



Dispute Resolution Model of Druwe Mrajan Land Rights from Different Religious Heirs in Badung Regency

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Abstract

Customary land in Bali has a very close relationship with the daily life of indigenous people in Bali. Until now, inheritance disputes still occur a lot in Bali, especially seeing the economic value of customary land in Bali today, it also triggers people who have converted from Hinduism to have the same rights as those who are still Hindus in terms of inheritance regardless of the various obligations that must be carried out in Balinese Customary society. The objectives of research are to explore and identify the temple land / *Druwe Mrajan* land which is still sustainable today, and find court decisions that strengthen Balinese Customary Law. The method uses descriptive approach to describe precisely the properties of an individual, situation, symptom or certain group to determine the presence or absence of a relationship between a symptom and other symptoms in society. Through an Empirical approach, with the reality that occurs in the community according to the *Awig-awig* of the Padang Luwih Traditional village, states that people who have left Hinduism (*Ninggal Kedaton*) no longer get inheritance rights in the family, because they cannot carry out their obligations both in life in the Customary community, Family, and obligations to ancestors in *Mrajan Agung*. Inheritance in Balinese customary law does not solely contain the rights of the heirs to the inheritance property, but more than that, the most important is the obligation of the heirs to the testator. The obligation of the heirs is a consequence of the rights they receive

Keywords: Different-Religion; Inheritance-disputes; Land-*Druwe-Mrajan*.

I. INTRODUCTION

The strong ties of the legal community to the land, raises the logical consequences of the legal community in its power and authority to regulate the land with all its contents in its territory. Talking about land rights, in Bali two kinds of land rights are known, namely individual land rights and the rights of customary law communities (villages, temples). The types of individual land rights are as mentioned in Article 16 paragraph (1) of the UUPA, namely *hak milik*, *hak guna usaha*, *hak guna bangunan*, *hak pakai*, *hak sewa*, and others. Individual lands are fully subject to national land law, while lands that are the rights of indigenous peoples, while subject to national law, are still bound by customary provisions, such as those contained in *awig-awig*, *pararem*, and *dresta* (Windia & Sunantra, 2016). The regulation of customary lands appears to follow the mindset of the notion of natural law, meaning that land as an attenuation (*ulayat/territory*) (Suwitra, 2021) in a customary village called nature is a gift from God and is common property. Through this understanding of natural law, communal rights are born. On the basis of its work, individual rights can also be born, but still in harmony with the common property. This understanding of natural law appears to be relevant to the model of land tenure and ownership rights - customary land in

Bali, where the right of tenure In Bali, with the rapid development of the tourism industry, the impact of cultural heterogeneity is mixed together, so that customary land rights are initially communal. In the life of the people in Bali, with the rapid development of the tourism industry brings the impact of cultural heterogeneity mixed together, the buffer zone continues to be developed to support development activities in the tourism sector with uncontrolled land conversion. Seeing the rapid change of land function has in fact made land prices in Bali very expensive, the social function of land has shifted sharply towards commercial functions, land that was once less functional and no man's land is now a struggle. The issue of competition for natural resources such as land and water are often a source of conflict. Problems over natural resources such as land and water are often a source of conflict, both conflicts within the family environment and conflicts between fellow citizens in the struggle for inherited land.

inheritance issues in Balinese customary society that always pays attention to religious methods, including the issue of changing religions for a person will be a matter of both pros and cons in his future position when there is a division of inheritance in the family. conversion or conversion of Hinduism to Christianity is actually already It occurred in several phases, carried out by Zending Missionaries who came to Bali as tourists or researchers studying Balinese culture. Balinese people in general and Dalung village in particular are open and tolerant of newcomers. This also opens up opportunities for the growing number of non-Hindu immigrants to Dalung village. The Christians, both Catholic and Protestant, who live in Dalung (Aryadharma, 2011) village, in addition to being migrants, are also mostly local residents of Dalung village who have converted from Hinduism to Catholicism and to Protestantism. Given that most of them are local people who have converted, in their daily lives they carry out community life like the traditions of the Hindu community in Bali, such as *Ngejot* each other when there is a holiday celebration, *nguopin* or *metetulung* (helping each other) when there is a religious ceremony, mutually mourning when one of the residents dies, as well as there are also mutual struggles or marriages between Hindus and Christians in Dalung village. However, as a society consisting of two different communities and beliefs, namely Christianity and Hinduism, the possibility of conflict or dispute is very much realized because the ideology of these two beliefs is indeed different. In connection with changing religions or different religions, usually disputes or conflicts between families will arise in connection with the struggle for inheritance.

The problem of inheritance is inseparable from inheritance law, it seems that from the various family systems adopted by Indonesian society in the absence of a nationally applicable inheritance law, the inheritance law that applies to Balinese people is the Balinese Customary Inheritance Law. Balinese people are bound by legal norms that regulate their living relationships, both in the form of written and unwritten laws. The written law that applies comes from the state in the form of the Republic of Indonesia Legislation, while the unwritten law that applies comes from the customs of the community called *Dresta*. So, the socio-cultural conditions of each ethnic group have their own characteristics which make it impossible for all of them to be regulated nationally.

Customary Law of Inheritance cannot be separated from the three keywords that make up the elements of inheritance, namely the inheritor, the inherited property, and the heirs. It is in these aspects that we will see the principles of customary inheritance law that apply to all Balinese people. In Balinese inheritance law the right to inherit is from the father or from the male line, the heir is the person who will give his inheritance to his child or to his heir. While inheritance is something that is inherited in the form of property, good name and others. In Balinese customary law, inheritance is not only in the form of property but also in the form of community rights. Heirs are people who will receive inheritance. Inheritance in Balinese Customary Law does not only contain the rights of the heirs to the inherited property, more than that the most important thing is the obligations of the heirs to the testator. So as a consequence of the rights received, an heir has certain obligations, namely, taking care of the heir when the heir is incapacitated, burying the heir's body and or organizing *Pengabenan* (funeral pyre ceremony) for the heir and interring his spirit in *Sanggah* or *Mrajan* (family prayer place), worshiping ancestors who reside in *Sanggah* or

Mrajan, carrying out obligations (*ayah-an*) to the Banjar or Traditional Village.

Heirs are those who because of their position towards the testator are entitled to occupy the place of the testator over the inherited property. In principle, all heirs are entitled to inherit, except for behavior or legal actions that are detrimental to the testator so that the position of the heir can be canceled based on the law. As contained in the Civil Law (B.W) Article 838 which regulates people who do not deserve to be heirs (*onwaardig*) as follows, People who have been convicted of killing or trying to kill the testator, People who by a judge's decision have been questioned slander the testator in the form of slander with a penalty of 5 years or more severe. In this case there must be a judge's decision stating that the person concerned is guilty of slander, a person who by force or action has prevented the testator from making or revoking his will, a person who has embezzled, damaged or falsified the testator's will.

Disputes can occur between individuals and other individuals, between individuals and groups, or in other words, disputes can be public or civil. A dispute is a situation where one party feels aggrieved by another party, and the aggrieved party conveys the loss to the second party. In other words, a dispute is a dispute between two or more parties who maintain their respective opinions. The reality in society shows that the difference in religion adopted or different religions in one family is a common phenomenon at this time. Whereas in Balinese customary law changing religion is one of the reasons for the obstacle to inheritance.

Land inheritance disputes in the form of *druwe Mrajan* land in one of the families or heirs of different religions, namely Hindu and Christian heirs that occur in the Padang Luwih traditional village of Dalung Village, Badung Regency, where this dispute stems from the submission of a report letter from I Gusti Ngurah Jelantik on May 3, 2017, regarding inheritance issues. This report letter was addressed to *Perbekel* (Village Head) Dalung. This problem then continued with the resubmission of a letter requesting confirmation of the Heirs of I Gusti Ngurah Jelantik, dated May 8, 2018 Number 01/V/W/2018 related to the Complete System Land Registration (PTSL) submitted by I Gusti Ngurah Witana and I Gusti Ngurah Oka, and on November 26, 2019 on land that has been certified as property rights in the name of I Gusti Ngurah Withana and I Gusti Rai Oka, construction has been carried out without rights by I Gusti Ngurah Jelantik. The construction of the house on the land that is certified in the name of I Gusti Ngurah Witana and I Gusti Rai Oka was discontinued after mediation from the extended family and the authorities such as the Village Head, *Bendesa Adat* and Badung Police Chief.

The *druwe Mrajan* inheritance land dispute continued with the filing of a lawsuit dated June 2, 2020 to the Denpasar District Court. That the Plaintiff filed a lawsuit against the Defendant through the civil liability of Unlawful Acts as stipulated in Article 1365 jo. 1366 of the Civil Code (KUHPerdata). With the object of the lawsuit being a plot of land for a house yard and another plot of land.

Based on the views of Balinese Customary Inheritance Law and Balinese Customary Law, the Plaintiff as an heir is not entitled to the inheritance left by the Heir (I Gusti Rai Sengkug), because the Plaintiff's parents (I Gusti Kompiang Widia) after marriage abandoned their obligations as heirs by changing religions or *Ninggal Kedaton*. Likewise, in the object of the lawsuit, the Plaintiff only sued related to tangible property in the form of land as inheritance or *Druwe Tetamian*. But intangible assets in the form of obligations inherited by the heir (I Gusti Rai Sengkug) related to *nyungsung Mrajan Agung* and *ayah-ayah-an* or obligations to the environment (both family environment and customary society) and obligations to Hindu religious beliefs, called *Parahyangan*, *Palemahan*, and *Pawongan* are not implemented. Therefore, the Plaintiff is not entitled to the inheritance or property left by the Heir (I Gusti Kompiang Sengkug).

Inheritance in Balinese Customary Law, not only in the form of objects that have economic value (property), but also in the form of objects that do not have economic value, such as obligations (*ayah-ayah-an*) to family, community, ancestors (*Merajan*), and *Parahyangan* Desa. This means that Balinese Customary Law sees the right to inheritance in the form of property, as an inseparable part of the inheritance in the form of various

obligations (*ayah-ayahan*), which must be carried out by the heirs. The application of double standards to a legal product is a real thing in Indonesia, one side applies positive law as a result of unification but on the other hand the state must recognize different customary laws that live in the community. Since both of them exist, it would not be wise to prioritize one while sidelining the other, as this would have long-lasting socio-political repercussions. Therefore, a wise solution to the problem is needed. So, the author is interested in making a thesis entitled "Model for resolving disputes over *Druwe Mrajan* land from heirs of different religions in Badung regency", the purpose of this writing is to find out analyze (1) The existence of *Druwe Mrajan* Land in Balinese inheritance law, (2) The inheritance and status of the rights of heirs of different religions in Balinese customary inheritance law.

II. METHODS

There are several theories used as an analytical knife in solving the problems that have been formulated in this study, which include Legal Certainty Theory, Legal Justice Theory, and Legal Benefit Theory. The approach used in conducting this research is an empirical approach that is descriptive in nature, namely research that describes precisely the characteristics of an individual, situation, symptom or certain group to determine the presence or absence of a relationship between a symptom and other symptoms in society (Asiki, 2006). Furthermore, in this study, researchers used a descriptive approach to describe precisely the properties of an individual, situation, symptom or certain group to determine the presence or absence of a relationship between a symptom and other symptoms in society (Asiki, 2006). Furthermore, it uses a statutory approach. The statute approach is carried out by examining all laws and regulations that are related to the legal issues being addressed. Furthermore, this research also uses a type of case approach. The case approach is carried out by examining cases related to the legal issues at hand. The case is a case that has become a court decision that has permanent force or *inkracht*. Legal material collection techniques to obtain legal materials in research. Primary data is conducted through an interview process, Secondary data is obtained by document study techniques on literature sources that are relevant to research problems by reading and recording data which is then grouped systematically according to the problems to be studied. The observation technique is a continuation of the interview technique, where this technique is carried out directly, namely by making observations or observations directly with the parties in dispute.

III. RESULT AND DISCUSSION

Existence of *Druwe Mrajan* Land in Balinese inheritance law

The land issue is a very complicated problem and has a broad impact on various aspects of human life. One of the land issues that is a product of the past is village customary land. The relationship between customary law communities and the land they occupy is so close and religion magical. Consequently, the customary law community obtains the right to control the land in question, utilize the land, harvest the products of the plants that live on the land, as well as hunt the animals that live there. Van Vollenhoven called this right of customary law communities over land "*beschikkingsrecht*" which was later translated into *hak ulayat* or *hak pertuanan*. In Bali it is known as *hak prabumian* (Suwitra, 2021). Customary land can be formulated as land belonging to an alliance, clan, tribe, clan, village and so on which does not belong to an individual at all, even though the person concerned has utilized it for his survival. On the other hand, Valerie Jaqueline Leonoere Kriekhoff stated that customary land can be defined as land on which customary rules apply. Suwitra further stated that during the enactment of Agrarian Law in the Dutch East Indies (Indonesia), five sets of laws were found, namely Customary Agrarian Law, Western Agrarian Law, Administrative Agrarian Law, *Swapraja* Agrarian Law, and Intergroup Agrarian Law. Customary Agrarian Law is formulated as the entirety of the Agrarian Law principles that originate from Customary Law and apply to lands owned with land rights regulated by Customary Law, which is often called Customary Land or Indonesian Land. This Customary Agrarian Law is found in the Customary Law on land and

water (internal), which regulates most of the land in the country. It applies to lands subject to customary law, such as *ulayat* land (*hak*), land owned by individuals subject to customary law. When the right to customary land is vested in a group of people and its utilization is regulated by the leadership of the group, the collective right is known as *hak ulayat*. So *ulayat* land is the same as customary land (Suwitra, 2021).

In the life of indigenous people in Bali based on the teachings of Hinduism and the philosophy of Tri Hita Karana, it also has an impact on traditional lands in Bali. The existence of customary lands such as *Pekarangan* Desa Adat (PKD) and *Ayahan* Desa land (AYDs) in Bali has a magical religious value, meaning that the existence of these customary lands has a relationship with the implementation of Hindu religious ceremonies carried out by each traditional village in Bali. Judging from the utilization of customary lands owned by indigenous villages, the customary lands have the following functions, namely:

Economic function, that the customary lands are sought to provide economic benefits for the owner and those who control or occupy the land.

Social Function, that the customary lands are expected to be useful in order to support social development.

Religious Function, that the customary land is related to the *ayah-ayahan* (obligation) of indigenous community members in development activities and the implementation of religious ceremonies at the temple in the Customary Village.

The three functions of customary land are interrelated and supportive. Particularly for Desa Adat members who receive a share of customary land, especially *Tanah Pekarangan* Desa (PKD) and *Tanah Ayahan* Desa (AYDs) are obliged to do *ngayah* to the Desa Adat (Rahardjo, 2007).

The existence of *Mrajan Agung* or *Sanggah Gede* is almost the same as the "*Dadia*" in Bali, which has two types of land, such as *Palemahan Pura* Land or *Mrajan Palemahan* Land and *Pelaba Mrajan Agung* Land or *Druwe Mrajan Agung* Land. *Palemahan Mrajan Agung* is a place where sacred buildings or *Pelinggih-Pelinggih* are built and complementary buildings that support ceremonial activities in *Merajan Agung* such as *Bale Gong*, *Bale Paruman*, *Bale Gendongan*, Warehouse for storing equipment and ceremonial equipment in *Mrajan*. While what is meant by *Pelaba Mrajan Agung* land or *Druwe Mrajan Agung* Land is land in the form of *Tegalan* (rice fields) which is intended to support the procurement of facilities for every religious ceremony at *Mrajan Agung*.

Most of the *druwe Mrajan Agung* land (*pelaba Mrajan Agung* land) is agricultural and plantation land, but with the development of the era from agrarian to tourism industry and the influence of rapid development, there are some lands owned by the temple and *druwe Merajan Agung* land cannot be cultivated or planted as it should be because the surrounding area is converted into a residential area. For the land owned by the temple and the *druwe* land of *Mrajan Agung* that can no longer be planted, it is necessary to think about taking certain actions so that the land does not become neglected land, so that the land can be utilized to obtain economic value that can be utilized for the benefit of *Mrajan Agung*.

Mrajan Agung is the same as the temple which in the National Agrarian Law, namely since the issuance of the Decree of the Minister of Home Affairs No. SK.556/DJA/1986 concerning the Designation of Temples as Religious Legal Entities that can have Land Ownership Rights.

In the heirs who determine based on the main line of primacy and the replacement line must be considered the prevailing family system. With the main lines of primacy, then the people who have blood relations are divided into groups, namely: 1) The first group of primacy is the descendants of the heir; 2) The second group of primacy is the parents of the heir; 3) The third group of primacy is the siblings of the heir and his descendants; 4) The fourth group of primacy is the grandparents of the heir and so on (Hadikusuma, 1991).

In the Balinese Customary Law society based on the *kepurusa* family system, the people who can be considered as heirs in the main line of primacy and the main line of succession are the men in the family concerned, as long as their rights as heirs are not cut

off. The group of people who are included in the line of primacy, first as heirs are the descendants of the heirs toned down, are biological sons or daughters who are upgraded as successors (*Sentana Rajeg*) and adopted children (*Sentana Peperasan*). *Sentana Rajeg* and *Sentana Peperasan* have the same rights as biological sons to the inheritance. Daughters and widows are not heirs, but if the daughter is unmarried (*Deha tua*), then she is entitled to her parents' property as her livelihood (*pengupa jiwa*) (Pudja, 1997).

The status of *Mrajan Agung druwe* land which is an heirloom inheritance or *druwe tetamian*, the right to inherit it is the heirs who still adhere to the Hindu faith only. Because the heirs who still adhere to Hinduism can carry out their obligations to worship the ancestors who are held in *Mrajan Agung*. Inheritance in Balinese customary law does not merely contain the rights of the heirs to the inherited property, but more than that the most important thing is the obligation of the heirs to the testator. The obligations of the heirs are a consequence of the rights they receive. Where an heir in Balinese customary inheritance law has certain obligations, namely: 1) Maintain the heir in a state of incapacity; 2) To bury the heir's body or organize a *pengabenan* (funeral pyre ceremony) for the heir to rest his/her spirit in the *Sanggah/Mrajan* (family worship place); 3) To worship the ancestor's spirit who resides in the *Sanggah/Mrajan*; 4) To carry out obligations (*ayahan*) towards the Banjar and the Desa Adat.

Inheritance and status of rights of heirs of different religions in Balinese customary inheritance law

Inheritance Law is a law that regulates the transfer of property left by a person who dies and the consequences for his heirs. Although the definition of inheritance law is not listed in the Civil Code, the procedure for regulating inheritance law is regulated by the Civil Code. Meanwhile, based on Presidential Instruction Number 1 of 1991, inheritance law is a law that regulates the transfer of ownership rights over the heir's property, then determines who is entitled to become heirs and how much each share is (Hadikusuma, 1991). Inheritance law should be in line with the Theory of Legal Justice, according to W.J.S. Poerwodarminto the word fair means not one-sided, there must be no arbitrariness and impartiality. So, justice basically treats someone or another party in accordance with their rights, meaning that justice does not have to be the same (Masyhur, 1985).

Meanwhile, customary inheritance law will not only describe inheritance in relation to heirs, but is broader than that. Customary inheritance law is customary law that contains lines of provisions regarding the system and principles of inheritance law, about the inheritance property that is transferred control and ownership from the heir to the heir. Customary inheritance law is actually the law of passing on wealth from one generation to its descendants (Masyhur, 1985).

There are two types of inherited property, namely, the type of inherited property in the form of property and the type of inherited property in the form of debt and credit. The explanation is as follows: 1) The type of inheritance in the form of property is property in the form of valuable goods that can be divided or inherited property that cannot be divided by the testator to the heirs. This type of inheritance is in the form of land, rice fields, houses, money, heirlooms; 2) The type of inheritance in the form of debts and credits is that the testator leaves debts and credits to the heirs, and the heirs are obliged to pay the debts left by the testator (Wriyasa, 2008).

Based on the definition of inherited property in Balinese customary law as above, the form of inherited property consists of *Harta Pusaka*, *Harta Bawaan* and *Harta Perkawinan*. The explanation is as follows:

Harta Pusaka is the inheritance that is authorized to take care of it at the time of the previous heir. Generally, the definition of heirloom property is mixed up with inheritance property in the sense of ordinary inheritance, this property remains the common property of the family which will not be divided among the heirs.

Harta Bawaan is the property that both the bride and the bridegroom bring into the marriage. This property can take the form of *Tatadan* property, *Akas Kaya*, and *Jiwa Dhana*. Each of which is explained: a) *Tatadan* property is property brought into the

marriage which occurs due to inheritance or can occur voluntarily from the heir. This type of property is the property brought by the groom into marriage; b) *Harta Akas Kaya* is the property earned by the bride before marriage and then the property earned by the bride is brought into marriage; c) *Harta Jiwa Dhana* is the property given to the woman leading up to marriage by her parents as provisions for marriage.

Marital property is property acquired in marriage (*Gunakaya*) or property acquired by husband and wife in marriage, especially property acquired by husband and wife with the results of joint labor.

So, with regard to the type of property, the inherited property can be grouped into three, namely:

Divisible inheritance. Divisible inheritance is when the property left by the testator can be divided by the heirs, which generally has material value such as rice fields, plantation land, houses and others. In the case of divisible inheritance, each heir is responsible for their respective shares both taking care of and using them to meet their needs.

Inherited property that cannot be divided. Inherited property that cannot be divided is heirloom property that has religious magical value such as: *Pemerajan* or *Sanggah*, kris, other ceremonial tools, proof land (*pelaba*) *Pemerajan*, *Pelaba Pura* which in essence is inseparable from the property for the benefit of maintenance or ceremonies. In addition, there is land called *Druwe tengah*, which is land that is divided or may be the residue of ceremonies to be jointly owned among the heirs. The reasons why inherited property cannot be divided are: a) because its nature does not allow it to be divided; b) because its legal position is bound to a certain place; c) because it is not yet free from the power of the legal community concerned; d) because its division is temporarily postponed; e) because it is inherited by only one person so it does not need to be divided.

Inherited property that can only be divided for certain groups. The example for this class of property is *Jiwa Dhana*, where it is stated that the goods given by the parents at the time of marriage are held, if one of the husbands or wives dies, then the goods will fall on the husband or wife who lives long, provided that the husband or wife has lived together as husband and wife for 12 years, if a divorce occurs, the woman or wife has full rights to the property she carries.

Harta pusaka is inherited property that cannot be divided. According to its form, there are two types, namely heirloom property which is inherited but because it has not been divided among the heirs, it is excluded from the distribution of inheritance. And the other is heirloom property which by its nature is not allowed to be divided among the heirs. The first form of heirloom property is called *druwe tengah*. *Druwe tengah* is the remainder of the heirloom property after deducting for funeral arrangements, if it is used by all families before being divided, this remainder is called *druwe tengah*. So, what is meant by *druwe tengah* is nothing other than undivided heirloom property (Puja, 1997).

With the death of a heir and leaving an inheritance, it is necessary to review the rights and obligations of the heirs in connection with the inheritance received. What is meant by rights is the authority given by law to the subject of law. The definition of obligation itself is a duty imposed by law to the subject of law and most importantly the obligation not to abuse rights (Artatik, Saputra & Apsaridewi, 2020).

In the life of the Hindu community in Bali, besides getting the right to inheritance, they must also fulfill their obligations as heirs, namely:

In terms of Religion, the heirs have a special position in their family, especially sons or daughters who have the status of *purusa*, because they are seen as the savior of the ancestors who died. As stated in the *kitab Manawadharmasastra* Chapter IX article 138, which reads: "*Pumnamno narakadyas mattraya te pitaram sutah, Tasmata putra iti proktah swayamewa swayambhuwa*" Meaning: "Because a son will deliver the *pitara* from Put Hell, therefore he is called a son by his own birth."

Social aspect, in social community relations, the heirs have an important role because they are the ones who will be obliged to replace the status of the heir, such as: 1) Performing *Pitra Yadnya*, is as a repayment of indebtedness (*pitra rnam*), and helps the

atma of his parents to get a good place to unite with Brahman; 2) Honor and glorify his parents, in the book of MD. Chapter II article 121 states: "He who is accustomed to respecting and always obeying his parents gets an increase in four things, namely: longevity, fame, knowledge and strength"; 3) Helping parents, after parents are no longer able to work it is the duty of a child to maintain and help his parents; 4) Continuing the Dharma of his parents, children as the next generation have an obligation and continue and develop the dharma of their parents. A heir is obliged to continue the dharma of his parents in social life, such as continuing his obligations as an heir.

From the excerpts of the articles (*Pawos*) in *Awig-Awig* mentioned above, it is very clear that only heirs who still adhere to the Hindu faith can inherit *druwe tetamian* land (*Pusaka* property). Whereas heirs who convert or no longer carry out their obligations as Hindus, their rights and obligations as indigenous village krama will be terminated in the sense that they are no longer recognized as indigenous village krama. However, the issue of personal inheritance or inheritance from the efforts of his parents depends on the family agreement to give someone who converts.

Inheritance Property and the Status of the rights of heirs of different religions in Balinese customary inheritance law, Inheritance Property is property which in Hindu law is called *dhana*, while in Balinese Customary Law it is known as *Druwe tatamiyan*. *Druwe tetamiyan* is a legacy of property rights from a deceased person to his living relatives, or in general terms commonly referred to as inherited property in inheritance law. The concept of inheritance property in Balinese customary law is all tangible (material) and intangible (immaterial) assets left by the heir to his heirs. *Druwe Merajan* land as a common (collective) inheritance property where *Druwe Merajan* land is an heirloom inheritance or *Druwe Tetamian* which is passed down from generation to generation. As a collective inheritance property which in customary law inheritance is a collective inheritance system, where the heirs receive the inheritance property as a unit that is not divided into control or ownership and each heir only has the right to use or get the results of the property. As with the *Mrajan Agung druwe* land that is in dispute, namely, in the form of a plot of land where the *Mrajan* building is a plot of land for a house on behalf of IGRS, with a total area of 2,100 M2 located in the Br. Pendem area, Dalung Village. And profit land (evidence) in the form of rice fields, namely a plot of land with Master Number 245, Persil Number 64 Class III in the name of Si Gde Sengkoegals / IGRS, with a total area of 1,950 M2 located in the Padang Luwih area, Dalung Village. Where the land is based on a large family agreement and to ensure legal certainty, related to the Complete System Land Registration (PTSL) the land has been certified in the name of IG NW and IGRO, namely the issuance of SHM No. 16570 / Dalung in the name of IG NW, IGRO. And SHM No.16572/Dalung in the name of IG NW, IGRO.

Rights and Obligations of heirs to *druwe Merajan* land, with the death of a heir and leaving an inheritance, it is necessary to review the rights and obligations of the heirs in connection with the inheritance received. What is meant by rights is the authority given by law to legal subjects. While the obligation itself is a duty imposed by law to the subject of law and most importantly the obligation not to abuse rights. Related to Inheritance in Balinese Customary law does not merely contain the rights of the heirs to the inheritance property, but more than that, the most important thing is the obligation of the heirs to the testator. This heir's obligation is a consequence of the rights he receives. Where an heir in Balinese customary inheritance law has certain obligations, namely: a) Caring for the heir in a state of incapacity; b) Burying the heir's body or organizing a *pengabenan* (funeral pyre ceremony) for the heir to rest his spirit in the *Sanggah/Merajan* (family worship place); c) Worshiping the spirits of ancestors who reside in the *Sanggah or Mrajan*; d) Carrying out obligations (*ayahan*) to the Banjar and the Traditional Village (Artatik, 2020).

The status of heirs of different religions to *druwe Merajan* land is related to inheritance in Bali will refer to considerations of customary law and Hinduism that apply to the supporting community. Like the inheritance land dispute in a family who changed religion in the Padang Luwih traditional village, it was stated that the heir who had changed religion, namely the plaintiff, was not entitled to the inheritance left by the heir. It should be emphasized that inheritance according to Balinese customary law is not synonymous with

dividing the inheritance of parents and ancestors (heirs) by heirs, but rather contains the meaning of preservation, management and continuation of *swadharma* (responsibility) and *swadikara* (rights) to the inheritance of the heir in various forms and characteristics. With regard to people who have changed religions or changed beliefs or people who are no longer Hindu are referred to as *Ninggal Kedaton Penuh*, meaning that people who are full *ninggal kedaton* are not entitled to inheritance from the heir, so they cannot be referred to as Heirs, they can only be referred to as heirs (descendants).

IV. CONCLUSIONS

The existence of *Druwe Mrajan* Land in Balinese Customary Law, until now Balinese customary land is still sustainable and maintained by the Balinese indigenous people, because the function of customary land plays an important role in supporting the lives of people in Bali, both in the economic sector, social sector, and religious sector. the status of *Mrajan Agung druwe* land which is an heirloom inheritance or *druwe tetamian*, who are entitled to inherit it are heirs who still adhere to the Hindu faith only. Because the heirs who still adhere to Hinduism can carry out their obligations to worship the ancestors who are held in *Mrajan Agung*. Inheritance in Balinese customary law does not merely contain the rights of the heirs to the inheritance property, but also must carry out various obligations in Balinese customary society.

Status of Rights of Heirs of Different Religions in Balinese Customary Law of Inheritance, heirs of different religions to *druwe Merajan* land are related to inheritance in Bali will refer to considerations of customary law and Hinduism that apply to the supporting community. Such as land inheritance disputes in families who change religions in the Padang Luwih traditional village, it is stated that heirs who have changed religions, namely the plaintiff, are not entitled to the inheritance left by the heir. It should be emphasized that inheritance according to Balinese customary law is not synonymous with dividing the inheritance of parents and ancestors (heirs) by heirs, but rather contains the meaning of preservation, management and continuation of *swadharma* (responsibility) and *swadikara* (rights) to the inheritance of the heir in various forms and characteristics. With regard to people who have changed religions or changed beliefs or people who are no longer Hindu are referred to as *Ninggal Kedaton Penuh*, meaning that people who are full *ninggal kedaton* are not entitled to inheritance from the heir, so they cannot be referred to as Heirs, they can only be referred to as heirs (descendants).

Based on the conclusion, it is hoped that the function of *Druwe Mrajan* Bali Land will be preserved, both for individuals and for groups. It is expected that parties who are no longer Hindu (*Ninggal Kedaton*) to accept the situation and should not ask for rights to families who are still Hindu, because they cannot carry out traditional obligations. The court is required to always be consistent in resolving inheritance disputes of Balinese customary society similar to this research.

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