

The Use of TikTok as a Legal Education Tool for the Public That Does Not Violate the Notary's Code of Ethics

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Abstract. *The development of information technology has driven the transformation of legal counseling by notaries through digital platforms such as TikTok as a means of broadly and rapidly increasing public legal literacy. However, the presence of notaries in the digital space raises legal and ethical issues related to the boundaries between general legal counseling and individual legal consultations, as well as the potential for misunderstandings due to the simplification of legal information. This study aims to analyze the use of TikTok as a means of legal counseling by notaries and the Notary Code of Ethics as the legal umbrella in its implementation. This research is a normative legal study with a statutory, conceptual, and analytical approach. The legal materials used include laws and regulations, specifically the Notary Law, the Notary Code of Ethics, and relevant legal literature. The analysis was conducted qualitatively to assess the suitability of TikTok's use with the authority and responsibilities of the notary profession. The results show that the use of TikTok as a means of legal counseling by notaries is normatively justified as long as it is carried out within the limits of authority, namely providing general and educational legal information. The Notary Code of Ethics serves as a control instrument that limits notaries from providing individual legal consultations through social media outside of official practice. This phenomenon can be understood as a form of *maslahah murlah* because it provides benefits in the form of increased legal literacy and access to information for the community. However, the potential for *mafsadah* still exists, so it is necessary to apply the precautionary principle, comply with the code of ethics, and strengthen understanding of professional boundaries to ensure legal certainty and public protection.*

Keywords: Education; Legal; Literacy; Notary.

1. Introduction

Counseling Legal counseling is a strategic effort to empower communities to increase legal awareness and understanding of applicable regulations, both in educational settings, the general public, and government institutions. Through a preventative educational approach, this activity helps communities understand their rights, obligations, and the legal risks and consequences of violations, effectively preventing legal violations, particularly among vulnerable groups such as youth and families.¹

Based on Article 15 paragraph (1) of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary, notaries are authorized to provide legal counseling related to the preparation of deeds. However, the meaning and scope of this authority have not been regulated in detail, resulting in normative ambiguity. On the other hand, the phenomenon on the TikTok platform shows that there are notaries, such as the accounts @bunotstell and @belindacarissa_, who regularly upload legal counseling content regarding the notary profession and its legal products. The problem is, notaries are not given the same freedom as other legal professions in providing legal counseling because they are limited by the Notary Code of Ethics.² Article 4 paragraph (3) of the Notary Code of Ethics expressly prohibits notaries and other people who hold notary positions from engaging in promotional practices and business expansion, including the installation of signboards outside the office, advertising, congratulations, condolences, thanks, marketing activities, and sponsorship. This prohibition reflects that the notary position is not intended as a commercial profession, but must maintain the honor, authority, and dignity of the profession as a public official who provides legal services independently and with integrity.³

Within the framework of professional ethics, notary ethics function as guidelines that direct the behavior of notaries to remain responsible and have integrity, which is manifested in the principles of responsibility, justice, autonomy and

¹Amri, et al. (2025). "Building legal awareness from an early age: Legal counseling for students of MAN 5 Pidie" in Jurdimas Alkhidmah: Journal of Community Service, Volume 1 No. 1 (2025), page 4

²Akrabi, MMRIS, and Bonaparta, GL (2023). "Utilization of social media by notaries as a means of implementing legal counseling" in Unes Law Review, Volume 6 No. 2 (2023).<https://doi.org/10.31933/unesrev.v6i2>

³Ramadhandiko, DA, and Lewoleba, KK (2025). "Legal review of the use of social media as a means of online promotion by notaries as a violation of the code of ethics" in Indonesian Legal Media, Volume 3 No 3 (2025).<https://doi.org/10.5281/zenodo.15639227>; Noviyanti, T., and Ratna MS, E. (2022). "Legal consequences of notaries promoting themselves on Instagram social media" in the Notarius journal, Volume 15 No 2 (2022).<https://doi.org/10.14710/nts.v15i2.33674>

moral integrity.⁴The Notary Code of Ethics is a collection of binding norms that serve as a guide, order and control for the behavior of members, as well as a means of social control and professional development to improve the quality of service.⁵Violations of professional ethics have the potential to harm both clients and notaries themselves, so notaries must have a strong stance and dare to refuse tasks that conflict with the law, ethics and morals.⁶ These regulatory and ethical limitations differentiate the implementation of legal counseling by notaries, namely the audience is limited to the parties who will have the deed made and the material presented is limited to the deed in question, so that the counseling is more consultative and not general in nature.⁷In order to review these limitations by taking into account technological developments, this study aims to determine and analyze the use of the TikTok platform as a means of legal counseling by notaries for the public and the Notary Code of Ethics as a legal umbrella in the implementation of online legal counseling, while still paying attention to the limitations in the Notary Code of Ethics.

2. Research Methods

This research is normative legal research, namely research conducted by reviewing library materials or secondary data. According to Mukti Fajar and Yulianto Achmad, normative legal research is a study that considers law as a system of norms, encompassing principles, norms, and rules from statutory regulations, court decisions, agreements, and doctrines. This research focuses on positive legal norms, legal principles, and expert doctrines, which will examine the hierarchy of norms in the Notary Code of Ethics and the digital freedom of expression of the notary profession. The research approaches used include a statutory approach and a conceptual approach. The statutory approach is used to analyze relevant laws and regulations, such as the *Burgerlijk Wetboek* (BW) and Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (UUJN). Meanwhile, the conceptual approach is used to understand concepts such as responsibilities towards the position of notary and limitations in carrying out activities as regulated in the Notary Code of Ethics. The legal sources used in this study consist of primary and secondary legal

⁴ Gitayani, LPC (2019). "Application of professional ethics by notaries in providing services to clients" in Acta Comitas, Volume 3 No 3 (2019).<https://doi.org/10.24843/AC.2018.v03.i03.p03>

⁵ Santoso, APA (2022). Introduction to legal professional ethics. Yogyakarta: Pustaka Baru Press; Tedjosaputro, L. (1995). Professional ethics of notaries in criminal law enforcement. Yogyakarta: Bigrif Publishing; Purban, S. (2020). Professional ethics: Building self-professionalism. Medan: Yayasan Kita Menulis.

⁶ Mardani. (2017). Ethics of the legal profession. Depok: Raja Grafindo.

⁷Putra, F., and Anand, G. (2018). "Legal protection for parties who suffer losses due to legal counseling by a notary" in Legal Communication Journal (JKH), Volume 4 No 2 (2018), p. 26.<https://doi.org/10.23887/jkh.v4i2.15460>

materials. Primary legal materials include the *Burgerlijk Wetboek* (BW), Law Number 2 of 2014 concerning the Position of Notary (UUJN), and the Notary Code of Ethics. Secondary legal materials include legal literature, scientific journals, and legal research relevant to the topic of study. The legal material collection technique is carried out through library research by exploring relevant legal sources, such as law books, journals, regulations, and other legal documents. The collected legal material is then systematically analyzed to answer the problem formulation. The legal material analysis technique used is descriptive-qualitative analysis, which involves logically and structuredly describing the legal material based on applicable theories and regulations.

3. Results and Discussion

3.1. The Concept of Legal Counseling by Notaries in the Digital Era

The notary profession as a position of public trust (*officium nobile*) demands high integrity and responsibility in providing certainty of civil law through authentic deeds.⁸In the digital era, notaries are required to adapt to the concept of cyber notary, but every effort to build a professional image must still comply with a strict code of ethics.⁹Article 15 paragraph (2) letter e of the UUJN gives notaries the authority to "provide legal advice in connection with the making of deeds" which is optional, not mandatory, so it does not affect the validity of the deed.¹⁰

Digital transformation is shifting the pattern of legal counseling from formal-institutional to informal-digital through platforms like TikTok. However, the media's characteristics, which prioritize speed and visual appeal, have the potential to oversimplify complex legal norms. From the perspective of Gustav Radbruch's theory of legal certainty, partial and non-comprehensive legal counseling threatens legal certainty itself.¹¹Furthermore, there is a tendency for the notary's function to shift from legal educator to engagement-oriented content creator, giving rise to ethical issues such as overgeneralization of information, commercialization of legal knowledge, and asymmetry in understanding between notaries and the public. Thus, legal counseling in the digital era is not simply an expansion of media, but rather a structural

⁸Borman, MS (2019). "The Position of Notaries as Public Officials" in *Journal of Law and Economic Development*, Volume 7 No 2 (2019); Anand, G. (2018). *Characteristics of Notary Positions in Indonesia*. Jakarta: Prenadamedia Group.

⁹Makarim, E. (2020). *Notaries and Electronic Transactions: A Legal Study of Cybernotary or Electronic Notary* (4th Edition). Depok: Rajawali Press.

¹⁰Cindaputera, R., Fajri, M., and Putra, M. (2022). "The authority of notaries in legal counseling and mediation issues" in the *Journal of Social Sciences and Education (JISIP)*, Volume 6 No. 3 (2022).<https://doi.org/10.36312/jisip.v6i3.3371>.

¹¹Leawoods, H. (2000). "Gustav Radbruch: An extraordinary legal philosopher" in *Wash: UJL & Pol'y 2*, Volume 2 (2000); Otto, J. M. (2009). "Rule of law promotion, land tenure and poverty alleviation: Questioning the assumptions of Hernando de Soto" in *Hague Journal on the Rule of Law*, Volume 1 No 1 (2009).<https://doi.org/10.1017/S1876404509001730>

transformation of the profession's function, with legal, ethical, and social consequences.¹² From a sociological perspective, the effectiveness of legal counseling is measured not only by the quantity of information conveyed, but also by the extent to which that information is understood and internalized by the public. Digital media like TikTok offer advantages in terms of reach and speed, but also present challenges in the form of limited space for in-depth normative elaboration. Therefore, notaries are required to possess adaptive legal communication skills without sacrificing substantive accuracy.¹³ The success of legal counseling in the digital era depends heavily on the balance between a communicatively engaging approach and adhering to the principles of professional due care.¹⁴

3.2. Limitations of Digital Legal Counseling by Notaries

Legal counseling by a notary is limited only to the parties who will be making the deed, and the notary is not authorized to comment on the deeds of other notaries. The provisions of Article 15 paragraph (2) letter e of the UUJN contain a vague norm (blanket norm) because it does not explain in detail the meaning of "legal counseling in connection with the making of a deed". Based on the theory of legal certainty, a good norm must be clear, not open to multiple interpretations, and can be implemented.¹⁵ This ambiguity leaves room for interpretation that has the potential to cause problems in practice. The main ethical boundaries are the prohibition on excessive self-promotion and the obligation to maintain professional confidentiality. The Notary Code of Ethics prohibits commercial promotion or unfair competition, but in practice, TikTok blurs these boundaries because the platform's algorithm encourages viral content. The principle of independence and prudence compels notaries to distinguish between general education (permitted) and covert consultation (prohibited), which carries the threat of disciplinary sanctions from the Supervisory Board. Notary content creators are required to include an explicit disclaimer, although this does not completely absolve them of legal and ethical responsibilities. Violations of professional confidentiality in the open digital space have implications for the loss of public trust in the notary institution as a whole.

¹²Kristiawan, Y. (2023). "Enforcing the notary code of ethics as an effort to maintain the honor and nobility of the notary's office" in ADIL: Journal of Law, Volume 13 No 1 (2023).<https://doi.org/10.33476/ajl.v13i1.2085>; Gitayani, LPC (2019). "Application of professional ethics by notaries in providing services to clients" in Acta Comitas, Volume 3 No 3 (2019).<https://doi.org/10.24843/AC.2018.v03.i03.p03>

¹³Soerjono Soekanto and Sri Mamudji, Normative Legal Research: A Brief Review (Jakarta: Rajawali Pers, 2015).

¹⁴Y. Kristiawan, "Enforcement of the Notary Code of Ethics as an Effort to Maintain the Honor and Nobility of the Notary Position," in ADIL: Journal of Law, Volume 13 No 1 (2023).<https://doi.org/10.33476/ajl.v13i1.2085>

¹⁵Halilah, S., and Arif, MF (2021). "The principle of legal certainty according to experts" in Siyasa: Journal of Constitutional Law, Volume 4 No 2 (2021).

The ambiguity of the norms in Article 15 paragraph (2) letter e of the UUJN not only raises interpretation issues, but also has the potential to create legal uncertainty for notaries who wish to utilize digital media for educational purposes. In practice, notaries are often in a dilemma between the desire to provide a broader understanding of the law to the public and the fear of violating the code of ethics.¹⁶ This situation demonstrates the need for further regulation, both through implementing regulations and official guidelines from the Indonesian Notaries Association, regarding clear limitations on the use of social media for legal counseling. Legal certainty, as emphasized by Radbruch, requires clear regulations so that notaries can carry out their duties safely and professionally.¹⁷

3.3. Notaries' Use of TikTok in Legal Counseling and Legal Events in the Community

Individual notaries providing legal counseling to the general public have the potential to diminish the passive nature of the notary's role, which is to provide services and prepare deeds upon public request. However, providing legal counseling through social media does not diminish the essence of transferring legal information from notaries to the public, which is the core of the notary's role.¹⁸ Based on Hootsuite data, active social media users in Indonesia have reached 143 million people (50.2% of the population), demonstrating the importance of social media in conveying information and shaping public opinion.¹⁹

The use of TikTok by notaries represents a digital transformation of their legal counseling duties, which are normatively legitimate as long as they do not violate the code of ethics. However, the horizontal inconsistency between the UUJN and the UU ITE (EIT) has become a source of legal disharmony, giving rise to multiple interpretations and legal uncertainty, as detailed regulations regarding cyber notaries are not yet explicitly available. From a sociological perspective, digital legal counseling plays a role in shaping public behavior and legal perceptions, while also serving as a preventative law function that helps minimize the emergence of flawed legal events.²⁰ The presence of notaries on TikTok as legal content creators essentially reflects the profession's response to changes in society's increasingly digital information consumption behavior. However, this

¹⁶T. Noviyanti and E. Ratna MS, "Legal Consequences of Notaries Promoting Themselves on Social Media Instagram," in *Notarius*, Volume 15 No 2 (2022). <https://doi.org/10.14710/nts.v15i2.33674>

¹⁷H. Leawoods, "Gustav Radbruch: An Extraordinary Legal Philosopher," in *Wash: UJL & Pol'y* 2, Volume 2 (2000).

¹⁸Azwar, W. (2022). "The role of notaries in legal counseling regarding the creation of deeds with promotional restrictions through social media" in *Indonesian Multidisciplinary Journal*, Volume 1 No 3 (2022). <https://doi.org/10.58344/jmi.v1i3.92>

¹⁹Hootsuite, and We Are Social. (2025). *Indonesia's digital data 2025*.

²⁰Rahardjo, S. (2008). *Analyzing progressive law*. Jakarta: Kompas.

response must be managed within a strict ethical framework to avoid blurring the lines between public service and professional interests.²¹In the context of legal events, accurate and responsible outreach through TikTok can act as an initial filter for the public before taking legal action, thereby reducing the potential for future disputes.²²Conversely, inaccurate information can actually give rise to new legal issues, such as disputes due to misunderstandings. Therefore, notaries using TikTok must be aware that every upload has legal and sociological consequences that cannot be underestimated.²³

3.4. Supervision and Sanctions for Violations of the Code of Ethics

The Notary Supervisory Board has the authority to provide guidance and enforce discipline against code of ethics violations in digital outreach, but its effectiveness is hampered by the rapidly evolving and difficult-to-control nature of social media. Violations of the Code of Ethics are processed through the Notary Honorary Council (Regional, Regional, and Central) with tiered sanctions: reprimand, warning, suspension, permanent dismissal, and dishonorable discharge.²⁴Dismissal from INI membership is different from dismissal from the position of notary which requires a process involving the Notary Supervisory Board and a decision by the Minister of Law and Human Rights indicating dualism of supervision between internal (professional organizations) and external (government).²⁵In addition to organizational sanctions, notaries who violate Article 16 paragraph (1) letter a of the UUJN can be subject to administrative sanctions by the Notary Supervisory Board.

3.5. Notary Code of Ethics in the Interest of the Law

From the perspective of legal benefit (*maslahah mursalah*), the Notary Code of Ethics not only functions as a disciplinary rule, but also an instrument for maintaining a balance between individual interests, the interests of the parties, and the public interest. Article 3 paragraph (5) of the Code of Ethics requires notaries to improve their knowledge and serve the community by providing legal counseling. Based on Al-Ghazali's theory, legal counseling activities must be tested to see whether they bring more benefits (*jalb al-mashalih*) or actually

²¹DA Ramadhandiko and KK Lewoleba, "Legal Review of the Use of Social Media as a Means of Online Promotion by Notaries as a Violation of the Code of Ethics," in *Indonesian Legal Media*, Volume 3 No 3 (2025).<https://doi.org/10.5281/zenodo.15639227>

²²W. Azwar, "The Role of Notaries in Legal Counseling Regarding the Making of Deeds with Promotion Restrictions through Social Media," in *Indonesian Multidisciplinary Journal*, Volume 1 No 3 (2022).<https://doi.org/10.58344/jmi.v1i3.92>

²³S. Rahardjo, *Dissecting Progressive Law* (Jakarta: Kompas, 2008).

²⁴Yuniati, S. (2017). "Mechanism for imposing sanctions on notaries who violate the notary's code of ethics" in *Jurnal Akta*, Volume 4 No 4 (2017).<https://doi.org/10.30659/akta.4.4.585-590>

²⁵Ardini, S., Yahanan, A., and Hamid, KA (2024). "The Authority of the Notary Supervisory Board in Proposing the Dishonorable Dismissal of a Notary to the Central Supervisory Board" in *Gorontalo Law Review*, Volume 7 No 2 (2024).

cause harm (dar' al-mafasid).²⁶The positive impact is in the form of increasing public awareness and legal compliance, but notaries face obstacles because they are worried that these activities will be interpreted as disguised promotions that violate Article 4 of the Code of Ethics.

There are two perspectives: conservative (emphasizing formality and exclusivity of the profession, viewing TikTok as potentially diminishing its authority) and progressive (the law must adapt to the times, and the use of digital media is justifiable as long as it does not violate the basic principles of the profession). The author argues that notaries' use of TikTok as a means of legal counseling is, in principle, justifiable in a limited way, as long as the content is educational, does not contain promotional elements, does not reveal the client's identity, and does not lead to direct professional gain.²⁷ The progressive perspective that allows notaries to utilize digital media does not completely disregard the conservative perspective that emphasizes the importance of maintaining the authority and dignity of the office. These two approaches can actually be combined through the development of specific ethical guidelines that detail the format, substance, and limitations of legal counseling content on social media.²⁸In the framework of legal benefits, this step is a form of *sad al-dzari'ah* (closing the road to harm) as well as *jalb al-mashalih* (taking benefits) in a balanced manner.²⁹Thus, the use of TikTok by notaries as a means of legal counseling is acceptable as long as it is carried out within the specified corridor and remains based on universal principles of professional ethics.³⁰

3.6. Fiduciary Guarantee Deed

Fiduciary is a material security institution that arose from the need to guarantee debt without transferring physical control of the object to the creditor. A fiduciary security deed is an absolute requirement for the birth of a security right and the basis for registration, granting it executorial power. As an authentic deed, its structure consists of an initial section (identity of the parties), a body section (principal agreement, collateral value, and a detailed description of the collateral object in accordance with the principle of specialization), and a closing section (reading, signing, and witnesses).

²⁶Al-Ghazali, MM (2010). *Min 'ilmil ushul*. Cairo: Al-Maktabah At-Taufiqiyyah.

²⁷Ramadhaniko, DA, and Lewoleba, KK (2025). "Legal review of the use of social media as a means of online promotion by notaries as a violation of the code of ethics" in *Indonesian Legal Media*, Volume 3 No 3 (2025).<https://doi.org/10.5281/zenodo.15639227>

²⁸R. Cindarputera, M. Fajri, and M. Putra, "The Authority of Notaries in Legal Counseling and Mediation Issues," in the *Journal of Social Sciences and Education (JISIP)*, Volume 6 No. 3 (2022).<https://doi.org/10.36312/jisip.v6i3.3371>

²⁹MM Al-Ghazali, *Min 'Ilmil Ushul* (Cairo: Al-Maktabah At-Taufiqiyyah, 2010).

³⁰Mardani, *Ethics of the Legal Profession* (Depok: Raja Grafindo, 2017).

In TikTok practice, content regarding fiduciary guarantees is often packaged as educational content, for example, explaining "how to pledge a vehicle ownership certificate" or "fiduciary risks for debtors." To some extent, this is useful as legal counseling. However, problems arise when notaries provide overly technical and applied explanations, such as detailing deed clauses or answering specific user questions, potentially violating the Code of Ethics regarding the prohibition of legal consultations outside of official practice mechanisms. Simplification through TikTok content risks creating public misunderstanding and blurring the boundaries of notary professionalism, as notaries could potentially be perceived as "offering services" through educational content, contrary to the principles of independence and the honor of the office. Thus, the fiduciary guarantee deed serves as a concrete example of how notarial legal products cannot always be simplified into a digital communication format like TikTok. Notaries' caution in presenting content about fiduciary guarantee deeds on TikTok is crucial considering that these deeds have high executive power and directly impact the civil rights of the parties.³¹ Notaries discussing fiduciary obligations on social media must ensure that their explanations do not create the perception that execution can be carried out arbitrarily without following proper legal procedures. Ideal education emphasizes preventative aspects, such as the importance of understanding rights and obligations before signing a fiduciary agreement, rather than technical, consultative aspects.³² With this approach, notaries can still carry out their educational function without getting caught up in covert consultation practices that violate the code of ethics.³³

4. Conclusion

The use of the TikTok platform as a means of legal counseling by notaries is a form of adaptation of the notary profession to the development of information technology that is normatively justifiable as long as it is within the framework of authority as stipulated in the Notary Law, namely providing legal counseling related to the preparation of deeds and is general and educational in nature. The Notary Code of Ethics plays an important role as a legal umbrella that limits notaries from providing individual legal consultations outside of official practice, but the line between counseling and consultation becomes very thin in the interactive digital space. The use of TikTok by notaries can be categorized as *maslahah mursalah* because it provides benefits in the form of increased legal literacy, easy access to information, and prevention of legal disputes in society, while still requiring a balance between *maslahah* and *mafsadah* through the principle of prudence, compliance with the code of ethics, and a clear understanding of professional boundaries. Notaries who utilize TikTok as a

³¹G. Anand, *Characteristics of Notary Positions in Indonesia* (Jakarta: Prenadamedia Group, 2018).

³² E. Makarim, *Notaries and Electronic Transactions: A Legal Study on Cybernotary or Electronic Notary* (4th Edition) (Depok: Rajawali Press, 2020).

³³Santoso, APA (2022). *Introduction to Legal Professional Ethics*. Yogyakarta: Pustaka Baru Press.

means of legal counseling should maintain a professional stance by clearly distinguishing between general legal counseling and individual consultations, carefully crafting content without oversimplification and emphasizing the general nature of the information. The role of the Indonesian Notaries Association and the Notary Supervisory Board should be strengthened in formulating adaptive technical guidelines regarding notary use of social media, and the government is advised to consider more specific regulations to provide legal certainty in notarial practice in the digital space. The public is also expected to be more critical in accepting legal information from social media and not to rely on it as the basis for legal decisions without verification through official mechanisms. This ensures that notaries' use of TikTok continues to provide benefits without compromising legal certainty or professional integrity.

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