



# AJUDIKASI

## Jurnal Ilmu Hukum

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### ANALYSIS OF REVITALIZATION PRACTICES FOR DIVISION OF HERITAGE AND IMPLICATIONS IN MUSLIM SOCIETY

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<b>Article History</b>	:	
Submission	:	27 May 2024
Last Revisions	:	17 July 2024
Accepted	:	19 July 2024
Copyedits Approved	:	21 July 2024

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#### Abstract

*This can raise a variety of practical problems, especially in terms of the fulfillment of the daily needs of heirs who may be controlled by the long-standing process of inheritance division that the Investigator will investigate the practice of rejuvenation of the division of the Muslim community, and how the implications of this research use normative law research, with the pointing of the law as the building of the norm system, thus the data used is secondary data referring to a set of data, including qualitatively analyzed library studies and documentation, the use of the will to regulate the partition of the heritage into an emerging trend, the implementation of accelerated partition practices in Muslim communities has a significant positive impact, the distribution of the legacy fairly and quickly, minimizing potential conflicts and conflicts in the family, strengthening social bonds and family bonds in the entire Muslim community. There are still obstacles and challenges to be overcome in implementing these practices widely and collaborative efforts are needed to address these issues so that accelerating the division of heritage can become a sustainable norm within the Muslim community.*

**Keywords:** *Inheritance Division Revitalization Practices; Inherited Division Implications.*

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## **A. INTRODUCTION**

An inheritance is anything left by ancestors or predecessors that has important historical, cultural, or material value (Geertz, 1976). Heritage can be historical objects, traditions, knowledge, or skills passed on from generation to generation (Putra et al., 2024). Through heritage, we can gain a deeper understanding of the history, identity, and values cherished by our ancestors. Hence, heritage plays an important role in preserving and inheriting cultural and historical wealth for future generations. An inheritance is a property or property received by a person as heir to a deceased family or relative (Fauzi, 2019). Inheritance maybe property, cash, securities, valuables, and so on. In the law of inheritance, the estate is divided according to the provisions applicable, either based on the will left by the deceased or on the grounds of the law applicable in the country. Procedures for the division of inheritance usually involve the process of asset collection, asset valuation, debt payment, and the distribution of the remaining property to the heirs by the applicable provisions (Pahmiyanti, 2022).

In Muslim society, the inheritance of property is an important principle governed by Islamic law. Such inheritance procedures often take quite a while before the estate is distributed to the heirs. This can raise a variety of practical problems, especially in terms of meeting the daily needs of heirs who may be controlled by the long-standing process of inheritance sharing. Therefore, efforts to accelerate the distribution of inheritance within Muslim communities have become important to note to reduce the difficulties faced by heirs. Understanding the practices of inheritance in Muslim communities also needs to be taken into account, including differences in the application of the law of succession in different countries with a Muslim majority population. By understanding these differences, it is possible to identify factors that affect the speed of the division of heritage in Muslim societies. It will help in designing strategies for accelerating the division of inheritance that are effective, efficient, and consistent with the principles of applicable Islamic law.

The division of heritage in Muslim communities has a complex background and is closely linked to cultural values, religions, and applicable law (Syaifullah et al., 2020). As previous research has highlighted, conflicts sometimes arise in communities relating to the rejection of some heirs to the division of the inheritance that has been determined according to the future of the blood. These different perspectives open up the space for discussion of the importance of synchronizing

the division of heritage and how the impact of the implications is reflected in the society concerned. The Islamic and customary legal approach to the rejuvenation of inheritance sharing is a reflection of the values of justice as well as an adaptation to the socio-economic conditions and local values that are developing within the Muslim community (Rais et al., 2016), emphasizing the importance of a deep understanding of the cultural context that affects the practice of inheritance sharing.

## **B. RESEARCH METHODS**

This study will use normative law research, by examining legal-based matters and pointing out the law as a system of norms. Normative law research will identify the rules of law that are in line with the legal events that take place, such as the consistency between the rules in force in society and their implementation in the field regarding the refreshment of the division of inheritance in Muslim society to obtain strong legal arguments related to the matter. It will then be studied more deeply into the implications or indications of the rejuvenation of the division of inheritance. This normative research uses secondary data, data obtained by reference to library studies and documentation and scientific findings on texts analyzed qualitatively, which are linked to the law studied, and will use conflict theory, the theory of justice, thereby gaining a legal picture of the practice of revitalization of the division of inheritance and its implications in Muslim society.

## **C. RESULTS AND DISCUSSIONS**

The major findings derived from this study show that the implementation of accelerated inheritance-sharing practices in Muslim communities has a significant positive impact. The word of the Prophet (peace and blessings be upon him) in the Qur'an is the name of the prophet Muhammad saw (Sriani, 2018). With a growing awareness of the importance of sharing inheritance fairly and promptly, Muslim communities can minimize the potential for conflict and conflict within families related to the sharing of inherited property. In addition, these practices can also strengthen social ties within the family and the Muslim community as a whole. However, despite that, the findings also show that there are still obstacles and challenges to overcome in implementing this practice widely. Therefore, collaborative efforts from all sides are needed to address these problems so that the acceleration of the division of inheritance can become a sustainable norm within the Muslim community.

Synchronizing Inheritance Sharing. when sections 171 and 96 describe the division of inheritance by the law of succession, they are taken from Surah An-nisa, ayat 11 and 12, which describes the division to children, wives, husbands, parents, and relatives:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ فَإِن كُن نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِن كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلَا بَوَىٰهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِن كَانَ لَهُ وَلَدٌ فَإِن لَّمْ يَكُن لَهُ وَلَدٌ وَوَرِثَتْهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ فَإِن كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ مِّنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنِ آبَائِكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفَعًا فَرِيضَةً مِّنَ اللَّهِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا.

It means: Allah commands you to divide the inheritance of your children: a son and two daughters. And if there are more than two females, then they shall have two-thirds of what they have left behind. If she is the only one, then she shall have half; and if she has no children, then her mother shall have a third. If she has brothers and sisters, her mother will have a sixth. They shall be divided upon him after his will has been fulfilled, or after his debt has been paid. Your parents and your children, you do not know which of them will benefit you more. This is Allah's decree. Surely Allah is All-knowing, All-wise.

وَلَكُمْ نِصْفُ مَا تَرَكَ أزْوَاجُكُمْ إِن لَّمْ يَكُن لَّهُنَّ وَلَدٌ فَإِن كَانَ لَهُنَّ وَلَدٌ فَلِكُمْ الرُّبْعُ مِمَّا تَرَكَنَّ مِّنْ بَعْدِ وَصِيَّةٍ يُوصِينَ بِهَا أَوْ دَيْنٍ وَلَهُنَّ الرُّبْعُ مِمَّا تَرَكَنَّ إِن لَّمْ يَكُن لَّهُنَّ وَلَدٌ فَإِن كَانَ لَهُنَّ وَلَدٌ فَلِكُمُ الرُّبْعُ مِمَّا تَرَكَنَّ مِمَّا تَرَكَنَّ إِن لَّمْ يَكُن لَّهُنَّ وَلَدٌ فَإِن كَانَ لَهُنَّ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكَنَّ مِّنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ وَإِن كَانَ رَجُلٌ يُورِثُ كَلَّةً أَوْ امْرَأَةً وَوَلَهُ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ فَإِن كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ مِّنْ بَعْدِ وَصِيَّةٍ يُوصَىٰ بِهَا أَوْ دَيْنٍ غَيْرِ مُضَارٍّ وَصِيَّةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَلِيمٌ.

It means: And your portion shall be one-half of what your wives have left if they have no children. If they have children, then you shall have a quarter of what they have left after they have made a will, or after their debt has been paid. The wives shall have one quarter that you have left unless you have children. If a man or a woman dies who has neither father nor child, but has one brother or one sister, then for each of them shall be the sixth part of the wealth. But if the thousand brothers are more than one, then they shall be together in the third part, after he has made a will, or after his debt has been paid. (Who has a heritage). Such is the judgment of Allah. Allah is All-knowing and all-behaving.

This noble verse, the verse that follows it, and the verse that concludes this letter are all verses that discuss the science of faraid. The science of faraid is the details of these three verses, and the hadiths that explain this are the interpretation of these verses. We will present some of them related to the interpretation of this verse.

Regarding the resolution of all issues and differences of opinion, all the arguments and reasons put forward among the Imams, the discussion is contained in the fiqh books which discuss matters of Sharia law. Allah commands you to treat them fairly. Previously the ignorant people made all inheritances only for male heirs. while the female heir did not get anything from him. So Allah commands them to act fairly among themselves (the heirs) in the principal distribution of inheritance. but the second type is distinguished by Allah SWT. He made the share of a son equal to the share of two daughters (Utami, 2020). Because of this, a man is required to provide maintenance and other expenses. work hard in business, and try and endure all the hard things. So it is very appropriate if he is given double what women receive.

In the hadith, there is a recommendation to study the science of faraid, and these particular parts of inheritance are the most important things in the science of faraid. Then the Prophet's parable explaining the importance of the division inherited by the Priest Bukhari:

عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: الْخِفْؤُا الْفَرَائِضَ بِأَهْلِهَا فَمَا بَقِيَ فَهُوَ لِأَوْلَى رَجُلٍ ذَكَرٍ

It means: The Prophet (peace and blessings be upon him) said: "Give the inheritance to the righteous, and if there is anything left, it will be inherited by the man who is closest to him."

The word *alhiq* in the word of the Prophet saw the form of a command, known as *fi'il amr* which serves as a word of command that should be done now and should not be postponed. It is intended to prevent people from causing controversy if the execution of the order is delayed. When the division of the inheritance is delayed, a person's ownership rights will be reduced or even lost, if one of the heirs wants to possess the estate adequately or sell it. Then the rejuvenation of the division becomes a solution to the decrease or loss of the right of the heir. Examples are the division of inheritance when Muhammad Ahmad's wife died (Herawati, 2020), the wife leaves a husband and seven children, the property left is a piece of land and jewelry, the husband weighs all jewelry and counts the area of the land, the man gets a quarter of the right to inherit and the remaining three quarters are his children's rights, and that's all according to a mutual agreement. The above case explains that the husband immediately gathers his children after the arrangement of the corpse is completed, to give an understanding to complete the distribution of the legacy left for them.

Current practices in the division of the heritage of Muslim communities. In modern times the practice of sharing heritage in the Muslim community is often

challenged and changed. As the times evolved, some traditional practices began to be replaced by more efficient methods that were consistent with the rule of law as a whole. One trend that has begun to develop is the use of a will to regulate the division of inheritance, especially to give a fairer share to the heirs (Arif, 2017). In addition, the practice of giving inheritance in the form of non-cash assets such as property, investment, or other assets is also becoming increasingly popular. Despite this, some communities still maintain old practices that may not be in line with the principles of justice in Islam. It is therefore important for scholars and leaders of the Muslim community to continue to study and update the practice of heritage sharing to ensure justice and sustainability within the community. For example, in some Muslim countries, there are attempts to change the inheritance system that usually gives a greater share to men than women, so that all heirs get the same share. Besides, there is also a tendency to give inherit in the form of investments or other assets so that the value of the property received can increase over time. For example, in Saudi Arabia, an inheritance system that still adheres to traditional Islamic legacy law, giving men twice the share of women, is a challenge in the effort to gender equality in the division of inheritance (Mahsus, 2020). In addition, the existence of an inheritance practice of investing in land or property whose value may fluctuate also creates uncertainty and conflict among heirs.

Traditional methods and challenges of inheritance sharing, in the practice of inheritance in Muslim societies, traditional methods are often the primary choice in the process of heritage division (Harnides et al., 2023). This method involves a long process involving various family parties and often follows customary rules that have lasted for centuries. However, this traditional method is also not exempt from the various challenges that may be faced, such as legal uncertainty that may arise as a result of different interpretations by heirs. In addition, financial and administrative constraints can also be an obstacle in the process of distribution of inheritance. Therefore, it is important to pay attention to these challenges and find appropriate solutions to accelerate the process of sharing inheritance for Muslim communities. For example, a Muslim family in the Lasem district who inherits land from their parents may face legal uncertainty if there are differences of opinion among the heirs about how the division should be done (Nafis, 2022). In addition, the administrative costs of processing the legality of inheritance and the division of property can also be an obstacle that makes the distribution process slower. For example, in the case of the shared inheritance of the community of the village Puspo Bruno in Purworejo, one of

the heirs disagreed with the division of land and obtained the portion deemed unfair by the other party (Muhamad Khasim, 2023). In addition, the high administrative costs of processing the legality of inheritance and the division of property can also complicate the family in the process of division.

Strategies to accelerate the sharing of the heritage of Muslim communities, in addition to a strong understanding of the law of inheritance, strategies for accelerating the division of heritage in the Muslim community may also involve a more practical and efficient approach. One step that can be taken is to encourage the heirs to draw up a will clearly and in detail. With a complete will, the process of dividing the inheritance can run more smoothly and unhindered (Kusuma, 2022). In addition, a competent mediator or mediator can also speed up the process of distribution of inheritance, especially in resolving disputes that may arise between heirs. It is important to pay special attention to the training of mediators so that they have sufficient knowledge to resolve hereditary conflicts fairly and to the benefit of all parties involved. By implementing these strategies, it is expected that the sharing of heritage in the Muslim community can be accelerated and carried out more effectively. For example, in cases of large families with complex and diverse assets, involving a trained and experienced mediator can help manage the inheritance-sharing process more efficiently. Mediators can help to settle disputes between heirs and ensure that the decision is made fair and by Islamic law.

Using technology and legal frameworks How can technology be used within the legal framework to accelerate the division of heritage in Muslim communities? In the context of inheritance in the Muslim community of the Tengger tribe, as demonstrated by the researchers (Raja Ritonga, 2020) one of the tribes on the mountain of Bromo is the highest of local customs, namely the elders who determine the division of heritage so that it is not by the word of God in the Surah An-nisa verses 13 and 14, there is complexity in the role of customary law and Islamic doctrine in the process of heredity (Widiatmoko et al., 2023). However, with the proper application of technology, the arrangements for the division of inheritance can be accelerated and clarified by the principles of Islamic law. Furthermore, from the publication of research results (Amrin, 2022). On the dissemination of inheritance among heirs from different religious backgrounds, technology can be an effective tool to identify the needs of each heir and organize the division of heritage fairly and transparently. Thus, the integration of technology into the legacy legal framework can optimize the process of inheritance sharing in Muslim communities and ensure justice for all the diverse heirs.

For example, in the case of families consisting of heirs with different religious backgrounds (Mufid, 2020), technology can be used to accurately identify inheritance property and organize a fair distribution based on the principles of Islamic law. With the help of technology, the process of inheritance sharing can be done transparently and efficiently, thus reducing the potential for conflict between heirs. However, there are cases where the use of technology in heritage sharing can lead to further conflict. For example, if the technological system used does not take into account the differences in religious and cultural beliefs between heirs, then the division of the resulting inheritance may not be by the values or principles of applicable Islamic law, thus causing dissatisfaction and disagreement among the families.

#### **D. CONCLUSION**

From some examples of accelerated inheritance-sharing practices described earlier, it can be concluded that various methods can be used to accelerate the process of inheritance in Muslim societies. From the creation of discussion groups to the use of technology in managing legal documents, all these measures have the potential to speed up and simplify the process of distribution of inheritance. However, it is important to remember that each society has different contexts and needs, so no one-size approach fits all. It is therefore important for stakeholders and researchers to continue to conduct research and collaborate in finding solutions that are appropriate to the social, economic, and cultural conditions of Muslim communities. This will help raise awareness of the importance of fair and efficient inheritance sharing.

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