

Analysis of the Disharmony of Regulations between the Obligation of Confidentiality of Notary Protocols and the Fulfillment of the Rights of Personal Data Subjects from the Perspective of the Notary Law and the Personal Data Protection Law

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Abstract. *The development of personal data protection regulations in Indonesia through Law Number 27 of 2022 concerning Personal Data Protection has legal consequences for various sectors that process personal data, including notarial practices. Notaries, as public officials authorized to make authentic deeds, have a legal obligation to maintain the confidentiality of notarial protocols as regulated in Article 16 paragraph (1) letters b and f of Law Number 2 of 2014 concerning the Position of Notary. On the other hand, Article 8 of the personal data protection law provides a number of rights to data subjects, such as the right to terminate processing, delete, and/or destroy personal data. The meeting between these two legal regulations has the potential to cause disharmony of norms, especially when the fulfillment of the rights of personal data subjects conflicts with the notary's obligation to maintain the confidentiality of notarial documents that are part of the notarial protocol. This study aims to analyze the legal implications of this disharmony of regulations and formulate a construction of harmonization of norms between the obligation to confidentiality of notarial protocols and the fulfillment of the rights of personal data subjects from a positive legal perspective in Indonesia. The research method used is normative legal research with a statutory and conceptual approach. The results of the study indicate that the disharmony between the two regulations creates potential conflicts of obligations for notaries in practice, particularly regarding granting access to or deleting personal data contained in authentic deeds. Harmonization of norms can be achieved through a systematic interpretation of both laws, the application of the principle of proportionality in limiting data subjects' rights, and strengthening standards for personal data management in notarial practice. This approach allows for a balance between protecting individual privacy rights and the legal certainty inherent in notarial documents as authentic evidence.*

Keywords: *Disharmonization; Norms; Notary; Protocols.*

1. Introduction

Personal data protection is fundamentally rooted in the recognition of human dignity and respect for human rights. The right to privacy is a fundamental part of individual freedom, guaranteeing personal autonomy, a sense of security, and the protection of one's identity in social life. Modern legal perspectives view privacy not merely as protection from interference by others, but also as a prerequisite for individuals to control information related to themselves in social life.(Budhijanto, 2023).

Recognition of the right to privacy is also reflected in various international legal instruments, one of which is Article 12 of the Universal Declaration of Human Rights. This article affirms that every individual has the right to protection from arbitrary interference with his or her private life, family, home, or correspondence, including protection of honor and reputation. This norm demonstrates that privacy protection has been universally recognized as a human right that must be guaranteed by the state through an effective legal system.(Universal Declaration of Human Rights, 1948).

Protection of personal data in the Indonesian legal system has a constitutional basis in Article 28H paragraph (4) and 28J paragraph (1) and 28J paragraph (1) of the 1945 Constitution which emphasizes the importance of respecting private property rights and the obligation of every person to respect the human rights of others.(1945 Constitution of the Republic of Indonesia, 1945). Regulations regarding personal data were previously scattered across various regulations, such as laws on human rights, information technology, population administration, banking, health, consumer protection, public information disclosure, and telecommunications. These various regulations demonstrate that personal data protection has become a concern across various sectors, although a unified legal framework has not yet been established.(Ikrom & Tamam, 2024).

The need for more comprehensive regulations led to the enactment of Law Number 27 of 2022 concerning Personal Data Protection as the national legal basis for personal data management. This regulation outlines the principles of data processing, the rights of data subjects, and the responsibilities of those processing data.(Law Number 27 of 2022 concerning Personal Data Protection, 2022). The law recognizes legal subjects who are responsible for data management, namely personal data controllers and personal data processors who have the obligation to maintain the security and confidentiality of individual information.(Putri et al., 2024).

These provisions are relevant to notarial practice. Under Law No. 2 of 2014 concerning the Position of Notary, a notary is a public official authorized to create authentic deeds and store documents related to various legal acts. The exercise of this authority places the notary in the role of directly collecting and managing various personal data belonging to parties, from basic identities to information related to legal relationships and property ownership.(Law Number 2 of 2014 concerning the Position of Notary, 2014).

The notary's position as a public official also carries with it the obligation to maintain the confidentiality of all information obtained in the course of their duties. This obligation includes keeping minutes of deeds as part of the notarial protocol, which has authentic evidentiary value. This responsibility emphasizes that the notary's role is not only as the maker of deeds, but also as the guardian of public trust, obligated to

ensure the security and confidentiality of data of the parties involved in a legal act.(Jasmine et al., 2024).

The development of information technology in the era of the Industrial Revolution 4.0 has also influenced the practice of legal services, including in the notary sector.(Memah, 2020)The digitization of documents, the use of cloud-based storage systems, and the use of technology in legal document processing provide efficiencies in archive management and public services. This transformation also brings new risks in the form of potential leaks, misuse, and unauthorized access to personal data stored in digital systems.(Mislaini & Adjie, 2023).

This condition gives rise to the need to adapt notarial practices to the principles of personal data protection as regulated in the Personal Data Protection Law.(Wibowo & Sulistyawan, 2025). On the one hand, notaries have an obligation to keep notary protocols and maintain the confidentiality of client information, as stated in Article 16 paragraph (1) letters b and f of the UUJN.(Saldi et al., 2025). Meanwhile, Article 8 of the PDP Law states that data subjects have the right to terminate processing, delete, and/or destroy personal data. This difference in normative construction has the potential to create disharmony between the provisions of the Notary Law and the Personal Data Protection Law. A study of the harmonization of these two legal regulations is crucial to ensure that the protection of clients' personal data continues to align with the notary's obligation to maintain protocols as state archives.(Law Number 43 of 2009 concerning Archives, 2009).

2. Research Methods

The research method used in writing this journal is a juridical-normative legal research, namely research that places law as a norm or rule contained in legislation. This research aims to analyze the potential disharmony between the obligations of confidentiality of notary protocols and the fulfillment of the rights of personal data subjects. The approaches used in this research include a statutory approach and a conceptual approach. The statutory approach is carried out by examining legal provisions related to the research object, specifically the Notary Law and the Personal Data Protection Law. While the conceptual approach is used to understand the legal concepts regarding the confidentiality of notary positions and the protection of personal data.(Marzuki, 2008).

The types of legal materials used in this research consist of primary legal materials and secondary legal materials. Primary legal materials consist of legally binding laws and regulations, namely Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary and Law Number 27 of 2022 concerning the Protection of Personal Data. Meanwhile, secondary legal materials are used to support the explanation of the primary legal materials, including reference books, scientific articles, legal journals, and various scientific papers relevant to the research topic.(Soekanto & Mamudji, 2010).

The legal material collection technique is carried out through library research by tracing laws and regulations and various literature related to the research. Primary legal material is obtained through tracing relevant regulations, while secondary legal material is obtained from books, scientific articles, journals, and various scientific writings related to the research topic. Furthermore, the analysis of legal material is carried out using legal interpretation techniques, specifically grammatical

interpretation, namely the interpretation of the provisions of laws and regulations based on the meaning of the language used in the formulation of norms, while paying attention to standard and easily understood language rules.(Ibrahim, 2013).

3. Results and Discussion

3.1. Legal Implications of Disharmony in the Confidentiality Obligation of Notary Protocols on the Fulfillment of the Rights of Personal Data Subjects in Notarial Practice

The presence of personal data protection regulations in the Indonesian legal system through Law Number 27 of 2022 concerning Personal Data Protection (PDP Law) marks a paradigm shift in the management of information related to individual identity. Personal data protection is no longer viewed solely as an administrative aspect, but has become part of the protection of human rights inherent in every individual. On the other hand, the notary profession as a public official authorized to make authentic deeds also has a legal obligation to maintain the confidentiality of all matters relating to deeds and documents contained in the notarial protocol as regulated in Article 16 paragraph (1) letters b and f of the Notary Law (UUJN). This situation gives rise to legal issues when the data subject's right to access, correct, or even delete their personal data conflicts with the notary's obligation to maintain the confidentiality of documents that are part of the notarial protocol.(Makarim, 2005).

This disharmony of norms indicates a tension between two legal regulations with differing objectives. The UUJN places protocol confidentiality as a fundamental principle in maintaining public trust in the notary profession. This confidentiality is intended to ensure that information obtained by notaries in carrying out their duties is not misused or disseminated to unauthorized parties. In contrast, the PDP Law emphasizes the importance of individual control over their personal data, including the right to know how that data is used, stored, and processed by others. When these two principles meet in notarial practice, the potential for conflicting norms arises, which can create legal uncertainty for both notaries and personal data subjects.(Rosadi, 2016).

The obligation to maintain the confidentiality of notarial protocols is essentially a manifestation of the fiduciary duty principle inherent in the notary profession as a public official trusted by the public. Notaries are not only obligated to prepare authentic deeds correctly and in accordance with legal provisions, but also to safeguard all information obtained from the parties. This confidentiality includes the identities of the parties, the contents of the agreement, and any supporting documents submitted to the notary. From a notarial law perspective, this obligation protects the interests of the parties using notarial services. Therefore, violations of this obligation of confidentiality can result in legal consequences in the form of administrative, civil, or criminal sanctions for the notary concerned.(Adjie, 2014).

The construction of notarial protocol confidentiality is also closely related to the concept of professional secrecy, recognized in various legal professions, such as advocates, doctors, and notaries. This concept emphasizes that information obtained in a professional relationship may not be disclosed without the consent of the interested party or without a clear legal basis. In the notarial context, professional secrecy is part of professional ethics as well as a legal obligation explicitly regulated in the UUJN. Protection of professional secrecy is intended to maintain the integrity of the profession

and ensure that parties can provide honest information to notaries without fear of misuse.(Anshori, 2009).

The development of information technology and the digitalization of legal documents has further expanded the scope of issues related to personal data protection in notarial practice. Many documents previously stored only in physical form have now been digitized and stored in electronic systems. This situation increases the risk of personal data leakage if an adequate data protection system is not implemented. In this context, the Personal Data Protection Law provides a new legal framework that regulates the obligations of personal data controllers to ensure data security and grants data subjects the right to control the use of that data. However, the implementation of these principles in notarial practice has not always been smooth due to the obligation to maintain confidentiality protocols long stipulated in the UUJN.(Syailendra et al., 2024).

The legal implications of the disharmony between the UUJN and the PDP Law can be seen in the potential conflict of obligations faced by notaries in practice. Notaries, on the one hand, are required to maintain the confidentiality of protocols and not provide access to documents under their control except to parties with a legal interest. On the other hand, the PDP Law grants data subjects the right to obtain access to their personal data processed by other parties. If a data subject requests access to or deletion of personal data contained in a notarial deed, the notary may find themselves in a dilemma, having to choose between fulfilling the data subject's rights and maintaining the obligation to maintain the confidentiality of the protocol.(Shahrullah et al., 2024).

The potential for conflicting norms demonstrates that the Indonesian legal system has not yet fully integrated notarial law and personal data protection. This lack of synchronization can create legal uncertainty, impacting notarial practice. Notaries face the risk of lawsuits if they are deemed to have violated the rights of personal data subjects, but at the same time, they also face potential sanctions if they are deemed to have violated the obligation to maintain confidentiality protocols. This situation demonstrates the importance of harmonizing norms so that both legal regulations can operate in balance without compromising the fundamental principles of each.(Slamet, 2010).

Another legal implication relates to the protection of the rights of personal data subjects listed in notarial documents. In many cases, personal data contained in notarial deeds relates not only to one party but also to several parties with different legal interests. If one party requests the deletion of personal data, the notary cannot immediately delete the data because the notarial deed serves as authentic evidence that must be retained as part of the notarial protocol. Deleting personal data in notarial documents has the potential to damage the integrity of the deed and create legal issues in the future.(Arben & Utama, 2024).

These conditions indicate that the right to delete personal data in the notarial context cannot be implemented as simply as in the digital services sector or regular administration. Notarial deeds have special characteristics as legal documents that have perfect evidentiary force in court. Therefore, any changes to the content or existence of the deed must be carried out with great care to avoid compromising its inherent evidentiary function. From this perspective, personal data protection needs to

be implemented by considering the special characteristics of legal documents contained in notarial protocols.(Setyaning & Harjono, 2024).

The disharmony between the UUJN and the UUP also has implications for notaries' legal responsibilities in managing personal data contained in notarial documents. As the party that collects and stores the personal data of the parties in the deed, the notary can be viewed as a party that processes personal data. Within the framework of the UUP, the party processing personal data is obligated to ensure that the data is processed legally, transparently, and securely. However, the UUJN does not explicitly regulate the mechanism for managing personal data in notarial protocols in accordance with modern data protection principles. This indicates a regulatory gap that needs to be addressed through legal interpretation and regulatory reform.(Kurniawan & Latumahina, 2025).

The continuing discourse on the disharmony between the obligation to maintain confidentiality of notarial protocols and the fulfillment of the rights of personal data subjects can also be analyzed through the approach of norm conflict theory in the legal system. In this theory, norm conflict occurs when two equally applicable legal provisions provide different mandates for a particular legal action. The provisions in the Notary Law emphasize the obligation to maintain confidentiality of protocols as part of the integrity of the notarial office, while the Personal Data Protection Law provides ample scope for data subjects to control the processing of their personal data. The existence of these two norms with different orientations has the potential to create legal dilemmas in practice, particularly when data subjects request access to personal data contained in notarial documents.(Vranes, 2006).

The analysis of these normative conflicts cannot be separated from the principles of legal interpretation recognized in legal theory. The principle of *lex specialis derogat legi generali* is often used to determine which norm should take priority when a conflict arises between two legal rules. In this context, the Notary Law can be viewed as a specific regulation that specifically regulates the notarial profession, while the Personal Data Protection Law has a more general character because it applies to various sectors that process personal data. This approach can provide an argument that the obligation to maintain the confidentiality of notarial protocols should still be prioritized in notarial practice.(Irfani, 2020).

The *lex specialis* approach does not always provide a final answer to the conflicting norms that arise. The Personal Data Protection Law was enacted long after the Notary Law and introduced a new paradigm regarding the protection of individual privacy rights. This situation opens up the possibility of applying the principle of *lex posterior derogat legi priori*, which states that a newer legal regulation can override an older legal regulation if both regulate the same issue. If this approach is strictly applied, the rights of personal data subjects as stipulated in the PDP Law can be considered stronger than the obligation to maintain confidentiality of notary protocols stipulated in the previous regulation.(Atmadja, 2018).

These differences in interpretative approaches indicate that the disharmony of norms between the UUJN and the UU PDP is not merely a technical issue, but also concerns the direction of development of the national legal system. Modern legal systems tend to place greater emphasis on protecting privacy rights and individual control over their personal data. This trend is evident in various data protection regulations in various

countries, which place data subject rights as a key element in managing personal information. From this perspective, notarial practice in Indonesia is also required to adapt to these legal developments without neglecting the basic principles of official confidentiality.(Greenleaf, 2023).

Another legal implication arising from this disharmony of norms relates to the potential legal liability that may be imposed on notaries. If a notary refuses to grant access to personal data requested by a data subject, this action could potentially be viewed as a violation of the data subject's rights as stipulated in the Data Protection and Data Protection Law. Conversely, if a notary grants access to data contained in a protocol without a clear legal basis, this action could be considered a violation of the obligation to maintain professional confidentiality as stipulated in the UUJN. This dilemma places notaries in a situation of legal uncertainty that could potentially give rise to future disputes.(Yulianti & Anshari, 2021).

The perspective of civil liability is also an important aspect in examining the implications of this normative disharmony. Notaries, as public officials, can be held accountable if their actions cause harm to another party. Violation of the obligation to maintain the confidentiality of notarial documents can be considered an unlawful act if it causes harm to the parties listed in the deed. At the same time, a notary's failure to protect personal data under their control can also give rise to lawsuits based on the principle of personal data protection. This situation indicates that normative disharmony has the potential to broaden the spectrum of notaries' legal responsibilities in practice.(Suparidho & Umami, 2025).

Administrative legal consequences may also arise if a notary is deemed to have failed to fulfill their obligations regarding personal data protection. The Personal Data Protection Law authorizes the competent authorities to impose administrative sanctions on parties who violate the provisions on personal data processing. In the context of notaries, notaries, as the parties who collect and store personal data, can be positioned as controllers or processors of personal data. This position imposes additional obligations on notaries to ensure that personal data contained in notarial documents is processed securely and in accordance with personal data protection principles.(Budhijanto, 2024).

The application of the principle of personal data protection in notarial practice is also closely related to the concept of good governance in information management. The principles of accountability and transparency require that every party processing personal data be responsible for the security and use of that data. In the notarial context, this principle can be interpreted as the notary's obligation to ensure that protocol management is carried out with adequate security standards. Strengthening document storage systems, both physical and digital, is a crucial part of efforts to protect personal data contained in notarial documents.(Lumbuun, 2026).

The development of notarial practice in the digital era has reinforced the urgency of clearer regulations regarding personal data protection. The digitization of legal documents and the use of electronic systems in notarial administration have increased service efficiency, but also opened up new potential risks related to data breaches. Personal information contained in notarial deeds can be subject to misuse if not adequately protected by security systems. This situation demonstrates that personal

data protection can no longer be viewed as a secondary issue in notarial practice but has become an integral part of a notary's professional responsibilities.(Syakura, 2025).

A comparative approach to data protection practices within the notarial profession across countries also demonstrates that this issue is a global phenomenon. Several countries with robust data protection regulations, such as the European Union member states, specifically regulate the legal profession's obligations regarding the management of clients' personal data. These regulations generally provide certain exceptions to the obligation of professional confidentiality while maintaining a balance between personal data protection and broader legal interests. This experience can serve as an important reference for developing a legal framework for data protection within notarial practice in Indonesia.(Hert & Papakonstantinou, 2016).

An analysis of the legal implications of this disharmony of norms ultimately demonstrates that the relationship between the obligation to confidentiality notarial protocols and the rights of personal data subjects cannot be understood dichotomously. Both principles essentially serve the same purpose: protecting the legal interests of individuals involved in a legal relationship. Protocol confidentiality aims to maintain the parties' trust in the notarial profession, while personal data protection aims to provide individuals with control over information relating to themselves. A comprehensive understanding of these two principles is an important basis for formulating legal solutions capable of bridging the existing disharmony of norms.(Nasution & Husein, 2025).

3.2. Construction of Harmonized Norms between the Obligation of Confidentiality of Notary Protocols and the Fulfillment of the Rights of Personal Data Subjects from the Perspective of the Notary Law and the Personal Data Protection Law

Modern legal developments demonstrate that personal data protection has become a crucial element in both national and international legal systems. The enactment of Law Number 27 of 2022 concerning Personal Data Protection signifies the state's commitment to guaranteeing the protection of individuals' privacy rights. This regulation grants various rights to data subjects, such as the right to access, correct, and delete personal data processed by other parties. On the other hand, the notary profession, as a public official performing legal services, remains bound by the obligation to maintain the confidentiality of notarial protocols, as stipulated in the Notary Law. The intersection of these two legal regulations creates the need for a harmonized construction of norms so that both legal principles can operate in balance without creating conflict in notarial practice.(Abdillah & Shasrini, 2025).

The construction of norm harmonization is essentially an effort to create harmony between various laws and regulations that govern different but interrelated legal fields. Legal harmonization not only aims to eliminate norm conflicts, but also ensures that the legal system is able to provide certainty, justice, and benefits in a balanced manner. In the context of the relationship between the Notary Law and the Personal Data Protection Law, norm harmonization is necessary to ensure that the protection of notary official secrecy does not violate the rights of personal data subjects, while ensuring that the implementation of data subjects' rights does not undermine the legal function of notarial documents as authentic evidence.(Anggono, 2014).

A harmonization approach to norms can be implemented through a systematic interpretation of the provisions contained in both laws. A systematic interpretation positions each legal norm as part of an overall, interconnected legal system. The obligation to maintain the confidentiality of notarial protocols must be understood as a mechanism to protect the interests of the parties listed in the deed. This protection is also fundamentally aligned with the goal of personal data protection, namely protecting personal information from misuse by unauthorized parties. This understanding demonstrates that protocol confidentiality and personal data protection actually have similar goals, despite being regulated within different legal frameworks.(Slamet, 2006).

The specific characteristics of notarial documents are a crucial factor in formulating a harmonized normative framework between the two legal regimes. Notarial deeds serve as authentic evidence with perfect evidentiary force in court. The integrity of the document is crucial because any changes to the contents of the deed can affect its evidentiary value. Direct application of the right to delete personal data to notarial documents has the potential to damage the integrity of the deed and create legal uncertainty for the parties involved. Therefore, the implementation of personal data subject rights in the notarial context needs to be formulated with these specific characteristics in mind.(Surya & Wahab, 2023).

The concept of norm harmonization can also be developed through a principled approach to balance between differing legal interests. The rights of personal data subjects are part of human rights protection that must be respected by all parties processing personal data. The obligation to maintain the confidentiality of notarial protocols, on the other hand, aims to protect the interests of parties using notary services and to maintain the integrity of the notarial profession. These two interests cannot be absolutely opposed because they both fundamentally aim to protect the legal interests of individuals. A balanced approach is an important basis for formulating implementation mechanisms that do not disadvantage either party.(Budoyo, 2014).

Harmonizing norms between the UUJN and the PDP Law can also be achieved by strengthening the principle of limited access to notarial documents. This principle emphasizes that access to documents contained in notarial protocols can only be granted to parties with a legitimate legal interest. Data subjects listed in notarial deeds, in principle, have the right to know information related to them. However, granting access to these documents must take into account the interests of other parties also listed in the deed. This approach allows for the fulfillment of data subjects' rights without violating the principle of notarial confidentiality.(Anwar & Nepri, 2025).

The application of personal data protection principles in notarial practice can also be achieved through more accountable data management mechanisms. Notaries, as the parties who store documents containing personal data, need to implement data management standards that comply with personal data protection principles. These standards include obligations to maintain document security, restrict access to personal data, and ensure that such data is used only for legitimate purposes. Strengthening this data management system is an important part of efforts to harmonize protocol confidentiality obligations and personal data protection.(Renaldy, 2026).

Another dimension of normative harmonization can be seen through a sectoral regulatory approach. Personal data protection regulations essentially provide space for specific regulations in specific sectors with distinct characteristics. The notary

profession, as a public official producing authentic documents, has distinct characteristics compared to the digital services or public administration sectors. Therefore, guidelines or implementing regulations are needed that specifically govern the application of personal data protection principles in notarial practice. These sectoral regulations can provide legal certainty for notaries in carrying out their professional obligations.(Paonganan et al., 2025).

A comparative approach with legal systems in other countries can also provide perspective in formulating a harmonized norm structure. Countries with robust data protection regulations generally provide certain exceptions to data deletion obligations if the data is necessary for specific legal purposes. Documents with evidentiary value are typically exempted from data deletion obligations to maintain the integrity of the legal system. This practice demonstrates that personal data protection can be implemented without compromising the legal function of official documents with evidentiary value.(Kuner, 2014).

The framework for harmonizing norms between the UUJN and the PDP Law also needs to consider the ethical dimensions of the notary profession. Professional ethics positions notaries as parties who must maintain the integrity, independence, and confidentiality of the parties' information. This principle aligns with the goal of personal data protection, which emphasizes the importance of maintaining the confidentiality of individual information. Integrating the principles of professional ethics and personal data protection can serve as a normative basis for formulating standards of conduct for notaries in managing personal data contained in notarial documents.(Supriadi, 2006).

Strengthening normative harmonization ultimately requires support from more comprehensive legal policies. Establishing technical guidelines on personal data protection in notarial practice could be a strategic step to address existing normative disharmony. These guidelines could regulate procedures for granting access to personal data, document security mechanisms, and limitations on the exercise of the right to delete data in notarial documents. Clear guidelines will provide legal certainty for notaries while ensuring proportional protection of the rights of personal data subjects.(Chandranegara, 2019).

The construction of a harmonization of norms between the obligation to maintain confidentiality of notarial protocols and the fulfillment of the rights of personal data subjects must ultimately be directed towards creating a balance between the protection of individual rights and legal certainty in notarial practice. The integration of the principle of official confidentiality and the principle of personal data protection demonstrates that these two legal regulations do not have to be in conflict, but can instead complement each other in protecting the legal interests of the community. Harmonization of norms is an important step in ensuring that developments in personal data protection laws can be implemented effectively without disrupting the fundamental function of notarial institutions in the Indonesian legal system.(Banola et al., 2025).

The concept of harmonization of norms in the national legal system is essentially not only related to efforts to eliminate conflicts between laws and regulations, but also concerns the formation of a complementary relationship between different legal norms. Legal harmonization serves to maintain the consistency of the legal system so that each norm can be implemented effectively without creating legal uncertainty. In the

context of the relationship between the Notary Law and the Personal Data Protection Law, harmonization of norms is necessary to ensure that the obligation to maintain the confidentiality of notarial protocols remains protected without neglecting the rights of personal data subjects guaranteed by laws and regulations.(Mertokusumo, 2010).

This norm harmonization approach can be analyzed through the perspective of legal systems theory, which views law as a structure consisting of various interrelated elements. This theory emphasizes that each legal rule cannot be understood in isolation but must be viewed in relation to other rules within the same legal system. The provisions regarding the confidentiality of notarial protocols in the Notary Law and the provisions regarding data subject rights in the Personal Data Protection Law are part of the same legal system, so both need to be interpreted in an integrated manner to avoid conflicts in their practical application.(Friedman, 1975).

A framework for harmonizing norms between the two laws can also be developed through an integrated approach to legal principles. The principle of notarial confidentiality essentially aims to protect the interests of the parties involved in a legal relationship, as outlined in an authentic deed. This protection includes protecting personal information provided by the parties to the notary. On the other hand, the principle of personal data protection emphasizes the importance of maintaining the confidentiality of individual information to prevent misuse by other parties. Both principles have a similar goal: protecting personal information from unauthorized use. Therefore, harmonization of norms can be achieved by positioning both principles as part of a complementary legal protection system.(Sisca, 2024).

Implementing harmonization of norms in notarial practice requires an approach that takes into account the specific characteristics of notarial documents as authentic evidence. Notarial deeds not only function as administrative documents but also serve as evidence with high legal force in judicial proceedings. Changes to the content or existence of a deed can affect the evidentiary value of the document. Direct application of the right to delete personal data to notarial documents has the potential to damage the integrity of the deed and create legal uncertainty for interested parties. Therefore, harmonization of norms needs to consider protecting the integrity of documents as part of legal certainty.(Sirait & Djaja, 2023).

Another approach that can be used to build normative harmonization is through the application of the principle of proportional limitation of rights. This principle asserts that any right guaranteed by law can be limited as long as the limitation has a clear legal basis, aims to protect legitimate interests, and is implemented proportionally. The data subject's right to have their personal data deleted cannot be applied absolutely if the deletion has the potential to disrupt broader legal interests, such as legal certainty and the protection of authentic evidence. In this context, the obligation to maintain the confidentiality of notary protocols can be seen as a legitimate limitation on the exercise of the right to have personal data deleted.(Elliott & Thomas, 2017).

The construction of harmonized norms can also be formulated through a profession-based data protection model approach. Professions with specific confidentiality obligations, such as notaries, advocates, and doctors, generally have specific standards for managing personal information obtained from clients or other parties served. These standards stipulate that information obtained in a professional relationship may only be used for purposes related to those professional services. In the notarial context, this

approach can be applied by emphasizing that personal data contained in notarial documents may only be used for legal purposes related to the deed in question.(Rhode, 1998).

A comparative legal perspective also provides insight into how other countries harmonize personal data protection with the legal profession's confidentiality obligations. The European Union's General Data Protection Regulation (GDPR) provides exceptions to the obligation to delete data if the data is necessary to fulfill a legal obligation or for evidentiary purposes in legal proceedings. This exception demonstrates that personal data protection is not intended to eliminate the legal function of official documents with evidentiary value. This approach can serve as a reference in formulating harmonization of norms between the UUJN and the PDP Law in Indonesia.(Lynskey, 2015).

The institutional dimension also needs to be considered in efforts to harmonize norms between the two legal arrangements. Strengthening coordination between the institutions authorized to develop the notary profession and the institutions responsible for implementing personal data protection is a crucial step in ensuring consistent legal implementation. Institutional coordination can produce technical guidelines that provide clarity on how notaries should manage personal data contained in notarial documents. This procedural clarity will reduce the potential for normative conflicts in practice.(Yulisman & Oktapani, 2024).

Strengthening the harmonization of norms can also be achieved through the development of operational standards for managing notary protocols. These standards can include document storage procedures, mechanisms for granting access to personal data, and document security systems, both physical and electronic. Implementing clear operational standards will assist notaries in fulfilling their personal data protection obligations without violating the obligation to maintain professional confidentiality stipulated in the Notary Law.(Panjaitan & Adriansyah, 2024).

Advances in information technology have further strengthened the urgency of harmonizing norms between notarial protocol confidentiality obligations and personal data protection. While the digitization of notarial documents increases efficiency in legal administration, it also creates new risks related to data security. Personal data protection in notarial documents is no longer solely concerned with information confidentiality but also encompasses the security of data storage and processing systems. Harmonization of norms needs to accommodate these technological developments to ensure the legal system remains relevant to the dynamics of modern notarial practice.(Murray, 2016).

The construction of a harmonized norm between the obligation to maintain confidentiality under notarial protocols and the fulfillment of the rights of personal data subjects must ultimately be directed towards creating a balance between the protection of individual rights and legal certainty in notarial practice. A harmonized approach based on the integration of legal principles, the protection of the interests of the parties, and the strengthening of data management standards will create a legal system that is more adaptive to developments in personal data protection. This integration demonstrates that the confidentiality of notarial office and the protection of personal data are not two conflicting concepts, but rather two legal principles that can

work synergistically to protect the legal interests of the public.(Laelaturramadani, 2025).

4. Conclusion

The disharmony between the obligation to maintain the confidentiality of notarial protocols as stipulated in the Notary Law and the fulfillment of the rights of personal data subjects under the Personal Data Protection Law indicates a normative tension in notarial practice. The obligation to maintain confidentiality of protocols is a fundamental principle aimed at maintaining the parties' trust in the notarial profession and protecting the integrity of authentic deeds as evidence with perfect evidentiary force. The implementation of personal data subjects' rights, such as the right to access, the right to rectify, and the right to delete data, on the other hand, reflects modern legal developments that place personal data protection as part of the protection of individual privacy rights. The intersection of these two legal regulations gives rise to legal implications in the form of potential conflicting obligations for notaries in determining the boundary between maintaining the confidentiality of notarial documents and fulfilling the rights of personal data subjects. This condition indicates that without a systematic and proportional interpretative approach, the application of these two norms has the potential to create legal uncertainty in notarial practice. Understanding the implications of this disharmony is an important basis for formulating a construction of harmonized norms between the obligation to maintain the confidentiality of notarial protocols and the fulfillment of the rights of personal data subjects. Legal harmonization can be achieved through a systematic interpretation that positions both principles as part of a complementary legal protection mechanism, while maintaining the integrity of authentic deeds while ensuring the protection of the parties' personal data. This approach emphasizes the application of the principle of proportionality, restricting access to notarial documents based on legitimate legal interests, and strengthening data management standards in notarial practice. The integration of the principle of official confidentiality and the principle of personal data protection ultimately demonstrates that these two legal regulations do not have to be dichotomously opposed, but can be harmonized to create a balance between the protection of individual rights and legal certainty within the Indonesian notarial legal system.

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