

ABSTRAK

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KEWAJIBAN AHLI WARIS DALAM PELUNASAN KREDIT DEBITUR YANG MENINGGAL DUNIA (STUDI PUTUSAN NOMOR 179/PDT/2021/PT SMG)

(xi + 110 halaman)

Tesis ini mengkaji kewajiban hukum ahli waris dalam melunasi utang debitur yang telah meninggal dunia, khususnya dalam konteks perjanjian kredit dengan lembaga perbankan. Penelitian ini dilatarbelakangi oleh permasalahan yang kerap muncul dalam sengketa warisan, di mana para ahli waris dibebani kewajiban finansial dari perjanjian kredit yang tidak mereka inisiasi maupun ikuti. Penelitian ini berfokus pada Putusan Nomor 179/Pdt/2021/PT SMG sebagai studi kasus, di mana pengadilan memutuskan bahwa ahli waris tetap bertanggung jawab atas kewajiban kredit pewaris apabila tidak ada perlindungan asuransi dan tidak terdapat penolakan warisan secara formal. Sikap hukum ini menimbulkan pertanyaan mengenai penerapan asas keadilan, perlindungan pihak ketiga (*derdenbeding*), dan asas proporsionalitas dalam hukum perdata Indonesia. Dengan menggunakan metode yuridis normatif, penelitian ini menganalisis ketentuan hukum waris dalam Kitab Undang-Undang Hukum Perdata (KUHPerdata), kerangka regulasi sektor perbankan, serta pertimbangan hukum dalam putusan tersebut. Penelitian ini juga mengevaluasi sejauh mana hukum positif dan praktik perbankan saat ini memberikan perlindungan kepada ahli waris yang tidak terlibat dalam perjanjian utang, terutama terkait hak menolak warisan dan penerapan asuransi jiwa kredit sebagai mekanisme perlindungan hukum. Hasil penelitian menunjukkan bahwa meskipun kewajiban ahli waris bersifat proporsional sesuai bagian warisannya, sistem hukum yang berlaku masih belum memberikan perlindungan yang memadai bagi ahli waris pasif. Tesis ini menyimpulkan bahwa reformasi hukum ke depan perlu menekankan transparansi dalam perjanjian kredit, kewajiban asuransi jiwa untuk produk kredit berisiko tinggi, serta peningkatan edukasi hukum bagi calon ahli waris guna mewujudkan keadilan substantif dalam sengketa kredit terkait warisan.

Referensi: 122 (1991 – 2025)

Kata Kunci: Hukum Waris, Tanggung Jawab Ahli Waris, Perjanjian Kredit, Perlindungan Pihak Ketiga (*Derdenbeding*), Asas Keadilan, Asas Proporsionalitas, Asuransi Jiwa Kredit.

ABSTRACT

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THE LEGAL OBLIGATION OF HEIRS IN SETTLING THE CREDIT OF DECEASED DEBTOR (CASE STUDY OF DECISION NUMBER 179/PDT/2021/PT SMG)

(xi + 110 pages)

This thesis explores the legal obligations of heirs in repaying outstanding debts of a deceased debtor, particularly in the context of bank credit agreements. The study was motivated by a recurring issue in inheritance disputes, where heirs are often burdened with financial liabilities from credit agreements they neither initiated nor were involved in. The research focuses on Decision No. 179/Pdt/2021/PT SMG as a case study, where the court ruled that heirs remain liable for the deceased's credit obligations in the absence of insurance coverage and a formal rejection of the inheritance. This legal stance raises questions regarding the application of the principles of justice, protection of third parties (*derdenbeding*), and proportionality in Indonesian civil law. Using a normative juridical method, the study examines the inheritance provisions in the Indonesian Civil Code (KUHPerdata), the regulatory framework of the banking sector, and analyzes the reasoning of the court in the aforementioned decision. The research also evaluates the extent to which current laws and banking practices protect heirs who were not involved in the original debt agreements, especially in terms of their right to reject an inheritance and the potential application of credit life insurance as a legal safeguard. The results reveal that while heirs do inherit obligations proportionate to their share of inheritance, the current legal framework still lacks adequate protection for passive heirs. The thesis concludes that future reforms should emphasize transparency in credit agreements, mandatory inclusion of life insurance in high-risk credit products, and stronger legal education for potential heirs to uphold substantive justice in inheritance-related credit disputes.

References: 122 (1991 – 2025)

Keywords: Inheritance Law, Heir Liability, Credit Agreement, Third-Party Protection (*Derdenbeding*), Principle of Justice, Proportionality Principle, Credit Life Insurance