

VIOLATION OF NOTARY CODE OF ETHICS IN USING SOCIAL MEDIA FOR SELF-PROMOTION THROUGH VIDEO BLOG FORM

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Abstrak:

Legal consequences for Notaries who violate the rules contained in the Notary Code of Ethics: The Notary Honorary Council can impose code of ethics sanctions on Notaries who violate the code of ethics, in this case, related to publication and self-promotion on social media in the form of vlogs, by the problems discussed in this legal research. The code of ethics sanctions for Notaries who violate the rules related to publication or self-promotion on social media (electronic) based on Article 6 paragraph (1) of the Notary Code of Ethics is in the form of reprimands, warnings, temporary suspension from membership of the Association, honorable suspension from membership of the Association, or dishonorable suspension from membership of the Association. In the context of the case of violation of the code of ethics by Notary PRS related to the circulation of the vlog, the sanctions given to Notary PRS are in the form of sanctions of the code of ethics or accountability according to the code of ethics and his position based on the results of the examination of Notary PRS in the Minutes of Examination issued by the Malang Regional Honorary Council which states that Notary PRS promises to delete the video that has been circulated and will not commit the act again.

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INTRODUCTION

The 1945 Constitution (UUD 1945) firmly states that the Republic of Indonesia is a country of law, where the principle of a country of law is to guarantee certainty, order, and legal protection based on truth and justice. Indonesia, with a developing economy whose business rate is increasing all the time, people interact daily in conducting business relations, and these interactions can give rise to a legal relationship with certain legal consequences. Therefore, legal certainty is the basis for a country's legal system. In guaranteeing legal certainty, authentic written evidence is needed regarding acts, agreements, determinations, and legal events made before or by authorized officials.

Article 1 of the Republic of Indonesia Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (from now on referred to as UUJN) states that "a notary is a public official who is authorized to make authentic deeds and has other authorities as referred to in this Law or based on other laws."

Notaries have an important role in legal relationships in community life because, in carrying out a legal relationship, the community requires written evidence in the form of an authentic deed as perfect evidence regarding an act, agreement and stipulation required by statutory regulations as desired by the interested parties.

A notary is a legal profession, so the profession of Notary is a noble profession (*nobile officium*). A notary is called a noble official because the profession of a Notary is very closely related



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to humanity. Deeds made by Notaries can be the legal basis for the status of property, rights and obligations of a person.

Notaries, as public officials, are bound to obey a professional ethic. Professional ethics are moral ethics that are specifically created for the good of the profession concerned. Each profession has its own identity, nature or characteristics and professional standards according to the needs of each profession.

As with other professions, the Notary profession has a code of ethics designed in such a way by the Notary professional organization called the Indonesian Notary Association, commonly abbreviated as INI. In its implementation and enforcement, sanctions are applied and imposed on notaries who violate the law. The regulation is stated in Article 1 Number 2 of the Amendment to the Notary Code of Ethics of the Extraordinary Congress of the Indonesian Notary Association in Banten on May 29-30, 2015.

The Notary Code of Ethics is a logical consequence of a Notary's professional work. Basically, a Notary, as a public official who is given a trust, must adhere not only to laws and regulations but also to the code of ethics of his profession because, without a code of ethics, the dignity and honor of the Notary profession will be lost.

Based on the Republic of Indonesia Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (UUJN), UUJN is a positive law that must be obeyed by everyone who serves as a Notary. In addition to UUJN, a Notary must also pay attention to the Code of Ethics made by the Indonesian Notary Association (INI), which contains the obligations, prohibitions, and exceptions of Notaries in carrying out their position as a balance to regulate the attitude and actions of Notaries both in carrying out their duties and in everyday life. One of them in the Notary Code of Ethics has been regulated regarding the prohibition of Notaries from publishing or promoting themselves, either alone or together, by including their name and position, using print and electronic media in the forms further regulated in Article 4 paragraph (3) of the Notary Code of Ethics.

As time goes by, there are changes and innovations related to the use of technology, whether in the fields of information, media, or communication. These developments create convenience for human life, but on the other hand, there must be an adjustment between technological developments and applicable norms, including the Notary profession, where a Notary can utilize electronic media but still with limitations as stipulated by law and the Notary profession code of ethics.

Referring to the focus of the study in this legal research, social media such as Instagram, TikTok, Facebook, Twitter, and so on are widely used as a means of self-promotion for Notaries. Several notaries have Instagram accounts, listing their names, titles, and positions and introducing themselves as notaries.

For example, researchers have found several Notary accounts on social media, especially on Instagram, which publish and promote their positions by listing not only their name, title and position but also their office address and telephone number and even linking to the Notary's office website which contains complete information about the office profile along with the Notary's address and contact. Also, by Instagram's function as a social media used to upload photos and videos, several Notaries upload photos as greetings (for example, Happy Eid) by listing their name, title and position, complete with the Notary's office address and telephone number. Then, researchers also found another Notary who allowed his client to make a video blog (from now on abbreviated as "vlog") about his arrival at the Notary's office; in the video, the Notary's nameplate is shown with the Notary's name and position visible along with his activities with the Notary. The video also explains the Notary's services, which are considered an advantage of using the Notary's

services. This action is a publication and promotion of the Notary's position. Actions that directly or indirectly lead the public to use the services of the Notary in question can be called promotion, thereby violating the Notary Code of Ethics provisions.

METHODS

This research is a descriptive analysis with normative legal research type and uses the Legislation Approach. Legal materials used are Primary legal materials, namely "binding legal materials" such as laws and regulations in Indonesia; secondary Legal Materials, namely "materials that are closely related to primary legal materials and can help analyze and understand primary legal materials" such as books, articles, journals and Tertiary Legal materials, namely "materials that provide information about primary materials and secondary materials." In this study, tertiary legal materials are the Great Dictionary of the Indonesian Language, abstracts and other types of tertiary sources. The data collection method is carried out using the library research method. Data is presented in narrative or text form and then analyzed qualitatively.

RESULT AND DISCUSSION

The law must be implemented and enforced. Everyone expects the law to be enforced in the event of a concrete event. How the law is, that is what must apply. It must not deviate. In line with the development of society, more regulations have been drawn up to organize modern life. So, the issue of law enforcement or the issue of Rule Of Law and Law Enforcement becomes important.

A notary is a profession, so it needs to be regulated by a code of ethics. Therefore, the position of the code of ethics for Notaries is very important. The code of ethics and UUJN are expected to prevent injustice as a result of granting status of property, rights and obligations that are not by the rules and principles of law and justice so that it can disrupt public order and disrupt the personal rights of the justice-seeking community, so for the world of Notaries, a good and modern code of professional ethics is also needed.

The negligence of a Notary in carrying out his duties and office will result in certain legal consequences that must be accounted for by the Notary himself. The relationship between the code of ethics and UUJN gives meaning to the Notary profession. UUJN and the Notary Code of Ethics require that Notaries, in carrying out their duties and office as public officials, in addition to being subject to UUJN, must also obey the Notary Code of Ethics and must be responsible to the community they serve, their professional organization (INI), and to the state. Ethics are critical, methodical, and systematic reflections on human behavior as they relate to norms or human behavior from a good and bad perspective.

Regarding the legal consequences for Notaries who violate the rules contained in the Notary Code of Ethics, the Notary Honorary Council can impose code of ethics sanctions on Notaries who violate the code of ethics, in this case, related to publication and self-promotion on social media in the form of vlogs, by the issues discussed in this legal research. The code of ethics sanctions Notaries who violate the rules related to publication or self-promotion on social media (electronic) based on Article 6, paragraph (1) of the Notary Code of Ethics is as follows:

- a. Reprimand;
- b. Warning;
- c. Temporary suspension from membership of the Association;
- d. Honorable dismissal from membership of the Association;
- e. Dishonorable dismissal from membership of the Association.

Of course, as mentioned above, the imposition of sanctions against Notaries who violate the Code of Ethics must be adjusted to the quantity and quality of the violations committed by the Notary. This is based on Article 6, paragraph (2) of the Notary Code of Ethics.

The Regional/Regional/Central Honorary Council has the authority to impose these sanctions on Notaries who are legally proven to have committed violations of the Notary Code of Ethics, which are written rules that must be obeyed and implemented by Notaries in order to create harmony among Notaries so that there are no clashes between them that would create a bad image for the Notary profession in the eyes of the public.

About the actions carried out by Notary PRS, it has violated the provisions of Article 4 paragraph (3) of the Notary Code of Ethics, and his actions do not include exceptions as stated in Article 5 of the Notary Code of Ethics, which the researcher has mentioned in the previous sub-chapter. Notary PRS's actions violate the Notary Code of Ethics due to his negligence in circulating a vlog about himself on social media uploaded by his client to inform and promote himself as a Notary and how the superior service services he provides to the public. This can trigger injustice for other Notaries who firmly adhere to the Notary Code of Ethics guidelines.

Ignatius Ridwan Widyadharma explained that the relationship between ethics and the Notary profession is where the importance of professional development in every profession must be supported by professional ethics and a sense of responsibility in carrying out their profession so that professional responsibility and ethics can be interpreted more as an obligation to carry out the work of the profession by paying attention to the law and morals so that every person who trusts him always appreciates and respects him as a responsible professional. The actions of Notary PRS regarding his negligence in the vlog, which indicated the violation, did not reflect the implementation of the Notary Code of Ethics, which reflects responsibility and compliance with professional ethics for the moral value of his position as a Notary.

Before being sworn in, a Notary must undergo several stages, such as attending seminars, training and exams. One of the tests that must be passed is the professional code of ethics test. From the actions of the PRS Notary, it can be concluded that there is a possibility that the Notary Code of Ethics is only a test but is not implemented optimally. In contrast, as a Notary, one should obey and implement the rules realistically and comply with all applicable provisions according to the UUJN and the Notary Code of Ethics that the INI organization has set.

Because the PRS Notary's actions constitute a violation of the Notary Code of Ethics, they must be accounted for through the enforcement of strict sanctions from the Notary Honorary Council, in this case, the Malang Regional Honorary Council, to resolve the problem.

In the context of the case of violation of the code of ethics by Notary PRS related to the circulation of the vlog, the sanctions given to Notary PRS are in the form of sanctions of the code of ethics or accountability according to the code of ethics and his position based on the results of the examination of Notary PRS in the Minutes of Examination issued by the Malang Regional Honorary Council which states that Notary PRS promises to delete the video that has been circulated and will not commit the act again.

Suppose violations like this should be followed up on firmly by the Notary Honorary Council. In that case, it can cause injustice to Notaries, and negligence or violations are commonplace among Notaries. These actions are not by the moral principles of implementing the Notary Code of Ethics, and this will cause the Notary Code of Ethics that has been established by the INI organization only to be written regulations that are formalities without being obeyed and implemented by Notaries in their daily duties and positions as Notaries. Most regulations concern the morals and personal responsibilities of notaries in carrying out their positions.



The Notary Honorary Council cannot directly impose punishment or sanctions on Notaries; this must go through several processes or stages that are carried out so that the decision can be final and binding. The following is the examination and trial process that must be passed by Notaries who are proven to have violated the code of ethics by Article 9 and Article 10 of the Notary Code of Ethics:

After the examination and trial of a Notary who violates the Notary Code of Ethics in this case related to publication and self-promotion on social media in the form of a vlog, if it is proven that the Notary concerned did not commit any violation, then the Notary concerned will have his name cleared by issuing a letter in the form of a Decree of the Honorary Council by the Notary Honorary Council examining the case. However, suppose the Notary is proven to have committed a violation. In that case, the Notary Honorary Council will also issue a letter as a Decree. It will send the Decree to the Notary who is proven to have committed the violation, with a copy sent to the Central Management, Central Honorary Council, Regional Management, Regional Honorary Council, Regional Management, and Regional Honorary Council. Because from the results of the examination contained in the Minutes of Examination issued by the Malang Regional Honorary Council, in this case, Notary PRS admitted guilt for not monitoring the circulation of the video that had been uploaded on social media; then Notary PRS was proven to have violated the code of ethics.

Likewise, if the sanction decision is decided by and in the Congress, then the Congress will notify the Notary concerned by registered letter, with a copy to the Central Management, Central Honorary Council, Regional Management, Regional Honorary Council, and Regional Honorary Council.

The decision made by the Congress or the Notary Honorary Council may be appealed by the Notary who was given the punishment or sanction if he/she objects to the decision that has been given. The appeal application can be made 30 (thirty) working days after receipt of the first sanctioning Decision Letter. The appeal application is sent by letter or directly by the Notary who was given the sanction to the Central Honorary Council, with copies sent to the Central Management, Regional Management, Regional Honorary Council, Regional Management, and Regional Honorary Council. If the Notary concerned does not send his/her letter directly to the Central Honorary Council but sends the appeal application through the Honorary Council that decided the case, then the Honorary Council that decided the sanction will send all copies/photocopies of the files to the Central Honorary Council no later than 14 (fourteen) working days after receiving the appeal application. After that, no later than 14 (fourteen) working days after receiving the appeal, the Central Honorary Council will summon the Notary who filed the appeal to hear his explanation and defense.

After the Central Honorary Council has conducted a final examination of the Notary concerned, no later than within 30 (thirty) working days, the Central Honorary Council will issue an appeal decision. Moreover, the Honorary Council will still issue its decision if the Notary summoned does not appear at the summons.

After the appeal decision, the Central Honorary Council sends the decision to the Notary examined by registered mail 14 (14) working days after the decision. Likewise, the process or mechanism must be followed if an appeal is submitted to Congress. The appeal to the Congress is made by the Notary concerned within 30 (thirty) working days before the Congress is held.

In cases of violations of the code of ethics committed by PRS Notaries related to publication and self-promotion on social media in the form of vlogs, this cannot be appealed because only the Decision of the Regional/Regional Honorary Council in the form of temporary suspension, honorable suspension or dishonorable suspension from membership of the Association can be

appealed to the Central Honorary Council. This is by Article 6, paragraph (6) of the Notary Code of Ethics.

The sanctions, as regulated in Article 6 paragraph (1) of the Notary Code of Ethics, must be accepted by a Notary who is proven to have violated the Code of Ethics because the decision on the sanctions has permanent legal force based on Article 10 paragraph (15) of the Notary Code of Ethics, in the case of:

- a) The Notary concerned is subject to sanctions in the form of reprimands and warnings;
- b) The Notary concerned is subject to sanctions in the form of temporary suspension ho, notable dismissal, or dishonorable dismissal from membership of the Association, accepts the decision and does not file an appeal within the specified time;
- c) The Central/Congress Honorary Council has issued a decision on appeal sanctions.

However, it needs to be emphasized in this case that the sanction of dismissal in the form of temporary dismissal, honorable dismissal or dishonorable dismissal from membership of the Association, which is given to a Notary who violates the code of ethics, is not in the form of dismissal from the position of Notary, but rather dismissal from membership of the Indonesian Notary Association (INI). So even though a Notary who has been proven to have violated the code of ethics and is sentenced or sanctioned in the form of temporary dismissal, honorable dismissal, or dishonorable dismissal from membership of the Association, the Notary can still do deeds and can still exercise other authorities as a Notary. Thus, the sanction in the form of dismissal from membership of the Association certainly does not affect the position of a Notary who has violated the code of ethics because this sanction does not mean that the Notary is immediately dismissed from his position because only the Minister has the authority to dismiss a Notary from his position by hearing a report from the Supervisory Board. However, it has also been stated in Article 6 paragraph (8) of the Notary Code of Ethics that the Central Honorary Council also has the authority to provide recommendations accompanied by a proposal for dismissal as a Notary to the Minister of Law and Human Rights of the Republic of Indonesia. Therefore, violations of the code of ethics in the world of notaries cannot be underestimated.

Considering that many Notaries may publish and promote themselves on social media intentionally or unintentionally, as the researcher found in the case of Notary PRS, it would be better if the Regional Honorary Council, Regional Honorary Council, and Central Honorary Council could tighten their supervision of Notaries regarding Notary behavior so as not to violate the Notary Code of Ethics such as publishing or promoting themselves on social media in the form of vlogs by the discussion of this legal research or in any form that is possible on social media in this modern era. As time passes, it will be easier for people to use electronic media, including Notaries.

Then, in Article 4 of the Notary Code of Ethics, which prohibits notaries from publishing or promoting themselves, it is also necessary to have a clear category of limitations regarding the publication and promotion of notary positions on social media. Making regulations regarding the norms and behavior of a Notary that must be obeyed by each member more clearly and in more detail will make it easier for members to understand the limits of a Notary's behavior in their daily lives. The urgency of the category of limitations is so that Notaries get legal certainty regarding what they may and may not do in their daily activities.

In addition, the publication or self-promotion activities of a Notary can be one of the reasons for the emergence of unhealthy business competition between fellow Notaries. This is by the provisions of the Notary Code of Ethics Article 4 paragraph (9), which explains the prohibition of

Notaries in the case of: "Conducting businesses, either directly or indirectly, that lead to the emergence of unhealthy competition with fellow Notaries."

Business competition is necessary (condition sine qua non). However, business competition is sometimes within healthy parameters and can be unhealthy. Unhealthy business competition is competition between business actors and businesses in producing and marketing goods and services, which is carried out dishonestly or unlawfully or hinders business competition. Therefore, publication or self-promotion carried out by Notaries on social media in the form of vlogs such as the case of Notary PRS in the discussion of this legal research, is one of the efforts that leads to the emergence of unhealthy business competition between fellow Notaries, because this is contrary to the provisions of the Notary Code of Ethics. Notaries are prohibited from making efforts to get as many clients as possible without heeding the provisions of the law or the Notary Code of Ethics.

In practice, not all Notaries publish or promote themselves on social media, but only some Do. Because this is only done by some Notaries, there are other Notaries who do not do this, thus creating a gap between fellow Notaries. This will create unhealthy competition because some Notaries choose methods that are not permitted, while others remain steadfast to the Law and Code of Ethics.

The many violations committed by Notaries require an increase in the role of the Supervisory Board and the Honorary Council in providing guidance to Notaries and imposing sanctions on Notaries who commit violations, whether it is behavioral violations such as publication and self-promotion of a Notary on social media, or violations in the implementation of the Notary's position because currently there are many violations committed by Notaries.

The honor of the Notary profession must be maintained so that the public recognizes the position of the Notary, so it is considered important for the role and function of the Notary Honorary Council to be improved. All parties must recognize its image and authority as an institution so that the Notary Honorary Council can be a reference for parties who want to seek the truth and get a fair and honest solution. Thus, parties aggrieved by a Notary are expected to report their case to the Honorary Council before going to the Supervisory Board. The Honorary Council is considered more appropriate because it can resolve cases without expanding the scope of the problem. Likewise, violations of the code of ethics committed by notaries are expected to be immediately and firmly followed up on by the Notary Honorary Council.

CONCLUSION

legal consequences for Notaries who violate the rules contained in the Notary Code of Ethics, the Notary Honorary Council can impose code of ethics sanctions on Notaries who violate the code of ethics, in this case, related to publication and self-promotion on social media in the form of vlogs, by the problems discussed in this legal research. The code of ethics sanctions for Notaries who violate the rules related to publication or self-promotion on social media (electronic) based on Article 6 paragraph (1) of the Notary Code of Ethics is in the form of reprimands, warnings, temporary suspension from membership of the Association, honorable suspension from membership of the Association, or dishonorable suspension from membership of the Association. Because the actions of the PRS Notary constitute a form of violation of the Notary Code of Ethics, the actions of the PRS Notary must be accounted for through the enforcement of strict sanctions from the Notary Honorary Council, in this case, the Malang Regional Honorary Council to resolve the problem. In the context of the case of violation of the code of ethics by Notary PRS related to the circulation of the vlog, the sanctions given to Notary PRS are in the form of sanctions of the code of ethics or accountability

according to the code of ethics and his position based on the results of the examination of Notary PRS in the Minutes of Examination issued by the Malang Regional Honorary Council which states that Notary PRS promises to delete the video that has been circulated and will not commit the act again.

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