

The Effectiveness of Inheritance Dispute Resolution Seen from Medan District Court Decision Number 43/pdt. G/2020/PN Mdn

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Abstract

This journal contains the effectiveness of inheritance dispute resolution based on the view of civil law, if talking about inheritance law, there will be 3 types of inheritance law that are often used in Indonesia, but in this journal the discussion will focus on dispute resolution through civil court. This journal takes Medan District Court Decision Number 43/pdt. G/2020/PN Mdn about a mother who sued her child for improper distribution of inheritance, in this journal also discussed the specific effectiveness of the settlement and the rights of adopted children in cases of inheritance disputes, in this journal also contains laws and articles in the Civil Code that can help readers understand the regulations regarding civil inheritance law.

Keywords: Civil Inheritance Law, Judiciary, Inheritance Dispute, Law, Civil Code



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INTRODUCTION

Civil law is divided into two bases, namely becoming material law and formal civil law. Material civil law is also called civil law (*burgerlijk recht*), based on article 9 of the A.B Law (*Algemene Bepalingen van wetgeving voor Indonesie*) it is explained that royal civil law is the same for foreigners and Dutch people, as long as the law does not determines otherwise, so material civil law regulates interests in civil affairs while formal civil law regulates procedures for maintaining civil law regulations. In material civil law there is inheritance law in articles Article 830 to Article 1130 of the Civil Code which contains arrangements for heir requirements, heir rights, wills, heir rights and so on, in civil inheritance law it is defined as governing the giving of property someone who has died which regulates the consequences of family relations regarding a person's inheritance, inheritance law is sometimes seen as part of the law of family property, but with the existence of a will for a person who dies the owner of the heir to the heir can cancel family relations or the power of relations family into the will.

A will is the last message conveyed by someone who is about to die, in more detail a will is to voluntarily give an object to someone who is still alive from someone who wants one day when he dies, usually a will is passed down to his next of kin or someone he trusts. In the Civil Code, a will is described as a legal determination based on Article 874. Article 874 All the inheritance of a person who dies belongs to his heirs according to law, insofar as he has not made a legal determination regarding this matter.

A will is considered valid if the relationship between the will and the letter is in a legal and written stipulation that this testament is carried out by the heir and a notary. Inheritance law is a part of civil law as a whole and is the smallest part of family law. The distribution of inheritance is a transfer or transfer of parental property to their children, whether they are sons or daughters. In carrying out the transfer or transfer of the inheritance, it is carried out or given after the heir dies.

Based on the decision of the Medan District Court Number 43/Pdt.G/2020/PN Mdn, Plaintiff Tan Bie Tju who is the wife of the heir of the late Leman who has been married since April 4, 1968 and registered their marriage on October 21, 1975. From the marriage of the Plaintiff Tan Bie Tju and the late Leman, they were blessed with three (3) children, who are also the Defendant namely; Edison, Male. Born on October 9, 1969 (Defendant I); Verawati, Woman. Born on November 13, 1973 (Defendant II); Lilis Leman, Woman. Born on August 10, 1972 (Defendant III); Cindy Chandra (adopted child), female. Born on December 20, 1989 (Co-Defendant). It was explained that the late Leman had died on May 6 2018 in Medan, then it was explained again that during their marriage period they had obtained joint property which was "shared" which means that this property was owned by Plaintiff Tan Bie Tju who is the wife of the heir of the late Leman, assets generated during the marriage are as follows;

1. One plot of land with an area of 3,920 m² (three thousand nine hundred and twenty square meters), located on Jalan Teuku Amir Hamzah DSN 2, Cempa Village, Hinai District, Langkat Regency, North Sumatra Province, based on Property Rights Certificate No.62, registered in the name of Lema;
2. One kiosk/shop unit at Grand Palladium Mall Block GS-15 No. 07, having its address at Jalan Captain Maulana Lubis, Petisah Tengah Village, Medan Barat District, Medan City;
3. 4,950 (four thousand nine hundred and fifty) shares of Limited Liability Company "PT. Asdal Prima Lestari" domiciled in Subussalam Village, Simpang Kiri District, South Aceh District, Aceh Province;
4. 10 (ten) shares of Limited Liability Company "PT. Nusachandra Perkasa" who is domiciled in Puji Mulio Village, Sunggal District, Deli Serdang Regency, North Sumatra Province;
5. 375 (three hundred seventy five) shares of Limited Liability Company "PT. Bangun Nusa Sarana", domiciled in Ujung Menteng Village, Cakung District, East Jakarta City, DKI Jakarta Province

In Law No. 1 of 1974 concerning marriage in article 35 paragraph (1) it is said that: Article 35 paragraph (1) Property acquired during marriage becomes joint property. Therefore according to the Plaintiff Tan Bie Tju through his attorney that the property is jointly owned and became the basis for the lawsuit against Brother Tan Bie Tju, at the time when his husband, the late Leman, made a will which may have been due to the late Leman's ignorance regarding Article 35 Paragraph (1) of Law No. 1 of 1974 concerning marriage and a Notary who at that time helped, he wrote down the assets as his own without heeding Article 35 Paragraph (1) of Law No. 1 of 1974 About marriage which says that the assets produced during marriage are shared property. Because of the unlawful act, the Notary participated in the person being sued, namely by the name and position of Mrs. Tati Nurwati, S.H. Notary in North Jakarta (Defendant IV). The plaintiff's attorney believes that the unlawful act is related to the conflict with articles 903 and 966 of the Civil Code which states: Article 903: Husband or wife may only donate goods and joint assets, only those items include their respective parts in the the joint property. Article 966: If the testator bequeaths certain items belonging to another person, this bequest is void, whether the testator knows or does not know that the item does not belong to him. By including the Plaintiff's assets in the will, it means that the Notary with the name Mrs. Tati Nurwati, S.H was also sued for Unlawful Acts in making the deed, so the judge should have decided to revoke or annul the Will Deed Number 05 dated 12 August 2017, without eliminating the child's absolute rights or Legitime portie to obtain inheritance.

The plaintiff, namely his own mother, wants an annulment through Article 913 to eliminate the inheritance rights of his assets which were in the joint property of the late Leman, so as not to create family conflict between mother and child. So the plaintiff Tan Bie Tju asked to determine the right of inheritance to the legal heirs with their respective shares in

accordance with the provisions of the law so that they have legal force, namely; Mrs. Tan Bie Tju (Plaintiff) in the amount of $\frac{1}{5}$ Share; Edison (Defendant I) in the amount of $\frac{1}{5}$ Share; Verawaty (Defendant II) in the amount of $\frac{1}{5}$ Share; Lilis Leman (Defendant III) in the amount of $\frac{1}{5}$ Share; Cindy Chandra (Co-Defendant) in the amount of $\frac{1}{5}$ Share; This lawsuit was responded to by the exception given by Defendant III's attorneys by giving points of rejection, namely;

1. An exception to an invalid power of attorney resulting in a lawsuit containing a formal defect; In this exception, it is briefly explained that Defendant III believes that Tan Bie Tju, his own mother, cannot sue her child or have her will at all in this lawsuit. this power of attorney was made not by his mother.
2. Exceptio Error in Persona in the form of Error in Plurium Litis Consortium; According to Defendant III, in his exception, explained that the nature of the 3rd party, namely the notary, should not have been involved in this matter, and it was felt that the parties who were also being sued were lacking, so it could be said that the lawsuit was flawed in law.
3. Exceptio Obscur Libel; Because the Plaintiff did not prepare the lawsuit carefully and did not explain the basis of the facts (Feitelijk Grond) of the unlawful act that according to Defendant III, in preparing the lawsuit did not explain the existence of an act, especially that which was committed by Defendant I, Defendant II and Defendant III, where there was the unlawful act argued by the Plaintiff was not in accordance with the Unlawful Act criteria stipulated in Article 1365 in conjunction with 1367 of the Civil Code, which led to an unclear link between the arguments for the tort lawsuit, the posita put forward and the petitum requested by the Plaintiff; What was done by the Defendants which resulted in the lawsuit containing formal defects.
4. Exception Dilatoria; whereas according to Defendant III the Plaintiff's lawsuit is still premature, because the data collection of all the inherited assets of the Heir has not been carried out so it is not yet known whether any provisions in the will violate the rights of the wife (the current Plaintiff);

From this exception, the judge gave his consideration that Defendant III's exception was completely rejected. With the consideration that according to law it is true that the Plaintiff was the wife of the deceased and during their marriage period they produced the assets mentioned which have not been distributed, which means that the inheritance still belongs to the Plaintiff in part, and the Judge Granted the Plaintiff's Claim for part, then stated that the Plaintiff is entitled to $\frac{1}{2}$ part of all joint assets acquired during marriage, stating that Will Number 5 dated 12 August 2017 is VOID, the cancellation of Will Number 5 cancels the Deed of Inheritance Right Number 9 dated 23 July 2018, stipulating the legal heirs of the late Leman with an equal distribution; Mrs. Tan Bie Tju (Plaintiff) in the amount of $\frac{1}{5}$ (one fifth) part; Edison (Defendant I) in the amount of $\frac{1}{5}$ (one fifth) part; Verawaty (Defendant II) in the amount of $\frac{1}{5}$ (one fifth) part; Lilis Leman (Defendant III) in the amount of $\frac{1}{5}$ (one fifth) part; Cindy Chandra (Co-Defendant) in the amount of $\frac{1}{5}$ (One-fifth) Share.

From the inheritance left by the husband of the Plaintiff or the parents of the Defendants and Co-Defendant, which means that the property is divided in half first then the property of the late Leman is divided by $\frac{1}{5}$ (one fifth) part to the heirs. Prior to the decision of this court, the judge created a mediation forum to reconcile the Plaintiff and Defendant but in fact only the Plaintiff and Defendants I and II had made a peace agreement with a Peace Agreement signed on August 10 2020 and legalized by Wanda Lucia S.H as a Notary. Then the Plaintiff's lawsuit was accepted by the Judge and Rejected the Plaintiff's Claim other than and the rest of what had been decided through the Medan District Court Decision Number 43/Pdt.G/2020/PN Mdn.

Problem Formulation: So with the background that is the author's problem with the effectiveness of the settlement of inheritance rights in the civil domain, then find the problems that are formulated into the following problem formulation: How is the process of distributing assets before the heir dies? Status of adopted children in the distribution of inheritance who are co-defendants in inheritance disputes? The effectiveness of the implementation of inheritance law when it is supervised and enforced by the justice system?

RESEARCH METHODS

In the process of its formation, this paper uses explanatory research which in this research examines a form that you want to study with the aim of strengthening and explaining or even testing and rejecting a theory that has existed before, by using an evaluative research form, it is hoped that researchers can provide an evaluation of effectiveness Settlement of Inheritance Disputes Seen from the Medan District Court Decision Number 43/pdt.G/2020/PN Mdn, so that in the future the reader can understand the settlement of inheritance disputes and suggestions and criticisms to relevant legal institutions regarding handling them properly so that it seems as if the researcher is giving an assessment . By using a normative approach, namely using empirical research and other sciences to complete the analysis and explain the law itself with conditions without changing the character of law itself as a normative science while still paying attention to and having to utilize other sciences and being able to interact positively with other sciences. The approach used is a type of case approach which has the understanding that what are the legal reasons and why the judge uses the law so that he arrives at his decision.

RESEARCH RESULTS AND DISCUSSION

In the law of inheritance itself, someone who already has offspring must have prepared an inheritance for his descendants which is usually called inheritance rights and usually it has been determined who will become the heir and who has the right to get the inheritance, and it has also been regulated in various matters. relating to the distribution of inherited assets. Inheritance law or inheritance rights are of course applicable in all groups regardless of differences and age, which means that in the distribution of inheritance there are those who are subject to the inheritance law in the Civil Code, Islamic inheritance law and customary law. This difference in the division of inheritance occurs because the Indonesian people are diverse, consisting of various ethnic groups who have different customs and customary laws, which are different from one another, and have their own characteristics. When transferring one person's property to another in the form of inheritance, three main things must be fulfilled, namely the existence of an heir, heirs and inheritance.

The heir himself is someone who leaves his property that he had throughout his lifetime who will give his property to the heir, namely his living descendants. Regarding the distribution of assets, boys and girls have the same position and rights, so boys and girls should get property rights that are inherited in an equal amount, but sometimes someone who will leave his property has written a will regarding the distribution the property that will be inherited which causes sometimes the inheritance rights obtained between sons and daughters have a nominal dispute or have a different nominal.

The process of dividing assets by heirs to their heirs is based on the Medan District Court Decision Number 43/pdt.G/2020/PN Mdn

The distribution of assets is carried out by giving inheritance through the intermediary of a will carried out by an heir in which in this case, the will was written by the late Leman who at that time wrote his will in the presence of a notary, the contents of the will were: " That during my lifetime I have owned several movable and immovable objects written in my own name; if I

do not sell/transfer the immovable and movable objects mentioned above while I am alive, then when the time comes for me to be called by God (to pass away), I will give a bequest (legaat) for all of my inherited assets to my wife Mrs. Tan Bie Tju and my 3 (three) children mentioned above, with the following distribution: My wife, Mrs. Tan Bie Tju gets 40% or 2/5 (two fifths) share. My three children, namely Edison, Lilis Leman and Verawati, each received an equal share, namely each received 20% (twenty percent) or 1/5 (one fifth) share each.

Juridical analysis, regarding the letter written by the late Leman, the letter can be said to be null and void, because the making of this will was not based on Article 35 of Law No. 1 of 1974 which stated that during the marriage period the assets produced belonged together. In this case, if indeed the testator writes his will, it should be written first that "half of the joint property during my joint marriage was acquired during my marriage to Mrs. Tan Bie Tju is joint property with details of immovable objects and ben which are part of mine, I hand over to the heirs as my testament, namely (name of the heir) with the following division "by using these words, the will is valid according to the author's view .

The difference between inheritance and will, inheritance according to the Big Indonesian Dictionary is something that is inherited or objects that can be inherited such as assets, good name, heirlooms. So it can be concluded that inheritance is something that can be passed on to heirs, whether in form or in form, movable or immovable, which contains elements of meaningful wealth and is capable of being passed on to heirs and the next generation. If a will according to Prof. Ali Afandi, S.H.'s book is a deed that contains a person's statement about what will happen when he dies, and which he can withdraw. So when compared theoretically, a difference emerges, namely inheritance is wealth that can be inherited to those who are entitled to inherit, while a will is a way to pass on inheritance, namely by stating someone's statement about what they want after they die. A will is obligatory in the teachings of Islamic inheritance, because in Al-Baqarah it is explained that a person is obligated as a pious person to make a will,

كُتِبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ إِنْ تَرَكَ خَيْرًا الْوَصِيَّةَ لِلْوَالِدَيْنِ وَالْأَقْرَبِينَ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ

Meaning: "It is obligatory upon you, if one of you comes (signs) of death, if he leaves a lot of wealth, wills for his parents and close relatives ma'ruf, (this is) an obligation on those who piety" (Q.S. Al Baqarah: 180)

This means that indeed to people who have excess assets or have assets that when he dies do not know where these assets will go to must be given to his family so as not to harm his family. So in Islamic law it is explained that a will is mandatory to make and carry out, while western law or the Criminal Code does not specifically explain the obligations in making a will, but rather explains that a will is a person's right to make or revoke it. There are basic rules regarding wills in the Civil Code, because a will is a person's personal right to make it, so a will can be made and can be revoked in legal certainty if 'a person' is said to be still sane (not crazy, not yet dead, etc.) This is stated in article 895 of the Civil Code, then each will must fulfill the provisions written in 896-899 successively, namely: Everyone can make or enjoy the benefits of a will (Article 986), People who have not reached even 18 years of age do not allowed to make a will (Article 897), The competence of a person who wants to inherit must be reviewed according to the position in which he was when the bequeather died (Article 898), To be able to enjoy something from a will, a person must have been there, when the who bequeathed died. (Article 899).

It should also be noted that article 901 states that a husband and wife cannot enjoy benefits because of the decisions of the wife or husband with a will, if their marriage has taken place without legal permission and when the person who inherits it dies. once upon a time,

when the validity of the marriage could still be disputed in front of the judge. The purpose of Article 901 explains that in writing a will, a husband and wife whose marriage is not valid is recorded by a civil registration deed. If a will is made in the name of the wife or husband, the validity of the letter can be disputed because the husband and wife are not registered with their marriage (it is a judge's decision). In writing a will, it must not conflict with the LP (Legitime Portie) in Article 913 of the Civil Code, and the most common is usually if a will is written to appoint several or one heir who will get all or part of his property.

Legitime Portie, is an absolute right of inheritance which must be given to inheritance rights in a straight line based on law, the regulations for the distribution of Legitime Portie are regulated in article 914 where the division is clearly distributed evenly with a straight line down, namely with the following calculation: only a legitimate child, the amount is 1/2 of the portion if he inherits without a will. If there are only 2 legitimate children, the amount is 2/3 of the portion if he inherits without a will. If there are 3 or more legitimate children, the amount is 3/4 of the share if he inherits without a will (Article 914 of the Civil Code). Then what if a child dies first, then his right to an absolute share (legitime portie) is transferred to the child or grandson with *plaatsvervulling* which is regulated by articles 841 to 848 of the Civil Code, replacement heirs can be divided into three groups, namely replacement in a straight line down; Replacement in a straight line to the side; Replacement in a line to the side diverging.

There are 4 major groups who are entitled to become heirs, these groups are: Group I: husband/wife who has lived the longest and their children/offspring (Article 852 of the Civil Code). Group II: parents and siblings of the heir. Group III: Family in a straight line after the father and mother heir. Group IV: heir uncles and aunts from both the father's and mother's sides, descendants of uncles and aunts up to the sixth degree are counted from the heir, relatives of grandparents and their descendants, up to the sixth degree are counted from the heir. These groups are presented in order. Which also means that if there are still class I heirs, class II cannot inherit the inheritance of the heir. A person may not be made an heir as well as a substitute heir if it is sourced from Article 185 of Presidential Instruction No. 1 of 1999, an heir can be said to be unable to obtain a Legitime Portie if it has permanent legal force under article 173 with the following conditions: Article 173 of Presidential Instruction No. 1 of 2011 1991 A person is prevented from becoming an heir if a judge's decision which has permanent legal force is punished for: accused of having killed or attempted to kill or seriously maltreating the testators and accused of defamation of having filed a complaint that the testator had committed a crime punishable by up to 5 years in prison or a more severe sentence. So a person cannot force another person to forcibly surrender his property through inheritance, especially causing that person to sign a will which will be made into a will by a notary.

The status of adopted children in the distribution of inheritance who becomes co-defendant in inheritance disputes

In this case an adopted child was found whose part was not written in the will and basically the KHI (Compilation of Islamic Law) does not allow adopted children to be made heirs, because biologically there is no blood or kinship relationship between the adopted child and the parents who adopt him, unless the adopted child is indeed taken from his own sibling, even so according to the KHI adopted children cannot become heirs but can get a Compulsory Will whose distribution should be as much as possible according to the KHI is 1/3. Wills or Obligatory Wills are given to adopted children who are not included in the heirs and are a form of awareness from the adoptive parents in deciding the life path of the adopted child, in certain cases the adopted child can get the same number of heirs as the heirs others with the approval of the heirs and those left behind in order to create legal certainty and not eliminate the Legitime Portie of the heirs. In civil law, there are generally no regulations discussing the

adoption of children or the rights of adopted children, the farthest we can find are children out of wedlock which can be considered legal if reported to the local court. With regard to adopted children, each customary law has a different way of looking at adopted children, for example, in Toba custom, it is explained that the status of adopted children and biological children is the same in the family, which creates consequences for the adopted child's relationship with his old family. accept the adopted child. Why can this status be changed? because those who are obliged to pass on the assets are sons, the majority of children adopted in the Toba custom are men, with the aim of continuing the family inheritance because the Toba custom is a patrilineal custom, while those who usually continue are those who have the same surname as their adoptive parents, This is in line with the Toba Batak custom which tends to pay attention to the family clan which is still very strong today.

Regulations regarding the adoption of children and their rights were once regulated in Staatsblad No. 129 of 1917 which in article 12 provides for provisions that the adopted child has the same position as his biological child, so when this regulation is still in effect then the adopted child becomes the heir too because have the same position. Basically, indeed the determination of inheritance regardless of the legal normative lies in the decision of the parents, the awareness of the parents and many other aspects. Fair and equitable distribution must become a legal certainty. Therefore, we consider that through this decision the judge agreed to an even distribution of justice and the request of the mother. Based on the cases above, the determination of Mrs. Cindy Chandra as a co-defendant is not a legitimate adopted child, where in Defendant III's exception it is explained that there is a fact that the defendant was never adopted as the provisions of the applicable law but he was raised like a child and his siblings who are legitimate descendants regard him as a brother Alone. However, in evidence (Determination of Class IB Binjai District Court No. 186/Perd-Perm/1990/PN-BJ dated 14 August 1990 as stated in the Birth Certificate Excerpt No. 30/CAPIL/1990 dated 30 August 1990.) that Mrs. Cindy Chandra is the legitimate adopted child of the husband of the late Leman and wife Mrs. Tan Bie Tju.

Therefore, based on the provisions of the law in force and the legal rationale which says that the degree of adopted child and blood child is the same, Article 832 of the Civil Code says that those who are entitled to inherit are: Article 832 of the Civil Code "According to the law, those who have the right to be heirs are blood relatives, both legal and outside of marriage, and the husband or wife who has lived the longest according to the following regulations. If the blood relatives and the husband or wife who have lived the longest are not present, then all the inherited assets become the property of the state, which is obliged to pay off the debts of the deceased, as long as the price of the inherited assets is sufficient for that. With the support of the actions in the article, based on this provision the heirs can be biological children or children illegitimate, this is also supported by article 280 of the Civil Code which says: Article 280 "With the recognition of children out of wedlock, civil relations are born between children that and his father or mother." With the invalidity of the Deed of Wills Number 05 dated 12 August 2017, the will written by the late Leman is not valid so that the distribution of inheritance is based on statutory provisions, so the judge agrees that the distribution will be 1/5 which is leveled with a straight line down. So in his decision, the judge decided that to determine the legal heirs of the late Leman with their respective parts in accordance with the applicable legal provisions, namely as follows: Mrs. Tan Bie Tju (Plaintiff) in the amount of 1/5 (one fifth) part; Edison (Defendant I) in the amount of 1/5 (one fifth) part; Verawaty (Defendant II) in the amount of 1/5 (one fifth) part; Lilis Leman (Defendant III) in the amount of 1/5 (one fifth) part; Cindy Chandra (Co-Defendant) in the amount of 1/5 (One-fifth) Share; from inheritance left by the husband of the Plaintiff or the parents of the Defendants and Co-Defendant;

In conclusion, based on the provisions stipulated in the Civil Code, an adopted child cannot be made an heir unless he gets it with a grant from his parents to the adopted child, the amount of which cannot be greater than the Legitime Portie than the biological child, but there have been regulations governing The degree of adopted child and biological child is the same in Article 12 of Staatsblad No. 129 of 1917 which is no longer used until now. It is the judge's prerogative in this decision to agree to the request of the Plaintiff's attorney for the property to be divided equally among the plaintiff and his children and adopted children, and the judge agrees to this. In our opinion, this can happen because in the lawsuit, the plaintiff divided it equally with the belief that there would be no more fights in their family and indeed the adopted child has been raised since childhood so that he has become part of the family. After checking the valid proof of Birth Certificate No. 30/CATPIL/1990 On August 30, 1990 it turned out that Cindy Chandra was the legitimate child of a legal husband and wife on behalf of Leman and Tan Bie Tju

The effectiveness of the implementation of inheritance law in the justice system

In this case, the implementation of inheritance law was carried out when there was a complaint from the plaintiff beforehand to the competent court according to the place according to locus delicti. When there is a complaint, the court takes the path of mediation first based on PERMA No. 1 of 2016 which requires that the amicable process be carried out first through mediation which is carried out by an authorized District Court Judge but not the Judge who handles the case, if in the mediation process no amicable solution is found, then the lawsuit process is continued with a lawsuit from the plaintiff and then there is a memorandum of defense or pledoi from the plaintiff. The implementation of inheritance law can be monitored and enforced by the justice system in Indonesia through the laws and regulations that apply in the civil domain. The justice system plays an important role in ensuring respect for inheritance rights, by carrying out the oversight function of the inheritance distribution process in accordance with legal provisions. Through the application of relevant legal regulations, the justice system plays a role in ensuring justice and legal certainty for heirs and ensuring that the implementation of inheritance law is carried out in accordance with applicable regulations.

From this it can be concluded that the court actually continues to supervise and enforce if the civil matter is 'complained', which means that the court will only carry out its trial when there is a complaint. And after the complaint, the court will be the most powerful party where it is the court that decides the final outcome of this inheritance lawsuit. The implementation of inheritance law can be monitored and enforced by the justice system to varying degrees depending on the jurisdiction or country concerned. Below are some common ways in which the justice system can oversee and enforce inheritance laws. Some jurisdictions have courts that specialize in inheritance law matters. This court ensures that the settlement of inheritance disputes is carried out fairly and in accordance with applicable law. The inheritance court can examine evidence, hear arguments from the parties involved, and issue binding legal decisions. In countries where there are no special inheritance courts, inheritance law matters are often handled by general courts. This court has jurisdiction to adjudicate inheritance disputes and decide who is entitled to receive the inheritance.

In some cases, supervision and enforcement of inheritance law can be done through estate administration. Responsible parties, such as executors or estate administrators, may be supervised by the courts to ensure that inheritance laws are properly implemented. The justice system can also facilitate reporting and filing of claims related to inheritance law. For example, if there is an allegation of abuse or fraud in the settlement of inheritance, the aggrieved party may file a lawsuit with the court to claim their rights. Once a court has issued a ruling regarding inheritance law, the justice system is responsible for ensuring the enforcement of that ruling. If

a party does not comply with a court decision, interested parties may seek assistance from the court to enforce it. It is important to note that the implementation and oversight of inheritance laws may vary by jurisdiction. The justice system has an important role in ensuring justice in the settlement of inheritance disputes and protecting the rights of the parties involved.

In many countries, the inheritance process will involve making a will, valuing property, and distributing assets to legal heirs. The justice system can play an important role in overseeing this process and resolving disputes that may arise between heirs. The judicial system can examine the validity of a will and decide whether it is valid according to applicable law. They can also determine how the estate will be divided in the absence of a valid will or if there is a dispute between heirs. If there is a suspicion of abuse or violation of inheritance laws, the justice system can play a supervisory and enforcement role. For example, if an heir feels that they are not getting their fair share of the inheritance, they can sue the court for justice. However, it is important to remember that the implementation of inheritance laws and the role of the justice system may vary between different countries. Each jurisdiction has different rules and legal procedures governing inheritance and the role of the justice system in this regard. Therefore, it is important to seek information about inheritance law and the judiciary in your specific jurisdiction to understand the extent to which the justice system can monitor and enforce inheritance laws in that area.

In addition to the main tasks referred to above, the Religious Courts have the following functions, among others: The function of adjudicating (judicial power), namely receiving, examining, adjudicating and resolving cases that fall under the authority of the Religious Courts at the first level (vide: Article 49 of the Law -Law No. 3 of 2006). The function of coaching, namely providing direction, guidance, and instructions to structural and functional officials under their ranks, both regarding technical judiciary, administration of justice, as well as general administration/equipment, finance, staffing, and development. (vide: Article 53 paragraph (3) Law No. 3 of 2006 jo. KMA Number KMA/080/VIII/2006). The supervisory function, which is to carry out inherent supervision over the implementation of the duties and behavior of Judges, Registrars, Secretaries, Alternate Registrars, and Substitute Bailiffs/Mayors under their ranks so that justice is carried out carefully and fairly (vide: Article 53 paragraphs (1) and (2) Law No. 3 of 2006) and on the implementation of general secretarial administration and development. (vide: KMA Number KMA/080/VIII/2006). The advisory function is to provide consideration and advice on Islamic law to government agencies in their jurisdictions, if requested. (vide : Article 52 paragraph (1) Law No. 3 of 2006). Administrative functions, namely administering justice (technical and trial), and general administration (personnel, finance, and general/equipment) (vide: KMA Number KMA/080/VIII/2006). Other Functions: a) Coordinating the implementation of reckoning and rukyat tasks with other relevant agencies, such as MORA, MUI, Islamic organizations and others (vide: Article 52 A Law Number 3 of 2006). b) Legal counseling services, research/research services and so on as well as providing the widest possible access for the public in an era of openness and transparency of judicial information, as long as it is regulated in the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia Number KMA/144/SK/VIII/2007 concerning Information Disclosure in the court.

CONCLUSION

Based on the research above, it can be concluded as follows: Civil law is divided into two basics, namely being material law and formal civil law. Material civil law regulates interests in civil law while formal civil law regulates procedures for maintaining civil law regulations. It was explained that the late Leman had died on May 6 2018 in Medan, then it was explained again that during their marriage period they had obtained joint property which was "shared"

which means that this property was owned by Plaintiff Tan Bie Tju who is the wife of the heir of the late Leman, assets generated during the marriage are as follows; One plot of land with an area of 3,920 m² (three thousand nine hundred and twenty square meters), located on Jalan Teuku Amir Hamzah DSN 2, Cempa Village, Hinai District, Langkat Regency, North Sumatra Province, based on Certificate of Property No. 62, which is registered on behalf of Lema; One kiosk/shop unit at Grand Palladium Mall Block GS-15 No. 07, having its address at Jalan Captain Maulana Lubis, Petisah Tengah Village, Medan Barat District, Medan City; 4,950 (four thousand nine hundred fifty) shares of Limited Liability Company "PT. Asdal Prima Lestari" domiciled in Subussalam Village, Simpang Kiri District, South Aceh District, Aceh Province; 10 (ten) shares of Limited Liability Company "PT. Nusachandra Perkasa" who is domiciled in Puji Mulio Village, Sunggal District, Deli Serdang Regency, North Sumatra Province; 375 (three hundred seventy five) shares of Limited Liability Company "PT. Bangun Nusa Sarana", domiciled in Ujung Menteng Village, Cakung District, East Jakarta City, DKI Jakarta Province.

The distribution of assets to children and wives is carried out by giving inheritance through the intermediary of a will that has been left by an heir. Based on the provisions stipulated in the Civil Code, an adopted child cannot be made an heir unless he gets it with a grant from his parents to the adopted child, the amount of which cannot be greater than the Legitime Portie of the biological child, but there have been regulations governing the degree of the child. Adoption and biological children are the same in Article 12 of Staatsblad No. 129 of 1917 which is no longer used until now. It is the judge's prerogative in this decision to agree to the request of the Plaintiff's attorney for the assets to be divided equally among the plaintiff and his children and adopted children, and the judge agrees to this based on the provisions of the applicable law Article 914. After checking the evidence valid Birth Certificate No. 30/CATPIL/1990 On August 30, 1990 it turned out that Cindy Chandra was the legitimate child of a legal husband and wife on behalf of Leman and Tan Bie Tju.

The Religious Courts have the following functions, among others; The function of adjudicating (judicial power), namely receiving, examining, adjudicating and resolving cases that fall under the authority of the Religious Courts at the first level (vide: Article 49 of Law Number 3 of 2006). The function of coaching, namely providing direction, guidance, and instructions to structural and functional officials under their ranks, both regarding technical judiciary, administration of justice, as well as general administration/equipment, finance, staffing, and development. (vide : Article 53 paragraph (3) Law Number 3 of 2006 jo. KMA Number KMA/080/VIII/2006). The supervisory function, which is to carry out inherent supervision of the implementation of the duties and behavior of Judges, Registrars, Secretaries, Alternate Registrars, and Substitute Bailiffs/Mayors under their ranks so that justice is carried out carefully and fairly (vide: Article 53 paragraphs (1) and (2) Law No. 3 of 2006) and on the implementation of general secretarial administration and development. (vide: KMA Number KMA/080/VIII/2006). The advisory function is to provide consideration and advice on Islamic law to government agencies in their jurisdictions, if requested. (vide: Article 52 paragraph (1) Law No. 3 of 2006). Administrative functions, namely administering justice (technical and trial), and general administration (personnel, finance, and general/equipment) (vide: KMA Number KMA/080/VIII/2006). Other Functions: a) To coordinate the implementation of reckoning and rukyat tasks with other related agencies, such as MORA, MUI, Islamic organizations and others (vide: Article 52 A Law No. 3 of 2006). b) Legal counseling services, research/research services and so on as well as providing the widest possible access for the public in an era of openness and transparency of judicial information, as long as it is regulated in the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia Number KMA/144/SK/VIII/2007 concerning Information Disclosure in the court.

Addendum: Based on the points presented, the following is a conclusion regarding the effectiveness of inheritance law in granting inheritance rights to heirs: Inheritance Law as Settlement of Inheritance Disputes: Inheritance Law is used as a basis for settling inheritance disputes. In this case, article 914 can be used as a reference to determine the amount of inheritance to be distributed to heirs. Cancellation of Invalid Will: A will may be void if it does not meet certain legal requirements. If a will is found to be legally incompetent, the will can be revoked. In this case, the judge will use the provisions of the applicable law to continue the inheritance distribution process. Limitations of Adopted Children as Heirs: Adopted children do not have the right to become heirs automatically. However, adopted children still have the opportunity to receive inheritance through the will-grant mechanism. It is important to note that in calculating a testamentary grant, the amount of inheritance given to adopted children may not exceed the legitimate portion of biological children. Thus, the effectiveness of inheritance law in granting inheritance rights to heirs can be seen from its ability to resolve inheritance disputes, cancel invalid wills, and provide opportunities for adopted children to receive inheritance through wills with certain limitations.

Based on the research conducted by the author, the researcher would like to convey a number of things to serve as suggestions: Adoption should be made into a regulation, so that it has permanent legal force, it must be ratified by the Head of the Local District Court. In order not to cause a mess, it is better if the inheritance is divided equally among the children left behind through the Legitime Portie based on Article 913 of the Civil Code.

A big thank you to Ms. Mia Hadiati, S.H., M.Hum, as a lecturer in Civil Engineering, for her help we were given the opportunity to work on this journal well with good cooperation. By not heeding God's power, we also give thanks for His extraordinary blessings because of His protection and grace we can finish this journal. A big thank you also to the providers of sources that can be accessed at any time, and unlimited book sources and the FH Untar Library because of the quality and the comfortable place we can work together in the work on this journal.

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