

**TINJAUAN YURIDIS TERHADAP KEDUDUKAN AHLI WARIS YANG
KEHILANGAN BAGIANNYA DARI HARTA
WARISAN AKIBAT DIJUAL OLEH AHLI WARIS
LAIN BERDASARKAN KUH PERDATA**

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ABSTRAK

Hukum waris di Indonesia masih bersifat pluralistis, artinya masih berlaku beberapa sistem hukum yang mengaturnya (legalitas formal) yakni Hukum Waris Adat, Hukum Waris Islam, dan Hukum Waris Kitab Undang-Undang Hukum Perdata mengatur sebagai persoalan kewarisan tersebut (BW). Terjadinya pemberlakuan berbagai macam hukum waris disebabkan kebutuhan masyarakat pada zamannya dalam merespon berbagai macam kepentingan yang dihadapinya kemudian secara legalitas formal dibenarkan secara konstitusi negara atas pemberlakuannya sampai saat ini, dan belum terjadi unifikasi hukum terkait dengan hukum waris, untuk dapat memenuhi kebutuhan hukum masyarakat Indonesia saat ini dan saat yang akan datang dalam rangka pembangunan masyarakat yang adil dan makmur berdasarkan Pancasila dan Undang-Undang Dasar 1945. Waris secara bersama-sama sesuai dengan asas kebersamaan sebab segenap ahli Waris pada hakikatnya merupakan personifikasi dari peninggalan itu sendiri.

Kata Kunci : pluralistis, legalitas forma, personifikasi

**JURIDICAL REVIEW OF THE POSITION OF THE HEISTS WHO LOST HIS SHARE
OF THE PROPERTY LEGACY DUE TO SOLD BY HEIR**

OTHERWISE BASED ON THE CIVIL KUH

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ABSTRACT

Inheritance law in Indonesia is still pluralistic, meaning that there are still several legal systems that regulate it (formal legality), namely Customary Inheritance Law, Islamic Inheritance Law, and Inheritance Law The Civil Code regulates the inheritance issue (BW). The occurrence of the implementation of various kinds of inheritance law due to the needs of the community at that time in responding to the various interests they faced then formally legality was justified by the state constitution for its implementation until now, and there has not been a legal unification related to inheritance law, to be able to meet the legal needs of the Indonesian people at this time. This time and in the future in the context of building a just and prosperous society based on Pancasila and the 1945 Constitution. Collective inheritance is in accordance with the principle of togetherness because all heirs are essentially the personification of the inheritance itself.

Keywords: pluralistic, formal legality, personification

