

Adaptive Resolution of Inheritance Disputes: A Legal Pluralism Approach in Multicultural Societies

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Abstract: Inheritance disputes in Indonesia's multicultural society face complex challenges due to the coexistence of three legal systems: Islamic law, customary law (Adat), and Western civil law. The dominance of rigid litigation approaches often fails to provide substantive justice and instead triggers prolonged family disharmony. This study aims to construct an Adaptive Resolution model as an alternative dispute resolution mechanism that bridges this legal plurality. The research method used is normative-juridical with a conceptual and socio-legal approach. The findings indicate that the lack of synchronization in national regulations demands a more flexible resolution mechanism. The Adaptive Resolution model offers a hybrid approach that prioritizes consensus (*musyawarah*) as the primary law, where inheritance distribution is not solely based on mathematical calculations of legal texts, but on the principles of willingness (*ridha*) and social balance. This model integrates local wisdom values (*living law*) into dispute resolution to create a win-win solution. This study recommends the need to strengthen the legal legitimacy of non-litigation agreements to possess executive power equivalent to court decisions.

Keywords: Inheritance Law; Adaptive Resolution; Legal Pluralism; Multicultural Society.

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Introduction

Inheritance disputes continue to be one of the legal issues that often shake the stability of family resilience in Indonesia.¹ This complexity becomes even more pronounced when placed in the context of Indonesia's multicultural society. The legal reality in Indonesia is not singular (legal centralism), but plural, where Islamic Law, Customary Law, and Civil Law coexist.² These three legal systems do not always operate in harmony and often cause disharmony and overlap in their application. The occurrence of disharmony or overlapping applications then leads to the emergence of complex challenges in inheritance disputes. The plurality of legal systems in the context of inheritance indicates that law does not function in a vacuum, but is always intertwined with the social and cultural structures of society. From the perspective of legal sociology, the coexistence of various legal systems is an inevitable phenomenon in a pluralistic society. However, without an integrative framework, legal pluralism has the potential to create normative tensions and legal uncertainty, especially in family matters that are laden with emotional and symbolic values, such as inheritance.³

In practice, the diversity of legal systems (legal pluralism) is like two sides of a coin. On one hand, pluralism is a legal richness that accommodates local and religious values.⁴ However, on the other hand, the overlap of norms between these three legal systems ultimately becomes a trigger for conflict. Islamic law stipulates detailed inheritance distribution (*furudhul muqaddarah*). At the same time, Customary Law in various regions tends to prioritize the principle of togetherness or distribution. At the same time, the heir is still alive, and the Civil Code emphasizes absolute individual rights

¹Akhmad Sukris Samardi. "Sengketa Waris dalam Keluarga: Analisis Pustaka Tentang Penyebab dan Penyelesaiannya dalam Perspektif Hukum Perdata." *Indonesian Research Journal on Education* 4.1 (2024): 352-357.

²Gandhung Fajar Panjalu. "Kedudukan Hukum Islam dalam Konsep Pluralisme Hukum di Indonesia." *Jurnal Mas Mansyur* 2.1 (2024).

³Wahyu Prijo Djatmiko. *Budaya Hukum: dalam Masyarakat Pluralistik*. Dr. Wahyu Prijo Djatmiko, 2022.

⁴Dedy Sumardi, "Islam, Pluralisme Hukum dan Refleksi Masyarakat Homogen." *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum* 50.2 (2016): 481-504.

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(legitime portie).⁵ As a result, when a death occurs within a family, numerous cases of inheritance distribution end in conflicts among heirs, particularly when there are differing views on who is entitled and how the inheritance should be divided. Differences in legal preferences among heirs often lead to prolonged handling, resulting in complications that do not always lead to a solution, and sometimes even add to the complexity of the matter due to the extended management.

The fundamental differences in character between Islamic law, customary law (*Adat*), and Western civil law reflect the varying philosophies of justice embraced by each system. Islamic law is oriented toward normative justice based on divine revelation; customary law emphasizes communal balance and harmony, while civil law focuses on the protection of individual rights. When these three systems intersect without a mechanism for harmonization, conflicts of interest among heirs become inevitable and tend to be protracted.

The urgency of this issue is reflected in the high number of inheritance disputes brought to court. Based on data from the Directory of Decisions of the Supreme Court of the Republic of Indonesia, at least 1,050 decisions regarding the settlement of inheritance disputes were recorded between 2021 and 2025. This figure demonstrates that conflict in the distribution of inheritance is a significant problem requiring special attention from both legal and social perspectives. Inheritance has become one of the most persistent issues in religious courts; therefore, it is crucial to find an efficient solution capable of addressing the anxieties arising from these disputes. Furthermore, some inheritance cases escalate into criminal acts due to legal uncertainty or the lengthy duration of the judicial process.

The high volume of inheritance disputes entering the courts indicates that internal family social mechanisms are weakening in their ability to resolve conflicts. From the perspective of law and social development, protracted family disputes not only burden the judiciary but also have the potential to trigger further social impacts, such as the criminalization of family conflicts

⁵Moh Muhibbin and Abdul Wahid. *Hukum Kewarisan Islam: Sebagai Pembaruan Hukum Positif di Indonesia (Edisi Revisi)*. Sinar Grafika, 2022.

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and the disintegration of kinship ties. This underscores that inheritance disputes are not merely a juridical matter but a complex social phenomenon.

Inheritance dispute resolution in court tends to be rigid, positivistic, and produces "win-lose" outcomes. In the context of defending family rights, a court victory is often paid for dearly with the severance of relationships between the disputing parties. State law is often unable to capture the "living law" or the sense of justice that resides within society. Multicultural societies frequently require more flexible and humanistic resolutions that can adopt religious values while respecting ancestral traditions—a space that is often unavailable in formal legal procedures. Consequently, in practice, inheritance disputes are frequently settled through non-litigation channels, such as family deliberations (*musyawarah*), customary mediation, or informal agreements based on kinship values. These methods are considered more aligned with local cultures that prioritize social harmony. On the other hand, non-litigation agreements are often perceived as lacking binding legal force, meaning that if one party feels aggrieved, the dispute can be refiled within the judicial realm.

In a multicultural society, a legal system cannot stand alone without considering the religious and customary norms active within the community. Problems arise when these norms contradict one another or have not been adequately accommodated within national regulations. This legal uncertainty often opens the door for the manipulation of interests, prolongs disputes, and weakens substantive justice for the parties involved. The resolution of inheritance disputes often depends on the preferences of a specific community some prioritize religious law, others choose customary mechanisms, and some pursue litigation. This inconsistency indicates the absence of an adaptive resolution model capable of integrating various approaches in a fair, inclusive, and contextual manner.

Previous research on inheritance law has generally been polarized into two main subjects. First, normative studies that merely dissect the articles of the Compilation of Islamic Law (KHI) or the Civil Code textually. Second, sociological studies that solely portray customary conflicts. There is a lack of literature specifically offering an integration model or a middle ground that frames how legal pluralism can be used as an instrument for conflict resolution

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rather than a source of conflict. Therefore, this study aims to reconstruct the paradigm of dispute resolution through the concept of adaptive resolution. This concept is proposed as an alternative approach that does not pit religious law against customary law but rather seeks a common ground (inter-legality) through structured deliberative mechanisms. Within the framework of legal pluralism, adaptive resolution allows for the distribution of inheritance based not solely on legal texts, but on the principles of benefit (*maslahah*), mutual consent (*ridha*), and social balance reflecting the spirit of peace encouraged in Islamic law and the values of harmony in customary law.

Methodology

This study employs socio-legal research, which views the law not merely as a set of written rules but as a social institution operating within a complex societal reality.⁶ The choice of this method is based on the urgency to dissect the phenomenon of legal pluralism in Indonesia, where a gap exists between positive law (*das sollen*) and the law that is lived and practiced by the community, or "living law" (*das sein*).⁷ Through this perspective, the research does not stop at a textual reading of statutes; rather, it goes further to analyze how law functions, interacts, and competes in the resolution of inheritance disputes within multicultural families. This approach is relevant for identifying why litigation often fails to provide substantive justice and how alternative resolution mechanisms can be constructed.

To examine these issues comprehensively, this study applies a mixed approach. First, a statute approach is used to examine regulations related to inheritance and dispute resolution. Second, a comparative approach is applied to compare the concepts of justice and ownership across three major legal systems (Islamic Law, Customary Law, and Western Civil Law) to map their philosophical points of contention. Third, a conceptual approach is used as an analytical tool to build a new theoretical framework, namely the concept of Adaptive Resolution. Data analysis is conducted through a qualitative-

⁶Abdul Karim Omar. "Hukum Sebagai Fenomena Sosial: Analisis Sosiologis Terhadap Regulasi." *Jurnal Sosial dan Humaniora* 2.1 (2026): 26-33.

⁷Irianto, Sulistyowati, ed. *Metode Penelitian Hukum: Konstelasi dan Refleksi*. Yayasan Pustaka Obor Indonesia, 2009.

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normative method using descriptive-analytical techniques detailing applicable legal norms and linking them to the inheritance dispute issues under study, as well as deductive reasoning to draw conclusions that address the research problem regarding legal harmonization in inheritance dispute resolution.

Results and Discussion

The Dialectics of Legal Pluralism in Inheritance Disputes

The dynamics of inheritance dispute resolution in Indonesia cannot be separated from the reality of legal pluralism, which is a defining characteristic of the nation. As proposed by Soerjono Soekanto in his socio-legal studies, law should not be understood merely as a set of static written rules (*law in books*), but as institutionalized patterns of behavior that live within social interactions (*living law*).⁸ In the context of inheritance, this reality creates a complex legal landscape where three primary legal systems, Islamic Law, Customary Law (*Adat*), and Western Civil Law, contest one another. These systems coexist within the same social space, yet they carry philosophies of justice that are often opposed. This condition places multicultural societies in a dilemma, where compliance with one legal system is frequently perceived as a violation or neglect of the others.

The root of this disharmony lies in fundamental differences regarding the essence of ownership and justice across these systems. Referencing the thought of R. Subekti, the Western civil law system, adopted from the *Burgerlijk Wetboek* (BW), highly prizes individualism and materialism.⁹ In this system, individual rights are protected absolutely through the concept of *legitime portie* (mandatory portion), which guarantees that the rights of certain heirs cannot be abolished, even by the testator's will. Its primary focus is the protection of private assets through rigid calculations for the sake of individual legal certainty.

⁸H. Zainuddin Ali. *Sosiologi Hukum*. Sinar Grafika, 2023

⁹Tina Amelia, S. H., and CLA MH. *Sistematika waris barat berdasarkan kitab undang-undang hukum perdata (BW) di Indonesia*. Kaya Ilmu Bermanfaat, 2024. Lihat juga, Deny Slamet Pribadi, and MH SH. "HUKUM PERDATA." *Pengantar Hukum Perdata* (2025): 52.

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This contrasts significantly with Islamic Law. Islamic Law operates on the concept of *ta'abbudi* (devotional), where the distribution of inheritance is meticulously regulated through revelation using *furudhul muqaddarah* (fixed portions). This system emphasizes the aspect of a servant's religious obedience to God, where adherence to the text is viewed as a form of worship, regardless of the surrounding sociological conditions.¹⁰

Meanwhile, sociological reality presents a different face represented by Customary Law. Hilman Hadikusuma, in his in-depth studies, asserts that among indigenous communities in Indonesia, inherited property is not seen merely as an economic commodity to be fully liquidated.¹¹ From a customary perspective, inheritance often serves a socio-magical function, acting as a bond for kinship ties and a symbol of the existence of a clan or extended family. Therefore, customary law does not recognize distribution through rigid calculations like Islamic or Western Civil law. Justice in customary law is a justice that restores balance (*equilibrium*), where distribution is based on the principles of harmony, propriety, and the specific needs of each heir, rather than mere numerical equality.

Severe friction occurs when these three legal logics collide within a single family dispute. For example, in a multicultural family that is religiously observant yet holds firmly to tradition, a daughter might demand an equal share to a son based on human rights arguments (aligned with Western Civil principles). Simultaneously, the extended family may want the ancestral land to remain undivided to keep it intact according to customary law, while *fiqh* (Islamic jurisprudence) rules demand the land be divided precisely according to Sharia. This conflict of legal preferences triggers legal uncertainty in the intergenerational transfer of wealth, which serves as the root of disharmony in inheritance disputes in Indonesia.

¹⁰Moh. Muhibbin and Abdul Wahid. *Hukum Kewarisan Islam: Sebagai Pembaruan Hukum Positif di Indonesia (Edisi Revisi)*. Sinar Grafika, 2022.

¹¹Suci Atmidasari, *Kajian Etnomatematika Pembagian Harta Waris pada Masyarakat Lampung Ditinjau dari Perspektif Adat*. Diss. UIN Raden Intan Lampung, 2018.

The Urgency of Shifting from Procedural Justice to Substantive Justice

The attempt to resolve inheritance disputes through litigation (the courts) is often viewed as the final resort (*ultimum remedium*) to achieve legal certainty. However, in practice, courts operating under the hegemony of Legal Centralism frequently fail to serve as institutions that provide genuine solutions to the problems at hand.¹² The fundamental issue lies in the positivistic-legalist paradigm embraced by the state's judicial system. Within the construction of positive law, judges are often positioned merely as "the mouth of the law" (*la bouche de la loi*), shackled by a mechanistic legal syllogism: examining facts, matching them with statutes, and delivering a verdict.¹³

This approach is highly effective for criminal or commercial civil cases but becomes blunt and even destructive when applied to inheritance disputes, which are saturated with emotional and kinship dimensions. In the context of inheritance law, the dominance of a centralistic state law results in a narrowing of the meaning of justice into mere normative certainty. Inheritance disputes are treated solely as conflicts over property rights rather than conflicts within family relationships. Yet, in traditional and religious societies, inheritance is understood not only as an economic object but also as a symbol of lineage continuity and family honor. This reduction of meaning exposes the limitations of positive law in capturing a broader social reality.

The weakness of this system in family matters is its adversarial nature. The courtroom is designed as a battleground to prove who is right and who is wrong based on formal written evidence.¹⁴ In inheritance disputes, this approach forces heirs to attack one another, expose family secrets, and fight over assets using a zero-sum game logic (where one party wins entirely and the other loses completely). The court lacks the instruments to measure the history of affection or the lifetime of service a child has given to their parents,

¹²Iva Amiroch, *Rekonstruksi Regulasi Hak Waris Anak Hasil Perkawinan di Bawah Tangan Berbasis Nilai Keadilan*. Diss. Universitas Islam Sultan Agung (Indonesia), 2024.

¹³Jonaedi Efendi, S. H. I. *Rekonstruksi dasar pertimbangan hukum hakim*. Prenada Media, 2018.

¹⁴Eddy Army, *Bukti Elektronik Dalam Praktik Peradilan*. Sinar Grafika, 2020.

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as these elements are difficult to quantify in formal evidence.¹⁵ Consequently, the resulting decisions are often rigid.

For example, a court may rule on the division of inherited land precisely according to a certificate, even though the land holds sacred value for the family's tradition and should not be sold. Civil procedural law requires proof based on documents and formal witnesses; thus, life experiences, sacrifices, and emotional relationships between family members hold no juridical value. In inheritance disputes, this condition gives birth to symbolic injustice, as the party who feels morally most deserving may be sidelined due to a lack of formal evidence. Thus, rigid evidentiary procedures are not merely technical; they reproduce an imbalance of justice within the family sphere.

The sociological impact of this rigid resolution model is fatal. A court victory often culminates in what is known as a Pyrrhic Victory, a tragic win.¹⁶ The party that legally wins the lawsuit gains control over the inheritance assets, but sociologically, they suffer a "death" within their social environment, becoming alienated from the extended family. The proverb "the winner becomes charcoal, the loser becomes ash" finds its relevance here. Litigation incinerates the social capital that serves as the foundation of family resilience. State law, in its coercive nature, succeeds in enforcing rules but fails to capture and nurture the sense of justice living within society. The damage to family relationships caused by inheritance litigation does not stop with the disputing parties; it often impacts generations. Inherited conflict creates social segregation within extended families and dissolves traditional solidarity mechanisms that previously functioned as social safety nets.

In such conditions, state law ironically contributes to the weakening of the micro-social structures it is supposed to protect. These micro-structures, though seemingly small, have a significant impact on the development of law in Indonesia, particularly inheritance law. As times evolve, the polemics accompanying legal growth in Indonesia must be addressed with a spirit of

¹⁵M. Natsir Asnawi, and MH SHI. *Pengantar Jurimetri Dan Penerapannya Dalam Penyelesaian Perkara Perdata: Pendekatan Kuantitatif Dan Kualitatif Terhadap Hukum*. Prenada Media, 2020.

¹⁶Fahrin Amrullah, *Konsep Ideal Penyelesaian Sengketa Pemilihan umum di Indonesia Yang Berbasis Nilai Keadilan*. Universitas Islam Sultan Agung (Indonesia), 2021.

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ensuring that courts provide progressive certainty. This is essential to prevent social phenomena such as discrimination and threats to certain parties from arising after a court decision is rendered.

A sharp critique of this phenomenon can be analyzed using the Progressive Law theory pioneered by Satjipto Rahardjo. In the view of Progressive Law, the law is not an absolute and final institution, but one that must constantly flow in search of substantive truth.¹⁷ Rahardjo emphasized that "Law is for humans, not humans for the law." When civil procedural rules become an obstacle to family peace, the law has become alienated from its primary purpose. Courts that chase only Procedural Justice (formal truth) often ignore Substantive Justice (the justice of the conscience). Judges become trapped in what Rahardjo described as the "prison of legal certainty," where statutory texts are deified above the fate of human beings in litigation. Progressive Law opens a space for judges to exercise limited judicial activism to achieve substantive justice. The judge is no longer a passive reader of statutes but a moral actor responsible for the social impact of their decision. In inheritance disputes, a judge's courage to encourage reconciliation or delve into local values is a concrete form of law working humanely.¹⁸

Furthermore, the failure of litigation is caused by the state law's inability to accommodate pluralism. Religious Court judges are bound by the Compilation of Islamic Law (KHI), while District Court judges are bound by the Civil Code (KUHPerdata). These jurisdictional barriers make dispute resolution fragmented. In reality, Indonesian society is pluralistic. A devout Muslim may still hold firmly to ancestral customs. When an inheritance dispute is forced into a single legal "box" (e.g., purely Islamic or purely Civil), a part of the parties' identity is lost.

Therefore, maintaining the litigation paradigm as the sole path for inheritance dispute resolution is a sociological setback. A deconstruction of thought is required to shift from a confrontational resolution model to an integrative one. The need for a more humanistic mechanism, one that

¹⁷Satjipto Rahardjo, *Penegakan hukum progresif*. Penerbit Buku Kompas, 2010.

¹⁸Shinta Dewi Rismawati. "Menebarkan keadilan sosial dengan hukum progresif di era komodifikasi hukum." *Jurnal Hukum Islam* 13.1 (2015): 1-12.

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transcends the rigidity of statutory texts and absorbs local wisdom, is the primary foundation for the idea of adaptive resolution. Recognizing legal pluralism demands a change in how the state manages family disputes. A monistic approach that imposes a single legal system contradicts the constitutional spirit that recognizes social and cultural diversity. Ideally, inheritance dispute resolution should be directed toward a hybrid mechanism that combines state law, religious law, and customary law as a complementary whole.

Adaptive Resolution: Legal Harmonization Based on Inter-legality and Legal Certainty

Departing from the dialectic between legal normativity and sociological reality, this study proposes the Adaptive Resolution model as a middle ground for resolving multicultural inheritance disputes. Adaptive resolution is defined not as an attempt to overtly blend religious and customary dogmas, but rather as a strategy of inter-legality. This concept, introduced in the sociology of law by Boaventura de Sousa Santos, describes the capacity to converge different legal systems within a single problem-solving forum. Within this framework, state law no longer marginalizes customary or religious law; instead, it serves as a facilitator that provides space for these norms to operate. The adaptive resolution approach aligns with contemporary legal pluralism theory, which rejects a monistic view of law. Santos asserts that in pluralistic societies, individuals live within various overlapping "legal spaces" (inter-legality),¹⁹ and thus, effective conflict resolution must bridge these systems rather than negate them. Consequently, adaptive resolution positions state law as an arena for normative dialogue rather than an instrument of dominance over custom and religion.

The juridical foundation of this adaptive resolution rests upon the principle of freedom of contract, as regulated in Article 1338 of the Indonesian Civil Code (*KUHPerdata*). This article serves as a gateway allowing heirs to create their own rules through agreement, provided they do not contravene

¹⁹Lukman Santoso Az. "Critical Legal Studies." *Memahami Teori Hukum: Percikan Pemikiran Ilmu Hukum Lintas Mazhab*: 149.

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public order or morality.²⁰ On the other hand, from the perspective of Islamic Law, this model is a manifestation of the principle of *Al-Shulhu* (reconciliation). The *fiqh* maxim "*Al-shulhu sayyidul ahkam*" (peace is the master of all judgments) provides theological legitimacy that a peaceful settlement based on mutual consent (*ridha*) holds a high position—even overriding pure mathematical calculations—as long as it does not permit what is forbidden or forbid what is permitted. The principle of freedom of contract reflects the state's recognition of the private autonomy of citizens to regulate their own interests. In civil law doctrine, this is understood as the liberty to create particular law for the parties involved, provided it remains within public normative boundaries. This principle finds common ground with *Al-Shulh*, which positions reconciliation as a primary instrument of dispute resolution based on consent and collective benefit (*maslahah*).

Technically, adaptive resolution operates through a mechanism that integrates the certainty of *faraid* (Islamic inheritance) calculations with the flexibility of customary deliberation (*musyawarah*). This process distinguishes between Normative Rights and Actual Distribution. In the initial phase, *faraid* calculations are used as the baseline to establish the normative portion of each heir's rights (who is entitled to what under Sharia). This is crucial so that every individual knows their fundamental rights. However, during the execution phase, heirs open a space for negotiation based on necessity and propriety (Customary Law). It is here that the Islamic concept of *Tanazul* (renunciation or waiving of rights) is applied. For instance, a male heir who is entitled to a 2:1 ratio under *faraid* may voluntarily waive a portion of his rights to a sister who is widowed or economically disadvantaged.²¹ This act of waiving is valid under Sharia (as *hibah* or charity), valid under Customary Law (as a manifestation of communal harmony or *gotong royong*), and valid under State Law (as a civil agreement).

²⁰Sufiarina, et al. *Hukum Perdata: Asas-Asas dan Perkembangannya*. PT. Sonpedia Publishing Indonesia, 2024.

²¹Isniyatin Faizah, Febiyanti Utami Parera, and Silvana Kamelya. "Bagian Ahli Waris Laki-laki dan Perempuan dalam Kajian Hukum Islam." *The Indonesian Journal of Islamic Law and Civil Law* 2.2 (2021): 152-169.

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Thus, the final distribution may no longer reflect the exact initial figures, yet it fulfills the standard of substantive justice. This separation between normative rights and actual distribution reflects a distributive justice approach oriented toward the social context of the parties. In justice theory, such an approach is seen as more responsive than the rigid application of norms because it considers the actual needs and social vulnerabilities of the heirs. The concept of *tanazul* reinforces this flexibility by providing a normative basis for the voluntary waiving of rights as a form of solidarity and moral virtue.

The primary weakness of non-litigation dispute resolution (*musyawarah*) to date is that it is often regarded merely as a fragile moral promise, prone to being contested by future generations. To overcome this, adaptive resolution requires the institutionalization of the agreement. Oral or handwritten agreements are insufficient. The results of the adaptive deliberation must be formalized into a Settlement Deed (*Acta van Dading*). The lack of institutionalization in family deliberations often creates legal uncertainty and opens the door for further conflict. From a socio-legal perspective, non-institutionalized social agreements tend to lose their binding force when faced with generational shifts and economic interests. Therefore, the formalization of consensus is an essential instrument for transforming social consensus into stable legal norms.

The roles of the Notary and the Judge become central here. The settlement formulated by the parties must be framed in an authentic deed or ratified through a Settlement Deed in court (either a Religious or District Court).²² With the existence of this deed, the agreement is transformed into a legal product possessing executory power (*executable title*) equivalent to a final and binding court judgment (*inkracht van gewijsde*). This means that if any party breaches the agreement in the future, the deed can be directly executed without the need to restart the litigation process from the beginning. The *Acta van Dading* holds a strategic position in the civil procedural system

²²Lalu Budi Sutrisno. *Kekuatan Hukum Akta Perdamaian (Van Dading) Yang Dibuat Oleh Notaris Dalam Penyelesaian Sengketa Pertanahan Di Indonesia*. Diss. Universitas Islam Sultan Agung Semarang, 2024.

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because it merges party consensus with state authority.²³ In legal doctrine, a settlement deed is viewed as a form of hybrid justice—justice born of consensus but fortified by the power of the state. The executory power inherent in this deed ensures that the peace does not end as a mere moral agreement but possesses real legal force.

Through this formalization, the adaptive resolution model addresses two challenges simultaneously: the sociological challenge of maintaining family harmony through deliberation, and the juridical challenge of guaranteeing legal certainty through an authentic deed. This is a concrete manifestation of the ideal National Law with an Indonesian character—a legal system that is not rigid, but one capable of absorbing local wisdom and religious law, then framing them within a strong state positive law structure. Consequently, inheritance disputes are no longer arenas that destroy families, but moments to reaffirm kinship ties within a framework of equitable legal certainty. The adaptive resolution model represents a national legal aspiration rooted in the social values of Indonesian society. This approach aligns with the idea of responsive law, which positions law as a tool for social engineering sensitive to local and religious values. Thus, national law does not stand as a system foreign to its people, but as a reflection of a social reality that lives and evolves dynamically.

Conclusion

Inheritance disputes in Indonesia reflect a complex clash of legal pluralism, where Western Civil Law, Islamic Law, and Customary (*Adat*) Law intersect. This tension creates significant legal uncertainty, as adherence to one system often violates the values of another. Consequently, these disputes transcend mere economic asset division, evolving into deep-seated conflicts of identity and norms, proving that a rigid unification of law is incompatible with Indonesia's diverse sociological reality.

²³Khadijah Ashodiqoh, *Akta Perdamaian Notaris Sebagai Perlindungan Kepentingan Hukum Para Pihak= Notarial Settlement Agreement As Protection Of The Legal Interests Of The Parties*. Diss. Universitas Hasanuddin, 2024.

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Traditional litigation often fails to provide substantive justice, resulting in "pyrrhic victories" that secure legal ownership at the cost of fractured family ties. To address this, a "Reflective Adaptive Resolution" model is proposed, utilizing an inter-legality strategy that harmonizes Islamic *faraid* calculations with the flexibility of *Adat* harmony through *Tanazul* (voluntary waiver of rights). By formalizing these agreements into a Deed of Settlement (*Akta Perdamaian*), the solution gains binding executory power, balancing state legal certainty, religious compliance, and social cohesion.

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