The Influence of Globalization on Community Perceptions in Understanding Inheritance Law in the Era of Disruption

Fatahullah[1], Sulistiyono Adi[2], Harahap Burhanudin[3]

[1] Doctoral Program in Law, Faculty of Law, Sebelas Maret University, Surakarta, Central Java, Indonesia
fatahullah@student.uns.ac.id

Abstract. Globalization is an era of a world without borders because every aspect of a country is interconnected and depends on other countries. Globalization is a natural process that will bring all nations and countries in the world increasingly connected to each other, creating a new order of life or unified coexistence by eliminating geographical and economic and cultural boundaries of society. The influence of globalization, especially on information media, has caused people's mindset to change. This change in mindset can lead to positive things so that it will be able to develop the potential of everyone. But it can also lead to negative things. One of the social problems being highlighted recently is the loss of respect from society or individuals towards their own family members. This article is extracted from the results of normative legal research or doctrinal legal research using a statutory approach and a conceptual approach using secondary materials. Meanwhile, the analysis is carried out using deductive reasoning and is connected to relevant legal theories. The influence of globalization on the inheritance system in the current era of disruption occurs because of the lack of public awareness and knowledge of the social values that live in society. In Indonesia, there is a pluralism of inheritance laws, namely there are western civil, customary, and religious (Islamic) inheritance laws. Islamic inheritance law is an inheritance law that is often studied and discussed because many people use this inheritance law. In this era of disruption, Islamic inheritance law which is determined through Islamic law and its distribution is rigid and must face the current of globalization which is changing people's thought patterns and attitudes. There are several forms of irregularities committed by society regarding the inheritance process in society, such as the ease with which people sue each other over inheritance; Reclaiming old inheritance; Children sue biological parents; The law is used to delegitimize the rights of other heirs.

Keywords: Globalization, Community Perception, Inheritance.

INTRODUCTION

The term 'globalization' is taken from the word globalize which refers to the emergence of an international scale network of social and economic systems. This means that globalization is a paradigm that explains a phenomenon that human activities are global and do not stand alone. It cannot be denied that globalization has now become a word that has been widely heard throughout the world since the

beginning of the 21st century. Pros and cons always color the journey of globalization as a phenomenon that changes the order of people's lives. Changes that occur, are felt collectively, and affect many people (across regions, across countries, across cultures) which influence our lifestyle and environment. The world is always changing, and globalization is a connected world that seems to have no boundaries. In 2000, the International Monetary Fund (IMF) explained that there are 4 basic aspects of globalization, namely: (1) trade and transactions; (2) capital and investment movements; (3) migration and human movement; and (4) liberation of science. In the third aspect, globalization makes human interaction seem to have no boundaries. Moreover, coupled with the rapid development of information technology which began in the 21st century.

Globalization is an era of a world without borders because every aspect of a country is interconnected and depends on other countries. Globalization is a natural process that will bring all nations and countries in the world increasingly connected to each other, creating a new order of life or unified coexistence by eliminating geographical and economic and cultural boundaries of society. Globalization has had a bad influence on the attitudes and behavior of society which have been practiced by Indonesian society. Indonesian society is known for its eastern customs which uphold the values of togetherness, good manners, and respect for parents.

The presence of information technology and communication technology in the context of globalization accelerates the acceleration of the connection process between countries and individuals. The currently developing globalization touches all important aspects of life and creates various new challenges and problems that must be answered and solved by every stakeholder in a country and society. Globalization as a process is not a new phenomenon because the globalization process has been around for centuries. At the end of the 19th century and the beginning of the 20th century, the flow of globalization grew rapidly in various countries when communication, information and transportation technology began to be discovered. The leap in increasingly sophisticated technology in the mid-20th century was the internet and now the proliferation of mobile phones with all the facilities.

In the context of Indonesian society, globalization has given birth to a new trend, namely the emergence of hybrid culture, hodgepodge culture, culture without identity. Indonesian citizens or communities accommodate and adopt diverse values and cultures from around the world. Meanwhile, Indonesia's local culture and traditions are increasingly marginalized. So that currently globalization in Indonesia is taking place in all areas of life such as ideology, politics, economics, social culture, defense and security and others.

The influence of globalization, especially on information media, has led to changes in people's thinking patterns. This change in mindset can lead to positive things so that it will be able to develop the potential of everyone. But it can also lead to negative things. One of the social problems being highlighted recently is the loss of respect from society or individuals towards their own family members. In this article, the author is interested in discussing the influence of globalization on people's mindset in interpreting inheritance provisions, especially Islamic inheritance, in Indonesian society. Because recently there has been a phenomenon of inheritance lawsuits between nuclear family members. The author can provide examples of cases, for example the case of a child suing his biological mother at the Praya Religious Court, Central

Lombok, West Nusa Tenggara Province (NTB). In Probolinggo, East Java, a child sued his biological mother because of his father's inheritance. Apart from that, there are several other cases that occurred due to inheritance issues. The issue of inheritance lawsuits between nuclear families is something of an irony in the legal process in Indonesia. Because law is not only about fulfilling our rights or not, but also requires looking at social values and the propriety of an action carried out. Moreover, children are contesting inheritance issues against their parents, which should, both in the social and legal context, mean that children are obliged to respect their parents and take care of their parents when their parents are old/no longer capable. So, globalization, as Anthony Giddens said, is not just about what is "out there", separate and far from each person. It is also an "in here" phenomenon, affecting intimate and personal aspects of our lives.

The phenomenon of changes in people's attitudes/behavior in terms of inheritance distribution which does not pay attention to culture or culture and customs in society can change the social order that has been believed by society. This becomes disruption as stated by Francis Fukuyama that disruption means disruption or chaos. According to him, a society conditioned by the power of information tends to respect the values upheld in democracy, namely freedom and equality. The influence of globalization in this era of disruption causes disruption, namely the weakening of social ties and the fading of common values which become social capital. This is what happened in the case as reported in the examples above. According to [1], children do not see the consequences of their behavior, they will do things that are fun according to their own thoughts. Regarding several of these issues, the author is interested in discussing how inheritance law (especially Islam) should and occurs in society

RESEARCH METHODS

This article is extracted from the results of normative legal research or doctrinal legal research which views law as a set of formal rules, norms, or principles. The approach used is a statutory approach and a conceptual approach by examining secondary legal materials from various statutory regulations, especially the Marriage Law, the Religious Courts Law, and related regulations such as the Compilation of Islamic Law. Analysis of the research results was carried out using deductive reasoning and linked to relevant legal theories.

RESULTS AND DISCUSSION

Disruption of Inherited Moral/Social Values Due to the Influence of Globalization.

The term disruption was first proposed by Clayton M. Christensen, a professor of strategy at Harvard Business School. He wrote an article in the Harvard Business Review in 1995 entitled Disruptive Technology: Catching the Wave. Furthermore, the term disruption became very popular after Clayton M. Christensen wrote the book The

Innovator Dilemma (1997). According to Christensen, disruption is not just ordinary change, but big change that changes the order in the world of business, investment, and finance. Every large company has standards for the products it produces so they make innovations, but these innovations are only to maintain growth and the market. However, on the other hand, they carry out denial (deception) or neglect of what is considered small. This article will not discuss disruption according to Christensen because it is very closely related to the nature of his business. However, this article will look at disruption in a broader context or even the opposite of what Christensen conveyed, namely disruption according to Francis Fukuyama in his book The Great Disruption: Human Nature and the Reconstitution of Social Order (1999). Where according to Fukuyama disruption is disturbance or chaos. Chaos here is the decline in values and social order because of the development of globalization in society.

   Fukuyama does not reduce social problems to the moral crisis or hypocrisy of the times. However, he saw various problems resulting from the spread of globalization, for example crime, divorce, the birth of children without fathers, the declining quality of education, and the loss of mutual trust in social life. These incidents are indicators of the emergence of two serious disorders in society, namely first, the weakening of social ties and second, the fading of mutually agreed values (common values) which should be social capital. So, this cumulatively becomes a big problem (great disruption) for social life. In fact, according to Fukuyama, civil society as a civilized society cannot possibly exist without close social ties and the existence of values (cultural, social, moral) as social capital. Inheritance issues are not only personal issues between heirs who are still in the same family but are also social issues because humans are social creatures, so what is called a social process occurs. In Anthony Giddens' structuring theory, it is stated that individuals can choose structural coercion and individual power as actors in influencing and creating structures. The legal structure of inheritance in society concerns issues that are mutually agreed upon. Namely the law for determining how to distribute inheritance. In Indonesian society there are 3 (three) applicable inheritance law systems, namely western civil inheritance law, inheritance law based on customs and inheritance law based on religious values (Islam). The pluralism of inheritance laws that apply in society has led to choices of law for society. Sometimes in choosing the law we look for which system is the most profitable. In fact, when determining inheritance choices, you should not just look at what is profitable but look at the objective issue of inheritance, namely which inheritance law system is good together. As a child, you can claim your inheritance rights upon the death of an heir. However, objectively (socially) this is considered something that is inappropriate/normal so that it harms moral values. Moral values are norms that determine whether our behavior is good or bad from an ethical point of view. Therefore, moral norms are the highest norms, which cannot be subordinated to other norms. The measure of the morality of an action, good or bad, is determined by two factors, namely a subjective measure and a general or objective measure based on certain norms. A person's conscience subjectively tells him what is good and what is bad. Norms generally tell everyone about good and bad actions. The categorical imperative originating from Immanuel Kant is perhaps the most famous benchmark in moral philosophy that has captured the public's attention. The imperative category is "actions only correspond to maxims (morals) in a way that you at the same time find that the action will become a universal law". This means that an action is in line with morals if

the action contains universal values. Violation of ethics and norms of goodness is one of the things that can cause damage to social relations. Patterns of behavior that violate applicable ethics and laws can be categorized as social deviance. Moreover, if this behavior has disturbed society, if viewed from the field of social pathology, it can be categorized as a social disease. Taking Jurgen Habermas's opinion regarding communication theory, Islamic inheritance law is a means of cementing social harmony in Islamic society in the distribution of inheritance with the condition that inheritance law must be formed in healthy communication or dialectics, involving elements of legal subjects, being aware of what they have and being responsible for it. applicable inheritance law.

Inheritance System according to Islamic Law

A system is a certain order that shows a structural arrangement that is broken down into parts. These parts will relate to each other. In Indonesia today, pluralism of inheritance law still applies, namely western civil inheritance law, customary inheritance law and religious (Islamic) inheritance law. The existence of these three inheritance law systems is equally recognized in society. Talking about the Islamic inheritance system, we will discuss the parts of Islamic inheritance law which include heirs, heirs, inheritance, and the share of each heir. Theoretically, Islamic inheritance law is often also referred to as faraidh, namely the part whose levels have been confirmed or determined. There are several opinions about the definition of faraidh. According to Muhammad al-Syarbiny, faraidh science is the science of fiqh relating to inheritance, knowledge of calculation methods that can complete inheritance, and knowledge of the obligatory parts of inheritance for each owner of inheritance rights (heirs). Hasbi Ash-Shiddieqy defines faraidh as the study of who gets an inheritance and who doesn't, the amount received by each heir, and how it is distributed. The science of faraidh is the science that discusses the transfer of inheritance from someone who has died to someone who is still alive, both regarding the assets left behind, the people who are entitled to receive the inheritance, the share of each heir, and how to settle the distribution of inheritance. That. Idris Djakfar and Taufik Yahya define inheritance law as a set of provisions governing the transfer of rights from someone who has died to someone who is still alive, these provisions are based on Divine revelation contained in the Koran and its explanation. given by the Prophet Muhammad SAW, in Arabic terms it is called faraidh.

Meanwhile, in article 171 letter a of the Compilation of Islamic Law (KHI), inheritance law is the law that regulates the transfer of inheritance rights (tirkah) of heirs, determining who has the right to be an heir and how much each person will share. So Islamic inheritance law is the rules of Islamic law regarding the transfer of ownership rights from the heir to his living heirs, whether what is left behind is in the form of money, land or anything in the form of legal/legal property rights. So, the Islamic inheritance law system is a system of values and rules that have been established in Islamic law regarding the distribution of inherited assets left by the heir to each entitled heir. The activity of transferring assets in Islamic inheritance law is not based on the wishes of humans, whether they are heirs or heirs. But this transfer is based on the decree of Allah SWT. This is in accordance with the principle underlying Islamic inheritance law, namely the Ijbari principle. According to Amir Syarifuddin, the

principle of ijbari is that the transfer of assets from someone who dies to his heirs takes place automatically according to Allah's decree so that it is not dependent on the wishes of the heirs and heirs. So even though they (the heirs and heirs) are the people who have the right to inherit property, they do not have the right to regulate the distribution of that right. Every Muslim human being must submit and obey (taabudi) to the provisions of inheritance law as prescribed by Allah SWT through the Prophet. Inheritance law cannot be separated from the influence of globalization, namely the disruption of people's attitudes which only see personal interests rather than the interests of groups or society. This disruption can be seen from the increasing number of lawsuits related to inheritance in the Religious Courts and District Courts. For example, at the South Jakarta Religious Court from 2012 to 2016 there was always an increase in inheritance lawsuit cases, namely: in 2012 there were 19 cases; in 2013 there were 20 cases; in 2014 there were 30 cases; in 2015 there were 46 cases; and in 2016 there were 36 cases. If you add volunteer inheritance, there will be even more. for example, there were 127 cases of heir succession in 2012; in 2013 there were 130 cases; in 2014 there were 140 cases; in 2015 there were 147 cases; and in 2016 there were 186 cases. This data show that lawsuits over something that is not one's own personal property are no longer taboo. This means that family values and shame in the social environment have begun to disappear among Indonesian society. In the context of Islamic inheritance law, each heir has a determined share in the numbers, whether small or large. This distribution is absolutely in accordance with the principle of ijbari and will be owned personally/individually by each heir. So, inheritance is not something that needs to be chased because the inheritance will come by itself when the time comes. Moreover, basically inheritance is not the heir's own property, but rather the heir's property. However, because someone dies and the person who left the property is related by lineage or marriage, the heirs get a share of the property.

Changes in public perception that occur in the context of inheritance law because of the influence of globalization.

Globalization is a term that is often used to indicate the modernity of a nation or society. This is true because globalization was initially a social and cultural process that began with the interaction of one nation with other nations. This opinion is as explained by Jamal Wiwoho. Furthermore, Jamal Wiwoho said that globalization can be defined as a condition of interdependence in international networks including transportation, distribution, communication, and economics that transcends national territorial boundaries. Each country becomes interdependent on each other as Tamlinson said that globalization is "complex connectivity referring to the rapidly developing and ever more complex network of interconnections and interdependencies that characterize modern social life". So, globalization is the mutual influence and interdependence of various elements in society which causes changes to occur. Both changes in attitudes, actions, and activities of society. These changes can be positive or negative. Positive changes are constructive in nature. Examples are open information flow, easy access to jobs, technology transfer to develop society and so on. Meanwhile, changes that lead to negative characteristics, for example the emergence of cultures that want to progress instantly, westernized thinking, are individualistic and so on. The phenomenon of globalization, as stated by George Ritzer, is a phenomenon that not only brings changes

in the economic field, in the form of global capitalism, but also social and cultural. Apart from the negative changes above, the influence of globalization is also very visible on inheritance issues. Specifically, regarding inheritance issues, there are several problems that arise because of the influence of globalization, namely as follows:

Increase in cases of inheritance lawsuits.

Since the abolition of "option" rights in the general provisions of the Religious Courts Law, inheritance cases handled by religious courts have increased from year to year. One example is an inheritance case handled by the Selong Religious Court, East Lombok, NTB. In 2012, PA Selong received 80 inheritance claims, 86 in 2013, 94 in 2014, 80 in 2015, 69 in 2016, 57 in 2017 and 70 in 2018. The increase in inheritance cases from year to year can be interpreted as the occurrence of what is called global governance, namely the trend of globalization which has encouraged the integration of domestic/local community life into the global community in various fields. The global community, especially the western world, views everything from an individualistic perspective. So, what is prioritized is what is called the fulfillment of rights. In the context of a lawsuit over inheritance rights, it is indeed the right of every heir to claim their inheritance rights if the division of inheritance is open.

Reclaiming old inheritance

According to one of the judges, the inheritance cases that occurred at the Selong Religious Court above were inheritance cases that had been going on for a long time or the heir had long since died. Sometimes the problem now is that the third or fourth descendant of the heir considers that the distribution made by their parents previously was not considered a distribution of inheritance because it is not in accordance with the inheritance law that they understand.

The child sues the biological parents

As stated at the beginning of this article, there is starting to be a trend towards inheritance lawsuits being carried out by people closest to them. Even more sad in a social context is a lawsuit brought by a child against his own biological father or mother. Even though according to procedural law, the rights of every legal subject and according to Islamic inheritance law in accordance with the principles of inheritance exist because of the death of the testator. However, suing biological parents is considered an inappropriate action. Apart from the fact that the assets being sued are not due to our own efforts, there are also still living parents who should be dependent on the children, including from the inherited assets.

The law is used to delegitimize the rights of other heirs

Inheritance law is not only a pluralism system but also a pluralism of schools. For example, the issue of the inheritance rights of one's own daughter towards the heir's siblings. Or the problem of the inheritance of grandchildren who are "considered" to be hindered by the uncle's presence. Although globalization has given birth to negative impacts in the form of changes in individual attitudes that go against social currents. So, it is destroying the social order. However, rejecting globalization is also not a good attitude, because globalization, as stated by George C. Lodge, quoted by Jamal Wiwoho, said that globalization is a fact and a process. So, globalization in society is

something real and will be a continuous process, who knows how long it will end. So, rejecting globalization is a very difficult thing to do, if not impossible. Because basically the process of globalization has been around for a long time and has never been absent from our lives. What is needed now is a filter as a tool to select what can be adopted and what cannot be adopted by a nation, including the Indonesian nation.

CONCLUSIONS AND RECOMMENDATIONS

Based on the description above, there are several things that can be concluded in this article, namely:

1. The influence of globalization on the inheritance system in the current era of disruption occurs because of a lack of public awareness and knowledge of the social values that live in society. Even though inheritance is a form of right, there is an open inheritance principle when the heir dies, the norms and values that exist in society determine that the inheritance is open when both parents die. So, if one of them is still alive then the opening of the inheritance has not fully occurred.

2. In Indonesia, there is pluralism in inheritance law, namely there are western civil, customary, and religious (Islamic) inheritance laws. Islamic inheritance law is an inheritance law that is often studied and discussed because many people use this inheritance law. In this era of disruption, Islamic inheritance laws determined through Islamic law and its distribution are rigid and must face the current of globalization which is changing people's mindsets and attitudes.

There are several forms of irregularities committed by society regarding the inheritance process in society, such as the ease with which people sue each other over inherited assets; Reclaiming old inheritance; Children sue biological parents; The law is used to delegitimize the rights of other heirs.

References

1. Amir Syarifuddin, 2004, Islamic Inheritance Law, Jakarta: Prenada Media
2. Agung M.L., From Disruption to New Normality,
3. Azkia L., Globalization as a Social Process in Social Theories, Tarbiyah Journal: Educational Scientific Journal Vol. 8 No. 1. January – June 2019 (13-27)
4. Bertens, 2011, Ethics, eleventh printing, Jakarta: Gramedia Pustaka Utama
5. Dedy Djamaluddin Malik, Globalization and Cultural Imperialism in Indonesia, https://journal.budiluhur.ac.id/index.php/comm/article/view/26
6. Donny Danardono, Marxist Legal Studies, Habermasian Postmodernism, Law, Society, and Development, p. 23.
7. Fukuyama F., The Great Disruption: Human Nature and the Reconstitution of Social Order (London: Profi le Books, 1999)
8. "Globalization". Online Etymology Dictionary. Accessed January 24, 2021
9. Harris S., The Moral Landscape How Science Can Determine Human values, Transworld Publisher, London, 2010, p. 81-82

10. International Monetary Fund. (2000). "Globalization: Threats or Opportunities." 12th April 2000: IMF Publications.
11. https://regional.kompas.com/read/2020/12/23/09290001/perjalanan-kas-anak-mohon-ibu-soal-warisan-ayah-di-lombok-berawal-dari?page=all
12. https://news.detik.com/berita-jawa-timur/d-4656581/sebuah-anak-ault-ibu-kandung-dengan-tak-dapat-warisan
13. https://kumparan.com/kumparannews/cerita-5-orang-tua-yang-dimohon-anak-kandungnya-diri-1v36lHmhLpz/full
14. https://badilag.mahkamahagung.go.id/seputar-peradilan-agama/berita-region/cepatan-waris-di-pa-selong-19-3.
15. https://bangunan3.mahkamahagung.go.id/search.html?q=%22Harta+warisan%22&courtos=44&page=498
16. http://jamalwiwoho.com/wp-content/uploads/2010/10/GLOBALIZATION.pdf accessed 28 January 2021
17. https://news.detik.com/kolom/d-5073882/dari-distruk-menuju-kenormalan-baru,   accessed on 18 February 2020
18. Ohoitimur J., "Disruption: Challenges for the Development of Science and Opportunities for Higher Education Institutions." Response 23.02 (2018): 143-166.
19. Luthan, Salman, "The Dialectic of Law and Morals in the Perspective of Legal Philosophy." Ius Quia Iustum Law Journal 19.4 (2012): 506-523.
20. Nasution H.A., 2019, Social pathology and family Islamic education (D. F. Multiera, Ed.). Surabaya: Scopindo Media Pustaka
21. Rahardjo S., 1982, Legal Studies, Bandung: Alumni
22. Santrock, J. W, 2008, Adolescent development, Jakarta: Erlangga
23. Shabuni M.A.A, 1995, Distribution of Inheritance According to Islamic Law, Trans. A.M. Basamalah, Jakarta: Gema Insani Press
24. Yuniarto, P. R. (2016). Globalization problems in Indonesia: Between interests, policies, and challenges. Journal of Regional Studies, 5(1), 67-95.