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## Article

## Abstract

### Keywords:

**Cyber Notary; Development of Economic Law; Industrial Revolution 4.0; Digitization**

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This paper tries to show how Indonesian economic law has evolved via the emergence of the cyber notary idea. that notaries engage in a variety of everyday tasks and activities in the fantastic world of notaries, such as giving their clients the finest service possible and having an impact on the economy. According to the law, notaries are required to be able to help and support anyone who require genuine written documentation of legal situations, events, or activities. This study employs qualitative approaches and descriptive analysis. Additionally, researchers are interested in the phenomenon that examines the idea of a cyber notary as a way to advance Indonesian commercial law. The goal of qualitative research is to conduct extremely thorough investigations that examine the research's findings in great detail. Both primary data and secondary data are employed as sources of information. The findings demonstrate that Cybernotary adds value to electronic documents by legalizing them, for example, in addition to digitizing notarial operations. However, because many things need to be ready, its implementation will take some time. Article 1868 of the Civil Code, which stipulates that a genuine deed is a deed in a certain form that has been prescribed by law and is made before a public authority, is one of them.

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## INTRODUCTION

In the context of 4.0 Era, this article examines the interaction between law and technology. The transition from traditional to digital models of economics, politics, and law has occurred throughout the fourth industrial revolution, which has been characterized by breakthroughs in digital technology. One of the sectors that has the most of an effect is the economic one. E-commerce, or the practice of conducting business using technical tools like the internet, is one of the business models in the period of 4.0 Era.<sup>1</sup> In Indonesia, the value of e-commerce increased by 63.36 percent during the first semester of 2020 with total transactions reaching Rp. 186.75 trillion and an increase of 48.4 percent or rp. 385 trillion in 2021. globally, even at the end of 2021, the development of e-commerce has increased by 54% or reached 3.56 billion dollars, or an increase of 22% from 2020. the key to successful e-commerce is to disrupt conventional business because it

<sup>1</sup> Xudong Song et al., "A Bearing Fault Diagnosis Model Based on CNN with Wide Convolution Kernels," *Journal of Ambient Intelligence and Humanized Computing*, April 2021, <https://doi.org/10.1007/s12652-021-03177-x>.

uses sharing methods and artificially based connectivity that is intelligent, big data, and without managing large organizations and resources.<sup>2</sup>

The effects of applying laws from one place to another have been the subject of a long-running debate sparked by globalization. Developments-related changes happen quickly, particularly in the information and communication fields. Supercomputers, genetic engineering, nanotechnology, autonomous vehicles, and innovation are the hallmarks of the fourth industrial revolution, or Industry 4.0. The economy, industry, government, politics, and law are all affected by these changes, which happen exponentially. Nowadays, the world is increasingly viewed as a global village. Industry 4.0 has a significant and wide-ranging impact, particularly in the workforce sector, according to the McKinsey Global Institute analysis. Many jobs will be eliminated in this era by robots and machines.

Because of the need for dependable, excellent, and specialized human resources in Industry 4.0, new issues for human resources develop. Positions in the legal industry, like notaries, are obligated to enhance their public services by utilizing current information technology. Notaries in Industry 4.0 need to be able to think critically, solve issues, communicate, be creative, and work in teams.<sup>3</sup>

The increasing global economic activity in adapting to the situation of 4.0 era has encouraged the government to adopt information technology policies to facilitate national economic growth and development.<sup>4</sup> The Jokowi regime's strategic program in facing the era of 4.0 Era is to optimize the Ease of Doing Business (EoDB) or the ease of doing business index. The ease of doing business index is an important aspect of investment because the higher the Ease of Doing Business (EoDB) rating of a country indicates that the country has a better level of ease of doing business. In the era of 4.0 Era, the practice of the position of a notary is experiencing disruption.<sup>5</sup>

The notary functions internationally under two different legal systems: common law notaries, sometimes known as public notaries, and notaries in legal jurisdictions. Despite the fact that they are both notaries, their roles and powers are distinct. Indonesia follows a civil law system that draws its primary authority from written laws or regulations. When conducting electronic transactions, which frequently employ cyber notaries, notaries serve as reliable third parties to mediate contracts and cooperative agreements.<sup>6,7</sup>

The impact of technology on notary operations upsets the status quo; computer-literate notaries will make the necessary adjustments and welcome technological assistance, but others who

<sup>2</sup> Horst Treiblmaier and Christian Sillaber, "The Impact of Blockchain on E-Commerce: A Framework for Salient Research Topics," *Electronic Commerce Research and Applications* 48 (July 2021): 101054, <https://doi.org/10.1016/j.elerap.2021.101054>.

<sup>3</sup> Aam Hamdani et al., "Vocational Education in the Industrial 4.0 Era," in *Proceedings of the 6th UPI International Conference on TVET 2020 (TVET 2020)*, vol. 520 (Paris, France: Atlantis Press, 2021), 33–35, <https://doi.org/10.2991/assehr.k.210203.081>.

<sup>4</sup> Andriansyah Andriansyah, Asep Nurwanda, and Bakhtiar Rifai, "Structural Change and Regional Economic Growth in Indonesia," *Bulletin of Indonesian Economic Studies*, April 2021, 1–34, <https://doi.org/10.1080/00074918.2021.1914320>.

<sup>5</sup> Christopher Decker and George Yarrow, "Understanding the Economic Rationale for Legal Services Regulation (UK)" (Oxford, 2010).

<sup>6</sup> Fani Martiawan Kumara Putra, "Characteristics of Notary Deeds for Transactions Through Electronic Media," *NORMA* 17, no. 3 (January 2021): 1, <https://doi.org/10.30742/nlj.v17i3.1091>.

<sup>7</sup> Leslie G Smith, "The Role of the Notary in Secure Electronic Commerce," no. September (2006): 1.

don't understand will opt to continue with the current practices. However, as of right now, Indonesia does not have any specific laws governing the method for creating deeds using electronic media, which is a subset of the cyber notary system. The purpose of Cybernotary is to expedite the process of creating a genuine deed by ensuring that all statements asked from interested parties are included in the authentic deed and that any acts, agreements, or stipulations needed by law are fulfilled. The parties concerned should find it easier to complete a no-tarial deed online. However, using internet technology comes with legal issues. Cybernotarial implementation is a way of adapting to the requirements of society and the times. As robust, competent, and dependable institutional assistance is needed to guarantee that cyber defense objectives are met, it may also enhance Indonesia's cyber security and resilience.

The discourse to adopt techniques and technology facilities in office practice is getting stronger and even international organizations and conventions such as The International Union of Latin Notaries (UINL), Organization of Economic Co-operation and Development (OECD), United Nations Commission on International Trade Law (UNCITRAL) are getting stronger. getting stronger. The Hague Conference on Private International Law De La Haye De Droit Conference. International Prive (HCCH) has made a legal breakthrough to adopt an electronic system into notary practice.<sup>8</sup> However, due to the unpreparedness of Indonesian notary law in responding to technological developments, has implications for the emergence of legal uncertainty, namely deviations in roles and functions or even dysfunction of authority.

Economic development is significantly influenced by structural change. One of the six characteristics of a modern economy, according to Kuznets (1973), is a high degree of structural change. Theoretically, a cross-sector reallocation from low-productivity economic sectors to higher-productivity economic sectors is the mechanism through which structural change is transmitted to economic growth.

In conjunction with the introduction of Industry 4.0, most individuals now choose to carry out practically all tasks using digital technology, including local and international business transactions. With this change in transactional behavior, contracts and agreements formed by the community in the course of daily life have taken on a new shape. Electronic contracts are now the standard for electronic transactions. In order to foresee this novel phenomenon,

Following Government Regulation Number 82 of 2012 concerning the System and Implementation of Electronic Transactions, the Indonesian government has issued a number of regulations that govern and provide legal certainty and implementation, as well as the legality of electronic transactions, including electronic contracts. Therefore, the purpose of this study is to show how Indonesian economic law has evolved via the growth of the cyber notary idea.

The development of the concept of the cyber notary as a means of developing Indonesian economic law is to analysis about the relation between the implementation of the cyber notary with the economic law perspective. And there are 3 (three) Previous researches that have reviewed cyber notaries, namely First, Research by Luthvi Febryka Nola on Jurnal Negara Hukum Membangun Hukum Untuk Keadilan dan Kesejahteraan Vol 2 No 1 Tahun 2011 with the title "Opportunities for the Application of Cyber Notary in Indonesian Laws and Regulations". The

<sup>8</sup> Unggul Basoeky et al., "Law and Technology : Legal Technology Model under the Authority of the Indonesian Notary Position in the Industrial Revolution Era 4 . 0," *LEGAL BRIEF* 11, no. 1 (2021): 353–65.



Second, Research by Kadek Setiadewi and I Made Hendra Wijaya on Jurnal Komunikasi Hukum Vol 6 No 1 Tahun 2022 with the title "Legality of Cyber Notary-Based Notarial Deeds as Authentic Deeds". And the third, Research by Simon Reinaldo Marlin and Mohamad Fajri Mekka Putra on Jurnal Ilmu Sosial dan Pendidikan (JISIP) Vol. 6, No. 3 Juli 2022 with the title "The Importance of Implementing Cyber Notary as an Effort to Create Business Practice Security in Indonesia".<sup>8</sup> However, the novelty or novelty of this research, namely the cyber notary concept, is studied from the aspect of legal and economic development.

## RESEARCH METHODS

This study employs qualitative approaches and descriptive analysis. Researchers are also interested in looking at phenomena that relate to law and technology: In the Industrial Revolution Era 4.0, under the direction of the Indonesian Notary Office, qualitative research is focused on highly in-depth investigations in which the findings are thoroughly examined and then properly interpreted.<sup>9</sup>

In order for researchers to come to a complicated and organized knowledge in a targeted manner, this study uses two sources of data, including primary data and secondary data. The facts of the results are then expressed in a very simple style of discussion.<sup>10</sup>

## ANALYSIS AND DISCUSSION

### Concept of Cyber Notary

The goal of the cyber notary is to speed up and simplify the creation of an authentic deed by ensuring that all statements sought from interested parties are included in the genuine deed as well as by meeting all legal obligations. Several supporting laws and regulations, such as Article 15 Paragraph (3) of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 respecting the Position of Notary, hereby referred to as Notary Act Position Change, make it possible to put the concept in practice. It is vital to establish regulations that are agreed upon by all relevant parties in order to increase the proficiency of notaries in information technology systems. The current legal regime, which is serious about cutting down the rule of law and bureaucracy through digitalization and electronic disruption programs to support the ease of doing business, is a production contract for the position of a notary.<sup>11</sup> Instead of notaries being given the authority to certify electronic transactions to strengthen the notary's central and strategic position, notaries have been "castrated" and the scope of their authority has begun to be narrowed. Practical and economic issues that form the basis for the government's political policy-making, it turns out that the fundamental component is ignored, namely law order/harmonization. This condition in the end backfired for law enforcers such as the Notary Office. On that basis, an in-

<sup>9</sup> John W. Creswell and J. David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 5th ed. (Thousand Oaks, California: SAGE Publications, Inc, 2018).

<sup>10</sup> Ahmad Rijali, "ANALISIS DATA KUALITATIF," *Alhadharah: Jurnal Ilmu Dakwah* 17, no. 33 (January 2019): 81, <https://doi.org/10.18592/alhadharah.v17i33.2374>.

<sup>11</sup> Joachim Wurst, "Herbert Marcuse: One-Dimensional Man. Studies in the Ideology of Advanced Industrial Society, Beacon Press: Boston 1964, 260 S. (Dt. Der Eindimensionale Mensch. Studien Zur Ideologie Der Fortgeschrittenen Industriegesellschaft, Luchterhand: Neuwied/Berlin," in *Klassiker Der Sozialwissenschaften* (Wiesbaden: Springer Fachmedien Wiesbaden, 2016), 229–32, [https://doi.org/10.1007/978-3-658-13213-2\\_52](https://doi.org/10.1007/978-3-658-13213-2_52).

depth study of the relationship between law and technology in the development of notarial law is needed in Indonesia.

The new paradigm that is emerging in the age of the global industrial revolution is based on automation, efficiency, and operational effectiveness, which are exemplified by CyberPhysical Systems (CPS), Internet of Things (IoT), Internet of Services (IoS), Robotics, Big Data, Cloud Manufacturing, and Augmented Reality. 4.0.<sup>1213</sup> Creation of more intelligent environmental organizations is made possible by the development of manufacturing processes that are smarter. These processes include machine tools, production modules, and products that can autonomously communicate information, initiate activities, and control one another. Of course, Indonesian law needs to govern this.

The phrases Disruption, disruptive innovation, disruptive technology, disruptive mindset are very popular among scholars and the general public. Technology "disruption" is recognized as having permeated all aspects of life, be it business, investment, politics, government, socio-culture and law.<sup>14</sup> Furthermore, the influence of today's technological disruption has penetrated human affairs and views about culture, truth and justice. It seems that the reality of modern society is increasingly inseparable from technological developments. Technology is not only an inseparable part in the joints of life but also affects changing patterns (patterns) in the order of interaction and relations of human life. Indonesian law therefore needs to foster economic efficiency in at least two ways: by designing laws to eliminate obstacles that discourage private negotiating and by making laws to reduce the harm brought on by private negotiation failures. The law must be distributed to those who value it most in the event that private negotiation fails. Efficiency gains in certain aspects aid in harmonizing legal practice with other societal norms. When such rules are in place, they serve as social instruments to encourage economic efficiency consistent with other social norms.<sup>15</sup>

The idea of a "cyber notary" is one that can make it easier for a notary to do their obligations, and it is now being used in Indonesia. The use of the phrase "cyber notary" in the explanation of Article 15 Paragraph (3) UUJNP, where it is readily apparent, demonstrates how the notion has been applied. When a notary creates the minutes of the General Meeting of Shareholders (hereafter referred to as the GMs) of a Limited Liability Company, for instance, he is using information technology to carry out his obligations and exercising his power.<sup>16</sup>

In contrast to the American concept of the cyber notary, Nicole in Wijaya explained that the American Information Security Committee of the American Bar Association actually proposed

<sup>12</sup> Georgios Lampropoulos, Kerstin Siakas, and Theofylaktos Anastasiadis, "Internet of Things in the Context of Industry 4.0: An Overview," *International Journal of Entrepreneurial Knowledge* 7, no. 1 (June 2019): 4–19, <https://doi.org/10.2478/ijek-2019-0001>.

<sup>13</sup> V. Alcácer and V. Cruz-Machado, "Scanning the Industry 4.0: A Literature Review on Technologies for Manufacturing Systems," *Engineering Science and Technology, an International Journal* 22, no. 3 (June 2019): 899–919, <https://doi.org/10.1016/j.jestch.2019.01.006>.

<sup>14</sup> Julian Inchauspe, Garry MacDonald, and Moch Abdul Kobir, "Wagner's Law and the Dynamics of Government Spending on Indonesia," *Bulletin of Indonesian Economic Studies* 58, no. 1 (January 2022): 79–95, <https://doi.org/10.1080/00074918.2020.1811837>.

<sup>15</sup> Basoeky et al., "Law and Technology : Legal Technology Model under the Authority of the Indonesian Notary Position in the Industrial Revolution Era 4

<sup>16</sup> Ni Kadek Ayu Ena Widiasih, "Kewenangan Notaris Dalam Mensertifikasi Transaksi Yang Dilakukan Secara Elektronik (Cyber Notary)," *Acta Comitas* 5, no. 1 (2020): 150, <https://doi.org/10.24843/ac.2020.v05.i01.p13>.

the practice of the cyber notary in 1993. Under this concept, a notary in America has the authority to authenticate various documents made in electronic business communications.<sup>17</sup>

Furthermore, the comparison with the Philippine Law which allows the making of partij deeds using teleconference so that the parties do not need to be present in person as in An Act Allowing Remote Notarization And Amending Republic Act No. 8792 Or Otherwise Known As The "Electronic Commerce Act Of 2000," And For Other Purposes "Sec. 9. Remote Notarization - Notarial acts where the signing parties and witnesses are not physically present in front of the notary public, may be conducted via videoconferencing facilities. Provided that, it shall adhere to the rules and regulations, as may be determined by the Supreme Court."

From the motion of law and economics, the concept of the cyber notary has been developed as a means of developing Indonesian economic law. It is concluded to respond to the first fundamental question that it plays a significant role in the creation and implementation of law so that the rule of law can actually distribute justice, which is the standard of the economy. Although most legal positivists do not view justice from an economic standpoint, the concept of economic justice still aids in giving legal practice a clear sense of direction. The economic method allows the law to be viewed, understood, and analyzed as systems that economic analysis may enlighten, reveal as coherent, and in some cases enhance. It also promotes the law to function economically efficiently.

### **Implementation of Cyber Notary to Support Indonesian Cyber Security and Resilience**

The potential implementation of the cyber notary to support in Indonesia since April 13 th, 2021, there is one of the state institutions that we called as State Cyber and Code Agency. The concept of a cyber notary can be supported by State Cyber and Code Agency, especially for the security and safety mechanism to implement it.

All national cyber security stakeholders use the Indonesian Cyber Security Strategy as a common reference for creating and implementing cyber security policies inside their individual organizations. based on the fundamental tenets of social and political life, including sovereignty, independence, security, community, and adaptability. Legal innovations produce trustworthy methods for information storage and retrieval. There were no copiers or computers two hundred years ago. Rules for conditional evidence address the primary issue with documentary evidence, which is the veracity of contracts and deeds. The admission of electronic evidence in court has been governed by several laws. Regionally, this issue has also been addressed, for example by European Parliament Directive 1999/93/EC.<sup>18</sup> Contracts signed via electronic means do not lose their force and legal validity, according to the European Parliament and Council's Directive on

<sup>17</sup> JA Caswell and AL Yaktine, *Individual, Household, and Environmental Factors Affecting Food Choices and Access, Supplemental Nutrition Assistance Program: Examining the Evidence to Define Benefit Adequacy*, 2013.

<sup>18</sup> Hans Graux, "Rethinking the E-Signatures Directive: On Laws, Trust Services, and the Digital Single Market," *Digital Evidence and Electronic Signature Law Review* 8, no. 0 (January 2014): 46–56, <https://doi.org/10.14296/deeslr.v8i0.1951>.

Electronic Commerce from <sup>1</sup>8 June 2000 on some legal elements of information society services, particularly electronic commerce, in the Internal Market.<sup>19</sup>

As is the case with the omnibus law which was recently passed as a law, the development of the cyber notary concept as a means of developing Indonesian economic law can also be carried out for economic and legal interests in Indonesia. The President of Indonesia officially enacts a job creation law – commonly known as the "Omnibus Law". By streamlining the licensing process and harmonizing various laws and regulations, as well as by accelerating policy decision-making for the central government to address global or other changes or challenges, it aims to attract investment, generate new jobs, and strengthen the economy, among other things. More than 75 current laws have been changed by the Omnibus Law, and it will be necessary for the central government to publish more than 30 government rules and other implementing regulations in the next three months. Focusing on making it easier to conduct business in Indonesia, such as through streamlining the licensing and land acquisition procedures, establishing economic zones, bolstering incentives for free trade zones, and establishing a land bank supervisory body, are a few of these essential topics. introducing innovative, risk-based business ideas. The three types of business activity are low, medium, and high risk. Business actors must get a business identity number for all categories. For medium-risk and high-risk firms, respectively, standard certification and business licenses are necessary. Investing, including foreign investment, is permitted, except investments in sectors of the economy that are off-limits to outsiders or that can only be carried out by the central government. The central government intends to replace the current negative list with a positive one by a presidential rule. In general, the Omnibus Law's amendments to the legislation regulating many commercial industries now contain requirements and prohibitions relating to foreign investment. This should provide the central government more discretion.

The existing condition about cyber notary in Indonesia can be construct for the future authority from the cyber notary and it's potential to implement it since there is the State Cyber and Code Agency.

The influence of technology in the development of law cannot be separated from the encouragement of the economic subsystem that has high energy. Richard Posner through The Economic Analysis of Law Theory is defined as a legal economic analysis or legal economic analysis, saying that every legal problem must still be constellated (compiled, built, and linked) with basic economic concepts, reasons and economic considerations with the aim of being able to position the nature of the law legal benefits.

Economic Analysis Theory of Law is built on Jeremy Bentham's utilitarian philosophy with basic concepts, namely the concept of rational choice, the concept of value, the concept of efficiency, and the concept of utility called felicific calculus. Felicific calculus is used to measure the results of legislation with variables called circumstances, namely purity, extent, duration, intensity, certainty, fecundity, familiarity. It is believed to be able to achieve the greatest happiness of the greatest number. Based on the legal economic theory mentioned above, creating legal

<sup>19</sup> Finna Nazran et al., "Cybernotary as Support for Cybersecurity and Resilience," in *Proceedings of the 2nd International Conference on Law, Economic, Governance, ICOLEG 2021, 29-30 June 2021, Semarang, Indonesia* (EAI, 2021), <https://doi.org/10.4108/eai.29-6-2021.2312613>.



technology market segmentation with the approach and concept of “cost-benefit analysis” to estimate the benefits and costs of technology-based legal practice. The process of technological disruption in the legal field starts from the bespoke model to the commodification model and cost structure in the legal services market.

Article 5 of the Information and Electronic Transactions Law. Due to the concentration of the legislation on electronic evidence, Due to the nature of Indonesian notaries, whose primary duty is to create legitimate deeds that may serve as compelling evidence before a court of law, Law No. 19 of 2016 is also recognized as the starting point of internet notary. The introduction of the cyber notary in Indonesia is a declaration of the necessity for the law to adapt to both global and technical demands. The current issue is the passing of legislation that conflicts with and is against other laws and regulations. In order to underline the imbalances in the laws that exist in reality clearly and practically, we try to conduct our study from a paradoxical standpoint. In order to have a comprehensive knowledge, we may compare the cyber notary in Indonesia, in particular the compromises performed, with the cyber notaries outside. This approach highlights the originality of the study. Additionally, this work makes an effort to provide answers to queries that necessitate in-depth study. The findings of this study will help Indonesia develop its regulations, particularly those pertaining to cyber notaries.<sup>20</sup>

Online and face-to-face, legal services are moving from bespoke to standardization, systematization and externalization (packaging). Online technology enables legal service providers (lawyers or notaries) to package and offer their services and services to clients in a more efficient and effective manner. The entire process from bespoke to packaging is referred to as the commoditization of legal services. Commodity is the process by which providers charge for access to their online services and offer clients a much lower fee. The main drivers of legal services have three dimensions, namely clients who are unable to pay for legal services, individual consumers who begin to demand legal services quickly at low costs, movements that become catalysts to bring change into legal work.

In addition, the UN Commission on International Trade Law UNCITRAL has completed its work on a legal model that is expected to support international commercial contracts through electronic media.<sup>21</sup> This legal model outlines the rules for ratifying and recognizing contracts made through electronic media, establishes rules regarding breach of contracts, formation and execution of electronic contracts, establishes the characteristics of legal electronic writing, original documents, acceptable electronic signatures, and support the acceptance of computer evidence in court or arbitration proceedings. The implementation of cyber notary to support Indonesian Cyber security and resilience by optimizing the existence of the State Cyber and Code Agency. We can make one of the divisions in the State Cyber and Code Agency that has the authority to be concerned about the cyber notary implementation in Indonesia.

<sup>20</sup> David Tan, “Cyber-Notaries From a Contemporary Legal Perspective: A Paradox in Indonesian Laws and the Marginal Compromises To Find Equilibrium,” *Indonesia Law Review* 10, no. 2 (2020), <https://doi.org/10.15742/ilrev.v10n2.635>.

<sup>21</sup> Asep Ahmad Fauji, “PENERAPAN PRINSIP UNCITRAL MODEL LAW DALAM PEMBUKTIAN KASUS TRANSAKSI ELEKTRONIK DI INDONESIA,” *University Of Bengkulu Law Journal* 2, no. 1 (April 2017): 90–102, <https://doi.org/10.33369/ubelaj.v2i1.8013>.

UNCITRAL's Model Law on Electronic Commerce was accepted by UNCITRAL in 1996 as a follow-up to its mandate to create harmonization and unification of international trade law that can remove barriers to international trade.<sup>22,23</sup> The Model Law was prepared in response to the major changes taking place in the way communication between parties uses computers and other modern techniques to conduct business. This legal model is intended to serve as an example for countries to evaluate and modernize certain aspects of their laws and practices in the field of commercial relations by using computer communication techniques or other modern means and making relevant laws and regulations that are not currently available.

The Model UNCITRAL Law on Electronic Commerce has been published together with a Guide to Enactment which serves as an explanation of the law.<sup>24</sup> In drafting and finally accepting the Model Law, UNCITRAL realized that this Model law would be an effective means for countries to modernize their laws and regulations and provide explanations for the parties to understand and use this Model law.<sup>25</sup> The compilers of Model Law seem to recognize that legal requirements in traditional paper-based documents are a major obstacle to the development of modern modes of communication. The meaning of writing, signature, and original must be developed for the benefit of computer engineering.

The legal model rests on an approach called the Functional Equivalent Approach, which is based on an analysis of the objectives and functions of traditional paper document requirements. The aim is to determine how these objectives and functions can be achieved through E-Commerce techniques. For example, the functions that paper documents want to achieve are: ensuring that they are readable by everyone; that the document will not change over time; allowing reproduction so that the parties to the agreement have copies of the same data; allowing authentication of data through signatures, guarantees that documents can be accepted by official officials or by courts. Concerning the function of these documents, it is believed that electronic archives can provide the same security guarantees as paper documents, even in many cases being able to provide a higher level of trust and certainty, especially in terms of identifying sources and their contents data, provided that several technical and legal requirements are met.

## CONCLUSION

Notary services now adapt to a computerized system, which is a novel phenomenon in the millennial era. that notaries carry out a variety of duties and tasks in the notary business on a regular basis, including giving their clients the greatest service possible. According to the law, notaries are required to be able to help and serve anyone who require genuine written proof pertaining to legal situations, events, or acts. As a result, persons who are appointed as notaries must have a sense of community service. A notary is therefore worthless if the general public has no need for

<sup>22</sup> Renaud Sorieul, Jennifer R. Clift, José Angelo Estrella-Faria, "Establishing a Legal Framework for Electronic Commerce: The Work of the United Nations Commission on International Trade Law (UNCITRAL)," *The International Lawyer* 35, no. 1 (2001): 107–22.

<sup>23</sup> Harold S. Burman, "UNITED NATIONS: UNCITRAL MODEL LAW ON ELECTRONIC COMMERCE," *International Legal Materials* 36, no. 1 (May 1997): 197–209.

<sup>24</sup> Emmy Latifah, "E-CONTRACT DALAM PERSPEKTIF HUKUM PERDAGANGAN INTERNASIONAL," *Siyar Hukum: Jurnal Ilmu Hukum* 9, no. 3 (2007): 232–47.

<sup>25</sup> Terence C. Halliday, "Architects of the State: International Financial Institutions and the Reconstruction of States in East Asia," *Law & Social Inquiry* 37, no. 2 (May 2012): 265–96.

it. The idea of a "cyber notary" is the complete opposite. Physical contacts are not necessary, and virtual encounters enabled by telecommunications technology can take their place. A legal discussion comparing the traditional notarial deed with the electronic notarial deed has been prompted by the virtual meeting that took place during the creation of the deed. Cybernotary not only digitizes notary tasks but also gives electronic papers value by legalizing them, for instance. However, because there are various preparations that must be made, its execution will take some time. One of them is the modification of Article 1868 of the Civil Code, which specifies that a deed in a certain form that has been prescribed by the law and is made before a public authority qualifies as an authentic deed. The idea of a cyber notary is frequently connected to distant services, including remote deed creation. In theory, a cybernotary and a traditional notary are quite similar. The notary continues to be in direct contact with all parties. The main distinction is that the parties study the document on their individual computers before consenting and signing the deed electronically at the notary's office. Making a deed should not simply be witnessed on paper. A deed can technically be completed online without violating any rules or regulations. State Cyber and Code Agency might be supportive of the idea of a cyber notary, especially with regard to the security and safety measures that will be used to execute it. Comparatively speaking to the USA, cyber notaries may be implemented safely thanks to information security, thus there is potential for its legal construction.

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