

Application of the Court's Absolute Competence in Suits for Cancellation of Notary Deeds Related to Wills (Study of Blora PA Decision No. 86/Pdt.G/2025/PA.Bla)

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Abstract. *The application of absolute court competence in lawsuits for the annulment of Notarial deeds related to wills is a legal issue that lies at the intersection of notarial law, civil procedural law, and Islamic will law. This problem is evident in the Decision of the Blora Religious Court Number 86/Pdt.G/2025/PA.Bla which states that the Blora Religious Court does not have absolute authority to examine lawsuits for the annulment of Notarial deeds regarding wills and declares the lawsuit inadmissible. This study aims to analyze the judge's legal considerations in applying absolute competence, analyze the legal implications of the decision, and present examples of Notarial deeds regarding wills. This research is a normative legal study using statutory, conceptual, and case-based approaches. The legal materials used include primary, secondary, and tertiary legal materials collected through document studies. The legal materials are analyzed prescriptively by assessing the judge's considerations' compliance with the provisions of absolute competence and the legal character of the disputed object. The results of the study indicate that the panel of judges emphasized the petitum which directly requested the annulment of Deed of Will Number 32 dated March 19, 2012. The lawsuit was also deemed to have inadequately outlined the parts of the deed and the legal basis that caused the deed to be annulled. Based on these qualifications, the panel declared that the Blora Religious Court did not have absolute authority and the lawsuit was inadmissible. Based on the Theory of Authority, the examination of absolute competence before the main case was procedurally correct. However, the determination of the forum must be done by carefully examining the posita, petitum, and the nature of the legal defect argued: disputes regarding the substance of a will for Muslims fall within the scope of Article 49 of the Religious Courts Law, while claims that directly question the formal validity or annulment of a Notary deed tend to fall within the realm of general courts. The decision provides procedural certainty, but does not resolve the substantive rights of the parties.*

Keywords: *Absolute; Competence; Notarial; Religious.*

1. Introduction

Judicial power in Indonesia is exercised by the Supreme Court and its subordinate courts, including the General Courts, Religious Courts, Military Courts, and State Administrative Courts, as well as by the Constitutional Court. This division of judicial bodies results in limitations on judicial authority based on the absolute competence of each judicial body.¹ Absolute competence relates to the authority of a judicial body to examine and adjudicate a case based on the type or nature of the disputed legal relationship. Therefore, absolute competence is not merely an administrative matter concerning the court in which the lawsuit is filed, but concerns the court's legitimacy in exercising its judicial authority over a case.² The issue of absolute competence becomes increasingly complex when a single dispute involves multiple legal areas. One example is a dispute over a will contained in an authentic deed drawn up before a notary.³ On the one hand, Article 49 of Law Number 7 of 1989 concerning Religious Courts as amended by Law Number 3 of 2006 and Law Number 50 of 2009 gives the Religious Courts the authority to examine, decide and settle cases between people of the Muslim faith, including in the field of inheritance and wills.⁴ On the other hand, when the demands submitted do not only concern the implementation or distribution of rights based on a will, but directly request the cancellation or declaration of invalidity of a notarial deed, the issue arises regarding the limits of the Religious Court's authority regarding an authentic deed.⁵

This issue is important because, under Article 1868 of the Civil Code, a notarial deed is an authentic deed drawn up in a form prescribed by law by or before a duly authorized public official. Therefore, two layers of legal issues must be distinguished. The first layer relates to the substance of the legal relationship between the will and the second layer to the validity and legal force of the authentic deed, which serves as the instrument of the legal act.

The intersection of these two issues is evident in a case examined by the Blora Religious Court, as stipulated in Decision Number 86/Pdt.G/2025/PA.Bla. This case is relevant to examine to see how the court determines the limits of its

¹Bagir Manan, *The Judicial Power of the Republic of Indonesia*, Bandung: LPPM Unisba, 2016, pp. 21–23.

²Sudikno Mertokusumo, *Indonesian Civil Procedure Law*, Yogyakarta: Liberty, 2010, pp. 45–46.

³Habib Adjie, *Indonesian Notary Law*, Bandung: Refika Aditama, 2019, pp. 45–52.

⁴Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts, Article 49.

⁵Herlien Budiono, *Civil Law in the Notary Sector*, Bandung: Citra Aditya Bakti, 2018, pp. 98–104.

absolute competence when a lawsuit relates to a will, while simultaneously touching on the existence of a deed drawn up by a Notary. The fundamental issue then is whether the existence of a will automatically places all claims related to it within the absolute authority of the Religious Court, or whether the judge must first examine the true nature of the dispute based on the *posita* and *petitum* of the lawsuit. Studying this issue is important not only theoretically but also practically for judges, advocates, notaries, and the public. Mistakes in determining absolute competence can result in a case not being examined on the merits, even though the parties have undergone a lengthy trial process. This study aims to analyze the Blora Religious Court Decision Number 86/Pdt.G/2025/PA.Bla, which is important because the decision presents an actual issue regarding how judges interpret the limits of the Religious Court's authority in cases that are at the intersection of notary law and Islamic will law. This research is academically relevant because it can contribute to the development of theories regarding absolute competence, especially in cases that are cross-legal regime. This research is also important practically because the results are expected to be a consideration for judges in determining the appropriate judicial forum, for Notaries in understanding the position of the will deeds they make, and for justice seekers in formulating lawsuits so as not to fall into the trap of determining absolute competence.⁶

The urgency of this research also lies in the need to address the gap between written law and applied law. The theory of authority and legal certainty used in this research allows the author to examine not only whether the judge has acted in accordance with procedures, but also whether the decision has realized the broader objectives of the law. By examining the judge's legal considerations and the legal implications of the decision, this research is expected to provide an argumentative construction regarding whether the determination of absolute competence in disputes over the annulment of notarial deeds related to wills should be based on the form of the authentic deed or on the substance of the will as the core of the disputed legal relationship.⁷

2. Research methods

This type of research is normative legal research or normative juridical research. Normative legal research positions law as a system of norms encompassing legal principles, statutory rules, court decisions, and doctrine. The focus of this research is directed at the application of absolute competence in the Blora Religious Court Decision Number 86/Pdt.G/2025/PA.Bla.⁸ The approaches used

⁶Abdul Ghofur Anshori, *Indonesian Notary Institution: Legal and Ethical Perspectives*, Yogyakarta: UII Press, 2009, pp. 25–31.

⁷Ahmad Ali, *Uncovering Legal Theory and Judicial Prudence*, Jakarta: Kencana Prenada Media Group, 2010, pp. 290–292.

⁸Mukti Fajar ND and Yulianto Achmad, *Dualism of Normative and Empirical Legal Research*, Yogyakarta: Pustaka Pelajar, 2015, p. 34.

consist of a statute approach, a conceptual approach, and a case approach. The statutory approach is carried out by examining provisions regarding judicial power, Religious Courts, the position of Notary Public, and wills. The conceptual approach is used to analyze the concepts of absolute competence, authentic deeds, deed cancellation, and legal certainty. The case approach is carried out by examining the ratio decidendi and the ruling of the Blora Religious Court Number 86/Pdt.G/2025/PA.Bla.⁹ Legal materials are analyzed qualitatively and prescriptively. The analysis is conducted by identifying applicable norms, qualifying the object and basis of the lawsuit, assessing the judge's legal reasoning based on the Theory of Authority and the Theory of Legal Certainty, and formulating arguments regarding the appropriate judicial forum and the legal consequences of the decision.

3. Results and Discussion

3.1. Analysis of the Judge's Legal Considerations in the Blora Religious Court Decision No. 86/Pdt.G/2025/PA.Bla Regarding the Determination of Absolute Competence for the Lawsuit for the Cancellation of a Notarial Deed of Will

The Blora Religious Court's decision No. 86/Pdt.G/2025/PA.Bla is important to examine because it highlights the issue of absolute competence limits in cases intersecting notarial law, civil procedure law, and Islamic will law. The dispute concerns not only the existence of the notarial deed as an authentic deed, but also the substance of the legal act within it, namely the will. The fundamental issue is whether the case should be classified as a lawsuit for the annulment of a notarial deed, which falls within the realm of general courts, or as a will dispute, which normatively falls within the jurisdiction of the Religious Court. Therefore, the judge's method of constructing the object of the dispute determines absolute competence.¹⁰

Case Number 86/Pdt.G/2025/PA.Bla was registered as a Religious Civil case at the Blora Religious Court and was decided on June 10, 2025. The decision related to the lawsuit for the annulment of a Notary deed regarding a will and ended with a statement that the Blora Religious Court was not authorized to adjudicate, so the lawsuit was declared inadmissible (niet ontvankelijke verklaard). The panel did not enter into the main points of the case, but instead stopped the examination on the issue of absolute competence.¹¹ The plaintiff filed the case with the Religious Court because the dispute involved a will. Article 49 of Law Number 3 of 2006 affirms the Religious Court's authority to hear cases between Muslims concerning marriage, inheritance, wills, gifts, waqf, zakat, infaq, sedekah, and Islamic economics. Normatively, the existence of a will provides a

⁹Peter Mahmud Marzuki, *Legal Research*, Jakarta: Kencana Prenada Media Group, 2009, pp. 93–137.

¹⁰Bagir Manan, *Judicial Power of the Republic of Indonesia*, Bandung: LPPM Unisba, 2016, p. 21.

¹¹M. Yahya Harahap, *Civil Procedure Law*, Jakarta: Sinar Grafika, 2017, p. 180.

reasonable basis for the plaintiff to choose the Religious Court.¹² The panel of judges instead placed primary weight on the phrase "cancellation of a notarial deed." A notarial deed is an authentic deed drawn up by or before an authorized public official and has strong evidentiary force. From this perspective, the dispute is viewed more closely as involving the validity of the deed, the notary's authority, and formal issues typically within the realm of general civil law.¹³

Absolute competence relates to the division of authority between the judicial branches under the Supreme Court: general, religious, military, and administrative courts. Each court may only hear cases within the limits of its statutory authority. The theory of authority is relevant because authority is the power granted by law to an organ or official to create specific legal consequences.¹⁴ Therefore, the court must ensure its jurisdiction before examining the merits of the case. Absolute competence is imperative and can be examined *ex officio* by the judge, so the panel's move to examine it first is procedurally justified.¹⁵ The main issue lies in how to qualify the disputed subject matter. The panel tends to use a formalistic approach, placing the notarial deed as the primary focus. This approach is appropriate when the issue concerns the deed's creation, the notary's authority, the procedure, or its formal requirements.¹⁶ However, the formalistic approach needs to be distinguished from the substantive approach which assesses the legal relationship that is actually in dispute.

A notarial deed is the formal form or instrument, while a will is the substance of the legal act. Therefore, judicial competence should be determined based on the substance of the legal relationship, not just the form of the document.¹⁷ Wills in Islamic law have special rules regarding inheritance, limitations and legal consequences after the testator dies.¹⁸ Therefore, disputes regarding the validity or implementation of wills for Muslims should not be set aside just because the will is stated in a notarial deed.

The *a quo* case has two aspects: a formal aspect, namely the notarial deed as an authentic deed, and a material aspect, namely the contents of the deed containing the will. In the material aspect, the judge must assess whether the dispute relates to the terms of the will, the status of the beneficiary, the limits of

¹²Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts, Article 49.

¹³Habib Adjie, *Indonesian Notary Law*, Bandung: Refika Aditama, 2019, p. 45.

¹⁴Philipus M. Hadjon, *Introduction to Indonesian Administrative Law*, Yogyakarta: Gadjah Mada University Press, 2015, p. 76.

¹⁵M. Yahya Harahap, *op. cit.*, p. 180.

¹⁶Herlien Budiono, *Civil Law in the Notary Sector*, Bandung: Citra Aditya Bakti, 2018, p. 98.

¹⁷Habib Adjie, *op. cit.*, pp. 45–52.

¹⁸Ahmad Rofiq, *Islamic Civil Law in Indonesia*, Jakarta: RajaGrafindo Persada, 2019, p. 181.

implementation, or the rights of the heirs.¹⁹Mistakes in determining the emphasis on one of the layers can directly impact the forum that is considered authoritative. Therefore, qualifying the object of the dispute is important. If the case is viewed as the annulment of a notarial deed, jurisdiction tends to lie with the general courts. Conversely, if the core of the dispute is a will outlined in a notarial deed, jurisdiction may lie with the Religious Courts. To determine the appropriate forum, the judge needs to consider the grounds of the lawsuit, the *posita*, the *petitum*, the legal relationship of the parties, and the rights sought for protection.²⁰

Examination of the *posita* and *petitum* is crucial to determining competency. If the lawsuit primarily concerns formal defects in the deed, the dispute is more appropriately classified as a dispute over the validity of the deed. Conversely, if it concerns the contents of the will, the status of the heirs, or its implementation, it is more appropriately viewed as a testamentary dispute.²¹ In the Blora District Court's ruling, the panel qualified the case as a notarial deed annulment, declaring the Religious Court without jurisdiction and inadmissible. This ruling aligns with the principle that absolute competence is a prerequisite for an examination.²²However, substantively, the decision still leaves open the question of whether the elements of the will have been adequately assessed.

This demonstrates the tension between procedural certainty and substantive justice. Procedural certainty is achieved because the Religious Court has stated the limits of its authority, but substantive justice has not been achieved because the validity of the will has not been examined.²³ The council's approach can be called formal-objective: its advantage is that it provides clear jurisdictional boundaries and prevents the Religious Court from handling disputes that are purely related to Notarial deeds, but its disadvantage is that it has the potential to ignore the substance of the will as the core of the disputed legal relationship.²⁴

A substantive-functional approach is essential for determining absolute competence. A notarial deed must be distinguished between its formal form and its legal substance. If the deed merely serves as a medium for conveying the testator's wishes, then the substance of the will should be the focus. Conversely, if the dispute concerns notarial procedures or the formal requirements of the deed, the case is more concerned with notarial law. Therefore, competence

¹⁹Nurul Qamar, loc. cit.

²⁰Syahrizal Abbas, "The Problem of Absolute Competence in Religious Courts", *Jurnal Media Hukum*, Vol. 22 No. 1, 2015, p. 60.

²¹Sudikno Mertokusumo, *Indonesian Civil Procedure Law*, Yogyakarta: Liberty, 2010, p. 45.

²²M. Yahya Harahap, op. cit., pp. 57-58.

²³Riduan Syahrani, *Basic Material Book of Civil Procedure Law*, Bandung: Citra Aditya Bakti, 2016, p. 37.

²⁴Ahmad Ali, *Uncovering Legal Theory and Judicial Prudence*, Jakarta: Kencana Prenada Media Group, 2010, p. 292

should be determined based on the essence of the dispute, not simply the form of the deed.²⁵ Differences in assessing the form of the deed and the substance of the will can give rise to differences in determining the forum, especially in cases that intersect with Islamic law and civil law.²⁶ Therefore, the Religious Court remains a special forum for certain civil cases for Muslims, including wills, taking into account the legal substance of the dispute.²⁷ Using the Theory of Authority, the decision has two sides. Procedurally, the judge was correct because he examined absolute competence before addressing the merits of the case. Substantively, the judge can still be criticized because his considerations focused on the form of the deed and did not sufficiently emphasize the substance of the will.²⁸ This assessment does not mean that the decision is completely wrong, but rather shows that cross-regime cases require a more comprehensive object qualification.

The plaintiff's formulation of the *posita* and *petitum* also plays a role. A lawsuit that emphasizes the annulment of the deed without detailing the substance of the will will more easily be read as a general civil case. Conversely, a lawsuit that places the will as the core and the deed as the formal document can strengthen the basis of the Religious Court's authority.²⁹ Thus, absolute competence is influenced not only by norms, but also by the construction of the case. The significance of this ruling lies in its ability to demonstrate that competence issues do not always arise from a lack of norms. Article 49 already stipulates that wills fall under the jurisdiction of the Religious Court, but its application changes when the will is formalized in a notarial deed. The main problem, therefore, lies in the interpretation and qualification of the dispute.³⁰ A notarial deed serves as the meeting point for two legal regimes. As an authentic document, it is subject to notarial law and civil evidence; as a will, its contents are subject to Islamic testamentary law. The deed's formal validity must still be interpreted in conjunction with the legal act that formed the basis for its creation.³¹ The Blora PA decision does provide certainty regarding the court's authority, but has not resolved the main dispute between the parties.³² The most appropriate conclusion is that the decision is procedurally valid because it maintains competence, but can still be debated substantively because the qualification method emphasizes the form of the deed rather than the substance of the will.

²⁵Zainal Asikin, *Religious Court Procedure*, Jakarta: RajaGrafindo Persada, 2016, p. 56.

²⁶Nurul Qamar, *op. cit.*, p. 402–403.

²⁷Syahrizal Abbas, *op. cit.*, p. 61.

²⁸Abdul Manan, *op. cit.*, pp. 103–105.

²⁹Philipus M. Hadjon, *op. cit.*, p. 76.

³⁰M. Yahya Harahap, *op. cit.*, pp. 57–58.

³¹Saldi Isra, "Legislative Approach in Legal Research", *Indonesian Legislation Journal*, Vol. 9 No. 3, 2012, pp. 3–5.

³²Herlien Budiono, *op. cit.*, pp. 98–104.

Thus, Decision No. 86/Pdt.G/2025/PA.Bla demonstrates the use of a formal-objective approach. This approach results in the declaration that the Religious Court lacks jurisdiction and the lawsuit is inadmissible. The analysis of the Theory of Authority shows that while careful jurisdiction is necessary, determining competence in notarial deed cases involving wills should also consider the substance of the legal relationship.³³

3.2. ImplicationsJurisdiction Regarding the Implementation of Absolute Competence in the Lawsuit for the Cancellation of a Notarial Deed to the Blora Religious Court in Decision No. 86/Pdt.G/2025/PA.Bla

The legal implications of the Blora Religious Court Decision No. 86/Pdt.G/2025/PA.Bla do not stop at the direct consequences of the lawsuit being inadmissible, but also touch on the certainty of the forum, the rights of the parties, and the application of law to disputes that fall between notary law and Islamic will law.³⁴This decision shows that absolute competence is not merely a procedural issue, because when the forum is deemed to be without jurisdiction, the justice seeker has not received an examination of the essence of the dispute.³⁵

Using the Theory of Legal Certainty is relevant because the law is required to provide clear, consistent, predictable, and reliable direction. In the judiciary, certainty includes clarity regarding the forum, procedures, and legal consequences that the parties must follow.³⁶The problem becomes more complex when a dispute can be seen as a dispute over the cancellation of a notarial deed and is also closely related to the substance of a will, because differences in qualifications can result in the case not being examined in essence.³⁷ The immediate consequence of the a quo ruling was the closure of the material examination at the Blora Religious Court. Amar lacked absolute authority to issue a substantive argument for the annulment of the notarial deed concerning the will, and the lawsuit was dismissed at the competency stage. Procedurally, this consequence aligns with the principle that errors of absolute competency generally result in a decision of non-compliance.³⁸The ruling further encouraged the plaintiff to pursue legal action or resubmit the case to another forum. Because the panel emphasized the cancellation of the notarial deed, the

³³Abdul Manan, op. cit., p. 25.

³⁴ Ahmad Ali, *Uncovering Legal Theory and Judicial Prudence*, Jakarta: Kencana Prenada Media Group, 2010, pp. 290–292.

³⁵ Mochtar Kusumaatmadja, *Legal Concepts in Development*, Bandung: Alumni, 2002, pp. 11–13.

³⁶Zudan Arif Fakrulloh, "Legal Certainty in the Judicial System", *Constitutional Journal*, Vol. 10 No. 2, 2013.

³⁷ Nurul Qamar, "Absolute Competence of the Courts", *IUS QUIA IUSTUM Journal*, Vol. 24 No. 3, 2017.

³⁸M. Yahya Harahap, *Civil Procedure Law*, Jakarta: Sinar Grafika, 2017, p. 180.

more appropriate forum was deemed to be a general court. This approach provides certainty in a narrow sense, but does not guarantee that the subsequent forum will accept the case as a general civil dispute or view its substance as a will, which falls within the jurisdiction of the Religious Court.³⁹

From the perspective of the Theory of Legal Certainty, a decision is not enough to simply state who is authorized; the decision should ideally also reduce uncertainty for the parties.⁴⁰The Blora PA decision does provide formal certainty that the case is not within the jurisdiction of the Religious Court, but it is not yet functionally final because the dispute can still continue in other forums with the possibility of different qualifications.⁴¹This shows that legal certainty in cross-regime cases is greatly influenced by the judge's accuracy in constructing the nature and essence of the dispute. The next implication concerns the protection of the parties' rights. Because the lawsuit has not been examined in its essence, there has been no determination as to whether the notarial deed regarding the will is valid, void, or non-binding; similarly, the legal standing of each party has not yet been materially certain.⁴²This delay may be procedurally valid, but it creates a burden in the form of delay in obtaining legal confirmation of the disputed relationship.⁴³In the case of wills, the impact is more sensitive because it relates to inherited assets, heir relationships, and potential family conflict; delays in the examination can hinder the management of assets and the implementation of the testator's wishes.⁴⁴Therefore, legal certainty also demands effectiveness and order in dispute resolution.⁴⁵

Regarding a notarial deed, the decision neither invalidates nor declares the disputed deed materially valid. As long as its substance has not been examined, the deed remains an authentic deed, while objections to its validity have not yet received a judicial response.⁴⁶This condition shows that there is a gap between formal certainty regarding the court's authority and substantive certainty regarding the object of the dispute. The application of absolute competence also affects the jurisdictional boundaries between judicial bodies. When a lawsuit is formulated as an annulment of a notarial deed, the Religious Court tends to refer the case to the general courts. This approach reflects caution in maintaining the boundaries of authority, but also raises the question of whether every will

³⁹Syahrizal Abbas, "The Problem of Absolute Competence in Religious Courts", *Jurnal Media Hukum*, Vol. 22 No. 1, 2015.

⁴⁰Zudan Arif Fakrulloh, "Legal Certainty in the Judicial System", *Constitutional Journal*, Vol. 10 No. 2, 2013.

⁴¹Mochtar Kusumaatmadja, *Legal Concepts in Development*, Bandung: Alumni, 2002, p. 13.

⁴²M. Yahya Harahap, *Civil Procedure Law*, Jakarta: Sinar Grafika, 2017, p. 180.

⁴³Abdul Manan, *Application of Civil Procedure Law in Religious Courts*, Jakarta: Kencana, 2018, pp. 103–105.

⁴⁴Ahmad Rofiq, *Islamic Civil Law in Indonesia*, Jakarta: RajaGrafindo Persada, 2019, pp. 181–183.

⁴⁵Mochtar Kusumaatmadja, *Legal Concepts in Development*, Bandung: Alumni, 2002, pp. 11–13.

⁴⁶Habib Adjie, *Indonesian Notary Law*, Bandung: Refika Aditama, 2019, pp. 45–52.

contained in a notarial deed should be outside the jurisdiction of the Religious Court.⁴⁷The norms regarding wills are indeed part of the competence of the Religious Court, but the a quo case shows that clarity of the norms does not automatically result in clarity of application, because the judge still has to decide whether the core of the case is a will or the cancellation of the deed.⁴⁸Thus, the source of uncertainty lies more in the interpretation and qualification of the object than in the absence of written rules.⁴⁹

This situation opens up the potential for disparate decisions. In disputes that intersect notarial law and probate law, the forum chosen may depend on how the lawsuit is formulated and how the judge qualifies the dispute, so that the certainty of norms can be overridden by differences in judicial approach.⁵⁰This kind of disparity shows that legal certainty has not worked optimally at the implementation stage.⁵¹Furthermore, the decision imposes a cost and time burden. The IDR 265,000 court fee imposed on the plaintiff is a formal consequence, but refiling the case in another forum can increase court costs, time, and legal aid costs.⁵²

Analytically, the implications of the decision can be divided into internal and external layers. The internal layer consists of the failure to examine the merits of the case, the failure to verify the material status of the deed, and the failure to resolve the parties' rights. The external layer consists of the decision's impact on similar cases in the future. Although not formally binding, its reasoning can serve as an informal reference for procedural strategies and judicial construction in similar cases.⁵³Therefore, the decision provides certainty in the narrow sense that PA Blora stated that it was not authorized but had not provided broad certainty regarding the final forum, the rights of the parties, and the legal status of the deed.⁵⁴

This decision demonstrates the dividing line between the formal form of the deed and the substance of the will. This separation maintains procedural boundaries of authority, but does not necessarily result in complete legal

⁴⁷Yahrizal Abbas, "The Problem of Absolute Competence in Religious Courts", *Jurnal Media Hukum*, Vol. 22 No. 1, 2015.

⁴⁸Abdul Manan, *Application of Civil Procedure Law in Religious Courts*, Jakarta: Kencana, 2018, pp. 103-105.

⁴⁹Nurul Qamar, "Absolute Competence of the Courts", *IUS QUIA IUSTUM Journal*, Vol. 24 No. 3, 2017.

⁵⁰Syahrizal Abbas, "The Problem of Absolute Competence in Religious Courts", *Jurnal Media Hukum*, Vol. 22 No. 1, 2015.

⁵¹Zudan Arif Fakrulloh, "Legal Certainty in the Judicial System", *Constitutional Journal*, Vol. 10 No. 2, 2013.

⁵²Mochtar Kusumaatmadja, *Legal Concepts in Development*, Bandung: Alumni, 2002, pp. 11-13.

⁵³M. Yahya Harahap, *Civil Procedure Law*, Jakarta: Sinar Grafika, 2017, p. 180.

⁵⁴Ahmad Ali, *Uncovering Legal Theory and Judicial Prudence*, Jakarta: Kencana Prenada Media Group, 2010, pp. 290-292.

certainty if the form of the document is more dominant than the substance of the disputed legal relationship.⁵⁵ Therefore, the legal implications include the closure of the examination of the main case in the Religious Court, the delay in certainty regarding the rights of the parties and the material status of the deed, the need to go through another forum, increased time and cost burdens, and the potential for uncertainty in similar cases.⁵⁶ With the Theory of Legal Certainty as an analytical tool, Decision No. 86/Pdt.G/2025/PA.Bla can be assessed as providing procedural certainty regarding the attitude of the Blora Religious Court, but has not yet fully achieved substantive certainty regarding the final forum and resolution of the main dispute.⁵⁷

Ultimately, the primary issue in this case is not simply the jurisdiction of the Religious Court, but also the accuracy of the classification of the disputed subject matter. While a too-strict distinction between the notarial deed and the substance of the will may maintain jurisdictional boundaries, it does not necessarily provide certainty for the parties. Ideally, legal certainty encompasses both the forum and the subject matter of the dispute, preventing the parties from switching forums without a resolution. The a quo decision is important as it affirms the position of the Blora Religious Court, but it also demonstrates the need for consistency in assessing the relationship between the form of the deed, the substance of the will, and the absolute competence of each judicial branch.

4. Conclusion

The Panel of Judges at the Blora Religious Court was procedurally correct by first examining the absolute competence before entering into the main case, in accordance with the theory of authority, procedural law doctrine, and the principle of legality. However, the determination of absolute competence should not only be based on the formal form of the object of the lawsuit in the form of the cancellation of the Notarial Deed, but must comprehensively assess the *posita*, *petitum*, legal relationship of the parties, the substance of the disputed rights, and the nature of the alleged legal defects, especially because the deed is related to a will which is normatively included in the scope of the authority of the Religious Court. Thus, the Blora Religious Court Decision No. 86/Pdt.G/2025/PA.Bla has provided procedural legal certainty regarding the forum considered authorized, but has not provided substantive legal certainty regarding the rights of the parties because the main dispute in the case has not been fully examined.

⁵⁵Nurul Qamar, "Absolute Competence of the Courts", IUS QUIA IUSTUM Journal, Vol. 24 No. 3, 2017.

⁵⁶Abdul Manan, Application of Civil Procedure Law in Religious Courts, Jakarta: Kencana, 2018, pp. 103–105.

⁵⁷Zudan Arif Fakrulloh, "Legal Certainty in the Judicial System", Constitutional Journal, Vol. 10 No. 2, 2013.

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