

Validity of the Deed of Relaaas at the General Meeting of Shareholders (GMS) via Teleconference

Nurul Izzah

Universitas Tarumanagara
Surel: nnnurulizzah@gmail.com

Maman Sudirman

Universitas Tarumanagara
Surel: mamans@dt.untar.ac.id

Benny Djaja

Universitas Tarumanagara
Surel: bennyd@fh.untar.ac.id

Abstract

The existence of GMS relaas activities via teleconference which previously only took the form of paper has become an electronic document, in its implementation it is difficult to confirm its validity, however, ratification in the form of a deed is one of the roles of a notary to create evidence in the form of an authentic deed of the General Meeting of Shareholders (GMS). The research method uses normative juridical analysis using legal data in an open source. Based on the research results, ratification of the GMS deed through teleconference media can be implemented because it is based on the law in Article 77 of Law Number 40 of 2007 concerning Limited Liability Companies, which must be followed by ratification from a notary, also supported in terms of implementation by the Services Authority Regulation Finance Number 16/POJK.04/2020. Apart from that, the validity of the notary's signature in the GMS deed allows participants in the GMS forum. The creation of a GMS relaas deed with electronic signing has also been regulated in the Information and Electronic Transactions Law. The contribution of this research material related GMS deeds of release in the company scope.

Keywords: Deed of Relaaas; General Meeting of Shareholders; Notary

Abstrak

Adanya kegiatan relaas RUPS melalui telekonferensi yang sebelumnya hanya berbentuk kertas telah menjadi dokumen elektronik, dalam pelaksanaannya sulit dipastikan keabsahannya, namun demikian pengesahan dalam bentuk akta merupakan salah satu peran notaris untuk membuat alat bukti berupa akta otentik Rapat Umum Pemegang Saham (RUPS). Metode penelitian menggunakan analisis yuridis normatif dengan menggunakan data-data hukum yang bersumber dari sumber terbuka. Berdasarkan hasil penelitian, pengesahan akta RUPS melalui media telekonferensi dapat dilaksanakan karena didasarkan pada hukum dalam Pasal 77 Undang-Undang Nomor 40 Tahun 2007 tentang Perseroan Terbatas yang harus diikuti dengan pengesahan dari notaris, serta didukung dari segi pelaksanaannya oleh Peraturan Otoritas Jasa Keuangan Nomor 16/POJK.04/2020. Selain itu, keabsahan tanda tangan notaris dalam akta

RUPS memungkinkan hadirnya peserta dalam forum RUPS. Pembuatan akta relaas RUPS dengan penandatanganan secara elektronik juga telah diatur dalam Undang-Undang Informasi dan Transaksi Elektronik. Kontribusi materi penelitian ini terkait akta RUPS relaas dalam lingkup perusahaan.

Kata Kunci: Akta Relaas; Rapat Umum Pemegang Saham; Notaris

INTRODUCTION

The development of law that can never be separated from the development of technology and community activities which is characterized by the entry of connections with the internet network where a person or group of people no longer need to use work to legalize legal documents which are replaced by electronic signatures and electronic documents.¹ The existence of technological developments makes it easier to carry out activities, one of which is the ease in the legal field related to general meeting of shareholders (GMS) activities usually carried out by limited liability companies that have been stipulated in Law Number 40 of 2007 concerning Limited Liability Companies. If the GMS can only be held directly at the company, but now thanks to this internet-based technology, shareholders can choose new options by using internet media either through applications or other media provided by the internet in holding GMS electronically. GMS itself is an organ of a company that has the authority to determine policies at the GMS forum has higher authority than other officials in a company and has been determined by the Limited Liability Company Law or as stated in the company's articles of association.² Electronic media or facilities can be used through various teleconference media such as voice messages or video teleconferences that can be carried out by means of internet networks such as Zoom Cloud Meetings or other electronic media that can be equated with it, all of which can be categorized as electronic communication media supported by an electronic documentation that gets a good and very reliable data collection record in order to facilitate GMS activities.

The holding of the GMS through the internet network or through teleconference media such as Zoom Cloud has been regulated in Article 77, Law Number 40 of 2007 concerning

¹ Nurul Amaliah, "Kepastian Hukum Dalam Penyelenggaraan Rapat Umum Pemegang Saham Secara Ekteronik," *Officium Notarium* 2, no. 2, 2022, hlm. 258.

² Doni Aripandi Saputra Harahap, "Tanggung Jawab Notaris Terhadap Akta Berita Acara Rapat Umum Pemegang Saham Yang Dibuat Melalui Media EElektronik," *Jurnal Notarius* 2, no. 1, 2023, hlm.21.

Limited Liability Companies which states that the GMS can be held with the help of media such as video conferences, teleconferences or other means of electronic media that can allow all participants of the GMS to see each other and also to be able to hear each other directly without any obstacles and GMS participants can openly participate actively or passively in the meeting.³ The GMS which is carried out online is also supported by the policy of the Financial Services Authority (OJK) which issued a regulation on the Financial Services Authority Regulation on Electronic General Meeting of Shareholders, which in the regulation means that there is a procedure in the GMS which with the help of the internet can be prepared to realize an ideal and the goals of its goals towards Era Society 5.0.⁴ This regulation is included in the new regulations in the implementation of GMS activities in Indonesia, where this policy can allow Issuers to carry out GMS with the help of electronic networks with conditions such as, the use of electronic systems in carrying out online GMS can use systems or services that have previously been provided by e-RUPS service providers or service systems provided by the Issuer itself. In addition, the implementation of the GMS either by the e-RUPS Service provider must be able to follow the provisions of the procedures determined by the e-RUPS in accordance with statutory regulations. Based on this information, it can be seen that POJK Regulation Number 16 of 2020 can provide trust to service providers in the form of an electronic system for the General Meeting of Shareholders to be able to arrange the process flow of the implementation of the e-RUPS which will ultimately become a guideline for each party that can provide a service from the e-RUPS itself with a person who has previously been appointed⁵.

These rules allow teleconference meetings using the internet network, where the results of the GMS meeting can be made an authentic deed from an authorized official such as a notary. The deed itself can be interpreted as a proof that contains statements of information, decisions, acknowledgments, and so on about an event based on the law and made in accordance with the

³ Intishar Linur Ridwan dan Ina Heliyany, "Tinjauan Yuridis Terhadap Keabsahan Rapat Umum Pemegang Saham Yang Dilakukan Secara Daring (Online) Dalam Masa Pandemi Covid-19," *Delegasi: Legal Student Scientific Journal* 1, no. 1, 2021, hlm.31.

⁴ M. Jordan Pradana, Fauzi Syam, dan Syamsir, "Pembuatan Akta Relas Pada Rapat Umum Pemegang Saham Perusahaan Non TBK Melalui Telekonferensi," *Jurnal Selodong Mayang* 8, no. 2, 2022, hlm. 167.

⁵ Ari Irfano, "Keabsahan Akta Notariil Rapat Umum Pemegang Saham (RUPS) Elektronik Perusahaan Terbuka Di Tinjau Dari Undang-Undang Tentang Jabatan Notaris," *Indonesian Notary* 3, no. 3, 2021, hlm.23.

law that has been authorized by an official who is given the authority to validate the GMS such as a Notary official.⁶ The authority of this notary in making a deed of relaas as strong written evidence in GMS activities has been regulated in the applicable law. The existence of a concept for the implementation of the role of notary authority based on internet-based technology is often referred to as the Cyber Notary concept where notaries can carry out their functions and authorities through internet technology by adjusting the wishes of the community, especially in this paper adjusting the notary's authority⁷ wishes of the members or participants of the GMS, It can be seen that the law and notary officials must adapt along with the growing demand to use technology to facilitate shareholder activities, especially the making of authentic deeds from the results of the GMS. The existence of a concept in the form of an authentic deed made electronically can actually make it easier for notaries to carry out their obligations plus this electronic document is a document that contains information that has been made such as analog forms, digital documents, electromagnetic documents, optical documents, or the like, which can be displayed, heard, and displayed with the utilization of an electronic system-based computer system. However, the change in the GMS relaas in the form of a deed which was previously only in paper form into an electronic document, in its application it is difficult to be informed of the concept of cyber notary which is part of the authority of a notary which has been explained in Law Number 2 of 2014 concerning Notary Position (UUJN) which states that there is an authority from a notary in making written evidence in the case of making an authentic deed of GMS, Although its validity can be debated, especially the implementation of the GMS which is carried out by internet-based teleconference where the parties to the GMS are not physically present but only present online, of course it will be able to affect its validity, especially in Article 16 paragraph (1) letter m of the UUJN, it is clear that notary officials must be physically present to sign and read the authentic deed in front of the interested parties.⁸ With the description of the problems related to the validity of the GMS deed of relation, therefore several problems will be raised as follows, 1) How is the validity of the deed of relaas at the

⁶ Ghansam Anand, "Jenis-Jenis Akta Yang Dibuat Oleh Notaris," *Hukum Online*, 2023, <https://www.hukumonline.com/klinik/a/akta-notaris-cl1996/>.

⁷ Luthvi Febryka Nola, "Peluang Penerapan Cyber Notary Dalam Peraturan Perundang-Undangan Di Indonesia," *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan* 2, no. 1, 2011, hlm.32.

⁸ Florenshia, "Tinjauan Yuridis Keabsahan Akta Notaris Yang Dibuat Berdasarkan RUPS Online Dalam Era Cyber Notary," *Hukum Dan Keadilan* 2, no. 1, 2021, hlm.5.

general meeting of shareholders of a limited liability company with the help of teleconference media? 2) How is the validity of the notary's signature in the making of the deed of relaas of the GMS electronically based on the applicable legal provisions? This research is conducted to find out the form of validity of the deed of relaas at the GMS if it is carried out by teleconference via the internet network.

RESEARCH METHODS

The research method is an activity that is scientifically carried out based on a scientific method, systematized and has certain thoughts that intend to seek material and formal truth on the basis of science.⁹ According to the views of Erlies Septiana Nurbani and Salim HS, it is clearer that the legal research method is a research that can examine and be able to analyze it in legal norms and regulations which must be based on systematics, methods, and certain thoughts with a sharp legal analysis in solving a legal problem.¹⁰ Because of this opinion, the author applies the research method to the scientific journal that the author raises using the normative juridical research method. Research with this normative juridical method uses data that can be obtained through open sources both from book literature, legal scientific journals, accredited media, and national legal regulations. After all information data has been collected, the author in conducting this research will conduct a legal analysis and conduct qualitative evaluations by breaking down information into sentences that are structured, sequential, reasonable, consistent, and effective which will later be explained descriptively analytically in the form of legal writing. with the aim of facilitating the reader's understanding of the results of the author's legal analysis of the validity of the deed of relaas at the GMS of a limited liability company via teleconference.

DISCUSSION

Validity of Deed of Relaas Made by Notary when Holding GMS through Teleconference Media

⁹ Maiyestati, *Metode Penelitian Hukum*, Padang: LPPM Universitas Bung Hatta, 2022, hlm.27.

¹⁰ Deassy J.A. Hehanussa and Mergi Gladies Sopacua, *Metode Penelitian Hukum*, Bandung: Widina Bhakti Persada Bandung, 2023, hlm.21.

The fundamental legality of legal legality related to authentic deeds has been regulated and based on the 1945 Constitution which has explicitly determined that the Indonesian state adheres to a state of law system which means that all activities or actions must be based on applicable laws and have been legalized. The existence of this regulatory principle of the rule of law can guarantee, provide legal certainty and provide legal protection for both parties who have a position as shareholders or parties who have a position as notaries who have the duty to make authentic deeds in the form of relaas deeds that are based on the principles of truth and justice.¹¹ The existence of activities in conducting general meetings of shareholders (GMS) with the help of teleconference media can be applied and is permitted because it has been regulated in Article 77 of Law Number 40 of 2007 concerning Limited Liability Companies, where the implementation of GMS with the help of internet media in the form of teleconferences can be made into minutes or deeds of relaas (*ambtelijke akten*) which must be followed by a notary to record all legal actions or actions that have been heard and agreed upon by the parties at the GMS.

The deed of relaas at the GMS must guarantee legal certainty which of course will be directly related to law enforcement, especially for civil relations, especially the role of notaries when carrying out their obligations to comply with normative law that refers to statutory regulations with all actions to be taken by shareholders can be included in the form of an authentic deed or deed of relaas by considering the principles and legal provisions of the GMS. Notaries when making an authentic deed at the general meeting of shareholders can make intense utilization related to the sophistication of technology that allows shareholders not to meet face to face when recording at the GMS, but face to face with the help of teleconference media, so that it is like meeting face to face which can also help shareholders in facilitating their activities in conducting time efficiency in the implementation of the GMS.¹² The existence of a GMS through the help of teleconferences is said to be legal for the purposes of meetings between shareholders and can be signed directly or can be done by electronic means, where the signature must have legal nuances where the meeting concerned must have legal consequences

¹¹ Hasbullah, "Legalitas (Keabsahan) Akta Notaris Terhadap Rapat Umum Pemegang Saham Melalui Media Telekonferensi," *LamLaj* 1, no. 1, 2016, hlm. 61.

¹² Florenshia. "Tinjauan Yuridis Keabsahan Akta Notaris Yang Dibuat Berdasarkan RUPS Online Dalam Era Cyber Notary." *Hukum Dan Keadilan* 2, no. 1, 2021, hlm.5.

or legal actions in the eyes of the law. Regarding the authority of a notary to make a deed of relaas by electronic means, there is actually a legal basis based on Article 15 paragraph 3, Law Number 02 of 2014 concerning the Notary Position, in which the duties of a notary have been given the authority, one of which is to certify through or using electronic devices or this activity is called cyber notary. The making or procedure for issuing an authentic deed by using the authority of a notary online with the cyber notary can be said that each party can face the notary through the help of teleconference media or by means of a video call in showing the intention and objectives in facing the notary and in this case can make a submission with the necessary letters accompanied by parties who can show proof of their identity correctly to Notary officials by showing also their identities through electronic media or devices, after that the notary will make a match in the form of identities with people who have participated in teleconferences or by video call, after which the notary official makes a deed in accordance with the provisions of the Law where the contents of the deed are read first in front of the parties where at the time of reading the deed, witnesses, notaries and shareholders who participate using teleconference or video call media, can be accounted for in the future and after it ends, the deed that has been made is read again and understood by each party who has interests in a deed of relaas of the GMS. After that, it is signed by each interested party, witnesses and notaries using digital signatures.¹³

The validity of the letter from the notary to make the deed of relaas of the GMS with the help of teleconference media is also supported in terms of its implementation by the Financial Services Authority Regulation Number 16 / POJK.04 /2020 concerning the Implementation of the General Meeting of Shareholders of Public Companies Electronically, by allowing participants or all participants in the GMS forum to meet face to face and hear each other directly, it is also emphasized in Article 12 where the relaas or minutes of the GMS in electronic form, are required to be made in the form of a notarial deed from a notary who has been registered with the Financial Services Authority (OJK) with a note or condition that shareholders who have used teleconference media with e-RUPS service providers are required

¹³ Pande Gde Satria Wibawa and Pande Yogantara S, “Keautentikan Akta Risalah Rapat Umum Pemegang Saham (RUPS) Secara Elektronik Dalam Perspektif Cyber Notary,” *Acta Comitatus: Jurnal Hukum Kenotariatan* 6, no. 3, 2021, hlm.113.

to submit to a notary a copy of the results of the relaas which has contained at least, a list of shareholders who have attended the forum online, a list of shareholders who have been granted power of attorney online, a recapitulation of the decision quorum and attendance and a transcript of the recording of all interactions in the GMS electronically to be placed in the minutes of the teleconference media.¹⁴

The role of notaries is also helped by POJK Number 16 of 2020 which can be used as a basis and can be used as a foundation based on the law in this case the implementation of e-RUPS. This POJK can be in line with the standard provisions in Article 16 letter m related to the Law on Notary Position which requires that the deed of relaas can be read out in the presence of the confronting parties who have attended at least two people as witnesses present at the GMS. Or in summary, the implementation of the GMS can be carried out with electronic assistance with a note that during its implementation the Notary is required to obtain information from two witnesses or two directors from the company to be able to sign the results of the minutes on the GMS electronic system in accordance with the rules contained in the provisions of Article 88 of the Limited Liability Company Law.¹⁵

The existence of existing regulations such as POJK regulations, Company Law regulations and the Law on Notary Office, the validity of the deed of relaas of the GMS can be said to be legally valid which must be implemented by referring to legal provisions, especially from the Financial Services Authority Regulation Number 16 of 2020 concerning the Implementation of the General Meeting of Shareholders of Public Companies Electronically which has been made by a notary as written and valid evidence of the decisions or actions that have been taken at the GMS and there is protection of the rights of interested shareholders in a company. The use of teleconference media in the GMS is permissible and its validity is recognized by the state, as long as the use of the GMS using teleconference media meets certain requirements first, the approval and notification of shareholders who are required to give a mutual consent

¹⁴ Agita Chici Rosdiana, "Peran Notaris Dan Keabsahan Akta RUPS Yang Dilaksanakan Secara Elektronik (Dilihat Dari Peraturan Otoritas Jasa Keuangan Nomor 16/POJK.04/2020 Dan Undang-Undang Nomor 2 Tahun 2014 Tentang Perubahan Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris," *Indonesian Notary* 3, no. 15, 2021, hlm. 218.

¹⁵ Dewi Atiqah, "Putusan Hakim Di Pengadilan Negeri," Pengadilan Agama Purwodadi Kelas 1A, 2021, <https://pa-purwodadi.go.id/index.php/sub-bag-keuangan/pedoman/26-halaman-depan/artikel/358-peran-hakim-dalam-mewujudkan-asas-keadilan-kepastian-hukum-dan-kemanfaatan-putusan>.

in using teleconference media in the general meeting of shareholders. There are requirements in terms of notification of the use of teleconference media that must be mutually agreed upon. Secondly, the access and participation of shareholders who must have all access to the teleconference media and must be able to participate effectively in the proceedings of the GMS, which may include the ability of shareholders to be heard and be able to meet face-to-face with other participants in the teleconference media, and the ability to vote in person or vote by electronic proxy.¹⁶

Validity of Electronic Signature by Notary in Making Deed of GMS Relaa

It needs to be explained that the authentic deed is based on the legal provisions located in Article 1868 of the Civil Code (KUHPdata) which states that a deed has been determined by each party and adjusted to the provisions of laws and regulations that have been made before a notary. The making of an authentic deed relating to the relaas carried out by teleconference media by shareholders can also be endorsed by a notary or online activities is often said to be cyber notary which is carried out because it requires fast and instant action which in the deed contains a series of talks that have been carried out and produces an agreement that has become a guide by the notary to act when making an authentic deed in the form of a deed of relaas GMS which has been affixed with an electronic signature by a notary official. The special feature of the use of teleconferences must have legal force, namely that the meetings held are an official meeting to be able to decide important matters or the teleconference is carried out by providing special information or testimony regarding the shareholders. The Limited Liability Company Law also provides space for conducting meetings via teleconference in accordance with the provisions in Article 77.¹⁷

The existence of the making of the GMS deed with electronic signing is very important to regulate or find a legal basis so that there is clarity for legal certainty regarding electronic signatures by notaries with the help of electronic media. It is necessary to know in advance that digital signatures have been based specifically on legal regulations in Indonesia as regulated in Article 1 of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008

¹⁶ Muhamad Surahman et al., "Analisis Peran Notaris Dan Keabsahan Akta RUPS Yang Dilakukan Melalui Media Telekonferensi," *Jurnal Hukum* 20, no. 1, 2023, hlm. 273.

¹⁷ Nola, Luthvi Febryka. "Peluang Penerapan Cyber Notary Dalam Peraturan Perundang-Undangan Di Indonesia." *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan* 2, no. 1, 2011, hlm.28.

concerning Electronic Information and Transactions, which states that digital signatures are signatures containing electronic information content that is linked and isolated from other important information that can be used as a tool for verification and authentication. It is reaffirmed by regulations that are still related to digital signatures regulated in Government Regulation Number 82 of 2012 concerning the Implementation of Electronic Systems and Transactions which states that in article one, an electronic signature is a signature that contains digitized information that has been authenticated and verified. Therefore, it can be taken in outline that this electronic signature can provide a concrete recognition, with a code from a digital signature but to have clear legal provisions when compared to a wet signature that is binding and has clear legal consequences.¹⁸

Making a signature electronically through a cyber notary then with the signing that must be able to be carried out in the form of electronics which can be interpreted as a digital or electronic signature has information that is linked, isolated and related to important information. It is regulated more deeply that this digital signature has been based on its provisions in Article 11 of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions, which states that signatures carried out electronically have legal force and have binding consequences with legal consequences.

The existence of enforcement determined by the requirements regarding electronic signatures indicates that the validity of digital signatures that have been carried out by a notary official who is closely related to the GMS through teleconference media must comply with the rules regarding digital signatures which later the decision of the GMS results can be used as a valid evidence of the provisions of civil procedural law in Indonesia. The authority for the procedure when making a deed of relaas made by a notary with the validity and certification of an electronic signature with the help of a cyber notary that has been carried out by a notary official who has 3 assumptions that the notarial deed is in accordance with the provisions of the Notary Position Law. What is called an authentic deed can be made before a notary public

¹⁸ Putu Angga Pratama dan Ida Bagus Rai Djaja, "Keabsahan Tanda Tangan Elektronik Dalam Akta Pernyataan Keputusan Rapat Umum Pemegang Saham Melalui Media Elektronik," *Hukum Dan Keadilan* 3, no. 2, 2021, hlm. 3.

official. Secondly, if the certification, which is stated in Article 15 of the Law on the Position of Notary, is combined with the Notary's personal letter (legalization) which is approved, then the approval in question is not a valid practice. Because to support that, the Notary must confirm the signatures of the parties along with the date or other people present, namely a personal letter made by each party himself with the letter can be read and signed by each party in front of the Notary and other people present in those parts. The presence referred to here is physical presence which can be done electronically.¹⁹ The validity of the notary's signature for the making of the deed of relaas of the GMS with the help of teleconference media is also supported by the Financial Services Authority Regulation Number 16 / POJK.04 /2020 concerning the Implementation of the General Meeting of Shareholders of Public Companies Electronically, which allows participants or all participants in the GMS forum to meet face to face and can listen directly, and can be signed through electronic media according to Article 12 paragraph 1 where the results of the GMS in digital form are required to make a notarial deed by a notary who has been registered with the Financial Services Authority (OJK) with a note or condition that shareholders who have used teleconference media with e-RUPS service providers are required to submit to a notary a copy of the results of the relaas to be endorsed as an authentic deed.

The procedure for making the deed of relaas GMS which can be carried out by means of teleconference which includes the activities of making an authentic deed by a notary, which then the results of the meeting will be read out by teleconference with the help of an internet network so that all participants in the GMS forum can meet face to face and can hear directly what the contents of the deed of relaas GMS are. Furthermore, when the shareholder participants agree on the contents of the deed, then the deed will be signed electronically using a digital signature,²⁰ where the parties signing are the participants in the general meeting of shareholders who have attended or who have been represented based on a power of attorney including the signature of the notary, all of which signatures are carried out electronically. After the signing, the deed of relaas of the GMS can be said to be legally valid and binding for all

¹⁹ Lyta Berthalina Sihombing, "Keabsahan Tanda Tangan Elektronik Dalam Akta Notaris," *Jurnal Education and Development* 8, no. 1, 2020, hlm.126.

²⁰ Putu Adi Purnomo Djingga Wijaya and A. A. Andi Prajitno, "Tanggung Jawab Notaris Terhadap Kesalahan Dalam Pembuatan Akta Yang Telah Dilakukan Oleh Notaris Penggantinya," *Perspektif* 2, no. 2, 2018, hlm.114.

participants as a law that must be obeyed, where the ratification through an electronic signature has the evidentiary power of the digital data of the GMS carried out by means of teleconference is the same as a deed of relaas of the GMS that has been carried out conventionally. This is because the results of the GMS with the help of teleconference media already have a legally valid legal basis.

CONCLUSION

Based on the results of normative juridical research, first, the ratification of the deed of relaas during the general meeting of shareholders (GMS) with the help of teleconference media can be applied or allowed because it has been regulated in Article 77 of Law Number 40 of 2007 concerning Limited Liability Companies, where the implementation of the GMS with the help of teleconference media can be made on a deed of relaas which must be followed by ratification from a notary to record all legal actions or actions that have been heard and agreed upon by the parties at the GMS forum. Regarding the notary's authority to certify the deed of relaas electronically, it has been regulated in Article 15 paragraph 3, Law Number 02 of 2014 concerning Notary Position, in which notaries have important powers and one of them is to certify through or using electronic devices or this activity is called cyber notary. The validity of the cyber notary activity of the deed of notary in making the deed of relaas of the GMS with teleconference media is also supported in terms of its implementation by the Financial Services Authority Regulation Number 16 / POJK.04 / 2020 concerning the Implementation of the General Meeting of Shareholders. /2020 concerning the Implementation of the General Meeting of Shareholders of Public Companies Electronically, which allows participants or all participants in the GMS forum to meet each other face to face and each other can be heard directly, it is also emphasized in Article 12 where the relaas or minutes of the GMS in electronic form are required to make a notarial deed by a notary who has been registered with the Financial Services Authority (OJK) with a note or condition that shareholders who have used teleconference media with e-RUPS service providers are required to submit to a notary a copy of the results of the relaas. So that the deed of relaas of the GMS through the conference media can be said to be legally valid. Second, the making of an authentic deed relating to the relaas carried out by teleconference media by shareholders can also be endorsed by a notary or online activities is often said to be cyber notary which is carried out because it requires fast and instant

action which in the deed contains a series of discussions that have been carried out and produces an agreement that can be guided by a notary in carrying out the act of making an authentic deed in the form of a deed of relaas GMS which has been affixed with an electronic signature by a notary official. The validity of the notary's signature in the case of making a deed of relaas of the general meeting of shareholders through teleconference media is also supported by the Financial Services Authority Regulation Number 16 / POJK.04 / 2020 concerning the Implementation of the General Meeting of Shareholders of Public Companies Electronically, which allows participants or all participants in the GMS forum to meet each other face to face and can speak in a direct way, and can be signed through the help of digital media. The existence of the making of the GMS deed with electronic signing is very important to regulate or find a legal basis so that there is clarity for legal certainty regarding electronic signatures by notaries with the help of electronic media. It is necessary to know in advance that electronic signatures have been specifically regulated in Indonesian legal regulations as stated in Article 1 of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions, which states that an electronic signature is a signature that contains electronic information content that is linked and isolated from other electronic information that can be used as a tool for verification and authentication. Reinforced by regulations that are still related to electronic signatures regulated in Government Regulation Number 82 of 2012 concerning the Implementation of Electronic Systems and Transactions which states that in article one is an electronic signature is a signature containing electronically authenticated and verified information. Therefore, it can be taken in outline that this electronic signature can provide a legally valid recognition. Recommendations for further research can be carried out by examining the practice of the GMS along with the Company's Articles of Association for further study.

REFERENCES

Agung, R, Fajar Sidik A Satria, dan Didit Saleh. 'Penagantar Analisis Data'. Trade Union Rights Center, 2021. [https://wageindicator-data-academy.org/countries/data-akademigarmen-indonesia-bahasa/teknis-menganalisa-data-hasil-survei/pentingnya-analisis-data,.](https://wageindicator-data-academy.org/countries/data-akademigarmen-indonesia-bahasa/teknis-menganalisa-data-hasil-survei/pentingnya-analisis-data,)

Amaliah, Nurul. 'Kepastian Hukum Dalam Penyelenggaraan Rapat Umum Pemegang Saham

- Secara Ekteronik'. *Officium Notarium* 2, no. 2, 2022.
- Anand, Ghansam. 'Jenis-Jenis Akta Yang Dibuat Oleh Notaris'. Hukum Online, 2023. <https://www.hukumonline.com/klinik/a/akta-notaris-cl1996/>.
- Atiqah, Dewi. 'Putusan Hakim Di Pengadilan Negeri'. Pengadilan Agama Purwodadi Kelas 1A, 2021. <https://pa-purwodadi.go.id/index.php/sub-bag-keuangan/pedoman/26-halaman-depan/artikel/358-peran-hakim-dalam-mewujudkan-asas-keadilan-kepastian-hukum-dan-kemanfaatan-putusan>.
- Florenshia. 'Tinjauan Yuridis Keabsahan Akta Notaris Yang Dibuat Berdasarkan RUPS Online Dalam Era Cyber Notary'. *Hukum Dan Keadilan* 2, no. 1, 2021.
- Harahap, Doni Aripandi Saputra. 'Tanggung Jawab Notaris Terhadap Akta Berita Acara Rapat Umum Pemegang Saham Yang Dibuat Melalui Media EElektronik'. *Jurnal Notarius* 2, no. 1, 2023.
- Hasbullah. 'Legalitas (Keabsahan) Akta Notaris Terhadap Rapat Umum Pemegang Saham Melalui Media Telekonferensi'. *LamLaj* 1, no. 1, 2016.
- Hehanussa, Deassy J.A., and Mergi Gladies Sopacua. *Metode Penelitian Hukum*. Bandung: Widina Bhakti Persada Bandung, 2023.
- Irfano, Ari. 'Keabsahan Akta Notariil Rapat Umum Pemegang Saham (RUPS) Elektronik Perusahaan Terbuka Di Tinjau Dari Undang-Undang Tentang Jabatan Notaris'. *Indonesian Notary* 3, no. 3 (2021).
- Maiyestati. *Metode Penelitian Hukum*. Padang: LPPM Universitas Bung Hatta, 2022.
- Nola, Luthvi Febryka. 'Peluang Penerapan Cyber Notary Dalam Peraturan Perundang-Undangan Di Indonesia'. *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan* 2, no. 1, 2011.
- Pradana, M. Jordan, Fauzi Syam, and Syamsir. 'Pembuatan Akta Relaa Pada Rapat Umum Pemegang Saham Perusahaan Non TBK Melalui Telekonferensi'. *Jurnal Selodong Mayang* 8, no. 2. 2022.
- Pratama, Putu Angga, and Ida bagus Rai Djaja. 'Keabsahan Tanda Tangan Elektronik Dalam Akta Pernyataan Keputusan Rapat Umum Pemegang Saham Melalui Media Elektronik'. *Hukum Dan Keadilan* 3, no. 2, 2021.
- Ridwan, Intishar Linur, and Ina Heliyany. 'Tinjauan Yuridis Terhadap Keabsahan Rapat Umum Pemegang Saham Yang Dilakukan Secara Daring (Online) Dalam Masa Pandemi Covid-19'. *Delegasi: Legal Student Scientific Journal* 1, no. 1, 2021.
- Rosdiana, Agita Chici. 'Peran Notaris Dan Keabsahan Akta RUPS Yang Dilaksanakan Secara Elektronik (Dilihat Dari Peraturan Otoritas Jasa Keuangan Nomor 16/POJK.04/2020

Dan Undang-Undang Nomor 2 Tahun 2014 Tentang Perubahan Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris'. *Indonesian Notary* 3, no. 15, 2021.

Sihombing, Lyta Berthalina. 'Keabsahan Tanda Tangan Elektronik Dalam Akta Notaris'. *Jurnal Education and Development* 8, no. 1, 2020.

Surahman, Muhamad, Desi Triana, Asmak UI Hosnah, dan Yenny Febrianty. 'Analisis Peran Notaris Dan Keabsahan Akta RUPS Yang Dilakukan Melalui Media Telekonferensi'. *Jurnal Hukum* 20, no. 1, 2023.

Syawal, Sinardi. 'Legalitas Cyber Notary Dan Tandatanganan Dalam Rapat Umum Pemegang Saham'. *Universitas Sumatera Utara* 2, no. 5, 2019.

Wibawa, Pande Gde Satria, dan Pande Yogantara S. 'Keautentikan Akta Risalah Rapat Umum Pemegang Saham (RUPS) Secara Elektronik Dalam Perspektif Cyber Notary'. *Acta Comitas: Jurnal Hukum Kenotariatan* 6, no. 3, 2021.

Wijaya, Putu Adi Purnomo Djingga, dan A. A. Andi Prajitno. 'Tanggung Jawab Notaris Terhadap Kesalahan Dalam Pembuatan Akta Yang Telah Dilakukan Oleh Notaris Penggantinya'. *Perspektif* 2, no. 2, 2018.

