

The Application of Apostille to Document Validation and Its Impact on the Role of Notaries in Indonesia from an International Legal Perspective

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Abstract. *This study aims to analyze: 1) PThe implementation of the Apostille process in Indonesia and the perspective of international law. 2) The implementation of the Apostille system affects the role and responsibilities of notaries in Indonesia. This type of research is normative legal research. The type of data in this study is secondary data. The data collection method uses observation, interviews, and library techniques (document study). The analysis in this study is qualitative. The results of the study concluded: 1) The implementation of Apostille replaces layered legalization with an efficient and internationally recognized public document validation mechanism. The 1961 Hague Convention simplifies document proof through a single official certificate, while in Indonesia the legal basis is stated in Presidential Regulation No. 2 of 2021, Permenkumham No. 6 of 2022, and Decree of the Minister of Law and Human Rights No. M.HH-01.AH.03.01 of 2022, with the Ministry of Law and Human Rights as the Competent Authority through the apostille.ahu.go.id portal, creating efficiency, transparency, and legal certainty. 2) The implementation of the Apostille expands the role of notaries from merely national deed-making officials to legal actors in the international civil evidence system. Notaries are now responsible for ensuring that each deed meets the formal requirements of Article 38 of the UUJN, the validity of the signature and official stamp, and the conformity of the data with the specimen signature in the Ministry of Law and Human Rights database so that the document can be affixed with an Apostille Certificate. In addition to formal responsibilities, administrative aspects require precision in document verification and electronic legalization procedures*

(Cyber Notary), while ethical responsibilities require integrity, intellectual honesty, and caution to avoid harm to others. In the digital era, notary responsibilities also include cybersecurity and personal data protection in accordance with Law No. 27 of 2022, so that electronic deeds remain valid, authentic, and trusted internationally. Thus, the Apostille system strengthens the strategic position of notaries as guardians of the credibility of Indonesian law, demanding professionalism, accountability, and mastery of digital legal technology.

Keywords: *Apostille; Document Validation; Notary.*

1. Introduction

In their lives, humans live side by side with the law, both for themselves and on behalf of others. Law is a regulation and system of regulations regarding human actions. Indonesia is a country of law as stated in the constitution, according to Article 1 paragraph (3) of the 1945 Constitution which reads "The State of Indonesia is a country of law." The purpose of law is to ensure order, balance of interests, peace, justice and happiness for humans. The function of law is expected to be a vehicle for order and security in society, a tool for driving development, a tool for monitoring society and a means for resolving disputes.¹

The increasingly expansive and rapid international cooperation resulting from globalization and the growth of global investment demands that governments accelerate economic development for the welfare of the people. In this context, technological advances contribute to the creation of orderly administration and legal certainty, both domestically and internationally. International relations must be based on the principle of reciprocity, a principle that emphasizes the importance of mutual respect between nations as the basis of international agreements and customs. However, the process of legalizing public documents from abroad has been considered complicated, expensive, and time-consuming. To simplify this procedure without eliminating legalization entirely, the Apostille mechanism was implemented as a concrete step. The Apostille serves to guarantee the authenticity of public documents and the validity of the signatures of the signing officials without assessing the document's substance, thus providing cross-border evidentiary force. With the increase in inter-state activity, providing efficient and integrated legalization services is a crucial responsibility of the state to support administrative convenience and international mobility.

Initially, public documents produced by a country did not require verification. Instead, they were issued for use within that country. However, if a document is to be used for purposes within another country, the situation is different. This is because the institution or official issuing the document is unfamiliar with the

¹JB Daliyo et al, Didactic Advisor, Drs. Sutrisno R. Pardoen, 2001, Introduction to Legal Science, Prenhm Indo, Jakarta, pp. 40-41.

other country's documents, which is the basis or background for document legalization.²To make it easier for citizens to legalize public documents for transitional recognition, since 1965, countries that are members of the Hague Conference of Private International Law (HCPIIL) have implemented simplified legalization requirements for cross-border public documents. Hague Conference of Private International Law Conference de La Haye De Droit International (HCCH) which is an international organization headquartered in the Netherlands, precisely in The Hague, HCCH is an organization in the international realm to achieve cooperative relations between countries in terms of civil law and international trade.

The Apostille Convention, or Convention on Abolishing the Requirement of Legalization for Foreign Public Documents, was signed on October 5, 1961, under the auspices of the Hague Conference, by 31 countries to abolish the obligation to legalize diplomatic documents for foreign public documents. Indonesia acceded to this convention through Presidential Regulation No. 2 of 2021, which came into effect on June 4, 2022, and is further regulated through Regulation of the Minister of Law and Human Rights No. 6 of 2022 concerning Apostille procedures and mechanisms. The term Apostille comes from the French word *apostiller*, meaning "annotation." With this convention, the process of legalizing public documents for international use is simpler, faster, and recognized by countries that have joined the Apostille Convention. In such a global community situation, international treaty legal instruments have become sacred. Through international treaties, both signatory countries and future participating countries can create new legal norms necessary to regulate relations between countries and between their peoples, which are increasingly in volume, intensity, and complexity.³

The Indonesian government can bind itself to an international treaty in various ways, one of which is through accession. It is hoped that an international treaty will become positive law in Indonesia when it comes into force.⁴ Indonesia acceded to the Apostille Convention through Presidential Regulation No. 2 of 2021, which came into effect on June 4, 2022, with the Ministry of Law and Human Rights as the issuing authority. This step marks Indonesia's commitment to bureaucratic reform, increasing the efficiency of legal services, and supporting the ease of doing business, while strengthening Indonesia's position in the international legal system. Through the Apostille mechanism, the legalization process for foreign public documents becomes easier, faster, and more efficient without the need for diplomatic or consular legalization. In the notarial context, notaries play a crucial role in legalizing and validating public documents, which

²Ahmad Haris Jnaidi, 2018, Urgency and Challenges for Indonesia in Accessing the Apostille Convention, *Jurnal RechtsVinding*, Vol.7 No.2, August, p. 197.

³Mochd. Burhan Tsani, 1990, *Law and International Relations*. Liberty, Yogyakarta, pp. 8-9.

⁴Ara Annisa Almi, 2022, Injuring the Accession of the Apostille Convention in Supporting the Debureaucratization of Document Legalization in Indonesia, *Indonesian Law Student Writers Association Law Journal*, Vol 2 No. 2, p. 247.

can be accompanied by an Apostille. This accession facilitates cross-border administrative activities for the public and business actors, expedites international legal and business processes, and provides legal certainty for the use of Indonesian public documents abroad.

2. Research Methods

This research is normative legal research. The data used is secondary data. The data collection method used is library research (document study). The analysis used is qualitative.

3. Results and Discussion

3.1. Implementation of Apostille from an International and Indonesian Legal Perspective

In the practice of international civil law, public documents play a central role as authentic evidence that determines the validity of a cross-border legal act. Sudargo Gautama emphasized that international civil law always involves the use of official state documents, whether in the areas of mixed marriage, education, citizenship, international trade, or foreign investment. Without a mutually recognized validation mechanism, these documents will lose their evidentiary force in other countries.⁵

The main problem that has arisen is the differences in national legal systems between countries, which means that public documents from one country are not necessarily recognized in another. Boer Mauna explained that state sovereignty allows each country to have its own legal administration system, necessitating an international legal mechanism to bridge these differences. In this context, international law serves to create order in cross-border legal relations, including the recognition of public documents.⁶

Traditionally, public document validation is achieved through a chain legalization mechanism. This procedure requires documents to be validated by various institutions, from notaries to relevant ministries, the Ministry of Foreign Affairs, and finally the diplomatic missions of the destination country. According to Hikmahanto Juwana, this lengthy legalization system reflects an outdated legal paradigm that places a rigid emphasis on state sovereignty, thus neglecting the need for efficiency in modern international relations.⁷

The implementation of the Apostille process, from an international legal perspective, is part of an effort to unify international civil law in the field of public document authentication. This unification does not affect the substance of each country's national law, but rather standardizes the formal procedures for

⁵Sudargo Gautama, 2010, Indonesian International Civil Law, Alumni, Bandung, p.3.

⁶Boer Mauna, 2015, International Law: Definition, Role, and Function in the Era of Global Dynamics, Alumni, Bandung, p. 27.

⁷Hikmahanto Juwana, 2011, International Law in an Indonesian Perspective, Journal of Law & Development, Vol. 41 No. 4, p. 520.

document authentication. The Apostille serves as a bridge between different national legal systems without diminishing state sovereignty. In the theory of international civil law, procedural harmonization is considered essential to creating legal certainty in cross-border relations. Differences in legal administration systems have the potential to create uncertainty for subjects of international law. The Apostille serves as a common standard that simplifies the authentication of foreign public documents.⁸

The implementation of the Apostille in international legal relations has its primary legal basis in the 1961 Convention Abolishing the Requirement of Legalization for Foreign Public Documents, drafted within the framework of the Hague Conference on Private International Law. This Convention is an instrument of unification of international civil law aimed at simplifying the procedures for legalizing public documents between participating countries. Systematically, the Apostille Convention does not regulate the substance of the document, but only the formal aspects of its proof, namely the authenticity of the official's signature, the capacity of the signing official, and the validity of the official seal or stamp on the public document.

The implementation of the Apostille at the international level is based on the principle of simplifying procedures by replacing the chain legalization mechanism with a single stage of validation by the competent authority in the country of origin of the document. This procedure includes five main stages: (1) issuance of public documents by authorized officials as stipulated in Article 1 of the 1961 Apostille Convention; (2) submission of an application to the Competent Authority appointed by each country in accordance with Article 6; (3) limited verification of the authenticity of the signature, the position of the signatory, and the validity of the official seal, without assessing the contents of the document; (4) issuance of an Apostille Certificate in the international standard format in accordance with Article 4 which is affixed directly to the document; and (5) receipt of the document in the destination country without the need for additional diplomatic legalization. This mechanism strengthens the principle of ease of cross-border evidence in international civil law, enabling private legal relations, especially in the fields of education, marriage, trade, and investment, to run efficiently without administrative obstacles. The Apostille does not eliminate state sovereignty, but rather harmonizes national administrative practices to create global legal certainty. Therefore, the 1961 Apostille Convention is an important instrument in the modernization and integration of the international civil law system that is oriented towards effectiveness and certainty.

Previously, in general, the process of legalizing public documents in Indonesia could be done in the following ways:

1. Interested persons bring public documents to be legalized to the Civil Directorate of the Directorate General of AHU under the authority of the

⁸Sudargo Gautama, 2002, Indonesian International Civil Law Book I, Alumni, Bandung, p. 22.

Ministry of Law and Human Rights of the Republic of Indonesia, in order to validate the signature of the official who issued the public document.

2. After receiving legalization from the Indonesian Ministry of Law and Human Rights, the files are then taken to the "clearance and legalization" subdirector at the Indonesian Ministry of Foreign Affairs to validate the signatures of Ministry of Law and Human Rights officials.

3. After receiving the two legalizations, the document is then taken to the Consular section of the embassy of the destination country.

In addition, there are several exceptions in terms of legalization of public documents, for example, for Divorce Decrees and Divorce Certificates issued by Religious Courts must first be legalized at the Supreme Court, similarly, documents issued by the Office of Religious Affairs such as Unmarried Certificates and Marriage Books must first be legalized at the Ministry of Religious Affairs. There are still many more legalization processes that are carried out specifically and require a long process, especially when it comes to civil documents. The legalization fee set by the Ministry of Foreign Affairs is IDR 25,000 (two thousand five hundred Rupiah) for each document, with a completion period of 2 (two) working days. Currently, processing foreign documents can be done through an application managed by the Ministry of Foreign Affairs.⁹ However, the validation or legalization of documents can now be easier and faster after the issuance of an Apostille Certificate.¹⁰

The Apostille Certificate itself is a piece of paper attached to a document to be used. The certificate is attached to a legalized public document with the aim of eliminating all requirements regarding legalization in the diplomatic or consular sphere for foreign public documents and ensuring that the signatory on the document is an official in the country of origin and ensuring that the document originates from the country of origin. By implementing the objectives of this convention, it can facilitate the flow of trade and international relations. The Apostille Certificate has limitations that can only be used by countries that have ratified or acceded to the Apostille convention so that not all countries can accept or use the Apostille convention, if the recipient country of the foreign public document does not use the Apostille convention then the document must be re-examined in accordance with the provisions or regulations of the country concerned. The difference between countries that ratify the Apostille is from the legalization process, the importance of Apostille Certified is from the complexity

⁹Monica Agustina, 2021, The Importance of Apostille Certificates for the Validation of Foreign Documents, *ResJudicata*, Volume 4 Number (1), p. 49

¹⁰Agus Riyanto, 2023, Material Authenticity of Apostille Documents, *PETITA Journal*, Vol. 5 No. 1, p. 4

or not of the process of legalizing foreign public documents in countries that use and those that do not use the Apostille convention.¹¹

Indonesia officially joined the Apostille Convention on October 5, 2021 through Presidential Regulation Number 2 of 2021 issued by President Joko Widodo, making it one of the 121 countries that recognize document legalization through Apostille Certificates, which came into effect in Indonesia on June 4, 2022. Its implementation is regulated through several regulations, namely Minister of Law and Human Rights Regulation No. 6 of 2022 concerning Apostille Legalization Services, Minister of Law and Human Rights Decree No. M.HH-01.AH.03.01 of 2022 concerning the List of Types of Apostille Documents, Minister of Law and Human Rights Regulation No. 10 of 2023 concerning Online Apostille-based services, and Law No. 1 of 2024 which is the basis for legalizing electronic documents in accordance with the provisions of the ITE Law. Based on Article 6 of the 1961 Apostille Convention, the Ministry of Law and Human Rights was appointed as the Competent Authority for issuing Apostille Certificates in Indonesia, which now cover 66 types of public documents, such as educational documents, visas, and mixed marriages. This accession was recorded by the Dutch Ministry of Foreign Affairs in accordance with Article 12 of the Convention and Article 102 of the UN Charter, marking Indonesia's commitment to efficiency and legal certainty across borders. This convention is a strategic step in the modernization of legal services, although it does not apply to diplomatic or consular documents, commercial or customs documents, or documents issued by the Public Prosecutor's Office as the prosecution agency.

Apostille is carried out on documents issued in the territory of Indonesia and will be used in the territory of other countries which are participating countries in the Convention, these documents include:¹²

1. Documents originating from an authority or official related to a state court or tribunal, including those originating from a public prosecutor, court clerk or bailiff;
2. Administrative documents;
3. Documents issued by a notary;
4. An official certificate attached to a Document signed by an individual in his civil authority, such as a certificate recording the registration of a Document, or recording a certain period of validity of a Document on a certain date, and the authentication of the signature by an official or notary.

Through the Apostille Convention, the legalization of "public documents" includes the following things, namely "administrative documents, Notarial deeds

¹¹Agwe Sheling Dranisa, Dewa Gede Sudika Mangku, I Wayan Lasmawan, 2022, Elimination of Legalization of Foreign Public Documents Through the Apostille Convention, Journal of Pancasila and Citizenship Education Communication Media, Volume 4 Number 1, Page 130

¹²Ara Annisa, 2022, Mencandra Accession to the Apostille Convention in Support of Debureaucratization of Document Legalization in Indonesia, Andalas University, p. 25

or official certificates attached to documents signed by people in a private capacity, such as official certificates confirming the registration of a document or the fact that the document existed on a certain date, and authentication of official signatures and Notaries. Because with the Apostille Convention, there will be a simplification of formal procedures and the required public documents will be easy to process to be accepted by countries that accede to this Apostille Convention.¹³

The Apostille Certificate has limitations, namely it can only be used by countries that have ratified or acceded to the Apostille convention, so not all countries can accept or use the Apostille convention. If the recipient country of the foreign public document does not use the Apostille convention, the document must be re-examined according to the provisions or rules of the country concerned. The difference between countries that ratify the Apostille is from the legalization process, the importance of Apostille Certified is from the complexity or not of the process of legalizing foreign public documents in countries that use and those that do not use the Apostille convention. The elimination of the requirement for legalization of foreign public documents is closely related to supporting the ease of doing business. Without the elimination of this legalization requirement, the legalization process will take a long time and be expensive.¹⁴

Indonesia's participation in the Apostille Convention is carried out through the accession mechanism, namely the legal action of a country to bind itself to an international agreement that it has not previously participated in since its inception. After declaring accession, Indonesia is required to register the instrument in accordance with international law, including depositing it with the Ministry of Foreign Affairs of the Kingdom of the Netherlands as the depositary of the Apostille Convention. This procedure gives other states the opportunity to file objections within a certain period if the accession is deemed not to meet the requirements. Thus, the validity of the Apostille Convention for Indonesia is recognized both in national law and in the international legal system.

The implementation of Apostille in Indonesia has undergone a significant transformation from a long and multi-layered traditional legalization system to a simple, efficient, and digital-based procedure through the official portal apostille.ahu.go.id as stipulated in Article 3 of the Minister of Law and Human Rights Regulation No. 6 of 2022. Applicants can upload public documents online to verify the authenticity of the official's signature and stamp without assessing the contents of the document, then the Ministry of Law and Human Rights issues an internationally recognized digital Apostille Certificate and allows the

¹³Ahmad Haris Junaidi, 2018, *The Urgency and Challenges of Indonesia in Accessing the Apostille*, National Legal Development Media, Volume 7, Number 2, Page 17

¹⁴Agwe Sheling Dranisa, Dewa Gede Sudika Mangku, I Wayan Lasmawan, 2022, *Elimination of Legalization of Foreign Public Documents Through the Apostille Convention*, Journal of Pancasila and Citizenship Education Communication Media, Volume 4 Number 1, Page 131

document to be used directly in the destination country without additional legalization. This reform reflects the implementation of the principles of good governance and bureaucratic efficiency as mandated by Article 5 paragraph (1) letters a and c of Law No. 30 of 2014 concerning Government Administration. Legally, the implementation of Apostille has important implications, including: (1) simplification of administrative procedures by eliminating chain legalization in three agencies, so that the process is completed in a matter of days; (2) increasing legal certainty and international recognition of Indonesian public documents in the fields of education, investment, and civil administration; (3) modernization of national administrative law through a digital system and electronic signature database that increases the accountability of public officials; and (4) limitation of scope for non-party countries to the Apostille Convention, where legalization must still follow the traditional mechanism according to Ministerial Regulation No. 9 of 2019. Thus, the Apostille system confirms Indonesia's progress in harmonizing international law and digitalizing public services for efficiency and global legal certainty.

The implementation of the Apostille system in Indonesia not only has an administrative dimension but also reflects the development of the national legal system in response to the dynamics of international law. This policy demonstrates the government's efforts to align document authentication mechanisms with global standards without neglecting the principles of sovereignty and legal certainty between countries. Within this framework, it is important to examine how the Apostille policy aligns with the goals and values pursued by the law itself.

The implementation of the Apostille in Indonesia reflects Gustav Radbruch's theory of the purpose of law, which emphasizes three fundamental values: justice, legal certainty, and utility. From a justice perspective, the Apostille system provides equal access and affordability for all citizens to legalize documents online through apostille.ahu.go.id. From a legal certainty perspective, the enactment of Presidential Regulation No. 2 of 2021 and Minister of Law and Human Rights Regulation No. 6 of 2022 provides a uniform, transparent procedure recognized by all 122 countries party to the convention. From a utility perspective, the Apostille simplifies bureaucracy, accelerates legalization, reduces costs, and supports cross-border mobility in education, economics, and civil relations. Overall, the implementation of the Apostille demonstrates that Indonesian law is not only normative but also adaptive, efficient, and oriented towards fair public service, in line with global developments.

3.2. The Impact of the Implementation of the Apostille System on the Role and Responsibilities of Notaries in Indonesia

A deed drawn up by a notary can serve as the legal basis for a person's property status, rights, and obligations. In carrying out their duties, notaries must comply with various provisions stipulated in the Notary Law, namely the Notary Code of

Ethics, and Law of the Republic of Indonesia Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Notary Law.¹⁵

The position of a Notary as an official who makes authentic deeds is stated in Article 2 Paragraph 1 of Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2004 concerning the Position of Notary which states that a Notary is a public official who is authorized to make authentic deeds and has other authorities as referred to in this Law or based on other Laws. Authentic deeds made by or before a Notary according to the form and procedures stipulated in the Law.¹⁶

The role of Notaries in the Apostille Convention is essentially outlined in Article 1, letter a, of Presidential Regulation No. 2 of 2021, which states that this convention applies in the territory of a party to the Convention for the legalization of public documents. For its purposes, public documents are those originating from documents held by authorities or officials related to courts or state tribunals, including public prosecutors, clerks, or bailiffs ("huissier de justice").¹⁷

The implementation of Apostille as regulated in Article 3 paragraph (1) of the Apostille Ministerial Regulation can be carried out by the party entitled to the document or a Notary as the attorney of the document owner, then further in Article 3 paragraph (2) that the Apostille Application is submitted electronically to the Minister through the Director General by filling out the application form on the official website of the Directorate General of General Legal Administration, the application must at least contain the requirements as referred to in Article 3 paragraph (3) of the Apostille Ministerial Regulation. The description in Article 3 of the Apostille Ministerial Regulation actually states that in the legalization of public documents, the Notary has 2 (two) authorities, namely in addition to being an official authorized to issue documents that can be affixed with Apostille legalization, he is also an official appointed to affix a signature and/or stamp in the event that other authorized officials do not have a signature specimen in the Apostille organizer's database (Ministry of Law and Human Rights). Apostille legalization practices relate to the 2 (two) authorities of the Notary:

1. Notaries are officials who are authorized to issue documents that can be affixed with Apostille legalization;
2. A notary is an official appointed to sign and/or stamp a letter under his/her hand.

¹⁵Abdul Ghofur Anshori, 2009, Indonesian Notary Institution, Legal and Ethical Perspective, UII Press, Yogyakarta, p. 46.

¹⁶Nawaaf Abdullah, Munsyarif Abdul Chalim, 2017, The Position and Authority of Notaries in Making Authentic Deeds, Jurnal Akta, Vol. 4 No. 4, p. 658

¹⁷Rizky Ananda, 2025, The Role and Responsibilities of Notaries in Electronic Apostille Legalization Reviewed from the Notary Law and the Electronic Information and Transactions Law, Unes Law Review, Volume 7, Issue 3, p. 1207

Apostille legalization is classified as an electronic transaction (Cyber Notary). The concept of Cyber Notary has several meanings. A Cyber Notary can be defined as a Notary who uses information technology to carry out their duties and authority. Another definition states that a Cyber Notary is a Notary who uses the internet to carry out their work.¹⁸

The implementation of the Apostille system has brought fundamental changes to the role and responsibilities of notaries in notarial practice in Indonesia. The impact of the Apostille system on the role of notaries includes:

1. Expanding the functional role of notaries in the international civil law evidence system

The implementation of the Apostille system expands the role of notaries from merely being official certifiers of authentic deeds to becoming a vital component of the international evidentiary system. This aligns with the nature of modern law, which demands integration between national legal systems and international legal recognition mechanisms. Notaries now have a strategic role in ensuring that every public document they create is legally accepted in other countries that are parties to the 1961 Hague Convention.¹⁹

As a public official, a notary is responsible for ensuring that every deed issued meets the administrative and authentication standards set by the Competent Authority, in this case the Ministry of Law and Human Rights (Kemenkumham), so that the document can be affixed with an Apostille Certificate. Deeds that do not meet formal requirements, such as inconsistencies in signatures, deed formats, or official stamps, may be rejected during the Kemenkumham verification process. Therefore, notaries are not only responsible for national legal aspects, but also for international administrative aspects related to cross-jurisdictional validity. Notaries represent the integrity of national law in the global realm, because the quality of the deeds they produce will reflect the credibility of the Indonesian legal system in the eyes of the world. As emphasized by Sudargo Gautama, in international civil law relations, the validity of public documents is highly dependent on trust between countries participating in the convention.²⁰ Thus, the role of a notary is no longer merely a technical implementer, but also a legal actor bridging the national legal system with the international legal system, particularly in ensuring the authenticity and validity of deeds recognized across national borders. This strengthened role also reinforces the principle of *lex specialis derogat legi generali*, where the Apostille provision serves as a special mechanism that overrides the previously applicable multi-layered diplomatic legalization system.²¹ This paradigm shift requires notaries to

¹⁸Edi Pramudyo, et al., 2021, Legal Review of the Implementation of Cyber Notary Based on the Perspective of the ITE Law and UUJN, Indonesian Journal of Social Sciences, Vol. 2, No. 8, p. 1252.

¹⁹Abdul Latief, 2022, Apostille in the Indonesian Administrative Law System, Journal of Law and Development, Vol. 52 No. 3, p. 476.

²⁰Sudargo Gautama, 2010, Indonesian International Civil Law, Alumni, Bandung, p.3.

²¹Maria Farida Indrati, 2018, Legal Science: Types, Functions, and Content, Kanisius, Yogyakarta, p. 142.

play an active role in maintaining the administrative integrity of public documents as a basis for international legal recognition.²²

2. The technological role of notaries in the era of legal digitalization through the Apostille system

In addition to expanding its formal functions, the Apostille system also strengthens the technological role of notaries in facing the digital transformation in the legal field. As stipulated in Ministerial Regulation No. 6 of 2022 and Ministerial Regulation No. 10 of 2023 concerning Apostille Legalization Services for Public Documents, all stages of document validation are now carried out electronically through the official website apostille.ahu.go.id. This digital procedure includes verifying the authenticity of official signatures, examining digital specimens, and issuing Apostille Certificates in an internationally recognized electronic format. With this change, the role of notaries is no longer conventional but rather adapts to an electronic system integrated with a national database. Notaries are required to master information technology, digital security, and data management to properly exercise their legal administration authority.²³ In practice, this is in line with the concept of Cyber notary developed in modern notarial law theory, where a notary exercises some or all of his authority using electronic means without reducing the authenticity and legal value of the deed.

As explained by Ainun Najib in his study on Cyber Notary, this digital transformation demands new skills for notaries, namely an understanding of digital signatures, data encryption, and personal data protection.²⁴ Notaries are required to ensure system security and the confidentiality of documents uploaded to government digital platforms. Within the context of positive law, this obligation also aligns with Law Number 27 of 2022 concerning Personal Data Protection, which stipulates that every public official who manages personal data has a legal responsibility to ensure data confidentiality and security.¹¹

In addition to the role, the implementation of the apostille also affects the responsibilities of notaries, including: The responsibilities of notaries in implementing the Apostille include: (1) formal responsibility, ensuring that deeds comply with the provisions of Article 38 of Law No. 2 of 2014 so that they are not rejected by the Ministry of Law and Human Rights system; (2) administrative responsibility, ensuring that documents come from authorized officials according to the Decree of the Minister of Law and Human Rights No. M.HH-01.AH.03.01 of 2022; (3) ethical and professional responsibility, upholding integrity and prudence as regulated in the Notary Code of Ethics and Articles 67–70 of the

²²Lastrisa Maharani Sukmana Putri & Ida Bagus Erwin Ranawijaya, 2025, Legal Certainty of the Regulation of Types of Documents Issued by Notaries in Apostille Legalization, *Acta Comitas: Journal of Notary Law*, Vol. 10 No. 1, p. 167.

²³Satjipto Rahardjo, 2014, *Legal Studies*, Citra Aditya Bakti, Bandung, p. 127.

²⁴Ainun Najib, 2024, "Legal Protection of Cyber Notary Data Security Based on the Personal Data Protection Law," *Acta Diurnal: Journal of Notary Law*, Vol. 7 No. 1 p. 53.

UUJN; (4) responsibility for digital data protection, maintaining the confidentiality of documents according to Law No. 27 of 2022; and (5) institutional responsibility, where INI, MPN, and MKN play a role in fostering, supervising, and improving the digital competence and integrity of notaries in the Apostille system.

The implementation of the Apostille system in Indonesia can be analyzed through Jeremy Bentham's Utility Theory, which asserts that the purpose of law is to create the greatest happiness for the greatest number. Before its implementation, the legalization of public documents had to go through three lengthy and expensive stages, whereas with Apostille, it only goes through one stage at the Ministry of Law and Human Rights as the Competent Authority, valid in more than 120 countries participating in the 1961 Hague Convention. This system provides time and cost efficiency, and reduces the potential for maladministration and corruption through the online service apostille.ahu.go.id. For the public, the benefits are seen in the ease of use of public documents abroad; for the business world, increased legal certainty accelerates cross-border transactions; while for the government, this reform strengthens the principles of good governance and digital public services.

4. Closing

The implementation of the Apostille marks a shift from conventional legalization systems to an efficient and internationally recognized mechanism for authenticating public documents. Internationally, the 1961 Hague Convention simplifies document authentication based on the principles of *pacta sunt servanda* and trust between nations. In Indonesia, the legal basis is Presidential Regulation No. 2 of 2021, Minister of Law and Human Rights Regulation No. 6 of 2022, and Minister of Law and Human Rights Decree No. M.HH-01.AH.03.01 of 2022, which appoints the Ministry of Law and Human Rights as the Competent Authority through the apostille.ahu.go.id portal, replacing multiple legalization processes and achieving efficiency, transparency, and legal certainty. The implementation of the Apostille expands the role of notaries from the national to the international level as guardians of the integrity of Indonesian public documents. Notaries are required to ensure that deeds comply with Article 38 of the Notary Law, maintain the authenticity of signatures and official stamps, and uphold professional integrity. In the digital era, notaries' responsibilities also include the security of personal data in accordance with Law No. 27 of 2022. Thus, the Apostille strengthens the position of notaries as a pillar of trust and credibility of Indonesian law at the global level.

5. References

Journals:

Abdul Latief, "Apostille dalam Sistem Hukum Administrasi Indonesia," *Jurnal Hukum dan Pembangunan*, Vol. 52 No. 3, 2022.

Agus Riyanto, "Kebenaran Materiil Dokumen Apostille," Jurnal PETITA, Vol. 5 No. 1, 2023.

Agwe Sheling Dranisa, Dewa Gede Sudika Mangku, I Wayan Lasmawan, "Penghapusan Legalisasi Dokumen Publik Asing Melalui Konvensi Apostille," Jurnal Media Komunikasi Pendidikan Pancasila dan Kewarganegaraan, Vol. 4 No. 1, 2022.

Ahmad Haris Jnaidi, "Urgensi dan Tantangan Indonesia Dalam Akses Konvensi Apostille," Jurnal RechtsVinding, Vol. 7 No. 2, 2018.

Ainun Najib, "Perlindungan Hukum Keamanan Data Cyber Notary Berdasarkan Undang-Undang Perlindungan Data Pribadi," Acta Diurnal: Jurnal Ilmu Hukum Kenotariatan, Vol. 7 No. 1, 2024.

Ara Annisa, "Mencandra Akses Apostille Convention dalam Mendukung Debirokratisasi Legalisasi Dokumen di Indonesia," Universitas Andalas Law Journal, 2022.

Edi Pramudyo et al., "Tinjauan Yuridis Penerapan Cyber Notary Berdasarkan Perspektif UU ITE dan UUJN," Jurnal Indonesia Sosial Sains, Vol. 2 No. 8, 2021.

Hikmahanto Juwana, "Hukum Internasional dalam Perspektif Indonesia," Jurnal Hukum & Pembangunan, Vol. 41 No. 4, 2011.

Lastrisa Maharani Sukmana Putri & Ida Bagus Erwin Ranawijaya, "Kepastian Hukum Pengaturan Jenis Dokumen yang Dikeluarkan oleh Notaris dalam Legalisasi Apostille," Acta Comitatus: Jurnal Hukum Kenotariatan, Vol. 10 No. 1, 2025.

Monica Agustina, "Arti Penting Apostille Certified Bagi Pengesahan Dokumen Asing," Res Judicata, Vol. 4 No. 1, 2021.

Nawaaf Abdullah, Munsyarif Abdul Chalim, "Kedudukan dan Kewenangan Notaris dalam Membuat Akta Otentik," Jurnal Akta, Vol. 4 No. 4, 2017.

Rizky Ananda, "Peran dan Tanggung Jawab Notaris Terhadap Legalisasi Apostille Secara Elektronik Ditinjau dari Undang-Undang Jabatan Notaris dan Undang-Undang Informasi dan Transaksi Elektronik," Unes Law Review, Vol. 7 No. 3, 2025.

Books:

Abdul Ghofur Anshori, Lembaga Kenotariatan Indonesia: Perspektif Hukum dan Etika, UII Press, Yogyakarta, 2009.

Boer Mauna, Hukum Internasional: Pengertian, Peranan, dan Fungsi dalam Era Dinamika Global, Alumni, Bandung, 2015.

J.B. Daliyo et al., Pengantar Ilmu Hukum, Prenhallm Indo, Jakarta, 2001.

Maria Farida Indrati, Ilmu Perundang-undangan: Jenis, Fungsi, dan Materi Muatan, Kanisius, Yogyakarta, 2018.

Mochd. Burhan Tsani, Hukum dan Hubungan Internasional, Liberty, Yogyakarta, 1990.

Satjipto Rahardjo, Ilmu Hukum, Citra Aditya Bakti, Bandung, 2014.

Sudargo Gautama, Hukum Perdata Internasional Indonesia Buku I, Alumni, Bandung, 2002.

Regulations:

Civil Code (KUHPerdata)

Presidential Regulation Number 2 of 2021 concerning Ratification of the Convention Abolishing the Requirement of Legalization for Foreign Public Documents

Regulation of the Minister of Foreign Affairs Number 13 of 2019 concerning Procedures for Legalization of Documents

Regulation of the Minister of Foreign Affairs of the Republic of Indonesia Number 13 of 2019 concerning General Guidelines for Foreign Relations by the Government

Regulation of the Minister of Law and Human Rights Number 6 of 2022 concerning Apostille Legalization Services for Public Documents.

The 1945 Constitution of the Republic of Indonesia.

The Hague Convention of 1961 (Convention Abolishing the Requirement of Legalization for Foreign Public Documents)