

Implementation of Supervision of Notaries Who Violate the Notaries Code of Ethics in the Form of Promoting Positions Through Electronic Media in Tegal Regency

Tri Wulan Dhari Asriningrum ¹⁾ & Umar Ma'ruf ²⁾

¹⁾ Master of Notary Law, Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: ningrumdhariasrie@gmail.com

²⁾ Master of Notary Law, Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: umarmaruf@unissula.ac.id

Abstract. *As public officials, notaries hold a distinguished position (officium nobile) and are therefore obligated to uphold the integrity and dignity of their profession. However, developments in information technology and social media have given rise to self-promotion practices that violate the Notary Code of Ethics. This study aims to analyze the implementation of supervision of notaries who violate the code of ethics by promoting their positions through electronic media in Tegal Regency. The research method used is a sociological juridical approach with data collection techniques through interviews with the Regional Notary Supervisory Board of Tegal Regency and literature studies. The research results indicate that supervision is carried out through a mechanism of examining public reports, clarifying the situation with the notary concerned, and imposing sanctions ranging from written warnings to temporary dismissal from professional organizations. Obstacles faced include a lack of awareness among notaries regarding the ethical boundaries of electronic media use and weak preventive oversight. Supervision of notaries who violate the code of ethics through electronic media in Tegal Regency has been ongoing, but is not yet optimal. Increased dissemination of the code of ethics, strengthening the role of the Notary Honorary Council, and stricter regulations regarding notaries' use of social media are needed.*

Keywords: Code of Ethics; Electronic Media; Notary; Supervision.

1. Introduction

The legal profession that plays a crucial role in ensuring legal certainty and protection for the public, particularly in the civil law realm, is the notary

profession. As public officials authorized by the state, notaries have the primary duty of drafting authentic deeds that serve as conclusive evidence in various legal acts.¹In exercising their authority, notaries are not only subject to Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (UUJN), but are also required to comply with the Notary Code of Ethics established by the Indonesian Notaries Association (INI) as a moral and professional guideline.²

The code of ethics aims to maintain the honor, dignity, and integrity of the notary's office as a public official who carries out part of the state's functions in legal services. Article 3 letter (b) of the Notary Code of Ethics emphasizes that every notary must uphold the honor and dignity of their office and avoid any actions that could demean the dignity of their profession. One of the prohibitions that is strictly regulated is job promotion or self-advertising. Article 4 letter (a) states that "notaries are prohibited from conducting self-publication, job promotion, or commercial advertising in any form." This prohibition embodies the principle of professional honor (honorary office), which emphasizes that the notary's office is not a means of seeking economic gain, but rather to provide legal services in a neutral and ethical manner.³

However, advances in information technology in the digital era have given rise to a new phenomenon in notarial practice. Electronic media such as websites, social media (Instagram, Facebook, TikTok, YouTube, and others), and other digital platforms are now commonly used by various professions to promote themselves and their services. Notaries are no exception, some of whom utilize these media to publicly advertise their offices, services, and even promote their positions.

Promotion of notary positions through electronic media can be categorized as a violation of the code of ethics, as it has the potential to create unfair competition, damage the image of professionalism, and shift the orientation of the position from public service to commercial activity. On the other hand, some believe that the use of electronic media is an unavoidable consequence of modern developments, requiring notaries to adapt by conveying information transparently. This dilemma further complicates the issue, as it concerns shifting professional ethical values in a digital society.

In the context of positive law, Law Number 2 of 2014, which amended Law Number 30 of 2004 concerning the Position of Notary, regulates the oversight

¹ Habib Adjie, 2008, *Hukum Notaris Indonesia: Tafsir Tematik Terhadap UU Nomor 30 Tahun 2004 tentang Jabatan Notaris*, Refika Aditama, Bandung, hal. 25.

² R. Subekti, 2001, *Pokok-Pokok Hukum Perdata*, Intermasa, Jakarta, hal. 156.

³ Habib Adjie, 2008, *Hukum Notaris Indonesia: Tafsir Tematik terhadap Undang-Undang Jabatan Notaris*, Refika Aditama, Bandung, hal. 59.

mechanism for notaries. Articles 67 to 73 of the Notary Law state that supervision is carried out by the Notary Supervisory Council (MPN), which consists of the Regional Supervisory Council (MPD), the Regional Supervisory Council (MPW), and the Central Supervisory Council (MPP). The supervisory council has the authority to provide guidance, conduct investigations, and impose sanctions on notaries suspected of violating the law or the professional code of ethics.⁴

For example, a notary in Tegal violated the code of ethics by promoting himself through Instagram. On his account, he listed his identity and area of office as a notary, and provided information services via email address and telephone number. This information was displayed in his Instagram bio. This action, whether intentional or not, is considered a violation of the code of ethics because it promotes the notary's position. Based on an interview with the Tegal Regional Supervisory Board, this action is indeed categorized as a violation of the code of ethics, although there is no clear direction on how to handle it.

Based on the background of this problem, the author is interested in researching and studying violations of the notary code of ethics in conducting publications or self-promotion, so the author will raise a thesis with the title "IMPLEMENTATION OF SUPERVISION OF NOTARIES WHO COMMIT VIOLATIONS OF THE NOTARY CODE OF ETHICS IN THE FORM OF PROMOTING POSITIONS THROUGH ELECTRONIC MEDIA IN TEGAL REGENCY".

2. Research Methods

This research uses legal research empirical namely research that examine the applicable legal provisions and what actually happens in society.⁵The approach method used in this research is the qualitative approach method is an approach carried out by going into the field to obtain data and responses from the community or related parties by conducting direct interviews. The data sources obtained in this research come from primary and secondary data, namely data obtained through interviews and literature study⁶by studying legal materials, as well as literature such as books, laws and regulations and other reading sources related to the problems in this research.

The data collection technique used in this research is by interview techniques. the author in analyzing the research data used a descriptive analysis method, with the hope that the researcher in analyzing wishes to provide a description or

⁴ Habib Adjie, 2009, Sanksi Perdata dan Administratif terhadap Notaris sebagai Pejabat Publik, Refika Aditama, Bandung, hal. 60.

⁵ Suharsimi Arikunto, 2012, Prosedur Penelitian Suatu Pendekatan Praktek, Jakarta, Rineka Cipta, hl. 126

⁶ Soejono Soekanto, 1986, Pengantar Penelitian Hukum, UI-Press, Jakarta hal. 10.

explanation of the research subjects and objects as the results of the research he conducted and the data analysis used is a qualitative normative approach to secondary data.

3. Results and Discussion

3.1. How is supervision carried out regarding violations of the code of ethics for notaries who promote their positions through electronic media?

In the digital era, new forms of ethical code violations have developed, including job promotions through electronic media such as social media, personal websites, and other digital platforms. This practice has sparked debate because, on the one hand, it is considered an adaptation to technological advances, but on the other hand, it has the potential to violate the prohibition on job promotions as stipulated in the Notary Code of Ethics. The provisions of the code of ethics expressly prohibit any form of advertising, publication, or promotion that emphasizes self-promotion, showcases services, or contains a veiled invitation to attract clients. This prohibition aims to maintain the image of notaries as public officials who work based on the trust of the state and the public, not as a commercial profession competing in the market. Therefore, monitoring of job promotion behavior through electronic media must be carried out not only with a legal approach, but also with a moral and professional approach.

The legal basis for notary supervision rests on two main instruments, namely Law Number 2 of 2014 concerning the Position of Notary (UUJN) and the Notary Code of Ethics established by the Indonesian Notary Association (INI).⁷ The UUJN provides the legal basis for the status, authority, and mechanism for establishing a Supervisory Board, which functions to provide guidance, inspection, and discipline. Meanwhile, the Notary Code of Ethics serves as a moral and professional guideline that every notary must adhere to in carrying out their duties.⁸

Supervision of notaries is carried out in stages through the Regional Supervisory Council (MPD), the Regional Supervisory Council (MPW), and the Central Supervisory Council (MPP). The MPD, as the frontline, receives reports of alleged violations from the public, fellow notaries, and professional organizations, then conducts verification and investigations. The results of these investigations are submitted to the MPW for further evaluation, which can take the form of guidance or recommendations for sanctions. Furthermore, the MPP acts as a coordinating body at the national level and serves as an appeals forum for MPW

⁷ Republic of Indonesia, Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary, State Gazette of the Republic of Indonesia 2014 Number 3, Article 67.

⁸ Indonesian Notaries Association, Notary Code of Ethics Results of the 2015 Extraordinary Congress of the Indonesian Notaries Association, (Jakarta: INI, 2015), Articles 3-4.

decisions. This tiered system ensures that supervision is carried out in a measured, transparent manner, and in accordance with the principles of justice.

The monitoring process for alleged violations of the code of ethics through electronic media is an implementation of the system of guidance and enforcement of official discipline as stipulated in the UUJN and the Notary Code of Ethics. The process typically begins with public reports, direct findings by the MPD, or complaints from fellow notaries regarding promotional activities in the digital space.⁹After receiving the report, the MPD then carries out initial verification by examining supporting evidence, in the form of;

- a. screenshot,
- b. digital activity recording, or
- c. Social media traces indicating alleged violations. This electronic evidence is an important basis for proving violations in cyberspace.¹⁰

Afterward, the notary public of the accused is summoned to provide clarification, thus obtaining an explanation of the intent and purpose of the disputed digital content. This clarification stage is crucial because it guarantees the right to self-defense and reflects the principle of due process of law in enforcing the code of ethics.

If strong indications of violations are found, the MPD will hold an inspection hearing involving government officials, professional organizations, and academics. The hearing will assess the facts, intent, context, and impact of the action on the profession's image. The outcome may include a recommendation for sanctions against the MPW, ranging from verbal warnings and written warnings, suspension of INI membership, to a recommendation for temporary or permanent dismissal from the Ministry of Law and Human Rights if the violation is deemed serious. This procedure demonstrates that oversight is not merely repressive but also contains a guiding value so that notaries understand the moral and legal consequences of every action, particularly in the digital space, which is sensitive to public perception.

Empirically, field research with the Head of the Tegal Regional People's Consultative Assembly (MPD) shows that oversight of job promotions through electronic media still faces structural, technical, and substantial obstacles. Based on interviews and observations, the MPD's oversight pattern tends to be reactive, conducted following public reports, complaints from fellow notaries, or direct findings, rather than through a preventive and proactive monitoring system. This indicates that the focus of oversight remains on handling cases after

⁹ Code of Ethics for Notaries of the Indonesian Notaries Association (INI), General Provisions and Prohibitions on Job Promotion in Public Media.

¹⁰ Article 66A of the UUJN relates to the mechanism for the development and supervision of notaries by the Supervisory Board.

violations occur, rather than on preventive efforts through planned and ongoing digital monitoring.¹¹

3.2. What is the responsibility of a Notary for violations of the Notary's code of ethics who promotes their position through electronic media?

The responsibility of a notary in carrying out his/her position has a solid and comprehensive legal basis, as regulated in 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 established by the Indonesian Notary Association (INI).¹² These two instruments not only regulate the legal position and authority of notaries as public officials, but also emphasize aspects of morality, integrity, and ethical responsibility in professional practice. Article 16 paragraph (1) of the UUJN emphasizes that notaries are required to act honestly, independently, impartially, and maintain the honor and dignity of their position.

Thus, violations of the code of ethics such as job promotions are not merely administrative violations of the organization, but rather fundamental violations of the values of the legal profession which demand integrity, honesty and professionalism.

1. Moral responsibility

It is a form of personal awareness to maintain the integrity, honor, and dignity of the profession. The office of notary is not merely an administrative task, but rather a public trust that must be carried out with humility and neutrality, and refrain from behavior that could damage the profession's image. Promotion through electronic media reflects a violation of moral values because it demonstrates a focus on personal gain, contradicting the principles of sincerity and simplicity that are the essence of the notary's office.

2. Administrative responsibilities

Regarding the notary's obligations to the state and positive law as a public official authorized to issue authentic deeds, violations of the code of ethics that violate Article 16 and Article 85 of the UUJN can result in administrative sanctions through a tiered oversight mechanism by the MPD, MPW, and MPP. If the violation is deemed serious, the Supervisory Board can recommend temporary or permanent dismissal to the Ministry of Law and Human Rights. This emphasizes that the office of notary is a state trust that can be revoked if abused.

3. Ethical/organizational responsibilities

It is the obligation of the Indonesian Notaries Association (INI) as a professional organization. INI's Honorary Council has the authority to issue reprimands,

¹¹ interview with Mr. Untuk Dwikoro, one of the members of the Tegal Regency MPD

¹² Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary.

warnings, suspensions, and even temporary revocation of membership for notaries who violate the code of ethics. Ethical sanctions are not only repressive but also rehabilitative, enabling notaries to improve themselves and return to practicing their profession according to moral and professional standards.

These three forms of responsibility—moral, administrative, and ethical—demonstrate that the notary profession has a comprehensive dimension of accountability, encompassing individual, institutional, and social aspects. The integration of formal law, codes of ethics, and moral values distinguishes the notary profession from other professions, as it embodies a high level of public trust. In the context of violations of electronic promotion, these three responsibilities must be carried out simultaneously: administrative oversight for legal certainty, ethical enforcement to maintain the organization's prestige, and moral development to shape the character of notaries with integrity.

4. Conclusion

a. Field research and interviews with the Head of the Tegal Regency Notary Supervisory Agency (MPD) indicate that oversight of electronic promotion violations continues to face substantial structural, technical, and cultural obstacles. The MPD's oversight practices tend to be reactive, relying on reports from the public or fellow notaries, rather than through preventative digital monitoring. Limited human resources, a lack of technological competence, and the absence of an integrated online monitoring system are key obstacles. Furthermore, the lack of technical regulations explicitly governing professional ethics in the digital space creates a gap between traditional ethical norms and modern professional practices. The ease of erasing or manipulating electronic evidence also weakens the effectiveness of disciplinary enforcement.

b. First, moral responsibility is a form of accountability that arises from the personal awareness of a notary to always maintain the integrity, honor and dignity of his profession. Second, administrative responsibility relates to a notary's obligations to the state and positive law as a public official mandated by law to create authentic deeds and perform some state functions in the field of civil law. In the event of a violation, the Supervisory Board has the authority to recommend sanctions, ranging from temporary to permanent dismissal, to the Ministry of Law and Human Rights. Third, ethical or organizational responsibility is a notary's obligation to the Indonesian Notaries Association (INI), the professional organization authorized to regulate, foster, and enforce the Notary Code of Ethics. The INI Honorary Council has the moral and organizational authority to issue reprimands, warnings, suspensions, and even temporary revocation of membership for notaries found to have violated the code of ethics.

5. References

Journals:

Chandra Yusuf, 2021, Legal Certainty in the Settlement of Ethical Violations in the Framework of Notary Position by the Regional Supervisory Council, Adil: Jurnal Hukum, Vol.12 No.2.

Changes to the Notary Code of Ethics, Extraordinary Congress of the Indonesian Notaries Association, Banten, 29-30 May 2015.

Fadhil Fahmi, et al., 2020, Imposing Sanctions on Notaries Who Publish or Promote Themselves in Print and Electronic Media, Jurnal Cakrawala Hukum, Vol. 11 No. 2.

Patricia, E, 2019, Synergy between the Notary Honorary Council and the Notary Supervisory Board in Imposing Sanctions for Violations of the Code of Ethics. Premise Law Journal, Vol. 7, No. 10,

Saputra, Ryan. Gunawan Djajaputra, 2018, Law Enforcement Against Notaries Who Promote Themselves Through Social Media, Adigama Law Journal, Vol. 1. No. 1.

Books:

Chaerudin, Syaiful Ahmad Dinar, Syarif Fadillah, 2008, Strategy for Prevention and Law Enforcement of Corruption Crimes, Refika Editama, Bandung.

H. Lili Rasjidi and Ira Thania Rasjidi, 2012, Introduction to Legal Philosophy, MandarMaju, Bandung.

Habib Adjie, 2008, Indonesian Notary Law: Thematic Interpretation of Law Number 30 of 2004 concerning the Position of Notary, Refika Aditama, Bandung.

Habib Adjie, 2009, Civil and Administrative Sanctions against Notaries as Public Officials, Refika Aditama, Bandung.

Regulation:

Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2014 concerning Notary Positions

Law of the Republic of Indonesia Number 11 of 2008 concerning Electronic Information and Transactions

Regulation of the Minister of Law and Human Rights No. 16 of 2021 concerning the Organizational Structure and Work Procedures, Procedures for Appointment and Dismissal, and Budget of the Notary Supervisory Board