ABSTRACT


Key words: Inheritance, UU No 7 year 1989, PN (State court) Decree Kediri Regency Case No 83/Pdt.G/2009.

With the reversion of inheritance case to the absolute authority of religious court, there will no be dualism between religious court and state court in the case of absolute authority of inheritance case. Because when the option right is put into effect, law gives an opportunity to those who have conflict to choose inheritance law that is still effective in Indonesia. If they think that European based inheritance law is more effective, then inheritance case sent to the state court.

The objective of this research is to describe the authority of state court in inheritance case after UU No 3 year 2006 is issued and to know the juridical aspect about the legality of case decision No 83/Pdt.G/2009/PN/ Kdr regency based on religious court procedure law.

The method used in this research is normative research which analyzed law principles by using analytical normative juridical approach. For collecting data, the researcher used documentation study by searching document, decision copy, fact and note. Then the data were analyzed by using descriptive qualitative analysis method.

The results of this research are first, article 49 letter b indicated religious court to solve inheritance case. Therefore, state does not have authority to handle it. Second, those who had conflict or people from court should propose a petition to Supreme Court to cancel the decree No 83/Pdt.G/2009/PN/Kdr regency because it is considered that it beyond it’s authority to process the case.