

Implikasi penyimpanan protokol notaris secara elektronik terkait ketentuan cyber notary terhadap tata kearsipan = The implications of electronic storage notary protocols related provisions against cyber notary record keeping archival

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Abstrak

[Cyber notary telah diakomodasi ke dalam Penjelasan Pasal 15 ayat 3 Undang-Undang Nomor 2 Tahun 2014, namun ketentuan tersebut belum jelas. Padahal sejumlah notaris tampak kebingungan menerapkan aturan protokol notaris sebagai arsip negara arsip negara yang harus disimpan dan dipelihara dari gigitan tikus dan banjir, yang juga memerlukan tempat yang luas, sehingga alternatifnya menyimpan protokol notaris secara elektronik. Permasalahan penelitian ini adalah bagaimana implikasi keberadaan Penjelasan Pasal 15 ayat 3 UU Nomor 2 Tahun 2014 terkait ketentuan cyber notary dan bagaimana penyelenggaraannya, serta bagaimana aspek kemungkinan penyimpanan protokol notaris secara elektronik, khususnya dalam menjaga keautentikan akta sesuai dengan kaidah perspektif kearsipan. Penelitian ini menggunakan metode kepustakaan dengan mengumpulkan data sekunder dan hasil wawancara guna menunjang penulisan. Penulis menyimpulkan bahwa perlu didelegasikan Peraturan Menteri tentang cyber notary, karena berdasarkan kaidah perspektif kearsipan dimungkinkan penyimpanan protokol notaris secara elektronik, tentunya dengan tetap mengikuti pedoman kearsipan. Hasil penelitian menyarankan seyogianya segera dibuat Peraturan Menteri tersebut berikut prosedur teknis pelaksanaannya secara detail, dan hendaknya KUMHAM membuat bentuk protokol elektronik yang digunakan oleh notaris pada umumnya (electronic seal, electronic journal, dsb); melalui kerja sama dengan pihak terkait, dalam hal ini KOMINFO, KEMDAGRI dan Lembaga Sandi Negara sehingga penyelenggaraan penyimpanan protokol notaris secara elektronik dapat terwujud dan dapat disimpan di Public Repository Document.;

Cyber notary has been accommodated into the elucidation of Article 15 paragraph 3 of Statute Number 2 of 2014, but the provision is not clear. Whereas some notary looked confused apply protocol rules notary as state archives to be stored and maintained from rat bites and flooding, which also requires a large place, so alternatives to save the protocol notary electronically. The research problem is how implications where elucidation of Article 15 paragraph 3 of Statute Number 2 of 2014 related to the provision of cyber notary and how its implementation, as well as how the protocol aspects of storage possibilities notary electronically, in particular in maintaining the authenticity of certificates in accordance with the rules of the archival perspective. This study uses the method of literature by collecting secondary data and interviews to support the writing.

The authors conclude that it is necessary delegated regulation concerning cyber notary, because according to the rules of perspective made possible archival storage of electronic notary protocol, of course, to keep archival guidelines. Results of the study suggest should be made immediately following the Ministerial Decree technical implementation procedures in detail, and the Law and Human Rights should make the form of electronic protocols used by notaries in general (electronic seals, electronic

journal, etc.); through cooperation with relevant parties, in this case Ministry of Communication and Informatics, Ministry of Internal Affairs and State Code Institution so that the implementation of the electronic notary protocol storage can be realized and can be stored in the Public Repository Document, Cyber notary has been accommodated into the elucidation of Article 15 paragraph 3 of Statute Number 2 of 2014, but the provision is not clear. Whereas some notary looked confused apply protocol rules notary as state archives to be stored and maintained from rat bites and flooding, which also requires a large place, so alternatives to save the protocol notary electronically. The research problem is how implications where elucidation of Article 15 paragraph 3 of Statute Number 2 of 2014 related to the provision of cyber notary and how its implementation, as well as how the protocol aspects of storage possibilities notary electronically, in particular in maintaining the authenticity of certificates in accordance with the rules of the archival perspective. This study uses the method of literature by collecting secondary data and interviews to support the writing. The authors conclude that it is necessary delegated regulation concerning cyber notary, because according to the rules of perspective made possible archival storage of electronic notary protocol, of course, to keep archival guidelines. Results of the study suggest should be made immediately following the Ministerial Decree technical implementation procedures in detail, and the Law and Human Rights should make the form of electronic protocols used by notaries in general (electronic seals, electronic journal, etc.); through cooperation with relevant parties, in this case Ministry of Communication and Informatics, Ministry of Internal Affairs and State Code Institution so that the implementation of the electronic notary protocol storage can be realized and can be stored in the Public Repository Document]