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Juridical Review of Notary Authority in Electronic Deeds According to the Regulation of the Minister of Law and Human Rights Number 4 of 2022 concerning the Implementation of Electronic Certificates

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Abstract
The advancement of technology in the field of notarial services has led several countries to adopt electronic notarial deeds as part of their national legal systems, including provisions governing liability in the preparation of such deeds. In Indonesia, Minister of Law and Human Rights Regulation Number 4 of 2022 concerning the Implementation of Electronic Certificates recognizes the use of digital documents and electronic signatures (TTE) integrated with the system of the Ministry of Law and Human Rights. This regulation creates opportunities for the digital implementation of legal services and corporate legality, with legal validity that may be equivalent to documents in physical form. These developments demonstrate the need for specific regulations governing electronic notarial deeds, particularly concerning evidentiary mechanisms, notarial authority, and the authenticity of deeds. Regulatory reform is also required within the civil procedural law system to establish a clearer position for electronic evidence in legal proceedings. In addition to regulatory development, strengthening the capabilities of notaries and public understanding of electronic deeds should be pursued through continuous legal education. These educational efforts may involve the Notary Supervisory Boards, consisting of the MPD, MPW, and MPP, as well as professional organizations representing notaries

Introduction

Currently, technological advances have had a significant impact on life in many sectors, with one of the affected sectors being the legal sector. This sector is required to continue to adapt to the changes that occur in the world of technology. The internet, known as a global computer network, has finally created a new area called *cyberspace*, which is then interpreted as the virtual world or the world of intermediaries.[1]

Communication media that is increasingly advanced and can provide services and uses more effectively and efficiently. So it is also undeniable that information technology can now be said to be the basis of life ranging from social-culture, economy, education, to law. The state of law has an important role in shaping interactions that take place in social, political, and economic aspects in a country, the idea of a state of law cannot be separated from the existence of the Constitution of the Republic of Indonesia which was stipulated in 1945 (1945 Constitution).[2]

Notaries are public officials who gain trust from the state to carry out some government functions, especially those related to legal relations and acts in the civil field. One of the legal products produced through the exercise of notary authority is an authentic deed as stipulated in Article 1868 of the Civil Code. This provision basically explains that an authentic deed is a deed

[1] Musdamayanti, M., & Lestari, A. Y. (2021). Kekuatan Pembuktian Tanda Tangan Elektronik dengan Menggunakan Cyber Notary. *Media of Law and Sharia*, 3(1), 75–86
[2] Marsella, M., & Rafiqi, R. (2026). Reconstruction of Electronic Deed Regulations Based on Legal Certainty and Justice in the Indonesian Notary System. *Rechtsvinding*, 4(2), 121–130

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whose making follows the form and procedure that has been determined by law and is made by or in the presence of a public official who has authority in the area where the deed is made.[3]

In carrying out his position, notaries are not only tasked with pouring the will of the parties into the deed, but also have a role in providing explanations and directions regarding legal aspects related to the making of deeds. Adequate understanding of various laws and regulations is important for notaries so that the implementation of their duties is in accordance with the provisions of the law. This knowledge is also needed so that people who do not have sufficient legal understanding can obtain correct information about the legal acts to be carried out, so that they can avoid actions that have the potential to be contrary to the law.[4]

Authority can be understood as the power granted and recognized by law to a position to carry out certain actions based on the provisions of the regulations that are the basis for its regulation. Each authority has a certain scope and limits determined by laws and regulations. These provisions are also the legal basis for a position in using its authority. In Administrative Law, authority based on the source or method of obtaining it can be divided into three forms, namely attribution, delegation, and mandate.[5]

As a public official who carries out services to the public, notaries derive their authority directly from the law that regulates the position of notary, namely the Law on the Notary Position (UUJN). This authority does not come from other government institutions, including the Ministry of Law and Human Rights. Article 15 of the UUJN is one of the basis for regulating the authority of notaries. Based on these provisions, the authority of notaries can be grouped into three parts, namely general authority, special authority, and other authorities granted based on laws and regulations.[6]

Regarding the principal authority attached to the position of notary. This provision provides legitimacy for the notary to pour various legal acts, agreements, and determinations required by legal provisions into an authentic deed. In exercising this authority, the notary is obliged to pour the will of the parties into the deed by paying attention to the applicable legal provisions and ensuring that the process of making it is carried out in accordance with the established procedures.[7]

In addition to these main authorities, Article 15 paragraph (2) of the Law provides a number of additional powers to the notary. These authorities include notarizing signatures and providing date certainty on the letter under hand through recording in a special book. The notary is also authorized to bookhold the letter under hand, make a copy of the document based on the content of the original document, and check and certify the conformity of the photocopy with the original document shown to him.[8]

Notaries also have the authority to provide legal counseling related to the making of deeds, making deeds related to land, and compiling auction minutes in accordance with applicable legal provisions. In addition to this authority, Article 51 of the UUJN gives the notary the authority to correct writing and/or typos contained in the signed deed minuta. The repair process is carried out through the preparation of the Minutes of Correction, then a copy of it is submitted to interested parties in accordance with applicable regulations.[9]

Article 1868 of the Civil Code (KUHPercivil) is one of the basis for regulating authentic deeds made by notaries. The provisions regarding the form and procedure for making deeds raise problems when applied to transaction mechanisms that use electronic media. This is also related to Article 5 paragraph (4) of Law Number 19 of 2016 as an amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law), which regulates electronic

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3 Achmad, H., & Sihotang, B. (2025). Optimalisasi Peran Ikatan Notaris Indonesia dalam Perlindungan Hukum bagi Notaris. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 3(4), 5320–5333

4 Abdullah, N. (2017). The Position and Authority of Notaries in Making Authentic Deeds. *Journal of Deeds*, *4*(4), 324721.

5 Nasef, M. I., Rido, A., & Primananda, E. (2025). Legality of State Debt Management: A Study on the Principle of the Rule of Law and Legislative Order. *As-Siyasi: Journal of Constitutional Law*, 5(2), 215–228

6 Adolf, J. J., & Handoko, W. (2020). The Existence of Notary Authority in the Making of Land Deeds. *Notary*, *13*(1), 181-192.

7 Natarelli, B. J., Newcomb, M. A., & Heeringa, A. P. (2021). Notarization and Property Recording Requirements in the Age of Social Distancing. *The Business Lawyer*, 76(2), 607–616

8 Anggita, S. N., & Sari, N. K. (2025). Batasan Tanggung Jawab Hukum Notaris terhadap Pembuatan Akta Autentik Menggunakan Artificial Intelligence. *Acta Comitas: Jurnal Hukum Kenotariatan*, 10(03), 465–477

9 Ibid

information and documents that in certain circumstances must be stated in the form of deeds made by notary officials. This condition causes the use of digital documents in notary practice, including the storage or copy of deed minutes in electronic form, still facing problems regarding their acceptance and legal standing.[10]

Law Number 11 of 2008 concerning Information and Electronic Transactions provides a legal basis for the use of electronic signatures in activities carried out through electronic systems. The arrangement allows parties to use electronic signatures with the support of electronic certification providers who meet the requirements based on legal provisions. The use of electronic signatures and electronic certificates has an important function in ensuring the identity of the party conducting the transaction while maintaining the integrity of the information transmitted through the electronic system. The mechanism is also intended to provide assurance that the electronic information used in a transaction can still be ascertained of its authenticity.[11]

Technological advances have encouraged the use of electronic systems in various activities related to the law. However, the regulation on the position of notary has not yet provided a basis that explicitly regulates the authority of notaries in drafting and issuing deeds through electronic mechanisms. Article 1 number 7 of the UUJN defines a notary deed as an authentic deed made by or before a notary based on the form and procedures stipulated in the law. This provision shows that the process of making a deed still places the meeting between the notary and the parties as an important part of its implementation.[12]

This arrangement raises problems when it is associated with the use of information technology in notary practice. The requirement regarding the making of a deed before a notary can be understood as the need to present the parties directly in the process of making a deed. This condition is one of the obstacles in the implementation of electronic mechanisms, because the UUJN has not specifically provided a legal basis that allows the process of making a notary deed to be carried out without the physical presence of the parties before the notary.[13]

Notaries have an important position in providing legal services to the public, especially in terms of making and legalizing documents related to legal acts. The position of notaries as public officials whose authority is derived from laws and regulations places them in the responsibility to carry out all notary duties based on the limits of authority and applicable legal provisions. Technological developments in legal services also raise the need to examine the application of notary authority in making deeds through electronic means.

Research Methods

This research uses a type of normative legal research that focuses on the study of applicable legal norms and provisions. The analysis is carried out by examining various written regulations and laws and regulations related to the object of research, as well as examining the legal principles and thoughts of experts relevant to the problems discussed. The legal materials used in this study are obtained from laws and regulations and various legal literature that are related to the subject matter of the research.[14]

The processing and analysis of data in this study is carried out using a qualitative approach. The data that has been collected is processed and presented in the form of a description that is systematic, logical, structured, and does not overlap with each other. The presentation aims to make the information obtained easier to understand and help the researcher in interpreting the research results. The secondary material obtained through library *research* is first classified and arranged systematically based on the subject matter being researched. Furthermore, the material is analyzed qualitatively to obtain a comprehensive understanding of the legal problems that are the object of the research. In the analysis process, this research uses an inductive thinking pattern, which is

[10] Apriani, N., Alfian, I., & Sari, M. P. P. (2024). The application of Cyber Notary in Indonesia. *Jurnal Ius Constituendum*, 9(1), 101–116
[11] Sundani, T. (2017). Legal Analysis of the Use and Preparation of Electronic Notary Deeds. *Premise Law Journal*, *1*, 165003.
[12] Rachmawati, T. F., & Silviana, A. (2025). Tinjauan Hukum Keabsahan Tanda Tangan Elektronik dalam Akta Notaris Berdasarkan Konsep Cyber Notary. *Jurnal Sosial Humaniora Dan Pendidikan*, 4(2), 171–180
[13] Ibid
[14] Jhonny Ibrahim. (2022). *Teori & Metodologi Penelitian Hukum Normatif*. Bayu Media Publishing

drawing a general conclusion based on the results of the study of various matters or problems of a specific nature. The results of the analysis are then compiled and presented descriptively so that they can provide a clear picture of the object of the research.

Results and Discussion

Regulation of Notary Authority in Making Deeds Electronically

1. Sources of Notary Authority in Making Electronic Deeds

Arrangements related to the certification of electronic transactions are explained in article 15 paragraph (3) of Law Number 2 of 2014 concerning the Notary Position. However, the authority of the notary in making this deed is not a new authority created by Permenkumham Number 4 of 2022, but this authority is an expansion of the way of exercising the attributive authority of article 15 paragraph (1) of Law Number 2 of 2014. Article 15 paragraph (3) of the UUJN is the juridical entrance: "*Notaries have other powers regulated in the law*".[15]

In the provisions of the UUJN in article 15 paragraph 3 it states that notaries also have other authorities regulated in other laws. Other authorities mentioned in article 15 paragraph (3) of Law Number 2 of 2014 which states that:

"Other authorities regulated in laws and regulations include the authority to certify transactions carried out electronically (*cyber notary*), make waqf pledges, and aircraft mortgages".[16]

Then it is reviewed again about the existence of *a cyber notary,* because of these provisions, it can be stated that *cyber notary* can be applied with article 15 paragraph (3) of the UUJN. What is meant *by* "*other authority*" as referred to in article 15 paragraph (3) of Law Number 2 of 2014 concerning Amendments to the UUJN, is further described technically in Permenkumham Number 4 of 2022 concerning the preparation of deeds by notaries electronically.

Regarding the broader electronic transaction activities which are not limited to the application of *cyber notary*, we can look at the standards used as specific directions for electronic transaction activities in existing regulations. The issuance of the ITE Law and the amendment of the new regulation on the implementation of electronic transactions and systems (PP PSTE) as a policy that regulates the conduct of electronic transactions, can be used as a reference for the creation of information security standards for electronic transactions.[17]

Informant A, Notary stated "For notaries, the regulation of the Minister of Law and Human Rights Number 4 of 2022 is not a new authority, but only clarifies the article in the previous UUJN, this electronic certificate is more efficient because if the green analog certificate is lost, it will be difficult to take care of, because there must be a photocopy, but if there is still an electronic it will be able to be viewed and reprinted".[18]

The existence of the Regulation of the Minister of Law and Human Rights Number 4 of 2022 is inseparable from the regulatory framework regarding information and electronic transactions that has been previously determined. The regulation is the basis for implementation in the field it regulates by referring to Law Number 11 of 2008 concerning Information and Electronic Transactions. The provisions in the ITE Law were then updated through Law Number 19 of 2016 which regulates amendments to Law Number 11 of 2008.[19]

2. Cumulative Requirements for the Validity of Electronic Deeds

An authentic deed has the position of an evidence whose formation must meet the requirements set by law. Article 1868 of the Civil Code stipulates that the authenticity of a deed is marked by its creation in accordance with the form and procedure stipulated in the laws and

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15 Kusuma, RA (2021). The Evidentiary Power Of Authentic Deeds From A Civil Law Perspective. *Jurnal Yustisia Indonesia*, 8(1), 55–70

16 Indonesia, Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Notary Position, LNRI Number 3 of 2014, TLNRI Number 5491, article 15 paragraph (3).

17 Pramudyo, E., Mayana, R. F., & Ramli, T. S. (2021). Juridical Review of the Implementation of Cyber Notary Based on the Perspective of the ITE Law and UUJN. *Indonesian Journal of Social Science*, 2(8), 1239-1258.

18 Interview with Notary, Mrs. Utami Dewi S.H., M.Kn. on June 30, 2026 19:30 WIB.

19 Lestari, PD (2022). The Position Of Written Evidence In The Indonesian Civil Evidence System. *National Legality Journal*, 10(3), 211–226

regulations and carried out by or in the presence of an authorized public official in the area where the deed is made. In the exercise of authority in the field of notary, notaries include public officials who obtain authority from the law to make authentic deeds in accordance with applicable legal requirements.[20]

Meanwhile, regarding the recognition and validity of information or documents in electronic form, the provision is also related to Article 6 of Law Number 11 of 2008 concerning Electronic Information and Transactions. The provisions regarding the validity of electronic information state as follows:

"In the event that there are provisions other than those stipulated in article 15 paragraph (4) that require that information must be in written or original form, electronic information and/or electronic documents are considered valid as long as the information contained therein can be accessed, displayed, guaranteed to be complete, and can be held accountable so as to explain a situation".

The recognition of electronic signatures is also reflected in Article 4 paragraph (4) of the Regulation of the Minister of ATR/Head of BPN Number 1 of 2021 concerning Electronic Certificates. This provision provides a legal basis for the use of electronic signatures in electronic documents. As long as its application meets the provisions and requirements set forth in laws and regulations, electronic signatures can be recognized and have legal consequences equivalent to signatures carried out conventionally.

Based on the results of interviews conducted in this study, the implementation of making notary deeds electronically has not been applied in notary practice in the Palembang area and surrounding areas. *Informant B, Notary stated: "If the deed is electronic now, it is not. In Palembang, it is not, if the notary deed is still manual, we still use paper. What has been done electronically is only limited to the registration of Dependent Rights and BPN electronic certificates".*[21]

Based on Article 25 paragraph (2) of the Regulation of the Minister of Law and Human Rights Number 4 of 2022, the preservation of Electronic Signatures and/or electronic seals for a long period of time must meet certain capabilities. These provisions aim to ensure that electronic signatures and electronic seals can still be verified and accounted for their validity of electronic information or electronic documents that have been signed. The capabilities that must be fulfilled in the preservation process include:

a. Validate Electronic Signatures and/or electronic seals;
b. Maintain the validity status of the Electronic Signature and/or electronic seal; and
c. Proving the validity of the Electronic Signature and/or electronic seal on electronic information and/or electronic documents signed since the preservation process was carried out.[22]

Regarding identity forgery, according to the resource person, this electronic system is more effective, this is because the system has been integrated with dukcapil. *Informant C, Notary stated: "Now because it is electronic and has been connected to dukcapil and others, then it can no longer be... For identity forgery because automatically if the NIK has been revoked from the Dukcapil, it will not come out again".*[23]

These provisions are basically a standard that must be met in the use of every electronic signature. This regulation also provides space for various parties to develop techniques, mechanisms, and procedures in producing electronic signatures, including their use in the implementation of *the concept of cyber notary*. With the fulfillment of the requirements set by laws and regulations, electronic signatures have legal status equivalent to conventional signatures.

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[20] Carolina, H. M., Mare, K. S., & Nurwulandari, M. (2025). Perlindungan Hukum terhadap Akta yang Dibuat oleh Notaris dan PPAT. *Jurnal Kajian Hukum Dan Kebijakan Publik*, 3(1), 325–330

[21] Ibid

[22] Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 4 of 2022 concerning the Implementation of Electronic Certificates within the Ministry of Law and Human Rights, LNRI Number 28 of 2022, TLNRI Number 6766, Article 25 paragraph (2).

[23] Interview with Notary, Mrs. Utami Dewi S.H., M.Kn. on June 30, 2026 20:00 WIB.

Therefore, electronic signatures can have the same legal force and consequences as signatures that are done manually. [24].

Based on Article 3, Article 4, Article 5, Article 6, Article 7, and Article 8 of PermenKumHam Number 4 of 2022, there are 5 cumulative conditions for an electronic deed to have the power of proof as an authentic deed, namely:

1. Done by a notary
2. Using a certified system,
3. Using an Officially Certified Electronic Signature (TTE PSrE)
4. Conducting *electronic Know Your Customer* (e-KYC), and
5. Reading via *video conference*.

If one of the conditions is not met, it will result in a degradation of evidentiary strength in accordance with article 9 of PermenKumHam Number 4 of 2022.[25]

Notary Liability in Making Deeds Electronically

The notary's obligation to be responsible arises when in the performance of his duties there are actions that deviate from the provisions of the law, especially those related to the preparation of the deed. If the deviation comes from the will or action of the notary that is done deliberately, then the legal consequences can be imposed on the notary concerned. It is different if the incorrectness in the deed is caused by information, documents, or information provided by the witness. In this condition, the responsibility for the correctness of the material submitted is the responsibility of the party who provides the information, while the notary carries out his role limited to pouring the will and information of the parties into the deed based on the predetermined procedure.[26]

If the inconsistency is sourced from the information provided by the witnesses, the notary is in principle not responsible for the truth of the substance of the information, as long as all formal procedures and authorities have been carried out in accordance with the provisions of the law. In the mechanism of electronic-based notary services, the process of checking the identity of the witness can be supported by technology such as *face recognition* and *liveness detection*. The use of this technology aims to match a person's identity while ensuring that the party carrying out the verification process is the real person, so that it can reduce the risk of using or forging identity in electronic transactions. *Informant C. Notary stated: "Now it is minimal, yes, because it is all online. If you wanted to change the name process if the person has died, sometimes the data can still come out. But now because it is electronic and has been connected to dukcapil and others, then it can no longer be done".*[27]

The loss or damage of notary protocols stored in electronic media due to intentional actions can be categorized as a violation of the law. Notary protocols in electronic form are documents that have legal value and importance for the parties, so that damage or loss of the document has the potential to cause losses. Acts that violate the provisions in the process of storing and managing electronic protocols can be the basis for legal liability for notaries if the action is carried out due to mistake or intentionality.[28]

The notary's liability for violations of electronic protocols can be studied using the theory of legal liability proposed by Hans Kelsen. This theory explains that legal responsibility can be imposed on a person if his actions are contrary to the law and cause losses to other parties. If a notary commits an act that violates the provisions of the law in the storage or management of electronic protocols to the point of causing losses, then the notary can be held personally accountable for the actions he committed.[29]

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[24] Pramudyo, E., Mayana, R. F., & Ramli, T. S. (2021). Juridical Review of the Implementation of Cyber Notary Based on the Perspective of the ITE Law and UUJN. *Indonesian Journal of Social Science*, 2(8), 1239-1258.

[25] Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 4 of 2022 concerning the Making of Deeds by Notaries Electronically, Article 3, Article 4, Article 5, Article 6, Article 7, and Article 8

[26] Gunawan, M., & Erniyanti, E. (2025). Implementation of Electronic Signatures and E-Notarization within the Indonesian Notarial Legal Framework. *International Journal of Sociology and Law*, 2(2), 35–45

[27] Interview with Notary, Mrs. Utami Dewi S.H.,M.Kn. on June 30, 2026

[28] Hartono, N. M., & Raisah, K. (2023). Pertanggungjawaban Notaris Dalam Pembuatan Akta Berkaitan Dengan Pertanahan. *Notarius*, 16(1), 141–149

[29] Nurunnisa, N., & Prasetyawati, E. (2024). Notary Responsibilities in Making Deeds Electronically. *Proceedings*.

The authority of a notary as specified in the Law on the Position of Notary (UUJN) basically includes three scopes, namely general authority, special authority, and additional authority sourced from other laws and regulations. Regulations regarding this can be found, among others, in Article 15 and Article 51 of the UUJN. The form of authority possessed by a notary can be explained as follows:

1. Making an authentic deed. Notaries are authorized to pour various legal acts, agreements, and stipulations into authentic deeds, both because they are required by laws and regulations or at the will of interested parties. This authority also includes determining the certainty of the date of the deed, storing the minutes of the deed, and providing grosse, copies, and citations of the deed. Its implementation is valid as long as the making of the deed is not the authority of officials or other parties specifically determined by law.
2. Legalize the letter under the hand. Legalization is the act of notary in notarizing the signature as well as providing certainty about the date of a letter under the hand through its recording in a special register. The letter is made by the interested party and signed in front of the notary. In this case, the notary provides an endorsement of the signature and date contained in the letter in accordance with the applicable procedures.
3. Certifying the letter under the hand. This authority is carried out by recording or booking the letter under the hand into a special register available to the notary. The notary can also make a copy of the letter based on the original document, with the contents of the copy describing the description contained in the document in question.
4. Certify the suitability of the copy with the original document. In the exercise of this authority, the notary examines the copy or photocopy by comparing it with the original document shown. If there is a match between the two, the notary can provide confirmation of the copy.
5. Providing legal counseling. Notaries have the authority to provide explanations about legal aspects related to legal acts that will be outlined in the deed. The provision of counseling is intended so that the parties understand the consequences and legal provisions of the actions they will take.
6. Make certain deeds related to land and auction minutes. The authority is exercised by the notary based on the provisions and limitations that have been set forth in the applicable laws and regulations.
7. Make corrections to errors in the minutes of the deed. The notary can correct writing errors and/or typos contained in the minutes of the deed that has been signed. The correction process is carried out by making a Minutes of Correction and providing a note on the original minutes of the deed containing the date and number of the minutes. A copy of the Minutes of Correction is then given to interested parties in accordance with the provisions of Article 51 of the UUJN.
8. Exercising other authority based on laws and regulations. In addition to the authority directly mentioned in the UUJN, notaries can obtain additional authority if there are other laws and regulations that provide this authority. This type of authority depends on the legal provisions on which it is granted.[30]

Notary liability in making deeds and managing and storing deed minutes digitally can arise if there is a violation caused by negligence or intentionality. The form of liability can be grouped into three, namely administrative responsibility, civil liability, and criminal liability, according to the type of violation and the legal consequences caused. *Informant D, Notary stated: "If possible, don't, because the responsibility of the notary is not only now but until we retire, it will still be our responsibility, the three responsibilities above are very heavy, so we as notaries minimize the mistakes of the parties involved".*[31]

The application of this concept will have an impact on the process of signing the deed, with the provision that the attending party must be introduced to the notary, the obligation for the notary to read the deed, the presence of witnesses and the area of notary's authority. Regarding the authority of the notary, it is faced with the UUJN and article 1868 of the Civil Code which regulates

[30] UUJN, Article 15 and Article 51

[31] Interview with Notary, Mrs. Utami Dewi S.H.,M.Kn. on June 30, 2026 20:50 WIB

the requirement for notaries that the deed must be made by an authorized official at the place where the deed is made. *Informant E, Notary stated: "Notaries may make deeds outside the area of origin do not make deeds outside the city that is not their place of work, but they must not continuously only once or twice because it is a violation of the UUJN."*[32]

In the management and storage of deeds digitally, notaries have the obligation to implement security measures before documents are stored in electronic systems. Preventive efforts are needed to minimize the risk of unauthorized access, hacking, or damage to deed data. One form of prevention can be done by strengthening the security system of the devices and technological infrastructure used, while still being guided by the standards and information security policies that have been adopted in the provisions of national law, including the Electronic Information and Transaction Law (UU ITE) and its implementing regulations.[33]

The development of regulations in the field of information technology has provided space for the use of electronic media in the management of deed minutes. However, the existence of deed minutes in electronic systems does not necessarily replace their physical form, because the creation and storage of deed deed minutes must still pay attention to the provisions regarding conventional forms required by law. The use of photocopies and printed results of electronically stored deed minutes as evidentiary documents has gained recognition in judicial practice through a number of jurisprudence.[34]

Examples of relevant cases are the Supreme Court Decision (jurisprudence) Number 702 K/Pdt/2015 and the Decision of the Palembang District Court Number 319/Pdt.G/2024/PN Plg. In the Supreme Court decision No. 702 K/Pdt/2015, the Supreme Court emphasized that the negligence of the notary in verifying the identity of the parties caused the deed to become formally and materially defective so that it was null and void based on Article 60 of the UUJN. This rule is relevant for electronic deeds because it follows a higher standard of prudence, namely through electronic identity verification such as the integration of dukcapil and the use of certified TTEs.[35]

As for the Palembang District Court's decision No. 319/Pdt.G/2024/PN Plg, the judge stated that notaries are obliged to check electronic data to the relevant agencies, in this case BPN through the Electronic Dependent Rights (HTEL) system, before making a deed. This negligence results in the responsibility of compensation for the notary. Thus, in current judicial practice, judges have begun to consider electronic data and documents as the basis for the decision. As long as the printed results of the electronic deed have met the requirements for authenticity and integrity as stipulated in Article 5 and Article 6 of the ITE Law, the printed results can be accepted as evidence in court.[36]

Therefore, harmonization between the UUJN and the ITE Law through a Ministerial Regulation is needed so that the printed minuta of electronic deeds signed with a certified TTE has the same evidentiary power as conventional minuta, so as not to cause doubts for judges in the evidentiary process at trial.[37]

Conclusion

The provisions regarding the power of notaries in making deeds electronically have not been clearly regulated in the UUJN. The UUJN still adheres to the principle of "face-to-face" and still uses manual writing on paper. The authority of notaries in making deeds electronically only emerged through the Minister of Law and Human Rights Regulation Number 4 of 2022 concerning the Implementation of Electronic Certificates. However, this newly emerged regulation is not a new authority for notaries but only clarifies the authority in article 15 of the UUJN. In the Permenkumham, notaries can apply for electronic certificates and use Certified Electronic

[32] Ibid

[33] Hidayah, S., Hariyani, E., Mukarromah, L., Niravita, A., & Fikri, M. A. H. (2024). Tantangan dan Peluang Sertifikat Elektronik dalam Reformasi Pendaftaran Tanah di Era Digital. *Jurnal Ilmiah Nusantara*, 1(6), 186–199

[34] Kalaij, A. G. A., & Ridwan, F. H. (2024). The Dilemma of Social Media Use by Notaries: Between Officium Nobile and Personal Interest. *Asian Journal of Engineering, Social and Health*, 3(11), 2579–2589

[35] Decision of the Supreme Court of the Republic of Indonesia Number 702 K/Pdt/2015 dated June 10, 2015.

[36] Palembang District Court. Decision Number 319/Pdt.G/2024/PN Plg dated October 16, 2024

[37] Martam, N. K. (2024). The Effectiveness of Electronic Signatures in Civil Contracts in the Digital Era. *International Journal of Law, Crime and Justice*, 1(4), 128–136

Signatures to support the creation of deeds. However, this Regulation only regulates aspects of electronic certificates, has not regulated in detail the procedures for making deeds, storage of minutes, and the power of proof. So that the authority of notaries in making electronic deeds is still limited and does not stand alone.

The responsibility of the notary in making an electronic deed is based on the principle of based *on fault of liability*, which is accountability based on the error of the notary. If in the process of preparing an electronic authentic deed there is an error or violation committed by the notary, either intentionally or due to negligence, then the notary can be held accountable for his actions. On the other hand, if the error in the deed comes from information, data, or statements provided by the parties, the responsibility cannot be imposed on the notary as long as the notary has carried out his duties and authority in accordance with the applicable legal provisions. The notary is basically in charge of pouring the will and information submitted by the parties into the deed, so that the material truth of the information provided is the responsibility of the party who submits it.

Bibliography

Abdullah, N. 2017. "The Position and Authority of Notaries in Making Authentic Deeds." *Journal of Deeds*, Vol. 4, No. 4, 324721.

Achmad, H., dan B. Sihotang. 2025. "Optimalisasi Peran Ikatan Notaris Indonesia dalam Perlindungan Hukum bagi Notaris." *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, Vol. 3, No. 4, hlm. 5320–5333.

Adolf, J. J., dan W. Handoko. 2020. "The Existence of Notary Authority in the Making of Land Deeds." *Notary*, Vol. 13, No. 1, hlm. 181–192.

Anggita, S. N., dan N. K. Sari. 2025. "Batasan Tanggung Jawab Hukum Notaris terhadap Pembuatan Akta Autentik Menggunakan Artificial Intelligence." *Acta Comitas: Jurnal Hukum Kenotariatan*, Vol. 10, No. 3, hlm. 465–477.

Apriani, N., I. Alfian, dan M. P. P. Sari. 2024. "The Application of Cyber Notary in Indonesia." *Jurnal Ius Constituendum*, Vol. 9, No. 1, hlm. 101–116.

Carolina, H. M., K. S. Mare, dan M. Nurwulandari. 2025. "Perlindungan Hukum terhadap Akta yang Dibuat oleh Notaris dan PPAT." *Jurnal Kajian Hukum dan Kebijakan Publik*, Vol. 3, No. 1, hlm. 325–330.

Gunawan, M., dan E. Erniyanti. 2025. "Implementation of Electronic Signatures and E-Notarization within the Indonesian Notarial Legal Framework." *International Journal of Sociology and Law*, Vol. 2, No. 2, hlm. 35–45.

Hartono, N. M., dan K. Raisah. 2023. "Pertanggungjawaban Notaris dalam Pembuatan Akta Berkaitan dengan Pertanahan." *Notarius*, Vol. 16, No. 1, hlm. 141–149.

Hidayah, S., E. Hariyani, L. Mukarromah, A. Niravita, dan M. A. H. Fikri. 2024. "Tantangan dan Peluang Sertifikat Elektronik dalam Reformasi Pendaftaran Tanah di Era Digital." *Jurnal Ilmiah Nusantara*, Vol. 1, No. 6, hlm. 186–199.

Ibrahim, Jhonny. 2022. *Teori & Metodologi Penelitian Hukum Normatif*. Bayu Media Publishing.

Kalaij, A. G. A., dan F. H. Ridwan. 2024. "The Dilemma of Social Media Use by Notaries: Between Officium Nobile and Personal Interest." *Asian Journal of Engineering, Social and Health*, Vol. 3, No. 11, hlm. 2579–2589.

Kusuma, R. A. 2021. "The Evidentiary Power of Authentic Deeds From a Civil Law Perspective." *Jurnal Yustisia Indonesia*, Vol. 8, No. 1, hlm. 55–70.

Lestari, P. D. 2022. "The Position of Written Evidence in the Indonesian Civil Evidence System." *National Legality Journal*, Vol. 10, No. 3, hlm. 211–226.

Marsella, M., dan R. Rafiqi. 2026. "Reconstruction of Electronic Deed Regulations Based on Legal Certainty and Justice in the Indonesian Notary System." *Rechtsvinding*, Vol. 4, No. 2, hlm. 121–130.

Martam, N. K. 2024. "The Effectiveness of Electronic Signatures in Civil Contracts in the Digital Era." *International Journal of Law, Crime and Justice*, Vol. 1, No. 4, hlm. 128–136.

Musdamayanti, M., dan A. Y. Lestari. 2021. "Kekuatan Pembuktian Tanda Tangan Elektronik dengan Menggunakan Cyber Notary." *Media of Law and Sharia*, Vol. 3, No. 1, hlm. 75–86.

Nasef, M. I., A. Rido, dan E. Primananda. 2025. "Legality of State Debt Management: A Study on the Principle of the Rule of Law and Legislative Order." *As-Siyasi: Journal of Constitutional Law*, Vol. 5, No. 2, hlm. 215–228.

Natarelli, B. J., M. A. Newcomb, dan A. P. Heeringa. 2021. "Notarization and Property Recording Requirements in the Age of Social Distancing." *The Business Lawyer*, Vol. 76, No. 2, hlm. 607–616.

Nurunnisa, N., dan E. Prasetyawati. 2024. "Notary Responsibilities in Making Deeds Electronically." *Proceedings*.

Peraturan Menteri Hukum dan Hak Asasi Manusia Republik Indonesia Nomor 4 Tahun 2022 tentang Penyelenggaraan Sertifikat Elektronik di Lingkungan Kementerian Hukum dan Hak Asasi Manusia.

Pramudyo, E., R. F. Mayana, dan T. S. Ramli. 2021. "Juridical Review of the Implementation of Cyber Notary Based on the Perspective of the ITE Law and UUJN." *Indonesian Journal of Social Science*, Vol. 2, No. 8, hlm. 1239–1258.

Putusan Mahkamah Agung Republik Indonesia Nomor 702 K/Pdt/2015, tanggal 10 Juni 2015.

Putusan Pengadilan Negeri Palembang Nomor 319/Pdt.G/2024/PN Plg, tanggal 16 Oktober 2024.

Rachmawati, T. F., dan A. Silviana. 2025. "Tinjauan Hukum Keabsahan Tanda Tangan Elektronik dalam Akta Notaris Berdasarkan Konsep Cyber Notary." *Jurnal Sosial Humaniora dan Pendidikan*, Vol. 4, No. 2, hlm. 171–180.

Republik Indonesia. Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris sebagaimana telah diubah dengan Undang-Undang Nomor 2 Tahun 2014 tentang Perubahan atas Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris. Lembaran Negara Republik Indonesia Tahun 2014 Nomor 3, Tambahan Lembaran Negara Republik Indonesia Nomor 5491.

Sundani, T. 2017. "Legal Analysis of the Use and Preparation of Electronic Notary Deeds." *Premise Law Journal*, Vol. 1, 165003.