



AUTHORITY OF A NOTARY IN MAKING A DEED CONCERNING THE POSTPONEMENT OF THE DISTRIBUTION OF INHERITANCE TO THE HEIRS

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ABSTRACT

This research is motivated by the lack of explicit regulations regarding the authority of notaries in making deeds of postponement of inheritance distribution which has the potential to cause legal uncertainty and disputes. This research aims to analyze the authority of notaries, the reasons for postponement, and legal protection for the parties. The method used is normative legal research with a statutory, conceptual, and case approach through literature study and analysis of court decisions. The results of the research indicate that notaries are authorized to formalize postponement in authentic deeds based on Article 15 of the Notary Law and a binding agreement according to Article 1338 of the Civil Code. The postponement is carried out for legitimate reasons as stated in Article 1066 and Article 1074 of the Civil Code as well as the notary's duty of prudence. This research concludes that postponement is a legitimate preventive mechanism based on Article 833, Article 955, and Article 1865 of the Civil Code as well as Article 16 and Article 65 of the Notary Law to ensure legal certainty and protection.

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1. INTRODUCTION

Inheritance is a legal event that occurs due to the death of a person, resulting in the transfer of the rights and obligations of the testator to the heirs in accordance with applicable law. In civil law doctrine, inheritance is understood as a legal relationship resulting from death that causes all the rights and obligations of the testator to be legally transferred to the heirs [1]. This transfer relates not only to the distribution of wealth but also concerns legal certainty regarding the ownership and legitimacy of control of inherited assets. Therefore, the distribution of inheritance requires a clear and accountable legal mechanism to prevent disputes and protect the rights of the parties.

In practice, the distribution of inheritance often gives rise to family conflicts caused by legal ignorance, incomplete documents, or illegal control of assets [2]. The problem becomes more complex when there is disagreement regarding the status of the heirs, the size of the share, or the validity of the documents. This demonstrates that the distribution of inheritance is not merely an administrative act, but a legal act with direct implications for legal certainty and protection. In this context, notaries, as public officials, play a crucial role in providing legal certainty through authentic deeds that have full evidentiary force [3]. A notary is authorized to draw up an authentic deed for any legal act desired by the parties, as long as it does not conflict with the law [3].

This deed guarantees legal certainty and ensures that the distribution of inheritance is carried out legally and accountably [4].

However, in notarial practice, circumstances often arise where the distribution of inheritance cannot be carried out directly, including due to unclear heir status, incomplete documents, disputes between heirs, or unclear legal status of the inherited assets [5]. These circumstances have the potential to give rise to legal consequences in the form of disputes, cancellation of the deed, or lawsuits against the parties, including the notary, thus requiring caution in implementing the distribution of inheritance.

The authority of a notary is derived from the Notary Law, which grants them the authority to draw up authentic deeds [6]. However, this authority must be exercised based on the principles of legality, prudence, and legal responsibility. Notaries are required to ensure that the formal and material requirements of the deed are met and to prevent the creation of legally flawed deeds [7]. Therefore, under certain circumstances, notaries are required to postpone the distribution of an inheritance until all legal requirements have been legally fulfilled. Postponing the distribution of an inheritance is a legal action that can be justified if it is based on valid reasons, such as an agreement between the heirs or the unclear legal status of the inheritance [8]. The postponement outlined in an authentic deed has binding legal force and serves as a legal protection mechanism to guarantee the validity of the distribution of the inheritance.

From an authority perspective, every action of a public official must be based on legitimate authority [7]. Notaries can only act within the limits of the authority granted by law. Therefore, postponing inheritance distribution raises legal issues regarding the limits of a notary's authority and its implications for the legal protection of the parties [6]. Although various literature has discussed notary authority and inheritance distribution, there is no explicit regulation regarding a notary's authority to draft a deed of postponement of inheritance distribution as a separate type of deed. The existing literature generally only discusses inheritance distribution in general and has not specifically examined the legal status of postponement of inheritance distribution from the perspective of notary authority and legal protection [6], [4]. This lack of regulation has the potential to create legal uncertainty, disputes between heirs, deed cancellation, and the risk of legal liability for notaries. This situation indicates an urgent need to provide legal clarity regarding a notary's authority to postpone inheritance distribution and its implications for the legal protection of the parties.

Based on this description, this study examines the notary's authority to postpone inheritance distribution, the legal reasons for such postponement, and the legal protection for heirs and notaries. This study aims to analyze the notary's authority to postpone inheritance distribution and its implications for legal certainty. This research is expected to contribute to the development of notarial law and provide legal certainty for the public and legal practitioners.

2. RESEARCH METHODS

This research uses a normative legal research method, namely research that positions law as a written norm that applies and is analyzed based on principles, normative systems, and relevant statutory provisions [9]. This method is used to identify and analyze legal norms related to the authority of notaries in postponing the distribution of inheritance and their implications for protecting the rights of the parties.

The approaches used include a statutory approach, a conceptual approach, and a case approach. The statutory approach is carried out by examining various legal provisions, particularly the Civil Code, the Notary Law, and other related regulations, to assess the suitability of positive legal norms to the practice of postponing inheritance distribution [10]. The conceptual approach is used to understand and analyze the concepts of notary authority, legal certainty, and legal protection, including how notaries' attribution of authority is used in formalizing postponement agreements, and how this concept ensures legal certainty and protection for the parties [10]. Meanwhile, the case approach is carried out through an analysis of court decisions to obtain a concrete picture of the application of legal norms in notarial practice [10].

Legal sources consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations and court decisions. Secondary legal materials consist of books, journals, and relevant scientific works, selected based on the criteria of relevance, credibility, and scientific authority in the fields of notarial law and inheritance law. Tertiary legal materials, on the other hand, are used to support the understanding of legal concepts and terms [10].

Legal materials are collected through library research and document study, namely by examining legal literature, doctrines, laws and regulations, and court decisions related to the research problem. Furthermore, legal materials are analyzed qualitatively and normatively through a process of inventory, classification, and legal interpretation, as well as a comparison between legal norms, doctrines, and legal practices, to obtain systematic and scientifically justifiable conclusions [11].

3. RESULT AND ANALYSIS

This chapter outlines the results of research on the authority of notaries to postpone the distribution of inheritance based on positive legal provisions and notarial practice. The discussion focuses on an analysis of the basis for notaries' authority to formalize postponement agreements, the legal reasons behind postponing inheritance distribution, and the forms of legal protection for heirs and notaries.

Notary's Authority to Postpone Inheritance Distribution

The notary's authority to postpone inheritance distribution is an integral part of the notary's function as a state instrument in ensuring legal certainty regarding the transfer of civil rights. While inheritance, as a legal event, occurs automatically upon the death of the testator, the distribution of inheritance assets cannot always be carried out immediately. In practice, circumstances often arise where distribution must be postponed due to uncertainty regarding all heirs, incomplete identification of the inheritance object, or potential disputes that could affect the validity of the distribution. In this context, postponement should not be understood as a barrier to the rights of the heirs, but rather as a preventative legal mechanism to ensure that the distribution is carried out legally, fairly, and without prejudice to any party [12]. Therefore, postponing inheritance distribution is actually part of a legal protection effort, particularly to prevent the issuance of legally flawed deeds due to the failure to meet material or formal requirements.

The notary's position in this process is not merely administrative but also has a juridical dimension inherent in the authority of the office. As a public official, a notary not only records the wishes of the parties but is also obligated to ensure that these wishes comply with applicable legal provisions and do not give rise to potential disputes in the future. Adjie explained that the authority of a notary is an attribute of the position aimed at ensuring legal certainty, so that every notary's actions must be based on the principles of prudence, impartiality, and legal protection for the parties [6]. In the context of postponing the distribution of an inheritance, this principle positions the notary as a legal guardian, ensuring that the distribution is not carried out prematurely before all legal requirements are met.

Normatively, the legal basis for postponing the distribution of an inheritance can be traced through several provisions of the Civil Code. Article 832 of the Civil Code states: "According to the law, those entitled to be heirs are blood relatives, both legitimate according to law and out of wedlock, and the longest surviving husband or wife, according to the following regulations." This provision demonstrates that certainty regarding the legal subject is a primary requirement before the distribution of an inheritance. If this certainty is not achieved, the distribution has the potential to violate the rights of other parties. Furthermore, Article 834 of the Civil Code grants heirs the right to claim their inheritance rights against anyone who controls the inheritance, so that systematically it can be understood that distribution is only appropriate after all legal requirements that protect the interests of all heirs have been met [13]. Therefore, systematically interpreted, the law recognizes the importance of postponing inheritance distribution if there is a legitimate reason to prevent violations of the heirs' rights.

Agreements to postpone inheritance distribution are legally binding through Article 1338 paragraph (1) of the Civil Code, which states: "All agreements made legally apply as laws for those who make them." This norm confirms that agreements by heirs to postpone distribution have legally binding force and must be respected [13]. In the context of notarial law, the notary's authority to formalize such agreements is regulated in Article 15 paragraph (1) of the Notary Law [14], which states: "Notaries are authorized to draw up authentic deeds regarding all acts, agreements, and provisions required by statutory regulations and/or desired by the interested parties to be stated in an authentic deed." This provision provides the basis for attributing authority to a notary to draw up an authentic deed regarding an agreement to postpone the distribution of an inheritance, so that the postponement has full evidentiary force [15]. The relationship between inheritance norms and the notary's authority can be summarized as follows:

Table 1. Normative Framework of Notary's Authority in Postponing Inheritance Distribution

Number	Aspects	Positive Legal Provisions	Normative Relevance
1	Certainty of heirs	Article 832 of the Civil Code	Determining the entitled parties in the postponement agreement.
2	Legitimacy of the delay	Article 834 of the Civil Code	Provides a legal basis that distribution can be postponed.
3	Binding force of agreement	Article 1338 of the Civil Code	Making the postponement agreement legally binding.
4	Notary authority	Article 15 of UUJN	Granting authority to make authentic deeds of postponement.

Table 1. shows that a notary's authority to postpone inheritance distribution is part of an interconnected legal system. The Civil Code provides the basis for the legitimacy of the postponement and the legal force of the agreement, while the Notary Law grants notaries the formal authority to formalize the agreement in an authentic deed. Therefore, a notary's authority to postpone inheritance distribution does not stand alone, but rather is a logical consequence of the legal system governing inheritance and agreements.

From a judicial practice perspective, the importance of legal certainty in inheritance distribution is emphasized in Supreme Court Decision Number 3391 K/Pdt/2023, which adjudicated a civil inheritance dispute. The Court emphasized the importance of involving all legitimate heirs in inheritance distribution, so that distributions that do not meet these requirements have the potential to be declared invalid. This jurisprudence demonstrates that postponement does not constitute a violation of authority, but rather part of an effort to maintain the legality of legal actions.

From a legal theory perspective, a notary's authority is attributable authority derived from law and must be exercised to ensure legal certainty [6]. Hernoko emphasized that all public officials' authority must be exercised based on the principle of legality to avoid exceeding the limits of authority granted by law [16]. Furthermore, Kartikawati explained that inheritance distribution can only be carried out if the status of the heirs and the object of the inheritance is clear, as such ambiguity can give rise to disputes [12]. This view suggests that postponing inheritance distribution is part of the notary's exercise of authority to maintain legal certainty.

A systematic analysis of the norms in the Civil Code and the Notary Law demonstrates a harmonization of inheritance law and notarial law. The Civil Code provides the legal basis for the legitimacy of the postponement and the validity of the agreement, while the Notary Law authorizes notaries to formalize such agreements. However, legal ambiguity remains because there are no provisions explicitly regulating the deed of postponement of inheritance distribution as a separate type of deed. This lack of clarity results in notaries' authority in practice being dependent on systematic interpretation based on the principle of freedom of contract and the general authority of notaries [3].

Based on this overall analysis, the notary's authority to postpone inheritance distribution is legally valid and plays a crucial role in maintaining legal certainty. Postponing inheritance distribution does not constitute a violation of this authority, but rather a preventative legal mechanism to ensure that the distribution is carried out legally, fairly, and provides legal protection for all heirs. In this context, the notary's role is not only as the deed maker but also as the legal guardian, ensuring that every legal action in the inheritance process is within the bounds of positive law and guarantees legal certainty for all parties.

Reasons for Notaries to Delay Inheritance Distribution

A notary's delay in inheritance distribution is a legal consequence of the notary's official obligation to ensure that every legal act outlined in an authentic deed meets formal and material legal requirements. In the civil inheritance law system, the distribution of inherited assets cannot always be carried out immediately after the testator's death, as legal, administrative, and factual conditions often remain unmet. Therefore, the delay should not be viewed as an obstacle to the rights of the heirs, but rather as a legal protection mechanism aimed at maintaining legal certainty, justice, and the validity of legal actions. This aligns with Adjie's view, which emphasizes that notaries must act diligently and ensure all normative bases are met before translating the parties' wishes into an authentic deed [17]. Therefore, the delay is part of the legitimate exercise of notarial authority and is inseparable from the professional responsibilities of the position.

Normatively, the primary legal basis for delaying inheritance distribution is regulated in the Civil Code. Article 1066 of the Civil Code stipulates that "no one is obligated to accept the continuation of an inheritance in an undivided state; separation of inheritance may be requested at any time, unless otherwise agreed upon for a specific period of time." This provision implies that division is only appropriate if all objects of the inheritance are in a clear legal condition, free from disputes, and legally ready to be divided. Furthermore, the provisions regarding the form and procedures for separation of inheritance in Article 1074 of the Civil Code require that the separation or division of inheritance be carried out through a deed that meets legal requirements, so that it cannot be done haphazardly. Doctrinally, this provision is understood to acknowledge that division can be postponed as long as there is still a valid reason, for example because the object or legal status is not yet clear, so that the postponement becomes part of the inheritance process. In addition, Article 1100 of the Civil Code stipulates that "heirs who have received an inheritance are obligated to bear a proportionate share in the payment of debts, bequests and other burdens, in relation to what each of them received from the inheritance." [13] This norm demonstrates that the distribution of an inheritance carries legal liability consequences for the heirs, so that a postponement can serve as a preventive protection instrument to ensure that no heir is disadvantaged due to premature distribution.

In addition to substantive aspects, the reasons for the postponement also relate to administrative aspects. Article 830 of the Civil Code states that "inheritance only takes effect upon death." This provision emphasizes that inheritance only takes legal effect after the testator's death is legally proven through administrative documents such as a death certificate. If these documents are incomplete, the inheritance distribution lacks sufficient legal

basis. Furthermore, Article 836 of the Civil Code stipulates that those legally entitled to an inheritance must prove that right [13]. This norm requires administrative proof of heir status through official documents, making incomplete documents a valid reason to postpone distribution.

From a legal perspective regarding the notary profession, the obligation to postpone is also expressly regulated in the Notary Law. Article 16 paragraph (1) letter d of the UUJN states that "in carrying out their duties, notaries must act in a trustworthy, honest, thorough, independent, impartial manner, and safeguard the interests of the parties involved in legal acts." Furthermore, Article 16 paragraph (1) letter i of the UUJN stipulates that "notaries must refuse to make deeds that conflict with statutory provisions, morality, and public order." This provision indicates that notaries are not only authorized but also obliged to postpone if there are conditions that could cause the deed to be legally invalid [14]. Thus, the postponement is a form of notary compliance with the principles of legality and the principle of professional prudence.

To demonstrate the interconnectedness of these various legal bases, the following is a summary of the reasons for postponing inheritance distribution by notaries:

Table 2. Summary of Basic Reasons for Postponing Inheritance Distribution by Notaries

Number	Aspects	Positive Legal Provisions	Normative Relevance
1	Assets not ready to be divided	Article 1066 of the Civil Code	Affirms that the division is only valid if the inheritance object is legally ready.
2	Valid reasons for delay	Article 1074 of the Civil Code	Providing normative legitimacy for the postponement.
3	Heir protection	Article 1100 of the Civil Code	Guaranteeing protection of heirs' rights.
4	Inheritance status	Article 830 of the Civil Code	Requires proof of death of the testator.
5	Proof of heirs	Article 836 of the Civil Code	Demanding administrative proof of heirs.

Based on Table 2. above, it is clear that postponing inheritance distribution has a strong legal basis, both in terms of inheritance law and the law of the notary office. These norms form a unified legal system that requires distribution to only occur if all legal requirements have been met.

Jurisprudence also reinforces this construction. Supreme Court Decision No. 3574 K/Pdt/2000 emphasizes that the heirs' liability for the testator's debts is limited to the value of the inheritance, therefore, the heirs' obligations must be carefully calculated before the inheritance is divided to avoid causing losses to the heirs. Meanwhile, Supreme Court Decision No. 1048 K/Pdt/2012 emphasizes that female heirs have the legal standing to claim their inheritance rights and are entitled to an equal share. Therefore, an inheritance distribution that does not clarify the status and rights of all heirs is potentially subject to challenge and is declared unjust. Both decisions demonstrate that a distribution without legal certainty is potentially void, making postponing a legitimate preventive measure.

Theoretically, the obligation to postpone inheritance is also in line with notarial doctrine. Adjie explained that a notary's authority can only be exercised if all legal requirements are met [6]. Soegondo emphasized that the authenticity of a deed depends on the fulfillment of formal and material requirements [18]. Kartikawati also stated that clarity regarding the status of the heirs and the object of the inheritance is an absolute requirement before legal action can be taken [12]. These theories indicate that the postponement is part of a notary's legal obligations.

A systematic analysis of the provisions of the Civil Code and the UUJN demonstrates a harmonization of norms. The Civil Code establishes substantive requirements for inheritance distribution, while the UUJN establishes the notary's formal obligations. Both complement each other in ensuring legal certainty. However, legal ambiguity remains because there are no provisions explicitly governing the form of the deed postponing inheritance distribution. This lack of norms requires notaries to interpret it based on the principle of prudence.

Based on this overall analysis, it can be concluded that the notary's reasons for postponing inheritance distribution are valid legal consequences, aimed at maintaining the validity of the deed, protecting the rights of the heirs, and ensuring legal certainty. The postponement is not an excess of authority, but rather an integral part of the implementation of the notary's authority in the national inheritance law system.

Legal Protection for Heirs and Notaries

Legal protection for heirs and notaries in the event of a postponement of inheritance distribution is a direct consequence of the emergence of inheritance rights upon the testator's death. This provision is affirmed in Article 833 of the Civil Code, which essentially states that "heirs automatically, by law, acquire ownership rights to all

goods, all rights, and all receivables of the deceased." This norm positions heirs as legal subjects who automatically acquire rights to the inheritance. Therefore, any legal action, including a postponement of distribution, must not eliminate or diminish these rights but must be directed toward protecting them. In notarial practice, delays often occur due to incomplete documents, unclear heir status, or potential disputes. Therefore, legal protection serves as a preventative mechanism to ensure that the distribution is carried out legally, orderly, and without prejudice to any party [19].

This protection is normatively rooted in the provisions of the Civil Code and the Notary Law. Article 955 of the Civil Code, in the doctrine of inheritance, is understood to regulate the transfer of property and rights to inherited assets to heirs upon the testator's death. While the right to demand separation of inherited assets is expressly regulated in Article 1066 of the Civil Code, which grants each heir the right to request separation of inherited assets and is not required to accept the inheritance in an undivided state. Furthermore, Article 1067 of the Civil Code regulates the position of creditors and beneficiaries of testamentary gifts in relation to the separation of inherited assets, which systematically reinforces that the distribution must not be detrimental to interested parties. These two norms indicate that the right of heirs to receive a share of the inheritance remains inherent even if the distribution is postponed, so that the postponement is only temporary and does not eliminate the material rights of the heirs [20].

From a notarial perspective, this protection is reinforced by Article 16 paragraph (1) letter a of the Notary Law, which states: "In carrying out his/her office, a Notary must act with integrity, honesty, thoroughness, independence, impartiality, and safeguard the interests of the parties involved in legal acts." In addition, Article 16 paragraph (1) letter g of the UUJN requires notaries to bind or bind the deed and its supporting documents as a single unit of minutes, and Article 16 paragraph (1) letter m of the UUJN emphasizes the notary's obligation to read the deed and provide an explanation of its contents to the parties prior to signing. These norms ensure that the postponement of inheritance distribution is carried out objectively, transparently, and based on accurate data verification, thereby protecting the heirs and providing legal protection for notaries in carrying out their duties [15].

To systematically demonstrate the integration of these legal protections, the following is a summary of the norms that provide legal protection for heirs and notaries in the postponement of inheritance distribution.

Table 3. Recapitulation of Legal Protection for Heirs and Notaries

Number	Protection Aspects	Positive Legal Provisions	Normative Relevance
1	Matters of heirs to inheritance	Article 833, Article 955 and. Article 1066 of the Civil Code	Ensure inheritance rights remain intact even if distribution is postponed.
2	Right to exit from joint property	Article 1066 of the Civil Code	Protecting heirs from prolonged uncertainty.
3	Notary's obligation to be objective	Article 16 paragraph (1) letter a of the UUJN	Guarantee notaries act fairly and impartially.
4	Document verification	Article 16 paragraph (1) letter g of the UUJN	Protecting heirs from invalid data-based deeds.
5	Counseling or reading of the deed to the parties	Article 16 paragraph (1) letter m UUJN	Ensure understanding between the parties and prevent disputes.
6	Notary's responsibilities	Article 65 of the UUJN	Ensuring that deeds are made legally and can be accounted for.
7	Lawsuit mechanism	Article 834, Article 1865 of the Civil Code	Gives heirs the right to sue and prove their rights.

Table 3. shows that legal protection in delaying inheritance distribution occurs simultaneously through substantive inheritance norms and notary office norms. The Civil Code guarantees the material rights of heirs and provides a lawsuit mechanism, while the Law on Notary Legal Entities (UUJN) ensures that the formalization process is carried out professionally and objectively. Thus, legal protection does not only emerge after a dispute arises but is established from the initial stage through data verification, legal counseling, and the responsibilities of the notary office.

The relevance of this protection is also reflected in judicial practice, for example, Supreme Court Decision No. 1916 K/Pdt/2011, which indicates that the court can reject or not validate the distribution of an inheritance that remains unclear regarding the status of the heirs or the object of the inheritance. Therefore, delaying inheritance becomes a mechanism to prevent legally flawed distribution. This decision confirms that delaying inheritance can be a legal protection mechanism to prevent legally flawed distribution. Furthermore, Supreme Court Decision No. Decree No. 3297 K/Pdt/2022 states that unilateral actions by heirs to transfer inheritance objects without collective consent are invalid and subject to revocation, thus strengthening the protection of the

rights of other heirs during the postponement period. Both decisions demonstrate that distributions made without legal certainty are potentially void, making postponement a legitimate preventive measure.

From a theoretical perspective, this legal protection aligns with Adjie's view, which asserts that an authentic deed is a legal protection instrument that must be drafted carefully and objectively to ensure legal certainty for the parties [3]. Sadi Is also emphasized that legal protection in civil relations requires certainty regarding the subject and object of rights to prevent disputes [21]. Kartikawati added that postponing inheritance distribution is often a preventive measure to ensure clarity regarding the status of heirs and inheritance objects [12]. Similarly, Kholidah et al. assert that notarial deeds function as a protection instrument because they provide legal certainty through a formal, accountable procedure [15].

The harmonization of the Civil Code and the UUJN demonstrates that legal protection for heirs and notaries is the result of an integration of substantive and formal norms. The Civil Code establishes the rights of heirs and their protection mechanisms, while the UUJN regulates the notary's obligation to legally formalize legal acts. Hernoko emphasized that legal certainty in notarial practice can only be achieved if notaries exercise their authority carefully and objectively. Thus, legal protection is not only repressive through lawsuit mechanisms, but also preventive through notaries' professional obligations.

However, there is normative ambiguity due to the lack of explicit provisions regarding "deeds of postponement of inheritance distribution" in either the Civil Code or the UUJN. This gap causes legal protection to rely on systematic interpretation of existing norms. Ibrahim explained that the normative gap must be filled through legal construction based on the principles of legal certainty and purpose [22]. Kartikawati also emphasized that systematic interpretation is necessary to ensure that legal actions in inheritance remain in accordance with the principles of legal protection [12]. Syaikh adding that notaries retain the authority to formalize agreements as long as they do not conflict with the law [23].

Based on this overall analysis, legal protection for heirs and notaries in the event of a postponement of inheritance distribution constitutes a comprehensive protection system, encompassing preventative protection through verification and legal counseling, as well as repressive protection through lawsuit and evidence mechanisms. This protection ensures that the rights of heirs remain guaranteed, while notaries are protected in exercising their authority legally and professionally. Therefore, the postponement of inheritance distribution cannot be viewed as an obstacle to the rights of heirs, but rather as a legal instrument that serves to maintain certainty, justice, and order in the national inheritance system.

4. CONCLUSION

Based on the results and analysis conducted, the following conclusions can be drawn:

Notaries have the authority to postpone the distribution of an inheritance as long as the postponement is agreed upon by the heirs and formalized in an authentic deed based on Article 15 paragraph (1) of the Notary Law. This authority is legitimized by Articles 832, 834, and 1338 of the Civil Code, which recognize the subject of heirs, the possibility of postponement, and the binding force of the parties' agreements. In this case, notaries play a role in formalizing the will of the heirs and ensuring that formal and material legal requirements are met. However, normative ambiguity remains due to the lack of explicit regulations regarding deeds of postponement of inheritance distribution. Therefore, strengthening these regulations is necessary to increase legal certainty and consistency in notarial practice.

Delaying the distribution of an inheritance is a legal consequence of the notary's obligation to ensure that all legal requirements are met before the distribution takes place. This is based on Articles 1066, 1074, 1100, 830, and 836 of the Civil Code, as well as Article 16 paragraph (1) letters d and i of the Notary Law, which require notaries to act diligently and refuse to draw up deeds that do not meet legal requirements. Therefore, postponing the notary's deed is a legal obligation to maintain the validity of the deed, prevent disputes, and ensure legal certainty and protection for heirs, while strengthening public trust in the notary's function.

Legal protection for heirs and notaries in the postponement of inheritance distribution is preventive and corrective. Preventive protection is guaranteed through Articles 833, 955 in conjunction with Articles 1066, and 1067 of the Civil Code, as well as Articles 16 and 65 of the Notary Law, which regulate the notary's obligation to act objectively, verify, and be responsible for the deeds they draw up. Corrective protection is provided through Articles 834 and 1865 of the Civil Code, which provide mechanisms for filing lawsuits and providing evidence in the event of a dispute. Therefore, postponing inheritance distribution is a legal protection instrument that ensures certainty, justice, and legal order, as well as increasing public trust in the legal system and the notary profession.

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