

Interfaith Inheritance within Muslim Families in Indonesia: Practices, Philosophical Foundations, and Prospects for the Development of National Inheritance Law

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Interfaith Inheritance within Muslim Families in Indonesia: Practices, Philosophical Foundations, and Prospects for the Development of National Inheritance Law

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Abstract

This article examines the mechanisms of inheritance resolution in cases of different religions in several regions of Indonesia, namely North Sumatra, Central Java, Bengkulu, and East Java, focusing on integrating customary law, religious law, and state law in inheritance distribution. This research employs a descriptive qualitative approach with a case study method, where data is gathered through interviews, observations, and literature reviews on the practice of inheritance among families with different religions. The findings reveal that family deliberation remains the primary principle in resolving inheritance disputes despite the religious differences among heirs. Social and cultural values such as kinship, mutual assistance, and interfaith tolerance play a significant role in the inheritance process, with each region having its own ways of accommodating religious differences within families. The legal pluralism approach, which combines customary law, religious law, and state law, forms the foundation for developing a fair and inclusive national inheritance law. This article suggests strengthening the principle of deliberation, creating an adaptive legal unification, and formulating inclusive regulations for interfaith inheritance rights to create a harmonious and just inheritance system that aligns with the spirit of Indonesia's cultural diversity.

Abstrak

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Artikel ini mengkaji mekanisme penyelesaian waris beda agama di beberapa wilayah di Indonesia, yaitu Sumatera Utara, Jawa Tengah, Bengkulu, dan Jawa Timur, dengan fokus pada integrasi hukum adat, agama, dan negara dalam pembagian warisan. Penelitian ini menggunakan pendekatan kualitatif deskriptif dengan metode studi kasus, di mana data diperoleh melalui wawancara, observasi, dan kajian literatur mengenai praktik waris beda agama dalam masyarakat. Hasil penelitian menunjukkan bahwa meskipun terdapat perbedaan agama di antara ahli waris, musyawarah keluarga menjadi prinsip utama dalam penyelesaian sengketa waris. Nilai sosial dan budaya seperti kekeluargaan, gotong royong, dan toleransi antaragama berperan penting dalam proses pembagian warisan, dengan setiap daerah memiliki cara-cara tersendiri dalam mengakomodasi perbedaan agama dalam keluarga. Pendekatan pluralisme hukum yang memadukan hukum adat, agama, dan negara menjadi landasan dalam pengembangan hukum waris nasional yang adil dan inklusif. Artikel ini menyarankan penguatan prinsip musyawarah, unifikasi hukum yang adaptif, serta penyusunan aturan inklusif untuk hak waris lintas agama, guna menciptakan sistem kewarisan yang harmonis dan adil sesuai dengan semangat keragaman budaya Indonesia.

Keywords:

Inheritance Across Religions; Family Deliberation; Legal Pluralism; Women's Rights; Cultural Diversity; National Inheritance Law

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Introduction

Inheritance is a significant aspect of Islamic family law that governs the distribution of estate to heirs after the death of an individual (Zuhroh, 2017; Syaiku, 2018). In the context of Indonesia, where the majority of the population adheres to Islam, the Islamic inheritance system, based on sharia principles, serves as the primary reference in determining the distribution of assets (Komala, 2020). However, in practice, the implementation of Islamic inheritance law is not always smooth, particularly in families experiencing interfaith differences among their members, such as between a Muslim decedent and non-Muslim heirs (Darmansyah, 2023). The issue of interfaith inheritance has garnered increasing attention due to the growing number of interfaith marriages in Indonesia and the legal challenges arising from such situations (Putri & Djaja, 2023).

The practice of interfaith inheritance in Muslim families in Indonesia creates a complex debate at both legal and social levels (Subeitan, 2021; Rizani & Dakhoir, 2020). Theologically, Islamic law governs inheritance based on principles of justice and equitable distribution among heirs, with clear stipulations on who is entitled to inherit and the respective shares they receive (Ismail, 2020). However, issues arise when sharia law intersects with the more secular and pluralistic national legal system. As a state founded on the principles of Pancasila, Indonesia recognizes religious plurality and guarantees individual rights within a legal framework that is not confined to one religion (Nasution, 2019). Consequently, situations involving inheritance among family members of different religions can create tensions between the rules of Islamic sharia and national laws (Zulkifli et al., 2014; Suharsono, et. al., 2024).

This issue becomes more intricate when viewed from the philosophical perspective of Islamic law, which prioritizes justice in inheritance distribution but does not explicitly regulate inheritance for non-Muslim heirs. Most schools of thought in Islamic jurisprudence prescribe different inheritance provisions for Muslim and non-Muslim heirs, leading to potential injustices in inheritance practices (Zubair et al., 2022). Moreover, the inconsistency of court decisions in resolving interfaith inheritance disputes highlights a legal vacuum requiring greater attention from the government and relevant legal institutions (Isihlayungdianti & Halim, 2021).

On the other hand, Indonesia's cultural and religious diversity introduces local and traditional values that often differ from Islamic legal principles (Trijono, 2021). This complicates formulating policies and regulations that are broadly acceptable to society, particularly in regulating interfaith inheritance. In some cases, decisions made by families or courts tend to prioritize compromise or solutions based on mutual agreements (Wahyuni & Harisah, 2019; Yunus, 2022), although these often do not align with sharia provisions (Halim, 2021).

This article aims to delve deeply into the practice of interfaith inheritance within Muslim families in Indonesia, focusing on the mechanisms for resolving interfaith inheritance disputes in various regions of the country. The study also explores the Islamic legal philosophy underlying these mechanisms and discusses the direction for developing national law to be more responsive to Indonesia's social and religious dynamics (Reskiani et al., 2022), by considering these, it underscores the necessity for regulations that ensure justice for all parties, both Muslim and non-Muslim.

Previous studies have examined interfaith inheritance in Indonesia from various perspectives, including Islamic, positive, and customary law. These studies reveal that religious differences are not the sole grounds prohibiting inheritance but are influenced by other factors, such as enmity or criminal acts under the law. This points to the need for a deeper analysis of the *illat* (legal reasoning) behind inheritance prohibitions through the approaches of *uṣūl al-*

fiqh and hermeneutics (Wahyudi, 2021). Some studies also highlight differences between Civil Code, which does not regard religious differences as a barrier to inheritance, and the Compilation of Islamic Law (KHI), which explicitly prohibits interfaith inheritance and requires heirs to be Muslim to inherit (Hariyanto, 2021). In this context, it is found that judges often prioritize social justice and the welfare of heirs, even if such approaches occasionally conflict with existing Islamic law (B.S. & Hariyati, 2020; Wiranata, 2023). Other research underscores the potential for religious court judges to exercise *ijtihad* in overcoming obstacles to interfaith inheritance by applying principles of benefit and justice. Contemporary Islamic legal thought, while generally opposing interfaith inheritance, has also allowed permissibility under certain conditions (Khosyi'ah & Fuadah, 2020; Munawar & Ghofur, 2023). These studies indicate that although interfaith inheritance has been extensively discussed from a legal perspective, there is still a lack of in-depth analysis of its philosophical and normative foundations in the context of Muslim families in Indonesia and the direction for developing a national inheritance law that is more inclusive and responsive to Indonesia's religious and cultural plurality.

Method

This study employs a qualitative approach using field research methods (Gerring, 2017). Primary data was collected through interviews (Gill, 2020) with key figures involved in the practice of interfaith inheritance in several regions of Indonesia. The approach adopted is qualitative descriptive (Mishra et al., 2019) aimed at illustrating the practice of interfaith inheritance in Indonesia. The research was conducted between February and September 2023 and focused on four provinces: North Sumatra, Bengkulu, East Java, and Central Java. These locations were selected based on the religious and cultural diversity present in these provinces and the deep religious pluralism in societies such as North Sumatra and Bengkulu, home to populations with diverse religious backgrounds. Meanwhile, East Java and Central Java were chosen due to their well-known religious diversity and the significant role religion plays in their communities' social and cultural life.

The data used in this study consists of primary data obtained through interviews with competent informants, such as religious leaders, government officials, and families involved in interfaith inheritance cases. Additionally, secondary data was collected through literature reviews and related documents (Hashanah, 2017). The data analysis was conducted qualitatively and descriptively by organizing and interpreting the collected data. The research findings are presented in the form of narratives and tables to clearly depict the practices of interfaith inheritance in the studied regions (Miles & Huberman, 2014).

Mechanism for Resolving Interfaith Inheritance in Muslim Families

North Sumatra

Inheritance resolution in North Sumatra involves diverse mechanisms, with each ethnic group having its distinct practices, particularly regarding interfaith inheritance. Ethnic groups such as the Karo, Toba, Mandailing, and Malay communities have unique customs, often involving deliberation to reach a mutual agreement. Religious differences among heirs, especially in inheritance matters, often pose specific challenges. However, through deliberation, many families find equitable solutions for all parties involved.

For instance, the Karo community prioritizes inheritance distribution based on customary law, emphasizing male heirs as the primary beneficiaries. Nevertheless, family deliberation frequently serves as a middle ground to reach a fair decision in cases of interfaith

inheritance. This is further supported by Mufid, who notes that religion does not pose a significant barrier to the inheritance process within the Karo community. Deliberation is regarded as the primary solution when the heirs have differing religious views. Mufid states as follows: “In the Karo community, agreement through deliberation is considered the best way to reach a fair decision despite religious differences. Deliberation is regarded as the primary solution, as religion does not pose a significant barrier in the distribution of inheritance” (Mufid, 2023).

This statement by Ibn Mufid is reinforced by the practice of interfaith inheritance by Munte from Tanjung Harapan Village. He has seven children. The second child, Munte, who married a woman from Jakarta, was asked to return to the village to maintain family harmony. The inheritance, consisting of 5 hectares of palm oil plantation and one house, was given to Munte with specific conditions to avoid religious conflict. As stated by Munte: “*The inheritance was given with certain conditions to prevent family discord. We prioritize harmony, despite differences in belief*” (Munte, 2023).

Although initially often not receiving a fair share, women in the Karo community are now beginning to experience a change in attitude. For example, Karo women, who were once merely considered companions for sharing stories, are increasingly granted inheritance rights, although this remains a small portion of society. This awareness has emerged as a response to the injustices they have faced. Although many are still trapped in patrilineal traditions, some families have begun to grant inheritance to daughters through wills or gifts as a form of recognition.

On the other hand, the Toba ethnic group, which also practices a patrilineal kinship system, allocates more inheritance rights to sons, while daughters are excluded from inheriting family property. However, despite resistance to granting inheritance to daughters within this tradition, many families have started to embrace deliberation to seek more equitable solutions. This aligns with Nurhayani's perspective, which states that although the Toba community strongly emphasizes the patrilineal system in inheritance distribution, deliberation effectively resolves inheritance disputes involving individuals of different religions. As Nurhayani explains: “Today, the practice of inheritance law in Karo has changed. There is an emerging awareness among Muslim Karo families (male siblings) to allocate inheritance to daughters or their female siblings. Regardless of the term used—whether daughters are considered heirs and therefore entitled to a share of the inheritance or it is merely a gesture of love and respect from their male siblings—Karo women now receive the inheritance, albeit in minimal amounts. This awareness arises from the generosity of their male siblings. Consequently, the inheritance received by daughters is often referred to as pemerean (a gesture of love or respect). Furthermore, daughters may inherit due to their perceived entitlement, often through parental wills or gifts (Nurhayani, 2023).”

Nurhayani's statement is supported by the practice of interfaith inheritance by Sidabutar, a Christian from Tebing Tinggi, who bequeathed the equitable division of family land to his six children, including Sudirman, who converted to Islam after marriage. Sidabutar stated: “Sudirman has maintained family harmony despite differences in religion. The old house has now become a symbol of our unity” (Sidabutar, 2023).

The Mandailing ethnic group, which integrates customary law and Islamic principles in its inheritance system, offers an inheritance distribution considered fair for both men and women. In this context, interfaith inheritance issues can be resolved through family deliberation, prioritizing fairness for all parties, including women who are often regarded as vulnerable. This is exemplified by the case of Naeboho, who converted to Islam after marriage but continued to receive an inheritance after her father's death despite her husband reverting to

Catholicism. As Naeboho, Teti's brother stated, "Religious differences have never been an obstacle for us. We believe in prioritizing family principles" (Naeboho, 2023).

Samsul Rijal further emphasized that within the Mandailing community, inheritance distribution prioritizes fairness, ensuring the protection of women's rights through equitable distribution of assets. He stated: "Daughters are viewed as equals to sons. This aligns with the ongoing changes in Karo customary law. The essential question is how Muslim Karo communities choose legal pathways to resolve inheritance disputes. While a small minority still adhere strictly to customary law, there is a growing trend of 'deviation' or modification of customary inheritance laws among Muslim Karo families. This often results in an equal distribution approach. The Karo community generally does not see interfaith inheritance as a significant issue. If one family member passes away, the inheritance is distributed among relatives without much contention" (Rijal, 2023).

The Malay ethnic group, while predominantly adhering to Islamic inheritance principles (faraidl), also accommodates family deliberations in cases of interfaith differences within the family. In these situations, inheritance is initially divided according to religious principles, but family discussions are often conducted to reach the best solution. As Kalamudin (2023) noted, inheritance disputes within the Malay community of Asahan rarely arise concerning interfaith issues, as instances of apostasy in the region are rare.

Despite the prevalence of customary law governing inheritance distribution across various ethnic groups in North Sumatra, interfaith inheritance remains a matter requiring careful attention. Fair legal application in such cases must prioritize family harmony and respect for religious diversity. During an interview, Julius emphasized that religious differences rarely hinder the resolution of inheritance disputes, provided that deliberation is employed to maintain familial unity. He stated: "Although religious differences exist, the most important aspect is preserving family harmony through deliberation, ensuring inheritance disputes are resolved peacefully" (Julius, 2023).

Customary inheritance law, grounded in the principle of belief in the Almighty God (Ketuhanan Yang Maha Esa), serves as a foundation that reminds heirs to prioritize family harmony over material disputes. The inheritance system in North Sumatra continues to emphasize customary law and deliberation as effective mechanisms for resolving interfaith inheritance issues. By considering local wisdom and the religious principles adhered to by each party, many families can overcome religious differences in inheritance distribution and reach equitable resolutions.

Table 1.
Mechanisms for Resolving Interfaith Inheritance Disputes in North Sumatra

Ethnic Group	Mechanisms for Resolving Interfaith Inheritance Issues
Karo	Inheritance follows customary law, prioritizing males, with family discussions held if there are interfaith heirs.
Toba	Patrilineal system and interfaith inheritance may pose challenges, but there is room for family discussions to find solutions.
Mandailing	Based on customary law and Islamic principles, family discussions ensure fair inheritance distribution, including for interfaith heirs.
Malay	The patrilineal system, inheritance is distributed according to respective religions, with family discussions addressing differences.

Some families face conflicts due to religious differences, leading to severing relationships between family members. For example, in the Silaen family, children who converted to another religion had their inheritance rights revoked, causing a rift within the family. One family member stated, "The decision was difficult, but we believe that inheritance should not be given to those with differing principles. For us, that is the custom," said a member of the Silaen family (Munte, 2023). A similar conflict occurred in the Sukimin family. Jeni (2023), who converted to Christianity, was initially estranged from the family but was later accepted back after her efforts were recognized. Fitri Nina, Jeni's sister, said, "We finally realized that inheritance should bring reconciliation, not division" (Fitri Nina 2023).

Central Java

The mechanisms for resolving inheritance issues involving different religions in Central Java demonstrate various approaches the community uses to maintain justice, harmony, and legal certainty in inheritance distribution. One common mechanism is family deliberation. In this case, inheritance is distributed based on familial principles and *taradin* (mutual willingness to forgive). Zaenal explains that the Semarang community uses deliberation to divide the inheritance equally, regardless of religious differences, to avoid social jealousy and maintain a sense of justice. In practice, inheritance is often divided equally between male and female heirs, following a one-to-one (1:1) ratio, as long as there is agreement from all the heirs. He stated as follows: In inheritance distribution, the community tends to practice inheritance in accordance with the customs prevailing in Semarang. The inheritance is distributed equally among the heirs to avoid social jealousy and maintain a sense of justice for all heirs, regardless of their religious status or lineage. It is common for the Semarang community to adopt this inheritance practice (Zaenal, 2023).

Another approach is using customary law, such as the "*Sak Pikul Sak Gendongan*" system, which is a 2:1 ratio. Syamsudin mentioned that male children typically receive land, houses, and gardens under this system, while female children only receive gardens. The youngest child is given additional land as compensation for caring for the parents until their passing. This system reflects the customary values that emphasize a balance of responsibilities and rights within the family (Syamsudin, 2023).

In addition, granting a *hibah* (gift) to non-Muslim heirs has become a practical solution frequently applied to overcome the limitations of Islamic inheritance law. Zaenal stated that *hibah* can serve as a form of solidarity and humanity, particularly for heirs who are not entitled under Islamic inheritance law. He also supports the idea of unifying Western, Islamic, and customary laws to resolve inheritance issues involving different religions, although this would require the expertise of competent professionals (Zaenal, 2023).

If an agreement is not reached, the community may opt for a resolution through the state court. Rahmad highlighted that positive law is often the last resort for providing a binding decision. However, he also stated that the use of customary law with the principle of *taradin* remains a more effective solution in the context of local culture, as the legal status must be clear, and interfaith marriages cannot use Islamic inheritance law (Rahmad, 2023). Overall, the approaches of deliberation, customary law, *hibah*, and positive law reflect the flexibility of the Central Java community in addressing inheritance issues involving different religions, while still considering the values of family and harmony.

Tabel 2.

Mechanisms for Resolving Inheritance Issues Involving Different Religions in Central Java

Mechanism	Process Description
Family Deliberation	Inheritance distribution is carried out through family agreements based on familial principles and <i>taradin</i> .
Use of Customary Law	It follows local customs, such as the "Sak Pikul Sak Gendongan" (2:1) system for dividing assets.
Granting Gift	Non-Muslim heirs are given <i>hibah</i> (gift) as a form of solidarity, not as part of their inheritance rights.
State Court	Resolution through positive law via the judicial process to provide a binding decision.

Bengkulu

The religious diversity within a family in Bengkulu, including in the cities of Bengkulu, Bengkulu Selatan, Bengkulu Utara, Seluma, and Kaur, encourages the community to develop various mechanisms for resolving inheritance issues. First, family deliberation becomes the primary method for resolving inheritance in families with different religions. For example, Teguh from Benteng stated that his family divides the inheritance equally, regardless of religion, to maintain family harmony. As Teguh stated: "In our family, the inheritance is divided equally without distinguishing religion. What is most important is maintaining family harmony so that no one feels left out" (Teguh, 2023). Similarly, Otri explained: "We divide the inheritance through family deliberation. For example, the less financially capable child is given a house. The independent child does not take a share. This way, everyone feels it is fair" (Otri, 2023).

Secondly, some families use local customs as a guideline for inheritance distribution. Basyir (2023) revealed that his family follows Javanese tradition, where sons receive a larger share, such as land or gardens, while daughters receive a smaller portion. Yandi from Bengkulu Selatan shared that his family divides the inheritance before the parents' passing, and the youngest child, who takes care of the parents, receives special rights to certain assets (Yandi, 2023).

Thirdly, some families prioritize inheritance distribution based on economic needs. Dani Samadhi recounted that his family allocates a more significant share to family members who are more in need, such as a younger sister who is not financially stable. Samadhi stated: "In our family, the inheritance distribution is adjusted to the needs. My younger sister, who does not have a permanent job, receives a larger portion than I do, as I am financially stable" (Samadhi, 2023). A similar practice is followed by Beni and Lusi, who said, "We give the house to our disabled son, while our daughter only receives a small yard. This ensures that every family member can live decently" (Beni 2023; Lusiana, 2023).

Fourthly, inheritance is also distributed through family deliberation, even when there are religious differences. Harjo from Simpang Tiga Village mentioned that his family, consisting of a Christian father and a Muslim mother and children, divides the house fairly among all children to maintain harmony (Harjo, 2023). Fifthly, there are cases where family members are excluded from inheritance distribution due to religious differences. For instance, Kirno felt alienated because he was not involved in his family's inheritance division despite his parents having sufficient assets (Kirno, 2023). Overall, the mechanisms for resolving inheritance issues involving different religions in Bengkulu vary, depending on family deliberation, customs, economic needs, or family decisions. Tolerance, mutual respect, and

family harmony are the foundation for resolving inheritance issues amidst religious diversity (Kimo, 2023).

Table 3.
Mechanisms for Resolving Interfaith Inheritance Disputes in Bengkulu

Mechanism	Process Description
Family Deliberation	Inheritance distribution is based on family agreement without distinguishing religion.
Use of Local Customs	Following certain traditions, such as prioritizing sons or distributing based on responsibilities.
Distribution Based on Needs	Inheritance is distributed according to the economic needs of family members, regardless of religion.
Inheritance Based on Deliberation	Distribution is done through deliberation, maintaining harmony despite religious differences.
Exclusion from Distribution	Some family members are excluded from inheritance due to religious differences, even though parents have significant assets.

East Java

Resolving inheritance disputes involving different religions in East Java follows mechanisms prioritizing family agreements and emotional closeness among family members. Family deliberation is the most common mechanism, where inheritance is distributed through a family agreement, regardless of religious differences. This indicates that religious differences do not pose a problem as long as all parties agree on the distribution of assets. Mushtofa stated, "Inheritance distribution between different religions generally does not become an issue as long as wealth is left by the deceased. If there is no wealth, there is no distribution." This emphasizes that as long as there is inheritance, mutual agreement takes precedence over religious differences (Musthofa, 2023).

Secondly, the parental system is applied in many families, where all children receive equal inheritance rights regardless of whether they share the same religion or not. Mushtofa stated, "Inheritance distribution is only questioned if deemed unfair, which can trigger disputes." This system reflects the principle of justice in inheritance distribution, which is not hindered by religion. Thirdly, inheritance distribution in some cases follows the principle of "sepikul segendongan," which allocates two portions to sons and one to daughters according to the family agreement. This principle indicates the influence of tradition in the distribution of inheritance, even though religion is not a limiting factor (Musthofa, 2023).

Fourth, the primary heirs are the biological children who live with the testator. This means that children who reside with the testator are considered to have a closer relationship and more responsibility and thus are recognized as primary heirs, regardless of religious differences. Mushtofa explained, "Children who live with the testator are still considered primary heirs, even if there are religious differences." This demonstrates how physical and emotional relationships play a more significant role in determining inheritance rights than religious beliefs (Musthofa, 2023).

Furthermore, inheritance for adopted children who are cared for and live with their adoptive parents also forms part of the inheritance distribution, irrespective of religion. also mentioned, "Some communities grant inheritance to adopted children who have lived with and

been cared for by their adoptive parents." This indicates that the caregiving relationship and family closeness are more important than religious differences in determining inheritance rights. However, in some cases, children who convert to another religion are not granted inheritance because they are considered no longer harmonious with the family, as in the case of Siti's family, who did not grant inheritance to her child who converted to another religion, considering their relationship had been damaged (Musthofa, 2023).

Lastly, inheritance distribution by the eldest child can occur when the eldest feels responsible for helping a younger sibling in need, as exemplified in Falah's story. The eldest child gives part of their inheritance to their younger sibling, who requires assistance despite religious differences. As told, "The eldest child of Siti gave part of their inheritance to their younger sibling who still needed help because her husband did not have a permanent job." This shows the presence of solidarity within the family that prioritizes the needs of family members over religious differences. Overall, the inheritance resolution mechanisms in East Java highlight the importance of family closeness and mutual agreement, while religious differences are often not a primary obstacle in inheritance distribution (Falah, 2023).

Table 4.
Mechanisms for Resolving Interfaith Inheritance Disputes in East Timur

Mechanism	Process Description
Family Deliberation	Inheritance is distributed based on family consensus, with no issues regarding religious differences.
Parental System	All children receive equal inheritance rights, regardless of religion.
"Sepikul Segendongan" Principle	Male children receive two parts, and female children receive one, based on mutual agreement.
Primary Heirs	Biological children living with the deceased are still considered primary heirs.
Inheritance for Adopted Children	Adopted children cared for and living with the family are entitled to inheritance regardless of religion.
Exclusion from Inheritance	Due to strained relationships, children who convert to another religion are excluded from inheritance.
Eldest Child's Distribution	The eldest child provides a portion of the inheritance to the youngest sibling needing assistance.

Philosophical Analysis of Inheritance Practices in Interfaith Muslim Family

The mechanisms for resolving interfaith inheritance disputes in North Sumatra reflect the philosophical principles underlying the social life of its diverse religious and cultural communities. The primary philosophy is family harmony, emphasizing the importance of deliberation and consensus in resolving inheritance disputes. In this context, family is considered more important than religious differences. This perspective demonstrates the values of social justice and harmony as the fundamental guiding principles, placing togetherness above material interests (Soleman et al., 2022). For example, in cases involving interfaith families, deliberation remains the main approach to reaching an agreement on inheritance distribution without distinguishing between family members' religions.

The principle of legal pluralism in North Sumatra also reflects the acceptance of diversity. Inheritance dispute resolution combines customary law, religious law, and state law, illustrating efforts to accommodate the values present in the community, thereby creating inclusive agreements. For example, the Batak and Karo communities, which have a patrilineal customary law system, although recognizing religion in some cases, still seek common solutions acceptable to all parties. The acceptance of religious diversity is reflected in many inheritance resolution practices that prioritize family over religious differences, as seen in a Mandailing family case involving both Muslim and non-Muslim heirs (Muhammad et al., 2024).

Furthermore, inheritance distribution demonstrates an increased awareness of women's rights. Although many traditional kinship systems previously prioritized males, there has been significant change in granting inheritance rights to women. For example, the Karo community, which previously did not grant inheritance rights to women, has started to provide these rights, although often through gifts or wills. This newfound awareness of social justice has also changed the community's perspective on women's rights in inheritance distribution, as seen in Mandailing, where women's rights have started to be accommodated (Tarmizi & Zubair, 2023).

Religion, while still an important factor in differing opinions on inheritance, emphasises the importance of family unity and interfaith tolerance in North Sumatra. In this context, deliberation is vital in reaching a mutually accepted agreement. As evidence, families with members of different faiths still prioritize deliberation to determine inheritance distribution fairly without sacrificing family harmony. Thus, despite religious differences, family harmony remains the top priority (Fatahullah et al., 2023).

In addition, local wisdom and the tradition of mutual cooperation (gotong royong) also serve as a foundation for resolving inheritance disputes. The people of North Sumatra continue to uphold the value of tolerance, as seen in deliberation and joint efforts to reach decisions. Cooperation is a part of the social values that prioritize collaboration over division, as reflected in the way communities work together to resolve inheritance disputes by involving all family members and, if necessary, customary leaders (Imron & Huda, 2023).

The inheritance dispute resolution mechanism in Central Java also reflects philosophical principles that prioritize family harmony and social cohesion in a plural society. In practice, inheritance distribution is often done through deliberation with the principle of family solidarity, reflecting the values of mutual cooperation and solidarity. Distribution of assets is carried out based on an agreed system, such as "Sak Pikul Sak Gendongan" (2:1), which grants a larger portion to sons than daughters, or equal distribution (1:1) between sons and daughters, provided that all heirs agree. This shows that family is considered more important than religious differences, aiming to avoid social jealousy and maintain fairness (Kusuma & Zulkifli, 2023).

Despite differing views on its implementation, the value of family remains the foundation in resolving inheritance disputes. For example, under Islamic inheritance law, non-Muslim heirs are not entitled to inherit from a Muslim testator. However, in practice, there is often an agreement to divide the inheritance more inclusively, such as providing a gift to non-Muslim heirs as a form of solidarity and respect. Rahmad (2023) notes that this is well accepted by the family, showing that deliberation remains the primary means of reaching an agreement despite religious differences. This reflects the values of humanity and mutual respect among family members (Yudho & Tjandrasari, 2017).

In addition, the resolution of interfaith inheritance disputes in Central Java also involves the use of customary law and positive law. Some scholars, such as Rahmad (2023) advocate

for unifying laws that integrate Islamic, customary, and state law to reduce family conflicts. At the same time, Rahmad (2023) argues that customary law based on mutual relinquishment is more appropriate. In inheritance disputes, if family members cannot reach an agreement, the state court becomes an option for a more formal resolution. Nevertheless, this resolution mechanism continues to emphasize the importance of deliberation, family harmony, and acceptance of religious differences in the inheritance process.

The inheritance resolution mechanism in Bengkulu reflects profound philosophical values related to family harmony, mutual understanding, and human dignity. Dahardin (2023) and Teguh (2023) expressed, many families prioritize the principle of familial solidarity and mutual respect over religious differences in inheritance matters. This is evident in the division of inheritance carried out through deliberation, regardless of religious affiliation, as explained by Mulasih (2023) and Samadhi (2023), who emphasize love and mutual support within the family. In this context, inheritance is not merely a matter of wealth but also about preserving familial relationships, considered more important than religious differences. The division reflects the spirit of *gotong royong* (mutual cooperation), with each family member giving and receiving according to their needs, prioritizing togetherness (Soleman et al., 2022).

However, the mechanism for inheritance division is also influenced by local customs and norms still prevalent in certain families. For example, in the Basir family, which follows Javanese customs, men are seen as primarily responsible for supporting the family and, therefore, receive a larger share. On the other hand, families like Beni and Lusia, as well as Yandi, focus more on the economic needs in the inheritance distribution, irrespective of religion. Mutual agreement and deliberation are paramount, as shown by the Harjo family, who discussed religious differences. This demonstrates that although customary traditions and religious norms play a role in the division process, the essence of interfaith inheritance resolution in Bengkulu still emphasizes humanist values and tolerance.

On the other hand, some experiences show how religious differences can affect family relationships, such as in the case of Kimo, who felt alienated due to religious differences in inheritance matters. Despite deliberation being the foundation for inheritance resolution, not all families can easily overcome religious divides. Some families choose to divide the inheritance based on agreements and economic needs, as seen in the division of rubber plantations, which prioritizes social justice. However, cases like Kimo's reveal that, in some instances, religious differences can still create tension. This reflects the complexity of inheritance resolution, requiring sensitivity to differences and emphasizing the importance of prioritizing family harmony (Muhammad et al., 2024).

The inheritance resolution mechanism in East Java reflects philosophical values rooted in local culture, religious teachings, and social pragmatism. In East Javanese society, family deliberation becomes the primary mechanism, emphasizing harmony and togetherness. Decisions in deliberation are not only based on formal rules but also on familial values that respect the voice of all parties. The parental system, which grants equal inheritance rights to all children regardless of religion, reflects the principles of universal justice and non-discrimination, maintaining inclusivity within the family. Additionally, Javanese customs using the "sepikul segendongan" principle, where sons receive two shares and daughters receive one, reflect respect for local traditions while asserting social responsibility within the family structure (Muhammad et al., 2024).

In some cases, East Javanese society also grants inheritance rights to adopted children who have lived and been cared for by the decedent. This reflects the philosophy of love and social inclusion that transcends biological relationships. However, there are also situations where children who have converted to another religion are not given inheritance rights due to

reasons of disharmony or religious identity conflicts. In this context, denying inheritance often reflects adherence to spiritual principles, even at the cost of severing family ties. Nevertheless, there are examples, such as the eldest child of Siti, who gave part of their inheritance to their younger sibling in need. This action reflects humanitarian values and concern focused on the family's needs, regardless of religious differences. Overall, this mechanism demonstrates that the people of East Java strive to manage inheritance distribution while maintaining family harmony, justice, and humanitarian values (Umar et al., 2023).

Table 5.
Philosophical Analysis Table of Interfaith Inheritance Practices in Muslim Families

Region	Main Philosophical Principles	Resolution Mechanism	Social and Cultural Values
North Sumatera	Family harmony, social justice, and cohesion.	Prioritizing deliberation, combining customary law, religion, and state law.	Pluralism, acceptance of diversity, and recognition of women's rights are being applied.
Central Java	Familial ties, cooperation, and interfaith tolerance.	Distributing through consensus deliberation uses systems like "Sak Pikul Sak Gendongan" or equal sharing.	Values of "taradin" (mutual consent), unification of customary, religious, and state law to prevent family conflict.
Bengkulu	Family harmony, humanity, and interfaith tolerance.	Distribution through deliberation considering economic needs and local norms.	Mutual cooperation, respect, and familial affection form the core values.
East Java	Harmony, universal justice, and social inclusion.	Family deliberation, using the "sepikul segendongan" custom and granting rights to adopted children.	Affection beyond biological ties, and inheritance distribution based on family needs.

Development of Inheritance Law for Interfaith Families in Indonesia Towards the Formation of National Inheritance Law

The development of inheritance law for interfaith families in Indonesia aims to ensure that the principles of social justice, family harmony, and interfaith tolerance are reflected in the national legal system. The first principle, social justice, requires that inheritance rights be fairly distributed to all parties without discrimination, regardless of religious differences within the family. This is crucial to ensure that no party feels disadvantaged in the distribution of inheritance, especially when an heir follows a different religion (Paramyta & Alfarisi, 2023). The principle of family harmony is also integral, where the law must maintain peace and unity within the family despite differing beliefs among its members (Syaikhu, 2019). Furthermore, the principle of interfaith tolerance must be applied in the legal system by respecting and accepting religious differences as part of the diversity within Indonesian society (Fadhilah, 2021). This diversity must be socially accepted to create a harmonious life.

A pluralistic legal approach forms a strong foundation for developing interfaith inheritance law. This approach integrates three key elements of law: customary law, religious law, and state law (Permadi, 2023). Each element plays a role in resolving inheritance disputes and reinforcing the existing legal framework for inheritance. Customary law often considers

local values crucial in solving inheritance issues, while religious law provides specific guidelines for inheritance distribution according to spiritual teachings (Taqiyuddin, 2019). On the other hand, state law provides broader legal protection and ensures that regulations also accommodate the increasingly complex needs of society (Kholish & Ulumuddin, 2022). This pluralistic legal approach aims to create an inheritance law that reflects the cultural and traditional diversity of Indonesian society while also addressing the evolving legal needs of the community.

To achieve this, one of the strategies that should be pursued is strengthening the principle of deliberation as the primary mechanism for resolving inheritance disputes. Deliberation has been a tradition in many regions of Indonesia (Syaihu, 2019), such as in North Sumatra, Central Java, Bengkulu, and East Java. Through deliberation, all parties involved in an inheritance dispute can communicate openly and seek a solution that is fair to all parties. Deliberation reflects high democratic values and participation, where every family member can express their opinion and reach a consensus that benefits all parties (Darlis, 2018; Ikhwani, 2023).

Furthermore, national inheritance law must integrate local values that have developed within the community, such as mutual cooperation, mutual forgiveness, and respect for women's rights (Ikhwani, 2023). Mutual cooperation encourages helping one another in the inheritance dispute resolution process, fostering solidarity among family members. Mutual forgiveness is highly relevant in inheritance distribution, allowing every party to accept the division of inheritance with an open heart. Additionally, it is important to prioritize respect for women's rights, which aligns with the social development and gender equality that are increasingly significant in modern society. National inheritance law must ensure that women have the same rights as men, thereby ensuring gender justice in inheritance distribution (Harnides et al., 2023).

Establishing inclusive regulations that grant inheritance rights to interfaith heirs is also essential. One model that can be adopted is granting inheritance rights through gifts or wills (Shalehah, 2020). Some communities in Indonesia have already accepted gifts or wills as a means of providing inheritance rights to family members of different faiths. State law needs to accommodate this practice by formulating more formal regulations so that inheritance rights for interfaith heirs become a social tradition and legally valid (Paramita & Alfarisi, 2023). The formulation of these regulations must prioritize legal legitimacy and provide legal certainty for all parties involved.

Furthermore, flexible and adaptive legal unification must be carried out to ensure that inheritance law is responsive to societal needs. This legal unification does not aim to eliminate existing diversity (Kholish & Ulumuddin, 2022) but rather to create harmony within diversity. With legal unification, even though there are differences in culture, religion, and local traditions, inheritance law can be implemented fairly and equally, in line with society's ongoing developments.

With this approach, it is hoped that the national inheritance law will not only reflect the values of justice and humanity but also preserve family unity amidst the religious diversity present in Indonesia (Lestari et al., 2022). This inheritance law must be accepted by all layers of society, fostering peace and solidarity while emphasizing respect for diversity, which is a hallmark of the Indonesian nation (Fadhilah, 2021). In this context, the national inheritance law must align with the spirit of Pancasila and Indonesia's cultural diversity, which serves as the foundation for communal life in this country.

Conclusion

The mechanism for resolving inheritance disputes involving interfaith families in various regions of Indonesia demonstrates that, despite religious differences among heirs, family deliberation remains the primary principle in inheritance resolution. Each region's approach reflects the social and cultural values developed within the local community. In North Sumatra, the Karo, Toba, Mandailing, and Malay ethnic groups emphasize the importance of family deliberation in inheritance distribution, even in the presence of religious differences. The Karo people prioritize males, while the Toba emphasize a patrilineal system. The Mandailing people refer to customary law and sharia, and the Malay prioritize distribution based on religion while allowing space for deliberation to find a solution. All these ethnic groups demonstrate diverse methods for resolving inheritance while maintaining family harmony.

The fundamental philosophy behind interfaith inheritance is family harmony, social justice, and respect for diversity. However, legal pluralism must be applied in developing national inheritance law to ensure equitable justice. This approach integrates customary, religious, and state law, providing a space for resolving inheritance disputes that accommodates the cultural and religious diversity present.

The development of inheritance law for interfaith families in Indonesia needs to strengthen the principle of deliberation and integrate local values such as mutual cooperation, taradin (mutual consent), and respect for women's rights. Forming inclusive regulations for cross-religious inheritance rights, such as through gifts (hibah) or wills (wasiat), is also crucial to ensure legal certainty. A flexible and adaptive legal unification is required to create harmony amidst diversity, ensuring that inheritance laws are accepted and applied fairly while fostering solidarity and unity amidst religious differences.

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