

Legal Protection of Notaries in Executing Their Office in the Digital Era

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Abstract. *This study aims to analyze the forms of legal protection for Notaries in carrying out their duties in the digital era and identify obstacles that arise in its implementation. The digitalization of legal services has encouraged the use of electronic documents and electronic signatures, but at the same time raises new issues related to the validity of deeds, official authority, data security, and the risk of criminalization for Notaries as public officials. This study uses a normative-empirical legal research method with a statutory, conceptual, and sociological approach. Primary data was obtained through interviews with active Notaries, while secondary data was obtained from a library study of laws and related literature. Data were analyzed qualitatively with a deductive mindset to obtain a comprehensive picture of the dynamics of legal protection in the digital era. The research results show that legal protection for Notaries in the digital era includes preventive protection through the regulation of authority, supervision by the Supervisory Board and the Notary Honorary Council, and electronic data security mechanisms in accordance with the ITE Law and the PDP Law. Repressive protection is realized through dispute resolution and legal mechanisms in the event of alleged misconduct. However, several obstacles were found, including a lack of norms regarding electronic deeds, limited technological infrastructure, low digital literacy among Notaries, and the absence of uniform data security standards. This research recommends the establishment of specific regulations regarding digital notaries, strengthening cybersecurity systems, and improving digital competence for Notaries to create a safe and equitable digital notary system.*

Keywords: *Cyber; Digital; Legal; Protection.*

1. Introduction

The development of digital technology has brought significant changes to the

delivery of legal services, including notarial practice. The digitalization of public services requires the legal profession to adopt electronic systems for various aspects of administration and document creation.¹In the context of notaries, these changes not only create opportunities for effectiveness and efficiency, but also raise new challenges related to the validity of electronic documents, data security, and legal certainty regarding notary authority in a digital environment. Previous research has shown that legal digitalization requires regulatory updates to adapt to the dynamics of the information society.²This condition shows the gap between the development of digital practices and notarial law regulations which are still centered on conventional systems.

On the one hand, the Notary Law (UUJN) establishes a Notary as a public official with special authority to create authentic deeds by following strict formal requirements, so that every Notary's actions must comply with established traditional procedures. However, on the other hand, the development of digital technology is driving major changes in legal administration practices, including the use of electronic signatures, electronic certificates, digital data verification, and cloud-based archiving systems that are increasingly used by the public and government agencies. Unfortunately, these various digital instruments are not yet comprehensively regulated in the UUJN, either regarding their implementation mechanisms or their limitations in notarial activities. This lack of clear regulations creates ambiguity regarding the extent to which Notaries are permitted to utilize digital technology in exercising their authority, and whether the use of electronic media still meets the principle of authentic deeds as required by law. This normative vacuum has the potential to create a conflict between modern digital-based notarial practices and statutory provisions that still maintain a conventional approach, thus creating legal uncertainty. Ultimately, this gap can hinder the implementation of Notaries' duties as public officials who are required to provide legal certainty, while the work environment and the needs of society have moved rapidly towards broader digitalization.³

In addition to the various challenges that arise in carrying out professional duties, notaries now face increasingly complex risks due to the development of digital technology. Threats such as cybercrime, personal data breaches, and electronic document forgery have become strategic issues that require serious attention in carrying out professional functions and responsibilities. Findings from cybersecurity agencies indicate an increasing trend in attacks on electronic systems owned by public institutions each year, which in turn emphasizes the

¹Ilyas, M. (2021). Digitalization of Legal Services and Challenges for Notaries in Indonesia. *Journal of Law and Notary Affairs*, 5(2), 113.

²Syahrudin, A. (2022). *Legal Digitalization and Challenges for the Notary Profession in Indonesia*. Jakarta: Prenadamedia Group.

³Khoidin, M. (2021). *Digitalization of Notaries in Indonesia: Opportunities and Challenges*. Yogyakarta: Deepublish.

urgency of protecting the integrity and security of digital information. This demonstrates that in the digital era, notaries are not only required to ensure the validity of documents but also must be able to face increasingly complex information technology security challenges.⁴The notary profession, as holders of sensitive data, is vulnerable to these digital risks. Meanwhile, legal protection for notaries in facing these risks is still inadequate, both in terms of preventive and repressive measures when notaries face allegations of misconduct due to the use of technology.

Another glaring gap is the lack of uniform and adequate digital security standards in notarial practice. Although regulations such as the Electronic Information and Transactions (ITE) Law and the Personal Data Protection Law provide a legal basis for the management of electronic information and transactions, these provisions remain general in nature and do not specifically regulate the procedures or working mechanisms of notaries in the context of digital systems. This situation indicates an urgent need to develop guidelines or technical standards that can ensure the security, validity, and integrity of electronic documents managed by notaries, while also guaranteeing the protection of clients' personal data in every digital transaction process.⁵As a result, Notaries are faced with normative uncertainty, both in terms of legal responsibility and in the safe and regulatory use of digital tools and procedures.

In the face of increasingly complex digital developments, a comprehensive and in-depth study is essential to fully understand how legal protection mechanisms for notaries are developed, implemented, and applied in the context of today's digital transformation. Such a study aims not only to examine formal legal aspects but also to identify various obstacles that arise as a direct and indirect impact of these technological changes. This analysis is increasingly important because digitalization not only changes the way legal administration is carried out but also has the potential to impact the legitimacy, authority, and authenticity of deeds prepared by notaries. Without a clear understanding of the applicable legal protection mechanisms, the digitalization process could actually undermine the status of authentic deeds as evidence with perfect evidentiary force. Furthermore, unclear or incomplete regulations regarding digital notarial practices could weaken the position of notaries as public officials with a strategic role in providing legal certainty and protection for the public. Therefore, an in-depth study of the forms of legal protection and the obstacles faced in digital notarial practices is crucial, so that digitalization can be implemented effectively and in line with strengthening integrity, professionalism, and legal certainty in all the duties and

⁴National Cyber and Crypto Agency (BSSN). (2022). Guidelines for Implementing Electronic Certification. Jakarta: BSSN.

⁵Law Number 11 of 2008 concerning Electronic Information and Transactions, along with its amendments in Law No. 1 of 2024.

functions of Notaries.

2. Research Methods

This research is implemented using an empirical legal approach, through field data collection, particularly by conducting in-depth interviews with notaries who are actively carrying out their duties in the current digital era. In this research, the normative juridical approach is still used. A comprehensive study was conducted on the laws and regulations governing the performance of the Notary's office, the implementation of digitalization in legal services, and electronic data protection. This approach aims to gain a comprehensive understanding of how the existing legal framework is applied in practice and to identify the challenges and obstacles faced by Notaries in navigating digital transformation. This allows the research results to provide a comprehensive picture of both the regulatory and professional practices in the field. This research has a descriptive-analytical specification, meaning that it focuses not only on describing existing conditions but also emphasizes in-depth analysis. Specifically, this study seeks to comprehensively describe the normative conditions governed by laws and regulations related to digital notarial practices, while simultaneously recording and mapping the actual practices carried out by Notaries in the digital era. Once this comprehensive picture is obtained, the next step is to conduct a critical analysis to identify the forms of legal protection available to Notaries and the various obstacles or challenges that arise in carrying out their duties. With this approach, the research not only provides a comprehensive understanding of regulatory aspects and professional practices but also produces findings that can be used as a basis for consideration in strengthening legal protection mechanisms for Notaries in the context of the digitalization of legal services.

This research is designed with descriptive-analytical specifications, combining a comprehensive description of existing conditions with in-depth analysis to gain a more comprehensive understanding. Specifically, this study aims to describe the normative conditions stipulated in various laws and regulations related to digital notarial practice, including regulations related to electronic data protection and the digitalization of legal services. Furthermore, this study also maps the actual practices carried out by Notaries in carrying out their duties in the digital era, thus identifying the alignment and gaps between legal provisions and professional practices in the field.

Following this description, this study proceeds with a critical analysis to identify the forms of legal protection available to Notaries and the obstacles that arise in carrying out their duties, both from a regulatory perspective and from a professional practice perspective. This analysis is important because the digitalization of legal services not only changes the administration and procedures of notaries but also has the potential to affect the legitimacy, authority, and authenticity of deeds prepared by Notaries. Therefore, this study is expected to

make a significant contribution to the development of more adaptive and effective legal protection mechanisms, while also providing a basis for consideration for policymakers in formulating guidelines or standards that can strengthen professionalism, integrity, and legal certainty in digital notarial practices.

The data analysis in this study was conducted using a qualitative approach that prioritizes deductive thinking. This approach means that the analysis process begins with an understanding of general legal norms, both those contained in laws and regulations and applicable legal principles, then systematically draws conclusions to examine more specific phenomena. In the context of this research, a deductive approach is used to evaluate how legal protection for Notaries is applied in daily practice, particularly in carrying out their duties in the digital era. Thus, this method allows researchers to connect the existing normative framework with empirical findings, so that the resulting analysis is not only descriptive, but also critical and relevant in providing an understanding of the obstacles, challenges, and forms of effective legal protection for Notaries in facing digital transformation.

3. Results and Discussion

3.1. Legal Protection for Notaries in Carrying Out Their Positions in the Digital Era

Legal protection for Notaries is a crucial aspect in maintaining the independence and integrity of their position as public officials who make authentic deeds. Research findings indicate that legal protection for Notaries in the digital era is divided into two forms: preventive protection and repressive protection. Preventive protection is provided through the regulation of norms in the Notary Law (UUJN), the Notary Code of Ethics, and regulations related to information technology such as the Electronic Information and Transactions Law (ITE) and the Personal Data Protection Law (PDP). These regulations serve as guidelines to prevent Notaries from engaging in actions that could result in legal violations.⁶

Furthermore, the oversight mechanism of the Notary Supervisory Board (MPN) and the Notary Honorary Council (MKN) is also a crucial part of preventative protection. These two institutions are authorized to provide guidance and ensure that notaries carry out their duties in accordance with legal procedures, including in the use of digital technology.⁷ Repressive protection, on the other hand, is realized through dispute resolution or law enforcement if a Notary faces legal problems arising from official activities, such as forgery of electronic signatures, digital data leaks, or procedural errors in the creation of electronic deeds.

⁶Ilyas, M. (2021). Digitalization of Legal Services and Challenges to Notaries in Indonesia.

⁷Indonesian Notary Association. (2020). Indonesian Notary Code of Ethics.

Field findings through interviews with Notaries show that the existence of MKN provides a sense of security for Notaries when facing potential criminalization or baseless reports due to the use of electronic documents.⁸Notaries can request clarification, advocacy, and procedural protection to prevent them from being easily found guilty unless there is evidence of deliberate violation of the law. This confirms that a legal protection system for notaries is in place, but it still needs to be adjusted to the dynamics of digital legal services.

3.2. Obstacles and Solutions Faced by Notaries in Carrying Out Their Positions in the Digital Era

The use of electronic documents and electronic signatures by a Notary must adhere to the limits of authority stipulated in the UUJN to ensure that the deeds created remain authentic. Based on a normative analysis, the Notary is fully responsible for ensuring the validity of the parties' data, the validity of the electronic signatures used, and the integrity of the electronic documents involved in the deed creation process.⁹This responsibility includes the obligation to verify identity, maintain data confidentiality, and ensure that electronic documents are not changed after signing.

However, the Notary is not responsible for technical aspects beyond his professional control, such as third-party technology systems (third-party providers), server failures, or failures of the electronic signature provider system.¹⁰A notary's responsibility is limited to professional actions performed in accordance with legal procedures. If all procedures have been followed and the notary acted in good faith, any damage or misuse of electronic documents that occurs after the signing process is not the notary's responsibility.

A notary's authority to use electronic signatures must also comply with the limitations stipulated in the ITE Law and the BSSN's derivative regulations regarding electronic certification. The electronic signature used must have the same legal force as a wet signature, provided it meets the requirements of security, authentication, and data integrity.¹¹

Interview findings indicate that some notaries have begun using digital systems to streamline administration, but remain cautious due to the lack of explicit regulations governing the use of electronic deeds. Therefore, even though technology enables digital processes, notaries' authority must still adhere to the

⁸Interview with Reza Priyadi, SH, M.Kn., October 22, 2025.

⁹Law No. 11 of 2008 in conjunction with Law No. 1 of 2024 concerning ITE.

¹⁰OECD. (2021). Digital Transformation in the Public Sector.

¹¹BSSN. (2022). Guidelines for Implementing Electronic Certification.

UUJN to maintain the authenticity of deeds and avoid potential future legal disputes.¹²

4. Conclusion

Based on the results of research and discussions regarding legal protection for Notaries in carrying out their duties in the digital era, it can be concluded that digitalization has brought fundamental changes to notarial practice in Indonesia. On the one hand, developments in information technology provide significant opportunities to improve administrative efficiency, accelerate service delivery, and expand access to legal services. However, on the other hand, digital advancements give rise to new challenges that have not been fully anticipated by legislation. The gap in norms in the Notary Law (UUJN), particularly regarding electronic deeds, electronic signatures, digital documentation systems, and the online presence of parties, creates legal uncertainty that can impact the performance of Notaries' duties. The risk of cyberattacks, digital identity forgery, electronic data manipulation, and misuse of electronic certificates further increase the potential for criminalization of Notaries when errors occur beyond their control. Legal protection for Notaries must therefore be viewed through two broad approaches: preventive measures through regulatory reform, institutional oversight (MPN/MKN), and strengthening cybersecurity; and repressive measures through notary examination approval mechanisms, legal assistance from professional organizations, and ensuring the use of electronic signatures in accordance with the ITE Law and BSSN policies. Thus, legal protection for notaries in the digital era is not only about protecting the profession, but also part of efforts to maintain certainty, order, and integrity of the national legal system. As a recommendation, this study emphasizes that regulatory reform is an urgent priority to address the increasingly rapid digital developments. The revision of the UJN needs to accommodate comprehensive regulations for electronic deeds, including online deed creation procedures, digital identification standards for parties, digital-based protocol storage mechanisms, and specific regulations regarding cybersecurity in notarial practice. The government, BSSN, and the professional organization INI need to encourage the development of national standards for notarial data security so that notaries have uniform technical guidelines. Furthermore, improving digital competency for notaries is a mandatory step so that all notaries can adapt to technological changes and minimize the potential for procedural errors. Professional organizations also need to strengthen advocacy and legal aid systems so that notaries receive adequate protection when facing legal accusations related to the use of digital technology. With synergy between regulatory reform, capacity building, and strengthening professional integrity, it is hoped that notaries will be able to carry out their duties safely, fairly, and continue to provide optimal legal protection for the public in the digital era.

¹²Interview with Reza Priyadi and Aji Ragil Putranto.

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