

**PEWARISAN TANAH kepada AHLI WARIS PENGGANTI DITINJAU
DARI ASAS KEADILAN (Studi Kasus: Putusan MA No. 1408 K/Pdt/2014
dan No. 87 PK/Pdt/2022)**

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INTISARI

Penelitian ini bertujuan untuk mengetahui dan menganalisis kesesuaian putusan hakim dalam Putusan No. 1408 K/Pdt/2014 dan Putusan No. 87 PK/Pdt/2022 menurut Undang-undang yang berlaku di Indonesia serta mengetahui pembagian warisan kepada ahli waris pengganti dalam putusan *a quo* ditinjau dari asas keadilan.

Jenis penelitian ini adalah yuridis normatif yang bersifat deskriptif dengan didukung data narasumber. Penelitian ini dilakukan melalui penelitian kepustakaan untuk memperoleh data sekunder dan penelitian lapangan melalui wawancara untuk memperoleh data primer.

Hasil penelitian yang pertama menunjukkan bahwa hakim dalam putusan *a quo* telah memutus sesuai dengan isi gugatan yang dimohonkan berdasarkan Undang-undang (UU) tentang kekuasaan kehakiman dan proses pengadilan di Indonesia serta KUHPerdara mengenai pewarisan. Kedua peninjauan terhadap asas keadilan khusus nya keadilan distributif Aristoteles dan konsep keadilan dalam persidangan perdata asas "*Audi et alteram partem*" dan asas "*to each his own*" serta Pasal 852 KUHPerdara Sui Hok selaku ahli waris pengganti sudah diberikan keadilan dan pengadilan sudah menjalankan tugasnya dengan pedoman asas keadilan dalam sistem peradilan perdata.

Kata kunci: Pewarisan tanah, Ahli waris pengganti, Asas keadilan

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**LAND INHERITANCE TO SUBSTITUTE HEIRS REVIEWED FROM
THE PRINCIPLE OF JUSTICE (STUDY CASE: PUTUSAN MA No. 1408
K/PDT/2014 dan No. 87 PK/PDT/2022)**

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ABSTRACT

This study aims to find out and analyze the suitability of the judge's decision in Decision number 1408 K/Pdt/2014 and Decision number 87 PK/Pdt/2022 according to the applicable law in Indonesia and to find out the distribution of inheritance to the successor heirs in a quo decision reviewed from the principle of justice.

This type of research is normative juridical and descriptive with the support of data from sources. This research was carried out through literature research to obtain secondary data and field research through interviews to obtain primary data.

The results of the first study show that the judge in a quo decision has decided by the content of the lawsuit filed under the Law (UU) on judicial power and court proceedings in Indonesia as well as the Civil Code regarding inheritance. Second, a review of the principle of justice, especially Aristotle's distributive justice and the concept of justice in civil trials, the principle of "Audi et Alteram Partem" and the principle of "to each his own" as well as Article 852 of the Civil Code, Sui Hok as a successor heir has been given justice and the court has carried out its duties with the guidelines of the principle of justice in the civil justice system.

Keywords: *Inheritance land, Substitute heirs, Principles of justice*

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