

DECISION NUMBER 809/Pdt.G/2024/PA. Pwr: PEACE DEED IN SETTLEMENT OF INHERITANCE DISPUTES IN THE PURWOREJO RELIGIOUS COURT

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ABSTRACT; *This article examines the settlement of inheritance disputes through a peace deed in the context of Decision Number 809/Pdt.G/2024/PA. Pwr taken by the Purworejo Religious Court. This dispute arose due to the lack of clarity in the distribution of the inheritance left by Alm. Hj. Sulistyowati binti Suhardjono, where the heirs have different views on their rights and respective shares of heritage property which includes land, buildings, and movable objects. This disagreement triggered conflicts between the parties, prompting the plaintiff to file a case in court in order to seek justice and a fair settlement. The mediation process facilitated by the Religious Court aims to reach a binding and final peace agreement, as well as to avoid further conflict. In this study, a normative juridical approach is used to analyze the legal norms that govern mediation and heirs' rights, as well as the application of civil law principles in the context of inheritance disputes. The results of the study show that the peace deed resulting from the mediation process has the same legal force as the judge's decision, providing strong legal protection for all parties involved. This peace agreement not only resolves disputes over the distribution of inheritance, but also reflects the dynamics of family relationships and the challenges of reaching an agreement. As such, this article highlights the importance of communication and negotiation in the settlement of inheritance disputes, as well as the positive impact of peace deeds on legal certainty and justice for the parties involved.*

Keywords: *Inheritance disputes; Peace deed; Mediation; Religious Courts; Inheritance law; Dispute resolution; Family communication.*

Introduction

Inheritance, not just about inheritance, but about survival, and the rights of other family members who are left behind such as: the life of the wife's children, children's school, children's marriage expenses, infaq, alms, waqf that must be sustainable even after death (amal jariyah), business continuity, etc. The issue of inheritance is still a taboo thing to talk about by some people, because of the lack of insight into how to divide inheritance. Regarding this inheritance, it is easy and difficult. It is easy if all heirs understand their knowledge or at least want to know and have one opinion, about which inheritance law will be used. It is complicated, if the heirs do not understand the science of inheritance and do not want to learn to know, or in a family of different religions, considering that the division of inheritance in Indonesia has 3 laws: Civil Code, customary and Islamic law.

Humans as social creatures often face conflicts in their interactions. In resolving conflicts, mediation is often the first step. If mediation is carried out out of court, it is referred to as non-litigation, while if it is carried out in judicial proceedings, it is called

litigation. This applies to the settlement of inheritance disputes among Muslims. Conflicts usually arise when there are individuals who feel that their interests are not being met, so everyone needs to resolve the conflict with common sense and religious values. Conflict resolution can be through various means such as negotiation, adjudication, reconciliation, mediation, arbitration, and litigation or dispute resolution through the courts. In society, conflicts related to the fulfillment of rights and obligations are often civil issues, which can be resolved through mediation both outside the court and in court. If mediation does not succeed in reaching an agreement, the dispute can then be resolved through adjudication.

For Muslims, dispute resolution through mediation can be carried out at the Religious Court, both at the beginning and during the litigation process for divorce cases, inheritance lawsuits, common property, alimony, hadhanah, and so on (Perma No. 1 of 2008). Inheritance disputes often center on the distribution of inheritance, such as when there are heirs who do not acquire their rights or there are heirs who control the inheritance unilaterally. Conflicts can also occur if there are heirs who sell the inheritance without the consent of the other party or due to differences of opinion and conflicting interests, as well as the act of stalling the distribution of the inheritance (Article 2 paragraph (3) of PERMA No. 1 of 2008). The inheritance dispute will usually be resolved in court through the adjudication process. However, in accordance with articles 130 of the HIR and 154 of the Civil Code, the judge is first obliged to offer a settlement of the dispute through peace so that the decision taken is not null and void. The mediation process in court is regulated by PERMA No. 1 of 2008, which aims to provide legal certainty and smoothness in the settlement of civil disputes in order to produce a peace agreement. Furthermore, PERMA No. 1 of 2016 was issued to improve the previous rule, with the hope that the implementation of mediation in court will be more effective and increase its success.

If mediation succeeds in reaching an agreement, then the result will be written in the form of a written agreement and strengthened through a peace deed issued by the court. This peace deed has the same legal force as a judge's decision. The peace agreement outlined in the deed is a binding and final settlement of existing disputes. This dispute is not only related to the distribution of inheritance, but also reflects the dynamics of family relationships and challenges in reaching an agreement. As in the case of case Number 809/Pdt.G/2024/PA. The Pwr filed by H. Slamet bin Noto Sudarmo involved several Defendants who were family members. Through the mediation process of formulating the issues to be raised and facilitated by the Purworejo Religious Court, the parties tried to find a fair solution and avoid further conflicts. The resulting peace deed shows an effort to resolve the issue amicably, reflecting the importance of communication and negotiation in the settlement of inheritance disputes.

Problem

1. What is the subject of the problem in case Number 809/Pdt.G/2024/PA. Pwr?
2. What are the Factors Influencing the Occurrence of a Peace Agreement that affects the parties to reach a peace agreement in the case of Decision Number 809/Pdt.G/2024/PA. Pwr?
3. What is the impact of the peace agreement on the rights of the parties after the implementation of the judgment in the inheritance dispute case?

Research Methods

In writing this research journal, the approach applied is normative juridical which aims to analyze the legal aspects related to the settlement of inheritance disputes through peace deeds at the Purworejo Religious Court, especially in the context of Decision Number 809/Pdt.G/2024/PA.Pwr. Data will be collected through literature studies, analysis of legal documents, and relevant court decisions, focusing on legal norms that govern mediation and the rights of heirs. The analysis will focus on the interpretation of law as well as the application of civil law principles in the context of inheritance disputes, to understand how law is applied in practice and its contribution to legal certainty. This approach is expected to provide in-depth insight into the legal framework that governs the settlement of inheritance disputes, as well as the impact of peace deeds on justice and legal certainty for the parties involved.

Discussion

1. What is the subject of the problem in case Number 809/Pdt.G/2024/PA. Pwr?

The beginning of the inheritance dispute problem in Decision Number 809/Pdt.G/2024/PA. Pwr occurred due to the lack of clarity in the distribution of inheritance left by Alm. Hj. Sulistyowati binti Suhardjono. After the death of the deceased, the heirs have different views regarding their respective rights and shares of the inheritance which include such as land, buildings, and movable objects. This disagreement triggered a conflict between the parties, thus prompting the Complainant to file a case with the Purworejo Religious Court in order to seek justice and a fair settlement.

The following is a summary of the problems in Decision Number 809/Pdt.G/2024/PA. Pwr :

- a. Civil Cases:
Case Number 809/Pdt.G/2024/PA. Pwr filed by H. Slamet bin Noto Sudarmo as the Plaintiff against several Defendants related to inheritance disputes.
- b. Parties involved:
 - Plaintiff : H. Slamet bin Noto Sudarmo.
 - Defendants I-IV : Suweni Budiarti, Agus Triyono, Suliyanti, and Susetyaningsih, all of whom are heirs of the late Hj. Sulistyowati binti Suhardjono.
- c. Problem:
There is a dispute regarding the distribution of inheritance which includes land, buildings, and movable objects belonging to Alm.Hj.Sulistyowati.
- d. Mediation:
The parties agreed to resolve the dispute through mediation facilitated by a mediator from the Purworejo Religious Court, resulting in a deed of peace dated August 27, 2024.

- e. Peace Agreement:
 - The parties agree to end the dispute with a payment of Rp500,000,000.00 to the Defendants.
 - The Defendants relinquish their inheritance rights upon receipt of the payment.
- f. Court Decision:

On September 12, 2024, the Purworejo Religious Court ratified the peace deed and decided that all parties obey the agreement and charge a case fee of Rp325,000.00.

Thus, the settlement of the inheritance started from a disagreement on the distribution of Alm's inheritance. Hj. Sulistyowati binti Suhardjono can be resolved through consensus deliberation through the mediation route. The decision of the Purworejo Religious Court that ratified the peace deed is clear evidence that the parties have reached a fair and beneficial agreement for all parties. This peaceful settlement is expected to maintain harmony in relations between the heirs.

2. What are the Factors Influencing the Occurrence of a Peace Agreement that affects the parties to reach a peace agreement in the case of Decision Number 809/Pdt.G/2024/PA. Pwr?

Several experts gave their views on mediation. According to Lourence Bolle, mediation is a process in which the parties involved in a conflict try to reach an agreement with the help of a mediator as a third party. Garry Goopaster defines mediation as a negotiation process that involves a neutral or impartial third party to help the parties reach an agreement that satisfies all parties.

The Supreme Court of the Republic of Indonesia Regulation No. 1 of 2016 defines mediation as, "A way of resolving disputes through a negotiation process to reach an agreement between the parties with the help of a mediator" (Article 1 paragraph 1). Thus, mediation is an effort made by a third party to resolve conflicts through a peace process or agreement that is acceptable to all parties, so that it can reduce the potential for conflicts that lead to disputes. If mediation is unable to resolve the conflict, then the dispute can proceed to court, where the judge in the religious court is in charge of the resolution process.

Mediation as an alternative dispute recognition (ADR) method can be carried out through four main models, each of which has different characteristics and objectives, namely;

- a. Settlement Mediation

This model is known as compromise mediation. The main goal is to encourage the achievement of a compromise between the two parties to the dispute. Mediators play a role in helping the parties find common ground that is acceptable to all parties, thereby reducing existing tensions and conflicts
- b. Facilitative Mediation

Also known as interest-based mediation or problem-solving, this model focuses on the needs and interests of the parties, not just their legal position. Mediators help the parties to identify their fundamental interests and find mutually beneficial solutions, thus avoiding the rigid positions that often occur in legal disputes
- c. Transformative Mediation

This model, also called therapeutic mediation or reconciliation, emphasizes improving the relationship between the parties. In transformative mediation, the mediator seeks to understand and address the causes of the conflict, with the aim of improving interpersonal relationships through recognition and empowerment

d. Evaluative Mediation

Known as normative mediation, this model aims to reach an agreement based on an analysis of the legal rights of each party. The mediator in this model provides an assessment of the possible outcome in court and helps the parties to understand their legal position, thus encouraging a more realistic settlement.

In addition to mediation having various ways or various models in resolving inheritance disputes, mediation also has a major role in inheritance disputes. With the aim of this approach, it allows the parties to reach a mutually beneficial agreement without going through a lengthy and often stressful litigation process. Including:

a. The Role of Mediation in Religious Courts

Mediation has an important role in resolving disputes in Religious Courts, including in inheritance disputes. In this case, mediation is carried out as an effort to avoid a lengthy adjudication process and potentially aggravate conflicts between heirs. Mediation under the auspices of the Religious Court has the advantage of offering a more peaceful solution, which is in line with the principles of deliberation and consensus recommended in Islamic law. The use of trained mediators in judicial mediation also increases the chances of reaching an agreement.

b. The Importance of Avoiding Longer Conflicts

The parties in this case have an interest in resolving the dispute peacefully to avoid prolonged conflicts. Inheritance disputes often cause friction in family relationships. By reaching a peace agreement through mediation, the parties can maintain family relations and avoid deeper rifts. This suggests that one of the important motivations for the parties to reach an agreement is the desire to maintain family harmony and avoid wider disputes.

c. Balance in the Distribution of Inheritance

The peace agreement in this case is also influenced by efforts to create a balance in the distribution of inheritance. In the signed peace deed, it was stated that the Plaintiff and the Co-Defendants were willing to provide compensation in the form of money of Rp500,000,000.00 to the Defendants in lieu of their inheritance rights. This compensation shows an effort to provide justice and balance for all parties involved. In this context, the certainty of getting a fair share through the compensation is one of the driving factors for the Defendants to accept the peace agreement.

d. Time and Cost Efficiency of the Litigation Process

One of the important considerations that affect the willingness of the parties to settle is the efficiency of time and cost. The lengthy litigation process and requiring additional costs for the trial can be a burden for the parties. By reaching a peace agreement, they can save time and costs that may arise from the continuation of the court process. Therefore, the willingness to resolve disputes through mediation and avoid a full adjudication process is a significant factor in the realization of peace.

e. The role of the Mediator and Legal Assistance

The mediator who played a role in this case, namely Abdurrahman Alwi, S.H.I., M.H., played a key role in directing the parties towards a peace agreement. The mediator's ability to understand the needs and desires of the parties, as well as offer solutions that

accommodate the interests of both parties, is crucial in reaching an agreement. In addition, legal assistance from lawyers who understand the details of the problem and provide views on the risks and benefits of the mediation process also affects the decision of the parties to agree to the peace deed.

f. **Religious Values and Moral Considerations**

In the context of the Religious Court, religious values also have a great influence in encouraging the achievement of peace agreements. Islamic teachings emphasize the importance of resolving disputes peacefully and prioritizing mutual forgiveness. The desire to meet the moral demands and religious teachings regarding peace and goodness in resolving disputes can be a strong motivation for the parties to agree to a peace agreement.

g. **The Desire to Avoid Legal Uncertainty**

Another factor influencing the peace agreement is the desire of the parties to avoid uncertainty over the outcome of the court's decision. In inheritance disputes, the outcome of the judge's decision may vary depending on the evidence and arguments submitted. A peace agreement through mediation provides higher certainty for the parties regarding the final outcome, namely with a guarantee of compensation and the distribution of inheritance that is mutually agreed.

h. **Openness and Good Faith from the Parties**

The realization of the peace agreement is also supported by the openness and good faith of the parties in finding a joint solution. The willingness to negotiate, express views, and accept compromises is an important foundation in this mediation process. The existence of an agreement shows that all parties are willing to give up part of their wishes or rights in order to reach a mutually acceptable solution.

Thus, mediation is not only an effective alternative in resolving inheritance disputes, but also contributes to the creation of a harmonious and sustainable solution, as well as maintaining good relations between the parties involved.

3. What is the impact of the peace agreement on the rights of the parties after the implementation of the judgment in the inheritance dispute case?

A peace agreement in the case of an inheritance dispute has a major impact on the rights of the parties after the implementation of the judgment. First, the agreement outlined in the peace deed has the same legal force as a court decision, so it is binding and final for all parties involved. Thus, the parties can no longer file new claims for the same dispute, which ultimately provides legal certainty. Second, the rights of the Defendants are fulfilled through the provision of compensation by the Plaintiff and the Co-Defendants in the amount of Rp500,000,000.00.

This compensation serves as a substitute for the inheritance that should have been received by the Defendants, so that their rights are still recognized and given in financial form. Upon receipt of the compensation, the Defendants waive all rights and claims to the inheritance, granting full ownership to the Plaintiff and the Co-Defendants. Another impact is the creation of harmony in family relationships because the mediation process can prevent divisions that often arise in inheritance conflicts. This process also facilitates administrative management for parties who receive full rights to inheritance, such as the management of ownership documents and asset management. In addition, this agreement also guarantees that if one of the parties does not comply with its obligations, the peace deed can be the basis for the exercise of rights

through legal channels. Finally, this peace agreement reduces the possibility of new demands in the future, including from other heirs, so that all parties get certainty and peace of mind in managing their rights according to the agreement that has been reached.

The following is the impact of the peace agreement on the rights of the parties after the implementation of the judgment in inheritance disputes:

- a. **Transfer of Inheritance Rights**
The defendants involved in the agreement formally waived their rights to Alm's estate. Hj. Sulistyowati. With the recognition of this agreement, all rights to the inheritance are fully transferred to the plaintiff and the defendant.
- b. **Peaceful Dispute Resolution**
Through this agreement, the dispute between the parties to the dispute ends. With the existence of the peace deed, all parties agreed not to continue further disputes regarding the inheritance.
- c. **Legal Certainty**
Decisions based on peace agreements provide legal certainty. Parties can rest easy knowing that the deal is recognized and protected by law, reducing the risk of uncertainty in the future.
- d. **Payment Responsibility**
In the agreement, the plaintiff is required to pay a sum of Rp500,000,000.00 to the defendants in lieu of the inheritance rights that have been released. This creates a financial obligation for the plaintiff to fulfill the part.
- e. **Elimination of Potential Future Demands**
With this agreement, the parties agreed not to file demands on each other in the future related to inheritance. This means that the defendants can no longer file a lawsuit related to the property that has been divided, providing peace of mind for all parties involved.
- f. **Sustainability of the Deal**
This peace agreement remains valid even if one party dies, and the terms must be complied with by their respective heirs. This ensures that the agreement remains in place despite changes in the composition of the parties involved.
- g. **Cost Sharing**
The decision also stipulates that the plaintiff and the defendants are jointly responsible for paying the costs of the case. This reflects shared responsibility in resolving financial burdens arising from legal proceedings.
- h. **Financial Compensation as Compensation**
The payment of money as compensation for inheritance rights creates a new relationship between the parties, where the defendants receive such compensation and release their claims to the inheritance.

According to various experts, a peace agreement in the settlement of inheritance disputes has a great influence on the rights of the parties after the judgment is implemented. Lourence Bolle stated that the mediation process that leads to a peace agreement allows the parties to reach a more favorable solution because it is carried out voluntarily with mutual awareness. This agreement ensures that the rights of the parties to the dispute are maintained and applied fairly, thereby creating legal certainty. Garry Goopaster added that the role of neutral mediators in facilitating peace agreements can increase the sense of justice, as the parties involved play an active role in formulating a satisfactory outcome for them. This not

only makes the rights of the parties more accommodating, but also builds confidence in the results achieved.

In addition, according to Imam Taufiq (2014), peace agreements legalized through court decisions provide strong legal protection. A peace deed that is ratified and has the same legal force as a judge's decision ensures that the content of the agreement must be obeyed by all parties. This eliminates the possibility of new conflicts or disputes in the future, as the parties no longer have a reason to file additional claims regarding the inheritance already provided for in the deed. The deal also reduces legal uncertainty, as the parties do not have to face the risk of unforeseen outcomes from court decisions.

Conclusion

Amicable agreements in inheritance disputes have an important role in achieving a fair and peaceful settlement for the disputing parties. As social creatures, humans often face conflicts, including in terms of the division of inheritance. Mediation is one of the main methods, both outside and inside the court, to resolve disputes peacefully before entering the adjudication process. In the context of Muslims, mediation carried out at the Religious Court is regulated through PERMA No. 1 of 2008, which was later enhanced by PERMA No. 1 of 2016, to increase the effectiveness of dispute resolution.

The peace agreement produced through mediation has the same legal force as the judge's decision, thus providing certainty and binding on all parties, eliminating the possibility of new claims in the future. In case Number 809/Pdt.G/2024/PA. Pwr, peace deeds are an effective way to prevent further conflicts and maintain harmony in family relationships. In addition, the agreement also fulfills the rights of the parties, for example through the provision of financial compensation to the Defendants in lieu of their inheritance rights.

In the end, dispute resolution through mediation is in line with Islamic teachings that emphasize the importance of deliberation and peace. The agreement reached not only provides legal justice but also maintains social harmony, allowing the parties to continue their lives without being entangled in prolonged conflicts. Thus, a peaceful agreement through mediation in inheritance disputes is not only an effective legal solution but also strengthens human values and family relationships.

The mediation process not only offers a faster and more efficient solution than litigation, but it also creates a space for the parties to communicate and reach a mutually beneficial agreement. The peace deed resulting from mediation has the same legal force as a judge's decision, providing legal certainty and reducing the possibility of new ones emerging in the future. Through case analysis Number 809/Pdt.G/2024/PA. Pwr, it can be seen that mediation has succeeded in maintaining the harmony of family relationships and fulfilling the rights of the parties. The peace agreement reached not only resolves existing conflicts, but also reflects the values of deliberation and cooperation advocated in Islamic teachings. Thus, this paper emphasizes that mediation is an effective and constructive alternative in resolving inheritance conflicts, which can provide long-term benefits for all parties involved.

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