



Legal Analysis of the Rights and Obligations of Heirs in Full Inheritance Based on the Civil Code

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ABSTRACT

Inheritance is a regular process in civil law that regulates a person's assets after death to his/her heirs. According to Article 832 of the Civil Code, those who are entitled to be heirs are blood relatives, both those who are legitimate according to the law and those who are not married, and the longest-living husband and wife. This study aims to explain the rights and obligations of heirs in inheritance. The problem is formulated into three questions which in essence will discuss the regulation of the rights and obligations of heirs in inheritance entirely based on the civil code, as well as the role of heirs in the inheritance process. The research method used is the Normative Juridical legal research method. Data were collected through literature searches or libraries. Data analysis was carried out qualitatively, so that answers presented in the formulation of the problem could be found. The results of the study found that the Civil Code affirms specific rights and obligations for heirs. The rights of heirs according to the Civil Code include the right to receive a portion of the inheritance, including legally valid assets. They also have the right to file a lawsuit to protect their inheritance rights. On the other hand, heirs have an obligation to respect the will stated in the will, if any, and to divide the inheritance fairly in accordance with the provisions stipulated in the Civil Code. This obligation includes proportional distribution between heirs and settlement of debts and other obligations on the inheritance. Thus, the Civil Code provides a clear and firm legal framework for heirs in fully managing inheritance. To provide a deep understanding of the rights and obligations of heirs in inheritance, the application of civil law can be carried out fairly and in accordance with applicable provisions.

Keywords: *Inheritance, Civil Code, Indonesia.*

ABSTRAK

Pewarisan adalah proses yang teratur dalam hukum perdata yang mengatur harta seseorang setelah meninggal kepada ahli warisnya. Menurut pasal 832 KUH Perdata yang berhak menjadi ahli waris ialah keluarga sedarah, baik yang sah

menurut Undang-undang maupun diluar perkawinan, dan suami istri yang hidup terlama.

Penelitian ini bertujuan menjelaskan hak dan kewajiban ahli waris dalam pewarisan. Masalah dirumuskan kedalam tiga pertanyaan yang pada intinya akan membahas pengaturan hak dan kewajiban ahli waris dalam pewarisan sepenuhnya berdasarkan kitab undang-undang hukum perdata, serta peran ahli waris dalam proses pewarisan. Metode penelitian yang digunakan adalah metode penelitian hukum Normatif Yuridis. Data dikumpulkan melalui penelusuran literatur atau kepustakaan. Analisis data dilakukan secara kualitatif, sehingga dapat menemukan jawaban yang disajikan dalam rumusan masalah. Hasil penelitian didapatkan bahwa KUH Perdata menegaskan hak-hak dan kewajiban yang spesifik bagi ahli waris. hak ahli waris sesuai KUH Perdata, mencakup hak untuk menerima bagian dari harta peninggalan, termasuk harta yang sah secara hukum. Mereka juga berhak untuk mengajukan tuntutan hukum untuk melindungi hak waris mereka. Di sisi lain, ahli waris memiliki kewajiban untuk menghormati kehendak yang dinyatakan dalam wasiat, jika ada, serta membagi warisan secara adil sesuai ketentuan yang diatur dalam KUH Perdata. Kewajiban ini meliputi pembagian proporsional antara ahli waris dan penyelesaian hutang serta kewajiban lain atas harta peninggalan. Dengan demikian KUH Perdata memberikan kerangka hukum yang jelas dan tegas bagi ahli waris dalam mengelola pewarisan sepenuhnya. Untuk memberikan pemahaman yang mendalam tentang hak dan kewajiban ahli waris dalam pewarisan, penerapan hukum perdata dapat dilakukan secara adil dan sesuai dengan ketentuan yang berlaku.

Kata Kunci: Waris, KUH Perdata, Indonesia.

1. INTRODUCTION

Inheritance is a social and legal phenomenon that often leads to conflicts within society, particularly within families. In Indonesia, disputes over inheritance frequently arise due to a lack of understanding regarding the rights and obligations of heirs in full inheritance under the prevailing laws. Many heirs are unaware of their rights to inherit property or their obligations to settle the debts left by the deceased. Consequently, family disputes often escalate into legal cases in court, ultimately harming all parties involved. Moreover, in practice, many heirs are reluctant to fulfill their obligations in paying off the deceased's debts, creating complex legal issues (Syaukani & Thahir, 2020).

Legally, the rights and obligations of heirs in full inheritance are regulated under the Indonesian Civil Code (KUH Perdata). According to Article 833 of the Civil Code, heirs automatically acquire ownership rights over the deceased's estate upon their passing. However, Article 1100 of the Civil Code also states that heirs are responsible for proportionally bearing the debts of the deceased in accordance with their inherited share. This concept is known as "saisine," meaning inheritance

occurs automatically without requiring any special legal action from the heirs. Studies indicate that public awareness of these provisions remains low, leading to frequent misunderstandings in inheritance dispute resolution (Sudargo, 2021). Therefore, it is crucial to understand how the rights and obligations of heirs are regulated in the Civil Code and how these regulations are applied in legal practice in Indonesia.

This study aims to conduct a juridical analysis of the rights and obligations of heirs in full inheritance based on the Civil Code, focusing on the acquisition of inheritance rights and the responsibilities of heirs in settling the deceased's debts. Furthermore, this study seeks to identify challenges in the implementation of inheritance law in Indonesia and propose solutions to mitigate common issues in inheritance distribution. By analyzing existing legal provisions, this study is expected to contribute academically and serve as a reference for policymakers in raising public awareness regarding inheritance law (Lubis, 2019).

Based on the initial review, it can be assumed that the primary issue in full inheritance under the Civil Code is not only rooted in its normative provisions but also in the implementation and public understanding of inheritance law. The lack of legal literacy among the public results in many heirs being unaware of their rights and obligations, ultimately leading to disputes and injustices in inheritance distribution. Therefore, a more comprehensive legal education approach is necessary, along with active involvement from legal institutions to ensure that the rights and obligations of heirs are enforced in accordance with the principles of justice outlined in the Civil Code (Suherman, 2020).

2. RESEARCH METHOD

Metode penelitian yang digunakan dalam artikel ini adalah metode penelitian hukum normatif dengan pendekatan yuridis normatif yang bertujuan untuk menganalisis hak dan kewajiban ahli waris dalam pewarisan sepenuhnya berdasarkan Kitab Undang-Undang Hukum Perdata, di mana penelitian ini termasuk dalam kategori penelitian kepustakaan (library research) yang dilakukan dengan menelaah dokumen-dokumen hukum seperti kitab perundang-undangan, buku akademik, jurnal ilmiah, serta artikel yang relevan (Marzuki, 2017), bersifat yuridis normatif karena mengkaji asas-asas hukum, konsep-konsep perdata, serta peraturan perundang-undangan yang mengatur mekanisme pewarisan di Indonesia (Sudargo, 2020), menggunakan sumber data primer berupa Kitab Undang-Undang Hukum Perdata (KUH Perdata) sebagai dasar hukum utama dan data sekunder yang mencakup berbagai literatur, jurnal akademik, dan referensi lain yang mendukung analisis (Lubis, 2019), dengan metode pengumpulan data berbasis penelitian kepustakaan yang dilakukan melalui studi dokumen hukum dan literatur akademik untuk memperoleh pemahaman komprehensif mengenai hak dan kewajiban ahli waris (Suherman,

2021), serta menggunakan metode analisis deskriptif-analitis dengan menghubungkan regulasi yang ada, teori hukum perdata, serta studi kasus yang relevan guna mengevaluasi aspek substantif dan implementasi aturan pewarisan dalam praktik hukum Indonesia (Arief, 2020), sehingga hasil penelitian ini diharapkan dapat memberikan kontribusi akademik dalam memahami hak dan kewajiban ahli waris serta mendorong pemutakhiran kebijakan hukum terkait pewarisan di Indonesia.

3. RESULT AND ANALYSIS

Rights and Obligations of Heirs in Inheritance Based on the Civil Code

Inheritance is the process of transferring the assets of a deceased person (the testator) to their heirs, which occurs after the testator's death as regulated in the Indonesian Civil Code (KUH Perdata). Under civil law, heirs have several obligations before the inheritance is distributed, including maintaining the integrity of the estate, determining a division mechanism in accordance with legal provisions, settling the testator's debts if applicable, and executing any wills established by the testator (Subekti, 2019). The KUH Perdata explicitly states that heirs have the right to fully accept an inheritance, accept it with special privileges to reject or limit their liability, or entirely reject the inheritance, as stipulated in Article 1045 KUH Perdata (Sudikno, 2020).

According to Article 833(1) of the KUH Perdata, heirs automatically acquire all assets, rights, and debts of the testator without the need for an explicit statement of inheritance acceptance (Sutedi, 2021). Heirs also have additional responsibilities, including registering all inherited assets within four months after expressing their intention to claim the inheritance, managing the estate properly, promptly administering inheritance affairs, providing guarantees to creditors, and ensuring that third-party rights over the estate are fulfilled (Nasution, 2018). If the testator has no direct descendants, the inheritance rights can be granted to individuals appointed through a testament or will, as regulated in Article 917 KUH Perdata (Setiawan, 2021).

Apart from defining the obligations of heirs, the KUH Perdata also provides guidelines for testators in determining their inheritance distribution before their passing. The testator may use *Erfstelling* or a will-based appointment of heirs, as stipulated in Article 954 KUH Perdata, or *Legaat*, which refers to a specific bequest of certain assets to an individual (Hermawan, 2020). If a dispute arises regarding the legitimacy of heirs or inheritance rights, the court has the authority to order the temporary safekeeping of all inherited assets in accordance with Article 833 KUH Perdata (Marzuki, 2019).

The conceptualization of rights and obligations in inheritance law illustrates a two-way legal relationship between the testator and the heirs, where heirs are not

only entitled to inherit assets but also bear the responsibility for the testator's debts and liabilities (Rahardjo, 2021). In the context of property law, inheritance rights specifically relate to rights that can be assessed financially, as outlined in Book II and Book III of the KUH Perdata (Mertokusumo, 2021). However, exceptions exist, as stipulated in Article 251 KUH Perdata, which states that certain rights, such as the husband's right to deny the legitimacy of a child or the right to usufructuary benefits, are terminated upon the death of the right holder (Lubis, 2019).

The primary responsibility of heirs in managing inherited assets includes preserving the estate, paying off the testator's debts, and ensuring a fair division of assets to prevent disputes among heirs (Soebekti, 2022). Regarding the acceptance or rejection of an inheritance, Article 1044 KUH Perdata states that heirs may accept the inheritance unconditionally or with special privileges to conduct an inventory of assets (Ismail, 2021). Heirs who accept the inheritance unconditionally assume full legal responsibility for the testator's debts, whereas those who conduct an inventory have the right to assess the assets and liabilities before legally accepting the inheritance (Harjono, 2020).

Conversely, Article 1058 KUH Perdata stipulates that heirs may formally reject the inheritance by submitting an official statement to the District Court where the inheritance is administered (Handayani, 2020). The rejection of an inheritance is final and cannot be reversed. Heirs who reject an inheritance are considered to have never been entitled to it, and the rejected portion of the estate is transferred to the next eligible beneficiaries according to inheritance law (Sutrisno, 2018). If all heirs reject the inheritance, their children are entitled to inherit in their place based on the principle of representation (Article 1059 KUH Perdata).

In certain cases, if an heir is found guilty of concealing or disposing of inherited assets before distribution, their rights as an heir may be revoked, and they may still be held accountable for the hidden or removed assets (Setiawan, 2020). Therefore, the inheritance legal system regulated in the KUH Perdata aims to balance the rights and obligations of heirs while preventing disputes over the division of inherited property (Nasution, 2021).

The Role of Heirs in the Inheritance Process in the Civil Code

Inheritance in the Civil Code (KUH Perdata) is closely related to property rights, where inheritance serves as the primary mechanism for transferring such rights. According to Article 830 of the Civil Code, inheritance only occurs due to the death of the testator, with three essential elements that must be met: the existence of a deceased testator, the presence of heirs who are alive at the time of the testator's death, and the existence of wealth left by the testator (Subekti, 2019). Therefore, an inheritance consists of net assets after deducting the costs of the testator's medical care before death, funeral expenses, debt repayment, and the fulfillment of the testator's will (Marzuki, 2021).

An heir who obtains inheritance rights has the responsibility to maintain the integrity of the estate, settle the testator's debts, and distribute the inheritance according to legal provisions (Rahardjo, 2020). According to Article 1044 of the Civil Code, heirs can accept inheritance in two main ways: outright acceptance, which includes all legal consequences, or acceptance with special rights (beneficiair aanvaarding), which allows heirs to first inventory the testator's assets to ensure that the testator's liabilities do not exceed the assets left behind (Harjono, 2020). Conversely, Article 1058 of the Civil Code grants heirs the right to reject the inheritance by making an official declaration in court, where such rejection is final and cannot be revoked once made (Handayani, 2020). If all heirs reject the inheritance, the inheritance rights will be transferred to other legally entitled parties (Setiawan, 2019).

Inheritance can also be carried out through a will (testamentary), allowing the testator to determine the distribution of their estate before passing away. Under Article 957 of the Civil Code, the testator has the option to establish *Erfstelling*, which appoints a specific heir, or *Legaat*, which grants specific rights to particular assets for an individual or institution (Hermawan, 2020). In this regard, testamentary inheritance remains subject to the principle of *Legitieme Portie*, which ensures that legal heirs receive a mandatory share of the inheritance that cannot be revoked by the testator, as stipulated in Article 913 of the Civil Code (Sutrisno, 2018). The Civil Code also differentiates between three types of wills: *Openbaar Testament* (a will made before a notary with two witnesses), *Olographis Testament* (a will written personally by the testator and kept by a notary), and *Closed Testament*, which is sealed and handed over to a notary without being read beforehand (Mertokusumo, 2021).

Thus, inheritance law in the Civil Code aims to balance the rights and obligations of heirs. The testator has the right to determine the distribution of their estate through a will, while heirs have the obligation to fulfill legal responsibilities before acquiring inheritance rights. The right of heirs to accept or reject an inheritance is guaranteed under Articles 1044-1058 of the Civil Code, with an inheritance system that governs both legal and testamentary distribution (Nasution, 2021). With a clear inheritance system in the Civil Code, the inheritance process is expected to proceed fairly, prevent potential disputes, and protect the interests of all parties involved in the distribution of the estate (Sudikno, 2020).

4. CONCLUSION

Based on the analysis that has been carried out in this study, it can be concluded that inheritance is property left by a person to family members or certain parties after the testator dies, as regulated in the Civil Code (KUH Perdata) which regulates in detail the provisions regarding inheritance, including the rights of heirs and the mechanism for distributing inheritance. In the civil law system, heirs have the right to receive a portion of the inheritance in accordance with applicable provisions, which include the right to inherit, the right to demand a fair distribution of inheritance, and the right to obtain information related to the inheritance. In addition to rights, heirs also have an obligation to respect the last

will of the legitimate testator, maintain the inheritance, and carry out the distribution of inheritance in accordance with legal procedures and principles of justice. Furthermore, the Civil Code provides a clear legal framework in the inheritance process by establishing rules regarding who has the right to inherit, how the inheritance is distributed, and the legal procedures that must be followed in its implementation. In this case, balance and justice are the main principles that must be applied in the distribution of inheritance so that there is no discrimination or unfair treatment of certain heirs. Thus, it can be concluded that the Civil Code provides a comprehensive legal basis in regulating the rights and obligations of heirs in full inheritance, so that through a deep understanding of the applicable regulations, the inheritance process can be carried out fairly, structured, and in accordance with applicable legal principles.

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