

Principles of Notary Caution in Preparing Inheritance Certificates So That it Eliminates The Position of Legal Heir (Study of Decision Number 36/Pdt.G/2022/Pn.Sbr.)

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Abstract. *This study aims to determine and analyze the implementation of the Notary's precautionary principle in making a certificate of inheritance rights so that it eliminates the position of the legitimate Heirs, to determine and analyze the legal responsibility for Notaries if they do not implement the Notary's precautionary principle in making a certificate of inheritance rights so that it eliminates the position of the legitimate Heirs. The approach method in this study is the normative legal approach method. The research specification used is analytical descriptive research. The type of data uses secondary data. Data collection with the library study method. The data analysis method used is qualitative descriptive analysis. The results of the study indicate that the Implementation of the Notary's precautionary principle HS, SH, M.Kn. regarding the making of the certificate of inheritance rights Number: W.10.AHU.AHU.1-AH.06.09-318 did not implement the principle of caution as mandated by Article 16 paragraph (1) letter (a) UUJN, the notary should implement the guidelines of the law for each of his obligations to make legal products, the legal consequences of making the SKHW are the neglect of formal and material elements by not requesting KTP and KK documents from the heir because there is already a death certificate and divorce certificate brought by the parties, apart from that Notary HS, SH, M.Kn. did not conduct a search for the truth so that a haphazard legal product was formed against other heirs and harmed the interests of the first group of heirs as a result of which the heir's savings funds were successfully disbursed. Legal responsibility for notaries if they do not implement the principle of notarial caution regarding the making of the certificate of inheritance rights in this study Notary HS, SH, M.Kn. In fact, in fact, the law can be held accountable in civil and criminal cases for making a certificate of inheritance, but in this study, JW's legal heirs only demanded the return of the inheritance that had previously been disbursed with a total of IDR*

1,207,196,341.86 (one billion two hundred and seven million one hundred and ninety-six thousand three hundred and forty-one point eighty-six rupiah). The legal consequences of the certificate of inheritance rights Number: 1 / SKHW / 2021 are null and void because it has eliminated the Plaintiff's position as an heir of the testator so that the form of legal responsibility arising from his actions above is imposed on administrative witnesses and civil sanctions.

Keywords: *Caution, Notary, Certificate of Inheritance, Legal Heirs.*

1. Introduction

The Notary profession is a semi-public profession. The Notary position is a public position but their scope of work is in the construction of private law. Just like advocates, Notaries are legal service providers who work for the benefit of clients.¹The legal acts contained in a Notarial deed are not legal acts carried out by a Notary, but rather legal acts of the parties who make an agreement and request or want their legal acts to be stated in an authentic deed.²

The responsibility of a Notary as a public official related to material truth is divided into four, namely the Notary's civil responsibility for the material truth of the deeds he makes, the Notary's criminal responsibility for the material truth in the deeds he makes, the Notary's responsibility based on the Notary's job regulations for the material truth in the deeds he makes and the Notary's responsibility in carrying out his job duties based on the Notary's code of ethics.³If an error occurs in making the deed, it is possible that the notary will have to face the authorities.⁴

The issued inheritance certificate is needed as evidence that plays a very important role. With the issuance of the inheritance certificate, it can be known who has the right to inherit the property left behind. In practice, an inheritance certificate is very much needed by government and private agencies as a legal basis that they hand over or pay to people who are truly entitled to receive it, such as the Land Office, which really needs an inheritance certificate as a basis for changing the name of the certificate so that the Land Office can process the

¹Shidarta, 2006, Professional Morality: Law as an Offering of a Framework for Thinking, Refika Aditama, Jakarta, p.127.

²Ni Kadek Ayu Ena Wideasih & I Made Sarjana, 2017, Auction Minutes as an Authentic Deed Substituting for a Sale and Purchase Deed in an Auction. Kertha Semaya Journal of Law, Udayana University, Vol. 5 No.2, p. 4.

³Habib Adjie, 2008, Misconception of Positioning Notaries as Defendants, Media Notaris, Jakarta, p. 21.

⁴Muhammad Ilham Arisaputra. (2012). Obligations of Notaries in Maintaining the Confidentiality of Deeds in Relation to Notary's Right to Refuse. Perspective: Study of Legal and Development Problems, Wijaya Kusuma University Surabaya, Vol.17, No.3, p. 179.

registration of the transfer of land rights to the rightful heirs. Based on the provisions of Article 111 paragraph (1) letter c point 5 of the Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency Number 16 of 2021 concerning the Third Amendment to 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 in conjunction with Regulation of the Head of the Land Agency Number 8 of 2012 concerning Amendments to 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, a certificate of proof as an heir can be in the form of a certificate of inheritance rights whose authority to make it is differentiated based on race and population group. In fact, the above regulation is used to process the transfer of the name of the certificate at the National Land Agency.

The legal act in transferring control of land and/or building rights that is most often carried out by the community is through inheritance. Every natural event related to death will give rise to/give birth to a civil legal event, both related to the deceased/deceased (the testator) and to the people left behind (the heirs) which inevitably must be resolved immediately by the heirs.⁵

In practice, the above regulation is also used by other institutions such as banks when taking care of the administration of the transfer of the heir's account. As one of the parties authorized to issue a certificate of inheritance is a Notary as a public official appointed by the government to assist the general public in making deeds that exist or arise in society. The need for this deed to be made before a notary is to ensure legal certainty and to fulfill strong evidentiary laws for the parties.

According to Effendi Perangin, a certificate of inheritance is a letter issued by an authorized government official or agency or made by all heirs themselves, which is then confirmed and confirmed by the Village Head, Sub-district Head or District Head, and is used as strong evidence of a transfer of rights to an inheritance and the heir to the heirs.⁶

⁵Umi Setyawati, Antonius Iwan Murdianto, Amin Purnawan, 2018, Deed of Confirmation of Heir Certificate as a Substitute for Heir Certificate in the Processing of Heir Name Changes at the Semarang City Land Office, *Jurnal Akta*, Unissula, Semarang, Vol. 5 No. 1, p.40

⁶Effendi Perangin, 2003, *Inheritance Law*, Rajawali Press, Jakarta, p. 27.

Violation of the application of the Notary's precautionary principle as occurred in Cirebon Regency where the heirs who were prevented from doing various ways to become the legal heirs of the testator by seeking legal legitimacy by making a certificate of inheritance rights so that this is what became the author's interest in analyzing the case. The basis for the author's analysis is the Decision of the Sumber Class 1 A District Court Number: 36 / Pdt.G / 2022 / PN.Sbr. This legal gap occurred when Notary HS, SH, M.Kn. was sued by a legal heir named (JW) for removing his position as a legal heir and replacing it with a line to the side of Class II from (RW) who was the heir. This case began when Notary HSSH, M.Kn. create a legal product of a certificate of inheritance rights in 2021 Number: I/SKHW/2021 dated October 19, 2021 which states that those who have the right to inherit the inheritance object are heirs of class 2, namely (S), (FW), (FAW). The actions taken by Notary HS, SH, M.Kn. deviate from the provisions of Article 16 Paragraph (1) letter a of Law Number 2 of 2014 concerning amendments to Law Number 30 of 2014 concerning the Position of Notary which should reflect an attitude of acting in a trustworthy, honest, careful, independent, impartial manner, and able to protect the interests of the parties in legal acts. Based on the description above, it is then made in the form of a thesis entitled "The Principle of Notary's Caution in Making a Certificate of Inheritance Rights So as to Eliminate the Position of Legal Heirs (Study of Decision Number: 36/Pdt.G/2022/PN.Sbr.)".

2. Research Methods

In the research, the author applies a normative legal rule of law research method, meaning that the research views law as a basic framework in creating legal norms.⁷This Normative Research applies an approach through legislation (the statute approach) based on the hierarchy of legislation and the case approach. The research specification used is analytical descriptive research. The type of data uses secondary data. Data collection with the library study method. The data analysis method used is qualitative descriptive analysis.

3. Results and Discussion

3.1. Implementation of the Notary's Principle of Caution in Making Certificates of Inheritance Rights, Thus Eliminating the Position of Legitimate Heirs

The authority of a Notary is regulated in the Notary Law. According to Article 1 number 1 of the Notary Law, a Notary is defined as a public official who is authorized to make authentic deeds and other authorities as referred to in the Notary Law. The terminology of authority in the Notary Law is related to the provisions of Article 1868 of the Civil Code which states that an authentic deed is one that is made in the form determined by law before a public official who is

⁷ Zainudin Ali, 2009, Legal Research Methods, Sinar Grafika, Jakarta, p.105.

authorized to do so, at the place where the deed is made. To implement Article 1868 of the Civil Code, the legislator must make laws and regulations to appoint public officials who are authorized to make authentic deeds and therefore, Notaries are appointed as such officials based on the Notary Law.⁸ Notaries in carrying out their authority really need to apply the principle of caution, especially in the process of making authentic deeds. Notaries must be more careful and thorough in every process of making authentic deeds. This is because there are often legal conflicts involving notaries and their clients, for example clients who provide false documents, letters, or information to the Notary when making a deed. In order for Notaries to act more carefully, thoroughly and carefully in making deeds in the UUJN, it is necessary to clarify and describe in more detail the guidelines for Notaries in applying the principle of caution.⁹

According to Gede Purwaka, the certificate of inheritance rights changes the name of the heir's property from the inheritance received, and in the name of the testator becomes in the name of all heirs. In addition, according to I Gede Purwaka, the certificate of inheritance rights can also function as evidence for heirs to be able to take or withdraw money from the testator in a bank or insurance, although for each bank or insurance institution, it is different in determining the form of the certificate of inheritance rights that can be accepted.¹⁰

In the implementation of the provisions of Article 111 paragraph (1) letter c point 5 of the Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency Number 16 of 2021 concerning the Third Amendment to 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 which explains that "a deed of information on inheritance rights from a Notary domiciled at the place of residence of the testator at the time of death". So that for the authority of a notary in making a deed other than that contained in the provisions of Article 15 of Law Number 2 of 2014 concerning the Position of Notary, there is other authority for a notary to make a Deed of Information on Inheritance Rights. This is reaffirmed in the provisions of Article 111 paragraph 3 of the Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency Number 16 of 2021 concerning Land Registration that "The deed regarding the distribution of inheritance as referred to in paragraph (2) can

⁸Shidqi Noer Salsa, 2020, Notary Supervision Law in Indonesia and the Netherlands, Prenadamedia Group, Jakarta, p.11.

⁹Sam Dwi Zulkarnaen, 2008, "The Principle of Prudence of Notaries as Public Officials in Carrying Out Their Positions", University of Indonesia, Thesis, <https://lib.ui.ac.id/detail?id=116922&lokasi=Lokal#> accessed August 08, 2024 at 13.24 WIB.

¹⁰[http://Medianotaris.Com/Berikan Kebesar Ahli Waris Kepada Notaris Berita320.Html](http://Medianotaris.Com/Berikan%20Kebesar%20Ahli%20Waris%20Kepada%20Notaris%20Berita320.Html) accessed on August 16, 2024 at 13.34 WIB.

be made in the form of a private deed by all heirs witnessed by 2 witnesses or by a notary deed."

The case analysis of the notary's careless actions in carrying out his duties and obligations which ignores the principle of being careful in making a certificate of inheritance rights so as to eliminate the position of the legitimate heir, namely starting from the Unlawful Act Lawsuit filed by JW who is the legitimate heir of RW as per Case Registration Number: 36/Pdt.G/2022/PN Sbr against Notary HSSH, M.Kn. who in this case is defendant 1, S. as Defendant 2, FW as Defendant 3, FA as Defendant 4, PT. Bank Cimb Niaga and PT Bank Central Asia as defendants 5 and 6.

In this case, the main topic of discussion in this study is when there is a legal product made by Defendant 1 in the form of a Certificate of Inheritance Rights Number: 1/SKHW/2021 which eliminates the position of the legal heir by stating "that the testator never adopted a child during his lifetime", apart from that Defendant 1 ignores the principle of caution which should be a control over the actions of Notaries as mandated by the provisions of Article 16 Paragraph (1) letter a of the UUJN which states that a Notary acts in a trustworthy, honest, careful, independent, impartial manner and protects the interests of the parties involved in legal acts and the mandate of the notary code of ethics as contained in the provisions of Article 3 paragraph 4 which states that Notaries are obliged to behave honestly, independently, impartially, trustworthy, thorough, full of responsibility based on laws and regulations and the contents of the Notary's oath of office.

From these provisions, Notary HSSH, M.Kn. which in this case is defendant 1 ignoring the principle can be seen when stating SKHW Number: 1/SKHW/2021 dated 19-10-2021 (Nineteenth October two thousand twenty one) was made within a period of 1 (one) day, while in the SKHW it is written that the Will Deed Check at the Directorate General of General Legal Administration in Jakarta has been since 24-09-2021 (twenty-fourth September two thousand twenty one) meaning that there is a disregard for formal and material elements where no documents are requested, no ID card and Family Card are requested from the testator because there is already a death certificate and divorce certificate brought by the defendants so that in this case defendant 1 did not conduct a search for the truth which will later be stated in the legal product he made in this case Defendant I without heeding the principle of caution as a Notary has carelessly issued a certificate of inheritance rights for Defendant II, Defendant III and Defendant IV which actions of the Defendants are detrimental the interests of the Plaintiff as the first class heir based on the Certificate of Inheritance Rights Number: W.IO.AHU.AHU.1-AH.06.09-318 dated 18-03-2022 Jakarta Estate Management Office. So that based on the legal product made by Notary HS, SH, M.Kn. which eliminates the position of the first heir and replaces it with the

second class of heirs as mentioned by the defendants and successfully seeks the heir's savings funds in the CIMB Niaga account Number: 7011210XX in the name of RW amounting to Rp. 886,665,507.72 (eight hundred eighty six million six hundred sixty five thousand five hundred seven point seventy two rupiah) was disbursed to CIMB Niaga account Number: 7821116XX in the name of FW on 12-24-2021 (twenty fourth of December two thousand twenty one) based on the Certificate of Inheritance Rights Number: I/SKHW/2021 made by Notary HS and the money in BCA account Number: 515091XX in the name of RW was disbursed in the amount of Rp.320,530,834.14 (three hundred twenty million five hundred thirty thousand eight hundred thirty four point fourteen rupiah) to account Number: 7420081XX in the name of FW on 12-7-2021 (seventh of December two thousand twenty one).

Based on the above, the concept of notarial prudence is closely related to the authority of the notary so that it is appropriate if this research study uses the theory of authority according to Ateng Syarifudin that a Notary as a concept of a public official who in carrying out his duties and positions is subject to Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004 concerning the position of a Notary which is based on the author's analysis that Notary HS, SH, M.Kn. committed a deviation from his duties and authorities so that he ignored the principle of prudence when making legal products where this resulted in being involved in legal problems in the context of criminal and civil law.

Criminal law problems in notarial practice are caused by the lack of caution of notaries in making authentic deeds regarding the data of the parties related to the subjects or objects brought by the parties to make authentic deeds, which often causes crimes such as fake documents and even false statements from the parties in authentic deeds made by notaries. Notaries in carrying out their duties and positions are very important to implement the principle of caution in the process of making authentic deeds, considering the frequent legal problems with authentic deeds made by notaries because there are parties who commit crimes such as providing fake letters and false statements into the deeds made by notaries. So that in order to prevent crimes that can lead notaries to be involved in legal problems, it is necessary to re-regulate the Notary Law concerning guidelines and demands for notaries to act more carefully, thoroughly and carefully in the process of making authentic deeds. If there is a violation of Article 16 paragraph 1 (a) professionally, the notary concerned must be responsible for the imperfection of the deed made.

3.2. Legal Responsibility for Notaries If They Do Not Implement the Notary's Principle of Caution in Making Certificates of Inheritance Rights, Thus Eliminating the Position of Legitimate Heirs

Notaries as public officials are required to be responsible for the deeds they make. If the deed they make turns out to contain a dispute, then this needs to be questioned, whether this deed is the Notary's fault or the fault of the Parties (for example providing false or incorrect information) or whether there is an agreement made by the Notary with one of the parties. If the deed made contains legal defects due to the Notary's fault, either due to negligence or the Notary's own intention, then the Notary must be held accountable both morally and legally, of course this must first be proven. Whoever states that an Authentic Deed is fake, then that person must be able to prove his statement about the falsity of the Deed.¹¹

Responsibility for a person's actions usually occurs practically when the person does an act that is not permitted by law and most of these acts are acts that in the Civil Code are called unlawful acts (Onrechtmatige daad). "Every unlawful act that causes loss to another person, requires the person whose fault causes the loss, to compensate for the loss."

Habib Adjie in his book entitled *Sekilas Dunia Notaris dan PPAT Indonesia* states "if the deed made by a Notary contains legal defects due to the Notary's mistake either due to negligence (culpa) or due to intent, the Notary must provide legal accountability and must be proven first. That although in Law Number 2 of 2014 concerning the Position of Notary does not mention the application of criminal sanctions, but a legal action against a violation committed by the Notary contains elements of forgery due to intent/negligence in making an authentic deed whose contents are false, then after being subject to administrative sanctions/code of ethics of the notary profession and civil sanctions can then be withdrawn and qualified as a criminal act committed by a Notary which explains the existence of evidence of deliberate involvement in committing the crime of forgery of an authentic deed.¹²This is in line with the notary profession which has a code of ethics, based on changes to the notary code of ethics of the extraordinary congress of the Indonesian Notary Association held in Banten City on May 29-30, 2015. Article 3 number 4 of the notary code of ethics stipulates that notaries during their term of office must behave honestly, independently, impartially, be trustworthy, carefully, and with a full sense of responsibility based on laws and regulations and the contents of the notary's oath of office.¹³

¹¹Habib Adjie, 2009, *Renvoi Journal*, CV. Mandar Maju, Bandung, p.14.

¹²Habib Adjie, 2009, *A Glimpse of the World of Notaries and PPAT in Indonesia*, CV. Mandar Maju, Bandung, p. 15

¹³Wahyu Wiriadinata, 2013, *Morals and Ethics of Law Enforcement*, CV Vilawa, Bandung, p.107.

In this case, one of the efforts made by JW's heirs against the actions of Notary HSSH, M.Kn. who made a legal product Certificate of Inheritance Rights Number: 1/SKHW/2021 where the legal product hindered his position as a legitimate heir, namely JW, so that he filed a lawsuit with the Sumber Class 1A District Court as recorded in the Decision Number: 36/Pdt.G./2022/PN.Sbr, which was then further examined by the Cirebon Regency Regional Supervisory Board with a stipulation on March 25-03-2022 (March twenty-fifth, two thousand and twenty-two) it was decided that the results of the examination meeting of the Cirebon Regency Regional Notary Examination Board regarding the recommendation of the examination results on behalf of Notary HSSH, M.Kn. whose recommendation results stated that:

1. The Cirebon Regency Notary Regional Examination Board to the West Java Notary Regional Supervisory Board stated that the Reported Notary HSSH, M.Kn. was not careful and thorough in making the Deed of Inheritance Statement in October 2021".
2. Issuance of SKHW Number: 1/SKHW/2021 in determining heirs without being based on the Family Card of the deceased RW and the issuance of the SKHW only takes 1 day.
3. The plaintiff proved that on the Family Card Number: 320920080XX dated 09-10-2017 (October ninth two thousand seventeen) it was stated that RW had a child named JW as the plaintiff, and Defendant I had given an incorrect statement regarding the making of the SKHW in only 1 day, because based on the information provided by PT. Bank Central Asia, Bandung Branch, Jalan Asia Afrika, it was stated that Defendant I had conducted a will search with the Director General of AHU since 24-09-2021 (twenty-fourth September two thousand twenty-one) so that the making of the deed was 26 days, not 1 day.

This study is related to the theory of legal responsibility according to Abdulkadir Muhammad in connection with the legal fact that there is a real fact of negligence in carrying out duties and authorities when making a certificate of inheritance rights, categorizing Notary HSSH, M.Kn. as violating the principle of responsibility due to unlawful acts committed due to negligence. This is based on the lack of caution and errors arising from the making of a certificate of inheritance rights due to the pure error of Notary HSSH, M.Kn. who did not heed the careful values as mandated by the law, regulations on the position of notary and the notary's code of ethics so that the notary is categorized as committing an unlawful act as stated in the Decision Number: 36 / Pdt.G / 2022 / PN.Sbr states:

1. Granting the plaintiff's claim in part;
2. Declaring that the defendants committed an unlawful act;

3. Declare that the certificate of inheritance rights Number: I/SKHW/2021 made by Notary HS, SH, M.Kn., Defendant I is null and void because it has eliminated the Plaintiff's position as heir of the deceased RW;
4. Determine the Plaintiff/JW as the first class heir of the deceased RW based on the certificate of inheritance rights Number: W.10.AHU.AHU.1-AH.06.09-318;
5. Ordering Defendant II, Defendant III, Defendant IV, Defendant V and Defendant VI to return the inheritance of the deceased RW to the following account:
 - a. CIMB Niaga Bank account number: 7011210XX in the name of RW based on letter number: 002/BOSM/CRB/II/2022;
 - b. Bank Central Asia account number: 515091XX in the name of RW based on letter number: 0009/ABD/BDG/2022 dated March 15, 2022;

The principle of responsibility according to Shidarta is the principle of responsibility based on the element of fault (based on fault liability principle), the principle of presumption to always be responsible (presumption of liability principle), the principle of presumption to always be responsible (presumption of nonliability principle), the principle of absolute liability (absolute liability principle) and responsibility with limitations (limitation of liability principle).¹⁴

Notary HSSH, M.Kn. in this study is categorized as a defendant in a civil case of unlawful acts where his capacity is responsible for the legal product issued in the form of a SKHW which was made without paying attention to the principle of caution so that the certificate is degraded. For the degradation of the Notary's deed as stated by Mr. Habib Adji, Notary HSSH, M.Kn. can be held accountable for damages. The sanctions against Notaries who ignore their obligations in carrying out their duties are regulated in Article 85 of the UUJN which states that Violation of the provisions as referred to in Article 7, Article 16 paragraph (I) letter a, Article 16 paragraph (1) letter b, Article 16 paragraph (1) letter c, Article 16 paragraph (1) letter d, Article 16 paragraph (I) letter e, Article 16 paragraph (1) letter f, Article 16 paragraph (1) letter g, Article 16 paragraph (1) letter h, Article 16 paragraph (1) letter i, Article 16 paragraph (1) letter j, Article 16 paragraph (1) letter k, Article 17, Article 20, Article 27, Article 32, Article 37, Article 54, Article 58, Article 59, and/or Article 63, may be subject to sanctions in the form of verbal warnings, written warnings, temporary dismissal and honorable or dishonorable dismissal.

In this study, Notary HSSH, M.Kn. In fact, in legal fact, it is possible to be held liable for civil/compensation and criminal liability for making a certificate of

¹⁴ Shidarta, 2006, Professional Morality: Law as an Offering of a Framework for Thinking, Refika Aditama, Jakarta, p.127.

inheritance, but in this study, JW's legal heirs only demanded the return of the inheritance that had previously been disbursed to BCA account Number: 515091XX in the name of the Heir and the money in the CIMB Niaga account Number: 7011210XX in the name of the Heir amounting to Rp. 886,665,507.72 (eight hundred eighty-six million six hundred sixty-five thousand five hundred seven rupiah point seventy-two) was disbursed to the CIMB Niaga account Number: 7821116XX in the name of FW on December 24, 2021 in the amount of Rp. 320,530,834.14 (three hundred twenty million five hundred thirty thousand eight hundred thirty-four rupiah point fourteen) to account Number: 7420081XX in the name of FW on December 7, 2021 so that the total amount of money disbursed is Rp. 1,207,196,341.86 (one billion two hundred seven million one hundred ninety six thousand three hundred and forty one point eighty six rupiah). Then the legal consequences of the certificate of inheritance rights Number: I / SKHW / 2021 are null and void because it has eliminated the Plaintiff's position as an heir of the testator so that the form of legal responsibility arising from his actions above is charged to administrative witnesses and civil sanctions.

4. Conclusion

1. The principle of caution is implemented to notaries to protect them from legal acts. The analysis of the case of the notary's careless actions in carrying out his duties and obligations which ignores the principle of being careful in making a certificate of inheritance rights so that it eliminates the position of the legitimate heir, when Notary HS, SH, M.Kn. made SKHW Number: W.10.AHU.AHU.1-AH.06.09-318 dated 03-18-2022 for the heir RW then replaced it with a side line so that it replaced the legitimate heir, based on the analysis of this research theory using the theory of authority according to Ateng Syarifudin regarding the authority (authority) arising from the actions of a notary based on laws and regulations and his position as a public official in this study Notary HSSH, M.Kn. did not implement the principle of caution as mandated by Article 16 paragraph (1) letter (a) UUJN Jo. Article 3 paragraph 4, notaries should implement the guidelines of the law for each of their obligations in making legal products, the legal consequences of making a SKHW in which there is a disregard for formal and material elements by not requesting documents, not requesting an ID card and Family Card from the heir because there is already a death certificate and divorce certificate brought by the parties, apart from that Notary HSSH, M.Kn. did not conduct a search for the truth so that a haphazard legal product was formed against other heirs, thus harming the interests of the first group of heirs, as a result the heir's savings funds were successfully disbursed from the CIMB Niaga account in the amount of Rp. 886,665,507.72 (eight hundred eighty six million six hundred sixty five thousand five hundred seven rupiah point seventy two) and the BCA account Number: 515091XX in the name of RW was disbursed in the amount of Rp. 320,530,834.14 (three hundred twenty million five hundred

thirty thousand eight hundred thirty four rupiah point fourteen) to the account Number: 7420081XX in the name of FW. 2. Implementation of the form of accountability of notary HSSH, M.Kn. to provide the best possible service, Notaries who make mistakes in carrying out their duties cannot be free from existing sanctions, both administrative, criminal and civil sanctions. In this case, notary HSSH, M.Kn. is civilly responsible and bears administrative responsibility for the legal product he made which was declared null and void by the Panel of Judges in its Decision Number: 36/Pdt.G/2022/PN.Sbr which stated that the Certificate of Inheritance Rights Number: I/SKHW/2021 because it had eliminated the position of legal heirs as quoted from the Decision on page 94 point 4 in the form of recommendations from the results of the examination of the Regional Notary Supervisory Board and Decision Number: 04/PTS/MPWN West Java Province/VIII/2022 is to provide sanctions in the form of a written warning to Notary HSSH, M.Kn. in Cirebon Regency for violating the provisions of Article 16 paragraph (1) letter a of the UUJN. In this study, Notary HSSH, M.Kn. actually in fact legally can be held accountable in civil/compensation and criminal for making a certificate of inheritance, but in this study the legal heirs of JW only demanded the return of the inheritance that had previously been disbursed to the BCA account Number: 515091XX in the name of the Heir was disbursed and the money in the CIMB Niaga account Number: 70112160XX to the CIMB Niaga account Number: 78211166XX in the name of FW with a total of Rp. 1,207,196,341.86 (one billion two hundred seven million one hundred ninety six thousand three hundred forty one point eighty six rupiah). The legal consequences of the Certificate of Inheritance Rights Number: I / SKHW / 2021 are null and void because it has eliminated the heirs of the heir so that the form of legal responsibility arising from his actions above is imposed on administrative witnesses and civil sanctions.

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