Cyber notary in Islamic Economic Law in Indonesia

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Abstract: This study discusses the application of cyber notary in sharia economic transactions in Indonesia, focusing on the challenges and potentials related to legal certainty. The main problems faced are how to maintain the validity of electronic contracts in accordance with the principles of sharia law, as well as challenges such as data protection, privacy, and digital infrastructure gaps. This research uses normative legal methods with legislative and conceptual approaches, as well as utilizing primary data sources from related regulations and secondary legal materials from academic literature. The results of the study show that cyber notary has great potential to increase efficiency and reduce costs in Islamic economic transactions. However, significant challenges related to electronic document verification and data security remain major obstacles. This research recommends the need for clearer harmonization of laws and regulations, improvement of digital infrastructure, and strengthening of the data security system. With these steps, cyber notary can be an effective instrument in supporting the development of sharia economic transactions, while still ensuring compliance with sharia principles such as honesty, fairness, and clarity. Thus, the implementation of cyber notary has the potential to bring positive changes in the Islamic economic legal system in Indonesia, provided that these challenges can be overcome effectively.

Keywords: Cyber notary, sharia economics, legal certainty, electronic transactions, Islamic law

Abstrak: tantangan seperti perlindungan data, privasi, dan kesenjangan infrastruktur digital. Penelitian ini menggunakan metode hukum normatif dengan pendekatan perundang-undangan dan konseptual, serta memanfaatkan sumber data primer dari peraturan terkait dan bahan hukum sekunder dari literatur akademik. Hasil penelitian menunjukkan bahwa cyber notary memiliki potensi besar untuk meningkatkan efisiensi dan mengurangi biaya dalam transaksi ekonomi syariah. Namun, tantangan signifikan terkait verifikasi dokumen elektronik dan keamanan data masih menjadi hambatan utama. Penelitian ini merekomendasikan perlunya harmonisasi peraturan perundang-undangan yang lebih jelas, peningkatan infrastruktur digital, serta penguatan sistem keamanan data. Dengan langkah-langkah ini, cyber notary dapat menjadi instrumen yang efektif dalam mendukung perkembangan transaksi ekonomi syariah, sembari tetap memastikan kepatuhan terhadap prinsip-prinsip syariah seperti kejujuran, keadilan, dan kejelasan. Dengan demikian, penerapan cyber notary berpotensi membawa perubahan positif dalam sistem hukum ekonomi Islam di Indonesia, asalkan tantangan-tantangan tersebut dapat diatasi secara efektif.

Keywords : *Cyber notary, ekonomi syariah, kepastian hukum, transaksi elektronik, hukum Islam.*

Introduction

The use of technology in various sectors, including social, economic, and political, has had a significant impact on people's lives, which are now moving towards the digital era. This change is responded by the government through the implementation of various regulations, such as Laws, Government Regulations (PP), Presidential Instructions (Inpres), as well as regional level regulations such as Regent or Mayor Regulations (Perbub/Perwali). One of the main challenges in law enforcement in this digital era is adjusting the handling of cases that are now happening a lot in cyberspace, including in terms of making and legalizing legal documents through the internet, as exemplified in the concept of cyber notary regulated in Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions.[1]

Law Number 2 of 2014 concerning the Notary Position (UUJN) introduces the term cyber notary in the explanation of Article 15 paragraph 3, which gives the authority to notaries to make authentic deeds electronically. [2] This step shows the government's commitment to open up opportunities for the implementation of cyber notary which is expected to simplify the task of notaries and increase efficiency in making authentic deeds. However, the use of this technology must be carefully considered, especially in terms of the authenticity of deeds, legal formalities, and electronic contracts. All of these aspects need to be considered so that cyber notaries can provide legal certainty without causing new problems.[3]

In the context of Islamic economic law, the application of cyber notary can accelerate the process of business transactions and contracts in accordance with sharia principles, as long as it still ensures the authenticity and validity of documents in accordance with the provisions of Islamic law. However, this application must be accompanied by strict supervision of the authenticity of the deed and the fulfillment of sharia principles in every electronic transaction.

One of the main obstacles in the implementation of cyber notary in Indonesia is the uneven digital infrastructure, especially in remote areas.[4] According to data from the Ministry of Communication and Informatics, around 12,548 villages and sub-districts still do not have broadband internet access, especially in the 3T zone (Frontier, Remote, and Disadvantaged). [5] This has the potential to hinder the implementation of cyber notary, especially in sharia-based economic transactions, where the speed and security of communication are very important to ensure the validity of transaction contracts. Therefore, it is important to consider solutions to this gap so that the application of cyber notary in Islamic economic law can run effectively and evenly.

Several previous studies have discussed the application of cyber notary in various countries. Nurita said that the implementation of cyber notary in countries with common law legal systems has accelerated the process of electronic transactions and increased the efficiency of notary services. The study also reveals that the concept of cyber notary in these countries can provide better legal certainty due to the existence of strict digital

[1] Indriantoro Nur, "Sistem Informasi Strategik: Dampak Teknologi Informasi Terhadap Organisasi Dan Keunggulan Kompetitif," *Kompak* 9 (2020).

[2] Aisyah Amalia and Widhi Handoko, "Peluang Penerapan Cyber Notary Di Indonesia," *Notarius* 15, no. 2 (2022): 616–625.

[3] Nadya Widya Sujud, "Kekuatan Hukum Akta Notaris Berdasaran Cyber Notary Menurut Sistem Hukum Di Indonesia," *Civil Law* 1 (2019).

[4] Budi Raharjo, "Pemerataan Akses Internet Di Indonesia Masih Jadi Tantangan Besar," *7 Juni*, 2023.

[5] Kemenkominfo RI, "Laporan Kinerja Kementerian Kominfo," no. 9 (2022).

standards for electronic document authentication.[6] In Indonesia, research by Wijaya emphasizes the importance of reform in the legal system that regulates the position of notary, especially in the context of the implementation of cyber notary. He emphasized that one of the main challenges is to ensure that the authenticity of electronic documents made by notaries is maintained, in accordance with the existing standards in Indonesia's positive law.[7]

However, research related to the application of cyber notary in the context of Islamic economic law is still limited. Some authors, such as Adjie,[8] have begun to associate the use of technology in notary services with sharia principles, especially in terms of clarity and honesty in economic transactions. This research shows that there is great potential for cyber notaries in improving the efficiency of sharia-based economic transactions, although there is still a need to develop a legal framework that is more in line with Islamic values. Therefore, this study seeks to fill this gap by examining more deeply how the application of cyber notary can be adjusted to the principles of Islamic economic law in Indonesia.

Method

This research is a normative legal research using a legislative approach and a conceptual approach.[9] The data sources used in this study come from primary legal materials, such as Law Number 2 of 2014 concerning Notary Positions, Law Number 11

of 2008 concerning Information and Electronic Transactions, and other relevant laws and regulations. In addition, this study also uses secondary legal materials, such as academic journals, books, and related literature that discuss the concept of cyber notary and its application in the context of Islamic law. The data analysis method used is qualitative analysis, where data is analyzed in depth to understand and conceptualize the application of cyber notary in accordance with the principles of Islamic economic law, especially in the context of applicable legislation in Indonesia.[10]

Results and Discussion

Challenges and Opportunities for the Application of Cyber Notary in Public Services and Private Law in Indonesia

Public services now apply a lot of online access in their services, which has been stated in Law Number 19 of 2016 on the amendment of Law Number 11 of 2008 concerning Information and Electronic Transactions Article 4 point (c).[11] The development of applications with the hope of making it easier for the public has also been launched a lot, such as SIM renewal in the Digital Korlantas Polri application. However, many people still choose to come to the office rather than having to be complicated using an application. Technology has also penetrated into private law such as notary services in the preparation of authentic deeds which now alludes to the application of the concept of cyber notary.

Research by R.A Emma Nurita stated that with the implementation of cyber notary, there will be a rapid economic pace because with the implementation of cyber

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[6] R.A Emma Nurita, *Cyber Notary Pemahaman Awal Dalam Konsep Pemikiran*, ed. Habib Adjie and Muhammad Hafidh, 1st ed. (Bandung: PT. Refika Aditama, 2022).

[7] Willi Wijaya Andes, "Konsep Dasar Cyber Notary : Keabsahan Akta Dalam Bentuk Elektronik," *29 November 2018*, November 2018.

[8] Nurita, *Cyber Notary Pemahaman Awal Dalam Konsep Pemikiran*.

[9] Muhamad Hasan Sebyar, "Faktor-Faktor Penyebab Permohonan Dispensasi Kawin Di Pengadilan Agama Panyabungan," *Syari'ah: Journal of Indonesian Comperation of Syari'ah Law* 5, no. 1 (2022): 1–14.

[10] Ridwan, *Skala Pengukuran Variabel-Variabel Penelitian* (Bandung: Alpabhet, 2005).

[11] Kemkominfo, "Undang-Undang Republik Indonesia Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik" 53, no. 9 (2008): 287.

notary, the concept of fast, easy, and low cost will be implemented,[12] In accordance with the determination of the formation of the notary position in Article 22 paragraph 1 point (a) which explains that business activities are one of the considerations of notaries exist, the implementation of cyber notary is expected to accelerate the economic pace because it can save time and place so that parties outside the area can still be served.[13]

Electronic Notary and Cyber Notary are two different concepts. The first e-notary was introduced by the French delegation at a conference organized by the European Union in 1989 in Brussels, Belgium. In essence, this concept makes the notary an independent record for the parties for all electronic transactions carried out by him. While the concept of cyber notary was first introduced by the American Bar Association (ABA) in 1994, in this concept the notary has the authority to authenticate documents that he has made electronically. Looking at the existing legal system, the concept of e-notary is more oriented towards the civil law legal system while cyber notary is more oriented to the common law legal system.[14]

Notaries in America adhere to the common law system so that they are not responsible for the legality or authenticity of deeds or documents that have been stamped, this is different from notaries in civil law countries, especially Indonesia, who have full responsibility for the legality and authenticity of the deeds they issue and are explicitly regulated in Article 65 of Law Number 2 of 2014 on the amendment of Law Number 30 of 2004 concerning the position of Notary.

An authentic deed according to Article 1868 of the Civil Code is a deed made in the form prescribed by law by or before the public official authorized for it in the place where the deed is made. The requirements for a deed to be authentic have been described in the Civil Code,[15] There are three conditions that must be met to make the deed authentic; (1) made by or before a notary (2) the form is specified in law; and (3) made within the jurisdiction of the official who made the deed.[16] Based on these conditions, it can be seen that in ensuring the authenticity of a deed, it must be done directly between the witness and the notary in one place.

The application of the cyber notary concept must provide standards that are meant to be face-to-face between the two parties, whether face-to-face through applications such as zoom and google meet or simply using a video call as in whatshapp. The application standards and networks used by the parties are also included in determining the guarantee of the authenticity of the deed so that later when the deed has been issued, there is no doubt about its authenticity and legality as perfect written evidence.

The power of proof of an authentic deed is three things, the first is the power of proof of birth, namely that the deed can prove itself that it is an authentic deed seen from the form of the deed also comes from the authorized public office. Second, the power of formal proof, namely the notary deed, must provide an existential guarantee of the reality that occurs in the deed is actually done by the notary or based on information from the parties at the time of making the deed, such as the date, day, and time of the deed.[17] Third, the power of material proof, namely that the deed is

[12] Nurita, *Cyber Notary Pemahaman Awal Dalam Konsep Pemikiran*.

[13] Nurita, *Cyber Notary Pemahaman Awal Dalam Konsep Pemikiran*.

[14] Andes, "Konsep Dasar Cyber Notary : Keabsahan Akta Dalam Bentuk Elektronik."

[15] Soedaryo Soimin, *Kitab Undang-Undang Hukum Perdata* (Jakarta: Sinar Grafika, 2016).

[16] Habib Adjie, "Kuliah Politik Hukum Kenotariatan" (Surabaya, 2023).

[17] Ibid.

considered to be a true deed that contains all the wishes of the parties and can be accounted for the truth because everything is complete in the deed, both the parties, the object and the place and date the deed was made.[18] The implementation of notary protocols, which are all done manually and face-to-face to exercise their authority, the implementation of the cyber notary concept is too risky in the process of making authentic deeds, proving the identification of the parties by the notary can be considered because now data falsification is increasingly rampantThe implementation of notary protocols, which are all done manually and face-to-face to exercise their authority, the implementation of the cyber notary concept is too risky in the process of making authentic deeds, proving the identification of the parties by the notary can be considered because now data falsification is increasingly rampant.

The implementation of the notary position has several protocols, such as in Article 16 paragraph 1 point (m) requiring the notary to read the deed that has been made in front of the parties and signed at that time. Reading the deed that requires an internet channel can be constrained if it experiences a signal down from one party while the other party is not aware or even the notary himself is not aware of it because he focuses on reading the deed, so that there are parties who do not know some of the contents of the deed which is feared to become a problem in the future because they feel disadvantaged and feel that they do not hear the notary's statement when the deed is read.

Uniformity of the legal basis is needed if cyber notary will be applied considering that authentic deeds are regulated in several laws and regulations in Indonesia such as the Civil Code, the Electronic Information and Transaction Law (ITE Law), the Notary Position Law (UUJN), the Limited Liability Company Law (UUPT), the Fiduciary Guarantee Law, and the Foundation Law.

The implementation of cyber notary means requiring a major overhaul of the UUJN both in its authority and the results of the deeds made, remembering all the protocols in making authentic deeds that must be carried out by notaries traditionally and involving several parties so that detailed regulations about its implementation are urgently needed to minimize problems. For example, the notary protocol that requires storing the minuta deed made contained in Article 16 paragraph 1 points (b) and (c) of the UUJN, if you see the sound of this article, it must also be explained how or the notary standard stores the minuta deed so that there will be no leakage of the deed to outsiders, considering that many government websites are still experiencing data leaks as recently conveyed by the BSSN spokesperson.[19]

Based on data in the field, the weaknesses and advantages of the application of the cyber notary concept are conveyed in the following table:

Table 1. application of the cyber notary concept

Indicators	Debilitation	Excess
notary	The protocols are complicated; Upgrade technological capabilities; Upgrade office facilities.[20]	Efficient Place; Reach more clients; Work fast if central technology supports.
Internet Channels	The digital divide; The signal is unstable during the deed creation process, such as the deed reading process.	Practical because it can be done from one place and is more flexible.

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[18] Salim HS, *Teknik Pembuatan Akta Satu (Konsep Teoritis, Kewenangan Notaris, Bentuk Dan Minuta Akta)*, 1st ed. (Depok: PT. RajaGrafindo Persada, 2022).

[19] CNN Indonesia, "Situs Administrasi Pemerintah Jadi Yang Terbanyak Dibobol Hacker" (Jakarta, 2023).
[20] "Hasil Wawancara Dengan Narasumber Profesi Notaris Praktek" (Sleman, 2023).

Indicators	Debilitation	Excess
Readiness of Laws and Regulations	There is no uniformity of the many laws that discuss authentic deeds from notaries; It is only mentioned in the UUJN and even that is in the explanation section, not the article; There is no further discussion about cyber notary because article 5 paragraph (4) of the latest ITE Law still reads the same that electronic documents do not apply to notary deeds.[21]	Starting to open up opportunities for the entry of cyber notaries by mentioning them in the explanation of the UUJN.
Public Community Readiness	Not all parents understand electronic systems, especially in villages; Not all have a mobile phone that can access the internet; Many people are calmer by having a physical deed.[22]	Making it easier for the technology-literate generation is also more efficient in storage.
Readiness of All Law Enforcement Officials	Lack of responsiveness of law enforcement in sub-districts and villages; Long administration; Unprofessionalism and moral ethics deficit as well as limited facilities.	Crime prevention can be easier to do with data trackers.
Electronic Authenticity Deed	Guarantee of the authenticity of the deed; Electronic authenticity deed standard; Standards for checking the data of the parties so that there is no falsification of identities or documents concerned. Making copies, grosses, and deed citations only once does not need to be repeated because it already exists in the form of a file that can be duplicated.[23]	Storage is more practical; Reduce costs substantially.
Readiness in Service (Implementation of Authority According to Protocol)	Application of the principle of prudence; Must be selective in accepting clients and at the stage of introduction of the parties who will make the deed; Checking repeatedly on related documents, checking the authenticity of the data of the parties; It is more complicated because it has to depend on applications or systems whose circumstances cannot be ascertained.[24]	Efisien biaya substansial;
Security Deed	The lack of security of the Indonesian system can be seen in the news of many websites or state documents that have been hijacked by hackers, especially those belonging to the government.[25]	It is easy to find again if something unwanted happens because it will always be stored in the database so there is no need to ask the notary for a copy.

The application of cyber notary in the Indonesian legal system, especially in the context of sharia economic transactions, faces several challenges and advantages that need to be considered. From the notary

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[21] "Hasil Wawancara Dengan Akademisi Praktisi Hukum" (Yogyakarta, 2023).

[22] "Hasil Wawancara Dengan Tokoh Masyarakat" (Lamongan, 2023).

[23] "Hasil Wawancara Dengan Narasumber Profesi Notaris Praktek."

[24] Ibid.

[25] CNN Indonesia, "Situs Administrasi Pemerintah Jadi Yang Terbanyak Dibobol Hacker."

side, the main drawbacks are the complicated protocols, as well as the need to improve the technological capabilities and office facilities. However, the significant advantages of a cyber notary are the efficiency of space and time, as well as the ease of reaching clients from different locations, which speeds up the work of a notary. On the other hand, the biggest challenge in the implementation of cyber notary is the digital divide in Indonesia, where not all regions have stable internet access, so it can interfere with the process of making electronic deeds. Even so, the flexibility of online services from one place is one of its advantages.

The readiness of laws and regulations is also an obstacle, considering that there is no uniformity of regulations related to electronic authentic deeds. However, the initial step by including cyber notary in the explanation of the Notary Office Law shows a positive opportunity for its implementation. From the perspective of the community, especially in rural areas, many are still unfamiliar with electronic systems, so further education is needed. However, for the young generation who are tech-savvy, cyber notaries offer convenience in terms of document storage and access.

The readiness of law enforcement officials at the local level is also a challenge, especially related to inadequate infrastructure and administration. However, cyber notaries have the potential to make it easier to track crimes with digital data systems. In the case of electronic authentic deeds, although there are challenges related to authenticity verification and manufacturing standards, the main advantages are more practical storage and reduced costs. The application of the principle of prudence is also important in this service, especially in the client selection process and document checking, although this can add complexity. In terms of security, despite concerns about system security in

Indonesia, cyber notaries can provide a safer and more efficient storage solution, thereby reducing the need to re-access copies of documents from notaries.

Implications of the Application of Cyber Notary on Legal Certainty in Sharia

Economic Transactions The application of cyber notary in the Indonesian legal system, especially in the context of sharia economic transactions, is one of the topics that is increasingly relevant in this digital era. Information and communication technology has accelerated changes in the way people transact and interact, including in the legal and economic fields. This technological advancement offers various conveniences for the community, including in the field of law, especially notaries. With the existence of a cyber notary regulated in Article 15 paragraph (3) of the Notary Position Law (UUJN), notaries are given the authority to certify transactions electronically. However, the application of cyber notary still requires more in-depth study to understand its implications, especially in the context of sharia economic transactions that emphasize the principles of Islamic law.

The use of technology in the legal field is inevitable, given the rapid development in the digital world. In the context of cyber notary, the notary has the authority to certify transactions electronically. Cyber notary gives notaries the authority to authenticate electronic transactions, but clear guidance on their application is still needed.[26] Notaries need to be provided with more detailed guidelines regarding the exercise of these powers, so that they can facilitate their work and provide broad benefits to society in accordance with utilitarian theory, where good law must provide the greatest benefit to society.

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[26] A A Gede et al., "Notary Authority in Certifying Electronic Transaction Documents," *Journal of Political And Legal Sovereignty* (2023).

Conventional systems will gradually be replaced by electronic systems, and notary institutions need to adapt to these changes. Currently, in the UUJN, changes related to cyber notary are only mentioned in the explanation of Article 15 paragraph (3) and are limited to the authority to authorize electronic transactions. However, the concept of electronic storage of notary protocols, which aims to improve the security and effectiveness of notary protocol storage, has not been fully regulated.[27] Although the ITE Law has regulated the electronic storage of documents, there are no specific rules that regulate notary documents or archives. Therefore, the electronic storage of documents, including notary deeds, needs to be regulated more clearly to ensure data security and legal certainty.

In the era of modern technology like today, especially during the Covid-19 pandemic, cyber notary has become increasingly important. Article 16 paragraph (1) letters C and M of the UUJN requires the notary to attach fingerprints to the original deed and read the deed in front of the client who is attended by at least two witnesses. Once read, the deed must be signed by the client, witnesses, and notary. However, the ITE Law restricts electronic documents, including notary deeds, from the category of legal electronic information.[28] Therefore, the creation of electronic deeds does not have a strong legal basis and does not guarantee legal certainty, especially related to the authenticity and existence of the electronic deed. This study also explores the practice of applying the concept of cyber notary in several countries that adhere to common law and civil law traditions, which have strengthened the function and role of notaries in electronic transactions.

As a country with a majority Muslim population, Indonesia has a large market share to develop businesses with the sharia economic system. The presence of a notary is very important to ensure legal certainty for the public in conducting sharia transactions. Notaries play an important role in supporting the development of sharia-based economies, such as in making sharia contracts in Islamic banking or other Islamic financial institutions. However, one of the potential disputes in sharia economic transactions is when one of the parties does not follow the sharia principles stated in the notary deed. Notaries have a vital role in guaranteeing the rights and obligations of the parties involved in the contract. The creation of authentic deeds by notaries is carried out in order to create certainty, order, and legal protection to avoid disputes in the future.

The notary authority in approving electronic transactions is regulated in the explanation of Article 15 paragraph (3) of Law Number 2 of 2014. This authority is an important milestone for the concept of cyber notary in Indonesia, although its implementation still faces various obstacles, including the lack of definitive regulations regarding cyber notary.[29] Law Number 2 of 2014 does mention cyber notary, but it does not provide a clear normative definition of this. As a result, the concept of cyber notary in Indonesia is still limited to the certification of electronic transactions and does not include other aspects such as electronic storage of notary protocols. Challenges in the implementation of notary authority related to cyber notary include the procedure for making authentic deeds

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[27] Kus Rizkianto, Kanti Rahayu, and M Mukhidin, "Cyber Notary Kepastian Hukum Penyimpanan Dokumen Notaris," *Diktum: Jurnal Ilmu Hukum* (2022).

[28] Ikhsan Lubis et al., "Comparison of Civil Law Regarding The Implementation of Cyber Notary in Countries With Common Law and Civil Law Traditions," *Jurnal IUS Kajian Hukum dan Keadilan* (2022).

[29] Shinta Pangesti, G I Darmawan, and Cynthia P Limantara, "The Regulatory Concept of Cyber Notary in Indonesia," *Rechtsidee* (2021).

regulated in Article 38 of Law Number 2 of 2014, the introduction of the parties, the reading and signing of the deed, and the storage of the deed in the form of minuta which is part of the notary protocol.

Comparative research between cyber notary systems in Indonesia and Australia conducted by Maharani [30] shows the fundamental differences in the regulations of the two countries. In Indonesia, cyber notary is clearly regulated in Law Number 2 of 2014, while in Australia, cyber notary is not specifically regulated in the law, but is part of the electronic transaction mechanism regulated in the Electronic Transaction Act 1999. However, the purpose of implementing cyber notary in both countries remains the same, namely to increase economic and trade potential through the digitization of the notary process. In Indonesia, one example of the implementation of cyber notary is through the Legal Entity Administration System (SABH) which is used for online company registration, while in Australia, the e-apostille system is used to legalize electronic documents.

Cyber notary has great potential to accelerate the pace of development of Indonesia's economic law. Cyber notary not only adds value to electronic documents by legalizing them, but also digitizes notary operations. However, its implementation still takes time because many aspects need to be prepared, including technological infrastructure and clearer regulations. [31] Article 1868 of the Indonesian Civil Code states that an authentic deed is a deed made in a certain form that has been determined by law and made in the presence of an authorized public official. Therefore, in order for cyber notaries to function optimally, deeper reforms in existing regulations are needed.

In this era of modern technology, especially with the Covid-19 pandemic, the implementation of cyber notary has become increasingly urgent. In addition to facilitating the electronic transaction process, cyber notary also offers advantages in terms of efficiency and data security. However, there are still several challenges that need to be overcome, including the need for clearer regulations regarding the electronic creation and storage of notary deeds, as well as the protection of the data and privacy of the parties involved. With the right regulations and adequate technological infrastructure, cyber notary can be an effective solution to speed up the transaction process and increase legal certainty in Indonesia, especially in sharia economic transactions.

In conclusion, the implementation of cyber notary in Indonesia offers various opportunities to improve efficiency and legal certainty, especially in sharia economic transactions. However, there are a number of challenges that need to be overcome so that its implementation can run smoothly and in accordance with the principles of sharia law. In the future, clearer and more detailed regulations on cyber notary and the development of supporting technological infrastructure will be key factors in ensuring that Indonesia can harness the full potential of the digitization of the notary process.

Conclusion

The conclusion of this study is that the application of cyber notary in the context of sharia economic transactions in Indonesia has great potential to increase efficiency, speed up the transaction process, and strengthen legal certainty. This technology

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[30] Tanty Maharani, L Parman, and Lalu Muhammad Hayanul Haq, "Cyber Notary System in the Order of Norms in Indonesia and Australia (Comparative Study in Notary Service Improvement Strategies)," *International Journal of Scientific Research and Management* (2019).

[31] Ikhsan Lubis et al., "Cyber Notary as A Mean of Indonesian Economic Law Development," *Sriwijaya Law Review* (2023).

allows for the creation and legalization of electronic documents without the need for the physical presence of the parties involved, making it ideal for cross-regional or international transactions. However, the implementation of cyber notary also faces a number of challenges, especially related to the validity of electronic documents in accordance with sharia law, data protection and privacy, and the digital infrastructure gap in Indonesia. In sharia economic transactions, the validity of the contracts carried out must be guaranteed, and the cyber notary must be designed by paying attention to the basic principles of sharia, such as honesty (sidq), justice ('adl), and clarity (gharar).

In addition, data protection and privacy are important aspects in the implementation of cyber notary, considering that digital transactions are vulnerable to the threat of data leaks or cyberattacks. The government and stakeholders must ensure that the technology used is able to ensure data security and the validity of electronic documents.

By overcoming these challenges, cyber notary can be an important instrument in accelerating the development of the sharia economy in Indonesia. Uniformization of laws and regulations, improvement of digital infrastructure, and development of sophisticated security systems will be the key to the successful implementation of cyber notary in sharia economic transactions based on legal certainty, justice, and transparency.

Credit Authorship Contribution

Ulfia Nur Faiqoh: Methodology, Investigation, Writing - Original Draft, and Supervision. **Nynda Fatmawati Octarina**: Methodology, Resources, and Writing - Review & Editing..

Declaration of Competing Interest

References

Adjie, Habib. "Kuliah Politik Hukum Kenotariatan," 2023.

Amalia, Aisyah, and Widhi Handoko. "Peluang Penerapan Cyber Notary Di Indonesia." *Notarius* 15, no. 2 (2022): 616–625.

Andes, Willi Wijaya. "Konsep Dasar Cyber Notary : Keabsahan Akta Dalam Bentuk Elektronik." *29 November 2018*, November 2018.

CNN Indonesia. "Situs Administrasi Pemerintah Jadi Yang Terbanyak Dibobol Hacker." Jakarta, 2023.

Gede, A A, Krisna Prabhawisnu, I Sujana, P Ayu, and Sriasih Wesna. "Notary Authority in Certifying Electronic Transaction Documents." *Journal of Political And Legal Sovereignty* (2023).

HS, Salim. *Teknik Pembuatan Akta Satu (Konsep Teoritis, Kewenangan Notaris, Bentuk Dan Minuta Akta)*. 1st ed. Depok: PT. RajaGrafindo Persada, 2022.

Kemenkominfo RI. "Laporan Kinerja Kementerian Kominfo," no. 9 (2022).

Kementrian Pertahanan RI. "Perubahan Atas Undang-Undang Nomor 30 Tahun 2004 (Uu Nomor 02 Tahun 2014)" (2016): 1–43.

Kemkominfo. "Undang-Undang Republik Indonesia Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik" 53, no. 9 (2008): 287.

Lubis, Ikhsan, Tarsisius Murwadji, M Siregar, Detania Sukarja, Robert Robert, Dedi Harianto, and Mariane Magda Ketaren. "Comparison of Civil Law Regarding The Implementation of Cyber Notary in Countries With Common Law and Civil Law Traditions." *Jurnal IUS Kajian Hukum dan Keadilan* (2022).

Lubis, Ikhsan, Tarsisius Murwadji, S Sunarmi, and Detania Sukarja. "Cyber Notary as A Mean of Indonesian Economic Law Development." *Sriwijaya Law Review* (2023).

Maharani, Tanty, L Parman, and Lalu Muhammad Hayanul Haq. "Cyber Notary System in the Order of Norms in Indonesia and Australia (Comparative Study in Notary Service Improvement Strategies)." *International Journal of Scientific Research and Management* (2019).

Natasari, E, B Ginting, Runtung, and S Kalo. "Notary Role in the Development of Sharia-Based Economy." *Proceedings of the International Conference on Law, Governance and Islamic Society (ICOLGIS 2019)* (2020).

Nur, Indriantoro. "Sistem Informasi Strategik: Dampak Teknologi Informasi Terhadap Organisasi Dan Keunggulan Kompetitif." *Kompak* 9 (2020).

Nurita, R.A Emma. *Cyber Notary Pemahaman Awal Dalam Konsep Pemikiran*. Edited by Habib Adjie and Muhammad Hafidh. 1st ed. Bandung: PT. Refika Aditama, 2022.

Pangesti, Shinta, G I Darmawan, and Cynthia P Limantara. "The Regulatory Concept of Cyber Notary in Indonesia." *Rechtsidee* (2021).

Raharjo, Budi. "Pemerataan Akses Internet Di Indonesia Masih Jadi Tantangan Besar." *7 Juni*, 2023.

Ridwan. *Skala Pengukuran Variabel-Variabel Penelitian*. Bandung: Alpabhet, 2005.

Rizkianto, Kus, Kanti Rahayu, and M Mukhidin. "Cyber Notary Kepastian Hukum Penyimpanan Dokumen Notaris." *Diktum: Jurnal Ilmu Hukum* (2022).

Sebyar, Muhamad Hasan. "Faktor-Faktor Penyebab Permohonan Dispensasi Kawin Di Pengadilan Agama Panyabungan." *Syari'ah: Journal of Indonesian Comperation of Syari'ah Law* 5, no. 1 (2022): 1–14.

Soimin, Soedaryo. *Kitab Undang-Undang Hukum Perdata*. Jakarta: Sinar Grafika, 2016.

Widya Sujud, Nadya. "Kekuatan Hukum Akta Notaris Berdasaran Cyber Notary Menurut Sistem Hukum Di Indonesia." *Civil Law* 1 (2019).

"Hasil Wawancara Dengan Akademisi Praktisi Hukum." Yogyakarta, 2023.

"Hasil Wawancara Dengan Narasumber Profesi Notaris Praktek." Sleman, 2023.

"Hasil Wawancara Dengan Tokoh Masyarakat." Lamongan, 2023.