

Article

Legal Vacuum in Notary Office Management: The Urgency of Effective Administration and Technological Integration

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PERADABAN JOURNAL OF
LAW AND SOCIETY
Vol. 3, Issue 1, June 2024

E-ISSN: 2830-1757

Page : 1-15

DOI : <https://doi.org/10.59001/pjls.v3i1.169>



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Abstract

This article delineates the urgency of regulatory reform in notary office management in Indonesia. Clear and structured regulations on the conduct of notary office management are crucial to providing solutions and legal foundations for various cases stemming from poor notary office management. It also accommodates technological advancements, ensures legal certainty, and enhances the efficiency and integrity of notarial services. The research method employed is normative legal research with a legislative and conceptual approach. This study reveals that notary office management in Indonesia still faces significant legal vacuum, particularly in regulating the process and control of deed-making. This condition can lead to practical issues such as losing deed minutes and discrepancies in the repertory, potentially harming notaries and the public. Moreover, adaptations to technologies such as electronic storage and signatures are inadequately regulated, threatening legal certainty and the integrity of notarial services. This article emphasizes the urgent need for legislative steps to fill these legal vacuum, maintain the relevance of notarial practices in the current digital era, and safeguard the interests of the public and the professionalism of notaries in Indonesia.

Keyword

Notary office management, regulatory reform, technological integration

INTRODUCTION

Notaries play a crucial role in Indonesia's legal system. To ensure effective legal protection for the public, written evidence is essential as a manifestation of acts, agreements, and legal determinations with clear legal force. The complexities brought by modern times in societal and economic relations have caused an increased demand for notarial services. The modern economic system's complexity and diverse transactions further drive this demand (Suwardiyati & Rustam, 2022).

In Indonesia's economic development, notaries hold significant roles. In the capital market industry, notaries act as supporting institutions responsible for recording Limited Liability Companies in the capital market. Notaries in this context play a crucial role in investment mechanisms in the capital market (Ismadi et al., 2022). Additionally, Law No. 11 of 2020 concerning Job Creation emphasizes the importance of notaries in certifying corporate deeds for businesses, including in the tourism sector, to streamline licensing processes and promote economic growth (Anditya & Dharsana, 2022).

In performing their duties and authorities, notaries adhere to Law Number 30 of 2004 concerning Notary Position (referred to as UUJN) and Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Position (referred to as Amended UUJN). The primary authority of a Notary is to create authentic deeds (Doly, 2016), record all deeds created, and compile a registry of deeds accompanied by the obligation to prepare deed minutes as part of the Notary's Protocol (Indonesian Notary Association, 2008; Kuswanto & Purwadi, 2017). Deed minutes are original deeds that include the signatures of the parties, witnesses, and the Notary, which must be kept as part of the Notary's Protocol (Fitriyeni, 2012).

In addition to procedural obligations regarding storage, a Notary must also master the workflow of the documents they create. If errors occur in this process resulting in losses, the Notary is liable. The Notary must prove the correctness of the document workflow. For instance, such errors may include the loss of deed minutes, unsigned deed minutes, and possibly various negligence in the Notary's execution of their duties (Fanggidae et al., 2022; Wirastuti, 2017).

In some cases, issues in notary office management stem from the Notary themselves or their employees. For example, dishonesty in carrying out their duties can lead to financial losses for the office management and the public (Prasetyo & Gunarto, 2017).

Moreover, in an era of rapid technological advancement and the need for legal certainty, notaries in Indonesia face challenges in adapting to technological changes. Discourse on storing deed minutes in digital form lacks specific regulations to anchor it (Agustin & Anand, 2021). Furthermore, existing legal frameworks, while providing protection and guarantees for notaries, are insufficient to meet evolving demands in the profession, especially concerning electronic storage and electronic signatures (Girsang et al., 2024; Kencana et al., 2023; Rahim et al., 2022). Interestingly, while there is a push for modernization

and digitalization in notarial practice, there are concerns about maintaining the integrity and legality of notarial acts, traditionally requiring physical presence and being vulnerable to forgery when done electronically (Girsang et al., 2024).

Historically, notaries gain knowledge about notary office management during their internship process. Regulations concerning this are outlined in the code of ethics, which applies only internally within the organization. If a notary makes a mistake, they are sanctioned solely by the organization. Consequently, the author argues that this inconsistency in norms fails to provide legal certainty in performing notarial duties and responsibilities. Therefore, there is a need for rules or additions to the Amended UUJN to include regulations on notary office management. This issue may seem trivial but potentially leads to revelations and losses for the notary and the parties using notarial services.

This article aims to elucidate the urgency of regulatory reform in notary office management in Indonesia. Clear and structured regulations on notary office management that accommodate technological advancements, ensure legal certainty, and enhance the efficiency and integrity of notarial services are imperative. Thus, it is hoped that this article will contribute to the development of relevant regulations that meet contemporary demands while protecting public interests and maintaining notarial professionalism.

METHOD

The legal research employed is normative legal research, which examines the applicable legal norms on a particular issue. This normative research is often referred to as doctrinal research, where the objects of study are legal regulations and literature (Marzuki, 2017). The approaches used are the legislative approach and the conceptual approach. The primary legal material is Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Position. This study aims to identify the legal framework for notary office management.

DISCUSSION

The Role and Position of Notaries in the Indonesian Legal System

A notary acts as an extension of the state in performing certain state duties in civil law and is the only public official authorized to create authentic deeds as a perfect means of proof. The term "Public Official" translates from the Dutch word "*Openbare Ambtenaren*". This term appears in Article 1 of the Reglement op het Notaris Ambt in Indonesia (Ord. van Jan. 1860) S. 1860-3, and was translated into Indonesian as *Pejabat Umum* by G. H. S. Lumban Tobing (Tobing, 1983, p. 3).

This term is also mentioned in Article 1 of the Notary Position Regulation, which states that a Notary is a public official who is solely authorized to create authentic deeds concerning all acts, agreements, and determinations required by general regulations or desired by interested parties to be stated in an authentic deed, ensuring the certainty of dates, keeping the deed, and providing the

original, copies, and excerpts, as long as the creation of the deed is not assigned or excluded by general regulations to other officials or individuals (Sofyan, 2017).

The government appoints notaries as public officials not only for the benefit of the notaries themselves but also for the broader public interest. Notaries are given significant trust by the state, and it can be said that notaries have a responsibility for that trust. The responsibility of a notary in this context can be both legal and moral. Thus, notaries play a role in performing part of the state's duties in civil law, and they are qualified as Public Officials authorized to create authentic deeds. A deed is a formulation of the desires or intentions of the parties, expressed in the notarial deed made before or by the Notary, and other powers as referred to in Law Number 2 of 2014. The qualification as a Public Official is not only given to Notaries but also to Land Deed Officials and Auction Officials. Therefore, while a Notary is certainly a Public Official, not all public officials are necessarily Notaries.

The position of a Notary is established or required by legal regulations to assist and serve the public who need authentic written evidence regarding conditions, events, or legal actions. Based on this principle, those appointed as Notaries must have the spirit to serve the community. For their services, the public, having been served by the Notary according to their official duties, may provide an honorarium to the Notary. Therefore, a Notary holds no significance if the public does not require their services (Adjie, 2008, p. 14).

Thus, a Notary is a Public Office with the following characteristics: (Adjie, 2008, p. 15).

a. As a Position

The Notary Position Law (Law Number 30 of 2004 and Law Number 2 of 2014) is a unification in the regulation of the Notary Position, meaning it is the sole legal regulation in the form of a law that governs the Notary Position in Indonesia. Thus, everything related to notaries in Indonesia must refer to the Notary Position Law. The Notary Position is an institution created by the state, placing the Notary as a position that constitutes a field of work or duty intentionally created by legal regulations for specific purposes and functions (certain authorities) and is continuous as a stable work environment.

b. Notaries Have Specific Authorities

Every authority granted to a position must have its legal regulations as boundaries to ensure the position can function properly and not conflict with the authorities of other positions. Thus, if an official (Notary) performs an act outside the predetermined authority, it can be categorized as an act of exceeding authority. The authorities of a Notary are stipulated only in Article 15, paragraphs (1), (2), and (3) of the Notary Position Law.

c. Appointed and Dismissed by the Government

Article 2 of the Notary Position Law states that Notaries are appointed and dismissed by the government, specifically by the minister responsible for notarial affairs (Article 1, number 14 of the Notary Position Law). Although

Notaries are administratively appointed and dismissed by the government, this does not mean that Notaries are subordinates of the government that appoints them.

Therefore, in performing their duties, Notaries must:

1. Be autonomous;
2. Be impartial;
3. Be independent, meaning they cannot be influenced by the appointing authority or any other party in carrying out their duties;
4. Not receive a salary or pension from the appointing authority. Although Notaries are appointed and dismissed by the government, they do not receive a salary or pension from the government. They only receive honoraria from the public they serve or may provide free services to those in need;
5. Be accountable to the public. The presence of Notaries is to meet the needs of the public who require authentic legal documents (deeds) in civil law. Therefore, Notaries have the responsibility to serve the public, who can file civil lawsuits against Notaries and demand costs, compensation, and interest if the deed is proven to be made not by the prevailing legal regulations. It is a form of Notary accountability to the public.

The field of notaries should be developed by adopting and expanding upon existing legal sciences but also by developing theories to support the execution of notarial duties and the experiences gained during their implementation. This is because theory and practice do not always align; sometimes, theory does not support practice, and vice versa.

As a Public Official, the authority of a notary is granted by attribution. This authority is based on the powers conferred by the Notary Position Law itself, not from other institutions, such as the Ministry of Law and Human Rights. The authority of a notary is outlined in Article 15 of Law Number 2 of 2014.

Authority is a legal act granted to a position based on prevailing statutory regulations that govern the respective position. In Administrative Law, authority can be obtained through Attribution, Delegation, and Mandate. Attribution authority is a new authority granted to a position based on statutory regulations (Adjie, 2008, p. 77). Delegated authority is the authority given by transferring or assigning existing authority based on statutory regulations, and Mandate authority is granted because the competent party is unable to execute or is prevented from executing the authority granted by legal provisions (Adjie, 2008, p. 78).

Notarial Deed as an Authentic Deed

Notarial deeds play a crucial role in achieving legal objectives, primarily by providing legal certainty to the parties concerned with the deed made by a notary. The creation of a deed aims to ensure the rights and obligations of the

interested parties. However, there is the possibility of violations of statutory regulations during the creation of a deed. One such violation occurs when a notary creates an antedated deed, which involves leaving the date of creation and signing blank, resulting in discrepancies between the actual creation and signing dates and the dates stated in the deed.

Professor R. Subekti defines an authentic deed as a binding piece of evidence, meaning that the contents of the deed must be believed by the judge and considered true unless proven otherwise (A. Kohar, 1983, p. 73). Article 1868 of the Civil Code also defines an authentic deed as one made in a legally prescribed form by or before a competent public official authorized for the purpose, at the place where the deed was made.

Notes related to the definition in Article 1868 of the Civil Code include:

- a. The difference between a document and a deed lies in the signature at the bottom of the document;
- b. Article 1874 paragraph 1 states that documents considered to be privately made include private deeds, letters, registers or lists, household letters, and other writings made without the intervention of a public official;
- c. Article 1867 further stipulates that authentic deeds and privately made documents are regarded as written evidence.

Law Number 2 of 2014 specifies that a deed must be made, among other things, before or by a public official, in the presence of witnesses, read aloud by the notary, and immediately signed thereafter. These legally required actions must be mentioned in the deed.

The second requirement for an authentic deed is that it must be made before or by a public official. The term "before" indicates that the deed is made at the request of an individual, while a deed made "by" a public official is due to an event, examination, decision, etc. (Thong Kie, 2007, p. 442). The third requirement is that the official must be authorized for that purpose at the place where the deed is made.

A Notary is appointed by the Minister of Law and Human Rights through a decree. A Notary who has been appointed but not yet sworn in is considered competent as a Notary but not authorized to create authentic deeds. The same applies to a Notary who is on leave.

The requirements for authentic deeds can be explained as follows (Kraan, 1984, p. 201):

- a. Deeds made by or before a Public Official;
- b. Article 38 of Law Number 2 of 2014, which regulates the nature and form of deeds, does not specify their nature. Article 1 number 7 of Law Number 2 of 2014 defines a Notarial deed as an authentic deed made by or before a Notary according to the form and procedures established in Law Number 2 of 2014. Implicitly, Article 58 paragraph (2) of Law Number 2 of 2014 states that a Notary must keep a Register of Deeds and record all deeds made by or before the Notary;

- c. Deeds made by a Notary in Notarial practice are called “Relaas” deeds or Record Deeds, which contain descriptions by the Notary himself seen and witnessed by the Notary at the request of the parties so that the actions or acts of the parties performed are recorded in the form of a Notarial deed. Deeds made before a Notary in Notarial practice are called party deeds, which contain descriptions or statements of the parties given or narrated before the Notary. The parties wish their descriptions or statements to be recorded in the form of a Notarial deed;
- d. The creation of Notarial deeds, whether Relaas deeds or party deeds, which are the main or core basis in the creation of Notarial deeds, requires the desire or request of the parties. If there is no desire or request from the parties, the Notary will not create the intended deed. To fulfill the desires and requests of the parties, the Notary may provide advice while still reflecting the desires and requests of the parties, not the advice or opinion of the Notary, or the content of the deed represents the actions of the parties, not the actions or deeds of the Notary.

The above definition is one of the juridical characteristics of a Notarial deed, indicating that the Notary, as the executor of the deed, remains outside the parties or is not a party to the deed. With the Notary’s position as such, if a Notarial deed is contested, the Notary’s status remains separate from being a party or participating in or assisting the parties in criminal law qualifications or as a defendant or co-defendant in civil law qualifications (Adjie, 2009, p. 128).

The authority of a Notary, as regulated in Article 15 of Law Number 2 of 2014, includes:

- a. The Notary must be authorized as far as it concerns the deed that must be made;
- b. The Notary’s authority in creating authentic deeds, as long as it is not excluded to other parties or officials, or the Notary is also authorized to create it alongside other officials, implies that the Notary’s authority in creating authentic deeds is general, while others have limited authority. Article 15 of Law Number 2 of 2014 has stipulated the authority of the Notary. This authority serves as a limitation, indicating that the Notary may not act beyond these authorized actions. If the Notary performs actions beyond those stipulated, it can be categorized as actions outside the Notary’s authority. If it causes material or immaterial losses, a lawsuit can be filed in the district court. For such issues, the Supervisory Board or Examination Board established by the Supervisory Board does not need to participate in addressing them according to the authority of the Notary’s Supervisory Board. The Notary’s Supervisory Board may participate in resolving them if the Notary’s actions are within the Notary’s authority.
- c. The Notary must be authorized as far as it concerns the person for whom the deed is made. Although a Notary can create deeds for anyone, to

maintain neutrality, there are limitations. According to Article 52 of Law Number 2 Year 2014, a Notary is not allowed to create deeds for themselves, their spouse, or anyone else with whom they have a familial relationship, whether by marriage or blood relationship in a direct line upwards or downwards without degree limitations, and laterally up to the third degree, either as a party to themselves or in any other position or via power of attorney. Regarding the person and for whom the deed is made, there must be clear relevance. For instance, if a deed of sale is to be followed by a power of attorney to sell, the seller must have the authority to sell it to anyone. To ascertain such relevance, the Notary will certainly inspect (the original letters) and request a copy of the identity and proof of ownership. One of the proofs of evidence frequently requested by a Notary in creating Notarial deeds is the Population Identification Card and the land certificate as proof of ownership. There is a possibility that the person whose name is on the Population Identification Card and the certificate is not the same person, meaning the certificate holder is not the person whose name matches the Population Identification Card. This can occur due to many people having similar names and the ease of obtaining a Population Identification Card, with the certificate holder's name being the only name mentioned without any other identity. In terms of the presenting individual's identity and the proof of ownership brought and the original shown, if it turns out to be fake, it is not the responsibility of the Notary, and the responsibility is passed on to the parties who present themselves;

- d. The Notary must be authorized as long as concerning the place where the deed is made. Article 18 point (1) of Law Number 2 of 2014 stipulates that a Notary must be based in a district or city area. Every Notary with their desire has a place of residence and office in a district or city (Article 19 paragraph (1) of Law Number 2 of 2014). A Notary has a jurisdictional area covering the entire province from their place of residence (Article 19 paragraph (2) of Law Number 2 of 2014).

The provisions state that a Notary in performing his duties must not only be at his place of domicile, as a Notary has jurisdiction over an entire province, for example, a Notary based in the city of Malang can create deeds in other districts or cities within the East Java province. This can be executed under the following provisions: (Adjie, 2008, p. 133)

- a). When a Notary performs his duties (creates deeds) at his domicile, the Notary must be present where the deed is to be made.
- b). At the end of the deed, the place (city or district) of the deed's creation and completion must be stated.
- c). Performing duties outside the Notary's domicile within the jurisdiction of one province is not a regularity or continuous (Article 19 paragraph (2) of Law Number 2 Year 2014).

- d). The Notary must have authority over the time of creating the deed. In performing his duties, the Notary must be in an active state, meaning not on leave or temporarily suspended. A Notary on leave, sick, or temporarily unable to perform his duties must appoint a substitute Notary to avoid vacancy. The substitute Notary does not lose his authority in performing his duties, thus the authority can be delegated to the substitute Notary, who, after the leave ends, can return the protocol to the replaced Notary. However, the duties of the Notary can only be carried out by a Temporary Notary Officer who has lost his authority for the reasons of death, end of term, personal request, physical and/or mental unable to continuously perform Notary duties for more than 3 (three) years, relocation of jurisdiction, temporary dismissal, dismissal without honor.

Thus, the position of a Notary deed as an authentic deed because: (Adjie, 2008, p. 48)

- a). The deed is made in the presence of a public official;
- b). The deed is made in the form and manner specified by law;
- c). The public official by or in the presence of whom the deed is made must have the authority to make the deed.

The juridical characteristics of a Notary deed are:

1. A Notary deed must be made in the form specified by law;
2. A Notary deed is made at the request of the parties, not at the Notary's discretion. Although the Notary's name is listed in the deed, the Notary does not have the status as a party together with the parties or the presenter whose name is listed in the deed;
3. It has perfect probative force. Everyone is bound by the Notary deed, and it cannot be interpreted differently from what is stated in the deed. Revocation of the binding force of a Notary deed can only be done by agreement of the parties whose names are listed in the deed. If there is disagreement, the dissenting party must file an application with the general court to invalidate the deed for specific reasons that can be proven.

The Notary must ensure the certainty of the day, date, month, year, and time of appearance stated or mentioned at the beginning of the Notary deed. It is for evidence that the parties appeared and signed the deed on the day, date, month, year, and time specified in the deed, and all procedures were carried out in accordance with the applicable legal rules. If a party appearing before the Notary believes it to be correct, but it turns out that the copy and minute of the deed do not correspond to the reality believed, then the party concerned is challenging the certainty of the day, date, month, year, and time of appearance stated in the deed.

“Legal Vacuum” in Notary Office Management

Based on the above exposition regarding the authority, obligations of the Notary, and explanations regarding their products, attention needs to be paid to the management of the Notary office. The archives maintained by a Notary can be categorized into two main types: archives mandated by the Law and archives that support client administration or Notary office administration. Archives mandated by the Law are referred to as the Notary Protocol. The Notary Protocol consists of:

1. Repertoire;
2. Register of Certified Private Writings;
3. Register of Recorded Private Writings;
4. Protest Register;
5. Will Register;
6. Klapper Register of Deeds;
7. Klapper Register of Certified Private Writings.

Archives not mandated by the Law include incoming and outgoing correspondence, financial records, and other supplementary archives required for the preparation of deeds. Both categories of archives are related to an information system designed to facilitate and streamline the operations of the Notary.

In their work, Notaries are bound by the UUJN, the Amended UUJN, and also the Notary Code of Ethics. In terms of office management, Notaries are required to be meticulous and understand the management of their office. This involves not only archives but also the overall management of the office to facilitate the Notary's work. The archives kept by a Notary can be categorized into two types: archives mandated by the Law and archives that support client or office administration. Archives mandated by the Law are known as the Notary Protocol.

Archives not mandated by the Law include incoming and outgoing correspondence, financial records, and other supplementary archives required for the preparation of deeds. Both categories of archives are related to an information system designed to facilitate and streamline the operations of the Notary.

Once familiar with the archives that must be kept, Notaries must also understand the working system within their office. The working system is as follows:

1. Starting from the procedure of receiving clients, the Notary asks about their intentions and objectives and examines the data brought by the client.
2. Formulating it into a deed and verifying the draft deed. After ascertaining the draft deed, the deed is printed.

3. The Notary reads the deed aloud in the presence of the parties and witnesses. If there are errors in the draft, corrections are made with the initials of the parties.
4. Signatures of the parties, witnesses, and Notary.
5. Numbering the deed and archiving it in the repertoire.
6. Printing copies of the deed and providing them to the parties or for further processing.

The explanation of the process above may seem straightforward, but if not understood and implemented, it can lead to problems in the future. In practice, many draft deeds are lost or not signed during inspections. It becomes a problem later on, and if disputes arise, the Notary is summoned and asked to testify. If the issue arises from document errors or mistakes made by the parties, it does not pose a problem for the Notary. However, if the error stems from the Notary's failure to maintain office management properly, the inspection process can become lengthy (Fitriyeni, 2012; Kuswanto & Purwadi, 2017; Suwardiyati & Rustam, 2022).

Referring to Article 16 point (1) letter a of the Notary Law Amendment, Notaries are obliged to act carefully in making authentic deeds. In this regard, the author interprets that Notaries are required to observe the principle of prudence in performing their duties.

The primary authority of a Notary is to create authentic deeds (from the arrival of clients to the delivery of copies to clients/parties). Therefore, prudence is necessary in carrying out their tasks and duties. The principle of prudence is stipulated in Article 2 of Law Number 10 of 1998 concerning Amendments to Law Number 7 of 1997 concerning Banking. It states that Indonesian banks are obliged to use the principle of prudence and are based on Economic Democracy in conducting their business. The principle of prudence means that banks must apply caution in their functions and business activities to protect the funds entrusted to them by the public (Hermansyah, 2013, p. 7).

The principle of prudence is not yet stipulated in the Notary Law and its amendments. So, it can be analogized that the working method of a Notary is similar to that of a bank, where for the security and certainty of clients or parties involved, the principle of prudence is necessary. This principle serves as a preventive measure for Notaries to minimize disputes or issues. It pertains directly to Notarial office management. The application of this principle is crucial for Notaries because failure to adhere to it can result in harm to the parties involved in the deeds as well as to the Notaries themselves.

Article 15 point (2) of the Notary Law Amendment states notaries are obliged to provide legal counseling, ensuring that the deeds they create provide legal certainty and protection. This pertains not only to the tangible form of the deeds but also to the process of their creation. This process falls under Notarial office management, where Notaries must be careful and organized in deed-making.

If office management is not conducted properly and a Notary is found to have acted against the law, they may be prosecuted in court, facing criminal, civil, administrative, and ethical sanctions. However, regulations concerning Notarial office management, including the processes and controls for deed-making that meet societal needs, are currently lacking. Thus, the regulation of Notarial office management in Indonesia remains in a “legal vacuum,” a term referring to a situation where there is a lack of clear legal norms, regulations, or legal guidelines regarding a specific issue, leading to uncertainty and potential difficulties in the interpretation and application of the law (Putra et al., 2024). This implies that there are currently no clear and structured rules governing the practices of Notarial office management.

The “*legal vacuum*” condition also relates to the notarial practices accommodating technological advancements. Various studies indicate that the adaptation of notaries to these technological developments is not yet clearly regulated. Mangkurat et al. (2023) highlight the absence of clear regulations for electronic storage of Notarial Protocols, resulting in legal gaps and the need for specific rules to govern the mechanisms and responsibilities of notaries (Mangkurat et al., 2023). Similarly, Girsang et al. (2024) discuss the lack of legislation allowing notaries to create electronically signed deeds, emphasizing the necessity of physical presence for authentic deeds (Girsang et al., 2024). Stefan Koos (2023) suggests that the concept of cyber-notary is currently under discussion in Germany and other EU member states, including the use of digital signatures, online notaries, blockchain notarization, or secure digital document storage. It is seen as part of efforts to make notarial work more efficient, accessible, and secure. Unfortunately, the implementation of cyber-notary systems in Indonesia is still in its early stages and not fully regulated.

Alhamidy and Lukman (2023) argue that while Law No. 2 of 2014 accommodates the concept of cyber-notary, its implementation is hindered by Article 6 of the Electronic Information and Transactions Law (ITE Law), which does not explicitly regulate the concept of cyber-notary. Alignment between the Notary Law and the ITE Law is crucial so that electronically created documents through the cyber-notary concept can be legally recognized, providing clear legal certainty for notaries and their clients (Alhamidy & Lukman, 2023).

From these studies, it can be concluded that despite the recognition of the importance of technology in notarial practice, the current regulatory framework in Indonesia does not provide comprehensive guidance on the use of electronic storage and signatures. This results in legal gaps that hinder the full implementation of technological advancements in notarial offices. The literature suggests an urgent need for legislative action to address these gaps and ensure legal certainty in the digital transformation of notarial functions.

Therefore, there is an urgent need to update regulations governing notarial practices to be more relevant to current challenges in technology and time. Clear guidelines are necessary to guide the process of technological adaptation in notarial practice while maintaining legal certainty, integrity, and security in the provision of notarial services in Indonesia.

CONCLUSION

Regulation regarding notarial office management in Indonesia still faces significant legal gaps, particularly in aspects related to the management of notarial offices and the process and control of deed creation. The process of creating deeds involves several stages, demanding careful attention and discipline from notaries. In practice, issues often arise due to inadequate management of notarial offices, such as missing deed minutes, unsigned deed minutes, neglected repertorium (Deed Register), and other similar problems that can lead to losses for notaries and service users. Additionally, legal gaps are evident in the context of adapting to technological advancements, such as electronic storage and signatures.

Despite recognizing the importance of technology in notarial practices, current regulations lack comprehensive guidelines to effectively guide the implementation of these technologies. Without clear and structured rules, legal certainty and the integrity of notarial services in Indonesia are at risk. Therefore, this article underscores the urgency of regulatory reform in notarial office management. Detailed regulations that align with contemporary developments are necessary to streamline notarial office management, accommodate technological changes, enhance service efficiency, and safeguard public interests and notarial professionalism. Thus, urgent legislative measures are needed to fill these legal gaps and ensure that notarial practices in Indonesia remain relevant and effective in the current digital era.

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