

LEGAL PROTECTION FOR THE CONCEPT OF GREEN NOTARY FOR NOTARIAL OFFICERS

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Abstract

The growing emphasis on sustainability within the legal sector has given rise to the concept of the green notary, which promotes digitalization and the reduction of paper-based documentation in notarial practices. This study examines the legal protections afforded to Notaries who adopt green notary practices in Indonesia. Employing a normative juridical research method, this study reviews applicable laws, legal doctrines, and scholarly literature, with particular focus on the compatibility of green notary practices with the principles of legal certainty, professional responsibility, and notarial ethics. The findings indicate that although the green notary concept has not yet been expressly regulated, existing legal frameworks—namely the Notary Law, the Electronic Information and Transactions Law, and the Personal Data Protection Law—may serve as an implicit legal basis for its implementation. The application of green notary practices introduces important legal implications relating to the scope of notarial authority, professional accountability, data protection obligations, and ethical conduct. Accordingly, regulatory harmonization, the establishment of detailed operational guidelines, and the formulation of digital professional ethics standards are essential to ensure that green notary practices are legally valid, efficient, and sustainable in the contemporary digital era.

Keywords: Green notary, Legal Protection, Notary, Digitalization, Sustainable Legal Practices

INTRODUCTION

The global shift toward sustainable development has encouraged various sectors to adapt to sustainability principles, including the legal and notarial fields. Environmental issues have now become a major concern within the international community, leading to increasing demands for environmentally friendly work practices, commonly referred to as green office. In the context of notarial practice, this concept is reflected in the notion of the *green notary*, namely a notarial work system that applies energy efficiency, reduction of paper usage, and the utilization of digital technology in the drafting and storage of legal documents (Sahdan & Sasmita, 2023). Through the implementation of this concept, the notarial profession is expected to play an active role in supporting the Sustainable Development Goals (SDGs), particularly Goal 13 concerning climate action and Goal 16 regarding the strengthening of effective and transparent legal institutions.

In practice, digitalization has significantly transformed notarial work in various countries. The use of electronic signatures, digital deeds, and cloud-based document storage systems has increasingly been adopted as part of efforts to enhance efficiency and data security (Asriannor et al., 2025). In Indonesia, similar developments can be observed through the use of electronic administrative systems and e-office platforms by several notary offices in major cities (Suyudi, 2024). Nevertheless, the concept of the green notary does not yet have a firm legal basis, as there is no regulation expressly governing the procedures and limitations of its implementation. As a result, legal uncertainty arises in the execution of digital-based notarial duties, particularly with respect to the validity of electronic documents and the legal liability of notaries for deeds executed through online systems.

The absence of clear regulation raises an important question regarding the form of legal protection afforded to the green notary concept in Indonesia. Legal protection is necessary to ensure that digital-based notarial services operate within a definite and accountable legal framework. Law Number 30 of 2004 concerning the Notary Office ("Notary Law"), along with its amendments and implementing regulations, does regulate the duties and authority of notaries, but it does not explicitly address the digitalization of documents and legal responsibility arising from the use of information technology in notarial practice (Indonesia, 2014). Yet, in the current era of digital transformation, the need for a legal system that is adaptive and environmentally conscious has become increasingly urgent (Matheus, 2021).

The implementation of the green notary concept also has implications for the legal evidentiary process and the authenticity of documents. As public officials authorized to produce authentic deeds, notaries are bound by the principles of authenticity and legal validity as regulated under the Indonesian Civil Code. When a deed is converted into digital form, new issues emerge concerning how to ensure the integrity, security, and evidentiary value of such digital deeds (Agustin & Anand, 2021). Therefore, a legal framework is required not only to regulate the technical mechanisms of digitalization but also to guarantee legal certainty for parties utilizing digital notarial services. Without clear legal protection, the risks of data misuse, document loss, and legal disputes become significantly higher.

In view of these circumstances, this research is essential to analyze the form of legal protection for the green notary concept in Indonesia. It also aims to examine the position of green notary practices within the Indonesian legal system, as well as to assess their legal implications for the authority and responsibilities of notaries in carrying out digital-based public service functions. Through a normative legal approach, this research seeks to identify legal foundations that can serve as the basis for implementing the green notary concept in alignment with the principles of legal certainty, benefit, and justice. Thus, this research does not only focus on formal juridical aspects, but also evaluates the practical relevance of green notary practices in an era that demands both efficiency and environmental responsibility.

The results of this research are expected to provide theoretical contributions to the development of modern notarial law that is oriented toward sustainability and social responsibility. Practically, this research is expected to serve as a reference for policymakers in formulating regulations that support the legal recognition and implementation of the green notary concept in Indonesia. Furthermore, the findings of this study are anticipated to encourage notaries to incorporate environmentally conscious principles into administrative procedures and public services, enabling the notarial profession to adapt to global demands for sustainable governance. With clear regulation and proper implementation guidelines, the notarial profession will not only function as a guarantor of legal certainty and justice but also as an agent of change contributing to environmental preservation, modernization of the national legal system, and reinforcement of professional ethics in the digital era.

RESEARCH METHOD

This research employs a normative legal research method, which focuses on the study of positive legal norms, legal principles, and authoritative legal doctrines (Marzuki, 2019). The normative approach is carried out through the examination of statutory regulations, legal literature, and relevant judicial decisions concerning the concept of green notary and its legal protection for notaries. The types of legal materials used consist of primary legal materials, including the Notary Law and its amendments and implementing regulations, the Electronic Information and Transactions Law and its amendments, as well as the Civil Code. Secondary legal materials include books, scholarly articles, and research studies related to the digitalization of notarial practice, while tertiary legal materials consist of legal dictionaries and encyclopedias that provide conceptual clarification of terminology and theoretical foundations.

The approaches adopted in this study include the statute approach, the conceptual approach, and the comparative approach. The literature review was conducted by examining current academic publications and legal journals (published from 2020 onwards) that relate to digitalization and legal sustainability. The data obtained were analyzed using a qualitative descriptive method, which involves describing and interpreting the relationship between legal regulations, legal theory, and the practice of digital notarial services in Indonesia. The analysis is also directed at assessing the extent to which the concept of the green notary aligns with the principles of legal certainty, utility, and justice, as articulated by Gustav Radbruch. Through this method, the research is expected to contribute theoretically and to provide policy recommendations for strengthening legal protection in the implementation of notarial practices that are sustainable and environmentally conscious in the era of digital transformation.

RESULTS AND DISCUSSION

This section discusses the analytical findings regarding the forms of legal protection that may be afforded to the implementation of the green notary concept in Indonesia. Through a normative approach, the discussion focuses on the interpretation of applicable statutory regulations, legal doctrines, and academic perspectives related to the digitalization of notarial practice. The analysis aims to assess the extent to which the Indonesian legal system is able to provide legal certainty and protection for notaries in implementing environmentally conscious digital notarial practices. In addition, this section outlines the legal standing of the green notary within Indonesia's positive legal system, as well as its legal implications for notarial authority, professional responsibility, and ethical obligations in the era of digital transformation.

The Legal Protection Framework for the Green Notary Concept in Indonesia

Legal protection for the green notary concept is fundamentally rooted in the principles of legal certainty and the professional responsibility of public officials as regulated under the Notary Law, along with its amendments and implementing regulations. Although no provisions explicitly regulate green notary practices, legal protection may be realized through the interpretation of existing norms, such as the obligation to maintain the authenticity of deeds, the confidentiality of documents, and accountability in the exercise of official duties. These principles provide a juridical basis for notaries to adopt digital innovations insofar as such practices do not conflict with positive law or the ethical values of the notarial profession. In practice, this form of protection enables notaries to innovate through the use of digital systems without losing legal legitimacy, provided that all procedures remain consistent with the formal requirements governing the preparation of notarial deeds. Thus, the green notary concept remains within the legal framework through an adaptive approach to regulation and the ability to respond to the demands of an increasingly digital era.

Legal protection for the green notary may also be understood from the perspectives of administrative law and environmental law, which emphasize the social responsibility of public institutions. The implementation of environmentally friendly work systems through document digitalization is not merely an efficiency measure, but also a moral responsibility to preserve natural resources and reduce paper waste within notarial administration. In this context, legal protection concerns not only the formal legality of deeds but also the legitimacy of the ecological objectives sought to be achieved through such legal innovation. Accordingly, the green notary serves not only as a form of system modernization but also as part of a sustainable governance strategy (Inayatullah et al., 2023). This implies that the law must function not only to regulate the conduct of public officials but also to promote a transition toward environmentally responsible governance and the development of an efficient legal administrative system in the future.

However, substantive legal protection still requires strengthening through the establishment of specific regulations concerning the digitalization of notarial practice (Yasya & Putra, 2023). This is important because the absence of clear rules regarding electronic deeds, data security standards, and mechanisms of liability may create legal uncertainty in practice. The lack of a firm legal foundation also has the potential to discourage notaries from adopting digital systems due to concerns over possible ethical or administrative violations (Ramadhani, 2023). In this regard, implementing regulations, such as a Ministerial Regulation of the Ministry of Law and Human Rights governing digital notarial administration systems, are necessary to serve as a technical reference. Such regulations are expected to provide certainty for both the public and notaries in engaging in technology-based legal activities, while ensuring that all processes continue to uphold the principles of legality and professional integrity.

Furthermore, legal protection for the green notary must also consider the principle of prudence in safeguarding personal data and the integrity of digital systems. The use of information technology in notarial practice requires oversight and control to prevent potential data breaches or misuse, as notaries handle documents of high legal significance. Therefore, synchronization between the Notary Law, the Electronic Information and Transactions Law, and the Personal Data Protection Law is necessary to establish a comprehensive legal basis for the implementation of the green notary. Such harmonization would strengthen the legal position of the green notary at the national level and provide assurance for parties transacting through electronic deeds. In addition, collaboration among institutions such as the Ministry of Law and Human Rights, the Indonesian Notary Association, and national cybersecurity agencies is essential to ensure the security and validity of digital systems.

More broadly, legal protection for the green notary should be viewed as part of national legal reform efforts that respond to global technological developments. Indonesia is moving toward digital transformation across various sectors, including the legal sector, making the existence of the green notary a logical consequence of such modernization. With clear and enforceable legal protection, notaries can perform a dual role: acting as guardians of legal certainty while also serving as agents of change toward sustainable public administration. Such legal reform is also crucial to ensure that Indonesia's notarial system remains competitive with jurisdictions that have already adopted digital notary practices. Strong legal protection will ensure that green notary practices operate in accordance with the principles of legal certainty, utility, and justice, while enhancing public trust in the modern notarial system (Hidayat, 2024).

The Position of the Green Notary within the Indonesian Positive Legal System

The position of the green notary within the Indonesian positive legal system remains conceptual and has not yet acquired a definite normative basis. The Notary Law continues to define notarial authority within a conventional framework, namely the drafting of deeds directly and the signing of such deeds in the physical presence of the parties. This condition creates a gap between the prevailing legal norms and the growing public need for digital-based legal services. However, in theory, the law is dynamic and capable of adapting to social developments and advancements in information technology. This implies that the green notary may acquire legitimacy insofar as it does not conflict with the fundamental principles of notarial practice as regulated by statute. Accordingly, the position of the green notary may be understood as a form of legal innovation currently undergoing a process of adjustment within the national legal structure (Suryahartati et al., 2025).

Beyond the framework of positive law, the green notary also holds a significant position within the broader agenda of national legal development aimed at the digitalization of public services. The Indonesian government, through various policies such as the national digital transformation roadmap and the implementation of e-government, has encouraged the bureaucratic system to become more efficient and environmentally conscious. Within this context, the green notary may be regarded as a form of professional legal support toward the digital transformation agenda. The concept aligns with the spirit of paperless governance as reflected in various contemporary public administration policies (Asriannor et al., 2025). Therefore, the green notary may be recognized as the embodiment of the principles of efficiency, transparency, and accountability in the execution of public office, while continuing to adhere to the principle of legal certainty. Such functional recognition may serve as an initial basis for the development of a more formal regulatory framework in the future.

From the perspective of progressive legal theory, the green notary holds a strategic position as a form of legal reform responsive to the needs of modern society. The law should not remain static, but must be capable of responding to social changes, including the advancement of digital technology in the notarial field. Thus, the green notary may be understood as part of a legal paradigm that is adaptive

to the demands of the present era. Within this framework, law is not only an instrument for preserving order, but also a means of social engineering, as articulated by Roscoe Pound (Robian, 2025). This means that although not yet explicitly regulated, the green notary may still be recognized so long as it satisfies the principles of authenticity, responsibility, and validity of the deeds it produces. This position demonstrates that Indonesian law indeed has the capacity to accommodate innovation without losing its normative foundation.

Moreover, the green notary is closely linked to developments in international legal practice, where digital notarial systems have already been implemented in several jurisdictions, such as the Netherlands, Singapore, and South Korea. In these countries, the notarial system has transitioned into an e-notary framework supported by regulations on electronic signatures, online authentication, and digital document storage. In comparison, Indonesia remains at an early stage of adapting to such systems. However, through a comparative approach, Indonesia may study the regulatory models and legal security standards applied in other countries to serve as references in developing a national green notary system. Consequently, the position of the green notary is not only relevant within the domestic context but also forms part of a global trend toward the digitalization of law and sustainable public services. This approach may strengthen Indonesia's position in ongoing efforts to harmonize international law in the field of technology and legal administration.

Among advanced jurisdictions, the Netherlands stands out as the most relevant and highly developed reference point for the comprehensive implementation of the green notary concept. Since the 1995 amendments to the Notaries Act and the full implementation of the e-Deeds system in 2004—later strengthened by the *Wet op het digitaal notarieel akte* of 2018—the Netherlands has successfully eliminated paper use by nearly 100% for most categories of notarial deeds, including deeds of transfer of land rights, mortgages, incorporation of legal entities, and wills. Under the Dutch system, electronic deeds are recognized as having perfect substitution status, meaning that they possess identical legal force to physical deeds without requiring any paper copies as backups. This recognition is expressly affirmed in Article 38 of the *Wet op het notarisambt* and is supported by technical and security standards periodically issued by the Koninklijke Notariële Beroepsorganisatie (KNB), the official notarial association of the Netherlands.

All notaries in the Netherlands are connected to a unified national platform known as the *Centraal Digitaal Repertorium* (CDR), which is directly integrated with the Kadaster (the Dutch Land Registry). Each deed receives a unique hash, an official timestamp, and a qualified electronic signature compliant with the European Union's eIDAS standards, while storage is maintained in a cloud-based system with triple redundancy and a guaranteed archival period of 100 years. Since 2020, the KNB has also mandated implementation of the *Duurzaam Notariaat* (Green Notary Guidelines), which include the use of low-carbon data centers, carbon-offset programs, and annual sustainability reporting. Notaries who comply receive an official "Green Notary" certification, enhancing public trust. Legal protection for Dutch notaries is designed to be robust through a safe harbor framework: a notary is exempt from liability for system failures not caused by his or her own negligence, provided that all KNB standards have been complied with. Liability for technical failures is shared among the notary, the KNB platform provider, and the state-supported Kadaster, and is backed by mandatory professional indemnity insurance covering cyber risks.

The Dutch experience offers several concrete lessons that Indonesia can directly adopt. First, the principle of perfect substitution should be incorporated through an amendment to Article 16 of the Notary Office Law so that qualified electronic deeds possess full evidentiary force without requiring physical backups. Second, Indonesia should develop a national e-Notary platform under the Ministry of Law and Human Rights, integrated with the Directorate General of General Legal Administration and the National Land Agency, mirroring the CDR–Kadaster model. Third, the issuance of a dedicated Ministerial Regulation on Green/Cyber Notaries—governing phased digitalization (2026–2030), minimum technical standards, safe harbor provisions, shared liability arrangements, and green notary certification incentives—would constitute the most strategic and realistic step forward.

Ultimately, the position of the green notary within the Indonesian positive legal system requires clarification through the establishment of specific and implementable regulations. The government may consider amending the Notary Law or issuing implementing regulations that technically govern the digitalization of deeds and the legal responsibilities of notaries. This is crucial to ensure that the green notary has a strong legal legitimacy and can be applied uniformly across Indonesia. Additionally, strengthening this position must be accompanied by capacity-building efforts to ensure that notaries are adequately equipped to utilize digital technology safely and in accordance with professional ethics. With

a clear legal foundation, the green notary will possess a solid position within the national legal system and function optimally as an instrument for achieving efficient, transparent, and environmentally conscious notarial governance.

Legal Implications of Implementing a Green Notary on the Authority and Responsibilities of Notaries

The implementation of the green notary concept carries significant legal implications for the authority and responsibilities of notaries as public officials mandated by the state to draw up authentic deeds. Normatively, such authority is regulated under the Notary Office Act, which stipulates that the making of a deed must be carried out in the presence of the parties concerned, thereby fulfilling the requirement of physical appearance (face-to-face) as part of identity verification and affirmation of the parties' intentions (Amiati et al., 2023). However, with the advent of digital transformation, this principle presents new challenges since meetings between parties may now be conducted virtually through electronic systems (Suryahartati et al., 2025). In the context of green notary practice, the use of digital signatures, cloud-based document storage, and virtual identity verification has become increasingly relevant. As a result, the law must adapt to ensure that digital deeds retain the same level of authenticity as physical deeds made in accordance with the provisions of the Civil Code. Consequently, there is an urgent need to clarify the scope of notarial authority in the digital context to prevent legal uncertainty (Juliani, 2024).

Furthermore, the implementation of green notary practices also has implications for the legal liability of notaries, particularly in ensuring the security and authenticity of data. In a digital system, the risks of data breaches, document manipulation, and cyberattacks represent threats that must be addressed with serious preventive measures (Matheus & Gunadi, 2024). Therefore, notaries are required to possess adequate knowledge of information technology and to implement security systems that comply with national and international legal standards. This legal responsibility is not merely administrative in nature, but may extend to civil or criminal liability should negligence occur in safeguarding the parties' data. In this regard, the prudential principle serves as a key guideline for notaries in performing their functions professionally (Wijaya & Priyono, 2024). Legal protection for digital data and the establishment of technological audit mechanisms form an integral part of legal responsibility in the modern notarial profession.

From an ethical and professional standpoint, the implementation of green notary practices also transforms the perception of notarial integrity. The use of digital systems requires enhanced transparency, accuracy, and accountability in every stage of deed-making. Notaries are responsible not only for the formal validity of documents, but also for the integrity of the digital process, including identity authentication, electronic signatures, and digital archival storage (Rizqiya & Mahfud, 2024). Any breach of professional ethical principles in data management may result in ethical sanctions, including revocation of the notarial license. Therefore, professional organizations such as the Indonesian Notary Association must formulate additional ethical codes specifically governing the use of information technology in notarial practice. This will reinforce public confidence in the integrity of the notarial profession and ensure that the implementation of green notary practices aligns with legal and moral accountability.

Another legal implication concerns the evidentiary value of digital deeds in judicial proceedings (Rosyadi & Hoesein, 2025). Under the provisions of the Civil Code, an authentic deed possesses full evidentiary strength as long as it meets the formal requirements and is made by a competent public official (Karuniawan & Budhivaya, 2018). However, in the context of green notary practices, legal certainty is required regarding the status of electronic signatures and digital documents in court proceedings. Although the Electronic Information and Transactions Law recognizes the validity of electronic documents as lawful evidence (Rodiah et al., 2020), it does not provide detailed regulation concerning verification mechanisms and the storage of documents in notarial practice. This creates the potential for differing interpretations among law enforcement officials when addressing cases involving digital deeds. Therefore, harmonization is needed between the Notary Law, the Electronic Information and Transactions Law, and their implementing regulations so that the evidentiary strength of digital deeds obtains legitimacy equivalent to that of physical deeds.

Practical and Technical Recommendations: Regulatory Harmonization and the Issuance of a Ministerial Regulation on Green Notaries and Cyber Notaries

The absence of clear regulations regarding notaries' digital obligations, the validity of electronic deeds, and notarial liability within paperless practices has created legal uncertainty, thereby necessitating targeted regulatory harmonization that can be implemented without delay. Accordingly, a dedicated regulation on green notaries and cyber notaries must be issued, establishing phased mandatory implementation of electronic systems by no later than 2028, minimum system security standards, a standardized electronic deed format, and a mechanism for converting physical deeds into electronic form without diminishing their evidentiary value.

Further regulatory harmonization should be undertaken through amendments to the provisions of the Notary Office Law and adjustments to the relevant Ministerial Regulations on electronic signatures to ensure alignment with green notary compliance principles. The Government, together with the Indonesian Notary Association, must also develop a National Green Notary Platform as a centralized repository for electronic minutae that can be verified by the courts. In addition, the regulation of notarial liability should be made proportional through the adoption of a safe harbor clause and mandatory professional liability insurance covering cyber risks. To ensure consistent digital transformation, a digital professional code of ethics is required, including limitations on paper usage, mandatory inclusion of a green statement on every electronic deed, and incentives for notaries who fully implement paperless systems. These measures are realistic for implementation within two to three years and have the potential to position Indonesia as a pioneer of green notary practices in Southeast Asia.

CONCLUSION

Based on the results of the analysis, it can be concluded that legal protection for the green notary concept in Indonesia remains implicit and is primarily grounded in the principles of legal certainty and professional responsibility as regulated under the Notary Law. Although it has not yet been expressly regulated, the implementation of green notary practices may still be carried out insofar as it does not conflict with the formal principles of notarial practice and continues to ensure the authenticity and confidentiality of notarial deeds. Its standing within Indonesia's positive legal system is still conceptual in nature, yet it holds strong prospects for institutionalization in line with the direction of national digital transformation and the principles of sustainable development.

The implementation of green notary practices also carries legal implications for the authority and responsibilities of notaries, particularly in relation to data security, the validity of electronic signatures, and digital accountability. Therefore, synchronization between the Notary Law, the Electronic Information and Transactions Law, and the Personal Data Protection Law is required in order to provide clear legal legitimacy for green notary practices, accompanied by the formulation of technical regulations and a digital professional code of ethics to support modern notarial practice that is efficient, secure, and environmentally sustainable.

The government must formulate clear and integrated regulations regarding the implementation of green notary practices, including harmonization of the Notary Law, the Electronic Information and Transactions Law, and the Personal Data Protection Law (PDP), as well as establish technical guidelines and standards for digital document security to ensure legal certainty. Higher education institutions are encouraged to incorporate digital literacy and technology-based professional ethics into legal and notarial education curricula so that graduates are prepared to engage in digital transformation while supporting environmentally friendly notarial practices. Meanwhile, the public is expected to enhance its understanding and trust in the use of digital deeds and actively utilize digital notarial services while ensuring the protection of personal data and compliance with applicable legal provisions.

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