

The Role and Responsibilities of Notaries in Making Authentic Deeds Using Artificial Intelligence to Avoid Deed Degradation

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Abstract. *The development of Artificial Intelligence technology in legal practice presents both opportunities and challenges for the notary profession, particularly in the preparation of authentic deeds. This technology can assist in drafting, editorial checking, legal reference searches, and initial document analysis, but its use without verification can raise issues regarding the validity of the deed, the confidentiality of the appearing party's data, the principle of prudence, and the risk of the deed being degraded from an authentic deed to a private deed. This study aims to analyze the role of notaries in the preparation of authentic deeds by utilizing Artificial Intelligence to avoid the deed degradation and analyze the notary's legal responsibility if the degradation occurs due to errors in the use of the technology. The study uses a normative juridical approach with descriptive-analytical specifications. Primary, secondary, and tertiary legal materials are collected through literature studies and document studies, then analyzed qualitatively by interpreting applicable legal provisions and linking them to progressive legal theory and the theory of legal responsibility. The results of the study indicate that Artificial Intelligence can only be placed as a technical aid, not a substitute for the authority, legal judgment, and responsibility of the notary's office. Notaries remain obligated to control, verify, read, explain, and ensure that the contents of the deed reflect the wishes of the parties and meet formal and material requirements. If a deed is degraded due to the misuse of Artificial Intelligence, responsibility cannot be transferred to the technological system but remains with the notary to the extent of the error, negligence, or neglect of official duties.*

Keywords: Artificial; Authentic; Degradation; Intelligence; Legal.

1. Introduction

Technological advancements have brought legal practice into an increasingly digitalized work environment. In civil law, authentic deeds hold a crucial position because they serve as strong evidence and provide certainty regarding legal

actions desired by the parties. As public officials, notaries are authorized by the state to create authentic deeds and ensure that the process is in accordance with statutory provisions. The development of electronic services has further expanded the workings of notary offices, from administration and information retrieval to document management, to the use of digital devices to assist in the deed preparation process. This digitalization opens up opportunities for efficiency, but at the same time demands strengthened professional responsibility to ensure that technology does not diminish the quality of deed verification.¹

The concepts of cyber notary and electronic notary represent a shift from purely conventional notary services to practices that utilize technology as a supporting tool. The Notary Law provides limited scope for electronic transaction certification, while the technology supporting electronic transactions is evolving faster than regulatory changes.² In this context, Artificial Intelligence is beginning to be used to formulate clause structures, assist with initial document analysis, search for legal references, and conduct editorial checks. While this utilization can improve accuracy and speed, AI lacks official authority and cannot assume the role of a notary as a public official.³

The main problem arises when AI output is treated as correct without critical examination. AI systems operate based on available data patterns and instructions, which can result in overly general wording, inappropriate legal contexts, outdated legal bases, or clauses that do not fully reflect the parties' intentions. In deed drafting, such inaccuracies are not merely technical errors, as the deed must contain concrete, understandable, and accountable intentions for the notary. Therefore, technologically generated drafts can only be used as starting material and cannot be positioned as stand-alone legal products.⁴

The use of AI also increases ethical risks and professional confidentiality. Article 16 paragraph (1) letter f of the Notary Law requires notaries to maintain confidentiality regarding all deeds they create and information obtained for the creation of deeds. If data from the parties, asset information, or the substance of agreements is entered into a cloud-based AI service without adequate security, such information may be beyond the notary's direct control. This risk also relates to the obligation to protect personal data because the information processed in creating deeds generally contains identity data and data that has legal value for

¹ MA Fahrurrozie & EA Priyono. (2024). "The Role of Notaries and Land Deed Officials in Electronic Agreements (Facing the Industrial Revolution 4.0)". *Notarius*, Vol. 17, No. 1, pp. 531-546.

² RNJ Dharmadyawan & NKS Dharmawan. (2022). "Cyber Notary in the Era of Globalization 4.0 and Social 5.0: A Necessity or a Threat." *Acta Comitas: Journal of Notary Law*, Vol. 7, p. 6.

³ Edmon Makarim. (2020). *Notaries and Electronic Transactions: A Legal Study on Cybernotary or Electronic Notary*. Jakarta: PT RajaGrafindo Persada, p. 134.

⁴ MD Riyanti. (2025). "Notaries as Responsible Recipients of Draft Deeds Generated by Artificial Intelligence (AI)". *Notaire*, Vol. 8, No. 3, p. 438.

the parties.⁵Therefore, service modernization cannot be separated from the principles of security, access restrictions, and data processing control.⁶

From an evidentiary perspective, the use of AI becomes relevant when technological errors intersect with the requirements for authenticity of the deed. Article 1868 of the Civil Code establishes the form of the deed, the authority of the official, and the place of preparation as the main elements of an authentic deed. Article 1869 of the Civil Code then regulates the consequences if these elements are not met, namely that the deed loses its authentic nature and can only be considered a private writing if signed by the parties. In the Notary Law, the reading of the deed, the presence of the person appearing and witnesses, and the signing at the appointed time are part of the formal series that maintains authenticity. Technology can assist in the preparation stage, but cannot be used as a basis for eliminating formal obligations that are still expressly maintained by positive law.⁷

Deed degradation is not always caused by AI itself, but rather by how AI is used in the deed-making process. Risks can arise when notaries accept AI output without verification, fail to review the will of the parties, fail to review supporting documents, use unprotected data, or allow automation to reduce the deed-reading and explanation process. Thus, the legal issue lies in the limits of AI use and the level of caution notaries must exercise. Research on the use of AI in notarial practice also shows that the validity and evidentiary power of a deed remain dependent on the fulfillment of legal requirements for deed-making and the control of human authorities.⁸

Based on this construction, this study focuses its analysis on two issues. First, the role of notaries in creating authentic deeds using Artificial Intelligence to avoid the deed's degradation. Second, the legal responsibility of notaries in the event of deed degradation due to the incorrect use of Artificial Intelligence in the deed's creation. The analysis is placed within the framework that the law must be able to respond to technological developments, but such responses must not diminish the character of the notary's office as a position of trust tasked with providing certainty, protection, and order to the parties.

⁵ FU Murdayantin, et al. (2023). "Morals and Ethics of Notaries in the Era of Society 5.0: A Study of the Function of Artificial Intelligence on the Notary Profession." *Das Sollen: Journal of Contemporary Studies of Law and Society*, Vol. 1, No. 2, p. 8.

⁶ Sinta Dewi Rosadi. (2023). *Personal Data Protection in the Digital Era: Indonesia, the European Union, and the United States*. Bandung: PT Refika Aditama, p. 89.

⁷ Ahmad Reysa Fateya Rahman, et al. (2026). "Limitations of the Use of Artificial Intelligence (AI) in the Preparation of Notarial Deeds in Indonesia." *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory*, Vol. 4, No. 2, pp. 1604-1624.

⁸ Naufalazis Ghofur, Efriyanto, & Sariyah. (2026). "Legal Implications of the Utilization of Artificial Intelligence (AI) on the Validity of Authentic Deeds and the Power of Proof in the Implementation of Notarial Deed Digitalization". *Journal Central Publisher*, Vol. 3, No. 7, p. 3976.

2. Research Methods

This research is legal research with a normative juridical approach and descriptive-analytical specifications. The normative juridical approach is used to examine the legal provisions governing the position of notary, authentic deeds, evidentiary power, legal responsibility, electronic transactions, personal data protection, and the use of Artificial Intelligence. The research data is in the form of secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include the Civil Code, the Notary Law and its amendments, the Electronic Information and Transactions Law, and the Personal Data Protection Law. Secondary legal materials consist of books, journals, doctrines, and relevant scientific works, while tertiary legal materials are used to assist in explaining concepts. The collection of legal materials is carried out through literature studies and document studies. All materials are analyzed qualitatively by interpreting applicable legal provisions, linking them to progressive legal theory and legal responsibility theory, then systematically compiling them to answer the problem formulation.

3. Results and Discussion

3.1. The Role of Notaries in Creating Authentic Deeds Using Artificial Intelligence to Avoid Deed Degradation

1) The Position of Artificial Intelligence as a Notary Assistance and Control Tool

In the creation of authentic deeds, the position of a notary is derived from public authority granted by law. Article 15 paragraph (1) of the Notary Law grants notaries the authority to create authentic deeds regarding acts, agreements, and determinations desired by the parties or required by statutory regulations. This authority is personal and inherent in the position. Therefore, AI cannot be positioned as the maker of deeds, recipient of delegation of authority, or subject to oaths and office sanctions. AI devices are only in the technical realm: assisting in drafting, reading document patterns, checking editorial consistency, or tracing initial information. The final legal decision must still come from the notary.⁹

This position emphasizes that modernization does not change the source of a deed's authenticity. A deed is authentic not because it is drafted with sophisticated technology, but because it is drawn up in a legally prescribed form and procedure by or before an authorized official. AI can improve the efficiency of pre-drafting, but it cannot replace the process of identifying the parties, assessing their competence and authority to act, eliciting the parties' intentions, reading, explaining, signing, and storing the minutes. If these processes are shortened

⁹ Habib Adjie. (2015). Indonesian Notary Law: A Thematic Interpretation of Law No. 30 of 2004 concerning the Position of Notary. Bandung: Refika Aditama, pp. 35-38.

simply because the draft is automatically available, the use of technology has the potential to break the chain of authenticity that a notary should maintain.

From a progressive legal perspective, the use of AI is acceptable as long as it is directed towards increasing the utility, accuracy, and access to services without compromising legal protection. The law should not lag behind technological developments, but changes in working methods must remain aligned with the legal objectives for human benefit. Therefore, notaries act as legal curators, examining whether technology truly helps achieve certainty and justice for the parties. The use of AI solely focused on speed, while reducing legal verification and communication, is inconsistent with the preventive function of the notary office.¹⁰

The role of notaries in the use of AI can be formulated in four main forms. First, a preventive role, namely limiting AI to a mere tool and preventing automation from taking over official authority. Second, a corrective role, namely reviewing and correcting AI output that does not comply with regulations, documents, or the wishes of the parties. Third, an educational role, namely providing explanations regarding the contents of the deed, legal consequences, and limits on the use of technology if these are relevant to the parties. Fourth, a documentary role, namely recording the examination process, storing minutes and supporting documents, and ensuring that changes to drafts can be traced. With these four roles, AI is positioned proportionally as a tool, while the notary remains the controller of the legal process.

2) Prevention of Degradation through the Precautionary Principle and Meaningful Human Control

Preventing deed degradation requires a broader application of the precautionary principle than conventional practice. In the pre-drafting stage, notaries need to assess the type of data to be processed, select a system that does not pose excessive risks, and ensure that the data presented is not entered into services that cannot guarantee confidentiality. During the drafting stage, every AI output must be treated as raw material. Notaries are required to verify the legal basis, clause consistency, identity, object, authority of the parties, and the relationship between the clause and the actual intentions. During the finalization stage, the reading and signing must still be carried out in accordance with the provisions of the UUJN.¹¹

This caution can be explained through the concept of meaningful human control. Meaningful human control means that the notary is not simply someone who presses the approval button on the system's output, but also understands the data

¹⁰ Sholahuddin Al-Fatih. (2021). "Opportunities and Challenges of Implementing Cyber Notary in Indonesia: Viewed from a Progressive Legal Aspect." *Lex Generalis Law Journal*, Vol. 2, No. 5, p. 390.

¹¹ RA Pratama. (2024). "Legal Responsibility of Notaries for Leaks of Official Secrets Through the Use of Artificial Intelligence-Based Applications." *Scientific Journal of Law Enforcement*, Vol. 11, No. 1, p. 45.

entered, understands the AI functions used, assesses each adopted clause, and can explain the legal rationale for the changes made. With this model, responsibility is not hidden behind an automated process. The notary remains the decision-maker, accountable for explanations and accountability for the deed.¹²

During identity verification, AI can assist in document reading, pattern recognition, or administrative data comparison. However, this function does not replace the notary's obligation to identify or verify the identity of the person appearing in accordance with procedures. In-person presence allows the notary to assess the parties' competence, free will, and understanding of legal consequences. Factors such as psychological pressure, abuse of power, misunderstanding, or power relationships cannot always be detected by automated systems. Therefore, technology is merely an additional layer in verification, not a substitute for the notary's professional judgment.

At the clause drafting stage, AI has the benefit of streamlining structure and editorial consistency, but it also carries the risk of standardization. Drafts generated from big data patterns can be too generic and fail to capture the nuances of specific agreements. Notaries must reconfirm clauses regarding objects, rights and obligations, timeframes, termination conditions, defaults, dispute resolution, and other legal consequences. AI output that appears textually correct can still be legally erroneous if it does not align with the facts and the parties' intentions.¹³

At the reading stage, the use of AI actually makes the notary's communicative function even more crucial. Technologically generated drafts may use seemingly standard language, but the parties may not necessarily understand its meaning and legal implications. The reading provides a final opportunity to ensure that the contents of the deed are fully understood and agreed to. Therefore, notaries should not use the availability of a digital draft as an excuse to shorten explanations. Violations of the reading and signing process constitute a formal risk that can directly impact the deed's evidentiary validity.

Professional confidentiality must also extend to digital data governance. Data received by a notary public must not be transferred to third-party systems without adequate controls. Notaries should limit the data they process, anonymize it whenever possible, separate identifying data from confidential material, limit staff access rights, and avoid using public services for sensitive documents. This security

¹² Woodrow Barfield & Ugo Pagallo. (2020). *Advanced Introduction to Law and Artificial Intelligence*. Cheltenham: Edward Elgar Publishing, pp. 24-27.

¹³ IMD Setiawan & IA Sukihana. (2023). "Utilization of Artificial Intelligence (AI) in Creating Authentic Deeds and the Urgency of Customer Data Protection." *Kertha Semaya: Journal of Legal Studies*, Vol. 11, No. 8, p. 1762.

is not merely a technical issue, but a necessary part of their professional obligations, as data leaks can cause losses and erode public trust in notaries.¹⁴

Table Stages of Controlling the Utilization of Artificial Intelligence in the Creation of Authentic Deeds

Stage	Main Risks	Notary Actions	Purpose of Law
Pre-construction	Unsafe system selection; confidential data leaked to public services.	Limiting data types, selecting systems, anonymizing, and assigning access.	Maintain data confidentiality and security.
Drafting	Generic clauses, inappropriate legal basis, or distortion of will.	Examine all AI outputs, documents, authority to act, and the will of the parties.	Ensuring compliance with substance and legal certainty.
Finalization	Reading, witnessing, or signing is shortened due to automation.	Carry out all UUJN formalities and ensure that the person appearing understands the contents of the deed.	Maintaining authenticity and evidentiary power.
Post-deed	Data, minutes, or change history are not tracked.	Store minutes, correction records, change tracks, and organize protocol management.	Ensuring integrity, traceability and accountability.

Source: Research results, 2026 (processed).

3) Strengthening Competence and Regulatory Direction

The use of AI also requires strengthening notary competencies. Mastery of civil law and deed-making techniques remains the foundation, but notaries need to understand the basic risks of electronic transactions, information security, personal data protection, and the ethics of AI use. Digital competency is not intended to transform notaries into tech experts, but rather to enable notaries to assess the suitability of a system, understand the risks of data storage, and know when technological results should be rejected or further verified.

In protocol management, AI can assist with indexing, archive searching, document classification, and duplication detection. However, notary protocols are archives that must be kept intact and confidential. The use of technology must ensure document integrity, secure access, and an auditable trail of changes. The use of AI for efficient protocol management is only justified if the notary retains legal control of the documents and has a recovery mechanism in place in the event of errors or unauthorized access.¹⁵

From a *ius constituendum* perspective, the use of AI in notarial practice requires clearer guidelines. The UUJN (National Notary Law) has opened up limited scope for electronic transactions, but it has not yet comprehensively regulated the use of AI in drafting, digital verification, protocol management, and the allocation of responsibilities.¹⁶ Without guidelines, the use of AI is highly dependent on the policies of individual notary offices and can result in differing standards of care.

¹⁴ Desyana Himami, Nuzulia Kumala Sari, & Moh Ali. (2025). "Legal Certainty of the Use of Artificial Intelligence in the Storage of Notary Protocols." *Acten Journal Law Review*, Vol. 2, No. 2, pp. 117-134.

¹⁶ Ainun Najib. (2023). "Legal Protection of Cyber Notary Data Security Based on the Personal Data Protection Law." *Acta Diurnal: Journal of Notary Law*, Vol. 7, No. 1, pp. 43-59.

Therefore, professional organizations and regulators need to establish usage limits, security standards, verification procedures, documentation requirements, and prohibitions on handing over legal decision-making to automated systems.¹⁷

3.2. Notary's Legal Responsibility for Degradation of Deeds Due to Incorrect Use of Artificial Intelligence

1) Basis of Accountability and Its Relationship to Degradation of the Deed

The legal responsibility of a notary in using AI must be placed on the notary's position as a public official, not as a mere user of technology. The authority to create deeds originates from the state and is inherent in the position, so final responsibility for the deed cannot be transferred to an AI system. If the technology produces an erroneous clause, omits important elements, misinterprets the parties' intentions, or includes incorrect data, the notary is still obliged to detect and correct the error before the deed is read and signed. Therefore, AI errors become relevant to liability if the notary fails to fulfill their control and verification obligations.

The relationship between AI errors and the degradation of deeds must also be analyzed causally. Not every imperfect AI output automatically downgrades a deed to a private deed. Degradation occurs when the error is transmitted to the deed and results in the failure to meet the requirements for authenticity or when official procedures are ignored. The measure of accountability, therefore, is not simply the presence or absence of technology, but rather whether the notary acted diligently, checked the output, observed formalities, and could demonstrate that the final decision was based on professional judgment.

If errors are made by office staff, responsibility does not necessarily shift. Staff only assist with administrative tasks and do not have the authority to issue deeds. If staff use AI to prepare drafts or process documents, the notary is still required to provide instructions, supervision, and final inspection. Staff errors can constitute notarial negligence if there is evidence of a lack of operational standards, inadequate supervision, or the notary allowing risky procedures to be carried out without oversight.

2) Forms of Civil, Administrative, Ethical, and Criminal Liability

Civil liability arises when the misuse of AI results in losses for the parties. Article 1365 of the Civil Code regulates the obligation to compensate for losses resulting from unlawful acts, while Article 1366 of the Civil Code extends liability to negligence or carelessness. In the context of AI, negligence can include accepting system output without verification, failing to reread a deed, failing to explain the

¹⁷Luthvi Febryka Nola. (2011). "Opportunities for Implementing Cyber Notary in Indonesian Legislation". State of Law, Vol. 2, No. 1, pp. 75-102.

contents of a deed, or using a service that results in a data leak. If such negligence causes the deed to lose its evidentiary force and the parties suffer losses, the basis for civil liability becomes open.¹⁸

Administrative liability arises when the use of AI causes a notary to violate formal obligations under the UUJN. Neglecting to identify the person appearing, the presence of witnesses, the reading, signing, formatting of the deed, or other statutory obligations can result in a reduction in evidentiary value and trigger official sanctions. Thus, a single series of errors can have two distinct consequences: one for the deed as evidence and one for the notary's position as an official who violates official obligations.¹⁹

Ethical responsibility relates to the obligation to maintain the honor, dignity, independence, and public trust in the profession. Uncontrolled use of AI could undermine ethics if notaries delegate legal judgment to machines, allow automated drafts to be used without review, or use systems that reveal professional secrets. Because the notary position is a position of trust, ethical standards require that the use of technology be explained, limited, and monitored.

Criminal liability does not arise automatically simply because a deed is degraded or because a notary uses AI. Criminal liability still requires an act that meets the definition of a criminal offense, an element of fault, and a connection to a prohibited consequence. AI can only be a tool if the technology is knowingly used to create false statements, manipulate documents, use false identities, or disclose personal data unlawfully. In such circumstances, the subject of liability remains the human controlling the action, not the AI system.

This distinction between the forms of responsibility is important so that not every deed dispute is immediately interpreted as a criminal offense or as the notary's absolute responsibility. Notaries are fundamentally responsible for formal accuracy, which must be verified fairly. If a party intentionally conceals facts or provides false documents that appear legitimate, the notary's responsibility must be assessed based on the level of care exercised. This principle maintains a balance between the obligations of their position and the limits of the notary's ability to discern facts concealed by the parties.

3) Digital Professional Negligence and Prevention Standards

The use of AI introduces a form of digital professional negligence. Negligence occurs not only when a notary misrepresents the contents of a deed, but also when they choose the wrong system, give incorrect instructions, fail to safeguard

¹⁸ Sheila Novia Anggita & Nuzulia Kumala Sari. (2025). "Limitations of Notary's Legal Responsibility for the Preparation of Authentic Deeds Using Artificial Intelligence." *Acta Comitas: Journal of Notary Law*, Vol. 10, No. 3, p. 473.

¹⁹ Ufuk Robert Wibowo. (2020). "What is the Form of Notary Responsibility Due to the Degradation of an Authentic Deed into a Private Deed?" *Humani: Law and Civil Society*, Vol. 10, No. 1, p. 66.

data, fail to supervise staff, or fail to verify the technology's output. Conceptually, these forms can be described as negligence in selecting tools, negligence in instructing in giving instructions, negligence in safeguarding data and documents, negligence in supervising, and negligence in verifying the results. This classification places technology governance as part of the notary's standard of care.

This concept demonstrates that responsibility is active. Notaries cannot simply wait for objections from the parties; they must establish procedures that prevent technological errors from entering the minutes. Internal standards should, at a minimum, regulate the types of work that AI may assist with, categories of data prohibited from being processed in public services, anonymization obligations, staff access rights, manual review of all output, and retention of change records. In the event of a dispute, these working documents can demonstrate that the notary has carried out the process diligently and has not blindly relied on AI.

From a legal perspective, the degradation of a deed can result in losses that only become apparent when a dispute arises. The parties lose the evidentiary benefit of an authentic deed and must re-prove facts that should have previously been fully established. Therefore, a notary's liability is assessed not only for direct economic losses but also for evidentiary losses that are causally related to negligence in the deed-making process.²⁰

On the other hand, the limits of responsibility must be maintained proportionally. A notary cannot be held absolutely liable for all technological errors if they have reasonably selected the system, restricted data, conducted verification, and fulfilled all formal obligations. Liability must be determined based on the existence of errors or negligence attributable to the notary. This approach is crucial to prevent the use of technology from creating new uncertainty, such as the assumption that every technical failure automatically constitutes professional error.

The principles that can be used to establish accountability are control, reasonableness, and traceability. Control means the notary remains the final decision-maker. Reasonableness means the notary's actions are judged based on the standards of a reasonable public official in similar situations. Traceability means the AI-based process can be reconstructed to determine whether errors originated from the parties' data, the system, staff, or notary negligence. These three principles allow modernization to continue without eliminating the centrality of legal accountability to the official who prepared the deed.

4. Conclusion

Based on the research findings, Artificial Intelligence can only be used as a technical aid in the preparation of authentic deeds. The notary's role remains in

²⁰R. Amalia, Musakkir, & S. Muchtar. (2021). "Notary's Liability for Contents of Authentic Deeds that Do Not Conform to the Facts." *Al-Ishlah: Scientific Journal of Law*, Vol. 24, No. 1, pp. 188-206.

controlling, verifying, correcting, reading, explaining, and ratifying the deed, as well as ensuring that the contents of the deed truly reflect the wishes of the parties and meet both formal and material requirements. The use of AI can increase efficiency and accuracy during the preparation stage, but cannot replace official authority, legal judgment, the presence of parties, witnesses, reading, signing, and storing minutes. Preventing deed degradation due to the use of AI requires the principle of prudence, meaningful human control, data protection, access restrictions, manual verification, and process documentation. Within this framework, technology is positioned as an instrument of modernization, while authenticity remains derived from the authority and procedures of the notary's office. Legal responsibility for the degradation of a deed due to the misuse of AI cannot be transferred to the technological system. Responsibility remains with the notary as long as there is error, negligence, or neglect of official duties. This responsibility can take the form of civil liability if losses occur, administrative liability if there is a breach of official duties, ethical liability if the use of technology harms the honor of the profession, and criminal liability if there are elements of acts and errors that meet criminal provisions. The use of AI therefore needs to be supported by internal operational standards and professional guidelines that regulate usage limits, data security, verification of results, staff supervision, and process traceability. Notary organizations and regulators also need to develop specific guidelines so that the modernization of notarial practices takes place with uniform standards and continues to provide legal certainty for the public.

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