



DIGITAL TRANSFORMATION IN IMPROVING LEGAL SERVICES BY NOTARIES WHO APPLY THE CYBER NOTARY CONCEPT

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Abstract

The era of Digital Disruption is marked by the shift in people's activities from conventional systems to information technology-based systems that prioritize efficiency and flexibility. The development of the internet and digital economy also affects the field of notary, so notaries are required to be able to adapt through the use of technology in carrying out their duties as makers of authentic deeds. The regulation of electronic transactions in Law Number 11 of 2008 concerning Information and Electronic Transactions and the authority of notaries in the Law on Notary Positions are the normative basis in studying the application of *the concept of cyber notary*. The problems of this research include the application of *cyber notary* in improving legal services, factors that hinder its implementation, and regulatory models relevant to digital transformation. This research aims to make a theoretical contribution to the development of notary literature related to *cyber notaries* as well as practical contributions for notaries and the public in understanding digital transformation in the legal field. The method used is normative-empirical research with a legislative approach and qualitative analysis of primary and secondary legal materials. This research is explanatory and prescriptive analytical. The results of the study show that the implementation of *cyber notary* still faces juridical obstacles, especially related to the limits of authority, the validity of the deed, and the strength of legal proof. The absence

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of special regulations regarding *cyber notaries* in the Indonesian legal system is the main obstacle in its implementation. In conclusion, digital transformation in notary is an inevitable need in the era of globalization. However, in order for the implementation of *cyber notary* to run effectively and provide legal certainty, progressive, comprehensive, and adaptive regulatory reforms are needed to bridge the gap between technological developments and the national legal system.

Keyword: Cyber Notary, Notarial Practice, Digital.

A. Introduction

One of the forms that mark the modern era is human activities that use *digital* systems. This method is the goal for a more practical and efficient life. A person will enter the virtual world which is abstract, universal, independent of the state of place and time through this electronic media,¹ internet technology begins online and enters *cyber* space or cyberspace.² The concept of *cyber notary* emerged in 1994 issued by *The Information Security Committee of The American Bar Association*,³ this concept will have a positive impact on the progress of services to the community.⁴ The application of *the concept of cyber notary* in its use does provide benefits, but it can also provide problems that can create a new world called cyberspace.⁵

Digital developments, including the legal sector, have made changes in the provision of services in the field of notary in the development of digital technology. The concept of cyber notary, which is the digitization of notary services, is one of the new developments in the field of notary. *Cyber notary* is one of the strategic solutions to improve

¹ Denny Chastra, "Cyber Notary Legal Certainty in the Rules for Making Authentic Deeds by Notaries Based on the Law on the Notary Position", *Indonesian Notary Journal*, Vol 3 No. 2 (2021), p. 249.

² Sahat Maruli, *Cyber Law*, (Bandung: Cakra Publisher, 2020), p. 1.

³ Yogha Oethanio Pratama, Yetniwati and Dwi Suryahartati, "The Meaning of Dealing with a Notary in the Deed of Minutes of the General Meeting of Shareholders held electronically", *Discourse of Paramarta Journal of Legal Sciences*, Vol. 21 No. 2 (June 2022), p. 58

⁴ Indah Sugiarti, "Legal Certainty on the Application and Utilization of the Cyber Notary Concept in Indonesia", *Officium Notarium*, Vol. 2 No.1 (April 2022), p. 13

⁵ J. Sitompul, *Cyberspace, Cybercrime, Cyberlaw*, (Jakarta: Tatanusa, 2012), p. 17

the quality of public services in the field of notary in the midst of public demands for faster, more transparent, and more accessible legal services. *Cyber Notary* is the use of information and communication technology to support the implementation of notary duties and positions.⁶ Based on current developments, notaries must continue to build integrity, especially in this 4.0 era, so that the people served feel happy and satisfied, and so that notary colleagues can work together well and harmoniously. Where a notary deed can serve as the legal basis for a person's property, rights, and obligations.⁷ Article 15 paragraph (3) of Law Number 02 of 2014 stipulates that notaries also have other authorities regulated in laws and regulations. This has been mentioned in the explanation of Article 15 paragraph (3) of Law Number 02 of 2014, one of which talks about *Cyber Notary*. This article serves as a legal umbrella that functions to verify transactions carried out electronically.

The concept of *Cyber Notary* eliminates the aspect of physical meetings between the parties and the Notary, but it is still in the legal corridor.⁸ Notaries in today's era of globalization, where there is a gap between law and technology, where the law is always lagging behind or lagging behind technological advancements. In the era of industry 5.0, the existence of technology in the manufacture of authentic deeds is very important to meet the needs of notaries and society as a whole.⁹ To develop a *cyber notary concept* that has a strong legal umbrella, it will be closely related to regulations related to the implementation of

⁶ Putri Chintami Oktavianti, "Regulatory and Technical Barriers related to the Implementation of Cyber Notary in Indonesia", *Journal of Indonesian Legal Development*, Vol 6 No. 2 (July 2024), p. 245.

⁷ Betty Ivana Prasetyawati, Paramita Prananingtyas, "The Role of the Notary Code of Ethics in Building Notary Integrity in the 4.0 Era", *Journal of Notaries*, Vol 15 No. 1, (2022), p. 3.

⁸ Lolly Amalia Abdullah, *Cyber Notary in the Perspective of Law and Technology*, Paper in a Seminar organized by the Ministry of Law and Human Rights, Jakarta, 2001, p. 49.

⁹ Elita Rahmi, *Notary Supervisory Council, and Notary Education Treasures*, (Jakarta: Pentas Grafika, 2020), p. 38.

information and electronic transactions.¹⁰ The public's need for fast, safe, and efficient legal services encourages the notary profession to adopt information technology in carrying out the duties of its position. In this context, the concept of *Cyber Notary* was born, however, juridically, the implementation of *Cyber Notary* still leaves a number of fundamental problems. None of the legal instruments specifically formulates a comprehensive and useful legal system to support the practice of *Cyber Notary* in its entirety and legally in accordance with positive law in Indonesia.

This research is expected to formulate a regulatory model that combines the principles of conventional notary law with digital legal norms and can offer solutions to regulatory gaps so that the regulatory model is expected to become a normative and practical foothold that remains based on the basic values of Indonesian law. The formulation of the problem in this study is:

1. How is the application of *the concept of Cyber Notary* in the *Digital Era* in improving legal services in the field of Notary?
2. What are the inhibiting factors of the *concept of Cyber Notary* in improving legal services in the field of Notary?
3. How is the Regulation Model for the implementation of *the concept of Cyber Notary* in the world of Notary associated with *digital transformation*?

This research aims to analyze the application of *the concept of Cyber Notary* in the digital era in order to improve legal services in the field of notary. In addition, this study also aims to identify and examine the factors that are obstacles in the implementation of *Cyber Notary*. Furthermore, this research aims to formulate a regulatory model for the implementation of *Cyber Notary* that is in line with digital transformation and the national legal system.

The results to be achieved through the objectives of the research are expected to provide benefits, both theoretically and practically, namely:

¹⁰ Muhammad Farid Alwajdi. "The Urgency of Cyber Notary Arrangements in Supporting the Ease of Doing Business in Indonesia". *Rechts Vinding Journal: National Legal Development Media*, Vol. 9 No. 2 (2020), p. 261.

This research is expected to be useful for the general public as well as for researchers, or in other words for anyone who needs it. There are two expected benefits from this study, namely;

1. Theoretical benefits; the results of this research are expected to provide additional scientific literature in the field of Notary in terms of *Cyber Notary*.
2. Practical benefits; the results of this research can be used as a contribution to thinking for Notaries and the community at large regarding how *digital* transformation affects the improvement of legal services in the application of *the Cyber Notary* concept.
3. Policy benefits; This research is expected to be a reference for policymakers and related stakeholders in formulating laws and regulations that are more comprehensive and adaptive to the implementation of *Cyber Notary* in Indonesia.

This study uses a layered theoretical framework consisting of *Grand Theory*, *Middle Range Theory*, and *Applied Theory* to analyze the urgency and regulation of *the concept of Cyber Notary* in digital transformation. At the macro level, this research bases the analysis on the theory of *Traditional Law* which is based on three fundamental principles, namely the principle of legal utility, the principle of justice, and the principle of legal certainty. These three principles are normative parameters in assessing whether the implementation of *Cyber Notary* has met legal objectives philosophically, juridically, and sociologically. The principle of usefulness emphasizes the effectiveness and efficiency of legal services; The principle of justice demands a balance of rights and obligations of the parties; Meanwhile, the principle of legal certainty requires clear regulations and does not give rise to multiple interpretations. As a *Middle Range Theory*, this study uses *Code/Technology as a Law Theory* or *Innovation Theory* which views that technology is not just a tool, but can function as a regulatory mechanism in social life. In the context of *Cyber Notary*, digital technology is understood as a medium that is able to form new patterns of legal interaction, including in the process

of making authentic deeds and notary services. This theory bridges abstract legal norms with the empirical reality of technological developments, so that it can be analyzed to what extent the national legal system is able to adapt to digital disruption. Furthermore, Legal Protection Theory is used as an applied theory as stated by Shidarta. This theory serves to analyze how these legal principles are implemented to ensure protection for notaries, parties, and the public in the implementation of *Cyber Notary*, this theory helps formulate a conceptualization of regulations that are responsive, adaptive, and able to provide certainty and legal protection in the era of digital transformation.

Along with the development of information technology, the concept of *Cyber Notary* emerged as a form of adaptation of notary practices to digitalization. *Cyber Notary* is understood as the use of information technology and electronic systems in the implementation of notary duties and authorities, including the use of electronic media in the process of making and storing deeds. This concept aims to improve the efficiency, effectiveness, and accessibility of legal services, while answering the community's needs for fast and modern services. However, the implementation of *Cyber Notary* is inseparable from various legal issues.

The implementation of *Cyber Notary* in notary practice is a meeting point between the authority of notaries as public officials, the development of information technology, and the need for legal certainty and effectiveness. The use of technology in notary services is expected to simplify and speed up the service process without ignoring legal certainty. Therefore, this study is used as a theoretical basis to understand the various obstacles in the implementation of *Cyber Notary* and formulate the necessary solutions so that the practice of notary can develop and adapt to technological advances.

Legal research can be interpreted as seeking scientific truth about law by using scientific methods, in a methodical, systematic, and

logical way to find the truth about legal events that occur both theoretically and practically.¹¹

This research is a normative-empirical research Empirical Normative Law Research (applied) starting from the provisions of written positive law (legislation) that are applied to legal events in concreto in society.¹² which combines the study of legal norms with the empirical facts that develop in the practice of notary. I Made Pasek Diantha said that empirical legal research is legal research from an external perspective with the object of research being social attitudes and behaviors towards the law.¹³ The approach is the researcher's perspective in choosing a spectrum of discussion spaces that are expected to be able to provide clarity in the description of the substance of a scientific work.¹⁴ A legislative approach using laws and regulations was used to conduct this research.¹⁵ The approach used is the statute *approach*, which is by examining various relevant legal provisions and laws and regulations as the basis for analysis of the problems being studied.

This research is explanatory because it aims to explain the relationship between the applicable legal norms and their implementation in the context of digital transformation in the field of notary. Soerjono Soekanto said that if knowledge about a problem is sufficient, then explanatory research should be carried out to test certain¹⁶ hypotheses. This study aims to analyze the relationship between one variable and another or how a variable affects other variables.¹⁷

¹¹ Muhaimin, *Legal Research Methods*, (Mataram: Mataram University Press, 2020), p. 21

¹² Ramlan, et al., *Legal Research Methods in Scientific Papermaking*, (Medan: Umsu Press, 2023), p. 74.

¹³ I Made Pasek Diantha, *Normative Legal Research Methodology in Justification of Legal Theory*, 2nd Edition, (Jakarta: Kencana, 2017), p. 12.

¹⁴ Satjipto Rahardjo, *Legal Sciences*, (Bandung: Citra Aditya Bakti, 1991), p. 37.

¹⁵ *Idem*, p. 137.

¹⁶ Soerjono Soekanto, *Introduction to Legal Research*, Second Edition, (Jakarta: University of Indonesia Press, 1986), p. 10.

¹⁷ Umar Husein, *Human Resources Research in Organizations*, (Jakarta: Gramedia Pustaka Utama, 1999), p. 36.

In addition, this research is also in the form of analytical prescriptive, which is not only descriptive analysis of problems, namely studying legal objectives, justice values, validity of legal rules, legal concepts and legal norms.¹⁸but also provides normative arguments and recommendations as solutions to the legal issues being studied. Prescriptive research is research that aims to provide an overview or formulate a problem according to existing circumstances or facts.¹⁹

The sources of legal research in this study consist of primary legal materials and secondary legal materials. Primary legal material is legal material that is authoritative, meaning it has authority.²⁰ Secondary legal materials are all publications about the law that are not official documents. Primary legal materials include relevant laws and regulations, while secondary legal materials include literature, scientific journals, expert opinions, and other supporting documents. All data obtained are analyzed qualitatively by interpreting, constructing, and relating legal norms with empirical reality to produce systematic and comprehensive conclusions.

B. Discussion

1. The application of *the concept of cyber notary* in improving legal services in the field of notary.

Notary is a legal profession that is very close to society, so it is considered a noble job. In 2004, Law Number 30 of 2004 concerning Notary Positions (UUJN) was enacted in Indonesia. This law was then amended to Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Notary Position (UUJN-P). These changes are made to ensure the security, stability, and legal protection necessary for authentic written evidence of legal acts, agreements, determinations, and events made before or by authorized officials.²¹

¹⁸ Peter Mahmud Marzuki, *op.cit*, p. 98.

¹⁹ Salim HS and Erlies Septiana Nurbani, *op.cit*, p. 9.

²⁰ Peter Mahmud Marzuki, *op.cit*, p. 42.

²¹ Aman Al Muhtar and Indrati Rini, Digitizing Notarial Practices: Law Number 2 of 2014 Study, *Notaire Journal of Notarial Law*, Vol.7, No.2 (March 2024), pp. 68-159

Based on Article 1 Paragraph of the UUJN-P, a notary is a public official who is authorized to make authentic deeds and has other authorities as referred to in this Law or based on other laws. Based on the force of the law, the notary functions as a state representative in civil matters. Civil matters are matters that occur between one or more entities or legal entities and one or more other legal entities or entities.²² The concept of *cyber notary* in Indonesia can be interpreted as a notary who carries out the duties and authority of his position based on information technology, especially in making deeds.²³ In the concept of *cyber notary*, there are two aspects that are important, namely related to authority and technology. *Cyber notary* is likened to securing electronic transaction traffic using the internet.²⁴ The concept of a *cyber notary* will have a positive impact on the progress of public services if laws and regulations allow notaries to use information technology to carry out the authority granted by law.²⁵ The existence of the concept of cyber notary has not been clearly regulated even though the provisions of Article 15 Paragraph (3) of the UUJN-P have opened up opportunities for the implementation of the *cyber notary* concept.²⁶ When there is no clear legal basis, it is feared that there will be legal uncertainty. This is certainly not in accordance with the principle of Indonesia as a country of law, namely Indonesia guarantees certainty, order, and legal protection that has the core of truth and justice.²⁷ The concept of "*cyber notary*" refers to the idea that notaries can do their jobs by using their computers online or outside of the real world. This concept of Cyber Notary does not apply in all

²² Bachrudin, Notary Positions in Indonesia in the Snares of Liberalization, *Journal of Law Reform*, Vol.2, No.2 (May-August 2015), pp.87-185

²³ Yogha Othanio Pratama, Yetniwati and Dwi Suryahartati, The Meaning of Dealing with a Notary on the Deed of Minutes of the General Meeting of Shareholders Held Electronically, *Discourse of Paramarta Journal of Law*, Vol.21, No.2 (June 2022), p. 58

²⁴ Ahmad B. Setiawan, Public Key Infrastructure in the Implementation of Electronic Certificates, CV. Mitra Cendekia Media, Padang, 2022.

²⁵ Indah Sugiarti, *Op.Cit*, pp. 13-20.

²⁶ *Ibid.*

²⁷ Aman Al Muhtar, *Op.Cit*

countries. Broadly speaking, there is a big difference in the application of the concept of *cyber notary* between countries that use *the common law system* and countries that use *the civil law system*. The creation of an authentic deed must follow the legal rules that apply to the process of making a notary deed.²⁸ Juridically, the validity of a notary deed refers to the form, content, and authority of the official who makes it. Deeds that do not meet the requirements of the applicable laws cannot be categorized as authentic deeds and have weaker evidentiary power.²⁹ Electronic transactions allow for the intervention of a notary as a third party. So that the development of the function and role of the notary in an electronic transaction hereinafter referred to as "*cyber notary*"³⁰ Notaries are required to be able to use *the concept of cyber notary* in order to create fast, precise, and efficient service services in order to accelerate economic growth.³¹ Article 15 Paragraph (3) of the UUJN-P provides opportunities for notaries to be able to apply the concept of *cyber notary* with electronic documents or electronic deeds. Thus, if notaries use the concept of *cyber notary* when they make deeds, there are additional authorities regulated in the legislation, as explained in Article 15 Paragraph (3) of the UUJN-P, namely:

- a. Authority to certify transactions carried out electronically.
- b. Making a waqf pledge deed and aircraft mortgage.

Emma Nurita said that, based on Article 15 Paragraph (3) of the UUJN-P, the concept of notary is related to the concept of *cyber notary*; however, if a *cyber notary* is used, an electronic deed is not in the same position as an authentic deed. In addition, based on Article 5 Paragraph (4) of the ITE Law, a notary deed made electronically does not have perfect evidentiary power with authentic deeds in general, this is because the authority to certify according to this provision is not the same as an authentic deed, as stated in Article 1868 of the BW, which states that a deed made by a notary in the form of an authentic

²⁸ Habib Adjie, *The Concept of Mayantara Notaries Facing Global Competition Challenges*, p. 19

²⁹ Sjaifurrachman, *Op. Cit.* p. 8

³⁰ Fabela Rahma and Budi Santoso, *Loc. Cit*

³¹ *Ibid.*

deed has perfect evidentiary power and can be recognized by all parties bound thereto, as long as it does not contain ambiguity or ambiguity that can be proven in a court decision that has permanent legal force.³²

2. Factors Inhibiting the Cyber *Notary* Concept in Improving Legal Services in the Notary Field.

Cyber Notary is the concept of utilizing information technology in the implementation of notary duties and authority, especially in the preparation of deeds and notary services electronically.³³ Many countries have implemented the concept of *Cyber Notary*, including countries that adhere to *the Common Law* and *Civil Law legal systems*.³⁴ In Indonesia, the rapid development of information technology that has reached almost all aspects of people's lives still poses various challenges in legal practice.³⁵ However, in the practice of notary in Indonesia, the implementation of *Cyber Notary* has not run optimally. One of the main obstacles is the lack of a clear and comprehensive legal foundation that governs the implementation of *Cyber Notary*.³⁶ In addition, the implementation of *Cyber Notary* is also considered relevant in facing the challenges of globalization and the development

³² Dendik Surya Wardana, dkk, Pertanggungjawaban Notaris terhadap Keabsahan Akta Outentik yang Dilakukan Secara Electronic dalam Pembuktian di Pengadilan, JIK, Vol. 2, No. 2 (2021), hlm 18.

³³ Ayuni Nilam Cahya, et al., *Legal Cultural Transformation in the Digital Era (Implications of the Use of AI in Legal Development in Indonesia)*, Ikraith Humaniora, Vol.8, No. 2, (2024), p. 362.

³⁴ Rizka Syafriana, *Implementation of The Cyber Notary Concept in Indonesia*, International Journal of Regulation & Society (IJRS), Vol. 4, No. 3, (2023), p. 321.

³⁵ Rizka Syafriana, *The Role of Technology in Modernizing Notary Services in The Era of Globalization*, Indonesia Journal Education, Vol. 3, No. 4, (2024), hlm 102.

³⁶ Rizka Syafriana, 2025, "The Dynamics of Cyber Notary Regulation in the Midst of Digital Transformation", *Sanctions: National Seminar on Law, Social and Economics*, 4(1), p. 80.

of electronic transactions.³⁷ From the legal aspect, the fundamental weakness lies in the absence of explicit regulations in the Law on Notary Positions (UUJN) regarding the implementation of *cyber notaries*. The UUJN still adheres to the conventional paradigm that requires the form of a physical deed, the presence of the parties directly in front of a notary, and the affixing of wet signatures. This is clearly illustrated in the following articles: Article 1868 of the Civil Code (KUHPerdata). The article states that "an authentic deed is a deed made in the form prescribed by law, made by or in the presence of an authorized public official and in the place where the deed is made", the article emphasizes the dependence on physical deeds and the direct presence of officials. This is also emphasized in Article 16 paragraph (1) letter m of the UUJN: "that the notary must be physically present and sign the deed in the presence of witnesses and witnesses." This article requires the physical presence of the notary and the parties, so that the procedure in making an authentic deed is required. Furthermore, the Electronic Information and Transaction Law (UU ITE) Article 5 paragraph (4) stipulates that "the provisions regarding electronic information and/or electronic documents do not apply in cases if otherwise regulated by law", these three articles reinforce each other so that they become normative obstacles to *cyber notary* recognition in the making of authentic deeds. Furthermore, from the socio-cultural aspect, it shows that the low technological literacy of the community, preference for conventional procedures, and concerns about privacy security are significant obstacles. In addition, unequal access to technology in remote areas exacerbates this condition. Public education and increased trust through transparent certification mechanisms are important prerequisites for building social acceptance of *cyber notaries*.³⁸ From a political point of view, the lack of public policy alignment towards the modernization of notary services is reflected in the lack of implementing regulations and the

³⁷ Satrio Abdillah and Hamanda Hadi Saputra, *The Urgency of Cyber Notary Regulation in Supporting Legal Certainty in the Digital Era*, *Lex Stricta: Journal of Legal Science*, Vol. 4, No. 1, (2025), p. 2.

³⁸ *Ibid.*

government's strategic policies that integrate *cyber notaries* into the national legal system. In terms of personal data protection, the risk of data leakage remains high despite the existence of the Personal Data Protection Act. Mitigation efforts can be done through the implementation of multi-layered security systems such as encryption, firewalls, and double authentication. When viewed from the aspect of technological infrastructure, it is no less important. Unequal access to the internet and lack of information system integration between notary offices and government agencies are technical obstacles that can hinder the validity and speed of the digital deed making process.³⁹ Therefore, the development of a resilient national technology infrastructure and the development of a cybersecurity-based integration system are an absolute necessity. However, on the other hand, the Limited Liability Company Law (UU PT) Number 40 of 2007 Article 77 begins to open up space for the use of electronic media in the implementation of the General Meeting of Shareholders (GMS).⁴⁰ This article recognizes teleconference, video conferencing, or other electronic means that allow meeting participants to see and hear each other directly and actively participate, thus, the application of the concept of *cyber notary* faces multidimensional challenges, including legal aspects that require normative revision of the UUJN and harmonization with the ITE Law.

Cyber notary makes notary services more accessible, especially for people in remote areas. People who previously faced difficulties in obtaining notary services can now do so more easily with digital platforms. This can help expand the reach of notaries and increase legal inclusion in Indonesia. To take advantage of the opportunities that exist, the government, notary associations, and other stakeholders must work together. To build public trust, *cyber notaries* must be

³⁹ Furcony Putri Syakura, 2021. *Notary in the Implementation Between the Digital and Conventional Worlds*, (Pekanbaru: CV. Bravo Press Indonesia), p. 37.

⁴⁰ Mochammad Dani Pratama Huzaini, 2024, "Questioning the Authentic Deed of the GMS Minutes held Online", [https:// www.hukumonline.com/stories/article/lt65b243fcb46a8/menyoal-akta-autentik-risalah-rups-yang-diselenggarakan-secara-online/](https://www.hukumonline.com/stories/article/lt65b243fcb46a8/menyoal-akta-autentik-risalah-rups-yang-diselenggarakan-secara-online/).

educated and socialized. In addition, clear and comprehensive regulations will provide the legal stability needed to encourage the use of technology in notary practice.⁴¹ Without clear rules, the implementation of *Cyber Notary* can cause legal and technical problems. Regulations must be changed to keep up with technological advancements but still maintain the basic principles of notary to enable *Cyber Notaries* to operate properly. Additional government or ministerial regulations can help resolve any current legal inconsistencies or inconsistencies. Therefore, notaries can maximize the use of technology without sacrificing the importance of authentication and legal protection in the process of making deeds.⁴²

3. The Regulatory Model for the Implementation of the *Cyber Notary Concept* in the World of Notary Related to Digital Transformation.

In the era of digital transformation, the digitization of notary services has the potential to increase legal access, productivity, and inclusion. But in Indonesia, there are still legal restrictions that prevent it from being used. This is mainly because the Civil Code, Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary, and Law Number 11 of 2008 concerning Information and Electronic Transactions still stipulate that authentic deeds must be made physically and must be carried out directly. In addition to legal barriers, social, political, technological infrastructure, and data protection factors are also problems. As a result, to enable the implementation of *Cyber Notary* without neglecting legal security and stability, regulations must be thoroughly adapted and updated.⁴³ The duties of the Notary Position are regulated

⁴¹ Agung Aditya, Cahya Wulandari dan Loso Loso, *Cyber Notary: Between Notary Opportunities and Challenges in Facing the Era of Digital Disruption 4.0 Toward 5.0*, Internasional Journal of Law Society Services, Vol. 2, No. 1, (2022), hlm 14.

⁴² R. Subekti, *Modernisasi Kenotariatan dalam Era Digital*, (Jakarta: Intermasa, 2017).

⁴³ Maghfira Humaira and Pieter Everhardus Latumeten, "Comparison of Notary Deed in Indonesia, Netherlands, and Belgium During the COVID-19

by the Law of the Republic of Indonesia Number 30 of 2004 concerning the Notary Position, which was later amended by Law Number 2 of 2014, the duties of notaries face new challenges due to the emergence of technological and digital advancements. This change has a positive impact because it allows notaries to do less manual work while doing their work. On the other hand, technological advances also pose risks such as cybercrime that can threaten national and international security.⁴⁴

The concept of *cyber notary* responds to human behavior as explained above, which has changed as a result of technological developments. In this case, however, there is no infrastructure of laws and regulations that expressly and specifically regulate the concept of *cyber notary*.⁴⁵ The concept of *cyber notary* included in the UUJN, UUJN Amendment, and Notary Code of Ethics will definitely have an impact on the professionalism of notaries, so this concept must be adjusted to the capabilities of notaries in Indonesia. Therefore, it is important to consider legal principles as a social engineering tool from the beginning of the process of legal creation or change. To prevent social problems caused by the unpreparedness to accept such a major technological change, this principle is important for Indonesia. This includes the application of *the concept of cyber notary*. During the law-making process, input from various sections of society must be considered, especially those related to the application of the concept; This includes academics, notaries themselves, the business world, and the general public as users of notary services. So, the concept of *cyber notary* that will be regulated by law really comes from the needs of the community, no party is harmed, and can be accepted by the entire community. In addition, the involvement of academics and information

Pandemic", 6 *Linguistics and Culture Review*. [233–243]. <https://doi.org/10.21744/lingcure.v6ns5.2154>.

⁴⁴ Rizki, Makbull, "Perkembangan Sistem Pertahanan/Keamanan Siber Indonesia dalam Menghadapi Tantangan Perkembangan Teknologi dan Informasi, *Politeia: Jurnal Ilmu Politik*, 2022, hlm 54

⁴⁵ Bintang Rahmatullah, et al., "The Concept of Cyber Notary in the Basic Perspective of Tabellionis Officium Fideliter Excercebo", *Journal of Education and Teaching Review*, Vol. 7, No. 3, 2024, p. 101221.

technology experts in the process of changing regulations can reduce or prevent the negative effects of the influence of technology in the world of notaries.⁴⁶ An effective legal change can be seen from the process of forming laws that pay attention to various problems and social changes that develop in society. So that in the formulation of the concept of *cyber notary* in the UUJN, the Amendment Law and also the Notary Code of Ethics, it must be noted that this application is able to provide substantive justice, oriented towards the goal for the benefit of the community at large, emphasizes obligations rather than coercion and also opens access for the public to participate. Regarding other responsive legal features such as discretionary issues, the exercise of power and lawsuits against the legitimacy of the law, it is something that must be considered by regulators.

The development of digital technology brings opportunities as well as challenges for the notary profession. On the one hand, technology can increase efficiency and accuracy in the making of deeds. However, on the other hand, technology can also be misused to commit criminal acts such as identity forgery. Therefore, notaries need to continue to improve their digital competencies and adapt to rapid technological developments.⁴⁷ In Law No. 11 of 2008 concerning Information and Electronic Transactions which has been amended by Law No. 19 of 2016, especially in the provisions of Article 5 paragraph (4), 28 requirements for valid electronic evidence include that it is not a letter that according to the law must be made in written form and not a letter that according to the law must be made in the form of a notary deed or a deed of an official making land deed (whichever is an authentic deed). Currently, all deeds relating to certain activities must be made in the form of a notary deed without any option to perform the task electronically or in cyberspace because the law does not identify this as part of the notary's authority. *Cyber notary* is the result of the development of the times that move dynamically in society. In

⁴⁶ *Ibid*

⁴⁷ Rizka Syafriana, 2025, "The Dynamics of Cyber Notary Regulation in the Midst of Digital Transformation", p. 82.

Law Number 2 of 2014, the authority of *Cyber Notary* is combined with Law Number 1 of 2024, so that deeds made by *Cyber Notaries* can be used as evidence. In addition, Notaries can use *Cyber Notaries* as a form of progressivity as a public official who follows the development of society and acts as responsive to the progress of society. Authentic deeds made by Notaries through *Cyber Notaries* in accordance with their requirements are a form of progressive legal methods that prioritize the community for the law and not the other way around.⁴⁸

In terms of protocol management and storage of deed minutes, digitization has increased the efficiency and modernization of notary practices. Digitization allows notaries to overcome traditional issues such as long manual processes, the risk of losing documents due to natural disasters, and limited storage space. Nevertheless, digital innovation in notary practice must still comply with the principle of legal certainty, so that every action must be in accordance with the current applicable law.⁴⁹ By utilizing technology as a complement, not a replacement, digital innovation can improve the efficiency and resilience of legal documents without violating existing regulations, as well as be a foothold for further modernization in the future. However, taking into account the current legal system, the Notary Position Law (UUJN) must have the ability to anticipate these changes. Although the current regulations are not aligned, the goal is the same: to recognize and accept electronic evidence as evidence that has legitimate probative force. In the future, to ensure that technological developments can be incorporated into lawmaking, the provisions of the law must be adjusted and adjusted. In the process of making laws, the term "confronting" is an important element that must also be considered. This concept now includes in-person meetings, but also meetings via electronic media. As such, it is important for notaries to maintain the basic principles of deed making while keeping up with current technological developments, even though electronic media is

⁴⁸ *Ibid*

⁴⁹ Vicensia Yesya Yurika, "Regulation of the Implementation of E-Signature in Authentic Deeds as a Safeguard for Digital Innovation in Indonesia". *Journal of Notary Law*, Vol. 7 No. 1, (January, 2025), p. 135.

constantly evolving and easy to use. In Indonesia, the application of *the concept of Cyber Notary* is becoming increasingly important along with the rapid development of information technology. *Cyber notary* is an idea where notaries can do their work electronically, such as creating authentic deeds. Indonesia must consider how proper legal reconstruction can enable the implementation of *Cyber Notary* legally and efficiently as its legal system continues to change with the times.⁵⁰

Politics and law are closely related in the Indonesian legal system. The policy of determining which laws should be changed, updated, or maintained to achieve state goals is known as legal politics. Indonesian legal politics must be able to produce an *ius constituendum*, i.e. the law that will apply, which will allow the implementation of electronic notaries in the future. This is important for the context of *Cyber Notary*. Actually, Indonesian laws have several regulations related to *Cyber Notary*. For example, Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law), as amended by Law Number 19 of 2016, regulates what is considered a valid electronic document. Stricter and more comprehensive regulations are still needed to meet the needs of electronic notaries. Notaries in Indonesia are responsible for certifying and guaranteeing the correctness of legal acts through authentic deeds. Authenticating documents, verifying the identity of the parties, and ensuring the legal validity of the deeds written in the deed are the main duties of a notary. However, there are some difficulties when using the concept of *Cyber Notary*, especially in terms of making authentic deeds. Indonesia's Notary Position Law (UUJN) stipulates several requirements for authentic deeds. One of the important conditions that the notary must meet is that he must ascertain the substance of the deed, which involves direct verification of the parties and witnesses. Because the security and validity of the electronic authentication process are still in question, this is difficult to do electronically.⁵¹ Although *Cyber Notary* is still limited in Indonesia,

⁵⁰ Wardani Rizkianti, dkk, "Cyber Notary di Indonesia: Tantangan, Peluang dan Kebutuhan Rekonstruksi Hukum" *Jurnal Notaire*, Vol. 8 No. 1, 2025, hlm 123.

⁵¹ *Ibid*

some notary tasks can already be done electronically. Legal entity registration and electronic data storage are examples. However, more sophisticated legal and technological infrastructure is needed for notaries to work legally and legally to create authentic deeds. A thorough legal reconstruction is needed to implement *cyber notary* in Indonesia. Indonesia can integrate technology into the notary function without sacrificing its legal validity and security by updating regulations and building a strong legal infrastructure. This step will improve public services and strengthen the position of Indonesian notaries in the digital era.

C. Conclusion

Notaries as public officials have strategic authority in making authentic deeds that ensure certainty, order, and legal protection as stipulated in Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Notary Position. Technological developments have given birth to the concept of *cyber notary* which opens up opportunities for digitization of notary services, especially based on Article 15 paragraph (3) of the UUJN-P. However, the absence of comprehensive regulations and provisions in Law Number 11 of 2008 concerning Electronic Information and Transactions causes electronic deeds to not fully have the same evidentiary power as an authentic deed as referred to in the Civil Code. Therefore, harmonization and regulatory updates are needed so that the implementation of *cyber notary* can provide certainty and legal protection in the national legal system.

Cyber Notary is a form of digitization of notary services that has the potential to increase access, efficiency, and legal inclusion in the era of digital transformation. However, its implementation in Indonesia is still hampered by normative constraints, especially because the provisions in the Civil Code, Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Notary Position, and Law Number 11 of 2008 concerning Information and Electronic Transactions still require physical form and direct presence in the making of authentic deeds. In addition to legal barriers, social,

political, data protection, and technological infrastructure factors are also challenges. Therefore, comprehensive harmonization and regulatory reform is needed so that *Cyber Notary* can be implemented without ignoring the principles of certainty and legal protection.

The concept of *Cyber Notary* is a strategic step in modernizing notary services to improve efficiency and access to the law in the digital era, but its implementation in Indonesia is still hampered by provisions in the Civil Code, Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Notary Position, and Law Number 11 of 2008 concerning Information and Electronic Transactions which are still oriented towards physical procedures. Therefore, it is necessary to harmonize and update adaptive regulations as well as strengthen digital infrastructure and security so that *Cyber Notary* can be implemented without ignoring legal certainty and protection.

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