

Analysis Of Inheritance Rights Disputes in Sinarmas Families

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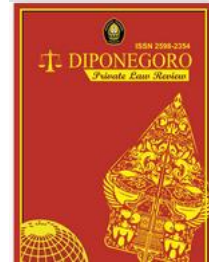
ABSTRACT

Disputes often occur in society, especially inheritance disputes within the family. The of the cases was a dispute over inheritance rights in the Sinarmas family, where the son of the founder of Sinarmas Group, Freddy Widjaja, felt that it was unfair in his father Eka Tjipta Widjaja's will regarding the distribution of an inheritance worth IDR 737 trillion. Finally, a conflict arose within the family which resulted in a lawsuit from Freddy Widjaja to court. The conflict could be resolved through mediation and deliberation, but the mediation efforts failed, and the conflict was resolved, and legal action was chosen to resolve the case. This research aims to find out and analyze inheritance rights disputes within the family by describing solutions based on civil law regarding inheritance. The research method used is a normative juridical research method. The data sources used are secondary data sources through websites, books, articles, journals, and others.

Keywords: *Inheritance, Children, Marriage, Disputes, Negotiations*

ABSTRAK

Persoalan sengketa banyak terjadi di tengah masyarakat terutama masalah sengketa warisan di dalam keluarga. Salah satu kasusnya adalah sengketa hak waris dikeluarga sinarmas di mana anak dari pendiri sinarmas grup yaitu Freddy Widjaja yang merasa tidak adil dalam akta wasiat sang ayah Eka Tjipta Widjaja mengenai pembagian warisan senilai Rp 737 triliun. Akhirnya muncul konflik di tengah keluarga tersebut yang berujung gugatan dari Freddy Widjaja ke pengadilan. Konflik tersebut dapat di selesaikan dengan mediasi dan musyawarah, namun upaya mediasi yang

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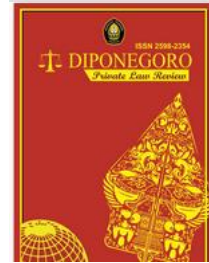
dilakukan kandas dan jalur hukum dipilih untuk menyelesaikan kasus tersebut. Penelitian ini bertujuan untuk dapat mengetahui dan menganalisis mengenai sengketa hak waris di dalam keluarga dengan menguraikan penyelesaian berdasarkan hukum perdata mengenai pewarisan. Metode penelitian yang digunakan adalah metode penelitian yuridis normatif. Sumber data yang digunakan adalah sumber data sekunder melalui situs web, buku, artikel, jurnal dan lain-lain.

Kata Kunci: Warisan, Anak, Pernikahan, Perselisihan, Negosiasi

INTRODUCTION

Everyone certainly has a goal in life, to achieve this, a person first tries to be able to meet his or her life needs. Human needs are absolute and must be met because if these needs are not met, humans cannot conduct their activities, namely, to meet the needs of clothing, food and boards. Human needs are tiered, when one need is mistakenly met, humans will try their best to be able to meet other needs. It has become human nature to never be satisfied with life. Everyone will certainly try and force themselves to get their needs so that it often causes conflicts between humans and each other. The conflict is caused by a dispute caused by a dispute that arises from the nature of a person who is a factor in him or from external reasons in the form of applicable rules. This is in accordance with Owens R.G.'s statement that feuds are caused by the regulations in place and that written and unwritten mechanisms can result in feuds If the application is too heavy and rigid (Jimmy Joses Sembiring, S.H., M.HUM 2011).

In the process of realizing life activities, there is often contact between people and legal entities, both in the form of personal relationships and transactions, which can cause reactions. This relationship can cause positive as well as negative reactions, reactions that cause losses for the error of one party and cause disputes. Disagreements can arise from a number of factors, including differences of interest or disputes between the parties. Disagreements can arise from the existence of rigid laws that are reviewed as obstacles and obstacles to the achievement of each party's

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goals, because each party will do anything to achieve its goals, so the potential for disputes increases.

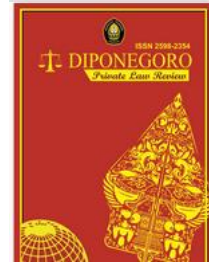
Social diversity in Indonesia is reflected in a series of civil regulations, where inheritance regulations are an extraordinarily strong part of people's lives. Inheritance law is an integral part of civil law as a whole and is the smallest part of family law. This is closely related to aspects of human life because each individual experiences a related legal event when he or she dies. Inheritance law in Indonesia is still plural because Indonesia still does not have a national law in force (Tyara Maharani Paramadi 2021).

According to Indonesia legal expert Wirjono Projodikoro, inheritance law is defined as a law that regulates the status of a person's property after death (heirs) and the transfer of the property to another person (heirs). In principle, inheritance is preceded by death if the heir leaves the inheritance that is distributed to his heirs. This is regulated in Article 830 Chapter XII of the Civil Code which states that inheritance is only *mortis causa*. Meanwhile, based on Presidential Instruction No. 1 of 1991, inheritance law is a law on the transfer of property rights to an heir's inheritance, which determines who is entitled to be an heir and how much is the share. WHO The form of the inheritance system in Indonesia is closely related to the form of society and the type of kinship, while the type of kinship based on descent (Muhammad Fardha Amir 2016).

There are differences in each of these laws, one of which is regarding heirs. Inheritance is the transfer of inheritance from heirs to heirs. Article 832 of the Civil Code concerning Heirs states that heirs who are entitled to inherit are blood relatives, legal and unmarried, as well as couples who have lived the longest, there are also adopted children, stepchildren and children out of wedlock usually get a share of the inheritance from the heirs if the heirs divide the inheritance between them either in wills or grants (Haniru 2014). According to the Compilation of Islamic Law, Article 171-part c states that an heir is a person who, at the time of death, has a blood relationship or marriage with his heirs and is Muslim, and is not prevented by law from becoming an heir. Heirs according to custom are heirs who are closely related to the form of society and the nature of their relationships,

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therefore arising from the hereditary system, which is divided into generational, matrilineal and bilateral systems (Ninieki Suparni, S.H 2005).

Inheritance law is a law that regulates the property of a person who has died, especially the transfer of the property to another person. There are two ways to manage inheritance, namely:

1. Legitimate distribution is the distribution of inheritance to people closest to the heir according to the law.
2. Inheritance, which is the distribution of inheritance to people who have the right to inherit according to the will of the heir. A will can be made in writing, for example in a notary deed.

The genealogy to determine inheritance can be divided into: (Drs. C.S.T. Kansil, S.H 1986).

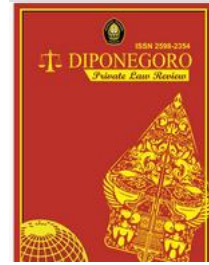
1. Vertical lines, meaning family lines related to each other.
2. Horizontal lines mean lines of indirect relationship to each other

The heirs' family members are divided into four groups, namely the first group, children and their descendants are included in the bloodline without distinguishing between men and women and the order of birth. If there are no children, the inheritance rights pass to the deceased husband or wife. The second group includes the parents and siblings of the deceased. Then, the third group is families that come from the father and mother of the heirs in one line, and the fourth group is the uncles and aunts of the heirs from the father and mother. The members of the first group of families, if they are still alive, have a common right to receive all the inheritance, the other members of the family do not get their share. If there are no family members of the first group, then the second group becomes the heir, as well as the fourth group (Jaya 2020).

In the case of a group of heirs other than the four people above, including illegitimate children or legitimate children who are recognized by the heirs as legitimate children, then the amount of the child's inheritance depends on which group of the child's legal family members (Prof. Subekti 2003). Articles 862 to 873 of the Civil Code regulate inheritance for children out of wedlock. If there are no children out of wedlock, all inheritance property becomes state property according to Article 832 Paragraph (2) and 873 Paragraph (1) of the Civil Code (Prof. Subekti, S.H 2014).

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In society, there are often conflicts related to inheritance or Conflicts often arise in society about the issue of inheritance or inheritance distribution. This is usually because previously family members did not consult with each other, even though the division was legal according to the law. However, there are always parties who do not accept the results of this distribution, which often leads to disputes about inheritance after the death of parents. This can cause disputes between families, many people break up because of inheritance disputes, it is not uncommon for siblings to sue each other, even worse there are fights and murders between families.

Inheritance can be a fundamental problem for the family as it creates constant disputes if the division is considered unfair by the heirs and can cause conflicts within the family. The division of inheritance according to the applicable legal rules can minimize these feuds and avoid the possibility of disputes between families regarding civil inheritance.

This article will discuss: (1) how is the analysis of inheritance disputes based on blood relations, marriage from a legal perspective through the legal provisions of the Civil Code? (2) what are the efforts to support the parties in resolving disputes?

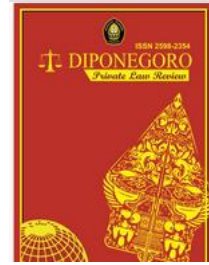
The originality of the work certainly knows that in making a work, especially scientific work, it is also necessary to maintain its originality. An academic article should show that it is an original article or written work. Comparisons are made to show the author's originality with previous authors.

Research conducted by Elviana Sagala on "Inheritance Rights According to the Provisions of the Civil Inheritance Law", then Bryan K. Sundalangi on "Civil Review of Inheritance Dispute Resolution in a Case Study that Occurred in Minahasa, Central Sulawesi Province" and research conducted by Hijawati on "Rights and Status of Illegitimate Children Recognized for Land Heritage Reviewed from Civil Law". From the three studies, there are several differences with the author's research results as follows:

1. The first article was written by Elviana Sagala about "Inheritance Rights According to the Provisions of the Civil Inheritance Law". The similarity of this research both has an object about inheritance in the

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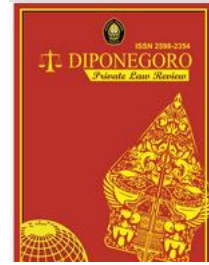


civil case, while the difference is in the content/discussion of the article where Elvi's article does not have any case examples, while the article that we made in the discussion section has an example case to be analyzed cause and effect. The updates in our article contain a discussion of materials, problems, and cases that we analyze using laws and regulations.

2. The second article was written by Bryan K. Sundalangi regarding "Civil Review of Inheritance Dispute Resolution in a Case Study that Occurred in Minahasa, Central Sulawesi Province. The similarity between the article and our article is that they both discuss alternative settlement of inheritance disputes, while the difference lies in the example case where the article contains three examples of cases that are not so detailed and clear, while our article examples of cases are more detailed, clear and from trusted sources. The reforms in our article are associated with various articles in civil law.
3. The third article was written by Hijawati about "The Rights and Status of Children Out of Wedlock Recognized for Land Heritage Reviewed from Civil Law". The similarity lies in the position of children out of wedlock who are recognized related to inheritance rights. The difference is in the object of study discussed, where the article discusses the object of land inheritance rights, while our article discusses testamentary inheritance rights. An update of our article is contained in the discussion of the case analysis where we concluded that there was only a misunderstanding between some parties regarding inheritance.

METHOD

The research method used in this article is a research method with a normative juridical approach. The normative legal approach means legal research based on literature research. Research is carried out using regulations and literature related to the problem or case being researched, the material or source of legal data used is a secondary data source through

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analysis, source search on websites, journals, books, articles related to the research theme (Soekanto, S and Mamudji 2021).

RESULTS AND DISCUSSION

Inheritance Dispute Cases

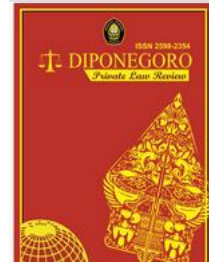
The inheritance dispute case that occurred in the sinarmas family was getting heated between Freddy Widjaja and his half-siblings which ended up reporting each other. The case began with Freddy Widjaja who felt unfair in the distribution of inheritance rights in his family. Freddy had indeed received a share of his father's inheritance, but he thought that his face value was not in accordance with the applicable law. Considering that Freddy is one of the children of the marriage of Alm Eka Tjipta as the founder of Sinarmas, where the marriage is not officially registered.

He only received an inheritance of Rp 1 billion, while his other half-siblings received Rp 2 billion. During his lifetime, Alm Eka Tjipta had 28 children and only 15 children were officially recorded from two marriages. Freddy then filed a lawsuit over the inheritance to the South Jakarta District Court in 2020. The lawsuit was filed against the deed of inheritance in 2008. However, the lawsuit was rejected by a South Jakarta judge. Freddy said that the refusal occurred after the Supreme Court revoked Freddy's status as the legal child of Eka Tjiptawidjaja. Previously, Freddy had submitted an application for the ratification of the birth certificate at the Central Jakarta District High Court by presenting 2 witnesses, namely Indrajaty Augrawaty as a good friend of the applicant's mother and Tjoa Lianawati as the applicant's mother's younger brother (Herdi Alif Al-Hikam 2022).

In his decision, the judge granted Freddy's application for ratification of the birth certificate because the judge considered that Freddy had succeeded in proving the postulates of his application based on Article 27 of Law No. 23 of 2002 concerning child protection which basically states that a child must be given the identity stated in a birth certificate, then the judge determined the ratification of the birth certificate of the applicant who was born on October 14, 1968 dated October 30, 1968 as a child of a marriage between mistresses Lidia Herawati Rusli with Eka Tjipta Widjaja.

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Freddy's legal or official child status did not last long, because Freddy's three half-brothers, namely Indra Widjaja, Mukhtar Widjaja and Frangky Oesman, filed an appeal on August 19, 2020, with registration number 301/pdt. p/2020/PN. JKT. PST. The cassation was then granted by the judge and canceled the legal or official child status of the birth certificate previously submitted by Freddy Widjaja's brother. With this decision, Freddy's hopes of getting a big inheritance from Alm Eka Tjipta Widjaja must run aground, Freddy will still get inheritance rights according to his status with a nominal amount of Rp 1 billion from the total assets of Alm Eka Tjipta Widjaja of Rp 737 trillion.

The case dispute during the sinarmas family is not over, after the action of suing each other about the inheritance, this time Freddy Widjaja. Again, reported the alleged forgery of birth certificates committed by his three half-brothers, where the deed was initiated to the court at that time to conduct an appeal to cancel the legal child status of Freddy Widjaja. The report was entered in 2022 to the Criminal Investigation Branch of the National Police Headquarters and has entered the criminal element (Chelin Indra Sushmita 2022).

Heirs are the deceased people who inherit the property, the heirs are the heirs based on their own position (*uit eigen hoefed*) or direct heirs, for example groups I, II, III and IV. While heirs are based on indirect heir replacements (*bij plaatsvervulling*).

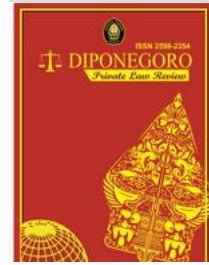
1. Replacing directly below, Article 848 of the Civil Code.
2. In addition to replacement, uncles and nephews were replaced by all their children after their deaths.
3. Succession in the collateral line, each sibling or half-sibling who dies first is replaced by all his children.

The object of inheritance law is property that can be tangible or intangible, is the rights and obligations of heirs arising from family legal ties that cannot be inherited, except for the right of the husband/father to leave his child (Markeling 2016).

Personal distribution of heirs. Inheritance is divided according to how many male and female heirs receive the same amount (Article 1066 of the Civil Code). Burgelijk Wetboek acknowledged 4 groups of heirs who

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inherited property in turn, provided that if the first group does not exist, only the second group has the right to do so and so on according to Article 832 Paragraph (1) of the Civil Code.

1. Group I: Legal children, the longest-lived spouse, including the 2nd wife or second husband and so on based on (Article 852 jo Article 852 a of the Civil Code).
2. Group II: Parents and siblings, based on (Article 854 jo Article 857 of the Civil Code)
3. Group III: All blood relatives in a straight line and a straight line both the father line and the mother line. Grandparents come from the mother and father based on (Article 853 of the Civil Code)
4. Group IV: Blood relatives to the side up to the sixth degree, they are cousins of the father or mother based on Article 861 jo Article 858 of the Civil Code)

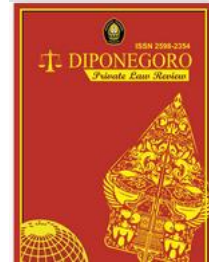
An illegitimate child identified according to Article 863 of the Civil Code; an illegitimate child who is recognized as a joint heir of group 1 receives 1/3 of the share based on the law if the child is a legitimate child. If they inherit together with groups II and III, they will receive 1/2 share, and if they inherit together with group IV, they will receive 3/4 share (Djaja S.Meliala, S.H,M.H 2018).

Quoted in Article 875 of the Civil Code "A will or testament is a deed containing a statement of a person about what he wants to happen after he dies which can be revoked by him". The will of an heir can designate someone as an heir called an *erfestelling*. Testamentair is the heir of the will. In a will, the beneficiary of the inheritance is uncertain, because the beneficiary of the property depends on the heir's will (Prof. Dr. H. Zainuddin Ali 2010). Based on Article 876 of the Civil Code, the contents of the will contain about:

1. The reason for public rights is called *erfstelling*. In this case, the heir gives a "certain part", called the testamentair heir is the same as the heir of the *ab intestato* in Article 955 of the Civil Code. The difference is that the heirs do not change places (Article 899 of the Civil Code) and the heirs of the testamentair do not enjoy or know the *inbreng*.

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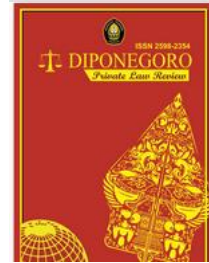


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2. Because of special rights, we are talking about a representative (testamentary grant). In this case the crown prince grants "certain goods", for example: cars, property, including "common" goods, which is. all "moving goods" etc. In addition, the definition of "benefit" is regulated in Article 957 of the Civil Code as follows: A testamentary grant is a special circumstance in which the heirs donate part or all of the goods of a certain type to one or more people; for example, any right, movable or immovable, ownership or interest and benefit of any or all of the Goods. The body that receives the will is called: the reader (The heirs are the heir debtors of Article 959 of the Civil Code). A will is a statement by the heirs about everything he wants after his death, in the form of a letter, usually by a party and contains when it will be handed over to whom. (Article 874 of the Civil Code).

Legitime Portie and Principles of Inheritance Law

Based on Article 913 of the Civil Code, the legal part is part of the inheritance, which according to the law must be distributed to the heirs with equal parts up and down. Against this section, the heirs must not give anything as a gift or inheritance. The basis of the French Principles is "*the dead man seizes the saw*", that if a person dies, then immediately all his rights and obligations will be transferred to his heirs. There is also a principle "*hereditatis petition*" that is, the right of the heirs to sue all that is included in the inheritance of the heirs against the person who controls the inheritance is handed over to him based on his rights as heirs (Article 834 of the Civil Code). The principle of inheritance law is to recognize heirs according to Articles 836 and 899 of the Civil Code. The person acting as the heir must be present (already born) at the time of the inheritance disclosure and must be alive at the time of the heir's death. (J.Satrio S.H 1992)

The limitation in a will is in Article 931 of the Civil Code regarding legitime portie or absolute part. The limitation of the will is that the legitimate value of the portie itself, in other words, must not exceed 1/2 part of the inheritance. If it is exceeded, inkorting (reduction) will be conducted. The unquestionable rights of a child outside of a recognized marriage are half of the share that should be received by the heirs in accordance with Article 916 of the Civil Code (Mulyadi S.H.,M.S 2011).

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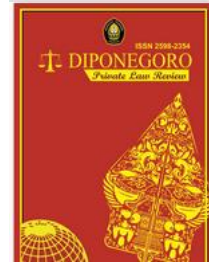
Case Analysis Results

The concept for resolving inheritance dispute cases must be based on the force of the applicable law. As explained in article 2 of Law No. 1 of 1974 concerning Marriage: A marriage is considered valid if the marriage is conducted according to the law, each religion, belief and each marriage is recorded according to the applicable laws. If referring to the Law that serial marriage is an invalid marriage according to state law, it is inversely proportional to Islamic and customary law, where serial marriage according to both laws is considered valid if it has met the requirements of Islam and local customs.

In the case of a serial marriage that is not officially registered by the state, in the event of divorce or death of the husband, the wife will not have any legal claims or rights because their relationship is not legally recognized. In terms of inheritance, if the husband dies and there is an inheritance left by him, his wife and children will face difficulties in obtaining a share of the inheritance.

The inheritance relationship of children outside of marriage (Article 285 of the Civil Code). "Recognition made throughout the marriage by a husband or wife for the happiness of a child out of wedlock, which before marriage by him was conceived by him with a person other than his wife/husband, shall not be detrimental to the wife or husband and illegitimate children". This means that the wife or husband and his children should not be degraded by children out of wedlock who are recognized as legitimate during the marriage (Effendi Perangin, S.H 2013). Status in children born from series mating. According to Article 43 (1) of the 1974 Marriage Law and the decision of the Constitutional Court. 46/PUU/VIII/2010 17.2.2012 against Article 43 Paragraph (1) of marriage, that an illegitimate child is the same as an illegitimate child. The one that regulates the legal relationship between mother and child in relation to illegal inheritance is Burgerlijk Wetboek, which contains special provisions, namely Articles 862-873 of the Civil Code (Wibowo Reksopradoto S.H 1982).

According to Paul Scholten, an illegitimate child is a child who has nothing to do with incest and adultery, which has a legal relationship with

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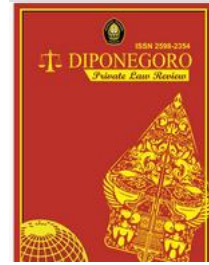
the heir and is only referred to as an illegitimate child. On the other hand, children resulting from incest and adultery, even though labeled as illegitimate children because they are not identified, do not have the status and inheritance rights of their parents' inheritance. There are three rooms allowed by the Civil Code as a place for child recognition. First, the recognition of the parents of children born out of wedlock with a marriage certificate. Second, the recognition of the use of birth certificates for children out of wedlock. Third, recognition based on official documents made specifically for that purpose is based on Article 281 of the Civil Code Book I according to which the recognition of the husband or wife during the marriage of the happiness of a child born elsewhere in the marriage is detrimental to the wife or husband or their marriage to the child born. Recognition of children out of wedlock is divided into two forms, voluntary recognition and compulsory recognition (Ria 2018).

In Indonesia, there are three types of inheritance systems used, namely Islamic inheritance law, customary inheritance law, and civil law or the Civil Code. The distribution of inheritance in accordance with the civil law or the Civil Code is chosen by those who do not adhere to Islam. In this situation, the distribution of inheritance is conducted in accordance with the principles of civil law or the Civil Code which is guided by Article 830 of the Civil Code which explains that the distribution of inheritance cannot be done while the owner of the property is still alive. As evidenced by the Sinarmas family case above, Eka Tjipta died in early 2019 (Hukumonline 2023 Team).

If you look at the case above, Freddy is one of the children of the marriage of Alm Eka Tjipta as the founder of Sinarmas, where the marriage is not officially registered. Freddy as an illegitimate child still receives recognition from his father in accordance with article 862 of the Civil Code that "an illegitimate child can only be an heir if there is a valid recognition from his biological father or mother". The case is that Freddy felt that his share was not what he expected, not in accordance with the law because he only got less inheritance than the other brothers. According to our analysis, what is in the inheritance will deed of the late Eka Tjipta Widjaja in 2008 is correct, he distinguishes between the nominal inheritance rights of his legal

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children and illegitimate children (children out of wedlock). according to article 863 paragraph 1 of the Civil Code that children outside of marriage or marriage are 1/3 of the proportion of legitimate children and in the procedure for recognizing children based on Article 281 of the Civil Code in the birth certificate of the child in the marriage certificate of the father and mother (marriage) in the presence of civil registration or using a separate authentic deed (notary deed). In this case, Freddy has certainly received recognition from his parents by still getting a birth certificate even though it is not official.

In the case, the Court had granted Freddy's request regarding the ratification of the birth certificate, but after an appeal from several of his half-siblings and accepted by the court, the endorsement was finally canceled. After being analyzed, the case covered several issues or problems such as the status of the child and regarding the will. The will clearly states the division of inheritance rights for all heirs, so in civil law there are two ways of inheritance distribution, namely: (Laurences Aulina 2020)

1. Legal provisions (*Ab intestato*), namely. heirs who receive a share of the inheritance legally because of family relations or blood correlation with the heirs.
2. Executors (wills), namely heirs who receive a share of the inheritance because they are mentioned or mentioned in the inheritance letter left by the heirs.

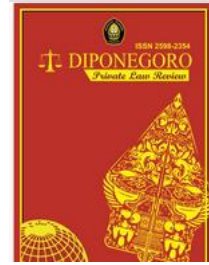
Position of the heirs of children out of wedlock:

1. The division of children out of wedlock must be considered first.
2. It must be considered which heirs should be cooled and which heirs should not be wanted.
3. Only with official recognition from his biological father or mother can a child out of wedlock become an heir.
4. Children out of wedlock who are recognized throughout the marriage must not harm the legitimate child. (Maman Suparman, S.H.,M.H.,C.N 2015).

Article 874 of the Civil Code stipulates that all legal heirs' property belongs to their heirs, unless he has taken a legally binding decision on it. The applicable provision is a will.

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Efforts to Resolve Marriage Litigation and Alternative (Non-Litigation) Disputes

Civil Law views inheritance law as a substantive right to the inheritance of heirs (Civil Code Article 528). The order of inheritance according to the Civil Code is individual-bilateral, that is, each heir has the right to demand the distribution of the inheritance of both his father and mother and receive the shares to which he is entitled. The heirs have the right to claim part of the inheritance, which shows that the nature of the inheritance regulated in the Germany Civil Code (B.W.) is "absolute individual". The order of inheritance according to the Civil Code applies to:

1. European Group and related European Group.
2. Chinese Foreigners.
3. Other foreign eastern groups and Indigenous groups submitted.

Disputes over the distribution of inheritance rights that occur in the family are one of the cases that cannot be underestimated, disputes that occur are sometimes caused by certain factors such as unilateral control, injustice in the distribution of inheritance, dissatisfaction of one party with the distribution of inheritance and so on.

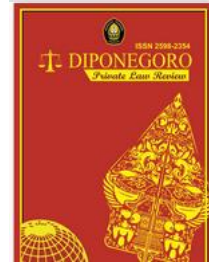
Fast, easy, and affordable justice is the dream of every judiciary, where Law Number 14 of 1970 concerning Justice and Law Number 48 of 2009 concerning Justice stipulate the right to conduct simply, quickly and at low cost. The most commonly used alternative route is mediation (non-litigation), mediation is the best way to take the peaceful path of a dispute that occurs between two parties (Elko L.Mamesah 2021). Dispute resolution for the parties to the dispute, generally through two channels offered to both parties, namely:

1. Litigation pathway

The implementation of legal disputes in a process is called Litigation. A summons is a civil action filed in court where the plaintiff is the party who declares the loss caused by the defendant's actions and seeks compensation or justice. If the plaintiff is successful, a decision will be made for him, there are various court orders that can be made to enforce the right. People who choose to go to court rather than seek out-of-court solutions are said to be well-informed. Indonesia's positive law gives the parties the

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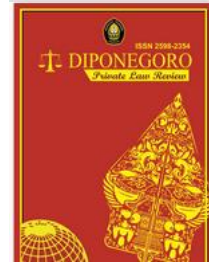
freedom to determine the legal basis for the settlement of inheritance, which then brings consequences to the court responsible for resolving the dispute. The goal is for the dispute to be brought to the district court if customary law or the Civil Code applies.

2. Non-litigation pathways

The out-of-court method is the resolution of the rule dilemma outside the court that is claimed to be an alternative concurrency settlement. Out-of-court concurrency settlements are recognized in the laws and regulations in Indonesia. The explanation of Article 3 of Law No. 14 of 1970 states: "Settlement of disputes outside the court, peace or arbitration is still allowed." The community has long practiced dispute resolution with consensus deliberation, focusing on mutual agreement, family relationships, and harmony, etc. Making Alternative Dispute Resolution (ADR) extremely attractive in Indonesia because it is in accordance with the traditional socio-cultural system based on deliberation. ADR is the voluntary involvement of the parties involved in resolving conflicts outside of court, i.e. outside of the commonly used standard resolution procedures (Winarta, H. F 2012).

The general section of Chapter 1 Article 10, Article 30 of Law Number 1 of 1999 on Arbitration and Alternative states that alternative dispute resolution is a dispute resolution entity that follows the procedure agreed upon by the parties. This can be realized through the following steps:

- a. Consultation, Personal action between one party and another, this is the fulfillment of customer needs and desires.
- b. Negotiation, Dispute resolution through deliberation between the parties to a dispute whose purpose is to find a mutually acceptable solution.
- c. Mediation, Dispute resolution through negotiation with a neutral third-party donation so that the parties reach an agreement.
- d. Conciliation, Dispute resolution through conciliation with a third party. The goal is to find a form of settlement that is agreed, made in writing and signed jointly by the parties to the dispute (Jimmy Joses Sembiring, S.H., M.HUM 2011).

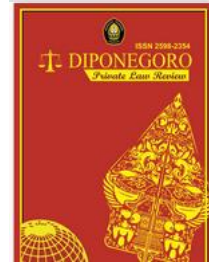
DIPONEGORO PRIVATE LAW REVIEW<https://ejournal2.undip.ac.id/index.php/dplr>**CONCLUSION**

The problem of inheritance disputes in the family or the surrounding community must often occur. The settlement that must be conducted must also be optimal, it can be through the litigation process, namely dispute resolution through the submission of judicial proceedings or procedures outside the court, or non-litigation settlement of concurrency outside the court through hearings, negotiations, mediation and arbitration. The above cases are analyzed with different laws and regulations as per Article 2 of the Marriage Law No. 1 of 1974. A marriage is considered valid if the marriage is conducted based on the law, each religion, belief and marriage is recorded based on the applicable law. There is also a Constitutional Court Decision Number 46/PUU/VIII/2010 17.2.2012 concerning Article 43 paragraph 1 of Marriage, which states that an illegitimate child is the same as an illegitimate child. Then regarding the articles in the Civil Code starting from article 832 regarding the four groups of heirs, group I is the legal child, the husband or wife who lives the longest, group II has parents and siblings, father or mother, group III has grandparents from the father or mother, then group IV has cousins from the father and mother. Articles 874 to 876 regarding wills. All the property left by a deceased person belongs to his heirs to the law, as far as he has not made a legal stipulation on that matter. The valid stipulation is a will. (Article 874 of the Civil Code). Articles 913-914, legally a portie is part of the inheritance, which according to the law must be distributed directly to the heirs above and below. Contrary to this part, heirs may not transfer anything as a gift or inheritance (Article 913 of the Civil Code. Articles 862 to 873 of the Civil Code regarding children out of wedlock, article 862 of the Civil Code that illegitimate children can become heirs only if their biological father or mother has been recognized by law and Article 863 of the Civil Code if illegitimate children are recognized as joint heirs with group 1, he receives 1/3 of the shares according to the law, if it is a married child. If you inherit jointly with groups II and III, you will receive 1/2 share, and if you inherit jointly with group IV, you will receive 3/4 share.

The settlement of inheritance disputes must be resolved peacefully, deliberately and pay attention to the blood relationship between the parties

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to the dispute. Non-constrained means such as mediation, negotiation, counselling, and arbitration should be heard before going to court so that conflicts arising from inheritance disputes can be avoided as best as possible. Transparency between the parties to the dispute will be better, especially at the core of the inheritance law issue. The purpose of dispute resolution is to resolve disputes that may result in the existence of inheritance problems so that there are no problems in the future.

Marriage and blood relatives have a significant role in inheritance law. Inheritance disputes have always been a problem among conventional as well as Islamic and civil societies. The need for awareness for the community to be more mature and try to think wisely about the distribution of inheritance, must always receive inheritance in accordance with the predetermined division and inheritance disputes must be clear about the legal certainty so as not to cause misunderstanding among the community.

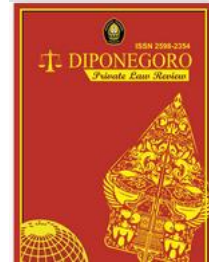
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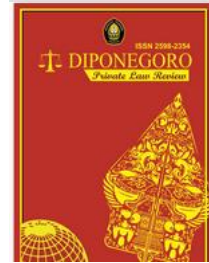
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