SANLaR Sultan Agung Notary Law Review
Sultan Agung Notary Law Review
ISSN 2686-4428
published by Master of Notarial Law Faculty of Law Universitas Islam Sultan Agung Semarang
Volume 7 No. 4, December 2025
SINTA 5 (Decree No.204/E/KPT/2022)

Notary's Responsibility for the Inheritance Deed Regarding Legal Risks for the Heirs

Katon Wicaksono
Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,
E-mail: katonwicaksono.std@unissula.ac.id

Abstract. *This study discusses the notary's responsibility for inheritance certificates regarding legal risks for heirs. Inheritance issues are one of the issues that often cause disputes. Inheritance is closely related to property. Conflicts about inheritance generally revolve around two things: who is the heir and how much each heir's share is. A notary is a public official who is solely authorized to make authentic deeds. One of the deeds made by a notary is an Inheritance Certificate. The objectives of this study are to analyze: 1) The notary's responsibility for the inheritance certificate he/she makes. 2) The legal provisions in making inheritance certificates to avoid legal risks for heirs. This research method is normative juridical research with a statute approach. The type of research is normative. The data sources in this study are secondary data, consisting of primary legal materials, secondary legal materials, and tertiary legal materials. In this study, data collection was carried out through a literature study and then analyzed using legal prescriptive methods. The results of this study indicate that the notary's responsibility for the deed of inheritance statement he made has a big influence on the heirs, because if the making is not in accordance with the applicable provisions, it will cause disputes. In making a deed of inheritance statement, the notary must be careful in making the deed of inheritance because it can cause undesirable things and legal provisions in making a deed of inheritance statement to avoid legal risks for the heirs. In making a deed of inheritance statement, the community must pay attention to the legal provisions or conditions that must be met, so that the heirs avoid legal risks and the notary avoids legal risks, the notary before making a Certificate of Inheritance, the notary needs to carry out formalities such as viewing and examining documents related to the Inheritance and on the basis of these documents a Deed of Declaration of Heir is made.*

Keywords: *Inheritance; Legal; Notary; Responsibility.*

1. Introduction

Inheritance issues are a frequent source of disputes, leading to family breakdown, and even to the point of taking one's life. This is generally due to the perception that inheritance is closely linked to property, with the assumption that heirs will receive the property regardless of the amount, thus triggering family divisions.[1]

Inheritance lawregulated in Book II, along with objects in general. This is because the view that inheritance is a way to obtain property rights is actually too narrow and can lead to misunderstandings, because what is transferred in inheritance is not only property rights, but also other property rights (property rights) and in addition, obligations included in property law.[2]

ConflictInheritance issues generally revolve around two things: who the heirs are and how much each heir's share is. The rest is a derivative of those two issues. It's also possible that inheritance issues are regulated in detail and clearly in various regulations. At the very least, no one will ever escape inheritance issues, where someone can be both an heir (the giver of the inheritance) and/or an heir (the recipient of the inheritance). Although classified as a civil matter, it's not uncommon for it to develop into a criminal matter.

A notary is a public official authorized to make authentic deeds and other authorities as referred to in Law Number 2 of 2014 concerning the amendment to Law Number 30 of 2004 concerning the Position of Notary (hereinafter referred to as UUJNP). In its explanation, it is stated that a notary is a public official authorized to make authentic deeds as long as the making of certain authentic deeds is not specifically for other public officials. The need for written agreements to be made before a notary is to guarantee legal certainty and to fulfill the law of strong evidence for the parties entering into the agreement.[3]

A notary is a public official who is solely authorized to make authentic deeds concerning all acts, agreements and determinations that are desired to be stated

---

[1]Osgar S. Matompo and Moh. Nafri Harun. (2017). Introduction to Civil Law. 1st ed. Setara Press. Malang. p. 1.

[2]Said Ali and Wira, "Legal Protection for Heirs Against Inheritance Transferred Without the Consent of All Heirs", Journal of Law & Notary Student Affairs, Volume 1, Number 1, December 2021, page 280, https://repository.unissula.ac.id/30778/2/21302000050_fullpdf, accessed on November 26, 2025, at 09.00 WIB.

[3]Abdul Jalal, Suwitno, Sri Endah Wahyuningsih, "The Involvement of Notary Officials in Unlawful Acts and Participation in Criminal Acts in Document Forgery", Jurnal Akta, Volume 5 Number 1 March 2018, page 228, https://repository.unissula.ac.id/33507/1/Magister%20Kenotariatan_21302200042_fullpdf, accessed on November 26, 2025, at 12.00 WIB.

in an authentic deed, guarantee the certainty of the date, keep the deed and provide grosse, copies and extracts, all as long as the deed is not assigned or excluded by a general regulation to another official or person.[4]

A notary must be able to differentiate between family relationships and work relationships and must demonstrate objective, impartial, non-material characteristics (regarding notary fees), and be able to keep secrets. Talking about notaries means we are talking about the authenticity of documents. That is one of the reasons people visit a notary. Everything that is written and stipulated (konstatir) is true and the creation of strong documents in a legal process. Article 1867 of the Civil Code (hereinafter referred to as the Civil Code).

One of the deeds made by a notary is a Certificate of Inheritance. A Certificate of Inheritance is required in the case of changing the name on a land certificate. This is explained in the explanation of Article 42 paragraph (2) of Government Regulation Number 24 of 1997 concerning Land Registration.[5]Land has become one part of legal development, especially because land resources directly touch the needs of life and human life in all levels of society, both as individuals, members of society and as a nation. Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA) which was issued in order to realize the mandate of Article 33 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia, is the first national law produced 15 (fifteen) years after the independence of the Republic of Indonesia, the provisions contained in the articles of the UUPA are the embodiment of the principles of Pancasila.[6]

The explanation above explains that the Certificate of Inheritance is one of the important requirements in the land registration process. The subjects of inheritance law are the heir and the heirs. This subject of inheritance law is very important, considering that this Certificate of Inheritance serves as evidence for parties claiming themselves as heirs, and in turn serves as a basis for claiming certain rights to objects or property rights as objects of inheritance. In principle, the inheritance law system, both Civil Code, Customary Law, and Islamic Law, has determined who is included as an heir. Regarding the object of inheritance, in customary law and Islamic inheritance law, what is entitled to the heirs is the net

[4]Udin Nasrudin. (2016). Heirs' Statements in the Pluralism of the Inheritance Legal System in Indonesia from the Perspective of Notary Authority. Surakarta. p. 14.
[5]Denny Widi Anggoro, Miya Savitri, "Normative Juridical Review of the Transfer of Land Rights Due to Inheritance According to Government Regulation Number 24 of 1997 Concerning Land Registration", Journal of Legal Panorama, Volume 1 Number 1, Malang, Faculty of Law, Kanjuruhan University, Malang, 2016, p. 77, https://repository.unissula.ac.id/33507/1/Magister%20Kenotariatan_21302200042_fullpdf, accessed on November 26, 2025, at 13.00 WIB.
[6]Maria SW Sumardjono. (2008). Land in the Perspective of Economic, Social and Cultural Rights. Kompas Publisher. Jakarta. p. 4.

assets after deducting all obligations of the testator.

The responsibility of a notary as a public official in the preparation of authentic deeds plays a very important role in maintaining the integrity, validity, and legal certainty in legal transactions. One of the important duties of a notary is the preparation of a certificate of inheritance, where the notary plays a role in preparing documents that regulate the distribution of inheritance assets to the entitled heirs. However, there are situations where the notary is involved in the preparation of a certificate of inheritance that does not involve one of the heirs who should be entitled to receive a portion of the inheritance. Therefore, this aspect will be further examined, namely whether the notary is responsible for the Certificate of Inheritance that he/she makes so that the notary can make the certificate properly, correctly and produce a quality certificate.

2. Research Methods

The type of research used in this study is normative legal research, using a normative juridical approach, with a statute approach. This means that the researcher uses statutory regulations as the initial basis for analysis. Furthermore, in this study, the author also uses a conceptual approach. The conceptual approach is intended to analyze legal materials to understand the meaning contained in legal terms. This is done in an effort to obtain new meanings contained in the terms studied, or to test these legal terms in theory and practice.[7]

3. Results and Discussion

3.1. Notary's Responsibility for the Deed of Inheritance that he/she has prepared.

Notaries in their obligation to fulfill the wishes of the person appearing in making a notarial deed often act carelessly which results in legal problems, both in the realm of criminal law and civil law, this is because the party making the authentic deed provides false documents or provides false information to the notary or the notary concerned intentionally together with the person appearing commits an unlawful act which gives rise to legal problems regarding the authentic deed he made.[8]

---

[7]Hajar M. (2015). Approach Models in Legal and Fiqh Research. UIN Suska Riau. Pekanbaru. p. 41.

[8]Shafira Meidina Rafaldini, Anita Afriana, Pupung Faisal, "Inheritance Certificate Containing Incorrect Information in Relation to Its Probative Power as an Authentic Deed," Journal of Civil Procedure Law, Volume 6 Number 1 (January-June 2020): 65, https://scholarhub.ui.ac.id/cgi/viewcontent.cgi?article=1071&context=notary, accessed on November 26, 2025, at 20.00 WIB.

The legal consequences of an authentic notarial deed made by a notary who commits an unlawful act due to negligence in making the deed (content) are the loss of authenticity of the deed and it becomes a private deed and the authentic deed can be cancelled if the party making the claim can prove it in court, because the making of an authentic deed must contain external, formal and material elements, or one of these elements is incorrect and gives rise to a criminal or civil case whose untruth can then be proven.

If in making the Deed of Inheritance, the notary makes a mistake in mentioning or listing the names of the heirs or the respective portions of each heir, thus causing a loss to the client, then the notary is responsible for the loss. In making this Deed of Inheritance, the notary is required to be very careful in terms of putting what the client wants into a deed, because the burden of responsibility will continue for the life of the notary. The Deed of Inheritance made by a notary is an authentic deed and therefore has the power of proof.

A notary, as a public official authorized to create authentic deeds, can be held responsible for his or her actions related to the creation of those deeds. The notary's authority or duty is to create authentic deeds.[9]As a perfect evidence (Article 1870 of the Civil Code). A deed made by a notary has an authentic nature not because the law stipulates so but because the deed is made by or before a notary as a public official authorized to do so as referred to in Article 1868 of the Civil Code.

As a public official who has the authority to make authentic deeds and as an official who is given other authorities as stated in Article 15 of the UUJN,[10]Notaries are naturally accountable for the legal products they create, especially when there are procedural or substantive inconsistencies as stipulated in statutory provisions. Regarding notarial liability, there are three forms of notarial liability: civil liability, criminal liability, and administrative liability.

The problem is centered on one of the heir's children who is not listed in the Inheritance Statement, meaning that the problem is related to the children who were born. Before making an Inheritance Statement, the notary needs to make a Deed of Declaration of the heirs first and examine the completeness of the documents related to the inheritance. If the notary has carried out all the procedures, meaning that the documents submitted and examined are in

[9]GHS Lumban Tobing. (1999). Regulations on the Position of Notary. Erlangga. Jakarta. p. 37.
[10]Rizki Nurmayanti, Akhmad Khisni, The Role and Responsibilities of Notaries in the Implementation of Cooperative Deed Making, Jurnal Akta, Vol. 4 No. 4 December 2017, page 611, https://repository.unissula.ac.id/30778/2/21302000050_fullpdf.pdf, accessed on November 26, 2025, at 15.00 WIB.

accordance with what is stated later in the Deed of Declaration, then the notary here when making the Inheritance Statement based on the Deed of Declaration does not contain any element of error in an Unlawful Act. Even though the Inheritance Statement is based on the description of the elements of an Unlawful Act, some are fulfilled, however, the act of issuing the Inheritance Statement does not contain any element of intent and there is no element of negligence in making the Inheritance Statement, however, there is a justification because the notary has carried out his authority according to procedure and carried out the notary's legal obligations as stated in Article 16 paragraph (1) letter a UUJN.

In determining whether the notary has committed a criminal act in the form of falsifying documents or participating in a criminal act, it is necessary to first outline the elements of the crime contained in the relevant Article. After classifying the act as a criminal act, the next step is to analyze whether the notary who prepared the Inheritance Statement can be held responsible for his actions under Article 263 of the Criminal Code paragraph (1) in conjunction with Article 264 paragraph (1) number 1.

In making a Certificate of Inheritance, there are procedures that must be followed first by the notary, one of which is to see and examine documents related to the heir and heirs, then make a Deed of Declaration of Heirs first. In the Deed of Declaration, the life history of the heir from life to death is contained, accompanied by statements regarding legal events such as marriage and birth of children, all of which are confirmed and strengthened by 2 (two) witnesses who are also other witnesses. If the notary has seen and examined the documents and then prepared a Deed of Declaration which is the embodiment of the statements of the heirs in accordance with what was stated by the heirs and in accordance with the documents shown, then the notary prepares the Certificate of Inheritance according to such procedures, then the notary has made the Certificate of Inheritance correctly. If in the future a case is found where there are heirs who are not listed in the Certificate of Inheritance, the notary has absolutely no intention of making the Certificate of Inheritance incorrectly and has no intention of using or directing that the Certificate of Inheritance be used as if it were genuine. Thus, the notary here does not fulfill the elements as contained in Article 263 paragraph (1) in conjunction with Article 264 paragraph (1) number 1. When the elements of the article are not fulfilled, the criminal act does not occur, when the criminal act is not fulfilled, then criminal responsibility for the act cannot be imposed on the notary.

Notaries in making Certificates of Inheritance often find the reality, if there is a Notarial Deed that is blamed by the parties or other parties, then often the notary is also implicated as a party who participated in or helped commit a crime, namely making or providing false information into the Notarial Deed. This raises confusion whether it is possible that the notary intentionally (culpa) or unintentionally

(negligible) together with the parties or parties to make a deed that was intended from the start to commit a crime and how the notary is responsible for the deed.

Notaries are authorized by law to make authentic deeds which are the strongest and most complete means of proof, where the deed has an important role in legal relations in community life, because an authentic deed is a letter or which from the beginning was intentionally officially made for proof. The authority of a notary in making authentic deeds is regulated in Article 15 of Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004 concerning the position of notary (hereinafter referred to as UUJNP), where a notary has the authority to make authentic deeds containing an act, agreement, and determination required by the Law and/or desired by the interested party to be stated in an authentic deed, guarantee the certainty of the date of making the deed, keep the deed, provide grosse, copies and extracts of the deed, all of which are as long as the making of the deed is not also assigned or excluded to officials or other people determined by law.

In addition to the powers mentioned above, in carrying out their duties, notaries are also obligated to act honestly, thoroughly, independently, impartially, and to safeguard the interests of all parties involved in legal actions. In addition to the UUJN (National Notary Law), there is also a notary code of ethics that regulates notaries in carrying out their duties. Essentially, the UUJN and the notary code of ethics were established to ensure that notaries carry out their duties with a full sense of responsibility to the public receiving their services, as well as to professional organizations and the state.

As the responsibility of a notary in his authority to make a Certificate of Inheritance, he must first carry out formal procedures, meaning that the notary does not have much of a role in the material sphere, for example in this case regarding the number of heirs, what the heirs state and the authenticity of the documents shown by the heirs. The Certificate of Inheritance and the notary as its maker have the potential to be questioned by the parties in the future, either because there are heirs who are not listed in the Certificate of Inheritance or regarding the distribution of inheritance portions that are not appropriate. The Certificate of Inheritance itself is vital legal evidence in inheritance because the letter shows who the legal subjects are in the inheritance and authentic evidence of the transfer of rights to the inheritance of the testator to the heirs, which provides legitimacy and the right to act in the management and ownership of the inheritance to the heirs. Therefore, additional preventive procedures are needed in the preparation of the Certificate of Inheritance.

Since the time the Deed of Inheritance is made until it becomes a problem in the future, there is always a possibility for a notary to be held accountable both ethically, morally and legally with the most severe legal consequences, namely the notary being dismissed from his position dishonorably. However, because it is

made by a notary as a public official, which results in the responsibility and sanctions imposed on the notary if an error in making the Deed of Inheritance can be subject to sanctions and the notary's responsibility in making an authentic deed, even the notary can also be subject to Article 1365 of the Civil Code as a form of notary responsibility due to causing harm to other parties, both heirs and third parties. Basically, the law imposes a burden of responsibility for every act carried out by a notary. Every time he carries out his duties in making a deed, the notary must have responsibility for the deed he made as a realization of the wishes of the parties in the form of an authentic deed.[11]

Basically, the law imposes a burden of responsibility for every action carried out by a notary. Every time a notary carries out his/her official duties in preparing a Certificate of Inheritance, he/she must be required to have responsibility for the Certificate of Inheritance he/she made as a realization of the wishes of the parties in the form of an authentic deed. The notary's responsibility is closely related to his/her duties and authority as well as morality both as an individual and as a public official. A notary may make mistakes or errors in preparing a Certificate of Inheritance. If this is proven, the Certificate of Inheritance loses its authenticity and is null and void by law or can be revoked.

Regarding when the notary's responsibility is carried out, namely from when the notary makes the Deed of Inheritance until when there is a party who feels disadvantaged due to the making of the Deed of Inheritance. So in this case the Deed of Inheritance is a private deed which carries a big risk for a notary because at any time the notary can be asked to be responsible for making the Deed of Inheritance that he made even though the notary or the notary concerned has retired from his position as a notary.

In principle, when creating all legal products, whether authentic deeds or private deeds, notaries must be honest and impartial, safeguarding the interests of all parties involved. Therefore, when creating a Deed of Inheritance, a notary must be honest and neutral, without discriminating between the parties, with the aim of safeguarding the interests of all parties, both at the time the deed is created and in the future.

3.2. Legal Provisions in Making a Deed of Inheritance to Avoid Legal Risks for Heirs.

According to J. Satrio, a Certificate of Inheritance is a letter of proof of inheritance, namely a letter that proves that all those mentioned in the letter of proof are heirs of a particular testator.[12]The Inheritance Certificate will outline the heirs of the

[11]Marheinis Abdulhay. (2006). Civil Law. UPN Development. Jakarta. p. 83.
[12]J. Satrio. (1986). Inheritance Law on Separation of Boedel. Citra Aditya Bakti. Bandung. p. 227.

testator. An heir cannot automatically take control of and transfer the title to the inheritance to which he is entitled upon the opening of the inheritance (the testator's death). To be able to take legal action regarding his rights, he must have a Certificate of Inheritance.[13]With a Certificate of Inheritance, the heirs can take legal action against the testator's inheritance together, both regarding management actions and actions regarding ownership of the inheritance.[14]

Thus, the Certificate of Inheritance is defined as a letter issued by an authorized official or agency or made by all heirs themselves, which is then confirmed and approved by the Village Head or sub-district head, which is used as evidence of a transfer of rights to an inheritance. According to the provisions of Article 131 IS, the inheritance law regulated in the Civil Code applies to Europeans and those who are equated with Europeans. With Staatsblad 1917 No. 129 jo Staatsblad 1924 No. 557, the inheritance law in the Civil Code applies to Chinese Foreign Easterners. Based on Staatsblad 1917 No. 12 concerning submission to European Law, it is also possible for Indonesians to use the inheritance law contained in the Civil Code. Strictly speaking, the Civil Code applies to Europeans and those who are equated with Europeans, Chinese Foreign Easterners, other Foreign Easterners and indigenous people who submit themselves.[15]

In the context of proving as an heir, the classification of residents and the laws applicable to each population group in Indonesia, are used as a legal basis in the formation of applicable legal regulations related to the creation of proof as an heir as stated in the Letter of the Ministry of Home Affairs, Directorate General of Agrarian Affairs, Directorate of Land Registration (Cadastre), dated December 20, 1969, Number Dpt/12/63/12/69 Concerning Certificates of Inheritance and Proof of Citizenship and Article 111 paragraph (1) letter c point 4 of the Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Provisions for the Implementation of Government Regulation Number 24 of 1997 concerning Land Registration. Based on Article 111 paragraph (1) letter c point 4 of the Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Provisions for Implementing Government Regulation Number 24 of 1997 concerning Land

[13]I Gede Purwaka. (2005). Inheritance Rights Statement Made by Notary and Village Head/Lurah. UI Press. Jakarta. p. 3.
[14]I Gusti Kade Prabawa Maha Yoga, Afifah Kusumadara, Endang Sri Kawuryan, "The Authority of Notaries in Making Certificates of Inheritance for Indonesian Citizens," Scientific Journal of Pancasila and Citizenship Education, Volume 3 Number 2, December 2018, p. 134, https://scholarhub.ui.ac.id/cgi/viewcontent.cgi?article=1071&context=notary, accessed on November 26, 2025, at 19.00 WIB.
[15]Surini Ahlan Sjarif. (1983). The Essence of Inheritance Law According to the Civil Code. 1st ed. Ghalia Indonesia. Jakarta. p. 10.

Registration, to prove that a person is the heir of the testator in the process of registering the change of name of the inheritance on land, the certificate of proof of the rights of the heir consists of the will of the testator, Court Decision, Decision of the Judge or Head of the Court and Certificate of Inheritance.[16]

The creation of proof of heirship is a civil right of every citizen, not a gift from a notary or from the State/Government. Therefore, the statement of heirship is the will of the parties to prove themselves as heirs. Because it is stated before a notary, then in accordance with the authority of the notary as stated in UUJN and UUJNP Article 15 paragraph (1), the notary is obliged to formulate it in the form of a Notarial Deed. Thus, the notary who makes the Certificate of Inheritance, does not copy the statements of the parties, but the will of the parties themselves is formulated in the form of a Certificate of Inheritance. The legal basis for the authority of the notary in UUJN regarding the creation of a Certificate of Inheritance is also stated in Article 15 paragraph (3) of UUJN which requires that in addition to the authority as stated in Article 15 paragraph (1) and (2), the notary has other authority regulated in the Law. Therefore, regarding the Certificate of Inheritance, there is a legal basis for the authority of the notary outside the UUJN.

Before drafting the Certificate of Inheritance, in order to convince himself, the notary first drafts a Deed of Declaration, which is then confirmed by 2 (two) other parties who know and confirm all that is explained by the heir. In principle, the parties in the preparation of the Deed of Declaration are all the heirs of the testator. The deed of declaration contains:[17]

1) Regarding the death of the testator, it is proven by a death certificate.

2) The testator's marriage, stating the number of times married, the name of the spouse, place and date of marriage and proof in the form of a marriage certificate.

3) Whether the marriage was carried out by making a marriage agreement or not.

4) Children who are born, followed by mention of name, place of birth, date of birth, whether they are adults or not, accompanied by proof in the form of a birth certificate.

5) Confirmation that the heir does not adopt children, does not have children or other descendants, never confirms illegitimate children.

6) Statement that all documents have been shown to the notary.

[16]Habib Adjie. (2008). Proof of Heirship with a Notarial Deed in the Form of a Deed of Inheritance. Mandar Maju. Bandung. p. 7.
[17]Alwesius. (2019). Civil Inheritance Law and Related Deed Making Techniques. LP3H INP. Jakarta. p. 173.

7) Information on the existence or absence of a will in the name of the testator, which is based on the will checking process by a notary in the Central List of Wills of the Ministry of Law and Human Rights of the Republic of Indonesia.

The form of the Certificate of Inheritance made by a notary is also not strictly determined, whether it must be made in authentic form or simply in the form of a Private Letter, therefore in this case the notary is free to issue the Certificate of Inheritance in authentic or private form. If it is made in private form, the form is without minutes and without a face, while for a notary who makes an authentic Certificate of Inheritance, there are minutes. In the authentic form, the information provided by the heirs is closed with the notary's own statement stating who are the heirs, along with their respective names and shares in the inheritance, the deed is then signed in accordance with the UUJN-P.

Regarding the structure of the Certificate of Inheritance, the initials begin with the notary's number, name, and domicile. This is followed by a statement from the notary's predecessor, which outlines the basis for the Certificate of Inheritance. Once these two requirements are met, the notary will explain the contents and details of the Certificate of Inheritance.

After these points are listed, the notary's statement regarding the heirs, testators, and their respective shares is followed. The heirs' rights to claim inheritance rights are then explained, and the closing of the Inheritance Certificate is concluded. The notary's preparation of the Inheritance Certificate is based on data and documents provided by the heirs. For security and personal protection as a notary, the preparation of the Inheritance Certificate must include supporting documents, including the following:

1) Death certificate of the testator.

2) Proof of marriage, namely a marriage certificate that has been registered with the Civil Registry.

3) Whether/or not there is a marriage agreement.

4) Birth certificate to prove descent.

5) Proof of child validation if you have ever validated an illegitimate child.

6) Proof of adoption, if you have ever adopted a child.

7) Letter of whether or not there is a will, to find out the existence of a will, the notary must check the will at the Central List of Wills of the Ministry of Law and Human Rights of the Republic of Indonesia, to find out and determine whether or not there is a will in the name of the testator.

4. Conclusion

The notary's responsibility for the deed of inheritance that he made has a big influence on the heirs, because if it is not made in accordance with the applicable provisions, it will cause disputes. In making a deed of inheritance, the notary must be careful in making the deed of inheritance because it can cause undesirable things, because according to the Law, the notary must be fully responsible for the deed he made, even though the error is not entirely from the notary, it is also possible that the dishonesty of the heirs in providing information. Legal provisions in making a deed of inheritance statement to avoid legal risks for heirs. In making a Deed of Inheritance Statement, a notary must pay attention to the legal provisions or conditions that must be met, so that the heirs avoid legal risks and the notary avoids legal risks, so that the notary Before making a Certificate of Inheritance, the notary needs to carry out formalities such as viewing and examining documents related to the Inheritance and on the basis of these documents a Deed of Declaration of Heir is made. In this case, the notary who has carried out these formalities, if there are legal defects in the future, the notary cannot be blamed.

5. References

Journals:

Abdul Jalal, Suwitno, Sri Endah Wahyuningsih, "Keterlibatan Pejabat Notaris Terhadap Perbuatan Melawan Hukum Dan Turut Serta Melakukan Tindak Kejahatan Dalam Pemalsuan Dokumen", *Jurnal Akta*, Volume 5 Nomor 1 Maret 2018, https://repository.unissula.ac.id/33507/1/Magister%20Kenotariatan_21302200042_fullpdf, diakses pada tanggal 26 November 2025, pukul 12.00 WIB.

Denny Widi Anggoro, Miya Savitri, "Tinjauan Yuridis Normatif Terhadap Peralihan Hak Atas Tanah Karena Pewarisan Menurut Peraturan Pemerintah Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah", *Jurnal Panorama Hukum*, Volume 1 Nomor 1, Malang, Fakultas Hukum Universitas Kanjuruhan Malang, 2016, https://repository.unissula.ac.id/33507/1/Magister%20Kenotariatan_21302200042_fullpdf, diakses pada tanggal 26 November 2025, pukul 13.00 WIB.

I Gusti Kade Prabawa Maha Yoga, Afifah Kusumadara, Endang Sri Kawuryan, "Kewenangan Notaris Dalam Pembuatan Surat Keterangan Waris Untuk Warga Negara Indonesia," *Jurnal Ilmiah Pendidikan Pancasila dan Kewarganegaraan*, volume 3 Nomor 2, Desember 2018, https://scholarhub.ui.ac.id/cgi/viewcontent.cgi?article=1071&context=notary, diakses pada tanggal 26 November 2025, pukul 19.00 WIB.

Rizki Nurmayanti , Akhmad Khisni, Peran Dan Tanggung Jawab Notaris Dalam Pelaksanaan Pembuatan Akta Koperasi, *Jurnal Akta*, Vol. 4 No. 4 Desember 2017, https://repository.unissula.ac.id/30778/2/21302000050_fullpdf.pdf, diakses pada tanggal 26 November 2025, pukul 15.00 WIB.

Said Ali dan Wira, "Perlindungan Hukum Bagi Ahli Waris Terhadap Harta Warisan Yang Beralih Tanpa Persetujuan Seluruh Ahli Waris", *Jurnal Kemahasiswaan Hukum & Kenotariatan*, Volume 1, Nomor 1, Desember 2021, https://repository.unissula.ac.id/30778/2/21302000050_fullpdf.pdf, diakses pada tanggal 26 November 2025, pukul 09.00 WIB.

Shafira Meidina Rafaldini, Anita Afriana, Pupung Faisal, "Surat Keterangan Waris yang Memuat Keterangan Tidak Benar Dikaitkan dengan Kekuatan Pembuktiannya sebagai Akta Otentik," *Jurnal Hukum Acara Perdata*, volume 6 Nomor 1 (Januari-Juni 2020), https://scholarhub.ui.ac.id/cgi/viewcontent.cgi?article=1071&context=notary, diakses pada tanggal 26 November 2025, pukul 20.00 WIB.

Books:

Alwesius, (2019), "*Hukum Waris Perdata dan Teknik Pembuatan Akta Terkait*", Jakarta, LP3H INP.

G.H.S Lumban Tobing, (1999), "*Peraturan Jabatan Notaris*", Jakarta, Erlangga.

Habib Adjie, (2008), "*Pembuktian Sebagai Ahli Waris Dengan Akta Notaris Dalam Bentuk Akta Keterangan Waris*", Bandung, Mandar Maju.

Hajar M, (2015), "*Model-Model Pendekatan Dalam Penelitian Hukum dan Fiqh",* Pekanbaru, UIN Suska Riau.

I Gede Purwaka, (2005), "*Keterangan Hak Waris yang Dibuat Oleh Notaris dan Kepala Desa/Lurah*", Jakarta, UI Press.

J. Satrio, (1986), "*Hukum Waris tentang Pemisahan Boedel*", Bandung, Citra Aditya Bakti.

Marheinis Abdulhay, (2006), "*Hukum Perdata*", Jakarta, Pembinaan UPN.

Maria S.W. Sumardjono, (2008), "*Tanah Dalam Perspektif Hak Ekonomi, Sosial dan Budaya*", Jakarta, Penerbit Kompas.

Osgar S. Matompo dan Moh. Nafri Harun, (2017), "*Pengantar Hukum Perdata*", Malang, Cet. Ke-1, Setara Press.

Surini Ahlan Sjarif, (1983), "*Intisari Hukum Waris Menurut Burgerlijk Wetboek (Kitab Undang- Undang Hukum Perdata)*", Jakarta, cet. 1, Ghalia Indonesia.

Udin Nasrudin, (2016), "*Keterangan Ahli Waris Dalam Pluralisme Sistem Hukum Waris di Indonesia Dalam Perspektif Kewenangan Notaris*", Surakarta.