



## The Development of a Bilateral System in National Inheritance Law Grounded in Social Justice

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### Abstract

*The unresolved conflicts between Islamic law, the Civil Code (KUHPer), and customary (adat) law present significant challenges in integrating bilateral inheritance principles into Indonesia's national legal framework. The existing pluralistic inheritance system often falls short in realizing social justice, particularly for women and marginalized groups, resulting in legal uncertainty and inequality. This research employs comparative legal analysis and a normative-juridical approach to explore the systematic construction of a bilateral inheritance system that guarantees equal inheritance rights for male and female heirs. The research contributes a novel hybrid legal framework that seeks to harmonize bilateral adat principles—such as equal division among children—with Islamic inheritance laws, which allocate fixed shares to specific heirs, thereby advancing both legal coherence and social equity.*

### A. Introduction

Inheritance refers to assets or liabilities transferred from a deceased individual (the heir) to their legal successor(s). These assets may be movable, such as vehicles, bank deposits, or



precious metals, or immovable, such as houses, land, and buildings<sup>1</sup>. Inheritance also includes the debts or other obligations of the deceased<sup>2</sup>. Inheritance law governs the transfer of these assets and determines who is entitled to inherit and how the estate is distributed<sup>3</sup>.

Legal systems differ in their principles of inheritance, particularly in identifying heirs and allocating property. Two prominent systems are bilateral (cognatic) and unilineal (parental) inheritance<sup>4</sup>. The bilateral system recognizes heirs from both the maternal and paternal lines, typically ensuring equal rights regardless of gender, and is common in Western civil law traditions and some modern legal reforms<sup>5</sup>. Whereas, the unilineal system traces inheritance through a single lineage—either patrilineal (father's line) or matrilineal (mother's line)—and is prevalent in traditional customary (*adat*) laws and religious-based inheritance frameworks.

In Indonesia, multiple inheritance laws coexist based on population classification. Currently, three main inheritance systems are in effect: Customary Law, Islamic Law, and Civil Law, each applied according to the social group and legal affiliation of the individuals involved. This classification originated during Dutch colonial rule, as formalized in the *Indische Staatsregeling* (IS), a continuation of the *Reglement op het beleid der Regeering van Ned. Indië* (RR). Articles 131 and 163 of the IS divided the population of the former Netherlands Indies into three legal categories as follows<sup>6</sup>:

1. European population groups and those equated with them (the Japanese);
2. Native Indonesians (Bumiputera); and
3. Foreign Eastern Groups, each with its own laws.

The concept of "development" in the legal context often encompasses terms such as reform, renewal, guidance, restructuring, re-stabilization, review, and evaluation. Prior to 1989, legal provisions allowed the application of inheritance laws other than Islamic law for individuals of non-Muslim faiths<sup>7</sup>. For administrative purposes, the Indonesian government continues to categorize its population into three groups—indigenous peoples, foreign descendants, and alienated communities—an approach rooted in colonial classifications of natives, Europeans, and foreign Easterners (e.g., Chinese).

In contemporary society, intergroup marriages—defined as unions between individuals from different ethnic or population classifications—are common. However, this discussion excludes interfaith marriages, as they are expressly prohibited under Indonesian law. Intergroup marriages present challenges in the realms of Family Law and, more specifically, Inheritance Law, due to their highly personal and sensitive nature<sup>8</sup>. As a result, legal practitioners are often reluctant to address these issues directly, instead deferring to each individual's applicable legal tradition<sup>9</sup>.

Given the pluralistic nature of Indonesian society and the complications arising from mixed-group marriages, particularly in determining rightful heirs, there is a pressing need to develop

<sup>1</sup> R. Wiryono Projodikoro, *Hukum Warisan Di Indonesia* (Bandung: Sumur Bandung, 1991).

<sup>2</sup> M B A M.Kn Dr. Winny Wiriani S.H, "Determining the Inheritance Law System to Be Used in the Event of Someone's Death," *INTERNATIONAL JOURNAL OF MULTIDISCIPLINARY RESEARCH AND ANALYSIS*, 2024, <https://doi.org/10.47191/ijmra/v7-i07-48>.

<sup>3</sup> Reni Nur Aniroh, Khoiruddin Nasution, and Ali Sodikin, "The Bilateral Inheritance System in Islamic Family Law: Fairness, Equality, and Mutual Exchange Perspectives," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 2024, <https://doi.org/10.22373/sjhk.v8i2.17630>.

<sup>4</sup> Yeni Salma Barlinti, "INHERITANCE LEGAL SYSTEM IN INDONESIA: A LEGAL JUSTICE FOR PEOPLE," *Indonesia Law Review* Vol. 3, no. No. 1 (2013), <https://doi.org/10.15742/ilrev.v3n1.28>.

<sup>5</sup> Aniroh, Nasution, and Sodikin.

<sup>6</sup> Sunarjati Hartono, *Dari Hukum Antar Golongan Ke Hukum Antar Adat* (Bandung: PT. Citra Aditya Bakti, 1991).

<sup>7</sup> Barda Nawawi Arief, *Pembangunan Sistem Hukum Nasional (Indonesia)* (Semarang: Pustaka Magister Semarang, 2012).

<sup>8</sup> Satjipto Rahardjo, *Pemanfaatan Ilmu-Ilmu Sosial Bagi Pengembangan Ilmu Hukum* (Bandung: Alumni, 1977).

<sup>9</sup> Wirjono Projodikoro, *Hukum Antar-Golongan (Intergentiel) Di Indonesia, Cetakan Kelima* (Bandung: Sumur Bandung, 1976).

a unified national inheritance law. The development of a national legal system should encompass three dimensions: substantive development (legal norms and content), structural development (legal institutions), and cultural development (legal awareness and values)<sup>10</sup>.

This research adopts a normative juridical method, which focuses on analyzing legal norms and principles to address the research questions. This approach is particularly appropriate for inheritance law studies, as it examines the legal framework and its application to inheritance practices in a plural legal context.

## B. Discussion

### 1. Manifestation of the development or renewal of the Inheritance Law System

Legal development or renewal in the field of inheritance law can be pursued through codification and unification. Efforts to reform inheritance law based on a bilateral inheritance system aim to strengthen the national legal system by improving its three core elements, as identified by Lawrence M. Friedman: legal substance, legal structure, and legal culture<sup>11</sup>. These elements are essential components of any comprehensive legal system<sup>12</sup>.

Indonesia's commitment to developing a unified legal system is reflected in the establishment of the National Legal Development Institute (Lembaga Pembinaan Hukum Nasional/*LPHN*) on March 30, 1958, through Presidential Decree No. 107 of 1958. Originally placed under the Prime Minister, *LPHN* was tasked with reviewing colonial-era legislation to help build a national legal system aligned with Indonesia's post-independence ideals. In 1974, it was restructured into the National Legal Development Agency (*BPHN*)<sup>13</sup> under Presidential Decree No. 45 of 1974 and now operates under the Ministry of Law and Human Rights.

Since its early years, *BPHN* has taken significant steps to advance national legal development. Guided by TAP MPRS No. II/MPRS/1960, *BPHN* was mandated to draft a national inheritance law that adopts a bilateral character, while respecting religious, customary, and Western legal traditions still operative in Indonesia.

Despite decades of effort, a codified and unified National Inheritance Law has not yet been enacted. The first national seminar on inheritance law, held by *BPHN* in 1963, concluded with an agreement to pursue codification and unification of inheritance law for all Indonesians, regardless of ethnic or social classification. *BPHN* subsequently established academic drafting teams, which produced a draft Inheritance Law Bill (*RUU*) along with its academic text<sup>14</sup>. However, the proposed legislation has yet to be adopted. Further national seminars in 1987 and the 1989 National Inheritance Law Symposium in the Era of Development also contributed to the formulation of foundational principles for a national inheritance law<sup>15</sup>.

These developments highlight the complexity of inheritance law in a pluralistic society. Legal reform in this area requires sensitivity to diverse legal traditions<sup>16</sup>. The imposition of a single legal subsystem while disregarding others may exacerbate disparities between the law

<sup>10</sup> Arief, *Pembangunan Sistem Hukum Nasional (Indonesia)*.

<sup>11</sup> Nurhasan Ismail, *Perkembangan Hukum Pertanahan Indonesia: Suatu Pendekatan Ekonomi Politik* (Yogyakarta: Ringkasan Disertasi, UGM, 2006).

<sup>12</sup> Lawrence Meir Friedman terj. Wishnu Basuki, *American Law: An Introduction, Edisi Kedua, Terj. Wishnu Basuki Dengan Judul, Hukum Amerika: Sebuah Pengantar, Cetakan I* (Jakarta: PT Tatanusa, 2001).

<sup>13</sup> Arief, *Pembangunan Sistem Hukum Nasional (Indonesia)*.

<sup>14</sup> Andi Nuzul, "UPAYA KODIFIKASI HUKUM KEWARISAN SECARA BILATERAL DENGAN POLA DIFERENSIASI DALAM MASYARAKAT PLURALIS," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* Vol 22, No (2010), <https://jurnal.ugm.ac.id/jmh/article/view/16236/10782>.

<sup>15</sup> Rumonda Nasution, *Harta Kekayaan Suami Isteri Dan Kewarisannya* (Jakarta: BPHN Dep Hukum dan HAM, 1992).

<sup>16</sup> Sri Pujiarti, "Aturan Pewarisan Dalam KUHPperdata Konstitusional" (Indonesia, n.d.), <https://www.mkri.id/index.php?page=web.Berita&id=17382&menu=2>.

and society's sense of justice. Nevertheless, early conclusions from the 1963 seminar remain valuable as guiding principles for the future development of a unified national inheritance law<sup>17</sup>. The basic basis of the National Law of the Republic of Indonesia is Pancasila;

- a. National Law is family in nature;
- b. All laws as much as possible are put into writing;
- c. Regarding Family Law, the principles are set.

Based on the conclusions drawn from previous national seminars, it is clear that Pancasila serves as the fundamental philosophical basis of Indonesia's national legal system. This is reaffirmed in Article 2 of Law Number 12 of 2011 concerning the Formation of Laws and Regulations, which recognizes Pancasila as the source of all legal sources in Indonesia. In line with this, the National Legal Development Agency (*BPHN*) continued its efforts to develop a national inheritance law. In 1995, the Head of *BPHN* formed a team to formulate an Academic Paper on the Inheritance Law Legislation, which eventually led to the drafting of the 1995 National Inheritance Law Bill (*RUU*)<sup>18</sup>.

Indonesia's commitment to equality and non-discrimination is also reflected in its ratification of Law Number 29 of 1999, which approves the International Convention on the Elimination of All Forms of Racial Discrimination (1965). In the general elucidation, paragraph 3, point 2, it is stated that<sup>19</sup>:

"The improvement of national legislation can enhance more effective legal protection, thereby ensuring better guarantees for every citizen to be free from all forms of racial discrimination, in all its forms and manifestations, in order to realize an orderly, just, and cultured Indonesian society."

Long before the 1995 draft, the discourse on a bilateral inheritance law system had already emerged in the 1950s, most notably introduced by Hazairin<sup>20</sup>. Hazairin proposed that inheritance law should not differentiate between maternal and paternal lines; both lineages have equal rights to inheritance. His concept of bilateral Islamic inheritance significantly influenced the development of Islamic inheritance law in Indonesia, particularly visible in the Compilation of Islamic Law (*Kompilasi Hukum Islam/KHI*) enacted in 1991. Hazairin's thoughts also played a role in shaping customary inheritance law, particularly through judicial decisions (jurisprudence)<sup>21</sup>.

This historical development underscores a pressing issue: although Indonesia is an independent nation, it still largely relies on Dutch colonial inheritance law—a system no longer fully aligned with the nation's identity or societal values. Metaphorically, Indonesia is like a new car that still runs on an old engine<sup>22</sup>. Thus, the formulation of a national inheritance law based on a bilateral system is essential for building a unified and modern legal framework. Such a law should integrate principles from the three existing legal systems that continue to operate side by side—customary law, Islamic law, and the Civil Code (western inheritance law)<sup>23</sup>.

Several factors support the proposal to adopt a bilateral inheritance system in Indonesia, as advocated by Hazairin. Social changes, particularly due to inter-group and intercultural marriages, have led to a shift from unilateral kinship systems (patrilineal and matrilineal) toward bilateral or parental systems, where inheritance rights pass through both maternal and

<sup>17</sup> Rumonda Nasution, *Harta Kekayaan Suami Isteri Dan Kewarisannya*.

<sup>18</sup> Andi Nuzul, "UPAYA KODIFIKASI HUKUM KEWARISAN SECARA BILATERAL DENGAN POLA DIFERENSIASI DALAM MASYARAKAT PLURALIS."

<sup>19</sup> Rumonda Nasution, *Harta Kekayaan Suami Isteri Dan Kewarisannya*.

<sup>20</sup> Abdul Ghofur Anshori, *Hukum Kewarisan Islam Di Indonesia, Eksistensi Dan Adaptabilitas* (Yogyakarta: Ekonisia, 2005).

<sup>21</sup> Purwoto, S. Gandasubrata, "Perkembangan Hukum Waris Menurut Yurisprudensi", *Dalam Simposium Hukum Waris Nasional Yang Diselenggarakan* (Jakarta: BPHN Dep Hukum dan HAM, 1983).

<sup>22</sup> Barda Nawawi, "Perkuliahan Pembaharuan Sistem Hukum Nasional" (PDH Undip 2023, 2023).

<sup>23</sup> G.H.S Lumban Tobing, *Peraturan Jabatan Notaris (Notaris Reglement)* (Jakarta: Erlangga, 1980).

paternal lines. This transition is also reflected in the Supreme Court's jurisprudence, which increasingly resolves inheritance disputes through a bilateral lens<sup>24</sup>.

In practice, however, irregularities persist in inheritance distribution across communities, whether under the Civil Code, Islamic law, or customary law. Rahmadi Usman<sup>25</sup> notes that many Indonesian Muslims no longer adhere strictly to Islamic inheritance law, often prioritizing practical considerations—such as using inherited assets for business capital or debt repayment—over doctrinal rules. These practices, while consensual among heirs, are not formally recognized in existing legal frameworks<sup>26</sup>.

Indonesia's plural and heterogeneous society—with diverse matrilineal, patrilineal, and bilateral kinship systems—naturally gives rise to legal pluralism, especially in family and inheritance law. Customary inheritance laws vary according to the social structures of each community, complicating efforts to unify inheritance law nationally<sup>27</sup>.

Pancasila is intrinsically linked to the 1945 Constitution of the Republic of Indonesia (*UD NRI* 1945). The values of Pancasila are embedded in the constitutional provisions. As part of the practical steps toward constitutional implementation, the Cabinet Presidium Instruction No. 31/U/IN/12/1966, dated 27 December 1966, was issued to the Minister of Justice and all Civil Registry Offices (*Burgerlijk Stand*) across Indonesia. This instruction reflected a desire to eliminate discrimination, ensure equality of legal status, and abolish population classification. However, it was implemented with visible hesitation.

As described, the application of inheritance law based on population classification is no longer valid. First, such classification contradicts the spirit of Pancasila, the Constitution, and prevailing laws. Second, the removal of population classification from birth certificates means that an individual's legal "class" can no longer be identified, making it impossible to determine applicable inheritance law based on that classification.

These developments underscore the urgency of enacting a National Inheritance Law. Such a law must be carefully and prudently formulated, shifting away from population-based distinctions and instead aligning with the spirit of Pancasila.

## **2. Application of Inheritance Law in Indonesia Application of Inheritance Law in Indonesia**

Currently, three legal systems govern inheritance in Indonesia are available: Islamic inheritance law, customary inheritance law, and civil inheritance law (based on the Civil Code).

### **a.) Islamic Law**

Islamic inheritance law possesses distinctive characteristics as part of the broader framework of Islamic sharia, which is inherently linked to Islamic aqidah (faith). In Islam, inheritance is not determined by personal desire but is governed by divine stipulations established by Allah, as outlined in the Qur'an, Hadith, and supported by *ijtihad*. These stipulations must be accepted without negotiation, reflecting submission to divine will.

<sup>24</sup> Andi Nuzul, "UPAYA KODIFIKASI HUKUM KEWARISAN SECARA BILATERAL DENGAN POLA DIFERENSIASI DALAM MASYARAKAT PLURALIS."

<sup>25</sup> Rachmadi Usman, , *Hukum Atas Hak Kekayaan Intelektual* (Bandung: PT. Alumni, 2003).

<sup>26</sup> Abi Priambudi, "Memaknai Kemajemukan Di Masyarakat," *Https://Muda.Kompas.Id/*, 2020, [https://muda.kompas.id/baca/2020/08/30/memaknai-kemajemukan-di-masyarakat/#:~:text=Kemajemukan bisa diartikan dengan beragam,\(perkembangan\) dan tercipta perbedaan.](https://muda.kompas.id/baca/2020/08/30/memaknai-kemajemukan-di-masyarakat/#:~:text=Kemajemukan bisa diartikan dengan beragam,(perkembangan) dan tercipta perbedaan.)

<sup>27</sup> Eman Suparman, *Hukum Waris Indonesia Dalam Perspektif Islam, Adat, Dan BW, Cetakan I* (Bandung: PT Refika Aditama, 2005).

The obligation to adhere to Islamic law is grounded in the *shahadatain* (declaration of faith), which underpins the "shahada theory" or "creed theory" in Islamic legal scholarship<sup>28</sup>. This theory holds that proclaiming the shahada entails a commitment to implementing Islamic law as a matter of religious duty.

Although Indonesia is not an Islamic state, Islamic values significantly influence its legal development. As the religion of the majority, Islam continues to shape the personal and social lives of its adherents, and Islamic law functions as both a filter and a source in the formulation of national law<sup>29</sup>.

### **b) Civil Code**

The inheritance law under the Indonesian Civil Code is governed by Book II, Chapters XII to XVII, encompassing Articles 830 to 1130. This Civil Code (*Burgerlijk Wetboek* or BW), a legacy of Dutch colonial rule, was officially enacted in the Dutch East Indies (now Indonesia) through an announcement dated April 30, 1847, and came into force in May 1848 via *Staatsblad* No. 23.

Initially, the application of the BW was limited to European residents in the Dutch East Indies, in accordance with the principle of concordance, as stipulated in Article 3(2)(a) of the *Indische Staatsregeling* (I.S.). This provision subjected Europeans residing in Indonesia to their original civil laws, including inheritance provisions in the BW (provisions in Article 3 I.S. jis. S. 97: 29; S. 924:556; and S. 925:92). Over time, the application of BW inheritance law expanded to include:

- 1) Chinese Foreign Orientals;
- 2) Foreign Easterners are not Chinese, but only in cases of inheritance based on a will, while inheritance based on the law (*ab-intestato*) does not apply. This means that only certain things apply to these 2 groups (Safioedin Asis, 1990).
- 3) Foreign Easterners are not Chinese, but only in cases of inheritance based on a will, while inheritance based on the law (*ab-intestato*) does not apply. This means that only certain things apply to these 2 groups [27].
- 4) Foreign Easterners are not Chinese, but only in cases of inheritance based on a will, while inheritance based on the law (*ab-intestato*) does not apply. This means that only certain things apply to these 2 groups [27].

To date, the Civil Code remains applicable to individuals of Chinese descent, non-Chinese foreign Orientals, and indigenous Indonesians who voluntarily submit to its provisions. For those using BW regulations, inheritance matters follow the stipulations in Book II, Chapters XII to XVII, Articles 830 to 1130.

### **c) Traditions**

Customary inheritance law in Indonesia recognizes three main inheritance systems: collective inheritance, major inheritance, and individual inheritance<sup>30</sup>. However, in practice, traditional communities often exhibit a blend of these systems. For example, among the Minangkabau—a matrilineal society—the collective inheritance system prevails. Under this system, heirs do not possess private ownership of inherited property; rather, they have rights to use, cultivate, and enjoy the benefits of the property, which remains communal and customary in nature.

<sup>28</sup> M Suparman, "Pergeseran Hukum Kewarisan Islam Di Indonesia Dengan Pemberian Wasiat Wajibah Kepada Istri Yang Non Muslim Berdasarkan Putusan Mahkamah Agung Nomor ...," *Advokasi Hukum & Demokrasi (AHD)*, 2023, <https://journal.stih-pgl.ac.id/ojs-stih/index.php/ahd/article/view/39>.

<sup>29</sup> Sabri Samin, *Pidana Islam Dalam Politik Hukum Indonesia Eklektisisme Dan Pandangan Non Muslim* (Jakarta: Kholam Publishing, 2008).

<sup>30</sup> Hilman Hadikusuma, *Pengantar Hukum Adat Indonesia, Cetakan I* (Bandung: Mandar Maju, 1992).

Indonesia's national motto, *Bhinneka Tunggal Ika* ("Unity in Diversity"), reflects the country's pluralistic reality encompassing diverse ethnicities, races, and religions. This diversity has been a fundamental aspect of Indonesian society since independence and must be recognized by the government in formulating policies that reflect the will and conditions of the people<sup>31</sup>.

From the perspective of legal development rooted in Pancasila—the foundational philosophical basis of the Indonesian state—inheritance law should embody the principle of social justice. According to Prof. Barda Nawawi, social justice based on Pancasila reflects justice grounded in the lived values of society and cannot be achieved solely through formal legislation<sup>32</sup>.

Consequently, the formulation of national inheritance law represents a novel and transformative effort distinct from colonial legal legacies. This revolutionary legal development requires careful, long-term deliberation, aiming to establish a foundational framework to guide societal progress toward a just and equitable social order<sup>33</sup>.

Bilateral inheritance law, which operates on the principle that inheritance derives from both paternal and maternal lines, has been extensively discussed by legal scholars as a prospective foundation for national inheritance law in Indonesia. This discourse is reflected in key decisions such as the National Legal Development Agency (*BPHN*) ruling of 28 May 1962 and outcomes from the First National Law Seminar in 1963. Subsequent national seminars, including the 1987 National Seminar on inheritance law and the 1989 National Inheritance Law Symposium during the Development Era, produced significant academic texts contributing to the formulation of national inheritance law principles. In 1995, the *BPHN* appointed a team to draft the Academic Paper for Inheritance Law Legislation, resulting in the 1995 Draft National Inheritance Law (*RUU*), marking an important step toward national legal codification.

In Indonesia, Islamic inheritance law features distinct characteristics integral to Islamic sharia and inseparable from Islamic *aqidah* (faith). Under Islamic law, inheritance shares are divinely mandated by Allah as prescribed in the Qur'an, Hadith, and *ijtihad*, independent of individual wishes. Conversely, the Civil Code (*Burgerlijk Wetboek* or *BW*), inherited from Dutch colonial rule, regulates inheritance in Book II, Chapters XII to XVII (Articles 830–1130). The *BW* came into effect in Indonesia (then the Dutch East Indies) following the *Staatsblad* No. 23 of 1847, originally applying only to Europeans residing in Indonesia per the concordance principle under Article 3(2)(a) of the *Indische Staatsregeling* (*I.S.*). Later amendments extended certain inheritance provisions to Chinese Foreign Orientals and other non-Chinese Foreign Orientals, primarily in testamentary inheritance cases.

Customary inheritance law recognizes three main systems—collective inheritance, major inheritance, and individual inheritance—though in practice, traditional communities often exhibit hybrid forms. Given Indonesia's legal pluralism, there is an urgent need to establish a National Inheritance Law that accommodates evolving legal consciousness, social transformation, and the foundational values of Pancasila. Achieving social justice in inheritance law requires recognizing and incorporating *adat* (customary) laws as legitimate sources of law, reflecting the lived realities and values of Indonesian society.

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<sup>31</sup> Anajeng Esri Edhi Mahanani, "Peranan Politik Hukum Dalam Upaya Kodifikasi Dan Unifikasi Hukum Guna Pembangunan Hukum Nasional Yang Sesuai Dengan Pancasila Serta Prinsip Kebhinekaan Di Indonesia," *Jurnal Hukum Kebijakan Publik Res Publica* Volume 1 N, no. No 1 (2017): Hlm 31.

<sup>32</sup> Nawawi, "Perkuliahan Pembaharuan Sistem Hukum Nasional."

<sup>33</sup> Ni'matul Huda, *Politik Hukum Dan Pembangunan Sistem Hukum Nasional* (Jakarta: Sinar Grafika Offset, 2023).

### C. Conclusion

In conclusion, the development of a unified and equitable national inheritance law in Indonesia necessitates adopting a bilateral inheritance system grounded in the values of Pancasila. This framework effectively addresses the country's legal pluralism by harmonizing Islamic law, customary (*adat*) traditions, and civil law principles. By ensuring equal inheritance rights irrespective of gender or lineage, the bilateral system promotes social justice, reduces discriminatory practices, and strengthens legal certainty.

Indonesia's inheritance law exemplifies a unique legal pluralism shaped by its rich cultural and religious diversity. However, the current pluralistic framework struggles to guarantee gender equity, consistency, and legal certainty across diverse communities. To reconcile these varying legal traditions while upholding Pancasila's ideals of social justice and national unity, there is a growing consensus on the need for a comprehensive National Inheritance Law. As a progressive legal instrument, this law should: (1) respect religious and customary diversity while establishing clear national standards; (2) respond to contemporary societal developments, including heightened gender equality awareness; (3) enhance legal certainty and reduce conflicts among inheritance systems; and (4) align with international human rights norms and Indonesia's constitutional principles.

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