

A MODEL OF ISLAMIC EDUCATION GUIDANCE ON INHERITED ASSETS INDICATES CONFLICT AMONG HEIRS

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ABSTRACT

Islamic law has regulated the rules for distributing inheritance to the heirs of the *jawil furud* in detail and clearly, but the time when it must be carried out and distributed to the heirs is subject to the provisions and provisions of the *Syar'i* law regarding the time limit that must be carried out so as to maintain the benefit and eliminate harm. The stipulation of a rule governing the timing of Bener Meriah Regent Regulation Number 19 of 2022 has stipulated that 100 days after the death of the heirs must be given the rights of the heirs without any fighting over and controlling each other without the sincerity of the owner of the rights obtained through inheritance. The time-limit provisions can provide benefits to the heirs without any delay in the implementation of the distribution of inheritance. Besides that, the role of Islamic education is to be able to form good character and maintain Islamic values in various aspects of life, including the distribution of inheritance. This refers to the understanding of the legal foundations for the distribution of inherited assets.

Keyword: Heirs, Inheritance, Conflict, Model of Islamic Education

1. INTRODUCTION

Inheritance left by the heir, since the property left behind is in the form of movable and immovable objects as inheritance, has become a condition for obtaining inheritance both by way of an inheritance and through a will. Sometimes there are delays in acquiring rights according to a will and testament. With the existence of a cause of inheritance in the Islamic religion, which has become a basic legal provision in inheriting fellow heirs, Islamic law has determined the parts of each *jawil furud* specified in the texts of the verses. However, heirs are often the cause of conflict in the family due to the struggle over the inheritance left by the heir. Shari'ah law regarding inheritance is explained in the text of the Al-Qur'an, Surah An-nisa verse 11.

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ ۗ

Meaning: Allah swt has prescribed for your children two parts for boys and one part for girls...
(QS.An nisa.11).

Absolute acquisition of assets through inheritance in a false way is prohibited in the religion of Allah SWT.

وَسَارِعُوا إِلَى مَغْفِرَةٍ مِّن رَّبِّكُمْ وَجَنَّةٍ عَرْضُهَا السَّمَاوَاتُ وَالْأَرْضُ أُعِدَّتْ لِلْمُتَّقِينَ

Meaning: And hurry to seek forgiveness from your Lord and get a wide heaven, heaven, and earth, which are reserved for those who are pious (QS. Ali Imran, 133).

As a legal provision that instructs humanity in general and thoroughly for His servants to be able to settle inheritance without any disputes (Nusa, Marwah, & Yunita, 2021), but in reality, inherited property triggers an internal conflict within the family as the heir leaves. In a narration from Asbabun nuzul letter Annisa verse 11, which reminds us that the wife of the companions of the prophet Muhammad who died on the battlefield turned to the prophet to convey the matter, the part of his children who left her husband Sa'ad did not get his property, which is controlled by his uncle, the matter of mastery of property without legal rights in *Syar'i* by his own uncle by vanity and consuming the property of orphans, and there are other people's rights in it, acquisition through inheritance as his rights legally and correctly through inheritance, is described as a matter of mastery of property without legal rights in *Syar'i*.

Implementation of the division of inheritance without any time delay, so that there is no conflict in the family as a trigger, according to the hadith of the Prophet SAW;

عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَلْحِقُوا الْفَرَائِضَ بِأَهْلِهَا فَمَا بَقِيَ فَهُوَ لِأَوْلَى رَجُلٍ ذَكَرَ

Meaning :

From Ibn Abas RA Rasulullah said, Immediately distribute paradise to the experts. As for the rest, to the male heirs.

The part that has been stipulated in the text of the verse is *qath'i* and absolutely as an order to humans so that it is carried out according to fair provisions, fair not in the sense that it is distributed evenly but fair in the sense that it is in accordance with their needs and functions as servants of Allah SWT, fair not only in terms of numbers, fair in terms of benefits.

Inheritance as a trigger for conflict is inseparable from the delay in the implementation of the distribution to the heirs who are entitled to receive it. If the implementation is delayed, of course, there will be a mixture of rights and vanity that is not justified in the *Shari'a* for ownership, but the concern is that it has the potential to greatly damage the relationship between heirs (Wahidah & Amruzi, 2022).

The trigger for the conflict between the heirs is the delay in the time for the inheritance to be distributed to the heirs who are entitled to receive it. Conflict in the family as the cause of the delay in the time for the inheritance to be distributed is something that really needs to be a concern to reduce and minimize the occurrence of conflicts in the family by the heirs.

2. LITERATURE REVIEW

2.1. Model of Islamic Education and Inheritance

Islamic education and inheritance have a close relationship with the teachings of Islamic law. In Islam, inheritance is a right that must be fulfilled fairly and truthfully for the heirs (Suwarni, Budiarta, & Arini, 2020). Therefore, Islamic education teaches the importance of knowing the procedures for distributing inheritance in accordance with the provisions of Islamic law. In Islam, the division of inheritance is regulated in detail in the Al-Quran and Hadith. There are rules that must be obeyed in the distribution of inheritance, such as the obligatory distribution (*faraidh*), wills, and others. As Muslims, it is important for every Muslim to study and practice religious teachings, including those regarding inheritance law. Islamic education trains moral sensitivity and spiritual awareness in the distribution of wealth so as to avoid greed, jealousy, and negative competition between families.

In this case, Islamic education helps to build good character and keep Islamic values in all parts of life (Somad, 2021), including when it comes to passing on property. As Muslims, we must try to practice our religious teachings properly and correctly, including the procedure for dividing inheritance.

2.2. Basis for the Distribution of Inheritance

The legal basis for distributing an inheritance according to the *qath'i* text in the word of Allah SWT.

لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ ۚ نَصِيبًا مَّفْرُوضًا

Meaning : For men there is a right to a share of the inheritance of their parents and relatives, and for women there is a right to share (also) from the inheritance of their parents and relatives, whether a little or a lot, according to the portion that has been determined (QS. An Nisa verse 7).

The division of inheritance with time does not carry out significant protracted delays that will bring benefit and avoid harm, as according to the rules of *ushul fiqh* **الضرر يزال** (difficulties must be eliminated) by eliminating difficulties for the sake of benefit, establishing a new law to provide limitations as the implementation of its implementation is implemented in a stipulation regarding the time limit to be imposed by the mujtahids. The understanding is that it is time for the implementation of the distribution of inherited assets to draw up a law, such as the rule of "prioritizing what is certain over interests that have just been suspected or are still in doubt." (Qaradhawi, 2014).

تُقدم المصلحة المتيقنة على المصلحة الضئولة أو الموهومة

In order to fulfill the law that has been carried out specifically for the heirs in a line up, down, and sideways, with the existence of a time limit regarding the law, the time limit for the implementation of the distribution of inherited assets is inseparable from the *taklifi* law between the obligatory *muqayyad* and the obligatory *muwassa'* (Helim, 2023), with hopes and conditions that the family and kinship system will be established in a solemn manner in the absolute distribution of inheritance, as well as in harmony in regional development, as well as in the Republic of Indonesia, which is highly developed and has various customs that apply in the midst of the society.

Every command shows that it must be carried out and carried out in an orderly and wise manner without any coercion; with the willingness to do so, you will get a reward and avoid committing sins, says Allah SWT: **أَرَأَيْتَ الَّذِي يُكَذِّبُ بِالذِّينِ** People who ignore the rights of others are classified as people who believe in religion. Because there are no established rules and regulations, humans who do not obey orders and do things that are prohibited in the texts of the verses and hadiths will suffer an imbalance in the future, that is, on the Day of Judgment.

In Islam, the inheritance system is known in a good way without any coercive factors: the acquisition of ownership rights through inheritance, which can cause cause and effect; with death, there are inheritance rights for heirs. in the Qur'an as a textual *Qath'i* argument about each part, each as *jawil furud*.

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ ۚ فَإِن كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِن كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ ۚ وَلَا يُورِثُهُ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِن كَانَ لَهُ وَلَدٌ فَإِن لَّمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَتْهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ ۚ فَإِن كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ ۚ مِن بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دِينٍ ۖ آبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُم أَقْرَبُ لَكُمْ نَفْعًا ۚ فَرِيضَةٌ مِّنَ اللَّهِ ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

Meaning: Allah has prescribed for you (the distribution of inheritance) for your children, that is, the share of a son is equal to the share of two daughters, and if the children are all more than two girls, then for them two-thirds of the inheritance is left behind, if the child is a boy. If the woman is only one, then she gets half the property, and for two parents, for each one-sixth of the property left behind that is inherited by her parents (only), the mother gets one third; if the deceased had several siblings, then her mother gets one sixth. The divisions mentioned above, after being fulfilled by the will that he made or (and) after paying his debts (about) your parents and your children, you do not know which of them is closer to (many) benefits for you. This is a decree from Allah. Verily, Allah is All-Knowing and All-Wise.

Legal provisions regarding shares of 1/2, 2/3, 1/4, 1/8, 1/6, and 1/3 of the acquisition to each are the most basic provision as a rule for dividing the acquisition of rights. God is the fairest right that is seen from the side of the benefits. The implementation of the distribution of inheritance in terms of the time of implementation of its obligations is included in the obligatory *muaqqat* category; the *muwassa's* obligation is included in the obligatory *muaqqat* category because the implementation of the distribution of inheritance to the heirs can only be carried out from the time the heir dies, therefore the death of one heir becomes a condition that must be met for the division of inheritance (Muhibbin, 2009).

The person who inherits the property, or the heir, must have passed away and not still be alive. If the heir has not died, such as in a state of prolonged coma or while still healthy but has given inheritance rights to his heirs, it can be stated that if a person dies, his soul or his spirit is no longer

attached to his limbs, or as in the case of a missing person who cannot be found again, it can be stated in a decision by a judge that he has passed away, and on the basis of the judge's decision, the implementation of the distribution of inheritance can already be carried out (Al-khin, 2018). The principle of death confirms that a person's property cannot be transferred to another person in the name of inheritance as long as the owner of the property is still alive. If there is a transfer of the property of a person who is still alive to another person, then the transfer is not a transfer of inheritance under the provisions of Islamic inheritance law (Syarifuddin, 2008).

Someone with concerns about the assets left behind after he dies later will do the distribution of assets while still alive; this cannot be done by giving his assets in the form of inheritance, but his rights are still given as gifts to children and their relatives according to the established syar'i law. The emergence of the law as an obligation to carry out the distribution of inheritance without any element of slowing down or delaying the implementation of the distribution of inheritance is included in the obligatory category of *muaqqat*, which is *muwassa'*, because after the death of the heir, this is the basis point for the Regulation of the Regent of Bener Meriah Regency Number 19 for the year 2022 regarding the implementation of the distribution time of inheritance. In Article 3 (1), it is stated that 100 days after the heir dies, the distribution of inheritance can be carried out (Al-khin, 2018). If this is not carried out, the village or village apparatus can wisely admonish the heirs, with the consideration of eliminating harm and attracting benefit.

The regulation issued by the Regent of Bener Meriah Regency on May 17, 2002, number 19 of 2022, provides benefits to the people in Bener Meriah district. The benefits felt by the community regarding the time limit regarding the implementation of the distribution of inheritance are very profitable and do not conflict with the existing *Shari'a*. In the concept of *Shari'a* and in the arguments of the texts of verses and hadiths as guidelines for mankind regarding the implementation of the distribution of inheritance, there will be no time delay for the distribution of inheritance to heirs who have rights to the inheritance.

According to some of the As-Syafi'i ulama and the *malikyah* and *hanfiah* ulama, basically, an order to do something in *shighat amar* demands that it be done immediately and carried out according to the rules *الأصل في الأمر يقتضى الفور*. The original law contained in the *shighat amr* demands that it be implemented immediately (Muttaqin, 2021). That if Allah did not want promptness when ordering the Devil to prostrate to Adam in verse 34 of Surah Al-Baqarah, of course there would be no reproach in verse 12 of Surah Al-Araf or the expulsion of the Devil who did not want to immediately prostrate to the Prophet Adam AS (Usman, 1997).

Every order or word of Amr must be obeyed and carried out, so that no delay is made. It is a matter of getting away from being accused of tyranny by those who ordered and not committing tyranny and avoiding acts of sin. The implementation of the distribution of assets without delaying time will then avoid the tyrannical actions of fellow members. heirs who are entitled to inherit from the heir.

3. RESEARCH METHOD

Qualitative research does not focus on objective quantitative data; qualitative research seeks to understand social phenomena from an individual's point of view. Interviews, observation, and document analysis are examples of data collection methods used by qualitative researchers. Collecting qualitative data involves gathering information in the form of descriptive, subjective, and complex words or actions. In contrast to quantitative data, qualitative data emphasizes the interpretation of the meaning and understanding of a phenomenon and cannot be measured quantitatively.

Qualitative data can be collected by interviewing participants, directly observing activities or events as they happen, or reading documents like files and records. This qualitative data collection was done to learn more about the social phenomenon that was being looked into. The information obtained will be analyzed continuously during the research. So that it will produce a relationship between variables with one another. In addition, a data reduction process was also carried out to retrieve the required distribution of information for the stage of presenting the information. In addition, a process of drawing conclusions or undergoing verification stages is needed during or after the data collection stage (Salim, 2022).

4. RESULT AND DISCUSSION

The act of delaying the time for carrying out the distribution of inherited assets is an act that is not justified in Islam. By distributing inheritance without any element of intent, the distribution can be carried out immediately without delay until it has been many years, so that it can be utilized by the heirs of the assets obtained by inheritance (Qorib, 1997). The longer the time for the implementation of the division of inheritance, the more harm will arise from the time it is not carried out immediately and without a clear time limit. By starting it, it raises suspicions among the heirs and the struggle for ownership of the inheritance, so that the problem of violence between fellow heirs in an inheritance dispute will arise. (Usman, 1997). The longer the time for the implementation of the division of inheritance, the more harm will arise if it is not carried out immediately and without a clear time limit. by starting it, it raises suspicions among the heirs and the struggle for ownership of the inheritance, so that the problem of violence between fellow heirs in an inheritance dispute will arise.

عَنْ ابْنِ مَسْعُودٍ قَالَ نَبِيُّ رَسُولِ اللَّهِ تَعَلَّمُوا الْقُرْآنَ وَعَلِمُوهُ النَّاسَ، وَتَعَلَّمُوا الْفَرَائِضَ وَعَلِمُوهَا النَّاسَ، فَأَعْيَى أَمْرُهُمْ مَقْبُوضٌ، وَإِنَّ هَذَا الْعِلْمُ سَيُقْبَضُ وَتُظْهِرُ الْفِتْنُ، حَتَّى يَخْتَلِفُ الْإِثْنَانُ فِي الْفَرِيضَةِ فَلَا يَجِدَانِ مَنْ يَفْصِلُ بَيْنَهُمَا

Meaning : Learn the Qur'an and teach it to mankind; learn the science of *Faraidh* and teach it to mankind because I (as a human being) will die, and indeed, this *Faraidh* knowledge will be revoked with the deaths of these knowledge experts. Then, slander will arise because, when there is a conflict between two people in the matter of the portion of the inheritance, they do not find anyone who is able to decide the matter.

The timing of the implementation of the distribution of inherited assets is not clearly stated in the arguments of the texts of verses and hadiths, but implicitly Islam teaches and encourages people to always hasten good deeds, including the implementation of the distribution of inherited assets, for the benefit of being maintained. (Rahmawati, Setyowati, & Islamiyati, 2016). In order to maintain the benefit of fellow heirs as heirs, it is necessary to have a legal standard that regulates boundaries as a time limit, with the aim of avoiding physical and mental abuse of heirs, which will not be sustainable, and Islam does not want tyranny among heirs, as well as those that have an impact on the social and economic order and harmony between heirs who are entitled to receive inheritance.

The impact of delays in the implementation of the will on the heirs is that inheritance is both movable and immovable and moves in acquisition rights automatically without infringement on other people's rights. The provisions of Islamic law provide certainty to those entitled to receive inheritance in a way that can be done in two ways:

1. Decreasing way 1/2, 1/4, 1/8, 1/3, and 1/6
2. How to ascend, namely 1/8, 1/4, 1/2, 1/6, 1/3, and 2/3 (Al-Sabouni, 2005)

In the *Shari'a*, it is highly recommended that the assets left by the heir go to the heirs, with each heir's share based on the principles of justice and agreement among the heirs.

وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُبَيِّمَ الرِّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا لَا تُضَارَّ وُلْدَةٌ بِوَلَدِهَا وَلَا مَوْلُودٌ لَهُ بِوَلَدِهِ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا وَإِنْ أَرَدْتُمْ أَنْ تُسَنِّتُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا آتَيْتُم بِالْمَعْرُوفِ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ

Meaning: Mothers should breastfeed their children for two full years, that is, for those who want to perfect breastfeeding. And the father's obligation to feed and clothe the mothers in a *ma'ruf* way. Someone not burdened but according to ability levels. Let not a mother suffer misery because of her child, nor a father because of his child; and the heir is also obliged to do so. If both of them want to wean (before two years) with the consent of both of them and deliberation, then there is no sin on either of them. And if you want your child to be breastfed by someone else, then there is no sin on you if you pay according to what is appropriate. Fear Allah and know that Allah is seeing what you do (QS. Al-Baqarah, 233).

The principle of deliberation is highly prioritized in the implementation of the distribution of inheritance, not to impose on one's own will, as well as harmony among heirs, so that the goals of *maqasid sharia* are realized and do not conflict with the will of existing texts if the principles of existing

provisions are realized. The heirs' pleasure must accept the number of parts specified in the *jawil furud* provisions (Israfil, Muzakir Salad, 2021).

The concept of hastening good deeds is an obligation when it is related to the trust and rights of other people, which must be completed in a *ma'ruf* manner without any element of compulsion so as to avoid tyranny, as stated in the Al-Qur'an Surah Annisa verse 54.

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ ۗ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ ۗ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا

Meaning: "Verily Allah orders to deliver the mandate to those who are entitled to receive it, and (orders you) when stipulating laws among humans so that you determine fairly. Verily, Allah gives you the best teaching. Verily, Allah gives the best teaching to you. Truly, Allah is all-hearing and all-seeing (QS. An Nisa. 58).

The explanation of the verse above is a mandate; every mandate must be guarded with the hope that it will avoid the nature of wrath to Allah SWT, who has given orders to mankind with the aim that they can be obeyed and implemented, such as the implementation of the distribution of inheritance within a time limit, so as not to cause internal conflicts in the family between the heirs.

5. CONCLUSION

Every implementation of the division of inheritance that aims to have a beneficial impact on the heirs left by the heir, with the acquisition of ownership rights through inheritance, does not trigger conflicts among heirs as a provision governing the share of each heir in *jawil furud*. Inheritance is a mandate from Allah SWT, so that every death that leaves inheritance can be distributed to the heirs without delaying the time for it to be carried out, so that in accordance with what Allah SWT has ordered, one can avoid actions that are not pleasing to Him. current inheritance, the implementation of the distribution of inheritance must be based on fair principles and deliberations to achieve the will of the heirs of each party, and the distribution of inheritance can be carried out not too long after the death of the heir. The time stipulations for carrying out the distribution to each party exclude the intention of the heirs wish to take full control of the inherited property as the acquisition of ownership rights by way of vanity. In addition to other factors, conflict can also arise due to delays in the distribution of inheritance, which can lead to slander. So the role of Islamic education has a central role in terms of conflict prevention; every individual who has rights in the distribution of inheritance is expected to have the right understanding in the distribution of inheritance.

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