

Legal Validity of Using QR Codes in Making Notarial Deeds

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Abstract. *This study discusses the synchronization between legal developments and technological advances in Indonesia, especially in notarial practices, which have the potential to cause legal vulnerabilities. To strengthen authenticity and minimize forgery of notarial deeds, the proposed use of Quick Response Code (QR Code). This study focuses on the legal validity of the application of QR Code and the resilience of its application. The research method used is sociological juridical, combining legal literature analysis (secondary data) with in-depth interviews and focus group discussions (primary data) to understand the legal and social dimensions of the application of QR Code. The goal is regulatory readiness for the integration of this technology. The results of the study indicate that the use of QR Code in Notarial Deeds has a valid legal basis, provided that it does not change the substance of the deed and is not prohibited by the Notary Law. QR Code functions as a preventive instrument by embedding important information in the deed. However, its implementation is effective in facing regulatory constraints related to Cyber Notaries. In facing this challenge, it is recommended to strengthen regulations, special training for Notaries in the field of technology and cybersecurity, and coordination between institutions. These steps are crucial to ensure the security and intelligence of electronic documents, legal protection, efficiency, transparency and legal certainty.*

Keywords: Cyber; Notary; Response.

1. Introduction

Law moves dynamically along with the development of society, but law in the narrow sense, namely the statute, often lags behind in following and accommodating changes in the times and technological developments.¹The gap between technological development and regulatory progress becomes a serious

¹Benny Riyanto. (2020). "Pembangunan Hukum Nasional di Era 4.0", *Jurnal Rechtsvinding*, Vol.9, No. 2, p. 181, <https://rechtdvinding.bphn.go.id/ejournal/index.php/jrv/article/view/455>, accessed on 29 August 2024 at 08.00 WIB.

problem as technology continues to develop. Therefore, in order to provide protection, certainty and order, there must be proper and orderly legal administration activities.²

Indonesia is experiencing globalization and rapid development of information and communication technology (ICT), which plays an important role in economic, social, and cultural progress. This development has encouraged the legal system in Indonesia to adapt, as evidenced by the enactment of Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE) and its amendment in Law Number 19 of 2016. This regulation marks the legal efforts in Indonesia to follow and regulate the development of technology and information. Electronic transactions, which are the exchange of information through electronic communication systems to carry out legal acts, require authenticity and confidentiality of messages. This need is facilitated by electronic authentication methods known as electronic authentication or electronic signatures"³. Electronic Signature, also known as electronic signature or digital signature, is defined in Article 1 number 12 of the ITE Law. This definition includes electronic information that is attached, associated, or related to other electronic information, which is intended as a means of verifying or authenticating the identity of the signatory and the integrity and authenticity of the electronic information concerned. This electronic information can be in the form of various forms of electronic data.⁴

The rapid development of information and electronic technology has made electronic media the main platform for communication, coordination, various activities, to the implementation of tasks and positions such as notaries. In the midst of this development, the need for evidence becomes crucial to prove a right that is owned. According to Sudikno Mertokusumo "Legal proof is nothing other than historical proof. This legal proof tries to establish what has happened concretely. Both in legal and scientific proof, then proving essentially means

²Neriana. (2015). "Kekuatan Pembuktian Akta Dibawah Tangan Perjanjian Jual Beli Dihubungkan Dengan Kewenangan Notaris Dalam Pasal 15 Ayat (2) Undang-Undang Nomor 2 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris", *Jurnal JOM*, Vol.2 No.2, Oktober, Hal. 2, <https://jom.unri.ac.id/index.php/JOMFHUKUM/article/view/7842>, accessed on 29 August 2024 at 08.10 WIB.

³Priptika Nurul Tsany Salsabila. (2022). "Legalitas Penggunaan Tanda Tangan Digital dalam Akta Notaris Berdasarkan Hukum Positif di Indonesia", *Jurnal Sosial dan Budaya Syar-i*, Vol.9 No.6, p. 1948, <https://journal.uinjkt.ac.id/index.php/salam/article/view/27529>, accessed on 29 August 2024 at 08.15 WIB.

⁴Ranti Fauza Mayana. (2021). "Legalitas Tanda Tangan Elektronik: Posibilitas Dan Tantangan Notary Digitalization di Indonesia", *Jurnal Ilmu Hukum Kenotariatan Fakultas Hukum Unpad*, Vol. 4 No. 2, p. 248, <https://jurnal.fh.unpad.ac.id/index.php/akta/article/view/517>, accessed on 29 August 2024 at 08.27 WIB.

considering logically why certain events are considered true".⁵

The evidence as a whole is regulated in Article 164 of the *Herzien Inlandsch Reglement (HIR)*, which states that the so-called evidence is written evidence, witness evidence, suspicion, confession, oath. The provisions in Article 1867 of the *Burgelijk Wetboek (BW)* state that evidence with authentic writings or private writings. Article 1869 of the BW states that letters can be called Deeds if they are signed, this signature serves to distinguish one deed from another. While Deeds according to their form are divided into 2 (two), namely Authentic Deeds and Private Deeds.

Authentic Deed as referred to in Article 1868 BW states "An Authentic Deed is a deed in the form determined by Law, made by or before authorized public officials for that purpose at the place where the deed is made". Authentic Deed as the strongest and most complete evidence has an important role in legal relations in community life. Authentic Deed clearly determines rights and obligations, guarantees legal certainty, and is also expected to be a way out when a dispute occurs.

To meet the needs of the community for Authentic Deeds, the state grants the authority to make Authentic Deeds to public officials. A notary is a public official who is authorized to make Authentic Deeds and other authorities as referred to in Law Number 2 of 2014 concerning the amendment to Law Number 30 of 2004 concerning the Position of Notary (hereinafter referred to as UUJN). In its explanation, it is stated that a notary is a public official who is authorized to make Authentic Deeds as long as the making of certain Authentic Deeds is not specifically for other public officials. The need for written agreements to be made before a notary is to guarantee legal certainty and to fulfill strong evidentiary laws for the parties entering into an agreement.⁶

Notaries have a great responsibility in carrying out their profession properly and not harming the community. They are required to be sensitive, honest, fair, and transparent in making deeds to guarantee all parties involved. Notaries function as public officials who serve the general public in making various Authentic Deeds related to civil law, especially those required by law and requested by interested parties so that their legal actions are stated in the form of Authentic Deeds.⁷ The electronic authority of a Notary is not clearly regulated in the Notary Law, but

⁵Sudikno Metrokusumo. (1999). *Hukum Acara Perdata Indonesia*, Yogyakarta. Liberty. p. 109.

⁶Abdul Jalal, et all. (2018). "Keterlibatan Pejabat Notaris Terhadap Perbuatan Melawan Hukum Dan Turut Serta Melakukan Tindak Kejahatan Dalam Pemalsuan Dokumen", *Jurnal Akta*, Vol.5 No.1, p. 228, <https://jurnal.unissula.ac.id/index.php/akta/article/view/2551>, accessed on 29 August 2024 at 08.33 WIB.

⁷Andi Prajitno. (2015). *Apa dan Siapa Notaris di Indonesia (Sesuai UUJN Nomor 2 Tahun 2014)*, Surabaya: Perwira Media Nusantara. p. 34.

there are other laws and regulations that provide various opportunities for this.

Ironically, as a country of law, the development of positive law in Indonesia is far behind the development of the current era. So that it has an impact on providing legal certainty to the community.⁸The many cases of forgery of deeds involving the position of notary have resulted in Notaries being able to carry out their responsibilities regarding the authenticity of the Authentic Deeds they have made. So that it encourages Notaries to implement security by using technology to avoid dynamic crimes. The use of this technology is by using a Qr code, where the Qr code can be a differentiator and provide information regarding original or non-original deeds. In Indonesia itself, several government agencies have used Qr codes in legal products such as information from the Directorate of General Legal Administration at the Ministry of Law and Human Rights.

Barcode is a geometric pattern that is generally vertical, has the function of scanning and tracking an item or property. In addition, barcodes are usually in the form of signs such as symbols or numbers attached to the product. Products marked with barcodes come from people or companies that have an identity. Barcodes can be used to identify the origin of the product, the manufacturer that issued it, the serial number, when it was made, and others. Barcode technology has developed into Qr Code or Quick Response Code which is a two-dimensional barcode and also stores larger information⁹.

The use of QR Code on authentic deeds has an impact on the form of the deed as referred to in Article 1868 of the Civil Code which states: "Authentic Deed is a deed made in the form determined by law by/or before a public official authorized for that purpose, at the place where the deed is made". Deeds that have QR Code inserted on each page contain information about the Notary, this is due to the large number of Fake Deeds.

Notaries in carrying out their functions and duties are based on Article 15 paragraph (3) of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Regulation of the Notary Position (UUJN) have other authorities, which read: "In addition to the authorities as referred to in paragraph (1) and paragraph (2), Notaries have other authorities regulated in the Laws and Regulations. Based on Article 15 paragraph (3), Notaries are given the authority to be able to certify transactions carried out by cyber notary. If you pay attention, this Cyber Notary seeks to provide legal force, namely that actions for parties who

⁸Iqbal Anshori. (2022). "Polemik Penerapan Tanda Tangan Elektronik Dalam Pembuatan Akta Otentik", *Recital Review*, Volume 4 Nomor 2, p.355, <https://online-journal.unja.ac.id/RR/article/view/18863>, accessed on 29 August 2024 at 08.40 WIB.

⁹Huddan Ary Karuniawan & I.A. Budhiavaya. (2018). "Keabsahaan Pemberian Barcode pada Minuta Akta dan Salinan Akta Notaris", *Jurnal Komunikasi Hukum*, Vol. 4, No.2, p. 108, accessed on 29 August 2024 at 10.22 WIB.

wish to appear before a notary do not have to be carried out physically in a certain place, in this case it is possible for the parties to be in different places.¹⁰

This causes Cyber Notary in Indonesia to still be debated even though it is possible to implement. Therefore, the role and function of this notary in conducting electronic transactions is still in the trial stage so that Indonesian Notaries can be useful globally. The use of Qr Code as a security effort to prevent crimes that can cause Notaries to be involved in legal problems, so it is important for Notaries to apply the principle of caution in the process of making Authentic Deeds. The development of Qr Code is a major advancement in the world of Notaries. In the future, it will certainly have an impact on the legal field, especially the notary field, especially in the power of proof. So that Notaries are expected to improve their abilities both in science, professional expertise and utilization of technology so that they are not limited. Based on the description above, the author compiled a writing entitled: The Validity of the Use of Qr Code in Making Notarial Deeds.

2. Research Methods

This research on the legal validity of the use of QR Codes in the making of Notarial Deeds adopts a sociological juridical method, which focuses on the implementation of normative legal provisions in real practice in society. The sociological juridical approach is used to analyze and provide solutions to the legal problems studied. This study uses primary data obtained directly through interviews and focus group discussions (FGD), as well as secondary data obtained from literature studies, including primary legal materials (Legislation such as the Civil Code, JN Law, ITE Law, etc.), secondary legal materials (jurisprudence), and tertiary legal materials (literature, works of assessors/experts, and legal theory). Data collection methods include interviews and FGDs for primary data, and literature studies for secondary data. The data collected is then analyzed using a qualitative data analysis method that is prescriptive, examining the results of data processing with the help of theories and sources from experts, such as the results of interviews with related officials.

3. Results and Discussion

3.1. Legal Validity of Notarial Deeds Regarding the Use of QR Codes

Rapid technological developments facilitate access to information via the internet and electronic media, having a major impact on various fields, including notary affairs. Notaries are now required to follow technological advances to serve the public effectively, one of which is by implementing QR Codes on Notarial Deeds for verification, security, and ease of access to information. However, this

¹⁰Emma Nurita. (2012). *Cyber notary: Pemahaman Awal Dalam Konsep Pemikiran*, Bandung: Refika Aditama. p. xii.

technological advancement also increases the risk of conditions in the notary sector.

Notaries as public officials are authorized to make Authentic Deeds as regulated in Article 1 number 1 of Law Number 30 of 2014 concerning Amendments to Law Number 2 of 2014 concerning the Position of Notaries, hereinafter referred to as UUJN, which states that: "Notaries are public officials who are authorized to make Authentic Deeds and have other authorities as referred to in this Law or based on other Laws."

Soegondo Notodisoerjo defines a public official as someone who is appointed and dismissed by the government and is given the authority and obligation to serve the public in certain matters because he participates in implementing a power that is based on the authority of the government. In other positions in society.¹¹

The Notary Law (UUJN) regulates the role and authority of Notaries, requiring them to comply with applicable provisions in the preparation of Deeds, including the use of QR Codes, on the condition that they do not change the substance of the Deed and still meet formal and material requirements. UUJN also gives authority to Notaries to determine whether a legal act can be stated in the form of a Deed, by considering the completeness of the documents and statements from the parties appearing.

Article 1 paragraph (7) of the UUJN states: "A notarial deed, hereinafter referred to as an Authentic Deed, is made by or before a Notary according to the form and procedures stipulated in this law." Salim HS is of the opinion that an Authentic Deed is a perfect means of proof for the parties, so that what is stated in the Authentic Deed does not need to be proven again with other means of proof (additional evidence).¹² Regarding the legal validity of Notarial Deeds regarding the use of QR Codes in line with the provisions of the Laws governing the making of Notarial Deeds in Article 15 paragraph (1) UUJN, it states that: "Notaries are authorized to make Authentic Deeds regarding all acts, agreements and stipulations required by statutory regulations and/or desired by the interested party to be stated in an Authentic Deed, guarantee the certainty of the date of making the Deed, store the Deed, provide a draft, copy and extract of the Deed, all of which as long as the making of the Deed is not also assigned or excluded to another official or other person as determined by law.

¹¹R. Soegondo Notodisoerjo, *Op.cit.*, p. 44.

¹²Nurul Muna Zahra Prabu, Endang Purwaningsih, Chandra Yusuf. (2019). "Problematika Penerapan Cyber Notary Dikaitkan Dengan Undang-Undang Nomor 2 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris", *Jurnal Surya Kencana Dua*, Vol. 6, No. 2, p.34, <https://openjournal.unpam.ac.id/index.php/SKD/article/view/3995/3041>, accessed on April 26, 2025 at 16:19.

And further regulated in Article 59 paragraph (1) of Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions states that: "Electronic Signatures used in Electronic Transactions are generated through a signing procedure". This is in line with the implementation of electronic documents issued by the Ministry of Law and Human Rights as accommodated in the Regulation of the Minister of Law and Human Rights Number 4 of 2022 concerning the Implementation of Electronic Certificates.

If reviewed based on judicial practice, in essence, a Notary when carrying out his/her position must comply with the Law, the Notary's code of ethics, paying attention to aspects of caution, accuracy, honesty and trustworthiness in fundamental dimensions. In accordance with Article 38 to Article 65 of the UUJN relating to the writing of Notarial Deeds which must be fulfilled. Because it is one of the requirements for the authenticity of a Notarial Deed. The articles in question are:¹³

Article 38 UUJN regulates the structure of a Notarial Deed consisting of a beginning, body, and end. The beginning of the Deed contains the title, number, date, and identity of the Notary. The body of the Deed contains the identities of the parties, their positions, the contents of the agreement, and the identities of the identifying witnesses. The end of the Deed records the reading, signing, identities of the witnesses to the Deed, and information on changes to the Deed (if any). The replacement/temporary Notary Deed contains additional details of the appointment.

1) Article 39 UUJN regulates the requirements for the person appearing (the party making the Deed), namely a minimum age of 18 years or married and legally competent. The person appearing must be known to the Notary or introduced.

2) Article 40 UUJN regulates the requirements for witnesses in making a Deed, a minimum of 2 people, at least 18 years old or married, legally competent, understand the language of the Deed, can sign, and have no close family relationship with the Notary or the parties. Witnesses must also be known to the Notary or introduced.

3) Article 41 of the UUJN states that violations of the provisions of Articles 38, 39, and 40 will result in the Deed only having the force of private evidence.

4) Article 42 of the UUJN regulates the format for writing Notarial Deeds, including clarity of writing, no abbreviations, placing lines in empty spaces, writing numbers and letters for amounts, dates, months and years.

¹³Habib Adjie. (2018). *Memahami dan Menguasai Teori Akta Notaris Ragam Awal Akta, Komparasi dan Akhir Akta Notaris*, Semarang: Duta Nusindo. p. 54.

5) Article 43 UUJN requires the Deed to be made in Indonesian. If the person appearing does not understand Indonesian, the Notary is required to translate or explain. The Deed may be made in a foreign language if desired by the party and must be translated into Indonesian by a Notary or official translator. The Indonesian version is used if there are differences in interpretation.

6) Article 44 UUJN regulates the signing of the Deed immediately after it is read by all parties (appearing parties, witnesses, Notary), unless there is a reason stated. Violation of this signing provision results in the Deed only having a private status and can be the basis for a claim for compensation.

7) Article 48 UUJN prohibits changes to the contents of a Deed by way of replacement, addition, crossing out, insertion, deletion, or overlapping, unless the changes are initialed/marked with ratification by all parties and the Notary. Violations will reduce the strength of the Deed's evidence to being underhand.

8) Article 49 UUJN regulates the procedure for changes to the Deed, namely on the left side or at the end of the Deed if it is not possible on the left side. Changes without indicating the changed part are considered void. Violation of this procedure reduces the strength of the evidence and can be the basis for a claim for compensation.

9) Article 50 UUJN regulates the procedure for crossing out a Deed so that it remains legible, the amount crossed out is stated on the left side, and the crossing out is initialed/marked with approval. Violation of this procedure reduces the strength of the Deed's evidence and has the potential to give rise to a lawsuit.

10) Article 51 UUJN gives the authority to a Notary to correct any typographical/writing errors in the minutes of a Deed that has been signed, by stating it in a report witnessed by the parties and the Notary, and recorded in the original minutes of the Deed. A copy of the report must be submitted to the parties.

11) Article 56 of the UUJN requires the affixing of a Notary's stamp/stamp on the original Deed, grosse Deed, copy of the Deed, extract of the Deed, copy of the attached letter, as well as private letters that are legalized/approved/registered, accompanied by the Notary's initials and signature.

Based on Article 1 number (7) UUJN, it states: "A Notarial Deed, hereinafter referred to as a Deed, is an Authentic Deed made by or before a Notary according to the form and procedures stipulated in this Law." However, if the Deed does not comply with the provisions of the law, the Deed is degraded to a Deed under hand, even though it was made by a Notary.

According to RE Van Esch, a deed is material evidence if the following conditions are met:¹⁴

- a. The durability of the type of material used, this is related to the Notary's obligation to make minutes of the Deed and store the minutes of the Deed, so that the Deed remains intact when stored;
- b. Resistance to counterfeiting thus providing greater assurance to the parties;
- c. Originality means that there is only 1 (one) "original" minute of the Deed, except for Deeds in originali which are made in several copies which are still considered "original";
- d. Publicity for interested parties to see it;
- e. The data contained in the Deed can be immediately known or easily visible; And
- f. It will be easy to move.

Notary documents, including Deeds, are state documents that must be stored and maintained properly, considering the importance of the sustainability and status of Notaries as public officials. The durability of Deed materials is crucial in the storage process, and the Notary protocol functions as a state archive that stores a collection of these documents in accordance with the Regulations. Technological advances have opened up opportunities for Notaries to innovate in services, one of which is by utilizing technology such as Qr Code. The application of this technology aims to increase security and minimize the risk of forgery of Deeds that can harm related parties.

Although new technology is applied, the system of storing and delivering the Deed still refers to existing provisions. The Notary only has one original document of the Deed called the Deed minutes, which contain the original signatures of all related parties. The Notary will keep the Deed minutes and submit a copy to the interested party. The Notary's obligation to maintain the confidentiality of the contents of the Deed and information obtained during the course of his/her duties remains the main principle that must be upheld.

Abdul Ghofur Anshori said that an Authentic Deed as a Deed made by a Notary is theoretically a letter or Deed that was intentionally officially made for evidence. Whether or not a Deed is authentic is not enough if the Deed is only made by or before a Notary. However, the method of making an Authentic Deed must be based on the provisions stipulated by Law. A Deed made by an official without authority

¹⁴Kharisma Adelia Riqoyani. (2024). *Analisis Yuridis Penggunaan Barcode Pada Akta Notaris Dalam Rangka Meningkatkan Aspek Keamanan*, Unissula, Semarang, p. 60-61 , https://repository.unissula.ac.id/33508/Magister%20Kenotariatan_21302200046, accessed on April 26, 2025 at 18.10 WIB.

*and without the ability to make it or does not meet the requirements, cannot be considered an Authentic Deed, but only has the power as a Deed under hand.*¹⁵

Basically, a Notarial Deed contains important data regarding information, acknowledgements, decisions and other related matters as stated in the Notarial Deed. So that in the Notarial Deed, information regarding personal data and interests of the parties concerned can be easily obtained. In storing Notarial Deeds, they must be numbered clearly both in the classification of type, month and year of the Deed in order to facilitate reporting to the Regional Notary Supervisory Board. Article 16 paragraph (1) letter m of the UUJN states: "Reading the Deed before the person appearing in the presence of at least 2 (two) witnesses and signed at that time by the person appearing, witnesses, and Notary." Notarial Deeds have legal certainty if the Deed made by the Notary is read in front of the people appearing. As stipulated in the UUJN, the Notary is also obliged to read the Deed he made, if the Notary does not read it, the Deed is degraded to a Deed under hand and is not an Authentic Deed. In essence, an Authentic Deed contains formal truth based on the information submitted by the parties to the Notary. Therefore, the Notary is obliged to ensure that the contents of the Deed are in accordance with the wishes of the parties and are stated clearly, and to read the contents of the Deed in full. Through this process, the Notary gives the parties the right to make decisions freely, whether to agree to the contents of the draft Deed that has been made by the Notary before it is finally signed.

Notaries are obliged to guarantee legal certainty for the parties involved. In addition, the benefits obtained by Notaries when reading the Deed, namely:¹⁶

- 1) At the last moment in the deed formalization process, the author is given the opportunity to correct any previously unseen errors. If there are any errors, the Notary will re-check them;
- 2) The person appearing is given time to ask about things that are not clear. In practice, the person making the deed faces various conditions of the person appearing even though they are illiterate; and
- 3) Before the deed is officially signed, the Notary will give the parties an opportunity to ensure that the deed has been approved.

In carrying out his/her position as a public official, a Notary is required to apply the principle of caution to every Deed he/she makes. This is important because the Notary's responsibility is lifelong. By stating caution, the Notary is not only protecting himself/herself, but also safeguarding the interests of all related

¹⁵Abdul Ghofur Anshori. (2010). *Lembaga Kenotariatan Indonesia Perspektif Hukum dan Etika*, Yogyakarta: UII Press. p. 44.

¹⁶Mkn.Unsri, "Pembacaan Akta Oleh Notaris", <https://mkn-unsri.blogspot.com/2010/03/pembacaan-akta-oleh-notaris.html>, accessed on April 26, 2025 at 18.17 WIB.

parties, in accordance with the mandate of Article 16 paragraph (1) letter a of the UUJN which requires Notaries to act honestly, carefully, independently, impartially, and safeguard the interests of parties involved in legal acts. Qr Code, as a two-dimensional barcode technology, can store more data than ordinary barcodes and can be used in Notarial Deeds as a security measure to minimize forgery. The Qr Code on the Notarial Deed contains information such as the type, title, number, date of the Deed, as well as the name, address, and telephone number of the Notary. This information can be accessed by scanning the Qr Code using a Qr Code Scanner.

The inclusion of a QR Code on a Notarial Deed does not reduce the important elements of an Authentic Deed as regulated in Article 1868 of the Civil Code and Article 38 of the UUJN regarding its formal form. The installation of a QR Code must still meet all regulatory requirements, including the provisions of Article 1868 of the Civil Code and Article 38 of the UUJN. If the Notary does not fulfill the elements of the articles mentioned, the Deed will be reduced in status to a Deed under hand. Regarding legal validity, as stated in both Article 1868 of the Civil Code and Article 38 of the UUJN, there is no prohibition against the installation of a QR Code on a Notarial Deed. If the law is incomplete and unclear, then it should be sought and found.¹⁷The QR Code installed on the Notarial Deed in the form of a box symbol inserted on each page of the Authentic Deed does not change the contents as stipulated in Article 1868 of the Civil Code and Article 38 of the UUJN and has met the requirements. Sudikno gave the opinion that an act, even though it is not regulated by law but is contrary to public order and morality, is prohibited. Meanwhile, legal acts that are not regulated by law but are good for justice, benefit, and legal certainty are permitted. Because legal gaps must be filled and must be completed.¹⁸

Although the use of QR Codes in Notarial Deeds is not explicitly regulated in the UUJN, the Deed remains valid as authentic evidence as long as its substance and form meet the formal and material requirements based on Article 38 and Article 39 of the UUJN. QR Code is a technical addition that is not included in the formal requirements for making a Deed. The use of QR Codes is considered not to be contrary to the law and even supports the digitalization of public services, as long as it does not change the content, intent, or standard form of the Deed. In practice, the Ministry of Law and Human Rights of the Republic of Indonesia, especially the Directorate General of General Legal Administration (AHU), has encouraged digitalization in the registration and ratification of Deeds, demonstrating acceptance of digital innovation in the legal process. The existence of Regulation of the Minister of Law and Human Rights No. 4 of 2022 concerning the Implementation of Electronic Certificates within the Ministry of Law and Human

¹⁷Agus Sudaryanto. (2015). *Pengantar Ilmu Hukum*, Jakarta: Setara Press. p. 82.

¹⁸Sudikno Mertokusumo. (1999). *Hukum Acara Perdata Indonesia*, Jakarta: Liberty. p. 84.

Rights further supports the implementation of technology such as QR Codes. This regulation aims to ensure the authenticity and security of electronic documents, which in turn not only protects Notaries, but also guarantees security for all parties involved.¹⁹

The legal consequences of using QR Codes on Notarial Deeds, in order to increase security, are that the Deed remains valid as an Authentic Deed as long as its use does not change, replace, or add words that can give rise to other interpretations related to the substance of the head, contents, and closing of the Deed. UUJN itself does not explicitly prohibit the use of QR Codes on Notarial Deeds, especially if the aim is to secure the Deed from forgery and protect the parties. Furthermore, Article 15 paragraph (3) of UUJN states that in addition to the authority that has been regulated, Notaries also have other authorities based on Laws and Regulations, including certifying electronic transactions (Cyber Notary) as explained in its explanation. This shows that there is legal space for Notaries to adapt to technological advances. According to Sudikno Mertokusumo, legal certainty is a guarantee that the law must be implemented in a good manner.²⁰ Legal certainty demands the existence of laws and regulations made by authorized and authoritative parties, in order to guarantee the legal aspects and obedience to the law. Thus, legal certainty is not only a moral demand, but a factual need for clear, non-multi-interpretable, logical laws that form a coherent system of norms.

Notaries, as public officials regulated in UUJN, have a great responsibility in making Authentic Deeds and must act carefully, precisely, and honestly in accordance with the Law. The use of Qr Codes on Deeds is not prohibited, as long as it does not change the substance of the Deed and meets the applicable legal requirements. Qr Codes are seen as additional tools to increase the security of Deeds, not as formal requirements for their validity.²¹ The provisions in the UUJN and the Civil Code emphasize the importance of the form and content of Authentic Deeds, where the QR Code can function as an additional security guarantee and facilitate the verification of Deed information, in line with the digitalization of public services and the adaptation of Notaries to technology. However, the challenge of legal certainty arises because the use of QR Codes has not been explicitly regulated in the UUJN, thus requiring confirmation that the application of this technology does not reduce the evidentiary power of the Deed. Nevertheless, legal experts generally believe that its use is valid as long as it does not violate legal norms and does not change the substance of the Deed. Therefore, cooperation between

¹⁹Muhammad Luthfan Hadi Darus. (2017). *Hukum Notariat dan Tangungjawab Jabatan Notaris*, Cetakan Pertama, Yogyakarta: UII Press. p. 16.

²⁰Erliyani dan Siti Rosyidah Hamdan. (2020). *Akta Notaris Dalam Pembuktian Perkara Perdata & Perkembangan Cyber Notary*, Yogyakarta: Dialektika Republik Indonesia.

²¹Selva Omiyani. (2024). "Digitalisasi Tandatangani secara Elektronik dengan menggunakan Akta Notaris", *NoLaJ*, Volume 3 Issue 1, January. p. 12-29.

regulation and legal practice is needed to ensure that this innovation provides guarantees for Notaries and the public. The use of QR Codes is considered an additional tool that increases security and ease of access, supported by the government in an effort to modernize notaries. Notaries are still required to ensure that the Deed meets the UUJN format and procedures, and to apply high caution in the use of QR Codes by considering regulations and ethics, in order to maintain the integrity of the profession and public trust in the security and validity of the Deed.

3.2. Obstacles and Solutions to a Notarial Deed Made Using a QR Code

Obstacles and Solutions to a Notarial Deed Made Using a QR Code The use of QR Codes in making Notarial Deeds is an innovation that increases legal certainty and protection of related parties, in line with the individual's right to legal protection. QR Codes, as digital identification, increase the integrity and authenticity of Notarial Deeds, facilitate verification of the authenticity of documents and ensure compliance with regulations. As part of the Deed, QR Codes must meet the requirements to be valid evidence, supporting the element of intentional written evidence and the signature of the party. Although not explicitly regulated in the UUJN, the use of QR Codes in minutes and copies of Deeds can be integrated into the existing legal framework, referring to PP No. 82 of 2012 which considers barcodes (including QR Codes) as valid electronic data. It is important to note that the use of QR Codes should not reduce the authenticity of the Deed, but rather increase its reliability and validity according to legal procedures to prevent fraud. Challenges in implementing QR Codes include the need for education and socialization for Notaries so that they can use it according to the law and integrated into notarial practices.

Along with the development of technology, the profession of Notary in Indonesia has undergone a significant transformation. Not only focusing conventionally, Notaries are now encouraged to utilize digital technology in carrying out their duties and authorities. If referring to the legal acts that occur due to the use of electronic media in accordance with the provisions stated in the Electronic Information and Transactions Law (UU ITE) which is known as the ITE Law.²²The use of technology that becomes a legal event due to the use of electronic media as regulated in the Electronic Information and Transactions Law (UU ITE) which is known as Electronic Transactions. Article 1 number 2 of the ITE Law states: "Electronic transactions as legal acts carried out using computers, computer networks, and/or other electronic media." So that with the development of

²²Cyndriarnis Cahyaning Putri & Abdul Rachmad Budiono. (2019). "Konseptualisasi dan Peluang Cyber Notary dalam Hukum", *Jurnal Ilmiah Pendidikan Pancasila dan Kewarganegaraan*, Vol. 4, No. 1, p. 32, <https://journal2.um.ac.id/index.php/jppk/article/view/10482/4724>, accessed on April 29, 2025 at 18.45 WIB.

technology, it has an impact on society. Legal acts in this case are legal acts that are stated in the form of an Authentic Deed.

Cyber Notary itself is a concept that utilizes technological advances for Notaries to create Authentic Deeds in cyberspace and carry out their duties every day. For example: electronic signing of deeds and General Meeting of Shareholders via teleconference.²³ In Indonesia, the concept of Cyber Notary has actually emerged since 1995 by the Directorate General of Telematics, Communication and Informatics Applications (Kominfo), but it was hampered by the absence of a related legal basis. However, since the enactment of Law Number 11 of 2008 concerning Information and Electronic Transactions, and Law Number 2 of 2014 concerning the Position of Notary, hereinafter referred to as UUJN, the use of Cyber Notary has returned.

Professor Hikmah anto Juwana stated that the term Cyber Notary emerged in 1994 issued by The Information Security Committee of the American Bar Association, this committee describes that there is a profession similar to a notary public, but the documents made and the profession are electronic-based, which profession has a function to increase trust in the documents made. In this scope, Cyber Notary has a role to authenticate electronic-based documents, which from the authentication of the document can be printed out anywhere and anytime. Cyber Notary also has a role to provide certainty to parties in other countries whether when making transactions in a country it is truly of their own accord and without any coercion or threats to sign the electronic-based document.²⁴

Cyber Notary has the main function of carrying out certification and authentication in electronic transaction traffic. The certification itself means that the Notary has the authority to act as a Certification Authority (trusted third party) so that the Notary can issue digital certificates to interested parties. It is different from the authentication function which is related to the legal aspects that must be met in the implementation of electronic transactions.²⁵ The use of technology in digitalization in the field of notary with the aim of meeting the needs of the community and creating a security aspect for Notaries called the Cyber Notary concept. In its implementation, it has not been able to be carried out effectively, this is because there is a gap between the law and implementing regulations that have not been properly accommodated, especially the regulations regarding Cyber Notary. The legal vacuum that resulted in Cyber Notary which occurred in

²³Emma Nurita. (2012). *Cyber Notary Pemahaman Awal dalam Konsep Pemikiran*, Bandung: Refika Adittama. p. 53.

²⁴Hikmawanto Juwana. (2011). disampaikan dalam acara Seminar Cyber Notary, *Tantangan Bagi Notaris Indonesia*, , Jakarta: Grand Sahid Jaya Hotel.

²⁵Agung Fajar Matra. (2012). *Penerapan Cyber Notary di Indonesia Ditinjau dari Undang-undang Nomor 30 Tahun 2004 tentang Jabatan Notaris*, Tesis, Depok, p. 58.

the perspective of its meaning resulted in difficulties in the implementation of one of the Notary's authorities.²⁶

The theory of legal certainty according to Sudikno Mertokusumo states that legal certainty is a guarantee that the law can be implemented using good methods.²⁷ Based on the theory of legal certainty, it can be seen that there has been no accommodation of regulations that provide limitations to Notaries who in this case apply Cyber Notary. The relationship between Cyber Notary and bureaucratic reform is as a form of new innovation that can be a change in public services. This concept is supported by the implementation of Qr Code on digital information issued by government agencies in this case the Ministry of Law and Human Rights of the Republic of Indonesia which changed its name to the Ministry of Law of the Republic of Indonesia.

Electronic documents can have original proof if they use an electronic system that is safe and responsible. In accordance with the provisions of Article 5 paragraph (4) of Law Number 11 of 2008 concerning Electronic Information and Transactions which states: "The provisions concerning electronic information and/or electronic documents as referred to in paragraph (1) do not apply to:

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

With the amendment to the provisions of Article 5 paragraph (4) of Law Number 11 of 2008 concerning Electronic Information and Transactions, which previously excluded Notarial Deeds or Notarial Deeds made by a deed-making official in the form of electronic information and/or electronic documents as valid evidence. With this revision, electronic Deeds made by Notaries are now recognized as valid evidence, as long as they meet the requirements stipulated in the Legislation.²⁸ Digital transformation has driven significant changes in the Notary profession in Indonesia, leading them to utilize technology in carrying out their duties and authorities. Legal acts carried out through electronic media, including the creation of Authentic Deeds using technology such as QR Codes, are regulated in the Electronic Information and Transactions Law (UU ITE). The concept of Cyber Notary, which emerged in 1995, aims to create Authentic Deeds in cyberspace, such as electronic signing and general meetings via teleconference, but its implementation has been hampered by the lack of a strong legal basis. Law

²⁶Hans Kelsen, sebagaimana diterjemahkan Soemardi. (2007). *General Theory Of Law and State, Teori Umum Hukum dan Negara, Dasar-Dasar Ilmu Hukum Normjatif Sebagai Ilmu Hukum*, Jakarta: Deskriptif Empiris, BEE Media Indonesia. p. 81.

²⁷Sudikno Mertokusumo, *Op. Cit.*

²⁸Abdul Ghofur Anshori. (2009). *Lembaga Kenotariatan Indonesia Perspektif Hukum dan Etika*, Yogyakarta: UII Press. p. 49.

Number 11 of 2008 concerning ITE and Law Number 2 of 2014 concerning the Position of Notary (UUJN) then revived this concept.

Although the digitalization of notaries aims to meet the needs of the community and improve security, its implementation has not been effective due to legal loopholes and implementing regulations that have not adequately accommodated Cyber Notary. This legal vacuum creates uncertainty in the interpretation and implementation of Notary's authority. According to Sudikno Mertokusumo's theory of legal certainty, the law must be able to be implemented properly, but the lack of clear boundaries for Notaries in implementing Cyber Notary threatens this certainty. The implementation of QR codes and electronic documents by the government supports this concept, but a stronger legal basis is needed.²⁹

The amendment to Article 5 paragraph (4) of the ITE Law which recognizes electronic Notarial deeds as valid evidence, marks an important point for the implementation of a more effective "Cyber Notary". However, challenges in its implementation include improving regulations, increasing system security, socialization to the community, Notary training, and coordination between related parties to support bureaucratic reform and public services. Lack of knowledge of Notaries in utilizing Cyber Notary and independent costs for procuring Qr Codes as an effort to prevent forgery are the main obstacles. The use of Qr Codes in Notarial Deeds is still limited because it requires mastery of technology and significant costs, considering that Notaries are responsible for managing the database independently.

One of the significant obstacles is the lack of authority and understanding of Notaries in implementing Cyber Notary in the SABH (Legal Entity Administration System) system.³⁰ Several Notaries stated that although they have been asked to follow the existing system steps, challenges arise when the process of verifying the authenticity of documents and signatures cannot be done entirely electronically. This creates doubts about the validity of the resulting documents, especially in the context of electronic signatures which are still a controversial issue in Indonesia.

The solution to the obstacles to implementing Cyber Notary, such as lack of knowledge and independent costs, is to strengthen specific regulations on Cyber Notary. A clear and adequate legal framework will increase the trust of Notaries and the public in the use of electronic deeds with Qr Code. Another challenge is the drastic change in the core elements of making deeds to be all electronic, which

²⁹Ayu Ningsih, Faisal A. Rani, dan Adwani Adwani, "Kedudukan Notaris sebagai Mediator Sengketa Kenotariatan Terkait dengan Kewajiban Penyuluhan Hukum," *Jurnal Ilmiah Kebijakan Hukum* 13, no. 2 (23 Juli 2019): 201–28, <https://doi.org/10.30641/kebijakan.2019.V13.201-228>.

³⁰Peraturan eIDAS, https://digital-strategy-ec-europa-eu.translate.goog/en/policies/eidas-regulation? x_tr_sl=en& x_tr_tl=id& x_tr_hl=id& x_tr_pto=tc, accessed on April 29, 2025 at 19.20 WIB.

has the potential to eliminate the important value of the Deed itself. Regulations are needed to ensure that crucial aspects are maintained amidst technological developments.

Although the implementation of Cyber Notary in Indonesia faces various serious obstacles, with the strengthening of regulations, training for Notaries, and adequate technology integration, it is hoped that the ratification of deeds through Qr Code can run more smoothly, safely, and provide legal certainty for the community. Referring to the Theory of Legal Protection, both preventive and repressive legal protection are absolutely necessary in Cyber Notary. Preventive protection, although not yet sufficiently regulated, is important to prevent disputes, through active supervision by the Notary Supervisory Board at various levels.

On the other hand, repressive protection, namely the resolution of disputes arising from electronic documents that are not in accordance with procedures, must be ready to be implemented. Strengthening the judicial and complaint systems is a priority to ensure fair dispute resolution and protect related parties. Thus, obstacles to the implementation of Cyber Notary can be overcome with a comprehensive approach that includes strengthening regulations, increasing understanding and training of Notaries, and developing a better system. This handling will strengthen the position of Cyber Notary as an important innovation in public services and legal administration in Indonesia, towards a more orderly and just legal life.

4. Conclusion

Notarial Deeds that use QR Codes remain valid as Authentic Deeds as long as they do not change the substance of the head, content, or closing of the Deed. UUJN does not prohibit the use of QR Codes as a preventive measure by Notaries to secure Deeds and protect interested parties. Although the use of QR Codes is recognized as valid as evidence, there is a legal gap that needs to be addressed to avoid doubt. Obstacles to the implementation of Cyber Notary, including the use of QR Codes, can be overcome by strengthening special regulations, training Notaries, and coordinating related institutions to ensure the security, reliability of electronic documents, and legal protection. These steps aim to increase efficiency, transparency, and legal certainty in notarial services, support bureaucratic reform, and realize better public services. Suggestions Clear and comprehensive regulations are needed regarding the use of technology, including QR Codes, in notarial practices to ensure legal certainty. In addition, intensive training for Notaries on digital technology and electronic document security needs to be implemented, involving various related parties in policy formulation, and encouraging the development of national standards for electronic documents. Another step is to socialize Cyber Notary to the public to build trust, regulate monitoring and evaluation mechanisms for the application of technology, and

ensure legal protection for users of electronic documents and determine sanctions for violations.

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