

THE IMPACT OF SUPREME COURT DECISION FOR EFFORTS OF NOTARY OFFICE QUALITY AND COMPETENCY IMPROVEMENT HELD

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Abstract

This study discusses the Notary Appointment Examinations and Notary Office Quality Improvement Training organized by the Ministry of Law and Human Rights in collaboration with Notary Organizations. These efforts were later cancelled due to a Supreme Court Decision. These efforts were made to increase the quality and competence of Notaries. The study's concerns include efforts to raise the standard and proficiency of the Notary Office held by the Ministry of Law and Human Rights and the Notary Organization, as well as the impact of the Supreme Court's ruling on aspiring notaries, the Ministry of Law and Human Rights, and notary organizations. With the help of a document study on secondary data obtained through a literature search, this research is normative and uses the data collection method. Utilizing qualitative is the analytical approach. According to the findings of this study, the Ministry of Law and Human Rights intends to modify the Notary Office Law's appointment requirements to increase the calibre and expertise of notaries, as the Supreme Court has only previously permitted the Notary Ethics Code Examination as a filter. The study concludes that additional systematics are required in addition to Notary Education and the Notary Ethics Code Examination in order to be able to raise the standard and proficiency of the notary position.

Keywords: Notary, Notary Office Quality Improvement Training, Notary Appointment Examination, Notary Office Law

INTRODUCTION

In order to be appointed and appointed by the Minister of Law and Human Rights, a candidate for a Notary must fulfil the requirements for appointment as a Notary. Notaries Candidate not only meet the requirements contained in Law Number 30 of 2004 concerning the Office of a Notary as amended by Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Office, but also the additional requirements stipulated in the Regulation of the Minister of Law and Human Rights Number 19 of 2019 concerning Requirements and Procedures for Appointment, Leave, Transfer, Dismissal, and Notary Office Term Extension, namely by passing training to improve the quality of the position of a notary held by the Directorate General of General Law Administration and the Ethics Code Exam held by a Notary Organization. However, given that numerous public and private universities are currently offering Master of Notary education, other approaches or requirements are required to raise the calibre of notaries in Indonesia due to the Supreme Court's decision. In order to assess a candidate's level of competence and ethical behaviour before appointing them as a notary public, training programs to improve the quality of notary positions and Ethics Code Exams are used.

As long as the creation of particular authentic deeds is not restricted to other public officials, a notary is a public official with the authority to do such deeds. The purpose of laws and regulations is to establish certainty, order, and legal protection, and they do this by requiring the making of authentic deeds (Mokodongan, 2017). The notary office is a profession that is important to society. The position of a Notary is honourable, and having a very important role in society certainly requires that those who hold this position have qualified qualities both scientifically and in leadership. A Notary must thoroughly understand knowledge, especially in the legal field (Firmansyah & Adjie, 2018).

Law Number 30 of 2004, article 2 states that the Minister appoints the Notary. About Article 1 of Law Number 2 of 2014 Concerning Amendments to Law Number 30 of 2004 Concerning the Notary Office Public, it is stated that the Minister is the Minister who manages government affairs in the area of legal affairs, in this case, the Minister of Law and Human Rights. In order to carry out the powers granted by the law, the Ministry of Law and Human Rights subsequently established a Regulation of the Minister of Law and Human Rights concerning Terms and Procedures for Appointment, Transfer, Dismissal, and Notary Office Term Extension.

In supporting all duties and functions related to appointing and dismissing a Notary, the Ministry of Law and Human Rights established Regulation of the Minister of Law and Human Rights Number 25 of 2014. Regulation of the Minister of Law and Human Rights Number 25 of 2014 contains Terms and Procedures Appointment, Transfer, Dismissal, and Notary Office Term Extension, later amended by Regulation of the Minister of Law and Human Rights Number 62 of 2016. Regulation of the Minister of Law and Human Rights Number 62 of 2016 contains amendments to the Minister of Law and Human Rights Number 25 of 2014 concerning Terms and Procedures for Appointment, Transfer, Dismissal and Extension of the Notary's Term of Office. Furthermore, the Minister of Law and Human Rights Regulation was revoked with the Minister of Law and Human Rights Regulation Number 19 of 2019 concerning Requirements and Procedures for Appointment, Leave, Transfer, Dismissal and Notary Office Term Extension.

Habib Adjie asserts that a Notary can perform his duties independently, free from interference from the executive body and other bodies, once the Minister has appointed him. Freedom in this context refers to the ability of a notary to act impartially and independently without fear of repercussions as he fulfils his role (Sesung & dkk, 2017). Doing authentic deeds with the help of a notary public is the Notary's responsibility. As a result, a notary must be able to comprehend the legal requirements so that members of the public who are unaware of or ignorant of the rule of law can understand correctly and avoid acting in a way that is against the law (Andasasmita, 1983). A Notary must have the necessary skills, especially the ability to comprehend all legal knowledge and good character, behaviour, and ethics to help the community, particularly in doing authentic deeds.

The qualities and skills of a good notary can be learned not only through coursework in the university's notary masters program but also through internships or practice. In contrast, the notary is still a notary public candidate. It raises questions about the decline in the notaries' quality, though, given that numerous public and private universities now offer master's degrees in notarial studies.

The number of notaries in Indonesia is around 17,856 people spread across 514 regencies/cities, with the number of deeds made by notaries reaching 5,000,000 (five million) annually. The Study Program that organizes the Master of Notary has reached 40 State and Private Universities. If each university graduates an average of around 50 people per year, then every year, around 2,000 Masters of Notary (M.Kn) will graduate (two thousand MK.n). If 50% wish to become a notary, the annual average will be around 1,000 (one thousand) Notaries Candidate in Indonesia. The number of retired notaries, notaries resigning, and notaries whose authority has been revoked are also increasing, so this

situation must be balanced between the need for notaries and the reduction in notaries that continues to occur (Rahmi, Yetniati, & Zulkarnain, 2022). To answer these concerns, the Ministry of Law and Human Rights established a new mechanism by adding new requirements that must be met by a candidate for a Notary in order to be appointed as a Notary. These new requirements are then regulated in the Regulation of the Minister of Law and Human Rights Number 62 of 2016, which contains amendments to the Regulation of the Minister of Law and Human Rights Number 25 of 2014 concerning Terms and Procedures for the Appointment, Transfer, Dismissal and Notary Office Term Extension.

Article 2 paragraph (2) letter j Regulation of the Minister of Law and Human Rights Number 62 of 2016 states that:

“The requirements as referred to in paragraph (1) must be proven by the complete supporting documents which include: j. photocopy of certificate of passing the notary appointment test held by the Directorate General of Public Law Administration which has been legalized.”

As can be seen, the notary appointment exam is one of the additional requirements and must be passed to be appointed as a notary. In addition, the Minister of Law and Human Rights established a subsequent regulation, Minister of Law and Human Rights Regulation Number 25 of 2017, concerning the Notary Appointment Examination, which specifically governs the notary appointment exam. According to the Notary Appointment Examination Regulation of the Minister of Law and Human Rights, as amended by Regulation of the Minister of Law and Human Rights Number 18 of 2018 concerning Amendment to Regulation of the Minister of Law and Human Rights Number 25 of 2017.

Article 1 point 1 of the Regulation of the Minister of Law and Human Rights Number 25 of 2017 concerning the Notary Appointment Examination states that:

“The Notary Appointment Examination, hereinafter referred to as the Examination, is a mechanism to determine competency and obtain a passing mark for the Notary appointment exam.”

In addition, Article 2 paragraph (1) of the Regulation of the Minister of Law and Human Rights Number 25 of 2017 concerning the Notary Appointment Examination states that:

“The examination aims to determine the eligibility and quality of the Notaries Candidate who will be placed in the territory of the Unitary State of the Republic of Indonesia following the provisions of the Laws and Regulations.”

It is clear that one of the Ministry of Law and Human Rights efforts to raise the standard of notary candidates who will be appointed as Notaries is the Notary Appointment Examination. Wishing that the Notary chosen possesses good qualities in their chosen field of expertise and terms of conduct and ethics. On the one hand, the provision relating to the Appointment Examination requirements for Notaries Candidate has a positive effect, particularly given the growing number of Notary Masters Study Program organizers in Indonesia, so it is only fitting that there is a filter in the appointment of Notaries. The Notary Office Law (UUJN) does not stipulate that an appointment examination be held prior to the appointment of a notary. Hence, the existence of these provisions raises both advantages and disadvantages (Firmansyah & Adjie). Article 3 of Law Number 2 of 2014 on Amendments to Law Number 30 of 2004 states that: “The conditions for being appointed as a Notary Public as referred to in Article 2 are:

- a. Indonesian citizens;
- b. fear God Almighty;
- c. at least 27 (twenty-seven) years old;
- d. physically and mentally healthy as stated by a health certificate from a doctor and psychiatrist;
- e. holds a bachelor's degree in law and a notarization degree graduate;
- f. has undergone an apprenticeship or has worked as a Notary's employee for a minimum of 24 (twenty-four) consecutive months at a Notary's office on his initiative or on the recommendation of a Notary Organization after graduating from a notary degree;
- g. does not have the status of a civil servant, state official, advocate, or is not currently holding another position which by law is prohibited from having concurrent positions as a Notary; and
- h. never been sentenced to imprisonment based on a court decision with the permanent legal force for committing a criminal offense punishable by imprisonment of 5 (five) years or more.”

Furthermore, Regulation of the Minister of Law and Human Rights Number 62 of 2016 stipulates in Article 2 paragraph (2) that:

“The requirements as referred to in paragraph (1) must be proven by the complete supporting documents, which include:

- a. legalized photocopy of a law degree and master notary education certificates or notary specialist education certificates;
- b. photocopy of the code of ethics passing certificate held by a Notary Organization, which is legalized by regional administrators, regional administrators, or central administrators;

- c. original local police record certificate;
- d. original certificate of physical health from a hospital doctor;
- e. a valid certificate of mental health from a psychiatrist or psychiatric specialist at the hospital or a maximum of 1 (one) year from the date of issue;
- f. photocopy of identity card;
- g. original certificate of apprenticeship at the Notary's office or statement of having worked as a Notary's employee for a minimum of 24 (twenty-four) consecutive months after graduating with a notary degree or specialist notary education;
- h. statement of not having the status of a civil servant, state official, advocate, or not holding other positions which by law are prohibited from having concurrent positions as a Notary;
- i. proof of non-tax state revenue payment deposit;
- j. photocopy of the certificate of passing the Notary appointment test held by the Directorate General of General Legal Administration, which has been legalized;
- k. legalized copy of Taxpayer Identification Number;
- l. photocopy of the birth certificate that has been legalized; and
- m. a statement of willingness as a protocol holder."

In addition to satisfying the conditions outlined in the Notary Office Law, they must also satisfy the supplementary conditions outlined in the Minister of Law and Human Rights Regulation Number 62 of 2016. These requirements add to the conditions outlined in the Notary Office Law, which means they cannot be added. As a result, the case in the lawsuit for judicial review is focused on these requirements, which are limited and are, therefore, the subject of the case. Additionally, the Notary Office Law existing terms and conditions are expanded by the Regulation of the Minister of Law and Human Rights Number 26 of 2016, which is an implementing regulation of the Notary Office Law and has a position thereunder. As such, the Minister of Law and Human Rights Regulation is not permitted to regulate anything that would change the terms and conditions already outlined in the law. In light of this, the Supreme Court decided to grant the petition. Through Supreme Court Decision Number 50/P/Hum/2018, it was decided that the Notary Office Law had been revoked and was no longer valid because the conditions for appointing a notary were deemed to conflict with its provisions.

Both Notaries Candidate and the management of the Indonesian Notary Association expressed various opinions about the Supreme Court's decision. After being struck down by the Supreme Court ruling, the Ministry of Law and Human Rights eventually held a course called Notary Office Quality Improvement Training (PPKJN), which was put on by the Directorate General of General Legal Administration (Dirjen AHU) to keep up the quality of aspiring notaries. Participants are given the material they will encounter when acting as a notary for a week through PPKJN. The Notary Office Quality Improvement Training is governed by Regulation of the Minister of Law and Human Rights Number 19 of 2019 concerning Requirements and Procedures for Appointment, Leave, Transfer, Dismissal, and Notary Office Term Extension after this, referred to as Permenkumham 19/2019. The Supreme Court granted the lawsuit for judicial review, resulting in the formation of Permenkumham 19/2019, which replaces the prior Permenkumham revoked and declared invalid.

Notary Office Quality Improvement Training (PPKJN) has been regulated in Article 2 Paragraph (3) of the Ministry of Law and Human Rights Regulation 19/2019, which states that: "In addition to the completeness of the supporting documents referred to in paragraph (2), the candidate Notary must attach:

- a. photocopy of certificate of quality improvement training certificate issued by the Directorate General of General Legal Administration;
- b. photocopy of code of ethics certificate issued by a Notary Organization legalized by a Notary Organization;
- c. original statement of willingness as protocol holder; and
- d. legalized photocopy of Taxpayer Identification Number.

However, adding these new requirements later encountered problems and was sued again through a *judicial review* to the Supreme Court in 2022. The outcome of the lawsuit was to grant the applicant's request, as the issue was the same as the issue raised in the lawsuit against the previous Minister of Law and Human Rights, where the Notary Office Improvement Training is not a requirement for the appointment regulated in Article 3 of Law Number 2 of 2014 and the requirements for the appointment of a notary in the article of the Notary Office Law are restricted. The Supervisory Board of the Indonesian Notary Association and the Ministry of Law and Human Rights efforts to raise the standard and competence of notaries have once again failed.

The impact of the Supreme Court's decision Number 3/P/Hum/2022 on the appointment of Notaries Candidate and the Ministry of Law and Human Rights as the institution authorized to appoint

a Notary then becomes one of the primary issues that will be researched and written about in the research and writing of this journal.

RESEARCH METHOD

The goal of legal research, which is to study one or more specific legal phenomena by analyzing them, is to study them scientifically. It is based on certain methods, systematics, and thought (Soekanto, 2015). Since research is a tool for advancing science and technology, the research methodology must always be adjusted to the parent's science (Soekanto & Mamudji, 2018). As a result, the research method used in this study is a type of juridical research because it prioritizes the use of statutory regulations in conducting analysis and contrasts them with the judge's opinion in the judge's decision. Secondary data is the type of research information used in this study, and it will be used more frequently as a source of information for analysis than primary data. Primary legal materials, secondary legal materials, and tertiary legal materials are the three types used in this study. Information from these legal materials was combined with that from the other legal materials to conduct the analysis and produce results from the integrated analysis.

The major issues that will be investigated in the research and writing for this journal are then brought up in light of this background. Specifically, concerning the effects of Supreme Court Decision Number 3/P/Hum/2022 on appointing a notary candidate and the Ministry of Law and Human Rights as an institution permitted to appoint a Notary.

RESULTS AND DISCUSSION

Efforts for Notary Quality and Competence Improvement in Indonesia by the Government and Notary Organizations

With the establishment of Vereenigde Oostindische Compagnie (VOC) in Indonesia at the beginning of the eighteenth century, notary institutions started to spread throughout the country (Tobing, 1979) Based on Government Regulation of 1948 Number 60, dated October 30, 1948, concerning Employment, Composition, Leadership, and Duties and Obligations of the Ministry of Justice, the Minister of Justice has had the authority to appoint Notaries since 1948. A result of the Round Table Conference (KMB), which took place in The Hague, Netherlands, from August 23 to September 22, 1949, was the transfer of sovereignty from the Dutch government to the United Republic of Indonesia for all Indonesian territories, except for West Irian, which is now known as Papua. As a result of this transfer of sovereignty, a Notary with Dutch citizenship in Indonesia had to resign from his position (Nurmayant & Khisni, 2017).

At that time, the Dutch East Indies appointed a notary in Indonesia to control trade competition with a colonial background. This action was carried out by exercising monopolistic control over trade and bolstering Dutch government control over the colonial territories in the archipelago. During the Dutch East Indies colonial era, the title or designation of the Notary's position in Indonesia was better known as a public official or *openbaar ambtenaar*. At the time, the Dutch East Indies government appointed Notaries from among its civil servants, who were typically Dutch or Westerners and had access to special education or training (quick education) programs organized by the government. Since the Unitary State of the Republic of Indonesia declared independence on August 17, 1945, this situation has gradually ended as Dutch citizens, civil servants, and notaries have returned to their home countries (Prajitno, 2015).

The Notary Office Regulations (PJN), which had been in force since 1860, were initially the only legal provisions governing notarial arrangements in Indonesia. As a result, the applicable Notary Office Regulations became Indonesia's only legal provision governing notarial institutions. The Notary Position Regulations were then deemed to be out of date with contemporary developments and were replaced in 2004 with new laws and regulations. As a result, Law No. 30 of 2004 concerning the Notary Office was created.

The elucidation of the General Section of UUJN has emphasized that UUJN is a comprehensive renewal and rearrangement in one law governing the position of a Notary so that unification of laws can be created that applies to all residents throughout the territory of the Republic of Indonesia. Thus, the UUJN is the only law that governs the Office of a Notary in Indonesia. According to Article 92 of UUJN, the UUJN is set to take effect on October 6, 2004, with immediate effect.

The state grants a person who has faith in a notary's position as a public official, which is an honorable position, attributively through law. A notary is appointed by the Minister as a public official following Article 2 of UUJN. As such, he can carry out his duties without interference from the executive or other bodies and act impartially. Even though a notary is not an employee of the state who is paid a salary, their job is to carry out the state's mandates and serve the public interest, particularly in civil law

Society needs a person (*figuur*) whose statements are reliable and trustworthy, whose signature and seal (stamp) provide compelling evidence, an unbiased expert and advisor who is without blemish (*onkreukbaar* or *unimpeachable*), who keeps his mouth shut, and who forms an agreement that will be able to protect him in the future. A notary must try to avoid a situation where an advocate is defending someone's rights when a problem arises (Kie, 2000). In order to give the community legal certainty, the position of a notary is crucial. Notaries use genuine deeds as the strongest possible evidence in court to prevent legal issues.

A notary is required to contribute to the creation of legal certainty. This Notary must have the knowledge and skills to comprehend socially relevant legal issues and be proficient in private law laws and regulations. Since only a Notary is permitted by law to make an authentic deed—which, following Article 1870 of the Civil Code, is absolute and powerful proof for the parties making it—a Notary can only make an authentic deed. The creation of such unquestionable proof by the Notary is permitted by law. It follows that the information provided in the original deed is essentially regarded as true. Thus, an authentic deed becomes crucial for the community because it has strong probative value, giving it legal security and certainty.

Article 3 of Law No. 2 of 2014 Concerning Amendments to Law No. 30 of 2004 Concerning the Notary Office Public regulates the prerequisites for appointing a notary public, including having a bachelor's degree in law and a bachelor's degree in notarial education. Thus, it is hoped that the Notary truly comprehends all of the legal knowledge and theoretical foundation required to perform notarial duties. However, remember that numerous colleges and universities currently organize notarial education, resulting in many notary graduates each year.

The 2 (two) year apprenticeship process mandated by the UUJN and the eight who produce notary candidates through the curriculum, educational staff, and teachers at the nine are the keywords for the seriousness of the notary candidates to become a notary, and this then presents a new challenge. Additionally, the problematic notary profession has emerged due to actions that lower the Notary's dignity, ultimately harming society. Because the profession of a notary is practiced carelessly, incorrectly, or randomly, even in its dynamics, the Notary feels that his work is loaded with "illegal" work, demonstrating that Notary as a noble occupation is not fully understood. The Notary Profession Association (INI), which upholds notary ethics and awareness for self-contemplation, needs to work on stronger ethical development, a significant problem.

Due to these numerous phenomena, the government and the Indonesian Notary Association (INI), which represents notaries, are working to raise the standard of notaries. This effort aims to ensure that a Notary appointed has a strong commitment to serving the community as a Notary Public and upholds high standards of conduct in his professional capacity. The only requirements for becoming a notary public, according to the UUJN, are to have completed an apprenticeship for 24 continuous months, a Bachelor of Laws degree, and a Notary Education program. This requirement is insufficient to demonstrate to a prospective notary that the notary is qualified to be appointed as a notary. Therefore, a second filter is required to eliminate all notary candidates, ensuring that only those who possess high moral standards and a commitment to serving the community as notaries are appointed. With the help of this filter, it is hoped that the public's trust in the notary profession as a source of legal certainty can be restored, helping to reduce the problem of problematic notaries and reducing the phenomenon. The government subsequently implemented this new filter, in this case, the Ministry of Law and Human Rights (Kemenkumham), in collaboration with the Indonesian Notary Association (INI). It has since become a regulation of the Minister of Law and Human Rights (Permenkumham) that governs the circumstances surrounding the appointment of a notary.

Notary Appointment Examination

Prior to the creation of the UUJN, the term exam had been used in the appointment of a notary. A test must be passed to become a Notary, according to the Notary Office Regulations (PJN), which have been in force since 1860 and were in force until the UUJN was issued. The Notary Exam is a state exam administered by the state, as specified in the Notary Office Regulations (PJN). Every time there is an exam, an examination committee is established by the Ministry of Justice following the intent of Article 14 of the PJN. Then, the government, through the Ministry of Law and Human Rights, intends to bring back the requirements for this exam to improve the quality of the notary profession in Indonesia, namely by issuing Minister of Law and Human Rights Regulation Number 62 of 2016 concerning Regulation of the Minister of Law and Human Rights concerning Amendments to Regulation of the Minister of Law and Human Rights Number 25 of 2014 concerning Terms and Procedures for the Appointment, Transfer, Dismissal, and Notary Office Term Extension, where in Article 2 paragraph (2) the supporting conditions for the appointment of a notary are added, namely:

“...Photocopy of certificate of passing the notary appointment exam held by the Directorate General of General Legal Administration which has been legalized ...”

After that, the Minister of Law and Human Rights issued Regulation of the Minister of Law and Human Rights Number 25 of 2017 concerning the Notary Appointment Examination, which contained more comprehensive and detailed provisions governing the objectives of holding the Notary Appointment Examination and the methods for conducting the Notary Appointment Examination.

The appointment test aims to ensure uniformity and high standards among all Notaries who can be appointed or occupy a particular location. Because the Notary must meet the role's demands, he must fill. Notaries who want to be appointed for the first time must pass the Notary Competency Examination. Four written exams in essays are administered as part of this regular once-per-year exam. With the number of questions that can quantitatively evaluate a candidate's aptitude, it is possible to determine whether he possesses the necessary knowledge, deserves the Notary Office, and is good. The written exam aims to gauge the candidate's level of knowledge regarding becoming a Notary or Transfer Notary. Includes several laws that govern the documents that a notary creates, including but not limited to contract law, individual and family law, associations, and laws governing legal entities. Becoming a notary can involve several mistakes, irregularities, and errors that could improve society and reflect better on the notary profession (Harris & Helena, 2017).

According to Permenkumham 25/2017, this notary appointment test is necessary to create a notary who is competent and able to carry out his duties and obligations following statutory requirements, as well as to realize a notary as an actual deed-making general official whom the government appoints to carry out his duties and obligations by adhering to the principle of protecting the interests of society as stakeholders. A notary candidate's proficiency and eligibility will be assessed during this notary appointment test. The Notary Appointment Examination is conducted electronically by the Directorate General of AHU on behalf of the Ministry of Law and Human Rights.

However, a judicial review lawsuit against Permenkumham 62/2016 and Permenkumham 25/2017 was filed in front of the Supreme Court, and the petitioner requested a judicial review of Article 2 paragraph (2) letter f because it was thought to violate Article 3 UUJN and transitional provisions in Permenkumham 25/2017. After all, they were thought to lack a legal foundation and should be revoked by law. The Supreme Court granted the request for judicial review, causing Permenkumham 62/2016 and Permenkumham 25/2017 and their amendments to be later declared invalid. The Notary Masters Program has independently tested and proven the quality of a notary. As a result, a notary will be guided or assisted by a Notary Organization to become a qualified notary. According to the Supreme Court, appointing a notary, as specified in UUJN, is the proper thing to do in this case, as there is no longer a need for a notary appointment test.

Notary Quality Improvement Training organized by the Directorate General of General Legal Administration

The Ministry of Law and Human Rights launched the Notary Office Quality Improvement Training (PPKJN) after the Supreme Court invalidated the qualifications for notary appointments through the filing of a judicial review. Even though the Supreme Court canceled the requirements for appointing a notary, the Ministry of Law and Human Rights is still committed to increasing the caliber and competence of notaries. As a result, the Ministry of Law and Human Rights is attempting to issue replacement requirements to maintain the caliber of notaries.

This Notary Office Quality Improvement Training is further regulated in the Regulation of the Minister of Law and Human Rights Number 19 of 2019, concerning the Regulation of the Minister of Law and Human Rights regarding Requirements and Procedures for Appointment, Leave, Transfer, Dismissal, and Notary Office Term Extension, wherein in the article 2 paragraph (3) states that:

“In addition to the completeness of the supporting documents referred to in paragraph (2), the candidate Notary must attach:

photocopy of the certificate of training to improve the quality of notary position issued by the Directorate General of General Legal Administration;...”

As a result, to be appointed as a notary, each candidate must participate in Notary Position Quality Improvement Training (PPKJN). Regarding the PPKJN training mechanism, the Directorate General of General Legal Administration will manage training registration through the ppkjn.ahu.go.id page. There are pre-tests and post-tests that the trainees must complete in addition to the offline training itself.

Notaries Candidate of the Republic of Indonesia who have registered as training participants and are physically present on its territory are referred to as participants in the training. All notary candidates

must attend Notary Quality Improvement Training, including Notaries Candidate who have passed the Notary Appointment Examination and still need to apply for an appointment as a Notary. The following are the requirements and the mechanism for implementing PPKJN:

TRAINING REQUIREMENTS

- a. General Requirements:
 1. Indonesian citizens;
 2. Master of Law degree (M.Kn/Spn/CN)
 3. Have carried out an internship at a Notary's office for a minimum of 2 (two) years and proven by a recommendation letter from a Notary Organization;
 4. Not having the status of a suspect or defendant for a crime.
- b. Supporting Requirements:
 1. Photograph;
 2. Identity card;
 3. Master of Law degree (M.Kn/Spn/CN);
 4. Code of ethics passing certificate from Notary Organization;
 5. Certificate of apprenticeship of 2 (two) years at the Notary's office and proven by a letter of recommendation from a Notary Organization;
 6. A stamped statement from the candidate Notary stating that the person concerned is not a suspect or a defendant in a criminal act;
 7. A stamped statement that all uploaded documents are correct;
 8. These supporting requirements must be uploaded by participants electronically via the website www.ppkjn.ahu.go.id.
- c. Implementation of Training
 1. Participant registration is done on the AHU Online website until the Notary Quality Improvement Training quota is reached or by seven days from the registration date.
 2. There is a cap of 500 participants for the Notary Quality Improvement Training, which is currently open.
 3. You can register for training on the www.ppkjn.ahu.go.id.
 4. Email notifications will be sent to participants who pass the verification.
 5. Participants can print their participant cards for the Notary Quality Improvement Training by logging into their accounts during registration on the page www.ppkjn.ahu.go.id.
 6. The Notary's Quality Improvement Training Participant Card includes information about the training's time and location.
 7. Participants must bring a Notary's Position Quality Improvement Training Participant Card and a KTP or other form of identification to participate in the training.
 8. The training took place over 5 (five) days and included the following activities:
 - a. Opening;
 - b. Submission of 9 (nine) materials;
 - c. Closing;
 - d. Awarding of Training Certificates.

Ethics Code Exam held by Notary Organization

One way the government and notary organizations collaborate to raise the standard and proficiency of notaries is to hold a Notary Ethics Code Examination. According to Permenkumham 62/2016, the Notary's Ethics Code Examination is also governed, and Article 2 Paragraph 2 of that law states that "...a photocopy of the code of ethics passing certificate organized by a Notary Organization which is legalized by regional administrators, regional administrators, or administrators center;..."

Following this, the Minister of Law and Human Rights 62/2016 was declared invalid and was replaced by the Minister of Law and Human Rights 19/2019, which once more governs the execution of Ethics Code Examinations conducted by Notary Organizations. For example, Article 2, Paragraph (3) states that "...a photocopy of the code of ethics certificate issued by Notary Organization legalized by Notary Organization;..."

The mechanism and execution of the notary code of conduct examination are also governed by the Association of Indonesian Notary Associations Regulation Number: 15/PERKUM/INI/2018 concerning Execution of the Notary Ethics Code Examination.

All aspiring notaries who have completed an apprenticeship program, as certified by an Apprenticeship Certificate issued by the Indonesian Notary Association, must pass the Ethics Code Examination before being appointed as notaries. The participant must adhere to the following guidelines in order to participate in UKEN:

1. Has been registered as ALB INI;
2. Possess a Certificate of Apprenticeship from a Notary who accepts an internship proving that they underwent an internship at a notary's office for at least 24 months;
3. Possess the Internship Certificate from INI, which attests to having completed four joint internships that covered the material for four semesters of the Internship Curriculum;
4. Have accrued at least 18 points from INI-organized activities.

The UKEN Executive Committee or the Regional Administrators who oversee UKEN submit applications to the Central Management to take the Notary Ethics Code Examination. Before UKEN's implementation, participants in UKEN received a debriefing on the notary code of ethics and UJUN related to notary ethics in carrying out the notary position. UKEN is held in either March or October, depending on the needs of the INI Center management. Debriefing, written tests, and interviews comprise UKEN's three stages.

II.2 Impact of Supreme Court Decision Number 3/P/Hum/2022 on Efforts for Notary Quality and Competence Improvement

In 2022, there was a lawsuit for judicial review against Permenkumham 19/2019, with the principal case objecting to the right to judicial review against Article 2 paragraph (3) of the Regulation of the Minister of Law and Human Rights Number 19 of 2019 concerning Terms and Procedures for Appointments, Leaves, Transfers, Dismissal, and Notary Office Term Extension and Article 3, Article 4, Article 5, Article 6, Article 7, Article 8, Article 9, Article 10, Article 12 paragraph (1) letters c and d, Article 12 paragraph (2) letters e and f. The object of the petition for objection to the right of judicial review in this application is Article 2 paragraph (3) of Regulation of the Minister of Law and Human Rights Number 19 of 2019 concerning Requirements and Procedures for Appointment, Leave, Transfer, Dismissal, and Notary Office Term Extension, which contrary to the material content/expanding the norms contained in Article 3 of Law Number 2 of 2014 (after this referred to as Law No. 2 of 2014) concerning Amendments to Law Number 30 of 2004 (after this referred to as Law No. 30 of 2004)) regarding the Notary Office.

The Supreme Court Panel of Judges who decided on this petition consisted of Supreme Court Justices Irfan Fachrudin as chairman of the panel, Yodi Martono Wahyunadi, and Yosran as members of the panel. The request for judicial review filed by Alkausar Akbar (notary candidate/PPAT) against the Minister of Law and Human Rights of the Republic of Indonesia and the Minister of Agrarian Affairs and Spatial Planning/National Land Agency of the Republic of Indonesia submitted 2 object requests. First, Article 2 paragraph (3) of Permenkumham No.19 of 2019 concerning Terms and Procedures for Appointment, Leave, Transfer, Dismissal, and Extension of the Notary's Notary's Term of Office which the Petitioner considers being contradictory to the material content or expanding the norms contained in Article 3 Law No. 2 of 2014 regarding Amendments to Law No. 30 of 2004 concerning the Notary Office (Notary Position Law) related to 8 conditions for appointment of a notary position. Regarding the object of application I based on the *posita*, petition *petitum*, and evidence, the Assembly stated that there were 4 points in Article 2 paragraph (3). However, the Petitioner only disputed the conditions in the provisions of Article 2 paragraph (3) letter a regarding photocopies of certificates training and letter b regarding the photocopy of the code of ethics certificate.

According to the Petitioner, Article 2 paragraph (3) has expanded the norms contained in Article 3 of Law No.2 of 2014 in conjunction with Law No.30 of 2004 concerning the Office of a Notary. Because none of the requirements stipulated in Article 3 of the Notary Office Law require that Notaries Candidate attend training to improve the quality of notary positions held by the Directorate General of General Legal Administration and the Ethics Code Examination of Notary Organizations. This view has previously been strengthened in the Supreme Court Decision No. 50/P/HUM/2018, which outlines the conditions for being appointed as a Notary in the provisions of Article 3 of the Notary Office Law, which are limited. The main requirements a notary candidate must meet are only those specified in these provisions. Regarding additional requirements in the form of completeness of documents, it is required to be in line with the legislators' intent *a quo* systematically-contextually.

The Supreme Court Decision No. 50/P/HUM/2018 contains the Supreme Court's Court's consideration of the petition of the applicants who question the application of Article 2 paragraph (2) letter j of Minister of Law and Human Rights No. 62 of 2016, which reads, "*photocopy of the certificate of passing the notary appointment test held by the Directorate General of General Legal Administration which has been legalized*" is argued to be contrary to Article 7 of Law No. 12 of 2011 concerning the Formation of Legislation because it violates the requirements for appointing a Candidate Notary stipulated in the Notary Position Law. The Supreme Court considers this reason quite reasonable according to the law. Therefore, the provisions of Article 2 paragraph (2) letter j of Permenkumham

Number 62 of 2016 are considered to expand the norms contained in Article 3 of Law No.2 of 2014. According to the Supreme Court, the holding of a notary appointment test by the Directorate General of Public Law Administration has never been ordered by Notary Office Act. Because of this, the Supreme Court decided Article 2 paragraph (2) letter j of Permenkumham No. 62 of 2016 contradicts the Notary Office Law, so it must be canceled. In the Supreme Court Decision No. 3 P/HUM/2022, the Supreme Court stated its stance on legal norms that have been tested.

It is declared contrary to higher laws and regulations and has no binding legal force that may not be re-enumerated in a regulation. For this reason, the Supreme Court again stated that this provision was contrary to Article 3 of the Notary Office Law. Therefore, the argument for the application stating the provisions of Article 2 paragraph (3) letter a Permenkumham No. 19 of 2019 is contrary to laws and regulations with reasonable grounds according to law. Furthermore, regarding Article 2 paragraph (3) letter b Permenkumham No.19 of 2019, the Supreme Court sees as the only forum for the notary profession in improving the quality of notaries, the Indonesian Notary Association (INI) should have independence in making a code of ethics, examining, supervising, and dismissing Notaries. Without exception concerning the implementation of a notary code of ethics certification, which functions as a screening body to determine the pass of a candidate for a notary to become a notary. Based on these considerations, the requirement in the form of complete documents in the form of a photocopy of the code of ethics certificate, as referred to in Article 2 paragraph (3) letter b of Permenkumham No.19 of 2019, is deemed appropriate. Therefore, the argument for the petition stating that the provisions of Article 2 paragraph (3) letter b are contrary to higher laws and regulations is groundless according to law.

Of course, there are advantages and disadvantages to this Supreme Court ruling for Notaries Candidate and notary organizations. Meanwhile, initiatives to raise the caliber and proficiency of notaries have once more stalled. Permenkumham 19/2019 is invalid as of the date of this judgment. A new Minister of Law and Human Rights regulation has yet to be released by the Ministry of Law and Human Rights to take the place of this one. In essence, the existence of the Permenkumham implementation of the appointment process for a notary is based on the provisions of Article 14 of Law Number 30 of 2004 concerning the Office of a Notary, which states additional provisions regarding the terms and procedures for appointment and dismissal as referred to in Article 3, Article 8, Article 9, Article 10, Article 11. Articles are regulated in a Ministerial Regulation. The Ministry of Law and Human Rights is currently reviewing and debating whether to add requirements for appointing a notary by amending the UUJN to avoid the incident of judicial review twice against the Minister of Law and Human Rights. Because the Ministry of Law and Human Rights still wants to add requirements for appointing a notary in the UUJN to improve the caliber and competence of the Notary itself.

Take a look at recent developments. You will see that the Ministry of Law and Human Rights has been asking for the end of notary studies since July 2017 because too many recent graduates from different universities have filled the notary formation. For now, a university is a primary and most important factor in determining a notary's competence and quality. As a result, the Notary Masters Education curriculum is improving, with all courses becoming required, especially at UI. However, many universities still offer an inappropriate Notary Master's curriculum. Standards, so this should be a significant concern. For the time being, the Ministry of Law and Human Rights is concentrating on appointing Notaries Candidate who have participated in the PPKJN or who have passed the notary appointment exam prior to the judicial review of the Minister of Law and Human Rights, keeping in mind that appointments are still pending for formations to become available because the formation of notaries is currently complete.

The Supreme Court's decision did not revoke the Notary Ethics Code Examination's requirements, so Notary Organizations may still conduct it as part of their efforts or filters as long as they adhere to the standards outlined in the decision. The Central Board of the Indonesian Notary Association (PP INI) expressed regret over the Supreme Court's decision, noting that the Regulation of the Minister of Law and Human Rights (Permenkumham) seeks to raise the standard of notaries, which has been repealed twice. Making the Notary himself better is ultimately intended as a defense of the general public that the Notary will later serve. Both the policies of the PP INI and the Ministry of Law and Human Rights aim to raise the standard of notary positions. Because of the facts in the field, the Ministry of Law and Human Rights and PP INI have received many reports and complaints from the public regarding notaries. The role of a notary should safeguard the general public. The public and state's trust in notaries and notarial deeds has decreased, not because the quality of the Notary's position has declined. The time has come to think about this problem as a whole. PP INI has started to tighten the apprenticeship issue on the recommendation of a notary organization (INI) after graduating with a notary master's degree, as stated in Article 3 letter of **Law No. 2 of 2014** on Amendments to Law

No. 30 of 2004 on the Notary Office (Notary Office Law), in order to respond to and address all the complaints that have been accommodated.

A certificate of passing the code of ethics is a requirement still permitted by the Supreme Court ruling as a way to follow up on the desire to keep up this standard. Perhaps in the future, PP INI will collaborate with the Ministry on implementing this code of ethics test. The Ministry may be required to provide some materials. The method might involve using an INI-organized test for the code of ethics. We hope that the government, notaries currently in office, and notary candidates will all work together to raise the standard of notary candidates. Most important, however, is that a Notary's position protects the public.

Since there are currently many universities that offer Master of Notary Education, the decision's most significant effect is the loss of filters that could be used to improve the quality and competence of the Notary's position so that a candidate's competence for the position is not only established through that program. However, some universities need to use the curriculum following the standards in notarization. The Notary Organization and the Ministry of Law and Human Rights aim to re-establish public confidence in the notary position and create a notary tasked with serving the community to provide legal certainty, making the Notary Ethics Code Examination the only remaining filter. Furthermore, it is hoped that the Ministry of Law and Human Rights will soon publish a new ministerial regulation governing the appointment of notaries to give potential notaries legal certainty.

CONCLUSION

While the government, in this case, the Ministry of Law and Human Rights, and the Notary Organization have made several attempts to address the social unrest as well as to improve the calibre of notaries, including through the establishment of Permenkumham 62/2016, which regulates supporting requirements in the form of a notary appointment exam. The Permenkumham, however, was overturned by Permenkumham 19/2019, which regulated the prerequisites for appointing a notary, specifically Notary Office Quality Improvement Training.

The effect of the Supreme Court decision Number 3/P/Hum/2022 eliminates the additional conditions for appointing a notary, where these conditions were anticipated to act as a filter in the government's and notary organizations' efforts to enhance the caliber and competence of notaries. As a result of this decision, the only effort to raise the standard of notaries currently being made is the Notary's Ethics Code Examination. This condition is undoubtedly concerning because each year, many Notary Candidates graduate and efforts are required to raise the caliber of Notaries in addition to Notary Master's Education through a methodical approach that can demonstrate the suitability of the Notary candidate for appointment as a Notary.

In the future, it is hoped that the Ministry of Law and Human Rights together with the Notary Organization can discuss together to think about the next steps in improving the quality of notary positions, either through changes to UUJN, especially in terms of notary appointments or together with the Ministry of Education and Culture to change the notary master's education curriculum in universities so that in the future there is certainty for Notaries Candidate who have just graduated or who are currently waiting their turn to be appointed and immediately form a Regulation of the Minister of Law and Human Rights regarding the appointment of notaries in order to provide legal certainty for Notaries Candidate.

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