

## Wills and Inheritance in Modern Society: Emerging Challenges and Evolving Dynamics

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**Abstract:** This paper discusses the phenomenon of wills and inheritance in modern society, which faces various challenges and new dynamics influenced by shifts in family structure, changes in gender roles, and geographical mobility. This study aims to analyse how these changes affect the distribution of inheritance and cause family conflicts. The research method used is a library study, reviewing relevant literature from various sources, including academic journals, books, and legal articles. The results of the study show that the shift from extended families to nuclear families, as well as the increased role of women in the family economy, has changed the dynamics of inheritance distribution. In addition, high geographical mobility poses challenges in coordination and communication among heirs. The dualism of inheritance law in Indonesia, namely Islamic law and customary law, also adds complexity to the distribution of inheritance. Community-based legal education has proven effective in improving public understanding of inheritance law and reducing conflicts. This study concludes that adaptation and harmonisation between traditional law and modern needs are essential to ensure fair and effective inheritance distribution in the modern era.

**Keywords:** Wills, Inheritance, Modern Society, Shifting Family Structures, Gender Roles, Geographical Mobility, Family Conflicts, Legal Dualism, Islamic Law, Customary Law, Legal Education, Distribution of Inheritance, Legal Harmonisation.

**Abstrak:** Tulisan ini membahas tentang Fenomena wasiat dan waris dalam masyarakat modern menghadapi berbagai tantangan dan dinamika baru yang dipengaruhi oleh pergeseran struktur keluarga, perubahan peran gender, dan mobilitas geografis. Studi ini bertujuan untuk menganalisis bagaimana perubahan-perubahan tersebut mempengaruhi pembagian warisan dan menimbulkan konflik keluarga. Metode penelitian yang digunakan adalah studi perpustakaan, dengan mengkaji literatur yang relevan dari berbagai sumber, termasuk jurnal akademik, buku, dan artikel hukum. Hasil penelitian menunjukkan bahwa pergeseran dari keluarga besar ke keluarga inti, serta peningkatan peran wanita dalam ekonomi keluarga, telah mengubah dinamika pembagian warisan. Selain itu, mobilitas geografis yang tinggi menyebabkan tantangan dalam koordinasi dan komunikasi antar ahli waris. Dualisme hukum waris di Indonesia, yaitu hukum Islam dan hukum adat, juga menambah kompleksitas dalam pembagian warisan. Pendidikan hukum berbasis komunitas terbukti efektif dalam meningkatkan pemahaman masyarakat tentang hukum waris dan mengurangi konflik. Penelitian ini menyimpulkan bahwa adaptasi dan harmonisasi antara hukum tradisional dan kebutuhan modern sangat diperlukan untuk memastikan pembagian warisan yang adil dan efektif di era modern.

**Kata Kunci:** Wasiat, Waris, Masyarakat Modern, Pergeseran struktur keluarga, peran gender, Mobilitas geografis, Konflik Keluarga, Dualisme Hukum, Hukum Islam, Hukum Adat, Pendidikan Hukum, Pembagian Warisan, Harmonisasi Hukum.

## **Introduction**

Recent research highlights significant changes in inheritance practices driven by evolving social dynamics. The shift from extended to nuclear families, changing gender roles, and increased mobility are reshaping estate management (Selamat Lumban Gaol, 2024). While women in non-Western societies still face discrimination in inheritance, Western women enjoy more privilege and control in this domain (Hacker, 2010). The aging population and changing demographics are prompting reevaluation of familial gift-giving and estate planning (Angel, 2010). Legal reforms are moving towards more flexible, accommodating laws that support family autonomy and recognize diverse family structures (Hill, 1995). These changes aim to minimize family disruption, conserve resources, and allow for tailored property divisions. However, the adoption of new inheritance laws varies between states, indicating a need for further research into interstate differences and the actual effects of these reforms (Hill, 1995).

Indonesia's inheritance law system is characterized by legal pluralism, encompassing Islamic, customary, and civil law (I. Nengah et al., 2024). This diversity creates challenges in resolving inheritance disputes, often leading to conflicts among heirs (Utama Wardi et al., 2024). Islamic inheritance laws, based on Sharia principles, aim to promote equitable wealth distribution but face implementation hurdles due to legal ambiguities and resistance from customary law practitioners (Suyono Arni et al., 2025). The coexistence of these legal systems results in tensions, particularly within different kinship systems such as matrilineal, patrilineal, and parental (RR. Dewi Anggraeni, n.d.). Court decisions increasingly favor state and Islamic law over customary inheritance practices, indicating a shift in the distribution system (RR. Dewi Anggraeni, n.d.). To address these challenges, experts recommend harmonizing inheritance laws, enhancing public education on inheritance rights, and implementing clearer guidelines to protect heirs' rights and mitigate conflicts (I. Nengah et al., 2024; Suyono Arni et al., 2025).

This collection of papers examines inheritance distribution in Islamic contexts, focusing on challenges, reforms, and conflict prevention. Studies highlight the complexity of achieving equality in inheritance practices within Muslim communities, often leading to family disputes (Ritonga et al., 2025; Ritonga & Harahap, 2024). Some countries, like Turkey and Tunisia, have reinterpreted inheritance laws to address gender issues and social changes (Muzaki et al., 2021). Peaceful solutions to prevent conflicts include consultation, open communication, and recognizing heirs' rights and responsibilities (Ritonga & Harahap, 2024). The research emphasizes the importance of understanding Islamic legal principles in inheritance distribution while adapting them to contemporary social contexts (Habib et al., 2024). Overall, these studies provide insights into the influence of religious values, social norms, and legal frameworks on inheritance practices, aiming to achieve more equitable wealth distribution aligned with Islamic principles and modern societal needs (Ritonga et al., 2025; Habib et al., 2024).

Recent research explores the evolving dynamics of inheritance and wills in modern society, addressing challenges and proposing solutions for fair estate distribution. Studies highlight the complexities arising from diverse family structures, cultural norms, and religious beliefs (Selamat Lumban Gaol, 2024; Raja Ritonga & Amhar Maulana Harahap, 2024). To prevent family conflicts, peaceful approaches such as open communication, consultation, and recognizing individual rights are recommended (Raja Ritonga & Amhar Maulana Harahap,

2024). The importance of education on inheritance rights, particularly regarding the Islamic faraidh system, is emphasized to address knowledge gaps and gender inequalities (Dinda Putri Hasanah et al., 2024). Additionally, the digital age presents new challenges for inheritance law, necessitating legal adjustments to handle digital assets and potential conflicts among heirs (Masykurotus Syarifah, 2024). Proposed solutions include updating legal regulations, developing relevant policies, and adopting ethical approaches to address digital inheritance issues (Masykurotus Syarifah, 2024).

### **Method**

This study adopts a qualitative approach using a descriptive-analytical library research design. It examines the phenomenon of wills and inheritance in modern society through a critical reading of academic literature, books, legal articles, and other authoritative sources. The literature search was directed to the core themes identified in the introduction and discussion: the shift from extended to nuclear family structures, changing gender roles within household economies, geographic mobility, the dual inheritance regimes in Indonesia (Islamic law and customary law), the emergence of new asset classes (especially digital assets and intellectual property), technological challenges to confidentiality and data security, the rise of inheritance disputes and their resolution mechanisms, and the professional roles of notaries, lawyers, and judges.

The papers examine inheritance law in Indonesia, highlighting the complexities arising from legal pluralism. Indonesia applies three inheritance systems: Islamic law, civil code, and customary law (Suwarti et al., 2022). This pluralism often leads to conflicts and uncertainty in inheritance distribution, particularly regarding gender issues and non-Muslim heirs' rights (Sofyan, 2025). Courts tend to favor state and Islamic law over customary kinship systems in resolving inheritance disputes (Anggraeni, n.d.). The concept of wasiat wajibah has been used to grant inheritance rights to non-Muslim heirs, with a maximum of one-third of the inheritance (Suwarti et al., 2022). Efforts to modernize Islamic family law, such as the Counter Legal Draft-Compilation of Islamic Law (CLD-KHI), aim to capture the universal message of Islamic texts for public good. However, these attempts at legal liberalization have faced significant opposition from various groups (Marni et al., 2023).

Analysis proceeded through organizing the corpus, close reading, thematic coding, and comparative synthesis. Thematic analysis linked cross-source findings into clusters (family structure, gender, mobility, legal regimes, new assets/technology, dispute/mediation, and legal professions) and then compared Islamic legal norms and customary practice with the needs of modern society. Trustworthiness was supported by source triangulation (combining legal texts, social studies, and policy articles), maintaining an audit trail for selection and synthesis, and checking internal consistency across themes. As a library-based study, generalization is cautiously limited by the absence of field data; nevertheless, the breadth of recent literature is expected to provide a strong conceptual basis for practical recommendations.

### **Results and Discussion**

Shifts in family structure across modern society carry wide-ranging implications for succession

and estate division. In Indonesia's traditional extended, often patriarchal families, primary authority tended to rest with the male head of household, assets were frequently managed collectively, and sons commonly received larger shares of inheritance; as contemporary realities introduce nuclear, single-parent, blended, and childless households, new dynamics emerge for guardianship and the distribution of estates (Abdullah, 2023). These structural changes complicate the practical and legal work of allocating assets—especially where stepchildren, adopted children, or heirs from previous marriages are involved—while divergent interests among heirs can heighten conflict over allocation, management, and rights. Existing rules do not always accommodate the diversity of modern family forms, which contributes to ambiguity in cases involving blended or single-parent households (Prudential Syariah, n.d.). Simultaneously, the expanding economic role of women strengthens claims for more equitable distributions and presses inheritance regimes to reconcile evolving social conditions with principles of fairness (JDIH Kabupaten Sukoharjo, n.d.).

A further layer of complexity stems from the proliferation of new asset classes. Digital assets—from cryptocurrencies and online shareholdings to copyrights in digital works—raise novel questions of ownership, access, valuation, and transfer at death, for which traditional succession frameworks provide limited guidance (KOMPAS.com, 2022). Intellectual property likewise requires tailored provisions: patents grant exclusive exploitation rights to inventors; trademarks protect product or service identity; and industrial designs safeguard aesthetic features, all of which must be accounted for in inheritance planning and administration (Arif & Rosni, 2018). Cross-border investments and overseas holdings magnify these challenges by introducing conflict-of-laws issues that demand coordination across jurisdictions, exposing regulatory gaps that existing frameworks have not fully anticipated (Bukalapak, n.d.).

Digitalization itself introduces governance risks and responsibilities. Protecting the confidentiality and security of a decedent's personal and financial data requires robust encryption, sound cybersecurity practices, and clear protocols for authorized access; without such safeguards, the risk of misuse increases (Hukumonline, n.d.). The ubiquity of online information also facilitates the spread of incomplete or misleading guidance about inheritance procedures, which can sow confusion and error; this underscores the need to rely on credible sources and professional legal counsel. Emerging technologies such as blockchain may help assure data integrity and secure record-keeping, but their usefulness depends on clear regulation and technical standards aligned with due-process requirements (DJKN, n.d.).

The steady rise of inheritance disputes reaching the courts signals the need to strengthen access to justice and expand efficient, harmonious pathways for resolution. Low levels of inheritance-law literacy remain a recurrent driver of conflict, suggesting the importance of sustained community-based legal education to clarify rights, duties, and procedures before disputes escalate (DJKN, n.d.). Within this landscape, mediation stands out as a constructive alternative to litigation: it promotes open communication, encourages jointly crafted solutions, shortens timelines, reduces costs, and helps preserve family relationships—benefits that depend on increasing public awareness, enlarging the pool of trained mediators with inheritance expertise, and building trust in the process's fairness and effectiveness (DJKN, n.d.).

Institutional and professional roles are pivotal in ensuring that succession is valid, transparent, and fair. Notaries provide legal certainty by ensuring wills meet statutory requirements—

a task made more demanding by inventories that now include digital and intellectual-property assets (“Analisis Yuridis Terhadap Peran Notaris,” n.d.). Lawyers advise clients on rights and obligations, represent parties in court, and pursue equitable settlements in complex, multi-asset estates (Peradi Palembang, 2024). Judges adjudicate disputes consistently, efficiently, and in accordance with facts and applicable norms, an increasingly challenging responsibility as asset structures and case profiles grow more complex (“Analisis Yuridis Terhadap Peran Notaris,” n.d.; Peradi Palembang, 2024). Continuous professional development in inheritance law, data protection, and the valuation and transfer of intangible assets is therefore indispensable for these professions and for a just, contemporary inheritance system overall.

### **Conclusion**

This review shows that wills and inheritance in modern society are significantly shaped by the transition toward nuclear families, the growing economic role of women, and increased geographic mobility. These changes alter relationships among heirs and introduce new complexities in estate division—especially in blended and single-parent families and in cross-regional contexts. Indonesia’s dual inheritance regimes—Islamic and customary—add further complexity, particularly where customary norms, modern needs, and aspirations for gender justice intersect in concrete cases.

The emergence of new asset forms—digital assets, online accounts, and intellectual property—requires updated legal frameworks and technical guidance to avoid gaps or overlaps at the time of succession. Rapid technological change also creates risks for the confidentiality and security of a decedent’s personal and financial data; without robust governance, the likelihood of misuse increases. Low inheritance-law literacy contributes to dispute escalation; scaling up community-based legal education, which has proven effective at clarifying rights and duties, is essential. Mediation stands out as a non-litigation mechanism that is faster, more economical, and better at preserving family harmony—provided it is supported by competent mediators and public trust.

The roles of notaries, lawyers, and judges are pivotal for ensuring that succession processes are valid, transparent, and fair. Notaries must adapt to digital assets and IP; lawyers provide equitable counseling and representation; judges ensure consistent application of the law grounded in facts and substantive justice. Normatively, this study underscores the urgency of adapting and harmonizing traditional law (Islamic and customary) with modern needs through inclusive regulatory updates, technical guidelines for digital and IP inheritance, strengthened inheritance-law literacy, and institutionalized mediation. With these measures, a fair, effective, and socially responsive distribution of estates is more likely to be realized in contemporary Indonesia. Future research that incorporates multi-regional field data and comparative studies of dispute-resolution practice is recommended to enrich the empirical base and refine policy design.

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