

An Analysis Of Heritage Legal Law For Foreign National Heirs On The Permanent Object (Property) Based On Civil Law

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2 An Analysis Of Heritage Legal Law For Foreign National Heirs On The Permanent Object (Property) Based On Civil Law

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1 ABSTRACT

In Indonesia, there is still no national legal entity regarding the inheritance law that can be applied to all Indonesian citizens. Therefore, the inheritance law that is applied to all Indonesian citizens is still different due to the classifications of the citizens. This study basically describes the inheritance rights of Foreign Citizens (foreigners) over fixed objects (treasure) especially the land in Indonesia. In the legal structure in Indonesia until now there has not yet been established national inheritance law provisions that regulate the rights of inheritance from foreign citizenship, while in the Basic Agrarian Law (UUPA) Law. No. 5 Of 1960, foreign nationals may not obtain ownership rights over land. Marriage law is legal, if it is done according to the law of each religion and belief as explained in article 2 paragraph (1) of law number 1 of 1974 concerning the marriage. Thus differences in citizens do not prevent a person from marrying and obtaining his inheritance rights, this difference in citizenship is a series of existing laws that are subject to customary law, how in terms of inheritance that are fixed objects will they be synchronized with International Civil Law (ICL) in obtaining objects that are usually done by way of buying and selling, grants, or by inheritance. The result of this study are the transfer of the inheritance of Foreign Citizens, especially regarding the land. Foreign citizens must relinquish their rights as heirs to the land, and within one year have to relinquish their rights. The rare several obstacles in the application of this law because there is no national inheritance law that regulates such cases because in religious and customary laws, there are no rules that limit the inheritance rights of foreign countries in Indonesia.

Keywords: Inheritance Law, Foreign Citizens, Civil Law

2 INTRODUCTION

In the State of Indonesia, there is still no National legal entity regarding inheritance law that can be applied to all Indonesian citizens. Because of that, the inheritance law that is applied to all Indonesian citizens is still different given the classification of citizens including:

principle customary law applies. In this case, there is certainly a difference between one Customary Law Community and another Customary Law Community, due to differences in the family nature of

the Community / Customary Law respectively, such as the Customary Law Community whose family structure is patriarchy (+ fatherhood), different from the Community Customary Law whose family structure is matriarchy (motherhood) and different from the Customary Law Community whose family structure is parental (fatherly).

1. For native Indonesian citizens who are Muslim, in various regions, Islamic law is very influential and applies to it, even as outlined in the Compilation of Islamic Law.
2. For Arabs in general all Islamic Law applies to them.
3. For Chinese and Europeans, Burgerlijk's inheritance law applies

For native Indonesian citizens, in 1. Wetboek Voor Indonesie (Books II Chapter 12 through Chapter 18, Article 830 to Article 1130). In line with the description in the case of inheritance there is legal pluralism and unification of inheritance law has not yet been realized in Indonesia and more broadly if the heirs are Foreign Citizens (foreigners). In principle, each State is free to determine who is a citizen and foreign citizen either because of a transfer of citizenship such as Mia Audinia (Badminton Athlete) who moves citizenship to become a Dutch citizen, as well as someone born of mixed marriages and becoming a Foreign Citizen from birth. Thus mixed marriages and Indonesian citizens with foreign citizens as mentioned, if one of the husband and wife dies then, the heir with the heir will be different citizenship.

The issue of citizenship is a domestic problem in a country that¹² related to the protection of rights, such as protection of the security, economic, social interests and protection of human rights that originate from the national interests of the country concerned. Meanwhile, to find out who is a foreign national in a country, it must be known who is a foreign citizen always starting from the citizenship system.

And about who the citizens can be known from the nationality laws of each country. In the case of marriage, one does not preclude marriages with different nationalities. Marriage law and inheritance law are related to one another. An indigenous man and a foreign woman or vice versa when making a marriage bond, a family household is formed and then the children of the husband and wife are born. If one of the husband and wife dies, then a method or a system is needed to divide the inheritance of the deceased (heir) to the surviving heirs.

UUPA, in accordance with its designation, it only contains the principles and main issues in its outline. Further implementation of the basic provisions is regulated in various laws, government regulations and other legislation. Most of the laws and regulations as implementing regulations of the UUPA have been realized, but in practice, many conflicts in their application as in Article 9 of the UUPA clearly and clearly stated that: "Only Indonesian citizens can have a full relationship with the earth, water, and space, within the boundaries -the limits of Article 1 and 2 concerning ownership are more explicitly stated in Article 21 paragraph (1) only Indonesians can have ownership rights" (Boedi Harsono: 2006)

Formulation of the Problem

1. Are Foreign Citizens Entitled to inheritance of permanent objects/property?
2. How is the transfer of rights and obligations between the heirs and heirs of different nationalities?

RESEARCH METHODOLOGY

Research is a basic tool in the development of science. This is because research aims to reveal the truth systematically, methodologically, and consistently (Soeryono Soekanto & Sri Mamudji: 1994). The existence of a methodology in every research and development of science is an absolute element that must exist (Soerjono Soekanto: 1986). This research is a normative law by studying, analyzing and or analyzing to obtain a clearer picture of the right to inherit foreign national assets. In this study is an inheritance from the perspective of Civil Law is associated with Article 9 and Article 21 paragraph (3) of Law Number 5 of 1960. the type of data used is secondary data which includes, namely: Primary legal materials, namely the Civil Code, 1960 Basic Agrarian Law, Government Regulation Number 10 of 1961 concerning Land Registration then has been replaced with PP No. 24 of 1997, Law Number 12 of 2006 concerning Citizenship, Government Regulation No.2 of 2007 concerning Procedures for Obtaining, Losing, Canceling and Reclaiming Citizenship of the Republic of Indonesia No. M-01-HL.03.01 of 2006 concerning procedures for obtaining and regaining citizenship. the type of data used is secondary data which includes, namely: Primary legal materials, namely the Civil Code, 1960 Basic Agrarian Republic of Indonesia and Minister of Law and Human Rights Regulation No.M.02-H.05.06 of 2006 concerning procedures for submitting statements to become Indonesian citizens. Secondary Legal Materials, namely legal materials that explain primary legal materials, such as reading materials written by experts. Tertiary legal materials, namely materials that provide instructions and explanations for primary and secondary legal materials, such as law, magazines and others.

DISCUSSION

Foreign Citizens are entitled to inheritance permanent property.

The definition of citizenship as stipulated in Article 26 of the 1945 Constitution after the amendment is as follows:

- a. The citizens of the country are the people of the original Indonesian people and the people of other nations who are legalized by law as citizens.
- b. Residents are citizens and foreigners residing in Indonesia.
- c. Matters regarding citizens and residents are regulated by law 236.

Before the amendment to the 1945 Constitution, Article 26 only consisted of two verses which read:

- a. The citizens are native Indonesian people and other nationalities who are legalized by law as citizens.
- b. The requirements regarding citizenship are established by law. From the provisions of this constitution it can be said that citizens are native Indonesian people and people of other nationalities who change status to become Indonesian citizens who are ratified by law. While the residents are Indonesian citizens, foreigners residing within the territory of the Republic of Indonesia.

In this context, Bagir Manan argues that the substance of paragraph 1) does not correspond to reality. Indonesian citizens do not only consist of native Indonesians and people of other nations who are ratified by law as citizens. According to the law Indonesian citizens can also occur due to the adoption of children (adoption), due to marriage, or other reasons regulated by or based on the law. To avoid confusion in understanding, the notion of "other peoples endorsed by law" is not only interpreted as citizenship (naturalization), but also includes persons who obtain citizenship by other means, both determined by the law and through the procedures established under the law, such as marriage, adoption, and others. In the understanding and formulation of the law must be

distinguished between "according to the law", "with the law" and "based on the law", if it is called "by law" which means that something is regulated or referred to in the law. If it is called "based on the law", it shows that it can be regulated by another regulation which is called based on a law.

"Native Indonesians" as "original Indonesians" are derived from IS provisions, Article 163 which distinguishes Indonesian ingezetenen into three groups, namely European and equivalent residents, Foreign Eastern residents, and Residents of Indonesian native or customary groups called the Bumiputra (indigenous people). IS uses the term "inlanders". The phenomenon of "indigenous people" (indigenous) is also found in several other countries such as Indian tribes in the United States.

Specifically, for native Indonesians, the differences in this group do not only concern legal issues, (IS, Article 131), but also include differences in treatment in almost all aspects of life. This difference in treatment can be referred to as "negative constitutional discrimination" as experienced by American blacks and slavery, and southern blacks during Apartheid. In the American constitution, there was a provision that said that blacks (slaves) were 3/5 (three-fifths), meaning that these people were not considered to be full subjects (this provision was revoked through the 14th Amendment, 1968).

In the discussion of Article 131 and Article 163 IS commonly used as the term "native Indonesians" there is no word "nation" or native Indonesian people. In fact, IS Chapter Eight mentions "Van de ingezetenen" which is "about the population" not about citizenship (citizenship).

This understanding can be understood because Indonesia at that time was not an independent country, despite having the characteristics of the state. Indonesia is a part or colony of the Dutch kingdom, even the population of Indonesia as a Dutch subject is divided into three groups namely "nederlanders", "vreemde oosterlingen", and "inlanders" as previously described.

In principle, each country is free to determine who belongs to citizens and foreigners. The issue of citizenship is a domestic problem in a country that is related to the protection of state security, economic, social interests, and protection of human rights that originate from the national interests of the country concerned.

Who is called a citizen will always be determined through his national legal instruments as previously described. The decision of the International Court of Justice in the Nottebohm case between Guatemala and Liechtenstein in 1955 stated that:

"it is Liechtenstein as it is for every sovereign state to settle by its own legislation the rules relating to the acquisition of its nationality.... This is implied in the wide concept that nationality is within the domestic jurisdiction of the state".

Similarly, the opinion of the Permanent International Court advisory opinion in the case of the Tunis and Morocco Nationality Decrees in 1923 which states that

"Thus, in the present state of international law questions nationality are, in the opinion of this Court, in principle within the reserved domain."

To find out who is a foreigner in a country, one must know who is a citizen, because for foreigners it always starts with the citizenship system of that country. Conversely, about who the citizens can be known from the Citizenship Act of each country.

Based on the provisions of Article 20 of Law Number 62 Year 1958 concerning Citizenship of the Republic of Indonesia, it is explained that those who are not citizens of the Republic of Indonesia are foreigners. Even though each State is sovereign to regulate and determine who are its citizens, it must still pay attention to the principles of international law concerning citizenship, both those contained in treaties, customary law, and general principles of international law.

The Republic of Indonesia provides a broad interpretation of this, because besides foreigners including foreigners who do not have citizenship of a foreign country. Statelessness can lead to difficulties for various parties, both for the person himself, the country of origin and the host country. For those concerned difficulties will arise regarding the revival in the visa and passport system, surveillance of foreigners, conditions of work, social and so forth. For the country of origin difficulties will arise if the person without citizenship carries out activities that are against his home country. For the host country there will be difficulties in enforcing a person without citizenship based on the provisions that apply to foreigners.

The main objective to be achieved by Law Number 62 Year 1958 is to eliminate dual citizenship status or to prevent the birth of citizenship status. In Indonesia dual citizenship generally occurs when in the past they were included in the Dutch state, not Dutch based on the principle of *ius soli* (the principle of birth area) because they were born in Indonesia and their parents reside in Indonesia. The people of other nations referred to are foreigners, both foreign nationals, or people who do not have citizenship (apartride, stateless). Thus, the term "citizenship" (naturalization) includes giving status as an Indonesian citizen to a person or several foreign nationals, or giving status as an Indonesian citizen to a person or to some people who do not have citizenship (stateless). Furthermore, the definition of citizens who are ratified by law as citizens, including people of other nationalities besides citizenship, can also be obtained because of the adoption of a child, marriage, and children found without the knowledge of the father and/or mother.

The first Citizenship Act of the Republic of Indonesia, Law No. 3 of 1946, in article 1, stipulates that Indonesian citizens are (Bogir Manan: 2009):

1. Indigenous people within the territory of the Republic of Indonesia.
- 2) Descendants of indigenous people as referred to in number (1), born, domiciled and settled in Indonesia, offspring of other nationalities born, domiciled and residing in Indonesia for five consecutive years, are 21 years old or have been married, except states the care of being an Indonesian citizen because he has become another citizen.
- 3) Citizenship (naturalization). Citizenship of a father applies also to legitimate children, authorized children, recognized children, and adopted children who are not yet 21 years old. This provision also applies to wives, bearing in mind the provisions of article 2 which states, a woman in marriage follows her husband's citizenship.
4. Legitimate child, a child authorized or recognized by his father who at the time the child was born, his father was an Indonesian citizen.

5. Child adopted by an Indonesian citizen father.
6. Children born in Indonesia but are not recognized by their father or mother.

The practice of citizenship is greatly influenced by the political will of a country which can change from time to time as explained in Law No. 3 of 1946 jo. Act No. 6 of 1947. It is different from Act No.62 of 1958, and also different from Act No.12 of 2006. For example; clause "... people of other nations who are ratified by law as citizens", in practice according to Law No. 3 of 1946, is defined as any decision to determine whether a person or group of people become citizens is determined by law. In Law No.62 of 1958 made based on the 1950 Constitution, Article 5 paragraph (2) of the 1950 Constitution states: "Citizenship (naturalization) is carried out by or attorney of the law".

This provision allows the citizenship of a person to be determined by law or other forms of law (such as a Presidential Decree or Minister of Law and Human Rights Decree). But with the Law No.62 of 1958 in Article 5 paragraph (1) and paragraph (5) determining, a person's decision to become a citizen is determined by a Decree of the Minister of Justice. Whereas in Article 13 paragraph (2) of Law No.12 of 2006, determine, citizenship is determined by a Presidential Decree.

The above description gives us an understanding that in the application of the Act concerning citizenship of other nationalities "endorsed by law" in the 1945 Constitution, Article 26, is defined as determined "based on the law" not "by law" this can be understandable if it determines citizenship "by law" will be convoluted and take a longer time. International law recognizes 2 (two) doctrines about the criteria for the treatment of foreigners, namely the measurement of international treatment (international standard of treatment) and the measurement of national treatment (national standard of treatment). The measure of international treatment is referred to as the treatment that must be given to foreigners where they live must be by international measures. This measure of international treatment must be the minimum basis in the application of foreigners.

The rationale for measuring international treatment is that the legal status of a foreigner must be guided by international law while a citizen is under national law. Therefore, it is not appropriate to equate the legal status of a foreigner with his own citizens.

The Permanent International Court in several of its decisions proved that the Court adheres to the same conception, especially the criteria for treating foreigners. This principle of minimum measurement is recognized as a principle that is part of recognized international law. Another reason for strengthening the doctrine of minimum international measures is because foreigners do not have political rights. In the absence of these political rights such as the right to vote and be elected, foreigners cannot defend themselves against the unlawful treatment of the organs of the State.

Misuse of the principle of minimum treatment often results in intervention from strong States against weak countries with the reason to protect their citizens who are abroad who are not treated according to international measures. But this kind of intervention has also aroused the arrogant attitude of strangers who felt that behind him stood a force that could always provide him protection.

Carlos Calvo, an Argentinian jurist after seeing the weaknesses of international treatment measures, has introduced his doctrine which is then used to reject international demands based on these measures of international treatment. Calvo argues that,

"Allens who establish themselves in a country are certainly to the same right of protection as nationals but they can not claim any greated measure of protection."

This Calvo idea is contained in the Montevideo 1933 **Convention on the Rights and Obligations of the State** which states:

"Nationals and foreigners are under the same protection of the law and the national authorities and the foreigners may not claim rights other or more extensive than those of nationals".

From the previous discussion, it is clear that Calvo's opinion can be called a national treatment measure doctrine which contains the principle that a foreigner must not claim rights that exceed the rights of citizens. In this case the Calvo doctrine aims to limit the interference of Western countries against Latin American countries. The doctrine of measurement of national treatment or can also be referred to as "Equality of Nationals and Alliens" is based on the opinion that the maximum limit that can be demanded by a foreigner is the same treatment as citizens.

In this context, both international and national measures of treatment have weaknesses that cannot be ruled out if a solution is to be accepted by countries in general. Therefore, on the one hand, international law may stipulate that foreigners are treated in various international treaties. But on the other hand the conditions for maintaining the international treatment measures have long been no longer applied in full.

The provisions of Article 9 of the **Montevideo Convention on the Rights and Obligations of States in 1933** state that³² "the jurisdiction of states within the limits of national territory applies to all the inhabitants". **Jurisdiction of the State** within its territorial boundaries will remain attached to it because it is sovereign.

The provisions of Article 12 of the **Charter of the Organization of the American States** (Bogota Charter of the Organization of the American States, 1948) in **Chapter III** concerning "Fundamental Rights and Duties of States" in **Article 12** states that:

"The jurisdiction of States within the limits of their national territory is exercised eually over all inhabitants within nationals or aliens".

Furthermore, in the case of **Companin NAVIERA Vascongado** against **Cristina S.S.** in 1938 Judge Lord Macmillan said that:

"It is an essential attribute of the sovereignty of this realm, as of all sovereign independent states, that it should possess jurisdiction over all persons and things within its territorial limits and in all causes civil and criminal arising within the limits".

Furthermore, Alf Ross states that:

"In conformity herewith the fundamental international legal norm of the distribution of competence is to the effect the every state is competent, and exclusively actually or

potentially-consist in the working of the compulsory apparatus of the state (the maxim of territorial supremacy)."

What is described above is a State jurisdiction that is limited by State boundaries or commonly called territorial jurisdiction. In line with ILC 1949 which states that:

"Every state has the rights to exercise jurisdiction over its territory and over all persons and things therein, subject to the immunities recognized by international law."

From this it can be understood that even if a foreigner is in principle subject to the jurisdiction of the host country, he is still under the personal jurisdiction of the country of origin. Thus the country of origin cannot sue its citizens outside the State to carry out acts prohibited by the State where its citizens live. Both personal and territorial jurisdictions are mutually limiting. These jurisdictions meet each other and this is only possible with their own citizens within the boundaries of their territory. This is what is meant by full jurisdiction, for its own citizens who are abroad will apply personal jurisdiction. Both of these jurisdictions remain in each State.

Foreigners are entitled to the same protection under the laws of the host country and are entitled certain rights that give them the possibility to live properly. For example, in the provisions of Article 9 of the 1933 Montevideo convention on State rights and obligations which state that:

"Nationals and foreigners are under the same protection of law and the national authorities and the foreigners may not claim right other or more than those of nationals".

Apart from equal protection of the rights of foreigners based on statutory regulations, in practice sometimes the host before the court prefers its own citizens, but the provisions of international law also do not prohibit a country from applying different treatment by prioritizing its own citizens rather than people foreign. There is a strong desire for the interests of its own citizens. In general, not all foreigners have the same rights and obligations. Resident foreigners generally have greater rights and obligations than those who differ in the territory of a country only temporarily, such as travelers or tourists.

Transfer of rights and obligations between heirs and heirs of different nationalities.

In obtaining rights and obligations between heirs and heirs with different citizenship, the principle is the same as heirs and heirs with the same nationality, but for permanent objects, especially land, the law of inheritance, called "saisine", is based on the principle of law. Article 833 paragraph (1) of the Civil Code (BW) which states:

"All heirs by themselves because the law obtains ownership of all goods, all rights and all receivables from the deceased".

From the principles and legal basis, it is very clear that the heirs obtain all rights and obligations of the deceased both movable and permanent, tangible or intangible objects without requiring a particular action even though the heirs are not aware of the existence of the inheritance.

Therefore, with the existence of Article 9 and Article 21 paragraph 3 of the 1960 Basic Agrarian Law, heirs who are foreign citizens must make a rejection / relinquish their inheritance rights to the State or to whom they wish to be Indonesian citizens to be renamed or transferred these rights through the land office where the thing is. Thus the execution of the distribution of inheritance to foreign

citizens can be carried out again as a right of heirs as stipulated in Article 833 paragraph (1) of the Civil Code and the principle of *hereditatis petitio* that is the right of heirs to claim to have been amputated with a statement of relinquishment of rights as heirs or with other words no longer have legal power. The constraints in the process of transferring inheritance rights to property for foreign citizens are:

- a. Between the provisions of Religion and the beliefs of the heirs are not in line with the legal norms contained in Article 9 and Article 21 paragraph (3). Because in marriage will give birth to heirs, and these heirs are the same citizens with their ancestors and some are changing citizens to become foreign citizens. Whereas marriage is legal if it is carried out according to the law of each religion and its beliefs as explained in Article 2 paragraph (1) of Law No.1 Year 1974 concerning Marriage (Erman Suparman: 2007). From this it can be seen that the consequences of marriage do not make a difference between citizens of a married couple, but in the case of inheritance to land is hindered by Article 9 and Article 21 paragraph (3) of the UUPA. Most of these heirs really want the legacy of their ancestors to exist and be preserved for the memories and memories of their heirs without relinquishing their rights as heirs.
- b. Between the customs / cultural provisions of the heirs, for example in the Minangkabau customary system there are at least four types of inheritance, namely the first high inheritance, the second low inheritance, the third livelihood treasure, the fourth property suarang. For high inheritance assets, of course, the method of distribution applies a system of collective inheritance, that is, all high heirlooms are inherited by a group of heirs and are not permitted to be divided up of ownership and it is possible to do "ganggam ba²⁶ tuak". Although it may not be divided, ownership remains among the heirs. Therefore, with the provisions of Article 9 and Article 21 (3) automatically the ownership rights in the said heirloom will be lost. If the high heirloom can be sold it must be with the permission of all entitled heirs, it can also be done only in the interest of paying the honorarium debt, paying the cost of repairing the city owned by the people, to pay the blood debt, to pay the debt made by the people together. same. Thus, of course, the heirs who have a high heirloom will not want to lose their rights and ownership in the heirloom because the property is part of a unifying tool among themselves.
- c. A certain group of people, regardless of the area in which they are and whatever nationality it bears. Because in the Minangkabau traditional principle "Adat basandi syara ', syara' basandi Kitabullah".

CONCLUSION

From what has been described, the author can conclude and submit suggestions, including:

1. Regarding someone being prevented from getting his inheritance, there a²⁷ already legal provisions in both the Civil Code and the Compilation of Islamic Law. Namely in Article 838 of the Civil Code jo. Article 173 Compilation of Islamic Law which is an inappropriate classification of people declared as heirs or heirs whose rights are inherited. This means that the issue of citizenship status does NOT include the classification of a person who is prevented from obtaining his inheritance. However, for inheritance rights in the form of land, we must refer to the provisions in UUPA 1960 Article 21 paragraph (3) which constitutes a unification of the National Land Law which reads as follows: "Foreigners who after the enactment of this Law obtain property rights due to inheritance- without a will or mixing of assets due to marriage, so

does Indonesian citizens who have ownership rights and after the enactment of this law loses their citizenship must waive that right within 1 year after the acquisition of that right or the loss of citizenship, if after that period has passed property rights are not relinquished, then the rights are removed due to law, and the land falls to the state, provided that the rights of other parties that burden it continues". This means that

2. For permanent objects in the form of land obtained through inheritance, for a foreigner must waive this right within 1 year from the acquisition of the said right or since the heir dies. Thus, in principle in the Civil Code, Foreign Citizens are entitled to get their "rights as heirs" to the land, but cannot have "ownership rights" over the land and must be released within 1 year after the death of the heir, this means for inheritance in the form of land which by the Civil Law prohibits a foreigner from owning with ownership rights, the inheritance rights of a foreigner are impeded because it is impossible to reverse the name of the land in his own name.
3. Regarding the transfer of rights and obligations between heirs and heirs of different nationalities, with the entry into force of the Basic Agrarian Law primarily Article 9 and Article 21 paragraph (3), heirs with foreign nationality must release or transfer their inheritance rights to the State or to whom they wish. having the status of an Indonesian citizen to be renamed or transferred the right through the Land Office where the land is located. Thus the execution of the distribution of inheritance to foreign citizens can be carried out and the heirs of the foreign national can no longer claim their inheritance rights based on the provisions of Article 833 paragraph (1) of the Civil Code regarding the rights of *heriditatis petitio* because it has been amputated by a statement of the release of his rights as an heir. Constraints faced in the process of transferring inheritance of permanent property for Foreign Citizens, among others: First, in the doctrine of religious understanding there is no prohibition of Foreign Citizens to get their inheritance rights, both fixed objects in the form of land or non-permanent objects. So that, in part, heirs, especially those who migrate to foreign citizenship, do not want to relinquish their rights simply because of belief in the religious doctrine. Second, customary law / customary law adopted by the community which also does not prohibit differences of citizens to get their inheritance rights, so that some heirs are also not willing to relinquish their rights to the land.

SUGGESTION

The suggestions that the author can convey here are as follows:

1. Not all of those who have moved citizenship from Indonesian citizens to Foreign Citizens clearly understand the legal consequences, especially regarding the inheritance rights of Foreign Citizens on permanent property in the form of land in Indonesia. Therefore, it is necessary to think about all parties creating or publishing books that clearly explain the legal consequences of the move of Indonesian citizens to foreigners, especially as mentioned above. Although, in principle, every statutory regulation that has been enacted is considered to already know it. However, according to the opinion of a humanist legal product writer (a law that considers social aspects - leading to effective law enforcement), the formation of statutory regulations is as important as the socialization of the relevant laws and regulations.
2. In various regions in Indonesia it is still often found that those who move citizenship from Indonesian citizens to foreign citizens (a concrete example of being a Malaysian citizen), can still control the land in their area, even though they have obtained it by inheritance for more than a year. This is certainly very contrary to Article 21 paragraph (3) of Law No. 5/1960 concerning

Basic Regulations on Agrarian Principles which stipulates that foreigners who obtain ownership rights due to inheritance are required to relinquish that right within 1 year after their heir dies, if after that period the ownership rights are not released, the rights will be voided by law, and the land will fall to the state. Therefore, the State through the Regional Government is expected to consistently implement these provisions.

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