

# THE AWARENESS OF ISLAMIC INHERITANCE LAW IN MUHAMMADIYAH GROUPS AT MEDAN CITY

Isnina<sup>1\*</sup>, Farid Wajdi<sup>1</sup>

<sup>1</sup> Lecturer at Faculty of Law, Muhammadiyah University of North Sumatra, Medan, Indonesia

\*Corresponding Author: [isnina\\_s@yahoo.co.id](mailto:isnina_s@yahoo.co.id)

## Abstract

*The purpose of this study is to describe people's understanding of the distribution of inheritance according to Islamic inheritance law. This research uses a descriptive method. The population of this study were Muhammadiyah residents in Medan City with a sample of 274 respondents, but the return and complete for data processing amounted to 234 samples. Based on the results of the study concluded that all levels of education elementary, junior high, high school, diploma and S1 or S2 no respondents who have low levels of legal awareness both male and female. However, most of Muhammadiyah of Medan City only know that the division of inheritance in Islamic law has been arranged, but the technique of dividing inheritance in Islam most of society do not master well. This is because they do not have a basic knowledge of how the division of Islamic inheritance law. The practice of dividing the inheritance of Muhammadiyah citizens of Medan City is very diverse, some are using the Islamic law, using customary law, using the method of family deliberation, by giving men and women equally. not a few finish to the Court made.*

**Keywords:** Legal Awareness, Division Of Inheritance, Islamic Law

## 1. INTRODUCTION

The law of inheritance of Islam as part of the Islamic Shari'a and more specifically as part of the mu'amalah sub-division of civil law, is not separated with other aspects of Islamic teachings. (Abdul Ghofur Anshori 2005). Inheritance law gets a very important position in Islam. The Qur'an sets out inheritance law in detail. This is understandable because everyone will inevitably be inherited with the inheritance, and if it is not given the provisions it will inevitably lead to disputes among the heirs. Each time a person's death happens, a question arises immediately about how his or her heritage should be treated

Suhrawardi K Lubis (2010) states that for a Muslim, it is no exception whether he is male or female who does not understand or do not understand the right of inheritance of Islam, it is obligatory to study it. Conversely for anyone who has understood and mastered the law of inheritance of Islam it is also obliged to teach it to others. The obligation to learn and teach is intended that among the Muslims there is no dispute due to the issue of division of inheritance that will lead to division within the family. The command to learn and teach the inheritance law is explained in the *hadith* of the Holy Prophet narrated by Ahmad AnNasa'I and Ad Daruquthny which means: "Study the Qur'an and teach to people and study science *faraidh* and teach to people. Because I am the person who will be taken away (dead), while the science will be lifted. Nearly two people who argued about the division of the heritage, then they both did not find anyone who could afford to say them.

The importance of understanding the division of inheritance in the Islamic religion is to avoid divisions or conflicts between families because in the Qur'an and *hadith* have been set in detail and fair in terms of division of inheritance in accordance with the amount of responsibility carried by the heirs.

The public lacks understanding of the legal issues of Islamic heritage and the lack of awareness for Muslims that Islamic inheritance law is essentially not a choice of law, but an obligation for every Muslim to solve his inheritance problem according to Islamic inheritance law. Regarding this division of inheritance, the Messenger of Allah ordered strictly to his people to carry out the division in accordance with the provisions set forth in the Book of Allah (Surat an-Nisa': 7). This provision means that the law to implement and practice the division of inheritance in accordance with Islamic Shari'ah is mandatory (fardhuain) for every Muslim. The division of inheritance has been regulated in the Qur'an, Hadith, ijma' and (Surat an-Nisa': 7, 11, 12 and 176).

Implementation of Islamic inheritance law that began to have resistance to the structure and cultural patterns of society so it is necessary to be studied in depth. Communities that accept the Islamic inheritance law are only symbolically, while the substance is still referring to local, applicable, hereditary methods that have different values.

Yet the question of inheritance is a very important issue, if the division of inheritance is not done in accordance with its provisions will lead to division within the family.

The Government of Indonesia itself has arranged within the Compilation of Islamic Law (KHI) Article 183: "The heirs may agree to make peace in the distribution of inheritance, after each is aware of their respective share". However, in practice in the community the heirs are not aware of their respective parts according to Islamic inheritance law.

This is closely related to the legal awareness of the local community against Islamic inheritance law. Based on this background, we need a practical model of solving the inheritance of Islam to increase awareness of the law of the community, especially the Muhammadiyah people. So researchers interested to examine about how "Level of awareness of community law especially Muhammadiyah citizens in the division of inheritance law in accordance with the provisions of Islamic law and the practice of dividing the inheritance of Muhammadiyah citizens of Medan City?"

## 2. LITERATURE REVIEW

### 2.1 Concept of Legal Awareness

According Soerjono Soekanto (1994) in the science of law known the existence of some opinions about legal awareness. With regard to the word or definition of legal consciousness, some formulate that the only source of law and its binding force is the legal consciousness and legal belief of the individual within the society which is the individual legal framework, the base of the legal consciousness of society. Furthermore, the opinion states that the legal consciousness of society is the largest amount of an individual legal consciousness of a particular event.

Legal awareness has several conceptions, one of which is the concept of legal culture. This conception contains the teachings of legal consciousness are more awareness of legal consciousness which is regarded as a mediator between law and human behavior, either individually or collectively. (Soerjono, Soekanto and Mustafa Abdullah, 1987) This conception is concerned with cognitive and feelings which are often regarded as factors influencing the relationship between law and patterns of human behavior in society. When these factors are consolidated, there is a system of values that includes abstract conceptions or benchmarks of what is considered good and what is perceived as bad. The values system produces benchmarks for psychological processes, among others patterns of thinking that determine human mental attitudes. The mental attitude is essentially a tendency to behave, forming patterns of behavior and rules. From the process it is obvious that humans as citizens of society always try to direct itself to a situation that is considered natural that embodied in the patterns of behavior and certain rules. Thus humans live within a structure of behavioral patterns and rules of rules for life, which structure is at once a pattern of life, although sometimes humans are not aware of the situation. The patterns of life are an arrangement of the rules that are closely related to the existence of two aspects of life, namely personal life and life between individuals (Zainuddin Ali, 2006).

When these patterns have begun cannot guarantee the interests of human, then he will undoubtedly seek to change it or in its most extreme form he will deviate from those patterns. Thus, then actually the patterns that regulate the association of human life is formed through a process of *kaidah* whose purpose is very dependent on the object of regulation is the aspect of personal life. If the direction of the process of *kaidah* is directed to the relationship between the personal or basic order and silint confronted, then the process leading to the establishment of legal principles. The process of rendering is likely to occur by citizens or by a small part of the community with power and authority. Thus, the existence of a law which proceeds in society is not solely dependent on the existence of a provision, even though there is a law which is indeed based on the ruler (Djojodigona, 1971). On the other hand, if the law is already existing, then the determination of those who have power and authority may be merely an affirmation of the law's enforcement. In the case of the holder of power and authority spearheaded the process of *kaidah*, then there is the process of social engineering. If what is done is to affirm the existing law, then what is done is to affirm the existing law, then what is done is social control or social control. From the above explanation that the law is a contribution rather than the system of values prevailing in society. Thus it is obvious that the problem of legal awareness is actually a matter of values.

Legal awareness are abstract conceptions within the human being, of harmony between the desired order and the desired order. The consciousness of the law is concerned with the values that grow and develop in society. Thus, society obeys the law not because of coercion, but because the law is in accordance with the values that exist within the community itself. In this case there has been internalization of law in society. Legal validity lies in the values prevailing in society.

As for the indicators of legal awareness (Salman: 1993) are:

- a. Legal Knowledge is that a person knows that certain legal behaviors are governed by law. It means that the law here is a written law or an unwritten law. Such knowledge concerns behaviors that are prohibited by law or conduct permitted by law. What is meant here is a person's knowledge of certain behaviors that are punished by law. Of course the law here is written and written law. Such knowledge is related to prohibited behavior or

behavior permitted by law. As can be seen in society that in general a person knows that killing, stealing and so on is prohibited by law.

- b. Understanding Law means a citizen has knowledge and understanding of certain rules, especially in terms of their contents. Legal knowledge and legal understanding are not theoretically two interdependent indicators. This means that a person can behave, but he may not be aware whether the behavior is appropriate or not in accordance with the legal norms certain. On the other hand there may be people who are aware that a rule of law governs certain behaviors, but he does not know the contents of the law or has little knowledge of the content.
- c. Legal attitude is that a person has a tendency to make certain judgments about the law. Community obedience to the law thus depends on whether the interests of the people in certain fields can be accommodated by the provisions of the law. Obedience depends very much on the persuasive effort to institutionalize certain legal provisions in society. Attempts to enlarge the degree of obedience are usually done by allowing citizens to understand the provisions of the law he faces.
- d. Legal Behavior means where a person behaves according to the law. The high degree of legal awareness will be seen from the legal compliance that manifests in a real pattern of human behavior. The legal behavior indicator is an indication of a high level of awareness. Evidenced by the compliance and propriety to law. The high level of legal compliance will be seen from the legal compliance which manifests in a real pattern of human behavior.

Legal awareness can be said to be high in a society if the indicators of legal awareness have been met, and vice versa if the indicators of legal awareness have not been met then it will affect the low awareness of law in society. The high awareness of the law of the community resulted in the citizens obeying the rules of the applicable law, and vice versa if the degree of legal awareness is low, the law is also low obedience.

## **2.2 Islamic Inheritance Laws**

As Muslims become a necessity to be close to Islam. To bring Muslims closer to Islam one of them is the Muslims must understand and use law. In this case one of them in the division of inheritance, Muslims should be subject to inheritance provisions according to Islamic inheritance law. In the Qur'an, the inheritance law is listed in the QS. AnNisa ' : 7-13 and hadiths. In positive law in Indonesia, the validity of Islamic inheritance law has been clearly demonstrated by Law no. 7 of 1989 on Religious Courts. Article 49 paragraph (1) affirms the absolute authority of the Religious Courts. This article reads: Religious Courts are on duty and authorized to examine, decide, and resolve first-level cases between persons of the following faiths:

- a. Marriage;
- b. Inheritance, probate and grant made under Islamic law;
- c. Wakaf and shadaqah.

The application of the rule of Islamic inheritance in concrete cases at the first level stated in the judges decision of Religious Court. However, the rules of Islamic inheritance law have not been contained in the systematic chapter in the law, and the judges there are those who set their decisions with reference to the provisions of Islamic heritage as stipulated in Presidential Instruction no. 1 Year 1991 on compilation of Islamic inheritance law.

## **3. RESULTS METHODS**

Research method is one effort to obtain accurate data and can be justified truth. This type of research is descriptive analytical research using Research and Development method. This research uses participant observation method, by directly plunging and observing how knowledge and understanding of Muhammadiyah of Medan city about Islamic law of inheritance and how the practice of dividing inheritance of Muhammadiyah citizens of Medan City in solving the problem of inheritance. Population from this research are some Muhammadiyah residents in Medan city. In the city of Medan there are 31 Muhammadiyah Branch Offices, each branch of three branches of Muhammadiyah and each branch of Muhammadiyah has at least 15 members of Muhammadiyah. The number of branches of Muhammadiyah in the city of Medan as many as 137 branches of Muhammadiyah scattered in the 31 branches of Muhammadiyah, given the limited time of this study were taken as many as 274 respondents consisting of chairman and vice chairman of each PRM in Medan. However, the return and complete for data processing amounted to 234 samples.

## **4. INDICATORS OF ACHIEVEMENT**

Indicator of research achievement are (1) awareness of respondent to Islamic inheritance law, (2) practice of inheritance settlement done by society especially Muhammadiyah people of Medan City to increase legal awareness toward Islamic heritage, 3) practical model of settlement of inheritance according to Islamic law to increase public legal awareness of Islamic inheritance law, (4) behavior pattern of respondent to Islamic inheritance law. Muhammadiyah's legal awareness is obsolete

The Islamic inheritance law is measured using an instrument questioner which contains questions that reflect the dimensions of knowledge, understanding, attitudes and behavior patterns. Completely presented in the instrument grille. Grid instruments to measure the level of awareness of Muhammadiyah people against Islamic inheritance law.

## **5. RESULTS AND DISCUSSION**

The level of awareness of community law on Islamic inheritance law and inheritance settlement practices used Muhammadiyah citizens in solving the problem of inheritance is as follows: The object of the research writer is Muhammadiyah citizens. The description of respondent's profile refers to: (1) Gender, (2) Level of Education. From the distribution of respondents was more dominated by people of male sex that is 161 or 68.8% of respondents and some respondents of female gender amounted to 73 or 31.2% responder. The difference of education level of respondent for every level of education that is: education level of elementary school equal to 5 or 2.1%, junior high school education level 14 or 6.0%, high school education level, is 105 or 44.9%, Diploma level 17, 7.3% S1 level as much as 76 or 32.5% and S2 education level amounted to 17 or 7.3%.

### **5.1 Level of Awareness of Laws of Inheritance Respondents**

Measuring the level of legal awareness of this community can be measured from 4 indicators, namely: public legal knowledge, understanding of community law, public legal attitudes and legal behavior community.

#### **a. Muhammadiyah Citizens Knowledge of Islamic Inheritance Laws**

The legal knowledge is that a person knows that certain legal behaviors are governed by law. It means that the law here is a written law or an unwritten law. This knowledge concerns behavior prohibited by law or behavior that is permitted by law. From completion of questionnaire to 234 respondents it turns out the level of knowledge of Muhammadiyah citizens who are at a high level of 200 or 85.5%, and at a sufficient level of 33 or 14.1% while at the level less knowledge as much as 1 or 0.4%

#### **b. Understanding Muhammadiyah Citizens Against the Law of Inheritance of Islam**

The understanding of a legal system is the second indicator of legal awareness. Understanding law means a citizen has knowledge and understanding of certain rules, especially in terms of contents. To that will be understood Muhammadiyah citizens against the law of inheritance of Islam. The understanding of Muhammadiyah's citizens against the law of inheritance of Islam at the level of less 0% and understanding Muhammadiyah people on the level enough that as much as 95 or 40.5% while understanding at a high level of 139 or 59.4%.

#### **c. Muhammadiyah Citizens Attitudes to Islamic Inheritance Law**

The legal attitude is that a person has a tendency to make certain judgments about the law. Community obedience to the law thus depends on whether the interests of the people in certain fields can be accommodated by the provisions of the law. One indicator of legal awareness is the attitude towards a legal system. For that then in this section will be found attitudes of Muhammadiyah citizens against the law of inheritance of Islam. The attitudes of Muhammadiyah residents who gave a negative response to the law of inheritance of Islam that is 0%. The neutral Muhammadiyah population amounted to 2 or 0.85%. Muhammadiyah citizens who are positive about the Islamic law are 232 or 99.15%.

#### **d. Muhammadiyah Citizens' Behavior Against the Law of Inheritance of Islam**

The legal behavior is the fourth indicator of legal awareness, legal behavior means where a person behaves according to the law. The high degree of legal awareness will be seen from the legal compliance that manifests in a real pattern of human behavior. The behavior of Muhammadiyah citizens against the Islamic inheritance law can be described as follows; From the questionnaires, it is known that the Muhammadiyah people who are positive toward the Islamic law are 184 or 79%. And Muhammadiyah residents who behave neutral amounted to 47 or 20.2%. While the negative behavior as much as 2 or 0.9%.

Description of the legal awareness of inheritance of respondents in the following description will be crosstab-kan with the four indicators above that refers to (1) Gender, (2) Education. In general, the level of awareness of Islamic law inheritance almost all respondents have a high level of legal awareness amounted to 211 or 90.2%. Awareness of other low level of respondents 0%. And awareness of law of inheritance of Islam partly enough respondents with amount 23 or 9.8%. By referring to indicator of gender, at male respondent dominated by level of awareness of law of inheritance which have high level of 138 or 85.7%. Then the level of awareness of inheritance law is enough amounted to 23 or 14.3%. And followed at the level of awareness of the law of inheritance of low-level Islamic there is no 0.0%. Similarly, female respondents the majority of respondents have a high level of awareness of Islamic law inheritance is 51 or 69.9%. Then the respondents who have sufficient levels of awareness of Islamic heirs on the female respondents as much as 22 or 30.1%. While the level of awareness of law of inheritance of low-level Islam is not available.

Viewed from the aspect of education among respondents it turns out at the level of primary education dominates at a high level of consciousness amounted to 100% with frequency 5. At junior high school level level of consciousness of high grade amounted to 11 or 78.6% the level of awareness is enough as much as 3 or 21.4%

The high school education level is more dominant is the level of awareness of a high level with the amount of 82 or 78.1%. And a sufficient level of awareness amounts to 23 or 21.9%. While at the level of Diploma education, the level of awareness is enough amounted to 2 or 11.8%. And the level of consciousness of high levels amounted to 15 or 88.2%. For the level of education S1 level of consciousness is high amounted to 53 or 69.7% and the level of awareness is enough as much as 23 or 30.3%. And for the level of education S2 as much as 17 or 100% level of consciousness of high levels. For all levels of education both elementary, junior high, high school, diploma and S1 or S2 no respondents who have a low level of awareness.

## **5.2 The Practice of Dividing the Inheritance of the Citizens of Muhammadiyah Medan.**

The practice of dividing the inheritance of Muhammadiyah people in Medan City is very diverse, some are using Islamic law or *faraidh*, some are dividing inheritance using customary law, but also by using family deliberation method, men and women equally. not a few also use the law of the country by way of completing it to the Court which is used as a solution to solve the problem of inheritance distribution they face. Distribution of inheritance using the Islamic heir law if the heir understands the division of inheritance according to Islamic law and knows its benefits. But the way of sharing Islamic law is a bit of reality. Because when the division of inheritance using Islamic law is not uncommon there is disagreement of the heirs who feel getting a part that is not the same as others. It happens because of the gender equality in society that is a woman also do the work of men. It balances the rights and obligations of a man and woman. Unlike in Arabs the women just sit around at home not doing men's duties. Should such a situation occur in Indonesia, perhaps the rule of Islamic law could be enforced. There is another division of the estate was done in a way before death has been distributed to be enjoyed but ownership later after death or what we usually call a will. Usually before he dies when he has property then he has distributed it to his family members and after death passed to his heirs. There is also the use of customary law heirs are considered to maintain the ropes of *silaturahmi* so as not to be broken and the inheritance can be useful and *barokah* in its use. The majority of Muhammadiyah residents complete inheritance by way of deliberation all the heirs to determine their respective sections, which will be the deal consensus all the heirs. So that after the agreement of consensus is expected not appear dispute in the division of the heirs.

## **5. CONCLUSIONS AND SUGGESTIONS**

### **5.1 Conclusion**

Based on the results of the analysis of the research that the writer did to the Muhammadiyah citizens of Medan City, it is concluded that :

1. Knowledge, understanding, attitude and behavior of Muhammadiyah citizens of Medan city about the law of inheritance is at a high level. After being crosstabbed with the four indicators above which refers to gender and education naka level of awareness of Muhammadiyah citizens of Medan City are as follows:
  - a. Based on sex, from the questionnaires to 234 respondents, none of the respondents had a low level of legal awareness of both male and female respondents, 138 or 85.7%. The male respondents had a high degree of legal awareness and as much as 23 or 14.3% insufficient level of awareness of inheritance law. While for female gender as much as 51 or 69.9% have high awareness level of Islamic law and 22 or 30.1% have enough awareness level.
  - b. Based on the level of education, from the results of questionnaires to 234 respondents concluded: from 5 respondents education elementary school has 100% level of consciousness higher education, junior high school level of awareness level of 11 or 78.6% and the level of awareness is enough as much as 3 or 21.4% of high school education is more dominant is a high level of consciousness with the amount of 82 or 78.1%. and a sufficient level of awareness amounted to 23 or 21.9%, whereas in the Diploma, a sufficient level of awareness amounted to 2 or 11.8%. At a high level of consciousness amounted to 15 or 88.2%. Higher education level awareness level is 53 or 69.7% and consciousness level is enough 23 or 30.3%. S2 education as much as 17 or 100% level of consciousness of high levels. When viewed from the above results can be concluded that all levels of education both elementary, junior high, high school, diploma and S1 or S2 no respondents who have a low level of legal awareness both male and female. However, most of the Muhammadiyah of Medan City only know that the division of inheritance in Islamic law has been arranged, but when viewed from the aspect of Islamic inheritance distribution technique most of the people do not master well. This is because they have no basic or basic knowledge about the way of dividing the law of inheritance of Islam.
2. The practice of dividing the inheritance of Muhammadiyah citizens of Medan City is very diverse, some are using Islamic law or *faraidh*, some are dividing inheritance by using customary law, but also by using family consensus way, by giving men and women equally. not a few also use the law of the country by way of completing it to the Court which is used as a solution to solve the problem of inheritance distribution they face.

### **5.2 Suggestion**

According to the researchers there are some things that can be a record and advice for all parties about the implementation of Islamic heir law especially in Muhammadiyah citizens Medan:

1. Muhammadiyah leaders in the city of Medan programming the existence of institutions was formed to provide an understanding of the law of inheritance of Islam so that if the citizens of Muhammadiyah Medan City face the problem of inheritance then they will do the division of inheritance based on the law of inheritance of Islam because they already understand the basic knowledge about the way of division of law inheritance Islam
2. Religious figures, is expected to provide guidance to the community about the system of division of inheritance in Islamic law. 3. Community, it is expected that the culture of mutual building between communities through regular monthly recitation, should discuss material related to Islamic inheritance law

#### **Thank-You Note**

Acknowledgments to the Directorate of Research and Community Service of the Directorate General for Research and Development of the Ministry of Research, Technology and Higher Education of the Ministry of Research and Technology, which has funded my research so I can make this article.

#### **REFERENCES**

- Abdul Ghofar Anshari. 2005. *Filsafat Hukum Kewarisan Islam Konsep Kewarisan Bilateral Hazairin*. Yogyakarta: UII Press
- Djojodigono, 1971, *Asas-Asas Sosiologi*, Untag University Press: Jakarta
- Salman, Otje. 1993. *Kesadaran Hukum Masyarakat Terhadap Hukum Waris*. Bandung: Alumni
- Soekanto, Soejono, 1994, *Pokok-Pokok Sosiologi Hukum*, PT Raja Grafindo Persada: Jakarta
- Soekanto, Soejonodan Mustafa Abdullah. 1987, *Sosiologi Hukum Dalam Masyarakat*, Rajawali: Jakarta
- Suhrawardi K Lubis. 2010. *Hukum Waris Islam (Lengkap dan Praktis)*, Sinar Grafika: Jakarta
- Zainuddin Ali. 2008. *Pelaksanaan Hukum Waris Di Indonesia*, Sinar Grafika: Jakarta