

Analysis of the Ratio Decidendi in the Distribution of Marital Property

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Abstract. *This study aims to analyze the legal status of joint property that has not been divided after divorce when one of the parties passes away, as well as to examine the judge's ratio decidendi in Decision No. 520/Pdt.G/2022/PN.DPS concerning the distribution of joint property and inheritance. The research method used is normative juridical research with statutory, conceptual, and case approaches. Legal materials were obtained through library research and analyzed qualitatively using legal interpretation methods. The novelty of this study lies in the analysis of the relationship between the distribution of joint property after divorce and the distribution of inheritance in childless marriages, particularly when the joint property has not been separated before one party dies. Based on the results of the study, it is concluded that joint property must first be separated before the inheritance distribution is carried out. The analysis of Decision No. 520/Pdt.G/2022/PN.DPS shows that the judges recognized the existence of joint property and the rights of the second ex-wife; however, the direct division into two portions was not fully in accordance with the legal construction of the Civil Code because the joint property should first have been separated, after which the deceased's share should have been proportionally distributed among the heirs in order to ensure legal certainty and justice for the parties.*

Keywords: *Decidendi; Inheritance; Marriage; Property; Succession.*

1. Introduction

Marriage in Indonesian society is not merely understood as a physical and spiritual bond between a man and a woman, but also as a social and legal institution that carries juridical consequences for the lives of the parties involved (Suryatni, 2021). From a legal perspective, marriage constitutes a legal event that affects the civil status of husband and wife, including their rights and obligations as well as the management of property acquired during the marriage (Suprayogi, 2023). Marriage also creates legal relations governing the ownership, use, and distribution of the couple's assets, particularly when the marriage ends, either due to divorce or the death of one of the parties (Cahyani, 2020). One of the significant consequences of marriage is the emergence of marital property (harta bersama or gono-gini), which refers to

all assets acquired during the marriage and is considered the result of joint efforts between husband and wife (Muhammad, 2022). The existence of marital property reflects the principle of equality between spouses in building household life, so that upon the dissolution of marriage, such property should, in principle, be distributed fairly. However, in practice, the division of marital property often gives rise to disputes, particularly when there are differing views regarding ownership and the contribution of each party (Utami, S. M. P., & Dalimunthe, 2023).

Under the Indonesian Civil Code (Kitab Undang-Undang Hukum Perdata), the regulation of marital property is based on the principle of community of property (*gemeenschap van goederen*) as stipulated in Article 119, which provides that from the moment a marriage takes place, there is a commingling of assets between husband and wife, unless otherwise stipulated in a prenuptial agreement (Hoesein, 2024). Consequently, when the marriage ends, such property is to be divided equally between the parties. In addition, the Civil Code also governs inheritance law, which regulates the transfer of rights and obligations of a deceased person to their heirs (Raditya., 2025). The inheritance system under the Civil Code is based on blood relations and marital ties, whereby heirs receive shares according to their position within the line of descent (Lintang, 2025). The distribution of inheritance becomes more complex when the deceased has no descendants, as in such circumstances the position of the surviving spouse must be considered alongside other heirs, such as parents or siblings, thereby potentially giving rise to conflicts of interest.

Legal issues become increasingly complex when there is a transition in the status of property from marital property to inheritance, particularly in situations where a marriage has ended in divorce but the division of marital property has not yet been carried out, and subsequently one of the parties dies. In such cases, uncertainty arises regarding the legal status of the property whether it remains marital property to be divided between the former spouses, or has become inheritance to be distributed among the heirs. This condition reflects a legal vacuum, as the Civil Code does not explicitly regulate such transitional circumstances. This issue is illustrated in Decision No. 520/Pdt.G/2022/PN.DPS, which involves a dispute between the children from the deceased's first marriage as heirs and the deceased's second ex-wife concerning the division of property acquired during the second marriage. In that case, the deceased and his second wife had divorced without having children, and before the marital property between them was divided, the deceased passed away. This situation created a conflict between the second ex-wife's rights over the marital property and the rights of the deceased's children from the first marriage as heirs to the estate.

From this case, several fundamental legal issues can be identified, namely the uncertainty regarding the status of undivided marital property after divorce, the intersection between marital law and inheritance law, and the ambiguity surrounding the legal standing of the second ex-wife in relation to her rights over the marital property. These issues indicate a gap between existing legal norms and their practical application. Therefore, analyzing the ratio decidendi in Decision No. 520/Pdt.G/2022/PN.DPS is essential to understand how judges

interpret and apply the law in addressing normative conflicts and legal gaps, as well as to assess the extent to which the decision provides legal certainty and justice for the parties involved.

2. Research Methods

This study employs a normative juridical method, which focuses on examining positive legal norms and the underlying legal principles (Marzuki, 2017). The objective of this research is to analyze the regulation of marital property and the distribution of inheritance under the Civil Code, as well as its application in Decision No. 520/Pdt.G/2022/PN.DPS. The approaches used in this study include the statutory approach, conceptual approach, and case approach (Ibrahim, 2013). The statutory approach is used to examine the provisions of the Civil Code, the conceptual approach is applied to understand legal doctrines and principles, while the case approach is utilized to analyze the judge's ratio decidendi in the examined decision (Ali, 2016). The legal materials consist of primary, secondary, and tertiary sources obtained through library research. The data are analyzed qualitatively using legal interpretation methods in order to achieve a comprehensive understanding of the issues under study (Soekanto, 2014).

3. Results and Discussion

3.1. Distribution of Inheritance to Heirs Without Children

In marriages without descendants, marital property holds a far more crucial position compared to marriages with children. This is due to the absence of heirs in the direct line of descent, so that the distribution of assets depends not only on inheritance law but also on the prior determination of the status of marital property as belonging to each party. Under the Civil Code, particularly Article 119, a community of property arises upon marriage, unless otherwise stipulated in a prenuptial agreement. In this context, when a marriage ends due to divorce, each party is in principle entitled to one-half of the marital property. However, the issue becomes more complex when the divorce has occurred but the marital property has not yet been divided, and subsequently one of the parties dies. In such circumstances, a legal question arises as to whether the marital property should first be divided as the right of the former spouse, or directly included in the inheritance estate of the deceased (Rahayu, 2022).

The absence of explicit regulation in the Civil Code regarding this situation often leads to conflicts between the former spouse and the heirs, particularly blood relatives such as parents or siblings. In childless marriages, such conflicts become more pronounced due to the absence of descendants who would otherwise have priority as heirs (Rahayu, 2021). Within the Civil Code system, the distribution of marital property in childless marriages cannot be separated from two essential stages: (1) determining the respective shares of the parties in the marital property, and (2) determining the inheritance portion of the deceased. The lack of clarity in distinguishing these two stages constitutes a primary source of disputes in judicial practice (Pratama & Lestari, 2023). In Islamic law, the position of marital property also constitutes the initial stage that must be resolved prior to the distribution of inheritance. The Compilation of Islamic Law (KHI) clearly provides that property acquired during marriage constitutes marital property, and upon dissolution of the marriage, each party is entitled to a proportional share, as stipulated in Article 97 KHI. In childless marriages, this principle has significant implications.

When one party dies, marital property does not automatically become part of the inheritance as a whole. Instead, it must first be separated, so that only the deceased's portion can be distributed to the heirs. Consequently, the former or surviving spouse retains rights over their share of the marital property, which cannot be contested by the heirs (Fadillah, A., & Nugroho, 2022).

Furthermore, in the absence of descendants, Islamic law provides certainty regarding the spouse's share as an heir; for example, a wife receives one-quarter if the husband dies without children, while a husband receives one-half if the wife dies without children. However, such distribution applies only to the portion belonging to the deceased, not to the entirety of the marital property (Rahayu, 2023). This demonstrates that Islamic law adopts a more systematic structure in distinguishing between the regime of marital property and inheritance law. In addition, Islamic law emphasizes substantive justice, recognizing the contributions of both spouses in the household, whether economic or non-economic. Therefore, in childless marriages, the protection of the spouse's rights is stronger, as it is not solely dependent on inheritance mechanisms but also on principles of fairness in the division of marital property (Rahman, 2021). The division of marital property in childless marriages essentially lies at the intersection of marital law and inheritance law. Ideally, these two legal regimes operate sequentially: marital property is first divided, and only the remaining portion is distributed as inheritance. However, in practice, the boundary between the two is often unclear, particularly when the division of marital property has not been carried out prior to the death of one of the parties.

Within the Civil Code system, this lack of clarity creates room for conflict, as there is no explicit rule governing the priority between the division of marital property and the distribution of inheritance. As a result, heirs may claim the entire property as part of the inheritance, while the former spouse maintains their rights over the marital property (Rahayu, 2022). This conflict becomes more acute in childless marriages due to the absence of primary heirs who could serve as a balancing factor in the distribution. In contrast, Islamic law provides a more structured framework, although it is not entirely free from practical challenges, particularly in proving the status of property and the contributions of each party. Thus, both the Civil Code and Islamic law face challenges in their application, albeit with differing levels of complexity. In childless marriages, the primary issue lies not merely in the distribution of inheritance, but in determining the status and division of marital property as a prerequisite. The lack of clear regulation in positive law, particularly within the Civil Code, serves as the basis for disputes that ultimately require judicial interpretation in court decisions.

3.2. Ratio Decidendi of Decision No. 520/Pdt.G/2022/PN.DPS

The case in Decision No. 520/Pdt.G/2022/PN.DPS originated from a dispute between the children of the deceased from his first marriage as the plaintiffs and the deceased's second ex-wife as the defendant, concerning the status and distribution of property acquired during the second marriage. The deceased had previously been married and had children from his first marriage, and subsequently remarried the defendant. The second marriage ended in divorce

without producing any children; however, during the course of that marriage, a number of assets were acquired. The issue arose because after the divorce between the deceased and the defendant, the marital property obtained during their marriage had never been divided. Under these circumstances, the deceased later passed away, giving rise to a dispute regarding the legal status of the property. The plaintiffs argued that the property acquired during the second marriage formed part of the deceased's estate and should therefore be distributed among the heirs, asserting that the second ex-wife no longer had a legal relationship with the deceased after the divorce. On the other hand, the defendant contended that the property constituted marital property, and that her rights over such property remained attached despite the dissolution of the marriage, such that it could not be directly categorized as inheritance without prior separation (Ketut Indriyani & Anak Agung Sri Indrawati, 2021).

In its ruling, the court declared that the disputed property constituted marital property that must be divided equally, with one portion allocated to the plaintiffs as the heirs of the deceased and the other portion to the defendant as the second ex-wife. The judge's ratio decidendi in this decision was based on the recognition of the property's status as undivided marital property, leading to its direct division based on the principle of balance between the parties. The judge positioned the defendant as a party who retained rights over the marital property, even though the marital relationship had ended due to divorce. However, this approach is not entirely consistent with the legal construction of the Civil Code. According to Article 119 of the Civil Code, a community of property arises upon marriage, while Article 128 stipulates that upon dissolution of marriage, marital property must first be divided between the parties. Only thereafter can the deceased's portion be classified as part of the inheritance estate (Ketut Indriyani & Anak Agung Sri Indrawati, 2021).

In this case, the second marriage did not produce any children; thus, the defendant's position is not linked to a line of descent, but rather as a former spouse who also qualifies as an heir based on the marital relationship (Wahyun, 2021). Accordingly, the first step that should have been undertaken is the separation of the marital property into two equal parts, with one-half belonging to the second ex-wife and the other half belonging to the deceased (Roswati Nurdin, 2023). Following this separation, the deceased's share becomes part of the inheritance estate and is distributed to the heirs. In this regard, Article 832 of the Civil Code provides that heirs consist of blood relatives and the surviving spouse, while Article 852 stipulates that children as heirs in the direct descending line are entitled to equal shares. Since in this case the deceased left two children from the first marriage and a second ex-wife who had no children, the composition of heirs consists of three parties: two children as heirs in the direct line of descent and the second ex-wife as an heir based on marital ties. Under the Civil Code, the position of the surviving spouse is equated with that of a child in terms of inheritance distribution.

Accordingly, the one-half portion of the property belonging to the deceased should be divided into three equal parts, with each party the second ex-wife and the two children receiving one-third. Overall, the proper distribution would result in the second ex-wife receiving one-half as her share of the marital property and one-third of the remaining one-half as inheritance, while

each of the two children receives an equal share from the deceased's half of the estate. The court's direct division into two equal parts between the plaintiffs and the defendant is therefore not fully consistent with the Civil Code framework, as it overlooks the necessary stages of separating marital property and subsequently distributing inheritance proportionally. The fact that the second ex-wife had no children further emphasizes that inheritance distribution must still account for her status as an heir, without diminishing the rights of the deceased's children as primary heirs in the line of descent.

4. Conclusion

In marriages without descendants, the position of marital property becomes a key factor in determining the distribution of assets, due to the absence of heirs in the direct line of descent. Under the Civil Code, marital property must first be separated before the distribution of inheritance can take place. However, the absence of explicit regulation regarding situations where a divorce has occurred but marital property has not yet been divided prior to the death of one of the parties creates a legal vacuum and leads to conflicts between the former spouse and the heirs. The distribution should be carried out in two stages, namely the separation of marital property followed by the distribution of inheritance from the deceased's share. The analysis of Decision No. 520/Pdt.G/2022/PN.DPS shows that the judge did not fully apply this legal construction, as the property was directly divided between the heirs and the second ex-wife without undergoing the stages of separation and proportional inheritance distribution. The main issue in this case lies in determining the status of marital property as a prerequisite for inheritance distribution. This indicates the need for a more systematic legal interpretation in order to achieve legal certainty and justice in judicial practice.

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