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Normative Disharmony Regarding the Authority of Notaries to Draft Deeds of Inheritance Rights under Indonesian Positive Law

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Abstract
This study examines the normative disharmony concerning the authority of Notaries to execute deeds of inheritance rights within the Indonesian legal framework. Legal uncertainty has emerged following the enactment of Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 16 of 2021 ("Permen ATR/BPN 16/2021") which introduces limitations regarding the competence of Notaries to draft such deeds. The research aims to analyze the conflict of norms between Law of the Republic of Indonesia Number 2 of 2014 ("UUJN-P") and the aforementioned ministerial regulation in relation to the notarial authority over inheritance matters. This research adopts a normative legal research method employing statutory, conceptual, and analytical approaches. The study relies on primary and secondary legal materials collected through document study techniques and analyzed qualitatively. The findings reveal a normative disharmony between Article 17 paragraph (1) letter (a) of the UUJN-P and Article 111 paragraph (1) letter (c) of Permen ATR/BPN 16/2021. Applying the principle of *lex superior derogate legi inferiori*, the provisions of the UUJN-P prevail over the Permen ATR/BPN 16/2021 due to their higher position within the hierarchy of laws and regulations. Consequently, notaries remain authorized to execute deeds of inheritance rights within their legal legally prescribed territorial jurisdiction.

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Keywords: notarial authority, deeds of inheritance rights, normative disharmony

Introduction

A notary in Indonesia is recognized as a public official vested with the authority to prepare authentic deeds concerning legal act, agreement, and other matters required by legislation or requested by the parties. [1] This authority to make authentic deeds is an attribution authority because it is sourced directly from the law [2], such authority is derived from Law of the Republic of Indonesia Number 30 of 2004 concerning the Position of Notary Public ("UUJN") and Law of the Republic of Indonesia Number 2 of 2014 concerning Amendments to Law of the Republic of Indonesia Number 30 of 2004 concerning the Position of Notary Public ("UUJN-P"). The statutory instruments establish the legal foundation of the notarial profession and define the authority of notarial functions. Because the authority originates directly from legislative enactments, a Notary acts not merely as a private professional but as a public official execute duties on behalf of the legal order.

[1] Rafli, M., dkk. 2024. "Peran Notaris dalam Pengaturan Hak Ahli Waris dalam Kasus Warisan Tanah dan Properti di Kepulauan Selayar". *Qawanin Jurnal Ilmu Hukum*, 5(1): 45-61, p. 50-51.
[2] Nugraha, R.A., & Nelson, F. M. 2022. "Kewenangan Notaris Dalam Pembuatan Surat Keterangan Waris Untuk Warga Negara Indonesia". *Syntax Literate: Jurnal Ilmiah Indonesia*, 7(6): 8516-8526, p. 8519.

As the holder of attributive authority, Notary bears full responsibility for all legal acts performed in the execution of their office, particularly the deeds drafted.The provisions regarding Notaries authorized to draft authentic deeds are arrainged the provisions of Article 15 paragraph (1) of the UUJN-P. This provision stipulates that "Notaries are authorized to make authentic deeds regarding all actions, agreements, and determinations required by statutory regulations and/or desired by the interested parties to be stated in authentic deeds, guarantee the certainty of the date of making the Deed, keep the Deed, provide grosse, copies and extracts of the Deed, all of which are as long as the making of the Deed is not also assigned or excluded to other officials or other people determined by law".

Notaries also have other authorities, namely in the provisions of Article 15 paragraph (2) of the same law, that " in addition to the authority as referred to in paragraph (1), Notaries also have the authority to: validate signatures and determine the certainty of the date of private letters by registering them in a special book, record private letters by registering them in a special book, make copies of the original private letters in the form of copies containing descriptions as written and described in the letter in question, validate the suitability of photocopies with the original letter, provide legal counseling in connection with the creation of deeds, create deeds related to land, or create auction minutes deeds." As well as the authorities regulated by statutory regulations as stated in paragraph (3).

Although Notaries are vested with board authority to prepare authentic deeds, the exercise of such authority is subject to statutory restrictions established under the UUJN-P. Article 17 specifically sets forth a number of prohibitions that must be observed by Notaries in the performance of their official duties. Among these restrictions is the prohibition against exercising notarial functions beyond the territorial jurisdiction prescribed by law.

The territorial jurisdiction of notarial authority is further regulated under Article 18 of the UUJN. Pursuant to paragraph (1), a Notary's office domicile is located within a particular regency or municipality. However, paragraph (2) provides that the jurisdiction attached to such office extends throughout the province in which the Notary is domiciled. Consequently, the authority of a Notary is not limited to the regency or municipality of the domicile but encompasses the entire provincial territory. Within this jurisdictional framework, a Notary may lawfully perform anywhere within the province, provided that such actions remain consistent with the limitations prescribed by the applicable legislation.

The authority of a Notary is not limited to the preparation of authentic deeds in general civil matters but also extends to matters relating to inheritance. One of the authorities that may be exercised by a Notary is in drafting a deeds of inheritance rights. In inheritance law, an heir is a person who legally entitled to receive the assets and rights left by a deceased person. To qualify as an heir, a person must be alive at the time of the testator's death, have a legal family relationship with the testator through blood or marriage, and must not be prohibited by law from inheriting.

A person who has passed away and leaves property or rights to be inherited is referred to as a decedent or testator. Upon the death of the testator, the inheritance is transferred to the lawful heirs in compliance with the applicable statute and regulations. Therefore, proof of heirship is important to determine who is legally entitled to inherit and to ensure that the transfer of inherited rights can be carried out lawfully. In this regard, Notaries are vested with authority to prepare and draft legal instruments relating to inheritance matters, including deeds intended to provide legal certainty.

In relation to inheritance, a Notary who is domiciled at the place of residence (domicile) of the testator at the time of death is authorized to make a letter of proof as an heir in the form of a deed of inheritance rights which is one of the requirements for applying for registration of the transfer of Land Rights or Ownership Rights to Apartment Structures submitted by the heirs. This is explicitly regulated in Article 111 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 15 of 2021 concerning the Third Amendment to the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 3 of 1997 concerning Provisions for Implementation of Government Regulation Number 24 of 1997 concerning Land Registration ("Permen ATR/BPN 16/2021").

However, the provisions of Article 111 paragraph (1) letter (c) of Permen ATR/BPN 16/2021 are in disharmony with the norms of the UUJN-P, specifically Article 17 paragraph (1) letter (a). This is due to the conflict regarding the authority of Notaries in the UUJN-P regulates carrying out their duties (including making deeds) within the territory of office, namely the entire province where the Notary is domiciled, while Regulation of the Permen ATR/BPN 16/2021 limits the authority of Notaries who can make a deed of inheritance certificate to only notaries domiciled in the domicile of the deceased testator. Thus, it closes the possibility for Notaries outside the domicile of the testator but still in the same area of office to make a deed of inheritance certificate. This disharmony of norms creates uncertainty that requires a resolution. Therefore, this article is entitled "Normative Disharmony Regarding the Authority of Notaries to Draft Deeds of Inheritance Rights under Indonesian Positive Law".

Problem Formulation

1. How are the limits of a notary's authority to draft the deeds of inheritance rights based on positive law in Indonesia?
2. How may the normative disharmony between the UUJN-P with Permen ATR/BPN 16/2021 concerning deeds of inheritance rights drafted by a Notary domiciled outside the domicile of the testator be resolved?

Purpose

The study is intended to analyze the normative disharmony of legal norms governing the authority of Notaries in drafting or making deeds of inheritance rights, particularly the conflict between the territorial jurisdiction granted under Article 17 paragraph (1) letter (a) of the UUJN-P with Article 111 paragraph (1) letter (c) of Permen ATR/BPN 16/2021 concerning the limitations of Notarial authority in drafting deeds of inheritance rights. In addition, the study aims to identify solutions to such normative disharmony based on the principles governing the hierarchy of laws and regulations within the Indonesia legal system.

Discussion

1. Regulation of the Limitations of Notarial Authority in Drafting Deeds of Inheritance Rights under Indonesian Positive Law

Inheritance as a legal event occurs solely due to the death of a person, based on Article 830 of the civil code. Forward, Article 833 paragraph (1) of the civil code assign that "heirs automatically acquire ownership rights over all property, rights, and receivables of the decedent by operation of law". The rationale underlying this provision is to unsure legal certainty regarding the succession of rights following the death of an individual. Upon the death of the rights holder, all rights and legal interests that are transferable by law do not cease to exist but are automatically vested in the heirs acquire the legal capacity to exercise, manage, and protect such rights, including rights relating to property and law ownership in accordance with the applicable laws governing inheritance. In a nutshell, the purpose of this provision is that when a person dies, the rights possessed by the decedent are automatically transferred to the heirs. However, in cases concerning land rights, heirs are required to prove their status as heirs in order to acquire such rights. J. Satrio, quoted from journal literature, defines a certificate of inheritance as a letter of proof of inheritance containing information to prove all of the mentioned in the letter of proof are the heirs of the testator. [3]

A certificate or letter of inheritance serves as documentary proof establishing that the persons named therein are lawful heirs of the decedent. In the context of land administration, Article 111 paragraph (1) letter (c) of Permen ATR/BPN 16/2021 requires proof of the heirship as one of the supporting documents for the registration of the transfer of land rights or ownership rights over apartment units arising from inheritance. The provision recognizes several forms of evidence, including a deed of inheritance rights prepared by a Notary. Notably, the regulation stipulates that such deed must be executed by a Notary whose official domicile corresponds to the last domicile of the testator. As a consequence, the authority in drafting deeds of inheritance rights is territorially confined to Notaries operating within the jurisdiction associated with the testator's final place of residence or at the domicile of the testator's time of death, thereby establishing a specific limitation on the exercise of notarial authority in inheritance matters.

Notary's authority is generally regulated by the UUJN and UUJN-P. Its serves as the primary legal framework governing the notarial profession in Indonesia. The law establishes the legal status, scope of the authority, rights, obligations, and ethical responsibilities of notaries as public officials entrusted with the authority to perform notarial functions. Through this regulatory framework, the legislature seeks to ensure that notarial services are carried out in a manner that guarantees legal certainty, order, and protection for individual engaging in civil legal transactions. With respect to the exercise of notarial authority, the UUJN and UUJN-P function as the principal source of legal legitimacy for all powers vested in notaries. These laws define the extent of a notary's competence, including the authority to draw up authentic deeds, certify legal acts, and perform other duties expressly granted by legislation.

Consequently, the authority exercised by a notary does not arise from personal capacity but is derived directly from statutory delegation conferred by the state.

UUJN and UUJN-P which designate a Notary as a public official authorized to perform duties relating to the preparation of deeds required by the public, requested by the parties concerned, or mandated by statutory regulations to be executed before a Notary. The authority of a Notary to draw up such deeds is assigning under Article of UUJN-P. Deeds made by a Notary function as authentic documents that guarantee the legal certainty of the volition of the parties. Notarial deeds also function as evidence in court when a dispute occurs. As a form of conclusive evidence, a notarial deed possesses full evidentiary value and is presumed to accurately reflect the matters contained therein without requiring supporting evidence, unless otherwise proven in accordance with applicable law.

A notary's deed, as an authentic deed possessing full evidentiary force, a notarial deed must not lose its status and not be degradation to be a private deed. To avoid this degradation, a notarial deed have to be prepared and signed in compliance with the provisions of the UUJN and UUJN-P. furthermore, in performing their official duties, Notaries are required to observe the statutory prohibitions prescribed under Article 17 paragraph (1) of UUJN-P which stipulated that " Notaries are prohibited: (a) exercising the office outside the territorial jurisdiction assigned to the Notary; (b) being absent from such jurisdiction for more than seven consecutive working days without a legitimate reason; (c) concurrently serving as a civil servant; (d) holding a position as a state official; (e) practicing as an advocate; (f) simultaneously serving as a director, manager, or employee of a state-owned enterprise, regional-owned enterprise, or private company; (g) concurrently holding the position of Land Deed Official ("PPAT") and/or Class II Auction Official outside the Notary's official domicile; (h) being a substitute Notary; or (i) carrying out the other work that is contrary to religious norms, morality or propriety which may affect the honor and dignity of the Notary's position."

One of the prohibitions that applies to Notaries id Article 17 paragraph (1) letter (a) of UUJN-P namely that notaries may not carry out their duties outside the territorial jurisdiction of their office. This provision reflects the principle that Notary's authority, including the authority to execute and authenticate notarial deeds, is limited to the jurisdiction. Accordingly, any notarial deed executed outside the Notary's authorized territorial jurisdiction constitutes a violation of the legal limits attached to the office. Such conduct may subject the Notary to imposition of sanctions. In addition to this, violating the provisions of the UUJN and UUJN-P can affect the legal status of the deed itself, resulting in loss of its authenticity and causing it to be treated merely as a private instrument. Consequently, the deed may no longer enjoy possess the evidentiary value accorded to private executed documents under Indonesian law.

Among the authorities vested in a Notary is the power to executed authentic deeds, including a deed of inheritance rights. The authority is conferred upon Notaries through ministerial regulations, particularly Permen ATR/BPN

[3] Agave, T., & Priyono, E. A. 2022. "Kewenangan Notaris Dalam Pembuatan Surat Tanda Bukti Sebagai Ahli Waris". *Jurnal Notaire*, 5(3): 469-484, p. 475.

16/2021. Article 111 of this regulation stipulated the documentary requirements that have to be fulfilled by heirs when applying for the registration of the diversion of rights from a deceased person to their successors or heirs.

Within this regulatory framework, a deed of inheritance rights serves as one of the legal instruments that may be utilized to stipulates the status and entitlement of heirs in the process of transferring inherited property rights. Consequently, such a deed is executed in the form of a notarial deed upon the request of the heirs or other interested parties, who appear before the Notary as the parties to the deed. Through formally records and authenticates the declarations and legal interests expressed by the parties in compliance with the applicable legal requirements.

Deeds of inheritance rights is classified as a party deed because its contents are derived from the statements, declarations, and acknowledgments made by the individuals appearing before the Notary, namely the heirs or other interested parties. In preparing such a deed, the notary records the information provided by the parties concerning, among other matters, the identity of the testator, the date of death, the familial relationship between the testator and the heirs, the determination of the lawful heirs, and the respective inheritance shares to which the are entitled.

The primary purpose of deeds of inheritance rights is to serve an authentic legal instrument evidencing the legal basis of their succession rights. Through this deed, legal certainty may be afforded with respect to the inheritance status of the parties concerned, particularly in matters involving the transfer and administration of inherited assets. So as a authentic legal instrument, Notary in drafting deeds of inheritance rights should be guided by the law of Notary's office, namely the UUJN and UUJN-P.

Notary's authority in drafting a deed of inheritance rights in the provisions of Article 111 paragraph (1) letter (c) of the Permen ATR/BPN 16/2021 experiences disharmony with UUJN-P at Article 17 paragraph (1) letter (a) because it affects the Notary in not being able to carry out duties and authorities based on the law on positions because it conflicts with norms regarding the domicile of the testator at the time of death. The Permen ATR/BPN 16/2021 limits the authority of a Notary in drafting deeds to only the place of domicile, which is a limitation that is contrary to the UUJN-P. In UUJN-P grants authority extending throughout the Notary's territorial jurisdiction.

The UUJN-P prohibits Notaries from exercising office outside their territorial jurisdiction pursuant to Article 17 paragraph (1) letter (a). This provision implies that Notaries are authorized to draft and execute deeds within their official jurisdiction. Article 18 of the UUJN determines, domicile of a Notary is in the regency/city area and also has a region of office encompassing the entire province from where they are domiciled. Therefore, Notaries can draft deeds outside their domicile provided that such activity remain within the provincial jurisdiction. This provision is inconsistent with Article 111 paragraph (1) letter (c) of Permen ATR/BPN 16/2021 which creates disharmony in norms.

Law of the Republic of Indonesia Number 12 of 2011 concerning the Formation of statutory regulations ("Law No. 12 of 2011) establishes a hierarchical framework governing the enactment, amendment, and implementation of statutory regulations in Indonesia.

Under this framework, amendments to provisions contained in a statute or law may only be affect through another statue or law of equal legal standing. Its means, Law No. 12 of 2011 stipulates that a law may only be amended by another law and not by a Ministerial regulation.

Therefore, Permen ATR/BPN 16/2021 is inappropriate in terms of regulating the authority of Notaries in the UUJN-P in terms of making deeds, because it regulates the limitations on which Notaries are entitled to draft the deeds of inheritance rights.

2. Resolution of the Normative Disharmony between the UUJN-P and Permen ATR/BPN 16/2021

Legal norms governing the same matter should complement or harmonize each other. Two or more legal provisions regulate an identical issue in a manner that inconsistent, contradictory, overlapping, or otherwise in incompatible, such a condition may be characterized as normative disharmony. Normative disharmony can create legal uncertainty, as a result the uncertainty may arise in both the interpretation and implementation of the law, leading to differing understandings among law enforcement authorities, legal practitioners, and members of the public. Furthermore, normative disharmony may give rise to jurisdictional disputes and conflicts of authority among governmental institutions or public officials entrusted with implementing the relevant legal provisions. Consequently, normative disharmony not only affects legal certainty but may also hinder the achievement of consistency, effectiveness, and predictability within the legal system.

Disharmony of norms occurs in the regulation regarding the authority of Notaries in making deeds of inheritance rights between the UUJN-P and the Permen ATR/BPN 16/2021. The UUJN-P is the basis for the attribution authority of Notaries as general officials who make authentic deeds. The UUJN-P serves as a guide for notaries so that the deeds the make as authentic legal instrument in full evidentiary force. One of the regulations on the authority of notaries in carrying out their duties is Article 17 paragraph (1) letter (a) of the UUJN-P, the legal norm of which is that notaries have the authority to make authentic deeds throughout their territorial jurisdiction from their domicile of office to draft deeds. In the case of notarial deeds, namely deeds of inheritance rights, this article also applies according to the UUJN-P.

However, the norm in one of article of the Permen ATR/BPN 16/2021 which regulates the authority of a notary to make a deed of inheritance rights is not line with the provisions of the UUJN-P. the provisions of Article 111 paragraph (1) letter (c) of the Permen ATR/BPN 16/2021 regulated that the authority of a notary to make a deed of inheritance deeds only for notaries who have the capacity at their domicile. This means that a notary who has the same domicile as the place where the testator died is authorized to make the deeds of inheritance rights. Therefore, the limitation of the notary's authority according to this ministerial regulation is based only on the notary's domicile. Notaries outside that domicile do not have the authority even the are still within the notary's jurisdiction.

The normative disharmony between Permen ATR/BPN 16/2021 with UUJN-P may be resolved through the application of the principle of preference, specifically the principle of *lex superior derogat legi inferiori.*

If there is disharmony in legal norms, to resolved that the higher legal norm overrides the lower legal norm. [4] Disharmony of norm occurs when two conflicting norms exist within a single regulatory object, resulting in only one norm being applicable to the regulatory object, resulting in the other norm being overridden. Therefore, it is need to understand the position of laws and Ministerial regulations in the hierarchy of statutory regulations to be able to apply the principle of *lex superior derogat legi inferiori*.

The application of the principle of *lex superior derogat legi inferiori* requires an understanding of the hierarchy of statutory regulations. Pursuant to Article 7 paragraph (1) of law No. 12 of 2011, the hierarchy of statutory regulations consists of "The 1945 Constitution of the Republic of Indonesia (UUD 1945"), Decrees of the People's Consultative Assembly ("MPR Decree"), statute(laws)/Government Regulations in Lieu of Law (*Peraturan Pemerintah Pengganti Undang-Undang*), Government Regulations, Presidential Regulations, Provincial Regulations, and Regency/Municipal Regulations." This hierarchical structure reflects the graded authority of legal norms, whereby regulations occupying a lower position derive their validity from, and must remain consistent with higher legislation. Accordingly, any subordinate regulation enacted by an administrative authority, must operate within the scope of authority delegated by higher legislation and may not introduce provisions that alter, restrict, or expand rights and obligations established by statute.

The position of UUJN-P as a statute in the hierarchy of statutory regulations is third after UUD 1945 and the MPR Decree according to Article 7 paragraph (1) of law No. 12 of 2011. A statute is a type of regulation that is formed jointly by the Parliament (*Dewan Perwakilan Rakyat*) with the President, the formation of which follows the mechanism and stages as regulated in the applicable statutory regulations. The statute is formed on the direct order of the UUD 1945 (organic law) or on the order of a law, some of the material of which is ordered to be regulated by a separate law or ratification of an international agreement. [5]

UUJN-P as statute possesses binding legal force that renders its provisions mandatory upon all person and the entities falling within its scope of applications, particularly notaries as the subject directly governed by the legislation. Once a law is ratified and enacted in compliance with the mechanisms assigned in the applicable law, the norms contained therein have legal force that must be implemented and complied with.

The binding force of the statute derives from the constitutional authority upon which its enactment is based. The UUJN-P, in its considering section "*menimbang*", it is stated that "the Republic of Indonesia, as a state governed by law based on Pancasila and the UUD 1945, guarantees legal certainty, order, and legal protection for every citizen". This statement meaning that the UUJN-P derives its origin from the constitution. As a consequence, the provisions contained in the UUJN-P are legally binding and enforceable upon all party subject to its regulation. Such binding force remains effective unless the statute is amended, repealed, or declared to have no binding legal effect by a competent authority in accordance with the applicable constitutional and legal mechanisms.

In contrast, Ministerial regulations do not constitute part of the formal hierarchy of law and regulations as prescribed under Article 7 paragraph (1) of Law No. 12 of 2011 on the formation of laws and regulations. Nevertheless, their legal existence is expressly recognized under Article 8 paragraph (1) of the same law, which acknowledges certain regulatory instruments established by authorized state institutions or officials. Accordingly, Ministerial Regulations possess binding legal force insofar as they are promulgated pursuant to delegated authority or in implementation of mandates conferred by higher legislation.

Ministerial Regulation as form of legislation outside the hierarchy of statutory regulations, are established by the Minister to carry out the duties or authority that fall under the responsibility of a particular minister. The principal function of a Ministerial Regulation is to provide more detailed and technical provisions for the implementation of higher legal norms. In this regard, it serves as a regulatory instrument designed to operationalize statutory provisions and facilitate the administration of governmental affairs within a specific sector or field of competence. A Ministerial Regulation is intended to complement and implement the higher legislation rather than create norms that contradict, modify, or restrict rights and authorities already established by statute.

The existence of Ministerial Regulations is based on the attribution and delegation of authority granted by higher regulations. Therefore, the content of Ministerial Regulations must not conflict with the Constitutions, law/statute, government regulations, or presidential regulations. Instead, Ministerial Regulation should serve as a means of translating mare general norms into more technical and operational provisions.

Thus, is shows that the position of the Permen ATR/BPN 16/2021 is lower than the UUJN-P. The regulations regarding the authority of a Notary in drafting or making a deed of inheritance rights contained in the norm of Article 111 paragraph (1) letter (c) of the Permen ATR/BPN 16/2021 should be a means to translate and explain the general authority of a Notary in the UUJN-P norm, the two regulations should not overlap which causes disharmony in the norm.

The principle of preference, one of which is *les superior derogate legi inferiori*, means a lower regulation must not contradict, modify, or diminish the legal norm established by a higher regulation. Therefore, insofar as ministerial regulation, the Permen ATR/BPN 16/2021 restricts the authority of notaries beyond the limitations stipulated in the UUJN-P, such regulation may be regarded as inconsistent with the statutory framework governing notarial authority in Indonesia. This normative disharmony gives rise to legal uncertainty regarding the competence of notaries to execute deeds of inheritance rights and may affect the implementation of inheritance-related legal service in practice.

The normative disharmony between these legal instruments may be addressed through the application of the principle of *lex superior derogat legi inferior*i, whereby a regulation of

[4] Irfani, N. 2020. "Asas *Lex Superior, Lex Specialis*, dan *Lex Posterior*: Pemaknaan, Problematika, dan Penggunaannya Dalam Penalaran dan Argumentasi Hukum". *Jurnal Legislasi Indonesia*, 16(3): 305–325, p. 311.

[5] Sofwan, dkk. 2021. "Kejelasan Rumusan Norma dalam Pembentukan Undang-Undang (Kajian Terhadap Penggunaan Frasa Hukum dalam Perumusan Norma Undang-Undang)". *Jurnal Risalah Kenotariatan*, 2(2): 31-46, p. 38.

higher hierarchical status prevails over a lower norm. consequently, the provisions of the law on the position of UUJN-P, which comprehensively govern the scope of notarial authority, should take precedence over the more restrictive provisions contained in Article 111 paragraph (1) letter (c) of Permen ATR/BPN 16/2021. To eliminate this regulatory inconsistency, amendments should be made to the aforementioned provision so that its substance is brought into conformity with the legal framework established by the UUJN-P. such harmonization would enhance legal certainty and ensure a coherent of notaries in the preparation and execution of deeds of inheritance rights.

Conclusion

The conclusions that can be drawn from the author's analysis of the issues mentioned above:

1. The exercise of notarial authority is subject to statutory limitations established under UUJN-P. pursuant to Article 17 paragraph (1) letter (a), a Notary is prohibited from performing notarial functions outside the territorial scope prescribed by law. Furthermore, Article 18 of the UUJN-P stipulates that Notary's official domicile is situated within a particular regency or municipality, while the jurisdiction attached to such office encompasses the entire province in which the domicile located. In contrast, Article 111 paragraph (1) letter (c) of Permen ATR/BPN 16/2021 restricts in drafting or making deed of inheritance rights exclusively to Notaries whose domicile corresponds with the last residence of the testator. This additional territorial restriction narrows the scope of authority granted under the UUJN-P and consequently give rise to a normative disharmony between the two regulatory instruments As a result, uncertainty emerges regarding the extent of a Notary's competence in the preparation and execution of deed of inheritance rights within the Indonesian legal framework.
2. The resolution of the disharmony of norms between the UUJN-P in Article 17 paragraph (1) letter (a) and the Permen ATR/BPN 16/2021 Article 111 paragraph (1) letter (c) regarding the authority of Notaries in making deeds of inheritance rights can be settled with the principle of *lex superior derogat legi inferiori*. So, the position of UUJN-P as a statute in the hierarchy of statutory regulations is third after the UUD 1945 and the MPR Decree according to Article 7 paragraph (1) of Law No. 12 of 2011, while the Permen ATR/BPN 16/2021 is not belonging in the hierarchy of statutory regulations according on Article 7 paragraph (1) of Law No. 12 of 2011 but is mentioned as type of statutory regulations whose existence is recognized in Article 8 of Law No. 12 of 2011. Thus, is shows that the position of the Permen ATR/BPN 16/2021 is lower than the UUJN-P. Consequently, the provisions of the UUJN-P governing the territorial authority of Notaries prevail over the additional restrictions imposed by Permen ATR/BPN 16/2021, thereby ensuring legal certainty and consistency in the exercise of notarial authority regarding deeds of inheritance rights.

Suggestion

1. Legislators and authorized statutory regulators should ensure that newly enacted regulations are formulated in harmony with higher legal norms in order to prevent the emergence of normative disharmony within legal system.
2. Notaries should exercise their authority in accordance with the provisions of the UUJN and UUJN-P, while providing adequate legal guidance to parties seeking the preparation of deed, including deeds of inheritance rights, so as to maintain the authenticity and evidentiary value of the such deeds.
3. Individuals intending to establish deeds of inheritance rights are encouraged to seek professional legal consultation from a Notary or other qualified practitioners to obtain a proper understanding of the legal requirements and consequences associated with the deed.

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