

**ENFORCEMENT OF NOTARY CODE OF ETHICS AGAINST  
PROMOTION VIOLATIONS THROUGH INTERNET MEDIA IN  
INDONESIA**

***PENEGAKAN KODE ETIK NOTARIS TERHADAP  
PELANGGARAN PROMOSI MELALUI MEDIA INTERNET DI  
INDONESIA***

**Adhe Ismail Ananda<sup>1</sup>**

\*Faculty of Law, Universitas Sains Islam Al Mawaddah Warrahmah Kolaka

\* [adheismay104@gmail.com](mailto:adheismay104@gmail.com)

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**ABSTRACT**

This study discusses the enforcement of the notary code of ethics against promotional violations through internet media in Indonesia. As a public official, Notary have a great responsibility in maintaining integrity and professionalism in carrying out their duties. However, in the current digital era, promotion through internet media is a complex issue due to the prohibition in the notary Code of ethics related to self-promotion. This study uses juridical-normative approach and descriptive-analytical approach to analyze the legal regulations and notary practices related to promotion in the internet media. The results showed that violation of this promotion ban may result in disciplinary sanctions from the notary Supervisory Board. However, the effectiveness of enforcing the code of conduct is still a matter of debate, with challenges in consistency and transparency in enforcing the rules. The importance of enforcing this code of ethics is not only as law enforcement, but also as a preventive effort to maintain the integrity of the notary profession and public trust. Thus, this study provides a more comprehensive understanding of the enforcement of the notary code of ethics against promotional violations through internet media in Indonesia.

**Keywords : Code of Ethics, Notary, Violations, Self - Promotion, Internet Media.**

## **ABSTRAK**

*Penelitian ini membahas tentang penegakan kode etik notaris terhadap pelanggaran promosi melalui media internet di Indonesia. Sebagai pejabat publik, notaris memiliki tanggung jawab besar dalam menjaga integritas dan profesionalisme dalam menjalankan tugasnya. Namun, dalam era digital saat ini, promosi melalui media internet menjadi isu yang kompleks karena adanya larangan dalam Kode Etik Notaris terkait promosi diri. Penelitian ini menggunakan pendekatan yuridis-normatif dan pendekatan deskriptif-analitis untuk menganalisis regulasi hukum dan praktik notaris terkait promosi di media internet. Hasil penelitian menunjukkan bahwa pelanggaran terhadap larangan promosi ini dapat mengakibatkan sanksi disiplin dari Majelis Pengawas Notaris. Namun, efektivitas penegakan kode etik masih menjadi perdebatan, dengan tantangan dalam konsistensi dan transparansi dalam penegakan aturan. Pentingnya penegakan kode etik ini tidak hanya sebagai penegakan hukum, tetapi juga sebagai upaya preventif untuk menjaga integritas profesi notaris dan kepercayaan publik. Dengan demikian, penelitian ini memberikan pemahaman yang lebih komprehensif tentang penegakan kode etik notaris terhadap pelanggaran promosi melalui media internet di Indonesia.*

**Kata Kunci : Kode Etik, Notaris, Pelanggaran, Promosi Diri, Media Internet.**

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## **I. INTRODUCTION**

Notary is a designation for an official who is engaged in public service and has the authority to draw up an authentic deed. The authority of notary is regulated in law No. 30 of 2004 on notary positions that have undergone changes through law No. 2 of 2014, henceforth called UUJN. As a public official, the notary is responsible for his essential duties of conducting and validating various legal transactions, from the purchase of a house to the formation of a company. Notary act as Guardians of the validity of documents and agreements between the parties involved. Due to the nature of their great responsibility, public confidence in the integrity and professionalism of Notary is very important.

A notary is obliged to comply with the regulations contained in the Notary Public Act (hereinafter referred to as UUJN) and follow the ethical standards applicable in his profession in this case the notary Code of ethics. Ethics in simple terms, is a code of conduct that governs the actions of individuals both in private life and in society.<sup>1</sup> Ethics is a set of rules that govern the behavior

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<sup>1</sup> Gitayani, Luh Putu Cynthia. (2018). Penerapan Etika Profesi oleh Notaris dalam Memberikan Pelayanan Jasa kepada Klien. *Acta Comitatus*, 3(3), 426-435.

of members of a professional association. Codes of conduct usually include guidelines on permissible and prohibited actions as well as professional norms to be followed by practitioners in a particular field.<sup>2</sup> Code of ethics of Notary confirms that a notary must have integrity and good morality, must act independently, honestly and impartially. Notary must also be trustworthy, careful, and responsible in accordance with the law and the oath of office of the notary profession. They are expected to prioritize service to the public interest regardless of economic or social status, and are obliged to treat all their clients in good faith, regardless of their economic or social status.<sup>3</sup>

In the current digital era, technological developments have brought a significant impact on the notary profession, especially in terms of promotion in the internet media. Even so, Notary are still obliged to comply with all the provisions contained in the UUJN and the notary Code of Ethics in using technology. The Prohibition of promotion established by the UUJN and the Code of Ethics became the basis for Notary in utilizing internet media to promote their services. As technology advances, Notary must maintain morality, integrity and professionalism in every step taken, including in the context of online promotion. This includes maintaining honesty, openness, and impartiality in conveying information to the public.

In the code of ethics of Notary it has been regulated that the use of internet media to advertise or have an agency is considered contrary to the values of independence and integrity. Therefore, such actions are prohibited by the Code of ethics of Notary.<sup>4</sup> Notary promotions that should only be done through signage around their offices, have now developed into more complex with promotional efforts through internet media. Although conventional signage is a fairly effective visual representation, some Notary are now also taking advantage of the wider reach and market potential offered by internet media. In promoting through the internet, they can use various methods, ranging from direct advertising on sites that provide advertising services, to an active presence on social platforms in the form of websites by including details of the positions and services they offer.

Author came across many Notary who advertise themselves via the internet. One example is a notary with the initials “AGS” through the Website <https://notarismakassar.com/> who advertises himself as a notary and PPAT in Makassar. The Website lists the name, position, mobile phone number, telephone number, and even the address of the notary. What is very clear and undeniable is that this action is a violation of the ethical standards established in the notary Code of Ethics in Article 4 point 3. The article

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<sup>2</sup> Yustica, Anugrah, Ngadino, & Novira Maharani Sukma. (2020). Peran Etika Profesi Notaris sebagai Upaya Penegakan Hukum. *Notarius*, 13(1), 60-71.

<sup>3</sup> Article 3 Code of Ethics Profession Notary Public

<sup>4</sup> Supriadi, *Etika dan Tanggung Jawab Profesi Hukum di Indonesia*, (Jakarta: Sinar Grafika, 2010), hlm. 109.

indicates that Notary and other individuals who have and carry out responsibilities as a notary are not allowed to carry out self-promotion actions, either individually or in groups, by posting their names and positions, using various means and media, both electronic and printed in various formats.

The Honorary Board of the Indonesian Notary Association (INI) has been initiated with the main purpose of supervising and enforcing the Code of ethics of the notary profession. Its function is to investigate and make decisions on alleged violations of the Code of ethics that may arise in Notary practice, especially those that are internal or indirectly related to the public interest.<sup>5</sup> however, although this Honorary Board is an integral part of the organizational structure of Notary, its effectiveness is still a matter of debate. This is especially evident from the lack of decisive action against Notary proven to be self-promotion, an action that directly violates the Code of ethics. These limitations in the enforcement of the rules lead to a limited understanding of what is actually considered a violation, as well as generating doubts about the consistency of enforcement of the code in everyday practice. In this context, further research to explore the enforcement of the notary Code of Ethics against promotional violations through Internet Media is considered important in the hope of providing more comprehensive knowledge about the title raised in this study.

## **II. METHOD**

In this study, the method of approach used is juridical-normative, which focuses on the analysis of legislation. In addition, there is also a normative approach that uses library materials as the basis for its analysis, which is often referred to as secondary data on legal principles and existing cases, and is often referred to as Library Law Research.<sup>6</sup> in this study, descriptive-analytical approach is used as the research specification. Descriptive-analytical is a description based on real facts and related to the subject matter.<sup>7</sup> The study of literature includes primary legal material, that is, legal material that is bound, and secondary legal material, which provides a description of the primary legal material and becomes a guide that explains the materials of the primary law.<sup>8</sup> The data analysis used in this study is qualitative, while the conclusions drawn are based on deductive logic as the main basis.

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<sup>5</sup> Suhrawardi, *Etika Profesi Hukum*, (Jakarta: Sinar Grafika, 2010), hlm. 35.

<sup>6</sup> Soerjono Soekanto dan Sri Mahmudji, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*, (Jakarta: Raja Grafindo Persada, 2003), hlm. 36.

<sup>7</sup> Arief & Rurchan, *Pengantar Metode Penelitian Kualitatif*, (Surabaya: Usaha Nasional, 1992), hlm 68.

<sup>8</sup> Soerjono Soekanto & Sri Mahmudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, (Jakarta: Raja Grafindo Persada, 2003), hlm. 87.

### III. ANALYSIS AND DISCUSSION

The notary position is a mandate entrusted to us, her responsibility is not only to humans but also to God Almighty. Notaries are appointed under the provisions of the law to provide assistance and services to individuals who require valid official documents regarding legal situations, events, or actions.<sup>9</sup> Therefore, the person who occupies the position of notary must have special skills, comprehensive knowledge and complex responsibilities in arranging legal relations between the entities involved and requesting their services for the public interest.

A Notary is obliged to carry out his duties by complying with the applicable laws and regulations in Indonesia, especially those mandated by the UUJN. Its actions and performance must be in line with existing regulations, including in this case, ethical standards that have been set in the form of a Code of Ethics. In simple terms, a code of ethics is a rule about guidelines, guidelines, moral attitudes or commitments of a particular profession, which is made and binding on those involved in the profession. Another definition states that a code of ethics is a commonly practiced guideline related to morality, including attitudes and decision-making related to the basic values of behavior that is considered appropriate or inappropriate, made by an organization.<sup>10</sup>

Meanwhile, the definition of the Notary Code of Ethics as stipulated in article 1 (2) of the Notary Code of Ethics, is a normative structure that refers to a set of moral principles that have been established by the Indonesian Notary Association (INI). These principles are not only static, but can develop over time, both through the results of congressional decisions and through regulations in various related laws and regulations. In simple terms, the Code of Ethics is a binding moral foundation for all members of the Indonesian Notary Association (INI), including those who carry out the responsibilities and obligations of Notaries. This also applies to temporary and substitute notaries when carrying out their responsibilities in carrying out their notary obligations.<sup>11</sup> Thus, the ethics that must be held by a notary as regulated by the Notary Code of Ethics are not only a formal document, but also a guideline that must be seriously adhered to by all parties who carry out notary duties, in order to ensure integrity, compliance, and quality service in the realm of the notary profession. The implementation of this Code of Ethics is supervised in stages, at the district/city level, supervision is carried out by the Regional Management of the Indonesian Notary Association (INI) and the Regional

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<sup>9</sup> Habib Ajie, *Sanksi Perdata dan Administrative Terhadap Notaris Sebagai Pejabat Public*, (Bandung: PT. Refika Aditama, 2013), hlm. 32.

<sup>10</sup> Abdul Ghofur Anshori, *Lembaga Kenotariatan Indonesia Prespektif Hukum dan Etika*, (Yogyakarta: UII Press, 2009), hlm.162.

<sup>11</sup> Alfian Mardiansyah et al., (2020). Kewenangan Majelis Kehormatan Notaris Pada Proses Penyelidikan Suatu Perkara Tindak Pidana Yang Melibatkan Notaris. *Repertorium: Jurnal Ilmiah Hukum Kenotariatan* 9(1), 48– 58.

Honorary Council. This underscores the importance of accepting and applying ethical principles in the practice of the Notary profession, and ensuring that these standards are applied consistently and can be accounted for in all regions.

The Notary Code of Ethics emphasizes that a Notary has a great responsibility to carry out his profession with high standards of professionalism. As part of the general office, Notaries are expected to always adhere to the principles of Pancasila which are the foundation of the state, as well as have strong obedience to the laws, office regulations, and codes of ethics that govern their duties. The oath of office spoken by a Notary is an important commitment in upholding integrity and honesty in carrying out their duties. In addition, good public speaking skills are also indispensable for a Notary, considering their role which often involves legal documents that must be carefully understood and followed up. By complying with all these aspects, a Notary can maintain public trust and carry out his role as a law enforcer and facilitator of various transactions in a fair and professional manner.<sup>12</sup>

In the Notary Code of Ethics, there is a provision that prohibits notaries from conducting promotions. The provision affirms that notaries or other individuals who hold or perform notary functions are prohibited from using electronic and/or print media, either individually or collectively, for the purpose of advertising, congratulations, condolences, thanks, marketing activities, sponsorship activities, social, religious, or sports activities. This includes prohibiting mentioning, publishing, or advertising their names and job titles. The criteria for violations related to publication or self-promotion include publication in the form of name and status as a notary in the mass media, as well as active or passive participation in publication activities through the mass media. However, the publication of the notary's name and position is not considered to violate the Code of Ethics if it is done through notary media published by the Indonesian Notary Association.

While advertising or publicizing the notary profession can benefit the public by helping them find a notary address and facilitate access when needed, it also has unfortunate consequences. Among the weaknesses that it causes, in the view of the researcher, is the emergence of an unfair sense of competition among notaries. As some notaries begin to actively promote and publicize to increase their visibility, this can leave them stuck in the race to attract the attention of potential clients.<sup>13</sup> In this context, notaries who have more resources to promote tend to have an unfair advantage compared to their counterparts who may have limited budgets or access to effective

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<sup>12</sup> Ignatius Ridwan Widyadharma, *Etika Profesi Hukum dan Keperanannya*, (Semarang: Badan Penerbit Universitas Diponegoro, 2001), hlm 47.

<sup>13</sup> Anugrah, Nadia Fauziah dan Suwari Akhmaddhian. (2020). Sanksi Kode Etik bagi Notaris yang Tidak Menjalankan Kewajiban Jabatannya. *Logika*, 11(2), 112-125.

promotional channels. As a result, this can result in inequality in business opportunities among such notaries, with those with greater financial ability having a greater chance of attracting clients and expanding their market reach, while other notaries who are less financially able may be left behind in the competition. This raises questions about fairness in notary marketing practices and the need for clear standards to ensure that all legal practitioners have an equal opportunity to introduce themselves to the public.

Juridically, the actions of a notary who promotes through the website have clearly violated the provisions of the UUUJN and the Notary Code of Ethics. The UUUJN states that a Notary can be temporarily dismissed from his position if he is involved in bankruptcy proceedings or delays in debt payments, is in custody, commits reprehensible acts, or violates the obligations and prohibitions inherent in his office.<sup>14</sup> In addition, the Notary Code of Ethics expressly prohibits Notaries from promoting themselves, either individually or jointly, who put their names and positions using electronic media and/or print media, in various formats.<sup>15</sup>

The application of sanctions against Notaries who are proven to be in violation is a crucial point in carrying out the principle of strict accountability. This is not just an enforcement action, but also a coercive mechanism designed to ensure that the individual concerned is aware of the consequences of his violation. In addition, the enforcement of sanctions also aims to be a preventive measure, intended to prevent the recurrence of violations in the future. The importance of consistency and transparency in the sanctions enforcement process cannot be overstated. Decisions must be taken by considering strong evidence and taking into account the principles of justice and the interests of the wider community. This will not only provide a deterrent effect for individuals who violate, but will also strengthen public trust in notary institutions and compliance with the rules that have been set. Notaries who violate the code of ethics can be sanctioned in the form of reprimands, warnings, temporary suspension from membership, honorable dismissal, and dishonorable dismissal from the Indonesian Notary Association (INI).

Based on the UUUJN, supervision and examination as well as the provision of sanctions against Notaries are the responsibility of the Minister of Law and Human Rights, which is carried out by the Notary Supervisory Council (MPN) which is a body with the authority to carry out comprehensive supervision and guidance in Notary practice.<sup>16</sup> The role of the Notary Supervisory Council (MPN) is not only limited to supervising and examining the performance of Notaries, but also imposing disciplinary action against

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<sup>14</sup> [Pasal 9 ayat \(1\) UUUJN](#)

<sup>15</sup> Pasal 4 (3) Kode Etik Notaris

<sup>16</sup> Habib Adjie, *Majelis Pengawas Notaris sebagai Pejabat Tata Usaha Negara*, (Bandung: PT.Revika Aditama, 2015), hlm.2-3.

notaries who are proven to violate the code of ethics or legal rules that govern the notary profession. This agency has a multi-level structure, starting from the Regional Supervisory Council (MPD), the Regional Supervisory Council (MPW), and the Central Supervisory Council (MPP). Thus, the Notary Supervisory Council (MPN) functions as a guardian of compliance and ethical standards in notary practice, maintaining integrity and public trust in the profession.<sup>17</sup> The Regional Supervisory Council (MPD) has the authority to conduct an audit of Notary activities, then convene to see potential violations in Notary practice, as well as make decisions and apply sanctions against Notaries who are proven to violate the UUJN and the applicable Notary Code of Ethics.

One of the authorities of the Regional Honorary Council includes the investigation of alleged violations of the code of ethics either on their own initiative or the existence of a written report from the members of the association, accompanied by convincing evidence, to subsequently summon members who are suspected of committing violations to provide clarification and defense to the allegations submitted by the notary concerned. This action is necessary because the Regional Honorary Council plays a direct role in handling the issue of the Notary Code of Ethics and is often the first party to know of alleged violations. If a violation is found after an investigation, the Regional Supervisory Council (MPD) will summon the Notary concerned to clarify whether the violation was committed intentionally or due to negligence, so that further action can be determined in accordance with the level of violation committed.

The jurisdiction of the Regional Honorary Council includes the residence of a Notary has the responsibility to supervise the conduct of the Notary in relation to the Notary Code of Conduct. If the Regional Honorary Council finds ethical violations committed by a Notary or receives a complaint regarding an alleged ethical violation, the first action taken is to give a verbal reprimand. However, if the reprimand is ignored, the Regional Supervisory Council (MPD) has the authority to take over the handling of the problem.<sup>18</sup> If there are complaints from the public or other parties or the Regional Supervisory Council (MPD) knows that there is a Notary who has committed a violation in carrying out its duties, the Regional Supervisory Council (MPD) will first give an oral reprimand to the Notary concerned. If the reprimand is ignored, the Regional Supervisory Council (MPD) will issue a written reprimand and listen to the reasons from the Notary concerned. This aims to ensure that every violation is handled in accordance with the established procedures. The importance of complaints and enforcement of rules is so that regulations do

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<sup>17</sup> Pasal 68 UUJN

<sup>18</sup> Imanda, Nadia. 2020. Perspektif Kode Etik Jabatan Notaris Terhadap Publikasi Dan Promosi Jabatan Notaris Melalui Aplikasi Android, *Lambung Mangkurat Law Journal*, 5.1, 1-12.



not just become empty words, but have the power to maintain integrity and professionalism in the Notary profession, as well as ensure that every violation receives a firm and fair response.<sup>19</sup>

In the case of a violation of the code of ethics in the use of electronic media in the form of the internet carried out for the promotion of Notary Self, the Honorary Council will coordinate with the Regional Supervisory Council which has the authority to conduct supervision and subsequently conduct an examination of the violation. This emphasizes that the Regional Supervisory Council not only supervises the performance of Notaries in accordance with the UUJN and the Notary Code of Ethics, but also supervises all actions that can defame the Notary profession.

#### **IV. CONCLUSION**

The Notary Code of Ethics emphasizes that a Notary has a great responsibility to carry out his profession with high standards of professionalism, including in terms of promotion through internet media. This prohibition on promotion is not only based on the legal aspects regulated in the UUJN, but is also an integral part of the moral principles held by the Notary profession. Although the promotion may provide practical benefits for the public, such as facilitating access to Notaries, it also has a negative impact such as increasing unfair competition between Notaries. Violation of this promotion ban may result in disciplinary sanctions from the Notary Supervisory Council, which aims not only as an enforcement action, but also as a preventive mechanism to maintain the integrity of the notary profession. The Regional Honorary Council has a central role in handling violations of the code of ethics, including in cases of violations of promotion through internet media. The importance of the application of these sanctions is not only as a form of law enforcement, but also as a preventive effort to prevent future violations, as well as to maintain the integrity and public trust in the Notary profession.

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