

The Role of Notaries in Transferring Ownership Rights to Digital Assets in the Form of Instagram Accounts with Economic Value

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Abstract. *This study aims to analyze the role of notaries in providing legality to the ownership of Instagram accounts that have economic value, examine the strength and legal protection of notarial deeds in the transfer of account ownership, and identify the forms of deeds that can be used in practice in Indonesia. This study uses a normative legal research method with a qualitative approach through a literature study of primary, secondary, and tertiary legal materials supported by limited interviews as expert opinions. The results of the study indicate that Instagram accounts can be qualified as digital assets in the form of intangible objects that have economic value and can be used as objects of agreements. Notaries have a strategic role in providing legal certainty and protection through the creation of authentic deeds even though there are no specific regulations regarding the transfer of social media accounts. Notarial deeds have perfect evidentiary power that can guarantee the validity of the transfer of rights and protect the parties in a preventive and repressive manner. The transfer of Instagram accounts in practice can be done through a deed of transfer of rights agreement or a deed of statement based on the principle of freedom of contract.*

Keywords: *Authentic Deed; Digital Assets; Instagram Account; Notary; Transfer of Rights.*

1. Introduction

The development of digital technology has changed various aspects of life, including in the economic and business realms.¹One emerging phenomenon is

¹Nanda Dwi Rizkia, Hardi Fardiansyah, 2022, The Role of Notaries in Digital Transformation for the Welfare of Indonesian Society, Jurnal Hukum Sasana, No. 2, Vol. VIII, pp. 1–17.

the increasing commercial value of social media accounts, such as Instagram, used as marketing and branding platforms by both individuals and companies. These accounts often have significant followings, making them valuable digital assets that can be bought and sold or transferred. However, transferring ownership of these commercially valuable Instagram accounts raises various legal issues related to legality and the protection of the rights of the parties involved.²

Ownership of an Instagram account can become a legal issue, particularly when ownership transfers due to a sale, inheritance, or even business disputes. The presence of a notary, as a public official authorized to create authentic deeds, should provide legal certainty regarding the legality of these digital assets.³Notaries can play a role in ensuring that ownership of social media accounts that have commercial value is legally recognized and can be legally transferred to other parties.⁴However, to date, there are no specific regulations governing the role of notaries in this regard, creating legal uncertainty for account holders seeking to protect digital assets.

The role of notaries in ensuring legal certainty for digital assets, such as Instagram accounts with economic value, has become increasingly significant with the development of information technology. In practice, notaries have the authority to create authentic deeds for all legal acts, including agreements related to rights and ownership. This deed provides strong evidence of the existence and validity of these legal acts in the eyes of the law. As explained by Syamsudin and Lubis (2018), notaries are public officials appointed by the state to create authentic documents to ensure legal certainty in public life, including in the context of civil law and technological developments.⁵

In the context of property law, even though social media accounts like Instagram are intangible, they still have economic value that can be utilized and transferred. According to Sutedi (2021), the concept of property in property law can be expanded to include intangible objects that have utility value for their owners. Ownership or control over such objects can be used as the object of a contract or guarantee.⁶This opens up the possibility of qualifying social media accounts as tangible legal objects, so that their existence can be formalized through legal instruments, one of which is a notarial deed.

²Heriyanto, Yulius Efendi, and Teguh Wicaksono, 2022, Protection of Heirs' Rights to Digital Assets in Indonesia, *Journal of Humanities Law*, Faculty of Law, LPKD, No. 2, Vol. I, pp. 75–86.

³Anis Rizqiya and Muh, Afif Mahfud, 2023, The Development of Cyber Notary in Indonesia, *Jurnal Notarius UNDIP*, No. 3, Vol. XVII, pp. 81–90.

⁴Mahfuzatun Ni'mah Sona, 2022, Implementation of Cyber Notary in Indonesia and the Legal Status of Cyber Notary-Based Notarial Deeds, *Officium Notarium*, No. 3, Vol IV, pp. 1–15.

⁵Kholidah, et al., 2023, Notaries and PPAT in Indonesia: Application of Theory and Practice in Making Deeds, *Semesta Aksara*, Bantul, pp. 45–47.

⁶Djoni Sumardi Gozali and Noor Hafidah, 2022, Basics of Property Law: Property Rights Provide Enjoyment & Guarantees, UII Press, Yogyakarta, pp. 19-21.

Furthermore, in property law, J. Satrio explains that objects are not always material, but can also be rights that have economic value.⁷This strengthens the argument that Instagram accounts, with all their economic potential, can be treated as assets in civil law. Abdulkadir Muhammad added that Indonesian civil law is constantly evolving to adapt to societal dynamics, including legal needs in the digital age.⁸

From a cyber law perspective, Edmon Makarim stated that electronic information and electronic systems are new legal objects that must be protected and regulated legally.⁹In line with this, Ahmad M. Ramli emphasized that the presence of cyber law is a necessity to provide legal protection for digital works and activities, including Instagram accounts that have economic value.¹⁰

Based on this description, it appears that there is a gap in norms regarding the legality of ownership and transfer of rights to Instagram accounts with economic value. Therefore, the role of notaries is crucial in providing legal certainty through the creation of authentic deeds. The key question is whether notarial deeds can be a valid and valid instrument for resolving Instagram account ownership disputes in Indonesia.

The importance of this research is because it is used to analyze the role of notaries in validating and providing legal protection for the ownership rights of Instagram accounts that have economic value. This research will also explore the challenges faced by notaries in handling digital assets and find solutions that can be applied in legal practice in Indonesia. With clearer legal recognition, it is hoped that digital assets in the form of social media accounts can have legal ownership status, so that they can protect the interests of their owners in various transactions involving these assets based on the background above, the author is interested in conducting this thesis research with the title "The Role of Notaries in the Power of Transfer of Ownership Rights of Digital Assets in the Form of Instagram Accounts That Have Economic Value".

2. Research Methods

The research method used is normative juridical with descriptive analytical specifications. Data were obtained through a literature review of primary, secondary, and tertiary legal materials, supported by limited interviews for

⁷J. Satrio, 1993, *Guarantee Law: Property Guarantee Rights, Mortgage Rights*, Citra Aditya Bakti, Bandung, p. 145.

⁸Abdulkadir Muhammad, 2000, *Indonesian Civil Law*, Citra Aditya Bakti, Bandung, p. 90.

⁹Edmon Makarim, 2005, *Introduction to Telematics Law: A Compilation of Studies*, RajaGrafindo Persada, Jakarta, p. 88.

¹⁰Ahmad M. Ramli, 2004, *Cyber Law and Intellectual Property Rights in the Indonesian Legal System*, Refika Aditama, Bandung, p. 57.

expert opinion. Data analysis was conducted prescriptively by examining laws and legal theories related to the role of notaries in the transfer of ownership of Instagram accounts as digital assets with economic value.

3. Results and Discussion

The development of digital technology has transformed nearly every aspect of human life, including how people acquire, manage, and utilize wealth. In the digital era, wealth is no longer limited to tangible objects like land, houses, or vehicles, but also encompasses intangible assets such as social media accounts, website domains, and even crypto assets. This phenomenon poses new challenges for the legal system, particularly regarding the protection and legal certainty of ownership and transfer of digital assets.¹¹

This research uses a normative juridical approach with normative qualitative analysis, which focuses on the study of positive legal norms, legal theory, and applicable doctrines, and is strengthened by expert opinions (expert interviews) from notary practitioners and legal academics.¹² The ultimate goal is to provide a clear overview and analysis of the legal force of notarial deeds in the transfer of digital assets, with a case study of an economically valuable Instagram account.

3.1. The Role of Notaries in Transfer of PowerOwnership Rights of Digital Assets in the Form of Instagram Accounts That Have Economic Value

The role of notaries in the development of the digital economy is increasingly complex. Notaries are not only tasked with drafting conventional deeds, such as land sales and the establishment of PTs, but are also required to adapt to new forms of assets in the digital world.¹³ In the case of Instagram accounts, a notary acts as a legal guardian of transactions and creates legal certainty for parties transacting virtual assets.

In this context, an Instagram account can be considered an economically valuable digital asset because:

- *Can be owned and controlled by individuals or legal entities.*
- Access rights can be transferred through an agreement between the owner and another party.
- Can be a real object of economic transactions.
- Have a measurable financial value.

Obstacles and Legal Solutions in Digital Account Transfer Through a Notary

There is no explicit legal basis yet

There are no specific regulations that specify that social media accounts are legally tradable objects. This has raised doubts among some notaries about

¹¹Edmon Makarim. op. cit., p. 12.

¹²Soerjono Soekanto and Sri Mamudji, 2015, Normative Legal Research: A Brief Review, RajaGrafindo Persada, Jakarta, p. 13.

¹³Habib Adjie. op. cit., p. 25.

including them in an authentic deed.

Lack of legal awareness of digital society

Many digital business actors conduct account transactions solely based on trust or unwritten agreements, so that when a dispute arises, there is no strong legal basis.

Difficulties of electronic proof

In some cases, proof of account ownership is difficult to verify because it only consists of login information. Without an authentic deed, evidence in court is often weak.

Solutions and Directions for Legal Development

Strengthening the Principle of Freedom of Contract

As long as there is no statutory prohibition, parties are free to enter into any agreement, including the transfer of digital accounts. Notaries can use this principle as the basis for legitimizing the creation of a deed.

Notary Innovation in the Digital Era

Notaries must broaden their understanding of digital objects and adapt their practices to the needs of modern society, including understanding technical aspects such as account authentication, electronic certification, and digital signatures.

Drafting Specific Regulations on Digital Assets

The government needs to establish regulations that explicitly recognize digital assets as legal objects. This could be included in a revised Civil Code or in specific regulations regarding national digital assets.

Improving Digital Legal Literacy

Education for the public, business actors, and digital influencers is necessary so that they understand the importance of the legality of digital transactions through the role of notaries.

Collaboration between Notaries and Digital Authorities

In the future, cooperation between notary organizations and cyber authorities such as BSSN or Kominfo can create a digital verification system for electronic deeds, so that digital asset transfer deeds can be integrated with digital signatures certified electronic hand.

Research Findings

- Instagram accounts can be categorized as digital assets with economic value, because they can be owned, transferred, and provide real financial benefits.
- There are no explicit regulations governing the transfer of social media accounts, but transfers can still be made based on the principle of freedom of contract.
- Notarial deeds have authentic evidentiary power and provide certainty and

legal protection for digital account transfer transactions.

- Notaries play a vital role as a bridge between conventional legal practice and the needs of modern digital law.
- The main obstacles are the lack of norms and conflicts with platform policies, but these can be overcome through legal innovation and formal recognition of digital assets by the state.

3.2. The Power and Legal Protection of Notarial Deeds in the Aspect of Transfer of Ownership of Instagram Accounts That Have Economic Value

In Indonesian law, an authentic deed is the highest and most perfect form of evidence in the civil realm. According to Article 1868 of the Civil Code, an authentic deed is a deed made in the form prescribed by law by or before an authorized public official, in the place where the deed was made.¹⁴

Notaries as authorized public officials are regulated in Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (UUJN).¹⁵ A notarial deed has perfect evidentiary power (*volledig bewijskracht*) and its truth cannot be denied unless it can be proven otherwise in court.¹⁶

In the context of transferring an Instagram account, a notarial deed can be used to prove a legal agreement between the seller and buyer of the account, outlining the subject matter of the agreement, the transaction value, the parties' rights and obligations, and the guarantee of ownership. Thus, the deed serves as a formal legal instrument that provides:

- The power of proof that the transition actually occurred.
- Legal certainty regarding who the rightful owner of the account is after the transfer.
- Legal protection for the recipient of the rights so that they are not harmed.

Interviews with several notaries who have handled digital transactions revealed that, although not yet commonplace, creating a deed of transfer of digital asset rights is not prohibited. As long as the object and the parties' intentions are clear, a notary has the authority to document them in an authentic deed.

Legal certainty is one of the main principles of civil law. According to Gustav Radbruch, legal certainty (*Rechtssicherheit*) is one of the three fundamental legal values, alongside justice and utility. Legal certainty ensures that every legal action has predictable legal consequences.

In the transfer of Instagram accounts, legal certainty is needed to ensure:

- That the transfer was carried out on the basis of a valid agreement.
- That account ownership is legally transferred to the new party.

¹⁴Civil Code, Article 1868.

¹⁵Law Number 2 of 2014 concerning the Position of Notary

¹⁶R. Subekti. loc. cit.

- That no party can claim ownership without legal basis.

Without a notarial deed, proof of transfer relies solely on screenshots or electronic conversations, which are inherently weak and easily disputed. With an authentic deed, all elements of the agreement are officially recorded and protected by law.

Ultimately, legal certainty not only creates stability in legal relationships between individuals but also contributes to the development of Indonesia's digital economy. With legal guarantees for digital transactions, the public and businesses will be more confident in investing and developing their digital assets. Therefore, a notarial deed, as proof of the transfer of ownership of an Instagram account, serves not only within the private legal sphere but also plays a strategic role in strengthening the national legal ecosystem in the digital era.

Legal Protection for the Parties

According to Philipus M. Hadjon,¹⁷ Legal protection is any effort to provide a sense of security, both preventively and repressively. In the context of digital asset transfers, notarial deeds serve to provide preventative legal protection by ensuring that:

- The parties understand their rights and obligations.
- There is no fraud or bad faith.
- The objects of the agreement are described in detail (username, followers, email, etc.).

Meanwhile, in a repressive context, if a dispute occurs, a notarial deed can be used as authentic evidence in court, providing a strong legal position for the injured party.

The legal protection provided through notarial deeds also supports the government's efforts to strengthen the public's digital legal literacy. By involving notaries in digital asset transfer transactions, the public is encouraged to understand the importance of legality in the virtual world. This also represents a modernization of legal practice, where the notary's role extends beyond physical deeds to encompass legal instruments in the digital space.

Ultimately, legal protection for parties through notarial deeds reflects the synergy between technological developments and the national legal system. Notaries act as a bridge between the physical and digital worlds, ensuring that every electronic transaction remains within a valid legal framework. With the preventive and repressive legal protection provided through authentic deeds, parties involved in the transfer of Instagram accounts not only gain legal certainty but also guarantee fairness, security, and trust in transactions in the digital age.

¹⁷Philipus M. Hadjon. op. cit., p. 25.

4. Conclusion

Based on the research results, it can be concluded that Instagram accounts with economic value can be categorized as digital assets in the form of intangible objects that can be legally transferred. Notaries play a crucial role in providing legal certainty and protection through the creation of authentic deeds that serve as strong evidence in the transfer of Instagram account ownership. Notarial deeds can provide both preventative and repressive legal protection, although there are currently no specific regulations regarding digital assets in the Indonesian legal system. Therefore, the use of notarial deeds in the transfer of Instagram accounts represents a form of developing notarial practice in the digital era. The recommendations in this research include the need for more specific legal regulations regarding the recognition and transfer of digital assets in Indonesian legislation. Furthermore, notaries need to improve their understanding of digital law and technology to better navigate the increasingly complex developments in electronic transactions. The public is also expected to better understand the importance of legality in digital asset transactions to obtain legal certainty and protection.

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