

## Rights of Inheriting for Second Group (Case Study Karanganyar Religious Court)

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**Abstract.** Basically inheritance is a movement of all the rights and obligations of a deceased person to his heirs. The notion of inheritance law is the law governing the transition of wealth which the person who died and the consequences for the heirs. Heir rights arise before the opening of the inheritance in the sense that the beneficiary dies before the right to express their will in a testament / will. Heir is people for reasons (heredity, marriage/ Slavery) are entitled to part of the estate of the person who die. The second group includes beneficiaries. This group consists of the .People parents (father and / or mother) of the heir and brother and his descendants until the degree to 6. The problem of this study is how to apply the practice of the beneficiary to beneficiary groups both in the religious court Karanganyar, how legal considerations practices verdict heir for the second group was expert in religious courts karanganyar and what challenges and solutions in implementing the decision of the heirs inherit rights groups both in the religious court karanganyar. As for the research method used is sociological, the source of the data used is primary data and data secondary obtained from the test site and library resources and documentation are collected through the identification and inventory of legislation, then the data were analyzed with qualitative methods .Based normative research and discussion concluded Setting Harso Suwito Kiman bin Marto Setiko had died, set Heirs Heirs and Successors Harso Suwito Kiman bin Marto Setiko As follows Supadmi, Rukiman, Darmi, Sutinem . Stated  $\frac{1}{4}$  because the child had been cared for and maintain the adoptive parents to death, declare the contents of the letter made by Sri Mulyani and WR on 28 June 2006 are not enforceable by law actual fact, the decision legal considerations Considering that the disputed land the land that formerly came from the estate of his father *gono pusoko* Considering that the plaintiff as legal heirs, that the transition process disputed land controlled by the Defendants unlawful and not based on law, Considering that based on the facts turned out to conference proceedings are not based on rights, obstruction is that plaintiff demanded that declared the legitimate heirs of Alm. Harso Suwito Kiman and reserves receive all property penin ggalan therefore -sertifikat certificate of land disputes in the matter otherwise lawful aquao but Alm. Harso Suwito Kiman had no biological children but has one adopted son named Sri Mulyani, and on 30 June 2006 stating that Supadmi and Sri Mulyani is the rightful heir, and the solution is Sri Mulyani get Supadmi  $\frac{1}{4}$  and his wife get.

Keywords: Rights of Inheriting; Heirs; Heirs of The Second Group.

### 1. Introduction

Inheritance law is a part of civil law as a whole and is the smallest part of family law. Inheritance law is very closely related to the scope of human life. For all human laws repetition of events that is called death. Further legal consequences arising, in the event of such a law is a matter of how the management and the continuation of the rights and obligations of a person who died tersebut. Solving rights and obligations as a result of his death, set by the law of inheritance. For an understanding of the legal

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heir until now, both jurists Indonesia, yet there is a sense of understanding, so that the terms of the law of inheritance is still diverse. For example, Wirjono Prodjokoro using the term inheritance law. Hazarin use the term Dr. inheritance law and inheritance law have called. Inheritance law in force in Indonesia until now still not a legal unification. On the basis of the legal heirs of the map due or because he is an heir<sup>3</sup>.

Islamic inheritance as part of Islamic law and more specifically as part of the civil aspects of Islamic subhukum, can not be separated from other aspects of the teachings of Islam. Therefore, the preparation of its maxims should be based on the same sources as well as other aspects of the teachings of Islam. Sources Islamic inheritance law is the Qur'an and Hadits. Inheritance law is one of the most important law in Islam, proved at the beginning of its growth has been able to reorganize the order or prevailing inheritance system in ancient Arab society. In other that four new concept at the time of the Qur'an and so on. First, the Islamic equivalent of placing children with parents at the same time as the heir to the heir. In the Islamic inheritance beyond the new parents may be able to inherit if the testator dies descents. Second, Islam also gives the possibility of including parents (at least the mother) descent as heir died without heirs. Third, inherit each other husband and wife. Fourth, the details of specific parts for certain people in certain situations. More urgency is because heritage is directly related to the property, which if not given the provisions of (details of) very easily lead to disputes among heirs.<sup>4</sup> Islamic inheritance law basically applies to all Muslims everywhere and anytime he lives. Nevertheless, the pattern of a country and people's lives in an environment affects inheritance human. The life in nature and society has its own cultural patterns, depending on the place, the environment, livelihood and other social conditions. This is obviously very influenced by the thinking and their action in addressing any problems encountered. Therefore, we need to realize that humans are social beings who will always adapt to the environment where he is, and will always adapt to any changes danperkembangan are nearby, including the division of the inheritance mechanism.

When someone dies, especially concerning inheritance, a legacy of being open and thenceforth transfer heritage. The heritage wealth is a form of transfer of property as a result of the death of its assets transferred to the heirs of the rightful heir art experts in law beneficiaries of the principle priority lines are divided into four (4) groups of beneficiaries. Heirs are descendants of the first generation heir to the spouse and children who are still alive, and his offspring (grandchildren / great-grandchildren). When the child was still alive, the heirs can not inherit grandson, because his position is still crushed by the parent. Grandchildren shown inheritance after his parents has none.<sup>5</sup>

Heir, the second group are the parents, Mr. and Mrs. Heir brothers and sisters (venter or father or mother, her brother one father blood along with siblings, have a way to distribute its own. The heirs of this group to appear heir when the heir of the first group is not ready. Then third generation heir to the heir and his new heir entitled to inherit after the second group no longer exists.

Based on the above authors are interested in doing research on "Rights Of Inheriting For Second Group (Case Study Karanganyar Religious Court)".

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<sup>3</sup>Muhammad Ali Ash-Shabuni, *Hukum Waris Dalam Islam*(Depok : Fathan Prima Media,2013), p.32.

<sup>4</sup>Muhammad Ali Ash-Shabuni, *Hukum Waris Dalam Islam*, p. 42

<sup>5</sup>Abdul Ghofur Anshori, op.cit., p. 6-7

The problem in a study intended to make easy writer in limiting the issues to be examined until the goals and objectives will be achieved becomes clear, focused and get the expected results.

Based on the above problems, the problem in this research are: 1) How is the practice of applying the heirs of the heirs of both groups and legal considerations. 2) What are the constraints and solutions in the implementation of the decision of the inheritance rights of members of the second group in Karanganyar Religious Court?

## **Research Methods**

This study used a sociological approach that is emphasizes research aimed at gaining knowledge empirically by law the road going directly to the object, Mechanical collection of legal materials in research using primary and secondary data obtained through library research and obtained from related parties, descriptive. Methode of specification using Data Analysis Research using qualitative methods of normative analysis

## **2. Result and Discussion**

### **2.1. Applications For Practice The Heirs In Second Group Of Beneficiaries In Karanganyar Religious Courts And Legal Considerations**

The court ruling the division of inheritance

- Supadmi WR is  $\frac{1}{4}$ ;
- Sri Mulyani binti Tjarwopawiro is  $\frac{1}{4}$
- Rukimin Partowiyono bin Marto Setiko is  $\frac{2}{12}$
- Darmi binti Marto Setiko is  $\frac{1}{12}$
- Karto Rukiman Pawiro bin Marto Setiko is  $\frac{2}{12}$
- Sutinem binti Marto Setiko is  $\frac{1}{12}$

Quoad legal reasoning for the decision practices heirs second group of beneficiaries in the religious court karanganyar are: 1) Considering that the dispute lands formerly derived from property *Gono pusoko* of his father; 2) Considering that the claimant as the legal heirs; 3) that the transition process of land disputes the Defendants unlawful manner and not by the law; 4) Considering that based on the facts turned out to conference proceedings are not based on the right; 5) Considering that the plaintiff in its letter, also apply to have done laying the confiscation of all things objects, and the Assembly has lived enjatuhkan interim decision No 1594 / Pdt.G / 2017 / PA. Kra. Dated September 10, 2018 and the interim decision, the court clerk Religion Karanganyar undertook As much as the confiscation laying Minutes of Confiscation (conservatoir Beslag) No. 1594 / Pdt.G / 2017 / PA. Kra., Dated October 2, 2018;

### **2.2. Problems And Solutions In The Implementation Of The Decision Of The Inheritance Rights Of Members Of Religious Groups Both In Religious Court Of Karanganyar**

Constraint is that the claimant demanded that the plaintiff declared as the legitimate heirs of Alm.Harso Suwito Kiman and are entitled to receive the entire inheritance of Alm.Harso Suwito Kiman therefore Certificates, certificates of land disputes in the matter otherwise lawful Aquao. Would but Alm.Harso Suwito Kiman had no biological children but has adopted 1 person named Sri Mulyani and 1 woman named Supadmi

WR., and dated 30 June 2006 stated that Supadmi WR and Sri Mulyani are the heirs of Harso Suwito Kiman.

The solution: Sri Mulyani Tjarwopawiro is  $\frac{1}{4}$  and Supadmi WR is  $\frac{1}{4}$ .

### 3. Conclusion

#### 3.1 Conculction

Setting Harso Suwito Kiman bin Marto Setiko had died, set Heir Successor Harso Suwito Kiman bin Marto Setiko As follows Supadmi, Rukiman, Darmi, Sutinem. Setting the  $\frac{1}{4}$  Because adopted children already care for and maintain the adoptive parents until death, declare the contents of the letter were made by Sri Mulyani and Supadmi WR on 28 June 2006 are not enforceable by law the fact that the actual decision .Assessment law Considering that the land The land dispute the first comes from the estate of his father *gono pusoko* Considering that the claimant as the legal heirs, that the process of transition of land disputes dikusai the Defendants unlawful manner and not based on law, Considering that based on the facts turned out to conference proceedings are not based on rights, the obstacle is that the plaintiff demanded that declared the legitimate heirs of Kian and Alm.Harso Suwito Kiman entitled to all left property therefore certificates of land disputes in the matter otherwise lawful aquao but Alm.Harso Suwito Kiman not have progeny but mem have one child named Sri Mulyani, and on 30 June 2006 and Sri Mulyani said Supadmi was the rightful heir, and the solution is Sri Mulyani get  $\frac{1}{4}$ , and his wife also gets  $\frac{1}{4}$ .

#### 3.2 Suggestion

- First, for the general public, should know and understand the rules of law applicable religious law and national law on inheritances so that no turbulence or problems arise in the division of inheritance
- To the heirs, each person who died and who left the estate, the estate should be divided in accordance with the rights of each heir.

### 4. Bibliography

- [1] Civil Code
- [2] Islamic Law Compilation
- [3] Ahmad Rofiq, 2013, *Hukum Perdata Islam di Indonesia*, Jakarta: Raja rafindo Persada.
- [4] Muhammad Ali Ash-Shabuni, 1995, *Hukum Waris Dalam Islam*, Gema Insani Press, Jakarta
- [5] Efendi Perangin-angin, 2003, *Hukum Waris*, Jakarta: Raja Grafindo Persada
- [6] Moh. Muhibbin, Abdul Wahid, 2011, *Hukum Kewarisan Islam Sebagai Pokok Pembaruan Hukum Positif Di Indonesia*, Jakarta: Sinar Grafika,
- [7] Suparman Usman, 2002, *Fiqh Mawaris Hukum Kewarisan Islam*, Jakarta: Gaya Media Pratama