

Status harta yang diperoleh setelah putusnya perkawinan sebelum dilakukan pembagian harta : analisa putusan Pengadilan Negeri Medan nomor 290/Pdt.G/2013/PN.Mdn = Status of a property that is acquired after the end of a marriage before division of property settlement has been done : analysis of the Medan District Court Verdict Number 290/Pdt.G/2013/PN.Mdn

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Abstrak

Perkawinan menimbulkan akibat hukum bagi harta kekayaan yang diperoleh diantara mereka baik sebelum maupun selama perkawinan berlangsung. Permasalahan yang menjadi fokus kajian dalam tesis ini adalah: Bagaimanakah menggolongkan harta yang diperoleh setelah putusnya perkawinan, Bagaimana akibat hukum dari harta bersama yang belum dilakukan penyelesaian pembagian setelah putusnya perkawinan, dan Bagaimana pertimbangan hukum hakim di dalam Putusan Pengadilan Negeri Medan Nomor 290/Pdt.G/2013/PN.Mdn. Penelitian ini menggunakan penelitian deskriptif analitis dengan metode pendekatan yuridis normatif.

Hasil penelitian diketahui bahwa:

1. Dalam menggolongkan harta yang diperoleh setelah putusnya perkawinan wajib memperhatikan ruang lingkup harta bersama, diantaranya yaitu harta yang dibeli selama perkawinan, harta yang dibeli dan dibangun sesudah perceraian yang dibiayai dari harta bersama, harta yang dapat dibuktikan diperoleh selama masa perkawinan, penghasilan harta bersama dan harta bawaan, segala penghasilan pribadi suami istri.
- 2 Akibat hukum dari harta bersama yang belum dilakukan penyelesaian pembagian setelah putusnya perkawinan adalah, apabila terdapat harta yang tidak dapat dibuktikan perolehannya maka akan tergolong menjadi harta bersama.
3. Dalam hal ini hakim telah mengadili sesuai dengan hukum yang berlaku. Walaupun tanah sengketa dibeli oleh istri setelah suaminya meninggal, tetapi tanah tersebut dibeli dengan menggunakan hasil keuntungan yang didapat dari usaha bersama dengan suaminya. Maka dari itu harta tersebut otomatis tergolong sebagai harta bersama. Disarankan perlu adanya putusan yang memberikan kepastian hukum mengenai pemilikan harta perkawinan yang diperoleh setelah pasangan hidup meninggal dunia.

<hr />A marriage creates a legal implication to the property that is obtained between the two before and throughout the period of marriage. The problem that will be the research focus of this thesis is how to classify the property that is obtained after the end of a marriage What is the legal implication of a community property, which division has not been settled after the end of a marriage And what were the Judge rsquo s legal considerations in the Medan District Court verdict number 290 Pdt.G 2013 PN Mdn This research is a descriptive analytic research with an approach method of yuridis normative.

The result of this research finds that:

1. In classifying property that is obtained after the end of a marriage, it is compulsory to pay attention to the scope of the community property, such as a property that is purchased throughout the marriage a property

that is purchased and built after the end of a marriage that is sponsored by a community property a property that can be validated to be acquired throughout the period of marriage income from a community property and innate property all private property of husband and wife.

2 The legal implication of a community property, which division has not been settled after the end of a marriage, if consisted of a property of which acquisition cannot be validated, is to be classified as a community property.

3. In this case, judge has ruled according to the law. Even though the land of dispute was purchased by the wife after her husband was deceased, the land was purchased using the profit obtained by a business that was started together with the husband. Therefore, the property is consequently classified as a community property. It is advised that there should be a ruling, which gives a legal certainty of the ownership of the marital property after the decease of a spouse.