

Hibah wasiat dalam pembagian harta peninggalan studi kasus putusan Mahkamah Agung Republik Indonesia nomor 2007/K/Pdt/2009 =  
Probate grant in the division of inheritance case study of the supreme court of Republic of Indonesia judgement number 2007/K/Pdt/2009

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Abstrak

[<b>ABSTRAK</b><br>

Wasiat atau testament merupakan akta atau surat yang memuat kehendak terakhir dari pewaris. Kehendak ini dapat juga berupa hibah wasiat, legaat maupun pengangkatan waris. Hibah wasiat adalah pemberian melalui surat wasiat kepada orang tertentu atas barang tertentu. Pemberian hibah wasiat sering kali menimbulkan permasalahan karena pada saat pembuatan aktanya sering terjadi kesalahan dalam menentukan siapa saja pihak yang memiliki kepentingan terlebih mengenai siapa saja legitimaris yang memiliki legitime portie. Selain itu, juga Notaris sebagai profesi yang berwenang membuat akta tersebut tidak memperhatikan ketentuan-ketentuan yang berkaitan dengan pembuatan dan pelaksanaan akta hibah wasiat. Seperti contohnya dalam kasus Putusan Mahkamah Agung Republik Indonesia Nomor 2007 K Pdt 2009 yang membahas mengenai pelanggaran terhadap kepentingan ahli waris pengganti yang sebenarnya juga memiliki hak atas harta peninggalan pewaris. Metode penelitian yang digunakan dalam penulisan tesis ini adalah yuridis normatif yaitu penelitian kepustakaan dengan menggunakan data sekunder. Kata kunci: hibah wasiat, waris legitime portie, notaris.

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<b>ABSTRACT</b><br>

Testament is deed or letter about the last will of the deceased. The form of the last wills are divided into probate grant, legaat, and erfstelling. Probate Grant legaat is grant through the testament for certain people. Probate grant legaat often causes any disputes because of the mistakes on determining the interested parties, especially the legitimate heirs who have legitime portie in the making of the testament deed. Besides that, Notary as the authorized profession on making deeds often not concerns about the regulations in the making and executing probate grant deeds. For example, the case study of The Supreme Court of Republic of Indonesia Judgement Number 2007 K Pdt 2009 which containing the violence on the interests of substitute heirs who has rights to inherit. The research method used in this thesis is juridical normative, the literature research by using secondary data. Keywords: Probate grant, inheritance, legitime portie, notary; Testament is deed or letter about the last will of the deceased. The form of the last wills are divided into probate grant, legaat, and erfstelling. Probate Grant legaat is grant through the testament for certain people. Probate grant legaat often causes any disputes because of the mistakes on determining the interested parties, especially the legitimate heirs who have legitime portie in the making of the testament deed. Besides that, Notary as the authorized profession on making deeds often not concerns about the regulations in the making and executing probate grant deeds. For example, the case study of The Supreme Court of Republic of Indonesia Judgement Number 2007 K Pdt 2009 which containing the violence on the interests of substitute heirs who has rights to inherit. The research method used in this thesis is juridical normative, the literature research by using secondary data. Keywords: Probate grant, inheritance, legitime portie, notary, Testament is deed or letter

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