

# Technological Advancement In The Society 5.0 Era For Notary In Indonesia: Glory Or Obsolete?

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## ABSTRACT

The development of the legal profession is changing at an extraordinary speed, such as in the field of technology. The legal needs in society will be met by new entities, including technology companies that provide document creation systems and artificial intelligence systems to support legal services. But in the era of society 5.0, with digital advances and the emergence of artificial intelligence machines and big data, this eventually led to a change in the perspective and way of individuals in terms of law, which turned into an "alarm" for disruption to the legal profession, especially advocate offices. notaries, including courts, which at first were often ignored because of the emergence of artificial intelligence. This study aims to answer how the legal profession, especially the notary position, is associated with technological developments in the era of society 5.0. The research method used is normative juridical, in which the researcher examines this research by applying secondary data. The study of secondary data means the collection/study of data through literature studies, in the form of written regulations, books and journals. The author explores previous studies that discuss artificial intelligence in notary positions. The author also sees the latest developments in "competition" between the human legal profession, especially in the notary position and artificial intelligence. More sophisticated technology will replace something technological in nature, so the legal profession whose legal method is mechanical will be replaced by artificial intelligence that is faster and more accurate.

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## I. INTRODUCTION

The development of the legal profession is changing at an extraordinary speed, such as in the field of technology. The legal needs in society will be met by new entities, including technology companies that provide document creation systems and artificial intelligence systems to support legal services. (Dan Hunter, 2020) In 1967, the President of the American Bar Association, Charles S. Rhyne, confidently said that the legal profession would not be replaced by computers. The statement he expressed was, "To allay unfounded fears, it should be stated that the computer will never replace the trained legal mind. The computer is incapable of original thought, reasoning and creative achievement" (Rhyne, 1967). But in the era of society 5.0, with digital advances and the emergence of artificial intelligence machines and big data, this eventually led to a change in the perspective and way of individuals in terms of law, which turned into an "alarm" for disruption to the legal profession, especially advocate offices. notaries, including courts which at first were often ignored (Susskind, 2015).

In response to the disruption "alarm" mentioned above, a number of legal practitioners finally held a gathering at the 2018 Techlaw Fest at the Suntec Singapore Convention & Exhibition Centre. What they really worry about is that one day legal service providers, for example lawyers, notaries, and legal consultants may no longer be needed by a number of litigants. Various kinds of artificial intelligence that are currently starting to develop can be easily chosen by legal service users, including starting from legal consultations, drafting business contracts, and even taking proceedings in courts. (Elnizar, 2018). In the era of disruption, as is the case with the business world, anyone who is unable to innovate and run things without effectiveness will be crushed by technology, and this is also true in the world of lawyers or notaries who have been active in business-industries. (Putro, 2020). If you look at the phenomena that existed in the past, it appears that most people, especially ordinary people, find legal opinions and advice complicated, which in the end a number of people who have litigation with the law really need the presence of a legal consultant. But nowadays, artificial intelligence can be found that is able to present all data, regulations, and jurisprudence, where this has an impact, namely those who are having cases related to law no longer have to go to the law office for consultation. They only need to click on artificial intelligence if they plan to get information and opinions regarding legal matters. Artificial intelligence also provides other services in the form of drafting a complete contract, where the parties can make the contract independently just by entering the data process, including observing and complying with the terms and conditions that apply. If artificial intelligence is considered capable of providing assistance and providing answers to legal problems in a careful, precise, practical and affordable manner, this will have an impact, namely that legal service users will be more inclined to conduct searches and seek to find costs that are considered more efficient. , which in the end they are no longer interested in using the services provided by the law office. Will we enter the world of post-human law?

This concern is of course realistic and has strong underlying reasons. This is because the use of artificial intelligence robots has begun to replace the role of human advocates, for example the Ross robot used by law firm Baker Hostetler in Washington in handling bankruptcy cases. Ross is the world's first artificial intelligence robot lawyer. However, Bob Craig and Andrew Arruda, whose status as Chief Information Officer and Chief Executive of Ross Intelligence, tried to "calm" by saying that Ross was not intended to act as a substitute attorney. Ross is limited to helping lawyers to learn faster than visiting internet links for several hours or reading hundreds of pages of cases but optimal results cannot be obtained (Turner, 2016).

Based on the above background, the first question arises, how is the position of a notary in Indonesia related to developments in the field of technology? What is the potential impact of technological developments in Era Society 5.0 on Notary Positions in Indonesia? And finally, will the position of a notary in Indonesia be successful or will it be obsolete?

## II. RESEARCH METHOD

Normative juridical research (normative law research) is applied by the author using library materials and secondary data in order to carry out a search or research on the literature along with a number of regulations that are related to the problem being studied. (Soekanto & Mamudji, 2001) In normative legal research, library materials become basic data which is categorized as secondary data in research. As stated by M. Kuncoro, secondary data is "data that has been collected by data collection agencies and published to the public using data" (Kuncoro, 2009). Secondary data is described as data that has undergone further processing and has turned into a number of forms, for example in the form of tables, figures, and so on. In addition, there are data obtained from document data, literature, and other written sources, namely literature and regulations that have relevance or relevance to the subject being studied. The data that has been collected is then analyzed qualitatively, namely by examining the depth of meaning and the subjective experience of the researcher. Qualitative studies/analyses are carried out through the mediation of human interpretation. This

qualitative tradition explores the meaning and understanding of a phenomenon from the experiences of those who have experienced it themselves (Tan, 2021b).

### III. RESEARCH RESULTS AND DISCUSSIONS

#### 1. Notary Positions in Indonesia Associated with Developments in the Field of Technology.

The application of technology prevalently is one of the characteristics of modernization and globalization that cannot be denied. It is a brave new frontier that changes the way our society works (Tan, 2021a). The introduction of new technologies in legal practice opens up the possibility that innovations in legal services might help close the equity gap: the difference between the need for legal services and their affordability and availability of legal services. (Raymond H Brescia, 2016) In litigation disputes, basically consider legal professions such as lawyers and notaries to be highly trained and skilled professions that can identify legal issues, such as collecting factual data relevant to the case being handled, as well as determining the possible outcome of the court in adjudicating a dispute. Legal professionals, such as lawyers and notaries, use their intuition and experience to assess the best and most appropriate ways to carry out their powers and duties. Such action has long been seen as a task that only those in the profession can undertake. Given the importance of the judgment of the legal profession who is an expert in the field, it is generally assumed that the cost of these services will increase over time (Alarie et al., 2018).

But, how much of what legal professions like these notaries do can be automated? Recent developments in artificial intelligence, particularly language processing and machine learning have challenged traditional concepts of human expertise. Machines can do complex things much better than humans. (Kaplan, 2016) Earlier tasks that required human effort such as complex calculations, calculating money, creating spreadsheets, performing risk assessments, all of these have been automated with technological developments, in a way that not only reduces costs but also offers greater accuracy and precision (Alarie et al., 2018).

Legal practice clearly cannot escape these technological advances and the impact of data-driven analysis. A study revealed that for the first time in a competition, there was a reality showing that the accuracy displayed by artificial intelligence machines was superior to human advocates. An artificial intelligence tool called LawGeex was “piloted” with 20 of the most popular advocates in the United States, where the challenge was that they had to identify 30 legal issues, and the contest took place and had to be completed in four hours. Legal issues that must be identified by them include handling an arbitration dispute to reviewing issues relating to compensation. (Lawgeex, 2018). The research was carried out with the aim of measuring the level of accuracy that Lawgeex was able to achieve in identifying and handling legal problems if they were filed with human advocates. The results obtained from this research indicate that the accuracy value that can be achieved by human advocates is as much as 85%. On the other hand, Lawgeex's level of accuracy is 94% in reviewing and identifying legal issues. This research is also intended to measure and make comparisons related to the time that can be taken, namely how high the speed level of artificial intelligence machines is able to review five non-disclosure agreements when faced with or competed with professional advocates in evaluating the object of similar agreements. The results obtained show that the average time required for human advocates is 92 minutes, while on the other hand, the average time required by Lawgeex is only 26 seconds.

A number of technological tools that have sophistication are indeed designed with a program that can accommodate all legal and jurisprudential regulations, including the ability to convey various legal opinions that you want to ask. The main victims who are affected by the impact of artificial intelligence devices are, of course, legal scholars who simply rely on their ability to memorize laws and legal procedures. Second, with regard to the legal profession, there are rules that are classified

as strict, for example, namely special requirements that must be met in order to be able to hold the status of a notary and an advocate. Many people could argue that at this time, intelligence machines are not serious rivals for notaries because the law regulates the validity of agreements, requires notarial deeds, for example, the establishment of PT, fiduciary agreements, and the like. You can imagine what will happen to the notary profession if in the future the law is no longer a determinant of the validity of certain agreements which should only be valid through a notary, of course, professions in the realm of technical law, such as drafting contracts or agreements, will be replaced easily. by artificial intelligence machines, where a number of parties who want to make a contract can easily draw up their business contracts independently only by utilizing the assistance of artificial intelligence machines via internet applications via computers; they only need to input the required data by adjusting the terms and conditions that have been set (Putro, 2020).

## 2. The Potential Impact of Technological Developments in the Era of Society 5.0 on Notary in Indonesia

McGinnis and Russell Pearce argue that machine intelligence will cause a disruption in the market for legal services (O et al., 2014). Technological developments in the Society 5.0 era have the potential to provide a more objective view of how to decide on different legal issues. If given facts relevant to the question, the machine can place these facts in the applicable positive law. However, there are of course other forces in this legal service that can hinder the adoption of new technologies. Basically, each notary can regulate their own market, they can put up a strong fight against the development of the use and integration of machines in legal services (Campbell, 2012).

When viewed from a philosophy perspective, a notary is categorized as a public official of the state, where his inauguration is carried out by the Minister of Law and Human Rights to fulfill his function or role in accordance with what has been determined by the state, including providing services for the public in order to realize legal clarity. which is related to civil matters in his capacity as an official in charge of compiling an authentic deed. Article 1868 of the Civil Code explains that an authentic deed is a deed that is prepared in a special form and must of course be adjusted to a number of provisions stipulated by law, and the preparation of the deed must be carried out in front of a public official who has the authority to draw up the deed (Akbar & Yazid, 2021). A notary is also defined as the only public official who is delegated the authority to draft an authentic deed with respect to all types of agreements, actions, and stipulations that are the conditions requested by interested parties, where these conditions must be fulfilled and stated in an authentic deed on a regular basis. taking into account a number of crucial points, including: (1) the certainty of the date must be guaranteed; (2) the deed must be kept; (3) there must be provision of grosse, copies, and quotations thereof, and all of them during the preparation of the deed, where this is not assigned to officials or other people (Edwar et al., 2019), so that by regulation, only a notary is authorized to carry out the legal profession.

The era of society 5.0 so far has brought about changes related to the way in which individuals interact with the law. In the legal field, it is found that there are many legal information engineers who are needed and increasingly dependent on law firms, court offices, police and prosecutors. (Susskind, 2017). In the world of work, we cannot ignore the development of increasingly sophisticated technology. Some of the jobs in the legal field do have something in common with how technology works, which is why artificial intelligence machines can replace legal work. In this case, artificial intelligence technology is collaborated with the legal profession. This is intended to combine human intelligence and artificial intelligence so that more accurate, better, and of course faster results can be achieved (Putro, 2020).

So, what is the potential impact on technological developments in the era of society 5.0 for the position of a notary? Because artificially intelligent is an intelligent tool that can filter unstructured

information and can relate contexts that have relevance to a legal issue, but this technological tool does not intend to offer legal advice through steps similar to those applied by notaries / other legal professions, thus this technology does not replace what a notary basically does for and on behalf of its clients. A notary, not only provides answers to legal questions, but he also identifies questions with a legal approach, provides legal considerations and the circumstances of his client's interests. A notary in using this technology still needs to consider the accuracy of the answers and facts claimed, as well as the suitability of the technology in resolving legal disputes. This is because work in the realm of law is not as easy as working a machine. A legal case is generally full of struggles between justice, benefits, and certainty, where this is different from artificial intelligence machines which are indeed capable of providing legal certainty guarantees with relatively high accuracy. However, keep in mind that machines do not have the sensitivity that can bring the law close to justice because the measurement of justice cannot be done scientifically.

In order for the law to be closer to justice, it takes a human judge who is capable of making decisions based on legal logic while still taking into account the sensitivity of conscience. If it is hypothesized, the quality of legal decisions resulting from conscientious judgment will show a difference with legal decisions given by those who only focus or prioritize legal reasoning. In a number of cases that are considered difficult cases, for example the case of Prita and Nuril (the ITE case), which if the handling of the case is based on considerations of conscience or without conscience, of course the level of quality of justice in making decisions will be very different. With this kind of legal construction, the status of the human legal profession occupies a superior position than the intelligence machine because the intelligence machine has limitations, namely only being able to provide "legal certainty". The next task that becomes a challenge is the need for the role of the human legal profession who is able to find justice that lives in society, where this is intended so that law can be brought closer to justice that upholds wisdom. The risk is that those who will later hold the title of future legal profession are only certain people (not arbitrary), among them are people who have high integrity and of course have intelligence of conscience. In addition to professional ethics aimed at sharpening the intelligence of conscience, legal skills previously taught in the realm of legal education should be complemented by education that teaches values, for example the philosophy of justice. Through this kind of legal development, legal professions living in this millennial era will still be able to survive as leaders of legal civilization even though they are faced with the emergence of disruption and expansion of artificial intelligence machines.

In addition, the development of this technology can help notaries in several dimensions. First, notaries can do more things in the same amount of time. Their increased efficiency could allow them to do additional work on behalf of existing clients or could even help out more clients. Second, because this artificial intelligence allows them to perform tasks in minutes that historically took hours. Third, notaries can broaden rather than narrow their area of specialization, free from the heavy task of reading a growing collection of material, notaries can use this technology to maintain their area of expertise and can even develop new skills.

Along with technological developments, regulations will continue to change. The central responsibility of a notary is the accuracy of the information from them. Looking ahead to technology that can predict accurately, notaries not only rely on this technology but are also legally required to use this technology as part of their obligations. A notary, if he provides information that fails and is inaccurate, it will increase the chances of being sued by some clients who are not happy because the notary ignores this predictive information. In this way, the notary can be considered negligent in the same way that a doctor is considered negligent for the damage that arises as a result of ignoring the results of checking/blood tests on his patient (Alarie et al., 2018).

### 3. The Challenges of a Notary in Indonesia: Glory or Obsolete?

The development of technology which seems to be getting faster every day certainly has an influence on the limited ability or space for the legal profession to carry out the tasks it carries out. One of the countries affected by these increasingly sophisticated technological changes is Indonesia. Today, each profession that is carried by the individual must be able to coexist in harmony with the increasingly developing technology (Aritonang, 2021). Artificial intelligence can be a threat to the legal profession because it can replace the functions and tasks carried out by the legal profession. In this case, the laws and regulations determine the implementation of the notary profession related to the duties, authorities, and prohibitions in carrying out their positions. In addition, there is a Notary Code of Ethics which explains the moral norms of behavior that should be applied and obeyed by a notary in carrying out his profession.

Advances in information technology, especially as artificial intelligence (artificial intelligence) which is continuously developing, certainly has an impact on the notary in carrying out his position to carry out the tasks he must fulfill. An important point that is emphasized in the practice and mechanism of deed preparation by a notary is preventive justice which must be able to realize and maintain legal certainty for the interests of the people, and so that the emergence of demands can be minimized. There are two factors that will determine the influence of advances in information technology on the position of a notary in the future or in the future, namely: (1) legal politics, and (2) legal awareness. (Akbar & Yazid, 2021).

The first factor is legal politics. In this regard, the prevailing laws and regulations should not be ignored, but should be viewed as a tool whose function must be optimized, where it is aimed at creating order and legal certainty for the community. Political decisions and statutory regulations that are part of legal politics must overshadow the course of legislation. The state works with the assistance of its institutional organs, and its duties or functions include drafting legislation to be realized. That way, the government with the status of a state institution can provide emphasis and direction on which legal system or politics or what kind of law should be adopted and developed. Indonesia has the status as a state of law. Therefore, politics should follow the law, not the other way around. Construction of the right legal paradigm is also important to successfully reform or reconstruct a legal structure (Tan & Sudirman, 2020).

The second factor is legal awareness. In an effort to maintain his life, every human being must be able to meet basic needs related to his physical, spiritual, and emotional needs. In addition, humans also need to meet their psychological needs, for example the need for knowledge, to get security, justice, and legal certainty. Bear in mind that notaries in Indonesia have long been educated and trained strictly under the *tabellionis officium fideliter exercebo* principle. This principle is ingrained in notaries, which thus find difficulties in becoming dynamic, especially amid the changes brought about by highly disruptive electronic technology and information (Tan, 2020).

Legal consciousness reveals itself in belief in the deepest truths of the mind. With the psychic path, the recognition of the truth of the rules can be realized, which is shown through belief in the policies of the rule makers. If this does not exist, it means that legal awareness does not yet exist. Accepting the truth is not the same as accepting or obeying the commands and prohibitions prescribed by the rulers. In essence, legal awareness should be realized, wherein the authorities must implement it and understand this awareness as awareness that appears in the community, then expressed in laws and regulations. In relation to the formation and making of rules, this must be implemented with a pillar on a number of perceived measures so that later it can underlie a sense of justice that is in line with the demands of the community's needs.

In all legal systems that require an authentic form for certain legal actions, it appears that the value and strength of evidence contained in the deed is perfect. The main mission that must be carried out

by a notary is to produce evidence whose purpose is to show that it is legal and has economic value. Reality indicates that in determining the truth of information, including identification, skill or authority in carrying out legal actions planned by a number of parties, it can only be obtained and determined by a notary. In addition, the notary world has so far taken advantage of technological advances, including the use of online registration systems, such as SABH, OSS and GRIPS which function as supporters and are able to assist notaries in accelerating access to information. Information and communication technology is sufficient to provide significant assistance in terms of speed and quality of notary services. Information systems have taken over many protocol-based jobs, where this has a positive impact on the results of notary work, namely becoming more cost efficient.

Legal politics and legal awareness can be determinants of how far the influence of advances in the field of information technology will be implemented in the form of legislation. The use of advanced technology in digitalization and automation should be able to become a distinct advantage in the legal field in providing faster services and legal certainty to the community in line with the demands of the community's interests. Legislators with their legal politics and continue to heed or ignore public legal awareness will further regulate the progress of digitalization without substituting or making changes to the nature of the position of a notary, the procedure for preparing a notary deed, and a number of characteristics contained in an authentic deed.

#### IV. CONCLUSION

In the digital era as it is found today, technology that is able to show superior sophistication will be a substitute for something that is also technological in nature. Therefore, the legal profession that has a legal method with a mechanical nature or has similarities with the operation of technology will be replaced by an artificial intelligence machine, where the machine has a higher level of accuracy and legal certainty than the capabilities or abilities of the human legal profession. In the era of society 5.0, digital advances have changed the way individuals apply in terms of law, where one does not have to go all the way to the law office for consultation because artificial intelligence machines are able to provide answers to various legal problems that you want to ask. Moreover, law firms, courts, police and prosecutors are increasingly relying and relying on artificial intelligence machines. Furthermore, there is evidence indicating that the speed and accuracy of artificial intelligence machines are superior to the capabilities of the human legal profession in terms of accuracy and speed in identifying and analyzing legal issues. However, this does not mean that the entire role of the human legal profession can be replaced directly by the machine. This is because the intelligence machine only conveys legal certainty, while on the other hand, especially in certain legal cases, there is a struggle between justice, benefit, and certainty. Justice is not limited to focusing on algorithms, but also taking into account or considering conscience, sensitivity to human values, and a critical view of reality. In essence, the human legal profession that has high integrity and intelligence of conscience is really needed if one hopes for a law that is close to justice.

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