

LEGAL CONSEQUENCES OF VIOLATION OF THE DISTRIBUTION OF ABSOLUTE RIGHTS OR LEGITIME PORTIE WHICH RESULT IN INHERITANCE DISPUTES

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Abstract

A will deed is a legal document expressing the testator's final wishes and has binding legal force if created according to applicable law. In practice, inheritance disputes often arise when the contents of a will violate the heirs' mandatory portion (*legitime portie*). Such violations can result in legal harm and lead to lawsuits against the notary as the official deed maker. This study aims to analyze the notary's legal responsibility and the role of the Notary Supervisory Council in resolving inheritance disputes involving wills that breach *legitime portie*. The research method is normative juridical with a statutory and case approach. The findings show that a notary is obligated to provide legal counseling and refuse to draft deeds that contradict the law, including provisions on *legitime portie* under Article 913 of the Indonesian Civil Code. If a notary violates this obligation, they may be held civilly liable and sanctioned administratively by the Supervisory Council. The Notary Supervisory Council is authorized to examine notaries, impose sanctions, and report findings through a tiered system from local to national level. In many cases, this oversight mechanism is crucial in maintaining notarial professionalism and integrity while protecting the rights of disadvantaged heirs. It is concluded that the preventive and repressive role of the Notary Supervisory Council must be strengthened to prevent and resolve inheritance disputes arising from *legitime portie* violations by notaries.

Keywords: Legitime Portie, Inheritance Dispute, Supervisory Council

INTRODUCTION

Every family member naturally desires a harmonious relationship. However, conflicts within the family may become inevitable when matters of inheritance arise. Inheritance disputes typically emerge due to discrepancies or perceived injustices in the distribution of the estate. A will is often regarded as a solution to prevent such disputes in the future, as it provides legal certainty regarding the extent of the deceased's estate and the intentions conveyed by the testator. There are three types of wills recognized: the open will (*openbaar testament*), which is made before a notary; the holographic will, written by the testator in their own handwriting; and the secret will (*geheim testament*), which remains confidential (Tim Hukumonline, 2024). The will made before a notary—an open will—is drafted in the form of an official deed (authentic deed) in the presence of two notarial witnesses, and it carries binding legal force, serving to protect the rights of the heirs from potential disputes. A notary is a public official authorized to draw up legal instruments on behalf of parties concerned (Legalitas.org, 2025). A notarial will contains a formal declaration of the testator's wishes concerning the distribution of their estate to their heirs. The will typically outlines the entirety of the testator's assets, including but not limited to real property, cash, gold, and other valuables intended to be inherited. As such, the statements contained in the will provide legal certainty and clarity regarding the allocation of the estate.

In principle, the drafting of any notarial deed must be based on the prevailing legal provisions in Indonesia, adhere to the principles of prudence, impartiality, and compliance with the law. However, a testamentary deed (will) specifically concerns the parties as heirs and the estate of the deceased, in which the rights of each party must be adequately protected. When a person, as the testator, intends to make a will before a notary, they are required to appear in person and disclose the entirety of their estate, identify all intended heirs, and designate the executor of the will. According to Article 832 of the Indonesian Civil Code (hereinafter referred to as the "KUHPerdata"), the lawful heirs entitled to inherit from the testator include the spouse and blood relatives, whether born in or out of wedlock, as long as such lineage is recognized by law. Blood relatives include all of the testator's children—both male and female—who are given priority as primary heirs. As children have the legal right to inherit the estate of their parents upon the parents' death, this right is affirmed in Law No. 1 of 1974, as amended by Law No. 16 of 2019 concerning Marriage (hereinafter referred to as the "Marriage Law"). The entire estate left by the deceased belongs to the heirs, as emphasized in Article 874 of the KUHPerdata, including any outstanding debts or receivables left by the deceased, which must be settled upon the testator's passing.

A dispute over inheritance arises when a will has been opened and follows the occurrence of the testator's death. Various factors may contribute to the emergence of such disputes, including the existence of a significant estate left by the deceased, as well as the heirs' lack of knowledge or limited understanding of the legal framework governing their respective rights and obligations in relation to the inheritance (Moechtar, 2019). Prior to the drafting of a testamentary deed, the testator must appear before a notary and express their final wishes to be recorded in the deed. The chosen notary is presumed to be competent, capable, and legally qualified to authenticate the will in accordance with the law. The process of drafting a will involves a reciprocal legal relationship between the notary and the client, in which the notary is obligated to provide services in compliance with the law—unless there are justifiable grounds for refusal—as stipulated under Article 16 paragraph (1) letter d of Law No. 2 of 2014 concerning the Amendment to Law No. 30 of 2004 on the Notary Position (hereinafter referred to as the "Notary Position Law"). Furthermore, under Article 15 paragraph (2) letter e of the Notary Position Law, notaries are also authorized to provide legal counseling in connection with the drafting of notarial deeds. Therefore, prior to the execution of a testamentary deed, it is the duty of the notary to assess whether the client's final wishes may be legally embodied in an authentic deed.

At the time the testator appears before the notary, they are entitled to express their final wishes to be recorded in a notarial deed. If the notary—who is presumed to possess the legal capacity to provide legal counsel—fails to uphold justice for the parties involved, this may potentially lead to an inheritance dispute. Therefore, the notary has the authority to refuse the execution of the deed in such circumstances. A notary is obligated to understand and be well-versed in the inheritance systems applicable in Indonesia. There are three prevailing inheritance systems: civil inheritance law, Islamic inheritance law, and customary inheritance law (Prayuti et al., 2024). Within these systems, the concept of *legitime portie* or the reserved portion constitutes a fundamental principle that must be fully understood by the notary. This statutory entitlement of heirs is inviolable and must not be disregarded under any circumstances (Agustin, 2023).

The division of *legitime portie* or absolute inheritance rights is clearly regulated under Article 913 of the Indonesian Civil Code, and further elaborated in Article 914 regarding the mechanism of distribution or portion (*portie*) of a decedent's estate. The concept of *legitime portie* is rooted in the

principle of justice, serving to protect the fundamental rights of heirs, even in the presence of a will that contradicts such rights. The provisions regarding *legitime portie* are mandatory legal norms (*ius cogens*), specifically established to safeguard the interests of the *legitimaris* or rightful heirs (Syaikh, 2018). In practice, the binding nature of these provisions entails two essential aspects (Haerul & Aswari, 2023): first, heirs are entitled to claim their *legitime portie* if their rights are infringed; and second, the testator is prohibited from making dispositions that diminish or eliminate the *legitime portie*. The distribution of *legitime portie* embodies the principle of justice aimed at protecting the heirs' entitlements despite the existence of contrary testamentary provisions.

The fundamental principle of *legitime portie* distribution must be reflected in the will executed by the testator and subsequently notarized to avoid potential legal disputes. Pursuant to Article 67 of the Notary Position Law, notaries are subject to the supervision of the Supervisory Council, established by the Minister, comprising the Regional Supervisory Council, the Provincial Supervisory Council, and the Central Supervisory Council, which are authorized to examine notaries for violations of professional ethics and duties, including holding hearings and imposing sanctions. Such decisions shall be reported to the Minister and the notarial professional organization.

Based on the background previously outlined, this research aims to examine in depth several legal issues concerning the execution of a will that potentially violates the provisions of the *legitime portie*—the compulsory portion of an inheritance that must be allocated to certain heirs. The primary focus of this study is to understand the extent of a notary's legal liability in cases where the execution of a will infringes upon the *legitime portie*, whether such infringement occurs intentionally or due to negligence. This issue is particularly significant, considering that notaries are public officials vested with authority by the state to ensure the legal certainty and validity of legal instruments, including wills. Moreover, this research seeks to identify and analyze the legal remedies available to heirs who believe that their rights have been violated or disregarded in the execution of a will. In this context, the provisions of civil law—particularly the Indonesian Civil Code, the Marriage Law, and the Notary Position Law—serve as the primary legal frameworks for evaluating the legal protection afforded to heirs. Equally important, this study also highlights the role and dispute resolution mechanisms employed by the Notary Supervisory Council when legal issues arise in the execution of wills involving notaries. By examining how the Council addresses and resolves inheritance-related disputes arising from alleged misconduct by notaries, this research aims to provide a comprehensive picture of the ethical and legal responsibilities of notaries, as well as the legal protections available to disadvantaged heirs.

RESEARCH METHOD

According to Peter Mahmud Marzuki, legal research methods are employed with the aim of addressing legal issues by identifying relevant legal rules, principles, and doctrines (Marzuki, 2019). This study adopts a normative legal research method. The specification of the research is based on statutory regulations and legal theories used to resolve the legal problems at hand. In this study, the legal sources include Law Number 2 of 2014 concerning the Amendment to Law Number 30 of 2004 on the Notary Position, the Indonesian Civil Code, Law Number 1 of 1974 as amended by Law Number 16 of 2019 on Marriage, and the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 15 of 2020 concerning Procedures for the Examination of Notaries by the Supervisory Council. The types and techniques of data collection used in this research are derived from primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials consist of statutory regulations (Matheus, 2021). Secondary legal materials are obtained through literature studies related to inheritance law from books and legal journals. Tertiary legal materials come from legal dictionaries. The research approach is conducted qualitatively by examining legal issues through a statutory approach. The technique of data analysis employed is deductive reasoning, using secondary data gathered from legal literature in the form of written legal materials, supported by previous theories related to *legitime portie* and the legal consequences arising from violations of such provisions.

RESULTS AND DISCUSSION

Liability of a Notary When Violating the Absolute Rights (*Legitime Portie*) in the Preparation of a Last Will Deed

The concept of absolute rights distribution, or *legitime portie*, refers to the heirs' entitlement to exercise their rights over the portion of the estate protected by law (Teguh, 2023). Pursuant to Article 913 of the Indonesian Civil Code, *legitime portie* is defined as the portion of the estate that must be allocated to heirs in a direct ascending or descending line according to their class, over which the deceased is prohibited from disposing—whether by inter vivos gifts or by will. The provisions regarding *legitime portie* or absolute rights are considered mandatory to safeguard the rights of heirs. The

mandatory nature of absolute rights in inheritance law serves as a regulating principle concerning the decedent's property during their lifetime as their authority. However, if the exercise of this authority exceeds the limits permitted by law, it entails legal risks in the future. The inheritance system under civil law follows an individual inheritance model, without distinction based on gender—whether male or female—and simultaneously applies the principle of *saisine*, whereby upon the death of the testator, by operation of law, all rights and obligations transfer to the heirs. These rights and obligations can be monetarily valued. Civil inheritance law requires that the estate be promptly distributed to those entitled (Amiati et al., 2023). While the testator retains the absolute right to manage their property according to their wishes, heirs also possess an absolute portion in the estate that must not be alienated or omitted from the inheritance (Onibala, 2019).

The concept of *legitime portie* or absolute portion in civil inheritance law holds a crucial position as it guarantees a minimum right that cannot be disputed or overridden by the testator, even through a will. This means that although a person may have made a testamentary disposition regulating the distribution of the estate, the absolute rights of the heirs—such as legitimate children—must still be respected and cannot be unilaterally diminished. This provision aims to prevent injustice in inheritance, particularly toward heirs with a legally recognized status. If inheritance is conducted without respecting the *legitime portie*, there is a high likelihood of disputes arising among heirs, especially when there is an imbalance in the division of the estate that is perceived as violating legal provisions. In such circumstances, the aggrieved heirs have the right to pursue legal remedies by filing a civil lawsuit in court. The legal basis for this can be found in Article 834 of the Indonesian Civil Code, which provides heirs the opportunity to claim their lawful inheritance rights.

Furthermore, the provisions regarding the size of the *legitime portie* are regulated under Article 914 of the Indonesia Civil Code, which states: if the testator leaves one legitimate child, the absolute portion is half of the entire estate; if there are two legitimate children, the absolute portion is two-thirds of the estate; and if there are three or more legitimate children, the *legitime portie* constitutes three-quarters of the entire inheritance. These provisions clearly demonstrate that *legitime portie* functions as a legal protection instrument granted by the state to heirs, preventing the testator from acting arbitrarily in drafting a will that could potentially exclude the rightful inheritance rights (Rudito, 2015).

A notary is a noble profession possessing legal expertise to assist in providing legal services to the community. A notary is appointed by the Minister of Law after completing education and passing the professional code of ethics. According to the Great Dictionary of the Indonesian Language, a code of ethics is defined as the norms and principles serving as the foundation of conduct. The notary's code of ethics serves as guidance, demands, and moral standards for the notary both personally and as a public official in the preparation of authentic deeds (Navisa & Sunardi, 2024). The notary profession is governed by the Notary Position Law. Notaries are supervised by the Supervisory Council of Notaries, which is an institution established by the Minister during the notary's tenure. The notary association, known as the Indonesian Notary Association, is the sole professional organization overseeing notaries. The primary authority of a notary is to prepare authentic deeds for interested parties as mandated by law, pursuant to Article 15 paragraph (1) of the Notary Position Law.

The obligations of a notary are regulated in Article 16 of the Notary Position Law. Article 16 paragraph (1) letter (a) requires a notary to act honestly, diligently, independently, impartially, and to safeguard the interests of the parties involved in the execution of a deed (Ananda et al., 2022). A notary must maintain professionalism, which is grounded in the code of ethics while carrying out their duties. In performing their profession, a notary possesses several authorities as stipulated in Article 15 of the Notary Position Law. Besides preparing authentic deeds, a notary is also obligated to provide legal counseling related to the preparation of such deeds (Deavinsa & Putra, 2022). Legal counseling means that before the parties sign the deed, the notary explains the possible consequences that may arise in the future, including the requirements needed for the execution of the deed (Djaja et al., 2023). This legal counseling includes providing information about the legal status and position of the parties, the conformity and fairness among the parties and the agreement, as well as the content of the deed. Legal consequences demonstrate how the law regulates and imposes effects on various actions and events in society.

In the Indonesian positive legal system, violations of legal provisions may give rise to various legal consequences that are imposed proportionally on the violators (Fari et al., 2024). One of the most recognized forms of legal consequence is criminal sanctions, which may include imprisonment, the death penalty, or fines. These sanctions are not only intended as a form of retribution for unlawful acts but also aim to provide a deterrent effect, maintain public order, protect society, and uphold a sense of justice. Apart from criminal sanctions, there are also administrative sanctions imposed on violations that are non-criminal in nature but still breach administrative norms, such as administrative fines or

revocation of certain permits. These sanctions are typically enforced by authorized government agencies or authorities and serve to ensure compliance with applicable laws and regulations in the administrative or governance domain. Furthermore, legal violations may also give rise to obligations for compensation, which involves payment to the party suffering losses as a result of unlawful conduct. Compensation serves as a form of restitution granted to the victim to restore the situation as closely as possible to its original state. Lastly, there are legal consequences in the form of revocation of certain rights from the offender, such as the cancellation of business licenses, permits, or other rights previously granted by the state. Such revocation aims to prevent the recurrence of violations in the future and serves as a form of oversight over the misuse of granted rights. These four types of sanctions illustrate how the legal system functions not only within the realm of criminal law but also in administrative and civil law aspects, thereby ensuring legal order and social justice (Laksmi, 2025).

Regarding the authority and responsibility of notaries in the execution of wills, there are explicit provisions stipulated in Article 16 paragraph (1) letters h through j of the Notary Position Law. These provisions emphasize that, in addition to acting as a public official authorized to draft authentic deeds (Ellyca & Wiryomartani, 2023), a notary also holds substantive administrative obligations to ensure orderly administration and legal certainty in the process of drafting wills. First, a notary is required to prepare and maintain a systematic register of wills according to the chronological order of deed creation for each month. This aims to facilitate easy traceability of such deeds and to provide organized authentic evidence when needed in the future. Second, the notary has the duty to submit the register of wills to the Central Wills Registry, a state-designated institution or system responsible for documenting and administering all wills executed by notaries within the jurisdiction of Indonesia. Third, as part of accountability and transparency, the notary must record the submission of the wills register in the *repertorium*, which is the official internal record book forming part of the notary's administrative duties. This recording must be carried out periodically at the end of each month as an administrative report. This series of obligations essentially demonstrates that the role of a notary in will-making extends beyond merely recording the testator's intentions; the notary also serves as the guardian of legal order and administrative certainty in the inheritance process.

In drafting a will, a testator typically owns assets and intends to bequeath his/her property upon death to prevent such assets from falling into the hands of unauthorized parties. The will obtains legal force through the assistance of an official, namely a notary, who authenticates the deed. The appointed notary listens carefully to the testator's entire wishes and transcribes the contents of the will into the deed. The will's contents must include a heading indicating the type of deed being made, as well as the day, date, and time of execution. The notary guarantees the certainty of time, confirming that the parties have appeared before the notary's office and met with the notary as the authorized official.

This constitutes the responsibility of the notary, ensuring that the deed is authentic and guarantees legal certainty related to the deed from beginning to end after the day, date, and time are recorded. The notary's name is indicated at the beginning of the deed as the authorized official certifying the deed. The inclusion of the day, date, time, and notary's name as the authorized official is referred to as the deed's heading, similarly to other types of deeds. The will deed contains the identity of the parties involved, including the name, nationality, address or residence, occupation, identification number, as well as place and date of birth. The testator will set forth his/her final wishes without the presence of witnesses other than those from the notary's office. The opening clause of the will's content must include the statement: "I hereby revoke and cancel all previous wills and other provisions that have the force of my last will made before today." Subsequently, the testator provides information regarding the identities of all heirs by specifying their names, nationalities, occupations, addresses, and identification numbers. After listing the heirs' identities, the testator will detail all assets owned, including but not limited to houses or land, money, deposits, bonds, savings, and others.

The testator is granted the full and free authority to determine the portion or share of the estate to be allocated to each heir, which may be partial or in full. The content of the will deed also includes the identity of the executor of the will, to whom all rights, authorities, and powers granted by law may be bestowed, in order to hold and manage the entire estate of the testator until complete validation and discharge (*volledig acquit et decharge*) are granted. The closing section, similar to other deeds, contains provisions whereby the appearing party guarantees the truthfulness of their identity in accordance with the identification data submitted to the notary, releases the notary from all claims, and confirms that the appearing party has understood and comprehended the contents of the will as read by the notary. The conclusion of the will deed also records the identities of two notary witnesses who have attended, understood, and comprehended the will deed made by the appearing party, and who have jointly signed the contents of the deed.

Before the will deed is executed by the respective notary, there must be communication between the appearing party and the notary, involving interaction and consultation between both parties. The authority of a notary includes providing legal counseling, which is conducted interactively between the appearing party and the notary to reflect fairness and authenticity of the deed being made. This serves to protect the notary from liability related to errors in the deed's preparation, as not all clients fully understand the legal regulations. Pursuant to Article 15 paragraph (2) letter e of the Notary Position Law, a notary has the authority to provide legal counseling regarding the deed to be made. This legal counseling includes matters relating to the condition, legal status of the parties, conformity and balance between the parties, as well as the agreement and contents of the deed (Tenggara, 2024). The legal counseling is conducted interactively between the appearing party and the notary to ensure fairness and authenticity of the deed, which benefits the notary by minimizing liability for errors in deed preparation. The role of the notary in the preparation of a will is crucial, as the notary supervises and advises to ensure that the contents of the will do not contravene laws, specifically the provisions concerning the *legitime portie* under Article 913 of the Indonesian Civil Code (Hermawan & Prananda, 2023). Violation of the *legitime portie* provisions results in injustice to the heirs and may render the validity of the will null and void (Laily, 2024).

Regarding the invalidity of a deed due to violations in its execution, the notary may be held accountable for errors in the deed caused by the notary concerned if the notary fails to properly exercise their authority and obligations. This is because a notary is obliged to provide legal counseling and explanations to the parties in accordance with statutory provisions to ensure that the deed does not conflict with the law and to prevent inheritance disputes. Inheritance disputes arise from various factors, and legal efforts to resolve such disputes are regulated under inheritance law. Essentially, inheritance must be distributed fairly or according to applicable provisions. Disputes over inheritance can be resolved through several methods, namely deliberation, judicial proceedings, and mediation (Huri, 2025). Resolution through deliberation or family consensus may be submitted to the court to obtain legal certainty; if a family-based agreement cannot be reached, the inheritance dispute may be brought before the competent court through a lengthy process involving costs and several trial stages, including appeals, cassation, and judicial review if any party remains dissatisfied.

Aside from judicial resolution, disputes can also be settled through mediation with the assistance of mediators either within or outside the court system. The result of mediation is a *vandaag deed* issued by the court. A will that violates the provisions of the *legitime portie* (mandatory portion) may result in the deed being null and void. The legal consequence for heirs regarding violations of the *legitime portie* is the possibility of claims against the will that prejudices their absolute rights. The law regulates the *legitime portie* to protect heirs by limiting the testator's freedom in making a will and providing for reductions if the will seriously violates the *legitime portie*, as heirs must receive their absolute portion of the testator's estate in accordance with Article 913 of the Indonesian Civil Code.

As a public official, a notary may be sanctioned if they violate prescribed procedures, and any such violation may give rise to legal liability in court, resulting in the deed potentially being declared null and void and the notary held responsible for the resulting losses. Several factors may cause a notary to be made a co-defendant if any party is dissatisfied with the deed created, such as when the deed violates statutory provisions, its contents harm the parties, or it violates Article 1320 of the Indonesian Civil Code (Lubis, 2021). A notary is deemed negligent in carrying out their duties if the will deed they draft violates the provisions of the *legitime portie*, because every deed must be based on the law. Before drafting a will deed, a notary is obliged to provide legal counseling to their client to ensure the deed does not violate statutory provisions and to prevent inheritance disputes.

If, in practice, a legal dispute arises resulting in a court claim related to a deed created by a notary, the notary concerned may be held legally accountable for their actions. This liability is not only formal legal responsibility but also includes moral responsibility and compliance with the notary's professional code of ethics (Putri et al., 2024). As a public official authorized to create authentic deeds, a notary is bound by ethical standards and legal provisions governing the execution of their office. This is explicitly regulated in Article 16 paragraph (11) of the Notary Position Law, which states that a notary who violates their obligations may be subject to sanctions, including written warnings, temporary suspension from office, or even permanent dismissal, either with respect or without respect (Muntafi & Zamzami, 2024). Such sanctions serve as a form of supervision and disciplinary enforcement to ensure that the notary profession maintains integrity, professionalism, and legal certainty in carrying out notarial duties.

Legal Remedies Available to Heirs in the Event of a Violation of Their Inheritance Rights

Heirs with Blood Relation are the parties who have the primary right to inherit the estate of a deceased testator. The Indonesian Civil Code regulates that heirs include the husband/wife and children

born from the marriage, who have the first right to inherit from the deceased. According to Article 42 of the Marriage Law, a legitimate child holds a civil status and relationship with both parents, thereby entitled to protection by the state. Legitimacy of a child is evidenced by a birth certificate, whereby every marriage recorded by the state is considered valid. If a marriage is not registered, it affects the status of children born from that unregistered marriage. The conditions for heirs to have the right to inherit include: the testator must be legally declared deceased, must leave behind assets, and the person who inherits the estate must be appointed based on a will.

In inheritance practice, one of the initial steps commonly taken by heirs is to approach a notary to request the creation of a Certificate of Inheritance. This certificate functions as a legal document stating who the rightful heirs of the deceased are and serves as an essential basis in subsequent legal and administrative processes, such as distribution of the estate or management of rights over land and buildings. In making such a certificate, a notary cannot simply rely on oral acknowledgments but requires legally valid supporting documents. Therefore, heirs are obliged to submit authentic documents proving their legal status and the identity of the deceased.

These documents typically include the death certificate of the deceased issued by the authorized agency or official as proof of lawful death. The marriage certificate of the deceased is also necessary to prove marital status impacting the civil relationship with heirs. Each heir must also provide copies of their personal identification such as identity cards and family cards to prove kinship and residence. Equally important, birth certificates of all heirs must be attached to demonstrate they are legitimate children or relatives of the deceased. If heirs are married, their marriage certificates must also be included to complete the legality of their civil status. All these documents serve as verification instruments for the notary to ensure the certificate produced is not only formally valid but also legally sound and substantively accountable.

Before a notary can draft and issue the Certificate of Inheritance, a crucial procedural step must be taken as a form of caution and professionalism in performing official duties. This begins with the verification and examination of the completeness of legal documents submitted by the parties appearing before the notary. In this context, the applicants, usually the heirs, have a legal and ethical obligation to provide truthful information and submit authentic, valid documents. As a public official authorized to make authentic deeds, the notary is responsible not only for administrative acceptance but also for verifying the validity and authenticity of these documents. Such documents as death certificates, birth certificates, marriage certificates, and identification are integral parts of the deed to be made.

Furthermore, to ensure that the deceased did not make a will that may affect the composition of the heirs' rights, the notary is required to submit an official request to the Ministry of Law and Human Rights of the Republic of Indonesia through the Directorate General of General Legal Administration, particularly the Will Registry Section under the Inheritance Subdirectorate. This request aims to check the central will registry for any wills made by the deceased prior to death. If a will is found, the notary will obtain detailed information including the date the will was made, deed number, the identity of the notary who drafted it, and limited content of the will. This information is crucial as the existence of a will can substantially influence inheritance rights and, in some cases, cause conflicts among heirs if not carefully considered.

As regulated in the Indonesian Civil Code, the inheritance system recognizes four classes of heirs with priority based on kinship with the deceased. The first class, which constitutes the primary heirs, consists of the surviving spouse and legitimate children or direct descendants of the deceased. The second class includes the deceased's parents and siblings. If no heirs exist in these two classes, inheritance rights pass to the third class, consisting of direct ancestors above the parents such as grandparents. Lastly, the fourth class includes uncles and aunts from both paternal and maternal sides up to the sixth degree of kinship from the deceased. Determining these classes is critical in inheritance practice as it directly affects who is legally entitled to receive a portion of the estate, especially if the deceased did not leave a valid will.

Legitime portie in the Indonesian civil inheritance law system, as stipulated in the Civil Code, is an absolute right vested in certain heirs that cannot be reduced or disregarded, even by the testator through a will. This right represents the minimum portion of the estate that must be granted to lawful heirs as defined by law. Therefore, notaries, as public officials authorized to create authentic deeds including wills, must have a thorough understanding of the provisions on *legitime portie* as stipulated in Articles 913 in conjunction with Article 914 of the Civil Code. Understanding the principle of fairness in inheritance is essential because errors in legal application by the notary may result in violations of the civil rights of heirs, particularly those classified as primary heirs. Article 128 of the Civil Code also affirms the principle of equality between male and female children in inheritance distribution, which means no gender discrimination is allowed in determining the share of the inheritance.

This aligns with Article 852 of the Civil Code which emphasizes that heirs from the preceding class cannot be displaced or bypassed by subsequent classes. The regulation concerning heir grouping in the civil law system aims to guarantee recognition and protection of rights for primary heirs such as children and the surviving spouse. If such rights are ignored — whether intentionally or due to negligence, such as unequal distribution or inheritance falling into the hands of unauthorized parties — it can cause losses that are not only material but also moral. Heirs harmed by violations of *legitime portie* have several legal remedies to claim restoration of their rights.

First, they may report the notary suspected of violating the code of ethics or dereliction of duty to the Regional Supervisory Council of Notaries. This report will be processed in an administrative and confidential ethics forum, where both the complainant and the respondent have equal opportunity to present arguments and supporting evidence. If proven that there has been a violation of the code of ethics or the Notary Position Law, the Council has authority to impose administrative sanctions ranging from written warnings to dismissal. Second, apart from the ethical channel, heirs also have the right to file a civil lawsuit based on Article 1365 of the Civil Code for acts against the law (*onrechtmatigedaad*). In such lawsuits, the civil court will examine whether the notary's act or omission has caused actual harm to the heirs' rights. The judge, acting as the enforcer of justice, has the authority to provide legal certainty and issue rulings for restoration of rights and/or compensation if unlawful acts by the notary are proven.

The Notary Supervisory Council's Role in Resolving Legal Issues Arising from Inheritance Disputes Involving Notaries

The Notary Supervisory Council, as stipulated in the Notary Position Law, is an official body vested with specific authority and responsibility to carry out the functions of guidance and supervision over the performance of duties and conduct of notaries (Saifulloh, 2022). This function includes efforts to ensure that notaries perform their duties in accordance with the applicable laws, regulations, and professional norms. Detailed provisions regarding the organizational structure, working mechanisms, procedures for the appointment and dismissal of the Council members, as well as budgetary regulations, are expressly governed by the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 16 of 2021. In particular, Article 27 of this regulation sets forth the authority of the Notary Supervisory Council, which encompasses various strategic duties, including the authority to conduct continuous guidance and comprehensive supervision over the exercise of notarial office. One of the essential authorities regulated under Article 27 letter (a) is the conduct of investigations into alleged violations committed by notaries, whether concerning their conduct or the performance of their official duties, thereby safeguarding the integrity and professionalism of the profession. Furthermore, pursuant to the provisions of Article 67 paragraph (2) of the Notary Position Law, the Notary Supervisory Council is divided into three levels: the Regional Supervisory Council, the Territorial Supervisory Council, and the Central Supervisory Council, each having roles and functions in accordance with the scope of their authority to ensure the effectiveness of supervision and guidance carried out comprehensively throughout the jurisdiction (Lahay et al., 2020).

The Regional, Territorial, and Central Supervisory Councils each have different scopes of authority as regulated. Specifically, the authority of the Regional Supervisory Council is detailed in Article 70 of the Notary Position Law. In practice, the Regional Supervisory Council is responsible for conducting hearings to assess and investigate alleged violations of the Notary Code of Ethics as well as breaches in the execution of notarial duties. Additionally, this Council is obligated to conduct periodic inspections of the Notarial Protocols at least once a year or more frequently if deemed necessary to maintain administrative order within the office. Regarding personnel management, the Regional Supervisory Council has the authority to grant leave to notaries for a maximum period of six months and to appoint substitute notaries based on proposals from the concerned notaries, thereby ensuring the continuity of service and official functions.

Moreover, in terms of archival management, the Council has the authority to determine the storage location of Notarial Protocols that have been in existence for 25 years or more upon handover and to appoint a notary who will act as the temporary custodian of the Notarial Protocols, especially when the concerned notary is appointed to a state office. Aside from supervisory and administrative duties, the Regional Supervisory Council also functions to receive reports from the public concerning alleged violations of the Notary Code of Ethics or breaches of the provisions in the Notary Position Law. All activities and findings obtained by the Regional Supervisory Council must be compiled into reports submitted to the Territorial Supervisory Council as part of a tiered coordination and supervisory mechanism to ensure accountability and transparency in carrying out supervisory duties over the notary profession.

The authority of the Territorial Supervisory Council is specifically regulated under Article 73 paragraph (1) of the Notary Position Law, which mandates this Council to perform supervisory and disciplinary enforcement functions at the territorial level (Ellyca & Wiryomartani, 2023). In the execution of its duties, the Territorial Supervisory Council is authorized to hold hearings to examine and decide on reports received from the public, which are generally submitted through the Regional Supervisory Council as the first channel. To ensure the examination process runs effectively, this Council also has the authority to summon the reported notary to provide clarification or statements concerning the received report. Additionally, the Territorial Supervisory Council has the authority to grant leave to notaries for a longer period, namely from more than six months up to one year, as an extension of the authority granted at the regional level. In cases where leave is denied by the Regional Supervisory Council, the Territorial Supervisory Council also holds the authority to review and decide on objections or appeals filed by the notaries applying for such leave. Regarding disciplinary enforcement, the Territorial Supervisory Council may impose administrative sanctions in the form of oral or written warnings to notaries proven to have committed violations. Furthermore, this Council is tasked with submitting proposals for more severe sanctions to the Central Supervisory Council, including temporary suspension for a period of three to six months, or even dismissal with dishonor, as a form of strict sanction for serious violations.

The authority of the Central Supervisory Council is explicitly regulated in Article 77 of the Notary Position Law, which designates this Council as the highest supervisory institution within the hierarchy of oversight over the notary profession. In performing its functions, the Central Supervisory Council has the authority to hold appellate hearings concerning decisions made by the Territorial and Regional Supervisory Councils, particularly regarding the imposition of disciplinary sanctions or denial of leave by notaries. In this process, the Central Supervisory Council has the right to summon the reported notary for a comprehensive examination to ensure justice and the accuracy of the decisions to be taken. Moreover, this Council holds the authority to impose temporary suspension sanctions on notaries found guilty of serious violations, as a firm measure to maintain the integrity and reputation of the profession (Putri et al., 2024). In addition, the Central Supervisory Council may submit proposals to the Minister of Law and Human Rights to impose heavier sanctions in the form of dismissal with dishonor, which constitutes permanent termination of office and represents the most severe consequence for violations of the Code of Ethics or statutory provisions committed by a notary.

In carrying out the supervisory function over the notary profession, there exists a hierarchical and interrelated relationship among the Regional, Territorial, and Central Supervisory Councils. This relationship is particularly important in the context of inheritance disputes involving notaries, especially when there are deeds suspected of causing harm to one party. The Regional Supervisory Council plays the initial role in receiving reports from aggrieved parties and then holds hearings to assess and examine alleged violations by the notary related to the dispute. Subsequently, the outcomes of the hearings and reports prepared by the Regional Supervisory Council are submitted to the Territorial Supervisory Council for further follow-up. At this stage, the Territorial Supervisory Council has the authority to summon the reported notary for a more in-depth examination. Based on the results of this examination, the Territorial Supervisory Council is entitled to impose sanctions according to the severity of the violation and within the limits of its authority. Should the dispute and violations require further handling or heavier sanctions, the authority to resolve the matter will be forwarded to the Central Supervisory Council.

Inheritance disputes constitute one of the legal issues frequently encountered by many families in Indonesia today. In this context, notaries, as public officials authorized to prepare deeds and written evidence, play a crucial role. Therefore, the notary profession is required to continuously develop knowledge, skills, and legal expertise to prevent the emergence of inheritance disputes that may harm the heirs. Inheritance disputes typically arise when the deceased leaves a will considered detrimental to some or all heirs, often resulting in the notary involved in preparing such deeds being named as a party sued in court proceedings. To ensure notaries' performance remains professional and compliant with laws and regulations, supervision over notaries is carried out in a tiered manner by the Notary Supervisory Council.

In handling inheritance disputes involving notaries, the Notary Supervisory Council acts as the body that examines and supervises the notary's performance to ensure that every action and decision taken by the notary complies with legal provisions and the notarial code of ethics. This supervision is conducted systematically and tiered, starting from the regional, territorial, to the central level. The role of the Notary Supervisory Council in inheritance disputes includes several key functions (Ananda et al., 2022): first, providing legal protection to parties involving notaries in disputes; second, conducting routine examinations of notaries to ensure compliance and professionalism in performing their duties;

and third, offering input and recommendations to the examining council to facilitate fair and wise decision-making in resolving the dispute. Furthermore, the Notary Supervisory Council is also obligated to summon all interested parties in the inheritance dispute to provide objective statements and to hold deliberations in a collegial manner aimed at achieving the best and just resolution for all parties involved.

CONCLUSION

Everyone undoubtedly wishes to avoid any form of adversity affecting themselves or their families. Conversely, each individual hopes for favorable and widely accepted outcomes arising from the decisions they make. In family life, each family member naturally shares a close bond with one another, which creates mutual interdependence in various aspects of life. Life itself is transient; therefore, before one's passing, a person generally wishes to express their final will. This final will is manifested in the form of a *testament* or *will*, which is made by a testator and intended for the benefit of heirs who will later inherit and manage the estate left behind. A will is typically made when a person possesses assets to be bequeathed and is commonly intended to avoid inheritance disputes. It is drawn up before an authorized official, namely a notary. A notary is a public official who is appointed by the Minister and is obligated to uphold the professional code of ethics. A notary is assigned within a specific jurisdiction in which members of the public may directly consult them regarding their legal needs.

A notary is deemed competent and qualified to provide legal solutions in accordance with statutory laws and regulations, especially in drafting *authentic deeds* that can serve as legal evidence for the parties involved. A notarial will is considered a crucial legal document due to its close connection with family matters, inheritance assets, and third-party interests. Essentially, a will is a person's final declaration before death, which includes the identity of the heirs and the distribution of the inheritance. The declaration made by the testator is not witnessed by external parties but is instead recorded solely in the presence of a notary. Although the contents of a will may be freely determined by the testator, the law imposes certain restrictions known as the *legitime portie* (compulsory portion). This refers to the statutory share as stipulated under Article 930 of the Indonesian Civil Code, which is mandatory in nature. The *legitime portie* exists to protect heirs and prevent inheritance disputes.

Nevertheless, inheritance disputes frequently arise within families and often involve notaries, particularly in relation to the distribution of the *legitime portie*. In such cases, the notary, as an authorized official, must be capable of providing legal counsel and is empowered to refuse the execution of a deed if it contravenes applicable laws. This is in accordance with Article 16 paragraph (1) letter e of the Notary Law. Should the notary violate such provisions, they may be named as a co-defendant and held liable for any deed that causes harm to the rightful heirs. Given the increasing number of disputes involving notaries, notaries are placed under the supervision of the Notary Supervisory Council, which operates at various levels to provide guidance, oversight, and disciplinary review concerning potential breaches of conduct and improper execution of the notarial office.

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