



THE LEGAL STATUS AND JURIDICAL IMPLICATIONS OF IKATAN NOTARIS INDONESIA AS THE EXCLUSIVE PROFESSIONAL ORGANIZATION UNDER ARTICLE 82 OF UUJN-P AND MINISTRY REGULATION NO. 24/2025

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ABSTRACT

Mandatory membership in a single professional organization has significantly reshaped the institutional role of Ikatan Notaris Indonesia (INI) within Indonesia's notarial system. Previous studies have mainly examined INI's role in professional ethics and internal disciplinary mechanisms, while its legal position under public law remains insufficiently analyzed. This article addresses that gap by examining whether INI's expanded statutory functions affect its status as a private association or justify its qualification as a state organ in a functional sense. Using a normative juridical method based on statutory, doctrinal, and conceptual analysis, this study examines Article 82 of Law No. 2 of 2014 concerning Amendments to the Notary Law (UUJN-P), Ministry Regulation No. 24 of 2025, and Staatsblad 1870 No. 64. The findings indicate that INI remains a private legal association in terms of juridical form. Nevertheless, statutory delegation of public-interest functions, particularly in ethical supervision, professional regulation, and supervisory participation. Positions INI as a private body exercising limited state-like functions. This study contributes by clarifying INI's hybrid legal character and emphasizing the need for clearer normative boundaries to ensure accountability and legal certainty.

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INTRODUCTION

The notarial profession occupies a central position in Indonesia's civil law system, as notaries are vested with public authority to draw up authentic deeds that possess the highest evidentiary value in legal



transactions. As public officials, notaries are required to uphold integrity, independence, and professional responsibility in order to safeguard legal certainty and public trust. Accordingly, the regulatory framework governing the notarial profession deliberately integrates organizational governance into the broader system of notarial supervision.

Article 82 of Law No. 2 of 2014 concerning Amendments to the Notary Law (UUJN-P) mandates that every notary be a member of a single state-recognized professional organization, namely Ikatan Notaris Indonesia (INI). This provision represents a significant departure from a voluntary association model toward a regime of mandatory membership accompanied by exclusive institutional authority. In this framework, INI is entrusted with functions that extend beyond internal professional coordination, including ethical enforcement, professional development, and participation in supervisory mechanisms affecting the exercise of notarial office.

Existing scholarship has largely examined the role of notarial organizations in ethical regulation, internal disciplinary processes, and the preservation of professional integrity (Prasetyawati and Prananingtyas, 2022). Other studies focus on the historical foundation of INI as a *rechtspersoon* under Staatsblad 1870 No. 64, emphasizing its character as a private legal association. However, the literature has yet to comprehensively address the legal implications arising from the coexistence of mandatory membership and the exercise of state-delegated public functions by an organization that remains formally private in nature.

This unresolved issue gives rise to a core doctrinal problem: whether an organization that is structurally a private legal entity may nevertheless be functionally assimilated to a state organ when it exercises regulatory, supervisory, or quasi-sanctioning powers derived from statutory delegation. The absence of clear doctrinal boundaries in this regard raises concerns relating to accountability, the scope of authority, and the adequacy of public protection within the notarial governance framework.

This article seeks to address this gap through a normative juridical analysis of INI's legal status under Article 82 of the UUJN-P and Ministry Regulation No. 24 of 2025. Specifically, it examines whether INI's legally mandated functions substantively resemble those of a "state organ in a broad sense," despite its private juridical form, and analyzes the implications of such a classification for institutional accountability, limits of authority, and the protection of public interests in notarial services.

METHOD

This research adopts a normative juridical research method, based on statutory analysis, doctrinal interpretation, and a conceptual approach using theories of professional regulation and administrative accountability. Through this method, the study systematically examines legal norms governing the notarial profession and professional organizations, compares them with relevant legal doctrines, and evaluates their implications for legal certainty and institutional accountability. In normative juridical research, law is understood as a system of norms, the coherence and substance of which are analyzed through a descriptive and analytical method, rather than through empirical data collection. The analysis is carried out using a prescriptive analytical technique, aimed not only at describing the existing legal framework but also at evaluating its normative adequacy in ensuring legal certainty, accountability, and public protection.

The primary legal materials used in this research consist of Law No. 2 of 2014 concerning Amendments to the Notary Law (UUJN-P), particularly Article 82 on mandatory organizational membership, Minister of Law and Human Rights Regulation No. 24 of 2025 concerning the establishment, development, and supervision of the notary organization, and Staatsblad 1870 No. 64 concerning incorporated associations, which serves as the historical legal basis for the juridical form of Ikatan Notaris Indonesia (INI). The secondary legal materials comprise scholarly books and peer-reviewed journal articles that analyze notarial law, professional ethics, organizational governance, and the concept of state organs, including doctrinal works on notarial institutions, ethical enforcement, professional regulation, and administrative accountability. The



tertiary legal materials consist of legal dictionaries, encyclopedias, and authoritative reference works in administrative and constitutional law, which are used to clarify legal terminology and conceptual distinctions such as public authority, delegation of powers, and functional state organs.

At the end of the introduction, it becomes crucial to articulate the central problems that guide this study. Thus, this article aims to answer the following questions: (1) What is the legal status of Ikatan Notaris Indonesia as the exclusive professional organization under Article 82 of UUJN-P and Ministry Regulation No. 24/2025?; (2) Can Ikatan Notaris Indonesia be classified as a state organ in a functional or broad sense given its delegated public authority?; (3) What are the juridical implications of INI's hybrid role for notaries, the state, and society?.

RESULTS AND DISCUSSION

1. Legal Status of INI as an Association

The first legal issue concerns whether Ikatan Notaris Indonesia (INI) remains a private association (vereniging) under Staatsblad 1870 No. 64, despite its regulation under Article 82 of the UUJN-P and Ministry Regulation No. 24/2025. Historically, INI was established as a *rechtspersoon* based on Staatsblad 1870 No. 64. This regulation governed associations that acquired legal entity status through governmental approval. Within this framework, INI has been recognized as a private legal subject operating within the sphere of civil law (Anshori, 2009).

Article 82 of the UUJN-P requires that "every notary shall be a member of the notary organization." However, this provision introduces mandatory membership without altering the juridical nature of INI as a private association. INI therefore differs from statutory bodies that are established directly by legislation and endowed with public legal personality. Rather, Article 82 assigns INI a specific role within the regulatory framework of notarial practice. It does not transform INI into a public law institution.

This interpretation is further reinforced by Ministry Regulation No. 24/2025. The regulation explicitly defines the notary organization as a "legal entity in the form of an association." Such formulation confirms that INI remains grounded in the civil-law regime. It retains autonomy in internal governance, organizational structure, and funding mechanisms that are characteristic of private associations.

Although statutory provisions confer important functions upon INI, including professional development, ethical enforcement, and the issuance of disciplinary recommendations, its core legal personality remains private. This article affirms earlier scholarship regarding INI's legal status. At the same time, it contributes by emphasizing the doctrinal implication that INI's private legal form persists even as its obligations and authority expand through statutory delegation. Accordingly, INI operates as a private legal association under Staatsblad 1870 No. 64 while simultaneously exercising statutory functions that reflect its hybrid institutional character.

The coexistence of a private juridical form and the exercise of authority affecting public office raises a further normative question concerning the nature of such authority within the framework of public law. This issue becomes particularly relevant when INI's functions have direct implications for notarial supervision, ethical compliance, and access to the notarial profession. Therefore, the analysis must proceed to examine whether INI's delegated functions may justify its qualification as a state organ (*staatsorgaan*) in a functional sense, which constitutes the second legal issue addressed in this study.

2. Functional Analysis of INI as a State Organ

The second question concerns whether INI may be considered a state organ (*staatsorgaan*) in a functional sense due to the public functions delegated to it by law. Functionally, an entity may be regarded as a state organ when it exercises public authority, regardless of whether it is structurally integrated into the governmental apparatus (Kelsen, 1949). Comparative administrative law and Indonesian legal doctrine recognize that private



entities may become “auxiliary state organs” when performing regulatory, supervisory, or sanctioning functions on behalf of the state. Auxiliary state organs refer to institutions that are not formally part of the core governmental structure, yet are entrusted with the exercise of public authority through statutory delegation. From a functional perspective, the defining element of such entities lies not in their organizational form, but in the nature of the powers they exercise, particularly when those powers affect public rights and obligations (Kelsen, 1949).

In Indonesian legal doctrine, the concept of auxiliary state organs is closely associated with institutions that support the execution of state functions while remaining institutionally autonomous. These bodies are characterized by their involvement in public regulatory tasks, ethical oversight, or professional supervision, which are traditionally associated with state authority. Jimly Asshiddiqie explains that an institution may be classified as a state organ in a functional sense when it performs public functions based on legal mandate, even if it is not structurally embedded within the governmental hierarchy (Asshiddiqie, 2006).

Similarly, comparative administrative law acknowledges that the delegation of public authority to non-governmental entities does not eliminate the public character of the functions exercised. When private or professional organizations are authorized to regulate conduct, impose sanctions, or participate in supervisory mechanisms, they operate as extensions of the state’s administrative apparatus. In this sense, auxiliary state organs occupy a hybrid position, combining private organizational status with public functional responsibilities (Elliott and Thomas, 2017).

In practice, INI performs several functions that correspond to the exercise of public authority:

1. Membership in INI is mandatory under Article 82 of the UUJN-P, leaving notaries no legal freedom to choose an alternative professional organization.
2. INI participates in the Majelis Pengawas Daerah, Majelis Pengawas Wilayah, and Majelis Pengawas Pusat, which form part of the state’s notarial supervision system under the UUJN-P.
3. Ethical enforcement is conducted through internal bodies whose decisions directly affect a notary’s ability to exercise public office (Septiana et al., 2025).
4. INI holds authority to issue recommendations concerning appointments, transfers, leaves, and sanctions, which are subsequently considered within formal state decision-making processes.

These roles correspond to characteristics identified in the literature as consistent with regulatory bodies that functionally belong to the state, despite not being part of its formal structure.

However, INI lacks the key characteristics of a formal state organ. It does not receive public funding, notaries are not public employees, and it does not have the authority to issue binding administrative decisions (*beschikkingen*), which are individual and legally enforceable decisions issued by public authorities. Its decisions remain organizational, not administrative in nature, unless explicitly integrated into state decision-making. Previous studies tended to focus narrowly on INI’s ethical role without considering whether its powers reach the threshold of public authority. This article advances the discussion by clarifying that INI is not a state organ structurally, but may be considered a “functional state organ” in limited contexts due to its legally delegated influence over public office. Thus, the answer to the second research question is that INI is not a state organ in a formal sense, but it performs state-like functions in practice, placing it within the category of an auxiliary regulatory institution.

3. The Juridical Implications of INI’s Hybrid Position

INI’s hybrid position, private in its legal form yet public in the functions, gives rise to important juridical implications affecting notaries, the state, and society:

a. Accountability Gaps

As a private association, INI’s decisions are typically subject only to internal bylaws and civil law. This creates an accountability gap when INI exercises authority affecting public office, particularly



when ethical sanctions or organizational decisions influence a notary's ability to perform state-delegated duties. Judicial review over INI's decisions is limited unless the decision is part of or incorporated into a governmental administrative act. The mandatory membership and exclusive recognition granted by Article 82 UUJN-P create a de jure monopoly. While intended to maintain unified ethical standards, such monopolization can lead to concentration of power without adequate checks and balances. Prior scholarship noted INI's ethical role but did not explore monopolistic risks inherent in a single-organization model. The present study highlights this structural risk. Notarial deeds carry profound legal consequences; thus, the governance of notarial conduct must be transparent, accountable, and subject to external oversight. A hybrid organization with unclear accountability lines risks eroding public trust. The need for clarity in delegated authority, ethical enforcement, and procedural fairness becomes essential to uphold legal certainty.

b. Legal Implications for Notaries

First, for notaries, membership in INI is a requirement for the legality of their office. Notaries are bound doubly, namely by the UUJN-P (public law) and the INI code of ethics (private law). Violations of the code of ethics may result in ethical sanctions from the organization (warnings, membership suspension, and so forth), and in certain cases may serve as a consideration for the Supervisory Council or the Minister of Law in imposing administrative sanctions (temporary dismissal or permanent dismissal). Second, professional development aspects (continuing education, training, certification) become structured and are coordinated jointly between the government and the organization, thereby ensuring standardized quality and professionalism of notaries for the public. Third, sanctions imposed by the notary organization are ethical/organizational in nature, but they may have implications for a notary's official status when associated with the authority of the Supervisory Council and the Minister. On the other hand, civil and criminal liability for notarial acts continues to be governed by the general legal framework, including the UUJN-P, the Civil Code (Kitab Undang-Undang Hukum Perdata), and the Criminal Code (Kitab Undang-Undang Hukum Pidana), and cannot be assumed by the organization.

c. Implications for the State

The single-organization model strengthens the state's supervisory capacity because the government has one official institutional partner. Ministerial Regulation No. 24/2025 sets out the mechanisms for the minister's supervision and guidance of the notary organization, while also regulating how the organization supports the professional development of notaries. However, such centralization must be accompanied by adequate oversight to prevent power abuse.

d. Implications for Society

Theoretically, the existence of a single notary organization makes it easier for the public to identify professional ethical standards; facilitates the reporting of alleged ethical violations; and strengthens the profession's self-control mechanisms, thereby expectedly improving the quality of services and the legal certainty of notarial deeds.

CONCLUSION AND SUGGESTION

Based on the normative analysis of Article 82 of the Notary Law (UUJN-P) and Ministry Regulation No. 24/2025, this study concludes that the Ikatan Notaris Indonesia (INI) retains its legal character as a private legal association established under Staatsblad 1870 No. 64. The legislative framework strengthens INI's position as the mandatory and exclusive professional organization for notaries but does not transform it into a public legal entity or a state organ. INI cannot be classified as a state organ in the structural sense, as it does not form part of governmental institutions, does not receive state funding, does not exercise inherent public authority, and is not



subject to administrative-law accountability mechanisms. However, INI performs public-interest functions in the areas of professional development, ethical supervision, and recommendations related to notarial office. These characteristics position INI as a private body entrusted with limited public functions under statutory delegation. This hybrid status results in several legal implications. For notaries, mandatory membership, adherence to the organizational code of ethics, and exposure to ethical sanctions, which may influence administrative consequences form part of their professional obligations. For the state, INI's existence facilitates coordinated oversight but simultaneously requires clearer delineation between private organizational acts and delegated public functions. For the public, INI's regulatory role should enhance legal certainty and professional accountability, although direct legal remedies against a private association's decisions remain limited and largely mediated through state supervisory authorities.

Accordingly, clearer normative boundaries are required to distinguish INI's private organizational authority from its delegated public functions. Strengthened coordination and external oversight by the Ministry of Law and Human Rights are necessary to ensure transparency, accountability, and legal certainty in the exercise of such functions, while preserving INI's autonomy as a professional organization.

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