

ABSTRAK

ANALISA KASUS HAK WARIS ANTARA STEVEN KONDOY DAN AFRILY SYALOMITA CINDY SEMBIRING TENTANG HAK WARIS TANAH DALAM PUTUSAN NOMOR 603/PDT.G/2021/PN MND

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(xi + 94 halaman, 4 lampiran)

Penelitian ini bertujuan menganalisis pertimbangan hukum hakim dalam memutus hak waris atas tanah sengketa dan mengkaji penerapan prinsip keadilan dalam putusan Pengadilan Negeri Manado Nomor 603/Pdt.G/2021/PN.Mnd. Kasus yang menjadi objek studi ini melibatkan argumentasi hukum untuk perlindungan hak waris dan penentuan pihak berhak atas tanah tersebut, dengan pendekatan hukum normatif. Penelitian menggunakan analisis bahan hukum primer (peraturan perundang-undangan, yurisprudensi, putusan pengadilan), bahan hukum sekunder dan tersier (studi pustaka), serta analisis argumentasi secara deskriptif. Diharapkan, hasil studi dapat mengungkap relevansi hukum dalam konteks hak waris dan prinsip keadilan. Hasil penelitian menunjukkan bahwa pertimbangan hukum hakim dalam kasus waris meliputi pengakuan hubungan keluarga melalui kartu keluarga atau surat keterangan waris, serta upaya menjamin kepastian hak waris, pengelolaan dan pemanfaatan tanah secara adil, dan penegakan kepastian hukum. Efektivitas pertimbangan hukum sangat bergantung pada kekuatan bukti yang diajukan, kelengkapan dokumen, dan kemampuan para pihak dalam memperjuangkan hak mereka. Keberhasilan klaim waris juga dipengaruhi oleh sinergi aspek hukum perdata, administrasi, dan pribadi dari para pihak yang bersengketa. Dalam putusannya, hakim mempertimbangkan penerapan prinsip keadilan dengan menilai berbagai alat bukti, fakta hukum, serta ketentuan hukum waris, dengan menekankan kepastian hukum yang berlaku. Hakim memiliki kewenangan menyimpang dari ketentuan formal apabila dianggap bertentangan dengan rasa keadilan masyarakat. Hakim berusaha menjaga kepastian hukum sekaligus memberikan perlindungan adil kepada ahli waris, terutama terkait posisi prosedural penggugat sebagai ahli waris yang sah diatur melalui mekanisme pewarisan yang sah. Posisi ini dianggap sebagai aspek utama yang menjadi dasar putusan tersebut, meskipun ketegasan dalam hukum prosedural lebih diutamakan daripada penerapan keadilan substantif. Oleh karena itu, putusan ini mencerminkan keseimbangan antara tuntutan keadilan dan kepastian hukum dalam penyelesaian sengketa waris tanah.

Kata kunci: Hak Waris, Perlindungan Hukum, Keadilan

Referensi: 24 buku, 7 jurnal, 5 peraturan perundang-undangan, 16 website

ABSTRACT

CASE ANALYSIS OF STEVEN KONDOY AND AFRILY SYALOMITA CONCERNING INHERITANCE RIGHTS OVER LAND ACCORDING TO VERDICT NUMBER 603/PDT.G/2021/PN MND)

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This study aims to analyze the legal considerations of judges in deciding inheritance rights to disputed land and examine the application of the principle of justice in the Manado District Court Decision Number 603/Pdt.G/2021/PN.Mnd. The case that is the object of this study involves legal argumentation for the protection of inheritance rights and the determination of the party entitled to the land, with a normative legal approach. The research uses analysis of primary legal materials (legislation, jurisprudence, court decisions), secondary and tertiary legal materials (literature study), as well as descriptive analysis of argumentation. It is hoped that the results of the study can reveal the relevance of the law in the context of inheritance rights and the principle of justice. The results show that the judges' legal considerations in inheritance cases include recognition of family relationships through family cards or inheritance certificates, as well as efforts to ensure certainty of inheritance rights, fair management and utilization of land, and enforcement of legal certainty. The effectiveness of legal considerations is highly dependent on the strength of the evidence submitted, the completeness of the documents, and the ability of the parties to fight for their rights. The success of inheritance claims is also influenced by the synergy of civil, administrative, and personal law aspects of the disputing parties. In their decisions, judges consider the application of the principles of justice by assessing various evidence, legal facts, and provisions of inheritance law, emphasizing the applicable legal certainty. Judges have the authority to deviate from formal provisions if deemed contrary to the sense of justice of the community. Judges try to maintain legal certainty while providing fair protection to heirs, especially regarding the procedural position of the plaintiff as a legitimate heir regulated through a legal inheritance mechanism. This position was considered to be the main aspect on which the decision was based, although firmness in procedural law took precedence over the application of substantive justice. Therefore, this decision reflects a balance between the demands of justice and legal certainty in the settlement of land inheritance disputes.

Keywords: Inheritance Rights, Legal Protection, Justice

References: 24 books, 7 journals, 5 laws and regulations, 16 websites