

DIGITAL TRANSFORMATION IN NOTARY PRACTICE: IMPLEMENTATION OF ELECTRONIC CERTIFICATES FOR AUTHENTIC DEEDS BASED ON THE NOTARY OFFICE LAW

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Abstract

Technological developments have brought a wave of digital transformation that has spread across various sectors of life, including the world of notarial practice in Indonesia. This research is designed to examine how notaries actually implement electronic certificates (SE) in the process of creating authentic deeds. This study specifically focuses on Law Number 2 of 2014 concerning the Office of Notaries (UUJN) and examines its relationship with the Electronic Information and Transactions Law (UU ITE). The use of electronic certificates and electronic signatures (TTE) essentially offers great promise: efficiency, speed, and increased security for legal documents, a step forward that aligns with the ideals of a "Cyber Notary." However, our investigation revealed gaps or normative discrepancies. On the one hand, the UUJN still firmly requires the physical presence of the parties and the written form of the deed on paper. On the other hand, the ITE Law has been much more progressive in recognizing the validity of electronic documents. This regulatory gap is very pronounced. The absence of explicit regulations governing electronic authentic deeds created by notaries has created legal uncertainty surrounding their evidentiary validity. Therefore, this study emphasizes the crucial need for regulatory harmonization. Furthermore, the development of an integrated digital infrastructure is crucial to ensure complete legal certainty and protection for both the public and notaries in the digital era.

Keywords: *Digital Transformation, Notary, Electronic Certificate, Authentic Deed, UUJN, Cyber Notary.*

INTRODUCTION

Digital transformation has penetrated various sectors, including notarial practice in Indonesia, in response to the rapid development of information and communication technology (ICT), which has brought about massive changes. The notary profession, as a public official authorized to create authentic deeds, is now faced with significant challenges and opportunities to adopt digital technology. This innovation is manifested in the concept of "Cyber Notary," where notaries have begun using electronic means to facilitate the creation, signing, and storage of documents (Monetary, 2023). Digital transformation in various fields, including the legal services sector. This adoption is not only about operational efficiency, but also a response to the demands of a society increasingly accustomed to digital transactions and requiring speed and ease of access to legal services (Lestari, 2019). Consequently, the integration of digital systems into notarial practice is inevitable in this era of globalization. One crucial component of digital transformation in notarial practice is the implementation of Electronic Certificates as the basis for Electronic Signatures (TTE). According to Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law), an electronic document (TE) supported by a certified electronic certificate has legal force and legal consequences, equivalent to a manual signature (Chastra, 2021). The primary function of an electronic certificate is to verify the signatory's identity and guarantee the authenticity, integrity, and non-repudiation of electronic documents (Arifin, 2020). This guarantee is vital, considering the role of a notary, whose legal product, an authentic deed, has perfect evidentiary power. The implementation of electronic certificates as a marker of authenticity and authenticity in the creation of deeds. Legally, this concept gives rise to a normative conflict between Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE) and Law Number 2 of 2014 concerning Amendments to the Notary Law (UUJN). The ITE Law provides the legal basis for electronic certificates, but the principles of authenticity and the physical form of authentic deeds in the UUJN must be maintained. Therefore, it is necessary to thoroughly examine the legality of

notarial deeds produced through the Cyber Notary system, especially to ensure that the deed is not merely considered a private deed, but still has the evidentiary force of a perfectly authentic deed (Wijaya, 2020). Although we recognize the great potential of the integration of Information and Communication Technology (ICT), particularly Electronic Signatures (TTE) and Electronic Certificates, in the process of creating authentic deeds, in reality, this implementation in Indonesia is still hampered by significant legal obstacles. Fundamentally, Law Number 2 of 2014 concerning the Position of Notary (UUJN) still firmly adheres to very traditional legal principles. This is clearly seen in the definition of a Notarial deed in Article 1 number 7 of the UUJN, which requires that authentic deeds be made according to the form and procedures stipulated by law. Historically, this provision required that deeds be written on paper (Tampanguma, 2024). The challenges do not stop there; Article 16 paragraph (1) letter m of the UUJN further requires the Notary to read the deed and ask the parties and witnesses to sign it immediately (*verlijden*). This *verlijden* requirement implicitly requires physical presence, a provision that contrasts with the nature of digital transactions that allow for remote signing (Yamin, 2022).

The rigidity of this rule is exacerbated by Article 5 paragraph (4) of the ITE Law, which explicitly excludes notarial deeds (and their accompanying documents) from the category of Electronic Documents deemed to have valid legal force. This double exclusion then creates a serious normative conflict: one law (UUJN) is conservative, while the other (UU ITE) is progressive. As a result, serious doubts arise regarding the complete evidentiary power of authentic deeds made entirely electronically. If the digital deed is not recognized as having authentic status, its evidentiary power will decrease and only be equivalent to a private deed (Pratama, 2021). The fundamental difference between the provisions on the formalities of authentic deeds in the UUJN and the use of electronic certificates in the ITE Law gives rise to legal debate regarding the legal status of electronic notarial deeds (Monetary, 2023). If a normative conflict occurs, the evidentiary power of the deed can be questioned, which has the potential to harm the justice-seeking public. Based on this background, this study aims to legally analyze the implementation of electronic certificates in the creation of authentic deeds, as well as identify efforts to harmonize the ITE Law and the UUJN so that digital transformation in notarial practice can proceed with maximum legal certainty and protection. Therefore, this study aims to deeply analyze the urgency, legal basis, and legal challenges posed by the implementation of Electronic Certificates in the creation of Authentic Notarial Deeds in Indonesia. Using a normative legal approach, the study explores the need for regulatory harmonization between the UUJN and the UU ITE, and formulates strategic solutions to realize a Cyber Notary that is not only efficient but also guarantees legal certainty and the protection of community rights in the digital era (Zain, 2022).

METHOD

This study uses a qualitative method with a juridical-normative approach that examines laws and regulations, legal literature, and official documents related to the implementation of electronic certificates in digital notary practice. In pursuing this study, the researcher chose a qualitative research method that relies heavily on a juridical-normative approach (legal research) (Soekanto, 2010). This decision was made because the main focus of this study is to 'uncover' and analyze in depth the layers of laws and regulations, legal literature, and official documents that have served as the legal umbrella for the implementation of electronic certificates in the digital notary realm. In other words, this study is an attempt to understand 'what the law says' regarding this digital practice. To this end, the data collection process was conducted through careful library research, where legal materials were classified into three main pillars. The first pillar, Primary Legal Materials, consists of fundamental documents that are directly binding (Republic of Indonesia, 2014). This material includes Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (UUJN), Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE), and specific implementing regulations, namely Regulation of the Minister of Communication and Information Technology Number 11 of 2018 concerning the Implementation of Electronic Certification (Minister of Communication and Information Technology, 2018). These sources serve as the main 'bible' in the analysis.

The second pillar is Secondary Legal Material, which I obtained from law journals and credible reference books to help interpret and contextualize primary regulations (Pratiwi, 2021). Finally, there are Tertiary Legal Materials, namely legal dictionaries and encyclopedias, which I use as a "safety net" to ensure there are no misunderstandings in understanding specific legal terminology, such as Black's Law Dictionary (Black, 2009). Once all the materials have been collected, the next step is to analyze them qualitatively. This process involves more than just reading, but also interpreting norms, identifying common threads between rules, and evaluating how existing regulations can be applied (or conflict) in the realities of notarial practice. The hope is that the results of this analysis

will yield clear and prescriptive legal arguments regarding the legal status of electronic certificates in the preparation of deeds.

Data Analysis Techniques:

The analysis was conducted using descriptive analytical techniques. This technique was used to provide an in-depth understanding of the legal aspects of electronic certificates in the creation of authentic deeds and the challenges faced in this digital transformation (Ahimsya, 2025; Alamanda & Anindita, 2025; Rossalina et al., 2025).

RESULTS AND DISCUSSION

Legal Power of Electronic Certificates and the Concept of Cyber Notary

Digital transformation has penetrated notarial practice in Indonesia, a response to the massive development of information and communication technology. This innovation is embodied in the concept of "Cyber Notary," where Notaries have begun to use electronic means to facilitate the creation, signing, and storage of documents. One crucial component of this transformation is the implementation of Electronic Certificates (SE) as the basis for Electronic Signatures (TTE). Legally, TTEs supported by certified SEs have legal force and legal consequences, equivalent to manual signatures under Law Number 19 of 2016 concerning Amendments to the ITE Law. The primary function of an Electronic Certificate is vital: to verify the signatory's identity and guarantee the authenticity, integrity, and non-repudiation of electronic documents. This guarantee is crucial given that a Notary's legal product, an authentic deed, possesses perfect evidentiary power. Notaries are responsible for verifying and authenticating the parties' digital identities before issuing a Circular Letter. In the context of the UUJN and the ITE Law, Electronic Certificates issued by notaries have legal force as a means of authenticating digital documents, equivalent to traditional authentic deeds.

Based on the Notary Law and the ITE Law, electronic certificates issued by notaries have legal force as a digital document authentication tool equivalent to traditional authentic deeds, facilitating the transformation of notarial practices towards digitalization (Ahimsya, 2025; Ministry of Communication and Information, 2018). The Role and Responsibilities of Notaries: Notaries are responsible for digitally verifying and authenticating the digital identities of the parties before issuing electronic certificates, thereby increasing the efficiency of notarial services while maintaining security and legal validity (Rossalina et al., 2025; Nurlaeli, 2025). This ensures that, despite the increased efficiency of notarial services, security and legal validity are maintained. The use of electronic certificates can positively reduce the potential for document forgery and streamline the deed creation and validation process.

The use of electronic certificates can reduce the potential for document forgery and shorten the process of creating and validating deeds, but the infrastructure for electronic certification and digital data security still needs strengthening (Alamanda & Anindita, 2025; Ahimsya, 2025). The digitalization of notarial deeds with electronic certificates requires clearer harmonization of regulations, especially regarding document formalities, so that the implementation of cybernotary can run in accordance with applicable legal precedents (Law Number 2 of 2014; Law Number 19 of 2016). The implementation of electronic certificates promises increased efficiency, speed, and enhanced security of legal documents, in line with the concept of Cyber Notary. The use of electronic certificates can positively reduce the potential for document forgery and streamline the deed creation and validation process. This also ensures that while notarial services become more efficient, security and legal validity are maintained.

Normative Challenge: Conflict between UUJN and UU ITE

Despite the enormous potential for efficiency, this study found a normative discrepancy between the Notary Law (UUJN) and the Electronic Information and Transactions Law (UU ITE). UUJN still applies traditional legal principles. This conflict lies in the formality and form of the deed; UUJN historically requires a written form on paper, while the ITE Law recognizes the validity of electronic documents. Furthermore, Article 16 paragraph (1) letter m of UUJN requires the Notary to read and the deed must be signed by the parties and witnesses at that time (*verlijden*), which implicitly requires physical presence. This physical presence requirement hinders fully electronic Notary practice.

This legal obstacle is reinforced by Article 5 paragraph (4) of the ITE Law, which explicitly excludes letters and related documents that must be made in the form of a notarial deed from the category of Electronic Documents that have valid legal force. This double exclusion creates a significant normative conflict between the conservative UUJN and the progressive ITE Law. As a result, legal uncertainty arises and serious doubts arise regarding the perfect evidentiary power of authentic deeds made entirely electronically. The challenges of cybersecurity technology, digital legal awareness, and notary competence in the field of digitalization are critical factors in the success of the digital transformation of notarial practice (Alamanda & Anindita, 2025; Kompasiana, 2025).

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<i>Legal Specifications</i>	<i>UUJN (Law No. 2 of 2014)</i>	<i>ITE Law (Law No. 19 of 2016)</i>	<i>Normative Conflict</i>	<i>Information</i>
Form of Deed	Historically required written form on paper.	Recognizing the validity of Electronic Documents that have valid legal force.	UUJN is still conservative in requiring physical, contrary to digital progress..	
Presence	Requires the physical presence of the parties and witnesses at the time of signing (verlijden).	Facilitate transactions and signings electronically without the need for face-to-face meetings.	The physical presence provisions in the UUJN hinder fully electronic Notary practice..	
Exception	Does not explicitly regulate Electronic Authentic Deeds by Notaries		Exclude Notarial Deed from the category of valid Electronic Documents (Article 5 paragraph 4).	This exception in the ITE Law creates legal uncertainty regarding the evidentiary power of electronic notarial deeds.

The lack of explicit regulations regarding electronic authentic deeds by notaries creates legal uncertainty regarding their evidentiary power. If not recognized as authentic, electronic deeds will only have the same evidentiary power as private deeds.

Impact of Legal Uncertainty

The absence of explicit regulations regarding electronic authentic deeds by notaries creates legal uncertainty regarding their evidentiary power. The fundamental difference between the formalities of authentic deeds in the UUJN and the use of electronic certificates in the ITE Law has given rise to legal debate regarding the legal standing of electronic notarial deeds. If electronic deeds are not recognized as authentic, their status will be equivalent to private deeds. This has the potential to harm justice seekers and create doubt in digital transactions.

The Need for Harmonization and Strengthening of Infrastructure

Therefore, clearer regulatory harmonization is needed, particularly regarding document formalities, to ensure that the implementation of Cyber Notary adheres to applicable legal precedent. Regulations are needed to clarify the role of Notaries in Cyber Notary, including the authority to issue electronic certificates and legal protection for electronic documents, in line with the Minister of Communication and Information Technology Regulation concerning the Implementation of Electronic Certification. In addition to regulatory harmonization, strengthening the notary's digital ecosystem is also crucial. Technological challenges, such as cybersecurity, digital legal awareness, and notary competency in digitalization, are critical factors in the success of this transformation. Data security and digital identity authentication are paramount, making technology training and improving the competency of notary human resources urgent. By harmonizing regulations and strengthening the digital ecosystem, the implementation of electronic authentic deeds is expected to provide broad benefits and increase legal certainty in Indonesia.

DISCUSSION

Legal Power of Electronic Certificates and the Concept of Cyber Notary

Digital transformation in notarial practice in Indonesia is realized through the adoption of technology, one of the core elements of which is the use of Electronic Certificates (SE) as the basis for Electronic Signatures (TTE). Notaries, as public officials, integrate digital systems to facilitate the creation, signing, and storage of documents, known as the "Cyber Notary" concept. This concept addresses the public's need for fast and easily accessible legal services. A notary's circular issued by a notary has the legal force of authenticating digital documents, equivalent to a traditional authentic deed. Based on Law Number 19 of 2016 concerning Amendments to the Electronic Information and Transactions Law, an electronic document (TET) supported by a certified circular has legal force and legal consequences. The primary function of a circular is to guarantee the authenticity, integrity, and non-repudiation of electronic documents. This guarantee is crucial, given that an authentic notary's deed has perfect

evidentiary power. Notaries play a crucial role and are responsible for digitally verifying and authenticating the digital identities of the parties before issuing a circular. This process ensures more efficient notarial services without compromising security and legal validity. The use of circulars promises efficiency, speed, and increased document security, while also reducing the potential for document forgery and streamlining the deed creation and validation process.

Normative Discrepancy and Legal Uncertainty

Despite the enormous potential for efficiency, the implementation of the SE for authentic deeds faces significant legal obstacles. This study found a normative discrepancy between the Notary Law (UUJN) and the ITE Law. Physical Form and Presence Requirements (Verlijden): Normatively, the UUJN still applies traditional legal principles. The definition of a Notary deed requires that an authentic deed be made "according to the form and procedures stipulated in this law." Historically, this required a written form on paper. Furthermore, Article 16 paragraph (1) letter m of the UUJN requires the Notary to read and the deed must be signed by the parties and witnesses at that time (verlijden), which implicitly requires physical presence. These still conservative UUJN provisions clash with the nature of digital transactions that allow signing to be done remotely.

Exceptions in the ITE Law: The biggest obstacle is reinforced by Article 5 paragraph (4) of the ITE Law, which explicitly excludes letters and documents that according to the law must be made in the form of a notarial deed from the category of Electronic Information and/or Electronic Documents that have valid legal force. This double exception creates a serious normative conflict. As a result, there is great doubt about the complete evidentiary power of authentic deeds made entirely electronically. If the electronic deed is not recognized as an authentic deed, its status will only be equivalent to a private deed. This creates legal uncertainty for the public and Notaries.

Normative Conflict Analysis: Physical vs. Electronic Forms

The main normative conflict centers on the clash between the conservative principle of the UUJN, which requires written documents on paper, and the progressive principle of the ITE Law, which recognizes electronic documents. Normatively, the UUJN still applies traditional legal principles. This requirement is exacerbated by the provisions of Article 16 paragraph (1) letter m of the UUJN concerning verlijden, which implicitly requires the physical presence of the parties and witnesses at the time of signing. This still conservative provision of the UUJN clashes with the nature of digital transactions, which allow signing to be carried out remotely.

Impact of Exceptions to Article 5 Paragraph (4) of the ITE Law

This discrepancy is exacerbated by Article 5 paragraph (4) of the ITE Law, which expressly excludes letters and related documents that must be made in the form of a notarial deed from the category of electronic documents that have valid legal force. This double exclusion creates a serious normative conflict. As a result, serious doubts arise regarding the complete evidentiary power of authentic deeds made entirely electronically. If the digital deed falls from the status of an authentic deed, it will only be equivalent to a private deed. This creates legal uncertainty for the public and notaries.

The Urgency of Regulatory Harmonization and Ecosystem Strengthening

To address this discrepancy, regulatory harmonization between the UUJN and the ITE Law is absolutely necessary. The digitization of deeds requires clearer regulations, particularly regarding document formalities, so that the implementation of cybernotary can proceed in accordance with applicable legal precedent. The role of notaries in cybernotary must be clarified in regulations, including the authority to issue electronic certificates and legal protection for electronic documents. In addition to regulatory harmonization, strengthening digital infrastructure and human resources (HR) is also crucial. Technology Infrastructure and Cybersecurity: While the use of SE promises security, the infrastructure for electronic certification and digital data security still needs strengthening. Data security and digital identity authentication are crucial aspects that notaries must maintain. Notaries face the challenge of cybersecurity technology, which is a critical factor for the success of digital transformation. Digital Legal Competence and Awareness: In addition to technology, notary competency in digitalization and digital legal awareness are crucial challenges. Therefore, technology training and competency development for notary human resources are urgent.

With the harmonization of regulations and strengthening of the digital notary ecosystem, the implementation of authentic deeds electronically will provide broad benefits to the public and the business world, as well as increase legal certainty in Indonesia.

Digital transformation in notarial practice, particularly through the implementation of electronic certificates, is inevitable in the era of the Industrial Revolution 4.0 to improve accessibility, efficiency, and transparency of services. However, from a legal perspective, there is still a need to strengthen regulations and supporting technological infrastructure so that electronic deeds can be recognized as valid on par with conventional deeds (Ahimsya, 2025; Rossalina et al., 2025). Data security and digital identity authentication are the most important aspects that must be maintained by notaries, so that technology training and improving the competency of notary human resources are very urgent (Alamanda & Anindita, 2025; Nurlaeli, 2025). The role of notaries in cybernotary must be clarified in regulations so that they can adapt their functions and responsibilities in the digital context, including the authority to issue electronic certificates and legal protection for electronic documents (Law Number 2 of 2014; Kominfo, 2018; FH UNSRI, 2024). With the harmonization of regulations and strengthening of the digital notary ecosystem, the implementation of authentic deeds electronically will provide broad benefits to the community and the business world and increase legal certainty in Indonesia (Alamanda & Anindita, 2025; Ahimsya, 2025).

Strengthening the Digital Ecosystem and Human Resource Competence

Regulatory harmonization must be accompanied by strengthening the notary's digital ecosystem. Technological challenges, such as cybersecurity and strengthening the electronic certification infrastructure, still require serious attention. Data security and digital identity authentication are paramount aspects to maintain. Furthermore, notary competence in digitalization and digital legal awareness are also critical factors for success. Therefore, technology training and competency development for notary human resources are urgently needed.

CONCLUSION

Digital transformation through the implementation of electronic certificates (SE) brings significant benefits in terms of efficiency, speed, and increased security of authentic documents, in line with the concept of Cyber Notary. SEs have legal force as a digital document authentication tool, which aims to guarantee the authenticity, integrity, and irrefutability of notarial deeds. The implementation of the Circular Letter in the creation of authentic deeds faces regulatory constraints that are not yet in harmony, marked by normative discrepancies between the Notary Law (UUJN) which still requires physical form and physical presence (*verlijden*), and the ITE Law. This conflict is exacerbated by the Exception to Article 5 paragraph (4) of the ITE Law, which creates legal uncertainty regarding the complete evidentiary power of authentic deeds made entirely electronically. To address this issue, regulatory harmonization between the UUJN and the ITE Law, as well as strengthening digital infrastructure and the competence of notaries in cybersecurity, is absolutely necessary. Regulations that clarify the role of notaries in cyber notary affairs are needed to ensure maximum legal certainty.

SUGGESTION

Recommendations to Policy Makers (Government and Legislature): It is hoped that implementing regulations will be issued immediately or partial amendments made to the UUJN and the ITE Law to explicitly recognize that electronic notarial deeds have full evidentiary power, as well as clarify the authority of Notaries as organizers of electronic certification in order to provide legal certainty. Recommendations to Professional Organizations and Notaries: Notaries are encouraged to continuously improve their Information Technology (IT) capabilities, digital competencies, and implementation of cybersecurity practices (data security and digital identity authentication) for the sake of success and legal protection in the digital transformation of notaries.

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