

Received : November 06, 2021
Accepted : November 13, 2021
Published : February 08, 2022

Conference on Community Engagement Project
<https://journal.uib.ac.id/index.php/concept>

IMPLEMENTATION OF THE INTEGRITY RIGHTS OF UNDERAGE CHILDREN BASED ON THE DETERMINATION OF THE STATE COURT CASE STUDY AT THE NOTARY OFFICE OF FAJRI ALBASTRA, S.H., M.KN

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Abstract

This study was conducted to analyze the determination of the Batam District Court Number 245/Pdt.P/2021/PN.BTM regarding the guardianship of minors in buying and selling houses carried out by the heirs. The problem used in writing this article is about the implementation and accountability of guardianship in buying and selling houses due to inheritance, the judge's basic considerations in determining the guardianship of minors in the process of buying and selling houses because it is to finance the life and education of the applicant's child. The research method used by the author in this study is an empirical juridical approach, this juridical approach is carried out to examine various laws and regulations related to the determination of child guardianship on the responsibility of parents in buying and selling houses due to inheritance. An empirical approach is carried out to see the implementation of parents representing minors for legal actions inside and outside the court.

Keywords: Minors, Inheritance, Buying and Selling House

Introduction

Inheritance is all property owned by the heir to his family who is still alive the longest. While the heirs are people who are entitled to the inheritance owned by the testator, in the provisions of the law it is stated that the heir is a will, while the heirs indicated by a will are called tertamentair. In this case study, minors or minors have part of the inheritance left by their deceased parents, but because they are not old enough, guardianship of the assets inherited by their parents or their heirs is required. The assets owned will be traded by the heirs, while in this case minors do not participate in signing the deed of sale and purchase, and are not old enough to be able to carry out buying and selling transactions so that PPAT provides requirements by requesting a Court Decision to make parents who live the longest is the guardian of a minor. Becoming a guardian is not easy and easy to do, but it must be based on the determination of the judge, both the District Court and the Religious Court, but in the case study here using the District Court Decision where the Indonesian Muslim community must request a decision from the Religious Court. Inheritance in Islam has been regulated in the Qur'an and Hadith, the Compilation of Islamic Law or commonly known as KHI, and is regulated in the Civil Code. The requirements for conducting buying and selling transactions by PPAT are the existence of documents in the form of the identity of each heir and the existence of a Court Decision as guardian of minors. The request stage carried out by PPAT is the

issuance stage of the Sale and Purchase Deed by PPAT where after all the requirements have been collected it will be signed by each party and registered with a government agency, a deed of name transfer will be made. issued to the buyer. The purpose of the implementation process is the requirement for the issuance of the Sale and Purchase Deed and Transfer Certificate Renewal to the party making the purchase.

Problem

How is the responsibility of the guardian towards the management of the property of a minor according to the Civil Code.

Method

In carrying out buying and selling transactions, certain processes are needed such as collecting the necessary documents such as the identity of each seller or buyer. Then will be checked against the files that have been requested by PPAT. After all documents are checked, input will be made to certain agencies such as data validation to BP Batam, BPN or the National Land Agency, and Taxes. After all is done, a certificate of transfer of rights to the house will be issued by the National Land Agency or the National Land Agency.

Discussion

Based on article 111 paragraph 1c number 4 of the Regulation of the Minister of Agrarian Affairs Number 3 of 1997 concerning the Implementation of Government Regulation no. 24 of 1997 concerning PMNA Land Registration Number 3 of 1997 describes proof of inheritance rights in the form of a Judge's Determination or Court Determination, an heir's will, and a Court Decision. Muslims will receive a handwritten letter in front of the village head which is witnessed and confirmed and confirmed by the local camat. The letter was made aiming to find out who is included in the heirs who have the right to inherit, and we can find out whether the heirs are adults (can take legal action themselves) or not. If someone who is an adult or legally married is called legally competent. And for heirs who have not been able to carry out legal actions, special permission is needed from the authorized official. For the purpose of buying and selling houses inherited from parents. Mandatory to apply for guardianship/appointment of guardians and application for permission to sell goods belonging to minors from the local district court. guardian after legally summoning blood relatives, this has been arranged in article 359 of the Civil Code. The obligation of a guardian to take an oath as soon as possible after his guardianship is carried out is contained in Article 362 of the Criminal Code. The following is the procedure for inputting data behind the name of the sale and purchase of a house: Login



1. Then click create a new deed



2. Click on the application letter



3. Choose a right transfer service



4. Enter personal data



5. Enter the application letter



6. Input the file for the tax deposit / PPH



7. Enter Land and Building Tax



8. Input the Sale and Purchase Deed file



9. Input the land rights certificate file



10. Enter the guardianship file



11. Enter the agreement file to BPN



Conclusion

After entering the data, we can see that the buying and selling process requires procedural stages of buying and selling registration which must be done first.

Bibliography

Laws and regulations

Minister of Agrarian Regulation Number 3 of 1997 concerning the Implementation of Government Regulation Number 24 of 1997 concerning PMNA Land Registration Number 3 of 1997

Civil Code

Notary Public

Image

