

Legal Consequences of Using Social Media as a Promotional Media for Notaries Based on a Review of the Notaries Code of Ethics

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Abstract. *This study aims to analyze the legal criteria for notaries' use of social media to avoid violating the prohibition on promotion, as well as the legal consequences and sanctions from a legal certainty perspective. The research method used is normative legal research with a statutory and conceptual approach. Data sources rely on primary legal materials such as the Notary Law (UUJN) and the Notary Code of Ethics, which are analyzed qualitatively using descriptive analytical techniques. The results show that the legal criteria for notaries' permitted use of social media must meet the legal education aspects that are general, objective, impersonal, and do not contain commercial persuasive invitations. This study offers the 3-I Model (Informative, Impersonal, and Integrative) as an ethical parameter. Digital activities are classified as violating the Code of Ethics if they include paid advertising (paid promotion), the inclusion of fees, client testimonials, or commercial rating systems (such as on TikTok and Google Business Profile). The legal consequences for Notaries who promote themselves on social media include ethical sanctions from the Honorary Council (ranging from warnings to dismissal from membership) as well as potential administrative sanctions from the Notary Supervisory Board based on Article 17 paragraph (1) letter i of the UUJN for harming the honor of their position. An operational *rechtvacuum* (norm vacuum) was found in the Notary Code of Ethics resulting from the 2015 Banten Extraordinary Congress which has not accommodated the development of modern social media features, thus triggering disparities in law enforcement and a deficit in legal certainty. In connection with the legal consequences arising from violations of the Notary Code of Ethics related to the use of social media, corrective action (remedial action) is required which has perfect evidentiary power.*

Keywords: *Ethics; Media; Notary; Promotion; Social.*

1. Introduction

A notary is a public official appointed by the state to provide legal services to the public, specifically in the preparation of authentic deeds with full evidentiary force. This position is regulated by Law Number 30 of 2004, as amended by Law Number 2 of 2014 concerning the Office of Notaries. As a public official, a notary exercises his or her authority independently based on the law and a professional code of ethics to ensure legal certainty in all legal acts committed by the public.¹

The development of information technology and the high use of the internet and social media in Indonesia have changed the way people obtain information, including regarding legal services.² This situation has encouraged many notaries to utilize digital platforms such as Instagram, Facebook, TikTok, LinkedIn, and YouTube as a means of communication and information dissemination. However, in practice, social media is also often used to promote notarial services, raising legal and professional ethics issues.

Notaries are not business actors free to market their services like other commercial professions. Article 15 of the Notary Law only grants them the authority to draw up authentic deeds and other authorities as stipulated by law. Similarly, Habib Adjie emphasized that notaries are public officials bound by legal and ethical norms and therefore cannot engage in promotional activities to attract clients.³

The Indonesian Notaries Association (INI), through its Notary Code of Ethics, strictly prohibits publication or self-promotion, either directly or indirectly, including through electronic media. This prohibition aims to maintain the dignity of the profession as an official profession based on public trust, not commercial interests. However, Law Number 1 of 2024 concerning Information and Electronic Transactions does not specifically regulate the limits of social media use by notaries, resulting in a gap in norms that creates legal uncertainty.

Various forms of social media activity have been identified that could potentially be categorized as promotion, such as listing a notary's title on professional accounts, publishing services, providing information on deed preparation fees, and using paid advertising. According to Tan Thong Kie, the notary profession is built on trust (*vertrouwen*), so reputation should be earned through integrity and quality service, not through promotion.⁴ These restrictions are also in line with the KPPU's view that certain professions have promotional restrictions in order to protect the public interest and healthy competition.

¹GHS Lumban Tobing, 1983, Regulations on the Position of Notary, Erlangga, Jakarta, p. 31.

²Ministry of Communication and Informatics of the Republic of Indonesia, 2023, Annual Report on Internet Usage in Indonesia 2023, p. 5.

³Habib Adjie, 2015, Indonesian Notary Law, Refika Aditama, Bandung, p. 13.

⁴Tan Thong Kie, 2007, Notary Studies & All About Notary Practice, Ichtiar Baru van Hoeve, Jakarta, p. 159.

The Notary Supervisory Board's report shows an increase in ethical code violations related to the use of social media, and several notaries have even been sanctioned for using social media as a promotional tool.⁵ These violations can result in a variety of legal consequences, ranging from administrative sanctions and civil liability to criminal liability if they meet the elements of a crime. This demonstrates that misuse of social media impacts not only ethical aspects but also legal ones.

Previous studies have generally only highlighted the issue of Notary promotion on social media from the perspective of ethical code violations alone, without formulating operational legal criteria or an applicable ethical framework. This research provides novelty in the form of formulating cumulative legal criteria to assess the promotional content of content, offering the 3-I Model (Informative, Impersonal, Integrative) as an ethical framework, and reconstructing regulations that integrate substantive norm updates, operational technical guidelines, a multi-layered supervision model, and the construction of a deed of compliance statement as an instrument of restorative justice.

This study aims to analyze legal criteria, ethical limitations and legal consequences of the use of social media by Notaries so that it is not qualified as a violation of the prohibition on publication and promotion according to the Notary Code of Ethics.

2. Research Methods

The method used by the researcher is normative legal research with a statute approach and a conceptual approach. Secondary data was obtained through a literature study covering primary, secondary, and tertiary legal materials, then analyzed prescriptively using the theoretical foundations of legal certainty and legal protection.

3. Results and Discussion

3.1 Legal Criteria and Ethical Limitations on the Use of Social Media by Notaries to Prevent It from Being Qualified as a Violation of the Prohibition on Publication and Promotion

Notaries occupy a unique position in the Indonesian legal system. They are not simply legal experts offering their services, as is the norm in most professions, but rather public officials (*openbaar ambtenaar*) granted by the state some public authority to issue authentic deeds and other authorities as stipulated in the UUJN and other laws and regulations. This unique position has consequences for how notaries may and may not introduce themselves to the public, including through social media.

⁵Central Notary Supervisory Board, 2023, Annual Report on Notary Supervision for 2022, p. 8.

The exponential development of information and communication technology in the digital era has disrupted the conventional order of legal professional practice, including the notary profession. Ease of internet access and the proliferation of social media have encouraged notaries to adopt various digital channels as instruments for interacting with the public.⁶, a phenomenon that has developed massively since the COVID-19 pandemic as a catalyst for the digital transformation of public services⁷This development can be mapped into three phases, namely the initiation of personal accounts with general content (2010-2015), the inclusion of specific job nomenclature (2015-2019), and expansion into an interactive audiovisual platform that has the potential to trigger transactional civil legal relations (2019-present).⁸.

The results of this study found that the use of social media by Notaries is an unavoidable consequence of technological developments and changes in society's communication patterns. The presence of Notaries on social media should be positioned as a means of fulfilling the profession's social function in the form of education and dissemination of legal information, rather than as a marketing instrument. Therefore, an adaptive regulatory framework oriented towards legal certainty is needed so that Notaries can utilize social media without diminishing the dignity of their position as *officium nobile*.

There are seven platforms that are most widely used by Notaries, namely Instagram, Facebook, TikTok, LinkedIn, YouTube, official websites, and Google Business Profile.⁹Of the seven, TikTok and Google Business Profile have the greatest potential to raise ethical issues. TikTok's engagement algorithm encourages personal branding, blurring the lines between education and promotion. Google Business Profile's rating feature encourages reputation comparisons between notaries, potentially shifting the position of notaries to that of commercial service providers.

The motivation of notaries to use social media is influenced by three intersecting goals, namely educational goals as stated in Article 15 paragraph (2) letter e of the Notary Law.¹⁰, informative-institutional goals, and promotional goals are the most controversial because they potentially conflict with the prohibition on promotion. These three are difficult to clearly distinguish because quality educational content can naturally build an economic reputation even if it is not intended as promotion from the start. Therefore, the main problem is not the

⁶Danah Michele Boyd and Nicole B. Ellison, 2007, "Social Network Sites: Definition, History, and Scholarship", *Journal of Computer-Mediated Communication*, Vol. 13, no. 1, p. 210.

⁷Andreas Marcus Kaplan and Michael Haenlein, 2010, "Users of the World, Unite! The Challenges and Opportunities of Social Media", *Business Horizons*, Vol. 53, no. 1, p. 61.

⁸Rahmat Ramadhani, 2021, "Challenges and Existence of Notary Codes of Ethics in the Era of Digital Media Convergence," *Journal of Law and Notary Affairs*, Vol. 5, No. 4, pp. 495-498.

⁹Nadia Pitra Kinasih and Azizahtul Himm, 2024, "Legal Consequences of Notaries Using Personal Websites to Provide Services to the Public," *Acten Journal Law Review*, Vol. 1, No. 1, pp. 49-50.

¹⁰Habib Adjie, 2015, *Indonesian Notary Law*, Op. Cit., pp. 28-30.

presence of Notaries on social media, but rather the lack of normative parameters that distinguish legal counseling from promotion. This development has given rise to three main legal issues, namely the blurred boundaries between outreach and promotion, the potential for unfair competition due to unequal digital exposure, and a less than optimal oversight mechanism considering the cross-platform and massive characteristics of social media.¹¹ The absence of these parameters places notaries who adhere to the code of ethics in a less competitive position than notaries who actively promote themselves, so that violations have the potential to provide economic benefits, a condition that emphasizes the urgency of formulating objective parameters accompanied by effective digital supervision.

Article 1 number 1 of Law Number 2 of 2014 concerning the Position of Notary places Notaries in a noble legal position as a public official (*open baar ambtenaar*).¹² The predicate *officium nobile* contains the meaning that a Notary has a moral responsibility to uphold integrity, neutrality and independence.¹³, so that it is required to protect the *honor* of the position from all forms of commercialization¹⁴. Article 17 paragraph (1) of the Notary Public Law prohibits notaries from carrying out other work that is contrary to moral or propriety norms that affect the *honor* and dignity of the position, while more specific regulations are contained in Article 4 paragraph (3) of the 2015 Notary Public Code of Ethics which prohibits publication or self-promotion through print or electronic media. However, this formulation was drafted before the development of various contemporary social media platforms so it does not yet accommodate digital content forms such as short videos, live streaming, or endorsements.¹⁵

This study found that the relationship between the Notary Public Law and the Notary Code of Ethics must be understood systematically, so that the regulatory vacuum regarding social media cannot be interpreted to mean that promotion through it is permitted. Both provisions must be interpreted teleologically according to the purpose of their formation, namely to maintain the *honor*, independence, and dignity of the Notary's office, so that the normative vacuum (*rechtsvacuum*) must be filled through an interpretation oriented towards protecting the dignity of the office, not interpreted as a space for freedom of promotion. The main issue in determining ethical boundaries lies in distinguishing between legal counseling and self-promotion. Content can be categorized as

¹¹Lydia Verginia Nadea and Fully Handayani Ridwan, 2025, "Notary Ethics on Social Media When Professionalism is at Stake", *Doktrina: Journal of Law*, Vol. 8, pp. 65-67.

¹²Abdul Ghofur Anshori, 2018, *Indonesian Notary Institution: Legal and Ethical Perspective*, UII Press, Yogyakarta, p. 45.

¹³Habib Adjie, 2011, *Contextualization of the Theory and Practice of Indonesian Notaries*, Refika Aditama, Bandung, p. 89.

¹⁴Ghansham Anand, 2018, *Characteristics of the Notary Position as Officium Nobile*, Airlangga University Press, Surabaya, p. 112.

¹⁵Josias Anugrah and Chairunnisa Said Selenggang, 2024, "Limitations of the Use of Social Media in Notary Positions Reviewed from the Notary Code of Ethics", *Asian Journal of Engineering, Social and Health*, Vol. 3, no. 7, p. 1588-1590.

promotional if it predominantly displays the identity of a notary, contains persuasive language to use their services, and has the potential to create unfair competition.¹⁶ This study believes that the most appropriate measure to distinguish information from promotion is whether the content encourages the public to choose a particular Notary over another; if so, the content essentially contains promotional elements even though it is packaged as legal counseling.

Notary social media content can be grouped into three categories: content that is clearly promotional in nature such as paid advertising and testimonials¹⁷; content in the grey area that combines educational substance with dominant emphasis on the Notary's identity¹⁸; and pure educational content that is oriented towards legal substance without making the Notary's identity the main attraction¹⁹. Of the three, grey area content is the most difficult to assess because, without clear parameters, determining violations will depend heavily on the discretion of the Honorary Council. The ethical parameters for using social media are built from three dimensions, namely the content dimension, the presentation dimension, and the dimension of impact on the dignity of office.²⁰ All three are cumulative, with the impact dimension being the most determining element because the main objective of the promotional ban is to maintain public trust and healthy competition, in line with the prudential principle that must be inherent in public officials in order to safeguard the noble dignity of the *officium nobile* from digital distortion.²¹

This study formulated five cumulative elements as indicators of the promotional content of a Notary's social media content, namely explicit identification, commercial persuasion, commercialization of services, client mediation, and competitive impact. The elements of commercial persuasion and competitive impact have the greatest weight because they are directly related to the purpose of the prohibition on promotion in Article 4 paragraph (3) of the Notary Code of Ethics.²², namely preventing the commercialization of the profession and maintaining healthy competition among notaries. As a key contribution, this study proposes the 3-I Model (Informative, Impersonal, Integrative). The Informative aspect limits content to general legal education and prohibits comparisons of

¹⁶Dwi Tatak Subagiyo and Rini Apriani, 2021, "Legal Study of the Prohibition on Self-Promotion for Notaries Based on the Professional Code of Ethics", *Journal of Law and Notary Affairs*, Vol. 5, No. 3, p. 368.

¹⁷Matthew Edbert and Yoan Nursari Simanjuntak, 2024, "Creating Notary Educational Content Using Social Media Based on the Notary Code of Ethics and the Theory of Legal Certainty", *Acta Comitatus: Journal of Notary Law*, Vol. 9, No. 2, p. 211.

¹⁸*Ibid.*

¹⁹*Ibid.*

²⁰*Ibid.*, p. 215.

²¹Raden Roro Anita Wahyu Setyowati, 2019, "Enforcement of the Code of Ethics and Legal Protection of the Noble Dignity of the Notary Office", *Jurnal Notarius*, Vol. 12, No. 2, p. 145.

²²Nurwulan Purnasari and I Made Dedy Priyanto, 2021, "Violations of the Notary Code of Ethics in the Use of Social Media," *Acta Comitatus Journal*, Vol. 6, No. 2, p. 250.

service quality, rate discounts, or claims of being the "Best/Fastest Notary." The Impersonal aspect requires that accounts be positioned as "Notary Offices" or "Legal Information Media," not personal personas. Therefore, visual trends such as TikTok dancing or exposure of luxurious lifestyles are categorized as implicit violations of the honor of the office. The Integrative aspect emphasizes alignment with the cyber-supervision system by the Notary Supervisory Board through the official Digital Code of Conduct of the Indonesian Notary Association. When analyzed using Radbruch's Legal Certainty Theory and Hadjon's Legal Protection Theory simultaneously, ideal regulations must meet the formulation of clear and consistent rules as well as adaptive and balanced protection mechanisms. This study found that the current regulations experience multidimensional deficits, namely a juridical deficit in the form of unclear norms, a sociological deficit due to failure to accommodate digital reality, and a philosophical deficit due to not being able to maintain the dignity of Notaries as *officium nobile*, so that the proposed normative reconstruction is an urgent legal necessity.

3.2 Legal Consequences and Sanctions for Notaries Who Use Social Media as a Promotional Medium Reviewed from the Perspective of Legal Certainty and Protection of the Dignity of Office

The assessment of whether or not there is a violation cannot be simply seen from the existence or absence of publication activity, but must be linked to the purpose, substance, and impact on the implementation of the Notary's position. The use of social media containing promotional elements is a violation of Article 4 paragraph (3) of the Notary Code of Ethics which results in tiered organizational sanctions, ranging from verbal warnings to dishonorable dismissal, through tiered examinations by the Regional, Regional, and Central Honorary Councils.²³ Violations of the code of ethics related to promotions are generally divided into minor, moderate and serious violations.²⁴ This study proposes the addition of a systematic violation category for Notaries who intentionally and continuously manage social media as a marketing instrument through content strategies, professional management services, or continuous promotional campaigns, because the level of error and impact is much greater than incidental promotions. The use of social media as a promotional tool also has the potential to conflict with Article 17 paragraph (1) letter i of the Notary Law. Violations decided by the Honorary Council can be the basis for the Notary Supervisory Board to impose administrative sanctions, so that law enforcement is built through two complementary mechanisms. This study found that coordination between the two institutions has not been running optimally, so that standard procedures are

²³Tri Noviyanti and Edith Ratna MS, 2022, "Legal Consequences of Notaries Promoting Themselves on Instagram Social Media", *Notarius*, Vol. 15, No. 2, p. 574.

²⁴Harsinta Saraswati, Nandaini Intan Damaiyanti, and Sri Rokhayati, 2024, "Legal Consequences of Violations of the Notary's Code of Ethics in Promoting Oneself Through Social Media", *PALAR (Pakuan Law Review)*, Vol. 10, No. 4, p. 155.

needed regarding the exchange of information and synchronization of the implementation of decisions.

Sanctions imposed on a Notary have an impact not only on the individual, but also on the authority of the notarial institution as a whole.²⁵, because it has the potential to form a negative public perception of the notary profession collectively²⁶. Public trust in Notaries is a two-way trust relationship built on the belief that Notaries exercise their authority independently and are not influenced by commercial interests; when Notaries actively promote themselves through social media, the perception of independence can change into the impression of being a business actor competing to attract consumers. Gustav Radbruch's Theory of Legal Certainty places legal certainty as one of the three fundamental values of law, alongside justice and utility, and requires norms that are clear, written, and consistently applied.²⁷. Analyzed with this theory, Article 4 paragraph (3) of the Notary Code of Ethics does not provide an operational definition regarding publication or promotion in the context of social media, so that the norm becomes open to multiple interpretations and opens up space for differences in interpretation between Notaries, the Honorary Council, and the Notary Supervisory Board.

The ambiguity of these norms is detrimental to notaries with good intentions and can be exploited as a justification by notaries who intend to promote themselves. The scope of the prohibited objects also does not accommodate forms of content such as short videos, live streaming, or search engine optimization, thus implicating disparities in the application of sanctions between regions and the failure to fulfill the principle of uniformity. Another obstacle is proving the intention to promote (*animus promovendi*), because posts often straddle the fine line between information and promotion, and the lack of clear measures regarding the relationship between the level of violation and the type of sanction according to Article 6 of the Notary Code of Ethics, so that the determination of sanctions depends on the discretion of the Honorary Council and gives rise to disparities in decisions. This study concludes that current regulations experience a deficit in legal certainty in almost all aspects as a systemic problem due to the lack of adjustment of regulations to developments in digital technology. According to Philipus M. Hadjon, legal protection is the protection of human dignity and the recognition of the rights of legal subjects, which is divided into preventive and repressive protection.²⁸. Preventive protection has been realized through the normative prohibition of Article 4 paragraph (3) of the Notary Code

²⁵Habib Adjie, Indonesian Notary Law, Op. Cit., pp. 23-25.

²⁶Habib Adjie, 2017, Civil and Administrative Sanctions for Notaries as Public Officials, Refika Aditama, Bandung, pp. 147-150.

²⁷Gustav Radbruch, in Satjipto Rahardjo, 2014, Legal Science, Citra Aditya Bakti, Bandung, p. 19.

²⁸Philipus M. Hadjon, 1987, Legal Protection for the Indonesian People: A Study of its Principles, Handling by the Courts in the General Court Environment and the Formation of State Administrative Courts, Bina Ilmu, Surabaya, p. 20.

of Ethics as well as guidance by the Honorary Council, but it is still not optimal because it is not equipped with technical guidelines, so it tends to be passive because it is oriented towards prohibitions, not proactive guidelines. The Notary supervision system involves elements of government, academics, and Notaries as a balance of internal and external supervision.²⁹ This study recommends the establishment of a dedicated digital oversight unit within the Indonesian Notaries Association that monitors social media activity, provides ethical consultations, and conducts content pre-assessments, transforming the organization's function from repressive to preventive and developmental. The regulatory reconstruction is directed at three integrated pillars: first, amendments to Article 4 paragraph (3) of the Notary Code of Ethics by adding operational definitions of promotion, publication, information and legal counseling in a digital context.³⁰, accompanied by an affirmation of digital promotion forms such as paid advertisements, SEO, and endorsements as objects of regulation³¹.

Second, the preparation of the Guidelines for the Use of Social Media for Notaries (PPMSN) which contain definitions of terms, classification of permitted and prohibited content, procedures for including identity, ethical consultation mechanisms, and self-reporting procedures, as a preventive instrument that bridges general ethical code norms with dynamic digital practices.³² Third, the implementation of the Three-Layer Supervisory Model, consisting of self-regulation, peer monitoring among Notaries, and integrated institutional oversight by the Notary Honorary Council and Supervisory Board, is accompanied by a recommendation to add a specific article to the Notary Code of Ethics that comprehensively regulates the use of digital media. These three pillars are a complementary unit, and their success depends on the commitment of all stakeholders in building a digital ethical culture.

3.3 Legal Construction of the Deed of Compliance Statement as a Means of Settlement and Commitment to Improvement (Restorative Justice) in Notary Law

As a form of legal settlement and commitment for Notaries suspected of violating the prohibition on promotion on social media, this study formulates a legal construction in the form of a Deed of Statement of Compliance and Submission to the Code of Ethics. This authentic deed instrument functions as proof of

²⁹Habib Adjie, 2011, Supervisory Board of Notaries as State Administrative Officials, Refika Aditama, Bandung, pp. 31-35.

³⁰Sari Dewi Adhistya Wandayani, Emmy Latifah, and Anjar Sri Ciptorukmi Nugraheni, 2025, "Reconstruction of the Notary Code of Ethics: Answering the Dilemma of Publication and Promotion in the Digital Era", USM Law Review Journal, Vol. 8, No. 3, p. 1722.

³¹Fadhil Fahmi, Nurini Aprianda, and Dyah Aju Wisnuwardhani, 2020, "Imposing Sanctions on Notaries Who Publish or Promote Themselves in Print and Electronic Media," Jurnal Cakrawala Hukum, Vol. 11, No. 2, p. 158.

³²Prasetyawati, Betty Ivana, and Paramita Prananingtyas, 2022, "The Role of the Notary Code of Ethics in Building Notary Integrity in the 4.0 Era," Notarius, Vol. 15, No. 1, pp. 319-320.

recognition (*bekentenis*) as well as an effort to mitigate ethical sanctions before the Notary Supervisory Board, thus placing the resolution of violations not solely on punitive mechanisms, but also on recovery mechanisms (restorative) oriented towards a commitment to improve the Notary's behavior in the future. In substance, the deed contains the Notary's acknowledgement that the use of social media as a means of self-promotion, offering discounts on deed fees, or claiming superior service constitutes an action that is contrary to Article 4 paragraph (3) of the Notary Code of Ethics and demeans the dignity of the position. Furthermore, the deed contains the Notary's promise and commitment to delete all promotional content and/or deactivate the social media concerned within a certain time limit, as well as a statement of willingness to submit to tiered administrative and ethical sanctions, ranging from temporary dismissal to dishonorable dismissal, if it is later proven that similar actions have been repeated. The deed also confirms that the statement of compliance does not eliminate the authority of the Notary Supervisory Board or the Notary Honorary Council to continue the ongoing ethical examination process.

4. Conclusion

Based on the explanation of the findings presented previously, the conclusions that can be drawn from this study are as follows: The legal criteria for the use of social media by Notaries are determined cumulatively through five elements, namely explicit identification, commercial persuasion, commercialization of services, client mediation, and competitive impact; the ethical boundaries are formulated through the 3-I Model (Informative, Impersonal, Integrative) which positions Notary social media content as a means of legal education that is impersonal and integrated with a digital monitoring system; The use of social media as a promotional medium has legal consequences in the form of violations of Article 4 paragraph (3) of the Notary Code of Ethics and has the potential to conflict with Article 17 paragraph (1) letter i of the Notary Law, resulting in tiered ethical sanctions and administrative sanctions. The current regulations experience multidimensional legal, sociological, and philosophical deficits when viewed from Radbruch's Theory of Legal Certainty and Hadjon's Theory of Legal Protection; As a means of resolution with a restorative justice character, this study formulates the construction of a Deed of Statement of Compliance and Submission to the Code of Ethics. The research recommendations include: For the Indonesian Notaries Association (INI), it is necessary to update the digital-based Notary Code of Ethics, compile Guidelines for the Use of Social Media for Notaries (PPMSN), and set clear boundaries for permitted and prohibited content; For the Honorary Council & Supervisory Board, it is necessary to strengthen digital supervision through Electronic Evidence Procedures, content assessment standards, and increasing supervisory technology competencies; and For Notaries, it is necessary to uphold the prudential principle and self-regulation when using information technology.

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