

ABSTRACT

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LEGAL PROTECTION FOR THE BENEFICIARY TO THE INHERITANCE (CASE STUDY OF TANGERANG DISTRICT COURT DECISION NUMBER 04/PDT.G/2007/PN.TNG.)

(v + 80 pages; 2 diagram)

Indonesia applies more than one system of Civil Law, Law of the West (European Private Law), Customary Law and Islamic Law. These three legal systems, among others, also regulates the division of inherited property. Civil law of inheritance is used for people who set aside the customary law of inheritance in the settlement of the division of inherited property. Heir is a person who died, leaving property to someone else. Beneficiary is the person who replaces heir in the position of heritage, both in its entirety, or to some. The estate is any property of the person who died. In terms of inheritance, which can be inherited, namely only the rights and obligations, including the field of property. But there are rights that actually enter the field of property but cannot be inherited. These rights cannot be inherited because it is very personal. In BW (Burgerlijk wetboek) there is no deference on kind or origin of the goods left by heir. As asserted in article 849 BW namely "the law doesn't regard the nature or origin of goods in a legacy to regulate inheritance against". BW law system of inheritance know the opposite of the traditional system of inheritance law which distinguishes "kind" and "origin" goods that left by heir. That is characteristic of the law of inheritance according to BW among others "the absolute right of each heir for anytime require the division of the estate". It means, if an heir demanded the division of property inheritance in court, these demands cannot be rejected by the others heirs.

References: 20 (1977-2011)