

The Legal Implications of the Indonesian Standard Industrial Classification for the Position of Notaries as Public Officials

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Article History: Received: May 14, 2026; Accepted: July 03, 2026

ABSTRACT

This study aims to analyze the legal position of a Notary as a public official following the classification of notarial activities under the Indonesian Standard Industrial Classification Number 69104, as well as to examine the legal certainty of such regulation within the Indonesian legal system. This research employs a normative legal research method with statutory, conceptual, and comparative approaches, using primary, secondary, and tertiary legal materials. The research gap in this study lies not only in the absence of scholarly analysis linking the Indonesian Standard Industrial Classification as a risk-based business licensing instrument with the position of Notaries as public officials, but also in the lack of examination specifically addressing the normative implications of categorizing public office activities within a business-law regime. Previous studies have generally focused either on the position of Notaries from the perspective of the Notary Law, or on Indonesian Standard Industrial Classification within the context of business licensing administration in general, without situating both within a unified framework of normative conflict and legal system harmonization. The findings indicate that the classification of notarial activities under Indonesian Standard Industrial Classification Number 69104 has the potential to create normative disharmony, as it places the activities of a Notary within a business-oriented economic framework, whereas a Notary's authority derives from state attribution to perform public service functions. This condition reflects a conceptual shift from a public office to an administrative entity governed by business licensing mechanisms, which is not fully aligned with the legal construction of the Notary position under the Notary Law. The novelty of this research lies in three main aspects. First, it explicitly constructs the normative conflict between the risk-based business licensing regime (Indonesian Standard Industrial Classification 69104) and the legal regime governing Notaries as public officials. Second, it employs a synthesis of the theory of authority and the theory of legal certainty as analytical instruments to assess the validity of such regulation within the Indonesian administrative legal system. Third, it offers a normative harmonization perspective that positions Indonesian Standard Industrial Classification not merely as an administrative instrument, but as a variable capable of shifting the juridical character of the Notary office within Indonesia's constitutional and administrative legal framework.

Keywords : Indonesian Standard Industrial Classification; Notary; Public Official; Legal Certainty; Risk-Based Business Licensing.

1. INTRODUCTION

The advancement of globalization and the digital economic transformation has reshaped the paradigm of public service delivery and economic regulatory systems in many countries, including Indonesia. These developments require a legal system that is adaptive, responsive, and capable of ensuring legal certainty for the growing range of economic activities within society. Article 33 paragraph (4) of the 1945 Constitution of the Republic of Indonesia stipulates that the national economy shall be organized based on the principles of economic democracy, emphasizing



equitable efficiency, sustainability, independence, and balanced national economic progress. Consequently, the State is not only obligated to establish a conducive investment climate but also to ensure that every legal instrument governing economic activities provides legal protection, legal certainty, and justice for all legal subjects (Fadli et al., 2023). This principle serves as the fundamental basis for developing a modern economic legal system capable of accommodating the evolving business environment without disregarding the role of law as an instrument of social control and the protection of public interests (Tamanaha, 2012). Consistent with these developments, international scholarship further underscores that the modernization of economic regulation must preserve the principles of regulatory certainty, good governance, and the rule of law, thereby ensuring that economic reforms do not diminish the legal protection of citizens' rights and the legitimate interests of business actors (Organisation for Economic Co-operation and Development, 2023).

The expansion of economic activities has also increased public demand for legal services capable of ensuring legal certainty and legal protection in civil legal relations. One manifestation of such legal services is the authority vested in Notaries as public officials who are directly empowered by statute to execute authentic deeds. The legal status of a Notary does not arise from a contractual relationship with the public nor from profit-oriented business activities; rather, it derives from public authority delegated by the State under Law Number 30 of 2004 concerning the Office of Notary, as amended by Law Number 2 of 2014. Accordingly, every legal act performed by a Notary must adhere to the principles of legality, independence, impartiality, and public accountability as an integral part of the State's exercise of public functions in the field of civil law (Borman, 2019). Furthermore, the existence of a Notary as a public official serves a preventive function by minimizing potential legal disputes through the execution of authentic deeds possessing perfect evidentiary value, as provided under Article 1868 of the Indonesian Civil Code (Mertokusumo, 2002). In comparative legal development, notaries in jurisdictions adhering to the Latin Notary system are likewise recognized as public officials entrusted with delegated state authority to ensure the authenticity, legality, and legal certainty of private legal acts. Consequently, their public function cannot be equated with that of ordinary commercial service providers (Council of the Notariats of the European Union, 2024).

From the perspective of administrative law, the authority of a Notary constitutes attributed authority that originates directly from statutory provisions. Consequently, the scope of a Notary's duties may only be exercised within the limits prescribed by legislation. This concept of attributed authority distinguishes Notaries from business actors and other private professionals because their authority represents the exercise of a portion of the State's public function in the provision of legal



services. Accordingly, the honorarium received by a Notary, as regulated under Article 36 of the Notary Office Law, should not be construed as evidence that the office constitutes a commercial enterprise; rather, it represents compensation for legal services rendered to the public in exercising public authority delegated by the State. Moreover, Article 37 of the Notary Office Law obliges Notaries to provide legal services free of charge to indigent members of society, thereby further affirming that the primary orientation of the office is not economic gain but the realization of equitable legal services (Adjie & Sjaifurrachman, 2011). From the perspective of modern administrative law theory, the attribution of authority derived directly from statutory law entails the consequence that amendments introduced through administrative instruments must not alter the legal character of a public office in the absence of a clear legislative basis. Accordingly, any administrative classification that has the potential to modify the legal status of a public official must remain subject to the principle of legality and the hierarchy of legal norms within the national legal system (Elliott & Thomas, 2024).

On the other hand, regulatory reform through Law Number 6 of 2023 concerning the Enactment of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law has transformed Indonesia's business licensing regime from a license-based approach to a risk-based approach. This reform was subsequently implemented through Government Regulation Number 28 of 2025 concerning Risk-Based Business Licensing Administration, which designates the Indonesian Standard Industrial Classification as the principal instrument for determining business activities, risk levels, licensing requirements, and the legal obligations of business actors. The primary objectives of this regulatory reform are to improve the ease of doing business, accelerate investment, simplify bureaucratic procedures, and enhance the effectiveness of public services. Nevertheless, various studies indicate that the implementation of a risk-based licensing system must continue to uphold the principle of legal certainty to ensure that regulatory simplification does not result in normative disharmony or uncertainty regarding the legal status of legal subjects (Rachmania et al., 2025). This view is consistent with international recommendations, which emphasize that the implementation of risk-based regulation can only be effective when supported by regulatory harmonization, institutional consistency, and legal certainty regarding the status of every regulated entity (World Bank, 2023).

The adoption of the risk-based licensing regime has consequently positioned the Indonesian Standard Industrial Classification as the primary instrument for identifying the types of business activities conducted by business actors. Pursuant to Government Regulation Number 28 of 2025 concerning Risk-Based Business Licensing Administration, every business activity must be classified according to a Indonesian Standard Industrial Classification code, which serves as the



basis for determining risk levels, licensing requirements, administrative obligations, and the scope of business activities. In practice, the Indonesian Standard Industrial Classification no longer functions solely as a statistical classification developed by Statistics Indonesia it has evolved into an administrative legal instrument with direct implications for the granting of business legality through the Online Single Submission Risk-Based Approach (OSS-RBA) system. Consequently, the determination of the appropriate Indonesian Standard Industrial Classification code has become an inseparable component of Indonesia's business licensing framework.

A legal issue arises because Indonesian Standard Industrial Classification Code 69104 classifies Notary and Land Deed Official activities as one of the business groups within the category of professional, scientific, and technical activities. From an administrative perspective, such classification is intended to facilitate the categorization of economic activities and the implementation of the risk-based licensing system. However, when examined from the perspective of public office law, this classification gives rise to a conceptual inconsistency because the Notary Office Law unequivocally recognizes Notaries as public officials whose authority is derived from statutory attribution rather than as business actors conducting economic activities for profit. This divergence in legal construction has the potential to create normative disharmony between the administrative law regime governing business licensing and the legal regime governing the office of Notary, thereby raising questions regarding the compatibility of classifying Notarial activities under Indonesian Standard Industrial Classification Code 69104 with the legal characteristics of the office of Notary as a public office. From a theoretical perspective, such a conflict represents a form of *normative inconsistency*, whereby an administrative norm generates legal consequences that are incompatible with the substantive norm forming the legal basis for the establishment of a public office's authority. This inconsistency may ultimately undermine legal certainty and the coherence of the legal system as a whole (Craig, 2023)

The legal status of Notaries within the Indonesian Standard Industrial Classification framework has attracted scholarly attention in previous studies. Pratama (2022) concluded that the inclusion of the Notary profession within the Indonesian Standard Industrial Classification has the potential to shift the character of Notaries from public officials toward economically oriented business entities. Subsequently, Hilmi (2023) highlighted the possibility that Indonesian Standard Industrial Classification Code 69104 could be misused by third parties as a legal basis for conducting business activities related to notarial services. Meanwhile, Mustika and Ramadhani (2025) identified various legal implications following the implementation of the 2025 KBLI, particularly concerning the inclusion of Indonesian Standard Industrial Classification codes in notarial practice and their consequences for the provision of legal services to the public.



Nevertheless, these studies primarily focus on the practical implications of applying the Indonesian Standard Industrial Classification to the Notary profession and have not comprehensively examined the issue of normative synchronization based on the theory of authority and the theory of legal certainty within the relationship between the Notary Office Law and the regulations governing the Indonesian Standard Industrial Classification issued by Statistics Indonesia.

Against this background, the present study offers a novel contribution by examining not only the administrative implications of Indonesian Standard Industrial Classification Code 69104 but also the normative existence of such regulation concerning the legal status of Notaries as public officials within the Indonesian legal system. The analysis employs the theory of authority, the theory of legal certainty, and the doctrine of legislative harmonization to assess whether the classification of Notarial activities under Indonesian Standard Industrial Classification Code 69104 is consistent with the doctrine of attributed authority established by the Notary Office Law or, conversely, gives rise to normative conflicts that may obscure the legal status of Notaries as public officials. This study is expected not only to contribute to the development of notarial legal scholarship but also to provide valuable insights for policymakers in promoting regulatory harmonization between the business licensing system, national statistical policies, and the legal framework governing the office of Notary, thereby fostering legal certainty that is coherent, proportionate, and consistent with the principles of the rule of law (Ulfa & Wisnaeni, 2025).

2. RESEARCH METHODS

This study employs normative legal research, focusing on the analysis of legal norms concerning the existence of the Indonesian Standard Industrial Classification 69104 and its implications for the legal status of Notaries as public officials. The research applies three approaches, namely the statutory approach, the conceptual approach, and the comparative approach. The statutory approach is employed to examine the interrelationship and normative harmonization among Law Number 30 of 2004 concerning the Office of Notary, as amended by Law Number 2 of 2014; Law Number 6 of 2023 concerning Job Creation; Government Regulation Number 28 of 2025 concerning the Implementation of Risk-Based Business Licensing; and Regulation of the Central Statistics Agency Number 7 of 2025 concerning the Indonesian Standard Industrial Classification. The conceptual approach is used to analyze the concept of a Notary's authority as a public official, the legal concept of a business actor, and the theory of legal certainty. Meanwhile, the comparative approach is employed to compare the characteristics of the office of a Notary as a public official with those of a business actor under the Indonesian legal system in order to identify both normative conformity and potential legal disharmony.



The legal materials utilized in this research consist of primary, secondary, and tertiary legal materials. Primary legal materials were selected based on their binding legal authority, direct relevance to the legal issues under examination, and their regulation of the office of Notary, risk-based business licensing, and the Indonesian Standard Industrial Classification. Secondary legal materials were selected according to their academic authority, relevance to the research issues, currency of publication, and credibility of the publisher. These materials include books, national and international journal articles, master's theses, and research reports addressing notarial law, administrative law, and business licensing law. Tertiary legal materials, including legal dictionaries, language dictionaries, legal encyclopedias, and other supporting references, were employed to clarify the legal concepts examined in this study. Legal materials were collected through library research and subsequently analyzed qualitatively using a prescriptive legal analysis method through grammatical, systematic, and teleological interpretation to evaluate normative harmonization, formulate legal arguments, and develop a legal construction regarding the position of Notaries within the regulatory framework of the Indonesian Standard Industrial Classification.

3. RESULTS AND DISCUSSION

Notaries as Public Officials Equated with Business Actors through the Classification of Indonesian Standard Industrial Classification 69104 under Statistics Indonesia Regulation No. 7 of 2025 concerning the Indonesian Standard Industrial Classification

Based on the findings of this study, the classification of the activities of Notaries and Land Deed Officials under the Indonesian Standard Industrial Classification 69104, as stipulated in Statistics Indonesia Regulation No. 7 of 2025, gives rise to a juridical issue concerning the compatibility of such classification with the legal status of Notaries within the Indonesian legal system. This issue arises because the Indonesian Standard Industrial Classification is essentially an administrative instrument designed to classify economic activities carried out by business entities as the basis for implementing Risk-Based Business Licensing. In contrast, the Law on the Office of Notary recognizes a Notary as a public official who derives attributive authority directly from the State to perform certain public functions in the field of private law. Consequently, there exists a fundamental distinction between the legal regime governing public office and that governing business activities, which cannot be equated merely because both provide services to the public. These findings demonstrate that the application of the Indonesian Standard Industrial Classification to notarial activities is not merely an administrative matter but also affects the legal construction of the status and nature of the notarial office as guaranteed under the Law on the Office of Notary.



When analyzed through the Theory of Authority proposed by S.F. Marbun, the authority of a Notary originates from statutory attribution, meaning that every legal act performed by a Notary constitutes the exercise of public authority delegated by the State. Such authority differs fundamentally from the authority of business actors, which arises from the principles of freedom of contract and the right to conduct economic activities. Business actors are free to determine their line of business, business strategies, and profit orientation, provided that such activities comply with applicable laws. Conversely, a Notary may exercise only those powers expressly and exhaustively conferred by the Law on the Office of Notary and other relevant statutory regulations. Accordingly, the legal characteristics of notarial authority cannot be equated with the economic activities that form the basis of the Indonesian Standard Industrial Classification classification. The existence of remuneration in the form of honoraria does not transform the nature of notarial authority into a business activity, as such honoraria constitute statutory entitlements granted as a consequence of performing a public office rather than profits derived from commercial activities (Habib Adjie, 2021).

The findings further reveal significant differences between Notaries and business actors in terms of their objectives, functions, sources of authority, legal products, and forms of accountability. Business actors engage in economic activities with the primary objective of generating profits through the production of goods and services within a market mechanism. By contrast, Notaries perform a public function on behalf of the State by providing legal certainty through the execution of authentic deeds possessing perfect evidentiary value. An authentic deed is not an economic commodity but a state-recognized legal instrument that acquires evidentiary force because it is executed by a public official in accordance with statutory provisions. Therefore, although clients pay honoraria to Notaries in practice, the resulting legal relationship remains one of public law derived from official authority rather than a commercial relationship characteristic of ordinary business transactions. This analysis reinforces the argument that classifying notarial activities under Indonesian Standard Industrial Classification 69104 risks blurring the distinction between public service functions and economic activities that properly belong within the domain of business actors.

A comparison with civil law jurisdictions further demonstrates that the legal construction of the notarial office differs considerably from the approach adopted under Indonesian Standard Industrial Classification 69104. In the Netherlands, a notary holds the status of *openbaar ambtenaar* under the *Wet op het Notarisambt*, whereby notarial authority is regarded as the exercise of a public function despite the independent management of notarial offices. Likewise, in France, pursuant to *Ordonnance No. 45-2590* and its subsequent amendments, a *notaire* is

recognized as an *officier public et ministériel* entrusted with exercising state authority in the field of legal authentication. Similarly, in Germany, a *Notar* performs state functions under the *Bundesnotarordnung* while remaining subject to obligations of independence, impartiality, and the protection of the parties' legal interests. Although all three jurisdictions permit Notaries to receive professional fees, such remuneration does not alter their status into that of business actors nor classify their professional activities as economic activities subject to business licensing regulations. This comparative analysis demonstrates that civil law systems consistently distinguish the public office of a Notary from the legal regime governing commercial and business activities (European Commission for the Efficiency of Justice [CEPEJ], 2024).

This comparative analysis further indicates that the economic dimension associated with notarial services is merely ancillary to the performance of public functions. In other words, although notarial offices contribute to national economic development by facilitating investment, company formation, and legal certainty in commercial transactions, such contributions do not alter the fundamental nature of a Notary's authority as a public official. This perspective is likewise consistent with international scholarship, which characterizes the notarial system as an integral component of preventive justice, namely a legal mechanism intended to prevent disputes through the provision of authentic evidence and legal certainty before disputes arise (International Union of Notaries, 2023). Accordingly, classifying notarial activities within an administrative instrument designed for business activities may result in a conceptual inconsistency by equating the State's preventive legal function with profit-oriented economic activities.

Furthermore, the findings indicate that the classification of notarial activities under Indonesian Standard Industrial Classification 69104 may produce juridical implications affecting both public perception and governmental understanding of the legal status of Notaries. Within the implementation of the risk-based Online Single Submission (OSS) system, each Indonesian Standard Industrial Classification code is associated with business actors required to satisfy specific licensing requirements according to the level of business risk. If notarial activities are incorporated into the same system without an explicit normative exemption, this may create the conceptual impression that the notarial office constitutes a business activity governed by the legal regime of commercial law. Such an interpretation is inconsistent with the Law on the Office of Notary, which unequivocally recognizes Notaries as public officials entrusted with exercising certain state powers. Consequently, this situation may generate normative disharmony and create opportunities for divergent interpretations in the implementation of administrative policies, particularly concerning the relationship between the Indonesian Standard Industrial Classification regulatory framework and the statutory regulation governing the notarial office.



Based on the foregoing analysis, this study concludes that the classification of notarial activities under Indonesian Standard Industrial Classification 69104 is not fully consistent with the legal construction of the notarial office as a public office. This inconsistency is reflected not only in the fundamental differences between the authority and functions of Notaries and those of business actors, but also from the perspectives of administrative law and comparative legal analysis, both of which consistently recognize Notaries as public officials. Therefore, harmonization between Statistics Indonesia Regulation No. 7 of 2025 and the Law on the Office of Notary is necessary to ensure that the administrative classification adopted by the government does not alter the legal meaning of the status of Notaries. Such harmonization is essential for maintaining the coherence of the national legal system, ensuring legal certainty, and preserving the independence of the notarial office as a public institution exercising state authority rather than functioning as a business actor within the framework of economic activities.

Legal Certainty in the Regulation of Indonesian Standard Industrial Classification 69104 Concerning the Activities of Notaries and Land Deed Officials

The findings of this study demonstrate that such a legal construction gives rise to a normative conflict between the Law on the Office of Notary as the *lex specialis* and the Regulation of the Central Statistics Agency Number 7 of 2025 as an administrative regulation governing the Indonesian Standard Industrial Classification. Consequently, the regulation of Indonesian Standard Industrial Classification 69104 has not been able to provide legal certainty regarding the legal status of Notaries because it employs parameters that differ from the legal character of the notarial office as stipulated under the Law on the Office of Notary.

These findings were subsequently analyzed using the theory of legal certainty proposed by Moh. Fadli, which emphasizes that a legal norm must fulfill the principles of clarity, consistency, predictability, and freedom from multiple interpretations. Based on these indicators, this study finds that Indonesian Standard Industrial Classification 69104 does not yet satisfy the principle of legal certainty because its substantive provisions fail to clearly define whether the classification of notarial activities is intended solely for statistical purposes or also serves as the basis for categorizing business activities within the risk-based business licensing system. This ambiguity gives rise to two distinct legal consequences. On the one hand, the Law on the Office of Notary unequivocally recognizes a Notary as a public official exercising state authority by virtue of statutory attribution. On the other hand, the Central Statistics Agency Regulation classifies notarial activities as economic activities involving the provision of services, a characteristic generally associated with business actors. This divergence in legal construction creates uncertainty regarding the legal framework that should determine the position of Notaries within the Indonesian legal



system. Accordingly, this study confirms that the principal issue does not lie in the existence of the Indonesian Standard Industrial Classification as a statistical instrument, but rather in the application of such a classification to a public office that, from a juridical perspective, falls outside the scope of business activities (Moh. Fadli, 2023).

The analysis of the hierarchy of laws and regulations further reinforces these findings. Pursuant to the principle of *lex superior derogat legi inferiori*, the provisions of the Regulation of the Central Statistics Agency cannot alter or expand the legal meaning of the notarial office, which has been exhaustively determined by the Law on the Office of Notary. The Law on the Office of Notary expressly defines a Notary as a public official who derives authority through statutory attribution from the State, rather than as a business actor engaged in economic activities for profit. The honorarium received by a Notary constitutes a statutory entitlement for legal services performed in the exercise of a public function and therefore cannot serve as a basis for classifying the notarial office as a commercial business activity. Accordingly, this study concludes that the inclusion of notarial activities within Indonesian Standard Industrial Classification 69104 obscures the distinction between a public office and commercial activity, thereby creating the potential for inconsistencies in the implementation of regulations concerning business licensing, taxation, and public administration. Such circumstances are inconsistent with the fundamental objectives of law, which are to ensure legal certainty, legal protection, and consistency for legal subjects (Ridwan HR, 2018).

The findings of this study are further substantiated through a comparison with the regulation of the notarial profession in countries adopting the Latin Notary system. In the Netherlands, France, and Germany, Notaries continue to be recognized as public officials performing the State's preventive function in ensuring legal certainty in civil legal relationships, notwithstanding the fact that they receive honoraria from the public. These jurisdictions clearly distinguish the notarial office from business actors, and consequently, their economic administrative systems do not classify notarial activities as business activities subject to commercial licensing. The economic aspect of notarial services is regarded merely as an administrative consequence of providing legal services rather than as a basis for transforming the legal status of Notaries into business actors. This regulatory model demonstrates a consistent separation between public service and economic activity, thereby preserving legal certainty concerning the legal status of Notaries. By contrast, Indonesian Standard Industrial Classification 69104 in Indonesia creates normative ambiguity because an instrument originally designed to classify business activities has been applied to a public office whose authority is derived directly from statutory law. This comparison indicates that strengthening legal certainty regarding the



status of Notaries cannot be achieved solely through systematic interpretation but requires regulatory harmonization to ensure that statistical classifications do not alter the legal character of the notarial office as a public office.

Furthermore, this study finds that the absence of legal certainty in the regulation of Indonesian Standard Industrial Classification 69104 is attributable not only to the difference in terminology between "business actors" and "public officials" but also to the lack of harmonization among the laws and regulations governing these two distinct legal regimes. Regulation of the Central Statistics Agency Number 7 of 2025 was enacted to meet the needs of economic statistical classification and the implementation of Risk-Based Business Licensing, whereas the Law on the Office of Notary was enacted to regulate the exercise of public functions performed by Notaries as public officials. Consequently, when these two legal regimes intersect without explanatory provisions or explicit exception clauses, uncertainty arises regarding the legal consequences attached to notarial activities. From the perspective of the legal system, this condition demonstrates that the principles of both vertical and horizontal legislative harmonization have not been optimally implemented in the legislative process. In fact, regulatory harmonization constitutes one of the essential prerequisites for achieving legal certainty and good regulatory governance, ensuring that legal instruments do not generate normative conflicts or overlapping authorities (Zudan Arif Fakrulloh, 2018).

The comparative analysis further reveals that countries applying the civil law tradition consistently maintain a clear distinction between notarial functions and economic activities. In the Netherlands, the *Wet op het Notarisambt* continues to recognize a Notary as an *openbaar ambtenaar* (public official) who derives authority directly from statutory law despite practicing independently. Similarly, in France, a Notary is regarded as an *officier public et ministériel* who exercises certain state powers in the field of civil law, while in Germany the status of a Notary as a *Träger eines öffentlichen Amtes* confirms that the services provided constitute the exercise of a public function rather than a commercial enterprise. The common feature among these three jurisdictions is that business activity classification systems are not used to determine the legal status of Notaries, and therefore economic administrative instruments do not affect the juridical character of the notarial office. This comparison demonstrates that Indonesia should establish a more explicit normative separation between economic statistical policies and the regulation of public offices in order to prevent changes in legal meaning through administrative instruments. Accordingly, the findings of this study indicate that comparative legal practice strongly supports the proposition that notarial activities should be excluded from the regime governing business activity classifications.



Based on the overall analysis, this study concludes that the regulation of Indonesian Standard Industrial Classification 69104 does not satisfy the indicators of legal certainty as formulated in Moh. Fadli's theory of legal certainty and Gustav Radbruch's concept of legal certainty. A sound legal norm should clearly define the legal subjects it governs, the scope of regulation, its legal consequences, and its relationship with other regulations of equal or higher legal authority. Conversely, Indonesian Standard Industrial Classification 69104 creates divergent interpretations regarding the legal status of Notaries, thereby giving rise to the potential for inconsistent implementation by various government institutions. Should this condition persist, administrative policies may eventually emerge that treat Notaries as business actors in certain contexts, notwithstanding the fact that such a status is not recognized under the Law on the Office of Notary. This potential not only undermines legal certainty but may also affect the independence of the notarial office as a public office required to exercise its authority independently, impartially, and in accordance with statutory mandates (Agus Supriyanto, 2024).

The principal output of this study is that the regulation of Indonesian Standard Industrial Classification 69104 concerning the Activities of Notaries and Land Deed Officials should be reformulated through regulatory harmonization involving the Regulation of the Central Statistics Agency, regulations governing Risk-Based Business Licensing, and the Law on the Office of Notary. Such harmonization should expressly clarify that the inclusion of notarial activities within the Indonesian Standard Industrial Classification serves solely the purpose of national statistical classification and must not be interpreted as altering the legal status of Notaries into business actors or as constituting the legal basis for the application of the business licensing regime. Furthermore, explanatory provisions or explicit exception clauses should be incorporated for public offices deriving authority through statutory attribution in order to prevent future conflicts of interpretation. The original contribution of this study lies in demonstrating that the core issue is not merely the existence of Indonesian Standard Industrial Classification 69104 itself, but rather the absence of normative harmonization, which allows a statistical administrative instrument to potentially alter the legal construction of the notarial office as a public office. Accordingly, this study proposes regulatory harmonization as a legal solution to strengthen legal certainty, preserve the consistency of the national legal system, and maintain the independence of the notarial office in accordance with the principles of the rule of law.

4. CONCLUSION

Based on the findings and discussion, it can be concluded that the classification of notarial activities under Indonesian Standard Industrial Classification 69104 pursuant to Statistics



Indonesia Regulation Number 7 of 2025 neither alters nor diminishes the legal status of a Notary as a public official as stipulated in Law Number 30 of 2004 concerning the Office of Notary, as amended by Law Number 2 of 2014. Juridically, the authority of a Notary is derived from statutory attribution, thereby establishing the Notary as a public official performing state public functions rather than as a business actor engaged in economic activities for profit. Although, in practice, Notaries receive honoraria for the legal services they provide, such remuneration constitutes a legal consequence of exercising statutory authority rather than a characteristic of commercial activities as contemplated under the Risk-Based Business Licensing regime. Accordingly, the inclusion of notarial activities within Indonesian Standard Industrial Classification 69104 cannot serve as a legal basis for equating the status of a Notary with that of a business actor.

Furthermore, this study finds that the regulation of Indonesian Standard Industrial Classification 69104 has not fully satisfied the principle of legal certainty because it gives rise to a conflict of norms between the Law on the Office of Notary, as the *lex specialis* governing the status, authority, and functions of the Notarial office, and Statistics Indonesia Regulation Number 7 of 2025, which classifies economic activities for statistical purposes and the administration of business licensing. The use of the term "Activities of Notaries and Land Deed Officials" within the business activity classification system has the potential to create multiple interpretations regarding the legal status of a Notary as a public official. Consequently, it does not fully satisfy the requirements of normative clarity, regulatory consistency, and legal certainty. Based on the hierarchy of laws and regulations, as well as the principles of *lex superior derogat legi inferiori* and *lex specialis derogat legi generali*, the legal status of a Notary must continue to be determined by the Law on the Office of Notary. Therefore, the Statistics Indonesia Regulation cannot be construed as a legal basis for altering the legal status of a Notary.

The original contribution of this research lies in its analysis, which extends beyond examining the implications of classifying Notaries under Indonesian Standard Industrial Classification, as addressed in previous studies, by comprehensively assessing the relationship between the Risk-Based Business Licensing regime, the normative function of Indonesian Standard Industrial Classification as an administrative instrument, and the legal status of a Notary as a public official through the perspectives of the theory of authority and the theory of legal certainty. This study demonstrates that the principal issue does not stem from the existence of the Indonesian Standard Industrial Classification code itself, but rather from the lack of normative harmonization between administrative regulations and the legal framework governing the Office of Notary. Consequently, regulatory harmonization is required to ensure that the use of Indonesian Standard Industrial Classification as an instrument for statistical classification and business licensing does



not give rise to interpretations that are inconsistent with the nature of the Notarial office as an institution performing state public functions.

As a follow-up, the Government, particularly Statistics Indonesia in coordination with the relevant ministries and agencies, should undertake harmonization and refinement of the regulation governing Indonesian Standard Industrial Classification 69104 by providing an explicit normative clarification that the inclusion of notarial activities within Indonesian Standard Industrial Classification is intended solely for administrative and statistical classification purposes and does not constitute recognition of Notaries as business actors. In addition, future research is encouraged to examine the implications of Indonesian Standard Industrial Classification implementation for other professions that exercise public functions, such as Land Deed Officials, insolvency administrators, and other legal professions, with the objective of formulating a more comprehensive model of regulatory harmonization between the economic activity classification system and the legal framework governing professions entrusted with public authority.

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