

**Hak Waris Bagi Orang Berkewarganegaraan Asing: Studi Putusan No. 403/PDT/2020/PT.DKI dan Putusan No. 782/PK/PDT/2016 =  
Inheritance Rights for Foreign Nationals: A Study of Decision Number 403/PDT/2020/PT.DKI and Decision Number 782/PK/PDT/2016**

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**Abstrak**

Hukum kewarisan perdata di Indonesia, sebagaimana diatur dalam KUHPperdata, memberikan pedoman terkait hak-hak waris bagi ahli waris. Namun, dalam konteks ahli waris bagi orang berkewarganegaraan asing, terdapat kompleksitas hukum. Apabila dua orang dengan kewarganegaraan yang berbeda melakukan perkawinan, maka orang yang berkewarganegaraan asing serta anak hasil perkawinan campuran beda kewarganegaraan tersebut yang memutuskan untuk memilih menjadi warga negara selain Indonesia, memiliki batasan-batasan hukum meskipun telah menetap dan tinggal di wilayah hukum Indonesia, yakni terhadap kepemilikan benda tidak bergerak. Orang dengan kewarganegaraan asing yang tinggal di wilayah hukum Indonesia tidak boleh mempunyai Hak Milik atas tanah dan bangunan di wilayah Indonesia. Dengan metode penelitian doktrinal, akan membahas dan menganalisis terkait isu hukum mengenai kedudukan ahli waris WNA terhadap harta warisan WNI. Di Indonesia, belum ada peraturan perundang-undangan secara rinci yang mengatur terkait hak waris bagi orang yang berkewarganegaraan asing. Dengan demikian, Pemerintah Indonesia diharapkan dapat membuat dan menyempurnakan aturan-aturan mengenai hak waris orang berkewarganegaraan asing guna melindungi hak-hak keperdataan setiap individu dan melindungi hak kepemilikan seseorang atas tanahnya di wilayah Indonesia.

.....The law of inheritance in Indonesia, as stipulated in the Indonesian Civil Code (KUHPperdata), provides guidelines regarding the inheritance rights of heirs. However, in the context of heirs with foreign nationals, various legal complexities arise. In cases where individuals of different nationalities enter into marriage, foreign nationals and their children born from such mixed-nationality marriages who choose a nationality other than Indonesian are subject to legal restrictions, particularly concerning the ownership of immovable property, even if they reside and settle within Indonesia's jurisdiction. Foreign nationals residing in Indonesia are prohibited from holding ownership rights over land and buildings within the country. Using a doctrinal research methodology, this study examines and analyzes the legal issues concerning the position of foreign heirs in relation to the inheritance of Indonesian citizens. Currently, there is no specific legislation in Indonesia regulating inheritance rights for foreign nationals. Therefore, the Government of Indonesia is expected to formulate and refine regulations governing inheritance rights for foreign nationals to ensure the protection of civil rights for all individuals while safeguarding property ownership rights within the country's jurisdiction.