

# The Inheritance Rights of Girls in Sasak Customary Law Reviewed from the Development of Women's Rights

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**Abstract-** Some of the problems in this study are: First, studying the position of girls in indigenous sasak people on the island of Lombok. Second, review the right to bequeath women based on the customary inheritance law of the sasak tribe along with the development of women's inheritance rights in other customary laws against the rule of national law. Third, review the settlement of sasak customary inheritance disputes, as well as the role of sasak tribal customary heads in sasak customary inheritance law. The research approach used is a qualitative descriptive approach by prioritizing factual problems that occur among the indigenous people of sasak tribe of Lombok. The methodological research used is research and deployment (developing existing researches to serve as a basis in formulating new theories. The results of the research show that the right to bequeath women according to sasak customary inheritance law, namely the inheritance system used is mostly the mayorate inheritance system where the position of the eldest son as the heir of his parents, this is because sasak society adheres to the patrilineal hereditary system whose descendants are drawn according to the father line where the role of the male is more mononjol than the female. Meanwhile, the process and portion of the distribution of inheritance taken by sasak indigenous people is by means of grants and will grants, it is done in anticipation of disputes between heirs and the achievement of benefit. And the proportion of boys and girls gets its share according to the results of family deliberations. It aims to keep the culture of deliberation going on among the heirs. The point is that the concept of pade ride or equally willing to be the main point in the deliberation of its division. In addition, other findings also show that in the midst of indigenous peoples in the Sasak tribe there have been new legal values that are aligned and in line with the development needs of the community itself. It is felt unfair if the daughter is considered as not the heir. The girl is now recognized as the heir. Therefore, logically, the woman must obtain a share as the heir of her deceased parents.

**Index Terms-** Girls' Inheritance Rights, Sasak Customary Law, Development of Women's Rights

## I. INTRODUCTION

Discussing the law of inheritance, if reviewed from the meaning of inheritance law is the provisions that govern the way of forwarding and transfer of property (tangible or intangible) from the heir to his heirs" (Hadikusuma, 2003). Customary inheritance law is actually the law of the successor of wealth from a generation to its descendants (Dyatmikawati, 2016). In addition, the Customary Inheritance Law is different from other inheritance laws, such as Islamic inheritance law, and one of the

differences is in terms of inheritance (Iqbal, 2020). According to the Customary Inheritance Law, the transfer of one's property (heir) occurs not solely due to death, but can be done when the heir is still alive, according to the family system that lives and develops in every legal alliance throughout the territory of the Unitary State of the Republic of Indonesia.

When reviewed more deeply, girls in the sasak community of Lombok do not have the right to bequeath their parents' property (Israfil et al., 2008). This is the consequence of patriachal society, which is a society that draws lineages according to fatherhood or male parties. But if reviewed from the religious beliefs embraced by the sasak tribal community hereditary is as an adherent of Islam, automatically the religion embraced by the daughters of the sasak tribal community is the Religion of Islam following the religion of its parents.

Girls in sasak tribal societies along with the development of science, information, and technology, which can be obtained by no longer limited by gender differences, have indirectly changed the mindset and opinion of women in general and women in particular sasak tribe. The women including women sasak tribe in fulfilling the interests of life is no longer only limited to the interests of kitchen affairs only, because the women with the advancement also feel able and entitled to get and realize other interests in the life of society as desired and owned by men.

As the inheritance dispute experienced by the descendants of the late Amaq Isa aka Haji Durahim, where the late Amaq Isa aka Haji Durahim had died in the Shack Salok Bungtiang Village West Sakra District in 1940 and left a wife and 4 sons named Haji Ahmad (died in 1974), Amaq Jumahir (died in 1964), Amaq Umar aka Haji Marzuki (died in 1977), Amaq Husaen (died in 1996), and 2 daughters named Inaq Sasih and Inaq Aji aka Hajah Aminah.

Inaq Sasih and Inaq Aji aka Hajah Aminah as the heirs of women filed a lawsuit against the heirs of Haji Ahmad, Amaq Jumahir, Amaq Umar alias Haji Marzuki and Amaq Husaen for inheritance that has been distributed and controlled by the male heirs only, with the letter of claim dated December 21, 2001 registered in the register of cases selong Religious Court with the number 602 / Pdt.G / 2001 / SEL dated December 24, 2001.

Some of the main problems in this legal research are: (1) What is the position of girls according to the customary inheritance law of sasak tribe on the island of Lombok?; (2) How is the right to bequeath women according to sasak customary inheritance law and the development of women's inheritance rights in other customary laws against the national rule of law?; (3) How is the settlement of the dispute of the heirs of sasak indigenous peoples

on the island of Lombok in the law of sasak customary inheritance through the judiciary or outside the judiciary?

## II. RESEARCH METHODS

Research is a scientific activity based on certain methods, systematics and thinking that aims to study one or more specific legal symptoms, by analyzing them. Except that, there is also an in-depth examination of the legal facts to then work on a solution to the problems that arise in the symptoms concerned.

### 1. Types of Research

This type of research is qualitative research. Qualitative research is research on research that is descriptive and tends to use analysis (Wikipedia, 2019). The process and meaning (perspective of the subject) are highlighted more in qualitative research. The foundation of theory is used as a guide to focus research in accordance with the facts in the field. In addition, the basis of this theory is also useful to provide an overview of the research background and as a discussion material of the results of research.

### 2. Approach Method.

This research uses research method with normative-empirical approach method. Empirical legal research method is a method of legal research that serves to see the law in a real sense and examine how the law works in the community.

In normative legal research, written legal research is reviewed from the assessment of the decisions of judges who already have a fixed legal force, Islamic law, civil law, in reviewing various aspects such as aspects of theory, philosophy, comparison, structure / composition, consistency, general explanation and explanation in each article, formalities and binding power of a law and the language used is the language of law. So that we can conclude on normative legal research has a wide scope.

#### a) *Non judicial Case Study*

It is a conflictless legal case study approach so that there is no interference with the courts.

#### b) *Judicial Case Study*

This judicial case study approach is a legal case study approach due to conflict so it will involve interfering with the court to provide a settlement decision (jurisprudence)

#### c) *Live Case Study*

Based on the objectives to be achieved in this study, the results of this study will be descriptive analytical, namely explaining, or describing the prevailing legal rules associated with legal theories and practices of implementing positive laws related to the issue of this research (Wikipedia, 2019), namely about the inheritance of girls, women who are meant to be girls, granddaughters according to the customary inheritance law of the Sasak Tribe of Lombok and settlement dispute in the indigenous heirs of the Sasak tribe of Lombok. It is said descriptive meaning of this research is expected to be obtained a thorough and systematic picture of the customary inheritance law, while analytical, the intention is to be conducted an analysis of various aspects of the law governing the customary inheritance law, especially how the position of women and the settlement of

disputes in the customary inheritance law of the Sasak tribe of Lombok.

## 3. Data Sources

The data source in this study was obtained by collecting primary and secondary data.

### a) Data primer

The primary data referred to here is data collected through interviews conducted in a free manner whose informants are a Judge at the Religious Court in the Court of Religion Klas IB Selong East Lombok Regency and 2 Indigenous Figures sasak tribe of Lombok, as well as the Head of Gadung Mas Village and Head of Bungtiang Village West Sakra District East Lombok Province West Nusa Tenggara Province.

### b) Data Sekunder.

Secondary data is data collected through the study of documents on library materials consisting of:

#### 1) Primary legal material.

Is a binding law from the point of view of basic norms, basic regulations and laws and regulations. In this study the primary legal material is the Book of Civil Law, Law No. 1 of 1974 on Marriage, Compilation of Islamic Law.

#### 2) Secondary legal material.

Materials that provide explanations about primary legal materials in the form of books, research results and or scientific works from legal circles on Customary Inheritance Law.

#### 3) Tertiary legal materials.

Tertiary legal material is material that gives instructions and explanations to primary legal materials, such as legal language dictionaries, encyclopedias, magazines, mass media and the internet

## 4. Data Analysis

The data analysis used in this study is qualitative analysis. Qualitative analysis is defined as the activity of analyzing data comprehensively, namely secondary data from various literature and literature in the form of books, laws and regulations, thesis, dissertations, and other research results as well as information from the mass media.

## III. RESULT AND DISCUSSION

### 1. Inheritance System of Sasak Tribe of Lombok

In general, the kinship system and descendants that exist in the sasak customary legal community, when viewed in terms of descendants or geneologists adhere to the patrilineal system, namely the legal community, whose members draw the lineage upwards through the father, father of the father, continued upwards until a man encountered as his ancestor. For the daughter the membership status of her original relatives when married will enter into the husband's relatives. Similarly, the situation in the sasak tribe's indigenous community on the island of Lombok, the wife enters the husband's relatives apart from the relatives of the origin / parents and follow the husband's residence.

The legal consequences of this system are the children born and all the property that exists belongs to the father or the father's family. It can be said that the position of the male side is more prominent than the woman in devolution. In general, in patrilineal society marriage uses an honest money system, namely as a release and a substitute for the mental balance of a woman's family. The honest money is handed over by the husband's family to the wife's family, so that the woman is removed from her original family and into the husband's family.

Based on the Customary Law and Kinship System of sasak tribe, sasak lombok women do not have the right to bequeath their parents' property. Some women of Sasak Lombok tribe are also subject to Islamic law, as are other women in Indonesia, where Islamic law divides the inheritance of 2 (two) parts for men and 1 (one) part for women. The existence of Islamic teachings embraced by almost all sasak people in Lombok.

In Sasak it is said that the woman's part is "sepersonan" which is the part of the item that is held above the woman's head. The male part is "a trifle" or two of pikulan placed over the shoulder. So it is said in sasak regional language the male part and the female part is "a fraction of a piece" which is 2 (two) compared to 1 (one) Woman upholds 1 (one) basket on her head, while the man who carries a pikulan on his shoulder always consists of 2 (two) baskets or baskets.

## 2. The Position of Girls According to Sasak Tribe's Customary Inheritance Law

Based on the results of research conducted in West Sakra Subdistrict, East Lombok Regency is basically the position of boys and girls in the customary inheritance law in the Sasak Lombok tribal community does not have the same position of rights and even girls, even considered not as heirs to the property of parents (Hamzah, 2019).

Girls in inheritance according to the customary law of sasak lombok tribe only have a right that is masi-masi (gift) from parents, meaning that the property received by the daughter from her parents is not the same as the acceptance of a boy. As conveyed by H. Nursalim as a Traditional figure in Bung Tiang Village. The son as the heir has the full right to take care of, control and possess the property of his parents (Hamzah, 2019).

According to the customary law of Sasak Lombok tribe, the right of girls is only a sign of parental affection to their children while from the humanitarian side, both girls and boys are equally children of their parents as a legacy (Hamzah, 2019).

Sasak people are almost all Muslims, so the part of girls is influenced by Islamic inheritance law. In Sasak it is said that the woman's part is "sepersonan" which is the part of the item that is held above the woman's head. The male part is "a trifle" or two of pikulan placed over the shoulder. So it is said in the sasak language the male part and the female part is "a fraction of a fraction" which is 2 to 1. Women hold 1 basket on their head, while men carrying pikulan on their shoulders always consist of 2 baskets or baskets (Ikhsan, 2019).

According to the author, the above advances have had a lot of influence on the patterns and ways of thinking of members of the Sasak indigenous people. We can see the status and degree of women have undergone changes, namely being equal and equal with men. The same opportunity is given to obtain an

education between boys and girls, then followed by equal opportunities and rights in obtaining employment and so on. So it is not uncommon for various positions and professions to be filled by the women of this tribe. Logical and it is appropriate to follow also with the same rights and positions in the law, especially in the Law of Inheritance.

Changes and developments in the position of girls and widows are strengthened by the exit of Tap MPRS Number II year 1960, namely the development of national law in annex A article 402 referred to as follows:

- Held efforts towards homogeneity legal unity in the business of which should be considered the reality of living.
- The principle of national law development is adapted to the direction of the state and based on customary law that does not impede the development of a just and prosperous society.
- Against all property is for children and widows when the deed of property there leaves children and widows.

**Table 1. Girls' Section Based on Religious Court Decision**

No	Position Case	Girls section
1	The estate is completely controlled by the boys Decision No. 023/Pdt.G/2011/PA. pre Dated 24 May 2011	The heirs are determined by the division of: 4 girls 1/6 each 1 boy 2/6 parts
2	Dispute over 26.5 acres of rice fields, controlled by the heir's brother Decision No. 40/Pdt.G/2007/PTA. Mtr Dated 23 August 2007	The heirs are determined by the division of: 2 girls 1/2 part each

An example of the case of the development of Sasak Tribal Customary Law, since 1951 in the island area of Lombok, especially in the district of Masbagik (East Lombok) there has been a shift in value in the Customary Inheritance Law, especially about the position of children and women. If according to the old customary law, the daughter is not the heir and is not entitled to bequeath immovable items such as land, then now in its development has been recognized where the position of the woman as the heir and the right to inherit the inheritance of her parents together with her brother.

The above circumstances must inevitably be interpreted that there has been a shift in mindset among the people of this tribe towards progress (modernization). From the realities that occur in society, it can be philosophically read that the equality of the status of rights and positions between boys and girls has been running. Girls are no longer as always behind the primacy of boys. But both have the same dignity and dignity.

## 3. The Right to Bequeath Women According to Sasak Customary Inheritance Law and the Development of Women's Bequeath rights in the Customary Rule of Law

In Sasak, the female part is said to be "sepersonan" which is an item that is held above the head of a woman. The male part is "person-to-person triviality" which is two to one. The woman holds one basket on her head, while the man carries a pikulan on

his shoulder consisting of two basket baskets. Boys get two parts inheritance and girls one part inheritance follows a person's triviality. If there are no boys then all those legacies fall to girls. If the daughter is more than one person, the inheritance is divided equally between them. The inheritance was not shared with the son of his late father. If the only daughter of all inheritance falls to the only daughter.

In the past sasak people did follow the Patrilineal system in the division of inheritance, namely that gets the inheritance part only the male or lacquer child, while the women or girls do not get the inheritance part. But in its development now, women or girls can get a share of the inheritance. The division of inheritance with equal share of boys and girls has often been carried out, especially in most (average) communities in Sasak in overseas.

The principles of Sasak Lombok customary law on the position of girls are as follows:

- a. That as a human being they have the same position in the eyes of God. Based on that, they must also be recognized for their existence and respected for their rights and obligations as human beings.
- b. There is no difference in the position of boys and girls, both are treated equally.
- c. If both parents die who are responsible for their living expenses are their brother and the family of the father, unless the father's family is unable to finance the children then the family from the mother's side can be involved.
- d. If his parents die then he is entitled to inheritance from his parents' inheritance together with his brother there are several ways that the daughter can enjoy her father's property.

Related to that, the issue of inheritance in this study, is also linked to the issue of access to justice for women that is strongly related to the issue of role if law, democratic practice, in terms of enforcement of human rights standards and women.

#### **4. Practice of Distribution of Heritage in Sasak Indigenous Peoples**

From the findings in the field that the practice of heritage division in Gadung Mas Village is almost the same as generally customary inheritance in other areas. The description of the practice of inheritance division is inseparable from three main things, namely: the heir who will receive the inheritance, the inheritance that will be divided as inheritance, and the provisions that will be accepted by the heirs.

In general, the practice of division of inheritance in Gadung Mas Village can be distinguished into two, namely: The division of inheritance occurs when the heir is still alive and the division of inheritance after death.

Specifically, girls in inheritance according to the customary law of sasak tribe of Lombok only have a right that is masi-masi (gift) from parents, meaning that the property received by the daughter from her parents is not the same as the acceptance of a boy. The son as the heir has the full right to take care of, control and possess the property of his parents (Hamzah, 2019).

According to the customary law of Sasak Lombok tribe, the right of girls is only a sign of parental affection to their

children while from the humanitarian side, both girls and boys are equally children of their parents as a legacy (Hamzah, 2019).

Sasak people are almost all Muslims, so the part of girls is influenced by islamic inheritance law. In Sasak it is said that the woman's part is "sepersonan" which is the part of the item that is held above the woman's head. The male part is "a trifle" or two of pikulan placed over the shoulder. So it is said in the sasak language the male part and the female part is "a fraction of a fraction" which is 2 to 1. Women hold 1 basket on their head, while men carrying pikulan on their shoulders always consist of 2 baskets or baskets (Ikhsan, 2019).

Ikhsan also asserted that the Sasak tribe that adhered to the Patrilineal kinship system that determined that girls do not get inheritance, but in the current development and influenced by the jurisprudence regarding the position of girls in the patrilineal kinship system and the Islamic legal system, the position of girls will get a share of their parents' inheritance but not the same as the part of the boy, the share of boys with girls is 2 (two) versus 1 (one) (Ikhsan, 2019).

According to the researchers, the above advances have had a lot of influence on the patterns and ways of thinking of members of the Sasak indigenous people. We can see the status and degree of women have undergone changes, namely being equal and equal with men. The same opportunity is given to obtain an education between boys and girls, then followed by equal opportunities and rights in obtaining employment and so on. So it is not uncommon for various positions and professions to be filled by the women of this tribe. Logical and it is appropriate to follow also with the same rights and positions in the law, especially in the Law of Inheritance.

#### **5. Development of Girls' Inheritance rights in Sasak Customary Inheritance Law**

The view of justice is not always the same at different places and times. Justice is lifted from the feelings of the community and made the rule of law. In a society whose life is still simple, the law is also still simple, while in modern society the legal provisions are complex. One of the problems that is seen as also changing is the understanding of the family in the community then and now so. will affect the provisions concerning marriage, marital property and inheritance. But those changes and shifts also occur often with the development of living in the midst of society.

Changes and developments in the position of girls and widows, occurred with the exit of Tap MPRS Number II Year 1960, namely concerning the Construction of National Law in annex A Article 402 referred to as follows:

- a. Held efforts towards homogeniteit legal unity in which endeavors should be considered the reality of living.
- b. The principle of national law development is adapted to the direction of the state and based on customary law that does not impede the development of a just and prosperous society.
- c. All property is for children and widows when the deed of property is left behind children and widows.



## 6. Settlement of Disputes of Sasak Indigenous Peoples on the Island of Lombok In Sasak Customary Inheritance Law Through The Judiciary and Outside the Judiciary.

Based on the findings above especially related to the settlement of disputes inherited sasak indigenous peoples, explained that in terms of juridical can be considered among others, sasak indigenous peoples have experienced a fairly rapid development. The development and growth of the community was also followed by the development of legal needs. It means that in the community has undergone a shift in social values, especially legal values. In this case such a shift has occurred in the position of women. If previously women were considered to be under men because of the patrilineal kinship system.

The current situation and conditions have changed and are very different. In reality in the midst of indigenous peoples in this tribe there have been new legal values that are aligned and in line with the development needs of the community itself. It is felt unfair if the daughter is considered as not the heir. The girl is now recognized as the heir. Therefore, logically, the woman must obtain a share as the heir of her deceased parents.

Based on the equality of dignity and dignity, as well as the equality of the rights and positions of every citizen before the law in accordance with Pancasila and in the 1945 Constitution and considering the general justice, and legal values that live in society, the Court agreed and deserved to adhere to the permanent jurisprudence of the Supreme Court that applies to the whole of Indonesia on November 11, 1961, No.179 K/Sip/1961. The point is that "The daughter and son of an inheritance are equally entitled to inheritance in the sense that the share of the boy is equal to the daughter".

## 7. Dispute Resolution in The Customary Inheritance Law of Sasak Tribe of Lombok

### a. Family Deliberation

That in the implementation of inheritance division according to the customary inheritance law of the Sasak tribe can cause disputes and disputes. As a result of the dissatisfaction with the results, he received or because he did not get part of the inheritance. Such disputes can lead to strains in family relationships between family members, and often family members become hostile to other members of the family. That hostility can be protracted, it can be years.

In the Sasak tribal community in Gadung Mas Village, West Sakra District of East Lombok, according to the Head of Gadung Mas Village as an example of what happened in the settlement of the dispute of inheritance division initiated by his brothers. In this case, they asked for guidance from a relative in a relationship still from the descendants of the same grandfather who was elder. After the agreement is obtained, the settlement of the dispute is continued with the distribution of inheritance divided in parts not necessarily equal between men and women and also to relatives who according to the custom of the Sasak Tribe of Lombok who have inheritance rights but divisions that can still maintain family ties and are accepted by all heirs (Rahmah, 2019).

According to the author of many disputes or heritage disputes among sasak people, especially in West Sakra Subdistrict today, the settlement is more done by means of

family deliberation, because according to respondents dispute resolution in this way is more effective and family relationships are maintained, especially girls' lives are more protected. Because it is increasingly realized that the fundamental reason girls do not bequeath. So according to the author of the action of the granting of inheritance to his children both iaki-men and women is more advanced and more appropriate and in accordance with the development in the field of law that fights for equal rights.

### b. Customary Deliberation

According to K.H. Makhrup, if the dispute of inheritance division can not be resolved by means of family deliberation, then the dispute is brought into the customary deliberation, where the customary deliberation is led by the Head of Adat. In the resolution of this dispute, indigenous leaders and religious leaders are also involved. According to him, the settlement with this way is very good for the sasak people who are in dispute, because in addition to the presence of indigenous figures and religious figures also play a role also the presence of local government officials (Village Officials) who will emphasize the content or results of this customary deliberation (Maksyumu, 2019).

In the cases where the daughter has completed the inheritance of the parents along with her father's brother even though the amount is not always as large but acceptable and fair for the parties (Maksyumu, 2019).

In resolving conflicts through at least 3 phases, namely:

- 1) The parties to the dispute raise their own concerns by also attending with witnesses.
- 2) Then indigenous leaders and religious leaders give customary fatwas and religious fatwas to the disputed in order to be willing to make peace or obey the prevailing customary law.
- 3) After the examination process (deliberation) is completed, it will be ended by the decision by the Head of Adat, namely a decision in the form of peace or punishment. The peace agreement is very binding both for the individual in dispute and against the community and therefore often the decision has a very strong legal force because it is often used as a legal basis by the court.

## 8. Alternative Settlement of Inheritance Disputes in the Judiciary

A case or inheritance dispute is one of the specific types of civil cases that become the jurisdiction of the Religious Judiciary. This is as stipulated in Law No. 7 of 1989 Article 49 paragraph (1): "The Religious Judiciary is in charge and authorized to examine the decision and resolve matters at the first level among people who are Muslims in the field of:

- 1) Marriage;
- 2) Inheritance, wills, and grants made under Islamic law;
- 3) Waqaf and shadaqah.
- 4) From the provision it becomes clear and absolute that the case of the heir becomes the authority and jurisdiction of the Religious Judiciary, therefore the Religious Judiciary has the power to adjudicate, examine, decide and resolve under islamic civil procedural law, but the problem arises thus

stemming from the general explanation of the number 2 sixth paragraph that gives the right of option. And the right of the option cannot be justified as stated in the previous analysis because it is contradictory to article 49 Paragraph (1), article 1 paragraph (1) and article 2 and Article 3 paragraph (1) letter a and letter b of Law No. 7 of 1989 concerning Religious Justice. Therefore, the alternative to the provision of inheritance is:

**a) Removing Option Rights In Inheritance Disputes**

The existence of the right of option functionally Religious Justice can not perform the function as stipulated in Article 49 paragraph (1) letter b and paragraph (3) in full and applicatively it turns out that the right of option is not only contrary to article by article contained in the law, but also contains problems in the law of the event, in terms of the law of events and settlement of cases, the right of option raises legal problems, the problem is complex. First, it's hard to find agreement on which inheritance law they're in. Secondly if no agreement is reached choosing the law to which the case or inheritance lawsuit is filed. Third, if the choice of boys remains insistent to maintain Islamic law, on the contrary girls desperately defend the customary inheritance law, has been held a thousand times deliberations before lurah, camat and regent, have been spoken to by scholars and clever clever but did not find an agreement. Each remains on its stance and the only way of settlement must be through the court's channels. The men filed with the Religious Court to sue the girls, while the girls filed a lawsuit with the District Court suing the boys. So against the same case the same subject arises two cases in front of different forums.

In summary, when the Religious Judiciary processed the case, the women as defendants did not want to attend the hearing without a valid reason then the Religious Justice dropped Ver cuttings. Instead the District Court considers competent to adjudicate the case, siding examination is conducted at the first hearing, even though it has been called officially by the bailiffs the men do not want to attend without a valid reason. In the afterment, the District Court handed down Verstek's verdict. Both the Verstek ruling handed down by the Court of Religion and The District Court were not filed by Verzet as a result of the decision handed down by the Religious Court and the State Judiciary both obtained a permanent legal force. The Religious Justice Ruling sets the girls section 1:2 with the male section. The District Court's ruling sets the share of girls with boys 1:1. The men requested execution based on the decision of the Religious Court and the girls requested execution based on the decision of the District Court (Harahap, 1989). Normatively, such a case can break the rope ukhuwah Islamiyah and bring a lot of harm from benefit, so that the situation is contradictory with the General Explanation of Law No. 7 of 1989 number 1 fourth paragraph: "To realize a simple, fast and light cost judiciary as mandated by Law No. 14 of 1970".

**b) Reform the Option Rights Provisions**

That is to change the section contained in the explanation of the number 2 paragraph of the sixth Law No. 7 of 1989: "In connection with this, the parties before the case may consider choosing what laws are used in the division of inheritance. In the formulation, what can be detrimental and contradictory lies in the phrase "can consider choosing what law" or other words the law of inheritance they like. The sentence cannot be justified because in terms of the principle of Islamic personality as one of the souls of Law No. 7 of 1989 concerning Religious Justice because it means to deny opportunities for Muslims to commit irregularities against Islamic inheritance law or to choose the customary inheritance law and western inheritance law system (BW) that applies to the State Judiciary so that the authority to adjudicate the case of heirs is not the authority of the Religious Judiciary anymore. Therefore, according to M. Yahya Harahap, the formulation of the general explanation reads: "The parties before the litigant, may consider to enter into a divisional agreement that deviates from the provisions of the division stipulated in the Islamic inheritance law".

**c) If There is No Agreement Between the Heirs**

In the event that both parties litigants file a claim for a similar inheritance case to a different judicial body, it is resolved by the Supreme Court which adjudicates on authority disputes under Law No. 56 of 1985 on the Supreme Court. In such a case, both the Religious court and the District Court shall stop examining the case, should send the case file to the Supreme Court, to be determined by the Supreme Court, who is authorized to examine and adjudicate the case. In this case that needs to get a great deal of attention, namely how or action should be taken by Hakim in stopping the examination in the Court?. There are two common ways to take it: Record in the news of an event, and make a determination.

When an agreement between the heirs occurs in the middle of the proceedings, the case of inheritance is one of the forms of civil cases, both in the Religious Court and in the District Court. For that to apply the same event law. This is so when there is a agreement between the heirs in the middle of the proceedings. If on the day of the hearing that is fixed both parties present, then the judge should try to reconcile them as stipulated in Article 130 HIR and Article 154 Rbg. It is at this time that the judge can play an active role as desired by the HIR. For that purpose the council was postponed to give an agreement to make peace. On the next day of his trial, when they succeeded in making peace, a judge at his peace trial, which was a letter of agreement under his hand written on sealed paper. Based on the similarity between the two sides, the judge handed down his verdict (acte van vergelijk), which punishes both sides to fulfill the content of the peace that has been made between them. The power of this peace verdict is the same as the usual verdict and can be carried out like

other verdicts. Only in this case appeal is not possible. Peace efforts It is open throughout the examination at the trial (Mertokusum, 1988).

From the description can be concluded, that if the agreement between the heirs occurs in the middle of the proceedings are allowed and it is not against the law, then the position as a daughter does not prevent a person from becoming the heir of an heir.

#### IV. CONCLUSION

Based on the description of discussion and analysis in this study, it is concluded that: (1) The right of inheritance of a child according to sasak customary law in Lombok, West Nusa Tenggara Province is considered as the most important element in terms of inheritance, so that everything related to inheritance rights to the child, is left entirely to the child as the heir to regulate everything regarding the rights and obligations to inheritance. Because society adheres to a patrilineal hereditary system whose descendants are drawn according to the father line where the role of men is more mononjol than in women. (2) In the outline, the process and portion of the distribution of inheritance taken by the people of Lombok, West Nusa Tenggara Province is by means of grants and will grants, it is done in anticipation of a dispute between the heirs and the achievement of benefit. The proportion of boys and girls gets their share according to the results of family deliberations. It aims to keep the culture of deliberation going on among the heirs. The point is that the concept of pade ride or equally willing to be the main point in the deliberation of its division. (3) In reality in the midst of indigenous peoples in the Sasak tribe there have been new legal values that are aligned and in line with the development needs of the community itself. It is felt unfair if the daughter is considered as not the heir. The girl has now been recognised as an heiress. Therefore, logically, the woman must obtain a share as the heir of her deceased parents. (4) The settlement of the dispute over the heirs of sasak indigenous peoples on the island of Lombok in the law of sasak customary inheritance through the judiciary shall still be carried out, provided that the dispute cannot be resolved through the deliberations of the heirs mediated by indigenous leaders or Indigenous stakeholders.

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