

**JLPH:**  
**Journal of Law, Politic**  
**and Humanities**<https://dinastires.org/JLPH>[dinasti.info@gmail.com](mailto:dinasti.info@gmail.com)

+62 811 7404 455

E-ISSN: 2962-2816  
P-ISSN: 2747-1985DOI: <https://doi.org/10.38035/jlph.v6i5>  
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## Personal Appearance Before The Notary In Deed-Making Through The Concept of Cyber Notary (A Comparative Study Between Indonesia and the United States)

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**Abstract:** The development of digital technology demands a more efficient and adaptive transformation of notary practices through the concept of cyber notary that allows notaries to exercise their authority remotely. However, in Indonesia, this concept is limited by the principle of *Tabellionis Officium Fideliter Exercebo* which requires a physical presence as a prerequisite for the authenticity of the deed, as stipulated in Article 1868 of the *KUHPerdata* and Article 16 Paragraph (1) letter m of the UUJN. This legal vacuum regarding remote personal appearance creates uncertainty, since the UUJN simultaneously acknowledges the existence of cyber notary while it's also lacking sufficient regulations to accommodate its implementation. In contrast to Indonesia, the United States has successfully accommodated the implementation of Remote Online Notarization (RON) through the Revised Uniform Law on Notarial Acts (RULONA), specifically in Section 14A. This study uses a juridical-normative method with a comparative legal approach to examine the regulations governing personal appearance in deed-making under the concept of cyber notary in Indonesia and United States, as well as analyzing the potential expansion of its meaning. This research shows that Indonesia has an opportunity for legal digitalization through the UU ITE, the UUJN, and the implementation of the AHU Online system. The researcher argues that the concept of personal appearance can, in fact, be expanded not only as a physical presence, but also as an electronic presence. Therefore, its development is an inevitable necessity.

**Keyword:** Cyber Notary, Personal Appearance, Authentic Deed, Notary, Comparative Law

### INTRODUCTION

Over time, the use of technology plays a big role in various aspects of life, ranging from economic, political, social, to even shifting the way humans interact (Widianti, 2022). Activities that previously relied on conventional media systems have now transformed into the use of technology-based media. The increasing intensity of the use of technology has also accelerated digital transformation which directly affects the work effectiveness of various

professions, one of which is notary, through the concept of cyber notary. Cyber notary is basically a concept in which notaries exercise and apply their authority to transactions or relationships electronically through internet-based media to make a deed that is initially contained on paper into a deed in the form of an electronic document (Makarim, 2013). Through this concept, it can be said that the entire series of processes in deed-making using the practice of cyber notary is carried out electronically, starting from reading and signing the deed, the appearance of the parties, to exchanging information.

However, cyber notary itself has always been a subject of discourse because its ideas are considered contrary to the established principle known as *Tabellionis Officium Fideliter Exercebo* which essentially requires a Notary to work in a traditional manner, this was also conveyed by Eddy O.S Hiariej in the National Seminar "*Membangun Hukum Kenotariatan di Indonesia*" ("Building Notarial Law in Indonesia"). The principle of *Tabellionis Officium Fideliter Exercebo* is one of the key principles in notarial practice that requires notaries to act faithfully, carefully, with integrity, and also to be present in every deed-making activity they undertake (Aulia, Ali, & Sari, 2025). In this case, the notary as a public official has the authority to make an authentic deed that has perfect evidentiary value, where in the process of making it the parties are required to be present face-to-face with the notary physically (Halim, 2021).

Referring to Indonesian law, Article 1868 of the Indonesian Civil Code (*Kitab Undang-Undang Hukum Perdata*, hereinafter "KUHPerdata") defines an authentic deed as a deed made in the presence of an authorized public official in accordance with the provisions of the Law. The element of "before the authorized public official" or the personal appearance before the notary is a form of requirement for the authenticity of an authentic deed made by a notary (Untono, 2022). Similar provision is also stated in Article 1 number (7) of Law Number 2 of 2014 on the Amendments to Law Number 30 of 2004 concerning the Notary Position (*Undang-Undang Jabatan Notaris*, hereinafter "UJN") which states that an authentic deed must be made before a notary whose manufacturing process is adjusted to the provisions of the law. In other words, a notary, in carrying out the duty of making an authentic deed, is obliged to ensure that the element of personal appearance has been fulfilled through the presence of the parties, which is often interpreted as a prerequisite for determining whether or not an authentic deed is valid.

Departing from this description, the concept of *cyber notary* can be said to remain inadequately accommodated through the provisions of the law. The gap between legal norms and practical needs became even more apparent during the *Covid-19* pandemic which forced the government to impose a Large-Scale Social Restrictions (*Pembatasan Sosial Berskala Besar/PSBB*) policy as an effort to prevent the spread of the virus. However, notaries who were required to fulfill the element of personal appearance as a prerequisite for the authenticity of the deed they made were ultimately unable to exercise their authority as they previously had, which in turn triggered disputes involving notaries. As an example, there is the dispute that occurred in Semarang where a notary was held liable for the violation of not reading the minutes of the deed to the appearing parties and instead merely sent a copy of the deed to be signed which ultimately causing material loss to the plaintiff (Wijaya, Soepeno, & Goni, 2024). This resulted in the legal consequence of downgrading the evidentiary value of the authentic deed into merely a private deed (*akta di bawah tangan*). Thus, the absence of clear legal regulation regarding remote personal appearance under the cyber notary concept affects the effectiveness of notarial services and creates the potential loophole for legal circumvention.

On the other hand, there are numbers of countries around the world that have successfully implemented the concept of cyber notary, one of which is the United States through the Revised Uniform Law on Notarial Acts (RULONA). RULONA has become a legal framework that adequately accommodates the implementation of cyber notary, or commonly referred as RON (Remote Online Notarization) in the United States. The use of remote

notarization in the United States offers the potential to enhance transparency and security in the notarial-deed making process (Tan, Agustini, & Situmeang, 2024). RON allows documents to be signed, notarized, and stored digitally through a remote process that utilizes live, two-way, audio-video connection technology to connect the parties with a notary (Rizkianti et al., 2025). Therefore, in this context, the meaning of personal appearance before the notary is no longer limited to physical presence, but has been expanded to accommodate electronic presence.

The lack of a comprehensive legal framework regarding the implementation of cyber notary in Indonesia highlights the urgency to examine how the concept of personal appearance before the notary under the cyber notary system in the United States may provide opportunities for innovation within Indonesia's legal system. As a nation that upholds the rule of law, Indonesia must ensure that its legal development should evolve alongside the needs of society, including the need to accommodate technology developments in the notary sector through the implementation of cyber notary. This study aims to analyze and compare the legal regulation related to personal appearance in the making of an authentic deed under the concept of cyber notary in Indonesia and the United States, as well as the potential expansion behind the meaning of personal appearance within the framework of cyber notary.

## **METHOD**

The methodology used in this study is normative legal research. The scope of normative legal research includes the examination of legal principles, legal systematics, the degree of legal synchronization, and comparative law (Santoso et al., 2022). The approaches employed in this study are the statutory approach and the comparative approach. The statutory approach is essential in normative legal research, because the primary object of analysis consists various legal rules (Efendi & Ibrahim, 2016). In addition, this study employs a comparative approach in order to compare legal regulations in other countries with the aim of addressing gaps within positive law (Efendi & Ibrahim, 2016). In this study, the object of comparison is the legal regulation of personal appearance before the notary within the framework of cyber notary.

## **RESULTS AND DISCUSSION**

### **Legal Regulation of Personal Appearance in Deed-Making under The Cyber Notary Concept in Indonesia and the United States**

Along with the development of technology and the digitization of legal services, the requirement of personal appearance before the notary has evolved through different approaches across several countries. These differences are particularly evident in the context of cyber notary compared to conventional notarial practice, as seen in the case of Indonesia and the United States. While Indonesian notaries remain strongly rooted in conventionality, notaries in the United States have effectively embraced digital adaptiveness in the application of their notarial functions, especially on the personal appearance matter.

Before examining the specific regulations on personal appearance, in the context of the global legal system, notaries can be divided into 2 categories, namely Latin Notaries and Anglo-Saxon Notaries. The Latin Notary system is generally adopted by countries with a Civil Law System, such as Indonesia. Latin Notaries are legal experts who undergo professional education and are then directly appointed by the state as public officials authorized to ensure that a deed is made in accordance with applicable regulations, thereby giving it the force of written evidence (Nurlaili, 2021). Meanwhile, Anglo-Saxon Notaries are adopted by countries that follow the Common Law system, such as the United States. Anglo-Saxon Notaries do not need to undergo special education because they do not play a role in the making of deeds. Anglo-Saxon notaries's authority is limited only to verifying identity and assisting parties in registering documents (Pengurus Pusat Ikatan Notaris, Jati Diri Notaris Indonesia). Civil Law itself is a legal system in which laws are made in written and codified form, so that in matters

of evidence, written evidence takes priority. This differs from the Anglo-Saxon legal system, which prioritizes unwritten law that develops within the life of society and is used by judges in resolving cases brought before them. This system generally relies on a jury system in its courts, with written evidence serving merely as a support to witness testimony (P.S. Wasis, 2002)

The legal instruments produced by Latin Notaries ultimately carry a different value than those produced by Anglo-Saxon Notaries. Latin Notaries produce legal instruments that carry formal, material, and even executory evidentiary force for certain specific legal acts. This makes the position of the Notary within the Civil Law system highly important, given their authority to create written evidence in the form of authentic deeds. Such authentic deeds then serve as perfect evidence holding the highest and strongest (absolute) standing (Budiono, 1998). The implementation of cyber notary within a Common Law system, such as the United States, would not affect the value of the deed, since their Notary's role only limited to verifying signatures. In contrast, this is not the case for Indonesia which follows the Civil Law system, where a deed made before a notary is regarded as an authentic deed carrying absolute value (Nurita, 2012).

In Indonesia, Article 1868 of KUHPerdata defines an authentic deed as a deed made in the form prescribed by law by or before a public official authorized for that purpose, at the place where the deed is made. In this case, a deed is considered as an authentic deed with full/absolute evidentiary value if it fulfills the following requirements:

1. Made in the form prescribed by law;
2. Made by or before a public official;
3. Executed at the place where the deed is made.

These requirements, particularly the "made by before a public official" (*dibuat oleh atau di hadapan pejabat umum*) are generally interpreted in a conventional manner through the physical presence of the appearing parties before the notary. Furthermore, Article 1869 of KUHPerdata states that if an authentic deed does not meet these requirements, then the deed cannot be regarded as an authentic deed, but only limited as a private deed (*akta di bawah tangan*), which thereby affecting its evidentiary strength before the law (Nurlaili, 2021).

Similar provisions regarding personal appearance before the notary can also be found in Law Number 2 of 2014 on the Amendment to Law Number 30 of 2004 concerning the Position of Notary (Undang-Undang Jabatan Notaris, hereinafter "UUJN"), particularly in Article 1 Paragraph (7), which explains that an authentic deed is a deed made by or before a Notary. In addition, the personal appearance requirement is also being mentioned in Article 16 Paragraph (1) letter m of the UJN, which obliges a notary to read out the deed before the appearing parties in the presence of witnesses, which is then the deed is signed by the appearing parties, witnesses, and the notary. The meaning of personal appearance is further interpreted as the physical presence of a notary in the elucidation of the article.

Nevertheless, the UJN has now opened up for the concept of cyber notary to be recognized in notarial practice in Indonesia (Nurlaili, 2021). This can be seen from the emergence of provisions regarding the notary's authority to certify transactions carried out electronically, provided in the Elucidation of Article 15 Paragraph (3) of the UJN, which was introduced through the 2014 amendment and not previously found in the 2004 version of the UJN. This authority then covers the notary's role in certifying electronic transactions (cyber notary), drafting *waqf* pledge deeds, and aircraft mortgage deeds. However, it is unfortunate that matters related to cyber notary have not been further regulated by any legal instrument. As a result, the implementation of cyber notary in Indonesia remains uncertain and inconsistent, leading to the potential for multiple interpretations in practice.

In contrast to Indonesia, the United States has successfully adopted the concept of cyber notary, commonly referred to as Remote Online Notarization (RON), through the existence of the Uniform Law on Notarial Acts (ULONA), which was later in 2021 revised

into the to the Revised Uniform Law on Notarial Act (RULONA). Through RULONA, the United States recognizes that technological developments, as well as social, market, and economic changes, ultimately require notaries and all their notarial practices to adapt accordingly. Section 2(5) of RULONA expressly recognizes notarial acts performed electronically and places them on a par with notarial acts conducted through physical/conventional method. By the time it was implemented, various technologies have also been developed to support notary practices, such as blockchain technology, electronic signatures, as well as virtual applications that facilitate personal appearance in notarial practice (Tan et al., 2024)

The expanded meaning of personal appearance is further regulated in Section 14A of RULONA, entitled "Notarial Act Performed for Remotely Located Individual". Section 14A of RULONA contains 15 subsections that comprehensively regulate remote notarial practice, which allows notary to perform their duties remotely without requiring the physical presence of the parties involved. To elaborate further, Section 14A(a)(5) of RULONA defines "Remotely located Individual" as an individual who is unable to be physically present before a notary. Eventhough Section 14A(c) supports its implementation by permitting a notary in the United States to utilize virtual communications technology while dealing with individuals located remotely, there are several conditions that need to be noted, including:

1. The notary public must personally know and have adequate proof of the identity of the remotely located individual through an oath, affirmation, or a credible witness. For identity verification purposes, at least two different types of verification methods must be used;
2. The notary public must be able to confirm that the document before them is the same document used by the remotely located individual in order to give a statement or affix a signature;
3. The notary public is required to make an audio-visual recording during the notarial process;
4. For remotely located individuals situated outside the United States:
  - a. The document must either: (1) be submitted to a public official or entity subject to the jurisdiction of the United States, or (2) relate to property located within the territorial jurisdiction of the United States.
  - b. The act of making the statement or signing the record is not prohibited by the foreign state in which the remotely located individual is located.

This section provides legal protection for the authority of a United States notary public to perform notarial acts for individuals who are not physically present before them.

Based on these legal frameworks, it can be seen that there are significant differences between Indonesia and the United States in terms of their respective legal instruments. The United States has established a more comprehensive legal framework in notarial practice through RULONA and the implementation of Remote Online Notarization (RON). In contrast, in Indonesia, the regulations regarding cyber notary remains inconsistent and overlapping, resulting in ambiguity in its implementation. This ambiguity becomes evident from the recognition of the concept and terminology of cyber notary, yet there are no further regulation regarding its definition or mechanism, despite the potentially severe legal consequence of downgrading the evidentiary value of an authentiv deed into a private deed (*akta di bawah tangan*).

### **The Expanded Interpretation of Personal Appearance under the Cyber Notary Concept in Indonesia and the United States**

Rapid development of technology has created a need for a legal framework that is more adaptive to the demands of the modern era. Satjipto Rahardjo through "Teori Hukum Progresif" argues that law should be able to evolve alongside societal developments and respond to changing circumstances in order to serve the interests of society (Rahardjo, 2006). Law in this

case should not be trapped in a rigid and formalistic understanding, but is required to be able to respond to the development and the changing needs of society.

Indonesia basically has established a legislative foundation that demonstrates an adaptive tendency to technological developments in the context of notarial practice. This can be seen from the abolition of the Article 5 Paragraph (4) letter b in Law Number 11 of 2008 as amended by Law Number 19 of 2016 on Electronic Information and Transactions (UU ITE), which previously excluded notarial deeds and deeds made by authorized public official (authentic deeds) as valid legal evidence from the scope of electronic documents. This exclusion was subsequently removed through Article 5 Paragraph (4) of Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions (UU ITE), which states that electronic information/electronic documents along with their printed results are valid legal evidence unless otherwise stipulated by the Law. Accordingly, this amendment indirectly indicates the openness toward a paradigm shift in the realm of digitization of legal documents, including all legal products produced by notaries.

However, the implementation of the notarial profession is rooted in a highly traditional paradigm, under which notaries are recognized as public officials who produce legal documents with guaranteed authenticity through authentic deeds (Makarim, 2020). As a result, notaries often bear a moral responsibility to continue practicing conventionally and to uphold the principles of *Tabellionis Officium Fideliter Exercebo* (Iqbal, 2022). The principle of *Tabellionis Officium Fideliter Exercebo* requires notaries to perform their duties faithfully, carefully, with integrity, and be present physically through the every processes (Aulia, F. N., Ali, M., & Sari, N. K., 2025). This traditional paradigm is then reflected in the regulation of personal appearance under Article 16 paragraph (1) letter m of the UUJN, which is commonly interpreted in practice as requiring the physical presence of the parties before the notary during the reading and signing of the deed. Such a interpretation has placed physical presence as an important element in the process of forming an authentic deed which the failure of fulfilling this requirement may result in downgrading the evidentiary value of the authentic deed into a private deed (*akta di bawah tangan*).

On the other hand, the United States has effectively implemented digitalization or online notarization system through the *Remote Online Notarization* (RON) system. RON is a technology-based notarial service that allows notaries to use live, two-way, audio-video connection technology (Aulia, F. N., Ali, M., & Sari, N. K., 2025). Although the United States is a federal state and the regulation of notarial practice falls within the authority of each individual state, the adoption of RULONA serves as a model law/standardization that promotes greater uniformity in notarial regulation across the states. As explained in the *Prefatory Note* section of the *Revised Uniform Law On Notarial Acts (2021)*, RULONA serves as a responsive model law designed to accomodate evolving needs and changes in notarial practice while promoting greater harmonization of notarial regulations across the states. SJKP Law Firm LLP in its article entitled "E-Sign Act: Legal Validity of Electronic Signatures" revealed that in addition to RULONA, there is also an *Electronic Signatures in Global and National Commerce Act (E-SIGN Act)* that applies nationwide. The act states that a signature or document should not be rejected just because they are electronic, so in this case, its legal status is equivalent to traditional paper documents. The presence of these two regulations has opened up opportunities for a broader interpretation and application of personal appearance, allowing notaries and the parties to be connected not only through physical presence but also remotely by utilizing modern communication technology.

In Indonesia, Article 16 Paragraph (1) letter m of the UUJN plays an important role as a legal basis governing the process of signing and re-reading the deed. This is due to the prerequisite for physical presence of the parties before the notary (personal appearance). Article 1868 of KUHPdata stated that an authentic deed is one made in the form prescribed by law

by or before a public official authorized for that purpose, thus if this requirement is not fulfilled, Article 1869 then stated the risk of downgrading the deed's evidentiary value to that of a private instrument (*akta di bawah tangan*). Article 16 Paragraph (9) of the UUJN also regulates the same legal consequence of downgrading the evidentiary value of the authentic deed into merely a private deed (*akta di bawah tangan*) if the requirement set out in Article 16 Paragraph (1) letter m of the UUJN regarding personal appearance are not fulfilled. Therefore, the requirement of personal appearance is often being interpreted with physical presence (Makarim, 2013). As a result, the use of technology in notarial practice, particularly related to the personal appearance requirement, are still considered as taboo.

Furthermore, the assumption that fidelity to the performance of a notary's duties can only be realized through physical presence needs to be tested further. The doctrine of *Tabellionis Officium Fideliter Exercebo* is fundamentally emphasizes the quality of notarial witnessing and the integrity within notarial practice, rather than the technical modality through which the parties appear before the notary. The author argues that a notary's fidelity and honesty in the performance of official duties are not determined solely by whether physical or electronic means are employed, but rather by whether the substantive functions of personal appearance are effectively fulfilled. These functions include the notary's ability to observe, verify, and confirm the identities and intentions of the appearing parties in accordance with the applicable legal framework. Accordingly, the requirement of personal appearance should not be interpreted narrowly as requiring only physical presence. Instead, it should be construed functionally to encompass synchronous appearance through audiovisual communication, provided that the notary is able to observe, in real time, the identities and intentions of the appearing parties.

Nevertheless, Edmon Makarim, in his book *Notaris & Transaksi Elektronik*, argues that electronics and electronic systems constitute part of the physical sciences and their presence has long been recognized and integrated in everyday life. On this basis, he contends that the concept of "physical presence" is capable of a broader interpretation, such that "electronic presence" may also fulfilled the requirement of physical presence. Moreover, the interpretation of personal appearance as requiring physical presence is not expressly stipulated in the operative provisions of the UUJN, but appears only in the Elucidation, As the Elucidation serves merely to clarify the provisions of the statute and does not carry the same binding legal force as its operative provisions, the latter should prevail in statutory interpretation (Septian & Abdurahman, 2021). Therefore, interpreting personal appearance more broadly to include electronic presence remains both legally viable and worthy of further examination.

As Indonesia gradually shifts from the traditional paradigm of notarial practice, the Elucidation of Article 15 paragraph (3) of the UUJN has acknowledged this development by granting notaries the authority to certify electronic transactions. However, the legal framework remains inadequate. The UUJN merely recognizes the terms "electronic transactions" and "cyber notary" without providing a clear definition or implementation mechanism. Moreover, Indonesian law has yet to recognize the use of video conferencing in notarial practice. As a result, the scope and legal application of cyber notary remain uncertain.

Accordingly, in order to effectively implement the concept of cyber notary in Indonesia, particularly the requirement of personal appearance before a notary, it is necessary to harmonize the legal framework governing the notary's authority to execute electronic notarial deeds under the UUJN and the UU ITE. Such harmonization is essential to eliminate legal uncertainty concerning a notary's authority to execute electronic deeds and to prevent any downgrading in the evidentiary value of notarial deeds (Chastra, 2021). This objective may be achieved by revising the provisions governing a notary's authority in fulfilling the requirement of personal appearance, including the following:

- a. Article 1 (7) UUJN

This provision should be amended to expand the definition of a notarial deed so that it also encompasses deeds executed under the cyber notary framework. Such an amendment would ensure that electronically executed notarial deeds could retain their status as authentic deeds without diminishing their evidentiary value. Furthermore, under the cyber notary concept, the physical presence of the parties is becoming an option, as the requirement of personal appearances may instead be conducted through borderless audiovisual communication technologies (Chastra, 2021)

b. Article 16 (1) (m) UUJN

This provision requires a notary to read the deed before the appearing parties. The Elucidation further specifies that the notary must be physically present and sign the deed in the presence of both the appearing parties and the witnesses. Consequently, this provision constitutes the most direct normative obstacle to recognizing electronic presence, as its textual formulation presupposes conventional physical presence interaction. As a result, it places the implementation of the cyber notary concept in a state of legal uncertainty.

c. Article 15 (3) UUJN

The Elucidation to this provision recognizes both the cyber notary concept and the notary's authority to certify electronic transactions. However, because this recognition appears only in the Elucidation rather than in the operative provisions of the statute, it does not possess the same binding legal force as the statutory text itself.

d. Article 19 (1) UUJN

This provision should be amended regarding a notary's domicile and territorial jurisdiction. Such revision is necessary because, under the cyber notary concept, the requirement of personal appearance may be fulfilled through borderless audiovisual communication technologies, such as teleconferencing, rather than through physical attendance (Chastra, 2021)

Interestingly, Indonesia has already implemented the AHU Online (General Legal Administration Online System) managed by the Directorate General of General Legal Administration (DGGLA), Ministry of Law of the Republic of Indonesia, in order to digitalize various legal administrative services that were previously carried out through conventional procedures. This reform aims to provide legal services that are more professional, efficient, affordable, and free from illegal levies (*pungutan liar*) (Primananda, Ragil, & Simatupang, 2021). Through *AHU Online*, services such as online fiduciary registration, the appointment of notaries, online registration of wills, and the legalization of legal entities, including companies, foundations, and associations, can now be conducted electronically (Primananda, Ragil, & Simatupang, 2021). This condition actually shows that Indonesia has basically, in principle, accepted the use of electronic media in legal acts underlying the execution of notarial deeds. However, at the same time, the process of making an authentic deed is still limited by the meaning of the opposite element which is only understood as limited to physical presence. Thus, if the legal acts underlying the execution of a deed have already been recognized and carried out electronically, the deed-making process should likewise be able to accommodate technology-based mechanisms.

However, one of the principal challenges in implementing the cyber notary concept lies in establishing a system that ensures confidentiality and security. Such a system is essential to protect electronic data associated with the exchange of information relating to notarial deeds from cybercrime. Since the cyber notary concept does not require the physical presence of the parties, a reliable mechanism is necessary to verify and authenticate their identities. Accordingly, an independent and trusted authority is required to examine and validate the

accuracy of the parties' identity data. This authority is known as a Certification Authority (CA). In this capacity, the CA provides assurance regarding the identities of parties who have satisfied the applicable verification requirements by issuing a digital certificate. Possession of such a certificate enables the holder to engage in electronic transactions with a level of trust and legal certainty recognized by other parties (Ananingdyah, 2017). The digital certificate functions as the electronic equivalent of a government-issued identity card (Kartu Tanda Penduduk), the authenticity of which has been verified by the Certification Authority (CA).

In contrast to Indonesia, according to the Looking Glass Summer article entitled "How Remote Online Notarization Works in the U.S. Now," the implementation of Remote Online Notarization (RON) in the United States enables notaries to conduct the notarization process through live, two-way audio-video communication technology, allowing the notary and the signatories to participate from different locations. The RON process generally consists of the following stages:

1. Preliminary Review (Pre-Check)

The notary first confirms that they are authorized to perform Remote Online Notarization under the laws of the state in which they are commissioned.

2. Technology Setup;

The notarization is conducted through an electronic platform that complies with the standards established by the relevant state. Such platforms typically provide secure audio-video communication, identity verification, authentication of government-issued identification documents, electronic document sealing, and electronic journal features.

3. Identity Verification

The signatory's identity is verified through Knowledge-Based Authentication (KBA) and authentication of a government-issued identification document. The notary then compares the verified identity with the signatory appearing in real time through the audio-video communication platform.

4. Live Notarization (live session)

The notary and the parties connect through a live audio-video communication platform. During this session, the notary must ensure that the signatories are acting voluntarily and fully understand the legal act they are undertaking.

5. E-Sign/Electronic Signing

The parties electronically sign the document, after which the notary applies an electronic seal and digital certificate to authenticate the notarial act.

6. Recordkeeping and Document Retention

The RON platform automatically creates an audio-video recording of the entire notarization session and records the transaction in the notary's electronic journal.

7. Document Delivery

Once authenticated, the electronic document is delivered to the relevant parties.

The implementation of RON illustrates that notaries and the parties can effectively interact through digital platforms without compromising the integrity of the notarization process. In contrast, although Indonesia has implemented electronic identity (ID) cards (*KTP Elektronik*), notaries are still unable to conduct identity verification electronically. This gap could actually be addressed through an electronic verification (e-verification) system that integrates population identification numbers (Nomor Induk Kependudukan/NIK) and taxpayer identification numbers (Nomor Pokok Wajib Pajak/NPWP) into notarial services (Lumbuun, 2025). Indonesia fundamentally has already possesses a sufficient legal foundation in order to expand/broaden the interpretation of personal appearance beyond physical presence and conventional methods. The law should remain as something that it adaptive and progressive. Otherwise, it it will falter behind the evolving needs of society.

## CONCLUSION

Law, by its nature, must essentially be able to adapt to technological advancements and the evolving needs of society. Notarial practice in Indonesia continues to adhere to a conventional paradigm influenced by the principle of *Tabellionis Officium Fideliter Exercebo*, particularly in its interpretation of personal appearance as requiring the physical presence of both the notary and the parties. The physical presence of the parties is considered a prerequisite for the authenticity of a notarial deed, which is interpreted on Article 1868 of the KUHPerdata and Article 16 Paragraph (1) letter m of the UUJN. Nevertheless, Indonesia has introduced several legal developments that reflect a growing recognition of electronic media in legal transactions. These include the recognition of electronic transactions under the UU ITE, the acknowledgment of the cyber notary concept in the UUJN, and the digitalization of legal administrative services through the AHU Online system. This condition demonstrates Indonesia's willingness to embrace digital technology, making it increasingly difficult to justify interpreting personal appearance exclusively as physical presence before a notary.

The expansion of the meaning of the personal appearance is very juridically possible through the harmonization of the legal framework governing the notary's authority to execute electronic notarial deeds under the UUJN and the UU ITE. Such harmonization is essential to eliminate legal uncertainty concerning a notary's authority to execute electronic deeds and to prevent any downgrading in the evidentiary value of notarial, such as Article 1 (7) UUJN, Article 16 (1) m UUJN, and Article 15 (3) UUJN. These could leave a room for a more progressive legal interpretation that responds to technological advancements and the evolving needs of society. The experience of the United States further reinforces this view. Through Remote Online Notarization (RON), notaries and the parties are able to complete identity verification, deed reading, electronic signing, and document authentication remotely. Its implementation has also been supported through the *Revised Uniform Law on Notarial Act* (RULONA), especially in *Section 14A* of RULONA which comprehensively regulates remote notarial practice without limiting personal appearance to physical presence alone.

Thus, the author argues that expanding the meaning of personal appearance is no longer merely an option, but an inevitable necessity in the rise of technological advances in this era. However, one of the principal challenges in implementing the cyber notary concept lies in establishing a system that ensures confidentiality and security. Such a system is essential to protect electronic data associated with the exchange of information relating to notarial deeds from cybercrime. Since the cyber notary concept does not require the physical presence of the parties, a reliable mechanism is necessary to verify and authenticate their identities. Recognizing electronic presence as a valid form of personal appearance would create greater harmony between technological innovation, societal needs, and the fundamental objectives of the law by promoting legal certainty, utility, and a more effective implementation of legal acts.

## REFERENCE

- Ananingdyah, R. (2017). Peran Notaris Selaku Registration Authority dalam Penyelenggaraan Sertifikat Elektronik. Tesis Magister Kenotariatan Universitas Indonesia.
- Aulia, F. N., Ali, M., & Sari, N. K. (2025). Rekonstruksi Asas *Tabellionis Officium Fideliter Exercebo* Dalam Perspektif Cyber Notary: Studi Perbandingan Indonesia dan Amerika Serikat. *Acten Journal Law Review*, 2(2), 169-187.  
<https://doi.org/10.71087/ajlr.v2i2.33>
- Budiono, H. (1998). Akta otentik dan notaris pada sistem hukum Anglo-Saxon dan sistem hukum Romawi. In *Percikan gagasan tentang hukum III: Kumpulan karangan ilmiah alumni FH Unpar*. Mandar Maju.

- Chastra, D. F. (2021). Kepastian Hukum Cyber Notary Dalam Kaidah Pembuatan Akta Autentik Oleh Notaris Berdasarkan Undang-Undang Jabatan Notaris. *Indonesian Notary*, 3(2), 248-267.  
<https://scholarhub.ui.ac.id/notary/vol3/iss2/17>
- Efendi, J., & Ibrahim, J. (2018). *Metode Penelitian Hukum: Normatif dan Empiris*. Prenada Media.
- Halim, A. (Ed.). (2021). *Penegakan hukum di masa pandemi Covid-19*. Kencana.
- Iqbal, M. (2022). Kepastian Hukum Akta E-RUPS yang Dibuat Notaris Menurut Asas Tabellionis Officium Fideliter Exercebo. *Repertorium*, 11(1), 81-91.  
<https://doi.org/10.28946/rpt.v11i1.1729>
- Looking Glass Runners. (2025). *How Remote Online Notarization Works in the U.S. Now. How Remote Online Notarization Works in the U.S.*  
<https://www.lookingglassrunners.com/blog>
- Lumbuun, R. S. (2025). Inovasi dan Transformasi Digital dalam Meningkatkan Efektivitas Pelayanan Kenotariatan di Indonesia. *Jurnal Hukum dan Konstitusi*, 2(1), 1-11.  
<https://doi.org/10.64272/drg66612>
- Makarim, E. (2012). *Notaris dan Transaksi Elektronik: Kajian Hukum tentang Cybernotary atau Electronic Notary* (2nd ed.). Rajawali Pers.
- Makarim, E. (2019). *Notaris & transaksi elektronik: kajian hukum tentang cybernotary atau electronic notary* (3rd ed.). PT RajaGrafindo Persada.
- Nurita, E. (2012). *Cyber notary: pemahaman awal dalam konsep pemikiran*. Refika Aditama.
- Nurlaili, A. (2021). *Perkembangan Konsep Menghadap Notaris dalam Pembuatan Akta Ditinjau dari Perspektif Cyber Notary*. (Tesis Magister, Universitas Indonesia).  
<https://lib.ui.ac.id/detail?id=20517006&lokasi=lokal>
- Primananda, E., Ragil, W., & Simatupang, D. P. (2021). Analisis Penerapan Sistem AHU Online pada Ditjen AHU, kemenkumham Republik Indonesia: Suatu Kajian Yuridis Normatif. *Jurnal Meta-Yuridis*, 4(1), 123-139.  
<https://journal.upgris.ac.id/index.php/meta-yuridis/article/view/7990/3962>
- Rahardjo, S. (2006). *Membedah hukum progresif*. Penerbit Buku Kompas.
- Rizkianti, W., Hutabarat, S. M. D., Nugroho, A. A., Firdaus, M. B., & Latri, A. A. (2025). Cyber Notary di Indonesia: Tantangan, Peluang dan Kebutuhan Rekonstruksi Hukum. *Notaire*, 8(1), 123-140.  
<https://doi.org/10.20473/ntr.v8i1.67806>
- Santoso, A. P. A., Rifai, A., Wijayanti, E., & Prastyanti, R. A. (2022). *Pengantar Metodologi Penelitian Hukum*. Pustaka Baru Press.
- Septian, I. F., & Abdurahman, A. (2021). Status Hukum Penjelasan Undang-Undang Berdasarkan Sistem Peraturan Perundang-Undangan Indonesia. *Jurnal Hukum & Pembangunan*, 51(3), 802-826.  
<https://scholarhub.ui.ac.id/jhp/vol51/iss3/16>
- SJKP LAW FIRM LLP. (n.d.). *E-Sign Act: Legal Validity of Electronic Signatures*.  
<https://www.daeryunlaw.com/us/practices/detail/e-sign-act>
- Tan, W., Agustini, S., & Situmeang, A. (2024). The Urgency of Implementing a Cyber Notary in Indonesia: A Comparative Study with The United States. *SASI*, 30(3), 274-286.  
<https://doi.org/10.47268/sasi.v30i3.2258>
- Untono, A. D. (2022). Perluasan Makna Unsur Berhadapan dalam Penandatanganan Akta Notaris Sesaat dan Sesudah Pandemi Corona. *Repertorium*, 11(2), 152-161.  
<https://doi.org/10.28946/rpt.v11i2.1916>
- Wasis, S.P. (2002). *Pengantar Ilmu Hukum*. UMM Press.
- Widianti, F. D. (2022). Dampak Globalisasi di Negara Indonesia. *JSIP (Jurnal Inovasi Sektor Publik)*, 2(1), 73-95.

<https://doi.org/10.38156/jisp.v2i1.122>

Wijaya, M. D. A., Soepeno, M. H., & Goni, C. J. J. G. (2024). Akibat Hukum Terhadap Akta Notaris yang Tidak Dibacakan dan Ditandatangani oleh Klien Secara Bersama-sama Berdasarkan Undang-Undang Nomor 2 Tahun 2014. *Lex Privatum*, 13(5).  
<https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/57065>