

FREE HEIR SEMINARS AND CONSULTATIONS DYNAMICS AND SOLUTIONS IN THE DIVISION OF ISLAMIC INHERITANCE LAW AND CIVIL INHERITANCE LAW

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Abstract. *This activity was carried out to answer the needs of the community regarding inheritance problems that occur, especially in Indonesia. Where inheritance is often a source of family conflict. This seminar is carried out using an online method which is open to the public free of charge. Apart from the seminar, participants were given free inheritance consultation sessions to experts. The results of this activity were quite satisfactory, where the participants were very enthusiastic and asked for a personal consultation session after the seminar. On the other hand, it is known that there is a lot of concern among the general public regarding inheritance problems that occur in their families. Through this program, people who contribute get answers to the problems they experience.*

Keywords: *Islamic inheritance law, civil inheritance law, seminar, consultation*

Abstrak *Kegiatan ini dilaksanakan untuk menjawab kebutuhan masyarakat atas permasalahan-permasalahan waris yang terjadi terutama di Indonesia. Dimana waris seringkali menjadi sumber konflik keluarga. Seminar ini dilaksanakan dengan metode daring yang dibuka untuk umum tanpa dipungut biaya. Selain seminar, peserta diberikan sesi konsultasi waris gratis kepada ahli. Hasil kegiatan ini cukup memuaskan, dimana para peserta sangat antusias dan meminta sesi konsultasi pribadi pasca seminar. Disisi lain, diketahui banyak keresahan masyarakat umum atas permasalahan waris yang terjadi di keluarga-nya. Melalui program ini, masyarakat yang berkontribusi mendapatkan jawaban atas permasalahan yang mereka alami.*

Kata Kunci : *Hukum waris islam, hukum waris perdata, seminar, konsultasi*

Introduction

Inheritance refers to transferring a person's property, rights, and obligations to another individual upon death, as legally recognized and facilitated through wills, inheritance contracts, or statutory provisions. This process ensures that the deceased's assets are distributed according to their wishes or the applicable legal framework, passing on their legacy to designated heirs or beneficiaries (Hitti, 2016). Heirs are individuals entitled to inherit a deceased person's estate, typically categorized into groups based on their relationship to the decedent. According to Islamic inheritance law, these groups include heirs by blood relationship and by marriage. Blood-related heirs are further divided into male and female categories: males include the father, sons, brothers, paternal uncles, and grandfathers, while females encompass the mother, daughters, sisters, and grandmothers. Heirs by marriage consist of the surviving spouse, either the husband or wife. The distribution among these heirs follows specific rules where, for example, a son receives a portion twice that of a daughter. Additionally, if the deceased leaves no direct descendants or ascendants, siblings and their descendants may inherit, and if there are no blood relatives, the estate might be given to distant kin or held in trust for the community (Naskur, 2008).

Inheritance issues can be multifaceted and often lead to conflicts, particularly in diverse societies like Indonesia where multiple legal systems coexist, including Islamic law, customary law, and civil law. Key problems include disputes over the proper distribution of assets, differences in legal interpretations, and the challenge of balancing traditional practices with formal legal frameworks. For example, in some communities, customary laws prioritize male heirs, while others follow matrilineal systems. These differences can lead to disagreements among family members. Additionally, the lack of clear understanding and

awareness of inheritance laws often exacerbates conflicts. Cases where family members contest the distribution of assets, sometimes involving lengthy legal battles, highlight the need for clearer regulations and better public education on inheritance rights and responsibilities (Subeitani, 2021).

Inheritance law in Indonesia is governed by three primary legal systems: Islamic law, customary law, and civil law. Islamic inheritance law, applicable to Muslims, is detailed in the Compilation of Islamic Law and follows principles set in the Qur'an and Hadith, emphasizing a bilateral and individual system where assets are distributed among heirs based on predetermined shares. Customary inheritance law varies across regions and ethnic groups, reflecting local traditions and practices, such as the matrilineal system in Minangkabau and the patrilineal system in Batak. Civil inheritance law, based on the Dutch colonial civil code (*Burgerlijk Wetboek*), applies to non-Muslims and provides for inheritance through intestate succession (without a will) or testamentary succession (with a will), emphasizing individual ownership and distribution among heirs in a specified order (Khalifi et al., 2020).

Indonesian people tend to prefer the inheritance law that aligns most closely with their cultural, religious, and familial traditions. Generally, Muslims in Indonesia often prefer Islamic inheritance law, which is based on principles outlined in the Qur'an and further detailed in the Compilation of Islamic Law (KHI). This system is seen as providing a clear and religiously appropriate method of distributing assets among heirs. In contrast, non-Muslims or those from various ethnic groups may prefer customary inheritance laws, which are deeply rooted in local traditions and practices. Customary laws can vary significantly between different ethnic communities, such as the patrilineal system of the Batak people or the matrilineal system of the Minangkabau. These preferences are influenced by the desire to maintain cultural heritage and ensure fair distribution according to community standards (Muzakir, 2023).

Inheritance conflicts within families often arise due to several key factors. Disputes frequently emerge when there is perceived inequality or unfairness in the distribution of assets among heirs. This perception can stem from differences in legal interpretations, varying cultural or religious expectations, or simply disagreements over the rightful shares. Additionally, conflicts can be exacerbated by a lack of clear communication or documentation regarding the decedent's wishes, leading to mistrust and misunderstandings among family members. Other common causes include complex family dynamics, such as the presence of step-siblings or multiple marriages, which complicate the distribution process. Furthermore, emotional factors, such as grief, can heighten tensions and make amicable resolutions more challenging. These issues highlight the importance of having clear, legally binding wills and open communication within families to mitigate potential disputes (Armunanto, 2021; Junaidi, 2020).

A significant issue related to inheritance in Indonesia is the lack of awareness and understanding of inheritance laws among the general public. This lack of knowledge can lead to various problems, including conflicts among heirs and improper distribution of assets. Many individuals are unaware of their legal rights and obligations, which can result in disputes that escalate into legal battles. Additionally, the complexity and diversity of inheritance laws in Indonesia, which include Islamic, customary (adat), and civil law systems, add to the confusion. This situation underscores the need for greater public education and access to legal information to ensure that inheritance processes are conducted fairly and in accordance with the law (Barlinti, 2013).

To overcome these problems, this community service activity was carried out. This activity takes the form of free seminars and consultations conducted online via Zoom which are intended for the general public to increase knowledge about inheritance and provide free consultations on inheritance problems faced by their families. This activity combines two inheritance systems recognized in Indonesia, namely civil inheritance law and Islamic inheritance law. The seminars aim to educate participants about the fundamental principles and specific provisions of both civil and Islamic inheritance laws. Experts in the field, including legal scholars and practitioners, lead these seminars to ensure accurate and comprehensive information is provided. Topics covered include the rights and responsibilities of heirs, the proper distribution of assets, and common pitfalls and misconceptions related to inheritance.

Objectives

The objective of this empowerment activity is to enhance public understanding and awareness of inheritance laws in Indonesia, thereby reducing conflicts and promoting fair asset distribution within families. By offering free seminars and personalized consultations on both civil and Islamic inheritance laws, the initiative aims to equip individuals with the necessary knowledge to navigate inheritance issues effectively. This educational outreach not only addresses common misconceptions and legal complexities but also provides practical solutions tailored to individual cases. Ultimately, the goal is to foster a more informed and harmonious society by ensuring that inheritance processes are conducted in a just and equitable manner.

Literature Review

Inheritance law plays an important role in ensuring the fair distribution of a deceased person's assets among the heirs. In Indonesia, the inheritance legal framework is very complex and consists of three main systems: Islamic law, customary law, and civil law. These systems coexist and often overlap, reflecting Indonesia's cultural and religious diversity. Barlinti (2013) emphasizes that understanding these different legal systems is crucial to resolving inheritance disputes effectively and ensuring legal justice for all parties involved.

Islamic inheritance law as explained by Junaidi (2020) is based on the principles outlined in the Al-Qur'an and Hadith. This system is strictly adhered to by the Muslim population and includes certain shares for each heir, such as children, spouses, and parents. The law aims to distribute wealth in a way that reflects religious obligations and family ties. However, conflicts can arise if heirs of different religions are involved, as Islamic law traditionally limits inheritance rights across religions.

Apart from that, there are also various customary inheritance laws among various ethnic groups in Indonesia. This causes complexity in the implementation of inheritance law in Indonesia. As discussed in Barlinti (2013), customary law is deeply rooted in local traditions and its principles and practices can differ greatly. For example, there is a matrilineal inheritance system in the Minangkabau tribe which contrasts with the patrilineal system in other tribes. These differences can give rise to disputes, especially when modern legal frameworks or changes in societal values conflict with traditional practices.

Meanwhile, in Indonesia itself, officially adheres to civil inheritance law which originates from the Dutch colonial legal system (Burgerlijk Wetboek). Through this law, it is hoped that the government can provide a more standardized approach that applies especially to all groups, both religious and traditional. According to Barlinti (2013), civil law includes intestate succession (where there is no will) and testamentary succession (where there is a will). This system emphasizes individual ownership and the fair distribution of assets among heirs, regardless of gender or age, which can sometimes conflict with the principles of Islamic law or customary law.

One of the main problems that contributes to inheritance conflicts in Indonesia is the general public's lack of awareness and understanding of this legal system. Many individuals do not have adequate knowledge about their rights and legal procedures related to inheritance issues, resulting in disputes and unfair division of assets (Subeitani, 2021). This knowledge gap is further exacerbated by the complexity and variation within each legal system.

Method

Participatory Action Research (PAR) is a collaborative and reflective research approach aimed at both understanding and improving the world by changing it. PAR emphasizes the participation and influence of those affected by the research and seeks to combine inquiry with action to address social issues. This approach was initially developed as a response to traditional research methodologies that often marginalized the subjects of the research. Instead, PAR involves community members as active participants in the research process, from defining the problem to be addressed to disseminating the findings (Gaffney, 2008).

The origins of PAR can be traced back to the work of Kurt Lewin in the 1940s, who introduced action research as a method for studying and solving social problems through participatory means. Lewin's work emphasized the importance of involving the people who were the subject of the research in the decision-making process to ensure that the outcomes were practical and applicable (Stringer & Genat, 2004; McNiff & Whitehead, 2006). Paulo Freire further influenced the development of PAR with his focus on critical consciousness and empowerment of marginalized communities through participatory education.

PAR is characterized by its cyclical process, which includes planning, acting, observing, and reflecting. This iterative cycle allows for continuous learning and adaptation based on the insights gained from each phase of the research. The ultimate goal of PAR is not just to generate knowledge but to bring about tangible social change. This is achieved by engaging participants in a process that helps them understand their situation, reflect on their experiences, and take collective action to improve their circumstances.

The principles of PAR include a commitment to democratic processes, equity, and social justice. PAR seeks to democratize knowledge production by involving participants as co-researchers who contribute their unique perspectives and expertise. This approach challenges traditional power dynamics in research and aims to create more equitable relationships between researchers and participants. By focusing on issues that are directly relevant to the community, PAR fosters a sense of ownership and empowerment among participants. In the context of education, PAR has been used to improve teaching practices, curriculum development, and professional development for teachers. By involving teachers and students in the research process, PAR helps create more responsive and effective educational practices. This approach has been found to enhance the relevance and impact of educational research by

aligning it closely with the needs and experiences of the participants (Gaffney, 2008).

To implement the Participatory Action Research (PAR) method in this empowerment program, we will begin by engaging community members in identifying and defining the specific inheritance issues they face. This initial phase involves collaborative planning sessions conducted via Zoom, where participants can share their experiences and concerns. Following this, we will organize a series of action-oriented seminars and consultations, during which legal experts will provide tailored advice on civil and Islamic inheritance laws. Participants will then apply this knowledge to their individual situations, observing and documenting the outcomes. Throughout the process, we will facilitate reflective discussions to assess the effectiveness of the actions taken and gather feedback for continuous improvement. By fostering an inclusive and iterative cycle of planning, acting, observing, and reflecting, the program aims to empower participants with practical knowledge and solutions while continuously refining the approach based on their input and experiences.

Empowerment Target & Location

The current empowerment target for this program focuses on Indonesian families, particularly those from diverse ethnic and religious backgrounds, who are navigating inheritance issues. The program aims to reach a wide audience through online platforms, primarily utilizing Zoom for seminars and consultations to accommodate participants from various regions across Indonesia. By targeting both urban and rural communities, the initiative seeks to address the common lack of awareness and understanding of inheritance laws, promoting equitable asset distribution and reducing conflicts within families. This empowerment activity is carried out in collaboration between IAI Tazkia and Esa Unggul University, leveraging the combined expertise and resources of these

institutions to provide comprehensive and accessible legal education and support to the public. The use of digital tools ensures accessibility and inclusivity, allowing individuals from remote areas to benefit from the expertise and resources provided.

Empowerment Theme

The empowerment theme, "Free Heir Seminars and Consultations: Dynamics and Solutions in the Division of Islamic Inheritance Law and Civil Inheritance Law," emphasizes the program's commitment to providing accessible and practical legal education. This theme highlights the initiative's dual focus on addressing the complexities and challenges of both Islamic and civil inheritance laws in Indonesia. By offering free seminars and consultations, the program aims to equip participants with the necessary knowledge and strategies to navigate inheritance issues effectively. The theme reflects a proactive approach to resolving inheritance conflicts, ensuring fair asset distribution, and promoting legal literacy across diverse communities. Through these activities, the program seeks to foster a deeper understanding of inheritance laws, ultimately contributing to familial harmony and social justice.

Empowerment Timeline

The following is the current empowerment program timeline:

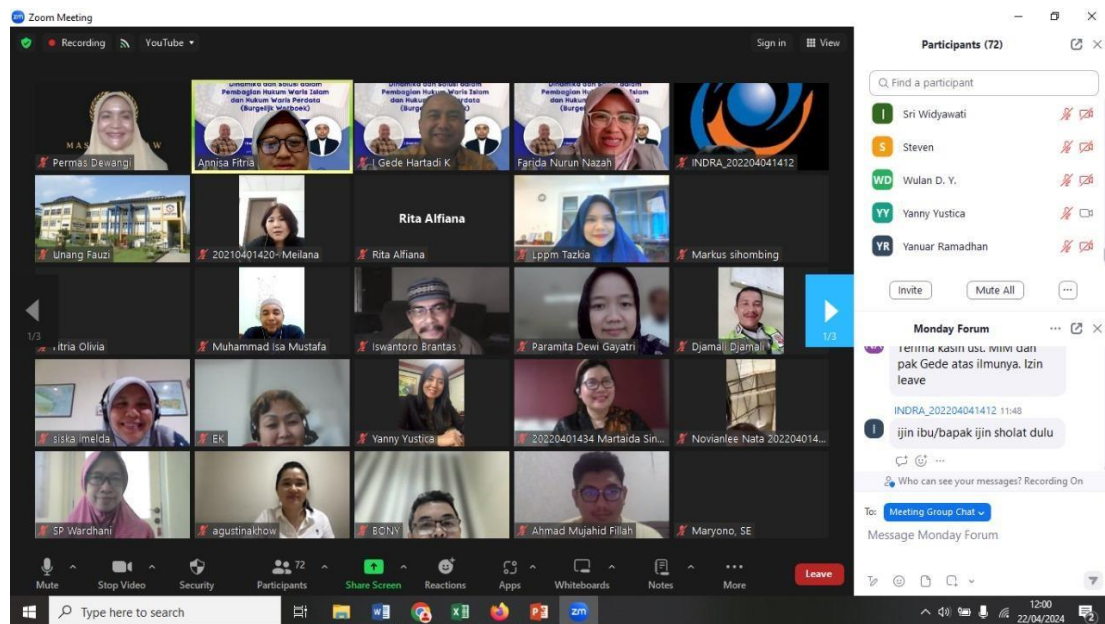
No	Program	Time
1	Collaborative Development	01 April 2024
2	Joint Activity Planning	08 April 2024
3	Collaborative Event Procurement Agreement	12 April 2024
4	Formation of Committee and Activity Preparation	15-19 April 2024
5	Implementation of Open Seminars & Consultations	22 April 2024
6	Dissolution of the Committee	26 April 2024

Executive of Empowerment Program

The executive of the current empowerment program are;

No	Name	Task
1	Muhammad Isa Mustafa	Program Leader
2	Dody Yarli	Program Vice-Leader
3	Nur Hendrasto	Collaboration and Public Relations
4	Syahdatul Maulida	Administration
5	S. R. Mutia Amali	Field Technical Team
6	Muhammad Yusuf Ibrahim	Documentation & Publication

REPORT



On Monday, April 22, 2024, the Tazkia Islamic Institute (IAI) collaborated with Esa Unggul University to carry out Community Service (Abdimas) as part of the university's tridharma by holding an online seminar on the theme, "Dynamics and Solutions in the Distribution of Islamic Inheritance Law and Civil Inheritance Law (Burgerlijk Wetboek)." This event was open to the public and accessible via the Zoom platform and Live YouTube broadcasts, aiming to increase interest and knowledge in inheritance laws among the broader community.

The seminar sought to address the critical need for understanding both civil and Islamic inheritance laws, emphasizing their importance in personal and family life. Recognizing that inheritance knowledge is a fundamental right, the program provided learning opportunities and consultations for all participants. This approach ensured that everyone had access to crucial information and support regarding inheritance matters.

Unlike traditional seminars, this event was interactive, allowing participants to engage actively. Each attendee had the opportunity to consult freely about their specific inheritance issues, receiving personalized

advice and solutions. This format encouraged high levels of participation and engagement, with over one hundred attendees expressing great enthusiasm. The volume and depth of the questions posed highlighted the significant demand for such educational initiatives, although the limited seminar time meant not all inquiries could be addressed.

Given the positive response and the evident need for further understanding of inheritance laws, the seminar organizers plan to hold additional sessions in the coming months. These future seminars will continue to provide a platform for the Indonesian public to deepen their knowledge of inheritance laws and to receive practical consultation services.

In summary, this community service activity, a collaboration between IAI Tazkia and Esa Unggul University, successfully fostered a greater awareness and understanding of inheritance laws. The interactive format and the provision of free consultations were particularly well-received, underscoring the value of such initiatives in promoting legal literacy and resolving inheritance disputes. The ongoing commitment to these seminars reflects a dedication to empowering the community through education and support in inheritance matters.

Link:

1. <https://megapolitan.antaranews.com/berita/286905/iai-tazkia-dan-universitas-esa-unggul-buka-konsultasi-gratis-soal-waris>
2. <https://parahyangan-post.com/berita/detail/iai-tazkia--universitas-esa-unggul--berkolaborasi-selenggarakan-abdimas>

CLOSING

The collaborative effort between the Tazkia Islamic Institute (IAI) and Esa Unggul University in organizing the online seminar on "Dynamics and Solutions in the Distribution of Islamic Inheritance Law and Civil Inheritance Law (Burgerlijk Wetboek)" successfully addressed a significant gap in public knowledge regarding inheritance laws in Indonesia. The high turnout and enthusiastic participation underscore the community's strong interest and need for accessible legal education and consultation services. By providing a platform for both learning and personalized consultation, the seminar not only educated attendees but also empowered them to handle inheritance issues more effectively.

The implications of this successful seminar are multifaceted. First, it highlights the critical role of educational institutions in promoting legal literacy and supporting community needs. The positive response suggests that there is a substantial demand for continued and expanded efforts in this area. Future seminars and consultations can further enhance public understanding, reduce conflicts related to inheritance, and ensure fair asset distribution in accordance with both civil and Islamic laws. Additionally, the collaborative model between universities can serve as a template for other institutions aiming to conduct similar community service activities, thereby broadening the impact and reach of legal education initiatives across Indonesia.

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