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## Legal Reasoning in Resolving Family and Inheritance Cases: A Theoretical and Practical Analysis

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### **Abstract**

*Ideally, legal reasoning in family and inheritance cases should be guided by clear, consistent, and harmonized principles across the legal system. However, in reality, disputes often arise within a complex landscape involving overlapping norms, diverse interpretations, and variations in judicial practice. This research aims to analyze both the theoretical foundations and practical applications of legal reasoning used by judges and legal practitioners in resolving family and inheritance cases. Using a qualitative methodology, the study relies on doctrinal analysis, case studies, and comparative review of judicial decisions to understand how legal arguments are constructed and applied in real court settings. The findings show that although legal theory provides structured guidance, the resolution of family and inheritance disputes is largely influenced by contextual considerations such as cultural values, the coexistence of multiple legal systems, and the discretionary reasoning of judges. This dynamic interaction often leads to outcomes that balance normative frameworks with pragmatic socio-cultural realities.*

**Keywords:** Legal Reasoning, Inheritance Cases, Family Law.

## Abstrak

Idealnya, penyelesaian kasus-kasus keluarga dan warisan berlangsung secara adil, transparan, dan berlandaskan kepastian hukum. Namun, realitasnya menunjukkan bahwa pluralisme hukum di Indonesia yang mencakup hukum adat, hukum Islam, dan hukum perdata sering menimbulkan ketidaksesuaian penafsiran dan konflik antar ahli waris. Perbedaan nilai budaya, minimnya pemahaman masyarakat terhadap hukum waris, serta penalaran hukum yang tidak selalu mempertimbangkan keadilan substantif menjadi sumber utama terjadinya sengketa yang berkepanjangan. Penelitian ini bertujuan menganalisis bagaimana penalaran hukum diterapkan oleh hakim dalam menyelesaikan kasus-kasus keluarga dan warisan, serta mengidentifikasi faktor-faktor yang memengaruhi tercapainya keadilan substantif. Metodologi yang digunakan adalah penelitian pustaka dengan pendekatan kualitatif, yang menelaah peraturan perundang-undangan, putusan pengadilan, literatur hukum, serta penelitian terdahulu. Hasil penelitian menunjukkan bahwa penalaran hukum yang adaptif dan kontekstual berperan penting dalam menjembatani perbedaan antar sistem hukum, sehingga menghasilkan putusan yang lebih diterima dan adil bagi semua pihak. Selain itu, kemampuan hakim menggali nilai-nilai sosial dan budaya terbukti memengaruhi kualitas keadilan substantif dalam penyelesaian sengketa waris.

**Kata kunci:** Penalaran Hukum, Sengketa Waris, Keadilan Substantif.

## Introduction

Family law issues, particularly those related to inheritance disputes, constitute one of the most frequently occurring legal problems in Indonesian society. The complexity of emotional relationships among family members causes inheritance matters to extend far beyond the mere distribution of assets. Tensions among heirs often escalate into prolonged conflicts that damage previously harmonious family relationships. In many cases, disputes arise not solely from material interests but from perceptions of justice, priority, and power dynamics within the family. This situation is further exacerbated by the low level of public understanding of applicable inheritance laws, including customary law, Islamic law, and civil law. A lack of knowledge regarding fundamental inheritance principles frequently leads to misconceptions that develop into disputes (Siregar & Handoko, 2022).

Within Indonesia's multicultural society, differing perspectives on the sources of inheritance law serve as a primary trigger for conflict, rendering inheritance disputes not merely legal issues but also social problems with intergenerational consequences. The complexity increases when inheritance disputes intersect with the legal pluralism that characterizes Indonesia's legal system (Ariyanto et al., 2021). Customary law, Islamic law, and civil law each possess distinct principles and mechanisms for dispute resolution. In practice, these normative differences often generate confusion regarding which legal system should serve as the primary reference in resolving a particular case.

The limited public understanding of the distinctions among these three legal systems represents one of the root causes of recurring inheritance conflicts. Inconsistencies between customary values, religious norms, and state regulations also provoke new debates concerning the legitimacy of the legal system chosen by the heirs. In many cases, courts are placed in a difficult position when resolving disputes, as judges must consider not only formal legal validity but also social acceptability. This situation underscores the need for adaptive legal reasoning that is sensitive to cultural contexts in order to produce decisions that are not only legally valid but also substantively just (Dahwal, 2019).

Ideally, the inheritance legal system should provide legal certainty and substantive justice for all heirs. Disputes should be resolved through a sound understanding of legal rules alongside respect for local cultural and religious values. However, empirical realities demonstrate that legal pluralism often becomes a source of confusion within society. Legal authorities, particularly judges, are required to balance formal legal norms with evolving social dynamics. The gap between the ideal objectives of inheritance law and the realities of legal practice constitutes a fundamental problem in the resolution of family disputes in Indonesia (Rahmatika, 2021). Legal pluralism, which is intended to offer flexibility in achieving justice, frequently becomes a source of misunderstanding and contention.

This study seeks to address these issues by focusing on how legal reasoning is applied in the resolution of family and inheritance disputes. The analysis concentrates on how judges interpret, understand, and simultaneously apply the principles of customary law, Islamic law, and civil law in complex cases. The objective of this research is to identify patterns of legal reasoning that not only adhere to formal legal rules but also bridge differences among legal systems while fulfilling the demands of substantive justice. Through a more comprehensive examination, this study is expected to provide new insights into how Indonesia's legal system can become more responsive to cultural diversity and social realities.

## **Literature Review**

Studies on legal reasoning in family and inheritance disputes have been widely conducted from the perspectives of customary law, Islamic law, and civil law. However, most of these studies remain fragmented, with limited efforts to integrate theoretical analyses of legal reasoning with practical dispute resolution. Many studies focus exclusively on a single legal system or aspect, without examining how these systems interact within the context of national legal pluralism. This condition highlights the need for deeper exploration of the relationship between theories of legal reasoning and their implementation in judicial practice.

One relevant study is that of Petty Aulia Mandasari, which examines the resolution of inheritance disputes involving the dzawil arham category of heirs. Mandasari emphasizes how inheritance law pluralism influences decisions to pursue litigation or non-litigation mechanisms in Indonesia (Mandasari et al., 2022). The findings indicate that non-litigation approaches, particularly through sharia-based mediation, are more readily accepted by the community due to their

ability to preserve family relationships. Although relevant, this study has a limited scope, as it focuses solely on a specific category of heirs. While the challenges of legal pluralism are acknowledged, they are not examined alongside a broader analysis of judicial legal reasoning.

Nabila Nariswari offers another perspective on inheritance conflicts within patrilineal customary societies. Her research reveals that the choice between customary law, Islamic law, and national law frequently becomes the primary source of dispute, particularly when younger generations seek changes in inheritance patterns. Conflicts arise not only from differences in legal systems but also from tensions between deeply rooted cultural values and demands for modernity. Although this study highlights legal pluralism, its focus remains confined to specific customary communities and does not fully address legal reasoning within a broader judicial context.

Tri Prastyo Wahyu Santoso's research on the resolution of inheritance distribution disputes at the Surakarta District Court provides concrete insights into judicial interpretation in practice. Santoso demonstrates that judges play a crucial role in balancing customary law, Islamic law, and civil law to achieve substantive justice (Santoso, 2016). However, due to its focus on a single case study, this research does not capture variations in legal reasoning across different courts or other types of family disputes. While empirically valuable, its theoretical analytical scope remains limited.

These three studies reveal several unresolved research gaps. First, there is a lack of comprehensive studies that integrate theoretical analyses of legal reasoning with practical mechanisms for resolving family and inheritance disputes within the context of legal pluralism. Second, examinations of the judicial role in balancing social, cultural, and religious considerations remain limited and have yet to depict a national pattern of legal reasoning. Third, comparative analyses of litigation and non-litigation dispute resolution from the perspective of legal reasoning are still underdeveloped.

This research seeks to fill these gaps by integrating theoretical and practical analyses of legal reasoning in a more holistic manner. By examining various court decisions alongside theories of legal reasoning, this study analyzes judicial thought processes in resolving complex family and inheritance disputes. The focus extends beyond judicial outcomes to include the underlying argumentative processes. This approach enables a deeper understanding of how law is applied within real-world contexts characterized by social, cultural, and emotional variables. Furthermore, this study explores how legal reasoning functions as a bridge between divergent legal norms in Indonesia. By examining how judges interpret legal rules, consider social values, and adapt decisions to societal contexts, this research highlights the capacity of legal reasoning to mitigate tensions arising from legal pluralism. The findings are expected to contribute to reforms in legal education and judicial training, fostering greater sensitivity to multicultural contexts.

## **Research Methodology**

This study is classified as library-based research employing a qualitative approach, as all data are analyzed through normative legal reasoning without

involving field data collection. The methodology adopted is a normative juridical approach, which examines legal norms, legal principles, legal doctrines, and court decisions related to legal reasoning in the resolution of family and inheritance disputes (Sugiyono, 2021). Primary data sources in this study include statutory regulations, the Compilation of Islamic Law, relevant customary law provisions, and court decisions concerning family and inheritance disputes. Secondary data sources consist of academic literature, legal textbooks, scholarly journals, scientific articles, and previous research addressing legal reasoning, legal pluralism, and the dynamics of family and inheritance dispute resolution in Indonesia.

Data analysis is conducted using qualitative-descriptive analysis, which involves describing, interpreting, and synthesizing each legal source to understand how legal reasoning is substantively applied by judges and other dispute resolution institutions. Data validation and reliability testing are carried out through source triangulation by comparing various primary and secondary references to ensure consistency of arguments and accuracy of legal interpretation. The drafting process is conducted in stages, beginning with the collection of library data, thematic classification, development of a theoretical framework, comparative analysis of legal reasoning practices, and culminating in the formulation of conclusions that comprehensively and systematically address the research focus.

### **The Framework of Inheritance Law in Indonesia**

The framework of inheritance law in Indonesia constitutes one of the most complex legal systems, as it is shaped by social, cultural, religious, and historical diversity. This plurality has given rise to three inheritance systems that coexist within Indonesian society: customary inheritance law, Islamic inheritance law, and civil inheritance law. On the one hand, this legal pluralism reflects the nation's rich cultural heritage; on the other hand, it presents significant challenges in implementation, as these systems do not share uniform foundations, objectives, or mechanisms for the distribution of estates. In practice, interactions among the three systems frequently generate legal dynamics, particularly when communities are required to determine the applicable legal basis for resolving inheritance disputes. Differences in legal principles, family structures, and conceptions of justice demonstrate that inheritance law cannot be understood in isolation but requires a comprehensive and contextual perspective to ensure fair and effective application.

Customary inheritance law represents a system that developed organically within local communities long before the influence of major religions and colonialism. Its unwritten, flexible nature and strong reliance on tradition result in significant variations across regions. For instance, Batak communities adhering to a patrilineal system prioritize inheritance rights for male descendants, whereas Minangkabau communities following a matrilineal system transmit ancestral property through the maternal lineage. These differences extend beyond asset distribution, reflecting broader structures of power, social relations, and cultural values within each community. Although customary law is adaptive to social change, its regional diversity renders standardization under a single national legal framework difficult. Consequently, its application often requires interpretation by

customary leaders to ensure alignment with evolving social conditions (Soekanto, 2014).

In contrast, Islamic inheritance law possesses a more structured and codified framework, as it is derived from the Qur'an, Hadith, and scholarly ijtihad. In Indonesia, its application is reinforced through the Compilation of Islamic Law (Kompilasi Hukum Islam), which serves as a juridical guideline for Muslims in resolving inheritance matters. The Compilation clearly regulates the shares of heirs based on blood relations and marital ties, such as the provision that a male child receives twice the share of a female child or the inheritance rights of spouses under various conditions (Yulianingsih & Listyanrini, 2023). The principle of justice underlying Islamic inheritance law is proportional and measurable, thereby providing legal certainty for the community. Nevertheless, in practice, Islamic law continues to interact with local cultural values, occasionally giving rise to challenges when customary norms diverge from Islamic legal provisions. As a result, law enforcers often need to employ contextual legal reasoning to ensure that judicial decisions reflect substantive justice.

Meanwhile, civil inheritance law, as regulated in the Indonesian Civil Code (Kitab Undang-Undang Hukum Perdata), represents a legacy of Dutch colonial law and is predominantly applied to non-Muslim communities. This system emphasizes inheritance distribution based on nuclear family relationships and tends to be individualistic, in contrast to the communal character of customary law or the religious foundation of Islamic law. Civil law affirms the rights of legitimate children, spouses, and certain relatives to the deceased's estate, thereby providing a clear legal framework for families. However, despite its structured nature, the Civil Code is not always fully applied in practice, as communities often adapt its provisions to local cultural values. This illustrates that civil law does not operate in a social vacuum, and its implementation likewise requires culturally sensitive interpretation and an awareness of family dynamics.

The legal pluralism arising from the coexistence of these three systems poses substantial challenges to the application of inheritance law in Indonesia. Normative overlap frequently occurs when heirs and testators come from different customary or religious backgrounds, raising questions regarding which legal system should prevail. Conflicts may arise not only from disputes over property but also from a lack of public understanding of the fundamental differences among legal systems (Dahwal, 2019). Limited legal literacy remains a primary source of confusion in inheritance distribution processes. When customary norms conflict with Islamic or civil law, disputes may become protracted and damage family relationships. This condition demonstrates that legal pluralism requires mediating mechanisms to prevent legal uncertainty and prolonged conflict.

Therefore, efforts toward harmonization or unification of inheritance law are necessary as strategic measures to minimize normative overlap. Harmonization does not imply absolute uniformity but rather the alignment of fundamental principles so that the three systems do not contradict one another (Santoso, 2016). Such efforts must be conducted inclusively and participatorily, involving customary leaders, religious figures, academics, and the community as custodians of cultural values. In addition to harmonization, legal education is an urgent necessity to enhance public understanding of rights and obligations in

inheritance distribution. The government and educational institutions play a crucial role in disseminating knowledge of the three inheritance law systems, enabling communities to make informed legal choices and reducing the potential for conflict. Ultimately, the effectiveness of Indonesia's inheritance law system depends largely on the capacity of law enforcers—particularly judges—to interpret and apply legal norms in an adaptive, culturally sensitive manner that aligns with social realities.

### **Challenges of Legal Pluralism in Inheritance Disputes**

Legal pluralism within Indonesia's inheritance system is a phenomenon that reflects the country's cultural, religious, and legal diversity. The coexistence of three parallel legal systems—customary law, Islamic law, and civil law—renders the resolution of inheritance disputes a complex and multidimensional process. At the theoretical level, legal pluralism may be understood as a form of legal democracy that provides social groups with space to preserve their respective legal identities. However, when theory encounters dispute resolution practice, various challenges emerge that require judges and legal practitioners to exercise careful and nuanced decision-making (Nugroho, 2016). For instance, when disputing parties originate from different cultural or religious backgrounds, determining the appropriate legal system becomes a critical issue that significantly affects the realization of substantive justice for heirs. This complexity positions legal pluralism not only as a strength within Indonesia's multicultural framework but also as a potential source of legal conflict that demands deep interpretative engagement from law enforcers.

In the practical resolution of inheritance disputes, the choice of the applicable legal system often presents a dilemma for judges. H. Akhmad Haries emphasizes that inheritance pluralism provides heirs with at least three distinct juridical references, each regulating the grounds for inheritance, the structure of heirs, and the proportion of shares received (Ariyanto et al., 2021). These fundamental differences can generate confusion and legal uncertainty, particularly in the absence of agreement among the parties regarding the system to be applied. This view is reinforced by Rika Afrida Yanti and Irwansyah, who argue that legal pluralism, while reflecting societal value diversity, has the potential to give rise to conflicts of interest if it is not accompanied by a fair and equitable law enforcement system. In judicial practice, judges are frequently confronted with situations in which they must balance the demands of substantive justice against the procedural norms of each legal system. Consequently, in-depth knowledge of local customs, Islamic legal provisions, and Western civil law rules becomes essential for judges to deliver decisions that are not only legally valid but also socially just.

Efforts to address these challenges have stimulated discourse on the harmonization or even unification of inheritance law in Indonesia. Some legal scholars contend that integrating certain fundamental inheritance principles could help reduce conflicts arising from inter-system overlap. Nevertheless, such initiatives must be approached cautiously, as there is concern that they may erode the cultural richness embedded in customary law and the religious values inherent in Islamic law. A participatory approach involving customary leaders, religious

authorities, academics, and policymakers is therefore essential to ensure that legal harmonization continues to respect Indonesia's societal plurality. At the same time, public legal education regarding the various applicable inheritance systems has become an urgent necessity. Limited legal awareness has caused many inheritance disputes to persist merely due to a lack of understanding of their legal foundations. Government institutions and educational bodies play a vital role in disseminating accessible inheritance law information, enabling communities to make informed decisions when selecting dispute resolution pathways (Yasser & Desiandri, 2024).

Beyond regulatory and educational dimensions, law enforcement within a pluralistic context is heavily influenced by judges' capacity to engage in comprehensive legal reasoning. Judges function not only as textual appliers of law but also as interpreters who must consider substantive justice and the socio-cultural conditions of the disputing parties. By internalizing the context of legal pluralism, judges can render decisions that are more responsive and equitable. This capacity has become increasingly important given the evolving dynamics of Indonesian society and the growing number of disputes involving cross-cultural and interreligious dimensions. Yasser and Desiandri underscore that enhancing the capacity of judges and law enforcement officials is a crucial step toward ensuring the sustainability of an inheritance law system that is sensitive to societal diversity. Ultimately, legal pluralism in inheritance disputes should be understood not merely as a source of problems but as a social reality that requires a holistic approach to produce decisions that are just, contextual, and acceptable to all parties.

### **Judicial Legal Reasoning in Inheritance Disputes**

Judicial legal reasoning occupies a highly strategic position in the resolution of inheritance disputes, as judges are not solely reliant on legal texts but are also required to interpret social, cultural, and value-based contexts prevailing within society. Within Indonesia's pluralistic legal framework—encompassing customary law, Islamic law, and civil law—judges frequently encounter situations that demand a high degree of precision in selecting the most relevant legal basis. Consequently, legal reasoning cannot be limited to the mechanical application of positive law but must be oriented toward the realization of substantive justice genuinely experienced by the parties. In this context, judges employ methods of legal interpretation and principles of legal discovery to ensure that judicial decisions do not deviate from the community's sense of justice (Rika & Yanti, 2023).

Grammatical interpretation assists judges in understanding the literal meaning of legal norms, while systematic interpretation situates a norm within the broader legal structure to ensure regulatory coherence (Nanda & Sirait, 2024). When the applicability of a norm is ambiguous, historical interpretation is used to trace the intent of the lawmaker. Teleological interpretation, in turn, allows judges to align legal norms with evolving social needs. Furthermore, comparative interpretation enables judges to examine how similar issues are resolved in other jurisdictions, while futuristic interpretation assists in anticipating future legal needs, particularly when existing positive law proves inadequate. These six

interpretative methods function as intellectual tools that enable judges to bridge legal texts with a dynamically changing social reality.

In inheritance disputes, judges do not merely interpret legal norms but also engage in the process of legal discovery (rechtsvinding). This process occurs when existing norms are insufficient to resolve a case adequately, requiring judges to develop the law based on principles of justice living within society. B. Arief Sidharta, as cited in Nanda and Sirait (2024), emphasizes that legal discovery is an essential component in maintaining the relevance of law to societal needs. In the context of inheritance disputes, this function is particularly significant, as the coexistence of patrilineal, matrilineal, and bilateral inheritance systems requires judges to understand local customary norms without disregarding universal principles of justice. Accordingly, judges must possess social sensitivity to proportionally harmonize customary norms with written law.

Beyond the complexity of inheritance systems, gender justice has emerged as a crucial aspect that judges must consider in legal reasoning. There are cases in which judges have granted inheritance rights to women despite customary norms that do not recognize them as heirs. Such considerations are grounded in the development of social values and the trajectory of modern law, which emphasizes equality of rights. Decisions of this nature reflect an analytical stance that prioritizes substantive justice over the mechanical enforceability of norms (Dahwal, 2019). In this regard, judges employ interpretative tools and moral considerations to uphold a more comprehensive conception of justice.

Moreover, Indonesia's legal pluralism requires judges to balance the application of customary law, Islamic law, and civil law in accordance with the specific characteristics of each case. Situations frequently arise in which the parties possess differing legal identities, making the selection of the appropriate legal system critically important. In such circumstances, well-developed legal reasoning becomes the key for judges to determine the most suitable legal basis without neglecting the socio-cultural positions of the parties involved. Inadequate legal reasoning may result in dissatisfaction and even exacerbate conflict among heirs. Therefore, judges' capacity to understand inheritance law across multiple legal systems constitutes a fundamental prerequisite for achieving dispute resolution outcomes that are both fair and socially acceptable.

Overall, judicial legal reasoning in inheritance disputes represents a complex process that integrates knowledge of positive law, socio-cultural understanding, and the appropriate application of legal interpretative methods. A judge's success in synthesizing these elements ultimately determines the quality of judicial decisions, particularly in ensuring the realization of substantive justice for all parties involved. Given Indonesia's pluralistic social context, comprehensive and adaptive legal reasoning is indispensable to ensuring that court decisions reflect living values of justice while remaining aligned with the national legal framework.

### **Analysis of Court Decisions in Inheritance Disputes**

An analysis of court decisions in inheritance disputes in Indonesia demonstrates that judges are frequently confronted with challenges in balancing

the application of positive law, customary law, and religious norms. This complexity arises from the pluralistic character of Indonesian society, in which each dispute often embodies distinct social, cultural, and religious values. In many cases, judges also encourage mediation as an initial mechanism to reduce the potential for conflict among heirs. This approach reflects the judiciary's effort not only to enforce the law normatively but also to consider the social acceptability of decisions for the disputing parties. Accordingly, socio-cultural context consistently constitutes a significant factor influencing judicial reasoning and outcomes in inheritance disputes.

The complexity of legal pluralism is clearly illustrated in Decision Number 957/Pdt.G/2018/PA.SKA of the Surakarta Religious Court (Prayogo, 2022). In this case, judges were required to apply Islamic inheritance law while simultaneously taking into account the local socio-cultural conditions to ensure that the ruling remained proportional and equitable. The study emphasizes that judicial competence must extend beyond mastery of normative legal texts to include the ability to interpret living local values within society. This finding underscores that the resolution of inheritance disputes invariably demands an approach that is sensitive to social realities.

In inheritance cases involving customary law, judges are increasingly required to engage in in-depth legal interpretation. Research conducted at the Jember District Court indicates that when disputes involve customary norms, judges adjust and reconcile these norms with the provisions of the Civil Code (Burgerlijk Wetboek) to determine rightful heirs. This approach reflects an integration of written and unwritten law, ensuring that judicial decisions remain legally grounded while still accommodating prevailing traditions. At the same time, it demonstrates that legal pluralism necessitates judicial flexibility without compromising the principle of legal certainty.

Mediation has emerged as a prominent strategy in the resolution of inheritance disputes in several religious courts. At the Kolaka Religious Court, for example, a study by Leleang et al. (2023) shows that judges prioritize substantive justice through mediation, on-site examinations, and comprehensive evidence gathering. This process not only expedites dispute resolution but also facilitates decisions that are more readily accepted by the parties involved. Accordingly, mediation is regarded as a crucial instrument in addressing disputes characterized by strong emotional and familial dimensions.

Within the context of Indonesia's legal pluralism, the role of judges is highly strategic, as they are tasked with interpreting and balancing the multiple legal systems in force. Judges' ability to read social contexts, understand local values, and apply legal norms proportionally is essential to achieving substantive justice in inheritance disputes. Therefore, judicial capacity must be continuously strengthened to address the complex challenges posed by legal pluralism. Ultimately, the quality of court decisions in inheritance disputes is largely determined by judges' ability to harmonize positive law, customary law, and religious norms in a fair and responsive manner.

## Harmonization of Inheritance Law in Indonesia

The harmonization of inheritance law in Indonesia constitutes an urgent necessity due to the coexistence of three legal systems—customary law, Islamic law, and civil law—which frequently generate normative conflicts in practice. Legal pluralism complicates the resolution of inheritance disputes, as each system is founded upon distinct principles, structures, and mechanisms. In this context, harmonization is understood as an effort to align differences through regulatory mechanisms and socio-legal approaches. The establishment of specific regulations governing cross-system inheritance dispute resolution represents an important strategic measure. Moreover, enhancing public understanding of legal pluralism is essential to minimizing conflicts among heirs from the outset.

According to Prof. Dr. Hilman Hadikusuma, the harmonization of inheritance law must take into account values living within society, so that the law applied is not merely normative but also socially acceptable. He emphasizes the importance of a sociological approach in formulating legal rules to ensure their continued relevance to Indonesia's social realities. This perspective indicates that harmonization cannot be achieved solely through textual legal reform but must involve the integration of positive legal frameworks with societal dynamics. In this manner, law becomes more effective when it is capable of addressing the needs of a heterogeneous society such as Indonesia.

Meanwhile, other scholars argue that the integration of customary law and Islamic law can serve as a crucial foundation for the development of national law. Such integration would not only enrich Indonesia's legal tradition but also contribute to the creation of an inheritance law system that is responsive and relevant to socio-cultural practices. These two legal systems are considered to share historical and philosophical affinities, making their harmonization more feasible before subsequently aligning them with civil law. This view suggests that legal harmonization requires a gradual and layered approach in accordance with the characteristics of existing legal systems.

A concrete example of harmonization can be observed in judicial decisions, such as Supreme Court Decision Number 179/K/Sip/1961 concerning an inheritance dispute in the Karo region. In this ruling, the Supreme Court took Karo customary law into consideration when determining heirs, despite differences from civil law provisions (Prawiro, 2017). This decision demonstrates judicial adaptation to the local socio-cultural context and underscores the judiciary's role as a bridge between legal certainty and substantive justice in situations of legal pluralism.

Within the national regulatory framework, the Compilation of Islamic Law (Kompilasi Hukum Islam) has functioned as a primary guideline for resolving inheritance disputes among Muslims, although it has not yet fully achieved cross-system harmonization. Legal socialization and education efforts have also been undertaken to enhance public legal awareness, such as programs conducted by the Faculty of Law at Mulawarman University, which provide education on Islamic, customary, and civil inheritance law. This illustrates that harmonization requires a multidimensional approach encompassing regulatory, judicial, and educational dimensions. Ultimately, the harmonization of inheritance law in Indonesia is

expected to contribute to the development of a more just, inclusive, and culturally responsive legal system.

### **The Implications of Legal Reasoning for Substantive Justice**

The legal reasoning applied by judges has direct implications for public perceptions of justice, particularly in inheritance disputes that often involve moral, social, and cultural dimensions. Judicial decisions that rely solely on the formal application of legal texts without considering the lived realities of society may generate dissatisfaction and undermine legal legitimacy. In a pluralistic society such as Indonesia, justice is not understood merely as compliance with written rules but also as harmony between law and everyday experiences of fairness. Therefore, adaptive and contextual legal reasoning is essential to ensure that judicial decisions are acceptable to the parties involved.

The concept of substantive justice serves as a crucial reference in understanding how judicial decisions can reflect justice values that live within society (Syamsudin, 2012). Substantive justice refers to justice as genuinely experienced by the community, rather than merely formal justice as prescribed in statutory regulations. This perspective requires judges to explore and incorporate prevailing social values as a basis for adjudicating cases. In the context of inheritance disputes, a substantive approach enables judges to accommodate social dynamics without being constrained by the rigidity of positive legal norms.

Judges are obligated to uphold substantive justice in every process of legal discovery. This emphasis indicates that judges are not merely tasked with applying the law but also with interpreting and adapting legal norms to ensure their relevance to evolving conceptions of justice (Bambang Sutiyoso, 2012). Such an approach demands a deep level of interpretive competence, including an understanding of the social and cultural factors influencing the relationships between the parties. Consequently, substantive justice functions as both a moral and methodological foundation for constructing more humane judicial decisions.

An example of the application of substantive justice can be found in the Decision of the Surakarta Religious Court Number 957/Pdt.G/2018/PA.SKA, which illustrates how judges take social and cultural conditions into account in resolving inheritance disputes. In this case, the judges did not rely solely on the structural framework of Islamic law but also considered the balance of family relationships and the social needs of the heirs. Sensitivity to cultural context allowed the decision to gain broader acceptance and reduced the potential for further conflict. This approach demonstrates that adaptive legal reasoning is capable of resolving disputes more effectively.

Conversely, judicial decisions that disregard substantive justice may erode public trust in the judicial system. When society perceives that court rulings fail to reflect shared justice values, legal legitimacy becomes fragile and the potential for social conflict increases. In contrast, substantively just decisions enhance legal legitimacy and strengthen public confidence. This indicates that judicial success is measured not only by the accuracy of legal application but also by the extent to which decisions are perceived by society as fair.

Within the context of Indonesia's legal pluralism, judges must be able to balance positive law, customary law, and religious norms in each decision. Such balance is essential for achieving substantive justice and ensuring that judicial rulings are acceptable to communities with diverse socio-cultural backgrounds (Rivanie et al., 2022). Accordingly, judicial legal reasoning functions not only as a mechanism for resolving legal disputes but also plays a fundamental role in safeguarding judicial legitimacy and public trust. Judges are therefore required to remain consistently sensitive to substantive justice values throughout the adjudicative process.

### **Strategies for Resolving Inheritance Disputes**

The resolution of inheritance disputes in Indonesia frequently encounters complexity due to the coexistence of multiple legal systems and diverse customary traditions. To achieve outcomes that are fair and acceptable to all parties, dispute resolution strategies based on mediation and non-litigation approaches have become increasingly important. Mediation is a dispute resolution process in which the disputing parties are assisted by a neutral mediator to reach a mutually agreed settlement. In the context of inheritance disputes, mediation facilitates open dialogue among heirs, thereby reducing conflict and accelerating resolution without resorting to lengthy judicial proceedings. According to Syahrizal Abbas, mediation within Islamic law, customary law, and national law constitutes an effective method for resolving disputes in a peaceful and equitable manner.

In regions where customary traditions remain strong, the establishment of customary forums or local institutions plays a significant role in resolving inheritance disputes. These forums possess a deep understanding of local norms and cultural values, enabling them to offer solutions aligned with community expectations. For instance, within the Batak Toba community, the principle of *Dalihan Natolu* serves as the foundation for customary mediation in inheritance disputes, emphasizing kinship relations and deliberation (*musyawarah*). An example of mediation in judicial practice can be found in the Decision of the Yogyakarta Religious Court Number 181/Pdt.G/2013/PA.Yk. In this case, mediation was employed as an effort to achieve agreement between the disputing parties in accordance with the principles of Islamic law and national law.

According to Rachmadi Usman, court-annexed mediation represents an effective approach both theoretically and practically in resolving civil disputes, including inheritance cases. He emphasizes the importance of a neutral and competent mediator in facilitating dialogue and guiding the parties toward a fair settlement. The Supreme Court Regulation of the Republic of Indonesia Number 1 of 2016 on Court Mediation Procedures mandates that every civil case submitted to the court must first undergo mediation. This regulation reflects the Indonesian judicial system's commitment to promoting dispute resolution that is peaceful, efficient, and consensus-oriented.

Non-litigation approaches, such as mediation and customary forums, offer several advantages, including faster and more cost-effective procedures compared to litigation, the protection of parties' privacy, higher levels of acceptance and compliance with mutually agreed solutions, and the preservation of family

relationships after the dispute is resolved. Therefore, strategies for resolving inheritance disputes through mediation and customary forums represent adaptive and contextual approaches that correspond to Indonesia's cultural diversity and legal pluralism. The application of these methods is expected to enhance substantive justice and strengthen legal legitimacy in the eyes of society.

Inheritance dispute resolution in Indonesia is inherently complex due to the involvement of multiple legal systems, including customary law, Islamic law, and civil law. This complexity is further reinforced by diverse socio-cultural traditions across regions, rendering a single dispute resolution strategy insufficient. Inclusive and adaptive approaches are thus required to ensure that outcomes not only comply with positive law but also reflect justice values embedded within society. Consequently, strategies integrating mediation, deliberation, and non-litigation mechanisms have become increasingly relevant within Indonesia's legal pluralism. Mediation has emerged as a primary option in inheritance dispute resolution due to its participatory and conciliatory nature. In this process, the parties are accompanied by a neutral mediator who facilitates open and constructive dialogue. Mediation also helps reduce emotional tension among heirs, who often share close familial ties (Santoso, 2016). As a dispute resolution method, mediation is considered effective within Islamic law, customary law, and national law because it prioritizes deliberation and voluntary agreement. This demonstrates that mediation has a strong foundation within Indonesia's legal tradition.

In communities where customary traditions remain influential, customary forums serve as vital mechanisms for resolving inheritance disputes. These forums understand local cultural values and are therefore able to render decisions aligned with community expectations. For example, among the Batak Toba community, the *Dalihan Natolu* principle underpins customary mediation by emphasizing deliberation and kinship relations. The use of such customary mechanisms not only strengthens the legitimacy of outcomes but also preserves social harmony within the community. Judicial application of mediation can also be observed in the Decision of the Yogyakarta Religious Court Number 181/Pdt.G/2013/PA.Yk. In this case, mediation was conducted as an initial step to bring the parties together before proceeding to litigation (Leleang et al., 2023). This mechanism helped expedite case resolution while minimizing the potential for prolonged conflict. The case illustrates that mediation can function as a bridge between Islamic law and national law in resolving inheritance disputes.

Scholarly perspectives further reinforce the position of mediation as an effective strategy. Rachmadi Usman asserts that court mediation is not merely a procedural formality but a theoretical and practical approach capable of delivering faster and more efficient solutions. He emphasizes the crucial role of competent mediators in facilitating dialogue and guiding parties toward fair agreements. Accordingly, the success of mediation largely depends on the mediator's objectivity and communicative skills. To strengthen the role of mediation, the state, through the Supreme Court, issued Supreme Court Regulation of the Republic of Indonesia Number 1 of 2016 on Mediation Procedures in Court. This regulation requires all civil cases, including inheritance disputes, to undergo mediation before proceeding to trial. The regulation demonstrates the Indonesian judiciary's commitment to promoting peaceful, efficient, and consensual dispute resolution.

Beyond mediation, other non-litigation approaches such as family deliberation and customary-based dispute resolution also offer significant advantages. These strategies provide faster processes, lower costs, greater privacy protection, and help preserve family relationships after dispute resolution (Ahmad Ali & Wiwie Heryani, 2012). Such approaches are particularly suitable for inheritance disputes, which often involve emotional relationships and sensitive social values. As such, non-litigation mechanisms constitute a more humane alternative. Overall, strategies for resolving inheritance disputes through mediation, customary forums, and non-litigation mechanisms reflect an adaptive response to Indonesia's cultural diversity and legal pluralism. These approaches not only resolve disputes formally but also help restore social harmony within families and communities. By strengthening access to mediation and customary institutions, inheritance dispute resolution is expected to become more just, effective, and capable of fulfilling society's sense of substantive justice.

## **Conclusion**

Based on the theoretical analysis and practical examination of legal reasoning in the resolution of family and inheritance cases, it can be concluded that legal pluralism in Indonesia—encompassing customary law, Islamic law, and civil law—constitutes one of the primary factors contributing to inconsistencies and disputes in the distribution of inheritance. Differences in principles, norms, and socially embedded values often generate confusion and conflict among the parties, particularly when the law is applied rigidly without adequate consideration of social and cultural contexts. In such circumstances, judicial legal reasoning that is adaptive, contextual, and oriented toward substantive justice becomes essential. Judges are not merely required to decide cases based on legal texts, but also to explore and reflect the values of justice that evolve within society. This finding directly addresses the main problem identified in the introduction, namely the limited public understanding of inheritance law and the lack of synchronization among the various legal systems in force.

Furthermore, judicial practice demonstrates that legal reasoning which takes into account social values, customary norms, and religious principles tends to produce decisions that are more readily accepted by the parties and that reduce the potential for prolonged conflict. This approach underscores the necessity of integrating positive legal norms with substantive justice as experienced by society. Accordingly, this study contributes to strengthening the understanding of the importance of adaptive juridical approaches and highlights the need for reform and harmonization of Indonesia's inheritance law system. Such efforts are essential to ensure that dispute resolution processes become more just, effective, and responsive to the needs of a diverse society.

## **References**

Agustin, F., Hasuri, H., & Najmudin, N. (2022). Kedudukan hukum Islam dalam pelaksanaan waris di Indonesia. *Mizan: Journal of Islamic Law*, 6(1), 109. <https://doi.org/10.32507/mizan.v6i1.1211>

Ali, A., & Heryani, W. (2012). *Asas-asas hukum pembuktian perdata*. Kencana.

Ariyanto, D., Anggraeni, G., Ansori, M. A., & Nurjannah, A. (2021). Pewarisan dalam sistem hukum di Indonesia. *Jurnal Al-Naqdu: Kajian Keislaman*, 2(2), 1–12.

Sutiyoso, B. (2012). Pemihakan hakim terhadap keadilan substantif dalam penyelesaian sengketa pemilikan tanah (Kajian Putusan Nomor 44/Pdt/2011/PTY). *Jurnal Yudisial*, 5(3), 298–315.

Dahwal, S. (2019). Hubungan hukum keluarga dan hukum kewarisan Islam dalam masyarakat modern Indonesia. *Supremasi Hukum: Jurnal Penelitian Hukum*, 28(1), 17–32. <https://doi.org/10.33369/jsh.28.1.17-32>

Leleang, A. T., Yusuf, M., Muspira, & Qisman, M. (2023). Pertimbangan hakim dalam penyelesaian sengketa waris (Studi kasus Pengadilan Agama Kolaka). *Jurnal Ilmu Hukum Pengayoman*, 1(April).

Mandasari, P. A., Djanuardi, & Supriyani, R. (2022). Penyelesaian sengketa waris melalui litigasi dan nonlitigasi dalam perspektif sistem pewarisan Islam. *Jurnal Ilmu Hukum Kenotariatan*, 6(1), 144–158.

Nanda, P., & Sirait, S. (2024). Analisis pertimbangan hakim dalam menyimpangi hukum waris adat yang menganut sistem kekerabatan patrilineal. *[Nama jurnal]*, 12(2), 12–22.

Nugroho, B. D. (2016). *Hukum adat dan kearifan lokal*. UNPAD Press.

Prawiro, A. M. B. (2017). Harmonisasi hukum adat dan hukum Islam bagi pengembangan hukum nasional. *Al-Mashlahah: Jurnal Hukum Islam dan Pranata Sosial*, 3(6), 369–376.

<http://jurnal.staialhidayahbogor.ac.id/index.php/am/article/view/151/149>

Prayogo, F. A. (2022). *Analisis yuridis tentang putusan hakim dalam sengketa waris di Pengadilan Agama Surakarta (Studi analisis Putusan Nomor 957/Pdt.G/2018/PA.Ska)*.

<http://eprints.ums.ac.id/103775/>

Rahmatika, R. (2021). Kedudukan ahli waris atas pembagian harta peninggalan dalam perkawinan menurut perspektif hukum positif (Studi kasus Putusan Nomor 239/Pdt.G/2015/PN.Jkt.Pst). *Otentik's: Jurnal Hukum Kenotariatan*, 3(1), 18–35. <https://doi.org/10.35814/otentik.v3i1.2124>

Rika, O., & Yanti, A. (2023). Pluralisme hukum di Indonesia. *Jurnal Cerdas Hukum*, 2(1), 52–58.

Rivanie, S. S., Muchtar, S., Muin, A. M., Prasetya, A. M. D., & Rizky, A. (2022). Perkembangan teori-teori tujuan pemidanaan. *Halu Oleo Law Review*, 6(2), 176–188. <https://doi.org/10.33561/holrev.v6i2.4>

Santoso, T. P. W. (2016). Proses penyelesaian sengketa pembagian harta waris. *[Nama jurnal]*, 1–15.

<http://eprints.ums.ac.id/47355/>

Siregar, G. H. P., & Handoko, W. (2022). Kajian studi kasus hukum waris Putusan Mahkamah Agung Nomor 784 K/Pdt/2014 terhadap ketentuan hukum waris Barat. *Notarius*, 15(2), 607–615.

<https://doi.org/10.14710/nts.v15i2.36976>

Soekanto. (2014). *Meninjau hukum adat Indonesia*. CV Rajawali.

Sugiyono. (2021). *Metode penelitian kuantitatif, kualitatif, dan R&D*. Alfabeta.

Syamsudin, M. (2012). Keadilan substantif yang terabaikan dalam sengketa sita

jaminan (Kajian Putusan Nomor 42/PDT/2011/PT.Y). *Jurnal Yudisial*, 5(1), 36–50.

Yasser, M., & Desiandri, Y. S. (2024). Konsep hak asasi manusia dalam konstitusi Indonesia. *Iuris Studia: Jurnal Kajian Hukum*, 4, 164–172.

Yulianingsih, S., & Listyanrini, D. (2023). *Pengantar ilmu hukum*. Yayasan Prima Agus Teknik.