



## Prohibition of notary public advertising using social media and the internet based on the notary public code of ethics

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### Abstract

Based on Article 4, paragraph 3 of the Indonesian Notary Association's Code of Ethics, it states that there is a prohibition on publication. It is conceived that a notary public is not allowed to announce, broadcast, or disseminate themselves to the public using internet services. However, instances have been found where notary publics promote their positions through social media on the internet. The purpose of this research is to identify and analyze the legal consequences for notaries who violate the Code of Ethics by promoting themselves through social media and the internet, the types of sanctions imposed on violating notaries, and the implementation of supervisory and control functions of the Indonesian Notary Association regarding the misuse of social media and the internet for notary promotion. The research method employed in this study is normative legal research. The results of the study revealed that Notary "A" engaged in promotional activities for their position through an internet website, and the Instagram account "kliknotaris" contained content promoting the notary public position. This action violates Article 4, paragraph 3 of the Code of Ethics. Violations of the Code of Ethics can result in sanctions under the Notary Public Law. However, the Notary Public Law does not address prohibitions on position promotion. This raises the question of whether the Indonesian Notary Association's Code of Ethics remains relevant in the current digital era. It is recommended that the organization's governing body strengthens its supervision of notary violations and evaluates the code of ethics regarding notary position promotion. Additionally, the organization should hold more intensive meetings, involving the Honorary Council of Notaries (Majelis Kehormatan Notaris), to discuss the implementation of notary positions.

**Keywords:** Prohibition, notary, promotion

### Introduction

Article 1, clause 1 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Notary Position states that a Notary is a public official authorized to create authentic deeds and possesses other authorities as defined in this Law or based on other Laws. Considering the significant responsibilities and authorities held by Notaries, when performing their professional duties, a Notary must adhere to and comply with the applicable legal regulations and code of ethics. This is because the position of a Notary is one of trust. The essence of a position of trust entails exhibiting good behavior. A Notary is obligated to maintain the confidentiality of all information entrusted to them. The profession of a Notary is a legal profession, and consequently, the profession of a Notary is considered a noble profession (*nobile officium*). This term, *nobile officium*, is used because the Notary profession is closely connected to humanity. Deeds prepared by Notaries can establish legal foundations for property status, rights, and obligations of individuals, or the encumbrance of obligations upon individuals.

The existence of the Notary Code of Ethics is determined by the association or organization called the Indonesian Notary Association (INI), which is the sole organization for Notaries recognized by Law, as regulated in Article 82 paragraphs (1), (2), and (3) of the Notary Position Law. This article states: (1) Notaries are organized within a Notary Organization; (2) The Notary Organization mentioned in paragraph (1) is the Indonesian Notary Association; (3) The Notary Organization mentioned in paragraph (1) is the sole independent and autonomous professional organization for

Notaries, established with the purpose of enhancing the quality of the Notary profession.

Article 83, paragraph (1) of the Notary Position Law states: "The Notary Organization establishes and enforces the Notary Code of Ethics." This provision is implemented in Article 13, paragraph (1) of the Bylaws of the Indonesian Notary Association, which states: "To uphold the honor and dignity of the Notary position, the Association has a Notary Code of Ethics established by the Congress, which is a moral standard that every member of the Association must adhere to."

According to the Notary code of ethics, Notaries are required to internalize the entire dignity of their position and carry out their profession with skills oriented toward the interests of the community, the provisions of the Law, ethics, public order, and good use of the Indonesian language. If these aspects are required by the Notary code of ethics to be present in each Notary, it leads to the role of professional behavior and moral integrity becoming significantly dominant.

Prohibition for Notaries, which in Dutch is also known as "verbod voor notaris," is a regulation that instructs Notaries not to engage in actions that contradict the applicable legal regulations, code of ethics, and good morals.

Article 1, clause 11 of the 2015 INI Code of Ethics defines prohibition as "attitudes, behaviors, actions, or deeds that must not be done by members of the association or other individuals who hold and perform the notary position, which could lower the image and dignity of the notary institution, or the honor and dignity of the notary position." Regulations regarding Notary prohibitions are stipulated in Article 4 of

the 2015 INI Code of Ethics. There are seventeen types of prohibitions for Notaries listed in Article 4 of the 2015 INI Code of Ethics, as presented below:

Having more than one office, either branch offices or representatives;

Displaying signs or writings such as "Notary/Notary Office" outside the office environment;

Engaging in self-publicity or promotion, individually or collectively, by including their name and position, using print or electronic media, in the form of:

- a. Advertisements;
- b. Congratulations;
- c. Condolences;
- d. Expressions of gratitude;
- e. Marketing activities;
- f. Sponsorship activities, whether in social, religious, or sports fields.

Collaborating with agencies/individuals/legal entities acting as intermediaries to seek or acquire clients and signing deeds that have been prepared by other parties.

Article 4, clause 3 of the 2015 INI Code of Ethics states that there is a prohibition on publication. The prohibition on publication is conceptualized in a way that a Notary is not allowed to announce, broadcast, or disseminate themselves to the public using internet services. Promotion should only be done through signs displayed within the Notary's office environment. However, there are Notaries who, while conducting their profession, promote themselves through the internet. Notary promotions through the internet can take the form of advertisements by a Notary, including their position, on the internet.

Various platforms can be used by Notaries for self-promotion, such as Instagram, WordPress, Yahoo, websites, Twitter, and many others. Notaries have been found to promote themselves online, with one example being the website [www.anwarsusanto.com](http://www.anwarsusanto.com), where a Notary with the initial "A" promotes themselves as the most affordable Notary in Depok and Bogor. Testimonials from several clients who have worked with them can also be found. Personal information about themselves, such as their full name, position, office address, and mobile phone number, is also available.

An Instagram account with the username "kliknotaris" was found, containing several advertisements offering discounted rates for creating deeds and permits in order to attract clients. This clearly violates Article 4, clause (3) of the Notary Code of Ethics, which states that Notaries and others holding and performing the Notary position are prohibited from conducting self-publicity or promotion, individually or collectively, by including their name and position, using electronic or print media, in the form of:

Advertisements;

Congratulations;

Condolences;

Expressions of gratitude;

Marketing activities;

Sponsorship activities, whether in social, religious, or sports fields.

For the purpose of supervision and enforcement of the INI code of ethics, the Honor Council is established, responsible for examining and making decisions on alleged violations of the INI Code of Ethics that are internal or do not directly affect public interests. The organizational entity responsible

for governing or addressing matters related to the enforcement of Notary professional law is the Honor Council. Additionally, the Honor Council cooperates and coordinates with the Supervisory Board to ensure the enforcement of the code of ethics.

### Research result

#### Violation of notary position law and code of ethics in notary promotions

The Notary Position Law stipulates that a notary is a public official with the authority to create authentic deeds and has other authorized powers according to the law. Notaries are appointed to provide legal certainty through authentic deeds, and they must adhere to the Notary Position Law and the notary code of ethics. Violations of these laws include improper promotions.

One form of violation is advertising that breaches the rules. Notaries are prohibited from promoting themselves through various electronic media, including individual or collaborative promotions in print or electronic media, such as advertisements, well-wishing messages, marketing activities, and sponsorships. Such promotions can damage the reputation of notaries as public officials.

Instances of violations include advertisements on websites and social media. Notaries are found violating regulations through promotions on websites and social media platforms like Blogger and Instagram. These promotions violate several sections of the Notary Position Law and the Notary Code of Ethics.

#### Sanctions for notaries violating the notary code of ethics

The Notary Code of Ethics, set by the Indonesian Notary Association, outlines actions or behaviors that violate the code and discipline of the organization. The law mandates that the Organization of Notaries establish and enforce the Notary Code of Ethics.

#### Process of sanctions implementation

The process of applying sanctions involves three levels: the first level, the appeal level, and the final level.

First Level: Examination and Sanction If a violation is suspected, the local Notary Ethics Council conducts a closed examination. If the violation is confirmed, a sanction is imposed. The decision is sent to the local, regional, and central authorities within seven working days.

Appeal Level, The member can appeal the sanction within 30 working days, sending the appeal to the Regional Notary Ethics Council. The council then re-examines the case and delivers a verdict within 30 working days.

Final Level, If a member wishes to further appeal, they can request an examination from the Central Notary Ethics Council. The process is similar to the appeal level.

### Conclusion

1. An advertisement by a Notary promoting themselves with discounted rates via electronic media violates the Notary Office Law (UUJN) and the Notary Code of Ethics. UUJN designates Notaries as public officials authorized to create authentic deeds and perform other duties as defined by law. However, an example ad on [www.anwarsusanto.com](http://www.anwarsusanto.com) and Instagram ("kliknotaris") promotes a Notary ("A") as the cheapest in Depok and Bogor, breaching UUJN and the Code of Ethics. Violations include UUJN Articles 1(1), 2, 9(1), and

- 12(c), and the Code's prohibitions on self-promotion (Article 4(3)), collaborating with intermediaries (Article 4(4)), and other unethical acts (Article 4(15)(a)). UUJN and the Code stipulate sanctions, such as warnings, suspensions, or discharges (Article 7(2) of UUJN), to uphold Notary integrity.
2. The Indonesian Notary Association's (INI) Code of Ethics oversees members' conduct, aiming to maintain Notary dignity. Violations lead to sanctions, with enforcement involving three levels: regional hearings, appeals to regional and national councils, and a vital role for the Regional Supervisory Board in investigating and responding to ethical breaches. Sanctions range from warnings to membership revocation, and ethical promotion, aligned with Notary stature, is enforced. The Code of Ethics safeguards professionalism and public trust in the Notary position.
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12. Ministry of Law and Human Rights Regulation of the Republic of Indonesia Number M.02.PR08.10 of 2004 concerning Procedures for the Appointment of Members, Dismissal of Members, Organizational Structure, Procedures, and Examination of the Notary Supervisory Council.