

Reforming the Legal Framework of Notary Supervision in Indonesia: Towards a Digital Governance Model

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Abstract

The supervision of notaries in Indonesia remains conventional, mainly relying on manual, hierarchical, and fragmented mechanisms that hinder transparency, efficiency, and accountability. In contrast, many jurisdictions have restructured their professional oversight through digital governance systems to promote integrity and responsiveness in public services. Although Law No. 30 of 2004 and Law No. 2 of 2014 provide a normative foundation for notary supervision, Indonesia lacks operational mechanisms and digital integration consistent with global governance standards. Reforming this system has therefore become crucial to align national practices with international developments in digital legal oversight. This study employs a normative juridical method combined with conceptual and comparative approaches. Legal materials, including statutory provisions, academic journals, and institutional reports, were analyzed to identify structural and normative weaknesses. Comparative insights from the Netherlands, Germany, and the United States reveal that digital supervision enhances transparency, professional ethics, and institutional accountability. The findings show that Indonesia's three-tier supervisory structure—MPD, MPW, and MPP—is legally established but technologically outdated. This research proposes a digital governance model for notary supervision integrating electronic supervision, real-time data reporting, and inter-institutional connectivity. Embedding responsive law principles, the model contributes to the global discourse on digital legal governance by providing a context-sensitive framework for modernizing professional oversight in developing legal systems.

Keywords: Digital Governance; Notary Supervision; Legal Reform.

Introduction

Digitalization in every field of work is now impossible to ignore. Rakha's research states that despite global progress in data protection laws, significant inconsistencies remain in data and privacy policies across countries. More than 120 countries have adopted some form of international data



protection regulation, but each country's development varies greatly depending on its respective legal system and cultural perspectives.¹ Research shows that digitalization cannot change the fundamental structure of a system, namely broadcasting. Good practices can be applied to the digitalization of the notary sector.

Based on data recorded until 2022, there were no less than 21,000 total Notary Public throughout Indonesia, which serves not enough more than 270 million Indonesians. In Indonesia, there are currently around 514 Notaries spread across 514 districts and cities throughout Indonesia.² Notaries perform a public function by providing legal certainty and security within the legal structure of society. This central role justifies the need for regulation.³ The notary provides legal services that are increasingly developing. The distribution era encourages various changes and governance of public services, including in the legal sector.

By following its development, many rights are facilitated. As conveyed by Anthon Freddy et al., Globalization and digitalization encourage many achievements, as developed in science and technology, which have created various new studies and skills; however, these new scientific studies have also brought new impacts, especially the birth of new problems in society.⁴ Law Number 30 of 2004 concerning the Position of Notary (further amended by Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary, hereinafter referred to as UUJN) provides opportunities. It has an impact on the terms called cyber-Notary and electronic. Cyber Notary is a concept of Notary services based on electronics, and physical meetings are not absolute.⁵

According to Koncoro, Notary Public Electronic is a concept of

¹ Naeem Allahrakha, Tillayeva Gulsanam Xamdamovna, and Bozarov Sardor, "Privacy and Security Risks in Cross-Border Digital Payment Systems" 33, no. September (2025): 553–84, <https://doi.org/https://doi.org/10.22219/ljih.v33i2.40400>.

² CNN, "Yasonna Soroti Pencucian Uang Saat Lantik Majelis Pengawas Notaris," CNN INDONESIA, 2022, <https://www.cnnindonesia.com/nasional/20220316164614-12-772174/yasonna-soroti-pencucian-uang-saat-lantik-majelis-pengawas-notaris>.

³ Joëlle Noailly and Richard Nahuis, "Entry and Competition in the Dutch Notary Profession," *International Review of Law and Economics* 30, no. 2 (June 2010): 178–85, <https://doi.org/10.1016/j.irle.2009.11.001>.

⁴ Anthon F. Susanto et al., "DIGITALISASI PENDIDIKAN HUKUM," *LITIGASI* 23, no. 2 (October 31, 2022): 234–52, <https://doi.org/10.23969/litigasi.v23i2.6216>.

⁵ Kadek Setiadewi and I Made Hendra Wijaya, "LEGALITAS AKTA NOTARIS BERBASIS CYBER NOTARY SEBAGAI AKTA OTENTIK," *Jurnal Komunikasi Hukum (JKH)* 6, no. 1 (February 15, 2020): 126, <https://doi.org/10.23887/jkh.v6i1.23446>.

electronically making, signing, and distributing notary documents.⁶ Meanwhile, David Tan responded that the concept of cyber notary is still paradoxical to the laws and regulations; Law No. 2 of 2014 regarding the Amendment of Notary Law, which is deemed as the entry point and legal basis of cyber notary regulations, only regulates cyber notaries in an unwilling and unclear manner and with a narrow scope. No other law has been introduced to specify or provide technical details regarding implementing cyber notaries; hence, the concept of notaries going cyber is an opportunity for us, but it is far from becoming a reality.⁷

The concept of a cyber notary is still seen as partial. The starting point of the cyber notary concept in Indonesia is stated in Article 15, paragraph (3) of Law JN 2/2014, which states: "In addition to the authority as referred to in paragraph (1) and paragraph (2), Notaries have other authorities regulated in statutory regulations." Pangesti et al. argue that in the future of cyber notary, if physical presence can be replaced by virtual presence, then physical recognition can also be replaced by virtual recognition.⁸

Several aspects of notary in Indonesia have, in principle, been running digitally, such as in the Legal Entity Administration System (SABH) and Business Entity Administration System (SABU).⁹ As public officials, notaries exercise their authority in civil law to provide guarantees of certainty and order in society. Supervision needs to be carried out in their positions to provide legal protection to all related parties. Indrapraja stated that supervision and coaching on the actions and behavior of a notary are essential. Remember, the task of his profession is very vulnerable to moral issues and ethical values. In line with this, a notary can be bound and limited by sure signs in the eyes of

⁶ Kucoro Sasmita, "Penerapan Notaris Elektronik Dalam Era Digital," *Ethics and Law Journal: Business and Notary* 1, no. 1 (2023): 1–4, <https://journals.ldpb.org/index.php/eljbn/article/view/18>.

⁷ David Tan, "CYBER-NOTARIES FROM A CONTEMPORARY LEGAL PERSPECTIVE: A PARADOX IN INDONESIAN LAWS AND THE MARGINAL COMPROMISES TO FIND EQUILIBRIUM," *Indonesia Law Review* 10, no. 2 (August 31, 2020), <https://doi.org/10.15742/ilrev.v10n2.635>.

⁸ Shinta Pangesti, Grace I Darmawan, and Cynthia P. Limantara, "The Regulatory Concept of Cyber Notary in Indonesia," *Rechtsidee* 7 (February 12, 2021), <https://doi.org/10.21070/jihr.2020.7.701>.

⁹ Hasna Aulia, Ranti Fauza Mayana, and Badar Baraba, "PELAYANAN NOTARIS SECARA ELEKTRONIK BERDASARKAN UNDANG-UNDANG JABATAN NOTARIS DAN UNDANG-UNDANG INFORMASI DAN TRANSAKSI ELEKTRONIK," *Jurnal Poros Hukum Padjadjaran* 5, no. 1 (November 30, 2023): 91–106, <https://doi.org/10.23920/jphp.v5i1.1405>.

the law and the profession.¹⁰

Sodiq, in his research, stated that the Notary Supervisory Board carries out preventive and repressive supervision, including guidance on activities provided by the Supervisory Board to Notaries.¹¹ The notary supervision system in Indonesia still has limitations in terms of supervision effectiveness, slow ethical handling, and a lack of transparency to the public. Articles 67 to 81 of the UUJN provide opportunities for electronic supervision of notaries without limiting the instruments used. This includes technical aspects, professional ethics, and the integrity of the notary's position.

The transformation of notary supervision in Indonesia must adapt to the demands of digital governance. Previous research on notarial digitalization has primarily focused on conceptual discussions of cyber notaries and the digitization of legal services, with limited attention to the reform of supervisory frameworks. Koos (2023) compared the implementation of digital notarial tasks in Germany and Indonesia, revealing that Indonesia's system remains fragmented and lacks institutional readiness for integrated digital oversight.¹² Tan (2020) noted that Indonesia's legal basis for electronic notarial acts under Law No. 2 of 2014 is ambiguous and fails to provide operational guidance for digital supervision.¹³ Other scholars, such as Pangesti, Darmawan, and Limantara (2021), highlighted that regulatory structures still treat digital notary practices as supplementary, not as a core governance mechanism.¹⁴ Meanwhile, Maya (2017) found that supervision by the Notary Honorary Council remains formalistic and reactive rather than preventive or technology-driven.¹⁵

In contrast, studies in advanced jurisdictions such as the Netherlands and the United States demonstrate how digital supervision enhances

¹⁰ Irwan Saleh Indrapradja, "PROBLEMATIKA PERAN DAN FUNGSI MAJELIS PENGAWAS DAERAH NOTARIS," *LITIGASI* 19, no. 2 (January 1, 2020), <https://doi.org/10.23969/litigasi.v19i2.2102>.

¹¹ Moh Sodiq, "PERANAN DAN WEWENANG MAJELIS KEHORMATAN NOTARIS SEBAGAI PEJABAT TATA USAHA NEGARA," *Supremasi Hukum: Jurnal Kajian Ilmu Hukum* 7, no. 1 (June 30, 2018), <https://doi.org/10.14421/sh.v7i1.2031>.

¹² Stefan Koos, "The Digitization of Notarial Tasks - A Comparative Overview and Outlook of 'Cyber Notary' In Indonesia and Germany," *The Indonesian Journal of Socio-Legal Studies* 2, no. 2 (March 25, 2023), <https://doi.org/10.54828/ijsls.2023v2n2.1>.

¹³ Tan, "CYBER-NOTARIES FROM A CONTEMPORARY LEGAL PERSPECTIVE: A PARADOX IN INDONESIAN LAWS AND THE MARGINAL COMPROMISES TO FIND EQUILIBRIUM."

¹⁴ Pangesti, Darmawan, and Limantara, "The Regulatory Concept of Cyber Notary in Indonesia."

¹⁵ Evi Apita Maya, "KEDUDUKAN DAN KEWENANGAN MAJELIS KEHORMATAN NOTARIS DALAM PEMBINAAN TERHADAP NOTARIS," *Jurnal IUS Kajian Hukum Dan Keadilan* 5, no. 2 (August 31, 2017): 245, <https://doi.org/10.29303/ius.v5i2.455>.

transparency, accountability, and public trust through real-time audit mechanisms and remote online notarization.¹⁶

Despite the growing literature on cyber notaries and digital legal transformation, few studies have critically examined legal reforms to the notary oversight system. Therefore, this study fills this gap by integrating normative and comparative legal analysis to propose a reform model that operationalizes digital governance principles within the notary oversight system in Indonesia. This research is important because regulations that direct the public service and administrative sectors have provided many guidelines for implementing digital transformation. Therefore, it is urgent to prepare for implementing coaching and supervision of notaries by the Notary Supervisory Board through digitalization. Accordingly, this study seeks to address the following research questions. 1) How is the legal and institutional framework of notary supervision in Indonesia structured and implemented through the authority of the Notary Supervisory Boards? 2) How can the reform and digital transformation of notary supervision in Indonesia be developed toward a responsive digital governance model, drawing lessons from comparative experiences in other jurisdictions?

This study offers a novel contribution by shifting the focus of notary digitalization research from the traditional concept of cyber notary—which mainly addresses electronic deed-making—toward reforming the supervisory framework of notarial institutions through a digital governance model. Unlike previous studies that discuss digital notarial practices in a fragmented or conceptual manner, this research integrates normative, institutional, and comparative analyses to construct a comprehensive model of electronic supervision (e-supervision). The proposed framework connects the three supervisory levels—MPD, MPW, and MPP—within a unified digital system that enables real-time monitoring, transparency, and accountability. By embedding the principles of responsive law into this model, the study bridges the gap between technological innovation and legal institutional reform, thereby providing an original and policy-oriented pathway for modernizing notary supervision in Indonesia.

Methodology

To answer this problem, the research uses the normative juridical method, which is prescriptive and *sui generis*.¹⁷ This method uses a normative review using legislative, conceptual, and comparative approaches. Comparative insights are drawn from the Netherlands, Germany, and the United States. Best

¹⁶ Noailly and Nahuis, “Entry and Competition in the Dutch Notary Profession.”

¹⁷ I Gusti Ketut Ariawan, “Metode Penelitian Hukum Normatif,” *Kertha Widya* 1, no. 1 (2013), <https://ejournal.unipas.ac.id/index.php/KW/article/view/419>.

practices in electronic oversight mechanisms will be identified. Legal materials, including laws, academic journals, and institutional reports, are systematically analyzed through interpretation and evaluation to formulate a prescriptive reform model.¹⁸ As put forward by Nonet and Selznick, Responsive legal theory emphasizes the need for law to adapt to technological and social changes.¹⁹

Discussion

The Legal and Institutional Framework of Notary Supervision in Indonesia

Legal Framework of Notary Supervision in Indonesia

In notarial institutions, guidance and supervision are integral to the ethics and professionalism enforcement system. The authority to implement guidance and supervision rests with the Minister of Law and Human Rights (currently the Minister of Law and Human Rights), who establishes a Supervisory Board. The UUJN and the Big Indonesian Dictionary have similar definitions of supervision, which, in principle, is the activity of fostering work and creativity.²⁰ According to Maya, the purpose of supervision is to provide solutions to problems faced. Thus, the goal of coaching is an effort made by an individual or group to change bad behavior.²¹ The authority held by government bodies (institutions) in carrying out real actions, making regulations, or issuing decisions is always based on the authority obtained from the constitution through attribution, delegation, or mandate.²² Authority is the ability granted by statutory regulations to produce legal consequences. Notaries receive authority through attribution.

The Minister grants the authority of the Notary Supervisory Board. The Minister establishes the Board, and the law determines the limits of the Supervisory Board's authority in fostering and supervising Notaries at all levels.

¹⁸ Mkhululi Nyathi, "Re-Asserting the Doctrinal Legal Research Methodology in the South African Academy: Navigating the Maze," *South African Law Journal* 140, no. 2 (2023): 365–86, <https://doi.org/10.47348/SALJ/v140/i2a5>.

¹⁹ Teja Sukmana, "Responsive Law and Progressive Law: Examining the Legal Ideas of Philip Nonet, Philip Selznick, and Sadjipto Raharjo," *Peradaban Journal of Law and Society* 2, no. 1 (June 18, 2023): 92–105, <https://doi.org/10.59001/pjls.v2i1.82>; Philippe Nonet, Philip Selznick, and Robert A Kagan, *Law and Society in Transition: Toward Responsive Law* (Routledge, 2017), <https://www.taylorfrancis.com/books/mono/10.4324/9780203787540/law-society-transition-philippe-nonet-philip-selznick-robert-kagan>.

²⁰ David Moeljadi et al., "Kamus Besar Bahasa Indonesia (KBBI)," *Badan Pengembangan Bahasa Dan Kebukuan, Kementerian Pendidikan Dan Kebudayaan*, 2016.

²¹ Maya, "KEDUDUKAN DAN KEWENANGAN MAJELIS KEHORMATAN NOTARIS DALAM PEMBINAAN TERHADAP NOTARIS."

²² Ludvig Beckman, "Three Conceptions of Law in Democratic Theory," *Canadian Journal of Law & Jurisprudence* 36, no. 1 (February 25, 2023): 65–82, <https://doi.org/10.1017/cjlj.2022.22>.

The Notary Supervisory Board functions as a social control mechanism that ensures that Notaries act as an extension of the State in serving the community according to standards and professionalism. Supervision of Notaries applies to Notaries, Substitute Notaries, Special Substitute Notaries, and Temporary Notary Officials.²³

Institutional Structure and Authority of the Supervisory Boards

Supervision is a preventive and curative activity, including development activities carried out by the Notary Supervisory Board, which consists of: development and supervision of Notaries and investigations into alleged violations of Notary conduct and performance of office; management activities that do not require approval from a Supervisory Board meeting; management activities that require approval from a Supervisory Board meeting; and routine inspections.

This authority applies to the Notary Supervisory Boards (*Majelis Pengawas Notaris/MPN*), including: Regional Supervisory Board (*Majelis Pengawas Daerah/MPD*), Provincial Supervisory Board (*Majelis Pengawas Wilayah/MPW*), and Central Supervisory Board (*Majelis Pengawas Pusat/MPP*). The implementation of guidance and inspection by the Supervisory Board is administrative. With all the authority granted regarding digital guidance and supervision, it is possible to give birth to a transformation from a conventional system to a digital one. The MPD is generally authorized to handle initial guidance and supervision, report clarification, and inspections. Notaries are directly in the region. The MPW is authorized to handle the imposition of administrative sanctions and receive reports from the MPD for follow-up. The MPP is authorized to formulate national policies in supervision, cross-regional coordination, and systemic guidance up to the imposition of sanctions whose authority is not granted to the MPW, including providing advice to the Minister. Therefore, strengthening notary oversight requires integrating digital systems capable of consolidating the functions of guidance, inspection, and data-driven reporting.

This digital transformation will make oversight not merely administrative, but also ethical and preventative, in line with the principles of the Pancasila Rule of Law, which emphasizes the balance between legality and public morality. Preventive supervision can be conducted through outreach, coordination, training, and workshops to improve notaries' understanding of implementing regulations in the notarial field. This includes monitoring through regular visits to notary offices or incidental visits to review notary protocols and administrative procedures for coaching purposes. Meanwhile,

²³ Lefilia Erlita Chita and Mohamad Fajri Mekka Putra, "TANGGUNG JAWAB NOTARIS UNTUK MEMBERIKAN PENYULUHAN HUKUM DALAM PEMBUATAN AKTA RELAAS," *Gorontalo Law Review* 6, no. 1 (April 2023): 22–33, <https://doi.org/10.32662/GOLREV.V6I1.2671>.

curative supervision can include receiving reports and recommendations, and following up on and investigating complaints from the public regarding alleged violations by notaries related to their position and conduct.

The guidance and supervision of Notaries by the Notary Supervisory Board is preventive and curative in nature. Preventive authority is regulated in Article 70 letters a, b, c, d, e, f, and h UUJN, Article 13 paragraph (2) letters a, b, c, e, and f, whose authority is formal and administrative in nature, as well as notary protocol. Meanwhile, curative authority is regulated in Article 70 letters a, and g UUJN, Article 13 paragraph (2) letter d, which regulates actions to handle violations of the code of ethics by Notaries. Article 70 of The Regional Supervisory Board has the authority to: a. hold a hearing to examine any alleged violations of the Notary Code of Ethics or violations of the implementation of the Notary's office; b. conduct examinations of the Notary Protocol periodically 1 (one) time in 1 (one) year or at any time deemed necessary; c. grant leave permission for a period of up to 6 (six) months; d. appoint a Substitute Notary by considering the proposal of the Notary concerned; e. determine the storage location for the Notary Protocol. At the time of handover of the Notary Protocol, the Notary is 25 (twenty-five) years old or more; f. appointing a Notary who will act as the temporary holder of the Notary Protocol who is appointed as a state official as referred to in Article 11 paragraph (4); g. receiving reports from the public regarding alleged violations of the Notary Code of Ethics or violations of the provisions of this Law; and h. making and submitting reports in letters a, b, c, d, e, f, and g to the Assembly Regional Supervisor.

MPW is part of the system supervision position, a notary who is at the provincial level. MPW is responsible for coaching and supervision of notaries in the jurisdiction province. According to Article 27 of the Minister of Law and Human Rights Regulation No. 21 of 2016 concerning Composition Organization and Work Procedures, Procedures for Appointment and Dismissal, and Budget Assembly Supervisor Notary Public, MPW has the authority to carry out: a. coaching and supervision to Notary Public as well as do inspection to Allegation violation behavior and implementation position Notary; b. administration that does not need an agreement meeting Assembly Supervisor; c. administration that requires an agreement meeting Assembly Supervisor; and d. routine inspection. Authority coaching by MPW in the form of activity coaching, technical and ethical profession, notary, who in practice is held through training, socialization, and scientific discussion. Ethics encourages compliance with the Code of Ethics Position and Regulations. Notary. Give directions and clarification on how to practice the position of Notary Public on Allegation behavior outside ethics. Coordinate with MPD and MPP in the guard standard profession and the notary in his/her area.

According to Article 31 of PermenkumHAM 16 of 2021, the authority that does not need agreement Meeting Assembly is: a) give permission leave Notary Public For term time more than 6 (six) months until 1 (one) year; b) determine Notary Public replacement with notice proposal. The notary concerned, c) receives report from the public about the existence of an Allegation of violation of the code of ethics, Notary Public, or a violation of a provision in Law, in a matter, Assembly Regional Supervisor not yet formed ; d) conveying decision results inspection to the notary concerned, with a copy to the Assembly Central Supervisor and Organization Notary; and e) conveying appeal to the Assembly Central Supervisory Board for the fall sanctions and rejections leave Notary Public.

While Article 32 provides limitations on the Authority of the administrative Assembly, Regional Supervisors who need it, in agreement, meeting with the Assembly Regional Supervisor, as mentioned in Article 27, letter c, includes: a) organizing a hearing to check and take a decision on the report of the society that can be delivered through the Assembly Regional Supervisor; b) summon Notary Public reported For done inspection on report as referred to in letter a; c) examine and decide results inspection Assembly Regional Supervisor ; d) Provide sanctions, Good warning oral and also written warning; and propose giving sanctions to the Notary Public to the Assembly Central Supervisory in the form of: 1) dismissal temporarily for 3 (three) months, up to 6 (six) months; or 2) dismissal without notice.

According to the authorities, digital transformation in activities supervision can sort potential authorities into digital surveillance. Surveillance can be in the form of 1) examination of Notary documents and protocols; 2) monitoring implementation of the Position Notary, for example, can create a performance dashboard that displays the number of deeds, the type of deeds, and the time of service. With that, it is known through the early warning system if there are deviant patterns, such as a surge in a deed.

In theory, notary supervision in Indonesia should be an integrated governance oversight system, well-suited to the needs of the digital era, ensuring efficiency and accountability across the region. A continuous oversight system should be implemented, with results periodically analyzed through a national digital dashboard that assesses notary performance based on compliance, ethics, and speed of service. Therefore, notary supervision should be built on an integrated system that connects the MPD, MPW, and MPP online, allowing real-time access to reports, inspections, and sanction decisions. However, the guidance and law enforcement functions should be structurally separated to avoid role conflicts.

Like coaching and supervision by MPW and MPP, however, there is a difference in the authority granted by the law, which also differentiates between the authority needed to meet the assembly and the authority required

to meet the assembly. The authority that is not need meeting assembly according to Article 33 consists of from; giving permission leave For term time more from 1 year and determine at once Notary Public his replacement, Determine set Notary Public holder Protocol Notary who will lifted as state officials; receive report from public about existence Allegation budget code ethics Notary Public or violation provision in Law, for forwarded to Assembly Supervisor The area authorized; and convey results examination and verdict to the relevant Minister and Notary with copy to Assembly Regional Supervisors and Councils The Regional Supervisor concerned as well as Organization Notary Public.

The MPP's authority requires meeting the Assembly. According to Article 34, it includes: to organize a hearing to check and take a decision at the level of appeal against the final sanctions and rejection of leave, Notary, calling Notary Public to report on the inspection, dropping sanctions termination, while proposing giving sanctions in the form of termination with respect to the Minister or without respect to the Minister. To matter authority, he still could do digital transformation with notice efficiency, prudence, and principles to guard confidentiality. For example, the criticism of Philippe Nonet and Philip Selznick in the law is too stiff and unadaptable to a changing society. That draft law responsive according to Pudjo is an adaptation selective to new demands and pressures, characterized by: first, a shift in emphasis from rules to principles and objectives, second, the importance of character populist good as an objective law and a method to achieve it.²⁴

Reforming Notary Supervision through Digital Governance and Comparative Insights

Towards a Digital Governance Model for Notary Supervision

Entering the digital world requires thorough preparation, just as aviation does. Cybersecurity, the primary instrument, is highly sophisticated, yet data leaks still occur. Threats of massive data breaches, operational paralysis due to ransomware, and even attacks that shut down critical services are occurring. This poses risks to safety, consumer trust, and service.²⁵ Timeliness is key in digital services, which depend heavily on the preparedness of many private and government parties.²⁶

²⁴ Pudjo Utomo, "Omnibus Law : Dalam Perspektif Hukum Responsif," *Nurani Hukum* 2, no. 1 (May 18, 2020): 33, <https://doi.org/10.51825/nhk.v2i1.8168>.

²⁵ Mohammad Owais Farooqui, Adnan Sarhan, and Faizan Mustafa, "Aviation Cyber Security in India: Legal Gaps, International Frameworks, and Policy Reforms," *Yustisia* 14, no. 2 (2025): 186–224, <https://doi.org/10.20961/yustisia.v14i2.101653>.

²⁶ David López Jiménez, Eduardo Carlos Dittmar, and Jenny Patricia Vargas Portillo, "The Trusted Third Party or Digital Notary in Spain: Effect on Virtual Transactions,"

Likewise, security preparations for cyber notary instruments are also in place. Threats to document theft and illegal transfer of rights are possible due to the digital disclosure of documents, which are highly susceptible to cybercrime. Therefore, the concept of digitalization-based oversight requires the development of state-of-the-art devices that are consistently secured with superprotection. Indonesia has also adopted a digital system for its transfer activities, including registering lawsuits through e-court and providing an online directory of Supreme Court decisions.

In the world of notaries, the concept of a cyber notary has been developed by the ABA. This proposed system would be like a notary public, but their function would involve electronic rather than physical documents in the case of a cyber notary. This would be an office easily recognized and recognized in every country worldwide: that is, as a legal professional placed in a position of the highest level of trust. They would be responsible for performing certain legal transactions, unlike the public officials generally referred to in the United States as notaries.²⁷ Danuri stated that digitalization is a way to realize ease in solving problems effectively and efficiently based on technology and telecommunications.²⁸ Digitalization has transformed the world from analog to mechanical and electronic computer technology. Computers make everything easier. Naturally, this objective convenience is a priority for governments and various institutions in improving public services.

So, it is necessary to change towards digitalization and transform. Digital transformation is adopting, integrating, and using technology in existing processes, products, and strategies to meet evolving market expectations.²⁹ Digital transformation includes using technologies such as cloud computing, big data analytics, the internet of things (IoT), and artificial intelligence to change how organizations interact with customers and improve their performance in the ever-evolving digital era.³⁰

International Review of Law, Computers and Technology 36, no. 3 (September 2022): 453–69, <https://doi.org/10.1080/13600869.2021.2004760>;PAGE:STRING:ARTICLE/CHAPTER.

²⁷ Ni Putu Kompiang Ratna Dewi Made Gde Subha Karma Resen, “Is the Paradigm of Tabellionis Officium Fideliter Exercebo Aligned with the Cyber Notary Concept in Indonesia’s Public Notary Development?,” *Journal Of Indonesian Legal Studies* 10, no. 1 (2025): 2, <https://journal.unnes.ac.id/journals/jils/article/view/14126>.

²⁸ Muhamad Danuri, “PERKEMBANGAN DAN TRANSFORMASI TEKNOLOGI DIGITAL,” *Jurnal Ilmiah Infokam* 15, no. 2 (September 30, 2019), <https://doi.org/10.53845/infokam.v15i2.178>.

²⁹ Chernet Gebayew et al., “A Systematic Literature Review on Digital Transformation,” in *2018 International Conference on Information Technology Systems and Innovation (ICITSI)* (IEEE, 2018), 260–65, <https://doi.org/10.1109/ICITSI.2018.8695912>.

³⁰ Chwen-Li Chang, Edgar Octoyuda, and Ivon Arisanti, “The Role of Digital Transformation on Strategic Leader: A Systematic Literature Review,” in *2022 7th International Conference on Business and Industrial Research (ICBIR)* (IEEE, 2022), 289–94, <https://doi.org/10.1109/ICBIR54589.2022.9786422>.

The Government has prepared several regulations to welcome the digital era, such as Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions, Law Number 25 of 2009 concerning public services, and Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector (PPSK Law). At the Presidential Regulation level, these can be seen in Presidential Regulation No. 82 of 2023 concerning the Acceleration of Digital Transformation and Integration of National Digital Services, Presidential Regulation No. 17 of 2023 concerning the Acceleration of Digital Transformation in the Field of Government Procurement of Goods/Services, Presidential Regulation No. 95 of 2018 concerning the Electronic-Based Government System (SPBE), Presidential Regulation No. 39 of 2019 concerning One Data Indonesia. In several Ministries, regulations regarding digital transformation have begun to be implemented, such as the Regulation of the Minister of Administrative and Bureaucratic Reform No. 5 of 2023 concerning the Architecture of Electronic-Based Government Systems (SPBE) and in the Ministry of Law and Human Rights, which includes the Notary System, there are also several digital services such as; Regulation of the Minister of Law and Human Rights No. 19 of 2018 concerning Electronic-Based Public Services in the Correctional Sector. The digital transformation carried out by the Ministry of Law and Human Rights, the digitization of documents and archives, is also a significant focus in this digital transformation. Documents previously in physical form are now stored in digital format, thus facilitating access and management.³¹

Various existing laws and regulations demonstrate that, in principle, digital transformation has been implemented gradually. Classifying the authorities and supervisory procedures that can be implemented digitally is necessary. The coaching and supervision mechanism can be seen from the authority given to the Supervisory Board at all levels, such as:

- 1) Reset Notary accounts throughout Indonesia simultaneously;
- 2) Integration of the Regional Office of the Ministry of Law and Human Rights, Notary Organizations, and related institutions.
- 3) Creation of Notary Supervisory Board accounts at all levels with menus in accordance with their authority; this is intended so that the Board can log in to see the activities and work of Notaries while still upholding the principles of confidentiality and caution.
- 4) Build a schema mitigation to prevent data from leaking from the document.

³¹ I Nyoman Trisna Wahyu Raharja Meranggi and Juwita Pratiwi Lukman, "Transformasi Digital Layanan Pemasyarakatan Di Kantor Wilayah Kementerian Hukum Dan Hak Asasi Manusia (Kemenkumham) Bali," *Socio-Political Communication and Policy Review* 1, no. 4 (July 14, 2024): 89–95, <https://doi.org/10.61292/shkr.139>.

- 5) Preparing reliable and cutting-edge technology;
- 6) Reporting of activities.
- 7) RealtimeRealtime monitoring.
- 8) Digital audit.
- 9) Electronic signature certification.
- 10) An authentication system is established for all parties implementing Notary coaching and supervision activities.

If the above is realized, then the digital transformation in the supervision of Notaries can be implemented accountably and responsibly. However, the challenges will be very complex when the digital atmosphere and culture are not formed. The legal system will be affected, and socio-economic and political conditions will change. That is the importance of preparing for transformation mitigation. The government and legal entities, including when the Minister, through the Supervisory Board, carries out its duties and authorities, must be able to access and read document data safely. Although the digital transformation is expected, indirectly, according to Bahram, digital eras affect relationships between individuals with the state and society, because digital technology has created easier and faster access to information and participation in political and social activities.³² So, the main thing is the readiness of the law to adapt to all conditions, and the state must be present in all conditions. This means that the law must be responsive. The law is not only seen as a set of rigid rules, but as a social institution that must be able to respond to the needs and aspirations of the community.

To prepare a responsive legal instrument, there are indicators that the law itself must have, namely; 1) the law is not only oriented towards procedural matters but can serve the community fairly, 2) the law must reflect the values of social needs that are open to public participation, 3) is flexible and adaptable, meaning it can adjust to social change, 4) there is a space for responsible discretion, 5) is integrated with other institutions. According to Nonet as quoted by Pudjo Utomo, a goal-oriented legal order emphasizes: (i) Substantive justice as the basis for legal legitimacy, (ii) Regulations are subordinate to principles and policies, (iii) Legal considerations must be oriented towards goals and consequences for the public interest, (iv) the use of discretion is highly recommended in legal decision-making while remaining goal-oriented, (v) Cultivating a system of obligations instead of a system of coercion, (vi) Morality of cooperation as a moral principle in implementing the law, (vii) power is utilized to support the vitality of law in serving the public, (viii) Rejection of the law must be seen as a lawsuit against the legitimacy of

³² Bernard Nainggolan, "Legal Dynamics in the Digital Era: Navigating the Impact of Digital Transformation on Indonesian Society," *Law Development Journal* 5, no. 4 (2023): 714–28, <http://repository.uki.ac.id/14744/>.

the law, (ix) Access to public participation is opened wide in the context of integrating legal and social advocacy. Responsive legal demands stem from limitations in the autonomous legal system. Responsive law relies on competence, is broad, but in accordance with the goals. Able to interpret the law flexibly, by viewing legal rules as bound to specific problems and contexts.

In notary oversight, the public plays a crucial role in reporting notary actions that violate the law. Public reports serve as the basis for the National Notary Commission (MPN) to conduct investigations and, if necessary, impose sanctions. Responsive laws can encourage active public involvement in the legal process. Indonesian law, a unique system, must accommodate the values inherent in society to provide practical solutions for maintaining order and achieving the law's goals. The legal framework for Notary Institutions must be refined to enable them to carry out their duties and functions.³³

Comparative Study in Several Countries

For seeing opportunities for the digital transformation of coaching and supervision Notary. Required see and learn implementation in several countries. In Germany, notaries have comprehensive authority beyond that of a notary in the United States. However, the purpose of a notary in Germany goes beyond that of the US public notary, which is limited to certification, to provide legal protection for both parties involved in a transaction, ensuring that all documents and agreements are legally binding and enforceable. Notaries are also responsible for issuing official certificates and documents, such as deeds, powers of attorney, and wills. In short, a notary in Germany is crucial in ensuring the legal validity and reliability of various legal transactions and documents.³⁴ In Germany, every Notary Public must be a member of the Notarkammer whose jurisdiction is in the State High Court (Oberlandesgericht). The Notarkammer has 12 functions, including professional coaching and supervising internal ethics and discipline.³⁵

Supervising formal notarization is carried out by the Landgerichtspräsident (President of the Court of the Country) with jurisdiction over the area where the Notary Public practices. His job-related appointment, dismissal, and supervision performance were not satisfactory. Notary performance is under surveillance with audit and inspection to ensure

³³ Dian Rizki, Elidar Sari, and Yusrizal Yusrizal, "PENERAPAN HUKUM RESPONSIF DALAM PEMBENTUKAN UNDANG-UNDANG DI INDONESIA," *Suloh: Jurnal Fakultas Hukum Universitas Malikussaleh* 10, no. 1 (July 16, 2022): 31, <https://doi.org/10.29103/sjp.v10i1.7934>.

³⁴ Koos, "The Digitization of Notarial Tasks - A Comparative Overview and Outlook of 'Cyber Notary' In Indonesia and Germany."

³⁵ Ikhsan Lubis, Duma Indah Sari Lubis, and Andi Hakim Lubis, "Rekonstruksi Hukum Cyber Notary Law Untuk Menjaga Kepercayaan, Integritas Dan Keadilan Dalam Sistem Hukum," *Notaire* 8, no. 1 (February 25, 2025): 65–82, <https://doi.org/10.20473/ntr.v8i1.64253>.

compliance with professional standards and functioning, including disciplinary sanctions, which can be in the form of warnings, fines, and revocation of permission to practice. The German notarial system is part of a broader European tradition, with similarities to systems in Austria and other civil law countries. This tradition emphasizes the role of notaries in ensuring the legal security of transactions, particularly in real estate.³⁶

In the Netherlands, the supervisory body of the Notary Public is *Kamer van Toezicht* (Chamber of Supervision) and *Bureau Financieel Toezicht (BFT)*. Supervision by BFT since changes to the Notaries Act 1999 on 1 January 2013, the authority of the Chamber for Notaries turned into a mere examiner limited to violators - a disciplinary and imposition of sanctions discipline.³⁷ The function of BFT is to closely supervise the finances and integrity of the notary public. This is done through digitalization and supervision online and in real time. As for the authority, supervision becomes the responsibility; BFT's answer is integral. The disciplinary council consists of members from the member court in accordance with levels, and Notaries/Junior Notaries appointed by the KNB board of members/*Ledenraad van de KNB* for a term of office of 4 years. The Netherlands has developed an integrated platform that allows notaries to validate documents remotely by accessing national databases in real time. This system enhances efficiency and legal certainty, demonstrating the country's commitment to modernizing notarial services.³⁸

Meanwhile, in the United States, notaries are official administrative officials, not general office personnel, who can issue a notary deed, a powerful legal document. The State Secretary of each state carries out supervision. The supervision already adopts Remote Online Notarization (RON), which varies by state. For example, in the case of a notary public from the State of Georgia, relations between a notary public and the government (state authorities) are conceptualized as a relationship related to compliance, neutrality, and work. The same applies to a notary public and the government.³⁹ Implementation of his supervision is no uniforms. Supervision remains a responsibility to answer

³⁶ Gemma Caballé Fabra, "Housing Professionals in Europe. Special Attention to the Spanish Case," *Journal of Property, Planning and Environmental Law*, April 3, 2025, <https://doi.org/10.1108/JPPPEL-11-2024-0053>.

³⁷ Shidiqi Noer Salsa, *Law of Supervision Notaries in Indonesia and the Netherlands* (Jakarta: Kencana, 2020).

³⁸ Fina Nazran et al., "Legal Protection of Notaries in Document Validation through Technology-Based Systems: A Comparative Legal Review of Indonesia, the United States, the Netherlands, and Australia," *Journal of Ecobumanism* 3, no. 7 (November 4, 2024), <https://doi.org/10.62754/joe.v3i7.4608>.

³⁹ Salim HS, Djumardin Djumardin, and Aris Munandar, "Analisis Terhadap Substansi Kode Etik Notaris: Studi Komparatif Antara Kode Etik Ikatan Notaris Indonesia Dengan Georgia, Amerika Serikat Dan Québec, Kanada," *Jurnal Risalah Kenotariatan* 1, no. 2 (December 28, 2020), <https://doi.org/10.29303/risalahkenotariatan.v1i2.2>.

state authorities, all of which have been done digitally, oriented towards compliance. In the United States, the oversight of notaries is part of a broader system of checks and balances within the government. Legislative and judicial branches have the authority to oversee the executive branch, which includes notarial functions. This oversight is governed by legal principles that influence negotiations and the exercise of executive power.⁴⁰

A notary is a highly trusted position. They are responsible for carrying out certain types of legal transactions. Due to the emergence of new online legal acts, the Indonesian Legal Aid Association (ABA) has proposed a new profession, like a notary, known as a cyber notary. Based on the concept put forward by the ABA, a cyber notary will work online with electronic documents whose recognition crosses national borders (borderless). Cyber notaries are responsible for only certain legal transactions, such as online transactions. Lawrence Leff explains that the concept of cyber notary, initiated by the ABA, refers to individuals with expertise in law and computer technology.⁴¹ Oversight systems in other sectors, such as regional inspectorates, which are digitally implemented, show weaknesses that rely on direct interaction and the presence of auditors. This also applies to notary oversight.⁴²

An analysis of the existing legal and institutional framework shows that the notary oversight system in Indonesia remains traditional and largely procedural. Despite being legally established, the supervisory authority of the Notary Supervisory Board (MPN) still relies on manual and hierarchical mechanisms that limit efficiency and transparency. Further reflection reveals that institutional and technological barriers are the main obstacles to reform. A unified digital infrastructure limited technical competence within supervisory bodies, and the lack of a legal basis for electronic supervision hindered effective modernization. These weaknesses underscore the gap between Indonesia's regulatory framework and the evolving global standards of digital governance. Comparative experiences from the Netherlands,

⁴⁰ Jennifer L. Selin and Grace Moore, "Keeping Tabs on the Executive," *Presidential Studies Quarterly* 53, no. 2 (June 15, 2023): 186–208, <https://doi.org/10.1111/psq.12829>; Jennifer L. Selin and Caylie Milazzo, "The Law : 'If Men Were Angels': The Legal Dynamics of Overseeing the Executive Branch," *Presidential Studies Quarterly* 51, no. 2 (June 16, 2021): 426–49, <https://doi.org/10.1111/psq.12714>.

⁴¹ Made Gde Subha Karma Resen, "Is the Paradigm of Tabellionis Officium Fideliter Exercebo Aligned with the Cyber Notary Concept in Indonesia's Public Notary Development?"

⁴² Mohammad Rezza Fahlevvi, Kadek Agus Prasdy Indra Kusuma, and Muhammad Wahyu Anugerah, "Integrasi Teknologi Digital Dalam Pengawasan Internal Inspektorat Daerah Kabupaten Gianyar," *JURNAL SYNTAX IMPERATIF: Jurnal Ilmu Sosial Dan Pendidikan* 6, no. 2 (May 2025): 236–49, <https://doi.org/10.54543/SYNTAXIMPERATIF.V6I2.687>.

Germany, and the United States demonstrate that the adoption of centralized databases, online audit mechanisms, and remote notarization enhances accountability and integrity in notarial practice. Drawing from these insights, Indonesia's reform should move toward a more adaptive and technology-integrated supervisory model that aligns legal certainty with innovation and public trust.

Conclusion

The analysis reveals that Indonesia's current legal and institutional framework for notary supervision, governed by Law No. 30 of 2004 and Law No. 2 of 2014, provides a formal and hierarchical structure through the three-tiered Supervisory Boards—MPD, MPW, and MPP. These bodies possess preventive and curative supervisory functions but continue to operate within conventional, manual, and fragmented mechanisms that limit effectiveness, transparency, and coordination. While the regulatory basis for supervision is normatively sufficient, its implementation remains administrative and procedural, with little technology integration or data-driven oversight. Consequently, the existing system still falls short of meeting the standards of modern governance and public accountability expected in the digital era.

Building upon comparative insights from the Netherlands, Germany, and the United States, this study proposes a reform pathway toward a digital governance model for notary supervision in Indonesia. The model integrates electronic supervision, real-time data reporting, and interconnectivity between supervisory levels to ensure transparency, efficiency, and professional integrity. It also embeds the principles of responsive law, emphasizing adaptability, public participation, and substantive justice in digital regulation. Through this reform, the supervision of notaries can evolve from a static, rule-based framework into a dynamic, technology-supported governance system that enhances institutional accountability and strengthens public trust in notarial services.

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