

ABSTRAK

Moch. Dimas Shodiq Syarifudin. 2026. *Tuntutan Ahli Waris Pengganti Terhadap Penguasaan Warisan Sepihak Oleh Keluarga Lain Berdasarkan Akta Wasiat Secara Notariil (Studi Kasus Putusan Pengadilan Negeri Jakarta Selatan Nomor 656/Pdt.G/2022/PN Jkt.Sel)*. Skripsi. Program Studi Hukum, Fakultas Hukum, Universitas PGRI Madiun. Pembimbing (I) Nizam Zakka Arrizal, S.H., M.Kn. (II) Bintang Ulya Kharisma, S.H., M.Kn.

Penelitian ini bertujuan menganalisis kedudukan dan hak ahli waris pengganti dalam menuntut harta warisan yang dikuasai sepihak berdasarkan akta wasiat notariil serta pertimbangan hukum hakim dalam Putusan Pengadilan Negeri Jakarta Selatan Nomor 656/Pdt.G/2022/PN Jkt.Sel. Permasalahan yang dikaji meliputi kedudukan hukum ahli waris pengganti (*plaatsvervulling*), kekuatan hukum akta wasiat notariil, dan kesesuaian pertimbangan hakim dengan ketentuan KUHPerdara. Penelitian ini menggunakan metode hukum normatif dengan pendekatan perundang-undangan dan pendekatan kasus, melalui studi kepustakaan yang dianalisis secara kualitatif dengan metode deduktif. Hasil penelitian menunjukkan bahwa ahli waris pengganti memiliki kedudukan hukum yang sama dengan ahli waris yang digantikannya sehingga berhak memperoleh bagian warisan sesuai KUHPerdara. Akta wasiat notariil sebagai akta autentik memiliki kekuatan pembuktian yang kuat, namun tidak dapat mengesampingkan hak ahli waris yang dilindungi hukum, termasuk *legitieme portie*. Pertimbangan hakim dalam putusan tersebut pada dasarnya telah tepat dari aspek pembuktian dan hukum acara perdata, tetapi belum menguraikan secara mendalam kedudukan ahli waris pengganti serta pengujian terhadap *legitieme portie*. Oleh karena itu, perlindungan hukum terhadap hak ahli waris pengganti perlu diperkuat dalam penyelesaian sengketa waris.

Kata Kunci: Ahli Waris Pengganti, *Plaatsvervulling*, Akta Wasiat Notariil, Hukum Waris Perdata, *Legitieme Portie*, Sengketa Waris.

ABSTRACT

Moch. Dimas Shodiq Syarifudin. 2026. *Substitute Heirs' Claims Against the Unilateral Control of Inheritance by Other Family Members Based on a Notarial Will (Case Study of the South Jakarta District Court Decision Number 656/Pdt.G/2022/PN Jkt.Sel)*. Undergraduate Thesis. Law Study Program, Faculty of Law, Universitas PGRI Madiun. Supervisor (I) Nizam Zakka Arrizal, S.H., M.Kn. Supervisor (II) Bintang Ulya Kharisma, S.H., M.Kn.

This study aims to analyze the legal position and rights of substitute heirs in claiming inherited property that has been unilaterally controlled based on a notarial will deed, as well as to examine the legal considerations of the judges in the South Jakarta District Court Decision Number 656/Pdt.G/2022/PN Jkt.Sel. The issues discussed include the legal standing of substitute heirs (plaatsvervulling), the legal force of a notarial will deed, and the conformity of the judges' reasoning with the provisions of the Indonesian Civil Code (Kitab Undang-Undang Hukum Perdata). This research employs a normative legal research method using statutory and case approaches. The legal materials were obtained through library research and analyzed qualitatively using a deductive method. The results indicate that substitute heirs have the same legal standing as the heirs they replace and are therefore entitled to inherit in accordance with the Civil Code. A notarial will deed, as an authentic deed, possesses strong evidentiary value; however, it cannot override the rights of heirs protected by law, including the principle of legitieme portie (forced heirship). The judges' considerations in the examined decision were generally appropriate in terms of evidence and civil procedural law, yet they did not thoroughly address the position of substitute heirs or the application of the legitieme portie doctrine. Therefore, legal protection for substitute heirs should be strengthened in the resolution of inheritance disputes.

Keywords: *Substitute Heirs, Plaatsvervulling, Notarial Will Deed, Civil Inheritance Law, Legitieme Portie, Inheritance Dispute.*