

**Distribution of Inheritance Based on the Contribution of
Heirs in the Perspective of Islamic Law: A Study on the
Community of Ngentak Hamlet, Murtigading Village,
Sanden District, Bantul.**

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munaqoshah

M. Roem Syibby 2/2026
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By:

Mochammad Rival Mustaba S.

NIM: 22421089

Submitted to the Family Law Study Program (Ahwal Syakhshiyah)
Faculty of Islamic Religious Sciences, Islamic University of Indonesia

To meet one of the requirements for use

Obtain a Bachelor's Degree in Law

YOGYAKARTA

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HALAMAN PERNYATAAN KEASLIAN

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Yogyakarta, 1 Maret 2026



(Mochammad Rival Mustaba S.)

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11 Ramadhan 1447H

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Assalamu 'aaikum wr. wb.

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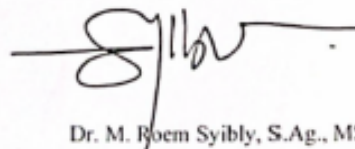
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Judul Skripsi : **Distribution of Inheritance Based on the Contribution of Heirs in the Perspective of Islamic Law: A Study on the Community of Ngentak Hamlet, Murtigading Village, Sanden District, Bantul.**

Setelah kami teliti dan kami adakan perbaikan seperlunya, akhirnya kami berketetapan bahwa skripsi saudara tersebut di atas memenuhi syarat untuk diajukan ke sidang munaqosah Fakultas Ilmu Agama Islam Universitas Islam Indonesia.

Demikian semoga dalam waktu dekat bisa dimunaqosahkan,

Wassalamu 'alaikum wr. wb.

Dosen Pembimbing,



Dr. M. Roem Syibly, S.Ag., MSI.

PERSETUJUAN PEMBIMBING

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Skripsi berjudul : **Distribution of Inheritance Based on the Contribution of Heirs in the Perspective of Islamic Law: A Study on the Community of Ngentak Hamlet, Murtigading Village, Sanden District, Bantul.**

Ditulis Oleh : Mochammad Rival Mustaba S.

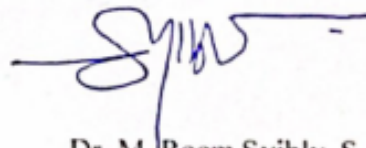
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Yogyakarta, 1 Maret 2026

Pembimbing,



Dr. M. Roem Syibly, S.Ag., MSI

PRESENTATION

Alhamdulillah, I proudly dedicate this thesis with full respect and love to my parents, Mr. H. Dadan Aba and Mrs. Hj. Euis Restiani, who have given everything for the success of my education. He has fought to raise me, my sister, and my siblings with love, patience, and struggle. And for the entire extended family who always prays and supports in education, especially the beloved grandmother of the late Hj. Aam Amasah, who always supports her grandchildren to achieve the best education. I do not forget to dedicate it to my sister Siti Apipah Restu Maulida, who is always there in every situation, both difficult and happy, and to my younger sisters, Ratu Naziera and Rumaysha Lubna, who make me motivated to be a good brother to them, and they should get a better education.

Motto

قُلْ إِنَّ صَلَاتِي وَنُسُكِي وَمَحْيَايَ وَمَمَاتِي لِلَّهِ رَبِّ الْعَالَمِينَ

Artinya:

Katakanlah: Sesungguhnya shalatku, ibadahku, hidupku dan matiku hanyalah untuk Allah, Tuhan semesta alam.

عِشْ كَرِيماً أَوْ مِتْ شَهِيداً

Artinya:

Hiduplah dengan mulia atau matilah sebagai syahid.

PEDOMAN TRANSLITERASI ARAB LATIN KEPUTUSAN BERSAMA
MENTERI AGAMA DAN MENTERI PENDIDIKAN DAN KEBUDAYAAN
REPUBLIK INDONESIA

Nomor: 158 Tahun 1987

Nomor: 0543b//U/1987

Transliterasi dimaksudkan sebagai pengalih-hurufan dari abjad yang satu ke abjad yang lain. Transliterasi Arab-Latin di sini ialah penyalinan huruf-huruf Arab dengan huruf-huruf Latin beserta perangkatnya.

A. Konsonan

Fonem konsonan bahasa Arab yang dalam sistem tulisan Arab dilambangkan dengan huruf. Dalam transliterasi ini sebagian dilambangkan dengan huruf dan sebagian dilambangkan dengan tanda, dan sebagian lagi dilambangkan dengan huruf dan tanda sekaligus.

Berikut ini daftar huruf Arab yang dimaksud dan transliterasinya dengan huruf latin:

Tabel 0.1: Tabel Transliterasi Konsonan

Huruf Arab	Nama	Huruf Latin	Nama
ا	Alif	Tidak dilambangkan	Tidak dilambangkan
ب	Ba	B	Be
ت	Ta	T	Te
ث	Ša	š	es (dengan titik di atas)
ج	Jim	J	Je

ح	Ḥa	ḥ	ha (dengan titik di bawah)
خ	Kha	Kh	ka dan ha
د	Dal	d	De
ذ	Ẓal	ẓ	Zet (dengan titik di atas)
ر	Ra	r	er
ز	Zai	z	zet
س	Sin	s	es
ش	Syin	sy	es dan ye
ص	Ṣad	ṣ	es (dengan titik di bawah)
ض	Ḍad	ḍ	de (dengan titik di bawah)
ط	Ṭa	ṭ	te (dengan titik di bawah)
ظ	Ẓa	ẓ	zet (dengan titik di bawah)
ع	`ain	`	koma terbalik (di atas)
غ	Gain	g	ge
ف	Fa	f	ef
ق	Qaf	q	ki
ك	Kaf	k	ka
ل	Lam	l	el
م	Mim	m	em
ن	Nun	n	en
و	Wau	w	we
ه	Ha	h	ha
ء	Hamzah	‘	apostrof
ي	Ya	y	ye

B. Vokal

Vokal bahasa Arab, seperti vokal bahasa Indonesia, terdiri dari vokal Tunggal atau *monoftong* dan vokal rangkap atau *diftong*.

1. Vokal Tunggal

Vokal tunggal bahasa Arab yang lambangnya berupa tanda atau harakat, transliterasinya sebagai berikut:

Tabel 0.2: Tabel Transliterasi Vokal Tunggal

Huruf Arab	Nama	Huruf Latin	Nama
	Fathah	a	a
	Kasrah	i	i
	Dammah	u	u

2. Vokal Rangkap

Vokal rangkap bahasa Arab yang lambangnya berupa gabungan antara harakat dan huruf, transliterasinya berupa gabungan huruf sebagai berikut:

Tabel 0.3: Tabel Transliterasi Vokal Rangkap

Huruf Arab	Nama	Huruf Latin	Nama
...يَ	Fathah dan ya	ai	a dan u
...وُ	Fathah dan wau	au	a dan u

Contoh:

- كَتَبَ kataba
- فَعَلَ fa`ala

- سُئِلَ suila
- كَيْفَ kaifa
- حَوْلَ haula

C. Maddah

Maddah atau vokal panjang yang lambangnya berupa harakat dan huruf, transliterasinya berupa huruf dan tanda sebagai berikut:

Tabel 0.4: Tabel Transliterasi *Maddah*

Huruf Arab	Nama	Huruf Latin	Nama
أ...إ...ى...	Fathah dan alif atau ya	ā	a dan garis di atas
ى...	Kasrah dan ya	ī	i dan garis di atas
و...ُ	Dammah dan wau	ū	u dan garis di atas

Contoh:

- قَالَ qāla
- رَمَى ramā
- قِيلَ qīla
- يَقُولُ yaqūlu

D. Ta' Marbutah

Transliterasi untuk ta' marbutah ada dua, yaitu:

1. Ta' marbutah hidup

Ta' marbutah hidup atau yang mendapat harakat fathah, kasrah, dan dammah, transliterasinya adalah “t”.

2. Ta' marbutah mati

Ta' marbutah mati atau yang mendapat harakat sukun, transliterasinya adalah “h”.

3. Kalau pada kata terakhir dengan ta' marbutah diikuti oleh kata yang menggunakan kata sandang *al* serta bacaan kedua kata itu terpisah, maka ta' marbutah itu ditransliterasikan dengan “h”.

Contoh:

- رَوْضَةُ الْأَطْفَالِ raudah al-atfāl/raudahtul atfāl
- الْمَدِينَةُ الْمُنَوَّرَةُ al-madīnah al-munawwarah/al-madīnatul munawwarah
- طَلْحَةُ talhah

E. Syaddah (Tasydid)

Syaddah atau tasydid yang dalam tulisan Arab dilambangkan dengan sebuah tanda, tanda syaddah atau tanda tasydid, ditransliterasikan dengan huruf, yaitu huruf yang sama dengan huruf yang diberi tanda syaddah itu.

Contoh:

- نَزَلَ nazzala
- الْبُرْ al-birr

F. Kata Sandang

Kata sandang dalam sistem tulisan Arab dilambangkan dengan huruf, yaitu ال, namun dalam transliterasi ini kata sandang itu dibedakan atas:

1. Kata sandang yang diikuti huruf syamsiyah

Kata sandang yang diikuti oleh huruf syamsiyah ditransliterasikan sesuai dengan bunyinya, yaitu huruf “l” diganti dengan huruf yang langsung mengikuti kata sandang itu.

2. Kata sandang yang diikuti huruf qamariyah

Kata sandang yang diikuti oleh huruf qamariyah ditransliterasikan sesuai dengan aturan yang digariskan di depan dan sesuai dengan bunyinya.

Baik diikuti oleh huruf syamsiyah maupun qamariyah, kata sandang ditulis terpisah dari kata yang mengikuti dan dihubungkan dengan tanpa sempang.

Contoh:

- الرَّجُلُ ar-rajulu
- الْقَلَمُ al-qalamu
- الشَّمْسُ asy-syamsu
- الْجَلَالُ al-jalālu

G. Hamzah

Hamzah ditransliterasikan sebagai apostrof. Namun hal itu hanya berlaku bagi hamzah yang terletak di tengah dan di akhir kata. Sementara hamzah yang terletak di awal kata dilambangkan, karena dalam tulisan Arab berupa alif.

Contoh:

- تَأْخُذُ ta'khuzu
- شَيْءٌ syai'un
- الْوُءُ an-nau'u
- إِنَّ inna

H. Penulisan Kata

Pada dasarnya, setiap kata, baik fail, isim maupun huruf, ditulis terpisah. Hanya kata-kata tertentu yang penulisannya dengan huruf Arab sudah lazim dirangkaikan dengan kata lain karena ada huruf atau harkat yang dihilangkan, maka penulisan kata tersebut dirangkaikan juga dengan kata lain yang mengikutinya.

Contoh:

- وَإِنَّ اللَّهَ فَهُوَ خَيْرُ الرَّازِقِينَ Wa innallāha lahuwa khair ar-rāziqīn/

Wa innallāha lahuwa khairurrāziqīn

- بِسْمِ اللَّهِ مَجْرَاهَا وَمُرْسَاهَا Bismillāhi majrehā wa mursāhā

I. Huruf Kapital

Meskipun dalam sistem tulisan Arab huruf kapital tidak dikenal, dalam transliterasi ini huruf tersebut juga digunakan. Penggunaan huruf kapital seperti apa yang berlaku dalam EYD, di antaranya: huruf kapital digunakan untuk menuliskan huruf awal nama diri dan permulaan kalimat. Bilamana nama diri itu didahului oleh kata sandang, maka yang ditulis dengan huruf kapital tetap huruf awal nama diri tersebut, bukan huruf awal kata sandangnya.

Contoh:

- الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ Alhamdu lillāhi rabbi al-`ālamīn/
Alhamdu lillāhi rabbil `ālamīn
- الرَّحْمَنُ الرَّحِيمُ Ar-rahmānir rahīm/Ar-rahmān ar-rahīm

Penggunaan huruf awal kapital untuk Allah hanya berlaku bila dalam tulisan Arabnya memang lengkap demikian dan kalau penulisan itu disatukan dengan kata lain sehingga ada huruf atau harakat yang dihilangkan, huruf kapital tidak dipergunakan.

Contoh:

- اللَّهُ غَفُورٌ رَحِيمٌ Allaāhu gafūrun rahīm
- لِلَّهِ الْأُمُورُ جَمِيعًا Lillāhi al-amru jamī`an/Lillāhil-amru jamī`an

J. Tajwid

Bagi mereka yang menginginkan kefasihan dalam bacaan, pedoman transliterasi ini merupakan bagian yang tak terpisahkan dari ilmu tajwid. Karena itu, peresmian pedoman transliterasi ini perlu disertai dengan pedoman tajwid.

ABSTRAK

Pembagian Warisan Berdasarkan Kontribusi Ahli Waris dalam Perspektif Hukum Islam: Kajian Masyarakat Dusun Ngentak, Desa Murtigading, Kecamatan Sanden, Bantul.

Pembagian warisan dalam hukum Islam telah diatur secara tegas oleh ketentuan faraidh, yang bersumber dari Al-Qur'an dan Sunnah. Namun, dalam praktik sosial, beberapa masyarakat Muslim membagi warisan dengan mempertimbangkan kontribusi ahli waris kepada ahli waris selama hidupnya. Penelitian ini bertujuan untuk mendeskripsikan praktik pembagian warisan berdasarkan kontribusi ahli waris di Dusun Ngentak, Desa Murtigading, Kecamatan Sanden, Kabupaten Bantul, dan menganalisis praktik tersebut dari perspektif hukum Islam.

Penelitian ini menggunakan pendekatan kualitatif dengan jenis penelitian lapangan. Data diperoleh melalui wawancara mendalam dengan ahli waris, tokoh masyarakat, dan tokoh agama, disertai dengan observasi dan dokumentasi. Analisis data dilakukan secara deskriptif-analitis dengan menggunakan teori faraidh, masalah, dan 'urf sebagai kerangka analisis.

Hasil penelitian menunjukkan bahwa masyarakat Dusun Ngentak membagi warisannya tidak sepenuhnya berdasarkan ketentuan faraidh, tetapi melalui musyawarah keluarga dengan mempertimbangkan kontribusi ahli waris, seperti pengasuhan orang tua, pengelolaan aset, dan tanggung jawab ekonomi. Praktik ini dipandang oleh masyarakat sebagai bentuk keadilan distributif untuk menjaga kerukunan keluarga. Dari perspektif hukum Islam, pembagian warisan berdasarkan sumbangan tidak dibenarkan jika mengubah bagian faraidh yang telah ditetapkan oleh qat'i. Namun, praktik tersebut dapat ditoleransi jika dilakukan setelah pembagian faraidh atau melalui mekanisme syariah seperti hibah seumur hidup, wasiat paling banyak sepertiga harta benda, atau perjanjian damai (tashaluh) antara ahli waris. Penelitian ini berkontribusi secara akademis untuk memperkaya kajian hukum warisan Islam kontemporer, terutama terkait hubungan antara norma syariah, adat istiadat lokal, dan konsep keadilan sosial dalam masyarakat Muslim Indonesia.

Kata Kunci: *Ahli Waris, Desa Murtigading., Hukum Islam., Keadilan., Kontribusi*

ABSTRACT

Distribution of Inheritance Based on the Contribution of Heirs in the Perspective of Islamic Law: A Study on the Community of Ngentak Hamlet, Murtigading Village, Sanden District, Bantul.

The division of inheritance in Islamic law is expressly regulated by the faraidh, which are derived from the Qur'an and Sunnah. However, in social practice, some Muslim societies divide inheritance based on the heir's contributions during their lifetime. This study aims to describe the practice of distributing inheritance based on the contribution of heirs in Ngentak Hamlet, Murtigading Village, Sanden District, Bantul Regency, and analyze the practice from the perspective of Islamic law.

This study uses a qualitative approach with the type of field research design. Data was obtained through in-depth interviews with heirs, community leaders, and religious leaders, accompanied by observation and documentation. Data analysis was carried out in a descriptive-analytical manner using the theories of faraidh, maslahah, and 'urf as the framework of analysis.

The results of the study show that the people of Ngentak Hamlet divide their inheritance not entirely according to the provisions of faraidh, but rather through family deliberation that considers the heirs' contributions, such as parental care, asset management, and economic responsibility. This practice is seen by the community as a form of distributive justice to maintain family harmony. From the perspective of Islamic law, dividing inheritance based on contributions is not justified if it alters the portion of the faraidh determined by qat'i. However, the practice can be tolerated if it is carried out after the distribution of faraidh or through shari'i mechanisms such as grants during life, wills of up to one-third of the property, or a peace agreement (tashaluh) between the heirs. This research contributes academically to the study of contemporary Islamic inheritance law, particularly regarding the relationship among sharia norms, local customs, and the concept of social justice in Indonesian Muslim society.

Keywords: *Heirs., Murtigading Village., Islamic Law., Justice., Contribution*

FOREWORD

بسم الله الرحمن الرحيم

الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ، وَالصَّلَاةُ وَالسَّلَامُ عَلَى أَشْفِ النَّبِيِّاءِ

وَالْمُرْسَلِينَ، سَيِّدِنَا مُحَمَّدٍ، دَعَا عَلَى آلِهِ وَأَصْنَائِهِ وَمَنْ تَبِعَهُمْ يَحْسَبُ، إِنَّ إِلَى

يَوْمِ الْآخِرِينَ، أَمَّا بَعْدُ

Alhamdulillahirabbil'alamin. All praise and gratitude to Allah SWT. With all His grace, blessings, gifts, and guidance, the researcher can complete the thesis as the final project of this lecture. Prayers and greetings to the Great Prophet, Muhammad SAW, for whose intercession the researcher hopes for his intercession on the last day, and will always be an exemplary figure for researchers always to be optimistic and enthusiastic in demanding and practicing knowledge and doing good, one of which is completing the final project of research entitled:

"Distribution of Inheritance Based on the Contribution of Heirs in the Perspective of Islamic Law: A Study on the Community of Ngentak Hamlet, Murtigading Village, Sanden District, Bantul".

For this opportunity, the researcher expressed his deepest gratitude to Allah SWT, the Lord of the universe and the researcher's parents, Mr. H. Dadan Aba and Mrs. Hj. Euis Restiani and the entire extended family for all the prayers and blessings, support and unending affection to the researcher so that it became a source of strength and enthusiasm for the researcher in Complete this final assignment. The researcher also conveyed the award and thanks to:

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5. Mr. Fuat Hasanudin, Lc., M.A., as the Secretary of the Family Law Study Program (Ahwal Syakhshiyah) Faculty of Islamic Religious Sciences, Islamic University of Indonesia.
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Last and foremost, for the researcher himself who has tried his best to go through all the twists and turns of the lecture journey as a servant who will continue to learn to gain knowledge. New science, one of them, is to carry out research to complete this final project. And also the friends of the struggle that the researcher is proud of, who

assisted the researcher in completing this final task.

The author realizes that the preparation of this final project is still far from the word "perfect". Therefore, the author expects constructive suggestions and criticism for further improvements. Hopefully the thesis that the author has compiled can be well received and useful for the readers. May Allah always be merciful and give multiple replies to all parties who have provided support to researchers to be able to complete this final project.

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CHAPTER I

INTRODUCTION

A. Background

Inheritance law is one of the most crucial aspects of the Islamic family law system because it is directly related to social order and the protection of the civil rights of Muslims in the context of the distribution of inheritance. Terminologically, Islamic inheritance law or *faraidh* regulates the process of transferring ownership rights over the property of a deceased person to an heir who is entitled to receive it according to the provisions of sharia. In the fiqh tradition, the discussion of inheritance has a strategic position because it is related to individual rights, family relationships, and maintaining social harmony after the death of a family member. The provisions of inheritance in Islam are not arranged based on human agreement, but are directly sourced from the Qur'an, hadith, and ijma' ulama, so that they have a binding and absolute character.¹

The division of inheritance or *faraidh* in Islam is very fundamental because it is part of *ahkam al-fiqhiyyah* which is *qat'iy al-dilalah*, which is a provision whose legal meaning has been determined definitely, clearly, and does not open up ijtihad space in terms of the distribution of the percentage of the heirs. Therefore, every Muslim is obliged to carry out the law of inheritance as commanded by Allah SWT, as a manifestation of submission and obedience to the Divine law. These provisions are intended to maintain justice and avoid the occurrence of disputes, conflicts, and prolonged conflicts among the heirs after the heirs pass away. From the perspective of sharia maqashid, inheritance law plays an important role in maintaining *hifz al-mal* (protection of property) and the sustainability of the family order.²

¹ Al Wasith Journal, Journal of Studies, and Islamic Law, "EQUAL DISTRIBUTION OF INHERITANCE FROM AN ISLAMIC LEGAL PERSPECTIVE" 8, no. 2 (2023): 27–47.

However, the empirical reality in the lives of Indonesian people shows that the provisions of faraidh are often not implemented purely in accordance with the normative values of sharia. Many Muslim families still practice inheritance division based on customary considerations, local culture, family deliberations, and the heir's contribution to the heir during life. This phenomenon reflects the dynamics of the relationship between normative law derived from religious texts and empirical social law that develops in response to the needs of society. In the sociological context, *living law* often plays a role as an instrument for conflict resolution that is considered more in accordance with social reality and the perception of justice in society.

When the principle of social justice is interpreted as giving more rewards to heirs who have made significant contributions to the heirs—for example, caring for the elderly in a time of illness, providing time and energy, managing family assets, or helping the household economy—then the distribution of inheritance becomes more flexible and subjective. From the perspective of society, justice is not only interpreted as nominal equality according to Nash, but also as a moral appreciation for the sacrifices and responsibilities that have been given. Thus, the distribution of inheritance based on contribution emerged as a form of justice in a different version of society from the concept of normative justice of sharia.

This phenomenon is seen real, one of which is in Ngentak Hamlet, Murtigading Village, Sanden District, Bantul Regency, Special Region of Yogyakarta. People in this region in some cases distribute inheritance by considering the heir's contribution or services to the heir during his lifetime. For example, a child who for many years lived with his parents, cared for them in sickness, took care of the family property, and managed household needs was considered more deserving of a larger share of the inheritance than other siblings who lived far away and were not directly involved in family life. This practice is accepted as a form of distributive justice that rewards sacrifice.

However, on the other hand, some people consider that this practice is contrary to the provisions of Islamic sharia because the distribution of inheritance should be carried out

² Ahmad Fatoni and Najmudin, "Revitalization of Islamic Heritage (Faraid) in the Economy" 3, no. 1 (2019).

according to the provisions of faraidh that have been set by Allah SWT. A debate then arises between the normative view of sharia which views inheritance law as non-negotiable and the view of society that prioritizes social justice as a moral basis in the distribution of inheritance. The contradiction of these two frameworks shows a shift in the paradigm of justice in the social practices of contemporary Muslim society.

This question raises epistemological and fikhiyyah questions: is the division of inheritance based on contributions justified from the perspective of Islamic law, or is it contrary to the provisions of Allah SWT.? Can the value of social justice that develops in society be used as a basis for modifying the provisions of faraidh? Or can this value only be realized through available sharia instruments such as grants during the heir's lifetime, wills that are limited to a maximum of one-third of wealth, or the provision of wages (*ujrah*) for maintenance services?

From the perspective of fiqh, the division of inheritance is a divine provision that is definite and cannot be changed according to the subjective desires of man. Allah Swt. affirms in QS. An-Nisa verses 11, 12, and 176 deal with the share of each heir in detail and clearly. Allah says in QS. An-Nisa verse 11:

The Messenger of Allaah) peace and blessings of Allaah be upon him (said" :The Messenger of Allaah) peace and blessings of Allaah be upon him (said" :The Messenger of Allaah) peace and blessings of Allaah be upon him (said" :The Messenger of Allaah) peace and blessings of Allaah be upon him (said :If you do not know what you are doing ,then you will not be able to do anything about it ,but you will not be able to do anything about it ,but you will not be able to do anything about it .There is no such thing as a good thing ,but it is a good thing that you do not know what is going on in the world.³

"Allah has decreed (obligatory) you about (the division of inheritance for) your children, the share of a son is equal to the share of two daughters... (This is) the decree of Allah. Indeed, Allah is All-Knowing, All-Wise." (An-Nisa:11).

³ An-Nisa's Letter Online: 11

This verse shows that the provisions of inheritance are *ta'abbudi*, must be obeyed, and should not be replaced based on human subjective considerations. The scholars agree that the distribution of inheritance based on merit or contribution is not included in the faridh mechanism. If the family wants to reward certain heirs for their contributions, this can be done through other forms of sharia instruments, such as grants during the heir's lifetime or a will of a maximum of one-third of the property after the heir's death.⁴

Thus, the practice of distributing inheritance based on contributions as occurred in Ngentak Hamlet creates a gap between sharia normative justice and social justice of the community. This phenomenon is interesting to study academically because it shows how the provisions of Islamic law deal with dynamic social realities. On the one hand, the community wants to emphasize appreciation for the sacrifices of the heirs; but on the other hand, sharia norms require that the distribution of inheritance be carried out consistently in accordance with the provisions that have been set by Allah SWT.

This social reality also reflects the pluralism of the legal system in Indonesia, namely the meeting of religious law, customary law, and state law, each of which has an influence on the construction of social justice. In this context, the practice of inheritance distribution based on contribution shows how society interprets justice through social and cultural experience, not solely through the textual provisions of Islamic law. This study is expected to reveal how society interprets justice in the distribution of inheritance, what the factors behind it are, what the view of Islamic law is on the practice, and how to find a common ground between social justice and sharia justice so that the two perspectives can complement each other in the practice of Muslim society.⁵

B. Problem Formulation

⁴ Hafidz Taqiyuddin, Mus Millah, and Hikmatul Luthfi, "Instruments of Property Ownership in Islam: The Study of Inheritance Law" 13, no. 1 (2023).

⁵ Harnides, Syahrizal Abbas, and Khairuddin, "Gender Justice in Inheritance Distribution Practices in South Aceh, Indonesia," *Journal of Family Law and Islamic Law* 7, no. 2 (2023): 1293–1316, <https://doi.org/10.22373/sjkh.v7i2.16688>.

1. What is the practice of distributing inheritance based on the contribution of heirs in Ngentak Hamlet?
2. What is the analysis of Islamic law on the practice of inheritance distribution based on the contribution of heirs in Ngentak Hamlet?

C. Research Objectives and Benefits

1. Purpose

- a. Describe the practice of inheritance distribution in Ngentak Hamlet

This research aims to describe in real terms how the people of Ngentak Hamlet, Murtigading Village, Sanden District, Bantul, carry out the distribution of inheritance. The main focus is to understand the patterns of division they practice, the basis of considerations used, and the factors that influence the practice. With simple language, this study wants to show how the people in the hamlet interpret justice in the distribution of inheritance, for example by giving a larger share to heirs who are considered meritorious or contribute more to caring for their parents or maintaining their heritage.

- b. Analyzing the practice of inheritance distribution in Ngentak Hamlet from the perspective of Islamic law.

The second objective is to examine whether the practice of distributing inheritance based on the heir's contribution is in accordance with or contrary to Islamic law. In Islamic law, the rules for the distribution of inheritance are clearly regulated in the Qur'an. With this foundation, this study wants to analyze whether the practice of inheritance distribution in Ngentak Hamlet, which is based on the contribution of heirs, can still be tolerated within the framework of Islamic law (for example, through *the tashaluh* mechanism or a peace agreement between heirs), or is it contrary because it ignores the provisions of faraidh that have been stipulated in the nash.

2. Benefits

1. Theoretical Benefits

- a. **Enriching the Literature on Contemporary Islamic Inheritance Law** This research is expected to contribute to the development of the study of Islamic inheritance law, especially related to the practice of inheritance distribution in the Indonesian Muslim community. The study of the distribution of inheritance based on the contribution of heirs provides a new perspective in understanding the dynamics of the application of faraidh law in the modern social context.
- b. **The results of this research can be a reference for students, academics, researchers, and practitioners of Islamic family law in understanding the difference between normative provisions of sharia and developing customary practices or local customs, thus opening up a wider space for academic discussion related to the harmonization of Islamic law with social reality.**

2. Practical Benefits

- a. **Providing Guidance for the Ngentak Hamlet Community** This research is expected to provide constructive input for the community in understanding and responding to the prevailing inheritance distribution practices. Through the analysis of Islamic law on this practice, the community can obtain clearer guidelines regarding the suitability of the implementation of inheritance distribution with the provisions of sharia.
- b. **Becoming a Basis for Consideration for Religious Leaders in Fostering and Resolving Conflicts** The results of this research can be a reference for religious leaders in providing guidance and more appropriate legal solutions, so as to be able to minimize the potential for disputes and family conflicts due to inheritance distribution.

CHAPTER II

LITERATURE REVIEW AND THEORETICAL FOUNDATIONS

A. LITERATURE REVIEW

In order to maintain harmony in scientific writing and avoid plagiarism, the researcher feels it is necessary to elaborate on several previous research results that have relevance to the theme of this research. The presentation of this literature review aims to provide a theoretical foundation, strengthen arguments, and show the position of research in the context of studies that have been conducted previously. By presenting previous research, researchers can also identify research gaps that have not been comprehensively discussed, so that this research is expected to be able to make new contributions to scientific treasures. Some research relevant to the topic of inheritance distribution and the concept of justice in the perspective of Islamic law and social practices of society will be presented as follows:

1. The research conducted by Khosyi'ah, S. & Rusyana, A.Y. (2022) is entitled "Inheritance settlement of descendants of children and siblings in Islamic law with local wisdom in Indonesia". Revealing that Islamic inheritance law (*farâidh*) is an important part of Islamic teachings that must be used as a guideline in the distribution of inheritance. Its implementation is not only related to legal aspects, but also a form of obedience to the principles of monotheism and sharia as the foundation of the life of Muslims. Ambiguity or injustice in the settlement of inheritance has the potential to cause conflicts between heirs, so the correct application of inheritance law is considered very important to maintain family integrity and social order. However, in practice in Indonesia, the implementation of Islamic inheritance law does not stand

alone, but is influenced by legal pluralism consisting of customary law and state law. Various previous studies have shown that people often resolve inheritance issues through customary mechanisms, deliberations, and family agreements, even more dominant than settlement through Religious Courts. Kinship systems such as patrilineal and bilateral also influence the determination of heirs and their proportions. This phenomenon is clearly seen in the indigenous people of Mahmud Village in Bandung Regency who uniquely apply Islamic inheritance law in the Sundanese cultural environment which generally adheres to the bilateral system, but the distribution of inheritance is carried out following a patrilineal pattern, especially related to inheritance for children and siblings. Therefore, this study is relevant to examine the mechanisms of distribution and the factors that affect them in these indigenous peoples.⁶

2. The research conducted by Harnides, S., Abbas, K., and Hasballah (2023) entitled *"Gender Justice in Inheritance Distribution Practices in South Aceh, Indonesia"* examines in depth the practice of inheritance distribution in the South Aceh community which has unique characteristics because it is influenced by a combination of Islamic law, customary law, and local culture. The main focus of this research is how the concept of gender justice is applied in the distribution of inheritance, as well as how societies understand such justice in their social contexts. This research uses a qualitative approach through in-depth interviews with traditional leaders, scholars, and heirs, accompanied by field observations. The results of the study show that the distribution of inheritance in South Aceh does not fully follow the provisions of the *fariath*, which determines a 2:1 division between men and women. On the contrary, society tends to make a more even distribution between male and female heirs. In fact, in some cases, girls get a larger portion if they have the responsibility of caring for their parents or contributing more to the family. This research emphasizes that the main basis for inheritance distribution is family deliberation and mutual agreement

⁶ Siah Khosyi and Ayi Yunus Rusyana, "Inheritance Settlement of Descendants of Children and Siblings in Islamic Law with Local Wisdom in Indonesia Inheritance Settlement of Descendants of Children and Siblings in Islamic Law with Local Wisdom in Indonesia," *Cogent Social Sciences* 8, no. 1 (2022), <https://doi.org/10.1080/23311886.2022.2126615>.

based on consideration of economic needs, family relations, and efforts to maintain harmony. Thus, the justice used as a reference is not normative justice based on the legal text, but contextual justice that is adjusted to the circumstances of each family. These findings suggest that Acehnese customary law has a significant role in shaping inheritance distribution practices, so that in many cases it is more dominant than formal farāidh rules. This research makes an important contribution in understanding how society builds a mechanism for settling inheritances that are peaceful, fair, and accepted by all heirs.⁷

3. The research conducted by Sarmadi (2024) discusses the relationship between local culture and the national legal system in the context of inheritance law pluralism in Indonesia. Sarmadi explained that Indonesia has three coexisting legal systems, namely customary law, Islamic law, and national law, which often cause differences in inheritance distribution practices. In many indigenous peoples, the inheritance distribution mechanism does not always follow formal state rules or faridhist provisions, but is adjusted to local wisdom values, family relationship patterns, and justice considerations that apply in local communities. According to Sarmadi, this legal pluralism creates its own challenges, especially when there is a discrepancy between normative national rules and customary practices that are more flexible and contextual. However, Sarmadi emphasized that local culture cannot be ignored in the drafting of national laws because it has an important function in maintaining social harmony and stability. Therefore, he emphasized the need to accommodate local values in the national legal system, including in inheritance law, so that the dispute resolution mechanism is more effective and accepted by the community. This research provides important insights into how local culture influences inheritance practices and their relevance in responsive law formation.⁸
4. Research by Pane, A. et al. (2025) examines the practice of inheritance distribution in the Karo community in North Sumatra which has a very strong patrilineal kinship system. The Karo patrilineal system influences almost all aspects of life, including

⁷ Harnides, Abbas, and Khairuddin, "Gender Justice in Inheritance Distribution Practices in South Aceh, Indonesia."

⁸ Akhmad Sukris Sarmadi, "Inheritance Disputes in the Family: A Literature Analysis of Causes and Their Resolution in the Perspective of Civil Law," *Indonesia Research Journal on Education* 4 (2024): 352–57.

inheritance, family relationships, and customary decision-making. In this context, the research highlights how the Karo people negotiate patrilineal customary rules with the faraidh law in Islam which has certain normative provisions regarding the distribution of inheritance. This research found that in the Karo community there is a process of accommodation and legal negotiation, where customary rules are not necessarily implemented rigidly, but are adjusted to the development of religious understanding and family needs. Traditional leaders (*kalimbubu* and *senina*) and ulama have an important role as mediators when there is a difference of opinion between customary provisions and faridh rules. They help find common ground through family deliberation, by prioritizing the principles of harmony, the sustainability of kinship relationships, and social justice. The findings of this study show that the Karo people do not reject the faridh law, but make adjustments so that the distribution of inheritance remains in line with customary values that place men as the main heirs, but still provide space for women to get a certain share based on deliberation or special gifts. This illustrates the real form of inheritance law pluralism in Indonesia, where customs, sharia, and family deliberations interact with each other in determining the mechanism of inheritance.⁹

5. Zainal Arifin Haji Munir (2023) conducted research in Lombok and found that the Sasak people prioritize customary law. The study examined the practice of inheritance distribution among the Sasak people in Lombok and found that customary law is still the main basis for determining inheritance. The Sasak customary system tends to place men as the more dominant party in inheritance because it is considered to have greater social responsibility. However, this study also shows that an increased understanding of Islamic law provides an opportunity for families to apply the principle of faraidh, especially when there is an inequality in the distribution of inheritance. The application of Islamic law has been proven to open up economic justice space for women who previously did not obtain optimal rights in the customary system. Through family deliberation and the guidance of traditional leaders and scholars, the Sasak people began to accommodate Islamic norms without

⁹ Agnes Pane et al., "The Influence of the Karo Kinship Structure (Merga, Kuta, Kalimbubu, Anak Beru, Sembuyak) on the Implementation of Islamic Hereditary Law," *JERUMI: Journal of Education Religion Humanities and Multidiciplinary* 3, no. 1 (2025): 182–90.

abandoning the traditional values that had taken root. These findings show the dynamics of inheritance law pluralism and show that the interaction between customary and Islamic law can result in inheritance practices that are more equitable and adaptive to social changes.¹⁰

6. Wijaya, D.R. & Andaryuni, L. (2025) in their research on the practice of heritage distribution in Purworejo found that the local community combines sharia principles with local mechanisms such as deliberation and grants. Sharia principles are used as a moral guideline in ensuring that each heir is entitled to a share of the inheritance, but the distribution does not always follow the pattern of the literal faraidh. On the contrary, the people of Purworejo emphasize family deliberation to adjust the distribution of inheritance to the social and economic conditions of each heir. In addition, the practice of grants is an important instrument to reduce the potential for conflict, as some assets can be allocated in advance based on the needs and contributions of family members. This research describes how society seeks contextual justice by combining elements of sharia, customs, and family agreements. These findings confirm the existence of a form of adaptive and flexible inheritance law pluralism in rural Javanese society.¹¹
7. Rasyid, A., Lubis, R.F., Saleh, I. (2024) researched the practice of inheritance in the Mandailing Natal community and concluded that the Dalihan Na Tolu custom has a dominant position compared to Islamic law. The customary system regulates the kinship structure and determines the pattern of property distribution according to social relations in the family. However, this study found that scholars and traditional leaders have an important role in bridging the differences between customary provisions and fariath. The collaboration between the two allows for the harmonization of the two legal systems, so that the distribution of heritage can be carried out more fairly and still rooted in local cultural values. This finding confirms that the pluralism of inheritance law in Mandailing is not in conflict, but runs through

¹⁰ Zainal Arifin Haji Munir, "Wealth Distribution among Sasak Communities Through Inheritance: A Quest for Justice," *Samarah: Journal of Family Law and Islamic Law* 7, no. 3 (2023): 1627–43, <https://doi.org/10.22373/sjhl.v7i3.10835>.

¹¹ Djauhar Rangga Wijaya and Lilik Andaryuni, "THE RELEVANCE OF ISLAMIC INHERITANCE DISTRIBUTION WITH JUSTICE," *Al-Usroh: Journal of Islamic Family Law* 03, no. 01 (2025).

a process of negotiation and deliberation, where customs and Islam can complement each other according to the needs of the family.¹²

8. Rahman, U. et al. (2022) examining the practice of inheritance distribution in the Mandar community in West Sulawesi which shows the dynamics between the application of faraidh law and customary law. This study found that there are two main patterns of the inheritance system, namely: (1) a pattern that follows the provisions of faraidh with the distribution of inheritance property based on sharia principles, and (2) a customary pattern that tends to distribute property equally to all heirs regardless of gender, age, or marital status. This tendency to equal distribution is based on Mandar traditional values that emphasize family harmony, social justice, and avoiding conflict, so that people prefer the family deliberation mechanism to determine inheritance. This research also shows that although Islamic law is present as a normative reference, customary practices still have a strong influence in determining the final decision. The findings of Rahman et al. (2022) confirm the existence of flexible coexistence between customary norms and Islamic law in the Mandar community, as well as the importance of considering socio-cultural contexts in understanding inheritance practices.¹³
9. Ritonga, R. & Harahap, A.M. (2024). The literature study emphasizes the importance of deliberation, open communication, and respect for the right of each heir to maintain family harmony. The literature study they compiled emphasized that the process of inheritance distribution in the family is not only influenced by the normative provisions of Islamic law and positive law, but also by the quality of communication and interaction between heirs. They explained that deliberation is the main mechanism that is able to prevent conflict because it provides space for each heir to express his opinions, needs, and agreements openly. This study confirms that family harmony can be maintained if the inheritance distribution process is carried out with transparent

¹² Arbanur Rasyid, Rayendriani Fahmei Lubis, and Idris Saleh, "Contestation of Customary Law and Islamic Law in Inheritance Distribution : A Sociology of Islamic Law Perspective to Regulations on Farā ' Id in Accordance with Islamic Law and Applicable Laws and Regulations in Indonesia . Article 174 Letter e of the Compilation of Islamic Law (KHI) States , Inheritance Is as Follows : " Inheritance Includes Inherited Property Immediately after One of the Parents (Heirs) Dies . However , in Reality , in The" 34, no. 2 (2024): 419–50, <https://doi.org/10.21580/ahkam.2024.34.2.20843>.

¹³ Ulfiani Rahman et al., "MenandWomeninTheDistributionofInheritanceinMandar,WestSulawesi,Indonesia," *Samarah: Journal of Family Law and Islamic Law* 6, no. 1 (2022): 156–75, <https://doi.org/10.22373/sjhk.v6i1.9094>.

communication, mutual respect for the rights of each heir, and decisions are made based on consensus. The study also shows that many inheritance conflicts arise not because of legal provisions, but because of a lack of dialogue and information secrecy between family members. Therefore, Ritonga and Harahap emphasized the need for a family approach in the implementation of inheritance by maintaining the values of appreciation, trust, and a sense of justice. These findings are relevant for research examining the dynamics of inheritance, especially in the context of modern families facing the complexity of social and economic relations.¹⁴

10. Miftahul Huda et al. (2024) Research in East Java identifies traditional and legal negotiation models in resolving inheritance disputes, emphasizing the importance of local wisdom. This study found that people in East Java do not always follow one rigid legal system, but develop a flexible negotiation model between customary traditions and formal legal norms. Settlement of inheritance disputes usually begins through family mechanisms such as family discussions or village deliberations which are considered more able to maintain social relations and minimize long-term conflicts. They also explained that local wisdom is a determining factor in determining the final decision, especially in a society that still strongly holds cultural values such as politeness, respect for elders, and the principle of balance. In many cases, the community is more accepting of solutions that are considered to meet the sense of customary justice and social harmony than to follow the provisions of faraidh or state law literally. This study shows that legal pluralism in the practice of inheritance in East Java runs dynamically through the process of negotiation, compromise, and adaptation of legal values to local realities. These findings are relevant to look at how societies resolve inheritance disputes through a more humanistic and contextual cultural approach.¹⁵

¹⁴ Raja Ritonga et al., "Harmony in Inheritance: Peaceful Solutions to Prevent Family Conflict" 10, no. 1 (2024): 117–33.

¹⁵ Miftahul Huda et al., "Tradition, Wisdom and Negotiating Marriage and Inheritance Disputes on Javanese Muslim," *Al-Istinbath Journal of Islamic Law* 9, no. 1 (2024): 25–44.

The previous studies mentioned above generally confirm the existence of inheritance law pluralism in Indonesia, namely the interaction between faraidh, customary law, and family deliberation. Khosyi'ah & Rusyana (2022) show that the implementation of Islamic inheritance is influenced by local wisdom and kinship systems. Harnides et al. (2023) in South Aceh found that the distribution was more equitable based on contextual justice, even considering women's contributions. Sarmadi (2024) emphasizes legal pluralism as a social reality that demands local cultural accommodation. Pane et al. (2025) in the Karo community shows the negotiation between patrilineal and farith customs. Munir (2023) in Lombok shows the dominance of the Sasak custom, but there is beginning to be an adaptation to Islamic law. Wijaya & Andaryuni (2025) in Purworejo found a combination of sharia, deliberation, and grants as a contextual solution. Rasyid et al. (2024) and Rahman et al. (2022) affirm the flexible coexistence of customs and faraidh in Mandailing and Mandar. Ritonga & Harahap (2024) and Huda et al. (2024) emphasize the importance of deliberation and local wisdom in preventing inheritance conflicts. Overall, the studies capture the dynamics of negotiation between Islamic norms and social realities in various communities.

However, most previous studies have focused on the relationship between customary and Islamic law, gender justice, or the model of negotiation of inheritance disputes in the context of legal pluralism. Although there are findings on the consideration of contribution in some communities (e.g. South Aceh), the discussion has not been specifically analyzed as a normative problem in the perspective of classical faraidh. In addition, the majority of the research uses a legal sociology or descriptive approach of pluralism, without providing an in-depth normative assessment of the legal status of contribution-based division within the framework of ta'abbudi and qath'iyyah faraidh.

The research gap of this thesis lies in its more specific and normative focus: it does not merely describe the pluralism of inheritance law, but directly examines the practice of contribution-based inheritance distribution in Ngentak Hamlet and assesses it

from the perspective of classical Islamic law (faraidh), including the possibility of its justification through the mechanism of grants, tashāluh, and the principle of tarādī. Thus, this study seeks to bridge the empirical approach of legal sociology with a normative analysis of fiqh, resulting in a more assertive evaluation of the legitimacy of contribution-based inheritance practices within the framework of Islamic law.

B. THEORETICAL FOUNDATION

1. Faraidh's Theory in Classical Fiqh

Faraidh is an Islamic inheritance law whose division has been clearly established in the Qur'an, Hadith, and ijma' ulama. The Qur'an, especially Surah An-Nisa verses 11, 12, and 176, expressly regulates who is entitled to receive an inheritance and how much of it. The Prophet PBUH also emphasized in a hadith:

Ibn' Abbas (may Allah be pleased with him) said: The Prophet (peace and blessings of Allaah be upon him) said: "The Messenger of Allaah (peace and blessings of Allaah be upon him) said: "The Messenger of Allaah (peace and blessings of Allaah be upon him) said:

"Give the inheritance to the righteous, then if there is still a leftover, then it is for the man closest (to the nasab)." (HR. Bukhari and Muslim).¹⁶

In classical fiqh literature, scholars place faraidh as a law that is *ta'abbudi* (worship), so that its provisions are definite and cannot be challenged. Ibn Qudamah in *Al-Mughni* mentions that faraidh is a *qat'i* (certain) law based on nash, so any form of change without the consent of the heir is considered invalid. Similarly, Imam al-Shafi'i in *Al-Umm* affirms that the share of the heirs has been determined in detail by Allah and that man is not authorized to change it. Thus, the theory of faraidh emphasizes legal certainty, proportional justice, and the obligation to obey the sharia.¹⁷ The Principles of Ta'abbudi,

¹⁶ Wati ria rahmi and Muhamad Zulfikar, *Inheritance Law Based on Western Systematics and Compilation of Islamic Law*, vol. 128, 2018. Pg.128

¹⁷ Taqiyuddin, Millah, and Luthfi, "Instruments of Property Ownership in Islam: The Study of Inheritance Law."

1. Ta'abbudi in the Law of Faraidh

Islamic inheritance law has the character *of ta'abbudi*, which is a provision that must be accepted as determined by Allah without the interference of human rationality. The inheritance is sourced directly from the Qur'an and Sunnah, not the result of ijtihad or human deliberation. Allah has clearly detailed the part of the heirs in Surah An-Nisā' verses 11–12, so that man is not authorized to modify it based on logical considerations or social conditions. This provision is related to the principle *of ijbari*, which is the automatic transfer of inheritance to the heirs based on sharia provisions. The Prophet PBUH also emphasized,

It was narrated that the Messenger of Allah) may Allah's peace and blessings be upon him (said :
"Indeed ,Allah has decreed that He has given all the truth ,so he is the guardian of the inheritance".¹⁸

"Indeed, Allah has given to everyone who is entitled to his right, so it is not fitting that there should be a will for the heirs." (HR. Abu Dawud).

Therefore, the law of faraidh must be obeyed as it is, even though its wisdom is not fully attainable by reason.

2. Qath'iyyah in the Determination of Faraidh

The second character of Islamic inheritance law is *qath'iyyah*, which is certain, fixed, and unchanged by time, place, or social conditions. Parts such as half, third, sixty, and eighths have been expressly determined in the nash so that the absolute law cannot be challenged. Allah refers to this provision as "*hudud Allah*" (the limits of Allah) in Surah An-Nisā' verse 13, which shows the stability of the law of faraidh as part of the shari'a that *is tsawabit* (fixed). This certainty provides clear guidelines for each inheritance case and prevents manipulation or injustice due to human subjectivity. The scholars also agree

¹⁸ Sunan Abu Dawud no. 2870 (Kitab Al-Wasiat) and Sunan Ibn Majah no. 2704-2705 (Kitab Al-Wasiat)

that changing the part of the faraidh without the basis of shari'i is null and void, except after the principal parts are upheld and all the heirs are ridha. Thus, *qath'iyyah* guarantees the certainty and integrity of inheritance law in its application.

3. Justice in the Distribution of Faraidh

Justice in Islamic inheritance law does not mean mathematical equality of numbers, but proportional justice according to responsibilities, bread, and position in the family. The Shari'ah gives a difference of share between men and women not because of superiority, but because men bear the obligation of sustenance as affirmed in Surah An-Nisā' verse 34. This difference reflects responsibility-based justice, not discrimination. The detailed division in the faraidh also aims to protect the weaker heirs such as women, children, and the elderly, while preventing the accumulation of wealth on one side that can cause social injustice. Faraidh accommodates sharia maqasid such as maintaining descendants, property, and family harmony. Although deliberation is still recommended for family harmony, it must not violate the definite decree of nash. Thus, faraidh presents a model of justice that is balanced between divine provision and social welfare.

2. Maslahah and 'Urf (Custom) Theory as an Analytical Approach

In the treasures of ushul fiqh, Islamic law has methodological flexibility that allows consideration of the social context as long as it does not conflict with the nash. Two important instruments that are referenced in reading the phenomenon of contemporary inheritance law are the theory of *maslahah* and *'urf* (custom). Both serve as a "methodological bridge" between the text of sharia and the social reality of society.

a. Maslahah as a Principle of Determination of Law

Imam al-Ghazali in *al-Mustashfa fi 'Ilm al-Usul* affirms that *maslahah* is everything that leads to the realization of the goals of the Shari'ah and prevents harm to humans. Maslahah is built on sharia maqasid such as religious protection (*hifz al-din*), soul,

intellect, descent, and property (*hifz al-mal*). Sharia opens space for *maslahah* when a social practice is seen as able to maintain order, harmony, and justice in society.

In the context of inheritance distribution, *maslahah* considerations can arise through recognition of the contribution of certain heirs to the inheritance, the management of family businesses, or the care of parents before death. Although normatively the *faraidh* does not regulate contribution compensation, a number of contemporary scholars such as Yusuf al-Qaradawi, Ali A. al-Salus, and Wahbah al-Zuhaili explain that *maslahah* can be considered *after* the part of the *faraidh* is determined, as long as it does not change the *nash* that is *qath'i*. Thus, additional grants through grants, mandatory wills, or family agreements are a form of reconciliation between *shari'i* provisions and modern social needs. *Maslahah* in the study of inheritance is not intended to replace the decree of *faraidh*, but to be an ethical mechanism to overcome the potential for social inequality that is not accommodated by *nash*. In many societies, the *maslahah* approach is used to prevent family conflicts, maintain relationships between siblings, and ensure equitable distribution of inheritance benefits.¹⁹

b. 'Urf (Custom) as a Secondary Source of Law

'Urf or custom occupies an important position in *ushul fiqh* as one of the sources of legal determination after the Qur'an, *Sunnah*, *ijma'*, and *qiyas*. The rules of *fiqh "al-'adah muhakkamah"* (custom can be established as law) show that the customary practices of the community have the force of law as long as they do not contradict the *nash qath'i* or the basic principles of *sharia*. Scholars such as Ibn al-Qayyim in *I'lam al-Muwaqqi'in* emphasized that changes in fatwas can occur along with changes in times, places, circumstances, and habits of society.

Wahbah al-Zuhaili explained in *Usul al-Fiqh al-Islami* that a valid 'urf must meet the conditions: be common in society, not contradict the *shari'i* postulates, and provide

¹⁹ Raja Ritonga, Aulia Rezi, and Asril Fauzi, "Social Transformation and Its Relationship to the Distribution of Inheritance According to the Perspective of Islamic Law" 4, no. 2 (2023): 166–77, <https://doi.org/10.46870/jhki.v4i2.718>.

benefits. In the context of inheritance, many Muslim societies adopt the practice of dividing inheritance based on family agreement or respect for local customs to maintain family harmony. For example, in some Javanese communities, giving more shares to heirs who care for the elderly is seen as a form of moral justice that has become a local custom. Such customs are not intended to replace the provisions of faraidh, but to complement them through internal agreement of the family after the basic rights of shari'i have been granted. 'Urf helps bridge a social reality where emotional relationships, economic contributions, and cultural expectations often influence inheritance—with sharia provisions that are formal and normative.²⁰

The Relationship of Maslahah and 'Urf in the Distribution of Inheritance

When maslahah and 'urf are combined, they can serve as a flexible analytical approach in understanding the diversity of inheritance practices in society. Maslahah serves as ethical-rational considerations, while 'urf serves as cultural legitimacy. This combination allows the modern division of inheritance to proceed while respecting the provisions of the nash, but not ignoring social dynamics, family contributions, or the need to maintain harmony. Thus, maslahah and 'urf are two important theoretical devices in explaining the emergence of the practice of inheritance distribution based on contributions or family agreements without violating the provisions of faraidh.

3. The Concept of Distributive Justice in Islamic Law

In the Islamic perspective, justice is not understood as *absolute equality*, but as distributive justice, which is to give rights to everyone according to their position, needs, contributions, and responsibilities. Justice in Islam is justice that is functional and proportional, not just the equalization of numbers. Therefore, justice in Sharia always takes into account the maqasid Sharia (Sharia goals) and the social structure that surrounds each individual. The Qur'an affirms the principle of justice in various verses.

²⁰ Syafira and Ahyat Habibi, "THE INHERITANCE OF PROPERTY AND THE POSITION OF SONS IN ACCORDANCE WITH THE MATRILINIAL SYSTEM IN THE MINANGKABAU INDIGENOUS PEOPLE AND ITS RELATIONSHIP WITH THE RULES OF AL-ADAH MUHAKKAMAH," *Manazih: Journal of Management and Education* 5 (n.d.): 853–66.

QS. An-Nisa:58 commands humans to convey their mandate to the rightful party and establish the law fairly. This verse shows that justice is not only a moral principle, but also a shari'a mandate in making legal decisions. So does QS. Al-Nahl:90 emphasizes that Allah commands His people to be just and do good, showing that justice is the foundation of the social and legal order in Islam.²¹

In the context of inheritance, the principle of distributive justice is evident in the difference in the proportions of the division between men and women. The provision that men earn two shares compared to women is not a form of subordination of women, but a consequence of the difference in financial responsibilities in the sharia. Men are obliged to provide support for their families, dowry to their wives, and bear the needs of parents and relatives under certain conditions. Meanwhile, women do not have maintenance obligations even though they have personal property. This is affirmed by a number of classical scholars such as Ibn al-Qayyim, al-Jassas, and Fakhruddin ar-Razi, who explain that the division of inheritance considers the burden of responsibility, not gender superiority. Muhammad Abu Zahrah in *Ushul al-Fiqh* emphasized that sharia justice is substantive justice, that is, justice that considers the essence and function of each party, not mathematical justice that generalizes everyone. In his view, Islamic justice is oriented towards the benefit of the community and the balance of the role of the family, so that the difference in inheritance is actually a mechanism to maintain family economic stability based on the social structure that has been regulated by the sharia.²²

Contemporary scholars such as Yusuf al-Qaradawi, Ali al-Salus, and Wahbah al-Zuhaili reinforce this perspective. They affirm that Islamic justice rests on a balance between rights and obligations. Sharia gives more share to those who hold the responsibility for maintenance and social protection. Meanwhile, women, even though they receive a smaller share, still have full rights to their property and are free from maintenance obligations, so that economically their position is not harmed. Furthermore, the principle of distributive justice is also seen in the faraidh structure that gives priority

²¹ Zakiyuddin Baidhaw, "Distributive Principles of Economic Justice : An Islamic Perspective," n.d., 241–66.

²² Gender Justice et al., "GENDER JUSTICE AGAINST DIVISION" 2, no. 1 (2024): 94–106.

to heirs who have a greater level of closeness and responsibility, such as children, parents, and spouses. This division not only maintains legal certainty, but also ensures that the most economically and socially needy parties receive optimal protection. Thus, the concept of distributive justice in Islamic law is a concept of justice that considers responsibilities, needs, and closeness of relationships, not just nominal numbers. This principle is important in analyzing the dynamics of inheritance distribution in society and explaining why the sharia sets a certain proportion for each heir.²³

²³ Fiqih Firmansyah, Maryam Mooduto, and Hamzah Hasan, “ISLAMIC LEGAL THOUGHT AND THE DYNAMICS OF CONTEMPORARY SOCIETY” 7, no. 2 (2025): 199–212.

CHAPTER III

RESEARCH METHODS

A. TYPES AND APPROACHES OF RESEARCH.

The type of research used by researchers is field research. Field research is research conducted to study intensively the background of the research site. This research is included in the field research category because the main data was obtained directly from the people of Ngentak Hamlet, Murtigading Village, Sanden District, Bantul Regency. Researchers went directly to the site to observe, interview, and document the heritage sharing practices that took place in the community.

With field research, researchers can see the social dynamics that occur, including factors that influence the community in deciding the form of inheritance distribution, the role of religious or traditional leaders, and public perception of the principles of Islamic justice in the context of the distribution of heritage property. Researchers systematically look for factual and accurate data from an activity and then describe it qualitatively, namely by conducting observations, interviews, and documentation with the research object, then describing the research object in the environment in accordance with the results of observation and study, where the results found can add to the scientific treasure. Therefore, this researcher aims to obtain information related to the distribution of inheritance in Ngentak Hamlet, Murtigading Village, Sanden District, Bantul Regency.²⁴

The approach of this research is a sociological approach of law. That is how to study Islamic law by looking at how the law is lived, applied, and carried out in the social life of the community. The focus is not only on normative texts (nash al-Qur'an, hadith,

²⁴ Treat J et al James W, Elston D, "Research Methodology, CHAPTER III," *Andrew's Disease of the Skin Clinical Dermatology.*, 20AD, 52–77, <https://digitallib.iainkendari.ac.id/id/eprint/3764/4/4. BAB III.pdf>.

or fiqh), but also on social, cultural, and social factors that influence the enactment of Islamic law.

According to Soerjono Soekanto, Legal Sociology is a branch of science that analytically and empirically analyzes or studies the mutual relationship between law and other phenomena. In the context of Islamic law, this approach means looking at the interaction between sharia norms and the social conditions of Muslim society.²⁵

According to Bani Syarif Maula, the study of the sociology of Islamic law departs from one basic assumption that Islamic law is actually not a mature legal system that comes from the sky and is free from the flow of human history. As with other legal systems, Islamic law is nothing but the result of human interaction with its social and political conditions. This kind of understanding is the basis for the need for a sociohistorical approach to the study of Islamic law. From this explanation we can know that the Sociology of Islamic Law is a reciprocal relationship between Islamic law (Sharia, Fiqh, al-Hukm, Qanun, etc.) and the pattern of behavior of society where Sociology is one of the approaches in understanding it.²⁶

B. RESEARCH LOCATION

This research will be carried out in Ngentak Hamlet, Murtigading Village, Sanden District, Bantul Regency, Special Region of Yogyakarta. The researcher chose this location because the people in the hamlet still practice the distribution of inheritance in a distinctive way, namely considering the contribution of the heirs in family life. This is interesting to research because in addition to being related to Islamic law, it is also closely related to local social and cultural conditions. In addition, Ngentak Hamlet is quite easy to reach so that researchers can conduct direct observations and interviews with religious leaders, heirs, and communities involved in the practice of distributing inheritance. Thus, this research is expected to provide a real picture of the interaction between Islamic legal norms and people's lives at the local level.

²⁵ Abdulkadir Muhammad et al., *Legal Sociology, Expression Library*, vol. 8, 2004.

²⁶ The Prophet Muhammad (peace be upon him) *Sociology of Islamic Law in Indonesia*, ed. Maimun (May, 2019, 2010).

C. RESEARCH INFORMANT

The informants of this study include heirs, religious leaders, and village officials in Ngentak Hamlet, Murtigading Village, Sanden District, Bantul Regency.

- a. Heirs are chosen as subjects because they are parties who directly experience and are involved in the process of distributing inheritance. The informant of the heirs is named Nur Cahyo Putro, 47 years old and works as an entrepreneur. He is the biological son of the heir and is directly involved in the process of distributing his family's inheritance. Based on the results of the interview, the distribution of inheritance in his family had been informed orally by his parents before his death, then legally carried out after the heir died. The distribution process was carried out through the deliberation of the nuclear family by involving the Head of RT as an administrative witness. He also said that in his family the principle of inheritance distribution follows the provisions of sharia and generally applicable provisions, namely the share of boys is greater than that of girls. According to him, contribution in caring for parents is not the main basis for determining shares, because it is seen as the child's obligation to parents.
- b. Religious leaders are involved because they have an important role in providing views, direction, and religious legitimacy to the practice of inheritance distribution in society. Mr. H. Sandi is a religious figure in Ngentak Hamlet who plays a role in providing religious views and directions related to the practice of inheritance distribution in the community. Based on his statement, the practice of inheritance distribution in Ngentak Hamlet is varied; Some people follow the provisions of Islamic law, others use a traditional approach or family deliberation. He explained that normatively Islamic law does not justify the addition of inheritance only based on contributions to caring for parents, except through a grant mechanism before death or a mutually agreed deliberation agreement. The religious leader also emphasized the importance of increasing public understanding of the science of faraidh so that the distribution of inheritance can run according to sharia while maintaining family harmony.

- c. Village officials are also used as the subject of research because they often play a role in accompanying, recording, or facilitating the process of distributing inheritance so that they can provide administrative and social views. Pak Irfan is a village official who serves as a hamlet in Ngentak Hamlet and has an administrative role in the inheritance distribution process. Based on the results of the interviews, village officials generally act as witnesses and assist in administrative arrangements, such as the issuance of documents or land-related recordings. He explained that in the past there was registration through Letter C, but now many inheritance distribution processes directly use notary services without going through village apparatus. In practice, people often choose the mechanism of family deliberation rather than formal division based on *faraidh*. The factor of the heir's contribution sometimes appears as a consideration, although it is not always the main basis and in some cases has the potential to cause differences of opinion if it is not accompanied by a clear agreement.

By involving these three subjects, this study is expected to be able to obtain a complete picture of the practice of inheritance distribution based on the contribution of heirs in the perspective of Islamic law and social life of the community.

D. DATA COLLECTION TECHNIQUES

The data collection technique in this study uses three methods. Namely:

1. In-depth interviews

Direct conversations with heirs, religious leaders, and village officials to obtain more detailed information about the practice of inheritance distribution as well as the social and religious reasons behind the way of inheritance distribution in Ngentak Hamlet, Murtigading Village, Sanden District, Bantul.

2. Observations

Direct observation of the social conditions of the community and the process of distributing inheritance that occurs in the field so that researchers can see the facts as they are in accordance with reality.

3. Documentation

In the form of searching written data such as village administration records, family archives, and other documents related to the distribution of inheritance to strengthen and complete the results of interviews and observations.

E. DATA ANALYSIS

The data analysis in this study uses a descriptive-analytical method, which is to explain the data obtained from the field in detail, then analyzed to find a meaning that is in accordance with the focus of the research. The data that has been collected will be processed through three main stages, namely data reduction, data presentation, and conclusion drawn.

a. Data reduction

The process of selecting, focusing, and simplifying data from interviews, observations, and documentation to suit the research objectives. Irrelevant data will be set aside, while data directly related to inheritance distribution practices based on heirs' contributions will be retained.

b. Data presentation

Compile data that has been reduced in the form of a systematic narrative description so that it is easy to understand. At this stage, the data will be compiled based on research themes, such as the views of heirs, the role of religious leaders, and the involvement of village officials.

c. Conclusion drawing

The process of formulating research findings from the data that has been presented to answer the problem formulation. Conclusions will be drawn inductively from the facts in the field towards a more general understanding of the practice of inheritance distribution based on the contribution of heirs in the perspective of Islamic law and the social life of the community in Ngentak Hamlet.²⁷

F. DATA VALIDITY

In this study, to maintain the validity of the data, this study uses triangulation techniques, especially source triangulation and triangulation methods. Triangulation is data collection techniques that combine various data collection techniques and existing data sources. If a study collects data by triangulation, then the researcher actually collects data that at the same time tests the credibility of the data, namely checking the credibility of the data with various data collection techniques and various data sources.²⁸

a. Source triangulation

This method is carried out by comparing and rechecking data obtained from various parties, such as heirs, religious leaders, and village officials, so that the information collected can be tested for truth and consistency.

b. Triangulation method

This method is carried out by combining various data collection techniques, namely in-depth interviews, observations, and documentation. By utilizing more than one method, researchers can obtain a more complete picture and reduce the possibility of bias, so that the data produced is more valid and scientifically accountable.

²⁷ Suggestion, *Quantitative, qualitative and R&D research methodology*, print to (ALFABETA, CV, 2013).

²⁸ Sugiyono. *Quantitative, Qualitative Research Methodology And R&D. Print to. ALFABETA, CV, 2013.*

CHAPTER IV

RESULTS OF RESEARCH AND DISCUSSION

A. RESEARCH RESULTS

1. Profile of Murtigading Village

a. Overview

Profile of Ngentak Hamlet, Murtigading Village, Sanden District, Bantul Regency.

This document was prepared as part of the research needs of a thesis entitled: "The Distribution of Inheritance Based on the Contribution of Heirs in the Perspective of Islamic Law: A Study on the Community of Ngentak Hamlet, Murtigading Village, Sanden District, Bantul Regency."²⁹

Murtigading Village is administratively located in the Kapanewon Sanden area, Bantul Regency, Special Region of Yogyakarta Province. This village has an area of ±438.68 hectares with an altitude of about 55 meters above sea level (masl). Regionally, Murtigading Village is divided into 18 hamlets and 75 Neighborhood Units (RT).

The strategic location of Murtigading Village, located in the center of the Kapanewon Sanden government, makes it have great potential as an urban development area. This is shown by the existence of almost all government agency offices at the kapanewon level located in the Murtigading Village area.

Etymologically, the name Murtigading comes from the word "*Mulyo*" which means *to be prosperous*. Murtigading Village was formed as a result of the merger of four old villages, namely:

²⁹ "Murtigading Village Website <https://Murtigading.Bantulkab.Go.Id/First>," 2025, <https://murtigading.bantulkab.go.id/>.

- 1) Kalurahan Srihardono
- 2) Sidoharjo Village
- 3) Kartoponco Village
- 4) São Paulo Resort

The four sub-districts were then combined into a single administrative area known as Murtigading Sub-district.

b. Vision and Mission

Vision:

To improve the development of the sub-district for the progress and change of the Murtigading government that is transparent, trustworthy, and for the better.

Mission:

To reform the performance of the village government apparatus to improve the quality of services to the community. To organize a clean government, free from corruption and other forms of violations. Organizing the village government openly and responsibly in accordance with laws and regulations. Equitable distribution of infrastructure development in all hamlets in Murtigading Village. Creating conditions for a society that is intelligent, safe, orderly and harmonious in community life by adhering to the applicable rules. Providing space for the community to give advice, criticism for the progress of Murtigading Village. Utilize and manage the district's treasury land transparently, responsibly according to applicable regulations.³⁰

c.

³⁰ "Profile of Murtigading Village https://youtu.be/OKWqrurBdas?Si=hyPNW1hy_8QEhpTV," n.d., https://youtu.be/oKWqrurBdas?si=hyPNW1hy_8QEhpTV.

Administrative Limits

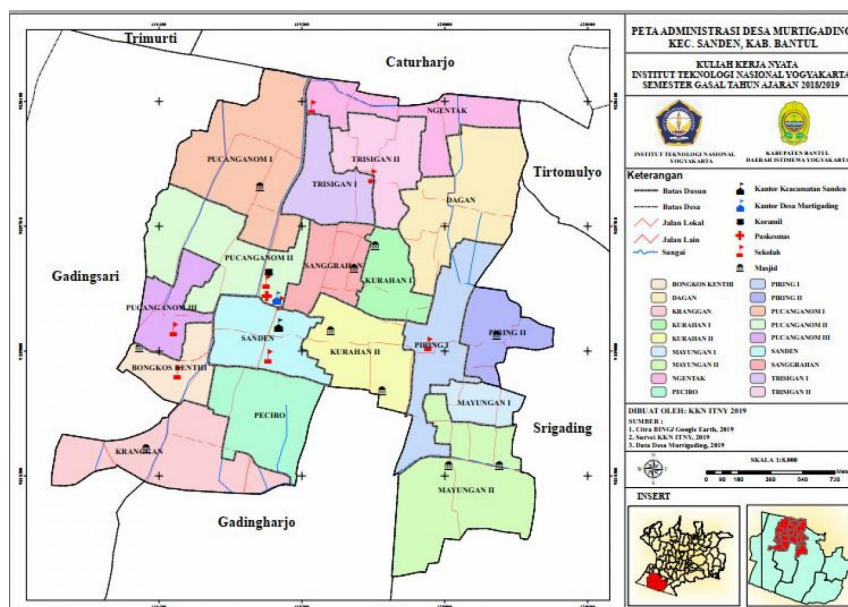


Figure 4.1

The map above shows the administrative boundaries of Murtigading Village which is divided into several hamlets. The division of this area is important to facilitate government management, development planning, and community services. Each hamlet has different characteristics, potentials, and social conditions, so area mapping helps in determining work programs that suit the needs of the local community.

Administratively, Murtigading Village consists of a number of villages, including Ngentak, Trisigan I, Trisigan II, Dagan, Piring I, Piring II, Mayungan I, Mayungan II, Kurahan I, Kurahan II, Sangrahan, Pucanganom I, Pucanganom II, Bongkos Kenthis, Peciro, Sanden, and Kranggan. This mapping not only describes the territorial boundaries, but also serves as a basis for managing regional potential, compiling population data, and planning for sustainable development in Murtigading Village.³¹

³¹ "The Secret Life of the Witch <https://Murtigading.Bantulkab.Go.Id/First>."

d. Geographical Boundaries

Murtigading Village is one of the areas that has a strategic position on the southern coast of Bantul Regency. Administratively, Murtigading is located in Sanden District, approximately 25 km from Yogyakarta City and about 12 km from the center of Bantul Regency. The location close to the southern coastline of Java makes Murtigading an important area in supporting the economic, social, and cultural activities of coastal communities, as well as playing a role as one of the regional growth centers in the southern part of Bantul.³²

e. Territorial Boundaries

North : Caturharjo Village, **South** : Gadingharjo Village, **East** : Srigading Village, **West** : Gadingsari Village

f. Formal Institutions

Murtigading Village, Bantul Regency, Special Region of Yogyakarta, is led by Village Head Drs. Bambang Trijanto, M.Pd., with Village Secretary Rio Arvizon Widianoro and Chairman of BPD H. Suratno, S.Pd. Formal institutions in this village include village government, RT/RW, educational, health, and security facilities that support public services and regional development. The existence of this government structure and supporting facilities is the foundation for the management of administration, development, and community welfare.

g. Non-Formal Institutions

In addition to formal institutions, Murtigading Village also has various non-formal institutions that play an active role in the empowerment and social life of the community, including LPM, TP PKK, BUMDes, youth organizations, and customary institutions. These institutions function as drivers of social, economic,

³² "The profile of Murtigading Village https://youtu.be/OKWqrurBdas?Yes=hyPNW1hy_8QEhpTV."

cultural, and traditional preservation activities, thereby strengthening community participation in development and maintaining traditional values that characterize the village.

h. Community Institutions

1). Customary Institutions

Customary institutions maintain and preserve the traditions, culture, and local values of the Murtigading community. This institution regulates various traditional ceremonies, ranging from birth, marriage, death, to agricultural activities, so that local culture remains alive and passed on to the next generation.

2). Community Empowerment Institutions

With 26 administrators, LPM plays a role as a driver of development in Murtigading Village by involving residents in planning, implementing, and evaluating village development programs. This institution functions to ensure community participation in decision-making and effective management of village resources.

3). Family Empowerment and Welfare Driving Team

TP PKK focuses on family empowerment and community welfare. With 63 administrators and 16 types of activities such as education, health, environment, and family economy, PKK activities encourage the active role of women and families in building a healthy and productive society.

4). Karang Taruna

Karang Taruna operates as a youth organization that facilitates social, educational, and sports activities. This institution encourages the participation of the younger generation in community development and the formation of positive social character.

5). District-Owned Enterprises

BUMKAL is a village economic institution that manages productive businesses to increase income and community welfare. BUMKAL facilitates local economic activities, creates jobs, and supports sustainable village development.

i. The Relevance of Village Profiles to Research

The social condition of the people of Ngentak Hamlet, which is still strong with family values, deliberation, and economic contributions between family members, is an important background in research on the distribution of inheritance based on the contribution of heirs. This village profile provides a contextual picture of the practice of living inheritance (living law) in the community.³³

2. Distribution of Inheritance to the Community of Ngentak Hamlet, Murtigading Village.

a. Identity of the Informant

This study involved three main informants who were selected purposively based on their roles, experiences, and indirect involvement in the practice of inheritance distribution in Ngentak Hamlet. The selection of informants is carried out by considering the principles of data sufficiency and information richness, so that the data obtained is able to represent the social reality that is comprehensively researched.

The first informant is Mr. Nur Cahyo Putro, 47 years old, who works as an entrepreneur and lives in Ngentak Hamlet. He was chosen as an informant because he plays a direct role as an heir in his family and has empirical experience in the process of distributing inheritance. The experience provides factual information about how inheritance practices are carried out at the family level, including deliberation patterns, considerations of justice according to the family, and the form of agreement taken between the heirs. Thus, the information from the first informant reflects the perspective

³³ "The profile of Murtigading Village https://youtu.be/OKWqrrBdas?Yes=hyPNW1hy_8QEhpTV."

of the direct perpetrator in the practice of inheritance distribution that is alive and developing in the community.

The second informant is Mr. H. Sandi, who is widely known by the people of Ngentak Hamlet as a religious figure. He has a strategic role in providing religious guidance and becoming a reference for the community in Islamic legal issues, including inheritance law (*faraidh*). The selection of informants is based on their moral authority and religious knowledge, which allows researchers to gain an understanding of the normative view of Islamic inheritance law, as well as how the values of sharia are socialized and understood by the community. In addition, Mr. H. Sandi's view is also important to see the extent to which the principles of *faraidh* are applied ideally and undergo adjustments in the social practices of the people of Ngentak Hamlet.

The third informant is Mr. Irfan, as the Hamlet of Ngentak Hamlet. As a village official, he has an administrative and social role in assisting the community, especially in land matters, recording, and resolving inheritance distribution issues. The information from the third informant provides a structural and administrative perspective related to inheritance practices, including the role of the village government in facilitating deliberations, maintaining social stability, and preventing conflicts between heirs. With this position, Mr. Irfan became a representative of the state at the local level who understood the social dynamics of the community as well as the formal aspects of heritage management.

By involving the three informants, this study seeks to obtain a complete and balanced picture of the practice of inheritance distribution in Ngentak Hamlet, both from the perspective of direct actors (heirs), religious normative figures, and village officials as a representation of social and administrative structures. The combination of these three perspectives is expected to enrich research analysis and provide a deep understanding of the interaction between Islamic legal norms, social practices, and administrative realities in the distribution of inheritance at the community level.³⁴

³⁴ *Interview Results with Mr. Nurcahyo (Ngentak Community), Mr. H. Sandi (Ngentak Religious Leader), Mr. Irfan (Ngentak Hamlet)*

b. The Process of Distributing Heirs

Based on the results of an interview with Mr. Nur Cahyo Putro, the process of distributing inheritance in his family was carried out through an oral delivery mechanism by his parents before his death. Parents have informed all children about their respective parts since they are still alive, as a form of anticipation so that conflicts do not occur in the future. However, the informant emphasized that legally, the distribution is only considered an inheritance after the heir dies. If the property is given while the heir is still alive, then the legal status is not inheritance, but grant.

In practice, the determination of each heir's share has been agreed upon from the beginning by all family members. After the parents die, the agreement is then carried out by dividing the assets according to the provisions that have been submitted previously. This process is relatively smooth because the heirs have understood and accepted the division from the beginning. Family deliberations are carried out more as a forum for confirming and strengthening agreements, not to renegotiate the division of inheritance. Furthermore, Mr. Nur Cahyo Putro explained that the inheritance distribution process only involves the nuclear family. Outside parties, such as RTs or village officials, are not actively involved in determining the share of inheritance. RT's involvement is only limited to being an administrative witness for formal purposes, especially in the process of inheritance and the management of ownership documents. This shows that the division of inheritance is seen as a private family issue, the resolution of which is prioritized through internal agreement without the intervention of other parties.

This view is in line with the statement of Mr. Irfan as the Hamlet of Ngentak Hamlet. According to him, in the practice that is developing in society, the distribution of inheritance in general is indeed an internal family affair. The village apparatus does not have the authority to determine or regulate the distribution of inheritance, but only plays a helpful role from the administrative side. This form of assistance includes the issuance of supporting documents, such as Tax Payable Notification Letter (SPPT), heirs' certificates, and other documents needed for the process of changing names or managing inherited land.

Mr. Irfan also added that in recent years, there has been a tendency for people to directly use the services of a notary in managing the distribution and legality of inheritance, without going through the village apparatus. This is usually done by families who have better economic ability or want to obtain stronger legal certainty. This phenomenon shows a shift in the pattern of settlement of inheritance distribution, from the original based on family deliberation with informal assistance from village officials, to a more formal and legalistic mechanism.

Meanwhile, Mr. H. Sandi explained that the practice of distributing inheritance in the Ngentak Hamlet community is very diverse and not single. According to him, some people who have a good understanding of religion tend to try to follow the provisions of Islamic sharia as stipulated in the faraidh law. However, in practice, the application of these provisions is often adjusted to family conditions through deliberation and agreements between heirs.

On the other hand, there are still people who use customary approaches or family agreements without directly referring to the provisions of faraidh. This is due to several factors, including limited religious understanding, lack of knowledge about Islamic inheritance law, and economic and social considerations. Under certain conditions, the distribution is carried out evenly or based on the needs of each heir, with the aim of maintaining family harmony and avoiding conflicts.

Thus, the process of distributing inheritance in Ngentak Hamlet shows the interaction between Islamic legal norms, community social practices, and administrative considerations. The division of inheritance is not always carried out rigidly based on the legal text, but often through family deliberations that emphasize the value of harmony and justice according to the perception of the local community. This variety of practice reflects the social and religious dynamics of the people of Ngentak Hamlet in responding to the provisions of Islamic inheritance law in daily life.³⁵

c. Heirs' Contributions

³⁵ *Interview Results with Mr. Nurcahyo (Ngentak Community), Mr. H. Sandi (Ngentak Religious Leader), Mr. Irfan (Ngentak Hamlet)*

In the context of the heir's contribution, Mr. Nur Cahyo Putro stated that he as a boy had a great contribution in caring for his parents. However, these contributions are not used as a basis for obtaining a larger share of the inheritance, as it is considered an obligation of the child to the parents. Therefore, in his family there are no conflicts related to additional demands on the basis of contributions. According to him, the greater distribution to boys is not due to contributions, but because of religious and legal provisions that have been applied. She also emphasized that in her family principle, women's contributions are not used as a reason to change the provisions for inheritance distribution that have been regulated by sharia.

In contrast to this normative view, Mr. H. Sandi explained that in community practice, contribution is often taken into consideration in family deliberations, especially because of differences in the level of religiosity and economic conditions. However, from the perspective of Islamic law, giving more to the heirs because of the services of caring for the elderly is not allowed in the distribution of inheritance, unless it is given in the form of a grant during life.

The same thing was also expressed by Mr. Irfan, who stated that although contributions are not always the main consideration, in some cases heirs who feel that they take care of their parents more often ask for a larger share. This condition is sometimes forcibly accepted by other heirs, so it has the potential to give rise to conflicts in the future.³⁶

d. Justice Perspective

The concept of justice in the distribution of inheritance is interpreted in various ways by the community. Mr. Nur Cahyo Putro interpreted justice as a firm, sincere attitude, and accepting division as religious guidance. He emphasized that inheritance is an

³⁶ *Interview Results with Mr. Nurcahyo (Ngentak Community), Mr. H. Sandi (Ngentak Religious Leader), Mr. Irfan (Ngentak Hamlet)*

inheritance that is received without personal effort, so it must be maintained and cared for, not contested.

In his family, the distribution of inheritance is considered to have fulfilled the sense of justice of all family members. Although differences of opinion had arisen before the parents died, it could be resolved by the parents as the holder of full authority. After the parents die, there are no longer any differences of opinion.

Meanwhile, Mr. Irfan explained that in general, the people of Ngentak Hamlet interpret justice based on gender differences, namely men get a larger share compared to women. However, in practice, distribution based on contributions sometimes causes tension, especially if it is not based on the full sincerity of all heirs.

From the perspective of religious leaders, Mr. H. Sandi emphasized that true justice in the distribution of inheritance does not lie in the small portions, but in the blessings and maintenance of family harmony. Inheritance disputes can actually eliminate the value of blessings from the property.³⁷

e. Conflict Resolution Mechanisms

Based on the results of the interview, conflicts related to the distribution of inheritance in Ngentak Hamlet are relatively rare openly. Mr. Nur Cahyo Putro stated that if there is a difference of opinion, the resolution is carried out through parents as the main mediator. After the parents die, the principle of gratitude and acceptance is the main key in preventing conflict.

Mr. H. Sandi explained that if a conflict occurs, the first step that must be taken is family deliberation. According to him, without internal deliberation, conflict resolution will never be complete. In some cases, conflicts arise due to a lack of understanding of

³⁷ Interview Results with Mr. Nurcahyo (Ngentak Community), Mr. H. Sandi (Ngentak Religious Leader), Mr. Irfan (Ngentak Hamlet)

religion and economic factors, even to the point of involving generations of grandchildren.

Meanwhile, Mr. Irfan stated that village officials have been involved in resolving inheritance conflicts, although their role is limited. In general, the village only acts as an administrative witness or facilitator, while the substantive settlement remains left to the family.³⁸

B. DISCUSSION

The practice of inheritance distribution in Ngentak Hamlet shows that there is a distance between the normative construction of faraidh law as formulated in classical fiqh and the social reality of the community. Although Islamic inheritance law is understood as an ideal reference, its implementation is not always carried out textually, but rather is negotiated through family deliberations, verbal agreements, and certain social considerations. This pattern reflects the work of *living law*, where legal norms do not stand autonomously, but interact with the value of harmony, the structure of family relationships, and local economic conditions.

In the perspective of *maqāṣid al-syarī'ah*, the practice cannot be solely considered as a deviation from the faraidh, but rather as a contextual effort to realize benefits, especially in maintaining family harmony (*hifẓ al-nasl*) and social stability. Therefore, the distribution of inheritance in Ngentak Hamlet is more appropriately understood as a dialectical process between ideal-normative Islamic legal norms and adaptive social practices, so that the assessment of it is not enough to be carried out legally-formally, but requires a sociological approach and the purpose of Islamic law itself.

³⁸ Interview Results with Mr. Nurcahyo (Ngentak Community), Mr. H. Sandi (Ngentak Religious Leader), Mr. Irfan (Ngentak Hamlet)

1. Distribution of Inheritance

The practice of inheritance distribution in Ngentak Hamlet shows that the distribution of inheritance is often based on the heir's contribution to the heirs during life, either in the form of economic support, treatment, or involvement in the management of family property. In some cases, the heirs have even verbally conveyed the division of property before death, which is then understood by the family as a legal inheritance system. This mechanism is legitimized through deliberation, mutual agreement (*tarāḍī*), and peaceful settlement (*tashāluḥ*) in order to maintain family harmony.

From a social perspective, this pattern can be understood as a form of *living law*, which is a law that lives in society and functions to maintain the stability of family relationships. Contribution-based distribution is seen as a form of contextual justice that gives more to those who are perceived as having more of a role in the lives of the heirs.

However, the practice of the people of Ngentak Hamlet from the perspective of Islamic inheritance law is not normatively appropriate because in Islam the distribution of inheritance is normative and transcendental. The Qur'an expressly stipulates that the heir's share is a direct provision of Allah SWT, not the result of human negotiation. The Word of Allah in QS. an-Nisā': 11 affirms that the division of inheritance is *farīḍatan minallāh* (decree from Allah).

The Messenger of Allaah) peace and blessings of Allaah
be upon him (said" :The Messenger of Allaah) peace and
blessings of Allaah be upon him (said" :The Messenger of
Allaah) peace and blessings of Allaah be upon him (said" :The
Messenger of Allaah) peace and blessings of Allaah be upon
him (said :If you do not know what you are doing ,then you

will not be able to do anything about it ,but you will not be able to do anything about it ,but you will not be able to do anything about it .There is no such thing as a good thing ,but it is a good thing that you do not know what is going on in the world.³⁹

Meaning:

"Allah has decreed for you about (the distribution of inheritance for) your children. The share of a boy is equal to the share of two daughters. If the children are all females and the number is more than two, then their share is two-thirds of the property left behind. If she (the daughter) is alone, then she gets half of the wealth. And for both parents, each a sixth of the property is left behind, if the deceased has children. If the deceased has no children and is inherited by his parents (only), then his mother gets one-third. If the deceased had several relatives, then his mother got one-sixth. (Divisions) After fulfilling the will he made or (and) after paying his debt. (About) Your parents and your children, you do not know which of them will benefit you more. This is a decree from God. Indeed, Allah is All-Knowing, All-Wise." (QS. an-Nisā': 11)

Even in QS. an-Nisā': 13 it is referred to as *ḥudūdullāh* (the limits of Allah), which shows its binding nature and cannot be changed based on subjective considerations.

The Messenger of Allah) peace and blessings of Allaah be upon him (said" :The Messenger of Allaah) peace and blessings of Allaah be upon him (said" :The Messenger of Allaah) peace and blessings of Allaah be upon him (said" :The Messenger of Allaah) peace and blessings of Allaah be upon him (said:⁴⁰

³⁹ On the Internet, 11

⁴⁰ An-Nisa's Letter Online: 13

Meaning:

"Those are the limits (provisions) of Allah. Whoever obeys Allah and His Messenger, Allah will surely admit him into the Paradises under which rivers flow; they remain in it. That's a great victory."

These verses affirm that faraidh is a *ḥudūdullāh* that must be carried out as it is. Thus, the distribution of inheritance that bases a measure of justice on the contribution of the heirs is not entirely in line with the normative construction of Islamic inheritance law, since justice in the faraidh is determined by nash, not by human agreement.

In addition, the practice of delivering the distribution of assets before the heir dies shows a mixture of understanding between grants and inheritances. In social practice, the transfer of property is often perceived as inheritance, even though in fiqh it is closer to a grant during life. This distinction is important because in Islam, inheritance takes effect only after the death of the heir and cannot be determined by free agreement before the fulfillment of the cause of inheritance.

This is affirmed in the Sunnah of the Prophet PBUH through his words:

The Messenger of Allah) peace and blessings of Allaah be upon him (said:⁴¹

Meaning:

"Give the inheritance to the entitled heirs. As for the rest, it is given to the nearest man (from the line of succession)." (Narrated by al-Bukhari and Muslim)

The hadith emphasizes that the distribution of inheritance must be given to the heirs who are entitled according to the provisions of the faraidh and its implementation is carried out after the heir dies. The transfer of property during life is categorized as a grant, which has its own provisions, including the obligation to act fairly, as the Prophet PBUH said:

Fear Allah and make promises to you.⁴²

⁴¹ (HR. Al-Bukhari No: 6735, HR. Muslim No. 1615)

Meaning:

"Fear Allah and be fair among your children." (Narrated by al-Bukhari and Muslim)

Thus, the practice of distributing assets before death which is understood as heirs in Ngentak Hamlet has the potential to blur the boundary between grants and inheritances and weaken the normative certainty of *fariath*. Although the approach of agreement and peaceful settlement has a social function in maintaining family harmony, in the perspective of the Qur'an and Sunnah, such mechanisms cannot replace the provisions of *faraidh* as the main basis for inheritance distribution in Islamic law.

2. The Principle of Justice

In Ngentak Hamlet, the concept of justice in the distribution of inheritance shows significant differences from the principle of justice as formulated in Islamic inheritance law. Justice at the local level tends to be understood contextually and subjectively, namely as an attitude of sincerity, acceptance, and the absence of conflict among family members. In practice, the division of inheritance is often based on the emotional closeness of the child to the parents or the heir's contribution in caring for and helping the family during the heir's lifetime.

This kind of interpretation of justice is substantively contrary to the concept of justice in Islamic law which places the *nasab* and the status of kinship relationships as the main basis for determining inheritance rights. From the perspective of *sharia*, justice is not measured by the level of emotional closeness, personal devotion, or economic contribution during the heir's life, but by normative provisions derived from the Qur'an and Sunnah. Therefore, the shift in the measure of justice from a transcendental normative to a relative social measure shows the distance between the construction of Islamic inheritance law and the reality of inheritance practices in Ngentak Hamlet. The Qur'an emphasizes that the share of the heirs is determined directly by Allah SWT without being left to the subjective judgment of man:

⁴² (HR. Al-Bukhari No:2387. HR. Muslim No. 1623)

The Prophet) peace and blessings of Allaah be upon him (said" :O Messenger of Allaah) peace and blessings of Allaah be upon him(⁴³

Meaning:

"Allah has decreed for you (the division of inheritance for) your children: the share of a son is equal to the share of two daughters." (QS. an-Nisā': 11)

This verse shows that the measure of justice in faraidh is normative and binding, not based on the contribution or closeness of the child to the heir. The difference between men and women in the faraidh is not a form of injustice, but part of a complete legal system and related to the burden of responsibility set by the Shari'a. Therefore, when justice is shifted to consideration of contribution or proximity, the principle of faraidh has the potential to be reduced to a relative social agreement.

The view that places justice as a blessing and family harmony also has an ethical basis in Islam. However, the value of these blessings cannot be separated from compliance with the provisions of sharia. In this context, blessings are expected to be born from the consistent implementation of God's law, not from neglect of it. When social harmony is made the only measure of justice without clear normative boundaries, the fundamental distinction between inheritance, grants, and peace agreements between heirs becomes blurred.

This normative view is in line with the Compilation of Islamic Law (KHI) which places inheritance justice within a definite legal framework. In the KHI it is emphasized that inheritance occurs because of the relationship of nasab, marriage, and wala', and the division

⁴³ On the Internet, 11

is carried out after the heir dies (Article 171 and Article 174 of the KHI). KHI does not make contribution or emotional closeness as the basis for inheritance distribution, but follows a predetermined faraidh structure. Thus, justice in the perspective of KHI is understood as granting rights to each heir according to his or her share according to the law, not based on the family's subjective assessment.⁴⁴

Thus, the meaning of justice in the distribution of inheritance in Ngentak Hamlet can be understood as a form of social adaptation that emphasizes harmony and acceptance, but normatively it still needs to be strengthened so that it remains based on the law of faraidh. Reaffirming that inheritance justice in Islam and KHI is based on the relationship between nasab and sharia provisions is important so that the value of family harmony can go hand in hand with the certainty of Islamic inheritance law, without blurring the boundaries between inheritance, grants, and peace agreements.

⁴⁴ Mhd Fajri Hidayah and Uswatun Hasanah, "The Use of Predivided Inheritance Reviewed from the Compilation of Islamic Law (KHI) (Case Study in Paluh Kurau Village, Hamparan Perak District)" 14, no. 2 (2025): 252–65.

CHAPTER V

CONCLUSION

A. Conclusion

Based on the results of the field research that has been presented in Chapter IV and the analysis from the perspective of Islamic law, the conclusion of this research is formulated by directly linking the problem formulation, empirical findings, and normative framework of Islamic inheritance law as follows:

1. The practice of inheritance distribution in Ngentak Hamlet is the distribution of inheritance that is carried out through informal and familial family deliberations without directly referring to the provisions of faraidh in Islamic inheritance law. The distribution is based on the consideration of the heir's contribution during the heir's lifetime, such as caring for the parents, managing and maintaining family assets, and meeting the family's social and administrative needs. Heirs who are considered to have a greater contribution tend to get a larger share even though they have the same position of inheritance. This practice is understood by the community as a form of substantive justice that is oriented towards the compatibility between rights and responsibilities and aims to maintain harmony and avoid family conflicts, although in its implementation it is not fully in line textually with the provisions of faraidh in Islamic inheritance law.
2. The practice of distributing inheritance based on contributions in Islamic law is a practice that is basically not known as the basis for determining the share of inheritance, because the distribution of inheritance has been determined expressly and in detail through the provisions of faraidh sourced from the Qur'an, Sunnah, and ijma' ulama which are qath'i. The determination of the heir's share cannot be changed based

on subjective considerations, including contributions during the heir's lifetime, because justice in Islamic inheritance law is determined based on the nasab and the provisions of the sharia. Nevertheless, Islamic law provides limited space through the principles of willingness (tarāḍī) and agreement (tashāluḥ), as long as all heirs are aware of their rights according to faraidh and voluntarily agree to different divisions without depriving the heirs of their exact rights. The consideration of contribution in Islam is more appropriate to be realized through the mechanism of grants during the heir's lifetime or other gifts that are justified by the sharia, not through unilateral changes in the provisions of faraidh.

B. Suggestions

Based on the conclusions of the research, the author gave the following suggestions:

1. For Religious Leaders

Religious leaders are expected to play a more active role in providing understanding to the public about Islamic inheritance law, especially the provisions of faraidh and the principles of justice in Islam. Religious leaders are also expected to be able to provide contextual solutions, such as the use of grants and tashāluḥ, so that the practice of inheritance distribution remains in line with the sharia without ignoring the social reality of the community.

2. For the Village Government

The Murtigading Village Government is expected to increase socialization and legal education to the community, especially related to Islamic family law. The village government can collaborate with religious leaders and religious institutions to organize legal counseling so that the community has a more comprehensive understanding of the distribution of inheritance in accordance with sharia.

3. For the Community and Family

The people of Ngentak Hamlet are expected to make the provision of faraidh as the main reference in the distribution of inheritance. The consideration of the contribution of the heirs should be realized through a mechanism that is justified by sharia and agreed consciously and voluntarily by all parties, so that sharia and social justice can be achieved simultaneously.

4. For the Next Researcher

This research is expected to be a reference for further research in the field of Islamic family law. Researchers are further advised to expand the study, both in terms of area and methodological approaches, so as to enrich the scientific treasures regarding the application of Islamic inheritance law in the context of Indonesian society.

BIBLIOGRAPHY

Ritonga, Raja, Aulia Rezi, and Asril Fauzi. "Social Transformation and Its Relationship to the Distribution of Inheritance According to the Perspective of Islamic Law" 4, no. 2 (2023): 166–77. <https://doi.org/10.46870/jhki.v4i2.718>.

Huda, Miftahul, Agus Purnomo, Abdul Mun'im, Luthfi Hadi, Aminuddin, and Lukman Santoso. "Tradition, Wisdom and Negotiating Marriage and Inheritance Disputes on Javanese Muslim." *Al-Istinbath Journal of Islamic Law* 9, no. 1 (2024): 25–44.

Ritonga, Raja, High School, Islamic Religion, Mandailing State, Amhar Maulana Harahap, High School, Islamic Religion, Barumon Raya, and Padang Lawas. "Harmony in Inheritance: Peaceful Solutions to Prevent Family Conflict" 10, no. 1 (2024): 117–33.

Rahman, Ulfiani, Idham, M. Dalip, Makmur, and Anwar Sewang. "Men and Women in the Distribution of Inheritance in Mandar, West Sulawesi, Indonesia." *Samarah: Journal of Family Law and Islamic Law* 6, no. 1 (2022): 156–75. <https://doi.org/10.22373/sjhk.v6i1.9094>.

Rasyid, Arbanur, Rayendriani Fahmei Lubis, and Idris Saleh. "Contestation of Customary Law and Islamic Law in Inheritance Distribution : A Sociology of Islamic Law Perspective to Regulations on Farā ' Id in Accordance with Islamic Law and Applicable Laws and Regulations in Indonesia. Article 174 Letter e of the Compilation of Islamic Law (KHI) States, Inheritance is as Follows : " Inheritance Includes Inherited Property Immediately after one of the Parents (Heirs) dies. However, in Reality, in The" 34, no. 2 (2024): 419–50. <https://doi.org/10.21580/ahkam.2024.34.2.20843>.

- Wijaya, Djauhar Rangga, and Lilik Andaryuni. "THE RELEVANCE OF THE DIVISION OF ISLAMIC HERITAGE WITH JUSTICE." *Al-Usroh: Journal of Islamic Family Law* 03, no. 01 (2025).
- Munir, Zainal Arifin Haji. "Wealth Distribution among Sasak Communities Through Inheritance: A Quest for Justice." *Samarah: Journal of Family Law and Islamic Law* 7, no. 3 (2023): 1627–43. <https://doi.org/10.22373/sjhg.v7i3.10835>.
- Pane, Agnes, Sri Hadiningrum, Parlaungan G Siahaan, Irga S F Manalu, Nur Fadilla, Rio O Pangaribuan, and Rohana Manalu. "The Influence of the Karo Kinship Structure (Merga, Kuta, Kalimbubu, Anak Beru, Sembuyak) on the Implementation of Islamic Inheritance Law." *JERUMI: Journal of Education, Religion, Humanities, and Multidisciplinary* 3, no. 1 (2025): 182–90.
- Sarmadi, Akhmad Sukris. "Inheritance Disputes in the Family: A Literature Analysis of Causes and Their Resolution in a Civil Law Perspective." *Indonesia Research Journal on Education* 4 (2024): 352–57.
- Khosyi, Siah, and Ayi Yunus Rusyana. "Inheritance Settlement of Descendants of Children and Siblings in Islamic Law with Local Wisdom in Indonesia Inheritance Settlement of Descendants of Children and Siblings in Islamic Law with Local Wisdom in Indonesia." *Cogent Social Sciences* 8, no. 1 (2022). <https://doi.org/10.1080/23311886.2022.2126615>.
- Harnides, Syahrizal Abbas, and Khairuddin. "Gender Justice in Inheritance Distribution Practices in South Aceh, Indonesia." *Journal of Family Law and Islamic Law* 7, no. 2 (2023): 1293–1316. <https://doi.org/10.22373/sjhg.v7i2.16688>.
- Taqiyuddin, Hafidz, Mus Millah, and Hikmatul Luthfi. "Instruments of Property Ownership in Islam: The Study of Inheritance Law" 13, no. 1 (2023).
- Fatoni, Ahmad, and Najmudin. "Revitalization of Islamic Heritage (Faraid) in the Economy" 3, no. 1 (2019).

Wasith, Jurnal Al, Journal of Studies, and Islamic Law. "EQUITABLE DISTRIBUTION OF INHERITANCE: AN ISLAMIC LEGAL PERSPECTIVE" 8, no. 2 (2023): 27–47.

Rain, Bani Syarif. *Sociology of Islamic Law in Indonesia*. Edited by Maimun. May, 2019, 2010.

Sugiyono. *Quantitative, qualitative and R&D research methodologies*. Print to. ALFABETA, CV, 2013.

Muhammad, Abdulkadir, I Gusti Ngurah Dharma Laksana, I Gusti Agung Mas Rwa Jayantiari, Anak Agung Gede Oka Parwata, Dr. Ni Nyoman Sukerti, Anak Agung Istri Ari Atu Dewi, and I Nyoman Wita. *Legal Sociology. Pustaka Ekspresi*. Vol. 8, 2004.

Nasution, M.Pd fattah abdul Dr. *Qualitative Research Methods*. Edited by Dr. Hj. Meyniar Albina, MA, 2023.

James W, Elston D, Treat J et al. "Research Methodology, CHAPTER III." *Andrew's Disease of the Skin Clinical Dermatology*, 20AD, 52–77.
[https://digitallib.iainkendari.ac.id/id/eprint/3764/4/4.CHAPTER III.pdf](https://digitallib.iainkendari.ac.id/id/eprint/3764/4/4.CHAPTER%20III.pdf).

Wahbah al-Zuhaili. "Islamic Fiqh Wa Adillatuhu (Rights of Children, Wills, Waqf, Inheritance)." *Jakarta: Gema Insani*, 2011, 523.

Al-Bukhari. "Saheeh Bukhari 3.Pdf," 1979.

Qudamah, Ibnu. *Al-Mughni*. Edited by DR.M. Syarafuddin Khatab, DR. Sayyid Muhammad Sayyid, and Prof. Sayyid Ibrahim Sadiq. Azzam Library, 1405.

Imam Ghazali, Ahmad Zaki Mansur Hammad. "Title Al Mustasfa Min Ilm Al Usul - Imam Ghazali." *Repro Books Limited*, 2017.

Al-Qur'an Nu Online, n.d. <https://quran.nu.or.id/an-nisa/12>.

Ria Rahmi, Wati, and Muhamad Zulfikar. *Inheritance law is based on Western systematics and a compilation of Islamic law*. Vol. 128, 2018.

Baidhawy, Zakiyuddin. "Distributive Principles of Economic Justice : An Islamic Perspective," n.d., 241–66.

Gender, justice, against division, in perspective, and the religion of Islam. "GENDER JUSTICE VERSUS DIVISION" 2, no. 1 (2024): 94–106.

Firmansyah, Fiqih, Maryam Mooduto, and Hamzah Hasan. "ISLAMIC LEGAL THOUGHT AND THE DYNAMICS OF CONTEMPORARY SOCIETY" 7, no. 2 (2025): 199–212.

APPENDIX I

I. Interview with Heirs

Name: Nur Cahyo Putro

Age: 47 Years Old

Occupation: Entrepreneur

A. Identity and Background

1. Can you tell us about the relationship with the heir?

I am the biological child of the heirs (father and mother). The inheritance received was in the form of houses and money that had been distributed in its entirety. Some of the distributions have been communicated orally before the parents have died, and others have been distributed after the heirs have died.

2. What was the condition of the family before the heir died?

The family's condition is in good condition and there are no significant problems before the heir dies.

B. Inheritance Distribution Process

3. How does the process of dividing inheritance in your family take place?

Before the parents died, they had been verbally informed about the distribution of each heir. After the heir dies, the division is then realized and determined to be property according to the provisions that have been predetermined by the parents.

4. Who are the parties involved in the deliberations?

The deliberation of the division of inheritance involves the nuclear family. In addition, the Chairman of the RT was also present as a witness in the inheritance process and assisted in administrative arrangements.

5. When is the time of the distribution?

Legally, the distribution of inheritance is carried out after the heir dies. If given before death, then the status is considered a grant.

C. Heirs' Contributions

6. Who do you think are the Heirs who have made a significant contribution?

I myself, as a boy, had a great contribution in caring for my parents.

Sec. 7. How does the family assess the contribution? Is it the main consideration in the division?

The contribution is not used as a special consideration in the distribution because it is seen as an obligation of boys to their parents. Therefore, it does not cause conflicts in the family.

Sec. 8. Do the heirs who have contributions get a bigger share? Can you tell me?

The family believes that based on religion and government regulations, boys do get a bigger share than girls. If there are women who contribute more, it does not affect the division because the family adheres to the principles of sharia.

D. Perception of Justice

9. What do you think is meant by justice in the distribution of inheritance?

Justice is interpreted as firmness, sincerity, and acceptance of the provisions that have been set.

Inheritance is seen as an inheritance that must be accepted with full awareness and well maintained.

10. Is the distribution made fair by all family members?

The distribution made is considered fair by all family members.

11. Are there any objections or differences of opinion between the heirs?

Differences of opinion in terms of desires and traits have existed, but not to the point of raising serious objections. Before the parents die, the differences are settled by the parents as the full rights holder. After death, there is no significant difference because all heirs understand the predetermined principle of distribution.

E. Conflict Resolution Mechanism

12. If there is a difference, how does the family resolve it?

If there is a difference, it is previously resolved by the parents.

Sec. 13. Does it involve religious leaders, village officials, or outsiders?

It does not involve religious leaders, village officials, or other outside parties. Settlement is carried out within the scope of the nuclear family.

14. Do you know about the division of inheritance based on contributions?

I don't know the concept of dividing inheritance based on contributions and have never heard of it.

II. Interviews with Religious Leaders

Name: H. Sandi

Age: 75 Years Old

Occupation: Retirees

A. Social Conditions of the Community

1. What is your view on the culture and practice of heritage distribution in Ngentak Hamlet?

In my opinion, people who have a good understanding of religion tend to follow Islamic law. However, societies with limited religious understanding sometimes divide equally between men and women. The government in this case plays a more role as an administrative registrar and follows family agreements. In general, the distribution of inheritance in Ngentak Hamlet rarely causes open conflict.

Sec. 2. Is society more guided by sharia, customs, or family deliberation?

Inheritance distribution practices vary; Some are based on sharia, customs, and family deliberations. Differences in the level of understanding of religion and economic conditions also affect these practices.

B. The Concept of Contribution in Islamic Perspective

Sec. 3. Do you think the heir's contribution to the heir can be used as a basis for determining the share of the inheritance?

According to the informant, contributions can be used as a basis for consideration in community practices, especially due to economic factors and differences in religious ability.

4. How does Islamic law view the giving of more to meritorious heirs?

It depends on family deliberation. Given more than that because of family deliberation. The problem of the risk of parental management, sometimes there are children who do not want to know. According to Islamic law, it is not allowed, because we as Muslims should follow Islamic law. For example: because the one who takes care of me is A, then more is given.

C. Assessment of Community Practices

Sec. 5. Is the practice of distributing inheritance based on contributions that occur in Ngentak Hamlet in line with sharia provisions?

The distribution based on contribution is considered not fully in line with sharia provisions, even though it is influenced by various social and economic factors. Traditionally, society has known a 2:1 split between men and women.

Sec. 6. In community practice, is the distribution of inheritance usually done by deliberation?

Yes, in practice in society, the distribution of inheritance is generally carried out through deliberation.

Sec. 7. Are the heirs usually happy with the results of the distribution?

After deliberation, the heirs generally receive the results of the distribution because it has been mutually agreed.

D. Conflict and Resolution

Sec. 8. Are there frequent conflicts related to the distribution of inheritance in Ngentak Hamlet?

Conflicts rarely occur prominently, although there are certain cases due to a lack of understanding that lead to incomplete divisions.

Sec. 9. What is your role in mediating or resolving the conflict?

Religious leaders encourage settlement through family deliberation first.

E. Evaluation and Suggestions

Sec. 10. In your opinion, what should the community do so that the distribution of inheritance remains in accordance with sharia, but still maintains family harmony?

The community needs to realize that inheritance is an inheritance that must be maintained and not disputed excessively.

Sec. 11. Is there a need for socialization about faraidh?

Socialization from the government is needed so that the community understands the rights and obligations in the distribution of inheritance.

III. Interview with Village Officials

Title: Irfan

Age: 50 Years Old

Occupation: Stuttgart

A. Administration and Documentation

1. Does the village have records or documentation related to the distribution of inheritance in Ngentak Hamlet?

In the past, there was registration through Letter C, but now ownership is more processed through certificates and notaries. Village officials generally only witness or assist in the issuance of SPPT.

Sec. 2. How often do people come to the village apparatus to ask for assistance in the distribution of inheritance?

People come to the village apparatus only when necessary in the process of distribution, and currently the frequency is rare.

B. Community Practices

3. What is the general pattern of inheritance distribution that you see in Ngentak Hamlet?

In general, the 2:1 pattern between men and women is known, but there are still practices that are not in accordance with the provisions of sharia as a whole.

Sec. 4. Is the heir's contribution a consideration that often arises?

Contributions are sometimes a consideration, but not always. In some cases, it can lead to disputes.

Sec. 5. Do people prefer deliberation to follow faraidh?

The community prefers deliberation rather than formal division based on faraidh due to limited knowledge.

C. The Role of the Village

6. What is the role of village officials in the distribution of inheritance?

Village officials act as witnesses and assist in the administrative process if needed.

7. Has the village ever helped resolve conflicts?

The village has helped resolve inheritance conflicts in several cases.

D. Perception of Justice and Social Impact

8. How do people interpret justice in the distribution of inheritance?

Justice is understood as a division based on gender, i.e., men get a larger share.

Sec. 9. Do divisions based on contributions tend to reduce conflict or increase tension?

Distributions based on contributions can reduce or increase conflicts, depending on the level of sincerity and agreement of the heirs.

E. Conclusion

10. Your advice to families to make the inheritance distribution go well and not cause problems?

In my opinion, because the knowledge of inheritance in Islamic law in this society is still very lacking, only 2 men 1 woman. It is indeed necessary to have socialization and knowledge on how to divide inheritance according to Islamic law, and those who divide according to Islamic law are indeed those who want to correctly comply with Islamic law, but there are also those who know but do not carry it out. There is nothing wrong with socializing and inserting it in routine studies, little by little, related to information about it. Or maybe there is information from later consultations here and there, which can be notified to institutions A, B, D, and C. Now there are a lot of people who have not passed through the village apparatus, and immediately use a notary. The last is the division of the inheritance of Mas Yoyo and Pak Sutrisno



Figure 5.1
(Photo with Pak Sandi and Pak Dukuh after the interview)

Appendix II

CURRICULUM VITAE

Name: Mochammad Rival Mustaba S.

Place and Date of Birth: Sukabumi, 09 December 2001

Address: Jalan Padjadjaran KM. 06,. KP. Cement Rt36/07. Gunungguruh Village,. Gunungguruh District:. Sukabumi Regency,. West Java

Parents' Names :

Father: H. Dadan Aba

Mother: Hj. Euis Restiani

Education History:

1. S.C. Graduated in 2014
2. SMP IT Insan Mandiri Graduated 2017
3. Pondok Modern Darussalam Gontor, Graduated 2021
4. STIT Muhammadiyah 1999
5. UII (S2) entered 2011

Work History :

1. Teacher of Service at Pondok Modern Darussalam Gontor (2021-2022)
2. Internship Staff at the Sleman Religious Court (2025)
3. Pembina SMP N 4 Pakem (2026-Present)

Organization History:

1. Chairman of Takmir of Ulil Albab Mosque of Islamic University of Indonesia (2024-2025)
2. Secretary 1 Takmir of Ulil Albab Mosque, Islamic University of Indonesia (2023-2024)
3. Head of the Takmir Worship Division of the Ulil Albab Mosque, Islamic University of Indonesia (2022-2023)
4. KOPS Indonesian Campus Mosque Association (2024-Present)
5. UII Mengabdi (2024-2025)