



The Dilemma of Social Media Use by Notaries: Between Officium Nobile and Personal Interest

Ancella Godeliva Albertine Kalaij^{1*}, Fully Handayani Ridwan²

Universitas Indonesia, Indonesia

Emails: godelivaancella@gmail.com¹, fully.handayani@ui.ac.id²

ABSTRACT

The growing importance of social media in modern society extends to legal professionals, including notaries. However, due to the official and honorable nature of the profession, notaries must adhere to strict professional standards and ethical codes when using social media. This research aims to examine the boundaries of social media use for notaries, focusing on client confidentiality, neutrality, independence, and professionalism in communication, while upholding the Officium Nobile principle that emphasizes their responsibility to the public. The research adopts a normative juridical method, analyzing legal and ethical frameworks from relevant literature and regulations. The findings reveal significant challenges for notaries in maintaining the integrity and professionalism required by their role while balancing the desire to promote themselves on social media. Violations, such as advertising or self-promotion contrary to Article 4, paragraph (3) of the Notary Code of Ethics, threaten the profession's dignity and may result in sanctions from the Notary Supervisory Council (MPN), including reprimands, suspension, or dismissal. This research underscores the need for strict enforcement of ethical codes to preserve the integrity of the notary profession and maintain public trust. It highlights the importance of notaries exercising caution in their use of social media to ensure compliance with ethical standards and avoid actions that could undermine their professional responsibilities.

Keywords: Social Media, Notary, Officium Nobile, Personal Interest.

INTRODUCTION

The development of the legal world in Indonesia is always influenced by various factors, ranging from the development of human resources to technological developments. Along with the development of information technology, human activities have changed in various fields. This has directly affected the birth of new legal acts. In particular, Information Technology is defined by Article 1 point 3 of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (from now on abbreviated as ITE Law) as "a technique for collecting, preparing, storing, processing, announcing, analyzing, and/or disseminating information." (Sujamawardi, 2018).

The concrete form of various utilization of information technology that is still being developed today is the goal to be achieved as stated in Article 4 of the ITE Law, which gives birth to new technology products (Nurita & Ayu, 2012). With these developments, technology has become a means humans use to carry out their activities, so the misuse of information technology is inevitable in this modern era. One of the products of technological development that is not easy to separate from everyday life is social media. According to Kottler and Keller, social media is a medium consumers use to share text, images, sound, video, and information with others (Kottler & Keller, 2016). In 2024, there are 191.4 million social media users in Indonesia, which is 73.7% of the total population of Indonesia (Panggabean, 2024).

Notary is one of the professions that, in carrying out its duties and authorities, has the convenience of the rapid development of technology. Therefore, Notaries are expected to have strong moral values (Supriadi, 2023). The notary is one of the honorable and noble professions (*Officium Nobile*), which is determined based on state laws and regulations in making documents in the form of deeds. This profession requires the fulfillment of strong moral values and their development (Akrabi & Bonaparta, 2023). Unfortunately, this is often not in line with fulfilling personal interests, which is often a Notary's dilemma.

In essence, notaries are appointed by the government as public officials. As an organ of the state, the government appoints notaries not only for the benefit of notaries themselves but also for the benefit of the wider community (Fransiska, 2021). In this case, the state gives excellent trust to the Notary so that the services provided are closely related to the trust issue. In addition to being appointed by the government, Notaries as public officials are also bound and obedient to a professional ethic where professional ethics are moral ethics created explicitly for the good of the course of the profession concerned because each profession has its own identity, nature or characteristics and professional standards according to the needs of each profession (Erwin & Arpan, 2018). According to Luh Putu Cynthia, ethics guides humans in behaving and acting (Gitayani, 2018). Professional ethics can be divided into several principles known as 1) the Principle of Responsibility, 2) the Principle of Justice, 3) the Principle of Autonomy, and 4) the Principle of Moral Integrity (Mardani, 2017).

The professional code of ethics is also used as a means of social control. This prevents members outside the professional community (related to ethical values) from interfering with the profession and increasing professionalism to improve the quality of service to the community.

For a Notary, enacting a professional ethic is binding in their work. Suppose a notary is proven not to implement professional ethics. In that case, there will be losses for the client and the notary himself. Therefore, through professional ethics, Notaries are regulated not only by the Notary Position Law but also by a Notary Code of Ethics as a counterweight to regulate the self-attitude and actions of notaries, both in carrying out their official duties and in everyday life. This Code of Ethics also contains arrangements regarding obligations, prohibitions, exceptions,

and sanctions that will be imposed if it is proven that the Notary violates the Code of Ethics (Supriadi, 2023). Not only that, the code of ethics also regulates the procedures for enforcing the code of ethics and temporary dismissal as a member of the Indonesian Notary Association.

Article 4, paragraph (3) of the Notary Code of Ethics clearly explains the prohibition of publication or self-promotion. However, in practice to date, many Notaries use electronic media as a means of promotion or attracting clients. Self-promotion is carried out individually or jointly by notaries using print and electronic media facilities in various forms of social media, such as Instagram, Facebook, Twitter, TikTok, and many more. The utilization of social media affects the honor and dignity of the office of a Notary.

In various cases, such as the "pass the brush challenge," a notary seal is used (UI, 2022). There are various examples of cases such as the "pass the brush challenge" that uses a notary seal, includes job titles in social media, makes posts and office photos of a notary, disseminates office activities in posts on social media, and collaborates with intermediaries, namely service bureaus that promote through social media. These cases potentially violate the professional code of ethics, although it is still being debated. The Officium Nobile element of a notary is also often debated in similar cases. However, to date, various studies have only been limited to the aspect of legal violations and have not discussed more deeply the elements of professional standards and professional code of ethics in the use of social media by notaries by the position of Notary and the principle of Officium Nobile.

Based on the above background, this research aims to analyze and provide recommendations regarding the limitations of social media use by notaries, considering their professional standards, code of ethics, and the Officium Nobile principle. This study seeks to address the growing ethical challenges posed by social media usage while maintaining the integrity and dignity of the notary profession. The benefits of this research include contributing to the development of guidelines for notaries on ethical and professional conduct in social media use, fostering a deeper understanding of the balance between modern communication tools and the responsibilities of a notary. Additionally, the findings are expected to strengthen enforcement mechanisms for ethical violations, enhance public trust in the notary profession, and serve as a reference for future regulatory adjustments or educational initiatives in this field.

RESEARCH METHOD

In his book, Peter Mahmud Marzuki explains that legal research is a step toward obtaining legal arrangements, foundations, or opinions in order to answer the problems studied (Marzuki, 2013). The research method used in this research is doctrinal or normative juridical. Normative juridical research is library legal research examining library materials or secondary data (Soekanto, 2017). Using this research method, it is hoped that it can answer existing problems regarding the limitation of the use of social media by notaries in terms of professional standards and professional codes of ethics, as well as the Officium Nobile principle. This type of research

typology is Explanatory, which strengthens or tests the results of research or the existing legal situation to perfect and provide new nuances in applying legal theories or norms. Based on the form of research used in this research, namely the normative juridical form, the type of data used is secondary data through literature searches supported by primary data. Primary data is obtained directly from the community (Soekanto, 2017).

RESULT AND DISCUSSION

The Dilemma of Social Media Use by Notaries Between Officium Nobile and Personal Interests

The dilemma of using social media by notaries is complex, especially when faced with the Officium Nobile principle and personal interests. A notary is a professional because he or she must have much knowledge about law, especially civil law. With the understanding they have, Notaries are required to utilize it for the benefit of many people, not only to seek profit but also to gain meaning or make a significant impact in life through community service. The profession is also a means of expressing oneself to demonstrate freedom, honor, and responsibility (Notary, 2013).

The law tries to maintain and regulate the balance between individual interests and desires. Therefore, the legal profession is honorable and noble. A noble profession (Officium Nobile), according to Theo Huijbers, must have criteria including a humanitarian attitude, the attitude of justice, an honest attitude, and not participating in the judicial mafia (Sagala, 2016). Therefore, this principle emphasizes that notaries, as a noble profession, must maintain the dignity and integrity of the profession and carry out their duties with impartiality, confidentiality, and professionalism. On the other hand, like any other individual, notaries also have personal interests they want to express through social media, such as interacting with friends and family, sharing life experiences, or voicing personal opinions. This is where the dilemma arises; the use of social media can pose risks if not managed wisely.

Notaries should be cautious about posting content that could be deemed inappropriate or violate the professional code of ethics, such as commenting on cases they are handling or publishing information of a personal nature that could lead to negative perceptions. In addition, the use of social media can also open up potential conflicts of interest, mainly if notaries use these platforms to promote professional services or engage in discussions that may offend their integrity and impartiality (Lawa, 2021). Therefore, notaries need to carefully consider every action taken on social media, ensuring that they only fulfill personal needs while maintaining the honor and credibility of their profession and not promotion.

In this dilemma, notaries must balance their right to expression and the obligation to maintain professional integrity. Clear education and guidance from professional organizations and a strict code of ethics can help notaries navigate the increasingly complex digital world, ensuring that they can participate in social life without compromising the Officium Nobile principles they uphold. The government and the government appoint the notary as a public

official organ; the state appoints the Notary not only for the benefit of the Notary himself but also for the benefit of the wider community (Lawa, 2021). The state gives great trust to notaries so that the services provided are closely related to trust issues.

In addition, a Notary is an Honorable Profession (*Officium Nobile*), which is free, independent, and responsible in carrying out its profession. The notary profession is an honorable profession and is always bound by a professional ethic, where professional ethics are moral ethics created explicitly for the good of the course of the profession concerned because each profession has its own identity, characteristics or characteristics, and professional standards according to the needs of each profession (Erwin & Arpan, 2012). With the existence of professional ethics, Notaries are not only regulated by the Notary Position Law, but there is also a Notary Code of Ethics as a counterweight to regulate the self-attitude and actions of notaries both in carrying out their official duties and in everyday life (N. A. Sinaga, 2020).

The Notary Code of Ethics is all moral rules determined by the Association of Indonesian Notary Association Organizations (INI). The Notary Code of Ethics must be adhered to by all association members and other people who hold positions to prevent members of the profession concerned from committing unethical acts (Ghansham Anand & Kn, 2018). In reality, in everyday life, there is no harmony in the implementation of rules and laws. There are still various forms of violations in the implementation of the duties of the office of notary, not only in the form of errors in the implementation of the duties of his office but also in the form of notarial acts. The form of notary violations is related to acts that are contrary to the law or unlawful acts of notaries in the field of carrying out official duties, authorities, and obligations in Article 15, Article 16, Article 17, Article 19 of the UUJN, and Article 4 of the Code of Ethics for Notary Offices (Arifandy, 2022).

People can utilize information and communication technology widely and freely as technology develops. The internet can be defined as a worldwide method for exchanging information and communicating through interconnected computers. Therefore, notaries face considerable challenges in immediately adjusting to technological developments, especially advances in digital media. Notaries must adapt to utilize electronic media to carry out the obligations and authority of their position. However, for legal professionals, including notaries, the use of social media can be a sensitive area and requires extra caution by applicable professional standards and codes of ethics to maintain the dignity of notaries as a noble profession (Indonesia, 2015).

A notary carrying out his profession, there are those who consciously and deliberately carry out a kind of promotion with ease. Through the internet and media, notaries can promote themselves and provide information without being limited by space and within a narrow scope. This is because the reach of electronic media is extensive and unlimited (Arifandy, 2022). In reality, based on the findings of the existence of social media, notaries often use social media not only to fulfill personal interests but also to act for and on behalf of their profession, resulting in

many violations. The prohibition of publication and self-promotion activities by notaries is rooted in a professional ethic that applies to all members of professional organizations (Tiffany, 2022). The violation occurs in one of the prohibitions contained in Article 4, paragraph (3) of the Notary Code of Ethics, namely:

"Notaries and other persons (as long as they carry out the position of Notary are prohibited from publishing or promoting themselves, either alone or together, by stating their names and positions, using printed and electronic media facilities, in the form of:

- a. Advertisement;
- b. Congratulations;
- c. Condolences;
- d. Acknowledgments;
- e. Marketing activities;
- f. Sponsorship activities, whether in the social, religious, or sports fields."

Publication itself means the creation of content that is intended for the public or general (SH, 2019). Meanwhile, promotion is an effort to inform or offer a product or service to prospective buyers or service users to attract potential consumers to buy or consume these goods or services (Tiffany, 2022). It is necessary to pay attention to the purpose of using social media so that it does not take the form of promotion, which violates the code of ethics.

Violations of the code of ethics are often caused by notaries placing integrity, good name, and dignity as secondary because the notary position is considered a source of obtaining wealth (S. H. M. T. Sinaga, 2019). Several cases occur on social media today, including following trends without paying attention to the notary profession, such as the example of the "pass the brush challenge" case that uses a notary stamp, a notary publishes a photo of his office (UI, 2022). The notary publishes photos of his office, photos together with the faces of the parties in one of the deeds he made on his personal social media account; the notary cooperates with a service bureau, which the service bureau then promotes on social media to get clients and many more. The actions taken by the notary degrade the dignity of the office of the notary itself as if it is the same as the merchandise that can be promoted, does not respect the sense of decency in society, and violates the notary code of ethics (Notodisoerjo, 1982).

Theng social media by intermediary notaries is an issue that requires careful consideration. Officium Nobile is a principle that requires notaries to maintain dignity, integrity, and professionalism in carrying out their duties. As public officials, notaries must demonstrate impartiality, confidentiality, and high ethics. However, like any other individual, notaries also have the right to express and interact on social media for personal interests. Problems arise when social media activities can affect the public's perception of a notary's neutrality and professionalism. For example, personal posts, controversial opinions, or self-promotion can create a conflict of interest and undermine public trust. Unwise use of social media may violate

the code of ethics that prohibits self-promotion or publications inconsistent with the profession's dignity.

The solution is for notaries to implement a clear separation between personal and professional accounts on social media. Notaries also need to adhere to strict guidelines from professional organizations regarding the use of social media and avoid activities that could be considered self-promotion or violate the code of ethics. Thus, notaries can maintain professional integrity while utilizing social media for positive legal education that benefits the public.

Legal Consequences of Social Media Use by Notaries and Cases of Violation

When associated with the profession, a notary requires in-depth expertise, knowledge, and great responsibility in serving the public in civil law (Ghansham Anand & Kn, 2018). As a state official serving the community's legal needs, the role of a Notary must be different from services in ordinary businesses. The services provided by Notaries are regulated by the Notary Position Law (UUJN) and the Notary Position Code of Ethics, as they operate in the domain of professional services that uphold professional ethics.

Based on the provisions of Article 16 paragraph (1) and Article 4 paragraph 3 of the Code of Ethics of Notaries, the use of social media by Notaries is allowed as long as it is not used for promotion or electronic self-publication and does not conflict with the professional obligations of Notaries. Regarding the Notary's authority to provide legal counseling, social media can be an effective tool.

Factors such as out-of-town locations, the Notary's busy schedule that limits in-person meetings, and conditions that limit physical contact, such as the pandemic, necessitate using social media as an alternative. Legal counseling by Notaries aims to facilitate the process of making deeds and increase public legal awareness to create a legal culture that complies with and respects legal norms. People who know the law obey it not because they fear sanctions but because they understand and appreciate it (Ernis, 2018). Notaries can use social media such as Instagram, Twitter, blogs, TikTok, and YouTube to deliver legal counseling. Each platform provides different ways to share information, such as videos, images, or writings. Some platforms also offer interactive features that allow users to interact directly or ask questions. The direct messaging feature allows for private consultations so people can get personalized legal advice (Akrabi & Bonaparta, 2023). By utilizing these features, legal counseling by Notaries is expected to provide legal advice, find suitable legal solutions or products, and influence people's beliefs while providing freedom for them to make their own decisions.

Notaries using social media for promotion by stating their name and position has become common among them. This can be easily found by simply typing the word "Notary" or "Notary/PPAT" in the search field of social media applications such as Instagram. These search results often display the profile of a Notary who lists his/her position. Examples of violations of this rule include Notaries listing their positions in their social media accounts, posting photos of themselves or the Notary office, disseminating office activities through various social media

platforms, and conducting online legal counseling by listing their positions (Ramadhan et al., 2022).

This offense often occurs in today's digital era, where promotion can be done quickly and easily by anyone, including Notaries. Creating a website or blog specifically for Notaries also falls into this category. While digital technology makes information dissemination and promotion easier, Notaries must be careful not to violate the code of ethics that prohibits excessive or inappropriate electronic self-promotion. The use of social media by Notaries should be strictly regulated to maintain the integrity and public trust in the Notary profession.

As public officials, notaries are responsible for maintaining integrity and professionalism in carrying out their duties. The use of social media by notaries, especially to promote themselves, can have serious legal consequences if not followed by applicable regulations. When referring to the code of ethics, Article 6 stipulates that sanctions imposed on members who violate the Code of Ethics can be:

- a. Reprimand;
- b. Warning;
- c. Temporary dismissal from membership of the Association;
- d. Honorable dismissal from membership of the Association; and
- e. Dismissal with dishonor from membership of the Association.

According to Article 4, paragraph (3) of the Notary Code of Ethics, Notaries are prohibited from publishing or promoting themselves, either personally or jointly, by including their names and positions in activities on social media (Halim & Borahima, 2019). Prohibited activities include advertising, congratulating, expressing condolences, or thanking, and other activities related to self-promotion or publication. The use of social media, such as Instagram, by Notaries for personal promotion violates this provision. The legal consequences are violations of the code of ethics and the Notary Position Law (UUJN), resulting in sanctions by the Notary Supervisory Council (MPN) (Aulia, 2021). The sanctions are adjusted to the quantity and quality of violations committed by the member (Jamil, 2018).

These sanctions can be verbal or written reprimands, temporary suspension, or honorable or dishonorable dismissal. The supervision process is carried out by the MPN, which consists of three levels: Regional Supervisory Assembly (MPD), Regional Supervisory Assembly (MPW), and Central Supervisory Assembly (MPP) (Sayuna, 2016). The Regional Supervisory Assembly has the authority to supervise and examine notaries and impose certain sanctions on notaries who have been proven to have violated the provisions of implementing the notary position (Shidqi Noer Salsa & Kn, 2020).

By Article 1 point 6 of UUJN and Article 1 point 5 of Minister of Law and Human Rights Regulation No. M.02.PR.08.10 Year 2004. MPD has the authority to receive reports from the public about alleged violations, conduct examinations, and submit the results to MPW (Adjie & Gunarsa, 2013). Based on Article 70 letter a of the UUJN, MPD is authorized to hold a hearing to

examine alleged violations. If proven, MPW, by Article 73 paragraph (1) letters a-f, can impose sanctions as warnings to temporary or permanent dismissal. The sanction is final and must be submitted to the relevant parties. The Honorary Council, formed by professional organizations, also enforces the code of ethics by Article 8 of the Notary Code of Ethics (Noviyanti & Ratna, n.d.).

This council is tasked with examining and imposing sanctions on members who violate, either upon complaint or their initiative. If proven to have committed a violation, the member concerned may be dismissed from membership of the organization by Article 13 of the Code of Ethics (Nurarifah & Hakim, 2024). Thus, Notaries who violate the provisions regarding the use of social media may face severe disciplinary sanctions. Such sanctions include reprimand, suspension, and dismissal from office, either honorably or dishonorably. This law enforcement is essential to maintain the integrity of the Notary profession and public trust in the services provided.

CONCLUSION

Based on the findings, this research concludes that notaries face a critical challenge in balancing the Officium Nobile principle, which requires integrity and professionalism, with the growing use of social media for self-expression or promotion. While social media offers opportunities for personal interaction and public engagement, its improper use can lead to ethical violations that undermine the profession's dignity and integrity. Cases of notaries promoting themselves or their services on digital platforms, contrary to Article 4, paragraph (3) of the Notary Code of Ethics, highlight the risks of eroding public trust in the notary profession. Violations can result in sanctions, including reprimands, suspension, or dismissal, imposed by the Notary Supervisory Panel (MPN) or the Honorary Council. These enforcement mechanisms are crucial for preserving the ethical standards and public trust that underpin the notary profession.

This research contributes to the understanding of ethical boundaries in the digital age by emphasizing the importance of clear guidelines for social media use among notaries. Notaries are encouraged to maintain separate personal and professional social media accounts, using the latter to provide legal education and raise public legal awareness without breaching ethical standards. This approach ensures that social media becomes a tool for public service rather than self-promotion, enabling notaries to uphold their professional dignity and reinforce public trust in their role. The findings also serve as a basis for future research and policy recommendations to adapt ethical frameworks to evolving digital landscapes.

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