

The Legal Status of Digital Wills as Objects of Notarial Deeds within the National Legal System

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DOI: <https://doi.org/10.55299/jsh.v5i1.1944>

Article history: Received May 29, 2026: Revised June 22, 2026: Accepted June 29, 2026

ABSTRACT

The development of information technology has changed how individuals express, store, and prove their final testamentary intention. In the Indonesian national legal system, this development raises a concrete legal issue because the Civil Code still places wills within strict testamentary formalities, while the Electronic Information and Transactions Law recognizes electronic information and electronic documents as lawful evidence. This article examines the position of digital wills as objects of notarial deeds in the national legal system by focusing on two issues: the validity of wills in digital form and the authority of notaries to receive digital wills for deposit. This research uses normative legal research with statutory and conceptual approaches. The analysis shows that a digital will, including a voice recording, cannot independently be treated as a valid will because it does not yet satisfy the formal requirements of Indonesian civil inheritance law. Nevertheless, a voice recording may serve as evidence of animus testandi if its authenticity, integrity, time of creation, and connection with the testator can be proven. A notary may receive a digital medium as an object of deposit and may formalize the testator's intention into an authentic deed, but may not legalize the digital recording as a new form of will outside the law. The article argues that the safest construction is to position digital records as sources of testamentary intention, not as substitutes for notarial deeds.

Keywords: Digital Will, Electronic Evidence, Legal Certainty, National Legal System, Notarial Deed

INTRODUCTION

The development of information technology has transformed the way people store, convey, and prove their legal intent. Legal activities that once relied on paper documents are now increasingly conducted through electronic devices, digital storage media and Internet-based communication systems. This change has occurred not only in commercial transactions but also in family and inheritance law. In modern society, a person may store voice messages, videos, digital documents, or electronic notes containing instructions regarding the disposition of his or her assets after death. This phenomenon shows that testamentary dispositions are no longer understood solely as a conventional practice through written instruments or physical deeds, but are also emerging in the form of digital expressions that are easy to create and preserve.

In Indonesian civil inheritance law, a will is a highly formalized legal act. Article 875 of the Civil Code (Kitab Undang-Undang Hukum Perdata/KUHPerdata) defines a will as an instrument containing a person's declaration of what he or she wishes to take place after death, and which may be revoked during his or her lifetime. Under this construction, the law not only takes into account the testator's intent, but also requires a particular form for that intent to have legal force. Article 931 of the Civil Code recognizes holographic, public, and secret wills. These three forms show that written formalities, signatures, witnesses, and the role of public officials are the main instruments for ensuring the authenticity of the testator's intent, preventing fraud, and protecting heirs (Pitlo, 2018, p. 11; Satrio, 2017, p. 217).

A problem arises when a last will and testament is not expressed in written form as required by the Civil Code, but is instead conveyed through a voice recording. A voice recording can directly capture the

testator's verbal expression and, in substantive terms, it is capable of demonstrating the existence of a particular intention. However, the law of wills is not solely concerned with the substance of intent. A will gives rise to legal consequences after the testator's death, when the testator can no longer be asked for clarification of their intentions. Therefore, formal requirements occupy an important position as safeguards. The tension between the substance of intent and legal formalities is the central issue in discussions of digital wills.

In contrast, Law No. 1 of 2024 concerning the Second Amendment to the Law on Electronic Information and Transactions (the Electronic Information and Transactions Law or EIT Law) has strengthened the recognition of electronic information and documents as part of society's legal activities. Article 5(1) of the EIT Law states that electronic information, electronic documents, and/or their printed versions constitute valid and legal evidence. Article 1(4) of the EIT Law also indicates that electronic documents may include sound, images, writing, symbols, or other information that can be understood. Accordingly, for evidentiary purposes, voice recordings may be treated as electronic information. However, recognition as evidence does not automatically make it a valid form of will under civil law. It is this difference in the regulatory character of the EIT Law and the Civil Code that creates legal uncertainty (Makarim, 2014, p. 210; Rosadi, 2020, p. 90).

The position of the notary is important because a notary is a public official authorized to draw up authentic deeds. Article 1, point 7 of the Notary Office Law states that a notarial deed is an authentic deed made by or before a notary in accordance with the form and procedure prescribed by law. In testamentary practice, the notary serves not only as the drafter of the testator's intent but also as a guardian of legal certainty. The notary must ensure the identity of the appearing parties, legal capacity, freedom of intent, the formal accuracy of the statements, and the conformity of the deed's contents with legal provisions. However, the Notary Office Law has not yet expressly regulated how a notary should act when a prospective testator brings a voice recording or digital medium containing his or her last wishes.

Previous studies on wills and notaries have generally focused more on the notary's responsibility in the preparation and registration of wills, the reporting of wills to the central wills register, or the legal consequences when a will is not registered. Research on the digitalization of legal documents has also developed, but it still often discusses electronic signatures or electronic deeds in general terms. Studies that specifically place a voice recording as the source of the testator's intent and connect it with the notary's authority in civil inheritance law remain limited. However, this issue differs from the electronic reporting of wills. The problem is not merely administrative after the deed has been drawn up, but concerns the status of the testator's original expression of intent, which from the outset arises through digital media.

Based on the foregoing, this article is prepared under the title "The Legal Status of Digital Wills as Objects of Notarial Deeds within the National Legal System." The discussion is strictly directed at two research questions, namely: (1) the validity of wills in digital form; and (2) the authority of notaries to accept the deposit of wills in digital form. The novelty of this article lies in a legal construction that positions voice recordings or digital media not as substitutes for a will deed, but as sources of the testator's intent that may be accepted as objects of deposit and, where the formal requirements are satisfied, formalized through a notarial deed within the framework of the national legal system.

RESEARCH METHOD

This study employs a normative legal research method because the issues examined relate to the clarity of legal norms, regulatory gaps, and the relationship between the Civil Code, the Notary Office Law, and the Electronic Information and Transactions Law. Normative legal research is appropriate because this article is not intended to assess the effectiveness of practice in the field, but rather to analyze the consistency of norms, the relationship among regulations, and the legal construction that can address the legal issues under study. Peter Mahmud Marzuki explains that legal research is a process of finding legal rules, legal principles, and legal doctrines in order to answer the legal issues at hand (Marzuki, 2017, p. 35). In line with this, normative legal research is also understood as library-based research because the main materials examined are sourced from library materials or secondary data (Soekanto & Mamudji, 2015, pp. 13–14). Accordingly, this method is used to address the two main issues in this article, namely the validity of digital wills and the authority of notaries to accept the deposit of digital wills.

The approaches used in this research are the statutory, conceptual, and limited comparative approaches. The statutory approach is used to examine the provisions of the Civil Code, the Notary Office Law, and the Electronic Information and Transactions Law. The Civil Code is examined to understand the formal requirements of wills, the types of wills, and the position of authentic deeds in civil law. The Notary Office Law is used to assess the limits of a notary's authority in drawing up authentic deeds, retaining the minute of deed, ensuring the date of execution, and applying the principle of prudence in notarial practice. Meanwhile, the Electronic Information and Transactions Law is used to assess the recognition of voice recordings as electronic information or electronic documents that may have evidentiary value in law. The statutory approach is relevant in normative legal research because the main object analyzed is written legal norms, whether in terms of consistency, validity, or interrelation among regulations (Negara, 2023, p. 5).

The conceptual approach is used to examine the concepts of will, *animus testandi*, notarial deeds, electronic documents, validity, legal certainty, and authority. This approach is important because Indonesian positive law has not explicitly regulated the position of digital wills as objects of notarial deeds, so legal reasoning must be built through relevant principles, doctrines, and legal concepts. The conceptual approach is commonly used in doctrinal legal research when the legal issue arises from a normative vacuum or the absence of rules that directly govern a concrete legal event (Negara, 2023, p. 6). Through this approach, a digital will is not simply understood as a substitute for a conventional will deed but is analyzed as a form of declaration of the testator's intent that requires legal construction to be properly situated within the national legal system.

The limited comparative approach is used to observe regulatory developments in several jurisdictions that have begun to discuss electronic wills, remote notarization, or restrictions on the legality of electronic documents in inheritance law. This comparison is not intended to directly adopt another legal system, but rather to obtain argumentative material for formulating a regulatory model appropriate to the character of the Indonesian legal system. Through this approach, this article can assess that recognition of electronic documents does not always mean the elimination of formalities in inheritance law, but may instead serve as a basis for developing a regulatory model that is more adaptive to technological progress.

The legal materials used in this study include primary, secondary, and tertiary legal materials. Primary legal materials include the Civil Code, Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2004 on the Notary Office, and Law No. 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law. Secondary legal materials include books on inheritance law, books on notarial law, journal articles, research findings, and expert opinions discussing digital wills, electronic documents, notarial deeds, and the authority of notaries. Tertiary legal materials include legal dictionaries, encyclopedias, and other supporting sources that help explain legal terms and concepts. This classification of legal materials is consistent with the character of normative legal research, which uses primary legal materials in the form of binding legal norms, secondary legal materials in the form of explanations or expert opinions, and tertiary legal materials as supporting materials (Diantha, 2016, p. 142; Benuf & Azhar, 2020, p. 26).

The legal materials were collected through library research. All legal materials were inventorized, classified, and analyzed using descriptive-qualitative and prescriptive methods. Descriptive-qualitative analysis was used to present and interpret the applicable legal norms, especially those related to wills, notarial deeds, electronic documents, and electronic evidence. Meanwhile, prescriptive analysis was used to formulate the proper legal construction regarding the validity of digital wills and the authority of notaries to accept the deposit of digital wills. Prescriptive analysis is necessary because legal research does not merely aim to explain the law as it exists but also to provide arguments regarding the proper legal construction to answer the legal issues under study (Marzuki, 2017, p. 41; Benuf & Azhar, 2020, pp. 26–27). Through this method, this article not only shows the existence of a legal vacuum, but also offers a model of reasoning that may be carefully used by notaries and policymakers in responding to the development of digital wills.

RESULTS AND DISCUSSION

The Legal Status of Digital Wills as Objects of Notarial Deeds within the National Legal System

A will under civil inheritance law is a unilateral legal act of highly personal nature. Its unilateral character means that the intention arises from the testator, not from any agreement between the testator and heirs. Its personal character means that the contents of the will must genuinely reflect the testator's intent, not the wishes of the family, prospective beneficiaries, or other parties. In addition, a will gives rise to legal consequences only after the testator's death. This characteristic distinguishes a will from an ordinary contract. In a contract, the parties may still correct and interpret each other's intentions when differences in understanding arise. In a will, the testator can no longer explain their meaning after death. Therefore, formal requirements serve as an important safeguard.

The Civil Code places formal requirements at the center of will validity. Article 875 of the Civil Code affirms that a will is a deed of a person. The term deed indicates that a last will and testament is not sufficient merely as an idea, spoken statement, or informal message, but must be expressed in a specific legal form. Article 931 of the Civil Code provides that a will may be made in holographic, public, or secret form. A holographic will is written by the testator and deposited with a notary. A public will is made before a notary. A secret will is submitted in a sealed form under specific procedures. These three forms show that civil inheritance law does not merely seek the existence of intent, but also seeks a secure means of proving that intent.

The formal requirements of a will serve several functions. First, an evidentiary function, namely ensuring that the contents of the will can be clearly proven after the testator's death, is served. Second, a protective function, namely preventing forgery, coercion, or manipulation of the testator's intent, is served. Third, a cautionary function, namely making the testator aware that the act carries serious legal consequences. Fourth, a channeling function, namely providing a legal form that can be recognized by judges, notaries, heirs, and third parties. Comparative literature also shows that testamentary formalities are maintained because they protect the testator's intent and reduce posthumous disputes (Reid et al., 2011, p. 58; Langbein, 1975, pp. 492–498).

In this context, voice recordings present a dilemma. On the one hand, a voice recording may show the testator's intent more directly than a text written by another person would. The voice may contain the testator's intonation, expressions, and personal statements. However, a voice recording is not among the forms of wills expressly recognized by the Civil Code. Such a recording does not always bear a signature, is not always made before a notary, is not always witnessed, and its integrity cannot always be guaranteed. For that reason, a voice recording cannot be directly equated with a will deed. If a voice recording were treated as a valid will without formal requirements, the protective function established by the Civil Code would be weakened.

Accordingly, the position of a digital will in the form of a voice recording must be distinguished from its substantive and formal value. Substantively, a voice recording may contain the testator's intent. However, formally, a voice recording does not yet satisfy the form of a will under the Civil Code. This distinction is important to ensure that the analysis does not fall into two extremes. The first extreme is to reject the legal value of a voice recording merely because it is not on paper. The second is to regard a voice recording as a valid will without any verification mechanism. The more appropriate position is to treat a voice recording as a source of intent or preliminary evidentiary material, while the validity of the will must still be obtained through a legally recognized form.

The Validity of Wills in Digital Form

The first research problem concerns the validity of digital will. In this context, the starting point of the analysis must distinguish between the recognition of electronic media as evidence and the recognition of electronic media as a valid form of will. The Electronic Information and Transactions Law (UU ITE) indeed provides an important basis for the recognition of electronic media in legal evidentiary processes. Article 5 paragraph (1) of the UU ITE states that electronic information and/or electronic documents, as well as their printed outputs, constitute valid legal evidence. Article 1 point 4 of the UU ITE further indicates that

electronic documents are not limited to written text, but may also include sound, images, symbols, and other forms of information that can be understood by those capable of understanding them.

The recognition of voice recordings as evidence is not identical to recognizing voice recordings as valid wills. A will is a unilateral legal act subject to specific formal requirements under the Indonesian Civil Code. Therefore, a voice recording made independently by the testator without fulfilling the formal requirements of an open, holographic, or secret will cannot immediately serve as the basis for the distribution of inheritance. Its legal position is more appropriately understood as preliminary evidence of the existence of a final intention or *animus testandi*, rather than as a complete testamentary deed.

The evidentiary issues surrounding voice recordings are also not straightforward. Voice recordings are susceptible to being cut, edited, altered, or produced without clear context. A recording may lose its metadata, fail to indicate the time of its creation, provide no information regarding the device used, and fail to demonstrate whether the testator was acting free from coercion. Artificial intelligence technology has made voice forgery increasingly easy to carry out. Accordingly, the evidentiary value of voice recordings must be assessed based on the principles of authentication and integrity. Authentication concerns the certainty that the voice genuinely belongs to the testator. Integrity concerns the assurance that the recording has not been altered since its creation. Without these two elements, a voice recording is unlikely to provide legal certainty (Makarim, 2014, p. 225; Mahlaela & Monyamane, 2024).

In inheritance cases, a higher standard of caution is required because disputes usually arise after the testator passes away. Interested parties may have motives to accept, reject, or manipulate recordings. Therefore, a voice recording stored only on a mobile phone, without witnesses, without time information, and without technical verification, should not be treated as a direct basis for the distribution of inheritance. Such recordings are more appropriately positioned as supporting evidence or an initial indication of the existence of *animus testandi*. Where necessary, the recording may be examined by a digital forensic expert, compared with samples of the testator's voice, and assessed through witness testimony.

This approach is consistent with trends in comparative law. Several countries have begun to provide room for electronic wills, while still requiring security mechanisms, electronic signatures, witnesses, identification procedures, secure storage, or supervision by an authorized official. More conservative jurisdictions continue to exclude wills from electronic transactions because they consider them to require stronger formal protection. For example, Singapore is known for its advanced regulation of electronic transactions; however, its approach to wills remains cautious. South Africa also faces similar issues, as its electronic transactions legislation does not readily incorporate wills into the regime of electronic documents (Biemans, 2021; Mahlaela & Monyamane, 2024; Ng et al., 2022). This demonstrates that the issue of digital wills is not merely a matter of technological capability, but also concerns the protection of an individual's final intention.

The Authority of Notaries to Accept the Deposit of Wills in Digital Form

The second research problem concerns the authority of notaries to accept the deposit of wills in a digital form. In the Indonesian legal system, notaries derive their authority from statutory law. This means that notaries may only perform official acts expressly conferred by legislation. In this context, a notary cannot create a new form of will merely because technological developments allow a testator to express his or her intentions through voice recordings, videos, or digital files. The principle of legality governing notarial office requires every notarial act to remain within the limits of the Indonesian Civil Code and the Law on Notarial Office.

The authority of notaries must be interpreted carefully. A notary is authorized to set forth the intentions of the parties or appearers in a deed, but a notary is not a creator of new legal norms. Habib Adjie explains that, in essence, a notary does not create intent, but rather formulates the appearer's intent into the form of a deed in accordance with legal procedures (Adjie, 2014, p. 45). In the context of digital wills, the role of the notary is to bridge an intention expressed through digital media with a legally recognized form. In other words, a voice recording may serve as preliminary material for understanding the testator's intention, but that intention must be confirmed and formalized in a notarial deed if the testator is still alive and legally competent to act.

If the prospective testator is still alive and appears before a notary, the safest legal construction is to require the testator to restate his or her intention directly before the notary. The voice recording may be played, transcribed, and confirmed. Thereafter, the notary may draw up a testamentary deed in accordance with the provisions of the Indonesian Civil Code and the Law on Notarial Office. In this situation, the voice recording does not constitute the will itself, but rather serves as a source of information or supporting material that assists the notary in understanding the testator's intention. The validity of the will remains grounded in the notarial deed made after the testator directly declares his or her intention.

If the prospective testator merely wishes to deposit a voice recording with a notary, the legal construction that may be considered is a deed of deposit. Under this model, the notary does not declare that the contents of the recording are valid as a will, but only records the legal fact that the appearer has submitted certain digital media for safekeeping. The deed of deposit must contain the identity of the depositor, the type of media deposited, a general description of the contents according to the depositor, the date and time of submission, the physical condition of the media, and technical information that may help preserve the integrity of the file, such as the file format, file size, and hash value, where available. With such formulation, the notary's authority to accept the deposit remains administrative and evidentiary in nature, rather than an authority to validate the substantive contents of the recording as an independent will.

Where a voice recording is discovered only after the testator has passed away, the notary cannot convert the recording into a testamentary deed because the testator is no longer present to appear before the notary and confirm his or her intention. This situation differs from that in which the testator is still alive. After the testator's death, the voice recording may only be submitted as evidence in a relevant dispute or petition, and its assessment lies within the authority of the judge. A notary must not act as though he or she can substitute for the presence of the deceased testator. This limitation must be emphasized so that notarial practice does not give rise to deeds that are vulnerable to legal challenges.

The principle of prudence serves as the primary foundation. A notary must examine the testator's legal capacity, ensure the absence of coercion, assess the consistency of the expressed intention, and avoid conflicts of interest. If a voice recording is used as supporting material, the notary should request a transcription, record how the recording was obtained, verify the consistency of the voice with the appearer, and preserve relevant technical information. In digital practice, the use of a hash code may help prove that a file has not been altered after submission. However, these technical instruments do not replace the formal requirements of a will. They merely strengthen the evidentiary value of the integrity of electronic documents (Nuari & Musyafah, 2024; Septihana & Silviana, 2024).

Legal Construction of the Deed of Deposit and the Formalization of Digital Wills

The most appropriate legal construction is to position a voice recording as a material object or source of intention, rather than as the testamentary deed itself. As a material object, a voice recording serves as a material containing the testator's initial intention. The formal object remains the notarial deed, which is drawn up in accordance with legal requirements. This distinction is important because it maintains a balance between the need for digital adaptation and compliance with positive laws. Under this construction, technological development is not rejected, but neither is it allowed to exceed the protective legal requirements.

The first model is the direct formalization into a testamentary deed. This model may be applied if the testator is still alive, legally competent, present before the notary, and able to confirm the contents of the recording. The notary may use the recording as clarificatory material. After the testator restates their intention, the notary sets forth that intention in a testamentary deed. This model is the strongest because it satisfies both the formal and substantive requirements. The voice recording functions only as a supporting document that may explain the background of the intention, while the principal legal force lies in the testamentary deed.

The second model is a deed of deposit for digital media. This model is used when the testator does not yet wish to set forth the entire content of his or her intention in a testamentary deed, but wishes to deposit media containing a particular recording. Under this model, the notary only draws up a deed concerning the deposit. The deed must be carefully drafted so as not to create the impression that the notary

has validated the contents of the recording as a will. The wording of the deed must make clear that the notary merely accepts the media for safekeeping and does not guarantee the material truth of the recording's contents beyond what is stated by the appearer. This model may help preserve the existence of the recording, but it must not be treated as a substitute for a notarial will.

The third model uses voice recordings as supporting evidence in court. This model applies when the recording is discovered after the testator has passed away or when a dispute arises concerning the testator's intention. In such circumstances, voice recordings may be examined as electronic information under the Electronic Information and Transactions Law. However, the court must still assess whether the recording has sufficient evidentiary force and whether it can overcome the formalities of inheritance law. In general, a voice recording is insufficient to serve as the basis for the distribution of inheritance if it is not supported by a deed or another valid form of will. It is more appropriately used to explain the context, strengthen the inference of intention, or support a particular petition.

For this construction to be applied concretely, notaries must implement the minimum procedures. First, they must verify the identity and legal capacity of the testator. Second, they must ensure that the testator is physically present and consciously expresses his or her intention if a testamentary deed is to be drawn up. Third, they must prepare a transcription of the recording and read it to the testator. Fourth, they must ask the testator to confirm that the transcription reflects their intention. Fifth, they must include technical information concerning the digital media as an attachment to, or statement in, the deed, such as the file name, format, size, date of submission, and hash code. Sixth, they must store the media securely and confidentially. Seventh, they must report or register the will in accordance with the applicable mechanism if the deed drawn up is a testamentary deed. These procedures are not intended to create new laws but to reduce the risk of disputes.

This construction is consistent with the principle of functional equivalence in information technology law. An electronic document may be deemed functionally equivalent to a conventional document if it is capable of performing the same functions, such as ensuring the identity of the maker, the integrity of the contents, readability, and legal accountability. However, in the context of wills, functional equivalence cannot be understood solely in technological terms. A will requires formalities *ad solemnitatem*, namely, formalities that constitute requirements for validity, rather than merely evidentiary requirements. Therefore, a voice recording may assist in fulfilling an evidentiary function, but it does not necessarily satisfy the formal function required for validity. A notary is needed to transform an intention that remains in digital form into a legal instrument capable of being recognized as an authentic deed.

Comparative analysis shows that countries that recognize electronic wills generally continue to require additional safeguards against fraud. In the United States, regulations in several states and the model provided by the Uniform Electronic Wills Act allow for electronic wills, but subject to requirements concerning identity, electronic signatures, witnesses, and verifiable storage. In contrast, other jurisdictions remain cautious because wills are highly susceptible to disputes. The lesson for Indonesia is that the recognition of digital wills cannot be undertaken simplistically. A clear normative framework is required, including rules on who is authorized to verify the document, the standards for document integrity, how witnesses must be presented, how the media must be stored, and how the will is to be revoked (Biemans, 2021; Ng et al., 2022; Nwabueze & Gasiokwu, 2024).

Direction for Harmonizing Regulation within the National Legal System

The legal consequences of a voice recording as a digital will depend on its use. If the voice recording stands alone without a notarial deed and without compliance with the formal requirements of the Indonesian Civil Code, it cannot be positioned as a valid will in its own right. It has no direct legal force on the distribution of inheritance. If the recording is used as preliminary material that is subsequently confirmed by the testator and incorporated into a testamentary deed before a notary, then it is the notarial deed that carries legal force as a will. If the recording is merely deposited with a notary, the deed of deposit proves the act of deposit, but does not automatically establish the validity of the contents of the recording as a will.

This distinction is important to prevent errors in practice. Notaries must avoid wording that may create the impression that a voice recording has been validated as a digital will. The language of the deed must be concrete and carefully formulated to avoid ambiguity. For example, the deed may state that the appearer has submitted certain digital media for safekeeping, that the appearer explains that the media contains a recording of his or her declaration of intention, and that the notary records the physical condition and identity of the media at the time of its submission. However, if a will is to be made, the notary must draw up a testamentary deed in accordance with the procedures under the Indonesian Civil Code, rather than merely legalizing the digital media. Thus, the notary's function remains within the proper legal framework.

Regulatory harmonization is necessary because the current national legal system has not yet provided a fully integrated solution. The Indonesian Civil Code maintains conventional forms of wills. The Law on Notarial Office regulates notarial authority and authentic deeds, but does not specifically govern procedures for depositing digital media containing a final intention. The Electronic Information and Transactions Law recognizes electronic information as evidence but does not specifically regulate digital wills. These three legal regimes must be connected to avoid leaving notaries, testators, heirs, and beneficiaries in legal uncertainty.

From the perspective of legal policy, at least four issues require regulation. First, standards for authenticating the testator's identity in digital media are required. Second, standards for file integrity, including the recording of metadata, hash codes, and storage mechanisms. Third, the position of witnesses or public officials in the process of creating or depositing digital media. Fourth, the limits of notarial liability when accepting digital media containing a final intention are examined. Without clear limits, notaries may face administrative, civil, or ethical risks if the recording is contested by heirs. Conversely, with clear standards, notaries can perform their legal protection functions more adaptively.

The direction of legal reform should not abandon the fundamental principles of the Civil Inheritance Law. Digital wills must continue to guarantee the testator's freedom of intention, legal capacity, clarity of the object, protection of the legitime portie, and a mechanism for revocation. Digitalization is merely a change in the medium, not the elimination of protective principles. Therefore, the appropriate model for Indonesia is a gradual and hybrid model: the notarial deed remains the principal instrument, while digital media functions as supporting material, a source of intention, or an object of deposit that may strengthen evidentiary value. This model is safer than immediately recognizing voice recordings as standalone wills.

Protection of Testators, Heirs, and Beneficiaries in the Digital Model

The discussion of digital wills must not be limited to the testator's interest in expressing his or her intention in a convenient manner. Inheritance law also protects heirs and beneficiaries. Under civil law, the freedom to make a will is not absolute because it remains limited by the reserved portion of certain heirs. Therefore, if a voice recording contains a distribution of assets that disadvantages compulsory heirs, the recording must still be assessed against the limits imposed by inheritance law. In this position, the notary must not merely act as a recipient of digital media, but must also provide legal explanation to the testator regarding the consequences of the contents of his or her intention. Such explanation is important because one of the functions of a notarial deed is to prevent the creation of legal acts that, from the outset, have the potential to give rise to disputes.

The protection of the testator must also be regarded as a primary reason why voice recordings should not be directly equated with wills. A testator who records his or her voice may be in an emotional state, ill, under pressure, or unaware of the legal consequences of the statement. A recording may also be made without preparation or witnesses. In such circumstances, it is difficult to determine whether the recording reflects a final intention or a temporary statement. The presence of a notary provides an opportunity to ensure that the testator understands the content, consequences, and possibility of revoking the will. This is consistent with the precautionary function of testamentary formalities as discussed in modern inheritance law literature (Ng et al., 2022; Nwabueze & Gasiokwu, 2024).

The protection of heirs requires that every form of will be capable of transparent verification. Heirs have the right to know whether the testator's intention was made freely, whether the testator had legal capacity, whether the object of the inheritance is clear, and whether any party influenced the process of making the

recording. If voice recordings are accepted too loosely, the heirs will bear a heavy evidentiary burden. Inheritance disputes may shift from debates over the distribution of assets to technical disputes concerning voice authenticity, metadata, recording devices, or the possibility of editing. Therefore, the digitalization of wills must be accompanied by clear governance regarding electronic evidence.

The protection of beneficiaries is equally important. A beneficiary may be disadvantaged if the testator's intention is in fact clear, but is not properly formalized and therefore cannot be implemented. In this situation, technology may weaken the testator's intention if it is not connected to a proper legal procedure. A hybrid model through a notarial deed can provide certainty for beneficiaries because an intention that was initially based on a voice recording is transformed into a legal instrument with stronger evidentiary force. Thus, beneficiaries do not have to rely solely on digital files that are vulnerable to loss, damage, or challenges.

A responsible digital model must also consider storage security. Media containing voice recordings must be stored in a manner that prevents unilateral alterations. If a notary accepts digital media for deposit, technical recording becomes important: the type of media, serial number where available, file format, file size, date and time of submission, and hash value. A hash code does not make the recording a valid will, but it helps prove that the file accessed later is the same file that was deposited. Thus, technology is used to strengthen the evidentiary function, not to replace legal formalities.

Ultimately, legal protection of digital wills must operate at three levels. The first is substantive protection, which ensures that the testator's intention is free, legally competent, and not contrary to the law. The second is formal protection, which ensures that the intention is expressed in a form recognized by law. The third is technical protection, which ensures that the electronic document is authentic, intact, and accessible. These three levels must function in unison. If only the technical level is fulfilled, a voice recording does not become a valid will. If only the formal level is fulfilled without free intention, the deed may be challenged. Therefore, the notary serves as the guardian of the balance between the substance of intention, legal form, and technology security.

In practice, this construction also requires a shift in the public mindset. The public must understand that voice recordings, WhatsApp messages, personal videos, and digital files do not automatically replace testamentary documents. Such media should be regarded as preliminary material that must be formalized promptly while the testator is still alive. This education is important because disputes often arise not because the testator had no intention, but because that intention was not expressed in a form with strong evidentiary value. Accordingly, notaries, academics, and policymakers have a responsibility to clarify the boundary between technological convenience and legal certainty in the making of wills.

Table 1. Legal Construction of the Status of Digital Wills as Objects of Notarial Deeds

Situation	Legal Status	Practical Consequences
Digital media standing alone without a deed	Electronic evidence/preliminary indication, not a valid standalone will	Cannot directly serve as the basis for the distribution of inheritance
Digital media confirmed by the testator before a notary	A source of intention formalized in a notarial deed	The notarial deed becomes the primary basis for the validity of the will
Digital media deposited with a notary	An object of deposit whose existence is recorded in a deed of deposit	The deed proves the act of deposit, but does not automatically validate the contents as a will
Digital media discovered after the testator's death	Evidence that must be assessed in terms of authentication, integrity, and context	Assessment lies with the judge and requires support from other evidence

CONCLUSION

Digital wills essentially do not yet have the status of valid standalone wills within the national legal system. The Indonesian Civil Code still requires specific forms and formalities in the making of wills; therefore, voice recordings, videos, or digital files created without testamentary procedures cannot directly serve as the basis for the distribution of inheritance. Nevertheless, digital media may still have legal value as an expression of the testator's final intention or *animus testandi*, provided that their authenticity, integrity, time of creation, and connection to the testator can be proven. Accordingly, the answer to the first research question is that digital wills are not yet valid as independent wills, but may serve as a source of intention and supporting evidence in the process of forming or proving a will.

The authority of notaries to accept the deposit of wills in digital form does not include the authority to validate digital recordings as a new form of will outside the provisions of the law. Notaries may accept digital media as objects of deposit, record the act of deposit in a deed, ensure certainty of date, and assist in formalizing the testator's intention into an authentic deed where the testator is present, legally competent, and restates their intention in accordance with legal procedures. Thus, the answer to the second research question is that notarial authority is limited: notaries may accept deposits and formalize digital intentions through deeds, but they cannot transform digital recordings into valid wills without complying with the formalities required under the Indonesian Civil Code.

Harmonization among the Indonesian Civil Code, the Law on Notarial Office, and the Electronic Information and Transactions Law is necessary to provide legal certainty regarding the status of digital wills as objects of notarial deeds within the national legal system. Legal reform should not immediately abolish the formalities of wills, but should instead develop a hybrid model that positions the notarial deed as the principal instrument and digital media as a source of intention, an object of deposit, or supporting evidence. Such a model is more consistent with the principles of legal certainty, protection of heirs, notarial prudence, and the needs of a digital society.

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