

INHERITANCE WEALTH DISTRIBUTION MODEL AND ITS IMPLICATION TO ECONOMY

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Abstract

Purpose of study: Inheritance wealth is one of the instruments of wealth distribution in Islam that potentially capable to be a solution for economic inequality that triggered the multidimensional problems nations daily life. The concept of inheritance wealth distribution for Muslims has been summarized in Indonesian Islamic Law Compilation and in Marriage Act No. 1 year 1974. For non-Muslim society, the inheritance law is based on the concept of nations Civil Code and customary rules. The diversity in the concept of inheritance wealth distribution in Indonesia cannot be separated from the nature of the family and its influence on the assets, which is believed by the community.

Methodology: This study used participation action research method as a qualitative approach in order to frame, analyze and solutions in form of strategic role model for the Government in completing and streamlining the inheritance wealth distribution in Indonesia.

Result: The solutions will be based on problems faced by the Religious Courts and Islamic organizations in conducting inheritance wealth distribution. Moreover, propose inheritance wealth as public fund in addition to zakat, infaq, shodaqoh and endowments.

Implications/Applications: The implementation and dispute settlement in inheritance wealth distribution are exercised by Religious Courts, as well as the Islamic organization such as Muhammadiyah and Nahdatul Ulama (NU). Diversity of institutions becomes an interesting phenomenon in Indonesia inheritance wealth distribution. This potentially makes inheritance wealth distribution done well and can prevent conflicts of individuals in the family, hoarding treasure and minimize economic disparities in society.

Keywords: *Economic Equilibrium, Inheritance Wealth Distribution, Islamic organization, Religious Court*

INTRODUCTION

Inheritance is one of instruments in Islam that governing the distribution of wealth in a family. In this case, the transfer of wealth occurs immediately without any request (or will) from the deceased owner of the assets or from relatives, but returned to the law of God as mentioned in surah al-Nisa in verse 7, 11, 12, and 176 (Syarifudin, 2012). This divine decree, as stated by Moh and Wahid (2017), makes Islamic inheritance law different from civil inheritance law that emphasizes the willingness of factors.

In the study of Islamic Economics, inheritance system occupies an important role as a distribution tool to implement tawazun or economic balances (Fathurrahman, 2013; Shishova et al., 2016). This role makes inheritance as one of the tools of ownership in Islam as a medium of distribution of wealth that can minimize conflicts of individuals (Ismail and Abdurrahman, 2009).

In addition, distribution of the inheritance wealth economically can assist a fair distribution of wealth, reducing inequalities in the distribution of wealth, as this statement is also equivalent according to the studies of Mikael et al. (2018) in Sweden, stated that inheritance can reduce wealth inequality. One of the evidences to show its equality is that the heirs will not inherit the deceaseds debt, as in the view of Islamic Law and Administration, the debts of the deceased will be settled by using his or her wealth before the remaining will be distributed to the heirs. Thus, it can motivate someone to seek a job before his death in order not to leave off springs in poverty and weak condition (Ghafur, 2013). Moreover, inheritance may act as a transfer of ownership of property or assets from an individual to another (Djuwaini, 2008). In this case, the inheritance wealth can be a potential public fund such as zakat fund and endowments (waqf) if the deceased one left no heirs, or in a state of kalalah (no heirs). The inheritance wealth also could be given either to bait al-mal or peoples treasury,

states (Dmitriyeva and Nikiforova, 2016; Ismail, 2009) or the inheritance may be given to the state treasurer in Islamic countries (Chaudhry, 2012; Ghazanfarpour et al., 2013). Moreover, inheritance is considered as obligatory charity and an instrument of income distribution that based on obligation of a Muslim to another Muslim (Edwin, 2015; Gulzhanat et al., 2018).

Indonesia, a country that is predominantly Muslim have a concept of inheritance distribution that based on Islamic inheritance law for Muslims as summarized in the Compilation of Islamic Law and the Marriage Act No. 1 of 1974 (Ahmad and Falah, 2011). Moreover, Indonesia also has scheme of inheritance wealth distribution for non-Muslims that based on the concept from Civil Code and customary rules. According to Maruzy (1981) inheritance wealth distribution concepts variation in Indonesia cannot be separated from nature of family in Indonesia and its influence on the assets that are believed to be owned by community groups.

Above rules can support efforts to create inheritance wealth distribution as a mechanism of wealth distribution in society. Moreover, the Indonesian government offices has enacted Act No. 7 of 1989 that has been revised by Act No. 3 of 2006 on Religious Court, which stated that Religious Court has legal jurisdiction to hear the case of inheritances distribution for the Muslims (Laporan, 2011; Selomo and Govender, 2016). According to Matrais (2008), this rule will greatly assist Religious Courts settlement on inheritance wealth distribution through implementation of a unified law in the Religious Courts. Besides the government, Islamic organizations such as Muhammadiyah and Nahdlatul Ulama also provide services to the public and preserve the value of religion and belief in God (Ghafur, 2013).

Practically, most Muslims in society prefer the concept of inheritance wealth distribution that gives benefit for themselves and this often stimulate disputes. For example, there is a fantastic figure in East Java alone. Starting from 1990 to 1995, majority of people who are Muslims prefer General Court rather than Religious one in resolving cases of inheritance wealth disputes (Afdol, 2003; Pablo and Ibáñez, 2018).

Based on the above data, it appears that people still find disputes in inheritance wealth distribution. Supposedly, the Religious Courts as a state body able to apply the Islamic inheritance system in completing the distribution of the inheritance wealth so that the balance of the public economy can be implemented. Meanwhile, by observing Jurisprudence Year book of the Indonesian Supreme Court (Mahkamah Agung) on religious chamber, since 1997 until 2011 verdict of inheritance cases always exist and in 2011, inheritance wealth distribution inheritance cases recorded ranks second only divorce and marriage cases.

Directly, unfair and uneven inheritance wealth distribution did not show the economic problems in society because these cases happen in a small scope, i.e. the family. However, unfair and injustice inheritance wealth distribution in directly will cause a conflict between the rich and the poor, to the bloody revolution (Chaudhry, 2012). In fact, these facts have been exposed with serious attention from many economists such as Keynes, Taussig, and Irving Fisher that main cause of economic injustice is uneven inheritance distribution (Ismail, 2009). In addition, the existence of a new phenomenon in modern times which characterized by the development of technology has aroused people's behavior differently and causing a shift in family relationships were originally tight and close (close family) tended to become loose (loose family).

Above changes should also be of concern because existence of a state cannot be separated from the smallest unit of society called the family (Ismah, 2005). Likewise, according to (Mahmud, 2001; Selomo and Govender, 2016), family is like a brick in the building of a nation. When family is solidly sturdy, so does the nation. In other words, family occupies an important position in a country because family (household) serves as one of the economic actors, in addition to corporate and government (Sukarno, 2013). In this case, if each family able to distribute the inheritance wealth equally and fairly, the family has played a role in preventing rotation of wealth in certain/exclusive groups.

RESEARCH OBJECTIVE

This study has three main objectives, namely: firstly, Observe and analyze the inheritance wealth distribution in Indonesia from directly related stakeholder perspective, i.e. heirs and indirect stakeholders such as the Religious Courts and Islamic organizations (Muhammadiyah and NU). Secondly, Observe and analyze the role and problems in religious courts and also Islamic organizations in solving problems of inheritance wealth distribution in Indonesia as a way to control the inheritance wealth distribution in accordance with the concept of Islamic inheritance to achieve economic balance in society. Finally, providing strategic role model solution for the Government in completing and streamlining the inheritance wealth distribution in Indonesia. This model will be based on problems faced by the Religious courts and Islamic organizations regarding inheritance wealth distribution and also utilize wealth in kalalah (no heirs) case as public fund.

RESULTS AND DISCUSSION

Faraidh Role in Islamic Economic

Faraidh or known as Islamic inheritance science has a direct relationship with economy because this science is focusing on adjusting distribution mechanism within the family treasures. In the perspective of economic, family or household is one of the actors of economic activity, in addition to companies and governments. However, practically families are often considered to be simple and do not have a major influence, as opposed to other actors. Although smaller in scope, family has important role in formation of society as well as the foundation of nations development (Mahmud, 2001). According to Powers (1993), tribe was the basic unit of society in the era of Hijaz in Mecca and Medina, where the males will be dominant in terms of economics. Faraid methodology, which is stated in the holy book of Quran and book of hadith, has changed the tribe as the basic society into a nuclear family, which consists of husband, wife, and their children. From this perspective, it shows how equal does the faraid methodology has given to the society starting from the basic, which is the family.

Outside of the family, inheritance has equal position with zakah, infaq, sadaqa and waqf as mechanisms of wealth distribution that based on textual sources of revelation, which are the Quran and book of Hadith. However, in practice, inheritance is seen only conceptual dimension and related in the area of Islamic law (sharia) because its direct impact on economy is mostly invisible especially in case of irregularities in inheritance wealth distribution. Therefore, it can be said that inheritance has not been a priority object of research and studies in Islamic economics.

Yet in reality, deviation of inheritance wealth distribution has become a complex issue for most families in Indonesia. According to Ismail (2009), by quoting the opinion of Keynes, Taussig and Fisher, inheritance is a major cause of injustice in society. This problem in turn does not only affect the economy, but also the existence of a state because inheritance is related to interaction between family members who acts as the nation's members too (Basyir, 2001).

Therefore, fara'idh has a very important position in the economy for its justice in terms of distributing the wealth among the heirs, could achieve such an economic balance in a family instead of circulating toward certain community or those who have wealth. For instance, an interesting fact about its Faraid methodology is that the shares that the heirs will get are according to the duties that the person will bare (Bello, 2015) followed with the example from the basic knowledge of Islamic Law of Inheritance, explains that male gets two times amount of wealth higher than female, shows its fairness as man is the one who leads the family, which is why it might be logic for a male to get higher than the female. However, this does not mean to discriminate the women as Powers (1993) stated that the new rules (Faraid) is to avoid the man, usually the deceaseds brother from obtaining all the wealth of the deceased and to provide the deceaseds wife, and daughters rights to earn some of the wealth accordingly.

In addition to those functions above, inheritance can contribute in creating a potential fund for public (umamah) as well as zakat fund and waqf if there is an opportunity (Abbasi, 2012) which will be handed over to the state (bait al Mal or treasury). Ghafur (2013) states that there are two institutions that play direct role in wealth distribution in an Islamic economy, which are the government, and the community.

Government, known as a principal economic actor that plays a role in creating economic justice. In this case, there are several important roles of government when the market is not able to create a fair distribution. First, regulatory function in this case, the government can intervene by making a binding and firm regulation and impose sanctions against violation of regulation. Secondly, motivation functions. Government has obligation in motivating good moral attitude such as honesty, openness, and fairness in order to implement a fair wealth distribution mechanism for the community at large. Thirdly, guarantor functions. The government is obliged to ensure an equitable distribution and facilitate of human development to create public welfare.

The second actor is the community itself who have complementary role with the government in creating economic prosperity. In this case, people are not only individuals, but also families and people surrounded are required to carry out its role in creating distributive justicely and narrow the economic gaps by such as implementing inheritance law (Faraid) in their family.

Inheritance Distribution Concept in Islam

The concept of inheritance wealth distribution in Islam can be traced in the study of fara'idh or known as science of Islamic inheritance, which based on the concept of textual revelation, book of Quran and Hadith. In both sources, the concept of

inheritance wealth distributions described in detail by several stages, as summarized in chapter of Al-Nisa (woman) from verse 7 to 14, and verse 176 in the book of Quran.

Holy Quran does not only explain the inheritance, but also describes other important information related to prior inheritance wealth distribution process. Ignorance of this information often leads to emergence of disputes in every inheritance wealth distribution, in particular related persons directly involve in inheritance wealth distribution. One of them as written in chapter of al-Nisa, verse 7 as follows,

“For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much - an obligatory share” (al-Nisa: 7)

“And when other relatives and orphans and the needy are present at the time of division, then provide for them something out of the estate and speak to them words of appropriate kindness” (al-Nisa: 8)

The following verse 8 directly describe a basic attitude but the important aspects in perspective of inheritance wealth distribution such as speak with kindness and give the orphans and those who need, with certain amount (Ahmad, 2005). In particular, the Holy Quran describes inheritance wealth distribution in detail as it is written in the chapter al-Nisa verse 11, 12, and 176 which all of them are passages of ilm al Fara'idh (science of Islamic inheritance). In detail, those verses are not only explaining part of the inheritance wealth distribution, but also a provision that division of inheritance wealth distribution is a fair, wise division, mashlahah (worthy), and useful for anyone who studies it.

In summary, the distribution part of the inheritance wealth in Islam that based on three verses above is shown in Table 1.

Table 1: Inheritance definition in Qur'anic verse

Part of inheritance	Inheritor	Quranic verse
Half	One Daughter	Al-Nisa: 11
Half	Husband (in case of no issue)	Al-Nisa: 12
Half	One sister (in case of no issue)	Al-Nisa: 176
One third	Mother (in case of no issue)	Al-Nisa: 11
Two thirds	Two or more daughters	Al-Nisa: 11
Two thirds	Two or more sisters (in case of no issue)	Al-Nisa: 176
One fourth	Husband (if issue(s) exist)	Al-Nisa: 12
One fourth	Wife (In case of no issue)	Al-Nisa: 12
A sixth	Father and mother (if issue(s) exist)	Al-Nisa: 11
A sixth	Mother (If sibling(s) exist)	Al-Nisa: 11
An eighth	Wife (If issue(s) exist)	Al-Nisa: 12

Inheritance Wealth Distribution in Indonesia

Three legal systems that regulate inheritance wealth distribution, i.e. customary inheritance law, civil inheritance law as summarized in the Civil Code and Islamic inheritance law are applied in Indonesia (Ahmad and Falah, 2011).

In the customary inheritance, distribution of an inheritance wealth cannot be separated from the form and nature of familial beliefs. For example, a large family with collective rights over the property cause inheritance of a deceased person cannot be divided. According to Maruzy over time shifting nature of kinship has created diversity in inheritance distribution, either based on the maternal line (matrilineal), paternal line (patrilineal), or based on both lines (parental).

In civil law of inheritance, inheritance wealth distribution occurs in the event of death (Article 830 of the Civil Code). Civil inheritance system is more focusing on transfer of such property to biological family, both from legitimate and illegitimate marriage, and husband or wife who lived longer (Article 832 of the Civil Code). According to the articles stipulate the inheritance wealth distribution without distinguishing between men and women, both young and old. Besides two afore mentioned inheritance systems, Indonesia recognizes Islamic inheritance as stated in the second book of Islamic Law Compilation.

In the Islamic inheritance system, distribution of inheritance wealth occurs by itself without any request (or will) from the

owner of the assets or of relatives, but returned to Islamic textual sources in the al-Quran and al-Sunnah. These sources have differentiated Islamic inheritance system with other system (Syarifudin, 2012).

Inheritance Distribution Role Model to Create Economic Equilibrium

Role model of the inheritance wealth distribution in achieving economic balance cannot be separated from stakeholders involved. Also, the role model is influenced by geographic location where the heirs stay, habit or local wisdom in inheritance wealth distribution, as examined in this study that include rural community (Bojonegoro), industrial (Gresik) and urban (Surabaya). The details will be presented in the following discussion:

Inheritance Wealth Distribution Problems in Surabaya, Gresik, and Bojonegoro

Surabaya is the capital of East Java province, which has a variety of people and this condition affects inheritance distribution model in this city. Based on data from Religious Court of Surabaya, settlement of inheritance matters from society increase each year, either in determining the heirs or inheritance distribution dispute as described by the Vice Chairman of Religious Court of Surabaya. According to Sharif as Registrar in Religious Court of Surabaya, increasing number of inheritance wealth distribution cases cannot be separated from peoples consciousness on law in Surabaya as a preventive attitude in order to avoid disputes or problems occurred in the transaction related to inheritance, for example buying and selling land, deceased persons property retrieval from the Bank in form of savings and deposits¹. One example of a case that had just terminated in 2016 on the determination of the heirs, which has case number of 719/Pdt.P/2016/PA.Sby and inheritance dispute number 4590/Pdt.G/2015/PA.Sby are canceled due to lack of several requirements from the plaintiffs (Settlement Directory of Religious Court of Surabaya 2015b).

According to Mr. Sharif, recent situation is much different from situation few years ago. Only few cases are entered to the court because people felt with legal entity from village or district is enough. However, this situation would create a conflict due to the weakness of inspection process. There is not much different in explanation from Chamim (one judge in Religious Court of Surabaya) about the increasing inheritance disputes that enter the court². According to his experience, Surabaya is different with a place where he worked previously, which few people litigate their inheritance wealth distribution to the court because they can finish it by the family council. However, socio-cultural of urban community in Surabaya as biggest city in in East Java will create higher awareness on the law and considering it as an obligation that they must fulfill before making a transaction that related to inheritance assets and this is an absolute requirement demanded by banks or parties in transaction of lands from inheritance assets.

In addition to the government (the Religious Court), community involvement especially in religious based social organizations is very important in helping the inheritance wealth distribution. According to Mr. Fauzi (cleric and caretaker in Batsu al masa'il NU Surabaya) there has been no specific discussion about the inheritance wealth distribution in their Islamic legal research institute and this is much different from aqidah (faith) problems which has always been the object of discussion in it. This is a gesture that called ikhtiat or Kiai (cleric) prudence on inheritance matters that considered as sensitive issue, especially in urban communities such as Surabaya. Therefore, it needs strategy to resolve the legal issues in order to avoid subsequent problems.

However, he said that lack of socialization from preachers had caused lack of public understanding in science of faraidh (Islamic inheritance law). Perhaps, this is stipulated by lack of Kiai (cleric) that understands inheritance law, which has quite mathematics in it. Moreover, Indonesian society is sociologically easily idolize a person, as al Ghazali's words in the book Fath al Rabbani, "Kathir al Khutaba 'qalil fuqaha" (A lot can speak, but only few can understand). Other considerations also contribute to this problem such as the psychological aspects related to the property. Not all individuals in society dare to deal with the problem of inheritance, and the preachers do not play an active role to be involved in providing solutions to the inheritance wealth distribution.

With the lack of scientific understanding about Islamic inheritance, inheritance disputes emerged within communities such as those delivered by Mr. Nur Cholis (Islamic Propagation Institutes of NU secretary) that based on his experience in dealing with inheritance cases that occurred in three places in Surabaya. For example, first, the inheritance dispute in Manukan that led to conflict between brothers because unequal inheritance division. Second, the inheritance distribution disputes that led to conflict between parents-in law, and their child-in law that happened in Semampir. Third, the distribution of inheritance disputes that led to conflict between parents and children because a child occupies the entire inheritance assets, as happened

¹Interview with Mr. Sarif on July 2016

²Interview with Mr. Chamim on July 2016

in Sukomanunggal³.

Directly, Mustakim (one of the heirs) acknowledges that there has been a shift in the behavior of people in Surabaya related to inheritance wealth distribution. Most people in the past were seeing inheritance was something sensitive and only, few people claim the inheritance wealth as his/her share, so it was rare he heard inheritance disputes in Surabaya in the past. But over time, he felt personally and saw people of Surabaya have shifted and often dispute on inheritance wealth distribution which tend to look for the most part for him/her alone⁴.

Next was Gresik, neighboring regency that adjacent to Surabaya. There grows large industries such as Semen Gresik (now, Semen Indonesia) and Petrokimia Gresik which directly raised the community's economy Gresik (directory of Gresik Regency). In addition to the industry, Gresik is also known as a city of santri or religious schools students. Many Islamic boarding schools grow and directly affect community's understanding of Gresik including understanding in inheritance wealth distribution matters.

Based on data from the Religious Court of Gresik, they recorded an increase in inheritance distribution cases that enter the court. Most of them are determination of heirs. Recorded since the year 2013 until 2016, Religious Court of Gresik receives inheritance cases approximately 24 cases each year (Annual Report Directory of Religious Court of Gresik 2017). According to Mas Ngaril Kirom (one Judge in Religious Court of Gresik), the numbers still small compared to inheritance disputes that occur in society. According to Kirom, this is due to incoming cases in the court mostly in the form petition determination of heirs, not inheritance disputes⁵. He said there are two possibilities in lack of inheritance disputes that occur in Gresik. First, there may be absolutely no question of inheritance in Gresik. Second, the public may have been able to resolve inheritance problems on their own without involvement of the court, but they involve anyone (such as clerics) who are considered as master in inheritance wealth distribution matters of family.

The fact was confirmed directly by Mr. Misbah (the Legal Affairs Committee of Regional Muhammadiyah of Gresik), who stated that Gresik is a unique city. In addition to the industrial city title, Gresik is also known as student city in this is correlated with inheritance wealth distribution issues that directly settled by meeting with the clerics directly. This statement is based on his experience that frequently visited and asked by society to solve inheritance problems in families⁶.

Based on statement from Umar Fakhruddin (Heir from Gresik), inheritance wealth distribution has been in accordance with rules of Islamic inheritance and without any disputes and without the court involvement. According to him, this is inseparable from the role of parents in providing understanding to their children when they were alive⁷. Not much different from experience from Arfan Muammar (an heir from Gresik) who directly feels that there is no dispute that occurred in the family even though inheritance wealth have not been distributed directly due to his relatives understanding that the inheritance wealth is distributed if both parents have died⁸.

However, there are some heirs do not want to share inheritance wealth because inheritance wealth is not in time to be distributed to heirs yet. Sometimes, there are also heirs who feel they are the owners of inheritance without talking openly to other heirs. However, this condition rarely happens and can be seen from legal dispute that occurred in Religious Court of Gresik, which only happen once in a year.

Lastly, Bojonegoro, which is a regency in East Java, which undergoes rapid economic progress due to development of oil drilling industry. However, people still live in culture of rural communities because most people active in agricultural sector. This has contributed to the uniqueness on the issue regarding inheritance wealth distribution. Based on record on Religious Court of Bojonegoro, inheritance cases in 2015 were only 5 cases consisting 4 on determination of heirs and one inheritance dispute. Even previously, inheritance case was only occurred in 2012 (Annual Report Directory of Religious Court of Bojonegoro 2016). According to Mr. Solihin (Deputy Registrar in Religious Court of Bojonegoro), this is not a part from local wisdom or habits of people who distribute inheritance wealth of through consultation to their family⁹.

Directly, little number of disputes on inheritance wealth distribution in Bojonegoro is because most families properties are farmlands that tended to be used productively. According to observations from Solihin as employee in Religious Court, he

³Interview with Mr. Nur Cholis on August 2016

⁴Interview with Mr. Mustakim on Jun 2016

⁵Interview with Mr. M. Kirom on August 2016

⁶Interview with Mr. Misbah on August 2016

⁷Interview with Mr. Umar Fakhruddin on August 2016

⁸Interview with Mr. Arfan Muammar on August 2016

⁹Interview with Mr. Solihin on August 2016

asked himself frequently whether inheritance wealth distribution exercised by people in Bojonegoro has created economic balance, especially in the family. Moreover, Religious Court is only passive, just completed a case by case that come from heir to the court.

As explanation, according to one heir in Bojonegoro, Mrs. Masunah, she alternately manages inheritance wealth with her siblings and wealth management is rotated every year to all siblings. In addition, there was never any dispute or disagreement in family regarding inheritance problem¹⁰.

Inheritance Wealth Distribution Model in Surabaya, Gresik, and Bojonegoro

Based on the findings in the field, there are few role models of inheritance wealth distribution, which have been running in the community, whether urban, industrial and rural communities. First, in Surabaya and Gresik, most people in both cities litigate on inheritance wealth distribution to the Religious Court, particularly determination of inheritances heirs because these two areas have almost similar development area and territorially contiguous. However, Gresiks society tends to be more religious. Based on interviews with various stakeholders, there are some models that can be seen from these two regions. The models are listed in Table 2.

Table 2: Inheritance Wealth Distribution Model in Surabaya and Gresik

No	Role Model Distribution	Description
1.	Heir determination model in Religious Court	This model exercised by society prior to distribution of inheritance wealth, which is aimed to retrieve wealth of deceased person stored in the Bank in the form of savings or deposits, or other items that used for transactions of inheritance wealth so it should be known by all the heirs. They also use this model to withdraw for pilgrimage fund when the deceased person dies before visit Holy cities.
2.	Heir dispute model in Religious Court	This model is a model in case of dispute, because there is one party that feels aggrieved by the behavior of other heirs who control the inheritance wealth in a whole or in parts. In addition to the negative impact, this model has advantage because it enable stimulation to other heirs to use the model of the inheritance wealth distribution in accordance to the science of faraidh (Islamic inheritance law)
3.	Inheritance wealth distribution model after parental mortality	This model is motivated by the public's understanding of inheritance. In this model, the inheritance wealth distribution is done after both parents (father and mother) died. When one of the two still alive, inheritance wealth can be used by the heirs who need them. This model occurs in people who have home industries like in Gresik.
4.	Model of partial distribution with other parts being managed	This model stated that there is an asset that can be shared directly when the parent dies and other assets that can be productively manageable, but the benefits are distributed to heirs with the provisions of distribution that accordance to Islamic law (science of faraidh). This model occurs in people who have wallet bird nests in Gresik, residing on the home of heirs (also part of inheritance wealth)

Second, Bojonegoro is an area with little inheritance wealth distribution activities according to data from religious court. However, according to data from society that directly act as heirs, there are inheritance distribution models that have been running in the community is shown in Table 3.

DATA ANALYSIS

On the above data, it can be seen that religious courts role on inheritance matters are passive or waiting for incoming cases. Based on the annual report of the Religious Courts, Surabaya and Gresiks Religious Courts receive high rate of inheritance cases from society. But most of them are determination of heirs. As a judicial institution that authorized by the state, Religious Court should increase its role not only accept inheritance wealth cases and decide based on the desire from litigant, but also the court should be able to ensure inheritance wealth distribution goes in accordance with science of faraidh. Thus, indirectly inheritance wealth distribution will create a balance in familys economy and society in general.

¹⁰Interview with Mrs Masunah on August 2016

Table 3: Inheritance Wealth Distribution Model in Bojonegoro

No	Role Model Distribution	Description
1.	Model of equal distribution to all heirs	This model creates even inheritance wealth distribution to the heirs which sometimes the wealth distributed directly before a parent dies
2.	Model of inheritance wealth distribution with alternate time of managing among all heirs	This model creates inheritance wealth distribution through alternate management of inheritance wealth among the heirs that rotate in certain period. This model occurred in Bojonegoro which people have inheritance wealth in form of agricultural lands.

In addition to the Religious Court, the community certainly plays an important role in implementing the balance of the economy through inheritance wealth distribution. In this context, community consists of Islamic organizations such as Muhammadiyah and NU religious and heirs themselves. However, both NU and Muhammadiyah have lack of inheritance law training and mentoring in a structured and well-maintained program. Even though there are some members of organizations involved in the inheritance wealth distribution, both organizations are passive because they provide assistance or answer when there are issues of inheritance or anyone asked them. This issue should be a common awareness for Islamic organizations to enhance their role as embodiment of one of their functions in society as mandated by Community Organization Act, i.e. gives assistance to people directly, especially in implementing balance on the economy through the inheritance wealth distribution.

Problems regarding inheritance wealth distribution continue to show improvement. Ranging from the smallest level, i.e. dispute between members of the family to the largest one that cause murder that has been motivated by dispute on inheritance wealth distribution. Therefore, issue of the inheritance wealth distribution should be a serious concern for NU and Muhammadiyah as organizations that directly involve in affairs of society and have gained confidence in guiding society, especially religious issues.

However, the heirs must also play an active role in improving understanding and maintaining their attitude which aimed to achieve a balance in the economy by distributing the inheritance in each family. Education in the family should be maintained to give an understanding about inheritance wealth distribution parallel with the guidelines from faraidh science. In addition, consultation regarding inheritance issue to states institution (Religious Court) and Islamic organizations especially there is a dispute or question of inheritance wealth distribution in the family is also needed.

Furthermore, Inheritance distribution model cannot be separated from stakeholders and their references. From some of the inheritance wealth distribution models that have been practiced by people in three regions, it can be seen a model that can serve as a role model for inheritance wealth distribution in achieving economic balance by combining several models as phases or steps in the inheritance wealth distribution. The steps were as follows:

First Step: Determine treasures determination of heirs to the authorities (religious court)

Second Step: Determine inheritance wealth with provision whether it will be divided wholly or partially distributed and other parts will be managed as a productive inheritance wealth through consultation and followed by all heirs

Third Step: The inheritance wealth distribution is done with the guidelines or rules as summarized in science of faraidh or Islamic inheritance law

Fourth Step: The management of the inheritance wealth can be done alternately by time period (e.g. yearly) that counted based on part of the inheritance wealth distribution parallel with each party's part according to the rules of Islamic law or science of faraidh, or dividing the net income (profit) of a property's management to the heirs according to the rules of Islamic law

Fifth Step: For heirs who have accepted the inheritance wealth distribution, it is okay not to receive and give his/her part to other heirs who need more from inheritance wealth to sustain their lives

Additional Step: When found any discrepancies in inheritance wealth distribution, any heir can directly consult to religious organizations (such as NU and Muhammadiyah) as a way of mediation outside the court or directly file a lawsuit to Religious Court.

CONCLUSION

Inheritance wealth distribution model in Indonesia often run without a goal to improve the distribution of wealth and economic balance. In addition, inheritance issues use to lead conflict, both in urban (Surabaya), industrial (Gresik) and rural (Bojonegoro) communities. This study found when a variety of inheritance wealth distribution models in society still find problems. However, if the models are integrated, it will create a role model with stages that are complementary to one another, as follows:

1. Determine treasures determination of heirs to the authorities (religious court);
2. Determine inheritance wealth with provision: whether it will be divided wholly or partially distributed and other parts will be managed as a productive inheritance wealth through consultation and followed by all heirs;
3. The inheritance wealth distribution is done with the guidelines or rules as summarized in science of faraidh or Islamic inheritance law;
4. The management of the inheritance wealth can be done alternately by time period (e.g. yearly) that counted based on part of the inheritance wealth distribution parallel with each partys part according to the rules of Islamic law or science of faraidh, or dividing the net income (profit) of a properties management to the heirs according to the rules of Islamic law;
5. For heirs who have accepted the inheritance wealth distribution, it is okay to not receive and give his/her part to other heirs who need more from inheritance wealth to sustain their live;
6. If found any discrepancies in the inheritance wealth distribution should be consulted to organizations of religious communities (such as NU and Muhammadiyah) as a way of mediation out of court or directly file a lawsuit with the Court of religion directly. (2015a)

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