

ANALISIS KEDUDUKAN HAK WARIS PENYANDANG DISABILITAS INTELEKTUAL (STUDI PENETAPAN NOMOR 38/PDT.P/2024/PN TPG)

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ABSTRAK

Penelitian ini dilatarbelakangi oleh pentingnya kedudukan penyandang disabilitas intelektual sebagai ahli waris dalam pewarisan serta analisis penetapan pengampunan bagi penyandang disabilitas. Fenomena pewarisan penyandang disabilitas intelektual seringkali terjadi tidak diberikan sebagaimana mestinya, dengan dalih ketidakmampuan anak penyandang disabilitas intelektual dalam memahami atau mengelola harta warisan, padahal hal tersebut bertentangan dengan asa perlindungan hukum dan keadilan dalam hukum waris. Penelitian ini bertujuan untuk mengetahui kedudukan ahli waris penyandang disabilitas Intelektual dalam sistem hukum waris Indonesia, khususnya menurut Kitab Undang-Undang Hukum Perdata dan Hukum Islam dan menganalisis penetapan hakim dalam mengabulkan permohonan pengampunan ahli waris penyandang disabilitas intelektual pada Penetapan Pengadilan Nomor 38/Pdt.P/2024/PN Tpg. Metode yang digunakan adalah penelitian normatif, dengan pendekatan perundang-undangan. Data diperoleh melalui aturan perundang-undangan yang relevan, jurnal, skripsi dan buku-buku terkait hukum waris di Indonesia. Hasil penelitian menunjukkan bahwa pada Pasal 433 Kitab Undang-Undang Hukum Perdata, penyandang disabilitas intelektual ditempatkan di bawah pengampunan. Kedudukan sebagai ahli waris tidak hilang, tapi ada pembatasan dalam pengelolaan harta warisan tersebut. Mereka dapat mengajukan permohonan pengampunan ke Pengadilan Negeri maupun Pengadilan Agama agar hak mereka dalam mewaris tetap ada tapi melalui pengangkatan pengampunan untuk bertindak. Sesuai dengan Pasal 434 Kitab Undang-Undang Hukum Perdata yang berhak mengajukan pengampunan adalah keluarga sedarah dalam garis lurus dan samping sampai derajat keempat.

Kata Kunci: Kedudukan, Hak Waris, Penyandang Disabilitas Intelektual

***ANALYSIS OF THE POSITION OF INHERITANCE RIGHTS OF PERSONS
WITH INTELLECTUAL DISABILITIES (STUDY OF DETERMINATION
NUMBER 38/PDT. P/2024/PN TPG)***

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ABSTRACT

This research is motivated by the importance of the position of persons with intellectual disabilities as heirs in inheritance and the analysis of the determination of support for persons with disabilities. The phenomenon of inheritance of persons with intellectual disabilities often occurs that they are not given as they should, under the pretext of the inability of children with intellectual disabilities to understand or manage inheritance, even though this is contrary to the hope of legal protection and justice in inheritance law. This study aims to determine the position of heirs of persons with intellectual disabilities in the Indonesian inheritance law system, especially according to the Civil Code and Islamic Law and analyze the determination of judges in granting applications for guardianship of heirs of persons with intellectual disabilities in Court Determination Number 38/Pdt.P/2024/PN Tpg. The method used is normative research, with a legislative approach. Data was obtained through relevant laws and regulations, journals, theses and books related to inheritance law in Indonesia. The results of the study show that in Article 433 of the Civil Code, persons with intellectual disabilities are placed under guardianship. The position as an heir has not disappeared, but there are restrictions in the management of the inheritance. They can apply for leniency to the District Court or Religious Court so that their right to inherit remains but through the appointment of leniency to act. In accordance with Article 434 of the Civil Code, those who have the right to apply for guardianship are blood relatives in straight and lateral lines up to the fourth degree.

Keywords: *Status, Inheritance Rights, Persons with Intellectual Disabilities*