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Legal Status of Artificial Intelligence–Based Notarial Deeds: A Juridical Perspective under Indonesian Notarial Law

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Abstract: This study examines the legal status of artificial intelligence-based notarial deeds in Indonesia and their implications for legal validity. This study aims to analyze the legal status of such deeds and their evidentiary value within the Indonesian notarial legal system. This study uses a normative juridical approach based on statutory and conceptual analysis. The findings indicate that artificial intelligence does not fulfill essential requirements of authenticity, particularly the presence of the parties, the reading of the deed, and its execution before a notary. As a result, such deeds may be classified as private deeds with weaker evidentiary value. The absence of specific regulations creates a legal vacuum, leading to uncertainty. Therefore, adaptive regulatory frameworks are necessary to ensure legal certainty and protection for the parties involved.

Keywords: Artificial Intelligence, Notarial Deed, Legal Status, Cyber Notary, Evidentiary Value.

INTRODUCTION

Digital technology has transformed legal practice, which has traditionally been characterized by formal procedures and strict adherence to normative rules. Artificial Intelligence is increasingly used in legal document drafting. The integration of such technology into legal practice offers substantial benefits, particularly in terms of efficiency, speed, and cost reduction. However, it raises issues of validity, reliability, and legal certainty of the resulting legal products, especially when such products are expected to meet formal legal standards (Lai et al., 2023).

In the context of notarial practice, notarial deeds hold a crucial position as authentic written evidence with perfect evidentiary value. Authentic deeds function as instruments of proof and provide legal certainty for the parties (Sugiarti, 2023). Indonesian civil law recognizes authentic deeds as binding and conclusive evidence unless proven otherwise through judicial proceedings (Republik Indonesia, 1847). Therefore, notarial deeds must comply with formal and material legal requirement, ensuring that the process aligns with established legal norms and principles governing authenticity.

Notaries are authorized by the state to produce authentic deeds with legal responsibility. This authority is explicitly regulated under statutory provisions governing the notarial

profession (Republik Indonesia, 2014). In carrying out their duties, notaries are required to ensure the presence of the parties, verify their identities, read the deed aloud, and witness its signing directly (Sona, 2023). These requirements are essential elements of authenticity in guaranteeing the authenticity, legality, and evidentiary strength of the deed. Consequently, the role of a notary extends beyond document drafting to functioning as a legal gatekeeper who ensures compliance with applicable legal standards.

Cyber notary has emerged as part of digital transformation within the legal sector, allowing the integration of information and communication technology into notarial functions. This concept aims to enhance efficiency, accessibility, and flexibility in legal services, particularly in the context of electronic transactions and cross-border interactions (Rizkianti et al., 2025). On the other hand, Indonesian law has recognized electronic documents and digital signatures within electronic transactions, thereby providing a legal basis for certain aspects of digital legal practices (Republik Indonesia, 2008; Republik Indonesia, 2016). However, cyber notary implementation remains limited, particularly due to the absence of comprehensive and harmonized regulations governing its application within the notarial system. As a result, the legal status of electronically processed notarial documents continues to raise significant concerns regarding their authenticity and evidentiary value.

The utilization of Artificial Intelligence in drafting notarial deeds represents a more advanced stage in the digitalization of notarial practice. This technology has the capability to assist in automatically generating draft deeds based on structured data inputs, thereby improving efficiency and minimizing human error in document preparation. Nevertheless, its application raises fundamental legal questions as to whether such deeds fulfill the essential requirements of authenticity as mandated by law (Susilo & Dananjaya, 2023). Artificial Intelligence lacks legal personality and cannot be recognized as a legal subject. This limitation underscores that AI cannot replace the role of notaries, whose authority is derived from statutory attribution and is inherently linked to legal accountability (Ashley, 2017).

Furthermore, the use of Artificial Intelligence in legal practice introduces complex issues concerning accountability and legal responsibility. In situations where errors occur in the drafting of notarial deeds, determining liability becomes increasingly complicated, particularly when the drafting process involves automated systems. It raises critical questions as to whether responsibility should be attributed to the notary as the authorized public official or to the technological system employed (Riyanti, 2025). This complexity reflects the broader challenge of integrating advanced technologies into legal systems that are fundamentally based on human agency and accountability.

On the other hand, the legal framework in Indonesia regarding the use of technology in notarial practice remains relatively underdeveloped. Although electronic documents have been formally recognized within the legal system, there are no specific and comprehensive regulations governing the use of Artificial Intelligence in the preparation of notarial deeds (Fauziah, 2025). This regulatory gap creates a legal vacuum that may lead to uncertainty, inconsistency in practice, and potential legal disputes among parties relying on such technology.

Such regulatory limitations also have direct implications for the legal status of deeds prepared with the assistance of technology. If such deeds fail to meet the formal and material requirements of authenticity, their status may be downgraded to private deeds, which possess weaker evidentiary value and are subject to challenge in judicial proceedings (Sriyanto, 2025). This situation not only undermines the function of notarial deeds as instruments of legal certainty but also exposes parties to potential legal risks and disputes.

Despite the growing body of literature on cyber notary and the digitalization of legal services, most existing studies primarily focus on the general implementation of electronic

documents and digital signatures within notarial practices. Previous research has extensively examined the concept of cyber notary and its associated legal challenges; however, limited attention has been given to the specific application of Artificial Intelligence in the drafting of notarial deeds and its implications for legal authenticity and evidentiary value (Susilo & Dananjaya, 2023; Rizkianti et al., 2025). Furthermore, prior studies tend to emphasize technological adoption without sufficiently addressing the normative legal consequences arising from such integration.

Accordingly, there remains a significant research gap concerning the juridical status of Artificial Intelligence-based notarial deeds within the Indonesian legal system, particularly in relation to their compliance with the requirements of authenticity and their position within the hierarchy of evidentiary instruments. This study offers a focused and novel contribution by examining the normative legal implications of Artificial Intelligence in notarial deed drafting, particularly in relation to legal certainty, validity, and evidentiary strength. Therefore, this research aims to analyze the legal regulation of notarial deeds, examine the legal status of Artificial Intelligence-based notarial deeds, and assess their implications for validity and evidentiary strength. The research questions addressed in this study are: how are notarial deeds regulated under Indonesian law, what is the legal status of Artificial Intelligence-based notarial deeds, and what are the legal implications for their validity and evidentiary force.

METHOD

This study employs a normative juridical legal research approach focusing on the analysis of legal norms, principles, and statutory regulations related to the legal status of artificial intelligence-based notarial deeds within the Indonesian notarial legal system. The object of the study consists of legal materials; therefore, it does not involve population or sampling techniques as in empirical research but instead relies on primary, secondary, and tertiary legal sources. Primary legal materials include statutory regulations governing the notarial profession, civil law, and electronic information and transactions (Republik Indonesia, 1847; Republik Indonesia, 2008; Republik Indonesia, 2016; Republik Indonesia, 2014). Secondary materials consist of books, scholarly articles, and prior research relevant to the topic, while tertiary materials include legal dictionaries and other supporting sources. The study adopts statutory and conceptual approaches, supported by a limited comparative approach to enrich the analysis (Sugiarti, 2023; Susilo & Dananjaya, 2023). Legal materials were collected through library research by identifying and reviewing relevant literature. The analysis was conducted qualitatively using grammatical, systematic, and teleological interpretation methods to assess the alignment between existing legal norms and the development of artificial intelligence in notarial practice (Lai et al., 2023). The findings are presented using a descriptive-analytical approach to provide a comprehensive understanding of the issue.

RESULTS AND DISCUSSION

The findings show that notarial regulation remains conventional that positions notaries as public officials vested with exclusive authority to produce authentic deeds. Authentic deeds are regarded as written evidence possessing perfect evidentiary value under Indonesian civil law (Republik Indonesia, 1847), and their validity is contingent upon the fulfillment of both formal and material requirements in the drafting process. These requirements include the physical presence of the parties, the reading of the deed by the notary, and its signing before the notary in accordance with statutory provisions governing the notarial profession (Republik Indonesia, 2014). Accordingly, the authenticity of a notarial deed is determined not merely by its form but also by strict adherence to procedural legal requirements (Sona, 2023).

The advancement of Artificial Intelligence has introduced significant changes in the preparation of legal documents, including the drafting of notarial deeds. Functionally, this technology enhances efficiency by enabling the automated generation of legal drafts based on structured data inputs. However, the findings demonstrate that Artificial Intelligence lacks legal personality and cannot assume the role of a legal subject capable of replacing the notary. Rather, it serves solely as an assistive tool without any attributed legal authority within the legal system (Susilo & Dananjaya, 2023; Ashley, 2017). Consequently, the use of AI cannot substitute the authentication function, which remains exclusively within the competence of a notary as a public official.

In practice, the utilization of Artificial Intelligence in drafting notarial deeds raises critical issues concerning the fulfillment of authenticity requirements. One of the essential elements is the physical presence of the parties before the notary, which ensures the verification of identity and the alignment of the parties' intentions. The integration of AI-based systems potentially eliminates this requirement, thereby creating doubts regarding the legal validity of the resulting deed. Furthermore, although electronic signatures and digital documents have been recognized within the framework of electronic transactions (Republik Indonesia, 2008; Republik Indonesia, 2016), their application has not been fully harmonized with the procedural requirements of notarial law, particularly in relation to the reading and execution of deeds (Sriyanto, 2025). This regulatory mismatch highlights a fundamental tension between technological advancement and existing legal norms.

From the perspective of evidentiary strength, AI-based notarial deeds encounter substantial challenges within the civil law system. Authentic deeds possess binding and conclusive evidentiary force, whereas private deeds only carry evidentiary value to the extent that they are not disputed by the parties. The findings reveal that if a deed prepared with the assistance of Artificial Intelligence fails to meet the legal requirements of authenticity, it may undergo a legal degradation into a private deed. Such a transformation significantly weakens its probative value and diminishes its legal standing in judicial proceedings, thereby increasing the risk of legal disputes and uncertainty.

From a normative legal perspective, the inability of Artificial Intelligence to fulfill the requirements of authenticity can also be analyzed through the doctrine of legal subjectivity. In legal theory, only entities recognized as legal subjects are capable of bearing rights and obligations within a legal system. Since Artificial Intelligence does not possess legal personality, it cannot be held accountable for legal actions, including the drafting of legally binding documents. This limitation reinforces the position that AI cannot replace the role of a notary, whose authority is derived from statutory attribution and is inherently linked to legal responsibility and professional accountability.

Furthermore, the integration of Artificial Intelligence into notarial practice raises concerns regarding the standard of due diligence required from notaries. The reliance on automated systems may create risks related to data accuracy, system errors, and algorithmic bias, which could ultimately affect the validity of the deed. In this context, the notary must exercise a higher degree of caution to ensure that the use of AI does not compromise legal certainty or violate procedural requirements. This highlights the need for a regulatory framework that clearly defines the scope and limitations of AI utilization in notarial practice.

To further illustrate these distinctions, the following table presents a comparison between conventional authentic deeds and Artificial Intelligence-based deeds:

Tabel 1. Comparison between Authentic Deeds and Artificial Intelligence-Based Deeds

Aspect	Authentic Deed (Conventional)	AI-Based Deed
Legal Basis	Clearly regulated under positive law	Not specifically regulated
Author	Notary as a public official	AI system (with or without notary involvement)

Presence of Parties	Mandatory physical presence	Potentially remote or digital
Reading of Deed	Conducted by the notary	Not necessarily conducted directly
Signing Process	Executed before the notary	Potentially electronic
Evidentiary Value	Perfect and binding	Potentially equivalent to private deed
Legal Certainty	High	Relatively low
Legal Responsibility	Notary	Remains with the notary
Legal Status	Authentic deed	Potentially non-authentic

The table demonstrates fundamental differences between authentic deeds and those prepared with the assistance of Artificial Intelligence. These differences are not limited to technical aspects but extend to juridical dimensions concerning validity and evidentiary force. This finding underscores that the integration of technology without adequate regulatory support may undermine legal certainty and weaken the function of notarial deeds as reliable instruments of proof.

Furthermore, the findings reveal that the use of Artificial Intelligence in notarial practice raises significant issues concerning legal accountability. In cases involving errors in the drafting process, the notary remains legally responsible due to the inherent authority and obligations attached to the office (Riyanti, 2025). This indicates that the involvement of technology does not transfer liability to the system but instead reinforces the responsibility of the notary as a public official. Consequently, the adoption of AI introduces additional professional risks that must be carefully managed within the existing legal framework.

On the other hand, the absence of specific regulations governing the use of Artificial Intelligence in notarial practice reflects a clear legal vacuum. This condition not only creates legal uncertainty but also opens the possibility of future disputes (Fauziah, 2025). When viewed in a broader context, several jurisdictions have begun to regulate the application of artificial intelligence within legal systems, including through comprehensive frameworks such as the Artificial Intelligence Act proposed by the European Commission (European Commission, 2021). This comparative perspective highlights the urgency for Indonesia to develop adaptive legal regulations that can accommodate technological advancements while preserving fundamental legal principles.

From a comparative standpoint, the implementation of technology in notarial practices in various jurisdictions consistently maintains the central role of notaries as the primary actors in document authentication. Technology is positioned as a supporting instrument aimed at improving efficiency and accuracy rather than replacing the notary’s role (Susskind, 2019). Therefore, the integration of Artificial Intelligence into notarial practice must be carefully aligned with the principles of authenticity, legal certainty, and professional responsibility.

Based on the above analysis, it can be interpreted that the legal status of Artificial Intelligence-based notarial deeds within the Indonesian notarial legal framework remains weak and lacks a solid normative foundation. Deeds produced with technological assistance risk failing to meet the requirements of authenticity, thereby affecting their validity and evidentiary strength. Accordingly, there is a pressing need for comprehensive and adaptive regulatory frameworks to ensure legal certainty, protect the interests of the parties, and facilitate the responsible integration of Artificial Intelligence in notarial practice.

CONCLUSION

Based on the findings of this study, it can be concluded that the legal status of Artificial Intelligence-based notarial deeds within the Indonesian notarial legal framework remains inadequately regulated and lacks a solid normative foundation. The current legal system

continues to emphasize conventional procedures in the creation of authentic deeds, requiring the physical presence of the parties, the reading of the deed by the notary, and its execution before the notary as essential elements of authenticity. Consequently, the use of Artificial Intelligence in the drafting of notarial deeds cannot replace the role of the notary as a public official vested with attributive authority, but rather functions only as a supporting tool within administrative processes.

Furthermore, notarial deeds prepared with the assistance of Artificial Intelligence are at risk of failing to meet the legal requirements of authenticity if they are not conducted in accordance with applicable legal provisions. As a result, such deeds may be downgraded to private deeds with weaker evidentiary value, thereby reducing their probative force and legal reliability. This condition not only affects the validity and evidentiary strength of the deed but also creates legal uncertainty and increases the potential for disputes. Importantly, legal responsibility remains attached to the notary, indicating that the use of technological systems does not transfer liability from the notary to Artificial Intelligence.

This study contributes to the development of legal scholarship, particularly in the field of notarial law, by emphasizing the necessity of aligning regulatory frameworks with the rapid advancement of digital technologies. The findings underline that the integration of Artificial Intelligence into notarial practice must remain grounded in the principles of authenticity, legal certainty, and professional accountability. Therefore, comprehensive and adaptive legal reforms are essential to accommodate technological developments while ensuring legal protection for the public and strengthening the integrity of the legal system in Indonesia.

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