

# Notary Protocol Storage in Indonesia: A Jombang Regency Case Study and ASEAN Comparison

**Ramadian Putra Hariwijaya.**

Master of Notary Study Program, Postgraduate School, Islamic University of Malang, Indonesia.

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## Corresponding Author:

Ramadian Putra Hariwijaya.  
E-mail: [ramadianputra98@gmail.com](mailto:ramadianputra98@gmail.com).

**Abstract:** Article 16(1)(b) of Indonesia's Law No. 2 of 2014 requires every notary to retain deed minuta as part of the notary protocol, a state archive, yet prescribes no storage standard, and the Archives Law extends no equivalent standard to notaries. This is a national regulatory gap, not a Jombang anomaly, causing document dispersal and accumulating custodial burdens as protocols pass to successor notaries. This empirical legal study tests that gap through a case study of ten Notary-PPATs in Jombang Regency, tracing accountability from notary to the Regional Supervisory Council. Semi-structured interviews, verified through document analysis and triangulation, show all ten informants rely exclusively on paper-based storage, applying at least six distinct practices with no written SOP. Benchmarked against Vietnam and the Philippines, fellow ASEAN civil-law jurisdictions with comparable infrastructural starting points, rather than the more distantly resourced Netherlands and Germany, the gap proves a matter of unfinished legal design, not a peculiarity of one regency or country. The study offers the first empirically grounded, ASEAN-benchmarked account of this gap and proposes an implementable internal-SOP standard alongside a national legislative-reform pathway.

## 1. Introduction

Indonesia's identity as a state founded on the rule of law (*rechtsstaat*) is constitutionally enshrined in Article 1(3) of the 1945 Constitution.<sup>1</sup> Within this paradigm, legal certainty depends on the availability of convincing, traceable evidence describing the rights and obligations of each subject of law. The Notary, as a public official authorized to draw up authentic deeds, exists precisely to supply this evidentiary certainty and to perform a preventive function against future disputes.<sup>2</sup> Under the Law No. 2 of 2014, amending Law No. 30 of 2004 on the Office of Notary (UUJN), notaries are mandated not only to draft deeds but also to preserve them permanently as part of the notary protocol.<sup>3</sup> Article 16(1)(b) UUJN requires every notary to keep the deed minuta, and Article

<sup>1</sup> Sjaifurrachman and Habib Adjie, *Aspek Pertanggungjawaban Notaris dalam Pembuatan Akta* (Bandung: Mandar Maju, 2011), 21-24.

<sup>2</sup> Dana Ayu Fitrianingrum et al., "The Urgency of Electronically Storing Notary Protocol Archives Documents in the Concept of Progressive Law in Indonesia," *International Journal on Language, Research and Education Studies* 9, no. 1 (2024), <https://doi.org/10.47006/ijlres.v9i1.25524>.

<sup>3</sup> Law Number 2 of 2014 concerning the Amendment to Law Number 30 of 2004 concerning the Position of Notary (UUJN), art. 1(13) and art. 16(1)(b).

1(13) UUJN defines the notary protocol as a repository of state archives. This dual character, a private professional record that is simultaneously a public archive is the legal ought that anchors this study: the law commands permanent, secure, state-standard custody of an archive whose loss or damage would compromise legal certainty for the parties, their heirs, and the state itself.

However, diverges sharply from this norm. Article 16 UUJN mandates that deeds be bound into the protocol but is silent on how, what storage medium, what security standard, what supervision mechanism, this custody is to be technically executed.<sup>4</sup> Indonesian notarial literature has repeatedly documented the resulting risks: scattering, physical damage, and outright loss of protocol documents, a “snowball effect” as retiring or deceased notaries’ protocols accumulate onto successors without any corresponding expansion of storage capacity or state support,<sup>5</sup> and the practical degradation of protocols from state archives into archives that remain, in effect, the notary’s lifelong personal responsibility once the Regional Supervisory Board (MPD) proves unable to absorb protocols older than twenty-five years, as Article 63(5) UUJN requires.<sup>6</sup> Because the UUJN prescribes no uniform procedure, custodial practice becomes idiosyncratic and unevenly protective of confidentiality and integrity, precisely the gap between norm and practice this study investigates.

Research on notary protocol storage has grown substantially over the past decade, but it clusters around two poles that leave the present problem only partially addressed. The first pole is technological and reformist: a large body of Indonesian scholarship explores electronic or cyber-notary storage as a solution to the deficiencies of conventional archiving. Susilawati, Asikin, and Suhartana show that electronic transactions can strengthen legal certainty and data security in notarial practice, while cautioning that the UUJN/UUJN-P still does not regulate whether protocol storage may be digital.<sup>7</sup> Kurniawan and Hidayati similarly call for a reformulation of protocol-archive arrangements toward digital form, identifying data-breach risk and unequal regional infrastructure as the principal obstacles.<sup>8</sup> Comparable urgency arguments appear in studies on electronic storage as a matter of progressive law, on cloud-computing-based storage,<sup>9</sup> and on blockchain as a tamper-resistant alternative for protocol archives.<sup>10</sup>

Internationally, this technological trajectory is echoed well beyond Indonesia. Dias Menezes, de Araújo, and Nishijima design a blockchain and smart-contract architecture for Brazilian civil-law notaries that would make notarial acts machine-verifiable without displacing the notary’s role

<sup>4</sup> Rusdi Hafizi Lubis, Siti Hajar Siregar, and Zakiah An Nisa’ Basuni, “Tanggungjawab Notaris Menyimpan dan Memelihara Minuta Akta,” *Ex-Officio Law Review* 3, no. 1 (2024): 11–17, <https://doi.org/10.36294/exofficio.v3i1.3432>.

<sup>5</sup> Evi Menawati and Siti Muadah, “Urgensi Penyimpangan Protokol Notaris Secara Elektronik Menuju Era Cyber Notaris,” *Future Academia: The Journal of Multidisciplinary Research on Scientific and Advanced* 2, no. 4 (2024): 652–60, <https://doi.org/10.61579/future.v2i4.232>.

<sup>6</sup> Karin Christiana Basoeki, “Kewajiban Pelaksanaan Penyimpanan Protokol Notaris Sebagai Arsip Negara dalam Aspek Kepastian Hukum,” *Jurnal Locus Penelitian dan Pengabdian* 4, no. 8 (2025): 7769–77, <https://doi.org/10.58344/locus.v4i8.4669>.

<sup>7</sup> Tatik Susilawati, Zainal Asikin, and Lalu Wira Pria Suhartana, “Implementation of Electronic Transactions of Notary’s Deeds in Improving Legal Certainty and Data Security,” *Path of Science* 10, no. 1 (2024): 8024–33, <https://doi.org/10.22178/pos.100-33>.

<sup>8</sup> Risqi Kurniawan and Rahmatul Hidayati, “Reformulation of Notary Protocol Archive Storage Arrangements in Digital Form,” *Sosioedukasi: Jurnal Ilmiah Ilmu Pendidikan dan Sosial* 15, no. 1 (2026): 1199–1208, <https://doi.org/10.36526/sosioedukasi.v15i1.7452>.

<sup>9</sup> R. A. Bimaroni, Apromico, and M. A. Chalim, “The Concept of Cloud Computing for Notary Protocol Storage Reviewed from the Secrets of the Notary Position,” *Asian Journal of Engineering, Social and Health* 3, no. 8 (2024), <https://ajesh.ph/index.php/gp/article/view/424>.

<sup>10</sup> Tiara Karlina, “Penerapan Teknologi Blockchain dalam Penyimpanan Protokol Notaris,” *Badamai Law Journal* 9, no. 1 (2024): 120–34, <https://doi.org/10.32801/damai.v9i1.19794>.

as trusted intermediary;<sup>11</sup> Fill and Härer, writing from a Swiss vantage point, model two concrete usage scenarios for permissioned blockchains in civil-law notarial practice while stressing that the notary's impartial, state-appointed status must still be preserved in any technical design;<sup>12</sup> and Koos offers a comparative account of "cyber notary" discourse in Indonesia and Germany, concluding that digital instruments are being folded into notarial work in both jurisdictions but that Indonesia's integration remains at an early, unregulated stage.<sup>13</sup> Nazran, Purba, Saidin, and Kaban extend the comparison further, contrasting Indonesia's still-restrictive in-person authentication requirement with remote and blockchain-assisted validation already operating in the United States, the Netherlands, and Australia.<sup>14</sup> Putra and colleagues go furthest in this direction by proposing a complete blockchain-based e-notary framework for Indonesia, mapping the specific legal-gap points in existing regulation that any such framework would need to close.<sup>15</sup>

The second pole is doctrinal and custodial: a smaller but directly relevant body of literature examines who bears responsibility for the physical protocol and how that responsibility is transferred. Lubis, Siregar, and Basuni analyze the notary's duty to store and maintain the deed minuta; Halim documents notarial responsibility for safeguarding the minuta specifically;<sup>16</sup> Sitorus, Purba, and Suprayitno examine the custodial chain from executing notary to successor to MPD;<sup>17</sup> Aisy and Wardana address the legal protection owed to a notary who receives the protocol of a deceased colleague;<sup>18</sup> and Wiguna, Ikhwansyah, and Mayana call for harmonized regulation of digital protocol storage across the profession.<sup>19</sup> Fitriasari's 2022 study on the notary's role in electronic-archive storage is the closest antecedent to the present research in subject matter, but it is confined to a doctrinal description of the notary's position and does not test that position against field practice in any single jurisdiction.<sup>20</sup>

A third, still thinner strand of the literature situates Indonesian notarial practice within its immediate regional context. Comparative work on Vietnam, Indonesia's closest ASEAN peer in retaining a continental, civil-law notarial institution, shows that electronic notarization there has

<sup>11</sup> Leonardo Dias Menezes, Luciano Vieira de Araújo, and Marislei Nishijima, "Blockchain and Smart Contract Architecture for Notaries Services under Civil Law: A Brazilian Experience," *International Journal of Information Security* 22, no. 4 (2023): 869–80, <https://doi.org/10.1007/s10207-023-00673-3>.

<sup>12</sup> Hans-Georg Fill and Felix Härer, "Usage Scenarios for Blockchain Technologies in the Domain of Civil Law Notaries," *Jusletter IT* (2020): 201–20, <https://doi.org/10.38023/b23fc2c5-0ccf-4cde-9620-a6eda7001cb5>.

<sup>13</sup> Stefan Koos, "The Digitization of Notarial Tasks: A Comparative Overview and Outlook of 'Cyber Notary' in Indonesia and Germany," *The Indonesian Journal of Socio-Legal Studies* 2, no. 2 (2023): 1–28, <https://doi.org/10.54828/ijsls.2023v2n2.1>.

<sup>14</sup> Fina Nazran, Hasim Purba, O. K. Saidin, and Maria Kaban, "Legal Protection of Notaries in Document Validation through Technology-Based Systems: A Comparative Legal Review of Indonesia, the United States, the Netherlands, and Australia," *Journal of Ecohumanism* 3, no. 7 (2024): 4975–82, <https://doi.org/10.62754/joe.v3i7.4608>.

<sup>15</sup> Panca O. Hadi Putra et al., "A Framework for Integrated E-notary Services Based on Blockchain for Civil Law Notaries: The Case of Indonesia," *JOIV: International Journal on Informatics Visualization* 9, no. 1 (2025): 153–62, <https://doi.org/10.62527/joiv.9.1.3170>.

<sup>16</sup> Abdul Halim, "Tanggung Jawab Notaris dalam Menjaga Minuta Akta," *FENOMENA* 20, no. 2 (2022): 184–90, <https://doi.org/10.36841/fenomena.v20i2.2402>.

<sup>17</sup> Boni Fransius Sitorus, Hasim Purba, and Suprayitno Suprayitno, "Tanggung Jawab Notaris Menyimpan dan Memelihara Minuta Akta Sebagai Protokol Notaris Sesuai UU Jabatan Notaris," *COMSERVA: Jurnal Penelitian dan Pengabdian Masyarakat* 4, no. 6 (2024): 1703–13, <https://doi.org/10.59141/comserva.v4i6.2484>.

<sup>18</sup> Karen Apriliani and Fully Handayani Ridwan, "Perlindungan Hukum Terhadap Notaris Penerima Protokol Notaris Lain yang Telah Meninggal Dunia," *UNES Law Review* 7, no. 2 (2024): 708–20, <https://doi.org/10.31933/unesrev.v7i2.2357>.

<sup>19</sup> Britney Azzahra Wiguna, Isis Ikhwansyah, and Ranti Fauza Mayana, "Harmonisasi Peraturan Penyimpanan Protokol Notaris Digital," *Acta Diurnal: Jurnal Ilmu Hukum Kenotariatan dan Ke-PPAT-an* 7, no. 2 (2024): 193–206, <https://doi.org/10.23920/acta.v7i2.1840>.

<sup>20</sup> Resa Eka Nur Fitriasari, "Peran Jabatan Notaris dalam Penyimpanan Protokol Notaris yang Disimpan dalam Bentuk Elektronik Arsip," *Jurnal Hukum dan Kenotariatan* 6, no. 2 (2022): 1052–71, <https://doi.org/10.33474/hukeno.v6i2.17797>.

been built into an integrated model interconnected with national databases, though implementation still confronts unsynchronised technical infrastructure and entrenched reliance on traditional service modalities.<sup>21</sup> An earlier study of the same jurisdiction identifies data-security assurance and the unsettled evidentiary status of the electronic notarial record, rather than technological unavailability as such, as the principal obstacles to Vietnam's digital transformation of notarial practice.<sup>22</sup> The Philippines, whose notarial system likewise descends from Spanish civil-law practice before being layered with American procedural forms, offers a different but equally instructive comparator: its Supreme Court has, since 2025, required notaries to transmit digitised duplicates of every notarial act to the Clerk of Court within ten days of the following month, embedding notarial-record custody within the judiciary's own digital-reporting and archival infrastructure rather than leaving it to individual notarial discretion.<sup>23</sup> Broader regional evidence confirms that this unevenness is not confined to notarial practice specifically: a recent convergence analysis of ASEAN's lower-Human-Development-Index states finds persistent, non-converging disparities in digital infrastructure and adoption even among neighbouring jurisdictions, Indonesia included, underscoring that any Indonesian reform proposal should be calibrated to a regional baseline that is itself uneven, rather than to the far more resourced Northern European systems more commonly cited in the existing comparative literature.<sup>24</sup>

Read together, this literature leaves three gaps unaddressed, and it is the third that this article treats as its central contribution. First, the technological/reformist literature is predominantly prescriptive: it argues for what protocol storage should eventually become (electronic, cloud-based, or blockchain-secured) but seldom documents what protocol storage currently is, in practice, at the level of an individual notarial office. Second, the doctrinal/custodial literature clarifies who is responsible in principle but does not examine whether and how unevenly that responsibility is discharged once storage decisions are left, as the UUJN currently leaves them, to each notary's own initiative. Third, and genuinely unaddressed in the literature reviewed above, no Indonesian study has yet paired an empirical, office-level account of notarial storage practice with a comparative reading of fellow ASEAN civil-law notarial jurisdictions: existing comparative work on Indonesian notarial digitalisation looks chiefly toward the Netherlands and Germany, jurisdictions whose professional infrastructure, state-supported digital identity systems, and archival institutions bear little resemblance to Indonesia's own, while Vietnam and the Philippines, which share a comparable civil-law notarial heritage and comparable infrastructural constraints, and which are simultaneously undergoing their own notarial-digitalisation reforms, have not previously been brought into the Indonesian notarial-storage literature at all. No prior study has combined a normative reading of Articles 16, 58, 59, 62, and 63 UUJN with a systematic empirical comparison of storage practice across a defined set of notarial offices in one regency, cross-checked against the account-

<sup>21</sup> Nguyen Chi Khang, "Approaching Electronic Notarization in Vietnam: From Public Service Practice to a Sustainable Development Perspective," *Veredas do Direito* 23, no. 12 (2026): e237723, <https://doi.org/10.18623/rvd.v23.7723>.

<sup>22</sup> B. N. Khanh and P. X. Linh, "Electronic Notarization in the Context of Digital Transformation in Vietnam: Challenges and Recommendations," *International Transaction Journal of Engineering, Management, & Applied Sciences & Technologies* 13, no. 9 (2022): 1-13, <https://doi.org/10.14456/ITJEMAST.2022.189>.

<sup>23</sup> Supreme Court of the Philippines, En Banc Resolution, A.M. No. 02-8-13-SC (Re: 2004 Rules on Notarial Practice), March 4, 2025; Supreme Court of the Philippines, A.M. No. 24-10-14-SC (Rules on Electronic Notarization), February 4, 2025.

<sup>24</sup> Arlinah Abd Rashid, Azlina Hanif, Nor Hazirah Mohamad Shukri, and Dragica Zugic, "Bridging the Digital Divide in ASEAN: Insights from Vietnam, Philippines, Laos, Cambodia, and Indonesia," *Open Research Europe* 5 (2025): 220, <https://doi.org/10.12688/openreseurope.20260.1>.

ability structure running from notary to successor to MPD, and read against this regional ASEAN benchmark rather than a distant European one.

This study addresses that combined gap by providing what is, to the author's knowledge, the first empirically grounded, multi-office account of notary protocol storage practice in Jombang Regency, triangulating semi-structured interviews with ten Notaries-PPAT (including the regional leadership of the Indonesian Notary Association) against the normative requirements of the UUJN and, for the first time in this literature, against the comparative experience of fellow ASEAN civil-law notarial jurisdictions, Vietnam and the Philippines, rather than the more distantly resourced European systems previously invoked in Indonesian notarial scholarship. Its novelty is threefold and, to the author's knowledge, has not previously been advanced in combination by any published study: it documents, rather than merely assumes, how much practical diversity conventional storage already contains in the absence of a technical standard; it uses that documented diversity as the evidentiary basis for a concrete, immediately implementable internal-SOP recommendation that does not wait for the digital transition the existing literature otherwise assumes; and it anchors both that recommendation and the study's broader legislative proposals in a regional ASEAN benchmark that no prior Indonesian notarial-storage study has brought to bear. Jombang Regency functions in this design as a diagnostic case rather than as the boundary of the study's relevance: because Article 16 UUJN and the Archives Law apply uniformly to every notary across Indonesia's 514 regencies and cities, the normative silence documented here is, by construction, a national condition, and because the same silence is shown in Section 3.3 to have a direct counterpart in pre-reform civil-law practice abroad, the diagnostic logic developed through the Jombang case, that normative silence produces practice diversity, which in turn strains the accountability chain, travels beyond the single regency in which it was empirically observed.

The urgency of this inquiry is not merely doctrinal. Because the UUJN designates the notary protocol as a state archive, unaddressed storage risk is a state-archival risk: every instance of scattering, damage, or unauthorized access represents a potential loss of primary legal evidence with irreversible consequences for the parties' civil rights. The problem is compounded structurally rather than individually, because the volume of protocols any single notary must guard grows monotonically over a career and beyond it, successor notaries inherit the archives of the deceased and the retired even as the MPD's capacity to absorb protocols older than twenty-five years, as Article 63(5) UUJN requires, remains limited in practice. Left unresolved, this dynamic guarantees that the custodial burden, and the corresponding risk to legal certainty, will continue to compound with every change in notarial personnel.

Building on the foregoing normative gap and empirical urgency, this study aims to: (1) analyze the normative framework governing notary protocol storage under the UUJN, including the extent to which Articles 16, 58, 59, 62, and 63 leave technical storage procedure unregulated; (2) analyze the practical implementation of notary protocol storage among ten Notaries-PPAT in the Jombang Regency Notary-PPAT Office; and (3) analyze the accountability structure for notary protocol custody among Notaries, Substitute Notaries, and the Regional Supervisory Board (MPD).

Two scope conditions delimit these objectives and should be stated at the outset. First, the study is confined to conventional (paper-based) protocol storage as it is actually practiced in Jombang Regency; it does not test any electronic or blockchain-based storage system in operation, since none of the sampled offices has adopted one. Second, the accountability analysis in objective (3) is limited to the domestic chain running from executing notary to successor to the MPD under the

UUJN; it does not extend to cross-border recognition of Indonesian notarial protocols, which lies outside the scope of a regency-level empirical study. These boundaries are drawn deliberately so that the normative and empirical claims that follow can be defended on the strength of the data actually collected, rather than extrapolated beyond it.

## 2. Method

This is empirical legal research (socio-legal research), combining a juridical reading of positive law with field observation of “law in action.”<sup>25</sup> The design places the normative content of the UUJN alongside the practical behavior of its addressees, so that gaps between legal command and professional practice can be identified rather than assumed.

Fieldwork was carried out at ten Notary-PPAT offices in Jombang Regency, East Java, between June and August 2025. Informants were selected through purposive sampling, on the reasoning that a small, deliberately heterogeneous set of offices yields richer comparative insight into storage practice than a larger random sample drawn without regard to tenure or organizational role.<sup>26</sup> Ten Notaries-PPAT were selected to satisfy three purposive criteria simultaneously: (a) length of practice, comprising seven notaries established for five years or more and three established for less than five years, so that both entrenched and comparatively recent storage habits are represented; (b) organizational role, comprising the Chairperson, Vice-Chairperson, and Secretary of the Jombang Regency chapter of the Indonesian Notary Association (Ikatan Notaris Indonesia, INI) alongside seven ordinary members, so that both leadership perspective and rank-and-file practice are captured; and (c) office location within the regency, so that findings are not confined to a single sub-district. Data collection was considered to have reached saturation once the eighth interview began yielding descriptions of storage practice that repeated patterns already recorded from earlier informants, with the ninth and tenth interviews confirming rather than expanding the typology of practices identified.

Two techniques were used. First, semi-structured interviews were conducted using an interview guide covering five fixed themes, storage medium and location, binding and labelling procedure, access control, handling of protocols exceeding fifty deeds per volume, and awareness of MPD supervision, while allowing follow-up questions specific to each office. Second, direct observation of each office’s physical storage arrangement (cabinet type, room layout, and physical security measures) was used to verify and enrich the interview data.

Data were analyzed using the qualitative content-analysis procedure of Miles, Huberman, and Saldana, comprising data condensation, data display, and conclusion drawing/verification.<sup>27</sup> Interview transcripts and observation notes were first condensed into descriptive codes for each storage element (medium, room, cabinet, binding, access, and supervision awareness); codes were then displayed in a comparative matrix across the ten informants (Table 1) to allow cross-case pattern identification; and conclusions were drawn by comparing the resulting typology of practices against the normative requirements of Articles 16, 58, 59, 62, and 63 UUJN and against the findings of comparable prior studies in other regencies.

<sup>25</sup> Johnny Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif* (Malang: Bayumedia Publishing, 2006), 57.

<sup>26</sup> Sugiyono, *Metode Penelitian Kualitatif* (Bandung: Alfabeta, 2018), 133–35.

<sup>27</sup> Matthew B. Miles, A. Michael Huberman, and Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook*, 3rd ed. (Thousand Oaks, CA: Sage, 2014), 31–33.

Data validity was established through source triangulation, comparing accounts given independently by informants holding different organizational roles (leadership versus ordinary members) and cross-checking interview statements against direct observation of each office's physical storage arrangement. Where an informant's description of a practice (for example, cabinet material or room location) could be directly observed, observation data were used to confirm or, where discrepant, to qualify the interview account before it was entered into the comparative matrix.

Two limitations follow from this design and are acknowledged here rather than left implicit. First, because the ten informants were drawn from a single regency through purposive rather than random sampling, the resulting typology of storage practices cannot support a statistical claim about the prevalence of any given practice across all Indonesian notarial offices; the ten-fold diversity reported in Section 3.2 is not offered as a national frequency count. What the design does support, consistent with standard case-study logic, is analytic rather than statistical generalization: because Article 16 UUJN and the Archives Law impose the same undifferentiated obligation, and the same silence as to technical procedure, on every notary in Indonesia regardless of location, the theoretical proposition tested here, that normative silence produces uncoordinated local practice, which in turn strains a nationally uniform accountability chain, is a proposition about the legal structure itself rather than about Jombang specifically, and it is this structural claim, not a claim about the exact mix of practices to be found elsewhere, that the Jombang evidence is used to support and that Section 3.3's comparative evidence corroborates independently. Generalization to other regencies or countries should therefore proceed by testing this proposition against further cases, as Section 3.2's comparison with Banyuwangi Regency and Section 3.3's comparison with Vietnam and the Philippines begin to do, rather than by assuming the Jombang typology itself repeats elsewhere unchanged. Second, because data collection relied on informant self-report supplemented by direct observation of physical arrangements, the study can verify what a storage room, cabinet, or binding practice looks like, but it cannot independently verify informants' characterizations of their own historical compliance with MPD supervision; where such characterizations appear in the findings, they are reported as informant perception rather than as confirmed regulatory fact. Both limitations are consistent with the qualitative, cross-case design chosen for this study and do not undermine its central purpose, which is to document practice diversity as evidence for a nationally and comparatively applicable structural claim, rather than to measure statistical prevalence.

### **3. Results and Discussion**

#### **3.1 Normative Framework of Notary Protocol Storage: The UUJN and Indonesia's Archives Law**

This section examines the normative architecture governing notary protocol storage from two complementary angles: the notary-specific regime under the UUJN, and the general archival regime under Law No. 43 of 2009 concerning Archives (Archives Law), to which Article 1(13) UUJN's own classification of the protocol as a state archive necessarily refers. A notary protocol is defined by Article 1(13) UUJN as a state archive comprising, among other things, the bundle of deed minuta and the register of deeds (repertoire). The UUJN regulates several discrete administrative duties connected to this archive without, however, regulating their technical execution. Article 58(1) mandates the maintenance of a register for legalized letters and other records; Article 16(1)(g)-(h) requires a special list of protests against securities and of wills;

and Article 59(1) requires alphabetical indexes (clappers) for both authentic and legalized instruments, to keep the collection traceable. Beyond drafting the deed minuta, the notary must bind executed deeds into structured monthly volumes, a maximum of fifty deeds per volume, with any surplus carried into the following month's volume and identified on the cover by month, year, and deed count and must report wills to the Ministry on a monthly schedule.

Article 62 UUJN specifies the conditions that trigger transfer of the protocol to a successor: natural causes (death, end of term), voluntary action (resignation, relocation), incapacity exceeding three years, and disciplinary sanction ranging from suspension to dishonorable dismissal. Once transferred, the successor notary may not alter the substantive content of the protocol; authority is limited to administrative preservation and to issuing copies or citations on request. Article 63(5) UUJN further provides that any protocol reaching twenty-five years of age at the time of transfer must be submitted by the recipient notary to the MPD, so that the oldest archives are centralized under regulatory custody rather than remaining indefinitely in private hands.<sup>28</sup> Article 16 UUJN, however, addresses none of this at the level of technical procedure: it says nothing about storage medium, minimum security standard, room specification, or verification mechanism. This silence is the precise normative gap identified in Section 1 and tested empirically below.

Because Article 16 UUJN itself supplies no technical content for the custody it mandates, the natural next question is whether Indonesia's general archival regime fills that gap. It does not, for reasons that require closer examination of the Archives Law's own architecture.

The UUJN itself supplies no content for that classification: it neither defines what "state archive" standards require nor cross-references the statute that actually governs archival management in Indonesia, Law No. 43 of 2009 concerning Archives (Archives Law). Mulia, Rahmi, and Nuriyatman confirm this gap from the other direction, showing that the Archives Law itself contains no provision naming the notary protocol specifically, even though, by function, a bundle of deed minuta and repertoire registers falls squarely within the Archives Law's category of "vital dynamic archives" – records whose loss would jeopardize the legal existence of an institution or the rights of individuals, and which the Archives Law accordingly subjects to its highest protective standard.<sup>29</sup> The two statutes therefore point at each other without meeting: the UUJN asserts a state-archival character it does not define, while the Archives Law defines the relevant standard without naming the record it should apply to.

This mutual silence has concrete operational consequences. The Archives Law obliges every "records-creating entity" (*pencipta arsip*) to compile a Retention Schedule (*Jadwal Retensi Arsip*, JRA) that fixes, category by category, how long a record must be kept, when it may be appraised for permanent preservation or destruction, and to which archival institution it should eventually be transferred. It further obliges records-creating entities to maintain a documented records-management system and to meet minimum facility standards for temperature, humidity, fire risk, and physical security.<sup>30</sup> None of these obligations has been extended to individual notaries by

<sup>28</sup> Sitorus, Purba, and Suprayitno, "Tanggung Jawab Notaris," 1708–10.

<sup>29</sup> Jaka Mulia, Elviza Rahmi, and Nuriyatman, "Protokol Notaris Sebagai Arsip Vital Negara dalam Perspektif Perundang-undangan di Indonesia," *Mendapo: Journal of Administrative Law* 3, no. 3 (2022), <https://doi.org/10.22437/mendapo.v3i3.18903>.

<sup>30</sup> Law Number 43 of 2009 concerning Archives, arts. 1(22), 9(2), and 40 (definition and obligation of records-creating entities to compile a Retention Schedule, JRA).

implementing regulation, and the Jombang findings presented in Section 3.2 below show why that matters: without a JRA specific to notarial protocols, none of the ten informants has any legal basis for deciding which materials, if any, might eventually be appraised for transfer beyond the twenty-five-year MPD threshold, and none is required to meet any facility standard before that threshold is reached. The apparatus that the Archives Law already provides for other public records-creating institutions in Indonesia simply has no notarial counterpart to attach to.

The consequence is an asymmetry between formal classification and actual governance: the notary protocol is called a state archive but is managed by none of the instruments—retention scheduling, facility standards, or periodic institutional reporting—that make that classification meaningful for any other class of Indonesian public record. This asymmetry is not merely theoretical. Fitriana and Lestari’s study of notarial responsibility where a deed minuta is destroyed by force majeure shows that the notary’s evidentiary and civil responsibility for the protocol persists regardless of the cause of loss, including fire, flood, or structural failure of the storage room itself.<sup>31</sup> Read against Table 1, where seven of the ten sampled offices store protocols in ordinary wooden or glass-fronted cabinets rather than fire- or moisture-resistant vaults, this is not a hypothetical exposure: it is a foreseeable risk that the Archives Law’s facility standards exist precisely to reduce, but that Indonesian notaries currently bear without the benefit of those standards ever having been made to apply to them.

Taken together, the UUJN’s procedural detail at the points of creation and transfer and the Archives Law’s equally detailed but disconnected standard for records generally frame the empirical question this study turns to next: how, in the absence of any binding technical standard, do notaries in practice discharge a custodial duty that both statutes assume but neither specifies?

### **3.2 Empirical Findings: Storage Practice and the Custodial Life Cycle in Jombang Regency**

Interviews and observation at the ten sampled offices show a uniform reliance on conventional, paper-based storage: none of the ten informants has adopted electronic storage, chiefly because of doubt about the security of electronic systems and the absence of state-provided digital infrastructure for the profession. Beyond that single point of agreement, however, practice diverges substantially. Table 1 summarizes the storage arrangements recorded at each office.

Three patterns emerge from Table 1. First, storage-room arrangement varies between a room integrated into the notary’s own workspace (as with Informants 1, 2, and 8, restricting access to the notary alone) and a dedicated, separate storage room or vault (as with Informants 4 and 5). Second, cabinet material and function vary from simple wooden cabinets chosen for aesthetic reasons, to glass-fronted display cabinets that double as a client-facing symbol of institutional credibility (Informant 3), to purpose-built vaults. Third, only three offices (Informants 5, 9, and 10) reported storage practices that approximate the UUJN’s implicit standard maximum fifty deeds per volume, clear monthly/annual indexing, and defined access control, while the remaining seven apply ad hoc variations shaped by available space, budget, and individual risk perception rather than by any written internal rule. No informant could point to a documented internal Standard Operating Procedure (SOP) governing protocol storage.

<sup>31</sup> A. R. Fitriana and A. T. W. Lestari, “Tanggung Jawab Notaris Terhadap Penyimpanan Minuta Akta Apabila Terjadi Keadaan Overmacht,” *Notary Law Research* 4, no. 2 (2023): 50–65, <https://doi.org/10.56444/nlr.v4i2.4124>.

**Table 1.** Comparative Matrix of Notary Protocol Storage Practices, Notaries-PPAT of Jombang Regency (2025)

| No | Notary Name                              | Role / Notes                                                                  | Storage Practice Summary                                                                                                                                                                                         |
|----|------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1  | Adhitya Catur<br>Widodo, S.H., M.Kn.     | -                                                                             | Deeds and warkah bound together with ordinary string; storage room integrated with the notary's own workspace, separate from the staff room; wooden (non-iron) cabinets, chosen for aesthetic reasons.           |
| 2  | Dian Permadhani,<br>S.H., M.Kn.          | Chairman, INI<br>Jombang Regency                                              | Storage space within the workspace; wooden and glass cabinets; deeds and warkah bound into two separate bundles; each bundle wrapped in transparent plastic against moisture.                                    |
| 3  | Sri Munarsih, S.H.,<br>M.Kn.             | Vice-Chairman, IPPAT<br>Jombang Regency                                       | Books and registers kept together in a dedicated space; glass cabinets (not safes) that double as an office display to reassure clients; contents remain visible, which the informant reports eases maintenance. |
| 4  | Endahingsih<br>Wijayanti, S.H.,<br>M.Kn. | Secretary, INI Jombang<br>Regency                                             | Vault located in a separate room; volumes exceeding fifty deeds are split into additional volumes.                                                                                                               |
| 5  | Sriana, S.H., M.Kn.                      | Holds protocols of<br>another relocated<br>notary (Notary-PPAT<br>Susilowati) | Storage room integrated into the office; also holds protocols transferred since 2022; criticizes the twenty-five-year MPD handover rule as unworkable because the MPD lacks adequate, stable premises.           |
| 6  | Aster Kusumawati,<br>S.H., M.Kn.         | -                                                                             | Storage in a separate room; iron cabinets; maintains a personal deed-history notebook outside the official repertoire; volumes sometimes exceed fifty deeds without objection from the MPD.                      |
| 7  | Bagus Mukhlasiyanto,<br>S.H., M.Kn.      | Holds protocols of<br>another relocated<br>notary (Notary-PPAT<br>Titiek)     | Dedicated room with wooden cabinets; holds relocated colleagues' protocols separately from his own; emphasizes the absence of standard rules and reliance on individual initiative.                              |
| 8  | Nurul Masfuhah,<br>S.H., M.Kn.           | -                                                                             | Storage accessible only to the notary personally, to minimize damage or loss; no specific rule governing volume-cover color.                                                                                     |
| 9  | Sri Wahyuni, S.H.,<br>M.Kn.              | -                                                                             | Relatively standard practice: dedicated cabinets, maximum fifty deeds per volume, covers listing title and deed index; emphasizes the MPD's inspection function as a driver of improvement.                      |
| 10 | Banun Prabawanti,<br>S.H., M.Kn.         | -                                                                             | Relatively standard, rule-compliant practice; emphasizes the procedure for producing authentic deeds as perfect evidence and as state archives.                                                                  |

Source: primary interview and observation data, 2025.

The ten-fold diversity recorded in Table 1 is the direct empirical counterpart of the normative silence identified in Section 3.1 above. Because Article 16 UUJN regulates the obligation to bind and keep the protocol but not the manner of its custody, each notary in Jombang Regency has, in effect, designed a private storage standard, and the resulting variation cannot be attributed to negligence so much as to the absence of any authoritative technical benchmark to converge on. A comparable study in Banyuwangi Regency similarly found that conventional storage remains dominant because it has clear grounding in the UUJN, even as notaries there acknowledge the advantages of digitalization for addressing space constraints, paper degradation, and protocol ac-

cumulation; that study's central obstacle is likewise the normative vacuum regarding electronic storage and MPD infrastructure limitations. Read together, the Jombang and Banyuwangi findings suggest that the same normative gap produces convergent practical symptoms, divergent internal practice and unmet demand for digital alternatives, regardless of regional variation in office size or urbanity. Because Article 16 UUJN and the Archives Law's parallel silence, discussed in Section 3.1 above, bind every notary in Indonesia's 514 regencies and cities in identical terms, there is no structural reason internal to the two statutes why a third, fourth, or thirtieth regency-level study would find a materially different root cause; what would vary is only the particular mix of ad hoc practices a given office has adopted to fill the same nationally uniform gap, not the existence of the gap itself.

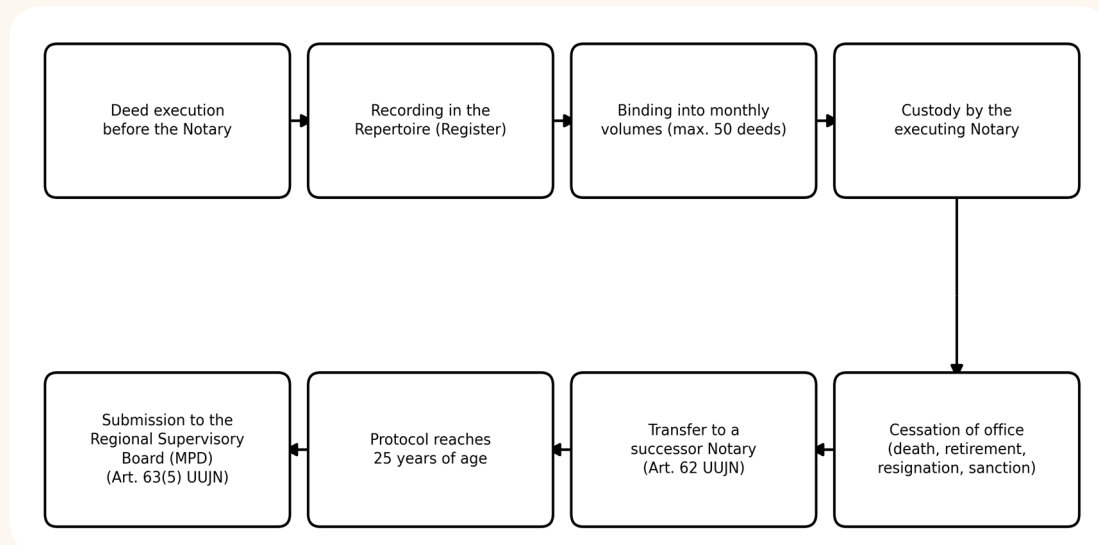
Cross-referencing the three purposive criteria described in Section 2 against the typology in Table 1 also yields an incidental finding relevant to the theoretical interpretation in Section 3.3: organizational role does not track storage discipline. Two of the three chapter leadership informants (Informants 2 and 4) fall on opposite ends of the spectrum recorded in Table 1, Informant 2 keeps a workspace-integrated cabinet chosen partly for aesthetic reasons, while Informant 4 maintains a dedicated vault with volume-splitting already in place, which indicates that leadership position within the Indonesian Notary Association confers no automatic advantage in storage practice. Tenure shows a similarly mixed pattern: among the three notaries established for less than five years, two (Informants 4 and 9) rank among the offices whose practice most closely approximates the UUJN's implicit standard, while the remaining newer entrant follows a more ad hoc arrangement shaped by available office space. Storage discipline in Jombang Regency therefore appears to track individual risk perception and available physical infrastructure more closely than it tracks either seniority or organizational standing, reinforcing the conclusion just drawn that the diversity documented here is a symptom of normative silence rather than of any systematic difference in professional diligence.

A further implication follows from reading the Jombang typology in Table 1 alongside this comparative picture. The three offices whose practice already approximates the UUJN's implicit standard (Informants 5, 9, and 10) did not arrive at that standard through any external mandate; they describe it as a matter of individual professional discipline reinforced by anticipation of MPD inspection. This suggests that the internal-SOP recommendation developed in Section 4 is not a speculative proposal but a codification of practice that a minority of notaries in the same regency have already worked out independently, under the same normative silence that leaves the remaining seven offices without a comparable benchmark. Formalizing that practice into a written, transferable standard would therefore convert an individual habit into an institutional expectation, which is precisely the function that Article 16 UUJN currently fails to perform at the technical level.

Figure 1 summarizes the resulting custodial life cycle of a notary deed, from execution to eventual transfer to the MPD, situating where in that cycle the present normative gap and empirical diversity actually operate.

Figure 1 traces eight sequential stages through which a notarial deed moves from creation to final institutional custody, and reading it against Article 16(1)(b) and Article 1(13) of the UUJN reveals precisely where the law's silence on storage procedure takes effect. The first three stages execution before the Notary, recording in the Repertoire, and binding into monthly volumes of a maximum of fifty deeds are the most tightly regulated segment of the cycle. The UUJN prescribes concrete formal requirements here: chronological recording, monthly binding, and a numerical

cap per volume. These rules function well precisely because they are procedural and quantifiable, leaving little room for divergent interpretation. This phase therefore demonstrates that the UUJN is capable of technical specificity when the legislature chooses to provide it a capability conspicuously absent from the stage that follows.



**Figure 1.** Custodial Life Cycle of a Notary Deed under the UUJN

*Source:* constructed by the author from Articles 16, 58, 59, 62, and 63 UUJN, 2026.

The fourth box, “Custody by the executing Notary,” is the structural pivot of the diagram and the empirical focus of this study. It is here that Article 16(1)(b)’s obligation to “keep” (\*menyimpan\*) the minuta akta as part of the protocol, and Article 1(13)’s classification of that protocol as a state archive, is expected to be operationalised yet the UUJN provides no corresponding technical standard for how custody is to be exercised. Unlike Stages 1–3, this box has no prescribed format, storage medium, security requirement, or retention infrastructure attached to it in the statute. The consequence, confirmed by the study’s ten Jombang informants, is that this single box conceals at least six distinct internal storage practices, none anchored to a written SOP. The diagram thus makes visible what the statute obscures: a state-archive obligation is imposed at Stage 4, but the \*means\* of discharging that obligation is left entirely to notarial discretion. This is the point in the life cycle where “uniform, secure, and accountable” storage the normative standard implied by the archive classification most readily diverges from actual practice.

The arrow descending from Stage 4 to “Cessation of office” is significant because it marks the moment at which the accumulated consequences of unregulated custody become externally visible. Whatever storage practice a notary has followed organised or ad hoc, digitised or purely paper-based is inherited wholesale by whoever receives the protocol next. Because Stage 4 imposes no documentation or handover standard, cessation of office (whether through death, retirement, resignation, or sanction) converts a private storage choice into a public administrative problem. This is the mechanism identified in the study as producing document dispersal and deterioration: the disorder is generated at Stage 4 but only becomes operationally costly at Stage 5, when a successor or the Supervisory Council must reconstruct an unfamiliar and non-standardised archive.

The final three stages transfer to a successor Notary under Article 62, the protocol reaching twenty-five years of age, and submission to the Regional Supervisory Board under Article 63(5) are

each transfer or hand-off points that implicitly assume the protocol arriving at them is complete, legible, and properly organised. Article 62 and Article 63(5) regulate *\*who\** receives the protocol and *\*when\**, mirroring the procedural precision of Stages 1–3, but neither provision reaches back to prescribe *\*how\** the protocol should have been maintained in the interim. The diagram therefore exposes an asymmetry in the UUJN’s regulatory design: the law is procedurally exacting at the points of entry (creation) and exit (transfer/submission) of the custodial cycle, but leaves the entire dwell-time in between often spanning decades of a notary’s active practice normatively empty.

Read as a whole, Figure 1 demonstrates that the “storage gap” identified in this study is not a gap distributed evenly across the deed’s life cycle, but one concentrated almost entirely within a single box: custody by the executing Notary. Because this box has the longest duration of any stage in the cycle and no internal checkpoints, it functions as an unsupervised interval between two well-regulated boundaries. The six divergent practices observed among the Jombang informants are, in effect, six different ad hoc solutions independently developed to fill the same statutory vacuum, each carrying different implications for retrievability, security, and eventual transferability at Stages 5 through 8. This positions the article’s proposed internal procedural standards not as a generic recommendation, but as a targeted intervention aimed precisely at the one stage of the custodial life cycle where the UUJN’s formal precision breaks down pending the legislative reform needed to close the gap permanently.

### 3.3 Comparative and Theoretical Interpretation: ASEAN Benchmarks and Legal Theory

Having established both the normative silence (Section 3.1) and its empirical consequences (Section 3.2), this section interprets those findings against three external reference points: the international and comparative-law literature, established legal theory on certainty and responsibility, and the practice of Indonesia’s nearest ASEAN civil-law peers.

Placed against the international literature reviewed in Section 1, the Jombang findings both confirm and qualify the broader technological-reform argument. Comparative studies of civil-law notarial systems abroad show that digital and blockchain-based instruments are already integrated, in varying degrees, into notarial work: Koos documents that German notaries are folding digital instruments into daily practice even without a wholesale legislative overhaul, while Dias Menezes, de Araújo, and Nishijima demonstrate a working blockchain architecture for Brazilian notaries that preserves rather than displaces the notary’s trusted-intermediary function. Nazran and colleagues likewise show that the United States, the Netherlands, and Australia already operate remote or database-integrated validation mechanisms that Indonesian notaries, including those in Jombang, still lack entirely. Yet Fill and Härer caution that any such technical integration must preserve the notary’s specific institutional character as an impartial, state-appointed office, not merely graft a generic distributed-ledger tool onto notarial practice; this caution is corroborated by the Jombang informants’ own stated hesitation about electronic storage, which is not technological conservatism for its own sake but a defensible concern about security assurance and infrastructural readiness that Putra and colleagues’ proposed Indonesian blockchain e-notary framework would still need to resolve before adoption could responsibly proceed. In other words, the international comparative literature indicates where the profession is heading, while the Jombang data indicate, concretely, why it has not yet arrived: not indifference, but the absence of both a mandated technical standard and a demonstrably secure, state-supported digital alternative.

The presence of the notarial institution is itself an instrument of the state (*beleidsregel*), designed to deliver authentic, state-recognized documentation to the public.<sup>32</sup> Upon appointment, every notary is required to accept the protocol of a predecessor, making custodianship a condition of office rather than a discretionary undertaking. Custodial duty carries with it a fiduciary obligation of confidentiality over the parties' personal data, including identity documents categorized as protected personal data, enforced by the Notary's Oath and by data-protection regulation, and breach of that duty exposes the notary to an escalating scale of administrative sanction from written warning to dishonorable dismissal.<sup>33</sup>

Article 63(5) UUJN assigns responsibility for protocols of twenty-five years or older to the MPD upon transfer, but responsibility for the protocol remains with the successor notary until actual physical handover occurs. The synthesis of the Jombang field data with legal theory exposes a structural strain in this arrangement. Gustav Radbruch's account of legal certainty demands that law provide predictable, uniform application; yet the absence of a standard procedure in the UUJN has allowed ten notaries studied here to apply ten distinct storage regimes, which is itself a symptom of unrealized legal certainty in this specific field. Hans Kelsen's theory of legal responsibility likewise requires that duty be matched with proportionate protection; yet the Jombang notaries bear cumulative, effectively lifelong responsibility, for their own protocols and for those inherited from retired or deceased colleagues, without a corresponding state or MPD support mechanism, because Article 63(5) UUJN's transfer obligation to the MPD is, in practice, constrained by the MPD's limited storage capacity.<sup>34</sup> Assessed against Soerjono Soekanto's five factors of legal effectiveness (substance, enforcement, facilities/infrastructure, society, and culture), the facilities/infrastructure factor is unmistakably the binding constraint in Jombang Regency, which indicates that legal reform confined to substance alone (revising the UUJN) would be insufficient without matching institutional and infrastructural investment in the MPD's storage capacity.

Placed beside comparative regional practice, the Jombang findings look less like an isolated local problem and more like a variant of a challenge shared across ASEAN's civil-law notarial jurisdictions. Vietnam, which like Indonesia retains a continental notarial institution rather than the common-law notary-public model found in Malaysia and Singapore, has moved further than Indonesia toward an integrated electronic notarization model interconnected with national identity and land-registration databases, yet even there implementation continues to confront unsynchronised technical infrastructure and entrenched behavioural reliance on traditional, in-person service.<sup>35</sup> An earlier study of Vietnamese electronic notarization identifies data-security assurance and the unsettled evidentiary status of the electronic notarial record, rather than technological unavailability as such, as the principal obstacles to further digitalisation there<sup>36</sup>, a diagnosis that closely parallels the Jombang informants' own stated hesitation about electronic storage documented in Section 3.2 above.

<sup>32</sup> Gustav Radbruch, "Statutory Lawlessness and Supra-Statutory Law," trans. Bonnie Litschewski Paulson and Stanley L. Paulson, *Oxford Journal of Legal Studies* 26, no. 1 (2006): 1-11, <https://doi.org/10.1093/ojls/gqi041>.

<sup>33</sup> Hans Kelsen, *Pure Theory of Law*, trans. Max Knight (Berkeley: University of California Press, 1967), 118-22.

<sup>34</sup> Law Number 43 of 2009 concerning Archives, art. 3 and art. 40.

<sup>35</sup> Khang, "Approaching Electronic Notarization in Vietnam."

<sup>36</sup> Khanh and Linh, "Electronic Notarization in the Context of Digital Transformation in Vietnam."

The Philippines offers a structurally different but equally instructive comparator. Rather than leaving custody to individual notarial discretion, as the UUJN currently does, the Philippine Supreme Court's 2025 amendments to the 2004 Rules on Notarial Practice require every notary to transmit a digitised duplicate of each notarial instrument to the Clerk of Court within ten days of the following month, with the court itself, supported by its Office of the Court Administrator and Management Information Systems Office, directed to inventory, host, and archive the resulting record.<sup>37</sup> This model relocates the custodial burden documented in Table 1, borne individually by each of the ten Jombang notaries, onto an institutional archive answerable to the judiciary, rather than requiring each notary to invent a private storage solution as the UUJN currently does. It is, in effect, a Philippine answer to precisely the Stage 4 vacuum diagnosed in Figure 1: where the UUJN leaves custody to the executing Notary alone, the amended Philippine rules assign it jointly to the notary and a designated court-administered archive from the outset, rather than only after a fixed number of years have passed.

These two examples matter for Indonesian reform in a way that the more frequently cited Dutch and German models do not. A recent comparative study finds that both European jurisdictions have consolidated notarial-archiving into comprehensive, dedicated digital-signature and electronic-archiving law, whereas Indonesia's instruments remain fragmented across the UUJN, general electronic-transaction law, and data-protection law<sup>38</sup>; yet the Netherlands and Germany also bring state-supported digital-identity infrastructure, standing professional archival institutions, and levels of broadband and institutional readiness that neither Indonesia nor its immediate neighbours currently possess. Regional evidence bears this out directly: a recent convergence analysis of ASEAN's lower-Human-Development-Index states, Indonesia among them, finds persistent and non-converging disparities in digital infrastructure and adoption even between neighbouring jurisdictions.<sup>39</sup> Vietnam and the Philippines are, on this evidence, more institutionally comparable benchmarks for Indonesian reform than the Netherlands or Germany: each began from an infrastructural and professional starting point closer to Indonesia's own, and each has nonetheless found a way, whether through integrated national-database interconnection in Vietnam or court-administered digital custody in the Philippines, to move the relevant custodial function beyond individual discretion.

Read together with the archival-law analysis in Section 3.1 above, this comparative picture reinforces the diagnosis offered by Figure 1: the "custody by the executing Notary" stage is normatively empty not only within the UUJN itself but also at the level of Indonesia's wider archival governance system, which regulates the equivalent stage for other public records-creating institutions but has never been extended to notaries. In Vietnam, that same stage is increasingly filled by interconnection with national databases; in the Philippines, by mandatory transmission to a court-administered archive from the outset of the notarial act; in Indonesia, it is filled, if at all, only by the individual discretion documented in Table 1. Closing that gap, whether through the internal-SOP measure proposed in Section 4 as an immediate step, or through the legislative and archival-inte-

<sup>37</sup> Supreme Court of the Philippines, A.M. No. 02-8-13-SC and A.M. No. 24-10-14-SC.

<sup>38</sup> Dio Ahmad Hafidzan, Isis Ikhwanisyah, and Nanda Anisa Lubis, "Digitizing Notarial Protocols: A Comparative Study of Indonesia, Netherlands, and Germany," *Awang Long Law Review* 8, no. 3 (2026): 868-78, <https://doi.org/10.56301/awl.v8i3.2166>.

<sup>39</sup> Abd Rashid et al., "Bridging the Digital Divide in ASEAN."

gration reform indicated by both the Archives Law's existing but unextended apparatus and the Vietnamese and Philippine models, is therefore not a matter of importing unfamiliar technology from a distant legal culture, but of finally connecting Indonesia's notarial profession to governance instruments that its own legal system, and its immediate ASEAN neighbours, already show to be both necessary and achievable.

A further, practical implication concerns the Regional Supervisory Board itself. Because Article 63(5) UUJN channels all protocols reaching twenty-five years of age toward the MPD, the MPD is Indonesia's nearest institutional analogue to the court-administered archive that the Philippines' 2025 reform now operates from the outset of a notarial act, rather than only after decades of private custody. Yet the MPD is not designated a "static archival institution" under the Archives Law, is not subject to that law's facility or retention-scheduling requirements, and, as Informant 5 in Table 1 observes from direct experience of attempted transfer, frequently lacks the stable premises to absorb what it is nonetheless obliged to receive. The Archives Law's general architecture for static archives, appraisal, permanent-value determination, and formal transfer to a qualified custodial institution, exists in Indonesian law, but has no bridge connecting it to the MPD, just as it has no bridge connecting it to the individual notary at Stage 4 of Figure 1. A single legislative or regulatory act designating the MPD, or a dedicated regional notarial-archive unit modelled on it, as a recognized static archival institution under the Archives Law, following the direction the Philippines has already taken with its Clerk-of-Court model, would close both gaps simultaneously: it would give individual notaries a legally defined destination and retention logic for ageing protocols, and it would give the MPD the facility standards and institutional support identified earlier in this section as the binding constraint on Indonesia's existing accountability chain.

Read as a whole, this section's theoretical and comparative analysis converges on a single diagnosis: the gap identified normatively in Section 3.1 and documented empirically in Section 3.2 is neither a defect of Jombang's notaries nor an inevitability of Indonesian legal culture, but an unfinished piece of legal design that comparable jurisdictions, and Indonesia's own archival-law apparatus, already show how to close. The recommendations that follow in Section 4 take up that unfinished design directly.

#### 4. Conclusion

Three conclusions follow, applicable nationally rather than to Jombang alone. First, the UUJN regulates the notary protocol's custodial obligation in detail—binding, indexing, and a transfer chain under Articles 16, 58, 59, 62, and 63—yet leaves the manner of storage unregulated, a silence Indonesia's Archives Law mirrors rather than closes, since its standards have never been extended to notaries. Second, practice among the ten Jombang Notaries-PPAT is uniformly conventional but internally diverse: all rely on paper-based storage, applying at least six practices, with only three approximating the UUJN's implicit standard, corroborated by the comparable Banyuwangi study. Third, accountability runs from the executing notary through any successor to the MPD once a protocol reaches twenty-five years, but is practically strained because the MPD's limited capacity, itself unresolved under the Archives Law, leaves successor notaries bearing an unsupported, accumulating burden. Comparative ASEAN practice, in Vietnam and the Philippines, confirms this is unfinished legal design, not a peculiarity of Jombang or Indonesia: normative silence produces practical diversity, compounding into an unsustainable burden at the accountability bottleneck.

Three recommendations follow. First, pending statutory reform, every Notary-PPAT office should adopt a written internal SOP covering the binding of warkah, labelling, and access control; the Jombang INI chapter could circulate a model SOP immediately, specifying a fifty-deed volume cap, single-point access, a handover log, and an annual completeness check, at no capital cost. Second, the Directorate General of General Legal Administration and the Ministry of Law and Human Rights should issue implementing regulation under Article 16 UUJN specifying a minimum storage standard, integrating notarial protocols and the MPD into the Archives Law's retention-scheduling apparatus, drawing on Vietnam's and the Philippines' notarial-archiving models. Third, future research should extend this design to further regencies and ASEAN jurisdictions, evaluating blockchain, encryption, and cloud-storage options against evidentiary and data-protection needs.

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