
LEGAL ASPECTS OF ELECTRONIC SIGNATURES IN INDONESIA

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ABSTRACT

Study this aim for research and analyze aspect law sign hand electronic based on perspective law positive in Indonesia. Study this use method study juridical normative, with using secondary data, research conducted with use studies bibliography. Approach analysis used is descriptive analytical. Based on results study is known that sign hand electronics in essence is something sign agreement in form working electronics as form the agreement of the parties who make and carry out agreement electronics. Making sign hand electronic by agency sign hand specified electronics and mechanisms in regulation applicable legislation. Condition valid agreement electronic has determined in Article 53 paragraph 2 and Article 54 paragraph 1 and 2 of the Government Regulation concerning Organizer System and Transaction Electronic

KEYWORDS

Legal Aspect, Signature electronics, Terms valid



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INTRODUCTION

Development technology information the more day the morefast, thing This also has an impact on various aspect life Indonesian people, including aspect law. Phenomenon this push happening the advancement of the digital world, until appear term "digital age". one developments that are happening because development technology information is sign hand electronics. If First a recognized and recognized signature by law just a signature wet, done by directly by the parties who carry out agreement or make something statement. However because development technology information, time this is signature electronic already start replace Signature function wet that. Factor main use sign hand electronic is practicality it means that Signature creation electronics on documents electronic very much easy and fast done.

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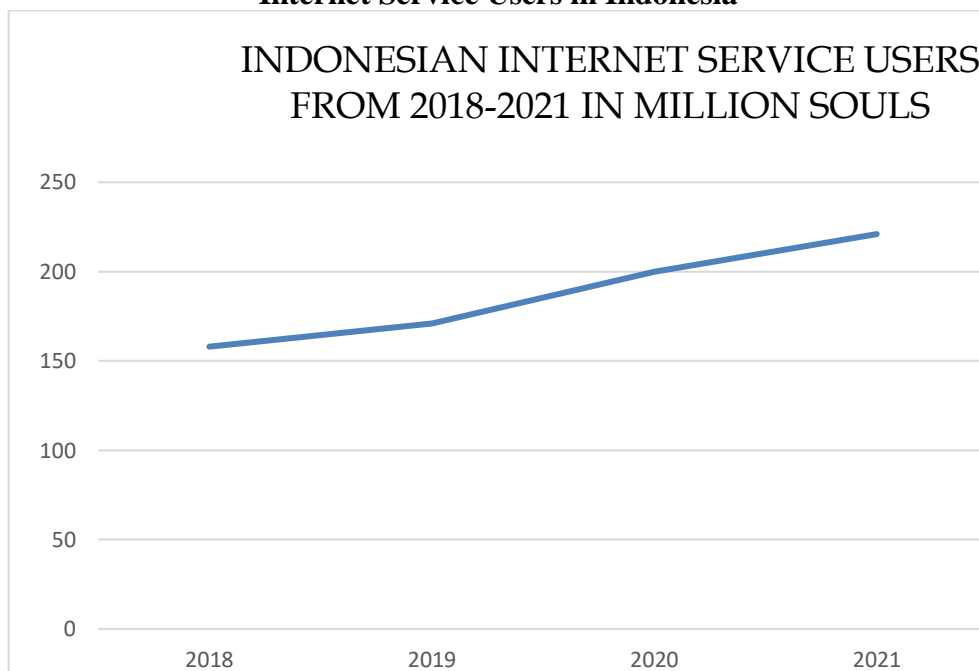
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Existence the Covid-19 phenomenon makes all activity man conducted by *online*, hal this because existence policy from government for To do Restrictions Social Scale Large (PSBB). This PSBB policy taken government with destination for cut off eye chain the spread of Covid-19. Follow carry on from the PSBB policy that was carried out agency government nor agency private that is To do *Work from Home* (WFH). WFH done with goal for workers no go out house for work, however work her job online, from each other's house. So that with existence PSBB and WFH policies implemented During this time of the spread of Covid- 19, making use technology information in Indonesia is getting increase.

Development technology information in Indonesia is increasing every year, p this in line with enhancement amount user internet services in Indonesia. Proof that amount user Internet services in Indonesia are increasing every year that is, based on the released data Association Indonesian Internet Service Providers (APJI), as for the data as following;

Diagram 1
Internet Service Users in Indonesia



Source : Survey Data Association Indonesian Internet Service Provider (APJI, 2021)

Based on data released by APJI, as served in the diagram above obtained information that since 2018 to year 2021 users Internet services in Indonesia are increasingly increase, p this signify that activity Indonesian people with use Internet services are getting develop fast every year. one activities carried out with use internet services and done by *on line* or *online* that is transaction electronics. Transaction electronic is activity business done online with using electronic media, as means for To do transaction that. Transaction electronic conducted by distance far, meaning the parties who do transaction no meet by face to face face, so no possible for made signed agreement handle with use sign hand wet, sign hand used in transaction electronic is Signature electronics.

Signature electronics in practice affixed to the document agreement electronic and recognized as tool valid evidence according to law along information loaded in agreement the in accordance with condition valid agreement as set in Article 1320 of the Civil Code. Article 1320 of the Civil Code the contains 4 (four) conditions valid something agreement, of the 4 (four) terms the grouped into 2 (two) namely condition subjective and conditional objective. As for the conditions subjective valid agreement that is there is an agreement Among binding party himself, the parties who did agreement must say. Whereas condition objective valid something agreement that is agreement must load something Thing certain, a lawful cause. Consequence law if condition subjective agreement the no fulfilled so will result in agreement the can canceled, while if agreement the no Fulfill condition objective, then agreement the will null and void. For determine agreement the can canceled or null and void must decided in advance trial by a panel of judges. Condition valid agreement as set in Article 1320 is also applies to terms valid agreement marked electronics handle with Signature electronics.

Covid-19 phenomenon makes transaction businesses that need document agreement, must conducted by *online* and made by *online*. Presence of Signature electronic for society is very useful, special for the perpetrators business Signature usage electronic can make activity the business more effective and efficient. However behind effectiveness and efficiency Signature usage _ electronic in activity business, it turns out leaving various problem law. Problem law this is what will discussed more in research this. Study this will discuss more in about aspect law Signature usage electronics in Indonesia.

Study this different with study the same before discuss about Signature electronics. As for research previously that is research conducted by Husnul Huzaifah in his research entitled "Signature Validity" Electronic In Proof of Indonesian Civil Procedure Law", research this discuss about Signature validity electronic in relation with the evidentiary process in court based on civil procedural law. Study others who also discussed About Signature electronics, ever done by Tutwuri Handayani and Yunanto in research entitled "Signature Recognition on a Document Electronics inside Proof of Civil Procedure Law in Indonesia". Study the conclude that sign hand electronic can ensure security something message information electronic because made with technology cryptography asymmetrical. Study it also concludes that, there is difference opinion about strength proof document electronics, Opinion first state that document electronics that have inSign handle with sign hand electronics, have power the same proof with deed authentic made by an authorized official, after issued Constitution Number 11 of 2008 concerning Information and Transactions Electronics, while opinion second, declare that document marked electronics handle with sign hand electronics, only have strength proof underhand, because no Fulfill condition as deed authentic, that is no facing to authorized official.

Based on two study the same before discuss About Signature electronics, known that not yet there is something Specific discuss problem study as problem general will discussed in study this that is aspect law Signature usage electronics in Indonesia, as for the sub- discussions that will be discussed that is what Signature Terminology electronics? what Signature function electronics? how method Signature creation electronics? How condition validity sign hand electronics? based on Thing the so can put forward that study this have difference with study before

and have score novelty, therefore study with title Legal Aspects of the Signature Electronics in Indonesia, this necessary and important for done.

RESEARCH METHOD

Method research used in study this is juridical normative, that is basic research analysis on regulations applicable legislation. Regulation legislation the is something system established norms is about principles, norms, rules from regulation legislation, decisions courts, treaties, and doctrine (teaching). Approach used in study this that is *conceptual approach* or approach conceptual. Data used namely secondary data consisting of from ingredient primary law that is regulation related legislation with Signature usage electronics in Indonesia and materials law secondary consisting of from related literature with problem research. Data and material collection law the conducted through studies library next analyzed with use approach descriptive analytical that is something approach analysis with describe the object under study

RESULTS AND DISCUSSION

Discussion about aspect law Signature usage electronics in Indonesia, will based on regulations special legislation arrange About Signature electronics. As for the Regulations the legislation in question is Constitution Number 19 of 2016 concerning Change on Constitution Number 11 of 2008 concerning Transaction Electronic next called the ITE Law and Regulations Government Republic of Indonesia Number 82 of 2012 Regarding Maintenance System and Transaction Electronic next called PP about Organizer System and Transaction Electronics.

1. Signature Terminology Electronic

Signature Terminology electronic can found in Article 1 number 12 of the ITE Law in conjunction with Article 1 number 19 of the PP concerning Organizer System and Transaction Electronics, determine that;

“T you Hand Electronic is sign hand consisting of on Information Embedded, associated electronics or related with Information Electronic other used as tool verification and authentication”

Based on Signature terminology electronics above, then next will dissected the elements contained in Article 1 number 12 of the ITE Law. As for the elements contained in Chapter the among others;

Element first that is that sign hand electronic is sign hand consisting of on information electronics, what is meant? sign hand is sign as symbol written name _ with hand by that person alone as marker private (has receive and so on). However in context sign hand electronic making sign hand conducted by electronics. What does it mean next? with information electronic is one or a collection of electronic data, including but no limited to writing, sound, pictures, maps, designs, photographs, *electronic data interchange* (EDI), letters electronic (*electronic mail*, telegram, telex, *telecopy*) or like, letters, signs, numbers, Access Codes, symbols, or perforation that has processed which has the meaning or could understood by people who can understand it, as set in Article 1 point 1 UU ITE. Existence information electronic binding and recognized by legitimate according to law along information electronic the made or issued by the Organizer System Electronics and Transactions Electronics, mainly in proof and

various related things with the proof process to something deed the law carried out subject law through system electronics.

Organizer System Electronic is "every" people, state administrators, business entities, and the public who provide, manage, and/ or operate System Electronics, ok by individually nor together to user System Electronic for necessity himself and/ or necessity the other party", as set in Article 1point 6a of the ITE Law. Article 1 point 1 PP concerning Organizer System and Transaction Electronics, give definition to System electronic that is something Suite devices and procedures electronics that work for prepare, collect, process, analyze, store, display, publish, transmit and/ or spread information electronics.

Element second that is Information Embedded electronics, which means information electronic as has described above that is one or a collection of electronic data, including but no limited to writing, sound, pictures, maps, designs, photographs, *electronic data interchange* (EDI), letters electronic (*electronic mail*, telegram, telex, telecopy or e-mail) like, letters, signs, numbers, Access Codes, symbols, or perforation that has processed which has the meaning or could understood by people who can understand it. Definition from phrase attached originated from the root word "sticky" and given the prefix "in" and the suffix "kan ". The definition of the word " sticky " according to the KBBI is very close stick if touched next given prefix and suffix, "in and kan " so that definition from the phrase "attached" i.e. signature electronic the pasted on information electronic form and not limited to one or a collection of electronic data, including but no limited to writing, sound, pictures, maps, designs, photographs, *electronic data interchange* (EDI), letters electronic (*electronic mail*, telegram, telex, telecopy or like, letters, signs, numbers, Access Codes, symbols, or perforation).

Element third that is Information Electronic associated or related with Information Electronic other. Definition from the phrase "associated" in Chapter the same with the phrase "related" because use conjunctions or. According to KBBI, the meaning of the phrase "associated" is connected between one Thing with Thing other. In context this merged thing the is Information Electronics.

Element fourth that is that sign hand electronic used as tool verification. Meaning of phrase verification in KBBI is inspection about truth reports, statements, money calculations, and so on. So that in context this signature electronic is tools used as examiner truth report or statement. Article 58 PP regarding Organizer System and Transaction Electronic "Verification process Information Signed electronics could conducted with check Signature Creation Data Electronic for browse every signed data changes".

Element fourth that is that sign hand electronic used as tool authentication. Definition from the phrase "authenticate" in context this is proof authenticity sign hand electronic could conducted through verification or inspection to Specimen Signature Electronic from Bookmark hand. Based on description about the elements contained in terminology signature electronics above can put forward that sign hand electronic no is results from *scan* sign hand from document print next one changed to in shaped *softcopy*. Signature electronics at its core is something sign used as sign agreement to something agreement electronics, other than that can also be used as tool for check truth or authenticity information electronics in the form of document electronics.

2. Signature Function Electronic

Function signature electronic as has determined in Article 52 paragraph 1, which in essence state that sign hand electronic working as tool authentication and verification on identity people who do Bookmark Hand and integrity and authenticity Information Embedded electronics sign hand electronic that. Next Explanation Article 52 Paragraph (1) the that Signature Electronic working as sign hand manual in Thing represent identity Bookmark hand. In Thing proof authenticity (authentication) sign manual hand can conducted through verification or inspection to Specimen Signature Electronic from Bookmark hand. On Signature Electronics, Signature Creation Data Electronic play a role as Specimen Signature Electronic from Bookmark hand. Signature Electronic must could used by competent experts for To do inspection and proof that Information Signed electronics with Signature Electronic the no experience change after signed.

Based on description about function sign hand electronics above can is known that every activity transaction electronic need sign hand electronic as form the consent of the parties doing transaction electronic the on all form information loaded electronics in document electronics called agreement electronic or contract electronics. Making sign hand electronic in transaction electronic can generated through various method signing. hand sign e-electronics cover t you t wish e- electronics that has been certified and t you t wish e-electronics no certified.

3. Institutions and Mechanisms Signature Creation _ Electronic

Signature electronic created by the organizer sign hand electronic as determined in Article 1 number 21 PP concerning Organizer System and Transaction Electronics. Next organizer sign hand electronic the in study this called as a Signature Making Agency Electronics. The agency is a legal entity that functions as trusted facilitator for making sign hand electronics. Definition from a legal entity or *rechtsperson* alone is a body that has rights and obligations for Act like human, have riches alone, can sued and sued in advance court. Because it is a legal entity so that the Signature Making Institute Electronic this must have legality shape that is association (vereniging), as set in Article 1653 of the Civil Code, Stb. 1870-64, and Stb. 1939-570. Limited Liability Company (PT), set in Law no. 40 year 2007. Rederji, set in Article 323 of the Commercial Code (KUH Dagang). K erkgenootschappen, set in Stb. 1927-156 . K operation, set in Act Number 5 of 1992 concerning Cooperatives. Y foundation, and others. (Prananingrum, 2014)

Manufacturing agency sign hand electronic as set in Article 57 PP concerning Organizer System and Transaction Electronic paragraph 1, mandatory responsible answer on Usage of Signature Creation Data Electronic or tool Signature Maker Electronics. Besides it's a manufacturing agency sign hand electronic Required use tool Signature Maker Applying electronics technique cryptography in the process of sending and storing Signatures Electronics, as determined in paragraph 2 Article that. More away on the part explanation Chapter the explained that what is meant with " responsible " answer on Usage of Signature Creation Data Electronic or tool Signature Maker Electronics” is Signature Organizer Electronic or Supporter Signature Service Electronic must could provide system possible search _ prove there is or whether

or not misuse of Signature Creation Data Electronics and/ or tool Signature Maker Electronics. Explanation Verse 2 is Must application technique cryptography for secure the process of sending and storing Signatures Electronic meant for ensure Signature integrity Electronics. Election technique applied cryptography for necessity the must refers to the provisions or standard applicable cryptography in accordance with provision regulation legislation. Making sign hand electronic can generated through various mechanism or procedure signing, p this determined in Article 53 PP concerning Organizer System and Transaction Electronics.

4. Condition Signature Validity Electronic

Signature Electronic have strength law and consequences valid law if Fulfill requirements as determined in Article 53 paragraph 2 as following; Signature Creation Data Electronic related only to Bookmark Hands, data Signature Creation Electronic at the time of signing only is at in power Bookmark Hands, everything change against Signature Electronics going on after time signing could known, everything change to Information Related electronics with Signature Electronic the after time signing could is known, there is method certain used for identify who Bookmark His hands; and there is method certain for show that Bookmark Hand has give agreement to Information related electronics.

Article 54 paragraph 1 regulates that Type sign hand include; Signature Electronic Certified and Signature Electronic no certified. Next paragraph 2 Signature Electronic certified must Fulfill requirements as following; made with use service organizer certification electronics, proven with Certificate Electronics. Signature Electronic no certified must made without use service organizer certification electronic

CONCLUSION

Based on discussion on problem research above can concluded as following: Signature electronics at its core is something sign used as sign agreement to something agreement electronics, other than that can also be used as tool for check truth or authenticity information electronics in the form of document electronics. Function sign hand electronics, as form the consent of the parties doing transaction electronic the on all form information loaded electronics in document electronics called agreement electronic or contract electronics. Signature Creation Institute Electronic is a legal entity that functions as trusted facilitator for making sign hand electronics. Making sign hand electronic can generated through various mechanism or procedure signing, according with mechanism provided by the Signature Creation Institute Electronics.

Condition valid sign hand electronic i.e. Signature Creation Data Electronic related only to Bookmark Hand, Signature Creation data Electronic at the time of signing only is at in power Bookmark Hands, everything change against Signature Electronics going on after time signing could known, everything change to Information Related electronics with Signature Electronic the after time signing could is known , there is method certain used for identify who Bookmark His hands ; and there is method certain for show that Bookmark Hand has give agreement to Information related electronics. Signature Electronic Certified and Signature Electronic no certified. Next paragraph 2 Signature Electronic certified must Fulfill

requirements as following; made with use service organizer certification electronics, proven with Certificate Electronics. Signature Electronic no certified must made without use service organizer certification electronic

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