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Legal Readiness of Cyber Notary in Supporting Adaptive Digital Governance: An Administrative Law Perspective

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Abstract

The acceleration of digital transformation has reshaped public service delivery, including legal services provided by notaries as public officials. The emergence of cyber notary reflects efforts to modernize notarial services through electronic authentication, digital documents, and online legal transactions. However, Indonesia still lacks a comprehensive legal framework governing the authority, procedures, and legal validity of cyber notary practices. This regulatory gap creates legal uncertainty and challenges the development of adaptive digital governance. This study aims to analyse the legal readiness of cyber notary in supporting adaptive digital governance from an Administrative Law perspective. It also evaluates the readiness of Indonesia's legal system using Lawrence M. Friedman's Legal System Theory, which examines legal substance, legal structure, and legal culture. The research employs normative legal methods through statutory, conceptual, and analytical approaches. The findings indicate that existing regulations provide only limited recognition of cyber notary, resulting in fragmented legal arrangements and uncertainty regarding electronic notarial deeds. Indonesia's legal system remains in a transitional phase, as regulations, institutions, and legal culture have not been fully aligned with digital governance requirements. Therefore, regulatory reform is necessary to strengthen legal certainty, administrative accountability, public trust, and sustainable legal innovation in Indonesia's digital era.

Keywords: *Administrative Law; Cyber Notary; Digital Governance; Legal Readiness; Legal System Theory.*

INTRODUCTION

The Fourth Industrial Revolution has greatly altered the way public services are provided and the way law is practiced, changing both areas from traditional methods to digital service ecosystems that place a strong emphasis on effectiveness, efficiency, transparency, security, and responsiveness [1]. This change has likewise influenced notarial work due to the increasing importance being given to the concept of the cyber-notary. Cyber notaries employ digital technologies to verify the relevant parties, confirm their identities, handle electronic records and signatures, and provide legal services via online platforms [2]. In Indonesia, the need for digital transformation is becoming more and more apparent as internet use continues to increase. According to data from the Indonesian Internet Service Providers Association (APJII) internet penetration rose from 73.70% in 2020 to 80.66% in 2025 and at the same time the number of internet users increased significantly, showing how increasingly important a role digital technology is playing in everyday social and economic activities This trend is illustrated in Table 1.

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Table 1. Internet Penetration in Indonesia, APJII Survey Cycles 2019/2020–2025

Survey cycle	Internet users	Penetration rate	Change from previous cycle
2019–2020	196.71 million	73.70%	—
2021–2022	210.03 million	77.02%	+3.32 points
2022–2023	215.63 million	78.19%	+1.17 points
2024	221.56 million	79.50%	+1.31 points
2025	229,428,417	80.66%	+1.16 points

Source: compiled by the authors from APJII national internet penetration surveys [3]. No survey was published for the 2020–2021 cycle.

Three aspects of Table 1 are central to the claim advanced here. First, growth never levels off: each cycle records a penetration rate higher than the previous one, and over the full period the figure rises by roughly seven percentage points, or about 32.7 million additional users. Second, the year-to-year increases stabilize after the 2021–2022 cycle, remaining within a tight range of 1.16 to 1.31 percentage points. This leveling suggests that a connected segment is moving toward its ceiling. Digital access, in other words, can no longer be discussed as though it were merely something policy should anticipate. It has become a durable feature of social life, and policy must engage with it accordingly. Third, the issue concerns scale. With more than four out of five Indonesians online, a large population that could plausibly seek legal services remotely already exists, but the legal instruments that govern such services do not. Accordingly, this article does not point to a divide between technology and society, but rather to a mismatch between what people already do and what the current rules allow. None of this is incidental. It tracks a government digitization agenda pursued deliberately. Presidential Regulation No. 95 of 2018 on the Electronic-Based Government System (SPBE), Presidential Regulation No. 82 of 2023 on the Acceleration of Digital Transformation and the Integration of National Digital Services, and Presidential Regulation No. 83 of 2025 on the Committee for the Acceleration of Government Digital Transformation all indicate the same executive objective: to shift public functions onto digital platforms. Notarial services have a public character even though the office-holder who performs them is independent, which makes their placement outside this agenda hard to justify.

He problem is therefore normative rather than practical. Law No. 2 of 2014 on the Position of Notaries grants the notary authority to draw up authentic deeds [4]. Article 1868 of the Civil Code (KUHPerdata) links authenticity to a deed prepared in the form stipulated by law, by or before a competent public official. Article 16 paragraph (1) letter m of the notarial statute further states that the deed must be read aloud to the appearing parties in the presence of at least two witnesses. Co-presence is embedded in both provisions. Once the notarial act is moved into a digital setting, the question is no longer whether the technology works, but whether the statutory form has been complied with. Article 15 paragraph (3) does allow additional powers to be granted through legislation, but it falls far short of creating any basis for electronic practice [5]. Law No. 1 of 2024 on Electronic Information and Transactions sharpens the issue instead of resolving it. Electronic information and documents are admissible as evidence, yet Article 5 paragraph (4) carves out precisely the instruments that the law requires to be in the form of a notarial deed. The outcome is a normative tension within the statute itself.

Authenticity and form are not the only areas of exposure. Law No. 27 of 2022 on

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Personal Data Protection places security, confidentiality, and accountability obligations on data processing, and cyber notary services would necessarily handle identification data and legal information of a sensitive character [6]. No integrated instrument presently governs electronic appearance, digital identity verification, the electronic reading and signing of deeds, the digital custody of notarial originals, minimum system security standards, or the allocation of liability where a system fails or data are breached [7].

Viewed through Administrative Law, these are questions of legality, legal certainty, due care, accountability, and the protection of citizens' rights rather than questions of professional operationalize. Where authority and procedure are undefined, an accountability gap opens and the validity of instruments produced digitally becomes contestable. The readiness of the legal order to absorb cyber notary is therefore examined here across the three dimensions identified by Lawrence M. Friedman—legal substance, legal structure, and legal culture [8].

These considerations place the present study at the stage of policy formulation rather than implementation evaluation. An implementation study would presuppose the existence of an operative cyber notary regime against which compliance, service performance, or user experience could be assessed. Indonesia, however, has not yet established a comprehensive and operational regulatory regime governing cyber notary. Existing legislation provides partial recognition of electronic transactions and digital technologies, but does not yet establish an integrated framework governing the exercise of notarial authority through digital mechanisms. The appropriate object of inquiry at this stage is therefore the design of the legal framework itself: the authority that must be conferred, the legal instrument through which such authority should be established, the procedural safeguards required for its exercise, and the allocation of responsibility among the actors involved. Accordingly, this study examines regulatory compatibility, the clarity of legal authority, institutional readiness, and protective mechanisms as the principal dimensions of legal readiness for cyber notary.

Against this background, the study addresses three questions. First, what is the legal position of cyber notary under Indonesian Administrative Law when assessed against the principle of legality and the theory of authority? Second, to what degree is Indonesia's legal system, which consists of legal substance, legal structure, and legal culture ready to support electronic notarial practice? Third, what effects does the current regulatory uncertainty have on legal certainty and administrative accountability, and what regulatory reform is needed to address those effects?

This study's contribution is to reposition the cyber notary from what has largely been treated as a primarily technological or evidentiary matter into a question of administrative legality and institutional design. Existing Indonesian scholarship has largely examined the evidentiary status of electronic deeds or the permissibility of digital signatures as separate issues. This study instead identifies the scope and limitations of the partial legal recognition currently available, examines the normative gaps that arise from the absence of an integrated regulatory framework, and translates those findings into a graduated regulatory reform design. In doing so, the study provides a normative basis for operational notarial law, Administrative Law, electronic transactions law, and personal data protection law in establishing a cyber notary framework that ensures legal certainty, administrative accountability, procedural integrity, data security, and effective protection of the parties involved.

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METHOD

This study employs normative legal research, in which legal norms constitute the object of analysis rather than the instrument of measurement [9]. Statutory, conceptual, and analytical approaches are combined: the statutory approach examines the provisions governing notarial authority and electronic transactions; the conceptual approach draws on the Administrative Law doctrines of legality, authority, and accountability; the analytical approach tests the coherence of those provisions when applied to electronic notarial practice.

The procedure followed five sequential steps. **First**, legal materials were identified: primary materials comprise Articles 1868 and 1869 of the Indonesian Civil Code, Law No. 2 of 2014 on the Position of Notaries, Law No. 30 of 2014 on Government Administration, Law No. 1 of 2024 on Electronic Information and Transactions, Law No. 27 of 2022 on Personal Data Protection, and the three Presidential Regulations on digital government cited above, while secondary materials comprise peer-reviewed articles, legal monographs, theses, and official releases of state institutions. **Second**, materials were collected through library and documentary research in national legal databases and indexed repositories; secondary sources were admitted only where they bore on notarial operationalize, administrative legality, or data protection, appeared in a peer-reviewed or institutionally accountable outlet, and for empirical or statistical material were published within the last five years, with statutory texts verified against their consolidated official versions. **Third**, the material was reduced to the provisions and propositions bearing on the research questions and coded against Friedman's three components, which operate here as an *a priori* coding framework: normative content and its coherence as legal substance; institutions, mandates, supervision, and infrastructure as legal structure; professional practice, competence, and public trust as legal culture. **Fourth**, each coded category was examined through qualitative content analysis for horizontal consistency (between statutes of equal rank), vertical consistency (between statutes and implementing instruments), and functional consistency (between the norm and the practice it governs), using grammatical, systematic, and teleological interpretation, with the *ultra vires* doctrine as the test of authority claims. **Fifth**, findings were cross-checked across independent sources so that no conclusion rests on a single secondary text, and then operational into an assessment of legal readiness and a reform design.

The study is doctrinal and does not include interviews, surveys, or case-file analysis; its conclusions therefore concern the state of the norms and the institutional arrangements disclosed by documentary sources rather than the measured behavior of notaries or service users. This limitation is deliberate, since the regime under examination has not yet been operationalized, and it shapes the research agenda proposed in the conclusion

RESULTS AND DISCUSSION

1. The Legal Status of *Cyber Notary* from the Perspective of Administrative Law: The Principle of Legality and Notarial Authority

The function of a cyber notary in Administrative Law may be clarified through two doctrines: the principle of legality (the legality of administration) and the theory of authority, which distinguishes among attribution, delegation, and mandate [10]. A

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notary is a public official empowered to draw up authentic deeds, and that empowerment derives from Article 15 of Law No. 2 of 2014 concerning the Position of Notaries [11]. In this article, the statute is designated as the UUJN-P, an abbreviation of the Amending Notary Office Act (*Undang-Undang Jabatan Notaris Perubahan*) that is, Law No. 2 of 2014 amending Law No. 30 of 2004 on the Position of Notaries. This abbreviation is used to distinguish the amended regime from the original 2004 statute, which is referred to as UUJN, and this distinction is analytically important. Because notarial competence is conferred directly by legislation, it has an attributive character, and acts carried out within its remit produce binding legal consequences.

Administrative Law, nonetheless, requires that every exercise of public authority be grounded in a clearly identifiable legal basis. Article 1 point 22 and Article 5 paragraph (1) of Law No. 30 of 2014 on Government Administration require that governmental action remain within the authority that has been lawfully conferred. Under the ultra vires doctrine, acts performed without such authority may be automatically null by operation of law (nietig van rechtswege) [12]. Philipus M. Hadjon expresses the same requirement in terms of sources: authority must be traceable to attribution, delegation, or mandate [13].

The Elucidation of Article 15 paragraph (3) of the UUJN-P provides the normative basis for the cyber notary [14]. That basis, however, is limited The provision is drafted in general terms and has not been supported by implementing regulations, leaving the legal basis for performing notarial functions electronically uncertain. This generates a regulatory paradox: the statute anticipates electronic practice, yet the absence of implementing instruments prevents that anticipation from being realized.

The uncertainty intensifies when the rules on authenticity are considered together. Article 1868 of the Civil Code lays down the requirements for an authentic deed, whereas Article 16 paragraph (1) letter m of the UUJN-P requires that the appearers read it and that at least two witnesses be present [15]. These requirements were designed for a practice conducted with physical co-presence. Applied to electronic execution, they raise a question about whether the formal requirements are satisfied, not about whether the technology is capable. In Indonesian notarial practice, physical presence has historically been treated as constitutive of authenticity at the time of execution [16]. f the statutory form is not complied with, Article 1869 of the Civil Code downgrades the instrument to the status of a private deed. The consequence is significant: an instrument executed electronically may still be valid as an agreement while losing the perfect evidentiary force that characterizes a notarial deed. The consequence is significant: an electronically executed instrument may still be valid as an agreement while losing the perfect evidentiary force that distinguishes a notarial deed.

The theory of authority explains what is needed to close this gap. Attribution creates new competence directly by statute; delegation transfers existing competence between organs or officials along with responsibility; a mandate authorises action on behalf of the competent authority without transferring either competence or responsibility [16]. Electronic competence to execute authentic deeds therefore requires its own statutory basis. It cannot be obtained through an expansive

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interpretation of provisions drafted for a different purpose, because electronic execution affects authenticity, evidentiary value, and legal certainty at the same time.

The transition therefore calls for rebuilding a traditional model into a regulated digital one. Rebuilding is not abandonment. The essential commitments of office authenticity, certainty, accountability, and protection of the parties must be retained and recast in terms suited to the medium. The maxim Tabellionis Officium Fideliter Exercebo is best understood as a standard of faithful performance that governs the function rather than the method by which it is carried out [17].

The current framework leaves too much unspecified. The UUJN-P does not regulate electronic appearance, digital identity verification, electronic execution of deeds, electronic custody of protocols, or the legal consequences of technological failure. Legislative action is therefore necessary, both to make practice possible and to protect notaries and service users who would otherwise operate without defined standards.

Specifying "Limited Normative Recognition"

Describing the legal status of the cyber notary as one of limited normative recognition is not enough unless it also states what is recognized, at what level, and with what effect.

The limitation operates along three separate axes. First, limitation as to object. Current law recognizes the use of electronic means for supporting and preparatory notarial acts, but not for the constitutive act of executing an authentic deed. Electronic correspondence with appeasers, preliminary verification of documents, electronic submission of data to registries, and the digital storage of copies are all consistent with the existing framework. By contrast, the constitutive act appearance before the notary, reading of the deed, and signature in the presence of the notary and witnesses still remains bound to the form prescribed by Article 1868 of the Civil Code and Article 16 paragraph (1) letter m of the UUJN-P. Recognition therefore reaches only the periphery of the notarial process and stops at its core.

Second, limitation as to normative level. Recognition is set out in an Elucidation rather than in an operative provision. An Elucidation clarifies the meaning of a provision; it does not, on its own, confer competence, and the Constitutional Court has consistently declined to treat explanatory text as having independent normative force. Recognition at this level cannot supply the legal basis that the principle of legality requires for the exercise of public authority. No governmental regulation, ministerial regulation, or technical standard follows from this framework to specify procedures, security requirements, or supervisory arrangements. Accordingly, the recognition is declaratory in form and ineffective in its effects.

Third, the limitation concerns legal effect. The key issue is evidentiary, not procedural. Law No. 1 of 2024 allows electronic documents as evidence in general, yet Article 5 paragraph (4) excludes instruments that, by operation of law, must be drawn up as notarial deeds. An instrument executed electronically therefore remains in an unsettled position: it is neither clearly an authentic deed with perfect evidentiary weight, nor clearly a private deed, and its classification would be left to judicial evaluation on a case-by-case basis. For parties to a transaction, that is the practical substance of the uncertainty. For notaries, it creates a rational incentive to refrain,

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because the professional risk that an instrument later gets reclassified under Article 1869 falls on the office-holder.

Table 2. The Scope and Limits of Present Normative Recognition of Cyber Notary

Dimension	What is recognised	What is not recognised	Governing provisions
Object of the act	Preparatory and supporting acts performed electronically	Electronic execution of the constitutive act of an authentic deed	Art. 1868 KUHPerdata; Art. 16(1)(m) UUJN-P
Normative level	A reference in the Elucidation of Art. 15(3) UUJN-P	Operative statutory competence and implementing regulation	Art. 15(3) UUJN-P and its Elucidation
Evidentiary consequence	Electronic documents as admissible evidence in general	Perfect evidentiary force for electronically executed notarial deeds	Art. 5(1) and Art. 5(4) Law No. 1/2024
Responsibility	General duties of the data controller	Allocation of liability among notary, system operator, and certification provider	Law No. 27/2022; no sectoral instrument

Taken together, these three limitations account for why the Indonesian position should be described as recognition of a concept without granting a competence. From the perspective of Administrative Law, the remedy is not interpretive but legislative: it depends on operative statutory authority, coordinated with the Civil Code, the electronic transactions framework, and the data protection regime, so that introducing the cyber notary supports adaptive digital governance while preserving legality, certainty, accountability, and the rights of citizens.

2. The Readiness of Indonesia's Legal System to Support *Cyber Notary*

Friedman's theory of law identifies substance, structure, and culture as interdependent subsystems, each of which can undermine the others [18], [19]. A legal innovation backed by only one or two of these elements will therefore not function as intended. In cyber notary practice, all three areas reveal shortcomings: normative inconsistency, insufficient institutional integration, and uneven levels of digital readiness across both the profession and the public.

a. Legal Substance

Legal Substance Indonesia exhibits inconsistency in both the horizontal and vertical dimensions. Horizontally, the Elucidation of Article 15 paragraph (3) of the UUJN-P points toward notarial competence in electronic transactions, whereas Article 5 paragraph (4) letter b of Law No. 1 of 2024 explicitly removes instruments that are required to be made as notarial deeds from the general regime governing electronic documents. As a result, two statutes of equal standing pull in opposite directions.

The lack of synchronization between the UUJN-P and the electronic transactions regime leaves unsettled the validity of electronic deeds, the treatment of digital evidence, data protection, and cybersecurity [20]. Article 1868 of the Civil Code has not been amended to accommodate electronic execution, and the UUJN-P continues to maintain formal requirements framed around physical

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presence. Electronic signatures may meet the authentication, integrity, and non-repudiation requirements under the electronic transactions regime, yet they still do not clarify the position, because the UUJN-P provides no framework for their use in the execution of authentic deeds.

Law No. 27 of 2022 introduces an additional layer. Notaries who operate digitally would handle substantial volumes of personal and legal data and would need a clear determination of whether they act as controller or processor, together with the associated duties [21]. Vertically, recognition at the statutory level has not been complemented by implementing regulations that address procedure, standards, or supervision. The combined impact is that Indonesia remains in a transitional phase in which the legal status and evidentiary force of electronic deeds are not sufficiently defined.

b. Legal Structure

Institutionally, there is no integrated national arrangement supporting electronic notarial practice. The Ministry of Law and Human Rights, the Notary Supervisory Council (MPN), the Indonesian Notary Association (INI), and Electronic Certification Providers (PSrE) each possess part of the relevant authority, but no mechanism is mandated at the national level to validate digital notarial deeds. Capabilities for digital supervision, auditing, security assurance, and authenticated long-term storage also remain undeveloped.

These limitations indicate the usefulness of comparative research. France, Germany, and Estonia have each advanced digitalization of notarial or equivalent legal services within more structured regulatory and institutional environments, and their arrangements provide reference points for institutional design rather than templates for replication.

A further specific, unresolved issue concerns archival responsibility. Article 63 paragraph (5) of the UUJN regulates the transfer and custody of notarial protocols that reach twenty-five years or more, but it does not address the technological and legal conditions required to preserve electronic records over such periods. Accordingly, integrity, authenticity, accessibility, and institutional responsibility for digital notarial archives remain undetermined.

The importance of institutional readiness was underscored in June 2024, when the Temporary National Data Centre (PDNS) 2 was taken offline following a Brain Cipher ransomware attack that disrupted government digital services. Official statements reported that 239 of the 282 agencies using PDNS 2 were affected, which led to recovery efforts and additional steps aimed at reinforcing national digital infrastructure and governance [22]. The incident shows that digital transformation cannot be judged only on efficiency and integration; it also depends on resilience, recovery capacity, and clearly assigned legal accountability. For cyber notaries, this is especially important, because the data at issue involve identity records and legal instruments, the compromise of which has direct consequences for the parties involved.

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c. Legal Culture

Indonesian legal practice has long tied authenticity to physical presence notary, appearer, and witnesses in the same room, working from paper. That habit has bred a widespread assumption that certainty only comes from procedures conducted face to face. Moving services online is therefore not simply a change of method; it asks society to rethink what authenticity, identity, and trust actually mean. Whether the public accepts that shift depends heavily on how reliable electronic identification appears, how secure digital documents seem to be, and how exposed personal data might become to misuse.

The profession faces a parallel adjustment. Practicing digitally calls for more than familiarity with notarial law, it demands competence in electronic authentication, signature technology, information security, data protection, and the management of electronic records. Where authority and responsibility have not yet been clearly divided, caution on the part of notaries is not reluctance so much as a sensible professional response: it links legal culture to both competence and institutional trust. Building that capacity is consequently a shared task, falling on professional associations, government bodies, and training institutions alike, through education, certification, and practice guidelines.

Friedman's account of legal culture is useful here, it shapes how law is understood, accepted, and put to use [23]. Reforming the rules on paper will not by itself guarantee that reform works in practice. Whatever new provisions are adopted need to be matched by changes in professional practice, stronger digital literacy, and genuine public confidence in the security and validity of electronic transactions. The public needs reassurance that going digital will not weaken their protection; notaries, in turn, need assurance that every digital act rests on a clear legal basis and a defensible standard of accountability.

Legal culture in this area can accordingly be read along three lines: how far the public accepts digital legal services, how digitally competent the profession is, and how much trust exists in the security and validity of electronic instruments. Read together with the findings on substance and structure, the gaps between these three point to a cyber notary framework still very much in transition. Bringing the UUJN-P, the electronic transactions regime, and the data protection regime into alignment will need to move in step with institutional coordination, secure infrastructure, professional competence, and public trust, none of these can get far ahead of the others.

3. Implications for Legal Certainty and Administrative Accountability

Leaving the regulatory picture unsettled has consequences that reach legal certainty, administrative accountability, and the General Principles of Good Governance (AUPB) all at once. No instrument in Indonesia currently governs the validity of electronic notarial deeds, notarial competence in a digital setting, authentication mechanisms, or accountability for the technology used. The problem this creates is not a technical one but a systemic one: can the legal order deliver certainty, protection, and accountability when legal services move online?.

Legal certainty. Whether a deed executed electronically actually holds up remains an open question. Article 1868 of the Civil Code requires execution in the

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statutory form, by or before a competent official [24]. and that has to be read alongside Article 16 paragraph (1) letter m of the UUJN-P, which requires the deed to be read to the appearers and witnesses. Carried into a virtual setting, the question becomes whether electronic presence can satisfy a formal requirement written with physical presence in mind. Article 15 paragraph (3) of the UUJN-P leaves room for further competence to be conferred by legislation, but sets out no procedure for exercising it. Law No. 1 of 2024 admits electronic documents as evidence, yet Article 5 paragraph (4) specifically excludes instruments the law requires to be made as notarial deeds. General recognition of electronic documents does not, therefore, extend authenticity to electronic notarial deeds form, presence, signature, custody of the original, and evidentiary weight all remain unsettled.

Administrative accountability. Going digital broadens what the notary's duty of care actually covers. Beyond the familiar task of verifying identity and intent, the office-holder now answers for electronic authentication, the validity of signatures, system security, document integrity, and data protection [25]. Law No. 27 of 2022 has sharpened these obligations, since the identity data and legal information passing through digital notarial services carry real legal and economic value, and falling short on protection can trigger administrative, civil, or criminal consequences depending on how serious the failure is.

When responsibility has not been assigned in advance, failure is hard to trace back to anyone in particular. If an electronic identity is verified wrongly, a signature is misused, a system goes down, or data leaks out, it is not clear where the notary's position ends and the electronic system operator's, the certification provider's, or another participants begins. That produces an accountability gap and, with it, a risk of maladministration which matters in Administrative Law terms because public authority is only supposed to be exercised on a basis of legality, certainty, due care, and accountability.

Good governance. Left unresolved, this uncertainty wears away at certainty, accountability, transparency, service effectiveness, and the protection of citizens' rights, altogether [26]. Digitalization should not simply mean transferring conventional procedure onto an electronic medium; it should produce a service that responds better to people's needs without weakening either authenticity or protection. Getting cyber notary right, in other words, means balancing technological innovation against legal prudence.

A graduated reform design. Given that this study sits at the formulation stage, the following sequence is proposed. First, amend the UUJN-P to confer working competence for electronic execution, alongside a revision of Article 1868 of the Civil Code or an explicit statutory equivalence clause so that the form requirement can be met through defined electronic means. Second, issue a government regulation to spell out procedure: electronic appearance, identity-verification standards, how reading and signing are to be carried out, the technical requirements for electronic signatures, and how electronic protocols are kept and preserved long-term. Third, set up an institutional mechanism for validation, supervision, and audit, with the relationship between the Ministry, the MPN, the INI, and certification providers clearly defined. Fourth, allocate liability explicitly among the participants in the electronic chain, in line with the duties controllers and processors carry under Law No. 27 of 2022. Fifth,

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build a certification and continuing-education framework for notarial digital competence. The order matters: procedure introduced ahead of competence would be ultra vires, and institutions set up ahead of procedure would have nothing yet to supervise.

The real difficulty facing cyber notary in Indonesia, then, is not whether the technology exists but whether the legal order is ready to supply a clear basis of authority, procedural certainty, security, and genuine accountability. Left to develop unevenly, substance, structure, and culture will generate fresh uncertainty rather than resolve it. Brought into alignment, they could turn cyber notary into a working instrument of digital governance that is adaptive, accountable, and responsive.

CONCLUSION

The legal readiness of cyber notary in Indonesia remains transitional. Technological development has outpaced regulatory harmonization, and the recognition presently found in law is recognition of a concept rather than conferral of a competence: it attaches to preparatory rather than constitutive acts, resides in an Elucidation rather than an operative article, and leaves the evidentiary status of electronically executed deeds unresolved. Questions concerning the presence of the parties, the authenticity of deeds, the reading of deeds, the custody of originals, and accountability in the digital environment therefore continue to generate uncertainty, with consequences for notarial authority, personal data protection, administrative accountability, and legal certainty for the public.

Assessed through Friedman's legal system theory, readiness depends not on substance alone but equally on institutional structure and legal culture. Harmonization of the UUJN-P, the Civil Code, the Electronic Information and Transactions Law, the Personal Data Protection Law, and related digital governance instruments is therefore necessary, together with resilient digital infrastructure, enhanced professional competence, effective supervision, and public trust. The graduated reform sequence proposed above operative statutory competence, implementing procedure, institutional mandate, allocation of liability, and professional certification offers one route by which cyber notary may be developed as part of an adaptive, accountable, and responsive framework of digital governance without displacing the function of the authentic deed as an instrument of certainty and protection.

Agenda for further research. This study is doctrinal and formulation-oriented, and its findings open several lines of inquiry that it does not itself pursue. First, empirical research on the digital competence, risk perception, and willingness to adopt of Indonesian notaries would test the legal-culture findings against measured behavior rather than documentary inference. Second, comparative institutional research on France, Germany, and Estonia would allow the abstract call for institutional design to be specified, with attention to the conditions under which each model is transferable to a civil-law jurisdiction of Indonesia's scale and geography. Third, analysis of judicial decisions in which electronic instruments have been offered in evidence would establish how courts in fact treat the gap identified here. Fourth, socio-legal research on public trust in digital legal services would inform the design of protective mechanisms. Fifth, interdisciplinary work with information security scholarship is needed on long-term preservation, integrity assurance, and the technical standards appropriate to electronic notarial protocols. Finally, once a normative framework is enacted, implementation

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research evaluating service performance, supervisory effectiveness, and compliance will become both possible and necessary, and would complement the formulation-stage analysis offered here.

DECLARATION OF GENERATIVE AI

During the preparation of this manuscript the authors used generative AI tools for language editing and translation support. The authors reviewed and revised all content and take full responsibility for the final manuscript.

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