

## THE URGENCY OF REGULATING DIGITAL NOTARY PROTOCOL SUPERVISION SYSTEM BY THE REGIONAL SUPERVISORY COUNCIL IN THE CYBERNOTARY ERA

**Aulia Citra Permatasari<sup>1</sup>, Sukarmi<sup>2</sup>, Diah Aju Wisnuwardhani<sup>3</sup>**

<sup>1,2</sup> University of Brawijaya, Indonesia; <sup>3</sup> Universitas Merdeka Malang, Indonesia

<sup>1,2,3</sup> Email: [auliacitrapermatasari@gmail.com](mailto:auliacitrapermatasari@gmail.com), [sukarmi@ub.ac.id](mailto:sukarmi@ub.ac.id)  
[diah.aju@unmer.ac.id](mailto:diah.aju@unmer.ac.id)

### Abstrak

Notaris memiliki kewajiban menyelenggarakan protokol yang diawasi oleh Majelis Pengawas Daerah (MPD). Di era digital dan cybernotary, mekanisme pengawasan manual dinilai tidak lagi memadai dalam menjawab tuntutan efisiensi, transparansi, dan akuntabilitas. Meski telah ada inisiatif sistem berbasis teknologi seperti SIEMON, belum tersedia regulasi yang secara khusus mengatur mekanisme pengawasan protokol notaris melalui sistem digital. Kekosongan hukum ini berpotensi menimbulkan ketidakpastian hukum dan melemahkan fungsi pengawasan. Penelitian ini bertujuan menganalisis urgensi pengaturan pengawasan digital oleh MPD dalam menghadapi perkembangan cybernotary. Metode yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan dan konseptual. Analisis dilakukan melalui teori konvergensi hukum dan teknologi, teori hukum progresif, teori kepastian hukum, serta teori kewenangan untuk memahami kelemahan regulasi yang ada dan merumuskan arah pengaturan ideal. Hasil penelitian menunjukkan bahwa sistem pengawasan manual tidak lagi relevan dengan perkembangan masyarakat digital dan kebutuhan layanan hukum modern. Regulasi baru diperlukan untuk memastikan kepastian hukum, integritas jabatan notaris, serta perlindungan hukum bagi masyarakat. Dari aspek filosofis, yuridis, dan sosiologis, pengaturan ini mendesak untuk diwujudkan sebagai dasar hukum yang adaptif terhadap transformasi teknologi, sekaligus menjamin profesionalisme notaris sebagai *officium nobile*.

**Kata Kunci:** *Cybernotary, Pengawasan Digital, Protokol Notaris, Majelis Pengawas Daerah, Kepastian Hukum.*

Corresponding Author	Aulia Citra Permatasari		
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### Abstract

Notaries are obliged to manage protocols under the supervision of the Regional Supervisory Council (MPD). In the digital and cybernotary era, conventional manual supervision mechanisms are no longer adequate to address the demands for efficiency, transparency, and accountability. Although initiatives such as SIEMON have been introduced, there is still no specific regulation governing technology-based supervision of notarial protocols. This legal vacuum may result in uncertainty and weaken supervisory functions. This study aims to analyze the urgency of regulating digital supervision by MPD in response to the development of cybernotary practices. The research employs normative legal methods using statutory and conceptual approaches. The analysis applies the theory of law and technology convergence, progressive law theory, legal certainty theory, and authority theory to examine current regulatory shortcomings and formulate the direction of ideal regulation. The findings reveal that manual supervision is no longer relevant to the dynamics of a digital society and the needs of modern legal services. New regulations are required to ensure legal certainty, uphold the integrity of the notary office, and protect public interests. Philosophical, juridical, and sociological considerations highlight the urgency of establishing adaptive regulations that align with technological transformation while ensuring the professionalism of notaries as *officium nobile*.

**Keywords:** Cybernotary, Digital Supervision, Notary Protocol, Regional Supervisory Council, Legal Certainty

### INTRODUCTION

In accordance with Article 1 Section (3) of the 1945 Constitution of Republic of Indonesia (UUD RI 1945) which states that Indonesia is a country of law (*rechtsstaat*), and guided by the values of Pancasila, particularly the fifth principle “social justice for all of the people of Indonesia” states that the Indonesia legal system is designed not only function through written rules but also to reflect and uphold the foundational moral and philosophical values of the nation. Law enforcement also demonstrates the fifth principle of Pancasila: “Democracy guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives.” Law is a means of social guidance for civilians and



governments. (A.A. Andi Prajitno, 2010) The guide manifests into law, legal certainty, and law enforcement (Sajipto Rahardjo, 2016) which must be mirrored in every aspect of public service, including the notarial profession.

As public officials authorized to draft authentic deeds and safeguard legal certainty, notaries are not merely executors of law but also custodians of the nation's core values. With the emergence of the digital age and the Industry Revolution 4.0, the role of notaries has begun to transform. In today's legal and administrative landscape, the shift toward digital governance demands increased efficiency, transparency, and accessibility. In this regard, the concept of cybernotary becomes not only timely but also necessary. The use of electronic media, remote authentication, and digital storage reflects a global shift toward paperless systems. Within this context, the practice of cybernotary as stipulated in Article 15 Section (3) of the Notary Law (UUJN-P) as part of the "other authorities" granted to notaries enable legal services such as deed certification and document processing to transition into a secure, digital format. This development ensures that the notarial profession remains adaptive to social and technological change while upholding legal certainty, transparency, and public trust in a digital environment.

Accordingly, any regulatory framework concerning notarial duties and supervision must evolve to ensure that these technology-based services are supported by strong legal foundations that are consistent with the constitutional and philosophical principles of the Indonesian state. In line with this, the legal foundation for notarial authority is laid out in Article 1868 of the Indonesian Civil Code (KUHPPerdata) and Article 1 Section (1) of Law No. 2 of 2014 concerning the Amendment to Law No. 30 of 2004 on the Notary Profession (UUJN-P), which states: "A notary is a public official who is authorized to authenticate deeds and carry out other authorities as regulated in this Law or in other laws." According to Article 15 Section (1) of the UUJN-P, a notary is granted the authority to authenticate documents, administer oaths, and perform various legal functions as required by law and requested by the parties involved in an authentic deed. (Sudikno Mertokusumo, 2006)

An authentic deed is a legal instrument that serves as legally recognized evidence. Article 15 Section (1) of UUJN-P specifies: "The notary has the authority to create authentic deeds regarding all acts, agreements, and stipulations required by statutory regulations and/or desired by the parties to be included in an authentic deed; to guarantee the certainty of the date of execution of the deed; to keep the deed; and to provide gross, copies, and excerpts of the deed, provided that the creation of the deed is not also



assigned or excluded to another official or other person as determined by law.”

According to (Habib Adjie, 2014) Notary as a Public Officer is authorized to:

- (1) A notary is authorized with respect to the authenticated deed;
- (2) A notary is authorized with respect for whom the deed is authenticated;
- (3) A notary is authorized with respect for where the deed is authenticated;
- (4) A notary shall be in authority during the period of the deed authentication.

A notary is responsible for organizing and conducting notary protocols. Article 1 Section 13 of UUJN P defines Notary Protocols as such, “A collection of documents that are considered state archives and must be stored and maintained by a notary public.” This definition is in line with (Habib Adjie, 2023): (1) A notary is responsible for preserving the physical copy of notary protocols; (2) A notary is responsible for preserving the nonphysical copy of notary protocols.

Following the rapid globalization, the world has leaned more onto the digital space or paperless media. This technological development generates Industry Revolution 4.0 consisting of the internet of things (IoT). (Merkel 2014) defines Industry Revolution 4.0 as a comprehensive transformation of combining digital and conventional aspects of industries. In Indonesia, this transformation is demonstrated through technology development in most governmental aspects, including the law information system and notary process. An example of the innovation is the concept of cybernotary or electric notary (e-notary). Cybernotary is a part of ‘other authorities’ granted to a notary according to the Article 15 Section 3 UUJN-P: “ ‘Other authorities’ include that of deed certification using a digital space (cybernotary), such as a deed of waqaf pledge and an airplane’s mortgage.”

As public officials authorized to create authentic documents and responsible for implementing and managing notarial protocols, notaries are supervised by the Notary Supervisory Council and the Notary Honor Council. These two institutions are at the forefront of supervising notaries and imposing sanctions in accordance with the law's mandate. The Minister of Law and Human Rights has the authority to supervise notaries. However, in practice, the minister delegates this authority to the established Notary Supervisory Council. The UUJN-P affirms that the Minister supervises notaries and that the Minister's supervisory authority is given in



the form of a delegation to form the Notary Supervisory Council. This delegation does not include carrying out the functions of the Supervisory Council, which are explicitly designated as the Supervisory Council's authority. The Notary Supervisory Council is formed by the Minister which contains supervision of Notaries regulated in UUJN-P Chapter IX on Supervision. In general, the definition of supervision is an activity carried out by the supervisor in seeing, paying attention to, observing, controlling, observing and guarding and providing wise direction.

Article 1 Section (6) UUJN-P defines the Council as such, "An institution authorized and responsible for supervising notaries." The procedure for examining notaries by the Notary Supervisory Council is set out in Regulation No. 15 of 2020 of the Ministry of Law and Human Rights of the Republic of Indonesia on the Procedure for Examining Notaries by the Notary Supervisory Council (hereafter referred to as "Permenkumham 15/2020"). According to Article 18 of Permenkumham 15/2020, the inspection covers several aspects: 1) Civilians' reports; 2) Annual supervision of Notary Protocol; dan 3) Legal Allegations of the Violation of Authority and Practice of Notary. The supervision is primarily curative in response to reports and allegations. Therefore, notaries must manage and organize their protocols as well as possible because they are still being monitored by the Notary Supervisory Council, in this case the Regional Notary Supervisory Council (Muhammad Luthfan Hadi Darus, 2017).

In the context of the Industry Revolution 4.0, notaries, as public officials responsible for legal matters, are expected to embrace digitalization, including the implementation of the cybernotary concept. The supervision system for notaries by the Regional Supervisory Council is still dominated by conventional, manual, and face-to-face mechanisms. However, some online monitoring initiatives have been implemented in practice. The Kantor Wilayah Kemenkumham DIY has developed a technology initiative in the field of notary services to increase the effectiveness of notaries. SIEMON (Sistem Informasi Elektronik Monitoring Notaris) is designed to supervise and report on the notaries' work. SIEMON was developed in response to the large number of notaries in the Special Region of Yogyakarta, where the number of members of the Supervisory Council under Article 67 (3) of the Notary Act is nine people of three parties, which are:

- (1) Government, three (3) people
- (2) Notary, three (3) people
- (3) and Academia or Experts, three (3) people.





The number of members did not increase, even though the workload for supervision continued to increase. There are also limitations to in-person meetings due to various technical and situational issues. SIEMON produced the system of notary supervision and guidance conducted by the Council. Moreover, the reports on Notary Protocol are now preserved digitally since 2020, resulting in the Council's supervisory function more efficient and effective. The notary training and supervision by the Regional Supervisory Council will be more effective if the mechanism and procedure for online notary training and supervision is clearly defined by legislation (Perdana Hendra Wicaksana, 2024). In this regard, the situation indicates a gap in the national legal system, particularly in the field of notary supervision, which has not fully embraced digitalization. The absence of clear and comprehensive legal regulations regarding the mechanism of supervising notaries' protocols by MPD through information technology systems could hinder the effectiveness of supervision and create legal uncertainty. UUJN-P and its derivations have yet to specifically cover the procedures of online supervision conducted by a member of the Supervisory Council.

The absence of these subsidiary rules as part of the conceptualization of the electronic Notary protocol must be regulated in the context of its authority, in this case, the UUJN, and in the context of discussing the technology, in this case, the ITE Law, to achieve harmonization which is expected to produce good legislation and constitute a unified whole of the entire system of laws and regulations and the national legal system. Electronic archives are defined as archives created (made or received and stored) in electronic format in Regulation of the Head of the National Archives of the Republic of Indonesia Number 20 of 2011 concerning Guidelines for the Authentication of Electronic Archives (Shinta Pangesti et al, 2021) to realize legal benefits, legal certainty, and justice (Datau S.Y et al, 2023). In line with this, Danrivanto Budhijanto argues that the characteristics of technology itself need to be constructed into formal law so that technology, as a tool, can be maximized to effectively and efficiently regulate society and stimulate its usefulness (Danrivanto Bundjianto, 2014).

Despite the growing integration of digital tools in notarial practice, Indonesia's legal system lacks a clear and comprehensive regulatory framework governing the supervision of cybernotary protocols. The unpreparedness of Indonesian notary law in responding to technological developments has implications for the emergence of legal uncertainty, namely deviations in role and functions or even dysfunction of authority (Ikhsan Lubis et al., 2023). Therefore, this research seeks to explore the



urgency and direction of ideal regulation regarding the supervision of notary protocols by the Supervisory Council, particularly within the scope of digital transformation and cybernotary practices.

## LITERATURE REVIEW

### Law and Technology Convergence

Stated that the characteristics of technology itself need to be constructed in formal law so that technology, as a tool, can be maximized to effectively and efficiently regulate society and stimulate benefits (Danrivanto Budhijanto, 2014). Argued that this law convergence theory highlights the convergence of law and technology in scope of their respective characteristics. In the context of notary supervision, especially in the digital era, this convergence is particularly relevant. The emergence of cybernotary practices and the application of digital supervision tools such as the Sistem Informasi Pengawasan Notaris (SIEMON) are clear manifestations of this integration. These systems rely on digital platforms to monitor notarial protocols, enabling more transparent, efficient, and accountable legal oversight (Danrivanto Budhijanto, 2014).

The integration of technology into notary supervision enhances legal certainty by ensuring that notarial acts are traceable, standardized, and securely stored. It also improves governance and public administration by enabling remote monitoring, real-time data access, and streamlined procedures. However, this convergence also raises critical legal challenges related to data protection, the authenticity of electronic deeds, and the boundaries of regulatory authority in a digital environment. Thus, Danrivanto Budhijanto convergence theory provides a conceptual framework for understanding how legal institutions must evolve in response to technological change. It highlights the necessity for legal reforms that not only adopt technological innovations but also ensure that these innovations align with legal principles, uphold public trust, and reinforce the rule of law in digital governance (Aqmadea Eshafia et al., 2024; Lutfiah et al., 2024; Lutfianah et al., 2025).

### Progressive Law Theory

As elaborated in regards of progressive law (Satjipto Raharjo, 2012): "Progressive law is a continuous aspect for humanity. The philosophy behind the progressive law is not merely 'law for law', but 'law for humanity'. Rather than an entirely autonomous entity, law is valued by its coherence with humanity. The concept of autonomous law will possibly inhibit itself in aiding humanity." This elaboration is supported by (Suteki, 2015) perspectives on progressive law:

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- (1) Progressive law aims to support and enrich humanity and welfare as a constant (law in the making).
- (2) Progressive law is aware of the rapid changes among civilians in local, national, and global scopes.
- (3) Progressive law opposes the status quo of decadence and corruption against civilians that may result in the rise of resistance and rebellion.

In the context of notarial supervision, the implementation of digital systems such as the Notary Supervisory Council's authority being exercised through platforms like SIEMON or other online monitoring tools is a manifestation of progressive legal thinking. These digital adaptations represent legal breakthroughs that align with the goals of progressive law: ensuring better access to justice, enhancing oversight, and adapting legal mechanisms to current societal needs (Hidayah et al., 2021; Vianney Bagus Raditya et al., 2024).

The adoption of cybernotary practices, including the use of digital signatures, remote document verification, and online protocol monitoring, exemplifies how progressive law supports the evolution of legal frameworks to embrace innovation. Rather than being bound by rigid proceduralism, progressive law enables the legal system to incorporate technology to serve justice more efficiently and equitably (Hidayah et al., 2021; Vianney Bagus Raditya et al., 2024). This approach not only increases efficiency but also addresses practical issues such as geographical limitations, administrative burdens, and public accountability in legal supervision. Therefore, progressive law provides a strong philosophical and practical foundation for integrating emerging technologies into the supervision of notarial practices. It encourages legal institutions to pursue continuous reform and innovation, in line with the demands of the digital era and the broader goals of legal empowerment and public service (Paripurna et al., 2025; Pebriandi Millenium Saragi et al., 2025; Prayantama et al., 2025).

### **Theory of Authority**

As argues about the notion of authority in relation to authority as follows (Prajudi Atmosudirdjo, 1981): "Authority is formal power ; a power granted by Law or from Executive/ Administrative Power. Authority is power over a certain group of people or power over a certain unified field of government (or field of affairs), while authority is only about a certain part. Within authority there are powers. Authority is the power to perform an act of public law." According to this theory, the authority of the notary supervisory council, as set out in the UUJN-P and the subordinate

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regulation of the Permenkumham 15 of 2020, has not yet been established. There are no guidelines or technical instructions for supervising notaries through technology. Therefore, this theory is used to analyze the authority of the notary supervisory council in examining notary protocols through technological means (Riska Salmaningrum et al., 2025; Zulkifli et al., 2025).

### **Theory of Legal Certainty**

According to (Sudikno Mertokusumo, 2002) legal certainty is a guarantee that the law will be carried out properly. It is essential to regulate laws in legislation made by authorities. This ensures that the rules have a legal basis and can guarantee the effectiveness of a law that must be obeyed. The theory of legal certainty is used to analyze the issues in this thesis because one of its elements is that it can be examined through the rules themselves. Uncertainty in legal interpretation is often the result of vague norms, which can create challenges in achieving clear legal certainty. This causes problems because the purpose of law is to establish certainty; however, if the regulations themselves are unclear, certainty cannot be established.

Unclear or incomplete regulations regarding cybernotary supervision contribute significantly to legal uncertainty. In the digital context, especially with the implementation of systems such as SIEMON and other cybernotary tools, the absence of specific legal guidelines or standardized procedures can lead to varied interpretations and inconsistent enforcement. This condition not only undermines public trust but also hampers effective governance and weakens accountability in notary practices. Therefore, the theory of legal certainty is essential to frame the urgency of establishing clear, binding regulations for digital notary supervision. Ensuring that digital protocols are governed by detailed and precise legal instruments will support the predictability, reliability, and enforceability of cybernotary systems. In turn, this will enhance public confidence, streamline legal oversight, and strengthen the rule of law in the era of digital governance.

### **RESEARCH METHODS**

The method used in this research is normative legal research. This type of research focuses on providing juridical arguments in situations where there is a legal vacuum (*rechtsvacuum*), ambiguity, or conflict of norms. Normative legal research analyzes laws and regulations as a systematic body of rules and evaluates how these rules apply to specific legal events (Mukti Fajar & Yulianto Achmad, 2017). In this study, normative legal research plays a central role in identifying and addressing



the lack of regulation and overlapping norms in the context of cybernotary practices and the supervision of notarial protocols through digital platforms. This is especially important considering that the integration of technology in notarial services presents legal uncertainties and interpretative challenges that require theoretical and conceptual legal analysis.

The research will examine existing laws related to notarial duties, supervisory mechanisms, and technological applications (such as SIEMON or other e-notary tools) to identify areas where legal clarity is lacking or where norms may conflict. By employing a statute approach, this research will systematically review statutory regulations to determine their relevance, scope, and coherence. Additionally, a conceptual approach will be used to interpret the legal principles underlying notary supervision and its digital transformation, offering theoretical insights into how such mechanisms should evolve within the legal system. Ultimately, this research aims to construct juridical arguments that can guide the development of more adaptive, responsive, and integrative legal norms particularly in regulating the digitalization of notarial protocols and enhancing the supervisory role of the Notary Supervisory Council in the era of cybernotary.

## RESULTS AND DISCUSSION

### The Urgency of Supervision of Notary Protocols by The Regional Supervisory Council in the Cybernotary Era

#### 1. Legal Consequences of the Vacuum of Supervisory Role in the Cybernotary Era

A legal act is an act performed by a legal entity, whether human or corporate, that can have the desired effect. If the consequences of the act are not desired by any of the actors, then it is not a legal act. Legal relationship, or jural relationship, is a connection by two or more subjects that is governed by law and involves rights and obligation (Achmad Ali, 2010) Legal relation is divided into two categories (Yati Nurhayati, 2020):

##### 1) One-dimensional Legal Relationship

One-dimensional or one-sided legal relation means that there is only one two party obligated to something (to do, not to do, or to give something).

##### 2) Two-dimensional Legal Relationship

Two-dimensional legal relation refers to a situation that imposes rights and obligations on both or all subjects. Both subjects are



entitled to receiving something from the other subject, while both subjects are obligated to do or give something to the other subject.

As explained above, the two-sided legal relationship formed during the notarization process through the technological system involves a reciprocal relationship between the notary, the Regional Supervisory Council, the public (as users of the service), and the state (as the normative authority). The concept of cyber notary is interpreted as a notary who carries out the duties or authority of their position based on information technology, which is related to the duties and functions of a notary, especially in making deeds (Desia Rakhma et al, 2023). As the main guideline for notaries in carrying out their duties, it has essentially mandated notaries to be able to perform their duties digitally (Yasya & Putra, 2023). notary activities in Indonesia have not been able to use the concept based on electronics because it does not have a strictly legal basis related to it (Agustin et al, 2021) The essence of an authentic act is its articulation of formal truths, in alignment with the information imparted by the parties to the notary.

In addition to having the authority to create authentic acts, notaries are responsible for storing, maintaining, and safeguarding notary protocols in accordance with applicable legislation. The notary protocol is a state archive that must be stored and maintained by the notaries. It consists of the following:

- a. an original master of the Deed;
- b. a book of Deed list or repertorium;
- c. a book of private Deed whose signing is performed before a Notary or deed under the registered hand;
- d. a book list of names of viewers or klapper;
- e. and a protest list book.

The protocol is then examined by the Supervisory Council as part of the notary public's accountability and compliance with legal norms. The Regional Notary Supervisory Council carries out its supervisory functions and duties by forming a notary examination team. The Minister of Law and Human Rights of the Republic of Indonesia has stated that inspections are conducted exclusively by the Regional Notary Supervisory Council. These inspections are carried out periodically, at least once a year, for the relevant notary, and the results are recorded in a Report of Inspection that covers certain aspects, including:

- (1) the date of the inspection conducted by three key members of the Council, at least 1 (one) from the Government, 1 (one) from the

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- Academics, and 1 (one) from the Notary Association, and one secretary;
- (2) the notary office (its address and physical conditions);
  - (3) notary appointment document;
  - (4) notary jurat of affidavit;
  - (5) notary's leave of absence;
  - (6) notary's leave certificate
  - (7) notary protocols;
  - (8) archive conditions;
  - (9) deed preservation conditions;
  - (10) reports of monthly delivery of legalized duplicated copies of the Deed list, legalized private Deed list, and recorded private Deed list.
  - (11) deed sampling;
  - (12) assignment of over-25-year-old protocols;
  - (13) office conditions;
  - (14) office working hours;
  - (15) imposed sanctions;
  - (16) supervision scoring rubrics;
  - (17) and advises.

The Regional Supervisory Council conducts on-site inspections of notaries' offices at least once a year. During the inspection, the Regional Supervisory Council is required to meet with the relevant notary in person. Notaries cannot be represented by employees or other parties. However, this regulation does not anticipate the need for technology-based supervision in the digital era.

Norms that regulate the rights and obligations of legal subjects are the basis for legal relationships in the national legal system. One issue within the scope of legal dogmatics that arises when the parties involved in a dispute or debate present different interpretations is a legal vacuum. This can be due to the ambiguity of the text of the regulation itself or differences in interpretation of the facts (Peter Mahmud Marzuki, 2014). A legal vacuum occurs when legal relationships that should be established in an orderly manner become blurred, which can lead to uncertainty and disharmony in the implementation of norms.

As previously mentioned, there has been no regulation regarding the supervision of notaries by the regional supervisory council in the digital era or the use of cybernotaries. The reason for this legal void is the lack of explicit and technical regulations regarding the



supervision mechanism based on technology. Adjustments in regulations are necessary to create a solid legal foundation that can support the implementation and operation of a blockchain-based notary system (Panca O et al, 2025). The relationship between the notary as the provider of protocol, the Board of Supervisors as the supervisor, and the public and the state as the parties with a stake in the legal accountability and certainty of the legal system is not functioning effectively and efficiently. The ideal role of the law, which is to prevent, educate, and correct, is hindered by this absence of legal framework. This underscores the pressing need to set up new standards as a legal framework that clarifies and reinforces the relationship between all legal entities in digital notary oversight.

A solid regulation requires an in-depth knowledge of the subject matter to be regulated and an understanding of how to prevent loopholes. The ability to identify the essence of long-standing facts and express them in concise and clear regulations is very important in achieving the purpose of creating a regulation to the fullest extent possible. (Soenobo Wirjosoegito, 2014) elaborated further as follows: *"Please note that this regulation was designed for the long term to obtain legal permanence. Also, remember that: The rules do not address specific situations or assumptions. The law is static and unchanging. However, life in society is always dynamic and evolving within a specific area. Therefore, when drafting a regulation, it is important to consider the evolving relationships and conditions. Hence, both established and flexible aspects shall remain balanced to keep the development in sync."*

To preserve the integrity and confidentiality of the entered data, each country provides security systems such as two-factor authentication, systematic backup, limited data access, data encryption, use of EDS for login, etc (BRDO, 2024).

## **2. The urgency of Notary Protocols Supervision by Regional Supervisory Council by Cybernotary**

Based on the above description, it can be concluded that the Regional Supervisory Council operates in a conventional manner when exercising its authority, especially when supervising the notary protocol. This is an important part of ensuring the accountability and integrity of the notary's office. The visits and inspections are done in person and manually. ( Mirabel Rahma et al, 2025) This approach is no longer adequate, without strong legal certainty, the sustainability and legitimacy of cyber notary services in Indonesia will be difficult to implement comprehensively and effectively. Therefore, there is an





urgent need to establish specific rules for supervising notary protocols through technological systems. The urgency can be explained by three aspects: philosophical, legal, and sociological, which will be explained below.

### **Philosophical Urgency**

The urgency is closely related to the philosophical basis, which considers the reasons depicted in worldviews, awareness, and legal ideals. This is all based on the spiritual atmosphere and philosophy of the Indonesian people, as reflected in the Preamble to the 1945 Constitution and the Five Principles of the Indonesian State (Pancasila). This philosophical basis becomes the foundation of ideals when a set of laws is formed for Indonesia. Since Indonesia's ideals are found in the Constitution and Pancasila, a legal system must not contradict its values (Sri Wahyuni, 2022). The same holds true for the need to implement a technology-based system to supervise notaries.

A profession is a specific job that requires specialized skills and is performed responsibly in order to earn an income. Professions can be divided into the following categories: (1) Regular profession; (2) Noble profession (*officium nobile*), which requires high-valued morality. Every profession, especially those related to law, is based on fundamental principles:

- a) Professions are viewed as a service, so selflessness is a defining characteristic in their development.
- b) Professional services prioritize the interests of those seeking justice and are guided by noble values.
- c) Professional development must always be oriented toward society as a whole.
- d) To ensure quality and improvement in professional development, competition in service must be fair.

Notaries must act with integrity when performing their professional duties. In other words, they must avoid anything that goes against what is good, even if it means forgoing high compensation. Their moral considerations when performing professional duties must align with the community's values, customs, and religion. Having high professional ability is not enough; one must also be moral. Based on the above explanation, the philosophy of the Constitution must serve as the foundation for the practice of the notary profession. Notaries are considered a noble profession because of their connection to the humanistic values of the Fifth Principle of the 1945 Constitution. The regional supervisory council plays a strategic role in ensuring the



accountability and integrity of notaries. In the context of notary protocol supervision, philosophical values are an important basis for reforming supervision through technology and information systems, especially in the era of digital transformation and cybernotary. Manual, unintegrated, and geographically and administratively limited oversight mechanisms are no longer relevant to the current dynamics of digital society. This leads to the potential for oversight to be carried out inefficiently and with limited reach, which should be regular, objective, and systematic.

According to (Sajipto Raharjo, 2016) perspective on the theory of progressive law, "Progressive law never stops, but continues to evolve, realizing its idea: law for humans." The philosophy underlying legal progressivism is not 'law for law's sake,' but 'law for people.' Law is not fully autonomous; it is always viewed and evaluated based on its coherence with humans and humanity. The idea of law as an independent entity with its own set of rules, among other things, might hinder its ability to evolve into an institution that serves and brings happiness to humans." From this perspective, the law should not lag behind social change. It must be dynamic and open to updates to address the needs of the times. In this thesis, technology-based oversight is a form of law that responds to modern social realities and is not just a static rule. The philosophical urgency of this regulation is closely related to the state's responsibility to implement the principles of good governance, including transparency, efficiency, and accountability. A structured, technology-based oversight system can create an objective audit trail and reduce the risk of manipulation or administrative errors that are common in conventional oversight.

Therefore, from a philosophical standpoint, it is imperative to regulate notary protocol supervision through a technology-based system in order to achieve just laws. This approach is beneficial and adaptable to changing times. It aligns with the development of a digital society and the growing demand for electronic legal services.

### **Judicial Urgency**

The judicial basis demonstrates that the established regulations solve legal problems and fill legal gaps, ensuring legal certainty and justice for society. The judicial basis relates to the substance being regulated, making it necessary for the formation of legislation (Achmad Riansyahd, 2022). The regional supervisory council is one of the law enforcement agencies responsible for enforcing laws regarding notary practices. The Indonesian legal system must strengthen the legal basis



for technology-based supervision if it is to be carried out legally and effectively. However, legal issues related to implementation include:

- (1) The basis for the regional supervisory council's supervision of notaries is outlined in Article 70 of Law No. 2 of 2014, which amends Law No. 30 of 2004 regarding the Office of the Notary Public. The following is Article 70 of Law No. 2 of 2014, which amends Law No. 30 of 2004 on the Office of the Notary Public:  
"The Regional Supervisory Council is authorized to: (a) hold hearings to investigate alleged violations of the notary's code of ethics and violations in the performance of notary duties; (b) Conduct regular inspections of notaries' protocols once a year or at any time deemed necessary; (c) Grant leave of absence for up to six (6) months;..."
- (2) According to Article 18 of the 2020 Ministry of Law and Human Rights Regulation No. 15 on the Procedure for the Examination of the Regional Supervisory Council of Notaries, "The examination by the Regional Examination Board includes: 1. Civilian Reports; Notary Protocol; and/or Facts related to alleged violations of the execution of duties and the behavior of notaries." According to Article 30 of Permenkumham 16/2021, which addresses the organization, operations, appointment, termination, and budget of the Notary Supervisory Council, The Majelis Pengawas Daerah (Regional Supervisory Council) has administrative authority and requires the Majelis Pengawas Daerah's approval, as stipulated in Article 27(c). This authority includes: (a) Conducting hearings to investigate alleged violations of the notary code of ethics and violations in the performance of notary duties; (b) conducting regular inspections of notary protocols at least once a year or at any time deemed necessary. The supervision model includes inspections based on reports or violations, as well as annual preventive inspections. However, it is not based on a digital system. This means that it is not considered a standard or a rule, which creates a situation where there is no clear legal framework in place.
- (3) When carrying out their duties and powers related to preparing authentic acts, notaries are required to keep minutes of the acts in the form of notarial protocols. According to Article 16(1)(b) of Law No. 2 of 2014, which amends Law No. 30 of 2004 on the Notary Profession, notaries are required to record minutes as notarial protocols.



In other words, notaries are required to keep minutes of the act as a notary protocol when carrying out their duties and powers relating to the creation of authentic acts. A protocol is a collection of state archive documents that must be stored and maintained by the notary in accordance with legal provisions. As stated in Article 15(3) of Law No. 2 of 2014, amending Law No. 30 of 2004 on the Notary Profession, the expansion of notaries' authority into the digital realm is added through cybernotary. The explanation of the section on "other powers" held by notaries states the following:

The term "other powers regulated by law" includes the power to certify electronic transactions (cybernotary), create *waqf* pledge deed (pledge deed of endowment) and hypothecate aircraft (Cybernotary). These include cybernotary, *waqf* pledge deed, and hypothecation of aircraft. (Roro Dyah Paripurno, 2022) stated the following: 'Converting notary protocols into electronic documents does not contradict Article 1868 of the Civil Code, provided that the Electronic Notary Act incorporates provisions for electronic protocols.' Notaries have extensive authority and responsibility to store protocols, and this must be monitored and held accountable through the supervision of the supervisory council, which must also comply with the principle of due process of law. In other words, any actions taken by government officials or agencies must adhere to fair, transparent, and accountable procedures. Therefore, the ability of the legal system to adapt to technological developments is crucial to ensuring accountability and the proper use of digital authority and preventing discrepancies between practice and regulation.

Based on the above explanation, amending Law No. 2 of 2014, which amended Law No. 30 of 2004 regarding the notary profession, is urgent in order to ensure legal protection and certainty for the public. Notaries are public officials who carry out certain state functions in civil law. Therefore, Permenkumham 15 of 2020 must be regulated and improved further as an inspection instrument. Then, the organizational structure and financing in Permenkumham 16 of 2021 must be strengthened. Additionally, administrative sanctions must be harmonized based on an electronic system, as regulated by the Ministry of Law and Human Rights' Regulation No. 61 of 2016. These regulations must align with Republic of Indonesia Law No. 11 of 2008 on Information and Electronic Transactions, as well as the Law on the Formation of Regulatory Legislation. This alignment will



ensure synergy and mutual reinforcement within the national legal system.

### **Sociological Urgency**

A sociological basis provides the rationale for a rule formed to meet societal needs in all aspects. A sociological basis is always linked to empirical facts about current issues and the needs of the public or the state. Therefore, the sociological basis can be described as a foundation consisting of facts that reflect societal demands, which prompt the creation of legislation when there is a fundamental problem requiring the formation of a legal rule (Sri Wahyuni Laila, 2022). An example of this can be seen in the basic principle in conducting public procurement can be found in Article 6 Presidential Regulation No 16 of 2018, which is amended by Presidential Regulation No. 12 of 2021, namely (Rizky Amalia et al, 2023): (a) Efficient; (b) Effective; (c) Transparent; (d) Open; (e) Competitive; (f) Fair; and (g) Accountable. Similarly, Notaries play an important role in establishing legal order in Indonesia. They carry out their duties and responsibilities in creating authentic acts. Notaries are required to store the minutes of these acts as part of their protocol. The Regional Supervisory Council supervises the protocol, as it is the body responsible for supervision in accordance with the law.

The Regional Supervisory Council consists of nine members, as stipulated in Article 67(3) of the Notary Public Law; (a) from the Government, three (3) people; (b) from the Notary, three (3) people; (c) from the Academia or Experts, three (3) people. The field conditions show an increase in the number of notaries from year to year. Tri Firdaus Akbarsyah, the Chairman of the Indonesian Notaries Association (INI), stated that "the number of notaries in Indonesia is around 21,000, from a total population of 270 million in 2024." This indicates a significant increase compared to previous years. In 2017, there were 17,000 notaries spread across the country. In 2018, the number hit 18,000. In 2019 there were 17.856, in 2021 there were 17.787, In 2022 the number achieved was 190.099.

Based on this data, one can conclude that there is a significant imbalance between the number of Regional Supervisory Council members and the growing number of notaries. The number of Council members is fixed and does not account for the growing workload resulting from the yearly increase in notaries. This imbalance will directly impact the capacity for manual oversight and could potentially result in weaker guidance and supervision (Perdana Hendra Wicaksana, 2024). Believes that the online monitoring and training of





notaries by the Regional Supervisory Body is more efficient in terms of saving time and money. The limited number of Regional Supervisory Council members, which is not proportionate to the number of notaries, as well as the annual training and inspection schedule, can be accommodated if notary supervision and training are done online.

From a sociological perspective, this raises concerns about the effectiveness of notarial oversight. The public demands a technology-based oversight system that can support rapid, objective, documented, and easily accessible oversight for stakeholders. Therefore, this sociological urgency highlights the need to transform the notary oversight mechanism to ensure it aligns with social dynamics and the needs of the digital era.

## CONCLUSION

The urgency of establishing specific regulations regarding the supervision of notarial protocols through information technology systems can be viewed from philosophical, juridical, and sociological aspects. Philosophically, digital supervision reflects the values of Pancasila and the 1945 Constitution and guarantees the integrity of the notary profession as an *officium nobile*. Juristically, the absence of comprehensive regulations regarding technology-based supervision in the UUJN-P and its derivative regulations creates a legal vacuum that hampers the effectiveness of supervision. Regulatory reformulation is necessary to align with the principle of due process of law and the development of cybernotary. Sociologically, the imbalance between the number of notaries and the capacity of the Regional Supervisory Council demands a supervision system that is more efficient, objective, and responsive to the dynamics of the digital society.

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