

## Implementation of Cyber Notary as a Notary Transformation in the Digital Economy Era (Comparative Study of German Notary Law)

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**Abstract.** *The process of implementing the Cyber Notary concept in Indonesia still faces various obstacles due to the provisions in Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2004 concerning the Position of Notary or abbreviated as UUJN which still applies the principle of "Tabellionis Officium Fideliter Exerbo" and several articles in the UUJN which are still traditional. This article analyzes the opportunities and obstacles to implementing Cyber Notary in the Indonesian legal system in facing the Digital Economy era, and elaborates on the best practices of German notary law which has previously implemented the Cyber Notary concept. This article is a legal research with a socio-legal approach, namely that which is related to law and technology and a comparison of notary law with Germany. The results of this study are that there are still several regulations that hinder the entry of the Cyber Notary concept in Indonesia so that changes are needed to the UUJN and the formation of other regulations that support this concept, but on the other hand there is an opportunity for the Cyber Notary concept to be implemented, as stated in the explanation of Article 15 number (3) of the UUJN which is the entry point for the Cyber Notary concept. In order to make changes to the UUJN, Indonesia can make Germany a rule model because it has previously implemented the Cyber Notary concept and has succeeded in integrating digital technology into Notary practices, such as the use of digital signatures, the use of video conferencing and the storage of electronic document archives.*

**Keywords:** Cyber; Digital; Economy; Notary.

## 1. Introduction

The development of today's increasingly developing digital technology has resulted in quite significant changes in various fields. One of them is in the branch of law, namely Notary science, in Notary services the concept of Cyber Notary can be an option to meet the needs of modern society which is expected to provide services to the community efficiently, but this Cyber Notary concept cannot be applied in Indonesia because there are no comprehensive regulations regarding the implementation of Cyber Notary or adequate infrastructure to ensure the security and legal validity of the creation of the resulting deed. Responding to the development of electronic transactions in various countries, providing responses related to the role and function of Notaries as Trusted Third Parties (T3P) and some notary service providers, several countries have taken strategic steps in the form of changes in regulations and technological aspects as part of their implementation (Mayana & Santika, 2021).

Given the publication of the Ease Of Doing Business (EODB) report from the World Bank, it is an indication that the business world wants countries to issue a number of policies that support ease of doing business. In 2019, Indonesia was ranked 73rd out of around 190 countries included in the survey. (Fitri Novia Heriani, 2021). Several reasons why the implementation of Cyber Notary is important for Indonesia are: first, the Indonesian government is targeting Indonesia to be ranked in the top 40 of the EODB index and at the International Notary Congress at that time, President Joko Widodo expressed his desire for Notaries to respond to the demands of the times. (Online Law, 2021), but on September 16, 2021, this EODB was revoked and replaced with B-READY. B-READY itself is a new project from the World Bank Group replacing EODB which is intended to assess or measure the business and investment climate in 180 countries around the world every year. The benchmarks used in B-READY consist of 10 topics, namely, Business Entry, Business Location, Utility Services, Labor, Financial Services, International Trade, Taxation, Dispute Resolution, Market Competition, and, Business Insolvency, where the 10 topics are assessed based on 3 pillars, namely based on the regulatory framework, public services and efficiency (Rarasmitha, 2023). Notaries through their duties and authorities in ratifying and authenticating various legal actions are an important element in realizing a regulatory framework that is complied with and efficient public services for the business world, thus the performance and efficiency of Notaries directly contribute to the B-READY assessment of the business and investment climate of a country.

The concept of Cyber Notary has begun to attract international attention in order to improve efficiency and security in making deeds. In its implementation in countries that adopt the Civil Law system, the response is through the formation of separate CA (Certification Authority) or CSP (Certified Service Provider) technology to support the use of Electronic Signatures from Notaries who are members, countries that implement this include Germany, Italy, Belgium and France, so that deeds made by Notaries can be submitted electronically by Notaries. France and Belgium made changes to their legal systems by accommodating e-authentication by changing their Civil Code regulations, while the Netherlands and Germany made changes to the regulations or laws governing the position of Notary, especially regarding authentic deeds that open the validity of electronic signatures by emphasizing a minimalist approach (functional equivalent approach) for electronic signatures and a technological approach through cryptography, namely as long as it meets the requirements for identification or identifiable signatures, there is no objection to the contents of the document (content approval) and guarantees regarding the integrity of the document (content integrity). (Sitompul, 2012).

One of the countries that has implemented the Cyber Notary concept is Germany. Germany began to adopt this concept by creating various regulations that are adjusted to the needs and technological readiness of the country. Bundesnotarordnung, commonly abbreviated as BNotO, is a law that regulates the position of Notary in Germany. This law contains various provisions related to the requirements to become a Notary, the duties and authorities of a Notary, and supervision of Notaries. BNotO is also the legal basis for the implementation of Cyber Notary in Germany.

However, there are several adjustments and complementary regulations that are still needed to accommodate online notary services. BNotO provides a legal framework that allows Notary services to be carried out online. Beurkundungsgesetz is a German law that regulates the requirements and procedures for making Notarial deeds, where this law has allowed for electronic ratification of Notary documents since 2001, this shows that Germany has had a legal basis for Cyber Notary since the early 2000s. Along with technological developments, Germany continues to develop and adjust regulations related to Cyber Notary. This includes aspects such as digital signatures, online identity verification, and data security.

As stipulated in the BNotO, a Notary in Germany is an independent public official who has the authority to certify various legal documents such as agreements, wills and other legal documents so that the documents have valid evidentiary force. In addition, the objectives and duties of a Notary in Germany are not much different from a Notary in Indonesia, namely to provide legal protection for both parties involved in a transaction, provide legal counseling, ensure that all documents and agreements are legally binding. Notaries in Germany are also responsible for issuing official documents, such as deeds, powers of attorney, and wills. In short, notaries in Germany play an important role in ensuring the validity of various types of transactions and legal documents.

In Indonesia, the context of making authentic deeds as referred to in Article 1 number (7) of Law No. 2 of 2014 concerning amendments to Law No. 30 of 2004 concerning the Position of Notary states that "Notarial Deeds hereinafter referred to as deeds are authentic deeds made by or before a Notary according to the form and procedures stipulated in the Law" from the excerpt of Article 1 number (7) namely "before a Notary" has the interpretation that the Notary's procedures in making deeds are still carried out traditionally or require the physical presence of the parties before the Notary. Meanwhile, the needs of society have moved forward towards digitalization, so that the modernization of the Notary system through Cyber Notary is considered important to be realized.

The use of electronic documents has been recognized as being a valid legal evidence, this recognition is based on the existence of Law No. 1 of 2024 concerning the Second Amendment to Law No. 11 of 2008 concerning Electronic Information and Transactions (hereinafter abbreviated as the ITE Law), specifically Article 5 number (1) which reads "Electronic Information and/or Electronic Documents and/or printouts thereof constitute valid legal evidence." (Ayu et al., 2022). The existence of these provisions can certainly open up opportunities for the Indonesian Notary world, especially in related regulations, namely the Notary Law to accept the Cyber Notary concept so that the Notary profession can develop in the current era of globalization.

Another opportunity comes from Article 15 number (3) of Law No. 2 of 2014 concerning amendments to Law No. 30 of 2004 concerning the Position of Notary which states "In addition to the authority as referred to in number (1) and number (2), Notaries have other authorities regulated in laws and regulations", the explanation of the Article is "What is meant by "other authorities regulated in laws and regulations" includes, among others, the authority to certify transactions carried out electronically (Cyber Notary).

The phrase "authority to certify transactions carried out electronically (Cyber Notary)" in the explanation of Article 15 number (3) can be used as an entry point for Indonesian Notaries in implementing the Cyber Notary concept. However, the article has not been equipped with a more detailed explanation or other laws and regulations that follow up so that it can give rise to various interpretations (Riyanto, 2020).

Cyber Notary itself is a concept regarding the implementation of Notary authority based on information technology, its existence which is relatively new needs to be maintained and protected by law so that it does not become a boomerang that weakens the position of Notary. To overcome this gap, changes are needed in the UUJN as the legal basis for Indonesian Notaries to transform as Notaries who implement Cyber Notary, in addition, other Laws and Regulations are also needed that can support the implementation of Cyber Notary so that Indonesia is ready to face the era of the digital economy. The absence of specific regulations governing Cyber Notary in Indonesia creates a legal vacuum that can slow down the progress of the Notary world. Therefore, a more in-depth study is needed regarding the form of implementation of Cyber Notary in Indonesia.

So based on the background that has been described above, this study aims to analyze the opportunities and legal challenges of implementing Cyber Notary in the Indonesian legal system and provide recommendations for best practices from Cyber Notary regulations that have been proven to be successfully implemented in other countries so that Indonesian Notaries are not left behind in the advancement of digital technology. So in this case it is important to discuss the considerations and basis for making changes to Law No. 2 of 2014 in the midst of changes to Law No. 30 of 2004 concerning the Position of Notary.

## **2. Research Methods**

This article is a legal research that analyzes the principles of notary law and legal norms in the Notary Law, especially regarding whether the principle of *Tabellionis Officium Fideliter Exerbo* and the norms of Article 1 number 7 of the Notary Law are still relevant to the development of the digital economy. This article is prescriptive, namely providing solutions to what is best to perfect the problem of cyber notary law with a comparative law approach, namely analyzing the best practice of German notary law on the implementation of Cyber Notary while always considering other legal issues such as the guarantee of personal data protection and the readiness of the implementation of cyber notary infrastructure to be applied in Indonesia.

### **3. Results and Discussion**

#### **3.1. Indonesian Notary Law in Traditional Concept; and Responding to the Challenges of the Digital Economy Era**

The existence of the Notary profession in Indonesia since August 27, 1962, until the enactment of the Notary Law on October 6, 2004 until the amendment was made by Law No. 2 of 2014 concerning amendments to Law No. 30 of 2004 concerning the Notary Law, substantively still adheres to the principle of "*Tabellionis Officium Fideliter Exerbo*" which is firmly held by Notaries that Notaries must work in a traditional manner.(UNPAD FISH, 2023).

Regarding the principle of "*Tabellionis Officium Fideliter Exerbo*", the fact in the field is that Notaries still implement this principle in terms of making authentic deeds. The authority of Notaries was born by the State through Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2004 concerning the Position of Notaries to carry out part of the Government's authority in the field of Civil Law in terms of serving the needs of the community in fulfilling evidence in the form of authentic deeds. The aspects of authenticity are:

1. Procedures, namely a series of procedures for making deeds that must be in accordance with applicable rules or regulations.
2. Authority, namely in making an authentic deed there must be a person who has the authority to do so, if this is done by a Notary then the Notary has the authority based on Article 15 of the Notary Law.
3. Substance, namely regarding the contents of a deed containing the will of the parties, where in the case of a Notary who is confirming the will of the parties, he must also pay attention to and ensure that the legal act or action desired before the Notary does not conflict with existing laws and regulations.

When the authenticity requirements are met, the deed made by the Notary has perfect evidentiary power, and has a "Presumption of Validity" value as long as it cannot be proven otherwise by or based on a court decision that has permanent legal force.

Several substances contained in the articles in the Notary Law which conclude that the Notary Law still applies the principle of "*Tabellionis Officium Fideliter Exerbo*" include:

1. The parties, witnesses and notaries still have to meet physically in a certain place.
2. The notary is required to read and explain directly to the parties face to face.
3. Physical signatures, initials and fingerprints still need to be taken.
4. The storage media for deeds is still in the form of physical paper.
5. Protocols still have to be physically stored in the form of paper sheets.
6. Copies of the deed still need to be bound.
7. The stamp and materials are still physical evidence.
8. Minutes/copies/quotes/grosses are still made and provided in physical paper form.
9. The copy of the deed is still stitched, lined, and bound with a cover.

The substances contained in the UUJN articles are reinforced by other regulations contained in Article 5 number (4) letters a and b of Law No. 11 of 2008 concerning Electronic Information and Transactions which reads:

"The provisions regarding Electronic Information and/or Electronic Documents as referred to in paragraph (1) do not apply to:

- a. Letters which according to the law must be made in written form; and
- b. "The letter and its documents, according to the law, must be made in the form of a notarial deed or a deed made by the deed-making official."

The sentence stating that a Notary has the authority to certify transactions carried out electronically (Cyber Notary) as stated in the explanation of Article 15 number (3) of the Notary Law is considered still insufficient to accommodate the implementation of the Cyber Notary concept. (Bahri et al., 2019). It will be very risky for the Notary position and the products produced when carrying out duties are not based on a legal basis. The above substances conclude that UUJN still applies the principle of "*Tabellionis Officium Fideliter Exerbo*", there are other obstacles in realizing and implementing the Cyber Notary concept such as:

1. Still stipulating that the meeting must be done physically, does not provide space for the meeting to be done via video conference.



2. There are no regulations regarding the use of electronic stamps, electronic stamps and electronic fingerprints that can be used in the process of making authentic deeds.
3. Notary products are still in physical form, as is the storage of notarial protocols which is still done manually.
4. There are no regulations that accommodate the implementation of the Cyber Notary concept.

Ease Of Doing Business (EODB) or ease of doing business is a concept initiated by the World Bank to measure regulations related to the business world and law enforcement related to business. The purpose of this EODB is to encourage regulations in a country to be more efficient, more transparent and easy to implement, so that businesses can easily grow. When investors are going to invest their capital in a country, the investor will look for references about the economic conditions of the country by digging up information, one of the information that can help is information sourced from the doing business report (Alwajdi & Kunci, 2020), but on September 16, 2021, this EODB was revoked and replaced with B-READY.

B-READY is a new project from the World Bank Group aimed at assessing or measuring the business and investment climate in 180 countries around the world every year. The benchmarks used in B-READY consist of 10 topics, namely, Business Entry, Business Location, Utility Services, Labor, Financial Services, International Trade, Taxation, Dispute Resolution, Market Competition, and, Business Insolvency, where the 10 topics are assessed based on 3 pillars, namely based on the regulatory framework, public services and efficiency. The intended Regulatory Framework refers to the laws and regulations that business actors must comply with to establish, operate, and close their businesses. The public services intended in B-READY are limited to the scope of the business conditions area related to the Company's life cycle. Efficiency relates to the effectiveness of the relationship or combination between the regulatory framework and public services in practice to achieve goals that enable the company to function (Rarasmitha, 2023). B-READY highlights the importance of clear regulations, efficient public services and linkages in creating a good business climate.

Notaries through their duties and authorities in ratifying and authenticating various legal actions are important elements in realizing a regulatory framework that is complied with and efficient public services for the business world, thus the performance and efficiency of Notaries directly contribute to the B-READY assessment of the business and investment climate of a country. So that the



formation of regulations regarding Cyber Notary becomes clearer in this context, if Notary services can be carried out more efficiently and easily through a trusted digital platform, this will greatly contribute to the pillars of efficiency and public services in the B-READY assessment, so that it can increase competitiveness and a good investment climate for Indonesia.

The change in the culture of society that wants everything to be fast and easy is a sign that at this time society is transforming towards Society 5.0, namely there is acceleration, both in the service system and especially the economic sector development sector which is growing rapidly. This concept was initiated by Japan along with the increasingly advanced development of technology and social dynamics, in this concept it is hoped that human life can grow more advanced with the help of increasingly sophisticated technology. The digital industry is considered to have a substantial role in improving the quality of the economy in a country (Aulia Zilfa, et.al., 2022). This phenomenon has an impact on various fields, including the Notary profession which is required to improve service delivery to support economic growth.

It is not inevitable that rapidly developing information and digital technology will eliminate barriers and constraints on space and time, so that it can affect the economic and legal sectors. The advancement of a dynamic economic situation supported by the Society 5.0 era indirectly demands Notaries to develop and exercise their authority in line with technological advances. The position of Notary is a position that accompanies the community not only in the legal field but also in the business field. This is proven by the opening of Notary formations based on business activities, population, and the number of deeds made by notaries each month. The business activity factor here affects how many Notary quotas are available in an area, so that Notaries are closely related to the business world, and are expected to be able to adapt to developments in the business world by utilizing technological assistance.

The administrative implementation of Cyber Notary can be implemented in several legal fields, as regulated in Article 29 of Law No. 40 of 2007 concerning Limited Liability Companies, namely the Legal Entity Administration System (SABH) is a computerized legal system for establishing a legal entity implemented in the Ministry of Law and Human Rights of the Republic of Indonesia. (Pagesti et al., 2020). However, the application of Cyber Notary in the making of authentic deeds still cannot be implemented because there is a lack of synchronization between the provisions of one Article and another Article, and there is a lack of legal norms in accommodating the concept of Cyber Notary.

Based on Article 16 number (1) letter m UUJN, namely regarding the reading of the deed which must be done in the presence of the parties, and witnessed by at least 2 witnesses, which means that the Notary must be physically present. The explanation of the Article which requires the Notary to be physically present becomes an obstacle as well as a problem if the Cyber Notary concept is implemented, because when juxtaposed with Article 15 number (3) UUJN, it seems incompatible and contradictory because the making of a Notary deed electronically (Cyber Notary) can be done by a Notary by Reading the Deed online and signing it electronically without any physical presence, so that this certainly does not fulfill the elements of Article 16 number (1) letter m (Pamungkas et al., 2021). If the reading is not carried out directly in front of the presenters, the position of the authentic deed can be degraded to become a private deed and the proof value of the deed no longer has perfect evidentiary value.

As explained in Article 1868 of the Civil Code, a deed can be declared authentic if it is made in the form determined by statutory regulations or made by and before an authorized public official and based on Article 1867 of the Civil Code, an authentic deed is a perfect evidence. To obtain the authenticity contained in an authentic deed, according to Article 1868 of the Civil Code, the deed in question must meet the requirements such as being made "by" (door) or "before" (ten overstaan) a public official, made in the form determined by law, and the Public Official who makes it must have the authority to make the deed. (Adjie, 2020).

The Cyber Notary concept has a borderless nature because by utilizing technology in the process of meeting the parties with the Notary, it can cross territorial and time boundaries, while the Notary himself has a domicile in the Regency or City area as stated in Article 18 number (1) UUJN and if the Notary carries out his office outside his office area, the Notary who violates it can be subject to sanctions in the form of a written warning, temporary dismissal, or dishonorable dismissal. So if the Cyber Notary concept is to be implemented, it is necessary to re-regulate the provisions regarding the Notary's office area and the Notary's obligation to physically meet the parties.

The public's need for legal services will be influenced by new factors, one example is a technology company that provides a document creation system and an artificial intelligence system to support legal services. This will raise the question of whether the world of Notaries in Indonesia will continue to behave as conventional law regulates it or follow the times along with the rapid development of technology and benefit from it. The expression that the law is always behind the events that occur in the midst of society "Het recht hink achter de feiten aan" is true (Rumengan, 2021), because the law regarding the implementation of the Notary's position is currently

still lagging behind because in the notary world there are no regulations that support Notaries in maximizing the use of technological facilities in order to provide optimal services in the Society 5.0 era. especially in making authentic deeds which are the authority of a Notary.

Notary is a position that carries out part of the state's authority in the private legal realm that is quite closely related to aspects of service to the community and the economy in general, this position should not be seen as a rigid and static position, but must strive to make adjustments to the facts and phenomena that are happening with man and legal certainty. However, this needs to be supported by the Notary's own initiative so that it can be in line and relevant to the development of the era and technology through fast, precise and efficient services so that it can support the acceleration of the economic rate(Nurita, 2012).

The presence of various applications that aim to facilitate the community indirectly pampers the community so that the community averages all aspects that everything can be supported by sophisticated technology and produces convenience for them. The emergence of Legal Startup in the midst of society implies the meaning that Notaries in carrying out their duties are not felt to be easy, the community still considers that their interests resolved through notaries must be difficult so that the community uses the services of Legal Startups that try to facilitate between the community and notaries so that the community does not need to deal directly with Notaries, only enough from Legal Startups, this is because the community wants speed and accuracy in handling their interests(Ahmad Rifaldi & Habib Adjie, 2022).

The former Minister of Law and Human Rights, Yasonna Laoly, stated that he would increase the ease of doing business for Micro and Small Enterprises (UMK) where one of the government's real actions in this case is the presence of a new legal entity called a Sole Proprietorship with limited liability and the establishment of the PT does not require a Notary Deed.(UNPAD FISH, 2023). This incident also implies that the making of a Deed by a Notary has not provided ease of doing business for Micro and Small Business (UMK) actors. Standard procedures that must be fulfilled by the community such as having to physically meet a Notary, having to make a power of attorney if unable to attend for some people are quite burdensome so that they are considered to hinder ease of doing business.

Based on Article 16 number (1) letter b UUJN regulates the obligations of notaries, one of which is regarding the storage of Minutes of Deeds as part of the Notary Protocol. Storage of deeds that are still carried out traditionally has a number of risks such as being damaged due to natural disasters or being damaged due to being eaten

by termite so that it is necessary to change the storage method of Minutes of Deeds from the original storage which is still traditional to electronic. The limited storage space in the Notary's office which makes notaries reluctant to accept the overflow of protocols from fellow Notaries adds to the reason that electronic storage of Minutes of Deeds is very much needed. In responding to the need for notaries to have an electronic storage media that does not have risks that endanger the Notary Protocol, it is necessary to involve the Indonesian Notary Association (INI) which is the only Notary Organization and is supervised by the Minister of Law, thus it is hoped that it can provide strong security to avoid hacking by unauthorized parties.

Technological advances and the rapid development of the digital economy that have taken place have an impact on legal practices in Indonesia, legal certainty regarding the implementation of the Cyber Notary concept is important and how the limitations are in the application and utilization of Cyber Notary in practice. There are several crucial points that need to be mitigated in the application of the Cyber Notary and Electronic Notary concepts into the implementation of the Notary position and authentic deed products, in addition there needs to be an understanding between Notaries facilitated by the Notary organization and the government through the Ministry of Law so that the application of the Cyber Notary concept can be implemented optimally, in addition revising laws and regulations or creating new regulations related to the Cyber Notary concept is also needed and important to prepare infrastructure that utilizes technology. So if the Cyber Notary concept is indeed going to be implemented, one thing that is certain is that there will be unavoidable changes. Such things need to be studied and discussed to see what form of guarantee is given so as to provide legal certainty for the community.(Sugiarti, 2022).

### **3.2. Cyber Notary and Best Practices of Notary Regulation in Germany**

The Cyber concept is currently being widely discussed in Germany and other European Union countries where the integration of digital and Cyber elements if implemented in the Notary world is considered to be able to make the work of Notaries more efficient, and provide new discoveries in data storage that can provide security. The Cyber Notary system in Indonesia has not been regulated in detail so that it cannot be implemented, a more in-depth and intense discussion is needed so that this Cyber concept can be integrated into the Notary system in Indonesia. As a country that has previously implemented the Cyber concept in the Notary field, several new developments regarding Cyber Notary in Germany can be an initial step for Indonesia in getting to know and learning more about this Cyber Notary concept, so that later

Indonesia can implement these methods that are considered relevant for the development of digitalization in the Notary field in Indonesia.

In order to study the concept of Cyber Notary, Germany is one of the countries that can be used as a reference by Indonesia because of the similarity of the notary system which is both based on Civil Law.(Ikhsan Lubis et.al., 2022). In addition, the German legal system is the same as Indonesia, namely adopting the Civil Law legal system, which is also the reason why Germany was chosen as a role model in studying the Cyber Notary Concept. Another similarity in carrying out their duties, German Notaries both have the principle of not siding with anyone in carrying out their work, this reflects that German Notaries are independent officials, and provide legal protection for both parties who use their services. In addition, it is the same as Notaries in Indonesia who have the obligation to provide legal counseling to the parties. German Notaries also have the same obligations and they can also represent the parties before the Court and the authorities who if they need information regarding the products made by the Notary.

The German legal basis for carrying out duties as a Notary is regulated in the BnotO and the professional guidelines of the Notary Chamber, as stated in Article 24 paragraph 1 of the BnotO which defines the position of Notary, namely:

“The position of Notary also includes providing other consultancy services to parties involved in the administration of justice that are preventive in nature, especially drafting documents and providing advice to the parties involved. Unless there are other provisions that limit it, Notaries are also authorized to represent parties before the Court and administrative authorities to a certain extent(Koos, 2023).”

The concept of Cyber Notry referred to here is about how digital technology is functionally integrated into the work of a Notary, as Germany discusses this which emphasizes the use of technology to improve and facilitate the work of a Notary rather than replacing it completely. However, this concept does not refer to a profession that will be separate from a Conventional Notary, but Cyber Notary is a form of digitalization of the Notary function.

Since August 1, 2022, companies in Germany can use the services of a Notary by combining 2 methods, namely conventionally or face-to-face or online or virtually. This arrangement is the result of the adoption of regulations from the European Union, namely the European Union Directive 2019/1151 which came into effect in Germany in June 2021. This European Union Directive is a legislative instrument that requires European Union countries to adopt certain rules into their National Law. The

European Union Directive is implemented in Germany through a National Law called DiRUG or the Law on the Implementation of the Digitalization Directive, one of which focuses on the obligation of Notaries to ensure security and validity in the digital Notary process in order to prevent fraud and ensure that the digital Notary process has the same legal force as the conventional Notary process.

The use of digital signatures that replace physical signatures is part of the Digital Notary in Germany. The digital signature used must be one that can be verified or the signature can be proven and meets the requirements based on Article 33 of the BnotO. In addition, meetings held virtually must use a video conferencing platform provided by the German Federal Notary Chamber with a video conferencing platform system server that must be located in Germany so that general video conferencing such as Zoom and Teams are legally prohibited from being used. On August 1, 2022, the formation of a GmbH (Limited Liability Company) online was carried out through a video conferencing portal provided by the German Federal Notary Chamber, in which case the company founder was in Berlin and the Notary was in Munich. This shows that the German State is very serious about digitalization in Notary services by guaranteeing the security and legal certainty of the Notary products produced.

Although Germany has advanced by allowing the use of video conferencing through regulations that have been made, its implementation is still limited where the use of this video conferencing can only be used for the formation of GmbH (Limited Liability Company) or *Unternehmergeellschaft* (UG) types of companies. Other companies such as Public Companies or Firms or other legal actions related to companies such as Amendments to Articles of Association, Release of Shares, and Dissolution cannot yet be carried out via video conferencing because in the implementation of this digital Notary, Germany is still careful and gradual in using it in the implementation of Notary work.

Notary Archives or Protocols in Indonesia that we know are still stored traditionally, unlike Germany which is more advanced, namely storing archives electronically. The Electronic Documents Archive (EDA) system developed by the German Federal Notary Chamber is a central electronic archive for storing Notary documents to replace the method of storing archives that are carried out using paper media or traditionally. Electronic Documents Archive (EDA) is an effort to digitize Notary archives to improve efficiency, accessibility, and flexibility in storing Notary documents, the use of technology here is used to improve the quality of service and administrative processes.



#### 4. Conclusion

Obstacles in implementing the Cyber Notary concept can be resolved by improving the UUJN to support its implementation. In this case, revising the rules that the presence can not only be done physically but can also be done via video conference, storage of Minutes of Deeds is no longer done by traditional methods but electronically, and making new regulations that Notaries have the authority to make deeds by utilizing technology or producing deeds in electronic form. In addition, further regulations are needed that explain in detail Article 15 paragraph (3) of the UUJN, so that Notaries and parties can clearly know what is permitted in the use of Cyber Notary. The implementation of the Cyber Notary Concept in Germany in integrating digital technology aims to increase efficiency and security in the implementation of Notary work, such as the use of digital signatures, the use of video conferencing and electronic storage of archives. Although the Cyber Notary concept is still being implemented in Germany, Indonesia can learn from Germany which has previously implemented this concept to develop the Cyber Notary concept that is considered relevant to be implemented in Indonesia. Regarding the urgency of regulations related to the implementation of Cyber Notary and increasing the ability of Notaries in supporting and implementing the provision of electronic-based notary services, the state is very much needed to play a role in regulating and forming regulations that contain the required requirements. Thus, it is not impossible for the State of Indonesia to have the opportunity to implement the Cyber Notary Concept to increase efficiency and effectiveness in providing services to the community.

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Number 30 of 2014 concerning the Position of Notary

Law No. 11 of 2008 concerning Electronic Information and Transactions.