



## Limitations of the Use of Social Media in Notary Positions Reviewed from the Notary Code of Ethics

Josias Anugrah<sup>1\*</sup>, Chairunnisa Said Selenggang<sup>2</sup>

<sup>1,2</sup>Universitas Indonesia, Depok, DKI Jakarta, Indonesia

Email: josiasanugrah@gmail.com<sup>1\*</sup>, chnss.said@gmail.com<sup>2</sup>

---

### ABSTRACT:

The use of social media as a platform for notaries to publicize their work is increasingly rampant in today's digital era. However, there are several limitations that need to be considered, and many notaries are deemed to have violated the code of ethics and applicable legal regulations. This research aims to identify the limitations in the use of social media for notaries and the legal consequences if notaries promote themselves on social media. The research method used is doctrinal research with a normative juridical approach, involving an analysis of laws and regulations, the notary code of ethics, and related case studies. The results of the study indicate that the activities of using social media for notaries have restrictions, such as the prohibition on publishing or promoting themselves by listing their positions. Violations of these limitations can result in moral sanctions or legal sanctions. These findings have important implications for notary practices and regulatory enforcement in the digital era.

**Keywords:** Notary, Notary Ethics, Social Media.

---

### INTRODUCTION

---

Notaries as Public Officials whose function is to serve the community in the field of civil law must have high integrity to the community and the state as the authority giver who has entrusted the position held to make authentic evidence (Aisyiah & Wisnuwardhani, 2022; Closen, 1997; Zaki & Saidin, 2024). In the development of Notaries from the notary institution to its development in Northern Italy, France, and the Netherlands until entering Indonesia, Notaries have gained trust from the state and society to carry out some of the state's public functions to make authentic evidence with an independent and impartial attitude. In carrying out their positions, notaries must submit and comply with Law Number 30 of 2004 and its amendments to Law Number 2 of 2014 concerning Notary Positions (hereinafter referred to as UUJN) (Ridwan, 2020; Utomo et al., 2019) and the Notary Code of Ethics made by the association that oversees notaries in Indonesia,

namely the Indonesian Notary Association (hereinafter referred to as INI) as referred to in Article 82 paragraph (1) of the UUJN. The Notary Code of Ethics is all moral rules made by INI which are decided in Congress and must be obeyed by all members of the association and other people who hold positions in an effort to prevent notaries from committing unethical acts.

The latest Notary Code of Ethics was decided on May 29-30, 2015, in Banten, where it was previously decided on January 28, 2005, at the INI congress in Bandung. In the Code of Ethics, it is regulated regarding the obligations, prohibitions, and supervision provided by the Notary Honorary Council as well as the sanctions given to violations committed. This Code of Ethics applies to and must be obeyed by all persons who carry out the duties of their position as a Notary, including Temporary Notary Officials and Substitute Notaries when carrying out their positions (ApS, 2007; Australia, 2006; Organisation, 2010; XIII, 2016). The application of the Code of Ethics in the scope of notaries is actually still fairly common and even many notaries have escaped the imposition of sanctions for their violations. This is due to the lack of instilling the mindset and appreciation of the Code of Ethics for notaries in carrying out their positions so that they do not realize that the things done are violations. However, there are also those who realize that what they have done is a violation but still commit the violation.

In the Notary Code of Ethics, Article 4 paragraph (3) prohibits notaries and other parties holding notarial positions from publicizing or promoting themselves, either alone or together, by mentioning their names and positions using print and/or electronic media, in the form of advertisements, congratulatory messages, condolences, thank-you messages, marketing activities, and sponsorship activities, whether in social, religious, or sporting fields.

In practice, many Notaries still abuse their electronic media as an event to attract clients and promote themselves. One of the cases in the use of Instagram social media is where many Notaries show their identity, such as listing in a photo or bio that they are a founder of a Limited Liability Company or as a director in a company, as well as making invitations such as receiving consulting services and cheap services for doing deeds. The notary's behavior, as mentioned above, cannot be justified. Notaries are rampant in listing their names and positions on their social media consciously or unconsciously, which violates the rules in the Notary Code of Ethics. As a real example that has happened, a Notary in Surabaya has a child who is a YouTuber, and the son of the Notary made a video entitled "A Day in My Life in Notary's Office" and uploaded it on his YouTube account, so it was reported to the Notary Supervisory Council to follow up on the matter.

There are other activities that are rampant for Notaries to do, such as conducting digital education through their social media related to legal knowledge relevant to the purpose of education, but still including their names and positions, this is still included in the element of self-promotion. Based on that, the author is interested in writing this article with a focus on the study of the use of social media that is and is not allowed for notaries referring to the Notary Code of

Ethics and the legal consequences if the notary violates these provisions. The preparation of this article is carried out using a study focused on the theory of how law works.

Regarding avoiding plagiarism in this writing, the author lists articles that have similarities with this article, including those written by Tri Noviyanti(n.d.) with the title "Legal Consequences of Notaries Promoting Themselves on Instagram Social Media". In writing the article, the researcher focused on the sanctions that Notaries will receive if they promote themselves on Instagram social media accounts. The next article is written by Riyan Saputra (2018) with the title "Law Enforcement Against Notaries Who Promote Themselves Through Social Media", in which the researcher focuses on the sanctions given to notaries who promote themselves on social media.

The aim of the research in this article is to examine the specific limitations that Notaries are permitted to observe in their use of social media, and to analyze the legal consequences they may face in case of violations.

## **RESEARCH METHODS**

---

The research method used in this study is doctrinal law which refers to legal norms with a normative juridical approach. The use of methods in writing this article is through literature materials or secondary data related to legal principles referred to as normative legal research or literature law (Hutchinson, 2015; NE Varuhas, 2023; Taekema & van der Burg, 2024; Vranken, 2010). The data sources used are secondary data including literature, journals, and books that discuss relevant research results. This secondary data consists of primary legal materials used in the UUJN, secondary legal materials in the form of legal literature, namely the Notary Code of Ethics (Victoria et al., 2020), books, related legal journals, and the views of legal experts (doctrines) as well as tertiary legal materials such as the Law Dictionary and the Great Indonesian Dictionary. The data collection technique in this writing is in the form of literature research obtained through the website of the University of Indonesia Library, namely lib.ui.ac.id and the Center for Legal Documentation and Reference, Faculty of Law, University of Indonesia by reading and then quoting citations from various literature and testing related regulations according to the relevance of this research. The data analysis used in this study is descriptive-analytical, namely by analyzing legal events in accordance with written legal norms and legal principles(Juanda et al., 2023; Purnomo, 2022; Trijono, 2019).

## **RESULTS AND DISCUSSION**

---

### **Implementation of Notary Position as a Public Officer**

A notary as a Public Official is a person with certain conditions who receives authority from the state attributable to carry out some of the state's public functions, especially in the field of civil law (private law) to make authentic evidence. The public function is not in the public sense

in the field of public law but in the implementation of state services to the community in the field of civil law regarding the creation of evidence as contained in Articles 1866 and 1867 of the Civil Code (Fuqua, 1867).

The legal basis for the position of Notary based on Staatsblad 1860 No. 3 has been revoked and is no longer valid with the promulgation of Law No. 30 of 2004 concerning the Notary Position and then amended by Law No. 2 of 2014. This regulation is the legal basis for the position of Notary until now. In the UUJN, it is stated that Notaries are appointed and dismissed by the Minister of Law and Human Rights with the function and duty of the Notary to provide services to the community in the field of law, namely in the field of making authentic evidence.

In addition to the regulations in the UUJN, Notaries are also subject to the Notary Code of Ethics made by INI. Basically, the Notary Code of Ethics aims to maintain the dignity and dignity of the Notary position in how its members behave in carrying out their positions and to protect public citizens, especially those who are facing clients who will carry out legal acts with Notaries from abuse of expertise and/or professional authority (Victoria et al., 2020). If this is violated, he will be subject to moral sanctions that do not have compelling legal force such as reprimands, written or oral warnings, and be expelled from the membership of the organization, but can also be recommended to the authorized institution, namely the Supervisory Council as stipulated in the Constitution for dismissal carried out by the Minister of Law and Human Rights or temporary dismissal as a coercive legal sanction. The Notary Code of Ethics is the moral foundation of the notary position, where the UUJN is the legal basis.

#### **Limitations of Social Media by Notaries in the Implementation of the Notary Code of Ethics**

The Notary Code of Ethics in its rules contains various provisions in the form of obligations, prohibitions, exceptions, supervision, examinations and sanctions for Notaries who are proven to have committed violations. As mentioned above, Article 4 of the Notary Code of Ethics regulates the prohibition of publication or self-promotion activities by Notaries. Publication is an activity that is carried out to increase attention to a place, person or cause of valuable information that is usually contained in a media, including social media. The definition of promotion can be seen in Article 1 number 6 of Law Number 8 of 1999 concerning Consumer Protection which states that promotion is the activity of introducing or disseminating information about a good and/or service to attract consumers' interest in buying goods and or services that will be and are being traded.

Based on this understanding, it can be seen that there is a difference in the meaning of the two words between publication and promotion, but they are mutually sustainable. The publication is an activity to make information about a person, an item, and others available to the wider community, while promotion is a follow-up activity of publication with the aim of influencing others. The use of social media for professions is widely applied in order to promote their work or business, one of which is Notary. Based on data obtained from Data Indonesia, the number of social media users in Indonesia until 2024 is 139 million people, equivalent to 49.9% of the

population in the country. This figure shows that social media attracts users from all walks of life. This is proven that social media has a great impact on society, including for Notaries in Indonesia. The use of social media for some Notaries is used as a medium to increase the effectiveness and efficiency of public services which is supported by the provisions of Article 4 letter c of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions. The implementation of this article is an important part of the capacity of the legal profession, especially Notaries in carrying out their functions and positions, including the dissemination of legal information, legal documentation, and those related to the position of the Notary itself.

The prohibitions regulated in Article 4 paragraph (3) of the Notary Code of Ethics have exceptions regulated in Article 5 of the Notary Code of Ethics which are not considered a violation, including: "giving congratulations, condolences by using greeting cards, letters, bouquets or other media by not including the Notary, but only the name." This exception also emphasizes that only names can be listed, not positions. Notaries who have the function of serving the community should not be allowed to do things aimed at making profits, including marketing services through social media or in any form. A noble office holder must understand the difference between a position and business activities so that economic tricks cannot be applied in the world of a notary. Business focuses its goal on making profits, while a noble office must focus on providing selfless service to the community.

However, Notaries are exempt from publishing or promoting themselves using print and/or electronic media as stipulated in Article 4 paragraph (3) of the Notary Code of Ethics. Based on incidents that often occur in the field, some of the social media used by Notaries are Instagram, TikTok, Facebook, X, and many more. Not a few Notaries also have websites or blogs and other social networks by openly list their names and positions to attract public attention. From the results of the literature research carried out, it can be drawn that the criteria for violations in the use of social media for Notaries, namely:

1. Include the word "Notary" after the mention of the full name on the social media account or in the bio of the account owner.
2. Include information about the position as a notary accompanied by the area of the Notary concerned's position.
3. Include the address and phone number of the Notary office.
4. Upload captions or captions in the form of an invitation to make a deed or perform legal acts only at the Notary office concerned.
5. Inform in the form of photos or videos to attract the public's attention to choose the Notary office, such as a cheap discount in making deeds.

Acts of publication and self-promotion carried out by the Notary do not necessarily show a violation of Article 4 paragraph (3) of the Notary Code of Ethics. However, in following up on the

violation in question, the Honorary Council first provides conditions for the existence of a report that has been received previously and there is concrete and strong evidence showing a violation of the code of ethics. In the event that a violation is found, the Notary will only be sanctioned by the Honorary Council in accordance with the Notary Code of Ethics.

This prohibition of self-promotion is not allowed according to the Supervisory Council and the Notary Honorary Council, because the position of Notary is a noble and noble position, has dignity and dignity that prioritizes the trust of the community. Self-promotion for Notaries on social media is not allowed because it is to prevent competition among fellow Notaries. The foundation of Notary work is driven by the ideals of society with ethics based on morals. Morality can be seen in how a Notary acts and behaves.

### **Law Enforcement against the Notary Code of Ethics on the Prohibition of Promotions for Notaries**

Notaries as an independent position need to be supervised to prevent arbitrariness in carrying out their positions. Supervision of Notaries is carried out by the Minister of Law and Human Rights of the Republic of Indonesia as contained in Article 67 of the UUJN. The Minister established the Notary Supervisory Council (MPN) which is a body that has the authority and obligation to carry out guidance and supervision of Notaries. This ministerial apparatus is authorized to supervise Notaries in the category of carrying out their duties, while INI also forms an organization that functions as a control in the implementation of the code of ethics in the membership section internally, namely the Notary Honorary Council. The basis for the formation of this organization is to supervise the implementation of the Notary Code of Ethics that has been stipulated in the Notary Code of Ethics regarding obligations, prohibitions, and exemptions that must be implemented for all members of the organization and to make decisions on alleged violations of the provisions of the Notary Code of Ethics that are internal or have no direct connection with the interests of the community.

Regarding the fact of the alleged violation committed by the Notary, the Regional Honorary Council/Regional Honorary Council/Central Honorary Council may seek the facts of the allegation on its own initiative or may also after receiving a written complaint from a member of the INI association or from another person accompanied by concrete evidence that a violation has occurred as stipulated in Article 8 of the Notary Code of Ethics. In the event that the Honorary Council finds the facts of the alleged violation, no later than 14 (fourteen) working days it is mandatory to conduct an examination and summon the member concerned in writing to ensure the violation of the Code of Ethics and provide an opportunity to the person concerned to provide a defence.

Article 1 paragraph (8) of the Notary Code of Ethics provides firmness if there is a violation, it will be followed up by the Honorary Council with sanctions as stipulated in Article 6 of the Notary Code of Ethics, that:

"Sanctions imposed on members who violate the code of ethics can be in the form of:

- a. Rebuke;
- b. Commemoration;
- c. Temporary suspension from association membership;
- d. Honorable dismissal from association members;
- e. Dishonorable dismissal from the membership of the association."

The urgency of granting sanctions to Notaries is very important for the realization of professionalism within the framework of effective regulations required in the form of sanctions, where sanctions will have a deterrent effect on Notaries who commit violations. In imposing sanctions against notaries, there are several conditions that must be met. Some of these conditions include fulfilment in the formulation of acts that are not justified or prohibited by law, the occurrence of losses due to these acts, and acts committed against the law, both formally and materially. Formal indicates that the formulation of the laws and regulations has been met, while material means that the test results have been fulfilled through the Notary Code of Ethics which is a benchmark or aspect of limitations carried out by notaries in the event of violations.

## CONCLUSION

---

The use of social media for Notaries has limitations that must be applied so as not to violate the provisions of the Notary Code of Ethics for publishing and promoting themselves. Notaries are not allowed to do this as a logical risk by the position of a Notary as a public official in serving the community. In overcoming violations that occur, supervision is carried out on Notaries through institutions that enforce the UUJN and the Notary Code of Ethics, namely the Notary Supervisory Council and the Notary Honorary Council. The determination of sanctions to the violating Notary is proposed by the Supervisory Council as an authority in the form of temporary dismissal or even in a disrespectful manner. The decision issued is final or final.

## BIBLIOGRAPHY

---

- Aisyiah, C., & Wisnuwardhani, D. A. (2022). Notary, public official or public official: implications for the position of notary. *Jurnal Cakrawala Hukum*, 13(3), 242–252.
- ApS, D. (2007). *Code of ethics*. Australian Psychological Society Melbourne, Victoria.
- Australia, E. C. (2006). *Code of ethics*. Early Childhood Australia.
- Closen, M. L. (1997). The Public Official Role of the Notary. *J. Marshall L. Rev.*, 31, 651.
- Fuqua, J. O. (1867). *Civil Code of the State of Louisiana: With the Statutory Amendments from 1825 to 1866 Inclusive, and References to the Decisions of the Supreme Court of Louisiana to the Seventeenth Volume of the Annual Reports, Inclusive, with an Exhaustive Index*. B. Bloomfield.

- Hutchinson, T. (2015). The doctrinal method: Incorporating interdisciplinary methods in reforming the law. *Erasmus L. Rev.*, 8, 130.
- Juanda, E., Rofiq, A., & Ma'ruf, U. (2023). Legal Reconstruction of Judges' Decision on Obscure Lawsuit Exception Based on Justice Value. *Sch Int J Law Crime Justice*, 6(3), 177–182.
- NE Varuhas, J. (2023). Mapping doctrinal methods. In *Researching Public Law in Common Law Systems* (pp. 70–103). Edward Elgar Publishing. <https://doi.org/10.4337/9781789904383.00009>
- Noviyanti, T., & Ratna, E. (n.d.). Akibat Hukum Notaris Mempromosikan Diri Di Sosial Media Instagram. *Notarius*, 15(2), 566–576.
- Organisation, N. Z. N. (2010). *Code of ethics*. New Zealand Nurses Organisation.
- Purnomo, H. (2022). Providing Legal Assistance For Defendants In Examination Of Criminal Cases In State Courts. *Dalihan Na Tolu: Jurnal Hukum, Politik Dan Komunikasi Indonesia*, 1(01), 40–47.
- Ridwan, M. (2020). Reconstruction Of Notary Position Authority and Implementation Of Basic Concepts Of Cyber Notary. *J Akta*, 7(1).
- Saputra, R., & Djajaputra, G. (2018). PENEGAKAN HUKUM TERHADAP NOTARIS YANG MEMPROMOSIKAN DIRI MELALUI MEDIA SOSIAL. *Jurnal Hukum Adigama*, 1(1), 1941. <https://doi.org/10.24912/adigama.v1i1.2312>
- Taekema, S., & van der Burg, W. (2024). Methods of doctrinal research. In *Contextualising Legal Research* (pp. 44–78). Edward Elgar Publishing. <https://doi.org/10.4337/9781035307395.00010>
- Trijono, R. (2019). Pushing The Improvement of The Indonesian Legal Database For Law Research and Economic Research. *Indonesian Law Journal*, 12, 75–90.
- Utomo, W., Isnaini, H., Suhartono, S., & Isnaeni, M. (2019). The Position of Honorary Council of Notary in Coaching Indonesian Notaries. *JL Pol'y & Globalization*, 92, 126.
- Victoria, O. A., Ariyana, A. R., & Arifani, D. (2020). Code of Ethics and Position of Notary in Indonesia. *Sultan Agung Notary Law Review*, 2(4), 397–407.
- Vranken, J. B. M. (2010). Methodology of legal doctrinal research. In *Methodologies of legal research. Which kind of method for what kind of discipline* (pp. 111–121). Hart Publishing.
- XIII, R. P. (2016). *Code of ethics*.
- Zaki, M., & Saidin, S. (2024). Legal Protection and Law Assistance to Notaries as a Public Official in Indonesia. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 8(2), 821–846.

---

**Copyright holder:**

Josias Anugrah, Chairunnisa Said Selenggang (2024)

**First publication right:**



**This article is licensed under:**

