

SOCIALIZATION OF GRANTING OF HEIR RIGHTS TO NON -HEIRS PERSPECTIVE OF RELIGIOUS MODERATION

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Abstract

The socialization of granting inheritance rights to non-heirs from a moderate perspective is to take place in religion because there are two important factors, namely social environmental factors and family factors. This socialization is greatly influenced by education and the ability of the community to accept opinions. Thus, the supporting and inhibiting factors of the Community Service team's socialization activities were carried out. If young people are active and invite people to participate in religious activities, one of the activities is understanding Islamic law. Then behavior in activities based on sharia, especially Islamic inheritance can be reduced.

Keyword: *Socialization, Inheritance, Religious Moderation*

Sosialisasi pemberian hak waris kepada bukan ahli waris dalam perspektif moderat berlangsung dalam agama karena ada dua faktor penting yaitu faktor lingkungan sosial dan faktor keluarga. Sosialisasi ini sangat dipengaruhi oleh pendidikan dan kemampuan masyarakat dalam menerima pendapat. Dengan demikian, faktor pendukung dan penghambat kegiatan sosialisasi tim Pengabdian ini dilakukan. Jika anak muda aktif dan mengajak masyarakat untuk mengikuti kegiatan keagamaan, salah satu kegiatannya adalah memahami syariat Islam. Maka perilaku dalam kegiatan yang berbasis syariah, khususnya waris Islam dapat dikurangi.

Kata Kunci: *Sosialisasi, Pewarisan, Moderasi Beragama*

INTRODUCTION

Islamic law establishes the rules of heirs in a very orderly and fair form. It establishes the right of property ownership for every human being, both men and women in a legal way. Islamic law also stipulates the right of transfer of ownership of a person after death to his heirs, from all relatives and lineage, without distinguishing between men and women, large or small.[1] There are many verses that govern the heirs, among them are found in surat an-nisa (4) verses 7,8,11,12,33, and 176, then surat al-anfal (8) verses 72 and 75, as well as surat al-Ahzab (33) verse 6

The above verse contains several lines of law, among others:

1. God determines the division of the inheritance for your children, for a son as much as two parts for a daughter

2. When two or more daughters they get two thirds
3. And if the daughter is only one, she gets half of [2]

As for the process of transferring property from the deceased to his heirs in Islamic inheritance law must meet three pillars, namely the existence of heirs, heirs, and property to be inherited. The understanding of the heirs themselves in the Islamic inheritance system is a person who is entitled to inherited property because there are reasons such as kinship by lineage, marriage, etc.[3]

This is in line with the provisions of the KHI. In KHI Article 171 it is mentioned that the heir is a person who at the time of death In order to respond to the development of time and social changes that occur, where the law is not explicitly regulated by the Qur ‘an and Hadith, then Islamic jurists must maximize the ability intellectuals in seeking legal solutions to new cases. One of the ways that is taken is to understand well and deeply the purpose of the law set by Allah (*maqâshid as-syarîah*)[4].

Looking at the basics of the provisions of the law, namely first Islamic law and then supported by law, gives a hint as if the position of the heirs is something that is patented, rigid and absolute. The heir is required to be a person who has a kinship relationship with the heir,[5] either by lineage, or marriage.

Therefore, researchers want to see how this phenomenon is seen from the perspective of maqhasid syariah ramadhan Al-Bûthi.

The next problem is what if the law that needs to be re - tested is Islamic law which is God's rule for the benefit of mankind. In fact, in society itself, there are often cases of heirs whose distribution methods deviate far from the rules of Islamic heirs. This fact makes researchers think again about the position of law, does the law exist for society and society is required to obey it or does society itself have the authority to create law? Moreover, the main issue here comes from Islamic law which should be the main source of the foundation of life for Muslims.

In addition, in the Islamic inheritance system there is a basis related to the nature of the transfer of inherited property, namely the basis of *ijbari*. The word *ijbari* lexically means coercion, which is to do something beyond one's own will.[6] principle of *ijbari* in Islamic inheritance law means that the transfer of property from a person who has died to his heirs takes place automatically according to the will of God regardless of the will of the deceased or the request of his heirs.

The element of coercion in accordance with the terminological meaning is seen in terms that the heir is forced to accept the fact of transfer of property to him in accordance with what has been determined.[7]The existence of the element of

ijbari can be understood from the group of heirs as mentioned by Allah in verses 11, 12, and 176 of Surat *an-Nisa*.^[8]

Thus, based on the principle of *ijbari* issue of division of inheritance cannot be handed over to any person or who is desired to receive. In the legal property of the heirs are already contained the rights of family members (heirs) who are still alive. Such a concept is very different from the method of inheritance distribution that is widely practiced by the people of Lampung.

There are several cases in Indonesia, especially in East Lampung Regency that the researchers found and which will be the following research sample located in East Lampung Regency. There were cases where the heirs handed over all his property to someone else. In fact, the heir still has a legitimate heir, while seen from the condition of the heirs themselves there are no things that can prevent him from receiving an heir.

The above case is seen from any angle, it is very contrary to the Islamic heir system which carries the principle of *ijbari* as its foundation. Where the transfer of property from a person who has died to an heir takes place spontaneously according to the will of Allah without depending on the will of the deceased *or* the request of his heirs. In order to respond to the development of the times and social changes, where the law is not explicitly

regulated by the Qur ‘an and Hadith[9], Islamic jurists must maximize their intellectual ability in finding legal solutions to new cases.

One of the ways that is taken is to understand well and deeply the purpose of the law set by Allah (*maqâshid as-syariah*). With reference to this, the study aims to review how the case of granting inheritance rights to non-heirs is reviewed from the maqahasid syariah Ramadhan Al-Bûthi

Based on observation and direct discussion with partners found several problems faced namely: Partners from East Lampung Indigenous People The majority are Muslims, the partners are confused about the division of inheritance in the East Lampung environment due to the many differences of opinion and the elimination of the actual custom of the Indigenous people of East Lampung about giving inheritance to Non -Heirs. This is also due to Therefore based on the results of situation analysis and discussions with the partner can be formulated several issues, namely:

1. Lack of insight on the division of heirs to Non -Heirs according to Islamic law
2. The erosion of customary customs based on Islamic law in the local customary environment

The external targets to be achieved in service to the community in the village of Tumbang Rungan are as follows:

1. The public can know the appropriate steps in handling disputes over the division of inheritance property.
2. The public can know the basics of Islamic law in the process of division of inheritance.
3. The public can know and understand that there are other sources of legal knowledge, both from the point of view of civil law and customary law in resolving disputes over the division of inheritance.

METHODS

method used in community service activities in the Village of East Lampung Regency is to use methods: lectures, dialogues and discussions as well as solving problems related to the fair distribution of inheritance, namely the division according to legal science and division of inheritance according to Islamic law. . Through a combination of these methods, it is expected that participants will not only get material on inheritance property according to civil law but also the community will also know in depth the division of inheritance property according to Islamic law. The target of this activity is the people of East Lampung Regency, Batanghari District.

Method of Implementing Devotion Using the Method of Service Learning Of Community development

Based on the problems faced by partners, the solution offered by the proposer through this Socialization program includes

socialization and legal counseling activities are implemented in three stages, namely as follows:

1. The first phase, on Saturday, November 14, 2020, the team leader made an observation to examine the needs of the community related to legal and justice issues needed by the community. After a brief discussion with some community members, some ideas and wishes emerged related to the division of inherited property.
2. In the second stage, the community service team prepares a community service proposal in accordance with the needs of the community's ideas and inputs related to the division of heritage property. Until the proposal is prepared, then the proposal is submitted to the research and community service agency (LP2M) IAIN Metro to be given assistance to support these activities.
3. Stage Three, after the proposal of service to the community that has been submitted to LP2M has been declared eligible for selection and given financial assistance. Then the

community service team jumped into the field to schedule the implementation of socialization and extension by counting the number of residents in order to distribute invitations to prospective participants of socialization and legal extension on the distribution of heritage based on Religious Moderation in the village community

RESULTS

In the context of Community Service implemented in the regency of East Lampung, the results achieved include the following Provide socialization and counseling on the appropriate steps in resolving disputes over the division of inheritance, in order to achieve a sense of justice in the family.

This socialization has provided an explanation of how the views of civil law should be used in the division of inheritance. Provide a significant understanding of the division of inheritance both from the aspect of legal science and the aspect of religious science.

In the context of Service to the Community which is implemented online with the consideration of the Covid Protocol dedicated to the people of East Lampung Regency, it is expected

that the externals achieved include the Report of Devotion activities, Journal of Community Service that has been submitted to the community service journal.

BARRIERS/OBSTACLES AND FOLLOW -UP EFFORTS

Before carrying out the Socialization, the devotional team first discussed the concept of family and household. In the discussion of the concept of family and household by some sociologists and anthropologists are always placed in different categories but these concepts are not in a position of conflict. The distinction of the concept of family and household as a subsystem of social unity is seen as very important when linked to the long -term development of the second. This is considered important because many development programs involve families and households. This fact can be seen from the Family Planning (KB) program, Posyandu (integrated service post) Family Welfare Education (PKK) loving family and socialization process in the family environment, all this is intended to remind the economic ability and harmony of family and household then target finally

is the improvement of the quality of human resources and the quality of life, as well as the quality of development resources.

Culturally rum, ah ladder emphasizes more on task-oriented residence units while families on family groupings that are limited *tokinship groupings that need not be local ised* then the The excellence focus of in -depth household sociological research lies on the composition of the units in comparison of the functions of activities and interactions in the household.

As for experts who view the household as the center of activities in production, reproduction, consumption that is directly directed at the fulfillment of needs, while the concept of the family as a social system is more emphasized on the symbol of value. and meanings that are mutually agreed upon in the kinship system on the basis of blood relations and marital relations. The concept of family and household according to experts can indeed be applied in the ethnic community of Lampung, and can be distinguished in the category of each member of the household. good as a wife. husband, son. close relatives, who board the household as well as the work done by housewives.

In the hindering factor in doing this socialization is the limited funds to conduct follow-up socialization This is the way because if there is cooperation it will help in funding issues

because funding is one of the factors that affect the success of programs that have been formulated together and issues , both from the service team and the community. Self -awareness of adolescents and social support from the community is also a measure of the success of research -based devotional activities, so social support is very necessary for the creation of a good and orderly environment.

Furthermore, in relation to religious moderation, there needs to be supervision from both parents and the community among adolescents, because it can be a supporter and obstacle for the team in conducting socialization activities based on religious moderation. Furthermore, what needs to be done in the follow-up effort is funding in each activity if you want to hold activities for teenagers, this funding involves the community and not only funding from the government, this is also a hindering factor in conducting each activity in dealing with existing heirs. in the local community.



Thus that the supporting and hindering factors of the Socialization activities of the Devotion team are carried out. If young people are active and invite the community to participate in religious activities, one of them is the activity of understanding Islamic law. So the behavior in activities based on sharia, especially Islamic heirs can be reduced. Furthermore, the funding budget from the government in each activity also

becomes smooth and successful for each agenda held by the IAIN Metro Devotion Team.

CONCLUSION

The socialization of the granting of inheritance rights to non -heirs from the perspective of religious moderation takes place because there are two important factors, namely social environmental factors and family factors. This socialization is greatly influenced by education and the ability of the community to accept opinions. Thus that the supporting and hindering factors of the Socialization activities of the Devotion team are carried out. If young people are active and invite the community to participate in religious activities, one of them is the activity of understanding Islamic law. So the behavior in activities based on sharia, especially Islamic heirs can be reduced. Furthermore, the funding budget from the government in each activity also becomes smooth and successful for each agenda held by the IAIN Metro Devotion Team.

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