

# Implementation of Heritage Distribution in the Community in Islamic Law Antropology Perspective (Study On Simalungun Tribe In Kuta Baru Village, Tebing Tinggi, Serdang Bedagai Regency)

Muhammad Zuhirsyan<sup>1</sup> Maswandi<sup>2</sup>, Jamillah<sup>3</sup>

<sup>1</sup>Lecturer in Politeknik Negeri Medan

<sup>2</sup> Lecturer in Law Faculty, Universitas Medan Area

<sup>3</sup> Lecurer of Coordination of Private Universities Wil. I Dpk Fakultas Hukum Universitas Medan Area  
[zuhirsyan12@gmail.com](mailto:zuhirsyan12@gmail.com)

**Abstract:** *This study aims to discuss implementation of heritage distribution in the community in Islamic law antropology perspective (study on Simalungun tribe in Kuta Baru Village, Tebing Tinggi, Serdang Bedagai Regency). As for the object of the same study of Simalungun tribe has not been found. One of the Muslim communities of the Simalungun tribe found in Kuta Baru Village, Tebing Tinggi Sub-District, Serdang Bedagai Regency, North Sumatra. The result shows that there are several forms of the implementation of the distribution of inheritance by the Simalungun Muslim population. Among them is to divide based on the provisions that have been made by their parents during his lifetime. There are also those who divide according to Islamic law through a division that only considers the male portion is twice as large as girls. It was also found that the distribution of the inheritance was not carried out and the management of the land according to the level of needs of each of them.*

**Keywords:** *Implementation; heritage distribution; Islamic Law; antropology perspective*

## I. Introduction

The issue of inheritance occupies a very important place in Islamic law. Verses of the Qur'an govern the inheritance law clearly and in detail. This can be understood because the inheritance problem must be experienced by everyone. Apart from that, inheritance law directly concerns property which, if not provided with certain provisions, is very easy to cause disputes between heirs. Every time someone dies, it immediately arises how the inheritance must be treated and to whom the property is moved, and how. This is regulated in inheritance law.<sup>1</sup>

The distribution stipulated in Islamic Law is proportional, adjusting the conditions experienced by the majority of Muslims, so it can be said that this provision is very appropriate. The different parts received by each heir are balanced by the differences in the responsibilities of each of them to the family. A man is responsible for family life, fulfilling the needs of his wife and children according to his abilities. Regardless of whether his wife is able or not, his child needs help or not.<sup>2</sup>

Speaking about the anthropology of law, it is part of legal science that discusses various patterns of disputes and solutions and solutions, both those that exist in simple community groups, and broader groups.

Regarding the tradition of the distribution of inheritance in various tribes in Indonesia has been done a lot. One of them is about the distribution of inheritance in Karo adat in the study of the Pluralism Study of Inheritance Law in the Karo Society conducted by

<sup>1</sup> Basyir, A.A. *Hukum Waris Islam*. (Yogyakarta: UII Press, 2001), p.3

<sup>2</sup> Muhammad Daud Ali, *Hukum Islam*, (Jakarta : PT Raja Grafindo Persada, 2007), p. 143

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Dr. Azhari Akmal. This study among others shows that Karo Muslim community still uses customary law in completing the distribution of inheritance. In addition, the legal pluralism that occurs in Karo community has implications for the variety of dispute resolution institutions.<sup>3</sup>

One phenomenon that occurs in the Simalungun tribe in Kuta Baru Village related to the distribution of inheritance is the presence of the head of the family who is known as the majority owner of land in the village who died and left a very large field. However, by reason of protecting the family's assets, it is suspected that the children of the deceased were reluctant to divide the land for fear that the land would be sold and then owned by others, so that the "memories" of their parents could be lost because it was already owned by another party. The assets in the form of the fields are still managed jointly by the children of the deceased in turn in accordance with the needs of each deceased child to meet their needs.

## II. Review of Literature

### 2.1 Inheritance Law in Islamic Perspective

Islamic inheritance law basically applies to Muslims everywhere in the world.<sup>4</sup> Islamic inheritance law is a law that regulates all matters relating to the transfer of rights and / or obligations on one's property after he/she dies to his/her heirs.<sup>5</sup> Islamic inheritance law is also called faraidh law, plural of the word faridha, very closely related to the word fardh which means obligations that must be implemented.<sup>6</sup>

The source of inheritance law is in Al Qur'an, especially Surat an-Nisa, verses 11, 12, 176 and also the hadith which contains the Sunnah Rasullah which is then developed in detail by jurists of Islamic jurisprudence through ijthihad of those who meet the requirements, according to space and time, situation and the conditions of his place of jihad. As a law originating from Divine revelation conveyed and explained by Prophet Muhammad with his sunnah, Islamic inheritance law contains the principles of which are also contained in the inheritance law made by human reason in a certain area or place. However, because of its sui generis (different in type), Islamic inheritance law has its own style. it is a part of the religion of Islam and its implementation cannot be separated from the imam or creed of a Muslim. Islamic inheritance legal principles that can be channeled from the Qur'an and al-Hadith according to Amir Syarifuddin are: 1. Ijbari, 2. Bilateral, 3. Individual, 4. Equitable justice, and 4. As a result of death.<sup>7</sup>

### 2.2 Customary Inheritance Law in Indonesia

The nature of customary law is generally based on a concrete / non-abstract mindset, so the matter of the distribution of inheritance is usually the delivery of certain inheritance items to a certain heir, for example a certain paddy field is handed over to the heirs of A, a plot of land or a certain house is given with respect to heir B, a certain kris is given to the heir

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<sup>3</sup> Azhari Akmal Tarigan, *Hukum Yang Bergerak: Studi Pluralisme Hukum Waris Pada Masyarakat Muslim Karo*, (Medan, Perdana Publishing, 2018), pp.250-251

<sup>4</sup> Sajuti. Thalib, *Hukum Kewarisan Islam Di Indonesia*, (Jakarta : Sinar Grafika, 1981), p. 1

<sup>5</sup> Mohammad Daudl Ali, *Hukum Islam: Pengantar Ilmu Hukum dan Tata Hukum Islam di Indonesia*, (Jakarta: RajaGrafindo Persada, 2011), p. 313

<sup>6</sup> *Ibid*

<sup>7</sup> Mohammad Daudl Ali, *Hukum Islam*, pp. 313-314

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of the C (usually a man), a certain necklace or eardrop is given to the heir of the D (usually a woman).<sup>8</sup>

Inheritance assets according to customary law can be distributed from generation to generation before the heir dies, depending on the deliberations of each party. This is very different from BW inheritance law and Islamic law where the inheritance must be distributed when the heirs have died. If the inheritance is given when the heir has not passed away, then it is called an ordinary gift or in Islamic law it can be called a gift. With the existence of various forms of customary legal inheritance system, resulting in different consequences, the essence of inheritance law must be adapted to the customs and culture of each region with the advantages and disadvantages that exist in the inheritance system.

The customary inheritance law in Indonesia is strongly influenced by the principle of lineage that applies to the community concerned, which may be a pure patrilineal, patrilineal alternating (matrilineal or bilateral alternierend) (although it is difficult to confirm where it applies in Indonesia), there are also multiple unilateral principles or (dubbel-unilateral). The principles of lineage mainly affect the determination of heirs and the portion of inherited inheritance (both material and immaterial).<sup>9</sup>

Tebing Tinggi Subdistrict, Serdang Bedagai Regency is originally an area of the Kingdom of Padang during the heyday of the kingdoms in this Nusantara region. The Kingdom of Padang covered the area as far as the Bandar Khalipah, Dolok Merawan, Sipispis and Naga Raja Kingdoms, with the administrative center located in Tebing Tinggi District, precisely in Bandar Sakti Village at that time.

Today Bandar Sakti Village has become the area of Tebing Tinggi City. After the revolutionary period, the territory of Padang Kingdom became Padang Citizenship Region (Padang District). Padang District is divided into two, namely Padang Hilir and Padang Hulu. Tebing Tinggi District at that time was in the Padang Hilir area.

In the beginning, Tebing Tinggi Subdistrict covered Tebing Tinggi City area which now as a whole with 41 villages. After 1957 Gementee Tebing Tinggi was made a City of Tebing Tinggi by overseeing 4 (four) villages, then Tebing Tinggi Subdistrict had separated from Tebing Tinggi City and Tebing Tinggi Subdistrict subsequently only controlled 37 Villages.

In 1979 in accordance with Government Regulation No. 7 of 1979, Regarding Changes in Territorial Areas, Tebing Tinggi City developed its administrative area so that a number of 13 (thirteen) villages in Tebing Tinggi Sub-District entered Tebing Tinggi city area, which in the end Tebing Tinggi Sub-District had 24 (two) Villages thirty four) Village.

Furthermore, in accordance with Law No. 36 of 2003, concerning the Establishment of Samosir Regency and Serdang Bedagai Regency. So since the division of Deli Serdang Regency had become 2 (two) Regencies, namely Deli Serdang Regency and Serdang Bedagai Regency, Tebing Tinggi Sub-District is included in the Serdang Bedagai Regency which was previously a Deli Serdang Regency.

In its development, in accordance with Regional Regulation Number: 10 of 2006 dated 17 October 2006, Tebing Tinggi Sub-District had been divided into 2 (Two) Sub-Districts, namely Tebing Tinggi Sub-District as the Main Sub-District and Tebing

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<sup>8</sup> Oemarsalim, *Dasar-Dasar Hukum Waris Di Indonesia*, (Jakarta: Rineke Cipta, 2012), p. 50

<sup>9</sup> Soerjono Soekanto, *Sosiologi: Suatu Pengantar* (Jakarta: Raja Persada, 2002), p. 259

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Syahbandar Sub-District as Pemekaran Sub-District, then Tebing Tinggi Sub-District had 14 villages.

The population of Tebing Tinggi Sub-District from year to year is always increasing, the increase in population is caused not only by birth but also because the population moved to Tebing Tinggi Sub-District. As of June 2017 the population of Tebing Tinggi Sub-District was 43,075 people consisting of 21,243 men and 22,832 women divided into 11,543 households (HH).

Kuta Baru Village is a village located in Tebing Tinggi Sub-District, Serdang Bedagai Regency, which borders Paya Lombang Village and Paya Pasir Village. This village has 7 hamlets scattered in which around 4700 inhabitants.

In this village, there was a hamlet (precisely Hamlet I) where the majority of the population is Simalungun people, in addition to several other communities located in several other hamlets. According to interviews with interviewees,<sup>10</sup> information was obtained that from several hamlets in this village, Hamlet I was the beginning of the arrival of the Simalungun people since 1900. In Hamlet I (Satu), these were some of the Simalungun tribes who had lived with their ancestors for more than hundreds of years ago, as for some other hamlets, there were also scattered tribes of Simalungun people who were descendants of the elders who originally lived in Hamlet I.

In this village, there are three clans of Simalungun, they are Saragih, Purba and Damanik tribes. The three of them spread in Hamlet I in particular and several other hamlets that mingled with other tribes such as Mandailing, Javanese, Banten and others. There used to be a Sinaga tribe, which is no longer in Desan anymore, because of its geographical location into the Tebing Tinggi City area of North Sumatra.<sup>11</sup>

Based on the research to be conducted, there are two classifications which become the author's concern. First, related to the practice of inheritance distribution in force in Kuta Baru Village, Tebing Tinggi Sub-District, Serdang Bedagai Regency. Second, it will discuss the perspective of Islamic law on the practice of the distribution of inheritance carried out by the Simalungun Muslim community at the location.

### **III. Methodology**

As for the object of the same study of Simalungun tribe has not been found. One of the Muslim communities of the Simalungun tribe found in Kuta Baru Village, Tebing Tinggi Sub-District, Serdang Bedagai Regency, North Sumatra. The majority of Kuta Baru Village people are Muslim. However, even though Islam is the majority religion there, it does not mean that the whole population of Kuta Baru Village fully practices the teachings of Islam.

### **IV. Discussion**

In Kuta Baru Village in particular and Tebing Tinggi Sub-District in the early 1900s it was opened by a community leader named Syahbidin (d. 1910) with several people from Simalungun tribe. They then obtained around 100 ha of Penonggol land from the Kingdom of Padang Tebing Tinggi. Syahbidin with his younger brother Zainal Abidin occupy the majority of the area of Kuta Baru who then together with other relatives come with them.

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<sup>10</sup> Pak Bahtiar Saragih, a resident of Hamlet I of Kuta Baru Village who has lived in the Hamlet for more than 60 years ago, interview on April 30, 2019

<sup>11</sup> Interview with Mr. Luddin Purba, on June 1, 2019



They live and interact and breed, where many of their grandchildren occupy the area until now.

Then the children of Simalungun tribe of the late descendants Syahbuddin and his other relatives lived and settled in this area, until later several land rulers emerged in this village and several surrounding villages such as Paya Lombang Tebing Tinggi Sub-District and Paya Pasir Tebing Syahbandar Sub-District. As for the village of Kuta Baru, there are about 10 descendants of their ancestors who settled.

Based on research researchers, it only found exactly 10 of 15 leaders of whom, namely Ibrahim Saragih, Bail Damanik, Akub Sinaga, Zaharuddin Purba, Syafi'i Saragih, Zahar, Zakariya, Atan, Bilal Damanik, and Amiruddin. Of these ten, the descendants of Akub Sinaga eventually moved and settled outside the village of Kuta Baru. There are 8 people left who occupy the majority of the land in this village.

From the nine descendants of the existing Simalungun tribe, a search is made for the distribution of inheritance by their heirs after the death of their parents. Many of them carry out customary distribution, where boys get more property from girls. In this division, it is done by appointing their parents while still alive.

These lands are asked to be managed by their descendants and make it as a way to continue the existence of their descendants in the region. These lands as ordered by the king who gave the land, must be managed by each family and may not be traded and it can be said that almost 80% in Hamlet I of Kuta Baru Village, for example, the descendants of this initial population still survive to defend their land after getting a distribution from their parents. The distribution of these lands to the heirs was officially carried out in the late 1990s late and early 2000s.

Like for example as Zaharuddin Purba shared his wealth with his children, who number 7 (seven) as determined by the deceased. Then, his children took care of these lands and plant various plants that could provide results for them to continue their existence in the region.

This is also the case with the Bail Damanik family, which almost all of their children still live in the area of Kuta Baru Village, although many of them also have permanent jobs in Tebing Tinggi City as teachers and others. One of his sons H. Jalaluddin Damanik is a religious leader until now and serves as Chairman of MUI Tebing Tinggi Sub-District Serdang Bedagai Regency. According to him, the distribution of their wealth is according to Islamic teachings, where boys get twice as much as girls get.

The same thing was done by Syafi'i bin Zainal Abidin Saragih against his father's property. During his life, he had set the distribution of property to his children to be managed. Some of his children who lived outside the village of Kuta Baru, which did not use the land, still got the results from the management of the land carried out by other parties. Until the time of This Shaykh Saragih died, these assets automatically belonged to his children, along with their respective shares.

Likewise with family of Bilal Damanik, as stated by Mr. Syaiful that the division they did was the same as other families. Where, their parents used to tell them to manage certain parts of the land, to support their children who had grown up.

Mr. Abdullah who was a descendant of the deceased. Amirudin and Sujar from the descendants of Atan also said the same thing. Where the late children were given a plot or several parcels of land to be managed to support their families. After he died, this decree was still used and was used as the basis for the distribution of inheritance. In general they divided

as above, but over time there were around 20% of the land that their heirs sell due to the economic needs they experience.

It's just that, researchers found one thing a little different than the others. The descendants of Ibrahim Saragih did not share the inheritance of their parents, for fear that some of them would then sell their land, when it was distributed to the heirs. Finally, the heirs decided not to divide their lands either in the village of Kuta Baru or in several villages in the Tebing Tinggi Sub-District or those in Tebing Syahbandar Sub-District subdistrict and others. They manage their lands and turn the management of these lands to their brothers. Their purpose in doing this was so that the inherited land was not sold by them after they got a decision regarding the land they inherited from their parents.

For many years from the time of the death of Ibrahim in 2003 the land was managed by his seven children as determined by their parents during his life. In other words, they carried out the customary division as determined by their father during their lifetime. But in a number of times they had agreed to exchange their land management according to the results that are likely to be greater, given the educational needs of their children (grandson of the late Ibrahim Saragih) in Medan and others.

For example, late. Mahmud bin Ibrahim Saragih and his younger brother Bahtiaruddin bin Ibrahim Saragih, for example, manage their lands to support their families and run fruit trading businesses in various locations in Tebing Tinggi City. Because of his brother Bahtiaruddin's need to pay for his children who study in the cities of Medan and Lampung, it is not uncommon for him to "negotiate" his brother to exchange broader land management and potentially generate relatively higher income to help meet his and his family's daily needs. Likewise, they often exchanged land management with their other siblings, with the aim that these lands would not be sold and would continue to be used as tools to fulfill the needs of the children and grandchildren of the deceased. Ibrahim bin Syahbidin Saragih.

Of course this has a very good goal, to maintain the existence of land distribution according to what has been determined by their parents and also to maintain the quantity of land that is not divided which usually results in sales of the land. Or to adjust the distribution according to Islamic law, for example, forcing to divide the land or forced to sell the land, then the results are divided to adjust the distribution of Islamic law.

As time went by, the Islamic legal sciences they slowly gained, eventually the children of Ibrahim Saragih then made changes to the land management actions they had done. Practically around 2014, they divided the inheritance of their parents legally by Islamic law first, then after knowing the portion that each heir received, they made a proportionate land distribution agreement, according to their living needs. 3 (three) daughters, due to having a husband who bore his life getting relatively smaller. While other girls who are single are still getting a little more than their two younger sisters, considering that she does not have a husband and is trying to manage the land to make ends meet. Then the boys agreed to share them equally evenly, bearing in mind that they were the head of the family who had a great need to support his family. In addition, the six children of Ibrahim agreed to not sell their parents' inheritance to others as long as there were relatives who were able to pay for the land. While the mat system of exchanging land management is still in effect, according to the needs of each of their siblings, but of course it is done after holding a large family discussion.

The practice of inheritance is carried out by the family of the deceased. Ibrahim Saragih was later eyed by other Muslim Simalungun communities. Considering, the purpose

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of the existence of land which is inherited from parents can be maintained and not sold. But of course the distribution according to Islamic law will continue to be prioritized before consensus is held in the distribution and management of land which is a family inheritance.

In the future several local customary stakeholders hope to carry out and implement this form of inheritance distribution. Meanwhile, one of the late grandchildren. Ibrahim Saragih named Khairul Hanif when interviewed stated that he and several of his late grandchildren. The other Ibrahim Saragih has conveyed this to the Simalungun traditional leaders both in the Tebing Tinggi City area and its surroundings as well as those in the Simalungun Regency. It is hoped that in the future this form of inheritance distribution can be made a part of Customary law to maintain the cultural existence prevailing in an area.

In general, the purpose of Islamic law in establishing its laws is for the benefit of the whole human being, both the benefit in the world and the prosperity in the hereafter. This is based on the Word of God Almighty. QS. Al-Anbiya: 107, And we have not sent you, but to (be) a mercy to the worlds.

Sharia of Allah. to humans must have a purpose, or what is always called the *maqāṣid syarī`ah* or also called *al-maqāṣid al-syariyyah*. *Maqāṣid al-sharī`ah* is part of the philosophy of *tasyri`*, a philosophy which emits Islamic law and / or strengthens Islamic law and maintains Islamic law. The purpose of Islamic law is to be obeyed and implemented by all people in their daily lives. In order to be obeyed and carried out properly and correctly, humans must improve their ability to understand Islamic law itself by studying Uul Fiqh as the basis for the formation and understanding of Islamic law as a methodology for concluding law.

The purpose of law is divided into two, namely the first *Qashd Syara`* which means the purpose of the Creator of the law, while the second is *Qashd al-Mukallaf* (the condition of the mukallaf in understanding the law relating to *maslahah* both in its level, characteristics, relativity, and absoluteness).<sup>12</sup>

In addition, in terms of Islamic legal actors, namely humans themselves, the goal of Islamic law is to achieve happiness and prosperity in life. To get it, it must be achieved by taking what is beneficial, preventing or rejecting what is harmful to life. If formulated in general, the ultimate goal of Islamic law is to gain the pleasure of Allah. in human life both in the life of the world and eternal life in the hereafter.

Ibn Qayyim explained that the purpose of Islamic law was to realize the prosperity of the servants of the world and the hereafter. According to him, all laws contain justice, mercy, benefit and wisdom, if they come out of the four values they contain, then these laws cannot be called Islamic Law.<sup>13</sup>

Many experts have explored the purpose of this Islamic Shari'a, and one that is familiar is Syatibi who introduced the term *makasid sharia*. Etymologically *Maqāṣid* comes from the compound (*idāfah*) compound word between the word *Maqāṣid* and *al-Syarī`ah*. The word *Maqāṣid* is the plural form of *maqṣūd* which means purpose or intentional.<sup>14</sup> Meanwhile, the word *al-Sharia* is interpreted by the scholars as saying:

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<sup>12</sup> Faisar Ananda Arfa, *Filsafat Hukum Islam, cetakan pertama*, (Bandung : Cita Pustaka, 2007), p.103

<sup>13</sup> Wahbah Zuhaili, *Ushul al-Fiqh al-Islami*, Jld. II, (Damaskus: Dār al-Fikr, 1986), p. 1017

<sup>14</sup> Asafari Jaya Bakri, *Konsep Maqashid al-Syari`ah Menurut Asy-Syatibi*, (Jakarta : Raja Grafindo Persada. 1996), p. 60.

## المواضع تحدد الي الماء<sup>15</sup>

"The road to water sources."

Regarding this Islamic (*sharia*) goal, Ghazali gave a definition of the *maqāṣid al-syarī'ah* by stating,

فرعاية المقاصد عبارة حاوية للابقاء ودفق القواطع والتحصيل على سبيل الإبتداء.<sup>16</sup>

*Safe guarding the intentions (sharia) is a fundamental effort to survive, prevent various factors of damage and encourage welfare.*

According to al-Syatibi:<sup>17</sup> "Verily the Shari'a is aimed at realizing human benefit in the world and the hereafter."

In another phrase al-Syatibi states, *Maqāṣid al-Shari'ah* is;<sup>18</sup>

"The laws are prescribed for the benefit of my servants."

We can know, the purpose of Allah. establish the Shari'a and His law is to maintain human benefit both in this life and the hereafter. In order to realize the benefit (based on the research of the experts of *usul fiqh*) there are 5 main elements that must be maintained and realized, the five points are; Religion (*hifz ad-din*), Soul (*hifz al-nafs*), Intellect, (*hifz al-'aql*), Heredity (*hifz al-nasl*) and; Treasure. (*hifz al-mal*);

The purpose of the distribution of inheritance is so that the heirs can continue to use the property to survive and continue the existence of the family of the owner of the property. Thus, various ways that result in the loss or displacement of inheritance which can be categorized as danger or misinterpretation because it can lead to the waste of assets can be prevented.

A *fiqh* rule states,

## العادة محكمة

"This practice can become law"

Customary law is very feasible to be applied in a community if it does not conflict with Islamic law, moreover if elements of Islamic law are incorporated into it, then the collaboration of these two types of law will be stronger and better implemented.

The division that is done by paying attention to the sex of the children and distinguishes between men and women without regard to the width of the land proportionally and just relies on the allegation is not strong, so in this form it must first be assessed these lands with nominal assets for then shared legally Islamic law to the heirs.

While the distribution carried out while the heir is still alive, actually does not include the distribution of inheritance, but rather refers to grants. This is because the property was determined and given while he was still alive.

Grant is part of the form of virtue and familiarizing it with sincerity is a true believer's character. As stated by the hadith that has been concluded above, even on objects

<sup>15</sup> Ibid, p. 60

<sup>16</sup> Al-Ghazali, *Syifa al-Galil*, Tahqiq Hamdi Ubaid al-Kabisi, (Baghdad: Mathba'ah al-Irsad, 1971), p.159

<sup>17</sup> Al Syatibi: *Muwwafaqat*, p. 21

<sup>18</sup> Ibid, p. 6



that are light and simple as gift giving are highly recommended. With the gift giving the ownership of the gifted object belongs to the person who receives it.

Islam provides a guideline for religious teachings, one of which concerns the prohibition of withdrawing grants that have been given, jumhur ulama are of the opinion that it is unlawful to withdraw grants that have been given, if given without compensation. However, there are exceptions in this case between father and child. The father may withdraw the gift given to his child, if he has not utilized the gift or has not added. Actually grants are not allowed to take back what has been given. However, due to the existence of the rightful agreement between the child and his father, Malikiyah allowed him to withdraw. The mother in this position is the same as the verse according to jumhur scholars. There is no difference between adults and young children. The Compilation of Islamic Law (KHI) has also emphasized this in article 212 that "Grants cannot be withdrawn, except for parent grants to their children."

## V. Conclusions

There are several forms of the implementation of the distribution of inheritance by the Simalungun Muslim population. Among them is to divide based on the provisions that have been made by their parents during his lifetime. There are also those who divide according to Islamic law through a division that only considers the male portion is twice as large as girls. It was also found that the distribution of the inheritance was not carried out and the management of the land according to the level of needs of each of them. However, along with the development of time and the addition of knowledge about the inheritance of the version of Islamic teachings, they changed the form of this division by dividing it according to Islamic law, but the management of the land was carried out according to the agreement and the needs of the heirs. This last model was then looked at by other Muslim communities of Simalungun to be applied, bearing in mind that the assets which are the inheritance of their parents must be safeguarded and must be avoided from various sales businesses, so that the culture they have adopted and carried out can be safeguarded from the arrival of other communities who could have changed various culture and habits that already apply.

The implementation of inheritance distribution based on the provisions of both parents during their lifetime can be categorized as a parent's gift to their children, and is not considered an inheritance law, given that the parents' determination is carried out while the father is still alive. Distribution of inheritance which is done solely by the portion of boys is greater than girls, of course it is not enough, bearing in mind that there are still many aspects of inheritance that must continue to be carried out. The postponement of the distribution of inheritance law after the death of parents is an act that is not in accordance with Islamic teachings, bearing in mind that this could lead to conflict in the future. However, in order to protect the inheritance from the business of selling so that it can change the culture and habits that have become a tradition, the actions of Mr. Bahtiaruddin Saragih's family by dividing the distribution of inheritance according to Islamic law, but by continuing the agreement to continue to manage the land and not sell the land. to third parties, to protect the inheritance from the control of third parties who can change the traditions and customs that could be disrupting the existence of simalungun Muslim community in the region.

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