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Legal Certainty of Notaries' Social Media Use for Legal Education

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ABSTRACT

This article examines the legal certainty of limits on the use of social media by Notaries as a means of legal education, with a comparative study of Dutch notarial regulations. The issue arises because technological development has encouraged Notaries to use social media to provide legal information to the public, while the Notary Code of Ethics prohibits self-promotion and commercial activities. This creates uncertainty in distinguishing legitimate legal education from prohibited self-promotion. This research uses a normative juridical method with statutory, conceptual, theoretical, and comparative approaches. Legal materials were collected through library research by examining the Notary Position Law, the Notary Code of Ethics, legal literature, and Dutch notarial regulations. The findings show that Indonesian notarial law does not specifically regulate the use of social media, creating a regulatory gap and subjective ethical assessment. The study concludes that specific guidelines are needed to define educational, transparent, non-commercial, and ethically accountable social media use by Notaries

INTRODUCTION

The development of information and communication technology has changed the way people access legal information. Social media is no longer used only for communication, but also as a medium for education, publication, networking, and public service. This development also affects the Notary profession because Notaries have a public function not only to make authentic deeds, but also to provide legal education to the community. Through platforms such as Instagram, YouTube, TikTok, Facebook, and other digital media, Notaries can deliver legal information more quickly, widely, and interactively. This function is important because public legal literacy regarding authentic deeds, agreements, inheritance, business entities, and other civil legal matters remains necessary to be improved (Ramdani, 2023).

However, the use of social media by Notaries creates a legal dilemma. On the one hand, legal education is part of the Notary's social responsibility and is also related to the authority to provide legal counseling in connection with the making of deeds. On the other hand, the Notary Code of Ethics prohibits Notaries from conducting self-promotion, marketing activities, or commercial publication through printed or electronic media. As a result, the boundary between legitimate legal education and prohibited self-promotion becomes unclear, especially because social media has interactive, viral, and algorithmic characteristics that may encourage personal branding and indirect marketing. The thesis identifies this condition as a regulatory gap because Indonesian Notary regulations and the Notary Code of Ethics have not specifically regulated the use of social media by Notaries (Noviyanti & M.S., 2022).

This unclear boundary creates legal uncertainty for Notaries who intend to use social media for educational purposes. A legal education post may be interpreted as self-promotion when it displays the Notary's identity, office, services, achievements, or persuasive content that may attract clients. Conversely, the absence of clear guidance may also prevent Notaries from using social media for public education, even though society increasingly relies on digital platforms to obtain legal information. This condition shows the tension between technological development and the preservation of professional values, especially the principles of independence,

non-commerciality, dignity, and public trust in the Notary office.

Previous studies have discussed the use of social media for indirect self-promotion, the use of websites by Notaries, and the possibility of electronic Notarial services. However, this article offers novelty by focusing on the construction of clear normative boundaries between legal education and self-promotion through a systematic interpretation of Article 4 and Article 15 paragraph (2) letter e of the Notary Position Law, supported by a comparative study of Dutch notarial regulation. The Netherlands is relevant as a comparison because Indonesian notarial law historically developed from the Dutch civil law tradition, and Dutch regulation provides useful reference in maintaining the balance between professional independence, public information, and non-commerciality in digital communication (Muhammad Fariz Fadlillah, 2024).

Based on this background, this article aims to analyze whether the substance of the Notary oath in Article 4 of the Notary Position Law contains implicit norms limiting the use of social media between lawful legal education and prohibited self-promotion. This article also aims to construct an ideal legal norm for regulating the use of social media by Notaries based on a systematic interpretation of Article 4 and Article 15 paragraph (2) letter e of the Notary Position Law, in order to provide legal certainty while maintaining the dignity and integrity of the Notary profession.

METHODS

This research uses a normative juridical method because the main issue concerns the absence of clear legal norms regulating the use of social media by Notaries as a means of legal education. The research examines whether the existing provisions in the Notary Position Law and the Notary Code of Ethics are sufficient to distinguish lawful legal education from prohibited self-promotion. The research instruments consist of statutory materials, conceptual references, legal theories, and comparative legal materials related to Dutch notarial regulation.

The data collection process was conducted through library research by collecting and reviewing primary, secondary, and tertiary legal materials. The primary legal materials include Pancasila, Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004 on the Notary Position, and the

Notary Code of Ethics. Secondary legal materials include books, journals, research results, and academic writings related to Notaries, legal education, self-promotion, social media, and legal certainty. Tertiary legal materials include legal dictionaries, language dictionaries, bibliographies, and relevant internet sources.

This research applies several approaches, namely the statutory approach, conceptual approach, legal theory approach, and comparative approach. The statutory approach is used to examine the legal provisions governing the authority, oath, obligations, and ethical restrictions of Notaries. The conceptual approach is used to clarify the concepts of legal education, self-promotion, social media, and legal certainty. The legal theory approach uses Gustav Radbruch's theory of legal certainty and Hans Kelsen's theory of legal effectiveness to assess whether the existing norms are clear, predictable, and enforceable. The comparative approach is used to examine Dutch notarial regulation as a reference for constructing ideal norms (Sari Dewi Adhistya Wandayani, Emmy Latifah, & Anjar Sri Ciptorukmi Nugraheni, 2025).

The legal materials were analyzed qualitatively, systematically, and comprehensively. The analysis was carried out by interpreting the relationship between Article 4 and Article 15 paragraph (2) letter e of the Notary Position Law, the Notary Code of Ethics, and the need for specific regulation on social media use. The results are presented descriptively in structured legal arguments to explain the regulatory gap, the implicit limits contained in existing norms, and the ideal legal construction for regulating social media use by Notaries.

RESULTS AND DISCUSSION

Implicit Norms in the Notary Oath as a Limit on Social Media Use

The research finds that the substance of the Notary oath in Article 4 of the Notary Position Law contains implicit norms that limit the behavior of Notaries, including their conduct in digital spaces. The values of honesty, impartiality, independence, dignity, confidentiality, and loyalty to the public interest are not limited to conventional Notarial practice, but also apply to the use of social media. Therefore, when a Notary uses social media to provide legal education, the content must remain

aligned with the ethical character of the Notary as a public official (Ferryanto, Tan, & Sudirman, 2024).

In this context, legal education through social media can be considered lawful when it is intended to improve public legal literacy, explain general legal concepts, and provide neutral information without directing the public to use the services of a particular Notary. However, social media activity becomes problematic when it contains persuasive elements, displays superiority over other Notaries, promotes services, emphasizes personal branding, or creates a commercial impression. The study shows that the main problem is not the use of social media itself, but the absence of clear boundaries between legal education and self-promotion.

Based on Gustav Radbruch's theory of legal certainty, a legal norm must be clear, consistent, and predictable. In this case, Indonesian Notary regulations still do not provide sufficient legal certainty because the Notary Position Law and the Notary Code of Ethics do not specifically regulate the use of social media. As a result, Notaries may face uncertainty when producing educational content, while the Notary Honor Council may also face difficulties in determining whether certain content constitutes lawful education or prohibited self-promotion. The thesis identifies this as a regulatory gap because implicit norms in Articles 4 and 15 of the Notary Position Law limit commercial activities, but do not clearly distinguish public education from self-promotion in the digital domain (Chandra & Sendrawan, 2024).

The implicit norm in Article 4 is therefore recognized, but it is not sufficient as an operational guideline. It is too abstract and depends heavily on subjective interpretation. This means that although the Notary oath morally limits the use of social media, it still needs to be transformed into clearer and more practical rules. The comparative analysis with Dutch regulation shows that clear boundaries for digital educational activities can help maintain professional independence and the non-commercial nature of the Notary profession.

The Boundary between Legal Education and Prohibited Self-Promotion

The distinction between legal education and self-promotion must be understood from the purpose, content, form, and impact of social media activity. Legal education is characterized by objective, general, informative, and non-commercial content. It

aims to explain legal issues to the public, such as the importance of authentic deeds, inheritance procedures, business entity establishment, or civil agreements. This type of content does not persuade the audience to become clients and does not create an impression that one Notary is better than another.

In contrast, self-promotion appears when the content is directed toward attracting clients, strengthening personal branding, offering services, displaying achievements in a persuasive way, or using marketing language. In the context of social

media, this boundary becomes more complex because algorithm-based platforms encourage visibility, engagement, and popularity. Likes, shares, comments, and follower growth may turn educational content into indirect promotional activity, especially when the Notary’s identity and office information are displayed excessively.

The following table summarizes the distinction between lawful legal education and prohibited self-promotion by Notaries on social media.

Table 1. Distinction between Legal Education and Self-Promotion by Notaries on Social Media

Aspect	Lawful Legal Education	Prohibited Self-Promotion
Purpose	Increasing public legal literacy	Attracting clients or commercial benefit
Content	General legal information	Service offers, achievements, persuasion, or personal branding
Language	Neutral, informative, and educational	Persuasive, comparative, promotional, or marketing-oriented
Identity display	Limited and proportional	Excessive use of name, office, title, contact, or service details
Legal risk	Permissible when non-commercial	Potential violation of the Notary Code of Ethics

This distinction is important because the Notary is not an ordinary business actor. The Notary is a public official whose authority comes from the state and whose profession must uphold dignity, neutrality, and public trust. Therefore, social media use by Notaries should not be treated merely as digital communication, but as professional conduct that must remain subject to ethical and legal restrictions (Bungdiana & Lukman, 2023).

Ideal Legal Construction for Regulating Social Media Use by Notaries

The research finds that the ideal legal construction should be built through a systematic interpretation of Article 4 and Article 15 paragraph (2) letter e of the Notary Position Law. Article 4 provides the ethical foundation through the Notary oath, while Article 15 paragraph (2) letter e recognizes the Notary’s authority to provide legal counseling in relation to the making of deeds. These provisions must be read together to create a balance

between the Notary’s educational function and the prohibition of self-promotion.

The ideal construction should include five dimensions: content ethics, confidentiality and privacy, professional public interaction, ethical professional publication, and integrated ethical sanctions. Content ethics means that Notaries may only publish legal information that is general, accurate, educational, and non-persuasive. Confidentiality and privacy require Notaries to avoid disclosing client data, deed contents, or case-specific information. Professional public interaction means that Notaries should avoid giving specific legal opinions in comment sections or direct messages that may create a client relationship. Ethical professional publication allows limited identity disclosure only for accountability, not for marketing. Integrated ethical sanctions are needed to ensure that violations in digital spaces can be assessed and sanctioned consistently.

Table 2. Ideal Norm Construction for Notarial Social Media Use

Dimension	Normative Direction
Content ethics	Content must be educational, general, accurate, and non-commercial

Confidentiality and privacy	Client identity, deed content, and confidential information must not be disclosed
Public interaction	Responses must remain general and must not create case-specific legal advice
Ethical publication	Identity may be displayed proportionally, without service offers or persuasive branding
Sanctions	Violations must be reviewed through clear, consistent, and integrated ethical mechanisms

From Hans Kelsen’s theory of legal effectiveness, a norm will only be effective when it is formulated clearly, applied consistently, and supported by enforceable sanctions. The thesis finds that a construction based only on interpretation is still weak because there is no institution mandated to interpret the rules uniformly, and there are no specific sanctions for social media violations. Therefore, the ideal legal framework must not stop at interpretation; it must be developed into written guidelines or additional ethical rules that can be applied consistently by the Notary Honor Council (Azwar, 2022).

Comparative Relevance of Dutch Notarial Regulation

The comparative study of Dutch notarial regulation provides an important reference for Indonesia. The Netherlands is relevant because Indonesian Notarial law has historical roots in the Dutch civil law tradition. The Dutch approach shows that digital communication by Notaries can be allowed as long as it is conducted within clear ethical boundaries. This means that the use of digital media is not prohibited absolutely, but must be controlled to prevent commercialization, misleading information, and damage to professional independence.

The comparison demonstrates that Indonesia needs a more explicit regulatory model. Such regulation should not prevent Notaries from educating the public, but should ensure that education does not become hidden advertising. The Dutch model shows the importance of guidelines that define permissible information, prohibited promotional elements, proportional identity display, and supervisory mechanisms. These principles can be adapted to Indonesian Notarial regulation to strengthen legal certainty and maintain professional integrity (Sinaga, 2025).

Discussion on Legal Certainty and Practical Implications

The findings show that the current regulation creates uncertainty for both Notaries and supervisory bodies. For Notaries, uncertainty arises because they do not have clear guidance on what may be posted, how identity may be displayed, and how far public interaction may be conducted. For the Notary Honor Council, uncertainty arises because the assessment of social media content may become subjective and inconsistent. This condition may lead to unequal enforcement of the Notary Code of Ethics.

Legal certainty requires written, clear, and operational standards. Therefore, the use of social media by Notaries must be regulated through a specific normative framework or practical guideline. The guideline should emphasize four main principles: educational purpose, transparency, non-commerciality, and ethical accountability. Educational purpose ensures that content is created to improve public legal understanding. Transparency ensures that information is accurate and not misleading. Non-commerciality prevents social media from becoming a marketing tool. Ethical accountability ensures that the Notary remains responsible for every digital communication made under their name (Ananda, 2024).

Overall, the research shows that social media can be used by Notaries as a means of legal education, but only within strict ethical and legal limits. The absence of specific regulation creates a grey area between legal education and self-promotion. Therefore, Indonesia needs a clearer regulatory framework that translates the implicit values of the Notary oath into operational rules for digital conduct. This framework is necessary to provide legal certainty, protect the dignity of the Notary office, and support public access to reliable legal education in the digital era.

CONCLUSION

The substance of the Notary oath in Article 4 of the Notary Position Law contains implicit norms that limit the conduct of Notaries in using social media, especially through the values of honesty, independence, impartiality, confidentiality, dignity, and responsibility to the public interest. However, these implicit norms are still too general and have not provided a clear operational boundary between lawful legal education and prohibited self-promotion. The absence of specific regulation on social media use creates legal uncertainty for Notaries and may lead to subjective assessment by the Notary Honor Council. Based on the systematic interpretation of Article 4 and Article 15 paragraph (2) letter e of the Notary Position Law, social media may be used by Notaries as a means of legal education as long as the content is general, informative, accurate, non-commercial, and does not contain persuasive elements aimed at attracting clients. Therefore, an ideal legal construction is needed in the form of specific guidelines or ethical rules that regulate content standards, proportional identity display, confidentiality protection, public interaction, and consistent sanctions. This article recommends that the Notary professional organization and policymakers formulate clear digital ethics guidelines by adopting relevant principles from Dutch notarial regulation, particularly the principles of transparency, non-commerciality, professional independence, and ethical accountability. Future research may further examine the practical application of these guidelines and the effectiveness of ethical supervision over Notaries' digital activities.

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