

***IUS CONSTITUENDUM KONSEP CYBER NOTARY DITINJAU DARI
UNDANG-UNDANG JABATAN NOTARIS SERTA UNDANG-
UNDANG INFORMASI DAN TRANSAKSI ELEKTRONIK***

Oleh:

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INTISARI

Penelitian ini bertujuan untuk mengetahui dan menganalisis peran pemerintah dan organisasi profesi Notaris dalam mengatasi kendala penerapan konsep *Cyber Notary* di Indonesia, aspek-aspek yang harus diatur dalam peraturan perundang-undangan untuk menjamin keamanan penerapannya, serta konsep *Ius Constituendum* yang dapat mendukung implementasi *Cyber Notary* yang sejalan dengan asas *tabellionis officium fideliter exercebo*.

Penelitian ini merupakan penelitian normatif dengan pendekatan konseptual dan peraturan perundang-undangan, serta dilengkapi dengan wawancara dengan tiga narasumber ahli di bidang hukum kenotariatan. Data yang diperoleh dianalisis secara kualitatif untuk menggambarkan kondisi aktual dan kebutuhan pengaturan hukum ke depan.

Hasil penelitian menunjukkan bahwa belum adanya peraturan perundang-undangan yang secara komprehensif mengatur mengenai pelaksanaan *Cyber Notary* menyebabkan ketidakpastian hukum dalam praktik kenotariatan digital apabila konsep tersebut hendak diterapkan di Indonesia. Aspek penting yang perlu diatur meliputi prosedur pembuatan akta elektronik, kehadiran para pihak melalui *video conference*, penggunaan tanda tangan elektronik, perlindungan data dan keamanan sistem melalui teknologi seperti kriptografi, serta prinsip *Electronic Transferable Records* (ETR). Konsep *Ius Constituendum* menjadi krusial untuk menjembatani kekosongan hukum tersebut guna memastikan validitas, integritas, dan kekuatan pembuktian dari akta elektronik tanpa mengabaikan prinsip kehati-hatian dan tanggung jawab profesi Notaris sehingga konsep *Cyber Notary* dapat diterapkan ke depannya.

Kata Kunci: *Cyber Notary, Ius Constituendum, Asas Tabellionis Officium*

Fideliter Exercebo, Keamanan Hukum, Akta Elektronik

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***THE FUTURE LEGAL FRAMEWORK (IUS CONSTITUENDUM) OF
THE CYBER NOTARY CONCEPT IN LIGHT OF THE NOTARY
POSITION ACT AND THE ELECTRONIC INFORMATION AND
TRANSACTIONS ACT***

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ABSTRACT

This research aims to identify and analyze the role of the government and the Notary professional organization in overcoming the obstacles to the implementation of the Cyber Notary concept in Indonesia, the aspects that must be regulated in legislation to ensure its legal security, and the concept of Ius Constituendum that can support the implementation of Cyber Notary in accordance with the principle of Tabellionis Officium Fideliter Exercebo.

This is a normative legal research using a conceptual and statutory approach, supported by interviews with three experts in notarial law. The collected data were analyzed using exploratory method to describe the current conditions and the necessary legal framework for the future.

The research findings show that the absence of comprehensive legal regulations governing the implementation of Cyber Notary creates legal uncertainty in digital notarial practice if such a concept is to be adopted in Indonesia. Key aspects that need to be regulated include the procedures for electronic deed drafting, the presence of parties via video conference, the use of electronic signatures, data protection, and system security through technologies such as cryptography, as well as the principle of Electronic Transferable Records (ETR). The concept of Ius Constituendum is essential to bridge this legal gap to ensure the validity, integrity, and evidentiary strength of electronic deeds without disregarding the principles of caution and professional accountability of Notaries, so that the Cyber Notary concept can be implemented in the future.

Keywords: *Cyber Notary, Ius Constituendum, Tabellionis Officium Fideliter Exercebo, Legal Certainty, Electronic Deed*

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