



## RECONSTRUCTION OF INHERITANCE DISPUTE RESOLUTION IN RELIGIOUS COURT DECISIONS IN INDONESIA



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### Abstract

Inheritance disputes constitute a significant proportion of civil cases adjudicated in Indonesian courts, particularly within the jurisdiction of the Religious Courts applying Islamic inheritance law. Conflicts frequently arise over the determination of rightful heirs, the calculation of distributive shares, and the management of inherited property. Such disputes are often rooted in dissatisfaction among heirs, competing claims of entitlement, and differing interpretations of legal and religious norms. The Islamic inheritance system, including the well-known 2:1 ratio between male and female heirs in certain categories, is sometimes perceived as inequitable, thereby intensifying familial tensions and litigation. This study aims to identify the dominant types of inheritance disputes brought before Indonesian courts and to analyze the judicial reasoning and legal methodologies employed in resolving them. Using a qualitative normative-empirical approach, the research examines court decisions, statutory regulations, and doctrinal interpretations to explore how judges reconcile classical Islamic inheritance principles with contemporary notions of justice and social harmony. The findings indicate that judges adopt various interpretative strategies, including systematic statutory interpretation, contextual reasoning, and mediation-oriented approaches, to ensure equitable and socially acceptable outcomes. By mapping the patterns of disputes and judicial considerations, this article contributes to a deeper understanding of the practical implementation of Islamic inheritance law in Indonesia and offers insights for improving consistency, fairness, and dispute resolution mechanisms in future inheritance cases.

### Abstrak

*Sengketa waris merupakan salah satu perkara perdata yang dominan disidangkan di pengadilan Indonesia, khususnya di lingkungan Peradilan Agama yang menerapkan hukum waris Islam. Konflik sering kali muncul terkait penentuan ahli waris yang sah, perhitungan bagian masing-masing, serta pengelolaan harta peninggalan. Sengketa tersebut umumnya berakar pada ketidakpuasan para ahli waris, adanya klaim hak yang saling tumpang tindih, serta perbedaan penafsiran terhadap norma hukum dan keagamaan. Sistem kewarisan Islam, termasuk ketentuan rasio 2:1 antara ahli waris laki-laki dan perempuan dalam kategori tertentu, kerap dipersepsikan sebagai kurang adil oleh sebagian pihak sehingga memicu ketegangan keluarga dan berujung pada litigasi. Penelitian ini bertujuan untuk mengidentifikasi jenis-jenis sengketa waris yang dominan diajukan ke pengadilan di Indonesia serta menganalisis pertimbangan hukum dan metode yang digunakan hakim dalam memutus perkara tersebut. Dengan menggunakan pendekatan kualitatif normatif-empiris, penelitian ini mengkaji putusan pengadilan, peraturan perundang-undangan, serta doktrin hukum untuk menelaah bagaimana hakim merekonsiliasi prinsip-prinsip klasik hukum waris Islam dengan tuntutan keadilan dan dinamika sosial kontemporer. Hasil penelitian menunjukkan bahwa hakim menerapkan berbagai strategi interpretasi, termasuk penafsiran sistematis terhadap peraturan, pendekatan kontekstual, serta mekanisme mediasi guna mencapai putusan yang berkeadilan dan dapat diterima secara sosial. Artikel ini berkontribusi dalam memperdalam pemahaman mengenai implementasi praktis hukum waris Islam di Indonesia serta memberikan rekomendasi*



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*bagi peningkatan konsistensi dan keadilan dalam penyelesaian sengketa waris di masa mendatang.*

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## INTRDUCTION

Islamic heritage law is one of the branches of discipline in Islamic law that continues to develop and deserves to be studied more deeply from various perspectives by Islamic law observers. Given the close relationship between Islamic inheritance law and the scope of human life. Those who adhere to Islamic law study Islamic inherited law with various interpretations of its concepts that over time continue to evolve from moderate to conceptual. What is meant by moderation here refers to the division of inheritance in Islam that has been established by the Qur'an for a long time, namely the 2:1 ratio between men and women. Meanwhile, what is meant conceptually is the distribution of Islamic heritage which is carried out on the basis of equality, namely a ratio of 1:1 in determining the division between men and women. This difference occurs due to differences in the interpretation of the messages contained in the inherited verses. Problems in Islamic inheritance law often arise because of the injustice between the male and female parts, namely two parts for men and one part for women, especially in the children's part which in inheritance terminology is commonly referred to as "ashabah bil ghair". What is meant by "ashabah bil ghair" is the transfer of the remaining inheritance or "ashabah" to a boy because there is no other heir (either because of hindrance or for other reasons), but if the heir has a daughter, then the girl who originally got a special share, becomes the remaining share with the boy in a ratio of two to one.<sup>1</sup>

Anthropologists and sociologists argue that human behavior will be influenced by the belief system he adheres to. Based on this theory, it can be concluded that it would be better if the Muslim community could apply and practice the teachings of Islam in various aspects of their lives, especially in the matter of inheritance.<sup>2</sup> Because of everything that has been determined by Allah SWT in this life, there will undoubtedly be a peaceful and peaceful atmosphere of life and a good life in the hereafter.<sup>3</sup> Indonesia is a country that has diversity, both in terms of culture, ethnicity, and even religion, this is one of the factors for the development of inheritance law in Indonesia. Not only Islamic inheritance law, but there is also inheritance law adopted from Dutch law, which is contained in the Civil Code, and also customary inheritance law. As a consequence of this, diversity in referring to the inheritance system has resulted in the development of Islamic inheritance law in Indonesia. For example, there is a system of substitute heirs and mandatory wills which are the result of *ijtihad* of Indonesian scholars. Although there are many solutions and alternatives to resolve this dispute, there are still many inheritance – related problems that occur in Indonesia.<sup>4</sup>

As previously explained, there are many factors that cause disputes. This is evidenced by the number of inheritance disputes that have been resolved or decided in

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<sup>1</sup> Azharudin Azharudin and Sarong A.H, "Waris Islam Di Indonesia," *Jurnal Ilmu Hukum*, 2014, 15.

<sup>2</sup> Muhamad Abdul Kholik and Dewi Sulastri, "Social Engineering Through Criminal Law: The Effectiveness of the ITE Law in Shaping Digital Communication in Indonesia," *Ius Poenale* 6, no. 2 (2025): 101 – 12, <https://doi.org/10.25041/ip.v6i2.4741>.

<sup>3</sup> Abdullah and Syahri A, "Tradisi Pembagian Waris Di Kecamatan Gunungsari Kabupaten Lombok Barat," *Jurnal Hukum Islam*, 2020, 69.

<sup>4</sup> Nasution M.A, *Hukum Keluarga Di Dunia Islam Modern* (Ciputat Press, 2003), 50.

the Court, both in the Religious Court for Muslim inheritance disputes, and the District Court for civil inheritance disputes. As for customary inheritance law, those who adhere to customary law usually follow their own inheritance laws, and most of them know and understand their own inheritance law system. So that there are fewer disputes between heirs. Even if a dispute or dispute arises, they will bring it up to their respective indigenous leaders and it will be resolved through negotiations. Although customary heritage law is not used as a reference in dispute resolution in the Religious Court or in the District Court, it is a form of effort to reconcile the disputing parties in mediation, before they go to court, the dispute will be offered first to resolve the dispute using the customary heritage law applicable in the area.

Data on inheritance dispute cases at the Religious Court for a period of 2 (two) years, namely in 2023 and 2024, reached a total of 5,239 cases, for inheritance cases. From the data above, it can be concluded that there are various types of cases regarding inheritance or heirs. Although in reality before a case really enters the judicial realm, the judge will first offer mediation as an alternative way to reconcile the parties to the dispute in order to better calm the parties and better understand the existing conditions. However, it doesn't always end smoothly and more often ends in a dead end that the judge at the courtroom has to settle. Judges are involved in thinking and interpreting sociological – anthropological law, religion and so on in resolving cases that occur in the Court. By identifying the existing problems, the background along with the arguments and evidence received from the witnesses and the defendant, the judge gives their respective verdicts regarding the case they are considering.

Studies on the settlement of inheritance disputes in the Religious Court have been carried out by highlighting various normative, sociological, and judicial dimensions. Karjoko et al. (2021) show that inheritance disputes, especially those related to immovable property, are often triggered by a disproportionate division of assets before the death of the heirs, thus encouraging judges of the Religious Court to use normative Islamic law sources as a basis for consideration in deciding cases.<sup>5</sup> In a more complex context, Fahimah et al. (2024) reveal that interreligious inheritance disputes in Indonesia tend to be resolved through family deliberation mechanisms by considering the values of kinship and tolerance, which shows the interaction between religious law, state law, and socio – cultural values.<sup>6</sup> Meanwhile, the research of Assaad and Hasyim (2020) emphasizes the role of *ijtihad* of judges in reconstructing the provisions of Islamic inheritance law, especially related to the division of inheritance rights between boys and girls, in order to realize substantive justice at the level of judicial practice.<sup>7</sup> The progressive *ijtihad* approach is also reflected in the study by Syamsarina et al. (2025), which highlights the use of compulsory wills as a legal solution in interfaith inheritance disputes in the Klaten and Kabanjahe Religious Courts.<sup>8</sup> Outside of formal judicial forums, Sarmadi et al. (2025)

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<sup>5</sup> Lego Karjoko et al., "Islamic Court's Approach to Land Dispute in Inheritance Cases," *AHKAM: Jurnal Ilmu Syariah* 21, no. 2 (2021), <https://doi.org/10.15408/ajis.v21i2.21864>.

<sup>6</sup> Iim Fahimah et al., "Interfaith Inheritance in Muslim Families in Indonesia: Practices, Philosophy, and the Direction of National Inheritance Law Development," *AHKAM: Jurnal Ilmu Syariah* 24, no. 2 (2024): 379 – 96, <https://doi.org/10.15408/ajis.v24i2.40907>.

<sup>7</sup> Andi Sukmawati Assaad and Baso Hasyim, "Judges Decisions of Makassar, Palopo, and Masamba Religious Court over the Islamic Inheritance Law," *AL-'ADALAH* 17, no. 2 (2021): 317 – 34, <https://doi.org/10.24042/adalah.v17i2.4565>.

<sup>8</sup> R. Setyawan et al., "DYNAMICS OF DIFFERENT RELIGIOUS INHERITANCE DECISIONS: THE CASE STUDY OF THE RELIGIOUS COURT JUDGES *IJTIHAD*," *Syariah: Jurnal Hukum Dan Pemikiran* 25, no. 1 (2025): 1 – 21, Scopus, <https://doi.org/10.18592/sjhp.v25i1.15717>.

show that Banjar's customary mechanism in resolving inheritance disputes contains principles of restorative justice that are in line with contextual Islamic legal thinking.<sup>9</sup> Although these studies have provided an important overview of the variety of approaches to resolving inheritance disputes, studies that specifically reconstruct the patterns, dynamics, and methods of judges' considerations based on a comprehensive analysis of religious court decisions are still relatively limited.

This research offers novelty by presenting a reconstruction of inheritance dispute resolution through a systematic analysis of the decisions of the Religious Courts, which not only places inheritance disputes as a normative issue of property distribution, but also as an arena of justice dynamics between legal certainty, substantive justice, and judges' responses to social tensions in the family. In contrast to previous research that tends to focus on certain aspects of *ijtihad*, alternative settlement mechanisms, or partial customary and interreligious contexts, this study focuses on the pattern of judges' considerations and methods of resolving inheritance disputes that are developing in judicial practice. Thus, this article contributes to the enrichment of the discourse of Islamic inheritance law in Indonesia by offering a reconstructive framework that can be a conceptual as well as a practical reference for judges in handling inheritance dispute cases in the Religious Court.

## METHODS

This study adopts a qualitative approach employing normative juridical research to examine the legal framework governing inheritance dispute resolution in Indonesia. Normative juridical research focuses on the systematic analysis of statutory regulations, legal doctrines, and judicial precedents relevant to inheritance cases adjudicated before the courts. Through this approach, the research identifies, interprets, and evaluates legal norms that shape judicial considerations in resolving disputes among heirs. The study emphasizes the examination of how positive law, particularly inheritance provisions, is applied and interpreted in concrete cases. Data sources consist of both primary and secondary materials. Primary data are derived from official legal documents, including authenticated copies of court decisions, records of mediation proceedings, and minutes of hearings. These documents provide direct insight into judicial reasoning and procedural implementation. Secondary data comprise legal literature, peer-reviewed journal articles, textbooks, and binding regulations such as the Civil Code, the Compilation of Islamic Law, and documented case directories. Collectively, these sources establish a comprehensive doctrinal foundation for analyzing inheritance dispute resolution.

Data collection is conducted through systematic document study, enabling an in-depth examination of the structure, arguments, and legal considerations contained in judicial decisions. Document analysis facilitates understanding of both the substantive determination of heirs and the procedural dynamics of mediation undertaken during litigation. The collected data are analyzed using a descriptive-analytical method. Descriptive analysis is applied to outline the factual background, legal issues, and judicial findings in each case under review. Subsequently, analytical evaluation is carried out to assess the effectiveness of heir determination mechanisms and mediation procedures as instruments of dispute resolution. This evaluation considers consistency with statutory norms, principles of justice, and procedural efficiency. The findings are expected to provide a comprehensive and systematic portrayal of how inheritance disputes are resolved

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<sup>9</sup> Ahmad Sukris Sarmadi et al., "Negotiating Islamic Law and Customary Practice: Fiqh al-Aqalliyat and Restorative Justice in Banjar Inheritance Disputes," *Jurnal Ilmiah Al-Syir'ah* 23, no. 2 (2025): 279, <https://doi.org/10.30984/jis.v23i2.3673>.

within Indonesian courts, contributing to the development of more coherent and equitable legal practices.

## RESULT AND DISCUSSION

### RESULT

#### Islamic Heritage Law in Indonesia

Heirs are etymologically derived from the Arabic root *waratsa*, which means to inherit or transfer ownership from one person to another. In terminological understanding, inheritance refers to the transfer of a deceased person's property to his or her lawful heirs. Within Islamic legal discourse, inheritance law is known as *farā'id*, the plural form of *farīdah*, derived from *farḍ*, meaning a prescribed or determined portion. This terminology emphasizes that inheritance shares are divinely fixed and not subject to arbitrary determination. The Qur'an explicitly stipulates certain proportions allocated to specific heirs. Therefore, the concept of *farā'id* highlights the normative certainty embedded in Islamic inheritance law. In Indonesian positive law, Article 830 of the Civil Code affirms that inheritance occurs only upon death. This provision reinforces the principle that succession rights arise exclusively after the demise of the decedent. Thus, inheritance can be understood as a legally regulated transfer of ownership triggered by death. The combination of linguistic, doctrinal, and statutory perspectives provides a comprehensive definition of heirs and inheritance.<sup>10</sup>

According to Zainuddin Ali, Islamic inheritance law is a body of legal rules regulating the transfer of estate from the deceased to the heirs, including determination of who qualifies as heirs and the extent of their shares. This definition underscores both procedural and substantive dimensions of succession. Similarly, Article 171 letter (a) of the Compilation of Islamic Law defines inheritance law as rules governing the transfer of ownership of estate (*tirkah*), identification of heirs, and specification of their respective portions. These formulations confirm that inheritance law is not limited to distribution but also includes verification of entitlement. Islamic inheritance law therefore functions as a structured system designed to ensure justice and legal certainty. It determines succession lines, clarifies beneficiary status, and allocates shares proportionally. The regulatory framework aims to prevent arbitrary claims and familial conflict. By codifying inheritance principles, Indonesian law harmonizes classical Islamic doctrine with modern legal administration. Consequently, inheritance law serves both religious and juridical objectives within the national legal system.<sup>11</sup>

Broadly speaking, heirs in Islamic inheritance law are classified into two principal categories based on the source of entitlement. First, *nasabiyah* heirs derive their rights from blood relationships or lineage. This category includes parents, children, siblings, and other relatives connected through biological descent. Their entitlement is grounded in genealogical proximity recognized by Islamic jurisprudence. Second, *sababiyah* heirs obtain inheritance rights through a specific legal cause, most notably marriage. A surviving

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<sup>10</sup> Mohammad Mehryar et al., "Exploring Alternatives to Traditional Inheritance in Shia Jurisprudence," *Manchester Journal of Transnational Islamic Law and Practice* 21, no. 1 (2025): 76–89.

<sup>11</sup> Hazar Kusmayanti and Lisa Krisnayanti, "HAK DAN KEDUDUKAN CUCU SEBAGAI AHLI WARIS PENGGANTI DALAM SISTEM PEMBAGIAN WARIS DITINJAU DARI HUKUM WARIS ISLAM DAN KOMPILASI HUKUM ISLAM," *Jurnal Ilmiah Islam Futura* 19, no. 1 (2019): 68, <https://doi.org/10.22373/jiif.v19i1.3506>.

spouse is therefore considered a sababiyah heir due to the marital bond. Historically, Islamic law also recognized inheritance through emancipation of a slave and loyalty covenants (*wala'*), particularly within the Hanafi school. These categories reflect the dual basis of inheritance rights: lineage and lawful relationship. Such classification ensures systematic identification of heirs before distribution occurs. It also provides clarity regarding the legal foundation of entitlement.<sup>12</sup>

From the perspective of entitlement to specific shares, heirs are further divided into three principal groups. The first group is *Ashab al-Furudh*, namely heirs whose portions are explicitly fixed in the Qur'an, such as one-half, one-third, or one-sixth. These heirs receive priority distribution according to predetermined textual provisions. The second group is *Ashabah*, or residuary heirs, who receive the remainder of the estate after fixed shares have been allocated. This category typically includes sons, fathers, and paternal relatives. The third group is *Dzawi al-Arham*, consisting of extended blood relatives who do not receive fixed shares under primary textual sources. They inherit only in the absence of both *Ashab al-Furudh* and *Ashabah*. This hierarchical arrangement ensures orderly and systematic allocation of the estate. It minimizes ambiguity by defining clear priority levels among heirs. The structure reflects the balance between divine prescription and rational organization within Islamic law.<sup>13</sup>

Islamic inheritance law also recognizes the principle of exclusion (*hijab*), which regulates the effect of kinship proximity. Heirs are divided into *hajib* (blocking heirs) and *mahjub* (blocked heirs). A *hajib* heir, due to closer genealogical proximity, may prevent a more distant relative from inheriting. For example, the presence of a son excludes siblings from receiving inheritance. Conversely, *mahjub* heirs are those whose rights are suspended because of the existence of closer heirs. This exclusion is generally temporary rather than permanent. If the blocking heir does not exist, the previously excluded heir may become entitled. The doctrine of *hijab* establishes a hierarchical order among relatives. It ensures that inheritance priority reflects closeness of kinship. This mechanism safeguards consistency and prevents overlapping claims. Thus, the system maintains fairness through structured genealogical preference.<sup>14</sup>

In Indonesia, Islamic inheritance law has developed through several interpretative frameworks. These include classical madhhab doctrines, Hazairin's bilateral inheritance theory, and the codified system embodied in the Compilation of Islamic Law. While the Qur'anic provisions remain authoritative, differences among these approaches primarily concern the identification and categorization of heirs. Hazairin's theory, for instance, emphasizes bilateral lineage recognition. Meanwhile, the Compilation of Islamic Law adapts classical doctrine to national legal context. Despite variations, all frameworks maintain adherence to sharia principles derived from the Qur'an and Hadith. The well-known proportional distinctions between male and female heirs remain foundational. This plurality demonstrates the dynamic character of Islamic jurisprudence in Indonesia. It reflects the interaction between religious doctrine, scholarly interpretation, and statutory

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<sup>12</sup> Jagadhita Maharani Putri, "Dinamika Hukum Waris Dalam Sistem Hukum Indonesia (Studi Kasus Putusan Mahkamah Agung Nomor 541 K/Ag/2023)," *CAUSA: Jurnal Hukum Dan Kewarganegaraan* 10 (2015): 8.

<sup>13</sup> Kementerian Agama, *Kompilasi Hukum Islam* (Citra Umbara, 2020), 370.

<sup>14</sup> Nur Intan, "TINJAUAN HUKUM ISLAM TERHADAP HARTA WARISAN YANG BELUM DIBAGI KEPADA AHLI WARIS TERTENTU," *Sibaliparriq: Jurnal Hukum Keluarga Dan Literasi Syariah* 1, no. 2 (2024): 97–112, <https://jurnal.stainmajene.ac.id/index.php/sibaliparriq/article/view/1371>.

regulation. Ultimately, Islamic inheritance law in Indonesia represents a synthesis of theological foundation and positive legal development.<sup>15</sup>

### Decision Number 143/Pdt.G/2025/PA. Tg on Heirs Dispute

This case is an inheritance dispute between the plaintiff and the defendants with the following identities.<sup>16</sup> The Plaintiff is Abdullah Sungkar bin Umar as Plaintiff I. The defendants consist of: (1) Abdul Aziz bin Abud Bakran Sungkar as Defendant I; (2) Nikmah binti Bakran Sungkar as Defendant II; (3) Aulia Nisa binti Rosyid Sungkar as Defendant III; and (4) Rania binti Rosyid Sungkar as Defendant IV. In the a quo case, the trial stated that Almh. Hamidah bint Abud Bakran Sungkar and Abdullah Sungkar bin Umar (plaintiff) are a legal married couple, who were married on December 20, 1991. During the marriage, the two were not blessed with children and had joint property in the form of a piece of land and a certified building with an area of 168 m<sup>2</sup>. Almh. Hamidah bint Abud Bakran Sungkar passed away on March 7, 2024 and left behind heirs, namely Abdullah Sungkar bin Umar (husband), Abdul Aziz bin Abud Bakran Sungkar (siblings), Nikmah binti Abud Bakran Sungkar (siblings), as well as Aulia Nisa binti Rosyid Sungkar and Rania binti Rosyid Sungkar as successor heirs of Almh. Jamie.

After Almh. When Hamidah died, the plaintiff wanted the common property in the form of 168 m<sup>2</sup> of land to be divided first, so that the plaintiff received 84.5 m<sup>2</sup> as part of the common property, while the remaining 84.5 m<sup>2</sup> became inheritance. From the inheritance, the plaintiff as the husband is entitled to 1/2 of the share, which is 42.25 m<sup>2</sup>, while the rest is given to other heirs, namely the relatives of the deceased Hamidah. The plaintiff had held deliberations with Defendant I as the family representative, but the attempt was rejected. Defendant I insisted on claiming half of Almh's property. Hamidah and rejected the family settlement. Therefore, the plaintiff filed a lawsuit with the Tegal Religious Court to obtain his rights.

In his petition, the plaintiff requested the panel of judges to: (1) grant the plaintiff's lawsuit; (2) to designate the legal heirs of the Almh. Hamidah bint Abud Bakran Sungkar as mentioned; (3) determining property in the form of a piece of land and a certified building with an area of 168 m<sup>2</sup>; (4) stipulate 1/2 part of 168 m<sup>2</sup>, namely 84.5 m<sup>2</sup> as the husband's joint property, and the remaining 84.5 m<sup>2</sup> as inheritance; (5) stipulate the share of each heir, namely 42.25 m<sup>2</sup> as the husband's share and the remaining 42.25 m<sup>2</sup> as the ashhabah share for the other heirs, especially the brother of Almh. Hamidah according to Islamic inheritance law; (6) punishing the defendants to accept the determination of the heirs' shares; and (7) punishing Defendant I to pay all the costs of the case. If the panel of judges is of a different opinion, the plaintiff applies for a verdict that is as fair *as possible* (*ex aequo et bono*).

After considering all the legal facts and evidence submitted, the panel of judges in its verdict considered that the plaintiff did not clearly mention the number of siblings of the deceased, both siblings and brothers, and did not explain whether the siblings were still alive or had died. In addition, the plaintiff also did not elaborate on the status of the deceased's parents, whether they were still alive or had died. This ambiguity creates ambiguity regarding the existence of other heirs who are not included in the a quo lawsuit. This condition is contrary to the jurisprudence of the Supreme Court which states that if

<sup>15</sup> Syahrul Mubarak Subeitan, "KETENTUAN WARIS DAN PROBLEMATIKANYA PADA MASYARAKAT MUSLIM INDONESIA," *Al-Mujtahid: Journal of Islamic Family Law* 1, no. 2 (2021): 113–24, <https://doi.org/10.30984/jjfl.v1i2.1780>.

<sup>16</sup> MA, "Putusan Nomor 143/Pdt.G/2025/PA.Tg," Direktori Putusan Mahkamah Agung, 2025.

there are other heirs who are not involved as parties to the inheritance distribution lawsuit, then the lawsuit is declared formally defective (*plurium litis consortium*). Based on these considerations, the panel of judges decided: (1) declaring the plaintiff's lawsuit inadmissible; and (2) charge the plaintiff the costs of the case.

### **Analysis of Decision Number 143/Pdt.G/2025/PA. Tg**

This case concerns an inheritance dispute in which the delayed distribution of the estate triggered prolonged legal and familial tensions. After the death of the wife, the inheritance was not immediately divided among the lawful heirs, resulting in uncertainty over ownership and entitlement. The absence of prompt settlement created space for differing interpretations of legal rights. Over time, this uncertainty evolved into open disagreement among family members. The delay also weakened communication and trust between the parties. In inheritance matters, postponement often increases the complexity of distribution due to changing circumstances. In this case, the unresolved status of the estate became the principal source of dispute. The longer the delay persisted, the more rigid the positions of the heirs became. Consequently, what initially appeared as a manageable difference escalated into formal litigation. The dispute illustrates how procedural inaction can transform private disagreement into judicial conflict. Timely administration of inheritance is therefore essential to prevent fragmentation. The case reflects the practical risks associated with postponing estate division. It also highlights the vulnerability of heirs when legal clarity is absent. Ultimately, the delay formed the structural basis of the dispute.<sup>17</sup>

The conflict was further exacerbated by substantive disagreement regarding the proper method of inheritance distribution. The husband of the deceased insisted that the estate should be divided only after the separation of joint marital property (*harta bersama*). His argument was grounded in the principle that marital assets must first be identified and allocated before calculating inheritance shares. Conversely, the deceased's siblings demanded one-half of the inheritance without undergoing prior division of common property. They viewed the estate as immediately distributable upon death. This divergence reflected contrasting interpretations of family property law. The disagreement was not merely technical but concerned the sequencing of legal rights. Such differences often arise when parties lack uniform understanding of applicable norms. The absence of consensus intensified mistrust between the heirs. Each party believed its interpretation was legally justified. As negotiations failed, litigation became unavoidable. The dispute thus centered on both procedural order and substantive entitlement. It demonstrated how varying legal perspectives within a family can fuel inheritance conflict.

During the trial, the court carefully examined documentary evidence and the formal structure of the claim. Judicial scrutiny revealed deficiencies in the completeness of the heirs' data submitted by the plaintiffs. Specifically, the list of heirs contained qualification errors. Several individuals who potentially possessed inheritance rights were not included in the formal claim. Moreover, the lawsuit did not clearly explain whether certain heirs had died prior to the decedent. Such omissions created uncertainty regarding the lawful composition of beneficiaries. Accurate identification of heirs is a fundamental prerequisite in inheritance adjudication. Without comprehensive data, any judicial determination risks violating the rights of absent parties. The evidentiary gaps therefore undermined the procedural validity of the claim. The court emphasized that formal accuracy is indispensable in succession cases. Inheritance disputes require precise genealogical

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<sup>17</sup> Ahmad Rofiq, *Hukum Perdata Islam Di Indonesia* (Raja Grafindo Persada, 2013), 155.

documentation. The absence of such clarity rendered the lawsuit procedurally defective. This finding became central to the court's consideration.

The court's analysis referred to Article 185 paragraph (1) of the Compilation of Islamic Law, which provides that heirs who die before the decedent may be represented by their children. This doctrine of substitution (*ahli waris pengganti*) ensures continuity of lineage rights. In the present case, it was stated that the deceased Sarwanto had three children. However, only one child was listed as an heir in the lawsuit. The failure to include the remaining children constituted a significant procedural flaw. Such exclusion could potentially deprive lawful beneficiaries of their inheritance rights. The principle of representation requires explicit acknowledgment of successor heirs. By neglecting this requirement, the plaintiffs' submission conflicted with statutory provisions. The omission demonstrated lack of compliance with formal inheritance rules. Judicial intervention was therefore necessary to safeguard legal certainty. The application of Article 185 underscored the importance of systematic heir verification. This statutory reference strengthened the court's reasoning. It also reaffirmed the binding authority of the Compilation of Islamic Law in Religious Court proceedings.

Based on these deficiencies, the panel of judges adopted a cautious and prudent stance. Rather than proceeding to examine the substantive merits of the distribution claim, the court declared the lawsuit inadmissible (*niet ontvankelijk verklaard*). This decision was grounded in the presence of formal defects in determining the lawful heirs. The judges prioritized procedural integrity over immediate adjudication. Such prudence is essential in inheritance disputes where decisions affect multiple generations. A premature ruling could create broader legal consequences. By halting the process, the court prevented potential injustice toward omitted heirs. The ruling reflected judicial commitment to thoroughness and fairness. It demonstrated that procedural compliance is not a mere technicality but a safeguard of rights. The decision also signaled to litigants the necessity of complete documentation. Judicial caution in this context strengthens the credibility of the legal system. It ensures that adjudication is based on accurate and inclusive data. Ultimately, the court emphasized the primacy of procedural correctness.

This prudential approach carries significant implications for future inheritance litigation. By declaring the claim inadmissible, the court prevented wider conflicts that might arise from an incomplete judgment. If the case had proceeded without involving all rightful heirs, subsequent disputes could have emerged. Such fragmentation would undermine both legal certainty and family harmony. The decision therefore serves as a preventive measure against prolonged litigation. It also reinforces the importance of comprehensive genealogical verification prior to filing claims. Litigants are reminded that inheritance disputes require meticulous preparation. Accurate identification of heirs protects the legitimacy of judicial outcomes. The case illustrates that formal requirements function as substantive safeguards. Judicial prudence in inheritance matters ensures equitable protection of all beneficiaries. It also aligns with broader objectives of justice and social order. Through this cautious ruling, the court balanced procedural rigor with long-term conflict prevention. Ultimately, the case highlights the centrality of formal precision in inheritance adjudication.

### **Reconstruction of the Settlement of Inheritance Disputes in the Decision of the Tegal Religious Court Number 143/Pdt.G/2025/PA. Tg**

Decision of the Tegal Religious Court Number 143/Pdt.G/2025/PA. Tg shows that inheritance disputes do not always end in the examination of the subject matter, but can

be stopped in the formal aspect due to the incompleteness of the parties to the case. This condition reflects a fundamental problem in the practice of resolving inheritance disputes, namely the lack of accuracy of the parties in identifying and involving all legal heirs from the beginning of the filing of the lawsuit. Therefore, the reconstruction of inheritance dispute resolution needs to be directed at procedural and substantial improvements so that similar cases do not continue to recur and instead prolong family conflicts.

Procedurally, the first reconstruction that needs to be done is the affirmation of the plaintiff's obligation to compile a complete and transparent list of heirs in the lawsuit. The *a quo* ruling is a clear example that the unclear status of the heirs both related to the number of siblings, the existence of the surrogate heirs, and the life status or death of the heirs has direct implications for the formal defect of the lawsuit. Therefore, in the future, it needs to be emphasized that the inheritance lawsuit must be accompanied by a detailed explanation of the heir's kinship structure, including the possibility of a surrogate heir as stipulated in Article 185 of the Compilation of Islamic Law. This step not only prevents lawsuits from being declared unacceptable, but also guarantees the protection of the rights of all heirs.

In addition, reconstruction also needs to be directed at strengthening the active role of judges in the early stages of case examination. Based on the practice in case Number 143/Pdt.G/2025/PA. Tg, the judge has been cautious by not continuing the substance examination because there are potential other heirs who are not involved. In the future, this cautious attitude can be strengthened through a more in – depth initial examination of the completeness of the parties, including by encouraging clarification early if there are indications of imperfection in the list of beneficiaries. Thus, the judge not only functions as the deciding party, but also as the controller of the process so that inheritance disputes can be resolved fairly and comprehensively.

From a substantial perspective, the reconstruction of inheritance dispute settlement must also reaffirm the order of division between common property and inheritance. The *a quo* case shows that there is a difference of understanding between the heir's husband and the heir's family regarding whether the joint property should be divided first before entering into the distribution of inheritance. The reconstruction offered is an affirmation that the separation of common property is an initial stage that cannot be ignored, because common property is not part of the direct inheritance. This affirmation is important to avoid excessive claims from certain parties and maintain the proportionality of the distribution of rights of each heir.

Furthermore, the reconstruction of inheritance dispute resolution also needs to be directed at optimizing non – litigation mechanisms, especially structured family – based mediation. Decision Number 143/Pdt.G/2025/PA. Tg showed that the failure of family deliberation was the main trigger for the lawsuit to be filed in court. However, mediation is often carried out in a formal manner without deepening the substance of the dispute. Therefore, mediation in inheritance cases should focus not only on the compromise of distribution, but also on clarifying the status of the property, identifying the heirs, and a common understanding of the principles of Islamic inheritance law. This approach is expected to prevent disputes from progressing to the litigation stage that risks resulting in an unacceptable award due to formal defects.

Thus, the reconstruction of the settlement of inheritance disputes is based on Decision Number 143/Pdt.G/2025/PA. Tg is not intended to criticize the results of the verdict alone, but rather to draw normative and practical lessons from the failure to resolve the case. This reconstruction places procedural rigor, clarity of heirs' status, the active role

of judges, and the affirmation of the stages of asset division as the main pillars of a fairer, more effective, and legal certainty – oriented settlement of inheritance disputes.

### **Decision Number 1642/Pdt.G/2020/PA. JP on Determination of Heirs**

This case is an inheritance distribution dispute related to the implementation of an equal division of inheritance between boys and girls (1:1).<sup>18</sup> The parties in this case consist of the plaintiffs and the defendants, all of whom are descendants of the heirs of the late Lisma binti Sarayan. The plaintiffs in this case are: (1) Sofia Hanim Munir binti Asaf Ilyas (Plaintiff I); (2) Emil Mardam bin Asaf Ilyas (Plaintiff II); (3) Maaz bin Asaf Ilyas (Plaintiff III); (4) Zulham bin Asaf Ilyas (Plaintiff IV); and (5) Indra Permana bin Asaf Ilyas (Plaintiff V). The defendants consisted of: (1) Elly Marliza binti Asaf Ilyas (Defendant I); (2) Dian Sundari binti Asaf Ilyas (Defendant II); (3) Untung Leonidas bin Asaf Ilyas (Defendant III); (4) Amalius bin Asaf Ilyas (Defendant IV); (5) Nina Susanti binti Asaf Ilyas (Defendant V); and (6) Ichsan bin Bachrum Amir, (7) Lutfi bin Bachrum Amir, and (8) Lisa binti Bachrum Amir as the successor heir of Bachrum Amir bin Asaf Ilyas.

During the trial it was revealed that before she died, the deceased Lisma binti Sarayan had made a will that was notarized by a notary. In the will, one of the heirs is appointed to take care of and manage the inheritance's legacy. However, the plaintiffs argued that the will was not approved by all the heirs, so it was considered invalid and could not be used as a basis for the distribution of inheritance. The plaintiffs also stated that they currently need the division of inheritance as stipulated in Article 188 of the Compilation of Islamic Law, which essentially gives the heirs the right to demand the division of the inheritance if there is a need, the rights of the heirs are neglected, or the trust of the will is not carried out as it should be.

The defendants argued that the will constituted a lawful mandate that must be implemented insofar as it does not contradict Islamic legal principles and contains clear benefit (*maslahah*). They maintained that the essence of the testament was to preserve harmony, unity, and brotherhood among the heirs, thereby preventing division and prolonged family conflict. According to the defendants, the primary objective of the deceased in drafting the will was to avoid fragmentation of the estate and safeguard familial relationships. They further contended that disagreement or refusal by several heirs does not automatically nullify the legal standing of a will. In their view, as long as the substance of the testament does not violate sharia provisions, it should remain binding and respected. The defendants emphasized that Islamic law acknowledges testamentary dispositions within certain permissible limits. They also highlighted that the moral intention of the testator should be given substantial weight in judicial consideration. The will, they argued, reflected the deceased's conscious effort to ensure equitable treatment and prevent dispute. Moreover, they asserted that rejecting the will entirely would undermine the principle of honoring lawful last wishes. The defendants therefore requested that the panel of judges adopt the testament as the principal legal basis for resolving the case *quo*. They insisted that such recognition would better align with the objectives of Islamic inheritance law. In addition, they suggested that prioritizing the will would minimize further litigation. Ultimately, the defendants framed their argument within the broader concept of justice and family welfare. Accordingly, they sought judicial affirmation of the will's validity and enforceability.

The panel of judges partially granted the plaintiffs' claims and formally determined the legitimate heirs of the late Lisma binti Sarayan, including successor heirs representing

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<sup>18</sup> MA, "Decision Number 1642/Pdt.G/2020/PA. JP," Directory of Supreme Court Decisions, 2020.

a predeceased beneficiary. The court enumerated thirteen individuals as lawful heirs with recognized inheritance rights. The judges also identified and confirmed the estate's objects, consisting of a 725 m<sup>2</sup> parcel of land with Certificate of Ownership No. 419 in Kampung Bali Village containing twenty–five boarding rooms. In addition, the court recognized a rental right over a 4 m<sup>2</sup> shophouse in Tanah Abang Block A valid until 2027. Another asset established as inheritance property was a 331 m<sup>2</sup> parcel of land with Certificate of Ownership No. 321 located in Pakan Kurai Village, Guguk Panjang District, Bukittinggi, West Sumatra. After confirming the heirs and the assets, the panel apportioned the estate into thirty–three equal shares. Each primary heir received 3/33 or 9.09 percent of the estate. Meanwhile, each successor heir was allocated 1/33 or 3.03 percent. The court rejected the remaining claims beyond those granted in the decision. Furthermore, litigation costs amounting to Rp13,671,000 were imposed jointly upon the plaintiffs and defendants. The judgment reflected the court's effort to apply positive law while ensuring proportional distribution. Through this determination, the panel sought to provide legal certainty and finality to the inheritance dispute.

### **Analysis of Decision Number 1642/Pdt.G/2020/PA. JP**

In its legal reasoning, the panel of judges emphasized that the principle of inheritance distribution in Islamic law, which generally prescribes a 2:1 ratio between male and female heirs, must be understood within its philosophical and normative framework. The judges highlighted that this ratio is fundamentally rooted in the principle of responsibility (taklīf) rather than merely biological or gender distinctions. In classical Islamic jurisprudence, a male heir is allocated a larger share because he bears broader financial obligations, including maintenance toward his family members. Therefore, the differentiation in shares reflects a distribution of burdens and duties, not a form of gender preference. The court underscored that inheritance provisions should not be applied rigidly without examining the underlying rationale behind them. By situating the 2:1 ratio within the broader objectives of justice and responsibility, the judges adopted a contextual interpretation of Islamic inheritance norms. This perspective aligns with contemporary scholarly discussions that advocate for a purposive understanding of Islamic legal texts. The court thus moved beyond a purely literal application of the rule and instead examined the social realities surrounding the heirs. In doing so, the panel demonstrated that Islamic inheritance law is not static, but dynamic and responsive to contextual circumstances. Such an approach reinforces the idea that the essence of Islamic law lies in achieving fairness and balance in society. Consequently, the ratio cannot be separated from the socio–economic responsibilities that justify it.

Based on the evidentiary findings presented during the trial, the panel carefully evaluated whether the male heirs, particularly the plaintiffs, had indeed fulfilled the greater responsibilities traditionally associated with their gender role. The court found no convincing evidence that the male heirs had provided more substantial financial or moral support to the parents compared to the female heirs. On the contrary, testimonies and factual records indicated that the daughters had played a significant, and in some respects greater, role in caring for and supporting the parents. This factual assessment became a crucial element in the judges' deliberation. Since the normative justification for granting a double share to male heirs is linked to greater responsibility, the absence of such responsibility undermined the basis for applying the 2:1 ratio. The court reasoned that maintaining the unequal ratio in this context would contradict the very principle that legitimizes it. Therefore, the decision to divide the inheritance equally between male and female heirs was grounded in a substantive evaluation of actual responsibilities. This

reflects a judicial methodology that integrates normative doctrine with empirical realities. The ruling illustrates that justice in Islamic inheritance law must be assessed not only through textual provisions but also through lived social practices. By prioritizing responsibility over formal gender categorization, the judges affirmed a value – oriented interpretation of the law. Such reasoning strengthens the legitimacy of judicial discretion in inheritance disputes. Ultimately, the decision demonstrates a commitment to fairness that transcends rigid formalism.

This ruling represents a substantive and contextual approach to the application of Islamic inheritance law within contemporary judicial practice. It underscores that legal norms should be interpreted in light of their underlying objectives and the realities faced by the parties involved. The judges' reasoning reflects an awareness of the evolving social roles of men and women, particularly in modern family structures where financial and caregiving responsibilities are often shared. By recognizing these changes, the court ensured that the distribution of inheritance corresponded with actual contributions and obligations. The decision also highlights the importance of judicial interpretation in bridging classical legal doctrines with contemporary societal dynamics. Rather than diminishing the authority of Islamic law, this approach reinforces its adaptability and moral coherence. It affirms that the core objective of inheritance regulation is to realize justice ('adl) and social harmony. Furthermore, the equal distribution in this case does not negate the classical rule, but situates it within its proper ethical and functional context. The ruling can therefore be seen as an example of progressive legal reasoning grounded in Islamic jurisprudential principles. It provides an important reference for future cases where gender – based ratios may require contextual reassessment. In broader terms, the judgment contributes to ongoing academic and judicial discourse on the reinterpretation of Islamic inheritance law. Through this decision, the court demonstrated that justice and responsibility remain the central pillars of inheritance distribution.

### **Reconstruction of Inheritance Dispute Resolution in Decision Number 1642/Pdt.G/2020/PA. JP**

Decision of the Central Jakarta Religious Court Number 1642/Pdt.G/2020/PA. JP provides an important lesson that the settlement of inheritance disputes cannot always be resolved mechanically through the formulation of a normative 2:1 division between boys and girls. The dispute in this case actually shows the distance between the textual norms of Islamic inheritance law and the social reality of the heir's family, especially regarding the division of responsibilities and the actual role of the heirs during the heir's lifetime. Therefore, the reconstruction of inheritance dispute settlement needs to be directed towards a more substantive and contextual approach, without eliminating the normative framework of Islamic inheritance law.<sup>19</sup>

The first reconstruction that can be drawn from this ruling is the affirmation that the 2:1 principle in Islamic inheritance law cannot be rigidly understood as a mere biological difference, but rather as a reflection of the principle of responsibility. The panel of judges in the a quo case implicitly reconstructed the meaning of inheritance justice by placing the actual responsibility of the child to the parents as the main variable. Thus, the settlement of inheritance disputes in the future should open up a wider space of proof regarding the contributions, responsibilities, and real roles of each heir, both male and female, as long as the heir is alive.

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<sup>19</sup> Wahidah Wahidah, "Hibah Orang Tua Kepada Anak Perempuan Dihitung Sebagai Bagian Warisan," *Muadalah* 2, no. 1 (2014), <https://doi.org/10.18592/jsga.v2i1.465>.

Furthermore, the reconstruction of inheritance dispute resolution also needs to be directed at structuring the relationship between the will and inheritance rights. This decision shows that the existence of a will made by the heir does not necessarily close the right of the heir to demand the distribution of the inheritance, especially if the will is not executed fairly or actually creates new inequality. Therefore, the reconstruction offered is an affirmation that the will must be placed as a complementary instrument that aims to maintain the benefit of the family, not as a tool of domination of one heir over another. In this context, judges have an important role to assess whether the execution of the will is truly in line with the principles of justice and responsibility, not just formally valid.

The next reconstruction touches on the methodological aspect of resolving inheritance cases in court. Decision Number 1642/Pdt.G/2020/PA. JP showed the courage of the panel of judges to move away from the pattern of mathematical division towards a substantive justice approach. In the future, this pattern can be reconstructed as a model for resolving inheritance disputes that places judges not only as interpreters of norms, but also as assessors of the balance of rights and obligations between heirs. With this approach, the inheritance judgment not only provides legal certainty, but also a sense of justice that can be accepted by the parties.

In addition, the reconstruction of inheritance dispute resolution also needs to be directed at optimizing the family's internal settlement before the dispute continues to the realm of litigation. This case shows that the conflict stems from a difference in interpretation of the will and the division of responsibilities between the heirs. Therefore, the mechanism of family deliberation and mediation in court should be focused on disclosing the role and contribution of each heir, not solely on the number of inheritance distribution. This approach has the potential to prevent the escalation of conflict while maintaining the main goal of Islamic inheritance law, which is to maintain harmony and justice in the family.<sup>20</sup>

Thus, the reconstruction of the settlement of inheritance disputes is based on Decision Number 1642/Pdt.G/2020/PA. JP emphasized that justice in Islamic inheritance law is dynamic and contextual. The division of inheritance is not sufficiently determined by a normative formula, but must take into account real responsibilities, family benefits, and the balance of rights between the heirs. This reconstruction is expected to be a reference for the practice of religious justice in resolving inheritance disputes in a more humane, fair, and family – oriented manner.

### **Decision Number 555/Pdt.G/2025/PA. LMJ on Inheritance Disputes Resolved Through Mediation**

Case Number 555/Pdt.G/2025/PA.LMJ concerns an inheritance dispute adjudicated before the Lumajang Religious Court and ultimately resolved through mediation. The plaintiff in this case was Tinarsum, while the defendants were B. Djayas al. Muna bin Tirto (Defendant I) and Sulis Suyati (Defendant II). The dispute originated from the estate of a married couple, Mr. Tirto and Mrs. Tijani. Mr. Tirto passed away in 1990 in a Muslim state, followed by Mrs. Tijani in 1991. From their marriage, three children were born, namely Tinarsum bin Tirto, P. Niwas al. Mukhtar bin Tirto, and B. Djayas al. Muna bin Tirto. These three children constituted the lawful heirs to the estate under Islamic inheritance law. The inherited asset consisted of a parcel of yard land with a residential

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<sup>20</sup> Miftahul Huda and Tri Wahyu Hidayati, "The Concept of Muḥammad Shaḥrūr on Gender Parity in Inheritance Legislation," *El-Ussrah: Jurnal Hukum Keluarga* 6, no. 2 (2023): 262, <https://doi.org/10.22373/ujhk.v6i2.18121>.

building constructed upon it. The total area of the land measured approximately 954 square meters. Ideally, the inheritance should have been distributed shortly after the deaths of both parents. However, no formal division was carried out at that time. The delay in distribution created uncertainty regarding ownership and control of the property. Over time, this unresolved status generated tension among the heirs. The absence of written division or formal agreement further complicated the situation. Consequently, the inheritance matter evolved into a legal dispute requiring judicial intervention.<sup>21</sup>

The situation became increasingly complex after the death of one heir, P. Niwas al. Mukhtar bin Tirto, on January 14, 2020. He left behind a wife, Siti Aisyah, but no children from the marriage. Under Islamic inheritance principles, the surviving spouse was entitled to a share of the estate. However, Siti Aisyah subsequently passed away on August 16, 2020. The sequential deaths raised questions regarding the transfer of inheritance rights and the identification of successor heirs. The absence of direct descendants required clarification of representation mechanisms. In response, the plaintiff asserted his right to obtain a proportional share of the inheritance property. Prior to filing a lawsuit, the plaintiff attempted to resolve the dispute amicably. Informal mediation efforts were conducted with the involvement of the Wonorejo Village Government, where the property is located. These negotiations aimed to reach a consensual distribution without court intervention. Nevertheless, the parties failed to achieve agreement. Differences in perception regarding entitlement and control persisted. As a result, the plaintiff submitted a formal claim before the Lumajang Religious Court seeking judicial determination.

In his petition, the plaintiff requested that the panel of judges grant all claims presented in the lawsuit. He sought a declaration that both Tirto and Tijani died in Islamic circumstances, thereby confirming the application of Islamic inheritance law. The plaintiff further requested judicial determination of the lawful heirs and any successor heirs. Additionally, he asked the court to formally confirm the inheritance object consisting of yard land and buildings covering 954 m<sup>2</sup>. The plaintiff also demanded that any transfer of rights over the disputed property conducted without his approval be declared invalid. He requested that the defendants or any parties controlling the object of dispute be ordered to surrender it according to legal provisions. Furthermore, he sought the imposition of litigation costs upon the defendants. These claims reflected his attempt to secure legal certainty over the estate. The petition emphasized both declaratory and condemnatory relief. The plaintiff aimed to prevent unilateral control or transfer of the property. He also sought judicial protection of his inheritance rights. Overall, the lawsuit represented a formal effort to clarify ownership and distribution.

Upon registration of the case, the court implemented mandatory mediation procedures in accordance with procedural regulations. A certified mediator appointed by the Lumajang Religious Court facilitated structured dialogue between the parties. During the mediation sessions, the mediator explained the applicable principles of Islamic inheritance law. The mediator also clarified the potential legal consequences of prolonged litigation. Emphasis was placed on the importance of maintaining family harmony and avoiding unnecessary financial burden. Both parties were encouraged to communicate openly and present their respective positions. The mediator adopted a neutral and balanced approach throughout the process. Gradually, the emotional tension between the parties began to decrease. Constructive negotiation replaced adversarial argumentation. The mediator highlighted the benefits of reaching voluntary agreement. This approach

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<sup>21</sup> MA, "Decision Number 555/Pdt.G/2025/PA. LMJ," Directory of Supreme Court Decisions, 2025.

fostered mutual understanding and willingness to compromise. The mediation sessions ultimately created space for consensus. Through dialogue, the parties recognized the value of peaceful settlement.

As a result of the mediation process, the plaintiff and the defendants successfully reached a peaceful agreement regarding the inheritance dispute. The agreement was achieved voluntarily without coercion or judicial imposition. Based on this consensus, the plaintiff formally withdrew his lawsuit before the court. The withdrawal signified that the substantive dispute had been resolved outside adversarial adjudication. Consequently, the panel of judges declared the case concluded through reconciliation. No further evidentiary hearings or judicial examination of the merits were required. The resolution effectively prevented additional procedural costs and delays. It also preserved the economic value of the inheritance property. Importantly, the settlement safeguarded family relationships from further deterioration. The case demonstrates the practical effectiveness of court – annexed mediation in inheritance disputes. It confirms that even complex succession issues involving multiple deaths can be resolved amicably. This outcome reflects the judiciary's commitment to restorative justice principles. Ultimately, Case Number 555/Pdt.G/2025/PA.LMJ serves as an empirical example of successful non – litigation dispute resolution within the Religious Court system.

## **DISCUSSION**

The successful resolution of the inheritance dispute through mediation in this case demonstrates the strategic importance of non – litigation mechanisms in addressing family – based legal conflicts. Inheritance disputes are inherently sensitive because they involve emotional bonds, economic interests, and perceptions of fairness among relatives. Litigation often intensifies hostility and risks permanently damaging family relationships. Mediation, by contrast, provides a confidential and dialogical forum in which parties can articulate their concerns without the rigid structure of adversarial proceedings. In this process, the mediator performs not only a facilitative role but also an educative function by explaining relevant legal provisions and guiding the parties toward a mutually acceptable solution. The willingness of the parties to reach peace indicates that mediation can transform conflict into consensus rather than confrontation. This outcome reinforces the relevance of restorative approaches in private law disputes. From a procedural standpoint, mediation reduces court congestion and accelerates case resolution. From a substantive standpoint, it promotes fairness grounded in mutual agreement. The case illustrates that mediation can be effectively implemented when supported by active judicial encouragement. It also highlights the importance of communication and empathy in resolving intra – family disputes. Therefore, mediation should not be perceived merely as a formal requirement but as a meaningful avenue for justice. Its application strengthens both legal efficiency and social cohesion. Ultimately, mediation embodies a human – centered approach to inheritance dispute settlement.

From the perspective of Islamic legal principles, peaceful settlement through mediation is consistent with the doctrines of shura (deliberation) and islah (reconciliation). Islamic jurisprudence strongly encourages the resolution of disputes through dialogue to preserve kinship ties and prevent prolonged hostility. The ethical foundation of inheritance law is not limited to numerical distribution but extends to the preservation of harmony and justice. Mediation reflects the Qur'anic spirit of fairness balanced with compassion. Judges and mediators are therefore expected to ensure that the application of legal rules does not undermine broader moral objectives. In this case, the settlement demonstrates how positive law and religious values can operate in harmony. The agreement achieved

by the parties indicates voluntary acceptance rather than imposed compliance. Such voluntary resolution enhances the legitimacy of the outcome. It also reduces the likelihood of future litigation between the same parties. By prioritizing reconciliation, the process embodies the integrative character of Islamic dispute resolution. Consequently, mediation serves as both a legal instrument and a moral mechanism. Its success reaffirms the compatibility between contemporary procedural law and classical Islamic principles. This alignment strengthens the normative foundation of inheritance adjudication in Indonesia. It confirms that justice can be realized through consensus without sacrificing legal certainty.<sup>22</sup>

The mediation outcome further reflects the realization of maqasid al-shari'ah, particularly *hifz al-mal* (protection of property). Prolonged litigation often results in significant financial costs and the gradual depletion of estate assets. Through amicable settlement, the parties preserved the economic value of the inheritance. Avoiding extended court proceedings ensured that property distribution could occur more efficiently. This efficiency contributes to safeguarding the material welfare of all heirs. In addition, mediation minimizes indirect losses such as opportunity costs and reputational harm within the community. The preservation of assets aligns with the broader objective of ensuring sustainable economic benefit. Moreover, rational dialogue during mediation reflects the realization of *hifz al-aql* (protection of intellect). The process encourages parties to move beyond emotional reactions toward reasoned compromise. Educational explanations provided during mediation enhance legal awareness and understanding. Such awareness reduces misinterpretation of inheritance provisions and clarifies individual rights. It also fosters responsible decision-making grounded in knowledge rather than assumption. The constructive engagement of intellect and communication illustrates ethical conduct within Islamic legal culture. Therefore, mediation achieves both material protection and intellectual development among heirs.<sup>23</sup>

Beyond mediation, judicial practice in inheritance disputes reveals diverse and evolving legal challenges. Courts frequently confront cases involving presumed death due to prolonged disappearance of an heir. Other disputes concern conflicting evidence regarding the religious identity of a party, which affects jurisdiction and applicable law. There are also cases involving successor heirs who represent a deceased beneficiary. These variations demonstrate the complexity of inheritance adjudication in a pluralistic society. Judges must interpret statutory provisions while considering social realities and evidentiary limitations. Precedent plays a significant role in ensuring consistency across similar cases. However, judicial discretion remains essential when novel circumstances arise. The dynamic nature of family structures further complicates inheritance distribution. Migration, interfaith marriage, and undocumented lineage often create additional legal questions. As societal patterns evolve, so too must interpretative approaches within the judiciary. This adaptability ensures that inheritance law remains relevant and responsive. The combination of doctrinal fidelity and contextual reasoning strengthens the credibility of judicial decisions. Ultimately, the diversity of cases highlights the need for continuous doctrinal development and procedural refinement in inheritance dispute resolution.

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<sup>22</sup> Suqiyah Musafa'ah et al., "HAZAIRIN'S INTERPRETATION OF INHERITANCE VERSES IN THE QUR'AN AND ITS INFLUENCE ON THE COMPILATION OF ISLAMIC LAW," *JOURNAL OF INDONESIAN ISLAM* 17, no. 1 (2023): 147, <https://doi.org/10.15642/JIIS.2023.17.1.147> – 168.

<sup>23</sup> Fathul Mu'in et al., "Dinamika Penerapan Hukum Ahli Waris Pengganti (Analisis Disparitas Putusan Hakim Di Indonesia)," *El-Izdiwaj: Indonesian Journal Of Civil and Islamic Family Law* 2 (2021): 108 – 9.

## CONCLUSION

Indonesia reflects a pluralistic legal system in the field of inheritance law, recognizing three principal regimes: the Civil Code inheritance law, Islamic inheritance law, and customary inheritance law. Each system embodies distinct philosophical foundations and normative characteristics. The Civil Code derives from continental European legal traditions adopted during the colonial period and subsequently integrated into national legislation. Islamic inheritance law is primarily grounded in the Qur'an and Hadith, further elaborated through juristic interpretation (ijtihad) and codified in instruments such as the Compilation of Islamic Law. Meanwhile, customary inheritance law originates from the diverse traditions of Indonesia's ethnic communities, resulting in significant regional variations. For example, Minangkabau customary law upholds a matrilineal system that prioritizes women in the transmission of ancestral property, whereas certain Batak or Medan customary traditions emphasize male lineage in inheritance distribution. These differences illustrate the sociocultural diversity that shapes inheritance practices across the archipelago and often influences the emergence of disputes among heirs.

Inheritance disputes arise under all three legal regimes, although their resolution mechanisms differ institutionally. Cases based on the Civil Code are generally adjudicated before the District Court, Islamic inheritance disputes fall within the jurisdiction of the Religious Court, and customary matters are frequently resolved through local customary authorities. Although Islamic inheritance provisions are explicitly regulated in the Qur'an and elaborated in prophetic traditions, their application remains dynamic, allowing contextual interpretation in accordance with social realities without negating foundational principles. Judges often engage in interpretative reasoning to reconcile normative texts with contemporary conditions, while still referring to statutory frameworks such as the Civil Code or the Compilation of Islamic Law. In light of recurring disputes, several recommendations are proposed: requiring comprehensive genealogical documentation when filing claims; incorporating proof of actual responsibility among heirs as a distribution factor; prioritizing educational mediation grounded in maqasid al-sharia principles; and developing national guidelines for inheritance reconstruction supported by digital identification procedures. These measures are expected to strengthen consistency, fairness, and efficiency in resolving inheritance disputes both through litigation and alternative mechanisms.

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