

ONLINE LEGAL COUNSELLING AS BUSINESS STRATEGY: EXPLORING THE MEDIATING ROLE OF NOTARIAL CODE OF ETHICS

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Abstract

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This study provides an analysis of the moral principle and values contained in the Indonesian Notarial Code of Ethics that prohibits notary from doing any publication or promotional activities, focusing on the phenomenon of notaries who utilizes online media to provide legal counselling and the possible consequences given to the notary who violates it (Ramadhan, Sutiarnoto, Leviza, & Azwar, 2022; Herawati, 2019). The method used is normative legal studies. The prohibition is essentially meant to prevent promotional nature, as it is considered inconsistent with the value of independence and the obligation for a notary to act trustworthy, thoroughly, and impartially and to protect their client's interests. However, different interpretation and no regulatory limits that specifically explains what forms of action are considered as promotion, thus creating uncertainty on this topic, suggest that a more in-depth study must be pursued by The Indonesian Notary Association on behalf of the organization. The results of this study conclude that notaries, in carrying out their duties and positions, are required to work properly and professionally and follow a code of ethics, so that notary products in the form of authentic deeds can provide legal protection and legal certainty to parties in need. Also, lawyers and advocates are expected to make difficult decisions in often difficult situations; this process often requires legal practitioners to balance conflicting belief systems. In this case, the idea often arises to use fast technology to make work more efficient, thus giving rise to the phenomenon of blogs and websites owned by notaries.

Keywords: Legal Counselling, Notary, Code of Ethics, Mediating Role, Business Strategy

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1. INTRODUCTION

Law enforcement can be fulfilled by attaining the elements of legal certainty, public order, and legal protection (Mertokusumo & Pitlo, 1993). In order to achieve this, the form of evidence is needed to determine the legal subject's rights and obligations clearly. Notaries, in this case, have a preventive role to disallow legal problems with their authority to make authentic deeds that perform as the strongest and most definite form of evidence to be presented in court. Since notaries are public officials appointed and dismissed by the government, they must comply with the law that regulates their position and their professional code of ethics (Sjaifurrahman & Adjie, 2011).

Ethical codes regulate the behaviour of certain professions so there's no misappropriation of knowledge and to keep the profession's dignity. Professionals of all stripes must maintain congruence and transparency in their work to make themselves accountable, protect confidentiality, and avoid inaccuracies in describing their services (Ridley & Johnson, 2008; Ali, 2021). To be proper and ethical is of the utmost importance to legal practitioners as it is a fundamental requirement for admittance and is also indispensable in avoiding disbarment from the esteemed and honourable profession of the law. This is what makes legal ethics important in ensuring that the conduct of legal practitioners meets the requirement of a proper and ethical person and protects the public from unprofessional ones (Van Zyl & Visser, 2016).

The notary public's role is very important to humankind, with authentic deeds counting as the perfect form of evidence to the court. According to Article 1868 of The Civil Code, an authentic deed has to meet the following requirements; the deed must be written by or before a public official, the deed must be made in the form designated by the law, and public officials by or before whom the deed was done must have the authority to do the deed. Aside from doing authentic deeds, notaries also implement the wishes of both parties and take their part as legal consultants, providing their professional opinion in the form of legal advice (Kristinah & Haryati, 2013). In order to perform their profession properly, there are regulations and ethical codes for the Notary Public to comply with, which are registered in Law 02/2014 of The Position of Notary Public¹ and The Indonesian Notarial Code of Ethics². Analysis of the moral principles and values contained in the Indonesian notary code of ethics prohibits notaries from carrying out publication or promotion activities, focusing on the phenomenon of notaries using online media to provide legal counseling and possible consequences. The prohibition is intended to prevent the nature of the promotion because it is considered not in accordance with the value of independence and the obligation of a notary to act in a trustworthy, thorough, impartial manner and to protect the interests of his clients. Therefore, notaries in carrying out their work in this digitalization era must comply with the prohibition. The aim of this research is that lawyers and advocates are expected

to make difficult decisions in often difficult situations. This process often requires legal practitioners to balance conflicting belief systems. In this case, the idea often arises to use fast technology to make work more efficient, thus giving rise to blogs and websites owned by notaries.

The structure of this paper is as follows. Section 1 includes the background of the main problems studied. Section 2 is a literature review. Section 3 presents the research methods using normative legal analysis methods. Section 4 contains the results and discussions which discuss the code of ethics as a formalized moral guidance for a notary, the prohibition of engaging in promotional and publication affairs for a notary, and the notary's responsibility towards violating the ethical code. And the last section is the conclusion of the research.

2. LITERATURE REVIEW

In relation to the rapid growth of technology, the spread of information, and more advanced ways of communication, there happened to be a phenomenon of blogs and websites owned by notaries who also offer online legal counseling. Understandably, technology is supposed to increase the effectiveness and efficiency of public services (Ramadhan, Sutiarnoto, Leviza, & Azwar, 2022). However, with the list of competence notary public has in the legal field, it is expected for such a position to honor ethical and moral value, which bring us to Article 4, line 3 of The Indonesian Notarial Code of Ethics, which states that it is prohibited for a notary public to do any form of promotional activities or publication statement individually or collectively, providing their name and positions using any shapes of media.

Some authors argue that the regulation applies to those who include "promotional" details in their statements and aim for the public to use their legal services that can be interpreted as an advertisement. This action will be understood as a violation of The Indonesian Notarial Code of Ethics (Halim, Borahima, & Maskun, 2019). Whereas other previous discussions disclosed that accounts for said actions include a written warning, temporary stop, dismissal with respect, or dismissal with no respect, as stated in Article 13, paragraph (1) of The Notary Public Code of Ethics (Herawati, 2019; Moro Visconti, 2019). This article, however, mainly focuses on the moral and legal principle behind the prohibition to engage in any publication and/or promotional activities for a notary, the type of responsibility and consequences that would apply to those who violate it, and suggestions for future research.

A professional code of ethics is a crystallization of behavior that is considered correct in public opinion because it is based on considerations of the interests of the concerned protection. Thus, the professional code of ethics can prevent misunderstandings and conflicts and, on the contrary, serves as a reflection of the good name of the protection. A good protection code of ethics is one that reflects the moral values of members of the professional group themselves and those who need the relevant protection services (Setyawati, Putri, & Sidik, 2020; Pratiwi, Juwariyah, & Chalim, 2019). Notary as a profession is the main basis of

¹ <https://www.kemhan.go.id/ppid/wp-content/uploads/sites/2/2016/11/UU-2-Tahun-2014.pdf>

² https://www.ini.id/uploads/images/image_750x_5bd7a3727eccd.pdf

trust, and a notary bears a heavy mandate for the trust given by the people to him. Value is more than a profession as far as whether a professional is able to resist the temptation to distort the confidence entrusted to them, but the temptation to misappropriate trust so great foundation in the form of morality is absolute to be built notary as a group on board, has a large contribution to the wider community in build morality (Anshori, 2009).

Some previous results have the same subject: notaries should obey the Notary Code of Ethics as a moral code determined by congress's decision (Yani & Qurrahman, 2021). The Notary Code of Ethics is a system of norms, values, and rules for notaries, which is as guidance for notaries not to harm professional ethics (Zakariya, Sari, Prabandari, & Budiarmaja, 2017). Implementing sanctions for violating the code of ethics by a notary has a weakness because a notary is only dismissed from membership but can still do their job as usual (Latifah, 2021). The novelty of this article is to focus on the moral and legal principle behind the prohibition of engaging in any publication and/or promotional activities for a notary, the type of responsibility and consequences that would apply to those who violate it, and the suggestion for future research.

3. METHODOLOGY

This study uses the normative legal analysis method for Indonesian laws and regulations, specifically Law 02/2014 concerning Notary Positions as well as The Indonesian Notarial Code of Ethics. Normative legal research is research that includes legal principles, legal systems, the level of legal synchronization, legal history, and comparative law (Christiani, 2015). The research focus is the principle of law and morals behind the prohibition of engaging in publication and promotion affairs for a notary as a public official, particularly talking about the phenomenon of online legal counseling offered by a notary through personal websites or blogs. The focus of the analysis is whether providing online legal counseling as a notary public violates the regulation, precisely The Indonesian Notarial Code of Ethics, and the possible consequences of it as stated in the regulation. The nature of this article's legal analysis is prescriptive and normative. This article uses data from two types of sources, namely primary sources containing laws, statutory regulations, and legal cases, as well as secondary legal sources, namely legal reviews, journals, guidelines, and legal opinions.

4. RESULTS AND DISCUSSION

4.1. Code of ethics as a formalized moral guidance for notary

The term "code of ethics" or "ethical code" originally came from the word *code*, which means a sequence of letters, and figures, often being highly symbolic with a specific purpose, and the word *ethics*, deprived of *ethos* which means "custom" (Badjuri, 2010). According to Bertenz (2007), the definition of ethics consists of two perspectives: practical and reflectional. From a practical perspective, ethics means practiced or non-practiced moral values,

whereas ethics from a reflectional perspective means moral reasoning. Ethics often being described as a set of moral principle which differs between what is right and wrong. Moral and ethical consideration becomes an element that determines one's action to identify if the action is appropriate or not and the consequences that also come with it. Ethics is often considered to be "the science of conduct". Ethics includes the fundamental ground rules. Many consider emerging ethical beliefs to be legal principles and make them into laws, regulations, or rules. Ethics also consist of virtue, wisdom, and moral values such as respect, honesty, fairness, responsibility, et cetera. Statements about how these values are applied are sometimes called "ethical principles".

Kant writes that moral strength is a strength of intention and strength in action; his opinion, as a research result, says moral strength is necessary not only when it comes to forcing us to realize particular morals in our philosophy but also when it comes to setting ourselves then it becomes the end process of maxim adoption (as cited in Terhechte, 2009). As basic to behave ethically, morality has a strong power to adhere to our intention and action. As a notary, moral strength of intention and action are important as they can show the attitude while they meet consumers public due to their duties.

A code of ethics is written to guide behavior. Any final analysis of the impact of a code must include how well it affects behavior. Scholarly researcher's debates about codes generally revolve around whether general codes are mere platitudes and whether more detailed codes require behavior about which reasonable people can disagree, meanwhile contemporary social psychological research strongly suggests that codes can induce behaviors in developing countries that are critical to a functioning public service (Rhode & Luban, 1992). Ethics create a formalized standard for someone in a certain profession or field to do their job properly, keeping the dignity of their position according to the law; thus, the presence of ethics is important as a social control platform (Sumaryono, 1995; Rey, 2020; Assalmani, 2021).

From the perspective of the legal profession, legal ethics falls within the border realm of ethics and may be defined as the minimum standard of appropriate conduct within the legal profession involving the duties that its member owes one another, their clients, and the written regulations governing those duties (Black, 1990). In other words, the code of ethics governs their moral and professional duties towards one another, their clients, and the courts (Black, 1990). Legal ethics as a moral compass is necessary for nature to signify certain qualities or traits of character and a form of control over professionals in carrying out their function and authority. Ethics should neither exist as an incidental adjunct to the curriculum nor as mere rhetoric used to improve a legal professional's image. Rather ethics should function as the core of a legal professional's practice. Generally speaking, four traits characterize a profession: a specialized body of knowledge; a commitment to the social good; an ability to regulate itself, and high social status. All professionals have to act according to a specified code of conduct, under which they promise to use their special skills for the welfare of others.

Ethics for notaries is the embodiment of a moral attitude based on values, respect, and responsibility for their duties. Shapiro and Stefkovich (2016) developed the concept of multiple ethical paradigms consisting of four paradigms, i.e., the ethic of justice, the ethic of critique, the ethic of care, and the ethic of the profession. Ward (2020) stated that ethics of justice means that everyone deserves equal treatment without any prior. Ethics of critique about the distribution of power and wealth and concerned with issues addressed to the government. Ethics of care emphasize the values of loyalty and trust for social justice and to improve interpersonal relationships and good competition. Ethics of profession means that individuals have to put their profession in the frame of justice, care, critique, and based on moral values. In the frame of the ethic of the notary, it is advised to develop multiple ethical paradigms prior to the national ideology — *Pancasila*.

In Indonesia, the function of ethics for notaries consists of four types of norms, namely religious norms, legal norms, moral norms, and norms of decency. Religious norms are rules from God and enforced by religious officials, legal norms as norms made by the authorities, moral norms universally regulate human life, and norms of decency regulated in a particular society. These norms are intertwined with each other, reflecting good ethics as well as morals. In connection to the notary position as a public official, The Indonesian Notarial Code of Ethics is used as a compass and standardizes the attitude of a notary (Imanda, 2020). Notary Public has the role of public services in making notarial/authentic deeds which perform as the perfect form of evidence in court and other legal documents which have to be accepted unless proven otherwise (Law 30/2004 concerning the Position of Notary). As an organization, the Indonesian Notary Association (*Ikatan Notaris Indonesia* — INI) has complied with The Indonesian Notarial Code of Ethics in Article 13 of the Memorandum of Association on January 27, 2005, to monitor the competencies of the said position and to regulate acts of violations and exceptions.

The supervision of the notary public is carried out because notaries are dubbed as semi-officials, which means that notaries are public officials but not civil servants; notaries are appointed, transferred, and dismissed by the government but are not receiving their honorarium from the government. Notaries carrying out their authority are based on the government's *gezag* power and bound by special rules (Sjaifurrahman & Adjie, 2011). The formal definition of The Indonesian Notarial Public Code of Ethics is stated in Article 1, line 2 of the 2015 alteration is a set of moral principles determined by the Indonesian Notary Association based on the decisions of the association's congress and/or determined by and regulated by the laws and regulations governing, which applies to every member of the Indonesian notary associations, including temporary and substitutes positions (Herawati, 2019). That being said, The Indonesian Notarial Code of Ethics explains rights, professional liability as well as responsibility, obligations towards clients and the public in general, form of violations and

sanctions, and regarding the position of Notary Public and works as “moral guidance” for every notary practitioner in Indonesia (Wiranata, 2005).

4.2. The prohibition of engaging in promotional and publication affairs for notary

The process of making authentic deeds begins with negotiation between the two parties involved, which later becomes an agreement stated in the authentic deed. Notaries provide input to their clients related to the legal basis of the contract made as stated in Article 15, paragraph 2 Letter E of Law 02/2014 (Kamilah & Khan, 2021). By giving their professional input as a form of legal consultation, notaries are doing their duty as mandated by Article 37, paragraph (1) (Kamilah & Khan, 2021). Due to the constant development of today's technology, some of the legal services notaries offers have shifted from conventional wise to online, and one of the phenomena that keep occurring is seeing a blog or website owned by the notary to publish article or information that everyone can access from the internet with the following example mentioned below:

1. <https://notarisppat.org/>
2. <https://notarisamalia.com/>
3. <https://irmadevita.com/>
4. <https://notariscahaya.com/>

Article 4, line 3 of The Indonesian Notarial Code of Ethics stated that it is prohibited for a notary public to do any form of promotional activities or publication statement individually or collectively, providing name and positions using media in terms of advertisement, congratulatory expression, condolences, gratitude, marketing or any sponsorship activities. This prohibition came from the principle that as a public official who is entrusted with carrying out state duties, Notary Public is not allowed to justify any means by using every chance to achieve professional success (Pambudi, 2009). There is a limitation to what extent such activities are permitted, and that is strict to nameplates installed in front of the notary's office area. Actions that are essentially meaning to advertise legal services are considered inconsistent with the value of independence contained in the focus of The Indonesian Notarial Code of Ethics and the obligation to act trustworthy, thoroughly, and impartially in the purpose of protecting the interests of their clients as mandated by Article 16, Letter A of Law 02/2014 as well as keeping every aspect of the deed confidential according to the oath of office unless the law state otherwise which consists in the Article 16, Letter E.

To explain it further, we have to look at the distinction between publication and promotion, as publication and promotion have two different meanings. From a general understanding, publication often interprets as the action of making something known generally by spreading information about a certain person, item, or organization intended for the general public, while promotion usually comes intending to attract potential consumers (Imanda, 2020). According to Law 8/1999 concerning the Protection of Consumers, promotion is the activity of introducing or disseminating information on goods and/or services to attract consumer interest.

Based on that impression, it is concluded that the *publication* emphasizes content intended for the general public, and *promotion* is more profit-oriented. As a final point, it can be said that notaries are not allowed by the law to spread information that incorporates their name and their position on any media platform.

Legal counseling is the act of disseminating information and understanding legal norms and applicable laws and regulations to develop the general public's legal awareness to create a legal culture to uphold the rule of law. The objectives of legal counseling are making the public understand the law, in the sense of comprehending the provisions of the law contained in the regulation, as well as fostering and increasing legal awareness of the community so that the citizen obeys the law voluntarily without coercion from anyone and carry out their rights as well as an obligation as determined by the law. It is also confirmed in Article 2 of The Minister of Law and Human Rights Regulation concerning Patterns of Legal Counselling Number M.01-Pr.08.10 of 2006 that legal counseling is held to create greater legal awareness so that every member of society is aware of their rights and obligations as the citizen and implementing the culture of law in every action. Notaries, in carrying out their profession, must be able to attain their functions to provide legal counseling in connection with the making of deeds. This type of authority is stated in Article 15, paragraph (2) Letter E of Law 02/2014 concerning Notary Public Position. However, it is needed to be underlined that this type of counseling is different from what an attorney does with their clients, notaries only explain as necessary the intent of the contents in the deed they made, and notaries are not allowed to be involved directly in the material aspect of the deed (Irianto, 2020).

The use of a website as a form of media for legal counseling, even with the client's request in connection with the making of the deed, cannot be justified considering that in carrying out their duties, notaries are obliged to keep everything about the deed and all information obtained for the making of the deed confidential in accordance with the oath or appointments unless the law stipulates otherwise. Along with this reason and the fact that anyone can access the internet, particularly the website owned by the notary concerned, it is riskier for the information to be leaked to the public. The nature of this confidentiality aspect is stated in Article 16, paragraph (1), Letter E of Law 02/2014 concerning Notary Public Position, and also emphasized later in Article 54, where the notary can only provide, show, or notify the contents of deed including *grosse* deed, copies of the deed, or quotation of the deed, to a person who has a direct interest in the deed, heirs, or a person with rights, unless stipulated otherwise by laws and regulations. If the provisions of Article 54 are being violated, the notary involved may be charged with sanctions as regulated in Article 8 of Law 02/2014, which can be resulted in the deed having the power of underhand deed only and if the parties suffer from losses because of it, the parties can demand reimbursement of costs, compensations, or interest from the notary. On the other hand, if there are materials with promotional nature found on

a website run by a notary, it means he/she has violated ethical codes because The Indonesian Notarial Code of Ethics clearly states and prohibits any form of publication or promotion, print or electronics (Duangthong & Boonmee, 2022). As for the consequences, the notary concerned can be given internal sanction by the Honorary Council of the Indonesian Notary Association.

The current phenomenon of blogs and websites owned by a notary is still occurring because the current code of ethics does not provide a clear explanation, and there are no regulatory limits that specifically explain what forms of action are considered a promotion, thus creating different interpretations of the regulation and legal uncertainty. In order to obtain legal assurance of the matter, there has to be a clear boundary contained in the regulation about what notaries can and cannot do. Some argue that if there is an element of intentionality or solicitation being mentioned or if it is implicitly containing persuasive nature, including the name of the notary and their positions, leading the reader to make a further step to use their legal service, it can be seen as a violation. However, it is indicated that although the recent regulations have not yet accommodated this concept, notary as the public official must carry out their oath of office according to Article 4, paragraph (2) of Law 02/2014 concerning Notary Public Positions to be faithful and devoted to the existing code of ethics on top of the existing regulations (Ramadhan et al., 2022). The existence of notaries who the government appoints based on the law is not intended for their personal interest, but for the benefit of the community, they serve (Tiranda, 2020). According to Notodisoerjo (1993), the public official is given the authority and obligation to protect the public as they participate in carrying out a power that comes from the *openbaar gezag* obligation of the government, which in essence, is public service.

4.3. Notary's responsibility for the violation of the ethical code

Essentially, every action, either done intentionally or unintentionally, has its own consequences, especially actions related to the duties and obligations of the legal profession. Accountability is the principle of professionalism as a form of commitment to the implementation of duties (Sjaifurrahman & Adjie, 2011). According to Black (1990), the term "liability" is elucidated as the condition of being responsible for a possible actual loss, penalty, evil, expense of burden, a condition which creates a duty to act immediately or in the future, while code of professional responsibility means the ethical directives from the legal, medical, and other professionals in the form of ethical guidelines, rules of conduct and standard practices. The notion of responsibility states that someone is responsible for something to some authority. In such a statement, responsibility refers to the actions that someone undertakes in a context characterized by some openness or indeterminism in regard to facts and norms (Baumgärtner, Petersen, & Schiller, 2018). The violation of ethics by a notary mainly relates to morals. There should be law enforcement, but there are some factors as

an obstacle, such as low moral integrity, lack of supervision, limited budget, lack of facilities and infrastructures, the limited authority of the regional supervisor, and lack of social participation (Nadia, Rizanizarli, & Rinaldi, 2021). It is an obligation to run the duty with responsibility and morals to avoid violating the code of ethics.

Fockema Andreae stated that the word “responsible” is defined as being bound and that responsibility in a legal sense means “attachment” (as cited in Asparyogi et al., 1983). Based on this understanding, it can be said that the responsibilities of a notary are intended as a notary’s attachment to legal provisions in carrying out their duties and obligations. All actions of notaries relating to their duties and obligations must be legally accountable, including all the consequences for violations of the underlying norms (Sjaifurrahman & Adjie, 2011). Notaries are required to conduct the deed properly and correctly, meaning that the deed has to fulfill the request and interest of the party as a form of their responsibility, as well as create a quality deed and that the deed is in accordance with the rule of law and the will of the party that is involved in real sense. Notaries must explain the contents and procedures of the deed, which positively impacts whoever can acknowledge the deed with perfect evidence (Muhammad, 2001).

Responsibility occurs in relation to the enactment of the duties and obligations assigned to notaries based on the authority granted by the law. Notaries carry a mandate that comes from two sources, which are from community members as their clients and in the form of orders given indirectly to them from the law. The implementation of this form of responsibility is the maximum effort of a notary to produce an authentic deed whose legal validity is recognized and approved. This type of responsibility does not only apply in the process of doing the deed but also arises after the deed is formed, just in case there are any legal problems, which, if it happens, the term liability is more fitting as it can be illustrated that when an authentic deed declared invalid by the court due to the non-fulfillment of legal requirements, or if the deed is relegated to a private deed and causing losses to the parties. In this case, Notary liability is the provision of compensation to the client concerned, especially if it is proven that the client has suffered a real amount of loss. That is why notaries, in carrying out their duties and positions, are required to work correctly and professionally, as well as follow ethical code, so that notary’s product in the form of an authentic deed can provide legal protection and legal certainty to the parties who need it.

Theoretically, notaries are not allowed to actively promote themselves as it should be enacted through mouth-to-mouth words only from clients who feel comfortable and satisfied with their services (Ramadhan et al., 2022). The regulation also stated that it is proper that a notary may not carry out activities that aim to benefit him or herself. The Indonesian Notarial Code of Ethics also prohibits advertisement placement in newspapers, periodical magazines, or civil publications of an office, company, service bureau, or advertising agency, either in the form of posting names, addresses of office, telephone numbers, or in

the form of congratulatory expression, donations of money, etc. (Ramadhan et al., 2022). Notaries also are not allowed to have affiliation with service bureaus/individuals/legal entities, which essentially act as intermediaries to obtain more clients as mandated by Article 4, line 4. This type of prohibition is also regulated in Article 18 of the Decree of the Minister of Justice and Human Rights of The Republic of Indonesia Number M-01.HT.03.01 in 2003 concerning Notary Public Position.

Based on this principle, notaries who violate the provisions as referred will be held responsible and given sanctions in the form of a written warning, temporary suspension, honorable discharge, or dishonorable discharge. The essence of sanction as coercion based on law is to provide awareness to the party who violates it as well as to show that the action taken is not in accordance with applicable legal rules. The supervision of the notary position is carried out by the Minister of Law and Human Rights of The Republic of Indonesia through the Notary Supervisory Board as well as by Notary Organizations such as The Indonesian Notary Association, while the effectuation of the Notary Public Code of ethics is enforced by Notary Honorary Council, which is authorized to perform examinations of alleged code of ethics violations, issuing sanctions on that matter with their respective authorities (Sjaifurrahman & Adjie, 2011). Before issuing any formal sanctions, it has to be confirmed first that the act of violation is actually being committed by the position holder, as it could be possible that other people carried it out without the knowledge of the notary concerned. Suppose it is proven that the violation actually occurred. In that case, the notary responsible for it must face administrative measures in the form of warnings and education training, and if there is no sign of cooperation or the said action does not stop. The person concerned must be ready to accept another type of sanction, temporary suspension from association membership (Herawati, 2019).

As public officials, notaries have civil and criminal liability pertaining to the material truth of the deeds they make and responsibilities elicited from the regulations and written ethical codes. This type of responsibility is attached to the position during the notary’s office term or even after they are retired (Nico, 2003). On the basis of moral values summed in the Notary Public code of ethics, it is required for a notary to live up to the overall dignity of their position with knowledge and skills in carrying out their profession that is always oriented to the interests of the community, the provisions of the law, ethics, and public order. That being said, if there is proven to be a violation of ethical codes, it will come off as ethical responsibility related to moral norms, which are the measure for the notary (Adyla, 2010).

Ethical issues in legal practice arise due to tensions inherent in legal practitioners’ competing responsibilities towards their clients, the legal system, and the quality of justice (Van Zyl & Visser, 2016). Previous research shows that the moral ground of this prohibition is due to business competition between fellow notaries and the dignity of the position itself. However, legal ethics is more than the mere rules of regulations of the legal profession since it also can be interpreted as

the moral principle of the legal profession. Legal ethics, especially in the form of a narrow set of rules, is silent or perhaps inconclusive on the issues facing the person responsible the practitioner uses his moral compass to decide what is right and just. Due to the importance for the notary to respect legal ethics and the code of ethic value while they run their jobs, it is advised to obey the code of ethics based on good morality (Ayuningtyas, 2020). Professionals are required to prioritize their profession with full responsibility and respect.

Given that ethics is based on virtue and wisdom, which according to Blackburn (2008), is a trait of character that is admired; one rendering its possessor better, either morally or intellectually, or in the conduct of specific affairs and described as an objective moral norm that is both shared and personal, it is not easy to come up with the exact conformity, hence the different interpretation of the regulation.

But to see it from the perspective of The Indonesian Notarial Code of Ethics, since the information and sources obtained through the internet as a worldwide network is considered to be too "immediate" and hard to verify, the traditional values of factuality and validity are often being questioned and given that websites or blogs exist in a very board virtual world of media, where internet is a new kind of tools that challenges ideals of credibility, reliability, and objectivity of professionals, it is difficult for the supervision in charge to oversee and that the effectuation of ethical consequences when a violation occurs often cannot be carried out properly. Apart from this reason, the confidentiality aspect of providing legal counseling through this type of platform also needs to be considered, especially if it has resulted in the loss of the parties, as the law mandated the notary to protect every aspect of the deed and the importance of the parties according to the oath of office unless the law state otherwise which consists in the Article 16, Letter E, Law 02/2014 concerning Notary Public Positions.

In everyday legal practice, attorneys and advocates are expected to make difficult decisions in often difficult circumstances; this process frequently requires legal practitioners to balance a conflicting system of belief. In this case, the idea of utilizing fast technology to make work more efficient is often occurred, thus creating the phenomenon of blogs and websites owned by notaries. However, a notary as a public official has a set of ground rules to guide their action in the form of ethical codes, and the values behind this prohibition other than to protect the interest of both parties are also to support the obligation to the notary to act trustworthy, thoroughly, and impartially as stated in Article 16, Letter A of Law 02/2014. While considerations of what is "right" and "wrong" might share some common grounds, the question of what is moral and immoral conduct can become difficult, especially knowing that the implementation of issuing administrative sanctions for this type of violation has not yet been enforced and that this type of violation only has moral consequences. Because of this, it is needed to say that a more in-depth study must be pursued by the Indonesian Notary Association on behalf of the organization so that the community, as well as notaries, can

comprehend what is meant by providing legal counseling before making the process of a deed, its function along with its purpose, to create a unified understanding and perception regarding the matter, as well as protecting the values behind the written ethical codes.

5. CONCLUSION

Notary Public has the role of public services in terms of making notarial/authentic deeds that perform as the perfect form of evidence in court and other legal documents. In order to perform their profession properly, there are regulations and ethical codes for the Notary Public to comply with, which are registered in Law 02/2014 of The Position of Notary Public Law and The Indonesian Notarial Code of Ethics. Article 4, paragraph (3) of The Indonesian Notarial Code of Ethics states that it is prohibited for a notary public to do promotional activities or publication statements individually or collectively, providing names and positions using media in forms of advertisement, congratulatory expression, condolences, gratitude, marketing, or any sponsorship activities. This prohibition came from the principle that as a public official who is entrusted with carrying out state duties, Notary Public is not allowed to justify any means by using every chance to achieve professional success, as well as intending to prevent promotional nature, as it is considered inconsistent with the value of independence and the obligation for a notary to act trustworthy, thoroughly, impartially, and for the purpose of protecting the interests of their clients and because the existence of notaries who the government appoints based on the law is not intended for their personal interest, but for the benefit of the community they serve. Providing online legal counselling through platforms like personal websites or blogs is also prohibited because it is difficult for the supervisor in charge to oversee, and the effectuation of ethical consequences when the violation occurs often cannot be carried out properly due to the broad spectrum of the internet. Aside from that, the concern regarding the confidentiality aspect of the deed is also the main reason for this prohibition in order to prevent the loss of the parties as the law has mandated a notary to protect every aspect of the deed and the importance of the parties according to the oath of office unless the law state otherwise which consists in the Article 16, Letter E, Law 02/2014 concerning Notary Public Positions. Notary liability is the provision of compensation to the client concerned, especially if it is proven that the client has suffered a real amount of loss. This research is important for the future because the role of notaries is very important for mankind, with authentic deeds, considered perfect evidence in court. Notaries also play a role in carrying out the wishes of both parties and act as legal consultants, providing professional opinions in the form of legal advice. In this study, the application of sanctions for violating the code of ethics by a notary has a weakness because the notary is only dismissed from membership but can still carry out his duties as usual. That is why notaries, in carrying out their duties and positions, are required to work correctly and professionally, as well as follow ethical code, so

that notary's product in the form of an authentic deed can provide legal protection and legal certainty to the parties who need it. However, it is necessary to say that the Indonesian Notary Association must

pursue a more in-depth study on behalf of the organization due to different interpretations of the regulation and the implementation of sanctions that have not yet been enforced properly.

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