



The Urgency of the Legal Regulation of the Digitalization Era

Wilma Silalahi

Fakultas Hukum, Universitas Tarumanagara, Jakarta, Indonesia

Benny Djaja

Fakultas Hukum, Universitas Tarumanagara, Jakarta, Indonesia

Sudirman

Fakultas Hukum, Universitas Tarumanagara, Jakarta, Indonesia

ABSTRACT

Purpose - The primary purpose of this research is to examine the integration of digital technology, specifically digital certification and signatures, into the notarial process in the current legal framework.

Methodology - The research employs a juridical-normative legal research methodology. This approach involves analyzing existing laws, regulations, and legal principles (the “normative” aspect) to address the legal problem at hand.

Findings - The findings suggest that when consumers are faced with limited choices, such as accepting unfavorable terms or discontinuing service, informational and normative conformity significantly influence continuance intention. Factors such as perceived security, service quality, satisfaction, and perceived usefulness are found to moderate the relationship between conformity and continuance intention. Additionally, previous experience, trust, and self-efficacy emerge as strong determinants of users’ willingness to reuse or abandon the service after policy disruptions.

Novelty - The study found that while it is technologically possible to create and sign notarial deeds digitally, there are explicitly no laws or regulations that govern this process.

Keywords: authentic deeds, authentication, cyber notary, digitalization era, notary law

JEL Classification: K23, K12, O33

Article Info: Received 20 May 2025; Revised 3 June 2025; Accepted 5 June 2025

Article Correspondence: wilmasilalahi@fh.untar.ac.id

Recommended Citation: Silalahi, W., Djaja, B., & Sudirman (2025). The Urgency of the Legal Regulation of the Digitalization Era. *Journal of Business, Management, and Social Studies*, 5(2), 58-69.

I. INTRODUCTION

The rapid development of technology has facilitated human relationships without regard to distance or time. It can be perused by the community in various aspects of life as a means to communicate and exchange information digitally. The development of IT can produce data, videos, images, sounds, or text of the book in a variety of forms that can be accessed by citizens throughout the world. In addition, the development of IT can also offer a variety of goods or services needed to undergo activities or transactions that are also carried out digitally (Makarim, 2023).



Digital transactions result in changes in the behavior of people's lives in every sector of life. Along with the rapid development of IT, the needs of the community to improve every aspect of life increase as business owners compete to offer goods and services products with various conveniences of transaction services, including through the implementation of digital transaction services. This causes digital banking services to also increase. The presence of digital banking services called electronic Banking (e-Banking) is a solution that makes it easy for customers to carry out financial transactions through various services, including Automatic Teller Machine (ATM), Electronic Data Capture (EDC), Internet Banking, Short Message Service (SMS) Banking, Phone Banking, and Mobile Banking. So, the banking system has increasingly developed its services, so much so that customers can obtain various banking services that can be done independently (self-service) (Nainggolan et al, 2025).

Banking services that can be done independently include registration, transactions (cash, account transfer, payment), and account closure to credit application (Nainggolan et al, 2025). With the community's needs for banking services that are practical, effective, and can be accessed from anywhere and at any given time, no service is ruled out of development in the banking sector, especially credit application (Nurhidayati et al, 2025). It can now be made between the customer and the bank without having to be done at the bank office. Thus, the development of digital technology also has an impact on the authority of the notary in the implementation of its authority in order to adjust to the changes that occur in the use of digital technology. Conversely, a notary can also take advantage of the advancement of digital technology in carrying out his duties if he/she is apt to implement the so-called Cyber Notary concept. The application of Cyber Notary still raises various questions, including whether this concept can be applied in carrying out regular notarial tasks, such as the signing of the deed digitally, the general meeting of shareholders by teleconference, so on and so forth. The concept of cyber notary emerged since 1995, but has yet to be realized perfectly up to date due to the absence of the legal basis governing it (Ramli, 2004).

Since the enactment of Law Number 11 of 2008 concerning Information and Digital Transactions (EIT Law), the plan for the application of cyber notary re-emerged. With the existence of cyber notary, it is expected that the implementation of the tasks and authority of the notary in making authentic deeds as well as all actions or agreements or provisions required by the law in service of the community and the desires of interested parties, both in terms of the need for authentic written evidence and to be stated in an authentic deed, so that in making an authentic deed can be made easy and accelerated by the process (Syamsir et al, 2019).

The regulation regarding cyber notary in the EIT Law has not been clearly regulated, only regulated in the Explanation of Article 15 paragraph (3) of the EIT Law. Likewise in Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (Notary Position Law) in the Explanation of Article 15 paragraph (3), regulates the authority of a notary. The Explanation of Article 15 paragraph (3) of the Notary Position Law states that: 'What is meant by "other authorities regulated in laws and regulations," includes, among others, the authority to certify transactions carried out digitally (cyber notary), make deeds of waqf oaths, and airplane mortgages.' This suggests that although a notary has the authority to make digital transaction certificates, it does not necessarily result in a notary being able to certify digital transactions.

Thus, although cyber notary is a legal breakthrough made to meet the legal needs of society, especially in the banking system that requires notary services, the implementation of cyber notary still has shortcomings in its regulations. The concept of cyber notary cannot be implemented effectively and efficiently due to the legal vacuum between the meaning and implementing regulations of cyber notary itself. Thus, based on the description, in making a notarial deed, which is the authority of a notary, it is necessary to regulate how the process of implementing the authority of a notary to certify digitally conducted transactions in notarial deeds.



II. PROBLEM FORMULATION

The making of a notarial deed, which falls within the authority of a notary, have developed due to the rapid development and advancement of technology. The implementation of a notary's authority is now slowly taking into account technological progress. Thus, it is deemed necessary to raise interesting issues in this study, namely: (1) How is the process of implementing the authority of a notary to certify transactions carried out digitally within the context of making of a notarial deed so that the making and signing of the deed can be implemented digitally? (2) How urgent is the amendment of notary law in the current digital era?

This article is not intended to suggest that the absence of regulations related to notarial law in the current era of digitalization does not make notarial law uncertain. However, the role of notary in the increasingly digital era is indeed not yet clearly regulated, so that in order to obtain legal certainty related to the matter in question, it is necessary to first regulate the process of implementing the authority of a notary to certify transactions carried out digitally in the form of a notarial deed. The making and signing of the deed ideally can be applied digitally, hence the need for regulatory amendment on the prevailing notarial law, so that legal certainty and justice can be achieved.

III. METHODOLOGY

This research uses normative juridical legal research (Soekanto et al., 1985) or doctrinal research (Sunggono, 1997), that the formation of legislation must be in accordance with the mandate of Pancasila and the 1945 Constitution of the Republic of Indonesia as the highest law in the legal regulatory system of the Republic of Indonesia. This study specifically focuses on information technology, which is a powerful weapon to accelerate performance, to better know one's position as well as challenges, and become the basis for decision making and policy making based on accurate data obtained through sophisticated information technology. From here, the application of information technology in an agency becomes a benchmark for its progress and influences performance. The occurrence of the digital revolution has shifted society from an industrial society to an information society since the activities and ways of communicating in social life, trade, economy, research, and education have changed fundamentally in line with advances in technology, information, and telecommunications. Furthermore, the data collection technique used in this study is through document studies and literature on secondary data in the form of primary, secondary, and tertiary legal materials. The analysis used is descriptive in order to make this research clear.

IV. DISCUSSION

A notary is a public official who has the authority to make authentic deeds as well as other authorities endowed upon his position as stated in Article 1 number 1 of the Notary Law. The authority of a notary is to make authentic deeds regarding all acts, agreements and stipulations which are required by statutory regulations and/or which are desired by those interested to be stated in authentic deeds, guarantee the certainty of the date of the deed, store the deed, provide grosses, copies and extracts of the deed, all of these as long as the making of the deed has not already been assigned or excluded to another official or other person as determined by law as stated in Article 15 paragraph (1).

Apart from those mentioned above, the notary also has the following additional authorities as Article 15 paragraph (2): (a) validate the signature and determine the certainty of the date of the private letter by



registering it in a special book; (b) record a letter made under hand by registering it in a special book; (c) make a copy of the original private letter in the form of a copy containing the description as written and described in the letter in question; (d) to verify the conformity of the photocopy with the original letter; (e) provide legal advice regarding the preparation of deeds; (f) make a deed relating to land; or (g) making a deed of auction minutes.

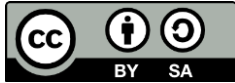
In addition to the authority of a notary as mentioned above to carry out digital certification, in the implementation of digital services, it can currently be said to be just a discourse by the government, because the authority of a notary to carry out digital certification has no rules in its implementation. If we look at the Notary Law, the philosophical basis for the formation of the Notary Law is the realization of a guarantee of legal certainty, order, and legal protection that is based on truth and justice, so it can be concluded that the importance of the notary profession is because notaries are given the authority by law to create absolute evidence, where the notary profession tends to serve the business world (Yetniwati et al., 2019), in the sense that what is stated in an authentic deed is basically considered true. Through the deed he makes, the notary must be able to provide legal certainty to the community using the notary services in question (Dindianingrat et al, 2025).

As time goes by, humans continue to develop various technologies that are used as tools to facilitate daily life activities. The presence of various technological innovations in the midst of human life today is a reality that cannot be denied, where the majority of humans use technology in every aspect of their lives. So, the benefits of technology in human life cannot be denied anymore. One of the current technological developments is the emergence of technological innovations that combine communication technology with telematics information technology. As a result of this innovation, relationships between humans have become increasingly limitless, communication and interaction are easier to do without a time lag (real time), in addition, information is also easier to access and obtain so that it is more efficient and effective.

Viewed from an anthropological perspective, the digital world effectively depicts the relationship between humans and digital technology increasingly real (Trianto et al, 2025). Thus, the conditions in question strive to realize a more meaningful human life. However, the presence of digital technology with all its advantages has given birth to breakthroughs by creating various new and positive things. However, it cannot be denied that digital technology also gives rise to various negative things, namely that it was initially controlled by money alone. Humans are given two choices in utilizing digital technology, namely: (1) humans as the initiators of technology (creators); and (2) humans become users of technology by encouraging the development and utilization of functions with all their consequences (Irawan et al, 2025).

The main element of digital technology is the presence of the internet which is the trigger for the integration of telematics technology throughout the world, including in Indonesia. Indonesia is the country with the largest internet users in Asia. Based on a survey by the Central Statistics Agency (CSA) in 2020, as many as 53.73 percent of Indonesians have accessed the internet and as many as 90.75 percent of households in Indonesia have at least one mobile phone number. The CSA data shows the high number of internet users in Indonesia and also shows that Indonesian people can accept technological developments and of course must be ready to welcome changes towards an information society (digital society era) (Irawan et al, 2025).

Meanwhile, according to the Indonesian Internet Service Providers Association (IISPA), the number of Internet users in Indonesia will reach 221,563,479 people in 2024, from a population of 278,696,200 people in 2023. Based on the results of the 2024 Indonesian Internet Penetration Survey published by IISPA, the internet penetration rate - Net Indonesia increased by 79.5%. Compared to the previous season, the increase was 1.4%. "This shows the continued growth of the positive trend graph of internet penetration in Indonesia over the past five years which has grown significantly," said IISPA Director General Muhammad Arif when announcing the results of the IISPA office internet survey in Jakarta, on



Wednesday, January 31, 2024. Until 2018, internet penetration in Indonesia reached 64.8%. Then 73.7% in 2020, 77.01% in 2022, and 78.19% in 2023. In Indonesia, internet penetration based on gender is mostly male at 50.7% and female at 49.1%. While those who surf the internet are mostly 34.40 percent Generation Z (born 1997-2012). Then the millennial generation (born 1981-1996) as much as 30.62%. The next generation age group (born 1946-1964) is 6.58% and before the boom (born 1945 at 0.24%). IISPA found that urban areas are still the largest (69.5% and rural areas 30.5%) (Prasetyo et al, 2024).

The large number of internet users affects people's daily lives. Economic activities are now increasingly easy to do via the internet network, so that online trading transactions known as digital commerce (e-commerce) have emerged. E-commerce is a modern business method, where transactions between business owners (actors) and clients (consumers) are carried out online without the need to meet physically (non-face) and business document signatures are carried out digitally (e-signature). The implementation of e-commerce has been recognized for its existence in the digital era globally, including Indonesia, where Indonesia has accommodated transactions using digital-based digital systems, namely by enacting regulations governing the implementation of trade using online methods, including the enactment of the EIT Law which generally regulates all matters relating to information and digital-based transactions (Irawan et al, 2025).

The presence of the EIT Law is a legal breakthrough in welcoming the digital era. So that it allows all digital activities today to be carried out legally based on the a quo Law, including the provision of public services carried out by both the state (government) and the private sector. In the provision of public services carried out by the central government to the regional level, in serving the public interest for the community (public services), it has begun to be instructed to be carried out digitally (digitalization), so that the terms e-Governance, e-Budgeting, and so on have emerged. One type of non-government public service that is very closely related to the administration of the state and is an extension of the government is Notary.

As a public official, notaries have so far used conventional (traditional) methods in carrying out their duties in serving the public interest. This is certainly no longer relevant to the demands and developments of the times, which are now starting to use technology in every line of life. In notarial law in Indonesia, public officials, namely notaries, to support their professional duties and to improve services to the public in making authentic deeds, should follow technological developments, so that notaries in carrying out their duties can optimally utilize technological developments, especially in making deeds, so that it can be done with the help of online technology, which in essence the person appearing no longer needs to be physically present before the notary, the reading of the deed, and also the signing of the deed can also be done through digital media digitally.

In practice, notaries in their development have utilized technology to support legal services in accordance with the development of science and technology in their time. Initially, notaries in making authentic deeds were written directly using handwriting, because at that time the technology available was limited to pens, ink, and paper. Along with the development of technology, humans created typewriters as a tool for writing. The emergence of typewriter technology was utilized by various groups of people to create documents including notaries, so that initially the creation of deeds was written by hand directly, switched to typewriters, until then technological developments developed with the presence of computer technology. The typewriter used by notaries in making deeds in their time, with the presence of computer technology, also switched to using computers, which then the results of typing with the computer were printed with printer machine technology automatically, this is what has been going on until now.

Along with the development of the era, at this time, technology is developing rapidly, including the development of internet technology, which in the end computer technology is combined with internet technology which creates a new phenomenon that changes human interaction. This combination has



fundamentally disrupted all activities, which were initially carried out physically, now with digital technology can be done using a network (online). Therefore, humans are required to be able to adapt to these conditions, including in the field of notary, where technology has not only changed the level of practitioners but has also led to matters of a substantial nature in carrying out the duties of a notary. Matters of a substantial nature related to the duties and authorities of a notary, including physical presence, reading of deeds, signing of deeds, making minutes and copies of deeds, embedding of fingerprints of the person appearing, jurisdiction of the notary's office and also the person appearing, and other substantial matters that have been regulated in the Notary Law, all of which if they can be legally regulated can be carried out using digital technology, namely virtually with digital media.

An authentic deed that is perfectly proven is not only seen from the completeness of the material contents of the will of the parties, but also deserves to be reviewed from how the formal implementation of its making is carried out, namely it must meet all requirements in accordance with the laws and regulations that regulate it. One of the crucial formal elements in making a notarial deed is the process of reading and signing the minutes of the deed when the deed is finished being made by the notary. The obligation to physically face each other in making an authentic deed, reading the deed, signing the deed in real terms (real with wet ink) and also the affixing of fingerprints which must be done immediately after the deed is read, all of these requirements are the core (substance) of the regulation of making notarial deeds as stipulated in the Notary Law, so that if these provisions are ignored, it will have implications for the authenticity of the deed made even though the a quo Law does not prohibit making copies of the deed in digital form.

Although there is no prohibition for notaries to issue authentic digital copies of deeds in the Notary Law, this can potentially cause problems with the provision of the notary's obligation to read the deed in front of the parties (appearers). In addition, it also creates uncertainty about the time and date in making an authentic deed that shows the fact that a legal event has occurred for a certain legal act (time stamping), so that there needs to be an agreement from the parties (appearers) regarding the time to be used in the transaction digitally. In addition, another problem is that there are no regulations regarding the digital archiving of original notary deed documents (minuta), so that the archive of deed minuta still uses paper and is stored manually (paper based).

In substance, the authority of a notary in making authentic deeds digitally has not been regulated in detail in either the Notary Law or the EIT Law, however, there is an opportunity that can be used as an entry point for using technology in making authentic deeds digitally, namely Article 15 paragraph (3) of the Notary Law concerning cyber notary, where notaries are authorized to carry out digital transaction certification, but regarding this authority until now it has still given rise to different views and debates among experts due to the unclear meaning and intent of the cyber notary. Therefore, a concrete explanation is needed from the law maker regarding this matter. In addition, harmonization of related regulations also needs to be carried out, so that the implementation of cyber notary can be carried out properly and optimally.

In order to achieve the creation of authentic deeds digitally carried out by notaries as a form of implementing the cyber notary concept, it is necessary to revise legal regulations supported by accountable and reliable technology. This is a form of using technology in the industrial era 5.0. So that notarial deeds in the future can be made and stored in digital form. Based on the provisions of the positive law in question, the creation of authentic deeds digitally can be implemented properly, if the laws and regulations strictly regulate the mechanism for making them, the procedures for storing them, and their authenticity. In addition, effective and efficient digital technology support is also needed so that the creation of authentic deeds digitally can be applied properly, especially ensuring the authenticity of the digital deed. Several provisions of positive law in force in Indonesia regarding the opportunity to make authentic deeds digitally



using technological means have been accommodated in various regulations, including: (1) Regarding physical presence and face-to-face, virtual meetings can be held, namely using video conference technology, where with this technology, the parties and notaries interact actively with each other via audio and video connections without having to meet physically, specifically for the General Meeting of Shareholders (GMS) there have been regulations regarding digital GMS or also known as e-GMS. The implementation of e-GMS has been regulated by the provisions of Article 77 of Law Number 40 of 2007 concerning Limited Liability Companies (State Gazette of the Republic of Indonesia of 2007 Number 106, Supplement to the State Gazette of the Republic of Indonesia Number 4756, hereinafter referred to as the LLC Law), which in essence the GMS can be held using teleconferencing, video conferencing, and other audio-visual media, with the condition that the meeting participants can actively participate together and participate with each other, then the notary can actually make a release deed in the form of minutes of the meeting by reading the deed directly in front of the parties (meeting participants), then after the deed is read, the meeting participants and the notary can immediately sign it digitally (e-signature); (2) Regarding digital signatures or digital signatures, their implementation has been regulated in statutory regulations, namely Article 11 of the EIT Law, which in essence states that digital signatures are the same as manual signatures; and (3) Regarding the ratification of a legal entity of a corporation and/or business entity through the legal entity administration system applied by the Directorate General of General Legal Administration of the Ministry of Law. In this platform, notaries can submit/apply for ratification of a legal entity and/or business entity digitally, so that it is shorter and faster than using conventional/manual procedures.

Authentic deeds are made to create legal certainty. In addition, it also aims to protect the parties who make them, including the community who have interests, either directly or indirectly, in the rights and obligations that arise. In the realm of evidence, authentic deeds are formally and materially recognized as legal in court if they are made in writing (on paper) and made by an official who has the authority to do so as regulated in the applicable provisions. In contrast to the making of authentic deeds digitally without paper media, the making of authentic deeds through digital media explicitly has no laws and regulations that regulate it, resulting in deeds created using electronic technology lacking legal certainty. This can clearly affect the authenticity of the deed, namely that it no longer has the perfect value in terms of evidence, to the point of being considered a deed underhand.

Implicitly, the creation of authentic deeds digitally has been accommodated, although very limited, regulated in the provisions of the Notary Law, namely in Article 15 paragraph (3) of the Notary Law, namely regarding cyber notary, where notaries can carry out certification in digital transactions. However, the application of cyber notary still raises many doubts for notaries, because the intent of cyber notary in the Notary Law is not yet clearly regulated, thus giving rise to legal uncertainty. However, in practice, the use of technology in the notary world has been carried out by notaries, namely in terms of submitting applications for ratification and approval of ratification of changes to legal entities and business entities, as regulated in the Regulation of the Minister of Law and Human Rights Number 14 of 2020 concerning the Second Amendment to the Regulation of the Minister of Law and Human Rights Number 4 of 2014 concerning Procedures for Submitting Applications for Ratification of Legal Entities and Approval of Changes to the Articles of Association and Submission of Notification of Changes to the Articles of Association and Changes to Limited Liability Company Data (State Gazette of the Republic of Indonesia 2020 Number 489) in conjunction with the Regulation of the Minister of Law and Human Rights Number 5 of 2014 concerning Ratification of Foundation Legal Entities (State Gazette of the Republic of Indonesia 2014 Number 393) in conjunction with the Regulation of the Minister of Law and Human Rights Number 6 of 2014 concerning Ratification of Association Legal Entities (State Gazette of the Republic of Indonesia 2014 Number 394) and other provisions issued by the Ministry of Law and Human Rights. Human Rights



and its various changes related to the use of online digital systems in the Directorate General of General Legal Administration of the Ministry of Law.

Furthermore, the state grants several authorities to notaries to provide legal certainty to its people, and one of these authorities is the authority to certify transactions carried out digitally as known as cyber notary. This authority has been described in the Explanation of Article 15 paragraph (3) of the Notary Law. This article grants notaries the authority to certify transactions carried out digitally (cyber notary). This shows that the government is trying to provide legal certainty to those who carry out transactions carried out digitally through notaries as organizers of digital transaction certification. It is an interesting thought, whether the evidence created can have perfect evidentiary power so that it can provide legal certainty to legal subjects who carry out transactions carried out digitally.

To answer this question, it is necessary to know about the law of evidence in Indonesia. The law of evidence in Indonesia recognizes the existence of evidence in the form of letters as written evidence. A letter is anything that contains reading signs that are intended to convey someone's thoughts that are used as evidence. A deed itself is a letter as evidence that is signed, which has an event that is the basis of a right or obligation, which was made from the beginning intentionally for evidence (Anshori, 2009) and regarding the legal provisions for providing evidence of a notary's authority to carry out transactions carried out digitally, this can be seen in the ITE Law and the Civil Code (BW) (Hidayah et al, 2024).

The EIT Law explains several things, namely as follows (Handoko, 2019): (1) The globalization of information has placed us as part of the world information society, thus requiring the establishment of regulations regarding the management of information and digital transactions at the national level so that they can be carried out optimally, evenly and spread to all levels of society in order to make the nation's life more intelligent; (2) The development and progress of information technology has caused changes in human life activities in various fields which have directly influenced the birth of new forms of legal acts; (3) The use and utilization of technology must continue to be developed to maintain, preserve and strengthen national unity and integrity based on statutory regulations; (4) The use of technology plays an important role in trade and national economic growth to realize community welfare; and (5) The government needs to support the development of information technology through legal infrastructure and its regulations so that the use of technology is carried out safely to prevent its misuse while paying attention to religious and socio-cultural values.

Thus, notaries are expected to be able to carry out their duties and authorities by using digital systems, namely a series of digital devices and procedures that function to prepare, collect, process, analyze, store, display, announce, send and/or distribute digital information (Government Regulation No. 82 of 2012). Notaries in Indonesia must be able to provide strong synergy and harmony to the rapid growth and development of development in the country. Through the application of the cyber notary concept, it is hoped that notaries can contribute to the notary legal system in Indonesia (Nurita, 2012).

In proof, valid or accepted evidence in a civil case consists of written evidence, witness statements, allegations, confessions, and oaths as regulated in Article 1866 of the Civil Code. Evidence can also be in the form of digital evidence as regulated in Article 5 of the EIT Law, which confirms:

1. digital information and/or digital documents and/or printouts thereof constitute valid legal evidence;
2. digital information and/or digital documents and their printouts as referred to in paragraph (1) constitute an extension of valid evidence in accordance with the procedural laws applicable in Indonesia;
3. digital information and/or digital documents are declared valid if they use an digital system in accordance with the provisions stipulated in this Law;
4. The provisions regarding digital information as referred to in paragraph (1) do not apply to:



- a. Letters which according to the law must be made in writing;
- b. Letters and documents which according to the law must be made in the form of a notarial deed or a deed made by a deed-making official.

From the provisions of Article 5 paragraph (4) letters a and b above, the concept of cyber notary, especially in the making of deeds digitally, cannot yet be implemented, but that does not mean that it will never be possible, because if viewed from Article 5 paragraph (2) and paragraph (3) of the EIT Law, it is certain that these two paragraphs provide an opportunity for the realization of the concept of cyber notary, only that there needs to be a uniform legal umbrella so that the notary's authority can be increased not only to serve the community conventionally but also in the form of digital services, especially in making digital deeds with authentic value. This is very urgent due to the increasingly rapid development of the technological era (Nurita, 2012).

Thus, the relationship between the function and purpose of the EIT Law in signing a deed is contained in a statement of the entire digital transaction which is considered a deed, and the proof of this is the same as an authentic deed. It can be concluded that with the increasing digital-based activities, the means of proof that can be used legally must include information or documents that can facilitate the implementation of the law. The provisions of Article 5 of the EIT Law describe the provisions that facilitate the implementation of the use of digitals or printed results which are referred to as the expansion of valid evidence in accordance with applicable law. The existence of the EIT Law provides benefits for information technology, media, and communication which have changed the behavior of society and human civilization globally. The development of information and communication technology has caused world relations to become borderless and caused significant social, economic, and cultural changes that are taking place so quickly (Barkatullah, 2017).

It can be said that technology is "King" today. All tasks that were initially difficult to achieve can now be done easier and faster. This brings many benefits and goodness. One example is the establishment of international relations both in the fields of education and the business world. However, digitalization also gives rise to threats. It can be said that the industrial revolution 5.0 is a revolution based on a cyber physical system. This means that robots with artificial intelligence are starting to spread and take over human positions in the workplace. Notaries and PPATs in carrying out their professions are required to adapt and follow developments in the era of globalization and the industrial revolutions 4.0 and 5.0, where many business activities and transactions are carried out through digital means based on integrated data. For example, a few years ago we were introduced to the online fiduciary system, which is connected to the registration of Legal Entities carried out online through the Legal Entity Administration System (LEAS). The Integrated digital Data System as a means and opportunity to make the work of Notaries/Land Deed Officials easier, faster, more precise, and more efficient.

The digitalization era based on cyber physical system is an aspect of the cyber system of the industrial revolution 5.0. This system allows physical devices to be connected to the internet network. This system requires control and response from the internet to physical machines through actuators and sensors. Actuators are control devices that can be used to control the use of a device remotely.

In addition, current technological developments allow the use of digital documents, both in criminal and civil cases, to be legally recognized as evidence in court, in accordance with the provisions of Article 55 and Article 66 of the EIT Law. However, in the EIT Law there is an exception article, namely Article 5 paragraph (4) of the EIT Law which expressly states that notarial deeds in terms of their creation and use digitally are not digital documents, so they cannot be used as digital evidence. However, the exception article is not absolute. The article can be set aside if the Notary Law accommodates a legal breakthrough that regulates the dynamics of technology in the creation of authentic deeds using a good and reliable digital system.



The implementation and recognition of digital documents in the dynamics of laws and regulations in force in Indonesia has been accommodated long before the ratification of the EIT Law, including in Law Number 8 of 1997 concerning Company Documents (State Gazette of the Republic of Indonesia of 1997 Number 18, Supplement to the State Gazette of the Republic of Indonesia Number 3674). In the *a quo* Law, in the consideration letter f, it states, “that technological advances have made it possible for records and documents made on paper to be transferred to digital media or made directly in digital media.” The *a quo* Law also contains an affirmation in Article 12, which in essence states that company documents have authentic evidentiary value and still have certain legal interests even though the documents have been transferred in the form of microfilm or other media.

Digital documents when viewed from the EIT Law are valid authentic evidence, that is if their creation and storage procedures are in accordance with the legal norms contained in the EIT Law, including regulations regarding specific systems, certification procedures and digital transactions that guarantee their integrity (non-reputation) and can be accounted for their reliability. Various regulations regarding digital documents, in addition to being regulated in the two regulations above, have also been legally regulated in other positive legal regulations which until now remain and are still in effect in Indonesia, namely: (1) Law Number 30 of 2014 concerning Government Administration (State Gazette of the Republic of Indonesia 2014 Number 292, Supplement to the State Gazette of the Republic of Indonesia Number 5601); (2) Law Number 25 of 2009 concerning Public Services (State Gazette of the Republic of Indonesia 2009 Number 112, Supplement to the State Gazette of the Republic of Indonesia Number 5038); and (3) Law Number 14 of 2008 concerning Disclosure of Public Information (State Gazette of the Republic of Indonesia 2008 Number 61, Supplement to the State Gazette of the Republic of Indonesia Number 4846).

The existence of various laws and regulations above, indirectly has changed the concept of authentication and also the procedures for legalization made using digital systems. Thus, it can be stated that the regulation in terms of making authentic deeds digitally can be implemented in the practice of organizing notary offices, seeing that digital documents have been widely applied in the implementation of digital systems in government work environments. To implement these activities, the Indonesian government needs to create a trusted technology infrastructure (trust service), especially in terms of storing digital documents that are vulnerable to manipulation, change, and interception/hacking so that the process of digitizing documents in paperless form can be realized safely. The implementation of paperless digital documents in the scope of notarial works, namely by compiling security procedures for proving minutes of deeds and also their copies so that their authenticity is maintained, this needs to be done so that authentic deeds made digitally have the same, strongest legal binding force and can be used as evidence in court. This can be implemented well by reactualizing, harmonizing, and also synchronizing the various provisions of laws and regulations that regulate this matter, including the need to amend the Notary Law, the EIT Law, and also Article 1868 of the Civil Code.

Regarding its technical implementation, it is necessary to regulate supporting regulations which are derivative rules of the law, either in the form of Government Regulations, Ministerial Regulations, and/or other regulations in accordance with the provisions of applicable laws and regulations. The technological aspect in making authentic deeds in the regulation of notary positions in Indonesia needs to be clarified and expanded, as per the demand of the community and the business world which requires acceleration, efficiency, and effectiveness, so that the concept of changing the implementation of notary positions which were originally carried out with conventional (offline) procedures is changed to online measure to be able to answer the following matters: (1) notary authority; (2) authenticity of digital deeds; (3) guarantee of security of deeds made digitally; and (4) legal responsibility for digital documents/information which are the basis for making digital authentic deeds.



In the context of the industrial revolution 5.0, the practice of holding a notary office as a public official given a legal mandate to serve the public interest, especially the making of authentic deeds, should be able to be done using sophisticated digital technology. Physical meetings do no longer need to be carried out, and the reading and signing of deeds can be done with digital technology, so that notaries in the industrial era 5.0 also play a role in making human life safe and comfortable to realize a more meaningful and happy human life as the goal of the 5.0 society era. In this regard, various parties who have interests must try their best to ensure its realization. All objects and events in the universe will always change (*panta rei*) dynamically, and none of them are static. Legislation that no longer functions properly needs to be continuously re-examined, and it is important that complicated administration with its complexity and requiring expensive costs be simplified.

V. CONCLUSION

In realizing the process of implementing the authority of a notary in certifying transactions carried out digitally, including in making a notarial deed, the making and signing of the deed can be applied digitally. However, before its implementation, in terms of evidence, there has yet any legislation that explicitly regulates making authentic deeds digitally without paper media. This can result in deeds made with digital technology lack legal certainty because regulations have not expressly regulated it. Likewise, the right formulation based on the concept of cyber notary is yet to be developed. For this reason, notary institutions need to prepare appropriate regulations to accommodate digital development in order to provide legal certainty. In addition, there needs to be an appropriate digital application/platform integrated with various institutions/ministries in accordance with the respective authorities, roles, functions, and duties, as well as the legal responsibilities of each in accordance with applicable law. All of these shows even more the high urgency of regulatory reform in the current digital era through amendments of the Notary Law, especially considering the rapid development of technology.

REFERENCES

- Anshori, A. G. (2009). Lembaga Kenotariatan Indonesia. Yogyakarta: UII Press.
- Barkatullah, A. H. (2017). Hukum Transaksi Elektronik (I. M. Zulaeha, Ed.). Bandung: Nusa Media.
- Dindianingrat, N. Y., Yogantara, P., & Sumardika, I. N. (2024). Kewenangan notaris dalam memberikan penyuluhan hukum terkait dengan pembuatan akta. *Acta Comitatus: Jurnal Hukum Kenotariatan*, 9(3), 615–628.
- Handoko, W. (2019). Dominasi Negara terhadap Profesi Notaris antara Ide dan Realitas (A. Y. E. Nasrul & A. Wibowo, Eds.). Bogor: PT Roda Publika Kreasi.
- Hidayah, S. A., & Huda, M. (2024). Urgensi pengaturan cyber notary dalam layanan jasa perbankan digital. *Dinasti Review: Jurnal Ilmu Hukum, Humaniora dan Politik*, 4(6), 2746–2754.
- Irawan, A., Bakry, M. R., & Hardian, F. (2024). Eksistensi aspek teknologi dalam pembuatan akta autentik secara elektronik pada pengaturan jabatan notaris di era industri 5.0. *Comserva: Jurnal Penelitian dan Pengabdian Masyarakat*, 2(8), 1501–1521.
- Makarim, E. (2003). *Kompilasi Hukum Telematika*. Jakarta: Raja Grafindo Persada.
- Nainggolan, D. A., Simanjuntak, C. G., Nainggolan, Y. K., Silalahi, I. V., Hutasoit, N. S., Hasugian, C., & Siallagan, H. (2025). Penerapan m-banking dalam meningkatkan jasa, layanan perbankan di Bank Rakyat Indonesia. *Jurnal Daya Saing*, 11(1), 33–42.



- Nurhidayati, E., & Sukarno, G. (2023). Strategi meningkatkan kualitas layanan melalui digitalisasi jasa perbankan “Digi by Bank BJB” guna meningkatkan loyalitas dan target nasabah. *KARYA: Jurnal Pengabdian Kepada Masyarakat*, 3(3), 309–315.
- Nurita, E. (2012). *Cyber Notary* (M. H. H. Ajie, Ed.). Palembang: PT Refika Aditama.
- Nurita, R. A. E., Rahmi, E., & Yetniwati. (2019). Prospek cyber notary sebagai media penyimpanan pendukung menuju profesionalisme notaris. *Recital Review*, 1(2), 132–147.
- Prasetyo, S. M., Gustiawan, R., Farhat, & Albani, F. R. (2024). Analisis pertumbuhan pengguna internet di Indonesia. *Buletin Ilmiah Ilmu Komputer dan Multimedia*, 2(1), 67–71.
- Ramli, A. M. (2004). *Cyber Law dan HAKI dalam Sistem Hukum Indonesia*. Bandung: PT Refika Aditama.
- Soekanto, S., & Mamudji, S. (1985). *Penelitian Hukum Normatif*. Jakarta: Raja Grafindo Persada.
- Sunggono, B. (1997). *Metodologi Penelitian Hukum*. Jakarta: Raja Grafindo Persada.
- Trianto, S. A., & Priatmojo, D. (2025). Relasi manusia dan teknologi digital dalam perspektif filsafat Yin dan Yang. *Jurnal Filsafat Indonesia*, 8(1), 75–80.
- Yetniwati, Rahmi, E., & Hartati. (2019). Peran notaris dalam pembuatan kontrak bisnis. *Jurnal Karya Abdi Masyarakat*, 3(2), 176–181.
- Government Regulation of the Republic of Indonesia No. 82 of 2012 concerning the Implementation of Digital Systems and Transactions. (2012). *State Gazette of the Republic of Indonesia* No. 189, Supplement No. 5348.
- The 1945 Constitution of the Republic of Indonesia.
- Civil Code (Burgerlijk Wetboek).
- Law No. 8 of 1997 concerning Company Documents. (1997). *State Gazette of the Republic of Indonesia* No. 18, Supplement No. 3674.
- Law No. 40 of 2007 concerning Limited Liability Companies. (2007). *State Gazette of the Republic of Indonesia* No. 106, Supplement No. 4756.
- Law No. 11 of 2008 concerning Electronic Information and Transactions. (2008). *State Gazette of the Republic of Indonesia* No. 58, Supplement No. 4843.
- Law No. 14 of 2008 concerning Public Information Disclosure. (2008). *State Gazette of the Republic of Indonesia* No. 61, Supplement No. 4846.
- Law No. 25 of 2009 concerning Public Services. (2009). *State Gazette of the Republic of Indonesia* No. 112, Supplement No. 5038.
- Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2004 concerning the Position of Notary. (2014). *State Gazette of the Republic of Indonesia* No. 3, Supplement No. 5491.
- Law No. 30 of 2014 concerning Government Administration. (2014). *State Gazette of the Republic of Indonesia* No. 292, Supplement No. 5601.
- Regulation of the Minister of Law and Human Rights No. 5 of 2014 concerning the Ratification of Legal Entity of Foundations. (2014). *State Gazette of the Republic of Indonesia* No. 393.
- Regulation of the Minister of Law and Human Rights No. 6 of 2014 concerning the Ratification of Legal Entities of Associations. (2014). *State Gazette of the Republic of Indonesia* No. 394.
- Regulation of the Minister of Law and Human Rights No. 14 of 2020 concerning the Second Amendment to Regulation No. 4 of 2014 on Procedures for Submitting Applications for Legal Entity Approval and Amendments. (2020). *State Gazette of the Republic of Indonesia* No. 489.