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The Role of the Notary in Making and Registering a Testament Deed

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Abstract. *Notary as a Public Official who has the authority to make authentic deeds as stated in Article 15 paragraph (1) of Act No. 2 of 2014 concerning the Office of a Notary, one of which is making a will. This study aims to identify and analyze the role of a notary in making and registering a will and testament at BHP Kota Semarang and the responsibilities of a notary who does not register the deed of testament he has made. The research method used is the sociological juridical research method. The research specification uses a descriptive type of analysis using primary data sources and secondary data. Methods of data collection through field studies and literature studies. The analytical knife in answering the problem uses the theory of authority and the theory of legal certainty. The results of the study show that the role of the Notary in making wills according to the Civil Code is in the form of: making Supercriptie Deeds relating to explanations regarding secret wills and signing the deed and keeping them, keeping wills, keeping wills, making deed of appointment of executors of wills, and making deed Appointment of the manager of the inheritor's assets. According to the Compilation of Islamic Law (KHI), the role of a notary in making wills is in the form of making wills and deed of revocation of wills. Then, the Notary also plays a role in registering the will at the Heritage Agency (BHP). Ensure that the will has been registered and registered with BHP. The responsibility of the notary if he fails to register the will is a substantive responsibility.*

Keywords: Deed;Heritage; Treasure.

1. Introduction

The Republic of Indonesia is a country that consists of several large archipelagos and has various tribes, customs, religions, which are based on Pancasila and the 1945 Constitution. The state guarantees the independence of each resident to embrace their own religion based on Belief in the one and only God. Every individual should have protection for himself, his person, his family, his honor,

his dignity, his property, and has the right to feel safe and get protection from threats of fear which are his human rights.[1]

Apart from being an individual being, humans are also social beings, where in fulfilling their needs, humans are still dependent on other people, even when they are about to die. Fulfillment of human needs which indirectly involves various interests, where these interests can be fulfilled in a way, namely the existence of a collaboration between the Notary and the heir to make a testament or will. Therefore, long before his death, a person often has certain intentions towards the assets left behind, so that a regulation is needed to regulate legal relations, namely what is called inheritance law, which according to Mr.A.Pitlo, namely:

> *"Inheritance law is a series of provisions in which, related to the death of a person, the consequences in the material sector are regulated, namely the result of the transfer of the inheritance of a person who died, to his heirs, both in their relationship between themselves and with other parties. third."*[2]

Inheritance laws that apply in Indonesia vary (pluralism in the field of inheritance law). This is due to the division of population groups since the reign of the Dutch East Indies. Residents in Indonesia are divided into 3 (three) groups that are subject to different civil laws as stipulated in Article 131 jo. Article 163 Indische Staatsregeling. The classification of the population in Indonesia is as follows:[3] European group, foreign eastern group (Chinese foreign eastern group, other foreign eastern group, and indigenous or native Indonesian group).

Regarding inheritance in general is regulated in the Civil Code Article 830 which states that inheritance occurs due to death.[4]Inheritance law is the law governing the transfer of assets left by someone who dies and the consequences for their heirs.[5] The Civil Code itself views the right to inherit as a material right over the assets of a deceased person (Article 528 of the Civil Code).[6]

There are 2 (two) types of inheritance according to the Civil Code, namely inheritance according to the law or by death or ab instetasto or without a will

[1]Habib Adjie, 2018, Indonesian Notary Law, Fifth Edition, PT. Refika Aditama, Jakarta, p.77.
[2]Ali Afandi, 1986, Inheritance Law, Family Law, Proof Law, Jakarta, Literacy, p. 7
[3]Wilyanto, "Responsibility of a Notary in Making a Certificate of Inheritance Rights", Thesis, University of Indonesia, 2008, p. 2-3
[4]Ni Putu Yuli Kartika Dewi, Ni Putu Purwanti, "Procedures for Claiming Inheritance by Heirs Who Previously Declared Lost Based on the Civil Code (Kuhperdata)", Kertha Semaya Journal, Vol. 03, No. 05, September 2015, p. 3
[5]Effendi Perjuanganin, 2001, Inheritance Law, Raja Grafindo, Jakarta, p. 3
[6]Djaja S. Meliala, 2012, Civil Law in BW Perspective, Nuansa Aulia, Bandung, p. 196

and inheritance by will or testament. If a person who is about to die does not stipulate everything regarding his inheritance, then with the death of that person he will leave an inheritance whose distribution of inheritance is carried out based on the law/ab intestato, whereas if that person has assets and before he dies has stated his will regarding his assets , which is stated in a deed is called inheriting based on Ad Testamento. Meanwhile, what is meant by a testament according to Ali Affandi is "a deed that contains a person's statement about what will happen after he dies, and which can be withdrawn by him".[7]

A testament is also a unilateral legal act. This is closely related to the "herroepelijkheid" (can be revoked) nature of the testament. Here it means that a testament cannot be made by more than 1 (one) person because it will cause difficulties if one of their actions will revoke the testament.[8]The notary has the duty and obligation to keep and send the list of wills he has made to the Probate Court and the Central List of Wills, as stipulated in Article 36 a of the Notary Office Regulations which states that:

> The notary is obliged within the first 5 (five) days of each month to send by register to the Probate Court, in whose jurisdiction the notary's domicile is located, a list relating to the previous calendar month with the threat of a maximum fine of IDR 50,- for each violation. From each delivery, a record is made in the repertorium on the day the delivery is made, with a maximum threat of IDR 50, - for each delay. If in the past calendar month the notary has not drawn up a deed, then he must send a written statement regarding this to BHP on one of the days specified for said delivery, with the threat of being fined a maximum of IDR 50, - for each -any delay.[9]

Notary as a Public Official who is authorized to make authentic deeds as stated in Article 15 paragraph (1) of Act No. 2 of 2014 Concerning the Position of Notary, must go through various stages or processes in carrying out the obligation to issue a Certificate of Inheritance, one of which is that the Notary must know clearly and it is certain that the deceased left a will or not.[10]

Currently there are only 5 (five) Heritage Centers in Indonesia, namely Jakarta, Semarang, Surabaya, Medan and Makassar, and each Heritage Center has work areas in level I and level II regions. The Semarang City BHP also takes care of the registration of wills which are carried out through standard operating procedures and can be made through online applications. Data related to the management

[7]Ali Afandi, Op. Cit., p. 14
[8]Hartono Soerjopratiknjo, Testamenter Inheritance Law, Notary Section of FH UGM, Yogyakarta, page 4.
[9]Lumban Tobing, 1982, Regulations for Notary Office, Erlangga, Jakarta, p. 237-238
[10]Clive Malvin Bayusuta and Marwanto, "The Role of a Notary in Making a Will (Testamen) in Denpasar", Journal of Kertha Semaya, Vol. 5 No. 3, June 2017, p. 2

of wills at BHP Semarang City includes inheritance from a woman named HILDA BURGEMEESTER for her children (she is the wife of HEER J. TN, J HOEBINK), inheritance of the late CH.EN WR VAN DRONGELEN in Ngawi to her son ERNESTINE LOUISE VAN DRONGELEN .

2. Research Methods

The research method used is the sociological juridical research method. The specification of this study uses a descriptive type of analysis. The author conducted a descriptive analytical research which aims to decipher the facts to obtain a general picture of the existing problems, examine and examine legal facts to find out how the making and registration of wills and testaments are made. Methods of data collection by observation and interviews. By collecting library materials obtained from literature or books related to problems and laws and regulations by reading, understanding, studying and citing materials related to the problem.

Data obtained from document studies and field studies after being completed and checked for validity will be analyzed qualitatively, then arranged systematically in order to obtain clarity from the problem and then drawn conclusions deductively, namely from general things to specific things

3. Results and Discussion

3.1. The role of a notary in making and registering testament wills at the Semarang City Heritage Hall

According to R. Subekti and R. Tjitro Sudibo, the word deed comes from the word "acta" which is the plural form of the word "actum", which comes from the Latin word which means deeds. Meanwhile, according to Sudikno Mertokusumo, a Deed is a letter that is signed, which contains events that form the basis of a right or agreement, which was made from the beginning on purpose for proof.

In his service to the community, the notary is obliged to carry out his position with full responsibility in serving the interests of the community or his clients who need his services. As is well known, one of the duties of a notary is to provide counseling and legal advice as well as an explanation of the law to the parties concerned.[11]

[11]The results of the interview with Dr. Widhi Handoko, SH, M.Kn as Notary & PPAT in Semarang City, on March 14 2022

The requirements that must be met by the client in making a testament act in order to be valid as an authentic deed are as follows:[12]

1. People who make wills have reached the age of 18 or who have married before reaching that age, as stipulated in article 897 of the Civil Code.
2. The person who inherits must have a sound mind, as stipulated in article 895 of the Civil Code.

According to article 895 of the Civil Code it states that:

3. Must comply with procedures stipulated by law, namely the client must be competent and able to perform legal actions.
4. One will only contains the will or will of one person, as stipulated in article 930 of the Civil Code, which states that: "In a single deed, two or more people are not allowed to state their will, either to favor a third person, or for basis of joint or reciprocal statements."
5. What are the contents of a will (grant will, erfstelling or inheritance testament, executive testamenter, codicil).

The process of making a will (testament act), a person who will make a will comes to a notary, and he must pay attention to special formalities so that the will is valid as an authentic deed. So this is stipulated in article 938 of the Civil Code which states that: "Each will with a public deed must be made before a notary in the presence of two witnesses."

Thus, the formalities that must be considered by a Notary in the process of making a will in general are:

1. The last will, which the maker of the will clearly notifies a notary, must be written by the notary in clear words.
2. In the presence of witnesses. The notary himself must read the deed to the will maker and after reading it, the notary must ask him whether what was read really contains his will.
3. The deed must be signed by the will maker, notary, and witnesses. This is in accordance with the provisions contained in article 939 of the Civil Code.
4. If the maker of the will testifies that he is unable to sign or is unable to sign the deed, the statement made by the will maker and the obstacles raised must be written down in the deed by the notary concerned. This is in accordance with the provisions contained in article 949 of the Civil Code.
5. The language written in the will (testament act) must be the same as the language used by the maker of the will when stating his final will.

[12]Ibid.

6. After the will is drawn up, every notary within the first five days of each month must report the will made by him to the Central Register of Wills (DPW) at the Department of Law and Human Rights.

The role of the Notary in making a testament deed must also be in accordance with the procedures for making a will testament, namely: Open or General Testament Procedures (Openbaar Testament), Written Testament Procedures (Olographis Testament), and Secret Testament Procedures (Geheime Testament)

Furthermore, the Notary will make a deed of address which is written on the cover and the deed is named "deed of superscription", in this deed the Notary concerned must write what is explained by the testator, namely that the letter contains a testament written by himself or another person, but signed by himself . After the address deed is drawn up, the deed must be signed by the testator, notary and witnesses.

The will from the maker of the will is given to the Notary for safekeeping. The storage is made deed of delivery (acte van depot). If the maker of the will dies, the Notary submits the will (testament) to the Probate Court (BHP) and then the Probate Court (BHP) opens, reads and hands it back to the Notary concerned.[13]

Therefore, the Probate Court (BHP) made 3 (three) official minutes, namely:[14]

1. Minutes of submission.
2. Minutes of the opening and reading of the will (testament).
3. Minutes of handing back the will (testament) to the notary concerned.

A notary who has carried out his duties and authorities properly can maximize his role as a notary, in this case making a will up to its registration with the BHP. The authority given to the Notary profession is mandated by law. This is in accordance with the theory of authority according to Philipus M. Hadjon. Authoritymust be based on existing legal provisions (constitution), so that authority is a legitimate authority. Officials (organs) in issuing decisions are supported by this source of authority. Authorities for government officials or organs (institutions) are divided into:

a. Authority that is attributive (original), namely the granting of government authority by legislators to government organs (attribute: toekenning van een bestuursbevoegheid door een wetgever aan een bestuurorgaan).

[13]The results of the interview with Mrs. Dini Kesumatuti, SH, MH, as the Head of the General Sub-Division of BHP Semarang City, on March 21, 2022
[14]Ibid.

b. Authority that is non-attributive (non-original), namely authority that is obtained due to the delegation of authority from other officials. Non-attributive authority is incidental and ends when the competent authority withdraws it.

3.2. Responsibilities of a Notary Who Does Not Register the Deed of Testament Testament He Has Made

Notaries in carrying out their duties, must carry out them with full responsibility. The notary's responsibilities in making this will include:

1. Moral Responsibility

A notary in carrying out his duties must be in accordance with legal requirements and the interests of the community, must not conflict with public order or decency. Regulations related to public order are directly related to the public interest, both regulations that are a mixture of civil law and public law, while regulations regarding good decency are those that have a relationship with the morals that apply in social life in society.

2. Ethical Responsibility

A notary in carrying out his position must haveskillssufficient law based on a sense of responsibility for the appreciation of nobility, dignity of position, values and ethics. For notaries, these requirements are not only demanded by law but also based on the trust given to them by the Law, namely Act No. 30 of 2004 concerning the Position of Notary, both from the nature of the notary's own position as well as the nobility and dignity of the position requires responsibility and personality as well as high legal ethics.

3. Legal Responsibilities

a. Formal terms. According to Article 39 Paragraph (2) UUJN states that:

"The appearer must be known by a notary or introduced to him by 2 (two) identifying witnesses who are at least 18 years old or married and capable of carrying out legal actions, or introduced by 2 (two) other appearers."

b. Material Aspect. The provisions in Article 58 Paragraph (1) UUJN state that:

"The notary makes a list of deeds, a list of legalized private letters, a list of privately made documents that are recorded, and a list of other letters required by this law."

The notary's responsibility in making a will must also be considered so that it is notexperiencemistake or loss for the testator. In the following, the author describes the responsibilities of a Notary in making a will:

1) Notary Responsibilities for the Process of Making a Will

The notary must try to find out that the identity and statement of the party/parties is the truth. Notaries can obtain such information from people they know and trust, or by looking at the National Identity Card (KYP) or passports and other documents from the people concerned and requesting information. This is important for the Notary to ensure that the person who comes before him is really the same person whose name is stated in the deed as this person is also known in the community.[15]

The process of making a will deed must comply with the provisions in the law according to the type of the will as described above. If a disabled person wants to make a will, according to Tan Thong Kie, a mute person cannot make a will with a public deed, but he can make a olographic will where he has to come personally to a Notary to save it and can make a secret will where he must write, date and sign themselves then close and seal, this is in accordance with Article 941 BW. Illiterate people can make a will with a general deed, cannot make a olographic will and can make a secret will as long as they can put their signature. As for deaf people, he can make a will with general words,[16]

2) Notary Responsibilities for the Contents of a Will

A will is an elaboration of legal recognition of human freedom, especially regarding his property, but against this freedom the Law provides for the following restrictions:[17]

a. The general prohibition, namely Fidei Commis, Article 879 BW strictly prohibits the appointment of jumping hands.
b. Specific prohibitions
    1) The will is addressed to certain people or groups of people:
        a) Husband and wife who married without permission,
        b) Husband/wife in second marriage,
        c) A stipulation of a grant/will whose amount exceeds the testateur's rights in the assets of the association,

[15]GHS Lumbun Tobing, 1999, Regulations for Notary Office, Erlangga, Jakarta, p.178-179.
[16]Tan Thong Kie, 2000, Book I of Notary Studies – Several Subjects and Miscellaneous Notary Practices, Van Hoeve's New Ichtiar, p.280
[17]J. Satrio, 1992, Inheritance Law, Alumni, Bandung, p. 210-234

d) Guardians, minors, even if they have reached the age of 18, are not allowed to make wills of assets for the benefit of their guardians,
e) teachers and priests,
f) Notaries and witnesses.
g) Child out of wedlock.

The will deed is a partij deed, so the contents of the will (or whatever the parties have agreed to in the deed) and all its legal consequences are not the responsibility of the notary because the notary only confirms the statement/will of the parties and puts it into a deed.[18]

3) Responsibilities of a Notary to a Will Maker

The responsibility of a Notary is not only for the procedure for making a will and the contents of the will, but also for the maker of the will. The notary must pay attention to whether the will maker has fulfilled the requirements for making a will.

A Notary must first check and examine the truth of every document and letter from the parties who appear before him and if it turns out that someone has provided incorrect or false information, that person must be held accountable according to law. If it can be proven that the statements of the identifying witnesses are incorrect, it will result in the deed not having authentic force, as stipulated in Article 1877 BW. In this case, the Notary is released from all responsibilities as long as the mistake is not made by the Notary. This is the responsibility of the Notary, if the Notary already knows that the statement is incorrect and continues to draw up a deed based on false information, it means that the Notary is wrong and can be prosecuted.

Then, the Notary's responsibility towards the will maker does not only end there, but up to registering the deed of will with BHP. The responsibility of a Notary who does not register and report a will in accordance with the UUJN is a positional responsibility in which a Notary does not register and report a will which is a violation of the obligations stated in the Indonesian Notary Code of Ethics that the Notary is obliged to the attitude, behavior, actions , or mandatory or obligatory actions that assume and carry out the position of

[18]GHS Lumban Tobing, Op. Cit, p. 51

Notary Public in order to maintain the image and authority of a notary institution and the nobility of the position and dignity of a Notary Public.[19]

One of the responsibilities of a Notary in managing the making of a will deed is being responsible for reporting wills. The following is the procedure for reporting wills based on Permenkumham Number 60 of 2016:

a. Notaries are required to make a List of Deeds or a List of Nil relating to Wills.
b. List of Deeds or List of Nil must be reported to the Central List of Wills.
c. Reporting on the List of Deeds or the Zero List is done electronically through the official website of the Directorate General of General Legal Administration, Ministry of Law and Human Rights.
d. Reporting on List of Deeds or List of Nil is submitted within a period of no later than 5 (five) days in the first week of each following month. (every 5th of every month). Reporting of the List of Deeds includes:
    1) General testament
    2) olographic testament;
    3) Testamentary Grants;
    4) Secret or closed will; or
    5) Repeal of Will.
e. The notary is responsible for the correctness of the data in the List of Deeds or List of Zeros reported to the Central Register
f. Reporting of the List of Deeds is subject to a fee in accordance with the provisions of the laws and regulations in the field of Non-Tax State Revenue that apply to the Ministry of Law and Human Rights.
g. No fee is charged for Zero List reporting.
h. List of Deeds or List of Nil that have been reported by the Notary electronically is stored in the Central List of Wills database.
i. The Notary is required to keep proof of electronic reporting on the List of Deeds or the Zero List; and proof of payment of non-tax state revenue.
j. Evidence of electronic reporting is submitted to the local Notary Supervisory Board (MPDN) every month.

Regarding the registration of the deed of will which is the obligation of a Notary and anything that is violated will have a loss. For the community, especially the parties, there is no legal certainty. For the Notary, legal

[19]Mahalia Nola Pohan, 2011, "An Overview of the Cancellation of Notary Deeds whose Signing Was Done in a Detention House", Thesis, Master of Notary Publication, University of North Sumatra, p. 11

problems will arise not immediately, but in the future.[20]A notary who neglects his position either intentionally or unintentionally will be subject to sanctions. UUJN states that the lightest sanction is a written warning, the second sanction is a temporary dismissal and the third sanction is an honorable discharge. The final sanction is dishonorable dismissal. The sanction is an internal sanction, namely the imposition of administrative sanctions as an administrative responsibility by a Notary.[21]The sanction was imposed by the Notary Supervisory Board as a means, effort and means of forcing the obedience and discipline of a Notary in carrying out the position of a Notary.[22]

The notary's responsibility in terms of the code of ethics is seen in the relationship between the notary's position and the notary organization regulated through the notary's code of ethics. So, the Notary in his oath has promised to maintain his attitude, behavior and will carry out his obligations in accordance with the professional code of ethics, honor, dignity and responsibility as a Notary.[23]With this relationship, a Notary who ignores the nobility of the dignity of his position can be subject to moral sanctions, reprimanded or dismissed from his membership position, can also be dismissed from his position as a Notary.[24]

The sanctions described in the Code of Ethics for Notaries of the Indonesian Notary Association are in the form of reprimands, warnings of temporary dismissal from association membership, honorable discharge from association membership and dishonorable discharge from association membership. The imposition of sanctions is adjusted to the quantity and quality of violations committed by the Notary.[25]It is the Central Honors Council that decides and imposes sanctions on the Notary who commits the violation.

[20]The results of the interview with Dr. Widhi Handoko, SH, M.Kn as Notary & PPAT in Semarang City, on March 14 2022
[21]Roeri Andriana and Munsharif Abdul Chalim, "Legal Consequences for Notaries Who Reject Protocols from Other Notaries", Journal of Deeds, Vol. 4 No. 2, June 2017, p.226
[22]Yopi Rachmad Affandi Pohan, "The Role of the Notary Honorary Council on Notary Deeds with Criminal Indications According to Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions", Premise Law Journal, Vol. 21, 2017, p.13
[23]Umi Mamlu'ul Hikmah, et al, "Responsibility of a Notary in Making a Simulation Agreement in the Form of a Notary Deed in View of the Law of the Agreement", Journal, 2016, p.19
[24]Leovin Ginho, "Analysis of Notary Practices Defined as Law Violations at the Medan Police", Premise Law Journal, Vol. 21, 2017, p.7
[25]M. Edwin Azhari and Djauhari, "Notary Responsibilities in Making the Deed of Nominee Agreement in Relation to Land Ownership by Foreigners in Lombok", Journal of Deeds, Vol. 5 No. 1, 2018, p.48

The decision of the Honorary Council in the form of a reprimand or warning cannot be appealed, however, the decision of the Honorary Council or Regional Honorary Council in the form of temporary dismissal or honorable and dishonorable dismissal from association membership can be appealed to the Central Honorary Council. The decision of the Central Honorary Board of first instance in the form of temporary dismissal or dishonorable dismissal from membership of the association may be appealed to Congress. In addition, the Central Honorary Council is also authorized to provide recommendations along with suggestions for dismissal as a Notary to the Ministry of Law and Human Rights of the Republic of Indonesia.[26]

In addition, notaries can also be sued civilly if they neglect their obligations in registering and reporting wills by other people, especially by the giver and recipient of a will, where the notary's responsibility is related to moral norms which are a measure for a notary to determine right or wrong and good. or bad actions taken in carrying out his position.[27] The form of responsibility of a Notary in the field of civil law is a sanction in the form of compensation costs and interest as a result that the Notary will receive.[28] This is in accordance with Article 16 paragraph 12 UUJN. Before a Notary is subject to civil sanctions, it must first be proven that:[29] There is a loss, between the loss suffered and the breach or negligence of the notary there is a causal relationship, the violation (action) or negligence is caused by an error that can be accounted for by the notary concerned.

Seeing whether there is a causal relationship between the act of loss, there are two theories that explain it, namely:[30] Theory of Conditio Sine Qua Non from Von Buri and Theory of Adequate Veroorzaking from Vries. Claims against a Notary from the civil realm as a result of a Notary's deed have the power of proof as a private deed or null and void of course based on the existence of:[31]A typical legal relationship between the Notary and the appearers in the form of an Unlawful Act, and Carelessness, inaccuracy and imprecision in the administrative technique of making deeds based on UUJN and the application of various legal rules contained in the relevant deed for

[26]I Gusti Agung Oka Diatmika, "Legal Protection of the Position of Notary in Relation to Allegations of Malpractice in the Process of Making Authentic Deeds", Scientific Journal of Notary Masters Study Program, 2017, p.155
[27]Triyanto Setto Prabowo, "Responsibility of a notary who is currently an apprentice to the success of the deed", Repertorium Journal, Vol. 4 No. 2, 2017, p.74
[28]The results of the interview with Dr. Widhi Handoko, SH, M.Kn as Notary & PPAT in Semarang City, on March 14 2022
[29]Vina Akfa Dyani, "Legal Responsibility and Legal Protection for Notaries in Making Partij Acte", Lex Renaissance Journal, Vol. 2 No.1, 2017, p.168-169
[30]R. Setiawan, 1989, Fundamentals of Civil Law, Cipta Bina, Bandung, p. 25
[31]Habib Adjie, 2008, Indonesian Notary Law, Refika Aditama, Bandung, p.20

appearers, which are not based on mastery knowledge in the field of Notary in particular and law in general.

4. Conclusion

The role of a notary in making a will according to the Civil Code is in the form of: mmaking Superscriptie Deeds relating to explanations regarding secret wills and signing said deed and keeping them, keeping wills, keeping wills in a state of war, people who sail, or those who are in places where contact with the outside world is prohibited due to illness, making the deed of appointment of the executor of the will, and draw up the deed of appointment of the manager of the heir's assets. Role of Notaryin making wills according to the Compilation of Islamic Law (KHI) in the form of making wills and making deeds of revocation of wills. Then, the Notary also plays a role in registering the will at the Heritage Agency (BHP). Ensure that the will has been registered and registered with BHP.The responsibility of the notary if he fails to register the will is a substantive responsibility, namely the notary must send a report on the will made before him to the Central Register of Wills in accordance with Article 16 paragraph (1) letter j of Act No. 2 of 2014 concerning the Position of Notary which states that sending the list of deeds referred to in letter i or the list of nil relating to wills to the Central List of Wills at the Ministry that administers government affairs in the field of law within 5 (five) days in the first week of each month thereafter.

5. References

Journals:

[1] Andriana, Roeri dan Munsharif Abdul Chalim. 2017. "Akibat Hukum Bagi Notaris yang Menolak Protokol dari Notaris Lain", *Jurnal Akta, Vol. 4 No. 2, Juni 2017.*

[2] Azhari, M. Edwin dan Djauhari. 2018. "Tanggung Jawab Notaris dalam Pembuatan Akta Perjanjian Nominee dalam Kaitannya dengan Kepemilikan Tanah Oleh Warga Asing di Lombok", *Jurnal Akta, Vol. 5 No. 1.*

[3] Bayusuta, Clive Malvin dan Marwanto. 2017. "Peran Notaris dalam Pembuatan Akta Wasiat (Testamen) di Denpasar", *Jurnal Kertha Semaya, Vol. 5 No. 3, June 2017.*

[4] Dewi, Ni Putu Yuli Kartika dan Ni Putu Purwanti. 2015. "Tata Cara Penuntutan Hak Waris Oleh Ahli Waris Yang Sebelumnya Dinyatakan

Hilang Berdasarkan Kitab Undang-Undang Hukum Perdata (Kuhperdata)", *Jurnal Kertha Semaya, Vol. 03, No. 05, September 2015.*

[5] Diatmika, I Gusti Agung Oka. 2017. "Perlindungan Hukum terhadap Jabatan Notaris Berkaitan dengan Adanya Dugaan Malpraktek dalam Proses Pembuatan Akta Otentik", *Jurnal Ilmiah Prodi Magister Kenotariatan.*

[6] Dyani, Vina Akfa. 2017. "Pertanggungjawaban Hukum dan Perlindungan Hukum bagi Notaris dalam Membuat Partij Acte", *Jurnal Lex Renaissance, Vol. 2 No.1.*

[7] Ginho, Leovin. 2017. "Analisis Adanya Praktek Notaris yang DItetapkan sebagai Pelangaran Hukum di Polresta Medan", *Premise Law Jurnal, Vol. 21.*

[8] Handoko, Widhi. 2022. Hasil wawancara dengan Notaris & PPAT di Kota Semarang, pada tanggal 14 Maret 2022

[9] Hikmah, Umi Mamlu'ul dkk. 2016. "Tanggung Jawab Notaris dalam Membuat Perjanjian Simulasi yang Berbentuk Akta Notaris Ditinjau Dari Hukum Perjanjian", *Jurnal*.

[10] Pohan, Yopi Rachmad Affandi. 2017. "Peran Majelis Kehormatan Notaris terhadap Akta Notaris yang Berindikasi Pidana Menurut Undang-Undang Nomor 2 Tahun 2014 tentang Perubahan Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris*", Premise Law Jurnal, Vol. 21.*

[11] Prabowo, Triyanto Setto. 2017. "Tanggung Jawab Notaris yang Sedang Magang terhdap Keberhasilan Akta", *Jurnal Repertorium, Vol. 4 No. 2.*

Books:

[1] Adjie, Habib. 2008. *Hukum Notaris Indonesia*, Bandung : Refika Aditama.

[2] Adjie, Habib. 2018. *Hukum Notaris Indonesia*, Cetakan Kelima, Jakarta : PT. Refika Aditama.

[3] Afandi, Ali. 1986. *Hukum Waris, Hukum Keluarga, Hukum Pembuktian*, Jakarta: Bina Aksara.

[4] Kie, Tan Thong. 2000. *Buku I Studi Notariat – Beberapa Mata Pelajaran dan Serba-Serbi Praktek Nottaris,* Ichtiar Baru Van Hoeve.

[5] Meliala, Djaja S. 2012. *Hukum Perdata Dalam Perspektif BW*, Bandung : Nuansa Aulia.

[6] Perangin, Effendi. 2001. *Hukum Waris*, Jakarta : Raja Grafindo.

[7] Satrio, J. 1992. *Hukum Waris*, Bandung : Alumni.

[8] Setiawan, R. 1989. *Pokok-Pokok Hukum Perdata*, Bandung : Bina Cipta.

[9] Soerjopratiknjo, Hartono. tt. *Hukum Waris Testamenter*, Yogyakarta : Seksi Notariat FH UGM.

[10] Tobing, G.H.S. Lumbun. 1999. *Peraturan Jabatan Notaris*, Jakarta : Erlangga.

[11] Tobing, Lumban. 1982. *Peraturan Jabatan Notaris*, Jakarta : Erlangga.

Regulation:

[1] The 1945 Constitution of the Republic of Indonesia.

[2] Code of Civil law.

[3] Act No. 2 of 2014 Amendment to Act No. 30 of 2004 concerning the Position of Notary.

[4] Regulation of the Minister of Law and Human Rights Number 27 of 2013 concerning Applications for Permits to Execute the Sale of Assets whose Owners Are Declared Absent and Unmanaged Relics Under the Management and Supervision of the Probate Court