



Rationality of Extension of Term of Office of Notary Public

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Abstract: The retirement age for the position of Notary, as stipulated in Article 8 paragraph (1) letter b and Article 8 paragraph (2) of Law No. 30 of 2004 on the Position of Notary, explicitly limits the maximum age for holding the position to 65 (sixty-five) years. However, an extension may be granted up to 67 (sixty-seven) years. The Constitutional Court considers this retirement age regulation to be "constitutional," thereby opening the possibility for Notaries to extend their tenure until the age of 70 (seventy), provided they undergo a medical examination at a government hospital or a hospital designated by the Minister of Law. Following Constitutional Court Decision No. 84/PUU-XXII/2024, which allows Notaries to serve until the age of 70, this article explores the reasons behind the extension and the legal procedures required for its implementation.

Keyword: Notary Position, Notary Term Extension, Rationalistic Principle.

INTRODUCTION

The introduction contains the research background in a concise, concise, and clear manner. Article 1, paragraph 1 of Law No. 2 of 2014, amended by Law No. 30 of 2004 concerning the Position of Notaries (UUJN), states that a Notary is a public official who has the authority to create authentic deeds and perform other tasks as regulated in this law or other applicable laws. In other words, this article emphasizes that the notary position is clearly regulated by law, granting specific authority to notaries to perform important functions within the Indonesian legal system.

The notary position has existed since the Dutch colonial era, even before Indonesia's independence. Based on Article 1, paragraph 1 of Law No. 30 of 2004 concerning the Position of Notaries, it is stated that "A Notary is a public official who has the authority to create authentic deeds and other authorities as regulated in this law". The term "public official" is a translation of the term *Openbare Ambtenaren* found in Article 1868 of the Civil Code. Article 1868 of the Civil Code states:

"Eene authentieke acte is de zoodanige welke in de wettelijken vorn is verleden, door of ten overstaan van openbare ambtenaren die daartoe bevoegd zijn ter plaatse alwaar zuiks is geschied."

(An authentic deed is one made in the form prescribed by law, by or in the presence of a public official who is authorized to do so at the place where the deed is made).

Openbare Ambtenaren comes from the word Ambtenaren, which means officials, while Openbare means public or general. , Openbare Ambtenaren can be interpreted as public officials , A public official is understood as someone who is tasked with creating authentic deeds, which serve as public services.

The position of a Notary as a “Public Official” is one of the key elements in defining or understanding the role of a Notary. This means that a Notary is granted general power or authority to serve the public interest. As a public official, a Notary is appointed by the government and works to serve the public. A Notary is a public official who is appointed and dismissed by the government. Unlike civil servants, although both are appointed and dismissed by the government, a Notary does not receive a salary or pension from the government. .

In carrying out their duties, a Notary, as a public official, has a tenure that is determined by regulations, as stated in Article 8, paragraph (1), letter b, and Article 8, paragraph (2) of Law No. 30 of 2004 concerning the Position of Notaries. These provisions explicitly limit the maximum age for a Notary's term of office to 65 (sixty-five) years, and it may be extended up to 67 (sixty-seven) years under certain conditions.

The extension of a Notary's term is significant because it relates to aspects of professionalism, capacity, and legal certainty in the notary's services. The decision to extend a Notary's term requires the fulfillment of specific requirements set by applicable regulations, as well as consideration of the integrity and competence of the Notary in question. The mechanism for extending a Notary's term is regulated by the Minister of Law and Human Rights Regulation No. 19 of 2019 on the Requirements and Procedures for Appointment, Leave, Transfer, Dismissal, and Extension of Notary's Term (hereafter referred to as Permenkumham No. 19 of 2019).

As a noble profession (*officium nobile*) with expertise in creating authentic deeds, a Notary is closely connected to the public, who require such authentic instruments. It could be argued that there should not be a limitation on the tenure of Notaries. As long as a Notary is still deemed capable of performing their duties, the public will likely continue to need and trust them, provided there are no physical or mental barriers. Therefore, there is no need to limit their function. A Notary, being a public official, does not burden the state in terms of facilities, infrastructure, or personnel, as these responsibilities fall to the Notary themselves

Generally, the provisions in Article 8, paragraphs (1) and (2) of the UUJN are still considered insufficient as legal protection for Notaries and various parties, particularly the Indonesian public. This is evidenced by several judicial reviews filed by individuals or groups challenging the UUJN, such as the judicial review based on the Constitutional Court Decision No. 52/PUU-VIII/2010, dated October 15, 2010, and the second one based on the Constitutional Court Decision No. 165/PUU-XXI/2023, dated January 31, 2024. The constitutional review was initiated due to the perceived constitutional losses caused by these articles concerning the 1945 Constitution of the Republic of Indonesia.

One of the powers of the Constitutional Court is judicial review. Judicial review is an examination or reconsideration conducted by individuals or groups who feel harmed by the enactment of a law, potentially leading to the annulment or amendment of the law. In the context of Indonesian law, judicial review is the authority of the Constitutional Court to assess the constitutionality of laws in relation to the 1945 Constitution (UUD 1945). This authority is regulated in Article 24C of the Constitution and further governed by Article 10 of Law No. 24 of 2003 on the Constitutional Court, as amended by Law No. 8 of 2011.

Through the Constitutional Court Decision No. 84/PUU-XXII/2024, which was officially decided on January 3, 2025, the maximum age for the notary's term has been extended to 70 years, with the condition of a health examination by a government-designated hospital. The debate over the notary retirement age reflects differing views between normative aspects,

the needs of legal practice, and the principle of rationality in determining public policy. One of the main arguments supporting the extension of the notary's term is that a person's competence and capability are not solely determined by age, but also by their health condition and professional experience. Additionally, when compared to other legal professions such as advocates and public accountants, which do not have a maximum age limit, the limitation of the notary's retirement age is seen as a policy that requires further evaluation.

This research aims to analyze the rationality of extending the notary's term of office from the perspective of law and public policy. Using a normative and comparative approach, this study will discuss the legal basis for extending the notary's age limit, the implications of the Constitutional Court ruling, and its impact on the practice of notaries in Indonesia. Through this study, it is hoped that a solid legal foundation will be established, along with more just and rational policy recommendations in regulating the notary's retirement age.

Based on the explanation above, the author formulates the research questions as follows:

1. What are the reasons for extending the notary's term of office in the Constitutional Court Decision No. 84/PUU-XXII/2024?
2. What is the legal procedure for extending a notary's term of office?

METHOD

The type of legal research used is normative legal research. Normative legal research is the study of the application of normative legal provisions (codifications, laws, or contracts) in action in specific legal events occurring in society.

Normative legal research is an approach based on primary materials, examining theoretical aspects related to legal principles, legal concepts, views, and legal doctrines, regulations, and legal systems, using secondary data. This includes principles, rules, norms, and legal regulations found in legislation and other regulations, by studying books, laws, and other documents closely related to the research.

RESULTS AND DISCUSSION

Reasons for Extension of Notary's Term of Office in Constitutional Court Decision Number 84/PUU-XXII/2024

The position of Notary has been known in Indonesia for a long time, dating back to the Dutch colonial era or even before Indonesia's independence. Notaries performed various duties, originating from the need of the European community to create an authentic deed, which marks the first appearance of Notaries in Indonesia. The authentic deed was expected to serve as a document or evidence in court with perfect legal force.

In Indonesia, the regulation concerning the Notary Institution is governed by Law No. 30 of 2004 concerning the Position of Notaries, as amended by Law No. 2 of 2014 concerning the Position of Notaries. Based on Article 1, paragraph 1 of the Notary Position Law, it is stated that "A Notary is a public official who has the authority to create authentic deeds and has other authorities as referred to in this Law or other laws."

As one of the professions in the legal field, a Notary's role is to provide legal services and create certainty, order, and legal protection in society. To carry out this duty, a Notary bears responsibility concerning evidence that clearly determines the rights and obligations of an individual as a legal subject in society. Notaries are appointed by public authority to create these written legal instruments, which must have authentic legal power when required by law or requested by society. The term "Notary" as a profession is mentioned in the considerations ("menimbang") letter c and is implied in Article 1, paragraph 5, and Article 4, paragraph (2) of the Notary Position Law, which states: "A Notary is a specific position that carries out the profession of providing legal services to the public and needs to be given protection and guarantees to achieve legal certainty."

The description provided by the Notary Position Law gives a reference to the tasks and authority that must be adhered to and executed by Notaries. In this context, the position of Notary involves the duties of a public official, with the authority to create authentic deeds and other authorities as regulated by the Notary Position Law.

Based on Article 1, paragraph 1 of Law No. 30 of 2004 concerning the Position of Notaries, it is stated that "A Notary is a public official who has the authority to create authentic deeds and other authorities as regulated in this law." The explanation of the aforementioned law further clarifies that a Notary is a public official authorized to create authentic deeds, with the provision that the creation of authentic deeds is not the authority of other officials.

It is a fact that when a person works, there comes a time when they must stop because they have reached retirement age, and this applies to Notaries as well. Generally, in retirement, a person no longer works, and their rights and obligations regarding the profession they pursued come to an end. The concept of retirement concerning a Notary refers to the end of their tenure as a public official with authority..

Regarding the retirement age of a Notary, it is regulated in Article 8, paragraph (1) letter b and Article 8, paragraph (2) of Law No. 30 of 2004 concerning the Position of Notaries. The petitioners' constitutional review (judicial review) of this article has been considered "unconstitutional," meaning that a decision regarding the article being reviewed was announced when the ruling was read. Essentially, "unconstitutional" means it conflicts with or violates the constitution, or does not meet the required conditions, or is declared conditionally unconstitutional because the Constitutional Court seeks to avoid legal uncertainty or rejection with conditions. If the conditions are not met by the implementing state institution, the law provision that has been reviewed is resubmitted to the Constitutional Court for further review.

In conditional constitutionality, a decision declares that a law is constitutional or not in conflict with the 1945 Constitution of the Republic of Indonesia, with additional provisions or conditions determined by the Constitutional Court. This means the decision is rejected because it is not in conflict with the 1945 Constitution of the Republic of Indonesia. Therefore, it can be understood that the law is considered constitutional, but it must be interpreted according to the conditions set by the Constitutional Court in its ruling. This means the petition submitted is rejected with notes. If the conditions are not fulfilled by the implementing state institution, the law provision that has been reviewed will be submitted again for examination by the Constitutional Court.

From the various lawsuits filed against the Law on the Position of Notaries, to date, the regulation on the retirement age of Notaries has been in effect for approximately 20 years. In 2024, a constitutional lawsuit was filed by a Notary (the petitioner). The petitioner in the constitutional case with register number 84/PUU-XXII/2024 felt aggrieved by the legal norms concerning the honorable dismissal of a Notary from their position.

Upon further examination, the norm contained in Article 8 paragraph (2) of the Notary Law (UUJN) is considered to create legal uncertainty. In Article 8 paragraph (1) letter b of the UUJN, it states, "has reached the age of 65 (sixty-five) years," while in Article 8 paragraph (2), it states, "The age provision referred to in paragraph (1) letter b may be extended until the age of 67 (sixty-seven) years, considering the health of the person concerned." From these two articles, three conflicting norms arise: a Notary is dismissed at the age of 65, another regulation states that it may be extended until 67, and there is a provision regarding the criteria for extension based on health considerations..

Previously, a lawsuit was filed regarding Article 8 paragraph (1) letter b and Article 8 paragraph (2) of the UUJN, with the ruling in Decision No. 54/PUU-VIII/2010, arguing that these provisions were in conflict with Articles 27 paragraph (2) and 28A of the 1945 Constitution of the Republic of Indonesia. This does not fall under the principle of *ne bis in idem*, which is the principle stating that a matter that has been decided and adjudicated should not be re-examined or re-decided by the court for a second time. The test case presented to the

Constitutional Court between Decision No. 54/PUU-VIII/2010 and No. 84/PUU-XXII/2024 is quite different. In the petition for the latter, the petitioner submitted a material review with several articles from the 1945 Constitution of the Republic of Indonesia, which served as the basis for the petitioner's arguments, including:

- Article 27 paragraph (1) and (2)
 - (1) All citizens are equal before the law and government and must uphold the law and the government without exception.
 - (2) Every citizen has the right to work and a decent livelihood for humanity.
- Article 28
 - (1) Everyone has the right to recognition, guarantees, protection, and legal certainty that is just, as well as equal treatment before the law.
 - (2) Everyone has the right to work and receive fair and decent compensation and treatment in employment relations.
- Article 28C paragraph (1)

The 1945 Constitution guarantees every person the right to develop themselves through the fulfillment of basic needs and benefit from scientific knowledge to improve their quality of life.
- Article 28D
 - (1) Every person has the right to recognition, guarantees, protection, and legal certainty that is just, as well as equal treatment before the law.
 - (2) Every person has the right to work and receive fair and decent compensation and treatment in employment relations.
- Article 28H paragraph (1)

Every person has the right to live a prosperous life, both physically and mentally, to have a place to live, and to receive a healthy and good living environment, as well as the right to obtain health services.
- Article 28I paragraph (2)

Every person has the right to be free from discriminatory treatment for any reason and has the right to protection against such discriminatory treatment.

In addition to the petitioners' arguments based on the 1945 Constitution, the petitioner also referred to the surrounding reality, where many Notaries and other professionals who have reached the age of 65 still appear to be in good physical and mental health, and are still productive and capable of continuing their work. Objectively, the career span of a Notary profession can be seen as quite short, as according to Article 3 letter c of the UUJN, which states, "at least 27 (twenty-seven) years old," meaning that if a Notary is retired or dismissed honorably at the age of 65, the Notary would only practice for 38 (thirty-eight) years. The petitioner also provided comparative data on the retirement age for Notaries in various other countries, with the following details:

No.	Negara	Masa Pensiun Notaris
1.	Korea Selatan	75 Tahun
2.	Spanyol	72 Tahun
3.	Belanda	70 Tahun
4.	Jepang	70 Tahun
5.	Italia	70 Tahun
6.	Kolombia	70 Tahun
7.	Austria	70 Tahun

The petitioner argues that the retirement age for Notaries in Indonesia is significantly behind compared to other countries, with the assumption that the threshold for the productive age of a Notary profession should not be determined by age, but rather by assessing their physical and mental health.

In addition to the list of retirement ages for Notaries in other countries, the petitioner also draws comparisons with the retirement ages of other professions such as doctors, advocates, curators, mediators, capital market legal consultants, arbitrators, tax attorneys, and other professions that do not burden state finances. This means that these professions do not have age limitations like the Notary profession

It is understood that one of the Constitutional Court's authorities is to review the constitutionality of laws. In general, constitutional review is a process where individuals or groups who feel aggrieved by the enactment of a law can seek to have the law annulled or revised. In Indonesia's legal system, constitutional review falls under the competence or jurisdiction of the Constitutional Court. The Constitutional Court's power in conducting constitutional reviews is aimed at testing whether a law is in line with the 1945 Constitution of

the Republic of Indonesia (hereinafter referred to as the 1945 Constitution), both in formal and material terms, which is commonly referred to as constitutionalism review. The legal basis for the Constitutional Court's authority to conduct a constitutional review is outlined in the state constitution (the 1945 Constitution), specifically in Article 24C, and further regulated by Article 10 of Law No. 24 of 2003 on the Constitutional Court and its amendments in Law No. 8 of 2011.

Through its ruling No. 84/PUU-XXII/2024, the Constitutional Court stated:

“Provisions regarding age as referred to in paragraph (1) letter b may be extended until the age of 67 (sixty-seven) years, considering the health of the individual concerned, and may be extended further every year until the age of 70 (seventy) years, based on the health of the individual as evidenced by a medical examination conducted annually at a public government hospital, regional public hospital, or a hospital appointed by the Minister in charge of legal affairs.”

This ruling declared that Article 8 paragraph (2) of the UUDN is in conflict with the 1945 Constitution of the Republic of Indonesia and does not have binding legal force, conditional on being interpreted in accordance with the conditions or limitations set out in the ruling. In the context of this ruling, the term “conditional” refers to additional provisions that must be fulfilled for the legal norm to remain valid and not considered in conflict with the 1945 Constitution, which are:

1. The provision to extend the retirement age to 67 years must take into account the health of the individual concerned.
2. Further extensions each year (from 67 years to 70 years) must also consider health, as evidenced by regular medical check-ups.
3. Health checks must be conducted at a public government hospital, regional public hospital, or a hospital appointed by the Minister in charge of legal affairs.
4. The word “may” in the ruling provides room for open legal policy. In legal terms, "may" indicates discretion or policy that can be taken by lawmakers or the implementers of the law, in this case, the Directorate General of General Legal Administration. This means that the provision is not mandatory (imperative), but rather optional (discretionary), with certain conditions

Through this ruling, the Constitutional Court has opened the possibility of extending the term of a Notary until the age of 70 (seventy), with consideration for their health, and concluded that such a regulation on retirement age is "constitutional." According to Hans Kelsen, the effective implementation of constitutional regulations on legislation can only be guaranteed if an organ other than the legislative body is tasked with reviewing whether a legal product is constitutional or not, rather than automatically enforcing its constitutionality

One of the important aspects of the Constitutional Court's existence is its rulings. The decisions of the Constitutional Court are binding and final. Therefore, such decisions must be based on philosophical values and possess binding legal certainty, grounded in the principles of justice. The decisions of the Constitutional Court consistently uphold values of justice and

result in both justice and legal certainty. The Constitutional Court acts as both a first and final court, and its decisions are final and binding. The rulings issued by the Constitutional Court have far-reaching consequences, not only for the parties involved but also for society at large. In addition to their broad impact, the Constitutional Court's decisions can influence fundamental aspects of the legal system, the state system, and society. Through its rulings, the Constitutional Court helps determine the direction of legal development policies and the paradigm that should be adopted.

If we look at the petitioner's case, up until the issuance of Constitutional Court Decision No. 84/PUU-XXII/2024, it is clear that the Constitutional Court judges must have considered legal arguments based on the principle of rationality.

In public administration theory, the theory of rationality addresses decision-making based on logic and design. This theory discusses how to make effective and efficient decisions and how to manage actions that align with the set objectives.

Therefore, the Constitutional Court's decision regarding the age limit for the Notary position aligns with the principle of rational choice. Individual behavior is often explained through the lens of rational choice in various contexts, including decisions regarding the honorable dismissal of a Notary.

As such, the Constitutional Court's reasoning in its ruling reflects the consideration of rationality and the need for a Notary who is still in good physical and mental health to carry out their duties effectively. The importance of the Notary position is directly related to its legal function and the state, as Notaries are appointed and dismissed by the Minister responsible for legal affairs (Article 2 of the Notary Position Law). Because of the significance of this position, Notaries are indirectly required to maintain both good physical and mental health, not only for drafting deeds but also for preserving notarial protocols and identifying the deeds that the Notary has created. This requires a Notary to have a good memory, supported by both physical and mental health.

In the ruling of the Constitutional Court Decision No. 84/PUU-XXII/2024, which only partially granted the petitioner's constitutional case regarding the 65-year age limit as the retirement age, it is considered appropriate because each person has different physical and mental health conditions, as well as varying memory and cognitive sharpness, which significantly affect the Notary's competence in performing their duties. Several other professions also retire at the age of 65, including pilots, lecturers, and functional positions within the civil service (ASN), among others.

In addition to these considerations, the Constitutional Court also noted that senior Notaries are particularly needed in certain areas, as they can share their knowledge with newly sworn-in Notaries (junior Notaries), thereby reducing the potential for a disconnect within the notarial profession.

Therefore, the Constitutional Court considered that extending the Notary's tenure with an age limit of 65 years, which can be extended up to 67 years, taking into account the individual's health, and further extended annually up to 70 years based on health considerations determined through a yearly medical examination at a government hospital, public hospital, or a hospital designated by the Minister of Law and Human Rights, is rational. The Constitutional Court argued that Article 8 paragraph (2) of the Notary Law (UUJN) did not provide legal certainty in line with the provisions of Article 28D paragraph (1) of the 1945 Constitution and violated the principle of rationality, leading to an intolerable injustice.

The health considerations mentioned by the Constitutional Court include both physical and mental health in terms of the ability to work. Physical health, in this case, pertains to mobility, where physical condition must still function normally, with the ability to see clearly and sharply to read and evaluate legal documents, as well as the absence of progressive neurodegenerative conditions that affect the motor system, such as tremors, stiffness, and slow movements caused by the loss of dopamine-producing neurons in the brain (e.g., Parkinson's

disease). Meanwhile, mental health refers to emotional, psychological, and social well-being, affecting how individuals think, feel, and act. Mental health also influences how we handle stress, relate to others, and make choices. Therefore, maintaining mental health is important at all stages of life, from childhood to adulthood. In addition to health considerations, a Notary's competence in maintaining quality and professionalism must also be prioritized. Notaries are expected to understand all aspects of their position, be familiar with the relevant regulations, and stay updated with the latest developments, particularly in this era of digitalization. Thus, a Notary with these attributes is considered capable of fulfilling the responsibilities of their role effectively.

The age limitation is a preventive measure aimed at minimizing the risk of violations by Notaries. Therefore, the Constitutional Court's reasoning in its ruling was based on the principle of rationality, considering the Notary's physical and mental health, their ability to perform their duties well, and the time for a retiring Notary to adapt and transfer knowledge to their future successor.

Legal Procedures in Extending the Term of Office of a Notary as a Result of the Constitutional Court Decision Number 84/PUU-XXII/2024

The Notary's term of office, which lasts until the age of 65 and can be extended until the age of 67, and further extended up to 70 years based on the Notary's condition, is a right granted by the law or the Constitutional Court Decision No. 84/PUU-XXII/2024 to each Notary. When a Notary exercises this right, the government is obliged to fulfill it.

This right is formalized in the form of an extension decision issued by the competent authority or institution responsible for the appointment of Notaries, in accordance with the principle of *contrarius actus*. The *contrarius actus* principle is a legal principle that states that the institution which grants authorization or approval is also the institution authorized to revoke or cancel it. According to Article 1, Number 9 of Law No. 51 of 2009 concerning the Second Amendment to Law No. 5 of 1986 on the Administrative Court, a "State Administrative Decision" is a written determination issued by a state administrative body or official containing an administrative legal action based on applicable regulations, which is concrete, individual, and final, and results in legal consequences for an individual or legal entity.

Amendments to the norms of a law, including those made through a Constitutional Court ruling, are changes made to the law itself. However, due to efficiency reasons, such changes are not always followed by amendments to the relevant law. In this case, the necessary changes to follow up on the Constitutional Court ruling should be made by adjusting the procedures for extending the Notary's term of office as stipulated in the Minister of Law and Human Rights Regulation No. 19 of 2019 on the Requirements and Procedures for Appointment, Leave, Transfer, Dismissal, and Extension of Notary's Term of Office (hereinafter referred to as Permenkumham 19/2019).

Article 95 of Permenkumham 19/2019 states: "The Minister may extend the Notary's term of office up to the age of 67 (sixty-seven) years, taking into account the Notary's health." The procedural technicalities for submitting the extension of the Notary's term of office as stipulated in the Permenkumham 19/2019 provisions are still considered relevant and should be maintained.

Article 96 of Permenkumham 19/2019 concerning the extension of a Notary's term of office until the age of 67 in conjunction with the Constitutional Court Decision No. 84/PUU-XXII/2024, which allows an extension up to 70 years based on the Notary's health condition, does not introduce new requirements or conditions. Article 97 of Permenkumham 19/2019 sets out the following requirements:

- 1) The application for the extension of the Notary's term of office must be submitted to the Minister by filling out the Term Extension Application Form.

- 2) The application for the extension of the Notary's term must be submitted at least 180 (one hundred eighty) days or no later than 60 (sixty) days before the Notary reaches the age of 65 (sixty-five).
- 3) The applicant must pay the extension application fee in accordance with the applicable non-tax state revenue regulations at the Ministry of Law and Human Rights and submit supporting documents within 7 (seven) days from the date of filling out the Term Extension Application Form.
- 4) The supporting documents mentioned in paragraph (3) consist of: a. An original health certificate indicating a complete physical health examination from a hospital doctor; b. An original mental health certificate from a psychiatrist or mental health doctor; c. An original recommendation from MPD, MPW, or MPP; d. An original recommendation from the Regional Management, Provincial Management, and Central Management of the Notary Organization; e. An original letter of appointment from MPD to the Notary as the holder of the Notary protocol.
- 5) Proof of submission of the supporting documents mentioned in paragraph (3) must be sent electronically to the Minister.
- 6) If, within the time specified in paragraph (3), the applicant fails to submit the supporting documents, the application will be considered invalid.

The application must be submitted at least 180 days or no later than 60 days before the Notary reaches the age of 65. Additionally, the Notary must attach a health certificate from a doctor, conducted annually at a government hospital, public hospital, or a hospital designated by the Minister of Law and Human Rights. Beyond the requirements in this article, there are other considerations, as mentioned in the Constitutional Court's ruling in No. 84/PUU-XX/2024, regarding the extension of a Notary's term from 67 years and the possibility of further extensions each year until the Notary reaches the age of 70, provided this is based on annual health evaluations to ensure that the extension of the Notary's term is still in line with the principles of propriety and suitability for carrying out the Notary's duties and functions

CONCLUSION

The Constitutional Court's Decision No. 84/PUU-XXII/2024 has brought about significant changes to the retirement age for notaries in Indonesia. Previously, the retirement age for notaries was set at 65 years, with the possibility of an extension until 67 years. However, with this ruling, the Constitutional Court has decided that the retirement age for notary positions can be extended up to 70 years, with the requirement of annual health examinations conducted at government hospitals or hospitals designated by the Ministry of Law and Human Rights.

This decision is based on the principle of rationality, considering the need for senior notaries in various regions to transfer knowledge and support the regeneration of the notarial profession. The Constitutional Court also compared the retirement age for notaries in Indonesia with that of other countries, such as the Netherlands and Italy, which set retirement ages of 70 years or more, applying the principle of rationality for the welfare of notaries who are still capable of performing their duties effectively.

The extension procedure requires submitting an application to the Minister of Law and Human Rights along with an updated health certificate, which must be renewed annually. However, the implementation of this decision requires further technical regulations to prevent confusion in the field, especially for notaries approaching retirement age

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