

Perkembangan konsep menghadap notaris dalam pembuatan akta ditinjau dari perspektif cyber notary = Evolution of the concept of before a notary in making deeds from the perspective of cyber notary.

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Abstrak

Penelitian ini membahas perkembangan konsep menghadap notaris dalam pembuatan akta ditinjau dari perspektif cyber notary. Seiring perkembangan teknologi informasi dan komunikasi dalam tugas dan kewenangan notaris, tugas dan wewenangnya untuk proses membuat akta autentik yang semula dari sistem konvensional menuju pada sistem elektronik yang dinamakan cyber notary. Permasalahan dalam tesis ini yaitu perkembangan konsep menghadap dengan adanya perkembangan teknologi informasi, perkembangan konsep menghadap di negara lain khususnya negara yang mengadopsi cyber notary, dan konsep menghadap itu diterapkan dalam hukum di Indonesia dalam pelaksanaan cyber notary di Indonesia. Metode penelitian yang digunakan yaitu penelitian yuridis normatif dengan tipe penelitian eksplanatoris-analitis. Hasil analisis, perkembangan konsep menghadap dengan adanya perkembangan teknologi informasi yang sebelumnya menghadap notaris dilakukan secara fisik atau berhadapan langsung, dengan adanya perkembangan teknologi informasi menghadap notaris dapat dilakukan secara virtual atau audio-visual. Dahulu pekerjaan notaris bersifat konvensional, namun sekarang ini telah menggunakan alat teknologi informasi dan komunikasi dalam setiap kantor notaris. Perkembangan konsep menghadap di negara yang mengadopsi cyber notary khususnya di negara Belanda, Amerika Serikat, dan Korea Selatan, sebelum perkembangan teknologi semakin pesat, menghadap notaris di negara-negara tersebut dilakukan secara fisik saja. Saat ini kehadiran dapat dilakukan dengan cara audio-visual, kehadiran di hadapan Notaris melalui komunikasi audio-visual adalah sama halnya dengan kehadiran di hadapan Notaris secara fisik. Penerapan konsep menghadap notaris dalam pelaksanaan cyber notary di Indonesia berdasarkan beberapa ketentuan peraturan perundang-undangan sudah dilakukan seperti Penjelasan Pasal 15 ayat (3) UUJN, namun belum dapat dilaksanakan secara sempurna. Terdapat beberapa peraturan perundang-undangan yang belum bisa menjamin dan mengedepankan kepastian hukum serta belum memiliki payung hukum yang jelas terkait cyber notary di Indonesia.

.....This study discusses the evolution of the concept of before a notary in making a deed in terms of a cyber notary perspective. Along with the evolution of information and communication technology in the performance of a notary, their duties and authorities for the process of making an authentic deed which were originally from the conventional system will lead to an electronic system called a cyber notary. The problems raised in this study are the evolution of personal appearance concept with the evolution of information technology, the evolution of personal appearance concept in other countries, especially countries that adopt cyber notary, and the personal appearance concept is applied in Indonesian law in the implementation of cyber notary in Indonesia. The research method used is normative juridical research with explanatory-analytical research type. The results of the analysis show the evolution of personal appearance concept with the evolution of information technology that previously faced a notary was carried out physically or face to face, with the development of information technology facing a notary could be done virtually or audio-visually. In the past, the work of a notary was conventional, but now it has used

information and communication technology tools in every notary office. The evolution of the concept of personal appearance concept in countries that adopt cyber notaries, especially in the Netherlands, the United States, and South Korea, before technological evolution grew rapidly, before a notary in these countries was done physically. Currently attendance can be done by audio-visual means, attendance before a notary through audio-visual communication is the same as being physically present before a notary. The application of the concept of before a notary in the implementation of a cyber notary in Indonesia based on several provisions of the legislation has been carried out such as UUJN, but has not been implemented perfectly. There are several laws and regulations that have not been able to guarantee and prioritize legal certainty and do not yet have a clear legal protection regarding cyber notaries in Indonesia.