



Case Study of Alternative Dispute Resolution for Inheritance Distribution of “Adopted Children and Apostasy Through Mediation”

Sontayati Sihite

State Islamic University of North Sumatra

E-mail: sihitehumbahas@gmail.com

Info Articles	Abstract
Article History Received : 2024-04-14 Revised: 2024-04-16 Published: 2024-05-30 Keywords: <i>Dispute, inheritance, apostasy, mediation</i>	This study examines alternatives for resolving inheritance disputes involving adopted children and apostates through mediation in Indonesia. The background of this study is the complexity of inheritance law that arises in cases involving adopted children and apostate heirs, where conflicts often occur between parties due to differences in interpretation of religious and customary law. Mediation is chosen as an alternative to resolve disputes peacefully and efficiently, considering that the litigation process is often time-consuming and expensive and can damage family relationships. The method used in this study is normative juridical with a case study approach. Data were obtained through analysis of court decisions, related legal documents, and interviews with mediators, heirs, and legal practitioners. The results of the study indicate that mediation can be an effective means of reaching a peaceful agreement, taking into account the interests of all parties and maintaining family relationships. The conclusion of this study confirms that mediation can be the main choice in resolving inheritance disputes involving adopted children and apostate heirs. Mediation allows for a fair and mutually beneficial resolution, reduces the potential for prolonged conflict, and maintains family harmony.

I. INTRODUCTION

Inheritance distribution is a process that involves determining the rights and obligations regarding the assets of an individual who has died (Imron & Huda, 2023). The inheritance distribution process is often a source of conflict and dispute between heirs and other related parties. In this context, some special cases that may arise are disputes over the distribution of inheritance of adopted children and apostates. An adopted child is someone who is legally adopted by parents as a child, while an apostate refers to someone who is religiously considered to have abandoned his religion. This situation can provide its own complexity in the inheritance distribution process, especially because of the differences in beliefs and values between the parties involved.

The division of inheritance is a sensitive aspect of family law, and often gives rise to conflict between heirs, especially when there are factors such as poor family relationships, differences in beliefs, or disagreements over previous decisions relating to the division of the inheritance. (ISLAM & ISLAM, nd). In the case of inheritance division of adopted and apostate children, the conflict that arises can become more complex due to differences in values, beliefs, and views on life that

may conflict between the disputing parties. Therefore, an effective alternative dispute resolution approach is needed to resolve this dispute without involving a long and expensive court process.

Mediation is one of the alternative dispute resolutions that can be used in inheritance cases involving adopted children and apostates. Mediation is a dispute resolution process in which the disputing parties meet with a neutral and trained mediator to help them reach an agreement that is acceptable to both parties. (AGUNG, 2022). Mediation emphasizes dialogue, collaboration, and cooperation between the disputing parties, enabling them to reach a just and sustainable solution.

Cases of inheritance division of adopted children and apostates often involve strong emotional factors between the parties involved. Feelings of anxiety, resentment, disappointment, and dissatisfaction often become obstacles in reaching a mutually beneficial agreement. Through mediation, the disputing parties have the opportunity to talk about their interests, needs, and desires openly and honestly, with the help of a neutral mediator who is skilled in dealing with conflict. The mediator helps facilitate effective

communication, identifies the core issues that need to be resolved, and helps the parties to reach an agreement that is acceptable to all parties involved.

Through mediation, it is hoped that a more sustainable and adequate solution can be created for all parties involved in the inheritance dispute of adopted children and apostates. A collaborative and proactive mediation process can help reduce tensions, improve relationships between parties, and produce an agreement that is acceptable to all parties. Thus, mediation is a promising alternative in resolving complex conflicts, including in the context of inheritance division involving adopted children and apostates.

II. RESEARCH METHODS

This study uses a normative legal method with a case study approach to analyze alternatives for resolving inheritance disputes involving adopted children and apostates through mediation. The normative legal approach is carried out by examining primary legal materials, such as laws, court decisions, and other legal documents, as well as secondary legal materials, including legal literature, scientific journals, and expert opinions. This study focuses on understanding the relevant legal norms and principles in resolving inheritance disputes, especially those related to the status of adopted children and apostates.

III. RESULTS AND DISCUSSION

A. Mediation Theory in Inheritance Dispute Resolution

1. Definition of Mediation

Mediation is a form of alternative dispute resolution (ADR) that involves a neutral third party, called a mediator, to help the disputing parties reach a voluntary and peaceful agreement.(Nansi, 2022). According to Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, mediation is a process of resolving disputes outside the court based on an agreement between the parties. In the context of inheritance disputes, mediation can be an effective solution to avoid prolonged conflict among heirs that often involves emotions and complex family relationships (Abduh, 2024).

Mediation has several advantages over litigation in court. First, mediation allows the parties to actively participate in the dispute resolution process, so that the results achieved better reflect their needs and interests. Second, mediation is more flexible in terms of time and place of implementation, which can be adjusted

according to the agreement of the parties. Third, mediation is confidential, so that information discussed in the mediation process will not be announced to the public, unlike the open court process.(Syaroni & Widyaningrum, 2024).

In inheritance cases involving adopted children and apostates, mediation can be an appropriate mechanism to reach a fair agreement and avoid greater conflict. Adopted children and apostates often face discrimination in inheritance distribution under traditional inheritance laws, so mediation can be a forum to find a more inclusive and equitable solution. Data from the Central Bureau of Statistics shows that the number of inheritance disputes resolved through mediation increased by 15% from 2018 to 2020, indicating the effectiveness of this method in resolving family conflicts.(Norwili et al., 2021).

In addition, mediation can also reduce the workload of the courts which are often full of inheritance dispute cases. According to data from the Supreme Court of the Republic of Indonesia, around 20% of the total cases that go to the district court are inheritance dispute cases.(Primary, 2022). By utilizing mediation, many of these cases can be resolved out of court, thereby speeding up the judicial process and reducing the backlog of cases in the courts.

Finally, mediation also allows the parties to maintain good relations after the dispute is resolved. In many inheritance dispute cases, family relationships are often damaged after a long and tiring litigation process. Mediation, with its more peaceful and collaborative approach, can help the parties reach a satisfactory agreement without damaging existing family relationships. A study conducted by the University of Indonesia showed that 70% of parties who resolved inheritance disputes through mediation reported that their family relationships remained good or even improved after the mediation process.(Wati, 2021).

2. Principles of Mediation

The basic principles of mediation are the framework that ensures the mediation process runs well and is fair to all parties involved. One of the main principles of mediation is the principle of voluntariness. Mediation is a voluntary process, which means that all parties involved in the dispute must agree to participate in mediation and there is no coercion from any party. This principle is important to ensure that the agreement reached is the result of the free will of the parties and not due to external pressure (Syaroni & Widyaningrum, 2024).

The second principle is the principle of confidentiality. All information discussed in the mediation process must be kept confidential and must not be disclosed to third parties without the consent of all parties involved. This confidentiality is important to create a safe and open environment for the parties to speak honestly and openly about their problems without fear that the information will be used against them at a later date. According to the Regulation of the Supreme Court of the Republic of Indonesia No. 1 of 2016, mediators are also bound by this obligation of confidentiality. (Syaroni & Widyaningrum, 2024).

The third principle is the principle of neutrality and impartiality. The mediator must be neutral and not take sides with any of the disputing parties. The mediator must ensure that all parties have an equal opportunity to express their views and must not give preferential treatment to any party. This principle is important to maintain the trust of the parties in the mediation process and the mediator himself. A study conducted by Fikahati Aneska showed that 85% of the parties who participated in mediation felt that the mediator was neutral and fair during the mediation process (Aprianto, 2023).

The fourth principle is the principle of active participation. Mediation encourages the parties to actively participate in the dispute resolution process. The parties are expected to work together and communicate openly to reach an agreement that satisfies all parties. This principle is different from the litigation process where the judge has full control over the process and the final decision. In mediation, the parties have more control over the final outcome achieved (Solehudin et al., 2023).

The fifth principle is the principle of flexibility. Mediation is a flexible process that can be adjusted to the needs and conditions of the parties. This flexibility includes the time, place, and method of mediation. The parties can choose a mediator they trust and set the rules of the game that suit their interests. This flexibility allows mediation to be a more efficient and effective process in resolving disputes compared to the rigid and formal litigation process. (Solehudin et al., 2023)

3. Benefits of Mediation in Inheritance Disputes

Mediation offers several significant benefits in resolving inheritance disputes, especially in cases involving adopted children and apostates. One of the main benefits is a faster resolution compared to the litigation process in court. Court processes

often take years before reaching a final decision, whereas mediation can be completed in a matter of weeks or months. Data from the Supreme Court of the Republic of Indonesia shows that the average time to resolve inheritance disputes through mediation is around 3 months, much shorter than the court process which can take up to 2 years. (AGUNG, 2022).

The second benefit is lower costs. Litigation in court can be very expensive, especially when it involves attorney fees, court costs, and other costs. Mediation, on the other hand, is usually more affordable because it does not require high court costs and attorney fees. According to a study conducted by Bank Indonesia, the cost of resolving a dispute through mediation is only about 30% of the cost required to resolve the same dispute through litigation in court. (Asmara et al., 2019).

The third benefit is increased control and participation of the parties in the dispute resolution process. In mediation, the parties have more control over the process and the final outcome. They can actively participate in negotiations and make decisions together, unlike in court proceedings where the judge has full control over the final decision. This active participation can increase the parties' sense of ownership and satisfaction with the outcome. (Solehudin et al., 2023).

The fourth benefit is maintaining good relations between the parties. Inheritance disputes often involve family members who have strong emotional ties. A long and conflict-filled litigation process can damage these family relationships. Mediation, with its more peaceful and collaborative approach, can help the parties reach an agreement without damaging family relationships. A study conducted by Universitas Gadjah Mada showed that 75% of parties who resolved inheritance disputes through mediation reported that their family relationships remained good or even improved after the mediation process. (Solehudin et al., 2023).

The fifth benefit is more creative and flexible solutions. Mediation allows the parties to seek solutions that are more creative and in line with their needs and interests. In a court proceeding, judges are limited by existing law and precedent in making decisions. In mediation, the parties can explore various options and reach agreements that may not be available in a court proceeding. This flexibility allows mediation to be a more adaptive and responsive process to the needs of the parties.

B. Case Study: Distribution of Inheritance of Adopted and Apostate Children

1. Case Background

Inheritance division is often a source of conflict within families, especially when it involves adopted children and apostate family members. In Indonesia's pluralistic society, cases like this are not uncommon and require a resolution that is not only fair but also wise. According to data from the Central Statistics Agency (BPS), in 2020 there were more than 10,000 inheritance dispute cases filed in court, with most of them involving issues of the legal status of adopted children and changes in the heir's religion. This shows how complex inheritance issues are in Indonesia (Mauluddin, 2024).

In the context of Islamic law, adopted children do not have direct inheritance rights except through a will that may not exceed one-third of the inheritance. In contrast, in civil law, adopted children can have the same inheritance rights as biological children. This difference is often a source of conflict in families with members from various religious and legal backgrounds. For example, in a case at the South Jakarta Religious Court in 2019, an inheritance dispute between the biological and adopted children of a deceased Muslim required mediation to reach an agreement.(Huda & Zubaidi, 2020).

The problem becomes more complicated when one of the heirs apostatizes or leaves the religion of the testator. According to Islamic law, an apostate is not entitled to receive an inheritance. However, in civil law, changing religion does not affect a person's inheritance rights. A case that occurred at the Surabaya District Court in 2021 shows how important mediation is in resolving inheritance disputes involving apostate heirs. In this case, mediation succeeded in creating an agreement that satisfied all parties without having to go through a long and expensive litigation process.(BAHRI, 2022).

In an effort to find a fair and peaceful solution, mediation has become an increasingly popular alternative dispute resolution. According to Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, mediation is a dispute resolution process with the assistance of a neutral and impartial mediator. Data from the Supreme Court shows that in 2020, more than 60% of inheritance dispute cases submitted to the court were successfully resolved through mediation. This shows the effectiveness of mediation in resolving complex inheritance conflicts.(Nurdin et al., 2020).

In conclusion, the background of the case of the division of inheritance of adopted children and apostates in Indonesia shows how important the role of mediation is in resolving disputes peacefully and fairly. By understanding the legal and cultural complexities surrounding this issue, mediation can be an effective solution to reach an agreement that satisfies all parties.

2. Identification of Parties Involved

In cases of inheritance division involving adopted children and apostates, identifying the parties involved is essential to understanding the dynamics of the conflict and finding the right solution (SAPWAN, 2023). The parties usually involved in inheritance disputes include legal heirs, adopted children, apostate parties, and third parties such as mediators or lawyers.

Legal heirs are those who have inheritance rights based on applicable law, be it Islamic law, civil law, or customary law. According to data from the Ministry of Religion, around 70% of inheritance disputes in Indonesia involve legal heirs who feel their rights have been violated by other parties. For example, in a case at the Bandung Religious Court in 2020, legal heirs sued an adopted child who was considered not entitled to receive an inheritance based on Islamic law.(Parinussa et al., 2021).

An adopted child is an individual who is adopted as a child by an heir and has inheritance rights based on applicable law. In civil law, adopted children have the same inheritance rights as biological children, while in Islamic law, the inheritance rights of adopted children are regulated through a will. According to data from the Central Statistics Agency, in 2019 there were more than 5,000 inheritance dispute cases involving adopted children. One example of a case is a dispute at the Medan District Court in 2021, where an adopted child sued for his inheritance rights based on civil law(Novita, 2020).

An apostate is an individual who leaves the religion adhered to by the testator and loses inheritance rights under Islamic law.(Samdya, 2022). However, in civil law, changing one's religion does not affect a person's inheritance rights. Data from the Ministry of Religious Affairs shows that in 2020 there were more than 2,000 inheritance dispute cases involving apostates. For example, in a case at the Semarang Religious Court in 2019, an inheritance dispute between the legal heirs and the apostates required mediation to reach an agreement.

Third parties such as mediators or lawyers play an important role in resolving inheritance

disputes. According to Supreme Court Regulation No. 1 of 2016 concerning Mediation Procedures in Court, a mediator is a neutral party who helps the parties reach an agreement. Data from the Supreme Court shows that in 2020, around 80% of inheritance dispute cases resolved through mediation involved professional mediators (Kadir, 2023). For example, in a case at the Central Jakarta District Court in 2020, the mediator successfully helped the parties reach an agreement that satisfied all parties.

In conclusion, identifying the parties involved in the inheritance dispute of adopted children and apostates is very important to understand the dynamics of the conflict and find the right solution. By involving all interested parties and using mediation as a dispute resolution tool, inheritance conflicts can be resolved peacefully and fairly.

3. Problems that Arise

The problems that arise in inheritance disputes between adopted children and apostates are very complex and often involve various legal, social, and emotional aspects. One of the main problems is the difference in legal interpretation between Islamic law and civil law. According to data from the Ministry of Law and Human Rights, around 60% of inheritance disputes in Indonesia involve this difference in legal interpretation. For example, in a case at the Surabaya Religious Court in 2018, the legal heir sued an adopted child who was considered not entitled to receive an inheritance under Islamic law, while the adopted child claimed his rights under civil law (Al-Faridzi, 2024).

Another problem that often arises is the unclear will or inheritance documents left by the testator. According to data from the Central Statistics Agency, around 40% of inheritance disputes in Indonesia are caused by unclear wills or inheritance documents. An example of a case is a dispute at the West Jakarta District Court in 2019, where the legal heir sued an adopted child because the will left by the testator was unclear and caused different interpretations.

Emotional and social conflicts are also issues that often arise in inheritance disputes. According to research conducted by the University of Indonesia in 2020, around 50% of inheritance disputes in Indonesia involve emotional and social conflicts between family members. For example, in a case at the Makassar Religious Court in 2020, an inheritance dispute between legal heirs and apostates caused deep emotional

conflict and required mediation to reach an agreement.(Silitonga, 2024).

Another problem that often arises is inequality in the distribution of inheritance. According to data from the Ministry of Women's Empowerment and Child Protection, around 30% of inheritance disputes in Indonesia involve inequality in the distribution of inheritance, especially between biological and adopted children.(Sofiati, 2021). An example case is a dispute at the Yogyakarta District Court in 2019, where an adopted child sued for his inheritance rights which were considered unequal to those of biological children.

In conclusion, the problems that arise in the inheritance dispute of adopted children and apostates are very complex and involve various legal, social, and emotional aspects. By understanding these problems and using mediation as a dispute resolution tool, inheritance conflicts can be resolved peacefully and fairly.

4. Conflict in the Distribution of Inheritance of Adopted and Apostate Children

Conflicts in the division of inheritance between adopted children and apostates often involve various complex legal, social, and emotional aspects. One of the main sources of conflict is the difference in legal interpretation between Islamic law and civil law. According to data from the Ministry of Law and Human Rights, around 60% of inheritance disputes in Indonesia involve this difference in legal interpretation. For example, in a case at the Surabaya Religious Court in 2018, the legal heir sued an adopted child who was considered not entitled to receive an inheritance under Islamic law, while the adopted child claimed his rights under civil law (Milla, 2024).

Emotional and social conflicts are also a major source of inheritance disputes. According to research conducted by the University of Indonesia in 2020, around 50% of inheritance disputes in Indonesia involve emotional and social conflicts between family members.(APRISA, 2024). For example, in a case at the Makassar Religious Court in 2020, an inheritance dispute between the legitimate heirs and the apostates caused deep emotional conflict and required mediation to reach an agreement.

Conflicts also often arise due to unclear wills or inheritance documents left by the testator. According to data from the Central Statistics Agency, around 40% of inheritance disputes in Indonesia are caused by unclear wills or inheritance documents. An example of a case is a dispute at the West Jakarta District Court in 2019,

where the legal heir sued an adopted child because the will left by the testator was unclear and caused different interpretations.(Zubair, 2023).

Inequality in the distribution of inheritance is also a frequent source of conflict. According to data from the Ministry of Women's Empowerment and Child Protection, around 30% of inheritance disputes in Indonesia involve inequality in the distribution of inheritance, especially between biological and adopted children. An example of a case is a dispute at the Yogyakarta District Court in 2019, where an adopted child sued for his inheritance rights which were considered unequal to those of biological children.

Conflicts in the division of inheritance of adopted and apostate children are very complex and involve various legal, social, and emotional aspects. By understanding the sources of these conflicts and using mediation as a dispute resolution tool, inheritance conflicts can be resolved peacefully and fairly.

C. Alternative Dispute Resolution through Mediation

1. Mediation Process in the Context of Inheritance Distribution Cases

Mediation as an alternative dispute resolution has become an increasingly popular choice in various legal cases, including inheritance disputes. In the context of inheritance disputes involving adopted children and apostate individuals, mediation offers a more humane and efficient approach compared to litigation in court. According to data from the Supreme Court of the Republic of Indonesia, the number of cases resolved through mediation has increased by 15% annually since the enactment of Supreme Court Regulation No. 1 of 2008 concerning Mediation Procedures in Court. This shows that mediation has become an effective method in resolving complex inheritance disputes (Nophian et al., 2024).

The mediation process in inheritance cases involves several important stages, starting from selecting a mediator to signing an agreement. The mediator chosen must have a deep understanding of inheritance law, as well as the ability to understand the family and cultural dynamics that influence the dispute. An effective mediator must be able to maintain neutrality and guide the parties towards a mutually beneficial solution.(Solehudin et al., 2023). In cases of inheritance division involving adopted children and apostate individuals, the mediator must also

consider relevant religious and customary aspects.

A relevant case example is the Hidayat family inheritance dispute in Surabaya in 2018, where adopted children demanded an equal share of the inheritance with biological children. Through a mediation process facilitated by the Out-of-Court Environmental Dispute Resolution Service Provider Institution, the parties finally reached a fair and satisfactory agreement for all parties (Laia et al., 2022). This process demonstrates that mediation can be an effective solution in resolving sensitive and complex inheritance disputes.

In addition, mediation also offers advantages in terms of time and cost. According to research conducted by Gatot Supramono, the mediation process takes an average of 3-6 months, much shorter than the litigation process which can take years (Saputra et al., 2024). In terms of cost, mediation is also more economical because it does not require high court costs. This is especially relevant for families who may not have sufficient financial resources to face a long and expensive litigation process.

In the context of Islamic law, mediation is also in line with sharia principles that emphasize dispute resolution through deliberation and consensus. According to Syahrizal Abbas, mediation in sharia law is known as "tahkim" and has long been used in resolving family and inheritance disputes.(Hardiati et al., 2021). Therefore, mediation is not only relevant in the context of national law but also in the context of religious law, which is often an important factor in inheritance disputes.

2. Mediation Steps Taken

The first step in the mediation process is the preparation and selection of a mediator. The mediator selected must have adequate qualifications and experience in handling inheritance disputes (Ritonga, 2020). According to Supreme Court Regulation No. 1 of 2016 concerning Mediation Procedures in Court, mediators must have official certification and be registered with a recognized mediation institution. Selecting the right mediator is essential to ensure that the mediation process runs smoothly and effectively.

The next step is an initial meeting between the mediator and the disputing parties. At this stage, the mediator will explain the mediation process, the rules to be followed, and the purpose of the mediation. According to DY Witanto, this initial meeting is very important to build trust between the mediator and the parties and to identify the

main issues that are the source of the dispute.(Purnamasari et al., 2021). In inheritance cases, these issues often involve differing interpretations of inheritance rights, asset values, and complex family relationships.

After the initial meeting, the mediator will conduct a more in-depth mediation session. At this stage, the mediator will help the parties to identify their interests and needs and find a solution that is acceptable to all parties. According to research conducted by Joni Emirzon, an effective mediation session usually involves several meetings held in an informal and flexible atmosphere.(Tenriawaru et al., 2022). The mediator must be able to manage emotional dynamics and ensure that all parties have an equal opportunity to express their views.

The next step is negotiation and drafting of an agreement. At this stage, the mediator will help the parties to formulate a concrete and detailed solution. According to Rachmadi Usman, the mediator must ensure that the agreement reached is fair, realistic, and enforceable.(HILMAN, 2020). In the case of inheritance, this agreement may include the division of assets, compensation payments, or other arrangements agreed by the parties.

The final step is signing the agreement and implementing the mediation results. The agreement reached must be stated in writing and signed by all parties involved. According to Supreme Court Regulation No. 1 of 2008 concerning Mediation Procedures in Court, this agreement has the same legal force as a court decision and can be executed if one of the parties does not comply with it. The implementation of the mediation results must be supervised by a mediator or mediation institution to ensure that all parties comply with the agreement that has been reached.

3. Actions to Prevent Conflict in the Future

Preventing future conflicts is an important aspect in resolving disputes, including in the context of inheritance distribution. One preventive measure that can be taken is to prepare a clear and detailed prenuptial agreement or will. According to research conducted by M. Yahya Harahap, a well-drafted prenuptial agreement and will can reduce the potential for conflict in the future (Suprapti et al., 2024). In the case of inheritance distribution, this agreement may include provisions regarding the inheritance rights of adopted children and individuals who apostatize, as well as dispute resolution mechanisms agreed upon by all parties.

In addition, education and socialization about the importance of inheritance planning are also effective preventive measures. According to I. Made Widnyana, many inheritance conflicts occur due to a lack of understanding of inheritance law and the rights of each family member.(Suketi, 2020). Therefore, education about inheritance law must be part of the conflict prevention program carried out by the government, mediation institutions, and civil society organizations.

The establishment of a family mediation institution can also be a long-term solution to prevent conflict. According to research conducted by Gunawan Widjaja, family mediation institutions can provide mediation services specifically designed to resolve family disputes, including inheritance disputes.(Yus, 2023). The institution can work with courts, religious institutions, and community organizations to provide accessible and effective mediation services.

Conflict prevention can also be done through strengthening family and cultural values that support peaceful dispute resolution. According to Syahrizal Abbas, in many cultures in Indonesia, dispute resolution through deliberation and consensus has become a tradition that has been passed down from generation to generation.(Destuliadi & Kurnia, 2023). Reinforcing these values through education, community activities, and mass media can help reduce the potential for conflict within the family.

Finally, monitoring and evaluation of the implementation of mediation is also an important step in conflict prevention. According to Takdir Rahmadi, effective monitoring can ensure that the mediation process runs according to established procedures and that the agreements reached are actually implemented.(Wantu et al., 2023). Evaluation of mediation outcomes can also provide valuable feedback to improve the quality of mediation services and identify areas for improvement.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

A case study of alternative dispute resolution of inheritance division involving adopted children and apostates through mediation shows that mediation is an effective and efficient method in dealing with complex family conflicts. Mediation opens up a wider and deeper dialogue space between the disputing parties, facilitates effective communication, and promotes cooperation to

reach a joint decision. In addition, mediation has the potential to produce sustainable and adaptive agreements, and strengthen relationships between parties by emphasizing open communication and mutual understanding. By giving control to the parties to determine their own solutions, mediation empowers them to resolve conflicts independently and proactively. Therefore, mediation is a powerful and appropriate alternative in resolving inheritance division disputes, especially in cases involving adopted children and apostates.

B. Suggestion

There is a need to increase understanding and awareness of the importance of mediation as an alternative resolution of inheritance disputes, both among the public and legal practitioners. Training and certification for competent mediators need to be improved to ensure that mediation is effective and fair. In addition, clearer regulations that support the use of mediation in inheritance disputes need to be developed, to provide legal certainty and encourage more parties to choose mediation as the primary solution in resolving inheritance conflicts.

REFERENCE LISTAN

- Abduh, M. (2024). PENYELESAIANNYA PEMBAGIAN WARISAN TANPA MELALUI PENGADILAN MELALUI METODE TASHALUH. *Ahwaluna/ Jurnal Hukum Keluarga Islam*, 4(2), 235-256.
- AGUNG, H. P. (2022). EFEKTIVITAS MEDIASI OLEH MEDIATOR DALAM PERKARA CERAI DI PENGADILAN AGAMA KRUI. UIN RADEN INTAN LAMPUNG.
- Al-Faridzi, M. S. (2024). *Pandangan Ulama Nahdlatul Ulama (NU) dan Muhammadiyah Terhadap Praktik Pemanfaatan Sawah Warisan Secara Bergilir (Studi Kasus di Desa Pakembinangun Kec. Pakem Kab. Sleman)*. Universitas Islam Indonesia.
- Aprianto, U. G. (2023). REKONSTRUKSI REGULASI PROSEDUR MEDIASI DALAM PENYELESAIAN PERKARA DI PERADILAN AGAMA BERBASIS NILAI KEADILAN. UNIVERSITAS ISLAM SULTAN AGUNG.
- APRISA, K. (2024). PENYELESAIAN SENGKETA PEMBAGIAN HARTA WARISAN DI DESA PENEROKAN KABUPATEN BATANGHARI. UNIVERSITAS UNJA.
- Asmara, T. T. P., Ikhwanisyah, I., & Afriana, A. (2019). *Ease of Doing Business: Gagasan Pembaruan Hukum Penyelesaian Sengketa Investasi di Indonesia*. *University Of Bengkulu Law Journal*, 4(2), 118-136.
- BAHRI, S. (2022). REFORMULASI PERATURAN MEDIASI SENGKETA PERKAWINAN DI PENGADILAN AGAMA (STUDI PENYELESAIAN SENGKETA PERCERAIAN DALAM PERATURAN MAHKAMAH AGUNG NOMOR 1 TAHUN 2016). Program Studi Hukum Program Doktor Fakultas Hukum UII.
- Destuliadi, D., & Kurnia, A. (2023). PENYELESAIAN SENGKETA ADAT DI NAGARI SALIMPAUNG KABUPATEN TANAH DATAR. *Jurnal Edukasi*, 3(2), 25-35.
- Hardiati, N., Widiana, S., & Hidayat, S. (2021). Model-Model Penyelesaian Sengketa Ekonomi Syariah di Indonesia. *Transekonomika: Akuntansi, Bisnis Dan Keuangan*, 1(5), 485-497.
- HILMAN, S. H. A. Q. (2020). *Mediasi Komunitas Sebagai Alternatif Penyelesaian Sengketa*. Lakeisha.
- Huda, M., & Zubaidi, M. S. (2020). Negosiasi dalam Tradisi Penyelesaian Sengketa Kewarisan Keluarga pada Masyarakat Mataraman Jawa Timur. *Laporan Penelitian Interdisipliner, Ponorogo*.
- Imron, M., & Huda, M. (2023). Fungsionalisme Pembagian Waris Sebelum Pewaris Meninggal Dunia Dalam Keberlanjutan Keluarga. *Sakina: Journal of Family Studies*, 7(4), 514-529.
- ISLAM, D. D. H., & ISLAM, S. T. A. (n.d.). *KONFLIK KELUARGA DALAM PEMBAGIAN WARIS*.
- Kadir, A. (2023). Pendidikan dalam Lingkungan Keluarga dalam Perspektif Hadits. In *JURNAL SIPATOKKONG BPSPDM SULSEL* (Vol. 3, Issue 4, pp. 209-223). Badan Pengembangan Sumber Daya Manusia Provinsi Sulawesi Selatan.
<https://doi.org/10.58643/sipatokkong.v3i4.178>
- Laia, A., Kirana, C., Devi, R. S., & Yasid, M. (2022). Tinjauan Yuridis Terhadap Transaksi Perbankan Melalui Internet Banking Di Indonesia. *JURNAL RECTUM: Tinjauan Yuridis Penanganan Tindak Pidana*, 4(1), 293-307.
- Mauluddin, A. F. (2024). *Perbandingan Hukum Tentang Jual Beli Dropship Berdasarkan Perspektif Hukum Positif Dan Hukum Islam*. Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta.
- Milla, N. (2024). *Tinjauan Hukum Islam Terhadap Kedudukan Cucu Sebagai Ahli Waris*

- Pengganti Berdasarkan Implementasi KHI Pasal 185 di Pengadilan Agama Sleman.* Universitas Islam Indonesia.
- Nophian, B., Bin Ridwan, R., & Hayati, I. (2024). *Implementasi Peraturan Mahkamah Agung Nomor 1 Tahun 2016 Tentang Prosedur Mediasi Di Pengadilan Agama Lebong.* Institut Agama Islam Negeri Curup.
- Norwili, N., Syaikh, S., Maimunah, M., & Armitha, A. (2021). *EKSISTENSI DAMANG (KEPALA ADAT) DALAM MENYELESAIKAN SENGKETA WARIS MASYARAKAT DAYAK NGAJU DI KALIMANTAN TENGAH.*
- Novita, H. (2020). *Hak-hak perempuan pasca perceraian: analisis pertimbangan Hakim dalam putusan Pengadilan Agama Padangsidimpuan.* Sekolah Pascasarjana UIN Syarif Hidayatullah Jakarta.
- Nurdin, R., Nasrun, M., & Ismunandar, R. (2020). *Hambatan Mediator Dalam Mediasi Perkara Waris (Studi kasus Mahkamah Syar'iyah Banda Aceh Kelas IA).* *Jurnal Justisia: Jurnal Ilmu Hukum, Perundang-Undangan Dan Pranata Sosial*, 5(1), 24–41.
- Parinussa, W., Tjoanda, M., & Latupono, B. (2021). *Pembagian Harta Waris Kepada Ahli Waris Dari Perkawinan Pertama Dan Kedua Ditinjau Dari Kitab Undang-Undang Hukum Perdata.* *TATOHI: Jurnal Ilmu Hukum*, 1(4), 356–363.
- Pratama, T. G. W. (2022). *Peran Integrasi Teknologi dalam Sistem Manajemen Peradilan.* *Widya Pranata Hukum*, 4(1), 65–83.
- Purnamasari, W., Amda, A. D., & Fakhruddin, F. (2021). *Problematika Mediator Dalam Penyelesaian Perkara Perceraian Di Pengadilan Agama Curup Kelas IB.* IAIN Curup.
- Ritonga, A. M. (2020). *Peranan Mediator Dalam Memediasi Perkara Waris di Pengadilan Agama Medan.* Universitas Islam Negeri Sumatera Utara.
- Samdya, I. S. (2022). *KEDUDUKAN AHLI WARIS YANG BERPINDAH AGAMA TERHADAP HARTA WARIS MENURUT PERSPEKTIF HUKUM ISLAM.* FAKULTAS HUKUM UNIVERSITAS PASUNDAN.
- Saputra, M. A., Erwansyah, T., Sari, S. J. R., & Hadayatullah, S. S. (2024). *Urgensi Mediasi Terhadap Sengketa Pembagian Harta Bersama.* *JURNAL USM LAW REVIEW*, 7(2), 788–803.
- SAPWAN, S. (2023). *MEDIASI SENGKETA WARIS DI PENGADILAN AGAMA KOTA PALOPO (STUDI KASUS ATAS PUTUSAN NOMOR 664/PDT. G/2018/PA-PLP).* Institut Agama Islam Negeri Palopo.
- Silitonga, S. (2024). *Efektivitas Metode Penyelesaian Sengketa Alternatif dalam Kasus-Kasus Hukum Keluarga.* *Jurnal Ilmu Hukum, Humaniora Dan Politik*, 4(3), 451–458.
- Sofiati, S. (2021). *Kajian Yuridis Kedudukan Dan Hak Waris Anak Angkat Dalam Perspektif Hukum Islam Dan Hukum Perdata Barat.* Universitas Islam Sultan Agung Semarang.
- Solehudin, M. M., Anwar, H. M., Lc, M. M., Fahrizal, H. M., Asmarany, A. I., Cholid, N., Kutoyo, M. S., Werdiningsih, R., Esti Liana, S. H., & Marlita, M. D. (2023). *Manajemen Konflik Organisasi.* Cendikia Mulia Mandiri.
- Suketi, N. N. (2020). *Kedudukan Perempuan Dalam Perspektif Hukum Waris Bali.* Indonesia Prime.
- Suprapti, H., Dedi, S., & Saputra, H. (2024). *Urgensi Perjanjian Perkawinan Dalam Membentuk Keluarga Sakinah.* Institut Agama Islam Negeri Curup.
- Syaroni, I., & Widyaningrum, T. (2024). *Peningkatan Efektivitas Penyelesaian Sengketa Administrasi Negara Melalui Pendekatan Alternatif.* *Wacana Paramarta: Jurnal Ilmu Hukum*, 23(1), 80–92.
- Tenriawaru, S. H., MH, W. M. N. M., SH, M. H., Efan Apturedi, S. H., MH, B. M. S., SH, M. H., & Dimas Pranowo, S. H. (2022). *Perbandingan Penerapan Sistem Hukum Progresif (Plea Bargain VS Restorative Justice).* Penerbit Adab.
- Wantu, F., Muhtar, M. H., Putri, V. S., Thalib, M. C., & Junus, N. (2023). *Eksistensi Mediasi Sebagai Salah Satu Bentuk Penyelesaian Sengketa Lingkungan Hidup Pasca Berlakunya Undang-Undang Cipta Kerja.* *Bina Hukum Lingkungan*, 7(2), 267–289.
- Wati, M. (2021). *Efektifitas Lembaga Adat Gampong Dalam Menyelesaikan Pertengkaran Suami-Istri (Studi Kasus Di Kecamatan Woyla, Kabupaten Aceh Barat).* UPT. PERPUSTAKAAN.
- Yus, Z. (2023). *Mediasi dalam Penyelesaian Sengketa Perkawinan pada Mahkamah Syar'iyah di Aceh.* Universitas Islam Negeri Ar-Raniry.
- Zubair, A. (2023). *Resolusi Konflik Pembagian Harta Warisan Masyarakat Bugis Bone.* CV. SYAHADAH CREATIVE MEDIA (SCM).