

**LEGAL ANALYSIS OF THE SUPREME COURT DECISION NO. 1984 K/PDT/2024  
ON THE DISPUTE OF INHERITANCE ASSET DIVISION**

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**ABSTRACT;**

*Inheritance disputes in Indonesia often arise when the division of inheritance is not clearly regulated, resulting in conflicts between heirs. Supreme Court Decision No. 1984 K/Pdt/2024 is the focal point of this study, because it reflects the application of the principles of justice and equality in the division of inheritance. In this case, the heirs of the late Sutikno Adiwijaya experienced disagreements regarding the division of assets including land, buildings, and savings accounts. The Supreme Court ruled that all heirs were entitled to the same share, namely 1/6 of the total estate. When physical division was not possible, the Supreme Court determined the sale or auction of assets as a solution, in accordance with the provisions in the Civil Code. In addition, this decision also emphasizes the importance of the implementation of security seizure to protect the rights of the heirs during the legal process. This study aims to analyze the application of the principles of inheritance law in the decision and examine the mechanism for the division of inheritance that cannot be physically divided, as well as the solutions provided by the Supreme Court in this context. Hopefully, this study can serve as a guide for the public and law students in dealing with similar inheritance disputes.*

**Keywords:** Auction, inheritance disputes, inheritance law, justice, supreme court decision

**INTRODUCTION**

One of the common issues in Indonesian society is inheritance disputes, especially when the distribution of assets after someone's death is not clearly regulated beforehand. Such disputes often lead to prolonged conflicts within families and can damage relationships between family members. Civil law regulates inheritance in detail, including who is entitled to receive it and how the assets should be divided. However, when there is no agreement among the heirs, inheritance disputes usually must be resolved through the courts.

When someone passes away and their estate has not been divided among the heirs, it is referred to as an inheritance. Inheritance law in Indonesia is governed by the Civil Code, which applies to countries subject to Western civil law. Under this regulation, each heir has an equal right to receive a portion of the property left behind. However, in cases such as the Supreme Court Decision No. 1984 K/Pdt/2024, disputes often end up in court.

In this case, the heirs of Sutikno Adiwijaya were involved in a dispute over the division of the inheritance. The contested assets included land, structures, and bank accounts owned by the deceased. There was disagreement among the heirs regarding the division of the estate. In this case, the plaintiffs felt their rights to the inheritance were not fulfilled, and they filed a lawsuit at the Lumajang District Court.

The Lumajang District Court rejected the plaintiffs' lawsuit at the first level on the grounds that it was deemed premature and did not meet other formal requirements. The Surabaya High Court subsequently upheld this decision. However, the plaintiffs were dissatisfied with the ruling and continued their legal efforts to the Supreme Court through cassation. In their cassation petition, they requested the Supreme Court to annul the previous court decisions and grant their claims regarding the division of the inheritance.

In its ruling, the Supreme Court ultimately granted the plaintiffs' cassation petition and annulled the decisions of both the District Court and the High Court. The Supreme Court ruled that both the defendant and the plaintiffs were entitled to equal shares of Sutikno Adiwijaya's estate. According to the ruling, each heir is entitled to 1/6 of the total inherited assets. The Supreme Court also stipulated that if the assets could not be divided physically, a sale or auction should be conducted, and the proceeds from the auction would be divided according to each heir's share.

This Supreme Court decision is interesting to study because it demonstrates how Indonesian law applies justice in the distribution of inheritance. Additionally, this ruling shows the methods used by the Supreme Court to resolve cases where the inherited assets cannot be divided physically. The Supreme Court also took steps to protect the rights of the heirs, including implementing a seizure to ensure the inherited assets are not taken or controlled before being divided.

When there is no clear will from the deceased, as in this case, issues related to inheritance distribution often arise. Frequently, the ambiguity about who is entitled to the inherited assets leads to disputes that can result in lengthy legal processes. Through Decision No. 1984 K/Pdt/2024, the Supreme Court provided legal certainty regarding the status of heirs and their rights to the estate of the deceased.

This case also highlights the importance of resolving inheritance disputes through the courts when family negotiations fail. The rights of the heirs can be fulfilled following the final and binding decision of the Supreme Court. One legal way to protect heirs is to ensure the inheritance is distributed fairly and equitably according to legal provisions.

This ruling also illustrates the role of the judiciary in upholding justice and resolving issues in the distribution of inherited assets under Indonesian inheritance law. Therefore, analyzing this Supreme Court decision is crucial for law students and serves as a guide for the public facing similar issues.

## **Problem**

1. How does the Supreme Court apply the principles of inheritance law in fairly distributing inherited assets to the heirs in Decision No. 1984 K/Pdt/2024?

2. How does the Supreme Court handle the distribution of inherited assets that cannot be physically divided (*in natura*), and what is the implementation of auction or sale of assets as an alternative in this ruling?

## **RESEARCH METHODS**

This research uses a qualitative approach with case study analysis on Supreme Court Decision No. 1984 K/Pdt/2024. Data was collected through document study, which analyzed the text of the decision, relevant legal regulations, and relevant literature on inheritance law in Indonesia. The analysis process was conducted by identifying and categorizing the principles of inheritance law applied by the Supreme Court in the decision, as well as the dispute resolution mechanism adopted. In addition, interviews with legal practitioners, such as lawyers and academics, were also conducted to gain a more in-depth perspective on the legal implications of this decision. This research aims to reveal how the Supreme Court applies the principles of justice and equality in the division of inheritance, as well as assess the effectiveness of alternative dispute resolution such as auctions in the context of inheritance law in Indonesia. Thus, it is hoped that the results of this research can contribute to a better understanding and practice of inheritance law in the community.

## **DISCUSSION**

### **The Application of the Supreme Court's Principles of Inheritance Law in the Fair Distribution of Inheritance to Heirs in Decision No. 1984 K/Pdt/2024.**

The principles of inheritance law outlined in the Civil Code (KUHPerdata) are applied by the Supreme Court in Decision No. 1984 K/Pdt/2024. These principles generally apply to non-Muslims living in Indonesia. Article 832 of the Civil Code, one of the key articles considered in this case, states that individuals who have a blood relationship with the deceased are entitled to a share of the estate after their passing. The Supreme Court refers to the principle that inherited assets should be equally divided among all legitimate heirs.

#### **1. Designation of Legitimate Heirs**

The designation of heirs is a legal decision issued by the court based on the heirs' application, especially when there is no dispute, to determine who is entitled to receive the inheritance from a deceased family member. In the Supreme Court's decision, both the plaintiffs and the defendants are recognized as legitimate heirs of the late Sutikno Adiwijaya. This is based on evidence demonstrating their familial relationship with the deceased and the absence of legal prohibitions preventing them from being heirs. According to Article 832 of the Civil Code, only those who have a direct blood relationship are entitled to the inheritance, unless there is a will stating otherwise.

#### **2. Fair Distribution of Inherited Assets**

Fair distribution of inherited assets according to the law is a crucial aspect of the inheritance process. Harmony and peace within the family should be prioritized, with deliberation as a fundamental value to avoid disputes. Families are expected to divide inherited assets without selfishness. The Supreme Court applies the principle of justice in the distribution of inheritance, ruling that all heirs, both plaintiffs and defendants, receive

equal shares, specifically 1/6 of the total estate. This distribution aligns with Article 852 of the Civil Code, which states that children or legitimate descendants of the deceased are entitled to an equal share of the inheritance.

### 3. Distribution of Physical Assets and Auction Alternatives

The distribution of inherited assets is typically carried out in natura (physical items) and innatura (monetary value). Distribution in natura involves giving physical assets, such as a house or land, according to each heir's share. Meanwhile, distribution innatura is executed by selling the inherited assets through auction and dividing the proceeds according to the specified shares. If physical distribution is not feasible, the Supreme Court recommends the sale or auction of inherited assets, with the proceeds divided according to the established proportions. This aligns with Article 1066 of the Civil Code, which stipulates that if property cannot be divided without diminishing its value, it must be sold and the proceeds distributed among the heirs. In this case, if the land or buildings cannot be fairly divided, they should be sold, and the proceeds divided according to the 1/6 share.

### 4. Precautionary Seizure to Protect Heirs' Rights

A precautionary seizure is an action taken by the court at the plaintiff's request to secure the disputed property. This seizure must be based on reasons outlined in the lawsuit. This request aims to ensure the enforcement of future decisions regarding the defendant's property during the proceedings, preventing the seized items from being transferred. The Supreme Court also implemented precautionary seizure on the inherited assets of the late Sutikno Adiwijaya in accordance with Article 227 of the Civil Procedure Code. This action ensures that the inherited assets are not transferred during the legal process to protect the rights of the heirs. Precautionary seizure is a preventive measure to ensure no party takes advantage of the inherited assets before an official distribution occurs.

### 5. Principle of Justice and Equality

The Supreme Court upholds the principle of justice by granting equal rights to each heir. This fair distribution applies to both physically divisible assets and those that must be sold. The Supreme Court ensures that all heirs receive their rights fairly, regardless of their position in the dispute. This principle is consistent with the Supreme Court's jurisprudence, where each heir has equal rights unless there is a will or other provisions limiting inheritance rights. This decision underscores the importance of adhering to legal provisions in the distribution of inheritance, and attempts to obstruct inheritance rights will be rejected by the court.

Overall, in Decision No. 1984 K/Pdt/2024, the Supreme Court consistently and fairly applies the principles of inheritance law in accordance with the Civil Code. The assets are divided equally, and if physical distribution is not possible, an auction is held. The Court also protects the rights of heirs through precautionary seizure to prevent the transfer of assets before a final decision is made. This ruling reflects the Supreme Court's efforts to uphold justice in the distribution of inheritance in accordance with the applicable laws in Indonesia.

**The Supreme Court Handles the Distribution of Inheritance That Cannot Be Physically Divided (Natura) and the Implementation of Auction or Sale of Assets as Alternatives in This Decision.**

In Supreme Court Decision No. 1984 K/Pdt/2024, the Court addressed the issue of distributing inherited assets that cannot be physically divided by offering solutions in the form of selling or auctioning the inherited assets. This approach is in accordance with the provisions of the Civil Code (KUHPerdata), particularly Article 1066, which states that if physical division of inherited assets is not possible without diminishing their value, the assets may be sold or auctioned, and the proceeds distributed to the heirs according to their respective shares.

1. Distribution in Natura that is Not Possible

Distribution in natura cannot be conducted when the object to be divided cannot be physically separated. In such situations, the court may negotiate or reach an agreement to divide the assets according to mutual consent.

In this case, the Supreme Court acknowledged that several inherited assets, such as land and buildings, could not be physically divided without reducing their economic value. The land certificate in dispute is of large size and has different locations, making fair physical division impossible for all heirs. Additionally, physically dividing assets like land or buildings could create new conflicts or diminish the commercial value of those properties.

2. Designation of Sale or Auction as an Alternative

An auction is a public sale process where the price of goods may increase over time. This sale involves open bidding to the public and can be conducted in various ways, including sealed bids.

The Supreme Court offered the sale or auction as a solution to the problem of distributing inherited assets. This is governed by Article 1066 of the Civil Code, which states that if inherited assets cannot be divided physically, they must be sold or auctioned, with the proceeds distributed to the heirs according to their respective rights. In this ruling, the Supreme Court decided that assets that cannot be physically divided should be sold through auction, with the proceeds distributed to each heir according to the specified share of 1/6 of the total inheritance.

Selling through auction provides a fair and transparent mechanism, ensuring that the property's value is determined objectively by a third party. Thus, all heirs receive their rights without feeling disadvantaged, and this process is overseen by the court to guarantee fairness.

### 3. Mechanism of Auction or Sale

The auction mechanism involves the public sale of goods, where auction participants can offer prices. The purpose of the auction is to achieve efficiency in transactions, determine asset value, create transparency, and provide certainty for buyers.

The auction process must comply with applicable regulations and is usually organized by official institutions. The Supreme Court stipulates that the auction is conducted after a legally binding decision is made, to ensure that all parties receive their rights without legal uncertainty.

The auction process includes an independent valuation of the assets, public announcement of the auction, and execution under official supervision. After the assets are sold, the proceeds are distributed according to the established proportions, ensuring that each heir receives their rightful share.

### 4. Precautionary Seizure to Protect Inherited Assets

Precautionary seizure cannot be applied to inherited assets unless they are jointly owned by husband and wife. Precautionary seizure is a legal action to secure the property of the defendant that is in dispute.

In addition to offering auction solutions, the Supreme Court also imposed precautionary seizure on the inherited assets that are the subject of the dispute. This action aims to protect the assets from unauthorized transfer before the auction or sale process is completed. With precautionary seizure in place, the inherited assets cannot be transferred without court approval, ensuring that the assets remain intact for distribution according to the valid ruling.

### 5. Application of Asset Sale Alternatives in Jurisprudence

Asset sale involves transactions where the assets of one entity are purchased by another party, whether in the form of tangible or intangible goods.

In the context of jurisprudence, asset sales refer to legal decisions that serve as guidance in resolving cases involving transfer or sale of assets. This jurisprudence typically relates to ownership disputes, the validity of sale agreements, or asset execution in the context of debts or bankruptcy.

The application of auction or sale alternatives for inherited assets in this case aligns with the Supreme Court's practices in previous rulings. When physical distribution is impossible, auctions or asset sales are often chosen as fair and efficient solutions. The Supreme Court views selling assets through auction as a means to provide legal certainty, maximize value, and maintain fairness for all parties.

By offering solutions of auction or asset sale, the Supreme Court in Decision No. 1984 K/Pdt/2024 ensures that the distribution of inherited assets is carried out fairly, even when the assets cannot be physically divided. Auctions or sales allow all heirs to receive proportional shares without diminishing asset value. Precautionary seizure also provides protection by preventing the transfer of assets before distribution is completed, demonstrating the Supreme Court's efforts to ensure justice and legal certainty in inheritance disputes.

## CONCLUSION

Based on the analysis of Supreme Court Decision No. 1984 K/Pdt/2024 regarding the inheritance dispute of the late Sutikno Adiwijaya, it can be concluded that the Supreme Court applied the principles of inheritance law in accordance with the Civil Code (KUHPerdata). The Supreme Court ensured that the distribution of the inheritance was conducted fairly, with each heir entitled to an equal share of 1/6 of the total inheritance.

In situations where inherited assets, such as land and buildings, cannot be physically divided, the Supreme Court offered solutions in the form of selling or auctioning the assets. This was done to ensure that all heirs receive their rightful shares without diminishing the economic value of the assets. The auction process was conducted transparently and overseen by the appropriate authorities, ensuring fair distribution of the proceeds.

Furthermore, the Supreme Court protected the rights of the heirs through the application of precautionary seizure on the inherited assets. This seizure aims to prevent the transfer of assets before the distribution is completed in accordance with a legally binding ruling. This action ensures that all parties receive their rights without violating legal procedures.

Overall, Supreme Court Decision No. 1984 K/Pdt/2024 reflects the court's commitment to upholding justice and legal certainty in inheritance disputes. The Supreme Court provides protection for the heirs, ensures fair distribution, and offers effective solutions to address technical challenges related to the division of assets that cannot be physically divided.

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