

ABSTRAK

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PERANAN NOTARIS DAN INSTITUSI PEMERINTAH DALAM PELAKSANAAN PEWARISAN TESTAMENTAIR DI INDONESIA

(x + 109 halaman)

Peristiwa peralihan suatu hak kepemilikan dari orang yang sudah meninggal ke pihak lain dikenal sebagai Pewarisan. Sampai saat ini, di Indonesia masih berlaku tiga macam hukum kewarisan yang diberlakukan terhadap golongan-golongan penduduk tertentu yaitu hukum kewarisan adat, hukum kewarisan Islam dan kewarisan perdata barat. Dalam sistem hukum perdata barat, ada dua macam cara mewaris yaitu berdasarkan undang undang dan berdasarkan kemauan pewaris sebelum meninggal melalui wasiat (Testamen). Adakalanya terjadi benturan antara para ahli waris dalam pembagian warisan khususnya mengenai berapa bagian masing-masing. Tujuan dari penulisan tesis ini adalah untuk memecahkan masalah hukum tentang permasalahan dan bagaimana peranan notaris serta institusi terkait terkait pelaksanaan pewarisan testamentair. Melalui metode penelitian hukum normatif dengan menganalisis kasus serta melakukan studi kepustakaan, dijelaskan apa saja peran notaris dalam membuat akta atau surat-surat sehubungan dengan pewarisan testamantair dan keterkaitannya dengan beberapa institusi pemerintah yaitu Balai Harta Peninggalan (BHP) dan Badan Pertanahan Nasional (BPN). Hasil penelitian yang diperoleh dari penelitian ini dalam kewarisan testamentair, notaris sangat berperan khususnya dalam mempersiapkan dokumen-dokumen baik sebelum maupun sesudah pewaris meninggal dan notaris bekerja sama dengan institusi-institusi dalam rangka memberi kepastian dan perlindungan hukum untuk melindungi kepentingan para pihak yang terkait

Referensi : 38 (1848 – 2025)

Kata Kunci : Waris, Hukum Perdata Barat, Wasiat, Notaris, Institusi Pemerintah

ABSTRACT

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THE ROLE OF THE NOTARY AND THE GOVERNMENT INSTITUTIONS IN UNDERTAKING THE WILL INHERITANCE IN INDONESIA

(x + 109 pages)

The events of transferring the proprietary from the demised person to the other party is called inheritance. Up to now Indonesia applies three inheritance law applicable for certain inhabitant classification namely the local inheritance legal system and the Islamic legal system. Under civil code, three consists of two ways of inheritance distribution namely one that automatically and regulatory occurs based on the heirs classification, and the other through the last will. There sometimes exists a conflict as to the division of inheritance in particular in respect of the heirs respective entitlement right. The objective of this thesis writing is to get the inheritance legal matters solved and to comprehend as to the role of the notary and government institution in dealing with the inheritance execution by way of the last will. There sometimes exists a conflict as to the division of inheritance in particular in respect of heirs entitlement right. The objective to this thesis writing is to get the inheritance legal matter solved and to comprehend as to the role of the Notary and government institution in dealing with the inheritance execution by way of last will. By conducting a normative legal research method, case analysis and library study, they can explain the role of notary in preparing deeds and letter in relation to the will inheritance and the notary's relation with governmental institutions namely the inheritance body of Ministry Law and The Ministry of Land. These institutions partnering with the Notary in providing law certainty and protection to protect the interest of the relevant parties. The results of this research reveal the very key role of the Notary in preparing documents both prior to and after the death of a person, and the Notary in collaboration with the institutions would provide legal certainty and protection to protect the interest of the relevant parties

References : 38 (1848 – 2025)

Key word : Inheritance, Indonesian Civil Code, Last Will, Notary, Government Institution