



## JLPH: Journal of Law, Politic and Humanities

<https://dinastires.org/JLPH>[dinasti.info@gmail.com](mailto:dinasti.info@gmail.com)[+62 811 7404 455](tel:+628117404455)E-ISSN: 2962-2816  
P-ISSN: 2747-1985DOI: <https://doi.org/10.38035/jlph.v5i5>  
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# Transformation of the Notary's Role in Electronic Deed Regulations Based on Digital Technology

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**Abstract:** The rapid development of digital technology has urged the transformation of notarial practice from conventional to digital-based services, particularly in the formulation of electronic deeds. However, the absence of specific regulations regarding the authority and procedures of notaries in creating electronic deeds under Indonesian law has resulted in legal uncertainty. This paper aims to analyze the urgency of regulating electronic deeds in the context of notarial duties and authorities, by focusing on the need to harmonize legal norms with technological advancement. Using a qualitative method based on literature review of previous research and normative legal sources, this study explores three main aspects: the shift in the paradigm of notarial practices in the digital era, the legal vacuum and uncertainty stemming from the lack of regulation, and the structural and ethical readiness of notaries to adopt digital processes. The findings highlight that without a clear legal framework, the implementation of electronic deeds risks inconsistencies in practice, diminished legal protection, and erosion of public trust. It is therefore crucial for the state to revise existing laws and establish adaptive and integrated policies to support the digital transformation of the notarial profession.

**Keyword:** Electronic Deeds, Notary, Regulation.

## INTRODUCTION

Digitalization has become an unavoidable reality in various aspects of life, including in the fields of law and public administration. One logical consequence of this digital transformation is the demand for changes in the form and method of preparing legal documents, including authentic deeds that have traditionally been drafted by and in the presence of a notary. Electronic deeds then emerged as a modern alternative aimed at addressing the public's need for efficiency, accessibility, and legal certainty in an increasingly digital context. However, the shift from conventional deeds to electronic deeds is not merely a change in medium but also touches on fundamental aspects of how the function and role of notaries must be adjusted within the framework of new laws. (Fadri, Zainal, and S. Fil (2024))

Normatively, Indonesian law currently recognizes the existence of electronic documents through Law Number 1 of 2024 on the Second Amendment to Law Number 11 of 2008 on Information and Electronic Transactions, along with its implementing regulations. However,

specific provisions regarding electronic deeds drafted by notaries remain limited and have generated legal debates, particularly concerning validity, evidentiary strength, and legal protection for the parties bound by the deed. The existence of regulations from the Ministry of Law and Human Rights and internal provisions from the Notary Supervisory Council provide administrative guidelines but do not fully address the need for a comprehensive, adaptive regulatory system that aligns with the fundamental principles of notarial practice. (Prananto, Adjie(2021))

Previous studies have highlighted the legal implications of using electronic documents and the challenges of digitalization in notarial practice. These studies emphasize the importance of meeting both formal and substantive requirements in the creation of electronic deeds for them to be recognized as valid evidence. However, most of these studies are still limited to theoretical and normative discussions, without specifically exploring the dynamics of the notary's evolving role as the key actor in creating authentic deeds. Few studies have examined how notaries need to adjust their professional capacity, build digital competencies, and understand information security systems in order to prepare electronic deeds that are valid and reliable within Indonesia's legal framework. (Ardiansah, Ardiansah, Dedi Nofarizal, Fransiskus Putra PR, Hendra Dm Hutagaol, and Try Krisna Monarchi. "Politik Hukum Perubahan Materi Muatan Undang-Undang Informasi Dan Transaksi Elektronik (Ite) (2024))

Based on this background, this research aims to fill the gap by further examining the transformation of the notary's role in the digital era, specifically in the context of regulations and the preparation of electronic deeds. Using a juridical-normative approach and supported by a comparative study of countries that have implemented digital notarial systems such as the Netherlands and Estonia, this article offers a critical perspective on how Indonesian legal regulations should evolve to accommodate the changes of the times. This approach not only examines written norms but also considers practical and professional ethical aspects in the performance of notarial duties. Therefore, this article raises the following research questions: (1) What is the urgency of transforming the notary's role in the regulation of electronic deeds based on digital technology in Indonesia? and (2) What is the ideal regulatory model to ensure the authenticity and legal certainty of electronic deeds created by notaries?.

## **METHOD**

This research uses a juridical-normative approach with a qualitative method, aimed at analyzing legislation and legal documents related to electronic deeds and the role of notaries in the context of digitalization. This approach was chosen because it is suitable for exploring and examining the positive legal norms in force, while also evaluating their implementation in contemporary notarial practice.

The data for this study were obtained through literature review, which includes secondary sources such as national legislation (Notary Act and ITE Law), scientific literature in the form of journal articles, proceedings, research reports, and relevant academic studies from both domestic and international sources. Additionally, previous research that discusses similar issues, particularly concerning the challenges and opportunities of implementing electronic deeds and the transformation of the notary profession in the digital era, was also reviewed.

The literature search was conducted systematically through academic databases such as Google Scholar, DOAJ, Garuda Ristek-BRIN, HeinOnline, and the websites of law faculty journals from various universities in Indonesia. The collected data were then analyzed qualitatively through techniques of legal interpretation, comparative analysis, and legal construction, in order to identify patterns, problems, and potential developments in regulatory models that could strengthen the position of notaries in the era of digitalization.

## RESULTS AND DISCUSSION

### Urgency of Regulating Electronic Deeds in Notarial Practice

The advancement of information technology has brought about logical consequences in how society accesses and uses legal services, including notarial services. The existence of electronic deeds has become an urgent need as part of the legal transformation towards the digitalization of administrative systems and public services. However, the legal complexities surrounding validity, authenticity, and the role of notaries in preparing electronic deeds remain major challenges that must be addressed.

### Paradigm Shift in Notarial Practice in the Digital Era

Historically, the notary profession has played the role of a public official performing the function of authenticating legal acts of the parties, manifested in the form of authentic deeds created, read, and signed physically in the presence of the notary. This process requires the physical presence of the parties as a formal requirement and a guarantee of the legal validity of the deed. In practice, the entire process of drafting notarial deeds is based on the principles of legal certainty, transparency, and caution derived from statutory provisions, particularly the Notary Position Act (UUJN). However, societal dynamics and rapid advancements in information technology have driven a paradigm shift in various aspects of life, including notarial practice. Digitalization has introduced new methods of legal interaction, where communication, verification, and documentation can now be conducted through digital media without the need for physical contact.

One of the key factors accelerating this transformation is the pandemic, which forced all sectors, including legal services, to rapidly adapt to remote work models. Notarial processes, which have traditionally been conducted offline, are now faced with the demand to transition to online practices. As a result, there is an urgent need to reform the notarial system to accommodate the use of digital technology in the deed-making process, including the use of electronic signatures, digital document storage, and the execution of authentication processes through internet-based platforms.

This paradigm shift has profound implications for the competencies and responsibilities of notaries. It is no longer sufficient for notaries to master the normative and procedural aspects of conventional deed-making; they are also required to understand fundamental information technology principles, such as the use of certified electronic signatures, encryption technology for data protection, and the application of cybersecurity protocols to ensure the integrity and authenticity of documents. In other words, the digital transformation within notarial practice is not only technical but also involves a conceptual shift in the function and legitimacy of notaries in ensuring the validity and legal protection of the deeds they draft through electronic media.

Digitalization of notarial services must continue to uphold the fundamental values of the notarial profession, such as independence, neutrality, accuracy, and legal protection for the parties involved. Therefore, this change must be responded to with the establishment of a comprehensive and adaptive legal framework, so that the paradigm shift does not diminish the essence of the notary's role as the guardian of civil legal administration. In this context, the role of notaries will remain relevant, as long as they are able to adjust to technological advancements through capacity building, regulatory updates, and synergy between the legal system and the continuously evolving digital ecosystem (Restu, Asy Syam Dwi, 2024).

### Absence of Specific Regulations and Legal Uncertainty

The digital transformation in notarial practice presents significant challenges due to the lack of specific regulations that clearly govern the position and procedure for preparing electronic deeds by notaries. To date, Law No. 2 of 2014 on Amendments to Law No. 30 of 2004 on the Notary Position Act still sets out formal provisions based on conventional practices, such as the physical presence of the parties and direct signature of the deed in front of the notary

as a mandatory condition for the validity of an authentic deed. This norm serves as the primary foundation for notaries' authentication function, thus failing to accommodate the possibility of creating electronic deeds in the context of digital legal interactions.

Meanwhile, Law No. 1 of 2024 on the Second Amendment to Law No. 11 of 2008 on Information and Electronic Transactions (ITE Law), along with its implementing regulations, has recognized the existence of electronic documents and electronic signatures as valid legal evidence. However, the provisions in the ITE Law are general and do not specifically place notaries within the formal mechanism for creating electronic deeds. The lack of synchronization between the Notary Position Act (UUJN) and the ITE Law results in a legal vacuum, complicating the legitimate implementation of electronic deeds in notarial practice. This is problematic because notaries, as public officials, require a strong and clear legal basis to exercise their authority, particularly when preparing and validating legally binding documents with evidentiary value.

The absence of specific regulations ultimately leads to legal uncertainty, both for notaries themselves and for the public who use notarial services. The lack of clarity regarding the valid format of electronic deeds, digital authentication mechanisms, and procedures for their implementation within the Indonesian positive legal system creates doubts about the legal validity of deeds created digitally. This situation opens the door to various interpretations by law enforcement, government institutions, and business actors, which could lead to legal disputes regarding the proof, execution, and even the validity of documents in litigation or business transactions. Additionally, the uncertainty regarding the evidentiary power of electronic deeds also impacts the weak legal protection for well-intentioned parties (Anwar Chaerul, 2024).

In notarial practice, this uncertainty could also hinder the optimal adoption of technology by notaries, as the legal risks arising from the legal vacuum have not been adequately anticipated. Many notaries remain hesitant to innovate digitally, such as using cloud-based storage systems, engaging in online communication with clients, or even exploring certified electronic signatures, due to concerns that it may contradict the norms of the Notary Position Act, which have yet to be updated. Therefore, a legal framework is needed that explicitly regulates the procedures and requirements for the validity of electronic deeds in the context of notarial authority, so that legal certainty and protection can be achieved in digital-based notarial practice (Effendi, Lutfi, and Zainal Arifin Hoesein, "Legal Vacuums Regarding Notary Authority After the Expiration of the Notary's Term," *Jurnal Retentum*, 7, no. 1, 2025).

### **The Need for Harmonization Between Technology and Legal Norms**

The massive development of information technology demands that the legal system move adaptively in order not to fall behind in responding to rapid social changes. In the context of notarial practice, the urgency of regulating electronic deeds is not merely an innovative discourse but an urgent need to realize efficiency and effectiveness in legal services in the digital era. One of the main challenges in the implementation of electronic deeds is the lack of harmonization between existing positive legal norms and the rapidly advancing technology. The imbalance between the speed of digital innovation and the slow pace of regulatory updates risks causing stagnation in the reform of notarial institutions in Indonesia.

Without serious efforts to harmonize legal norms and technological advancements, innovations in notarial practice will always clash with rigid and outdated regulations. Digital practices aimed at accelerating, simplifying, and securing legal transactions may be considered legally defective if they lack adequate normative legitimacy. In such a situation, not only will notaries face professional and ethical risks, but society will also lose access to more efficient and modern legal services. Therefore, the harmonization of law and technology is a strategic path to maintain the balance between legal certainty and the need for innovation.

The state, as the holder of legislative authority, has a significant responsibility to create a legal framework that can bridge the gap between technological developments and conventional legal provisions. Reforming the Notary Position Act (UUJN) is an essential step that cannot be avoided. This revision must create space for the formal recognition of electronic deeds created and authenticated by notaries through verifiable electronic systems. Additionally, technical regulations such as ministerial regulations or government regulations are needed to establish standards for security, the validity of digital signatures, cloud-based document storage systems, and integration with electronic certification infrastructure managed by trusted Certification Authorities.

The harmonization process must also refer to international standards and best practices from countries that have already effectively adopted digital notarial systems. Countries such as Estonia, Germany, and the Netherlands have proven that technology can be used to strengthen the notary's function, not replace it. By adopting global principles such as digital system interoperability, multi-factor authentication, and privacy-based data security, Indonesia can build a reliable digital notarial system with strong legal legitimacy. This harmonization will ensure that electronic deeds are not only valid technologically but also have the same legal standing as physical deeds in the Indonesian legal proof system.

### **Challenges in Implementing Electronic Deeds in Notarial Practice**

Digital transformation in notarial practice not only requires a clear legal foundation but also readiness for implementation at various levels, including technical aspects, professional ethics, and institutional infrastructure. Although electronic deeds are believed to bring efficiency and expand access to notarial services, their implementation faces several crucial challenges that need to be identified and addressed to avoid contradictions with the principle of caution in legal practice. (Cahayani, Dian. "The Legal Implications of Digitalizing Notarial Deeds on Legal Validity in Indonesia." *Jurnal Cakrawala Ilmiah* 4, no. 5 (2025))

### **The Need for Harmonization Between Technology and Legal Norms**

The implementation of electronic deeds in notarial practice presents a complex challenge, especially in terms of readiness for technological infrastructure and cybersecurity systems. The digitalization of legal services, including notarial services, requires competent information technology support, including hardware, software, network connectivity, and human resources with digital literacy. Unfortunately, as of now, the condition of technology infrastructure in Indonesia is not yet evenly distributed, particularly in regions outside city centers or remote areas that still face barriers to fast and stable internet access. This disparity creates a gap in notarial services between regions, complicating the effort for inclusive digital transformation.

Furthermore, the shift from physical-based deeds to electronic formats is not merely a transformation of media but also requires the presence of supporting systems that ensure document authenticity and security. The process of creating electronic deeds relies on technology elements such as digital signatures, electronic certificates, data encryption, and cloud-based document storage. Each of these components must meet high information security standards to prevent hacking, tampering, or misuse by irresponsible parties. In notarial practice, system failures or security breaches could have serious legal consequences as they directly relate to the validity of legal documents and the interests of the parties protected by law.

At the same time, Indonesia's cybersecurity preparedness is still facing various challenges. Reports and analyses from national and international institutions show that Indonesia is still among the countries with a relatively high level of cybersecurity vulnerability. This reflects the need for stronger regulations, increased technological capacity, and the formation of more effective data protection mechanisms at both institutional and national levels. In notarial practice, the operation of an electronic system should be integrated with security systems recognized and supervised by the National Cyber and Crypto Agency (BSSN) and



digital certification authorities with clear accreditation and legal legitimacy. (Lubis, Ikhsan, Taufik Siregar, Duma Indah Sari Lubis, and Andi Hakim Lubis. "Transformation of the Principle of Tabellionis Officium Fideliter Exercebo for the Notary Position From Ancient Egypt to the Indonesian Legal System." *Law Journal* 5, no. 1 (2024)) Digital literacy and technology training for notaries are also crucial components in supporting the readiness for implementing electronic deeds. Mastery of digital tools and procedures is not only essential for administrative smoothness but also a part of the professional caution in ensuring the security and validity of deeds. Without adequate systems and resources, the implementation of electronic deeds may inadvertently increase legal risks and undermine public trust in notaries as legal authentication guardians. Therefore, cybersecurity infrastructure and systems readiness should not only be technical support but the foundation for the success of digitalizing notarial services that are legitimate, trustworthy, and focused on long-term legal protection.

### **Professional Ethics and Notary Integrity in the Digital Era**

The digital transformation in notarial practice not only presents technical and legal challenges but also raises fundamental issues concerning professional ethics and the integrity of notaries. In the conventional system, the physical presence of the parties and the notary during the signing of deeds functions as a social control mechanism that ensures accountability and guarantees that every legal action is carried out consciously, voluntarily, and within the bounds of the law. Face-to-face interaction has become a key pillar in ensuring the validity of the intent and capacity of the parties. However, in the digital context, this interaction becomes virtual, meaning that most of the authentication and verification processes are carried out electronically without direct contact. (Prasetyawati, Betty Ivana, and Paramita Prananingtyas. "The Role of Notary Codes of Ethics in Building Notary Integrity in the 4.0 Era." *Notarius* 15, no. 1 (2022))

This change demands a redefinition of the notarial professional practice in identifying and verifying the parties, ensuring the consistency of legal intent, and safeguarding the confidentiality and integrity of the data being processed. Without a strong ethical foundation and a thorough understanding of digital mechanisms, there is a risk of lowered standards of care in deed creation, which could ultimately harm the parties involved and tarnish the reputation of the notary profession as a whole. The legitimacy and trust in deeds created in electronic form highly depend on how well notaries can still guarantee that the process remains ethical and professional, even without face-to-face interaction.

In this situation, professional organizations such as the Indonesian Notary Association (INI) play a strategic role in drafting and implementing ethical guidelines relevant to the digital era. The professional code of ethics needs to be updated to include principles of personal data protection, caution in the use of technology, and oversight of the use of electronic certificates and digital signatures. The professional ethics in the digital era should also encompass the responsibility of notaries in selecting and using secure, trustworthy platforms that comply with applicable national and international legal standards. (Lubis, Ikhsan, Duma Indah Sari Lubis, and Andi Hakim Lubis. "Cyber Notary Law Reconstruction to Maintain Trust, Integrity, and Justice in the Legal System." *Notaire* 8, no. 1 (2025))

The enhancement of digital capacity and competence for notaries has become essential. Digital literacy should not be regarded as an additional skill but as an integral part of a notary's professional abilities today. Therefore, periodic training on the use of legal technology, information security, and digital risk management should be conducted systematically and continuously. Certification programs in legal technology and digital governance can serve as one of the instruments to improve the quality and integrity of the notary profession in facing the challenges of digital transformation.

Thus, the success of implementing electronic deeds in notarial practice is not only measured by technological and legal readiness but also by the extent of the ethical and

professional commitment of notaries to maintain the quality of legal services. Integrity, accountability, and caution must remain the primary principles in all forms of notarial services, whether conventional or digital, to ensure public trust and effective legal protection.

### **Institutional Coordination and Inter-Agency Collaboration**

The implementation of electronic deeds in notarial practice not only depends on the technological readiness and the individual capacity of notaries but also on the success of institutional coordination among agencies that hold authority and responsibility in forming the digital legal ecosystem. In Indonesia, authority related to notarial matters and electronic systems is distributed across various institutions, including the Ministry of Law and Human Rights (Kemenkumham), the National Cyber and Encryption Agency (BSSN), the Electronic Certification Authority, and professional organizations such as the Indonesian Notary Association (INI). Each institution has a strategic role that must be integrated into a cohesive national policy framework focused on the ease and legal certainty in providing electronic notarial services. (Cahayani, Dian. "The Legal Implications of the Digitalization of Notarial Deeds on Legal Validity in Indonesia." *Jurnal Cakrawala Ilmiah* 4, no. 5 (2025))

Coordination among agencies is essential to avoid regulatory fragmentation and policy disharmony. For instance, the Ministry of Law and Human Rights, as the regulator of the notarial profession, needs to formulate policies and derivative regulations that allow for the legitimate implementation of electronic deeds in accordance with the principles of notarial law. On the other hand, the BSSN is responsible for ensuring cybersecurity and standardizing the technologies used in the digitization process of deeds. The role of the Electronic Certification Authority is also crucial in ensuring the validity of digital signatures and the legitimacy of electronic certificates, which are integral to the authentication process of electronic deeds. These agencies must work synergistically for the digital notarial system to function effectively and avoid legal confusion.

Weaknesses in institutional coordination will directly affect public trust. When there are differing interpretations among agencies or unsynchronized procedures, it can create administrative barriers that are counterproductive to the main goals of digitalization, which are efficiency, transparency, and accountability in legal services. Additionally, overlapping authority can lead to conflicting policies, creating room for inconsistent interpretation in the field. Therefore, the establishment of a permanent coordination forum that brings together all relevant stakeholders is necessary to formulate integrated policies and design an interconnected information system.

The development of an interoperable national information system becomes one of the main pillars of digital governance in notarial services. This system must be able to securely connect data, documents, and electronic identities of the parties in real-time between notaries, the government, and other supporting institutions. Interoperability not only facilitates the process of verification and authentication but also strengthens the supervisory and audit functions of the electronic deeds created. In the future, data integration through a standardized system will also support the development of legal big data, which can be used for evidence-based policy planning. (Prasetyawati, Betty Ivana, and Paramita Prananingtyas. "The Role of the Notary Code of Ethics in Building Notary Integrity in the 4.0 Era." *Notarius* 15, no. 1 (2022): 310-323)

### **CONCLUSION**

Digital transformation in notarial practice has introduced new dynamics that require comprehensive adjustments, both in normative, institutional, and professional aspects of notaries. The urgency of regulating electronic deeds lies not only in adapting to advancements in information technology but also in ensuring legal certainty, protection of rights, and the continuity of the legal authentication function in a digital format. Without adequate regulation,

electronic deeds risk losing their evidentiary power and opening up potential legal disputes that were not anticipated.

This research emphasizes that the absence of specific norms in the Notary Act (UUJN) regarding electronic deeds, coupled with inadequate infrastructure and weak inter-institutional coordination, are the main obstacles in the process of digital notarial transformation. On the other hand, readiness in technology, cybersecurity, and professional ethical integrity are also important foundations that must be built in parallel with regulatory updates. Harmonization between legal norms and technology must be realized through policy updates, continuous training, and the establishment of a national integrated information system.

As an applicative recommendation, the state, through policymakers, must urgently revise the Notary Act and develop technical regulations that specifically and comprehensively govern electronic deeds. In addition, active involvement from professional organizations is needed to enhance digital literacy and the integrity of notaries through continuous education and the development of a digital code of ethics. Establishing a solid institutional framework and system interoperability will be key to successfully realizing an adaptive, trustworthy, and competitive digital-based notarial practice in the era of legal technology transformation.

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