



Comparison Authority Notary Public in Electronic Deed Creation: Studies Comparative Indonesia and Country Part West Virginia

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Article Info

ISSN (online): 2582-7138

Volume: 06

Issue: 03

May-June 2025

Received: 16-04-2025

Accepted: 10-05-2025

Page No: 1118-1

Abstract

This study discusses the comparative analysis of authority between Notary Publics in Indonesia and West Virginia in the creation of electronic deeds and the validity of deeds that have been legalized by Indonesian Notaries and West Virginia Notaries electronically. The research employs a normative legal approach, utilizing statutory, historical, and comparative methods. The study's results indicate a difference in authority between Indonesian Notaries and those in West Virginia, particularly in the electronic creation of deeds. There are still no clear regulations regarding electronic deeds in Indonesia, while West Virginia has outlined these in the West Virginia Code Chapter 39 and the West Virginia Notary Handbook. The validity of electronic deeds in West Virginia is established in West Virginia Code Chapter 39, Article 4, commonly known as the Revised Uniform Law on Notarial Acts (RULONA). However, Indonesia has yet to enact regulations regarding the validity of electronic notaries.

DOI: <https://doi.org/10.54660/IJMRGE.2025.6.3.1035-1041>

Keywords: Notary Authority, Making Electronic Deeds, Indonesia, West Virginia

Introduction

From the early Middle Ages to the 12th century, English law and Continental European law entered into the same legal system, namely German law. A century later, the situation changed. Continental European countries adopted the civil law system, often called the Continental system. Roman law has altered life in Continental Europe. The system adopted by Continental European countries based on Roman law is called Civil Law. It is called so because Roman law was initially based on the codification of the law of the work great Emperor Justinian Corpus Iuris Civil or Body of Civil Law in the VI century BC (482/483-565) ^[1]. The codification was the culmination of centuries-old Roman legal thought. The codification was a complication of cases resolved in western Rome before Justinian's time ^[2].

The main principles that became the base system of law in Continental Europe are law to obtain strength tie, because they are realized in regulations in the form of laws and arranged systematically in certain codifications or compilations ^[3].

Along with technological advances, it certainly has a significant impact on various professional circles. Man sued for follow development technology which is growing rapidly. Of course, it can be proven by multiple activities involving technology, especially in the era of Society 5.0. Society 5.0 is a concept that is based on technology with various challenges and social problems. It utilises various innovations which has born from the Industrial Revolution 4.0, which aims to improve the welfare of society. With the advancement of technology in the era of Society 5.0, it is very easy for people to make transactions online. On-line which can be done where just without need to conduct face-to-face meetings.

¹ Endric Safudin, *Introduction Knowledge Law*, Equivalent Press, Poor, 2020, Page 1 124.

² Peter Mahmud Marzuki, *Introduction Knowledge Law Edition Revision*, Kencana Prenamedia Group, Jakarta, 2018, pp. 223-224.

³ Endric Safudin, Op. Cit., Page 1 125.

This applies not only to buying and selling transactions but also to the government sector. The government has started implementing online services in its bureaucratic activities so that people do not need to come to the office to take care of their files. This activity has a very positive impact on the community because it can save time and energy. The same is true for bureaucratic activities carried out by notaries in carrying out their duties. In Chapter 1 Number 7 of Constitution Republic Indonesia Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary states that:

“The next Notarial Deed called a Deed is an authentic deed made by or in front of Notary Public according to form and the procedures set out in this Law.”

The chapter shows that an authentic deed's validity must be made in written physical form and carried out before a notary, which means that Indonesia still uses a traditional system. However, due to the COVID-19 pandemic, notary services cannot run optimally, thus affecting the income obtained from service services. It is feared that the parties, founders, or witnesses will cause transmission of the COVID-19 virus, so face-to-face activities must be stopped temporarily.

Legislation in Indonesia has not yet legalized the creation of authentic deeds electronically ^[4]. However, this differs in the United States, Italy, and other countries. This has allowed the Notary Public To make deeds authentic by using a remote system, which is then called Remote Online Notarization. *Remote Online Notarial services are provided by notaries by providing long-distance services using a communication technology system in the form of a website, camera, or audiovisual* ^[5].

The source of law in a country plays a vital role in studying and analyzing something country That Alone matters. This is because we can know or formulate a legal system in the country. In the United States of America, the law is based on statutes and jurisprudence. The sources of law that regulate remote online notaries in the United States are divided into two types, namely ^[6]:

1. Source law or regulation legislation Which the United States federal government has established; and
2. Legislation set by the state.

The laws and regulations set by the United States federal government regarding Remote Online Notary (RON) include:

1. Senate Bill (S. 1625), Securing and Enabling Commerce Using Remote and Electronic Notarization Act 2021, or the Law of 2021 on Securing and Empowering Commercial Activities through Remote and Electronic Notarization, was enacted on May 13, 2021, and is also known as S.1625. This law allows notaries public who have been appointed under state law to perform remote notarization of deeds on electronic documents, including parties who are in remote locations or abroad ^[7].

2. The Model Electronic Notarization Act (MENA) 2017, established at the end of 2016, is the fifth law released by the National Notary Association (NNA) or the National Notary Association of the United States. The purpose of its creation is to increase authenticity, prevent fraud, and become a standard and reference for public notaries in notarizing documents electronically in accordance with their duties and authorities ^[8].

American the Union has 50 (five) tens) countries, each with the authority to regulate its respective regions. 47 (four) twenty-seven) states and the District of Columbia in the United States have authorized the use of Remote Online Notarization (RON). Wrong, one of them is West Virginia. Temporary, a number of countries and other parts are still in the process of compiling and finalizing regulations needed to accommodate this technology ^[9]. The legal basis for Remote Online Notary in West Virginia is derived from ^[10]:

1. Senate Bill 469 (SB 469);
2. West Virginia Code §39-4-6a (COVID-19 RON Validity);
3. West Virginia Code §39-4-37 (Remote On line Notarial);
4. West Virginia Code §39-4-38 (Remote Ink Notarization); And
5. West Virginia Notary Handbook (guide official which published by the Secretary of State of West Virginia).

In the development of modern law, the notary profession plays a vital role in ensuring certainty, order, and legal protection for the community in various civil matters. However, the implementation and position of notaries in multiple countries, including Indonesia and the United States (especially the state of West Virginia), show differences fundamental to which they are interested in studying philosophically, juridically, and theoretically.

Philosophically, Notaries in Indonesia are viewed as public officials based on the principles of public trust and the rule of law. Notaries act as an extension of the state to ensure that action law between subject laws made authentically, legally, and with full evidentiary force. In contrast, in West Virginia, a notary public functions more as an independent witness to the signing of a document, with the primary task of proving the identity of the person party And prevent fraud. Philosophy this is rooted in common law principles that emphasize individual freedom and personal proof before the law.

From a legal perspective, notaries in Indonesia are strictly regulated by law. Number 2 Year 2014 about Position Notary Public (UUJN) gives exclusive authority to notaries to make authentic deeds and determine the form and format of applicable deeds. Notaries are required to undergo special education and are subject to a supervision system-and code ethics profession. On the contrary, in West Virginia, regulations regarding notaries are more administrative, with

⁴ Chapter 5 paragraph (4) Constitution Number 11 Year 2008 about Information And Electronic Transactions.

⁵ Salim HS, *Introduction to Remote Online Notary Law*, Reka Cipta, Bandung, 2023, p. 2.

⁶ Salim HS, *Introduction Law Notary Public Electronic (Introduction to Electronic Notary Law)*, Reka Cipta, Bandung, 2023, p. 8.

⁷ Congress.gov, S.1625-117th Congress (2021-2022): *Securing and Enabling Commerce Using Remote and Electronic Notarization Act of 2021*, <https://www.congress.gov>, May 13, 2021, p. 1.

⁸ Leonine FOCUS, *Electronic and Remote On line Notarization*, <https://afsaonline.org>, July 2022, p. 6.

⁹ Dear, W., West Hutabarat, SMD, Mr. Nugroho, A A, Paradise, MB And Latri, A A, *Cyber Notary in Indonesia: Challenge, Opportunity And Need Reconstruction Law*, Notary, Vol. 8, no. 1 (February 2025), Pg. 130, <https://e-journal.unair.ac.id/>, 25 February 2025.

¹⁰ West Virginia Legislature, *Enrolled Committee Substitute for Senate Bill 469*, <https://www.wvlegislature.gov>, 2021 Regular Session.

relatively simple registration requirements, such as short training and a basic exam, and limited authority to the signature authentication and oath-taking process as outlined in West Virginia Code §39-4-37 (Remote Online Notarial Act) and other related regulations such as Senate Bill 469 of 2021.

In general, the theoretical theory of certainty law (Legal Certainly Theory) underlies the position of Notaries in Indonesia, where Notaries play the main role in ensuring certainty of law, specifically in deed-making authenticity, Which can be used as a tool for proof of perfect ^[11]. Temporary: The Notary in West Virginia does not have the authority to make authentic deeds. Like Notary Public civil law but play a role as an official witness or witness official who is neutral in ensuring the authenticity of identity signing and documents, thus preventing forgery or fraud in legal transactions. Although the duties of a West Virginia Notary (*Common Law*) appear to be the same as a Notary in Indonesia (*Civil Law*) However, authority on Notary Public in West Virginia (United States) is very limited ^[12].

These differences are significant to study further to understand how the concept of the rule of law, the needs of society, and the legal system of each country shape the role and function of Notaries. This study is expected to provide theoretical contributions to the development of notarial law in Indonesia, especially in facing the challenges of globalization and legal harmonization. Cross country. See the difference the writer is interested in comparing the authority of notaries in Indonesia with Notary Public West Virginia, Which is titled "Comparison "The Authority of Notaries in Indonesia with West Virginia Notaries in the Validation of Business Contracts".

Based on the background description above, the author formulates two main problems, as follows: how is the authority of a Notary Public in Indonesia compared to a Notary in West Virginia? And the validity of a deed Notary Public which has been approved by an Indonesian Notary with a West Virginia Notary?

Research Methods

The type of research used is study Law Normative. Study law normative is studying law that places law as a building of a normative system. The normative system in question concerns the principles, norms, rules of legal regulations, court decisions, agreements, and doctrines (teachings) ^[13].

In legal research, there are several types of approaches that can help the writer gather information from various aspects related to the problem being studied to find the answer. The approaches used in this study are the Legislation approach and the legal approach. This study examined all laws and regulations related to legal issues that are currently discussed (researched) ^[14]. Approach this is done by studying conformity between a Constitutions by law or between the laws with the Constitution Base or regulations and laws. Historical Approach (Historical Approach) is, an approach done with to examine the background behind what is studied And the development arrangement about the issue the law

faced ^[15]. The study was conducted to reveal the relevance between the past and the present so that it will provide answers to the problems written in the problem formulation above. Approach Comparative is an approach that aims to compare or contrast one of the legal institutions of a legal system with another institution's law from system law, other or in other countries ^[16]. Utility from the approach this is For to obtain similarities and differences between the laws of Indonesia and West Virginia. With this comparison, researchers will gain an overview of the substance of the laws in both countries.

The technique used is through studies. Literature is, in a way, directed, along with online Internet resources and e-journals, to provide information so that legal objectives can be realized, which is certainly law fair and relates to the problem being studied. The processing of legal materials that have been collected is carried out in stages: inventory, identification, classification, and systematization. All collected legal materials are then processed, reviewed, and analyzed according to the legal issues faced, leading to a conclusion. In this research, deductive inference draws conclusions from a general problem regarding the concrete challenges at hand, allowing for a concrete result concerning the difference in authority over notaries in Indonesia and notaries in West Virginia. Additionally, classification of articles related to the validity of notarial deeds, concepts, and opinions of legal experts is also important.

Discussion

1. Comparison authority notary public Indonesia and notary public of West Virginia (United States)

a. Notary according to system law in Indonesia

The development of law in Indonesia has emerged independently of the Dutch colonial period. The legal culture of mainland Western Europe, including countries like France, the Netherlands, Germany, Italy, Spain, Portugal, and Greece, along with nations in Asia and Africa that were once colonized or became part of their colonies, such as Indonesia, Vietnam, Cambodia, and Congo, is largely influenced by codified law, particularly the *Corpus Iuris Civilis*. Mainland Europe and several of its former colonies are shaped by the Roman legal tradition.

As a result, the laws and regulations in Indonesia adhere to the principle of concordance, namely the principle that the regulations in force in the Netherlands also apply to the Dutch East Indies government (Indonesia). This resulted in Indonesia adopting a civil law system, especially in the field of notaries. In Indonesia and countries that adhere to civil law, the term used for Notaries Public is notary, which originates from Latin ^[17].

The rule about position Notary Public in Indonesia First time regulated in the Instructions Voor de Notarissen Residentende in Netherlands Indie with State Gazette year 1822 Number 11, issued on March 7, 1822. Then, the Dutch East Indies Government on July 1, 1860, issued Regelement op Het Notaris Ambt in Indonesia (Staatblad No. 3 date 26 January 1860), Ordinance 16 September 1931 concerning

¹¹ Chapter 1868 Book Constitution Law Civil.

¹² Jason Burke, Who is a Notary? A Comprehensive Reviews, <https://drlegalprocess.com>, September 14, 2023.

¹³ Mukti Dawn Nur Gods And Yulianto Ahmad, *Dualism Study Law Normative and Empirical*, Pustaka Pelajar, Yogyakarta, 2017, p. 34.

¹⁴ Muhaimin, *Method Study Law*, Mataram University Press, Mataram, 2020, Page 56.

¹⁵ Amiruddin And Zainal Cool, *Introduction Method Study Law*, KingGrafindo The State, Jakarta, 2016, Page 1 165.

¹⁶ Morris L. Cohen in Muh. Asparagus, *Method Study Law*, University November 19th, Kolaka, 2015, p.

¹⁷ Nadhif M. Alkatiri *et al*, *Comparison Task And Authority Notary Public Indonesia and the United States*, Yogyakarta, Tanah Air Beta, 2021, p.12.

Notary Honorarium ^[18]. This regulation is the basis for development regulations about the Notary Public in Indonesia.

The requirements that must be met to become a Notary in Indonesia, as stated in Article 3 of the Notary Law, are ^[19]:

- a. Inhabitant Indonesian country;
- b. Be pious to God Which Maha One;
- c. Be at least 27 years old;
- d. Physically and mentally healthy as evidenced by a health certificate from a doctor and psychiatrist;
- e. Holds a law degree and a notary master's degree;
- f. Have undergone an internship or have actually worked as a notary employee for a minimum of 24 consecutive months at a notary's office on their own initiative or on the recommendation of a notary organization after graduating from a notary's master's degree;
- g. Not having the status of a civil servant, state official, advocate, or not currently holding another position which by law prohibits him from holding concurrently with the position of notary; and
- h. Never been sentenced to prison based on a court decision that has permanent legal force because do act criminal which threatened with imprisonment of five years or more.

Although Notary Public status is official, their position cannot be equated with civil servants as regulated by personnel legislation. Notaries remain subject to the job regulations set by the government; however, they do not receive wages or pension rights from the state. On the other hand, a notary's income comes from honorariums or service fees paid by clients.

The deed made by a notary has strong evidentiary power that is perfect and binding. However, if there is a disability in an authentic deed, this can result in the deed not having complete evidentiary value. This proof will, of course, strengthen the law. Strength law means giving certainty law at a time protection law against related parties.

The legal basis for the regulations regarding notaries is contained in various regulations. Legislation among them: Law Number 40 Year 2007 about Company Limited and Law Number 30 of 2004 Concerning the Position of Notary. The authority of a notary has been stated in Article 15 of Law Number 2 of 2014, namely to do authentic deeds regarding all acts, agreements, and determinations required by laws and regulations and/or desired by the interested party to be stated in an authentic deed, guarantee the certainty of the date of doing the deed, store the deed, provide Grosse, copy And deed quotes, all of them That as long as the making of the Deed is not also assigned or excluded to another official or other person as determined by law.

Next notary authorized Also For ^[20]:

- a. Validate signatures and establish date certainty letter in lower hand with register in book special (legalization);
- b. Bookkeeping letter below hand with register in book

special;

- c. Making coffee from original letter below hand in the form of copy containing description as written and illustrated in the letter concerned;
- d. Do validation compatibility photocopy with letter the original;
- e. Give counseling law in connection with making deed ;
- f. Make related deed with land; or
- g. Make deed treatise auction.

Aside from that, in Article 15 paragraph (3) referred to in paragraphs (1) and (2), Notaries Public have other authorities regulated by legislation. In this article, the authority will be determined based on other laws that will come later (ius constituendum). Regarding this authority, if a Notary performs an action outside the authority that has been determined, then the Notary has acted beyond their authority. Consequently, the Notary's product or deed is not legally binding or cannot be implemented (nonexecutable). Those who feel aggrieved by the Notary's actions in this regard may sue the Notary in civil court ^[21].

b. Notary According to System Law West Virginia (United States of America)

West Virginia is a state in the United States known as the Mountain State. After the American Revolution, the area that is now West Virginia was still part of Virginia, which attracted many settlers interested in its natural resources, especially coal and fertile land. Tensions also increased between eastern and western Virginia, particularly regarding political representation and slavery. Consequently, West Virginia officially decided to secede and became a state on June 20, 1863. This decision made it the only state formed by secession from a Confederate state.

As a result of being colonized by the United Kingdom and its colonies (as well as other countries such as Ireland, Australia, New Zealand, Canada except Quebec, the United States, and several Asian and African countries that were once colonies such as Malaysia, Singapore), West Virginia adheres to system law *Common Law* or Which called Brazier Saxon. The based on habit which originates from the decision judge ^[22] and is the basis for the development of law. Of course, this also influences the field service of the Notary Public. Notaries public are also different from notaries in common system law. For common law countries, the term notary is Notary Public.

A Notary Public in West Virginia is an official public appointed by the Secretary of State or Secretary Country Part appointed by the state to carry out legal administration such as taking oaths, receiving acknowledgments, certifying that photocopies of documents are true copies, and carrying out other duties as determined by West Virginia state law ^[23].

According to West Virginia Notary Handbook that a person can become a notary public in West Virginia by filing an application with the Secretary of State of West Virginia and meeting the following requirements ^[24]:

- a. Applicant aged a minimum of 18 (eighteen) years.

¹⁸ Judo Diharjo Lantana, *Notary Public And Notary Public* (Thesis), Faculty University of Indonesia Law, <https://lib.ui.ac.id>, 2010, p. 9.

¹⁹ Article 3 of the Law Number 2 of 2014 concerning Amendments to the Law Law Number 30 of 2004 concerning the Position of Notary.

²⁰ Article 15 paragraph (2) of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary.

²¹ Habib Adjie, *Law Notary Public Indonesia (Interpretation Thematic To Act No. 30 Year 2004 about Position Notary)*, PT Mr. Refika Aditama, Bandung, 2018, Page 1 82.

²² Nadhif M. Alkatiri *et al*, Op. Cit., Page 1 11.

²³ West Virginia Secretary of State, *West Virginia Notary Handbook*, Charleston: West Virginia Secretary of State, 2024.

²⁴ Ibid

- b. The applicant is an inhabitant country or a resident still legal in the United States.
- c. Applicant is a resident of West Virginia or works or has a practice in West Virginia.
- d. Applicants can read and write in English.
- e. Applicants must have a high school diploma or equivalent such as a GED (General Educational Development) or, commonly referred to as a high school diploma equivalent exam used in the United States and several other countries.
- f. The applicant is not disqualified based on any grounds listed in West Virginia Code §§ 39-4-21 or 39-4- 23.
- g. Indicates whether the applicant plans to perform electronic notarial acts.
- h. The applicant has reviewed the law on public notaries and understands the duties of a public notary.

Settings regarding the tasks and authority of a Notary Public in the state of West Virginia have been outlined in the West Virginia Notary Handbook. The handbook can be interpreted as a guidebook or guidelines on a topic related to notary regulations. This handbook serves as a resource containing

information about notary regulations in the state of West Virginia.

The West Virginia Notary Handbook has regulated and written the powers given to a notary public For do his professional actions in making a deed, namely ^[25]:

The following notary acts May be performed electronically:

- a. Taking an acknowledgment;
- b. Administration an oath or affirmation;
- c. Witnessing or attestation a signature;
- d. Certified or attestation a copy; and
- e. Notes a protest of a negotiable instrument.

Points in on explains that Notary Public in West Virginia have a number of power for do action law about action Notary Public that is ^[26]:

- a. Verifying signature and identity of the signatories;
- b. Administering the oath And statement;
- c. Taking confession on a document written Which permitted by law to be recognized;
- d. Validate or authenticate copy documents; and
- e. Record protests against negotiable instruments.

Table 1: Difference Task and Authority Notaries in Indonesia and West Virginia

No	Difference	Indonesia (Civil Law)	West Virginia (Common Law)
1.	Use of Terms	Notary Public or Notary.	Notary Public Public or Notary Public.
2.	Education	After becoming an expert law (jurist), a prospective Notary is required to follow additional procedures starting from taking special education exams until mela-Dukan apprenticeship.	Notary Public Special education is not always required. It is only necessary to meet the requirements outlined in West Virginia Code 39-4.
3.	Appointment	The Government carries out the appointment of Notaries, specifically the Ministry of Law. And Right Basic Man (Minister of Law and Human Rights).	Notary Public in West Virginia are appointed by the Secretary of State (Secretary of State West Virginia).
4.	Authority	A notary is a public official with the right to make all authentic deeds, as long as it is not excluded by law and has a monopoly in making authentic notarial deeds in the field of private law even though the notary is not the only official who makes authentic deeds.	1. Verifying the signatures and identities of the signatories; 2. Administering oaths and statements; 3. Take recognition of written documents permitted by law to be recognized; 4. Notarize or authenticate copies of documents; And 5. Take notes protest to instrument which can be negotiated right.
5.	Power of Proof	Authorized For making proof writing in the form of an authentic deed with the nature of compelling evidence (een dwingende bewijskracht). Notarial deeds have power proof formal and material even in deeds law certain Also have executive power.	A deed or document that a Notary in West Virginia has notarized only has limited evidentiary power, namely regarding formal aspects (signature, identity, and date), and not regarding the material truth of the contents of the document (substance of the deed).

2. Validity of the Deed Which Approved By Notary Electronic In Indonesia And West Virginia (United States)

a. Validity Act Online Notary in Indonesia

Indonesia currently still adheres to the system, doing deeds in a traditional way. However, it is indisputable that Indonesia must keep pace with the development of information technology to improve the efficiency and accessibility of notary services. However, Indonesia tends not to have specific regulations regulating the mechanisms or things required to implement notarization online. Notaries consider that electronic deeds will give rise to new conflicts, eventually reducing the evidentiary power of the authentic deed.

Article 5, paragraph 1 of Law Number 11 of 2008 concerning

Information and Transactions (ITE Law) states that electronic information and/or electronic documents and/or printed results are legitimate tool-proof laws. However refer to on Chapter 5 Article (4) of Law Number 11 of 2008 concerning Information and Transactions (ITE Law) states ^[27]:

“(4) Provisions regarding Electronic Information and/or Documents Electronic as meant on paragraph (1) does not apply to:

- a) Letters which, according to the law must be made in written form; and
- b) Letters and documents which, according to the law must be made in form deed notary or deed made by the official who did the deed.”

This means that even though electronic deeds and/or

²⁵ West Virginia Secretary of State, *West Virginia Notary Handbook*, Charleston: West Virginia Secretary of State, 2024,

²⁶ Ibid

²⁷ Constitution Number 11 Year 2008 about Information And Transaction (UU ITE)

electronic documents are recognized as tool law legitimate, as set up in Article 5 paragraph (1) of the ITE Law, Article 5 paragraph (4) provides an exception by limiting its use to documents law Which according to Constitution must in written form or official deed. This reflects that Indonesian law applies caution in protecting the validity and evidentiary power of documents with high legal consequences, such as concerning a person's assets, obligations, or legal status. Therefore, Indonesian law requires documents to be made in written form or an authentic deed.

b. Validity of the Deed Electronic Notary Public in West Virginia

The validity of a deed made by a notary public in West Virginia is regulated in the statutes Chapter 39A. Electronic Commerce Article 1. Uniform Electronic Transactions Act, §39A-1-7. Legal recognition of electronic records, electronic signatures and electronic contracts ^[28]. West Virginia Statutes Section §39A-1-7 states that:

- a) A record or signature May not be denied legal effect or enforceability solely because it is in electronics form.
- b) A contract may not be denied legal effect or enforceability solely because an electronics record was used in its formation.
- c) If a law requires a record to be in writing, an electronics record satisfies the law.
- d) If a law requires a signature, an electronics signature satisfies the law.

The essence of the above article is that documents or signatures made in electronic form should not be considered trivial, and their validity should not be doubted. This is because the electronic document or signature serves as valid and binding evidence in the eyes of the law in the state of West Virginia. If the law requires a document and also notes in written form, then electronic documents like Email or PDF are deemed valid and comply with legal requirements. This also applies to electronic signatures. Therefore, if there is a rule or legislation that requires a handwritten signature, then the electronic signature can also be considered valid and has fulfilled the necessary legal provisions. Handwritten electronic signatures in West Virginia are recognized by law and hold the same weight as a traditional signature.

Conclusion

Regulations regarding the powers of a notary public in West Virginia are outlined in the West Virginia Notary Handbook, which states that these powers include verifying the signatures and identities of signatories, administering oaths and statements, taking acknowledgments of documents permitted by law to recognize, validate, or authenticate copies of documents, and recording protests against negotiable instruments. In contrast, the authority of a notary in Indonesia is regulated by Article 15 of Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004 concerning the Position of Notary. However, the authority of notaries to create electronic deeds in Indonesia is still under development, and there are no regulations governing the authority of online notaries.

The validity of the deed made by a Notary Public in West

Virginia is outlined in the West Virginia Notary Handbook and also in West Virginia Code Chapter 39 regarding records and papers. Additionally, the Constitution explains the validity of notarial deeds executed electronically by notaries public of the state of West Virginia. The actions performed by the notary public are legitimate in the eyes of the law in West Virginia, whether done electronically or in the form of written documents. Meanwhile, in Indonesia, electronic documents are legally acknowledged; however, Indonesia still requires notarial deeds to be created in writing. This reflects legal caution in maintaining the validity and evidentiary power, indicating that online notarization cannot yet be implemented without special arrangements.

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²⁸ Uniform Electronic Transactions Act, Article 1, §39A-1-7: *Legal Recognition of Electronic Records, Electronic Signatures and Electronic Contracts* (West Virginia Statutes).

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