Siber International Journal of Advanced Law (SIJAL)
E-ISSN : 2987-5595
P-ISSN : 2987-5609
https://review.e-siber.org/SIJAL siberpublisher.info@gmail.com +62 812-1046-7572
DOI: https://doi.org/10.38035/sijal.v3i1
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The Impact of Constitutional Court Decision Number 84/PUU-XXII/2024 on the Retirement Age Limit for Notaries from the Perspective of Justice and Legal Certainty

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Abstrak: Constitutional Court Decision Number 84/PUU-XXII/2024 introduces significant changes to the regulation of the retirement age for notaries in Indonesia. Previously, the Notary Position Law strictly limited the retirement age to 65 years, or up to 67 years with an extension. However, through this decision, the Court allows notaries to remain in office beyond the age of 67, provided they meet physical and mental health requirements as well as demonstrate professional integrity. This study employs a normative legal research method with a descriptive approach, using both doctrinal analysis and primary and secondary data sources. The findings reveal that the decision has amended the retirement age limit for notaries from 67 to 70 years. Furthermore, it provides an opportunity for notaries to serve beyond that age as long as they meet the health criteria. From a justice perspective, this is seen as a protection of constitutional rights; however, it still requires clear and objective parameters to avoid inequality. While the extension acknowledges the competence of senior notaries, it may hinder generational renewal and create legal uncertainty without proper oversight. Therefore, the role of professional organizations and the government is essential to ensure fair and professional implementation.

Keywords: Constitutional Court, Notary, Justice, Legal Certainty.

INTRODUCTION

A notary, as a public official authorized to draw up authentic deeds, is defined in Article 1 Point 1 of Law Number 2 of 2014 concerning the Amendment to Law Number 30 of 2004 on the Notary Position, hereinafter referred to as the Notary Law (UUJN). The provision states that a notary is a public official authorized to draw up authentic deeds and to perform other authorities as regulated by law. Furthermore, Article 1 Point 7 of the UUJN stipulates that a notarial deed, hereinafter referred to as a deed, is an authentic deed drawn up by or before a notary in the form and manner prescribed by this law. The authority of a notary to create authentic deeds must be based on a request from the appearing parties. A notary is obligated to hear the statements or declarations of the parties without taking sides, and those

statements must be recorded in the notarial deed as the true intention of the parties involved. Once the deed is read aloud in the presence of the parties and approved by them, the parties must sign the deed before the notary, and the deed must comply with Article 38 of Law Number 2 of 2014. (Ketut Tjukup & et.al, 2016).

The regulation of notaries as public officials authorized to draw up deeds is stipulated in the Notary Law (UUJN), which also includes provisions regarding age limits in the practice of notarial duties. Recently, the Constitutional Court ruled on two judicial review petitions against the Notary Law. The first case, registered as Case Number 14/PUU-XXII/2024, concerned the age limit for notarial office and resulted in the Court declaring that Article 8 paragraph (2) was inadmissible, as the panel of judges considered that the petition had lost its object. The second case, Case Number 84/PUU-XXII/2024, involved the retirement age of notaries in Indonesia. In this case, the Constitutional Court ruled that Article 8 paragraph (2) of Law Number 30 of 2004 on the Notary Position was inconsistent with the 1945 Constitution, and decided that the retirement age of notaries could be extended up to 70 years.

The ruling was issued by the Constitutional Court through the dictum in Decision No. 84/PUU-XXII/2024, in which the Court declared that the provision on the maximum age limit for notaries under Article 8 paragraph (2) of Law No. 30 of 2004 concerning the Notary Position, as amended by Law No. 2 of 2014, is inconsistent with the 1945 Constitution unless it is interpreted as follows: the age provision as referred to in paragraph (1) letter b may be extended up to the age of 67, taking into account the notary's health condition, and may be extended further on an annual basis up to the age of 70, provided that the notary remains in good health as confirmed by medical examinations conducted annually by a physician at a hospital appointed by the Minister in charge of legal affairs. With this decision, notaries who reach the age of 65 may continue to serve in office until a maximum age of 70, as long as they fulfill the requirement of undergoing annual health checks at government hospitals or hospitals designated by the Ministry of Law and Human Rights. (Ricco Survival Yubaidi, 2025).

The petitioner filed a judicial review registered under Case Number 84/PUU-XII/2024 challenging Article 8 paragraph (1) of the Notary Law (Constitutional Court Decision Number 84/PUU-XII/2024), which regulates the retirement age of notaries at 65 years. According to the petitioner, this provision violates constitutional rights to employment and fair treatment. They argued that the age limit was too rigid and did not take into account the professional capabilities of notaries. The Constitutional Court subsequently granted the petition, extending the term of office for notaries. Although considered a constitutional measure, this decision has resulted in an extended retirement period and lengthened the waiting list for prospective notaries.

According to the Constitutional Court, the extension of the notary's term of office is considered rational if the maximum age limit is set at 70 years. This refers to the average retirement age for similar positions in other countries such as the Netherlands, Colombia, South Korea, Japan, Italy, and Spain (Constitution, 2025). The Court views the presence of senior notaries as necessary, especially in remote areas. Besides transferring knowledge, senior notaries are important to ensure that the transition to the younger generation does not create a significant gap. Therefore, the extension of the notary's term of office is still deemed necessary, provided that physical and mental health requirements are met. (Agatha Olivia Victoria, 2025).

According to Prof. Suparji Ahmad, the extension of the notary's term of office is a constitutional issue rather than an open legal policy. This is because the age limit imposed on notaries constitutes an intolerable injustice, especially when compared to other professions that do not have such restrictions. The retirement age of notaries is a matter of the constitutionality of the norm in relation to the 1945 Constitution. The Constitution guarantees

protection for citizens to obtain a decent livelihood, develop themselves by fulfilling their needs, benefit from scientific knowledge, obtain fair legal certainty, receive equal treatment before the law, and be free from discriminatory treatment without exception for any reason, including those holding positions as notaries. (Sambari, 2025).

Constitutional Court Decision No. 84/PUU-XXII/2024 impacts the change in the retirement age limit for notaries from 67 to 70 years, subject to annual health examinations. From the perspective of legal certainty, this ruling initially caused uncertainty due to the absence of implementing regulations; however, in the future, it can strengthen legal certainty by emphasizing fitness based on health rather than age alone. From a justice perspective, the decision provides an opportunity for healthy notaries to continue serving, but it may potentially create disparities with younger notaries and cause discrimination if access to health examinations is unequal. Therefore, technical regulations are necessary to ensure that this ruling can be implemented fairly and consistently.

METHOD

In this study, the author employs a normative research method. In normative research, the sources used are secondary data. Normative legal research focuses on the nature and scope of law. This research is descriptive in nature. The approach used in this study is doctrinal. The research discusses how the Constitutional Court decision affects existing legal norms related to the retirement age limit for notaries, as well as its impact on the broader legal system. This study examines the conformity of the decision with the Constitution and evaluates the necessity of adjusting related regulations in accordance with the ruling. The research utilizes primary legal materials and secondary legal materials, which constitute the types and sources of secondary research.

RESULT AND DISCUSSION

A. Regulation of Notaries' Retirement Age Before and After Constitutional Court Decision Number 84/PUU-XXII/2024 from a Justice Perspective

1. Regulation of Notaries' Retirement Age in Constitutional Court Decision No. 84/PUU-XII/2024

Article 1 point 1 of the Notary Law (UUJN) states that a notary is a public official authorized to create authentic deeds and perform other duties in accordance with the provisions of this law as well as other applicable laws. This provision affirms that the position of a notary is officially regulated within the national legal system. As a profession granted authority by law, notaries are required to work diligently and responsibly to avoid mistakes or negligence. If a notary violates legal provisions in carrying out their duties, they are obligated to be held accountable for their actions. However, the awareness of notaries to take direct responsibility is often still low. Therefore, legal efforts through the courts are necessary, with notaries being named as defendants or co-defendants in lawsuits concerning unlawful acts.(Nurwaningsih, 2019).

A notary acts as an extension of the minister, appointed and dismissed by the Minister of Law and Human Rights, tasked with providing services to the public requiring assistance in making written evidence in the form of authentic deeds in the field of civil law. The existence of notaries is essentially an implementation of the legal aspect of evidence; therefore, in performing their duties and obligations, they must comply with the applicable laws and regulations. (Budiono, 2013).

The consequence arising for a notary as a public official authorized to create authentic deeds is that they must be responsible, and if there is a violation or deviation from the requirements in the creation of the deed, it will result in the invalidity of the deed made by the notary (Sjaifurrachman, 2010). The position of a notary, established and granted by the

state, aims to create order in legal relations among the Indonesian people. This order is important for achieving the goals of the state as mandated in the Preamble of the 1945 Constitution concerning the state's objectives, namely: *"to protect all the people of Indonesia and the entire homeland of Indonesia, to promote the general welfare, to educate the nation's life, and to participate in implementing world order based on freedom, lasting peace, and social justice"* (Bachrudin, 2015).

The regulation of the notary's term of office age was previously governed by Article 8 Paragraph (1) of the Notary Law (UUJN), which states that a notary in carrying out their duties and office is limited by age, specifying that a notary may resign or be honorably dismissed from their position:

a) Death;
b) Reaching the age of 65 (sixty-five) years;
c) Voluntary resignation;
d) Being mentally and/or physically unable to perform notarial duties continuously for more than 3 (three) years; or
e) Holding concurrent positions as referred to in Article 3 letter g.

Furthermore, Article 8 Paragraph (2) UUJN explains that the age limit referred to in Paragraph (1) letter b can be extended until the age of 67 (sixty-seven) years by considering the health condition of the concerned notary.

The retirement age for notaries is 65 years, which can be extended by 2 years, making the total working age of a notary 67 years according to the provisions in Article 8 of the UUJN. Once a notary has entered retirement, they are no longer permitted to carry out the duties and authority to create authentic deeds. According to Article 65 UUJN, a notary is responsible for every deed they have made even though the notary's protocol has been handed over or transferred to the party that stores the notarial protocol (Asyatama, 2021).

From a legal perspective, the age of majority is important because it relates to whether a person is legally permitted to perform legal acts or be treated as a legal subject. A notary, in carrying out their duties as a public official, is limited by biological age, which is up to 65 years old. However, the Notary Law (UUJN) provides some flexibility by allowing the notary's biological age to be extended up to 67 years, considering the health and capability of the notary in making authentic deeds. Once a notary enters retirement, they are no longer permitted to perform their duties in creating authentic deeds (Kie, 2000).

A notary whose term is about to end is obligated to notify the Regional Supervisory Board (Majelis Pengawas Daerah - MPD) in writing regarding the end of their term and propose another notary as the recipient of the protocol within 180 days, or at the latest 90 days before reaching the age of 65. The handover of the protocol is carried out to the notary appointed by the MPD and must be completed within 30 days, accompanied by a handover report signed by both parties. Even though the protocol has been transferred to the receiving notary, the responsibility for the content of the protocol remains with the retired notary (Saputro, 2010).

In Constitutional Court Decision No. 84/PUU-XXII/2024, the Constitutional Court extended the retirement age of notaries to 70 years. This decision considers the important role of senior notaries in legal services, especially in areas still requiring their experience and expertise. Although the previous retirement age was 65, the Court deemed the extension justifiable as long as it is accompanied by regular health checks of the physical and mental condition. This policy aims to maintain a balance between the need for professionalism and the physical and mental readiness of notaries.

Mahkamah The Constitutional Court assessed that the notary's retirement age of 65 years, as stipulated in Article 8 paragraph (2) of Law No. 30 of 2004, is rational, as it takes into account the varying physical and mental health conditions of each individual. However, the extension of the term of office up to the age of 67 is considered still relevant, particularly

because the presence of senior notaries is necessary for knowledge transfer and to bridge the generational gap in the profession, especially in regions that lack sufficient notaries. Furthermore, the Court stated that extending the retirement age to 70 years is rational, provided that annual health examinations are conducted. This is in line with the retirement ages of other professions such as lecturers, judges, and notaries in other countries, as well as with the increasing life expectancy in Indonesia. Health checks for extensions between the ages of 67 and 70 must be carried out annually at government hospitals or hospitals designated by the Minister of Law and Human Rights.The Court concluded that Article 8 paragraph (2) of Law No. 30 of 2004 does not provide fair legal protection and certainty if not interpreted correctly. Therefore, the Court ruled that the provision is conditionally unconstitutional and shall not have binding legal force unless it is interpreted to mean that a notary's term of office can be extended to the age of 67 and subsequently extended annually until the age of 70, subject to annual health examinations at government hospitals or hospitals appointed by the Minister of Law and Human Rights.

Although the Constitutional Court did not fully grant the petition as submitted by the Petitioner, the petition was considered legally well-founded in part (Summary of Constitutional Court Decision No. 84/PUU-XXII/2024 on the Constitutionality of Extending the Notary Retirement Age).The author views Constitutional Court Decision No. 84/PUU-XXII/2024 as a progressive step in legal reform, particularly regarding the extension of the notary's term of office. This policy, which allows notaries to remain in office until the age of 70 with the requirement of annual health examinations, reflects constitutional values of equality and non-discrimination. The Court emphasized that intellectual capacity and integrity are more decisive in the notarial profession than age alone.

Nevertheless, the author highlights several problematic aspects of the decision, such as the potential obstruction of generational renewal for younger notaries and the risk of misuse if not closely monitored. Therefore, the effectiveness of this policy heavily depends on the seriousness of the state and professional organizations in formulating implementing regulations and establishing a transparent and accountable supervisory system.

2. Regulation of the Notary Retirement Age in Constitutional Court Decision No. 84/PUU-XXII/2024

The Constitutional Court Decision No. 84/PUU-XXII/2024, in its ruling, states the following:

a. Grants the Petitioner's request in part;

b. Declares that Article 8 paragraph (2) of Law Number 30 of 2004 concerning the Office of Notary (State Gazette of the Republic of Indonesia Year 2004 Number 117, Supplement to the State Gazette of the Republic of Indonesia Number 4432) is in contradiction with the 1945 Constitution of the Republic of Indonesia and does not have binding legal force, conditionally, unless it is interpreted as follows:"The age provision as referred to in paragraph (1) letter b may be extended up to the age of 67 (sixty-seven) years, taking into account the health of the individual concerned, and may be extended annually up to the age of 70 (seventy) years, considering the individual's health condition based on the results of medical examinations conducted annually at central government general hospitals, regional government general hospitals, or hospitals designated by the Minister in charge of legal affairs";

c. Orders this decision to be published in the State Gazette of the Republic of Indonesia accordingly;

d. Rejects the Petitioner's request for the remainder.

The Petitioner filed a judicial review of Article 8 paragraph (2) of the Notary Law (UUJN) based on Constitutional Court Decision No. 84/PUU-XXII/2024. The Petitioner argued that the provision setting the maximum retirement age for notaries at 67 years violates their constitutional rights, particularly the right to continue working and the right to fair treatment. This age limit is deemed discriminatory compared to other professions such as judges or lecturers, who may serve until the age of 70. Moreover, the provision was considered to disregard individual health conditions and was viewed as contradictory to the principles of justice, legal certainty, and respect for human rights as guaranteed under Articles 28D and 28H of the 1945 Constitution of the Republic of Indonesia.

Open legal policy is a concept that emerges when the 1945 Constitution provides a normative mandate to regulate certain matters by law, but only in general or broad terms. In such cases, the legislature has the discretion to formulate and regulate those matters in more detail, as long as it remains within the constitutional boundaries. This means that areas not explicitly regulated by the 1945 Constitution—but necessary to implement its provisions—fall within the domain of open legal policy. According to the Constitutional Court, legal norms that fall under open legal policy are part of the legislative domain and may be amended from time to time in accordance with the needs of national legal policy, provided they do not conflict with constitutional principle. (Wibowo, 2019).

The use of the term *open legal policy* is no longer limited to the Constitutional Court's rulings referring to laws being reviewed under that designation. According to the Court, when a law is stated to fall within the scope of open legal policy, the norm contained in that law—or even the law itself—is considered a matter of legislative policy. However, the term *open legal policy* is also used by the House of Representatives (DPR) and the Government in defending legislation during constitutional review proceedings before the Constitutional Court. It is not only used by legislators and the Government, but also by petitioners of judicial reviews and by expert witnesses, whether supporting the petitioners or defending the constitutionality of the law (Sukma, 2020).

Based on the information described above, open legal policy can be used as an analytical basis to examine Constitutional Court Decision No. 84/PUU-XXII/2024 concerning the judicial review of the provision on the retirement age for notaries. In this ruling, the Court held that the retirement age for notaries—originally set at 65 years, then extendable to 67 years, and ultimately amended to 70 years—constituted a correction to normative inconsistency while still taking constitutional principles into account. The Court's reasoning, through the lens of open legal policy, may be analyzed as follows:

a) The Constitutional Court's Authority in *Open Legal Policy*

The Constitutional Court holds the authority to review laws against the 1945 Constitution as stipulated in paragraph (1) of the relevant provision. Fundamentally, the Constitutional Court acts as a *negative legislator*, a body tasked with assessing the compatibility of legal norms with the Constitution, not with formulating or establishing new legal norms, which is the domain of the legislature. Under the concept of a *negative legislator*, the Court may only annul provisions that are unconstitutional, without the authority to create new norms. Jimly Asshiddiqie emphasizes that the Court's role is limited to striking down unconstitutional norms, not acting as a *positive legislator* that enacts new regulations (Zaman, 2023). However, Article 73 paragraph (3) of the Constitutional Court Regulation No. 2 of 2021 states: *"If deemed necessary, the Court may add a ruling beyond what is determined in paragraphs (1) and (2)."* This provision allows the Court to expand its decision beyond the standard rulings provided by the regulation. Nevertheless, when issuing a ruling that has characteristics of a *positive legislator*, the Court must consider the following factors:

a) Justice and benefits for society;
b) Urgent circumstances;
c) The need to fill a legal vacuum to prevent legal uncertainty or chaos in society.
b) The Limitations of Open Legal Policy and the Constitutional Court's Actions

The open legal policy held by the legislature cannot be exercised arbitrarily and must take into account fair demands based on moral considerations, religious values, security, and public order, as stipulated in Article 28J paragraph (2) of the 1945 Constitution, which reads: "In exercising their rights and freedoms, every person must submit to the limitations established by law with the sole purpose of ensuring the recognition and respect for the rights and freedoms of others and to fulfill just demands in accordance with considerations of morality, religious values, security, and public order in a democratic society".

The Constitutional Court may review laws formed under the doctrine of *open legal policy* and may annul them if they violate the provisions of Article 28J(2) of the 1945 Constitution, especially when such laws breach morality, rationality, or result in intolerable injustice (Munawaroh, 2024).

As a negative legislator, the Constitutional Court is only authorized to:
a) Review the constitutionality of legal norms in a statute against the 1945 Constitution;
b) Annul norms deemed unconstitutional (in whole or in part);
c) Refrain from creating or altering legal norms, which is the exclusive authority of the House of Representatives (DPR) and the President as lawmakers.

It should be noted that in various rulings by the Constitutional Court, when a statutory norm falls within the scope of *open legal policy*, such a norm is presumed to be constitutionally valid or consistent with the 1945 Constitution(Wibowo, 2019). Therefore, the revision of the notary retirement age as set forth in the Constitutional Court's decision essentially reflects the formulation of a new legal norm, rather than a mere annulment of an unconstitutional provision. This action suggests that the Court has exceeded its mandate as a *negative legislator* by entering into the domain of legal norm-making, which is constitutionally the authority of the legislative and executive branches, not the judiciary. The principle of open legal policy in constitutional law affirms that the formation of legal norms is the prerogative of lawmakers (the DPR and the President) in response to the social, economic, and political needs of society. The Constitutional Court may only intervene if such policies clearly conflict with the Constitution, particularly in cases involving violations of human rights, the principle of equality, justice, or legal certainty. The Court is not permitted to assume the role of the legislature by establishing new legal norms beyond its constitutional authority.

Based on the age limits described above, the differences before and after the Constitutional Court decision can be distinguished as follows:

Aspect	**Before Judgment (UU No. 2 Tahun 2014)**	**After Judgment (Putusan MK Nomor: 84/PUU-XXII/2024)**
Retirement Age Limit	65 years, extendable to 67 years	Extended to age 70 due to health considerations.
Legal Basis	UU No. 2 Tahun 2014	Constitutional court decisions as new norms
Implikasi	Limited term of office, guaranteed regeneration	More senior notaries remain active, regeneration could be hampered
Justice	Rational and open policy, but viewed as discriminatory by the applicant	Meet the principle of fairness with objective requirements and professional analogies, focus on rationality

Legal certainty	High, but unfair to senior notaries	Need to be supported by regulations to maintain certainty & justice.

Prior to the Constitutional Court Decision No. 84/PUU-XXII/2024, the provisions regarding the retirement age of notaries in the Notary Position Law (UUJN) were rigid and did not allow for flexibility based on individual capabilities. As a result, a number of notaries who are actually still capable and productive are forced to end their tenure solely due to age, without considering their actual capacity. This condition raises issues in terms of distributive justice, as it limits the rights and opportunities of notaries who can still contribute. From a procedural justice perspective, this rigid retirement age policy is also considered non-transparent and does not provide a performance- or health-based evaluation mechanism. This mismatch creates structural injustice that can ultimately hamper the regeneration and sustainability of the notary profession, and potentially reduce the quality of legal services to the public.

B. The Impact of the Constitutional Court Decision Number 84/PUU-XXII/2024 on the Practice of Kenotariatan in Indonesia

a. Notary is a position of trust that is trusted by the public to put in writing what is the will of the confronters into a deed that has been determined by law.

Notaries in carrying out their authority must act honestly, carefully, independently, impartially and safeguard the interests of the parties involved in legal acts. (Gusriana, 2011). here is a fact that when humans work, there is a time when they must stop because they have entered retirement age, and a notary is no exception. In general, in retirement, a person no longer works and has ended his rights and obligations towards the professional field he is engaged in. The definition of retirement in relation to notaries here is that a Notary has ended his term of office as an authorized public official. The expiration of the term of office for notaries is regulated in the second part of Article 8 through Article 13 of the UUJN. This article regulates the end of the term of office of a notary when the Notary is 65 (sixty-five) years old and can be extended until the age of 67 (sixty-seven) years old. (Pertiwi, 2014).

b. The Constitutional Court Decision No. 84/PUU-XXII/2024 has a major impact on notarial practice in Indonesia by allowing notaries to serve until the age of 70, provided they pass an annual medical examination at a designated official facility. This provision provides an opportunity for notaries who are still healthy and competent to continue working, especially in areas where there is a shortage of notaries, while encouraging the transfer of knowledge to the next generation. However, the extension of the term of office also raises new challenges, such as an increase in administrative burden, the need for more detailed technical regulations, the cost of periodic examinations, and the importance of supervision and enforcement of professional ethics to prevent potential abuse of authority. Thus, while opening up positive opportunities, this policy also demands reform of the notarial system in order to continue to ensure service quality and legal certainty for the public.

c. Based on the discussion above, the Constitutional Court Decision regarding the extension of the retirement age of notaries has a significant impact on notarial practice in Indonesia. the impact is legal certainty, and legal justice:

1. Legal impact

The Constitutional Court through Decision No. 84/PUU-XXII/2024 determined that the notary retirement age provision in Article 8 paragraph (1) of the Notary Position Law (UUJN) was unconstitutional, and amended it by giving notaries who have reached the age of 65 the right to extend their term of office to the age of 70, as long as they meet health requirements. This change has substantial legal implications for notarial practice in Indonesia. Normatively, the decision changes the legal structure that originally limited the

retirement age strictly, to be more flexible, while creating a new legal basis for notaries who wish to continue their service at an advanced age.

Consequently, the Ministry of Law and Human Rights needs to adjust administrative regulations, including mechanisms for extending the term of office and periodic evaluation of the performance of senior notaries. From the perspective of legal certainty theory, the ideal legal system should reflect three main values: legal certainty, justice, and expediency. In this context, although the Court's decision aims to create justice for notaries who are still productive, changes to the retirement age limit may trigger legal uncertainty, especially for young notaries and the public who were previously guided by the fixed age limit rules in the UUJN.

2. Legal justice impact

The Constitutional Court's decision to extend the retirement age of notaries has a direct impact on notarial practice in Indonesia. Operationally, this policy allows notaries who have reached retirement age to continue their duties, thus helping to maintain the continuity of legal services, especially in areas that still lack active notaries. On the other hand, the extension of the term of office has the potential to hamper the regeneration process in the profession, as there is limited space for young notaries to take up positions or open new offices. This imbalance can trigger internal friction within professional organizations and hamper the equitable placement of notaries in various regions. From a professional perspective, this policy could also create intergenerational inequality, as younger notaries feel that their opportunities and development space are closed due to the dominance of senior notaries who remain active. This situation contradicts the principle of distributive justice, which emphasizes the importance of fair distribution of rights and opportunities. Based on this, it is necessary to analyze the positive and negative impacts of the Constitutional Court's decision on the professionalism of notaries as follows:

a) Positive impact

1) Senior notaries who are still productive and competent can continue to provide legal services.
2) Increasing the stability and continuity of legal services, especially in areas that lack notaries.Meningkatkan stabilitas dan kontinuitas layanan hukum, terutama di daerah yang kekurangan notaris.

b) Negative impact

1) Notaris Young notaries may have difficulty obtaining a position or work area due to the long tenure of senior notaries.
2) Advanced age will affect the accuracy or speed of work.

CONCLUSION

The regulation of the retirement age of notaries before and after the Constitutional Court Decision Number 84/PUU-XXII/2024 in the perspective of justice reflects a significant change in the provisions regarding the maximum age of appointment of notaries. Prior to the decision, Article 8 paragraph (1) letter b and paragraph (2) of the UUJN expressly limited the retirement age of notaries to 65 years, with the possibility of extension to 67 years. However, through Constitutional Court Decision Number 84/PUU-XXII/2024, the age limit was extended to 70 years. This change has an important impact on the principles of justice and legal certainty. Although it aims to protect individual constitutional rights, this policy also has the potential to create intergenerational inequality in the world of notaries, as well as reduce public trust if it is not accompanied by a fair and transparent evaluation mechanism. Thus, this decision marks a policy shift that requires further regulation in a fair, accountable, and measurable manner to prevent legal uncertainty and avoid social disparities in society.

The impact of Constitutional Court Decision Number 84/PUU-XXII/2024 on notarial practice in Indonesia is significant. This decision provides an opportunity for notaries who are over 67 years old to continue to carry out their duties, as long as they still meet the requirements of physical and mental health, and continue to uphold ethics and professionalism. To ensure such eligibility, active supervision from professional organizations is required, to directly assess whether the notary is still fit to carry out his duties. This decision, on the one hand, strengthens the protection of the constitutional rights of individual notaries to continue working. However, on the other hand, it can have a negative impact in the form of generational inequality in the profession, narrowing the space for young notaries to develop, and creating injustice in the distribution of opportunities. Without transparent and accountable implementing regulations, this policy may also reduce legal certainty and decrease public confidence in the notary institution. Therefore, the implementation of this decision must be supported by clear technical regulations and a strong supervisory system in order to create a balance between the protection of individual rights, the sustainability of the profession, and the interests of society as a whole.

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