

Kedudukan saudara dan anak angkat terhadap harta warisan ditinjau berdasarkan hukum kewarisan islam studi kasus putusan nomor 677 k ag 2009 = Legal standing of siblings and adopted children againts the inheritance reviewed based on islamic inheritance law case studies rulling number 677 k ag 2009

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Abstrak

R. Achmad Sarbini selaku pewaris kalaalah mewasiatkan seluruh harta warisannya kepada istrinya, R. Nana Djuhana, padahal ia masih memiliki saudara kandung. Wasiat yang sama dilakukan oleh R. Nana Djuhana kepada anak angkatnya, Nina Indratna. Skripsi ini membahas mengenai kedudukan saudara dan anak angkat dalam hal pewaris kalaalah menurut hukum kewarisan Islam, serta keabsahan wasiat seluruh harta bagi anak angkat dalam hal masih ada ahli waris yang sah. Penelitian ini menggunakan metode yuridis-normatif dengan tipologi deskriptif.

Berdasarkan hasil penelitian diketahui bahwa saudara hanya dapat tampil mewaris apabila pewaris kalaalah dan anak angkat bukanlah ahli waris melainkan penerima wasiat atau wasiat wajibah. Sementara keberadaan wasiat yang meskipun telah memenuhi ketentuan Pasal 195 KHI, tetap bertentangan dengan asas ijbari. Oleh karena itu sesuai dengan putusan Mahkamah Agung, akta wasiat tersebut tidak sah.

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R. Achmad Sarbini, as kalaalah heir with six siblings, willed his entire assets to his wife, R. Nana Djuhana. The same will made by R. Nana Djuhana to her adopted child, Nina Indratna. The focus of this study is the legal standing of siblings and adopted children in case kalaalah heir againts Islamic inheritance law, and the legality of all inheritance will to adopted children in case there is still legitimate heirs. This research used normative-juridical method with descriptive interpretive.

Based on the research result shall known that siblings could only inherit when the heir die as kalaalah and adopted children could only receive a will or 'wajibah' will rather than being a heir. Beside of that, the will which actually fulfilled the regulation of Article 195 KHI, still in contradictory with ijbari principle.

Therefore, according to the decision of the Supreme Court, those will deed indicated as unlawful.