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Juridical Analysis of Inheritance Handling for Heirs with Mental Disabilities

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Abstract: This study aims to analyze juridically how the civil law system in Indonesia, especially the Civil Code (KUH Percivil), regulates and protects inheritance rights for heirs who experience mental disorders. The type of research chosen is normative legal research with a legislative approach and a conceptual approach. In the context of inheritance distribution, problems arise when one of the heirs is incompetent due to a psychiatric condition, so his rights are often ignored or even used by other heirs. One of the case studies analyzed was the handling of inheritance and legal capacity in a family where an heir is mentally disturbed. This study found that the distribution of inheritances without involving or appointing legal representatives for heirs who are not legally competent is legally flawed and can be canceled. Therefore, the appointment of curators by the court is an important mechanism in ensuring justice and legal protection for those who experience mental disorders. This study recommends the need to increase legal understanding among the public and law enforcement officials regarding the importance of guardianship in the inheritance distribution process, as well as strengthening legal protection for people with mental disorders as part of the principle of equality before the law.

Keyword: Inheritance, Heirs, Mental Disorders.

INTRODUCTION

One of the purposes of marriage is to have offspring, so when someone passes away, the property they leave behind can be inherited by their heirs, both those who are born normal and those with disabilities. Inheritance is a legal right obtained by the heirs from the property left by the deceased. The Indonesian legal system governs inheritance under civil inheritance law (Burgerlijk Wetboek/BW), which essentially provides recognition to the right of every heir to receive a share of the deceased's estate. However, complications arise in cases where one of the heirs suffers from mental disabilities or disorders. A person suffering from mental disorders or mental disabilities may not be capable of managing their property or wealth, nor can they participate in marriage (Nurrozalina et al., 2024). This condition poses particular challenges when it comes to inheritance matters. The concept of inheritance in Indonesia traditionally assumes that heirs are able to independently manage their rights and responsibilities. When an

heir has mental health issues, they may not be able to exercise their rights to inherit, nor could they fully comprehend their share or entitlement in the inheritance process. This creates a gap in legal practice, where heirs with mental disabilities may be unfairly marginalized or excluded, which could lead to an unjust distribution of the deceased's property (Hermawan, 2024).

In practice, the situation becomes complicated, as many individuals may not be aware of the mechanisms of legal protection for heirs with mental disorders. In some cases, these individuals might be denied their rightful share, either because they are not represented adequately or because they do not have access to the legal protection required to ensure that they are not taken advantage of. Often, due to their condition, these individuals may be unable to contest unfair inheritance distribution, leading to further complications and disputes among the family members. According to the Indonesian Civil Code (KUHPerdata), anyone who has mental disabilities or a mental disorder is legally seen as someone who has limitations in conducting legal acts (Rizka & Fadhilah, 2022). Legal competence, defined as the ability to act independently in legal affairs, is a crucial aspect of inheritance rights. The legal system requires that a person be deemed competent before engaging in legal acts. This competence, in turn, includes the ability to understand the legal implications of actions such as inheritance. For a person with mental health issues, this means that their ability to claim inheritance or manage it effectively might be hindered, unless appropriate legal guardianship or protection measures are put in place (Bhugra et al., 2016).

The concept of guardianship or legal protection for people who are unable to manage their own affairs is well established in the Indonesian legal framework. Under the Civil Code, guardianship is a mechanism that ensures the protection of a person who is not legally competent due to a mental disorder or disability (Sharfina & Sukananda, 2019). Guardianship, in this sense, is meant to appoint a legal guardian or representative who can manage the person's financial and legal matters, including inheritance claims. This system provides a legal structure to ensure that heirs with mental disabilities are not left unprotected and that their rights are safeguarded, preventing exploitation or neglect. However, the implementation of guardianship is often inconsistent, and legal representatives may not always be available to ensure the fair distribution of the inheritance to those who need it most (Ion & Pusca, 2024). In some cases, even when a legal guardian is appointed, the rights of the mentally disabled heir may still be undermined due to the lack of supervision or clear procedures for managing the estate. In such circumstances, the inheritance process may become vulnerable to manipulation by other family members or parties involved, and the mentally disabled heir may be left with insufficient access to their rightful share of the inheritance.

Furthermore, the absence of clear legal safeguards and mechanisms often leads to a lack of support for these individuals, making it more difficult for them to receive their inheritance in a fair and just manner. Legal frameworks for mental disabilities in inheritance matters need to be reinforced, and stronger safeguards must be put in place to ensure that these individuals are not denied their rights due to their inability to independently manage their affairs (Rahmalillah, 2021). A robust guardianship system, along with transparent processes for legal claims, could help mitigate this issue, ensuring that all heirs, regardless of their mental health status, are fairly treated. In response to these challenges, a juridical analysis is required to fully understand how Indonesia's legal system handles inheritance distribution when one of the heirs has a mental disorder. This analysis will explore the current state of legal protections for heirs with mental disabilities, particularly focusing on the effectiveness of guardianship laws and their application in inheritance cases.

The research will aim to identify the gaps in the legal system and propose solutions to improve the handling of such cases, ensuring that the rights of heirs with mental disorders are not only acknowledged but protected in practice. A comprehensive and collaborative approach involving the court, medical professionals, and legal guardians is essential to address this issue.

The goal should be to ensure that individuals with mental disorders can access the same legal rights and protections as other heirs and that their welfare and rights are maintained throughout the inheritance process. This requires greater awareness and commitment from all stakeholders to uphold justice and fairness in inheritance matters, providing equal opportunities for all heirs to receive their fair share, regardless of their mental capacity.

METHOD

Heirs with mental disorders face significant challenges in managing and utilizing their share of inheritance, as they may lack the necessary legal competence to make decisions and handle their assets. This creates a complex legal problem that requires careful examination and analysis to ensure that the rights of such heirs are adequately protected and that they receive their fair share of inheritance. In the context of this issue, the chosen research approach is normative legal research, which involves examining and analyzing existing legal provisions, legal theories, and judicial decisions (Rizkia & Fardiansyah, 2023), related to inheritance matters involving heirs with mental disorders. This approach enables the exploration of legal frameworks and practices that are relevant to the handling of inheritance in cases where one or more heirs are mentally impaired.

To address this issue comprehensively, this study adopts two primary methods: the legislative approach and the conceptual approach. The legislative approach focuses on analyzing the relevant laws and regulations in Indonesia that govern inheritance and mental disabilities. This includes examining the Indonesian Civil Code (*Kitab Undang-Undang Hukum Perdata* or *KUHPerdata*), specifically the sections dealing with inheritance, guardianship, and the legal capacity of individuals. The conceptual approach is applied to understand the underlying legal concepts and principles such as legal capacity, guardianship, and the protection of vulnerable heirs. By combining these two approaches, the research aims to provide a comprehensive understanding of how the legal system in Indonesia addresses the challenges faced by heirs with mental disorders in the inheritance process.

The materials for this research are drawn from a wide range of sources, including primary legal materials such as national legislation (e.g., the Indonesian Civil Code and other relevant laws) and judicial decisions that directly address issues related to inheritance and mental disabilities. Secondary legal materials include scholarly works, such as books, journal articles, and academic papers that provide insights into the legal treatment of inheritance and the handling of mentally disabled heirs. Furthermore, tertiary legal materials, such as legal dictionaries, encyclopedias, and online resources, are also consulted to provide a broader understanding of the concepts and legal context surrounding this issue. By utilizing this range of sources, the research is able to build a comprehensive view of the legal landscape and identify gaps, ambiguities, or areas for improvement in the current legal framework.

The data used in this research is primarily secondary data, as it is derived from existing legal texts, scholarly literature, and legal precedents (Hamzani et al., 2023). The research employs the library research technique, where the data is collected by reviewing relevant books, articles, and legal documents. This method allows for the in-depth exploration of legal provisions and the interpretation of legal principles. Once the data is gathered, it will be analyzed using the interpretation method, which involves interpreting and critically analyzing the legal texts and materials. The interpretation method is essential for understanding how the laws and regulations apply in practice, particularly in cases where heirs with mental disorders are involved. Through this analysis, the research will evaluate how well the current legal system addresses the needs of these heirs and whether it provides adequate protection for their rights.

This in-depth legal analysis will also explore practical challenges in the implementation of laws related to mental disorders and inheritance. For example, it will assess the effectiveness

of guardianship laws, which are designed to protect heirs who are unable to manage their affairs due to mental disabilities. The research will examine whether these laws are being applied consistently and fairly, and whether they are sufficient to prevent abuse or exploitation of mentally disabled heirs. Additionally, the research will explore the role of legal guardians, curators, and courts in ensuring that the rights of heirs with mental disabilities are properly represented and protected during the inheritance process.

By identifying the strengths and weaknesses of the current legal framework, this research aims to offer practical recommendations for improving the legal handling of inheritance matters involving heirs with mental disorders. This could include suggestions for enhancing guardianship procedures, increasing legal safeguards for vulnerable heirs, and improving the accessibility of legal support and representation for those with mental disabilities. Ultimately, the goal of this research is to contribute to a more equitable and just inheritance system in Indonesia, where all heirs, regardless of their mental capacity, can fully exercise their rights and receive their rightful share of the estate.

RESULTS AND DISCUSSION

Handling Inheritance for Heirs with Mental Disorders

Inheritance is a central aspect of human life as it determines how a deceased person's property will be transferred to the living heirs. Inheritance serves as the legal process by which the rights to property pass from a deceased person, known as the testator, to their heirs who are still alive (Imron & Huda, 2023). In the Indonesian legal context, inheritance law is primarily governed by the Civil Code (Kitab Undang-Undang Hukum Perdata, KUHPerdata), which provides guidelines on the division of assets, the identification of heirs, and the procedures to be followed in the event of a person's death. However, when it comes to heirs with mental disorders, the distribution of inheritance becomes a more complex issue, requiring legal mechanisms and protections that ensure that these heirs are not unfairly excluded from their rightful share (Ifana, 2024).

The legal challenges surrounding inheritance for heirs with mental disorders arise from their limited legal capacity to manage their property and make decisions regarding their inheritance. The legal capacity of an individual is an essential concept in the practice of inheritance law, as it dictates the person's ability to engage in legal transactions and decisions (Wardhana & Yunanto, 2023). In the case of individuals with mental disorders, their legal capacity may be restricted due to cognitive limitations, which affects their ability to understand the implications of managing or disposing of their inherited assets. Therefore, the legal system must account for these limitations and provide mechanisms to safeguard the interests of such heirs.

In Indonesia, the legal framework for inheritance is primarily concerned with ensuring that the rights of heirs are protected, particularly for those who are capable of managing their inheritance. However, when the heir is mentally incapacitated, additional legal tools must be utilized to ensure that they can still receive their inheritance in a manner that protects their welfare and prevents exploitation. This is where the role of guardianship or curatorship becomes crucial. According to Article 433 of the Civil Code, any individual who is mentally incapacitated, either due to illness or intellectual weakness, must be placed under guardianship, even if they occasionally possess the mental capacity to make decisions. This means that heirs who suffer from mental disorders may be unable to independently manage their inheritance, and as such, their legal rights are protected by assigning a guardian or curator to act on their behalf. A guardian is a person who is appointed by the court to manage the legal and financial affairs of a person who is unable to do so due to mental incapacity.

The role of a guardian is fundamental in ensuring that the inheritance process is fair and that the heir with a mental disorder does not lose out on their inheritance due to their inability

to manage it themselves. The guardian's responsibilities include ensuring that the heir's property is protected, ensuring that the inheritance is managed in accordance with the heir's best interests, and preventing any potential abuse or mismanagement by other parties (Fahrurudin, 2023). Furthermore, the guardian must ensure that the heir's rights are respected and upheld during the entire inheritance process.

The legal capacity of an heir with a mental disorder is a crucial element in the inheritance process. Without the ability to understand their rights or manage their property, these heirs may face significant barriers in ensuring that they receive their fair share. The legal system, therefore, provides the framework of guardianship to protect their interests, ensuring that the heir's inheritance is not misappropriated or mishandled. Guardianship is especially important in cases where the heir may be vulnerable to exploitation by family members or other parties who may attempt to take advantage of their condition (Wati & Elly, 2018).

In practice, the guardianship system is designed to protect the welfare of the heir while also ensuring that the inheritance is divided fairly. A guardian is not only responsible for managing the financial aspects of the inheritance but is also expected to act in the best interests of the heir, which may involve making decisions about the heir's living arrangements, medical care, and other aspects of their well-being (Dwiyasna, 2023). The appointment of a guardian ensures that the mentally incapacitated heir's interests are always the priority, and it also provides a legal safeguard against any potential abuse or neglect.

However, the application of guardianship can sometimes be problematic. The implementation of guardianship is not always straightforward, and issues such as the lack of clear guardianship procedures or conflicts of interest among family members may arise. In some cases, the guardian may not be adequately supervised or may act in a manner that does not fully protect the heir's interests. Furthermore, the process of appointing a guardian or curator can be time-consuming and requires proper legal procedures to ensure that the right person is appointed to manage the heir's affairs. In cases where there are multiple potential guardians or disputes among family members, it may become difficult to reach a resolution, further complicating the inheritance process (Yulianti, 2025).

In light of these complexities, it is essential for the legal system to provide a comprehensive and transparent framework for guardianship and curatorship. This includes clear guidelines on the appointment of guardians, the supervision of guardianship arrangements, and the protection of the rights of heirs with mental disorders throughout the inheritance process. Moreover, there should be stronger safeguards to ensure that guardians act in the best interests of the heir, and that any potential abuses are promptly addressed.

Legal scholars have emphasized that the need for legal protections for heirs with mental disabilities is becoming increasingly important as society becomes more aware of the challenges faced by individuals with mental health issues (Arifiani, 2022). There is growing recognition that guardianship must not only protect the financial interests of these heirs but also their broader well-being. Therefore, a more holistic approach to guardianship, one that considers both the financial and personal needs of mentally disabled heirs, is essential to ensuring that these individuals are treated fairly and that their rights are fully protected.

In conclusion, the handling of inheritance for heirs with mental disorders is a complex legal issue that requires careful consideration and the application of guardianship laws. The role of guardians in managing the inheritance of heirs with mental disorders is essential to ensuring that their rights are protected and that their inheritance is not misused. As the legal system continues to evolve, it will be crucial to improve the mechanisms for guardianship and to ensure that heirs with mental disabilities receive the support they need to exercise their inheritance rights in a fair and just manner. By strengthening legal protections and providing clear guidelines for guardianship, the legal system can help ensure that all heirs, regardless of their mental capacity, are treated equitably and with respect for their rights.

A Deeper Understanding of Guardianship and Its Implementation

Guardianship, as defined by the Civil Code, serves as a legal instrument to protect the interests of individuals who, due to mental disorders, cannot fully engage in legal acts such as managing their inheritance. Guardianship ensures that these individuals' rights are respected and allows them to benefit from the assets they are entitled to inherit (Dwiyasna, 2023). This legal mechanism becomes particularly essential for mentally disabled heirs, who might otherwise be vulnerable to exploitation or neglect by other family members or third parties.

The role of the guardian or curator is critical in this context. A guardian acts as a substitute decision-maker for the heir, ensuring that the inheritance is managed in a way that aligns with the heir's best interests. The guardian is entrusted with managing the estate, making financial decisions, and ensuring the property is protected from mismanagement (Fahrurudin, 2023). Given the complexity of managing an inheritance, especially when mental health issues are involved, the guardianship system ensures that the heir's assets are preserved, and that they can still enjoy the benefits of the inheritance even if they cannot manage it themselves.

The need for accountability and oversight in the guardianship system is paramount. The guardian is not only tasked with managing the estate but is also required to report to the court regularly on the status of the estate and the heir's welfare. These reports serve to ensure transparency and provide a mechanism for the court to monitor the actions of the guardian, ensuring that the heir's interests are always safeguarded. The requirement for court approval of major legal actions, such as selling or transferring property, further ensures that any decisions made by the guardian are subject to judicial oversight and are made in the best interests of the mentally disabled heir (Rahmananda, 2024).

However, challenges may arise in practice. For instance, there may be disagreements regarding who should act as the guardian, especially if there are multiple family members involved. Additionally, the guardianship process may not always be effectively managed, leading to potential exploitation or neglect (Pramisyani, 2023). The appointment of a guardian should be done with careful consideration, and the court must ensure that the individual chosen is trustworthy and capable of fulfilling the responsibilities required by guardianship.

Furthermore, the system must evolve to reflect the growing awareness of the needs of individuals with mental disabilities, ensuring that the guardianship system is not only legally sound but also socially compassionate. Legal reforms may be necessary to strengthen the guardianship process, provide additional safeguards against exploitation, and ensure that mentally disabled heirs have full access to their inheritance rights in a way that upholds their dignity and protects their interests.

In conclusion, the handling of inheritance for heirs with mental disorders is a multifaceted legal issue that requires careful and thoughtful legal protections. Guardianship plays a pivotal role in ensuring that heirs with mental disorders can still inherit their rightful share while protecting their financial and personal well-being. The legal system must continue to adapt and strengthen the guardianship framework to ensure that all heirs, regardless of their mental capacity, are treated fairly, and that their rights are fully respected. Through careful legal oversight and appropriate guardianship, the inheritance process can be made equitable for heirs with mental disabilities, allowing them to receive their due share while safeguarding their best interests.

Legal Capacity of Heirs with Mental Disorders According to the Civil Code (KUHPerdata)

The rights of heirs with mental disorders are fully recognized by the Indonesian Civil Code (Kitab Undang-Undang Hukum Perdata or KUHPerdata), including the right to receive a share of the inheritance in accordance with the applicable inheritance laws. However, the exercise of this right is subject to guardianship or curatorship, as individuals with mental

disorders may lack the capacity to manage their inheritance and make independent legal decisions (Sigalingging, 2022). The right to inherit for heirs with mental disorders is therefore delayed until they are legally competent, meaning they will only be able to fully access their inheritance once they recover from their mental condition or once the guardianship is terminated. Moreover, the guardianship can be ended if the reasons for the guardianship no longer exist, such as the recovery from a mental disorder, supported by medical recommendations.

The Civil Code provides clear regulations regarding the management of the assets of heirs with mental disorders. A guardian or curator, who is appointed to manage the inheritance of someone who is mentally incapacitated, must obtain court approval for certain legal actions, such as selling, leasing, or transferring rights over the inherited property (Bachri et al., 2024). This requirement aims to prevent the abuse of power and ensures that the legal actions taken are in the best interest of the heir. Furthermore, the guardian or curator is obligated to submit periodic reports to the court regarding the management of the heir's property, ensuring accountability and transparency in handling the inheritance.

According to Article 832 of the Civil Code, the rightful heirs are the blood relatives of the deceased, both legitimate and illegitimate, as well as the surviving spouse. If there are no blood relatives or surviving spouse, the entire estate of the deceased will belong to the state, which is obligated to settle the debts of the deceased, provided that the estate value is sufficient for this purpose. This regulation ensures that inheritance is properly distributed according to the deceased's wishes, with the estate's value being used to clear any outstanding debts.

In relation to heirs with mental disorders, their right to inherit from the deceased is not automatically revoked because of their mental condition. However, because of their mental incapacity, they may require the assistance of a close family member or guardian to help manage the inheritance they receive. Individuals with mental disorders are categorized under the guardianship system because their condition may render their actions legally invalid or abnormal, which requires intervention by someone legally authorized to represent and protect their interests.

Heirs with mental disorders do not lose their inheritance rights outright. However, to exercise these rights effectively, they must be placed under guardianship to ensure that their interests are safeguarded. Guardianship is designed to protect the heir's legal and financial rights and to ensure that their inheritance is managed responsibly. This process allows the heir to still benefit from their inheritance while ensuring that decisions made on their behalf are in their best interest. In practice, the guardianship may be administered by a person appointed by the court or, in some cases, a family member of the heir.

The primary purpose of guardianship is to ensure that the rights of individuals who are mentally incapacitated are respected and upheld. It acts as a protective legal mechanism, ensuring that the heir is not exploited or mistreated due to their mental condition. Through guardianship, heirs with mental disorders are provided with a framework for protecting their legal rights and managing their inheritance responsibly. This allows the heir to still have access to their share of the inheritance, even if they cannot manage it independently.

The legal framework in Indonesia recognizes the need for protections for vulnerable individuals, particularly heirs with mental disabilities. The guardianship system is intended to prevent any undue influence or fraud that might occur in the absence of such protections. Furthermore, guardianship helps ensure that mentally disabled heirs are not excluded from the inheritance process, as their interests and welfare are the priority.

CONCLUSION

The handling of inheritance for heirs with mental disorders presents significant legal challenges, particularly concerning the heirs' ability to manage their inherited assets. While the

Indonesian Civil Code (KUHPerdata) fully recognizes the inheritance rights of heirs with mental disabilities, these rights are subject to guardianship or curatorship due to the heirs' limited legal capacity. Guardianship, as outlined in the Civil Code, serves as a protective legal mechanism to ensure that the inheritance is managed in the best interests of the mentally incapacitated heir. This process ensures that these heirs are not excluded from their rightful share of the inheritance while safeguarding their financial and personal well-being. The role of the guardian is crucial in this context, as it provides the necessary oversight and management of the heir's inheritance. The guardian must obtain court approval for major legal actions related to the inheritance, such as selling, leasing, or transferring property rights, thus preventing abuse and ensuring transparency. Furthermore, the guardian is required to report periodically to the court on the management of the heir's property, ensuring accountability in the process.

Although heirs with mental disorders do not lose their inheritance rights outright, their legal capacity to independently manage their inheritance is limited. This necessitates the appointment of a guardian or curator to protect their interests, ensuring that the inheritance is properly managed and that the heir's rights are upheld. The guardianship system is designed to prevent exploitation and ensure that mentally disabled heirs are treated fairly and equitably throughout the inheritance process. The need for a well-defined and transparent guardianship system is crucial to ensure that heirs with mental disorders are adequately protected. The legal framework must continue to evolve to address the challenges faced by these heirs, ensuring that they are not left vulnerable or exploited. Legal reforms and improved mechanisms for guardianship can strengthen the protections available to these heirs, allowing them to receive their rightful inheritance while safeguarding their dignity and interests.

In conclusion, the inheritance process for heirs with mental disorders requires a comprehensive legal approach that balances the protection of their rights with the need for proper management of their inheritance. Guardianship plays a pivotal role in ensuring that these heirs are not deprived of their inheritance due to their mental incapacity and that their welfare is prioritized throughout the process. Strengthening the legal framework for guardianship and providing clear guidelines for its implementation are essential steps in ensuring that mentally disabled heirs are treated fairly, their rights are protected, and their inheritance is managed in a responsible and transparent manner.

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