



A Comparative Review of Notarial Protocol Law Regarding the Storage of Minutes of Deeds Relating to Changes in the Legal Form of Limited Liability Companies from Time to Time

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Abstract: This study examines the evolution of legal provisions regarding the storage of notarial protocols in Indonesia from the colonial era to the current digital era. The Indonesian Notary Law (Stbl. 1860 No. 3) placed full responsibility on individual notaries, without clear security standards or timeframes. After independence, significant reforms came through Law Number 30 of 2004 in conjunction with Law Number 2 of 2014 concerning the Notary Office (UUJN), which introduced a multi-layered oversight mechanism by the Supervisory Board and regulated the submission of protocols upon the resignation or death of a notary, as stipulated in Articles 62–65. Further integration is evident in the provisions of Articles 21–23 of Law Number 40 of 2007 in conjunction with Law Number 6 of 2023 concerning Limited Liability Companies, which require the reporting of deeds of amendments to the Articles of Association through an electronic system. National archival standards, as stipulated in Article 23 of Law Number 43 of 2009 and Minister of Law and Human Rights Regulation Number 9 of 2017, further emphasize the importance of digitization, supported by personal data protection in Law Number 27 of 2022 and the recognition of electronic signatures through Article 11 of the Electronic Information and Transactions (ITE) Law. This study highlights a comparison of authority, storage mechanisms, and security standards from the colonial era to the present, while also identifying barriers such as limited physical space, the risk of data breaches, and technological readiness. The findings indicate that synchronizing the UUJN (National Law on Notaries), the UU PT (Company Law), and the Law on Archives is crucial to ensuring efficient, secure, and technologically advanced notarial archives management.

Keyword: Notary Protocol, Notary Law, Archives Digitalization, National Archives, Personal Data Protection.

INTRODUCTION

The minutes of a deed play a crucial role as authentic evidence of any changes to the Articles of Association (AD) of a Limited Liability Company (Ballan, 2022). A notarized deed serves not only as an administrative record but also as legal evidence that binds the

parties and can be used in court (Farhana, 2024). The existence of minutes of a deed ensures that any changes to the structure or provisions of the PT's Articles of Association are accurately and permanently recorded. The accuracy of the minutes of a deed helps maintain legal certainty for shareholders, directors, and third parties with an interest in the PT (Yani et al., 2022). Its evidentiary power provides a strong basis for resolving disputes or proving rights in the event of a dispute (Marbun, 2023).

The process of storing minutes of a deed is not simple, as it requires a thorough understanding of the legal provisions applicable at each period (Abidin et al., 2024). When regulations change, notaries are required to adjust filing procedures to maintain validity standards (Juliani, 2024). Changes to laws, such as Law No. Law No. 30 of 2004, in conjunction with Law No. 2 of 2014 concerning the Position of Notary, Law No. 40 of 2007 concerning Limited Liability Companies, and adjustments to the Job Creation Law No. 11 of 2020, in conjunction with Law No. 6 of 2023, require notaries to update their storage procedures. Each regulatory change carries technical consequences that must be anticipated, such as differences in storage periods, submission mechanisms, and reporting obligations (Nurwianti et al., 2025). Failure to understand regulatory shifts can lead to administrative and legal issues.

The history of notarial archive management in Indonesia shows a long journey from the colonial era to the implementation of modern digital systems. During the 1860 Notarial Law in Indonesia, the storage system was conventional and manual, with a heavy reliance on physical documents (Al-Fathan & A'la, 2024). Upon Indonesian independence, this practice persisted until the issuance of the modern Notary Law, which accommodates evolving legal needs (Larasati, 2023). The transformation into the digital era has created new challenges, such as cybersecurity, data protection, and the authenticity of electronic documents (Prameswari et al., 2025). This evolution demonstrates the importance of notarial protocols keeping pace with social and technological dynamics.

The concept of a notarial protocol encompasses the entire collection of documents that constitute the official archive of a notary's activities (Wiguna et al., 2024). According to Article 1, number 13 of Law No. 2 of 2014, a notarial protocol is a collection of documents that must be maintained and stored as a professional responsibility (Fitriasari, 2022). These documents include minutes of deeds, repertory, lists of wills, and various supporting records that document notarial activities. The obligation to maintain the protocol is the personal responsibility of the notary, even after they have retired from office, until they are officially handed over to the authorized official (Hasan, 2024). The notarial protocol serves as evidence of professional integrity and a source of authentic data for the benefit of the public.

Minutes of deeds are a core part of the notarial protocol because they contain the original text of each deed. The deed signed by the parties and the notary is kept as minutes, with a copy provided to the client. These minutes contain the entire agreement, the identities of the parties, and legally binding signatures (Ilham, 2022). In the event of a dispute, the minutes serve as the primary reference to ensure the authenticity and accuracy of the agreement. This function makes the minutes a vital document that must be maintained in both physical and electronic form.

Amendments to a Limited Liability Company's Articles of Association require special attention because they concern the legal structure and rights of shareholders (Adipratama, 2022). Articles 21 to 23 of the Limited Liability Company Law stipulate that any amendments to the Articles of Association must be documented in a notarial deed. This provision emphasizes that the minutes of the deed of amendment to the Articles of Association serve as official evidence that can be relied upon by the government, investors, and the public (Notarisya & Widyawati, 2024). The notary acts as a public official, ensuring that the entire amendment process meets legal requirements and is accountable. The accuracy

of recording and storing minutes impacts the validity of decisions taken at shareholder meetings.

A notary's meticulous care in maintaining the minutes of a deed reflects professionalism and adherence to professional ethical standards. Properly stored minutes ensure that all information remains authentic over time. Poor maintenance or loss of documents can be detrimental to many parties, including reducing public trust in notarial institutions (Putri et al., 2024). In practice, notaries need to pay attention to physical storage aspects such as humidity, temperature, and fire risk, especially for archives that are still in paper form. The quality of storage is an indicator of a notary's moral and legal responsibility (Abdul, 2022).

Gustav Radbruch's theory of legal certainty emphasizes that the law must provide order and predictability (Afdhali & Syahuri, 2023). The existence of minutes of a deed as an official document supports this principle because it provides authentic evidence that cannot be easily falsified. Legal certainty is achieved when the public and business actors can rely on notarial deeds as a definitive reference in every transaction. If archives are not maintained, legal predictability will be compromised, and uncertainty will arise in dispute resolution. The notary's role as guardian of state documents underscores the importance of this theory in notarial practice.

The principle of protecting state archives and electronic data also serves as a crucial reference in safeguarding minutes of deeds. Notarial archives concern not only individual interests but also the broader public interest. The government views archives as a wealth of information that must be safeguarded through a modern archiving system (Jagadhita & Bagiastra, 2025). With technological advances, the security of electronic data and the integrity of digital documents require stricter standards (Darmansah et al., 2024). Implementing this principle provides dual protection for both physical and digital documents held by notaries.

Proper management of notarial protocols requires a combination of legal discipline, technical skills, and ethical awareness. Notaries must understand that every minute of a deed is a legal asset with invaluable evidentiary value. Improving the quality of human resources, utilizing technology, and complying with archival regulations are key to successful management. Awareness of the historical and legal value of each document will encourage notaries to continually update storage methods to keep pace with changing times. Dedication to archive preservation is the foundation of sustainable public trust in the notarial profession.

METHOD

This research method uses a normative juridical method with a statutory and conceptual regulatory approach. The statutory regulatory approach is carried out through an in-depth review of various relevant regulations, such as the Regulation on Notaries in Indonesia (Stbl. 1860 No. 3), Law Number 30 of 2004 in conjunction with Law Number 2 of 2014 concerning the Position of Notary, Law Number 40 of 2007 in conjunction with Law Number 6 of 2023 concerning Limited Liability Companies, Law Number 43 of 2009 concerning Archives, Law Number 27 of 2022 concerning Personal Data Protection, and Regulation of the Minister of Law and Human Rights Number 9 of 2017 which regulates the reporting and storage of notarial deeds electronically. This approach allows for a systematic analysis of the hierarchy, alignment, and dynamics of changes in legal provisions related to the storage of notarial protocols. Meanwhile, a conceptual approach is used to examine theoretical concepts regarding archive protection, digital integration, and the principles of secure data governance as a basis for establishing legal norms that adapt to technological developments. Research data was obtained through a library study encompassing legal literature, scientific journals, textbooks, and official government documents supporting

historical and contemporary analysis. All data were analyzed qualitatively, emphasizing legal interpretation, comparisons between regulations, and identification of practical implications for the notary profession, resulting in comprehensive recommendations for strengthening an effective and sustainable notary protocol storage system.

RESULTS AND DISCUSSION

Legal Regulations for Storing Notary Protocols from Time to Time

The Indonesian Notary Regulation (St. 1860 No. 3) became the first legal basis governing the notarial profession in the Dutch East Indies. This regulation was established to ensure legal certainty in colonial transactions requiring authentic written evidence. Its articles stipulated that notaries were required to retain minutes of deeds as official protocols with the highest evidentiary force. This provision placed notaries as public officials fully responsible for the integrity of archives, including the obligation to maintain the security and orderliness of document storage. The accuracy of protocol management was detailed to avoid harming parties who might need deeds as evidence in the future.

The obligation to keep protocols during the colonial period stipulated that notaries were required to keep minutes of deeds in their respective offices and hand them over to their official successors upon retirement or death. Oversight mechanisms were implemented through supervisory officials appointed by the colonial government to periodically check the archives. A repertorium, or register of deeds, served as a supporting instrument that recorded every deed created, ensuring no loss of important data. The submission of protocols was only recognized as valid if done before a supervisory official and accompanied by official minutes. These regulations reflect the Dutch legal view on the importance of the continuous retention of notarial documents.

Archiving practices at that time required notaries to strictly safeguard physical documents, including storage in vaults and access control. Minutes of deeds and repertorium were treated as vital records with a permanent retention period, given their role as irreplaceable, authentic evidence. There were no regulations regarding digital copies or backup mechanisms because technology did not yet allow for this. The retention period stipulated that records must be maintained for as long as the notary was active, and then continued by successors indefinitely. This system demanded high integrity and adequate storage facilities from notaries.

During the early years of Indonesian independence, the Regulation on Notaries in Indonesia continued to use the Indonesian Notary Law as the primary reference until the enactment of national legislation. The Indonesian government maintained this Dutch-inherited regulation because there was no new equivalent legal instrument. Indonesian notaries during that period were still obligated to maintain protocols in accordance with the provisions of Statute 1860 No. 3, including oversight and handover mechanisms. This continued until the enactment of the first Notary Law in 2004, which began to adapt to national needs. The continued use of colonial regulations demonstrates the pressing need for legal certainty, which cannot await regulatory updates.

Law Number 30 of 2004 concerning the Office of Notaries, as amended by Law Number 2 of 2014, provides more modern regulations. Articles 62 to 65 stipulate that notaries must retain protocols in the form of minutes of deeds, repertoires, and supporting documents for a specified period. These provisions also require the protocol to be submitted to the Regional Supervisory Board if a notary dies, resigns, or is dismissed. Article 65 emphasizes the obligation to replace and maintain the protocol by a replacement notary or someone appointed by the Supervisory Board. This regulation strengthens the legal mechanism that was previously regulated solely administratively during the colonial era.

The protocol submission procedure is outlined in Article 63 of Law 30/2004 in conjunction with Law 2/2014, which requires notaries to prepare minutes of submission to the Supervisory Board. In the event of negligence, Article 85 imposes the threat of administrative sanctions ranging from a warning to temporary dismissal. These provisions emphasize the importance of notary accountability and personal responsibility for the preservation of documents of high evidentiary value. The 2014 update added provisions to accommodate technological developments and digitalization needs, although it was still limited to electronic reporting. This regulation places the Supervisory Board as a central party in maintaining the continuity of protocol archives.

The provisions for storing minutes of deeds related to changes to the Articles of Association of Limited Liability Companies are specifically regulated in Law Number 1 of 1995, which was later replaced by Law Number 40 of 2007 in conjunction with Law Number 6 of 2023. Articles 21 to 23 of Law 40/2007 require that any changes to the Articles of Association be made by a notarial deed and submitted to the Minister of Law and Human Rights for ratification or notification. This obligation ensures that any amendments to the Articles of Association are officially recorded and accountable. Notaries play a central role in drafting deeds, storing minutes, and transmitting data to the legal entity administration system. This regulation requires coordination between notaries, companies, and the government to ensure the authenticity of records.

The ease of doing business policy implemented through the Online Single Submission (OSS) system introduces a digital process that impacts the management of notary archives. The Online General Legal Administration System (AHU) allows for electronic registration and reporting of amendments to Articles of Association. Notaries are required to upload copies of deeds to be stored in the Ministry of Law and Human Rights database, while the minutes remain a physical protocol stored in accordance with Article 62 of the Notary Law. This integration improves the efficiency of public services while increasing notaries' responsibility to maintain digital data security. The synergistic relationship between the Limited Liability Company Law and the Notary Law is key to orderly company administration.

Law Number 43 of 2009 concerning Archives provides a legal basis that strengthens notaries' obligations to maintain protocols. Article 23 stipulates that vital records must be permanently stored and protected from damage or loss. This provision aligns with the obligation to store minutes of deeds, which have authentic and irreplaceable value. Regulation of the Minister of Law and Human Rights Number 9 of 2017 adds a mechanism for reporting deeds and storing minutes through an electronic system directly supervised by the Directorate General of General Legal Administration. This policy requires notaries to comply with national archival standards while utilizing information technology for more efficient reporting.

The concept of digitizing notarial protocols is further strengthened by a Circular Letter from the Directorate General of General Legal Administration, which encourages electronic-based reporting and storage of deeds. The use of electronic signatures is recognized in Law Number 11 of 2008 concerning Electronic Information and Transactions and its amendments, while personal data security is regulated in Law Number 27 of 2022 concerning Personal Data Protection. This synergy of regulations provides a clear legal basis for the use of digital technology in protocol management. Challenges remain regarding cybersecurity, long-term validity, and integration with the ever-evolving AHU Online system. This effort marks a step forward in maintaining the sustainability of notary archives while adapting to modern technological developments.

Comparative Analysis and Practical Implications

The provisions for storing notarial protocols during the colonial period placed the notary solely responsible for the minutes of the deed, without any special institutional oversight. The Indonesian Notary Regulation (Statute Book 1860 No. 3) stipulated that the protocol belonged to the office, but its security and oversight rested entirely with the notary in question. A fundamental difference emerged when Law No. 30 of 2004 concerning the Notary Public, in conjunction with Law No. 2 of 2014, established the Supervisory Board's authority to supervise and accept the protocol upon the notary's resignation or death, through Articles 62 to 65. This shift in responsibility demonstrated the evolution from an individual system to one formally regulated and supervised by the state. Notaries now serve not only as custodians but also as subjects to strict handover procedures.

The colonial-era protocol storage method relied on a permanent physical system with manual recording in a recorder. Each deed had to be meticulously recorded without technological support, making it prone to errors and loss. A different situation is evident today, as reporting and storage are increasingly supported by information technology, for example, through Ministerial Regulation No. 9 of 2017 and the integration of the Online General Legal Administration System (AHU). Notaries are required to upload data on changes to articles of association into an electronic system overseen by the Ministry of Law and Human Rights. This mechanism provides transparency and efficiency in archive management, although it requires higher technological skills.

During the colonial era, the retention period was unclear, so protocols were kept for as long as the notary remained in office or until they were handed over to a successor. Security standards were limited to physical storage with the protection of a safe and secure space. Law No. 43 of 2009 concerning Archives introduced new provisions, under Article 23, which classify vital records as permanent records that must be protected. Personal data protection, as regulated in Law No. 27 of 2022, adds a layer of security relevant to the digital age. This distinction emphasizes improved security standards and a clearer retention period, more modern than the previous provisions.

The protocol handover procedure has also undergone significant updates. During the colonial era, handover was carried out administratively before a supervisory official without a tiered approval mechanism. Article 63 of the Notary Law now requires the preparation of a handover report to the Regional or Regional Supervisory Board, which is then supervised by the Central Supervisory Board. This modern procedure provides legal certainty and creates a more transparent administrative record. The speed and accountability of protocol handovers have increased due to stricter procedural standards and oversight. This reflects progress in notarial administrative governance.

The transition from physical to digital archives presents significant challenges for notaries, particularly in transferring legacy protocols to electronic systems. The conversion process requires significant costs, trained human resources, and adequate data security. The risk of data loss during digitization is a real concern, especially for notary offices with decades-old archives. Standardizing archive metadata is essential for smooth integration with AHU Online. This change requires a well-thought-out strategy to ensure physical and digital archives remain synchronized and their authenticity can be verified.

A shift in work culture is also felt alongside the digital transformation. Notaries, who previously focused solely on managing physical documents, now must master information technology to manage electronic data. Technological literacy is a crucial part of notary education and training to meet the demands of the digital era. Notary education institutions need to adapt their curricula to prepare graduates for these challenges. These changes indicate that the notary profession is no longer simply legal but also requires technical expertise in data management.

The experience of large notary offices in cities like Jakarta and Surabaya demonstrates the reality of implementing digital protocols. Many have begun converting archives to electronic format, using backup servers and encryption systems to maintain security. The obstacles they face include limited digital storage capacity, server maintenance costs, and the risk of cyberattacks. Some offices have adopted in-house solutions such as the use of secure cloud technology and regular security audits. These practices provide a concrete example of adaptive steps that other notary offices in Indonesia can emulate.

The ease of doing business policy through the Online Single Submission (OSS) system and AHU Online has had a positive impact on corporate administrative efficiency. The process of ratifying and reporting amendments to the Articles of Association has become faster and can be accessed online. However, this system requires a high level of cybersecurity to prevent data leaks or deed manipulation. The long-term validity of electronic documents is also a concern because technological developments can affect storage formats. The success of this policy depends heavily on infrastructure readiness and ongoing oversight.

Physical storage barriers remain a serious issue in many notary offices. Storage space is limited, the risk of fire or flooding increases, and the cost of maintaining paper archives is increasingly burdensome. Difficulty accessing legacy protocols adds complexity as the number of archives continues to grow. The process of searching for documents is time-consuming and susceptible to damage due to age. This situation reinforces the urgency of digitization as a more efficient and secure long-term solution.

Solutions to overcome these obstacles include the implementation of valid electronic signatures in accordance with Article 11 of the ITE Law and the use of multi-layered data encryption. The implementation of cloud-based backup and full integration with AHU Online, as regulated by the Minister of Law and Human Rights Regulation No. 9 of 2017, is a strategic step. The Supervisory Board, in collaboration with the National Archives of the Republic of Indonesia, can play a role in providing technical guidance for digitization and encouraging regular data security audits. A dedicated training program for notaries on electronic protocol management can accelerate adaptation. This approach provides a clear direction for transforming protocol management toward improved security and efficiency standards.

CONCLUSION

Regulations governing notarial protocol management demonstrate significant evolution from the colonial period to the modern era. The provisions of the Regulation on Notarial Affairs (Statute Book No. 3 of 1860), which initially placed all storage responsibilities on individual notaries, have evolved into a more structured system through Articles 62–65 of Law No. 30 of 2004 in conjunction with Law No. 2 of 2014 concerning the Office of Notaries. The integration of the Supervisory Board's authority, the implementation of electronic reporting as stipulated in Ministerial Regulation No. 9 of 2017, and the national archiving provisions in Article 23 of Law No. 43 of 2009 strengthen security and transparency standards. The introduction of Law No. 40 of 2007, in conjunction with Law No. 6 of 2023 concerning Limited Liability Companies, which emphasizes electronic reporting of deeds, coupled with support for personal data protection through Law No. 27 of 2022, emphasizes the need for synchronization between regulations so that notaries can sustainably manage physical and digital archives. The implementation of electronic records management is a strategic step for notaries to address storage space challenges, disaster risks, and cybersecurity threats. The use of technologies such as valid electronic signatures as stipulated in Article 11 of the ITE Law, data encryption, and cloud-based backup connected to the AHU Online system are practices relevant to national legal developments. The government and policymakers need to encourage technical revisions to the Notary Law to

support comprehensive protocol digitization, while notaries are expected to implement national archiving standards established by the National Archives of the Republic of Indonesia to maintain data validity and integrity. Synchronization across regulations will ensure efficient, secure notary archive management that aligns with public needs and developments in legal technology in Indonesia.

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