



## Prohibition of Self-Promotion in the Notary Code of Ethics and the Notary Law

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### ABSTRACT

Notary self-promotion is prohibited in the Notary Code of Ethics and the Notary Position Law (UUJN) because it can harm the independence, professionalism, and dignity of the Notary profession as a public official who has a position of trust. The purpose of this research is to analyze the form of prohibition of self-promotion by Notary and the sanctions applicable to its violation. The research method used is normative legal research with an analytical approach through literature study of primary and secondary legal materials. The results show that Notary self-promotion through print, electronic media, websites, and social media violates the Notary Code of Ethics and UUJN, and contradicts the principles of independence and integrity of the Notary profession. Sanctions that can be imposed include reprimand, temporary dismissal, and dishonorable dismissal. The implications of this research emphasize the importance of the role of the Notary Supervisory Council to supervise and enforce sanctions firmly so that professionalism and public trust in Notaries are maintained.

**Keywords:** Self Promotion, Notary Position, Code of Ethics, Sanctions.

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### INTRODUCTION

Article 1 paragraph (1) of Law Number 2 of 2014 Concerning the Amendment to Law Number 30 of 2004 Concerning the Position of Notary states that a Notary is a public official authorized to make authentic deeds and has other authorities as referred to in this Law or based on other laws. In carrying out his/her position as a Public Official, a Notary is required to act professionally (Chandra & Purwanto, 2024). Therefore, a person who will become a Notary is required to have morals, morals, and high integrity because Notaries have the trust of the state to carry out some of the state's public functions and therefore the public has the trust of the public so that the position of Notary is also called a position of trust (Selenggang, 2023).

The authority of a Notary is formulated in Article 15 of the Notary Position Law, namely to make authentic evidence regarding all acts, agreements, and stipulations required by laws and regulations and / or those desired by those concerned to be stated in an authentic deed, guarantee the certainty of the date of making the deed, keep the deed, provide a grosse, copy

and quotation of the deed, as long as the making of the deed is not also assigned or excluded to other officials or other persons stipulated by law (Setiawan & Gun, 2017). Based on the above provisions, it can be seen that the state entrusts a very important task and authority to the Notary so that the Notary must adhere to the rules of office, ethics of office, and other regulations relating to the implementation of the Notary position.

Notary as a public official can actually be classified as a profession. Indeed, a profession is a job that is carried out as a main activity to make a living by relying on a special scientific standard (Hasibuan, 2017). The requirement of a special scientific standard is what distinguishes between professions and jobs. Notary cannot be seen as an ordinary job to earn a living, because notary is a humanitarian service profession that must work professionally in accordance with its scientific standards, impartially, and independently (Ghansham Anand & Kn, 2018). In this case, Notary carries out his profession not with the aim of earning income, but aims to ensure protection, order, and legal certainty for the community through his scientific standards.

The Notary profession is also referred to as a noble profession (*officium nobile*) (Harmoko, 2022). *Officium Nobile* which means noble profession or noble profession means that in essence the profession is a form of service in terms of humanity and morality (Nurzannah et al., 2023). People who carry out this type of profession do not make a living or reward for the work they do, but only aim to help society through their expertise (Magnis-Suseno, 1996). The Notary profession is referred to as *officium nobile* because this profession is closely related to humanity, where the deed made by a Notary will become a title containing the rights and obligations of the parties to the deed. So that if there is an error or mistake in the deed, it can result in the deprivation of one's rights or the burden of one's obligations (Anshori, 2019). Therefore, a notary in carrying out his profession is accompanied by a sense of responsibility to ensure the implementation of legal certainty, work by subordinating personal interests, and be fair regardless of the degree or social status of a person who will become his client.

In carrying out his profession, a Notary has several guidelines that serve as a balance in regulating his self-attitude and professional ethics which are regulated in Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Notary Position (hereinafter referred to as UUJN) and the Code of Ethics of the Notary Position, as well as applicable laws and regulations. The Notary Code of Ethics is a moral rule derived from the congressional decision of a Notary profession, namely the Indonesian Notary Association (hereinafter referred to as INI) which is the only Notary organization recognized by UUJN, namely in Article 83 paragraph (1) which contains moral appeals to Notaries in carrying out their duties and authorities. In the Notary's code of ethics, a Notary is required to have an attitude of independence, honesty, impartiality and responsibility in carrying out his/her position (Kartikosari & Sesung, 2017). The realization of this attitude can be found in the prohibition of using mass media in terms of self-promotion of the Notary position which is considered as an attitude that does not reflect the

value of independence, so that these actions are prohibited by the Notary code of ethics to be carried out.

The Code of Ethics states in its provisions that promotions that can be carried out by Notaries are only through signboards installed in the Notary office environment (Herawati, 2019). The name sign serves as a pointer that the notary is in that location, just like the ministry office and government agency offices that install signs to provide information about the existence of the office. However, in practice, it is not uncommon to find Notaries who conduct promotions using information technology media that have the potential to violate the Notary code of ethics. For example, it is found that a Notary promotes himself to the public by creating a Notary office website that includes the name, position, office address, and the form of services provided by the Notary office. In addition, it is also common to find several social media accounts that on their profile include their position and position as a Notary.

This is a clear example of actions that violate the Notary Code of Ethics, although it is still being debated. This is a dilemma, given the development of technology that is considered to be able to assist the implementation of the office of notary and is considered to be able to help the public to obtain information about notary services.

Based on the description of the background above, further deepening and study is carried out to analyze the form of prohibition of self-promotion of the Notary position referred to in the Notary Code of Ethics and the Notary Position Law and the sanctions that can be imposed on Notaries who violate the provisions of self-promotion in the Notary Code of Ethics and the Notary Position Law. The purpose of this study is to analyze the form of prohibition of self-promotion of the Notary position as stipulated in the Notary Code of Ethics and the Notary Position Law (UUJN) and identify the types of sanctions that can be imposed on Notaries who violate these provisions. The benefits of this research are to make a theoretical contribution to the development of legal science, especially the field of notarization, as well as practical benefits for Notaries as guidelines for carrying out their profession in accordance with applicable regulations, for the Indonesian Notary Association (INI) in improving supervision of the code of ethics, and for the general public in understanding the limits of Notary authority to ensure professionalism and legal certainty.

## **RESEARCH METHOD**

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This research employs a doctrinal method with an analytical approach, focusing on identifying, interpreting, and analyzing relevant legal sources to address the prohibition of notary self-promotion under the Notary Code of Ethics and the Notary Position Law (Bhat, 2019). The study utilizes secondary data obtained through systematic library research, comprising primary legal materials such as Law Number 2 of 2014 and the Notary Code of Ethics, alongside secondary legal materials including scholarly articles, legal opinions, and judicial decisions (Soekanto, 2007). Data analysis is conducted qualitatively through statutory interpretation to examine the intent and wording of legal provisions, comparative analysis to evaluate similar regulations in other

jurisdictions, and thematic analysis to synthesize findings, ensuring a comprehensive understanding of the legal and ethical implications of notary self-promotion.

## **RESULTS AND DISCUSSION**

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### **Notary Self-Promotion According to the Code of Ethics and the Notary Law**

The position of Notary is a position of trust authorized by the State to represent the State in terms of making authentic deeds for the needs of the community related to civil law (Ma'ruf & Wijaya, 2015). Notary is a profession that occupies a legal position whose duty is to provide services in the field of civil law to the public. However, notary is not an ordinary profession, because what is said to be a profession is a person who does a job with a specific purpose with a certain knowledge that is carried out continuously to achieve this goal. Whereas a Notary in carrying out his profession must not only meet the standard requirements in notarial science, a Notary also obtains authority from the state to carry out the state's public function to provide services to the public in the civil field, especially in making authentic evidence (Nurjanah & Sunardi, 2024). Notary is also not an ordinary profession that aims to make a living, but rather a profession of humanitarian service. Notaries are charged with responsibilities related to authentic evidence made by the notary in writing for various legal actions to be carried out by the community. Thus, notary cannot be classified as an ordinary profession but is a profession of office (Selenggang, 2023).

The authority of Notary in making authentic evidence given from the state attributively by the state, makes Notary has a function as a public official (Abdullah, 2017). The function of Notary as a public official aims to serve the public and aims to make authentic evidence for the benefit of the wider community, not for the personal interest of the Notary. The function of a Notary as a public official makes the Notary also carry a position of trust, so that a Notary is not only required to have expertise in notarial matters, but must also have high morals, namely by always upholding the ethics, dignity and dignity of his position (Wiratmodja & Romlan, 2022).

In carrying out his/her position, a Notary is required to uphold the basic principles consisting of :

- a. Independence Principle
- b. Impartiality Principle
- c. Integrity Principle
- d. Propriety Principle
- e. Equality Principle
- f. Competence and Diligence Principle
- g. Principles of Trustworthiness and Honesty
- h. Confidentiality Principle
- i. Proportionality Principle
- j. Professionalism Principle

- k. Principle of Equality
- l. Principle of Trust and Confidentiality
- m. Principle of Legal Certainty (Duty of Avoid and to Prevent Any Form of Unauthorized Legal Practice)
- n. Principle of Accuracy
- o. Reason Giving Principle
- p. Principle of Prohibition of Abuse of Authority
- q. Principles of Keeping a Good Name in Office

The existence of these principles is to ensure that Notaries in carrying out their positions must have good attitudes, behaviors, and morals in order to maintain the professional dignity of their positions. So that in carrying out his/her position, a Notary is expected to always pay attention to the ethics of his/her profession in accordance with the governing provisions such as the Notary Position Law, the Notary Code of Ethics, and related applicable laws and regulations (Lenawati, 2019). In other words, a notary is required to demonstrate ethical behavior or attitude, and always maintain the dignity of the profession in accordance with conscience.

Promotion is seen as a one-way flow of information or persuasion made to influence a person or organization to actions that create exchanges in marketing. Article 1 point 6 of Law Number 8 of 1999 (hereinafter referred to as UUPK) concerning Consumer Protection states that promotion is the activity of introducing or disseminating information on goods and/or services to attract consumer buying interest in goods and/or services that will and are being traded by business actors (Mahadewi, 2016). Promotion is one of the variables in the marketing mix which is very important for business actors to implement in marketing service products (Ihsannudin et al., 2022). Promotional activities not only function as a means of communication between companies and consumers, but also as a tool to influence consumers in purchasing or using services according to their wants and needs. So it can be concluded that promotion is an activity carried out by business actors to provide information or offer goods or services available to consumers in order to increase the income and productivity of a business field.

Article 1 point 3 of the GCPL defines a business actor as an individual or business entity, whether incorporated or not, established and domiciled in Indonesia, which carries out business activities in various economic fields with the aim of making a profit. When referring to these provisions, the Notary cannot actually be categorized as a business actor, because the Notary does not aim to make a profit. A Notary is not a trader who has to market his product to get profit from the sale of the product. However, the true philosophy of a Notary is to provide protection, order, and legal certainty for the community by making authentic evidence. Thus, a Notary does not need to do self-promotion because the notary profession is not an ordinary profession like business actors in the provisions of the GCPL, but a form of professional position.

As a public official, a Notary is not allowed to self-promote because the Notary must maintain his dignity as a Public Official (Herawati, 2019). The self-promotion of a Notary is

essentially the work itself, where if the Notary does his work precisely, quickly, and accurately, the client will feel satisfied with the Notary's services in terms of making authentic deeds. The client's satisfaction with the Notary's services will certainly make the client return and will even provide the information to his relatives. This is a form of self-promotion from a Notary.

Article 4 of the Notary Code of Ethics mentions the form of promotion that is prohibited, namely publication or self-promotion, either alone or jointly by stating his name and position, using printed and / or electronic media facilities, in the form of advertisements, congratulations, thanks, marketing activities, sponsorship activities, both in the social, religious and sports fields. Which if drawn further regarding this matter that even in the case of sponsorship activities in the social and religious fields, even though these things are basically good and also help the general public, it is prohibited to be a medium for including names and positions. Such promotional actions are prohibited because such actions will result in the authority and dignity of the notary as a public official decreasing so that it can undermine public confidence in the office of Notary.

Although this is clearly prohibited, the reality is that there are still Notary names, positions, and addresses of Notary offices contained in electronic media which when opened do contain advertisements of the Notary in electronic media such as Instagram and Notary Services Website in which there is 1 page displaying the Name of the Notary Office, which is equipped with a telephone number and services provided by the Notary. It is true that the creation of this website helps the public in finding notary addresses in various regions, making it easier for people to know where to look for a Notary when needed, it will even be very helpful for entrepreneurs or investors who only know their home area, because the information through the website helps people to no longer have to go around the area when they want to find the location of the Notary office. However, the creation of the website is actually unnecessary, because the website of the Indonesian Notary Association as the only institution that houses Notaries has included a list of Notaries domiciled in each region, so that if one day they need Notary services, the public can directly search for a list of Notaries in the area through THIS website.

In addition, it is not uncommon to find Notaries who include their position as a Notary in the profile description of their personal social media accounts. Indirectly, this can be seen as a form of position promotion that violates the provisions of the Notary Code of Ethics and should not be done by Notaries because the Notary will be better known by the public which indirectly leads public opinion to consult on how to use the Notary's services to produce a Notary product called an authentic deed through a contact person or by direct message which is one of the features on social media.

These actions have in fact violated the basic principles of a Notary, namely the Principle of Integrity, where a Notary is expected to have an inner attitude that reflects the integrity and balance of the Notary's personality as a person and as a state official in order to maintain his honor and dignity. In this case, the Notary is expected to behave honestly, to be neutral, not to choose and not to seek popularity or personal gain through self-promotion. In addition, self-

promotion through social media is also not in line with the Principle of Independence of a Notary which is regulated in Article 16 paragraph (1) letter a of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (Phalosa et al., 2022). The principle of independence means that a Notary in carrying out his/her position is free from influences originating from the Notary himself/herself and/or inducements from one of the parties to the deed. In relation to this, Notaries who conduct self-promotion through websites or social media do not show Notaries as public officials who provide legal services to the public, but rather show Notaries as business people who compete for clients. This can undermine public trust in the Notary as a neutral and impartial public official.

### **Sanctions Against Notaries Who Conduct Self-Promotion**

Errors can arise due to two things, namely intent (*dolus*) and negligence (*culpa*) (Fitri Wahyuni, 2017). Intentionality is an act that is done willingly (Meliala, 2020). For the occurrence of intentionality there is no need for the intention to cause harm to others. Most mistakes made by a Notary do not have an element of intent. However, as a state official, a Notary should clearly understand the provisions stipulated in the UUN and the Notary Code of Ethics so as not to undermine public trust in the office of Notary.

As stipulated in Article 4 number 3 of the Notary Code of Ethics that notaries are not allowed to conduct self-promotion or publication through print or electronic media. This means that notaries are not allowed to make publications even if they only write their position as a notary on social media or promote their services through websites. The actions of the Notary are a form of violation of the Notary Code of Ethics, so their actions must be accounted for through the enforcement of strict sanctions from both the Regional Supervisory Council and the Regional Honor Council to resolve the problem. In the event that a Notary has been proven to have committed a violation of the code of ethics, a reporting mechanism applies that can be carried out by the public by providing a report on alleged violations of the code of ethics addressed to the Regional Supervisory Council.

Sanctions for Notaries who promote their position through social media as stipulated in the provisions of Article 6 numbers 1 and 2 of the Notary Code of Ethics are:

1. Sanctions that can be imposed on members who violate the Code of Ethics can be :
  - a) reprimand;
  - b) Warning;
  - c) suspension (temporary dismissal) from membership of the Association;
  - d) onzetting (dismissal) from membership of the Association;
  - e) dishonorable dismissal from membership of the Association.
2. The imposition of sanctions as described above against members who violate the Code of Ethics is adjusted to the quantity and quality of violations committed by the member.

The actions of Notaries who conduct self-promotion through websites or social media have basically also violated Article 16 paragraph (1) letter a of Law Number 2 Year 2014 which



regulates the independence of a Notary (Herawati, 2019). Notaries who violate this can be subject to administrative sanctions by the Notary Supervisory Council in the form of:

- a. Written warning;
- b. Temporary suspension;
- c. Honorable dismissal; or
- d. Dismissal with dishonor.

Based on the provisions that have been outlined, the Notary's actions should be given appropriate administrative sanctions by the Notary Honor Council for violating Article 4 paragraph (3) of the Notary Code of Ethics by promoting himself as a Notary through the website and Instagram. If it is not followed up firmly, it can lead to an injustice and will be carried out by other Notaries. Even though these actions are not in accordance with the moral principles of the implementation of the Notary Code of Ethics. In this case, the role of the Notary Supervisory Council (hereinafter referred to as MPN) is needed as a body formed by the government to supervise, examine, and impose sanctions on Notaries. In this case, MPN is required to play an active role, not only waiting for complaints, but MPN can directly conduct examinations of Notaries who commit violations in carrying out their positions.

## **CONCLUSION**

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The role of a Notary as a trusted public official necessitates not only technical expertise but also adherence to high moral and ethical standards, as outlined in Law Number 2 of 2014 on the Position of Notary. Among these ethical guidelines is the prohibition against self-promotion, including the use of social media or websites to advertise notarial services, as this undermines the independence and professionalism required of the position. Violations of this regulation, which also contravene the Notary Code of Ethics, compromise the dignity and integrity of the notarial office, necessitating accountability through enforcement of sanctions by the Regional Supervisory Council and Regional Honor Council.

Future research should explore the effectiveness of current regulatory frameworks and enforcement mechanisms in maintaining notarial ethics, particularly in the digital age. Studies could also examine alternative methods for public outreach by notaries that align with ethical standards, fostering greater awareness of notarial services without compromising professional independence and integrity. Additionally, comparative analyses of ethical practices in notarial professions across jurisdictions may offer insights for refining regulations and strengthening ethical compliance.



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