

Analisis Akta Notaris dalam Era Cyber Notary Ditinjau dari Asas Tabellionis Officium Fideliter Exercebo = Analysis of Notary Deeds in the Era of Cyber Notary in Terms of the Tabellionis Officium Fideliter Exercebo Principle

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Abstrak

Notaris merupakan salah satu tumpuan bagi terwujudnya kepastian hukum yang diharapkan masyarakat, mengingat pada Notaris diberikan beberapa kewenangan sebagai pejabat umum yang salah satunya adalah membuat akta autentik yang sangat penting sifatnya untuk menjamin kepastian hukum. Namun memasuki era cyber notary, Notaris dituntut untuk melakukan terobosan dalam menjalankan kewajibannya tersebut dan memodifikasi penerapan asas yang tidak sejalan lagi dengan kebutuhan masyarakat era cyber notary.

Adapun permasalahan yang penulis angkat yaitu mengenai perkembangan akta notaris di Indonesia dalam era cyber notary ditinjau dari asas tabellionis officium fideliter exerceboserta penerapan asas tabellionis officium fideliter exercebo di Indonesia dalam era cyber notary. Metode peneitian yang digunakan adalah yuridis-normatif dengan tipologi penelitian bersifat deskriptif-analisis. Hasil penelitian ini menemukan bahwa bentuk akta Notaris di Indonesia masih sesuai dengan asas tabellionis officium fideliter exercebo yaitu dalam bentuk kertas atau konvensional. Namun, penerapan asas tabellionis officium fideliter exercebo di Indonesia dalam era cyber notary mengalami perubahan. Contohnya dalam pembuatan Risalah Rapat Umum Pemegang Saham, Notaris masih datang secara fisik, namun beberapa penghadap tidak secara fisik tetapi menggunakan video konferensi. Perangkat video konferensi sebagai sarana penghubung peserta Rapat Umum Pemegang Saham sehingga semua peserta Rapat Umum Pemegang Saham dapat saling melihat melalui layar monitor, mendengar pembicaraan atau berkomunikasi secara tulisan elektronik melalui scanner atau facsimile atau e-mail serta langsung berinteraksi dalam pengambilan keputusan-keputusan Rapat Umum Pemegang Saham tersebut.

.....Notaries are one of the cornerstones for the realization of legal certainty that is expected by the community, considering that Notaries are given several powers as public officials, one of which is to make authentic deeds which are very important to ensure legal certainty. However, entering the cyber notary era, Notaries are required to make breakthrough in carrying out their obligations and modify the application of principles that are no longer in line with the needs of the cyber notary era community. The problem that raises is regarding the development of notary deed in Indonesia in the cyber notary era in terms of the tabellionis officium fideliter exercebo principle and the application of the tabellionis officium fideliter exercebo principle in Indonesia in the cyber notary era. The research method used is juridical-normative with descriptive-analytical research typology. The results of this study found that the form of a notary deed in Indonesia is still in accordance with the principle of the tabellionis officium fideliter exercebo, that is paper or in other words conventional form. However, the application of the tabellionis officium fideliter exercebo principle in Indonesia in the cyber notary era has changed. For example, in the preparation of the minutes of the General Meeting of Shareholders, the Notary still comes physically, but some of the participants do not physically attend but use video conferences instead. Video conference devices as a means of connecting the participants of the General Meeting of Shareholders so all participants of the

General Meeting of Shareholders can see each other through the monitor screen, hear the conversation or communicate electronically through a scanner or facsimile or e-mail and directly interact in making decisions of the General Meeting of Shareholders.