

Fiqh Mawaris Hukum Pembagian Warisan Menurut Syariat Islam

Muhammad Hasbi Ash Shiddieqy

Fiqh Mawaris Hukum Pembagian Warisan Menurut Syariat Islam Muhammad Hasbi Ash Shiddieqy Fiqh Mawaris Understanding Islamic Inheritance Law According to Muhammad Hasbi Ash Shiddieqy Islamic inheritance law known as Fiqh Mawaris is a crucial aspect of Islamic jurisprudence Fiqh It meticulously outlines the distribution of an individuals estate after their death ensuring fairness and justice among heirs according to the divine guidance found in the Quran and Sunnah the Prophet Muhammads teachings and practices Scholar Muhammad Hasbi Ash Shiddieqy a prominent figure in contemporary Islamic scholarship has significantly contributed to the understanding and interpretation of Fiqh Mawaris This article explores the key principles of Islamic inheritance law as understood through his work offering a balanced approach between depth and accessibility Core Principles of Fiqh Mawaris The Quran explicitly addresses inheritance detailing the shares allocated to various heirs Ash Shiddieqys interpretations emphasize the following core principles Divine Mandate The rules of inheritance are divinely ordained not subject to human modification They are based on the verses of the Quran and the authentic traditions of the Prophet Muhammad This underscores the sacred nature of the process and its importance in maintaining societal harmony Equity and Justice The system aims for a just and equitable distribution of wealth preventing undue concentration of wealth in the hands of a few It considers the varying degrees of kinship and societal roles to determine inheritance shares Prioritization of Blood Relations Close blood relatives are prioritized in the inheritance process The closer the relationship the larger the share allocated This reflects the importance of family bonds within Islamic society Protection of Vulnerable Heirs Specific provisions are made to protect the interests of women minors and the disabled ensuring their financial security This compassionate approach is a defining characteristic of Islamic inheritance law Hierarchical Distribution Inheritance shares are distributed in a specific hierarchical order 2 with certain heirs taking precedence over others This system ensures a clear and systematic process minimizing disputes Determining Heirs and their Shares A

StepbyStep Approach Understanding the distribution of inheritance requires a systematic approach Ash Shiddieqys work highlights the importance of identifying the heirs correctly and calculating their respective shares according to the established rules

- 1 Identifying the Deceaseds Heirs This involves determining all the individuals entitled to inherit based on their relationship to the deceased This includes spouses children both sons and daughters parents siblings grandparents and other relatives adhering to specific rules of kinship
- 2 Classifying Heirs Heirs are categorized into several classes eg asabah dhawi alfurud etc based on their kinship and eligibility for inheritance Asabah refers to male heirs who inherit the residual share after the fixed shares of dhawi alfurud heirs with fixed shares are distributed This classification is critical for accurate share calculation
- 3 Calculating Fixed Shares Furud The Quran explicitly specifies the fixed shares for certain heirs like spouses daughters and parents These shares are calculated based on fractions eg $\frac{1}{2}$ $\frac{1}{4}$ $\frac{1}{8}$ $\frac{1}{4}$
- 4 Distributing the Residual Share Asabah After the fixed shares are distributed any remaining portion of the inheritance is allocated to the asabah heirs based on their degree of kinship The rules for distributing the residual share are complex and require careful consideration of the specific kinship relationships involved
- 5 Dealing with Special Cases Numerous special cases are addressed in Islamic jurisprudence such as cases of disinheritance due to specific reasons detailed in the Quran and Sunnah the impact of predeceased heirs substitution and complexities arising from multiple marriages and blended families Ash Shiddieqys interpretations shed light on these intricate situations

Understanding the Role of Wasayah Bequest Islamic law allows for a testamentary disposition known as wasayah or bequest This allows the deceased to bequeath up to onethird of their estate to anyone they choose However this bequeathment must not violate the rights of the compulsory heirs Ash Shiddieqy emphasizes the limits on bequest to ensure that the compulsory heirs receive their rightful shares

- 3 Resolving Disputes in Inheritance Disputes over inheritance are unfortunately common Ash Shiddieqys interpretations provide guidance on resolving such conflicts emphasizing the importance of amicable settlements through mediation and arbitration Islamic law encourages reconciliation and strives to prevent protracted legal battles However if amicable resolutions fail recourse to Islamic courts Sharia courts may be necessary

Key Takeaways from Ash Shiddieqys Approach Emphasis on the Quran and Sunnah as the primary sources of Islamic inheritance law Detailed explanation of the intricate calculations and classifications of heirs Comprehensive treatment of special cases and complexities in inheritance distribution Importance of justice equity and the protection of vulnerable heirs Guidance on resolving

inheritance disputes through amicable settlements or Islamic courts

Frequently Asked Questions FAQs 1 What happens if someone dies without a will In Islamic law the absence of a will doesnt invalidate the inheritance process The distribution will follow the prescribed rules of Fiqh Mawaris based on the kinship relationships of the deceased 2 Can a Muslim disinherit a child Under specific circumstances the Quran allows for the disinheritance of a child but this is heavily restricted and only justified in cases of severe wrongdoing by the child towards the parent 3 How does Islamic inheritance law differ from other legal systems Islamic inheritance law is unique in its divine origin and emphasis on specific shares for certain heirs based on their kinship Other legal systems often allow for greater testamentary freedom 4 What is the role of a Wali guardian in inheritance matters A Wali plays an important role especially in the case of minors or those lacking legal capacity They are responsible for managing the inheritance on behalf of the beneficiaries until they reach maturity or regain capacity 5 Where can I find more resources on Fiqh Mawaris according to Ash Shiddieqys 4 interpretations Exploring scholarly works referencing Ash Shiddieqys writings on Islamic jurisprudence specifically those dealing with inheritance would be a good starting point Consulting with knowledgeable Islamic scholars and legal experts is also highly recommended Many online resources and libraries offer relevant texts in Arabic and translated versions This article provides a general overview of Fiqh Mawaris according to the interpretations of Muhammad Hasbi Ash Shiddieqy The complexities of Islamic inheritance law require indepth study and consultation with knowledgeable scholars for accurate application in specific cases This article serves as an introduction to facilitate a better understanding of this important area of Islamic jurisprudence

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indonesia has been home to some of the most vibrant and complex developments in modern islamic thought anywhere in the world nevertheless little is known or understood about these developments outside south east asia by considering the work of the leading indonesian thinkers of the twentieth century michael feener an intellectual authority in the area offers a cogent critique of this diverse and extensive literature and sheds light on the contemporary debates and the dynamics of islamic reform the book highlights the openness to and creative manipulation of diverse strands of international thought that have come to define islamic intellectualism in modern indonesia this is an accessible and interpretive overview of the religious and social thought of the world s largest muslim majority nation as such it will be read by scholars of islamic law and society south east asian studies and comparative law and jurisprudence

this volume contains essays written in 1978 79 which arose from courses and seminars given in the university of kent at canterbury within which islam was a focal theme this volume wants to describe the structure of the

accommodation between the middle east derived form of islam and the cultures of south east asia

in this rich account of a muslim society in highland sumatra indonesia john bowen describes how men and women debate among themselves ideas of what islam is and should be as it pertains to all areas of their lives from work to worship whereas many previous anthropological studies have concentrated on the purely local aspects of culture this book captures and analyzes the tension between the local and universal in everyday life current religious differences among the gayo stem from debates between traditionalist and modernist scholars that began in the 1930s and reveal themselves in the ways gayo discuss and perform worship sacrifice healing and rites of birth and death all within an islamic framework bowen considers the power these debates accord to language especially in arguments over spells rites of farming hunting and healing moreover he traces in these debates a general conception of transacting with spirits that has shaped gayo practices of sacrifice worship and aiding the dead bowen concludes by examining the development of competing religious ideas in the highlands the alternative ritual forms and ideas they have promulgated and the implications of this phenomenon for the emergence of an islamic public sphere

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