

## LEGAL PROTECTION AGAINST HERITIES ON THE PROPERTY OF THE HEAVENLY STORED IN THE BANK

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**Abstract:** *Inheritance regulates the transfer of assets from heirs to heirs, inheritance has elements namely the existence of heirs, inheritance, and heirs. The heir is the person who inherits the inheritance, the heir is the person who receives the inheritance. Inheritance can be in the form of movable and fixed objects. In this inheritance there are movable objects, namely savings, deposits, and other objects that are stored in SDB Bank. If the heir dies, the heirs need certainty of the inheritance process, and legal protection for the heirs. The disbursement of funds/deposits from customers who have died to legal heirs must be based on the precautionary principle because this is a very risky matter if you are not careful in carrying out the process. Disbursing these funds to legal heirs must be in accordance with statutory regulations.*

**Key Words:** *Legal Protection, Heirs, Inheritance, Bank, Customer.*

### 1. INTRODUCTION:

The problem of inheritance is one of the problems that until now often causes disputes between families that occur in society. Talking about inheritance reminds of an important event in society, namely the presence of a member of the community who died.[1]

The inheritance process requires a death certificate in which the death certificate document provides legal certainty on the status of the deceased person to the person or relative who is left behind and so that the deceased's data is not misused.

### 2. THEORITICAL FRAMEWORK:

#### a. Authority Theory

The term authority theory comes from an English translation, namely *Authority Of Theory*, and the Dutch language *Theorie Van Het Gezag*, while in German it is called *Theorie Der Autoritat*. [2]

#### b. Theory Legal Protection

According to Soetjipto Rahardjo, legal protection is an effort to protect a person's interests by allocating a power to him to act in his interests. [3]

### 3. LITERATURE REVIEW:

The term inheritance arises because of the event of death. As is well known, the existing and applicable Inheritance Law in Indonesia is still pluralistic, as a result, until now there has been no uniformity.

The inheritance certificate is a proof for the public to know exactly who is entitled to the property left by the testator. [4]

OP Simorangkir said that the bank is a financial institution business entity that aims to provide credit and service funds. [5]

### 5. METHOD:

The method used in this study is a normative juridical approach, namely an approach that uses a conception *positivist legislative*, which views law as identical with written norms made and promulgated by authorized institutions or officials. [6]

## 6. DISCUSSION:

The inheritance process requires a death certificate in which the death certificate document provides legal certainty on the status of the deceased person to the person or relative who is left behind and so that the deceased's data is not misused.

According to the applicable legal provisions, the heir must show written evidence, namely a letter of evidence as an heir, a letter of evidence as an heir which can be in the form of a will from the heir, court decisions, determination of judges/chairman of courts, and certificates of inheritance. There are several certificates of inheritance (SKW) requested by the Bank, namely for original Indonesian citizens (indigenous) an inheritance certificate (SKW) made by the village/kelurahan head and sub-district head where the heir resides at the time of death, Indonesian citizens of Chinese descent using a certificate the right to inherit from a Notary, and other Indonesian citizens of Foreign Eastern descent using a certificate of inheritance from the Balai Harta Peninggalan (BHP). This certificate of inheritance has a very important function as evidence to transfer the inheritance of the heir to another party and as evidence for heirs to be able to take or withdraw money from the heir in a bank or insurance.

## 7. ANALYSIS:

### A. Notary Inheritance Procedures for Heir's Property Placed in the Bank

Disbursement of funds/savings of deceased customers to the legal heirs must be based on the principle of prudence because this is a very risky matter if not careful in carrying out the process.

In conducting the disbursement of customer funds, the Bank examines the documents of the heirs which show that the heirs are right and legally entitled to receive all the savings of the deceased customer, if the depositor customer has died, then the Bank must disburse the funds to legal heirs in accordance with the laws and obligations of the Bank.

### B. Legal Protection of Heirs on Customer Property Stored in the Bank

In protecting the interests of the heirs in the event of a dispute then with the determination of the court in determining the legal heirs in the fatwa of the heirs, then all the rights of the heirs to the property of the heirs are protected in the Bank is protected, and the legal heirs of the depositor customer is entitled obtain information on the savings of the depositor's customer. With the legal protection by the Bank for members, there is justice, balance, security and safety, as well as legal certainty of the inheritance of the property of the deceased customer.

## 8. CONCLUSION :

From the discussion as explained earlier, several conclusions can be drawn, including:

- 1) If the depositor has died, the Bank is required to disburse the funds to the legal heirs according to the laws and regulations.
- 2) Every heir has the right to inherit from the heir, this is according to the Banking Law, the legal wife or husband and children are entitled to information.

## 9. SUGGESTIONS:

The suggestions given by researchers are as follows:

- 1) It is recommended to the Financial Services Authority (OJK) as the Bank's supervisor and supervisor who is authorized and responsible for determining the licensing, guidance, and supervision of the Bank as well as the imposition of sanctions on Banks that do not comply with applicable banking regulations.
- 2) It is recommended to the Financial Services Authority (OJK) and the leadership of Bank Indonesia, in terms of legal protection for heirs, it is necessary to have clear legal rules regarding the protection of heirs so that there is no inequality in providing protection.

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