

## ABSTRAK

Annisa Sulistya Rosa “*Analisis Perdata Gugatan Tanah Waris (Studi Komparatif putusan Nomor 17/Pdt.G/2017/PTA.MU dan Nomor 23/PDT/2021/PT.Tte)*” dibimbing oleh Bapak Prof. Dr. Husen Alting, S.H.,M.H dan Dr. Sultan Alwan,S.H.,M.H.

“Penelitian ini bertujuan untuk melakukan analisis perbandingan terhadap dua putusan pengadilan dalam sengketa tanah waris di Indonesia, yaitu Putusan No. 23/PDT/2021/PT.Tte dan No. 17/Pdt.G/2017/PTA.MU. Fokus penelitian adalah untuk mengidentifikasi kesamaan dan perbedaan dalam metodologi pertimbangan hukum serta identifikasi kasus kedua putusan tersebut. Metode analisis yang digunakan meliputi studi literatur, studi dokumen putusan pengadilan, dan analisis perbandingan secara kualitatif.

Hasil penelitian menunjukkan bahwa kedua putusan tersebut melibatkan persidangan terkait sengketa tanah yang merupakan bagian dari warisan keluarga. Subjek gugatan dan objek sengketa berbeda antara kedua putusan tersebut, namun keduanya menyoroti klaim kepemilikan dan penentuan hak waris. Evaluasi terhadap asas *ne bis in idem* juga dilakukan dalam kedua putusan, meskipun tidak ditemukan pelanggaran terhadap asas tersebut. Analisis berdasarkan dokumen dan bukti yang diajukan menunjukkan bahwa kedua putusan tersebut menilai bukti-bukti yang sama namun menghasilkan penilaian yang berbeda, yang mengakibatkan penolakan gugatan dalam kedua putusan tersebut. Prinsip-prinsip hukum yang digunakan dalam kedua putusan menunjukkan kesamaan, seperti prinsip formalitas hukum, pembuktian, dan keadilan dalam pembagian harta waris.”

***Kata Kunci: Sengketa Tanah Waris, Putusan Pengadilan & Analisis Perbandingan***

## **ABSTRACT**

Annisa Sulistya Rosa "**Civil Analysis of Inheritance Land Lawsuits (Comparative Study of decisions Number 17/Pdt.G/2017/PTA.MU and Number 23/PDT/2021/PT.Tte)**" supervised by Mr. Prof. Dr. Husen Alting, S.H., M.H and Dr. Sultan Alwan, S.H., M.H.

"This research aims to carry out a comparative analysis of two court decisions in inheritance land disputes in Indonesia, namely Decision No. 23/PDT/2021/PT.Tte and No. 17/Pdt.G/2017/PTA.MU. The focus of the research is to identify similarities and differences in the methodology of legal considerations as well as case identification for the two decisions. The analytical methods used include literature study, study of court decision documents, and qualitative comparative analysis.

The research results show that both decisions involved trials related to land disputes which were part of the family inheritance. The subject of the lawsuit and the object of the dispute are different between the two decisions, but both highlight claims of ownership and determination of inheritance rights. An evaluation of the *ne bis in idem* principle was also carried out in both decisions, although no violations of this principle were found. Analysis based on the documents and evidence submitted shows that the two decisions assessed the same evidence but produced different assessments, which resulted in the rejection of the lawsuit in both decisions. "The legal principles used in both decisions show similarities, such as the principles of legal formality, evidence and fairness in the distribution of inheritance."

**Keywords: Inheritance Land Dispute, Court Decision & Comparative Analysis**