

ABSTRAK

TANGGUNG JAWAB AHLI WARIS TERHADAP UTANG PEWARIS MENURUT HUKUM WARIS PERDATA DAN HUKUM WARIS ISLAM

Oleh

CHAVIA ZAGITA PUTRI SULISTYO

Utang pewaris yang belum dilunasi sering kali menjadi persoalan yang rumit bagi ahli waris, baik dalam sistem Hukum Waris Perdata maupun dalam Hukum Waris Islam. Masalah ini muncul ketika terdapat perbedaan pandangan mengenai sejauh mana ahli waris bertanggung jawab terhadap kewajiban pewaris yang belum diselesaikan. Penelitian ini bertujuan untuk mengkaji tanggung jawab ahli waris terhadap utang pewaris melalui Hukum Waris Perdata dan Hukum Waris Islam.

Jenis penelitian yang digunakan dalam penulisan skripsi ini metode normatif. Tipe penelitian yang digunakan yaitu tipe penelitian deskriptif, melalui pendekatan perundang-undangan dan peraturan lainnya dengan menggunakan sumber data sekunder dengan bahan hukum primer, sekunder, dan tersier. Metode pengumpulan data dilakukan melalui studi pustaka dan studi dokumen. Setelah data terkumpul, diolah dengan metode pengolahan data secara kualitatif.

Hasil penelitian dan pembahasan tersebut menjelaskan bahwa dalam Hukum Waris Perdata, ahli waris hanya bertanggung jawab terhadap utang pewaris sebatas harta warisan yang diterima dan ahli waris tidak dapat dimintakan pertanggungjawaban jika melebihi harta warisan. Dalam Hukum Waris Islam, ahli waris tidak diharuskan untuk melunasi utang namun hal tersebut dilakukan atas dasar moral saja. Penelitian ini akan memfokuskan pada Hukum Waris Perdata, tetapi akan membahas singkat dalam perspektif Hukum Waris Islam. Penelitian ini memberikan gambaran mengenai prinsip-prinsip hukum yang berlaku dan implikasinya dalam praktik waris di Indonesia.

Kata Kunci: Utang Pewaris, Hukum Waris Perdata, Hukum Waris Islam.

ABSTRACT

THE RESPONSIBILITY OF HEIRS FOR THE DEBTS OF THE DECEASED ACCORDING TO CIVIL INHERITANCE LAW AND ISLAMIC INHERITANCE LAW

By

CHAVIA ZAGITA PUTRI SULISTYO

Unpaid debts of the deceased often become a complicated issue for the heirs, both in the civil inheritance law system and in Islamic inheritance law. This problem arises when there are different views regarding the extent to which the heirs are responsible for the testator's unsettled obligations. This research aims to examine the responsibility of heirs for the debts of the testator through civil inheritance law and Islamic inheritance law.

The type of research used in writing this thesis is the normative method. The type of research used is descriptive research, through statutory approaches and other regulations using secondary data sources with primary, secondary, and tertiary legal materials. The data collection method is done through literature study and document study. After the data is collected, it is processed with qualitative data processing methods.

The results of the research and discussion explain that in civil inheritance law, the heirs are only responsible for the testator's debt to the extent of the inheritance received and the heirs cannot be held liable if it exceeds the inheritance. In Islamic inheritance law, heirs are not required to pay off debts but it is done on a moral basis only. This research will focus on civil inheritance law, but will briefly discuss it from the perspective of Islamic inheritance law. This research provides an overview of the applicable legal principles and their implications in inheritance practices in Indonesia.

Keywords: Debts of Deceased, Civil Inheritance Law, Islamic Inheritance Law.