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The Ethical Dilemma and Integrity of the Notary Role in the Execution of Cyber Notary: Challenges to the Requirement of Physical Deed Review

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ABSTRACT

The rapid progression of information technology and the expansion of the digital economy have increased the demand for notarial services that are efficient, accessible, and electronically integrated. In Indonesia, the concept of cyber notary is recognised to a limited degree in the Elucidation of Article 15 paragraph (3) of the Law on Notarial Office (UUJN). The UUJN stipulates that deeds must be read in the presence of the concerned parties and signed simultaneously, underscoring the requirement for personal attendance. This disparity creates an ethical challenge and may undermine the integrity of the notarial profession, since efforts to modernise notarial services can conflict with the legal requirements that verify the authenticity of notarial deeds. This article examines compliance with the standards of vigilance and prudence required of notaries in providing electronic services, particularly with identity verification, legal capacity, informed consent, and the reading of deeds. It also analyses the normative boundaries of the expression "before the appearing parties" in a digital setting. The research employs a normative legal framework, supported by empirical data obtained from literature reviews and extensive interviews with notaries. The results provide an ethical and operational basis for cyber notary activities rooted in notarial due process. The framework emphasises comprehensive identity verification, verifiable documentation of the notarial process, protections against coercion, system security and data protection measures, as well as limitations on technology use during the pre-deed phase and in the certification of electronic transactions. From a policy perspective, normative harmonisation is crucial to ensure that digital change bolsters legal certainty while maintaining the legitimacy of notarial acts and the integrity of the notarial profession.

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1. Introduction

The progression of information technology and the swift expansion of the digital economy have altered the structure of legal relationships throughout society. Many functions previously performed historically are now shifting to electronic systems, including commercial transactions, banking services, government administration, and the provision of various legal services.[1] This transformation modifies interpersonal connections and requires legal services that are accelerated, more efficient, and able to connect parties without spatial or time limitations. Digitalisation is crucial to the modernisation of the legal system and public services in Indonesia.[2]

The amendment also affects the role of notaries, an institution crucial for maintaining legal clarity. The digitization of notaries in Indonesia signifies a pivotal phase in the modernization of legal services, particularly through the deployment of various electronic platforms, including General Legal Administration (AHU Online), the Legal Entity Administration System (SABH), electronic fiduciary services, online will reporting, and multiple information systems integrated with the Ministry of Law. The implementation of these systems has revolutionized notarial practice from traditional administrative methods to technology-driven legal services. Applications for company establishment, revisions to articles of association, fiduciary registration, and other legal administrative services are now processed electronically using digital accounts designated for notaries.[3] The use of this system has transformed the notarial work mechanism from traditional administrative processes to one reliant on information technology. Applications for the formation of legal entities, modifications to the company's articles of association, registration of fiduciary guarantees, and various other legal administrative services are now conducted via an electronic system linked to a digital account associated with the notary's identity.[4]

The number of registered limited liability businesses rose from 68,565 in 2019 to 112,158 in 2025, indicating an increase of about 63.6% over six years. The foundation and alteration of limited liability corporations necessitate notarial deeds, indicating an increasing dependence of enterprises and the public on electronically facilitated notarial services. The growing prevalence of digital legal administration indicates that digitalization has evolved into an operational need rather than a mere administrative advancement. Nonetheless, this swift expansion has not been matched by corresponding legal advancements regulating the allowable parameters of cyber notary procedures, especially concerning the execution of valid acts. The demand for effective digital notarial services is increasing, however legal certainty about their execution remains ambiguous. The transformation is seen in the ongoing increase of electronically managed corporation registrations via the AHU Online system. Official statistics from the Directorate General of General Legal Administration suggest.[5]

These developments signify that digital technology has evolved from a mere administrative tool into an essential instrument for carrying out various aspects of notarial authority. Technological advancement has also expanded stakeholder communication,

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[1] Hutabarat et al., *Cyber-Law: Quo Vadis Regulasi UU ITE dalam Revolusi Industri 4.0 Menuju Era Society 5.0*.
[2] Abdillah, Ghapa, and Makhtar, "Cyber Notary: Adaptation to Changes in Notary Practices in Indonesia."
[3] Hrp, "Optimalisasi Pendaftaran Badan Hukum Perseroan Terbatas secara Online demi Kepastian Hukum di Era Transformasi Digital."
[4] Savita, Mahfud, and Nga, "Normative Fragmentation in Indonesian Notary Law: Regulatory Harmonization of Cyber Notary and Electronic Signatures toward Structural Justice."
[5] Direktorat Jenderal Administrasi Hukum Umum, Kementerian Hukum Republik Indonesia, "Jumlah Pendaftaran Perseroan."

electronic document exchange, electronic signatures, digital identity verification, and electronic archive management. Consequently, notarial services are increasingly expected to operate in a flexible and technologically adaptive manner. This expectation continues to intensify with the rapid growth of electronic transactions, cross-regional business activities, and public demand for efficient and accessible legal services.[6]

This scenario initiated a debate on cybernotary as an adaptation of the notary profession to advancements in information technology.[7] A cybernotary is defined as the application of digital technology in performing notarial functions, encompassing communication with parties, data and document verification, electronic archive storage, and the certification of transactions conducted via electronic media.[8] This concept arises from the necessity to modify notarisation practices to align with the demands of a digital society that necessitates efficiency and accessibility to legal services. The advancement of communication technology facilitates real-time contact via audiovisual means, enabling the notary and the parties to convene in the same virtual area without physical presence.

The evolution of this practice did not entirely align with the establishment of Indonesian notary law. The Indonesian notarial system is founded on the notion of stringent formality as a prerequisite for the creation of a genuine deed.[9] The Notary Position Law mandates that notaries read the deed in the presence of witnesses and confirm simultaneous signatures. These obligations serve as legal protection mechanisms rather than mere administrative procedures, ensuring that the identities of the parties are thoroughly verified, their legal capacity is assessed, the content of the deed is comprehended, and the intentions articulated in the birth certificate are expressed freely, devoid of coercion, error, or fraud. The validity of a deed is judged by both its content and adherence to all legal formalities.

The issue emerges when technical advancements encroach upon the realm that has been fundamental to the creation of genuine actions. The utilisation of technology for communication, document transmission, or archival storage generally does not pose substantial issues. Legal issues emerge when technology is employed to substitute for or diminish the components of the actual presence of the parties and the direct examination of the deed by a notary.[10] This scenario prompts essential enquiries on the boundaries of technology use in notarial practice. The significance of this dilemma arises from the fact that the legitimacy of a deed is contingent upon adherence to the formal conditions mandated by law. Failure to comply with these conditions may result in legal repercussions, including the diminishment of the deed's evidential value and potentially jeopardising the deed's validity.[11]

The conflict between the necessity for digitisation and the formal prerequisites for creating a legitimate act is becoming increasingly apparent in the relevant legal frameworks. Article 15, paragraph (3) of the Law on the Notary Position defines the term cybernotary, granting notaries the competence to authenticate electronically conducted transactions. The

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[6] Faisal et al., "Harmonisasi UU Jabatan Notaris dengan Perkembangan Teknologi Informasi di Indonesia."

[7] Rihhadatul'aisy, Mayana, and Ramli, "Cyber Notary sebagai Pembaharuan Hukum: Urgensi dan Tantangan dalam Implementasinya."

[8] Rumengan, "Analisis Akta Notaris dalam Era *Cyber Notary* Ditinjau dari Asas *Tabellionis Officium Fideliter Exercebo*."

[9] Eli and Rasji, "Pembaharuan Hukum terhadap Kekuatan Akta Autentik Elektronik."

[10] Andini et al., "Tinjauan Hukum terhadap Integritas Kecerdasan Buatan dalam Tugas dan Wewenang Notaris di Era Digital."

[11] Hasan et al., "The Essence of a Notary's Responsibility in the Preparation of Cyber-Notary–Based Authentic Deeds."

legislation lacks explicit boundaries regarding the application of technology in the creation of legitimate deeds. The Electronic Information and Transactions Act acknowledges electronic papers as legitimate evidence, although it excludes those that must legally be executed as notarial deeds. The establishment of this standard indicates that Indonesia's positive legislation permits the integration of technology in notarial activities; yet, it lacks specificity regarding the permissible extent of technology use without compromising the authenticity of a deed.

This uncertainty not only engenders normative issues but also poses an ethical quandary for notaries. The public's demand for rapid and adaptable legal services frequently promotes the integration of technology in several phases of notary services. Conversely, notaries are encumbered by the duty to uphold standards of correctness and clarity as mandated by the Law on the Notary Position and the Notary Code of Ethics. The utilisation of electronic media in the execution of deeds presents several risks, such as challenges in direct identity verification, heightened potential for identity fraud or misuse, constraints on notaries in safeguarding the parties' autonomy, susceptibility to personal data breaches, and the potential for disputes concerning the validity and evidentiary weight of the resultant deeds. These hazards indicate that the utilisation of technology pertains not only to service efficiency but also to legal protection for the parties involved and the integrity of the notary's office.

Prior research has predominantly analyzed cyber notary through the lens of electronic signature legislation. Purwanto and Purwoadmojo (2023) examined the legal validity of electronic signatures in notarial deeds and determined that electronic signatures are applicable solely to relaas deeds, whereas partij deeds necessitate physical presence in compliance with Article 16 of the Law on Notary Position.[12] Similarly, Figgo and Turisno (2023) examined the legal validity of electronic signatures by notaries, scrutinizing the relationship between the Electronic Information and Transactions Law and the Law on Notary Position.[13] Their study revealed that while electronic signatures are legally recognized, Indonesian legislation has not established a full legal framework for their use in valid notarial deeds, as the requirement for the notary's physical presence remains obligatory. While these studies substantially enhance the comprehension of the legality of electronic signatures in cyber notary practice, they predominantly emphasize normative legal recognition and regulatory interpretation. Their analysis does not explicitly address the ethical responsibilities of notaries, the prudential norms necessary for digital notarial services, or the interpretation of the statutory requirement to read the deed to the appearing parties as a fundamental aspect of notarial due process. This study examines the gap by analyzing cyber notary through the lens of professional ethics, prudential standards, and the procedural safeguards essential for maintaining the authenticity and evidentiary value of notarial deeds in the digital age.

This study investigates two principal inquiries related to these matters. Firstly, it evaluates whether the employment of cyber notaries in the execution of electronic deeds adheres to the standards of prudence and professional responsibility mandated by the Law on Notary Position and the Notary Code of Ethics. Secondly, it scrutinizes the interpretation of the normative requirement that a deed be read "before the appearing parties" within the digital context to maintain the authenticity and evidentiary value of notarial deeds.

This study aims to assess the alignment of existing cyber notary practices with the

[12] Purwanto and Purwoadmojo, "Tinjauan Yuridis Legalitas Penggunaan Tanda Tangan Elektronik dalam Akta Notaris."
[13] Figgo and Turisno, "Keabsahan Tanda Tangan Elektronik oleh Notaris."

principles of notarial due process and to establish normative parameters for the utilization of digital technology in the execution of authentic deeds. Additionally, it aspires to enhance theoretical discourse by broadening the examination of cyber notary beyond the traditional considerations of electronic signature legality and regulatory harmonization. Instead, it formulates an analytical framework that intertwines professional ethics, prudential standards, and notarial due process as interrelated principles for evaluating the legitimacy of digital notarial practices.

This research offers views on two dimensions. This study clarifies the relationship between the legal responsibilities of notaries and the principles of prudence, professional integrity, and legal protection for parties in the digital era. This research formulates a cybernotary ethical-operational framework that regards technology as an instrument to improve notarial due process while maintaining the essential principles of authentic deeds.

2. Method and Legal Material

This research employs a normative legal methodology augmented by a socio-legal viewpoint. Sulistyowati Irianto contends that the socio-legal approach is a legal research methodology that analyzes law not merely as codified norms in statutes (law in books) but also as a social practice operating within society (law in action).[14] This methodology enables scholars to comprehend the correlation between legal standards and empirical reality, so offering a more thorough depiction of the legal issues under investigation. This method was employed since the concerns examined in this study are not only to the establishment of regulations concerning cybernotary and the creation of legitimate deeds, but also to the professional practices of notaries in the context of technological progress.

The normative legal analysis employed statutory and conceptual methodologies. The statutory analysis reviewed Law Number 2 of 2014 regarding the Notary Office, Law Number 1 of 2024 pertaining to the Second Amendment of the Electronic Information and Transactions Law, Government Regulation Number 71 of 2019 on the Implementation of Electronic Systems and Transactions, and additional pertinent regulations governing electronic legal services. The aim of this analysis was to delineate the normative limits of the obligation for parties to read deeds, the prudential norms expected of notaries, and the interplay between the notarial legal framework and the electronic transaction regime.

To implement the socio-legal perspective, empirical data were collected via semi-structured interviews with three practicing notaries in Semarang City, Central Java. The informants were chosen via purposive sampling according to three criteria: (i) active participation in technology-assisted notarial services utilizing electronic legal administration systems, including AHU Online; (ii) practical experience in managing electronic legal administration; and (iii) adequate professional experience to assess the ethical and legal ramifications of digital technology in notarial practice. The interviews concentrated on identity verification, deed examination protocols, the utilization of electronic signatures, and ethical dilemmas faced in digital legal services. Each interview endured for around 45 to 60 minutes.

The research data comprised primary, secondary, and tertiary legal literature, augmented with empirical interview data. Primary legal materials consisted of law, whereas secondary legal materials encompassed books, journal articles, prior research, and expert opinions. Data were obtained via library research and semi-structured interviews. The interview results were

[14] Irianto and Sidharta, *Metode Penelitian Hukum: Konstelasi dan Refleksi.*

examined through theme qualitative analysis and subsequently corroborated with statutory provisions, legal theories, and academic literature to bolster the analysis's trustworthiness.

The research was executed in four phases: (i) identification and inventory of relevant legal norms; (ii) collection of empirical data via interviews; (iii) comparative analysis between normative provisions (das sollen) and professional practice (das sein); and (iv) formulation of prescriptive legal arguments. The results are articulated descriptively and analytically to assess the alignment of existing cyber notary practices with the principles of prudence and professional ethics, and to establish the normative parameters regulating the application of digital technology in the execution of legitimate deeds.

3. Results and Discussion

3.1 Evaluation of Standards of Rigor and Prudence in Cyber Notary Practice

a. Interpreting the Deed as the Fundamental Element of Notarial Due Process

According to the normative framework examined in this paper, the requirement to read the deed before the audience is an essential component in the creation of an authentic deed. The Law on the Notary Position (UUJN) stipulates that the simultaneous reading, presence of the parties, and signing constitute a series of interdependent legal events. The series functions not merely as an administrative procedure but as a mechanism that establishes the inception of a genuine deed with complete evidentiary authority. This is clearly governed under Article 16.

Theoretically, the interpretation of the deed encompasses multifaceted protecting and legitimising roles. The notary, by reading, verifies the alignment of the parties' will with the deed's content, elucidates the legal ramifications of the executed act, identifies any potential coercion or omission, and affirms that the legal event occurred under the oversight of a public official. Edmon Makarim, in his examination of notary law modernisation, underscored that notaries primarily serve as a trusted third party — a guarantor of the legitimacy and authenticity of legal transactions — necessitating an effective direct verification process.[15] The reading exemplifies the principles of rigour and meticulousness that constitute the ethical standards of the notary office, as well as the principle of Tabellionis Officium Fideliter Exercebo — the duty to perform one's office faithfully and with integrity.

This study identified a variance in the implementation patterns of cyber notary practices. In the hybrid paradigm, technology is utilised solely during the preparation and communication phases, whereas reading and signing occur physically; this model aligns pretty well with the framework of the UUJN. Nonetheless, there exists a pattern of reading via video conferencing with non-simultaneous signings, which, as noted by Oktavianti (2024), may lead to structural impediments due to the lack of technical regulations that explicitly govern the virtual reading of deeds within the context of the UUJN.[16]

b. Test Parameters of Accuracy and Precision

The evaluation of adherence to accuracy and precision criteria in cyber notary practice is conducted by examining four parameters: the quality of identity verification, control of free will, effectiveness of informed consent, and simultaneity of legal occurrences.

1) Identity Verification

[15] Makarim, "Modernisasi Hukum Notaris Masa Depan: Kajian Hukum terhadap Kemungkinan Cyber Notary di Indonesia."

[16] Oktavianti, "Hambatan Regulasi dan Teknis Terkait Implementasi *Cyber Notary* di Indonesia."

Identity verification is essential for the legitimacy of every notarial act, as the identity of the individual involved is intrinsically linked to the subjective criteria for the validity of the contract as outlined in Article 1320 of the Civil Code. During physical reading, notaries can scrutinise authentic papers, verify identities, and directly witness the expressions and spontaneous reactions of the audience. Makarim (2011) asserts that notaries, in their fundamental capacity, serve as a Registration Authority that authenticates and legitimises an individual's legal identity before the issuance of an electronic certificate by the Electronic Certificate Provider — this role necessitates a dependable and secure authentication mechanism.[17] In online practice, identity verification relies on digital papers and screen displays that possess technical constraints, allowing for manipulation, including persona substitution that is challenging to detect by cameras. Oktavianti (2024) explicitly delineates the deficiencies of remote identity identification as a principal unresolved technological obstacle in the deployment of a cyber notary in Indonesia.[18]

2) Free *Will Control*
   Physical reading enables the notary to ascertain that the parties are not experiencing duress or under the influence of external parties during the legal proceedings. In a virtual setting, it is challenging to determine the presence of individuals beyond the camera's field of view, significantly elevating the possibility of unwanted influence. The primary challenge in online notarisation lies not in the technicalities of the document, but in the notary's capacity to ascertain the parties' free will in real-time—a function that necessitates direct observation, which current video technology has not entirely supplanted. For manipulation, including persona substitution, that is challenging to detect using cameras. Oktavianti (2024) explicitly delineates the deficiencies of remote identity identification as a principal unresolved technological obstacle in the deployment of a cyber notary in Indonesia.
3) Effectiveness of *Informed Consent*
   Compliance with informed consent standards requires that the parties fully understand the content and legal implications of the document they sign. Network interference, inadequate audio-visual quality, or limited online interactivity may undermine the effectiveness of conveying important sentences. Oktavianti (2024) noted that technical obstacles, including unreliable internet connectivity and insufficient digital infrastructure in several regions of Indonesia, significantly impair the quality of electronic-based notary services, particularly in the reading and interpretation of deeds. This circumstance directly influences the quality of informed consent provided by the parties.
4) Simultaneity of Legal Events
   The concurrent execution of reading, signing, and attendance constitutes a cumulative formal requisite for a valid deed, rather than an alternative; thus, all must be completed simultaneously. Dinata and Kurniawan (2024), in their analysis of High Court decision Number 35/Pdt/2021/PT KDI, highlighted that the execution of real estate deeds via cyber notary-based video conferencing presents significant validity concerns, as the current electronic system fails to guarantee the simultaneous signing

[17] Makarim, "Modernisasi Hukum Notaris Masa Depan: Kajian Hukum terhadap Kemungkinan Cyber Notary di Indonesia."
[18] Oktavianti, "Hambatan Regulasi dan Teknis Terkait Implementasi *Cyber Notary* di Indonesia."

of all parties situated in disparate locations.[19] The interruption of this succession of legal events undermines the construction of the deed's authenticity by disrupting the chain of legal occurrences that underpins the authority of conclusive evidence.

3.2 The Relationship between the UUJN and the ITE Law: Structural Dilemmas

The Electronic Information and Transaction Law (ITE Law) acknowledges electronic information and documents as legitimate proof, as stated in Article 5, paragraph (1). The law explicitly excludes documents that, per other legal provisions, must be executed as notarial deeds, as outlined in Article 5, paragraph (4), letters a and b. This exception affirms that the acknowledgement of electronic evidence is not meant to supplant the specific formalities required for the creation of an authentic deed. Oktavianti (2024) characterises this provision as a "double exception" that engenders structural legal uncertainty: while the state promotes digitalisation via the ITE Law, the UUJN upholds formal procedures necessitating physical presence, thereby causing horizontal disharmony between two legal regimes of equivalent status.[20]

The Explanation of Article 15, paragraph (3) of the UUJN delineates the jurisdiction of cyber notaries regarding the certification of electronic transactions. Makarim (2011) asserted that electronic transaction certification primarily involves the notary's minimal function as a Registration Authority, which entails validating and legitimising an individual's legal identification before the issuance of an electronic certificate to the individual in question. This certification power does not equate to the establishment of an electronically authenticated deed that obviates the need for physical reading and concurrent presence.[21] Mayana and Santika (2021) assert that Indonesia requires numerous adjustments and collaborative strategies regarding legal substance, structure, and culture to achieve harmonisation among regulatory aspects, technological infrastructure, and human resources before the legal implementation of complete notary digitalisation.[22]

The uncertainty between the certification authority and the creation of authentic deeds engenders a structural challenge, as digital behaviours evolve swiftly while the formal standards governing authentic deed formation remain inadequately synchronised. Rizkianti et al. (2025) determined that while certain notarial activities may be conducted electronically, the establishment of a wholly electronic authentic deed necessitates a more extensive legal overhaul, including the revision of the UUJN to integrate electronic technology and the enhancement of supporting legal infrastructure.[23]

This asynchrony presents a chance for diverse interpretations within the field. Some notaries view cyber notaries as legitimising the creation of online deeds, while others restrict their function to administrative tasks and authentication. This difference in comprehension is not solely a technology issue; it indicates an absence of explicit normative regulations — a legislative gap that Oktavianti (2024) recognises as the principal obstacle to the adoption of cyber notaries in Indonesia. The integrity of the position is a critical factor in directing practice:

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[19] Dinata and Kurniawan, "Keabsahan Akta Relaas yang Dibuat dengan *Video Conference* Berbasis *Cyber Notary* (Studi Putusan Pengadilan Tinggi Nomor 35/Pdt/2021/PT KDI)."

[20] Oktavianti, "Hambatan Regulasi dan Teknis Terkait Implementasi *Cyber Notary* di Indonesia."

[21] Makarim, "Modernisasi Hukum Notaris Masa Depan: Kajian Hukum terhadap Kemungkinan Cyber Notary di Indonesia."

[22] Mayana and Santika, "Legalitas Tanda Tangan Elektronik: Posibilitas dan Tantangan *Notary Digitalization* di Indonesia."

[23] Rizkianti et al., "Cyber Notary di Indonesia: Tantangan, Peluang dan Kebutuhan Rekonstruksi Hukum."

whether notaries adopt a prudent approach in compliance with rules or succumb to the pressures of service efficiency.[24]

From the standpoint of legal harmonisation theory, the discrepancy between the Law on Notary Position and the Electronic Information and Transactions Law exemplifies horizontal normative disharmony, as two statutes of equivalent hierarchical status govern the same legal relationship through inconsistent normative standards. Legal harmonization necessitates the removal of conflicting rules and the establishment of cohesive regulatory principles that ensure legal certainty, consistency, and successful execution. Currently, while the ITE Law facilitates the digitalization of legal transactions by acknowledging electronic information and signatures, the UUJN still mandates the physical presence of the parties and concurrent reading of the deed as essential components of authentic deed creation. The absence of normative synchronization generates ambiguity over the legal parameters of cyber notary practice, granting considerable latitude for personal interpretation, which consequently erodes legal certainty and the consistent execution of notarial legislation.

3.3 Confidentiality and Protocol Management Challenges

The implementation of cyber notary practices introduces further issues regarding confidentiality and data security. The Law mandates that notaries uphold the confidentiality of all matters related to deeds and information acquired in the execution of their duties, as stated in Article 16, paragraph (1), letter f. The utilisation of electronic media, including email, cloud storage, and video conferencing, heightens the risk of data leakage and unauthorised access, constituting a form of personal data infringement as defined in Law Number 27 of 2022 regarding Personal Data Protection. Oktavianti (2024) explicitly identifies vulnerabilities in digital infrastructure security as a significant technical barrier that remains unaddressed in the deployment of Indonesian cyber notaries, given that notaries manage documents of public interest with enduring legal ramifications for the involved parties.

The duty to maintain minutes and oversee notary protocols necessitates the integrity and authenticity of the records as outlined in Article 16, paragraph (1) b, Article 58, and Article 63 of the UUJN. The notary protocol constitutes a state archive that must be preserved and managed in compliance with applicable laws and regulations. Mayana and Santika (2021) emphasise that digitisation lacking a security framework, audit trail, and sufficient encryption can jeopardise the integrity of protocols, particularly regarding the assurance that digitally stored documents remain unaltered over time, alongside the principles of integrity and non-repudiation in electronic document law.[25] This aligns with Makarim's (2011) stipulation that electronic material is deemed "original" only if the saved, retrieved, and re-examined content is unchanged in substance.[26]

Thus, the issue of cyber notary relates not only to the virtual reading mechanism but also to data governance, information security, and the comprehensive protection of office archives. Rizkianti et al. (2025) contend that the enhancement of digital infrastructure is imperative — rather than ancillary — for the creation of a legitimate and accountable cyber notary, necessitating integration with state-sanctioned electronic certification systems through

[24] Oktavianti, "Hambatan Regulasi dan Teknis Terkait Implementasi *Cyber Notary* di Indonesia."
[25] Mayana and Santika, "Legalitas Tanda Tangan Elektronik: Posibilitas dan Tantangan *Notary Digitalization* di Indonesia."
[26] Makarim, "Modernisasi Hukum Notaris Masa Depan: Kajian Hukum terhadap Kemungkinan Cyber Notary di Indonesia."

accredited Electronic Certification Providers (PSrE).[27]

3.4 Conceptual Reconstruction of Deed Reading in the Digital Era

Conceptual reconstruction is essential to sustain equilibrium between service modernisation and normative adherence. Oktavianti (2024) asserted that a cyber notary should be understood as the application of information and communication technology to facilitate the execution of notarial duties and roles, rather than as a means to obviate the presence requirements of the parties or to negate the essential formalities involved in the creation of an authentic deed. The utilisation of technology as an administrative instrument and the authentication of electronic transactions is permissible, provided it does not alter the fundamental nature of the procedures established by the UUJN.[28]

López Jiménez, Dittmar, and Vargas Portillo (2022) highlighted that, from a comparative legal perspective, the roles and limitations of digital notaries or trusted third parties within the civil law system differ from those of traditional notaries in the Latin system.[29] The effective execution of digital notaries necessitates standardised security protocols — encompassing certification, filing, and storage — that are legally assured, rather than only relying on online communication technology. Koos (2023) reinforces this argument by asserting that the use of digital tools in notarial practice necessitates comprehensive dialogue and coherence with existing legal frameworks—an aspect that remains unachieved in the Indonesian legal system.[30]

The reconsideration of the reading obligation within the context of the cyber notary should focus on enhancing the essence of informed consent and regulating free will, rather than abolishing its physical manifestation. As long as the UUJN continues to uphold the prerequisites of physical presence and simultaneity of legal events, virtual reading cannot be entirely equated with physical reading without explicit and complete regulatory modifications. Rizkianti et al. (2025) advocate for the reform of cyber notary law by the modernisation of the UUJN to incorporate electronic technology, alongside partnership with international organisations to secure global recognition of its application.[31]

Throughout the modernisation process, the integrity of the viewpoint must be affirmed as a key concept. Notaries must inform clients of the legal limitations of cyber notaries and the potential risks associated with deviations from traditional procedures. Modernisation must not transfer the cost of risk onto the parties or undermine the quality of legal protection, which is the fundamental role of the notary as officium nobile and officium trust.

3.5 Implications for Evidentiary Strength and Integrity of Positions

The abandonment of the obligation of physical reading, devoid of a clear normative basis, produces intricate legal consequences. At the formal level, Article 16, paragraph (9), in conjunction with. Article 41 of the Law specifically stipulates that a deed lacking the requisite simultaneous reading and signing possesses only the evidential value of a private document, so relinquishing the definitive evidence attribute of an authentic deed. Dinata and Kurniawan

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[27] Rizkianti et al., "Cyber Notary di Indonesia: Tantangan, Peluang dan Kebutuhan Rekonstruksi Hukum."

[28] Oktavianti, "Hambatan Regulasi dan Teknis Terkait Implementasi *Cyber Notary* di Indonesia."

[29] López Jiménez, Dittmar, and Portillo, "The Trusted Third Party or Digital Notary in Spain: Effect on Virtual Transactions."

[30] Koos, "The Digitization of Notarial Tasks: A Comparative Overview and Outlook of 'Cyber Notary' in Indonesia and Germany."

[31] Rizkianti et al., "Cyber Notary di Indonesia: Tantangan, Peluang dan Kebutuhan Rekonstruksi Hukum."

(2024) emphasised that the consequences of the deterioration of this deed impact not only its validity but also subject the notary to legal liability in civil and administrative realms.[32] Secondly, at the institutional level, there are ramifications in the form of diminished public trust in the notary office if the deed generated is susceptible to litigation due to procedural deficiencies – a situation that directly contradicts the role of the notary as a guarantor of legal certainty.

Makarim (2011) emphasised that notaries, as trusted third parties, may perform their authentication duty efficiently only if their verification mechanisms—both physical and electronic—adhere to legally recognised dependability requirements. Failure to meet these standards may result in the complete dissolution of the trust established in the role of notary.[33] Mayana and Santika (2021) posited that the amalgamation of regulatory, infrastructural, and legal cultural components is cumulative rather than alternative for attaining legitimate and accountable digitisation of notaries.[34]

López Jiménez et al. (2022) assert that in an effective trusted third-party system, every security mechanism—certification, storage, attestation—must secure specific legal assurances to ensure judicial accountability. In the absence of these safeguards, the authenticity and legal certainty to be achieved become tenuous.[35] This idea serves as a normative framework for the reconstruction of cyber notaries in Indonesia: technology must support the law, not supplant it. Koos (2023) concludes his analysis with a cautionary note: while Indonesia has made a commendable initial effort, the existing normative integration gap poses a significant risk that could undermine trust in the notary system if cyber notary practices exceed the boundaries established by positive law.[36]

4. Conclusion

This study indicates that the adoption of cyber notary in the execution of legitimate deeds has not yet completely met the requirements of prudence and professional ethics established by the Law on Notary Position and the Notary Code of Ethics. While digital technology improves administrative efficiency via electronic identity verification, document management, and communication, it cannot replace the fundamental procedural safeguards necessary for authentic deed formation, especially the notary's direct oversight in confirming identity, legal capacity, voluntariness, and informed consent. The acknowledgment of electronic information and documents under the Electronic Information and Transactions Law does not abrogate the formal conditions for authentic deeds stipulated in the Law on Notary Position.

This analysis indicates that the legislative need for deeds to be read "before the appearing parties" should, within the current Indonesian legal environment, be viewed as necessitating the physical presence of both the notary and the persons involved. The lack of express

[32] Dinata and Kurniawan, "Keabsahan Akta Relaas yang Dibuat dengan *Video Conference* Berbasis *Cyber Notary* (Studi Putusan Pengadilan Tinggi Nomor 35/Pdt/2021/PT KDI)."

[33] Makarim, "Modernisasi Hukum Notaris Masa Depan: Kajian Hukum terhadap Kemungkinan Cyber Notary di Indonesia."

[34] Mayana and Santika, "Legalitas Tanda Tangan Elektronik: Posibilitas dan Tantangan *Notary Digitalization* di Indonesia."

[35] López Jiménez, Dittmar, and Portillo, "The Trusted Third Party or Digital Notary in Spain: Effect on Virtual Transactions."

[36] Koos, 'The Digitization of Notarial Tasks - A Comparative Overview and Outlook of "Cyber Notary" In Indonesia and Germany'.

statutory acknowledgment of virtual presence renders the use of cyber notary for executing valid acts legally ambiguous and susceptible to varying interpretations. Thus, the primary impediment to the advancement of cyber notary in Indonesia is not technological preparedness, but rather the lack of normative alignment between the Law on Notary Position and the Electronic Information and Transactions Law.This work theoretically advances the cyber notary notion by transcending traditional discussions on electronic signatures and regulatory digitalization. The legitimacy of cyber notary should be evaluated using a comprehensive framework that incorporates professional ethics, prudential requirements, and notarial due process. From this viewpoint, technological innovation ought to serve as a means of reinforcing, rather than supplanting, the procedural safeguards that differentiate genuine deeds from standard electronic documents.

The findings serve as a normative reference for legislators, the Ministry of Law, and the Indonesian Notary Association in formulating a cohesive regulatory framework for the adoption of cyber notaries. Future legal reform must prioritize the alignment of the Law on Notary Position with the Electronic Information and Transactions Law, elucidate the legal interpretation of the stipulation that deeds be read "before the appearing parties," establish criteria for digital identity verification and information security, and develop operational guidelines for technology-assisted notarial services. Until harmonization is accomplished, the utilization of digital technology should be confined to facilitating pre-deed activities, such as data verification, communication, document management, and certification of electronic transactions, while safeguarding the authenticity of notarial deeds, the integrity of the notarial profession, and legal certainty.

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Authors' contribution
Andy Tallu Padang: Conceptualization, Data curation, Formal analysis, Writing – original draft, Writing – review & editing
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Statement of the use of AI
AI-assisted tools were used solely for language editing. The authors take full responsibility for the content of the manuscript.

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