Pena Justisia:
Vol. 22, No. 1, June 2023

[PENA JUSTISIA: MEDIA KOMUNIKASI DAN KAJIAN HUKUM]

OPTIMIZATION OF LEGAL SERVICE DELIVERY THROUGH SABH (NOTARY RESPONSIBILITY BASED ON MINISTER OF LAW AND HUMAN RIGHTS REGULATION NUMBER 49 OF 2025)

Adella Farah Fadhilah[1], Mohamad Fajri Mekka Putra[2]
adellaff.ui@gmail.com[1], fajrimekka.notaris@gmail.com[2]

[1] Faculty of Law, Universitas Indonesia, Depok, Indonesia
[2] Faculty of Law, Universitas Indonesia, Depok, Indonesia

Article Info

Received: 2022-11-10
Revised: 2023-01-10
Accepted: 2023-05-17
Keywords: Legal Entity Administration System (SABH); Notary; Legal Responsibility

Abstract

The enactment of Minister of Law Regulation (Permenkum) Number 49 of 2025 concerning the Requirements and Procedures for the Establishment, Amendment, and Dissolution of Limited Liability Companies introduces a paradigm shift in Indonesia's corporate administrative system. The primary focus of this regulation is the optimization of transparent and accountable legal service delivery through the Legal Entity Administration System (SABH), while simultaneously imposing greater responsibilities on Notaries as data validators. This study aims to juridically analyze the shift in Notaries' responsibilities in ensuring the conformity of electronic data with the physical documents retained, as well as the juridical implications of the sanction system in the form of SABH access blocking. Employing a normative legal research method with a statutory approach, the findings indicate that Permenkum Number 49 of 2025 positions Notaries as the primary verification authority responsible for guaranteeing the material accuracy of electronic submission forms. Notaries are now not only accountable for the validity of the deeds they produce, but also for administrative risks arising from corporate non-compliance in submitting annual reports. The integration of a sanction system in the form of SABH access blocking underscores the state's role in strengthening corporate oversight through the notarial office.

I. Introduction

The digital transformation of corporate law in Indonesia has reached a crucial point following the enactment of Minister of Law of the Republic of Indonesia Regulation Number 49 of 2025 concerning the Requirements and Procedures for the Establishment, Amendment, and Dissolution of Limited Liability Companies (Permenkum No. 49 of 2025). This regulation serves as a legal foundation to enhance the quality of legal services to become more transparent, effective, and accountable, while also addressing the public's need for flexible and easily accessible services (Permenkum No. 49 of 2025).

Prior to the enactment of this regulation, the registration of limited liability companies was governed by Minister of Law Regulation Number 21 of 2021. However, this regulation was considered no longer aligned with current legal developments, prompting the government to reorganize the implementation of legal services for business actors within the Ministry of Law. The transition from Permenkum Number 21 of 2021 to Permenkum No. 49 of 2025 marks the strengthening of an administrative oversight system managed through the Legal Entity Administration System (SABH).

One of the primary reasons for this transition is the need to reinforce the professional responsibility of Notaries in ensuring the consistency between electronically submitted data and material legal facts. This requires a high level of diligence from public officials to ensure that all information within the ministry's database has accountable validity (Salim HS and Nurbani, 2022). From an administrative law perspective, this regulation places strong emphasis on corporate data transparency, including information on Beneficial Ownership. Compared to previous regulations, Permenkum No. 49 of 2025 further integrates this reporting requirement as an essential prerequisite in both the registration and amendment processes of companies. This restructuring aims to minimize the risk of misuse of legal entities and to enhance corporate compliance with reporting standards established by the State (Ramli, 2024).

Furthermore, Permenkum No. 49 of 2025 clearly distinguishes between procedures for Capital Partnership Companies, which require the involvement of a Notary, and Individual Companies, which can be processed independently by the founder. This clarification of applicant qualifications is crucial in providing legal protection for third parties engaging in cooperation with companies. Through a more integrated system, the potential for discrepancies in identity or capital data can be significantly reduced through automated validation processes within the system (Permenkum No. 49 of 2025).

Another underlying factor is the urgency to enhance accountability through the obligation to submit annual reports. Under previous regulations, supervision of compliance with annual reporting did not have a direct impact on the administrative operations of companies within the ministry. Through Permenkum No. 49 of 2025, such compliance becomes an important indicator of a company's active status. This requires company management and Notaries to ensure that annual reports approved in meetings are submitted on time to avoid hindering access to SABH.

However, this regulatory transition also presents challenges in terms of the storage of supporting documents. Based on Articles 11 and 12 of Permenkum No. 49 of 2025, Notaries are required to independently retain physical documents such as the original deed (minuta akta) and proof of capital deposit at their offices. This shift reflects the State's strong trust in the function of Notarial offices as lawful archival repositories, which also serve as primary references in the event of future legal disputes concerning the validity of company data.

As a limitation of the study, this research focuses on the responsibilities of Notaries under Permenkum Number 49 of 2025. This problem formulation is essential to examine

the extent of the expansion of Notaries' professional responsibilities in ensuring the validity of data within the ministry's digital administrative system. In this regard, the primary objective of this research is to analyze and comprehensively describe the expansion of Notaries' legal responsibilities following the enactment of Permenkum No. 49 of 2025. More specifically, this study aims to achieve the following objectives:

First, to examine and understand the qualifications of Notaries' responsibilities as verification authorities within the Legal Entity Administration System (SABH). Considering the obligation for Notaries to provide electronic statements declaring full responsibility for data conformity, this study seeks to analyze the boundaries between formal and material responsibilities that must now be borne by Notaries in every corporate registration process. Second, to analyze the juridical implications of the shift in the storage of supporting documents, which is now independently delegated to Notaries as stipulated in Articles 11 and 12 of Permenkum No. 49 of 2025. Third, to examine the professional risks faced by Notaries related to the new administrative sanction system, particularly concerning the blocking of SABH access due to corporate non-compliance in submitting annual reports. This objective is intended to evaluate the extent to which Notaries may be held accountable or affected operationally by administrative negligence committed by corporate organs, thereby identifying appropriate risk mitigation measures for public officials in carrying out their duties under this latest regulation.

2. Research Method

This study employs a doctrinal legal approach by utilizing secondary data derived from various literature and legal materials. The doctrinal method is chosen to analyze the relationships and consistency among statutory regulations (Salim HS and Nurbani, 2024). The secondary data used in this research are obtained through literature review, examination of laws and regulations, jurisprudence, scholarly works, research findings, and other relevant legal sources. Furthermore, these secondary data are classified into three categories: primary legal materials in the form of laws and regulations as well as court decisions; secondary legal materials in the form of scholarly works, expert opinions, and research results; and tertiary legal materials in the form of encyclopedias, legal dictionaries, or other supporting sources of information (Ibrahim, 2022).

In doctrinal legal research, analysis is conducted systematically through several stages oriented toward understanding, classification, and evaluation of positive law. According to Hutchinson, doctrinal research essentially emphasizes efforts to identify and explain the content of law as contained in statutory regulations, jurisprudence, and legal doctrines, with the aim of presenting the law in a rational, coherent, and systematic manner (Hutchinson, 2018). The research stages begin with identifying the legal issues that form the subject of discussion; followed by the inventory of legal materials relevant to the topic; subsequently conducting legal interpretation; analyzing the relationship between the issues raised and the applicable norms; and finally, providing evaluation and legal argumentation (Campbell, & Perry, 1983).

3. Results and Discussion

3.1 Qualification of Notaries' Responsibility as Verification Authorities in the Legal Entity Administration System (SABH)

The enactment of Minister of Law Regulation (Permenkum) Number 49 of 2025 marks a new era in the relationship between the State, public officials, and information technology. Fundamentally, this regulation shifts the role of Notaries from being primarily

focused on the physical authenticity of deeds to becoming authorities for the verification of national electronic data (Permenkum No. 49 of 2025). Within the framework of Indonesian corporate law, applications for the establishment or amendment of Capital Partnership Companies must now be carried out through Notaries as the sole users with access to the Legal Entity Administration System (SABH) (Permenkum No. 49 of 2025).

Notaries are no longer merely regarded as witnesses recording the intentions of the parties, but rather as guarantors of the validity of the State's database. Based on the Theory of Legal Responsibility, this position places Notaries within a highly specific category of professional liability, where the integrity of the office is at stake in every piece of data entered into the ministry's system (Adjie, 2025).

An important aspect of Permenkum No. 49 of 2025 is the obligation for Notaries to provide an electronic statement. This statement is not merely a procedural formality, but a legal declaration that the Notary "assumes full responsibility" for the accuracy of the submitted forms and uploaded documents (Permenkum No. 49 of 2025). Doctrinally, the phrase "assumes full responsibility" creates an expansion of administrative liability that intersects with civil and criminal liability in the event that inaccuracies in the data are discovered (Permenkum No. 49 of 2025).

The author analyzes that this responsibility reflects the principle of liability based on duty. The obligations of Notaries are no longer limited to the formal aspects of deeds, but extend to material verification of supporting documents. For example, before inputting paid-up capital, a Notary must ensure the authenticity of proof of payment in accordance with factual conditions, as the system will record the Notary's statement as legally valid and final at the administrative level (Pratama & Setiawan, 2024).

This mechanism is intended to accelerate service processes without neglecting the principle of prudence. However, this delegation of authority also brings greater professional risks for Notaries. This means that any action performed using a Notary's digital identity within SABH is deemed legally valid and cannot be repudiated in the future. Consequently, Notaries are required to safeguard the security of their system access to prevent misuse by third parties, as any resulting legal risks will remain attached to the office holder (Makarim, 2020).

Furthermore, this verification responsibility includes the validation of Beneficial Ownership information. Pursuant to Article 15 paragraph (2) of Permenkum No. 49 of 2025, Notaries are required to ensure that beneficial ownership data has been accurately completed. This responsibility is highly strategic, as it relates to the State's efforts to prevent money laundering and terrorism financing (Permenkum No. 49 of 2025).

The responsibility as a verification authority also encompasses aspects of data integration. Notaries must ensure that any changes reflected in deeds, such as changes in the composition of directors or capital structure, are promptly reported through the system within the stipulated time frame. Delays in reporting are not merely technical issues but constitute violations of legal obligations to maintain consistency of data within a national database that serves a public function (Febrianti, 2024). The strengthening of this role must be accompanied by legal protection for Notaries themselves, particularly in cases where data inaccuracies arise from intentionally falsified information provided by the appearing parties (Fuady, 2022).

3.2 Notaries' Obligations under Article 12 of Minister of Law Regulation Number 49 of 2025

The implementation of Article 12 of Minister of Law Regulation Number 49 of 2025 introduces a new standard in the governance of legal entity documents with a hybrid nature. This policy requires Notaries to perform a dual and interrelated role, namely

conducting digitalization through document uploads and ensuring preservation through physical storage. The author analyzes that the structure of this provision aims to establish a solid bridge between the efficiency of electronic services and the necessity of authentic legal evidence (Permenkum No. 49 of 2025).

The application of Article 12 paragraph (1) provides both technical and juridical mandates for Notaries to upload supporting documents to the SABH portal. These documents include copies of deeds, proof of capital deposit, and statements regarding the company's domicile. This obligation is not merely an operational activity, but rather a form of official data transmission to the State (Widjaja, 2025). The uploading process positions Notaries as authorities responsible for guaranteeing the integrity of digital data. In the context of cyber law theory, Notaries must ensure that there is no discrepancy between physical documents and their digital versions. Any error in scanning or uploading that results in unreadable or inconsistent data will directly undermine the legal certainty of administrative products issued by the Minister of Law (Makarim, 2020).

Furthermore, Article 12 paragraph (2) emphasizes that original or physical documents must still be retained by Notaries. This provision indicates that although the administrative system has transitioned into the digital realm, the existence of "source documents" remains the highest authority in legal proof. Independent storage by Notaries functions as a layered safeguard to protect the legal interests of companies in the event of system failures within the ministry's database (Permenkum No. 49 of 2025).

The obligation to store physical documents further strengthens the position of Notaries as custodians of professional confidentiality. These supporting documents become part of the Notarial protocol that must be protected from unauthorized access (Ramli, 2024). The separation between the obligation to upload and the obligation to store creates a unique qualification of responsibility for practitioners. Notaries now face more complex professional risks: they bear administrative responsibility within the SABH portal while simultaneously holding physical responsibility within their offices (Sari, 2024).

In the law of evidence, uploaded digital documents hold the status of valid electronic evidence in accordance with applicable regulations. However, the physical documents retained by Notaries remain the primary form of evidence. The author emphasizes that synchronization between uploaded and stored documents is an absolute requirement to prevent legal disputes or denials that may harm third parties in the future (Law No. 11 of 2008 on Electronic Information and Transactions [UU ITE] as amended by Law No. 1 of 2024).

The obligation to submit proof of capital deposit constitutes the most crucial aspect in the implementation of Article 12. Considering that capital is an essential element of legal entity status, the Notary's duty to verify and upload such proof demands a high standard of prudence. Errors in verifying this financial aspect may not only result in administrative sanctions but also potentially expose the Notary to civil liability (Harahap, 2023).

The State places full trust in Notaries to manage legal evidence without excessive bureaucratic intervention. This trust requires high moral integrity, where Notaries must have the courage to reject applications if the available supporting documents do not meet the requirements stipulated by the regulation (Mertokusumo, 2023). Administratively, compliance with Article 12 is mandatory. Any application in SABH will be systemically halted if the upload requirements are not fulfilled, demonstrating that the State has integrated legal compliance into technological advancement (Permenkum No. 49 of 2025).

In addition, this obligation of document retention also applies to amendments of company data that may not require a deed but are still processed through SABH procedures. Notaries are required to inventory statements from corporate organs as part

of their professional documentation. This further confirms that Notaries act as guardians of orderly corporate administration as a whole, not merely limited to the deeds they produce (Febrianti, 2025).

3.3 Administrative Sanctions and Professional Risks under Articles 27 and 28 of Minister of Law Regulation Number 49 of 2025

Pursuant to Article 27 of Minister of Law Regulation Number 49 of 2025, every Limited Liability Company is required to submit an annual report that has been approved by the General Meeting of Shareholders (GMS) (Permenkum No. 49 of 2025). Juridically, this obligation is intended to ensure accountability of corporate organs to stakeholders. In the digital era, non-compliance with reporting deadlines triggers legal consequences that are automatic and systemic for the relevant entity (Kusuma, 2026).

The professional risks faced by Notaries in this context are closely related to operational constraints arising from sanctions in the form of SABH access blocking. Article 28 explicitly stipulates that companies violating reporting obligations will be subject to sanctions ranging from written warnings to suspension of access to the ministry's electronic services. Such blocking prevents Notaries from processing any applications for changes to the company's data until the reporting obligations have been fully satisfied (Permenkum No. 49 of 2025).

This blocking sanction creates professional pressure on Notaries to act as compliance reminders for their clients. Considering that access to SABH is under the authority of the Notary's account, delays or negligence by companies in submitting annual reports may hinder the productivity of Notarial offices in providing corporate legal services to such clients (Adjie, 2023).

From a theoretical perspective, the implications of these sanctions represent the regulatory function of law in maintaining order among corporate legal subjects. The sanction of blocking access to services is intended to ensure that companies remain within the scope of government oversight (Ramli, 2024). Articles 27 and 28 of this regulation also aim to minimize the existence of legally inactive companies that remain registered in the system. Compliance with annual reporting thus serves as a filter to distinguish between properly operating business entities and those that are no longer active (Febrianti, 2025).

Moreover, the system established under Permenkum No. 49 of 2025 enforces automatic blocking without requiring manual intervention from ministry officials. This provides legal certainty while simultaneously posing significant risks, as there is no room for administrative negotiation once the system determines that a company is non-compliant. Adherence to the deadlines stipulated in Article 27 becomes a key factor in safeguarding professional practice (Permenkum No. 49 of 2025).

Although Notaries are not financial auditors, they are required to ensure that the attachments of annual reports submitted meet the prescribed formal requirements. Professional risks increase if a Notary facilitates the submission of reports containing false information or inauthentic GMS documents, as the Notary's digital trace will be permanently recorded in the system's history (Adjie, 2024). In the realm of public law, this sanction system strengthens transparency in Indonesia's business environment. Notaries play a role in maintaining the integrity of this database by refusing to perform legal acts for companies whose access remains blocked, except for actions necessary to restore their status (Harahap. 2023).

These administrative risks are also linked to the assessment of Notaries' integrity by the Supervisory Council. Frequent involvement in cases of administratively non-compliant companies may trigger stricter oversight of the Notary's professional practice. Therefore, compliance with annual reporting procedures constitutes an investment in the security and

sustainability of Notarial practice in the long term (Marzuki, 2024).

Administrative sanctions and professional risks related to annual reporting demonstrate that Permenkum No. 49 of 2025 demands a higher standard of professionalism. Notaries must be able to balance their role as providers of legal services and as guardians of State administrative compliance. A comprehensive understanding of the SABH access-blocking mechanism is an essential prerequisite for Notaries to avoid legal liability and to ensure the smooth delivery of corporate legal services to the public (Permenkum No. 49 of 2025).

4. Conclusion

Based on the analysis of statutory regulations, legal doctrines, and jurisprudence, the following conclusions can be drawn:

First, Minister of Law Regulation Number 49 of 2025 has transformed the role of Notaries from merely officials authorized to draw up deeds into authorities for material verification within the digital SABH ecosystem. The electronic statement of "full responsibility" establishes a qualification of legal responsibility that is absolute in the administrative realm. This requires Notaries to guarantee the accuracy of digital data entered in accordance with material legal facts, thereby expanding the professional risks of Notaries to include the validity of the national database.

Second, the implementation of Article 12 establishes a hybrid document management mechanism that demands dual competencies. Notaries are required to transmit electronic copies to the ministry (Article 12 paragraph (1)) while simultaneously undertaking the responsibility of physical preservation by retaining original documents at their offices as part of the Notarial protocol (Article 12 paragraph (2)).

Third, the enforcement of an administrative sanction system in the form of SABH access blocking under Articles 27 and 28 has a direct impact on the operational risks of companies. Although the obligation to submit annual reports rests with corporate organs, Notaries bear a preventive responsibility to ensure such compliance so that corporate legal services are not disrupted. The automatic enforcement of sanctions by the system requires a higher standard of professionalism and due diligence than ever before.

References

Adjie, Habib dan Rusdianto Sesung. (2020) *Tafsir, Penjelasan, dan Komentar atas Undang-Undang Jabatan Notaris*. Bandung: PT Refika Aditama.

Adjie, Habib. (2023). *Sanksi Perdata dan Administratif Terhadap Notaris Sebagai Pejabat Umum*. Bandung: Refika Aditama.

Adjie, Habib. (2024). *Hukum Notaris Indonesia* (Tafsir Tematik terhadap UU No. 30 Tahun 2004 tentang Jabatan Notaris). Bandung: PT Refika Aditama.

Adjie, Habib. (2024). *Kebatalan dan Pembatalan Akta Notaris dalam Era Elektronik*. Bandung: Refika Aditama.

Adjie, Habib. (2025). "Transformasi Jabatan Notaris dalam Menghadapi Digitalisasi Administrasi Badan Hukum di Indonesia." Jurnal Akta Notarius, Vol. 8, No. 1, hlm. 45-60.

Fakultas Hukum Universitas Indonesia. (2022). *Buku Panduan Penulisan Karya Ilmiah,* Cet. 1. Depok: Badan Penerbit Fakultas Hukum Universitas Indonesia.

Febrianti, Siska. (2024). "Eksistensi Akta Otentik dalam Era Digital Signature: Tinjauan Yuridis terhadap UU ITE dan UUJN." Jurnal Lingkar Hukum, Vol. 12, No. 2, hlm. 88.

Febrianti, Siska. (2025) "Problematika Pembacaan Akta Notaris secara Virtual: Tinjauan Pasal 16 UUJN." Jurnal Hukum Lingkar Hukum, Vol. 13, No. 1, hlm. 45.

Febrianti, Siska. (2025). "Kekuatan Pembuktian Akta Relaas Digital dalam Sengketa Korporasi." Jurnal Hukum Lingkar Hukum, Vol. 13, No. 2, hlm. 112.

Fuady, Munir. (2022). *Perbuatan Melawan Hukum: Pendekatan Kontemporer.* Bandung: Citra Aditya Bakti.

Fuady, Munir. (2024) Hukum Pembuktian dalam Perkara Perdata. Bandung: Citra Aditya Bakti.

Harahap, Yahya. (2023). Hukum Perseroan Terbatas. Jakarta: Sinar Grafika.

HS, Salim dan Erlies Septiana Nurbani. (2024). Penerapan Teori Hukum pada Penelitian Tesis dan Disertasi. Jakarta: Rajawali Pers.

HS, Salim. (2022). Hukum Kenotariatan: Teori dan Praktik dalam Pembuatan Akta. Jakarta: Sinar Grafika.

Kitab Undang-Undang Hukum Perdata [Burgerlijk Wetboek], translated by R.Soebekti dan R. Tjitrosudibio.

Kusuma, Martha. (2026). "Analisis Sanksi Administratif Pemblokiran SABH: Antara Kepastian Hukum dan Hambatan Investasi." Notary Law Review, Vol. 7, No. 1, hlm. 88-105.

Law concerning Amendments to Law Number 30 of 2004 on the Office of Notary. UU Nomor 2 Tahun 2014. LN Tahun 2014 No. 3. TLN No. 5491.

Makarim, Edmon. (2020). Notaris dan Transaksi Elektronik: Kajian Hukum tentang *Cybernotary atau Electronic Notary*. Jakarta: Rajawali Pers.

Mamudji, Sri. Et al. (2005). *Metode Penelitian dan Penulisan Hukum*. Jakarta: Badan Penerbit Fakultas Hukum Universitas Indonesia.

Marzuki, Peter Mahmud. (2021). Penelitian Hukum: Edisi Revisi. Jakarta: Kencana Prenada Media Group.

Marzuki, Peter Mahmud. (2024). Pengantar Ilmu Hukum: Edisi Revisi. Jakarta: Kencana.

Mertokusumo, Sudikno. (2023). Mengenal Hukum: Suatu Pengantar. Yogyakarta: Maha Karya Pustaka..

Otto, Jan Michiel. (2023). Kepastian Hukum di Negara Berkembang. Jakarta: Komisi Hukum Nasional.

Peraturan Menteri Hukum Nomor 49 Tahun 2025 tentang Tata Cara Administrasi Badan Hukum.

Pratama, Yudha & Setiawan, B. (2024). "Tanggung Jawab Hukum Notaris Terhadap Kebenaran Materiil Data Elektronik pada Sistem SABH." Jurnal Hukum Lingkar Peradilan, Vol. 12, No. 2, hlm. 112-130.

Ramli, Ahmad M. (2024). Cyber Law dan Digitalisasi Administrasi Hukum di Indonesia. Bandung: Refika Aditama.

Sari, Indah. (2024). "Perlindungan Hukum Bagi Pihak Ketiga dalam Transaksi Korporasi Melalui Sistem Administrasi Badan Hukum Online." Jurnal Kertha Patrika, Vol. 46, No. 3, hlm. 201-218.

Undang-Undang Nomor 1 Tahun 2024 tentang Perubahan Kedua atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik. LN Tahun 2024 No. 7.

Widjaja, Gunawan. (2025). "Implikasi Yuridis Penggunaan Dokumen Hibrida dalam Pendirian Perseroan Terbatas Menurut Regulasi Terbaru." Jurnal Hukum Korporasi Indonesia, Vol. 10, No. 1, hlm. 15-32.