

# Professional Ethics of Notaries in Promotion on Social Media the Impact and Implications of Fake Testimonials

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The professional ethics of notaries serve as a moral and legal foundation to maintain public trust in the notarial profession. In the digital era, social media is frequently used for promotion, but this practice often conflicts with ethical codes, particularly regarding the use of fake testimonials. Such promotions can harm public trust and the reputation of the notarial profession. This study employs a qualitative approach with a descriptive-analytical method to examine the impact of fake testimonials in notary promotions on social media. The analysis reveals that fake testimonials potentially violate ethics and laws, leading to administrative sanctions or license revocation. To safeguard professional integrity, strict supervision by the Notary Honorary Council (MKN) and a comprehensive understanding of ethical promotion boundaries are required.

**Keywords:** Professional Ethics, Notary, Social Media, Promotion, Code Of Ethics

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## 1. Introduction

Notary professional ethics constitute the moral and legal foundation that governs notary behavior in carrying out their duties. Notaries, as public officials authorized to issue authentic deeds, have a significant responsibility to maintain public trust (Utama, 2021). However, in today's digital era, promotion through social media has become an unavoidable trend, including by notaries. This phenomenon raises various ethical issues, particularly when promotional practices deviate from the professional code of ethics. One area of concern is the use of false testimonials by notaries to attract clients. This practice not only violates ethics but also has the potential to damage the reputation of the notary profession as a whole.

Excessive promotion that does not comply with ethical principles can have various negative implications, such as a loss of public trust and a decline in notary credibility. This situation requires in-depth study to understand the impact of notaries' use of social media within the context of professional ethics and the implications of false testimonial practices (Setiawan, 2019).

The relevant theoretical framework in this research includes professional ethics theory, notary professional regulations, and organizational behavior in a digital context. Professional ethics theory explains the moral principles that guide notaries, including integrity, responsibility, and transparency. Meanwhile, regulations on the notary profession, such as Law No. 2 of 2014 concerning the Position of Notary Public, stipulate limitations on promotions that notaries can undertake. In the context of organizational behavior, social media can be considered a strategic tool that influences public perception, but requires careful management to avoid ethical violations.

Research related to notary professional ethics largely focuses on the role of notaries in maintaining the validity of documents and public trust. Several studies examine the implications of code of ethics violations for the profession as a whole. However, studies specifically addressing the impact of social media

promotions by notaries, particularly those involving false testimonials, are still very limited. A study by Sutrisno (2021) highlights the importance of limiting social media use in the legal profession, but does not explicitly address the aspect of false testimonials. Other research, such as that by

Widianto (2020), suggests that ethical violations in promotions impact the profession's reputation, but has not explored the legal implications of false testimonials. Previous research has identified a gap that needs to be filled: the lack of in-depth study of the relationship between social media promotion, false testimonials, and their implications for the notary profession.

Based on the above background, this study aims to: (1) Determine the implementation of the notary professional code of ethics in promotion through social media. (2) Determine the impact of the use of false testimonials on public trust and the reputation of the notary profession. (3) Determine the legal implications of the practice of false testimonials in promotions conducted by notaries.

## 2. Method

This study uses a qualitative approach with a descriptive-analytical method to explore the problem in depth. This approach was chosen because it can provide a comprehensive understanding of complex phenomena, including the ethical, legal, and social impacts of notary promotion through social media. This descriptive study aims to describe notary promotion practices on social media and analyze the impact and implications of false testimonials. This study focuses on collecting relevant empirical data to support theoretical analysis. Data analysis was conducted qualitatively with the steps of data collection, data reduction, thematic analysis, and drawing conclusions. The collected data was filtered for relevant information, then analyzed to identify key themes related to promotional ethics, the impact of false testimonials, and their implications. The results of this analysis are used to provide appropriate strategic recommendations.

## 3. Results and Discussion

### Notary Professional Ethics

The Notary Professional Ethics are moral and professional guidelines that must be upheld by notaries in carrying out their duties. These ethics aim to maintain the honor, dignity, and responsibility of the notary profession in providing legal services in accordance with the principles of justice, truth, and honesty (Law Number 30 of 2004, Article 16). As public officials appointed by the state, notaries are obliged to ensure that every deed they draw up complies with applicable laws and regulations and legally reflects the wishes of the parties.

In carrying out their duties, notaries are regulated by the Indonesian Notary Code of Ethics (KODEKI), compiled by the professional organization, the Indonesian Notaries Association (INI). The main principles of this code of ethics include confidentiality, integrity, independence, and professionalism. For example, notaries are required to maintain the confidentiality of all information obtained in the course of their duties, unless required by law to disclose it (Indonesian Notary Code of Ethics, Article 4). Violations of professional ethics can subject a notary to moral and administrative sanctions, or even revocation of their practice license by the Notary Honorary Council (MKN).

Professional ethics also require notaries to avoid conflicts of interest that could compromise their independence. Notaries are prohibited from providing recommendations that favor one party to a deed. Furthermore, they must ensure that parties using their services fully understand the legal consequences of their actions (Munir Fuady, 2005).

For example, in deed disputes filed in court, the court often examines whether the notary acted in accordance with ethical and legal standards. If proven negligent, the deed can be deemed invalid, and the notary can be held legally accountable (Utama, 2021). Therefore, a thorough understanding of and adherence to professional ethics are essential for maintaining public trust in the notarial institution.

In the Indonesian legal context, it is crucial for notaries to continually update their legal knowledge, given the constantly changing regulations. Continuing education and training are one way to ensure notaries remain competent in carrying out their duties. Furthermore, oversight by the Notary Honorary Council (MKN) (Supriyanto, 2024) is also a crucial instrument in ensuring that notary practices comply with applicable ethical and legal standards (Law Number 30 of 2004, Articles 67-69). Notary professional ethics serve not only to protect those who use their services but also to maintain the integrity of the notary institution itself. Adherence to these professional ethics ensures that notaries can carry out their functions as legal servants fairly, transparently, and reliably.

### **Overview of Notary Promotion Practices on Social Media**

Notary promotion practices on social media are increasingly common in line with technological developments and the public's need for easily accessible legal information. Social media has become a tool for notaries to communicate with the public and increase public understanding of the legal services they offer (Victoria, 2020). However, notary promotion cannot be done haphazardly, as it is strictly regulated by the Indonesian Notary Code of Ethics (KODEKI) and Law Number 30 of 2004 concerning the Position of Notary (UUJN). KODEKI strictly prohibits notaries from advertising or promoting commercially. Alternatively, promotion on social media can be carried out through an educational approach, such as providing information about legal procedures, the benefits of certain deeds, or answering common legal questions from the public (Putra, 2021).

The content shared by notaries on social media is generally informative and non-partisan. For example, notaries often share infographics, short articles, or educational videos about the importance of document legalization or land deed processing. This is done to build credibility as legal professionals without violating regulations prohibiting promises of exclusive results or services. Furthermore, platforms like Instagram, LinkedIn, and Facebook are popular due to their ease of interaction and potential for broad audience reach. Instagram is often used to share engaging visuals, while LinkedIn is used to build a professional image through publishing articles or discussions on legal issues.

However, this practice is not without challenges. One key challenge is ensuring that promotions do not violate ethical boundaries and maintain the integrity of the notary profession. Dissemination of information must be done carefully to avoid being misconstrued as commercializing the profession, which could damage the notary's public image. Furthermore, direct interaction with the public through social media, such as answering questions in comments or private messages, requires caution to avoid being perceived as providing biased legal advice. The Notary Honorary Council (MKN) plays a crucial role in overseeing these activities and ensuring that notaries adhere to professional ethics in their social media activities (Rahman, 2018).

Overall, notary promotional practices on social media reflect an adaptation to changing times and the needs of a society that increasingly relies on technology to access information. When conducted with an ethical and careful approach, social media can be an effective means for notaries to provide legal education while strengthening their professional image. However, compliance with the Indonesian Notary Code of Ethics (KODEKI) and applicable regulations remains the foundation of any promotional activity.

## **Analysis of Professional Ethics in Online Promotion**

Online promotion by notaries presents significant challenges in maintaining the integrity of their profession as public officials. Notaries in Indonesia are regulated by the Indonesian Notary Code of Ethics (KODEKI) and Law Number 30 of 2004 concerning the Notary Public (UUJN), as amended by Law Number 2 of 2014. KODEKI strictly prohibits notaries from engaging in advertising or commercial promotions that could damage the profession's image. In this context, promotions conducted by notaries through social media or other digital platforms must adhere to ethical guidelines that ensure information remains neutral, educational, and not misleading.

The ethical standards of the notarial profession aim to maintain the credibility and public trust in the profession. Notaries are prohibited from promising specific results, engaging in unfair competition, or creating the impression of exclusivity in their services. Article 16 paragraph (1) of the UUJN stipulates that notaries must maintain the dignity of their position, while the KODEKI (Indonesian Code of Conduct for Legal Entities) emphasizes that public communications by notaries must be oriented toward legal education, not personal promotion or advertising.

Restrictions on online promotions require notaries to avoid forms of communication that could be perceived as commercializing the profession. Acceptable promotions are informative and educational, such as providing explanations of legal procedures, the types of documents that require notarial authentication, or the specific benefits of document legalization. For example, many notaries utilize platforms like LinkedIn to share the latest legal articles or analysis, while Instagram is used to convey information in the form of infographics or short videos without emphasizing commercial elements.

One form of ethical violation that frequently attracts attention is the use of false testimonials in online promotions. Testimonials created to give the impression that a notary has certain advantages over other colleagues are a serious violation of the principles of neutrality and honesty. In addition to violating the KODEKI (National Code of Conduct), this practice can also be categorized as a legal violation if the testimonials mislead the public. As public officials, notaries must ensure that the information conveyed to the public is accurate and does not unethically influence trust.

Online promotions by notaries must adhere to the principles of integrity, professionalism, and fairness. In the face of advances in information technology, the Notary Honorary Council (MKN) plays a crucial role in overseeing online promotional activities to ensure compliance with professional ethics. The application of strict ethical standards in online promotions not only protects the reputation of the notary profession but also maintains public trust in notarial institutions in Indonesia.

## **The Impact of False Testimonials on the Credibility of the Profession**

False testimonials, created to give the impression that a professional has certain advantages or provides superior services compared to others, can damage the integrity of the notary profession. As public officials tasked with maintaining the validity of legal documents, a notary's credibility depends heavily on public trust. When false testimonials are used, this not only violates professional ethics but also negatively impacts public perception and poses serious legal risks.

False testimonials can include fabricated statements, made by individuals who have never used the notary's services, or exaggerated testimonials to highlight certain advantages. For example, someone might claim that the document processing process with a particular notary was very fast and smooth, when in fact this is untrue. Furthermore, testimonials created by third parties with the intention of illegally promoting the notary also fall into this category. Another type is the use of fake or anonymous accounts to provide positive reviews to attract public attention (Kesuma, 2022).

False testimonials can impact public perception of the notary profession as a whole. If the public discovers that the testimonials are inauthentic, this can raise doubts about the notary's integrity and the services they offer. As a profession that relies on trust, the notary's image can be tarnished by the actions of a few irresponsible individuals. Furthermore, excessive promotion involving false testimonials has the potential to create unhealthy competition among notaries, which contradicts the principles of collegiality and professionalism as stipulated in the Indonesian Notary Code of Ethics (KODEKI).

False testimonials not only violate professional ethics but also potentially violate the law. In the Indonesian legal context, the use of misleading information, including false testimonials, can be considered a violation of Law Number 8 of 1999 concerning Consumer Protection, Article 8, which prohibits the dissemination of false or misleading information to the public. Furthermore, notaries found using false testimonials can be subject to sanctions by the Notary Honorary Council (MKN), ranging from warnings to revocation of their practice licenses. These sanctions not only impact the notary's career but also the reputation of the notary profession as a whole.

### **Legal Implications of False Testimonials in Notary Promotion**

The practice of false testimonials in online promotions by notaries carries serious legal implications, both in terms of professional ethics and applicable law in Indonesia. In the context of the notary profession, false testimonials not only violate the code of ethics governing the profession but can also lead to detrimental legal consequences for both individual notaries and the profession as a whole. For a deeper understanding, below is a legal overview of the legal implications of using false testimonials.

Legally, the practice of false testimonials used in notary promotion may violate several laws and regulations in Indonesia. One such law is Law Number 8 of 1999 concerning Consumer Protection, specifically Article 8, which prohibits business actors from providing false or misleading information or statements to consumers. If false testimonials are used to attract customers or clients in a misleading manner, this can be categorized as a violation of consumer rights and may result in administrative or criminal sanctions in accordance with the provisions of this law.

Furthermore, Law Number 30 of 2004 concerning the Position of Notary (UUJN) also states that notaries must uphold the honor and dignity of their profession. The use of false testimonies by notaries can damage the image and integrity of the profession, which can be the basis for legal action from professional institutions (the Notary Honorary Council) and other authorities. As public officials, notaries have an obligation to act honestly and transparently in all activities, including when promoting notary services on social media or digital platforms (Golu, 2024).

Violations of the notary professional code of ethics, including the use of false testimonies, can result in administrative or professional sanctions imposed by the Notary Honorary Council (MKN). KODEKI (Indonesian Notary Code of Ethics) expressly stipulates that notaries are not permitted to engage in advertising or promotions that could tarnish their professional reputation, especially if such promotions use false or misleading information.

Violations of this code of ethics can result in written warnings, demotion, or even revocation of notary licenses. Furthermore, if the action is proven to be detrimental to another party, the notary public may be held liable under both civil and criminal law, depending on the extent of the harm caused by the action. In this case, misleading false testimony can be considered detrimental to the party relying on the information, both in the context of legal transactions and the notarial services provided (Rizkia, 2022).

The professional sanction mechanism for notaries who commit ethical violations, including the use of false testimony, is regulated by the Notary Honorary Council (MKN), which has the authority to follow up on any

reports or findings regarding violations committed by a notary. The process of enforcing these sanctions begins with an investigation and examination, during which the MKN will analyze the reports received or findings from internal oversight. During the examination, the notary in question is given the opportunity to provide clarification and defense regarding the allegations. If proven to have committed a violation, the MKN will impose professional sanctions, which can include a written warning, demotion, or, in cases of serious violations, revocation of the notary's practice license. Revocation of the notary's practice license is the most severe sanction, which not only stops the notary's professional activities but also permanently damages their reputation and career. Furthermore, if the violation committed by a notary also violates applicable laws, such as the Consumer Protection Act or the Notary Public Law (UUJN), the injured party has the right to take the matter to court. Notaries who are proven to have committed fraud or provided false information in their testimonials may be subject to legal action, either through civil or criminal proceedings, in accordance with applicable regulations. Therefore, the use of false testimonials not only violates professional ethics but also has the potential to result in adverse legal consequences for all parties involved.

#### 4. Conclusion

Promotion by notaries through social media, if not in accordance with the code of ethics, can have serious repercussions for the integrity of the profession, public trust, and the reputation of the notary office. The use of false testimonials is an ethical violation that has the potential to tarnish the profession's reputation and violate the law, which can result in administrative sanctions and even revocation of the notary's license. In facing the challenges of the digital era, compliance with the Indonesian Notary Code of Ethics (KODEKI) and applicable regulations is crucial to ensuring professionalism and fairness in the performance of notarial duties.

The Notary Honorary Council (MKN) needs to increase oversight of notary promotional activities on social media, including providing clear guidance on ethical promotional boundaries. Furthermore, ongoing education for notaries regarding technological developments and their impact on professional ethics must be a priority. This approach will enable notaries to use social media wisely without violating regulations, thereby maintaining public trust and the credibility of the profession in the digital age.

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