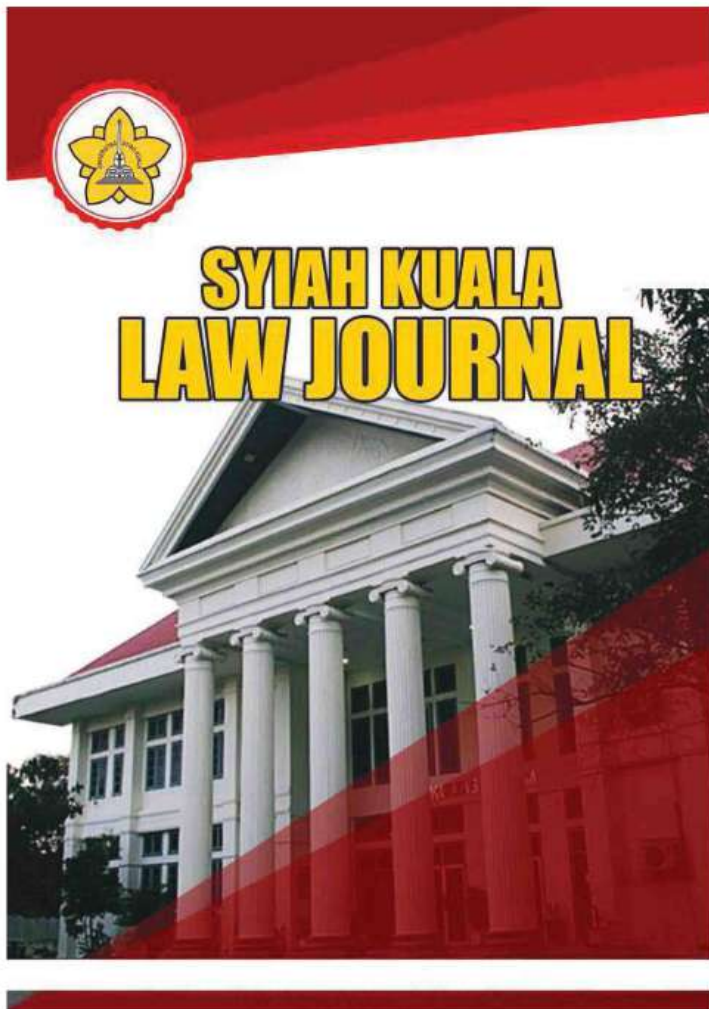


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[doi> 10.24815/sklj.v9i1.44093](https://doi.org/10.24815/sklj.v9i1.44093)**NOTARY ACTIONS IN PROMOTING SELF THROUGH SOCIAL MEDIA INSTAGRAM AND TIKTOK BASED ON THE PROHIBITION ARTICLE IN THE INDONESIAN NOTARY CODE OF ETHICS**

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NOTARY ACTIONS IN PROMOTING SELF THROUGH SOCIAL MEDIA INSTAGRAM AND TIKTOK BASED ON THE PROHIBITION ARTICLE IN THE INDONESIAN NOTARY CODE OF ETHICS

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Abstract

Notaries are not allowed to carry out activities that introduce themselves as a Notary. The act of publication and self-promotion by Notaries is considered a form of unhealthy competition between notaries. The research method applied in this study is normative law, which includes the study of written legal rules or library law that refers to legal norms in statutory regulations. Notaries in terms of committing violations due to promoting and publishing themselves on social media, namely Instagram and TikTok, are not allowed because the prohibition is a logical risk by the position of a notary who is part of a public official, therefore publishing or promoting activities are not allowed. Violations committed by notaries who use social media such as Instagram and TikTok to promote the making of notarial deeds violate the oath of office in Article 4 of the UUJN. Notaries also violate Article 4 paragraph (3) of the Notary Code of Ethics because self-promotion is a form of marketing. Then the promotion is the same as looking for clients which is included in the violation of the provisions of Article 4 paragraph (4) of the Notary Code of Ethics. Notaries who violate the provisions of the UUJN or the Notary Code of Ethics must be reported to the notary supervisory board. If a notary is proven guilty, a sanction will be given that is commensurate with the actions committed by the notary.

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I. INTRODUCTION

A notary is a public official who carries out his duties and authorities in accordance with laws and regulations. Regulations related to the position of notary are regulated in Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004 concerning the Position of Notary (UUJN), as well as other provisions regulated in the code of ethics of the notary organization (Yustica et al., 2019). Article 1 number 1 of the UUJN states that a notary is a public official who has the authority to make authentic deeds and other obligations

as stipulated in the relevant regulations. Therefore, in carrying out their duties, notaries must comply with the regulations that apply generally in Indonesia. In addition, the performance of notaries is limited by applicable regulations, namely the Notary Law and the notary code of ethics (ananda muhamad tri utama, 2022) .

The philosophical basis for the creation of a notary code of ethics compiled by the Indonesian Notary Association aims to maintain the dignity and honor of the notary's position in carrying out his authority. The concept of human dignity as an effort to maintain or protect the nobility of the notary's position as a human being. The concept of dignity as the self-respect of the notary's position or as human dignity. The concept of honor which means that notaries when carrying out their authority or obligations are obliged to respect each other with other notaries (Wahyu Nugroho, 2022) . There are 4 (four) substances regulated in the Notary Code of Ethics, namely enforcement of the Code of Ethics, obligations, prohibitions, and sanctions. Notary prohibitions are interpreted as *prohibitions for notaries* or regulations that instruct notaries not to carry out something that is contrary to applicable laws and regulations or the Code of Ethics (Hukum et al., 2023) .

The notary code of ethics is a series of moral rules established by the Indonesian Notary Association (INI) and must be adhered to by all its members and others who hold notary positions. A notary is obliged to carry out his duties in accordance with the ethics agreed upon in the code of ethics. This code of ethics aims to prevent members of the profession from committing unethical acts. There are several opinions that state that notaries, as trusted public officials, must adhere not only to laws and regulations but also to their professional code of ethics. Without a code of ethics, the dignity and honor of the profession will be lost. This means that a notary must maintain his attitude and actions and uphold his authority and dignity both in carrying out his duties and in his daily life (Ayuningtyas, 2020) .

The obligations of a notary as stated in Article 3 of the Notary Code of Ethics include having good morals, ethics, and personality, respecting and upholding the dignity of the notary's office, maintaining and defending the honor of the association, behaving honestly, independently, impartially, trustworthy, and responsibly in accordance with laws and regulations and the notary's oath of office, and prioritizing devotion to the interests of the community and the state (Handyani et al., 2024) . The development of the notary's position in Indonesia has undergone various changes in line with the development of the Indonesian state and nation. These changes can be seen from the government's proposal of the UUJN as a regulation governing the authority and obligations of a notary. The UUJN and the notary's code of ethics regulate several obligations and authorities of a notary, but as an official In

general, a notary must carry out his duties in accordance with the principles of humanity. In this case, a notary in carrying out his profession must have. Integrity, behave honestly towards clients and himself, be aware of the limits of his authority, not solely based on monetary considerations, have expertise supported by high knowledge and experience.

Along with the development of information technology, social media platforms are increasingly being used by almost all groups. There is no prohibition for notaries to use social media. However, the use of social media can be misused. Interaction on social media is easy and the scope is wide, opening up opportunities for unethical practices. This is because social media makes it easier for notaries to work together through social media platforms provided by third parties. Social media can be a means for third parties through their own social media accounts to promote the establishment of a company, including the making of a notarial deed at a predetermined price.

Notaries are not permitted to carry out activities that introduce themselves as a Notary. Publication and self-promotion by Notaries are considered a form of unhealthy competition between notaries. Therefore, in order to create healthy competition among Notaries, the provisions regarding Notary promotion/publication must be carried out carefully. This action clearly violates Article 4 Paragraph (3) of the INI Code of Ethics which prohibits Notaries from publishing or promoting themselves, either individually or together, by including their name and position using print and/or electronic media. To supervise and implement the INI Code of Ethics, an INI Honorary Council is formed which is tasked with examining and making decisions regarding alleged violations of the provisions of the INI Code of Ethics which are internal or not directly related to the interests of the community (Chandra & Sendrawan, 2024).

The Notary Code of Ethics is made and determined by the notary association as stated in the UUJN in Article 83 paragraph (1). Activities in publishing or promoting oneself, starting from personal or joint activities, including including names and positions, utilizing the use of media, including advertising, congratulating, expressing condolences, expressing gratitude, marketing activities, sponsorship activities ranging from social, religious or sports fields. This is prohibited for notaries in the notary code of ethics contained in Article 4 paragraph (3). The ethics of notaries in promoting themselves on social media accounts, in this case, cannot be justified because it is already in the provisions stated in the prohibition in the notary code of ethics. Based on this, the author is interested in writing this article with a focus on studying how notaries promote themselves through social media Instagram and TikTok based on the prohibition article in the Indonesian notary code of ethics?

II. RESEARCH METHODS

The research method applied in this study is normative law, which includes the study of written legal rules or library law that refers to legal norms in legislation. Normative legal research aims to solve problems based on relevant literature and regulations, focusing on gaps in legal norms or principles. This study also uses a doctrinal approach, which involves secondary data analysis, including primary and secondary legal materials. The primary legal materials used include applicable laws and regulations, such as Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (UUJN) and the Notary Code of Ethics.

III. RESEARCH RESULTS AND DISCUSSION

3.1. Use of Social Media Instagram and TikTok for Notary Self-Promotion Based on Prohibition Articles and the Notary Code of Ethics

The increasingly advanced development of technology has made social media increasingly widely used. The social media that is currently widely used in Indonesia is the TikTok application with 126,000,000 (one hundred and twenty six million) users and Instagram with 90,183,200 users, each of which is the number of Indonesian users (Khansa & Putri, 2022) . With TikTok and Instagram, notaries can become better known to the public. However, it becomes a problem when social media can be a means for notaries to promote themselves regarding their notary duties. Notaries include their names and positions on the social media used, this is a violation of the provisions of Article 4 paragraph (3) of the Notary Code of Ethics, concerning the prohibition of notaries from including their names and positions for self-promotion.

Notaries, as a noble position (*officium nobile*), play an important role in society, especially in the modern era that requires documentation for various legal actions carried out by individuals or legal entities. As *officium nobile* , notaries are given the capacity both as public officials and as professionals. In carrying out their functions, notaries actually carry out part of the state's duties in providing services to the general public, and therefore, the state grants special authority to notaries in the field of civil law (Atan & Taris, 2018) . Basically, the use of social media does not violate any provisions as long as there are no regulations prohibiting its use. However, notaries often use social media to promote their positions by including their names and positions in their social media bios. Not infrequently, notaries also use social media for notary

association activities. This action is clearly included in the category of publication, which is actually prohibited for notaries. Referring to the provisions of Article 4 paragraph (3) of the Notary Code of Ethics, it is stated that: " Notaries and other parties who carry out the position of Notary are prohibited from publishing or promoting themselves, either individually or together, by including their name and position, using print and/or electronic media, in the form of:

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

Mistakes can occur due to two things, namely negligence (*culpa*) and intent (*dollus*). Intention refers to actions carried out with a certain will, without requiring a specific intention to cause harm to others. Most mistakes made by notaries do not actually involve an element of intent. However, as state officials, notaries should understand well the provisions stipulated in the UUJN and the Notary Code of Ethics (Arlena & Sinaga, 2025) . For example, Article 4 number 3 of the UUJN states that notaries are not allowed to promote or publish themselves through print or electronic media. This means that notaries are not allowed to publish themselves, including only listing their position as a notary on social media. The notary's actions constitute a violation of the Notary Code of Ethics, so they are required to be held accountable for their actions through strict enforcement of sanctions from the Regional Supervisory Council and the Regional Honorary Council. In general, the types of liability that are usually imposed on notaries include criminal, administrative, civil liability, as well as liability related to the code of ethics and their position.

3.2. Notaries as Public Officials Must Maintain Their Dignity

Notaries have a professional organization, namely the Indonesian Notary Association, which is a legal entity and the only association for all notaries in Indonesia. This organization aims to maintain and improve the dignity and quality of the notary's position. The Code of Ethics is closely related to the implementation of a notary's duties, because the code of ethics directs the notary's behavior towards moral and dignified actions. As executors of the public mandate, notaries are expected to act honestly and fairly in carrying out legal actions. The position of notary is a position full of trust, so a notary is not only expected to have expertise in the notary field, but must also have high morals (Noviyanti & MS, 2022) . Basically, the Notary Code of

Ethics aims to maintain the dignity of the profession and ensure that notaries understand the limitations related to the behavior and responsibilities of their position.

Notaries are expected to have integrity, intellectual capacity, in-depth knowledge (expert in their field), and commitment to serve. As holders of noble positions, notaries are required to maintain their personal and official honor and maintain their dignity and honor. To maintain this honor and honor, notaries must comply with the provisions stipulated in the UUJN and the Notary Code of Ethics. There is a relationship between the Code of Ethics and the UUJN, which is explained in Article 4 of the UUJN concerning the oath of office. Through their oath, notaries promise to maintain their attitudes and behavior and carry out their obligations in accordance with the code of professional ethics, honor, dignity, and responsibilities as notaries. The code of ethics for the notary profession is established and enforced by the notary organization. With this relationship, notaries who ignore the nobility and dignity of their position may be subject to moral sanctions, reprimands, or dismissal from their professional membership and notary position. In addition, Article 3 of the Notary Code of Ethics states that notaries must have dignity and honor and be able to help the community or prospective clients regardless of their social status.

According to the provisions of the article, notaries must maintain the dignity and integrity of their position. In addition, notaries are expected to carry out their duties in accordance with laws and regulations. If a notary fails to fulfill these provisions, they can be subject to sanctions, including the possibility of dismissal from their position. The position of notary is considered an important position in the eyes of the general public, so notaries are not allowed to advertise their positions, because they must maintain their dignity and essence. Many notaries use social media to promote their positions as notaries in order to attract more clients, but this violates the Notary Code of Ethics explained earlier. In carrying out their position, notaries must maintain their trust and dignity so that this profession can be carried out professionally with motivation and focus on intellectual skills, as well as arguing rationally, critically, and upholding moral values.

3.3. Sanctions Against Notaries Based on Provisions in UUJN and Code of Ethics

Sanctions for notaries who promote their positions through social media are regulated in the provisions of Article 6 numbers 1 and 2 of the Notary Code of Ethics (Fahmi et al., 2020) :

1. Sanctions that can be imposed on members who violate the Code of Ethics include:
 - a. Reprimand;
 - b. Warning;
 - c. Schorsing (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 on members who violate the Code of Ethics is adjusted to the quantity and quality of the violations committed. In addition, notaries can also be subject to administrative sanctions in accordance with the provisions of Article 3 paragraph (1) of Permenkumham Number 61 of 2016, which include: verbal warnings, written warnings, temporary dismissal, honorable dismissal, and dishonorable dismissal.

To address these violations, supervision of notaries is necessary. The Notary Supervisory Board and the Notary Honorary Council act as institutions that enforce the notary professional code of ethics, tasked with ensuring that notaries understand and consistently implement the code of ethics. If a notary who is continuously supervised still commits a violation, then action will be taken. The notary will be subject to sanctions in accordance with applicable regulations, based on the type of violation committed. According to the UUJN, the lightest sanction is a verbal warning. The next sanction is a written warning, then temporary dismissal for a maximum of six months. The final sanction is dismissal from office, either honorably or dishonorably, in accordance with Article 85 of the UUJN.

In addition, the authority of the Regional Supervisory Council is regulated in Article 70 of the UUJN, which states that they can hold hearings to examine alleged violations of the Notary Code of Ethics or violations in the implementation of the notary's position, as well as receive reports from the public regarding alleged violations of the Notary Code of Ethics or provisions in the Law. According to an interview with the Regional Honorary Council, notaries who intentionally use social media to promote themselves can be subject to sanctions in accordance with Article 6 paragraph (1) of the Notary Code of Ethics. This Code of Ethics applies to both members of the association and non-members, and aims to provide limitations for public officials. Many notaries use service bureaus to promote the authentic deeds they make. In addition, in accordance with Article 4 paragraph (3) of the Code of Ethics, the use of condolences that include the position as a notary is also prohibited and can be subject to sanctions. The first sanction mentioned in the previous article includes a warning either verbally or in writing. If the notary complies with the warning properly, then no additional sanctions will be imposed. The cases found show that there are notaries who use the Instagram platform to post their position as a notary. However, if the notary only aims to inform the public that he/she serves as a notary at a certain address without promoting prices or making authentic deeds, then the sanctions of the Code of Ethics will not be applied. This is considered reasonable according to interviews conducted by the author, because the notary only provides address information without any other intention.

IV. CONCLUSION

Notaries in terms of committing violations due to promoting and publishing themselves on social media, namely Instagram and TikTok, are not allowed because the prohibition is a logical risk by the position of a notary who is part of a public official, therefore publishing or promoting activities are not allowed. Violations committed by notaries who use social media such as Instagram and TikTok to promote the making of notarial deeds violate the oath of office in Article 4 of the UUJN. Notaries also violate Article 4 paragraph (3) of the Notary Code of Ethics because self-promotion is a form of marketing. Then the promotion is the same as looking for clients which is included in the violation of the provisions of Article 4 paragraph (4) of the Notary Code of Ethics. Notaries who violate the provisions of the UUJN or the Notary Code of Ethics must be reported to the notary supervisory board. Notaries who are proven guilty will be given sanctions that are comparable to the actions committed by the notary .

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