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Tracing Rights Through Successive Estates in Indonesian Religious Court Adjudication, a Bawean Case Study

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ABSTRACT

This study examines the legal sequence connecting marital property, estate, obligations, and inheritance in Indonesian Religious Court adjudication, focusing on cases involving successive deaths. It analyzes Decision Number 72/Pdt.G/2024/PA.Bwn of the Bawean Religious Court, a case involving a blended family, two successive deaths, jointly acquired property, a transferred asset, a sold asset, contested debts, electronic evidence, a local inspection, and a supplementary oath. The method combines statutory, conceptual, and case approaches, drawing on the decision, published scholarship on marital property and inheritance in Indonesian courts, and institutional case-discussion records produced by a regional coordination meeting of Religious Court judges. The findings show that the decision's final inheritance ratio is mathematically coherent, consistent with reports that Indonesian judges apply textual shares strictly once heirship is settled, because the surviving husband first acquired a share of the first decedent's estate before that share entered his own estate. The more significant finding is that the reasoning behind this ratio contains several gaps. The decision does not clearly separate marital property, the gross estate, outstanding obligations, and the net distributable inheritance, and it leaves unclear the legal basis for a property transfer, the status of a sold asset, historical against active debt, and the identity of a beneficiary. The study proposes a traceability model linking claim, evidence, established fact, legal qualification, norm, ratio decidendi, and operative order, extending existing literature by testing whether a formally correct ratio can still conceal untraceable reasoning.

Keywords: *Indonesia, Judicial Reasoning, Marital Property, Munasakhah, Successive Inheritance*

INTRODUCTION

A dispute over family property after a death cannot be resolved by dividing everything the family owned. The court must first separate the share that already belonged to the surviving spouse, then identify what the deceased left, settle funeral costs and debts, and only then distribute the remainder to those entitled.¹ Indonesian marriage law treats property acquired during the marriage as joint property, while property brought into the marriage and property received as a gift or inheritance stays under the control of the spouse concerned.²³ The Compilation of Islamic Law follows this distinction, recognizes separate property alongside joint property, and gives the surviving spouse half of the joint property when the marriage ends in death.⁴ When these categories are merged, two errors follow. The surviving spouse's own share may be counted again as inheritance, and property that left the marital estate through a valid transfer may still be treated as part of the estate.

The difficulty increases when the second spouse dies before the first estate has been distributed. Islamic inheritance jurisprudence calls this successive structure *munasakhah*. The right that the surviving spouse acquired as heir of the first decedent does not lapse at the second death. It forms part of the second decedent's estate (*tirkah*) and passes to the second decedent's own heirs.⁵ The rule differs from substitution under Article 185 of the Compilation of Islamic Law, because the intermediary heir in *munasakhah* is alive when the first inheritance opens, whereas substitution applies where the heir dies before the decedent.⁶ The surviving spouse therefore carries two distinct sources of right into the second estate, a proprietary share of the joint property and an heirship share from the first estate. A decision can reach a correct final ratio and still leave the reader unable to tell which fraction came from which source. *Munasakhah* is accordingly the central doctrinal concept of this article, and the decision studied here is read for how an Indonesian religious court handles it in practice.

Indonesian scholarship on marital property and inheritance has grown substantially in recent years and can be read along three lines. The first line concerns the legal status and division of marital property itself. Pelu and Dakhoir examined the legal position of marital property under the Marriage Law and the Compilation of Islamic Law, including whether it arises automatically or must be

¹ Republik Indonesia, “Inpres No. 1 Tahun 1991 Tentang Penyebarluasan Kompilasi Hukum Islam” (1991).

² Republik Indonesia, “UU No. 16 Tahun 2019 Tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan” (2019).

³ Eko Rial Nugroho, Bagya Agung Prabowo, and Rohidin Rohidin, “Granting of Property During Marriage as an Inherited Property in Indonesia,” *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (June 30, 2024): 310, <https://doi.org/10.22373/ujhk.v7i1.22875>.

⁴ Republik Indonesia, Inpres No. 1 Tahun 1991 tentang Penyebarluasan Kompilasi Hukum Islam.

⁵ Muhammad Hasan, Dahlia Haliah Ma’u, and Muallimin Mochammad Sahid, “Inheritance Property Distribution Models Among the Muslim Community of Borneo-Nusantara,” *Al-’Adalah* 21, no. 1 (June 25, 2024): 175, <https://doi.org/10.24042/adalah.v21i1.22310>.

⁶ Republik Indonesia, Inpres No. 1 Tahun 1991 tentang Penyebarluasan Kompilasi Hukum Islam.

declared in a marriage agreement.⁷ Rouf, Ch, and Mahmudi analyzed the division of joint property in Indonesian religious courts from a gender equality viewpoint and find that formally equal shares can still produce unequal outcomes once each spouse's contribution and dependency are considered.⁸ Usanti, Aryatie, and Limantara reported that courts tracing assets in money laundering cases give more weight to proof of an asset's origin than to formal ownership arrangements.⁹ Budi and colleagues examined how Islamic jurisprudence adjudicates joint property disputes where the best interests of a child are also at stake, showing that property division and custody outcomes are argued together rather than in isolation.¹⁰

The second line concerns how judges construct and apply inheritance rules once the estate itself is in question. Hasan studied how judges of the Pontianak Religious Court construct inheritance rules through *ijtihad*.¹¹ Assad and Hasyim examined how the religious courts of Makassar, Palopo, and Masamba decide inheritance cases and find that judges combine textual rules with local considerations of fairness among heirs.¹² Helmi and colleagues described a village community in Nganjuk where dissatisfaction with the shares of widows, widowers, and stepchildren often leads to legal conflict.¹³ Hasan, Ma'u, and Sahid listed *munasakhah* among six models by which property reaches heirs in Muslim communities of Borneo-Nusantara.¹⁴

The third line looks across borders. Jambunanda and colleagues review joint property disputes in Indonesian and Malaysian family law and report differences in legal implementation and cultural perspectives that shape the outcome of such

⁷ Ibnu Elmi AS. Pelu and Ahmad Dakhoir, "Marital Property within the Marriage Law: A Debate on Legal Position and Actual Applications," *Al-Jami'ah: Journal of Islamic Studies* 59, no. 2 (November 11, 2021): 287–316, <https://doi.org/10.14421/ajis.2021.592.287-316>.

⁸ Abd Rouf, Mufidah Ch, and Zaenul Mahmudi, "Joint Property Division in Indonesia: A Gender Equality Viewpoint," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 2 (December 29, 2023): 230–50, <https://doi.org/10.18860/j-fsh.v15i2.23050>.

⁹ Trisadini Prasastinah Usanti, Indira Retno Aryatie, and Vanessa Widya Limantara, "MARRIAGE AGREEMENTS AND ASSET CONFISCATION IN MONEY LAUNDERING: INDONESIAN COURT ANALYSIS," *Journal of Court and Justice* 4, no. 4 (December 19, 2025): 70–89, <https://doi.org/10.56943/jcj.v4i4.912>.

¹⁰ Kuku Pramono Budi et al., "Adjudicating Joint Property Dispute in Islamic Jurisprudence: Balancing The Best Interests of The Child With A Focus on Residency," *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 2 (March 7, 2024): 245–66, <https://doi.org/10.18592/sjhp.v23i2.12278>.

¹¹ Muhammad Hasan, "Construction of Modern Islamic Inheritance Law Based on Ijtihad of the Judges at the Religious Court of Pontianak, West Kalimantan," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 2 (May 9, 2023): 650, <https://doi.org/10.22373/sjhk.v7i2.8852>.

¹² Andi Sukmawati Assad and Baso Hasyim, "Judges Decisions of Makassar, Palopo, and Masamba Religious Court over the Islamic Inheritance Law," *AL-ADALAH* 17, no. 2 (March 22, 2021): 317–34, <https://doi.org/10.24042/adalah.v17i2.4565>.

¹³ Hanum Rahmani Helmi et al., "INHERITANCE IN THE COMMUNITY OF JUWONO VILLAGE, KERTOSONO SUBDISTRICT, NGANJUK REGENCY, EAST JAVA," *Journal of Court and Justice* 2, no. 4 (July 12, 2024): 72–82, <https://doi.org/10.56943/jcj.v2i4.564>.

¹⁴ Hasan, Ma'u, and Sahid, "Inheritance Property Distribution Models Among the Muslim Community of Borneo-Nusantara."

disputes.¹⁵ Read together, this literature establishes that marital property is decided mainly by proof of contribution and origin rather than by formal registration, that inheritance outcomes depend heavily on how a judge exercises *ijtihad* within the textual scheme, and that implementation of similar rules can still diverge across jurisdictions. None of these studies, however, follows a single decision through two successive deaths and tests whether each step of the resulting calculation can be traced to a proven fact and a governing norm. That gap is the specific problem this article addresses.

This article examines Decision Number 72/Pdt.G/2024/PA.Bwn of the Bawean Religious Court, rendered on 6 November 2024. The case combines the features discussed above in one file. The parties belong to a blended family. The Husband had a son from an earlier marriage, who became the Plaintiff. The Wife had a daughter and a son from an earlier marriage, who became the First and Second Defendants. The couple had no child together. The Wife died in 2021 and the Husband in 2023. The dispute covered three parcels of land with different histories, one of which had been sold to a third party, together with a vehicle, contested debts, a counterclaim, a local inspection, printed electronic messages, and a supplementary oath. The court fixed the final shares at five-eighths for the Plaintiff, one-eighth for the First Defendant, and two-eighths for the Second Defendant. The parties are identified by their procedural roles throughout this article.

Three questions guide the analysis. First, what legal sequence should govern the relationship between marital property, the estate, obligations, and distributable inheritance under Indonesian law? Second, how did the Bawean Religious Court reconstruct the two successive deaths and the final inheritance ratio in Decision Number 72/Pdt.G/2024/PA.Bwn? Third, what strengths and weaknesses appear in the material, procedural, evidentiary, and formulative reasoning of the decision?

The article argues that the decision has a sound macro-structure in its treatment of successive inheritance, but that its legal certainty weakens where historical status, current status, evidentiary weight, and operative consequences are expressed in compressed or inconsistent language. The analysis makes two contributions. Doctrinally, it clarifies that marital property and inheritance are sequential regimes that meet at death and answer different questions. Methodologically, it proposes a traceability model, offered as a tool that may help courts connect each operative order to a proven fact, a legal qualification, a governing norm, and a stated reason. The examination is not an appeal. Its purpose is to identify practices worth keeping and gaps in reasoning that later decisions can close, while respecting judicial independence.

¹⁵ Ahmad Jamaludin Jambunanda et al., “VOSviewer-Assisted Systematic Review and Meta-Analysis of Joint Property Disputes in Family Law in Indonesia and Malaysia,” *Global Journal of Comparative Law* 14, no. 2 (August 13, 2025): 188–208, <https://doi.org/10.1163/2211906X-14020003>.

RESEARCH METHODOLOGY

This is doctrinal legal research with a single-case design. The object of study is a final judicial decision, read as a legal text and as a record of adjudicative reasoning, and the analysis stays within the legal system instead of observing how courts behave. Inheritance and related property disputes among Muslims fall within the jurisdiction of the Religious Courts.¹⁶ The case examined is Decision Number 72/Pdt.G/2024/PA.Bwn of the Bawean Religious Court, rendered on 6 November 2024, and it was selected on purposive grounds. It works as a critical case because it places the sequence of marital property, estate, obligations, and inheritance under demanding conditions, namely two successive deaths, a blended family, a transferred asset, a sold asset, contested debts, and mixed evidence. If the sequence can be reconstructed here, the same test can be applied to simpler disputes. The case is not offered as typical of Religious Court practice, so the findings are read as analytical propositions that later studies can test against other decisions.

Three groups of materials were used. The primary legal sources are the decision itself, the Marriage Law, the Compilation of Islamic Law, the Religious Courts Law, the Judicial Power Law, the Electronic Information and Transactions Law, the procedural codes HIR and RBg, and Supreme Court decisions, a Constitutional Court decision, and circular letters. The secondary sources are the scholarship cited in this article. The third group consists of internal judicial guidelines, namely the Supreme Court instruments on decision templates, electronic case administration, local examination, and mediation.¹⁷¹⁸¹⁹²⁰

Three approaches structured the analysis. The statutory approach identified the norms governing marital property, the deceased's estate, debts, heirs, open hearings, proof, judicial reasoning, and party completeness. The conceptual approach distinguished marital property, individual property, gross estate (*tirkah*), net distributable inheritance, successive inheritance, and the traceability of the *ratio decidendi*. The case approach reconstructed the facts and the court's reasoning and evaluated their coherence without altering the decision's final legal status for the parties. Within these approaches the materials were analyzed in four stages.

¹⁶ Republik Indonesia, "UU No. 50 Tahun 2009 Tentang Perubahan Kedua Atas Undang-Undang Nomor 7 Tahun 1989 Tentang Peradilan Agama" (2009).

¹⁷ Mahkamah Agung, "Keputusan Ketua Mahkamah Agung Republik Indonesia Nomor 359/KMA/SK/XII/2022 Tentang Template Dan Pedoman Penulisan Putusan/Penetapan Pengadilan Tingkat Pertama Dan Tingkat Banding Pada Empat Lingkungan Peradilan Di Bawah Mahkamah Agung" (2022).

¹⁸ Mahkamah Agung, "Keputusan Ketua Mahkamah Agung Nomor 363/KMA/SK/XII/2022" (2022).

¹⁹ Mahkamah Agung, "Surat Edaran Mahkamah Agung Nomor 7 Tahun 2001 Tentang Pemeriksaan Setempat" (Jakarta, 2001).

²⁰ Sonia Nahda, Emy Hajar Abra, and Pristika Handayani, "Pelaksanaan Mediasi Berdasarkan Peraturan Mahkamah Agung Nomor 1 Tahun 2016 Tentang Prosedur Mediasi," *Jurnal USM Law Review* 8, no. 3 (2025): 7–9.

1. Family relationships, dates of death, assets, debts, and procedural events were mapped from the decision.
2. Each disputed object and obligation was classified according to its status at the relevant point in time.
3. The decision was tested through the chain of claim, burden of proof, evidence, established fact, legal qualification, norm, *ratio decidendi*, and operative order.
4. The findings were synthesized into a model for drafting and examining decisions in similar disputes.

Two supplementary sources need explanation. The first is the minutes of a legal discussion among the Religious Courts of the Surabaya coordination region, held on 17 July 2026. The second is a record of the findings of a discussion team on the case file. Both are unpublished institutional documents, and they were used to identify issues and competing interpretations and not as binding sources of law. They also limit what can be concluded. Where the record states that a document was not found in the materials reviewed, that statement describes the examination set and does not prove that the document was absent from the original file. Findings are therefore sorted into three levels, those verified in the text of the decision, those confirmed by the discussion presenter, and those requiring verification against the original file. Only the first level supports firm conclusions about irregularities. The summonses, hearing minutes, physical markings, and a possible interlocutory order on the supplementary oath remain in the third level. No interviews were conducted and no confidential personal data were collected. The parties are named by role and not by name, and the decision number is retained so that the source stays identifiable and checkable. The examination is intended as constructive judicial learning and does not interfere with judicial independence.²¹

RESULT AND DISCUSSION

The Legal Sequence from Marital Property to Inheritance

Marital property and inheritance answer different questions. Marital property identifies what the spouses hold jointly through acquisition during the marriage. Inheritance identifies how the deceased's property passes to those entitled. The two regimes meet at death but do not merge, since the surviving spouse's own half is not inheritance, while that spouse may separately inherit a further share as an heir. The Compilation of Islamic Law reflects this by giving the surviving spouse half of the joint property at death, with the other half entering the estate.²²²³ Rouf, Ch, and

²¹ Desia Rakhma Banjarani et al., *Analisis Putusan Perdata Dokumen Dan Pembuktian* (Sekretariat Jenderal Komisi Yudisial Republik Indonesia, 2025).

²² Republik Indonesia, UU No. 16 Tahun 2019 tentang Perubahan atas Undang-undang Nomor 1 Tahun 1974 tentang Perkawinan.

²³ Republik Indonesia, Inpres No. 1 Tahun 1991 tentang Penyebarluasan Kompilasi Hukum Islam.

Mahmudi show that Indonesian courts apply this equal-division rule inconsistently once unequal contribution or dependency is raised, which means the classification step is also where substantive fairness enters the calculation.²⁴

The one-half rule is a starting point rather than a formula. The Supreme Court has approved a proportionate departure on proven unequal contribution, though that case arose on divorce and applies here only by analogy.²⁵ The baseline must also be fixed before inheritance is computed, since spouses may regulate their property regime by agreement.²⁶ Table 1 sets out the resulting eight-step sequence. Its purpose is to prevent double counting, first by keeping the surviving spouse's proprietary share separate from inheritance, and second by requiring a share that passed through an intermediary heir to be traced through that heir's own estate rather than treated as a direct grant from the first decedent.

Table 1 Sequential Analytical Model for Post-Death Marital Property Disputes

Stage and legal question	Required output	Primary legal basis
What is the asset and how was it acquired?	Asset history and evidence map	Law 1/1974 art. 35(1), KHI art. 1(f)
Is the asset marital, separate, transferred, or encumbered?	Status at the relevant time	Law 1/1974 art. 36, KHI arts. 85 to 87
What share belongs to the surviving spouse?	Proprietary share separated from inheritance	KHI art. 96(1)
What remains in the deceased's estate?	Gross estate (<i>tirkah</i>) identified	KHI arts. 171(d)
What expenses and debts remain active?	Net distributable estate	KHI arts. 171(e) and 175
Who inherits at each death?	Separate heirship structure for each decedent	KHI arts. 174, 176, and 177 to 180
Did an intermediary heir later die?	Successive transfer of the vested right	Doctrine of <i>munasakhah</i> , contrasted with KHI art. 185
How will the order be executed?	Clear, identifiable, and executable disposition	Law 48/2009 art. 50(1)

Source: Processed by the researchers (2026)

²⁴ Rouf, Ch, and Mahmudi, "Joint Property Division in Indonesia: A Gender Equality Viewpoint."

²⁵ Mahkamah Agung, "PUTUSAN KASASI No. 266 K AG 2010: Pembagian Harta Bersama Dan Hak Asuh Anak " (2010).

²⁶ Mahkamah Konstitusi Republik Indonesia, "Putusan MK Nomor 69/PUU-XIII/2015" (2015), https://www.mkri.id/public/content/persidangan/putusan/69_PUU-XIII_2015.pdf.

Factual Architecture of the Bawean Case

The Plaintiff, son of the Husband from an earlier marriage, sued the First and Second Defendants, children of the Wife from an earlier marriage. The couple had no child together. The Wife died in 2021, survived by the Husband and her two children; the Husband died in 2023, survived by the Plaintiff. This chronology fixes the legal structure, since the Husband first acquired a right as the Wife's heir before that right entered his own estate.

The heirship structure adopted by the court contains no other heirs, but the materials do not show whether the court verified the absence of a surviving parent, who would take one-sixth alongside the children, or a stepchild's bequest claim. Under the 2012 Religious Chamber formulation, a stepchild is not an heir of a step-parent but may receive a share through an obligatory bequest (*wasiat wajibah*).²⁷²⁸ The decision was right to allow no cross-inheritance between the Plaintiff and the Wife's estate, or between the Defendants and the Husband's estate, but a complete reasoning would have recorded that check explicitly.

Table 2 Principal Assets and the Decision's Treatment

Asset and relevant evidence	Treatment and analytical issue
Sukalela. Title in the Husband's name, admission, witness evidence, local inspection, approximately 638 m ²	Retained for division or auction. Marital-property basis is relatively strong
Tambak Tengah. Title, tax records, grant statement, witness, possession, supplementary oath	Excluded after the court accepted a transfer to the Defendants. The exchange-or-grant basis needs a clearer legal bridge
Pekalongan. Claim described 589 m ² , title named a third person, inspection found 159.82 m ² , later sold for Rp450,000,000	Physical asset not divided, proceeds included in accounting. Asset identity, seller, third-party protection, and traceability of proceeds need distinguishing
Mitsubishi L300. Sold in damaged condition for Rp4,000,000, proceeds reportedly used for post-death expenses	Value allocated by the inheritance ratio. The decision should state whether this was an estate expense or a reimbursement claim

Source: Processed by the researchers (2026)

The Successive Inheritance Calculation

The decision's strongest feature is that it processed the two deaths in sequence rather than treating the Plaintiff and the Defendants as direct heirs of both decedents at once. Dividing the marital property into eight units, the Husband received one unit (one-eighth) as the Wife's heir, and the First and Second Defendants received

²⁷ Republik Indonesia, Inpres No. 1 Tahun 1991 tentang Penyebarluasan Kompilasi Hukum Islam.

²⁸ Mahkamah Agung, "SEMA NOMOR 7 TAHUN 2012 Tentang Edaran Mahkamah Agung Nomor 7 Tahun 2012 Tentang Rumusan Hukum Hasil Rapat Pleno Kamar Mahkamah Agung Sebagai Pedoman Pelaksanaan Tugas Bagi Pengadilan (Buku Terlampir)" (2012).

one-eighth and two-eighths respectively.²⁹ When the Husband died, his own four units plus the inherited unit passed to the Plaintiff as five-eighths. Table 3 sets out this reconstruction, and it is arithmetically coherent on the premises the court adopted.

Table 3 Reconstruction of the Final Inheritance Ratio

Successive stage	Allocation and legal effect
First death (the Wife). Her half share equals four-eighths of the marital property	The Husband receives one-eighth, the First Defendant one-eighth, and the Second Defendant two-eighths. The Husband's one-eighth enters his later estate
Second death (the Husband). His own four-eighths plus the inherited one-eighth	The Plaintiff receives the five-eighths attributed to the Husband. Final allocation is Plaintiff five-eighths, First Defendant one-eighth, Second Defendant two-eighths

Source: Processed by the researchers (2026)

The arithmetic is not the main difficulty. The Plaintiff's five-eighths combines four-eighths from the Husband's own share and one-eighth received through the Wife's estate, a distinction the decision does not display, so a reader may assume the whole amount came from the Wife. Assad and Hasyim found that Indonesian judges generally apply textual shares strictly once heirship is settled, treating heir identification rather than calculation as the real point of judicial discretion.³⁰ The Bawean decision fits this pattern, since its sound arithmetic rests on an identification step that was treated as settled rather than shown. Had the intermediary heir left a spouse, further children, debts, or a will, the first decedent's share could not have passed to one later heir without the intermediary estate being processed explicitly.

Assets and Transfers

Sukalela is the least difficult classification, since registration in the Husband's name does not make the parcel his separate property where acquisition during the marriage is otherwise shown.³¹ Tambak Tengah is harder, because the decision accepted both that the property was acquired during the marriage and that it later passed to the Defendants through what is described as a grant following an exchange. These are distinct legal acts with different requirements, an exchange needing a traceable counter-performance and a grant needing donor capacity, a ceiling of one third of the donor's property, and the required witnesses and, for land,

²⁹ Republik Indonesia, Inpres No. 1 Tahun 1991 tentang Penyebarluasan Kompilasi Hukum Islam.

³⁰ Assad and Hasyim, "Judges Decisions of Makassar, Palopo, and Masamba Religious Court over the Islamic Inheritance Law."

³¹ Republik Indonesia, Inpres No. 1 Tahun 1991 tentang Penyebarluasan Kompilasi Hukum Islam.

a registered deed with spousal consent if the land is joint property.³²³³³⁴³⁵ Budi and colleagues make a comparable point about joint property disputes involving competing interests, arguing that a court must state which interest a disputed transfer protects before ruling on it.³⁶ The Bawean decision needed to name the act it accepted, who had authority to perform it, and whether consent and form requirements were met, rather than let “grant” stand in for that explanation.

Pekalongan raises a different problem, since the claimed area, the registered title, and the inspected area all diverge, and the sale to an unjoined third party was correctly ruled inadmissible for cancellation while its proceeds were still used in the family accounting.³⁷ That combination is defensible only if the decision states plainly that it does not adjudicate the purchaser's title and binds only the parties before it. The Rp4,000,000 from the L300 needs the same discipline, since the decision must state whether that amount was a legitimate estate expense or a sum to be reimbursed.^[^32] Across all three assets, the estate is best understood not as everything historically associated with the family, but as the property and rights remaining once the surviving spouse's share, valid transfers, and obligations have been accounted for.

Debts and the Estate

The debt figures need one consolidated treatment. The claim identified Rp348,250,000 in obligations, of which the decision treated Rp343,250,000 as proven, a Rp5,000,000 reduction the materials do not explain. Table 4 reconstructs the ledger, including Rp289,250,000 already paid from sale proceeds and Rp54,000,000 still connected to a creditor.

Table 4 Debt and Proceeds Ledger as Reflected in the Decision

Item	Amount (Rp)	Status
Obligations claimed	348,250,000	Initial claim
Obligations treated as proven	343,250,000	Rp5,000,000 below the claim, exclusion not explained in the materials
Paid by the Plaintiff or family from sale proceeds	289,250,000	Historical, no longer outstanding
Still connected to a creditor	54,000,000	Active obligation
Pekalongan sale proceeds	450,000,000	Accounting base

³² Republik Indonesia, “Kitab Undang-Undang Hukum Perdata (Burgerlijk Wetboek)” (n.d.).

³³ Republik Indonesia, Inpres No. 1 Tahun 1991 tentang Penyebarluasan Kompilasi Hukum Islam.

³⁴ Republik Indonesia, UU No. 16 Tahun 2019 tentang Perubahan atas Undang-undang Nomor 1 Tahun 1974 tentang Perkawinan.

³⁵ Republik Indonesia, “PP No. 24 Tahun 1997 Tentang Pendaftaran Tanah” (1997).

³⁶ Budi et al., “Adjudicating Joint Property Dispute in Islamic Jurisprudence: Balancing The Best Interests of The Child With A Focus on Residency.”

³⁷ Mahkamah Agung, “Surat Edaran Mahkamah Agung Nomor 7 Tahun 2001 Tentang Pemeriksaan Setempat.”

Item	Amount (Rp)	Status
Balance after payments	160,750,000	Provisional, before the outstanding obligation
Balance after the outstanding obligation	106,750,000	Net figure on the court's prem

Source: Processed by the researchers (2026)

A historical debt is not the same as an active one at judgment, and the heirs' liability is limited to the value of the estate.³⁸ The court separated paid and unpaid amounts in its reasoning but the operative order described the historical total as still owed, a formulation that risks a double deduction and complicates execution. A debt ledger separating the original, proven, paid, and outstanding amounts would avoid this.

Procedure, Evidence, and Party Completeness

The evidentiary record combined status documents, land and tax records, testimony, a local inspection, a printed WhatsApp conversation, an unsigned draft settlement, and a supplementary oath, each proving a different kind of fact.³⁹ Table 5 maps the evidence used against what it could and could not establish.

Table 5 Evidence Mapped to Established Facts

Evidence	Fact it was used to establish	Weight as reconstructed
Personal-status documents	Marriage, divorce, parentage, religion, and death, and thus heirship status	Adequate for status and not for property
Land certificates and tax records	Identification of the object and its registered holder	Relevant but does not prove the full history of ownership
Witness testimony	Acquisition during the marriage, possession, and the transactions in dispute	Supports the history and needs to match the documents
Receipts and bank records	Payment of obligations	Show payment and not the original legal cause of the debt
Local inspection	Location, area, boundaries, and condition, including the 159.82 square meters at Pekalongan	Object identification and executability, not ownership
Printed WhatsApp conversation	Limited preliminary support	Needs corroboration, and authenticity and integrity remain open

³⁸ Republik Indonesia, Inpres No. 1 Tahun 1991 tentang Penyebarluasan Kompilasi Hukum Islam.

³⁹ Republik Indonesia.

Evidence	Fact it was used to establish	Weight as reconstructed
Unsigned draft settlement	Context of negotiation	Cannot establish a binding agreement
Supplementary oath	The exchange at Tambak Tengah (Defendants) and payments of Rp289,250,000 (Plaintiff)	Completes insufficient preliminary evidence, formal order to be verified

Source: Processed by the researchers (2026)

The printed conversation is recognized evidence but not automatically probative, and the court's treatment of it as limited support needing corroboration was appropriately cautious. The supplementary oath was used because prior evidence was insufficient rather than absent, which is the correct threshold, though the exact fact sworn and the authorizing order should be verifiable.⁴⁰ The inadmissibility ruling on the Pekalongan sale protected the unjoined purchaser's right to be heard, a procedurally sound outcome. Mediation was recorded as unsuccessful, which is the only conclusion the materials support.^{41,42} The decision's inconsistent references to open and closed hearings reflect an inaccurate legal citation rather than evidence that any hearing was actually closed, since the statutory closed-hearing rule applies to divorce examinations and not to this claim.⁴³

Ratio Decidendi and the Traceability of the Operative Order

The decision's macro-reasoning is traceable: marriage, acquisition, the Wife's death, separation of her share, the Husband's death, and transmission of his combined share to the Plaintiff after debts. The micro-reasoning is not. On Tambak Tengah the decision moves from acquisition to transfer without naming the accepted legal act. On Pekalongan it rules the cancellation claim inadmissible yet still uses the proceeds in the family accounting without stating the limits of that use. On debts it separates paid and active amounts in its reasoning but merges them in the order. Each gap needs an explicit bridge between fact, category, and consequence.

The declaration of the Wife and Husband as decedents, though not separately pleaded, is defensible as a necessary step tied to the relief sought rather than an unpled claim, provided the decision explains that link. The most serious formulation problem is the operative order's use of "alias" to join the Plaintiff's name with the Husband's, where the record instead shows a father-son relationship. Because identity is part of an order's legal effect, this should be verified against civil-status

⁴⁰ Pemerintahan Republik Indonesia, "UU No. 19 Tahun 2016 Tentang Perubahan Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik," Sekretariat Negara § (2016), <https://peraturan.bpk.go.id/Details/37582/uu-no-19-tahun-2016>.

⁴¹ Republik Indonesia, Inpres No. 1 Tahun 1991 tentang Penyebarluasan Kompilasi Hukum Islam.

⁴² Nahda, Abra, and Handayani, "Pelaksanaan Mediasi Berdasarkan Peraturan Mahkamah Agung Nomor 1 Tahun 2016 Tentang Prosedur Mediasi."

⁴³ Republik Indonesia, "UU No. 48 Tahun 2009 Tentang Kekuasaan Kehakiman" (2009).

documents before pronouncement. Utility (*kemanfaatan*) is a legitimate ground for choosing among available remedies, but it cannot substitute for an unexplained evidentiary or normative gap.

A better-reasoned decision would include a chronology and heirship table naming the source of each fraction, an asset ledger stating each transfer's legal basis, a debt ledger carrying only the active obligation into the order, an explicit statement of any ruling's limited effect on an absent third party, and a verified beneficiary identity. None of this changes the result; it changes how the reasoning is shown. The Supreme Court's own decision template stresses exactly this link between facts, evidence, and disposition, so the gaps identified here are gaps against the court's own institutional standard rather than an external one.⁴⁴ Of the administrative issues found, beneficiary identity, historical-versus-active debt, and the third-party-affecting asset description are high priority, since each risks misdirecting rights, causing a double deduction, or affecting an absent party; the remainder are lower priority or require verification against the original file.

A Traceability Model for Similar Cases

The findings translate into a working tool with two parts. The first is four ledgers, a timeline of family relationships and deaths, an asset ledger tracking acquisition through disposal, a debt ledger separating original, proven, paid, and outstanding amounts, and an inheritance ledger carrying forward only the right actually vested in an intermediary heir. The second is a seven-question traceability test applied to each major order, illustrated in Table 6 against the order excluding Tambak Tengah.

Table 6 Traceability Test Applied to the Order Excluding Tambak Tengah

Traceability question	Application to the order	Result
What fact supports the order?	The land was acquired during the marriage and later held by the Defendants	Stated
What evidence establishes the fact?	Title, tax records, a grant statement, a witness, possession, and a supplementary oath	Listed but not mapped to each fact
Which legal category does the fact belong to?	Historical marital property that left the marital estate through a transfer	Category implied, act not named as exchange or grant
Which norm governs the category?	Consent rule for joint property, exchange or grant rules, and land deed requirements	Norm not stated

⁴⁴ Mahkamah Agung, Keputusan Ketua Mahkamah Agung Republik Indonesia Nomor 359/KMA/SK/XII/2022 tentang Template dan Pedoman Penulisan Putusan/Penetapan Pengadilan Tingkat Pertama dan Tingkat Banding pada Empat Lingkungan Peradilan di Bawah Mahkamah Agung.

Traceability question	Application to the order	Result
Why is the order the appropriate consequence?	The asset was outside the estate when inheritance opened	Implied, timing of the transfer not stated
Does the order affect an absent third party?	Not on the face of the order, counterparty to the earlier transfer not identified	To be verified
Is any amount provisional?	Not applicable	Not applicable

Source: Processed by the researchers (2026) from the decision as described in the examination materials

The model does not force a different result in any case; it disciplines how the result is shown, and it fits naturally with electronic case administration, where accuracy across every document is what makes a digital record useful.⁴⁵ This study has applied the model to one decision only and has not tested its effect on executability, so it is offered as a proposal for a positive, practice-improving decision-analysis approach rather than a validated instrument.⁴⁶

The findings support the studies on marital property reviewed in the Introduction. Pelu and Dakhoir examine the legal position of marital property under the Marriage Law and the Compilation of Islamic Law and its application by the Religious Courts.⁴⁷ The treatment of Sukalela agrees with that framework, since the parcel was classed as marital property because it was acquired during the marriage although the title stood in the Husband's name. Usanti, Aryatie, and Limantara reported that, in money laundering cases, proof of an asset's origin outweighed formal ownership arrangements.⁴⁸ The Bawean case points in the same direction in a family setting. At Pekalongan, a title naming a third person and a claimed area of 589 square meters against 159.82 square meters found on inspection could not settle the question, and the court needed testimony, transaction history, and inspection. The two contexts differ, so the agreement concerns the evidentiary principle only.

The findings extend the studies on judicial construction and inheritance practice. Hasan shows judges of the Pontianak Religious Court constructing inheritance rules through *ijtihad*, and Assad and Hasyim show that Indonesian judges in Makassar, Palopo, and Masamba apply textual shares strictly once heirship is settled, treating heir identification rather than calculation as the real point of judicial discretion.⁴⁹ The Bawean decision extends this line by showing what

⁴⁵ Mahkamah Agung, Keputusan Ketua Mahkamah Agung Nomor 363/KMA/SK/XII/2022.

⁴⁶ Banjarani et al., *Analisis Putusan Perdana Dokumen Dan Pembuktian*.

⁴⁷ Pelu and Dakhoir, "Marital Property within the Marriage Law: A Debate on Legal Position and Actual Applications."

⁴⁸ Usanti, Aryatie, and Limantara, "MARRIAGE AGREEMENTS AND ASSET CONFISCATION IN MONEY LAUNDERING: INDONESIAN COURT ANALYSIS."

⁴⁹ Hasan, "Construction of Modern Islamic Inheritance Law Based on Ijtihad of the Judges at the Religious Court of Pontianak, West Kalimantan."

happens when heir identification must be performed twice, once for each decedent, and by showing that a correct textual calculation can still leave the connection between the two identifications untraceable. Hasan, Ma'u, and Sahid listed *munasakhah* among the models by which property reaches heirs in Muslim communities of Borneo-Nusantara.⁵⁰ This study shows *munasakhah* applied inside a formal judgment and shows what such a judgment must display to be checkable, namely the intermediary estate and the source of each fraction. Helmi and colleagues report that dissatisfaction with the shares of widows, widowers, and stepchildren often leads to legal conflict in a village community, and Rouf, Ch, and Mahmudi reported that formally equal shares of joint property can still be experienced as unequal once contribution and dependency are weighed.⁵¹ The blended family in this case shows a related tension in judicial form rather than in community perception. The litigants derived their rights from different decedents, none was an heir of the other's parent, and successive deaths added a second layer that neither study addressed directly.

The comparative study by Jambunanda and colleagues reports differences between Indonesia and Malaysia in the implementation and cultural framing of joint property disputes.⁵² This study cannot test that comparison, because it examines one Indonesian decision and a different situation, namely successive deaths. It does suggest where such differences could be observed in later work, in the way each system requires a surviving spouse's proprietary share to be separated before inheritance is computed and in how visibly that step appears in the reasoning.

Taken together, the results support earlier work on the automatic and evidence-dependent character of marital property and on the recognition of *munasakhah* in Indonesian practice. They extend that work by following one decision through two successive deaths and by offering a traceability test for its reasoning. No study reviewed here reports findings that this case contradicts. The results qualify one point only. A correct final ratio should not be read as evidence that the reasoning behind it is adequate, because the Bawean ratio is arithmetically sound while several of its steps cannot be traced to a stated fact and norm. The evidence base is a single decision and unpublished examination materials. The case can show how a court can and cannot make a chain of rights visible, and it cannot show how often Religious Courts do so. Testing the propositions across other decisions is therefore needed before they are generalized.

⁵⁰ Hasan, Ma'u, and Sahid, "Inheritance Property Distribution Models Among the Muslim Community of Borneo-Nusantara."

⁵¹ Helmi et al., "INHERITANCE IN THE COMMUNITY OF JUWONO VILLAGE, KERTOSONO SUBDISTRICT, NGANJUK REGENCY, EAST JAVA."

⁵² Jambunanda et al., "VOSviewer-Assisted Systematic Review and Meta-Analysis of Joint Property Disputes in Family Law in Indonesia and Malaysia."

CONCLUSION

This article set out to determine the legal sequence that should govern marital property, the estate, obligations, and distributable inheritance, and to test one Religious Court decision against that sequence. The answer to the first question is that a court should classify each asset, separate the surviving spouse's proprietary share, identify the deceased's estate, settle the obligations that remain active, and only then determine the heirs and their shares. Where an heir from the first death later dies, the right vested in that heir must pass through the second estate, so the final distribution cannot bypass the intermediary stage. On the second question, the Bawean court reconstructed the two deaths in the correct order. Its final ratio of five-eighths for the Plaintiff, one-eighth for the First Defendant, and two-eighths for the Second Defendant is arithmetically coherent on the premises it adopted, and it fits the broader pattern reported in Indonesian scholarship that judges apply textual inheritance shares strictly once the heirs themselves are correctly identified.

The third question shows that the strength of the decision lies in its macro-structure and its weakness in the uneven explanation of how each fraction, asset, debt, and order was produced. Several points need corrected or fuller reasoning. The historical marital status of an asset must be separated from its status after a transfer, and the relation between exchange and grant at Tambak Tengah must be stated in terms of which party's interest the transfer was meant to protect. The limited effect of the Pekalongan accounting must be defined because the purchaser was not joined. Paid debts must be distinguished from active obligations, and the treatment of the L300 proceeds must be clarified. The identity of the beneficiary, the label of the intermediate balance, and the reference to open or closed hearings also need precise correction. These findings connect to and extend existing work on marital property and inheritance in Indonesian courts, which has shown that formally equal or textually correct shares can still mask unequal treatment or untraceable reasoning once contribution, dependency, or successive claims are involved. The traceability model proposed here, linking claim, evidence, established fact, legal qualification, norm, *ratio decidendi*, and operative order, responds directly to that body of work by offering a practical standard that may help courts make the movement of rights visible, separate provisional accounting from final distribution, and respect the participation of third parties.

These conclusions have limits. The study rests on one decision and on unpublished examination materials, some of which could not be checked against the original case file. It shows how one court made a chain of rights visible or failed to do so, and it cannot show how often Religious Courts do this or how such decisions work in practice. Findings that depend on documents not found in the examination set remain unverified. Future research should test the traceability model on a larger and more varied set of decisions, including cases without a blended family and cases in which the intermediary heir left a spouse, several

children, or a will. The model can be tested by asking independent examiners to apply the seven-question test to the same decisions and comparing how consistently they identify gaps, or by comparing the rate of corrections and execution problems in decisions drafted with and without the four ledgers. Building on the gender equality perspective raised in recent Indonesian scholarship, future work could also examine whether successive inheritance cases affect surviving spouses of different genders differently once contribution and dependency are taken into account, a question this single-decision study could not address. Comparative studies with Malaysia and other Muslim jurisdictions could then examine how each system requires a surviving spouse's share to be separated before inheritance is computed.

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