

Inkorting Terhadap Harta Warisan dalam Penguasaan Ahli Waris: Studi Kasus Putusan Pengadilan Negeri Nomor 210/Pdt.G/2025/PN.Kpg/ jo Putusan Pengadilan Tinggi No. 122/PDT/2016/PT.KPG jo Putusan Mahkamah Agung Nomor 1354/PK/PDT/2024 = Reduction (Inkorting) of Inherited Property Held by Heirs: Case Study of Court Decisions No. 210/Pdt.G/2025/PN.Kpg jo 122/PDT/2016/PT.KPG, jo 1354/PK/PDT/2024

Lusiana Annajwa, author

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Abstrak

Sistem hukum kewarisan di Indonesia dipengaruhi oleh pluralisme hukum warisan peninggalan kolonial, mencakup hukum adat, Islam, dan perdata Barat. Konflik kerap muncul ketika harta warisan dikuasai sepihak tanpa pembagian yang adil, khususnya jika pemberian semasa hidup tidak jelas statusnya sebagai hibah. Penelitian ini bertujuan mengkaji pengaturan hukum waris, pelaksanaan inbreng dan inkorting, serta analisis yuridis atas Putusan Mahkamah Agung Nomor 1354/PK/PDT/2024. Metode yang digunakan adalah yuridis-normatif dengan pendekatan deskriptif-analitis melalui studi literatur dan putusan pengadilan. Hasil penelitian menunjukkan bahwa inbreng dan inkorting merupakan mekanisme penting dalam menjaga keadilan waris, terutama ketika tidak ada hibah eksplisit namun terjadi penguasaan sepihak atas warisan. Putusan PN Kupang, PT Kupang, dan MA menegaskan pentingnya keadilan substantif, perlindungan hak legitimaris, dan pembagian waris yang seimbang. Meskipun inkorting tidak disebut secara eksplisit, penerapannya tergambar melalui putusan yang membatasi penguasaan di luar legitieme portie. Kesimpulannya, penerapan prinsip inbreng dan inkorting harus jelas dan konsisten guna menjamin kepastian hukum dan mencegah konflik waris.

.....Indonesia's inheritance law system is characterized by legal pluralism rooted in its colonial legacy, incorporating customary, Islamic, and Western civil law. Disputes often emerge when inherited assets are unilaterally controlled by one heir, especially when inter vivos transfers are ambiguously categorized, raising issues of legal certainty and fairness. This study investigates (1) the legal framework governing inheritance in Indonesia; (2) normative provisions concerning inbreng and inkorting; and (3) the judicial interpretation of these principles in Supreme Court Decision No. 1354/PK/PDT/2024. Employing a normative juridical method with a descriptive-analytical approach, the research is based on statutory review, case analysis, and doctrinal interpretation. The findings affirm that inbreng and inkorting are crucial in ensuring equitable inheritance distribution and protecting the legitimaris. Although not always explicitly referenced in judicial reasoning, these doctrines are implicitly applied to rectify imbalances caused by unilateral control over estate assets. The courts consistently uphold substantive justice and legal certainty by affirming shared ownership and rejecting excessive claims. This study underscores the need for clearer legal guidelines and broader public awareness to prevent future inheritance conflicts.