



Legal Uncertainty in Indonesia's Mining Sector: Impact on Business, Inheritance, and Asset Division Challenges

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Abstract

Background: Legal uncertainty in Indonesia's mining sector has created challenges not only for business operations but also for the management, inheritance, and distribution of mining-related assets within families. This study examines how regulatory ambiguity affects asset division and inheritance under Islamic law.

Methods: This study employs a qualitative legal research approach through document analysis and case study review. Relevant legal sources include mining regulations, Government Regulation No. 25 of 2024, Presidential Regulation No. 77 of 2024, and Islamic inheritance law (*fara'id*). Data were analyzed using thematic analysis to identify legal inconsistencies and their implications.

Results: The findings reveal that unclear and inconsistent mining regulations contribute to disputes concerning ownership, control, and transfer of mining-related assets. These uncertainties complicate the implementation of Islamic inheritance principles and often trigger conflicts among heirs and family members.

Discussion: The separation between mining regulations and Islamic inheritance law creates legal ambiguity in family wealth management. The absence of an integrated regulatory framework limits legal certainty and hinders equitable asset distribution in inheritance and post-divorce settlements involving mining businesses.

Conclusion: Strengthening legal harmonization between mining law and Islamic inheritance law is essential to reduce disputes, improve legal certainty, and support fair asset distribution while maintaining business sustainability in the mining sector.

Novelty: This study offers an integrated analysis of mining law and Islamic inheritance law by demonstrating how legal uncertainty in the mining sector affects inheritance governance and family asset distribution in Indonesia.

Keywords: mining governance; legal certainty; *fara'id*; inheritance disputes; family wealth distribution

INTRODUCTION

Indonesia's mining sector constitutes one of the most strategic pillars of the national economy due to its abundant reserves of minerals, coal, and other natural resources. Beyond its contribution to state revenue, the sector plays a vital role in attracting investment, creating employment opportunities, and supporting regional development. Nevertheless, the sustainability of mining activities is frequently challenged by regulatory complexity and legal uncertainty that affect business decision-making and long-term asset management. In legal and economic discourse, uncertainty is often associated with increased risks, reduced investment confidence, and weakened institutional governance (Bousslama & Lahrichi, 2017; Asgharian et al., 2023). Similar concerns have also been identified in resource-based industries where fluctuating regulations and policy inconsistency create instability for stakeholders (Alsharif, 2024). Consequently, legal certainty has become a critical prerequisite not only for business sustainability but also for the protection of property rights and asset ownership within mining enterprises.

The issue of legal uncertainty in Indonesia's mining sector extends beyond commercial operations and increasingly affects family wealth governance. Mining assets frequently involve substantial economic value and are often owned, managed, or transferred through family-based business structures. However, ambiguity in regulatory interpretation may create disputes regarding ownership status, control rights, and asset transfer mechanisms. Such conditions become more problematic when mining-related assets are subject to inheritance distribution, marital property division, or family succession processes. Studies on legal certainty demonstrate that unclear regulations often generate overlapping claims and prolonged disputes among stakeholders (Hidayat, 2023; Rasmuddin et al., 2024). Furthermore, weaknesses in legal administration and asset governance may complicate the resolution of ownership conflicts, particularly when economic assets possess strategic value and involve multiple heirs or family members (Burns et al., 2023).

From the perspective of Islamic family law, inheritance distribution is governed through the principles of *fara'id*, which establish specific rights and proportions for eligible heirs. These principles aim to ensure justice, legal certainty, and equitable wealth distribution among family members. Previous studies have extensively discussed Islamic inheritance law, inheritance reform, and the harmonization of Islamic legal norms with contemporary legal systems (Djawas et al., 2022; Ismail et al., 2022; Assaad et al., 2022). Other scholars have emphasized the importance of integrating Islamic legal principles into national legal frameworks to achieve greater coherence and social justice (Barlinti, 2011; Rahmawati et al., 2024). Despite these developments, the practical application of Islamic inheritance principles to mining-related assets remains insufficiently explored. The unique characteristics of mining businesses, including licensing arrangements, concession rights, corporate ownership structures, and state regulatory intervention, create legal complexities that are not fully addressed within existing inheritance law discussions.

Despite the growing body of literature concerning mining governance and Islamic family law, significant gaps remain regarding the intersection between these two legal domains. Existing studies generally examine mining regulation, legal certainty, inheritance law, or family asset management as separate subjects, resulting in limited understanding of how legal uncertainty in the mining sector affects inheritance governance and family wealth distribution. This gap is particularly important because mining assets often represent valuable family property that may be transferred across generations through inheritance mechanisms. Therefore, this study addresses two primary research questions: (1) How does legal uncertainty in Indonesia's mining sector influence the distribution and inheritance of mining-related assets within families? and (2) How can the harmonization of mining regulations and Islamic inheritance law contribute to greater legal certainty and equitable asset distribution? Addressing these questions is essential to understanding the broader implications of regulatory ambiguity for both business continuity and family legal relations.

Accordingly, this study aims to analyze the impact of legal uncertainty in Indonesia's mining sector on inheritance governance and family asset distribution while proposing an integrated legal framework that harmonizes mining regulations with Islamic inheritance law. The study contributes to the literature by extending discussions on legal certainty beyond corporate governance and economic regulation into the realm of family wealth management. Unlike previous studies that focus separately on mining law or Islamic inheritance law, this research develops an integrated analytical perspective that connects regulatory governance, asset ownership, and inheritance distribution within mining-related businesses. Furthermore, the study provides theoretical contributions to debates on legal harmonization and practical recommendations for policymakers, legal practitioners, and families involved in mining enterprises. By strengthening the relationship between mining governance and Islamic family law, the research seeks to promote greater legal certainty, reduce inheritance disputes, and support the realization of justice in family asset distribution (Ahyani et al., 2024; Harry et al., 2024).

LITERATURE REVIEW

The concept of legal uncertainty has attracted considerable attention in legal and economic studies because it directly influences governance, investment behavior, and institutional stability. Legal uncertainty generally refers to conditions in which regulations are inconsistent, ambiguous, overlapping, or subject to multiple interpretations, thereby reducing predictability in legal decision-making. In sectors characterized by high economic value and complex regulatory structures, such as mining, legal certainty becomes an essential component of sustainable governance. Studies on uncertainty demonstrate that regulatory ambiguity increases transaction costs, weakens investor confidence, and complicates long-term asset planning (Bouslama & Lahrichi, 2017; Demirer et al., 2020; Asgharian et al., 2023). Similar findings are evident in contemporary legal studies, where inconsistent state intervention often creates uncertainty regarding ownership rights, economic transactions, and resource

management (Hidayat, 2023; Alsharif, 2024). Within the Indonesian context, legal certainty is increasingly viewed not merely as an administrative requirement but as a fundamental principle necessary for ensuring justice, accountability, and the protection of individual and collective rights. Consequently, discussions concerning legal uncertainty in the mining sector extend beyond economic concerns and encompass broader questions of property ownership, succession, and family wealth governance.

The literature on Islamic inheritance law provides an important framework for understanding how wealth should be transferred and distributed among heirs. Islamic inheritance principles, commonly known as *fara'id*, establish a structured mechanism designed to achieve fairness, balance, and legal certainty in wealth distribution. Scholars have emphasized that inheritance law serves not only as a legal instrument but also as a means of preserving social harmony and preventing disputes among family members (Djawas et al., 2022; Rajab, 2024). Research conducted by Assaad et al. (2022) demonstrates that inheritance distribution can accommodate local legal traditions while maintaining Islamic principles of justice. Similarly, Ismail et al. (2022) and Reskiani et al. (2022) highlight the adaptability of Islamic inheritance law in responding to changing social and legal conditions. Furthermore, Azni et al. (2023) underline the importance of proper timing and procedural clarity in inheritance distribution to prevent prolonged disputes among heirs. These studies collectively suggest that Islamic inheritance law possesses sufficient normative foundations to regulate family wealth distribution; however, challenges emerge when inherited assets are embedded within complex commercial sectors governed by distinct regulatory regimes.

A growing body of scholarship has examined the relationship between legal systems, family law, and social justice. Contemporary studies emphasize that family-related legal disputes increasingly involve economic assets that are subject to multiple regulatory frameworks. Research on Islamic family law demonstrates that effective legal protection requires harmonization between religious principles and state regulations (Ahyani et al., 2024; Asman & Ahmed, 2024; Indrayanti et al., 2024). Similarly, Barlinti (2011) argues that harmonization between Islamic law and national legal systems is essential for achieving legal coherence and reducing normative conflicts. This perspective is further supported by studies examining legal reform and cultural adaptation within Islamic legal practice, which suggest that legal integration can strengthen both social legitimacy and legal effectiveness (Rahmawati et al., 2024; Sahrul et al., 2024). Nevertheless, the majority of these studies focus on family law, inheritance reform, cultural adaptation, or legal harmonization in general contexts. Limited attention has been devoted to situations where family assets are directly connected to regulated industries such as mining, where ownership structures, licensing requirements, and state control generate additional legal complexities.

Another important strand of literature concerns governance and asset administration. Scholars have noted that disputes over ownership and wealth distribution frequently emerge when legal frameworks fail to provide clear mechanisms for identifying, valuing, and transferring assets (Burns et al., 2023). In family-owned enterprises, these challenges become even more significant because business assets often overlap with personal and inherited property. Studies on legal clarity indicate that transparent regulations contribute to dispute prevention and improve institutional trust (Prasetyo & Hoesin, 2022; Rahman et al., 2023; Rasmuddin et al., 2024). Likewise, Ahyani et al. (2021) emphasizes that Islamic legal principles should be contextualized within contemporary socioeconomic realities to ensure their continued relevance and effectiveness. However, despite the recognition of legal clarity as an important governance principle, existing scholarship has not sufficiently explored how uncertainty in mining regulations affects inheritance governance, family asset distribution, and succession planning. As a result, the relationship between mining law and Islamic inheritance law remains theoretically fragmented and underdeveloped.

Based on the foregoing discussion, a significant gap can be identified within the existing literature. Previous studies have extensively explored legal certainty, inheritance law, legal harmonization, and family wealth governance, yet these themes are generally examined independently. There remains limited scholarly attention to the intersection between legal uncertainty in Indonesia's mining sector and the application of Islamic inheritance principles to mining-related assets. This gap is particularly important because mining assets often involve substantial economic value, long-term business interests, and intergenerational wealth transfer. Accordingly, this study develops an integrated analytical framework that combines perspectives from mining governance, legal certainty, and Islamic inheritance law. Unlike previous research that focuses on either mining regulation or family law in isolation, this study investigates how regulatory ambiguity influences inheritance governance and asset distribution within mining families. Through this approach, the research contributes a novel perspective on legal harmonization by demonstrating the need for a coherent framework capable of accommodating both industrial

regulatory requirements and the principles of *fara'id* in order to promote justice, legal certainty, and sustainable family wealth management.

METHODOLOGY

This study employs a normative-qualitative legal research design to examine the relationship between legal uncertainty in Indonesia's mining sector and the implementation of Islamic inheritance law in the distribution of mining-related assets. The research was developed in response to the absence of a comprehensive legal framework that regulates the transfer, inheritance, and division of mining assets within Muslim families. Unlike empirical socio-legal studies that primarily rely on field observations, this research focuses on legal norms, statutory regulations, legal doctrines, and scholarly interpretations to understand how legal uncertainty influences inheritance governance and family wealth distribution. The qualitative approach was selected because it enables an in-depth analysis of legal texts, principles, and institutional arrangements that shape the interaction between mining law and Islamic family law. In conducting the study, the researchers adopted a doctrinal legal analysis combined with a conceptual approach to investigate the principles of legal certainty, justice, and asset ownership within both legal domains. This methodological choice is consistent with studies emphasizing the importance of legal harmonization and normative interpretation in resolving conflicts between state regulations and Islamic legal principles (Barlinti, 2011; Hidayat, 2023). Furthermore, the research is grounded in the understanding that legal uncertainty may generate broader economic and social consequences, particularly when ownership rights and inheritance claims become disputed, thereby affecting business sustainability and family stability (Bousslama & Lahrichi, 2017).

The primary data sources consist of statutory regulations and legal instruments governing Indonesia's mining sector and Islamic inheritance law. The study examines relevant legislation, including Law No. 3 of 2020 concerning Mineral and Coal Mining, Government Regulation No. 25 of 2024, Presidential Regulation No. 77 of 2024, and other regulations associated with mining permits, ownership rights, and asset management. These legal sources are analyzed alongside Islamic legal references governing inheritance, including the Compilation of Islamic Law, classical *fiqh* doctrines, and contemporary scholarly discussions concerning *fara'id*. Secondary data were obtained from books, peer-reviewed journal articles, and academic publications addressing legal certainty, inheritance disputes, family wealth governance, Islamic legal reform, and harmonization between religious and state legal systems. The selection of literature was guided by its relevance to the study's central themes, particularly inheritance distribution, legal pluralism, and regulatory integration (Djawas et al., 2022; Assaad et al., 2022; Ismail et al., 2022; Azni et al., 2023). To strengthen analytical depth, the study also reviewed scholarly works discussing legal harmonization and the adaptation of Islamic legal principles within modern governance systems (Rahmawati et al., 2024; Ahyani et al., 2024; Sahrul et al., 2024). Through document analysis, the researchers identified normative inconsistencies, overlapping regulations, and legal gaps that potentially create uncertainty regarding the ownership, transfer, and inheritance of mining-related assets.

Data analysis was conducted using a qualitative thematic approach. All legal documents and scholarly materials were systematically reviewed, classified, and interpreted according to recurring themes related to legal certainty, inheritance governance, ownership rights, asset division, and regulatory harmonization. The analytical process consisted of three stages: data reduction, thematic categorization, and legal interpretation. During the first stage, legal provisions and academic arguments relevant to mining asset ownership and inheritance were identified and extracted. In the second stage, the collected data were grouped into thematic categories that reflected the major issues emerging from the literature, including regulatory ambiguity, conflicts between state law and Islamic law, inheritance disputes, and the need for legal integration. Finally, the interpretation stage examined how these themes interact within Indonesia's plural legal system and assessed their implications for families involved in mining businesses. The analysis was guided by the principles of legal certainty, justice, and public benefit (*maslahah*) as foundational concepts within both national law and Islamic legal thought (Salleh et al., 2017). Through this approach, the study seeks to generate a comprehensive understanding of how legal uncertainty affects inheritance governance and to formulate recommendations for harmonizing mining regulations with Islamic inheritance law in order to promote equitable asset distribution and sustainable business continuity.

RESULTS AND DISCUSSION

Legal Uncertainty in Indonesia's Mining Sector

Legal uncertainty has become one of the most critical challenges affecting the governance of Indonesia's mining sector. Although mining activities contribute significantly to economic development and investment growth, the existence of overlapping regulations, frequent policy adjustments, and inconsistent legal interpretations often

create ambiguity regarding rights and obligations among stakeholders. Legal certainty is a fundamental principle in the rule of law because it ensures predictability, fairness, and protection of rights for business actors and society. When regulations are unclear or inconsistently implemented, uncertainty emerges and negatively affects investment decisions, contractual relations, and long-term business planning (Hidayat, 2023; Rasmuddin et al., 2024). In the broader context of economic governance, uncertainty has been widely recognized as a factor that increases risk exposure and weakens institutional stability, particularly in sectors highly dependent on regulatory approval and licensing systems (Bousslama & Lahrichi, 2017; Asgharian et al., 2023). Consequently, mining businesses in Indonesia frequently operate within a legal environment where ownership status, licensing continuity, and asset management remain vulnerable to regulatory changes.

The findings of this study indicate that one of the primary sources of legal uncertainty originates from overlapping regulatory frameworks governing mining operations and asset administration. Mining assets are not merely physical resources but also include permits, shares, land rights, operational infrastructure, and contractual interests. In practice, different government institutions may issue regulations that overlap or produce conflicting interpretations regarding ownership rights and transfer mechanisms. Such conditions complicate legal administration and increase transaction costs for mining companies. Similar findings have been observed in studies emphasizing that fragmented regulatory arrangements often reduce legal effectiveness and create implementation challenges across various sectors (Burns et al., 2023; Clauß et al., 2024). The lack of harmonization between administrative regulations and broader legal frameworks further contributes to uncertainty regarding the legal status of mining assets, particularly when those assets become part of family wealth, inheritance, or marital property disputes.

The impact of regulatory uncertainty becomes more evident when examining asset ownership structures within family-based mining enterprises. Many mining businesses in Indonesia are operated through family ownership models in which economic assets are closely intertwined with family relationships. When legal certainty regarding ownership documentation, asset valuation, and transfer procedures is weak, disputes among family members become more likely to occur. The research findings reveal that uncertainty regarding ownership status often leads to disagreements over who possesses legal authority to manage, transfer, or inherit mining-related assets. Such conditions create legal vulnerability not only for heirs but also for business continuity itself. Studies on Islamic family law emphasize that asset ownership must be clearly established before inheritance distribution can be conducted fairly and in accordance with legal and religious principles (Rajab et al., 2022; Ismail et al., 2022; Fitri et al., 2024). Therefore, unclear ownership structures resulting from regulatory ambiguity may directly affect the implementation of inheritance arrangements and increase the possibility of prolonged family disputes.

Table 1. Impact of Legal Uncertainty on Mining Asset Ownership and Business Sustainability

Aspect	Forms of Legal Uncertainty	Impact on Asset Ownership	Impact on Business Sustainability
Licensing	Frequent regulatory changes	Unclear ownership status of operational rights	Reduced investment confidence
Asset Transfer	Inconsistent administrative procedures	Delayed ownership transfer	Operational disruption
Family Ownership	Lack of integrated inheritance regulation	Disputes among heirs	Management instability
Asset Valuation	Regulatory ambiguity and market volatility	Difficulty determining inheritance shares	Financial planning uncertainty
Judicial Interpretation	Different legal interpretations	Conflicting ownership claims	Increased litigation risk

Source: Researcher's Analysis (2024).

From the perspective of business sustainability, legal uncertainty creates substantial risks for mining enterprises. Sustainable business operations require stable legal institutions capable of providing predictability regarding ownership rights, contractual obligations, and regulatory compliance. However, uncertainty often discourages investment, delays strategic decision-making, and increases legal costs associated with dispute resolution. Research in economic governance demonstrates that uncertainty is closely associated with increased market volatility, weakened organizational resilience, and reduced long-term growth prospects (Demirer et al., 2020; Asgharian et al., 2023; Alsharif, 2024). In family-owned mining businesses, these effects become even more significant because legal disputes concerning ownership and inheritance may interrupt management succession

processes. As a result, mining enterprises may experience governance instability, reduced operational efficiency, and weakened competitiveness. The findings suggest that unresolved legal ambiguities not only affect individual stakeholders but also undermine broader economic objectives associated with sustainable resource management. Using the theory of legal certainty as an analytical framework, the findings demonstrate that the existing regulatory environment has not fully achieved the objectives of clarity, consistency, and predictability required by a modern legal system. Legal certainty requires regulations that are coherent, accessible, and capable of providing clear guidance regarding rights and obligations. The absence of such characteristics generates uncertainty that affects both economic and social dimensions of mining governance. From an Islamic legal perspective, certainty and justice constitute essential principles for regulating property rights and wealth distribution (Ahyani et al., 2021). Therefore, the persistence of regulatory ambiguity in the mining sector not only threatens business sustainability but also creates challenges in ensuring fair asset ownership and wealth management within families. These findings indicate the urgent need for regulatory harmonization that can strengthen legal certainty, protect ownership rights, and support the sustainable development of Indonesia's mining industry while maintaining principles of justice and social welfare.

Challenges in Applying *Fara'id* to Mining Asset Inheritance

The findings demonstrate that mining assets possess unique characteristics that distinguish them from ordinary inheritance objects regulated under Islamic inheritance law. In general, *fara'id* requires that inherited property be clearly identifiable, legally owned by the deceased, and capable of being valued and distributed among heirs according to predetermined shares (Djawas et al., 2022; Rajab et al., 2022). However, mining assets frequently consist of a combination of tangible and intangible components, including mining permits, concession rights, company shares, operational infrastructure, exploration investments, and contractual agreements. Unlike conventional assets such as land, houses, or cash, mining assets are closely linked to state regulations, licensing systems, and market fluctuations. Consequently, determining whether certain mining rights can be directly classified as inheritance property often becomes a complex legal issue. This complexity increases when ownership structures involve family corporations or joint ventures, where the distinction between personal wealth and corporate assets is not always clearly defined. As a result, heirs frequently encounter difficulties in identifying the actual inheritance estate (*tirkah*) before the distribution process can begin (Ismail et al., 2022; Azni et al., 2023).

Another significant challenge concerns the valuation of mining assets for inheritance purposes. The implementation of *fara'id* requires accurate asset valuation because inheritance shares are calculated proportionally according to the value of the estate. Nevertheless, mining assets are characterized by high levels of economic uncertainty due to fluctuations in commodity prices, production capacity, exploration potential, and regulatory changes. Studies on uncertainty and economic governance indicate that volatile sectors tend to experience substantial variations in asset values over time, making accurate valuation increasingly difficult (Demirer et al., 2020). In the context of mining inheritance, disagreements often emerge because heirs rely on different valuation methods, leading to conflicting perceptions regarding the actual worth of inherited assets. Furthermore, some mining concessions may possess future economic potential that is difficult to quantify at the time of inheritance distribution. This condition creates challenges in ensuring that each heir receives a proportion that reflects both legal entitlement and economic fairness. Therefore, the valuation process becomes one of the most critical stages in determining whether the principles of justice embedded within Islamic inheritance law can be effectively implemented.

The research further reveals that conflicts among heirs frequently arise when mining assets form a substantial portion of family wealth. Unlike ordinary inheritance disputes, mining-related conflicts often involve questions concerning management authority, operational control, profit-sharing arrangements, and strategic business decisions. In many cases, some heirs prefer to continue business operations, while others seek immediate liquidation and distribution of assets. Such differences in interests frequently generate prolonged disputes that affect both family relationships and business sustainability. Islamic inheritance law emphasizes the importance of protecting the rights of all heirs while maintaining social harmony and preventing injustice (*zulm*) (Assaad et al., 2022). However, unresolved disagreements concerning ownership rights and managerial authority may undermine these objectives. The findings suggest that conflicts become more severe when legal documentation is incomplete or when family members lack sufficient understanding of inheritance regulations. Consequently, disputes over mining assets often extend beyond legal issues and evolve into broader social and emotional conflicts that threaten family cohesion and economic stability (Harry et al., 2024).

Table 2. Main Challenges in Applying *Fara'id* to Mining Asset Inheritance

Challenge	Description	Impact on Inheritance Distribution
Asset Identification	Complex ownership structures involving permits, shares, and concessions	Difficulty determining inheritance estate
Asset Valuation	Volatile market prices and uncertain future production	Disagreement regarding inheritance shares
Heir Conflicts	Different interests regarding asset management	Prolonged inheritance disputes
Regulatory Inconsistency	Separation between mining regulations and inheritance law	Legal ambiguity in asset transfer
Documentation Problems	Incomplete ownership records and legal evidence	Delays in inheritance settlement

Source: Researcher's Analysis (2024).

A further obstacle identified in this study is the inconsistency between mining regulations and Islamic inheritance law. Mining law primarily focuses on economic governance, licensing procedures, and resource management, whereas Islamic inheritance law concentrates on the equitable distribution of wealth among heirs. The absence of a regulatory framework integrating these two domains often creates legal ambiguity when mining assets are transferred following death. Similar concerns have been identified in studies discussing the need for harmonization between Islamic law and national legal systems (Barlinti, 2011; Rahmawati et al., 2024; Sahrul et al., 2024). In practice, heirs may successfully obtain inheritance rights according to Islamic law but still face administrative obstacles in transferring mining permits, company ownership rights, or operational licenses under state regulations. This legal gap creates uncertainty concerning the practical implementation of inheritance decisions and often delays the settlement process. The findings indicate that legal fragmentation not only weakens inheritance governance but also reduces legal certainty for families whose wealth is substantially connected to mining enterprises.

From the perspective of *fara'id*, justice (*'adl*), and *maṣlahah*, the challenges identified in this study demonstrate the urgent need for a more integrated legal approach. Islamic inheritance law is designed to ensure certainty, fairness, and social welfare through predetermined inheritance shares and clear procedural rules (Djawas et al., 2022; Reskiani et al., 2022). Nevertheless, achieving these objectives requires a legal environment capable of accommodating the contemporary realities of complex business assets such as mining enterprises. The principle of *maṣlahah* supports legal interpretations and policy reforms that promote public benefit and prevent harm, particularly when existing regulations generate uncertainty and conflict (Ahyani et al., 2024). Therefore, harmonization between mining regulations and Islamic inheritance law is not merely a legal necessity but also an ethical imperative aimed at protecting heirs' rights, preserving family relationships, and ensuring business continuity. Such harmonization would strengthen legal certainty while enabling the effective implementation of Islamic inheritance principles in the increasingly complex context of modern economic activities.

Harmonization Model Between Mining Law and Islamic Family Law

The findings of this study demonstrate that the central problem underlying disputes over mining asset inheritance in Indonesia is not merely the complexity of asset valuation, but the absence of a harmonized legal framework capable of integrating mining regulations with Islamic family law principles. Existing mining regulations primarily focus on licensing, business continuity, ownership transfer, and economic governance, whereas Islamic inheritance law emphasizes the equitable distribution of wealth among heirs based on the principles of *fara'id*. Consequently, mining assets frequently occupy a legal gray area in which ownership rights, inheritance entitlements, and business continuity interests intersect without adequate normative guidance. This condition generates legal uncertainty that affects not only asset distribution but also the sustainability of family-owned mining enterprises. Similar observations have been made in studies emphasizing the importance of legal clarity and harmonization in sectors governed by overlapping legal regimes (Barlinti, 2011; Rasmuddin et al., 2024). From an Islamic legal perspective, uncertainty (*gharar*) in property rights and wealth transfer may undermine justice and social welfare, both of which constitute fundamental objectives of Islamic law (*maqāṣid al-sharī'ah*) (Bousslama & Lahrichi, 2017). Therefore, resolving inheritance-related disputes involving mining assets requires an integrative legal approach that simultaneously safeguards economic interests and religious obligations.

The research further identifies several significant legal gaps that contribute to recurring conflicts among heirs. First, current mining regulations provide limited guidance regarding the inheritance of mining-related assets,

particularly where ownership is embedded within corporate structures, concessions, licenses, or operational rights. Second, Islamic inheritance law regulates the distribution of wealth among heirs but does not specifically address modern forms of business assets characterized by fluctuating market values and complex legal ownership arrangements (Djawas et al., 2022; Azni et al., 2023). Third, there remains a lack of institutional coordination between authorities responsible for mining governance and those administering family and inheritance law. As a result, judges, legal practitioners, and families frequently rely on fragmented interpretations when resolving inheritance disputes involving mining assets. These findings support broader arguments that legal fragmentation often produces inconsistent legal outcomes and weakens public confidence in regulatory systems (Burns et al., 2023; Hidayat, 2023). In practical terms, heirs may possess religious entitlement to inheritance shares under *fara'id*, yet encounter substantial administrative barriers when attempting to obtain control over mining assets regulated by sector-specific legislation. This mismatch between substantive rights and procedural implementation represents one of the most critical challenges identified in this study.

Based on these findings, this research proposes a harmonization model that integrates mining law and Islamic family law through three interconnected dimensions: normative harmonization, institutional harmonization, and procedural harmonization. Normative harmonization involves the incorporation of inheritance-related provisions into mining regulations and the recognition of mining assets as inheritable property subject to Islamic inheritance principles. Institutional harmonization requires cooperation among mining authorities, religious courts, civil courts, and legal practitioners to ensure consistent interpretation and implementation of relevant laws. Procedural harmonization focuses on establishing clear mechanisms for asset valuation, ownership transfer, and dispute resolution that accommodate both regulatory compliance and religious obligations. This model reflects broader scholarly arguments emphasizing the necessity of harmonizing legal systems to address contemporary social and economic challenges (Barlinti, 2011; Rahmawati et al., 2024; Sahrul et al., 2024). Furthermore, the proposed framework aligns with the Islamic principles of justice (*'adl*), public welfare (*maṣlahah*), and legal certainty, thereby promoting a balanced approach to asset governance within mining families (Assaad et al., 2022).

Table 3. Proposed Harmonization Model Between Mining Law and Islamic Family Law

Harmonization Dimension	Existing Problems	Proposed Solutions	Expected Outcomes
Normative Harmonization	Absence of inheritance provisions in mining regulations	Integration of inheritance clauses recognizing mining assets as inheritable property	Greater legal certainty regarding ownership transfer
Institutional Harmonization	Fragmented authority among legal institutions	Coordination between mining authorities, religious courts, and legal practitioners	Consistent legal interpretation and dispute resolution
Procedural Harmonization	Lack of standardized valuation and transfer procedures	Development of unified inheritance and asset-transfer mechanisms	Reduced disputes and faster inheritance settlement
Educational Harmonization	Limited understanding of inheritance law among stakeholders	Legal literacy programs for mining families and professionals	Increased compliance and conflict prevention

Source: Authors' Analysis (2024).

From a regulatory perspective, the harmonization model requires several reform initiatives. The first recommendation is the revision of sectoral mining regulations to explicitly regulate inheritance-related ownership transfers and the status of mining assets within family businesses. The second recommendation is the development of interdisciplinary legal guidelines jointly prepared by mining regulators, Islamic legal scholars, and judicial institutions. The third recommendation involves strengthening legal education programs for mining entrepreneurs and heirs regarding inheritance planning, asset management, and dispute prevention. Previous studies have demonstrated that legal literacy and institutional coordination significantly contribute to protecting family rights and reducing legal conflicts (Harry et al., 2024; Ahyani et al., 2024). Moreover, the adoption of preventive legal mechanisms, including inheritance planning and family governance frameworks, could reduce uncertainty associated with asset succession while preserving business continuity. Such reforms would also strengthen investor confidence by ensuring that ownership transitions occur through transparent and legally recognized procedures.

The principal novelty of this research lies in its development of an integrated harmonization framework specifically addressing the intersection between mining law and Islamic family law. While previous studies have examined legal uncertainty, inheritance law reform, and harmonization within separate legal domains (Barlinti, 2011; Reskiani et al., 2022; Djawas et al., 2022), limited attention has been devoted to the inheritance implications of mining assets within Muslim family businesses. This study therefore contributes both theoretically and practically. Theoretically, it expands the discourse on legal pluralism by demonstrating how sectoral economic regulations can be reconciled with religious inheritance principles. Practically, it offers a policy-oriented model capable of addressing legal uncertainty, reducing inheritance disputes, and ensuring the equitable distribution of mining assets in accordance with Islamic law. By integrating the principles of legal certainty, justice, and *maṣlahah*, the proposed framework provides a comprehensive foundation for future regulatory reform and contributes to the broader objective of creating a more coherent and inclusive legal system in Indonesia (Barlinti, 2011; Rasmuddin et al., 2024).

CONCLUSION

This study concludes that legal uncertainty in Indonesia's mining sector significantly affects the inheritance and distribution of mining-related assets within Muslim families. The findings demonstrate that overlapping regulations, fragmented institutional authority, and the absence of explicit inheritance provisions in mining legislation create substantial challenges in determining ownership status, asset valuation, and succession mechanisms. Consequently, the implementation of *fara'id* principles in mining asset inheritance becomes difficult because mining assets possess unique characteristics, including fluctuating economic value, corporate ownership structures, licensing dependencies, and complex transfer procedures. These conditions frequently generate disputes among heirs, delay asset distribution, and threaten the sustainability of family-owned mining enterprises. Therefore, the first research question is answered by confirming that legal uncertainty in the mining sector directly contributes to inheritance conflicts and weakens legal protection for heirs seeking to exercise their rights under Islamic family law. The second research question is addressed through the finding that the application of *fara'id* to mining assets requires legal adaptation because existing mining regulations and Islamic inheritance provisions operate within separate normative frameworks that are not yet adequately integrated.

This research further finds that harmonization between mining law and Islamic family law is necessary to ensure legal certainty, justice, and business sustainability. The study identifies a significant legal gap arising from the absence of regulatory mechanisms capable of accommodating both the economic characteristics of mining assets and the distributive principles of Islamic inheritance law. To address this issue, the research proposes a three-dimensional harmonization model consisting of normative, institutional, and procedural integration. Normative harmonization involves incorporating inheritance considerations into mining regulations, institutional harmonization promotes coordination among mining authorities, religious courts, and legal practitioners, while procedural harmonization establishes standardized mechanisms for asset valuation, ownership transfer, and dispute resolution. The novelty of this study lies in its development of an integrated analytical framework that specifically examines the intersection between mining law and Islamic family law in the context of mining asset inheritance. Unlike previous studies that generally discuss inheritance law reform or mining governance separately, this research offers a multidisciplinary model that combines legal certainty theory, *fara'id* principles, and *maṣlahah*-oriented legal reform to create a more comprehensive approach for resolving inheritance disputes involving mining assets.

Despite these contributions, this study has several limitations. First, the research primarily relies on normative legal analysis and qualitative interpretation of legal frameworks without incorporating extensive empirical data from inheritance disputes in mining communities across different regions of Indonesia. Second, the study focuses on the interaction between mining law and Islamic family law and therefore does not comprehensively examine other legal dimensions, such as corporate law, taxation law, or environmental obligations that may also influence mining asset succession. Third, the proposed harmonization model remains conceptual and requires further empirical testing to assess its effectiveness in practical legal settings. Future research should therefore employ socio-legal and empirical approaches involving judges, mining entrepreneurs, legal practitioners, heirs, and policymakers to evaluate the implementation of inheritance mechanisms in actual mining-related disputes. Comparative studies involving other Muslim-majority jurisdictions may also provide valuable insights for strengthening regulatory reform and developing a more coherent legal framework capable of ensuring justice, legal certainty, and sustainable intergenerational transfer of mining assets in Indonesia.

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