

The Validity of Giving Barcode to Maintain Security In Notary Deed Minutes

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Abstract. *Cyber notary is the role of Notaries in the development of functions by using electronic transactions. The objectives of this study: 1) To find out and examine the legal consequences of using barcodes for Notary deeds in order to improve security aspects. 2) To find out and examine the obstacles and solutions in order to maintain the security of Notary Deed minutes. This study uses a normative legal approach method. The research specification is in the form of analytical descriptive. Data sources consist of primary data, secondary data in the form of primary legal materials and secondary legal materials, and tertiary data. Data collection techniques are in the form of literature studies using library research techniques. Then all data is analyzed using qualitative descriptive methods. The results of the study show that the Validity of the Granting of Barcode to Maintain Security In Notarial Deed Minutes: First, the legal consequences of using barcodes on Notarial deeds in order to improve the security aspect to maintain the protection of Notarial Deeds are that there are no prohibitions, so that the purpose of securing Notarial Deeds can be carried out properly and correctly as long as it does not conflict with UUJN. Second, the obstacles and solutions in order to maintain the security of Notarial Deed minutes are to provide an understanding of the existing obstacles and also the existence of solutions to the obstacles in the use of barcodes in Notarial Deeds, this is the existence of legal certainty regarding regulations that have been made logically and clearly, which means that it is valid as long as the Notarial deed that uses a barcode does not change, replace, and does not add words that can give rise to other interpretations with the substance of the head of the deed, the contents of the deed, and the closing of the deed.*

Keywords: Barcode; Notary Deed; Security Aspect.

1. Introduction

The development of today's society affects the legal order in a country. One of these developments is marked by the increasing number of community businesses. The increase in the economy in a country causes the need for community legal protection in that country. Legal protection must also be accompanied by certainty and order. The need for proper and orderly legal administration activities so that there is protection, certainty and order.¹Laws are created not only to regulate the behavior of society, but also to protect it, this is what is then called legal protection. An act of protecting legal subjects with applicable laws and regulations and its implementation can be enforced with a sanction is legal protection.²Legal protection and certainty require evidence. Notary is an honorable profession and when carrying out his duties, he adheres to and upholds the dignity of his profession as an honorable position that helps provide legal certainty and protection through the legal products he makes.

Proof by writing can be done with authentic writing or private writing based on the provisions in Article 1867 of the Civil Code. Deeds and other letters that are not deeds are included in evidence in the form of letters.³In its proof, deeds are divided into two, namely Authentic Deeds and private deeds. The main difference between Authentic Deeds and private deeds is the way the deed is made or occurs.⁴Notary is a specific position that carries out a profession in legal services to the community. The development process is increasing as one of the legal needs of the community that requires Authentic evidence made by a Notary. As the strongest and most complete evidence, Authentic Deeds have an important role in life in society, one of which is for written evidence that requires Authentic Deeds. Authentic Deeds made by officials who work under oath and are carried out formally according to the procedures determined by Law, then logically it can be understood that the document has perfect evidentiary value both formally and materially, so that it has a higher evidentiary weight than private written evidence made by the parties.⁵Meanwhile, from a legal perspective, the meaning of authenticity is seen more in terms of its object, namely the existence of written evidence which is legally assumed to have perfect evidentiary value because its formality has been guaranteed, made by an

¹Neriana, 2015 "The Evidential Power of Private Deeds of Sale and Purchase Agreements Linked to the Authority of Notaries in Article 15 Paragraph (2) of Law Number 2 of 2014 Concerning Amendments to Law Number 30 of 2004 Concerning the Position of Notaries," JOM Faculty of Law, University of Riau, Vol. 2, No. 2, pp. 1–2. Accessed on January 20, 2025 at 11.00

²Huddhan Ary Karuniawan and IA Budhivaya, 2018 "The Validity of Barcode Granting on Notarial Deed Minutes and Copies of Notarial Deeds," Jurnal Komunikasi Hukum vol 4, No. 2. accessed on January 20, 2025 at 11.20

³Ibid

⁴Zul Fadli, 2020, Notarial Deed Law, Notary Circle, Jambi, Page 35

⁵Edmon Makarim, 2015 "The Authenticity of Electronic Public Documents in Government Administration and Public Services," Journal of Law and Development Year 45, Vol. 4, No. 11, p. 52. Accessed on January 20, 2025 at 12.00

authorized official, namely an official who has been sworn in so that its contents are also guaranteed.⁶

The many cases related to the position of Notary, then the Notary must be able to be responsible for the authenticity of the Authentic Deed made. The authority of the Notary is spread across various regulations starting from the Civil Code (KUH Perdata), Law Number 30 of 2004 concerning the Position of Notary (UUJN) and updated by Law Number 2 of 2014 concerning the Position of Notary (UUJN-P), Law No. 40 of 2007 concerning Limited Liability Companies (UUPT), Law No. 42 of 1999 concerning Fiduciary Guarantees, Law No. 16 of 2001 which has been amended by Law No. 28 of 2004 concerning Foundations (Foundation Law).

Article 1 Paragraph (1) of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary states that the authority of a Notary is: "A Notary is a public official who has the authority to make Authentic Deeds and has other authority as referred to in this law or based on other laws."⁷The purpose of a deed made before a notary is to ensure legal certainty for the parties in making an agreement or contract, as long as this does not conflict with the law regarding what is stated in the deed.

Notaries in practice, not everything is done based on legislation, but also based on customs (living law), which are considered good and followed by other notaries later, one of which is a copy of the Deed which is always bound and each volume must have a state symbol. Barcode is one of today's technological advances. In Indonesia, Barcode has been implemented in various forms of legal products, one of which is the legal entity administration information system that serves the public in obtaining legal entity approval electronically.

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 find out 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 Codes or Quick Response Codes which are 2 (two) dimensional Barcodes and also store larger information.⁸Barcodes in legal entity administration information system products use integrated technology. This barcode can identify the original information and the copy so that there is no difference between one of the products. Technological advances are very helpful in implementing security to avoid dynamic crimes such as forgery of Notary Deeds.

⁶Ibid. p. 515.

⁷Habib Adjie, 2017, Thematic Interpretation of Indonesian Notary Law based on Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004 concerning the Position of Notary, Volume 2, Refika Aditama, Bandung, page 1.

⁸Huddhan Ary Karuniawan and IA Budhivaya, Op. cit., p. 108.

The rampant forgery of Notarial Deeds has given birth to a new breakthrough by looking at the information system that has been used by the Ministry of Law, Directorate General of Legal Administration for its decrees inserted, namely with Barcode. Utilizing the advancement of Barcode technology can make it easier for Notaries and parties to read Deed information so that they know the authenticity of the information from a Deed. The implementation of Notary authority based on information technology is related to the concept of Cyber Notary.⁹

Based on the background above, the researcher is interested in discussing a study entitled The Validity of Providing Barcodes to Maintain Security in Notarial Deed Minutes.

2. Research Methods

The research conducted in this thesis uses normative legal research, where this research uses an approach based on the main legal materials by examining theories, concepts, legal principles and laws and regulations related to this research.¹⁰ The approach method used in this study is Normative legal research. This type of research is a research conducted by using a method of researching library materials (library research) which is the basis for research by tracing legislation and literature that is related to the problems being studied.¹¹ The main data source used in this study is secondary data, where the data comes from library materials. The data collection method obtained is analyzed qualitatively, where the data obtained is then systematically arranged and analyzed with the aim of achieving clarity of the problems discussed.

3. Results and Discussion

3.1. What are the legal consequences and legal regulations regarding the provision of Barcodes on Notarial Deed minutes?

Rapid technological advances have resulted in developments in society that have an impact on daily activities related to the use of electronic media. The actions that occur can be actions that do not have legal consequences, as well as actions that can have legal consequences. These actions lead to legal actions that are actions that arise due to legal consequences. If referring to the legal actions 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 are known as Electronic Transactions.¹²

⁹Bian Amy, "Opportunities and challenges of Cyber Notary in Indonesia," <http://staff.blog.ui.ac.id/brian.amy/2009/11/29/cyber-notary-opportunities> accessed on January 20, 2025 at 13.00

¹⁰Bambang Sunggono, 2016, Legal Research Methodology, Raja Grafindo Persada, Jakarta, p. 93.

¹¹Amiruddin and Zainal Asikin, 2018, Introduction to Legal Research Methods, Raja Grafindo Persada, Depok, p. 13

¹²Cyndiarnis Cahyaning Putri & Abdul Rachmad Budiono, 2019, "Conceptualization and Opportunities of Cyber Notary in Law, Scientific Journal of Pancasila and Citizenship Education," Scientific Journal of Pancasila and Citizenship Education, Vol. 4, No. 1, p.

Notaries who are officials who have the authority to make authentic deeds can take advantage of advances in information technology. Because the needs of society that involve law have a tendency to develop and are dynamic following the development of society. Cyber notary is the use of information technology by using a useful utilization method in carrying out its functions, duties, and authorities as a Notary. The information technology used is in the form of computers or computer networks, or using electronic media such as video conferencing.¹³

The existence of legal breakthroughs in the field of notary which is implemented with the aim of fulfilling legal needs in the life of society that follows the development of technology is known as cyber notary. However, the concept of cyber notary in its implementation has not been able to be carried out effectively and efficiently. This is because there is an empty part between the law and the meaning and implementing regulations of cyber notary. The legal vacuum that causes cyber notary that occurs in the perspective of its meaning which results in difficulties in the implementation of one of the Notary's authorities.¹⁴

The theory of legal protection according to Sapiro Raharjo is that legal protection is providing protection for human rights that are harmed by other people and this protection is given to the community so that they can enjoy all the rights granted by law.¹⁵

Bar codes were first used commercially in 1970 when Logicon Inc. created the Universal Grocery Products Identification Standard (UGPIC). Monarch Marking was the first company to produce bar code equipment for retail trade. Plessey Telecommunications was the first industrial use. Kroger stores in Cincinnati in 1972, began using the bull's-eye code. In addition, a committee has been formed in the grocery industry to choose a standard code to be used in the industry.¹⁶

The advancement of barcode technology is utilized by the Indonesian Notary

32, <https://journal2.um.ac.id/index.php/jppk/article/view/10482/4724> accessed on February 18, 2025 at 16.51 WIB.

¹³Fahma Rahman Wijanarko, 2015, "Legal Review of Notarial Deeds on the Implementation of Cyber Notary in Indonesia According to Law Number 2 of 2014" *Jurnal Repertorium*, Vo. 2, No. 2, p. 12, <https://www.neliti.com/id/publications/213169/review-legal-notary-deed-against-the-implementation-of-cyber-notary-in-indonesia-me> accessed on February 18, 2025 at 16.55 WIB.

¹⁴Hans Kelsen, as translated by Somardi, 2007, *General Theory Of Law and State, Basics of Normative Legal Science as a Legal Science, Descriptive Empirical*, BEE Media Indonesia, Jakarta, p. 81.

¹⁵Satjipto Rahardjo, 2000, *Legal Science*, PT. Citra Aditya Bakti, Bandung, page 54

¹⁶Kamilia Savira & Fitriani Ahlan Sjarif, 2022, "Effectiveness of Barcode System in Securing Authentic Deeds," *USM Law Review Journal*, Vol. 5, No. 1, p. 164, <https://journals.usm.ac.id/index.php/julr/article/view/4630>, accessed on February 19, 2025 at 08:00 WIB.

Community in terms of storing Notary deeds digitally which functions to facilitate checking the authenticity of a deed. The rules regarding the use of barcodes have not been regulated which results in it not being included in the provisions of Article 38 of the UUJN. However, storing Notary deeds digitally consists of several levels of security which include a Notary's identity card.

The responsibility of a Notary in using the barcode system on a Notarial deed must of course be trustworthy and only used for good interests. Where these interests do not harm the related parties. This includes the form of services provided by Notaries to the public so that deeds stored digitally cannot be falsified by other parties. In addition, in civil law, Notaries are responsible for the deeds they make so that the deeds are of high quality. Notaries are responsible according to the UUJN and the Notary's code of ethics according to normative provisions regulating to carry out the profession according to formalities and also be careful in acting.

Law Number 2 of 2014 concerning Amendments to Number 30 of 2004 concerning the Notary Law should add strict rules regarding the use of the barcode system which aims to secure Notary deeds. So that later it has a legal basis and creates legal certainty. The theory of legal certainty is a state that is certain, both provisions and provisions. Legal certainty can answer questions that are only normative.¹⁷

Normative legal certainty is when a regulation is made and then enacted with certainty because it regulates clearly and logically. The meaning of this understanding is that it does not cause doubt or multiple interpretations, is logical, and can also become a system of norms with other norms, so that there is no clash or conflict between one norm and another.¹⁸

According to A. Ridwan Halim's opinion regarding the theory of legal consequences which assumes that all consequences arising from every legal act carried out by the legal subject to the legal object or due to other consequences that occur due to certain events that have been regulated in law and agreed to be a legal consequence. So in the use of barcodes on Notarial deeds which aim to secure the deed, then legally there is no prohibition, thus as long as the Notarial deed using the barcode does not conflict with the UUJN, it can still be implemented.

3.2. Obstacles and Solutions to Maintain Security in Notarial Deed Minutes.

Notary digital devices are tools that help Notaries in managing how Notaries communicate between Notaries and people involved in transactions through data cycles. Existing data will be useless if not processed, because it is only raw material. However, if processed into a model, they can produce information,

¹⁷Dominikus Rato, 2010, *Philosophy of Law Seeking: Understanding and Understanding the Law*, Laksbang Pressindo, Yogyakarta, p. 59.

¹⁸CST Kansil et al., 2009, *Dictionary of Legal Terms*, Jala Permata Aksara, Jakarta, p. 385.

which is called a data processing model or cycle.¹⁹

In society, written evidence, namely authentic deeds, is needed in legal relations and Notaries play an important role in this regard. Notaries are expected to participate in the advancement of information and communication technology because as state officials who provide services to the community, they have the opportunity to improve their abilities and efforts in the application and use of information and communication technology as effectively as possible, and they are also obliged to ensure that the technology is used optimally to provide the best service to the community. In addition, as a state official, Notaries are expected to participate in the advancement of information and communication technology to maximize services to the community.²⁰

In storing deeds electronically, this can involve several regulations, including Article 5 paragraph (4) letter b of the ITE Law, which can be interpreted to mean that notarial deeds can be stored digitally if the minutes of the notarial deed can also be made and stored conventionally.²¹ Minutes of the deed can be stored in electronic form to facilitate archiving and storage. The purpose of digitizing the storage of minutes is to maintain the information contained therein for future use.

With this, Notaries are expected to participate in information technology and electronic transactions. It is expected that they will increase the use of information technology and provide services through electronic systems and electronic transactions to meet the needs of Notaries involved in electronic transactions. In addition, it is expected that there will be a special Notary institution that handles and understands information technology.²²

a. Obstacles to Maintaining Security in Notarial Deed Minutes

Technology limitations

Uneven infrastructure makes it difficult for rural areas to use barcodes. This is because barcode usage can be viewed using a QR code scanner application, which can be run using a compatible cellphone and is supported by existing internet access.

Implementation Complexity

Integrating the barcode/QR code system with the existing system in the Notary's office can be complicated and require additional costs. This requires

¹⁹RA Emma Nurita, *Cyber Notary Initial Understanding in the Concept of Thinking* (Bandung: PT Refika Aditama, 2012), pp. 19-20.

²⁰Genesia Hardina Memah, "Notary Position in the Era of Information and Communication Technology Development," *Acta Comitatus: Journal of Notary Law* 5, no. 1 (April 30, 2020): p. 188.

²¹Lendo Theo Engelbert, Hanif Nur Widhiyanti, and Diah Aju Wisnuwardhani, "Legal Analysis of Electronic Storage of Notary Deed Minutes," *Scientific Journal of Pancasila and Citizenship Education* 6, no. 1 (June 28, 2021): p. 174.

²²Edmon Makarim, 2012, *Notary and Electronic Transactions, Legal Study on Cybernotary or Electronic Notary*, Depok: PT RajaGrafindo Persada, pp. 107-115.

training in making barcodes, many Notaries have not used barcodes because they have not dared to follow the digitalization for the security of Notary Deeds.

Absence of barcode regulations in UUJN

In practice, the Notary's authority to carry out the certification above cannot be carried out by the Notary because there are no regulations implementing the authority and overlapping laws and regulations so that it cannot run properly. Thus, it can be said that the Notary's authority to carry out the certification above is only a discourse from the government, to then be implemented by the Notary when the regulations implementing the authority have been issued by the Government and there are no more overlapping laws.

b. Solutions to maintain security in notarial deed minutes

Improving human resources in the field of technology

The Directorate General of General Administration is working together with the Indonesian Notary Association to conduct training for all notaries in Indonesia regarding education, especially regarding the use of barcodes in maintaining the security of notarial minutes so that notaries can use barcodes in their minutes;

Complexity of implementation

Provide training to Notaries and staff on how to use the barcode/QR code system, including how to scan, verify, and manage data. Conduct outreach to the public on the benefits and how to use barcodes/QR codes to verify the authenticity of documents. INI (Indonesian Notary Association) should provide more outreach and seminars on Barcodes in the security of Notarial Deeds so that many Notaries are familiar with the use of Barcodes and

Absence of Barcode Regulations in UUJN

In this case, it is necessary to add articles or explanations regarding the rules related to the use of barcodes that function as a security aspect that aims to avoid falsified deeds. on Notary deeds in the Notary Law. So that there are standards in securing deeds with barcodes in accordance with the Ministry of Law and Human Rights.

4. Conclusion

Rapid technological advances have resulted in developments in society that have an impact on daily activities related to the use of electronic media. The actions that occur can be actions that do not have legal consequences, as well as actions that can have legal consequences. These actions lead to legal actions that are actions that arise due to legal consequences. The legal consequences of using barcodes on Notarial deeds in order to improve the security aspect are that Notarial deeds must be made in accordance with the provisions contained in the UUJN and Laws that are related to authentic deeds. The existence of protection and justice is not only for moral demands, but in fact as a characteristic of the

law. In addition, legal protection is a guarantee of legal protection that contains justice.

Obstacles in maintaining the security of notarial deed minutes through the use of barcodes/QR codes include technological limitations, implementation complexity, and the absence of explicit regulations in the Notary Law (UUJN). However, solutions such as providing adequate internet infrastructure, training for notaries and staff, and integrating barcodes with the notary's digital system can overcome these challenges. Although the UUJN does not specifically regulate the use of barcodes, this technology can be adopted as an additional verification tool to improve security, efficiency, and prevention of forgery of deeds, in line with the principles of the UUJN. There needs to be socialization, internal regulations by the Indonesian Notary Association (INI), and potential amendments to the UUJN to accommodate the development of this technology, so that notaries can utilize barcodes as part of efforts to modernize and improve the quality of notarial services in the digital era.

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