

Reforming of Related Instruments for Indonesia's Cyber Notary Concept Implementation

Dilla Naharul Mumtazh

dillanaharul@student.usu.ac.id

University of Sumatera Utara, Indonesia

Rudy Haposan Siahaan

University of Sumatera Utara, Indonesia

ABSTRACT

The concept of a cyber notary or electronic notary, represents a significant shift in the progression of conventional notaries to more modern ones. However, Indonesia lacks regulation synchronization, making the concept difficult to apply. Therefore, the implementation of this concept in Indonesia requires the reform and harmonization of existing regulations, including Law No. 2 of 2014 on the Amendment to Law No. 30 of 2004 on the Position of Notary, Law No. 1 of 2024 on the Second Amendment to Law No. 11 of 2008 on Electronic Information and Transactions, and other regulations, such as those pertaining to the electronic creation of notarial deeds and the archiving of deed minutes. This study, using normative juridical methods or legal research, analyzes various current regulatory regulations to modify or align them with the concept of a cyber notary. The study's conclusion suggests that the adoption of this notion in Indonesia hinges on the reform and harmonization of numerous legislations related to the notary office and other pertinent regulations. These regulations establish the appropriate procedures and a thorough plan for positioning notaries in an optimal manner. In the future, the potential for electronic notarial deed creation exists.

KEYWORDS: Cyber Notary, Reforming and Harmonization the Regulation, Notary



Copyright © 2025 by Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License. All writings published in this journal are personal views of the authors and do not represent the views of this journal and the author's affiliated institutions.

HOW TO CITE:

Mumtazh, Dilla Naharul, and Rudy Haposan Siahaan. 'Reforming of Related Instruments for Indonesia's Cyber Notary Concept Implementation' (2025) 6:1 Jurnal Ilmu Kenotariatan 43-55. DOI: <<https://doi.org/10.19184/jik.v5i2.51538>>

I. INTRODUCTION

Presently, the advancements and modifications in information technology have impacted all aspects of human existence. This indicates a transition in culture from traditional to modern. This encompasses advancements in legal technology that signify shifts in the legal industry. Regarding the sustainability of technology in the field of notaries, there is a significant shift towards cyber notaries or electronic notaries.¹

¹ Edmon Makarim, *Notaris dan Transaksi Elektronik Kajian Hukum Tentang Cyber Notary atau Electronic Notary*, (Jakarta: Raja Grafindo, 2013). p.23

The term "cyber notary" is derived from the term "cybernetic," which is a scientific field that includes the fields of electro, mathematics, robotics, and psychology. The concept of cyber notary or electronic notaries for notaries in Indonesia is not a foreign concept; discussion regarding the development of cyber notaries in Indonesia has been ongoing since 1995. The concept is derived from the potential impact of new technologies on the work of notaries, particularly in terms of time efficiency. The technologies in dispute are digital signatures and video conferencing.²

In the world of cyber notary, the terminology in the presence should get an expansion because the word 'in the presence' is currently an initiative and innovative in terms of approval and recognition of the word in the presence. This is due to the rapid advancement of technology, which allows the word 'in the presence of' to be interpreted not only physically but also virtually.³ Other than that, the term cyber notary refers to a notary who uses information technology to fulfil the responsibilities and authority, particularly when executing deeds.⁴ The use of cyberspace, particularly in the context of cyber notary, has the potential to generate a new world. However, it can also present a number of challenges, particularly when creating an authentic document.⁵

The concept of cyber notary has been evolving in various nations, including the Netherlands, Italy, Japan, South Korea, and others. The global agreement at the United Nations Commission on International Trade Law (UNCITRAL) forum recognises the importance of legalising the legal worth of electronic documents and/or information.⁶

This transition involves the transformation of traditional notaries into modern ones, characterised not only by the use of computerisation and the internet in notary authority but also by the enhanced effectiveness and efficiency of notaries in delivering services.⁷

The current state of affairs in Indonesia regarding the concept of cyber notaries is characterized by a lack of synchronization between regulations. This presents a challenge for the development of this concept, as the absence of interconnected regulations can lead to numerous gaps that render it unimplementable. Notably, countries such as Japan, South Korea, and others have successfully implemented this concept by reforming their legal regulations and infrastructure.⁸

² Novan Dwi Kurnia, Muhammad Sood, and Hirsanuddin, "Juridical Study of Arrangements for Authentic Deeds through Cyber Notary: Comparative Study with Japan", *Path of Science* 9, no. 1, (2023): 2014-2022.

³ Dendik Surya Wardana, Iswi Hariyani, and Dodik Prihatin AN, "Pertanggung Jawaban Notaris Terhadap Keabsahan Akta Outentik Yang Dilakukan Secara Electronic Dalam Pembuktian Di Pengadilan," *Jurnal Ilmu Kenotariatan* 2, no. 2 (2021): 14-26.

⁴ Meilina Rosa, "Penyimpanan Protokol Notaris Dengan Konsep Elektronik Dengan Cyber Notary," *Recital Review* 6, no. 2 (July 21, 2024): 220-35.

⁵ Muhammad Farid Alwajdi, "Urgensi Pengaturan Cyber Notary Dalam Mendukung Kemudahan Berusaha di Indonesia." *Jurnal RechtsVinding* 9, no. 2 (2020): 257 - 274.

⁶ Iqbal Anshori, Elita Rahmi, and Syamsir, "Polemik Penerapan Tanda Tangan Elektronik Dalam Pembuatan Akta Otentik". *Recital Review* 4, no. 2 (2022): 357-358

⁷ Edmon Makarim, *Notaris dan Transaksi Elektronik Kajian Hukum Tentang Cyber Notary atau Electronic Notary*, (Jakarta: Raja Grafindo Persada, 2016). p.43

⁸ Sita Farahanie, "Kedudukan Hukum Akta Autentik Yang Dibuat Oleh Notaris Dalam Perspektif Cyber Notary," *Acten Journal Law Review* 1, no. 2 (October 30, 2024): 171-86.

It is important to change laws about notaries, like Law No. 2/2014 on the Amendment to Law No. 30/2004 on the Position of Notary (also known as UUJN), and other laws, because this idea will be hard to put into action without strong legal support.

Unfortunately, there has not been a comprehensive and coordinated reform in the field of regulation that aligns with societal developments and existing laws, such as UUJN. Consequently, Indonesia has not implemented the concept of cyber notary.⁹ This is because the UUJN does not provide a detailed description of the regulations regarding the conversion of electronic deeds into authentic deeds. The UUJN's foundation is conventional, requiring physical presence and paper-based documents.¹⁰

The public and global community require the concept of a cyber notary due to its potential to enhance the effectiveness and efficiency of notary services.¹¹ This is because the concept of a cyber notary empowers notaries to authenticate the creation of agreements and contracts, recalling their current authority to quote deeds, provide copies of deeds, issue a grosse, store deeds, certify signatures, and record letters under signature.¹²

However, if the UUJN is not revised as soon as possible, it can contradict the position of law as 'a tool of social engineering' in other words, the law is required to be in front of development. In the application of the cyber notary concept, the duties and authority of notaries in making authentic deeds will experience several problems, especially regarding the physical presence of the confrontation, the obligation to sign the notarial deed, and so on.¹³

Therefore, it is necessary to implement regulatory reform through comprehensive harmonization in order to effectively apply the concept of cyber notary.¹⁴ This will enable notaries, who possess legal authority in the domain of private law, particularly in serving the business sector, to provide services to the community with greater efficiency and relevance.¹⁵

Additionally, this reform will ensure legal certainty and guarantees for the community. The aim is to streamline and standardise various regulations pertaining to the role of notaries, along with other related regulations, in order to redefine the necessary procedures and establish an optimal framework for the position of notaries. This will be closely tied to the potential implementation of this concept.

⁹ Damella Chandra Gayatri, "Penerapan Cyber Notary Dalam Meningkatkan Keamanan Dan Kepercayaan Transaksi Elektronik," *Acten Journal Law Review* 1, no. 2 (October 30, 2024): 144–56.

¹⁰ Dina Chamidah et al., "Authority and Power of the Law Relating to Cyber Deed Notary in Indonesia Era Industrial Revolution 4.0," *International Journal of Engineering and Advanced Technology* 9, no. 1 (2019): 947–52.

¹¹ Nadia Pitra Kinasih, "Kepastian Hukum Notaris Menerapkan Cyber Notary Dalam Verlidjen Akta Notaris Secara Digital," *Acten Journal Law Review* 1, no. 3 (December 31, 2024): 231–52.

¹² Marvel Romi Sutiono and Kenneth Bradley Sajogo, "Perlindungan Hukum Pemegang Saham Perseroan Terbatas Terbuka Pada Rapat Umum Pemegang Saham Secara Elektronik," *Acten Journal Law Review* 1, no. 1 (August 31, 2024): 85–101.

¹³ Esti Sugiyorini, "Letter Of Contract In Electronic Commerce (E-Commerce) Based On Civil Law," *Aloha International Journal of Multidisciplinary Advancement (AIJMU)* 1, no. 5 (2019): 114–17.

¹⁴ Linggar Ryanty Yogiata, "Tinjauan Yuridis Konsep Cyber Notary Dalam Penyimpanan Protokol Notaris Ditinjau Dari UU No. 2 Tahun 2014 Atas Perubahan UU No. 30 Tahun 2004 Tentang Jabatan Notaris (UUJN)," *Kultura: Jurnal Ilmu Hukum, Sosial, Dan Humaniora* 2, no. 8 (July 6, 2024): 258–263–258–263.

¹⁵ M Javana et al., "Urgensi Penyimpanan Protokol Notaris Secara Elektronik Dalam Kaitan Cyber Notary Di Indonesia," *UNES Law Review* 6, no. 3 (March 21, 2024): 8334–46.

II. METHODOLOGY

This research employs a juridical-normative method that involves the examination of library materials or secondary data, including legal documents, laws and regulations, legal principles, and legal doctrines that are pertinent to the issues at hand.¹⁶ By looking at and figuring out rules, norms, principles, theories, and legal regulations, this juridical-normative research tries to find and fix problems that might come up, like when norms don't match up, when norms aren't clear, or when there are gaps in the law.

Secondary data cannot be directly obtained because it is already present in a variety of library materials. Data will be collected and subsequently analyzed normatively, resulting in a descriptive representation that addresses the issues and demonstrates the actual social reality.¹⁷ Additionally, judicial-normative legal research provides a structured explanation of specific norms, enabling the resolution of legal issues and the prediction of future legal developments.

III. SCOPE OF CYBER NOTARY

The notion of a cyber notary in Indonesia is not unfamiliar, as it has gained attention due to the advent of new technologies that have the potential to enhance the efficiency and effectiveness of notarial work. The technology being mentioned here encompasses video conferencing and digital signatures.¹⁸

Within the context of cyber notary, it is necessary to have a more comprehensive grasp of the concept of "in presence," since the current definition of this phrase represents a novel approach to granting approval.¹⁹ This phenomenon is a result of society's progress and technology's rapid advancement. As a result, the concept of "being present" is no longer limited to physical presence; it can also encompass virtual presence.²⁰

The American Bar Association's (ABA) Information Security Committee initially derived the concept of cyber notary in 1994.²¹ The aim was to establish legal recognition for electronic transactions, guaranteeing the legal bindingness of contracts made electronically, the preservation of transaction content, secure transmission, and the maintenance of trust when parties transact over the internet.²²

¹⁶ Peter Mahmud Marzuki, *Legal Research Revised Edition*, (Jakarta. Kencana, 2016), p. 83.

¹⁷ Susilo Pradoko AM, *Paradigma Metode Penelitian Kualitatif: Keilmuan Senin, Humaniora, dan Budaya*, (Yogyakarta: UNY press, 2017). p.iii.

¹⁸ Didik Mansur, Arif Mansur, dan Elisatris Gultom, *Cyber Law, Aspek Hukum Teknologi Informasi*, (Bandung: Refika Aditama, 2009). p.24

¹⁹ Yogiutama, "Tinjauan Yuridis Konsep Cyber Notary Dalam Penyimpanan Protokol Notaris Ditinjau Dari UU No. 2 Tahun 2014 Atas Perubahan UU No. 30 Tahun 2004 Tentang Jabatan Notaris (UUJN)."

²⁰ Holla, Rafi Salhi, and Clarissa Oktaviriya Prakoso, "Legal Certainty Regarding the Conversion of Land Certificates To An Electronic System Based On Security Principles," *Jurnal Ilmu Kenotariatan* 5, no. 2 (2024): 88–101.

²¹ HS Salim, Djumardin & Aris Munandar, "Analisis Terhadap Substansi Kode Etik Notaris: Studi Komparatif Antara Kode Etik Notaris Indonesia dengan Georgia, Amerika Serikat, dan Quebec, Kanada", *Jurnal Risalah Kenotariatan Magister Kenotariatan Fakultas Hukum Universitas Mataram* 1, no. 2 (2020): 13-40

²² Edmon Makarim, *Notaris dan Transaksi Elektronik Kajian Hukum Tentang Cyber Notary atau Electronic Notary*, (Jakarta: Raja Grafindo Persada, 2020). p.40

Now, notaries can be classified into three distinct categories in the context of contemporary technological advancements. Among them are conventional notaries, who openly display their faces, write the deed on paper, and sign with a wet pen or fingerprint.²³

Another option is remote notarization, which involves conducting the signing process using visual and audio apparatus.²⁴ In this scenario, the notary is not directly present, but the notary and the participants can see and hear each other. The last option is e-notarization, a form of electronic notarization where the parties remain physically present before the notary, but the notary creates the notarized documents digitally and uses a digital signature.²⁵ For instance, when employing a stylus or pad to sign or affix initials to the document.

The main difference between e-notarisation and remote notarisation is how the document is notarised and signed. In e-notarization, the notary uses a digital signature but it must occur in the physical presence of the notary, similar to traditional pen and paper notarisation.²⁶ In remote notarisation, the person is not in the physical presence of the notary but is present through audio and visual equipment such as a webcam. Electronic signatures are also used to complete this process.

Other international conventions, like the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents in 1961, have also come into effect. This convention promotes the use of notary services to streamline and verify public documents. Furthermore, during the 1989 Trade Electronic Data Interchange System Legal Workshop of the European Union in Brussels, the French delegation recommended that notaries can play a role in offering their services by creating an unbiased record of an agreement made through electronic means.²⁷

Several countries that follow the Civil Law legal framework are also adopting Certified Service Provider (CSP) and Certification Authority (CA) technologies to promote the use of digital signatures or electronic signatures by notaries. Several nations, including Belgium, France, Germany, Spain, and others, have implemented this. The International Congress XXIV, held in 2004, emphasised the pressing significance of the function and responsibilities of electronic notaries.²⁸

The International Congress XXIV emphasised the importance of notaries adapting to new developments and not underestimating the necessary requirements. The conference acknowledged the strong likelihood of electronic deed creation.

²³ HS Salim, *Pengantar Hukum Notaris Online Jarak Jauh (Introduction to Remote Online Notary Law)*, (Bandung: Reka Cipta, 2023). p.32

²⁴ HS Salim, *Op.Cit.* 33

²⁵ HS Salim, *Op.Cit.* 34

²⁶ Michigan Government, "General Information Guide Electronic Notary & Remote Notary," Website Resmi Pemerintah Negara Bagian Michigan, diakses 29 Juli 2024, https://www.michigan.gov/-/media/Project/Websites/sos/07delrio/ENotary_and_Remote_Notary_Guide_2019_eq051319.pdf?rev=61fa24f29a1144fda5ecf577443ac5c5

²⁷ Isro Vita Nugrahaningsih, "The Role of Regional Honor Council In Maintaining The Honor of Notary Position," *Jurnal Ilmu Kenotariatan* 4, no. 1 (2023): 1–13.

²⁸ Edmon Makarim, *Op.Cit.* 50

IV. EXPLORING THE POTENTIAL OF CYBER NOTARY TO ENHANCE THE FUNCTION OF NOTARY IN INDONESIA

In contemporary times, communication has advanced significantly in electronic media via cyberspace. This allows individuals to access a virtual realm that is conceptual, widespread, and independent of temporal and spatial constraints through electronic means²⁹. The concept of cyber notary is deemed to be in conflict with several existing laws and regulations due to the lack of specific guidelines in UUJN regarding the recognition of electronic deeds as valid.

Despite the fact that notaries are integral members of a society that cannot escape the rapid progress of technology³⁰. Indeed, the notion of cyber notary in Indonesia is now limited to regulatory and conceptual discussions. Traditional requirements like physical presence and paper-based documents, which are incompatible with the UUJN, have prevented its implementation.

The concept of a cyber notary involves the utilisation of notaries to verify the creation of contracts and agreements pertaining to notarial authority, such as extracts of deeds, deed copies, provision of official documents, storage of deeds, verification of signatures, and maintenance of records of handwritten letters. Notaries face a variety of challenges in the implementation of cyber notary services related to their authority and responsibilities in creating legally valid documents. These challenges include the absence of physical interaction with the notary, the requirement to sign notarial deeds, and the need for individuals who are unable to sign to provide a detailed explanation for their inability³¹.

According to Article 15 Paragraph (3) of the UUJN, notaries have additional authorities that are defined by statutory rules, in addition to their regular tasks related to information technology. The authority of a notary refers to their ability to certify electronically created agreements or act as a cyber notary. In order to incorporate the certificate's outcomes into electronic documents that are necessary to meet the conditions specified in Article 1868 of Civil Code. This also encompasses the act of attaching signatures as a component of the formalisation of a legal document (*verlijden*). According to Article 44 Paragraph (1) of the UUJN, it is required that the confronters' signature be explicitly expressed at the end of the deed. This means that the confronter must submit a written declaration or information.

In Article 16 paragraph (7) UUJN, there is an opportunity for a cyber notary to apply to electronic documents and electronic deeds. This is due to the fact that the parties are not required to read the deed in front of a notary if they have already read the deed themselves, are familiar with it, and understand its contents. This must be stated and included in the closing of the deed and on each page of the deed minutes, initiated by the face, witnesses, and notary.

²⁹ Rizka Nurliyantika, Ros Amir bt Mohd Ruslan, dkk, "Studi Komparasi Tugas dan Wewenang Notaris di Indonesia dan Malaysia", *Repertorium* 11, no. 2 (2022): 196-203.

³⁰ Litha Nabila Mallolangan and Hendry Julian Noor, "Peluang Penerapan Penyimpanan Minuta Akta Secara Elektronik Menuju Era E-Notary Berdasarkan Undang-Undang No. 2 Tahun 2014 tentang Jabatan Notaris", *Notary Law Journal Lambung Mangkurat University* 2, no. 1 (2023): 54-81

³¹ Traouwelijk, Salsabila, and Mohamad Fajri Mekka Putra, "Efektivitas Peran Notaris Dalam Peninjauan Keabsahan Tanda Tangan Secara Elektronik." *Jurnal Ilmu Sosial dan Pendidikan (JISIP)* 6, no. 4 (2022): 2479 - 2487.

Furthermore, the wording of Article 15 Paragraph (3) of the UUJN conflicts with several articles outlined in Article 5 Paragraph (4) letter B of Law Number 19 of 2016 (referred to as ITE Law). The ITE Law encompasses regulations pertaining to electronically transacted information and documents. Nevertheless, this clause is not applicable to documents that are governed by legal regulations and/or deeds executed by authorised public officials. Article 18, in conjunction with Article 7 and Article 11 of the ITE Law, stipulates that digital signatures possess the equivalent legal weight as official documents created by authorised public officials.

Based on normative and empirical research on technology and information usage, it can be inferred that this is not a primary notary product, but rather serves as technological assistance in the implementation of notary services. Examples of such assistance include the Sistem Administrasi Badan Usaha (SABH) and the Sistem Administrasi Badan Usaha (SABU) organised by the Direktorat Jenderal Administrasi Hukum Umum (Ditjen AHU)³².

Nevertheless, the implementation has not satisfactorily addressed the application of the cyber notary concept, as it exclusively addresses administrative cleanliness. Nevertheless, this is a positive step towards the integration of the cyber notary concept, which will be subsequently implemented in Indonesia.

IV. REVAMPING THE FRAMEWORK FOR CYBER NOTARY SUPPORTING INSTRUMENTS AND ALIGNING LEGISLATION

Reflections on The Netherlands and France, the original source of the Indonesian Civil Code, have updated various regulations, particularly in the area of the law of evidence. Specifically, they have revised the criteria for written evidence, stating that electronic proof holds the same weight as written evidence and functions similarly to a wet signature under established conditions.

The implementation of cyber notary and the enhancement of notary services in the Indonesian context must be reformed and harmonised in a manner that is congruent with the changing lifestyle of Indonesian society in order to develop suitable regulations.³³ Developing a formulation that is applicable, comprehensive, ensures legal certainty, and offers protection through a strategic update of regulations and culture is crucial, as it paves the way for the effective implementation of the regulations.³⁴

There are several critical regulations that necessitate reform and harmonisation to facilitate the efficacy of notary services and the implementation of cyber notaries. According to legal system theory, the successful implementation of a law is contingent upon three primary factors: legal structure, legal substance, and legal culture.³⁵

³² Rudi Haposan Siahaan and Ranti Fauza Mayana, *Hukum Kenotariatan Indonesia Jilid 1*, (Bandung: Media Sains Indonesia, 2020). p.23

³³ Fatrul Razi, Rembrandt, and Yussy Adelina Mannas, "Kepastian Hukum Prinsip Pemilik Manfaat (Beneficial Ownership) Serta Peranan Notaris Berdasarkan Permenkumham Nomor 15 Tahun 2019," *UNES Law Review* 5, no. 4 (2023): 4683–4703.

³⁴ Henry Donald Lbn Toruan, "The Importance of Using Electronic Deeds to Facilitate The Service and Storage of Notary Archives", *Jurnal Penelitian Hukum De Jure* 22, no. 4 (2022): 483 - 498

³⁵ Lawrence M Friedman, *Hukum Amerika: Sebuah Pengantar, Terjemahan dari American Law An Introduction, 2nd Edition, Alih Bahasa: Wisnu Basuki*, (Jakarta: Tatanusa, 2001), p.40

First and foremost, UUJN serves as the legal foundation for the establishment of the Indonesian notary. However, there are several articles that genuinely challenge the implementation of the cyber notary.³⁶ For instance, Article 15 Paragraph (1) stipulates that it is imperative to enhance the function and role in order to facilitate electronic work and to fulfil a role. Notaries are free to determine wish to become conventional or modern notaries.³⁷

In addition, the ITE Law has elucidated the very strong foundation that is considered to be in place with respect to electronic information and documents. Specifically, the provisions of Article 5 Paragraphs (1) and (2) of the ITE Law state that information, documents, and printouts that are generated electronically are considered valid evidence due to their classification as valid evidence.

In order to ensure that the UUJN, ITE Law, and Article 1865 of KUHPdata are in harmony, the delegation of regulatory provisions regarding electronic deeds and their devices should be delegated to the appropriate ministerial regulations. This will result in clear and equivalent electronic evidence. Also, there is the possibility of a harmonisation between the UUJN and ITE Law, which would establish specialised qualifications and education for cyber notaries in order to enhance service efficiency.

It is necessary for UUJN and UU ITE to be synchronised in terms of cyber notary. This includes ensuring that the definition of an electronic deed is equivalent to that of an authentic deed, clarifying the authority responsible for implementing cyber notary, outlining the mechanism and stages of cyber notary, and establishing qualifications and specialised education for cyber notaries or electronic notaries.³⁸

Proficiency in special education and qualifications in cyber notary/electronic notary are essential for ensuring the efficiency of notary services. The implementation of the notary will be carried out in collaboration with the Electronic Certification Organiser. During its execution, the two regulations In order to ensure compatibility in their execution, the two regulations should not be in conflict with each other, but rather complement each other.³⁹

The regulation of electronic authentic deeds in Indonesia should include the following: the addition of a definition of electronic deeds as authentic deeds in Article 1 of the UUJN, the detailed clarification of the authority of notaries related to cyber notaries in Article 15 Paragraph (3) of the UUJN, the revision and clarification of the word "facing" in Article 16 Paragraph (1) letter M, and the amendment of Article 5 Paragraph (4) of the ITE Law to exclude notarial deeds made electronically.

³⁶ Nadia Pitra Kinasih and Azizahtul Himma, "Akibat Hukum Notaris Menggunakan Website Pribadi Dalam Memberikan Pelayanan Jasa Kepada Masyarakat," *Acten Journal Law Review* 1, no. 1 (2024): 38–63.

³⁷ Misbah Imam Subari and Justicia Firdaus Kurniawan, "Penggunaan Klausula Proteksi Diri Bagi Notaris Dalam Akta Partij Ditinjau Dari Undang-Undang Jabatan Notaris," *Jurnal Ilmu Kenotariatan* 4, no. 2 (2023): 144–60.

³⁸ Soraya Ulfa Latifani, Moh. Ali, and Dominikus Rato, "The Existence of Marriage Agreement Registration In Legal Protection Perspective," *Acten Journal Law Review* 1, no. 3 (2024): 188–202.

³⁹ Humas FHUI, "Layanan Notaris Secara Elektronik dalam Kedaruratan Kesehatan Masyarakat Oleh Dr. Edmon Makarim, S.Kom., S.H., LL.M" Fakultas Hukum Universitas Indonesia, diakses 29 Juli 2024. <https://law.ui.ac.id/layanan-notaris-secara-elektronik-dalam-kedaruratan-kesehatan-masyarakat-oleh-dr-edmon-makarim-s-kom-s-h-ll-m/>

Consequently, cyber notary can be implemented provided that the regulations are interconnected and do not conflict. However, in the event that the regulations remain contradictory, the notary is hesitant to take risks that could the career and life. This is due to the fact that the provisions of the UUJN are subject to sanctions if they are violated.

In the context of stamp duty, it is imperative to reform Law Number 10 of 2020 concerning Stamp Duty (Stamp Duty Law). This legislation dictates the non-applicability of the Stamp Duty Law and the necessity of a re-audit of the electronic system utilised for stamp duty settlement in order to ensure compliance with the ITE Law.

The developer or provider of the system is also responsible for the legal responsibility of cyber notary, in addition to the notary or organiser. This is in accordance with Article 15 and Article 16 of the ITE Law, Law Number 8 of 1999 on Consumer Protection (Consumer Protection Law), and Article 1365 of the Civil Code. It is imperative that these three regulations be properly harmonised.⁴⁰

Secondly, in terms of legal structure, the digitalization of notary services necessitates the establishment of facilities and infrastructure for legal risk management. To identify and verify the perpetrators, a general procedure or method must be followed. This is critical to ensuring that the notary's authentic deed has evidentiary power.⁴¹

Therefore, it is of the utmost importance to have a technological infrastructure that is both reliable and has high security access. For example, integrating the land system, population, and various data from specific ministries can facilitate feature validation.⁴²

Third, the legal culture aims to promote public trust and security by reforming and harmonizing the structure and substance, as well as extensive socialization, at every stage of the process, such as the initial meeting, information sharing, and signing.

Furthermore, Indonesia has the opportunity to replicate the actions of the Government of the Republic of South Korea, which has established a "Designated Notary Public" in accordance with the Korea Information Society Development Institute (KISDI). The Ministry of Justice appoints this notary to provide services for computerized and electronic documents⁴³. This has significant potential for encouraging the readiness of cyber notary implementation in Indonesia through the implementation of policies and supporting infrastructure through collaboration and harmonisation between the Ministry of Law and Human Rights and the Ministry of Communication and Information.

⁴⁰ Helen Fransisca and Mohamad Fajri Mekka Putra, "Perlindungan Hukum Notaris Penerima Protokol Dari Kelalaian Notaris Pemberi Protokol (Studi Putusan Nomor 52/Pdt.G/2020/Pn Mdn)," *Jurnal Justitia : Jurnal Ilmu Hukum Dan Humaniora* 5, no. 2 (January 12, 2022): 220–28.

⁴¹ Endang Purwaningsih, "Penegakan Hukum Jabatan Notaris Dalam Pembuatan Perjanjian Berdasarkan Pancasila Dalam Rangka Kepastian Hukum," *ADIL: Jurnal Hukum* 2, no. 3 (2011): 323–36.

⁴² Ranti Fauza Mayana and Tisni Santika, "Legalitas Tanda Tangan Elektronik: Possibilitas dan Tantangan Notary Digitalization di Indonesia", *Acta Diurnal Jurnal Hukum Kenotariatan Fakultas Hukum Unpad* 4, no. 2 (2022): 244–262

⁴³ Denny Fernaldi Chastra, "Kepastian Hukum Cyber Notary Dalam Kaidah Pembuatan Akta Autentik Oleh Notaris Berdasarkan Undang-Undang Jabatan Notaris", *Indonesian Notary* 3, no. 2 (2021): 248–249

V. CONCLUSION

The concept of a cyber notary is crucial because it simplifies the notary's responsibility to assure the identity of the parties. By utilising technology such as digital signatures and video conferencing when the parties appear, the notary can anticipate errors in identifying false or fabricated information or data. As a result, it becomes easier to establish the material truth of the deed's contents. Rules for electronic authentic deeds should include: adding a definition of "electronic deeds as authentic deeds" to Article 1 of the UUJN; making it clearer what powers notaries have when it comes to cyber notaries in Article 15 Paragraph (3) of the UUJN; changing and making it clearer what "facing" means in Article 16 Paragraph (1) letter M; and changing Article 5 Paragraph (4) of the ITE Law so that it doesn't cover notarial deeds made electronically.

UUJN should include more detailed or explicit definitions, particularly those of electronic authentic deeds, cyber notary, facing, and notaries who can exercise the authority of cyber notaries. These notaries are notaries who have special qualifications or education related to cyber notaries and register themselves with the Ministry of Law and Human Rights, as Japan does with its electronic notaries. cyber notary can be implemented provided that the regulations are interconnected and do not conflict. On the other hand, if the regulations remain contradictory, the notary may be reluctant to take risks that could jeopardize his career and life, as a violation of the UUJN's provisions could result in sanctions.

The goal of this support is to expedite the immediate implementation of the cyber notary system by revising the UUJN and ITE Law, a practice already adopted by South Korea. The government also aims to synchronise the Electronic Signature Law and Certification Business and clarify the authority of notaries in the UUJN, thereby eliminating any potential obstacles to the implementation of the cyber notary system. To improve its system, Indonesia should also learn from countries that have implemented the concept of cyber notary. This includes increasing the use of electronic personal authentication services, as well as forming a competent study group before implementing an electronic notary system.

REFERENCES

- Anshori, Iqbal, Elita Rahmi, and Syamsir. "Polemik Penerapan Tanda Tangan Elektronik Dalam Pembuatan Akta Otentik". *Recital Review* 4, no. 2 (2022): 357-358. <https://doi.org/10.22437/rr.v4i2.18863>
- Alwajdi, Muhammad Farid. "Urgensi Pengaturan Cyber Notary Dalam Mendukung Kemudahan Berusaha di Indonesia." *Jurnal RechtsVinding* 9, no. 2 (2020): 257 - 274. <http://dx.doi.org/10.33331/rechtsvinding.v9i2.422>
- AM, Susilo Pradoko. *Paradigma Metode Penelitian Kualitatif: Keilmuan Senin, Humaniora, dan Budaya*, Yogyakarta: UNY press, 2017.
- Chastra, Denny Fernaldi. "Kepastian Hukum Cyber Notary Dalam Kaidah Pembuatan Akta Autentik Oleh Notaris Berdasarkan Undang-Undang Jabatan Notaris", *Indonesian Notary* 3, no. 2 (2021): 248-249.

- Friedman, Lawrence M. *Hukum Amerika: Sebuah Pengantar, Terjemahan dari American Law An Introduction, 2nd Edition, Alih Bahasa: Wisnu Basuki*, Jakarta: Tatanusa, 2001.
- HS, Salim, Djumardin & Aris Munandar, “Analisis Terhadap Substansi Kode Etik Notaris: Studi Komparatif Antara Kode Etik Notaris Indonesia dengan Georgia, Amerika Serikat, dan Quebec, Kanada”, *Jurnal Risalah Kenotariatan Magister Kenotariatan Fakultas Hukum Universitas Mataram* 1, no. 2 (2020): 13-40, <https://doi.org/10.29303/risalahkenotariatan.v1i2.2>
- HS, Salim. *Pengantar Hukum Notaris Online Jarak Jauh (Introduction to Remote Online Notary Law)*, Bandung: Reka Cipta, 2023.
- Humas FHUI, “Layanan Notaris Secara Elektronik dalam Kedaruratan Kesehatan Masyarakat Oleh Dr. Edmon Makarim, S.Kom., S.H., LL.M.” *Fakultas Hukum Universitas Indonesia*, April 2020. <https://law.ui.ac.id/layanan-notaris-secara-elektronik-dalam-kedaruratan-kesehatan-masyarakat-oleh-dr-edmon-makarim-s-kom-s-h-ll-m/>
- Kurnia, Novan Dwi, Muhammad Sood, and Hirsanuddin, “Juridical Study of Arrangements for Authentic Deeds through Cyber Notary: Comparative Study with Japan”, *Path of Science* 9, no. 1, (2023): 2014-2022. <https://doi.org/10.22178/pos.89-16>
- Makarim, Edmon. *Notaris dan Transaksi Elektronik Kajian Hukum Tentang Cyber Notary atau Electronic Notary*, Jakarta: Raja Grafindo Persada, 2020.
- Marzuki, Peter Mahmud. *Legal Research Revised Edition*, Jakarta. Kencana, 2016.
- Mallolangan, Litha Nabila and Hendry Julian Noor, “Peluang Penerapan Penyimpanan Minuta Akta Secara Elektronik Menuju Era E-Notary Berdasarkan Undang-Undang No. 2 Tahun 2014 tentang Jabatan Notaris”, *Notary Law Journal Lambung Mangkurat University* 2, no. 1 (2023): 54-81. <https://doi.org/10.32801/nolaj.v2i1.39>
- Mansur, Didik, Arif Mansur, and Elisatris Gultom, *Cyber Law, Aspek Hukum Teknologi Informasi*, Bandung: Refika Aditama, 2009.
- Mayana, Ranti Fauza and Tisni Santika, “Legalitas Tanda Tangan Elektronik: Possibilitas dan Tantangan Notary Digitalization di Indonesia”, *Acta Diurnal Jurnal Hukum Kenotariatan Fakultas Hukum Unpad* 4, no. 2 (2022): 244-262. <https://doi.org/10.23920/acta.v4i2.517>
- Michigan Government, “General Information Guide Electronic Notary & Remote Notary,” Website Resmi Pemerintah Negara Bagian Michigan, diakses 29 Juli 2024, https://www.michigan.gov/-/media/Project/Websites/sos/07delrio/ENotary_and_Remote_Notary_Guide_2019_eq051319.pdf?rev=61fa24f29a1144fda5ecf577443ac5c5
- Nurliyantika, Rizka, Ros Amir bt Mohd Ruslan, dkk, “Studi Komparasi Tugas dan Wewenang Notaris di Indonesia dan Malaysia”, *Repertorium* 11, no. 2 (2022): 196-203. <http://dx.doi.org/10.28946/rpt.v1i2.2471>
- Siahaan, Rudi Haposan and Ranti Fauza Mayana, *Hukum Kenotariatan Indonesia Jilid 1*, Bandung: Media Sains Indonesia, 2020.

- Sugiyorini, Esti. "Letter Of Contract In Electronic Commerce (E-Commerce) Based On Civil Law," *Aloha International Journal of Multidisciplinary Advancement (AIJMU)* 1, no. 5 (2019): 114–17. <http://dx.doi.org/10.33846/aijmu3050>
- Toruan, Henry Donald Lbn. "The Importance of Using Electronic Deeds to Facilitate The Service and Storage of Notary Archives", *Jurnal Penelitian Hukum De Jure* 22, no. 4 (2022): 483 - 498. <https://doi.org/10.30641/dejure.2022.V22.483-498>
- Traouwelijk, Salsabila, and Mohamad Fajri Mekka Putra, "Efektivitas Peran Notaris Dalam Peninjauan Keabsahan Tanda Tangan Secara Elektronik." *Jurnal Ilmu Sosial dan Pendidikan (JISIP)* 6, no. 4 (2022): 2479 - 2487. <https://doi.org/10.36312/jisip.v6i4.3833/>
- Chamidah, Dina, Atik Krustiyati, Ari Purwadi, Rizky Hadiwidjayanti, and Abdul Talib Bin Bon. "Authority and Power of the Law Relating to Cyber Deed Notary in Indonesia Era Industrial Revolution 4.0." *International Journal of Engineering and Advanced Technology* 9, no. 1 (2019): 947–52. <https://doi.org/10.35940/ijeat.A9438.109119>.
- Farahianie, Sita. "Kedudukan Hukum Akta Autentik Yang Dibuat Oleh Notaris Dalam Perspektif Cyber Notary." *Acten Journal Law Review* 1, no. 2 (October 30, 2024): 171–86. <https://doi.org/10.71087/AJLR.VII2.13>.
- Fransisca, Helen, and Mohamad Fajri Mekka Putra. "Perlindungan Hukum Notaris Penerima Protokol Dari Kelalaian Notaris Pemberi Protokol (Studi Putusan Nomor 52/Pdt.G/2020/Pn Mdn)." *Jurnal Justitia : Jurnal Ilmu Hukum Dan Humaniora* 5, no. 2 (January 12, 2022): 220–28. <http://jurnal.um-tapsel.ac.id/index.php/Justitia/article/view/9162>.
- Gayatri, Damella Chandra. "Penerapan Cyber Notary Dalam Meningkatkan Keamanan Dan Kepercayaan Transaksi Elektronik." *Acten Journal Law Review* 1, no. 2 (October 30, 2024): 144–56. <https://doi.org/10.71087/AJLR.VII2.14>.
- Holla, Rafi Salhi, and Clarissa Oktaviriya Prakoso. "Legal Certainty Regarding the Conversion of Land Certificates To An Electronic System Based On Security Principles." *Jurnal Ilmu Kenotariatan* 5, no. 2 (2024): 88–101. <https://doi.org/10.19184/jik.v5i2.52007>.
- Javana, M, Krida Surya, Nazilah Maghfiroh, Nerissa Pramesti, and Adetya Firnanda. "Urgensi Penyimpanan Protokol Notaris Secara Elektronik Dalam Kaitan Cyber Notary Di Indonesia." *UNES Law Review* 6, no. 3 (March 21, 2024): 8334–46. <https://doi.org/10.31933/UNESREV.V6I3.1719>.
- Kinasih, Nadia Pitra. "Kepastian Hukum Notaris Menerapkan Cyber Notary Dalam Verlidjen Akta Notaris Secara Digital." *Acten Journal Law Review* 1, no. 3 (December 31, 2024): 231–52. <https://doi.org/10.71087/AJLR.VII3.7>.
- Kinasih, Nadia Pitra, and Azizahtul Himma. "Akibat Hukum Notaris Menggunakan Website Pribadi Dalam Memberikan Pelayanan Jasa Kepada Masyarakat." *Acten Journal Law Review* 1, no. 1 (August 31, 2024): 38–63. <https://doi.org/10.71087/AJLR.VIII.4>.
- Latifani, Soraya Ulfa, Moh. Ali, and Dominikus Rato. "The Existence of Marriage Agreement Registration In Legal Protection Perspective." *Acten Journal Law Review* 1, no. 3 (December 31, 2024): 188–202. <https://doi.org/10.71087/AJLR.VII3.15>.

- Nugrahaningsih, Isro Vita. "The Role of Regional Honor Council In Maintaining The Honor of Notary Position." *Jurnal Ilmu Kenotariatan* 4, no. 1 (2023): 1–13. <https://doi.org/10.19184/jik.v4i1.38566>.
- Purwaningsih, Endang. "Penegakan Hukum Jabatan Notaris Dalam Pembuatan Perjanjian Berdasarkan Pancasila Dalam Rangka Kepastian Hukum." *ADIL: Jurnal Hukum* 2, no. 3 (2011): 323–36. <https://doi.org/10.33476/AJL.V2I3.846>.
- Razi, Fatrul, Rembrandt, and Yussy Adelina Mannas. "Kepastian Hukum Prinsip Pemilik Manfaat (Beneficial Ownership) Serta Peranan Notaris Berdasarkan Permenkumham Nomor 15 Tahun 2019." *UNES Law Review* 5, no. 4 (2023): 4683–4703. <https://doi.org/10.31933/UNESREV.V5I4.807>.
- Rosa, Meilina. "Penyimpanan Protokol Notaris Dengan Konsep Elektronik Dengan Cyber Notary." *Recital Review* 6, no. 2 (July 21, 2024): 220–35. <https://doi.org/10.22437/rr.v6i2.37172>.
- Subari, Misbah Imam, and Justicia Firdaus Kurniawan. "Penggunaan Klausula Proteksi Diri Bagi Notaris Dalam Akta Partij Ditinjau Dari Undang-Undang Jabatan Notaris." *Jurnal Ilmu Kenotariatan* 4, no. 2 (2023): 144–60. <https://doi.org/10.19184/jik.v4i2.44196>.
- Sutiono, Marvel Romi, and Kenneth Bradley Sajogo. "Perlindungan Hukum Pemegang Saham Perseroan Terbatas Terbuka Pada Rapat Umum Pemegang Saham Secara Elektronik." *Acten Journal Law Review* 1, no. 1 (August 31, 2024): 85–101. <https://doi.org/10.71087/AJLR.VIII.1>.
- Wardana, Dendik Surya, Iswi Hariyani, and Dodik Prihatin AN. "Pertanggung Jawaban Notaris Terhadap Keabsahan Akta Outentik Yang Dilakukan Secara Electronic Dalam Pembuktian Di Pengadilan." *Jurnal Ilmu Kenotariatan* 2, no. 2 (2021): 14–26. <https://doi.org/10.19184/jik.v2i2.24088>.
- Yogiatama, Linggar Ryanty. "Tinjauan Yuridis Konsep Cyber Notary Dalam Penyimpanan Protokol Notaris Ditinjau Dari UU No. 2 Tahun 2014 Atas Perubahan UU No. 30 Tahun 2004 Tentang Jabatan Notaris (UUJN)." *Kultura: Jurnal Ilmu Hukum, Sosial, Dan Humaniora* 2, no. 8 (July 6, 2024): 258–263–258–263. <https://jurnal.kolibi.org/index.php/kultura/article/view/2322>.