

Notary Websites: Distinguishing Information From Promotion Under Article 4 Point 3 of the Code of Ethics

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Abstrak

Layanan hukum digital semakin mendorong notaris menggunakan situs web dan media sosial untuk memperluas akses publik terhadap informasi hukum. Namun, Pasal 4 angka 3 Kode Etik Notaris melarang publikasi diri dan promosi melalui media cetak atau elektronik tanpa memberikan kriteria operasional yang tegas untuk membedakan informasi yang diperbolehkan dari promosi yang dilarang. Penelitian ini mengkaji batas normatif tersebut dan merumuskan parameter praktis bagi notaris, Dewan Kehormatan, serta badan pengawas. Metode penelitian hukum normatif digunakan dengan pendekatan perundang-undangan, konseptual, dan perbandingan terbatas. Penilaian hukum tidak semestinya bertumpu pada keberadaan situs web semata, melainkan pada tujuan konten, penyajian substansi, bahasa, pengungkapan harga, ajakan bertransaksi, testimoni, klaim perbandingan, dan cara memperoleh calon klien. Konten edukatif yang netral dan tidak komersial serta tidak dirancang untuk menarik klien dapat dipandang sebagai informasi profesi. Sebaliknya, konten persuasif yang menonjolkan keunggulan, menawarkan harga atau paket, menampilkan testimoni, atau secara langsung mencari klien lebih tepat dikategorikan sebagai promosi. Artikel ini mengusulkan pedoman teknis oleh Ikatan Notaris Indonesia yang memuat indikator terukur, pengecualian tegas bagi pendidikan hukum nonkomersial, pengawasan yang seragam, serta perlindungan data pribadi pada saluran komunikasi digital.

Kata Kunci: kode etik notaris; situs web notaris; promosi; informasi hukum; kepastian hukum

Abstract

Digital legal services increasingly encourage notaries to use websites and social media to expand public access to legal information. Article 4 point 3 of the Indonesian Notary Code of Ethics, however, prohibits self-publication and promotion through printed or electronic media without providing operational criteria that clearly distinguish permissible information from prohibited promotion. This study examines that normative boundary and formulates practical parameters for notaries, the Honorary Council, and supervisory bodies. It employs normative legal research using statutory, conceptual, and limited comparative approaches. The study finds that the legal assessment should not turn on the mere existence of a website. Instead, it should examine the purpose of the content, substantive presentation, language, price disclosure, transactional calls to action, testimonials, comparative claims, and mechanisms for soliciting prospective clients. Educational, neutral, non-commercial content that is not designed to acquire clients may be treated as professional information, whereas persuasive content that highlights superiority, offers prices or

packages, displays testimonials, or directly solicits clients is more properly categorized as promotion. The article proposes technical guidance by the Indonesian Notary Association containing measurable indicators, an explicit exception for non-commercial legal education, standardized oversight, and safeguards for personal data processed through digital contact channels.

Keywords: notary code of ethics; notary website; promotion; legal information; legal certainty

INTRODUCTION

The digitalization of legal services has changed how the public searches for, compares, and accesses information about professional services. Notaries are not exempt from this transformation. As public officials, notaries are still expected to provide services that are prompt, accurate, and accessible, yet their authority derives from the state and must be exercised within the framework of the Notary Office Law.¹

The status of a notary as a public official distinguishes the profession from ordinary commercial service providers. The prohibition on self-publication or self-promotion under Article 4 point 3 of the Notary Code of Ethics is intended to preserve the dignity, independence, and impartiality of the office while preventing competition for clients through practices that commercialize public authority.²

The difficulty is that digital media do not function solely as marketing spaces. A website may display an office address, service hours, general explanations of notarial deeds, legal education, or administrative communication channels. Recent literature indicates that the use of websites by notaries remains insufficiently regulated, while digital practices have developed faster than the available ethical rules.³

The absence of operational definitions distinguishing “publication” from “promotion” creates a grey area. An overly broad rule risks treating almost every form of digital communication as a violation, whereas an overly permissive rule may enable client acquisition, price offers, and claims of superiority that undermine the dignity of the office. The legal issue, therefore, is not merely whether a notary may maintain a website, but how the purpose, form, and content of that website should be assessed objectively.⁴

The code of ethics remains central because public trust in notaries depends not only on the legal validity of deeds but also on the integrity with which the office is exercised. In the digital environment, that integrity must be translated into standards of conduct that notaries can understand in advance and that supervisory bodies can apply consistently.⁵

¹ Indonesia, Undang-Undang Nomor 2 Tahun 2014 tentang Perubahan atas Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris, especially arts. 1, 15, and 16.

² Ikatan Notaris Indonesia, Kode Etik Notaris, Pasal 4 angka 3.

³ Nadia Pitra Kinasih and Azizahtul Himma, “Akibat Hukum Notaris Menggunakan Website Pribadi Dalam Memberikan Pelayanan Jasa Kepada Masyarakat,” *Acten Journal Law Review* 1, no. 1 (2024): 38–63, <https://doi.org/10.71087/ajlr.v1i1.4>.

⁴ Sari Dewi Adhistya Wandayani, Emmy Latifah, and Anjar Sri Ciptorukmi Nugraheni, “Rekonstruksi Kode Etik Notaris: Menjawab Dilema Publikasi dan Promosi Jabatan di Era Digital,” *Jurnal USM Law Review* 8, no. 3 (2025): 1710–1742, <https://doi.org/10.26623/julr.v8i3.12790>.

⁵ Betty Ivana Prasetyawati and Paramita Prananingtyas, “Peran Kode Etik Notaris Dalam Membangun Integritas Notaris Di Era 4.0,” *Notarius* 15, no. 1 (2022): 310–323, <https://doi.org/10.14710/nts.v15i1.46043>.

Studies on promotion through social media show that self-actualization, personal branding, education, and marketing may overlap within a single account or website. A boundary drawn solely by reference to the electronic medium is no longer adequate because the function of a post is determined by its message, structure, and the action it is designed to induce.⁶

Comparative experience also shows that professional communication is not invariably treated as promotion. Basic information on identity, address, and access to professional services may be permitted so long as it is not framed as advertising or commercial competition. This distinction is important in developing a proportionate approach that protects professional dignity while meeting the public need for information.⁷

The existing scholarship addresses related problems at different levels. The debate about websites asks whether a digital interface itself creates an ethical risk. Studies of social-media counselling examine the narrower relationship between legal explanation and visibility of the office. Enforcement studies ask which institution can examine the conduct and what consequences can follow. These questions cannot be resolved by substituting a website-specific permission for the broader prohibition on publication and promotion. A useful analysis must connect the communication to the applicable rule and connect that rule to the powers of the institution applying it.

The practical difficulty becomes clear when one website performs several functions. A page may explain the evidentiary value of an authentic deed, identify the office, offer a consultation channel and display endorsements. The accurate legal explanation does not determine the character of the endorsements, and the existence of an appointment channel does not establish that every surrounding message solicits business. Classification at the level of the entire website can therefore conceal the specific conduct that requires examination. The legal assessment needs to identify both the relevant content and its relationship to the office.

This article develops that missing connection through a content-based model and a separate account of disciplinary competence. Its contribution is the explanation of how neutral identification, legal education and acquisition-oriented persuasion should be examined in mixed digital settings. It also distinguishes a recommendation for future professional guidance from permission under the existing code. That distinction matters because operational clarity must be achieved without granting an ethical exemption that the authors have no authority to create.

Against this background, this article addresses two questions. First, what is the normative boundary between information and promotion on notary websites under the Notary Office Law and the Notary Code of Ethics? Second, what legal parameters can be formulated to assess website content more objectively, and how should those parameters be institutionalized through technical guidance and supervisory mechanisms?

RESEARCH METHOD

This study is normative legal research with a prescriptive orientation. A statutory approach is used to examine the Notary Office Law, the Notary Code of

⁶ Akhmad and Sinung Mufti Hangabei, "Notary self-actualization and promotion in social media," *Journal Scientia Iustitiae* 2, no. 1 (2024), <https://doi.org/10.36085/jsi.v2i1.6370>.

⁷ Ferdinand Renaldi and Tiurma M. Pitta Allagan, "Perbandingan Publikasi dan Promosi Diri oleh Notaris di Indonesia dan di Belanda," *Unes Journal of Swara Justisia* 8, no. 1 (2024): 52–68, <https://doi.org/10.31933/ujsj.v8i1.478>.

Ethics, the Consumer Protection Law, the Electronic Information and Transactions Law, and personal data protection legislation. A conceptual approach is used to distinguish professional information, publication, promotion, marketing, legal education, and personal branding.

Secondary legal materials are drawn from notarial scholarship and studies concerning the use of social media, websites, legal education, and promotional violations. The materials are analyzed through grammatical, systematic, and teleological interpretation so that the prohibition on promotion is understood consistently with its purpose of preserving professional dignity without closing the space for non-commercial legal education.⁸

The study is doctrinal rather than empirical. It ranks the Notary Office Law and other legislation above the professional code; examines the Indonesian Notary Association's Code of Ethics as a professional normative instrument; and reads relevant notarial scholarship purposively to identify recurring interpretive problems. The principal legal materials are the Notary Office Law, the notarial ethical code, the Personal Data Protection Law, and provisions on digital records. Secondary materials include the notarial-law studies cited in the references. No comprehensive disciplinary-decision database was available; therefore, the study does not assert an established or uniform line of disciplinary jurisprudence.

The comparative inquiry is limited to the treatment of professional information and solicitation in the foreign instruments and comparative scholarship cited below. It does not measure disciplinary outcomes. Interpretation first identifies the applicable Indonesian provision, then examines its purpose and institutional setting, and finally tests the proposed criteria against concrete forms of digital communication. The resulting model is a prescriptive contribution; its adoption would require action by the competent professional or public institution.

RESULTS AND DISCUSSION

The Notarial Office and the Limits of Digital Communication

A notary's authority to execute authentic deeds and exercise other statutory powers places the office within a public legal framework. Independence, impartiality and due care protect parties who rely on the resulting instrument, including persons who never chose the notary personally. Anand's account of the characteristics of the office explains why trust cannot be reduced to a private transaction between a seller and a customer.⁹ The prohibition on promotion must therefore be interpreted in connection with the integrity of the office, while keeping organizational discipline distinct from statutory sanctions.

From a teleological perspective, the promotion ban prevents the notarial office from being treated as a commodity. Competition through claims of being the "best," promises of the fastest completion, discounts, pricing packages, or comparisons with other notaries may shift the orientation from independent public service to market competition. The prohibition should therefore focus on conduct that performs a

⁸ Anak Agung Ngurah Krisna Pratama and I Made Dedy Priyanto, "Pengaturan Penyuluhan Hukum Oleh Notaris dalam Penggunaan Media Sosial," *Acta Comitatus: Jurnal Hukum Kenotariatan* 10, no. 03 (2025): 550–561, <https://doi.org/10.24843/ac.2025.v10.i03.p7>.

⁹ Ghansham Anand, *Karakteristik Jabatan Notaris di Indonesia* (Jakarta: Prenada Media Group, 2018), 13–25.

commercial and persuasive function aimed at acquiring clients rather than on every act of communicating information.

At the same time, digital technology offers genuine service benefits: information becomes easier to access, communication becomes more efficient, and legal literacy can be broadened. Rejecting every use of digital media would be inconsistent with evolving public needs. The challenge is to design boundaries that preserve these benefits without enabling the commercialization of the notarial office.¹⁰

Azwar's analysis of legal counselling identifies the tension between explaining notarial services and advertising them through digital applications.¹¹ Phalosa, Anwary and Syaafi adopt a stricter approach to webinar promotion, showing that an educational event can still publish or promote a notary's office.¹² Imanda's study of Android applications similarly locates the difficulty in how the office is presented and accessed.¹³ Andriani and Suprpto examine the same boundary in TikTok content, where a legal explanation and personal visibility can occupy the same post.¹⁴ These positions require examination of the actual communication and prevent the word 'education' from operating as an automatic ethical exemption.

The Notary Office Law gives notaries the status and functions of public officials. The Indonesian Notary Association's Code of Ethics provides professional obligations for members and, insofar as recognized in the profession's regulatory scheme, supplies the framework for organizational discipline. These sources must not be conflated. Article 4 point 3 of the code is an ethical prohibition; it is not, merely by virtue of its wording, a new criminal offence or a substitute for a statutory ground of administrative sanction. An alleged violation must be considered by the institution competent under the applicable legal regime, with appropriate procedure and rights of explanation.

The Honorary Council (Dewan Kehormatan) operates within the association's ethical-disciplinary arrangements, whereas the Notary Supervisory Councils (Majelis Pengawas Notaris) exercise functions assigned through the Notary Office Law and its implementing framework. Professional guidance may clarify how members should behave and may inform ethical adjudication, but it cannot independently expand a statutory supervisory council's jurisdiction or create sanctions not authorized by law. A proposed implementation route is consultation by the association, publication of interpretive guidance, incorporation into professional education, referral of actual

¹⁰ Muhammad Fariz Fadlillah, "Pengaruh Perkembangan Teknologi Digital terhadap Peran Notaris," *Saturnus: Jurnal Teknologi dan Sistem Informasi* 2, no. 3 (2024): 48–58, <https://doi.org/10.61132/saturnus.v2i3.121>.

¹¹ Williat Azwar, "Peran Notaris dalam Penyuluhan Hukum Sehubungan Pembuatan Akta dengan Pembatasan Promosi Melalui Media Sosial," *Jurnal Multidisiplin Indonesia* 1, no. 3 (2022): 970–978, <https://doi.org/10.58344/jmi.v1i3.92>.

¹² Nydia Azaria Phalosa, Ichsan Anwary, and Ahmad Syaafi, "Promosi Kegiatan Webinar (Seminar Online) oleh Notaris melalui Media Sosial dalam Perspektif Undang-Undang Jabatan Notaris dan Kode Etik Notaris," *Notary Law Journal* 1, no. 4 (2022): 327–344, <https://doi.org/10.32801/nolaj.v1i4.32>.

¹³ Nadia Imanda, "Perspektif kode etik jabatan notaris terhadap publikasi dan promosi jabatan notaris melalui aplikasi android," *Lambung Mangkurat Law Journal* 5, no. 1 (2020): 1–12, <https://doi.org/10.32801/abc.v5i1.93>.

¹⁴ Selvi Andriani and Suprpto, "Larangan publikasi/promosi diri notaris dalam kode etik (studi terhadap konten tik tok notaris)," *Jurnal Hukum Kenotariatan Otentik's* 6, no. 2 (2024): 171–198, <https://doi.org/10.35814/otentik.v6i2.6847>.

ethical allegations to competent bodies, and, where separate statutory violations appear, treatment through the legally designated supervisory channel.

Khalid's examination of dual authority to investigate ethical allegations shows why the legal basis of an examination must be identified before the content is classified.¹⁵ Pratama and Silviana examine the Supervisory Council's role, which arises within its particular regulatory framework.¹⁶ Latifah's analysis of ethical responsibility highlights the coordination needed when organizational and supervisory consequences intersect.¹⁷ Handayani, Suryaningtyas and Mashdurohatun's study in Pati further directs attention to the capacity of the Honorary Council to enforce professional rules.¹⁸ Read together, these works support a recorded allocation of jurisdiction rather than the assumption that every body may impose every form of sanction.

Enforcement of the code of ethics in online environments requires verifiable criteria. Without such criteria, ethical bodies risk assessing cases on the basis of general impressions of a post or webpage. That approach makes it difficult for notaries to predict the limits of permissible conduct and may produce different sanctions for content that is substantively similar.¹⁹

The wording of Article 4 point 3 joins publication or self-promotion to the use of the notary's name and office through printed or electronic media and identifies forms such as advertising, marketing and sponsorship. Interpretation should therefore begin with the elements of the provision and the form alleged in the particular case. An attractive layout, frequent posting or extensive legal explanation cannot replace that inquiry. Nor should a disciplinary body restrict its examination to explicit words such as 'discount' when the communication performs a marketing function through a different design.²⁰

The ethical concern is the use of public professional authority to generate a competitive advantage in acquiring clients. That concern explains why a promise of exceptionally fast deed completion is legally significant: it may present procedural care as an obstacle to be bypassed. The difficulty lies in the message and its foreseeable professional effect, even where no fee is stated. A neutral account of procedural stages serves a different informational purpose. The proposed distinction thus examines how a statement relates to independence and due care, rather than whether its vocabulary appears modern or commercial.

Institutional competence also limits the remedy. A finding that content breaches a professional rule does not by itself establish a criminal offence or

¹⁵ Muhammad Khalid, "Dualisme Kewenangan Pemeriksaan Dugaan Pelanggaran Kode Etik Notaris," *Lex Renaissance* 2, no. 1 (2017), <https://doi.org/10.20885/jlr.vol2.iss1.art3>.

¹⁶ M. Yoghi Pratama and Ana Silviana, "Peranan Majelis Pengawas Notaris Terhadap Pelaksanaan Kode Etik Notaris," *Notarius* 16, no. 2 (2023): 861–869, <https://doi.org/10.14710/nts.v16i2.42125>.

¹⁷ Latifah, "Tanggung Jawab Notaris Dalam Pelanggaran Kode Etik Notaris," *Officium Notarium* 1, no. 1 (2021): 144–154, <https://doi.org/10.20885/jon.vol1.iss1.art15>.

¹⁸ Tri Ulfi Handayani, Agustina Suryaningtyas, and Anis Mashdurohatun, "Urgensi Dewan Kehormatan Notaris Dalam Penegakan Kode Etik Notaris Di Kabupaten Pati," *JURNAL AKTA* 5, no. 1 (2018): 51–64, <https://doi.org/10.30659/akta.v5i1.2531>.

¹⁹ Adhe Ismail Ananda, "Enforcement of notary code of ethics against promotion violations through internet media in indonesia: penegakan kode etik notaris terhadap pelanggaran promosi melalui media internet di indonesia," *Journal of Constitutional Law Society* 3, no. 2 (2024): 116–125, <https://doi.org/10.36448/clsc.v3i2.77>.

²⁰ Ikatan Notaris Indonesia, Kode Etik Notaris, Pasal 4 angka 3.

invalidate every deed prepared by the notary. Any separate statutory consequence requires its own legal basis and procedure. An allegation should identify the communication, the rule and the competent forum. This sequence prevents uncertainty about online conduct from expanding the legal powers of the examining institution.

Assessing Website Content and Mixed Forms of Promotion

The definition of promotion in consumer protection law may serve as a conceptual reference even though notaries are not ordinary business actors. Its central element is the introduction or dissemination of information about goods or services with the purpose of attracting another party's interest. The intention to attract interest therefore provides a useful basis for drawing the principal distinction.²¹

Informative content is oriented toward knowledge and public access. Appropriate content may include an office address, service hours, explanations of notarial authority, general administrative requirements, education concerning types of deeds, and neutral legal information. Such content does not invite the public to choose a particular notary, does not compare quality, and does not promise specific outcomes.

By contrast, content tends to be promotional when its design directs users toward becoming clients: displaying lists of services and prices, discounts or packages, consultation buttons accompanied by commercial offers, claims of superiority, ratings and testimonials, location targeting for client acquisition, or cooperation with third-party platforms that actively market notarial services.²²

The overall context must also be considered. Displaying a telephone number does not automatically amount to promotion when it merely provides contact information, but its character may change when it appears together with persuasive slogans, price lists, claims of speed, and a "contact us now" call-to-action designed to generate a transaction.²³

The appropriate unit of analysis is the actual communication attributable to a notary. The proposed model distinguishes neutral identification and access information, explicit solicitation, and contextual features requiring further inquiry. Office details and an appointment channel are not treated as an established statutory safe harbour. Conversely, a price discount, a claim of superiority, or a testimonial used to attract clients supplies a stronger basis for scrutiny than the presence of a logo or an attractive page layout. The analysis must explain the relevant connection to the forms of publication or promotion prohibited by the code.

The decision-maker should identify the impugned passages, the surrounding page, the target audience and the actual function of the contact mechanism. The party alleging unethical promotion must present accessible evidence of the relevant content and circumstances; the notary must be afforded an opportunity to explain

²¹ Indonesia, Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen, art. 1 point 6.

²² Vivia Chandra and Tjhong Sendrawan, "Pelanggaran Notaris yang Bekerja sama Melalui Platform Media Sosial dengan Pihak Ketiga," *Jurnal Ilmu Hukum, Humaniora dan Politik* 4, no. 6 (2024): 2626–2634, <https://doi.org/10.38035/jihhp.v4i6.2373>.

²³ Mutia Farida Niken, Rini Winarsih, and Muhammad Andri, "Promosi Notaris Melalui Platform Digital Dalam Perspektif Undang-Undang Jabatan Notaris Nomor 2 Tahun 2014," *Jurnal Kajian Hukum dan Pendidikan Kewarganegaraan* 1, no. 4 (2025): 500–505.

the purpose, context and changes made. A disciplinary body should state why any indicator is decisive, rather than infer unlawful intention solely from visual aesthetics. The proposed categories are a rebuttable presumption of neutral information, strong promotional red flags, and contextual factors assessed together with recorded reasons.

Three examples illustrate the test. An office directory with educational articles and a basic appointment channel remains informational unless the interaction solicits business beyond legitimate access. An educational blog with a prominent “contact us” button requires contextual inquiry into the message and recipient selection, rather than automatic condemnation. A page advertising discounted deed packages, claiming to be “the best,” and publishing client endorsements crosses the promotional threshold even if it also includes accurate legal information. These are hypothetical classifications, not reports of actual disciplinary outcomes.

Consider a hypothetical page explaining the documents needed for a sale deed. An office address allows the reader to find the relevant professional; a banner offering a discounted deed package seeks a choice in favour of that office. The two elements should be examined separately and then together. If the banner is attributable to the notary, the presence of a useful document checklist does not neutralize its promotional function. If a third party added the banner without authorization, attribution and the notary's response require examination before responsibility is inferred.

The same reasoning applies to an educational webinar. An explanation of the applicable law may benefit the public, while the invitation can still feature the office as a preferred service provider. The examiner should consider the invitation, speaker identification, surrounding offers and follow-up messages. An assessment based only on the webinar's subject would overlook the manner in which the office is presented. Phalosa and colleagues' restrictive interpretation is therefore a relevant counterposition to an automatic educational exception.²⁴

Third-party platforms require attention to the actual arrangement. A passive directory, a paid ranking service and a broker who supplies clients have different functions. The decisive questions include whether the notary approved the content, whether an intermediary actively solicited clients, and whether the arrangement made access depend on a commercial referral. The model should record those facts instead of treating all third-party visibility as equivalent. It should also distinguish attribution of a message from the question whether the message itself falls within the prohibition.

Table 1. Parameters Distinguishing Informative and Promotional Content on Notary Websites

Indicator	More Informative	More Promotional
Purpose	Legal education and access to information	Client acquisition or attracting prospective clients
Content	Legal explanations, authority, general requirements	Service offers, service packages, claims of superiority
Language style	Neutral, objective, informative	Persuasive, comparative, or solicitous

²⁴ Nydia Azaria Phalosa, Ichsan Anwary, and Ahmad Syaafi, “Promosi Kegiatan Webinar (Seminar Online) oleh Notaris melalui Media Sosial dalam Perspektif Undang-Undang Jabatan Notaris dan Kode Etik Notaris,” *Notary Law Journal* 1, no. 4 (2022): 327–344, <https://doi.org/10.32801/nolaj.v1i4.32>.

Indicator	More Informative	More Promotional
Prices/fees	No commercial price list	Tariffs, packages, discounts, or price promotions
Call to action	Proportionate administrative contact	Call-to-action urging immediate use of services
Testimonials/ratings	Not used for image-building	Displayed to build commercial reputation
Comparisons	No comparison with other notaries	Claims to be faster, cheaper, superior, or the best
Third-party platforms	Directory/information function only	Platform actively selling or directing transactions

Source: Authors' doctrinal synthesis from the Indonesian notarial framework and cited comparative legal literature; this is a proposed model, not an existing binding rule.

The table is not intended as a rigid checklist. Personal branding in digital spaces is contextual, and a single indicator may not be sufficient to establish an ethical violation. However, the more promotional indicators that appear simultaneously, the stronger the basis for concluding that the content has shifted from professional information toward self-marketing.²⁵

Table 1 organizes the features that warrant examination; it does not assign numerical weights or create a rule that several neutral features cancel one prohibited advertisement. An explicit solicitation may be decisive after attribution and context are established. A contextual feature such as a search result or contact link requires an explanation of its function. A reasoned conclusion should state which feature mattered, how it was proved and why it falls within the applicable ethical provision.

Professional Guidance and Accountable Digital Supervision

The German experience demonstrates that notarial ethics can continue to restrict advertising while recognizing room for factual professional communication. The emphasis is not merely on the medium used but on whether the communication remains objective and preserves the character of a public office.²⁶

Regulatory developments in France likewise show that a modern code of ethics must respond to digital communication through more specific rules. Comparative models cannot be transplanted mechanically into Indonesia, but they demonstrate that an absolute prohibition can be calibrated into restrictions targeting communications that are misleading, aggressive, commercial, or inconsistent with professional dignity.²⁷

The digitalization of notarial practice ultimately requires harmonization between service innovation and safeguards for authenticity, confidentiality, party identification, and procedural integrity. A website should therefore function

²⁵ Ari Kurniawan, F. B. A. Hartanto, and A. Dewantary, "Praktik Personal Branding Notaris terhadap Batasan, Etika dan Legalitasnya Ditinjau dari Undang-Undang Jabatan Notaris dan Kode Etik Notaris," *Perspektif Hukum* 25, no. 2 (2025): 365–387, <https://doi.org/10.30649/ph.v25i2.498>.

²⁶ Bundesnotarkammer, *Richtlinienempfehlungen der Bundesnotarkammer nach § 67 Absatz 2 BNotO* (Berlin: Bundesnotarkammer, 2020), § 29.

²⁷ France, Décret n° 2023-1297 du 28 décembre 2023 relatif au code de déontologie des notaires, art. 14.

primarily as an information and pre-service channel rather than as a space that obscures the limits of notarial authority or markets deeds as commercial products.²⁸

German and French notarial arrangements are relevant only at the level of function: each combines public trust with communication needs, but licensing structures, professional organization and disciplinary competence differ from Indonesia. The relevant lesson is therefore the separability of objective information and client solicitation, not direct transposition of foreign advertising rules. Consumer-protection concepts can help describe the persuasive function of advertising, but cannot themselves change the status of an Indonesian notary into that of an ordinary commercial trader.

Legal certainty requires notaries to be able to determine in advance which digital conduct is permitted and which is prohibited. When enforcement depends entirely on case-by-case assessments without clear parameters, the preventive function of the code of ethics is weakened because notaries learn the boundary only after they are subjected to examination.²⁹

Technical guidance from the Indonesian Notary Association is needed to bridge general ethical norms and digital practice. At a minimum, the guidance should define professional information, promotion, personal branding, testimonials, price lists, calls-to-action, the use of search engines and paid advertising, third-party directories, and mechanisms for digital supervision and proof.

The guidance must also address personal data protection. Consultation forms, chat features, document uploads, and integration with other platforms may process names, addresses, identification numbers, family documents, and sensitive transaction information. Digital channels must not pursue ease of access at the expense of information security for the parties concerned.³⁰

Website contact forms, consultations and document-upload portals introduce a second regulatory layer. The notary's professional confidentiality obligations are distinct from obligations under the Personal Data Protection Law where the office determines the purposes and means of personal-data processing. Proportionate design requires a lawful processing basis, data minimization, information about retention, secure transmission, limited staff access, safe deletion, and a procedure for data-subject requests; consent is not the exclusive permissible basis in all circumstances. Sensitive draft deeds should not be collected through unprotected public forms.

The use of electronic media must also be read together with the legal regime governing electronic information and transactions. Digital evidence concerning posts, advertisements, conversations, or website design may be relevant in ethical proceedings; supervisory procedures therefore require consistent standards for collecting and authenticating such evidence.³¹

²⁸ Justitia Ferryanto, Winsherry Tan, and Lu Sudirman, "Potensi dan Tantangan Hukum Digitalisasi Layanan Kenotariatan: Analisis Komparatif Indonesia dan Amerika Serikat," *Jurnal Mediasas: Media Ilmu Syari'ah dan Ahwal Al-Syakhsyah* 7, no. 2 (2024): 306–326, <https://doi.org/10.58824/mediasas.v7i2.135>.

²⁹ Eryanindya Erika Septiasari, Jadmiko Anom Husodo, and Isharyanto, "A Juridical Study of Social Media in the Digital Age: The Dilemma between Promotional Needs and Adherence to the Notary Code of Ethics," *International Journal of Social Science and Human Research* 08, no. 02 (2025), <https://doi.org/10.47191/ijsshr/v8-i2-39>.

³⁰ Indonesia, Undang-Undang Nomor 27 Tahun 2022 tentang Pelindungan Data Pribadi.

A workable examination begins with preservation of the specific page or post, its date, the surrounding communication and evidence linking it to the notary. A screenshot can show appearance but may omit a linked offer, later alteration or third-party authorship. The notary should be able to explain the content's purpose and contest incomplete evidence. The examining body should address that explanation in its reasons. These are proposed safeguards for reliable ethical assessment, not a claim that a uniform digital-evidence procedure already applies across every professional body.³²

Corrective action should also correspond to the established problem. Removal of a misleading endorsement does not settle a separate allegation concerning client brokerage. Replacing an insecure upload form can address a data-security weakness without determining whether its surrounding wording constitutes promotion. Treating each legal issue separately makes supervision more specific and avoids imposing an undifferentiated response merely because all the conduct occurred on one website.

Professional guidance should give examples with reasons, identify the issuing body's competence and explain the status of the guidance. Neutral identification, educational communication and explicit solicitation should be illustrated through their legal elements. Guidance should also provide an accessible procedure for obtaining clarification and reviewing an adverse finding. Publication and professional training can improve predictability, but the association should assess consistency through actual reasoned decisions rather than assume that issuing a checklist alone achieves uniform enforcement.

Table 2. Minimum Content of Technical Guidance on the Use of Websites and Digital Media

Component	Recommended Content	Function
Operational definitions	Information, promotion, advertising, education, personal branding, testimonials	Reduce multiple interpretations
Indicator list	Purpose, content, language, price, CTA, ratings, claims, platforms	Make assessments measurable
Safe harbour	Non-commercial education, basic identity, office hours/address	Provide a safe space for information
Explicit prohibitions	Discounts, packages, superiority claims, outcome guarantees, lead purchasing	Preserve the dignity of the office
Personal data	Data minimization, security, consent, retention	Protect users
Supervision	Digital evidence, examination stages, consistency standards	Standardize enforcement across regions

³¹ Indonesia, Undang-Undang Nomor 1 Tahun 2024 tentang Perubahan Kedua atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik.

³² Indonesia, Undang-Undang Nomor 1 Tahun 2024 tentang Perubahan Kedua atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik.

Source: Authors' doctrinal synthesis from the Indonesian notarial framework and cited comparative legal literature; this is a proposed model, not an existing binding rule.

This model does not abolish the prohibition on promotion. On the contrary, it makes the prohibition more effective because prohibited conduct can be identified more clearly. Notaries remain prohibited from turning their public office into a commodity, but they need not fear providing neutral information and legal education that the public genuinely needs.

Accordingly, the proposed professional guidance should specify: permitted identity and public-education content; prohibited acquisition-oriented claims; documented treatment of mixed pages; correction and explanation opportunities; accessible digital-evidence preservation; the ethical and statutory allocation of jurisdiction; and a separate personal-data compliance checklist. This is the authors' prescriptive synthesis of notarial rules, Indonesian scholarship and limited comparative material, not an existing official decision matrix.

CONCLUSION

Article 4 point 3 of the Notary Code of Ethics requires assessment of the content and function of a notary's digital communication in connection with the dignity and independence of the office. The proposed distinction between public information and client solicitation helps identify why a particular message warrants examination. It does not create an exemption from the existing code. Educational content must still be examined for promotion of the office, and an informational label cannot cure discounts, comparative promises or acquisition-oriented endorsements.

The Indonesian Notary Association should clarify these boundaries through guidance issued by a competent body, with particular attention to mixed content, third-party intermediaries and digital evidence. Each examination should identify the relevant rule, preserve the impugned communication, allow an explanation and state the reasons for its conclusion. Personal-data compliance requires a separate assessment of the information collected and the processing undertaken. This approach provides a concrete basis for consistent supervision while maintaining the distinction between the authors' proposed model and binding professional or statutory requirements.

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