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The Principle of Justice in Islamic and Civil Inheritance Law: Legal Disparities, Dispute Resolution, and Harmonization

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ABSTRACT

The distribution of inheritance in Islamic and civil law is based on different legal principles, often leading to disputes among heirs. Islamic law applies the faraid system, which mandates a fixed and predetermined division based on Sharia provisions. In contrast, civil law prioritizes testamentary freedom, allowing heirs to determine inheritance distribution according to their will. These differences significantly impact justice for heirs and the mechanisms for dispute resolution. This study employs a qualitative approach using a comparative method, analyzing Islamic legal texts, statutory regulations, and scholarly literature related to inheritance law. The findings indicate that Islamic inheritance law emphasizes family deliberation (musyawarah) as a primary dispute resolution mechanism, whereas civil law often relies on litigation through courts. Consequently, harmonization efforts are necessary to bridge these legal disparities. This can be achieved by strengthening the role of religious courts, implementing sharia-based mediation, and updating regulations concerning grants and wills. This study suggests that justice in inheritance distribution can be better ensured by integrating a more flexible and adaptive legal framework while also providing greater legal certainty for all heirs. These findings contribute to the ongoing discourse on legal pluralism and inheritance dispute resolution, emphasizing the need for a more integrative and balanced legal approach in Indonesia.

1. Introduction

Inheritance distribution is a crucial legal issue that plays a significant role in ensuring justice for heirs. In Islamic law, inheritance is strictly regulated by the Qur'an, particularly

in Surah An-Nisa (4:11-12), which provides specific proportional allocations for each heir.[1] These provisions are based on the principle of distributive justice, ensuring that inheritance is divided according to divine decree. In contrast, Indonesian civil law adopts a different inheritance framework, primarily derived from the Western legal tradition and codified in the Indonesian Civil Code (KUHPerdata).[2] This system is based on various notions of justice, emphasizing testamentary freedom and equal rights among heirs.

Justice in the distribution of inheritance is often a debate between the Islamic legal system and civil law. The Islamic legal system emphasizes proportional justice based on the relationship of nasab and the responsibility of maintenance.[3] Meanwhile, civil law emphasizes more on the principle of freedom of will and equality of heirs' rights.[4] This difference poses a challenge in Indonesian society which has a diverse legal system, especially for those in the environment of Islamic law and civil law at the same time.

In the study of Islamic law, the principle of inheritance division follows the law of faraid, which is a system of inheritance distribution based on the postulates of the Qur'an and Hadith. Faraid's law is based on special calculations contained in the Qur'an and the practice of the Prophet Muhammad (saw).[5] In the absence of Faraid law, conflicts can arise due to inheritance disputes, especially if there are no clear guidelines on the division of property.[6] In contrast to that, in the civil law system, the distribution of inheritance prioritizes the principle of equality among heirs and is more flexible in determining wills, as stipulated in Article 832 of the Civil Code which emphasizes that heirs are free to determine their will in distributing inheritance.[7]

The difference in the concept of justice between Islamic law and civil law is often a source of dispute in society. In Indonesia, the dissatisfaction of heirs due to differences in the legal system that applies in inheritance is a serious problem. This dissatisfaction arises due to the existence of three main legal systems, namely Islamic law, civil law, and

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[1] Pritha Wahyuni, Muammar Bakry, dan Abdillah Mustari, "Pemahaman Masyarakat Kabupaten Barru terhadap Hukum Waris Islam dan Penerapannya; Perspektif Mazhab al-Syafi'i dan Hanafi," *Perbandingan Mazhab* 4, no. 3 (2023): 984–1002, https://doi.org/10.24252/shautuna.v4i3.32910.

[2] Muthoifin et al., "Bibliometric Analysis of the Socialization of Islamic Inheritance Law in the Scopus Database and Its Contribution To Sustainable Development Goals (Sdgs)," *Journal of Lifestyle and SDG'S Review* 5, no. 2 (2025): 1–24, https://doi.org/10.47172/2965-730X.SDGsReview.v5.n02.pe03057.

[3] Soleh Hasan Wahid, "Kontekstualisasi Konsep Nafkah Ramah Gender Perspektif Murtaḍhā Muṭhahhari Dan Faqihuddin Abdul Kodir," *Al-Syakhsiyyah: Journal of Law & Family Studies* 1, no. 2 (2019): 255–79, https://doi.org/10.21154/syakhsiyyah.v1i2.2030.

[4] Asep Saepudin Jahar, Euis Nurlaelawati, dan Jaenal Aripin, *Hukum Keluarga, Pidana & Bisnis* (Jakarta: KENCANA PRENADAMEDIA GROUP, 2013).

[5] Hanifah Haydar Ali Tajuddin dan Salehan Yatim, "Islamic Inheritance Law," *Islamic Law in Malaysia: The Challenges of Implementation*, 2021, 63–73, https://doi.org/10.1007/978-981-33-6187-4_6.

[6] Faisal Bin Husen Ismail et al., "CUSTOMARY AND ISLAMIC PRACTICES IN INHERITANCE DISTRIBUTION: Insights from The Gampong Customary Court in Pidie," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 24, no. 2 (2024): 1–16, https://doi.org/10.30631/alrisalah.v24i2.1544.

[7] Agus Riyanto, *Hukum Waris Indonesia* (Sumatera Barat: Yayasan Tri Edukasi Ilmiah, 2024).

customary law. The application of these different legal systems often causes conflicts in the family, especially when the systems used are different to divide the inheritance.[8]

On the other hand, Islamic law also regulates the mechanism for resolving inheritance disputes through mediation or family deliberation, as recommended in the hadith of the Prophet Muhammad PBUH which mentions the importance of seeking agreement in the distribution of inheritance. Meanwhile, in civil law, inheritance disputes are more often resolved through the court route, where the judge has the authority to determine justice based on the provisions of the Civil Code. The litigation path in civil law tends to be more complex and takes longer than the familial settlement in Islamic law.[9]

The comparative study of Islamic and civil inheritance law has become increasingly relevant in the modern era, mainly due to the rising number of inheritance dispute cases in both religious and district courts. Indonesia's legal pluralism, where Islamic law, civil law, and customary law coexist, has created ongoing legal conflicts and inconsistencies in inheritance distribution. Despite significant scholarly attention to this issue, substantial gaps remain in understanding the harmonization of these legal frameworks and their implications for justice and dispute resolution mechanisms.

Several recent studies have examined the legal disparities and judicial responses to inheritance disputes. Suwarti et al. (2022) analyzed a landmark Supreme Court ruling, which granted inheritance rights to a non-Muslim widow through wasiat wajibah,[10] provided that it does not exceed one-third of the estate. This ruling demonstrates the flexibility of Islamic law in adapting to contemporary legal challenges. The study further proposed two solutions: (1) maintaining legal pluralism, where conflicts are resolved through judicial mechanisms, or (2) enacting a unified inheritance law to ensure legal consistency.[11] Similarly, Khaidar Rohman (2023) found that many heirs prefer customary or deliberative resolution mechanisms, as they perceive these approaches to reflect social justice more than formal legal proceedings.[12]

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[8] Rr Dewi Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints," *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2023): 25–48, https://doi.org/10.15408/ajis.v23i1.32549; Suwarti Suwarti, Decha Khunmay, dan Stepan Abannokovya, "Conflicts occurring due to the application of different legal inheritance systems in Indonesia," *Legality : Jurnal Ilmiah Hukum* 30, no. 2 (18 September 2022): 214–27, https://doi.org/10.22219/ljih.v30i2.21020.

[9] Pahrudin Azis, Muhamad Kholid, dan Nasrudin Nasrudin, "Perbandinganlembaga Penyelesaian Sengketa:Litigasi Dan Non-Litigasi," *Qanuniya:Jurnal Ilmu Hukum* 2, no. 1 (2024), https://doi.org/10.15575/qanuniya.v1i2.896.

[10] The Decision of the Supreme Court No. 16 K/Ag/2010 on April 16, 2010, also decided that a Non-Muslim wife who had been married to the decedent for 18 years has the right to obtain inheritance through the wasiat wajibah stipulation.

[11] Suwarti, Khunmay, dan Abannokovya, "Conflicts occurring due to the application of different legal inheritance systems in Indonesia."

[12] KHAIDAR ROHMAN, "Implementasi Peraturan Mahkamah Agung Nomor 5 Tahun 2016 Tentang Sertifikasi Hakim Ekonomi Syariah" (UNIVERSITAS ISLAM NEGERI RADEN MAS SAID SURAKARTA, 2023).

Other scholars have further contributed to this discourse. Mappong and Zainuddin (2023) examined the legal status of Muslim heirs who adhere to Western inheritance law when the deceased belonged to a different religion. Their findings indicate that Muslim heirs can legally submit to the Indonesian Civil Code (KUH Perdata) through a Notarial Deed, as affirmed by the Supreme Court's ruling in Decision No. 172 K/Sip/1974 and Circular Letter No. 7 of 2012.[13] Furthermore, their study established that notaries have the legal authority to issue declarations allowing Muslim heirs to adhere to civil inheritance law, reinforcing legal certainty in interfaith inheritance cases. Meanwhile, Zuhra (2024) provided more profound insights into Indonesia's legislative legal politics of inheritance law. The study revealed that inheritance disputes continue to escalate due to fundamental inconsistencies between Islamic law, customary law, and civil law.[14] The study further argued that civil law offers a more equitable alternative, ensuring equal inheritance rights regardless of gender, unlike Islamic and customary inheritance laws.

Although these studies have contributed significantly to understanding legal disparities and judicial interpretations, they have not provided a concrete model for harmonizing inheritance law in Indonesia. While previous research has explored legal pluralism, wasiat wajibah, and judicial flexibility, there remains a critical gap in formulating an integrative legal framework that both respects Islamic jurisprudence and aligns with civil inheritance principles. Furthermore, the effectiveness of various dispute resolution mechanisms—including litigation, customary mediation, and judicial intervention—has yet to be empirically evaluated, particularly regarding their long-term impact on conflict resolution and perceptions of justice among heirs.

Building on these research gaps, this study aims to examine the concept of justice in inheritance distribution within Islamic and civil law, as well as analyze the legal implications arising from systemic disparities. Through a comparative analysis of these legal frameworks, this research seeks to identify a more equitable approach to resolving inheritance disputes in Indonesia. Additionally, this study intends to develop a harmonized legal model that integrates Islamic jurisprudence and civil law principles, thereby ensuring both legal certainty and social justice in inheritance distribution.

2. Legal Material and Methods

This study employs a qualitative approach using a comparative method**.** It aims to analyze and compare the principles of justice in the distribution of inheritance under Islamic law and civil law**.** The comparative method is utilized to identify similarities,

[13] Zainuddin Mappong dan Lili, "Right To Self Submission To Western Inheritance Law for the Heirs of Islamic Religion Whom the Property Leaver Has Different Religion," *Journal of Law and Sustainable Development* 11, no. 2 (2023): 1–28, https://doi.org/10.55908/sdgs.v11i2.423.

[14] Zuhrah, I. Gusti Ayu Ketut Rachmi Handayani, dan Burhanuddin Harahap, "Legislative Legal Politics of Inheritance Law in Indonesia," *Journal of Ecohumanism* 3, no. 6 (2024): 910–16, https://doi.org/10.62754/joe.v3i6.4059.

differences, and legal implications between these two legal frameworks, particularly regarding justice and dispute resolution mechanisms**.**

The data for this study is derived from secondary sources, including literature studies of classical fiqh books, statutory regulations such as the Compilation of Islamic Law (KHI) and the Indonesian Civil Code (KUH Perdata), and relevant scholarly research on inheritance law**.** These sources provide a comprehensive legal foundation for understanding inheritance distribution's theoretical and practical applications within both legal systems.

This study applies content analysis for data analysis, wherein collected data is systematically examined to identify patterns, thematic similarities, and conceptual differences between Islamic and civil inheritance laws**.** This analytical approach enables a rigorous interpretation of legal texts and previous research findings**,** offering critical insights into how justice in inheritance distribution is legally constructed and socially perceived. Furthermore, this method facilitates exploring how these principles are applied in legal practice and how they influence social dispute resolution.

3. Results and Discussion

3.1. The Concept of Justice in Islamic Law and Civil Law

In Islamic law, justice in the distribution of inheritance follows the law of faraid which is sourced from the Qur'an and hadith.[15] The division is carried out based on certain proportions to ensure the balance of rights in the family.[16] Meanwhile, in civil law, the heir has the freedom to determine his heirs according to his will.[17]

One of the fundamental differences is that in Islamic law, heirs cannot be excluded from their rights except under certain conditions, such as committing criminal acts against heirs. In contrast, in civil law, heirs can choose not to include a particular individual in their inheritance. This freedom is often a source of conflict in the family.[18]

In addition, in Islamic law, men get a larger share than women because they have the responsibility of providing for the family. In civil law, the principle of justice is more oriented towards equality without considering the aspect of economic responsibility. The Islamic approach aims to maintain social balance in the family.[19]

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[15] Yusmita Yusmita, "Keadilan Gender Dalam Sistem Kewarisan Bilateral Hazairin," *Al-Khair Journal : Management, Education, and Law* 3, no. 1 (2023): 155, https://doi.org/10.29300/kh.v3i1.10939.

[16] Syabbul Bachri et al., "Contextualizing Islamic Inheritance Law in Indonesia: Addressing Negative Stigma," *Ulul Albab: Jurnal Studi dan Penelitian Hukum Islam* 7, no. 2 (2024): 170, https://doi.org/10.30659/jua.v7i2.35041.

[17] Sumarwoto, Andrie Irawan, dan Eva Nur Khaya Putri, "Perbandingan Wasiat dalam Hukum Waris Perdata dan Hukum Waris Islam," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 2, no. 3 (2024): 1307–20, https://doi.org/10.62976/ijijel.v2i3.648.

[18] Sumarwoto, Irawan, dan Putri.

[19] Muchamad Imron dan Miftahul Huda, "Fungsionalisme Pembagian Waris Sebelum Pewaris Meninggal Dunia Dalam Keberlanjutan Keluarga," *Sakina: Journal of Family Studies* 7, no. 4 (2023): 514–29, https://doi.org/10.18860/jfs.v7i4.6173.

To accommodate these two systems, national law through the KHI provides flexibility while still prioritizing the principle of faraid, but allows family deliberations to reach a fairer agreement.[20] Therefore, a deep understanding is needed so that there are no conflicts due to differences in the interpretation of justice in the distribution of inheritance.

By understanding these fundamental differences, people can be wiser in responding to the distribution of inheritance, especially in families that have different legal backgrounds. Awareness of the principles of each system can prevent potential disputes and create more holistic justice.

3.2. Differences in Inheritance Distribution Mechanisms

In Islamic law, the inheritance distribution mechanism is strictly regulated based on the faraid system. Each heir has a predetermined share based on his kinship and responsibilities in the family. This provision aims to maintain social and economic balance in the family, as well as avoid prolonged disputes.[21]

In contrast, civil law gives the heirs the freedom to determine how their inheritance will be distributed. The heirs can make a will that specifically regulates who will receive the inheritance, including people outside the nuclear family. This allows the heirs to consider various aspects, such as personal relationships and services provided by the heirs.[22]

In practice, these differences in mechanisms often lead to conflicts in the family. For example, in the case of families that have members with different religious backgrounds, the use of the faraid system may be contrary to the will of the heir who wants to divide his inheritance differently. Conflicts can also arise when an heir leaves a will that contradicts the provisions of the faraid, which then raises a debate about which law should be applied.[23]

Although civil law provides greater freedom, there are limitations in the distribution of inheritance. For example, in the Civil Code, there is a provision regarding the absolute part (legitieme portie) that must be given to certain heirs, so that not all assets can be distributed according to the will of the heirs. On the other hand, in Islamic law, the concept of a will is only allowed a maximum of one-third of the total inherited property, unless approved by other heirs.[24]

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[20] Riyanto, *Hukum Waris Indonesia*.

[21] Abdulmajeed B. Hassan-Bello, "Islamic law of inheritance: Ultimate solution to social inequality against women in Yorùbá land," in *Gender and Development in Africa and Its Diaspora* (Taylor and Francis, 2018), 143–54, https://doi.org/10.4324/9781351119900-13.

[22] Berty Willy Wongkar, Cornelius Tangkere, dan Mercy M.M Setlight, "Penyelesaian Hukum Penyerobotan Tanah Warisan Menurut Legitime Portie Dalam Hukum Waris Perdata," *Lex Administratum* 9, no. 1 (2021): 31–40.

[23] Zaynal, Rifanto Bin Ridwan, and Lukman Asha Zaynal, "Praktik Pembagian Waris Secara Merata Antara Laki-Laki Dan Perempuan Di Kecamatan Kepahiang," *Al Qalam: Jurnal Ilmiah Keagamaan dan Kemasyarakatan 16.6* 16, no. 6 (2022): 2172–85.

[24] Paula Sembiring, Mara Umar, dan Muhamad Zen, "Implementasi Maqashid Syariah Dalam Fitur Wakaf Manfaat Polis Asuransi Syariah," *Jurnal Manajemen Dakwah* 9, no. 1 (2022): 133–72, https://doi.org/10.15408/jmd.v1i1.24040.

With these differences in mechanisms, a deeper understanding is needed so that heirs can choose the system that best suits their needs. In the Indonesian context, harmonization efforts between Islamic law and civil law are very important to prevent conflicts and create a fairer and more acceptable inheritance distribution mechanism for all parties.

3.3. Legal Implications of System Differences

The difference in the inheritance law system between Islam and civil law has a significant legal impact. In the Islamic legal system, the division of inheritance is carried out based on the provisions of faraid that have been established, so it cannot be changed except with the consent of all heirs. Meanwhile, in civil law, the distribution of inheritance is more flexible and can be adjusted to the will of the heirs, which can cause potential deviations from justice.[25]

Incompatibilities between Islamic law and civil law are often a source of legal disputes. In some cases, heirs who adhere to Islamic law may feel disadvantaged if the heir uses civil law to divide the inheritance according to his or her own will. This creates conflicts between heirs, especially when the value of the inheritance is quite large and many parties are involved.[26]

In addition, civil law that provides freedom in the distribution of inheritance allows heirs to exclude certain heirs, which in Islamic law is considered unfair. As a result, in practice, there are often lawsuits against wills that are considered detrimental to certain parties, both in religious and civil courts.[27]

The legal implications of these differences in systems also include social aspects. In a Muslim-majority society, the application of civil law that is contrary to Islamic provisions often causes discontent and triggers family divisions. Therefore, a solution is needed that can bridge these two legal systems so as not to cause prolonged conflicts.[28]

To overcome this problem, several efforts have been made, such as the implementation of the Compilation of Islamic Law which tries to accommodate Islamic principles in the national legal system. However, it is still necessary to strengthen regulations so that there is no inequality in the practice of inheritance distribution in Indonesia.

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[25] Zuhrah, I Gusti Ayu Ketut Rachmi Handayani, dan Burhanuddin Harahap, "Legislative Legal Politics of Inheritance Law in Indonesia," *Journal of Ecohumanism* 3, no. 6 (2024): 910–16, https://doi.org/10.62754/joe.v3i6.4059.

[26] Maria Fransiska Owa da Santo et al., *Pengantar Hukum Perdata (Teori & Referensi Komprehensif Dasar-dasar Hukum Perdata di Indonesia)* (Jambi: PT. Sonpedia Publishing Indonesia, 2024).

[27] Yuyut Prayuti et al., *MENJAWAB KOMPLEKSITAS HUKUM DI TENGAH MASYARAKAT (Waris, Perlindungan Konsumen, dan Perjanjian)* (Bandung: Widina Media Utama, 2024).

[28] Sumarwoto, Irawan, dan Putri, "Perbandingan Wasiat dalam Hukum Waris Perdata dan Hukum Waris Islam."

3.4. Inheritance Dispute Resolution in Two Legal Systems

The settlement of inheritance disputes in Islamic law emphasizes more on family deliberation, while civil law relies on court channels to avoid legal uncertainty.[29]

The settlement of inheritance disputes in Islamic law emphasizes family deliberation as a first step. This deliberation aims to reach a fair consensus among the heirs without having to involve a third party. This principle is based on Islamic teachings that emphasize peace and friendship in resolving conflicts.[3031] If an agreement is not reached, settlement can be done through a religious court that has the authority to handle inheritance disputes based on Islamic law.

Meanwhile, in civil law, inheritance dispute resolution is more often carried out through the district court. This process involves strong legal evidence, including a will or asset ownership document. This mechanism often takes longer due to the judicial stages, including the possibility of appeal and cassation.[32]

One of the challenges in resolving inheritance disputes is legal uncertainty when heirs come from different legal backgrounds. In some cases, those who want to apply Islamic law may have difficulties if not all heirs agree to use the system. As a result, the solution becomes more complex and protracted.

3.5. Harmonization of Islamic Law and Civil Law in the Distribution of Inheritance

To avoid conflicts, several efforts have been made to harmonize these two legal systems, including the application of KHI as a form of adaptation of Islamic law in the national legal system.[33]

Efforts to harmonize Islamic law and civil law in the distribution of inheritance aim to reduce legal conflicts and provide certainty for heirs. One of the steps that has been taken in Indonesia is the implementation of the Compilation of Islamic Law (KHI), which seeks to adapt Islamic principles in the national legal system.[34]

This harmonization also includes the role of religious courts which is increasingly strengthened in resolving inheritance disputes for Muslims. With clear jurisdiction,

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[29] Sumarwoto, Irawan, dan Putri.

[30] Ibnu Elmi Achmat Slamat Pelu, Ahmad Syaikhu, dan Jefry Tarantang, "TRADISI PENYELESAIAN SENGKETA KEWARISAN MASYARAKAT KALIMANTAN TENGAH: Studi pada Kabupaten Katingan dan Kota Palangka Raya," *Al-Manahij: Jurnal Kajian Hukum Islam* 13, no. 2 (2019): 203–16, https://doi.org/10.24090/mnh.v13i2.2027.

[31] Halimah Basri et al., "Inheritance Rights of Women in Makassar Society: A Study of Living Qur'an and its Implications for Islamic Law," *Samarah* 6, no. 2 (2022): 537–57, https://doi.org/10.22373/sjhk.v6i2.13882.

[32] Agnieszka Kawałko, "Changes in the Proceedings for the Acquisition of Inheritance According to the Draft Law on Amendments to the Law – Civil Code and Some Other Laws," *Prawo i Wiez* 2022, no. 41 (2022): 86–114, https://doi.org/10.36128/priw.vi41.500.

[33] Jahar, Nurlaelawati, dan Aripin, *Hukum Keluarga, Pidana & Bisnis*.

[34] Hikmah Luqiyah K5 Rizka Nur Faidah1, Rizma Okavianti2, Putri May Maulidia3, Eva Putri Muliyani4, "Sengketa Waris dalam Keluarga: Analisis Pustaka Tentang Penyebab dan Penyelesaiannya dalam Perspektif Hukum Perdata," *Indonesian Research Journal on Education* 4 (2024): 550–58.

religious courts can render decisions in accordance with Islamic law without contradicting national legal principles.[35] However, challenges remain, especially in cases involving non-Muslim heirs or heirs who leave a will with the civil law system.

One of the approaches in harmonization is to introduce the concept of sharia-based mediation. This mediation allows the heirs to reach an agreement based on Islamic principles but still considers aspects of civil law. This has been implemented in several cases in Indonesia and has proven effective in reducing protracted inheritance disputes.[36]

In addition, more flexible regulatory updates can also help bridge these two legal systems. For example, strengthening the grant and testament mechanism in Islamic law can provide space for heirs to manage their inheritance more freely without violating the provisions of faraid.[37]

With these various efforts, it is hoped that justice in the distribution of inheritance can be achieved without sacrificing basic principles in both Islamic law and civil law. Better harmonization will also provide clearer legal protection for all heirs in Indonesia.

4. Conclusion

Based on the comparative analysis of justice in inheritance distribution under Islamic and civil law, this study concludes that these two legal systems are fundamentally different in their principles and applications. Islamic law adheres to the faraid system, which mandates a fixed and equitable division of inheritance based on sharia provisions, whereas civil law allows heirs the freedom to determine inheritance distribution according to their will. These contrasting principles often lead to challenges in practical implementation, particularly when disputes arise among heirs. Islamic law prioritizes family deliberation and consensus, while civil law relies on judicial processes, which can prolong legal proceedings and heighten tensions among disputing parties.

Efforts to harmonize Islamic and civil inheritance laws in Indonesia have been undertaken through the implementation of the Compilation of Islamic Law (KHI) and the strengthening of the role of religious courts. Additionally, sharia-based mediation, regulatory updates on grants and wills, and alternative dispute resolution mechanisms can serve as viable solutions to mitigate conflicts arising from legal discrepancies. The findings suggest that a more flexible and integrative approach to inheritance law could promote a fairer distribution process, ensuring alignment with religious values and Indonesia's legal framework.

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[35] Wegestin Lagus, Asasriwarni, dan Zulfan, "Kerangka Hukum Syariah: Analisis Perbandingan Peradilan Agama di Brunei Darussalam dan Indonesia," *Reformasi Hukum* 28, no. 3 (2024): 266–80, https://doi.org/https://doi.org/10.46257/jrh.v28i3.1073.

[36] Devi Christina, Octaviani Tamba, dan July Esther, "LEGITIME PORTIE DAN AKTA PERDAMAIAN: ANALISIS PERAN DAN KONSEKUENSINYA DALAM PEMBAGIAN WARIS," *Jurnal Review Pendidikan dan Pengajaran* 7, no. 4 (2024): 17021–27, https://doi.org/https://doi.org/10.31004/jrpp.v7i4.38156.

[37] Alias Azhar dan Mohd Zakhiri Md. Nor, "Hibah in the administration of islamic property: Ijtihadi elements and reality in Malaysia," *UUM Journal of Legal Studies* 10, no. 2 (2019): 103–19.

This study contributes to the ongoing discourse on legal harmonization in inheritance law by highlighting the need for policy adjustments that accommodate both Islamic and civil legal principles. Future research should explore empirical assessments of dispute resolution effectiveness, evaluate the societal acceptance of legal harmonization, and investigate comparative models of inheritance law in other Muslim-majority countries. By addressing these legal differences, heirs, legal practitioners, and policymakers must continue to seek balanced solutions that uphold legal certainty, fairness, and social justice in Indonesian inheritance law.

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Imron, Muchamad, dan Miftahul Huda. "Fungsionalisme Pembagian Waris Sebelum Pewaris Meninggal Dunia Dalam Keberlanjutan Keluarga." *Sakina: Journal of Family Studies* 7, no. 4 (2023): 514–29. https://doi.org/10.18860/jfs.v7i4.6173.

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