



## Reconstruction of Supervision and Legal Accountability for the Misuse of Post-Death Notarial Deeds in the Digital Notarial Administration System

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**Abstract.** This study examines notarial deeds as authentic instruments that possess perfect evidentiary power and play an essential role in ensuring legal certainty for the public. Problems arise when a notary dies while the protocols and deeds they have created remain in circulation and continue to be used in various legal relationships. This situation creates a normative legal gap regarding accountability for the misuse of deeds after the notary's death, particularly within a notarial administration system that is gradually transforming toward digitalization. Digitalization improves efficiency, accelerates document distribution, and expands access to notarial services, but it also increases risks of misuse, manipulation, and unauthorized use of deeds due to insufficient control mechanisms. The existing supervisory system, which is still focused on individual notaries, is unable to effectively address risks arising after the termination of office due to death, resulting in suboptimal legal protection for related parties. This study aims to analyze weaknesses in the post-death notary supervision and liability system and to formulate a reconstructed supervision and accountability model in the digital notarial administration system. The research employs a normative legal method with statutory, conceptual, and systematic approaches. The findings identify normative gaps, weak protocol supervision, and the absence of an integrated national digital system. The proposed reconstruction includes shifting liability from personal to institutional responsibility, establishing institution-based supervision, and developing a digital system equipped with authentication, audit, and access control mechanisms.

**Keywords:** Authentic Deed; Legal Accountability; Notary Digitalization; Notary Supervision; Notary.

### 1. INTRODUCTION

Notaries hold the position of public officials with direct authority from the state to create authentic deeds, which serve as the strongest written evidence in the civil law system (Abdillah, 2023). This authority does not arise from a contractual relationship with the parties, but rather from statutory attribution, which grants public legitimacy to the notary's actions (Haryadi, 2025). Authentic deeds created by notaries contain statements from the parties formalized according to legal procedures, resulting in documents with external, formal, and material evidentiary force (Septianingsih, 2020). This position places notaries within the state legal administration system, tasked with ensuring the certainty of legal relations within the community (Asufie, 2021). The function makes notaries liable not only to the parties involved but also to the whole legal system.

Notarial deeds have a unique character that is independent of the notary's physical presence after they are legally executed (Sasauw, 2015). A deed remains valid as authentic evidence as long as it is not revoked by a court decision or declared legally invalid (Wijaya, 2023). This situation creates the consequence that a deed prepared by a notary can continue to be used in various legal relationships, even after the notary has died. The parties listed in the deed can use a copy or gross of the deed for purposes of proving or exercising their rights and

obligations. This continuity is part of the principle of legal certainty inherent in authentic deeds. The existence of a deed as a legal document that continues to exist legally beyond the personal existence of the official who created it (Arben, 2024). The notarial legal system recognizes the concept of a notarial protocol as a collection of official documents that must be kept and maintained continuously (Jagadhita, 2025). The protocol includes the minutes of the deed, the register, and other documents related to the performance of the notary's duties. It is not considered the notary's personal property, but rather a state archive with legal and administrative value (Mulia, 2022). Upon the death of a notary, the protocol must be handed over to another appointed notary or to an authorized institution. The handover process aims to maintain continued legal access to the deeds that have been created (Gultom, 2025). The existence of protocols as state archives emphasizes that responsibility for the existence of deeds is not entirely individual.

Regulations regarding the handover of protocols have provided an administrative basis for the management of notarial documents after a notary has retired. These regulations focus primarily on the storage and physical transfer of documents (Kurniati, 2025). Provisions specifically governing substantive oversight of the use of deeds after a notary's death are still significantly limited. This situation creates ambiguity regarding control mechanisms in the event of misuse. This regulatory void creates uncertainty regarding who bears legal responsibility under certain circumstances. The legal system has not yet fully provided a comprehensive framework for accountability after the termination of a notary's office due to death.

The risk of misuse of notarial protocols is a significant issue in legal practice. Deed documents can be misused through the creation of unauthorized copies or the manipulation of the data contained within them. Uncontrolled access to protocols can open the door for unauthorized parties to exploit the documents for their own gain (Nugraha, 2025). The potential for misuse can also arise from negligence in poorly organized archive management. This condition can harm stakeholders and undermine the integrity of the notary system. Protecting protocols is a crucial part of maintaining public trust in notary institutions (Apriliani, 2024).

Developments in information technology have driven significant changes in the legal administration system, including in the notary sector. The use of electronic media for document storage and management has become part of modern administrative practice (Ningrum, 2025). Digital systems provide easy access, efficiency, and speed in managing deed data. This convenience also brings new challenges related to security and access control (Zulfikar, 2024).

Documents stored digitally have the potential to be copied or accessed without clear physical boundaries. Digital transformation demands regulations that can guarantee the security and integrity of notary documents. The current notarial supervision system places more emphasis on monitoring individual notaries as office holders. This supervision is carried out through administrative and ethical mechanisms that remain in effect as long as the notary remains active (Larasati, 2026). An individual-focused approach does not fully address the need for oversight of documents that remain valid after the term of office ends. The existence of protocols as state archives requires a supervisory system that does not depend on the personal existence of specific officials. System-based supervision can guarantee continued control of legal documents. A shift in the supervisory paradigm is a crucial part of reforming the notarial system (Andriani, 2025).

The lack of regulations regarding legal liability after the death of a notary has the potential to impact legal certainty for the public. Parties relying on notarial deeds may face difficulties in the event of disputes regarding the validity or use of the deed. A lack of clarity regarding the responsible party can prolong the dispute resolution process. Legal certainty requires a clear and identifiable structure of responsibility. This clarity plays a crucial role in maintaining the stability of legal relations within the community. A legal system that lacks certainty can undermine public trust.

Legal protection for parties using notary services is part of the function of a state based on the rule of law. Authentic deeds serve as instruments that guarantee the validity of agreements or legal acts. This protection includes ensuring that the deed is not misused by unauthorized parties (Syarifudin, 2024). An effective oversight and accountability system can strengthen this protective function. The state has a responsibility to ensure that legal instruments created by public officials maintain the integrity of their actions. Legal protection is a crucial element in maintaining justice and legal certainty (Jafar, 2026).

## **2. LITERATURE REVIEW**

The theory of legal certainty provides a conceptual foundation for the existence of authentic deeds as reliable evidence. Legal certainty relates to clarity of norms, consistency of application, and the ability of the legal system to provide predictability (Sapni, 2025). Notarial deeds serve as a concrete form of legal certainty in civil relations. The existence of well-maintained notarial protocols supports the continuity of this function. Legal certainty depends not only on the creation of deeds but also on their management and supervision. An adequate oversight system is part of the effort to maintain this certainty. The theory of legal

responsibility provides a framework for determining who bears responsibility for an action or legal consequence. Accountability in public office differs from that in private relationships. The notary's position as a public official places responsibility in relations with the state and society (Ningsih, 2022). This accountability relates not only to active actions but also to the management of the documents produced. When the office ends, questions arise regarding the continuity of responsibility for those documents. This theory helps explain the need for a clear and sustainable construction of responsibility.

The theory of public office authority and the rule of law placed public officials as executors of state functions in providing legal services to the public. The authority granted to notaries is formal and strictly regulated by laws and regulations. The rule of law demands that every authority be balanced with effective oversight and accountability mechanisms. The theory of legal protection emphasizes the importance of guaranteeing the public's right to the security of their legal documents. The development of modern administrative technology is also related to the theory of digital governance, which emphasizes the accountable and secure management of technology-based systems (Pratiwi, 2025). This conceptual framework provides a basis for examining the need for reconstruction of the notarial deed supervision and accountability system in a digital notarial administration system.

### **3. RESEACRH METHOD**

This study employs a normative legal research method with a statutory approach, a conceptual approach, and a systems approach to analyze the construction of notary legal accountability and the oversight mechanism for authentic deeds in the context of digital notarial administration. The statutory approach examines various norms governing the notary office, notary protocol management, and electronic administration systems to identify normative gaps and regulatory disharmony related to notary post-mortem accountability. The conceptual approach investigates the doctrine of public office authority, legal accountability for office, and the principle of deed authenticity within the framework of a modern rule of law. Meanwhile, the systems approach is used to analyze the changing character of notary administration from a conventional system to a digital system, including its implications for the model of legal supervision and protection. The legal materials consist of primary, secondary, and tertiary materials, which are analyzed qualitatively using systematic and prescriptive interpretation techniques to formulate a reconstruction of a more adaptive, integrated, and technology-based model of legal supervision and accountability.

#### **4. RESULTS AND DISCUSSION**

##### **Legal Construction of Notarial Deeds and the Notarial Supervision System**

A notary is a public official who performs some of the state's functions in the field of civil law, specifically in the creation of written evidence with authentic force. This position is affirmed in Article 1, number 1 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Office of Notaries, which states that a notary is a public official authorized to create authentic deeds and has other authorities as stipulated by law. This public official status distinguishes notaries from other legal professions, such as advocates or legal consultants, who act in private relationships with clients. Notaries perform a public function inherent in state authority to ensure legal certainty through written evidence. Every deed prepared by a notary has legitimacy derived from this public authority. The existence of notaries is part of the state's legal administration system, which aims to maintain order in legal relations within society.

The authority of a notary derives from direct attribution to laws and regulations, not from agreements or delegation of authority from other parties. Article 15, paragraph (1) of the Notary Law grants notaries the authority to create authentic deeds regarding all acts, agreements, and determinations required by statutory regulations or as desired by interested parties. This authority reflects the state's trust in notaries to officially carry out their legal evidentiary functions. The attribution of authority is inherent in the position, not the individual. The exercise of this authority must meet predetermined formal requirements so that the resulting deed has authentic legal force. Exercising this authority in a manner inconsistent with the provisions may result in the loss of authenticity of the deed or give rise to legal liability.

Public trust is the primary foundation of a notary's role as a public official. The public entrusts the recording and formalization of legal acts to notaries to obtain legal certainty and protection. This trust derives from the assumption that notaries act independently, objectively, and in accordance with the law. The integrity of a notary influences the level of public trust in the legal system as a whole. Authentic deeds created by notaries are viewed as reliable documents without the need for additional proof. This public trust is part of the social legitimacy of the notary's office.

An authentic deed holds the position of the strongest written evidence in civil procedural law. Article 1868 of the Civil Code states that an authentic deed is a deed drawn up in a form prescribed by law by or before an authorized public official at the location where the deed is drawn up. This provision provides the legal basis for the validity of a notarial deed as an authentic deed. An authentic deed has external evidentiary force related to the deed's form,

formal evidentiary force related to the truth of the official's statement, and material evidentiary force related to the deed's content. Judges are, in principle, obliged to accept an authentic deed as valid evidence unless proven otherwise. This position makes notarial deeds play a crucial role in resolving civil disputes.

The character of a notarial deed as an official document distinguishes it from ordinary private documents. The deed not only reflects the will of the parties but also contains the approval of a public official. The minutes of the deed kept by the notary become an original document with permanent legal value. Copies or grosses of the deed given to the parties have legal force because they are derived from these minutes. The existence of the minutes as an official document guarantees the authenticity of the deed. This system is designed to prevent forgery or unilateral alteration of the deed's contents.

The validity of a notarial deed does not depend on the existence of the notary who created it, but rather on the validity of the procedure for its creation. A legally executed deed remains legally binding even if the notary has retired or died. Article 65 of the Notary Law states that notaries, substitute notaries, and acting notaries are responsible for every deed they create, even if the notarial protocol has been handed over or transferred to another party. This provision confirms the continued validity of the deed as legal evidence. The parties may continue to use the deed for their legal purposes. This continuity is part of the principle of legal certainty in the notarial system.

A notarial protocol is a collection of official documents related to the performance of a notary's duties. Article 1, number 13 of the Notary Law states that a notarial protocol is a collection of documents that constitute a state archive that must be kept and maintained by a notary. The protocol includes minutes of deeds, the register of deeds, the repertory book, and other documents required by law. The protocol's status as a state archive confirms that these documents are not considered the notary's personal property. Protocol management must be carried out carefully and in accordance with legal provisions. Protecting the protocol is part of efforts to maintain the integrity of state legal documents.

The types of documents included in the protocol have interrelated functions in the notarial administration system. Minutes of deeds are original documents that serve as sources for official copies. The repertory book serves as a register of deeds prepared by the notary. The register of wills is used to record wills prepared or maintained by the notary. These documents have important legal value in evidence and legal administration. The existence of a protocol allows for the retrieval of deeds if necessary in legal proceedings. This documentation system

creates order in notarial administration. The obligation to store protocols is expressly stipulated in Article 16, paragraph (1), letter b of the Notary Law, which requires notaries to prepare deeds in the form of minutes and retain them as part of the notarial protocol. This storage must be carried out securely and regularly to prevent damage or loss of documents. Protocols are transferred if a notary resigns, dies, or is unable to perform their duties. Article 62 of the Notary Law stipulates that protocols must be handed over to another notary appointed by the Regional Supervisory Board. This handover process aims to maintain the continuity of legal administration. The arrangement ensures that documents remain available to interested parties.

The legal status of protocols after a notary's death remains under the supervision of the state notarial system. Protocols cannot be owned or controlled privately by the notary's heirs. Handing over protocols to another notary aims to maintain legal access to the documents. Management of protocols after handover is the responsibility of the notary receiving the protocols in accordance with applicable regulations. This system is designed to maintain the continuity of notarial administration. Protection of protocols is a crucial part of maintaining legal certainty.

Supervision of notaries is carried out through the Notary Supervisory Board, which consists of the Regency Supervisory Board, the Regional Supervisory Board, and the Central Supervisory Board. This structure is regulated in Article 67 of the Notary Law, which states that supervision of notaries is carried out by the Minister through the Supervisory Board. The Supervisory Board has the authority to conduct inspections on the performance of notaries' duties. This supervision aims to maintain the professionalism and compliance of notaries with the law. This oversight system is part of the oversight mechanism for public officials. It also serves to maintain the integrity of the notary institution.

The Supervisory Board's authority includes administrative and ethical oversight of notaries. The Supervisory Board can examine notary protocols, issue warnings, and recommend administrative sanctions if violations are found. Article 70 of the Notary Law authorizes the Regional Supervisory Board to hold inspection hearings for notaries. This authority aims to ensure that notaries carry out their duties in accordance with legal provisions. Administrative supervision plays a role in maintaining orderly notary administration. Ethical supervision relates to the professional conduct of notaries in carrying out their duties.

The limited supervisory authority of the Supervisory Board is one of the issues within the notary system. The Supervisory Board does not have the authority to directly revoke deeds. This authority rests with the judiciary through civil lawsuits. The supervision it carries is primarily administrative and disciplinary in nature. Substantive aspects related to the validity

of the deed's contents often fall under the jurisdiction of the courts. This limitation creates a separation between administrative oversight and legal dispute resolution. A notary's civil liability relates to the obligation to compensate for losses arising from errors or negligence in the preparation of deeds. Article 1365 of the Civil Code stipulates that any unlawful act that results in a loss requires the perpetrator to compensate for that loss. A notary can be held liable if proven to have committed a legal violation that harms another party. The injured party can file a civil lawsuit through the courts. This liability is part of legal protection for the public. The civil system provides a means to recover losses incurred.

A notary's criminal liability can arise if the notary is involved in an act that fulfills the elements of a crime, such as document falsification as stipulated in Article 263 of the Criminal Code. Notaries, as public officials, do not have immunity from criminal law. Criminal proceedings can be initiated if there is sufficient evidence of the notary's involvement in a crime. In addition, notaries can also be subject to administrative sanctions under Article 85 of the Notary Law, which include verbal warnings, written warnings, temporary suspension, and dishonorable discharge. Ethical accountability is also enforced through the Indonesian Notaries Association (IDI), a professional organization with a code of ethics. This multi-layered accountability system reflects the importance of maintaining the integrity of the notary's office as a public official.

### **Weaknesses in Supervision and the Lack of Legal Accountability After a Notary's Death in the Digital System**

The provisions regarding the liability of a notary after death still leave gaps in the Indonesian notarial legal system. Law Number 2 of 2014 concerning the Position of Notaries stipulates the obligation to hand over notarial protocols to another notary, as stipulated in Article 62, but this provision only addresses administrative aspects. There are no explicit norms governing who is responsible for misuse of deeds after a notary's death. Article 65 of the Notary Law states that notaries remain responsible for the deeds they have drawn up, but this norm does not provide a concrete mechanism for redress after the legal subject has died. The absence of operational regulations creates uncertainty in legal practice. This situation raises questions about the continuity of official responsibilities that the official in question can no longer perform. The lack of clarity regarding the responsible party becomes a serious problem when disputes arise regarding notarial deeds prepared by deceased notaries. The notary's heirs lack official authority and cannot be held accountable for public office. The notary who receives the protocol only serves as the custodian of the document, not as the creator of the deed. The

Supervisory Board lacks the authority to assume legal responsibility for the contents of the deed. The situation creates a legal vacuum that lacks a clear legal entity that can be held accountable. As a result, injured parties often face difficulties in determining who can be held legally accountable.

The Notary Law does not yet provide specific provisions governing the accountability of the notary after the notary's death. Existing norms focus more on the appointment, performance of office, and dismissal of notaries. Provisions regarding protocols emphasize the obligation to store and submit documents. Regulations regarding supervision are also more directed at notaries who are still actively serving. This legal vacuum becomes even more relevant when the notarial deed continues to be used in various legal relationships. The continued validity of the deed is not balanced by a clear structure of legal accountability. In practice, the oversight system for notarial protocols is largely administrative and formal. The Supervisory Board has the authority to verify the existence and completeness of protocols, as stipulated in Article 70 of the Notary Law. These inspections are generally conducted periodically and are limited to administrative aspects. Supervision has not yet addressed the security aspects of the document's substance in depth. There is no mechanism to actively monitor the use of deeds after the protocol is handed over to another notary. This administrative approach has not been fully effective in preventing potential document misuse.

The absence of a systematic audit system for notarial protocols creates gaps in long-term oversight. Current audits are often incidental and rely on reports or complaints. There is no structured, periodic audit requirement to ensure the security and integrity of protocols. Decades-old protocols retain legal force, but are not always subject to active oversight. This situation can increase the risk of damage, loss, or misuse of documents. An unstructured oversight system creates a reliance on individual integrity rather than institutional mechanisms.

A sustainable control mechanism for notarial protocols is also not fully established within the positive legal system. Once the protocol is handed over to the receiving notary, active oversight tends to diminish. The Supervisory Board lacks a real-time monitoring system for the use of these documents. There is no centralized recording system that can track each issuance of copies of the deed. This situation opens the possibility of documents being used without adequate oversight. A physical document-based oversight system has limitations in ensuring long-term security. The risk of deed forgery is one consequence of a weak oversight system for notarial protocols. Forgery can occur through the creation of counterfeit copies or undetected changes to document content. Article 263 of the Criminal Code regulates the crime of forgery of documents, including authentic deeds. Forgery of notarial deeds can cause

significant losses to interested parties. Authentic deeds, which should provide legal certainty, can instead become a source of disputes if misused. Protecting the authenticity of documents is a crucial element in maintaining the integrity of the notarial system. Misuse of deed copies can also occur if there is no adequate control system for the issuance of copies. Deed copies have legal force because they originate from minutes stored in the protocol. There is no national system that centrally records every issuance of deed copies. This situation makes it difficult to track unauthorized use of copies. The recipient of a copy does not always have the ability to independently verify its authenticity. These limitations create risks in legal practice and civil transactions.

Illegal access to notarial protocols is an increasingly relevant issue as the value of legal documents as evidence increases. Protocols that are not securely stored can be accessed by unauthorized parties. The physical security of documents depends heavily on each notary's storage system. There is no uniform national standard regarding protocol security systems. This situation creates varying levels of security between notary offices. These vulnerabilities can be exploited by certain parties to gain access to legal documents.

From a civil law perspective, there are challenges in determining who can be sued for losses arising from the misuse of a notarial deed after the notary's death. Lawsuits based on Article 1365 of the Civil Code require a legal entity to be held accountable. A notary, as the deed's preparer, can no longer be held directly liable after death. The notary receiving the protocol has no legal relationship with the deed's preparation. This situation creates difficulties in the process of recovering losses. The legal system has not yet provided a clear solution to this problem.

From a criminal and administrative law perspective, there are also limitations in addressing the misuse of a notarial deed after the notary's death. Criminal proceedings can only be directed against the perpetrator who directly committed the crime. A notary's administrative responsibilities end upon death or dismissal. The state does not explicitly assume responsibility for losses arising from documents produced by this public official. This situation creates a gap between state authority and the responsibility for legal protection for the public. The existing accountability system is not fully capable of meeting the needs of modern legal protection.

The development of digitalization of notarial administration presents new challenges in the management of notarial protocols. Storing documents in electronic form can increase efficiency and accessibility. Digital systems also bring new risks related to data security and unauthorized access. There is no integrated national digital system to manage all notarial

protocols. Digital document management remains fragmented and lacks uniform standards. These challenges require the reconstruction of a supervisory system capable of ensuring security and legal certainty in modern notarial administration. Reconstruction of the Post-Death Notary Supervision and Legal Accountability System in Digital Administration Notaries hold public offices whose authority derives directly from the state, as stipulated in Article 1, number 1 and Article 15 of Law Number 2 of 2014 concerning the Office of Notaries. This authority is not merely a professional relationship between a notary and a client, but rather the implementation of the state's function in creating authentic evidence. The resulting deed has public legitimacy because it is prepared by a public official appointed and dismissed by the state. The public office's nature places notarial deeds as part of the state's legal administration system. Consequently, responsibility for the continued integrity of the deed cannot be placed solely on the individual notary. An approach that solely emphasizes personal responsibility becomes inadequate when the position ends due to death.

The current paradigm of personal liability is based on the assumption that notaries, as individuals, bear full responsibility for the deeds they create. Article 65 of the Notary Law affirms notary responsibility for the deeds they create, but this norm does not provide a solution when a notary is no longer a legal subject due to death. A system that relies solely on the existence of individuals has limited ability to guarantee long-term legal protection. Notarial deeds continue to function as evidence even after the person who created them has passed away. This condition builds an imbalance between the continued function of the deed and the continued accountability. A paradigm reconstruction is needed to transfer some of this responsibility to institutions with a sustainable existence.

The concept of institutional liability places the state as the party with structural responsibility for deeds created by public officials. The state grants authority, regulates procedures, and oversees the implementation of the notary's office through the Ministry of Law and Human Rights and the Notary Supervisory Board. Authentic deeds gain legal force because they are recognized by the state's legal system. The state has an interest in maintaining the integrity of documents produced through this public authority. The institutional accountability model allows for guaranteed legal protection that is independent of a specific individual. This approach aligns with the principle of a state based on the rule of law, which positions the state as the guarantor of legal certainty for the public. This institutional accountability model can be realized through the establishment of an administrative accountability mechanism inherent in the notary supervisory body. The Supervisory Board functions not only as a disciplinary body but also as an institution that maintains the integrity of the notary administration system. This

responsibility can include overseeing the use of protocols and verifying the validity of copies of deeds. The state, through authorized institutions, can provide a mechanism for official clarification regarding the status of certain deeds. This system provides legal certainty for parties using deeds. This paradigm shift strengthens the state's position as the guarantor of the validity of public legal documents.

Reconstructing the notary protocol oversight system requires a sustainable approach that is not limited to the notary's term of office. Supervision must continue even after the notary dies or retires. Article 67 of the Notary Law provides the legal basis for notary supervision by the Supervisory Board, but its implementation still focuses on active notaries. Ongoing supervision can be carried out through a system of recording and periodic protocol monitoring. This approach aims to ensure that documents remain secure and are not misused. A continuous supervision system strengthens the protection of authentic deeds.

Notary protocol audits are an essential instrument in ensuring the integrity of legal documents. Audits can be conducted periodically by a supervisory body to verify the completeness, security, and authenticity of documents. The audit process includes not only physical inspections but also administrative verification of document use. Periodic audits can help detect potential misuse early. Audit results can form the basis for administrative or legal action if violations are discovered. The audit system creates a more systematic and accountable control mechanism.

The role of the supervisory body needs to be expanded beyond disciplinary functions for individual notaries. The Supervisory Board can be given additional authority to manage the protocol information system nationally. This authority can include the digital recording of every deed created. The supervisory body can serve as a verification authority for the validity of documents. This institutional function strengthens oversight of documents that remain valid after a notary is no longer active. Strengthening the role of the supervisory body is part of the reform of the notarial system.

Reconstructing digital notarial administration requires the establishment of a national database system containing information on notarial deeds. This database can record the deed number, date of creation, notary identity, and protocol status. This system does not need to include the entire deed; it only records metadata for verification purposes. National registration allows for more efficient tracking of the validity of deeds. The database system can be managed by the Ministry of Law and Human Rights as the administrative authority. This infrastructure supports transparency and security in notarial administration.

A digital authentication system is a crucial element in guaranteeing the authenticity of notarial documents. Certified electronic signature technology, as stipulated in Law Number 11 of 2008 concerning Electronic Information and Transactions and its amendments, can be used as a legal basis. Digital authentication allows for the electronic verification of notary identities. This system can reduce the risk of document forgery. Each digitally registered deed can be assigned a unique, non-duplicable identifier. This technology strengthens the protection of the integrity of legal documents.

An access control system is necessary to ensure that only authorized parties can access notary protocols. The use of security technologies such as encryption and multi-layered authentication can enhance document protection. Every access to a document can be logged in the system for audit purposes. This system allows for tracking in the event of misuse. Access control creates an additional layer of protection for the protocol. Document security is a crucial part of modern notary administration.

Mechanisms to prevent misuse of deeds can be implemented by strengthening the document registration and verification system. Every issuance of a copy of a deed can be recorded in the national system. The recipient of the copy can verify the document through this system. This mechanism can reduce the risk of using counterfeit documents. Prevention can also be achieved by enhancing document storage security standards. A preventive approach is more effective in maintaining the integrity of the legal system.

Enforcement mechanisms are needed to respond to the misuse of deeds. Supervisory agencies can collaborate with law enforcement officials to address violations. Criminal provisions in the Criminal Code can be applied to perpetrators of document forgery or misuse. Administrative sanctions can also be imposed on notaries who violate protocol management obligations. Firm action can have a deterrent effect. The enforcement system strengthens public trust in notary institutions.

Legal redress mechanisms are needed to protect parties harmed by the misuse of deeds. The state can provide administrative mechanisms for clarifying the status of deeds. Courts retain a role in determining the validity of deeds through the judicial process. A sound administrative system can help provide the evidence necessary for legal proceedings. Legal redress is a crucial part of maintaining justice. Protection of the public is the primary goal of the legal system. The ideal model for digital notary supervision requires the establishment of an integrated institutional structure. The Ministry of Law and Human Rights can act as the manager of the national administrative system. The Supervisory Board can perform operational oversight functions. Notaries remain obligated to input deed data into the system. This structure

creates a mutually supportive relationship between individuals and institutions. Institutional integration strengthens the effectiveness of oversight. The integration of technology and law is key to reforming the notary system. Technology provides the means to improve administrative efficiency and security. Laws provide a normative framework to ensure the legitimate use of technology. Legislation needs to be updated to accommodate digital administration. Regulatory reforms could include establishing a national database, digital authentication, and institutional accountability. This model creates a notary system that is more adaptive to technological developments and capable of providing sustainable legal certainty.

## **5. CONCLUSION AND SUGGESTIONS**

The legal structure of the notary office in Indonesia reveals a significant gap in norms regarding legal accountability for notarial deeds after the notary's death. While the legal termination of a notary's office severs the public authority vested in the official, it does not necessarily obliterate the existence and legal consequences of the authentic deeds they have created. In practice, deeds continue to circulate, be used, and even face the potential for misuse without a continuous, active oversight mechanism. The existing oversight system still focuses on the personal existence of the notary as the subject of the office, resulting in a void in control over notarial protocols, document access, and administrative authenticity upon death. This situation is further complicated in the context of the digitalization of notarial administration, where electronic access, digital copies, and data are stored in technological systems that are vulnerable to manipulation, duplication, or unauthorized use. Consequently, there is a risk of legal uncertainty, weak protection for the parties, and the potential for public trust in authentic deeds as the highest form of evidence in the civil law system.

This situation demands a comprehensive reconstruction that is not only normative, but also institutional, technological, and conceptual. Normatively, explicit regulations are needed regarding the status, management, and legal accountability of notarial protocols and deeds after death, including the establishment of legal entities or institutions that are continuously responsible. From an institutional perspective, supervision can no longer rely on an individual model but must be based on an institutional system that allows for ongoing control through an integrated supervisory authority. From a technological perspective, the development of a standardized, centralized national digital notarial administration system with authentication and access tracking mechanisms is a crucial instrument for ensuring the security, integrity, and sustainability of documents. At the conceptual level, a paradigm shift is needed from

accountability solely attached to individual notaries to an accountability model that also applies to the state's administrative system and institutions, so that the existence of authentic deeds remains protected and has legal certainty even after the official who issued them has passed away.

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