



The De Jure Legal Research Journal is a quarterly legal magazine (March, June, September and December) published by the Law and Human Rights Research and Development Agency of Ministry of Law and Human Rights of the Republic of Indonesia, in collaboration with the **INDONESIAN LEGAL RESEARCHER ASSOCIATION (IPHI)**(**Legalization of Legal Entity of Association: Decree of Minister of Law and Human Rights of the Republic of Indonesia Number: AHU-13.AHA.01.07 Year 2013, dated January 28, 2013**). This journal aims to serve as a forum and medium of communication, as well as a means to publish various legal issues that are actual and current for Indonesian legal researchers in particular and the legal community in general. In its management in 2021, the De Jure Legal Research Journal involves various parties as stipulated in the Decree of the Head of the Research and Development Board for Law and Human Rights Number: PPH-08.LT4.03 Year 2021 dated January 4, 2021 concerning the Establishment of a Publishing Team for De Jure Legal Research Journals, with the team composition as follows:

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ADVERTORIAL

Gratitude in the presence of Allah SWT, the De Jure Legal Research Journal published by the Indonesian Legal Research Association in collaboration with the Law and Human Rights Research and Development Agency, Ministry of Law and Human Rights can be re-published Volume 22 Number 4 December 2022.

The publications of the De Jure Legal Research Journal Volume 22 Number 4 December 2022 contains 10 (ten) articles from various research institutions from all around of Indonesia. In order to encourage economic growth and improve the quality of regulations, also to encourage competitiveness at the global level, the acceleration is needed in all fields.

In this regard, the editors of the De Jure Legal Research Journal in Volume 22 Number 4, December 2022, raised articles involving The Role of E-Commerce in Improving the Digital Economy in the New Normal Era Based on Law Number 27 of 2022 Concerning Personal Data Protection, Intellectual Property Rights as a Source of the Creative Economy in Indonesia, Private Limited Companies in Indonesian Positive Law, Explaining the Basic Concepts of Company Law, Comparisons with Other Countries and Their Development, Determination of Zero Rupiah Against Non-Tax State Revenues for Intellectual Property Rights Services, Measuring the Effectiveness of Consumer Dispute Resolution In E-Commerce Transactions of Small Value, Problems with the Process of Implementing Judicial Decisions in Indonesia in the Context of Realizing Court Excellence. Through these writings analysis and recommendations can be implemented in a solution for the benefit of society, nation and state.

We deliver thanks to the authors who have trusted the De Jure Legal Research Journal to publish their work. We also express our gratitude to the Bestari Partners who have been willing to help, examine and correct the writings of the authors in this publication.

Finally, we express our gratitude to the Head of Law and Human Rights Research and Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia and the Indonesian Legal Research Association for agreeing to publish this De Jure Legal Research Journal.

Editor,
Jakarta, December 2022

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Moh. Roziq Saifulloh

Examination and Confiscation of Notarial Deeds for The Purpose of Criminal Law Enforcement Without Approval from The Notary Honorary Council

The De Jure Legal Research Journal Volume 22, Number 4, December 2022, Page 423-436

The Notary's right of refusal through the approval of the Notary Honorary Council (NHC) hinders the practice of criminal law enforcement because it is absolute and there is no further (final) legal remedy, even though a similar policy (beleid) has been revoked by the Constitutional Court. In practice, the notary cannot be examined by investigators, public prosecutors, or judges, unless they have previously obtained NHC approval, as regulated in Article 66 paragraph (1) of Law Number 30 of 2004 as amended by Law Number 2 of 2014 (Notary Position Law). Even if Notary Honorary Council refuses, then there will only be further legal remedies through a lawsuit by the State Administrative Court. In fact, the provisions regarding the Notary's right of refusal should be 'determination' by court decisions (vonnis) as regulated in Article 170 of the Criminal Code, and not 'administrative determination' (beschikking) through NHC approval based on the delegation of supervisory authority from state institutions. This paper concludes that every law enforcer in criminal cases (police, prosecutors, and judges) can examine a Notary with the condition of special permission from the Head of the local District Court, approval of direct interested parties, or NHC approval as stipulated in Article 43 of the Criminal Code in conjunction with Article 66 paragraph (1) of the Notary Position Law. This paper is normative research with a statutory approach, conceptual approach, and case approach.

Keywords: authority; examination; notary; approval; criminal

Tasya Safiranita Ramli, Ahmad M. Ramli, Denindah Olivia, Ferry Gunawan C, Ega Ramadayanti
The Role of E-Commerce in Escalation of Digital Economy in The New Normal Era Based on Law Number 27 of 2022 Concerning Personal Data Protection

The De Jure Legal Research Journal Volume 22, Number 4, December 2022, Page 437-450

The phenomenon of the spread of the Novel Coronavirus Disease (Covid-19) globally and thoroughly has transformed the trend of society, including the people of Indonesia. The tendency of individual behavior in buying and selling transactions is transformed from outside the internet network (offline) to inside the internet network (online). The level of comfort and convenience of the public in accessing and choosing various types of products online through electronic systems has given birth to new tendencies and habits in the e-Commerce landscape and has the potential to remain relevant even after the pandemic is over.. However, problems have arisen related to e-Commerce user data which has experienced many leaks so their activities tend to be insecure. If in the e-commerce transactions a sense of security and legal certainty is not guaranteed, it is feared that its development will stagnate. The research uses normative juridical methods and analytical descriptive types that explain the relationship between the Covid-19 health crisis and its impact on the tendency of people to conduct electronic buying and selling transactions where there is a shift in demand from physical retail to e-Commerce during the New Normal period. From this study, it was found that e-Commerce plays a major role in helping the community to remain active in online buying and selling transactions even in the post-pandemic period where legal protection is guaranteed for their activities. As for the legal regime that regulates the protection of personal data, it can help optimize the acceleration of e-Commerce with responsibility and principles of safety and security in serving consumers.

Keywords: e-commerce; digital economy; new normal; transaction; digital transformation

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Ika Atikah, Ahmad Zaini, Iin Ratna Sumirat

Intellectual Property Rights as The Resource for Creative Economic in Indonesia

The De Jure Legal Research Journal Volume 22, Number 4, December 2022, Page 451-464

Intellectual Property (IP) objects from copyright such as songs and films have economic value that can improve the country's economy and can even be used as collateral for credit, but the condition is that they must be registered with the ministry of law and human rights. Law No. 24/2019 has not yet regulated in detail the mechanism for granting credit to creative economy actors with intellectual property collateral objects. The research method used here is in the form of a doctrinal approach to laws and regulations. Primary sources are relevant legal regulations related to intellectual property and credit financing, and secondary sources are books and journals. The purpose of this research is to understand credit financing with collateral in the form of songs and films. PP No.24/2022 provides flexibility for creative economy actors to obtain credit financing not only at bank financial institutions but also at non-bank financial institutions. However, the special conditions that are regulated are that the intellectual property has been registered or registered with the ministry that organizes government affairs in the field of law, the intellectual property has been self-managed, and or the rights have been transferred to another party.

Keywords: copyright; intellectual property rights; song; film; creative economy

Achmad Fikri Rasyidi

Private Limited Company in Indonesian Positive Law: Elaborating The Basic Concept of Corporate Law, Comparison to Other Countries and Its Development

The De Jure Legal Research Journal Volume 22, Number 4, December 2022, Page 465-482

The concept of a private limited company was first introduced in the Job Creation Act which is different from the concept of a company in the previous regulation. It is important to dig deeper into the concept of a private limited company: is it possible for a company legal entity to only have a single shareholder or it must be established by a minimum of 2 (two) persons as shareholders? Therefore, this paper applied the normative juridical method, which is believed to be able to answer the aforementioned problem. This paper reviewed the concept of a private limited company juxtaposed with the concept of a company that was in effect before the Job Creation Act and elaborated on the development of company regulations in Indonesian Law. In conclusion, it is found that the basic concept of a private limited company (as a legal entity) can be established by 1 (one) person, as the founder and sole shareholder, that is, as long as the establishment of the company is authorized by the state. Furthermore, the development of company legal arrangements in Indonesian law shows that the law must be responsive to the development of society. This is evident from several changes in the regulation of company law in Indonesia to accommodate the needs of economic development in society.

Keywords: private limited company; job creation act; the legal concept

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Henry Donald Lbn Toruan

The Importance of Using Electronic Deeds to Facilitate The Service and Storage of Notary Archives

The De Jure Legal Research Journal Volume 22, Number 4, December 2022, Page 483-498

The rapid progress of the development of information technology has made many changes in human life on earth. Work and activities that used to be done manually are now shifting to using a technological approach. This has been applied in assisting tasks in government and business such as banking, and trading in cyberspace. The rapid advancement of technology in this age of informatics that can provide speed, accuracy, and certainty is a solution to solving various problems and at the same time providing benefits for its users. Notarial deeds play a very important role in facilitating business transactions in the form of trade contracts or other deeds in banking. But unfortunately, in the midst of the advancement of information technology, it turns out that the notarial deed currently does not support the rapid progress of the technology. The question is whether it important to make an electronic deed in carrying out the duties of a notary. The research method used in this paper is a normative juridical method because the results of legal research on electronic deeds that have been carried out so far are still in the form of literature.

Keywords: electronic deed; implementation; notary duty

Gaza Carumna Iskadrenda, Edward Omar Sharif Hiariej

Problems With Time Limitation Regulation in The Settlement of General Election Offenses

The De Jure Legal Research Journal Volume 22, Number 4, December 2022, Page 499-512

The electoral legal framework in Indonesia is designed to be highly complex, which causes several problems. One of them is in the realm of election offenses, considering the establishment of the settlement mechanism is complicated due to the very short time limit. This research aims to identify, examine, study, and discover many regulatory problems that will undoubtedly help law enforcers to settle election offenses in the future. This research falls under the category of normative legal research prioritizing the use of secondary data, including primary, secondary, and tertiary legal materials. Based on the data used, the documentation study/library study technique with tools in the form of written materials as described was used and qualitatively analyzed. The research finding showed that the specialization of the regulation in the form of speedy trial or fast-track judicial process is the root of the problem in the settlement of election offenses, considering the existing problems cannot be separated from it.

Keywords: election fraud; electoral crime; electoral justice

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Nevey Varida Ariani, Amirudin

Determination of Zero Rupiah Rate Against Non-Tax State Revenues for Intellectual Property Rights Services

The De Jure Legal Research Journal Volume 22, Number 4, December 2022, Page 513-524

The government continues to encourage the public to innovate to grow intellectual property by providing protection and legal certainty, including the application of Non-Tax State Revenue (Penerimaan Negara Bukan Pajak - PNBP) of Zero Rupiah. The problem is how to set a zero IDR Rupiah rate on non-tax state revenues for intellectual property services. The research method used is normative juridical. Provision of a non-tax state revenue rate of zero rupiahs determined based on certain conditions for intellectual property services such as social, religious, and state activities, and given specifically to underprivileged communities, students or /college students, Micro, Small and Medium Enterprises, or force majeure conditions, as well as activities that support the programs of the Ministry of Law and Human Rights, especially the Directorate General of Intellectual Property. Optimization of the budget or the achievement of PNBP in the Directorate of Intellectual Participation needs to be monitored and evaluated every year. Therefore, it is necessary to have a legal basis in the form of a Regulation of the Minister of Law and Human Rights concerning the Amount, Requirements, and Procedures for the imposition of Non-Zero Rupiah State Revenue Rates for Intellectual Property Services by first through the approval of the Minister of Finance.

Keywords: not tax; zero rupiah; intellectual property

Rianda Dirkareshza, Eka N.A.M Sihombing, Rosalia Dika Agustanti

The Problem of Criminalization of Commercial Sexual Workers and Users of Prostitution Services

The De Jure Legal Research Journal Volume 22, Number 4, December 2022, Page 525-536

Prostitution is a complex problem because it intersects with so many aspects, especially in women's rights. However, the complexity of the problem is not accompanied by legal certainty of regulations regarding prostitution. This paper aims to find out and understand how the problem of criminalization of prostitutes and users of prostitution services in Indonesia. This research method is normative juridical law research with a concept and legislation approach. Data used secondary data consisting of primary, secondary, and tertiary materials. The result found is a legal vacuum related to the regulation of prostitution actions so that prostitutes and users of prostitution services often escape the legal snare. The need for criminalization as a countermeasure against users of prostitution services that are key in the practice of prostitution and protecting women's rights. As well as countermeasures by providing rehabilitation for prostitutes and in them to have skills and not fall back into the vortex of prostitution practices.

Keywords: problematic; commercial sex workers; criminalization

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Mosgan Situmorang

Measuring The Effectiveness of Consumer Dispute Resolution on Small Value E-Commerce Transaction

The De Jure Legal Research Journal Volume 22, Number 4, December 2022, Page 537-550

The development of very advanced information technology has changed the pattern of trade carried out by the community. Buying and selling are no longer only carried out directly with the meeting of sellers and buyers in certain places, but can be performed from anywhere with the help of information technology. E-commerce or trade conducted online is growing very rapidly from day to day and has become a lifestyle for people, especially in urban areas. In addition to having a positive impact, e-commerce also has a negative impact, because the laws governing it have not developed as fast as these trading practices. One of the problems is related to the existing settlement institutions. Existing institutions are seen as not being able to properly accommodate consumer disputes that arise. The dispute resolution available is considered conventional and has not accommodated disputes that arise, especially for claims of small value, which make up the majority of the online trading section. In connection with the above description, a research was conducted. The question in this study is how effective is the dispute resolution agency currently available, especially for e-commerce disputes of small value. This research was conducted with a normative juridical method. From the results of the study it can be concluded that the existing dispute resolution institutions cannot be said to be effective, especially in consumer disputes of small value, adequate dispute resolution for claims of small value arising from online buying and selling. From the results of the research, recommendations are given to form existing dispute resolution institutions, especially BPSK, to increase their role and capacity so that they can accommodate small-value disputes quickly and at low cost.

Keywords: e-commerce; consumer dispute; online

Ahyar Ari Gayo

Problematic in The Civil Decision Execution Process in Indonesia in Order to Realize Court Excellence

The De Jure Legal Research Journal Volume 22, Number 4, December 2022, Page 551-560

The duties and responsibilities attached to the position of the Head of the District Court have required him to examine and review every petition for execution submitted to the District Court he leads. This is necessary in order to avoid obstacles to the execution of court decisions that already have permanent legal force. Therefore, this paper aims to describe the causes of obstacles in the execution of court decisions that have permanent legal force. The method used in this research is descriptive-analytical method with the main approach is normative juridical. This study found that the main causes of delays in the execution of court decisions that already have permanent legal force include limited executors, limited budgets, opposition by other people or third parties, and judicial review of court decisions. In order to overcome the obstacles faced in the execution by the Supreme Court of the Republic of Indonesia, it is necessary to prepare State Civil Apparatus that specifically becomes executors by carrying out education in accordance with the main functions that are quite adequate.

Keywords: problematic; execution; civil decision

