

Table 1. Comparison of Inheritance Mechanisms Across Religions in Indonesia

Aspect	Compilation of Islamic Law (KHI)	Civil Code	Supreme Court Decision
Legal Basis	Presidential Instruction No. 1 of 1991	Burgerlijk Wetboek (BW)	Supreme Court Decision No. 368 K/AG/1995 & No. 51 K/AG/1999
Inheritance in Different Religions	Not allowed, non-Muslim heirs lose their rights.	There is no explicit prohibition, all heirs are recognized.	Allowing the granting of obligatory wills for heirs of different religions.
Main Principle	Religious similarity as a condition for inheritance	Family ties and lineage	The principles of justice, humanity, and legal harmony
Implication	Potential family conflicts, feelings of injustice	More inclusive, but rarely used by Muslim families.	Middle ground: heirs of different religions can still receive a share even though it is not a pure inheritance.

Table 2. Comparison of Inheritance Mechanisms Across Different Religions in Indonesia

Aspect	KHI (Islamic Heirs)	Mandatory Will (Supreme Court Jurisprudence)	Civil Code (BW)
Legal Basis	Articles 171–214 of the Compilation of Islamic Law	Supreme Court Decision (No. 51 K/AG/1999, No. 331 K/AG/2018, etc.)	Articles 830–1130 of the Civil Code
The Status of Heirs with Different Religions	Not entitled to inherit directly	Entitled to receive a share through a mandatory will (at most 1/3 of the estate)	Legally recognized as an heir
Mechanism of Provision	Inheritance only applies among fellow Muslims.	The portion is given through a court ruling as a mandatory will.	Distribution based on blood relationships and marriage agreements
Philosophical Considerations	The purity of faith, religion as a condition for inheritance	The principles of justice, welfare, and blood relations are still recognized even if there are different religions.	Individual rights to property without regard to religion
Advantages	According to classical fiqh, preserving the purity of teachings	Providing substantive justice, maintaining family harmony	Non-discriminatory, simple in implementation
Weakness	Rigid, potentially causing social injustice	It depends on the jurisprudence, it is not clearly regulated in the law.	Not in accordance with sharia principles for Muslims.

Table 3: the relationship between the rule of law and social impact

Inheritance of Different Religions	
Legal Implications	Social Implications
Legal vacuum & uncertainty	Family conflict The breakdown of the friendship
Supreme Court Jurisprudence & Mandatory Will	Loss of sense of justice in society