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Dual Citizenship and Inheritance Rights in Indonesia: A Critical Review of Legal Uncertainty Between Private International Law and Islamic Inheritance Principles

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ABSTRACT

The fundamental difference in legal systems between the international civil law system and Islamic law may lead to incompatibilities in the enforcement of inheritance rights. International civil law may not fully harmonize with sharia principles regarding the distribution of inheritance, and vice versa. Inter-State Coordination is also required to resolve these issues, often requiring coordination between the legal authorities of the countries involved. This may involve the use of international dispute resolution mechanisms or bilateral agreements. Implementation and Enforcement: Enforcement of inheritance rights decisions can be complicated when different laws are involved, especially if one legal system is not recognized or implemented in another country. Title is the hereditary, strongest and fullest right that people can have to land. However, it is not uncommon for the acquisition of property rights to land to cause problems in the community. One of them is due to the occurrence of mixed marriages which will have an impact on the acquisition of property rights to land due to inheritance in mixed marriages. Legal events that occur due to inheritance that cause the transfer of property rights to land do not require citizenship status, but the provisions of agrarian regulations limiting ownership of property rights to land provide time to transfer inheritance rights to land inherited by parents in mixed marriages. So the identification of the problems discussed in this study are as follows: (a) Legal Uncertainty of Transnational Inheritance for Children with Dual Nationality? (b) Normative Conflict between International Civil Law and Islamic Inheritance Law Principles? (c) Implications and Recommendations for Transnational Inheritance Law Reform in Indonesia? The research method used is an empirical research approach. Empirical method, which is a research that uses an approach to the problem, which is then connected to the legal facts that occur. The results showed that the process of mixed marriage is carried out based on the law of the place where the marriage is carried out. The transfer of property rights to land due to inheritance in a mixed marriage is the same as the transfer of property rights to land due to other inheritance.

Keywords: Mixed Marriage, Inheritance Rights, Land Ownership Rights

INTRODUCTION

Marriage was regarded as a legal event with significant implications in the realm of law, producing legal consequences regulated by specific norms and circumstances. Soerjono Soekanto classified such events as “conditions” and “occurrences,” suggesting that behaviors and actions within a legal context could be treated as legal events. Therefore, the validity of a marriage determined whether it was recognized as a lawful legal act (Soekanto & Mamudji, 1986).

In Indonesia, marriages between individuals of different nationalities where one party held Indonesian citizenship and the other was a foreign national were referred to as mixed marriages. Such marriages became increasingly common in Indonesia due to factors such as the perception that foreign nationals possessed a more stable social and economic status. Mixed marriages were regulated under Law Number 1 of 1974 on Marriage, particularly Article 57, which stated: “Mixed marriage in this law refers to a marriage between two individuals subject to different legal systems in Indonesia due to differences in nationality, with one party being an Indonesian citizen” (Undang-Undang Nomor 16 Tahun 2019).

The Indonesian Marriage Law did not explicitly regulate marriages between individuals of different nationalities, despite the frequent occurrence of such unions between Indonesian citizens and foreign nationals (Tenri et al., 2024). One of the primary legal concerns in these mixed marriages whether conducted domestically or abroad was the issue of legal protection in the event that one or both parents passed away. This situation often had a direct impact on inheritance distribution. In addition, other recurring issues in mixed marriages included the citizenship status of the child, the child’s legal status, and the child’s inheritance rights (Undang-Undang Nomor 23 Tahun 2022).

Children born from mixed marriages often faced legal uncertainty regarding their rights to inheritance. Many individuals were unaware of the inheritance status of such children, which could lead to legal complications, particularly when inheritance disputes arose in the future. Family relationships could deteriorate if the division of inherited property, such as land or housing, was perceived as unfair or inequitable (Priandena, 2014).

The inheritance of assets by children with dual citizenship posed significant challenges due to legal discrepancies between the countries involved. Dual citizenship often added complexity, particularly when countries had differing rules regarding inheritance rights. For example, if a child with dual citizenship resided in a country different from where the inherited

assets were located, the applicable legal framework could vary between the two jurisdictions (Gary, 2019).

To mitigate such issues, it was advisable that inheritance be distributed fairly, potentially through the application of international agreements. Instruments such as the 1989 Hague Convention on the Law Applicable to Succession to the Estates of Deceased Persons sought to regulate the applicable legal frameworks and administrative procedures in cross-border inheritance cases. Scoles (1989) said that this convention aimed to simplify the resolution of international inheritance disputes by establishing which law should apply and the procedures to be followed. However, not all countries were signatories to this convention, which limited its applicability.

Prenuptial agreements in mixed marriages offered several benefits. Such agreements could protect the wife from potential misconduct by the husband in managing matrimonial assets, ensure that personal assets brought into the marriage remained separate property, and allow the wife to retain independent control over her personal assets. In mixed marriages between Indonesian citizens and foreign nationals, prenuptial agreements were particularly important for regulating property ownership. In the absence of such agreements, disputes might later arise concerning separate and joint property especially concerning land ownership (Scoles, 1989).

Without a prenuptial agreement, Indonesian citizens involved in mixed marriages could not legally own land under their own name. This was due to the presumed merging of assets with a foreign spouse, whereas Indonesian law prohibited land ownership by foreign nationals. A prenuptial agreement could ensure the separation of assets between the Indonesian and the foreign spouse, thus enabling the Indonesian spouse to purchase land under full ownership without legal complications. Moreover, such agreements could include provisions on the future citizenship status of any children born from the marriage stipulating, for example, that the child would follow the mother's nationality based on certain considerations. Wahidin (2010) Citizenship was a critical aspect as it determined an individual's legal status.

The fundamental differences between private international law and Islamic inheritance law could result in inconsistencies in the enforcement of inheritance rights. Private international law might not align with Sharia principles on inheritance distribution, and vice versa. Cross-border legal coordination was necessary to address such discrepancies, often requiring cooperation between the legal authorities of the countries involved. This might entail using international dispute resolution mechanisms or bilateral agreements. Enforcement of inheritance rulings became even more challenging when one legal system was not recognized or implemented in another jurisdiction.

Given these ongoing legal challenges, it was essential to examine the existing legal framework governing the status of children in mixed marriages and their inheritance rights as dual citizens, to prevent the recurrence of such issues in the future.

Legal Issue

In practice, children born from mixed-nationality marriages often lacked sufficient legal knowledge regarding their inheritance rights. This lack of awareness frequently led to disputes, particularly concerning the ambiguity surrounding the inheritance rights of dual-citizenship children in Indonesia. These disputes were further complicated by the tension between Islamic inheritance law and principles of private international law, which often presented conflicting approaches to inheritance distribution.

Purpose and Urgency of the Study

This study aimed to describe the legal rules, provisions, and the legal status of children born from inter-national marriages in obtaining their inheritance rights. The purpose of this analysis was to provide a detailed examination of the normative conditions surrounding inheritance regulations in the context of cross-national marriages.

The study sought to explore both the legal status and position of children born from international marriages, as well as to identify the inheritance rights to which such children were entitled. Therefore, this research was expected to serve as a source of information and provide foundational data or a reference point for future studies on similar legal issues.

Literature Review

A child born within a legally recognized marriage has the right to inherit from both parents, including children born from mixed-nationality marriages. Inheritance rights over land in Indonesian law place considerable emphasis on the citizenship status of the owner, which also applies to legitimate children born of a legally recognized mixed-nationality marriage.

The Indonesian Marriage Law acknowledges the following: (1)A marriage must be conducted in accordance with the laws of the country in which it takes place; (2)The marriage must be reported to the Embassy of the Republic of Indonesia in the country where the marriage is held or to the Ministry of Foreign Affairs of the Republic of Indonesia; (3)Official foreign marriage documents must be translated into Bahasa Indonesia by a certified translator; (3)The documents must be legalized by the Indonesian Embassy in the country where the marriage was conducted or by the Ministry of Foreign Affairs.

By fulfilling these requirements, a mixed-nationality marriage conducted abroad may be recognized under Indonesian law. Asnawi & Santiago (2024) The primary regulations governing marriage law in Indonesia include: (1) Law No. 1 of 1974 on Marriage; (2) Law No. 7 of 1989 on Religious Courts, as amended by Law No. 3 of 2006 and Law No. 50 of 2009; (3) Government Regulation No. 9 of 1975 on the implementation of Law No. 1 of 1974 on Marriage.

The Marriage Law does not only govern issues related to marriage but also covers property rights within marriage. This area of law is among the most sensitive and potentially conflict-laden, as it does not lend itself to straightforward regulation compared to more neutral legal domains.

A persistent issue concerns the inheritance rights of children with dual citizenship (bipatriate). According to Law No. 12 of 2006 on Citizenship, children born of mixed-nationality marriages may hold dual citizenship until the age of 18 and are given an additional three years to choose one nationality (Undang-Undang Nomor 12). This provision reflects the state's protection of the child's right to identity and citizenship.

Legal issues related to inheritance rights for dual citizens include legal uncertainty regarding the child's status when legal systems from two countries differ, it is unclear to which legal framework the child must conform, potentially limiting equal opportunities compared to Indonesian citizens. On the other hand, inheritance of land rights a child with foreign citizenship or dual nationality may be deprived of inheritance from Indonesian parents, particularly in relation to land. Referring to Law No. 5 of 1960 on Basic Agrarian Principles (Article 21), only Indonesian citizens may possess full ownership rights. This law prohibits individuals with dual nationality from obtaining ownership or other land rights (Undang-Undang Nomor 5).

Private international law governs legal relations involving cross-border elements. In the context of inheritance, several key considerations include:

Dual Citizenship: A child with dual nationality may be subject to inheritance laws from both countries. Dual citizenship regulations vary across jurisdictions some countries fully recognize dual citizenship, while others do not potentially affecting the child's inheritance entitlements.

Conflict of Laws: In international cases, conflicts may arise between the inheritance law of the child's country of residence and the laws of another relevant jurisdiction (e.g., country of origin). To resolve these conflicts, international legal principles such as *lex situs* (law of the location of the property) and *lex domicilii* (law of the domicile) are often employed.

Special Arrangements: Some countries are parties to international treaties that regulate cross-border inheritance, such as the Hague Convention on the Law Applicable to Succession. These agreements aim to simplify inheritance procedures by clarifying applicable laws and administrative processes. Islamic law (Sharia) contains specific provisions on inheritance derived from the Qur'an and Hadith. Important considerations concerning inheritance rights for dual-citizenship children include: (1) **Dual Citizenship and Islamic Law:** Islamic law does not explicitly address dual citizenship, as this is a concept of modern legal systems. Nonetheless, Islamic inheritance law prescribes property division based on Sharia principles, irrespective of nationality; (2) **Distribution of Inheritance:** In Islamic inheritance law, entitlements are determined through detailed regulations. Children, including those with dual citizenship, are entitled to their share of inheritance as outlined in the Qur'an, particularly in Surah An-Nisa. These principles are typically applied without regard to nationality. (3) **Conflicts with National Law:** Where national legal systems diverge from Sharia principles, conflicts may arise. Courts or relevant authorities must balance national legal obligations with Islamic law.

Lex situs and *lex domicilii* are key principles in private international law for determining the applicable law in inheritance cases. Immovable property (e.g., land) is usually governed by the law of the country where it is located, while movable property (e.g., money or shares) is subject to the law of the heir's domicile (Çalışkan, 2021).

When Islamic law is applied in international contexts, especially in countries that do not fully enforce Sharia law, challenges emerge in aligning it with national legal systems (Çalışkan, 2021). Courts may be required to reconcile Sharia with local law and consider the implications of dual citizenship on inheritance rights (R, 2018).

RESEARCH METHODOLOGY

This study employed a normative legal research method, which involved examining the application of legal principles and norms within the prevailing positive law. The juridical-normative approach was applied by analyzing formal legal aspects, such as statutory laws, regulations, and legal literature containing theoretical concepts, which were then related to the legal issues discussed. This approach was considered appropriate as the research aimed to investigate the implementation of legal norms within the framework of national law.

The primary legal materials used in this thesis consisted of statutory regulations that were in force and relevant to the core issues being examined. These included: (1)The Indonesian Civil Code (Burgerlijk Wetboek); (2)Law No. 23 of 2002 on Child Protection; (3)Law No. 12 of 2006 on Citizenship; (4)Law No. 1 of 1974 on Marriage; (5)Law No. 5 of 1960 on the Basic Agrarian Law.

The secondary legal materials comprised all legal publications that were not official legal documents but provided interpretation and explanation of primary legal materials. These included legislative drafts, academic articles, research findings, and scholarly works authored by legal experts that were relevant to the legal issues addressed in this study.

The tertiary legal materials included reference tools that offered guidance and clarification regarding both primary and secondary legal materials. Examples included legal dictionaries, legal encyclopedias, and indexes.

Through this methodology, the study aimed to provide a comprehensive legal analysis concerning the inheritance rights of children born from mixed-nationality marriages, with specific attention to the legal implications of dual citizenship, land ownership rights, and the interaction between national laws and international legal principles.

RESULTS AND DISCUSSION

Legal Uncertainty of Cross-Border Inheritance for Children with Dual Citizenship

Marriage between individuals of different nationalities, or international marriage, referred to a union where the spouses held different citizenships. This difference in nationality introduced a foreign element into the marriage, thus categorizing it under the scope of private international law due to its cross-border legal implications.

International marriage carried distinct legal consequences for the parties involved, as each country maintained its own legal system and regulations. In Indonesia, the legal provisions regarding mixed-nationality marriages were stipulated in Articles 57 to 62 of Law No. 1 of 1974

on Marriage. These legal consequences included: (1)First, the potential impact on the nationality status of the spouses; (2)Second, legal implications for the citizenship status of children born from such marriages;(3)Third, implications regarding the ownership and distribution of marital property.

Law No. 12 of 2006 on the Citizenship of the Republic of Indonesia governed both universal and specific principles related to a person's nationality. This law established two bases for determining citizenship: one based on birth and another based on marriage. When evaluated from the perspective of marriage, the principle of unity of law was applied, meaning that in a marriage between individuals of different nationalities, one party was expected to follow the citizenship of the other. This principle aimed to ensure legal uniformity between spouses. However, another principle equality before the law also applied, signifying that entering into a mixed-nationality marriage did not automatically alter a person's nationality, as individuals retained the right to maintain their own citizenship status.

From the perspective of legal authority, court decisions, notarial acknowledgments, or marriage registrars' approvals provided formal legal validation and clarified the rights and obligations of the parties. Their involvement ensured that marriage agreements were made voluntarily and reflected the genuine consent of both parties. Such agreements not only governed rights and obligations during the marriage but also had long-term implications, particularly in matters related to property distribution and financial responsibilities. If the legal requirements were not met, such agreements could result in liability under the principle of unlawful conduct. Therefore, it was essential that all legal procedures were properly fulfilled to ensure legal certainty and prevent future disputes (Ayesta et al., 2023).

Inheritance referred to the transfer of assets from a deceased person to their heirs, whether the estate had already been distributed or remained undivided. One of the main objectives of inheritance was to transfer land rights to heirs so that they could exercise control, use, management, and benefit from such land. The transfer of a deceased individual's wealth including land rights was a legal event triggered by their death, resulting in the automatic transfer of ownership to eligible heirs. The rightful heirs included the surviving spouse or blood relatives who were legally entitled to inherit property and other assets from the deceased.

The death of an individual brought legal consequences, particularly regarding who could continue to exercise the rights and obligations of the deceased and how those issues should be resolved. In this context, inheritance law was established to regulate the succession of rights and responsibilities upon a person's death and to prevent disputes among heirs (Zubair, 2014). Thus, inheritance law functioned as a legal framework that ensured a structured transfer of obligations and property to the deceased's legal successors. It could be concluded that heirs

were not only entitled to inherit rights but also bore responsibility for fulfilling the legal obligations left by the deceased.

Normative Conflicts between Private International Law and the Principles of Islamic Inheritance Law

Onibala (2013) Private international law functioned as a legal framework governing private legal matters across national boundaries. It was a branch of law that regulated relationships between individuals or legal entities originating from different countries. Private international law addressed conflicts arising from international transactions, including contracts, lawsuits, property ownership, inheritance, and cross-border marriages (Suwasta et al., 2024). It was specifically designed to serve as a reference point for resolving disputes involving parties subject to different jurisdictions, thereby safeguarding the interests of both sides in a legal transaction.

The fundamental principles of private international law included *Lex Loci Contractus*, which derived from the principle of *locus regit actum*, referring to the law applicable to a contract (the proper law of the contract); *Lex Loci Delicti*, which established that the law governing a tort was that of the place where the wrongful act occurred; and *Lex Loci Rei Sitae*, which stipulated that immovable property was governed by the law of the place where the property was located.

All citizens were subject to the prevailing national legal system. National legislation was applied regionally in legal relationships between citizens. Indonesian citizens, including family members, were bound by domestic law. No exceptions applied: if both the husband and wife were Indonesian citizens and their marriage took place within Indonesia, then Indonesian marriage law governed the union. In such cases, all elements of the marriage were purely national in nature, with no foreign aspects involved. Thus, the matter, though potentially appearing international, remained under the classification of private domestic law, unless an actual foreign element was present.

In inheritance law, a key principle stated that when a person passed away, all their rights and obligations immediately transferred to their legal heirs (*le mort saisit le vif*). The evaluation and acceptance of these rights and obligations by the heirs was referred to as *saisine* (Subekti, 1983).

In principle, every individual was deemed legally capable of inheriting, including a newborn infant. Therefore, children born from mixed-nationality marriages, despite holding a different nationality from their parents, were not excluded from inheritance rights. According to Article 852 of the Indonesian Civil Code (KUHPerdata), the right to inherit could only be

nullified under specific legal circumstances, namely: (1) If an heir had been convicted of killing or attempting to kill the testator; (2) If a court had found the heir guilty of false accusations or slander alleging that the testator had committed a criminal offense punishable by five years or more of imprisonment; (3) If the heir had used force or physical coercion to prevent the testator from revoking a will; (4) If the heir had stolen, destroyed, or forged the testator's will (Article 838 of the Civil Code).

Explicitly, the barriers to inheritance as stipulated by the Compilation of Islamic Law (Kompilasi Hukum Islam, KHI) were only contained in Article 173, which addressed committing a crime against the testator. However, upon further examination, inheritance barriers were also found in Article 171 (difference of religion) and Article 191 (disappearance without news). From the perspective of fiqh (Islamic jurisprudence), some scholars identified four main barriers to inheritance: murder, slavery, difference of religion, and differing religions. The term "differing religions" referred to differences in governance between the testator and heir, characterized by differences in armed forces and head of state, and the absence of diplomatic cooperation agreements between the countries involved (Djakfar & Taufik Yahya, 1995). Nonetheless, if the country in question was an Islamic state, despite being different countries, inheritance was not prohibited, provided that the country implemented the same principles of Islamic law, even if there were differences in the form of government, political system, or state structure (Supriyadi et al., 2020).

This view aligned with Article 5 of the Basic Agrarian Law (UUPA), which stated that agrarian law governing land, water, and airspace was based on customary law, insofar as it did not conflict with national and state interests, which were grounded in national unity and respected elements rooted in religion. Despite this, the drafters of the KHI chose to restrict inheritance barriers only to crimes against the testator, thus excluding nationality differences as grounds for disqualification from inheritance. This divergence arose because the KHI represented Indonesian fiqh, the product of Indonesian scholars' *ijtihad*, whereas Islamic inheritance law was derived from the opinions of the Imams of the major schools of jurisprudence (Lubis, 2020). Importantly, the substance of the KHI did not conflict with clear and definitive religious texts (*dalil sharih* and *qath'i*) and was accepted by Indonesian Islamic scholars (M. A. Indonesia, 2011).

Both the Indonesian Civil Code (KUHPerdota) and the KHI adopted the principle of bilateral inheritance, whereby an individual could inherit from both paternal and maternal lineages. The inheritance process occurred either by legal right as an heir (*ab intestato*) or through appointment in a will (*testamentair*). Inheritance rights could only be exercised

following the death of the testator, at which point heirs could claim their rightful share of the estate.

Implications and Recommendations for Reforming Transnational Inheritance Law in Indonesia

Globalization and increased cross-border mobility had resulted in the growing phenomenon of dual citizenship, which had become increasingly common. This situation posed new challenges for national legal systems, particularly in the context of transnational inheritance law. When individuals holding dual citizenship became involved in cross-border inheritance processes, conflicts arose between national laws, foreign laws, and Islamic legal principles. Therefore, an approach that acknowledged plural legal norms and promoted legal harmonization was necessary to ensure substantive justice.

In addressing the plurality of legal systems, the state needed to develop legal policies aligned with the demands of a globalized society. Legal harmonization at the national level could be pursued through revising the Citizenship Law to explicitly and permanently recognize dual citizenship, especially for children born of intermarriage and synchronizing the Civil, Agrarian, and Marriage Laws to prevent overlaps between inheritance rights, land ownership, and citizenship status.

This harmonization aimed to reduce legal uncertainty in cross-jurisdictional inheritance cases and strengthen the protection of citizens' rights regardless of their dual status (Undang-Undang Nomor 12 Tahun 2006).

Indonesia had yet to establish a comprehensive legal framework for resolving transnational inheritance disputes. Therefore, guidelines for transnational inheritance law needed to be formulated, which included: (1) Determining the applicable law (*lex successionis*) based on the principle of the most significant relationship rather than solely on domicile or citizenship. (2) Drafting bilateral or multilateral agreements on the recognition of inheritance decisions and enforcement of foreign laws. (3) Establishing shared procedural standards for the validation of wills and the division of estates in cases of intermarriage or cross-border ownership.

With these guidelines, it was expected that conflicts between Islamic legal norms, Western civil law, and customary law would be minimized (Harahap, 2020). In a plural legal system, substantive justice should not be subordinated to legal formalities. Therefore, the integration of human rights values was necessary as a fundamental principle of (1) The right to ownership as part of economic and social rights guaranteed by international human rights instruments. (2) Non-discrimination against children born from intermarriage or women in

inheritance law, as emphasized in CEDAW and the Convention on the Rights of the Child. The application of human rights had to guide the formulation and interpretation of transnational inheritance law to ensure that the justice achieved was inclusive and sustainable (United Nations, 1979).

One of the main challenges in implementing plural legal systems was the limited understanding of the legal apparatus regarding the complexity of such systems. Therefore, specialized training for judges and notaries on international private law, Islamic inheritance law, and legal pluralism principles had to be conducted regularly. The establishment of cross-sectoral units within judicial institutions to specifically handle transnational inheritance cases was necessary. The digitization of citizenship data and international will documents was required to expedite evidence verification and decision-making processes. These measures were expected to enhance institutional capacity to provide fair, swift, and accountable legal services in a global context (Yuliandri, 2021).

In the context of intermarriage, Indonesia's legal system faced complex challenges due to the plurality of applicable laws, including national civil law, international law, Islamic law, and customary law. This was particularly relevant in inheritance matters involving dual citizens or spouses from different countries. Therefore, strengthening the capacity of legal institutions such as judges and notaries was essential to ensure legal certainty, substantive justice, and procedural efficiency (Asshiddiqie, 2006).

Several key challenges were faced by judges and notaries in inheritance cases involving intermarriage, including: (a) The lack of synchronization between national law and foreign or religious law regarding the rightful heirs, the size of inheritance shares, and the objects of inheritance—especially land. (b) The scarcity of technical guidelines on how to determine the applicable law (choice of law) in cases involving two or more jurisdictions (M. A. R. Indonesia, 2022). (c) Legal uncertainty regarding the status of children from intermarriage, particularly in relation to dual citizenship and inheritance rights over land. Without adequate institutional capacity, court rulings or notarial deeds were at risk of formal or material defects and could be legally contested.

To address these issues, several strategic steps were proposed that integrated and continuous training for judges and notaries in the fields of: (1) Private international law, especially principles such as *lex successionis*, *lex situs*, and the doctrine of public policy. (2) Islamic inheritance law and customary law, to ensure judges and notaries understood the normative basis for inheritance distribution in pluralistic societies. (3) Human rights and substantive justice, including principles of non-discrimination in inheritance rights for children from intermarriage. The development of national modules and guidelines on handling cross-border

inheritance cases by official institutions such as the Supreme Court, Ministry of Law and Human Rights, and the Indonesian Notary Association. Enhanced collaboration between institutions, such as religious courts, civil courts, notaries, and land offices, to facilitate cross-jurisdictional matters for instance, validation of foreign wills or ratification of foreign court decisions. Digitization of documents and inheritance information systems, including data on dual citizenship and land inheritance status, to enable efficient cross-institutional access and verification. Certification and additional competency testing for notaries and judges handling transnational cases, to ensure a deep understanding of plural legal systems.

This capacity-building was not only about enhancing technical knowledge but also about cultivating an adaptive mindset toward legal diversity. Judges and notaries were expected to act as mediators between different legal systems rather than merely as normative executors. In the global era, this approach formed part of sustainable legal reform oriented toward inclusive justice.

CONCLUSION

The phenomenon of intermarriage and dual citizenship emerged as a consequence of increased global mobility and cross-border interactions. Within the context of inheritance law in Indonesia, this phenomenon generated complex issues because the national legal system had to contend with a plurality of legal norms: international civil law, Islamic law, customary law, and human rights principles. Legal uncertainty existed regarding the citizenship status of children from intermarriage, which impacted their inheritance rights. Although Law Number 12 of 2006 allowed for dual citizenship until the age of 18, the time limits and conditions for choosing citizenship created ambiguity in accessing inheritance rights, particularly concerning land ownership, which was strictly regulated under the Basic Agrarian Law (UUPA).

Conflicts arose between international civil law and the principles of Islamic inheritance law. International civil law tended to apply approaches based on the principles of *lex situs* and *lex domicilii*, whereas Islamic law mandated inheritance distribution according to Qur'anic injunctions without considering citizenship. This disharmony hindered the enforcement of cross-border inheritance decisions, especially when one legal system was unrecognized or unenforced in another country. Institutional capacity weaknesses, particularly among judges and notaries, in understanding and navigating plural legal systems, also contributed to delays in achieving justice in cross-border inheritance cases. The lack of specialized training, insufficient integration of information systems, and absence of inter-institutional collaboration exacerbated disparities in legal protection for children of intermarriage.

Although normative frameworks attempting to accommodate legal pluralism existed such as the Compilation of Islamic Law (KHI) and the Civil Code (KUHPerdata) gaps remained between legal texts and practical implementation, especially regarding status clarity, administrative procedures, and cross-border recognition. Therefore, Indonesia required progressive, fair, and inclusive reforms to transnational inheritance law to ensure legal certainty and the protection of inheritance rights for all citizens, including those in the contexts of dual citizenship and intermarriage.

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