

Pembatalan penolakan waris akibat penipuan (studi putusan Nomor 31/PDT.G/2016/PN.SPN) = Declining of refusal inheritance due to fraud (case study verdict no.31/PDT.G/2016/PN.SPN)

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Abstrak

Tesis ini membahas tentang pembatalan penolakan warisan berdasarkan teori hukum waris dan KUHPerdara terhadap Putusan Pengadilan Negeri Sungai Penuh Jambi No.31/Pdt.G/2016/PN.SPN. yang berimplikasi pembatalan Keterangan Waris yang dibuat Notaris dikarenakan penipuan dan keterangan palsu yang diberikan Tergugat pernyataan penolakan seluruh ahli waris yang sebenarnya tidak ada, mengakibatkan ahli waris selain Tergugat tidak mendapatkan haknya, serta pertanggung jawaban Notaris terhadap batalnya keterangan waris. Permasalahan penelitian ini adalah mengenai pembatalan penolakan waris yang berimplikasi terhadap pembatalan keterangan waris yang dibuat Notaris serta tanggung jawab Notaris atas pembatalan keterangan waris tersebut. Penelitian ini dilakukan secara normatif, menggunakan data sekunder yang diperoleh dari studi pustaka yang dianalisis secara kualitatif. Dari hasil penelitian ini diperoleh kesimpulan bahwa keputusan Majelis Hakim mengabulkan gugatan pembatalan penolakan waris tersebut sudah sesuai dengan KUHPerdara dan UUJN dan Notaris bertanggung jawab atas pembatalan akta sebab Notaris telah bersikap tidak seksama dalam membuat surat keterangan waris akibat melanggar peraturan sehingga Notaris dapat dimintai ganti rugi.

This thesis discusses about declining of refusal inheritance based on theory and by Civil Code then applied on Sungai Penuh Court Decision No.31 Pdt.G 2016 PN.SPN which is implied to declining of Certificate of Heir because fraud and false explanation that given by defendant about all heirs was refusing inheritance which is actually never existed and make all heirs except the defendant herself can not have their inheritance rights, also about responsibility from Notary whom made Certificate of Heir which is declined based by Notary Act. The problems in this research is about declining of refusal inheritance caused annulment of Notary Certificate of Heir, also, Notary responsibility for that annulment. This research was conducted normatively, using secondary data obtained from literature study which was analyzed qualitatively. From the research we can conclude that The Panel of Judges decision to grant the lawsuit and declare null and void the certificate of inheritance was concord by Civil Code and Notary act, and Notary must be responsible on Annulment Certificate of Heir because that Notary do not act accurate when made Certificate of Heir and breaking the law which result that Notary can be ask for compensation.