

LOCAL WISDOM OF URBAN MUSLIMS IN INHERITANCE DISTRIBUTION

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Abstract

This research aimed to explain the local wisdom of Medan urban communities in the distribution of inheritance. In urban communities, when inheritance is divided, it sometimes creates hostility between families due to inheritance issues between the father's brothers when dealing with daughters, which often results in differences in the amount of inheritance obtained. This study was field research, while the approach used is sociology and legal anthropology. Data collection techniques used in this study were interviews and documentation. An important finding in this research is that the urban Muslim community in Medan City has its own concept, local wisdom, in solving the division of inheritance between daughters when dealing with their father's brothers. The local wisdom of urban Muslims in the city of Medan shows that there is a special legal formula as a third way of resolving problems, which is not only considered to have met the values of justice but also following the values of the common good, namely by continuing to give a share of the dead inheritance to the father's brother by dead daughters through the path of *sadaqah* (which in this case researchers call it "*sadaqah wajibah*") because if it is not given it will result in disharmonious familial relations between the dead family and their siblings, and of course, as with *shadaqah* in general, the gift of inheritance from dead to his brothers based on the values of propriety and sincerity.

Keywords: Inheritance; Local Wisdom; Muslim; Urban.

A. Introduction

The Islamic inheritance law initiated by Salaf scholars is currently being tested by social realities that continue to emerge. On the one hand, the legal provisions for Islamic heritage contained in the Koran and Hadith, as stated by Imam al-Shatibi, are considered to be *qat'i* and final provisions (Haniru, 2014). Meanwhile, on the other hand, the problem of the reality of inheritance always arises as Muslim civilization develops. As a result, textual classical Islamic inheritance law cannot answer relevantly

and reconstructively various complex problems (Assyafira, 2020). This inability is due to the incompatibility of paradigms, methodologies, and concepts (understanding of the texts of the Koran and Sunnah) inherited from classical jurisprudence scholars' products with current conditions. So, where is the essence of Islamic inheritance law today? The emergence of contemporary Islamic thinkers trying to re-interpret or re-actualize Islamic inheritance law shows how it currently requires minimization in its legal application. Therefore, a new perspective is needed in understanding Islamic inheritance law so that its essence can be felt by Muslims today. According to liberal thinkers, the classical Islamic inheritance concept, built based on a theocentric and feudal paradigm, is now time to be changed to a new paradigm that can become the spirit of modern Islamic inheritance law. The emergence of this lawsuit is nothing new in the dynamics of Islamic inheritance law. In the past, differences of opinion that led to conflicts of interest were also experienced during the time of the Companions of the Prophet SAW. For example, Ibn' Abbas, one of the closest companions of the Prophet SAW, once argued with 'Umar ibn al-Khattāb when they differed in opinion on an inheritance case. In fact, Ibn' Abbas once challenged or invited the Companions to *mubalahah* (fight the truth) in resolving inheritance cases. Many dynamics have occurred in Islamic inheritance law from the past to the present (Husien & Khisni, 2017).

The emergence of ideas and criticism in Islamic inheritance law cannot be separated from the paradigm and interpretive approaches used by jurisprudence scholars (Mutakabbir et al., 2023). This is what has generally given rise to several different groups of thought that even seem contradictory in the current dynamics of Islamic inheritance law. First, scholars who intend to consistently apply the provisions of inheritance law following traditional jurisprudence (biological brothers from the father's side get a share of the heirs when dealing with an only daughter) in the distribution of inheritance. This opinion follows what is textually stated in the Koran and cannot be denied or changed. Second, scholars are trying to renew the meaning of Islamic inheritance law itself. According to them, inheritance law should not be seen from the numbers determined but from the spirit of justice hidden behind those numbers (A. Nasution, 2018).

Third is the view of researchers trying to get out of these two extreme points, agreeing with the opinion of the second group of scholars that inheritance law should not be seen from the numbers determined but from the spirit of justice that is hidden behind those numbers. However, we still maintain family values because it cannot be denied that, in most cases, a daughter does not give a male child from the father's side an inheritance. After all, she veils him; this will impact the loss and destruction of a family relationship between the two (Fahimah, 2018). As explained by the informant:

"Our parents only had two daughters, me and my sister. After my father died during the division of inheritance, we (my mother, my sister, and me) disagreed that part of the inheritance would be given to my father's brother because I understand that my father can inherit property if we are still children, so we need a guardian to look after our father's assets when he dies so that the assets managed by our father can be productive and used for our needs, and that our father is given part of the inheritance as a service to our father who has responsibilities. Answer us. However, currently, we are in the position of adults, meaning that we are legally deemed competent to manage assets so that our parents have no right to receive the inheritance left by their father. Of course, after that, our relationship with the father did not improve (we no longer spoke and kept in touch with each other), even with his children" (A. Zakki, personal communication, 2022).

Departing from legal issues in the field regarding inheritance, especially when brothers are dealing with daughters. Researchers are trying to offer a solution as an alternative to dividing inheritance. This research is different from research that has been conducted previously. For example, Andi Tenri Leleang first conducted research titled "Problematics in the Implementation of Islamic Inheritance Law." This research aims to determine the implementation and obstacles that influence the implementation of Islamic inheritance law. This research is field research, using descriptive, sociological, normative theological, and historical approaches and presented qualitatively. Research shows that implementing Islamic inheritance law is done in a family manner. An extraordinary share is provided for heirs who maintain their parents and the inheritance of *Pura Bage* as absolute power. Applying the law for the distribution of *kalālah property* is carried out by dividing it among heirs in a family manner without looking at the provisions of Allah's law. Problems in implementing Islamic inheritance law include the strength of customary law and a low understanding of Islamic inheritance law (Leleang & Zubair, 2019).

Second, Syahrul Mubarak Subeitan conducted research entitled *Inheritance Provisions and Problems in Indonesian Muslim Society*. This research explains that inheritance matters are regulated in Indonesian regulations, namely customary law, Islamic law, and civil inheritance law. Especially for Muslims, the Compilation of Islamic Law (KHI) also applies. However, in the Muslim community in Indonesia, disputes often arise, which may result in broken relationships between families. This does not need to happen if everyone understands what they should do, their rights, and their obligations related to the inheritance. Thus, it is necessary to have regulations regarding inheritance law at every level of society so that in the future, society does not experience confusion in solving problems regarding inheritance, and disputes between fraternities regarding inheritance could be minimized. The author took the initiative to discuss inheritance rules in Indonesia and their problems using qualitative-descriptive methods. This article aims to understand inheritance law in Indonesia and the problems that occur in practice in Muslim communities in Indonesia. From the existing inheritance provisions, it cannot be denied that the legal choices in the Indonesian Muslim community are different but still achieve the benefit of each party (Subeitan, 2021).

Based on previous research, it is clear that there are fundamental differences between the research that researchers will carry out from the out-of-research aspect. The research that has been carried out only describes inheritance issues, while the research that researchers will carry out is solution-based, finding common ground so that conflict does not occur. This research will also look for detailed facts about inheritance problems in urban Muslim communities. This research question is: what is the local wisdom of Medan City Muslims in dividing inheritance assets? Even though Muslim residents in Medan City live in urban areas, they still hold local wisdom values. This phenomenon is very interesting to study more comprehensively.

B. Methods

This study was field research, while the approach used sociology and legal anthropology. Data collection techniques used in this study were interviews and documentation. Interviews were conducted by observing the background of the natural atmosphere and the facts that appeared; this model is called the naturalistic setting. The meaning of natural setting is that the researcher does not attempt to manipulate the research site or intervene in the activities of the research subject by providing certain

treatment (Mulyana, 2004). Alternatively, known terms with the naturalistic inquiry (Rakhmat, 1984). The informants in this research numbered one hundred people from various groups who understand the inheritance distribution phenomenon among urban Muslims, especially in Medan. The criteria for selecting informants were urban Muslim families with conflict in the distribution of inheritance. The interview technique in this research uses open, free-directed interviews from one informant to another.

C. Findings and Discussion

1. Findings

Conflict over the distribution of inheritance among urban Muslims in Medan City

Distribution of inheritance should be done with love, but sometimes, in the distribution of inheritance, conflicts occur between family members. It is not uncommon for family members to have conflicts that break family relationships, and it is not uncommon for some to even dare to kill each other (Mu'minin, 2020). The impact on family relations resulting from paternal brothers not inheriting due to the presence of daughters, especially in the city of Medan, is as follows:

First informant:

"Our parents only have two daughters, me and my sister. After my father died during the division of inheritance, we (my mother, my sister, and I) did that part of the inheritance would be given to the father's brother (uak). I understand that my father can inherit property if we are still children, so we need a guardian to look after our father's assets when he dies so that the assets managed by our father can be productive and used for our needs and that our father is given part of the inheritance as a service to our father who has responsibilities. Answer us. However, currently, we are in the position of adults, meaning that we are legally deemed competent to manage assets so that our parents have no right to receive the inheritance left by their father. Of course, after that, our relationship with the father did not improve (we no longer spoke and kept in touch with each other), even with his children." From the impact of the division of inheritance, our family relationship with our parents/uncles cannot be said to be harmonious or like it was when my father was still around. This was marked when my youngest brother and all the parents/uncles avoided him when he was needed at his wedding".

Second informant, Naimah:

"When my father died in 2016, our nuclear family was left behind by my father, namely my mother, my oldest child, and 3 (three) younger siblings Ifrah, Mimi, and Nurul. After a month after my father died, as in general, I think we, the family left behind, will settle the father's affairs during his lifetime; who knows if anything have not been resolved, such as debts or his will. Likewise, it also includes people's debts to their fathers. After solving this problem, we discussed the assets left by my father (inheritance). This is important for us because previously, my mother was a housewife, while I had just graduated from college. So that our wealth run out, my mother told us to call someone who understands inheritance, namely Mr. Mahyuddin, because apart from being a graduate of UIN, he is also a BKM Mosque and has become a religious and community figure here. Mr. Mahyuddin did explain that regarding our condition, there is an opinion that our parents (father's older brothers) get a share, and other opinions that say our parents don't get a share, including, if I'm not mistaken, this is the state's opinion. So, we followed the opinion of the state, and it was confirmed that from the start we had no desire to share the property left by our father to our parents. Because we

think we need more because the younger siblings are still at school, the mother doesn't work, why should the assets be divided again between the parents. Meanwhile, there is no guarantee that you will be responsible for our future needs. After explaining the respective parts of the mother and us, the mother's part, with the mother's wishes, opened a semi-wholesale shop, while our part, the mother, is saved in the bank, because the mother said that your money is from your father's assets, the mother does not want to use it while she can support us from the shop money. which my mother opened. When we divided the assets, we did not tell the uncle because I do not think it is necessary to tell the father what his father's business is with the property his father left behind. Indeed, my father once asked when there happened to be a family gathering, his sentence was more or less, "Where is your father's wealth? You make it," so I answered that we had divided it and we kept it, and the mother's share opened a shop", indeed I saw the expression on my father's face change, maybe Yes, why wasn't I told, I don't know how we feel, since then our parents have changed quite a bit, both in terms of communication and friendship" (Naimah, personal communication, 2022).

The third informant, Emilasari;

"While we were married, my husband and I both worked hard to live as people in the general dream of, which is economically not lacking, having savings, being able to buy what we want and, of course, being able to send our children to school. Studying. Thank God, now we can make our wish come true; even though the house is not luxurious and enormous, at least this house is not small and is our own, we can eat with changing side dishes and send our three children to school, and now we have two in college and one in high school. As I said earlier, because we built this household together, when my husband died, even though people said his uncles got some of the inheritance left by my husband, I had no desire to give him. Yes, why should I give? I do not understand religion or how religion divides inheritance, I don't understand. What I understand is that what I did was not wrong, even though I don't know the verses of the Koran or hadith, because why should I share my brother-in-law? It's fine for me if he receives my husband's property, he's really looking for it, it's true that there's money to use when we are trying to raise money. Then suddenly, because my husband died, he got it. It's not that easy, I'm sure religion is not that simple either. So after the property was given to my brother-in-law, what could my children and I get? Is it because my brother-in-law was given the inheritance that he wants to think about our lives like his brother thinks about us? That's impossible because he also has a family that he has to think about and take responsibility for himself. I have 3 (three) brothers-in-law, 2 (two) of my brothers-in-law are just normal; they don't look after my husband's assets, and indeed, the other one is my brother-in-law. I once told you, Sis, there is a brother's property that was left behind because my brother and sister don't have it. Son, there is my share there if you can, brother, give me something because I need it, so I answered, there is nothing to share there; if there is a need, you can borrow it from where you work; we used to be like that with your brother. It doesn't matter if I like it or not, he said my answer. What do I have to fear when my child marries his other uncle's mother? I don't want that person to marry Kadi's daughter at the KUA" (Emiliasari, personal communication, 2022).

Fourth informant, Julaiha:

"In 2011, we distributed the inheritance in the family from the assets left by my father. When my father died, the family we were left behind consisted of my mother, me (Julaiha) as the oldest daughter, and my two younger sisters. When dividing inheritance, the inheritance is only divided between us (the deceased's

mother and children), while we do not give it to our father's brothers and sisters. Because we thought that our parents and uncles, when our father died, did not want to know what our condition was. This means that my father's brother (parent/uncle) does not carry out his role as our parent/uncle, sometimes including obligations. Therefore, when our parents/uncles come to us and say that they have the right to the property left by our father, we say that there is no part of the parents/uncles there because all this time, the parents/uncles have not carried out their roles/obligations as parents/uncles, so There are also no rights from parents/uncles because we consider obligations and rights to be two things that cannot be separated from each other" (Faridah, personal communication, 2022).

Fifth informant, Puspita Sari:

"When dividing the inheritance left by our father, we did not give a share to the late father's siblings, namely his younger siblings. Even though people say to us that our father's siblings have rights according to Islamic religious law, we consider it the opposite, namely that they have no rights to the property left by our father. Why do I say that? Because when my father died, our economic condition was not so good; even though we were not classed as poor people, our father left us orphans, and when we were orphans, Mamakla was the one who fought for us alone, from farming and gardening, the results of which were said to be enough to send us to school and at times like that it was Mamakla who had to be left looking for an additional business such as selling on the side at home and we did not see our father's brothers when we were in trouble. Now, when one of the lands inherited from my father and part of the garden was sold at a high price because of the presence of the Kualanamu airport, and the money from the sale was opened up for a portion of the food and drink business in the form of a cafe, and it was in demand, that's when we saw my father's brothers come, saying that they too We had rights there and hoped to get a share of the inheritance left by our father, so we did not give them away at all, even though in the end our relationship is no longer as good as a nephew's relationship with his uncle in general" (Puspita Sari, personal communication, 2022).

From the informants' explanation, the practice of dividing inheritance between daughters when dealing with their father's brothers, with the condition of the daughter her father's brother hindered, has an impact on kinship/familial relationships that are not harmonious. Feel that the father's brother does not have the assets left by his father because during or after the father died, the brother did not carry out his role and responsibility as a parent/uncle to his nephew; so on this basis, if it is still given an inheritance to the father's brother, then the dead children feel cheated or unfair (Aisyah, 2022). Likewise, when the father's brother is not given part of the inheritance left by his brother and is placed in the *hijab* position (hindered) by the daughter in the absence of a son, they feel disadvantaged because, according to their understanding, in Islamic inheritance, they (the father's brothers) have the right to the property left by their brother by occupying the position of *ashabah* (Ritonga, 2023), because his brother only left behind daughters without any sons and other *ashabah* who are more closely related to the dead beside them. (Jannah & Amri, 2019).

Departing from the issue of inheritance law in the field and examined from the perspective/ theory of justice, the daughter's barrier (*hijab*) of the father's brother on the basis that the father's brother does not carry out his role and responsibilities as an uncle is a decision or division of inheritance that has reflected the value of justice, because the meaning of justice itself, including Plato's theory of justice (Nurhayati et al., 2022). He stated that justice arises from arrangements or solutions that harmonize the parts that make up a society (Maurya, 2021). For Plato, justice and law are the

general spiritual substance of a society that creates and maintains its unity. In a just society, each person performs the work that, according to his nature, is most suitable for him (Bolo et al., 2022).

Plato's opinion is a conception of moral justice whose basis is (spiritual) harmony (BJ Nasution, 2014). Apart from moral justice, according to Plato, there is procedural justice (Aditya & Musmini, 2021). Procedural justice or legal justice implements moral justice with a higher position than the law. Plato defined justice as the highest virtue of the excellent state. A just person controls himself from his feelings and is controlled by reason (Taufik, 2018).

Justice in the Distribution of Inheritance among Urban Muslims in Medan City

The fairness of the distribution of urban Muslim heritage can be analyzed using several social theories. According to Aristotle's theory of justice, justice is appropriateness in human action (*fineness in human action*). Appropriateness is the middle point between the two extreme ends of too much and too little; both ends involve two people or two objects if both have similarities in a certain measure. Determined, each must get the same object. If it is not equal, everyone will receive an unequal share. So, justice for Aristotle is based on the principle of equality; justice is achieved when the same things are treated equally. Moreover, things that are not the same are treated unequally (Silalahi et al., 2023).

According to Fredman, Aristotle's formation of justice differentiates between justice according to law and justice according to nature, as well as between abstract justice and propriety. Abstract justice has the same meaning according to law as what has been determined by law. The law must be general in its application to individuals. Fear reduces and tests the violence, taking into account individual matters (Zulkarnain, 2018).

Justice aims to maintain society and general welfare. For Aristotle, the meaning of justice is the principle of harmony and order in society. The theories of justice from Plato and Aristotle are based on the realism philosophy, which argues that the universe consists of things that are real, stand-alone, exist in a hierarchical order and connection, and form a totality in which humans can achieve meaning and order. So, things that exist can be known by the human mind. Reason is a tool for knowing; this knowledge is reliable norms regarding good and bad for humans and society. The essence of these two theories of justice is that Plato emphasized harmony or harmony while Aristotle emphasized proportion or balance (Salsabila et al., 2022). The description of the theories above illustrates that the justice problem is not easy to formulate.

Justice in the Qur'an comes from the word '*adalah*' with the basic meaning of righteousness (Wahyuni, 2019). It is called straight because the word connotes implementing something correctly. Next, it is called correct because it is in the middle and equates. The basis of equality is the human nature that everyone has; therefore, humans have the same rights because they are both humans (Hakim, 2014).

According to "al-Maraghi," justice is giving rights to those who are entitled appropriately. According to Abdul Muim Salim, this definition is not assessed as equal rights but emphasizes the fulfillment of rights as someone's property. Based on the explanation above, it can be emphasized that the boundaries of justice are limited to property and rights. Therefore, the essence of justice is the consideration of responsibility both in terms of rights and in terms of obligations. Starting from here, justice in inheritance lies in the balance between rights and obligations. Likewise, the balance between necessity and usefulness (Suliyono, 2020).

In line with this, society's view of justice is granting rights to someone deserving and worthy of receiving rights. Moreover, do not harm other people. (Z. Abidin, personal communication, 2022). The community's view of the meaning of justice above (by not giving inheritance to the father's brother by the daughter because she did not carry out her obligations as an uncle) provides a comprehensive understanding of the actions that are considered fair, especially regarding the act of granting rights and receiving rights, including issues related to inheritance when a daughter is dealing with her father's brother.

Thus, not giving inheritance to the father's brother when dealing with a daughter gives rights to someone worthy of receiving rights. Because the father's brother does not get the rights (inheritance) based solely on the values of justice, the theory of a person's legal rights and obligations (Wati & Rettina, 2022). It can be concluded that the Coastal Malay people of Deli Serdang Regency generally say that it is very appropriate and natural for grandchildren to be given the inheritance of their grandfather/grandmother. Because giving inherited assets to grandchildren can help their lives and alleviate the misery they will suffer. So, it can be stated that it is not considered fair if the male sibling or father is given an inheritance from the inheritance of the dead, who is his brother, but in his daily life, he does not contribute to the living needs of the dead's children.

2. Discussion

Local Wisdom Distribution of Inheritance among Urban Muslims in Medan City

The impact of disharmony in the family is the result of the distribution of inheritance, which refers to the concept of distribution of inheritance from the Shafi'i school, by giving part of the inheritance of the dead to a brother in the position of *ashabah* because the dead only leaves behind a daughter without any sons and male heirs a man more related to the dead than the man's brother. Likewise, the impact of disharmony in the family will occur if the practice of dividing inheritance by placing daughters in the *hijab* (obstruct) of the father's brothers, as in the jurisprudence of the Religious Courts, with among its arguments placing the definition of *walad* as sons and daughters, so that it is not just sons and daughters (Bachri, 2020). Men can *hijab* (obstruct) their father's brothers, but also their daughters, according to Ibn Abbas (Quthny, 2020).

Of the two legal solutions (the Syafi'i school of thought and the Jurisprudence of Religious Court Decisions) regarding inheritance settlement cases when daughters are faced with their father's brothers, which results in disharmony in family relationships. So, the researchers provide a new legal formulation for settling inheritance when daughters face their father's brothers through the obligatory sadaqah concept. The meaning of obligatory shadah is that the deceased's daughter continues to give the dead inheritance to her father's brothers, not through inheritance, but through sadaqah, and the size of the sadaqah is based on appropriate values (Syahrial et al., 2022).

The obligatory shadaqah which is the researcher's offer in resolving inheritance cases in this condition is based on Surah an-Nisa verse 8: *And if during the distribution there are relatives, orphans, and poor people present, then give them (just enough) of the property and say good words to them* (Tafsir Web, 2023). In this verse, Allah warns us to pay attention to other relatives who did not inherit the inheritance and happened to be present when the inheritance was distributed. Moreover, if several relatives are present or known who did not receive the inheritance during the distribution, whether those

present are orphans or poor people who are still related, you should give them as much of the inheritance as possible who can comfort their hearts, and speak to them good and faithful words and treat them wisely.

They were giving the inheritance to relatives, including, in this case, the father's brothers, because they are considered veiled or have no rights because they do not carry out their roles and obligations as an uncle (Reskiani et al., 2022). It turns out that giving inheritance from the path of sadaqah can still disrupt the harmonious relationship between the household of the dead's daughters and their father's brothers. This statement is supported by research results as explained by several informants: The first informant, Zulkarnain:

"During the distribution of the inheritance from my younger brother, who died in 2009, I was called by my nephews, the children of the deceased. My brother witnessed the distribution. Coincidentally, all of my siblings' children are girls, so before I attended the division of inheritance, I received information that I would later receive part of the assets because none of the children were boys. I also received information that I did not get an inheritance because Islamic law in Indonesia is not the same as in Arabia. Meanwhile, I did not know this field. Moreover, when the day came to distribute the inheritance, it was to me and the deceased's family. My brother, An Ustdaz, explained that two opinions exist in dividing inheritance under conditions like this. First, give a share to me as the deceased's brother. My brother did not have a son with the number of shares I forgot but mentioned at that time, and secondly, by not giving a share to me as the deceased's brother because there was no son. With the explanation from the ustadz, I thought about how important sons are in the family. A short family story from the late My brother chose the second solution, meaning I could not. As a human being, there was disappointment in the late family. My brother and I remained in place until the property was divided. After it was shared, the ustadz directed or recommended that the family of the deceased. My brothers gave each of them part of the inheritance they had received sincerely. I refused, but the ustadz said this gift was a sign that I was their father (from the children of the dead) and the one who died was my brother, not someone else. So, my disappointment at the beginning disappeared, and for me, it does not matter what the figure of the inheritance was, but it is far from that that the deceased's family still considers me. Even though my brother has passed away" (Zulkarnain, personal communication, 2022).

Likewise, the second informant, Maisyarah:

"When dividing the inheritance of our father, who passed away in 2011, we agreed (mamak and younger siblings) not to give our uak and udak shares with the ashabah's portion. Coincidentally, we are all children of our father, all women. At the time of distribution, of course, we conveyed in polite language to our parents and children that we also still needed the property left by our father, even though according to Islamic law, parents and children cannot get it, as some explain that parents and children also cannot because there are different understandings among religious experts on this issue. We are also aware of our future needs for our parents and for being guardians in our future marriage; we resolved this in a family way, namely, not giving our parents and children any of our property. Our father's inheritance from the inheritance path, but we also do not necessarily give anything. We took the middle path and still gave to our parents and children, but the gift was based on our sincerity; of course, the amount was far from what they would have to receive if they used Islamic inheritance law. However, with this gift based on sincerity, thank God, our parents and children understand and accept it well, as well as maintaining good family relations between all of us" (Maisyarah,

personal communication, 2022).

From the explanation and legal facts above, it can be concluded that the emergence of ideas and criticism in Islamic inheritance law, especially regarding the distribution of inheritance between daughters when there are brothers, cannot be separated from the paradigm and interpretive approach used by the jurisprudence scholars and shifts in customs and culture of the legal community. This is what has generally given rise to several different groups of thought that even seem contradictory in the current dynamics of Islamic inheritance law. So, it can be concluded that in resolving the division of inheritance between daughters when dealing with their father's brothers, generally, there are two ways of settlement, namely:

First, scholars who intend to consistently apply the provisions of inheritance law following traditional jurisprudence (biological brothers from the father's side get a share of the heirs when dealing with an only daughter) in the distribution of inheritance. This opinion follows what is textually stated in the Koran and cannot be denied or changed.

Second, scholars are trying to renew the meaning of Islamic inheritance law itself. According to them, inheritance law should not be seen from the numbers determined but from the spirit of justice hidden behind those numbers. Meanwhile, researchers see the existence of a *third way* that not only meets the values of justice but also follows the values of mutual benefit, especially in maintaining harmonious family relationships. So researchers are trying to get out of these two extreme points. I agree with the opinion of the second group of scholars that inheritance law should not be seen from the numbers determined but from the spirit of justice that is hidden behind those numbers. However, we still maintain family values because it cannot be denied that, in most cases, a daughter does not give a male child from the father's side an inheritance. After all, she veils him; this will impact the loss and destruction of a family relationship between the two (Alamanda & Akmal, 2021).

In line with the explanation above, the background to the division of inheritance between daughters when dealing with their father's brothers in reality in society, according to the answers given, is that the community, especially Medan City, can be described as the reason why the community gives some of the deceased's inheritance to the brothers. Even though, according to the jurisprudence of the Religious Court's decision, girls can hijab (obstruct), and this fulfills the value of justice, this can still result in disharmony in family relations so that some people feel that it is not good/*masalah* if the father's brother does not. If they are given an inheritance, they must still be given it, even if it is not through inheritance but through sadaqah, which in this case the researchers call the term "shadaqah obliged" where this gift is considered so important that it seems as if it is an obligation because if it is not given, it will result in disharmony in family relationships between the dead family and their siblings. Of course, as with sadaqah in general, the gift of inheritance from the dead to their siblings is based on propriety and sincerity.

D. Conclusion

After conducting in-depth research, essential findings were obtained that the legal format as a solution for dividing inheritance between biological brothers from the father's side when dealing with daughters: Settlement of inheritance distribution between daughters when dealing with brothers from the father's side, generally. There are two ways of resolving, namely: First, jurisprudence scholars who want to consistently apply the provisions of inheritance law following traditional jurisprudence

(biological brothers from the father's side get a share of the heirs when dealing with an only daughter) in the distribution of inheritance. This opinion follows what is textually stated in the Koran and cannot be denied or changed. Second, scholars are trying to renew the meaning of Islamic inheritance law itself. According to them, inheritance law should not be seen from the numbers determined but from the spirit of justice that is hidden behind those numbers because researchers offer a legal formula as a third way of resolving problems, which is not only considered to meet the values of justice but also following the values of the common good, namely by continuing to give a share of the dead inheritance to the father's brothers by the dead daughters through the path of *sadaqah* (which in this case the researchers call the term "*sadaqah wajibah*") where the gift is considered so important that it seems as if it is an obligation because if it is not given it will result in disharmonious family relations between the dead family and their siblings, and of course, as with *sadaqah* in general, giving inheritance from dead to his siblings based on the values of propriety and sincerity.

So based on this, in fact, the spirit of implementing the laws of the Medan City Muslim community regarding Islamic law, especially in the field of inheritance, is the spirit of benefit. It is just that from this research, the exciting thing is that the Muslim community in Medan City still tries to adhere to its school of thought (Shafi'i), and even though in this case, the father's brother, when dealing with a female child adheres to Shafi'i jurisprudence, the law is not to comply with the *hijab* (obstruct). The position of *the ashabah* is that he has the right to inherit property, whereas according to the Compilation of Islamic Law and the Jurisprudence of Religious Court Decisions, daughters can *hijab* (obstruct) their father's brothers. However, the people of Medan City still give their father's brothers gifts outside of inheritance, namely gifts based on the propriety of the deceased's daughters, which researchers call "*shadaqah wajibah*" with the aim of, among other things, maintaining and maintaining family relationships harmony between daughters and their uncles when dividing inheritance.

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F. Author Contributions Statement

The authors consist of five researchers who have their roles. Rasidin Barasa initiated the study, compiled and designed the analysis, and proposed joint research with partners. Fence Asmuni works together to develop research instruments and data collection, work on reference management, data contribution, or analysis tools. All authors cooperated in collecting data, analyzing data, and reading through to agree on the final manuscript.

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