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## The Legal Status of the Circular Letter of the Ministry of Law Concerning the Appointment of Notaries Related to the Dispute Over Dualism in the Indonesian Notary Association

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**Abstract:** The issues that will be discussed in this study are regarding the legal position and legal certainty of the Circular Letter of the Ministry of Law and Human Rights number AHU-AH.02-37/2024 concerning the appointment of the Notary position which will be proven through the theory used, namely the theory of dispute resolution and the theory of legal standing. The method used in this study is juridical-normative with the support of interviews. The research approaches used are the legislative approach, the analytical approach, and the conceptual approach. From the results of the research, it can be obtained: 1) Dispute Resolution Against Dualism of PP Management INI was preceded by the implementation of an exam using the Computer Assisted Test (CAT) system as a temporary replacement for the requirements for the appointment of notaries. Meanwhile, through a decree dated January 16, 2025, the government has taken steps to appoint the Chairman of the Central Board of the Indonesian Notary Association. 2) The legal position of the circular is valid, even though it does not have binding legal force such as laws and regulations, the Circular Letter is an important instrument that functions as a tool for policy socialization, implementation instructions, internal coordination, and technical direction.

**Keyword:** Notary, Dualism, Circular Letter of the Ministry of Law

### INTRODUCTION

Indonesia is a country of law based on Pancasila and the 1945 Constitution of the Republic of Indonesia and aims to ensure certainty, order, and legal protection for the community. This is in line with the philosophical basis for the birth of the notary institution, namely to create authentic evidence (authentic deeds) which have the meaning of truth and justice. An authentic deed (authentic deed) is a deed made in a form determined by law by or before a public official who is authorized to do so at the place where the deed was made. The importance of the existence of a Notary in ensuring certainty and legal protection for every act carried out by every citizen is in relation to activities in the administration of law or what is called (law administrating) which is expected to achieve the right and orderly goals (Kie, 2019).

This is needed to avoid all forms that can cause a bad legal relationship and can harm the legal subject itself and the community, so the existence of a Notary can provide certainty in the deed. However, currently there has been a problem within the Indonesian Notary Association (INI), the government is experiencing obstacles in providing notary services.

Some time ago, the Ministry of Law and Human Rights (HAM) through the Directorate General of General Legal Administration (AHU) issued a Circular Letter of the Ministry of Law and Human Rights Number AHU-AH.02-37/2024 concerning the Appointment of Notary Positions. Which contains 13 points of the contents of the circular, but there are several points that are pros and cons among the wider community, namely regarding several supporting documents, letters of recommendation, and the implementation of the Notary Code of Ethics Exam (UKEN) through the Indonesian Notary Association (I.N.I).

The current problem has resulted in legal uncertainty for prospective Notaries who wish to register for appointment and register for transfer or extension of the Notary's term of office, which is the authority of the Minister of Law and Human Rights. The dualism of management that occurred in the Indonesian Notary Association (INI) has caused unrest among notaries and has even disrupted public services related to notarial services to the public in general (Moechthar, 2024). because it concerns the registration of appointments, transfers and extensions of Notary positions. Based on the background explanation above, in this study the author intends to write a journal entitled "Legal Position of the Circular of the Ministry of Law and Human Rights Concerning the Appointment of Notary Positions Related to Disputes over Dualism of Management of the Indonesian Notary Association." with the formulation of the problem of how to resolve disputes regarding the dualism of management of the Indonesian Notary Association and what is the legal position of the circular of the Ministry of Law and Human Rights Number AHU-AH.02-37/2024 concerning the appointment of notary positions due to dualism of management of the Indonesian Notary Association.

## **METHOD**

This type of research uses a type of juridical-normative legal research supported by interviews, this research was conducted by the author by examining library materials or secondary data (Moechthar, 2024). and by interviewing several sources. This research was conducted by examining legal materials sourced from primary legal materials, secondary legal materials and tertiary legal materials. The collection technique is carried out by identifying positive legal rules, examining library materials (books, scientific journals, research reports), and other sources of legal materials that are relevant to the legal problems being studied. The legal material analysis technique is used in two ways, namely interpreting the law and constructing the law. The legal construction technique used is analogical construction which means providing an interpretation of a legal regulation by providing an analogy to the words in accordance with the legal principles, so that an event that cannot actually be included is then considered in accordance with the wording of the regulation (Moechthar, 2024).

## **RESULTS AND DISCUSSION**

According to the conflict resolution theory put forward by C.J.M. Schuyt, the method of conflict resolution varies according to the different types of conflict. There are 6 (six) methods that can be taken to resolve the conflict, namely (Ali, 2009):

1. One party submits to the other party;
2. The parties hold a deliberation;
3. The parties ask a third party to act as an intermediary;
4. Resolved through a court mechanism (judge);
5. Resolved through a government administrative political solution; and
6. Resolved through violence.

From the forms of conflict resolution above, it can be seen that the first conflict resolution is an independent resolution where one party submits to the other party, then with the intervention of a third party.

The dualism of management that occurs in the Indonesian Notary Association (INI) has caused unrest among notaries and has even disrupted public services related to notarial services to the public in general. The Ministry of Law (minister) as the notary supervisor and supervisor needs to take a stance regarding the dualism of management. The Ministry of Law and Human Rights has made maximum efforts to mediate the polemic parties with the hope of resolving the problem so that the integrity of INI as a single forum is maintained. On every occasion, the Ministry of Law and Human Rights also always emphasizes that problems within the organization can be resolved internally by the INI Organization, both by the central management and the management at the regional level. The Ministry of Law through the Directorate General of General Legal Administration (Ditjen AHU) facilitated a meeting to resolve differences of opinion that occurred within the Indonesian Notary Association (INI). Director General of AHU Widodo said that this meeting was the last step to restore unity within the notary professional organization. As is known, INI experienced dualism between the Tri Firdaus Akbarsyah camp resulting from the 24th Banten Congress in Banten Province and the Irfan Ardiansyah camp resulting from the Extraordinary Congress (KLB) in Bandung City. The conflict has been going on since 2022. The dualism is considered to have caused unrest and disrupted public services. The Ministry of Law has previously bridged by conducting mediation.

Notary is one of the legal professions, especially those engaged in services and services to the state, especially the community itself. Notary as a service provider is contained in Article 1 number 1 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (Notary Position Law) which regulates that notaries have several authorities regulated by the Notary Position Law (Salim, 2015).

The Notary Law which is recognized as a legal norm and created to regulate the Notary profession contains the obligations, prohibitions, authorities of Notaries, and several matters relating to Notaries in carrying out their duties such as work areas, leave, and all regulations regarding the Notary organization in this case the Indonesian Notary Association (I.N.I) are regulated in the Notary Law (Dwisvimiari, 2011). However, the dualism of authority in the Indonesian Notary Association (I.N.I) is the background to the issuance of the Circular Letter of the Ministry of Law and Human Rights Number AHU-AH.02-37/2024 Concerning the Appointment of Notary Positions. The Ministry of Law and Human Rights (Kemenkum HAM) considers that the dualism in the management of the Indonesian Notary Association (INI) has caused unrest and disrupted public services in connection with the notary organization still experiencing dualism between the Tri Firdaus Akbarsyah camp resulting from the 24th Banten Congress in Banten Province and the Irfan Ardiansyah camp resulting from the Extraordinary Congress (KLB) in Bandung City. In this case, the Directorate General of General Legal Administration (Ditjen AHU) of the Ministry of Law and Human Rights said that the conflict had been going on since 2022.

The XXIV Congress of the Indonesian Notary Association (INI) in Banten Province and the 2023 INI Extraordinary Congress in Bandung City caused the notary organization to split into two camps, namely the Tri Firdaus Akbarsyah Camp from the XXIV INI Congress and the Irfan Ardiansyah Camp from the 2023 INI Extraordinary Congress. To resolve this problem, the Ministry of Law and Human Rights (Kemenkumham) has mediated with the polemic parties in the hope that there will be a resolution of the problem so that the integrity of INI as a single forum is maintained.

The dualism that occurred began with the leadership of Yualita Widyadhari, S.H., M.Kn and Tri Firdaus, S.H., M.H who did not obey the principles and then did not obey the periodization. That the Indonesian Notary Association (I.N.I) has a periodization within a

period of 3 years of management. When the period in Makassar in May 2019 should have ended in May 2022. The Articles of Association and Bylaws (AD ART) of the Indonesian Notary Association (I.N.I) have regulated the decision-making mechanism in the congress, namely in electing the general chairman, the Central Honorary Council which has the authority to change the Articles of Association and Bylaws (AD ART) and the code of ethics, and deciding the venue for the next 3-year Congress was decided in West Java.

That in November 2021 (which is about 6 months before May 2022) the RP3YD congress (Expanded Central Management Plenary Meeting) was held at least once a year attended by all central administrators of the Indonesian Notary Association (I.N.I), all Central Honorary Councils, Regional Honorary Councils, Regional Honorary Councils, representatives of regional administrators and representatives of regional administrators. This RP3YD (Expanded Central Management Plenary Meeting) is called the "Pre-Congress" which has the following agenda:

1. Recruitment of Prospective Candidates for General Chairperson
2. Prospective Candidates for the Central Honorary Council.

From these two things, the top 5 (5 people) proposed by each regional administrator will be selected and selected. Basically, during the leadership of Yualita Widyadhari, S.H., M.Kn and Tri Firdaus, S.H., M.H, they were previously reminded to prepare a "Pre-Congress" in November 2021, but it was not implemented at that time, in fact what was implemented was the RP3YD (Expanded Central Management Plenary Meeting) on the grounds that at that time there was a high spike in the Covid-19 Pandemic.

In fact, other organizations such as the Association of Land Deed Officials (IPPAT) have held an Extraordinary Congress (KLB) in Lombok in March 2021 with such health protocols. So the RP3YD (Expanded Central Management Plenary Meeting) which was implemented in November 2021 should have been a "Pre-Congress" and in this case there was no notification from the administrators. When the RP3YD (Expanded Central Management Plenary Meeting) was held, there were many dynamics of protests from members but there was no opportunity for clarification to be conveyed to all members.

After November passed, and continued in December 2021 then in January 2022 the KDK (Decision Outside the Congress) was issued but not to ask for approval from all members regarding the postponement of the series of Congress events but to postpone the Extraordinary Congress (KLB) whose agenda was to change the Articles of Association and Bylaws (AD ART). This is one of the fatal mistakes made by Yualita Widyadhari, S.H., M.Kn and Tri Firdaus, S.H., M.H. Then with this incident, it caused a commotion and protests from many parties.

Then 1 month later the KDK II (Decision Outside the Congress II) was issued which was implemented in February 2022 with the intention of postponing the holding of the congress but the mechanism was not good so that it caused a commotion at the regional management level. After that, Yualita Widyadhari, S.H., M.Kn and Tri Firdaus, S.H., M.H then involved the Ministry of Law and Human Rights (HAM). At that time, the Ministry of Law and Human Rights (HAM) gathered the parties and conducted mediation but no agreement was reached, this was called "National Discussion" and then gave authority to the Directorate General of AHU to decide on the periodization, venue, election system, and others.

However, based on the provisions of Article 82 of the Notary Position Law Number 2 of 2014 as amended by Law Number 30 of 2004 concerning the Notary Position, it is stated that the authority of the Indonesian Notary Association organization is as follows:

- (1)Notaries gather in one Notary Organization container.
- (2)The Notary Organization container as referred to in paragraph (1) is the Indonesian Notary Association.

- (3) The Notary Organization as referred to in paragraph (1) is the only free and independent Notary professional organization formed with the intent and purpose of improving the quality of the Notary profession.
- (4) Provisions regarding the objectives, duties, authorities, work procedures, and organizational structure are stipulated in the Articles of Association and Bylaws of the Notary Organization.
- (5) Provisions regarding the determination, development, and supervision of the Notary Organization are regulated by a Ministerial Regulation.

That in essence the Indonesian Notary Association (I.N.I) is the only free and independent organization.

It is known that the chaos of INI management has been going on for quite a long time. The chaos began with the change of the congress venue which was supposed to be in West Java then moved to Banten on the grounds that there was one candidate for general chairman who came from West Java. In addition, it was heard that there were many complaints from the public, especially prospective notaries who would take the Notary Code of Ethics Exam (UKEN) and Joint Internship (MABER) which would be held by each party of INI management who were in conflict, so because of this non-compliance, the Directorate General of AHU considered that the implementation of UKEN was invalid and appealed to the organizers to stop UKEN and MABER activities in the name of the INI organization until the INI organization problem was resolved.

That the background to the birth of the Extraordinary Congress (KLB) was the existence of several violations committed by the PP INI for the 2019-2022 Period, including starting from the PP INI for that Period not implementing the mandate of the decision of the XXIII Congress in Makassar in 2019, namely regarding Amendments to the Articles of Association and the Notary Code of Ethics where the cause of the failure was due to administrative defects because the PP INI did not convey to members regarding the draft amendments to the Articles of Association resulting from a compilation of input from several regional and local administrators within 2 months before the KLB was held in Kampar Riau, then there was a transfer of the venue for the congress through the KDK which should have been held in West Java but was moved to Bali. However, because the Bali Regional Administrators rejected the transfer of the venue for the Congress, the congress was finally held in Banten.

The next background to the KLB was that the 2019-2022 PP INI did not properly prepare for the implementation of the Congress in Cilegon Banten so that the Director General of AHU postponed the implementation of the Congress no later than August 2023 and the PP INI did not implement a mechanism for postponing the Congress through a Decision Outside the Congress (KDK) to extend the term of office of the central management, thereby violating the provisions of Article 19 paragraph (2) of the Household Budget.

The implementation of the Congress at Novotel Tangerang in August 2023 procedurally and substantively violated the ADART because the term of office of the general chairman (resigned). In this case, the holding of the Congress at Novotel Tangerang has also violated several provisions, including:

1. Members are not allowed/not permitted to attend the Congress, only certain people selected by the PP INI for the 2019-2022 Period with a total of approximately 100 participants.
2. The Congress is held virtually/indirectly so that members cannot interact with the Congress participants who are present.
3. Members cannot exercise their rights to express opinions, criticisms and suggestions. Members only have the right to vote via internet voting.
4. The Permanent Voter List (DPT) has unclear criteria. Even the names of the 25 Regional Management Chairs are not included in the DPT even though they are part of the Congress Presidium.



5. The use of I-voting has not been regulated in the Association's Articles of Association and was made without proper legal standing, without sufficient trials and socialization.
6. There is no appreciation and respect for the Association's equipment because it is not included in the list of members who attended and attended the congress directly. This has never happened in INI's history.

Based on the Articles of Association and Bylaws (ADART), when a conflict occurs, it can be resolved in the Association Court. At that time, the Association Court also held mediation, but the Association Court was powerless so that the two camps argued with each other. Then the mediation was carried out by the Ministry of Law and Human Rights and bridged by the Director General of AHU but also failed.

Then the Irfan camp submitted mediation to the DPR but the Tri Firdaus party did not attend the mediation summons. That until today, Indonesian notaries are still in dispute or have different opinions regarding the management of the organization at the central level. This dispute is supported by some administrators at the provincial level or Regional Administrators (Pengwil) and some administrators at the district/city level or Regional Administrators (Pengda). There are two notary organizations called the Indonesian Notary Association (INI) at the central level which both claim to be legitimate central administrators.

Both are not registered by the Director General of General Legal Administration (Dirjen AHU) of the Ministry of Law and Human Rights of the Republic of Indonesia (Efendi, 1994). According to the Applicant, this internal conflict is a direct result of the norms in Article 82 paragraph 1, paragraph 2 and paragraph 3 of Law Number 2 of 2014 concerning the Position of Notary.

This is because the internal conflict of the notary organization that has not been resolved has resulted in prospective notaries not being able to be appointed. In fact, notaries who are already on duty do not have an organizational forum, and notaries who intend to take care of city transfer letters or extensions of their term of office cannot be taken care of. In fact, freedom of association and opinion are basic rights of every Indonesian citizen that must be given a forum by the state.

According to Mukti Fajar ND and Yulianto Achmad regarding legal standing, they convey that community behavior is a response or reaction that is manifested in movements (attitudes), but also body movements or speech in society (Salim, 2014). In some conditions, legal standing can be shown in the following ways (Soeroso, 1993):

1. Because a party is directly harmed by the law or action in question, and this loss will continue unless there is direct compensation from the court which determines that the law in question does not apply to the party.
2. The plaintiff is not directly harmed, but has a relationship with the situation that caused the loss, and if left unchecked the loss can befall others who cannot seek assistance from the court.
3. A party is given legal standing by a law.

A circular is one of the instruments often used by central government agencies and local governments with the intention of conveying certain information, instructions, or guidelines. However, in the context of law in Indonesia, it often raises various questions regarding the legal force related to the position of the circular because in the hierarchy of laws and regulations in Indonesia, circulars are not included in the category of laws and regulations that have binding legal force.

The hierarchy of laws and regulations in Indonesia based on Law Number 12 of 2011 concerning the Formation of Legislation includes:

1. The 1945 Constitution of the Republic of Indonesia.
2. Decree of the People's Consultative Assembly.
3. Law/Government Regulation in Lieu of Law.
4. Government Regulation.
5. Presidential Regulation.

## 6. Regional Regulation.

The Ministerial Circular is one of the legal products that is often issued by the Ministry of State, in this case all high-ranking officials who hold political positions are basically authorized to issue administrative decisions, for example to appoint and dismiss officials, form and dissolve committees, and so on. However, it is necessary to clearly distinguish between decisions that are regulatory in nature (*regeling*) and decisions that are administrative in nature (*beschikking*) (Kusdarini, 2015).

In the principle of *lex superior derogate legi inferiori*, it is interpreted that laws and regulations that have a lower degree in the hierarchy of laws and regulations may not conflict with higher ones. Circulars are not included in the hierarchy, so they do not have the same legal force as laws and regulations. However, circulars are often used by officials or agencies to provide explanations of existing regulations, or as an instrument to direct the implementation of tasks in the internal scope. Although they do not have binding legal force like laws and regulations, circulars are an important instrument in the administration and government system in Indonesia (Amiroeddin, 1997).

Based on Permendagri No. 55 of 2010 article 1 point 43, it is explained that a Circular Letter is an official document containing notifications, explanations, and/or instructions on how to carry out certain things that are considered important and urgent. Circulars are also not categorized as laws and regulations, nor are they a legal norm as is the norm of a law and regulation. So that the circular cannot be used as a legal basis to annul ministerial regulations, let alone other hierarchical regulations. So that in the circular, as we know from the basis for the formation of the policy above and should not have sanctions in the circular.

Based on the legal status of the circular letter of the Ministry of Law and Human Rights Number AHU-AH.02-37/2024 concerning the appointment of notary positions and with the problems in the Indonesian Notary Association (INI) which have caused a legal vacuum that has hampered government administration services, then before there is a decision on January 16, 2025 based on the Law on Government Administration, the Ministry of Law and Human Rights through the Directorate General of General Legal Administration in collaboration with the Regional Office, the State Civil Service Agency of the Republic of Indonesia (BKN RI), Academics, and Notaries, will hold an exam using the Computer Assisted Test (CAT) system where the selection aims to appoint Notary Candidates in 2024 as well as to determine the eligibility and quality of Notary Candidates who will be placed throughout the Republic of Indonesia (RI) in accordance with the provisions of applicable laws and regulations.

The selection using the Computer Assisted Test (CAT) system is intended for notary candidates who will appoint notaries but do not yet have a Notary Code of Ethics Examination (UKEN) certificate. The certificate of graduation using the Computer Assisted Test (CAT) system will be used as a temporary replacement for the supporting document requirements for the appointment of a notary in Article 2 paragraph (3) letter b of the Regulation of the Minister of Law and Human Rights (Permenkumham) Number 19 of 2019 concerning the Requirements and Procedures for the Appointment, Leave, Transfer, Dismissal and Extension of the Term of Office of Notaries in the form of a photocopy of the Code of Ethics Examination (UKEN) certificate issued by the Indonesian Notary Association (I.N.I).

Many prospective Notaries, numbering in the thousands, have expressed their complaints about the regulation. Where for people who are domiciled or live in the far reaches of the region, it is difficult because they have to meet the costs and several activities for internships which are requirements for the Notary Code of Ethics Examination (UKEN). Therefore, the Circular Letter of the Ministry of Law and Human Rights Number AHU-AH.02-37/2024 Concerning the Appointment of Notary Positions is the Minister's policy to side with prospective Notaries by implementing a quality selection system compared to the Notary Code of Ethics Exam (UKEN), where the Notary Code of Ethics Exam (UKEN) material consists of

material on the organization, Articles of Association and Bylaws (ADART), association regulations, and the Notary Position Law.

Meanwhile, the exam carried out using the Computer Assisted Test (CAT) system contains 8 more complete materials compared to the Notary Code of Ethics Exam (UKEN), namely the multiple choice system and essays on the technique of making complete deeds from the head of the deed, comparison, body or contents of the deed, premise to the closing of the deed. Therefore, the exam with the Computer Assisted Test (CAT) system carried out by the Ministry is of higher quality and free of charge.

Thus, based on the analysis, it can be seen that the legal standing of the Circular Letter can create legal certainty where prospective Notaries can take part in the exam held by the Ministry of Law and Human Rights of the Republic of Indonesia (Kemenkumham RI), especially the Directorate General of General Legal Administration (AHU) with the implementation of 2 waves of exam implementation in October 2024 which are temporary until the reunification of the Indonesian Notary Association (I.N.I).

The dualism that occurred in the Indonesian Notary Association (INI), namely the INI PP version of the Congress and the INI PP version of the Extraordinary Congress (KLB) has been clarified, where the agreement signed on December 23, 2024, and given time until January 15, 2025, apparently did not find a mutual agreement and finally a decision was made by the Director General (Dirjend) of General Legal Administration (AHU) of the Ministry of Law (Kemenkum) of the Republic of Indonesia (RI). The decision was announced on January 16, 2025 through a press conference, the contents of which stated and ratified the PP INI version of the KLB as the valid PP INI for the 2023-2026 period.

The government hopes that there will be a joint decision to resolve all differences, and the ministry gives the organization 14 (fourteen) working days to resolve all differences. If no agreement is reached, the Minister will take a policy in accordance with the authority and applicable laws and regulations. PP INI stated that it agreed to Stop, end and resolve all differences of opinion within the INI organization at this time.

This shows the good faith of PP INI to fulfill this point, namely by signing a letter of agreement that has been prepared by the Director General of AHU Kemenkum which is made on the Letterhead of the Ministry of Law and Human Rights of the Republic of Indonesia. Furthermore, the Ministry stated that due to the lack of agreement from both parties, the Ministry of Law and Human Rights of the Republic of Indonesia will determine the legitimate leadership in accordance with existing laws and regulations.

Referring to several existing documents, both correspondence provided by Tri Firdaus and Irfan Ardiansyah, as well as supporting documents. In addition, until now there is a juridical one, namely the decision of the PTUN (State Administrative Court), as well as existing organizational documents such as Viewed from a sociological aspect, Irfan's management is supported by 24 of the total 33 regional administrators in Indonesia.

In addition, the previous election of Tri Firdaus' management was considered not in accordance with the INI articles of association and bylaws mechanism. So by considering the results of the PTUN decision and the Articles of Association (AD) and laws and regulations, the PP INI for the 2023-2026 period that is recognized is the one led by DR. H. Irfan Ardiansyah, SH, LLM, SpN. After the announcement of the determination, the Director General of AHU officially submitted the Decree (SK) to the General Chairperson of PP INI which had been determined and ratified by Irfan Ardiansyah.

Decree of the Minister of Law of the Republic of Indonesia dated January 16, 2025 Number: AHU-0000071.AH.01.08.Year 2025 concerning Approval of Amendments to the Indonesian Notary Association was submitted on Friday (01/25/2025) at the Directorate of General Legal Administration Building, Kuningan, Jakarta. The signing was carried out by two parties, namely DR. H. Irfan Ardiansyah, SH, LLM, SpN and Amriyati Amin, SH, SpN, MH from PP INI version of the KLB and H. Tri Firdaus Akbarsyah, SH, SpN, MH and DR. H.



Agung Iriantoro, SH, SpN, MH from PP INI version of the Congress, and the signing was witnessed by 4 (four) high-ranking officials from the Ministry of Law and Human Rights of the Republic of Indonesia, namely; Hantor Situmorang, SPd, MSi. Henry Sulaiman, SH, ME. DR. Andi Taletting Langi, SH, SIP, MSi, MPhil and Doni Kurnia Herly, SH. The government wants INI togetherness to be re-established, and the meeting between the two parties is the first and last meeting as an effort to consolidate the management.

## CONCLUSION

Settlement of Disputes Regarding Dualism in the Management of the Indonesian Notary Association, namely previously with the implementation of an exam using the Computer Assisted Test (CAT) system which aims to appoint Notary Candidates in 2024 as well as to determine the eligibility and quality of Notary Candidates who will be placed throughout Indonesia and used as a temporary replacement for the supporting document requirements for the appointment of a notary. After being given 14 days to decide on the general chairman but not reaching an agreement, the government through a Decree dated January 16, 2025, the government has taken steps to determine the General Chairperson of the Central Board of the Indonesian Notary Association as DR. H. Irfan Ardiansyah, SH, LLM, SpN. The Legal Status of the Circular Letter of the Ministry of Law and Human Rights Number AHU-AH.02-37/2024 Concerning the Appointment of Notary Positions is valid.

Although it does not have binding legal force like laws and regulations, the circular is an important instrument in the administration and government system in Indonesia and functions as a tool for policy socialization, implementation instructions, internal coordination, and technical direction.

In Permendagri No. 55 of 2010 article 1 point 43 concerning the Procedure for Official Documents in the Ministry of Home Affairs, it is strengthened that a Circular Letter is an official document containing notifications, explanations, and/or instructions on how to carry out certain matters that are considered important and urgent. Based on the results of the research and discussion, suggestions can be given to the Ministry of Law to optimize attention to notaries, especially in terms of guidance and protection when they are dealing with law enforcement officers.

Because notaries require guidance, supervision, and protection, both from the government and organizations, in accordance with applicable regulations and prospective Notaries should pay attention to the new provisions related to the Appointment of Notary Positions so that they always get the latest information related to the implementation of exams held by the Ministry of Law and Human Rights (HAM) or the Indonesian Organization Association (I.N.I).

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