

Analysis of Religious Court Decisions in Resolving Inheritance Disputes Still Under Collateral a Maqashid Syariah Perspective

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Abstract: Inheritance law governs the transfer of wealth left by a deceased person and its impact on the heirs. Issues often arise regarding the management and continuation of the rights and obligations of the deceased. This study aims to describe inheritance cases still under collateral at the Religious Court of Talu and to analyze the judicial decision from the perspective of Maqashid Syariah. The study employs two approaches: the statute approach and the analytical approach. The research findings show that the judge granted the inheritance dispute still under collateral with case registration number 559/Pdt.G/2022/PA.Talu. This was due to the judge's application of "rule-breaking," meaning the judge bypassed positive legal rules or written law that were deemed unjust for the seeker of justice. From the perspective of Maqashid Syariah, this decision falls under the category of hajiyyah in the aspect of hifdz mal, meaning that while the need may not result in harm if unmet, it can create various difficulties. Inheritance assets should ideally be distributed promptly to avoid delay and be given to the rightful heirs. In this context, postponing the distribution until the collateral obligations are resolved serves to provide certainty, justice, and prevent potential conflicts among heirs. Thus, the decision aligns with the objectives of Islamic law, which aim to bring benefit and prevent harm.

Keywords: Inheritance Dispute; Collateral Object; Maqashid Syariah

1. Introduction

When someone passes away and leaves assets to others through a legitimate marriage, blood relations or lineage,¹ or a will, a matter of inheritance arises. According to M. Idris Ramulyo, inheritance law is a collection of regulations that govern the rights and responsibilities of a deceased person, which will be transferred to the heirs or other legal entities. The regulations concerning inheritance have been stipulated in Presidential Instruction No. 1 of 1991 on the Compilation of Islamic Law (KHI),² particularly in Articles 171 to 193, which govern the distribution of inheritance. Article 171(a) states that inheritance law regulates the transfer of ownership rights over the deceased's estate (tirkah) and determines who is entitled to be the heirs and how much each heir's share will be. Furthermore, Article 171(e) explains that inheritance includes the assets brought into the marriage, plus a portion of the joint assets, after they have been used for the deceased's needs during illness until death,³ funeral expenses, debt repayment, and gifts to relatives. Article 183 of the KHI states that heirs may agree to resolve the division of inheritance

¹ Ekaterina E. Kozlova, 'Abraham's Burial (Genesis 25.9): An Idyllic Burial or a Dispute over Inheritance?', *Journal for the Study of the Old Testament* 42, no. 2 (December 2017): 177–97, <https://doi.org/10.1177/0309089216677669>.

² Muhammad Fadlan Is Is, Defel Fakhayldi, and Azizatur Rahmah, 'The Effectiveness of Compilation of Islamic Law in Resolving Inheritance Disputes at the Religious Courts of Panyabungan and Padang Sidempuan City', *WARAQAT: Jurnal Ilmu-Ilmu Keislaman* 7, no. 2 (30 December 2022): 239–49, <https://doi.org/10.51590/waraqat.v7i2.387>.

³ Asrul Hamid and Dedisyah Putra, 'The Practice of Buying and Selling During Friday Prayer in Mandailing District Natal: A Study With A Maqashid Al-Syari'ah Approach', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 2 (25 December 2021): 1021, <https://doi.org/10.22373/sjhk.v5i2.7575>.

through reconciliation after each has received their share.⁴ However, in practice, there are often still many disagreements within society regarding how inheritance should be divided among heirs. These disagreements can even cause conflict among the heirs, ultimately leading to legal proceedings in court.

One example of an inheritance dispute can be found in the case handled by the Talu Religious Court, with case number 559/Pdt.G/2022/PA.Talu. In this case, the plaintiffs are Nurmailis Bin M.Lisa (Plaintiff I), Nurhayati Binti M.Lisa (Plaintiff II), Agus Salim Bin M.Lisa (Plaintiff III), Darmawati Binti M.Lisa (Plaintiff IV), and Nurpiati Ningsih Binti M.Lisa (Plaintiff V), with Jamaluddin Bin M.Lisa as the defendant. The involved parties are the children of the married couple M.Lisa and Nurbaya, where M.Lisa passed away on October 10, 1986, and his wife, Nurbaya, passed away on January 23, 2022. After their mother's death, no division of inheritance had taken place concerning the estate, which includes a residential plot and a plasma oil palm plantation. The residential plot was inhabited by Plaintiff I, Plaintiff IV, Plaintiff V, and the Defendant, while the plasma oil palm plantation was controlled by the Defendant, who also enjoyed its profits. Regarding the objects of the dispute, two issues were raised: The first disputed object is a residential plot that is part of M.Lisa and Nurbaya's estate and has not been mortgaged or transferred to any third party. The second disputed object is the plasma oil palm plantation, which was used as collateral for replanting purposes with Bank Mandiri Syariah.

The Defendant had taken the profits from the plasma oil palm plantation, and the plaintiffs had allowed this out of goodwill towards their sibling.⁵ However, after their mother's death, the plaintiffs wished to divide the inheritance among themselves amicably through family deliberations. Unfortunately, these discussions did not result in an agreement, and the Defendant refused to distribute the inheritance.⁶ Consequently, the plaintiffs objected to the Defendant's decision and decided to bring the case to the Religious Court. This situation demonstrates that, despite the clear regulations governing inheritance, the actual implementation often encounters obstacles, especially when there is disagreement within the family. Ultimately, the law becomes the final recourse in seeking justice and a fair resolution to inheritance disputes for all parties involved.

Different opinions emerged in the case of dividing inheritance involving a plasma oil palm plantation, as seen from the judges' decision.⁷ Judge member I, adhering to SEMA No. 3 of 2018, argued that for inheritance lawsuits involving inheritance objects, formal requirements must include complete ownership and involve third parties related to the control of the property. According to this view, the inheritance object in question must meet the criteria of clear and officially registered ownership. In other words, lawsuits that do not meet these requirements cannot be accepted, and therefore, the plaintiffs' claims regarding the division of the plasma oil palm plantation should be deemed invalid. Consequently, Judge member I contended that only lawsuits meeting these formal requirements should be granted, and the decision should only recognize valid rights related to the inheritance object. On the other hand, the chief judge and Judge member III had a different perspective.⁸ They considered that SEMA No. 3 of 2018 is merely an internal circular and not legally binding on all parties. They argued that it is difficult to expect

⁴ Mohammad Hipni, 'The Study of Maqashidi Sharia Toward Maduresse Traditional Inheritance by Using System Approach', *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 14, no. 1 (30 June 2019): 50–71, <https://doi.org/10.19105/al-lhkam.v14i1.2159>.

⁵ Sophie Andreetta, 'The Symbolic Power of the State: Inheritance Disputes and Litigants' Judicial Trajectories in Cotonou', *PoLAR: Political and Legal Anthropology Review* 43, no. 1 (May 2020): 5–20, <https://doi.org/10.1111/plar.12341>.

⁶ Zainal Arifin Haji Munir, 'Analysis of Patterns for Inheritance Dispute Settlement in the Tradition of Sasak Community in Lombok', *Mazahib* 20, no. 2 (12 January 2022): 225–50, <https://doi.org/10.21093/mj.v20i2.3774>.

⁷ Omer Bagcilar et al., 'Automated LVO Detection and Collateral Scoring on CTA Using a 3D Self-Configuring Object Detection Network: A Multi-Center Study', *Scientific Reports* 13, no. 1 (31 May 2023): 8834, <https://doi.org/10.1038/s41598-023-33723-w>.

⁸ Daniel Stout, 'Collateral Objects: Natural Abstraction in Wordsworth and Rankine', *ELH* 88, no. 2 (2021): 289–313, <https://doi.org/10.1353/elh.2021.0013>.

everyone, including the plaintiffs, to fully know and understand the regulations in the SEMA. Therefore, the court decided to consider other aspects of the case that were deemed more relevant and practical.⁹

Based on the above explanation, it is essential to conduct in-depth research to understand how judges consider various aspects when deciding the inheritance dispute related to case number 559/Pdt.G/2022/PA.Talu. This research aims to evaluate the extent to which the court's decision in this case aligns with the principles of Maqasid Syari'ah, which include the fundamental objectives of Islamic law such as the protection of religion, life, intellect, lineage, and property. By adopting this approach, the research will identify any discrepancies between the court's ruling and Islamic legal teachings and propose solutions that better align with Maqasid Syari'ah. The goal of this research is not only to provide practical guidance for future inheritance practices but also to enhance fairness and ensure that court decisions are in harmony with Islamic legal principles. Consequently, this study aims to contribute to the development of a more effective and equitable inheritance legal system in Indonesia.

2. Method

The type of research used in this study is normative juridical research. This research encompasses various important aspects of law, including legal principles, the systematics of law, legal synchronization, and comparative law. These aspects involve in-depth analysis of legislation and court decisions related to citizenship and issues regarding citizenship status within the legal context. The aim of this research is to evaluate the legal impact arising from cases related to citizenship and how legal decisions influence the application of these legal principles. To achieve this goal, the author employs two main approaches. The first approach is the statutory approach, which focuses on analyzing legal texts and regulations to understand how laws are regulated and applied in citizenship cases. The second approach is the analytical approach, which involves a thorough evaluation of the legal system and its implementation, including comparing different legal systems to identify consistencies and discrepancies in legal practices. The data analysis in this research involves gathering information from various legal sources, such as statutes, court decisions, and other legal documents. The collected data will be analyzed to assess how legislation is applied in specific cases and to identify emerging patterns or inconsistencies. The analysis process also includes evaluating the impact of legal decisions on citizenship status and how these decisions align with Maqasid Syari'ah principles. The contribution of this research lies in its potential to enhance understanding of how citizenship-related legal issues are addressed within the framework of Maqasid Syari'ah, providing insights into the alignment between judicial decisions and Islamic legal principles. By offering a comprehensive analysis of legal practices and their adherence to Maqasid Syari'ah, this study aims to contribute to the development of more effective and equitable legal practices in citizenship matters. It is expected that the findings will inform policymakers, legal practitioners, and scholars, facilitating improvements in legal frameworks and ensuring that citizenship issues are resolved in a manner consistent with both national and Islamic legal standards.

3. Analysis or Discussion

3.1. Comprehensive Analysis of Inheritance Law

In Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law,¹⁰ it is stated that inheritance law is the law that regulates the transfer of ownership rights of the deceased's estate (tirkah) to heirs, specifying who has the right to inherit and how much each heir

⁹ Febrian Martha, Febri Yulika, and Endrizal, 'Conflict Resolution of Inheritance Disputes in The Koto Nan Ampek Village of Payakumbuh City', *Journal of Scientific Research, Education, and Technology (JSRET)* 2, no. 3 (12 August 2023): 1296–1306, <https://doi.org/10.58526/jsret.v2i3.226>.

¹⁰ Alejandro Isla, 'Derechos En Pugna. Disputas En Torno de La Herencia de Una Sayaña En Territorio Aymara', *Chungará (Arica)*, no. ahead (2017): 0–0, <https://doi.org/10.4067/S0717-73562017005000107>.

receives. The concept of inheritance according to the Burgerlijk Wetboek (Civil Code) refers to a set of regulations governing the wealth due to a person's death, specifically the transfer of the wealth left by a deceased person and the distribution of this wealth among those entitled to receive it, including the relationships between these individuals and third parties.¹¹ The concept of inheritance according to customary law involves regulations related to the process of transferring and inheriting both material and immaterial wealth from one generation to the next.

The ruling with case register number 559/Pdt.G/2022/PA.TALU pertains to an inheritance dispute filed on September 26, 2022. The Plaintiffs and the Defendant are children from the marriage of Mr. M. Lisa (deceased) and Mrs. Nurbaya (deceased). Upon their death, they left behind heirs including: Plaintiff 1, Plaintiff 2, Plaintiff 3, Plaintiff 4, Plaintiff 5, and the Defendant. During the marriage of Mr. M. Lisa and Mrs. Nurbaya, they acquired joint assets including: a residential land plot with an area of 5100 m², Certificate of Ownership Number 378 in the name of M. Lisa, located in Jambak East Route X, Jorong Jambak, Kenagarian Lingkuang Aua, Pasaman District, West Pasaman Regency, with boundaries as specified in the attached Survey Letter. Additionally, there is a palm oil plantation land with an area of 2 hectares (20,000 m²), Certificate of Ownership Number 41 in the name of M. Lisa, registered in the Plasma KPS-Perintis as a participant in 1987, with management and results entrusted to KUD KPS-Perintis as per the mutual agreement.

The assets in question, which include a substantial residential land plot and a valuable palm oil plantation, have yet to be formally divided among the heirs.¹² Currently, these assets remain solely under the control of the Defendant, who is acting as the management representative. Despite this arrangement, there has been no official transfer of ownership to the Defendant, leaving the situation unresolved. Additionally, the palm oil plantation is encumbered by a mortgage held by Jamaluddin, who has been managing the plantation's operations. This management arrangement has led to significant contention among the heirs, as the distribution of these assets remains contentious and unresolved. The Plaintiffs, who include several other heirs, have found that attempts to settle the matter amicably have been unsuccessful. Consequently, they have escalated the dispute to the Religious Court of Talu, seeking a judicial resolution to the matter. Their goal is to have the inheritance assets divided fairly and legally, reflecting the entitlements of each heir as prescribed by law.¹³

The resolution of this inheritance dispute is of paramount importance,¹⁴ not only for ensuring equity among the heirs but also for upholding the integrity of the inheritance process. This case underscores the critical need for applying fair and transparent inheritance principles, which are essential for maintaining trust and fairness in the management and distribution of estate assets. The Religious Court of Talu has a significant responsibility to deliver a balanced and just decision, one that adheres to both the statutory laws and the principles of Maqasid Syari'ah. By doing so, the court will not only resolve the dispute but also set a precedent for future cases involving similar issues. The decision should aim to respect the rights of all parties involved, ensuring that the inheritance is divided proportionally and in accordance with established legal and religious guidelines. This approach will provide clarity and fairness, addressing the needs of all heirs while upholding the principles of justice and equity in the inheritance process.

¹¹ Khairuddin Hasballah, Dhaiful Mubarrak, and Saddam Rassanjani, 'Disparity in Judge Decisions in Resolving Rad Inheritance Disputes: Case Study at the Sharia Court in Banda Aceh City', *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (30 December 2023): 249, <https://doi.org/10.22373/ujhk.v6i2.8612>.

¹² Nida Rafiqah Izzati et al., 'EFFECTIVENESS OF MEDIATION IN OUT-OF-COURT SETTLEMENT OF INHERITANCE DISPUTES', *ANAYASA: Journal of Legal Studies* 2, no. 1 (29 July 2024): 93–100, <https://doi.org/10.61397/ays.v2i1.181>.

¹³ Lilik Andar Yuni and Murjani Murjani, 'Gender Sensitivity at Judge's Verdicts in Samarinda and Magelang Religious Courts; The Implementation of PERMA Number 03 of 2017', *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 15, no. 2 (29 December 2020): 251–79, <https://doi.org/10.19105/al-lhkam.v15i2.2714>.

¹⁴ Francesco Tajani and Pierluigi Morano, 'The Definition of Fair Divisional Projects in Bankruptcy and Inheritance Disputes', in *Appraisal: From Theory to Practice*, ed. Stefano Stanghellini et al., Green Energy and Technology (Cham: Springer International Publishing, 2017), 255–66, https://doi.org/10.1007/978-3-319-49676-4_19.

3.2. Analysis of Judicial Considerations in Deciding Inheritance Cases

In the judicial review of case number 559/Pdt.G/2022/PA.Talu, a notable divergence of opinion emerged among the judges, highlighting complex legal interpretations surrounding inheritance disputes. The Chairman of the Panel and Judge III argued for a concept of inheritance that upholds complete ownership. According to this perspective, complete ownership encompasses both the asset itself and its benefits, characterized by three essential traits: First, the owner's freedom to use and manage the asset at their discretion. Second, the ability to derive benefits from the asset in any manner that does not conflict with Sharia law. Third, the absence of restrictions on ownership or benefit-taking based on specific times, locations, or conditions imposed by third parties. This view emphasizes a comprehensive approach to ownership, asserting that true ownership involves the full spectrum of control and benefits.¹⁵

In contrast, Judge II raised concerns about a potential legal vacuum. This position arose from the Supreme Court Circular Letter (SEMA) Number 3 of 2018,¹⁶ which stipulates that disputed objects must be declared inadmissible. However, the circular does not address whether disputing parties must withdraw claims involving third parties, leading some to argue that the legal vacuum is not an inherent flaw but rather a procedural requirement. This interpretation suggests that for a claim to be accepted, parties might need to withdraw third-party claims, a position that the panel deemed insufficiently supported. The critique highlights the importance of written law's clarity and precision, asserting that internal directives like SEMA Number 3 of 2018 should not override the clear, explicit language of formal legislation. Given that SEMA is an internal directive, its scope and applicability are limited compared to the broader authority of established laws. Article 183 of the Compilation of Islamic Law (KHI) provides a framework for settling inheritance disputes, allowing heirs to reach an agreement on the division of assets once they acknowledge their respective shares. This provision implies a legal obligation for heirs to understand their entitlements before finalizing the division. However, in the present case, significant disagreements among the heirs have led to ongoing disputes and lack of harmony, indicating challenges in reaching a consensus on the division of assets.

When dealing with inheritance disputes involving mortgaged assets, the court retains the authority to adjudicate the matter. Despite the assets being collateral for a debt, this does not preclude them from being subject to judicial review as objects of dispute, contrary to the stipulations of SEMA Number 3 of 2018.¹⁷ Law Number 48 of 2009 on Judicial Authority mandates that courts must examine, adjudicate, and resolve cases even in the absence of explicit written law. Judges are required to apply written laws where available and to interpret unwritten law responsibly if necessary. This approach ensures that courts fulfill their duty to provide legal remedies based on both established and interpretative legal principles. SEMA Number 3 of 2018, while binding, does not possess absolute authority. It serves as internal guidance issued by the Supreme Court to lower courts, offering directives and instructions for judicial conduct and oversight. Administrative bodies or religious courts may deviate from this guidance in exceptional circumstances if it serves the greater public interest. If judges choose not to apply SEMA Number 3 of 2018, the legal consequences are limited, as SEMA lacks the sanctioning power of formal legislation. Unlike laws,

¹⁵ Shiri Regev-Messalem, 'How the Law "Keeps the Money in the Family": Lessons at the Intersection of Elder Care and Inheritance Disputes in Israel', *Law & Social Inquiry* 45, no. 1 (February 2020): 81–110, <https://doi.org/10.1017/lsi.2019.47>.

¹⁶ Kabardino-Balkarian State University named after H. M. Berbekov and M. A. Khagazheev, 'Some Features of the Resolution of Property and Inheritance Disputes in the Mountain Verbal Courts of the Kuban and Tersk Regions in 1871–1918', *ADYGHE INTERNATIONAL SCIENTIFIC JOURNAL* 24, no. 1 (2024): 100–111, <https://doi.org/10.47928/1726-9946-2024-24-1-100-111>.

¹⁷ Wondale Temesgen Tedla and Kasahun Desyalew Mekonen, 'Inheritance-Induced Familial Disputes in North-West Ethiopia: The Role of Legal-Policy Gaps and Aggravating Socio-Economic Dynamics', *Humanities and Social Sciences Communications* 10, no. 1 (8 March 2023): 92, <https://doi.org/10.1057/s41599-023-01558-5>.

which are supreme and universally applicable under the 1945 Constitution of the Republic of Indonesia, SEMA remains a form of internal communication with restricted enforceability.

The court's decision to uphold the inheritance claim in this case underscores the legal recognition of the plaintiffs as the legitimate heirs of the deceased.¹⁸ By affirming their status, the court has reinforced their entitlement to the inheritance, which is categorized as joint property acquired during the marriage of the deceased. This decision is consistent with established principles of inheritance resolution practiced by religious courts in Indonesia.¹⁹ Historical precedents, such as Decision Number 32/K/AG/2002 and Decision Number 515/K/AG/2008, illustrate how courts have traditionally handled the division of joint property among heirs. These cases have established a procedural framework that ensures equitable distribution by evaluating and allocating assets according to legal and religious guidelines. In cases where inheritance assets are encumbered by mortgages or other financial obligations, the court's authority extends to addressing these complexities as well. Even if the bank or creditor is not a formal party to the dispute, the court is obligated to provide a holistic resolution that encompasses both the assets and any associated liabilities, including outstanding debts.²⁰ This comprehensive approach ensures that the distribution of the inheritance is fair and transparent, with each heir's financial responsibilities clearly delineated. By doing so, the court upholds the principles of fairness and justice, addressing all aspects of the inheritance and its encumbrances to provide a clear and equitable outcome for all parties involved.

4. Principles of Maqasid al-Shari'ah in Resolving Inheritance Disputes

Justice is a central tenet in Maqasid al-Shari'ah,²¹ requiring that all parties involved in an inheritance dispute are treated fairly. This principle mandates that the distribution of assets be done equitably, ensuring each heir receives their rightful share according to Islamic law. In judicial practice, this means making decisions that are free from bias and that reflect a fair allocation of resources. The principle of public benefit emphasizes outcomes that maximize advantages for all parties involved and minimize harm. In inheritance cases,²² this principle guides judges to make decisions that promote the overall welfare of the heirs, fostering harmony and reducing potential conflicts. It encourages the use of mediation or negotiation to reach a resolution that is beneficial for all parties. Protecting property is a fundamental concern within Maqasid al-Shari'ah. This principle ensures that inherited assets are safeguarded against loss or mismanagement. In situations where inheritance assets are mortgaged,²³ it is crucial for judges to ensure that these obligations are addressed before the assets are divided, thereby preserving the value and integrity of the property.

¹⁸ Adi Nur Rohman, 'SHIFTING THE ROLE OF MEDIATION IN ISLAMIC INHERITANCE DISPUTES: AN OVERVIEW OF ISLAMIC LEGAL PHILOSOPHY', *Diponegoro Law Review* 7, no. 2 (27 October 2022): 230–44, <https://doi.org/10.14710/dilrev.7.2.2022.230-244>.

¹⁹ Sueann Caulfield, 'Jesus versus Jesus: Inheritance Disputes, Patronage Networks, and a Nineteenth-Century African Bahian Family', *Hispanic American Historical Review* 99, no. 2 (1 May 2019): 209–45, <https://doi.org/10.1215/00182168-7370214>.

²⁰ Alviona Anggita Rante Lembang, Natanael Andra Jaya Nababan, and Dian Latifiani, 'LIMITATION OF ABSOLUTE AUTHORITY OF RELIGIOUS COURTS AND DISTRICT COURTS IN SETTLEMENT OF INHERITANCE DISPUTES', *Wacana Hukum* 28, no. 2 (5 October 2022), <https://doi.org/10.33061/wh.v28i2.7705>.

²¹ Hua Shi, "'My Last Husband and Marriage:' The Impact of Inheritance Disputes on Chinese Immigrants' Widowhood in the United States', *Ageing International* 47, no. 4 (December 2022): 653–71, <https://doi.org/10.1007/s12126-021-09456-4>.

²² Elfia et al., 'Patterns for Settlement of Punah Inheritance Disputes In the Community of Nagari Salareh Aia from the Perspective of Islamic Law', *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (31 December 2022): 480–505, <https://doi.org/10.19105/al-ihkam.v17i2.6246>.

²³ Arief Yulistira, 'Role of the Village Head in Handling Inheritance Disputes Outside the Court in the Customary Inheritance Law of the Osing Tribe (Blambangan) (Study in Kemiren Village, Glagah District, Banyuwangi Regency)', *Requisitoire Law Enforcement* 14, no. 1 (30 July 2022): 8–13, <https://doi.org/10.59651/relae.v14i1.72>.

Article 183 of the Islamic Law Compilation (KHI) allows heirs to come to an agreement regarding the distribution of inheritance once they are aware of their respective shares. This provision supports the resolution of inheritance disputes by facilitating mutual agreement among heirs. Judges use this article to guide the mediation process and ensure that all parties understand their rights and obligations.²⁴ Applying the principle of justice is essential for fair inheritance distribution. This involves ensuring that each heir's share is allocated according to Islamic law and addressing any disagreements impartially. Judges must carefully consider each party's claims and maintain transparency and fairness throughout the resolution process. When disagreements arise among heirs, it is the judge's responsibility to address and resolve these conflicts. This may involve mediation or other dispute resolution methods to achieve a fair and harmonious outcome. The goal is to facilitate a consensus and avoid prolonged disputes, ensuring that the resolution is equitable for all involved.²⁵

The hajiyyah category within Maqasid al-Shari'ah includes needs that, while not immediately critical, are important for preventing future difficulties. For mortgaged inheritance assets, addressing mortgage obligations is considered a hajiyyah need. Judges must ensure that these obligations are fulfilled before proceeding with asset distribution to prevent future complications. Postponing the distribution of inheritance assets until mortgage obligations are resolved aligns with the hajiyyah principle. This approach helps to ensure that all debts associated with the mortgage are settled before the assets are divided, protecting the assets and maintaining fairness in the distribution process. Providing legal certainty is crucial for preventing further disputes and ensuring that all parties are clear about their rights. Judges must make decisions that are both legally sound and just, considering the impact on all heirs. This approach maintains trust in the legal process and ensures that the resolution is fair and beneficial for everyone involved.

Judges have a significant responsibility in resolving inheritance disputes, particularly in ensuring the welfare of heirs through fair decisions. A just ruling reflects not only the correct application of the law but also contributes to the well-being of all parties involved. Judges must ensure that their decisions comply with legal provisions while considering the social and economic conditions of the heirs. By establishing fair and proportional distributions, judges help reduce uncertainty and potential conflicts, supporting the long-term welfare of the heirs. In considering the public interest, judges are expected to integrate Islamic values into their decisions. Principles of Maqasid Syari'ah, such as justice and benefit, should guide their decision-making. By taking into account the common good and broader ethical principles of Islam, judges ensure that their rulings are not only legally sound but also socially accepted. This approach helps create decisions that are legally valid and morally appropriate. Transparency in handling disputes is key to avoiding further conflicts. Judges must ensure that all processes and decisions in resolving inheritance disputes are conducted openly and clearly. Providing adequate information and explaining the rationale behind decisions help reduce potential future disputes and build trust among the parties involved. This transparent approach contributes to a fairer and more effective resolution process.

The analysis of Case Number 559/Pdt.G/2022/PA.Talu reveals the application of Maqasid Syari'ah principles in the context of inheritance disputes. In this case, the judge had to balance the interests of the heirs with Islamic principles to achieve a just and beneficial outcome. Careful assessment of Maqasid Syari'ah principles, such as justice and asset protection, is crucial in ensuring a satisfactory and legally compliant outcome. The impact of the decision on the management of inherited assets includes direct effects on the welfare and management of the inheritance. A proper decision helps maintain the value and integrity of the inherited assets, ensuring that they are neither wasted nor poorly managed. Judges must consider how their decisions affect the management and distribution of inheritance to protect and maximize benefits for all heirs. Preventive measures

²⁴ Byungil Ahn, 'Searching for Fairness in Revolutionary China: Inheritance Disputes in Maoist Courts and Their Legacy in the PRC Law of Succession', *Modern China* 47, no. 1 (January 2021): 49–84, <https://doi.org/10.1177/0097700420923148>.

²⁵ Ellyne Dwi Poespasari et al., 'SETTLEMENT OF DISPUTES OVER THE INHERITANCE PROPERTY DISTRIBUTION IN THE COMMUNITY OF JUWONO VILLAGE, NGANJUK', *Journal Of Law Theory And Law Enforcement*, 10 November 2023, 106–18, <https://doi.org/10.56943/jlte.v2i4.415>.

are taken to avoid division among heirs and maintain justice. Judges need to identify and address potential sources of conflict before they escalate. This includes mediating between disputing parties and ensuring that all parties feel treated fairly. These steps help maintain harmony among heirs and prevent tensions that could disrupt the inheritance distribution process.

5. Conclusion

In conclusion, the court's decision in the inheritance case involving mortgaged assets, adjudicated under Decision Number 559/Pdt.G/2022/PA.Talu, illustrates a complex interplay between legal and religious considerations. Despite the fact that the inheritance assets in question were encumbered by a mortgage and thus not fully owned by the deceased at the time of their passing, the court's ruling reflects a nuanced understanding of the application of judicial principles. The standard practice, as outlined by SEMA Number 3 of 2018, suggests that assets under mortgage or those with incomplete ownership should not be subject to inheritance disputes. However, in alignment with Law Number 48 of 2009 on Judicial Authority, the court must engage with each case thoroughly, even when faced with legal ambiguities or incomplete statutes. This requirement ensures that all cases are examined, adjudicated, and decided based on the principles of justice, whether through existing written laws or through interpretative measures if such laws are lacking. Judges, therefore, may sometimes need to go beyond conventional legal frameworks to deliver fair outcomes, especially in complex inheritance matters where existing statutes may not fully address all nuances of the case.

From a Maqasid Syari'ah perspective, this case falls under the category of hajiyyah, which emphasizes the importance of protecting essential needs and avoiding potential harm. The principle of protecting assets (hifz al-mal) underscores the necessity of promptly addressing inheritance distribution to prevent any unresolved claims that could lead to future difficulties. By prioritizing the resolution of the mortgage obligations before finalizing the distribution of the inheritance, the court aims to provide clarity, fairness, and prevent disputes among the heirs. This approach aligns with the broader goals of Islamic law, which seeks to ensure that the distribution of inheritance contributes to the welfare of all parties involved and upholds the values of justice and equity. In essence, the application of Maqasid Syari'ah principles in this case reflects a commitment to balancing legal requirements with ethical considerations, striving to achieve both justice and benefit in the resolution of inheritance disputes.

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