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IMPLICATIONS OF THE USE OF ELECTRONIC DATA STORAGE SYSTEMS FOR NOTARY PROTOCOLS

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Abstract: *In the digital era, electronic data storage of Notary protocols has become a new habit in welcoming the development of technology 4.0, electronic data storage is considered more in line with the needs of the times which demand ease of storing, managing and minimizing damage to notary protocol archives, in carrying out their duties and positions, the Notary is obliged to store and maintain the protocol, while the purpose of this writing is to analyze the mechanism of electronic data storage of notary protocols, legal arrangements, legal status and legal implications of electronic data storage related to notary protocols,*

Key Words: *Implications, Electronic Data, Notary Protocol Storage.*

1. INTRODUCTION:

Juridically, electronic data management arrangements have been regulated in the Electronic Information and Transaction Law, the Archive Law, and Archive Regulation No. 6 of 2021. However, between the Law on Information and Electronic Transactions, the Law on Archives, the Law on the Position of Notary, there has not been any harmonization of law because the Law on the Position of Notary is still conventional.

2. THEORITICAL FRAMEWORK:

a. Legal Certainty Theory
According to Sudikno Mertokusumo, legal certainty is a guarantee that the law is enforced, that those entitled by law can obtain their rights and that decisions can be enforced.[1]
b. Legal Protection Theory
According to Satjito Rahardjo legal protection is an effort to protect someone's interests by allocating a human right to him to act in the context of his interests.[2]

3. LITERATURE REVIEW:

Data is a basic description, initial facts that are not yet clear from matters, events, activities and transactions that are captured, recorded, stored and clarified but not organized to be able to express any special meaning. An example of data is a record of a bank account balance.[3]

In Liang Gie's opinion, the notion of an archive is a collection of documents that are stored systematically because they have a function so that whenever needed they can be quickly retrieved.[4]

According to Harlien Budiono, a notary is a public official who is responsible for making a written statement intended as evidence of legal actions.[5]

4. METHOD:

The method used in this study is the method of normative juridical approach, namely law that is carried out on legal principles, legal systematics, legal synchronization, legal history and comparative law.[6]

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5. DISCUSSION:

The current development of electronic state document data storage is population documents, for example Electronic Identity Cards (electronic KTP/*e*-). The Department of Population and Civil Registration (Dispendukcapil) has implemented the Population Administration Information System (SIAK). This is an electronic storage system that stores population registration data and other civil records. The notarial deed is the same as the electronic identity card which is a state archive. Electronic Identity Cards and notary deeds are documents used for the implementation of state and community life in terms of public services. According to Mustari Irawan, from an archival perspective, archives can be determined when they are destroyed or made permanent. Seeing the urgency of the notary's protocol, the notary's protocol can be classified as a vital archive because the archive must exist as long as the notary performs his role. Digital or physical storage is also possible.

6. ANALYSIS:

A. The Urgency for the Use of Electronic Data Based on Notary Position Regulations

As a public official who provides public services, a Notary is also required to be able to deal with emergency situations and be able to carry out his service *online*. In the elucidation of Article 15 paragraph (3) of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (UUJN-P) it has been alluded to that Notaries have another authority, namely to certify electronically or also known as *cyber notary*. However, further arrangements regarding the *cyber notary* have not yet been regulated. For the position held by a Notary, the Notary has a job that has been regulated by the authority that is in him, the Notary has the authority to make authentic written evidence in accordance with the circumstances, events, and the parties. Then the written evidence must be stored properly, this is stated in Article 1 number (13) UUJN-P which states that "Notary Protocol is a collection of documents which are state archives that must be stored and maintained by a Notary in accordance with statutory provisions.

B. Implications of Using Electronic Data Storage Systems for Notary Protocols

Legal remedies that can be taken to realize notary protocol storage in electronic form, in the absence of laws and regulations that explicitly regulate electronic storage of notary protocols in the Notary Office Act, are only in the Elucidation of Article 15 paragraph (3) which states the possibility of a notary to certify transactions carried out electronically (*cyber notary*) as well as the restrictions provided by the Information and Electronic Transactions Law in Article 5 paragraph (4) that electronic documents do not meet the requirements for document authenticity as stipulated in Article 1 point 7 of the Office Law Amendment Notary and Article 1868 of the Civil Code, making the electronic transfer of notary protocol storage can only function as a *back up* not as a copy that has binding force. Therefore, it is necessary to revise the relevant legislation so that the electronic storage of protocols carried out with an electronic system whose operation is in accordance with the applicable laws and regulations has the same evidentiary strength as the original.

7. CONCLUSION

From the discussion as explained earlier, several conclusions can be drawn, including:

1) The urgency of regulating electronic data storage protocols cannot be separated from developments in technology and existing electronic systems. In addition, community development has developed towards a society 5.0 system, so the notary profession needs to develop along with technological developments.
2) The mechanism for storing notary protocols electronically by a notary can be used to process media transfer from printed, audio, video documents to digital or *scanning form*, then the Notary protocol data storage media can be via *flashdisk*, *hard disk* and *cloud computing* (*google cloud*), there is Electronic documents produced through this process can be opened when needed and copies made for further use representing damaged or lost notary protocols.
3) Juridically, electronic data management arrangements have been regulated in the Electronic Information and Transaction Law, the Archive Law, and Archive Regulation No. 6 of 2021. However, between the Law on Information and Electronic Transactions, the Law on Archives, the Law on the Position of Notary, there has not been any harmonization of law because the Law on the Position of Notary is still conventional.

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