

The Role of Technology in Modernizing Notary Services in the Era of Globalization

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ABSTRACT

Currently it is the era of globalization, with the development of the digital era, the way people search for information has changed. With high intellectual ability and professionalism, it will allow democratization, openness, freedom of speech, free trade, and free competition. In the increasingly evolving digital era, information technology has changed the way people work, interact, and transact. The legal sector and legal agreements are also influenced by technology. The process of creating traditional legal documents, such as notary deeds, has changed with the advent of the concept of cyber notary. Especially in Indonesia, the spread of information technology to every aspect of people's lives is currently a problem. Because they are different from conventional agreements, electronic agreements can be carried out digitally even if the two parties do not meet in person. In order to obtain an adequate legal basis for the existence of a cyber notary, Indonesia needs to make changes to various regulations, namely the law on the position of a notary, Article 1868 of the Civil Code, and Article 5 paragraph (4) letter b of the Law on Information and Electronic Transactions to support the digitization of services best.

Keyword: Cyber Notary; Notary Digitalization; Globalization Era; Legal Information Technology; Legal Service Efficiency

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1. INTRODUCTION

Globalization is an era that everyone must go through if we avoid it, we will be behind the times. It is clear that globalization provides many benefits to humans in various aspects of their lives, one of which is creating many opportunities and difficulties. If human civilization wants to advance in the field of science and information technology, they must understand globalization as an inseparable natural process. Because these developments have a big impact on people's lives. With the rapid development of the digital age, the way people search for information has changed. Moreover, with the current inevitable impact of globalization, "when information flows with relative freedom, then old geographical barriers become irrelevant." In facing the challenges of globalization, the only way to do so is to choose the good things and avoid the bad things, including in Indonesia. Information technology can easily break the boundaries of space, time, bureaucracy, establishment, and structures that exist in the real world. This will allow for democratization, openness, freedom of speech, free competition, and free trade, balanced by high intellectual ability and professionalism. The way people interact, work, and transact has been transformed by information technology in the increasingly evolving digital age. Technology has also impacted the legal sector and legal agreements. With the advent of the concept of electronic notary, the process of making conventional legal documents, such as notary deeds, has changed. Every aspect of human life is affected by these technological advances, including relationships and personal activities. The field of trade and services now no longer follows the traditional pattern, but uses information technology such as the internet to market products and enforce contracts between parties, including the field of notary, so that it is experiencing very rapid economic changes as a result of the current development of information technology. Electronic agreements or contracts, online buying and selling, and others are proof of how quickly the internet has entered the business world. The spread of information technology to every aspect of people's lives today is a problem, especially in

Indonesia, For example, e-commerce agreements use different technology than conventional agreements because they can be done electronically even if the two parties do not meet in person. One type of electronic transaction is e-commerce. The agreement used in e-commerce is the same as the agreement used in conventional trade transactions, but the one used in e-commerce is an agreement made by both parties through an electronic system, known as an electronic contract.

According to Law Number 11 of 2008 concerning Electronic Information and Transactions, which was later abbreviated as the ITE Law, everyone can use an electronic signature (e-signature) supported by an electronic certification provider service. Basically, electronic signatures and electronic certification systems are designed to identify legal subjects. In everyday life, notaries have been recognized and appreciated as trustworthy people by the public. A notary is an official or legal professional who is authorized to act in accordance with the law. Therefore, a notary is essential to ensure that the action is carried out correctly and to prevent unlawful acts. A notary is an official who has the authority to create an authentic deed, store it, and provide a certificate of authenticity to the interested party. However, the traditional notary process is often time-consuming, complicated, and requires a direct meeting between the participating parties. This can be a problem in the fast-paced and global-based modern business world. In recent years, the concept of electronic notary has emerged to overcome the problems with the conventional notary process. Electronic notaries use information and communication technology to create, sign, and disseminate notary documents electronically, so it is hoped that notary services will be more practical and efficient using this information technology.

It is hoped that this article will provide useful insights and information for legal professionals, notary practitioners, academics, and parties interested in understanding and using electronic notary technology in their legal practice.

2. LITERATURE REVIEW

A. *The Role of Technology in the Era of Globalization*

In the era of globalization, innovation technology has become very important. By mastering this technology, people can survive in a competitive world. Modern globalization is caused by advances in information technology that change the pattern of economic productivity and change the productivity of the economy globally. There is also the potential to change the structure in the fields of education, culture, and social change at various levels of society. Information and communication technology is the main driver of globalization, facilitating developments in various fields such as economics, information, and communication. With technological advancements, the development of global infrastructure that supports the globalization process has become easier, creating a borderless world that removes the barriers of distance, space, and time. Technology also plays a role in improving productivity and efficiency, opening up wider global business opportunities, and enabling competition at the international level. In addition, technology makes it easier to search for information, speeds up the communication process, and allows for more flexible and effective online learning. In the world of work, technology also facilitates digital offices by enabling access, management, and use of digital devices for various administrative purposes, making work more efficient and integrated.

B. *Modernization of Notary Services*

In Indonesia, the concepts of "cyber notary" and "remote notary" are still debated, where the function of a notary in the concept is to complete the certification and authentication process in electronic transaction traffic. Therefore, it is very important to thoroughly examine the functions and roles of notaries in the context of electronic transactions so that Indonesian notaries can survive in the Society 5.0 era. In today's digital era, the concept of cyber notary and remote notary is expected to be able to answer the challenges of changing the world that require quick and easy services. In the era of globalization, advances in information and communication technology have led to faster information traffic. With these advancements, access to information and communication has become easier for everyone, without sacrificing distance and time.

C. *The Challenge of Cyber Notaries in the Era of Globalization*

The birth of technology has resulted in a combination of advancements in technology and communication. With this advancement, notaries must start implementing electronic systems in the property registration process. This will increase productivity and process efficiency. In the midst of these difficulties, notaries must use technology with legal certainty in mind.

Furthermore, notaries must be able to take advantage of these technological advances to speed up the property registration process which previously took a long time and was done manually. As a result, notaries have the opportunity to take advantage of technological advances to carry out their duties more efficiently in the face of the era of digitalization and Indonesia's economic growth.

3. RESEARCH METHOD

This research uses a normative juridical method, which involves research on literature law by studying fiber documents and reading literature. This method also involves the use of secondary data consisting of primary, secondary, and tertiary legal materials.

This legal research uses a statute approach and a comparative approach, which is then carried out a qualitative analysis. The data collection method used, namely descriptive analysis with a thorough explanation and analysis of the problem, refers to relevant legal theories. Qualitative analysis of research data by comparing current legal rules, undergraduate doctrines, and other legal theories. The conclusion of a deductive research, in which the drawing of a conclusion is preceded by the general on the special.

4. RESULTS AND DISCUSSION

A. *The Impact of Globalization on the Notary Profession*

In the digital era and technological developments like today, the flow of information moves so fast. The use of internet technology has changed the way people seek information.

The development of the digital economy in the modern era has increased risks while opening up various new possibilities. In the modern world, the influence of globalization is inevitable because when information flows with relative freedom, old geographical barriers become irrelevant.

It is hoped that notaries can be involved in making electronic deeds because of technological advances and the demands of modern people's life activities. In this case, the government must accelerate the revision of the UUJN to allow the role of notaries to develop according to the times. Instead, notaries must prepare for the future by improving their knowledge and ability to manage reliable, secure, and convenient electronic data, even though this can actually be done by IT experts. In addition, the Notary Supervisory Council and Notary Organization must have the ability to monitor by establishing an electronic supervision system and implementing an effective information and communication governance system that meets the standards of the law. Therefore, it is very important to improve the human resources of prospective notaries and notaries, especially in the field of information technology that is developing today. In the era of globalization, a notary with integrity is a person who performs legal work, such as making authentic deeds and deeds under hand. The most important thing for a notary with integrity is to carry out his obligations according to the UUJN and not do anything prohibited by the UUJN.

The position and authority of a notary are very important to provide legal certainty and protection for the community. This is due to the fact that notary deeds made based on the authority of the notary are in the realm of precaution, functioning as protection in the event of legal problems. An authentic deed made by a notary is a framework of civil law made by the public, which can be used as perfect evidence in court, as stipulated in Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004 concerning the Notary Position. A moral notary must also have broad insights, not only make deeds but also be smart in responding to his clients, have high morals, and do not prioritize personal interests only for financial gain. Since notaries are a professional job, they must be professional.

A large number of advantages are offered by the application of electronic notarization. First, electronic notaries can reduce bureaucracy and speed up the time it takes to complete legal transactions. Second, the use of electronic notaries can reduce the costs associated with conventional notary processes, such as reducing travel costs and sending physical documents. Third, electronic notaries can also keep documents safe.

Information technology has changed the way notaries work, where in the era of globalization, the advancement of science and technology (IPTEK) encourages various aspects of human life and their way of life. One of them is a notary, who serves as a public official who is authorized to make authentic deeds. As an official document, the deed and letter made by the notary will be stored in electronic form as an official document, and to ensure that neither the deed itself nor the contents of the deed itself can be misused. Cryptographic protocols are a way to keep personal data safe. Based on Article 16 paragraph (1) letter m of the UUJN, a notary must be present in person and sign the deed together with the witnesses and witnesses to become a legal notary in Indonesia. The legal products that are made are very related to this matter. Therefore, the validity of the deed made by a cyber notary as an original deed cannot be guaranteed. If these

rules are not applied, the deed made becomes an underhand deed and can be used as evidence, but not as strong as the original deed.

The Indonesian government strongly supports the idea of a cybernotary, and has encouraged the use of technology due to its existence. According to the ITE Law, certain institutions must have a strategic information system that must be protected, this can include PP such as executive orders. It is hoped that notaries can use information technology better, such as using and providing services through electronic systems and conducting transactions electronically in accordance with the requirements of notaries participating in electronic transactions.

Cyber Notary, which refers to the idea of a notary who provides reliable services on the Internet and uses technological advancements to manage his business. One example is electronic document signing, which allows members working remotely to do their jobs with ease. However, after the ITE Law was enacted in 1995, notaries can do their work indefinitely. The notary position in Indonesia if associated with technological developments in the era of globalization faces many challenges due to the rapid growth of technology. The way notaries work is significantly influenced by the era of digitalization. Adapting to technological changes is a major challenge for notaries. Efficient digital processes must replace the manual processes that used to be the hallmark of notaries. Today, data security and privacy are crucial.

In various aspects of life, Indonesia, as a developing country, has been influenced by other countries, especially from developed countries. Including in the field of law, the development of Indonesian law is ultimately influenced by the Common Law legal system, especially in the fields of business and banking, due to technological advances and the times.

Latin Notaries (Civil Law) and Anglo Saxon Notaries (Common Law) are the two schools of notaries that exist in the world according to the legal system. :

1. Civil Law Notary, Only as a party that implements the rules, Notaries are appointed by the government as "servants" of the community. Notaries can be considered state officials because they are the party appointed by the state. Notaries become representatives of the state if they have the status of state officials. Notaries are authorized by the state to record, determine, and convey laws to the public, especially regarding the legality of agreement or cooperation documents. The court gave great consideration to the Latin Notary deed because it was authentic evidence.
2. Notary of Common Law, The position of a Notary in the Common Law legal system is different from that of a Notary in Civil Law, the position of a Notary in Common Law in this case does not have a position as a state official. Common Law notaries are not appointed by the state, but are particulate notaries who work without any government ties. They work only as legalizers of agreements made by the parties. The making of the agreement does not involve a Notary, but is prepared with an advocate/lawyer, so the resulting document is not strong enough to be used as evidence in court.

To improve the quality of public services through the effective and efficient use of technology in the field of notary, a link is needed between this quality improvement and the improvement of its quality in Indonesia, due to the very rapid development of technology in today's digital era. Cyber notary has many advantages, one of which is that it is quite effective and efficient than conventional methods, thus saving time and money. Indonesia also has a trusted digital signature, so there is no need to worry about the security and correctness of electronic deed documents. Cyber notary and the main value of bureaucratic digitalization (innovation, collaboration, and use of ICT) are related, which encourage the implementation of cyber notary digitization in Indonesia. This is because it can produce good governance. By using a cyber notary, they can perform their duties and authority by referring to information technology, in addition to drafting deeds. In other words, an in-person or physical presence is not required.

Notaries conduct many transactions in the field of economics and development, so they have a very important role in driving progress in Indonesia. Today, almost all aspects of human life have been incorporated into electronic information and telecommunication systems, which in turn drives economic growth.

In legal considerations, the ITE Law states several things:

1. With the globalization of information, we must make national regulations to manage information and electronic transactions so that they can be distributed evenly and effectively to all societies to improve the life of the nation.
2. The development and advancement of information technology has led to changes in various aspects of human life, which has led to the emergence of new types of legal acts.

3. Based on laws and regulations, technology must continue to be developed and used to maintain, maintain, and strengthen national unity and unity.
4. Technology plays an important role in national economic growth and trade to improve people's welfare.
5. To ensure that information technology can be used safely and does not abuse religious and socio-cultural values, governments must provide the necessary legal and regulatory infrastructure to support the advancement of this technology.

Technology can increase notary productivity and enable faster and more accurate services. In addition, increasing information accessibility can increase public trust in notary institutions. Notaries are also faced with the task of understanding and accommodating the ever-changing development of law in the face of dynamic economic changes. Success will depend on the notary's ability to provide legal advice in accordance with legal developments.

Since legal deeds issued by a notary must provide legal evidence and be admissible as valid evidence, a notary must adhere to the principles of good administration when performing his duties. A modern notary is a notary who uses technology and information systems. The Indonesian government is preparing for the use of the concept of cyber notaries which is regulated in detail in Indonesia because the law must be able to keep up with the development and progress of the times. By using the concept of cyber notary, the duties and roles of notaries are very important to provide optimal and flexible notary services. Cyber notaries are a temporal and progressive evolution, which requires flexibility in terms of when and where notaries sign deeds.

In Indonesia, the terms "cyber notary" and "remote notary" are still debated. Although there are technological advances that allow the role of a notary to be carried out online and remotely, it is legally impossible to do so. Therefore, it is very important to thoroughly examine the functions and roles of notaries in the context of electronic transactions so that Indonesian notaries can survive in the Society 5.0 era. The era of digitalization and economic progress brings new challenges and prospects for notary positions in Indonesia. The birth of technology has resulted in a combination of advancements in technology and communication. With this advancement, notaries must start implementing electronic systems in the property registration process. This will increase productivity and process efficiency. In the midst of these difficulties, notaries must use technology with legal certainty in mind.

5. CONCLUSION

With the development of the times towards the era of globalization, notaries must carry out their work according to their profession. In the era of globalization, notaries with integrity must have broad insights, not only make deeds but also be smart with their clients, have high morality, and do not prioritize personal interests. The work of a notary must be more thorough and careful because there are many advanced technological tools. Notaries by emphasizing digital services are promising innovations to optimize legal processes and legal agreements in the digital era. This can save money and keep documents safe. However, issues such as data security and privacy are still major concerns.

Technological developments have greatly affected many fields, including law. As a law directly related to notaries, the UUJN must be amended to provide clear rules that can provide legal certainty. This must be relevant to current and future technological and information developments because the law, in addition to providing legal certainty, must also be relevant or workable. In the process of developing and defining the term "cyber notary", it is possible to amend Article 15 paragraph (1) of the UUJN.

Considering the need for notaries to improve their services in an era that wants convenience and fast processes in the ever-evolving technology and information age, the concept of Cyber Notary and Notary Remote makes sense. However, it is important to note that the civil law legal system that created this concept, which is different from the existing legal system in Indonesia, namely Common Law.

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