

# The Pattern of Inheritance Distribution of *Gono Gini's* Assets Among Residents of Bandar Lampung City

Abdul Qodir Zaelani<sup>1</sup>, Syamsul Hilal<sup>2</sup> & Abdul Hanif<sup>3</sup>

**Abstract:** *The Pattern of Inheritance Distribution of Gono Gini's Assets Among Residents of Bandar Lampung City.* This study explores the pattern of determining/distributing the inheritance of *gono gini* assets among the citizens of the city of Bandar Lampung. The aim is to reveal what factors contribute to the emergence of the different patterns in determining and distributing inheritance among the community members. This research is empirical, using a qualitative analysis approach. The data were obtained through observations and interviews with some religious and community leaders in the city who were selected based on the purposive sampling technique. This study finds out the fact that the diversity of determining/distributing patterns of *gono gini* assets among residents of the city of Bandar Lampung is mainly influenced by, among other things, the heterogeneity of the population consisting of various ethnicities, cultural backgrounds, traditions, habits, and tendencies in understandings cultural norms, law, and religion.

**Keywords:** inheritance, *gono gini* assets, traditions of Bandar Lampung residents

**Abstrak:** *Pola Pembagian Warisan Harta Gono Gini di Kalangan Warga Kota Bandar Lampung.* Penelitian ini mengkaji tentang pola penetapan/pembagian harta peninggalan *Gono Gini* di kalangan warga kota Bandar Lampung. Tujuannya adalah untuk mengungkap faktor-faktor apa yang menyebabkan munculnya pola-pola yang berbeda dalam menentukan dan mendistribusikan warisan di antara anggota masyarakat. Penelitian ini bersifat empiris, dengan menggunakan pendekatan analisis kualitatif. Data diperoleh melalui observasi dan wawancara dengan beberapa tokoh agama dan masyarakat di kota yang dipilih berdasarkan teknik *purposive sampling*. Studi ini menemukan fakta bahwa keragaman penentuan/pembagian pola aset *gono gini* di kalangan penduduk kota Bandar Lampung terutama dipengaruhi oleh, antara lain, heterogenitas penduduk yang terdiri dari berbagai suku, latar belakang budaya, tradisi, kebiasaan, dan kecenderungan dalam memahami norma budaya, hukum, dan agama.

**Kata Kunci:** waris, harta *gono gini*, budaya masyarakat Bandar Lampung

---

<sup>1,2</sup> Universitas Islam Negeri Raden Intan Lampung

<sup>3</sup>Universitas Islam Negeri Sunan Gunung Djati Bandung

E-mail: 'abdulqodirzaelani@radenintan.ac.id, <sup>2</sup>syamsulhilal@radenintan.ac.id, <sup>3</sup>abdulhanif02@gmail.com

## Introduction

Bandar Lampung is the name for the capital city of Lampung Province. The city is located at the southern tip of Sumatra Island at a geographical position of 5<sup>0</sup>.20' to 50<sup>0</sup>.30' South latitude and 105<sup>0</sup>.28' to 105<sup>0</sup>. 37' East longitude. The total area of Bandar Lampung is 197.22 km<sup>2</sup>, consisting of 20 sub-districts and 126 urban villages. In 2022, the population of Bandar Lampung City is recorded at 1,184,949 people.<sup>1</sup>

The city of Bandar Lampung can be seen as a miniature of Indonesia because it is inhabited by various ethnic groups, ranging from the original Lampung tribe, as well as immigrant tribes, which include the Acehnese, Batak, Padang, Palembang, Javanese, Sundanese, Bugis and others. Each of these tribes has its traditions and customs that differ from one tribe to another. These differences in traditions and customs ultimately lead to differences in various aspects of life, one of which is related to inheritance law.

Based on the results of research in various locations, the authors found the fact that there were various patterns of inheritance distribution of *gono gini* (family's joint assets) among the population; There are those who follow the pattern that the assets are not given to the husband or wife but are fully managed by the youngest child;<sup>2</sup> some follow the pattern of assets being managed entirely by the eldest son;<sup>3</sup> Some are fully managed by the wife,<sup>4</sup> Some are distributed before the heir dies,<sup>5</sup> or after both parents died,<sup>6</sup> and there is also a pattern of distribution of assets that follows Islamic law.<sup>7</sup>

---

<sup>1</sup> Pusat Statistik Lampung, *Bandar Lampung dalam Angka 2022*

<sup>2</sup> Dewani Romli, resident of Labuhan Dalam, interview on 28 October 2019.

<sup>3</sup> Elsiyana, Bandar Lampung City Counselor, interview on November 2, 2019.

<sup>4</sup> Rudi Fadillah Irianto, resident of Raja Basa Raya, Bandar Lampung", interview on November 10 2019.

<sup>5</sup> Sarinah and Novi, residents of Bumi Manti, Labuhan Ratu, Bandar Lampung" In, Sur, and Muk, residents of Beringin Raya, Kemiling, Bandar Lampung; SN, resident of Way Halim, Bandar Lampung" interview on November 2, 2019.

<sup>6</sup> Suhendra, resident of Gunung Terang, Kemiling, Bandar Lampung" Interview on November 3, 2019.

<sup>7</sup> Ikah, resident of Labuhan Ratu, Bandar Lampung"; Jul, resident of Kelapa Tiga, Kecamatan Tanjung Karang Pusat, Bandar Lampung", interview on November 2, 2019; KH. Izzuddin Abdussalam, resident of Kecamatan Tanjung Karang Pusat; Sup, resident of Kota

The phenomenon of various inheritances distribution pattern is interesting to study, at least to find out what factors encourage the emergence of different tendencies among the members of the community.

## Research methods

This research is empirical and uses a qualitative analysis approach. Primary data was obtained through observation and semi-structured interviews with several religious and community leaders who were selected based on the purposive sampling technique.<sup>8</sup> While the secondary data were taken from books or literature concerning the issue of tradition or custom, including the results of previous studies that are relevant and can be used as references.

## *Gono Gini* Assets and Its Application in Indigenous Peoples in Indonesia

The term *gono-gini* is taken from the Javanese tradition. At first, the term *gono gini* meant two siblings, namely a boy and a girl from the same father and mother. Over time, the concept developed into a union between a man and a woman in a marriage bond. On this basis, the assets related to the marriage property are called *gono-gini*.<sup>9</sup>

*Gono gini* assets, or better known as joint assets, in their pronunciation, differ from one region to another. In Minangkabau, for example, joint property is called *harta suarang*; In Kalimantan it is called *barang perpantangan*; in Bugis it is called *cakkara*, in Bali it is called *druwe gabbro*; in Java it is called *gono gini*, and in Pasundan it is called *guna kaya*, *barang sekaya*, *campur kaya*, or *kaya reujeung*.

---

Baru, Rajabasa, Bandar Lampung”; Sap, resident of Kampung Sawah Brebes, Bandar Lampung” interview on November 3 2019.

<sup>8</sup> Sugiyono, *Metode Penelitian Pendidikan, Pendekatan Kuantitatif dan Kualitatif, dan R&D*, (Bandung: Alfabeta, 2011), p. 124.

<sup>9</sup> See Happy Susanto, *Pembagian Harta Gono-Gini saat Terjadinya Perceraian, Pentingnya Perjanjian Perkawinan untuk Mengantisipasi Masalah Harta Gono-Gini*, (Jakarta: Visimedia 2008), p. 3. Compare to Besse Sugiswati, “Konsepsi Harta Bersama dari Perspektif Hukum Islam, Kitab Undang-Undang Hukum Perdata dan Hukum Adat”, *PERSPEKTIF*, Vol. 19, No. 3 (2014 ) 202.

The pattern of the distribution of *gono gini* assets for the heirs who are left by their spouses differs from one another in various regions. In Sleman Regency, which incidentally is of Javanese ethnicity, the assets of *gono gini* are distributed to widows and other heirs. If the widow and her adult children live separately, then the assets of the *gono gini*, are distributed among all the children, including assets that come from the husband and wife. So the widow does not get the slightest share and also does not demand to get a share, including from her original goods. Instead, the widow's life will be guaranteed and cared for by all her children, or live with one of her children and be cared for by the child she is carrying. This is because, in the distribution of inheritance based on customary law in the Sleman Regency area, the main heirs are biological children or descendants.<sup>10</sup>

Among the indigenous people of Osing, Banyuwangi, the pattern of inheritance distribution is also different. In this society, the widow has the right to manage joint assets if her husband dies and leaves the child. If she does not leave children, the widow is entitled to half of the joint property. If there are children in the marriage, the widow will get a quarter share, or one-eighth share if in the marriage there are one or more children. This part is obtained from the total inheritance of the husband plus half of the assets of the *gono gini*.<sup>11</sup>

Among the Sidoarjo indigenous people whose family system relies on the principle of mother and father, the pattern of inheritance distribution is also different. Here, widows are recognized as heirs of their late husbands. She has the right to inherit her husband's assets and to enjoy her husband's inheritance if her property is not sufficient to meet her daily needs until she dies or remarries. However, she cannot control her husband's innate property, because the property must be returned to the husband's family. As for the widow who has children, she can control

---

<sup>10</sup> Bernhard, Mochammad, Pudjiastuti, *Lembaga Hidup Waris dalam Pelaksanaan Pembagian Warisan pada Adat Suku Jawa di Kabupaten Sleman*, Tesis, S2 Ilmu Hukum (Magister Kenotariatan), UGM, 2007.

<sup>11</sup> Eko Budianto, *Hukum Waris adat Osing Masyarakat Banyuwangi*, <http://digilib.unmuhjember.ac.id/files/disk1/24/umj-1x-ekobudiant-1161-1-6.ekob-o.pdf>.

her husband's original property along with his other assets, because this property will be inherited by the children in the future. So, if there are children in the marriage the innate property can be changed, otherwise, it returns to its origin.<sup>12</sup>

Almost the same thing can be found among the Madurese wanderer community in Surabaya. Here, just like in the Sidoarjo community, the widow has the right to manage joint assets if her husband dies and leaves the child. However, if they do not leave children, the widow is only entitled to half of the joint property. But if there are one or more children in the marriage, then the widow gets the eighth share. This part is obtained from inheritance in the form of all inherited assets and half of *gono gini's* assets.<sup>13</sup>

In some areas, there are exceptions to joint property. In Aceh, for instance, the husband's income becomes his private property if his wife does not provide a material basis for the family or does not provide provisions for her husband who is on a trip, (eg in the form of a garden or a residential yard) Meanwhile in West Java, if at the time of marriage the wife is rich while the husband is poor (the marriage is called *nyalindung kagelung*), then the income earned during the marriage belongs to the wife herself. In Kudus Kulon (Central Java) in the circle of traders, husband and wife each retain the goods they brought into their marriage as well as the things they each obtained during their marriage.

Among the residents of Bandar Lampung City, there are several patterns of asset distributions, depending on certain situations and conditions. If the *gono gini* property arises because the husband and wife are divorced, the division is carried out not long after the divorce occurs. The divided assets are only for all assets obtained from the time they got married until the divorce occurs, excluding assets owned by each party before the marriage (innate property). It does not matter

---

<sup>12</sup> Retno Yuli Aryantl, *Kedudukan Janda Terhadap Harta Peninggalan Suaminya Almarhum Menurut Hukum Adat di Sidoarjo*, Thesis, Universitas Airlangga, 1989.

<sup>13</sup> Ellyn Dwi Puspasari, Soelistyowati, *Pola Pembagian Harta Waris pada Masyarakat Perantauan Suku Madura di Surabaya*, Universitas Airlangga, 2005, (Unpublished).

whether the property is produced by the husband or by the wife only, (the husband works the wife does not, or vice versa), or is produced by both of them jointly; Thus, as long as the property is produced during the marriage period, the entire property becomes joint property.<sup>14</sup> The wealth is then calculated in total and after that, it is divided into two regardless of who has the biggest role in producing the treasure. This distribution is generally resolved amicably without going through a court process because this method is considered simpler, less complicated, and does not take a long time.<sup>15</sup> However, if one of the parties wants the distribution to be carried out in a detailed and balanced manner, the method taken is usually through a court institution. Here, all existing assets are registered and calculated in detail and correctly to produce calculations and distributions that are truly even and balanced and meet the expectations of both parties.<sup>16</sup> If the husband dies, all joint and inherited assets will fall to the wife's side and will only be distributed to the children based on her wish or after the wife dies.

Among the existing regulations in Indonesia, the provisions for the distribution of joint property also have a different pattern. As stated in several regulations such as in the Marriage Law article 35 paragraph 1, joint property or *gono gini* is defined as: "Property obtained during the marriage period". Whereas in paragraph 2 it is stated that "The innate property of each husband and wife and the property obtained by each as a gift or inheritance is under the control of each party does not specify otherwise" While Article 119 of the Civil Code states that "From the moment the marriage takes place, according to the law, there is a total joint property between husband and wife, to the extent that other provisions in the marriage agreement do not apply.

---

<sup>14</sup> Muksin, resident of Beringin Raya, Kemiling, Bandar Lampung, interview on November 29, 2019.

<sup>15</sup> Aisyah, resident of Pinang Jaya, Kemiling, Bandar Lampung, interview on November 27, 2019.

<sup>16</sup> Suhendra, resident of Gunung Terang, Kemiling, Bandar Lampung, Interview on November 27, 2019

In the Compilation of Islamic Law (Inpres no. 1 of 1991) article 85 states that: "The existence of joint property in marriage does not rule out the possibility of innate property belonging to each husband or wife". In the next article, namely article 86 paragraphs 1 and 2 in the same rule it is stated that "Basically there is no mixed property between husband's property and wife's because of marriage," and "the wife's innate property remains the wife's right and is controlled by her, similarly, the husband's property. remains the right of the husband and is controlled by him.

From the description above, it is clear that the pattern of distribution of *gono gini* assets among the people in Indonesia is different, depending on the rules that will be applied. One thing that needs to be emphasized here is that the distribution of such assets is generally applied only when the husband and wife are divorced. Meanwhile, in the case of death-divorce, there is no *gono gini* property; thus, there is only inheritance, which is distributed according to certain laws adopted in the family.

### **Some Related Factors**

The existence of joint property in a marriage is a common symptom in customary law along with the growth of the *somah* (nuclear family unit consisting of husband, wife, and children) which is getting stronger in society, and the position of extended family or relatives.<sup>17</sup> This shift then creates a diversity of behavior between one family and another.

There are many factors behind the diversity of patterns of distribution of assets *gono gini* among the people of the city of Bandar Lampung. Among the dominant factors, among others, are as described below.

---

<sup>17</sup> Besse Sugiswati, "Konsepsi Harta Bersama dari Perspektif Hukum Islam, Kitab Undang-Undang Hukum Perdata dan Hukum Adat", *PERSPEKTIF*, Vol. 19, No. 3 Tahun 2014, p. 209.

### a. Customary Factor

The customary inheritance system that applies among indigenous peoples in Indonesia can be broadly classified into three groups, namely people who adhere to an individual inheritance system, people who adhere to a collective inheritance system, and people who adhere to a *majorate* inheritance system.

Individual Inheritance System is an inheritance system that determines that all heirs inherit individually, which means that each heir has the right to use, cultivate and enjoy the results, especially after the heir dies. This inheritance system applies in Western inheritance law as regulated in the Civil Code (*Burgelijk Wetboek*) and also applies in many circles, for example in Java, Batak, Sulawesi, and others.<sup>18</sup> While the Collective Inheritance System is a system that determines that the heirs inherit the inheritance together (collectively), because the inherited property cannot be divided into ownership of each heir, but is allowed to use it. In general, this collective inheritance system is applied to ancestral treasures called "*Harta Pusaka* (heirloom)", whether in the form of plots of land, houses, or heirlooms inherited from their ancestors. This heirloom property is controlled by someone who is the head of the heir and is used by the nieces and nephews together. For example, "*Harta pusaka*" in Minangkabau and "*Tanah Dati*" on the Hitu peninsula of Ambon. While the majority inheritance system is an inheritance system determining that the inheritance of the heir is only inherited by the eldest child, which means the right to use, the right to process, and enjoy the results is fully controlled by a child with the rights and obligations to take care of and be responsible to his younger siblings until they can live independently. There are two kinds of the *majorate* system, namely first, male *majorate*, that is if the eldest/eldest son or male descendant is the sole heir of the heir, for example in Lampung. Second, the female *majorate*, namely if the eldest daughter is the sole heir as it can be found in the Semendo community in South Sumatra.<sup>19</sup>

---

<sup>18</sup> Suparman Eman, *Hukum Waris Indonesia (Dalam Perspektif Islam, Adat, dan BW)*, (Bandung: PT Rafika Aditama, 2005), p. 11.

<sup>19</sup> Hilman Hadikusuma, *Hukum Waris Indonesia Menurut Perundangan Hukum Adat*,

The three types of customary inheritance systems above ultimately have a dominant influence on the pattern of inheritance distribution in Bandang Lampung communities. As emphasized by Puryanto, Lampung tribal people tend to divide their inheritance more into sons than daughters, because sons are seen as having bigger dependents than daughters. The eldest son is given a special position as he is expected to be the successor of his parents. As a family leader, he has absolute rights to wealth and inheritance from his parents, acts on behalf of the *kepunyimbang* (customary leader) and kinship, as well as be responsible to his younger siblings, nieces, and nephews.<sup>20</sup>

The same thing was emphasized by Ansyari, a traditional leader and Head of the Neighborhood (RT) in Gedong Meneng Village, Bandar Lampung City. He explained that the application of the inheritance distribution system in the local area varied greatly depending on which customary system they had adopted so far. Mr. Ansyari also explained that it is not always the distribution of inheritance that uses the customary inheritance system. In many cases, some families use the Islamic inheritance system which applies a division system based on a 2:1 ratio, where 2 (two) parts are for men and 1 (one) share is for women. Sometimes in a special situation, a pattern of distribution is found based on the results of the deliberation of the heirs, especially if not all the heirs are able, well established, and living well. In this situation, usually, the inheritance will be divided based on family harmony, namely the distribution is not divided equally among each heir, but it is possible to give more to one or several heirs who are considered living in the poverty line.<sup>21</sup>

In Kelurahan Kaliawi, the pattern of inheritance distribution is slightly different from that practiced in Kelurahan Gedung Meneng. In this area, the Lampung traditional inheritance system is still widely practiced. In this system, the holder of the right to inherit is the eldest

---

*Hukum Agama Hindhu-Islam*, (Bandung: PT. Citra Aditya Bakti, 2003), p. 15.

<sup>20</sup> Puryanto, resident of Bandar Lampung, Interview on November 3, 2019.

<sup>21</sup> Ansyari, Traditional Leader of Gedong Meneng Village, Raja Basa District, Bandar Lampung City), interview on November 29, 2019.

child, then it is divided by how many siblings. The eldest son holds the privilege in the distribution of the *gono gini* property because, according to customary provisions, the son will protect his younger siblings and be responsible for taking care of his parents. In other words, the eldest son would be responsible for all the burdens of the family. However, nowadays, these principles are widely ignored, so it is not surprising that misunderstandings/conflicts arise in the family. To prevent internal conflicts in the future related to inheritance issues, many families go through another pattern, namely distributing all existing assets to children while the heir is still alive.<sup>22</sup>

The fact that society tends to give a special position to the eldest son is also corroborated by the results of research by Lisa Hulen Handayani, Adelina Hasyim, and M. Mona Adha. According to the data obtained, the granting of a special position to the eldest son in terms of family inheritance is because the eldest son has a substitute role for his parents. He has full responsibility as the guardian of the family and is very important in maintaining the integrity of the family so as not to be split because of inheritance.<sup>23</sup> In a special situation, if in a family there is no son, the customary provisions allow for the family to adopt a son, generally through a traditional marriage called *semanda/ngakuk ragah*. In this marriage, families who only have daughters may choose a man from members of their relatives or outside to be husbands and enter into the family of relatives as the successors of the descendants of the parties during their marriage. The Lampung customary term for the adopted child is called "*Mentuha child*", where, according to custom, the child has nothing to do with his biological parents, in custom and personal, although, according to religious law and national law, the severance of the relationship is not recognized.<sup>24</sup>

---

<sup>22</sup> Herman Yani, Community Leader of Kaliawi Persada Village, Tanjung Karang Pusat District, interview on November 2, 2019

<sup>23</sup> Lisa Hulen Handayani, Adelina Hasyim, M. Mona Adha, "*Analyze About Position of Eldest Boy In Division Heritage of Lampung Saibatin Custom*", <https://media.neliti.com/media/publications/246461-analisis-tentang-kedudukan-anak-laki-lak-5006f136.pdf>.

<sup>24</sup> Roselina, *Sistem Pewarisan Masyarakat Lampung Pesisir Yang Hanya Mempunyai Anak Perempuan (Studi di Kota Agung, Lampung)*, Tesis Pada Program Magister Kenotariatan Universitas Diponegoro-Semarang, 2008, p. 84.

Giving different treatment between boys and girls, especially to the eldest son, is local wisdom in indigenous peoples and not an effort to place the position of females under male descendants. On the contrary, there is a value that the eldest son provides care and protection to his younger sisters. For this reason, almost all Lampung tribal families crave a son in the family. If in a family there is no son, then the family can adopt their son-in-law to be the "customary son" so that they can act as sons and can become heirs.<sup>25</sup>

One thing that should be emphasized here is that the pattern of inheritance distribution of *gono gini* assets as described above applies if a divorce occurs or the husband dies; If it is the wife who dies, the pattern does not apply because according to Lampung custom, the wife is part of the husband, so her property becomes her husband's property.<sup>26</sup>

## **b. Inculturation Factor**

Inculturation affects not only many aspects of human life but also in terms of the distribution of inheritance. This is marked by a shift in values among indigenous peoples, which were previously only oriented to the eldest son, or did not give inheritance to daughters, then changed and gave the same treatment or switched to an inheritance system outside the customary inheritance system. There has been a lot going on in the Lampung tribal community where families divide their inheritance equally, without distinguishing between sons and daughters.<sup>27</sup> There are even many cases where the share of the son is less than it should be because the share is delegated to the daughter who happens to have no economic luck in her life. Some parents distribute all their wealth to their children while they are still alive, for fear that it will cause conflict between them when their parents die.

---

<sup>25</sup> Heni Aprilia, *Kedudukan Anak Perempuan Dalam Pewarisan Pada Masyarakat Adat Lampung Saibatin (Studi pada Desa Kagungan Kecamatan Kota Agung Timur Kabupaten Tanggamus)*, Fakultas Hukum Universitas Lampung Bandar Lampung 2018.

<sup>26</sup> Herman Yani, Community Leader of Kaliawi Persada Village, Tanjung Karang Pusat District, interview on November 2, 2019.

<sup>27</sup> Puryanto, resident of Bandar Lampung, Interview on November 3, 2019.

This phenomenon of inculturation, according to a Lampung community leader, is natural considering that Bandar Lampung the capital of Lampung province is an urban area with a very high intensity of cross-cultural interaction and communication that affects changes in people's attitudes and behavior. The rapid flow of information and openness makes people think ahead and slowly leave the traditional traditions that they have been following.<sup>28</sup> Not only that, but inculturation has also caused a shift in people's attitudes and perspectives from an agrarian to an industrial society, which is marked by the emergence of high awareness of the importance of education and skills for the future of children. Limited land and increasingly fierce competition in the job market have made urban residents in Bandar Lampung choose not to bequeath their assets for the sake of their children getting higher education than bequeathing their assets but their children's education is low.<sup>29</sup>

### c. Ethical Factor

The people of Lampung know several philosophies related to family and community ethics. There are at least five philosophies that are guided by the community in their daily life, namely: (i) *Fi'il Pesenggiri* which includes the necessity of living a high moral life, big-hearted, self-aware, and obligatory; (ii) *Bejuluk-beadek* which means the obligation to strive to improve the perfection of life, order, and good manners; (iii) *Nemui Nyirnah* which means having to be respectful and polite to all members of the community, please help and respect guests. (iv) *Nengah Nyappur* which means the necessity to socialize amid society by developing thoughts and opinions in the form of deliberation; (v) *Sakai Sembayan* which means the necessity of having a social spirit, cooperation in doing good to humans, expecting rewards or not.<sup>30</sup>

---

<sup>28</sup> Dewani Romli, resident of Labuhan Dalam, interview on 28 October 2019.

<sup>29</sup> Ujang Rahman, Head of Muhammadiyah Bandar Lampung City., interview on October 2019

<sup>30</sup> Dekdikpud Kanwil Provinsi Lampung, *Sejarah Daerah Lampung*, Bagian Proyek Pengkajian dan Pembinaan Nilai-Nilai Budaya Lampung 1997/1998, p. 145.

The philosophy of life above is closely attached to every citizen of the Lampung Tribe and makes them passive in terms of the distribution of inheritance. As explained above that if a husband dies, then the property will be fully controlled by the wife and will not be divided among the children unless the wife wishes/approves. On the other hand, the children will also not demand that the inheritance be distributed immediately because they feel reluctant and inappropriate to discuss the inheritance with one of their living parents. As stated by Elsi, an extension worker at the Religious Office of Bandar Lampung City, even though her children are in a difficult economic situation even though the inheritance of their father is controlled by their mother, they will still be reluctant and do not want to ask their mother. to immediately distribute their father's inheritance.<sup>31</sup> Only after the mother wishes to divide the property, or after the mother dies, will the property be divided among all her children following the pattern of inheritance distribution adopted. Some follow the pattern of assets that are fully managed by the eldest son, some are managed entirely by the youngest son, and some are not managed by certain individuals but are directly divided according to certain inheritance laws.

Among residents of Bandar Lampung who are not ethnic Lampung, there is a tendency not to demand that inheritance be distributed immediately, especially among ethnic Javanese. As stated by Yaumil Khair, head of LDII Bandar Lampung City, the *ewuh pakewuh* culture (hesitance out of respect for parents) is the lifeline for the heirs. So that even though their mother gets and fully controls the inheritance from their late father and their children do not get it at all, they demand nothing, even consider it as a reasonable thing because the property is not the result of their work. This tendency is then known, understood, and taught orally in society so that it becomes a habit or tradition to be followed by the next generation.<sup>32</sup>

---

<sup>31</sup> Elsiyana, Bandar Lampung City Counselor, interview on November 2, 2019.

<sup>32</sup> Keraf. A. Sonny. *Etika Lingkungan*, (Jakarta: Penerbit Buku Kompas, 2002), p.2

#### d. Lacking of Understanding of Religious Teachings

If examined more deeply, the emergence of diversity in the pattern of management or distribution of inheritance as happened among the residents of Bandar Lampung city is also related to their level of understanding of the law and religious teachings (Islam). This applies because neither in the national law nor in the Islamic inheritance system, there is no provision that inheritance must be given only to certain individuals, for example only to the wife, or to the eldest son, the youngest child, or vice versa, does not give a share to the wife or other individuals among the heirs.

As acknowledged by a religious figure in the Raja Basa, Bandar Lampung City, the surrounding community, no matter how they are generally Muslim, rarely uses the Islamic inheritance system (*farā'id*); Instead, they prefer to use a system of equal distribution to each heir or to divide it according to the economic situation and condition of each heir. In other words, the heirs prioritize the principle of equality or divide the inheritance based on mutual agreement and sincerity. This attitude occurs mainly in the case of inheritance assets in the form of immovable assets such as plots of land, rice fields, or houses. In this case, if it has been confirmed that there is no will before the testator dies, the property, usually, will be sold and then, after the settlement of the debt of the testator, the remainder will be divided equally among each heir.<sup>33</sup>

The tendency of the local Muslim community not to use the Islamic inheritance system does not at all mean that they reject or dislike Islamic rules. This is more because they do not understand the rules of Islamic inheritance regarding who is entitled to receive the inheritance, the amount of each share, including how to settle the distribution of inheritance based on existing provisions. This phenomenon also shows that the socialization of Islamic law in the Muslim community is necessary. So far, according to an instructor at the Ministry of Religion of Bandar Lampung City, Islamic preachers have not made Islamic inheritance law material a priority. This

---

<sup>33</sup> lim Santoso, Religious Leader, Raja Basa District, Bandar Lampung City, interview on November 3, 2019.

material is very important so that the local Muslim community can understand and implement their religious teachings in all aspects of life, including the distribution of inheritance.<sup>34</sup>

## Conclusion

The description above provides an overview of how the pattern of distribution of inheritance among the residents of the city of Bandar Lampung is different from one another. The diversity of patterns in determining and distributing inheritance is influenced by many factors, among others, the heterogeneity of the population consisting of various ethnic groups and cultural backgrounds, including their understanding of the rule of law and religion.

## Bibliography

- Aprilia, Heni. *Kedudukan Anak Perempuan Dalam Pewarisan Pada Masyarakat Adat Lampung Saibatin (Studi pada Desa Kagungan Kecamatan Kota Agung Timur Kabupaten Tanggamus)*, Fakultas Hukum Universitas Lampung Bandar Lampung 2018.
- Aryantl, Retno Yuli. *Kedudukan Janda Terhadap Harta Peninggalan Suaminya Almarhum Menurut Hukum Adat di Sidoarjo*, Thesis, Universitas Airlangga, 1989.
- Bernhard, Mochammad, Pudjiastuti. *Lembaga Hidup Waris dalam Pelaksanaan Pembagian Warisan pada Adat Suku Jawa di Kabupaten Sleman*, Tesis, S2 Ilmu Hukum (Magister Kenotariatan), UGM, 2007.
- Budianto, Eko. *Hukum Waris Adat Osing Masyarakat Banyuwangi*, Dekdikpud Kanwil Provinsi Lampung, *Sejarah Daerah Lampung*, Bagian Proyek Pengkajian dan Pembinaan Nilai-Nilai Budaya Lampung 1997/1998,
- Eman, Suparman. *Hukum Waris Indonesia (Dalam Perspektif Islam, Adat, dan BW)*, Bandung: PT Rafika Aditama, 2005.

---

<sup>34</sup> Elsiyana, Bandar Lampung City Counselor, interview on November 2, 2019.

- Ellyn Dwi Puspasari, Soelistyowati, *Pola Pembagian Harta Waris pada Masyarakat Perantauan Suku Madura di Surabaya, Universitas Airlangga, 2005, (Unpublished).*
- Hadikusuma, Hilman. *Hukum Waris Indonesia Menurut Perundangan Hukum Adat, Hukum Agama Hindhu-Islam.* Bandung: PT. Citra Aditya Bakti, 2003.
- Lisa Hulen Handayani, Adelina Hasyim, M. Mona Adha, <https://media.neliti.com/media/publications/246461-analisis-tentang-kedudukan-anak-laki-lak-5006f136.pdf>.
- Roselina, *Sistem Pewarisan Masyarakat Lampung Pesisir Yang Hanya Mempunyai Anak Perempuan (Studi di Kota Agung, Lampung),* Tesis Pada Program Magister Kenotariatan Universitas Dipenogoro-Semarang, 2008.
- Sugiswati, Besse. "Konsepsi Harta Bersama dari Perspektif Hukum Islam, Kitab Undang-Undang Hukum Perdata dan Hukum Adat", *PERSPEKTIF*, Vol. 19, No. 3 Tahun 2014.
- Susanto, Happy. *Pembagian Harta Gono-Gini saat Terjadinya Perceraian, Pentingnya Perjanjian Perkawinan untuk Mengantisipasi Masalah Harta Gono-Gini.* Jakarta: Visimedia 2008.
- Sugiyono, *Metode Penelitian Pendidikan, Pendekatan Kuantitatif dan Kualitatif, dan R&D.* Bandung: Alfabeta, 2011.
- Sonny, Keraf. A. *Etika Lingkungan.* Jakarta: Penerbit Buku Kompas, 2002.

## **Interviews**

- Abdussalam, Izzuddin, Resident of Central Tanjung Karang Subdistrict, interview on November 3, 2019.
- Aisyah, Resident of Pinang Jaya, Kemiling, Bandar Lampung, interview on November 27, 2019.
- Asyhari, Traditional Leader of Gedong Meneng Village, Raja Basa District, Bandar Lampung City, interview on November 29, 2019.
- At-Thohari, Julius, Resident of Kelapa Tiga Village, Tanjung Karang Tengah District, Bandar Lampung, interview on November 2, 2019.

- Elsiyana, Bandar Lampung City Counselor, interview on November 2, 2019.
- Ikah, Resident of Labuhan Ratu, Bandar Lampung, interview on November 2, 2019.
- Indah, Resident of Beringin Raya, Kemiling, Bandar Lampung, interview on November 2, 2019.
- Irianto, Rudi Fadillah, Resident of Raja Basa Raya, Bandar Lampung, interview on November 10, 2019.
- Muksin, Resident of Beringin Raya, Kemiling, Bandar Lampung, interview on November 29, 2019.
- Ningrum, Setiawati, Resident of Way Halim, Bandar Lampung, interview on November 2, 2019.
- Novi, Resident of Bumi Manti, Labuhan Ratu, Bandar Lampung, interview on November 2, 2019.
- Puryanto, Resident of Bandar Lampung, interview on November 3, 2019.
- Romli, Dewani, Resident of Labuhan Dalam, interview on October 28, 2019.
- Santoso, Alim, Religious Leader, Raja Basa District, Bandar Lampung City, interview on November 2019.
- Santoso, lim, Religious Leader, Raja Basa District, Bandar Lampung City, interview on November 3, 2019.
- Sarinah, Residents of Bumi Manti, Labuhan Ratu, Bandar Lampung, interview on November 2, 2019.
- Suhendra, Resident of Gunung Terang, Kemiling, Bandar Lampung, interview on November 27, 2019.
- Surasdiono, Resident of Beringin Raya, Kemiling, Bandar Lampung, interview on November 2, 2019.
- Supratman, Resident of Kota Baru, Rajabasa, Bandar Lampung, interview on November 3, 2019.
- Sapuan, Resident of Sawah Brebes, Bandar Lampung, interview on November 3, 2019.

Ujang Rahman, Head of Muhammadiyah Bandar Lampung City, interview on October 28, 2019.

Yani, Herman, Community Leader of Kaliawi Persada Village, Tanjung Karang Pusat District, interview on November 2, 2019