

ABSTRACT

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CALCULATION OF THE DISTRIBUTION OF INHERITANCE BY AB INTESTATO IN CASE NUMBER 780/PDT.G/2019/PN.SBY REVIEWED BASED ON THE CIVIL LAW

(xiii + 100 pages; 1 attachment)

In the span of our life, a person has 3 important things: to be born, to live, and to die. Each of those things have their own consequences. When a person die, their connection—based on law—with others lead to the opening of an inheritance which will be regulated with the inheritance law that exist. In Indonesia, there's still a pluralism in our inheritance law. In this case, the writer wants to talk about the problem that arise inside a family due to Chinese Customary Inheritance Law. Based on the case number 780/Pdt.G/2019/PN.Sby, the dispute in-between their family appeared because the plaintiff has an issue with the existence of the Statement Letter dated back in July, 1985 and Notary Deed number 1 dated April 1, 2003. The plaintiff said that the existence of the statement letter and notary deed was manipulated by the defendant and therefore were also used to hold over the family's inheritance property from their parents. Although that was what the plaintiff said, the defendant had other opinion which was the complete opposite of what the plaintiff has stated. The defendant argued that what the plaintiff said was false and the inheritance has already been shared. According to the defendant too, the statement letter and the notary deed was not something he manipulated but something that the family had agreed on. Both the statement letter and the notary deed contains about how the inheritance was divided using the Chinese Customary Inheritance Law. In the end, the judge decided that the defendant won and the Notary Deed number 1 dated April 1, 2003 is legitimate and legally binding. In this study, writer wants to investigate whether the judge's verdict is fair and in an accordance with the regulations or not. Writer also wants to discuss how the Chinese Customary Inheritance Law is unfair and therefore will do a calculation regarding the distribution of the inheritance based on which should be ab intestine according to the civil law.

References: 36 (1980-2020)

Keywords: Inheritance Law, Chinese Customary Inheritance Law, Calculation of the Inheritance Distribution