

NOTARY SELF-ACTUALIZATION AND PROMOTION IN SOCIAL MEDIA: An Analysis of Notary Ethics Violations in Indonesia

Akhmad¹, Sinung Mufti Hangabei²

¹Lecturer at Master of Notary Program, University of Bengkulu, Indonesia

²Lecturer at Universitas Muhammadiyah Bengkulu, Indonesia

email: amuslih@unib.ac.id

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ABSTRACT

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The era of digitalization encourages people to use social media for self-socialization, including notaries. Notaries' Code of Ethics prohibits notaries from using social media for promotion or advertising. Ethicsprofessionis the overall moral provisions contained in a profession, professional ethics examines the problems that occur in practice because have not quite enough answers and rights which contained profession, professional ethics is part of the expression in the form of effort to translate circumstances which have certainty. Using normative legal research methods, it has been established that self-actualization is the process of becoming oneself and developing one's own psychological potential. Philosophically the limitations of the code of ethics are to maintain the morality of notaries as public officials, the code of ethics is part of the moral norms, and the code of ethics functions to guard the morality of law bearers who have broad authority.

INTRODUCTION

Self-actualization *is* the right of every person in self-development and achievement. Self-actualization is a basic right for every human being, that basic right is protected by law. In simple terms, what is meant by self-actualization is a person's need to develop, use and utilize the potential, talents and capacities possessed to produce and manifest himself in an actual and tangible form. Humans as psychological beings, it has been established that self-actualization is the process of becoming oneself and developing one's own psychological potential, unique because psychologically no one is exactly the same in everything as anyone else. Because the potential for human life is dynamic, self-actualization will also change along with the development of one's life, meaning that one's self-actualization process also continues to develop according to achievements.

In the current digital era, humans are free to express themselves by living in two worlds, namely the real world and the virtual world. In the virtual world, humans are free to express their feelings according to the feelings they are experiencing.¹ Due to the existence of civil relations in the form of transactions made through electronic media or transactions made online, as well as the fact that these relations are increasingly experiencing developments and being integrated with one another, notaries are required to follow and adapt to the developments of the globalization era that are happening at this time.²

The era of digitalization encourages people to use social media for self-socialization, including notaries. The notary's code of ethics prohibits notaries from using social media for promotion or advertising, so there must be a clear understanding of the use of social media for self-actualization with the use of social media for promotion or advertising for notaries, because self-actualization is the basic right of everyone, and self-actualization is not may be inhibited.

Promotion is all forms of communication used to inform, persuade, and remind the target market about products produced by organizations, individuals or households. Advertising is a message conveyed with the aim of introducing a product to an audience with a particular media platform. Advertising is an important instrument in the marketing process. Practically advertising becomes part of the promotion.³

Philosophically, a notary public is a profession that performs some of the duties of the State, especially those related to civil law or the field of private law. Notary is a public official or public official (*public ambtenaar*). Public officials are positions given to

¹ Silvanus Vigo and Farida Prihatini, "Promosi Jabatan Notaris Melalui Media Instagram Sebagai Bentuk Pelanggaran Kode Etik Profesi Notaris," *Jurnal Kertha Semaya* 9, no. 11 (2021): 2043, <https://doi.org/10.24843/KS.2021.v09.i11.p04>.

² Henry Donald Lbn Toruan, "The Importance of Using Electronic Deeds to Facilitate The Service And Storage of Notary Archives," *Jurnal Penelitian Hukum DE JURE* 22, no. 4 (2022): 487.

³ Rafi Aufa Mawardi, "Pengertian Iklan: Jenis, Fungsi, Tujuan, Dan Mediana," last modified 2022, <https://www.detik.com/edu/detikpedia/d-6118374/pengertian-iklan-jenis-fungsi-tujuan-dan-mediana>.

someone, including a notary who is authorized by legal regulations to make authentic deeds. Because of that, the notary's authority must be clear, clear authority means that there must be clear limits, so as not to exceed the limit or not abuse the position or abuse its authority (*abuse of power*), then a code of ethics was formulated for notaries, the notary's code of ethics is the norm that limits notaries to things that are permissible and things that are not allowed or prohibited. Philosophically these limitations are given to maintain the morale of notaries as public officials, therefore the notary's code of ethics is part of the moral norm.

Notary Public (*de ambtenaar*) as a public official (*public ambtenaar*), in carry out their duties and profession demanded have a broad understanding of all legal norms and norms related to their profession, a Notary is obliged to maintain morality and uphold the Notary Code of Ethics. Enactment Code Notary Ethics for every notary intended for give limitationsto action which conducted by Notary Public so do not abuse their authority (*abuse of power*). The Notary's Code of Ethics serves as a mandatory moral rule for obeyed by every member association as which mandated in Chapter 83 paragraph (1) the Law Number 30 of 2004 concerning Notary Office and Ethics. The legal rules regarding the Code of Ethics are strengthened in the Articles of Association Indonesian Notary Association Results of the Extraordinary Congress of the Indonesian Notary Association Bandung January 27, 2005 Chapter VI Article 13 concerning the Code of Ethics of Notaries and Enforcement of the Code of Ethics, Chapter 13 states;⁴

1. In order to maintain the honor and dignity of the notary's position, the Society had Congress establish a code of ethics for notaries;
2. The Honorary Council strives to enforce the Code of Ethics;
3. Association Management and/or Honorary Council, cooperate and coordinate with the Supervisory Board to make efforts to enforce the Code of Ethics.

Most forms of violations committed by notaries prohibit notaries from carrying out promotions or publications related to their positions and offices. The Notary Honorary Council can take action against a notary who violates the Notary's Code of Ethics, by giving a warning, warning, temporary dismissal from association membership, honorable discharge from association membership, dismissal with dishonor from association membership. Second, violations committed by a notary public have legal consequences, namely ethical sanctions in the form of reprimands, warnings, temporary dismissal from association membership, respectful discharge from association membership, and dishonorable discharge from association membership.⁵

Sometimes there is a discrepancy, between legal norms or regulations legislation in application, push formation maintenance law which put forward *law enforcement* and *peace maintenance*, with the hope of forming harmony between values and the

⁴ Kongres Luar Biasa Ikatan Notaris Indonesia, *Anggaran Dasar Ikatan Notaris Indonesia* (Indonesia, 2015).

⁵ Latifah Latifah, "Tanggung Jawab Notaris Dalam Pelanggaran Kode Etik Notaris," *Jurnal Officium Notarium* 1, no. 1 (2021): 152.

realization of something regulation, so that materialized something professionalism for carrier the legal profession, in particular profession Notary Public. The era of digitalization and globalization forces actors' effort for carry out marketing in order to attract and entice consumers to the goods and service products offered through or through digital, good through system *search engine optimization* (SEO), *searchengine marketing*, *influencer marketing*, *e-commerce marketing*, *e-mail*, *websites* and social media other.⁶ Digitization in field marketing has push whole typebusiness field to do online marketing with hope could reach many customers. However, *Ikatan Notaris Indonesia-INI* through Amendments to the Notary Code of Ethics in Congress Outside Normal Bond Notary Public Indonesia in Banten on 29-30 May 2015. As regulated in the Notary Code of Ethics Article 4 Notaries and other persons (so long as the person concerned holds the office of notary public) are prohibited from: Publications or self-promotion in print and/or electronic media, singly or jointly, citing names and locations: advertising, congratulations note, sympathy (condolences) note, thank-you letter, marketing activities, and sponsoring activities in the social, religious and sports fields.⁷

Self-actualization is essentially a person's achievement. There is an opinion which states that; self-actualization is like one's maturity and maturity. This is marked by how a person can realize and utilize the various potentials that exist within him to achieve a goal in life. Self-actualization is part of the theory of the hierarchy of needs as thought by Abraham Maslow. **The way to achieve self-actualization** in Maslow's hierarchy of needs theory pyramid, self-actualization is indeed at the top level. However, this pyramid is often criticized because it is considered inappropriate because, a person's needs may change based on the situation that is happening in his life. For example, a person may not have a decent place to live, but still maintain good and strong relationships with other people. In other words, a person can actually achieve self-actualization even though some needs have not been met.

Alifia Seftin Oktriwina stated that; In work or career, one of the goals to be achieved is *self-actualization*. Unfortunately, there are still many who do not understand how to achieve it. Self-actualization at work is one of the keys to achieving job satisfaction, some psychologists say that self-actualization is one of the factors that helps a person feel *meaningful* at work. AA Putu Wiwik Sugiantari stated that, speaking of human rights, there are several terms that are often used, namely:⁸

- a. Human rights, i.e., rights that are universal without restrictions of place or time, but which may be marginalized by the laws of the countries concerned.
- b. A fundamental right is a right that cannot be transferred under any circumstances.
- c. civil rights. These rights apply only to those who are citizens of that country.
- d. Constitutional rights, i.e. rights contained in a country's constitution.

⁶ Vaibhava Desai, "Digital Marketing: A Review," *International Journal of Trend in Scientific Research and Development* (2019): 196–200.

⁷ Ikatan Notaris Indonesia, *Kode Etik Notaris*, 2015.

⁸ A A Putu Wiwik Sugiantari, "Aktualisasi Hak Asasi Manusia (Ham) Dalam Penegakan Hukum Lingkungan," *Jurnal Advokasi* 3, no. 2 (2013).

- e. *Legal rights*, namely those rights contained in the laws and regulations of the country.

Based on the background discussion above, the authors are interested in analyzing the limitations of the code of ethics for notaries in the context of the promotion and use of social media for notaries.

METHOD

As the goal of the research is to determine the rules and regulations that apply to notaries in Indonesia, the research method used is normative legal research, also known as normative legal research. The problem to be examined focuses on notaries using social media for promotion and advertising. Normative legal research begins with the study of legal and legal literature materials relevant to the problem under study. In other words: normative legal research deals with the law occurring in legal norms (*law in the book*), i.e. it examines written legal norms. Normative studies are always guided by applicable legal norms contained in written form and do not refer to laws in social facts, so this research focuses on the study of notaries in self-actualization on social media.

RESULT AND DISCUSSION

1. Self-actualization and Human Rights

A person must develop, apply, and maximize their potential, talents, and capacities in order to produce and realize who they are. This is known as self-actualization. Self-actualization, from a psychological perspective, is the process of being oneself and realizing one's individual psychological potential. The pursuit of self-actualization will evolve as one's life progresses. A person will transition from physiological to psychological self-actualization when they reach a specific age.⁹ Achieving self-realization involves going through some stages, overcoming various difficulties and, above all, practicing self-regulation over individual emotions and behaviors.¹⁰ The realization of one's potential is known as self-actualization. Selfactualization is the pursuit of one's own potential and sense of satisfaction. Maslow also felt that the desire for self-actualization only materialized after the satisfaction of lower level wants, such

⁹ Muchlisin Riadi, "Pengertian, Aspek, Karakteristik Dan Langkah Mengembangkan Aktualisasi Diri," last modified 2019, accessed December 13, 2022, <https://www.kajianpustaka.com/2019/05/pengertian-aspek-karakteristik-dan-langkah-mengembangkan-aktualisasi-diri.html>.

¹⁰ Marinela Rusu, "The Process of Self-Realization—From the Humanist Psychology Perspective," *Psychology* 10, no. 08 (2019): 1095–1115.

as physiological, safety, love, and esteem requirements.¹¹

As stated in the introduction, self-actualization *is* the right of every person in self-development and achievement. Self-actualization is a basic right for every human being that is protected by law. In simple terms, what is meant by self-actualization is a person's need to develop, use and utilize the potential, talents and capacities possessed to produce and manifest himself in an actual and real form. Self-actualization is the process of realizing one's individual psychological potential and being oneself. It is claimed to be distinct since psychological self-actualization is a personal standard, making each individual different from one another. Its potential for human life is dynamic, self-actualization will also change along with the development of one's life, meaning that one's self-actualization process also continues to develop.

Human rights are the basic rights of every human being to pay respect to the existence of humanity. Between one human and another will respect other human rights, for example the right to self-actualization. To protect or guarantee human rights, legal norms and law enforcement agencies are needed in addition to other norms such as norms of decency, norms of decency and norms of religions. Legal norms are still needed, because there are still people who violate religious norms, moral norms, and decency norms. For the realization of human rights, legal norms are still needed, such as administrative law, civil law and criminal law. All of these norms are needed to maintain the realization of human rights, including the right to self-actualization.

2. Notary Dignity and Notary Code of Ethics

Every profession has a certain amount of authority to carry out its duties. The state, specifically as defined in laws and regulations, particularly in the Law on Notary Position, is the source of authority for the notary profession. In addition to executing valid deeds in accordance with Article 15 paragraph 1 of the Notary Office Law, a notary also has a number of other authorities. The Notary Office Law's Article 15 paragraph (2) governs this authority. The Notary is required to abide by the obligations and prohibitions outlined in the Law on Notary Position and the Code of Ethics in order to carry out the powers and authority assigned to them. This is done to prevent a Notary from abuse of the authority.¹²

Dignity is an honorable position, self-respect because it has a high sense of initiative, dignity is related to humans, meaning that dignity is a human right.

¹¹ Evanytha and Evanytha, "Self-Actualization as a Predictor of Flourishing" 229, no. Iciap 2018 (2019): 1052-1061; Saul McLeod, "Maslow's Hierarchy of Needs Maslow's Hierarchy of Needs," *Business* (2018): 3-5.

¹² Nabila Mazaya Putri and Henny Marlyna, "Pelanggaran Jabatan Dan Perbuatan Melawan Hukum Yang Dilakukan Oleh Notaris Dalam Menjalankan Kewenangannya," *Acta Diurnal: Jurnal Ilmu Hukum Kenaotariatan* 5, no. 1 (2021): 71.

Frans Magnis Suseno¹³ argues that, "by having dignity, humans become different from other creatures", meaning that according to the author, the basis for human creation is dignity, therefore dignity is human dignity, namely humans who have noble character. Synonyms or equivalents of the word dignity are; degree, quality, quality, prestige and self-esteem. The opposite word or antonym for the word dignity is; contemptible, contemptible, cheap and lowly.

Dignity is associated with the position of a notary, so the position of a notary is very noble, because it is very much needed in the continuity of human life so that it is orderly, orderly, the realization of legal certainty which in its continuation will manifest a sense of happiness, comfort as an outcome of the notary *profession*.

The dignity of a notary can be understood in Article 3 of the Notary Code of Ethics, which requires a Notary to have good personality traits because a Notary performs some of the state's authority in the field of private law, positions of trust and positions of honor. So that the dignity of a notary must be maintained by acting and acting that does not conflict with the norms of decency, decency, religious norms and legal norms. These norms are simply based on moral principles therefore a dignified notary is a notary who upholds and emphasizes the nobility of morality in carrying out his profession.

Notaries are required to always act honestly, independently, impartially and with a full sense of responsibility based on statutory regulations and the Oath of Office. In carrying out their profession, a Notary must establish an office at the place of domicile and is the only office for a Notary, because it is prohibited to open a branch office. In making a deed, the notary is obliged to ensure that it has been carried out in accordance with legal norms, statutory regulations, codes of ethics, moral norms, propriety, decency and position requirements.

As stated by the author in the background that, a notary is a public official (*public ambtenaar*), who is authorized by law to represent the State in the field of private law, the authority of a notary must be clear, meaning that there must be definite limits on what can be done and what cannot be done and must be clear the rights and obligations of a notary, such conditions are then formulated in the form of a notary's code of ethics, as limits on rights and obligations, limits of authority. The code of ethics is intended to maintain the dignity of a notary so that he does not abuse his authority and *power of power*).

Philosophically the limitations in the code of ethics are to maintain the morality of notaries as public officials, the code of ethics is part of the moral norms, the code of ethics functions to guard the morality of law bearers who have broad authority. As Kanter's opinion, which states that; The authority possessed by a notary is: type authority which for for interest general so that whole not quite

¹³ S.J. Franz Magnis Suseno, *Filsafat Kebudayaan Politik (Butir-Butir Pemikiran Kritis)* (Jakarta: Gramedia Pustaka Utama, 1992).

enough answer which carried by Notary Public is obligation position (*ambtsplicht*).¹⁴

The notary code of ethics, also known as the "code of ethics," is a set of moral standards decided upon by the Association of Indonesian Notary Associations, also known as the "association," based on a decision made by the Association Congress and/or established by and regulated by laws and regulations governing this matter. It is applicable to and must be obeyed by all Association members as well as anyone performing their duties as a notary public.¹⁵

The Law of the Republic of Indonesia Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Office of a Notary governs the prohibitions that must be avoided by a Notary Public while performing the duties of his office. According to Article 17, notaries are not permitted:

- a. perform duties outside the scope of the position;
- b. leave the scope of the position for more than 7 (seven) consecutive working days without a valid justification;
- c. concurrently serve in the capacity of a civil servant;
- d. concurrently serve in the capacity of a state official;
- e. concurrently serve in the capacity of an advocate;
- f. concurrently serve in the capacity of a leader or employee of a state-owned enterprise, regionally-owned enterprise, or private

The existence of a Notary as a public official (*Public ambtenaar*) in the archipelago began since the colonial period, namely in 1822 (*Statblad* Number 11) with the Governor's Resolution General 7 March 1822 Number 8, Instructions for Notary Public (*Instructie voor de Notarissen*). The Instruction regulates notaries, Article 1 regulates the position of a notary, that a notary is a public official (*Public Ambtenaar*) which on duty for make deeds and contracts so that so given strength and truth to him.¹⁶

The deeds and contracts which has given strength and the truth made by a notary is an authentic deed, being a means of evidence that has perfect and binding evidentiary power, the meaning of being binding is that one must be trusted by the judge in court, that the deed is true unless it can be proven otherwise. The statement "unless it can be proven otherwise" means that a deed is true if it is made based on applicable legal regulations, and a deed can be wrong if the deed made by a notary does not comply with statutory provisions, code of ethics and position requirements.

The embodiment of the Notary's code of ethics as stated in Article 3 of the

¹⁴ E.Y. Kanter, *Etika Profesi Hukum: Sebuah Pendekatan Sosio Religius* (Jakarta: Stora Grafika, 2001).

¹⁵ Kongres Luar Biasa Ikatan Notaris Indonesia, *Anggaran Dasar Ikatan Notaris Indonesia*.

¹⁶ G.H.S. Lumban Tobing, *Peraturan Jabatan Notaris* (Jakarta: Erlangga, 1999).

Notary's Code of Ethics, a Notary must have good character and personality because a Notary carries out some of the state's authority in the field of private law, positions of trust and honorable positions. Notary to comply with prohibitions such as publication or self-promotion, including the position of both print and electronic media. For example, congratulations, condolences, working with service bureaus which essentially act as intermediaries.¹⁷ A notary can be categorized as violating the code of ethics when carrying out a promotion, the person concerned advertises himself through the media social media, sending flower boards or souvenirs with a mention position of notary to certain parties, put up nameplates that do not in accordance conditions, and others.

3. Interconnected Networking and Marketing

In simple terms, the internet (interconnected networking) is media that allows a communication process to take place efficiently by connecting it with various applications. Another way to think of the internet is as a massive communication network that links all computers in the world together despite the fact that they all run various operating systems and have different hardware. The internet makes life easier, such as; studying, working, shopping, giving news to someone and even many people so that it can be for marketing purposes, both services and other products.

Marketing is marketing, its human activity that aims to fulfill or provide satisfaction of the needs of the customer's desires through an exchange process from parties with an interest in a company. Therefore, marketing is the main means of connecting between an institution that makes products with the public or consumers who use the product.

As present company *start-up* provides breakthroughs innovative for para consumer form convenience in reach source needs through the applications offered so that make it easy paraconsumers and potential consumers to be able to fulfill needs for his life through method which more practical and efficient.¹⁸ Globalization and the development of science and technology not only give impact for world effort, also give impact in field law, sometimes it can override ethics and norms, in carrying out responsibility of the legal profession.

Globalization in Indonesia in the field of law can be felt since its inception activity Public Economy ASEAN (MEA), the economic situation shows the relevance of the relationship between the field of law and the economic sector. The legal field will affect regulations related to economic activity, both regulations that already exist but are no longer relevant to the need for rules for

¹⁷ Pieter Everbardus Latumeten, "Perlunya Penguatan Kode Etik Notaris Dalam Pelaksanaan Jabatannya," accessed November 19, 2022, <https://mkn.unissula.ac.id/perlunya-penguatan-kode-etik-notaris-dalam-pelaksanaan-jabatannya>.

¹⁸ Rahmat Nurcahyo, Mohammad Ilhamsyah Akbar, and Djoko Sihono Gabriel, "Characteristics of Startup Company and Its Strategy: Analysis of Indonesia Fashion Startup Companies," *International Journal of Engineering and Technology(UAE)* 7, no. 2 (2018): 44–47.

the activities of the Asean Economic Community, and even new regulations are still needed because before the activities of the Asean Economic Community these rules did not yet exist, such as regulations related to economic liberalization.

Liberalization of the economic sector as a result from globalization economic sector that causes *cross cultural interaction* which is because main happening change pattern behavior Public which bring up order law new so that need exists construction, planning and formation law by create certainty, justice and professionalism in operate something profession certain.¹⁹

Presence provision written nor no written which adapt with development in Public is the realization of the harmony of legal development because apart from the law it brings mission for give certainty and justice in Public also provides an explanation about values containing norms which inherited in a manner abstract sustainable, steady and declining.²⁰

Notaries are required to follow and also adjust the developments in the current era of globalization, this is due to civil relations where transactions can be made electronically or transactions carried out online, and are experiencing more development and are integrated with one another,²¹ as An example is the relationship between the Ministry of Law and Human Rights which is integrated with the Coordinating Ministry for the Economy, this relationship is integrated through the latest licensing system, namely Online Single Submission in accordance with Government Regulation Number 24 of 2018.

4. Prohibition of Promotion for Notaries

The position of Notary is a public position because notaries are appointed and dismissed by the government. A notary carries out state duties and the deed he makes, namely minuta (original deed), is a state document. In Indonesia, a notary is referred to as a Public Official because he is appointed and dismissed by the general authority (government) and is given the authority and obligation to serve the public in certain matters, and because of that he participates in carrying out the authority of the government.²²

In accordance with the provisions in Article 17 of the Law on Notary Office as mentioned above, there are several prohibitions for notaries, namely regarding

¹⁹ Marlina Nofalisa Efendi, "Etika Dan Tanggung Jawab Notaris Berdasarkan Asas Profesionalitas Dalam Mengiklankan Diri Melalui Media Sosial" (University of Bengkulu, 2022).

²⁰ Iskandar, "Hukum Dalam Era Globalisasi Dan Pengaruhnya Terhadap Pembangunan Ekonomi Dan Pelestarian Fungsi Lingkungan Hidup (Kajian Pengembangan Sistem Hukum Indonesia Berdasarkan Pancasila Dan UUD 1945)" (2011): 1-30.

²¹ Aris Yulia, "Profesi Notaris Di Era Industrialisasi Dalam Perspektif Transendensi Pancasila," *Law and Justice* 4, no. 1 (2019): 61.

²² Teresia Din, "Pertanggungjawaban Notaris Terhadap Akta Otentik Terindikasi Tindak Pidana," *Jurnal Penelitian Hukum De Jure* 19, no. 2 (2019): 171; R. Soesanto, *Tugas, Kewajiban Dan Hak-Hak Notaris, Wakil Notaris (Sementara)* (Jakarta: Pradnya Paramita, 1982).

holding positions outside their territory of office, leaving their territory of office for more than seven working days, becoming civil servants, state officials, advocates, serving as leaders or employees of state-owned enterprises, regional-owned enterprises or private enterprises, as well as being Official Certifier Of Title Deeds and/or Class II Auction Officials outside the Notary's domicile, becoming a Substitute Notary, or doing other work that is contrary to religious norms, decency, or propriety that may affect the honor and dignity of the Notary's position.

The Notary's Code of Ethics Congress outcomes Outside Normal Bond Notary Public Indonesia in Banten on May 29–30, 2015, contain regulations regarding the promotion prohibition for notaries. According to Notary Code of Ethics Article 4 paragraph (3), it is prohibited to engage in self-publication or promotion by mentioning their name and position in print or electronic media:²³ advertising, congratulations note, sympathy (condolences) note, thank-you letter, marketing activities, and sponsoring activities in the social, religious and sports fields

Promotion is all forms of communication used to inform (*to inform*), persuade (*to persuade*), and remind (*to remind*) the target market about products produced by organizations, individuals or households. Advertising is any form of product or service promotion message delivered through certain media, or advertising is a message conveyed with the aim of introducing a product to an audience with a particular media *platform*, such as television, radio, newspapers, online media, billboards, and so on. Advertising is an important instrument in the marketing process. Practically advertising becomes part of the promotion.²⁴ Usually, promotions to notify about new products to use them, targets to be pursued in the short term. While advertising is usually for a long time, because of the nature of the information for the long term, the target is to increase sales of a product.

5. Analysis of Promotions and Notary Code of Ethics

The word ethics comes from the ancient Greek word *ethos*, the word *ethos* has many meanings, some of them mean habit. Etymologically, ethics is defined as teaching about the good and bad of an action. According to Aristotle, ethics is a moral philosophy, sometimes ethics and morals can be one unit of meaning, because both associated with decency life Humans,²⁵ in simple terms, ethics is a form of self-control when dealing with and being needed by people. The code of ethics is a good teaching that appears in the form of norms (code) or rules. Professional codes of ethics are ethical rules in the form of legal norms for a particular profession, so one professional code of ethics has different contents of legal norms, the difference in norms is because the professions regulated are

²³ Ikatan Notaris Indonesia, *Kode Etik Notaris*.

²⁴ Mawardi, "Pengertian Iklan: Jenis, Fungsi, Tujuan, Dan Medianya."

²⁵ K. Bertens, *Etika* (Jakarta: Gramedia Pustaka Utama, 2004).

different. Members of the profession must adhere to these norms in carrying out their professional duties, and members of the profession must be responsible for the consequences or impacts of their profession.

Violation to code ethics could categorized as Becomes two parts that is; Violation to code ethics profession and violation to Constitution. Form accountability which contained in the event of violation of the code of ethics both in context profession or law can be in the form of civil liability, criminal as well as administrative.

Notary Code of Ethics is defined as a moral rule that stipulated by the Indonesian Notary Association (*Ikatan Notaris Indonesia*), and based on decisions of the Notary Association Congress and statutory regulations. Notary Code of Ethics must be obeyed by every and all those who hold the position of notary public, incl in inside is official temporary notary and notary replacement (Chapter 1 paragraph (2) Change Code ethics Notary Public in Congress Outside Ordinary Notary Association Indonesia).

Usually, every group profession has code ethics determined by the professional group and has been accepted by members of the profession. Philosophically the code of ethics in a profession aims to give instruction nor instruction to its members about how should behave, and the code of ethics is in place as guarantor quality moral group profession.²⁶ The emergence of norms in the form of a professional code of ethics is very much in line with these norms exist in social life, a professional code of ethics as effort *preventive* so that members of the profession do not violate legal norms and other norms, the professional code of ethics is designed as a means of *social control*, such as to prevent wrong understanding between members competition no healthy between members, and to avoid conflicts between members,²⁷ because togetherness, wholeness and solidarity among members of the profession can create resilience orientation profession and guard credibility an organization. Existence or existence code ethics to protect something profession from injustice application of the law in society.²⁸

Ethics profession is the overall moral provisions contained in a profession, professional ethics examines the problems that occur in practice, because have not quite enough answer and rights which contained in profession, professional ethics as part from expression in the form of effort for translate circumstances which have certainty, because sometimes the state of certainty is still unclear or unclear, professional ethics is the implementation of values and moral which general, in the field special which has realized in code form ethics.²⁹

²⁶ Shidarta, *Moralitas Profesi Hukum* (Bandung: Refika Aditama, 2009).

²⁷ Abdulkadir Muhammad, *Etika Profesi Hukum* (Bandung: Citra Aditya Bakti, 2006).

²⁸ Niru Anita Sinaga, "Kode Etik Sebagai Pedoman Pelaksanaan Profesi Hukum Yang Baik," *Jurnal Ilmiah Hukum Dirgantara* 10, no. 2 (2020): 1–34.

²⁹ Muhammad, *Etika Profesi Hukum*.

Ethics in implementation no could separated from position because both of them have connection which each other binding, because in work there are components of office ethics, especially positions related to the public interest, in public office there is responsibility as a self-reflection that must be carried out by members of an organization or members who hold certain positions.³⁰

The existence of a code of ethics in a profession has a purpose to see or review problem which characteristic dynamic in practice related with responsibilities and privileges inherent in a profession. Form lack of professionalism in operate something profession indicated by the deviation of the code of ethics. It should be understood that, professionalism in doing something position influence trust society against a profession,³¹ sometimes giving rise to public distrust of the product of a profession, for example the emergence of an incorrect deed because the deed was made not in accordance with the norms that apply to a Notary.

The notary's code of ethics is positioned as a deep moral principles implementation and its application Required for obeyed by every member association as listed on Chapter 83 paragraph (1) the lawLaw Number 30 of 2004 concerning Position and Ethics of Notaries (UUJN) *jo* Chapter 13 paragraph (1) of the Articles of Association Indonesian Notary Association (THIS).

Notary Public in operate profession demanded have an understanding of the morality of a position through a code of ethics. Enactment code ethics for Notary Public intended so that could give limitations against action which conducted by Notary Public with hope no abuse of powers, or in carrying out their authority or obligations so as not to do things that violate the provisions of the Notary Office Law and the Notary Code of Ethics.

In-depth analysis reveals that the professional code of ethics is a creation of applied ethics since it is founded on the application of ethical reasoning to a profession that is flexible enough to alter as science and technology advance, keeping group members from becoming outmoded. It is only effective if it is infused with the ideals and values that live within the profession itself, as well as being part of the development and fulfillment of the rights of members of the group or profession, so that the code of ethics will become a formulation of human moral norms in performing the profession. This is because it is the result of the self-regulation of the profession in question and is an embodiment of essential moral values that cannot be imposed from the outside.

Science and technological advancements have an impact on notaries' professionalism. Information and communication technology has been disrupted in the notary position. It is still just the technical responsibilities and powers of a notary that are affected by disruptions in information and

³⁰ E. Utrecht, *Pengantar Hukum Tata Usaha Negara Indonesia* (Jakarta: Ichtiar Baru, 1985).

³¹ Suwardi, *Etika Profesi Hukum* (Jakarta: Sinar Grafika, 2006).

communication technologies.³² The notary profession, which plays a crucial part in legal transactions, is also impacted by this, as are the times in which everyone—including notaries—must grow personally through innovation and the creative use of current technologies.

Understanding professional, ethical, and legal issues can help a notary become a professional who can keep up with legal advances to address real-world issues that arise in society. In contrast, a notary must be able to comprehend all of the ethical principles found in the Notary's Position Regulations as well as those found in the Indonesian Notary Code of Ethics. In carrying out office activities, a number of principles must be followed, including the ones of legal certainty, trust, equality, prudence, professionalism, and carrying out tasks with substance and understanding for the advantage of a notary.³³

Dardji Darmodihardjo put forward Muchtar Kusumaatmadja's opinion, among others, stating that, education professionalism without education on professional responsibility and ethics is incomplete.³⁴ This shows that, professional positions really need ethics and morals, because ethics and morals can complement or fulfill deficiencies that exist in legal norms, and ethics become a guide in carrying out their profession professionally.

Paying attention to the statements in the background, to the problem formulation, and the theory used as a problem analysis tool, as well as paying attention to the narratives in the discussion which among other things state that a notary is a public official who has a special position, a notary's position that requires requirements of special knowledge and high intelligence, positions that require professional moral ethics and high dignity, positions that require high integrity and dedication, therefore a notary may not degrade his dignity by promoting or advertising his name and position on social media. Restrictions and prohibitions on promoting the position of a Notary on social media do not include reducing the notary's self-actualization, and does not even eliminate the right to self-actualization, because achieving a notary's position level as a public official is a notary's self-actualization in achieving self-actualization, especially if the dedication is developed with professionalism by With a noble ethical and moral dignity, the notary occupies a position as the bearer of a transcendental progressive law, because carrying out tasks in a transcendental progressive manner is able to transcend all that is positiveistic in humanity, because the transcendental dimension which has the character of prophetic law will trigger the acceleration of the achievement of legal *objectives*.

³² P S Utami and I Ikhwanyah, "Kepastian Hukum Regulasi Tugas Dan Wewenang Jabatan Notaris Dikaitkan Dengan Disrupsi Teknologi Informasi Dan Komunikasi," *Jurnal Ilmu Hukum* 4, no. 30 (2020): 149, <http://jurnal.fh.unpad.ac.id/index.php/acta/article/view/478>.

³³ Betty Ivana Prasetyawati and Paramita Prananingtyas, "Peran Kode Etik Notaris Dalam Membangun Integritas Notaris Di Era 4.0," *Notarius* 15, no. 1 (2022): 311.

³⁴ Dardji Darmodiharjo and Shidarta, *Pokok-Pokok Filsafat Hukum Apa Dan Bagaimana Filsafat Hukum Indonesia*, 4th ed. (Jakarta: Gramedia Pustaka Utama, 2006).

CONCLUSION

That the notary (*de ambtenaar*) as a public official appointed by the Government, then promoting on social media is an unethical or unethical act because as a public official, therefore a notary is categorized as violating the code of ethics when promoting through the media socially, because promotions can lead to competition, including violating ethics when sending flower boards or souvenirs with the notary's position attached to certain parties, because the notary's position is an honorable position as a public official. The promotion criteria that are categorized as violating the Notary Code of Ethics are including the name and position of the notary in the promotion in the form of; advertisements, congratulations, condolences, thank-you note, marketing activities, sponsorship activities both in the social, religious and sports fields.

Whereas the prohibition on promoting his profession as a notary on social media does not reduce a person's self-actualization rights, especially for notaries, because human self-actualization is not only developed through promotion on social media, there are still many ways and media that can be used in self-development or self-actualization, as an example of self-actualization in the intellectual field can be developed by writing books. The Indonesian notary understands that the position of notary is a position of noble dignity, because the position represents the state in the field of private law, so the notary must uphold his code of ethics in order to carry out his profession in a professional manner. The bearers of the Notary's Code of Ethics must be highly disciplined in enforcing the Notary's Code of Ethics, so that the Notary's product can be trusted by the public, and trusted by judges, if a legal problem occurs in court.

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