

AKIBAT HUKUM SURAT KETERANGAN AHLI WARIS BAGI WARGA NEGARA INDONESIA PENDUDUK ASLI YANG TIDAK DIKUATKAN OLEH LURAH DAN CAMAT DI KOTA YOGAKARTA.

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INTISARI

Penelitian ini bertujuan: (1) Untuk mengetahui dan mengkaji faktor-faktor yang menyebabkan Lurah dan Camat tidak menguatkan surat keterangan ahli waris Warga Negara Indonesia penduduk asli melainkan hanya sebatas mengetahui dan mendaftarkan. (2) Untuk menganalisis dan mengetahui akibat hukum surat keterangan ahli waris Warga Negara Indonesia penduduk asli yang tidak dikuatkan Lurah dan Camat dalam proses turun waris di Kantor Pertanahan Kota Yogyakarta.

Penelitian ini merupakan penelitian hukum normatif empiris. Penelitian menggunakan data sekunder dan data primer. Cara pengumpulan data sekunder dilakukan dengan metode dokumentasi dan alat pengumpulan datanya dengan studi dokumen. Cara pengumpulan data primer dilakukan dengan wawancara dan alat yang digunakan adalah pedoman wawancara terstruktur. Analisa data dilakukan secara kualitatif.

Berdasarkan hasil penelitian dan pembahasan dapat disimpulkan bahwa 1) Terdapat tiga faktor Lurah dan Camat tidak menguatkan melainkan hanya mengetahui surat keterangan ahli waris Warga Negara Indonesia penduduk asli. Faktor pertama adalah faktor wewenang Lurah dan Camat hanya sebatas mengesahkan kependudukan warganya dan mencocokkan surat keterangan ahli waris dengan dokumen-dokumen yang dilampirkan. Lurah dan Camat tidak mengetahui riwayat dan silsilah keluarga pewaris. Faktor kedua adalah faktor beratnya akibat hukum bagi Lurah dan Camat apabila menguatkan surat keterangan ahli waris yaitu Lurah dan Camat harus ikut bertanggungjawab dalam hal terkait substansi surat keterangan ahli waris apabila ada sengketa di kemudian hari. Faktor ketiga adalah faktor belum adanya pengaturan yang jelas mengenai surat keterangan ahli waris yang harus dikuatkan oleh Lurah dan Camat dan akibat hukum surat keterangan ahli waris tidak dikuatkan oleh Lurah dan Camat. 2) Akibat hukum surat keterangan ahli waris yang hanya diketahui oleh Lurah dan Camat yaitu berubahnya kewajiban Lurah dan Camat yang awalnya berkewajiban mengecek kebenaran materil surat keterangan ahli waris dan bertanggung jawab dari segi substansi menjadi tidak ikut bertanggungjawab dari segi substansi surat keterangan ahli waris karena Lurah dan Camat hanya berkewajiban memeriksa kependudukannya saja dan data formil dari surat keterangan ahli waris tersebut.

Kata Kunci: Akibat Hukum, Surat Keterangan Ahli Waris, Warga Negara Indonesia Penduduk Asli, Lurah dan Camat.

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**THE LEGAL IMPLICATION OF LEGAL HEIRSHIP CERTIFICATE
FOR THE INDIGENOUS INHABITANT WHICH IS NOT CERTIFIED
BY URBAN VILLAGE HEAD AND SUBDISTRICT HEAD
IN YOGYAKARTA CITY**

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ABSTRACT

The aims of this research are: 1) to know and analyze several factors that cause Urban Village Head and Subdistrict Head do not certify, but only acknowledge and register legal heirship certificate for the indigenous inhabitant; 2). To analyze and know the legal implication of legal heirship certificate for indigenous inhabitant which is not certified by Urban Village Head and Subdistrict Head in the transfer of title of inherited land in Yogyakarta Land Registry Office.

This research is both a normative and empirical legal research. This research uses primary and secondary data. The method in collecting secondary data is document analysis, whereas the tool used is document study. The method in collecting primary data is interview and the tool used is structured interview guidelines. The analysis of data is done qualitatively.

Based on the research results and discussions, it can be concluded that 1) there are three factors that cause Urban Village Head and Subdistrict Head do not certify, but only acknowledge legal heirship certificate for the indigenous inhabitant. The first factor is that the authority of Urban Village Head and Subdistrict Head is only limited in confirming the administrative matters of its inhabitants and the conformance of legal heirship certificate with supporting documents. Urban Village Head and Subdistrict Head do not certify the material validity of the certificate as they do not have adequate knowledge of its inhabitants' family relationships. The second factor is that there are serious legal implication for Urban Village Head and Subdistrict Head who certify the material validity of the certificate which is disputed in the court. The third factor is that there is no definite and further regulation on the certification of legal heirship certificate by Urban Village Head and Subdistrict Head, and the legal implication if the certificate is not certified by Urban Village Head and Subdistrict Head. 2) Legal implication of legal heirship certificate for the indigenous inhabitant which is only acknowledged by the urban village head and subdistrict head is that they no longer perform their duty and be responsible in verifying the material validity of the certificate. Nowadays they are no longer responsible to the material validity of the certificate as their duty is only limited to confirm its inhabitant's administrative matters and the formal validity of the certificate.

Keywords: Legal Implications, Legal Heirship Certificate, Urban Village Head and Subdistrict Head

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