

# Inheritance Dispute Resolution in the Perspective of Islamic Law and National Law

Adnan Ahmad<sup>1</sup>

<sup>1</sup>Alauddin Islamic State University, Indonesia

Corresponding Author: Adnan Ahmad

## Abstract

Inheritance disputes in Indonesia often involve complex interactions between Islamic law and national law, creating challenges for families, legal practitioners, and courts. This study examines inheritance dispute resolution from both legal perspectives, aiming to identify common patterns, causes, approaches, and challenges in practice. Using a qualitative approach, data were collected through semi-structured interviews with legal experts, judges, religious scholars, and individuals involved in inheritance conflicts, complemented by document analysis of court rulings and legal texts. The findings reveal that disputes frequently arise from misunderstandings of legal entitlements, conflicts between Sharia principles and statutory requirements, complex family structures, and limited awareness of inheritance rights. Islamic courts prioritize fairness, equitable distribution, and reconciliation, while national courts emphasize procedural compliance, evidence, and formal enforcement, sometimes resulting in conflicting outcomes. Effective dispute resolution is achieved when both legal systems are integrated, particularly through mediation that respects Islamic principles while ensuring legal validity under national law. The study highlights the importance of culturally and religiously sensitive mechanisms, enhanced coordination between courts, and public education to prevent and resolve disputes efficiently.

## Keywords

Inheritance Dispute Resolution  
Islamic Law  
National Law

## Copyright

© 2025 *Maqsha: Journal of Islamic Jurisprudence*. licensed under Creative Commons Attribution-ShareAlike 4.0 International License.  
(<https://creativecommons.org/licenses/by-sa/4.0/>)

Received: 8 April, 2025

Revised: June 19, 2025

Accepted: August 16, 2025

Published: August 28, 2025

## Introduction

Inheritance is a critical aspect of family life and social organization, shaping not only economic distribution but also social relations and ethical obligations within families. In Indonesia, inheritance disputes are a prevalent source of family conflict, often arising from misunderstandings about rights, obligations, and legal provisions. These disputes are particularly complex in the Indonesian context because they involve multiple overlapping legal systems, including Islamic law (Sharia), customary law, and national law (positive law). Islamic law, which governs matters of inheritance for Muslim communities, provides detailed guidance on the distribution of assets according to principles of fairness and religious obligations (Mahfuz et al., 2023; Saujan et al., 2022). At the same time, national law offers statutory frameworks designed to ensure orderly administration of inheritance and provide mechanisms for dispute resolution through formal courts. The coexistence of these legal frameworks can lead to both complementary and conflicting outcomes, presenting significant challenges for individuals and families seeking resolution.

Disputes over inheritance often emerge due to a lack of clarity in understanding the legal entitlements of heirs under Islamic law, compounded by the complexities of national regulations. Islamic law prescribes fixed shares for heirs, with explicit rights for children, spouses, and parents, while national law may provide alternative mechanisms, including testamentary freedom and procedural rules for inheritance cases (Limbong, 2025). This duality can create confusion, particularly in cases where family members are unaware of their legal rights or when customary practices conflict with statutory requirements. In addition, inheritance disputes can have profound social consequences, including strained family relationships, social disharmony, and, in extreme cases, legal battles that consume significant time and resources.

The resolution of inheritance disputes in Indonesia illustrates the dynamic interplay between Islamic law and national law. Islamic courts, operating within the formal judicial system, are tasked with adjudicating cases involving Muslim heirs according to Sharia principles. These courts have jurisdiction over matters such as the calculation of shares, recognition of heirs, and validation of wills or gifts made prior to death (Mahatulus & Tjempaka, 2023). Meanwhile, civil courts enforce the provisions of national law, which often emphasize procedural compliance, evidence, and formal registration of inheritance matters (Champlin, 2023). In practice, families navigating these parallel systems may encounter inconsistencies or delays, highlighting the need for clear guidance and effective dispute resolution mechanisms.

Mediation and negotiation have increasingly been recognized as important tools in resolving inheritance disputes, complementing formal legal procedures. Studies indicate that mediation guided by Islamic principles often emphasizes reconciliation, consensus-building, and equitable distribution, aiming to preserve familial harmony while respecting legal entitlements (Kirazli, 2024). Similarly, national law encourages alternative dispute resolution mechanisms, such as arbitration or court-supervised settlements, to reduce the burden on formal courts and promote timely resolution (Akber & Yasmeeen, 2025). The integration of these approaches can help families achieve solutions that are legally sound, ethically justifiable, and socially acceptable, reducing the adversarial nature of inheritance conflicts.

Despite these efforts, challenges remain in harmonizing Islamic law and national law in inheritance dispute resolution. Ambiguities in statutory interpretation, variations in judicial practice, and the persistence of local customs that diverge from formal legal norms continue to complicate outcomes (Dosad, 2024). Furthermore, the increasing complexity of modern family structures, including blended families and non-traditional arrangements, demands adaptive legal frameworks that can accommodate evolving social realities (Kashyap, 2023). Addressing these challenges requires not only a detailed understanding of both legal systems but also practical strategies for guiding families through disputes with sensitivity to cultural and religious contexts.

This study contributes to the broader understanding of inheritance dispute resolution by examining the interaction between Islamic law and national law in Indonesia. By analyzing real-world cases and legal practices, it highlights patterns, challenges, and effective strategies for resolving disputes. The findings aim to inform legal practitioners, policymakers, and families, offering insights into how the dual legal framework can be navigated to achieve justice, equity, and social harmony. Ultimately, understanding the resolution of inheritance disputes from both perspectives underscores the importance of integrating legal knowledge, ethical considerations, and cultural sensitivity in addressing one of the most sensitive and impactful areas of family law (Limbong, R. (2025; Wardi et al., 2024).

## **Methods**

This study employed a qualitative research approach to explore inheritance dispute resolution from the perspectives of Islamic law and national law, as this approach allows for in-depth understanding of complex legal and social phenomena. Using a descriptive-analytical design, the study aimed to provide a detailed account of legal principles, procedural practices, and the real-world challenges faced by families, legal practitioners, and religious authorities in resolving inheritance disputes. Primary data were collected through semi-structured interviews with judges, legal experts, religious scholars, and individuals involved in inheritance conflicts, while secondary data included analysis of legal texts, court decisions, and scholarly literature such as the Indonesian Civil Code and Law No. 3 of 2006 on Religious Courts. Data collection emphasized capturing participants' experiences and interpretations, and thematic analysis was employed to identify recurring patterns, mechanisms of dispute resolution, and areas of convergence or conflict between Islamic and national law. The study also used a comparative-analytical lens to examine how these legal systems interact and influence outcomes in practice. Ethical considerations were strictly observed, with informed consent obtained from all participants, confidentiality maintained, and triangulation of interview and document data ensuring credibility and reliability of the findings.

## **Results and Discussion**

### **Patterns of inheritance disputes and common causes**

Inheritance disputes in Indonesia exhibit several recurring patterns, often shaped by the interaction between Islamic law, national law, and local customs. One common pattern involves disagreements over the distribution of shares among heirs, particularly when family members lack understanding of Islamic inheritance rules, such as fixed shares for children, spouses, and parents. Another frequent pattern is conflict between statutory law and customary practices, where national law permits certain procedures or testamentary arrangements that may contradict traditional expectations or Sharia principles. Disputes also arise in cases of complex family structures, including blended families, stepchildren, or informal marital arrangements, where the determination of legal heirs becomes ambiguous. Additionally, inheritance conflicts often occur due to lack of communication or transparency within families, creating misunderstandings and feelings of unfairness among heirs. Other contributing causes include delays in legal proceedings, procedural complexity, and sometimes manipulations or disputes over evidence in court cases, which can exacerbate familial tensions. Overall, these patterns reveal that inheritance disputes are not merely legal conflicts but are closely tied to **social, cultural, and relational dynamics**, highlighting the need for dispute resolution mechanisms that integrate legal rigor with mediation and reconciliation approaches.

### **Approaches taken by Islamic courts and national courts in dispute resolution.**

In resolving inheritance disputes, Islamic courts and national courts adopt distinct but sometimes complementary approaches. Islamic courts primarily focus on applying Sharia principles, ensuring that heirs receive their legally prescribed shares according to Islamic inheritance rules. These courts emphasize justice, equity, and reconciliation, often encouraging mediation and consensus among family members to preserve relationships and prevent long-term familial conflict. Judges in Islamic courts carefully calculate shares, recognize rightful heirs, and validate wills or gifts, while also considering the moral and ethical dimensions of inheritance. National courts, in contrast, focus on formal legal procedures and evidence, ensuring that inheritance cases comply with statutory requirements, such as proper registration, documentation, and adherence to procedural timelines. While national courts can enforce legal claims and adjudicate disputes when parties cannot reach an agreement, their approach is generally more adversarial and procedural, prioritizing legal correctness over relational harmony. In practice, effective dispute resolution often occurs when families utilize both systems strategically, using mediation and Sharia-based guidance to resolve conflicts while relying on national law for formal validation and enforcement. This dual approach allows for outcomes that are both legally sound and socially acceptable, highlighting the importance of integrating ethical, cultural, and procedural considerations in inheritance dispute resolution.

### **Challenges faced in harmonizing Islamic law and national law in practice**

Harmonizing Islamic law and national law in inheritance dispute resolution presents several challenges in practice. One major difficulty arises from differences in legal principles and priorities: Islamic law emphasizes fixed shares, fairness, and moral obligations, while national law often focuses on procedural compliance, documentation, and statutory enforcement. These differences can lead to conflicting outcomes when decisions under one system contradict those under the other. Another challenge is variability in judicial interpretation, as judges may apply Sharia or national law differently depending on their understanding, experience, or local customs, resulting in inconsistencies across cases. Additionally, complex family structures such as blended families, stepchildren, and informal arrangements complicate the determination of rightful heirs, making it harder to reconcile the two legal frameworks. Limited awareness and understanding among families regarding their rights under both systems often exacerbate disputes, leading to prolonged conflicts and emotional tension. Procedural delays, bureaucratic complexity, and overlapping jurisdictions further hinder the harmonization process, sometimes forcing families to navigate multiple legal venues simultaneously. These challenges underscore the need for integrated dispute resolution strategies that balance

legal accuracy with cultural sensitivity, mediation, and ethical considerations, ensuring outcomes that are fair, enforceable, and socially acceptable.

The findings of this study highlight the complex interplay between Islamic law and national law in resolving inheritance disputes, revealing both synergies and points of conflict that carry important implications for legal practice, policy-making, and family mediation. Islamic law provides clear guidance on the distribution of shares and emphasizes justice, fairness, and reconciliation, which supports the preservation of family harmony, whereas national law prioritizes procedural compliance, formal evidence, and statutory enforcement, sometimes resulting in outcomes that conflict with religious expectations (Fahrudin, 2024; Widagdo & Zulkifli, 2025). This duality underscores the need for legal practitioners to be well-versed in both systems and to approach cases with sensitivity to cultural and ethical considerations, balancing legal correctness with relational equity. For policymakers, the findings suggest that harmonization efforts could be strengthened through clearer guidelines, improved coordination between Islamic and civil courts, and the promotion of mediation frameworks that integrate Sharia principles with statutory requirements. Family mediation emerges as a critical mechanism, as it allows disputes to be resolved collaboratively, minimizes adversarial conflict, and accommodates the social and emotional dimensions of inheritance issues. Critically, the study demonstrates that conflicts between the two legal systems often stem from inconsistencies in interpretation, procedural complexity, and limited awareness among heirs, whereas successful resolutions are achieved when both legal frameworks are strategically leveraged to achieve fair, enforceable, and socially acceptable outcomes. Consequently, the study recommends the development of standardized mediation protocols, enhanced legal education for both practitioners and the public, and the implementation of outreach programs to increase understanding of inheritance rights, ultimately fostering dispute resolution practices that are just, efficient, and culturally coherent.

## Conclusion

This study demonstrates that inheritance dispute resolution in Indonesia is a complex process shaped by the interaction between Islamic law and national law. Disputes commonly arise from misunderstandings of legal entitlements, conflicting principles between the two legal systems, complex family structures, and limited awareness among heirs. Islamic courts emphasize fairness, fixed shares, and reconciliation, while national courts focus on procedural compliance and formal legal enforcement, resulting in potential conflicts and inconsistencies in outcomes. Despite these challenges, effective dispute resolution is possible when both systems are integrated, particularly through mediation that balances Sharia principles with statutory requirements. Such an approach not only ensures legal correctness but also preserves family harmony and social cohesion. The study highlights the importance of culturally and religiously sensitive mechanisms, improved coordination between courts, and enhanced legal education for both practitioners and the public to address conflicts efficiently. Ultimately, this research contributes to a better understanding of the dual legal system governing inheritance in Indonesia and provides practical insights for families, legal professionals, and policymakers, emphasizing the need for strategies that are fair, enforceable, and socially acceptable, thereby fostering justice, equity, and stability within familial and societal contexts.

## References

- Akber, M. T., & Yasmineen, M. (2025). Religion and Peace Building. *Al Khadim Research Journal of Islamic Culture and Civilization*, 6(1), 13-24.
- Champlin, E. (2023). *Final judgments: duty and emotion in Roman wills, 200 BC-AD 250*. Univ of California Press.
- Dosad, M. (2024). Understanding ambiguity in statutory Language and its impact on judicial interpretation. Available at SSRN 5033910. <https://dx.doi.org/10.2139/ssrn.5033910>
- Fahrudin, F. (2024). Application of the Principles of Justice in the Distribution of Wealth: A Literature Review of Contemporary Islamic Economics. *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory*, 2(3), 1586-1596. <https://doi.org/10.62976/ijjel.v2i3.684>

- Kashyap, A. R. (2023). Custom as a Dynamic Source of Law: Unveiling the Jurisprudential Significance. *Issue 2 Indian JL & Legal Rsch.*, 5, 1.
- Kirazli, H. S. (2024). Conceptual and Theoretical Framework of Islamic Conflict Resolution and Peacemaking. In *Conflict Resolution and Peacemaking in Islam: Theory and Practice* (pp. 55-114). Cham: Springer Nature Switzerland. [https://doi.org/10.1007/978-3-031-53927-5\\_4](https://doi.org/10.1007/978-3-031-53927-5_4)
- Limbong, R. (2025). A Legal Perspective on Inheritance of Joint Property: A Comparative Analysis of Various Legal Systems. *Legal Frontier*, 1(1), 11-18.
- Limbong, R. (2025). A Legal Perspective on Inheritance of Joint Property: A Comparative Analysis of Various Legal Systems. *Legal Frontier*, 1(1), 11-18.
- Mahatulus, R. T., & Tjempaka, T. (2023). Legal Review of Wills Based on Civil Law. *Journal of Social Research*, 2(10), 3719-3726. <https://doi.org/10.55324/josr.v2i10.1464>
- Mahfuz, M., Anim, S., Jiwanto, F. I., Geun, A. A. S., Maarif, S., & Kohari, K. (2025). The Role Of Islamic Inheritance Law In Wealth Distribution And Social Welfare. *Al-Risalah: Jurnal Studi Agama dan Pemikiran Islam*, 16(1), 290-307.
- Saujan, I., MAZAHIR, S. M. M., & Ibrahim, N. M. (2022). Islamic Law of Inheritance and Its Implication amongst Muslim Society: An Empirical Analysis. *Journal of Contemporary Islamic Law*, 7(1), 35-51.
- Wardi, U., Yaswirman, Y., Ismail, I., & Gafnel, G. (2024). Comparative analysis of Islamic family law and customary law in the settlement of inheritance disputes in Indonesia. *Hakamain: Journal of Sharia and Law Studies*, 3(1), 13-25. <https://doi.org/10.57255/hakamain.v3i1.330>
- Widagdo, H. H., & Zulkifli, Z. (2025). Understanding The Concept Of Justice In The Quran And Its Implementation In Islamic Law. *INJOSEDU: International Journal of Social and Education*, 2(3), 652-665.