

SKRIPSI

HARMONISASI SISTEM HUKUM INDONESIA TENTANG APOSTILLE PASCA AKSESI CONVENTION ABOLISHING THE REQUIREMENT OF LEGALISATION FOR FOREIGN PUBLIC DOCUMENTS 1961

*Diajukan sebagai salah satu syarat untuk memperoleh gelar Sarjana Hukum Pada
Fakultas Hukum Universitas Andalas*

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2026

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(Natasya Fadilla Armelia, 2110113058, Fakultas Hukum, Universitas Andalas, 151 Halaman, 2026)

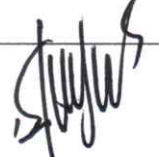
ABSTRAK

Konvensi *Apostille* 1961 menghapus persyaratan legalisasi diplomatik atau konsuler terhadap dokumen publik asing dan menggantinya dengan Sertifikat *Apostille*. Sebelum penerapan Konvensi *Apostille*, penggunaan dokumen publik lintas negara umumnya memerlukan legalisasi berjenjang melalui instansi penerbit, kementerian terkait, hingga perwakilan diplomatik atau konsuler negara tujuan sehingga menimbulkan prosedur administratif yang panjang dan kompleks. Setelah Konvensi berlaku bagi Indonesia, masih terdapat ketidaksesuaian karena Indonesia mengecualikan dokumen Kejaksaan sebagai lembaga penuntutan, sedangkan Pasal 1 Konvensi memasukkan dokumen yang berasal dari penuntut umum sebagai dokumen publik. Selain itu, terdapat indikasi persoalan terkait permintaan verifikasi tambahan terhadap dokumen yang telah memperoleh Sertifikat *Apostille*. Rumusan masalah dalam penelitian ini adalah: (1) Bagaimana pengaturan *Apostille* berdasarkan Konvensi *Apostille* 1961 dan (2) Bagaimana harmonisasi sistem hukum Indonesia tentang *Apostille* pasca aksesi Konvensi *Apostille* 1961. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan, konseptual, dan kasus. Analisis bahan hukum dilakukan secara kualitatif. Hasil penelitian menunjukkan bahwa: (1) pengaturan *Apostille* dalam Konvensi *Apostille* 1961 menyederhanakan autentikasi dokumen publik melalui pembebasan legalisasi diplomatik dan konsuler sebagaimana diatur pada Pasal 2, serta menetapkan Sertifikat *Apostille* sebagai formalitas autentikasi yang diatur pada Pasal 3. Konvensi juga mengatur ruang lingkup dokumen publik, penerbitan sertifikat, otoritas berwenang, dan register. (2) Harmonisasi sistem hukum Indonesia tentang *Apostille* pada aspek substansi hukum sebagian besar ketentuan Konvensi telah diakomodasi dalam hukum nasional, tetapi masih terdapat perbedaan terkait dokumen Kejaksaan dan pencatatan register dokumen tanpa tanda tangan. Pada aspek struktur Hukum, Kementerian Hukum melalui Direktorat Jenderal Administrasi Hukum Umum berperan sebagai Competent Authority. Pada aspek budaya hukum, masih diperlukan penguatan pemahaman mengenai batas autentikasi formal dan pemeriksaan substantif dalam penerapan *Apostille*. Dengan demikian, harmonisasi *Apostille* dalam sistem hukum nasional Indonesia telah terlaksana, tetapi belum sepenuhnya tercapai.

Kata kunci : Harmonisasi, Sistem Hukum, *Apostille*, Aksesi, Konvensi

Sketsa ini telah dipertahankan di depan Tim Penguji dan dinyatakan lulus pada 21 Agustus 2026.

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HARMONIZATION OF THE INDONESIAN LEGAL SYSTEM REGARDING APOSTILLE AFTER THE ACCESSION TO THE CONVENTION ABOLISHING THE REQUIREMENT OF LEGALISATION FOR FOREIGN PUBLIC DOCUMENTS 1961

(Natasya Fadilla Armelia, 2110113058, Faculty of Law, Andalas University, 151 Pages, 2026)

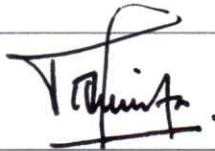
ABSTRACT

The 1961 Apostille Convention abolishes the requirement of diplomatic or consular legalization for foreign public documents and replaces it with an Apostille Certificate. Before the implementation of the Apostille Convention, the use of foreign public documents generally required a lengthy legalization process involving issuing institutions, relevant ministries, and diplomatic or consular representatives of the destination country, resulting in complicated and inefficient administrative procedures. After Indonesia became a party to the Convention, several inconsistencies remain, particularly because Indonesia excludes Prosecutorial documents from the scope of documents issued by public authorities, while Article 1 of the Convention includes documents originating from public prosecutors as public documents. In addition, issues remain regarding additional verification requirements for documents that have obtained an Apostille Certificate. The research problems in this study are: (1) How is the regulation of Apostille under the 1961 Apostille Convention? and (2) How is the harmonization of the Indonesian legal system regarding Apostille after the accession to the 1961 Apostille Convention? This research employs a normative juridical method using statutory, conceptual, and case approaches. The results of this study indicate that: (1) The regulation of Apostille under the 1961 Apostille Convention simplifies the authentication of public documents by eliminating diplomatic and consular legalization requirements as regulated under Article 2 and establishing the Apostille Certificate as the formal authentication mechanism provided in Article 3. The Convention also regulates the scope of public documents, the issuance of certificates, competent authorities, and registers. (2) The harmonization of the Indonesian legal system regarding Apostille has been substantially accommodated through national legal regulations; however, differences remain concerning Prosecutorial documents and the registration of documents without handwritten signatures. Regarding the legal structure, the Ministry of Law through the Directorate General of General Legal Administration acts as the Competent Authority. Regarding legal culture, strengthening understanding of the boundaries between formal authentication and substantive examination remains necessary in the implementation of Apostille. Therefore, the harmonization of the Apostille system within the Indonesian legal system has been implemented but has not yet been fully achieved.

Keywords : Harmonization, Legal System, Apostille, Accession, Convention

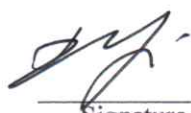
This Minor Thesis has been successfully defended and regarded to graduate by August 21, 2026.

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