

**KEKUATAN HUKUM AKTA HIBAH TERHADAP HAK MUTLAK AHLI
WARIS DALAM GUGATAN PEMBATALAN AKTA HIBAH (STUDI
KASUS PUTUSAN NOMOR 17/Pdt.G/2021/PN Klb)**

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ABSTRAK

Penelitian ini dilakukan dengan tujuan (1) untuk mengetahui dan mengkaji kedudukan seorang penerima hibah terhadap hak mutlak ahli waris dalam gugatan pembatalan akta hibah dalam putusan nomor 17/Pdt.G/2021/PN Klb, serta (2) untuk mengetahui dan mengkaji alasan yuridis yang menjadi dasar pertimbangan hakim dalam memutus perkara mengenai hak milik dari tanah sengketa dalam putusan nomor 17/Pdt.G/2021/PN Klb. Dalam penelitian ini menggunakan penelitian hukum normatif, dengan melakukan pendekatan perundang-undangan, konsep serta kasus. Bahan hukum yang diterapkan dalam penelitian ini adalah bahan hukum primer, sekunder, dan tersier sebagai dasar dalam menganalisis. Berdasarkan hasil penelitian yang diperoleh menunjukkan bahwa (1) Kedudukan penerima hibah terhadap hak mutlak ahli waris dalam gugatan pembatalan akta hibah dalam Putusan Pengadilan Negeri Nomor 17/Pdt.G/2021/PN Klb berdasarkan hasil penelitian yang diperoleh, penerima hibah dalam kedudukannya telah melanggar hak mutlak ahli waris berdasarkan ketentuan Pasal 913 KUHPerdara sehingga perjanjian hibah dapat dibatalkan, namun dalam kedudukannya sebagai ahli waris tetap memiliki hak atas warisan karena tidak terbukti melakukan pelanggaran hukum atau melakukan hal-hal yang dapat membuatnya berada dalam keadaan tidak patut untuk mewaris. Kemudian, (2) Dasar pertimbangan hakim dalam memutus perkara mengenai hak milik dari tanah sengketa dalam Putusan Pengadilan Negeri Nomor 17/Pdt.G/2021/PN Klb berdasarkan hasil penelitian yang diperoleh, majelis hakim dalam pertimbangan hukumnya merujuk pada pembuktian dari masing-masing pihak yang berperkara dan ketentuan dari Pasal 570 KUHPerdara, Pasal 913 KUHPerdara, dan Pasal 1682 KUHPerdara yang masing-masing pasal saling berkaitan sehingga hakim dapat memutuskan bahwa perjanjian hibah dapat dibatalkan tanpa menghilangkan hak yang semestinya dari masing-masing pihak.

Kata Kunci: Hak Mutlak Ahli Waris, Waris, Hibah

**LEGAL FORCE OF GRANT DEEDS ON THE ABSOLUTE RIGHTS OF
HEIRS IN A LAWSUIT FOR CANCELLATION OF GRANT DEEDS (CASE
STUDY OF DECISION NUMBER 17/Pdt.G/2021/PN Klb)**

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ABSTRACT

This research was conducted with the aim of (1) to find out and examine the position of a grantee on the absolute rights of the heirs in a lawsuit for the cancellation of the grant deed in decision number 17/Pdt.G/2021/PN Klb, and (2) to find out and examine the juridical reasons that are the basis for the judge's consideration in deciding the case regarding the ownership of the disputed land in decision number 17/Pdt.G/2021/PN Klb. In this study, normative legal research is used, by taking a legislative, conceptual and case approach. The legal materials applied in this study are primary, secondary, and tertiary legal materials as the basis for analysis. Based on the results of the research obtained, it shows that (1) The position of the grantee to the absolute rights of the heirs in the lawsuit for the cancellation of the grant deed in the District Court Decision Number 17/Pdt.G/2021/PN Klb based on the results of the research obtained, the grantee in his position has violated the absolute rights of the heirs based on the provisions of Article 913 of the Civil Code so that the grant agreement can be canceled, However, in his position as an heir, he still has the right to inheritance because he is not proven to have violated the law or done things that could make him in a state that is not suitable to inherit. Then, (2) The basis of the judge's consideration in deciding the case regarding the ownership of the disputed land in the District Court Decision Number 17/Pdt.G/2021/PN Klb based on the results of the research obtained, the panel of judges in its legal consideration referred to the evidence from each party to the litigation and the provisions of Article 570 of the Civil Code, Article 913 of the Civil Code, and Article 1682 of the Civil Code, each of which is interrelated so that the judge can decide that the grant agreement can be canceled without depriving each party of their due rights.

Keywords: *Absolute Rights of Heirs, Heirs, Grant*