

CYBER NOTARY - AMENDMENT TO LAW ON NOTARIES

Mar 24, 2014

An amendment to Law No. 30 of 2004 pertaining to Notary was issued on 15 January 2014 (**Law No. 2 of 2014**). The amendment came into force on its issuance date and various amended provisions were introduced, such as provisions on requirements for the appointment of a notary, confirmation of the Indonesian language as the formal language of a notarial deed or obligations of a notary and restriction on double positions. A number of interesting points were also addressed. For example the authorities of a notary that may be given by a law as provided in Article 15 of the Law on Notaries also cover, among others, the authority to certify electronic transactions (cyber notary). It is unclear how the cyber notary provisions will be implemented in practice. The development of electronic transactions has been a concern to many notaries who are concerned that a notary's services may be eliminated. Law No. 2 of 2014 provides that the implementing regulations are expected to be available within 1 year. Likewise concrete guidelines on finger print requirements might also be provided in the implementing regulation. This is because, in addition to the signatures of the parties, a notarial deed must now be completed with finger prints (ie thumb print) of the parties. In the past, thumb prints were necessary only if the parties to notarial deeds were illiterate or not able to sign due to illness.