

# Studying Inheritance Dispute Settlement, Soelistyowati Completes Doctorate

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Method for legal finding based on written law is already known. On the other hand, the one based on unwritten law, particularly inheritance customary law, is not known. Even more so in the inheritance dispute settlement among parental society in Java. Legal finding is interpreted as implementation of legal norms in concrete cases and new interpretation to the existing legal norms (legal formation by judges).

According to Soelistyowati, S.H., M.H, law lecturer from Airlangga University, legal finding method in inheritance dispute settlement among parental society in Java is not different from other methods in general, but the typical characteristics are still there.

In determining the norms, Soelistyowati said, there were two ways to be done: based on substantive norms and legal principles; and there are two ways to determine the first legal norm: based on inheritance customary law norms and new inheritance customary law norms (jurisprudence).

"The difference in determining the legal norms will certainly decide the steps for the legal finding. The barrier is how to determine the legal norms," said Soelistyowati at Faculty of Law UGM on Thursday(25/2) when sitting in her open doctoral examination.

Soelistyowati said the legal finding by the Supreme Court have produced new norms, especially related to widow's position, stepchildren, and division of wealth inherited from a poligamy, that is there is a development in the determination of basic inheritance. The basic determination of

inheritance is not only hereditary but also marriage and child adoption.

On position of widows and stepchildren in terms of inheritance division there are two legal principles underlying the legal norm, namely equality principle between own children, widows and stepchildren as well as the unequal position principle.

"Related to a poligamy, there are two principles, absolute separation of shared wealth and relative separation of shared wealth," said Soelistyowati.

In her dissertation entitled *Legal Finding to Resolve Inheritance Dispute Among Parental Society in Java Based on Supreme Court Verdict*, Soelistyowati expected the judges to find the law that can answer to the developments in society in order that justice is served. This will contribute to the development of customary law.

"Customary law is in line with the spirit of the nation. So, ways for dispute settlement need to be found that prioritise on restoring the condition to ensure that justice is served," said Soelistyowati.

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