



Inclusion of Notary Positions on Social Media as a Form of Self-Promotion Based on The Notary Code of Ethics

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ABSTRACT

The developments of technology make interaction between humans is easier, for example in the term of using social media. The Notary use is not prohibited, but the Notary should obey to the Notary Code of Ethics as a guide to Notary behaviours. The problems that will be discussed in this study are regarding the inclusion of a Notary position on social media and the procedure for imposing sanctions by the Notary Honorary Council against Notaries who violate the Notary Code of Ethics. In order to answer this problem, a normative juridical research method with a descriptive research typology is being used. The results of the analysis show that a Notary who lists his position on social media violates Article 4 paragraph (3) of the Notary Code of Ethics. This can be reviewed based on 2 (two) factors, namely aspects of forming personal branding and the Notary Code of Ethics. The Notary Honorary Council in carrying out its authority takes action based on reports both actively and passively. In giving the number of ethical sanctions, the Notary Honorary Council refers to the quantity and quality of the violations committed by the Notary. Based on this, Notaries are still allowed to use social media without including their position on social media. For the public, if they see someone who has listed the position of a Notary on social media, they can report it to the Notary Honorary Council. In addition, there is a need for a revision of the Notary Code of Ethics, especially regarding self-promotion because it does not follow the development of science and technology.

ABSTRAK

Perkembangan teknologi menjadikan interaksi antar manusia menjadi mudah salah satunya menggunakan media sosial. Penggunaan media sosial bagi seorang Notaris memang tidak dilarang, namun tetap harus patuh terhadap Kode Etik Notaris sebagai pedoman tingkah laku Notaris. Permasalahan yang akan diangkat dalam penelitian ini mengenai pencantuman jabatan Notaris di media sosial dan prosedur penentuan sanksi oleh Dewan Kehormatan Notaris terhadap Notaris yang melanggar Kode Etik Notaris. Guna menjawab permasalahan tersebut digunakan metode penelitian yuridis normatif dengan tipologi penelitian deskriptif. Hasil analisis diperoleh bahwa Notaris yang mencantumkan jabatannya di media sosial termasuk melanggar Pasal 4 ayat (3) Kode Etik Notaris. Hal ini dapat ditinjau berdasarkan 2 (dua) faktor yaitu aspek pembentuk personal branding dan Kode Etik Notaris. Dewan Kehormatan Notaris dalam melaksanakan kewenangannya melakukan penindakan berdasarkan laporan baik secara aktif maupun pasif. Dalam memberikan besaran sanksi etik, Dewan Kehormatan Notaris merujuk pada kuantitas dan kualitas pelanggaran yang dilakukan oleh Notaris tersebut. Berdasarkan hal tersebut, Notaris tetap diperbolehkan menggunakan media sosial dengan tidak mencantumkan jabatan di media sosialnya. Bagi masyarakat, jika melihat seseorang yang mencantumkan jabatan Notaris di media sosial dapat melaporkannya kepada Dewan Kehormatan Notaris. Selain itu perlu adanya revisi Kode Etik Notaris khususnya mengenai promosi diri jabatan karena kurang mengikuti perkembangan ilmu pengetahuan dan teknologi.

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I. INTRODUCTION

Humans are social creatures whose one of their characteristics is communicating with each other. In ancient times humans communicated only by meeting in person or by mail. Along with the times, technological advances make communication between distant humans can be done quickly, one example is through social media. Social media is one example of the many uses of technology due to the currents of globalization. Social media, in addition to being a bridge between people, can also be a place to make money.

Quoting from Hanifah Islamiyah and Arief Rachman that a survey by the Indonesian Internet Service Providers Association (APJII) in 2017 stated a total of 256.2 million Indonesians, around 143.26 million are internet users and 89% of internet users in Indonesia access social media.(Hanifah Islamiyah; Arief Rachman, 2018) Based on the results of the survey, there must be and there are quite a lot of notaries who use social media. It is quite easy to find it, for example on Instagram social media just by typing the keyword "notary" in the search field, accounts will appear that include the position of notary in the description and / or on their social media usernames.

One aspect that must be done if you want to make social media a place to earn money is to form *personal branding*. *Personal branding* is a personal identity that creates a response for others related to the quality of one's self.(Haroen, 2018) Forming personal branding is quite difficult for ordinary people, but for a person who is an expert in a certain field such as a Notary, forming personal branding is not a difficult thing. One of the aspects of shaping personal branding is competence.(Haroen, 2018) This is because not everyone can become a Notary because they have to complete a special education. Then it can be said that a Notary has its own uniqueness or peculiarity compared to ordinary people and other jobs.

With regard to work, there are 3 (three) types of forms of work, namely work in the general sense, work in a certain sense and work in a special sense.(Abdulkadir Muhammad, 2006) Work in the general sense is work that relies on physical strength to earn wages in a temporary or fixed period of time. Work in a sense is work that relies on physical or intellectual strength for the purpose of devotion within a temporary or fixed period of time. Work in a sense work that relies on physical and intellectual strength to earn income in a fixed period of time. Notary in this case is included in the second form, namely work in a certain sense or it can also be called a profession. This is based on the following criteria:(Abdulkadir Muhammad, 2006) Only certain fields; Based on specific skills; It is fixed; Prioritizing service over income; Be responsible for yourself as well as to society; There are professional organizations.

These criteria are reflected in the conditions for being able to be appointed as a Notary as well as the oath of office. The conditions for the appointment of a person to become a Notary are stated in the formulation of Article 3 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of

2004 concerning the Position of Notary (hereinafter referred to as UUJN). Meanwhile, the oath of office of a Notary is stated in the formulation of Article 4 paragraph (2) of the UUJN. The following is the formulation of Article 3 and Article 4 paragraph (2) of the UUJN successively:

Article 3 states that:(Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary, n.d.) the conditions for being able to be appointed as a Notary as referred to in Article 2 are:

- a. Indonesian citizens;
- b. be devoted to God Almighty;
- c. be at least 27 (twenty-seven) years old;
- d. physically and spiritually healthy declared by a health certificate from a doctor and psychiatrist;
- e. have a bachelor's degree in law and a graduate of the notarial second strata level;
- f. have undergone an internship or have actually worked as an employee of a Notary for a period of at least 24 (twenty-four) consecutive months at the Notary's office on its own initiative or on the recommendation of the Notary Organization after graduating from the second strata of notary affairs;
- g. not having the status of a civil servant, state official, advocate, or not holding any other position which by law is prohibited from being confined to the position of Notary Public; and
- h. has never been sentenced to imprisonment based on a court decision that has obtained permanent legal force for committing a criminal offense that is threatened with imprisonment of 5 (five) years or more.”

These requirements can be classified into 2 (two) forms, namely conditions related to the achievement of technical competence and conditions related to the achievement of moral competence.(Nisaul Hasanah; et.al, 2018) The terms of letters (d), (e), and (f) are the achievement of technical competence, while the requirements of letters (b), (d), (g), and (h) are the achievement of moral competence. Furthermore, the formulation of Article 4 paragraph (2) of the UUJN, namely:

Article 4 paragraph (2) said :(Nisaul Hasanah; et.al, 2018)

"I swear/promise:

that I will obey and be loyal to the State of the Republic of Indonesia, Pancasila and the 1945 Constitution of the Republic of Indonesia, the Law on the Position of Notary and other laws and regulations.

that I will exercise my office with a mandate, honesty, thoroughness, independence, and impartiality.

that I will maintain my attitude, mannerisms, and will perform my obligations in accordance with the code of professional ethics, honor, dignity, and responsibility as a Notary.

that I will keep secret the contents of the deed and the particulars obtained in the exercise of my office.

that I am to be appointed to this office, either directly or indirectly, under any name or pretext, never and will not give or promise anything to any person.”

Based on the terms and oath of office and connected with a brief description of personal branding and the notary profession, it can be said that it is quite easy for a Notary to form personal branding on social media. Although one of the purposes of forming personal branding is to earn money, but not necessarily a Notary is absolutely prohibited from using social media. Notaries can still use social media because it is the right of every individual. However, because the position of Notary has always been attached to him, the use of social media is mandatory in the allowed corridors. In this regard,

the Notary must comply with the rules regarding restrictions on actions both regarding the implementation of his office and daily life.

The rules regarding restrictions on the implementation of office and daily behavior are codes of professional ethics. According to Abdulkadir Muhammad, the code of professional ethics is the formulation of human moral norms related to the profession he has or carries out. (Abdulkadir Muhammad, 2006) According to Bertens, who was quoted by Supriadi, the code of professional ethics is a norm created and established by professional organizations, which aims to provide guidelines for members of their organizations in terms of behavior and as a form of assurance of the quality of members of these organizations in the eyes of the public. (Supriadi, 2014) Based on these 2 (two) opinions, it can be concluded that the code of professional ethics is a norm made by a professional organization as a direction for members of the organization in behaving in society and in the implementation of their positions. The question arises, why is the code of professional ethics so important? There are 4 (four) reasons related to this. The first reason is to cause confidence from the public that their interests will be guaranteed because of the good quality of a legal profession. The second is as a means of social control. The third is as a benchmark for a professional in carrying out his profession. Fourth, namely as a preventive tool for the occurrence of a misunderstanding or conflict. (E.Y. Kanter, 2001)

The code of professional ethics that applies to the present for Notaries is the 2015 Notary Code of Ethics. The Notary Code of Ethics was created and established by the Indonesian Notary Association (hereinafter referred to as Perkumpulan) as the only organization for Notaries at the Extraordinary Congress of the Indonesian Notary Association on May 29-30, 2015. This is in accordance with the mandate of the formulation of Article 82 paragraph (1) and paragraph (2) and Article 83 paragraph (1). In particular In article 2 it is formulated that the scope of the code of ethics relates to the exercise of office and the daily life of a Notary. (Ikatan Notaris Indonesia, 2015) In addition to the scope, the 2015 Notary Code of Ethics also regulates obligations, prohibitions, sanctions, procedures for enforcing the code of ethics, as well as code of ethics enforcement bodies. However, in this writing will only focus on prohibitions, sanctions as well as their enforcement bodies. Article 1 number 11 of the Notary Code of Ethics defines Prohibition as "any attitude, behavior, and deed or action that must not be carried out by members of the association or other people who hold and carry out the position of Notary, which can degrade the image and authority of the notarial institution or the dignity of the dignity and dignity of the notary position. (Ikatan Notaris Indonesia, 2015) If it is connected between the definition of prohibition and the scope of the notary code of ethics, then the prohibition is not only in the real world, but also includes the virtual world, especially in this case related to the use of social media.

A Notary who is found to have violated the code of ethics may be given sanctions in the form of a reprimand, warning, temporary dismissal from membership of the association, respectful dismissal from membership of the association, or disrespectful dismissal from membership of the association. The body or apparatus of the association authorized to examine and sanction in connection with violations of the code of ethics is the Honorary Council of Notaries. The Honorary Council of Notaries is divided into 3 (three) namely Central, Regional and Regional. (Ikatan Notaris Indonesia, 2015) This division is based on the level of examination i.e. the first, appeal and final levels. However, the division is not necessarily that the Central Honor Council or the Regional Honor Council as an advanced examination. This is because both the National Honor Council and the Regional Honor Council can

also be first-level examinations. One form of prohibition for a Notary is to promote yourself to the position. The prohibition is stated in the formulation of Article 4 paragraph (3) namely:

"carrying out publication or self-promotion, either alone or jointly by stating his name and position, using print and/or electronic media, in the form of:

- a. Advertising;
- b. Congratulations;
- c. Condolences;
- d. Acknowledgments;
- e. Marketing activities;
- f. Sponsored activities, whether in the social, religious, or sporting fields."

One of the highlights is that Notaries are prohibited from including their names and positions in condolences. If it is connected between the description at the beginning of this sub-chapter about many people who list the position of Notary either on their *usernames and/or social media* descriptions with condolences there are contradictory things. On the one hand, Notaries are prohibited from giving condolences if they include their names and positions but not a few who list their names and positions on social media. Whereas if you refer back to the explanation above, social media can be used as a container to earn money. Therefore, KEN, especially Article 4 paragraph (3), can be said to be obsolete. The no-promotion rules of office that have prevailed to date have only looked at the apparent violations of the code of conduct committed by Notaries, but did not see any loopholes from technological advances that could become legal smuggling. In addition, the rules are only fixated with what was at the time the rules were made, inflexible keeping up with the times. In fact, according to Abdulkadir Muhammad, the code of professional ethics must be able to change and be changed in accordance with the development of science and technology. (Abdulkadir Muhammad, 2006).

II. RESEARCH METHODS

The form of research used in this research is normative juridical research, namely research that refers to theories and laws and regulations related to this research. (Ali, 2013) The typology used in this study is descriptive, namely to provide data about humans or a situation or event. (Soerjono, 1989) The type of data used is secondary data obtained from official documents, books, scientific articles and laws and regulations. (Ali, 2013) Jenis bahan hukum yang digunakan adalah sebagai berikut:

1. Primary Legal Material

Primary legal materials are legal materials that are legally binding. (Dyah Ochtorina Susanti; A'an Efendi, 2014) In this study, the primary legal material that will be used is:

- a. Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary;
- b. Civil Code, Burgerlijk Wetboek (Staatsblad of 1847 No. 23);
- c. Amendment of the Articles of Association of the Indonesian Notary Association 2015.
- d. Changes to the Notary Code of Ethics 2015

e. Central Honorary Council Regulation Number 3 of 2017 concerning Procedures for Examination of Alleged Violations Committed by Members of the Association and Other Persons (Who Are In the Performance of a Notary Position)

2. Secondary Legal Materials

Secondary Legal Material is material that provides a view of the subject matter and provides an explanation of the primary legal material related to this research. (Dyah Ochtorina Susanti; A'an Efendi, 2014) Secondary legal materials in this study are in the form of books, journals, and scientific articles related to notary professional ethics.

The data collection tools used in this study focused on the study of documents. (Soerjono, 1989) The data analysis method used qualitatively is to determine the meaning of the rules that are used as a reference in solving legal problems that are the object of research. (Ali, 2013)

III. RESULT AND DISCUSSION

1. Inclusion of Notary Position on Social Media as a Form of Self-Promotion

The Notary entered Indonesia in 1620 when Melchior Kerchem was appointed the first Notary. However, at that time the Notary did not have freedom as a general official in carrying out his office. It was only officially that a notary institution entered Indonesia at the time of the ratification of the Staatsblad 1860 Number 3 concerning *Reglement op Het Notary Ambt in Indonesie or briefly can be called a Notary Reglement*. (G.H.S. Lumban Tobing, 1999) *Notaries in Notary Reglement are defined as Openbare Amtranen or general officials*. This definition is used in Article 1868 of the Civil Code (hereinafter referred to as the Civil Code). The use of the phrase "general officer" is also used by uujn as a substitute for notary reglement. However, there is a difference between Notary Reglement and UUJN. In Notary Reglement Notaries become "the only" general officials while in UUJN only "general officials". (Adjie, 2013).

UUJN uses the phrase "general official" because Notaries are not the only general officials. Indonesia divides general officials into 2 (two), namely General Officers of Civil Servants (PNS) and General Officers of Non-Civil Servants (Non-PNS). (Fayakundia Putra Sufi; Rusdianto Sesung, 2015) Examples of general officials of civil servants are Class I Auction Officials, while examples of Non-PNS general officials are Notaries, Land Deed Making Officers (PPAT) and Class II Auction Officials. The separation aims to produce general officials who have certain areas of specificity who can provide results in accordance with expectations (Principle of Effectiveness) and to provide appropriate services related to legal certainty (Principle of Efficiency). (Fayakundia Putra Sufi; Rusdianto Sesung, 2015)

As a general official, the authority of a Notary is attributive because it is obtained from the law, especially in this case the UUJN. (Adjie, 2021) The main authority of a Notary is to make a deed. A deed is a written or letter signed and contains events related to an agreement with the aim of being used as evidence. (Mertokusumo, 2014) Based on this definition, a writing or letter can be said to be a deed if it is signed and made with the aim of being evidence. (Alwesius, 2019) The deed has 2 (two) functions, namely the formal function and the function as evidence (*probationis causa*). (Mertokusumo, 1984).

The function of formil is that if an act is to be said to be a legal act, it must be made a deed both authentically and under the hand and the next function is as evidence. Deeds can be divided into 2 (two) namely authentic deeds and deeds under the hand. The deed in question relates to the main authority of the Notary is the deed. An authentic deed is a deed made in the form prescribed by law by or before a general officer authorized to do so at the place where the deed was made. (Kitab Undang-

Undang Hukum Perdata, n.d.) This authority is stated in Article 15 paragraph (1) of the UUJN, namely:

"The notary is authorized to make authentic deeds regarding all deeds, agreements, and provisions required by law and/or that are desired by the interested person to be stated in the authentic deed, guarantee the certainty of the date of making the deed, keep the deed, give grosse, copies and quotations of the deed, all of which are so long as the making of the deeds is not also assigned or excluded to other officials or other persons stipulated by law."

Authentic deeds have a perfect evidentiary power, meaning that when a dispute occurs, the deed can be used as evidence without the need for additional evidence to show its authenticity and the judge must believe it. This is different from an underhand deed if it is to have perfect evidentiary power if it is signed and recognized by the parties.(Alwesius, 2019) In addition to having perfect evidentiary power, authentic deeds also have a function for the parties, namely:(Salim HS, 2006)

1. As evidence that the agreement has been entered into by the parties;
2. As evidence that what is written in the agreement is the will of the parties;
3. As evidence for third parties if on that date that the parties enter into an agreement and its contents in their favor, unless otherwise specified.

Based on the description above regarding the authority of the Notary and the function and nature of the authentic deed, it can be interpreted that the Notary is an extension of the state's hand in an effort to provide legal protection and certainty for the community in terms of evidence.(Hartanti Sulihandari; Nisya Rifiani, 2013) This important position can be said to be a Notary is a position of trust. This trust makes it mandatory for notaries to behave honorably (honorable) and responsible (*responsible*) for its honorable and important position in society.(Mardjono Reksodiputro, 2009) Maka Notaries are obliged to maintain their behavior both in carrying out their positions and in daily life. It has been mentioned earlier that in relation to carrying out their position, notaries must comply with the UUJN, while related to the behavior of daily life, notaries must comply with the Notary Code of Ethics.

In the previous chapter, it was mentioned about the Notary Code of Ethics issued by the Indonesian Notary Association. In the Notary Code of Ethics implied 2 (two) purposes of its creation, namely maintaining the dignity and dignity of the Notary and maintaining public trust in the Notary.(Ikatan Notaris Indonesia, 2015) It has a relationship with a Notary as a trust position. The Notary Code of Ethics applies to all members of the Association and other persons, both in the implementation of office and in daily life. The meaning of the phrase "someone else" i.e. Temporary Notary Officer or Substitute Notary.(Dewan Kehormatan Pusat Ikatan Notaris Indonesia, n.d.) In this case, the applicability of the Notary Code of Ethics is also to the behavior when using social media.

One of those regulated in the Notarial Code of Ethics regarding Prohibition. One of the actions or behaviors that a Notary prohibits from doing is to self-promote the position. The prohibition is stated in Article 4 paragraph (3) of the Notary Code of Ethics, namely:

"carrying out publication or self-promotion, either alone or jointly by stating his name and position, using print and / or electronic media means, in the form of:

- a. Advertising;
- b. Congratulations;

- c. Condolences;
- d. Acknowledgments;
- e. Marketing activities;
- f. Sponsored activities, whether in the social, religious, or sporting fields.”

The purpose of the prohibition of self-promotion of the post is related to the Notary as one of the jobs in a certain sense or it can be called a profession. One of the criteria of the profession is to prioritize service rather than seeking profit.(Prakoso, 2015) The criterion is also implied in Article 37 paragraph (1) that "the notary shall provide legal services in the notarial field free of charge to the incapacitated person." Promotional activities were initially carried out in conventional ways such as by distributing brochures or through direct interaction. However, with the development of promotion technology, it can be done through social media.

At first social media was used as a tool to facilitate long-distance communication. But over time, social media, which was originally a place to communicate, can also be used as a forum for entertainment, business (promotion), building networks (relationships) and can even be used to find a job. Especially regarding business activities (promotions), usually someone must first form or build a *personal branding*. According to McNally and Speak quoted by Bagus Nyoman Kusuma Putra and Tiksnayana Vipraprastha, there are 3 (three) main aspects that make up personal branding, namely competence, style, and standards.(Bagus Nyoman Kusuma Putra; Tiksnayana Vipraprastha, 2022) Competence is related to expertise in a particular area. Style has to do with the personality of the person. Standards relate to the way others view ourselves.

According to Dewi Haroen, the most place to form personal branding is social media. This is because social media is a sophisticated and inexpensive communication tool. Almost on every social media there is a feature in the form of a *description*. This feature allows users to write whatever they want such as nickname, domicile and even work. Social media descriptions allow others to see in general who the person being seen is which will give rise to a perception of its own.

Related to the use of social media, for example Instagram by a Notary, it is quite easy to find it, namely by simply typing the keyword "notary" in the search field, accounts will appear that include the position of Notary in the description and / or social media username. In this case, the inclusion of the position of Notary on social media is included in the violation of self-promotion. This can be reviewed from 2 (two) factors. The first factor is related to the aspects of shaping personal branding. The first aspect is the competence that the Notary profession is a profession that requires special skills that can be implemented if the person concerned has taken special education.(Laksana, 2016) The second aspect is the style that this is seen in how he behaves in using social media, whether for positive things such as providing legal counseling or whether for negative things. The third aspect is the standard that automatically people who see the account of a Notary with useful uploads and if an academic degree is added, it will cause a positive perception to the Notary. With the fulfillment of these 3 (three) aspects, *personal branding* will be formed for a Notary.

The second factor is related to the Notary Code of Ethics. The inclusion of the position of Notary on social media is the same as the inclusion of the position of Notary in condolences. This is contradictory, Notaries are prohibited from listing their positions in condolences which are as real as a form of solidarity between people who are experiencing misfortune but are free to list positions on social media. Though one of the functions of social media today is as a container for profit. So based

on these 2 (two) factors, a Notary who lists his position on social media either in *the description and/or username* can be said to have violated Article 4 paragraph (3) of the Notary Code of Ethics.

Consequently, a Notary may be subject to sanctions in the form of reprimands, warnings, temporary dismissal from membership of the association, respectful dismissal from membership of the association, or disrespectful dismissal from membership of the association. The authority in imposing such sanctions is the Honorary Council of Notaries as a fittings of the Association. However, based on the foregoing it does not absolutely make a Notary forbidden to use social media. The guidelines for the use of social media for Notaries are basically not listed in the Notary Code of Ethics, but can apply existing rules to behavior in the use of social media. The rule is contained in Article 5 regarding Exceptions, namely:(Ikatan Notaris Indonesia, 2015)

The matters mentioned hereunder constitute an exception therefore excluding the Offence by:

1. Giving congratulations, condolences by using congratulatory cards, wreaths or other media by not including a Notary, but only a name;
2. The loading of the name and address of the Notary in the telephone, fax, and telex number manual, which is officially published by PT. Telkom and/or other official agencies and/or institutions;
3. Install 1 (one) signpost with a size not exceeding 20 cm x 50 cm, a white base, black letters, without including the name of a Notary and installed within a maximum radius of 100 meters from the Notary's office;
4. Introducing yourself but not promoting yourself as a Notary.”

That the Notary is allowed to give condolences with a wreath without listing the post of Notary. This can be applied in the use of social media by notaries, namely by not including their position in their usernames, descriptions or uploads. The use of social media by notaries can be used for useful things such as conducting legal counseling. Notaries are basically only authorized to conduct legal counseling related to the deeds they make but as people have expertise, special education and are considered as people who "know the law" then the Notary has a moral responsibility to conduct legal counseling to anyone.

2. Honorary Board of Notaries as a Tool for Enforcing the Notary Code of Ethics

The Honorary Council of Notaries is one of the organs within the Society. In the Notary Code of Ethics, the Honorary Board of Notaries is defined as a tool of the Association which is formed and functions to uphold the Code of Ethics, the dignity and dignity of the Notary, which is independent and free from partiality, in carrying out its duties and authorities in the association.(Ikatan Notaris Indonesia, 2015) In the structure of the Notary Honorary Council consists of 3 (three) levels, namely the Central Honorary Council (DKP), the Regional HonorArY Council (DKW) and the Regional Honorary Council (DKD). This difference in levels relates to the process of examining and enforcing the code of ethics just like the general judiciary. However, the distinction is not absolutely enforced as such because both the Central Honor Council and the County Honor Council can be first-degree examinations and proceedings. The duties and authorities of the Notary HonorArY Council are as follows:

“The HonorArY Council has duties and authorities to:

- a. Conducting guidance, supervision, coaching members in enforcing and upholding the Notary Code of Ethics;
- b. Examining and making decisions on alleged violations of the provisions of the Notary Code of Ethics;

- c. Provide advice and opinions to the Supervisory Panel and/or the Honorary Notary Assembly for alleged violations of the Notary Code of Ethics and the position of Notary;
- d. Coordinating, communicating, and connecting directly to members and parties related to the implementation and enforcement of the Notary Code of Ethics;
- e. Make regulations in the context of enforcing the Notary Code of Ethics together with the Central Management.”

In exercising its authority, the Honorary Board of Notaries can be active or passive in relation to the discovery of violations of the Notary Code of Ethics. Active can be interpreted as the violation found directly by a member of the Honorary Board of Notaries while passive can mean that the violation was found by a Fellow Notary, The Administrator of the Association or the community.(Dewan Kehormatan Pusat Ikatan Notaris Indonesia, n.d.) Reports received by the Honorary Board of Notaries must be accompanied by evidence, such as written and/or electronic evidence and the names of witnesses who will be called for questioning.

If the person who receives the application for examination related to the report of violation of the Notary Code of Ethics along with evidence is the DKD, then the DKD must hold an examination hearing no later than 14 (fourteen) days from the receipt of the application. After that, the DKD is obliged to call the Notary concerned. In the event that the Notary is not present without reason after being duly summoned 3 (three) times, then the Notary will be immediately found guilty of violating the Notary Code of Ethics on the third day of internment and the judgment cannot be appealed. However, if the Notary in question is present, then the reading of the verdict will be carried out 7 (seven) days after the end date of the trial. If the Notary concerned objects to the decision, it can be appealed up to the appeal to the DKW and DKP.(Dewan Kehormatan Pusat Ikatan Notaris Indonesia, n.d.) With regard to the appeals and appeals process, the flow of examination and lightening is the same as with the first level of examination by the DKD.

The DKW or DKP may conduct examinations and proceedings in the first instance if the DKD or DKW is unable to hold an examination hearing. This can be done if there are certain reasons and if in a province a DKW has not been formed. On the judgment of the first instance by the DKW it cannot be appealed but can be appealed to the DKP. However, specifically for the DKP which is conducting examinations and trials in the first instance, judgments with sanctions of reprimand, warning or temporary dismissal cannot be filed on appeal because it is directly binding and lastly,(Dewan Kehormatan Pusat Ikatan Notaris Indonesia, n.d.) whereas if the verdict is in the form of a dismissal with respect or disrespect then it can be appealed to Congress.

In rendering the judgment, the Honorary Council of Notaries refers to the quantity and quality of violations committed by the Notary.(Dewan Kehormatan Pusat Ikatan Notaris Indonesia, n.d.) The greater the violation, the more severe the sanctions will be, such as immoral acts, degrading the dignity of the Notary, or actions that reduce the trust of the community.(Dewan Kehormatan Pusat Ikatan Notaris Indonesia, n.d.) Such gross violations can also result in dismissal as a Notary. The DKP is authorized to provide recommendations to the Minister of Law and Human Rights to fire Notaries who commit gross violations of the Notary Code of Ethics.(Ikatan Notaris Indonesia, 2015).

IV. CONCLUSION

Based on research and discussions regarding the inclusion of the position of Notary on social media and the procedure for cracking down on violations of the Notary Code of Ethics by the Honorary Council of Notaries, it can be concluded as follows:

1. The inclusion of the position of Notary on social media is included in the self-promotion of the position. This can be reviewed based on 2 (two) factors, namely the formation of personal branding and the Notary Code of Ethics. The first factor, namely the formation of personal branding, can be seen from 3 (three) aspects, namely competence, style and standards. The first aspect is the competence that a Notary has competence because to be appointed as a Notary, he must meet certain conditions, one of which is that he must have studied special education, namely Strata 2 Notary. The second aspect is style, that this can be seen from how the notary behaves in using social media whether for positive or negative things. The third aspect is the standard, that directly someone who sees the account of a Notary with useful uploads and if an academic degree is added, it will cause a positive perception of the person to the Notary. The second factor is related to the Notary Code of Ethics. The inclusion of the position of Notary on social media is the same as the inclusion of the position of Notary in condolences. It becomes contradictory that the Notary is forbidden to list his position in the condolences which is as real as a form of solidarity between people but is free to list the position on his social media. So based on these 2 (two) factors, a Notary who lists his position on social media can be said to have violated Article 4 paragraph (3) of the Notary Code of Ethics.
2. The Honorary Board of Notaries in exercising its authority based on reports or findings regarding violations of the Notary Code of Ethics. After obtaining a report or findings, within 14 (fourteen) days the Notary Honor Council is obliged to hold a trial. The notary concerned will be summoned and if it is not present for no reason after being summoned 3 (three) times appropriately, then the Honorary Council of the Notary will immediately decide the notary's guilt. If the Notary is present, then the Honorary Board of Notaries will give a verdict no later than 7 (seven) days after the last day of the hearing. In rendering the judgment, the Honorary Board of Notaries will weigh based on the quantity and quality of the violations committed by the Notary.

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