

**DOI:** <https://doi.org/10.38035/jlph.v4i5>

**Received:** 16 June 2024, **Revised:** 13 July 2024, **Publish:** 14 July 2024

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**Legal Analysis Related to the Application of Artificial Intelligence in Notarial Practice**

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**Abstract:** In the era of globalization and rapid technological development, the implementation of artificial intelligence (AI) has become an unavoidable phenomenon in various fields, including law and notary. AI offers significant potential to improve efficiency and accuracy in notarial practice, but also poses various juridical challenges. Notaries are recognized as trusted parties by the public to ensure the authenticity of a deed and prevent legal violations. Although AI can assist in administrative tasks and data analysis, its implementation must consider juridical aspects such as legal liability, personal data protection, and document authenticity. In facing the fourth industrial revolution, notaries need to update their knowledge and skills and maintain the relevance of civil law. Collaboration between human and artificial intelligence is required to achieve better results without sacrificing principles of justice and legal authenticity.

**Keyword:** Artificial Intelligence, Notarization, Juridical Aspects.

# INTRODUCTION

In the era of globalization and rapid technological advancement, the implementation of artificial intelligence (AI) has become an inevitable phenomenon in various fields[[1]](#footnote-1), Artificial intelligence (AI) has become an unavoidable phenomenon in various fields, including law and notarial practice. With its ability to process large amounts of data, analyze patterns, and provide accurate recommendations, AI offers significant potential to enhance efficiency and accuracy in notarial practice. However, alongside its promising benefits, the implementation of AI also poses various juridical challenges that need to be addressed to ensure its proper application in accordance with legal principles.

A notary is a public official appointed, authorized, and mandated by the state to provide services to the public in specific fields. This underscores the state's role in defining the position or existence of a notary. Without state intervention, there would be no legal norms granting authority to notaries. Notaries serve as public officials providing legal services to the public, aiming to provide legal protection and ensure legal certainty in society. A public official performs some public functions of the state, especially in civil law. To create authentic deeds, one must serve as a "public official."

It is undeniable that notaries are recognized and respected in daily life and transactions as trustworthy subjects by the public. Notaries are sworn officials obligated to act in accordance with legal requirements. Therefore, the presence of a notary is crucial to guarantee the validity of a deed and prevent legal violations.[[2]](#footnote-2) The world of notarial practice is an ideal blend of theory and practice, where theory and practice can mutually support each other. This means that theory does not always directly support practice, so notarial practice should not only be built by absorbing and developing theories based on knowledge of applicable regulations, but notaries should also develop their own theories to support the implementation of their notarial duties through notarial studies and the experience gained from performing notarial functions.[[3]](#footnote-3)

Notarial practice, as part of the legal system, functions to ensure the validity of documents and agreements while protecting the rights of the parties involved, requires a high level of accuracy and trust. Based on the provisions regulated in Presidential Regulation No. 2 of 2021 and the Notary Position Law (UUJN), a Notarial Deed is considered an authentic document that serves as written evidence intentionally prepared to prove a specific legal event or relationship. In the process of drafting a Notarial Deed, a notary must adhere to the procedures and requirements established by law to ensure that the deed holds strong evidentiary value for the parties involved.[[4]](#footnote-4) Application of AI in this field is expected to assist notaries in performing administrative tasks, verifying documents, and even providing legal advice based on data analysis. However, there are various legal aspects to consider, such as legal responsibilities, protection of personal data, and the validity and reliability of documents generated by AI.

In response to these changes, the government has taken steps in the field of notarial law by introducing cyber notaries in the Notary Position Law No. 2 of 2014 (hereinafter referred to as UUJN) as stipulated in Article 15 paragraph (3). In this regard, notaries have additional authority to certify electronic transactions (cyber notary). Furthermore, the government has also provided specific legal foundations for such technology, regulated under Law No. 16 of 2016 concerning Electronic Information and Transactions (UU ITE).

The term cyber notary or electronic notary reflects the evolution of conventional notaries who adhere to the basic principle of "Asas Tabellionis Officium Fideliter Exercebo" into modern notaries. This development began with the transformation of the function and role of notaries into the digital realm in carrying out their duties. This means that not only office administration but almost all notarial activities are now conducted digitally. The traditional notarial services based on the principle of "Tabellionis Officium Fideliter Exercebo" can now be integrated into modern digital services through the concept of cyber notary, aligning with the developments in the era of globalization.

The synergy between the position of a notary and the evolving technology is being promoted in the system of electronic notarial services, presenting opportunities and challenges for notaries to leverage such technology. The concept of cyber notary has expanded widely, ranging from digital certification to the digitalization of work processes, including the authorities exercised by notaries. Artificial Intelligence (AI), which has started to be used in legal events within the field of notarial practice, includes digital deeds, virtual meetings or teleconferences, and notarial protocols conducted using electronic media systems.

The concept of Cyber Notary has been implemented in several countries, although it has not been widely adopted in Indonesia yet. Nevertheless, through Article 15 paragraph (3), the government has paved the way to keep pace with globalization. Therefore, through this provision, notaries have the opportunity to pioneer new breakthroughs in fulfilling their duties and authorities as public officials. In their daily tasks, notaries use the concept of cyber notary to perform various activities such as document digitalization, electronic signing of deeds, and teleconferencing in shareholder meetings. Teleconferencing refers to direct remote conversations conducted using media such as television or telephone.[[5]](#footnote-5)

With current advancements, notaries, especially those in the education phase towards becoming notaries, must be prepared to embrace these changes. Information technology, after all, has a significant impact on human behavior and facilitates various needs and tasks. Similarly, the role of notaries must encompass an understanding of information technology to manage various legal products produced, such as in the processes of Land Registration, Certificate Verification, Mortgage Rights online, among others.[[6]](#footnote-6).

Application of Artificial Intelligence (AI) in the practice of notary services has become a highly relevant and intriguing topic in the current digital era. In recent years, AI technology has rapidly advanced and started to be utilized across various fields, including law. Notary services, as a crucial part of the legal system, have also undergone significant changes with the advent of AI.

The use of AI in notary services can enhance efficiency and accuracy in document and contract management processes. AI aids in data analysis, error detection, and process supervision, thereby reducing the likelihood of legal violations. Moreover, AI can improve accessibility and transparency in notary processes, particularly for individuals who may not have equal access compared to others.

However, the implementation of AI in notary services also presents several challenges and issues. One of the main challenges is how AI can be integrated with existing legal systems and ensuring its security. Additionally, considerations must be made on how AI should be regulated and monitored to prevent any negative impacts on society.

In the Indonesian context, the application of AI in notary services is still relatively new and requires further research. Therefore, a juridical analysis concerning the application of AI in notarial practice becomes crucial to ensure that this technology is used appropriately without neglecting fundamental legal aspects. This research aims to thoroughly examine various juridical aspects related to the application of AI in notarial practice in Indonesia and provide relevant recommendations for legal practitioners, notaries, and policymakers. Ultimately, it is hoped that the implementation of AI will support the enhancement of notarial service quality without compromising legal certainty and the protection of individual rights.

# METHOD

Methodology is the approach or procedure used to achieve specific goals or obtain concrete results in an activity. Legal research is a process used to discover various rules, principles, and legal doctrines relevant to addressing legal issues or problems. This research employs a juridical normative method, which refers to research based on legislation, doctrines, and jurisprudence. The approach applied in examining legal issues in this article includes legislative approach and conceptual approach. Legal materials are collected by gathering and classifying them, which are then analyzed to address the issues discussed in this article.

# RESULTS AND DISCUSSION

**The Implementation of Artificial Intelligence in Notarial Practice Affecting Legal Certainty and Notarial Transaction Security**

The creation of notarial deeds cannot be performed by AI because there are mechanisms that must be complied with according to the Notary Public Law. These mechanisms include variables and substance that cannot be overlooked, such as personal appearance, reading, and signature[[7]](#footnote-7). The final outcome in the creation of notarial deeds requires precision and expertise that influence the achievement of legal goals, namely certainty, utility, and justice. To achieve these legal goals, conscience is needed, which AI does not possess because AI lacks the sensitivity to bring law closer to justice. Justice cannot be measured scientifically and can only be determined by humans. Therefore, accountability for truth is crucial to uphold moral agreements and legal certainty, ensuring that the law can be implemented effectively according to the legal system in Indonesia.[[8]](#footnote-8).

Based on the provisions of Law Number 2 of 2014 concerning the Position of Notary, known as UUJN, notaries have an important role and function in ensuring the validity of a public contract. Article 1, point 7 of UUJN states that "Notarial deeds, hereinafter referred to as deeds, are authentic deeds made by or before a notary in the form and manner prescribed by this Law." This article emphasizes that notarial deeds must be made in the presence of a notary, meaning that the parties must appear directly before the notary. Therefore, the application of information technology in the creation of notarial deeds is very limited because UUJN requires that the deeds be made in the presence of a notary.[[9]](#footnote-9).

There is concern that if deeds are not made physically, this will have legal consequences for notaries. One such consequence is that the status of an authentic deed could be downgraded to a private deed. This can lead to notaries facing lawsuits from their clients in the future. Additionally, there is no guarantee of security for electronic systems and electronic documents, which are vulnerable to alterations and potential leaks, thus violating confidentiality. This could also result in rejection by the involved parties and the possibility that the documents will not be accepted by the relevant authorities. Consequently, notaries risk facing dismissal sanctions for being deemed non-compliant with the law.[[10]](#footnote-10)

However, with technological advancements, there is a broad opportunity for the public to engage in various activities. The transition to the digital era brings about innovations in public services, with digitalization as the main reference for efficiency. The digitalization of public services aims to enhance efficiency, effectiveness, and cost savings. In the realm of notarial practice, services have traditionally been conducted conventionally without fully leveraging information technology. Therefore, the integration of information technology into public services can be applied in the legal field through technology-based notarial services, known as cyber notary.[[11]](#footnote-11)

A notary is a public official authorized to create authentic deeds and other official documents. The creation of these authentic deeds serves as conclusive evidence of legal actions in civil law. In light of technological advancements, the role and function of a notary in the digital realm are crucial. Notaries validate electronically conducted transactions as regulated by the Notary Position Act, which has evolved in response to technological progress. Traditionally, authentic deeds created by or before a notary are printed on paper. However, with advancements in office administration technology, there is a shift towards a paperless system. The primary function of a cyber notary is to certify and authenticate electronic transaction activities. An electronic transaction is a legal action performed using computers, computer networks, and/or other electronic media.[[12]](#footnote-12)

A cyber notary is a concept wherein notaries leverage technological advancements to create authentic deeds online while performing their daily duties as public officials. The term "cyber notary" can refer to notarial deeds created using electronic tools or to notaries who validate agreements where the reading and signing of the deed do not occur in the notary's presence. This raises questions about whether such notarial deeds comply with the requirements for authentic deeds under Article 16(1)(m) of the Notary Position Act (UUJN), which mandates that notaries must be present to read the deed in the presence of the parties, witnessed by at least two witnesses, and signed immediately by the parties, the notary, and the witnesses. This provision aligns with Article 1868 of the Indonesian Civil Code (Burgerlijk Wetboek), which states that an authentic deed is one that is made in the form prescribed by law, by or before a public official authorized to do so at the location where the deed is made.[[13]](#footnote-13)

The concept of cyber notary is regulated by Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE), particularly in Article 5 paragraphs (1), (2), and (3). The term "electronic document" in these articles indicates that notarial deeds (minuta akta) created by notaries must be stored electronically (e-save). However, this presents a risk that the confidential data of notaries related to clients' deeds can be easily breached by hackers with the expertise to infiltrate important data belonging to notaries or institutions.[[14]](#footnote-14)

**The Presence of Artificial Intelligence in Notarial Practice Can Impact the Existence of the Notary Profession and the Role of Notaries in Society**

There is a growing concern within the legal profession that legal consultants and notaries might no longer be needed as providers of legal services to resolve disputes. Today, various artificial intelligence systems have been developed to offer legal services such as drafting business contracts, providing legal consultations, and even representing clients in court, giving clients the freedom to choose. Just as in the business world, in this era of disruption, technology can displace anyone who is not innovative and efficient, including within the legal industry, which has become a business[[15]](#footnote-15).

A notary is a professional who has received legal education and is entrusted by the government to conduct legal affairs professionally, especially as a witness in the signing of official documents. The notary profession does not depend on a specific legal structure and is not bound to the executive, legislative, or judicial branches of government. Notaries are expected to maintain a neutral position; if they were placed within one of the three branches of government, they would no longer be considered neutral. By maintaining neutrality, notaries are tasked with providing legal advice on legal transactions to be undertaken by each client. Although they act in the interest of the client, notaries must not side with the client, as their role is to prevent legal issues from arising.[[16]](#footnote-16)

A notary is described as a trusted individual, with their signature and seal considered as perfect proof and holding legal force. Notaries are supporters of truth and justice, so those responsible for applying the law must act with good intentions and sincerity, making the legal profession a noble and honorable profession (officium nobile). They are independent legal experts and unquestionable advisors, skilled in maintaining confidentiality while drafting agreements to protect future interests. The description of a notary indicates that the profession is not easy; it requires special expertise and carries moral and legal responsibilities toward individuals utilizing their services. One of the legal responsibilities of a notary is to ensure compliance with notarial protocols in accordance with statutory regulations.[[17]](#footnote-17)

According to the statement from the Secretary General of the Central Board of the Indonesian Notary Association (INI) during the 2016-2022 period, he argues that the role of a notary cannot be replaced by AI because morally and intellectually, notaries ensure the existence and authority of individuals when interacting with clients. Therefore, the legal profession of notaries cannot be replaced by AI because AI is only capable of providing relevant data-based information without offering advice or guidance typically provided during legal consultations. Moreover, in the process of drafting agreements, only a notary has the authority to validate the validity of such agreements in accordance with the law. In this context, the goal is to integrate human intelligence and artificial intelligence to achieve more accurate, better, and of course faster results.[[18]](#footnote-18). Therefore, the presence of AI is intended only to be used as a collaborative tool with the legal profession of notaries.

Some parts of the Notary profession are starting to utilize advanced online technology, especially with the concept of cyber notary, requiring them to update their knowledge and skills in the field of online technology. While implementing this may be challenging, notaries are obligated to carry out their duties by utilizing online platforms due to current demands. According to Nurita (2012), the use of Information and Communication Technology (ICT) in the notary profession can be interpreted as the use of information technology by notaries in carrying out their duties or authorities, especially in relation to the creation of deeds. Fundamentally, the presence and development of ICT in the life of a notary are very beneficial to enhance the effectiveness and efficiency of their work in performing their duties, functions, and authorities in accordance with Law Number 2 of 2014 concerning Notarial Positions.[[19]](#footnote-19)

Forming high-quality notaries is also crucial in anticipating the impacts of the Fourth Industrial Revolution, which is expected to potentially diminish the role of notaries in the future. Facing the Fourth Industrial Revolution, information technology and data will be more accessible to notaries, providing opportunities for them. However, this easy access can also reduce the roles and authorities of notaries, prompting them to strive to maintain the relevance of civil law by enhancing their human resource skills.[[20]](#footnote-20)

**CONCLUSION**

The implementation of artificial intelligence in notarial practice has significant implications for legal certainty and security of notarial transactions. Despite ongoing technological advancements, the creation of notarial deeds still requires the physical presence of a notary and adherence to established legal provisions. Articles in the Notary Office Law (UUJN) emphasize that notarial deeds must be made in the presence of a notary, which limits the application of information technology in this process. This raises concerns about legal consequences if prescribed procedures are not followed. Although notaries must continue to update their knowledge and skills in online technology, their presence in notarial practice remains crucial. Notaries cannot be fully replaced by artificial intelligence because their role in ensuring the authenticity and legal certainty of transactions cannot be overlooked. Therefore, it is important for notaries to adhere to notarial protocols and applicable legal regulations to ensure the authenticity and legal certainty of every transaction they handle.

It is crucial for the notarial profession to continuously update their knowledge and skills to address the impact of the Fourth Industrial Revolution. While artificial intelligence can be a useful tool in the notarization process, notaries must maintain a pivotal role in ensuring the authenticity and security of transactions. Hence, collaboration between human intelligence and artificial intelligence is necessary to achieve more accurate, better, and faster outcomes. Additionally, notaries need to enhance their human resource capabilities to maintain the relevance of civil law in the digital era. Moreover, governments should consider better regulations to govern the use of technology in notarial practice to ensure the protection of data security and privacy, and minimize risks to legal certainty. Thus, the notarial profession can continue to adapt to technological advancements without compromising the principles of justice and legal authenticity that underpin their profession.

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