

LEGAL POSITION OF THE INDONESIAN NOTARY PUBLIC ASSOCIATION AS A LEGAL ENTITY AFTER THE EFFECTIVENESS OF ARTICLE 82 OF THE UUJN JO. PERMENKUMHAM NO. 24 OF 2025

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Abstract

This study aims to determine and analyze the legal status of the Indonesian Notary Association (INI) as a Notary Professional Organization after the enactment of Article 82 of the Notary Law (UUJN) in conjunction with the Minister of Law and Human Rights Regulation Number 24 of 2025, which has caused polemics among legal experts regarding INI before and after the enactment of these regulations. This study is based on the situation of changes in the substantive legislation of the Notary Organization and will have implications for the enforcement of the code of ethics regarding changes and shifts in the legal status of INI as an organization. This study uses a normative legal research method in the form of a statute approach, and legal explanations (doctrine), as well as scientific information or literature and descriptive qualitative analysis of the law, especially primary, secondary, and tertiary laws, to determine the boundaries and potential of existing organizations, as well as normative legal consequences. The results of this study indicate that legally INI is a Legal Entity Association recognized as an association or association, namely as Staatsblad 1870 Number 64. Although the state will provide legitimacy and certain functions of authority are not attributable to public power, this shows that INI has not changed its status to a State Organ. However, the development of these regulations has caused INI's position to become a combination because it has a coaching and supervisory role related to state authority through the Notary Supervisory Board. This study concludes that INI remains an organization that does not receive public accountability, so there is a need for strengthening the limits of authority and harmonization between notary organizations and the government to avoid overlapping supervision and ensure legal certainty in the implementation of notary positions.

Keywords: *Indonesian Notary Association Organization, UUJN, Legal Status*

INTRODUCTION

Notaries, as public officials, carry out state duties and provide services to the public, fulfilling the authority and obligations entrusted to them. Therefore, notaries exercise the power and authority of the state, represented by the government. This is what distinguishes notaries from other officials. Notaries, like other public officials, have a role in providing legal services to the public.¹ According to the Notary Law (UUJN), a notary is a public official with attributional authority, as such authority was created and granted by the UUJN. The UUJN establishes notaries as public officials, thus granting them an authentic and executory legal status in a Notarial Deed. The validity of a Notarial Deed is not due to the fact that the deed is drawn up in a form determined by law and is drawn up by or before an authorized official.² In this case, notaries and the profession they undertake must have a professional code of ethics, in this case ethics, specifically in a professional organization of notaries, namely the Indonesian Notary Association (INI).³ The Indonesian Notaries Association (INI) is the only legally recognized professional organization in Indonesia. The INI

¹ Cipto Soenaryo, *The Authority and Responsibilities of Notaries in the Context of Legal Services in Indonesia* (USU Press, 2023).

² Nadhif M Alkatiri, *COMPARISON OF THE DUTIES AND AUTHORITIES OF NOTARIES IN INDONESIA AND THE UNITED STATES*, tt

³ Rusdianto Sesung et al., *Law and Legal Politics of Notary Positions* (RADe.Rozarie, 2017).

system collectively provides legal protection to its members.⁴ So far, INI is generally the only notary professional organization in Indonesia that has a legal standing as an organizational law that is recognized as a legal entity, a legal entity and has the right to be recognized as a legitimate legal entity organization according to Staatsblad 1870 Number 64. This status confirms that INI is a private legal entity that has obtained legal status as a legitimate organization in this regard. However, since the amendment to the new Notary Law, Law Number 2 of 2014 (UUJN), specifically Article 82 paragraphs (1) and (2), provides a new regulation that provides recognition and assignment to notary organizations.⁵ Notaries here are positioned as administrators of administrative and supervisory functions, as well as the regulation of positions, oversight, and enforcement of professional codes of ethics. This change in function has given rise to debate, specifically regarding the Indonesian Notary Association (INI), as to whether it is an association-like organization as described in the Staatsblad (State Gazette) or an entity granted public authority by the state.

The Minister of Law and Human Rights (HAM) has the authority to supervise and examine notaries. This is done by establishing a Notary Supervisory Board. This is based on Regulation of the Minister of Law and Human Rights (HAM) of the Republic of Indonesia Number: M.02.PR.08.10 of 2004 concerning Procedures for Appointing Members, Dismissing Members, Organizational Structure, Work Procedures, and Examination Procedures of the Notary Supervisory Board.⁶ Minister of Law and Human Rights Regulation No. 24 of 2025 provides stronger legitimacy for the structure, membership, and functions of notary organizations, including the formation mechanism and their authority to foster professional ethics. This situation raises fundamental questions about the legal status of notary organizations: whether these organizations remain private associations or have transformed into quasi-public bodies with the status of state organs established and authorized by law.

The INI organization has authority that directly impacts the implementation of notary public office, such as guidance, recommendations for appointments and dismissals, and ethical oversight. If INI is viewed as a state organ, then all its actions fall within the administrative law regime, subjecting it to applicable legal principles. Therefore, if it remains a private association, the issue of the legitimacy of public authority being delegated to a non-governmental entity without proper attribution arises. Thus, in this study, an in-depth analysis was conducted on the provisions of Article 82 paragraph (1) and (2) of Law 2/2014 with Article 82 paragraph (5) in conjunction with Permenkumham No. 24 of 2025 to determine the extent to which changes to these regulations can affect the legal status of the INI organization. This analysis is important to provide legal clarity regarding the status of the INI organization, including its legal impact on the authority for the implementation of the notary's position as a public official.

RESEARCH METHODS

In this research, the legal method used is the normative method or library research. According to Soerjono Soekanto, normative legal research encompasses several aspects, namely the study of legal principles, systematic legal analysis that focuses on the structure and organization of norms, and also focuses on the level of legal synchronization to see the consistency between regulations.⁷ According to Peter Mahmud Marzuki, normative legal research is a process of discovering legal rules, legal principles, and legal doctrines in order to answer the legal issues faced.⁸ This approach was chosen because the research focuses on the study of positive legal norms related to the legal standing of the Indonesian Notaries Association (INI). The data used are secondary data consisting of primary legal materials (laws, government regulations, and ministerial regulations), secondary legal materials (scientific journals, textbooks, and previous research), and tertiary legal materials (legal dictionaries and encyclopedias). This data collection was conducted through library research to sharpen understanding of the legal basis of the INI organization.

⁴ Helmy Achmad and Biner Sihotang, *Optimizing the Role of the Indonesian Notaries Association in Legal Protection for Notaries*, 3 (2025).

⁵ LAW OF THE REPUBLIC OF INDONESIA NUMBER 2 OF 2014 CONCERNING AMENDMENTS TO LAW NUMBER 30 OF 2004 CONCERNING THE POSITION OF NOTARY PUBLIC (2014).

⁶ Fatriansyah Fatriansyah, "The Role of the Notary Regional Supervisory Board and the Notary Honorary Board in the Development and Supervision of Notaries in Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary," *Legalitas: Jurnal Hukum* 14, no. 2 (2023): 291, <https://doi.org/10.33087/legalitas.v14i2.370>.

⁷ Soerjono Soekanto, *Normative Legal Research: A Brief Review*, 17th ed. (Rajawali Pres, 2015).

⁸ Peter Mahmud Marzuki, *Legal Research* (Kencana Prenada Group, 2007).

The research approach uses qualitative descriptive analysis data that describes, interprets, and draws conclusions from the legal materials obtained to answer the research request. Data obtained from analytical research identify the relevance of regulations and legal theories to the legal standing of the INI organization as a legal entity. The results of the analysis are presented in a structured form that explains the relationship between normative aspects and the application of its position as a legal entity. This method is expected to obtain a clear status of the INI organization in Indonesia.

DISCUSSION

The Status of Notary Organizations as Associations According to Staatsblad 1870 Number 64

Based on the 1870 State Gazette Number 64, which regulates legal entities (*rechtspersoonlijkheid van verenigingen*), since the Dutch colonial era, it has been the historical basis for the status of many organizations in Indonesia. This regulation has long served as a reference for qualifying the status of legal entities, such as associations established under civil law. Thus, professional notary organizations such as the Indonesian Notaries Association (INI) use the State Gazette regulation to emphasize that the organization is a legal entity, and not a state institution. However, based on modern legal drafts in Indonesia, this has undergone changes, necessitating a re-analysis of the State Gazette's relevance to contemporary regulations.⁹ In 2014, there was a change in the UUJN with Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary, which was promulgated on January 15, 2014, State Gazette of the Republic of Indonesia of 2014 Number 3, Supplement to the State Gazette of the Republic of Indonesia of 2014 Number 5491 (hereinafter referred to as the Amendment UUJN).¹⁰

The UUJN redesigns several provisions related to the position of notary, including the position of notary, which will be placed under a single Notary Organization, as contained in Article 82. This provision affirms the existence of a professional organization as a protector, which includes notaries, known as the Indonesian Notary Association (INI). Although this article is a concrete regulation regarding the profession, its combination and structure determine whether the organization is only recognized or given general authority. Therefore, analyzing the text of the article and its formation is important to determine whether there are fundamental changes to the legal status of the organization.¹¹ Apart from that, it is also necessary to carry out an analysis to what extent the contents of the Minister of Law and Human Rights Regulation can influence the legal classification of notary organizations.¹² However, the changes regulated in the UUJN and the Minister of Law and Human Rights Regulation raise the question of whether the power of state regulations can change the principles of the organization.¹³

Based on legal theory, an organization can be classified as a private association if it has authority that adheres to the principles of association sovereignty and civil law, while an organization can become an organ of a state if its authority is attached as a characteristic by law to carry out state functions. The assigned task of providing guidance and supervision by law does not mechanically change its status to a state organ unless there is final and binding public authority regarding the public interest. Thus, an analysis is necessary to distinguish between recognition or legitimacy and the attribution of public authority. This difference can determine the legal system that applies to the actions of the organization, whether the organization is subject to public administrative law or remains subject to civil law.¹⁴ From a legal perspective, the provisions of the UUJN and the Minister of Law and Human Rights Regulation should focus on the legal parameters that determine the legal status of a legal entity, the origin of its authority, the public or private nature of its authority, and the working methods of organizational accountability. If an organization's authority is limited to self-regulation and its internal sanctioning process, its classification as an association can be maintained. However, if the organization has the authority to carry out management that directly impacts the notary position, the public assignment element becomes

⁹ Staatsblad 1870 Number 64.

¹⁰ Ghansham Anand, *Characteristics of Notary Positions in Indonesia*, 1st ed. (PRENADAMEDIA GROUP, 2018).

¹¹ LAW OF THE REPUBLIC OF INDONESIA NUMBER 2 OF 2014 CONCERNING AMENDMENTS TO LAW NUMBER 30 OF 2004 CONCERNING THE POSITION OF NOTARY PUBLIC.

¹² REGULATION OF THE MINISTER OF LAW OF THE REPUBLIC OF INDONESIA NUMBER 24 OF 2025 CONCERNING THE DETERMINATION, GUIDANCE, AND SUPERVISION OF NOTARY ORGANIZATIONS (2025).

¹³ Ida Ayu Kade Rienda Cintya Dewi, "Notary Membership in the Indonesian Notary Association: Mandatory vs. Voluntary," *Acta Comitas* 3, no. 2 (2018): 269, <https://doi.org/10.24843/AC.2018.v03.i02.p04>.

¹⁴ Muhammad Faisal Makna, "The Position of the Indonesian Notaries Association as a Professional Organization for the Notary Profession in Indonesia," *El-Mujtama: Journal of Community Service* 4, no. 6 (2024), <https://doi.org/10.47467/elmujtama.v4i6.4573>.

stricter. Therefore, this research on the application of the UUJN and the Minister of Law and Human Rights Regulation to organizations is important.¹⁵ Based on normative and empirical analysis, it is clear that Staatsblad 1870 No. 64 remains the basis of history in the status of the association, the combination of Article 82 UUJN and Permenkumham number 24 of 2025 the position of INI organization is in a status that is more related to recognition as an association with the provision of public guidance functions. Thus, in the official regulations of the notary organization there is still a classification as a legal entity association, but based on the position there is an element of public attribution that seeks further confirmation. A more precise understanding of norms or legal decisions is needed to prevent overlapping positions that can harm legal certainty for the profession in the notary organization.

Qualifications of Notary Organizations as State Organs Based on Law Number 2 of 2014

The notary organization as regulated in Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (UUJN) cannot be considered a state organ formed based on said law.¹⁶ Article 1, number 5 of the UUJN (National Law on Notaries) defines notaries as a "professional organization" in the form of a legal entity. Although not designated as a state institution with public authority, notaries, as an INI organization, have a role in professional development. The UUJN's recognition of INI as the sole professional organization does not indicate that INI is a state organ; rather, it legitimizes it to independently oversee ethical and professional regulations. Thus, this issue focuses on the intersection between delegated professional powers and the formation of a state organ.¹⁷

The UUJN's nature towards INI is not as a state organ because the requirement for notaries to be members of INI is contained in Article 82. A notary as a public official is a member of a profession regulated in Article 1 of Appendix 1 of the UUJN as an executive, however, the notary association within the INI organization, remains a private entity, because it does not exercise state executive power. Supreme Court Decision Number 63/PUU-II/2014 supports the assertion that INI's status is the only association and not a state organ. Professional organizations such as INI have a role in ethical oversight through the Notary Supervisory Board, but this authority comes from the profession's statutes, not from a direct state mandate. Thus, the notary organization does not meet the criteria of a state organ that has direct responsibility to the government.¹⁸

The INI plays a role in the extraordinary member appointment test for prospective notaries, but the process, which is professional in nature, is not a state delegation. Article 82, paragraph 1 of the UUJN (National Notary Law) stipulates that INI members are active notaries. However, as a form of professional behavior, it is not merely a state organ. This study considers INI as a forum for discussion with the government, but must comply with the Constitution of the state organ. Through UINL, INI has gained international recognition, strengthening its position as a global professional organization, not just an extension of the Indonesian state. Therefore, based on the UUJN, INI notary organizations cannot be classified as state organs.¹⁹ Normatively, the UUJN does not use the term "state organ" for a notary organization like INI. Instead, it uses the term "professional organization," both of which have distinct meanings. INI has limited authority in professional areas such as education and member discipline. This research suggests that INI is not the same as a state organ because it is accountable to its members, not the wider public. Through the UUJN, the state recognizes that the relationship between professions is not part of the organization's constitution. Therefore, the answer to the above questions is negative.²⁰

¹⁵ Aditya Revano, *AUTHORITY OF THE ASSOCIATION COURT IN RESOLUTION OF DISPUTES BETWEEN THE ASSOCIATION OF INDONESIAN NOTARY PUBLIC ASSOCIATION (Case Study of DKI Jakarta High Court Decision Number 752/PDT/2018/PT.DKI)*, tt

¹⁶ Habib Adjie, *Compilation of Notary Public Regulations (Pustaka Zaman, 2012)*.

¹⁷ *LAW OF THE REPUBLIC OF INDONESIA NUMBER 2 OF 2014 CONCERNING AMENDMENTS TO LAW NUMBER 30 OF 2004 CONCERNING THE POSITION OF NOTARY PUBLIC*.

¹⁸ Sri Kustiyah and Hasrul Hasrul, "Legal Policy of Granting Authority to Notaries to Make Land Deeds in Relation to the Authority of PPAT," *Jurnal Akta* 5, no. 1 (2018): 309, <https://doi.org/10.30659/akta.v5i1.2663>.

¹⁹ Maheswara Perbawa Sukawati, "The Position of the International Union of Notaries as an International Organization in International Business Transactions," *Journal of Science and Humanities Research and Development* 6, no. 1 (2022): 74–79, <https://doi.org/10.23887/jppsh.v6i1.45488>.

²⁰ Jingga Mulia et al., "NOTARY PROTOCOL AS A VITAL STATE ARCHIVE FROM THE PERSPECTIVE OF LEGISLATION IN INDONESIA," *Mendapo: Journal of Administrative Law* 3, no. 3 (2022): 223–41, <https://doi.org/10.22437/mendapo.v3i3.18903>.

The Legal Status and Impact of Notary Organizations Following the Enactment of Article 82 of the UUJN in conjunction with Minister of Law and Human Rights Regulation 24/2025

The implementation of Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2004 concerning the Position of Notary (UUJN) has had an impact on the Indonesian Notaries Association (INI). The provisions of the law referring to UUJN have given formal recognition to INI as the only notary organization that has the power to form and enforce the Notary Code of Ethics as regulated in Article 83 paragraph (1) of UUJN. This formulation is relevant to explore the extent to which UUJN influences INI's autonomy in internal supervision of notaries. Assessment of the impact of regulations based on a legislative approach is the initial step for empirical evidence in this study.²¹

The legal status of the notary organization after the UUJN is not in the position of the Association as a legal entity recognized by the state since 1908 and authorized by the Decree of the Minister of Law and Human Rights which makes INI, as a single entity for active notaries. Article 82 paragraph (4) of the UUJN assimilates the INI Articles of Association into the primary legislation of the Republic of Indonesia, making it a state partner in the professional oversight framework. This enhances INI's position as a self-regulating institution responsible for the professional ethics of notaries. The impact is that the legal legitimacy of INI's internal decisions is increasingly increasing.²²

Following the enactment of the UUJN, notaries should be guided by an honorary council in overseeing the code of ethics, as outlined in Article 12 of the INI Articles of Association. This authority includes investigating violations, imposing sanctions such as warnings and dismissals, and making recommendations to the Minister of Law. Article 89 of the UUJN ensures the continuity of the old code of ethics until the new one is issued, thereby ensuring its continued function. This oversight provision has legal implications for strengthening internal oversight mechanisms, in conjunction with the External Supervisory Board.²³

Article 6 of the INI Code of Ethics authorizes the Central Honorary Council to impose sanctions based on the severity of the violation. This impacts the organization's efficiency in protecting the profession's dignity, which in turn increases notary accountability to the public.²⁴ The implementation of INI's authority following the UUJN provisions is hampered by internal (Honorary Council) and external (Supervisory Board) oversight systems, which can lead to overlapping sanctions. Article 73 of the UUJN authorizes the Regional Supervisory Board to propose sanctions for three to six months focused on ethics within INI. This legal impact necessitates harmonizing jurisdictional conflicts. Therefore, the Notary organization must improve its coordination.²⁵

INI's position after UUJN has placed its status as the Code of Ethics Determinant as the guarantor of moral norms that must be adhered to by all notaries including ad interim notaries as stated in Article 1 number (2) of the Code of Ethics. The impact on authority is the ability to issue regulations on the enforcement of ethics in associations with the Central Board. The implementation of this function involves the right to appeal sanctions to the INI Congress. Thus, the legal consequence is to strengthen the internal discipline of the profession. The function of the notary organization following this provision also includes legal protection for members, with proposals to the Minister for the dismissal of notaries for serious violations. Article 17, letter d of the UUJN prohibits dual state positions, which is enforced by the INI through the Honorary Council. The legal consequence of this is to limit the independence of notaries to maintain neutrality. It also impacts the organization's expanded authority in ethics litigation. Overall, the legal status of INI following the UUJN (National Notary Public Service Law) has been further strengthened as a partner of the state, with the consequent enhancement of its oversight and ethics enforcement functions. The organization's authority has been expanded, but coordination with the state has been more limited, ensuring a balance between autonomy and public

²¹ M Fariz Maulidi, "AUTHORITY OF NOTARY ORGANIZATIONS OVER NOTARIES WHO VIOLATE THE NOTARY CODE OF ETHICS IN CARRYING OUT THE PROFESSION" (Sriwijaya, 2020).

²² LAW OF THE REPUBLIC OF INDONESIA NUMBER 2 OF 2014 CONCERNING AMENDMENTS TO LAW NUMBER 30 OF 2004 CONCERNING THE POSITION OF NOTARY PUBLIC.

²³ I Gusti Putu Arya Lanang Karyasa and Putu Edgar Tanaya, "A LEGAL REVIEW OF THE LEAVE OBLIGATION OF NOTARIES ELECTED AS REGIONAL HEAD," *Acta Comitatus* 10, no. 02 (2025): 419–35, <https://doi.org/10.24843/AC.2025.v10.i02.p13>.

²⁴ Shintia Latifa et al., "Law Enforcement Against Notaries Who Violate the Notary Law (Case Study in Padang City)," *Unes Journal of Swara Justisia* 9, no. 1 (2025): 93–106, <https://doi.org/10.31933/5s2e4b11>.

²⁵ Nicholas Alexandros and Amad Sudiro, "Legal Status and Responsibilities of Notaries and Land Deed Officials for the Deeds They Drawn," *Syntax Literate; Indonesian Scientific Journal* 8, no. 6 (2023): 4476–91, <https://doi.org/10.36418/syntax-literate.v8i6.12659>.

accountability. The primary legal consequence is improved sanction effectiveness, although this will require administrative adjustments. Thus, this could support the UUJN's goal of achieving uniformity among public notaries.

CONCLUSION

The status of notary organizations such as the Indonesian Notaries Association (INI) remains a legal entity, as evident from the history of Staatsblad 1870 No. 64 and the UUJN. However, regulatory developments, through Article 82 of the UUJN and Permenkumham 24/2025, have given it a hybrid position, as it receives some of the development and oversight functions that should be the responsibility of the state. However, in this case, INI does not have the status of a state organ, meaning it does not receive direct attribution of public power from the law and continues to operate based on the principle of association autonomy and the organization's articles of association. In this case, the strengthening of INI's authority following the latest regulation is for the sake of accountability and strengthening the professionalism of notaries, but has the potential to create overlapping oversight with the state, thus necessitating institutionalization, regulatory absorption, and more transparent internal organizational management in order to provide more sustainable legal and oversight.

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