

Problems of Law Enforcement of Notary Code of Ethics in the Digital Era

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Abstract

The purpose of this study is to analyze the problems faced by Notaries in implementing the code of ethics in the digital era and what are the problems of law enforcement of the notary code of ethics in the digital era. This research is normative juridical research using statutory, conceptual, and case approaches and analyzed descriptively qualitatively. The results of the analysis show that the digitalization era which is dominated by social media platforms can be an opportunity for Notaries to simplify their performance, but on the other hand it also opens up new potential for Notaries to take actions that violate the Notary's code of ethics. That is why the existence of the Notary Supervisory Council is very necessary to really carry out supervision and action against notaries who violate the code of ethics. The problem that has been experienced in the context of law enforcement of the notary code of ethics is that so far MPM seems to work half-heartedly, so that many Notaries do not heed the warnings or sanctions given when they are found to have violated the Notary Code of Ethics.

Keywords: *Digital Era, Ethics Code, Law Enforcement Problems, Notary.*

Abstrak

Tujuan penelitian ini yakni untuk menganalisis apa saja problem yang dihadapi Notaris dalam menerapkan kode etik di era digital dan apa saja yang menjadi problematika penegakan hukum kode etik Notaris di era digital. Penelitian ini merupakan penelitian yuridis normatif dengan menggunakan pendekatan perundang-undangan, konseptual, dan kasus serta dianalisis secara deskriptif kualitatif. Hasil analisis menunjukkan bahwa Era digitalisasi yang didominasi dengan platform media sosial dapat menjadi peluang bagi Notaris untuk mempermudah kinerjanya, namun disisi yang lain hal tersebut juga membuka potensi baru bagi Notaris untuk melakukan tindakan-tindakan yang melanggar kode etik Notaris. Karena itulah keberadaan Majelis Pengawas Notaris sangat diperlukan untuk benar-benar melakukan pengawasan dan penindakan terhadap Notaris yang melanggar kode etik. Problem yang selama ini dialami dalam konteks penegakan hukum kode etik Notaris adalah karena selama ini MPM terkesan bekerja setengah hati, sehingga banyak Notaris yang tidak mengindahkan teguran-teguran ataupun sanksi-sanksi yang diberikan ketika kedatangan melanggar Kode Etik Notaris.

Kata Kunci: Era Digital, Kode Etik, Notaris, Problematika Penegakan Hukum.

INTRODACTION

Profession in the field of law is an honorable noble profession or noble profession (*nobile officium*) and is very influential in the state structure. One of the professions in the field of law is a Notary who is the main pillar in upholding the rule of law to carry out a national legal development strategy. High professionalism and integrity from each of these law enforcement officials is absolutely necessary in accordance with their main duties, functions and authorities as regulated in the law.

Notaries as one of the pillars of national law enforcement, in carrying out their profession apart from having to be based on the law, must also uphold the ethical values of the profession. Notary is a legal profession and thus the Notary profession is a noble profession (*nobile officium*), this is because the Notary profession is very closely related to humanity. Because a deed made by a notary can be a legal basis for the status of one's property, rights and obligations. Mistakes on a notary deed can cause a person's rights to be revoked or a person's burden of an obligation, (Anshori, 2009). Besides that, violations committed by a Notary can cause loss of integrity and noble values of his profession as a state official. That's why notaries must adhere to professional ethics in carrying out their duties and authorities.

Furthermore, in carrying out their duties and authorities, a Notary is covered by laws governing each of his behavior in carrying out his obligations, namely the Law of the Republic of Indonesia Number 30 of 2004 concerning the Office of a Notary (hereinafter referred to as Law Number 30 of 2004). Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary Public (hereinafter referred to as Law Number 2 of 2014), with the intention of replacing the provisions of the Regulation of Het Notary Ambt in Indonesia (S.1860 Number 3) concerning Notary Position Regulations (hereinafter referred to as PJN) which are no longer in accordance with legal developments and community needs. Law Number 30 of 2004. Law Number 2 of 2014 is expected to provide legal protection, both to the public and to the Notary himself and is also expected to be better than the laws and regulations he replaces. In Law Number 30 of 2004 and Law Number 2 of 2014, provisions related to the right of notary refusal and supervision of the implementation of the Notary's position have been regulated¹. In addition to this Law, Notaries are also escorted by the Notary Code of Ethics (hereinafter referred to as KEN) issued by the Indonesian Notary

¹ Prabawa, Bagus Gede Ardiartha. "Analisis Yuridis tentang Hak Ingkar Notaris dalam Hal Pemeriksaan menurut Undang-Undang Jabatan Notaris dan Kode Etik Notaris", *Acta Comitatus*, 2017, 98 <<https://doi.org/10.24843/ac.2017.v02.i01.p09>>

Association (hereinafter referred to as INI) which has been recognized by the state. So that in carrying out their profession, the Notary must comply with Law Number 2 of 2014 and the KEN.

Ethics is a conception of good or bad behavior or behavior of a person. Meanwhile, moral is a person's good or bad behavior. Ethics are ideas, ideals about the desire for the goodness of human actions or behavior. Ethics always provides good examples, while morals always give an assessment of the implementation of the examples given by ethics. Therefore, an ethical person is someone who gives an example of exemplary behavior, while a moral person is someone who acts as an example.

Ethics and morals cover aspects of human life in a broad sense, especially in interactive human relations with fellow human beings in their social environment, including in relation to work and or professional relations. As is the case with plaintiffs and judges, advocates with their clients, prosecutors with defendants, and notaries with notary services. The profession is given authority based on law. Legal professionals are public officials in their respective fields. Therefore, the main task of the profession is to provide public services to the community without discrimination based on applicable legal provisions. For legal professionals in carrying out their professional functions, they are equipped with signs in a broad sense, namely legal signs (laws) in a broad sense, and signs of professional ethics and morals (professional code of ethics), so that the responsibility of the profession in carrying out the profession includes legal responsibility and moral responsibility however, in today's digital era, where technological intelligence is increasingly sophisticated and is often used as a support for the notary profession, technology can be a breakthrough that helps notary work. Advances in technology for the Notary profession can indeed have a positive impact in facilitating their duties and obligations, but on the other hand it can also be a medium that makes their professional performance disgraceful. Because recently, many Notaries have been found to have violated the Notary code of ethics on social media which is an important part of the digital world.

The development of the digital world has changed various aspects of human life which directly led to legal changes. This change will certainly have an impact on the Notary's performance in making authentic deeds in such a sophisticated information and technology era. So is a possible that Notaries will be trapped in new phenomena that can ensnare them into legal issues in the future. Some of the problems that may and will be faced by Notaries in the current era of information technology development, such as doing advertisements on social media, finding clients on social media, and so on.

Habib Adjie examines the concept of a mayantara notary facing the challenges of competition in the global era, which explains how the concept of a mayantara notary in facing global challenges where a mayantara notary or cyber notary wants to carry out his duties and authorities based on information technology. Where the appearers, witnesses and notaries will only need to use digital signatures, seals and stamps or digital fingerprints. Regarding the concept or implementation of the Mayantara Notary in dealing with this competition, fundamental changes have not been made to Law Number 2 of 2014 which forms the basis of Indonesian Notaries and other laws and regulations (Adjie, 2018).

Notary is a public official who has a role in carrying out legal actions in accordance with the law. Notaries in carrying out their profession are required to adapt and keep up with the times, the goal is to be able to face the challenges of global competition. In this digital era, with the progress of information technology which is developing quite rapidly, it can backfire as well as a challenge for the existence and existence of notaries and notary candidates who will be appointed later. Because transactions that are happening now are electronic systems or online, and are experiencing more and more developments and are integrated with each other (Sugianto, 2020). This kind of thing, of course, will also open up the potential vulnerability of Notaries to take actions that violate their professional code of ethics.

Supervision and guidance on the actions and behavior of a Notary's position is very necessary considering that his professional duties are very vulnerable to moral issues and ethical values, in line with this, in the legal and professional perspective of a Notary, it can be said that independence or independence is essentially bound and limited by certain guidelines, because it was stated in the International Commission of Jurist Conference that: "Independence does not mean that the judge is entitled to act in arbitrary manner"² (Kamil, 2012). The signs that must be remembered and paid attention to in implementing the freedom of the Notary are the legal rules themselves. Based on the explanation above, the researcher wants to examine what are the problems faced by Notaries in implementing the code of ethics in the digital era, then what are the problems with law enforcement of the Notary's code of ethics in the digital era?

This research is normative juridical research using statutory, conceptual, and case approaches. Legal materials were collected through literature study and analyzed using

² Kamil, Ahmad. "Filsafat Kebebasan Hakim", 2012.tth

qualitative analysis. The results of the study concluded that the analysis used descriptive analysis with an inductive approach.

DISCUSSION

Notary Code of Conduct

In Hook's view, ethics does have general principles, but it requires specificity and must be specified. Therefore, special codes of ethics are needed for professions that depend on the functions and responsibilities of the holder of the profession and it can happen that the code of ethics for one profession contains regulations that do not apply to other professional codes of ethics. Although it requires specificity and must be detailed, Koehn cautioned, ethics that are valid as such cannot mechanically specify to the smallest detail exactly what professionals must do, but must provide general guidelines and place limits on professional behavior³.

Notary Code of Ethics Chapter I Article (2) General Provisions explains that the Code of Ethics is all the moral principles determined by the Association of Indonesian Notary Associations, hereinafter referred to as the "Association" based on the decision of the Congress of the Association and/or determined by and regulated in laws and regulations. invitations that regulate this matter and which apply to and must be obeyed by each and all members of the Association and all people who carry out their duties as Notaries, including Temporary Notary Officials, Substitute Notaries, and Special Substitute Notaries⁴.

In the amendment to the Notary Code of Ethics at the Extraordinary Congress of the Indonesian Notary Association, which was held in Banten in May 2015, several provisions related to KEN were explained which include Obligations, Prohibitions, Exceptions and Sanctions. In Article 3 of the KEN, it is explained that Notaries are required to :

- a. Have good morals, character and personality
- b. Respect and uphold the dignity of the Notary Office
- c. Maintain and defend the honor of the association
- d. Be honest, independent, impartial, trustworthy, fellow, full of responsibility based on laws and regulations and the contents of the Notary's oath of office

³ Ahmadi, Fahmi M., & Jaenal Arifin. *Metode Penelitian Hukum*. Jakarta: Lembaga Penelitian UIN Syarif Hidayatullah Jakarta, 2010 .tth

⁴ Prabawa, Bagus Gede Ardiartha. "Analisis Yuridis tentang Hak Ingkar Notaris dalam Hal Pemeriksaan menurut Undang-Undang Jabatan Notaris dan Kode Etik Notaris", *Acta Comitatus*, 2017, 98 <<https://doi.org/10.24843/ac.2017.v02.i01.p09>>

- e. Improving knowledge and professional skills that are already owned are not limited to legal and notary knowledge.
- f. Prioritizing service to the interests of society and the state
- g. Providing services for making deeds and other authorities for people who can't afford it without charging an honorarium
- h. Establish an office at the domicile and the office is the only office for the Notary concerned in carrying out daily office duties
- i. Installing 1 (one) nameplate in front of/in the office environment with a size of 100 cm x 40 cm, 150 cm x 60 cm or 200 cm x 80 cm containing :
 - 1) Full name and valid title;
 - 2) Date and number of the last appointment letter as Notary;
 - 3) Domicile;
 - 4) Office address and telephone/fax number;
 - 5) The base of the nameplate is white with black letters and the writing on the nameplate must be clear and easy to read. Except in the office environment it is not possible to install the intended nameplate.
- j. Attend, participate and actively participate in activities organized by the association;
- k. Respect, obey, carry out the rules and decisions of the association;
- l. Paying association fees in an orderly manner;
- m. Paying dukan money to help the heirs of colleagues who have passed away;
- n. Carry out and comply with all provisions regarding the honorarium set by the association;
- o. Carry out the position of Notary in his office, unless there are certain reasons;
- p. Creating an atmosphere of kinship and togetherness in carrying out office duties and daily activities and treating colleagues well, respecting one another, appreciating each other, helping each other and always trying to establish communication and friendship;
- q. Treat every client who comes well and does not differentiate between their economic and/or social status;
- r. Make deed within reasonable limits to carry out laws and regulations, especially the Law on Notary positions and the code of ethics.

Apart from the above obligations, in Article 4 of the KEN it is explained that notaries are prohibited :

- a. Having more than 1 office, either a branch office or a representative office;
- b. Installing a nameplate and/or writing that reads "Notary/Notary Public Office" outside the office environment;
- c. Carry out self-publication or promotion, either individually or jointly, by including their name and position, using print and/or electronic media in the form of: a) Advertisements; b) Congratulations; c) Condolences; d) Acknowledgments of thanks; e) Marketing activities; f) Sponsorship activities, both in the social, religious and sports fields;
- d. Cooperating with service bureaus/persons/legal entities that essentially act as intermediaries to seek or obtain clients;
- e. Signing a deed that the process of making has been prepared by another party
- f. Send request to client for signature;
- g. Trying or trying in any way so that someone moves from another Notary to him, whether the effort is directed directly to the client concerned or through the intermediary of another person;
- h. Force the client by withholding the documents that have been submitted and/or applying psychological pressure with the intention that the client continues to make the deed to him;
- i. Carry out efforts both directly and indirectly which lead to the emergence of unfair competition with fellow Notaries;
- j. Determine the honorarium that must be paid by the client in a lower amount than the honorarium that has been set by the association;
- k. Intentionally employing people who are still employees of another Notary's office without prior approval from the Notary concerned, including accepting work from another Notary's office employee;
- l. Disrespect and/or question the Notary's colleagues or the deeds drawn up by him. In the event that a Notary encounters and/or finds a deed made by a colleague which turns out to contain serious errors and/or endangers the client, the Notary is obliged to notify the colleague concerned of the mistake he made in a way that is not patronizing in nature, but to prevent things that are not desirable to the client concerned or the colleague;
- m. Not carrying out obligations and violating the prohibitions referred to in the Code of Ethics by using electronic media, including but not limited to using the internet and social media;

- n. Form an exclusive group of colleagues with the aim of serving the interests of an agency or institution, moreover closing the possibility for other Notaries to participate;
- o. Using and including a title that is not in accordance with the applicable laws and regulations;
- p. Make a deed that exceeds the reasonable limit, the amount of which is determined by the honorary council;
- q. Participate in auctions to get a job/making deed.

Basically what can be applied to the Notary profession related to existing professional ethics is to be responsible and not violate the rights of other people or other parties. The role of ethics becomes more important in order to perfect humans and life. Notaries who pay attention to ethics will immediately comply with applicable regulations, but the opposite will occur if the Notary only pays attention to and obeys laws and regulations, it is possible that the Notary will violate professional ethics which violates other rights⁵.

The basic difference between the Notary's code of ethics and other professional codes of ethics is found in the formulation of the laws and regulations. The Notary's code of ethics compiled by INI and also regulated in Law Number 2 of 2014. Meanwhile, other professional codes of ethics are regulated and determined by the organization concerned. The difference lies in the implementation and enforcement of the sanctions imposed, where the code of ethics for the Notary profession regulates sanctions in the Notary office regulations and applies to Notaries who violate them.

The spirit used by the Notary's code of ethics is a respect for human dignity in general, and the dignity of Notaries in particular. Based on this, it can be concluded that the Notary profession must have the following characteristics: independent, impartial, selfless, rational, and refers to objective truth, upholds solidarity with fellow Notaries⁶.

The Problem of Implementing the Notary's Code of Ethics in the Digital Age

⁵ Prasetyawati, Betty Ivana, & Prananingtyas, Paramita. "Peran Kode Etik Notaris dalam Membangun Integritas Notaris di Era 4.0", 15 (2022), hal. 310–23.

⁶ Saputra, Riyan., & Djajaputra, Gunawan. "Penegakan Hukum terhadap Notaris yang Mempromosikan Diri Melalui Media Sosial". *Jurnal Hukum Adigama*, Volume 1, Number 1 (2018), 1941 <<https://doi.org/10.24912/adigama.v1i1.2312>>

Code of ethics are moral principles attached to a profession and arranged systematically. The professional code of ethics is a norm established and accepted by professional groups, which directs or gives instructions to its members how to act and at the same time guarantees the moral quality of the profession in the eyes of society. The general principles formulated in a profession will vary from one another. The code of ethics functions: As a means of social control, preventing interference from other parties, preventing misunderstandings and conflicts, as a control whether members of professional groups have fulfilled their obligations. The objectives are: Upholding the dignity of the profession, protecting and maintaining the welfare of the members, increasing the dedication of the members, improving the quality of the profession and the organization, improving services, strengthening the organization, avoiding unfair competition, establishing close relations with the members, and determining the standards.

Notaries must comply with important norms in law enforcement, namely : humanity, justice, decency, honesty and carry out the code of ethics as appropriate. But in practice sometimes it doesn't go well and even creates problems. In its application, it sometimes encounters obstacles or obstacles, especially in today's digital era. Where opportunities and opportunities to violate notary ethics are increasingly wide open, especially on social media platforms.

In Chapter I Article 3 of the Notary's Code of Ethics explains that "organizational discipline is the compliance of members with the Regulations and decisions of the association", the importance of a Notary's discipline in carrying out his duties to always comply with the regulations of the Notary's Code of Ethics and Law Number 2 Year 2014. Notary Code of Ethics are all moral principles determined by the Association of Indonesian Notary Association Organizations (hereinafter referred to as INI), which apply and must be obeyed by all members of the association and other people who hold the position of Notary Public both in carrying out their duties and in daily life. Notaries really need to know and understand the code of ethics, which regulates what actions can be considered as violations of the code of ethics and the sanctions imposed for violating the code of ethics. The existence of a Notary's code of ethics is a logical consequence of a Notary's professional work.

Every Notary has basically been bound by an oath to obey and comply with the Law. This is stated in Article 4 paragraph (2) of Law Number 30 of 2004 concerning the Office of a Notary, the contents of which are "The oath/promise as referred to in paragraph (1) reads as follows I swear/promise: that I will obey and be loyal to the State

Republic of Indonesia, Pancasila and the 1945 Constitution of the Republic of Indonesia, the Law on the Position of Notary Public and other laws and regulations. That I will carry out my position in a trustful, honest, thorough, independent, and impartial manner. That I will maintain my attitude, behavior, and will carry out my obligations in accordance with the professional code of ethics, honor, dignity and my responsibilities as a Notary. That I will keep the contents of the deed and information obtained in the exercise of my position confidential. That I can be appointed to this position, either directly or indirectly, under any name or pretext, never and will not give or promise”

The implied message of this Article is that a Notary must uphold the rules that have been determined by the Indonesian Notary Association (hereinafter referred to as INI) and carry out all the regulations that have been attached since a person was appointed and sworn in as a Notary, therefore a Notary must stay away from the rules. So even though there are violations, this is the notary's ethical responsibility related to moral norms which are a measure for notaries⁷.

Notaries who have been active in the professional world for a long time take full responsibility for the ethics of the Notary profession that they already know and are capable of. However, in the millennial vortex and digitalization, it has eroded the critical sense of professional ethical responsibility. Implementing the Notary profession for the Indonesian state is not easy, if the implementation of ethics is not carried out according to the rules, the ethics and professionalism of the Notary will be questioned by society.

This is where the challenge for the Notary profession is to realize and balance between skills (skills), knowledge (insight or knowledge), and attitude (attitudes or behavior). Realizing that the 21st century is a dimension full of digitalization, the absorption of socialization by the public must be fully assisted by the Notary profession so that the ethics of the Notary profession run properly, not causing doubts by the public, growing a foundation of trust between the Notary profession and the community is an important point as a provision for the smooth implementation of notary professional ethics in the current industrial revolution 4.0 era.

As with social media, there are several pages that can be used by Notaries, such as Osialisa, Blogspot, Kaskus, Wordpress Scribd, Multiply, Yahoo, Facebook, Twitter, Path and others. We have encountered many Notaries who have blogs or other social

⁷ Fahri, Ramadhan., Sutiarnoto, Jelly Leviza., & Azwar, Keizerina Devi. “Analisis Yuridis terhadap Notaris yang Publikasi dan Promosi Diri Ditinjau dari Kode Etik di Kota Medan”, *Paper Knowledge . Toward a Media History of Documents*, (3 April 2015), hal.49–58.

networking pages and they also include their names and positions in order to attract public attention. For example, in Kaskus, Kaskus is the biggest buying and selling forum in Indonesia. At Kaskus they can publish advertisements, journals, media publications and they even provide discussion and consultation rooms that will be responded to directly. This is done in order to attract public attention and more people who can see the information provided by the kaskus. Not a few Notaries also use the kaskus as a place to promote themselves. This kind of thing clearly violates the notary code of ethics, namely that notaries are prohibited from promoting themselves in both print and electronic media. As stipulated in Article 4 Paragraph (3) of the INI Code of Ethics which contains that Notaries are prohibited from carrying out publications or self-promotion, either alone or jointly, by including their names and positions, using print and/or electronic media facilities, in the form of: advertisements, congratulations, condolences, thanks, marketing activities, sponsorship activities, both in the social, religious, and sports fields.

- a. Violations of the code of ethics committed by a Notary basically occur due to several factors, namely:
- b. Economic factors, there is an urgent economic need;
- c. The factor of misunderstanding, there are different misinterpretations of the code of ethics;
- d. The factor of competition, the quality of the Notary professional meeting in the same area, causing unhealthy competition and competition for clients;
- e. Moral factors, socialization of low morale;
- f. Family factors, the emergence of family problems should be separated from professional problems, because it is hoped that the Notary profession can carry out their duties without involving regional or family relations⁸.

Law Enforcement Problems of the Notary Code of Ethics in the Digital Age

The digital world is currently experiencing rapid development, in fact the majority of Indonesia's population currently have social media accounts, whether active or not. With social media, everyone can interact with other people in various places around the world, whether they know or don't know in the real world.

Every social media account owner usually includes several identities so that others can identify them, this identity can involve many things such as name, address, occupation, position, and so on. So that every social media account owner will be very

⁸ Sulihandari, Hartanti., & Rifiani, Nisya, "Prinsip-Prinsip Dasar Profesi Notaris", Jakarta: Dunia Cerdas, 2013.tth

easy to recognize by others. Likewise with Notaries who have social media accounts, they will include these identities in their respective accounts. So that indirectly social media becomes a notary promotion event. Even though the code of ethics for the Notary profession, they are prohibited from making advertisements other than in front of their office.

The relationship between ethics and the legal profession, that professional ethics is an attitude of life, in the form of a willingness to provide professional services in the field of law to the public with full involvement and expertise as a service in order to carry out duties in the form of obligations to people who need legal services accompanied by careful reflection. Therefore, in carrying out the profession, there are basic principles in the form of professional ethics, namely the following⁹:

- a. Profession must be seen as a service and therefore the nature of "selfless" is a characteristic in developing the profession;
- b. Professional services in prioritizing the interests of justice seekers refer to noble values.
- c. Professional development must always be oriented to society as a whole. Competition in service takes place in a healthy manner so as to guarantee quality and improve the quality of professional carriers.

To monitor and implement this Code of Ethics, the INI Honor Council was formed to examine and decide whether alleged violations of this Code of Ethics are internal or not related to direct public interest. Supervision is the process of observing the implementation of all organizational activities to ensure that all work being carried out goes according to a predetermined plan. The organizational device that regulates/manages law enforcement issues and supervises the Notary profession who carries out the intended duties is the Honorary Council which is an institution formed by THIS organization in carrying out supervision within the scope of the Notary Code of ethics. While the Honorary Council cooperates and coordinates with the Supervisory Council to make efforts to enforce the code of ethics based on the scope of Law Number

⁹ Tardjono, Heriyono, "Urgensi Etika Profesi Hukum sebagai Upaya Penegakan Hukum yang Berkeadilan di Indonesia", *Jurnal Kepastian Hukum dan Keadilan*, Volume 2, Number 2 (2021), 51 <<https://doi.org/10.32502/khdk.v2i2.3462>>

2 of 2014 and the Notary Code of ethics as mandated in Article 67 paragraph (2) and paragraph (3) of Law Number 2 of 2014¹⁰.

The Notary Oversight Council and the Notary Honorary Council as enforcers of the Notary Code of Ethics also have quite a tough task, namely having a mandate to ensure that these Notaries understand and implement the Code of Ethics consistently. Apart from that, it also contributes to the existence, honor and nobility of the Notary profession in society. If the Supervisory Board and the Honorary Council are unable to enforce the Code of Ethics in accordance with an order mandated by the organization, outsiders will belittle their credibility as an institution enforcing the Code of Ethics.

Law enforcement problems regarding violations of the Notary's code of ethics in the digital world basically with the existence of a form of supervision of existing Notaries has actually helped a lot for the value of sanctity in the profession, but the supervision and functions that have been given to supervisors are not perfect yet it still needs a lot the improvement or we can call the supervision that is not yet strong, the weak supervision is also due to constraints that occur within the scope of supervision and also the Notary himself¹¹.

On the other hand, the existence of the Notary Supervisory Board (MPN) is very important to supervise and develop notaries. Meanwhile, the duties of the Notary Supervisory Council itself, as stated in Law Number 2 of 2014, include overseeing the implementation of the Notary's position, including conducting examinations, hearings and imposing sanctions on Notaries who commit violations. Even so, there are still some weaknesses in the existence of the Notary Supervisory Board (MPN), including¹²:

- a. Lack of outreach to parties related to the notary profession to the public, academics, the National Police and notaries within their authority.
- b. Inadequate supervision process, which is made possible by limited operational budgets that are sufficient to conduct reviews and guidance on Notaries within their jurisdiction.

¹⁰ Fahri, Ramadhan., Sutiarnoto, Jelly Leviza., & Azwar, Keizerina Devi. "Analisis Yuridis terhadap Notaris yang Publikasi dan Promosi Diri Ditinjau dari Kode Etik di Kota Medan", *Paper Knowledge . Toward a Media History of Documents*, (3 April 2015), hal.49–58.

¹¹ Saputra, Riyan., & Djajaputra, Gunawan. "Penegakan Hukum terhadap Notaris yang Mempromosikan Diri Melalui Media Sosial". *Jurnal Hukum Adigama*, Volume 1, Number 1 (2018), 1941 <<https://doi.org/10.24912/adigama.v1i1.2312>>

¹² Indrapraja, Irwan S. "Problematika Peran dan Fungsi Majelis Pengawas Daerah Notaris", 19.2 (2018), hal.213–30.

- c. There is limited time for each MPN member, due to their respective activities, both as academics, Notaries and ASNs in related agencies.
- d. Lack of strong coordination of members of the Notary Supervisory Board.

The enforcement of the Notary's code of ethics is intended as a monitoring tool for the implementation of the values of the code of ethics. The code of ethics becomes a self-regulation that is overseen by the Honor Council at regional, regional and central levels. So that an effort to increase honesty and integrity of a Notary is needed to support a policy from the government to integrate licensing services. electronically or online single submission (OSS)¹³.

CONCLUSION

The digitalization era which is dominated by social media platforms can be an opportunity for Notaries to simplify their work, but on the other hand this also opens up new potential for Notaries to take actions that violate the Notary's code of ethics. That's why the existence of the Notary Supervisory Council is very necessary to really supervise and take action against Notaries who violate the code of ethics. The problem that has been experienced in the context of enforcing the Notary Code of Ethics law is because so far MPM has seemed to work half-heartedly, so many Notaries have ignored the warnings or sanctions given when found to have violated the Notary Code of Ethics.

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¹³ Prasetyawati, Betty Ivana, & Prananingtyas, Paramita. "Peran Kode Etik Notaris dalam Membangun Integritas Notaris di Era 4.0", 15 (2022), hal. 310–23.

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