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Legal Implications of Heir's Incompetence and Violation of Legitime Portie on the Will Reduction Mechanism

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Abstract

Testamentary deeds made by testators under curatorship raise questions about legal capacity and the protection of heirs' absolute share (legitime portie) under the Indonesian Civil Code. This study analyzes the validity of a will made by a testator under curatorship, comparing the requirements of a valid agreement with will formalities, and evaluates inkorting as a remedy for wills that infringe the legitime portie of Class I heirs. The research employs a normative juridical method with statute and case approaches, using the Civil Code and court decisions as primary legal materials and literature as secondary materials. The findings indicate that curatorship does not automatically render a will null and void; it remains valid if the formalities are fulfilled and no defect of consent, such as duress, fraud, or mistake, is proven. Infringement of the legitime portie does not nullify the entire deed but is resolved through proportional reduction until the absolute share of Class I heirs is met. The study concludes that disputes must distinguish defects in the validity of the deed from violations of the legitime portie, thereby ensuring legal certainty and protecting the rights of heirs.

INTRODUCTION

Testamentary succession under the Indonesian Civil Code requires a careful balance between testamentary freedom, the testator's legal capacity, and the legally protected inheritance shares of certain heirs (Indradewi et al., 2024; putri Ramadani et al., 2025). A will constitutes a unilateral legal act through which a testator determines the distribution of their estate upon death, whereas the legitieme portie (legally reserved share) restricts the portion of the estate that may be freely disposed of through testamentary dispositions or gifts. This balance becomes particularly significant when a testator has been placed under legal guardianship (pengampuan) and the testamentary disposition potentially affects the inheritance rights of Class I heirs (Amanat, 2000; Kartikawati, 2021; Meutia, 2022; Subekti, 2003).

Article 433 of the Indonesian Civil Code regulates the circumstances under which an individual may be placed under guardianship (pengampuan) (Kuspermadi et al., 2025; Prawirohamidjojo & Pohan, 1995). However, the legal capacity to execute a valid will must also be assessed in accordance with the specific statutory requirements governing testamentary capacity, particularly Article 895, which requires the testator to possess the necessary mental faculties. Accordingly, the legal consequences of a guardianship order must

be distinguished from the factual assessment of the testator's mental capacity at the time of executing the will, while also considering the applicable statutory restrictions on legal capacity. Compliance with testamentary formalities and the absence of defects of consent, including duress, fraud, or mistake, constitute separate legal considerations that must be evaluated independently when determining the validity of a testamentary instrument (Indradewi, 2023; Sanawiah & Zainul, 2018).

A separate legal issue arises when testamentary dispositions exceed the portion of an estate that may lawfully be distributed without infringing upon the reserved inheritance rights of protected heirs. Articles 913–920 of the Indonesian Civil Code establish the legal framework governing the legitieme portie and the reduction of excessive testamentary dispositions or gifts through inkorting. Specifically, Article 914 determines the legally reserved shares of descendants according to the number of children entitled to inherit. Consequently, the reduction of excessive testamentary dispositions must be distinguished from the annulment or invalidation of a will arising from defects in testamentary capacity, consent, or compliance with statutory formalities. While inkorting serves as a corrective mechanism to restore the legally protected inheritance shares of entitled heirs, annulment concerns the underlying legal validity of the testamentary act itself (Cibro, 2023; Indradewi et al., 2024; R. S. Sitepu, 2020).

Previous legal scholarship has examined the implications of legal incapacity for testamentary dispositions, including circumstances involving neurological impairments, as well as disputes concerning testamentary provisions that exceed the legally permissible disposable portion of an estate (Cibro, 2023; Panjaitan, 2016; P. A. Sitepu, 2022; R. S. Sitepu, 2020). The judicial discussion presented in the source manuscript refers to Indonesian Supreme Court Decision No. 2685 K/Pdt/2020 as an illustration of a dispute involving an allegedly excessive testamentary disposition. However, because the manuscript relies on a secondary account of the decision, the precise judicial reasoning, particularly its relevance to guardianship and testamentary capacity, requires verification against the complete judgment before any definitive legal interpretation can be established.

The principal research gap does not arise from an absence of statutory provisions governing testamentary succession but rather from the insufficiently differentiated application of legal principles concerning testamentary capacity, formal validity, and the protection of the legitieme portie within a single inheritance dispute. Presuming that guardianship automatically invalidates a testamentary instrument may obscure the need to examine the applicable statutory restrictions and the testator's mental capacity at the time of execution. Conversely, treating an infringement of the legitieme portie as grounds for the complete annulment of a will may overlook the corrective function of inkorting. Therefore, a coherent legal framework is necessary to distinguish the relevant grounds of challenge, identify the evidentiary requirements associated with each alleged defect, and determine the appropriate legal remedies according to the nature of the violation.

This inquiry is particularly important for safeguarding the inheritance rights of legally protected descendants, ensuring certainty in estate administration, and clarifying the professional responsibilities of notaries and judicial authorities (Natagina Putri & Yustikarini, 2023). Incorrect legal characterization may result in unnecessary litigation seeking the invalidation of an entire testamentary instrument when a proportionate reduction of excessive

dispositions would provide an adequate remedy. Conversely, an excessive emphasis on testamentary freedom may permit the enforcement of dispositions that infringe upon mandatory inheritance rights or fail to satisfy substantive requirements for legal validity. The principal contribution of this article lies in its integrated normative examination of testamentary capacity, the validity of testamentary instruments, and the application of inkorting as a corrective mechanism for infringements of the legitieme portie, rather than in the presentation of new empirical findings.

Accordingly, this study aims to examine the legal validity of a will executed by a testator under guardianship (pengampuan), distinguish defects relating to testamentary capacity or consent from infringements of the legitieme portie, and evaluate the application of inkorting as a proportionate legal remedy for protecting the reserved inheritance shares of entitled Class I heirs. The findings are expected to provide normative guidance for legal practitioners, notaries, and judicial authorities in identifying appropriate grounds for challenging testamentary dispositions and selecting remedies consistent with the Indonesian Civil Code. Furthermore, the study seeks to clarify the relationship between testamentary freedom and the mandatory inheritance protections afforded to legally entitled heirs. Its conclusions are confined to the applicable statutory provisions, relevant legal doctrines, and judicial materials examined within the scope of the research.

METHOD

This study employed a normative juridical research method using statutory, conceptual, and case law approaches to examine the testamentary capacity of individuals under guardianship (pengampuan) and the legal protection of the legitieme portie. The legal materials were selected purposively based on their relevance to Articles 433, 895, and 913–920 of the Indonesian Civil Code, as well as statutory provisions governing testamentary formalities and the reduction of excessive testamentary dispositions (Marzuki, 2005).

Primary legal materials included relevant provisions of the Indonesian Civil Code and judicial decisions, while secondary materials comprised legal textbooks, scholarly articles, and doctrinal commentaries concerning inheritance law, testamentary capacity, and guardianship. Data were collected through library research and documentary analysis, focusing on the testator's legal capacity, the validity of testamentary instruments, and the protection of legally reserved inheritance shares. The reliability of the legal interpretation was strengthened through systematic comparisons of statutory provisions, legal doctrines, and relevant judicial reasoning.

The collected materials were analyzed qualitatively using grammatical, systematic, and purposive legal interpretation. The analysis examined the relationship between general legal capacity requirements and specific testamentary provisions, distinguished grounds for testamentary invalidity from infringements of the legitieme portie, and assessed the application of inkorting as a legal remedy. Relevant judicial decisions were examined to support the normative interpretation, subject to the availability and verification of their legal reasoning. The findings were subsequently synthesized to identify appropriate legal remedies and clarify the implications for testamentary validity and the protection of inheritance rights.

RESULTS AND DISCUSSION

Guardianship (Curatele) and Heir's Incompetence in the Law of Agreements

Definition and Legal Basis of Guardianship (Curatele)

Guardianship is an institution in the Civil Code to protect adults who are incapable of law, as stipulated in Article 433 of the Civil Code (Nasima, 2008). Curatele is the placement of a person (curandus) under the supervision of a guardian (curator) appointed by the court because he is incapable of acting in personal and property affairs. According to Prawirohamidjojo and Pohan (1995, p. 237), Article 433 of the Civil Code regulates guardianship due to extravagance, weakness of reason, or mental/reasoning disorders. Following the Constitutional Court Decision No. 93/PUU-XX/2022, Article 433 is now construed to mean that an adult with a mental/intellectual disability or on the ground of extravagance may—rather than must—be placed under guardianship, so that such placement is no longer automatic. It should also be noted that where guardianship is imposed solely on the ground of extravagance, the person concerned remains entitled to make a will. This shows the protective purpose of the law to prevent losses to oneself and others as a result of such incompetence. Curator guardianship is not an absolute restriction on curandus human rights, but a mechanism of authority that can be temporary or permanent depending on the judge's decision. Based on Article 434 of the Civil Code, custody is determined by the District Court in the place of the territory of the person to be detained and is generally filed by the immediate family. The curator acts as a legal guardian who represents curandus in personal affairs, legal transactions, and property management with the principle of prudence.

The legal basis for curatorial custody is based on Article 433 of the Civil Code which is systematically arranged in a normative framework. Curator custody is also through judicial procedures as an absolute requirement for its validity. The application is submitted by the authorities, such as parents, spouses, or relatives, then followed by the examination of medical evidence, witnesses, and curandus opinions to ensure procedural justice. The curator's obligations include inventory and management of assets, legal representation, and reporting to the court to prevent abuse and protect the rights of the heirs. This aims to prevent abuse, so that the incompetent heir is still protected by his will. The District Court can reject the application for protection if the person concerned is proven to be healthy, capable, and able to act and be legally responsible. If the legal facts prove that the applicant is incompetent, the District Court can grant the request for guardianship.

Legal Terms of the Will Agreement

An agreement is an agreement both written and oral made by two or more parties who each agree to abide by the agreement (Tim Publikasi Hukumonline, 2024). Unlike an ordinary agreement, however, a will (testament) is a unilateral legal act (eenzijdige rechtshandeling); the requirements of capacity and consent under Article 1320 of the Civil Code therefore apply to it only by analogy (mutatis mutandis) and not identically. The validity of the will refers to Article 1320 of the Civil Code as the basis for the validity of the heir's will in regulating the distribution of property before death. There are four cumulative conditions that are essential and inseparable. First, the agreement of the parties (toestemming) in the context of a will which is interpreted as an internal agreement between the heir and himself, namely having a free, conscious will, and not having consent defects such as dwaling, coercion (bedreiging), or fraud

(bedrog). This is in line with Articles 1321-1323 of the Civil Code, so that wills made in conditions of disturbance of consciousness or psychological pressure that can cause it to be null and void. Second, the ability to act (bekwaamheid) which requires the heir to be an adult with the minimum age of 21 years old or married (Article 1330 of the Civil Code), not under the supervision of a curator (Article 433 of the Civil Code), and not bankrupt, due to absolute incompetence (Article 1445). If it hinders the formation of a passive engagement in binding the heirs; for example, the will of a chronically insane person without recovery can be declared invalid through judicial annulment.

Third, a specific object (een bepaalde sujet), which is the object of a will that is clear or determinable, in the form of specific property, universality (universalité), or fraction (kwartalen). Articles 873-874 of the Civil Code distinguish singularist wills from residuals, so that ambiguous wills such as "an innumerable portion of property" can have the potential to run aground in execution by a notary or court. Fourth, halal causes (goede oorzaak) that guarantee that the will does not contradict the law, morality (sitten), or public order (openbare orde), for example such as the prohibition of wills that discriminate against compulsory lineage (Article 913 of the Civil Code) or order illegal acts such as gambling, as the principle of causa non licita in Article 1337 of the Civil Code. The juridical basis for the validity of the will refers to Article 1320 of the Civil Code and special provisions in Book II (Articles 875–1135), with certain formalities to ensure the authenticity of the heir's will. In Indonesian civil law doctrine, the fulfillment of these four conditions is subjective and subjective, where if there is a failure of just one condition, it can result in null and void or void (Resa IS, 2025).

Formalities for Making a Will Deed

The formality of making a will is systematically regulated in Article 931 of the Civil Code, which is an essential prerequisite to ensure the authenticity and validity of the heir's unilateral legal act which is an instrument for estate planning before the heir dies (Sari, 2024). There are three main forms of adjusting an individual's will to prevent forgery or manipulation. In Articles 938-939 of the Civil Code, it is regulated regarding public deeds (openbaar will), namely, where the heir declares his or her will orally in front of a notary and there are at least two witnesses who meet the neutrality requirements (Heriani, 2021). Then the notary records the statement verbatim and reads it again for verification, then the deed will be signed by the heir, notary, and witnesses. This procedure emphasizes the principle of audiatur et altera pars to ensure the conformity of the content with the heir's will. This has perfect evidentiary power as an authentic deed that prevents disputes between heirs. Article 905 of the Civil Code also complements with the provision that witnesses must be of age, legal capability, and not have a conflict of interest (not heirs) so that negligence such as the absence of re-reading can result in the cancellation of the will based on Article 1868 of the Civil Code. Articles 932-937 of the Civil Code are about holographic deeds or written by one's own hand and entrusted to a notary which requires the heir to write, dictate, or sign the will personally without the mediation of a third party. Then the deed is entrusted to the notary with a custody deed witnessed by two people. This form can facilitate accessibility for heirs who are in remote areas, even though they are vulnerable to the risk of loss. In the case of the author's research, in this case the heir in making the will uses a secret or closed will at the time of its submission as stipulated in Article 940 of the Civil Code. The heir must sign the stipulations, either if he writes them

himself or if the heir instructs someone else to write them. In the making of the will, the paper containing the stipulations, or the paper used for the cover, if using the cover, must be closed and sealed.

Legal Implications of Heir's Incompetence on the Validity of the Will Deed

The legal implications of the heir's incompetence on the validity of the will deed within the framework of the Civil Code are essential and there are limitations, because the incompetence can directly challenge one of the legal conditions of the unilateral agreement. In Article 1320 paragraph (1) letter b of the Civil Code, namely the ability to act (bekwaamheid tot rechtshandelingen) which requires the heir to be an adult, consciously, and free from mental disorders or legal status that limits his capacity. Absolute incompetence includes minors (Article 330 of the Civil Code), insane or ignorant people (krankzinnigen of idioten, Article 433), and bankruptcy (Article 1445), where the will made by the subject can be null and void. This happens because it cannot be considered a valid will, as the doctrine of autonomy of will (autonomie van de wil) requires with full awareness to form obligations for the heirs. The practical implication is that it results in null and void that cannot be ratified so that the will deed, whether a holographic deed (Article 932-937), a general or notarial deed (938-939), or a closed or secret deed (Article 940) can lose the perfect evidentiary force as an authentic deed.

Prospectively, the implication of the heir's incompetence on the will deed is that it can be null and void or it can be cancelled. A will made by a person who is incapable of legal action can be canceled if the interested heir files a lawsuit in the District Court. If relative incompetence such as dwaling or the influence of drugs is proven, the will may be annulled through a court judgment. Even in permanent cases such as guardianship (Article 433), a will does not automatically become invalid without a court decision; its nullity or annulment still requires proof that the testator lacked sound reasoning under Article 895 or that a defect of will existed. This is to balance testamentary freedom with heirs and legitimacy protection although it also requires objective medical verification to avoid forgery or manipulation. A will made if its contents violate the absolute part of the heirs, then the will must be reduced (inkorting) or canceled. If the heirs do not demand cancellation, then the will can still run, but if it is proven to be incompetent, then the will is very vulnerable and can be canceled. The next legal implication is that it includes the responsibility of the notary for the failure to verify capacity (Article 16 of the UUJN), namely with the potential for civil lawsuits based on the principle of default, as well as reform recommendations such as pre-will mental testing for digital wills. Thus, the incompetence of the heir does not automatically remove the validity of the will or trigger the automatic cancellation of the estate; rather, it must be established through the court, in line with the principle of legal certainty (rechtszekerheid).

Legitime Portie and Reduction (Inkorting) Mechanism

The Concept of Legitime Portie and Group I Heirs Protection

The concept of legitime portie or absolute part is regulated in Article 913 of the Civil Code, where the heir is not allowed to establish a will (legaat) that reduces the absolute share. Article 914 of the Civil Code regulates legitime portie for legitimate children or their descendants as the absolute right of Group I heirs that cannot be reduced by a will, namely 1/2 share if one child, 2/3 share if two children, and 3/4 share if three or more children are inherited. This is to protect the interests of the nuclear family from weakening the personality of the heir. In civil

inheritance, there are two ways to obtain inheritance, namely: a) through inheritance according to law (wettelijk erfrecht or ab intestato), i.e. heirs determined by law based on family or blood relations with the heir, b) through tentament or will (testamentair erfrecht), i.e. heirs who get a share of the inheritance because it is appointed or stipulated in a will deed left by the heir (Amanat, 2000, p. 68). Group I heirs are heirs who include legal descendants and their descendants (afstammelingen) in the amount of at least half (1/2) to two-thirds (2/3) of the inheritance. Group I is the main heir, so the heir can only bequeath a free share (vrijie portie) after fulfilling the legitime portie. The heir's parents are entitled to this share cumulatively and cannot be deducted below the minimum limit through a will. This reflects the principle of paternalism of Dutch civil law adopted through the Staatsblad 1847 No. 23 to preserve the lineage and limit excessive freedom of will. The calculation of legitime portie begins with an inventory of the heir's property followed by the imputation of grants during life that exceed the reasonable share. This is useful for wills that excessively reduce absolute rights can be sued for annulment through inkorting in the District Court. This protection is mandatory and general, where group I heirs can demand a reduction of the will (inkorting).

In the case of inheritance, it distinguishes absolute rights from free inheritance, with the implication that the violation does not cause the annulment of the will as long as it only exceeds the legitime portie and does not constitute a total annulment. This is similar to the jurisprudence of the Supreme Court such as Decision Number 2685 K/Pdt/2020 which decided the proportional distribution of assets to fulfill the rights of Group I heirs. The protection of Group I heirs is strengthened by restricting the will to the free share, while grants that are detrimental to the legitime portie can be withdrawn through a lawsuit to prevent legal smuggling. In this study, there are five legal heirs whose absolute rights are violated because the share of property based on the will exceeds the legitime portie. So in their distribution as Group l heirs, the five heirs should get three-quarters (3/4) of the heir's share of the estate. Thus, Article 914 of the Civil Code guarantees a balance between the will of the heir and the absolute rights of Group I heirs in Indonesian civil law.

Inkorting as a Legal Remedy

Inkorting is an ancient Roman legal concept that has meaning in a lawsuit to annul a will that is considered unjust or contrary to moral or familial obligations because it ignores the next of kin. In this case, the heirs can sue for the annulment of the will to get their absolute share. Inkorting is a judicial review mechanism designed to nullify or reduce the proportionality of wills that violate the legitime portie rights of legal heirs in Group I. It is systematically regulated in Articles 913-920 of the Civil Code, which adopts Dutch civil law to balance the autonomy of the heirs with the aim of protecting the nuclear family. This querela allows the legal heirs, namely direct descendants (afstammelingen) and the heir's parents to be able to file a lawsuit with the District Court within one year of his knowledge of the will. This aims to restore a minimum absolute right of half (1/2) of the ab intestato (Article 914). Article 915 of the Civil Code as a whole stipulates that a will that violates by excessively reducing the legitime portie can be canceled throughout the violation but not in its entirety, so that the executor of the will remains bound to carry out the legal part. The querela procedure begins with an inventory of the inheritance mass, then imputation of grants during the heir's lifetime and the calculation of the assets that can be bequeathed after deducting the absolute rights of the legal

heirs. The burden of proof is on the plaintiff with the aim of proving the violation through forensic accounting audits and expert witnesses.

Will Reduction Mechanism (Inkorting) versus Total Cancellation of Will Deed

In inheritance law in Indonesia regulated in the Civil Code, the mechanism for reducing the will (inkorting) and the total cancellation of the will deed are two essential legal instruments to enforce the rights of legitimate heirs (legitime portie). Inkorting, based on Article 919 of the Civil Code, is a mechanism for reducing part of a will proportionally until the absolute rights of the heirs are fulfilled (Maziyyatul & Kartikawati, 2022). This process begins through the claim of the aggrieved heir, by calculating the inheritance and legitime portie, then reducing the will without canceling the entire deed. This aims to keep the testator's will to a minimum. This mechanism is restorative, where the heirs can receive a reduction in the form of cash or substitute objects. Its implementation can be carried out through family deliberations or court execution. The advantage of inkorting is that it prevents the total annulment of the will while protecting the interests of the nuclear family through a proportionate reduction.

The total cancellation of the will deed is comprehensive and can occur due to formal or material defects, such as the absence of two witnesses, coercion (dwang), fraud (bedrog), or substantial error (dwaling) (Subekti, 2003). In the procedure for the cancellation of the will deed, it begins with a lawsuit for cancellation by the authorized party (heirs or third parties) who are aggrieved in the District Court. The burden of proof is on the plaintiff to prove null and void or voidable (Article 1320 of the Civil Code). If the application is granted, the will deed can be null and void, so that the inheritance is completely in the rules of inheritance ab intestato without any room for partial or incomplete reduction. The fundamental difference is that inkorting occurs without canceling the deed, while the total cancellation of the will deed can delete the entire will due to legal defects or revocation by the heirs. The goal is to eliminate all legal consequences of a will. Revocation by the heirs is that the heir withdraws all his will either orally or in writing before the heir dies, or makes a new notary deed to revoke the old one. Legal defects are that the deed is canceled because it does not meet the legal requirements, for example it does not involve all heirs or there is an incorrect procedure. In this case, inkorting is superior in maintaining the stability of the inheritance, while total cancellation serves as the ultimate sanction to maintain the formal integrity of inheritance law. This is to prevent the abuse of the testator's will that is detrimental to the interests of the public and the family.

Jurisprudence Regarding Violation of Legitime Portie

Jurisprudence related to violations of legitime portie has examples of similar cases such as the Supreme Court Decision Number 2685 K/Pdt/2020 which affirms legal protection for legitime portie or the absolute part of the heirs in the case of wills. A will that violates the absolute rights of the heirs cannot be automatically canceled, but can be reduced (inkorting) to meet the minimum portion. It should be noted, however, that the full text of Decision No. 2685 K/Pdt/2020 is not publicly available; based on the secondary summaries accessible to the authors, its ratio decidendi primarily concerns a closed will that exceeded the free portion (disposable part) to the detriment of the testator's descendants. Its extension to questions of testamentary capacity and guardianship should therefore be treated with caution. In the development of inheritance law jurisprudence in Indonesia, violations of legitime portie have become the main focus of the Supreme Court through the principle of distributive justice in

estate planning. A similar thing happened in the Supreme Court Decision No. 616 K/AG/2022 which became a crucial precedent where the judge stated that a will that exceeding one-third (1/3) of the total inheritance of the heir must be partially canceled through the inkorting mechanism, resulting in a two-thirds (2/3) reduction of the inheritance given to the legitimate heirs to guarantee an absolute share of at least half (1/2) of the inheritance rights ab intestato. This approach is strengthened by the Supreme Court Decision No. 558 K/Ag/2017, which annuls the father's will to one child because it does not obtain consent from other heirs and violates the principle of equality. This jurisprudence shows that the court not only examines the mass of inheritance delinquents but also considers the testator's intentions holistically. This is to prevent the misuse of wills as an instrument of evasion of legitimate rights. In addition, Decision No. 123 K/Pdt/2018 of the Supreme Court also illustrates the use of the inkorting mechanism through judicial demands, where the proportional reduction of inheritance property is distributed equally. This can be done in the form of cash or substitute objects, so that it can still protect the interests of the nuclear family.

Related jurisprudence regarding the violation of legitime portie also includes cases of formal defects that trigger total cancellation, as in the Supreme Court Decision No. 456 K/Pdt/2020 which decided that the will deed was canceled due to the lack of two witnesses and coercive evidence (dwang) that harmed the legitime portie of the legal heirs. This is contrasted with the case of the grant of a will in the Jakarta PTA Decision No. 14/Pdt.G/1994/PTA. JK which emphasized that violation of the absolute part can allow a lawsuit for reduction or cancellation by the affected party, with the burden of proof on the plaintiff based on Article 1320 of the Civil Code. Overall, these decisions constitute a court doctrine that is consistent with inkorting as a proportionate reduction for minor material offenses, while total annulment is null and void, with systemic implications for the certainty of inheritance law in Indonesia.

CONCLUSION

The analysis distinguished two distinct legal issues that required different legal remedies. A testator's placement under guardianship (pengampuan) raised questions concerning testamentary capacity, requiring an examination of the applicable statutory restrictions, the testator's mental capacity and freedom of consent at the time of execution, and compliance with mandatory testamentary formalities. Established defects in legal capacity, consent, or statutory formalities could affect the validity of the testamentary instrument. Conversely, when an otherwise valid will exceeded the legally disposable portion of an estate and infringed upon the legitieme portie of entitled Class I heirs, the appropriate remedy involved determining the extent of the infringement and applying inkorting to reduce excessive testamentary dispositions, rather than automatically invalidating the entire will.

Future research should further examine this normative distinction through comprehensive analyses of authenticated judicial decisions, including the complete text of Indonesian Supreme Court Decision No. 2685 K/Pdt/2020, and comparative assessments of judicial approaches to testamentary invalidity and reduction claims. Additional investigations into estate valuation, inter vivos gifts, the number and legal status of descendants, and evidentiary requirements for establishing testamentary capacity would strengthen practical guidance for notaries, legal practitioners, and litigants. Judicial interpretations should be grounded in verified court

judgments rather than secondary summaries, while recommendations for legal reform should remain consistent with the applicable statutory framework and available documentary evidence.

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GENERATIVE ARTIFICIAL INTELLIGENCE USAGE STATEMENT

The author states that no generative artificial intelligence is used in the preparation of this article.integrity and final content of the manuscript

REFERENCES

Amanat, A. (2000). *Membagi warisan berdasarkan pasal-pasal hukum perdata BW*. RajaGrafindo Persada.

Cibro, R. S. (2023). *Akta wasiat yang melebihi legitieme portie menurut KUHPerdata* [Tesis magister, Universitas Jambi]. https://repository.unja.ac.id/53615/

Heriani, F. N. (2021). *Begini prosedur pembuatan surat wasiat yang perlu diketahui*. Hukumonline. https://www.hukumonline.com/berita/a/begini-prosedur-pembuatan-surat-wasiat-yang-perlu-diketahui-lt600eb775c5c12/

Indradewi, A. A. (2023). Keberlakuan dan kekuatan hukum terhadap wasiat yang melanggar legitieme portie ahli waris. *Jurnal Sapientia et Virtus, 8*(1), 248–259.

Indradewi, A. A., Achmad, A. S., & Sugianto, F. (2024). The legal status of testaments that eliminate the inheritance rights for the longest-living marital spouse. *Jurnal Ius Constituendum, 9*(2), 215–232. https://doi.org/10.26623/jic.v9i2.8881

Kartikawati, D. R. (2021). *Hukum waris perdata: Sinergi hukum waris perdata dengan hukum waris Islam*. Elvaretta Buana.

Kuspermadi, R. A. M., Marniati, F. S., & Chandra, T. Y. (2025). Perlindungan hukum bagi orang yang tidak cakap bertindak secara hukum terkait ditolaknya izin peralihan hak atas tanah dan bangunan. *Case Law: Journal of Law, 6*(1). https://doi.org/10.25157/caselaw.v6i1.4781

Marzuki, P. M. (2005). *Penelitian hukum*. Kencana Prenada Media Group.

Maziyyatul, M., & Kartikawati, D. R. (2022). Analisis akta wasiat yang tidak diketahui oleh ahli waris berdasarkan hukum waris perdata. *Jurnal Krisna Law, 4*(1).

Meutia, F. (2022). Pembatalan akta hibah wasiat dan akibatnya terhadap pembagian waris (Studi Putusan Mahkamah Agung Nomor 2665 K/PDT/2019). *Indonesian Notary, 4*(2), Article 19. https://scholarhub.ui.ac.id/notary/vol4/iss2/19

Nasima, I. (2008). *Curatele (pengampuan) dan kepailitan*. Hukumonline. https://www.hukumonline.com/klinik/a/curatele-pengampuan-dan-kepailitan-cl6790/

Natagina Putri, R., & Yustikarini, M. (2023). Tanggung jawab notaris terhadap pelaksana wasiat yang tidak cakap untuk melaksanakan wasiat. *UNES Law Review, 6*(2), 6209–6217. https://doi.org/10.31933/unesrev.v6i2.1460

Panjaitan, D. C. (2016). Pembatalan akta wasiat sebagai akibat perbuatan melawan hukum yang dilakukan notaris (Studi kasus Putusan MA No. 3124 K/Pdt/2013). *Premise Law Jurnal, 21*. https://media.neliti.com/media/publications/165028-ID-pembatalan-akta-wasiat-sebagai-akibat-pe.pdf

Prawirohamidjojo, R. S., & Pohan, M. (1995). *Hukum orang dan keluarga (Personen en familie recht)* (Cet. ke-2). Airlangga University Press.

putri Ramadani, A., Batubara, Y. H., & Arifin, M. (2025). Analysis of the Distribution of Inheritance to Heirs Based on Legal Status and Replacement in the Civil Code. *ISNU Nine-Star Multidisciplinary Journal*, *2*(1), 16–21.

Resa IS. (2025). *Pasal 1320 KUH Perdata: Syarat sah perjanjian*. ILS Law Firm. https://www.ilslawfirm.co.id/pasal-1320-kuh-perdata-syarat-sah-perjanjian/

Sanawiah, S., & Zainul, M. (2018). Batasan kedewasaan dan kecakapan hukum pewasiat menurut Kompilasi Hukum Islam dan Kitab Undang-Undang Hukum Perdata. *Jurnal Hadratul Madaniyah, 5*(1), 1–12. https://doi.org/10.33084/jhm.v5i1.157

Sari, D. P. (2024). Wasiat yang ideal dalam ruang lingkup hukum pembuktian di Indonesia. *Officium Notarium, 4*(1), 1–12. https://doi.org/10.20885/JON.vol4.iss1.art1

Sitepu, P. A. (2022). Analisis hukum pembuatan akta wasiat di hadapan notaris yang dibatalkan oleh pengadilan (Studi Putusan Mahkamah Agung Nomor 3124 K/PDT/2013). *Nommensen Journal of Legal Opinion, 3*(1).

Sitepu, R. S. (2020). Akibat hukum akta wasiat (testament) yang melanggar bagian mutlak (legitieme portie) ahli waris legitimaris (Studi Putusan Mahkamah Agung Republik Indonesia Nomor 3445 K/Pdt/2018). *Indonesian Notary, 2*(2), Article 32. https://scholarhub.ui.ac.id/notary/vol2/iss2/32

Subekti, R. (2003). *Pokok-pokok hukum perdata*. Intermasa.

Tim Publikasi Hukumonline. (2024). *Rincian syarat sah perjanjian Pasal 1320 KUH Perdata*. Hukumonline. https://www.hukumonline.com/berita/a/syarat-sah-perjanjian-di-mata-hukum-lt6273669575348/