EFEKTIVITAS TANGGUNG JAWAB WALI DALAM PENGELOLAAN HARTA WARISAN TERHADAP ANAK YATIM PIATU MENURUT HUKUM PERDATA DI DESA SEBATU, KABUPATEN GIANYAR

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Abstract

This study is entitled "The Effectiveness of Guardians' Responsibility in Managing Inherited Assets of Orphaned Children under Civil Law in Sebatu Village, Gianyar Regency." The research addresses two problems: (1) how the legal provisions concerning guardians' responsibilities in managing inherited assets of orphaned children are regulated under civil law in Sebatu Village, Gianyar Regency; and (2) how effective the implementation of such responsibilities is in practice. This study employs an empirical legal research method with a juridical-empirical approach. The theories applied in this research include the theory of legal responsibility, legal protection theory, legal certainty theory, and Balinese customary inheritance law theory. The findings reveal that guardians' responsibilities are regulated under Articles 330, 345, 360, and 372 of the Indonesian Civil Code. However, their implementation in Sebatu Village has not been fully effective due to the influence of customary law, limited supervision, and low levels of public legal awareness. As a result, the legal protection of orphaned children's inheritance rights has not been optimally realized

Keywords: Orphaned Children, Inheritance Assets, Effectiveness of Guardians' Responsibility.

Abstrak

Penelitian ini berjudul "Efektivitas Tanggung Jawab Wali dalam Pengelolaan Harta Warisan terhadap Anak Yatim Piatu Menurut Hukum Perdata di Desa Sebatu, Kabupaten Gianyar." Rumusan masalah dalam penelitian ini adalah: (1) bagaimana ketentuan tanggung jawab wali dalam pengelolaan harta warisan terhadap anak yatim piatu menurut hukum perdata di Desa Sebatu, Kabupaten Gianyar; dan (2) bagaimana efektivitas tanggung jawab wali dalam pengelolaan harta warisan tersebut. Penelitian ini menggunakan metode penelitian hukum empiris dengan pendekatan yuridis empiris. Teori yang digunakan meliputi teori tanggung jawab hukum, teori perlindungan hukum, teori kepastian hukum, dan teori hukum waris adat Bali. Hasil penelitian menunjukkan bahwa tanggung jawab wali diatur dalam Pasal 330, Pasal 345, Pasal 360, dan Pasal 372 KUHPerdata. Namun, pelaksanaannya di Desa Sebatu belum sepenuhnya efektif karena masih dipengaruhi hukum adat, kurangnya pengawasan, serta rendahnya pemahaman hukum masyarakat sehingga perlindungan hak anak yatim piatu atas harta warisannya belum terlaksana secara optimal.

Kata Kunci: Anak Yatim Piatu, Harta Warisan, Efektivitas Tanggung Jawab Wali