

**LEGAL ANALYSIS OF THE REFUSAL BY ONE OF THE HEIRS TO
CONSENT TO THE SALE OF JOINTLY HELD INHERITED PROPERTY
(A STUDY OF CENTRAL JAKARTA DISTRICT COURT DECISION NO.
174/PDT.G/2023/PN JKT. PST)**



THESIS

**Submitted to Fulfill the Requirements for the Degree of Bachelor of Laws at
the Faculty of Law, Universitas Pembangunan Nasional “Veteran” East Java**

Submitted by:

FATEMAH AZARA

Student ID. 22071010052

LAW STUDY PROGRAM

FACULTY OF LAW

UNIVERSITAS PEMBANGUNAN NASIONAL “VETERAN” JAWA TIMUR

SURABAYA

2026

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APPROVAL SHEET

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Of Jointly Held Inherited Property (A Study Of Central Jakarta District
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I hereby declare that this thesis contains no portions of other academic works that have been submitted to obtain an academic degree at any institution of higher education, nor does it contain any works or opinions previously written or published by other individuals or institutions, except those that are explicitly cited in this document and fully listed in the bibliography.

I further declare that this academic document is free from any elements of plagiarism. Should any indication of plagiarism be found in this thesis at a later date, I am willing to accept sanctions in accordance with applicable laws and regulations.

This statement is hereby made truthfully, without coercion from anyone, and is to be used as intended.

Surabaya, June 25, 2026



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ABSTRACT

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Legal Analysis Of The Refusal By One Of The Heirs To Consent To The Sale Of Jointly Held Inherited Property (A Study Of Central Jakarta District Court Decision No. 174/Pdt.G/2023/Pn Jkt. Pst)

ABSTRACT:

This study aims to analyze the judge's legal reasoning in adjudicating a case regarding the refusal of one heir to consent to the sale of jointly held inherited property and to examine its legal implications for the protection of the heirs' rights based on the Decision of the Central Jakarta District Court No. 174/Pdt.G/2023/PN Jkt. Pst. The issue addressed in this study stems from a dispute among heirs arising from one heir's refusal to consent to the legal sale of jointly inherited property, thereby hindering the process of distributing and utilizing the decedent's estate. This study employs a normative legal research method using a statutory approach, a case-based approach, and a conceptual approach. The primary legal sources used include the Civil Code, Law No. 48 of 2009 on Judicial Power, and the Decision of the Central Jakarta District Court No. 174/Pdt.G/2023/PN Jkt.Pst. Secondary legal sources were obtained from literature, scholarly journals, and previous research relevant to civil inheritance law. The results of the study indicate that the judge's legal reasoning was based on the parties' status as lawful heirs under the provisions of the Civil Code, as well as the need for balanced protection of the rights of all heirs regarding the joint estate.

Keywords: civil inheritance law, heirs, consent of heirs, jointly inherited estate, legal certainty.

FOREWORD

Praise and thanks to Allah SWT for His grace and blessings, which have enabled the author to complete this thesis titled “A Legal Analysis of the Rejection of Consent by One of the Heirs in the Sale of Joint Inherited Assets (A Study of the Decision of the Central Jakarta District Court No. 174/Pdt.G/2023/Pn Jkt. Pst.” This thesis was prepared to fulfill the curriculum requirements of the Faculty of Law at the “Veteran” National Development University of East Java and is intended as a means to broaden knowledge and to apply and compare theories learned in class with real-world situations. In addition, it is hoped that this thesis will provide a foundation in matters related to the discipline of law prior to conducting research for the thesis. This thesis was completed with the guidance and support of several individuals; therefore, the author would like to take this opportunity to express her deepest gratitude to:

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5. Ms. Maria Novita Apriyani, S.H., M.H., as the Coordinator of the Law Study Program at the Faculty of Law, “Veteran” National Development University of East Java;

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8. The administrative staff of the Faculty of Law at the “Veteran” National Development University of East Java;
9. The author’s parents, who have consistently offered prayers, encouragement, and support throughout the research process for this thesis proposal.

The author acknowledges that this thesis research still has many shortcomings; therefore, criticism and suggestions are greatly needed to improve and refine future research so that this thesis proposal may be of benefit to those who need it.

Surabaya, 17 September 2025

Fatemah Azara
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TABLE OF CONTENTS

APPROVAL SHEET	i
THESIS REVISION PAGE.....	ii
THESIS RATIFICATION PAGE	iii
STATEMENT OF ORIGINALITY	iv
DECLARATION OF ORIGINALITY.....	v
ABSTRACT	vi
FOREWORD.....	vii
TABLE OF CONTENTS	ix
LIST OF TABLES.....	xi
LIST OF APPENDICES.....	xii
CHAPTER I INTRODUCTION.....	13
1.1 Background	13
1.2 Problem Statement.....	18
1.3 Research Objectives	18
1.4 Research Benefits.....	18
1.5 Originality of Writing.....	19
1.6 Research Methods	21
1.6.1 Type and Nature of the Research	21
1.6.2 Legal Approach	22
1.6.3 Source of Data	24
1.6.4 Legal Materials Collection Procedure.....	25
1.6.5 Analysis of Legal Materials	27
1.6.6 Thesis Writing Systematic.....	27
1.7 Literature Review	29
1.7.1 General Overview of Inheritance Law	29
1.7.2 General Overview of Gustav Radbruch's Theory	36
1.7.3 General Overview of Jeremy Bentham's Theory of Utilitarianism	39
1.7.4 General Overview of Ronald Dworkin's Theory	40

CHAPTER II	44
2.1 Case Description in Decision Number 174/Pdt.G/2023/PN Jkt.Pst 44	
2.2 The Judge’s Legal Considerations in Deciding Inheritance Case Number 174/Pdt.G/2023/PN Jkt.Pst.....	57
CHAPTER III	61
3.1 Legal Implications for the Parties in Decision Number 174/Pdt.G/2023/PN Jkt.Pst	61
3.2 A Legal Analysis of Decision Number 174/Pdt.G/2023/PN Jkt.Pst. Based on the Legal Theories of Gustav Radbruch, Jeremy Bentham, and Ronald Dworkin	65
CHAPTER IV CONCLUSION AND SUGGESTION.....	84
4.1 Conclusion	84
4.2 Suggestions	85
BIBLIOGRAPHY	86

LIST OF TABLES

Tabel 1: Differences from Previous Studies	19
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LIST OF APPENDICES

Appendix 1 : Sertifikat English Proficiency Test.....	89
Appendix 2 : Thesis Supervisor Assignment Letter.....	90
Appendix 3 : Thesis Title Application Form.....	91
Appendix 4 : Proof of Latest UKT Payment.....	92
Appendix 5 : Proof of Submission of PKL Profession	93
Appendix 6 : KRS	94
Appendix 7 : Proof of Thesis Proposal Submission.....	95
Appendix 8 : Thesis Guidance Card	96
Appendix 9 : Transcript.....	98
Appendix 10 : Thesis Turnitin Result	99
Appendix 11 : Letter of Acceptance (LoA).....	100
Appendix 12 : Library Class Certificate	101
Appendix 13 : Journal Turnitin Result.....	102
Appendix 14 : Certificate of Plagiarism Check	103
Appendix 15 : Proof of Oral Examination Registration in SIAMIK	104
Appendix 16 : Revision Sheet 1.....	105
Appendix 17 : Revision Sheet 2.....	106
Appendix 18 : Revision Sheet 3.....	107