

ABSTRAK

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KEPASTIAN HUKUM SURAT PERNYATAAN WARIS YANG DIREGISTRASI OLEH KELURAHAN-KECAMATAN TANPA MELALUI PROSEDUR PENGECEKAN PADA DAFTAR PUSAT WASIAT

(x + 137 halaman; 3 lampiran)

Penelitian ini mengkaji kepastian hukum atas praktik registrasi Surat Pernyataan Waris (SPW) oleh Kelurahan dan Kecamatan tanpa verifikasi terlebih dahulu pada Daftar Pusat Wasiat (DPW). Dalam kenyataannya, SPW sering dijadikan dasar sah dalam proses balik nama aset, pencairan dana, maupun peralihan hak lainnya. Namun, pengabaian terhadap keberadaan wasiat yang sah dapat menimbulkan tumpang tindih klaim dan sengketa antar ahli waris yang berdampak pada pelanggaran hak hukum mereka. Penelitian ini menggunakan metode yuridis empiris, dengan pendekatan normatif terhadap peraturan dan studi lapangan melalui wawancara terhadap para narasumber yang relevan. Data juga diperoleh dari literatur, jurnal hukum, dan putusan pengadilan, termasuk Putusan Mahkamah Agung No. 866/PK/Pdt/2018 yang menjadi ilustrasi nyata sengketa waris akibat pengesahan SPW yang tidak diverifikasi. Hasil penelitian menunjukkan bahwa prosedur verifikasi DPW yang diabaikan menyebabkan penurunan kualitas administrasi dan kepastian hukum, serta membuka potensi tanggung jawab hukum bagi pejabat yang berwenang. Oleh karena itu, penelitian ini merekomendasikan agar pengecekan terhadap DPW dijadikan prosedur wajib dalam pengesahan SPW untuk menjamin keadilan dan perlindungan hukum sebagaimana diatur dalam Pasal 28D ayat (1) UUD 1945.

Refrensi: 79 (1993-2024)

Kata kunci: Kepastian Hukum, Surat Pernyataan Waris Kelurahan-Kecamatan, Daftar Pusat Wasiat.

ABSTRACT

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LEGAL CERTAINTY OF THE STATEMENT OF INHERITANCE REGISTERED BY URBAN VILLAGES AND SUB-DISTRICTS WITHOUT VERIFICATION THROUGH THE CENTRAL REGISTER OF WILLS

(x + 137 pages; 3 attachments)

This study analyzes the legal certainty surrounding the registration of Statements of Inheritance (SPW) by urban village and sub-district offices without conducting prior verification through the Central Register of Wills (DPW). In practice, SPWs are often treated as valid legal documents in inheritance processes, such as asset transfers, banking withdrawals, and other legal claims. However, the lack of verification of existing valid wills can result in overlapping claims, inheritance disputes, and violations of the lawful rights of appointed heirs. The research applies an empirical juridical method, combining normative legal analysis with field research through interviews with competent sources. Supporting data is drawn from legislation, legal literature, and court rulings, including Supreme Court Decision No. 866/PK/Pdt/2018, which highlights the serious consequences of unverified SPW issuance. Findings reveal that neglecting DPW verification leads to weakened administrative integrity and legal certainty, as well as potential legal liability for involved public officials. This study concludes that verification with the DPW must be established as a mandatory procedure prior to the validation of SPW, in order to safeguard justice and uphold legal protection as mandated by Article 28D paragraph (1) of the 1945 Constitution.

References: 79 (1993-2024)

Keywords: *Legal Certainty, Statement of Inheritance by Urban Villages, Central Register of Wills.*