

ANALISIS SITA JAMINAN DALAM SENGKETA WARIS DAN PENYELESAIANNYA (Studi Putusan Nomor 0219/Pdt.G/2024/PA.Klt)

Muhammad Imam Samodra¹, Niken Wahyuning Retno Mumpuni²

INTISARI

Permasalahan waris yang belum terselesaikan secara hukum sering memicu sengketa antara ahli waris, terutama ketika harta peninggalan dikuasai secara sepihak. Untuk mencegah tindakan yang merugikan pihak lain, pengajuan sita jaminan (*conservatoir beslag*) menjadi salah satu langkah hukum preventif yang ditempuh di Pengadilan Agama. Penelitian ini bertujuan untuk mengkaji dasar hukum permohonan sita jaminan dalam sengketa waris serta menelaah mekanisme pelaksanaannya di lingkungan Pengadilan Agama Klaten, dengan fokus pada Putusan Nomor 0219/Pdt.G/2024/PA.Klt.

Penelitian ini menggunakan metode normatif-empiris, yaitu mengkaji peraturan perundang-undangan yang berlaku dan menganalisis penerapannya di lapangan. Teknik pengumpulan data dilakukan melalui studi pustaka dan wawancara terhadap pihak-pihak yang relevan. Pendekatan kasus digunakan untuk memahami secara mendalam putusan yang menjadi objek kajian.

Hasil penelitian menunjukkan bahwa permohonan sita jaminan dalam perkara waris dapat diajukan sepanjang memenuhi unsur formil dan materil, termasuk adanya indikasi pemindahtanganan objek waris. Namun dalam studi kasus yang dianalisis, permohonan sita tidak dikabulkan karena objek warisan tidak dikuasai oleh pihak tergugat, dan dokumen kepemilikan berada di tangan penggugat. Oleh karena itu, hakim tidak melihat adanya urgensi hukum untuk mengabulkan permohonan sita tersebut.

Penulis menyarankan agar para ahli waris memahami prosedur hukum sebelum mengajukan permohonan sita jaminan, serta pentingnya menyediakan bukti kuat terkait risiko peralihan objek waris. Pengadilan juga perlu menegaskan pedoman teknis yang memperjelas kriteria pengabulan permohonan sita agar tercipta kepastian hukum dan perlindungan hak bagi para pihak.

Kata Kunci: hukum waris Islam, pengadilan agama, sita jaminan

¹ Mahasiswa Prodi Hukum (S-1) Universitas Jenderal AHCmad Yani Yogyakarta

² Dosen Prodi Hukum (S-1) Universitas Jenderal AHCmad Yani Yogyakarta

**ANALYSIS OF CONSERVATORY SEIZURE IN INHERITANCE
DISPUTES AND ITS RESOLUTION (Case Study of Decision Number
0219/Pdt.G/2024/PA.Klt)**

Muhammad Imam Samodra¹, Niken Wahyuning Retno Mumpuni²

ABSTRACT

Unresolved inheritance issues often lead to disputes among heirs, especially when inherited assets are controlled unilaterally. To prevent actions that could harm other parties, a conservatory seizure (conservatoir beslag) request is commonly used as a preventive legal measure in Religious Courts. This research aims to examine the legal basis for requesting conservatory seizure in inheritance disputes and analyze its implementation mechanism in the Klaten Religious Court, with specific focus on Decision Number 0219/Pdt.G/2024/PA.Klt.

This study employs a normative-empirical method, combining the analysis of applicable laws and regulations with field practices. Data were collected through literature review and interviews with relevant parties. A case study approach was applied to gain in-depth understanding of the court decision being examined.

The research reveals that a conservatory seizure request in inheritance cases can be granted as long as it meets formal and material requirements, including the presence of indicators that the inheritance object may be transferred. However, in the case under review, the seizure request was not granted since the disputed object was not in the defendant's possession, and the ownership certificate was held by the plaintiff. Thus, the court found no urgent legal grounds to approve the seizure request.

It is recommended that heirs understand the legal procedures before filing for conservatory seizure and ensure the availability of strong evidence indicating potential asset transfer. The court is also advised to establish clear technical guidelines on seizure approval criteria to ensure legal certainty and protection of rights for all parties involved.

Keywords : *conservatory seizure, Islamic inheritance law, religious court*

¹Mahasiswa Prodi Hukum (S-1) Universitas Jenderal Ahtmad Yani Yogyakarta

² Dosen Prodi Hukum (S-1) Universitas Jenderal Ahtmad Yani Yogyakarta