

Gugatan atas harta bersama akibat perceraian menurut kitab undang-undang hukum perdata dan Undang-Undang Nomor 1 Tahun 1974 tentang perkawinan : analisis putusan No. 73/Pdt/G/2003/PN.Bgr.

Agus Yanto, author

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Abstrak

Skripsi ini membahas mengenai Gugatan atas Harta Bersama Akibat Perceraian Menurut KUHPerdata dan UU No. 1 Th. 1974. Menurut KUHPerdata dengan perkawinan terjadi percampuran harta secara bulat, kecuali adanya perjanjian perkawinan. Harta bersama menurut KUHPerdata termasuk aktiva dan passiva. Apabila terjadi perceraian harta bersama dibagi dua antara suami-isteri. Isteri mempunyai hak eksklusif untuk melepaskan hak atas harta bersama. Menurut UU No. 1 Th. 1974 harta bersama adalah harta yang diperoleh selama dalam proses perkawinan. Apabila terjadi perceraian harta bersama dibagi menurut hukum masing-masing, yaitu hukum agama, hukum adat, dan hukum lainnya. UU No. 1 Th. 1974 tidak mengatur detail mengenai harta perkawinan dan mengenai mekanisme pelepasan hak atas harta bersama tidak diatur, ini berbeda dengan KUHPerdata. Skripsi ini juga menganalisis Putusan Pengadilan Negeri Bogor No. 73/Pdt/G/2003/PN.Bgr.

.....This thesis discusses The Join Property lawsuit Due to Divorce According to The Book of the Civil Law and Act Number 1 of 1974 on Marriage. According to The Book of Law Civil Law by mixing marital property occurs as a whole, unless the marriage covenant. Matrimonial property according to The Book of Law Civil Law including assets and liabilities. In case of divorce joint property divided between husband and wife. Wife has the exclusive right to release the right to join property. According to Act Number. 1 of 1974 on Marriage join property is property acquired during the marriage process. In case of divorce join property is divided according to their respective laws, namely the religious law, customary law and other laws. Act Number 1 of 1974 did not set up details about the marital property and mechanism of waiver of join property is not set, this is different from The Book of Civil Law. This thesis also analyzes The Bogor District Court Decision No.73/Pdt/G/2003/PN.Bgr.