TINJAUAN YURIDIS KEDUDUKAN WALI PENGAMPU TERHADAP HARTA BENDA PENDERITA DEMENSIA
(Studi Penetapan Nomor 928/Pdt.P/2021/PN.BDG)

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ABSTRAK

Pengampuan merupakan merupakan kondisi seseorang karena sifat pribadinya dianggap tidak cakap bertindak dalam lalu lintas hukum sehingga perbuatan hukumnya diwakili oleh pengampu yang mewakili perbuatan hukum terampu. Mengenai tanggung jawab pengampu dalam kepengurusan harta *curandus* terdapat potensi penyalahgunaan wewenang oleh pengampu. Penelitian ini bertujuan untuk menganalisis tanggung jawab pengampu terhadap harta benda kurandus yang menderita demensia dan menganalisis pertimbangan hukum hakim pada Penetapan Nomor 928/Pdt.P/2021.PN.BDG. Metode pendekatan berupa yuridis normatif dengan spesifikasi penelitian deksriptif analitis. Menggunakan data sekunder berupa bahan hukum primer, sekunder dan tersier. Penyajian data berupa naratif dan analisis data dilakukan secara normatif kualitatif.

Berdasarkan hasil penelitian dan pembahasan terhadap Penetapan Pengadilan Negeri Bandung Nomor 928/Pdt.P/2021.PN.BDG. dapat diambil kesimpulan pertama bahwa tanggung jawab pengampu terhadap harta kekayaan penderita demensia dalam pengampuan meliputi *beheer/*tindak pengurusan seperti mengelola aset terampu agar nilainya tetap atau naik seperti menyimpan uang di bank, membungakan uang, mencairkan uang sesuai dengan tujuannya dan *beschikking/*tindakan kepemilikkan berupa menjual, menjaminkan, harta kekayaan kurandus untuk kepentingan kesembuhan kurandus. Kedua, hakim mengabulkan permohonan pengampuan untuk menjual dan menjaminkan harta kekayaan kurandus karena permohonan beralasan untuk dikabulkan sebab tidak bertentangan dengan undang-undang yaitu pasal 433 dan 434 KUH Perdata dan peraturan terkait, adanya itikad baik dari pengampu untuk mengurus harta kekayaan kurandus untuk menunjang kesembuhan kurandus.

Keyword : pengampuan, demensia, pengurusan harta

JURIDICAL REVIEW OF THE POSITION OF CURATOR TOWARDS THE

ASSETS OF THE CURANDUS WHO SUFFER DEMENTIA

(DETERMINATION STUDY NUMBER 928/Pdt.P/2021/PN.BDG)

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ABSTRACT

Curatele is a condition where a person because of his personal nature is considered incapable of acting in legal traffic so that his legal actions are represented by a person who represents a competent legal act called curator. Regarding the responsibilities of the administrator in the management of curandus assets, there is a potential for abuse of authority by the administrator. The aim of this research is to analyze the responsibility of the curator towards the property of curandus who suffers from dementia and to analyze the legal considerations of judges in the Bandung District Court Decree No. 928/Pdt.P/2021.PN.BDG. The approach method is normative juridical with analytical descriptive research specifications. Using secondary data in the form of primary legal materials, secondary legal materials and tertiary legal materials. Presentation of data is in the form of narrative and data analysis is carried out qualitatively normative.

Based on the results of research and discussion of the Decision Number 928/Pdt.P/2021.PN.BDG. The first conclusion can be drawn that the responsibilities of the curator for the assets of curandus with dementia in support include beheer/management actions such as managing capable assets so that their value does not decrease or provide a result such as saving money in the bank, lending money, disbursing money according to its purpose and beschikking/ownership actions in the form of selling, pledging, Kurandus assets for the benefit of curandus recovery. Second, the judge granted the request for pardon to sell and guarantee the curandus assets because the request had reasons to be granted because it did not conflict with the law, namely Articles 433 and 434 of the Civil Code and related regulations, there was good will from the trustee to manage the Kurandus assets to support the recovery of the curandus.

Keyword : curatele, dementia, assets management