

## Making Inheritance Certificate Studied from the Philosophy of Pancasila



Bagus Wirasaputra<sup>1</sup>, Albertus Bagas Satria<sup>2</sup>

<sup>1,2</sup>Universitas Atmajaya Yogyakarta

**ABSTRACT:** The Dutch colonization of the Indonesian people has affected the legal and administrative system of the Indonesian State until pre-independence. This paper will more specifically discuss the influence of Dutch colonization on the making of inheritance certificates for the Indonesian people studied from the Pancasila philosophy, especially the value of justice. This paper will raise how the making of previous and current inheritance certificates when examined from the philosophy of Pancasila. The purpose of this writing is to find out whether the changes in the laws and regulations regarding the making of inheritance certificates are in accordance with the philosophy of Pancasila Justice. This research method uses a normative method that focuses on positive legal norms, namely the laws and regulations themselves and uses secondary data. The results of this study show. In this case, the changes in the making of inheritance certificates after the enactment of the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 16 of 2021 are in accordance with the philosophy of Pancasila Justice.

**KEYWORD:** making letter inheritance certificate philosophy Pancasila

### I. INTRODUCTION

The Dutch colonized other countries or regions with the intention of trading. The Dutch traded to the East Asian region with the intention of avoiding trade monopoly by the Portuguese, because at that time many countries other than the Dutch aimed to trade in other regions. The Dutch initially came to the archipelago, which is now called Indonesia, not only to trade but also to look for spices.

The Dutch controlled Indonesia for about 350 years because the Dutch initially received permission on the basis of trade by the king of the archipelago at that time. After obtaining permission from the king of the archipelago, the Dutch then created or established the Dutch East India Company or often called the VOC in 1602. The Dutch power over the Indonesian people was getting stronger, the VOC managed to seize the Portuguese fortress and control the trade routes in the Indonesian territory. At that time the Dutch power was very strong and was used by the Dutch to establish their political power and military power.

After the Indonesian Nation became independent from the Dutch colonization in 1945, the influence of the Dutch is still strong in the political joints in Indonesia to this day. We can see and feel this influence in various political aspects in Indonesia, namely in terms of language, political development, government structure, and legal aspects. We can describe these aspects as follows:

#### 1) Language

Language in Indonesia is strongly influenced by Dutch language, many languages in schools, languages in offices, administrative languages, and even legal languages in Indonesia. This explains that the Dutch greatly influenced the language in Indonesia.

#### 2) Political Development

The Dutch also greatly influenced the development of politics in Indonesia, this can be seen from;

- a) The formation of political parties, in Indonesia the concept of forming political parties was strongly influenced by the Netherlands and the formation of political parties was inspired by political movements in the European world. Political parties at that time in Indonesia were the Indonesian Islamic Sarekat Party, the Greater Indonesia Party, the Indonesian National Party.
- b) The Nationalism Movement, during the Dutch colonization of Indonesia, triggered the emergence of nationalism movements in Indonesia such as Soekarno, Hatta and so on. This nationalism movement united the Indonesian people to fight the Dutch colonization.
- c) Government System, during the colonization period, the Dutch created a modern government system. This government system is still used by Indonesia today.

## Making Inheritance Certificate Studied from the Philosophy of Pancasila

d) Ideology of the Indonesian Nation, during the colonial period, the Dutch also participated in influencing the political ideology of the Indonesian nation. The former ideology was strongly influenced by the royal ideology based on Buddhism, Hinduism, and Islam after which capitalist ideology and liberal ideology entered.

e) Election System, the general election system in Indonesia until now has been adopted from the general election system during the Dutch colonization of the Indonesians.

### 3) Government Structure

The current government structure in Indonesia is still strongly influenced by the government structure during the Dutch colonial period. This structure can be seen from the electoral system and the division of administrative areas that still follow the Dutch model, such as the provincial and district systems. In addition, some government institutions, such as the police, still follow the Dutch pattern.

### 4) Legal aspects

Law in Indonesia is strongly influenced by the Dutch which we can feel until today, examples of laws that are still influenced by the Dutch are the formation of the judicial system, civil and criminal law, and agrarian law.

These are some of the influences of Dutch colonization on the joints of the Indonesian Nation.

The legal system in Indonesia is a legacy of the Dutch Colonial legal system. The Dutch Colonial legal system that we can feel until today is criminal law, civil law and agrarian law which then transformed the law according to the needs of Indonesian society. The influence of Dutch colonial history is still felt today and is an important part of legal history in Indonesia.

The emergence of the Basic Agrarian Law led to the emergence of various subordinate regulations that refer to the Basic Agrarian Law. Examples of such regulations include Government Regulation No. 24 of 1997 on Land Registration and Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency No. 3 of 1997 on Provisions for the Implementation of Government Regulation No. 24 of 1997 on Land Registration.

The law on land registration is heavily influenced by Dutch Colonial law. The author will explicitly discuss "the making of inheritance certificates studied from the philosophy of Pancasila". Before the enactment of Article 111 paragraph (1) letter c number 5 of the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 16 of 2021, a racist and discriminatory atmosphere was felt when reading and implementing several legal rules relating to legal rules regarding officials who make proof of inheritance.<sup>1</sup> We can see that the making of a Certificate of Inheritance according to population groups is based on the principle of concordance in Article 13 of the *Wet op de Grootboeken der Nationale Schlud* (Law on the Big Book of National Belongings) in the Netherlands.<sup>2</sup>

The making of a Certificate of Inheritance according to the class of Residents before the enactment of Article 111 paragraph (1) letter c number 5 of the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 16 of 2021 can be divided into 3 groups, namely:

#### a. Indigenous Indonesian Citizens

The making of a Certificate of Inheritance for indigenous Indonesian citizens is the authority of the regent or head of the local government. Proof as an heir is made under the hand, stamped by the heirs themselves with two witnesses and known or confirmed by the village head and the local sub-district head in accordance with the last residence of the testator.<sup>3</sup>

#### b. Indonesian Citizens of Chinese Descent

The authority to make KHW for those who are subject to the inheritance law regulated in the KUHPd is based on the principle of concordance with article 14 paragraph (1) and (3) *Wet op de Grootboeken der Nationale Shclud* (S.1931-105) in Nederland which is then accepted as doctrine and jurisprudence in Indonesia and is considered as customary law.<sup>4</sup> Actually, *Wet op de Grootboeken der Nationale Shclud* is not a specific law to regulate the authority of a notary in the making of a Certificate of Inheritance for Indonesian Citizens of Chinese Descent, but it is considered as a legal basis for the authority of a notary in making inheritance. In practice, the making of inheritance certificates for Indonesian citizens of Chinese descent by notaries takes two forms, namely the making of inheritance certificates under the hand which are classified as not authentic deeds and the making of inheritance certificates in the form of authentic deeds made by notaries.

#### c. Indonesian Citizens of Other Foreign Eastern Descent

---

<sup>1</sup> Habib Adjie, *Implementasi Peraturan Pendaftaran Tanah Waris Oleh Notaris* (Bandung: Refika Aditama, 2022), 8

<sup>2</sup> Herlien Budiono, *Kumpulan Tulisan Hukum Perdata* (Bandung: Citra Aditya Bakti, 2018), 88

<sup>3</sup> Herlien Budiono, *Kumpulan Tulisan Hukum Perdata* (Bandung: Citra Aditya Bakti, 2018), 90

<sup>4</sup> Herlien Budiono, *Kumpulan Tulisan Hukum Perdata* (Bandung: Citra Aditya Bakti, 2018), 92

## Making Inheritance Certificate Studied from the Philosophy of Pancasila

The authority of the College van Boedelmeesteren of the Balai Harta Peninggalan (Weeskamer) for KHW for Indonesian citizens of foreign eastern descent other than Chinese foreign easterners is regulated in article 14 paragraph (2) of Ordannante dated 22-7-1916, S 1916-517 amended LN 1931 Number 168 and LN 1937 Number 611. The Balai Harta Peninggalan (Weeskamer) currently exists in Jakarta, Medan, Semarang, Surabaya and Makassar. The existence of the Balai Harta Peninggalan is structurally a government institution (executive) within the scope of the Ministry of Law and Human Rights which carries out government affairs.<sup>5</sup>

This is in accordance with the provisions of Article 111 paragraph (1) letter c number 4 PMNA / KBPN Number 3 of 1997 which is an instruction for land registration when registering the transfer of rights due to inheritance.

- "For Indonesian citizens of indigenous origin: a letter of heirs made by the heirs witnessed by 2 (two) witnesses and corroborated by the Village Head and Sub-district Head where the heir lived at the time of death;
- for Indonesian citizens of Chinese descent: Certificate of inheritance rights from a notary public
- for Indonesian citizens of other foreign descent: certificate of inheritance from the Hall of Inheritance.<sup>6</sup>

To overcome the overlapping regulations and racist and discriminatory atmosphere, it is necessary to have legal certainty that is democratic and equitable, so the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 16 of 2021 article 111 paragraph (1) letter c number 5 was made. This discriminatory and racist provision, if maintained, will contradict the values of Pancasila and normatively contradict the following regulations.

1. Cabinet Presidium Instruction Number: 31/U/IN/12/1966, dated December 27, 1966 - has stipulated the elimination of differentiation of population groups in Indonesia on the basis of the consideration that in order to achieve the development of a unified and homogeneous Indonesian nation, as well as a feeling of equal fate among fellow Indonesians.
2. Law Number 29 of 1999 on the Ratification of the International Convention on the Elimination of All Forms of Racial Discrimination 1965.
3. Law Number 39 Year 1999 on Human Rights (State Gazette of the Republic of Indonesia Year 1999 Number 165, Supplement to State Gazette of the Republic of Indonesia Number 3886)
4. Law No. 12 of 2006 on Citizenship of the Republic of Indonesia (State Gazette of the Republic of Indonesia of 2006 No. 63, Supplement to State Gazette of the Republic of Indonesia No. 4634)
5. Law No. 23 on Population Administration (State Gazette of the Republic of Indonesia of 2006 No. 124, Supplement to the State Gazette of the Republic of Indonesia No. 4676)
6. Law Number 40 of 2008 on the Elimination of Racial and Ethnic Discrimination (State Gazette of the Republic of Indonesia of 2008 Number 170, Supplement to State Gazette of the Republic of Indonesia Number 4919).<sup>7</sup>

Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 16 of 2021 article 111 reads,

(1) Application for registration of transfer of land rights or property rights over flat units shall be submitted by the heirs or their proxies by attaching:

- a. Land Rights Certificate or Flat Unit Ownership Rights Certificate in the name of the heir or other land ownership evidence;
- b. a death certificate in the name of the right holder listed in the relevant Certificate from the head of the village/lurah where the heir lived at the time of death, hospital, health officer, or other authorized agency;
- c. evidence letter as the heir can be in the form of:
  1. a will from the testator;
  2. court decision
  3. determination of the judge/chairman of the court;
  4. a statement letter of heirs made by the heirs witnessed by 2 (two) witnesses and acknowledged by the head of the village/lurah and sub-district head where the testator lived at the time of death;
  5. a certificate of inheritance rights from a Notary domiciled at the residence of the testator at the time of death; or
  6. a certificate of inheritance from the Balai Harta Peninggalan.
- d. Written Power of Attorney from the heir if the person applying for registration of transfer of rights is not the heir concerned;

---

<sup>5</sup> Budiono, *Kumpulan Tulisan Hukum Perdata*, 94

<sup>6</sup> Budiono, *Kumpulan Tulisan Hukum Perdata*, 89

<sup>7</sup> Budiono, *Kumpulan Tulisan Hukum Perdata*, 11

## Making Inheritance Certificate Studied from the Philosophy of Pancasila

e. proof of identity of the heirs.

- (2) If at the time of the application for registration of the transfer there is already a court decision or stipulation of the judge/chairman of the court or a deed concerning the division of inheritance, the decision/stipulation or deed shall also be attached to the application.
- (3) The deed concerning the division of inheritance as referred to in paragraph (2) may be made in the form of a deed under the hand by all the heirs witnessed by 2 (two) witnesses or by a Notarial deed.
- (4) If the heirs are more than 1 (one) person and there has been no division of inheritance, then the registration of the transfer of rights shall be made to the heirs as joint ownership, and further division of rights may be carried out through joint division of rights in accordance with the provisions of laws and regulations.
- (5) If the heirs are more than 1 (one) person and at the time of registration of the transfer of rights is accompanied by a deed of inheritance containing information that the Land Rights or Property Rights over a certain Flat Unit falls to 1 (one) recipient of the inheritance, then the registration of the transfer of rights shall be made to the relevant recipient of the inheritance based on the deed of inheritance.
- (6) Recording of registration of transfer of rights as referred to in paragraph (1) shall be made in the land book, certificate, land register and/or other public registers.

With these changes, the making of a Certificate of Inheritance or Deed of Inheritance is no longer based on the population group/ethnicity/race for the official/agency that makes it. The making of a Certificate of Inheritance or Deed of Inheritance Rights becomes an option (see letter c in the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 16 of 2021 article 111), meaning that every Indonesian citizen is free to determine the making of his or her Certificate of Inheritance Rights, depending on whether the agency concerned wants to make it and provide or not make it for those who apply. Based on these provisions, the Certificate of Inheritance Rights from the Notary whose domicile is in the testator at the time of death. Thus, in making a Certificate of Inheritance Rights by a Notary, it must pay attention to the suitability between the residence of the heir who died and the Notary's domicile as well as proof of death from Dukcapil which is in accordance with the relevant proof letter of death.<sup>8</sup>

Pancasila is the basis of the Indonesian people's view of life which contains five principles whose contents are the identity of the Indonesian nation. The precepts in Pancasila describe the guidelines for living as a nation and state for all Indonesian people. The entry of Pancasila as an ideology and philosophy of the Indonesian nation cannot be separated from the role of Bung Karno. As a philosophy and an ideology for the Indonesian people, Pancasila is the basis for the implementation of all aspects of life for the Indonesian people. One of them is in the field of law and state administration, especially in the field of making a Certificate of Inheritance Rights.

Pancasila is also a philosophy because Pancasila is a cognitive intellectual reference for the nation's way of thinking, which in scientific endeavors can be built into a credible philosophical system. According to Abdulgani (in Ruyadi, 2003), Pancasila is a state philosophy that was born as a collective ideology (shared ideals) of the entire Indonesian nation.<sup>9</sup> Pancasila viewed from Aristotle's causal can be explained as follows.

- a. Materialist Causa, meaning causes related to material / material, in this case Pancasila is extracted from socio-cultural values that exist in the Indonesian nation itself.
- b. Formalist Causa, meaning the cause associated with the form, Pancasila in the preamble of the Constitution '45 meets the formal requirements (formal truth).
- c. Efficiency Causa, meaning the activities of BPUPKI and PPKI in compiling and formulating Pancasila into the basis of an independent Indonesian state.
- d. Finalist Causa, the meaning is related to the goal, the purpose of proposing Pancasila as the basis of the independent Indonesian state.

The core or essence of the precepts of Pancasila includes:

- a. divinity, namely as prima causa;
- b. humanity, namely individual beings and social beings;
- c. unity, namely unity has its own personality;

---

<sup>8</sup> Budiono, *Kumpulan Tulisan Hukum Perdata, 14*

<sup>9</sup> Yoga Putra Semadi, *Jurnal Filsafat Indonesia, Vol.2 No.2, 2019, Filsafat Pancasila Dalam Pendidikan Di Indonesia Menuju Bangsa Berkarakter, Universitas Pendidikan Ganesha Singaraja 17:05*

## Making Inheritance Certificate Studied from the Philosophy of Pancasila

- d. populism, which is an absolute element of the state, must work together and mutual cooperation; and
- e. justice, i.e. giving justice to oneself and others to whom one is entitled.

Pancasila is also a philosophy because Pancasila is a cognitive intellectual reference for the nation's way of thinking, which in scientific endeavors can be built into a credible philosophical system. According to Abdulgani (in Ruyadi, 2003), Pancasila is a state philosophy that was born as a collective ideology (shared ideals) of the entire Indonesian nation. Pancasila viewed from Aristotle's causal can be explained as follows.

- a. Materialist Causa, meaning causes related to material / material, in this case Pancasila is extracted from socio-cultural values that exist in the Indonesian nation itself.
- b. Formalist Causa, meaning the cause associated with the form, Pancasila in the preamble of the Constitution '45 meets the formal requirements (formal truth).
- c. Efficiency Causa, meaning the activities of BPUPKI and PPKI in compiling and formulating Pancasila into the basis of an independent Indonesian state.
- d. Finalist Causa, the meaning is related to the goal, the purpose of proposing Pancasila as the basis of the independent Indonesian state.

The core or essence of the precepts of Pancasila includes:

- a. divinity, namely as prima causa;
- b. humanity, namely individual beings and social beings;
- c. unity, namely unity has its own personality;
- d. populism, which is an absolute element of the state, must work together and mutual cooperation; and
- e. justice, i.e. giving justice to oneself and others to whom one is entitled.

This journal provides a formulation of the problem of how the making of previous and current inheritance certificates when examined from the philosophy of Pancasila. Then the purpose of this research is to find out whether the changes in the legislation regarding the making of this inheritance certificate are in accordance with the philosophy of Pancasila Justice.

The research that the author will raise has fundamental differences from previous research, so in terms of proving the originality of this research, based on research that discusses the history and philosophy of the Indonesian people can change the influence of Dutch colonial history in terms of the implementation of the transfer of land rights due to inheritance.

- a. First, the history of the Indonesian nation from the Dutch colonial period around the 16th century until the 21st century. This history shaped the legal system in Indonesia because it was influenced by the Dutch colonial legal system. The affected system that we will discuss is the land system, especially regarding the transfer of land rights due to inheritance.
- b. Second, the implementation of the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Provisions for the Implementation of Government Regulation Number 24 of 1997 concerning Land Registration in article 111 letter c number 4 in Indonesian society at that time. The difference in our research is in how the process of implementing the ministerial regulation at that time regarding the implementation of the transfer of land rights due to inheritance.
- c. Third, the implementation of Minister of Law and Human Rights Regulation Number 7 of 2021 concerning the Organization and Work Procedures of BHP in Indonesian society. The difference in our research is in how the differences before and after the ministerial regulation existed in 2021 regarding the implementation of the transfer of land rights due to inheritance.
- d. Fourth, what and how the legal theory and philosophy of the nation can change the legal heritage of the Dutch colonial that has been attached for about 350 years.
- e. Fifth, here the author will compare several previous studies,
  - 1) The first research the author will compare research made by Fardatul Laili, Masruchin Ruba'i, Jazim Hamidi, journals that have been made by previous authors, this examines and looks from the side of why the making of inheritance certificates is carried out by different state officials in accordance with existing laws and regulations and the legal force in each making of different inheritance certificates itself.
  - 2) The second study the author will compare research made by Arvita Hastarini, a journal that has been made by the previous author. This journal examines that there are several differences in the making of inheritance certificates for each group of residents in Indonesia. The importance of making journals made by previous authors is to provide counseling on how important heirship certificates are for the community.
  - 3) The third study the author will compare research made by Ketut Nindy Rahayu Sugitha, Cokorda Dalem Dahana, journals made by previous authors. This journal examines how important it is to understand the regulations regarding the making

## Making Inheritance Certificate Studied from the Philosophy of Pancasila

of inheritance certificates which are divided into three groups, namely native Indonesians, Indonesians of Chinese descent, and Indonesians of foreign eastern descent.

This research method uses the Normative method which as we know that the normative method focuses on positive legal norms, namely the laws and regulations themselves. This normative method uses secondary data, which secondary data consists of:

- 1) Primary legal material in the form of positive legal norms
- 2) Secondary legal materials, namely legal opinions obtained from books, papers, research results, journals, the internet, documents and newspapers.
- 3) Tertiary legal materials in the form of dictionaries and encyclopedias.
- 4) Sources
- 5) Analysis

## II. CONCLUSION

As we have discussed in the introduction, the arrangement for making a Certificate of Inheritance before the enactment of Article 111 paragraph (1) letter c number 5 of the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 16 of 2021 is still divided into 3 groups of Indonesian citizens, including Indigenous Indonesian Citizens, Indonesian Citizens of Chinese Descent, Indonesian Citizens of Other Foreign Eastern Descent, each group in terms of wanting to register the transfer of rights due to inheritance through different processes, "for indigenous Indonesian citizens: letter of heirs made by the heirs witnessed by 2 (two) witnesses and corroborated by the Village Head and Sub-District Head where the heir lived at the time of death; for Indonesian citizens of Chinese descent: Certificate of inheritance rights from a notary for Indonesian citizens of other foreign Eastern descent: certificate of inheritance from the Heritage Center ".<sup>10</sup> So that when examined from the philosophy of Pancasila in the value of the Philosophy of Justice, it clearly illustrates a racist and discriminatory atmosphere.

After the enactment of Article 111 paragraph (1) letter c number 5 of Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 16 of 2021, with these changes, the making of a Certificate of Inheritance or Deed of Inheritance is no longer based on the population group/ethnicity/race for the official/agency that makes it. The making of a Certificate of Inheritance or Deed of Inheritance Rights becomes an option (see letter c in the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 16 of 2021 article 111), meaning that every Indonesian citizen is free to determine the making of his or her Certificate of Inheritance Rights, depending on whether the agency concerned wants to make it and provide or not make it for those who apply. Based on these provisions, the Certificate of Inheritance Rights from the Notary whose domicile is in the testator at the time of death. Thus, in making the certificate of inheritance rights by the Notary, it must pay attention to the suitability between the residence of the heir who died and the Notary's domicile and the proof of death from Dukcapil which is in accordance with the relevant proof letter of death.<sup>11</sup> So that when examined from the philosophy of Pancasila in the value of the Philosophy of Justice, the value of justice is clearly illustrated, where concretely in the making of inheritance certificates there is no longer a population classification.

In this case, the changes in the making of an inheritance certificate after the enactment of Article 111 paragraph (1) letter c number 5 of the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 16 of 2021 are in accordance with the philosophy of Pancasila Justice.

## REFERENCES

### Books

- 1) Hikmahanto Juwana. 2016. *Politik Hukum Agraria: Sejarah, Problematika dan Tantangan*. Rajawali Pers. Jakarta
- 2) Slamet Muljana. 2011. *Sejarah Nasional Indonesia III: Zaman Pertumbuhan dan Perkembangan Kolonialisme Barat*. PT Balai Pustaka. Jakarta
- 3) M.C. Ricklefs. 2008. *Sejarah Indonesia: Zaman Penjajahan Belanda*. Serambi. Bandung
- 4) Eko Prasetyo. 2019 *Reformasi Agraria: Membedah Hukum Tanah Indonesia*. Kepustakaan Populer Gramedia, Jakarta
- 5) Satjipto Rahardjo. 2012. *Hukum Warisan Tanah di Indonesia*. Kepustakaan Populer Gramedia. Jakarta

---

<sup>10</sup> Budiono, *Kumpulan Tulisan Hukum Perdata*, 89

<sup>11</sup> Budiono, *Kumpulan Tulisan Hukum Perdata*, 14

## Making Inheritance Certificate Studied from the Philosophy of Pancasila

- 6) Soedarsono. 2013. *Hukum Kolonial di Indonesia*. Kepustakaan Populer Gramedia. Jakarta
- 7) Purnadi Phan. 2015. *Teori Hukum Realisme: Konsepsi, Kontroversi, dan Implikasinya*. Pustaka Pelajar. Yogyakarta
- 8) Hamdan Zoelva. 2011. *Realisme Hukum dan Konstitusionalisme*. PT. Raja Grafindo Persada. Jakarta
- 9) Soejono Soekanto. 1997. *Pancasila sebagai Filsafat Bangsa*. Yayasan Obor Indonesia. Jakarta
- 10) Mochtar Effendi. 2017. *Filsafat Pancasila: Menggagas Indonesia Baru*. Prenada Media Group. Jakarta
- 11) Arqom Kuswanjono. 2019. *Filsafat Bangsa Indonesia: Dari Nalar Epistemologi hingga Spiritualitas Ontologi*. LKiS Pelangi Aksara. Yogyakarta
- 12) Habib Adjie, *Implementasi Peraturan Pendaftaran Tanah Waris Oleh Notaris (Bandung: Refika Aditama, 2022)*
- 13) Herlien Budiono, *Kumpulan Tulisan Hukum Perdata (Bandung: Citra Aditya Bakti, 2018)*
- 14) H. Eman Suparman, *Hukum Waris Indonesia (Bandung: Refika Aditama, 2018)*

### Journal

- 1) No.2, 2019, *Filsafat Pancasila Dalam Pendidikan Di Indonesia Menuju Bangsa Berkarakter, Universitas Pendidikan Ganesha Singaraja*
- 2) Muhammad Iqbal, *Jurnal Ilmu Syariah, Vol 12, No 2 (2012), Politik Hukum Hindia Belanda dan Pengaruhnya Terhadap Legislasi Hukum Islam di Indonesia, IAIN Sumatera Utara*
- 3) Faizal Arifin, *Jurnal PENDIDIKAN SEJARAH, Vol. 9 No. 2 Juli 2020, Pembelajaran Sejarah pada Masa Kolonialisme Belanda, Sekolah Tinggi Ilmu Adab dan Budaya Islam Riyadul 'Ulum*
- 4) Effendi, *Jurnal Teropong Aspirasi Islam, Vol 8, No 1 (2012), POLITIK KOLONIAL BELANDA TERHADAP ISLAM DI INDONESIA DALAM PERSPEKTIF SEJARAH (Studi pemikiran Snouck Hurgronje), UIN Raden Intan Lampung*
- 5) Solihah Titin Sumanti, *Jurnal Imliah Sosiologi Agama, Vol 1, No 1 (2018), ANALISIS KEBIJAKAN PEMERINTAH KOLONIAL BELANDA TERHADAP PENDIDIKAN ISLAM,*
- 6) Haldi Patra, *Jurnal Pendidikan Sejarah, Vol. 9, No. 2, 2020, "Sesuatu yang Tak Pernah Terjadi" Membayangkan Kemenangan Nusantara Melawan Kolonialisme, Magister Sejarah Universitas Andalas*

### Law and Regulation

- 1) *Peraturan Menteri Hukum Dan HAM Nomor 7 Tahun 2021 tentang Organisasi dan Tata Kerja BHP*
- 2) *Pasal 111 ayat (1) huruf c angka 5 Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 16 Tahun 2021*
- 3) *Instruksi Presidium Kabinet Nomor: 31/U/IN/12/1966, tanggal 27 Desember 1966*
- 4) *Undang Undang Nomer 29 Tahun 1999 tentang Pengesahan International Convention on the Elimination of All Forms of Racial Discrimination 1965 (Konvensi Internasional Tentang Penghapusan Segala Bentuk Diskriminasi Rasial 1965)*
- 5) *Undang Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia (Lembaran Negara Republik Indonesia Tahun 1999 Nomor 165, Tambahan Lembaran Negara Republik Indonesia Nomor 3886)*
- 6) *Undang Undang Nomor 12 Tahun 2006 tentang Kewarganegaraan Republik Indonesia (Lembaran Negara Republik Indonesia Tahun 2006 Nomor 63, Tambahan Lembaran Negara Republik Indonesia Nomor 4634)*
- 7) *Undang Undang Nomor 23 tentang Administrasi Kependudukan (Lembaran Negara Republik Indonesia Tahun 2006 Nomor 124, Tambahan Lembaran Negara Republik Indonesia Nomor 4676)*
- 8) *Undang Undang Nomor 40 Tahun 2008 tentang Penghapusan Diskriminasi Ras dan Etnis (Lembaran Negara Republik Indonesia Tahun 2008 Nomor 170, Tambahan Lembaran Negara Republik Indonesia Nomor 4919)*



There is an Open Access article, distributed under the term of the Creative Commons Attribution – Non Commercial 4.0 International (CC BY-NC 4.0) (<https://creativecommons.org/licenses/by-nc/4.0/>), which permits remixing, adapting and building upon the work for non-commercial use, provided the original work is properly cited.