

## Sharing Interfaith Inheritance in Muslim Communities Based on Maqasid al-Shariah

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**Abstract:** This article examines the distribution of interfaith inheritance, i.e., inheritance in families with members of various religions in North Sumatra through the *maqasid al-shari'ah* approach. In the pluralistic society of North Sumatra, the distribution of inheritance is often a sensitive issue that requires consideration of Islamic law and local customs. In inheritance situations involving religious differences within the family, this article examines the application of principles of *maqasid al-shari'ah*, which focus on the general objectives of Islamic law, namely, protections of religion (*hifz al-din*), soul (*hifz al-nafs*), intellect (*hifz al-'aql*), descendants (*hifz al-nasl*), and property (*hifz al-mal*). This examination is a qualitative analysis based on interviews with religious leaders, Islamic jurists, and the families involved. The of study results show that applying *maqasid al-shari'ah* in the distribution of inheritance in multi-religious families can provide a fair and harmonious solution. However, closer cooperation is required between religious authorities and the government in providing clear guidelines for distributing inheritance in multi-religious families to create justice and prosperity in society.

**Keywords:** Maqasid al-Shari'ah; Inheritance; Multi-Religious Family; Interfaith Inheritance

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### I. INTRODUCTION

The distribution of inheritance is one of the crucial aspects in people's lives, not only as a succession of property but also reflects the values, beliefs, and social norms that underlie a group.<sup>1</sup> Amid the religious diversity that overshadows Indonesia, the practice of inheritance distribution is often a sensitive terrain, mainly when carried out between different religious groups.<sup>2</sup> The division of inheritance is one of the essential aspects of Islamic family law, which is regulated in the Qur'an and Hadith. However, inheritance distribution often faces various challenges in practice, especially in communities with religious diversity,<sup>3</sup> such as in North Sumatra. North Sumatra, with its high ethnic and religious diversity, presents its dynamics in applying Islamic inheritance law, especially when family members who are entitled to inheritance adhere to different religions.

The research related to the distribution of inheritance between different religions has been carried out several times, including research conducted by Rizki Isihlayungdianti and Abdul Halim. They both conducted a study entitled "Non-Muslim Inheritance in Interfaith

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<sup>1</sup> A. Halim, 'Disparities of the Supreme Court Judge's Decisions on the non-Muslim Inheritance: Indonesian Case' (2021) 24 (1) Journal of Legal, Ethical and Regulatory Issues 1, 8.

<sup>2</sup> Nofaldi and S Rianti, 'The Distribution of Pusako Randah Property in Minangkabau Society: Between Cultural Tradition and Islamic Law Provision' (2024) 23 (1) Mazahib Jurnal Pemikiran Hukum Islam 271, 282.

<sup>3</sup> Fatimah Widyawati, 'University Student's Perceptions on Interfaith Marriage in Indonesia: Openness, Idealism, and Reality' (2024) 15 (1) Religions 56, 78.

Marriages". An important finding in this study is that the distribution of inheritance for non-Muslims in interfaith marriages can be done with compulsory wills. Its application follows the Compilation of Islamic Law Article 209 with the amount not exceeding 1/3 of the inheritance.<sup>4</sup> Maimun conducted the subsequent research titled "Distribution of Inheritance Rights to Heirs of Different Religions Through Mandatory Wills in the Perspective of Islamic Inheritance Law". An important finding in this study is that the alternative solution for interfaith inheritance is a compulsory will to be given to heirs (siblings) of different religions whose share is the same as that of Muslim heirs.<sup>5</sup> Previous research on the inheritance of different religions led to granting inheritance share through the door of compulsory wills. Thus, prior research is very different from the research presented in this article. The novelty of this study is based on the alternative solution of giving different compulsory will through the perspective of *maqasid al-shari'ah* (the objectives of Shari'ah).

Islamic inheritance law generally sets strict rules about who is entitled to receive an inheritance and how many shares each heir must receive. However, in families of members of different religions, questions arise about how these rules are applied. *Maqasid al-shari'ah*, the noble objectives of Shari'ah, emphasises safeguarding five main things: faith, soul, intellect, heredity, and property.<sup>6</sup> In the context of inheritance distribution, *maqasid al-shari'ah* encourages the application of justice, togetherness, and welfare for all heirs, regardless of religious differences. Therefore, it is essential to examine how *maqasid al-shari'ah* can be applied in the distribution of inheritance in families with members of different religions so that it not only follows Islamic law but also considers family harmony and social sustainability.<sup>7</sup>

This study aims to review the implementation of inheritance distribution in multi-religious families in North Sumatra from the perspective of *maqasid al-shari'ah*. An essential question in this study is finding a workable solution in the distribution of interfaith inheritance carried out by the Muslim community in North Sumatra based on *maqasid al-shari'ah*. This research contributes to developing comprehensive and equitable guidelines in the distribution of heritage in a multicultural and multi-religious society and enriches Islamic law discourse in the context of religious plurality in Indonesia.

## II. THE CONCEPT OF MAQASID AL-SHARI'AH IN REALISING BENEFITS

*Maqasid al-shari'ah*, which includes Shari'ah goals such as safeguarding religion, soul, intellect, heredity, and property, can provide a basis for a more flexible and adaptive approach to solving these problems.<sup>8</sup> The theory of *maqasid al-shari'ah* is a concept in Islamic law that

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<sup>4</sup> Rizki Isihlayungdianti and Abdul Halim, 'Kewarisan Non-Muslim Dalam Perkawinan Beda Agama' (in Indonesian) ['Non-Muslim Inheritance in a Marriage of Different Religions'] (2021) 9 (1) Al-Mashlahah Jurnal Hukum Islam dan Pranata Sosial 75, 84.

<sup>5</sup> Maimun Maimun, 'Pembagian Hak Waris Terhadap Ahli Waris Beda Agama Melalui Wasiat Wajibah Dalam Perspektif Hukum Kewarisan Islam' (in Indonesian) ['The Division of Inheritance Rights to Non-religious Heirs through Compulsory Testament in the Perspective of Islamic Inheritance Law'] (2017) 9 (1) Asas: Jurnal Hukum Ekonomi Syariah 67, 87.

<sup>6</sup> Wahyu Abdul Jafar and others, 'The Childfree Phenomenon Based on Islamic Law and its Respond on Muslim Society' (2023) 8 (2) Al-Istinbath: Jurnal Hukum Islam 389, 406.

<sup>7</sup> Khairul Hasbi Hutagaol and Zainal Arifin Purba, 'Inheritance of Different Religions from the Perspective of Shaykh Yusuf Al-Qaradhawi' (2023) 10 (4) Jurnal Akta 339, 355.

<sup>8</sup> Suwarjin and others, 'Virginity and Ring of Worshippers: Sociological, Philosophical, and Maqāṣid al-Sharī'ah Study on Serawai Tribe Traditional Marriage' (2023) 23 (1) Ahkam: Journal of Sharia Science 49, 70.

emphasizes the purpose or intention of the application of Shari'ah.<sup>9</sup> Etymologically, "*maqasid*" means an end or intention, and "Shari'ah" refers to Islamic law or rules taken from the Qur'an, Sunnah, and other legal sources. Thus, *maqasid al-shari'ah* can be interpreted as a goal or intention Islamic law wants to achieve. In the modern era, the theory of *maqasid al-shari'ah* has undergone further development. Contemporary scholars such as Al-Shatibi expand the scope of *maqasid al-shari'ah* by including additional goals such as social justice, public welfare, and environmental protection. This theory is also an important foundation in *ijtihad*, an attempt to interpret Islamic law to answer contemporary challenges not explicitly regulated in legal source texts. By focusing on legal objectives, scholars can provide fatwas and decisions following the context of modern times without abandoning the basic principles of Shari'ah.

### III. RESEARCH METHOD

This study uses a qualitative method with a content analysis approach to classical and contemporary Islamic literature and relevant case studies. Primary sources such as the provisions of the Qur'an and Hadith as primary source, and *fatwa* of *ulama* (legal opinion of Islamic scholars) and other secondary sources such as journal articles and books discussing the distribution of inheritance in the context of multi-religious families and *maqasid al-shari'ah* are used. This research begins with a literature review to provide the basic concept of *maqasid al-shari'ah* and the inheritance distribution theory and rules according to Islamic law. The application of *maqasid al-shari'ah* to the distribution of inheritance in multi-religious families is studied based on data collected through structured and semi-structured interviews to understand the practice of dividing interfaith inheritance in the community. The interviews were conducted with people in North Sumatra having multi-religious families, community leaders, and local government officials. In addition, participatory observation is also used to witness firsthand the process of inheritance distribution in the community. The interview data is analysed using a descriptive-analytical method by combining the *maqasid al-shari'ah* approach in assessing justice, benefits, and protection of heirs' rights. This analysis also involves an assessment of the conformity of practices in the field with the basic principles of *maqasid al-shari'ah*.

### IV. RESULT AND DISCUSSION

Differences can be a unifying factor in a pluralistic society, but they are often claimed to trigger conflict. These conflicts frequently manifest social conflicts with religious symbols for specific purposes and interests. There are many ways for spiritual people to live in harmony, tolerate positively, and cooperate communally and constitutionally. As a modern society faces changes in social dynamics or social transformation, participation in resolving conflicts should be wiser and active so that people do not lose their character and culture.<sup>10</sup>

Social harmony is a pillar of national development. If the regions can create harmony, then national stability will be maintained and it will become a pillar of development success, especially if social harmony is disturbed due to social and economic disparities and religious differences. North Sumatra is one of the provinces in Indonesia with a significant difference in religion, so a concept that all parties can accept without feeling disadvantaged or discredited is

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<sup>9</sup> Ahmad Rusyaid Idris, Muhammad Khusaini and Syaiful Anwar Al-Mansyuri, 'Contemporary Islamic Law in Indonesia: The Fulfillment of Child Custody Rights in Divorce Cases Caused by Early Marriage' (2024) 3 (1) MILRev: Metro Islamic Law Review 1, 21.

<sup>10</sup> Ahmad Akbar, 'Non-Muslims' Rights in the Jurisprudential Approach of a Contemporary Shī' Cleric: Ayatollah Yūsef Āneī's View' (2024) (1) Welt des Islams 78, 90.

needed.<sup>11</sup> Furthermore, the researcher interviewed several related figures and the community to meet the needs of a comprehensive and reflexive legal concept.

Ibn Mufid said, "In North Sumatra, several tribes exist, including Malays, Karo, Toba, and Mandailing. If Batak Karo (one of the sub-tribes of the Batak ethnic group living in North Sumatra, Indonesia), in general, does not care too much about religion so that when one of his family members converts to Islam, it does not matter and does not interfere with the rules. However, if there is a dispute over the inheritance issue, it will be returned to the local customs. Furthermore, in the Batak Karo people with their patriarchal kinship system, the ones who have the right to inherit are boys. Meanwhile, girls are not seen as heirs of the Karo community, like other Batak people, also adhering to the patriarchal kinship system. The right to inheritance is restricted to the boys, while girls do not get inheritance from their parents. In the view of the Karo community, a girl who gets married will become part of the male family and get property from her husband. The patrilineal kinship system adopted by the Karo people has placed men as the "superior" party compared to women."<sup>12</sup>

Lately, the issue of Karo women's heirs has also become aware of customary rules that place them as "second-class" creatures, and it is perceived as something that does not reflect justice. On the one hand, girls are usually support their parents. Girls become friends by sharing stories. For instance, when the parents are sick, the daughter takes care of them. This is seen as an obligation. Not infrequently, girls take care of and bear the cost of their treatment. In reality, parents feel more comfortable living with their daughter than with their son (with their daughter-in-law). On the other hand, at the time of the inheritance distribution, they did not get any inheritance. This makes Karo women "protest", even though their expressions are only visible in words.<sup>13</sup>

In line with the above, Nur Hayani said, "Now, unlike in the past, the implementation of the inheritance law in the land of Karo has emerged the awareness of the Karo Muslim community (brothers) to give inheritance to their daughters or sisters".<sup>14</sup> The daughter is gets a share of the inheritance or just a gift from the brother as a sign of affection and appreciation. Karo women have received an inheritance even though it is very small. The awareness in the Karo community of giving inheritances to girls is due to the generosity of her brother. Therefore, the property received by the daughter is referred to as a tribute, a sign of affection, or an appreciation. In addition, girls get an inheritance because they are seen as entitled to receive it. Usually, in this case, a will or grant from the parents applies.<sup>15</sup>

According to Samsul Rijal, girls are seen as equal to boys.<sup>16</sup> This is still in the context of changes in Karo customary law. In essence, how does the Karo Muslim community make the legal choices to complete the distribution of their inheritance? There are still those who persist in customary law, and the number is minimal. It is estimated that in the future, more and more Karo Muslim communities will "deviate" from their customary law lines. At least they will make modifications to the customary law of their inheritance.<sup>17</sup>

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<sup>11</sup> R. Rifayanti and others, 'A Theological Study of the Impact of an Interreligious Marriage: Self-Adjustment in Couples from Different Religions' (2024) 105 (2) *Pharos Journal of Theology* 1, 11.

<sup>12</sup> Interview with Ibnu Mufid, 'Resident, Deli Serdang, North Sumatra' (2023).

<sup>13</sup> *ibid.*

<sup>14</sup> Interview with Nur Hayani, 'Resident, Deli Serdang, North Sumatra' (2023).

<sup>15</sup> *ibid.*

<sup>16</sup> Interview with Samsul Rijal, 'Resident, Deli Serdang, North Sumatra' (2023).

<sup>17</sup> *ibid.*

Parents take this method (modifications to customary inheritance law) in addition to creating justice among their children, and it also aims to avoid conflicts between fellow heirs.<sup>18</sup> Although until today, the awareness of Karo women claiming their rights has not been seen, legal awareness for Karo women may be strengthened in the future. No less attractive, some informants said that what they do by giving property to girls, no matter what, is a form of a combination of customary law and religious law. For them, it is more important to maintain family harmony rather than allow it to crack and crumble because of the unfair distribution of inheritance.<sup>19</sup>

Furthermore, according to Nurul Kalamudin,<sup>20</sup> regarding the inheritance of different religions in one family, the inheritance distribution usually begins with the deliberation of the heirs first. However, if there is a problem that the heirs themselves cannot solve, the families will call other families or relatives to solve the problem. If the issue has not yet been resolved, the traditional leaders and officials will be called into the deliberations to reach the best agreement in the community; if there is a dispute or difference of opinion, deliberation/consensus will be carried out between the disputing parties mediated by the traditional leaders so that the parties do not feel tense or rigid when conducting the deliberation/consensus. In the deliberation/consensus, a decision will be made based on the principle of propriety: what decision is considered appropriate or appropriate to be taken as a middle ground in the dispute, if any?<sup>21</sup>

In addition, for the Mandailing people, this customary inheritance system is the most appropriate inheritance distribution system to implement. The customary inheritance system of the Mandailing people being described here prioritizes giving a larger portion of the inheritance to male heirs, while still considering the protection and welfare of female heirs, particularly unmarried daughters. This system is regarded as the most appropriate by the Mandailing community because it is not seen as contradicting Islamic law, which is strongly upheld, and it ensures that women, often viewed as more vulnerable, are protected. First, it is considered not contrary to Islamic law, which has always been upheld by the community and also the inheritance distribution system, which is supposed to be able to protect women who are considered weak by most men. If the inheritance is given to a man, then the daughter's fate can be insecure, especially if the daughter is unmarried, and no one can bear her life without her parents' inheritance. Because of the death of both his parents, the property was given to boys in more significant amounts. In addition, it can also protect heritage, so it is not easy to trade in more significant amounts.<sup>22</sup>

As for the relationship with the inheritance of different religions, it is necessary to consider the ability and inability of Muslims to obtain inheritance from non-Muslims.<sup>23</sup> Legal pluralism is inevitable for the people of Indonesia, but the government's task is to make people follow the rules made by the government so that legal unity is created at the level of practice and people

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<sup>18</sup> Icha Choerunnisa and Tjempaka Tjempaka, 'The Distribution of Inheritance Rights to Heirs of Different Religions: Study of Court Decision Number 0554/PDT. P/2023/PA. SBY' (2024) 4 (1) *Journal of Law, Politics and Humanities* 920, 932.

<sup>19</sup> Interview with Rijal (n 16).

<sup>20</sup> Interview with Nurul Kalamudin, 'Resident, Deli Serdang, North Sumatra' (2023).

<sup>21</sup> Interview with Udin, 'Former village head in Tanjung Harapan Rantau Prapat, North Sumatra' (2023).

<sup>22</sup> Interview with Nur Niswah, 'Resident, Mandailing, North Sumatra' (2023).

<sup>23</sup> Najamudin Najamudin and others, 'Religious and Cultural Diversity in Inheritance Law: A Discussion on the Impact of Judicial Will Considerations on the National Legal System in Indonesia' (2024) 11 (1) *Al-Qadha: Journal of Islamic Law and Legislation* 32, 38.

follow the laws that are set.<sup>24</sup> This can be done in various ways: legal counselling, socialisation, teaching, etc. An example of legal pluralism has occurred in Medan City, North Sumatra, where there is a conflict between government and customary law. We can find something like this in the problem/dispute between the Sultanate of Deli and the government. In Indonesia's immensely diverse society, there are several legal provisions regarding the inheritance of different religions, namely the provisions of Islamic law (for the Muslim community), the provisions of civil law (which are enforced in the District Court), and the provisions of customary law for Indigenous peoples (enforced in each religion). In the case of inheritance, there may be parties of different religions. For instance, when the Muslim die and some of his/her heirs are Muslim some are non-Muslim, and vice versa.<sup>25</sup> According to the Indigenous people, any alternative distribution of inheritance based on customary law is the only option for obtaining justice because they are both positioned equally; that is, they both get inheritance even though, in the end, they get different amounts.<sup>26</sup> This is, of course, very different from the rules of Islamic law, which clearly say that non-Muslims are not entitled to inheritance from their Muslim brothers. When Indigenous peoples stick to their stance, namely the distribution of inheritance of different religions according to their respective customary rules, it appears that the application of laws and regulations are weak. Supposedly, when the state stipulates, the community must obey it and implement the rule thoroughly. However, this remains a problem when this very diverse Indonesian society has its customary rules, which existed long before the law was formed. This is where legal pluralism remains binding in Indonesian society today. According to the community, this is fair based on their understanding.<sup>27</sup>

The practice of inheritance distribution among the Malay community generally follows Islamic law, with the *faraid* (obligations) system as the primary guideline. Even when an heir feels satisfied with a smaller portion or wishes to relinquish their share to another, the distribution process must still begin according to *fiqh* (Islamic Jurisprudence) principles. Only after this initial division can they choose to give more to a sibling or transfer their entire share, but it must always start with the standard Islamic division.<sup>28</sup> As for cases of inheritance involving different religions within the Malay community, particularly in Asahan (North Sumatra), they are rarely encountered. There are almost no instances of apostasy or significant religious differences, so inheritance distribution across different religions is virtually non-existent.<sup>29</sup>

The following are the practices of inheritance of different religions in the North Sumatran Community: first, the family of Mr. Naek Sidabutar's spouse and his wife are Christians who are devout in the Tebing Tinggi area of North Sumatra have six (6) children, namely: Harapan Sidabutar, Halasan Sidabutar, Burhanudin Sidabutar, Joner SidabutarAnton Sidabutar, and Sudirman Sidabutar (Muhammad) who converted to Islam and married Umi from Tebing Tinggi. Sudirman converted to Islam the whole family was angry and almost taken away from the Sidabutar family. However, Sudirman, who is now called Muhammad, still maintained his relationship with his family. In 2000, his father predeceased him and made a will that the house is for the youngest (Sudirman Sidabutar/Muhammad), and he also advised his children, whether Muslim or Christian, to practice their respective religions properly and correctly, not

<sup>24</sup> Junaidi Junaidi, 'The Basis of Judges 'Considerations on Decisions of Different Religious Heritage in Islamic Law Perspective' (2020) 20 (2) Nurani: Journal of Sharia and Community Studies 277, 286.

<sup>25</sup> Interview with Julius, 'Resident, Deli Serdang, North Sumatra' (2023).

<sup>26</sup> Aden Rosadi and Siti Ropiah, 'Reconstruction of Different Religion Inheritance through Wajibah Testament' (2020) 8 (2) Peuradeun Scientific Journal 327, 334.

<sup>27</sup> Interview with Rijal (n 16).

<sup>28</sup> DA Gede Agung and others, 'Local Wisdom as a Model of Interfaith Communication in Creating Religious Harmony in Indonesia' (2024) 9 (1) Social Sciences and Humanities Open 17, 24.

<sup>29</sup> Interview with Yusmita, 'Professor of Islamic Family Law, Bengkulu' (2023).

just as an identity. While the land was divided equally by all his children, each to get 5 hectares, and specifically for Sudirman, who was a Muslim, to get land and a house, the house is now used as an old house and a gathering place for the whole family as originally functioned, only Sudirman did not eat food that Islam forbade.<sup>30</sup>

Second, the family of Adatua Moresen Munte (Tanjung Harapan village, Angkatan district, Labuan Batu regency) has seven (7) children; the first and the third children died in their childhood, the second child Resmelina Refliani Rolestoni Sugianto Munte who married Ida Wisnu who came from Jakarta, then Roles was told to go home by his parents to Tanjung Harapan, his parents' village, all of his wife's children roles came home to Tanjung Harapan village because if they did not come Roles would be scolded by his parents roles. Roles' parents did not interfere with religious matters, all were left entirely to their children. After returning to the rank, Roles got 5 hectares of oil palm and a house on condition that he did not return to Jakarta if he returned to Jakarta, the house and oil palm plantation would automatically move to his brother.<sup>31</sup>

Third, in Sukimin's family, Sukimin has 4 children Lina, Suryanto, Fitri Nina, and Jeni. Sukimin's family is devout Islam, but Jeni converted to Christianity due to association or other factors. The family is angry and does not consider Jeni as a member of the family. Jeni's family has been removed from Mr. Sukimin's extended family. When her father died, Jeni did not give her an inheritance by her family. Gradually, the entire family became prosperous and wealthy, except for Jeni. Seeing Jeni's unsuccessful condition compared to her brother's, the family finally decided to give her part of the inheritance, which was then detained.<sup>32</sup>

This data on the inheritance of different religions will find a solution if analysed with the concept of *maqasid al-shari'ah*.<sup>33</sup> *Maqasid al-shari'ah* is a concept in Islamic law that focuses on the main goals (*maqasid*) that are intended to be achieved by the Shari'ah, namely safeguarding religion (*hifz al-din*), soul (*hifz al-nafs*), intellect (*hifz al-aql*), descent (*hifz al-nasl*), and property (*hifz al-mal*). In the context of inheritance distribution, *maqasid al-shari'ah* is an essential basis for understanding and implementing rules related to the distribution of heritage assets. With the diverse ethnicities and customs that develop in the community, North Sumatra Province presents a unique dynamic in implementing heritage distribution. In this context, it is important to review how the principles of *maqasid al-shari'ah* are applied in the practice of inheritance division in the region.

In terms of *hifz al-din* (maintaining religion), *hifz al-nafs* (maintaining the soul), and *hifz al-mal* (maintaining wealth), the property that a Muslim inherits from the infidels, of course, can be used for the struggle of Islam in various fields, such as education, Islamic *da'wah*, and others. Islam will be stronger with the wealth owned by Muslims. The property owned can be helpful for the struggle of Islam, finance the education, and help the poor Muslims, it will be that property which Muslims do not inherit due to religious prohibition.<sup>34</sup>

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<sup>30</sup> Interview with Man Nauli, 'Resident, Tebing Tinggi, North Sumatra' (2023).

<sup>31</sup> Interview with Teti, 'Resident, Tanjung Harapan, North Sumatra' (2023).

<sup>32</sup> Interview with Nurul Janah, 'Resident, Deli Serdang, North Sumatra' (2023).

<sup>33</sup> Muhammad Taufiq Agiel and others, 'The Dynamics of Inheritance in various Modern Muslim Countries' (2023) 4 (1) Al Mashaadir: Journal of Sharia Sciences 1, 12.

<sup>34</sup> Zaini Zaini, Dhiyauddin Tanjung and Ramadhan Syahmedi Siregar, 'Tradition of Distributing Inheritance Property in Communities of the City of Subulussalam in District Maqasid Sharia Perspective' (2024) 7 (1) Indonesian Interdisciplinary Journal of Sharia Economics (IIJSE) 5415, 5430.

Therefore, it is clear that the property will benefit Islam more than when the property is in the hands of the infidels who have never thought in their hearts to think about the struggle of this religion, Islam. In addition, the property that is in the power of Muslims can certainly be used to maintain the existence of Islam on this earth. All the benefits that have been presented are *qaṭ'i* (definitive). This means that the benefits are real; there is no doubt about the truth. Thus, the ability of Muslims to inherit kafir is enough to meet the requirements for benefits as stipulated by al-Ghazali above.<sup>35</sup>

While as-Syatibi sets a condition that seems lighter about benefits when compared to al-Ghazali, namely that benefits should be logical, have a global relationship with the purpose of the Shari'ah, and be at the level of *dharurat* or *hajjiyat* (necessities).<sup>36</sup> The theory of as-Syatibi above, if it is associated with the ability of Muslims to inherit kafir, then in terms of *hifẓ al-din* (maintaining religion), all the benefits that the researcher has described are following al-Ghazali's theory, both in terms of preserving *aqidah* (belief), worship, and *mu'amalah* (conduct) are logical and can be accepted rationally.<sup>37</sup>

In terms of *hifẓ al-nafs* (preserving the soul), the ability of Muslims to inherit kafir has several benefits at the level of *hajjiyat*, including, first, preventing Muslims from being weak in life due to poverty. Second, to prevent Muslims from being humiliated for begging others. This ability will be more able to ensure the survival of Muslims, even if it is only a tiny Muslim family. Ensuring the survival of a Muslim family is the same as providing the existence of Islam in an area where the Muslim family resides. A Muslim who is allowed to inherit the property of his disbelieving parents then, of course, he will not be a beggar.

The wealth in the hands of a Muslim will not only be able to help the Muslims to be strong but can also be used as a means to maintain Islam from the weak ummah, which is easily defeated by the enemies of Islam who want to control the Muslims. In addition, this wealth will also maintain the pride of Muslims from humiliation due to poverty. Likewise, in terms of *hifẓ al-aql* (maintaining intellect), this ability will make the mind calmer because it lives without shortcomings.

In the case of *hifẓ al-māl* (preserving property), in addition to avoiding damage or misuse of property by those who do not believe in Allah, it is also to safeguard the ownership of property by a Muslim family. Of course, that ability will also direct the property and wealth that comes from Allah, which was once controlled by the disbelievers and is not used for obedience. However, when inherited by his Muslim son, the property is used to obey Allah. All the benefits that have been explained based on the theory of as-Syatibi above are logical benefits at the level of *hajjiyat*, which are benefits intended to avoid difficulties in religion.

## V. CONCLUSION

Several important findings have been obtained from the research that has been conducted. First, there are several types of inheritance distribution models in North Sumatra. Some people still

<sup>35</sup> Norholis, 'Application of Inheritance Practices from a Maqasid Sharia Perspective a Case Study of Banyuputih Kidul Jatiroto Lumajang Village' (2022) 11 (2) Legal Brief 3511, 3523.

<sup>36</sup> Nur Saniah, Nawir Yuslem and Hasan Matsum, 'Analysis of Maqāshid Sharī'a on Substitute Heir in Compilation of Islamic Law (KHI)' (2023) 20 (1) Al-'is 35, 42.

<sup>37</sup> Ihwan Sormin and Zezen Zainul Ali, 'The Comparative Study of the Protection of Women's Rights in Article 463 of the New Criminal Code with Law Number 36 of 2009 Concerning Health Perspective of Jaser Auda' (2023) 2 (2) MILRev: Metro Islamic Law Review 187, 194.



inherit each other even though they are of different religions. In some Karo people, if there is a family that converts to another religion, they are excluded from their customs so that they do not get inheritance rights. Second, a review of *maqasid al-shari'ah* on the implementation of inheritance distribution in North Sumatra Province shows that there are challenges in integrating Shari'ah law with local customs. However, with the approach that *maqasid al-shari'ah* by associating five principles, namely some do not inherit each other under the pretext of being prohibited by the hadith, then, in this case, it means that the *hifzu ad-din* is still maintained, some inherit each other, which means also taking care of the family or *hifzu an-nasl*. The distribution of inheritance between different religions with the *maqasid al-shari'ah* approach can be applied effectively to achieve justice, maintain family relationships, and protect inheritance following the main goals of Shari'ah.