

Pembagian waris bagi warga negara Indonesia golongan Bumiputera Nasrani dalam hukum waris di Indonesia analisis putusan Pengadilan Negeri Depok nomor 01/Pdt.G/2013/PN.DPK = Distribution of inheritance for Indonesian citizens natives christian in inheritance law in Indonesia analysis of verdict number 01/Pdt.G/2013/PN.DPK

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Abstrak

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

Tesis ini membahas mengenai Putusan Pengadilan Negeri Depok Nomor 01/Pdt.G/2013/PN. Dpk. perihal pembagian waris bagi warga negara Indonesia golongan Bumiputera (Nasrani) dan pemberlakuan hukum adat bagi Bumiputera (Nasrani) dalam sistem pewarisan di Indonesia. Penelitian ini menggunakan metode penelitian kepustakaan yang bersifat yuridis normatif dengan pendekatan kualitatif untuk menghasilkan data deskriptif analitis. Berdasarkan hasil penelitian dapat disimpulkan bahwa putusan tersebut tidak sesuai dengan ketentuan undang-undang yang berlaku. Pertimbangannya adalah bahwa salah satu pihak dalam kasus tersebut hanya menikah dihadapan pendeta agama gereja tanpa mencatatkan perkawinan tersebut di kantor pencatatan nikah (catatan sipil), sehingga secara hukum (de jure) tidak memenuhi ketentuan yang tercantum dalam Pasal 2 Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan. Berdasarkan pertimbangan yang telah dikemukakan diatas, maka hukum waris yang dapat dipergunakan dalam kasus ini adalah mengacu pada hukum waris adat Batak Toba. Hukum adat dapat diberlakukan dan mempunyai kekuatan hukum yang sah dan mengikat sepanjang hukum itu tidak bertentangan dengan peraturan-peraturan yang bersifat nasional.

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<b>ABSTRACT</b><br>

The focus of this thesis is about Depok District Court Decision No. 01/Pdt.G/2013/PN.Dpk. concerning the distribution of inheritance for Indonesian citizens Bumiputera's class (Christians) and traditional law enforcement for Bumiputera (Christians) in the inheritance system in Indonesia. This research use literature research method in the form of normative juridical with qualitative approach in order to provide analytical descriptive data. Based on the result of research can be concluded that the decision is not in accordance with the provisions of applicable law. The consideration is that one of the parties in the case just married in front of a church pastor religion without register the marriage in the marriage registration office (civil registration), so based on de jure does not fullfill the provisions contained in Article 2 of Law No. 1 of 1974 about the Marriage. Based on considerations which have been mentioned above, the law of

inheritance that can be used in this case is referring to the Toba Batak customary inheritance law. Customary law can be enforced and have the force of law is valid and binding as long as it does not conflict with the rules of a national.;The focus of this thesis is about Depok District Court Decision No.

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