

Girls Children's Acquisition Rights in Division Inheritance According to Munawir Sjadzali (A Study of the Implementation of the Distribution of Inheritance in the Tradition of the Muslim Batak Tribe and the Minang Tribe in Sidikalang City)

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Info Articles	Abstract
Article History Received : 2018-09-04 Revised: 2018-09-13 Published: 2018-09-29	This study describes the thoughts and arguments of Munawir Sjadzali through the idea of reactivating Islamic law in inheritance law. Where girls get the same rights as boys equal 1: 1 which is associated with the implementation study of the distribution of inheritance in the traditions of the Muslim Batak tribe and the Minang tribe in the City of Sidikalang. The type of research in writing this thesis is empirical juridical research. With fields and library data collection techniques. The data collection tools are document studies, interviews and observations. Then the data is processed and analyzed descriptively. The results of the research obtained were: First, Munawir Sjadzali gave equal rights between male and female heirs 1: 1. Based on the arguments of the sociological-historical aspects of humanity, that is worldly benefit which will bring humanity to the benefit of ukhrawi. Second, in the tradition of the Muslim Batak tribe and the Minang tribe in the City of Sidikalang the system of inheritance distribution has shifted from customary law to a system of deliberation caused by factors: economic factors, educational factors, factors to maintain the integrity of kinship, factors maintaining the integrity of the fraternity. Third, the implementation or implementation of the distribution of inheritance equals 1: 1 in the tradition of the Muslim Batak tribe and the Minang tribe in Sidikalang city explicitly or markedly not initiated or influenced by Munawir Sjadzali's thoughts, but implicitly or implicitly has the same spirit values as Munawir's thinking Sjadzali.
Keywords: <i>Girls' Rights to Acquire, Munawir Sjadzali, Implementation.</i>	

I. INTRODUCTION

In right acquisition child Woman distribution treasure inheritance, mentioned in the Koran, Surah Annisa verse 11 which reads:

Meaning: Allah prescribes for you regarding (distribution of inheritance to) your children. Namely: the share of a boy is the same as the share of two girls.

In the distribution of inheritance, as stated in the Quran, in Surah An-Nisa verse 11, it is clearly stated that the rights of sons are twice as great as the rights of daughters. However, In reality, these provisions have been largely abandoned by the Indonesian Muslim community, both directly and indirectly (Munawir, 1989).

In response to this, Munawir Syadzali made a breakthrough in reactualization in Islamic law,

especially Islamic inheritance law, where according to him, in the distribution of inheritance, sons receive twice as much as daughters, it no longer reflects the spirit of justice for our society today (Munawir, 1997). According to Munawir, Islamic law is God's law which is divided into the realms of qat'iyah and zhanniyyah. The realm of qat'iyah is something that is certain and humans (mukallaf, servants) must accept it without objection. According to Munawir, these are legal rules related to matters of worship. In this case, human reason does not have much of a role. In the field of muamalah, Munawir strongly recommends using reason (freedom of thought) optimally in finding legal answers. Munawir strongly sides with the

sociological-historical aspects of humanity, even if it contradicts the *tarjih* and *qath'i nas* *dalil*.

It is impossible to ignore the sociological-historical aspect in addressing legal cases related to human affairs. The orientation prioritized by Munawir is worldly welfare that will lead to the welfare of the hereafter. For Munawir, a text is merely an offer for effective problem solving (legal, social, political) within a particular social context. If there is a discrepancy between the text and custom, and custom guarantees greater welfare, then custom is acceptable. Munawir Sjadzali views giving equal shares to sons and daughters. According to him, the provisions of the Quran governing inheritance have invalidated the Arab custom of early Islam, namely, that people could inherit by agreement. According to the revelation of this verse on inheritance, it also invalidates the Arab custom of not giving inheritance to female heirs, even to young sons.

In reality, the conditions of development in the era of indigenous communities patrilineal and matrilineal has experienced many shifts, where shift in the inheritance system in society, especially the Muslim Batak tribe which adheres to patrilineal and the Minang tribe which adheres to a matrilineal kinship system, especially in the city of Sidikalang. Moreover, in treating giving rights to daughters, it is no longer in line with what is indicated as stated in the Qur'an, Surah An-Nisa verse 11 which reads: which means: Allah prescribes for you about (the division of inheritance for) your children. Namely: the share of a son is equal to the share of two daughters, and is also not in accordance with the patrilineal and matrilineal inheritance systems as they adhere to.

Regarding the position of girls, the position of girls and boys is now the same, in accordance with the analogy of the Batak people who adhere to the patrilineal kinship system, *ia dompat marmeme anak*, *do marmeme boru*, *sian na martua debata*, which means that boys and girls are treated

equally, both are given milk and affection without being treated differently.

Similarly, regarding the status of daughters' inheritance rights in the Minangkabau city of Sidikalang, they also have equal rights. In general, communities that adhere to a matrilineal kinship system, especially those living abroad, distribute inheritance through deliberation and consensus within the family, granting equal rights to sons and daughters. This is not a deliberate departure from the provisions of the Quran and their inheritance system, but rather a matter of justice and well-being (Dafris 2018).

From the description above, it is clear that the tendency of the inheritance distribution system between sons and daughters carried out by the Muslim Batak and Minang communities in the city of Sidikalang is in line with the Islamic inheritance concept of Munawir Sjadzali, especially 1:1 in the distribution of inheritance between sons and daughters. This is what is interesting and encourages the author to research it into a scientific work in the form of a thesis entitled: "The Rights of Daughters in the Distribution of Inheritance According to Munawir Sjadzali (Study of the Implementation of the Distribution of Inheritance in Traditions of the Muslim Batak Tribe and the Minang Tribe in Sidikalang City)". By determining the formulation of the problem regarding Munawir Sjadzali's thoughts on the acquisition of daughters in the distribution of inheritance, the inheritance distribution system in the traditions of the Muslim Batak Tribe and the Minang Tribe and the implementation of Munawir Sjadzali's thoughts on the rights to acquire daughters in the distribution of inheritance in the traditions of the Muslim Batak Tribe and the Minang Tribe in Sidikalang City.

II. RESEARCH METHODS

This study employs a qualitative research method using a descriptive-analytical approach with normative and empirical perspectives. The

research analyzes Islamic inheritance law, the concept of inheritance reactualization proposed by Munawir Sjadzali, and its relevance to inheritance distribution practices among the Muslim Batak and Minangkabau communities in Sidikalang City. Data were obtained through literature studies involving Islamic legal sources, scholarly opinions, and inheritance regulations, as well as field research through interviews with local communities and informants. The collected data were analyzed descriptively to examine the relationship between Islamic inheritance principles, sociological realities, and local inheritance practices.

III. RESULTS AND DISCUSSION

A. Islamic Inheritance Law

Islamic experts and scientists in the books they wrote have provided many definitions, including TM. Hasbi Ash-Shiddieqy, Abdullah Malik Kamal Bin as-Sayyid Salim, Ahmad Zahari, as well as Idris Djakfar and Taufik Yahya.

From the definitions put forward, it can be understood that the science of faraid is a science that regulates the transfer and distribution of inheritance from a deceased person to those who are still alive, both regarding the assets left behind, the people who are entitled to receive them (heirs), the share of each heir and the method of settling the distribution.

In book II, article 171 letter (a) of the Compilation of Islamic Law defines: Inheritance law is the law that regulates the transfer of ownership rights of inheritance (tirkah) of the testator, determining who has the right to be an heir and what their respective share is (Cik Hasan, 1999).

The legal basis for Islamic inheritance is clearly regulated in the Koran, including the words of Allah in Surah An-Nisa verses 7, 11, 12, 176, and other letters. The contents of the verses regarding inheritance are very clear and do not require further interpretation. In verse 7 of Annisa's letter

regarding children's inheritance: Then Allah explains in verse 11 of Annisa's letter the inheritance of both parents: In verse 12 Allah explains about the inheritance of husband and wife: Then Allah explains the inheritance of Alkalalah, namely a person who does not have parents and children, while he has siblings:

The hadiths taken as the source of this inheritance are:

- (1) Hadith of Ibn Abbas.
- (2) Hadith of Usamah bin Zaid.
- (3) Hadith of Ubadah Ibn Şamit.

The principles of Islamic inheritance law can be explored from all the legal verses contained in the Koran and additional explanations from the hadith of the Prophet Muhammad SAW. In this case five principles can be put forward:

- a) Ijbari Principle
- b) Bilateral Principle
- c) Individual Principle
- d) Balanced Justice Principle
- e) Death-Mere Inheritance Principle.

The term customary law refers to a custom, a series of actions that generally apply to the structure of the society in question. Customary law is generally understood as a reflection of a nation's character; it is one manifestation of the nation's soul from century to century, so that every nation in the world has its own customs that differ from one another (Wiranata, 2005).

Inheritance law is a part of the customary legal system that is based on the lineage system. There are three types of lineage systems in customary law, namely:

- a) Patrilineal System
- b) Matrilineal System
- c) Parental or Bilateral System

B. Munawir Sjadzali's Thoughts on the Reactualization of Inheritance Law in Positioning the Shares of Boys and Girls in Inheritance

Regarding inheritance distribution, Surah An-Nisa, verse 11 of the Quran clearly states that the

rights of sons are twice as great as those of daughters. However, this provision has been largely abandoned by Indonesian Muslims, both directly and indirectly. This was discovered by Munawir Sjadzali after being appointed Minister of Religious Affairs (Munawir, 1989).

According to Munawir, it is no longer reflective of the distribution of inheritance that sons receive twice as much as daughters. The spirit of justice in our society today can be seen, among other things, in the numerous deviations from these provisions, not only by members of the Islamic community who are not religiously literate, but also by many religious scholars. While not implementing Islamic faraid law, but not wanting to be considered violating Islamic teachings, many scholars practice *hailah*. While still alive, they distribute their wealth to their sons and daughters as gifts, each receiving an equal share without discrimination based on gender. One thing these scholars seem unaware of is this: by distributing their wealth to their sons and daughters while they are still alive, they are indirectly losing their belief in the justice of Islamic faraid law. If they did, they would not have taken such preemptive action. From a religious and faith perspective, such an attitude is a serious and dangerous problem. It also seems very odd that in a country whose constitution and legal system recognize the equality of men and women, and where women play almost the same role as men as breadwinners for the family, there is a distinction in inheritance distribution: daughters receive only half of what sons receive.

According to Munawir, Islamic law is God's law, divided into the realms of *qat'iyah* and *zhanniyyah*. The realm of *qat'iyah* is something that is certain and humans (*mukallaf*, servants) must accept it without objection. According to Munawir, this is the legal rules related to matters of worship. In this case, human reason does not have much of a role. In the field of *muamalah*, Munawir strongly recommends the optimal use of

reason (freedom of thought) in finding legal answers. Munawir strongly sides with the sociological-historical aspects of humanity, even if it contradicts the evidence of *tarjih* and *qath'i nas*.

It is impossible to ignore the sociological-historical aspect in answering legal cases related to human affairs. The orientation that Munawir prioritizes is worldly benefits that will lead humans to the benefits of the hereafter. For Munawir, *nash* is merely an offer for effective problem solving (legal, social, political) in a particular social condition of society. If there is a difference between the text and custom, and custom guarantees more benefit. Therefore, the custom is acceptable. Munawir Sjadzali believes that giving equal shares to sons and daughters is a good idea. He believes that the Quranic provisions governing inheritance have invalidated the Arab custom of early Islam, whereby people could inherit from each other through agreement. According to the revelation of this verse on inheritance, it also invalidates the Arab custom of not giving inheritances to female heirs, even to young sons.

In formulating inheritance law between men and women, Munawir Sjadzali revealed that he did not introduce the idea of reactualizing inheritance law in a vacuum or without reason. He put forward this idea because Munawir witnessed the growing prevalence of ambivalence among Muslims, including those familiar with the Quran and Sunnah. This is evident in their attitudes regarding inheritance distribution (Munawir, 1995).

According to him, many of us formally adhere to the literal interpretation of the verses of the Koran and the Hadith of the Prophet, but their daily personal behavior is contrary to what they formally believe, by looking for excuses and *i'tidzar* that do not comply with logic. Then Munawir Sjadzali suggested that instead of doing things that could be categorized as *hailah* towards religion, why not take a chivalrous step and be

more honest about and towards Islam rather than allowing ambivalent attitudes to entrench themselves and the development of the opinion that Islam is no longer relevant to be used as a reference in efforts to find solutions to current social problems.

Furthermore, regarding the distribution of inheritance, as stated in the Quran, in Surah An-Nisa verse 11, it clearly states that the rights of sons are twice as great as those of daughters. However, in reality, this provision has been largely abandoned by Indonesian Muslims, both directly and indirectly.

Munawir learned this after being entrusted with the position of Minister of Religious Affairs. As Minister of Religious Affairs, he received reports from many religious judges in various regions, including those known for their strong Islamic beliefs, such as South Sulawesi Province and East Java Province.

South Kalimantan, regarding the numerous deviations from the provisions of the Quran. Religious judges frequently observe that when a Muslim family member dies and, at the request of the heirs, the religious court issues an inheritance fatwa in accordance with inheritance law or *faraid*, the heirs frequently fail to comply with the fatwa. They then resort to the district court to request a different distribution system, which is clearly not in accordance with Islamic law (Afdol, 1989).

According to Munawir Sjadzali, one thing that needs to be specifically noted in this discussion is that those who are reluctant to carry out the inheritance fatwa from the religious court and then go to the district court are not only people who are not familiar with Islamic law, but also many figures from Islamic organizations who have a good grasp of Islamic knowledge also do the same thing.

Meanwhile, indirect deviations from these Quranic provisions have also become a culture. Many heads of families have adopted preventative

policies. While still alive, they have distributed a large portion of their wealth to their children, each receiving an equal share regardless of gender, as gifts, or during their lifetime, they have made what in South Kalimantan are known as obligatory wills. Thus, by the time they die, the wealth to be distributed is small, or even nearly depleted. According to Munawir Sjadzali, in these last two cases, there has been no formal deviation from the Quranic provisions mentioned above. However, Munawir Sjadzali then questioned whether practicing religious teachings with such enthusiasm was correct.

In addition to these reasons, Munawir Sjadzali also has personal experience related to inheritance. Several years ago, shortly after he took office as Minister of Religious Affairs, Munawir Sjadzali sought the advice of a prominent Islamic scholar regarding his personal problems. He explained to the scholar that Allah SWT had blessed him with six children, three boys and three girls. All three of his sons have pursued university education abroad, which was entirely at Munawir Sjadzali's personal expense, while two of his three daughters, of their own volition, did not continue to college, and only studied at vocational schools, at costs that were clearly much lower than those of their three brothers. And the crux of the matter was, Munawir was not willing that when he died, his three sons, whom he had paid dearly for, would still receive twice as much as what his daughters would receive. Then Munawir Sjadzali asked the Ulama for advice on how to find a solution.

The cleric, whose integrity and mastery of religious knowledge he trusted completely, replied that he could not offer advice or a fatwa. He simply wanted to inform him of what he and many others had done. According to the cleric, while he was still alive, the cleric had already distributed his wealth to all his sons and daughters, with each receiving an equal share as a gift, without distinction of gender. Therefore,

when the cleric died, the remaining wealth, which had to be divided according to the faraid, would be small. Hearing this answer, Munawir Sjadzali wondered whether, from an Islamic perspective, this policy was not more dangerous. According to Munawir Sjadzali, the cleric distributed his wealth equally to his sons and daughters while he was still alive as a gift because he assumed that if the cleric had not taken such steps, after his death, his sons and daughters would have been disadvantaged by the provisions of Islamic inheritance law, and he would not have had to take the risk of a preventive policy.

Munawir Sjadzali's *ijtihad* focused his attention on the concept of egalitarianism as a rational concept in social life, marked by the 1:1 portion of male and female children. Munawir Sjadzali challenged the current textual interpretation of Quranic verses concerning inheritance law, challenging the old concept of justice when faced with the consequences of a new era in social life that he considered different from the past (Sukris, 2012).

Then, apart from that, according to Munawir Sjadzali, it is clearly not he who said that Islamic inheritance law as determined by the Koran is unfair, but according to him, he was only highlighting the attitude of society which seems to no longer believe in the justice of faraid law.

C. Implementation of Inheritance Distribution Muslim Batak Tribe and Minang Tribe in Sidikalang City

From the research conducted by the author, by interviewing all residents of Sidikalang City as the population⁴⁸, and to facilitate this research, the author took several samples⁴⁹. From the table above, it can be seen that the implementation of the division of inheritance in the traditions of the Muslim Batak and Minang tribes in Sidikalang City, 20% carried out the division by following Islamic religious law with details of 6 (six) families consisting of 1 (one) family from the Muslim Batak tribe and 5 (five) families from the

Minang tribe, 20% carried out the division by following customary law with details of 6 (six) families consisting of 4 (four) families from the Muslim Batak tribe and 2 (two) families from the Minang tribe, and 60% carried out the division with a deliberation system, where all heirs received the same share, namely the share of sons equal to the share of daughters 1:1, with details of 18 (eighteen) families consisting of 10 (ten) families from the Muslim Batak tribe and 8 (eight) families from the Minang tribe.

From the research conducted by the researcher, it was found that 60% of the Muslim Batak and Minang tribes carried out the division through a deliberation system after each heir knew their share according to Islamic faraid law, where all heirs received the same share, namely the share of sons and daughters equally or 1: 1. So it can be seen that there has been a shift in the transformation of tendencies in the implementation of inheritance distribution from customary law to an equal distribution system.

The author's research reveals a correlation between the knowledge of the Batak Muslim and Minangkabau informants and Munawir Sjadzali's character and thoughts, and the influence of Munawir Sjadzali's thoughts on the distribution of inheritance within their respective families. So it can be seen that the equalization of the share of sons and daughters 1:1 in the distribution of inheritance in the Muslim Batak and Minang tribes is not influenced by knowledge of the figure of Munawir Sjadzali and his thoughts, as evidenced by only 11% who know the figure of Munawir Sjadzali as a former minister of religion, and know his thoughts in the reactualization of Islamic law on inheritance, but there is no connection to being an inspiration in the implementation of the distribution of inheritance.

And 89% who know the figure of Munawir Sjadzali as a former minister of religion, but do not know his thoughts on the reactualization of Islamic law on inheritance, so it is completely far

from and has no connection to being an inspiration in the implementation of inheritance distribution.

However, upon closer examination of Munawir Sjadzali's thoughts on the reactualization of Islamic law, particularly the law of faraid, which stipulates that daughters have equal rights to sons, 1:1, based on sociological and historical considerations based on existing factors, they agree.

D. Analysis of the Influence of Munawir Sjadzali's Thoughts on the Rights of Daughters to Acquire Inheritance in the Practice of Inheritance Distribution in the Traditions of the Muslim Batak Tribe and the Minang Tribe in Sidikalang City

Research conducted in Sidikalang City found that the implementation of the 1:1 division of inheritance between sons and daughters in the traditions of the Muslim Batak and Minangkabau communities was not influenced by the thinking of Munawir Sjadzali. This was reflected in the researcher's observations and interviews with informants, namely families from the Muslim Batak and Minangkabau tribes in Sidikalang City who were distributing inheritance assets.

The researcher concluded that the implementation of inheritance distribution in the traditions of the Muslim Batak and Minang tribes in the city of Sidikalang was not initiated or influenced by the thoughts of Munawir Sjadzali. However, what is interesting for the researcher is that, although explicitly their considerations in implementing the distribution of inheritance equally 1:1 were not initiated or influenced by the thoughts of Munawir Sjadzali, but implicitly they have the same spirit as Munawir Sjadzali's thoughts as evidenced by their statements of attitude and practice in the distribution of inheritance that the rights to inheritance for girls are equal 1:1 with boys. This is proven by the findings that 100% of the Muslim Batak and Minang communities agree with this idea.

In the distribution of inheritance, the principle adopted by the majority of the Muslim Batak and Minang communities is not the 2:1 principle as stipulated in Islamic law, because it takes into account sociological-historical aspects. The assumption that boys and girls have the same status, so that in matters of inheritance distribution, they do not discriminate in obtaining portions between one child and another. Some Muslim Batak and Minang communities in the city of Sidikalang choose to divide inheritance assets by taking into account sociological-historical aspects between girls and boys.

Based on the cases found, researchers concluded that the implementation of inheritance distribution within the traditions of the Muslim Batak and Minang tribes in Sidikalang City has shifted. This shift is inseparable from aspects of muamalah (social transactions).

In families where inheritance is divided among sons and daughters, this is done through agreement and deliberation among all heirs. This division process involves pooling all assets together without separating original and joint assets, and then distributing a portion of the assets according to the agreement of the heirs, with the daughters' rights equal to the sons' shares, equal to a 1:1 ratio.

This division of inheritance is carried out because of family reconciliation, a feeling of mutual acceptance or acceptance of the portion received by each heir, based on their individual needs. Meanwhile, Hasbi ash-Shiddiqy stated that if they have an agreement on the method of division, then that method should be followed (Hasbi, 2010).

The practice of dividing inheritance with the portion of inheritance rights for daughters being the same as the portion for sons, which is carried out equally, 1:1. Through deliberation, it will create a positive influence or benefit in the form of benefits for family life because divisions and

disputes can be avoided, and also the relationship of friendship will be maintained (Amir, 2008).

From this statement, it can be seen that the gift embodies the meaning of justice for them. And the gift was made by mutual agreement. Modifications to the implementation of inheritance based on agreement and deliberation such as this are in accordance with Article 183 of the Compilation of Islamic Law, which states that "the heirs may agree to make peace in the division of inheritance assets after each party is aware of their share."

Islamic inheritance law in Indonesia is based on the Quran and Hadith, a law that applies universally everywhere in the world. However, if there are differences of opinion among scholars of various schools of thought, without diminishing the Muslim community's devotion to Allah and His Messenger, such differences of opinion are permitted and can be viewed as a blessing (Habiburrahman, 2011). A rule of inheritance law is optional or complementary. This means that Heirs may choose which inheritance law to use for distribution, whether according to customary law, Islamic civil law, or mutual agreement between the heirs (Badriyah, 2009).

Munawwir Sjadzali proposes a more revolutionary change here. He not only sees equality in rights and status between men and women, but also believes that the inheritance shares for men and women are equal. In this regard, Munawwir boldly proposes changes to Islamic inheritance law. Through his idea of "Reactualizing Islamic Teachings," he attempts to address a principle that most Muslims believe should not be touched: the 2:1 division of property between men and women. Munawwir proposed: This formulation cannot currently be implemented in Indonesia, as implementing it would violate the fundamental religious value of justice.

Because for Munawwir, Indonesian culture is not like Arab culture, which places women under

men. Therefore, men are entitled to a larger share. Meanwhile, in Indonesia, men and women both work. In Indonesia, husbands and wives are in a position of mutual support and mutual benefit, so they are considered partners on equal footing. In addition to these cultural considerations, Munawwir witnessed many cases that misused the concept of inheritance because it was considered unfair. For example, if someone wants to distribute their assets equally to their heirs, they do so through a gift (hibah). So when the person dies, their assets are left small, or even completely depleted, and then there is no inheritance to distribute. This reality was witnessed by Munawwir, who then formulated the 1:1 ratio between men and women.

Therefore, the 1:1 formula does not intend to change the 2:1 inheritance division formula between men and women, but the formula wants to state that the rules of inheritance law may not be the same, adjusted to the context in which the law is applied. This formulation also wants to say that the provisions on inheritance distribution contained in the Qur'an, which have been considered qath'i by most Muslims, are not legal provisions that are prohibited from being changed, but regarding these provisions, Inheritance Law may be changed according to the existing context.

And researchers conclude that Munawwir Sjadzali's thoughts are highly relevant to the current reality, taking into account the sociological-historical aspects of a community, particularly in fostering a sense of justice in the contemporary context.

Fair in a broad sense it can be interpreted as maintaining balance in society, meaning that justice is everything that can bring benefits to society or maintain and preserve it in a better form so that society makes progress. According to Muhammad Quraisy Syihab, there are at least four meanings of justice, namely: First, justice in the sense of "equal". Al-Nisa' letter (4): 58 states that,

The word "fair" in this verse, when interpreted as "equal," only encompasses the judge's attitude and treatment during the decision-making process. Second, fairness means "balanced." Balance68 is found in a group containing various parts working toward a specific goal. This is so long as certain conditions and levels are met by each part of Surah al-Infithar, verses 6-7.

From here, justice is synonymous with appropriateness (proportionality), not the opposite of "injustice." Third, justice is "understanding individual rights and granting those rights to each owner." Fourth, justice is attributed to God. Justice here means "maintaining the fairness of continued existence, not preventing the continuation of existence and the acquisition of grace when there are many possibilities for it." All beings have no rights over God. Divine justice is essentially His grace and goodness. His justice has the consequence that God's grace is not withheld from being obtained as long as the creature can attain it.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

The findings indicate that Islamic inheritance law establishes inheritance distribution principles based on the Quran and Hadith, including the 2:1 proportion between male and female heirs. However, inheritance practices among the Muslim Batak and Minangkabau communities in Sidikalang City demonstrate a significant tendency toward equal distribution (1:1) through family deliberation and agreement. This practice is primarily motivated by sociological considerations, perceptions of justice, family harmony, and changing social roles between men and women rather than direct influence from Munawir Sjadzali's ideas. Nevertheless, these practices implicitly reflect the same spirit as his concept of inheritance law reactualization, emphasizing contextual justice and social benefit. Therefore, inheritance

distribution through consensus has become an alternative mechanism to preserve family unity while adapting to contemporary social realities.

B. Suggestions

Islamic scholars, legal practitioners, and communities should strengthen education regarding Islamic inheritance principles while encouraging contextual understanding of justice within changing social conditions. The implementation of inheritance distribution through deliberation should continue to prioritize transparency, mutual consent, and awareness of each heir's legal rights to prevent future disputes. Future researchers are recommended to conduct broader comparative studies on the interaction between Islamic inheritance law, customary law, and contemporary sociological developments to enrich discussions on inheritance reform and legal adaptation in Muslim societies

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