

Physical And Sensory Disabilities: Legal Certainty And Justice In The Notary Profession

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Article History: Received: November 19, 2025; Accepted: January 14, 2026

ABSTRACT

This study examines the legal issues regarding the requirements for appointment as a Notary as regulated in Article 3 of the Notary Law (UUJN), with a focus on the regulation of physical and sensory disabilities. The background of this study is the incompleteness of norms in the UUJN which has the potential to cause legal uncertainty and discriminatory practices against persons with disabilities, both at the stage of appointing a Notary and against Notaries who experience life events that cause physical and/or sensory disabilities. The UUJN requires Notaries to be physically and mentally healthy, but does not provide explicit regulations regarding the limits and parameters of such health in relation to disabilities. This study aims to analyze the concept of physical and sensory disabilities in relation to the implementation of the Notary's authority and obligations and to formulate an ideal form of regulation to realize legal certainty and justice for all citizens. The research method used is normative legal research with a statutory approach and a conceptual approach. The analysis is carried out systematically and grammatically against the UUJN, the Health Law, the Law on Persons with Disabilities, and the Human Rights Law, and is based on the theory of legal certainty and dignified justice. The research results indicate that the requirement for physical health must be interpreted functionally, focusing on a person's ability to perform the duties of a notary, rather than on absolute physical condition. An analysis of the notary's authority and obligations indicates that upper locomotor and sensory functions play an essential role, while lower locomotor functions are not decisive. Therefore, this study proposes amendments to Article 3 of the UUJN by adding norms that recognize the ability to perform the position with or without reasonable accommodation, including the use of assistive technology. Furthermore, it is necessary to regulate leave procedures, functional assessments, and evaluations for notaries who experience disabilities after being appointed.

Keywords: Notary Position, Physical Disabilities, Sensory Disabilities, Legal Certainty, Dignified Justice.

1. INTRODUCTION

Article 1 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary explains that the definition of a notary is "a public official who is authorized to make authentic deeds and has other authorities as referred to in this law or based on other laws." A notary is a public official who provides services to the public in the form of making deeds regarding all actions that the parties wish to make authentic deeds (Marzuki & Sh, 2021).

Notaries have several authorities as stated in Article 15 of Law Number 2 of 2014, namely:

- a. Authentic Deed;
- b. Guarantee the certainty of the date of creation of the deed;
- c. Keeping the deed;

- d. Giving grosse;
- e. Copy of deed;
- f. Deed citation;
- g. Legalization of private deeds;
- h. Waarmeking;
- i. Make a copy of the original private letter;
- j. Confirmation of the suitability of the photocopy with the original letter; and
- k. Legal counseling regarding the preparation of deeds.

Apart from having authority, notaries have several obligations as stated in Article 16 of Law Number 2 of 2014, namely:

- a. Acting in a trustworthy, honest, thorough, independent, impartial manner and protecting the interests of the parties involved in legal actions;
- b. Make a deed in the form of a deed minute and save it as part of the Notary Protocol;
- c. Placing letters and documents as well as the face's fingerprints on the Minutes of Deed;
- d. Issuing Grosse Deed, Copy of Deed, or Quote of Deed based on Minutes of Deed;
- e. Provide services in accordance with the provisions of this Law, unless there is a reason to refuse them;
- f. Keep secret everything regarding the Deed he/she makes and all information obtained for the purpose of making the Deed in accordance with the oath/promise of office, unless the law stipulates otherwise;
- g. Binding the Deeds made within 1 (one) month into a book containing no more than 50 (fifty) Deeds, and if the number of Deeds cannot be contained in one book, the Deeds can be bound into more than one book, and record the number of Minutes of Deeds, the month and year they were made on the cover of each book;
- h. Making a list of the Deed of protest against non-payment or non-receipt of securities;
- i. Make a list of Deeds relating to wills in order of when the Deeds were made every month;
- j. Sending a list of deeds as referred to in letter i or a list of nil relating to wills to the center for the list of wills at the ministry that organizes government affairs in the legal sector within 5 (five) days in the first week of each following month;
- k. Record the repertory of the date of sending the list of wills at the end of each month;
- l. Have a seal or stamp containing the state symbol of the Republic of Indonesia and in the space surrounding it the name, position and place of office concerned are written;



- m. Reading the Deed in front of the person appearing in the presence of at least 2 (two) witnesses, or 4 (four) witnesses specifically for making a Deed of Will privately, and signed at that time by the person appearing, witnesses and Notary; and
- n. Accepting internships for prospective notaries.

And has a prohibition in carrying out duties as a notary, which is stated in Article 17 of Law Number 2 of 2014, namely:

- a. Carrying out a position outside the area of his/her position;
- b. Leaving the area of office for more than 7 (seven) consecutive working days without a valid reason;
- c. Concurrently as a civil servant;
- d. Concurrently serving as a state official;
- e. Holding concurrent positions as an advocate;
- f. Concurrently serving as leader or employee of a State-Owned Enterprise, Regional-Owned Enterprise or Private Enterprise;
- g. Concurrently serving as Land Deed Drafting Officer;
- h. Become a substitute notary; and
- i. Carrying out other work that is contrary to religious norms, morality or propriety which could affect the honor and dignity of the position of Notary.

Notaries have a significant responsibility in carrying out their duties and obligations, as well as complying with the prohibitions stipulated in the Notary Law (Chandra & Purwanto, 2024). Therefore, to become a notary, a person must undergo various processes, including undergraduate law studies, master's studies in notarial science, joint internships, and so on, as well as fulfilling the established requirements (Diatmika et al., 2014). The requirements for appointment as a notary are regulated in Article 3 of Law Number 02 of 2014 concerning the Notary Law, as follows:

- a. Indonesian citizens;
- b. Fear of God Almighty;
- c. Be at least 27 (twenty seven) years old;
- d. Physically and mentally healthy as stated by a health certificate from a doctor or psychiatrist;
- e. Holds a law degree and a master's degree in notary law;
- f. Have undergone an internship or have actually worked as a Notary employee for 24 (twenty four) consecutive months at a Notary's office on their own initiative or on the recommendation of a Notary Organization after graduating from a notary's master's degree;



- g. Not having the status of a civil servant, state official, advocate, or not currently holding another position which is prohibited by law from being held concurrently with the position of Notary; and
- h. Never been sentenced to prison based on a court decision that has permanent legal force for committing a crime that is punishable by imprisonment of 5 (five) years or more.

Article 3 letter d contains the phrase "physically healthy" which is interpreted in the explanation as physically capable of carrying out the authority and obligations as a notary. A physical health examination by a doctor as a requirement is crucial for someone to be able to carry out their duties as a notary with responsibility and provides legal certainty for parties who use a notary's services. Referring to Law Number 17 of 2023 concerning Health, physical or bodily condition is an inseparable part of a person's health condition (Borman, 2019).

However, upon closer analysis, there are incomplete provisions. This relates to the provision of "physical health" in Article 3 of Law Number 02 of 2014 concerning the Position of Notary, specifically regarding disability. Health and disability are two different things, but they have similarities, namely concerning a person's condition. The provisions and definitions of physical health regulated do not include, explain, and categorize the forms of physical or bodily disabilities in accordance with the Law on the Position of Notary. The incomplete provisions in Article 3 of Law Number 02 of 2014 concerning the Position of Notary lead to differences in interpretation (Anhar, 2024).

The Republic of Indonesia concretely guarantees that persons with disabilities are protected by human rights and have the status of citizens of the Republic of Indonesia who are inseparable from the Unitary State of the Republic of Indonesia (Mozes, 2020). Article 4 of Law Number 8 of 2016 concerning Persons with Disabilities explains the types or varieties of persons with disabilities which include physical disabilities, intellectual disabilities, mental disabilities, and/or sensory disabilities. These types of disabilities can be experienced singly, multiply, or multiply over a long period of time as determined by medical personnel in accordance with the provisions of laws and regulations.

In November 2011, the Indonesian government ratified the UNCPRD by issuing Law Number 19 of 2011 concerning the Ratification of the Convention on the Rights of Persons with Disabilities. As part of the UNCPRD's implementation of efforts to protect human rights and equality, the Indonesian government, through articles 5 to 26 of Law Number 8 of 2016 concerning Persons with Disabilities, affirms the rights of persons with disabilities (Itasari, 2020). These rights include the right to justice and legal protection, as well as the right to employment. Regarding



employment rights, persons with disabilities have the right to obtain employment, advance in employment, and have their own jobs or be self-employed.

Today, in line with rapid technological developments, many assistive devices for people with disabilities have emerged that help them achieve independence and optimize limb function. These devices also utilize the latest technology, including robotics and AI (Giansanti & Pirrera, 2025).

Law Number 30 of 2004 concerning the Position of Notary Public, which was later amended by Law Number 2 of 2014, does not explicitly regulate provisions regarding persons with disabilities, either as prospective notaries or when already serving as a notary (Fitriyana, 2018). The absence of this regulation is not a form of deliberate discrimination, but rather due to the legal paradigm of disability that prevailed at that time. Therefore, this study is present as an effort to examine the incompleteness of regulations regarding physical disabilities and sensory disabilities and the form of regulations that are in accordance with the articles in the UUN to create legal certainty and justice for persons with disabilities from a notary perspective and analyze other important matters, namely the conditions if a person has been appointed as a notary public who then experiences physical and/or sensory disabilities in carrying out his/her profession (Iryadi, 2018).

2. RESEARCH METHODS

The research method used is normative legal research. The approach used in this research is carried out using the statute approach and the conceptual approach. Types and sources of legal materials are primary legal materials, secondary legal materials, and tertiary legal materials. After all legal materials are collected, they are then analyzed in this case using the systematic interpretation and grammatical interpretation methods. Grammatical interpretation is a method of interpretation or explanation that aims to know or understand the meaning of words in the law in accordance with the rules of language and the rules of grammar.

3. RESULTS AND DISCUSSION

The Meaning of Physical Disabilities and Sensory Disabilities in Accordance with the Notary Law

1. The Meaning of Physical Disability According to the Notary Law

The Republic of Indonesia has a strong constitutional commitment to guaranteeing the right to health as stipulated in the 1945 Constitution of the Republic of Indonesia,



specifically Article 28H paragraph (1) and Article 34 paragraph (3). This commitment is realized through Law Number 17 of 2023 concerning Health, which serves as the main legal umbrella in national health regulations. This law comprehensively regulates the definition of health, the rights and obligations of every person, the provision of health services, the management of health resources, and criminal provisions. Health is understood not merely as the absence of disease, but as a state of well-being that encompasses physical, mental, and social aspects, thus enabling a person to live optimally productively in community life (Rahmatillah, 2025).

From the perspective of the Health Law, physical health is an integral part of the concept of overall health. Physical health is defined as a person's physical condition that allows the body's organs and systems to function normally, is able to adapt to the environment within physiological limits, and is able to perform physical activities without experiencing excessive fatigue. Thus, physical health is closely related to a person's actual ability to carry out daily life activities productively. Indicators of physical health include good physical fitness, the absence of pain, a fresh physical expression, and independence in carrying out daily activities. Conversely, illness is characterized by impaired bodily function, pain, decreased motivation, and psychological disorders that affect an individual's social activities and productivity.

Understanding health and illness is not dichotomous, but rather exists on a dynamic continuum. Betty Neuman's concept of the health-illness continuum posits health as a state of well-being at a specific point that can change over time. A person can be healthy, semi-healthy, or ill depending on their physical, mental, social, and spiritual state. This continuum is crucial for understanding that health assessment is individual and contextual, and serves as the basis for assessing the course of illness, whether short-term, intermittent, or long-term. Therefore, physical health must be understood functionally, not solely in absolute terms.

In line with health regulations, Indonesia also has Law Number 8 of 2016 concerning Persons with Disabilities, which aims to guarantee respect, protection, and fulfillment of the rights of persons with disabilities. This law affirms the principles of equality, non-discrimination, and equal opportunities for persons with disabilities as citizens. Physical disability is defined as impaired locomotor function, such as amputation, paralysis, cerebral palsy, post-stroke conditions, leprosy, and other similar conditions. This definition indicates that physical disability is related to limitations in

bodily function, but does not automatically eliminate a person's legal capacity or professional abilities.

The Law on Persons with Disabilities recognizes persons with disabilities as legal subjects with equal rights and obligations, including the right to education, employment, health care, and accessibility. The state is obliged to provide adequate accommodations and supporting facilities to ensure the full participation of persons with disabilities in social and professional life. In the employment context, persons with disabilities have the right to equal employment, equal responsibilities, and equal wages without discrimination. Discrimination is understood as any form of restriction or exclusion that hinders the fulfillment of the human rights of persons with disabilities.

The development of health technology, particularly assistive technology, plays a crucial role in improving the independence and quality of life of people with physical disabilities. Assistive technology encompasses a wide range of devices, from simple, low-tech solutions to high-tech solutions designed to compensate for physical limitations. Devices such as wheelchairs, walkers, exoskeletons, robotic arms, and writing aids enable people with disabilities to perform daily activities more optimally. The use of this technology must be accompanied by medical evaluation, adequate training, and environmental support to be truly effective and sustainable.

From a medical perspective, physical disability is assessed through a comprehensive physical and neurological examination, including anamnesis, motor function assessment, physiological and pathological reflexes, and an assessment of the level of consciousness using the Glasgow Coma Scale (GCS). This medical approach emphasizes that physical condition assessments should be based on objective and professional parameters, not subjective assumptions. Therefore, determining a person's physical disability must be done rationally, measurably, and based on scientific evidence.

From a sociological and philosophical perspective, Law Number 39 of 1999 concerning Human Rights affirms that every human being possesses inherent dignity and worth from birth. The state is obliged to protect vulnerable groups, including persons with disabilities, from all forms of discrimination. This principle aligns with the theory of dignified justice, which positions humans as dignified legal subjects and demands fair, humane, and contextual law enforcement. Justice is not measured by uniformity of treatment, but by the law's ability to accommodate differences proportionally.

In the context of the notary office, Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 requires that notaries must be physically and mentally healthy, as evidenced by a medical certificate from a doctor and a psychiatrist. The explanation of the law emphasizes that physical health is defined as the physical ability to carry out the powers and obligations of a notary. The powers and obligations of a notary, as regulated in Articles 15 and 16 of the UUJN, predominantly require the function of the upper limbs (hands), while the lower limbs play a role in supporting physical presence. However, the law does not provide explicit parameters regarding the limits of physical health, thus opening up room for potentially discriminatory interpretation if not interpreted functionally.

With a dignified justice approach, the physical fitness requirement for the notary position should be interpreted based on the individual's actual ability to carry out the duties and responsibilities of the position, not solely on the presence or absence of a physical disability. The state is obliged to provide reasonable accommodations, including assistive technology and accessible work environments, so that competent individuals with physical disabilities can continue to practice the notarial profession professionally and independently. Therefore, physical disability should not be an absolute barrier to appointment as a notary, as long as the individual is able to fulfill the essential requirements of the position substantively and responsibly, for the sake of legal certainty, justice, and the protection of human rights.

2. The Meaning of Sensory Disabilities in Accordance with the Notary Law

Indonesia has a comprehensive legal framework in the health sector as a manifestation of the state's responsibility to ensure the health of the public. The constitutional basis for this regulation stems from the 1945 Constitution of the Republic of Indonesia, specifically Articles 20 and 21, which regulate the authority to form laws, as well as Article 28H paragraph (1) and Article 34 paragraph (3), which affirm the right of every person to health services and the state's obligation to provide adequate health facilities. These constitutional provisions were then implemented through Law Number 17 of 2023 concerning Health, which serves as the primary legal umbrella for national health care.

The Health Law broadly and thoroughly regulates the definition of health, the rights and obligations of each individual in the health sector, and the governance of health efforts at various levels and types of services. These regulations cover the management of

health resources, medical and healthcare personnel, healthcare facilities, pharmaceutical and medical device resilience, health information systems, response to extraordinary events and epidemics, healthcare funding, and criminal provisions for health violations. With this comprehensive scope, the Health Law serves not only as a public service instrument but also as a means of legal protection and legal certainty for the community (Sendrawan et al., 2024).

To improve public health, the government implements various health initiatives, one of which is through the provision of health services. Health services aim not only to cure disease but also to maintain and improve public health in a sustainable manner. One of the strategic goals of health services is to encourage the development and utilization of health technology and to provide adequate legal protection for the community. Health development is organized based on the principles of balance and justice, which require a balance between the interests of the individual and society, between the physical and mental aspects, and between the material and spiritual dimensions, while upholding the principle of social justice.

The Health Law defines health as a state of complete physical, mental, and social well-being, not merely the absence of disease, enabling an individual to live a productive life. This definition emphasizes that health is a multidimensional condition encompassing biological, psychological, and social aspects. Therefore, assessing a person's health cannot be done narrowly but must consider both bodily functions and the individual's ability to actively participate in community life.

In particular, the Health Law pays attention to sensory health through regulations regarding visual and hearing health as stated in Article 71 and Article 72. Article 71 paragraph (1) states that efforts to improve visual and hearing health aim to improve the health of these senses and reduce the number of disabilities. This provision shows that a healthy sensory condition is understood as a condition in which visual and hearing functions are at an optimal level, thus enabling a person to live productively and participate fully in social life.

The Health Law also recognizes the important role of health technology in supporting healthcare delivery, including in accommodating sensory health conditions. Health technology is defined as all tools, products, and methods used for the diagnosis, prevention, and treatment of human health problems, including both hardware and software. The central and regional governments are responsible for encouraging

innovation in health technology and ensuring the safety, benefits, efficacy, and quality of these technology products, so that they can be optimally utilized by the public, including people with disabilities.

From a theoretical perspective, Perkins defines illness as an unpleasant condition that disrupts an individual's physical, psychological, and social activities. In line with this view, the health paradigm emphasizes the importance of maintaining and improving health from an early age. The primary focus of this paradigm is to maintain healthy individuals and improve the health of those in vulnerable conditions, ensuring that health efforts are not only curative but also preventive and promotive.

Betty Neuman's concept of the health-illness spectrum views health as a dynamic continuum, ranging from optimal well-being to death. At the healthy end, a person is in a state of physical, emotional, social, and spiritual well-being, while at the disease end, a person experiences partial or complete impairment of bodily functions. Understanding this continuum is essential for assessing the course of a disease, the severity of the condition, and the duration of the disease, which can be short-term, intermittent, or long-term.

In addition to health regulations, Indonesia also has a specific legal framework regarding disability through Law Number 8 of 2016 concerning Persons with Disabilities. This law is based on various constitutional provisions in the 1945 Constitution of the Republic of Indonesia, which affirm the principles of equality, non-discrimination, and the protection of human rights. The primary objective of the Law on Persons with Disabilities is to realize equal rights and opportunities for persons with disabilities to live prosperous, independent, and free from discrimination in all aspects of life.

Law Number 8 of 2016 defines sensory disability as a condition that disrupts the function of the five senses, including blindness, deafness, and speech. This definition demonstrates that a person's sensory abilities relate to their ability to use their sight, hearing, and speech effectively. This law affirms that persons with disabilities are legal subjects with equal rights and obligations to other citizens.

The government is obligated to provide facilities and services that support the fulfillment of the rights of persons with disabilities, including in education, employment, and accessibility. In education, persons with disabilities have the right to receive inclusive and specialized education at every level, including higher education. Universities are required to provide facilities and disability service units to ensure equal access to education for persons with disabilities.

In the employment sector, the Law on Persons with Disabilities guarantees the rights of persons with disabilities to develop their careers fairly and without discrimination. Discrimination is understood as any form of distinction, exclusion, or restriction that hinders the fulfillment of the rights of persons with disabilities. Persons with disabilities have the right to receive work of equal quality, responsibility, and wages as non-disabled workers, provided they meet the required qualifications and competencies.

In implementing Law No. 8 of 2016, the government is assisted by the National Commission on Disabilities, an independent institution tasked with monitoring, evaluating, and advocating for the respect, protection, and fulfillment of the rights of persons with disabilities. Furthermore, this law also contains criminal provisions aimed at providing legal protection against violations of the rights of persons with disabilities, including discriminatory acts, neglect, violence, and exploitation.

The development of assistive technology plays a strategic role in improving the independence and quality of life of people with sensory disabilities. Assistive technology encompasses a variety of devices and systems designed to compensate for sensory limitations, through both simple, low-tech and high-tech solutions. The use of assistive technology enables people with disabilities to carry out daily activities, communicate, and actively participate in social and professional life.

Based on this overall analysis, it can be concluded that health and disability, particularly sensory disabilities, must be understood holistically, taking into account legal, medical, social, and technological aspects. The state is obliged not only to guarantee the right to health but also to provide adequate accommodations for persons with disabilities so they can optimally carry out their social and professional functions. This approach aligns with the principle of dignified justice, which places humans as legal subjects with dignity and worth that must be respected and protected by law.

The Form of Regulation of Physical Disabilities and Sensory Disabilities in Accordance with the Notary Law

1. Legislative Ratio of Incomplete Regulations Regarding Physical Disabilities and Sensory Disabilities in the Notary Law

Law Number 30 of 2004 concerning the Position of Notary (UUJN), which was later amended by Law Number 2 of 2014, does not explicitly regulate provisions regarding persons with disabilities, either as prospective notaries or as existing notaries.



This lack of regulation is not a form of deliberate discrimination, but rather a product of the prevailing disability law paradigm at the time. In 2004, when the Notary Law was passed, Indonesia was still using Law Number 4 of 1997 concerning Persons with Disabilities as its primary legal basis.

The content of the Law on Persons with Disabilities is more about fulfilling the rights of persons with disabilities, which are considered a social problem, the policies for fulfilling which rights are still in the form of social security, social rehabilitation and increasing social welfare. People with disabilities are viewed as a category that needs assistance, not as individuals who have equal rights to access certain professions, including notaries. Therefore, when drafting the Notary Law, lawmakers did not consider that people with disabilities could become notaries because the current paradigm viewed people with disabilities as those who need assistance, not those who can or should help. Law Number 30 of 2004 concerning the Notary was passed seven years before Indonesia had an international obligation to respect the rights of people with disabilities within the framework of human rights. In 2006, the UN adopted the CRPD, an international convention that changed the paradigm of disability from charity-based to human rights-based. Indonesia then ratified it on November 10, 2011. The legal consequence of this ratification is that the State is obligated to guarantee and advance the fulfillment of the rights of people with disabilities, one of which is by creating regulations and harmonizing regulations, including eliminating rules and cultures that violate the rights of people with disabilities. For example, Indonesia then amended the Law on Persons with Disabilities through Law Number 8 of 2016 concerning Persons with Disabilities (Richards, 1999).

The absence of provisions regarding disability as a requirement for appointment as a notary in the Notary Law creates a legal gap that could be interpreted discriminatorily by law enforcers. The problem is further complicated by the fact that the Notary Law and the Law on Persons with Disabilities are laws (*lex specialis*) that regulate different but overlapping areas. The application of the principle of *lex posterior derogat legi priori* will favor the 2016 Disability Law, but in practice, the more specific provisions of the Notary Law on the notary position remain the primary reference. The absence of objective parameters that leave the assessment entirely to the examining physician raises the high possibility of using a medical model of disability, viewing disability as an individual deficiency that needs to be "cured," rather than the social model adopted by the CRPD and the Law on Persons with Disabilities, which views disability as the result of the



interaction between individual limitations and environmental barriers that should be eliminated. As a result, people with physical disabilities such as wheelchair users or amputees, people with sensory disabilities such as users of assistive devices, or conditions. When someone has become a notary and then experiences an event that causes a physical and/or sensory disability, they are declared incapable of carrying out the office of notary by the doctor who issued the certificate, even though they actually have the possibility of being able to carry out the essential functions of a notary with the appropriate assistive technology accommodation.

The necessary regulations are those that create opportunities or are affirmative, not restrictive or restrictive. Following the enactment of the Law on Persons with Disabilities, the Law on Notaries needs to be harmonized to ensure non-discrimination in access to the notarial profession and full legal recognition for persons with disabilities.

2. Regulations for Physical and Sensory Disabilities in Accordance with the Notary Law

The incomplete regulations regarding the requirements for appointment as a Notary, particularly for persons with physical and sensory disabilities, have given rise to legal issues that have the potential to create uncertainty and injustice. Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary Public requires that Notaries be "physically and mentally healthy," as evidenced by a certificate from a doctor or psychiatrist. The explanation of the law emphasizes that physical and mental health is interpreted functionally, namely being physically and mentally capable of carrying out the powers and obligations of a Notary Public. Thus, the health requirement is not intended to mean an absolute physical condition without disabilities, but rather the actual ability to carry out the functions of the position.

Law Number 8 of 2016 concerning Persons with Disabilities provides a clear legal basis for the status of persons with disabilities as equal legal subjects. This law defines persons with disabilities as individuals with physical, intellectual, mental, and/or sensory limitations who experience obstacles in interacting with their environment. Physical disabilities relate to impaired motor function, while sensory disabilities relate to impaired vision, hearing, and/or speech functions. Therefore, the concept of disability cannot be equated with an unhealthy condition, because persons with disabilities can still carry out their legal and professional functions with the support of appropriate accommodations.

An analysis of the obligations and authorities of a Notary Public as stipulated in Article 16 and Article 15 of the Notary Law, as well as various related laws and regulations, shows that the implementation of a Notary's duties predominantly requires upper locomotor function and sensory functions, particularly vision, hearing, and speech. Meanwhile, lower locomotor function is not directly an essential requirement in the implementation of a Notary's authority and obligations. This finding confirms that the assessment of physical and sensory health should be based on functional relevance to the duties of the position, not on general physical condition.

The absence of explicit provisions regarding physical and sensory disabilities in the Notary Law opens up room for differing interpretations. One interpretation narrowly views physical health as physical well-being, thus precluding the opportunity for people with physical disabilities to be appointed as Notaries. Another interpretation holds that people with sensory disabilities can become Notaries because it is not explicitly prohibited, even though functionally, sensory conditions significantly influence the performance of the position. These differing interpretations have the potential to give rise to injustice and discrimination, both against people with physical and sensory disabilities.

To address these issues, regulatory harmonization is needed through amendments to the Notary Law, involving the Indonesian Notaries Association, the Ministry of Law, and the Indonesian Medical Association. These amendments should emphasize functional capability requirements, with or without reasonable accommodations, for persons with physical and/or sensory disabilities. The addition of a norm in Article 3 of the Notary Law that explicitly recognizes the use of assistive technology as part of the ability to perform the position would reflect the principles of non-discrimination, equality, and dignified justice.

In addition to normative changes, the health examination mechanism for prospective Notaries also needs to shift from an absolute medical examination to a functional assessment that assesses an individual's ability to carry out the authority and obligations of the position. The process of formulating assessment standards and accommodations must involve medical personnel, legal experts, and organizations of persons with disabilities to produce regulations that are objective, realistic, and aligned with human rights principles. Regulations must also expressly prohibit the rejection of a Notary's appointment solely on the basis of disability, unless it can be demonstrated that

the disability fundamentally prevents the performance of the position despite reasonable accommodations.

Similar regulations should also be implemented for notaries who experience life events that result in physical and/or sensory disabilities after being appointed. Provisions regarding dismissal due to physical and/or mental incapacity for more than three years must be interpreted adaptively, taking into account the right to employment, equal opportunity, and the possibility of recovery and adjustment through assistive technology. Therefore, it is necessary to amend the Notary Law and issue implementing regulations governing leave procedures, functional assessments, evaluations by the Supervisory Board, and the use of assistive technology. These clear and equitable regulations will ensure legal certainty, human rights protection, and the continued professionalism of the notary profession in Indonesia.

4. CONCLUSION

Based on the research results, the current provisions regarding the requirements for appointment as a notary in Article 3 of the Notary Law (UUJN) are incomplete because they do not accommodate disabilities, especially physical and sensory disabilities. Analysis of the notary's authority and obligations shows that physical and sensory aspects are crucial and significant in carrying out the duties of the position. There is an incomplete regulation in Article 3 of the UUJN because it does not regulate physical and sensory disabilities. A thorough analysis of the notary's authority and obligations shows that physical and sensory functions, including sight, hearing, and speech, are very fundamental and essential elements. This incomplete requirement has the potential to create legal uncertainty and can cause losses. To create legal certainty and justice for people with physical and sensory disabilities, an appropriate article is needed, namely "capable of carrying out the functions of the position as a notary with or without accommodation for people with physical and/or sensory disabilities." The meaning of accommodation for people with physical disabilities is "physical or physical abilities in the form of hand and foot movement, including in this case people with physical disabilities who use assistive technology, to carry out the authority and obligations as a notary" and the meaning of accommodation for people with sensory disabilities is "a person's sensory abilities in the form of the senses of sight, hearing, and speech, including in this case people with sensory disabilities who use assistive technology, to carry out the authority and obligations as a notary."



This regulation is implemented by amending Article 3 of the Notary Law by providing additional letters in Article 3 along with the interpretation of the article implemented in the explanation of the Notary Law. The changes in the Notary Law will create legal certainty. The definition is in line with the theory of dignified justice and the protection of human rights that reject discrimination and recognize the role of assistive technology in supporting independence. Regarding Notaries who experience life events that cause physical and/or sensory disabilities, steps that can be taken to detail the resolution of this problem are by amending the Notary Law and also issuing a Ministerial Regulation that regulates the procedures for assessing functional abilities and technical accommodations for disabilities in the profession.

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