

ABSTRAK

DESKRPSI JUAL BELI TANAH WARISAN OLEH AHLI WARIS TANPA PERSETUJUAN AHLI WARIS LAINNYA.

Permasalahan dalam penelitian ini adalah: 1. Mengapa Hakim Pengadilan Negeri menyatakan gugatan penggugat dalam jual beli tanah warisan oleh ahli waris tanpa persetujuan ahli waris lainnya dikabulkan sebagian? 2. Mengapa Hakim Pengadilan Tinggi dan Hakim Mahkamah Agung menyatakan gugatan Penggugat dalam jual beli tanah warisan oleh ahli waris tanpa persetujuan ahli waris lainnya di tolak?. Tujuan penelitian ini adalah: 1. Untuk mengetahui alasan Hakim Pengadilan Negeri yang menyatakan gugatan penggugat dalam jual beli tanah warisan oleh ahli waris tanpa persetujuan ahli waris lainnya dikabulkan sebagian. 2. Untuk mengetahui alasan Hakim Pengadilan Tinggi dan Hakim Mahkamah Agung menyatakan gugatan Penggugat dalam jual beli tanah warisan oleh ahli waris tanpa persetujuan ahli waris lainnya di tolak.

Variabel bebas yaitu variabel yang mempengaruhi variabel terikat, sedangkan Variabel terikat yaitu variabel yang dipengaruhi variabel bebas. Berdasarkan hasil penelitian dan pembahasan yang telah dikemukakan maka penulis menyimpulkan sebagai berikut: 1. alasan Hakim Pengadilan Negeri yang menyatakan gugatan penggugat dalam jual beli tanah warisan oleh ahli waris tanpa persetujuan ahli waris lainnya dikabulkan sebagian karena: a. penggugat (Naema Tasey) merupakan salah satu anak kandung dari si pewaris Soma Tasey (alm) dan Enos Kenlopo (almh). b. jual beli antara Eduard Tasey dan Robert Herling tidak sah karena tanpa sepengetahuan penggugat. 2. Alasan Hakim Pengadilan Tinggi dan Hakim Mahkamah Agung menyatakan gugatan penggugat dalam jual beli tanah warisan oleh ahli waris tanpa persetujuan ahli waris lainnya ditolak karena: a. penggugat (Naema Tasey) sudah menerima dan menguasai harta warisan lain dari pewaris Soma Tasey (alm) dan Enos Kenlopo (almh). b. jual beli antara Eduard Tasey dan Robert Herling sah, karena jual beli dihadiri saksi-saksi dan dilakukan dihadapan kepala desa. Adapun saran : 1. Dibutuhkan relugasi yang lebih tegas, pedoman teknis yang lebih rinci, serta peningkatan kapasitas hakim dalam menilai perkara waris. 2. Penilaian atas telah diterimannya warisan harus berdasarkan bukti tertulis atau bukti dokumen formal (akta pembagian warisan, pernyataan bersama ahli waris, dan lain-lain), bukan hanya berdasarkan keterangan saksi-saksi.

Kata Kunci: Jual beli tanah warisan tanpa persetujuan

ABSTRACT

DESCRIPTION OF THE SALE AND PURCHASE OF INHERITED LAND BY AN HEIR WITHOUT THE CONSENT OF OTHER HEIRS.

The issues examined in this research are: 1. Why did the District Court Judge partially grant the Plaintiff's claim regarding the sale and purchase of inherited land by an heir without the consent of other heirs? 2. Why did the High Court Judges and Supreme Court Judges reject the Plaintiff's claim regarding the sale and purchase of inherited land by an heir without the consent of other heirs?. The objectives of this research are: 1. to identify the reasons why the District Court Judge partially granted the Plaintiff's lawsuit regarding the sale and purchase of inherited land by one heir without the consent of the other heirs. 2. To identify the reasons why the High Court Judges and Supreme Court Judges rejected the Plaintiff's lawsuit regarding the sale and purchase of inherited land by one heir without the consent of the other heirs.

The independent variable is the variable that influences the dependent variable, whereas the dependent variable is the variable that is influenced by the independent variable. Based on the results of the research and the discussion presented, the author concludes the following: 1. The reason why the District Court Judge partially granted the plaintiff's claim regarding the sale of inherited land by an heir without the consent of the other heirs is as follows: a. The plaintiff (Naema Tasey) is one of the biological children of the deceased Soma Tasey and the late Enos Kenlopo. b. The sale and purchase transaction between Eduard Tasey and Robert Herling was invalid because it was conducted without the knowledge of the plaintiff. 2. The reason why the High Court Judges and the Supreme Court Judges rejected the plaintiff's claim regarding the sale of inherited land by an heir without the consent of the other heirs is as follows: a. The plaintiff (Naema Tasey) had already received and taken possession of other inherited assets from the deceased Soma Tasey and Enos Kenlopo. b. The sale and purchase between Eduard Tasey and Robert Herling was deemed valid because it was witnessed by others and conducted in the presence of the village head. Suggestions: 1. There is a need for stricter regulation, more detailed technical guidelines, and enhanced capacity building for judges in adjudicating inheritance cases. 2. The assessment of whether an inheritance has been accepted should be based on written evidence or formal documents (such as a deed of inheritance distribution, joint statements from the heirs, etc.), not merely on witness testimonies

Keywords: Sale and purchase of inherited land without consent