

Extending Notaries' Tenure to Age 70 after Constitutional Court Decision No. 84/PUU-XXII/2024: Implications for Professionalism and Regeneration

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Abstract

Constitutional Court Decision Number 84/PUU-XXII/2024, pronounced on 3 January 2025, changed the retirement age of notaries from 65 years, extendable to 67, to a maximum of 70 years on certain conditions. The change raises the question of how to balance the constitutional rights of senior notaries, the quality of notarial service, and the regeneration of the professional organisation. This article formulates the *ratio decidendi* of the decision and tests its normative implications for professionalism, accountability, and regeneration. The normative legal study uses a statutory approach and a conceptual approach, drawing on primary legal materials (the decision, the Notary Office Act, and Minister of Law Regulations Number 17, 22, and 24 of 2025), analysed qualitatively through systematic interpretation against parameters of legal certainty, justice, and utility. The findings show that the Court's reasoning rests on Article 28D(1) of the 1945 Constitution, the principle of rationality, and intolerable injustice, so that the resulting regime is better described as a hybrid, namely a maximum age limit combined with a health requirement, than as a full capacity-based regulation. The health examination tests physical and psychiatric fitness but does not guarantee professional competence; the gap is only partially closed by recommendations from the Notary Supervisory Council. The article's analytical contribution is a three-node model linking capacity screening, professional supervision, and organisational regeneration. The findings are normative implications that require empirical testing.

INTRODUCTION

Indonesia affirms itself as a state of law through Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia.¹ Consequently, the life of society, nation, and state must be based on the law so that certainty, justice, and benefits are guaranteed, especially in civil relations that are increasingly developing along with the increase in economic, trade, investment, and technological activities. At that point, the state authorizes a deed-making profession to act as a general authority that formulates authentic documents with perfect evidentiary value, so that the parties obtain a guarantee of certainty.²

Notaries occupy a strategic position in the national legal system because they carry out part of the state's functions in the field of legal services to the community. Article 1 number 1 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Notary Position (UUJN) emphasizes that notaries are public officials authorized to make authentic deeds and have other authorities according to laws and regulations.³ The implementation of the notary position must therefore rely on professionalism, independence, integrity, prudence, and responsibility to the community and the state.⁴

Prior to the Constitutional Court Decision Number 84/PUU-XXII/2024, Article 8 paragraph (1) b of the UUJN stipulated that notaries should retire with respect at the age of 65, while Article 8 paragraph (2) only opened the space for extension up to 67 years old by considering health.⁵ The increasing life expectancy of the Indonesian people and the fact that many notaries remain productive in old age give rise to the view that age alone is no longer adequate as a benchmark for the ability to carry out their positions.⁶

The decision has been the object of a number of recent studies. Ibadillah and Iswandi examined the Court's legal considerations in changing the age limit,⁷ Pratama and Wardhana highlighted the juridical aspect of the decision from the perspective of state

¹ Article 1 paragraph (3) of the Constitution of the Republic of Indonesia of 1945.

² Habib Adjie, 'Indonesian Notary Law: Thematic Interpretation of the Notary Position Law', Revised Edition, PT Refika Aditama, Bandung, 2023, p. 43.

³ Article 1 number 1 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Notary Position.

⁴ Habib Adjie, 'Indonesian Notary Law', p. 48.

⁵ Article 8 paragraph (1) letter b and paragraph (2) of Law Number 30 of 2004 concerning the Notary Position.

⁶ Constitutional Court Decision Number 84/PUU-XXII/2024, Legal Considerations, paragraph [3.15].

⁷ Raden Ziljian Ibadillah and Iswandi, 'Analysis of the Constitutional Court Decision Number 84/PUU-XXII/2024 concerning the Extension of the Age of Notary Office', *Limbago: Journal of Constitutional Law*, 6.1 (2026), 126–139, DOI: 10.22437/limbago.v6i1.53337.

administrative law,⁸ Hurruzia raised the issue of notary sustainability from the perspective of human rights protection,⁹ Darmawan and Louise compared it with the practice of restricting the age of office in other jurisdictions,¹⁰ Prayoga et al. assessed it from the perspective of justice and legal certainty,¹¹ and Patongai et al. examined the judge's considerations from the perspective of *siyasah syar'iiyyah*.¹² These studies generally agree that the Court's decision provides legal certainty for senior notaries.

However, as far as the author is concerned, there are four aspects that have not been the main focus of these studies. First, there has been no testing of the decision with explicit parameters; the assessment of justice, legal certainty, and usefulness is generally descriptive. Second, there has not been a clear distinction between the capacity that is actually tested (physical and mental health) and the capacity required by the notary position (professional competence and integrity), so the assumption that the decision shifts the arrangement towards ability-based has not been tested. Third, the post-decision implementing regulations, namely the Regulation of the Minister of Law Number 22 of 2025 concerning the extension of the term of office, Number 17 of 2025 concerning the formation of positions, and Number 24 of 2025 concerning the organization of notaries, have not been linked to the Court's consideration. Fourth, the Court's own premise that senior notaries are needed for knowledge transfer and generational change has not been studied in terms of whether the premise has an institutional framework that guarantees its realization.

The Constitutional Court through Decision No. 84/PUU-XXII/2024, pronounced on January 3, 2025, declared Article 8 paragraph (2) of Law No. 30 of 2004 conditionally unconstitutional: notary can be extended until the age of 67 years with health

⁸ Han Satria Pratama and Mahendra Wardhana, 'Juridical Analysis of the Constitutional Court Decision Number 84/PUU-XXII/2024 concerning the Extension of the Notary Position', *Indonesian Journal of Contemporary Law*, 2.6 (2026), 1-15.

⁹ Khansa Hurruzia, 'The Notaries Continuity in the Constitutional Court Decision Number 84 of 2024', *International Journal of Humanities Education and Social Sciences (IJHESS)*, 5.5 (2026), DOI: 10.55227/ijhess.v5i5.1553.

¹⁰ Rachael Shellofariq Darmawan and Denise Elysia Louise, 'A Legal Analysis of the Extension of the Mandatory Retirement Age for Notaries Following Constitutional Court Decision No. 84/PUU-XXII/2024', *Academia Open*, 10.2 (2025), DOI: 10.21070/acopen.10.2025.12941.

¹¹ Meidya Utama Prayoga, Agus Riewanto, and Anjar Sri Ciptorukmi Nugraheni, 'The Impact of Constitutional Court Decision Number 84/PUU-XXII/2024 on the Retirement Age Limit for Notaries from the Perspective of Justice and Legal Certainty', *Siber International Journal of Advanced Law*, 3.1 (2025), 204-214, DOI: 10.38035/sijal.v3i1.269.

¹² Alny Avasyah R.A. Patongai, Kurniati, and Adriana Mustafa, 'Judges' Considerations in the Constitutional Court Decision Number 84/PUU-XXII/2024 concerning the Age Limit and Extension of the Term of Office of Notaries from the Siyasah Syar'iiyyah Perspective', *Al-Zayn: Journal of Social & Legal Sciences*, 4.2 (2026), 88-101.

considerations, and can be extended again every year until the age of 70 based on the results of medical examinations carried out periodically every year.¹³ The Court considers that the age limit is still necessary, but the 67-year limit is irrational; the consideration is supported by the specificity of the notary position, the increase in life expectancy, comparison with other positions, and the need to maintain the continuity of legal services to the community.¹⁴ The ruling can be read as a shift in regulatory orientation from *age-based regulation* to *capacity-based regulation*, but the shift is partial because age remains the maximum limit and the explicitly required capacity is health. How far the shift is realized is one of the things tested in this article.

From the point of view of legal services, this policy is beneficial because the public can still access the services of experienced notaries, while from an institutional point of view, it raises the problem of organizational regeneration. If the term of office is extended without setting a regeneration pattern, the opportunities for prospective notaries and young notaries to obtain position formation have the potential to narrow, especially in areas where the number of notaries is adequate.¹⁵

The Constitutional Court Decision Number 84/PUU-XXII/2024 cannot therefore be understood solely as a change in the age limit, but rather a legal policy that touches the balance between the constitutional rights of senior notaries and professional regeneration. This article answers two questions: first, what is the juridical basis (*ratio decidendi*) of the Court's consideration in extending the term of office of a notary until the age of 70, and how strong are those considerations when tested; second, what are the normative implications for professionalism, accountability, professional sustainability, and the regeneration of notary organizations.

The scope of implications is limited to three dimensions that correspond to the title and is analyzed in a balanced manner in three subsections of the discussion, plus one synthesis subsection. Professionalism is interpreted as competence, integrity, and compliance with the Law and Code of Ethics; accountability is interpreted as civil, administrative, ethical, and supervisory liability; regeneration is interpreted as access to formation, knowledge transfer, and organizational continuity. The implications in this article are normative, namely juridical consequences that can be derived from norms and considerations of decisions, not measurable empirical impacts.

¹³ Constitutional Court Decision Number 84/PUU-XXII/2024, Amar Decision number 2.

¹⁴ Constitutional Court Decision Number 84/PUU-XXII/2024, paragraphs [3.14]–[3.16].

¹⁵ Neilul Muna, 'The Formation of the Notary Position and the Determination of Post-Change Regional Categories', *Officium Notarium*, 2.3 (2023), 210–223.

This article makes an analytical contribution in three ways. First, judgments are tested with the parameters of legal certainty, justice, and usefulness that are operationalized into indicators (Table 1). Second, the article maps the dimensions of the capacity tested by the judgments and their implementing regulations and shows that the regime formed is hybrid, with a gap between health and competence (Table 2). Third, the article proposes a three-node model that links capacity screening, professional supervision, and regeneration of notary organizations as a single policy cycle (Table 4).

Literatur Review

1. Theoretical Framework and Parameters of Analysis

This study is based on three theories. The theory of legal positivism emphasizes that the action and sustainability of the notary office must rely on legitimate procedures and authority;¹⁶ the theory of authority explains that the authority of the notary is attribution, directly attached to the position based on the law;¹⁷ and the theory of legal protection emphasizes the obligation of the state to provide preventive and repressive protection for each subject of law.¹⁸ The three theories explain why the age limit for the office of a notary is a matter of written norms and state authority, but does not provide a measure to assess whether an age limit norm is appropriate. The measure is formulated in the following paragraph.

The test in this article uses three basic legal values, namely legal certainty, justice, and utility, which in Radbruch's thinking are mutually demanding and can be tensioned.¹⁹ These three are not used as descriptive labels, but are operationalized into indicators and test questions that can be examined in the decisions and implementing regulations (Table 1). The formulation of 'fair legal certainty' in Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which is the touchstone of judgment,²⁰ is the entrance to connect certainty and justice.

Table 1. Parameters and Indicators of Decision Testing

Value	Indicator	Test questions
Legal certainty	(a) Clarity of norms	Are the requirements, age level, and inspection bodies strictly formulated? Are there implementing rules, instruments, and
	(b) Implementation	

¹⁶ Nasda Aninda Pertiwi, Salim HS., and Aris Munandar, 'The Effectiveness of the Implementation of E-Notary in the Implementation of the Notary Position', *Journal of Notary Treaties*, 4.1 (2023), 20–34.
¹⁷ Soeroso, 'Introduction to Law', 18th Edition, *Sinar Grafika, Jakarta*, 2023, pp. 130–132.
¹⁸ Syamsul Arifin, 'Introduction to Indonesian Law', *Medan Area University Press, Medan*, 2012, pp. 88–90.
¹⁹ Gustav Radbruch, 'Statutory Lawlessness and Supra-Statutory Law (1946)', ed. Bonnie Litschewski Paulson and Stanley L. Paulson, *Oxford Journal of Legal Studies*, 26.1 (2006), 1–11.
²⁰ Constitutional Court Decision Number 84/PUU-XXII/2024, paragraph [3.16].

	(c) Uniformity of application	of deadlines? Is the application uniform between supervisory areas?
Justice	(a) Discriminating rationality (b) Individualization (c) Not disproportionately burdening the other party	Is the age differential supported by comparable and commensurate reasons? Is eligibility assessed on the real condition of the individual, not just age? Is the access of prospective notaries and young notaries still open?
Benefits	(a) Protection of service users (b) Availability of services (c) Continuity of knowledge	Is the quality of the deeds, the continuity of protocols, and public trust maintained? Are services in the regions guaranteed? Is there a mechanism for intergenerational knowledge transfer?
Shift from age to ability	Capacity dimensions: (a) physical health; (b) mental and cognitive health; (c) professional competence; (d) integrity and track record of office	Which dimensions are explicitly tested by the ruling and its implementing regulations, with what instruments?

The terms *age-based regulation* and *capacity-based regulation* are used as the author's analytical lens, not the terms used by the Court. Age-based regulation is understood as an arrangement that makes chronological age the only determinant of the end of office, while ability-based regulation makes the results of an assessment of individual capacity the main determinant. Capacity is differentiated into four dimensions, namely physical health, mental and cognitive health, professional competence, and integrity and track record of office, so that it can be tested to what extent decisions and implementing regulations have completely shifted from age-based arrangements.

METHODS

This study takes a normative legal research method, which is research that places law as a written norm and examines literary law materials without directly examining

people's behavior.²¹ Two approaches are used in tandem. The statute *approach* is used to trace the structure and systematics of regulations that govern the term of office of notaries, starting from the 1945 Constitution of the Republic of Indonesia, UUDN, to implementing regulations issued by the Ministry of Law (formerly the Ministry of Law and Human Rights).²² The *conceptual approach* is used to read the legal concepts and principles behind these norms, especially the concepts of legal certainty, justice, utility, and professional regeneration that have not been fully formulated explicitly in the provisions of the law.²³

Primary legal materials include the 1945 Constitution of the Republic of Indonesia, the Law and its amendments, the Constitutional Court Decision Number 84/PUU-XXII/2024 (with emphasis on legal considerations in paragraphs [3.9] to [3.16] and its aforesaid), as well as implementing regulations, namely the Regulation of the Minister of Law Number 22 of 2025 (Permenkum 22/2025), Number 17 of 2025 (Permenkum 17/2025), and Number 24 of 2025 (Permenkum 24/2025), as well as the Regulation of the Minister of Law and Human Rights Number 15 of 2020 and Number 16 of 2021 concerning notary supervision.²⁴ Secondary legal materials include books, scientific journals, and the results of previous research, while tertiary legal materials are in the form of legal dictionaries and encyclopedias.

This study did not use field data, such as the number of notaries who applied for extensions, the need for formation per district/city, the length of the waiting list of prospective notaries, or the experience of young notaries. Therefore, the word 'implication' in this article is limited to normative implications, i.e. juridical consequences that can be logically derived from norms, decision considerations, and implementing regulations. Statements about regeneration, such as the potential for narrowing of the opportunities of prospective notaries, are treated as normative projections that become

²¹ Zainal Asikin and Amiruddin, 'Introduction to Legal Research Methods', *Rajawali Pers, Jakarta*, 2023, p. 45.

²² Peter Mahmud Marzuki, 'Legal Research', Revised Edition, *Kencana Prenada Media Group, Jakarta*, 2021, p. 93.

²³ Peter Mahmud Marzuki, 'Legal Research', p. 177.

²⁴ Constitutional Court Decision Number 84/PUU-XXII/2024; Regulation of the Minister of Law Number 22 of 2025 concerning Terms and Procedures for Appointment, Leave, Region Transfer, Dismissal, and Extension of the Term of Office of Notaries; Regulation of the Minister of Law Number 17 of 2025 concerning the Formation of Notary Positions and the Determination of Regional Categories; Regulation of the Minister of Law Number 24 of 2025 concerning the Determination, Development, and Supervision of Notary Organizations; Regulation of the Minister of Law and Human Rights Number 15 of 2020 concerning Procedures for the Examination of the Supervisory Council of Notaries; Regulation of the Minister of Law and Human Rights Number 16 of 2021 concerning Organizational Structure and Work Procedures, Procedures for Appointment and Dismissal, and the Budget of the Notary Supervisory Council.

hypotheses for further empirical research, rather than as findings about the impacts that have occurred. The same distinction applies to the final section: findings are formulated as the results of norm analysis, while policy proposals are expressed as *proposals de lege ferenda*.

Legal materials are collected through literature studies and document studies,²⁵ then analyzed qualitatively with systematic interpretation, namely reading legal norms as an interrelated unit so that their meaning is understood in its entirety in the same legal system.²⁶ The analysis is carried out in three steps: (1) formulating *the ratio decidendi* by directly examining the paragraphs of legal considerations and the judgment of the decision, not through the summary of other studies; (2) examining the decision and its implementing regulations with the parameters in Table 1; and (3) reducing the normative implications on professionalism, accountability, and regeneration, then formulating it in a three-node model.

RESULTS AND DISCUSSION

1. The Juridical Basis of the Constitutional Court's Decision on the Extension of the Notary's Term: *Ratio Decidendi* and Its Tests

This case began with a notary's request to test Article 8 paragraph (2) of Law Number 30 of 2004 against the 1945 Constitution of the Republic of Indonesia. Article 8 paragraph (1) b stipulates that notaries quit respectfully at the age of 65, while Article 8 paragraph (2) only opens extensions until the age of 67 years by considering health.²⁷ This norm has been tested in the Constitutional Court Decision Number 52/PUU-VIII/2010, which views the retirement age as an open *legal policy* so that no matter how many limits are set, it cannot be categorized as unconstitutional, as well as in Decision Number 165/PUU-XXI/2023.²⁸ The Court concluded that the application could be resubmitted because it met the exceptions of Article 60 of the Constitutional Court Law and Article 78 of PMK 2/2021, namely the existence of a different basis for testing or the reason for the application.²⁹

In answering the main case, the Court's reasoning can be formulated in four steps. First, the Court affirms the specificity of notaries as public officials who carry out part of state functions in the field of civil law, whose responsibility for deeds, storage, and

²⁵ Zainal Asikin and Amiruddin, 'Introduction to Legal Research Methods', p. 58.

²⁶ Suratman and Philips Dillah, 'Legal Research Methods', *Alfabeta, Bandung*, 2015, p. 35.

²⁷ Constitutional Court Decision Number 84/PUU-XXII/2024, paragraphs [3.5] and [3.12.3].

²⁸ Constitutional Court Decision Number 84/PUU-XXII/2024, paragraphs [3.10] and [3.13].

²⁹ Constitutional Court Decision Number 84/PUU-XXII/2024, paragraphs [3.10]–[3.11].

protocols does not stop when the deed is signed. On that basis, age restrictions are considered still necessary, and comparisons with advocates, curators, medical personnel, and public accountants who are not age restricted are not taken for granted.³⁰ Second, the Court considers the age of 65 as the retirement threshold point to be appropriate because everyone's physical, spiritual, memory, and sharpness of thinking is different.³¹ Third, the Court considers that senior notaries are still needed, especially in the regions, for the *transfer of knowledge* and so that the transition to the younger generation does not cause too much distance; the limit of 70 years is considered rational by referring to the retirement age of similar positions (lecturers and professors, judges, supreme judges, and constitutional judges), the average life expectancy of 73.93 years according to data from the Central Statistics Agency, the classification of 70 years as the productive age, as well as practices in the Netherlands, Colombia, South Korea, Japan, Italy, and Spain.³² Fourth, the Court concluded that Article 8 paragraph (2) does not provide fair legal protection and certainty as guaranteed by Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, violates the principle of rationality, and causes *intolerable injustice*.³³

The decision stated that Article 8 paragraph (2) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have conditionally binding legal force as long as it is not interpreted that the age provision in paragraph (1) b can be extended until the age of 67 years by considering health, and can be extended again every year until the age of 70 years based on the results of doctor's examinations that are carried out periodically every year at the central government general hospital, regional general hospital, or hospital appointed by the Minister.³⁴ If the extension from the age of 65 to 67 years is sufficiently supported by one health examination, the extension after the age of 67 requires an examination every year, from 67 to 68, 68 to 69, and 69 to 70 years.³⁵ This tiered provision emphasizes that the Court does not grant absolute extension rights, but raises the standard of proof of eligibility directly proportional to the increase in the age of notaries.

The main touchstone of the decision is Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia. The applicant did postulate that the treatment was different from that of advocates, curators, medical personnel, and public accountants

³⁰ Constitutional Court Decision Number 84/PUU-XXII/2024, paragraphs [3.12.1] and [3.14].

³¹ Constitutional Court Decision Number 84/PUU-XXII/2024, paragraph [3.15].

³² Constitutional Court Decision Number 84/PUU-XXII/2024, paragraph [3.15].

³³ Constitutional Court Decision Number 84/PUU-XXII/2024, paragraph [3.16].

³⁴ Constitutional Court Decision Number 84/PUU-XXII/2024, Amar Decision number 2.

³⁵ Constitutional Court Decision Number 84/PUU-XXII/2024, paragraph [3.15].

as well as constitutional judges and supreme court judges as a violation of Article 28D paragraph (1) and Article 28I paragraph (2),³⁶ but the Court did not make equality with other professions as the basis for the decision; Instead, the Court affirmed the specificity of notaries and took the path of rationality.³⁷ Therefore, the principle of equality of position before the law is more appropriately read as the background of the applicant's postulate than as a *ratio decidendi*. The *ratio decidendi* of the ruling lies in the conclusion that the limitation of up to 67 years is irrational and creates intolerable injustice, thus contrary to the guarantee of protection and fair legal certainty.

The Court's consideration also takes into account social developments, especially the increase in life expectancy and productivity of the elderly population according to data from the Central Statistics Agency,³⁸ so that this decision can be read as an interpretation of the constitution that is responsive to changes in circumstances (*living constitution*).³⁹ The term *living constitution* is the author's reading, not the term used by the Court. This reading is supported by a change in the Court's attitude: Decision Number 52/PUU-VIII/2010 views the retirement age limit as an open legal policy that cannot be considered unconstitutional regardless of the number, while this decision tests the rationality of the limit and considers it to cause injustice that cannot be tolerated.⁴⁰

The next question is whether this ruling really shifts the arrangement from age-based to ability-based. The answer is partial. The decision still maintains age as the limit, namely 65 years as the retirement point and 70 years as the highest limit, and adds health requirements. The capacity explicitly required in amar is health, although considerations allude to memory, sharpness of thought, and the ability of the notary to explain the deed. The⁴¹ regime that is formed is therefore more appropriately called hybrid (the maximum age limit accompanied by health requirements) than a complete ability-based arrangement. Table 2 maps the four dimensions of capacity in the judgment and in its implementing regulations.

Table 2. Capacity Dimensions in Decisions and Permenkum 22/2025			
Capacity dimensions	Constitutional Court		Rating
	Decision 84/PUU-XXII/2024	Permenkum 22/2025	

³⁶ Constitutional Court Decision Number 84/PUU-XXII/2024, paragraph [3.7].
³⁷ Constitutional Court Decision Number 84/PUU-XXII/2024, paragraphs [3.14] and [3.16].
³⁸ Constitutional Court Decision Number 84/PUU-XXII/2024, paragraph [3.15].
³⁹ Alny Avasyah R.A. Patongai, et al., 'Judges' Considerations in the Constitutional Court Decision Number 84/PUU-XXII/2024'.
⁴⁰ Constitutional Court Decision Number 84/PUU-XXII/2024, paragraphs [3.13] and [3.16].
⁴¹ Constitutional Court Decision Number 84/PUU-XXII/2024, paragraphs [3.14]–[3.15].

Physical health	Explicit requirements: periodic annual medical check-ups (amar; paragraph [3.15])	A full <i>medical check-up</i> every year at a central or regional government public hospital, valid for a maximum of 3 months (Article 96 paragraph (3)-(4))	Explicitly tested and scheduled
Mental and cognitive health	Mentioned in the considerations (memory, acuity of thought) and the phrase 'spiritual'; not detailed in the amar	Mandatory mental health examination (Article 96 paragraph (3)); the measurement standards are not detailed	Tested, but without detailed cognitive standards
Professional competence	Not a requirement in amar	There is no competency test instrument in Articles 96-101; the examination of the Director General is limited to the completeness of documents (Article 100 paragraph (3)); interviews are considered by the Minister (Article 100 paragraphs (7)-(8))	Not standardized tested
Integrity and track record	Not a requirement in amar	Recommendations of MPD, MPW, and MPP (Article 98 letters b-d) as well as MPP certificates that notaries have never been subject to temporary suspension of 3 and 6 months (Article 98 letter f)	Indirectly tested through a track record of supervision

The Court's consideration needs to be critically tested on two points. First, the justification for the upper limit of 70 years rests on comparisons of other positions, the practices of other countries, and demographic indicators; the consideration does not contain data on the relationship between age and the quality of the performance of the

notary position, for example, the level of violation of the position or disputes of deeds according to age group.⁴² In other words, a strong basis for declaring 70 years as a reasonable limit is not necessarily a strong basis for stating that notaries in the range of 67 to 70 years are still capable. Second, the Court decided without hearing the testimony of the House of Representatives, the President, or related parties because the application was considered clear,⁴³ so that assumptions about supervisory ability and impact on regeneration were not tested through evidence at trial.

At the mechanism level, the annual health check, although stricter than the one-time examination at the extension of 65 to 67 years, does not guarantee professional competence. The examination tests physical and psychological feasibility; a healthy notary does not necessarily master the development of law and electronic notary services, just as an elderly notary does not necessarily lose competence. Table 2 shows that competence is only approached indirectly through the Supervisory Board's tiered recommendations and interviews, without a standardized assessment instrument. In addition, the results of the health examination are time-sensitive because they are valid for a maximum of three months, and Articles 96 to 102 of Permenkum 22/2025 do not contain an explicit mechanism to revoke the extension in the middle of the current year. A decrease in capacity between the two examination cycles can mainly be arrested through temporary dismissal for breach of office or through provisions on physical and mental incapacity for more than three years continuously.⁴⁴ Article 96 paragraphs (5) and (6) also allow for examinations at other hospitals when central or regional government public hospitals are not available, so the standard of examination has the potential to vary between regions.⁴⁵

Based on the parameters in Table 1, the test results can be summarized as follows. Legal certainty is partially fulfilled. The age limit, annual level, and type of audit institution are expressly formulated in the amar, and new implementing regulations are available through Permenkum 22/2025 promulgated on June 12, 2025, more than five months after the judgment was pronounced on January 3, 2025. The pause period is handled through transitional provisions, including the restriction that notaries who have been dismissed before the judgment cannot apply for an extension,⁴⁶ which indicates that

⁴² Constitutional Court Decision Number 84/PUU-XXII/2024, paragraph [3.15].

⁴³ Constitutional Court Decision Number 84/PUU-XXII/2024, paragraph [3.9].

⁴⁴ Article 55 letter e, Article 86, and Article 96 paragraph (3) of the Regulation of the Minister of Law Number 22 of 2025 concerning Terms and Procedures for Appointment, Leave, Region Transfer, Dismissal, and Extension of the Notary Term of Office (Permenkum 22/2025).

⁴⁵ Article 96 paragraph (5)–(6) of Permenkum 22/2025.

⁴⁶ Articles 103–107, especially Article 107 letter c of Permenkum 22/2025.

legal certainty during the transition period is not fully guaranteed. Justice is fulfilled on the indicators of differentiating rationality and health-based individualization, but has not been tested on the indicators of consequences for prospective notaries because the impact on the formation has not been measured. The benefits are fulfilled in the availability of experienced notaries, especially in the regions, but the protection of service users has not been guaranteed by the competency test. The three are interlocked: certainty without justice becomes rigid, and justice without benefits loses social meaning.

The practical consequences of this decision have been followed up through Permenkum 22/2025. The application for extension is submitted electronically no later than 180 days and no later than 60 days before the notary reaches retirement age, attached to the results of the overall health and mental health examination, the tiered recommendations of the Regional, Regional, and Central Supervisory Councils, as well as a certificate from the Central Supervisory Council that the notary has never been subject to a three- and six-month temporary suspension; the application is then examined by the Director General of General Legal Administration, followed by an interview, before the Minister decides.⁴⁷ Because the Court's decision is final and binding,^{48,49} this follow-up is the implementation of a legal obligation, not a policy choice. However, without a uniform standard for such tiered recommendations, there is still an open risk of different interpretations between the work areas of the Notary Supervisory Board, which can reduce, rather than strengthen, the legal certainty that this decision seeks to achieve.

2. Implications of the Decision on Notary Professionalism and Accountability in Carrying Out Their Duties

The extension of the term of office until the age of 70 is not a mere privilege for senior notaries; it raises the demands of professionalism throughout the extended term of office. As a public official authorized to make authentic deeds, notaries are obliged to act trustworthy, honest, equitable, independent, and impartial;⁵⁰ long experience is only meaningful if it is accompanied by a willingness to keep up with the development of law and notary technology.

⁴⁷ Articles 97–101 of Permenkum 22/2025.

⁴⁸ Johannes Johny Kojnja Rusnan and Ashari, 'The Final and Binding Form of the Constitutional Court's Decision (A Philosophical Study)', *Journal of Discretion*, 3.2 (2024), DOI: 10.29303/discretion.v3i2.6025.

⁴⁹ Dwi Fridayanti, 'The Constitutional Court's Position on Legal Sources in Indonesia: A Case Study of the Constitutional Court's Decision No. 60/PUU-XXII/2024', *Legacy: Journal of Law and Legislation*, 5.1 (2025), 40–55.

⁵⁰ Article 16 paragraph (1) letter a of Law Number 30 of 2004 concerning the Notary Position as amended by Law Number 2 of 2014 (UUJN).

This decision shifts the focus of the feasibility assessment from age alone to individual conditions, but Table 2 shows that the shift has only manifested itself in the health dimension. So that professionalism is not measured by the length of experience or age, the measure consistent with the decision is consistency in maintaining integrity, competence, and compliance with the Law and the Notary Code of Ethics.⁵¹ Long experience must be proven repeatedly through a track record of deeds that adhere to the principles of prudence and continuous education.⁵²

Directly proportional to the demands of professionalism, the extension of the term of office affects the accountability of the notary, but it is not as simple as the assumption that the longer the term of office, the wider the accountability. Accountability does not stop at the formal validity of the deed, but includes compliance with all the obligations of the office: identifying the presenters, checking the completeness of the documents, explaining the legal consequences of the parties' actions, and keeping the notary protocol in accordance with the UUJN.⁵³ Responsibility for the deed does not end when the tenure ends: Article 65 of the UUJN affirms that the notary is responsible for every deed he makes even though the protocol has been handed over to another party,⁵⁴ and the Court itself emphasizes that the obligation to keep, bind, and explain the deed continues after the signing.⁵⁵ Thus, what increases as a result of the extension is not the period of accountability, but three other things: the number of deeds and protocols produced and carried out; the length of time the notary has held office at an age range that the Court recognizes contains variations in the condition of memory and sharpness of thought; and the burden of supervision on the notary who is close to the upper limit. The concrete consequences in the four areas of accountability are mapped in Table 3.

Table 3. Scope of Accountability and Consequences of Term Extension

Domain	Legal basis	Concrete consequences in the context of renewal
Civil	Article 84 and Article 65 of the Law	A deed that only has the force of a deed under hand or is void for the sake of law due to certain violations may be the basis for a claim for reimbursement,

⁵¹ Throne of Fortuna Maharani Wijaya and Ery Agus Priyono, 'The Application of the Principle of Professionalism to Notaries in the Making of Authentic Deeds', *Lex Renaissance*, 9.2 (2024), 229–255, DOI: 10.20885/JLR.vol9.iss2.art1.

⁵² Habib Adjie, 'Indonesian Notary Law', pp. 56–63.

⁵³ Abdul Ghofur Anshori, 'Indonesian Notary Institution: Legal and Ethical Perspective', *UIII Press, Yogyakarta*, t.t., pp. 78–86.

⁵⁴ Article 65 of the UUJN.

⁵⁵ Constitutional Court Decision Number 84/PUU-XXII/2024, paragraph [3.14].

		damages, and interest; the responsibility remains attached to the notary even if the protocol has been submitted. An extension increases the volume of potentially disputed deeds, not the period of liability.
Administrative	Article 85 of the UUJN; Articles 86–89 of Permenkum 22/2025	Sanctions are tiered until dismissal. A track record of 3 and 6 months of temporary dismissal is a requirement for an extension document (Article 98 letter f), so that administrative sanctions now have a direct impact on the sustainability of the position.
Ethics	Notary Code of Ethics; Article 83 of the UUJN	Ethical violations are examined by professional organizations and can be subject to organizational sanctions. Article 98 of Permenkum 22/2025 does not require information from professional organizations about ethical track records, so the ethical realm has not been integrated in the assessment of extensions.
Supervision	Article 67 and Article 70 letter b of the UUJN; Article 8 of Permenkumham 15/2020; Article 98–99 of Permenkum 22/2025	The Regional Supervisory Council checks the protocol periodically and the results become the basis for the recommendation for a tiered extension. With an annual extension, supervision becomes an annual cycle so that the capacity of the Supervisory Council needs to adjust.

Table 3 shows two things. First, the civil and administrative realms are now connected to the right of renewal: liability for defective deeds⁵⁶ and administrative sanctions⁵⁷ no longer only has an impact on the activities of the position, but also on the sustainability of the position because the sanction of temporary dismissal of three and six months is a

⁵⁶ Darmayenti, 'Notaries' Responsibility for Legally Defective Deeds According to the Law on the Notary Position', *Unes Journal of Swara Justisia*, 8.1 (2024), 100–112.

⁵⁷ Habib Adjie, 'Civil and Administrative Sanctions against Notaries as Public Officials', Cet. II, *PT Refika Aditama, Bandung*, t.t., pp. 128–129.

barrier to renewal.⁵⁸ The principle of accountability in the notary's office⁵⁹ and responsibility for changes to the deed thus ⁶⁰ have implications for the feasibility of renewal. Second, the realm of ethics has not been integrated, even though compliance with the professional code of ethics is part of the recitation of the oath of office of a notary.⁶¹

This decision emphasizes, not relaxes, the importance of coaching and supervision. The Minister establishes the Notary Supervisory Council, which at the regional level checks the notary protocol periodically once a year or whenever deemed necessary,⁶² and the periodic inspection is one of the bases for notary inspections according to Permenkumham 15/2020.⁶³ With the extension that must be submitted every year, supervision shifts from periodic activities to an annual cycle intertwined with tiered recommendations. Meanwhile, the Indonesian Notary Association as the sole forum for notary organizations establishes and enforces the code of ethics,⁶⁴ and guidance by the Minister through the Director General of this organization also includes the human resources of its members.⁶⁵

The annual health examination after the age of 67 is the most concrete accountability instrument of this decision. It tests physical and psychiatric feasibility, but does not test competence, so it needs to be read as a necessary condition, not a sufficient requirement, for eligibility to hold public office.⁶⁶ Its success depends on the objectivity of the examining body, the clarity of health standards, and the strict legal consequences for notaries who are no longer qualified.

The demands of professionalism also include mastery of the electronic administration system and an understanding of personal data protection as the concept of *electronic notary* develops in the Indonesian legal system.⁶⁷

⁵⁸ Article 98 letter f of Permenkum 22/2025.

⁵⁹ Milawati Br. Ginting, Thessaloniki Br. Tarigan, and Mulyani, 'An Analysis of the Application of Accountability Principles in Financial Management in Notary Offices', *Journal of Social and Economics Research*, 7.1 (2025), 1–12.

⁶⁰ Gunawan Gani and Budi Ispriyarso, 'Notary Liability for Changes to Company Deeds Without the Knowledge of Related Parties', *Notary*, 18.3 (2025), 590–605.

⁶¹ Article 12 paragraph (4) of Permenkum 22/2025.

⁶² Article 67 and Article 70 letter b of the UUJN.

⁶³ Article 8 of the Regulation of the Minister of Law and Human Rights Number 15 of 2020 concerning Procedures for the Examination of the Supervisory Panel on Notaries.

⁶⁴ Articles 82–83 of the Criminal Code.

⁶⁵ Article 2 and Article 5 paragraph (2) letter c of the Regulation of the Minister of Law Number 24 of 2025 concerning the Determination, Development, and Supervision of Notary Organizations (Permenkum 24/2025).

⁶⁶ Constitutional Court Decision Number 84/PUU-XXII/2024, paragraph [3.15].

⁶⁷ Ahmad Rifai, 'Digitization of the Notary Profession in the 5.0 Era', *Sinar Grafika*, Jakarta, 2025, p. 58.

In the end, professionalism and accountability boil down to public trust in the notary institution, because every authentic deed has the value of perfect proof and has direct implications for the rights and obligations of the parties.⁶⁸ Extension of the term of office strengthens that trust only if the increase in the age of service is in line with maintaining the quality of legal services.

3. Implications of the Decision on Professional Sustainability and Regeneration of Notary Organizations

Beyond the individual dimension, Decision Number 84/PUU-XXII/2024 has implications for the regeneration of notary organizations. Extending it to 70 years has the potential to slow down the change of formation, because notaries who originally quit at the age of 65 or 67 can now serve up to 70 years, which is three years longer than the previous maximum limit.⁶⁹⁷⁰ In areas where the number of notaries is adequate, this has the potential to narrow opportunities for new notary candidates, who in the current system switch to a waiting list when the formation at the place of residence applied for is not available.⁷¹ This statement is a normative projection, as this article does not have data on the number of notaries who extend or the length of the waiting list per district/city.

However, regeneration cannot be reduced to just a matter of formation numbers. The Court itself views senior notaries as part of the regeneration process, namely for knowledge transfer and generational transition that does not cause too much distance.⁷² The premise does not run automatically: healthy regeneration is determined by the quality of experience transfer, ethical values, and professional competence from senior notaries to the next generation,⁷³ so that experienced notaries who remain in office can be directed to become mentors for young notaries through professional organization activities, scientific forums, and notary internship coaching. Term of office extension and professional regeneration are thus not two things that negate each other, but can be designed to support each other, as long as the premise of knowledge transfer is given an institutional framework.

The Indonesian Notary Association, as the sole forum for notary organizations based on Article 82 of the UUJN and Permenkum 24/2025, bears the responsibility of

⁶⁸ Gatot Eko Yudhoyono and Yunanto, 'The Role of the Notary Professional Code of Ethics in Maintaining the Dignity of His Position as a Public Official', *Notary*, 18.3 (2025), 664–680.

⁶⁹ Constitutional Court Decision Number 84/PUU-XXII/2024, paragraph [3.15].

⁷⁰ Article 55 letter c of Permenkum 22/2025.

⁷¹ Article 9 of Permenkum 22/2025.

⁷² Constitutional Court Decision Number 84/PUU-XXII/2024, paragraph [3.15].

⁷³ F. Sari and R. Pratama, 'Regeneration of the Legal Profession in Indonesia: A Study on Notary Organizations', *Journal of Law and Development*, 51.2 (2021), 245–262, DOI: 10.21143/jhp.vol51.no2.245.

redesigning the formation policy and fostering regeneration, while the formation of positions is determined by the Minister by considering the proposal of the notary organization and is determined every three years.⁷⁴ Therefore, the proposal for the formation and calculation of the need for notaries per region needs to contain projections of notaries who quit at the age of 65, 67, 68, 69, or 70 years, so as not to rely on old projections that have not taken into account the age of office up to 70 years.⁷⁵ The basic data is actually available, because notaries who will quit are obliged to notify the end of their positions to the Regional Supervisory Council before reaching that age.⁷⁶ Without the use of this data, there is a gap between notary master's graduates who are ready to be appointed and the narrow formation.

A number of steps can be taken to manage the tension between professional sustainability and organizational regeneration. First, strengthening a tiered coaching program that formally involves senior notaries as mentors for intern notaries or newly appointed notaries, so that additional tenure is not only enjoyed individually but also generates institutional value.⁷⁷ Second, periodic evaluation of the need for formation per region that takes into account the projected number of notaries who extend their tenure, so that the appointment of new notaries can still be planned proportionately. Third, certain incentives or schemes for senior notaries who are willing to transfer part of the workload or open up internship opportunities for young notaries in the same work area. Since the judgment only requires health considerations, these steps are designed as voluntary schemes and incentives, not additional conditions for extension; making them risky conditions beyond the *amar* formula. Operational details are presented in Table 4.

These three steps show that professional sustainability and organizational regeneration are two sides of a policy that must be managed in a balanced manner. The Court's decision provides legal space for professional sustainability, while the success of maintaining regeneration rests with the will of the government and professional organizations to formulate implementing policies that accommodate both.⁷⁸ When these steps are combined with capacity screening and professional supervision, a three-pronged model is formed in the following sections.

⁷⁴ Article 2 of the Regulation of the Minister of Law Number 17 of 2025 concerning the Formation of Notary Positions and the Determination of Regional Categories (Permenkum 17/2025).

⁷⁵ Neilul Muna, 'The Formation of the Notary Position and the Determination of Post-Change Regional Categories', pp. 214–218.

⁷⁶ Article 65 of Permenkum 22/2025.

⁷⁷ F. Sari and R. Pratama, 'Regeneration of the Legal Profession in Indonesia: A Study on Notary Organizations'.

⁷⁸ Article 5 paragraph (2) letter c of Permenkum 24/2025.

5. The Three-Node Model: Capacity Screening, Professional Supervision, and Organizational Regeneration

The above discussion shows that the three issues, namely the gap between health and competence, supervision that shifts to an annual cycle, and regeneration that depends on institutional containers, cannot be managed in isolation. The proposition proposed by this article is that the extension of the tenure of office only achieves its constitutional goal, which is legal certainty of fairness, justice, and utility, if the three nodes work as a single cycle. The first node is capacity screening, which determines who is eligible to continue in the following year. The second node is professional supervision, which monitors capacity and compliance between the two screening cycles and flows the results back to screening. The third node is organizational regeneration, which leverages the experience of notaries who continue and maintains access for prospective notaries, with data on notaries quitting flowing into formation determination. Proportional formation in turn reduces the pressure for senior notaries to stay solely to maintain services in areas where there is a shortage of notaries. Table 4 details the existing instruments, their gaps, operational designs, and monitoring indicators for each node.

Table 4. Three-Node Model and Its Operational Design

Knot	Existing instruments and their gaps	Operational plan (proposal)	Monitoring indicators
Filtration capacity	There are: an annual overall health and psychiatric examination (Article 96); an interview by the Civil Director or an appointed official (Article 100 paragraphs (7)–(8)). Gap: competence is not standardized tested; the Director General's examination is limited to the completeness of documents (Article 100 paragraph (3)); the	(a) Written interview guidelines with assessment rubrics that contain understanding of the Law and ethics, mastery of notary electronic services, and the ability to explain deeds and protocols. (b) National guidelines on the format and standards of psychiatric examinations, including cognitive function assessments, for the examining hospitals. Person in charge: Ministry of Law (Directorate General of	The percentage of interviews that use uniform rubrics; the proportion of psychiatric examination results that contain cognitive assessments; the number of applications rejected or postponed due to capacity reasons.

	results of the examination are time-pointed.	General Legal Administration).	
Professional supervision	There are: periodic protocol inspections by the MPD (Article 70 letter b of the UUJN); recommendations of MPD, MPW, MPP and MPP certificates (Articles 98–99). Gap: there is no mechanism for revoking the extension in the middle of the year; the standard of recommendations is not yet uniform; the track record of ethics has not been integrated.	(a) A <i>checklist</i> of recommendations that is uniform nationally, containing the results of protocol examinations, complaints, and sanctions. (b) Examination of risk-based protocols that pay attention to notaries at the annual renewal level. (c) Proposal <i>de lege ferenda</i> : the authority of the Supervisory Board to recommend a re-examination of health if there is an indication of incapacity, and an ethical statement from the professional organization as a complement to the recommendation. Person in charge: MPP, MPW, MPD; THIS is for ethical information.	Average time of issuance of recommendation s; proportion of recommendation s using checklists; number of recommended re-health checks.
Organizational regeneration	There are: formation is determined every three years with the proposal of a notary organization (Permenkum 17/2025); waiting list (Article 9 of Permenkum 22/2025);	(a) Internship and coaching programs structured by INI that place senior notaries as mentors, are voluntary with organizational incentives and are not a condition of renewal.	The number of senior notaries who are supervisors and the number of interns; the ratio of waiting lists to formations per

24-month internship at a notary office that has been established for at least five years and has issued at least 100 deeds (Article 2); notification of the end of office (Article 65). Gap: knowledge transfer does not have a container; the notary data that has stopped has not been connected to the formation proposal.	(b) The use of data on the notification of the end of office as the basis for projection in the proposal for the triennial formation. (c) Evaluation of the waiting list per district/city. Person in charge: INI and the Ministry of Law.	district/city; the difference in projections and realization of notaries who quit.
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It is necessary to affirm the boundary between findings and proposals. The findings of the research are the result of norm analysis: the regime formed is hybrid, the health examination does not guarantee competence, and the premise of knowledge transfer does not yet have an institutional forum. The operational design and indicators columns in Table 4 are *de lege ferenda proposals* that rely on the analysis and have not been tested for impact. The proposal is also designed so as not to add material requirements for extension beyond the amar formulation, namely health considerations: reinforcement is carried out at the interview stage, the substance of the Supervisory Assembly's recommendations, and the voluntary scheme of professional organizations.

CONCLUSION

Based on the description above, two main things can be concluded. First, *the ratio decidendi* of the Constitutional Court Decision Number 84/PUU-XXII/2024 rests on Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, the principle of rationality, and intolerance of injustice, with the reasoning that notaries have specificity as public officials so that age restrictions are still necessary, the age of 65 years is right as a retirement point, senior notaries are needed especially in the regions, and the 70-year limit is rational based on comparisons of other positions, life expectancy, and practices of other countries. The principle of equality of standing before the law is the background of the applicant's postulate, not the basis for the decision. Extensions to 70

years are granted conditionally through annual health check-ups, not as an automatically inherent right, and the regime that is formed is hybrid: a maximum age limit accompanied by health conditions, not yet a full ability-based arrangement.

Second, the normative implications of the decision span three domains. In the individual realm, the decision raises the demands of professionalism, but the medical examination only tests physical and psychological feasibility, not competence; accountability does not increase in time, because responsibility for the deed remains inherent after the end of the tenure, but in the volume of the deed, the risk, and the burden of supervision. In the institutional realm, the decision demands the strengthening of supervision by the Notary Supervisory Council and guidance by the Indonesian Notary Association in the annual cycle. In the structural realm, the decision raises the projection of the challenge of regeneration, while the Court's premise on knowledge transfer requires an institutional forum to be realized. The legal certainty produced by this decision is partially fulfilled: the implementing regulation has been issued through the Minister of Law Regulation 22/2025, but the competency assessment standards and the mechanism for revocation in the middle of the year have not been regulated. All of these implications are normative; This article does not measure empirical impacts such as the number of notaries extended, waitlists, or the experience of young notaries, so further empirical research is needed.

The analytical contribution of this article is a three-pronged model that links capacity screening, professional supervision, and organizational regeneration as a single policy cycle. Based on this model, a *de lege ferenda policy proposal* is proposed that is distinguished from the findings above. For the Ministry of Law: develop interview guidelines with assessment rubrics, psychiatric examination standards including cognitive function, and re-examination mechanisms. For the Notary Supervisory Council: standardize recommendations with a national checklist and implement risk-based protocol checks. For the Indonesian Notary Association: organize structured internship and coaching programs involving senior notaries voluntarily, submit ethical statements, and use notary dismissal data in the triennial formation proposal. The proposal was designed without adding material requirements outside of health considerations as per the ruling, so that the purpose of the decision to maintain certainty, justice, and usefulness can be realized without sacrificing the sustainability of the profession or the regeneration of the notary organization.

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