JURNAL AKTA
Volume 13 No. 2, June 2026
SINTA 2,
Decree No. 164/E/KPT/2021

The Urgency of Sharia Notarial Practice in Indonesia: Islamic Law Critique of Law No. 2 of 2014 on Notary Position and Its Contribution to Sharia Economic Law

Ustad Adil[1], Ija Suntana[2], Siah Khosyi'ah[3] & Uu Nurul Huda[4]
[1]Faculty of Law, Telkom University Bandung, Indonesia, E-mail: ustadadil@telkomuniversity.ac.id
[2]Faculty of Law, Pascasarjana UIN Sunan Gunung Djati Bandung, Indonesia, E-mail: ijasuntana@uinsgd.ac.id
[3]Faculty of Law, Pascasarjana UIN Sunan Gunung Djati Bandung, Indonesia, E-mail: siah.khosyiah@uinsgd.ac.id
[4]Faculty of Law, Pascasarjana UIN Sunan Gunung Djati Bandung, Indonesia, E-mail: uunurulhuda@uinsgd.ac.id

Abstract. *This study aims to explore the urgency of Sharia notary law in Indonesia, as well as critique Islamic law regarding Law No. 2 of 2014 concerning the Notary Public and its contribution to Sharia economic law. This research method uses a descriptive analytical approach with a normative juridical approach by analyzing applicable laws and regulations and relevant Islamic legal principles. The results indicate that Law No. 2 of 2014 does not fully accommodate provisions regarding notary law in the context of Sharia economic transactions, such as Sharia contracts, which must be fair and certain. This points to the urgent need to integrate elements of Islamic law into notary law to provide greater legal certainty for Sharia economic transactions. This study also reveals the importance of Sharia notary law from a philosophical, juridical, sociological, and practical perspective. This study then recommends that the Notary Law be revised to incorporate provisions in accordance with Sharia principles, thereby strengthening the legal infrastructure of Sharia economics in Indonesia.*

Keywords: *Economy; Law; Notary; Notarial Affairs; Position; Sharia.*

1. Introduction

As the country with the largest Muslim population in the world, Indonesia has a great opportunity to develop a legal system that reflects Sharia values, especially in the economic sector. In recent decades, the Sharia economy sector in Indonesia has experienced rapid growth (Pusvisasari, Bisri, & Suntana, 2023). This is reflected in the rapid development of Islamic banks, Islamic insurance, Islamic microfinance institutions, Islamic capital markets, and the increasing public interest in economic transactions based on Islamic principles. These developments not only demonstrate the revival of Islamic economic ethics but also indicate a social demand for a legal system that is in harmony with religious values (Apriyanti, 2018).

Although Islamic economic law is developing rapidly, one important aspect still receives little attention, namely Islamic notary (Arliman, 2016). Notaries play a vital role in ensuring legal certainty by creating authentic deeds that serve as strong evidence in various civil matters, including economic transactions. In Sharia transactions based on Islamic contracts such as *murabahah*, *mudharabah*, *musyarakah*, *ijarah*, and *wakalah*, notaries are needed to ensure the legality of documents while maintaining the substance of the contract in accordance with Sharia principles. However, to date, there is no positive legal framework that clearly regulates or accommodates the role of Sharia notaries (Sujiyanto, 2025).

In addition to the growth of Islamic economics in Indonesia, several positive Islamic legal provisions have been enacted, particularly in family law. First, in marriage law, many aspects are directly related to the role of notaries, such as the verification of personal property in joint property, the drafting of marriage agreements, and the distribution of inheritance (Sholehah, 2022). Second, although the Compilation of Islamic Law (KHI) has been ratified by Presidential Instruction since 1991, its effective implementation in Religious Courts has occurred only in the last 24 years. Notaries also play an important role in various matters concerning Muslims, including the creation and revocation of wills, deeds of gift, and inheritance deeds. Third, Law Number 41 of 2004 concerning Waqf and Government Regulation Number 42 of 2006 present various innovations in terms of objectives, objects, and governance. In order to support professional waqf management, notaries are given the authority to draw up waqf deeds (Arief, 2011).

Considering the strategic role and challenges faced by notaries (Trinkūnienė & Viškelienė, 2023), especially with the growing business based on sharia contracts and waqf agreements, there is a need to establish sharia notaries, namely notaries with specialized expertise in civil law and sharia business law. The existence of sharia notaries is crucial for several reasons. First, many notaries today still lack mastery of Sharia business law theory and practice. Their educational backgrounds typically include only a Bachelor of Laws (SH) and a Master of Notary (M.Kn), with no specific focus on Sharia law, so their understanding of Sharia business contracts is relatively limited. Second, sharia business law has fundamental differences with conventional business law, both philosophically and in terms of the technical aspects of agreements or contracts, so a deep understanding is needed to ensure that the contracts drawn up are truly in line with sharia principles (Adil, 2011).

Third, in the practice of Sharia financial institutions, especially banking, violations of Sharia principles are still often found in the drafting of business contracts. The reason is that notaries only act as legalizers and cannot provide substantial input on the content of contracts due to their limited knowledge of Sharia (Arliman, 2016). Fourth, with the expansion of the Religious Court's authority to handle disputes involving Sharia financial institutions, there is a need for notaries with expertise in drafting Sharia business contracts and agreements. Fifth, a Sharia notary position is needed to specifically handle Sharia contracts and ensure Sharia principles are upheld in line with Islamic teachings. Sixth, stakeholders in Sharia Financial Institutions (LKS) consider it necessary to have notaries who fully understand Sharia contracts to avoid usury and *gharar* practices. Seventh, notaries who handle sharia contracts, in addition to mastering positive law such as the Civil Code and the Notary Law, are also required to understand the Compilation of Sharia Economic Law related to sharia contracts, the Compilation of Islamic Law related to waqf, grants, and inheritance, as well as the Fatwa of the Indonesian Ulema Council's National Sharia Board (DSN-MUI). Eighth, in addition to functioning as a public official who records authentic deeds, notaries must also act as legal consultants or legal advisers on the content of contracts, including contracts or sharia contracts, to ensure that the principle of legal justice is fulfilled.

In Islamic law, the role of a notary is not only administrative, but also serves to safeguard the validity of contracts. The practice of notary services in Islam has been known since the time of the Prophet Muhammad SAW to the Khulafaur Rasyidin. The Qur'an, in Surah Al-Baqarah, verse 282, explicitly emphasizes the importance of recording debts with fair witnesses. This verse is not only a normative basis but also historical evidence that the documentation of transactions is an essential part of the Islamic legal system (Anwar, 2024). In classical Islamic history, contract writers (*kuttab al-'uqūd*) were selected from among those who were knowledgeable in *fiqh*, had high integrity, and were trusted by the community. These values have not yet been accommodated in the modern notary system in Indonesia, which is still based on Dutch law (Zham-Zham & Mataheru, 2020).

The urgency of establishing a sharia notary system is becoming increasingly apparent as Indonesian Muslims' need for transaction documents that are not only valid under national law but also valid under sharia law grows. Currently, sharia financial institutions are beginning to encourage the use of contract formats that are in accordance with the principles of *muamalah fiqh*. However, in practice, they still rely on public notaries who may not fully understand the Sharia aspects of the contract's substance. This condition creates a regulatory paradox, in which transactions intended to uphold Islamic principles are legitimized through a legal system that does not accommodate these principles (Yusup, 2017).

Islamic legal criticism of the Notary Law (UUJN) is important in this context as a form of constructive evaluation of the national legal system. This criticism is not intended to reject the existence of conventional notaries, but rather to emphasize that existing regulations have not accommodated the dynamics and needs of today's Muslim community. The UUJN tends to be overly positivist and detached from the religious ethical values present in society. In fact, Islamic law as part of the national legal system has gained recognition through the jurisprudence of the Supreme Court, the existence of the Compilation of Sharia Economic Law (KHES), and the authority of religious courts in handling Sharia Economic cases (Tonggiroh, 2022).

The contribution of sharia notaries to the national legal system is strategic and practical. First, sharia notaries serve as an epistemological link between the principles of Islamic law and positive law. Second, the existence of sharia notaries provides double legal guarantees—both recognized at the national level and valid under sharia—which strengthens legal protection for the parties involved. Third, the strengthening of sharia notaries will accelerate the process of standardizing legal documents in sharia transactions, thereby increasing the efficiency and consistency of implementation (Safitri, 2024). Fourth, this will increase public trust in the sharia economic system, which is not only considered symbolic but also supported by a valid formal legal system.

The absence of explicit norms regarding Sharia notary services in Law No. 2 of 2014 is a crucial point that needs to be examined. The neglect of Sharia values in notary practices creates a legal vacuum that not only weakens Sharia authority in transactions but also hinders the harmonization between national law and the needs of the Muslim community. Therefore, it is important to review the regulation of the notary position in the law from an Islamic law perspective and identify articles that are inconsistent with or even hinder the application of Islamic law principles. Furthermore, it is necessary to develop a concept of Sharia notary regulation that is not only compatible with the national legal system but also capable of comprehensively addressing the community's needs in Sharia economic practices. The urgency of this regulation is reinforced by the growth of Indonesia's Islamic finance sector, which requires a valid, inclusive, and operational legal infrastructure. A Sharia notary, if properly designed and regulated, can be a strategic instrument in strengthening the foundations of Islamic economic law both conceptually and practically (Andrianto & Firmansyah, 2019).

Based on the above description, this study, entitled "The Urgency of Sharia Notary in Indonesia: Islamic Law Criticism of Law No. 2 of 2014 concerning the Notary Position and Its Contribution to Sharia Economic Law," aims to examine the urgency of establishing a legal framework for sharia notary, to provide constructive criticism of Law No. 2 of 2014 from an Islamic law perspective, and to formulate the real contribution of sharia notary in strengthening the sharia economic law system in Indonesia. It is hoped that this study will contribute both theoretically and practically to efforts to reform the national notary system so that it better accommodates sharia principles and the substantive values of justice.

2. Research Methods

The research method used in this study is a descriptive-analytical approach with a normative juridical orientation. This approach was chosen to provide a clear and detailed description of the conditions and legal phenomena related to notaries in the context of national law and Islamic law. The descriptive method aims to describe the facts systematically and objectively, while normative legal analysis is used to examine the applicable legal rules and their application in notarial practice (Suyanto, 2023).

In addition, this study relies on an in-depth literature review of relevant regulations, including Law Number 2 of 2014 on the Notary Position and related supplementary regulations. The literature review was conducted to provide a comprehensive understanding of the existing legal framework and how it governs the role and functions of notaries in Indonesia.

In its theoretical review, this study focuses on the role of notaries in the Indonesian legal system. The study also highlights the incompatibility between the principles of Sharia law and the notarial provisions regulated in Law No. 2 of 2014. This is important because Sharia law has characteristics and principles that differ from national positive law, requiring an in-depth study to determine how notarial regulations can be adjusted to better incorporate Sharia principles. With this approach, the study is expected to provide a critical overview and solutions for harmonizing positive law and Islamic law in the field of notarial practice.

3. Results and Discussion

3.1. The Regulation of Notary Positions in Law No. 2 of 2014 from the Perspective of Islamic Law

The regulation of notary positions in Law No. 2 of 2014, when viewed through the lens of Islamic law, can be explained by several fundamental principles concerning the validity and integrity of documents and transactions. In Islamic law, every transaction or agreement must follow sharia principles such as fairness, openness, and not harming any party (Rachman, 2022). Law No. 2 of 2014 gives notaries clear authority to draft and certify documents that have legal force, but in practice, this has the potential to conflict with sharia principles if notaries do not fully understand sharia provisions (Nurwulan, 2018). In Islamic law, notaries serve as witnesses who ensure the validity of every transaction or document, including personal rights, property, and business transactions, based on sharia principles (Azis, 2024).

For example, in sales or grant agreements that contain elements of *muamalah*, notaries must ensure that the transaction does not violate the provisions of *fiqh muamalah*. Although Law No. 2 of 2014 does not explicitly regulate the existence of sharia notaries, Islamic law requires special regulations for notaries who can apply sharia principles, especially in transactions involving *riba*, *gharar*, and *maisir*. From an Islamic law perspective, to strengthen the role of notaries in the sharia domain, regulations are needed to govern the position of sharia notaries in accordance with the fatwas of the DSN-MUI, so that all transactions and documents prepared by notaries are truly in accordance with the principles of Islamic law (Soleh, Yasin, & Yusuf, 2022).

3.2. The Importance of Sharia Notaries in Indonesia

The position of the sharia notary is very important in the practice of sharia economics, from philosophical, juridical, sociological, and practical perspectives, as it serves as a link between state legal norms and sharia principles applied to economic transactions. Sharia notaries have the responsibility to ensure that every agreement or deed is made in accordance with Islamic law, such as in the case of buying and selling, leasing, sharia financing, and inheritance (Husain Asmara, 2018). The existence of Sharia notaries also guarantees that the documents produced are legally valid and avoids practices that violate Sharia principles, such as *riba* (interest) or *gharar* (uncertainty). In addition, Sharia notaries provide legal certainty to the parties involved in the transaction, thereby preventing future disputes. In this context, the position of Sharia notary is not only responsible for formal legality, but also plays an important role in maintaining the integrity and sustainability of the Sharia economic system in society. Therefore, the role of Sharia notaries is vital in realizing a Sharia economy that is transparent, fair, and in accordance with Islamic teachings, supporting the growth of public trust in Sharia institutions (Widyasti, 2024).

The urgency of Sharia notary in Indonesia can be seen from various perspectives, including philosophical, juridical, sociological, and practical. From a philosophical perspective, sharia notary is rooted in Islamic values that prioritize justice, benefit, and honesty in every transaction. These principles reject all forms of usury, *gharar*, and *maisir* that have the potential to harm one of the parties. Therefore, a sharia notary is not merely an administrative function but also a moral and spiritual guardian who ensures that transactions are in accordance with Islamic teachings and uphold *muamalah* ethics (Abdillah & Bhaidowi, 2025).

Meanwhile, from a juridical perspective, sharia notary services are an urgent necessity under national law, which currently does not adequately accommodate sharia principles in the regulation of notary positions. Law No. 2 of 2014 on Notary Positions remains positivist in nature and does not provide a specific space for Sharia notaries. In fact, with the increase in Sharia regulations, such as the Sharia Banking Law and the Compilation of Sharia Economic Law, as well as the authority of the Religious Court in resolving Sharia economic disputes, the existence of notaries who are proficient in Islamic law is very important as a bridge for harmonization between positive law and Islamic law (Damayanti, 2024).

From a sociological perspective, the majority of Indonesia's population is Muslim and increasingly active in the sharia economy. The community needs notary services that are not only legally valid nationwide but also aligned with its religious values and beliefs. The presence of sharia notaries can increase public trust in the legal and sharia economic systems, thereby strengthening social integration and maintaining social stability (Rebeka, 2025).

In practice, many sharia transactions require authentic deeds that are legally binding and in accordance with sharia principles. Without notaries who understand Sharia aspects, the risk of substantive errors in contracts is very high, which can lead to legal disputes and losses for the parties involved. Sharia notaries ensure that documents are legally valid and in accordance with Sharia, thereby providing legal certainty and protection for people who carry out Islam-based transactions. Thus, Sharia notary services are a strategic and real necessity in Indonesia (Laibi, 2020).

To emphasize the above description, the researcher explains it in the form of a table:

Table 1. The Urgency of Sharia Notary Services Compiled from various sources (Arief, 2011)

Aspects	The Urgency of Sharia Notaries
Philosophical	Sharia notaries were born out of the need to uphold the principles of justice and benefit in every legal transaction, in line with Islamic values that reject usury, *gharar*, and invalid elements. This is part of the moral and spiritual responsibility of Muslims in carrying out *muamalah* in accordance with sharia.
Legal	Although Law No. 2 of 2014 does not explicitly regulate Sharia notaries, the constitution and several other regulations, such as the Sharia Banking Law and the Halal Product Guarantee (JPH) Law, provide opportunities to apply Sharia-based legal practices. Sharia notaries are a normative necessity to harmonize national law with Sharia principles.
Sociological	The majority of Indonesia's population is Muslim, and sharia economic activities are experiencing significant growth. This condition requires legal services aligned with Islamic values, including notaries who can understand and draft sharia-compliant deeds that are legally valid under both state and religious law.
Practical	In practice, many sharia transactions require authentic deeds. However, without notaries who understand Sharia, the contract may not comply with Islamic principles. Sharia notaries guarantee formal legality as well as the substantive conformity of the contract with sharia, thereby providing legal certainty and trust for all parties involved.

3.3. The Concept of Sharia Notarial Regulation in the Indonesian Legal System

Sharia notarial regulation in the Indonesian legal system is an important step toward accommodating the legal needs of Muslims seeking legal certainty and protection based on Sharia principles in notarial practice. Notaries function as institutions that create authentic deeds with evidentiary power before the law (Lubis et al., 2022). However, in practice, these deeds have been drawn up under secular, general national law. With the existence of Sharia notarial regulations, it is hoped that there will be a special space that allows for the creation of deeds that are in accordance with Islamic legal rules and principles, without neglecting the national legal framework that applies in Indonesia (Rizkia & SH, 2023).

The concept of Sharia notarial regulations is based on the recognition that Indonesian society is pluralistic, comprising various legal groups, including Islamic law, whose existence is normatively recognized. This regulation responds to the demand that economic transactions and legal documents related to sharia *muamalah* be handled by notaries who understand sharia principles. Thus, the deeds drawn up are not only legally valid but also comply with Sharia provisions, thereby providing legal validity and blessings for the parties involved (Wargo & Kurniawan, 2024).

Substantively, the Sharia notarial regulation requires that notaries performing Sharia notarial functions have a deep understanding of and competence in Islamic law, particularly in matters related to business transactions and Sharia contracts. In practice, Sharia notaries must ensure that the deeds they draw up do not contain elements that contradict Sharia principles, such as *riba* (usury), *gharar* (uncertainty), and *maisir* (gambling). In addition, the deed drafting process must be conducted in accordance with the principles of fairness, transparency, and good faith. This requires specific work procedure standards and a code of ethics that regulate the implementation of Sharia notary services so as not to cause legal confusion or normative conflicts (Kurniawan, 2023).

From a formal regulatory perspective, the regulation of sharia notaries must be under a clear legal umbrella and integrated with the national legal system. Indonesia, as a country based on Pancasila and the 1945 Constitution, recognizes the existence of religious law as part of the national legal system, so that sharia notary regulations can be accommodated in legislation on notaries and civil procedure. These regulations need to stipulate the qualification requirements for Sharia notaries, the supervisory mechanism, and sanctions for violations, so that the quality of Sharia notarial services is maintained (Mulyanto, 2024).

However, implementing Sharia notary regulations is not without challenges. Harmonization between secular national law and Islamic law needs to be carried out carefully so that there are no conflicts of norms that could disrupt legal certainty (Derevyanko, 2021). Differences in the interpretation of Sharia principles and variations in madhhabs are also factors that must be considered in drafting comprehensive and adaptive regulations. In addition, developing human resource capacity, particularly notaries who are proficient in Islamic law, is crucial for the effective and professional implementation of these regulations (Chamidah, Krustiyati, Purwadi, Hadiwidjayanti, & Bon, 2019).

In practical terms, Sharia notarial regulations are expected to provide tangible benefits in strengthening the Sharia economic legal infrastructure in Indonesia. With the existence of Sharia notaries, business actors and the Muslim community can feel more secure and confident that the legal documents they use comply with Sharia principles and have legal force in court. This also supports the development of the Sharia economy, which is currently a strategic sector in Indonesia. In addition, this regulation also reflects the state's commitment to guaranteeing legal diversity and meeting the legal needs of the community in an inclusive and equitable manner (Rohmah, Arta, Huda, & Nurrohman, 2024).

Thus, the concept of Sharia notary regulations in the Indonesian legal system is an important effort to bridge the gap between national law and Islamic law in the field of notary. This regulation emphasizes a deep understanding of Sharia principles, clear formal arrangements, and the development of Sharia notary competencies, so that deeds are not only legally valid but also in accordance with Sharia guidelines. Despite challenges in harmonization and implementation, this regulation is crucial for providing legal certainty and protection for the Muslim community, as well as strengthening a pluralistic and inclusive national legal system.

3.4. Notary Services in Strengthening Indonesia's Economic Legal Infrastructure Conceptually and Practically

Sharia notary services play a very important role in strengthening Indonesia's economic legal infrastructure, both conceptually and practically. Conceptually, a Sharia notary serves as a bridge between Islamic legal principles and the national legal system in Indonesia (Gasparini, 2023). The Indonesian legal system is a mixed legal system that combines elements of customary law, national law, and Islamic law. In this context, the existence of a sharia notary is important as a mediator, ensuring that transactions and documents comply not only with positive law provisions but also with sharia principles. These principles include justice, openness, and prohibition of *riba* (interest), *gharar* (uncertainty), and *maisir* (gambling). Thus, Sharia notaries provide dual validity to transaction documents, namely that they are legally valid under state law and at the same time comply with Sharia provisions, which form the basis for a healthy and sustainable Sharia economic system (Bhakti, 2025).

Furthermore, conceptually, Sharia notary services also strengthen the legitimacy of the Sharia economy as an alternative economic system that is in accordance with Islamic teachings and is also acceptable under national law (Anwar, 2024). This is important because it gives Sharia economic actors confidence that their transactions are recognized and protected by the state, thereby increasing their sense of security when doing business and investing. A Sharia notary also emphasizes the importance of ethics and morality in business practices, which are among the core values of Sharia economics. With sharia notary, not only are formal legal aspects guaranteed, but the principles of justice and balance that characterize Islamic *muamalah* can also be maintained (Sulistiyo, Anwar, Kania, & Faturokhman, 2023).

Meanwhile, in practical terms, sharia notaries make a real contribution to the implementation of sharia economic transactions in the field. Sharia notaries with a deep understanding of *fiqh muamalah* and the fatwa of the Indonesian Ulema Council's National Sharia Board (DSN-MUI) act as guardians, ensuring that every contract and document is prepared in accordance with sharia principles. This is very important, given that many sharia transactions require authentic deeds that are legally binding and religiously valid. Sharia notaries are also tasked with providing legal consultations to the transacting parties to help them understand their respective rights and obligations under Islamic law. Thus, the risk of disputes arising from contracts that do not comply with sharia principles can be minimized, while increasing legal certainty and protection for the parties involved in the transaction (Ramadhani, 2024).

In addition, Sharia notaries play a role in standardizing Sharia transaction documents and procedures, which have been varied and inconsistent. This standardization helps improve efficiency, transparency, and consistency in transaction implementation, thereby enhancing the professionalism and credibility of the Sharia economic sector. With standardized documents and procedures whose validity is guaranteed, Islamic financial institutions and business actors can carry out their activities more smoothly and reliably. Sharia notaries also play an important role in overseeing the implementation of DSN-MUI fatwas, so that all transaction activities are in accordance with applicable Sharia norms (Soleh et al., 2022).

Furthermore, Sharia notary supports the development of the Sharia economy in Indonesia, which is now one of the fastest-growing economic sectors (Fadila, Sugiri, & Wisnuwardhani, 2020). By providing a strong, reliable legal foundation, a Sharia notary strengthens the legal framework for the development of the Sharia banking industry, Sharia insurance, Sharia capital markets, and other economic activities based on Sharia principles. This not only provides legal certainty for business actors, but also increases public confidence in the Sharia economic system as a whole (Anjasmara & Sri Kawuryan, 2019). This trust is important to encourage wider participation from the public in various Sharia financial instruments, thereby supporting financial inclusion and sustainable economic development (Anwar, 2024).

Thus, sharia notaries not only function as formal institutions for recording authentic deeds, but also as guardians of morality, ethics, and principles of justice in sharia economic practices (Haliti-Mustafa, Morina, & Mustafa, 2024). Its presence strengthens the integration between positive law and Islamic law, provides more comprehensive legal certainty, and encourages the development of a transparent, fair, and sustainable Islamic economy in Indonesia. Therefore, the development of a structured and clearly regulated Islamic notary system is urgently needed to strengthen the national economic legal infrastructure and support inclusive economic growth in accordance with Islamic values of justice.

To further clarify the above explanation, the researcher explains it in the following table:

Table 2. Notary Services in Strengthening the Legal Infrastructure of the Economy in Indonesia Conceptually and Practically

Aspect	Conceptual	Practical
Functions of Sharia Notary	To become an institution that authenticates Sharia contracts in accordance with Sharia principles (halal, fair, transparent).	Creating authentic deeds for Sharia economic transactions (*murabahah*, *ijarah*, *wakalah*, etc.) that can be used as strong legal evidence.
Legal Certainty	To guarantee the legality and legal certainty of Sharia transactions, thereby reducing disputes and double interpretations.	Sharia notarial deeds are authentic evidence accepted in courts and arbitration institutions.

Aspect	Conceptual	Practical
Protection of Parties	To protect the interests of all parties in transactions through transparent procedures in accordance with Sharia principles.	Sharia notaries ensure that contracts and agreements are sharia-compliant and legally valid, thereby preventing losses or fraud.
Strengthening Legal Infrastructure	Providing a formal legal framework that complements positive law with Sharia values, thereby enriching the national economic legal system.	Preparation of standardized, well-documented, and accessible sharia deeds.

4. Conclusion

From the above descriptions, it can be concluded that the role of the Sharia notary is important in ensuring that transactions and documents comply with the principles of Islamic law, such as the prohibitions on *usury*, *gharar*, and *maisir*. Although Law No. 2 of 2014 on Notary Positions does not specifically regulate Sharia notaries, the need for regulations that support this practice is increasingly urgent. Clear regulations on Sharia notaries will strengthen the Sharia economic legal system in Indonesia, guarantee legal certainty in Sharia transactions, and increase public trust in the Sharia economic system. Sharia notaries play a vital role in maintaining the integrity of the Sharia economy and strengthening the synergy between state law and Islamic law, supporting inclusive and sustainable economic development.

5. References

Journals:

Abdillah, Alisya Afifah Maulidina Putri, & Bhaidowi, Bhaidowi. (2025). Prinsip Dasar Hukum Ekonomi Syariah: Antara Keadilan Dan Profitabilitas. *Jurnal Multidisiplin Ilmu Akademik*, *2*(2), 205–216.

Anjasmara, Kadek Dio, & Sri Kawuryan, Endang. (2019). Responsibilities of the Notary As a Recipient of the Client'S Land Certificate. *Jurnal IUS Kajian Hukum Dan Keadilan*, *7*(2), 208–224. https://doi.org/10.29303/ius.v7i2.628

Apriyanti, Hani Werdi. (2018). Perkembangan Industri Perbankan Syariah di Indonesia: Analisis Peluang dan Tantangan. *MAKSIMUM: Media Akuntansi Universitas Muhammadiyah Semarang*, *8*(1), 16–23.

Arliman, Laurensius. (2016). Urgensi Notaris Syari'ah Dalam Bisnis Syari'ah Di Indonesia. *Walisongo: Jurnal Penelitian Sosial Keagamaan*, *24*(1), 79–110.

Chamidah, Dina, Krustiyati, Atik, Purwadi, Ari, Hadiwidjayanti, Rizky, & Bon, Abdul Talib Bin. (2019). Authority and power of the law relating to cyber deed notary in Indonesia era industrial revolution 4.0. *International Journal of Engineering and Advanced Technology*, *9*(1), 947–952. https://doi.org/10.35940/ijeat.A9438.109119

Damayanti, Retno. (2024). Tinjauan yuridis terhadap hak dan kewajiban notaris dalam era digitalisasi: Analisis Undang-Undang Jabatan Notaris Nomor 2 Tahun 2014 dan regulasi tambahan. *Jurnal Interpretasi Hukum*, *5*(3), 1242–1249.

Derevyanko, Darya. (2021). Legal Regulation of Notarial Protection of Individuals' Corporate Rights. *Evropsky Politicky a Pravni Diskurz*, *8*(2), 158–164. https://doi.org/10.46340/eppd.2021.8.2.22

Fadila, Ilham Zain, Sugiri, Bambang, & Wisnuwardhani, Diah Aju. (2020). the Obligation of Notary To Report Suspicious Financial Transactions Based on the Value of the Transaction. *Jurisdictie: Jurnal Hukum Dan Syariah*, *11*(2), 202–236. https://doi.org/10.18860/j.v11i2.10099

Gasparini, Silvia. (2023). Notaries and the Law in Venice:Development of a Discipline. *Italian Review of Legal History*, *9*(9), 1–33. https://doi.org/10.54103/2464-8914/21911

Haliti-Mustafa, Enisa, Morina, Sevdai, & Mustafa, Valon. (2024). the Role of Notaries in a Modern Legal System in the Western Balkans. *Corporate Law and Governance Review*, *6*(3), 37–42. https://doi.org/10.22495/clgrv6i3p4

Lubis, Ikhsan, Murwadji, Tarsisius, Siregar, Mahmul, Sukarja, Detania, Robert, Harianto, Dedi, & Ketaren, Mariane Magda. (2022). Comparison of Civil Law Regarding the Implementation of Cyber Notary in Countries With Common Law and Civil Law Traditions. *Jurnal IUS Kajian Hukum Dan Keadilan*, *10*(1), 1–11. https://doi.org/10.29303/ius.v10i1.981

Nurwulan, Pandam. (2018). Akad Perbankan Syariah dan Penerapannya dalam Akta Notaris Menurut Undang-Undang Jabatan Notaris. *Jurnal Hukum Ius Quia Iustum*, *25*(3), 623–644.

Pusvisasari, Lina, Bisri, Hasan, & Suntana, Ija. (2023). Analisis Filosofi dan Teori Hukum Ekonomi Syariah dalam Konteks Perbankan Syariah. *Jurnal Ekonomi Utama*, *2*(3), 269–277.

Rachman, Abdul. (2022). Dasar hukum kontrak (akad) dan implementasinya pada perbankan syariah di Indonesia. *Jurnal Ilmiah Ekonomi Islam*, *8*(1), 47–58.

Rebeka, Sintya. (2025). Perkembangan Peran Notaris Di Era Digital: Analisis Peluang Dan Tantangan Pasca Uu No. 1 Tahun 2024. *Nusantara: Jurnal Ilmu Pengetahuan Sosial*, *12*(6).

Rizkia, Nanda Dwi, & SH, M. H. (2023). Akad Perbankan Syariah Dan Penerapannya Dalam Akta Notaris Menurut Undang-Undang Jabatan Notaris. *Jurnal Intelektual Sosial Hukum*, *1*(1), 1–13.

Rohmah, Zelyn Faizatul, Arta, Antri, Huda, Qomarul, & Nurrohman, Dede. (2024). Peran Regulasi Sebagai Landasan Hukum Bagi Pertumbuhan Lembaga Keuangan Syariah Di Indonesia: Peluang Dan Tantangan. *Maro: Jurnal Ekonomi Syariah Dan Bisnis*, *7*(1), 1–13.

Safitri, Rizka Aina Nur. (2024). Penerapan Prinsip Hukum Islam dalam Menjamin Kepatuhan Syariah pada Pembuatan Akta Bank Syariah. *Prosiding Seminar Nasional Program Doktor Ilmu Hukum*, 247–264.

Soleh, Muhammad, Yasin, Zulfatah, & Yusuf, Helmi. (2022). Penerapan Kepatuhan Syariah dan Peraturan Jabatan Notaris pada Lembaga Keuangan Syariah di Indonesia:(Studi Kasus pada Perbankan Syariah di Kota Tangerang Selatan). *Qonuni: Jurnal Hukum Dan Pengkajian Islam*, *2*(01), 15–24.

Sulistiyo, Budi, Anwar, Syahrul, Kania, Dede, & Faturokhman, Aziz. (2023). Analisis Konsep Etika, Norma, Dan Hukum Dalam Implementasi Hukum Ekonomi Syariah. *Strata Social and Humanities Studies*, *1*(2), 193–203.

Trinkūnienė, Eva, & Viškelienė, Tatjana. (2023). Divorce at the Notary: Protection of Creditors' Interests. *TalTech Journal of European Studies*, *13*(2), 111–137. https://doi.org/10.2478/bjes-2023-0017

Wargo, Wargo, & Kurniawan, Kurniawan. (2024). Tinjauan Hukum Islam Dan Hukum Positif Terhadap Sewa Menyewa Lapak. *Jurnal Al Mujaddid Humaniora*, *10*(1), 37–44.

Yusup, Deni K. (2017). Peran Notaris Dalam Praktik Perjanjian Bisnis Di Perbankan Syariah (Tinjauan Dari Perpektif Hukum Ekonomi Syariah). *Al-'Adalah*, *12*(2), 701–714.

Zham-Zham, Holly Muridi, & Mataheru, Thea Yori. (2020). Kewenangan Notaris dalam Penerapan dan Pengembangan Hukum Ekonomi Islam di Indonesia. *Jurnal Hukum*

Bisnis Bonum Commune, *3*(2), 457586.

Books:

Adil, Ustad. (2011). *Mengenal Notaris Syariah* (I). Bandung: Citra Bhakti Aditya.
Andrianto, Andrianto, & Firmansyah, Muhammad Anang. (2019). *Manajemen Bank Syariah: Implementansi Teori dan Praktek*. Qiara Media Pustaka.
Anwar, Chaerul. (2024). *Rekonstruksi hukum terhadap kevakuman pengaturan notaris dalam berpraktik akad perbankan syariah di indonesia (Doctotal Dissertation Sekolah Pascasarjana UIN Syarif Hidayatullah Jakarta)*. Doctotal Dissertation Sekolah Pascasarjana UIN Syarif Hidayatullah Jakarta.
Arief, H. Saifuddin. (2011). *Notariat Syariah Dalam Praktik Jilid 1 Hukum Keluarga Islam* (Pertama; Ah. Azharuddin Lathif, Ed.). Jakarta: PT Galaksi Komunika Utama.
Azis, S. R. I. Lili. (2024). *Tanggung Jawab Hukum Pejabat Pembuat Akta Tanah (Ppat) Atas Pemalsuan Dokumen Para Pihak Dalam Pembuatan Akta Jual Beli*. Doctoral Dissertation Universitas Islam Sultan Agung Semarang.
Bhakti, Indira Swasti Gama. (2025). Penerapan Prinsip-prinsip Hukum dalam Sistem Hukum Indonesia. *Pengantar Hukum Indonesia: Teori, Praktik, Dan Transformasi*, *71*.
Husain Asmara, D. M. (2018). *Peran Notaris-PPAT dalam Pembuatan Akta Pembiayaan Kepemilikan Rumah Melalui Bank Syariah*. Universitas Islam Indonesia.
Kurniawan, Ilham Feby. (2023). *Positivisasi Fatwa Dewan Syariah Nasional Majelis Ulama Indonesia (DSN-MUI) tentang Asuransi Syariah dalam Regulasi Otoritas Jasa Keuangan (OJK).* Doctoral Dissertation Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta.
Laibi, Fitriani. (2020). *Eksistensi Kontrak Bisnis Syariah pada Notaris di Kota Parepare*. IAIN Parepare.
Mulyanto, Edi. (2024). *Konstruksi Hukum Notaris Dalam Menghasilkan Covernote Sebagai Dasar Pencairan Kredit Berbasis Nilai Keadilan*. Doctoral Dissertation Universitas Islam Sultan Agung Semarang.
Ramadhani, Tiara Armianti. (2024). *Tinjauan Hukum Ekonomi Syariah Terhadap Peran Notaris Dalam Pembuatan Akta Jual Beli Studi Kasus Di Kota Parepare*. IAIN Parepare.
Sholehah, Laila Irfanatus. (2022). *Tinjauan Yuridis Urgensi Perjanjian Perkawinan Terkait Harta Bersama Yang Dilakukan Di Hadapan Notaris*. Doctoral Diseertation Universitas Islam Sultan Agung Semarang.
Sujiyanto, Daniel Adi. (2025). *Penggunaan Sidik Jari Sebagai Otentikasi Identitas Penghadap dalam Minuta Akta Notaris Berbasis Sistem Elektronik.* Universitas Islam Sultan Agung Semarang.
Suyanto, S. H. (2023). *Metode Penelitian Hukum Pengantar Penelitian Normatif, Empiris Dan Gabungan*. Unigres Press.
Tonggiroh, Jeames Paschalix. (2022). *Peran Notaris dalam Pembuatan Surat Keterangan Waris Terkait Penggolongan Penduduk di Indonesia*.
Widyasti, Annisa. (2024). *Akibat Hukum Terhadap Akad Perjanjian Musyarakah Oleh Notaris Yang Belum Memiliki Sertifikat Syariah*. Universitas Islam Sultan Agung Semarang.