

A NOTARY DEED'S ESSENTIAL FEATURES FOR E-MEDIA TRANSACTIONS

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Abstract

E-media transactions have emerged as a result of the quick development of technology, bringing efficiency and ease to a variety of economic and legal exchanges. However, establishing confidence and defending the interests of the parties involved depend on maintaining the legality and security of these electronic transactions. A key instrument in achieving this is the Notary Deed for e-media transactions. This paper explores the important features of a Notary Deed for e-media transactions, including authentication and certification of identities, secure electronic signatures, time stamping, data integrity, and compliance with legal and regulatory frameworks. By incorporating these features, the Notary Deed establishes a solid legal framework that enhances the authenticity and integrity of e-media transactions. It guarantees identity verification, inhibits data tampering or manipulation, and ensures adherence to all relevant laws and regulations. The study's findings help stakeholders navigate the legal environment of electronic transactions while fostering trust and confidence in the digital world by illuminating the critical elements that must be present in a Notary Deed for e-media transactions.

Keywords: E-Media Transactions, Notary Deed, Legal Compliance

Introduction

The use of electronic media (e-media) for transactions has increased in popularity as the digital era becomes more sophisticated. When buying items, ordering services, or even signing documents, e-media transactions have revolutionized the way we conduct transactions because of their speed, convenience, and efficiency. Although e-media transactions are convenient, there are still some legal concerns that must be resolved in order to guarantee the security and legitimacy of such transactions.

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One of the important things in e-media transactions is the need for validation and validity of legal transactions. In an offline environment, the legitimacy of a transaction is often guaranteed by the physical presence of the parties involved and their signatures on paper documents. However, in e-media transactions, the physical presence of the parties is not always possible, and physical signatures cannot be obtained either (Notaris dan PPAT Online, 2020).

To overcome this problem, the role of the Notary Deed is very important in e-media transactions. Notary deed is an official document drawn up and signed by a legally authorized notary. The Notary Deed provides legal validation of the transaction and provides strong evidence regarding the agreement reached by the parties. In the context of e-media transactions, the Notary Deed can reactivate physical signatures by providing valid and legally binding electronic signatures. In addition, the use of a Notary Deed in e-media transactions also provides important legal protection. In the event of a dispute or quarrel at a later date, the Notary Deed can be strong evidence in court to resolve the problem. Thus, the Notary Deed helps create legal certainty for the parties involved in e-media transactions. It is important to note that the use of a Notary Deed in e-media transactions is not only beneficial for the parties directly involved, but also for society as a whole. With the Notary Deed, the public can have confidence in the legitimacy and security of e-media transactions, thus encouraging further adoption and growth in the use of e-media in various business activities (Putra, 2021).

In the context of e-media transactions, the Notary Deed has an important role in ensuring the legitimacy and security of electronic transactions. However, there are several problems that need to be overcome so that the implementation of the Notary Deed in e-media transactions can run effectively and successfully. One of the main problems is the trust and legitimacy of e-media transactions involving Notary Deeds. Even though electronic signatures are considered legally valid, there are still concerns about the security and integrity of these signatures, so that the parties involved may doubt the legitimacy of the transaction and the security of the resulting electronic documents.

Other problems related to technology infrastructure also need attention. Notaries need to have adequate software and systems to produce legal and safe electronic signatures. In addition, the technological infrastructure used by the parties involved in the transaction must also be sufficient to receive and store electronic documents accompanied by a Notary Deed. Compatibility and interoperability between systems used by notaries, related parties, and other related institutions are also challenges that need to be overcome. Protection of personal data is also an important issue in e-media transactions involving Notary Deeds. Data and personal information are frequently exchanged between the parties in this situation. As a result, suitable action must be taken to ensure the protection of personal data and adherence to relevant laws. In addition, there is a difficulty with the use of Notary Deeds in electronic media transactions that needs to be resolved. This knowledge limitation may hinder wider adoption and implementation. Therefore, it is important to raise awareness and provide education to relevant stakeholders about the importance of using a Notary Deed in e-media transactions (Agustin, 2021).

The implication of the characteristics of electronic notaries in transactions through electronic media is the potential to increase efficiency, speed, and accessibility in the notarization process. With transactions that can be carried out online, individuals and businesses can save time and costs associated with physical meetings. In addition, electronic notaries also offer a high level of security through identity verification methods and data encryption, which can help prevent fraud and manipulation. This implication also extends to cross-border recognition, where electronic notaries can facilitate transactions between countries more easily. Overall, the implementation of electronic notaries has the potential to increase efficiency, accessibility, and security in the process of notarizing transactions through electronic media.

Research Method

This research is a research with a normative approach, which aims to examine the legal aspects of the Notary Deed in the context of e-media transactions. The method used in this research is the legal method (statute approach) and the conceptual approach. This approach was chosen because this research focuses on the analysis of laws and regulations related to Notary Deeds and e-media transactions, as well as thoughts related to these issues. This research refers to various relevant laws and regulations, such as Law no. 2 of 2014 concerning Amendments to Law no. 30 of 2004 concerning the Position of Notary, Law no. 11 of 2008 concerning Information and Electronic Transactions, as well as other related regulations. In addition, this research also explores thoughts and concepts related to e-media transactions and personal data protection.

The sources used in this research are accredited and reputable journals indexed by databases such as Google Scholar, DOAJ (Directory of Open Access Journals), EBSCO, Sinta (National Journal Information System), and Scopus. The use of these reliable sources ensures that the analysis carried out in this study is based on accurate and verified information. Understanding and analyzing the laws and rules governing Notary Deeds in e-media transactions is crucial in the context of this research. This entails comprehending the appropriateness of the technological infrastructure utilized in the transaction, the validity of electronic signatures, the authenticity of electronic documents, the security of personal data, and the legality of electronic signatures. This study aims to provide a better understanding of the significance of Notary Deeds in e-media transactions and highlight issues that need to be resolved to ensure successful implementation using a normative approach and legal methodology.

Results and Discussion

The important features of a Notary Deed for e-media transactions are closely linked to various laws and legal considerations. Compliance with electronic signature laws is crucial, as the Notary Deed should align with the applicable regulations regarding the types of electronic signatures recognized and the requirements for their validity. Data protection and privacy laws are also significant, as the Notary Deed must comply with regulations governing the collection, use, storage, and sharing of personal data during the transaction. Contract law principles should be incorporated to ensure the formation of valid and enforceable contracts, while consumer protection laws should be considered to safeguard consumers from unfair practices and provide transparency in the transaction. Adherence to evidence and admissibility laws is vital to ensure that the records and documentation

produced in e-media transactions are legally recognized and admissible in court. By aligning with relevant laws, the Notary Deed establishes a legal framework that upholds rights, ensures compliance, and facilitates the enforceability of e-media transactions (Sugita, 2020).

Authentication and Certification of Identity

One of the key features of a Notary Deed in e-media transactions is the authentication and certification of the parties' identities. In traditional paper-based transactions, the presence of the parties and their physical signatures provide a level of assurance regarding their identities. In e-media transactions, this assurance needs to be established through secure electronic means, such as digital signatures or other cryptographic methods (Wartoyo, 2022). The Notary Deed should include mechanisms to verify the digital identities of the parties involved, ensuring the integrity and authenticity of the transaction.

In e-media transactions, identity authentication and certification are the main features that are important in the Notary Deed. In the case of conventional paper-based transactions, the parties' physical presence and signatures guarantee their identities. However, a secure authentication system is required in e-media transactions, where the interaction is conducted electronically, to confirm the parties' identities. To achieve identity authentication and certification in e-media transactions, the use of digital signatures is important. A digital signature is an electronic form of a conventional signature that can provide legitimacy and integrity to electronic documents. Digital signatures use cryptographic technology to generate a unique code associated with a person's digital identity (Solichah, 2023). The identity identification mechanism in the Notary Deed could make use of a digital certificate issued by a reliable certificate authority. The public key that is needed to verify digital signatures as well as details about the owner's identity are all included in this digital certificate. The parties will employ their digital signatures during the e-media transaction process, and these signatures will be confirmed using the public key contained in the digital certificate (Humaira, 2022). Additional security measures can also be put in place to guarantee the veracity of identity in e-media transactions. Using a two-factor authentication system, for instance, requires the parties to provide more information than just a digital signature, such as a password or SMS verification number. This helps strengthen identity validity and protect transactions from fraudulent activity. The importance of identity authentication and certification in the Notary Deed for e-media transactions is to provide confidence and legal certainty in electronic transactions. By using a strong authentication mechanism, the identities of the parties can be verified safely and transactions can be considered legal and legally protected.

Secure Electronic Signatures

Electronic signatures are a fundamental element of e-media transactions. A Notary Deed for e-media transactions should incorporate the use of secure electronic signatures that comply with relevant laws and regulations. These electronic signatures ought to guarantee the transaction's legitimacy, honesty, and non-repudiation. The exact conditions for electronic signatures, such as the use of cryptographic techniques and adherence to applicable standards, should be included in the notarial deed (Kie, 2007).

A Notary Deed must include secure electronic signatures because they are fundamental to e-media transactions. Electronic signatures are used to validate the integrity and authenticity of electronic documents and act as the digital equivalent of handwritten signatures. It is important to make sure that electronic signatures used in e-media transactions adhere to all applicable laws and rules. Clear instructions and conditions for

the use of secure electronic signatures should be included in a notarial deed. To protect the confidentiality and integrity of the signature, these rules may call for the employment of cryptographic techniques such as asymmetric encryption (Paripurno, 2022).

The Notary Deed includes secure electronic signatures so that the parties to e-media transactions can be sure that the documents are authentic and cannot be revoked. The signatory cannot later retract their participation in the transaction due to non-repudiation. This offers legal clarity and aids in avoiding disagreements over the veracity of the documents. The usage of digital certificates issued by reliable certification authorities may also be covered by the Notary Deed. Digital certificates are used to confirm the signer's identity and confirm that the electronic signature belongs to a certain person or business. The parties can trust that the documents are genuine, honest, and legally enforceable by include secure electronic signatures in the Notary Deed for e-media transactions. This encourages trust in digital transactions and makes it easier for legal proceedings to accept electronic papers (Tarkowski & Włodarczyk, 2018).

Timestamping and Data Integrity

In e-media transactions, the issue of data integrity is paramount. To ensure the integrity of the transaction, a Notary Deed should include provisions for timestamping. Timestamping involves the use of trusted time sources to record the exact time at which a transaction takes place. This feature is essential for establishing the chronological order of events and preventing tampering or manipulation of the transaction data. The Notary Deed should specify the requirements for reliable and secure timestamping mechanisms to ensure the accuracy and integrity of the transaction records (Lubis, 2022).

In e-media transactions, maintaining the integrity of data is crucial to establishing trust and reliability. Timestamping is a critical feature that helps ensure the accuracy and chronological order of events in a transaction. By incorporating timestamping provisions in a Notary Deed for e-media transactions, the exact time of the transaction can be recorded using trusted time sources. This timestamp acts as a digital seal, providing evidence of when the transaction occurred. Timestamping serves several important purposes. First, it establishes a clear timeline of events, which is particularly important when multiple transactions are involved or when disputes arise. It allows parties to verify the sequence of actions and provides a reliable basis for decision-making and legal proceedings (Nafri, 2019).

Second, timestamping enhances data integrity by preventing unauthorized alterations or tampering with transaction records. The timestamp acts as a digital fingerprint, creating a unique identifier that is difficult to forge. Any subsequent modifications to the data can be easily detected, ensuring the integrity and authenticity of the transaction. To ensure the reliability and security of timestamping, the Notary Deed should specify the requirements for trusted and secure timestamping mechanisms. These mechanisms may involve using certified time-stamping authorities or employing cryptographic methods to create a digital signature that incorporates the timestamp. Compliance with recognized standards and regulations in timestamping practices should also be emphasized to ensure interoperability and legal validity. By including timestamping provisions in a Notary Deed for e-media transactions, the parties involved can have confidence in the accuracy, integrity, and authenticity of the transaction records. This helps foster trust, transparency, and accountability in the digital landscape, ultimately promoting the widespread acceptance and adoption of e-media transactions (Krisyanto, 2019).

Compliance with Legal and Regulatory Framework:

The applicable legal and regulatory framework governing such transactions must be complied with by a Notary Deed for e-media transactions. This involves abiding by rules

and laws pertaining to digital signatures, data security, personal privacy, and consumer protection. The Notary Deed should make it clear what must be done legally in order for the transaction to be enforceable and valid. It should also address any specific considerations or limitations that arise in the context of e-media transactions (Adjie, 2008).

A Notary Deed for e-media transactions must be compliant with the legal and regulatory framework. E-media transactions must comply with all existing laws and regulations because they employ digital technology and include the exchange of data. One key area of compliance is electronic signatures. Different jurisdictions have specific laws and regulations governing the use and acceptance of electronic signatures. The Notary Deed should outline the requirements for electronic signatures to be considered valid and legally binding. This may include using secure electronic signature methods that comply with recognized standards and provide adequate authentication and non-repudiation measures (Kuspratomo, 2019).

Data protection and privacy are also significant considerations in e-media transactions. In order to ensure compliance with pertinent data protection legislation, the Notary Deed should specify how personal information is gathered, used, and kept during the transaction. The parties involved's rights and obligations with regard to the handling and protection of personal information should be expressly stated. Additionally, consumer protection is crucial in all e-media interactions, particularly in those involving online contracts and commerce. The Notary Deed should incorporate provisions to safeguard the rights and interests of consumers, ensuring transparency, fair practices, and dispute resolution mechanisms (Makarim, 2013).

Additionally, the Notary Deed should take into account any specific considerations or limitations that arise in the context of e-media transactions. This may include addressing issues such as electronic record retention, electronic delivery of documents, jurisdictional challenges, and cross-border transactions. It should provide clarity on how these challenges are addressed within the legal framework to ensure the validity and enforceability of the transaction (Tsary, 2022). By ensuring compliance with the legal and regulatory framework, a Notary Deed for e-media transactions provides a level of assurance and confidence to the parties involved. It helps mitigate legal risks, enhances trust, and promotes the acceptance and validity of e-media transactions in the eyes of the law. It is important for the Notary Deed to be regularly reviewed and updated to align with any changes or developments in the legal and regulatory landscape pertaining to e-media transactions. This ensures that the Notary Deed remains relevant, effective, and in compliance with the evolving requirements of the digital era (Isnaini, 2019).

Conclusion

In conclusion, a Notary Deed for e-media transactions is essential for verifying the legitimacy, authenticity, and legality of electronic transactions. Establishing trust, preventing fraud, and making e-media transactions more enforceable all depend on the key components of such a deed, such as identity authentication and certification, secure electronic signatures, timestamping, data integrity, and compliance with legal and regulatory frameworks. The Notary Deed creates a strong legal framework that protects the interests of parties concerned and encourages the use of e-media transactions by including these elements and adhering to pertinent laws and regulations. As technology continues to advance and e-media transactions become more prevalent, it is imperative to develop and implement robust Notary Deed practices that address the unique challenges and requirements of electronic transactions, thereby fostering confidence and security in the digital realm.

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