administrative sanctions, and in some cases, the deed made by the notary can be considered invalid as an official deed.

On the other hand, permanent lecturers who serve as ASN should focus on implementing the Tri Dharma of Higher Education. When the lecturer also serves as a notary, problems will arise regarding time, dedication, and potential conflicts of interest between academic needs and notary obligations. In some cases, lecturers who also serve as notaries are even known to use their positions in higher education to expand their notary client network, which of course can violate the principles of employment (Anwar, 2023).The legal issues arising from this discrepancy not only concern violations of the Notary Law and the ASN Law, but also of the principles of public ethics and morality. The obligation to be professional and neutral is not fulfilled when individuals hold two overlapping positions in the social and public service space. In fact, in some cases, it has been found that the conflicts of interest that arise can damage the reputation of educational institutions and public trust in notaries as public officials (Ridho, 2020).From an institutional perspective, the Notary Supervisory Board has a crucial role in supervising and handling notaries who hold concurrent positions. However, unfortunately, the supervision carried out by the Regional Supervisory Board (MPD) has not yet run optimally. Limited human resources, weak coordination with other institutions, and the absence of an integrated supervisory information system have caused many violations not to be dealt with quickly and effectively (Widayanti, 2021).

The unclear regulations regarding dual positions between notaries and permanent lecturers, especially for non-ASN employees in universities, create a significant gray area in the application of legal sanctions. Several universities do not yet have internal regulations that expressly prohibit lecturers from serving as notaries. This condition causes inconsistency in law enforcement and opens up opportunities for multiple interpretations of existing norms (Anwar, 2023). As a result, this can potentially cause serious problems for the integrity of the profession and the quality of legal services and education provided.There is a legal vacuum that arises due to the inconsistency between the provisions of Law Number 2 of 2014 concerning the Position of Notary and Law Number 5 of 2014 concerning the State Civil Apparatus (ASN). The lack of adequate synchronization causes regulations regarding dual positions to overlap and be less firm. Ridho (2020) suggests the need for regulatory harmonization through the creation of implementing regulations or ministerial decrees that are more detailed and firm regarding the provisions on dual positions, so that they can bridge the professional interests of both positions without ignoring the principles of public law and institutional integrity.The importance of strengthening the understanding of legal professionals and educators regarding the ethical and legal boundaries of the positions they hold cannot be ignored. Training and socialization about potential violations and legal consequences of dual positions need to be carried out continuously so that violations can be minimized and compliance with legal provisions increased. Widayanti (2021) emphasized that the active role of educational institutions and notary institutions in supervision must be preventive, not just reactive, to avoid conflicts of interest and violations of norms early on.

The current supervision mechanism has not been effectively integrated between educational institutions and notary professional organizations. This has resulted in weak control of dual position practices, so that law enforcement is less than optimal. Cross-sector cooperation in supervising and prosecuting dual position violations needs to be strengthened so that the standards of professionalism and integrity of both positions can be maintained properly and public trust is maintained. In addition to regulation and supervision, organizational culture in higher education also plays an important role. A work environment that tends to be permissive of dual positions has the potential to trigger violations. Therefore, consistent and intensive professional ethics education in institutions is very important to form a strong culture of compliance among lecturers and legal personnel.From a legal perspective, the application of sanctions against dual position violations must be strengthened and optimized. Although there are already administrative sanctions in the ASN Law and the Notary Law, their implementation is still weak and inconsistent. Effective enforcement of sanctions will create a deterrent effect so that it can reduce the practice of dual positions that are detrimental to institutions and the public.Dual positions also open up opportunities for conflicts of interest that damage the credibility of institutions and professions. Therefore, transparency and reporting of dual positions must be improved so that they can be monitored closely. This effort aims to prevent all actions that have the potential to harm the public interest early.Effective enforcement of regulations must also be followed by legal protection for whistleblowers of dual-position violations in order to create a climate of transparency and accountability.

With this protection, it is hoped that more parties will dare to report practices that are not in accordance with the rules so that law enforcement can run optimally. Bureaucratic reform in the ASN environment also needs to include control of dual positions as one of the indicators of organizational performance. This is so that each agency has a clear commitment to preventing and taking action against dual-position practices that can harm the institution or the public.All efforts ranging from regulation, supervision, education, law enforcement, to bureaucratic reform must be carried out in an integrated manner to address the problem of the incompatibility of dual positions between notaries and ASN lecturers. This comprehensive approach aims to maintain the integrity and professionalism of both positions while ensuring the quality of public services provided remains excellent. In particular, harmonization of regulations and strengthening of supervision must be prioritized so that the governance of public offices in Indonesia is more transparent, accountable, and oriented towards the interests of the wider community. Without legal certainty and strict supervision, the potential for abuse of office and a decline in the quality of service will be difficult to avoid.Thus, the dual position of notary and lecturer still has complex legal consequences. Not only does it cause administrative violations, but it can also have an impact on the validity of legal products (notary deeds), the credibility of educational institutions, and the erosion of professional values. Therefore, harmonization of regulations and strengthening supervision are urgent agendas in answering this problem systematically and comprehensively.

# II. METHODS

This study uses a normative legal approach because the focus is on studying the legal rules governing dual positions between notaries and permanent lecturers with the status of State Civil Apparatus (ASN). This approach is suitable for studying applicable regulations and legal principles, and seeing whether these rules are in accordance with the reality in the field. This study is based on Law Number 2 of 2014 concerning the Position of Notary which regulates the rights, obligations, and prohibitions for notaries, and Law Number 5 of 2014 concerning ASN which regulates the prohibition of dual positions for ASN which can cause conflicts of interest.This type of research is descriptive-analytical, meaning it describes the legal conditions clearly and also analyzes the legal impact of the dual position problem. The aim is to find out how well the regulations in the Notary Law and the ASN Law regulate the prohibition of dual positions and how the regulations are implemented. The primary data sources used are secondary data from literature studies, such as related laws and regulations, Government Regulations, Ministerial Regulations, and other legal documents such as Supreme Court decisions, journals, books, and articles taken from trusted sources such as Google Scholar and official government websites.

Data analysis was conducted using a legal interpretation approach, which combines systematic and teleological approaches. The systematic approach is used to place legal norms within the framework of the legal system as a whole, while the teleological approach focuses on assessing the objectives of these norms, especially in the context of regulating dual positions in order to maintain the professionalism and integrity of notary and ASN positions. This method is used to correctly interpret the prohibition and exception clauses in Article 14 paragraph (2) of the ASN Law regarding the prohibition of dual positions and Article 16 of the Notary Law regarding the prohibition of holding other positions that have the potential to cause a conflict of interest.In an effort to strengthen the validity of the research results, source triangulation techniques were also used. Triangulation was carried out by comparing the contents of laws and regulations with findings from previous studies such as those conducted by Widayanti (2021), Anwar (2023), Ridho (2020), and the opinions of other legal experts. In this way, the analysis presented is not only based on written legal regulations, but also considers academic understanding and the reality of application in the field.

# III. RESULTS AND DISCUSSION

The incompatibility of dual positions that occurs between a notary and a permanent lecturer of the State Civil Apparatus (ASN) is a serious and complex legal issue. This is because the two positions have very different functions and responsibilities, but both require a high level of professionalism, integrity, and dedication. Notaries, as public officials who are given the authority to authenticate legal documents, must work independently and objectively to ensure legal certainty in every deed they make. Meanwhile, permanent ASN lecturers play an important role in the world of education as educators and teachers who are responsible for developing human resources through an optimal learning process. Therefore, this incompatibility of dual positions not only poses a risk of conflict of interest, but can also disrupt the performance and quality of the implementation of the duties of the two positions.Law Number 2 of 2014 clearly prohibits notaries from holding other positions that could cause a conflict of interest or interfere with their work. Article 16 paragraph (1) states that notaries may not hold other positions that could conflict with notarial duties. This regulation was made so that notaries remain neutral, independent, and professional in carrying out their duties. Because notaries are tasked with making official legal documents, they must be free from other influences or interests that could interfere with their work. So, this prohibition on dual positions aims to maintain the quality of legal services for the community.Law Number 5 of 2014 concerning ASN also prohibits ASN, including permanent lecturers, from holding other positions.

Article 14 paragraph (1) letter d states that ASN may not have additional positions that could cause a conflict of interest or interfere with their main work. This regulation is designed so that ASN, as professional public servants, are able to carry out their functions and responsibilities optimally without being distracted by additional tasks that are not relevant to their main position. In other words, this regulation prioritizes the principle of focus and full dedication to the position held by ASN to ensure maximum quality of public service.Both regulations, namely the Notary Law and the ASN Law, although regulating dual positions from different perspectives, basically have the same goal, namely to maintain the professionalism, integrity, and quality of performance of public officials. The prohibition of dual positions is not just a formal rule, but rather an important legal instrument to ensure that there is no overlapping of interests that can reduce the credibility and effectiveness of the implementation of tasks. Moreover, in the context of notaries and ASN lecturers, where both have strategic roles in the fields of law and education, clarity and firmness of regulations are very necessary to avoid potential abuse of office that can harm the public.In addition, the mismatch between the functions and demands of the notary and ASN lecturer positions also has implications for workload and time management. The notary position requires high precision and concentration in preparing and ratifying legal deeds that have significant legal impacts on the parties concerned. Meanwhile, ASN lecturers must carry out learning, research, and community service activities in a balanced manner.

If both are carried out simultaneously without clear boundaries, the potential for decreased work quality and the risk of errors increases, thus negatively impacting both institutions and the wider community.Therefore, the regulation on dual positions is not only important to maintain compliance with legal norms, but also as an effort to maintain public trust in notary institutions and the world of education. In practice, violations of this rule can result in administrative sanctions, discipline, to revocation of a notary's license or dismissal as a civil servant. This indicates how serious the legal consequences of the incompatibility of dual positions are.In addition, the existence of clear regulations in the Notary Law and the ASN Law contains an important message that public office, especially those concerning legal and educational functions, must be carried out with full responsibility and should not be viewed lightly by holding dual positions that can cause conflicts of interest. This regulation also reflects the state's efforts to uphold good governance and quality public services with high integrity.Furthermore, the provisions prohibiting dual positions in the Notary Law and the ASN Law must also be accompanied by strict supervision from related agencies, both from ASN supervisory institutions and notary professional organizations. Without effective supervision, these provisions can become mere meaningless rules that can be easily violated. Therefore, strengthening the mechanisms for supervision, reporting, and law enforcement is very important to ensure that these rules are implemented consistently.More broadly, the issue of dual positions is a reflection of challenges in bureaucracy and governance that require systemic improvements. Implementation of more detailed rules and harmonization between institutions and regulations are key to addressing this problem comprehensively.

The government and related institutions must be proactive in drafting more detailed implementing regulations and providing clear guidelines to public officials regarding the limits of positions that may be held concurrently.In the academic context, strengthening the understanding of the legal and ethical aspects of the position is also very much needed. Lecturers as agents of change and enforcers of scientific values ​​must gain a good understanding of the risks and impacts of dual positions, so that they can choose and carry out roles that are in accordance with regulations and principles of professional ethics.The main focus of this regulation is to ensure that there is no conflict of interest that can damage the independence of officials, especially notaries who function as official witnesses and authentic deed makers. When a civil servant lecturer who is also a notary tries to hold two positions at once without clear regulations, the risk of conflict of interest increases. For example, in the position of lecturer, the individual has the obligation to teach, conduct research, and carry out community service. Meanwhile, as a notary, his/her job is to make deeds and legal documents that have high evidentiary power. When these two functions are carried out without a clear division of time and attention, the quality of work and integrity of both can be disrupted.This provision prohibiting dual positions is not only administrative in nature, but also has a strong ethical content.

Notaries as officials who bind legal force to documents must be truly independent and must not have any other relationships or positions that can influence the decisions or legal actions they make. In this context, if a notary also plays the role of an active ASN lecturer, then his concentration and dedication to notarial duties can be disrupted, thereby increasing the risk of errors or violations of legal procedures. Such conditions certainly have the potential to damage public trust in the quality and integrity of notary services. The law clearly prohibits inappropriate dual positions. ASN who violate can receive sanctions ranging from reprimands to dismissal, as regulated in Article 87 paragraph 1 of the ASN Law. For notaries, the Supervisory Council can impose sanctions, including revoking their work permits, in accordance with Article 78 paragraph 3 of the Notary Law. This shows that the state is serious about maintaining the integrity of public officials from the problem of dual positions.The incompatibility of dual positions between a notary and a permanent ASN lecturer not only has a negative impact on the official concerned, but can also have a broad impact on society as a whole. Notaries play a crucial role in the legal system as officials who are authorized to draft authentic deeds that have high legal evidentiary power. Therefore, a high level of professionalism in carrying out this task is very necessary so that every document made provides a guarantee of legal certainty and does not cause problems in the future. However, if a notary doubles as an ASN lecturer without being able to manage time and responsibilities properly, the risk of unprofessionalism in notarial work increases. This can cause the deed made to be formally or substantially flawed, making it vulnerable to being questioned in legal disputes.

Legal disputes arising from invalid notarial deeds will certainly harm various parties, including the public who are notary clients, parties interested in the document, and the legal system in general. This legal uncertainty can cause significant material and immaterial losses, and even has the potential to cause prolonged conflict in society. In addition, public trust in notarial institutions and government institutions that oversee ASN will decrease drastically if there are indications of public officials who are unable to carry out their duties professionally and with integrity. Thus, enforcing the rules prohibiting dual positions is not only enforcing legal norms, but also an important foundation in maintaining legal stability and protecting people's rights. Furthermore, the aspect of professional ethics is very inherent and cannot be separated in this context. Notaries are required to uphold the code of professional ethics that requires them to always act honestly, fairly, independently, and maintain client confidentiality in every implementation of their duties. These principles are the main foundation for the public to believe that notary officials work without any influence or other interests that can damage their objectivity and neutrality. When a notary also holds another position as a ASN lecturer, especially without adequate regulations and mechanisms for managing dual positions, the opportunity for violations of the code of ethics is greater. Excessive workloads and potential conflicts of interest can make an official unable to meet the expected ethical standards.The consequences of violating this code of ethics not only affect individuals, but can also damage the image and reputation of the notary profession as a whole. The public who doubts the integrity of a notary can become skeptical of notary services in general, which will ultimately reduce trust in the legal system.

This reputational damage will be difficult to repair and has a long-term impact on public trust in legal institutions. Therefore, enforcing regulations related to dual positions is very crucial as a form of protecting professional ethics and maintaining the existence of the notary profession in the eyes of the public.A public official must be able to carry out his duties openly and responsibly, without any personal interests or other positions that interfere. Dual positions can cause bias in decision-making or execution of duties, which can ultimately harm the public interest and damage public trust in state institutions.In addition, supervision of the implementation of the dual position prohibition rule is still a challenge. There needs to be good coordination between various related agencies such as the State Civil Service Agency, educational institutions, and notary professional organizations to monitor and ensure compliance of ASN who hold dual positions. The absence of effective supervision can allow for dual position practices that are detrimental and difficult for the system to detect. It is also important to understand that the provision prohibiting dual positions has implications for the work-life balance of officials. A civil servant who holds dual positions is not only at risk of reducing work performance, but also experiencing fatigue and stress due to excessive workload. This condition certainly has a negative impact on the mental and physical health of officials, which in turn has an impact on the effectiveness of the public services provided.

In addition to regulatory factors and legal sanctions, organizational culture and awareness of ASN officials are also important factors in preventing dual positions that are not in accordance with the rules. Guidance and socialization about legal consequences and professional ethics must be carried out continuously by related institutions to build awareness and commitment of officials in complying with these rules.Preventive measures that can be taken include clearer and more detailed regulations regarding reporting and evaluation mechanisms for dual positions, as well as the establishment of an integrated information system to detect potential violations. With accurate data and a good monitoring system, the potential for dual position incompatibility can be minimized.Normatively, the regulation of this dual position is very important to maintain the stability of the legal system and state administration. The role of a notary as an official who makes authentic deeds is an integral part of the national legal system that requires protection from all forms of intervention that can reduce the quality of its work and credibility. At the same time, ASN, including lecturers, must be able to focus on carrying out their duties in accordance with applicable regulations so that the function of public services runs optimally.From the perspective of state administrative law, violation of the provisions on dual positions can be categorized as a form of maladministration that can cause losses to the state and society. Therefore, strict and continuous enforcement of the rules is not only a legal responsibility, but also a moral demand in maintaining the integrity and quality of transparent and accountable governance.In conclusion, the incompatibility of dual positions between notaries and ASN lecturers has serious and diverse legal consequences, ranging from violations of the code of ethics to administrative sanctions and dismissal.

Therefore, strict law enforcement and supervision must be a priority so that integrity, professionalism, and quality of public services can be maintained properly.This study is in line with the findings revealed by Pranata (2021) who emphasized that dual positions in public officials, especially those with strategic functions such as notaries and ASN lecturers, can cause ethical dilemmas and significant risks of conflict of interest. Pranata also emphasized the importance of strengthening regulations and supervision to avoid practices that can damage the integrity of the institution (Pranata, 2021).In addition, a study by Widodo and Santoso (2022) showed that the incompatibility of dual positions not only has an impact on the quality of public services, but can also cause complex legal problems, including potential administrative and criminal sanctions for officials who violate the provisions (Widodo & Santoso, 2022). This study reinforces the urgency of the need for synergy between supervisory institutions in implementing regulations effectively. According to Rahmawati (2020), the application of regulations on dual positions is one of the strategic efforts to maintain the professionalism and accountability of ASN, while avoiding excessive multitasking which can reduce work productivity (Rahmawati, 2020). This finding supports the analysis that overlapping positions not only has the potential to cause legal violations, but also has an impact on the quality of services to the public.Research conducted by Hasanah (2023) also revealed that the existence of dual positions in the bureaucracy often causes a disproportionate workload and conflicts of interest which result in a decline in the quality of administrative decisions and the professionalism of officials (Hasanah, 2023). This strengthens the argument that strict regulations and periodic supervision are urgent needs.

Furthermore, Sari and Nugroho (2021) highlighted that the inconsistency of dual positions has an impact on the negative image of the institution concerned, which leads to decreased public trust in state institutions (Sari & Nugroho, 2021). Therefore, the application of strict sanctions and preventive efforts is important to maintain the reputation and legitimacy of legal and educational institutions. In line with this, research by Firmansyah (2022) underlines the importance of integrating information systems and coordination between institutions to detect and prevent the practice of dual positions that are not in accordance with regulations, in order to ensure compliance and enforce good governance (Firmansyah, 2022).From a professional ethics perspective, Wulandari (2020) emphasized that dual positions that are not in accordance with the provisions have the potential to cause violations of the code of ethics and damage public trust in the notary profession and ASN in general (Wulandari, 2020). Therefore, coaching and education in professional ethics are important aspects in preventing such violations. Another study conducted by Prasetyo et al. (2021) also shows that the implementation of effective internal supervision can reduce the risk of inconsistencies in dual positions, while increasing ASN discipline and performance (Prasetyo et al., 2021). This finding emphasizes the need for a structured and transparent supervision system. According to Ramadhan and Yulianti (2023), consistent and transparent sanctions for violations of dual positions are key to enforcing regulations and preventing practices that are detrimental to institutions and society (Ramadhan & Yulianti, 2023).

# IV. CONCLUSION

The incompatibility of dual positions between notaries and permanent lecturers who have the status of State Civil Apparatus (ASN) has serious legal consequences and must be highlighted in the governance of public office in Indonesia. Referring to the provisions of Law Number 2 of 2014 concerning the Position of Notary and Law Number 5 of 2014 concerning ASN, there is a strict prohibition on the practice of dual positions because it risks causing a conflict of interest and can hinder the implementation of the duties and responsibilities of each profession. This aims to maintain the integrity, professionalism, and independence of notaries as public officials who have the authority to authenticate legal documents.

The provision also confirms that dual-duty can lead to a decline in the quality of public services and raise doubts about the independence and credibility of notaries. Legally, violations of this prohibition can be subject to administrative sanctions up to dismissal from the ASN position and revocation of the notary's license. Therefore, consistent implementation of the rules accompanied by intensive supervision is very important to prevent the practice of dual positions that are contrary to applicable provisions.In addition to the legal aspects, the consequences of this dual position also have implications for professional ethics and institutional image, which if not handled properly can damage public trust in state institutions. Thus, strict regulations, effective internal supervision, and education on ethics and professional integrity must be a priority in the governance of ASN and notary positions.

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