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Legal Consequences of Wills Not Made in the Form of an Authentic Deed

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Abstract. *A will is a legal instrument for conveying a person's wishes regarding the distribution of assets after death. In Indonesian law, the provisions of wills are regulated in the Civil Code (KUHP) and the Compilation of Islamic Law (KHI). The KUHP only recognizes wills made formally through a notarial deed, while the KHI is more flexible, allowing both written and oral wills, as long as they comply with sharia principles and can be proven to be true. This study examines the legal status of oral wills not stated in a notarial deed through a case study of PA Decision Number 196/Pdt.G/2016/PA.Tkl and PTA Decision Number 111/Pdt.G/2017/PTA.Mks, using normative juridical methods and a statutory approach. The results of the analysis indicate that a will without an authentic deed is not automatically null and void. The court has the authority to assess its validity based on the evidence presented. This emphasizes the importance of public understanding, especially Muslims, regarding the legal implications of the form and content of wills to avoid potential conflicts. This research is expected to contribute to the development of Islamic inheritance law in Indonesia, as well as serve as a reference for legal practitioners, academics, and the public in understanding the legal aspects of implementing wills in religious courts.*

Keywords: *Islamic Inheritance Law; Notarial Deed; Oral Will.*

1. Introduction

According to the Civil Code, there are two ways to obtain an inheritance, namely based on the Law (*ab intestato*) and through a will (*ad testamento*). Heirs according to the law are blood relatives and the longest surviving spouse, while heirs according to a will are determined based on the testator's last wishes. Article 875 of the Civil Code defines a will as a deed containing a person's statement of will regarding what will happen to their assets after death. The Civil Code

emphasizes the importance of a formal will, such as a public deed, a secret deed, or a handwritten holographic deed deposited with a notary in the presence of another party. A will without a notary is considered legally ineffective because it lacks the form of an authentic deed, making it vulnerable to challenge and creating legal uncertainty. This often leads to conflict between heirs. A will is unilateral because it arises from the will of the testator, without requiring the presence of the recipient of the will.[1]However, its creation is still limited by law, for example it cannot violate *legitieme portie*or the absolute share of the heirs. Therefore, a will should be made before a notary to ensure its legal force and certainty of implementation.

Referring to Law Number 2 of 2014 concerning the Position of Notary, in Article 1 Paragraphs 1 and 2, the notary is a public official who is authorized to make authentic deeds and has other authorities as referred to in this Law or based on other laws. In this regard, based on Article 943 of the UUJN, it is determined that a Notary who keeps wills among the original documents, in any form, after the death of the testator, must notify the interested parties.[2]The authority of a notary is general, meaning it encompasses the creation of all types of deeds except those exempted from notarial duties. In other words, officials other than notaries only have the authority to create certain types of deeds, and this must be done in accordance with the applicable laws and regulations.[3] Legal certainty is a crucial aspect of a will. The contents of the will must be enforceable so that the heirs obtain their rights without causing disputes. The Civil Code stipulates that a will with a general deed must be made before a notary and two witnesses. In contrast, the Compilation of Islamic Law (KHI) provides more flexibility, allowing for oral wills before witnesses or written wills without a notary, with the condition that the will be for a maximum of one-third of the assets and the recipient must be clearly identified.

A will according to the Compilation of Islamic Law is the gift of an object from the testator to another person or institution which will take effect after the testator dies. This is in accordance with article 171 letter (f) of the Compilation of Islamic Law. The definition according to the compilation of Islamic Law contains the meaning that in order for there to be a will there must be a testator, a recipient of

[1]Lubis, Suhrawardi K., & Simanjutak, Komis. (2012). *Hukum Waris Islam*. Jakarta: Sinar Grafika. p. 44

[2]Kusuma, Diah Ragil., & Munsharif, Abdul Cp. i. (2018). "Peran Notaris/PPAT Dalam Pembuatan Akta Pembagian Harta Warisan Terhadap Ahli Waris Yang Berbeda Agama". *Jurnal Akta Unissula*, Volume 3 No 4 2018, p. 107. url https://Jurnal.unissula.ac.id/index.php/SANLaR/article/view/23568 accessed on 20 August 2025.

[3]Mowoka, Alentine Phebe. (2014). "Pelaksanaan Tanggung Jawab Notaris Terhadap Akta yang Dibuatnya". *Jurnal Lex es Societatis,* Volume 2 No 4 2014, p. 62. url https://ejournal.unsrat.ac.id/v3/index.php/lexetsocietatis/article/view/4671 accessed on 20 August.

the will and the object bequeathed.[4] In practice, oral wills give rise to legal issues, such as the case of a testator named BDN who made an oral will to his children and son-in-law without clearly naming the recipients. This resulted in a dispute at the Takalar Religious Court (Decision Number 196/Pdt.G/2016/PA.Tkl) and on appeal at the Makassar Religious Court (Decision Number 111/Pdt.G/2017/PTA.Mks). The first-instance judge declared the will invalid because the recipients were unclear, but the appellate judge ruled otherwise.

This study aims to analyze the legal status and validity of wills not made in the form of authentic deeds, particularly oral wills according to the Civil Code and the Compilation of Islamic Law (KHI), and examine their implications through case studies of court decisions. Furthermore, this study is expected to contribute to the development of Islamic inheritance law in Indonesia, as well as serve as a reference for academics, legal practitioners, and the public in understanding the legal aspects of making wills to achieve legal certainty and avoid disputes.

2. Research Methods

The approach used in compiling this thesis is normative juridical research. The type and sources of data for this research are secondary data obtained through library research. This research uses document study as data collection. Data obtained from literature studies, as well as other relevant data related to this research, were collected and systematically analyzed to provide a solution to the problem.

3. Results and Discussion

3.1. Legal Certainty Regarding Wills That Are Not Made in the Form of an Authentic Deed

Legal certainty is one of the primary goals of law. Gustav Radbruch stated that good law must guarantee three things: legal certainty, justice, and utility.[5]The will without a notarial deed referred to in this study refers to a will delivered orally. In terms of oral wills, the Civil Code and the Compilation of Islamic Law (KHI) are fundamentally different. The Civil Code does not recognize oral wills, but only accepts wills in the form of authentic deeds and private deeds. Conversely, the KHI recognizes the existence of wills made orally or in writing. Regulations regarding this can be found in Article 195 of the KHI. Fiqh scholars stipulate that the sighat

[4]Mu'arif, Moh. Syamsul. (2015). "Perbandingan Wasiat Dalam Perspektif Kompilasi Hukum Islam (KHI) dan Burgerlijk Wetboek (BW)". *Jurnal Penelitian dan Kajian Keislaman,* Volume 3 No 2 2015, p. 94. url https://Jurnal.iaibafa.ac.id/index.php/tafaqquh/article/view/49 accessed on 20 August 2025.
[5]Radbruch, Gustav Radbruch. (1950). *Legal Philosophy*. New York: Chelsea Publishing Company. p. 7.

ijab and qabul used in a will must be clear, and the ijab and qabul must also be consistent.[6]

In Decision Number 196/Pdt.G/2016/PA.Tkl and Decision Number 111/Pdt.G/2017/PTA.Mks, there are different legal views from the two panels of judges, namely regarding the substance of the oral waqf, namely in terms of the recipient of the oral will. The decision of the Panel of Judges at the first level in case Number 196/Pdt.G/2016/PA.Tkl stated that the oral will was invalid because the recipient of the will was not clearly stated, even though it was delivered in the presence of two or more witnesses. On the other hand, in Decision Number 111/Pdt.G/2017/PTA.Mks, the Panel of Judges at the appellate level stated that the oral will was valid, on the grounds that the recipient of the will had been expressly stated, as described in the previous subchapter. Despite differences in the assessment of the validity of oral wills, both at first instance and on appeal, both decisions consistently refer to Articles 195 and 196 of the Compilation of Islamic Law (KHI) as the legal basis. Judicial authority is divided into two types: absolute authority and relative authority.[7]
The differing views between the first-instance and appellate judges demonstrate a lack of uniformity in assessing the validity of oral wills. This directly impacts legal uncertainty, particularly for individuals who draft oral wills and for heirs or beneficiaries who are disadvantaged by inconsistent decisions. The differing views of the judges in the two decisions stem not solely from the content of the case but also from the diverse perspectives, legal approaches, and freedom of assessment of evidence, all of which are valid within the framework of the judicial system. This demonstrates the importance of standardizing legal interpretation and updating regulations to create legal certainty in will cases, particularly those not in the form of authentic deeds. This situation reflects the gaps in Indonesian positive law, particularly regarding oral wills, that can lead to legal uncertainty.

In this case, the author analyzes that there is actually no will for heirs. The people entitled to receive a will are those who are not included in the heirs' group. The prohibition on making a will to an heir whose distribution has already been determined is due to considerations of the rights and feelings of other heirs. There should be no impression that the will shows differences in affection between the

[6]Putra, Arminsyah. (2020). "Kedudukan Hukum Wasiat Tanpa Akta Notaris (Studi Komperatif Kompilasi Hukum Islam dan Undang-Undang Hukum Perdata". Jurnal *SOMASI: Sosial Humaniora Komunikasi,* Volume 1 No 2 2020, p. 166-167. url https://Jurnal.ceredindonesia.or.id/index.php/somasi/article/view/107 accessed on 20 August 2025.
[7]Aspani, Budi. (2018). "Kompetensi Absolut dan Relatif Peradilan Tata Usaha Negara Menurut Undang-Undang Nomor 5 Tahun 1986 Jo. Undang-Undang Nomor 9 Tahun 2004". *Jurnal Fakultas Hukum Universitas Palembang,* Volume 16 No 3 2018, p. 348. url https://www.researchgate.net/publication/336382745KOMPETENSIABSOLUTDANRELATIF_PERADILAN_TATA_USAHA_NEGARA_MENURUT_UNDANGUNDANG_NOMOR_5TAHUN1986_Jo_UNDANGUNDANG_NOMOR_9TAHUN2004 accessed on 20 August 2025.

heirs that could lead to disputes after the person who made the will passes away.[8]The main issue in the lawsuit in Decision Number 196/Pdt.G/2016/PA.Tkl and Decision Number 111/Pdt.G/2017/PTA.Mks actually lies in the substance of the oral will which is deemed not to explicitly state who the recipient of the will is.

The testamentary dispute cases in cases Number 196/Pdt.G/2016/PA.Tkl and Number 111/Pdt.G/2017/PTA.Mks illustrate the differences in judges' approaches to understanding the validity of wills. At the first level, the Takalar District Court considered the testament of the testator (Bado Dg. Ngawing bin Djarimollah) invalid, because although there was evidence of a will, it did not clearly state who the recipient of the will was. Guided by Article 196 of the Compilation of Islamic Law (KHI), the judge concluded that one of the pillars of a will was not fulfilled, namely the clarity of the mushalahu. Consequently, the plaintiff's lawsuit was rejected. This approach clearly emphasizes formal legal certainty, so it is more or less in line with the paradigm of the Civil Code.

In contrast, the Makassar High Religious Court at the appeal level considered that although the testator did not mention names directly, the will's intent and purpose were clear: the rice fields were given to a qualified child, namely the one who cared for and supported his mother until her death. The judge interpreted the will as a conditional will, where the recipient is determined later according to who fulfills the conditions. The trial facts proved that the plaintiff was the one who cared for his mother until her death, so he was the one entitled to receive the object of the will. The Makassar High Religious Court's considerations emphasized the substance of justice and the will's intent, rather than merely the formal wording.

If we pay attention to the case in Decision Number 196/Pdt.G/2016/PA.Tkl and Decision Number 111/Pdt.G/2017/PTA.Mks, it is known that the object of the oral will is part of the inheritance given to one of the parties included in the group of heirs. In its implementation, a dispute arose between the Plaintiff/Appellant and Defendant/Appellee I, both of whom have the same position as heirs. In this context, based on the provisions of Article 195 and Article 196 of the Compilation of Islamic Law (KHI), as well as legal considerations in Decision Number 111/Pdt.G/2017/PTA.Mks, the implementation of the oral will given to the heirs should only be carried out if all heirs agree or allow the recipient of the will to receive an additional portion of the inheritance from the oral will. This aims to ensure that the implementation of the will does not cause disputes and remains in accordance with the principles of justice and the norms of Islamic inheritance law.

Based on the above description, it can be concluded that executing a will without a notarial deed is essentially only possible if the provisions of the Compilation of

[8]Rachman, Fathur Rachman. (1975). *Ilmu Waris*. Bandung: PT. Al-Ma'arif. p. 84.

Islamic Law (KHI) are referred to, not the Civil Code (KUHPerdata), which does not recognize oral wills or wills without a notarial deed. This is in line with the Islamic legal system, which allows for wills that are not formalized as long as they meet the pillars and requirements for a valid will as stipulated in the KHI.

The main issue in the lawsuit in Decision Number 196/Pdt.G/2016/PA.Tkl and Decision Number 111/Pdt.G/2017/PTA.Mks actually lies in the substance of the oral will which is considered not to explicitly state who the beneficiary of the will is. However, if examined carefully, the beneficiary of the will has actually been mentioned implicitly, namely one of the testator's children who had cared for his mother until her death. This is reflected in the legal considerations of the Panel of Judges of the Makassar High Religious Court in Decision Number 111/Pdt.G/2017/PTA.Mks, which states that the intent and will of the testator can be understood substantively through the actions and confessions of witnesses, even though it is not conveyed in writing or explicitly.

Thus, in the Islamic legal system, the clarity of the will's intentions, even if they are conveyed orally and not stated in the form of an authentic deed, can still be considered valid as long as it can be proven with convincing evidence and does not raise objections from other heirs. However, to ensure legal certainty and prevent disputes, written form and the consent of all heirs remains a very important element in the implementation of wills addressed to fellow heirs.

The author believes that the Makassar PTA decision is more appropriate than the Takalar PA decision. There are several reasons:

a. Wills in Islamic law are not only formal, but also moral and trustworthy. Ignoring the testamentary mandate just because the editorial team did not explicitly mention the name would be contrary to maqashid al-syari'ah.
b. A will made by a beneficiary subject to certain conditions is a valid form of will under Islamic law, as long as the conditions are clear and verifiable. In this case, the condition was to care for the mother until her death, and the plaintiff proved to have fulfilled this condition.
c. The Makassar PTA decision is fairer because it respects the plaintiff's concrete efforts to fulfill the requirements of the will while simultaneously safeguarding the rights of other heirs. Therefore, the Makassar PTA decision can be seen as a concrete example of the application of progressive law, which not only upholds legal certainty but also delivers substantive justice in accordance with Islamic legal values.

Conclusion This case shows that there are differences in paradigms between judicial level. The Takalar District Court rejected the will for formal reasons, oriented towards legal certainty. The Makassar District Court accepted the will as valid because views that the intent and substantive requirements of the will have been fulfilled, oriented towards justice and maslahah. By referring to legal theory

and the principles of justice, The Makassar PTA decision is more appropriate because it not only enforces the law in a textually, but also contextually, in accordance with the will's mandate and principles Islamic law.

Satjipto Rahardjo emphasized that law must be understood as a means to achieve humanitarian goals, not as a rigid rule. He stated, "Law is for humans, not humans for law."

The Makassar PTA's ruling aligns with the spirit of progressive law. The judge went beyond the text of Article 196 of the Compilation of Islamic Law (KHI) and further interpreted the testator's intent, explaining that it was clear even though the beneficiary's name was not mentioned. With a progressive approach, the judge successfully delivered substantive justice. In contrast, the Takalar PA was trapped in narrow legalism that negated the testator's mandate.

3.2. Legal Consequences of Wills Not Made in the Form of an Authentic Deed

Talking about legal consequences begins with the existence of a legal relationship, legal events and legal objects. Legal consequences arise due to the existence of legal relationships law where in a legal relationship there are rights and obligations. The legal consequences that will be explained in this study are legal consequences in the civil law aspect because the object of the researcher's research here is included in the scope of civil law, namely inheritance issues that arise from an oral will. Therefore, from several definitions of legal consequences above, the researcher uses legal consequences which are defined as the consequences given by law for a legal event or action of a legal subject. Legal consequences are closely related to legal events and legal actions.

A legal act is any action of a legal subject (human or legal entity) whose consequences are regulated by law and because these consequences can be considered the will of the person carrying out the law. Chainur Arrasjid stated that the meaning of a legal act is any action whose consequences are regulated by law and the consequences are desired by the person doing the action. According to Sudarsono, the definition of a legal act is any action whose consequences are regulated by law because the consequences can be considered to be the will of the person carrying out the action.[9]

In relation to this research topic, legal consequences are understood as consequences determined by law for a legal event or action of a legal subject (legal act). The legal event referred to in this context is the death of a person, while the legal action is in the form of an oral statement of will submitted by the testator before his death. A will essentially only gives rise to legal consequences after the

[9]Ali, Yunasril Ali. (2009). *Dasar-Dasar Ilmu Hukum*. Jakarta: Sinar Grafika. p. 55.

testator dies. Likewise with inheritance, because according to the law, when someone dies, all their rights and obligations immediately pass to their heirs.

Legal acts consist of unilateral legal acts and bipartisan legal acts. A unilateral legal act is a legal act carried out by only one party and gives rise to rights and obligations for that party. Meanwhile, a bipartisan legal act is a legal act carried out by two parties and gives rise to rights and obligations for both parties (reciprocal).

An oral will executed by a testator is a unilateral legal act. If an oral will is a legal act, then its consequences are governed by law, as it can be considered the will of the testator. The consequences referred to here are legal consequences. Because a will is made orally, its legal impact is related to how strongly the oral will can be proven. The same applies to written wills, whether authentically made before a notary or privately. The legal consequences are still related to the evidentiary power of the will. Therefore, from the explanation above, it can be concluded that an oral will still has legal consequences. Because it is oral, these legal consequences are related to how strongly the will can be proven. These legal consequences arise due to a legal event, namely the death of the testator, and a legal act, namely the testator conveying the will orally to his heirs before his death.

A will is legally valid as long as it fulfills the pillars or conditions stipulated, that is, there is an agreement and qabul between the two parties, where the statement of the will can be made through words (oral), signs and actions, and it is implied that the person has the ability to release his property rights to another person, including those who are mature, are intelligent, are free to determine their will and are not under guardianship.[10]

The legal consequences as previously described are closely related to the aspect of evidentiary power. The evidentiary power referred to refers to the validity of a will that is not made in the form of a notarial deed according to the Compilation of Islamic Law (KHI) and the Civil Code (KUHPerdata), as well as its relevance in Decision Number 196/Pdt.G/2016/PA.Tkl and Decision Number 111/Pdt.G/2017/PTA.Mks. The difference in legal views regarding oral wills between the Civil Code and KHI affects the status and evidentiary power of the will. The Civil Code, which only recognizes wills in written form, gives perfect evidentiary value to wills made in the form of authentic deeds before a public official (notary). This shows that the Civil Code does not provide a place for oral wills, so that any form of will that is not set out in written form does not have valid evidentiary power according to civil procedural law.

[10]Nurfitriani, Putih. (2022). "Dampak Hukum Wasiat Tanpa Akta Notaris", *Jurnal Ilmiah Mahasiswa Hukum [JIMHUM],* Volume 2 No 3 2022, p. 10. url https://Jurnal mahasiswa.umsu.ac.id/index.php/jimhum/article/ view/1574 accessed on 20 August 2025.

Meanwhile, the Compilation of Islamic Law (KHI) recognizes the existence of oral wills or wills that are not made in the form of a notarial deed. The difference in legal views between the Civil Code and KHI regarding oral wills directly affects the evidentiary power of the will, especially if a legal dispute arises. Oral wills do have implications for the evidentiary power. This is clear that in Decision Number 196/Pdt.G/2016/PA.Tkl and Decision Number 111/Pdt.G/2017/PTA.Mks, the panel of judges formulated 2 (two) main points of focus that caused the dispute, namely whether or not during his lifetime Bado Dg. Ngawing bin Djarimollah has given the object of the dispute to the plaintiff by making an oral will stating 'Whoever is my child who cares for and supports and lives in the same house with his mother until the person concerned dies, then he will have the right to the rice fields located in the Tamalate area, Mangadu Village, Mangngara Bombang District, Takalar Regency with the title Lompok Kalumpang', and regarding whether the oral will of Bado Dg. Ngawing bin Djarimollah has fulfilled the pillars and requirements of an oral will.

Oral wills have high legal risks, as reflected in Decision Number 196/Pdt.G/2016/PA.Tkl and Decision Number 111/Pdt.G/2017/PTA.Mks. In the Decision of the Takalar Religious Court as the first instance, the plaintiff's lawsuit was rejected because the panel of judges considered that the oral will did not have sufficient evidentiary power. However, at the appeal level, namely in Decision Number 111/Pdt.G/2017/PTA.Mks, the panel of appellate judges accepted part of the appeal and stated that the oral will can be considered valid if it refers to the provisions in the Compilation of Islamic Law (KHI). The legal consequences of making a will without a notarial deed or orally lie primarily in the aspect of evidentiary power in the event of an inheritance dispute. In this case, the evidentiary power of an oral will or a will not made in the form of a notarial deed is clearly below the evidentiary power of a will made before a notary as an authentic deed. This is because an authentic deed has perfect evidentiary power and is legally binding, whereas an oral will only relies on testimony whose truth can be debated in court.

Based on these two decisions, it can be concluded that there are several legal consequences of a will that is not made in the form of an authentic deed:

1. Weak Evidential Power, Wills delivered orally or not written down in the form of an authentic deed basically only have the evidentiary power as ordinary writing, not as perfect evidence as regulated in Article 1870 of the Civil Code. This condition creates uncertainty regarding the authenticity and truth of the substance of the will, especially if there are parties who deny its existence. In judicial practice, this can be an obstacle in the implementation of the testator's wishes, because the contents of the will must first be proven through additional evidence in court. This evidentiary process often gives rise to complex legal debates and prolongs the dispute resolution process, which

ultimately can hinder the achievement of legal certainty and justice for the parties.

2. Prone to Lawsuits: Wills that do not meet formal requirements, particularly those not drawn up before an authorized official or not legally signed, are highly vulnerable to legal disputes. Heirs or other aggrieved parties have grounds to challenge the validity of the will, arguing that it is procedurally flawed or even fabricated. In judicial practice, such lawsuits often result in the annulment of the will or at least a delay in its execution. This phenomenon is evident in the cases analyzed, where formality is a crucial factor in determining the validity of a will.
3. Lack of Legal Certainty: The absence of an authentic form in a will results in the loss of legal certainty for all interested parties. This occurs because the content and validity of the will cannot be immediately executed but must first go through a process of proof in court. The result of this condition is a delay in the execution of the will, which results in the unclear status of the rights of the heirs. This situation clearly contradicts the basic purpose of inheritance law, namely to provide legal protection and certainty for all parties involved, especially in the implementation of the testator's wishes after his death.
4. Legal Harmonization is Needed: The differences between the Civil Code (KUHPerdata) and the Compilation of Islamic Law (KHI) in regulating the form and requirements for valid wills indicate the need for legal adjustment or harmonization. This discrepancy can give rise to differences of opinion and interpretation, leading to legal disputes. Therefore, to ensure legal certainty and justice for people with diverse legal backgrounds, it is crucial to immediately harmonize these regulations. This can be achieved through legal reforms and consistent judicial decisions (jurisprudence).

Based on the description above, the implementation of the will is carried out in accordance with provisions in the Compilation of Islamic Law (KHI) but not made in the form of notarial deeds can have legal consequences for the validity of the will himself. In this case, the last will of the testator may be considered invalid. proven due to weak evidentiary power. This is the main weakness of oral wills recognized by the Indonesian Compilation of Islamic Law (KHI), namely their lack of perfect evidentiary power. Decisions Number 196/Pdt.G/2016/PA.Tkl and Decision Number 111/Pdt.G/2017/PTA.Mks show that oral wills are highly vulnerable to lawsuits. In fact, in the trial process, the court must first prove the truth of the oral will before entering into the main points of the dispute.

4. Conclusion

Legal Certainty Regarding Wills Not Made in the Form of Authentic Deeds According to Decision Number 196/Pdt.G/2016/PA.Tkl and Decision Number 111/Pdt.G/2017/PTA.Mks can only be implemented according to the Compilation of Islamic Law (KHI). And there are differences in legal views from the two judges

between the panel of judges of the first level and the panel of judges of the appeal in deciding the case which shows the lack of uniformity in assessing oral wills according to the main points of the case. This certainly has an impact on legal certainty, especially for people who prepare wills orally. This causes oral wills to be vulnerable to lawsuits. On the other hand, the regulation regarding evidence in the Indonesian legal system still refers to the provisions of the Civil Code (KUHPerdata), which places authentic deeds as evidence with the highest strength. In order to guarantee legal certainty in making a will between the testator and the recipient of the will, there needs to be uniformity or harmony in the rules between the Civil Code and the Compilation of Islamic Law in order to create legal certainty in carrying out a will. And also avoid conflicts that arise in the future. A will should be made by or before a Notary in order to give it status as an authentic deed, thereby guaranteeing legal certainty and having perfect evidentiary power before the law.

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