

Implikasi peralihan kewarganegaraan terhadap harta warisan berupa tanah hak milik (analisis putusan Mahkamah Agung Republik Indonesia Nomor 3143 K/Pdt/2010) = Nationality change implication to rights from inheritance (analysis of Indonesian supreme court verdict Number 3143 K/Pdt/2010) / Revi Primadhita Nugraha Sutanto

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Abstrak

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Hak milik atas tanah merupakan hak yang hanya dapat diperoleh oleh warga negara Indonesia. Namun pada kasus dalam penelitian ini, terdapat sebidang tanah hak milik yang dipegang oleh beberapa warga negara Indonesia serta oleh beberapa warga negara asing yang sebelumnya berkebangsaan Indonesia. Tanah tersebut diperoleh melalui peristiwa pewarisan, dan terdapat kesepakatan pada putusan perdamaian untuk menunda pembagian tanah tersebut. Penelitian ini adalah penelitian kualitatif dengan desain preskriptif. Hasil penelitian menyarankan guna dilakukan penyelesaian melalui jalur hukum terhadap pelanggaran putusan perdamaian; tidak menunda pembagian atas tanah hak bersama guna meminimalisir potensi konflik; ahli waris berkebangsaan asing sebaiknya segera mengalihkan bagian tanah hak milik yang diperoleh kepada ahli waris berkebangsaan Indonesia. Tesis ini menyimpulkan bahwa kedudukan hukum putusan perdamaian ialah sebagai tanda bukti ahli waris; dan dampak keberadaan warga negara asing pada kepemilikan bersama tanah hak milik harus ditinjau dari segi cara perolehannya dan kesepakatan yang dibuat oleh para pihak.

ABSTRACT

Only Indonesian citizens who can obtain rights land ownership in Indonesia. But there are the rights who owned by both of Indonesian citizens and foreigners who previously is Indonesian citizens too. They gain the rights from inheritance, and agreed to postpone land partition, that agreement contained in some peace verdict. This research is qualitative with prescriptive design. The researcher suggests to doing lawsuit effort when violation to peace verdict happen; doing partition of co-own land immediately in order to minimize potentially conflict; and heind foreigner must give his rights section to Indonesian heind. This thesis conclusions is legal position of peace verdict is proof of beneficiaries; and the impact of the presence of foreigners to rights land must be reviewed from how they get the rights land and the parties' agreement., Only Indonesian citizens who can obtain rights land ownership in Indonesia. But there are the rights who owned by both of Indonesian citizens and foreigners who previously is Indonesian citizens too. They gain the rights from inheritance, and

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