

Penyelesaian pembagian harta warisan yang menjadi objek suatu perjanjian, studi kasus putusan pengadilan agama Jakarta Pusat Nomor 161/Pdt.G/2001/PA JP = The settlement division of heritage assets being an object agreement : case studies of religion in Central Jakarta Court Decision No. 161/Pdt.G/2001/PA JP

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Abstrak

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

Tesis ini membahas mengenai pembagian kewarisan, bahwa dalam kasus Putusan Pengadilan Agama Jakarta Pusat Nomor 161/Pdt.G/2001/PA JP yang mana pewaris memiliki 3 orang isteri, isteri pertama telah dicerai dan menghasilkan 5 orang anak, isteri kedua telah meninggal terlebih dahulu dan dikaruniai 7 orang anak akan tetapi seluruh ahli waris dari isteri kedua tidak menuntut bagian mereka karena mereka telah mendapatkan bagian mereka tersendiri hal ini terlampir dari surat pernyataan yang telah mereka buat, dari isteri ketiga dikaruniai 10 orang anak, dan anak dari isteri ketiga ini lah yang melakukan gugatan, permasalahan ini timbul karena terlambatnya pembagian harta warisan, dikarenakan lamanya waktu tersebut ada anak dari pewaris yang menyalahgunakan serta memanfaatkan keadaan tersebut dan mereka menguasai, menyewakan serta menggunakan kekerasan untuk mempertahankan apa yang mereka anggap itu adalah hak dari mereka, dan juga para ahli waris khususnya anak dari pewaris memperlakukan bagian mereka masing-masing. Penelitian yang digunakan dalam penelitian pada penulisan hukum adalah penelitian hukum normatif Metode yang digunakan dalam penelitian adalah metodologi normatif yang bersifat deskriptif. Tesis ingin menjelaskan mengenai pembagian harta warisan dalam hukum Islam juga status jual beli apabila objek jual beli tersebut adalah harta warisan, dimana segala sesuatu mengenai permasalahan kewarisan Islam telah di jelaskan dalam al-Qur'an, Sunnah, serta kompilasi hukum islam, serta segala perjanjian yang timbul sebelum adanya ketetapan dari Pengadilan Agama dan perjanjian tersebut telah disetujui oleh para ahli waris maka perjanjian tersebut adalah sah.

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<b>Abstract</b><br>

This thesis discusses the division of inheritance, that in case of Central Jakarta Religious Court Decision No. JP 161/Pdt.G/2001/PA which the heir has threewives, first wife had divorced and produced 5 children, second wife had died firstand blessed with seven children, but all the heirs of the second wife does not

demand their share because they've got their own part of this is attached an affidavit that they have created, from the third wife blessed with 10 children, and children of this third wife was who did the lawsuit, this problem arises because the delay in division of property inheritance, because the length of time a child of the heir who abuse and exploit the situation and they control, lease and use violence to defend what they consider it is the right of them, and also the heir particularly concerned about the children of their own. Research used in research on legal writing is a normative legal research method used in research is a normative methodology is descriptive. Thesis to explain the division of inheritance under Islamic law also trading status when buying and selling of objects is the estate. Where everything about the problems of Islamic inheritance have been described in the Qur'an, Sunnah, and the compilation of Islamic law, and any agreement arising prior to the determination of the Religious and the agreement has been approved by the heirs then the agreement is valid.; This thesis discusses the division of inheritance, that in case of Central Jakarta

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