

ASAS KEPASTIAN HUKUM DALAM PEMBERIAN PELAYANAN NOTARIIL SECARA ELEKTRONIK OLEH NOTARIS

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INTISARI

Tujuan dari penelitian hukum ini adalah, pertama untuk mengetahui dan menganalisis perlindungan hukum penerapan asas kepastian hukum dalam pemberian pelayanan notariil secara elektronik (*e-notary*). Tujuan kedua, adalah untuk mengetahui dan menganalisis kendala notaris dalam pelayanan *e-notary* untuk memberikan kepastian hukum.

Penelitian ini merupakan jenis penelitian hukum yang menggunakan metode penelitian yuridis empiris (*emprical legal research*) dan bersifat deskriptif. Penelitian hukum ini dilakukan penelitian kepustakaan untuk mendapatkan data sekunder berupa bahan hukum primer, sekunder dan tersier, kemudian juga dilakukan dengan cara penelitian lapangan dengan alat berupa pedoman wawancara. Hasil penelitian dianalisis secara kualitatif dan disajikan secara deskriptif.

Kesimpulan dari hasil penelitian hukum ini, yaitu: Pertama, penerapan kepastian hukum dalam pemberian pelayanan notariil dengan sistem elektronik dapat dilihat saat Notaris memberikan pelayanan tersebut kepada masyarakat dengan tetap berpedoman dengan peraturan perundang-undangan yang berlaku. Peraturan perundang-undangan yang dimaksud, yaitu UUJN, UUJNP dan Kode Etik Notaris, khususnya Pasal 16 UUJNP. Kesimpulan kedua, bahwa dalam pemberian pelayanan notariil dengan sistem elektronik, masih terdapat kendala-kendala yang menghambat Notaris dalam pelaksanaannya. Kendala tersebut dapat dilihat dari sisi Notaris, faktor geografis, keamanan bagi pihak Notaris dan para penghadap, serta belum adanya peraturan perundang-undangan yang mengatur tata cara pemberian pelayanan notariil kepada masyarakat dengan sistem elektronik.

Kata Kunci : Kepastian Hukum, Pelayanan Notariil, Sistem Elektronik.

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THE PRINCIPLE OF LEGAL CERTAINTY IN PROVIDING ELECTRONIC SERVICES BY NOTARIES

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ABSTRACT

The purpose of this legal research is, firstly, to find out and analyze the legal protection of the application of the principle of legal certainty in the provision of electronic notarial services (e-notary). The second objective is to identify and analyze the constraints of a notary in e-notary services to provide legal certainty.

This research is a type of legal research that uses empirical legal research methods and is descriptive in nature. This legal research was carried out by means of library research to obtain secondary data in the form of primary, secondary and tertiary legal materials, then also carried out by means of field research using tools in the form of interview guides. The research results were analyzed qualitatively and presented descriptively.

The conclusions from the results of this legal research include; First, the application of legal certainty in providing notarial services with an electronic system can be seen when a Notary provides these services to the public while still being guided by the applicable laws and regulations. The laws and regulations in question, namely UUJN, UUJN Amendments and Notary Code of Ethics, especially Article 16 UUJN Amendments. The second conclusion is that in providing notarial services with an electronic system, there are still obstacles that hinder Notaries in their implementation. These obstacles can be seen from the notary's point of view, geographical factors, security for the notary and appearers, and the absence of laws and regulations governing procedures for providing notarized services to the public with an electronic system.

Keywords: *Legal Certainty, Notary Services, Electronic Systems.*

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