

Patah Titi

by Fauzi Fauzi

Submission date: 22-Jan-2020 10:41AM (UTC+0700)

Submission ID: 1244751194

File name: patah_titi_studia_islamika.pdf (530.3K)

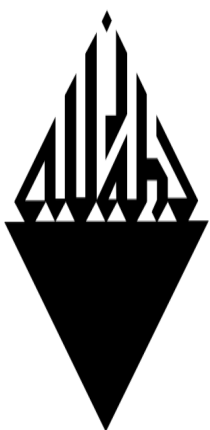
Word count: 18253

Character count: 96229

STUDIA ISLAMIKA

السنة السادسة والعشرون، العدد ١، ٢٠١٩

مجلة العلوم الإنسانية للإسلامية



دور المرأة في أسرة الملهفة الجهادية
في فرض الانضباط على جسم الأبناء
أم ناهجة فكرتي ومحمد نجيب أركي

اليهود في مؤلفات المسلمين
بإندونيسيا: دراسة أولية
عصمة الرفيع

STUDIA ISLAMIKA

STUDIA ISLAMIKA

INDONESIAN JOURNAL FOR ISLAMIC STUDIES

Volume 26, Number 1, 2019

Volume 26, Number 1, 2019



PROMOTING *QARD AL-HASAN* IN NANOFINANCE
TO COUNTER THE MONEYLENDER IN SOUTHEAST ASIA

Khairunnisa Musri

THE CONCEPT OF PATAH TITI:
THE PROBLEM OF INHERITANCE AND
ITS SOLUTION IN ACEH TENGAH

Fauzi

THE MULTIPLICITY OF MUHAMMADIYAH'S
POLITICAL ENGAGEMENT IN INDONESIA'S DPD ELECTION

Amika Wardana & Syahrul Hidayat

ISSN: 0215-0492

E-ISSN: 2355-6145

السنة السادسة والعشرون، العدد ١، ٢٠١٩

STUDIA ISLAMIKA



STUDIA ISLAMIKA





STUDIA ISLAMIKA

Indonesian Journal for Islamic Studies
Vol. 26, no. 1, 2019

EDITOR-IN-CHIEF
Azyumardi Azra

MANAGING EDITOR
Oman Fathurahman

EDITORS
Saiful Mujani
Jamhari
Didin Syafruddin
Jajat Burhanudin
Fuad Jabali
Ali Munhanif
Saiful Umam
Dadi Darmadi
Jajang Jahroni
Din Wahid
Euis Nurlaelawati

INTERNATIONAL EDITORIAL BOARD
M. Quraish Shihab (Syarif Hidayatullah State Islamic University of Jakarta, INDONESIA)
M. C. Ricklefs (Australian National University, AUSTRALIA)
Martin van Bruinessen (Utrecht University, NETHERLANDS)
John R. Bowen (Washington University, USA)
M. Kamal Hasan (International Islamic University, MALAYSIA)
Virginia M. Hooker (Australian National University, AUSTRALIA)
Edwin P. Wieringa (Universität zu Köln, GERMANY)
Robert W. Hefner (Boston University, USA)
Rémy Madinier (Centre national de la recherche scientifique (CNRS), FRANCE)
R. Michael Feener (National University of Singapore, SINGAPORE)
Michael F. Laffan (Princeton University, USA)
Minako Sakai (The University of New South Wales, AUSTRALIA)
Annabel Teh Gallop (The British Library, UK)
Syafaatun Almirzanah (Sunan Kalijaga State Islamic University of Yogyakarta, INDONESIA)

ASSISTANT TO THE EDITORS
Testriono
Muhammad Nida' Fadlan
Rangga Eka Saputra
Abdullah Maulani

ENGLISH LANGUAGE ADVISOR
Benjamin J. Freeman
Daniel Peterson
Batool Mousa

ARABIC LANGUAGE ADVISOR
Tb. Ade Asnawi
Ahmadi Usman

COVER DESIGNER
S. Prinka

STUDIA ISLAMIKA (ISSN 0215-0492; E-ISSN: 2355-6145) is an international journal published by the Center for the Study of Islam and Society (PPIM) Syarif Hidayatullah State Islamic University of Jakarta, INDONESIA. It specializes in Indonesian Islamic studies in particular, and Southeast Asian Islamic studies in general, and is intended to communicate original researches and current issues on the subject. This journal warmly welcomes contributions from scholars of related disciplines. All submitted papers are subject to double-blind review process.

STUDIA ISLAMIKA has been accredited by The Ministry of Research, Technology, and Higher Education, Republic of Indonesia as an academic journal (Decree No. 32a/E/KPT/2017).

STUDIA ISLAMIKA has become a CrossRef Member since year 2014. Therefore, all articles published by STUDIA ISLAMIKA will have unique Digital Object Identifier (DOI) number.

STUDIA ISLAMIKA is indexed in Scopus since 30 May 2015.

Editorial Office:

STUDIA ISLAMIKA, Gedung Pusat Pengkajian
Islam dan Masyarakat (PPIM) UIN Jakarta,
Jl. Kertamukti No. 5, Pisangan Barat, Cirendeu,
Ciputat 15419, Jakarta, Indonesia.
Phone: (62-21) 7423543, 7499272, Fax: (62-21) 7408633;
E-mail: studia.islamika@uinjkt.ac.id
Website: <http://journal.uinjkt.ac.id/index.php/studia-islamika>

Annual subscription rates from outside Indonesia, institution:
US\$ 75,00 and the cost of a single copy is US\$ 25,00;
individual: US\$ 50,00 and the cost of a single copy is US\$
20,00. Rates do not include international postage and
handling.

Please make all payment through bank transfer to: **PPIM,
Bank Mandiri KCP Tangerang Graha Karnos, Indonesia,**
account No. **101-00-0514550-1 (USD),**
Swift Code: bmrindja



Harga berlangganan di Indonesia untuk satu tahun, lembaga:
Rp. 150.000,-, harga satu edisi Rp. 50.000,-; individu:
Rp. 100.000,-, harga satu edisi Rp. 40.000,-. Harga belum
termasuk ongkos kirim.

Pembayaran melalui **PPIM, Bank Mandiri KCP Tangerang
Graha Karnos, No. Rek: 128-00-0105080-3**

Table of Contents

Articles

1	1	Khairunnisa Musari
		Promoting <i>Qarḍ al-Ḥasan</i> in Nanofinance
		to Counter The Moneylender in Southeast Asia
	33	Fauzi
3		The Concept of <i>Patah Titi</i> :
		The Problem of Inheritance and
		Its Solution in Aceh Tengah
	75	Amika Wardana & Syahrul Hidayat
		The Multiplicity of Muhammadiyah's
1		Political Engagement in Indonesia's DPD Election
	113	Umi Najikhah Fikriyati & Muhammad Najib Azca
		<i>Dawr al-mar'ah fī usrat al-salafīyah al-jihādīyah</i>
		<i>fī farḍ al-inḍibāt 'alá jism al-abnā'</i>
3	149	Ismatu Ropi
		<i>Al-Yahūd fī mu'allafāt al-muslimīn</i>
		<i>bi Indonesia: Dirāsah awwaliyah</i>
18		

Book Review

185 *Muhammad Adlin Sila*
Kiai dan Blater: Antara Kesalehan dan Kekerasan
dalam Dinamika Politik Lokal di Madura

3

Document

201 *Komaruddin Hidayat & Dadi Darmadi*
Indonesia and Two Great Narratives
on Islamic Studies

Fauzi

The Concept of *Patah Titi*:
The Problem of Inheritance and
Its Solution in Aceh Tengah

1

Abstract: *This article examines the inheritance issue of patah titi practiced by the people of Aceh Tengah. Patah titi is a state in which one of the aṣḥāb al-furūd (obligatory sharers or primary heirs) loses linkage (due to death) to muwāriṭh (the deceased). This study used descriptive analysis and drew upon legal pluralism, which considers the interaction between state laws, customary laws, and religious laws in resolving a case. The findings show that inheritance distribution is implemented in three steps: first, the heir inherits nothing due to the legal consequences of patah titi; second, the heir receives inheritance because they are considered a badl (substitution) of the predeceased heir; third, the heir receives hibah (gift). The last two steps in the settlement of patah titi are derived from various sources, including the Compilation of Islamic Law (KHI), customary law, and the universal values of Islamic law, which consider principles of equity, humanity and child protection.*

Keywords: Concept, *Patah Titi*, Inheritance, Application, Aceh Tengah.

1

Abstrak: Artikel ini menjawab permasalahan kewarisan yang dipraktekkan oleh masyarakat Aceh Tengah yang disebut dengan patah titi. Patah titi adalah keadaan di mana seorang *aṣḥāb al-furūd* (ahli waris yang mendapatkan bagian tertentu) ditinggal mati oleh penghubungnya dengan *muwārith* (orang mati dan pemilik harta). Saya menggunakan metode penelitian kualitatif deskriptif dengan pendekatan pluralisme hukum yang mempertimbangkan negosiasi hukum negara, hukum adat dan hukum Islam dalam menyelesaikan suatu kasus. Penelitian ini menunjukkan praktek pembagian warisan dilakukan dalam tiga model yaitu pertama, tidak mendapatkan warisan apapun bagi ahli waris sebagai konsekuensi hukum patah titi, kedua, ahli waris mendapatkan warisan karena dianggap *badl* (pengganti) ahli waris yang sudah meninggal dan ketiga, mendapatkan hibah. Dua model terakhir merupakan bentuk negosiasi antara Kompilasi Hukum Islam (KHI), hukum adat dan nilai-nilai universal dalam hukum Islam dengan pertimbangan rasa keadilan, kemanusiaan dan perlindungan terhadap anak yang ditinggal mati oleh orang tuanya.

Kata kunci: Konsep, Patah Titi, Kewarisan, Penerapan, Aceh Tengah.

ملخص: يجب هذا المقال على قضية الميراث التي يمارسها أهل أتشيه الوسطى، والتي يطلق عليها اسم باتاه تيتي، وهي حالة يكون فيها أحد أصحاب الفروض فقد الارتباط (بسبب الوفاة) بالمتوفى صاحب الأموال. واستخدمت هذه الدراسة طريقة البحث النوعي الوصفي مع منهج التعددية القانونية الذي يأخذ في الاعتبار التفاعل بين قانون الدولة، والقانون العرفي، والقانون الإسلامي في حل القضية. وأظهرت النتائج أن توزيع الميراث يتم من خلال ثلاثة نماذج: أولاً، لا يحصل الوارث على أي ميراث نتيجة لقانون باتاه تيتي، وثانياً، يحصل الوارث على الميراث لأنه يعتبر بديلاً للوارث المتوفى، والثالث، يحصل الوارث على هبة. ويعتبر النموذجان الأخيران شكلاً من أشكال التفاوض بين مجموعة القوانين الإسلامية، والقانون العرفي، والقيم العالمية في الشريعة الإسلامية، مع مراعاة الإحساس بالعدالة، والإنسانية، وحماية الأطفال الذين توفي والدهم.

الكلمات المفتاحية: باتاه تيتي، الوراثة، التطبيق، أتشيه الوسطى.

This article seeks to examine the concept of *patah titi* and its practice among the people of Aceh Tengah. According to Al Yasa Abubakar, *patah titi* is a well-known term in the inheritance (*mirāth*) customs of Aceh Tengah society, as well as in some districts and cities within the province of Aceh. It is expressed in the adage, “*gantung tunung gere demu harta, patah titi gere demu pusaka*.” The adage means that if property cannot be traced to possession, then it is not ours and *patah titi* deprives a person from receiving it as inheritance. Adi Fitra noted that *patah titi* in Gayo society has now become a negative term for children whose parents died before their grandfathers (Fitra n.d., 2). *Patah titi* literally means broken linkage; it is a state in which one of the *aṣḥāb al-furūd* (obligatory sharers or primary heirs) loses a linkage (due to death) to *muwārith* (the deceased). Losing this linkage causes any of *aṣḥāb al-furūd* to lose the ties of the relationship between *wārith* (the inheritor) and *muwārith* (the deceased).

A concept similar to the representational succession of *patah titi* is a Dutch term called *plaatsvervulling*, which refers to cases where a grandfather dies leaving behind the grandchildren of his predeceased children. The orphaned grandchildren substitute their deceased parents to receive inheritance from their deceased grandparents. The share of the grandchildren equals the portion their parents would have received if they were still alive (International Development Law Organization 2015b, 2).

My initial survey found that *aṣḥāb al-furūd* who experienced *patah titi* may not receive any inheritance. For instance, if a grandfather dies, then his grandchildren may not get a share of his estate because their father has predeceased their grandfather. According to *adat* law, the death of a “linkage” connecting *wārith* with *muwārith* is considered a *ḥijāb* (barrier) to the portion specified in the *‘ilm al-farā’id* (the Science of Inheritance). *Ḥijāb* is a condition where an heir is barred from receiving inheritance due to *ḥirmān* (complete obstruction) or *nuqṣān* (reduction of share) because of the existence of other heirs with closer or stronger ties.

However, under *patah titi*, the heirs may completely lose their rights because there is no longer any linkage between *wārith* and *muwārith*. This paper illustrates how *fiqh* (Islamic Jurisprudence) and *adat* influence the distribution of *patah titi* inheritance and how society has adopted other considerations as a result of the modernization of *fiqh*.

31

An article published by International Development Law Organization (2015a, 2), in collaboration with Serambi Indonesia, stated that according to Acehese customs, if a man dies, then there is no longer an inheritance linkage between the parent of the deceased and his grandchildren. In an interview, Tgk. Daud Zamzami, a religious cleric in Aceh, said that grandchildren were barred from receiving inheritance by the surviving son or daughter of the deceased. In pursuit of justice and honour, *adat* allows a little portion of the *tarikah* (the estate) to be given to the grandchildren, which is locally called *hak raheung* (the right for witnessing the estate), and that portion of the gift or *hibah* is not considered inheritance.

The same view was expressed by Ali Jadun in a 1994 interview. Grandchildren in Islamic Jurisprudence get no part of the inheritance under *patah titi*, however they do get something through *hibah*. In 2000, Ali Jadun took a different view, noting that the inheritance of grandchildren subject to *patah titi* could be carried out with regard to humanitarian considerations (Bowen 2003, 195). Bowen examined how the Compilation of Islamic Law in Indonesia is practiced in the community, particularly in the case of inheritance distribution. He also touched on other issues, such as whether a daughter can inherit all of her deceased parent's property.

A solution to this problem is known as *waṣīyah wājibah* (obligatory bequest). *Waṣīyah wājibah* is a part of the estate given to grandchildren ¹² does not exceed one third of the inheritance. It considers social justice principles for orphans. This differs from *waṣīyah wājibah* in Article 209 of the *Kompilasi Hukum Islam* (Compilation of Islamic Law abbreviated as KHI), where the *waṣīyah wājibah* is intended for adopted children. According to some schools of *fiqh*, grandchildren affected by *patah titi* still receive their share of the estate although not the exact portion dictated by customary law. However, Islamic Law here is ordained to address and preserve the interest of men (Saleh 2011, 66), including male grandchildren. *Waṣīyah wājibah* (obligat¹⁹ bequest) has not become very common in Gayonesse society. In fact, KHI has given space to heirs who were left by death of linkage in inheritance. According to Article 185 of the KHI, the position of a *wārith* who dies is taken by his surviving son. The absence of such a rule in Gayo customs certainly requires investigation by scholars and community figures in the region.

12

In Acehnese society, there are two types of estate or property left behind by the deceased: personal property and joint matrimonial property. Personal property includes all personal assets brought to a marriage by the husband and wife, which are gifted from a third party's inheritance, known as *areuta tuba* in Acehnese customs, and is controlled by each spouse and cannot be mixed with other kind of estate (Salim 2006, 24). In certain communities in Aceh, such as Aceh Besar, there are more peculiarities related to this kind of estate. The personal property of the wife is called the *areuta peunulang*, which is gift given to a daughter by her parents, in the form of immovable property and is witnessed by a *keuchik* (village head) at the time of *peumekleh* or separation of a daughter from her parents upon marriage (Salim 2006, 24).

Peunulang in Acehnese custom is an estate given by the benefactor in his/her lifetime to a daughter and is considered part of the daughter's inheritance. This kind of case is rarely prosecuted. Reporting to the court is regarded as disgraceful to the point of being likened to prying out the graves of the parents (Salim 2006, 24–25). In most regions in Aceh, parents are obliged to bestow a gift to their children upon marriage as *areuta peunulang*. The custom has evolved to compensate for the fact that inheritance distributions are weighed heavily towards male heirs (International Development Law Organization 2015a, 2). Arskal Salim has examined the *peunulang* model of inheritance distribution; in some villages in Aceh Besar, a husband does not inherit anything from his deceased wife (Salim 2006, 25). Aceh is also bound by two genealogical and territorial ties. The Genealogical Alliance is a customary society whose members feel bound in an order based on the belief that they share one lineage. The community is also tied by territorial bounds based on the similarity of residence (Supomo 1989, 48).

Furthermore, *areuta sihareukat* is property acquired from the joint effort of the husband and wife during marriage and is controlled by both of them. Acehnese customs dictate that the transfer of the property to a third party requires the husband to sign the contract of sale; it is sufficient for the wife to give oral consent (Salim 2006, 26). The *areuta sihareukat* (joint matrimonial property) is also distributed between the husband and wife, with each receiving half if they divorce and have no children. If children are present, the wife will receive a quarter of the estate, with the husband and children each getting a quarter. If the

separation is caused by death of either spouse, the remaining spouse receives three fourths and the heirs receive a quarter. It is distributed to *Baitul Mal* in the absence of the heirs. If there is a son, either young or old, the property belongs to the wife and their son. If there is a daughter, the guardian receives a share of the *peunulang* property (Salim 2006, 27). The parents do not get a share of *peunulang* anymore because they have given their portion of property to their daughter.

The acquisition of inner treasures in Gayonese society is determined by several factors, one of which is marriage. There are at least three forms of marriage that affect the acquisition of property; *juelen*, *angkap* and *kuso-kini* (Wati 2017, 4). In a *juelen* marriage, the wife moves to her husband's house and she is given a congenital (grant) as living capital with her husband. In an *angkap* marriage, the husband joins the wife's family and does not bring in any wealth into the marriage. Customarily, daughters in *juelen* marriages should not ask for their father's estate because they have been provided with the estate through the marital process, even though in *fiqh* they may receive a share. The *julen* form of marriage and inheritance requires further explanation, with reference to a case that was decided in court. In a lawsuit, a granddaughter proved that her mother did not bring *tempah* (the congenital bag) when she got married and she filed the lawsuit after her mother died. The court ruling refused to grant the granddaughter the inheritance rights on the grounds of *patah titi*.

A *kuso kini* marriage (literally means here and there) has limited effect on the acquisition of property. It means that the husband and wife can choose to stay with either of their families or live independently. The husband and wife can also divide their time residing between two families (either the husband's or the wife's family), or live independently, for the purpose of being closer to work or school for their children. This model seems to be commonly practiced (Wati 2017, 4).

According to Al Yasa, the division of inheritance in Aceh Tengah has usually been distributed in the form of grants before the *muwāriṭh* dies. Usually parents leave little property for their daily needs before they die. In fact, this little treasure became a dispute between his children after they died. Al Yasa has argued that *patah titi* in Gayo society is often used as an excuse to not pass on an inheritance.

Al Yasa Abubakar notes that a number of Islamic scholars, such as Hazairin, argue that Indonesian custom does not recognize the breakup

of linkages. However, *patah titi* is practiced in Aceh Tengah. It is possible that the term *patah titi* is derived from the word *walad* in inheritance *nass*. In the *nass*, the *walad* is essentially the meaning of children and can also mean grandchildren. The logic behind this is that inheritance requires a living recipient; they cannot be equally alive or equally dead because the dead cannot receive inheritance. According to Al Yasa Abubakar, inheritance is received downwards; when the heir dies, the inheritance is handed down to their son. Moreover, grandchildren in this context can be called children as one of *walad*'s meanings. If the child is alive, the frame of nature of used, whereby the grandchild does not receive the inheritance because he is prevented from getting inheritance if there is child. In this context, *nass* only mentions the words *walad* and *kalālah* (someone who dies without leaving a father or son).

In Aceh Tengah society, the child's inheritance is affected by *patah titi* and can be given if there is a will made by the heir who inherits from the deceased. The heir then notifies the child that if he dies, the child can represent him to be the grandfather's heir. However, in the absence of such a bequest, the law of *patah titi* comes into force. Here, *patah titi* not only affects the inheritance system, but also social interaction and ties of kinship. For example, it is assumed that upon his brother's death an uncle will lose ties of kinship to his nieces or nephews. The break of these ties could weaken the spirit of kinship between the uncles and nephews or nieces. Therefore, some assume that the concept of *patah titi* has a negative effect on social interaction. It seems to create a clash between *adat* and *shari'ah* in reference to the social impacts described above. This is a very multi-faceted problem. Religious courts in Aceh provide an alternative solution to inheritance issues, particularly those related to *patah titi*. (M. Abubakar 1997). Again, Aceh province was granted special autonomy status since 1999 to establish the jurisdiction of *shari'ah* courts to enforce Islamic Law (Cammack and Feener 2012, 13)13, including inheritance cases.

In Aceh, *adat* is not thought to contradict religion. *Patah titi* is certainly not in line with Christian van den Berg's theory of *reception in complexu*, which maintains that religious law is an *adat* law that has absorbed Islamic law (Ali 2002, 225). Likewise, Christian Snouk Hurgronje's *receptie* theory states that Islamic religious law is valid if it is in line with customary law (Rosyadi and Ahmad 2006, 76). Therefore,

in conducting this in-depth study, it was necessary to explore the local customs embedded in commonly perceived *shari'ah* law.

This study took place in Aceh Tengah, a region with unique cultural and religious practices. For example, in a village in Aceh Tengah, one should not marry another person in the same village because they are considered to have 'mutual' parents. Therefore, every parent in this community is allowed to admonish any child in the same village because they are considered to be one family. This study also observed the relationship between religious teaching, social expansion, social reformation, and reorientation (Fathurahman 2003, 35). Departures from traditional Islamic thought were observed in this analysis. I attempted to integrate traditional understandings into a wider empirical analysis of social realities (Jabali and Jamhari 2003, xi) in Aceh Tengah.

To explore how *patah titi* affects the division of inheritance in Aceh Tengah, descriptive qualitative research methods were used to provide an in-depth understanding of inheritance, the clash between *adat* and *shari'ah* law and the lived experience of the participants, including actions, motivations, and overall perceptions. This study also sought to uncover the underlying phenomena of *patah titi* (Strauss and Corbin 1990, 19). Data were collected through interviews with religious and customary figures and heirs who experienced *patah titi* in inheritance matters. A literature review was also conducted to source the theoretical frameworks needed. Aceh Tengah was selected as the research setting due to its unique customs, particularly in relation to *patah titi*. This research involved a problem solving process and was analyzed by describing the subject and object.

Scope of *Shari'ah* Law's Application in Inheritance Cases

This discussion attempts to show the correlation between *shari'ah* and the life of the Acehnese; both in aspects of revelation in the form of *shari'ah* itself or the non-revelation aspects, including human customs, socio-cultural and political thought. This discussion is important because there is a clear correlation between *shari'ah* and *adat* (customs) in the formulation of special inheritance *patah titi* cases in Aceh Tengah. *Shari'ah* regulates many interrelated aspects of life in Aceh, including *'ibadah* (worship), *mu'amalah* (commercial transactions), and *aḥwāl al-sakhṣīyah* (family law). *Adat* supports the implementation of *shari'ah* in accordance with the Aceh adage, *Shari'a ngon adat lagee zat ngon*

sifut, which means *shari'ah* and *adat* cannot be separated like *dhāt* (substances) and *ṣifah* (their characteristics). As Feener wrote:

Islamic Legal System in Aceh, Indonesia argues for new attention to be paid to the ways in which contemporary Muslims agendas for the implementation of Islamic law and the political machinations of rival elites in contesting control of state power (Feener 2013, 285).

The interrelationship between Islam, *adat* and the state in Aceh was studied by Eka Srimulyani, who illustrated how Aceh is strongly associated with Islamic values that support paternal traditions. Islamic values and local matrifocal practices are juxtaposed through the role of *adat*. The state also hegemonized a specific gender state ideology known as state *ibuism* (Srimulyani 2010, 321). Islamic *shari'ah* and state share a complex relationship. In Aceh, the implementation of *shari'ah* has existed harmoniously with the state, particularly in regard to inheritance law. This unique relationship in Indonesia is supported by symbiotic mutualism. Hooker and Lindsey wrote:

If Indonesia is developing its own national *madhhab*, then its characteristics might therefore be pragmatism driven by a concern for social welfare rather than legal scholarship; a pluralism that accepts continuing debate, even on key issues; and a tradition of institutional cooperation with the secular state that might even one day point toward a formal rapprochement between state and Islam (Hooker and Lindsey 2003, 58).

Bowen (2003) conducted a comprehensive anthropological study on how Muslims struggle to reconcile radically different sets of social norms and laws, including those derived from Islam, local social norms, and contemporary ideas about gender equality and rule of law. Bowen analyzed the debates that underpin *aḥwāl al-sakhṣīyah*, such as inheritance, marriage, divorce, and the relationship between the state and Islam. The strategic issues in this context are related to Islam, modernity, and social change. The book, entitled *Islam and Modernity Key Issues and Debates*, reflects upon major scholarly debates that have addressed questions of modernity in Islamic societies, which have been subject to major structural changes (Masud, Salvatore, and Bruinessen 2009). Muslims in Aceh are required to have a comprehensive understanding of their religious teachings in order to “read” the discourse of social change.

In a study entitled ‘*Muslims through Discourse: Religion and Ritual in Gayo Society*’, Bowen examined anthropological Islamic studies. He

observed debates related to the conduct of ritual and social worship in the Gayo community, as well as how new understandings of the Quran emerged. These community sentiments illustrate the long and dynamic processes that affected *adat* and worship. In the event of a religious problem, there are two strands of Islamic thought that are fundamental to Acehese society; the traditionalists and modernists who began to appear in the 1930s (Bowen 1993).

Contemporary Aceh faces welfare, community economy, and gender equality issues that must be addressed wisely. The Central Bureau of Statistics, *Badan Pusat Statistik* (BPS), found that the number of poor (people with per capita expenditure per month that is below the poverty line) in Aceh reached 829 thousand people in September 2017 (15.92 percent of the population) (Badan Pusat Statistik Provinsi Aceh 2017). The issue of corruption and poverty should be examined against the backdrop of Islam to address opportunities to strengthen the economy. Azyumardi Azra concluded that the revival of Islam came at a time when Indonesia was enjoying economic growth. The crucial question, therefore, is how to maintain the momentum of economic growth and regression against the revival of Islamic life. Moreover, Muslims activists working for a genuine revival of Islam should also address un-practices such as corruption and poor discipline among Indonesian Muslims (Azra 1996, 57).

In addition to that, gender equality issues relate to the distribution of inheritance. Walker's (2009) research focused on the spirit of equality in Islamic law by examining the scope of "controversial area[s]", with reference to the Quranic Chapter Ali 'Imrān (3: 195); polygamy, inheritance, and female testimony. This study is also interesting when viewed from the perspective of Islamic legal philosophy, particularly in relation to inheritance. In Islam, the portion of inheritance that is passed on to heirs is specified very clearly in the Qur'an, subject to certain conditions.

According to N. J. Coulson (1971), *shari'ah* law was derived from revelation rather than human thought. Islamic Jurisprudence schools emerged to interpret the source, including family ties as grounds of inheritance, priorities in inheritance, primary heirs, substitute heirs, secondary heirs, grandfathers and collaterals in competition, succession by the extended family, and so on. Philosophical perspectives about the portion accorded to heirs, particularly between men and women, was

explored by Chaudhry when explaining why women receive a smaller share than men as specified in the QS. al-Nisā' (4:11). Chaudhry, Lemu A. and Hereen regard the share to be generous rather than discriminatory in terms of responsibility (Walker 2009, 8). David S. Powers explains that the Islamic Law developed alongside Quranic legislation. Once the text was established, the form that the inheritance verses had taken necessitated further elucidation and elaboration. When discussing the formation of Islamic Law, it is important to think in terms of a process that unfolded over the course of time, with different elements of the tradition evolving at different speeds (Powers 1986, 209–10).

At a practical level, particularly in Muslim minority countries, Feirul Malliq Intajalle, et al. looked at the differences and similarities between civil law and inheritance law in Singapore and Thailand. In some cases, *adat* and religion are used as alternative considerations in solving inheritance problems instead of civil law (Intajalle et al. 2012, 114). To determine how *shari'ah* and customary law interact in inheritance distribution, Adi Fitra examined the model of inheritance law used in Aceh Tengah and found that the residents of Bebesan Village, Kemili and Belang Gele, Bebesan District, and Aceh Tengah Regency initially applied the law of *patah titi*. However, people have generally disagreed with the law because it is considered to contradict the values of justice promoted by The Compilation of Islamic Law. The injustice here refers to the damage to 'brotherly relations' between grandchild and the grandfather, which is contrary to *shari'ah* law (Fitra n.d., 12). Unfortunately, Fitra does not provide justification for abandoning *patah titi* in Aceh Tengah. The division of inheritance can be placed in a context where *aṣḥāb al-furūd* (obligatory sharers or primary heirs) loses linkage due to death to *muwāriṭh* (the deceased).

Inheritance is still problematic in Indonesia, particularly in cases of *ijthādīyah*, where no explicit *nass* can speak about it. Historically, since colonial times, inheritance law has been very dynamic and adaptive. Komari (2016, 155) argues that in the early days of the introduction of Islam in Indonesia, Islamic law largely influenced the implementation of inheritance law. However, in the colonial period, the Dutch East Indies government began to apply Western law for Europeans and the Foreign East. A combination of Islamic law and customary law applied to indigenous people. In the post-independence period, the politics of law changed due to the policy of codification and legal unification;

Islamic law was incorporated into Indonesia's positivist legal system, including inheritance law, which is now a combination of *adat* and *shari'ah*.

The position of women under inheritance law is also an important part of the distribution of *tarikah* in Indonesia. Euis Nurlaelawati (2012, 76) "abstract": "As response to the demand on women's legal development, through the KHI Hukum Islam, Indonesia introduced a number of legal reforms on familial issues, including inheritance. Several legal reforms on inheritance issues include the rule of ahli waris pengganti, the rule of wasiat wajiba (obligatory bequest, in a work entitled *Towards Equality in Indonesian Islamic Inheritance Law: Position of Daughter versus Siblings*, found that there was still confusion among judges in understanding the law and reluctance in implementing it. Debate between jurists points to the lack of a strong legal basis in inheritance law (Nurlaelawati 2012, 76) "abstract": "As response to the demand on women's legal development, through the KHI Hukum Islam, Indonesia introduced a number of legal reforms on familial issues, including inheritance. Several legal reforms on inheritance issues include the rule of ahli waris pengganti, the rule of wasiat wajiba (obligatory bequest. Muzainah (2012) describes how some regions have local wisdom models for inheritance distribution; the norm of the community's inheritance law in Traditional Inheritance Law of Banjar Society is contained in "*institution of dama*", whereby the division of inheritance is done by *islāḥ* and *fanā'id*. Daughters are recognized as heirs and their share of inheritance can be greater, or equal to or fewer than, their male counterparts, if reference is made to the principles of divinity, utilization, and balance. As such, the division of inheritance for women in Indonesian society is highly varied and subject to different considerations.

Ijtihād in inheritance continues to be practiced, including the presence of the term of *ahli waris pengganti* (successor heirs). According to Perwitasari (2013), substitute heirs are called *mawali*, which are mentioned in QS. al-Nisā' (3:33). The Compilation of Islamic Law (KHI) also mentioned the term in Article 185 paragraph 1. The proposition of the substitute heirs can be justified because it has a strong legal basis. *Ijtihād* is embodied in the KHI Section 185 and is applicable in Indonesia. Despite this regulation, within the Acehese community surrogate heirs are still unacceptable in society, particularly in Banda Aceh (Yose 2016).

The extant research has not examined the problem of inheritance as a whole. This research was conducted to focus on local wisdom and *shari'ah* in order to understand *patah titi*, integrate *shari'ah* and *adat*, and bridge the gap between different issues to resolve the conflict between them, and determine how their unique features are used to solve cases. Customs and *shari'ah* are both complementary and contribute to building legal and security benefits within the community. *Patah Titi* is a unique and famous concept in Aceh Tengah; it began as an abstraction and was eventually codified in common inheritance division practices.

This paper will use theories of *farā'id* science in its analysis. The discussion will focus on three things: *muwāriṭh* (the deceased who leaves the estate behind), *wāriṭh* (the heirs entitled to the inherited estate) and *tarikah muwāriṭh* (the the gross estate left behind). According to Hazairin (1982), the heirs can be divided into three groups, namely *dhū al-farā'id* (heirs with fixed share of inheritance), *dhū al-qarabah* (people who are close relatives to the deceased), and *mawali* (slavery). The latter term may replace the deceased heir and can occupy his father's position under succession law. The applica²⁸ of inheritance division for substitute heirs is regulated by the Compilation of Islamic Law (KHI) Article 185 paragraph (1), which states that the position of the heirs who predeceases the benefactor can be replaced or represented by his son. However, paragraph (2) also states that ⁸ share of the substitute heirs should not exceed the share of the heirs of the same class and degree (KHI, article 185).

Under the *fiqh* of inheritance, the orphaned grandchildren of the deceased can only inherit through male lineage. There is also a possibility that the grandchildren of the deceased son will not be able to receive any inheritance if there exists a surviving son of the deceased (such as an uncle). In addition, the grandchildren of the female lineage are only considered to be *dhawi al-arḥām* (Rustina, 2016). In Islamic Law, substitute inheritance can be interpreted more flexibly as long as it is in accordance with the *qawā'id* (principles that apply) (Dazriani 2016).

In the division of inheritance, there are two matters which may be confused with the use of *ahli waris pengganti* (substitute heir) and *wasīyah wajibah* (obligatory bequest). Nurlaelawati (2016, 214) discusses these two terms widely, particularly in the debate about the grandchild with predeceased. Under *ahli waris pengganti*, if the

dead leave two heirs, including one daughter and one grandson of a predeceased child, the property is shared equally among them. Each gets half. Al Yasa Abubakar noted that there were numerous complaints among communities regarding orphaned grandchildren who could not inherit from their grandfather due to the presence of paternal uncles (A. Y. Abubakar 2012, 258).

As for the *wasīyah wajibah*, mentioned in Article 209 of KHI, Rasyid (1999, 95) argues that this article may produce a new problem because its use is not explained, given that *wasīyah* is associated with a foster child who does not receive anything from her adoptive father's legacy. Under Islamic Law, the adopted son is not entitled to the inheritance of his adoptive father. According to Fathurrahman (1981, 63), if an individual adopts the grandson who predeceased his parents, they may be entitled to the inheritance. Fathurrahman's argument seems to bridge two different opinions above. Moreover, the portion given to grandchildren in this context involves equitable considerations. Therefore, *wasīyah* does not exceed the share of inheritance that is equal to the person being replaced.

The interactions between Islamic Law, *adat* and positive law in Indonesia has been very intensive since the New Order. There are various advantages and disadvantages associated with different logical, philosophical, and juridical views. These views include what Siregar had observed when interviewed by Bowen (1998): that a Muslim should not use *adat* as a foundation in the distribution of inheritance, rather, they must return to the standard provisions contained in the law of *farā'id*. According to Bowen, this point of view differs from how Hazairin understands and interprets some sub-laws of inheritance that developed in Indonesia.

There is a dynamic array of views and practices involved in resolving inheritance cases, including linguistic approaches, anthropological laws, positivist laws, and so on. This paper will focus on how diverse legal negotiations, known as legal pluralism, are used to resolve *patah titi* cases in Aceh Tengah society. Firstly, two terms must be elaborated, namely law and pluralism. In the view of functionalists, law is a tool for increasing social integration (Wallace and Wolf 1980, 99) and social control through the systemic application of force in a politically organized society (Comaroff and Roberts 1981, 6). In principle, law is a part of culture, which provides guidance for citizens about what is

permissible and what is not (normative), and in what way (cognitive) (Benda-Beckmann 1986, 96). Law is also a social phenomenon or social process that is always undergoing change.

In complex dispute settlements, legal pluralism is considered to be a more appropriate approach for producing more informed and dignified legal decisions. Legal pluralism is defined by Merry (1988, 870) as contexts in which two or more legal systems coexist. According to Benda-Beckmann, legal pluralism is not just about legal diversity, but also about how these legal systems interact or influence each other in state, customary or religious law (Benda-Beckmann 1990, 2).

This paper will consider how the interaction of state law in particular is contained in KHI article 185 paragraph (1), where it is stated that the inheritance of the person who passed away can be replaced by a substitute heir. The customary law emphasizes the application of the concept of fracture, while Islamic law emphasizes justice, humanity, and protection. The interaction between them shows the level of power need to negotiate legal pluralism in resolving inheritance cases in Aceh Tengah.

Phenomenon of *Patah Titi* in the Practice of Inheritance

Patah titi has long been practiced within the Aceh Tengah community. However, the concept of *patah titi* has shifted overtime due to increased education, public awareness, and cultural assimilation. According to Alam Syuhada, the Head of Islamic *shari'ah* and Dayah Education Agency of Aceh Tengah, society in general considers *patah titi* to be unfair for the predeceased heir, who are supposedly entitled to a larger share of inheritance than other heirs due to the presence of orphans and widows with greater living needs. He argues that the concept of *patah titi* is no longer relevant in contemporary Aceh Tengah.

In Islam, orphans must be treated well and if there is an inheritance right to his father, the orphan should receive some share of it. In the prevailing *adat* law, there is no such a right that entitles them to this share. In fact, contemporary *adat* contains numerous contradictory principles. In addition to this, Alam also observed that in recent years the term *patah titi* also has come out of use.

According to Ibrahim Mahmud, Takengon's Municipal Mosque Chief Prayer Leader, the current model of distribution is adequate because the predeceased heir also receives his/her share. In fact, the

orphan's guardian should pay more attention to them because previously the orphan's father has taken care of and provided for them, therefore he bears the custodian responsibilities of the children, one of which involves giving their due inheritance from their grandfather. The views of these Aceh Tengah community figures emphasize the importance of paying attention to the share received by the orphaned grandchildren. A number of the other community figures also highlighted the technical procedures that the heirs of the deceased should consider in inheritance distribution.

Jamaluddin, Secretary of Aceh Tengah *Adat* Council (MAA), described inheritance distribution procedures as follows:

Pada umumnya melakukan musyawarah keluarga, sekaligus menentukan jumlah masing-masing, bila tidak ada yang puas di antara ahli waris baru melibatkan pihak lain, seperti keuchik, tokoh adat, imam gampong atau tokoh setempat untuk melakukan pembagian warisan tersebut”.

In general, the family should conduct internal negotiations as well as determine the share of each heir. If there should be any disagreement among the heirs, then third parties such as the village head, traditional leaders, village religious leaders, or any local figures should be involved in order to interfere with the inheritance distribution.

Patah titi inheritance distribution can be initially resolved through family negotiation. Community leaders such as the village head and *adat* leaders can be engaged if the internal negotiation is not successful. In fact, family-level negotiations often directly involve village officials, particularly elderly people because they are considered more likely to understand the issues faced by people in their community. As such, the insight and knowledge of family members is crucial to how to address the division of *patah titi*.

The Application of *Patah Titi*

The application of *patah titi* is a result of customary consensus practiced by generations within the community of Aceh Tengah. This concept necessitates the obstruction of inheritance rights of the heirs who have 'lost' their linkage.

ST, a Kute Kering village resident, explained his experience with *patah titi*. He is the first child of four siblings, consisting of two sons and two daughters. His mother predeceased his grandmother. His mother is the first child of size siblings, consisting of five daughters

and one son. His grandfather died before his mother. Upon the death of ST's mother, the grandmother took the initiative to give equal share of her estate to all her children, including ST, who represented his deceased mother. However, the division failed to be executed because his mother's brother, or in this case his guardian, disagreed with his grandmother's decision on the grounds that a deceased heir is obstructed from inheritance.

Similar *patah titi* circumstances were also experienced by IR. In this case, it was his father who predeceased his grandfather. As a result, his custodian (his father's siblings) described his circumstances using the expression "*patah titi gere demu pusaka*", which was a declaration of the broken ties of kinship between him and his grandfather, resulting in him being obstructed from the inheritance of his grandfather.

Only few cases were observed throughout this study that applied the law of *patah titi* in the practice of inheritance division. It is important to note that in ST's case the heirs had cancelled the distribution of grants that had been conducted prior to the benefactor's death. ST was still legally able to prosecute the unilateral cancellation. As far as this study is concerned, *patah titi* is rarely practiced in the distribution of inheritance among the people of Aceh Tengah. One reason is because it is considered to violate the heir's right to fairness. Here, there is an implicit refusal of the application of *patah titi*. On the other hand, they must accept the prevailing conditions and provisions. From the interviews conducted, people seem to be faced with despair over the conditions that befell them. They cannot do anything but accept the customary provisions of their society.

Occupying the Deceased Heir's Position (Representational Succession)

The second model of inheritance division is representational succession, in which the orphaned grandchildren represent their parent (predeceased heir). By occupying the predeceased heir's position, the orphaned grandchildren will receive the same share as their father, if he were alive. This system of inheritance division was once experienced by RS, whose mother had died. RS is the first child of three other female siblings who were not well-acquainted with matters related to inheritance division. However, she and her other siblings were suddenly informed by their relatives that there had recently been a division of

their grandparent's estate and that they also received their deceased mother's share.

RS's guardian, who was involved in the distribution of inheritance, told her that her deceased mother's share was in the form of a piece of land. Due to their mother's death, the share directly went to RS and her siblings. However, RS complained that there was no further detail, land certificate handover or other evidence showing that they are entitled to the land belonging to their deceased mother. Neither RS nor her other siblings dared to question or clarify the status of their share to their guardian.

HS and her two brothers received a share of their grandfather's estate by representing their deceased mother. She was entitled to the share according to the law of *farā'id*. After the three siblings received their mother's share, they agreed to sell the land because it was not too big (to be divided). The land was then purchased by their sister and the money was equally divided among the three siblings.

RM received the share of his predeceased father in the division of his grandfather's inheritance. The share of the inheritance was equally divided between the grandfather's children, both sons and daughters, including for RM. He received a piece of land upon which a house can be built. Since the land obtained from the inheritance was not that big, he did not divide the land with his sister. RM's sister also did not bring the subject for discussion, believing that RM was entitled to it as the substitute heir to their deceased father.

Another participant, IF, experienced a similar case. Representing her deceased mother, IF was not aware of the inheritance division's procedure due to being absent during the process. Upon her return to her village, her grandmother gave her a share that was supposed to be IF's mother. But it seemed that the division was based on family agreement because the children received equal shares. In addition, prior to this division, IF's mother also already owned a property upon which a house can be built. The house was not that big and was immediately given to her younger brother, because of his gender and because he had taken care of their father during her absence.

IF received a share from her grandfather's inheritance in the form of farmland and a piece of land upon which a house can be built. The farmland was also given to his brother while IF herself took the piece of land. In this case, IF got the share because she represented her deceased mother in the inheritance division. IF's mother was the third

child of nine siblings, consisting of three sons and six daughters. They all received an equal share, and there was no discrimination between sons and daughters. The inheritance division was conducted after IF's grandfather died.

HS and her brother also received a share of their grandfather's inheritance, although her mother had died earlier. They received their share according to the law of *farā'id*. Likewise, RM got the inheritance right from his grandfather because his father had died earlier. He occupied his father's position as the grandfather's heir, just like IF who represented her deceased mother.

A unique case was also experienced by MS, a grandfather whose son predeceased him. MS believed that the inheritance was given from father to his children, then from children to grandchildren. MS also believed that the respective share of each heir of the inheritance was already regulated by *shari'ah* law for each daughter and son. MS only had two children, a son and a daughter. His son had died so only his daughter remained. The deceased son left three children behind, two sons and one daughter. As a result, the share of his deceased son was given to his grandchildren.

One view asserts that a deceased child no longer receives a share because the tie of kinship has been cut (due to death), but the share is given to the surviving heir. As such, in MS's case, the inheritance was given to his grandchildren. However, another view holds that if a child has died, then that would invalidate his/her share of the inheritance. MS agreed with the first view. After all, grandchildren—according to him—should receive the share of his grandfather's inheritance despite their father's death.

The interview showed that the heirs affected by *patah titi* still receive inheritance from their grandparents, despite the absence of linkage, by replacing their deceased parent. Therefore, they do not receive the estate from any grant or bequest, but from their deceased parents' share of their grandfather's inheritance. This distribution model is indicative of a paradigm shift in the Aceh Tengah community's response to *patah titi*. Ridwan (2016, 28) has argued that "the law was changed because of the changing elements of life, especially, increasing population, discovery technologies, the development of science, revolution, revolutions, and wars." It is evident that community and legal culture develop dynamically in line with the times.

It was observed that family members in the Acehese community were reluctant to ask for their inheritance from their guardian. They did not dare to express their intentions when the distribution of inheritance received felt unfair to them. The heirs in this case choose to await the guardian's decision to decide and submit his share. The portion of the inheritance received by the surrogate heir indicates justice in the division of inheritance. The open attitude between the heirs, especially those who hold the 'authority' in the division of inheritance, has not yet been fully established.

The Application of Grant Concept

Hibah or grant is an estate that a person receives from a benefactor before his/her death. This arrangement usually results from the benefactor's concerns about an inheritance conflict occurring after his death. This division occurs on the basis of the will, awareness, and logic of the owner of the estate to give to any child and relative who is considered worthy of it. This form of division is categorized as *hibah* or grant. It can be illustrated as follows.

The first case was experienced by SP. Her father was deceased and her grandfather was then still alive. When her father, as the heir, was still alive, he had been given a portion of the estate by her grandfather (the owner of the inheritance). SP and her siblings as the substitute heirs got the estate distributed by their grandfather when their father was alive. SP acknowledged that according to local custom, the children of heirs do not inherit any property and in fact many disagree with the law of *patah titi*. She was very grateful because her grandfather granted the estate when his heir (SP's father) was still alive. Inheritance distribution was also performed on the basis of family negotiation. The share that SP received as the heir of her deceased father was a piece of farmland. The farmland was one hectare in size which will be further divided into four sections.

From the aforementioned cases, it is understood that the *muwāriṭh* anticipated the future occurrence of conflict arising from *patah titi*, where the heir who lost their inheritance linkage would most likely be obstructed from inheritance. As such, he distributed his estate in the form of a grant to the heirs before he died. Since it was a grant, the measure was determined by *al-mawhib* (the granter) without any binding measures, given that "the grant is a transfer of legal and

beneficial ownership of the assets from the donor to the beneficiary on volunteer basis, i.e. without valuable consideration and compensation” (Yusof and Ahmad 2013, 1).

ST’s case is also illustrative. ST got his share of inheritance from his grandmother as a substitute heir of his deceased mother. It was initially opposed by his guardian, but after the guardian died, he got the share of his predeceased mother which was equal to the share received by his mother’s male and female siblings. This was because the inheritance was divided based on the family consensus involving the grandmother and his mother’s siblings. In the case of ST, he obtained the inheritance from his mother. His mother got the estate from his grandfather through *hibah* (grant). This grant secured ST’s ability to inherit his mother’s estate. Otherwise, ST may have been affected by the law of *patah titi*, whereby he may not have inherited anything from his grandfather. Moreover, ST must share the estate he got from his mother’s share with his siblings.

However, ST did not share the estate equally with his siblings. Instead, he divided the estate according to the law of *farā’id* in which a son receives double the share of a daughter. In terms of the inheritance estate, the division is no longer in the form of land, but in the form of money. Since the inherited land was not very big (2,500 m²), at the suggestion and approval of his siblings, the land was purchased at an agreed price. The total land of 4 *rante* (2,500 m²) was worth 100 million IDR, resulting in 65 million IDR for the sons and 35 million IDR for the daughters.

This is a particularly interesting case because the process of receiving the share of the estate from one party through *hibah* (grant) from the first *muwāriṭh* (grandfather) and the estate was then distributed to the heirs of the second *muwāriṭh* (mother) under *farā’id*. It appears that ST’s division was an adaptation that considered the principles of justice and legal certainty.

Another case was experienced RS, a child who was affected by *patah titi* and received her deceased mother’s share of inheritance. However, RS and her siblings were unaware of the process of distributing inheritance. She was only told by her guardian that her mother got a piece of land in the division of inheritance and due to her mother’s death, the share automatically went to them as her children. A slightly different case of *patah titi* was experienced by AA, a resident of Uning

Bersah Village. In his case, it was his wife who had died while his father-in-law was still alive. His father-in-law had two children, the first child being his wife and the other her younger sister.

The inheritance was divided into two equal shares, but in essence his wife's younger sister got the larger share. Under *shari'ah* law, those affected by *patah titi* no longer get any inheritance, but can only receive *hibah* (grant). Certain regulations apply when it comes to *hibah*, and in this case his wife's younger sister received the larger share.

AA's father-in-law stated that the estate was only for AH as his first grandchild, not for his brother AS. However, AA entrusted the matter to his brother AH. As a parent, AA expected AH to take the initiative to share with AH. The reason why it was not given to AS was because under Gayonese tradition, greater affection goes to the first grandchild than the one the grandparent never sees at all. This is one of the characteristics of the Gayo people, but as a parent AA tried to fix it so that no one got discouraged.

Among the aforementioned cases, SM did not get the right of inheritance due to *patah titi*. Her father predeceased her grandfather. The division of inheritance was done by her guardian's (father's brothers). SM and her brothers were no longer entitled to the inheritance. However, when their grandfather was still alive, he granted some pieces of lands to his children (SM's father and his brothers).

Generally, those who receive a share of the grandparents' inheritance were representing their predeceased parents. They also obtained equal shares, meaning generally it was not solved according to the law of *farā'id*. They received equal share regardless of gender and the shares of those still alive were equal to those of the deceased. There is also a grant received by those affected by *patah titi*, which had not been divided to the grandson who represented his deceased mother because he was still a child and lacked the capacity to manage the property. The granted property was initially managed by his father and was later given to the children when they became adults. Generally, the heirs got shares of the inheritance because they represented their predeceased parents. They also got equal shares, meaning it was generally not solved according to *farā'id* the shares between sons and daughters and between the living and the deceased were made equal.

MA also shared his experience as an heir affected by *patah titi*. His father had two sons and three daughters. He said that under Gayonese

tradition, the law of *patah titi* takes effect when one's father predeceases the grandfather. However, in the division of inheritance, no party gets discriminated against; each heir gets equal share of the inheritance whether it is farmlands, houses, or rice fields. The daughters received their inheritance from MA's grandfather in the form of farmland when he was still alive. It was collectively agreed by the family that one section of rice field would be divided into five equal shares. This means that MA's siblings received money instead of land.

According to MA, there is no term such as daughter and son; he considered all siblings to be equal and that was a result of a mutual agreement, despite the fact that MA was the only son. At that time, MA divided the inheritance equally on the one condition that it was not the farmland that was divided; rather, it was IDR 5 million. As a result, the rice field then belonged to MA. The one hectare of farmland was even directly divided into five equal shares and not sold. It is unlike the house, which is not shared. MA's siblings granted the house to MA because under Gayonese customs he was considered a *tungkelen* (the only son/guardian) and their mother was also still alive.

There was another piece of farmland that had been completely divided, but not legally owned because their mother was still alive. The farmland's harvest was given to their mother. The farmland could be legally owned upon their mother's death. However, some land had already been owned. Aside from what had already been divided, the farmland was then sold to pay for MA's father substitute pilgrimage. The farmland came from the mother's side, so it was sold to MA to pay for substitute pilgrimage of three people: MA's mother's father, his mother's mother, and his father.

Another case was experienced by MS, whose grandfather divided the inheritance equally among his grandchildren as their father's substitute heirs. There was no difference between sons and daughter, nor was there any difference between child and grandchildren. There was also no discrimination between grandsons and granddaughters. Everything was divided equally with no discrimination at all. The purpose of making such a division was because MS had no idea who, among his children or grandchildren, would take care of and do good for him in the future. He did not like the idea of favoritism between children and grandchildren. Everyone deserved to be loved dearly. One condition of the inherited estate was that it should be used for good (worship)

and nothing else but worship. The application of *farā'id* in the division of inheritance was conducted before the *muwāriṭh* died. Although not completely referring to estate division under the jurisprudence of *farā'id*, I still regard this case to be unique. In accordance with *tarikah*, or 'gross estate', left by behind by *muwāriṭh*, the division was made after the death of *muwāriṭh*. Due to the existing *mawāriṭh* (inheritance) legal arguments, the divisions of the *muwāriṭh* before their death can be classified as *hibah* (grant).

During data collection, there were very few cases wherein estate division was solved by the law of *farā'id*. The rest was solved by applying the concept of *hibah* (grant), in which the estate was equally divided between heirs. Alternatively, the heirs (grandchildren) represented the deceased heirs (parents). In addition, there were four cases in which the heirs affected by *patah titi* did not receive any inheritance because it had been stipulated that way by the established *sharī'ah* and customary (*adat*) law. Those who did get their share of inheritance in cases of *patah titi* were usually decided through family negotiation.

From the aforementioned cases, it can be concluded that the technical procedures of the division and considerations used to solve the inheritance problem of *patah titi* are very unique. In this context, Shari'a law can solve various cases, in effect transforming Gayonesse society (Feener 2013, 294). This is supported by the fact that the divisions used the same considerations at one level and different considerations on another. Other legal arguments were certainly used as well. These conditions of inheritance division are very dynamic in how they implement *mawāriṭh* law in Aceh Tengah. The choices made in distributing *patah titi* inheritance develop society's ability determine the best model for families. It is evident that the *patah titi* is not rigidly applied according to *nass* in inheritance division.

The research showed that there are three models of inheritance division in relation to the heirs affected by *patah titi*. First, *patah titi* or obstruction of the right to inheritance; second, representation for predeceased heirs; and third, grants.

Justice and Conflict

I sought to explore how people experienced justice in *patah titi* inheritance division cases. Communities had several choices, some of which were deemed more just. These choices were made due to the

absence of clear *nass* (authoritative quotation from Quran or Hadith) or any governing regulation.

There were, however, cases of *patah titi* that did not cause any problems. For example, SP (26 years) felt there were no constraints because her grandfather had conducted the inheritance division when he was alive. When SP's father died, her grandfather simply gave the father's share to SP and her siblings. SP felt that it was fair that her parents divided the estate equally. She was even very grateful because after becoming an orphan, she also received a piece of land for housing from the share of her uncle and aunt.

Similarly, for ST, a conflict occurred when his grandmother gave his deceased mother a share. The brother of ST's mother disagreed that the deceased child should get the inheritance. However, in the end he also got a share, which was divided equally by his grandmother.

ST also added that there were no problems or conflicts in his family. ST's siblings handed the decision over to ST as the eldest child. He divided the estate under the law of *farā'id* and the decision was gladly accepted by his siblings. They even suggested that ST purchase the land because it was not too extensive. Finally, ST gave shares to his siblings in the form of money from the sale of the land previously agreed.

In another case, RS was disappointed about the obscurity of the inheritance that their mother was entitled to. Because an entitlement had been granted, but there was no evidence that indicated legitimate ownership, that entitlement was given to them. RS and her brother felt that their guardian could have acted in such a way because their mother had died.

RM was considered a substitute heir of his father and received the same share as his father's siblings. The share of inheritance that he received became fully entitled to him. This means that it was no longer shared with his siblings. This is understandable because the land was not too extensive and RM himself needed a lot of money for his marriage. As such, they considered his circumstances and left it in his possession.

IF received her grandfather's inheritance, which represented her deceased mother. She divided the inheritance with her sister voluntarily; in fact, her sister received more so no conflict would occur.

SM acknowledged that sons and daughters have unequal rights. However, inheritance had been decided through family negotiation. Thus, all members of the family could understand and wholeheartedly accept the decision. SM and her siblings did not receive any share due to

patah titi. SM and her female siblings accepted this decision. However, she admitted that her brother was disappointed and frustrated because he did not get any share of the inheritance.

IR was also by no means discouraged for not receiving the share of inheritance. Rather, he was disappointed when his guardian (his father's brother) declared the broken ties of kinship. IR said that not getting a share of inheritance may not become a serious issue because he could get it elsewhere. It was the declaration of broken kinship that disheartened him.

Of the few cases in which the heirs did not get any inheritance due to *patah titi*, the heirs themselves generally accepted the decision because it had a legal basis. However, some of the sons were disappointed with it. There were also cases of disappointment due to declarations of broken ties of kinship. Cases of *patah titi* may cause conflict in families if not properly resolved. This is due to the tendency within some families to take different approaches to sharing the estate. Alam Syuhada, the Head of Islamic *Shari'ah* and Dayah Education Agency of Aceh Tengah, discussed the impact of these cases:

Baru-baru ini terjadi sebuah kasus dimana konsep patah titi yang dijalani dimasa lalu dalam sebuah keluarga. Setelah si anak beranjak dewasa dan mengerti tentang haknya, dia menggugat paman atas hak warisan ayahnya, setelah melakukan serangkaian proses persidangan akhirnya putusan memenangkan si anak atau pihak penggugat, (berhak menerima harta warisan kakeknya) 27 salah satu kasus yang baru-baru ini terjadi karena ada ahli waris yang masih menganggap hilang hak warisan kakeknya karena patah titi.

Recently there had been a case regarding the issue of *patah titi* that had been resolved in a family in the past. When the child previously affected by *patah titi* grew up and became aware of his entitlement of the inheritance, he went to sue his paternal uncle for it. After a series of trials, the juries decided that the child or the plaintiff was entitled to his grandfather's inheritance. This recent case might have been caused by the fact that there remained some people who considered that *patah titi* will cause those affected by it to lose their entitlement to inheritance's estate.

Negotiating and Engaging Others

Negotiation refers to a process of exchanging views between family members, particularly the heirs who have the right of the property left by the *muwāriṭh*, to reach an agreement about distribution under the

terms of *farā'id*, equal distribution, or other considerations based on socioeconomic status. The poor or unfortunate are usually given a greater share. Negotiations solve obstacles in the division of inheritance, such as in *patah titi* cases, where the bridging heirs leave first. The decision to be made in this case is between applying *patah titi* or *ahli waris pengganti* (substitute heirs). This what I mean by family negotiation in following paragraphs.

I sought to find out the extent to which families are able to determine the best solution to inheritance problems. In this case, the involvement of other parties can be observed. The parties in question usually defer to people with a good understanding of the problem and are well-known for their wisdom, good character, and considerable experience in solving similar problems.

Some families affected by *patah titi* did not engage with external parties, such as ST's. His grandmother as the benefactor gave ST's mother her entitlement as a deceased heir. ST's grandmother divided the share equally regardless of gender. The acceptance of the inheritance was represented by ST as the first child. The decision was only made by the grandmother as the benefactor as well as the brothers of ST's mother, who received the inheritance. The decision was only based on family negotiations and did not involve other parties. This means that the portion given to the *patah titi* heir is determined internally by ST's family and did not involve anyone outside their family.

Similarly, for HS, the decision made to resolve the problem of inheritance division was based on the family's agreement, and did not involve other people. This decision was not followed by any conflict.

IF's family also settled the problem through negotiation, dividing the share of inheritance that involved the family and the heirs. The division of inheritance in IF's family is decided in family meetings and by the heirs alone. The grandfather gave equal shares to his children and there was no discrimination between the deceased and living children; all were entitled to their rights. IF was happy to give larger share of the estate to her younger siblings.

A similar scenario occurred in resolving inheritance issues in MA's family. The division of inheritance was based on the outcome of family negotiations that involved dividing the share of inheritance without interference from other parties. That is, MA and his heirs decided the distribution of inheritance in meetings between them only. However, it

still involved prevailing Gayonese customary law. For instance, MA got the possession of the house because he was an only son and his mother was still alive.

AS received a grant from his grandfather because his mother was dead. This was decided under customary (*adat*) law. In general, the settlement of inheritance division is done on the basis of the decision of the heirs because some family members may be affected by *patah titi*, although they received the same rights as the survivors. These rights are accepted by the child. If the problem was solved by engaging other parties, then those affected by *patah titi* would not inherit anything. If they did, it would be in the form of *hibah* (grant).

The field data showed that the division of *patah titi* inheritance in Aceh Tengah was based on several choices of settlement. According to the survey, the settlement of inheritance problems involved using local wisdom, in which people put forward negotiations between families. This entails parties meeting within the community so that inheritance issues can be resolved through kinship.

According to Jamaluddin, Secretary of Aceh Tengah *Adat* Council (MAA), the practice of inheritance division can be explained as follows:

Pembagian dalam adat kami selama ini jelas tidak mengenal istilah patah titi artinya dalam pembagian harta warisan lebih diutamakan musyawarah keluarga, untuk mengatur masing-masing haknya dan tidak ada yang dirugikan, dan tidak jarang kita dapatkan dalam pembagian sering melibatkan tokoh-tokoh gampung seperti keucik, imam atau orang yang dianggap tokoh yang mereka percayai untuk membagi dengan adil dan tidak terjadi kekeliruan dikemudian hari.

In our tradition, so the division does not apply the law of *patah titi* meaning that the inheritance distribution was conducted after family negotiation, to determine the share of each heir. No party would be discriminated against. Moreover, it is common to see that the division involves the community figures such as village head, religious leaders or trustworthy figures who are deemed capable of conducting a fair division of the inheritance. It was all meant to prevent future confusion or mistake.

According to some respondents, the process of inheritance division in Aceh Tengah can serve as a means of fostering harmony between family members. HS attested to this, whereby the decisions taken to resolve the problem of inheritance division was based solely on family negotiations. No conflicts arose from this decision-making process.

Patah Titi: Perspectives of Religious Authorities and Adat Figures

According to Ibrahim Mahmud, Takengon Municipal Mosque's Chief Prayer Leader, the practice of *patah titi* can be grouped into two distinct periods:

Kalau kita merujuk konsep patah titi yang lama, pembagian warisan sama sekali tidak mendapatkan harta warisan karena alasannya sudah patah titi, maka salah satu ahli waris yang meninggal dunia telah hilang haknya artinya anak yang ditinggalkan tidak berhak mendapatkan haknya dari kakek karena telah putus hubungan atau istilah patah titi.

In the traditional concept of *patah titi*, the heirs affected by it do not get anything of the inheritance because they have lost the linkage. It means the deceased heir had lost his/ her right, which also means that the children he/she left behind also lose their entitlement to the grandfather's inheritance.

Ibrahim Mahmud's opinion was supported by Imam Syuhada, the Head of Islamic *Shari'ah* and Dayah Education Agency, who held the following view:

Hilangnya hak seseorang mendapat warisan karena telah mengalami kematian, yang dikatakan patah titi bila ahli waris telah meninggal dunia dia tidak berhak mendapatkan harta warisan tidak juga buat anak dari almarhum yang ditinggalkannya. Namun istilah patah titi sudah ditinggalkan karena dianggap tidak cocok dengan adat dan istiadat kami disini, dapat mengakibatkan putusnya tali persaudaraan yang terjalin antar keluarga hanya karena harta warisan.

Patah titi is a condition where the heir had passed away which caused the heir the loss of right to inheritance. As a result, the children of the deceased heir also did not get the inheritance. However, the practice of *patah titi* has been forsaken because it is not compatible with the local customs and the mere dispute over *patah titi* cases can result in broken ties of kinship among families.

According to the above-quoted authority figures, the term *patah titi* has been deemed irrelevant in contemporary contexts because its disadvantages outweigh its advantages. For instance, it can trigger conflict in families and break kinship ties. That could explain why after the Compilation of the Islamic law on inheritance, the people of Aceh Tengah no longer recognized and applied the law of *patah titi* on the grounds that it is an unjust practice that can prevent heirs from giving the share of their deceased parents. The practice of *patah titi* is considered irrational because death is the destiny of God and is not something decided by humans. Hence, it is unjustifiable for any

deceased heir, represented by their surviving children, to not get their share of the grandfather's inheritance. This is because people, despite being deceased, are related by blood ties, and cannot be separated from each other both in the humanistic and Islamic Jurisprudence traditions. This is why the people of Aceh Tengah consider *patah titi* irrelevant in the contemporary practice of inheritance division.

According to Tgk. al-Muzani, one of the most flexible laws under Islamic jurisprudence is inheritance division. It is subject to consideration in the following ways:

The first involves *islah* (peace) or negotiable inheritance distribution within the family of the deceased. This decision does not consider whether the heir is affected by *patah titi* or if they are in fact entitled to the inheritance, nor does it consider whether the recipient is male or female. All of these are subject to family negotiation or consideration.

Second, whether or not the heir is affected by *patah titi* depends on their linkage to the deceased. If one is deemed to be affected by *patah titi*, this means that they will not receive the share. For example, in a case where a child predeceases the father. The law of *patah titi* takes effect when the heir predeceases the benefactor. Therefore, there is no way to receive the inheritance, even if the deceased has a child (grandchild).

In Gayonese language, *patah titi* is described as "*gantung tunung gere demu harta, patah titi gere demu pusaka*" (not receiving property). According to Tgk. Pakamuddin, Vice Chairman of Ulema Consultative Council, the law of *patah titi* only affects heirs from female lineages, that is, the grandchildren of the deceased daughter, whether they be grandsons or granddaughters. To sum up, the condition where the mother of those grandchildren predeceases their grandparents is called *patah titi*. If the grandchild is from a male lineage (son), then the law of *patah titi* does not take effect, because the son serves as a substitute heir of his father. As such, the law of *patah titi* cannot be implemented.

Tgk. Pakamuddin explained that *wasiyyat wajibah* (obligatory bequest) is a solution to *patah titi* cases. The share of inheritance will be adjusted and determined in the bequest. Otherwise, those who experienced *patah titi* will automatically lose the right to the inheritance. Here, the idea is to try to find a compromise and derivative solution – a term used by Ratno Lukito (1997, ii) – based on considerations of *shari'ah* and current *adat* (customs) in Gayo society, which is one of the sources that the law relies on (Masud 2000, 128).

Tgk. Jambi holds the view that in Islam there is no such thing as a *patah titi*. To him, the law of *patah titi* is only imposed in the customary law. *Patah titi* applies in cases where the parents of the children predecease their grandparents, which results in them being prevented from receiving the grandparents' inheritance. Tgk. Jambi also asserted that customary law may be implemented as long as it does not conflict with *shari'ah* law. However, it is advisable to first enforce *shari'ah* law rather than customary law. He added that there are no significant problems in inheritance under customary law. It is even more advantageous in that it involves negotiation, meaning that all decisions will be based on the agreement of different parties.

According to Tgk. Maharaja, those who are affected by *patah titi* case are no longer entitled to inheritance because the heir has predeceased the benefactor. Collective decision-making and negotiation conducted among heirs are a norm in contemporary Gayo culture. Following such a policy is a fairly accepted way to reform traditional understandings of jurisprudence (Syahnun 2010, 2).

Inheritance that is divided equally among the heirs will not become an issue if all parties agree with the decision. However, that is not the case in religious law. Those affected by *patah titi* do not get any share of the inheritance. There is, however, such a thing called *hibah* (grant), which refers to property that is 'granted' to the grandchildren, but is not called inheritance.

According to *Adat* figures in Gayonese history, it was customary (*adat*) law that was initially applied in the Gayo region until the introduction of Islamic teachings, which originated in Sumatra. However, today the Qur'an has become the most important reference for the people of Gayo because it is the word of Allah. However, they still do not forsake the customary law that had been practiced earlier.

This development signifies the substantive and procedural dynamism of *shari'ah* itself; the uniqueness and applicability of *adat* (customary law) transcends temporal and spatial differences (Abdullah, Martinez, and Radzi 2010, 161). Unlike customary law, Islamic *shari'ah* law and *fiqh* have been established in accordance with applicable provisions. For example, religious law has regulated the measurement of land in detail, including the share of each heir and the apportionment of size, which should not exceed the established portion nor fall short of it.

Under customary law, at times the land to be distributed cannot be properly measured due to an unsuitable length or width. The customary law dictates that the inheritance decision should be made through negotiation. In this case, it is acceptable to use either religious law or customary law. As far as the *adat* leaders are concerned, the people of Gayo tend to use more customary law than religious law.

Furthermore, the traditional leaders asserted that the purpose of imposing customary law is to foster closer relationships among the people. For example, consider the case where the grandparents are still alive and have four children and one of those children died, leaving three behind. The deceased child left the other grandchildren behind and so people declare the case as *patah titi*. This is not true both in the perspective of custom and religion. *Patah titi* cases should not arise simply because they concern inheritance. The case can be solved through agreements, such as the brother of a deceased father acting as the guardian for his children.

Logically, if there is no obstruction when it comes to guardianship, there should not be any obstruction when it comes to inheritance, which can result in some heirs not getting any share. It is safe to say that human greediness plays a key role in this case. Thus, those who claim that the parties affected by *patah titi* are not entitled to inheritance usually do not have a good and detailed understanding of the law. If a father dies and leaves behind a daughter, then in that case the law of *bulung pitu* comes into force, meaning that the estate is distributed to the parties who are entitled instead of giving it all to the daughter.

Based on the aforementioned opinions or views of ulama and *adat* leaders, it can be concluded that almost all agree that there is no such a thing as *patah titi* in *shari'ah* law. Rather, it is only a term contained in the customary law. Under *shari'ah* law, a grandchild whose father has predeceased his grandfather is not entitled to the share of inheritance. However, it is still recommended that this issue be resolved through customary law and family negotiation. Likewise, it is advisable to make an obligatory bequest for those affected by *patah titi* so they can still benefit from the estate.

Conclusion

Community leaders in Aceh Tengah expressed different views of the concept of *patah titi* in inheritance. All of them agreed that the law of

patah titi takes effect in cases where the heir predeceases the benefactor. However, some argue that the law of *patah titi* only applies to female heirs. The law does not come into force if the heirs are male, because sons are considered to occupy the same position as paternal uncles.

Based on the interview data, it can be concluded that the majority of benefactors still assign the share of inheritance to the heirs (children) affected by *patah titi*. They received a share of the inheritance from grandparents because they represented their deceased parents. I argue that this is the result of social awareness inspired by empathy, responsibility, and compassion in Aceh Tengah, rather than the influence of certain laws. The practices of the people of Aceh Tengah are in line with the Compilation of Islamic Law. Generally, most heirs did not receive a grant or any estate out of bequest, but they got a share of the grandfather's inheritance. There were only a few cases of *patah titi* in which the heirs received a grant (*hibah*). The application of *patah titi law* seems to be weakening in the community of Aceh Tengah.

This is in line with the views of ulema and other authoritative figures. They concluded that *patah titi* is not found in religious law; it is only contained in customary law. As a concept, *patah titi* has been practiced generationally and it is increasingly weakening over time due to cultural change. This is indicated by the prevailing inconsistency in the practice of *patah titi* inheritance division, which comprises three models; first, the division that strictly implements the concept of *patah titi*; second, the division that applies representational succession; and third, the division that uses the concept of grant (*hibah*). The existence of these models suggests an ongoing effort to determine a relevant form of application that upholds a sense of justice and legal certainty and those that are considered most suited to the community. I am of the view that of the three existing models of *patah titi* inheritance distribution, the surrogate and grant model has best accommodated the principles of justice, awareness, and the strengthening of *silaturahmi*. Transparency among heirs in Aceh Tengah is necessary to determine which model is most suitable for them.

The division of inheritance in Aceh Tengah emphasizes the importance of family negotiation to regulate the share of each heir and ensure that no one is harmed or discriminated against. In addition, family negotiation often engages external parties or community figures such as village heads, religious leaders or trustworthy figures who are

deemed capable of conducting a fair division of the inheritance. It intends to prevent future confusion or mistakes. Deliberations within the family must be conducted democratically with the involvement of local ulema and *adat* leaders, given the historically poor implementation of the distribution of titi patrimony in Aceh Tengah. This is necessary to avoid the coercion of some heirs in the distribution of *patah titi* inheritance. The application of *patah titi* law is increasingly weakening because it is considered to be incompatible with the contemporary custom of Gayo, and because disputes about the right to inheritance might result in the rupture of family relationships.

It can be concluded that the concept of *patah titi* is not merely a way to solve the problem of Islamic law emerging in the Gayo community. However, there are two other ways to cope with social cases concerning issues of Islamic law, particularly in the distribution of inheritance. For instance, it can be employed in the substitution of heirs (*ahli waris pengganti*) and the endowment of wealth (*hibah*). As such, social cases are not only used in formal legal approaches, but also apply universal values and local wisdom. Empirically speaking, the customs of the Gayo community involve applying local wisdom to solve social problems instead of deferring to the legal system. They also prefer to use family approaches to resolve inheritance disputes. It is important that other regions in Indonesia, and countries in Southeast Asia, look to these developments for guidance.

Endnotes

1. According to Al Yasa Abubakar, the term *patah titi* has become Gayo Indigenous language in heritage in Aceh Tengah. He stated that *patah titi* is a term in Aceh Tengah custom and may be similar to other areas in Aceh. According to him, the issue of *patah titi* has been decided in *Pengadilan Negeri* (the Aceh Tengah District Court). This decision is based on Jurisprudence as a legal consideration so that the heirs who experience *patah titi* still get the inheritance. At the appeal level in *Pengadilan Tinggi* (The Aceh Province Court), however, the Court upheld the position of *patah titi* as a strong customary norm. The decision of the cassation in *Mahkamah Agung* (Supreme Court) then reinforces the appeal decision by stipulating the existence of a *patah titi* so that the heirs do not get inheritance due to the absence of connection with *muwārith*. Interview with Al Yasa Abubakar, March 22, in Banda Aceh.
2. Among the *aṣḥāb al-furūd* beneficiaries mentioned in the Quran include a daughter, mother, father, husband, wife, male siblings of the same mother, female siblings of the same mother, female siblings of the same parents and female siblings of the same father (Awang n.d.).
3. Term 'adat law' refers to customary law that is practiced by traditional community in Indonesia. The law is created and implemented in autonomous and peculiar ways by highly respecting local wisdom and tradition (Priambodo 2018, 140) mainly as part of private law, in the curricula of Indonesian law schools. This is in contrary to the original intent of adat law, both as an academic and policy discourse, at the first place, which was as an attempt to develop a legal system that is suitable to govern the Netherlands East Indies (NEI).
4. *Hibah* is a transfer of legal and beneficial ownership of the assets from the donor to the beneficiary on volunteer basis. i.e. without valuable consideration and compensation. The proportion of distribution to heirs and non-heirs can be determined by the donor (Yusof and Ahmad 2013).
5. *Waṣīyah wājibah* is obligatory bequest as a new concept in Islami inheritance law in Indonesia which was first introduced formally through Presidential Instruction No. 1 of 1991 concerning the Compilation of Islamic Law (KHI) and this terminology originally referred to the provision of *waṣīyah wājibah* in Egyptian Legal System as the Egyptian Wills Act 1946. *Waṣīyah wājibah* in KHI accommodates the actual practice of Indonesian society that affected by provisions of customary law and predominance in society family relationship (Ilhami 2016, 554).
6. In KHI Article 209 paragraph (1) and paragraph (2) reads: (1) the treasure left by the adopted child is divided according to Articles 176 to 193 above, whereas against the adoptive parents who do not receive *waṣīyah* is obliged to be given the *waṣīyah wājibah* as much as 1/3 of the inheritance of their adopted child. (2) Against a foster child who does not receive a *waṣīyah* is given *waṣīyah wājibah* as much as 1/3 of the inheritance of his adoptive parents (Abdurrahman 1992, 28).
7. The accommodation of the right of the heirs deemed to be lost in connection with the heirs of the KHI is considered one of the Islamic Law renewal concepts disseminated through Presidential Instruction No. 1 of 1991, 10 June 1991 followed by Decree of the Minister of Religious Affairs No. 154 of 1991.
8. KHI insists that the inheritance is not granted if the child commits murder or tries to kill or persecute the heirs or to be blamed for slandering the heir that causes the heir to be facing a sentence of 5 years imprisonment or a heavier sentence as set forth in article 173 KHI. The surrogate heir is also determined that it cannot get a larger portion than the heirs being replaced as mentioned in the KHI article 185 paragraph 2.

9. Baitul Mal is a Non-Structural Regional Institution that is authorized to manage and develop zakat, endowments, religious assets with the aim of benefit of the people and become guardian/guardian of supervisors for orphans and / or his/her property and management of inheritance that has no guardian based on Islamic Sharia. (Qanun Aceh no. 10 year 2007 on Baitul Mal)
10. Interview with Al Yasa Abubakar, March 22, 2018, in Banda Aceh
11. Interview with Al Yasa Abubakar, March 22, 2018, in Banda Aceh
12. Interview with Al Yasa Abubakar, March 22, 2018, in Banda Aceh
13. Interview with Zulaikha, Angkop, March 13th, 2017.
14. Interview with Lukman Hakim, Banda Aceh, March 13th, 2017.
15. *Ijtihad* can be defined as the exertion of the one's whole effort in his attempt to established the anticipated role of Islamic Law (Pakeeza and Fatima 2016, 33).
16. Nurlaelawati adds that the heir cannot be done if the dead leave a father, mother, husband or wife, and sister(s) of a female or a male sibling whose sections shall not be reduced by the presence of a surrogate heir if they are not allowed. According to Raihan A. Rasyid (1995, 85), the replacement of the heirs in article 185 KHI is tentative and not imperative alternative because of the consideration of justice to the grandson of the heir. The application of the provision of replacement of the heirs is in accordance with the judge's judgment.
17. New Order (*Orde Baru*) is a term referred to Indonesia's President Soeharto and his military dominated regime. It is transfer of power in 1966 from the previous regime, the so-called 'Old Order' (Order Lama) under Indonesia's first president Soekarno, Politically, the New Order reigned supreme, having put much effort into repressing or sidelining potential challenges to the political status quo (Eklöf 2004, 1).
18. Interview with Alam Syuhada, Takengon, November 9th, 2017.
19. Interview with Alam Syuhada, Takengon, November 9th, 2017.
20. Interview with Ibrahim Mahmud, Takengon, November 9th, 2017.
21. Interview with Jamaluddin, Takengon, November 9th, 2017.
22. Interview with ST, Kute Kering, August 10th, 2017.
23. Interview with IR, Bener Kelipah Utara, August 21st, 2017.
24. Interview with RS Kute Kering, August 10th, 2017.
25. Interview with HS, Weh Pongas, August 14th, 2017.
26. Interview with RM, Weh Pongas, August 14th, 2017.
27. Interview with IF Uning Bersah, August 20th, 2017
28. Interview with MS, Bener Kelipah Utara, August 21st, 2017.
29. Interview with AA, Uning Bersah, August 20th, 2017.
30. Interview with SM, Bener Kelipah Utara, August 23rd, 2017.
31. Interview with MA, Kenawat, August 13rd, 2017.
32. Interview with SP, Ketol, August 20th, 2017.
33. Interview with ST, Kute Kering, August 10th, 2017.
34. Interview with RS Kute Kering, August 10th, 2017.
35. Interview with SM, Bener Kelipah Utara, August 23rd, 2017.
36. Interview with IF Uning Bersah, August 20th, 2017
37. Interview with SM, Bener Kelipah Utara, August 23rd, 2017.
38. Interview with IR, Bener Kelipah Utara, August 21st, 2017
39. Interview with Alam Syuhada, November 9th, 2017.
40. Interview with AS, Uning Bersah, August 20th, 2017.
41. Interview with Jamaluddin, Takegon, November 9th, 2017.
42. Interview with Ibrahim Mahmud, Takegon, November 9th, 2017.
43. Interview with Alam Syuhada, Takegon, November 9th, 2017.

44. Interview with Ibrahim Mahmud, Takengon, November 9th, 2017.
45. Interview with Tgk. Al 33 ani, Serule Kayu, August 25th, 2017.
46. Interview with Tgk. Pakamuddin, Serule Kayu, August 25th, 2017.
47. Interview with Tgk. Jambi, Serule Kayu, August 18th, 2017.
48. Interview with Tgk. Maha Raja, Serule Kayu, August 18th, 2017.
49. In many cases, the customary law played important role in Aceh. However, Adat should be coherent with *shari'ah* as mentioned in Aceh's motto "*bukom ngon adat lage'e zat ngon sifeut*" means law and *adat* can not be separated like matter and character. They are numbers of references show how adat have important role in Islamic Law in Indonesia, see for example Soekanto (1978), Manan (2013), Juwana et.al (2008), Hadikusuma (1987), Lukito (2003), Wingjodipuro (1984), Qanun NAD Number 4, 2003, and Qanun NAD Number 5, 2003.
50. *Silaturahim* is derived from two words namely *silah* (relationship) and *rahim* (womb of women). The term of *silaturahim* referred to maintaining the bond of family kinship.

Bibliography

- Abdullah, Raihanah, Patricia Martinez, and Wirdati Mohd Radzi. 2010. "Islam and Adat: Considering the Wife's Moral Contribution in the Division of Harta Sepencharian in Malaysia." *Indonesia and the Malay World* 38(111): 161–80.
- Abdurrahman. 1992. *Kompilasi Hukum Islam di Indonesia*. Jakarta: Akademia Pressindo.
- Abubakar, Al Yasa. 2012. *Rekonstruksi Fikih Kewarisan: Reposisi Hak-Hak Perempuan*. Banda Aceh: Naskah Aceh.
- Abubakar, Muzakkir. 1997. *Patah Titi dalam Masyarakat Aceh: Studi tentang Penggantian Ahli Waris dalam Hukum Kewarisan Aceh di Wilayah Hukum Pengadilan Agama Banda Aceh*. Banda Aceh: Universitas Syiah Kuala. Research Report.
- Ali, Muhammad Daud. 2002. *Hukum Islam di Peradilan Agama*. Jakarta: Radja Grafindo Persada.
- Awang, Mohd Ridzuan. "The Islamic Inheritance Law (Fara'id): The Manifestation of Comprehensive Inheritance Management in Islam."
- Azra, Azyumardi. 1996. "Contemporary Islamic Renewal in Indonesia." *Al-Jami'ah: Journal of Islamic Studies* 59.
- Badan Pusat Statistik Provinsi Aceh. 2017. "Profil Kemiskinan dan Tingkat Ketimpangan Pengeluaran Penduduk Provinsi Aceh." <https://aceh.bps.go.id/> (April 23, 2018).
- Benda-Beckmann, Franz von. 1986. *Anthropology of Law in the Netherlands: Essays on Legal Pluralism*. Dordrecht: Foris Publications.
- . 1990. "Changing Legal Pluralism in Indonesia." In *Proceedings of the VI*

- The International Symposium Commission on Folk Law and Legal Pluralism*, ed. H. Finkler. Ottawa.
- Bowen, John R. 1993. *Muslims Through Discourse: Religion and Ritual in Gayo Society*. Princeton, N.J: Princeton University Press.
- . 1998. "Quran, Justice, Gender: Internal Debates in Indonesian Islamic Jurisprudence." *History of Religions* 38(1): 52–78.
- . 2003. *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning*. Cambridge: Cambridge University Press.
- Cammack, Mark, and Michael Feener. 2012. "The Islamic Legal System in Indonesia." *Pacific Rim Law & Policy Journal* 21(1).
- Comaroff, John L., and Simon Roberts. 1981. "Introduction in Rules and Processes." In *The Cultural Logic of Dispute in an African Context*, Chicago: The University of Chicago Press.
- Coulson, N. J. 1971. *Succession in the Muslim Family*. Cambridge: Cambridge University Press.
- Dazriani, Wa. 2016. "Tinjauan Yuridis Tentang Ahli Waris Pengganti Berdasarkan Hukum Kewarisan Islam Dengan Hukum Kewarisan Menurut Perdata." M.A. Thesis. Universitas Islam Sultan Agung.
- Eklöf, Stefan. 2004. *Power and Political Culture in Suharto's Indonesia: The Indonesian Democratic Party (PDI) and Decline of the New Order (1986-98)*. Copenhagen: NIAS.
- Fathurahman, Oman. 2003. "Reinforcing Neo-Sufism in the Malay-Indonesian World: Shatṭāriyah Order in West Sumatra." *Studia Islamika* 10(3). DOI: 10.15408/sdi.v10i3.623.
- Fathurrahman. 1981. *Ilmu Mauaris*. Bandung: Al-Ma'arif.
- Feener, R. Michael. 2013. *Shari'a and Social Engineering: The Implementation of Islamic Law in Contemporary Aceh, Indonesia*. First edition. Oxford, United Kingdom: Oxford University Press.
- Fitra, Adi. "Pengaruh Hukum Warisan Islam terhadap Hukum Waris Adat pada Masyarakat Gayo: Studi di Kabupaten Aceh Tengah."
- Hadikusuma, Hilman. 1987. *Sejarah Hukum Adat Indonesia*. Bandung: Penerbit Alumni.
- Hazairin. 1982. *Hukum Kewarisan Bilateral Menurut Quran Dan Hadits*. Jakarta: Tintamas.
- Hooker, M.B, and Tim Lindsey. 2003. "Public Faces of Shari'ah in Contemporary Indonesia: Towards a National Madhhab." *Studia Islamika* 10(1). DOI: 10.15408/sdi.v10i1.637.

- Ilhami, Haniah. 2016. "Development of the Regulation Related to Obligatory Request (Wasiyyah Wajibah) in Indonesian Islamic Law Inheritance Law System." *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 27(3): 553–65.
- Intajalle, Feirul Maliq, Luqman Haji Abdullah, Abdul Karim Ali, and Mohd Roslan Mohd Nor. 2012. "Islamic Inheritance Law among Muslim Minority Countries in Southeast Asia." *Middle-East Journal Of Scientific Research* 12(1).
- International Development Law Organization. 2015a. "How To Ensure Just and Fair Distribution of Inheritance to Children." *Harian Serambi Indonesia*. www.idlo.int (December 20, 2017).
- . 2015b. "Pergantian Kedudukan Ahli Waris Menurut Hukum Islam." *Harian Serambi Indonesia*.
- Jabali, Fuad, and Jamhari, eds. 2003. "Introduction." In *The Modernization of Islam in Indonesia An Impact Study on the Cooperation between the IAIN and McGill University*, Montreal: Indonesia-Canada Islamic Higher Education Project Montreal and Jakarta.
- Juwana, Hikmahanto, Yani Salma Barlinti, and Yetti Komalasari Dewi. 2008. "Sharia Law as a System Of Governance In Indonesia: The Development Of Islamic Financial Law." *Wisconsin International Law Journal* 25(4).
- Komari. 2016. "Eksistensi Waris di Indonesia: antara Adat dan Syariat." *Asy-Syariah* 18(1).
- Lukito, Ratno. 1997. "Islamic Law and Adat Encounter: The Experience of Indonesia." M.A. Thesis. McGill University.
- . 2003. *Pergumulan Hukum Islam dan Adat di Indonesia*. Yogyakarta: Manyar Media.
- Manan, Abdul. 2013. *Aspek-Aspek Pengubah Hukum*. Jakarta: Putra Grafika.
- Masud, Muhammad Khalid. 2000. *Shāṭibī's Philosophy of Islamic Law*. Kuala Lumpur: Islamic Book Trust.
- Masud, Muhammad Khalid, Armando Salvatore, and Martin van Bruinessen. 2009. *Islam and Modernity: Key Issues and Debates*. Edinburgh: Edinburgh University Press. <http://www.aspresolver.com/aspresolver.asp?TCR2;3156904> (November 2, 2016).
- Merry, Sally Engle. 1988. "Legal Pluralism." *Law and Society Review* 22.
- Muzainah, Gusti. 2012. "Prinsip-Prinsip Kedudukan Perempuan Dalam Hukum Waris Adat Masyarakat Banjar." *DiH: Jurnal Ilmu Hukum* 8(15).
- Nurlaelawati, Euis. 2012. "Menuju Kesetaraan Dalam Aturan Kewarisan Islam Indonesia: Kedudukan Anak Perempuan versus Saudara Kandung." *Jurnal Indo-Islamika* 2(1): 75–90.

- . 2016. "Hukum Keluarga Islam ala Negara: Penafsiran dan Debat atas Dasar Hukum Kompilasi Hukum Islam di Kalangan Otoritas Agama dan Ahli Hukum." *Asy-Syir'ah Jurnal Ilmu Syari'ah dan Hukum* 50(1): 1–24.
- Pakeeza, Shahzadi, and Fariha Fatima. 2016. "Ijtihad as a Legislative Function: Role of Ijtihad, Ifta and Taqleed in Legislative Process." *Journal of Islamic Law & Religious Studies* 1(1): 33.
- Perwitasari, Dita. 2013. "Kedudukan Ahli Waris Pengganti Menurut Hukum Kewarisan Islam (Studi Kasus : Salinan Penetapan Pengadilan Agama Depok Tentang Ahli Waris Alm. Soejitno Tardjo No.0171/Pdt.P/Pengadilan Agama Depok)." *Notarius* 4(1): 44.
- Powers, David Stephan. 1986. *Studies in Quran and Hadith: The Formation of the Islamic Law of Inheritance*. Berkeley: University of California Press.
- Priambodo, Bono Budi. 2018. "Positioning Adat Law in the Indonesia's Legal System: Historical Discourse and Current Development on Customary Law." *Udayana Journal of Law and Culture* 2(2): 140.
- Rasyid, A. Raihan. 1995. "Pengganti Ahli Waris Dan Wasiat Wajibah." *Mimbar Hukum* 23(6).
- . 1999. "Pengganti Ahli Waris Dan Wasiat Wajibah." In *Kompilasi Hukum Islam dalam Sistem Hukum Nasional*, Jakarta: Logos Wacana Ilmu.
- Rosyadi, A. Rahmad, and M. Rais Ahmad. 2006. *Formulasi Syari'at Islam dalam Perspektif Tata Hukum Indonesia*. Bogor: Ghalia Indonesia.
- Saleh, Fauzi. 2011. "Problematika Talfiq Mazhab Dalam Penemuan Hukum Islam." *Islamica: Jurnal Studi Keislaman* 6(1): 66.
- Salim, Arskal. 2006. *Praktek Penyelesaian Formal Dan Informal Masalah Pertanahan, Kewarisan, Dan Perwalian Pasca Tsunami Di Banda Aceh Dan Aceh Besar*. Banda Aceh: International Development Law Organizaton. Research Report.
- Soekanto, Soerjono. 1978. *Kedudukan Dan Penanan Hukum Adat Di Indonesia*. Jakarta: Kurnia Esa.
- Srimulyani, Eka. 2010. "Islam, Adat, and the State: Matrifocality in Aceh Revisited." *Al-Jami'ah: Journal of Islamic Studies* 48(2): 321.
- Strauss, Anselm, and Juliet Corbin. 1990. *Basic of Qualitative Research: Grounded Theory Procedures and Techniques*. London: SAGE.
- Supomo. 1989. *Bab-Bab tentang Hukum Adat*. Jakarta: Perdaya Pramitha.
- Surojo Wingjodipuro. 1984. *Pengantar dan Asas-Asas Hukum Adat*. Jakarta: Gunung Agung.
- Syahnan, Mohd. 2010. *Contemporary Islamic Legal Discourse*. Medan: IAIN Press.

- Walker, Faye. 2009. "How Gender Biased Is Islamic Law." *The Student Law Journal* 8: 14.
- Wallace, Ruth, and Alison Wolf. 1980. *Contemporary Sociological Theory*. USA: Prentice-Hall Inc.
- Wati, Rina. 2017. "Pembagian Harta Warisan Berdasarkan Hukum Adat Gayo." M.A. Thesis. Program Pasca Sarjana UIN Ar-Raniry.
- Yose, Ade Azwar. 2016. "Penentuan Hak Waris Bagi Ahli Waris Pengganti dalam Putusan Pengadilan: Suatu Penelitian di Mahkamah Syar'iyah Kota Banda Aceh." B.A. Thesis. Fakultas Hukum Universitas Syiah Kuala.
- Yusof, Yusnita Bt Mohd., and Asmida Bt. Ahmad. 2013. "Hibah As An Alternative Mechanism In Muslims Assests Management: A Study In Melaka Tengah." *South East Asia Journal of Contemporary Business, Economics and Law* 3(3).

Fauzi, *Ar-Raniry State Islamic University (UIN) of Banda Aceh, Indonesia*.
Email: fauzisaleh09@gmail.com; fauzylamno@yahoo.com.

Guidelines

Submission of Articles

S*tudia Islamika*, published three times a year since 1994, is a bilingual (English and Arabic), peer-reviewed journal, and specializes in Indonesian Islamic studies in particular and Southeast Asian Islamic studies in general. The aim is to provide readers with a better understanding of Indonesia and Southeast Asia's Muslim history and present developments through the publication of articles, research reports, and book reviews.

The journal invites scholars and experts working in all disciplines in the humanities and social sciences pertaining to Islam or Muslim societies. Articles should be original, research-based, unpublished and not under review for possible publication in other journals. All submitted papers are subject to review of the editors, editorial board, and blind reviewers. Submissions that violate our guidelines on formatting or length will be rejected without review.

Articles should be written in American English between approximately 10.000-15.000 words including text, all tables and figures, notes, references, and appendices intended for publication. All submission must include 150 words abstract and 5 keywords. Quotations, passages, and words in local or foreign languages should

be translated into English. *Studia Islamika* accepts only electronic submissions. All manuscripts should be sent in Ms. Word to: <http://journal.uinjkt.ac.id/index.php/studia-islamika>.

All notes must appear in the text as citations. A citation usually requires only the last name of the author(s), year of publication, and (sometimes) page numbers. For example: (Hefner 2009a, 45; Geertz 1966, 114). Explanatory footnotes may be included but should not be used for simple citations. All works cited must appear in the reference list at the end of the article. In matter of bibliographical style, *Studia Islamika* follows the American Political Science Association (APSA) manual style, such as below:

1. Hefner, Robert. 2009a. "Introduction: The Political Cultures of Islamic Education in Southeast Asia," in *Making Modern Muslims: The Politics of Islamic Education in Southeast Asia*, ed. Robert Hefner, Honolulu: University of Hawai'i Press.
2. Booth, Anne. 1988. "Living Standards and the Distribution of Income in Colonial Indonesia: A Review of the Evidence." *Journal of Southeast Asian Studies* 19(2): 310–34.
3. Feener, Michael R., and Mark E. Cammack, eds. 2007. *Islamic Law in Contemporary Indonesia: Ideas and Institutions*. Cambridge: Islamic Legal Studies Program.
4. Wahid, Din. 2014. *Nurturing Salafi Manhaj: A Study of Salafi Pesantrens in Contemporary Indonesia*. PhD dissertation. Utrecht University.
5. Utriza, Ayang. 2008. "Mencari Model Kerukunan Antaragama." *Kompas*. March 19: 59.
6. Ms. *Undhang-Undhang Banten*, L.Or.5598, Leiden University.
7. Interview with K.H. Sahal Mahfudz, Kajen, Pati, June 11th, 2007.

Arabic romanization should be written as follows:

Letters: ' , b, t, th, j, h, kh, d, dh, r, z, s, sh, ş, ç, ð, ð, ç, ' , gh, f, q, l, m, n, h, w, y. Short vowels: a, i, u. long vowels: ā, ī, ū. Diphthongs: aw, ay. *Tā marbūṭā*: t. Article: al-. For detail information on Arabic Romanization, please refer the transliteration system of the Library of Congress (LC) Guidelines.

ستوديا إسلاميكا (ISSN 0215-0492; E-ISSN: 2355-6145) مجلة علمية دولية محكمة تصدر عن مركز دراسات الإسلام والمجتمع (PPIM) بجامعة شريف هداية الله الإسلامية الحكومية بجاكرتا، تعنى بدراسة الإسلام في إندونيسيا خاصة وفي جنوب شرقي آسيا عامة. وتستهدف المجلة نشر البحوث العلمية الأصيلة والقضايا المعاصرة حول الموضوع، كما ترحب بإسهامات الباحثين أصحاب التخصصات ذات الصلة. وتخضع جميع الأبحاث المقدمة للمجلة للتحكيم من قبل لجنة مختصة.

تم اعتماد ستوديا إسلاميكا من قبل وزارة البحوث والتكنولوجيا والتعليم العالي بجمهورية إندونيسيا باعتبارها دورية علمية (رقم القرار: 32a/E/KPT/2017).

ستوديا إسلاميكا عضو في CrossRef (الإحالات الثابتة في الأدبيات الأكاديمية) منذ ٢٠١٤، وبالتالي فإن جميع المقالات التي نشرتها مرقمة حسب معرف الوثيقة الرقمية (DOI).

ستوديا إسلاميكا مجلة مفهرسة في سكوبس (Scopus) منذ ٣٠ مايو ٢٠١٥.

عنوان المراسلة:

Editorial Office:
STUDIA ISLAMIKA, Gedung Pusat Pengkajian
Islam dan Masyarakat (PPIM) UIN Jakarta,
Jl. Kertamukti No. 5, Pisangan Barat, Cirendeu,
Ciputat 15419, Jakarta, Indonesia.
Phone: (62-21) 7423543, 7499272, Fax: (62-21) 7408633;
E-mail: studia.islamika@uinjkt.ac.id
Website: <http://journal.uinjkt.ac.id/index.php/studia-islamika>

قيمة الاشتراك السنوي خارج إندونيسيا:
للمؤسسات: ٧٥ دولار أمريكي، ونسخة واحدة قيمتها ٢٥ دولار أمريكي.
للأفراد: ٥٠ دولار أمريكي، ونسخة واحدة قيمتها ٢٠ دولار أمريكي.
والقيمة لا تشمل نفقة الإرسال بالبريد الجوي.

رقم الحساب:

خارج إندونيسيا (دولار أمريكي):
PPIM, Bank Mandiri KCP Tangerang Graha Karnos, Indonesia
account No. 101-00-0514550-1 (USD).

داخل إندونيسيا (روبية):
PPIM, Bank Mandiri KCP Tangerang Graha Karnos, Indonesia
No Rek: 128-00-0105080-3 (Rp).

قيمة الاشتراك السنوي داخل إندونيسيا:
لسنة واحدة ١٥٠,٠٠٠ روبية (للمؤسسات) ونسخة واحدة قيمتها ٥٠,٠٠٠ روبية،
روبية ١٠٠,٠٠٠ (للفرد) ونسخة واحدة قيمتها ٤٠,٠٠٠ روبية.
والقيمة لا تشمل على النفقة للإرسال بالبريد الجوي.



ستوديا إسلاميكا

مجلة إندونيسيا للدراسات الإسلامية
السنة السادسة والعشرون، العدد ١، ٢٠١٩

رئيس التحرير:

أزيومادي أوزا

مدير التحرير:

أومان فتح الرحمن

هيئة التحرير:

سيف المزياني

جهاري

ديدين شفرالدين

جاجات برهان الدين

فؤاد جبلي

علي منحنف

سيف الأمم

دادي دارمادي

جاجانج جهارني

دين واحد

ابويس نورليلاواتي

مجلس التحرير الدولي:

محمد قریش شهاب (جامعة شريف هداية الله الإسلامية الحكومية بجاكرتا)

نور أ. فاضل لوبيس (الجامعة الإسلامية الحكومية سومطرة الشمالية)

م. ش. ريكليف (جامعة أستراليا الحكومية كانبرا)

مارتين فان برونيسين (جامعة أترنخة)

جوهن ر. بويون (جامعة واشنطن، سانتو لويس)

محمد كمال حسن (الجامعة الإسلامية العالمية — ماليزيا)

فركتيا م. هوكير (جامعة أستراليا الحكومية كانبرا)

إيلوين ف. ويرنجا (جامعة كولونيا، ألمانيا)

روبيرت و. هيفنير (جامعة بوستون)

زيمي مادينيير (المركز القومي للبحث العلمي بفرنسا)

ر. ميكائيل فينير (جامعة سينغافورا الحكومية)

ميكائيل ف. لفان (جامعة فرينشون)

مينكو ساكاي (جامعة نيو ساوث ويلز)

اتابيل تيه جالوب (المكتبة البريطانية)

شفاعة المرزاة (جامعة سونان كاليجاغا الإسلامية الحكومية)

مساعد هيئة التحرير:

تيسيترونو

محمد نداء فضلان

زنگكا إينكا سافوترا

عبد الله مولاني

مراجعة اللغة الإنجليزية:

بنيمين ج. فريمان

دانييل فتريون

موسى بنول

مراجعة اللغة العربية:

تويانغوس أدي أسناوي

أحمدي عثمان

تصميم الغلاف:

س. برنكا



ستوديا اسلامي

STUDIA ISLAMIKA

السنة السادسة والعشرون، العدد ١، ٢٠١٩

مجلة العلوم الإنسانية للإسلام



دور المرأة في أسرة الملهفة الجهادية
في فرض الانضباط على جسم الأبناء
أم ناهجة فكرتي ومحمد نجيب أركي

اليهود في مؤلفات المسلمين
بإندونيسيا: دراسة أولية
عصمة الرفيع

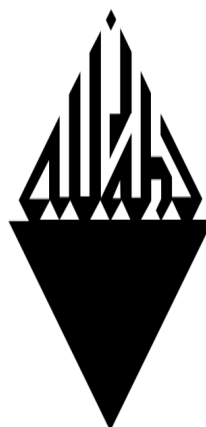
STUDIA ISLAMIKA

STUDIA ISLAMIKA

INDONESIAN JOURNAL FOR ISLAMIC STUDIES

Volume 26, Number 1, 2019

Volume 26, Number 1, 2019



PROMOTING *QARD AL-HASAN* IN NANOFINANCE
TO COUNTER THE MONEYLENDER IN SOUTHEAST ASIA

Khairunnisa Musri

THE CONCEPT OF PATAH TITI:
THE PROBLEM OF INHERITANCE AND
ITS SOLUTION IN ACEH TENGAH

Fauzi

THE MULTIPLICITY OF MUHAMMADIYAH'S
POLITICAL ENGAGEMENT IN INDONESIA'S DPD ELECTION

Amika Wardana & Syahrul Hidayat

ISSN: 0215-0492

E-ISSN: 2355-6145

السنة السادسة والعشرون، العدد ١، ٢٠١٩

STUDIA ISLAMIKA

Patah Titi

ORIGINALITY REPORT

9%

SIMILARITY INDEX

9%

INTERNET SOURCES

1%

PUBLICATIONS

5%

STUDENT PAPERS

PRIMARY SOURCES

1	journal.uinjkt.ac.id Internet Source	4%
2	Submitted to Universitas Negeri Jakarta Student Paper	2%
3	garuda.ristekdikti.go.id Internet Source	1%
4	old.oalib.com Internet Source	<1%
5	www.idlo.org Internet Source	<1%
6	David S. Powers. "On Bequests in Early Islam", Journal of Near Eastern Studies, 1989 Publication	<1%
7	www.cambridge.org Internet Source	<1%
8	arno.uva.nl Internet Source	<1%
9	www.neliti.com Internet Source	<1%
10	seajbel.com Internet Source	<1%
11	koha.mei.edu Internet Source	<1%
12	Mohammad Muhibbin. "OBLIGATORY WILLS FOR ADOPTED CHILDREN, CHILDREN OF	<1%

UNMARRIED COUPLES, AND CHILDREN OF
DIFFERENT RELIGIONS", Al-Risalah, 2018

Publication

13	journal.uinsgd.ac.id Internet Source	<1 %
14	Submitted to Padjadjaran University Student Paper	<1 %
15	Raihanah Abdullah, Patricia Martinez, Wirdati Mohd. Radzi. " ISLAM AND ", Indonesia and the Malay World, 2010 Publication	<1 %
16	doaj.org Internet Source	<1 %
17	www.youngmuslimdigest.com Internet Source	<1 %
18	Submitted to IAIN Bukit Tinggi Student Paper	<1 %
19	islamica.uinsby.ac.id Internet Source	<1 %
20	www.readbag.com Internet Source	<1 %
21	Submitted to Multimedia University Student Paper	<1 %
22	Submitted to University of Melbourne Student Paper	<1 %
23	edepot.wur.nl Internet Source	<1 %
24	Submitted to UIN Raden Intan Lampung Student Paper	<1 %
25	Submitted to University of East London Student Paper	<1 %

26	Submitted to Universitas 17 Agustus 1945 Surabaya Student Paper	<1 %
27	fr.scribd.com Internet Source	<1 %
28	media.neliti.com Internet Source	<1 %
29	umexpert.um.edu.my Internet Source	<1 %
30	Submitted to University of Newcastle Student Paper	<1 %
31	Mohd Altaf Hussain Ahangar. "Succession Rights of Muslim Women in the Modern World: An Analytical Appraisal", Arab Law Quarterly, 2014 Publication	<1 %
32	R. Michael Feener. "Social Engineering through Sharī'a: Islamic Law and State-Directed Da'wa in Contemporary Aceh", Islamic Law and Society, 2012 Publication	<1 %
33	ecommons.aku.edu Internet Source	<1 %

Exclude quotes On

Exclude matches Off

Exclude bibliography On