

Problems with the Implementation of Cyber Notary in Carrying Out the Duties of Notary Positions in Indonesia

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Abstract. *This research aims to analyze: 1) The effectiveness of the application of cyber notary in carrying out the duties of a notary position, namely that the application of notary authority can be completed quite quickly and saves time, the application of transactions, namely the preparation of deeds or agreements is limited to electronic documents but all parties can carry out business transactions, avoiding their issuance. costs because there are no transportation obstacles and costs can be calculated, or something crucial related to public services can be provided more effectively and efficiently than through traditional services. When you prepare the decision electronically, you can avoid incurring costs. The notary and presenter meet via electronic video conference, the notary and presenter are limited to seeing a computer at their place without having to pay any expenses to travel. This usually has an impact on the efficiency of the time required, through digitalization changes, everything can be maximized and save time. 2) Legal certainty of notarial deeds based on cyber notary, namely legal certainty can be achieved if there are no conflicting provisions between one law and another. Providing Notary services that utilize technological advances in making authentic Deeds in cyberspace (Cyber notary) is possible for Notaries in Indonesia based on the Elucidation of Article 15 Paragraph (3) of the new UUJN, however the implementation of Cyber notary is still in conflict with the existing Law. one with another so that it does not provide a guarantee of legal certainty. Notarial Deeds made electronically (Cyber notary) do not yet have legal certainty because there is no harmonization of regulations related to the authority of Notaries in making Deeds electronically as stated in the UUJN in conjunction with the new UUJN and the ITE Law. This is what makes Notaries afraid to provide services that utilize technological advances in making authentic Deeds in cyberspace (Cyber notary).*

Keywords: *Cyber; Effectiveness; Notary.*

1. Introduction

Indonesia is a country of law, the affirmation of this constitutional provision means that all aspects of life in society, state and government must always be based on law. To realize a country of law, one of the legal instruments needed is to regulate balance and justice in all areas of life and people's livelihood through laws and regulations without ignoring the function of jurisprudence. This shows that laws and regulations have an important role in the Indonesian state of law.¹

The urgent position of a Notary in human life makes the process of someone becoming an expert Notary important.² Notary is an independent public official who has the right to regulate and determine the office, both in the form of the location and form of the building and employees in terms of number and salary, not depending on other officials or institutions. If there is the term "public" in the position of Notary, then public here means that this official serves the general public in terms of making various or many types of authentic deeds related to the field of civil law and this authority has not been delegated to other officials and is requested by the general public who need or are interested so that their legal actions are stated in the form of an authentic deed and the law requires it in the form of an authentic deed whose authority lies with the Notary.³

The existence of a Notary is very important in the midst of community life. Notaries provide a guarantee of certainty, order, and legal protection to the community regarding the making of authentic deeds. This authentic deed is very necessary in every aspect of community life. The making of an authentic deed containing formal truth really needs the help and services of a Notary so that the authentic deed can be understood and accepted by all parties and has a guarantee of legal certainty.⁴

Notaries also with the development of information systems and technology will utilize the system in carrying out their functions as notaries, this utilization is called e-notary or cyber notary. The concept of cyber notary in Indonesia seems to be still under debate. Although technology allows the role of notaries online and remotely, legally this cannot be done because the paradigm underlying the UUJN is built on a conventional concept. The latest development is the inclusion of cyber notary in the UUJN as stated in Article 15 paragraph (3), which reads "What is meant by "other authorities regulated in laws and regulations", among

¹Catur Budi Dianawati, and Amin Purnawan, 2017, Legal Study of Mortgage Guarantee Auctioned Without Execution Auction Application Process to the Head of District Court, Jurnal Akta, Volume 4, Number 2, p. 125

²Darmodiharjo and Shidarta, 2004, Main Principles of Legal Philosophy, What and How is Indonesian Legal Philosophy, Gramedia Pustaka Utama, Jakarta, p. 265

³Andi Prajitno, 2015, What and Who is a Notary in Indonesia (According to UUJN Number 2 of 2014), Perwira Media Nusantara, Surabaya, p. 34

⁴Putri AR, 2011, Legal Protection for Notaries (Indicators of Notary's Job Duties that Implicate Criminal Acts), Softmedia, Medan, p.32

others, the authority to certify transactions carried out electronically (cyber notary), make deeds of waqf pledges, and airplane mortgages. " Although it still looks narrow, the inclusion of cyber notary in these laws and regulations is a breath of fresh air for the development of cyber notary in the future.⁵

In relation to notaries who carry out their profession through the concept of cyber notary in making authentic deeds, it must still be carried out by presenting witnesses. This is based on Article 16 paragraph (1) letter m of the Notary Law stating that notaries are required to read the deed before the person appearing in the presence of at least 2 witnesses, or 4 witnesses specifically for making a will under hand, and signed at that time by the person appearing, witnesses, and notary. In addition, Article 5 paragraph (4) of the Electronic Information and Transactions Law also excludes notarial deeds in the context of electronic documents as valid evidence, so that it has the potential to cause legal problems for notaries, both civil, administrative or even criminal. Article 16 paragraph (1) letter m, when juxtaposed with Article 15 paragraph (3) UUJN, appears to be inconsistent and contradictory because the making of notarial deeds electronically (cyber notary) can be done by a notary by reading the deed online and signing it electronically and without the presence of witnesses, so that this does not fulfill the elements of Article 16 paragraph (1).⁶The implementation of Cyber notary has become an important issue in the implementation of notary duties. Although technology has offered great potential to accelerate and simplify the notarization process, there are several challenges that hinder the effectiveness of Cyber notary implementation in notary duties.

2. Research methods

The approach method in this study is the statute approach. This type of research is normative research. The type and source of data in this study are secondary data obtained through literature studies. The analysis in this study is prescriptive.

3. Results and Discussion

3.1 Problems of Implementing Cyber Notary in the Implementation of Notary Duties

The position of a notary as an official who makes authentic deeds is stated in Article 2 Paragraph 1 of Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2004 concerning the Position of Notary, which states that a Notary is a public official who is authorized to make authentic deeds and has other authorities as referred to in this Law or based on other laws. Authentic deeds made by or before notaries according to the form and procedures stipulated in

⁵Edmon Makarim, 2020, Notaries and Electronic Transactions, Legal Study on Cyber Notary or Electronic Notary, 3rd Edition, Rajawali Pers, Depok, pp. 13-14.

⁶Jodhi Restu Pamungkas, Suryadi, and Ayu Efridadewi, 2021, Analysis of Legal Certainty of Deeds Regarding Notary Authority in Electronic-Based Services (Cyber notary), Student Online Journal, Edition Number 1 Volume 2, p. 634.

the law.⁷ In the duties and responsibilities of a The notary in making an authentic deed aims to provide legal certainty in carry out certain legal acts carried out by the community. The community often times carrying out various activities that give rise to legal actions, therefore society needs someone who can be trusted and can provide something solutions in legal actions carried out by the community.⁸

The existence of Cyber notary which emerged due to the development of the era of globalization, caused many shifts in Notary service activities, where Cyber notary is regulated in the Explanation of Article 15 Paragraph (3) of the new UUJN. The Explanation of this Article becomes the legal umbrella for Notaries in carrying out their service activities as Cyber notary. The essence of Cyber notary is a general concept that is often used in various scientific writings that mention the function of Notary which is applied in electronic transactions or relationships, via the internet media.⁹In other words, Cyber notary is a concept that utilizes technological advances for Notaries to create authentic deeds in cyberspace and carry out their duties every day, for example: signing deeds electronically and General Meetings of Shareholders via teleconference.¹⁰

Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Notary Position (UUJN) has explained regarding Cyber notary in Article 15 paragraph (3) namely the validity of cyber notary is limited to the authority to certify transaction activities between notaries and the parties, however this is not applied to the authority of notaries as a whole, namely the preparation of deeds. This is what is used as the main reference for the study regarding cyber notary in Indonesia which has not been applied in its entirety to the continuity of law, especially notary services, because there are no adequate regulations that explain regarding cyber notary as a whole.¹¹

The application of cyber notary in carrying out the duties of a notary is actually quite effective, because various benefits can be obtained through the use of cyber notary, namely in the application of notary authority can be completed quickly and save time, the application of transactions, namely the preparation of deeds or agreements limited to electronic documents but all parties can conduct business transactions, avoiding costs due to the absence of transportation constraints and costs can be calculated, or something crucial related to public

⁷Nawaaf Abdullah, Munsyarif Abdul Chalim, 2017, Position and Authority of Notary in Making Authentic Deeds, Jurnal Akta, Vol. 4 No. 4, p. 658

⁸Daniar Ramadhan, Ngadino, Notary's Authority in Making Deeds Related to Land, Notarius Journal, Volume 12 Number 2 (2019), p.686

⁹Agung Fajar Matra, 2012, Implementation of Cyber Notary in Indonesia Reviewed from Law Number 30 of 2004 Concerning Notary Position, Master of Notary Thesis, University of Indonesia, Depok, p. 57.

¹⁰EmmaNurita, op.cit, p. 53.

¹¹Desy Bungudiana, 2023, Effectiveness of Cyber Notary Implementation by Improving the Quality of Notary Services in the Digital Era, Journal of Social Sciences and Education (JISIP), Vol. 7 No. 1, p.312

services can be provided effectively and efficiently than through traditional services. In the preparation of deeds electronically, it can later avoid costs. The meeting of the notary and the person appearing via electronic video conference, the notary and the person appearing only see the computer in their place without having to spend money to travel. This usually has an impact on the efficiency of the time required, through a digital change, everything can be maximized and save time. The series of preparation of notarial deeds conventionally, namely deeds of sale and purchase, usually requires a period of one month until the documents are completed. However, if the documents are processed electronically, it will be quite effective and efficient, the required documents can be linked to the original website or database and then the next process can be carried out. Cyber notary can provide various benefits to the community, especially in notarial services to obtain the validity of authentic deeds.

Based on the theory of legal effectiveness put forward by Soerjono Soekanto, it has important relevance in the context of implementing Cyber notary in the implementation of notary duties. Legal effectiveness in the context of Soerjono Soekanto's theory refers to the ability of law to achieve desired goals in society, such as justice, legal certainty, and social welfare. In Soekanto's view, effective law is law that can be applied and provides the expected results in practice.

Effectiveness of Cyber Notary Implementation refers to the use of information and communication technology (ICT), especially the internet, to facilitate tasks that are usually performed by notaries traditionally. This includes the process of document notarization, electronic signing, and electronic storage and exchange of information. In the context of Cyber Notary implementation, the theory of legal effectiveness by Soerjono Soekanto is relevant because:

1. Use of Technology to Improve Accessibility and Efficiency. By implementing technology in the notarization process, Cyber notary can improve the accessibility of notary services and efficiency in the process. This is in accordance with the principle of legal effectiveness, where effective law must be easily accessible to the public and provide the desired results in an efficient manner.
2. One important aspect of legal effectiveness is legal certainty. In the context of Cyber notary, it is important to ensure that electronic transactions conducted through the system are safe and legally valid. Therefore, protection of data security and validity of electronic documents is key to maintaining legal certainty and public trust in Cyber notary services.
3. Effective law must be able to adapt to technological developments and the demands of the times. Thus, Cyber notary can be considered as a form of adaptation of traditional notary practices to advances in information technology. The use of technology in the notarization process can also help accelerate adjustments to changes in procedures and regulations related to notary practices.

The implementation of Cyber notary in the implementation of notary duties can be seen as an effort to increase the effectiveness of the law, as stated by Soerjono Soekanto, by utilizing the potential and progress of information and communication technology. However, it is important to ensure that the implementation of Cyber notary is carried out by paying attention to aspects of security, validity, and legal certainty in order to support the achievement of the desired legal objectives in society.

Cyber notary related to the digitalization of bureaucracy which includes a series of changes in the desired conditions in order to adjust the current state of bureaucracy or references in effectiveness. The official website of the Ministry of Coordinating Human Development and Culture of the Republic of Indonesia states that the digitalization of bureaucracy includes government steps in good governance or the preparation or main changes related to the government administration system related to the values of governance, institutions, and human resources of the apparatus. The digitalization of bureaucracy includes a strategic opinion in responding to the industrial revolution 4.0 which can be used by government organizations. This includes three main values, namely innovation, collaboration, and the crucial use of information and communication technology known as ICT.¹²

Cyber notary in Indonesia, in the conceptual meaning and its regulations, it is not released from the provisions of Article 15 paragraph (3) of the UUJN regarding notaries having other authorities in the legislation, in the explanation of the authority in the legislation "namely the authority to certify transactions carried out electronically (cyber notary). Although technological advancement has made the implementation of notary positions electronic and remotely (online and remote), in Indonesia this cannot be implemented now because the main study of the UUJN is built referring to conventional procedures, namely paper-based documents and physical presence. The implementation of cyber notary or E-notary can be initiated with a perspective as a necessity and the implementation of digitalization through stages towards comprehensive implementation and used in a strategic innovation design in terms of regulation, infrastructure or culture so that it can be used effectively.

Cyber notary interpreted in facilitating or reviewing the implementation of the assignment and authority of a notary in the preparation of authentic deeds related to all actions or agreements or provisions required by law or what is desired by all parties who have the need to state in an authentic deed. The scope of a notary includes a phenomenal realm for all the completeness and activities that exist daily from a notary, through various activities to providing the best service to all clients. The position of a notary refers to the existence of legal regulations through the purpose of assisting and serving the community that

¹²Waston. 2019. Winning Strategy in the Industrial Revolution 4.0 (Thomas Kuhn's Philosophical Perspective)", The 10th University Research Colloquium 2019, Muhammadiyah Gombong Health Sciences College, p.5

requires written evidence that is authentic in nature related to conditions, activities, or legal actions. Notaries as public officials refer to Law Number 30 of 2004 concerning the Position of Notaries have crucial authority in the validity of transactions.

The change is the integration of the principle of protection through details, this change is needed in relation to the problems that arise in cyber notary, namely the blurring of norms. law in the current law and notary and notary office. The legal issues relate to the authority and obligations of the notary office and all parties and their relation to electronic archive documents including authentic deeds used as part of the evidence as a means of proof, or the mechanism for signing deeds and other things. So that in the era of digitalization of information that exists with the internet network, in fact in law there can be conformity with its development, so it can make the value of justice, legal certainty for society. In encouraging notary work from conventional to modern, it must be encouraged through a legal structure that can guarantee protection and legal certainty.

The legal view on the implementation of Cyber notary in the future can later create a means of encouraging notary activities. Activities carried out in the digitalization era include activities that can be implemented through conventional systems until a notary now has a combination of personal computerized systems to internet network systems in the implementation of notaries and parties through authentic written evidence related to conditions, activities, or legal actions. The concept of cyber notary is a concept in the digitalization era in line with the development of technology, namely requiring legal renewal, for example the opinion of Roscoe Pound, as a tool for community renewal in a book *An Introduction to the Philosophy of Law* (1954).¹³In order to obtain an adequate legal basis for the existence of cyber notary, Indonesia needs to make changes related to its regulations, namely the notary law, Article 1868 of the Civil Code, and Article 5 paragraph (4) letter b of the Law on Information and Electronic Transactions. Through changes in these various regulations, the implementation of cyber notary in Indonesia can guarantee and prioritize the principles of certainty, benefit, and legal order, as well as have an adequate legal basis related to cyber notary.

3.2 Legal Certainty of Cyber Notary-Based Notarial Deeds

Legal certainty is a very important aspect in the making of authentic deeds by a Notary. This is because it will be a problem for the parties if the losses experienced are due to the lack of legal protection for the parties, and it is even possible that the Notary is caught in a legal case due to the absence of clear legal regulations related to his/her deeds made electronically. Notaries need legal certainty in making his/her deeds electronically, meaning that Notaries need a measure that is a guideline in making his/her deeds electronically. This measure is called a rule made by a party that has the authority to do so, because in legal

¹³Salim. HS, 2010, *Theory Development in Legal Science*, PT. Raja Grafindo Perkasa, Jakarta, p.8

certainty, there are clear norms that can be used as guidelines for Notaries who are subject to this regulation.¹⁴

Notaries in carrying out their duties, must act as guides in the legal field and can provide useful guidance for people who have an interest in them. Notaries are not subject to any provisions from the authorities regarding civil servants, however, in carrying out their duties, notaries must always be guided by high moral integrity and honesty, because deeds made by notaries are state documents that must be maintained and are very important in the application of evidentiary law, namely as authentic evidence concerning the interests of those seeking justice. A notary is usually considered an official where someone can get reliable advice. Everything that is written and determined is true. Notaries are strong document makers in a legal process.¹⁵

The concept of cyber notary is that a notary in carrying out his obligations or authority (his situation) depends on data innovation related to the obligations and elements of a notary, including in making deeds, in this idea that it is not necessary to appear physically, but can involve media to be reviewed and heard such as video chat or skype without limits or city/regional boundaries.¹⁶ Through this idea, a notary can make a deed, the signature does not have to appear in that frame of mind, without having to come to the notary's office and can serve (make deeds) without any territorial limits. Also, once again, for the person appearing, witnesses, and notary, it is enough to use a computerized signature or digital stamp. On the other hand, the storage media for minutes and duplicates are not required to be in paper form, but are stored as microchips or microfilms or other printable media. If possible, the notary's office does not need a large office space.¹⁷ The concept of cyber notary is a notary field that uses mechanical advancements for Notaries to create authentic deeds on the internet and carry out their obligations consistently. For example, signing letters carried out online and discussions held by shareholders (RUPS) via video chat.¹⁸

The implementation of cyber notary is connected through a legal certainty, the existence of general regulations makes someone understand the actions that are permitted or not permitted. In order to form a legal function, the existence of legal certainty, it is necessary to apply a cyber notary study, namely in the UUJN, so that notaries can understand whether the action (notary authority in cyber notary) can be carried out and to what extent the notary can apply it, as well as an understanding of each limit of the application of cyber notary in achieving the preparation of authentic deeds. This explanation is related to the meaning of

¹⁴Ibid., p.249

¹⁵Tan Thong Kie, 2001, All About Notary Practice, Ichtiar Baru, Jakarta, p.30

¹⁶H Adjie, 2018, The Concept of Mayantara Notaries Facing the Challenges of Global Competition, Republica Law Journal, 16 (2), p. 218

¹⁷Habib Adjie and Rusdianto Sesung, 2020, Interpretation, Explanation, and Commentary on the Notary Law, Refika Aditama, Bandung, p. 639.

¹⁸Widiasih, 2020, Notary's Authority in Certifying Transactions Conducted Electronically (Cyber Notary), Acta Comitatus: Journal of Notary Law, 5(1), pp.150-160

"cyber notary" contained in the explanation of Article 15 Paragraph (3) of the UUJN, namely the certification of deeds in the study of the authority of notaries as public officials.

The provisions in the related article state that changes to Article 16 paragraph (1) letter c in the Notary Law, the amendment states that the law makers provide (1) letter c in the Amendment to the UUJN, the administrators provide extra commitment to Notaries in affixing the fingerprints of the people facing them at every moment of the Notary deed made. The legislators use the expression "attach" rather than "grow". Attaching here has another meaning from binding according to the Complete Indonesian Dictionary, and that means attaching to something. Meanwhile, according to the Complete Indonesian Dictionary, adding has the meaning of placing; adding; writing. Attaching the thumb or other finger to the original letter means attaching the fingerprint to another piece of paper and then connecting it to the minutes of the deed.

After the enactment of UUJN, changes related to the Notary's commitment to fingerprinting provide benefits in providing assistance to Notaries and well-intentioned witnesses during the time spent on evidence in court if there will be a dispute or debate later. The fact that this makes it believed to be used as a preventive measure with the aim of preventing any party from planning to forge a signature for the minutes of the deed. For this situation, the desire of the appearance to attach fingerprints at the time stated by the Notary. The Public Notary is required to determine the assessment in explaining it to the witness that the witness needs to affix his fingerprints.

This is legitimate assuming that the parties actually face the notary. Then, with the presence of cyber notary, a notary is positively obliged to make a deed to include the fingerprints of the parties, not just their signatures. Law. No. 11 of 2008 which has been amended by the new regulation, namely Law. No. 19 of 2016, regulates Electronic Information and Transactions, electronic authentication and electronic signs have been regulated, but regarding electronic fingerprints there are no guidelines either in PP No. 71 of 2019 concerning the Implementation of Electronic Systems and Transactions, and Permen kominfo Number 11 of 2018 concerning the Implementation of Electronic Certification. To fill the legal vacuum, the efforts that may be practiced are to bring up legal development through analogical understanding. Comparable to understanding can be used to explain a legal guideline by expanding the application of the legal understanding or legal interests.¹⁹The expected understanding is by observing the clarification of Article 15 Paragraph (3) UUJN-P where notaries have different expertise, for example the position to confirm electronically directed exchanges. What is meant by cyber notary in this clarification is only an agreement to guarantee evidence of electronic exchange, unlike in a notarial deed which can be made electronically.

¹⁹Ardiansyah, M. K, 2020, Legal Updates by the Supreme Court in Filling the Void of Civil Procedure Law in Indonesia, Scientific Journal of Legal Policy, Volume 14 Number 2, pp. 361- 384

Legal Certainty of Notarial Deeds Based on Cyber notary refers to the process of making notarial deeds using Cyber notary technology. This involves the use of electronic systems to create, store, and validate legal documents, such as deeds of agreement, wills, or other documents that require notarial legality. In this context, legal certainty is about ensuring that notarial deeds produced through Cyber notary have the same validity, legality, and legal force as conventional notarial deeds.

Notary is an official who serves the public interest related to the creation of a deed that is structured and guaranteed to have legal certainty. The presence of a notary is needed by the general public concerned, where individuals depend on and have confidence in the notary to express the wishes of the parties into an authentic deed. The existence of guidelines will create legal certainty so that there are errors in the regulations contained in the laws and regulations that can raise questions about the strength or validity of the deed.²⁰

In addition to considering the legal aspects of its proof, it is also necessary to pay attention to the security system in the Cyber notary concept. This is to protect the confidentiality and security of electronic data related to the Notary Deed against the implementation of the Cyber Notary concept in electronic data exchange from cybercrime or information and communication space crimes on the internet (Cyber Crime). In addition to the security system in the Cyber notary concept, it is also necessary to pay attention to the security of the identities of the parties related to the Notary Deed made electronically (Cyber notary). This is because in making a Notary Deed electronically, the parties do not meet physically so that there must be a certain mechanism that is able to guarantee the identities of the parties involved to avoid fraud or cybercrime or other information and communication space crimes on the internet (Cyber Crime). Therefore, to guarantee the security of the identities of the parties in the Cyber notary concept, there must be a third party or special authority that is authorized to check the accuracy of the data, is independent, and can be trusted (trusted third party), which in this case is known as the Certification Authority (hereinafter referred to as CA).

CA is a third party that is trusted to provide certainty or validation of a person's identity and provide a person who has met the requirements, a digital certificate. With this certificate, the certificate owner can transact with trust towards the party interacting with him. If analogized with an Identity Card (KTP), then the certificate is a person's "Identity Card (KTP)" on the internet, but in digital form. Thus, the party that issues the "Identity Card (KTP)" is the "Sub-district," so that

²⁰Kusmayanti, H., & Anrova, Y. (2021). The Validity of Proof of Notarial Deeds in Court as Authentic Deeds (Study of Decision No. 3591K/PDT/2018). ADHAPER: Journal of Civil Procedure Law, 6(2), 53-66.

CA can be considered as the "Sub-district" on the internet and issues a digital "Identity Card (KTP)".²¹

So, in future arrangements so that the making of authentic deeds by Notaries with the Cyber Notary concept provides legal certainty, it is necessary to harmonize regulations related to the authority of Notaries in making their deeds electronically as stated in the new UUJN and the ITE Law. This can be done by adjusting the contents of the Articles related to the authority of Notaries in making their deeds electronically, one of which is Article 5 and Article 6 of the ITE Law with the new UUJN.

4. Conclusion

The problem of implementing cyber notary in carrying out notary duties is that the implementation of notary authority can be resolved quickly and saves time, the implementation of transactions, namely the preparation of deeds or agreements as limited to electronic documents but all parties can conduct business transactions, avoiding costs due to the absence of transportation constraints and costs can be calculated, or something crucial related to public services can be provided effectively and efficiently than through traditional services. In the preparation of deeds electronically, it can later avoid costs. The meeting of the notary and the person appearing via electronic video conference, the notary and the person appearing only see the computer in their place without having to spend money to travel. This usually has an impact on the efficiency of the time required, through a digital change, everything can be maximized and save time. The series of preparation of notarial deeds conventionally, namely deeds of sale and purchase, usually requires a period of one month until the documents are processed. However, if the documents are processed electronically, it will be quite effective and efficient, the required documents can be linked to the original website or database and then the next process can be carried out. The legal certainty of notarial deeds based on cyber notary, namely legal certainty can be achieved if there are no conflicting provisions between one Law and another. The provision of Notary services that utilize technological advances in making authentic Deeds in cyberspace (Cyber notary) is possible for Notaries in Indonesia based on the Explanation of Article 15 Paragraph (3) of the new UUJN, but the provision of Cyber notary still conflicts with one Law and another so that it does not provide a guarantee of legal certainty. Notarial Deeds made electronically (Cyber notary) do not yet have legal certainty because there has been no harmonization of regulations related to the authority of Notaries in making their Deeds electronically as stated in the UUJN in conjunction with the new UUJN and the ITE Law. This is what makes Notaries afraid to provide their services that utilize technological advances in making authentic Deeds in cyberspace (Cyber notary). According to the author, for future arrangements so that the making of authentic deeds by Notaries with

²¹Riri Ananingdyah, 2017, The Role of Notaries as Registration Authority in the Implementation of Electronic Certificates, Master of Notary Thesis, University of Indonesia, Jakarta, p. 21.

the Cyber notary concept can provide legal certainty, it is necessary to make changes to the contents of the Articles related to the authority of Notaries in making their deeds electronically as stated in the UUJN in conjunction with the new UUJN and the ITE Law, as well as paying attention to the security system in the Cyber notary concept along with the security of the identities of the parties related to Notarial Deeds made electronically (Cyber notary). This is to secure the parties related to Notarial Deeds made electronically (Cyber notary) from various cyber crimes or information and communication space crimes on the internet (Cyber Crime).

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