



Role of Religious Courts in Settlement of Inheritance Disputes in Indonesia

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ABSTRACT

Islamic Religious courts play an important role in the Indonesian justice system, especially in the settlement of inheritance disputes between Muslims. Indonesia regulates inheritance law based on Islamic law found in the Compilation of Islamic Law (KHI). The aim of this study is to examine the role of the Religious Court in the settlement of succession disputes in Indonesia. The research focuses on how effectively Islamic law is applied, the problems faced, and the mediation process. Secondary data comes from relevant legal documents and literature. Primary data is obtained through thorough interviews with mediators, disputing parties, and religious court judges. Research shows that religious courts mediate conflicts well, but they face problems such as difficult cases and lack of legal awareness. To improve the settlement of disputes in the religious courts, improved legal education and increased resources are needed. The study provides suggestions for improving the performance of the Religious Court and is expected to help the development of inheritance law in Indonesia and improve the quality of justice for society.

Keywords: Role of Islamic Religious Court, Settlement, Dispute, Court

1. Introduction

Within the Indonesian judicial system, religious courts occupy a significant position, particularly concerning inheritance disputes amongst Muslim citizens. As a Muslim-majority nation, Indonesia adheres to Islamic inheritance law as outlined in the Compilation of Islamic Law (KHI) (Ali, 2008). These courts have seen a rise in inheritance litigation in recent years. This increase might be due to factors like growing public awareness of inheritance rights, the complexity of estates, and family conflicts over asset division. Ultimately, religious courts aim to deliver justice and legal clarity for those involved in such disputes (Mudzakkir, 2015).

Religious courts not only apply Islamic law to settle inheritance disputes, they also seek to make peace between the parties to the dispute (Nurlaela, 2019). The goal is to reduce family disputes and reach a fair deal for all parties. The study will investigate the role of the Religious Court in the settlement of inheritance disputes in Indonesia by focusing on the effectiveness of the application of Islamic law, mediation processes, and the challenges faced in carrying out such functions (Syafuruddin, 2017).

This study is expected to shed new light on the strategic role of the Religious Court in this context. By analyzing the court's performance and effectiveness in resolving inheritance disputes, the research aims to offer valuable recommendations for improvement. Thus, this investigation has the potential to make a significant contribution to the development of inheritance law in Indonesia and ultimately enhance the quality of justice for society.

2. Literature Review

In Islamic inheritance law system, heirs are classified into two categories: *dzawil furudh* (heirs entitled to a fixed share) and *'ashabah* (heirs who receive the remainder of the estate after *dzawil furudh*). The division of inheritance follows specific rules: a son receives twice the share of a daughter, and a husband is entitled to half of his wife's property if they have no children. Islamic inheritance law upholds principles of distributive justice, ensuring each heir receives their rightful share in accordance with Shariah provisions (Al-Haolandi et al., 2018). These principles also prioritize safeguarding the inheritance rights of women and children (Muzakir, 2022).

In dispute resolution, mediation offers a peaceful approach where a neutral third party (mediator) assists parties in reaching a mutually agreeable solution. This voluntary and confidential process aims to alleviate tensions and find a win-win outcome by facilitating communication between the disputing parties. The mediator, acting as a neutral facilitator, guides the discussion and ensures both sides are heard. They possess strong communication and negotiation skills to create an environment conducive to resolving the dispute.

3. Methodology

The study uses a qualitative approach with case study methods to analyze the role of the Religious Court in the settlement of inheritance disputes in Indonesia (Moleong, 2017). Primary data was obtained through in-depth interviews with religious court judges, mediators, and disputing parties, while secondary data is collected from relevant legal documents, literature, and previous research (Aseri & Huda, 2023). Data collection techniques include semi-structured interviews and document analysis. Data obtained is analyzed using thematic analysis techniques, which involve initial data encoding, search and review of themes, as well as writing thematic reports. Data triangulation is used to ensure the validity and reliability of research results by comparing different data sources and data collection methods.

4. Results and Discussion

4.1. Results

In Indonesia, religious courts play a crucial role in settling inheritance disputes, particularly within Muslim communities. These courts function as legal authorities, enforcing inheritance law based on Shariah principles outlined in the Islamic Law Compilation (KHI) (Syahrial & Asasriwarni, 2022). Notably, religious court judges go beyond a purely textual application of the law. They actively pursue substantive justice through mediation efforts before resorting to formal court rulings.

Mediation in religious courts has proven to be effective in reducing conflicts and speeding up the settlement of inheritance disputes. The mediation process facilitated by trained mediators enables the parties to a dispute to reach a mutually beneficial agreement without having to go through a long and expensive litigation process. The success of this mediation not only reduces the workload of the court but also helps to maintain a harmonious family relationship.

However, the Religious Court also faces a number of challenges in resolving inheritance disputes. The complexity of cases involving many heirs and varying assets often slow the settlement process. Furthermore, the lack of legal awareness among the public and the limitation of human resources and facilities in the religious courts are its own constraints. To address this, efforts are needed to improve legal education and improve the infrastructure and resources of the Religious Courts.

Role of the Religious Court in the settlement of inheritance disputes in Indonesia:

- a. Role of the Religious Court Judge Judge The religious courts play a key role in applying Islamic inheritance law in accordance with the Islamic Law Compilation. (KHI). The judge plays a role in ensuring that each heir receives a fair share in accordance with the provisions of the Shariah. In addition, the judge is also able to resolve the dispute peacefully through mediation before deciding the case in court.

- b. **Mediation Effectiveness** Mediation in religious courts has proven to be effective in alleviating family tensions and conflicts. Most of the parties to the dispute chose mediation as an alternative solution because the process was faster, cheaper, and kept confidential. The mediator acts as a facilitator that helps the parties reach a mutually beneficial agreement. Of the few cases investigated, most were resolved through mediation without having to proceed to litigation.
- c. **Challenges in Settlement of Inheritance Disputes** Religious courts face several challenges in the settlement of inheritance disputes, among others:
 - a) **Complexity of cases:** Some inheritance cases involve complex assets and a large number of heirs, so it takes more time and effort to solve them.
 - b) **Lack of legal awareness:** Some people still lack an understanding of Islamic inheritance law and procedures in religious courts, resulting in difficulties in the dispute settlement process.
 - c) **Resource constraints:** Religious courts often face limited human resources and facilities, which can impede the efficiency and effectiveness of dispute resolution

4.2. Discussion

Mediation in the settlement of inheritance disputes in Indonesia plays an important role in mitigating conflict and facilitating a peaceful settlement between the parties to the conflict. As an integral part of the judicial system in the religious courts, mediation offers faster alternatives and lower costs compared to litigation proceedings. This process allows the parties to discuss openly and seek mutually beneficial agreements, which can often not be achieved through more formal court proceedings. Mediation also helps maintain a harmonious family relationship, which can be broken if a dispute is brought to court.

The success of mediation in conflict reduction lies in the role of a mediator who is neutral and trained in managing the dynamics of disputes. The mediator acts as a facilitator, facilitating communication between the parties to a dispute, and encouraging them to explore various possible settlement options. In the context of inheritance law, mediators can also help the parties understand their rights and obligations according to Islamic law, so that the mediation process is not only effective but also fair. Research shows that mediation in religious courts often results in a faster and more satisfactory settlement than a court ruling.

However, the success of mediation also faces a number of challenges. The complexity of inheritance cases, the large number of heirs, as well as the diversity of assets can make the mediation process more complicated. In addition, the lack of legal awareness among the public and the limited human resources as well as facilities in the religious courts can impede the effectiveness of mediation. Therefore, efforts are needed to improve legal education and training for mediators, as well as improving the infrastructure of the Religious Courts to support the mediation process. Thus, mediation can continue to be an effective tool in resolving inheritance disputes in Indonesia, providing justice to all parties involved.

- a. **The Judge's Role in Implementing Justice** The role of the judge in enforcing the law of Islamic inheritance is crucial to ensuring justice for all parties involved. The judge acts not only as a law enforcement officer, but also as a mediator who seeks to reach a peaceful settlement. This research shows that judges in the Religious Courts generally succeed in enforcing the principles of justice in the law of inheritance, despite significant challenges.
- b. **Success of Mediation in Reducing Conflict** Mediation as a dispute settlement method has proven to be effective in reducing family conflicts. The success of this mediation can be attributed to the role of a neutral and trained mediator in managing conflicts as well as the mediator's ability to help the parties find mutually acceptable solutions. Mediation also helps reduce the court's workload and speed up the dispute settlement process.
- c. **Efforts to Overcome Challenges** To overcome the challenges faced, efforts are needed to raise public awareness of the law through education and socialization of Islamic legacy law. In addition, increased human resources and facilities at the Religious Courts are also important to support the effectiveness of dispute settlement. Governments and associated agencies can work together in providing training for judges and mediators as well as improving court infrastructure.

The study provides an understanding of the strategic role of the Religious Court in the Indonesian justice system and offers recommendations for improving its performance and effectiveness in the settlement of inheritance disputes. Thus, it is hoped that the Religious Court can continue to make a positive contribution in delivering justice to the people.

This study suggests religious courts in Indonesia are crucial for resolving inheritance disputes peacefully through Islamic law mediation. However, to improve efficiency and fairness, legal education, mediator training, and court resources need to be bolstered, addressing challenges like complex cases and limited public legal awareness. This can ultimately strengthen the justice system and promote social harmony.

5. Conclusion

Religious courts have a very important role in the judicial system in Indonesia, especially in the settlement of inheritance disputes involving Muslims. As a Muslim-majority country, Indonesia regulates inheritance law based on Islamic law as set out in the Compilation of Islamic Law. (KHI). The religious courts serve as the authority to deal with and settle inheritance disputes based on the principles of Islamic law, which ensures distributive justice in the division of inherits. In recent decades, there has been a significant increase in the number of inheritance litigation cases brought to the Religious Courts. Factors such as increased public awareness of the law, the complexity of inheritance property, as well as internal family conflicts associated with the distribution of heritage assets, are the main causes of this increase.

Mediation as part of an inheritance dispute settlement process has proved effective in reducing conflict and achieving a peaceful agreement between the parties to the dispute. However, the Religious Court also faces various challenges in carrying out its functions, including the complexity of cases, lack of legal awareness among the public, and limited human resources and facilities. To address these challenges, efforts are needed to improve legal education and improve the infrastructure and resources of the Religious Courts. Thus, the Religious Courts can continue to make a positive contribution in delivering justice to the people and improving the quality of legal service in Indonesia. This research provides valuable insights into the strategic role of the Religious Court and offers recommendations to improve its performance and effectiveness in settling inheritance disputes.

With inheritance disputes on the rise in Indonesia, this study emphasizes the urgent need for well-functioning religious courts. These courts play a vital role in ensuring fair and peaceful resolutions based on Islamic law principles. Mediation, a key aspect of the process, has proven successful in reducing conflict, but challenges like complex cases and limited legal awareness hinder its effectiveness. Urgent improvements in legal education, mediator training, and court resources are crucial to strengthen the justice system, promote social harmony, and ensure all parties receive their rightful inheritance.

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