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ORIGINAL ARTICLE

The Evidentiary Strength of the Certificate of Heirship as a Basis for the Registration of Land Rights Transfer through Inheritance

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Abstract

The registration of the transfer of land rights through inheritance requires proof of heirship, one of which is the Certificate of Heirship as recognized under Article 42 of Government Regulation Number 24 of 1997 and Article 111 paragraph (1) letter c of the Regulation of the Minister of ATR/Head of BPN Number 16 of 2021. In practice, however, disputes often arise because the Certificate of Heirship is frequently prepared based on unilateral statements without adequate verification of its material accuracy. This study aims to analyze the legal status of the Certificate of Heirship as a basis for registering the transfer of land rights through inheritance, its evidentiary strength in civil disputes, and the legal consequences arising from its use. Employing a normative juridical method, this research applies statutory, conceptual, and case approaches with qualitative legal analysis. The findings indicate that the Certificate of Heirship functions as an administrative legal document and preliminary evidence for the registration of inherited land rights, provided it is prepared in accordance with applicable procedures and supported by valid inheritance documents. However, its evidentiary value is relative, as courts must assess its validity alongside other evidence, the issuance process, and the inheritance relationship of the parties. The use of a Certificate of Heirship that does not reflect the actual legal facts may result in disputes, correction or cancellation of land registration data, civil liability, and claims for compensation. Therefore, stricter verification and careful examination of Certificates of Heirship are necessary to ensure legal certainty and provide legal protection for interested parties.

1. Introduction

Land certainty over land rights cannot be based solely on physical control or hereditary relationships, but must be supported by a land registration system that provides clarity regarding the subject, object, and legal status of land rights. this principle is reflected in the indonesian land registration system, which is intended to provide legal certainty and legal protection for holders of land rights [1–3]. In the context of inheritance, the transfer of land rights occurs following the death of the registered rights holder and requires administrative registration to ensure that the change in the holder of the rights is properly recorded [4].

The transfer of land rights through inheritance is therefore closely related to the determination of who is legally entitled to inherit the land. in practice, an certificate of heirship is commonly used to establish the identity and status of the heirs and subsequently becomes one of the documents supporting the registration of thetransfer of land rights [5,6]. however, the existence of an certificate of heirship raises an important legal question concerning not only its function

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as an administrative document but also its evidentiary value when the status or entitlement of an heir is disputed [7,8].

This issue is particularly relevant in aceh besar, where village officials and the sub-district head may play an important role in the preparation and acknowledgement of statements concerning heirship. a statement of heirship made by the heirs and witnessed by other persons and acknowledged by the village head and camat represents a different form of documentary evidence from a notarial deed concerning inheritance rights [9]. although both forms of documentation may be recognized within the land-registration process, their legal form, issuing authority, and evidentiary characteristics are not necessarily identical. the distinction is therefore important in determining whether such a document merely satisfies an administrative requirement for land registration or also possesses sufficient probative force in judicial proceedings.

The legal position of an certificate of heirship and its probative force must consequently be distinguished. its legal position concerns the role of the document within the legal and administrative system governing the registration of inherited land rights. by contrast, its probative force concerns the extent to which the document can establish the truth of the matters stated in it, particularly when the identityor entitlement of an heir is challenged before a court. [10] thus, recognition of an certificate of heirship as a basis for land registration does not necessarily mean thatthe certificate constitutes conclusive evidence of substantive inheritance rights.

The issue becomes more significant where competing claims arise among heirs or other interested parties. in such circumstances, the evidentiary strength ofthe document may determine whether the registered transfer of land rights can withstand legal challenge. the distinction between a statement acknowledged by local officials and a notarial document therefore deserves particular attention, especially in examining the practice of land registration through inheritance in aceh besar [11].

A comparative perspective also demonstrates that the problem of establishing heirship through documentary evidence is not unique to indonesia. for example, the european certificate of succession under regulation (eu) no. 650/2012 providesa mechanism for heirs and other entitled persons to establish their status and exercise succession-related rights across member states. [12] this comparison illustrates the broader legal concern regarding the relationship between documentary proof of heirship, administrative recognition, and the evidentiary consequences of such documents when succession rights are disputed.

Against this background, this study examines the evidentiary strength of the certificateof heirship as a basis for registering the transfer of land rights through inheritance, with particular attention to the practice involving village officials and the camat in aceh besar. the study distinguishes between the legal position of the certificate within the land-registration system and its probative force in judicial proceedings. accordingly, this research addresses three questions: first, what is the legal position of the certificate of heirship as a basis for registering the transfer of land rightsthrough inheritance under indonesian law; second, what is the evidentiary strength of different forms of heirship documents, particularly statements acknowledged by village and sub-district officials and notarial deeds, when their validity or content is disputed; and third, what are the legal consequences of relying on such documents for the registration and subsequent determination of inherited land rights?

2. Methods

This study is normative juridical legal research that examines legal norms and applicable legislation using library materials as the primary source of data [13–15]. The approaches employed include the statute approach, the conceptual approach, and the case approach, which

are used to analyze legal regulations, doctrines, and court decisions related to the evidentiary strength of the certificate of heirship in the registration of land rights transfer through inheritance [16,17]. The statute approach is used to examine the legal position and regulatory requirements of the Certificate of Heir, while the conceptual approach is used to analyze the concepts of evidentiary strength and legal certainty.

The case approach is used to examine how courts assess the evidentiary value of the certificate of heirship when its validity or contents are disputed. The legal materials consist of primary legal materials, namely the 1945 Constitution of the Republic of Indonesia, the Basic Agrarian Law (UUPA), the Civil Code (KUHPerdata), the HIR and RBg, the Law on Notary Office, Government Regulation Number 24 of 1997 concerning Land Registration, Minister of Agrarian Affairs and Spatial Planning/Head of BPN Regulation Number 16 of 2021, Decision of the District Court of Jantho Number 17/Pdt.G/2024/PN Jth, and Decision of the Supreme Court Number 4594 K/PDT/2025. The two court decisions were selected because they are relevant to the examination of the evidentiary value of the certificate of heirship in disputes concerning inherited land rights. The District Court decision illustrates the examination of the certificate of heirship in the dispute, while the Supreme Court decision shows the subsequent consideration of the case at the cassation level, where the claim was ultimately unsuccessful. The case is therefore examined to illustrate how the certificate of heirship was assessed as documentary evidence, rather than to establish that the document itself was declared invalid. Secondary legal materials include legal literature, books, journals, and previous research in the fields of agrarian law, inheritance law, evidentiary law, civil procedural law, and notarial law, while tertiary legal materials consist of legal dictionaries and legal encyclopedias.

The data collection technique is conducted through library research by searching, inventorying, identifying, and reviewing relevant legal materials. All collected materials are then analyzed qualitatively using a legal analytical approach through legal interpretation of statutes, doctrines, and court decisions, including Decision of the District Court of Jantho Number 17/Pdt.G/2024/PN Jth and Decision of the Supreme Court Number 4594 K/PDT/2025. The conclusion is drawn deductively, moving from general legal norms to specific issues in order to answer the legal problem concerning the evidentiary strength of the certificate of heirship in the registration of land rights transfer through inheritance.

3. Results and Discussion

3.1 Legal Position of the Certificate of Heirship as One of the Bases for Registering the Transfer of Land Rights Due to Inheritance in the Indonesian Land Law System

Land within the national agrarian legal system holds a highly important position because it is directly related to legal certainty of rights, orderly land administration, and legal protection for subjects who control or hold land rights. Therefore, land registration is not merely understood as an administrative activity, but also as a legal instrument to ensure certainty regarding the subject of rights, object of rights, location, area, boundaries, and legal status of land parcels. Article 19 paragraph (1) of Law Number 5 of 1960 concerning the Basic Agrarian Law (UUPA) stipulates that the government conducts land registration to guarantee legal certainty. Land registration also includes the recording of changes in juridical data, including those resulting from the transfer of rights due to inheritance, which occurs upon the death of the testator as regulated in Article 830 and Article 832 of the Indonesian Civil Code [18].

The transfer of land rights through inheritance has a distinctive character because heirs' rights arise automatically upon the death of the testator; however, their recognition and registration within the land administration system still require valid administrative evidence. Article 42 of Government Regulation Number 24 of 1997 requires the submission of a land certificate, death certificate, and proof of heirship as the basis for registering inheritance-based transfers of rights. In regulatory developments, Article 111 paragraph (1) letter c of Minister of Agrarian Affairs and Spatial Planning/Head of BPN Regulation Number 16 of 2021 further clarifies that proof of

heirship may take the form of a will, court decision, judicial determination, heirs' statement letter, notarial deed of inheritance rights, or certificate of heirship issued by the Heritage Hall (Balai Harta Peninggalan) [10]. This demonstrates that the Indonesian land administration system positions inheritance documents as instruments of administrative verification forming the basis for registering the transfer of rights.

In practice, the certificate of heirship (Surat Keterangan Ahli Waris) does not merely function as an administrative document but also carries juridical implications because it serves as the basis for changing the name of the rights holder in the land certificate. Therefore, its position is instrumental in nature, meaning that it is not the source of inheritance rights but rather a tool to prove who is entitled based on existing inheritance law [19]. Inheritance rights arise by operation of law upon the death of the testator, whereas the certificate merely identifies and describes the parties recognized as heirs. Accordingly, a conceptual error arises if the document is treated as creating inheritance rights, when in fact it only serves as evidence of an already existing legal situation.

This position places the certificate of heirship at the intersection of inheritance law, land administration law, and civil evidentiary law [20]. Within inheritance law, it relates to the determination of rightful heirs to the estate. Within land law, it functions as an administrative requirement for registering the transfer of rights. Within evidentiary law, it may be examined in cases of dispute concerning heirship status or transfer of land rights.

Research findings indicate that ideally, the certificate of heirship is intended to provide a clear and orderly legal basis for land title registration processes based on inheritance, allowing land offices to record transfers without doubt regarding the new rights holder. However, in practice, the issuance of such certificates often depends on statements from family members, witnesses, village officials, sub-district heads, notaries, or the Heritage Hall, which may result in inconsistencies in data, omission of certain heirs, or objections from other parties.

Furthermore, the use of the certificate of heirship in land administration does not automatically eliminate the potential for legal disputes. When the document is contested, judges do not merely assess its formal existence but also examine its substantive truth, issuance procedure, completeness of heirs, and consistency with other supporting evidence [21]. This demonstrates that the evidentiary strength of such a document is relative and non-final, and therefore remains subject to judicial review in civil proceedings.

Based on this analysis, it can be affirmed that the legal status of the certificate of heirship in the registration of inheritance-based land rights transfers is that of a juridical-administrative document required for maintaining land registration data. However, its status is not absolute, as it may still be challenged and examined in the event of a dispute. Accordingly, the document must be understood proportionally: as an important administrative instrument in land registration, but not as a conclusive determinant of inheritance rights without further legal examination.

3.2 The Evidentiary Strength of the Certificate of Heirship in the Registration of Land Rights Transfer Due to Inheritance When the Document Is Disputed in Civil Proceedings

The evidentiary strength of the Certificate of Heirship in civil proceedings can be formulated into three main findings. First, the Certificate of Heirship has evidentiary value as a written document that may serve as an administrative basis for registering the transfer of land rights due to inheritance; however, such evidentiary force is not absolute when its content and truth are disputed [22]. Second, when the document becomes the object of dispute, the judge is required to assess its material, formal, and outward aspects in relation to other evidence submitted by the parties, in accordance with the principles of evidence in civil procedural law [23]. Third, in claims based on unlawful acts, the party challenging the Certificate of Heirship must not merely

prove the existence of the document, but must also establish the elements of unlawful conduct, fault, loss, and a causal relationship between the act and the resulting damage.

The position of the Certificate of Heirship in the transfer of land rights is fundamentally an administrative instrument used as a basis for recording changes in juridical data at the land office. This is consistent with Article 42 of Government Regulation Number 24 of 1997 concerning Land Registration, which requires a death certificate and proof of heirship in the process of registering the transfer of land rights due to inheritance. Consequently, the transfer of land rights due to inheritance occurs legally upon the death of the decedent, as affirmed in Article 830 of the Indonesian Civil Code, while its registration in the land administration system is necessary to ensure legal certainty regarding the change of rights holder.

Nevertheless, the evidentiary strength of the Certificate of Heirship cannot be separated from the principles of evidence in civil law. Under civil procedural law, evidence consists of written documents, witness testimony, presumptions, confessions, and oaths as stipulated in Article 1866 of the Civil Code, Article 164 HIR, and Article 284 RBg. Therefore, the Certificate of Heirship does not always constitute an authentic deed; rather, it may function as an administrative certificate or a private document whose evidentiary value remains subject to judicial examination [20].

In the context of inheritance-based land rights transfer, the Certificate of Heirship functions as an intermediary proof linking the legal event of the death of the decedent with the determination of the legal subjects entitled to inherit land assets. The inheritance right itself arises automatically by operation of law upon the death of the decedent; therefore, the transfer of rights does not create a new legal right but rather constitutes the recognition and registration of an already existing legal entitlement [24]. Accordingly, the Certificate of Heirship does not create inheritance rights but merely evidences the parties entitled to such rights for the purposes of land administration.

In practice, as regulated under Article 111 paragraph (1) letter c of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Regulation Number 16 of 2021, proof of heirship may take various forms, such as court judgments, judicial determinations, notarial deeds, heir declarations acknowledged by village officials, or certificates of inheritance issued by the Office of Inheritance Affairs [9]. This demonstrates that the land administration system provides several alternative evidentiary instruments to ensure flexibility in proving heirship status in land registration procedures.

From the perspective of evidentiary strength, the Certificate of Heirship has a limited probative value that depends on the accuracy of its content, the procedure of issuance, and the authority of the issuing or certifying party. At the administrative stage of land registration, such evidentiary value is generally sufficient to serve as the basis for registering the transfer of land rights. However, in civil litigation, it must still be materially examined when a dispute arises. Therefore, in court proceedings, judges do not only assess the existence of the document, but also its substantive validity and consistency with other relevant evidence.

The Decision of the Jantho District Court No. 17/Pdt.G/2024/PN Jth in conjunction with the Supreme Court Decision No. 4594 K/ PDT/2025 demonstrates that the existence of a Certificate of Heirship does not automatically determine the correctness of inheritance relations. In that case, although the heirship document was used in the administrative process of transferring land rights, the court still examined the validity of the legal relationship and the basis of the parties claims; thus, evidentiary assessment did not rely solely on the document itself.

Accordingly, the evidentiary strength of the Certificate of Heirship in civil proceedings is relative and contextual. It is relative because it may be strengthened or weakened by other evidence, and contextual because its evidentiary value differs between land administration and judicial

proceedings. In land administration, the document functions as a requirement for registering inheritance-based land transfer, whereas in civil litigation, it must be assessed together with all available evidence to determine the material truth regarding the rightful heirs and whether its use has caused legal harm to other parties.

3.3 Legal Consequences and Legal Protection for Interested Parties Arising from the Use of a Certificate of Heirship as the Basis for Registering the Transfer of Land Rights Due to Inheritance That Gives Rise to Legal Disputes

The Certificate of Heirship functions as an initial evidentiary document to determine the rightful heirs of an estate, including land as part of inheritance assets. In the registration of land rights transfer due to inheritance, this document serves as a legal bridge between the death of the deceased and the recording of heirs as new right holders in the land administration system. Accordingly, it has legal implications for changes in cadastral data.

In principle, the Certificate of Heirship is intended to ensure legal certainty and orderly land administration. However, in practice, it does not always reflect the actual legal situation, particularly where certain heirs are not included or where inconsistencies arise among family members' statements, which may lead to disputes in the transfer of land rights.

The legal consequences of using such a document include: (1) the disturbance of legal certainty regarding the subject of land rights; (2) the possibility of civil lawsuits, particularly claims based on unlawful acts; (3) the potential cancellation or correction of land registration data through court decisions; and (4) the emergence of legal responsibility for related parties, including heirs and administrative officials, in accordance with their respective authority and conduct.

The decision in District Court of Jantho Case No. 17/Pdt.G/2024/PN Jth in conjunction with Supreme Court Decision No. 4594 K/PDT/2025 confirms that a Certificate of Heirship does not have absolute evidentiary force and must be assessed together with other relevant evidence in civil proceedings.

From the perspective of legal protection, a balanced approach is required for all involved parties. Legitimate heirs must be protected from losing their inheritance rights due to omission from the document, while listed heirs must also be protected as long as they act in good faith. Land administration officials and related authorities are likewise protected insofar as they act within their legal authority and observe due diligence. At the same time, aggrieved parties must retain the right to file objections, lawsuits, or requests for data correction.

Legal protection in this context is divided into preventive and repressive measures. Preventive protection is implemented through document verification, inclusion of all relevant parties, and careful administrative assessment prior to land registration. Repressive protection is carried out through civil litigation, evidentiary examination in court, annulment of defective documents, compensation claims, and correction of land data based on final and binding court decisions.

Therefore, disputes involving Certificates of Heirship must be understood within the framework of evidentiary law and proportional legal responsibility, rather than purely administrative issues, as they involve inheritance law, land law, and civil procedural law simultaneously.

4. Conclusions

Based on the findings and discussion, it can be concluded that the certificate of heirship holds an important legal position in the registration of inherited land rights within the Indonesian land administration system. It serves as preliminary evidence for identifying entitled heirs and as an administrative basis for the Land Office to record changes in land-right data, but it does not constitute conclusive evidence of inheritance rights. Its evidentiary value depends on the validity of its issuance procedure, the accuracy of its contents, and its conformity with the actual

inheritance circumstances. Accordingly, its evidentiary strength in civil proceedings is relative rather than absolute. A properly issued certificate supported by other relevant evidence may constitute strong evidence, but it may be challenged by interested parties and weakened where it fails to reflect the actual circumstances or is contradicted by other admissible evidence, as courts may assess both its formal validity and its material truth.

The use of the certificate of heirship as a basis for registering land-right transfers also carries significant legal consequences. A valid certificate should protect lawful heirs, good-faith parties, and authorized officials, yet disputes may arise where it omits entitled heirs, contains inaccurate information, or is used to transfer inherited land to the detriment of others. Legal protection should therefore be strengthened preventively, through a standardized verification procedure confirming the identity and status of all potentials heirs against civil-registration records and the actual inheritance circumstances, and repressively, through civil proceedings, cancellation or correction of documents and land-registration data, and compensation claims where unlawful conduct and loss are established. In practice, notaries, PPATs, village or sub-district authorities, and Land Offices should exercise greater diligence in verifying Certificates of Heir before relying on them, thereby reducing the risk of overlapping or unauthorized tranfers and providing greater legal certainty for heirs and good-faith parties.

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