



Division Of Inheritance Law and Employment Law

Fatihah Haykal

fatihanh4@gmail.com

University Deli Sumatera

Korespondensi penulis: fatihanh4@gmail.com

Abstract. *The problem raised in this research is the distribution of inheritance law in Indonesia in relation to the diversity of applicable legal systems, as well as the implementation of labor law in protecting workers' rights. In terms of inheritance law, there are differences between customary inheritance law, Islamic inheritance law and civil inheritance law which sometimes give rise to disputes related to the distribution of inherited assets. Meanwhile, in the field of labor law, although regulations have regulated the protection of workers' rights, implementation challenges related to industrial disputes and protection of informal workers are still issues that have not been fully resolved. The aim of this research is to analyze the legal distribution of heirs in Indonesia as well as the application of labor law which can better protect workers' rights. This research is normative juridical research that uses a statutory approach and qualitative descriptive analysis. The results of the research conclude that the legal system for heirs in Indonesia needs harmonization between customary law, Islamic law and civil law in order to resolve inheritance disputes more effectively. Meanwhile, in labor law, although there have been efforts to protect workers' rights through regulations such as the Job Creation Law, there is still an imbalance in its application to informal and outsourced workers who are at risk of losing the protection of their rights.*

Keywords: *Inheritance Law, Employment Law, Customary Inheritance Law, Labor Protection, Industrial Disputes*

INTRODUCTION

Law serves as an instrument that regulates relationships between individuals in society, whether in family, work, or other social contexts. In Indonesia, two critical areas of law are inheritance law and labor law. Inheritance law plays a crucial role in determining how a deceased person's estate is distributed among legal heirs. However, in practice, disputes often arise due to the differences in the legal systems that apply, such as customary inheritance law, Islamic inheritance law, and civil law. These three legal systems have different rules and provisions, which sometimes cause problems, particularly in a multicultural society like Indonesia. On the other hand, labor law regulates workers' rights, their welfare, and the industrial relations between employees and employers. In recent years, the world of work has undergone significant changes, especially with the enactment of Law No. 11 of 2020 on Job Creation. This law aims to create more job opportunities and align policies with the dynamics of the global labor market. However, some provisions of the Job Creation Law, particularly those concerning outsourcing workers and informal labor, have raised challenges in its implementation, which may affect the protection of workers' rights.

Issues related to the protection of informal and outsourcing workers are becoming increasingly relevant, given the high number of workers employed on a non-permanent basis with inadequate legal protection. Therefore, it is essential to analyze how labor regulations can provide better protection for workers and to examine in-depth the effects of regulatory changes on workers' welfare in Indonesia. Similarly, inheritance division remains a common issue, where existing legal systems need to be reformed to ensure fairness for all parties involved. Furthermore, the complexity of both inheritance law and labor law is compounded by the rapid changes in

Indonesia's social and economic landscape. With increasing migration and urbanization, as well as the globalization of labor markets, the need for legal frameworks to adapt and ensure that both workers' rights and inheritance matters are addressed fairly has never been more pressing. These evolving challenges require a deeper understanding of the existing legal provisions and a more dynamic approach to law enforcement, ensuring that the legal protections offered are in line with modern-day realities. The increasing number of families with mixed cultural backgrounds, the rise in migration, and the transformation of traditional work structures through digitalization and flexible employment models contribute to the growing complexity in both fields of law. Consequently, there is a need for a more integrated approach that takes into account the evolving societal trends and their impact on the practical application of inheritance and labor laws.

In addition, while legal reforms such as the Job Creation Law have been introduced with the aim of streamlining labor regulations, many of the existing laws and policies related to both inheritance and labor protections are still fragmented and not fully aligned with the realities of the modern workforce. The gaps in these laws can lead to widespread exploitation of workers, particularly in industries relying on outsourcing or freelance labor, where the line between employer and employee is often blurred. Similarly, inheritance disputes continue to be a significant concern, especially in areas with strong customary practices, where legal provisions sometimes contradict or fail to address the realities of family structures. Therefore, addressing the challenges posed by these legal systems requires not only a thorough examination of existing laws but also recommendations for a more cohesive and progressive legal framework that can better serve Indonesia's diverse population.

In this context, this study aims to analyze how inheritance law in Indonesia is applied in light of the diversity of existing legal systems and assess how labor law can provide better protection for workers, especially in addressing the challenges posed by regulatory changes. Using a normative legal approach and descriptive qualitative methods, this research is expected to offer a clear picture of the relevance and challenges of both legal systems and provide recommendations for improving the application of law to make it fairer and more effective.

In the Indonesian context, both inheritance law and employment law face unique challenges due to the cultural diversity and traditional practices across different regions, as well as the evolving nature of the global labor market. Therefore, understanding these two areas of law in greater depth is essential not only for ensuring justice for individuals but also for fostering a more harmonious social order. This paper will further explore both fields of law, beginning with the basic concepts, the relevant regulations, and the common issues that arise in practice. It will also examine how Indonesia's legal system strives to address these challenges in a fair and effective manner.

Additionally, this paper will delve into how the Indonesian legal framework accommodates the diversity of cultural and customary practices in inheritance law, balancing them with the principles of national law. This is especially relevant in regions where customary laws play a significant role in the distribution of an estate, which can sometimes lead to conflicts with statutory laws regarding inheritance. In terms of employment law, the paper will investigate how Indonesia's labor laws have evolved to address the challenges brought about by globalization, the rise of the gig economy, and the increasing demands for workers' rights. The effectiveness of labor laws in protecting workers' rights while fostering a competitive and fair labor market will be critically assessed. Key issues such as wage disparities, the protection of informal workers, and the growing trend of employment-related disputes will be discussed in relation to Indonesia's legal and regulatory frameworks.

Furthermore, the paper will examine the role of legal reforms and policies in both inheritance law and employment law, particularly those aimed at ensuring equitable and just outcomes for all parties involved. By exploring case studies, legal precedents, and the ongoing developments in both fields, the paper aims to provide a comprehensive understanding of the interplay between these two vital areas of law in Indonesia. Through this exploration, the paper intends to offer insights into how Indonesia's legal system is adapting to contemporary challenges while maintaining respect for its rich cultural heritage. This analysis will contribute to a deeper understanding of the ways in which legal reforms can be tailored to promote justice, equality, and social harmony within the diverse and dynamic context of Indonesian society.

METHODS

This study uses a normative legal approach to analyze existing laws and doctrines related to inheritance and labor law in Indonesia. It employs a descriptive qualitative method, relying on secondary data from legal texts, regulations, academic articles, and relevant documents. The research also incorporates statutory and conceptual approaches to examine the application of laws and underlying theories. The collected data will be analyzed qualitatively to understand the challenges in implementing these legal systems and offer recommendations for improvement.

RESULTS AND DISCUSSION

This study aims to examine the application of inheritance law and labor law in Indonesia, highlighting the challenges faced in practice and offering recommendations for improvement. Based on the analysis of various sources, the findings reveal several critical aspects in the implementation and effectiveness of both legal systems.

a. Division of Inheritance Law

The division of inheritance in Indonesia is regulated by multiple legal systems, including Islamic law, customary law, and civil law. However, the coexistence of these systems often leads to confusion and conflicts, especially when the family members involved come from different cultural or religious backgrounds. Islamic inheritance law provides specific guidelines for the distribution of wealth, but due to a lack of awareness or understanding of these principles by the public, many inheritance cases fail to follow the legal standards. In areas where customary law predominates, traditional practices often contradict formal legal frameworks, leading to disputes among heirs. These conflicting legal systems hinder the smooth application of inheritance laws, resulting in prolonged legal battles, and in some cases, family rifts. Additionally, the limited understanding of inheritance law by the general population and the lack of legal aid contribute to these issues. There is a need for clearer harmonization and public education on how these different systems interact.

b. Labor Law

Labor law in Indonesia has undergone significant changes, especially with the enactment of the Job Creation Law (Law No. 11 of 2020), which aims to modernize the labor market, create jobs, and improve the investment climate. However, some provisions of the Job Creation Law, particularly those concerning outsourcing and temporary contracts, have raised concerns about the protection of workers' rights. The law facilitates the use of outsourcing without clear restrictions, allowing businesses to hire workers on a long-term basis through outsourcing companies without providing adequate legal protections. Many outsourced workers do not receive the same benefits or job security as permanent employees, leading to concerns about exploitation. Despite regulations intended to protect workers'

welfare, outsourcing workers often face challenges such as limited access to health insurance, retirement benefits, and paid leave. Moreover, workers in the informal sector, such as freelance workers or contract workers, are particularly vulnerable to exploitation due to the lack of legal safeguards and the absence of a clear definition of their rights within the existing legal framework.

c. Challenges in Legal Implementation

One of the main challenges in the implementation of both inheritance law and labor law in Indonesia is the gap between legal norms and real-world practices. In inheritance law, despite the existence of comprehensive regulations, many people still rely on traditional practices that do not align with national legal provisions. This is especially problematic in rural areas or among communities that maintain strong adherence to customary law, where inheritance is often handled outside of formal legal channels. This creates inconsistencies and conflicts in inheritance distribution. In labor law, although the government has established legal frameworks to protect workers, the enforcement of these laws is often inconsistent. The informal labor market continues to grow, and many workers are left unprotected due to their lack of formal contracts or recognition by employers. Furthermore, the complexity of labor relations, especially in industries relying heavily on outsourcing, makes it difficult to ensure compliance with labor rights.

d. Economic and Social Impacts

The economic and social impacts of these legal challenges are profound. In the case of inheritance, unresolved disputes can result in significant financial and emotional costs for families, leading to prolonged legal battles, family breakdowns, and the division of assets that may not be in line with the deceased's wishes. Moreover, the misapplication of inheritance laws can result in unequal wealth distribution, particularly in cases where female heirs are disadvantaged under certain customary practices. In labor law, the lack of protection for workers, particularly those employed in outsourcing or temporary work, exacerbates inequality and hinders social mobility. Outsourcing workers, who make up a significant portion of the workforce in sectors like manufacturing, retail, and services, face insecurity in terms of income and employment stability. The absence of job security and benefits contributes to a lack of worker motivation and well-being, ultimately affecting productivity and the overall economy.

e. Recommendations for Legal Reform

To address the challenges in inheritance law, it is essential to harmonize the different legal systems to ensure equal rights for all heirs, regardless of gender, religion, or cultural background. This can be achieved through the standardization of inheritance procedures and by providing legal education to the public about the importance of following formal inheritance laws. Additionally, mediation and conflict resolution mechanisms should be promoted to help families resolve inheritance disputes without resorting to prolonged legal processes.

Regarding labor law, it is crucial to improve the protection of outsourcing and non-permanent workers by introducing stricter regulations on the types of jobs that can be outsourced and ensuring that outsourced workers receive the same benefits as permanent employees. The government should also consider expanding social security coverage for informal workers, offering them access to health insurance, retirement savings, and other benefits that are currently limited. Stronger enforcement mechanisms and more transparent

labor practices are also necessary to ensure that companies comply with the labor rights provisions outlined in the law.

Discussion

This study identifies key challenges in the implementation of inheritance and labor laws in Indonesia, where the application of multiple legal systems, such as Islamic, customary, and civil inheritance laws, leads to conflicts and confusion. While Islamic inheritance law provides clear guidelines, public understanding remains limited, resulting in disputes over inheritance distribution. In areas where customary law is prevalent, it often conflicts with national law, exacerbating the issue. Furthermore, the lack of legal education on inheritance laws adds to the problem, as many rely on informal agreements that are not legally binding.

In labor law, despite the enactment of the Job Creation Law (Law No. 11 of 2020), which aims to streamline the labor market, the protection of outsourcing and non-permanent workers remains insufficient. The law facilitates the long-term use of outsourcing labor without clear limits, and these workers often lack basic benefits like health insurance, pensions, or paid leave. The informal sector is especially vulnerable, with many workers unregistered and unprotected by labor laws. Moreover, weak enforcement of labor rights further exacerbates the problem. In both fields, the gap between legal norms and real-world practices poses a significant challenge. Inheritance practices often conflict with legal provisions, especially in rural areas or where customary law dominates. In the labor market, informal workers are left without protections, and even outsourced workers struggle to secure their rights.

1. Social and Economic Impact

The failure to address these issues has broader social and economic implications. Inheritance disputes can lead to family tensions and asset mismanagement, reducing the overall well-being of heirs. In the labor sector, inadequate protection for workers undermines economic stability and productivity, particularly in the outsourcing and informal sectors, which contributes to greater inequality and poverty.

2. Recommendations

To address inheritance law issues, harmonizing the various legal systems and raising public awareness of legal inheritance procedures is essential. Additionally, encouraging mediation could help resolve conflicts more efficiently. Regarding labor law, stronger regulations are needed to protect outsourcing workers and ensure they receive the same benefits as permanent employees. Expanding protections for informal workers and improving enforcement of labor laws are also crucial to reducing inequality and enhancing economic stability.

CONCLUSION

This study highlights the pressing issues in both inheritance law and labor law in Indonesia and emphasizes the need for legal reforms to address these challenges. While Indonesia has made significant strides in developing legal frameworks, there remain substantial gaps in enforcement, implementation, and public understanding. By fostering legal awareness and improving the consistency of legal practices, Indonesia can create a more equitable environment for both heirs and workers. Legal reforms should focus on enhancing access to justice, ensuring that all individuals, regardless of their background or employment status, are afforded the protection they deserve under the law.

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