

## Traditional Law vs. Islamic Law; An Analysis of Muslim Community Awareness in Inheritance Issues

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### Abstract

The system of inheritance distribution in Islamic law, normatively, between men and women is 2:1. Meanwhile, the traditional inheritance system of the Cipicung Girang community, Cidadap District, Bandung City, where the majority of the population is Muslim, has divided men and women equally, namely 1:1. Another uniqueness of the system is that the house they live in belongs to the child who is the last to take care of his parents. The problem is, the customary inheritance system is used by the majority Muslim population. This study aims to analyze the factors that influence public awareness in the distribution of inheritance. This study uses a mix-method with interactive analysis techniques and assisted by Smart PLS software to test the relationship between variables. This study found that inheritance follows the local traditional system because girls take care of their parents, while men are busy working. Another finding is that literacy factors have a greater influence on people's awareness and loyalty compared to religiosity and perceptions of inheritance.

**Keywords:** sociology; *maṣlahah*; inheritance; traditional law; Islamic law



Sistem pembagian hukum waris Islam, secara normatif, antara laki-laki dan perempuan adalah 2:1. Sedangkan sistem pewarisan adat masyarakat Cipicung Girang Kecamatan Cidadap Kota Bandung, yang mayoritas penduduknya Muslim, membagi sama antara laki-laki dengan perempuan yaitu 1:1. Keunikan lain dari sistem tersebut yaitu rumah yang mereka tinggal menjadi milik anak yang terakhir merawat orang tuanya. Probleminya, sistem pewarisan adat tersebut digunakan oleh mayoritas penduduk muslim. Artikel ini bertujuan untuk menganalisis faktor-faktor yang mempengaruhi kesadaran masyarakat dalam pembagian waris. Artikel ini menggunakan metode campuran (kualitatif-kuantitatif) dengan teknik analisis interaktif dan dibantu *software* Smart PLS untuk menguji hubungan antar variabel. Tulisan ini menemukan bahwa kewarisan mengikuti sistem kewarisan adat setempat karena anak perempuan mengurus orang tuanya, sedangkan laki-laki sibuk bekerja. Temuan lainnya yaitu faktor literasi memiliki pengaruh yang lebih besar terhadap kesadaran dan loyalitas masyarakat dibandingkan dengan religiusitas dan persepsi dalam kewarisan.

**Kata Kunci:** sosiologi; kemaslahatan; kewarisan; hukum adat; hukum Islam

## Introduction

Islamic Inheritance law (*farā'id*) has been regulated in Islam clearly in the QS. al-Nisā verses 11, 12, and 176. However, people still do not know and have not been socialized properly. All of this is inseparable from the influence of Indonesia, whose population is diverse in the form of culture, including knowledge, beliefs, arts, morals, and customs.<sup>1</sup> One of these influences is traditional law, which according to Notopuro, is an unwritten law and traditional law with a character in the form of guidelines for people's lives in administering justice and welfare.<sup>2</sup>

The traditional law widely developed in the community is regarding the distribution of inheritance. Haries, in his research on the Banjar Ulama family in Hulu Sungai Utara Regency, South Kalimantan Province, explained that the inheritance distribution system in force in the area has two forms, namely Islamic inheritance law and traditional inheritance law. However, suppose there is a dispute in the distribution of inheritance. In that case, the heirs will do *iṣlāh* to settle it peacefully and family because inheritance is part of *mu'āmalah* activities whose implementation is left to the community.<sup>3</sup>

Mustaring and Muhani also carried out other research on inheritance. They examined the analysis of the level of community knowledge regarding the Islamic inheritance system in Sumillan Village, Alla District, Enrekang Regency. This study explains that the level of community knowledge and knowledge of Sumillan Village, Alla District about Islamic inheritance law is still low. They

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<sup>1</sup> Lalu Junaidi, "Kajian Sosiologi Hukum terhadap Adat Kewarisan Masyarakat Desa Mangkung Kecamatan Praya Barat Kabupaten Lombok Tengah," *Al-Ihkam: Jurnal Hukum Keluarga Jurusan Ahwal al-Syakhshiyah Fakultas Syariah IAIN Mataram* 9, no. 1 (June 1, 2017): 68, <https://doi.org/10.20414/ALIHKAM.V9I01.1154>; Elfia Elfia, Meirison Meirison, and Qasim Muhammadi, "Distribution of Heritage Association of Harta Pusaka Tinggi and Harta Pusaka Rendah in Padang Pariaman," *Al-Ahkam* 30, no. 1 (April 30, 2020): 39–60, <https://doi.org/10.21580/AHKAM.2020.30.1.5273>.

<sup>2</sup> Catharina Dewi Wulansari, *Hukum Adat Indonesia* (Bandung: Refika Aditama, 2014), 4; Diana Zuhroh, "Konsep Ahli Waris dan Ahli Waris Pengganti: Studi Putusan Hakim Pengadilan Agama," *Al-Ahkam* 27, no. 1 (April 30, 2017): 43–58, <https://doi.org/10.21580/AHKAM.2017.27.1.1051>.

<sup>3</sup> Ahmad Haries, "Pembagian Harta Warisan dalam Islam: Studi Kasus pada Keluarga Ulama Banjar di Kabupaten Hulu Sungai Utara Provinsi Kalimantan Selatan," *Jurnal Diskursus Islam* 2, no. 2 (August 22, 2014): 191, <https://doi.org/10.24252/JDI.V2I2.6520>.

added that the efforts made by the local government were to carry out direct outreach to the community.<sup>4</sup>

Netty et al. researched indigenous Muslim Society in the Cirendeu Traditional Village. They examined the Inheritance Rights of Children Resulting from Marriages of Cireundeu Traditional Villagers with Outsiders of Cireundeu Traditional Villages related to Law Number 1 of 1974 concerning Marriage and Customary Inheritance Law. The research concludes that children out of legal marriage get protection and inheritance rights, based on the Constitutional Court no. 97/PUU-XIV/2016 protects the community in Cireundeu Village by including religious adherents in the Religion column so they can be registered at the Civil Registry Office. Constitutional Court number 46/PUU-XIII/2010 also explains that a child's relationship with a man can also be proven by his biological blood relationship.<sup>5</sup>

A case that is not much different from what happened in Cipicung Girang Village related to the issue of the distribution of inheritance by the local community. They have their way of resolving the division of inheritance between family members, where the share between men and women is equal. According to Supriadi, the distribution of inheritance equally between boys and girls in this village is due to traditions passed down from generation to generation. People prefer to use the traditional law practiced by their ancestors, even though most of their religion is Islam.<sup>6</sup>

The education level of the people of Kampung Cipicung Girang can be said to only have a bench up to the elementary level. At the same time, undergraduate graduates can only be counted on the fingers. It can undoubtedly affect public awareness of the importance of Islamic inheritance, which Muslims

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<sup>4</sup> Asmila Muhani and Mustaring Mustaring, "Analisis Tingkat Pengetahuan Masyarakat tentang Hukum Waris Islam di Desa Sumillan Kecamatan Alla Kabupaten Enrekang," *Jurnal Tomalebbi* 3, no. 3 (September 2016): 25, <https://ojs.unm.ac.id/tomalebbi/article/view/2845>.

<sup>5</sup> Intan Netty H.C., Sonny Dewi Judiasihb, and Bambang Daru Nugroho, "Hak Waris Anak yang Lahir dari Perkawinan Warga Kampung Adat Cireundeu dengan Orang Luar Kampung Adat Cireundeu Dikaitkan dengan Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan dan Hukum Waris Adat," *Acta Diurnal: Jurnal Ilmu Hukum Kenotariatan Fakultas Hukum Unpad* 1, no. 1 (2018): 129–30, <http://jurnal.fh.unpad.ac.id/index.php/acta/article/view/193/143>.

<sup>6</sup> Interview with Mr. Odja Supriadi as Head of RW.10 Cipicung Girang Village Bandung City on March 21, 2021.

themselves must apply. In addition, there has never been a study held every week that explicitly examines the calculation of Islamic inheritance.<sup>7</sup>

In Indonesia, the Compilation of Islamic Law (HKI) is used as a guide in resolving Islamic inheritance issues. In KHI article 176, it is explained that the share of inheritance between men and women is two to one, as stated in the QS. al-Nisā verses 11 and 176. Of course, this is a problem because it is contrary to Islamic inheritance law and KHI. Therefore, the researcher wants to explain this problem by formulating several problems, namely the inheritance distribution system used by the people of Cipicung Girang Village and an analysis of the factors that influence the awareness of the people in the village to apply Islamic inheritance law.

The research method used in this study is a mixed qualitative and quantitative method. The qualitative approach is carried out through observations of Cipicung Girang Village and interviews with some inhabitants obtained from the field directly to get more information about inheritance distribution and social conditions. In addition, to support the data, a quantitative approach was carried out by calculating the questionnaire results with Structural Equation Modeling (SEM) Partial Least Square (PLS).

The type of data used in this research is field data (field research). Researchers distributed questionnaires and interacted directly with the community, intending to collect data related to research problems and to determine the analysis of the inheritance distribution system in Cipicung Girang Village. The samples were taken from the Muslim community in Cipicung Girang Village. The initial data was obtained from the local village head by looking at the number of family heads, then seeing how many each family head had experienced the distribution of inheritance.

Researchers used interactive analysis in data reduction, presentation, and inference at the data analysis stage.<sup>8</sup> In addition, the researchers also used SEM PLS to examine and analyze the variables that affect awareness of *farā'id* in

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<sup>7</sup> Interview with Mrs. Nengsih inhabitant Cipicung Girang Village RT. 05 Bandung City on March 23, 2021.

<sup>8</sup> Roimanson Panjaitan, *Metode Penelitian* (Kupang: Jusuf Aryani Learning, 2017), 75.

society and see which factors are more dominant.<sup>9</sup> The data analysis consists of several variables such as religiosity behavior, community literacy, public perception, awareness, and loyalty in *farā'id*.

## Understanding and Basis of Islamic Inheritance Law

The word inheritance in the Big Indonesian Dictionary (KBBI) states that a person is entitled to receive an inheritance from someone who dies. In contrast, inheritance in Arabic is called *al-irth/al-mīrath*, which means heirlooms, and in terms of transferring something from someone to others who have died.<sup>10</sup>

The Islamic legal literature has several terms to name inheritance law, such as *farā'id*, *fiqh al-mawārith*, and inheritance law. According to the term inheritance science (*farā'id*) is "*the jurisprudence's science relating to inheritance issues and the calculation's science which conveys the special knowledge of each owner of the heir on the rights of his share of the inheritance.*"<sup>11</sup> This science is also a science that discusses the management of the property of someone who has died. The discussion relates to the heirs, the recipients, the conditions for receiving the inheritance because they get their respective shares.<sup>12</sup>

Compilation of Islamic Law Article 171 letter (a) has mentioned three provisions of inheritance law. First, the rules regarding the transfer of inheritance (*tirkah*). Second, the determination of heirs. Third, the share of each heir.<sup>13</sup> As for the Civil Code (BW) Article 830, it is explained that "*inheritance*

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<sup>9</sup> Jaya I Gede Nyoman Mindra and Sumertajaya I Made, "Pemodelan Persamaan Struktural dengan Patrial Least Square," in *Seminar Nasional Matematika Dan Pendidikan Matematika*, 2008, 126.

<sup>10</sup> Louis Ma'lūf, *Al-Munjid fī al-Lughah* (Beirut: Dār al-Mashriq, 1987), 895; A. Warsun Munawwir, *Kamus al-Munawwir* (Surabaya: Pustaka Progresif, 1997), 1550.

<sup>11</sup> Afidah Wahyuni, "Sistem Waris dalam Perspektif Islam dan Peraturan Perundang-Undangan di Indonesia," *Salam: Jurnal Sosial dan Budaya Syar-I* 5, no. 2 (August 17, 2018): 148, <https://doi.org/10.15408/SJSBS.V5I2.9412>.

<sup>12</sup> Zulfahmi Zulfahmi, "Pokok-Pokok Hukum Kewarisan (Analisis Kehujahan Hadis dengan Pendekatan Kritik Sanad)," *Jurnal Al-Hikmah* 14, no. 2 (December 13, 2013): 289, [https://journal.uin-alauddin.ac.id/index.php/al\\_hikmah/articel/view/404](https://journal.uin-alauddin.ac.id/index.php/al_hikmah/articel/view/404).

<sup>13</sup> Agus Wantaka, Abdul Rosyid, and Eka Sakti Habibullah, "Pembagian Warisan dalam Perspektif Hukum Islam dan Hukum Adat Jawa," in *Prosa AS: Prosiding Al Hidayah Ahwal Asy-Syakhshiyah* (Bogor: STAI Al-Hidayah Bogor, 2019), 14, <https://jurnal.staialhidayahbogor.ac.id/index.php/pas/article/view/344>.

only occurs if there is death. If there is no death, then there is no inheritance." It means that the inheritance will occur if the testator has died, and the heir leaves the inheritance.<sup>14</sup>

The legal basis for Islamic inheritance is contained in *Sūrah* al-Nisā (4): 11, 12, and 176. Meanwhile, the verse that mentions the ratio of the share of inheritance obtained between men and women is 2:1, found in verses 11 and 176: *yūṣīkumullāh fī awlādikum lihdhakar mithl ḥadhdh al-unthayayn (11)*, and *wa in kānu ikhwatan rijāl wa nisā' fa lihdhakar mithl ḥadhdhi al-unthayayn (176)*.

In addition to the legal basis of the Qur'an, Islamic inheritance's division is also based on several ḥadīth literature, including:

a. Ḥadīth narrated by Ibn Abbas:<sup>15</sup>

حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ حَدَّثَنَا وَهَيْبٌ حَدَّثَنَا ابْنُ طَاوُسٍ عَنْ أَبِيهِ عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ أَلْحِقُوا الْفَرَائِضَ بِأَهْلِهَا فَمَا بَقِيَ فَهُوَ لِأَوْلَى رَجُلٍ ذَكَرٍ

"Mūsa Ibn Ismā'il has told us, Wuhayb has told us, Ibn Ṭāwus has told us from his father from Ibn 'Abbās from the Prophet Muḥammad said: "Give me a part of farā'id (inheritance that has been determined) to those who are entitled, then the remaining portion goes to the closest male inheritor (lineage)."

This ḥadīth explains the mechanism for dividing the inheritance, starting from giving a share to the heirs (*aṣḥāb al-furūd*), then giving it to the male descendants closest to the heir as the share recipient (*ʿaṣābah*).<sup>16</sup>

b. Another Ḥadīth from Usāmah Ibn Zayd:<sup>17</sup>

حَدَّثَنَا يَحْيَى بْنُ يَحْيَى وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَاسْحَقُ بْنُ إِبْرَاهِيمَ وَاللَّفْظُ لِيَحْيَى قَالَ يَحْيَى أَخْبَرَنَا وَقَالَ الْآخَرَانِ حَدَّثَنَا ابْنُ عُيَيْنَةَ عَنِ الرَّهْرِيِّ عَنِ عَلِيِّ بْنِ حُسَيْنٍ عَنْ عَمْرِو بْنِ

<sup>14</sup> Elviana Sagala, "Hak Mewaris Menurut Ketentuan Hukum Perdata," *Jurnal Ilmiah Advokasi* 6, no. 2 (September 15, 2018): 117, <https://doi.org/10.36987/JIAD.V6I2.254>.

<sup>15</sup> Abū Muḥammad ibn Ismā'il al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, I (Beirut: Dār Ibn Kathīr, 2002), ḥadīth no. 6235

<sup>16</sup> Muhibbussabry, *Fikih Mawaris* (Medan: Pusdikra Mitra Jaya, 2020), 8.

<sup>17</sup> Muslim Ibn Al-Ḥajjāj, *Ṣaḥīḥ Muslim* (Libanon: Dār al-Fikr, 1992). ḥadīth no. 3027

عُثْمَانَ عَنْ أُسَامَةَ بْنِ زَيْدٍ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لَا يَرِثُ الْمُسْلِمُ الْكَافِرَ وَلَا يَرِثُ الْكَافِرُ الْمُسْلِمَ

"*Yaḥyā Ibn Yaḥyā, Abū Bakr Ibn Abū Shaybah, and Ishāq Ibn Ibrāhīm have told us, and this is Yaḥyā's expression. Yaḥyā said: had told us, while the other two said; Ibn 'Uyaynah from al-Zuhrī has told us from 'Alī Ibn Ḥusayn from 'Amr Ibn 'Uthmān from Usāma Ibn Zayd; that the Prophet said: "A Muslim cannot inherit from a disbeliever, and a disbeliever cannot inherit from a Muslim."*

There are three pillars of inheritance in Islam:<sup>18</sup> first *al-muwarrith* (people who die and their heirs are entitled to inheritance). Second *al-wārith* (people are entitled to inherit the heir's inheritance due to kinship ties (*nasab*) or marriage ties). Third, *al-mawrūth* (inheritance assets are all types of objects or ownership left by the testator, either in money, land, etc). There are three conditions for inheritance:<sup>19</sup> first, the death of an heir is essentially legal. Second is the existence of heirs who live when the testator dies. Third, knowing each number of heirs.

### Reasons for Accepting Inheritance in Islam

Several things cause a person to receive an inheritance:<sup>20</sup> First, marriage within the occurrence of a legal marriage contract according to Islamic provisions. If the marriage is invalid or broken, it is not entitled to inherit. Second, descendants are a relative who has a relationship with the heir. From the father's lineage relationships or the wives. Kinship relations are divided into three groups, namely:

- a. The *furū'* (branch) group, namely the descendants of the deceased, either from the father's lineage or the wives. The *furū'* group is divided into:

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<sup>18</sup> Nirsal Nirsal, "Sistem Informasi Pengelolaan Data Pembagian Harta Warisan Menurut Hukum Islam pada Pengadilan Agama Kota Palopo," *D'ComPutarE: Jurnal Ilmiah Information Technology* 1, no. 2 (2011): 29, <https://journal.uncp.ac.id/index.php/computare/article/view/160>.

<sup>19</sup> Muhammad Ali Ash-Shabuni, *Pembagian Waris Menurut Islam* (Jakarta: Gema Insani Press, 1995), 39.

<sup>20</sup> Johan Sullivan, "Kajian Hukum Sebab-Sebab Mendapat dan Tidak Mendapat Warisan Menurut Hukum Waris Islam," *Lex Privatum* 7, no. 3 (2019): 90, <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/25915>.

- 1) The male group consists of sons, grandsons, and brothers.
  - 2) The women group, consisting of daughters and sisters.
- b. The *uṣūl* (Origin) group, namely the ancestors who caused the corpse to exist. The *uṣūl* group is divided into:
- 1) The male group, consisting of the father and grandfather.
  - 2) The female group, consisting of mothers and legal grandmothers.
- c. The *ḥawāshī* group (sideways), namely the family connected to the deceased through a sideline, the *ḥawāshī* group is divided into two groups:
- 1) The male group consists of brothers and uncles.
  - 2) The female group, consisting of sisters and aunts.

The third reason which makes a person receive an inheritance is *walā'*. *Walā'* is a legal relationship, which means a relationship established by Islamic law because the employer has liberated and restored human rights. If a master has made his slave free, then a kinship will occur, provided that the slave has no kinship or marriage heirs, and for now, the term *walā'* is not found in Indonesia.<sup>21</sup>

### **The Inheritance Distribution System of the Cipicung Girang Village Community**

The inheritance distribution system in the Cipicung Girang community is a tradition or custom that has developed from the past to the present, applied by generations to their descendants. It happens because the inheritance law that applies in Indonesia is still diverse. Each has its laws, such as traditional law, which is unwritten, Islamic law, which uses calculations based on *farā'id* science, and inheritance law based on the Civil Code (Burgerlijk Wetboek).<sup>22</sup>

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<sup>21</sup> Mei Sofyan Utama, "Kedudukan Ahli Waris Pengganti dan Prinsip Keadilan dalam Hukum Waris Islam," *Jurnal Wawasan Yuridika* 34, no. 1 (December 15, 2016): 70, <https://doi.org/10.25072/JWY.V34I1.109>; Abdurrohman Kasdi and Khoiril Anwar, "Inheritance Distribution of Adopted Children in The Perspective of Customary Law and Islamic Law Compilation: Case Study of the Application of Inheritance Law in Kudus," *Al-Ahkam* 29, no. 2 (November 7, 2019): 141–58, <https://doi.org/10.21580/AHKAM.2019.29.2.4203>.

<sup>22</sup> Muhammad Zainal Abidin, "Persepsi Waris Masyarakat Transmigrasi di Kampung Arso VII Kabupaten Keerom Propinsi Papua Perspektif Hukum Waris



There are three systems for the distribution of inheritance under traditional law in Indonesia, namely:<sup>23</sup> first, the patrilineal system, which draws the lineage of the male ancestor, the system is carried out in the Batak community; Both matrilineal systems draw the female ancestral line, in this family system the male is not the heir to his children. The system is implemented in the Minangkabau community; The three bilateral systems draw lineage from two sides, namely, the father and mother, meaning that both sons and daughters are heirs of both parents. They have the same inheritance rights, and it has become a family agreement.

The people of Cipicung Girang village share the inheritance equally, that is, boys get two parts, and girls get two parts too. The parents' house will belong to the last child because he is still in the same house and takes care of his parents. If the last child is not with the heir, then the house goes to the child who takes care of him and who still lives with him when the heir is still alive. However, according to an explanation from one of the residents of Kampung Cipicung, the inheritance distribution system in the local community is also guided by the rules of Islamic law contained in the Compilation of Islamic Law contained in chapter II regarding inheritance, namely Article 176.<sup>24</sup>

The scheme below will explain the implementation system for the distribution of inheritance in the Cipicung Girang village community:

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Islam," *Al-Syakhshiyah Jurnal Hukum Keluarga Islam dan Kemanusiaan* 2, no. 2 (August 27, 2020): 112, <https://doi.org/10.35673/AS-HKI.V2I2.920>.

<sup>23</sup> Hasanudin, *Fiqh Mawaris* (Jakarta: Prenadamedia Group, 2020), 128.

<sup>24</sup> Interview with Mr. Odja Supriadi as Head of RW.10 Cipicung Girang Village Bandung City on March 21, 2021.

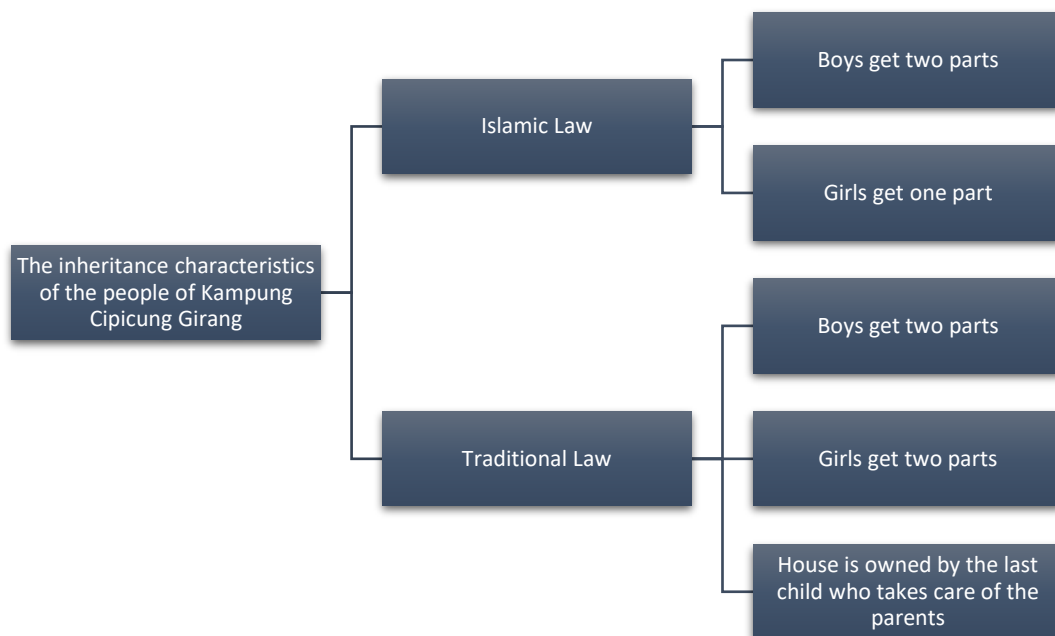


Figure 1. Inheritance Characteristics of the Cipicung Girang Village Community, Bandung City.

As previously explained, the people of Kampung Cipicung Girang uphold the values of tradition and customs. The system adopted in the distribution of inheritance follows the traditional system passed down from generation to generation. The equitable distribution of inheritance is because girls have taken care of both parents, while men are only busy working. Therefore, the female heirs ask for the right to share the inheritance fairly or equally between sons and daughters. The community has agreed upon this not to cause problems between all the heirs.<sup>25</sup>

### **Analysis of Factors Affecting Awareness of Inheritance in the Cipicung Girang Village Community**

Analysis using SEM PLS begins with the creation of the inner model. The inner model is an analysis that specifies the relationship between latent

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<sup>25</sup> Interview with Mrs. Oya inhabitant Cipicung Girang Village RT. 05 Bandung City on March 23, 2021.

variables (structural model), which is then measured using Q-Square (predictive relevance) with the formula  $Q^2=1-(1-R_1^2) (1-R_p^2)$ . This study also uses an outer model that specifies the relationship between latent variables and their indicators or manifest variables (measurement model). This analysis is measured by looking at Convergent Validity and Discriminant Validity.<sup>26</sup>

Respondents in the study were 130 people, and researchers have selected up to a hundred because not all respondents have experienced inheritance. The results of the data are then processed using SEM PLS. The stages of the analysis are as follows:

#### 1. Evaluation of the Outer Model

The outer model was analyzed using the validity and reliability values of the model, namely the validity test. The measurements in this study consisted of convergent validity and discriminant validity. Convergent validity is determined using the Loading Factor Parameter and the AVE (average variance extracted) value. The measurement of the reflective model of validity and reliability is as follows:<sup>27</sup>

Table 1. Measurement of the Validity and Reliability Reflective Model

Validity test	Parameter	Rule of Thumbs
Convergent	Loading Factor	More than 0,7
	Average Variance Extracted (AVE)	More than 0,5
	Community	More than 0,5
Discriminant	AVE root and correlation of latent variables	AVE Root > Latent variable correlation
	Cross loading	More than 0.7 in one variable
Reliability Test	Cronbach's alpha	More than 0,6
	Composite reliability	More than 0,7

<sup>26</sup> Alodya Ann Gita Alfa, Dewi Rachmatin, and Agustina Fitriani, "Analisis Pengaruh Faktor Keputusan Konsumen Dengan Structural Equation Modelling Partial Least Square," *Jurnal EurekaMatika* 5, no. 2 (2017): 62, <https://doi.org/10.17509/JEM.V5I2.9599>.

<sup>27</sup> Reny Rian Marlina, "Partial Least Squares-Structural Equation Modeling Pada Hubungan Antara Tingkat Kepuasan Mahasiswa Dan Kualitas Google Classrom Berdasarkan Metode Webqual," *Jurnal Matematika, Statistika Dan Komputasi* 16, no. 2 (December 19, 2020): 179, <https://doi.org/10.20956/JMSK.V16I2.7851>.

The measurement is categorized as having convergent validity if the loading factor value is  $> 0,7$  and the AVE is  $0,5$ . Discriminant validity is determined by cross-loading. It is categorized as having discriminant validity if it has a cross-loading value of  $0,7$ . There are 3 criteria in the use of data analysis techniques with Smart PLS to assess the outer model, including:

a. Convergent Validity

The Smart PLS model meets convergent validity because it has an AVE value of more than  $0.5$  in this study. The AVE of awareness, loyalty, and literacy value is above  $0.5$ . Awareness has a value of  $0.721$ , literacy  $0.572$ , loyalty  $0.750$ , perception  $0.59$ . The AVE value in testing convergent validity can be seen in the table below.

Table 2. AVE Value

Variable	AVE value
Awareness	0.721
Literacy	0.572
Loyalty	0.75
Perception	0.59
Religiosity	0.260

By knowing the AVE value in this study, the result can conclude that the outer loading and AVE values have met the requirements of convergent validity.

b. Discriminant Validity

Discriminant validity uses the cross-loading value. The indicator includes meeting discriminant validity if the cross-loading value has the largest compared to other variables.

c. Composite reliability

Composite reliability tests the indicator reliability values in variables. If the combined reliability value is more significant than  $0.7$ , it meets Composite Reliability. Testing the reliability can also be seen from the value of Cronbach's alpha. Below are the Composite Reality values and Cronbach's Alpha values.

Table 3. Composite Reliability Value

Variable	Composite Reality
Awareness	0.911
Literacy	0.743
Loyalty	0.923
Perception	0.849
Religiosity	0.358

Table 4. Cronbach's Alpha Value

Variable	Cronbach's Alpha
Awareness	0.869
Literacy	0.543
Loyalty	0.888
Perception	0.759
Religiosity	0.73

2. Evaluation of the Inner Model

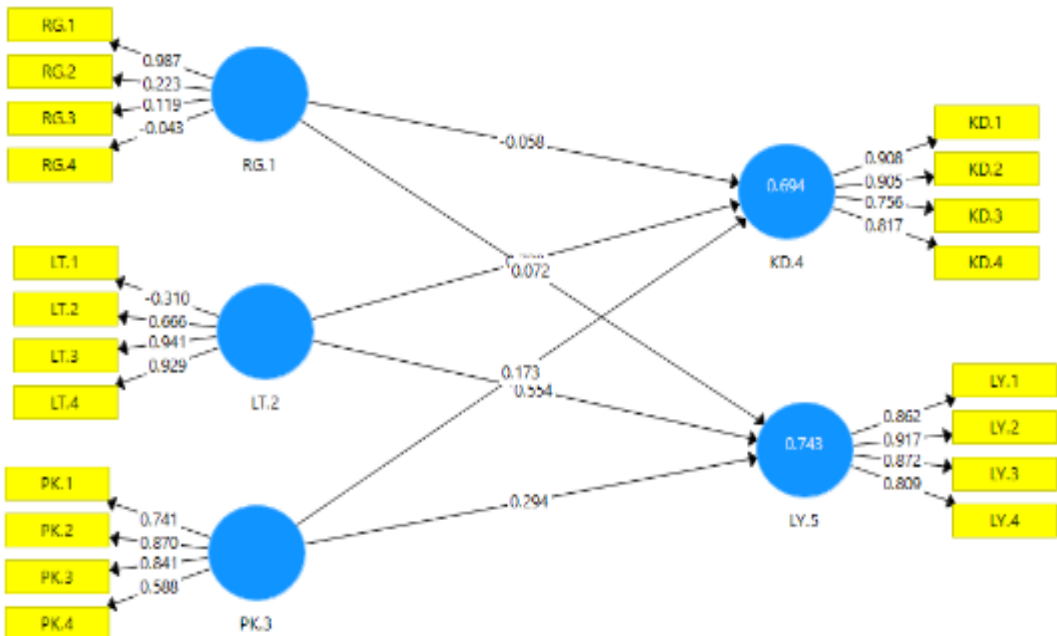


Figure 2. Initial loading factor

The evaluation of the inner model or the structural model test shows the effect between variables. Based on data processing with Smart PLS 3.0 obtained

a diagram like a figure 2. The chart shows that the variables of religiosity, literacy, perception significantly affect awareness and loyalty. Some things that are in the inner model include:

a. R-Square

R-Square is an endogenous construct that affects the coefficient of determination. R-Square value is 0.67.

$$R^2 = 1 - \frac{SS\ Error}{SS\ Total} = 1 - \frac{\sum(y_i - \hat{y}_i)^2}{\sum(y_i - \bar{y})^2}$$

**Information**

$y_i$  = Observation of response to i

$\bar{y}$  = Average

$\hat{y}_i$  = Response forecast to - i

b. Path coefficient

The path coefficient is a coefficient value with a significant relationship and affects the latent construct using a bootstrapping procedure.

c. T-statistics

T-statistics is data that has been processed by bootstrapping using SEM PLS. From these results then obtained T-Statistic. The T-Statistic value can be seen in the table:

Table 5. T-Statistic Value

Variable	T-Statistic
LT.2 -> KD.4	6,092
LT.2 -> LY.5	5,626
PK.3 -> KD.4	1,396
PK.3 -> LY.5	2,450
RG.1 -> KD.4	0,481
RG.1 -> LY.5	0,736

The most significant value in the statistical table is the literacy section that affects awareness with 6,092. Plus, the smallest value is that religiosity affects awareness with a value of 0,481.

d. Predictive Relevance

This test was conducted to determine the predictive capability with the blindfolding procedure and can only be done for endogenous variables and reflective indicators.

### 3. Goodness of Fit Evaluation (Model Fit)

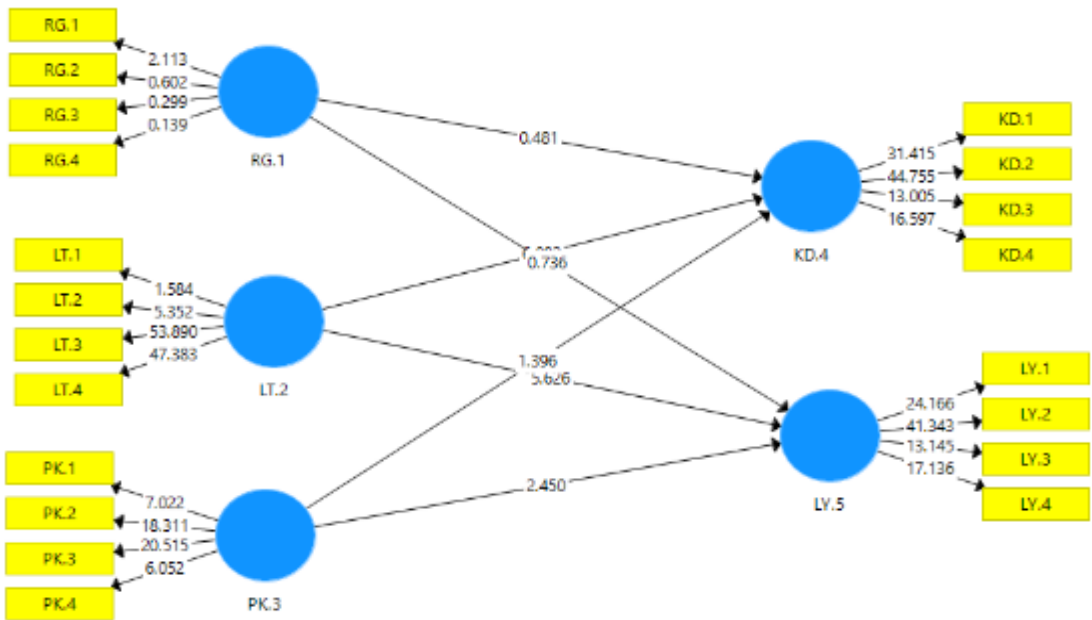


Figure 3. Bootstrapping

This goodness of fit evaluation is used to validate the combined performance of the measurement model (outer model) and structural model (inner model). From this evaluation, the values range from 0-1 with interpretations of 0-0.25 (Small GoF), 0.25-0.36 (Moderate GoF), and above 0.36 (Large GoF).

Based on the structural model evaluation results, literacy affects awareness with 6,092 literacy affects loyalty 5,626. Hence, literacy has the most influence on awareness and loyalty. Religiosity affects awareness with a value of 0.481. Religiosity affects loyalty with a value of 0.736. Because religiosity has a value of 0, then religiosity does not affect awareness and loyalty.

### Islamic Law Review on the Distribution of Inheritance in Cipung Girang Village

Islamic inheritance law has regulated the provisions of heirs, large and small. It has been adapted to their needs in everyday life and is seen as far or near the relationship between *al-muwarriṭh* and *al-wārith*. The amount of the

inheritance (*furūd al-muqaddarāt*) specified in the Qur'an is 1/2, 1/4, 1/8, 1/3, 1/6, 2/3. The distribution rules are *ta'abbudi* and must be implemented because they have become provisions in *Sūrah* 4: 11-14 and 176.<sup>28</sup>

According to Islamic law, implementing the distribution of inheritance is essential to learn. The goal is that there are no mistakes in distributing inheritance, and the distribution can be done in the fairest way possible. Islamic inheritance is distributed to avoid acts prohibited by religion, namely taking property that is not their right. The cause of this behavior is due to not complying with Islamic law regarding inheritance.<sup>29</sup>

Thus, the inheritance distribution system in Cipicung Girang Village is not appropriate with Islamic inheritance law. The reason is what they apply is an equal distribution between boys and girls without calculating it first. Their assumption is the application of the *maṣlahah* theory. This *maṣlahah* theory can be used in the sense of peace between the heirs (*al-wārith*), but the heirs must know in advance how big or small their respective share is. Because it is feared that if this is not the case, there will be a dispute in the future. If the heirs already know their share and have agreed, then it is permissible to distribute it peacefully to benefit from dividing the inheritance.<sup>30</sup>

Al-Bughā explained that the application of *al-maṣlahah al-mursalah*, which is used as a basis for establishing the law, is only limited to traditional matters because the law is *ta'aqqulī*. He added because the power of the *al-maṣlahah al-mursalah* argument could not establish laws in the field of *ta'abbudī* worship. Therefore, dynamic, and flexible social reality can make it a benefit in following the times.<sup>31</sup>

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<sup>28</sup> Saifullah Basri, "Hukum Waris Islam *Fara'id* dan Penerapannya dalam Masyarakat Islam," *Jurnal Kepastian Hukum dan Keadilan* 1, no. 2 (July 12, 2020): 14, <https://doi.org/10.32502/KHDK.V1I2.2591>.

<sup>29</sup> Muhammad Asykur Mughtar, "Analisis terhadap Sistem Pembagian Harta Warisan," *Justisi* 4, no. 2 (August 8, 2018): 70, <https://doi.org/10.33506/JS.V4I2.532>.

<sup>30</sup> M. Lutfi Hakim, "Keadilan Kewarisan Islam terhadap Bagian Waris 2:1 antara Laki-Laki dengan Perempuan Perspektif Filsafat Hukum Islam," *Al-Maslahah: Jurnal Ilmu Syariah* 12, no. 1 (2016): 14, <https://jurnalainpontianak.or.id/index.php/Almaslahah/article/view/339/280>.

<sup>31</sup> M. Idris and Aslikha Aslikha, "Pemerataan Pembagian Harta Waris antara Anak Laki-Laki dan Perempuan Perspektif Masalah Mursalah," *Journal Multicultural of Islamic Education* 2, no. 2 (2019): 127, <https://jurnal.yudharta.ac.id/v2/index.php/ims/article/view/1733>.



It is known that Islamic regulations in principle refer to the benefit of humans because the primary purpose of Islamic law is to realize the benefit of humanity, both in this world and in the hereafter. All of this is based on the overall mission of Islam, which is *rahmah li al-‘ālamīn*. Al-Shāṭibī in *al-Muwāfaqat* explains, "It is known that Islamic law is to realize the absolute benefit of creatures."<sup>32</sup> Even a rule has stated that where there is benefit, there is God's law.<sup>33</sup>

Currently, applying Islamic law in society is very contrary to tradition. Legal solutions should be a blessing, not to make difficulties even narrow. If the property given to a son is the same as that of a daughter, it becomes an injustice contrary to Islamic inheritance law. As the ḥadīth argument held by al-Ṭūfī, namely, the rule of preventing *mafsadat* (injustice for *al-wāriṭh*) takes precedence over creating benefit (obeying the commands of the text).<sup>34</sup> On the other hand, the comparison 1:1 passage does not mean anything because the division oversteps the text's command. Suppose it adheres to the principle of benefit al-Ṭūfī. In that case, the decision can be seen as a specialization for texts, which means that under certain conditions, texts can apply and have different contexts.

Islam highly upholds the principle of God's justice. He has the qualities of justice that Muslims need to emulate. Fair does not mean equal but giving something according to what is needed within certain rules. Suppose likened to someone who has five children. The first child studies in college, while the fifth child is still at the elementary school level. The parable of giving money to the first child will differ from the fifth child and cannot be equated.

If the researcher uses the Kredo theory to analyze inheritance distribution in the Cipicung Girang society, then the society should follow the rules of Islamic

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<sup>32</sup> Abū Ishāq Ibrāhīm Ibn Mūsā Ibn Muḥammad Al-Shāṭibī, *Al-Muwāfaqāt fī Uṣūl al-Sharī'ah* (Arab Saudi: Dār Ibn 'Affān, 1997).

<sup>33</sup> Masdar F. Mas'udi, "Meletakkan Kembali *Maṣlahah* Sebagai Acuan *Sharī'ah*," *Ulum Al-Qur'an* VI, no. 3 (1995); Muhamad Harfin Zuhdi, "Formulasi Teori *Mashlahah* dalam Paradigma Pemikiran Hukum Islam Kontemporer," *Istinbath* 12, no. 1 (2013): 221–40.

<sup>34</sup> Maskur Rosyid and Anwar Hafidzi, "Paradigma dan Alienasi Konsep *Maslahat al-Tufi* sebagai Legalitas Sumber Syariah," *Al-Banjari : Jurnal Ilmiah Ilmu-Ilmu Keislaman* 19, no. 2 (December 15, 2020), <https://doi.org/10.18592/al-banjari.v19i2.3823>; Mayyadah Mayyadah, "Konsep *Maslahat At-Thufy* dan Penerapannya dalam Kasus Kewarisan di Indonesia," *Al-Adl* 11, no. 2 (July 2, 2018): 127, <https://doi.org/10.31332/ALADL.V11I2.1245>.

sharia. The creed theory explains that Islamic law is a legal order that is firmly held by the Islamic community, including the Islamic community living in the village.<sup>35</sup> Therefore, if they still use traditional law in the distribution of their inheritance, it needs to be perfected by following the rules of Islamic inheritance law, especially for Muslim people.

One of the *fiqh* rules states that a tradition can be considered when establishing a law (*al-‘adah muhakkamah*).<sup>36</sup> The division of inheritance that has been carried out in the village cannot be included in the category of the *al-‘adah muhakkamah* rule. Customs or traditional, popular in Islam with the term *al-‘urf*, can be used as a legal basis if they fulfill one of the conditions, namely not contradicting the sources of Islamic law, both the Qur'an and ḥadīth.<sup>37</sup> However, what happened was not to the Qur'an.

Benefits in the distribution of inheritance with a 1:1 division can be done if each heir knows the size of their respective share in advance. After that, it may be divided equally based on the heirs' agreement with consideration of each heir's conditions.

## Conclusion

Based on the preparation and description above in this study, the researcher can draw the following conclusions: first, the inheritance distribution system in the Cipicung Girang village community is a tradition or custom that has developed from the past to the present, applied by generations to their descendants. They distribute inheritance in a 1:1 ratio between sons and daughters because daughters have taken care of their parents, while men are only busy working. Second, according to the evaluation results of the structural model, literacy affects awareness with a value of 6,092 literacy affects loyalty

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<sup>35</sup> Muhamad Mas'ud, Rosbandi Rosbandi, and Sugih Suryagalih, "Eksistensi Teori Kredo dalam Pemberlakuan Hukum Islam di Indonesia," *Islamika: Jurnal Agama, Pendidikan dan Sosial Budaya* 14, no. 1 (2020): 59, <https://doi.org/10.33592/islamika.v14i1.642>.

<sup>36</sup> A. Djazuli, *Kaidah-Kaidah Fikih (Kaidah-Kaidah Hukum Islam dalam Menyelesaikan Masalah-Masalah yang Praktis)*, 6th ed. (Jakarta: Prenadamedia Group, 2016), 9.

<sup>37</sup> Abdullah Safe'i, *Ushul Fiqh: Metodologi Ijtihad* (Bandung: Fakultas Syariah dan Hukum, 2017), 162–63; Jazil Saiful, "Al-'Adah Muhakkamah 'Adah dan 'Urf Sebagai Metode Istinbat Hukum Islam," in *Prosiding Halaqah Nasional dan Seminar Internasional Pendidikan Islam* (Surabaya: Universitas Islam Negeri Sunan Ampel Surabaya, 2014), 324, <http://digilib.uinsby.ac.id/6496/1/23>. Al adah Muhakkamah.pdf.

5,626. Therefore, literacy has the most influence on awareness and loyalty than religiosity and perception. Religiosity affects awareness and loyalty lower than literacy and perception with 0.481 and 0.736. Third, a review of Islamic law on the distribution of inheritance in Kampung Cipicung Girang is that the assets given to boys are equal to girls. This division is an injustice that is contrary to inheritance law. The benefit of the distribution of inheritance that has been determined by Islamic law is a general and specific benefit to avoid bloodshed.[a]

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