

Legal Power of Notarial Wills According to the Compilation of Islamic Law

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Abstract

A will is a legal instrument in the inheritance system in Indonesia, thus its position is very important because it contains both legal and religious aspects. As an authentic deed, a notarial will has great evidentiary power because it provides legal certainty in the eyes of positive law. However, its substance is often inconsistent with or contradicts the principles of Islamic law. Thus, there is a challenge, namely the still-unharmonious relationship, especially between positive law and Islamic law in practice in Indonesia. This study aims to analyze and examine the extent of the legal force of a notarial will in the Compilation of Islamic Law applicable in Indonesia. This study uses a normative legal research method. The results show that the legal force of a notarial will is relative for Muslims, because it depends on the conformity of the substance of the notarial will with Islamic law.

Keywords: *Notarial Deed of Will, Legal Force.*

INTRODUCTION

In the Indonesian legal system, wills are regulated in the Civil Code (KUHPERDATA), which is contained in Book II concerning Property and Rights to Property. In Articles 875 to 940, the Civil Code regulates the definition of a will, the forms of wills, the procedures for making them, and the cancellation and revocation of wills. In Article 875 of the Civil Code, it is explained that a will is a deed containing a person's statement about what he wants to happen to his inheritance after his death, and can be revoked by the testator during his lifetime (R. Subekti dan R. Tjitrosudibio, 2008).

The law regarding wills is an integral part of the inheritance law system in Indonesia, including for Muslims who are subject to the Compilation of Islamic Law (KHI). Etymologically, a will means a message or statement of a person's wishes regarding their assets to be implemented after their death. In Islamic law, a will is viewed as a form of good deeds and a person's moral responsibility to regulate or arrange the distribution or distribution of their assets according to Islamic law after their death.

In Indonesian positive law practice, the provisions of Law Number 30 of 2004 concerning the Position of Notaries, which was later amended by Law Number 2 of 2014 concerning

Amendments to Law Number 30 of 2004 concerning the Position of Notaries (Notary Position Law), Notaries are authorized to make authentic deeds, including wills. Wills made before a notary are based on the will of the testator who wishes to bequeath his assets to another party. Wills as authentic deeds have high legal standing because they are made by an authorized public official and contain certainty regarding the content, date, and signatures of the parties.

In Islamic law, the status of notarial wills is not immediately fully recognized, because there are regulations regarding the limitations and validity of a will as stipulated in the Compilation of Islamic Law (KHI). Article 195 paragraph (1) of the KHI stipulates that the execution of a will may only be carried out for a maximum of one-third of the testator's entire inheritance, unless all heirs agree. Therefore, in Islamic law, although a notarized will has perfect legal force formally, its material substance must not deviate from the provisions and principles of Sharia.

A will is a crucial instrument in inheritance law, whether in the civil system, Islamic law, or customary law. In the context of positive law, a will is regulated by Article 875 of the Civil Code. Terminologically, a will, according to positive law, is a statement by a person about what they wish to be done after their death, which can include the transfer of certain rights or property to another person or institution. This statement can be revoked by the testator at their own will while they are still alive.

Meanwhile, in the context of Islamic law, a will is regulated by Articles 194 to 214 of the Compilation of Islamic Law. A will in Islamic law derives from the Arabic word "wasiyyah," which etymologically means to convey a message or to convey something. Terminologically, a will is a statement of a person's will to execute something, in the form of transferring certain rights or transferring property to another person or institution after their death, as stipulated in Article 194 of the Compilation of Islamic Law (KHI). Therefore, in both positive and Islamic law, a will is a unilateral legal instrument, which only comes into effect upon the death of the testator or testator.

Therefore, a legal question arises: what is the legal force of a notarial will in the Islamic legal system in Indonesia? This question requires an answer, making it crucial to examine it to minimize differences in interpretation between the formalistic provisions of positive law and the moralistic and religious norms of Islamic law (Nurrohmat Iskandar, 2017).

METHOD RESEARCH

This research employs a normative legal research method, which aims to examine legal principles, legal norms, and applicable laws and regulations. This research also incorporates a conceptual approach and case studies to understand the prevailing issues and their compliance with Islamic legal principles. Data collection was conducted through library research, which involved reading, reviewing, and recording legal documents and scientific references related to the research topic.

DISCUSSION

In the context of Islamic law in Indonesia, a will is a legal instrument that plays a crucial role in resolving inheritance issues and the transfer of assets after death. The Compilation of Islamic Law (KHI), as Islamic material law, enacted through Presidential Instruction Number 1 of 1991, provides detailed regulations regarding the procedures, requirements, and legal

consequences of a will. One form of will that is recognized and has strong legal force in Indonesian legal practice is a will written in a notarial deed. This deed is drawn up by an authorized public official, namely a notary, so its status as an authentic document provides greater legal certainty than an oral or private will (Nurrohmat Iskandar, 2017).

The legal status of a notarized will in the Compilation of Islamic Law (KHI) can be understood by first understanding the definition of a will according to Islamic law. Article 171 letter f of the KHI defines a will as the gift of an object from a testator to another person or institution, which will take effect after the testator's death. A will is a valid instrument as long as it is made consciously, voluntarily, and does not conflict with Islamic law. In classical Islamic law, wills can be made orally or in writing, but developments in modern legal systems require written documentation that can serve as strong evidence. Therefore, a notarized will is a more appropriate choice to avoid future disputes (Zainal Arifin, 2020).

One of the main reasons why a notarized will has such high legal standing is its authentic nature. According to Article 1868 of the Civil Code, an authentic deed is one made by or before an authorized public official, in a form prescribed by law. This deed has perfect evidentiary force, both formally and materially. In the context of a will, this means that the will of the testator as stated in the deed is considered true and valid until evidence to the contrary is presented. Therefore, a notarized will is a crucial instrument in ensuring the execution of the testator's will in accordance with applicable law (R. Anwar, 2019).

The Indonesian Compilation of Islamic Law (KHI) also provides limitations and provisions regarding the content and amount of a valid will. Article 195 of the KHI states that a will may only be given a maximum of one-third of the inheritance unless approved by all heirs. This provision harmonizes the principles of classical Islamic law with the requirements of Indonesian positive law. In this context, a notarial will plays a crucial role because it allows the notary to ensure that the contents of the will do not violate legal provisions, both in terms of the amount and the recipients of the will. Thus, the notary's role is not only to record the will of the testator, but also to safeguard the legality of the will itself (Siti Nurhayati, 2021).

In addition to the quantity limit, the Indonesian Compilation of Islamic Law (KHI) also regulates the formal and material requirements of a will. Formal requirements include the testator's legal capacity, awareness, and free and uncoerced consent. Meanwhile, material requirements relate to the object of the will, which must be property legally owned by the testator, and the beneficiaries must not fall into prohibited categories, such as heirs who murdered the testator. A notary, as a public official, has a role to ensure all these requirements are met before the deed is drawn up. If any of these requirements are not met, the will may be void by law or have no legal force (Bambang Triyono, 2022).

The evidentiary power of a notarized will also has direct implications for the resolution of inheritance cases in religious courts. In practice, a notarized will is often used as primary evidence demonstrating the testator's wishes and the basis for the distribution of inherited assets. Religious courts generally recognize the validity of the will as long as there is no evidence of legal flaws in its preparation. This differs from oral or written wills without a notary, which often require additional evidence such as witnesses or other supporting documents. Therefore, a notarized will provides greater legal certainty and simplifies the process of resolving inheritance disputes (Indra Lesmana, 2020).

From a legal theory perspective, the existence of a notarial will in the Compilation of Islamic Law (KHI) reflects the principles of legal certainty and justice. As a legal act that only comes into effect after the testator's death, a will requires valid written evidence to avoid differences in interpretation or rejection by the heirs. A notarial deed provides a concrete form of this will and serves as a tool to balance the interests of the testator and the heirs. With an authentic document, the parties are not only legally protected but also gain clarity regarding their respective rights and obligations in the context of inheritance (Wahyudi Kurnia, 2023).

The legal status of a notarial will in the national legal system is not only determined by the Compilation of Islamic Law (KHI) as a source of positive Islamic law, but also by other laws and regulations governing the authority of notaries and the procedures for making authentic deeds. The Notary Law expressly authorizes notaries to make deeds related to legal acts, including wills. Thus, a notarial will has a dual status: first, as an authentic document recognized in national civil law; second, as a legal act valid under Islamic law because it complies with the provisions of the Compilation of Islamic Law. This dual status strengthens the existence of a notarial will as a legal instrument that is not only legally valid but also in accordance with sharia principles (Nurul Huda, 2021).

The role of a notary in drafting a will is not limited to administrative functions alone, but also encompasses legal and preventive functions. From a legal perspective, a notary ensures that the testator's wishes are legally expressed in accordance with applicable law. From a preventive perspective, a notary prevents future disputes by providing adequate legal explanations to the testator regarding the consequences of their will. In practice, a notary can even act as a mediator in cases of potential conflict between the prospective testator and the heirs. This role demonstrates that a notary is not merely a recorder but also an active legal actor in maintaining legal order in the inheritance process (Nurul Huda, 2021).

One of the advantages of a notarized will is its almost inviolable evidentiary power unless proven to be legally flawed, such as forgery, duress, or legal incapacity on the part of the testator. In the context of religious courts, judges typically give high evidentiary weight to notarized deeds because they fulfill the formal and material elements of a legal act. In many cases, the existence of a notarized will expedites the process of resolving inheritance disputes because additional proof of the testator's wishes is no longer required. This differs from oral wills, which often give rise to disputes due to differing testimonies or interpretations (Mahendra Putra, 2022).

Under the Indonesian Islamic Law (KHI), the existence of a notarized will also has important implications for legal protection for the beneficiaries. With an authentic document, the beneficiary has a strong legal basis to demand the execution of the will if the heirs refuse to do so. This deed can be used as the basis for a lawsuit in a religious court to enforce the beneficiary's rights in accordance with the testator's wishes. This demonstrates that a notarized deed not only protects the interests of the testator but also provides legal certainty for the beneficiaries (A. Hakim, 2019).

However, the legal status of a notarial will is inseparable from the principles of Islamic law, which must still be adhered to. One important principle that must be observed is the prohibition on granting a will to an heir without the consent of all heirs. This is emphasized in Article 195 paragraph (3) of the Compilation of Islamic Law, which states that a will to an heir is only valid if approved by all other heirs. This provision reflects the principle of justice in Islamic law, which aims to prevent inequality in the distribution of inheritance. Therefore, a notary must ensure that the contents of the will do not conflict with this provision so that the deed made is not invalid by law (N. Fadhilah, 2021).

Furthermore, in the context of Islamic inheritance law, notarial wills also play a crucial role in resolving conflicts between heirs. Conflicts often arise when there are differing interpretations of the contents of a will or when a party feels aggrieved. Having a legally executed deed that meets all legal requirements can help mitigate these potential conflicts. A notarial deed serves as objective evidence that clearly outlines the testator's wishes, minimizing the potential for differing interpretations. Thus, it serves as a means of achieving substantive justice in the inheritance distribution process (A. Salim, 2023).

In addition to providing legal certainty, a notarial will also supports the principle of *maslahah* (benefit) in Islamic law, which is to provide benefits and prevent harm. A valid will not only benefits the beneficiaries but also prevents the family from prolonged conflict that can

damage family relationships. In this regard, the notary's role in ensuring the legality and validity of the deed is part of the effort to realize *maslahah* (benefit) in the settlement of inheritances (M. Yasin, 2022).

The development of law regarding notarized wills in the Indonesian Islamic legal system demonstrates a strong tendency toward codification and formalization. While in the early days of Islamic law, wills were often executed orally before witnesses, in modern practice, written wills, through notarial deeds, have become the dominant option. This is inseparable from the need for legal certainty in an increasingly complex society. The codification of the KHI (Compiled Islamic Law) as positive Islamic law enforced nationally is a crucial step in this formalization process. In this context, notarized wills serve not only as legal documents but also as a manifestation of the modernization of Islamic law in Indonesia, which prioritizes legal certainty.

However, the practical application of notarized wills is not without a number of problems. One major issue is the limited public understanding of the importance of making a will in the form of a notarized deed. Many still consider wills to be a private matter that can be executed orally, without realizing that oral wills often give rise to disputes upon the testator's death. The lack of legal awareness regarding the benefits of notarial deeds has resulted in low adoption rates, particularly in rural areas. This poses a serious challenge for policymakers to raise public legal awareness through ongoing legal education and counseling (F. Zuhdi, 2020).

Another problem that arises is the potential for abuse of authority by notaries in the preparation of wills. Although notaries act as neutral public officials, unethical practices such as forged signatures, manipulated deed contents, or drafting deeds without the presence of authorized parties are still possible. Cases such as these undermine public trust in notarial institutions and can be detrimental to both heirs and beneficiaries of wills. Therefore, strict oversight by the Notary Supervisory Board and the application of firm sanctions are crucial to maintaining integrity and professionalism in the practice of preparing wills (E. Prabowo, 2021).

Furthermore, technical issues frequently arise in the implementation of notarial wills, particularly those related to the legal dualism between Islamic law and civil law. In some cases, the contents of a will that is valid under civil law are found to conflict with the provisions of the Compilation of Islamic Law (KHI) or sharia principles, such as granting more than one-third of the estate without the consent of the heirs. This type of legal conflict creates uncertainty in the settlement process in religious courts. Therefore, harmonization of civil law and Islamic law is urgently needed to ensure that notarial wills are valid and do not create conflicts of law (L. Sari, 2022).

From a legal theory perspective, a notarial will plays a strategic role as a bridge between substantive Islamic law and national positive law. This deed represents the process of transforming Sharia values into a form that can be implemented in a modern legal system. In other words, a notarial will serves not only as a means of proof but also as a symbol of the integration of religious law and state law. This role becomes increasingly important in the context of a state based on the rule of law like Indonesia, where legal pluralism is an unavoidable reality (D. Satria, 2023).

From the author's analysis, it can be concluded that the legal standing of notarial wills in the Compilation of Islamic Law (KHI) is very strong and strategic in creating legal certainty, justice, and protecting the rights of the parties involved. The existence of this deed ensures that the testator's wishes can be implemented in accordance with applicable law, reduces the potential for disputes, and provides legal protection for the beneficiaries of the will. However, its effectiveness depends heavily on the quality of the notary's authority, the level of public understanding, and the synchronization between Islamic law and positive law. Therefore, improving notary professionalism, providing legal education to the public, and updating

regulations to accommodate social developments are necessary steps going forward (A. Maulana, n.d.).

Ultimately, a notarial will is not only a legal instrument that provides certainty, but also reflects the state's efforts to realize the principle of social justice in the context of inheritance. By strengthening the role of notarial wills in Indonesia's Islamic legal system, the national legal system will be increasingly able to accommodate the needs of a dynamic society while remaining grounded in just and beneficial sharia principles (F. Azizah, 2024).

In analyzing the legal status of notarial wills in the Compilation of Islamic Law (KHI) and its application in the Indonesian national legal system, this study utilizes four primary legal theories as analytical tools: the Theory of Justice, the Theory of Contract, the Theory of Legal Certainty, and the Theory of Legal Protection. The Theory of Justice, as proposed by Plato and Aristotle, places justice as the highest goal of law, namely, to provide everyone with their due. In the context of wills, the limitation of a maximum of one-third of the inheritance as stipulated in the KHI reflects the principle of distributive justice in Islamic law, which ensures a balance between the will of the testator, the rights of the heirs, and social interests. Furthermore, the Theory of Contract, based on the thinking of Hugo Grotius and Jean-Jacques Rousseau, explains that a will is a unilateral statement of will that is legally binding upon the testator's death. However, this freedom of will must remain subject to moral and legal constraints to avoid injustice or conflicts of interest in inheritance.

Meanwhile, the Theory of Legal Certainty, as proposed by Gustav Radbruch and Hans Kelsen, is used to emphasize the importance of clarity and consistency of norms in the implementation of wills. A notarial will, as an authentic document drawn up by a public official, provides a concrete form of the principle of legal certainty because it guarantees the validity and legitimacy of the testator's will in accordance with applicable legal procedures. With the existence of written regulations in the Civil Code, the Notary Law, and the Compilation of Islamic Law, the execution of a will can be carried out in an orderly manner and has clear legal force. Finally, the Legal Protection Theory according to Philipus M. Hadjon serves as the basis for assessing the extent to which the law guarantees the rights of the testator, heirs, and recipients of the will. This protection is preventive in nature by ensuring that the deed is made in accordance with legal procedures, and repressive in nature through dispute resolution in religious courts if violations occur.

By applying these four legal theories, this study seeks to demonstrate that the existence of notarized wills in the Indonesian Islamic legal system serves not only as a means of legal evidence, but also as an instrument that integrates the values of justice, certainty, and legal protection within a unified national legal system based on Sharia principles. The integration of these theories demonstrates that Islamic law and Indonesian positive law converge in ensuring the implementation of the testator's wishes legally, fairly, and for the benefit of the beneficiary, while simultaneously strengthening the notary's position as the guardian of the legality and validity of legal acts in the context of inheritance.

In the context of inheritance law in Indonesia, the existence of notarized wills as valid and authentic legal instruments holds significant significance. However, the Compilation of Islamic Law (KHI) does not explicitly regulate notarized wills, raising questions about their place within the Indonesian Islamic legal system.

The Indonesian Compilation of Islamic Law (KHI), as a legal product that accommodates Islamic norms within the Indonesian legal system, regulates wills in Article 195, which states that wills can be made orally before two witnesses, in writing before two witnesses, or before a notary. However, there is no further explanation regarding the legal status of wills made before a notary. This has given rise to confusion regarding whether a notarized will has the same legal force as a will made orally or in writing before witnesses.

In Indonesia's positive legal system, a notarized deed holds the status of authentic evidence with perfect evidentiary force. However, within the context of Islamic law, there are differing views regarding the legal status of notarized wills. Some argue that notarized wills do not comply with Islamic legal principles because they fail to meet certain requirements, such as the absence of witnesses who meet certain criteria.

However, there is also a view that notarized wills are acceptable within the Islamic legal system, provided they meet the requirements stipulated in the Compilation of Islamic Law (KHI) and do not conflict with the basic principles of Islamic law. This view argues that notarized wills can provide legal certainty and protection for interested parties, and can reduce the potential for future disputes.

The conceptual novelty of this research lies in its attempt to analyze the legal standing of notarized wills within the KHI using a comprehensive and contextual approach. This research not only discusses the normative aspects of notarized wills but also considers the practical and applicative aspects of their implementation in society. Therefore, this research is expected to contribute to the development of Islamic inheritance law in Indonesia, particularly regarding the recognition and acceptance of notarized wills as valid and authentic legal instruments.

The existence of notarized wills in Indonesian national legal practice has a highly strategic dual function. On the one hand, a notarial deed serves as a formal legal instrument that provides legal certainty for all interested parties. On the other hand, it must also be viewed as a manifestation of Islamic legal values within the context of the Compilation of Islamic Law (KHI), which emphasizes the principles of justice and welfare (*maslahah*) for heirs and beneficiaries of wills. The emphasis on these two functions represents a major conceptual innovation, as previous research on Islamic inheritance law tended to discuss notarial deeds solely from a formal perspective without considering the normative integration between national law and sharia principles (Yasin Yusuf Abdillah, 2020).

Normative analysis shows that a notarial will has high evidentiary value because it is prepared by an authorized public official in accordance with the Notary Law. This deed has authentic status and can therefore be used as valid evidence in court. In the context of Islamic law, the acceptance of a notarial deed as a valid document strengthens the position of the will recipient while reducing the potential for disputes between heirs. The conceptual novelty lies in the idea that this formal legal force can serve as a bridge to uphold the principles of Islamic justice, which were previously only articulated through witnesses or informal documents (Mohammad Daud Ali, 1997).

Furthermore, the role of a notary in drafting a will is not merely administrative. Notaries act as guardians of legal compliance, ensuring all requirements stipulated in the Compilation of Islamic Law (KHI) are met, from the testator's awareness to the maximum limit of one-third of the inheritance that can be willed without the heir's consent. This preventive function is normatively and practically relevant because it prevents future conflicts. This analysis presents a new perspective, emphasizing that notaries are not merely formal legal recorders but also legal actors who contribute to the implementation of the principle of substantive justice in Islamic law (A. Rachmad Budiono, 1999).

Furthermore, a notarial will provides legal certainty for the beneficiaries of the will, especially when the bequeathed property is subject to potential dispute or when the testator has a complex relationship with the heirs. In religious courts, a notarial deed often serves as the primary evidence determining the distribution of property, thereby reducing the need for additional witnesses. This perspective broadens the understanding of conceptual novelty by positioning the notarial deed as an instrument of legal protection, rather than simply an administrative document (Mohammad Yasir Fauzi, 2023).

Another normative aspect relates to the validity of wills according to the Compilation of Islamic Law (KHI) and national law. In some cases, wills exceeding the one-third limit of assets

without the consent of the heirs, or those given to the heirs themselves, may be legally void. Notaries, through their expertise, play a role in ensuring that the deeds drawn up do not violate these provisions. This approach demonstrates a novel integration between substantive Islamic legal principles and national positive law, which is one of the conceptual novelties in this research (Mardani, 2014).

The comparative analysis also reveals fundamental differences between notarial wills and private or oral wills. Notarial deeds offer greater formal legal certainty and a clear oversight mechanism by authorized officials. Meanwhile, private oral or written wills rely heavily on the credibility of witnesses or other supporting documents. Within the framework of conceptual novelty, this study emphasizes that the integration of notarial deeds into Islamic inheritance law practices can serve as a model for minimizing disputes and strengthening legal certainty in society (Maimun, 2018).

In addition to legal certainty, notarial wills also contain ethical and social dimensions. They serve as instruments for upholding justice and preventing conflict, while simultaneously supporting the principle of *maslahah* (beneficial benefit). By combining formal legal functions with substantive sharia objectives, notarial deeds play a dual role rarely analyzed comprehensively in previous legal literature. This approach demonstrates conceptual novelty by combining national legal perspectives and Islamic legal values within a single analytical framework (Purwosusilo, 2021).

In practice, notarial wills face challenges, including low public awareness, legal dualism, and the potential for abuse by unscrupulous notaries. Therefore, this conceptual integration is not merely theoretical; it must also be implemented through legal education, official oversight, and regulatory harmonization. This approach presents a novel, practical and applicable approach, demonstrating the symbiotic relationship between Islamic legal principles and positive legal mechanisms to create legal certainty, justice, and protection for all parties (Syarifuddin, 2004).

Further analysis shows that notarial wills can serve as the basis for developing more comprehensive regulations or practice guidelines. By adopting an integrative model that emphasizes both formal legal validity and substantive justice, this conceptual innovation provides theoretical and practical contributions to strengthening Islamic inheritance law in Indonesia. Furthermore, it opens up new perspectives on the role of notaries as guardians of Sharia values and actors within the national legal system (Ali Zainuddin, 2008).

The implementation of notarial wills within the context of Islamic law in Indonesia is not free from various complex issues. One major challenge is the gap between theory and practice. Although the Compilation of Islamic Law (KHI) provides a normative framework for wills, field practice shows that many people still use oral or written wills without a notary due to limited access or a lack of legal understanding. This phenomenon demonstrates the need for a more comprehensive approach. The conceptual novelty of this research emphasizes the integration of formal notarial law with sharia principles, thereby reducing the risk of disputes and strengthening legal certainty for all parties (Bachrudin, 2021).

Another challenge arises from the legal dualism between national law and Islamic law. In some cases, the contents of a notarial will, which is valid under positive law, such as granting a will of more than one-third of an estate, may conflict with the provisions of the Compilation of Islamic Law (KHI) if the consent of the heirs is not obtained. This type of conflict demonstrates the need to develop conceptual innovations that focus not only on normative aspects but also provide mechanisms for legal harmonization so that notarial deeds can be fully recognized without compromising the principles of justice established in Islamic law (Haniru, 2014).

Furthermore, the role of notaries in this context is crucial. This research confirms that notaries are not merely administrative officials but also supervisors of substantive Islamic legal

principles in inheritance practices. The notary's preventive and educational function ensures that all formal and material requirements are met, reduces the potential for disputes, and upholds the principle of *maslahah* (benefit) for heirs and beneficiaries of wills. This approach represents a conceptual novelty because it positions notaries as legal actors who integrate national law and Sharia principles, thus making a real contribution to strengthening the practice of Islamic inheritance law in Indonesia (Sari, 2022).

In addition to the legal aspects, this study also highlights the sociological dimensions of notarial wills. Public awareness of the importance of authentic documents remains low, making legal education and outreach strategic steps to increase the acceptance of notarial deeds. This approach is not merely theoretical but practical, demonstrating how conceptual innovation can be translated into effective legal implementation strategies, ensuring that notarial deeds function optimally within the national legal system while respecting sharia norms (Tarmizi, 2022).

Another technical issue is the potential for abuse of authority by unscrupulous notaries, such as manipulation of deed contents or forgery of signatures. This study emphasizes that strict oversight by notary supervisory bodies and the imposition of strict sanctions are part of the conceptual innovation, as they emphasize the integration of formal legal mechanisms and ethical values that support the principles of Islamic justice (Wahyudi, 2021).

The conceptual analysis also highlights the power of notarial deeds as an integrative tool between national law and Islamic law. These deeds not only facilitate the proof of the testator's will but also uphold the principle of substantive justice for the beneficiaries of the will. This approach broadens the legal literature, as previous research has largely addressed wills in the context of Islamic law or civil law separately. This research presents a new analytical framework that integrates both, thus representing a clear academic contribution with conceptual novelty.

From a legal theory perspective, notarial wills in the Compilation of Islamic Law (KHI) demonstrate that legal certainty and justice can be simultaneously realized through formal mechanisms that accommodate the substantive values of Sharia. This emphasis on integration represents a conceptual novelty because it positions notarial deeds not merely as legal documents but as instruments for strengthening Islamic legal principles in a modern national context (Abdillah, 2020).

Furthermore, this study demonstrates that notarial wills can serve as a model for developing more adaptive inheritance law policies. For example, policy recommendations could include guidelines for integrating the Compilation of Islamic Law (KHI) with notary regulations, professional oversight mechanisms, and legal education for the public. This integrative model represents a conceptual innovation with an applicable nature, not widely addressed in previous research.

Another issue is the differing interpretations of the contents of wills. In practice, claims by heirs or third parties often give rise to disputes. A notarial deed, through its formal evidentiary force, serves as an objective tool for upholding the testator's will. This study emphasizes that this evidentiary force must be viewed within the framework of integration between national law and Islamic law, so that every court decision is not only formally valid but also substantively just.

From a practical perspective, this study offers a novel perspective: notaries can act as mediators in will disputes, strengthening the principle of *maslahah* (benefit), and ensuring the implementation of notarial deeds in accordance with the provisions of the Compilation of Islamic Law (KHI). This approach represents a conceptual innovation because it places notaries in an active role in upholding the principle of substantive justice, rather than simply acting as administrative implementers.

The conclusion of this entire analysis indicates that notarial wills have a strong legal standing in the Compilation of Islamic Law (KHI) and the national legal system, and present a

conceptual novelty in the form of an integration between normative and practical aspects. The contributions of this research include: affirming the role of notaries as supervisors of Islamic legal principles, strengthening legal certainty for will recipients, and developing an integrative model that can serve as a guideline for inheritance law practices in Indonesia.

Overall, this study emphasizes that notarial wills are not merely formal documents, but strategic legal instruments within the context of integrating Islamic and national law. This approach is expected to create a more effective, equitable, and sharia-compliant inheritance law system, thereby making a significant contribution to the development of Islamic law and notarial practice in Indonesia.

Conclusion

The legal force of a notarial will has two dimensions: formal and material force. Formally, a notarial will has perfect evidentiary force because it is drawn up by an authorized public official. However, materially, the will can be revoked if the contents of the will contradict Islamic law as stipulated in the Compilation of Islamic Law (KHI). Therefore, the legal force of a notarial will is relative for Muslim testators, depending on its compliance with Islamic law.

Notaries play a strategic role in bridging positive law and Islamic law. In drafting a will for Muslims, notaries perform not only administrative duties but also ensure that the contents of the will do not conflict with Islamic law. Thus, notaries contribute to creating legal certainty that is just and in accordance with religious values.

The harmonization of notarial wills and Islamic law demonstrates that the Indonesian legal system recognizes legal pluralism. The resulting legal certainty is not only formal but also substantive and moral. A notarial will provides formal legitimacy, while the KHI provides moral and religious legitimacy, so that both can complement each other to realize equal legal justice in Indonesia.

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