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## Amid Coronavirus Outbreak – The Use of Digital Signatures

The precaution and prevention measures have been taken and put in place to address the rapid spread of Coronavirus (“**COVID-19**”) in Indonesia. As the government encourages self-isolation and home-working, some companies, businesses and individuals may need to find alternatives on remotely signing important documents. This has raised the question of whether it is possible to legally execute documents using digital signature.

Indonesia acknowledges digital signature as a valid signature under Law No. 11 of 2008 on Electronic Information and Transactions as amended by Law No. 26 of 2019 (“**Law 11/2008**”), Government Regulation No. 71 of 2019 on Electronic Systems and Electronic Transactions (“**GR 71/2019**”) and Ministry of Communication and Informatics Regulation No. 11 of 2018 on Electronic Certification Provider (“**MCI 11/2018**”). Digital signature is defined as a signature which consists of electronic information that is adhered to, associated or related to other electronic information which is utilized as a means of verification and authentication.

There are two types of digital signatures recognized in Indonesia, i.e. certified and uncertified digital signatures. A certified digital signature is created by using the services procured by local Electronic Certification Provider (“**ECP**”) and shall be evidenced by an electronic certificate. An uncertified digital signature is made without using the service of such ECP. With that being said, an uncertified digital signature may have a weak standing before the court.

In order to construct or create a digital signature, any person can formulate and utilize the digital signature producing data to identify the signer. Digital signature producing data is a unique private code which are produced from the alteration of the manual signature. The data shall be difficult to be known and recognize from the verification data of digital signature and shall be retained in an electronic media which is in the possession of the signer. If the signer is using the service of ECP, the process of formulating digital signature producing data is done by ECP and must be ensure of its security and confidentiality.

A digital signature shall have valid legal force and legal implications under the conditions that the digital signature is only related to the signer by using digital signature producing data and the authority to electronically sign the document is of the signer. If there is any change made to the digital signature and/or the electronic information which has been signed, a valid digital signature is able to discover such modification. To further protect the misuse of digital signature, a

digital signature may also have certain methods which can be used to identify the signer and to show that the signer has provided the approval for the relevant electronic information.

During the signing process, it is required by law for the signer to fully understand the context of electronic document and/or agreement which will be signed. A security mechanism must be put in place to ensure the verification data of the digital signature is related to the digital signature producing data. Once the signer signs the electronic document and/or agreement, the digital signature must at least be made by utilizing the digital signature producing data and include the signing time.

Referring to the above, the use of digital signature to execute important documents during the condition of COVID-19 spread may be an alternative to simplify and speed up the execution arrangements and can be used to remotely sign a document if the signatories are physically unavailable, provided that they have access to the internet. To avoid any potential legal disputes, a person may use the certified digital signature for validity purposes.