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The Constitutional Court's Authority in Judicial Review of the Notary Position Law: A Legal Review of Law No. 2 of 2014 Based on Theories of Justice and Legal Certainty

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Abstract

This study critically examines the authority of the Constitutional Court in conducting judicial review of Law No. 2 of 2014 on the Notary Position, analyzed through the perspectives of legal certainty and justice. Unlike previous studies that predominantly describe the Constitutional Court's authority in general terms, this research specifically addresses the normative implications of Constitutional Court decisions on the regulation of the notary profession and the legal consequences arising therefrom. Employing a normative juridical method with statutory and case approaches, this study analyzes relevant legislation and several Constitutional Court decisions concerning the Notary Law. The findings reveal that while Constitutional Court decisions play a crucial role in safeguarding constitutional rights and providing legal certainty and justice for affected parties, they simultaneously expose a legal vacuum, particularly when granted petitions are not followed by adequate implementing regulations. This condition stems from the inherently passive nature of the Constitutional Court, which is constitutionally limited to reviewing laws without possessing legislative authority to formulate new norms. This study contributes theoretically by strengthening the discourse on the relationship between judicial review, legal certainty, and justice within the Indonesian constitutional system. Practically, it underscores the urgency of legislative responsiveness in addressing legal vacuums following Constitutional Court decisions to ensure the effective implementation of constitutional justice and prevent normative uncertainty in the regulation of notary positions.

INTRODUCTION

The Constitutional Court is one of the judicial authorities besides the Supreme Court.[1] The Constitutional Court judicial institution was established through the third amendment to the 1945 Constitution of the Republic of Indonesia. The establishment of the Constitutional Court itself can be viewed from two different perspectives, namely from a political perspective and a legal perspective.[2] From a political perspective, the Constitutional Court was established to balance the legislative body, in this case the House of Representatives and the President. From a legal perspective, the Constitutional Court was established to uphold the supremacy of the constitution, so that the constitution is properly implemented and not violated by legal provisions that are subordinate to the constitution.

The 1945 Constitution of the Republic of Indonesia clearly enshrines Indonesia as a state based on law (*negara hukum*), requiring that all actions by public authorities, private actors, and institutions be grounded in and constrained by law. This constitutional foundation reflects the principle that law must govern the exercise of state power, and not arbitrary or discretionary power alone, thus distinguishing Indonesia from a system based on mere political might (*machtstaat*). Within this framework, the 1945 Constitution functions as the supreme legal authority, and all derivative legal products, including statutes enacted by the legislature, must be consistent with constitutional norms. This understanding aligns with contemporary academic analysis which emphasizes that the rule of law embedded in the Indonesian Constitution remains the benchmark for evaluating legal and political processes in the country.[3]

However, for constitutional principles to be realized in practice, they must be translated into concrete legal norms through a structured and accountable legislative process. Statutes are not abstract artifacts; they are the primary instruments through which constitutional mandates are operationalized in everyday governance. As recent scholarship notes, the formal process of legislation often encounters paradoxes between legal procedure and constitutional norms, particularly in reconciling political interests with procedural legality and constitutional standards.[4]

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[1] Riyah, Juwai. (2024). Position and Authority of the Constitutional Court as a State Institution. JUSTICES: Journal of Law. 3. 76-85. 10.58355/justices.v3i2.52.

[2] Fadly Hasibuan. Constitutional Supremacy in the Constitutional Court. *Journal of Legal Research and Education 22,* No. 2 (2023): 42-55.

[3] Brianta Petra Ginting, Atma Suganda, and Sineerat Suasungnern, 'The Concept Of The Rule Of Law In The Indonesian Constitution', 3.12 (2024), Pp. 1291–1300.

[4] Chaidir Ali and Fatmawati, 'Formal Constitutional Review Paradox : The Law on Legislation Making between Legal Procedure and Constitutional Norms', 2025, doi:10.24042/as-siyasi.v5i1.27578.

The formulation of statutes thus plays a pivotal role as a constitutive legal process whereby the abstract ideals of *negara hukum* are concretized into enforceable rules. In this context, the House of Representatives as the legislative body must not only draft laws but ensure that these laws reflect constitutional guarantees such as legal certainty, justice, and respect for fundamental rights. The legislative function is therefore both a political and a legal responsibility, requiring lawmakers to embody constitutional values in statutory form. Failure to do so can result in legal norms that, despite being formally enacted, are vulnerable to constitutional challenge and judicial invalidation.

The dynamic between constitutional ideals and legislative practice underscores the ongoing challenge of harmonizing political interests with constitutional imperatives. While political elements inevitably influence law-making, the Constitution demands that statutes remain within the boundaries set by constitutional supremacy. As a result, judicial review plays an essential corrective role in ensuring that laws inconsistent with the 1945 Constitution are identified and remedied.

Despite the constitutional expectation that legislation should faithfully translate the principles of a state based on law, the legislative process in practice cannot be separated from political dynamics. Laws are not merely technical legal instruments, but also products of political negotiation, compromise, and power relations among political actors. Mahfud MD has consistently argued that law is inseparable from politics, emphasizing that in the process of law-making, political elements often play a dominant role. As a result, it is extremely difficult to produce statutory norms that are entirely neutral from political influence. This condition places legislation in a vulnerable position, as the substance of laws may reflect political interests more strongly than constitutional values such as justice, legal certainty, and the protection of citizens' rights.[5]

Recent studies on Indonesian legal politics reaffirm Mahfud MD's view by demonstrating that the interaction between law and politics significantly shapes the content and orientation of legislation. Political bargaining in the legislative arena often determines the final formulation of statutory provisions, which may lead to inconsistencies between enacted laws and constitutional norms. In this context, laws enacted by the legislature frequently come into conflict with the 1945 Constitution of the Republic of Indonesia, particularly when statutory provisions undermine or limit constitutional rights guaranteed to citizens. Such constitutional deviations illustrate the

[5] Abdu Salam. The Influence of Politics in Law Formation in Indonesia. *Journal of Islamic Legal Thought 14,* No. 2 (2022): 127-140.

tension between democratic law-making processes and the supremacy of the Constitution within a *negara hukum* framework.[6]

The existence of laws that conflict with constitutional norms necessitates a constitutional control mechanism to safeguard constitutional supremacy. This function is fulfilled through judicial review by the Constitutional Court, which serves as a constitutional guardian authorized to examine the conformity of laws with the Constitution. Constitutional Court decisions on judicial review thus provide empirical evidence that not all legislative products are constitutionally sound, despite being produced through formal democratic procedures. Judicial review operates as a corrective mechanism to realign politically influenced legislation with constitutional principles, ensuring that the exercise of legislative power remains subject to constitutional limits and the protection of citizens' constitutional rights.

The Constitutional Court has limited authority, as it can only conduct *judicial review* of laws that have been passed and promulgated. One of the laws that is often subject to *judicial review* is Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2004 concerning the Position of Notary. In this case, there must first be a party that feels that its interests have been constitutionally harmed. Thus, in this case, a new discussion arises regarding the "passive" authority of the Constitutional Court in reviewing legislation. Another issue faced by the Constitutional Court concerns the legal vacuum following the review of laws by the Constitutional Court or other decisions.[7]

Based on the above description, the author will discuss the issue of how the Constitutional Court's authority in reviewing laws is related to the theory of legal certainty and justice. Does the Constitutional Court's authority in reviewing laws provide legal certainty for parties who feel aggrieved, and how important are the decisions issued by the Constitutional Court? In this case, the author takes examples from several judicial reviews of articles contained in Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions.

METHOD

This study employs a normative legal research method, which is appropriate given the objective of analyzing legal norms, constitutional principles, and judicial reasoning related to the authority of the Constitutional Court in conducting judicial review. Normative legal research is used to examine law as a normative system, focusing on

[6]Tri Sulistyowati. Constitutional Court Decisions in Judicial Review and Related Issues. *Prioris Law Journal 1,* No. 1 (2020): 12-22.
[7] Mochtar Kusumaatmadja. The Function of Law in Society. *Law Journal 44.* No. 3 (2019):275-290.

written legal rules, doctrines, and judicial decisions, rather than empirical behavior. This approach is particularly relevant to this study because the core issues concern constitutional interpretation, judicial authority, and the normative consequences of Constitutional Court decisions.

To achieve analytical depth, this research applies a statutory approach and a case approach. The statutory approach is used to analyze the hierarchy and coherence of legal norms, particularly the relationship between the 1945 Constitution of the Republic of Indonesia, Law No. 2 of 2014 on the Notary Position, and Law No. 24 of 2003 on the Constitutional Court as amended. This approach allows the study to assess whether statutory provisions governing the notary profession are consistent with constitutional principles of justice and legal certainty. Meanwhile, the case approach is employed to examine the reasoning and legal considerations of the Constitutional Court in adjudicating judicial review cases related to the Notary Law.

The selection of Constitutional Court Decisions No. 16/PUU-XVIII/2020, No. 165/PUU-XXI/2023, and No. 84/PUU-XXII/2024 is based on purposive and substantive considerations. These decisions were chosen because they directly involve the judicial review of provisions contained in Law No. 2 of 2014 on the Notary Position, making them highly relevant to the research focus. Furthermore, these decisions represent different judicial outcomes: rejection of the petition on substantive grounds, dismissal due to insufficient legal standing, and partial granting of the petition. This variation enables a comparative analysis of how the Constitutional Court exercises its authority and how different types of decisions affect legal certainty and justice for parties involved.

In addition, Decision No. 84/PUU-XXII/2024 is selected as the most recent Constitutional Court ruling concerning the Notary Law. Its inclusion is particularly significant because it illustrates a contemporary legal development in which the Court's decision alters an essential norm—namely, the age limit for notaries—while simultaneously giving rise to a legal vacuum due to the absence of immediate implementing regulations. This decision therefore provides a concrete basis for analyzing the normative consequences of the Constitutional Court's passive authority and the challenges of post-decision legal implementation.

The analytical framework of this study is grounded in the theory of legal certainty and the theory of justice, which serve as the main lenses for evaluating the Constitutional Court's authority and decisions. Legal certainty is analyzed through Hans Kelsen's normative legal theory, particularly his concept of the hierarchical structure of legal norms (*Stufenbau des Rechts*) and the binding nature of judicial decisions within a legal system. From this perspective, Constitutional Court decisions occupy a crucial position

in maintaining the validity and coherence of the legal order. This analysis is further strengthened by Utrecht's concept of legal certainty, which emphasizes predictability, consistency, and clarity of legal norms as essential elements for ensuring equal treatment before the law.

The concept of justice is examined using Gustav Radbruch's theory, especially his well-known triad of justice, legal certainty, and expediency. Radbruch's framework is applied to assess whether Constitutional Court decisions merely fulfill formal legal certainty or also substantively realize justice for affected parties, particularly notaries whose professional rights and obligations are regulated by law. This theoretical combination allows the study to critically evaluate tensions between justice and legal certainty, especially in situations where Constitutional Court decisions generate normative gaps or implementation challenges.

The legal materials used in this research consist of primary, secondary, and tertiary legal sources. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law No. 2 of 2014 on the Notary Position, Law No. 24 of 2003 on the Constitutional Court and its amendments, as well as relevant Constitutional Court decisions. Secondary legal materials comprise scholarly books, peer-reviewed journal articles, and academic commentaries discussing constitutional law, judicial review, legal certainty, justice, and the regulation of the notary profession. Tertiary legal materials include legal dictionaries and encyclopedias used to clarify legal terminology and concepts.

Data analysis is conducted using a qualitative descriptive-analytical method. Legal norms and Constitutional Court decisions are systematically interpreted and analyzed through the selected theoretical framework of legal certainty and justice. This approach enables the study to identify patterns in judicial reasoning, evaluate the normative impact of Constitutional Court decisions, and assess the extent to which such decisions contribute to or undermine legal certainty and justice. Particular attention is given to the emergence of legal vacuums following granted petitions and the implications of the Constitutional Court's constitutionally limited, passive role in lawmaking.

Through this methodological design, the study aims to enhance analytical rigor and provide a comprehensive understanding of the Constitutional Court's authority in reviewing laws related to the notary position, while also offering theoretical and practical insights into the challenges of ensuring legal certainty and justice within Indonesia's constitutional system.

RESULT AND DISCUSSION

The authority of the Constitutional Court to conduct judicial review constitutes a fundamental element of constitutional governance in Indonesia. As a constitutional organ established to uphold the supremacy of the 1945 Constitution of the Republic of Indonesia, the Constitutional Court functions as a guardian of constitutional norms and a protector of citizens' constitutional rights.[8] Judicial review is therefore not merely a procedural mechanism but a substantive instrument to ensure that legislative products comply with constitutional principles, particularly justice and legal certainty.[9]

In the Indonesian legal system, the principle of a state based on law (*rechtsstaat*) requires that all exercises of state power be grounded in law and subject to constitutional control.[10] In the Indonesian legal system, the principle of a state based on law (*rechtsstaat*) requires that all exercises of state power be grounded in law and subject to constitutional control. Within this framework, the Constitutional Court plays a central role in maintaining the balance between legislative authority and constitutional supremacy. The judicial review of Law No. 2 of 2014 on the Notary Position provides an important case study for examining how Constitutional Court decisions contribute to justice and legal certainty, while simultaneously revealing structural limitations inherent in constitutional adjudication.

This section analyzes three Constitutional Court decisions—Decision No. 16/PUU-XVIII/2020, Decision No. 165/PUU-XXI/2023, and Decision No. 84/PUU-XXII/2024—by linking each ruling explicitly to indicators of justice and legal certainty. Rather than adopting a purely descriptive approach, this discussion critically evaluates judicial reasoning through established legal theories, particularly those of Hans Kelsen, Gustav Radbruch, and Utrecht.

1. Judicial Review, Justice, and Legal Certainty in the Indonesian Constitutional System

Judicial review serves as a constitutional mechanism to control legislative authority and prevent the enactment of laws that violate constitutional rights. According to Hans Kelsen, a constitutional court operates as a *negative legislator*, meaning that it has the authority to invalidate unconstitutional norms but not to create new legal rules.[11] This

[8] Yakub Ginting. Analysis of Constitutional Court Decision Number 65/PUU-XX/2022 on Material Review. *Law Journal 1,* No. 1 (2024): 23-27.
[9] Article 24(2) of the 1945 Constitution of the Republic of Indonesia.
[10] Article 24 C Paragraphs (1) and (2) of the 1945 Constitution of the Republic of Indonesia.
[11] Naifatul Munawaroh. Integration of Regulatory Review at the Constitutional Court as an Effort to Develop Indonesian Law. *Law Journal 6,* No. 1 (2023): 256-277.

doctrinal position underscores the Court's function as a guardian of constitutional hierarchy rather than a law-making body.

From the perspective of legal certainty, judicial review contributes to the coherence and predictability of the legal system. Utrecht emphasizes that legal certainty requires clarity of norms, consistency in application, and foreseeability of legal consequences.[12] Constitutional Court decisions, which are final and binding, play a crucial role in fulfilling these requirements by providing authoritative interpretations of constitutional norms.

From the perspective of **justice**, judicial review embodies the commitment to protect substantive rights and prevent arbitrary or disproportionate legal norms. Gustav Radbruch's theory of law highlights the intrinsic relationship between justice, legal certainty, and expediency, arguing that law must strive to balance these values rather than prioritize one at the expense of others.[13] This theoretical framework is particularly relevant in analyzing Constitutional Court decisions concerning the regulation of the notary profession.

2. Constitutional Court Decision No. 16/PUU-XVIII/2020: Normative Stability and Substantive Justice

Decision No. 16/PUU-XVIII/2020 concerns the judicial review of Article 66 paragraph (1) of Law No. 2 of 2014 on the Notary Position. The provision requires approval from the Notary Honorary Council before investigators, public prosecutors, or judges may summon a notary or access notarial documents. The petitioners argued that this requirement violated the principle of equality before the law and hindered law enforcement processes.

From the standpoint of legal certainty, the Constitutional Court's rejection of the petition reinforces normative stability. Kelsen's theory of normative hierarchy asserts that legal norms remain valid as long as they do not contradict higher constitutional norms.[14] By maintaining the validity of Article 66 paragraph (1), the Court preserved consistency and predictability in the regulation of notarial confidentiality. This stability is essential for maintaining public trust in authentic deeds, which function as instruments of legal proof with full evidentiary force.

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[12] Naifatul Munawaroh. Integration of Regulatory Review at the Constitutional Court as an Effort to Develop Indonesian Law.
[13] Article 66 paragraph (1) of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions.
[14] Wijaya R. The Function of the Constitutional Court in Reviewing Laws Against the 1945 Constitution. *Law Journal 1,* No. 1 (2020):17.

From the perspective of **justice**, the Court adopted a substantive and proportional approach. Radbruch emphasizes that justice does not necessarily require identical treatment in all circumstances, but rather proportionality based on relevant differences.[15] The Court recognized that notaries occupy a unique position as public officials entrusted with state archives and confidential legal documents. As such, additional procedural safeguards were deemed necessary to protect the integrity of notarial functions.

This decision demonstrates that justice in constitutional adjudication is not synonymous with formal equality. Instead, justice is achieved through the recognition of functional distinctions that justify differential treatment. By balancing equality before the law with the special responsibilities of notaries, the Court sought to ensure substantive justice without undermining legal certainty.

3. Constitutional Court Decision No. 165/PUU-XXI/2023: Procedural Legal Certainty and Procedural Justice

Decision No. 165/PUU-XXI/2023 addresses the judicial review of provisions related to the dishonorable dismissal of notaries and the governance of the Single Notary Organization. In this case, the Constitutional Court dismissed the petition on the grounds that the petitioners lacked legal standing.

This decision highlights the importance of procedural legal certainty. Utrecht argues that legal certainty is not limited to substantive norms but also encompasses procedural clarity and consistency.[16] By strictly enforcing the requirement of legal standing, the Court ensured uniformity and predictability in constitutional adjudication. This approach prevents arbitrary access to judicial review and safeguards the integrity of the constitutional justice system.

From the perspective of justice, this decision reflects the principle of procedural justice, which emphasizes fairness in legal processes rather than substantive outcomes alone. Although the petitioners may have perceived the contested provisions as unjust, the Court's adherence to procedural requirements underscores that justice within constitutional law must be pursued through lawful and orderly procedures. This reinforces the notion that procedural discipline is a necessary condition for achieving broader legal certainty and institutional legitimacy.

Nevertheless, this decision also illustrates the tension between procedural justice and substantive justice. Strict procedural requirements may limit access to constitutional remedies, raising questions about whether procedural legal certainty always aligns with

[15] Constitutional Court Decision No. 16/PUU-XVII/2020
[16] Decision No. 165/PUU-XXI/2023

substantive fairness. This tension is inherent in constitutional adjudication and underscores the need for careful balancing by the Court.

4. Constitutional Court Decision No. 84/PUU-XXII/2024: Substantive Justice and Legal Vacuum

Decision No. 84/PUU-XXII/2024 represents a significant and recent development in the judicial review of the Notary Law. The Constitutional Court partially granted the petition by extending the maximum age limit for notaries to 70 years under specific conditions. This decision reflects a strong commitment to substantive justice, as it addresses the factual and economic realities faced by notaries who remain professionally capable yet face mandatory retirement without income security.

From Radbruch's perspective, this ruling prioritizes justice by correcting a legal norm that produced disproportionate harm.[17] The Court recognized that rigid adherence to the existing age limit could undermine fairness and professional dignity, thereby conflicting with the substantive objectives of law.

However, from the perspective of legal certainty, this decision simultaneously creates a legal vacuum due to the absence of immediate implementing regulations. Utrecht emphasizes that legal certainty requires clarity, consistency, and foreseeability in legal application.[18] The lack of follow-up regulation creates uncertainty for notaries, supervisory bodies, and administrative authorities regarding the practical implementation of the new age limit.

This situation exemplifies Radbruch's triadic relationship between justice, legal certainty, and expediency. While the decision advances justice, it temporarily weakens legal certainty, highlighting the structural limitations of constitutional adjudication when judicial decisions are not supported by responsive legislative action.

5. The Constitutional Court as a Passive Institution: Doctrinal and Structural Analysis

The characterization of the Constitutional Court as a "passive" institution must be understood within the framework of constitutional theory. According to Kelsen, constitutional courts are designed as *negative legislators*, empowered to annul unconstitutional norms but lacking authority to create new legal rules.[19] This doctrinal

[17] Rendro Prastyan Winanta, Anna Erliyana, 2025. Judicial Review Authority By The Constitutional Court And Its Implications For The Legal System In Indonesia. *SANTHET: (JURNAL SEJARAH, PENDIDIKAN DAN HUMANIORA).* Vol. 9, No.1

[18] Mella Ismelina Farma Rahayu. Implications and Factors Affecting Delays in Land APHT. Journal 6, No. 3 (2004): 12.

[19] Kelik Wardiono, Khudzaifah Dimyati, and Saepul Rochman, 'The Ontology of Legal Science: Hans Kelsen's Proposal of the "Pure Theory of Law"'', 2018, pp. 543–57.

limitation explains why Constitutional Court decisions often require legislative follow-up to achieve full effectiveness.

In the context of Decision No. 84/PUU-XXII/2024, the resulting legal vacuum is not merely a technical oversight but a structural consequence of the Court's passive role. While the Court succeeded in advancing substantive justice, the absence of immediate legislative follow-up underscores the interdependence between judicial and legislative functions in ensuring legal certainty.

From a justice perspective, the Court's passive role may prevent judicial overreach and preserve democratic legitimacy. However, it may also hinder the realization of substantive justice when legislative bodies fail to respond promptly. This dynamic highlights the need for stronger institutional coordination to ensure that constitutional justice is effectively implemented.

6. Indicators of Justice and Legal Certainty in the Judicial Review of the Notary Law

Across the analyzed Constitutional Court decisions, legal certainty is manifested through several interrelated indicators, namely normative stability, procedural consistency, and the predictability of legal outcomes. Normative stability is reflected in the Court's tendency to preserve statutory norms that are deemed constitutionally valid, thereby preventing abrupt legal changes that could disrupt the legal system and undermine public trust. Procedural consistency is evident in the Court's strict adherence to formal requirements, such as legal standing and procedural admissibility, which ensures uniform application of constitutional adjudication standards and minimizes the risk of arbitrary decision-making. Furthermore, the predictability of legal outcomes is reinforced by the final and binding nature of Constitutional Court decisions, which provides clear guidance for legal subjects, law enforcement officials, and administrative authorities in interpreting and applying the law.

At the same time, justice is reflected through indicators such as proportional treatment, the protection of constitutional rights, and responsiveness to concrete and factual harm suffered by affected parties. Proportional treatment is demonstrated in the Court's recognition that different legal subjects may require differentiated legal protection based on their constitutional roles and responsibilities, as seen in the special legal status accorded to notaries as public officials. The protection of constitutional rights is evident in the Court's willingness to review and, where necessary, correct statutory provisions that potentially infringe upon fundamental rights guaranteed by the Constitution. Moreover, the Court's responsiveness to concrete harm underscores its commitment to substantive justice, particularly in cases where the rigid application of

statutory norms would result in disproportionate or unreasonable losses for affected parties.

The judicial review of the Notary Law illustrates the Constitutional Court's crucial role in balancing the principles of legal certainty and justice, which are often in a dynamic and sometimes conflicting relationship. While legal certainty requires stability, clarity, and predictability, justice demands flexibility and sensitivity to social realities and individual circumstances. The Court's decisions demonstrate an ongoing effort to reconcile these values within the constraints of constitutional adjudication. However, this balancing process is not without tension. In certain instances, the pursuit of substantive justice has led to challenges in maintaining legal certainty, particularly when Constitutional Court rulings are not followed by prompt legislative or administrative measures, resulting in normative gaps or legal vacuums.

Ultimately, these decisions reveal that the realization of justice and legal certainty through judicial review is not a static or absolute process, but a continuous constitutional endeavor that depends on both judicial interpretation and institutional coordination. The Constitutional Court's role, while pivotal, must therefore be understood as part of a broader constitutional framework in which the legislature and executive share responsibility for translating constitutional judgments into coherent and effective legal norms.

CONCLUSION

This study demonstrates that the authority of the Constitutional Court in conducting judicial review of Law No. 2 of 2014 on the Notary Position plays a crucial role in safeguarding constitutional supremacy, protecting constitutional rights, and maintaining the balance between justice and legal certainty. Through the analysis of several Constitutional Court decisions, this research confirms that judicial review functions as an essential constitutional mechanism for correcting legislative norms that potentially undermine fairness, proportionality, and constitutional guarantees.

However, beyond reaffirming the importance of judicial review, this study reveals a more complex constitutional reality. While Constitutional Court decisions often succeed in advancing substantive justice, particularly by responding to concrete and factual harm suffered by affected parties, they do not always ensure legal certainty in a comprehensive and sustainable manner. This limitation is most evident in situations where granted petitions are not followed by timely legislative or administrative action, resulting in legal vacuums that undermine clarity, predictability, and effective law enforcement.

The emergence of legal vacuums following Constitutional Court decisions should not be understood merely as a technical or incidental problem. Rather, it reflects a structural characteristic of the Indonesian constitutional system, in which the Constitutional Court operates as a *negative legislator* with constitutionally limited authority in norm creation. Consequently, the realization of constitutional justice cannot rely solely on judicial intervention, but requires active and coordinated responses from the legislative and executive branches.

From a normative perspective, this study recommends that lawmakers institutionalize a clearer mechanism for responding to Constitutional Court decisions, particularly those that partially grant petitions and alter the substance of statutory norms. Such mechanisms may include the establishment of mandatory timelines for legislative follow-up, the formulation of transitional provisions, or the issuance of interim regulations to prevent prolonged legal uncertainty. These measures are essential to ensure that Constitutional Court decisions do not remain normatively effective only at the abstract level, but are fully operationalized within the legal system.

From a policy perspective, reform of notarial law should be guided by a more integrated approach that anticipates potential constitutional issues and minimizes the risk of judicial annulment. Lawmakers should incorporate constitutional principles of justice and legal certainty more explicitly in the legislative drafting process, particularly in regulating professional rights, obligations, and age limits within the notary profession. This proactive approach would not only strengthen the quality of legislation but also reduce the likelihood of recurrent judicial review.

Furthermore, this study highlights the need for future legal reform to reconceptualize the relationship between constitutional adjudication and legislative responsibility. The effectiveness of constitutional justice ultimately depends on institutional synergy, whereby judicial decisions are promptly translated into coherent and enforceable legal norms. Without such synergy, the protective function of judicial review risks being undermined by normative gaps that generate uncertainty for legal subjects, including notaries and regulatory authorities.

In conclusion, the Constitutional Court's judicial review of the Notary Law illustrates both the strengths and limitations of constitutional adjudication in Indonesia. While the Court has demonstrated its commitment to justice and constitutional protection, the persistence of legal vacuums underscores the urgent need for legislative responsiveness and systemic reform. Strengthening this inter-institutional relationship is therefore indispensable for the future development of notarial law and for the realization of a constitutional state based on justice and legal certainty.

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