

Fingerprint Attachment in Notary Act Minutes: Analysis of Implementation and Its Impact on Authentic Acts

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Abstract. Urgency of attaching the fingerprints of the parties in the minutes of notarial deeds as an effort to strengthen the validity of authentic deeds and reduce the potential for legal disputes. This practice is based on the provisions of Article 16 paragraph (1) letter c of Law No. 2 of 2014 concerning the Position of Notary, which mandates notaries to attach the fingerprints of the parties as part of the minutes of the deed. Through a normative legal approach, this study analyzes the legal basis, implementation in the field, and legal impacts if these provisions are not met. The results of the analysis show that attaching fingerprints is not just an administrative formality, but has an important function in proving the presence and identity of the parties in the deed-making process. The absence of fingerprints in the minutes can potentially reduce the value of the deed's evidentiary value as an authentic deed, even opening up the opportunity for cancellation or lawsuits in the future. Therefore, attaching fingerprints must be understood as a substantive obligation that cannot be ignored. This study recommends strengthening supervision of the implementation of these obligations and increasing the understanding of notaries and the public regarding the importance of this aspect in legal protection.

Keywords: Fingerprints; Notary deed minutes; Validity of authentic deeds

1. INTRODUCTION

In the Indonesian civil law system, the existence of authentic deeds plays a very strategic role as the strongest and most perfect written evidence (Aptaningsih et al., 2025). Authentic deeds created by authorized public officials, in this case notaries, have binding formal and material evidentiary power for the parties mentioned in them and third parties. In line with the increasingly complex legal relationships and the dynamic society demanding legal certainty, the integrity of authentic deeds becomes a non-negotiable aspect. Therefore, each stage in the process of

creating an authentic deed by a notary must comply with the formal and material provisions as regulated in Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Notary Position (UUJN) (Nuari & Musyafah, 2023).

One important provision in the Notary Law is the requirement for notaries to affix the fingerprints of the parties presenting to the notary on the minutes of the deed as stipulated in Article 16 paragraph (1) letter c. This provision aims to strengthen the authentication of the identities of the parties who appear before the notary, while also preventing identity misuse, forgery of the presenting parties, or the creation of deeds

in absentia. Fingerprints, as a form of personal biometric, are a unique identity that cannot be replaced, thus playing a crucial role in proving the presence and consent of the parties regarding the content of the deed created.

There are differences of opinion among notaries regarding the meaning of the word "attaching", particularly in relation to the act of attaching fingerprints. The question that arises is whether a notary should directly affix the fingerprint of the party present on the deed minutes or simply on a separate piece of paper. Subsequent debates arise concerning parties with physical limitations or disabilities, such as physically disabled individuals who do not have fingers and therefore cannot imprint their fingerprints on the deed minutes. (Kurniawati Weo & Cahyandari, 2023)

The provisions in the law have not provided substantial clarity on this matter, leading to various interpretations among notaries. In the amended Notary Position Law (UUJN-P), there is no detailed explanation regarding the procedure if the applicant does not have hands as a means of movement. The explanation of the article only mentions that its content is considered "sufficiently clear" without providing further technical guidance. This results in legal uncertainty and indicates a lack of normative foundation in the implementation of Article 16 paragraph (1) letter c of the UUJN-P.

However, in practice, the provisions regarding the affixing of fingerprints have not yet been fully implemented consistently by notaries. Various reasons are often cited, ranging from technical obstacles, administrative negligence, to the assumption that these provisions are merely a formality. This raises an important legal question: does the absence of fingerprints in the draft deed have a direct impact on the validity of the deed as an authentic act? Does the deed still hold the same legal evidentiary power, or does it become vulnerable to annulment and legal claims?

Therefore, a more in-depth study is needed regarding the issues faced by individuals without arms (disabled), considering the lack of specific regulations in Indonesia related to this matter. For the author, this topic is something new and interesting to raise, to contribute to legal

certainty in the making of deeds by notaries. This is important because, in principle, everyone has the same position before the law, regardless of their physical condition or any background. This research is essential given the strategic position of authentic deeds in the civil world, especially in high-value transactions such as buying and selling, donations, inheritances, and loan agreements. The validity and evidentiary power of deeds must be maintained from the very beginning of their creation. By ignoring the obligation to affix fingerprints, notaries indirectly open up room for legal loopholes that can harm the parties involved and even violate the principles of certainty and legal protection that should be guaranteed by the state. Previous research was conducted by Rizka Rahmawati with the title "Implementation of Notary Obligations to Affix the Fingerprints of the Parties on the Minutes of the Deed," which was published in the SASI Journal (Journal of the Faculty of Law of Pattimura University) in 2019. This research examines the obligation of notaries to affix the fingerprints of the parties, motivated by the need to anticipate situations in which the parties might deny their signatures on the Minutes of the Deed. Additionally, regarding its implementation procedure, it includes the notary's obligation to affix fingerprints using the left thumbprint. This study examines the urgency of fingerprint attachment in the minutes of the deed and the legal implications and impacts if the fingerprint is not applied to the minutes of the deed.

Based on that background, this research will examine three main issues:

What is the legal basis and function of fingerprint attachment in the minutes of the deed?

What is the legal impact and the urgency of enforcement and supervision regarding the validity of authentic deeds?

What are the legal implications of not applying fingerprint affixation on the minute of the deed?

The purpose of this research is to analyze the legal basis and the function of fingerprint attachment in the minutes of the deed as an effort to strengthen the formal validity and provide legal protection for authentic deeds. This research also aims to examine the legal impacts as well as the

urgency of enforcement and supervision regarding the implementation of legislation concerning authentic deeds, particularly in notarial practice. In addition, this research aims to understand the legal implications arising from the non-implementation of fingerprint attachment on the minutes of the deed, both from the perspective of the evidentiary strength of the authentic deed and the juridical consequences that may affect the interested parties.

2. METHOD

This research uses a literature study method with a normative legal approach. This approach is chosen because the main focus of the research is to examine the positive legal norms governing the requirement for fingerprint attachment in the minutes of notarial deeds and to analyze the legal implications on the validity of authentic deeds. Normative legal research relies on analysis of secondary legal materials sourced from regulations, legal doctrines, scientific literature, and relevant court decisions. The main sources used as the basis for analysis in this research include Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2004 on Notary Positions (UUJN), the Civil Code (KUHPerdota), as well as other technical regulations related to notarial practice. In addition, this study also analyzes various opinions from legal experts in notary law, scientific articles, legal journals, and academic publications that discuss the formal and material aspects of the creation of authentic deeds and the importance of identity authentication through fingerprint attachment. A systematic literature search was conducted by reviewing trustworthy sources, both in print and digital form, including access to national and international journals, legal databases, and notarial textbooks. The analysis technique used is descriptive-analytical, which involves describing the applicable legal provisions and analyzing the implementation and its legal consequences logically and argumentatively. This approach allows the author to examine the consistency between the ideal norms established in statutory regulations and the realities of implementation in the field, particularly regarding the extent to which notaries comply with the obligation to affix fingerprints, as well as the impact on the evidentiary strength of the deed as an

authentic document. Using a literature study method, this research does not involve empirical data from the field but focuses on exploring theories and legal principles to provide normative solutions and recommendations for improving notarial practices oriented towards legal certainty and protection for the public.

3. RESULTS AND DISCUSSION

Legal Basis and Function of Fingerprint Affixing in Minutes of Deed

The attachment of fingerprints in the minutes of the deed is one of the formal obligations established by Law Number 2 of 2014 concerning the Notary Office (UUJN) as an instrument of legal protection in notarial practice. Article 16 paragraph (1) letter c of UUJN explicitly states that a notary is required to affix the fingerprints of the parties appearing in the minutes of the deed. This provision is not merely an administrative complement but has a strong legal basis as a way to strengthen the proof of presence of the parties and the validity of the process of making authentic deeds. The provision aims to prevent forgery, the making of fictitious deeds, or the transfer of responsibility by parties who are not directly present in the making of the deed. In addition, the concept of an authentic deed as stated in Article 1868 of the Civil Code requires that a deed can be considered authentic if it is made by an authorized public official and in accordance with the provisions of the laws and regulations. If any of the formal requirements in its making are not met, then the status of the deed may shift to a private deed or even have no evidential value at all. Therefore, the provisions regarding the attachment of fingerprints should be viewed as part of the formal requirements that pertain to an authentic deed.

Fingerprints are a unique and immutable biometric identity, thus serving as a strong authentication tool in proving the presence and consent of the parties to the contents of the deed. In the context of deed minutes, the fingerprints of the parties present serve as evidence that they were indeed present before the notary and have understood and agreed to the substance of the deed created. In legal practice, the existence of fingerprints can also be used as additional evidence in the event of a dispute in the future. For instance, in the case of a

lawsuit regarding the validity of the deed, the minutes accompanied by fingerprints can provide greater assurance to the judge that the deed was made lawfully and correctly (Sisthayoni & Wisanjaya, 2022).

In addition, fingerprint attachment also has preventive value. With fingerprints, parties cannot easily deny their involvement in the deed (the principle of estoppel). This prevents default, denial of the contents of the agreement, or attempts to unilaterally revoke acknowledgment. Notaries also have additional legal protection as they can prove that they have performed their duties in accordance with legitimate procedures.

Although this provision has been explicitly regulated in the law, the reality is that many notaries have not been consistent in applying it. Based on a number of findings from the Notary Supervisory Council's oversight report, violations of the obligation to affix fingerprints still frequently occur, either due to technical reasons, administrative negligence, or even intentionality. Some notaries believe that affixing fingerprints does not have a significant impact on the legal force of the deed, making it seen as an optional obligation.

However, this assumption has the potential to create serious legal issues. In several cases, deeds that are not accompanied by fingerprints have been challenged for their validity by parties who feel they have never appeared before a notary. As a result, these deeds can be annulled by the court for not meeting the formal requirements mandated by the Notary Public Law. This condition indicates that the implementation of legal provisions related to fingerprints has not yet been fully effective.

Legal Impact and the Urgency of Enforcement and Supervision of the Validity of Authentic Deeds

The absence of a fingerprint on the minutes of the deed has significant legal consequences, especially regarding the status of the deed as an authentic proof tool. If the deed does not meet one of the formal requirements set by law, then the deed risks losing its evidentiary power as an authentic deed and is only treated as a private deed. This certainly harms the parties involved, as they lose the guarantee

of legal certainty and the binding force that a notarial deed is supposed to possess.

On the other hand, this could also open the possibility of lawsuits against the notary themselves for alleged negligence or violation of the professional code of ethics. In the context of legal accountability, a notary as a public official may face administrative sanctions up to the revocation of their license if found negligent in fulfilling formal obligations as regulated by legislation. (Hakim et al., 2025)

Considering the importance of fingerprint adhesion in maintaining the validity of authentic acts, it is necessary to strengthen the supervision from the Notary Supervisory Council both at the regional and central levels. The application of strict sanctions for notaries who neglect to comply with these provisions is also an important step to ensure professionalism and accountability in the performance of notarial duties. In addition, continuous socialization and education should also be carried out for notaries and the public regarding the urgency of this aspect in legal protection.

The efforts of digitizing and integrating biometric technology in the notarial deed creation system can also serve as a long-term solution to ensure the accuracy and security of identity authentication of the parties involved. Thus, the deeds produced truly reflect the intentions of the parties and can be held accountable legally.

In addition to being an authentic instrument that possesses perfect evidential power, a notarial deed also serves as a legal protection for parties who bind themselves in certain legal acts. In this context, the affixing of fingerprints to the minute of the deed has a dual function: first, as a form of strengthening the validation of the presence and identity of the parties involved; second, as a preventive measure against forgery and manipulation of data or identities in the deed. Notaries, as public officials, are required to act carefully and professionally in every process of deed creation, so that the deed made truly reflects the will of the parties present consciously and legally.

The implementation of fingerprint attachment often encounters technical obstacles in the field. Not all notary offices are equipped with adequate fingerprint recording devices. In addition, some

notaries believe that the signatures of the parties involved are sufficient as proof of presence and agreement. However, in modern legal practice, advances in technology and modes of cybercrime have demanded a stronger and more authentic evidentiary system. Therefore, fingerprint attachment is not merely an administrative complement, but an integral element in the formal validity of authentic deeds.

The attachment of fingerprints is also very important in the context of proof in court. Documents accompanied by the signatures of the parties will be easier to defend their authenticity because there are biometric traces that are directly attached and cannot be forged like signatures. In civil cases, when there is a dispute over the content or truth of a notarial deed, the presence of fingerprints can be a primary tool for rejecting or supporting claims from the parties involved. Conversely, if the deed does not contain fingerprints and one party denies it, then the burden of proof becomes heavier for the party relying on that deed.

Furthermore, the Notary Position Law (UUJN) does not explicitly require the attachment of fingerprints in the minutes of the deed, but several implementing regulations and court decisions have emphasized the importance of this element. This indicates that legally, fingerprints have been accepted as an authentication instrument that enhances the formal value of the deed. In fact, in some cases, a deed that does not include fingerprints may potentially lose its authentic power if it is proven that the parties involved were not actually present or if there was an identity misuse.

From the perspective of consumer protection law and the principle of prudence, the inclusion of fingerprints is also part of the fiduciary duty of a notary towards the parties using their services. A notary is not merely a formalities recorder but a guardian of the substance of justice in the agreements of the parties. By including fingerprints, the notary demonstrates integrity, accuracy, and transparency in the process of drafting the deed. In the long run, this will also build public trust in the notarial institution and prevent legal disputes that could harm the parties.(Novelin & Sarjana, 2021)

In the midst of digital transformation and demands for efficiency, the concept of fingerprint attachment can be further developed with a digital biometric approach and electronic signatures based on dual authentication. However, this still requires a strong legal foundation and a robust information security system. Therefore, updating regulations becomes key so that this implementation remains relevant, does not burden parties involved, while still ensuring the validity of documents and maximum legal protection for all parties involved.

Legal Implications of the Non-Application of Fingerprint Affixing on Minutes of Deed

If the fingerprint attachment is not applied in the making of a notarial deed, then several legal implications may arise. One of them is the threatened validity of the deed in the process of proof in court. Although the notarial deed has the status of an authentic deed regulated by law, without biometric proof elements such as fingerprints, the authenticity of the deed could be questioned in the event of a dispute. This is particularly important in the context of proof in court, where authentic deeds can serve as strong evidence, but only if it can be ensured that the party who made the deed was truly present and expressed their will consciously.(Dewi & R, 2020)

In addition, without the attachment of fingerprints, the risk of identity fraud increases. For example, a person could claim to be someone else who is already registered in a notary act by changing the signature or misusing another identity. In this case, the attachment of fingerprints can serve as a barrier to fraudulent actions, as fingerprints are unique biometric data that cannot be easily duplicated. Therefore, the attachment of fingerprints can be an effective deterrent to maintain the security and integrity of very important legal documents.

The attachment of fingerprints in the minute of the deed also has a positive impact on legal protection for the parties involved in the agreement or transaction governed by the deed. In the event of a dispute or legal claims, the presence of fingerprints will provide stronger evidence regarding the identities of the parties

involved. This will reduce the likelihood of abuse or misappropriation of responsibility by unauthorized parties. Fingerprints, as a unique and non-falsifiable biometric element, provide a higher level of certainty than merely relying on signatures or written identities.

Furthermore, this fingerprint attachment system can also enhance transparency in the process of creating deeds, as every recorded deed will have a clear identification trail, not only for the notary's own oversight but also for other parties that require assurance of the deed's validity, such as financial institutions or third parties relying on the notarial deed as the basis for transactions. This will strengthen the legal position of the parties in the agreements stated in the deed, as well as provide better long-term protection.

Although the potential use of fingerprints as a means to strengthen the validity of deeds is very great, the biggest challenge in implementing this technology is the technological gap that exists in various notary offices. Not all notary offices have the facilities to use sophisticated fingerprint recording devices that can be integrated with the digital deed management system. This certainly requires a substantial investment, both in terms of hardware costs and training human resources to understand and operate the equipment.

In addition, there are also challenges related to the protection of personal data. The use of fingerprints as a biometric element requires very careful management of personal data. Notaries must ensure that the fingerprint data they store is not misused or falls into the hands of unauthorized parties. Therefore, there needs to be clear regulations regarding the management of this biometric data, both from a legal and technological perspective, to ensure that individual privacy rights are maintained while also ensuring the security of the stored data. (Rumpuin & Sigit, 2022)

One solution to address this constraint is through updating the legislative regulations that allow the implementation of a fingerprint attachment system in notarial deeds to be carried out gradually and with mechanisms adjusted to the capabilities and conditions of notaries across the region. The government and notary associations can collaborate to provide training and funding

that can facilitate notaries in implementing this technology, so that every notarial deed made can meet higher security standards.

In recent years, the use of electronic signatures has gained significant attention, especially in the context of the digitization of legal documents. The integration of electronic signatures with fingerprints as a verification element can strengthen authentication in the creation of notarial deeds. The fingerprints applied in this context will serve as an additional layer of security, providing two-factor authentication (biometric and digital) that is more difficult to forge.

The application of this technology will be very useful in facilitating the creation of deeds digitally, which can be done remotely without the need for direct face-to-face interaction. This system will provide greater flexibility for parties wishing to create deeds while still ensuring their validity. The implementation of the electronic signature and fingerprint system will help improve the efficiency of notary services while also reducing the potential for identity misuse in the creation of deeds. (Kurniawati Weo & Cahyandari, 2023)

The implementation of fingerprint technology in notary act minutes not only relies on the awareness and efforts of notaries and the notarial institution itself but also requires an active role from the government in providing adequate regulations and oversight. One very important step is the update of regulations regarding the management of personal and biometric data contained in fingerprint recording systems. Considering that biometric data is very sensitive and vulnerable to misuse, the government needs to issue regulations that protect individual rights and ensure that the use of fingerprints does not violate privacy. (Winandra et al., 2021)

In Indonesia, regulations governing personal data protection, such as Law No. 27 of 2022 on Personal Data Protection (PDP), must be considered in every implementation of technology involving the collection, storage, and management of personal data. The government, in this case, must ensure that the management of fingerprints as biometric data in each notary's office not only complies with technical standards but also adheres to

strict personal data protection principles. For example, fingerprints that are collected and stored in the notary system must be secured, with clear oversight regarding who is authorized to access and utilize that data.

In addition, the government also has the responsibility to ensure that all notary offices in Indonesia have equal access to the technology and tools needed for fingerprint implementation. This includes providing training to notaries and their staff so they can understand and effectively manage new technology. For example, outreach on how to use fingerprint recording devices and secure biometric data processing procedures. The government can collaborate with notary associations, professional training institutions, and technology companies to develop training programs that can be accessed by notaries in various regions.

Not only notaries, but the general public and parties involved in transactions or the creation of notarial deeds also need to have a sufficient understanding of the importance of fingerprint attachment on notarial deeds. Education about the benefits of fingerprints, not only for legal validity but also in avoiding potential fraud or identity forgery, needs to be communicated extensively. This outreach can be conducted through various communication channels, including social media, seminars, and even public campaigns focusing on the importance of enhancing legal security in the creation of deeds.

The public needs to know that fingerprinting is one way to protect their interests. With a stronger identity verification through fingerprints, the parties involved in the creation of notarial deeds can feel more secure, as the authenticity and integrity of the deeds they sign are better guaranteed. In addition, this will also provide greater trust in notaries as public officials who manage important deeds.

On the other hand, if the community and relevant parties do not understand the importance of this technology, they may ignore or even reject the fingerprint attachment procedure in the creation of deeds. Therefore, a collective awareness must be built to create a legal culture that better appreciates the validity and authenticity of documents produced by notary institutions.

Another legal challenge that needs to be faced in the implementation of fingerprints on notarial deed minutes is the potential emergence of disputes related to the authenticity and validity of using this technology. Although fingerprints are a strong form of authentication, it does not mean that it is free from legal loopholes. Some parties may challenge the validity of deeds that use fingerprints, claiming that the process of taking them is invalid or not in accordance with the applicable procedures.

In addition, it is not uncommon to find claims that the technology used to collect fingerprints can be misused or accessed by unauthorized parties. Therefore, it is important for notary institutions and notaries to ensure that the fingerprint collection process is conducted transparently, properly documented, and in accordance with applicable legal standards. All fingerprint data must be stored in a secure system and should not be used outside of legitimate interests, and there should always be a clear control mechanism regarding who is authorized to access that data. (Omiyani et al., 2024)

In addition, the Indonesian legal system must be ready to address legal challenges that may arise alongside the development of this technology. This includes the formulation of regulations that support the use of biometric technology in the creation of deeds, as well as preparing a judiciary system that can handle disputes related to the use of this technology.

The application of fingerprints in notary deed minutes has a very high urgency in ensuring the authenticity of the authentic deed. This technology provides a higher level of security compared to relying solely on conventional signatures. With the presence of fingerprints, the resulting documents are not only more assured of their authenticity, but also more difficult to forge or manipulate. Fingerprints have become an important element in providing legal protection for all parties involved in transactions that require notary deeds, so that these deeds can be more strongly accepted in court, in case of disputes.

However, the implementation of this technology must also be supported by clear regulations, as well as adequate training and facilities for notaries throughout

Indonesia. The government and notary associations must collaborate in providing education and ensuring that this technology can be applied safely and effectively. With strict supervision and the application of correct procedures, fingerprint attachment can become one of the steps to optimize the validity of notarial deeds in the future.

It is also important to involve the community and relevant parties in understanding the benefits and security of using fingerprints. Effective socialization will raise legal awareness among the public and, in turn, can create a more credible and authoritative notarial system. Thus, the implementation of this technology will not only increase trust in notary institutions but also strengthen the legal foundation in Indonesia as a whole.

4. CONCLUSION

Based on the description and legal analysis that has been discussed, it can be concluded that the attachment of fingerprints in the minutes of the notarial deed has a very high urgency in ensuring the validity and evidentiary strength of an authentic deed. This provision is not merely an administrative formality, but rather an important instrument that serves as a verification of biometric identity and authentication of the presence of parties before the notary. In the context of Indonesian positive law, this obligation has been explicitly regulated in the Notary Position Law, so that any violation of this can directly impact the validity of the deed created. Inconsistent implementation of the fingerprint attachment obligation not only diminishes the evidential value of the deed but also opens the possibility of legal disputes, both among the interested parties and against the notary themselves. An act that is not accompanied by a fingerprint is at risk of losing its status as an authentic act and is only considered a private document, which by law has weaker evidential power. Therefore, notaries' compliance with this provision is absolutely necessary to maintain the integrity of the profession, ensure legal protection for the public, and realize the principles of certainty, justice, and usefulness in notarial legal practice. To support this, strengthening supervisory functions, educating notaries, and developing a digitalization system based on

biometrics are strategic steps that need to be pursued continuously.

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