

The Understanding of Islamic Inheritance Law in Improving the Muhammadiyah's Awareness on Social Law Based on Gender, Medan, Indonesia

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Abstract: The inheritance law gets a very important position in Islam. Alqur'an sets out the inheritance law in detail. the opinion states that the legal awareness of the society is the largest amount of an individual legal awareness of a particular event. The legal awareness has several conceptions, one of which is the concept of legal culture. The Islamic inheritance law is often called as *faraidh* because in Islam, parts of the receiver's rights has been arranged in Al Qur'an. The result shows that from 234 respondents in Muhammadiyah Group, none of the respondents has a low level of legal awareness either male or female respondents that is 138 or 85.7%. The male respondents have a high degree of legal awareness that is 23 or 14.3%. Meanwhile for female gender is 51 or 69.9% who have high awareness level on Islamic inheritance law and 22 or 30.1% who have medium awareness level.

Keywords: Al Quran; Islamic inheritance law; social law; gender; shari'a

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I. INTRODUCTION

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

Unfortunately, very few people would care about Islamic inheritance law (*Faraidh*) by studying through the original sources that is Alqur'an and alHadis, that then would think about the pure philosophy, understanding the goals which are very natural, and eternal; as well as going through the long and winding historical travel by facing some obstacle and disturbance even the disturbances that were out of his mind. But the real cause was not understanding of some people/party toward the Islamic law. Moreover with the understanding, going through and thinking that wasted much time and spent many thoughts. (Muhammad Amin Suma: 2013).

Suhrawardi K Lubis (2010) states that for a Muslim, with no exception whether he is male or female who does not understand the right of Islamic inheritance is obligatory to study it. On the contrary, for anyone who has understood and mastered the Islamic inheritance law, 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 inheritance division that will lead to the dissension within the family. The command to learn and teach the inheritance law is explained in the hadith of the Holy Prophet narrated by Ahmad An Nasa'I and Ad Daruquthny which means: "Study Alqur'an and teach people and study science of *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 give a *fatwa* to them."

Islamic teaching stated that in implementing the Islamic inheritance law is one of religions deeds (Hasbi As Shidiqi: 1991) so that when performing the division of inheritances is not based on Islamic teachg, it is sinful, even according to AlQur'an that person can be called as *kafeer*, *dzalim* and *fasiq* (QS. Al Maidah: 44). It is different with the tradition inheritance law and western inheritance law because both are just parts of the nation's culture (Subekti, 1982).

The substance of Islamic inheritance law does not only see from civil law but more than that, it belongs to religion order in which the movement of heritage from someone who died to the someone who is still alive happen because of Allah without depending on the giver and the receiver of the heritage (Amir

Syarifuddin, 1982). So, the Islamic inheritance law besides arranges the relationship among the human, it also the relationship between human and Allah, their creator.

The implementation of Islamic inheritance law that begins to have a resistance to the structure and cultural patterns of society is necessary to be studied in depth. The society that accept the Islamic inheritance law are only symbolically, while the substance is still referring to the local, applicable, hereditary methods that have different values. In fact the question of inheritance is a very important issue; if the division of inheritance is not conducted in accordance with its provisions, it will lead to dissension within the family. The command to learn and teach the inheritance law is explained in the hadith of the Holy Prophet narrated by Ahmad An Nasa'I and Ad Daruquthny which means: "Study Alqur'an and teach people and study science of *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 give a *fatwa* to them."

The public lacks of understanding about the Islamic inheritance law and the lack of awareness for Muslims that the 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 inheritance division, the Messenger of Allah (PBUH) ordered strictly to his people to carry out the division in accordance with the provisions set forth in the Alqur'an (Surah an-Nisa': 7). This provision means that the law to implement and practice the inheritance division in accordance with Islamic *Shari'ah* is a mandatory (*fardhu ain*) for every Muslim. The inheritance division has been regulated in Alqur'an, Hadith, *ijma'* and (Surah An-Nisa': 7, 11, 12 and 176).

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

It is closely related to the legal awareness of the local community against the Islamic inheritance law. Based on this background, a practical model of solving the inheritance of Islam is needed to increase the legal awareness of the community, especially the Muhammadiyah people. So the researcher is interested to examine about how "the awareness level of the people on law especially the Muhammadiyah people in the inheritance division law in accordance with the provisions of Islamic law and the practice of the inheritance division of Muhammadiyah people of Medan City

II. REVIEW OF LITERATURE

2.1 Concept of Legal Awareness

According to Soerjono Soekanto (1994) in the legal science, it is known the existence of some opinions about the legal awareness. The definition of legal awareness, some define that the only source of law and its binding force is the legal awareness and legal belief of the individual within the society which is the individual legal framework, the base of the legal awareness of the society.

Furthermore, the opinion states that the legal awareness of the society is the largest amount of an individual legal awareness of a particular event. The legal awareness has several conceptions, one of which is the concept of legal culture. This conception contains the doctrines of legal awareness which further concerns the legal awareness which is regarded as a mediator between the law and the human behavior, both individually and collectively, (Soerjono Soekanto and Mustafa Abdullah, 1987). This conception is concerned with cognitive aspects and feelings that are often regarded as the factors that affect the relationship between the law and the patterns of human behavior in the society. When these factors are consolidated, a system of values that includes abstract conceptions or concepts of what is considered good and what is considered bad. The system of values produces benchmarks for psychological processes; among other are the thinking patterns that determine the mental attitude of humans. The mental attitude is essentially a tendency to behave, forming patterns of behavior and rules.

From the process it is obvious that human beings as citizens of society always try to direct themselves to a situation that is considered natural that embodied in patterns of behavior and certain rules. Thus, humans live within a structure of behavioral patterns and the structures of rules for life, which are at once as a pattern of life, although sometimes humans are unaware 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).

If these patterns have begun cannot guarantee human interests, then he will undoubtedly try to change them or in his 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 value process which the purpose is highly dependent on the object of regulation that is the aspect of personal life. If the direction of the value process is directed to interpersonal relations or basic order and the faced welfare, then the process leads to the formation of legal

rules. The value process is likely happen to the citizens or to a small part of the society who has power and authority. Thus, the existence of a law which proceeds in the society is not solely dependent on the existence of a provision, although there is a law which is indeed based on the ruler (Djojodigoena, 1971).

On the other hand, if the law does exist, then the determination of those who have power and authority may be merely a firm affirmation of the coming into effect of the law. In the case of the power holder and authority who are volunteer the value process, 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. From the above explanation, law is a contribution rather than a system of values prevailing in the 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 the harmony between the desired and the proper orderliness or tranquility. The law understanding is the abstract conceptions in human, about thye harmony between the wanted and suitable peace and welfare.

2.2 Understanding the Islamic Inheritance Law

The Islamic inheritance law is often called as *faraidh* (Ahmad Rofiq: 1995). This because in Islam, parts of the receiver' rights has been arranged in Al Qur'an. Islamic inheritance law is paid more attention because the division of inheritance often causes the unwanted effects. Etymologically, (Sayyid Sabiq: 2006) says *faraidh* is derived from *fardh* which means *taqdir* "statement". In *syara* ' the word *fardh* is stated part of the receiver. Meanwhile, the understanding of the term, Islamic inheritance law (Muhammad Amin Summa: 2005) is a law that arranges about the movement of heritage (*tirkah*) of the owner, deciding who have rights to become the receivers and how much part of each of them.

Hasby Ash-Shiddiqy (1973) states that inheritance law is a law that arranges who are the rights to get and not to get the heritage, parts of the receiver and the way of dividing it. Inheritance in bahasa Indonesia (Moh. Rifai: 1978) is called *pusaka*, that is heritage and rights left by the dead person to be given to the person who have rights to get. According to Syamsul Rijal Hamid (2011) the meaning of inheritance is the movement of rights and obligation on everything either on heritage or responsibility from the dead person to his/her family who are still alive. Meanwhile Wirjono Projodikoro (1983) defines inheritance as what, how several rights and obligation about someone's rights when he/she died will be moved to other people who are still alive.

As Muslims, it is an obligation to be close to Islam. Things to bring Muslims closer to Islam one of them is that Muslims should understand and use the law. In this case one of them in the division of the heirs, Muslims must obey to the provisions of inheritance according to the Islamic inheritance law.

In Alqur'an, the heirs of law are listed in the QS. An Nisa': 7-13 and hadiths. In the positive law in Indonesia, the legal status of Islamic inheritance has been clearly stated by Law No. 7 of 1989 on the Religious Courts. Article 49 section (1) affirms the absolute authority of the Religious Courts. This article is: "The Religious Courts are in charge and authorized to examine, decide, and solve the matters first among the people of Islam in the area:

- a. Marriage;
- b. Inheritance wills and grants made under Islamic law;
- c. *Waqaf* and *shadaqah*.

Meanwhile, the implementation of the Islamic inheritance law in concrete cases on the first level is contained in the decisions of the Religious Justice Judges. However, the rules of Islamic inheritance law are not yet contained in the systematic articles of the law, and the judges have established their decisions by reference to the provisions of Islamic inheritance law which is found in the Presidential Instruction No. 1 of 1991 on the compilation of Islamic inheritance law.

III. METHODOLOGY

This research method is an analytical descriptive research using a Research and Development method. This research uses a participatory observation method by direct observing how the knowledge and understanding of Muhammadiyah people of Medan about the Islamic inheritance law and how the division practices of the inheritance of Muhammadiyah people of Medan City in solving the inheritance problems. In the next year there will be arrangements of practical model of Islamic inheritance settlement in improving the understanding of law among the Muhammadiyah people of Medan City. Then the practical model of Islamic inheritance settlement will be discussed and the results will be implemented.

The population of this research is some Muhammadiyah people in Medan City. In Medan there are 31 leaders of Muhammadiyah Branches which each branch is up to 3 Roots of Muhammadiyah and every of them has at least 15 members of Muhammadiyah.

The number of Muhammadiyah roots in Medan City is 274 respondents that consist of chairmen and vice chairmen of each PRM in Medan but the return and complete for data processing was 234 samples.

3.1 Research Location

The research location of this research is in Medan City by taking the data at Branches of Muhammadiyah in Medan City. In Medan City there are 31 Branch leader of Muhammadiyah; PCM Bantan Selamat, PCM Belawan, PCM Helvetia, PCM Kampung Dadap, PCM Kampung Durian, PCM Kota Matsum, PCM Medan Baru, PCM Medan Deli, PCM Medan Kota, PCM Medan Marelan, PCM Medan Timur, PCM Pasar Merah, PCM Perumanas Medan II, PCM Perumnas Simalingkar, PCM Pulo Brayan Darat, PCM, Pulo Brayan Sekitarnya, PCM Sidorame Barat, PCM Sidorame Timur, PCM Sei Deli, PCM Sei Sikambang C, PCM Sei Sikambang B, PCM Sukaramai, PCM Sunggal, PCM Tanjung Sari, PCM Tanjung Rejo, PCM Tegal Sari II, PCM Tegal Sari Mandala, PCM Teladan, PCM Teladan I, PCM Titi Kuning Kedai Durian.

Each of these PCM cover some twigs of Muhammadiyah in Medan City as many as 137. Because of the limited time, then the research took the 274 sample that cover the leader and the vice leader of each Twig of Muhammadiyah Leadership in Medan City. Of the 274 distributed samples only 234 gave back the data.

3.2 Achievement Indicators

The achievement indicators in the research are (1) the respondents' awareness on the Islamic inheritance law, (2) the practice of inheritance completion by the people especially Muhammadiyah of Medan City to raise legal awareness against the Islamic inheritance law, (3) practical model of inheritance according to Islamic law to increase the people's legal awareness towards the Islamic inheritance law, (4) the respondents' behavior pattern against the Islamic inheritance law.

Legal awareness of Muhammadiyah people towards the Islamic inheritance law is measured by using a questioner instrument that contains questions that reflect the dimensions of knowledge, understanding, attitudes and behavioral patterns. It is fully presented in the grids of the instrument. The instrument grids are to measure the awareness level of the Muhammadiyah people towards the Islamic inheritance law.

IV. DISCUSSION

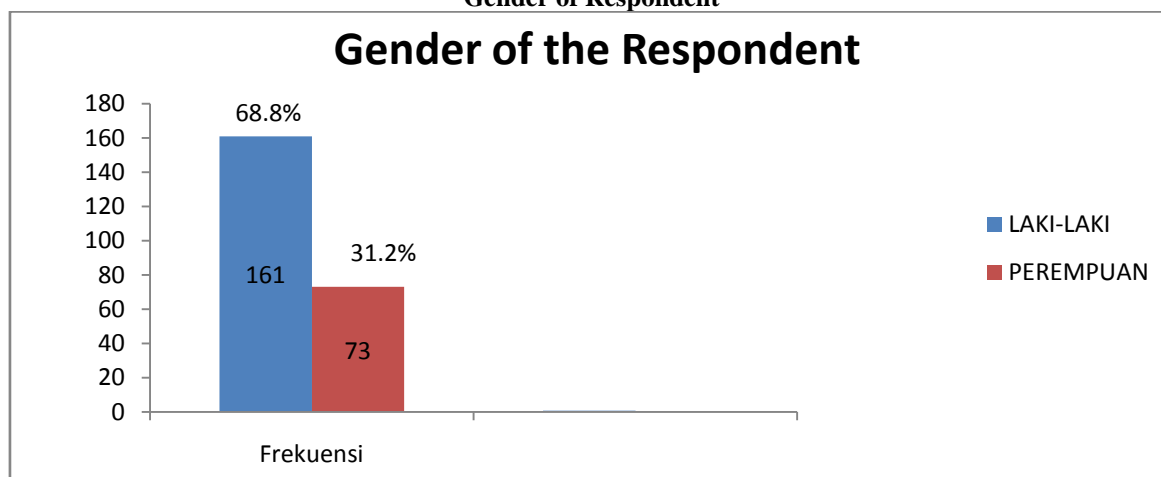
After performing the observation to measure the people's understanding the law on Islamic inheritance law and in practice in solving the inheritance implemented in Muhammadiyah people in solving the problems of inheritance are as follows; The objects that the research analyzed are the people of Muhammadiyah. The description of the respondents profile refer to: (1) Gender, (2) Education Level.

From the respondents' distribution, it is dominated by male that of 161 people or 68.8% of the respondents and the rest is female of 73 respondents.

Table 1
The Gender of the Respondent N = 234

Sex	Frequency	%
Male	161	68.8
Female	73	31.2
Total	234	100

Chart 1.
Gender of Respondent



4.1 Respondents' Awareness Level on Inheritance Law

The level of legal awareness of this community can be measured from 4 indicators: the people's legal knowledge, the people's understanding of law, the people's legal attitudes and the people's legal behavior.

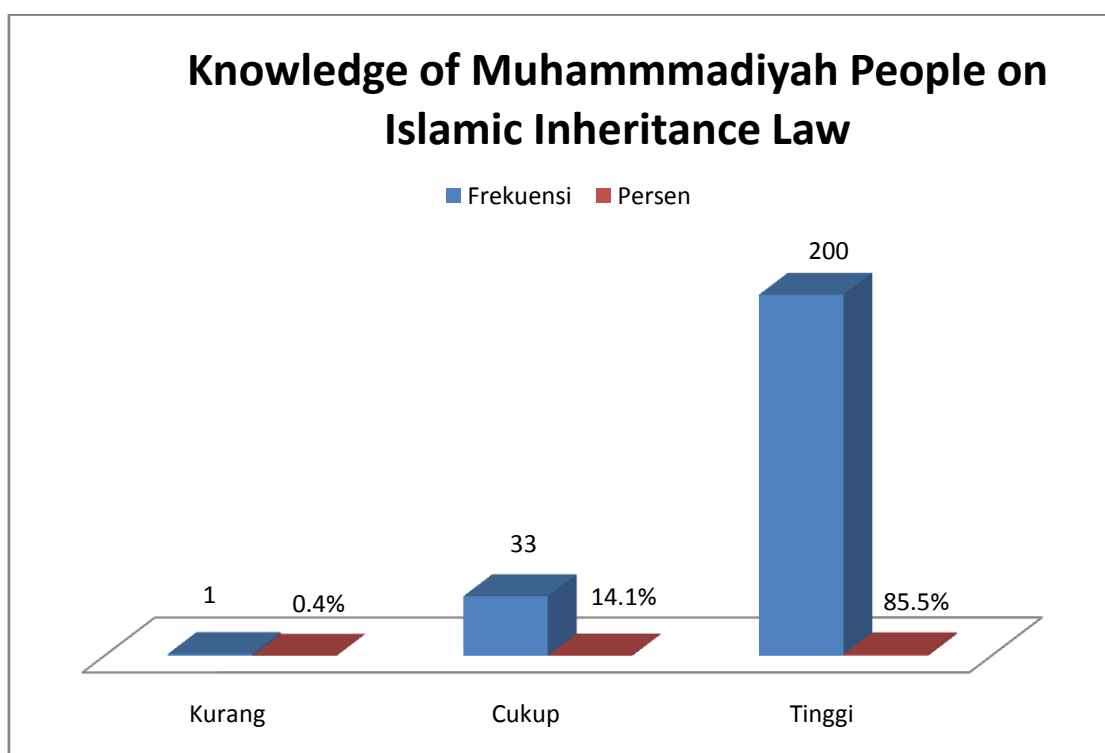
4.2 Muhammadiyah People's Knowledge on Islamic Inheritance Law

Legal knowledge is someone knows that certain legal behaviors are governed by law. It means that the law here is written or unwritten law. Such knowledge concerns the behaviors prohibited or permitted by law. From filling the questionnaire to the 234 respondents, the knowledge level of Muhammadiyah people at high level is 200 or 85.5%, and at a medium level is 33 or 14.1% while at the knowledge level at less is 1 or 0.4%.

Table 2: The Knowledge of Muhammadiyah People on Islamic Inheritance Law N = 234

Knowledge of Muhammadiyah People on Islamic Inheritance Law	Frequency	%
Less	1	0.4
Enough	33	14.1
High	200	85.5
Total	234	100

Chart 2: Knowledge of Muhammadiyah People on Islamic Inheritance Law



4.3 Muhammadiyah People's Understanding on Islamic Inheritance Law

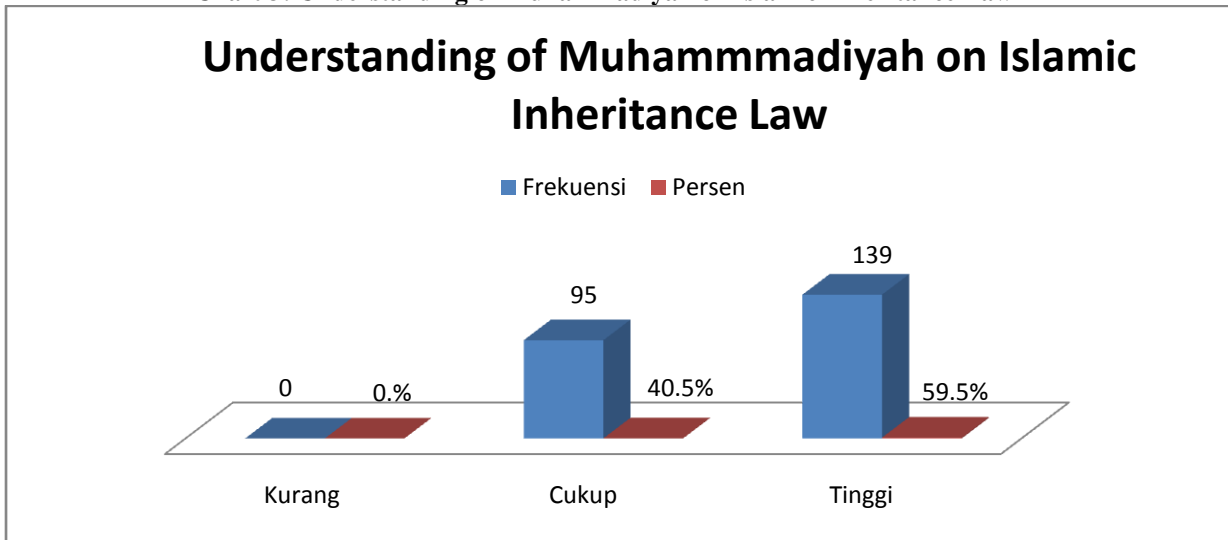
Understanding of a legal system is a second indicator of legal awareness. Understanding the law means a citizen has the knowledge and understanding of certain rules, especially in terms of the contents.

For that reasons, the Muhammadiyah people's understanding will be addressed to the Islamic inheritance law. The Muhammadiyah people's understanding on the legal status of the Islamic inheritance law at a less level is 0% and at a medium level is 95 or 40.5%, meanwhile at a high level is 139 or 59.4%.

Table 3: Understanding of Muhammadiyah on Islamic Inheritance Law N = 234

Understanding of Muhammadiyah on Islamic Inheritance Law	Frequency	%
Less	0	0
Enough	95	40.5
High	139	59.5
Total	234	100

Chart 3: Understanding of Muhammadiyah on Islamic Inheritance Law



4.4 . Muhammadiyah People's Attitude on Islamic Inheritance Law

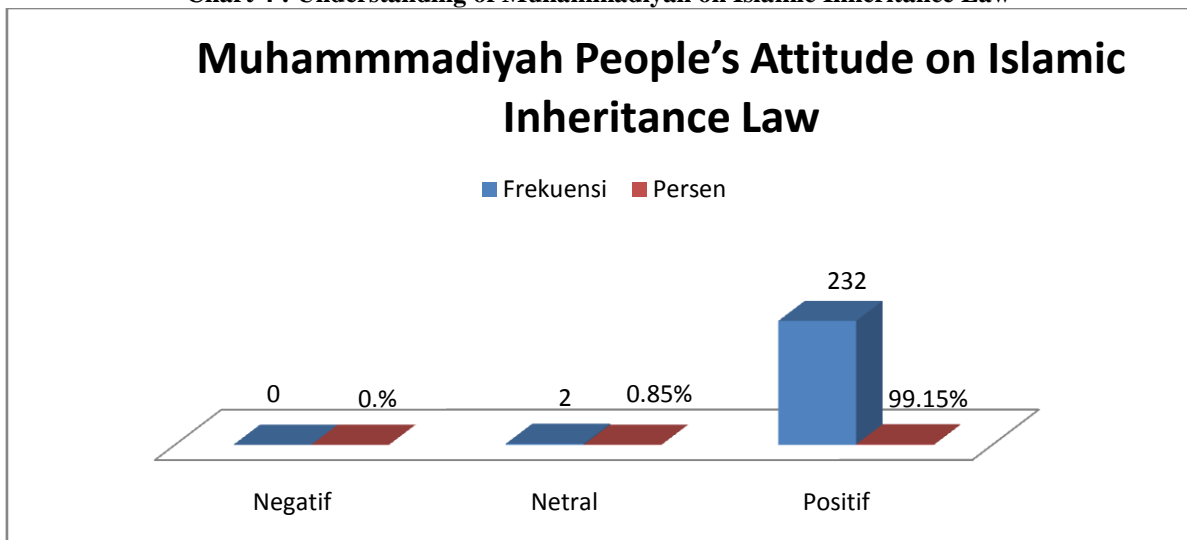
The legal attitude is that one has a tendency to hold certain judgments against the law. Public observance of the law is thus a bit dependent on whether the interests of citizens in certain areas can be accommodated by the provisions of the law.

One of the indicators of legal awareness is the attitude towards a legal system. Therefore, in this section the attitude of the Muhammadiyah people's attitude on the Islamic inheritance law will be described. The Muhammadiyah people's attitude in negative responses to the Islamic inheritance law is 0%. The neutral attitude of Muhammadiyah people is 2 or 0.85%. The Muhammadiyah people who are positive on Islamic inheritance law is 232 or 99.15%.

Table 4: Muhammadiyah People's Attitude on Islamic Inheritance Law N = 234

Muhammadiyah People's Attitude on Islamic Inheritance Law	Frequency	%
Negative	0	0.4
Neutral	2	0.85
Positive	232	99.15
Total	234	100

Chart 4 : Understanding of Muhammadiyah on Islamic Inheritance Law



4. 5 The Muhammadiyah People's Behavior on Islamic Inheritance Law

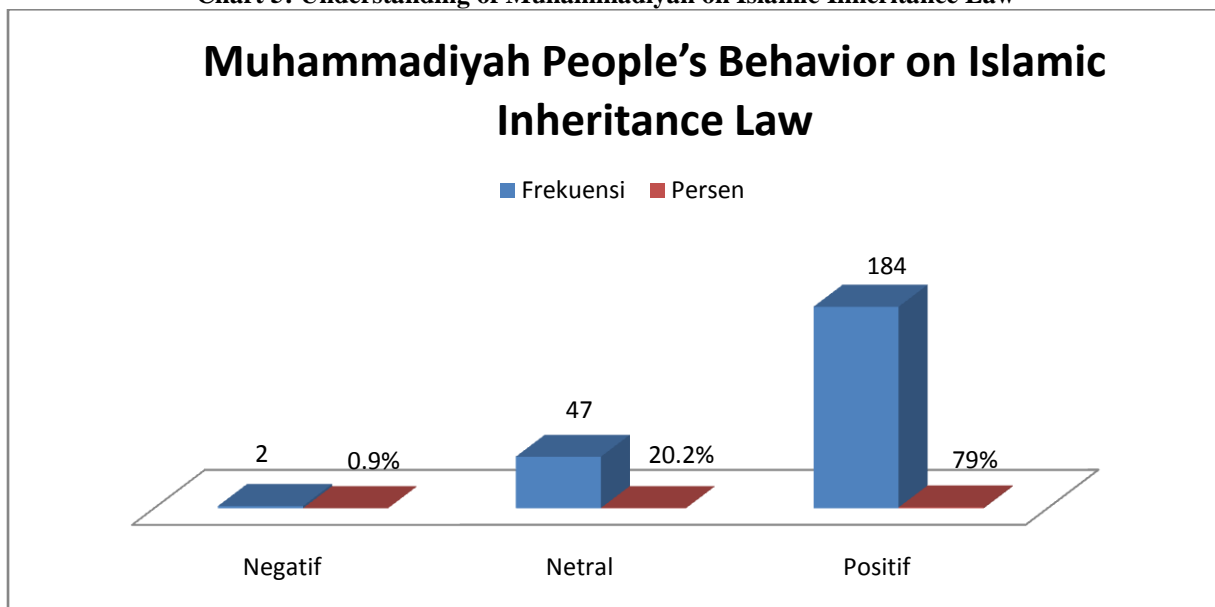
Legal behavior is the fourth indicator of legal awareness. It is in which one is behaving in accordance with the law. The lower level of legal awareness will be seen from the legal compliance of the manifestation that manifests itself in the pattern of real human behavior.

The Muhammadiyah people's behavior on the legal status of the Islamic inheritance law can be found as follows; from the questionnaire, the Muhammadiyah people who are in positive towards the Islamic inheritance law is 184 or 79%. And who behave neutral is 47 or 20.2%. Meanwhile they who have the negative behavior is 2 or 0.9%.

Table 5: Muhammadiyah People's Behavior on Islamic Inheritance Law N = 234

Muhammadiyah People's Behavior on Islamic Inheritance Law	Frequency	%
Negative	2	0.9
Neutral	47	20.2
Positive	184	79
Total	23	100

Chart 5: Understanding of Muhammadiyah on Islamic Inheritance Law



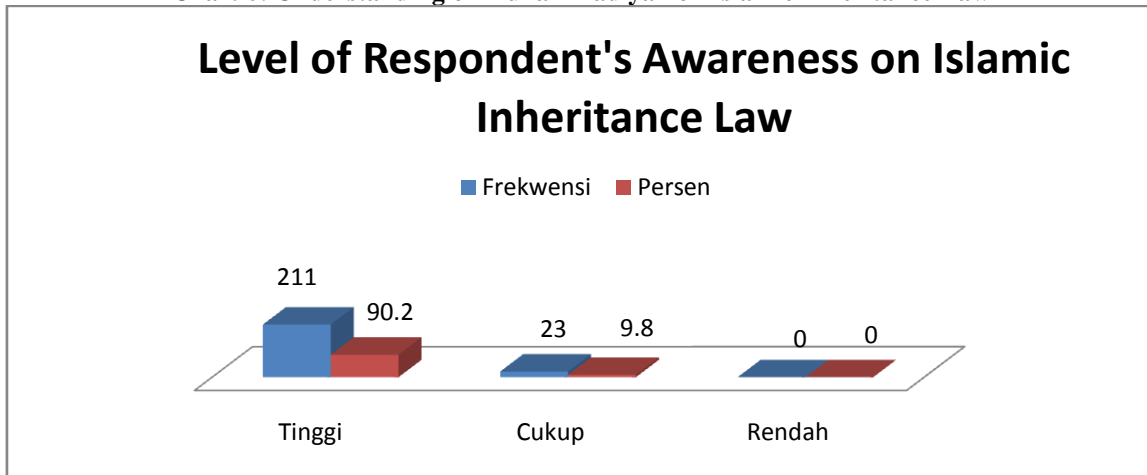
The description of the respondent's legal awareness in the following description will be crosstabbed with the four indicators above which refers to (1) Gender, (2) Education.

In general, regarding the awareness level of Islamic inheritance law, almost all the respondents have a high level of legal awareness that is 211 or 90.2%. The low awareness level of the respondents is 0% and the respondents' medium legal awareness on the Islamic inheritance law is 23 or 9.8%.

Table 6: Respondent's Legal Awareness on Islamic Inheritance Law N = 234

Respondent's Legal Awareness on Islamic Inheritance Law	Frequency	%
High	211	90.2
Enough	23	9.8
Low	0	0
Total	234	100

Chart 6: Understanding of Muhammadiyah on Islamic Inheritance Law

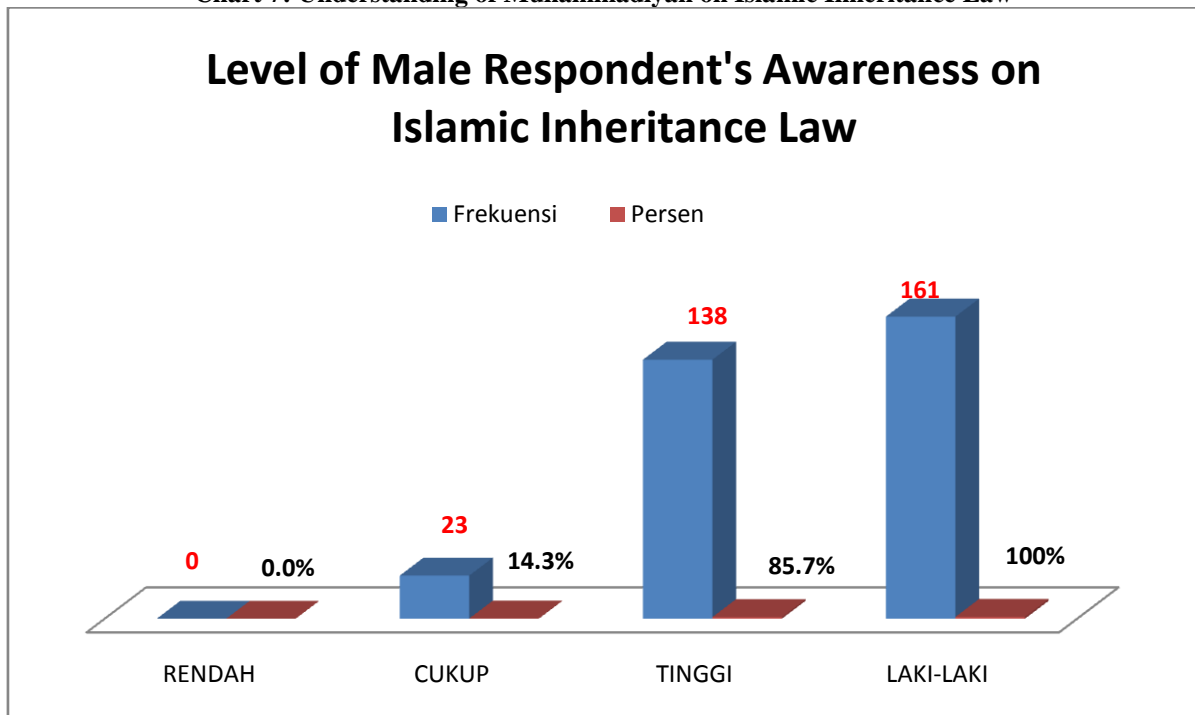


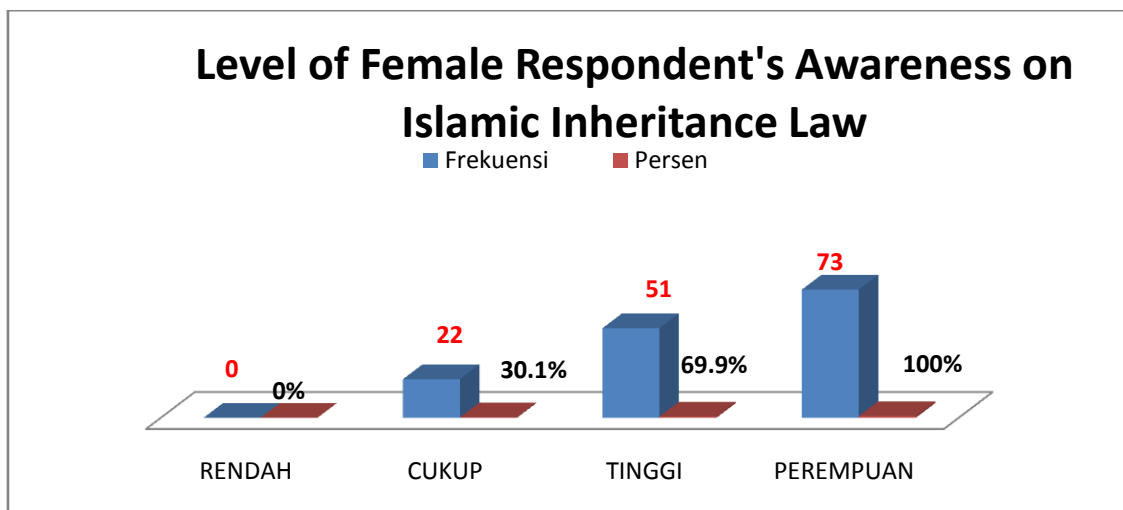
With reference to the gender indicator, the male respondents are dominated by a high degree of legal awareness which is 138 or 85.7%. Then the medium awareness level on Islamic inheritance law is 23 or 14.3% and at the low awareness level on the Islamic inheritance law is 0.0%. Similarly, the female respondents as the majority of the respondents have a high awareness level on the Islamic inheritance law which is 51 or 69.9%. Then, the respondents who have medium awareness level on the female respondents is 22 or 30.1%. Meanwhile the awareness level on low level is 0%.

Table 7: Level of Respondent's Awareness on Islamic Inheritance Law Based on Gender N = 234

Sex	Level of Respondent's Awareness on Islamic Inheritance Law						Total	
	Low		Enough		High		F	%
	F	%	F	%	F	%		
Male	0	0	23	14.3	138	85.7	161	100
F	0	0	22	30.1	51	69.9	73	100

Chart 7: Understanding of Muhammadiyah on Islamic Inheritance Law





V.CONCLUSION

Based on the results of the research analysis that the researcher conducted to the Muhammadiyah people in Medan City, then some conclusion can be taken that Based on sex. From the questionnaires distribution to the 234 respondents, none of the respondents has a low level of legal awareness either male or female respondents that is 138 or 85.7%. The male respondents have a high degree of legal awareness that is 23 or 14.3%. Meanwhile for female gender is 51 or 69.9% who have high awareness level on Islamic inheritance law and 22 or 30.1% who have medium awareness level.

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