

Jurnal Notariil

Jurnal Notariil, Vol. 5, No. 1, Mei 2020, 8-15

Available Online at <https://ejournal.warmadewa.ac.id/index.php/notariil>

<http://dx.doi.org/10.22225/jn.4.2.1208.65-72>

P ISSN 2540 - 797X

E ISSN 2615 - 1545

LEGACY IN DIFFERENT RELIGION AND THE IMPLEMENTATION OF WAJIBAH HERITAGE AGAINST NON MOSLEM HEIR IN INDONESIAN

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How To Cite:

Sujana, I, N. (2020). Legacy in Different Religion and The Implementation of Wajibah Heritage Against Non Moslem Heir in Indonesian. *Jurnal Notariil*. 5 (1) 2020. 8-15. Doi: <https://doi.org/10.22225/jn.5.1.1784.8-15>

Abstract

This study examines more deeply about the judge's consideration in establishing a Muslim as an heir of the assets of a non-Muslim heir in Indonesia, and why wajibah must be chosen as a solution in providing inheritance to non-Muslim heirs in Indonesia. This research is a normative legal research by using statute approach conceptual approach and case approach. The result showed that firstly the judges' considerations that deviate from the Word of the Prophet (peace be upon him): "It is not right for a Muslim to inherit unbelievers, nor do infidels inherit Muslims" is based on the values of justice and legal certainty regarding the rights of heirs to the inheritance arising from the relationship of the heirs arising from the relationship kinship that is so close and peaceful despite different beliefs/different religions, the ability of Muslim heirs to receive inheritance from non-Muslim heirs will bring more kemashalatan (goodness) for Islam. By leaving the inheritance of non-Muslim heirs to Muslim heirs, it will safeguard these assets to bring good deeds in accordance with the teachings in Islam. Secondly, mandatory wills are chosen as a way out in giving inheritance to non-Muslim heirs, because the heir does not leave a will or grant during his lifetime to non-Muslim heirs, so that for the sake of fairness, usefulness and legal certainty, the judge with his authority has the authority to determine compulsory testaments to non-Muslim heirs. Because the kinship system in Islamic law is more important when compared to religious differences as a barrier to inheritance.

Keywords: Different religions; inheritance; mandatory wills

1. INTRODUCTION

Indonesia country have vary of harmonious ethnic, racial and religious groups within the Republic of Indonesia. The religious differences adopted according to Islamic law are one of the obstacles to obtaining inheritance, this can be seen in the words of the Prophet through Usamah Ibn Zaid narrated by Muslim Bukhari. Abu Daud, Tirmidhi and Ibn Majah that a Moslem does not inherit from non- Moslem and vice versa, a non-Moslem does not inherit from a Moslem. Meanwhile the Qur'an does not provide strict provisions regarding the prohibition of inheritance of different religions. In the Compilation of Islamic Law, until now, also not found articles that clearly prohibit inheritance for heirs and heirs who embrace religious differences.

Obtaining an inheritance is not enough just because it has a reason for

inheritance, but for someone also there must not be a reason that can prevent him from receiving an inheritance. There are several obstacles to inheritance that are 1) Murder factor; 2) Factors of different religions; 3) Slavery factor; 4) The factor of apostasy; 5) Factors vary by country; 5) Factors die together between child and father (Anshori, 2012).

The regulation on the prohibition to inherit the existence of religious differences is unclear, giving rise to multiple interpretations. In Article 173 only mentions 2 things that cause a person cannot inherit, namely someone who has been proven guilty of killing and slandering. As for hadist Rasulullah SAW which is narrated by Bukhari and Moslem:

لا يَرِثُ الْمُسْلِمُ
الْكَافِرَ، وَلَا يَرِثُ الْكَافِرُ الْمُسْلِمَ

"Tidaklah berhak seorang muslim mewarisi

harta orang kafir, dan tidak berhak pula orang kafir mewarisi harta seorang muslim"

(Haries, 2010). In other words, it is not right for a Moslem to inherit the property of an infidel, and no the disbelievers are entitled to inherit the wealth of a Muslim.

Based on the hadith, the status of religion at the time the heir dies becomes a deciding factor in the occurrence or obstruction of a person inheriting each other; because that's when the new inheritance is open to be transferred to his heirs. With regard to the growing and developing Indonesian state of religious pluralism embraced by its people, there are also more cases that occur related to the inheritance of different religions, moreover in the Province of Bali as a world tourist destination that is predominantly Hindu but not closed between interfaith marriages with people Moslem or other religions, so that open cases of inheritance of different religions occur.

Sunnah Rasullullah SAW which is considered the second source of Islamic law after the Qur'an, in fact there is not much talk about inheritance (Siddik, 1984). Based on this consideration, the Supreme Court and the Badung Religious Court issued a new stipulation in Islamic inheritance law, namely establishing Muslim children as heirs of their non-Muslim parents and giving inheritance to non-Muslim heirs through the obligatory will. Although until now there are still differences of opinion among the scholars that this stipulation is considered not to reflect the teachings in Islamic law regarding the settlement of inheritance of different religions.

Indonesia has different provisions regarding mandatory wills when compared to the mandatory wills law in the State of Egypt. The regulation of mandatory wills in KHI is explained in Article 209, which says:

"The inheritance of adopted children is divided based on Article 176 up to Article 193 above, whereas for adoptive parents who do not receive a will, a compulsory testament is given up to 1/3 of the inheritance of their adopted child." "The inheritance of adopted children is divided based on Article 176 up to Article 193 above, while for adoptive parents who do not receive a will, a compulsion will be given as much as 1/3 of the inheritance of their adopted children".

"For adoptive children who do not receive a will given a mandatory testament as much as 1/3 of the inheritance of their

adopted parents." "For adoptive children who do not receive a mandatory testament as much as 1/3 of the inheritance of their adopted parents"

KHI, Compilation of Islamic Law, only conceptualizes the provision of mandatory wills to foster children and adoptive parents, while countries with other Islamic systems of government institutionalize mandatory wills to address the problem of grandchildren whose parents die earlier than their grandparents.

According to various groups, the implementation of the compulsory testament carried out by the Supreme Court and the Badung Religious Court for non-Muslim heirs is a legal discovery based on a sociological juridical method. For the sake of fulfilling a sense of justice for non-Moslem heirs who are prevented from inheriting because of religious differences. As an example of an interesting case to be analyzed is a case that occurred in Badung Regency, Bali Province, and has received the Establishment of the Religious Court Number:4/Pdt.P/2013/PA.Bdg March 7, 2013 which sets applicant i and applicant ii as heirs of the mother of the applicants who are hindu and also the heirs of the applicant's father who is muslim. As well as giving part of the inheritance by compulsory testament to the first brother and the third brother, the applicants who are Hindu are not exceeding the portion of the same heirs.

Likewise, in the ruling of the Supreme Court of the Republic of Indonesia Number 16 K / AG / 2010 dated 30 April 2010 which gave legal considerations that non-Moslem living side by side in peace cannot be categorized as *pagan harbi*, nor can the Joint Cassation Petitioners inherit during their social life. In harmony even though different beliefs, because it is proper and appropriate for the cassation applicant to obtain a share of the inheritance inheritance in the form of compulsory testament.

The followings are some latest research related to the current issue, first, a research carried out by (Setiawan, 2017) said that *Wajibah* is a will or message that must be carried out and addressed to the person left behind (the person who is still alive) will give the inheritance to the adopted child. *Wajibah*, compulsory wills, on condition that it cannot exceed 1/3 (one third) of the inheritance of the adopted parents, this is to protect other heirs. Second, (Sulong, 2008) revealed that the Sect of the Sunnah Mazhabi is the

leading reference sect in the country. The position and influence of the Shafi'i Mazhab is very strong and significant including in the question of inheritance law and will. Third, (Alias Azhar, Mohammad Azam Hussain, Muhammad Hafiz Badarulzaman, & Fauziah Mohd Noor, 2014) pointed out that in Malaysia, no specific provision for Grants is negotiated. To date, we have only applied the provisions of the Syariah Court's jurisdiction set out in Item 1, List II, Ninth Schedule, Federal Constitution. The provision refers to the term 'gift'. The provisions indicate that the Hibah is part of the affairs of the Islamic religion in each state and directly involves the jurisdiction of the Syariah Court.

Based on the description above, it is very important to be analyzed because the Compilation of Islamic Law which is a positive law in force today does not regulate the position of the heirs who have lapsed and granting the wills to non-Muslim heirs. Therefore, this study aims to understand the judges' considerations in establishing a Moslem as heir of a non-Moslem heir in Indonesia, as well as to find out more about the views of the court and legal experts in Indonesia in resolving disputes on inheritance of different religions in Indonesia from non-heirs. Muslim to Muslim heirs and vice versa through the obligatory testamentary institutions.

2. METHOD

This study is a normative legal research by using Statute Approach conceptual approach and case approach. The statute approach intended in this research is seen from the current Islamic Law and its aftermath after the Decision of the Supreme Court of the Republic of Indonesia No.16K / AG / 2010 and the Establishment of the Badung Religious Court Number: 4/Pdt.P/2013/PA.Bdg 7 march 2013. While, the case approach will be examined regarding cases related to the inheritance of different religions. Especially those who have implemented mandatory wills for heirs and heirs who embrace religious differences. Besides that, conceptual approach in this study, studying the views and doctrines that will be used as a guide in building a legal argument to solve the problem of inheritance of different religions.

3. DISCUSSION

Judges' Considerations in Establishing the Inheritance of Religious Differences in Indonesia

Inheritance embraced in Islamic law is based on equality of faith, so those who are entitled to occupy as heirs are those who have the same faith as the heir. In connection with the Decision of the Supreme Court of the Republic of Indonesia Number 16 K / AG / 2010 30 April 2010 and the Establishment of the Badung Religious Court Number: 4 / Pdt.P / 2013 / PA.Bdg 7 March 2013, the main thing that must be considered is what law is applied in this ruling and determination, considering that between heirs and heirs have different beliefs (different religions). The question can be answered by using the Jurisprudence of the Supreme Court of the Republic of Indonesia (referred to as MARI) Number: 172 K / Sip / 1974, March 6, 1975, stating "In inheritance disputes, the inheritance law used is inheritance law". And in the case decided by the Supreme Court and the Establishment of the Badung Religious Court, between the heirs and the heirs are in different beliefs (different religions). In both decisions, the judge has rightly applied Islamic law as the basis for dividing the inheritance, so it is very appropriate if the judge resolves the issue of inheritance of different religions using Islamic inheritance law.

Religious differences are one of the obstacles that a person can become an heir, so if guided by the hadith Rasulullah SAW and the agreement of the majority of fiqh scholars. In the Compilation of Islamic Law (KHI) Article 171 point (b) only states:

"Pewaris adalah orang yang pada saat meninggalnya atau dinyatakan meninggal berdasarkan putusan pengadilan beragama Islam, meninggalkan ahliwaris dan harta peninggalan". In the other words, heir is a person who at the time of his death or was declared dead based on the decision of the Islamic court, leaving heirs and inheritance".

There is no further regulation in the KHI, what if the heir at the time of death has converted. Whether the property can still be inherited by heirs of different religions (Moslem and / or non- Moslem) or not. In this case the norms usually occur in the compilation of Islamic law (KHI). Therefore, in order to provide justice to justice seekers, the Judge who adjudicates must make a legal discovery in every case he examines. This obligation stems from one of the principles in civil

procedural law, that judges are considered to know the law (*ius curia novit*) (Mertokusumo, 2010). Because the judge has the authority to make legal discoveries known as *rechtvinding*, in Article 5 paragraph 1 of Law Number 48 Year 2009 concerning Judicial Power, which states that "Judges and Constitutional Justices are obliged to follow, explore and understand legal values and a sense of justice that lives in the community.

Concerning the problem, namely the consideration of judges in establishing the inheritance of different religions in Indonesia, it can be seen in the Supreme Court's decision no. 16 K / AG / 2010 which provides legal considerations on the basis that non- Moslem who live side by side in peace cannot be categorized as infidels, so in the Supreme Court's ruling where an applicant who is married in civil registration has joint property with a Moslem husband, but left the inheritance which is controlled by her husband's Moslem brothers, because the heir (deceased husband and petitioner cassation as his wife during his life get along in harmony and peace despite different beliefs, because it is proper and proper to get part of the inheritance inheritance in the form of obligatory testament. Likewise, the consideration of Badung Religious Court Judge No. 4 / Pdt.P / 2013 / PA.Bdg dated 7 March 2013 based its determination in considering inheritance to see that kinship is considered more important when compared to religious differences as a barrier to inheriting one another. In Islamic inheritance law, it is expected that the inheritance left behind can be used by heirs for good. A child will continue to recognize his biological mother, even if his biological mother is not a believer / one religion with him, because the blood relationship between parents and children will not be able to decide in any way. Islam does not teach hatred by breaking off kin relations with non-Muslims. Especially in this problem is the relationship between parent and child.

Allah SWT has ordered a child to remain devoted to his parents, even though different religions, this can be seen in Sura Luqman verses 14-15, which says:

وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ حَمَلَتْهُ أُمُّهُ وَهْنًا عَلَىٰ وَهْنٍ
وَفِصَالُهُ فِي عَامَيْنِ أَنِ اشْكُرْ لِي وَلِوَالِدَيْكَ إِلَيَّ الْمَصِيرُ وَإِن
جَاهَدَاكَ عَلَىٰ أَن تُشْرِكَ بِي مَا لَيْسَ لَكَ بِهِ عِلْمٌ فَلَا تُطِعْهُمَا وَصَاحِبِهُمَا
فِي الدُّنْيَا مَعْرُوفًا

Which means, "Kami berwasiat kepada manusia terhadap kedua orang tuanya, ibunya telah mengandungnya dalam keadaan amat payah dan menyapihnya dalam waktu dua tahun agar 'Bersyukurlah kepada-Ku dan kepada kedua orang tuamu. Hanya kepada-Ku tempat kembali. Jika keduanya memaksamu untuk menyekutukan-Ku, sesuatu yang kamu tidak ketahui, janganlah kamu patuhi keduanya, tetapi bergaullah dengan keduanya dengan baik. In other words, we will testify to mankind to his parents, his mother has conceived him in a very poor condition and weaned him within two years so that 'Be thankful to me and to your parents. Only to me where to return. If both of them force you to associate with Me, something that you do not know, do not obey both, but associate with both of them well".

Religious differences should not be an absolute reason for a child to hate or avoid his parents. Rasulullah SAW gave an example to Moslem regarding this matter, namely by his devotion to his uncle who was non- Moslem, but had educated and nurtured Rasulullah SAW since childhood, he was Abu Talib. This is in line with the view of one of the Badung Religious Court Judges who provided a legal breakthrough through the compulsory will to give part of the inheritance to those who did not believe / not be a religion, where he stated that the real inheritance in Islam was not merely a transfer of assets from the heir to heirs, but there is also an element of Worship in it. It is expected that later when the inheritance's assets have transferred to the heirs is to bring good to the heirs and heirs. Because 3 things that according to Islam will never break even if someone has died, namely: alms, pious children, and useful knowledge

In resolving the case of inheritance of different religions, the Judge did not find any definite rules in the KHI concerning how to arrange the assets of the heir who had lapsed. If no rules are found in KHI, the judge will look for rules in the Qur'an and the Hadith. If no rules are found in the Qur'an and the Hadiths, the judge will undertake to undertake to resolve the issue. Ijtihad is a way to determine the law by deviating from existing provisions for the sake of justice and social interests in society. It is true, in the process of inheritance in Islamic law, in general the KHI adheres to religious equality. However, the barrier to being able to inherit each other due to religious differences must be carefully understood.

Religious differences are addressed solely to heirs. So, if someone wants to be determined to be an heir of an heir who is Moslem, then don't ever have a different religion from the heir. If that happens, then the non- Moslem cannot claim that he is counted as heir and get the inheritance from the heir according to Islamic law.

The Indonesian state, whose population is diverse in adhering to religion, is related to the issue of inheritance of different religions, as happened in the Badung regency. The judge considered that the rules in the Hadith that forbid Moslem and infidels from inheriting each other were general rules. And the hadith is seen by the judge as a suggestion, not an obligation. So it might be done, it might or not. According to the Judge, given the wealth of a Moslem heir who had converted (apostasy) to his heirs who were Moslem would bring more wealth (goodness), especially for Moslem. By giving the assets of non- Moslem heirs to his Moslem heirs, it will bring benefits and goodness as follows:

Given the inheritance of non-Muslim heirs to Muslim heirs, is expected to keep the Muslim heirs from apostasy following the religion of his non-Muslim heirs due to the temptation of inheritance left by the heir.

If a Moslem child is given the right to inherit property from his non-Muslim parents, it is hoped that he will serve his parents sincerely without any coercion or even hatred towards his parents because of religious differences.

By giving the inheritance assets that have apostatized to Moslem heirs, it is expected that these assets can be used as well as possible in the way of Allah SWT to bring good deeds in accordance with the teachings of Islam.

Wajibah will as a solution in giving inheritance to different heirs of religion.

Islamic Sharia rules inheritance in a very orderly and fair form. In it, property rights for every human being, both male and female, are determined in a legal manner. The Islamic Sharia also stipulates the right of transfer of ownership of a person after death to his heirs, from all his relatives and relatives, without distinguishing between men and women, large or small (Ash-Shabuni, 2013). The discussion regarding non-moslem heirs with regard to the Decision of the Supreme Court of the Republic of

Indonesia Number 16 K / AG / 2010 30 April 2010 and the Establishment of the Badung Religious Court Number: 4 / Pdt.P / 2013 / PA.Bdg., March 7, 2013, seems to need to be analyzed by using the theory of the Purpose of law, and the Theory of Human Rights.

Noting the considerations of the Supreme Court Judge and the Badung Religious Court Judges who have made a legal breakthrough by giving a part of inheritance to those of different religions through the mandatory will, should be appreciated in depth. Why is that? Because through these two decisions, the Court has provided a legal breakthrough to give part of inheritance to those of different faiths, to provide justice and legal certainty regarding inheritance rights left by heirs of different religions / different beliefs, namely by giving obligatory wills. Besides that when it is examined with a human rights approach, it seems that the state must also consider that the heirs and heirs are creatures of God who have the same position before God. Non-moslem heirs or moslem must recognize all of their basic human rights. In these cases, however, the non-Moslem heirs and the Moslem heirs are equally God's creation. Who during his life interacted in harmony and peace despite different believe. Similarly, all of them are both born into a legal marriage, and raised by parents in harmony and peace. While religion is a human right and the freedom of every individual to choose religion in accordance with their beliefs.

If it is related to the Islamic inheritance legal system that applies to non-Moslem heirs, which stipulates that a Moslem can inherit the inheritance of the heirs of non-Moslem, it is not a fair and humane attitude if the non- Moslem heirs are not allowed to accept their rights to inherit Moslem heirs. Religious differences are a form of belief in the truth of a religious teaching that should be respected and respected by everyone, so that religious differences are not a dangerous and disruptive condition of life in society (Nugraheni & Ilhami, 2014). So it cannot be equated with a form of crime. Researchers are of the view that religious differences are part of the basic rights possessed by every human being to choose religion according to their respective beliefs. And it is very unfair if placed as a barrier for the recipient of inheritance that is equal to the crime as stated in KHI Article 173. That what can prevent a legitimate heir from receiving

part of the inheritance is if the person concerned is proven to have committed a crime against the testator in the form of murder, ill-treatment or slander. The government must create humanitarian justice through the ability to grant inheritance rights through wills, grants, and mandatory wills to non-Muslim heirs so that social unrest does not occur for those who are non-Muslim.

Basically, everyone has the right to inherit his property to anyone he wants, but it must be in accordance with the legal rules that govern it. The existence of the provisions of the law so that the exercise of one's right to will not harm the other party. Mandatory mandate written in the letter of al-Baqarah father 180, which said:

كُتِبَ عَلَيْكُمُ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ إِنْ تَرَكَ خَيْرًا الْوَصِيَّةَ لِلْوَالِدَيْنِ وَالْأَقْرَبِينَ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ

Which means, "Diwajibkan atas kamu, apabila seorang di antara kamu kedatangan (tanda-tanda) maut, jika ia meninggalkan harta yang banyak, berwasiat untuk ibu-bapak dan karib kerabatnya secara ma'ruf, (ini adalah) kewajiban atas orang-orang yang bertakwa." In other words, it is obliged upon you, if one of you arrives (signs) of death, if he leaves a lot of wealth, wills to his parents and close relatives, ma'ruf, (this is) an obligation on the righteous.

In the Compilation of Islamic Law, the will is regulated in Book II Chapter V Article 194 through Article 209. However, in the compilation of Islamic law it does not regulate the conditions for a person who can receive a will. Is the recipient of a will must be a fellow Moslem or allowed to be given to non- Moslem. The Qur'an and the Hadith also do not regulate it.

The rules of wills that also apply to mandatory wills are about the stages that must be passed before the distribution of wills. The stages that apply to the distribution of general wills also apply to the distribution of mandatory wills. The stages referred to are as regulated in the Qur'an An-Nisaa verses 11 and 12 as well as Article 175 paragraph (1) KHI. These stages are that the inheritance's inheritance must first be reduced by the maintenance costs of the heir's body, medical expenses, and the heir's debts. Furthermore, then a will is carried out if the testator leaves the will or in the form of an obligatory will.

According to the researcher, the regulation of compulsory wills in the

Compilation of Islamic Law must be improved, considering that there is still a legal vacuum associated with mandatory wills for those who are heirs of different religions, because the compilation of Islamic law does not regulate the conditions of someone who is allowed or prohibited from receiving a will. In addition, specifically for the regulation regarding mandatory wills, Article 209 Compilation of Islamic Law is only analogous to adopted children and adoptive parents. Article 209 Compilation of Islamic Law says:

The inheritance of adopted children is divided according to Article 176 up to Article 193 above, whereas for adoptive parents who do not receive a will, a compulsory will is given as much as 1/3 of the inheritance of their adopted child.

For adoptive children who do not receive a will given a mandatory testament as much as 1/3 of the inheritance of their adopted parents.

As for the testament to the non-Muslim heirs to date there are no legal rules governing it. In Indonesia, cases of non-Muslim heirs are still a matter of debate among scholars, even among the judges themselves. Because until now there is no legal certainty regarding the permissibility of non-Muslim heirs to receive inheritance through the will and the will. If between adoptive parents and adopted children who do not have a Nasab relationship are allowed to receive a share of the inheritance in the form of compulsory wills. It is very unfair if a child who has an unbroken relationship with his parents is not allowed to accept the obligatory will only because of religious differences.

The Chairman of the Badung Religious Court, Mr Khairil, S.Ag in his interview with researchers revealed that if a person after his death turned out to leave an heir who was prevented from receiving inheritance through inheritance, and had never left a will or gift through a grant, then through a determination, the judge would give property the inheritance of the testator through the mandate. A will is not always in the form of inheritance, but it can also be the last message of an heir to his heirs. This is what distinguishes the mandatory wills. Because the will is obliged to specifically regulate the assets of the heir. He asserted that giving inheritance to non-Muslim heirs did not mean that the judge violated the rules in Islamic law, but in this determination the judge still paid attention to the principles in Islamic law. One

principle that must not be violated is that mandatory wills are only allowed a maximum of 1/3 (one third) of the total inheritance. According to researchers, the granting of compulsory testaments by judges to non-Muslim heirs has created a certainty that is just and has respected the human rights of every creature created by God. With the stipulation of mandatory wills, it will create obligations that must be carried out and cannot be violated by the heirs. That is, like it or not Muslim heirs must divide the inheritance of their parents in accordance with the provisions of the judge to his brother who has converted.

4. CONCLUSION

Based on the description of the discussion above, then it can be concluded that firstly the judges' considerations that deviate from the Word of the Prophet (peace be upon him): "It is not right for a Muslim to inherit unbelievers, nor do infidels inherit Muslims" is based on the values of justice and legal certainty regarding the rights of heirs to the inheritance arising from the relationship of the heirs arising from the relationship kinship that is so close and peaceful despite different beliefs / different religions, the ability of Muslim heirs to receive inheritance from non-Muslim heirs will bring more kemashalatan (goodness) for Islam. By leaving the inheritance of non-Muslim heirs to Muslim heirs, it will safeguard these assets to bring good deeds in accordance with the teachings in Islam. Among charity, sadhaqah charity and other good deeds in accordance with the teachings of Islam.

Secondly, mandatory wills are chosen as a way out in giving inheritance to non-Muslim heirs, because the heir does not leave a will or grant during his lifetime to non-Muslim heirs, so that for the sake of fairness, usefulness and legal certainty, the judge with his authority has the authority to determine compulsory testaments to non-Muslim heirs. Because the kinship system in Islamic law is more important when compared to religious differences as a barrier to inheritance.

Thus, considering conclusion above that there are still many cases of inheritance of different religions in Indonesia, and so do the views of the ulama there are still many differences, especially regarding the giving of inheritance through compulsory wills to non-Moslem, the researchers suggest that the Ulama as parties who explore and

master about religion, is expected to immediately hold a discussion to perfect the Compilation of Islamic Law (KHI) as a positive law that applies to Moslem today, especially those who make rules on inheritance for those who are apostates towards Islam. In this occasion, for families who have different beliefs / religions in the family environment, it is better before the breath leaves this body, the heir gives his wealth to prospective heirs or non-Moslem family members by making a will or directly divides his wealth by means of a grant; so that inheritance disputes can be avoided.

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