

Keabsahan surat wasiat yang dibuat oleh pewaris dalam keadaan sakit berat menurut kitab undang undang hukum perdata (Studi Kasus Putusan Pengadilan Negeri Nomor: 53/Pdt.G/2012/PN. Jkt. Sel, Putusan Pengadilan Tinggi Nomor: 183/PDT/2013/PT.DKI dan Putusan Mahkamah Agung Nomor: 3124/K/Pdt/2013) = The validity of testament from person with chronic illness in accordance with Indonesian civil code (Case Study of District Court Number 53/Pdt.G/2012/PN. Jkt. Sel, High Court Decision Number:183/PDT/2013/PT.DKI, and Supreme Court Decision Number: 3124/K/Pdt/2013)

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Abstrak

Kasus ini terfokus pada surat wasiat dari Alm. Tan Malaka, yang telah meninggal pada tahun 2011. Saat membuat surat wasiat, Alm. Tan Malaka tengah sakit keras, dan kondisinya membawa keraguan pada kecakapan bertindak. Gangguan kesehatan seperti penyakit atau cedera memang dapat mempengaruhi kecakapan bertindak, akan tetapi harus dibuktikan terlebih dahulu bahwa akal pikirannya ikut terganggu. Selain itu, dalam pasal 898 KUH Perdata disertai doktrin, bukti-bukti tentang kecakapan bertindak pemuat wasiat harus diambil yang sedekat mungkin dengan waktu pembuatan surat wasiat. Perkara ini memiliki tiga putusan, dan berakhir dengan Putusan Mahkamah Agung Nomor: 3124/K/Pdt/2013 yang membatalkan surat wasiat, akan tetapi ditemukan hal yang kurang tepat di tingkat Pengadilan Negeri, Pengadilan Tinggi, dan Mahkamah Agung.

This case focuses on the testament from Tan Malaka, who died on 2011. When making the will, Tan Malaka had chronic illness, and his condition brought doubts about his legal capacity. Physical problems like illness and injury does affect one's capacity to act, but it must be proven first that one's mind has been affected. In addition, the article 898 of Indonesian Civil Code along with law doctrines state that the proofs about legal capacity of testator must be taken as close as possible from the time of will making. This case has three decisions, and it took conclusion with Supreme Court Decision Number: 3124/K/Pdt/2013 which cancelled the testament, but it has been found that the cancellation has some inaccuracies at both District Court, High Court, and Supreme Court.