

## THE USE OF THE HEIR'S ASSETS FOR A KENDURI KEMATIAN ACCORDING TO THE VIEW OF ULAMA (Case Study of Sub-District Of Meranti, Asahan Regency)

Syaiful Anwar, Ali Akbar

Universitas Islam Negeri Sumatera Utara Medan

Email: nurulhuda011100@gmail.com

aliakbar@uinsu.ac.id

### Abstract:

This study aims to analyze the views of scholars in Meranti Village, Meranti District, Asahan District on the use of inheritance for a death feast. The method used in this research is field *research* methods to collect qualitative data. Research data collection is done through observation, interviews, and analysis of documentation. The data analysis technique was carried out through qualitative analysis because this study refers to the theories contained in the Koran and the opinions expressed by the scholars regarding the use of heirs' inheritance for death feasts. The results of this study indicate that in the Meranti sub-district, Asahan Regency, the use of heirs' inheritance that is not in accordance with Islamic teachings, for example, is used for a death feast which is considered a tradition. In Islam the tradition may be maintained if it does not conflict with Islamic teachings, but the death feast which is considered a tradition turns out to be contrary to the teachings of the Islamic religion which was perfectly brought by the Prophet Muhammad. However, this is also still happening among the people in Meranti Village, Meranti District, Asahan District. In the view of Islam, holding a death feast involving the property of the deceased, inheritance and property of orphans is not required but holding a spirit feast like the practice of some people in which the family of the dead provides food to those who visit it is not a mistake from the side of syarak, even considered as good deeds if the goal is to agree to pray and ask for mercy from Allah swt for the dead, on the condition that the feast is not held for riya purposes but sincerely because of Allah.

**Keywords:** *inheritance, Kenduri Kematian Views of the Islamic Ulema*

### Introduction

Islamic inheritance law is the pillar of Islamic law which is fundamentally determined in Islamic law in a very orderly and fair manner. The existence of inheritance law is described in detail, systematically, concretely and realistically. Inheritance implies or has an impact on the belief that inheritance law cannot be changed and rejects all ideas of renewal<sup>1</sup>. In inheritance or Faraid, it is known as the transfer of property from people who have died to people who are still living<sup>2</sup>. So the distribution of inheritance is caused by death.

---

<sup>1</sup> Maylissabet, Maylissabet. "Hukum waris dalam kompilasi hukum Islam perspektif filsafat hukum." *TERAJU: Jurnal Syariah Dan Hukum* 1.01 (2019): 9-20.

<sup>2</sup> Syarifuddin, Amir. "Garis-garis besar fiqh." (2019).

Death is a destiny that cannot be known when it will arrive and every living creature will definitely experience death. According to the words of Allah SWT in Surah Ali-Imran verse 185:

كُلُّ نَفْسٍ ذَائِقَةُ الْمَوْتِ وَإِنَّمَا تُوَفَّوْنَ أُجُورَكُمْ يَوْمَ الْقِيَامَةِ فَمَنْ زُحْزِحَ عَنِ النَّارِ وَأُدْخِلَ الْجَنَّةَ فَقَدْ فَازَ وَمَا الْحَيَاةُ الدُّنْيَا إِلَّا مَتَاعُ الْغُرُورِ

The meaning:

*Everyone who lives will feel death. And only on the Day of Judgment will you be fully rewarded. Whoever is removed from Hell and admitted to Paradise, verily, he has gained victory. The life of the world is just a pleasure that deceives<sup>3</sup>.*

Death is something unseen that only God knows. And that is in accordance with His words in surah At-Taghabun verse 18:

عِلْمُ الْغَيْبِ وَالشَّهَادَةِ الْعَزِيزُ الْحَكِيمُ

The meaning:

*The one who knows the unseen and the real, the Mighty, the Wise<sup>4</sup>.*

Because of the death, there are several rights and obligations of the heirs, namely taking care of the fardu kifayah, fulfilling the will, paying the debt, and distributing the inheritance. According to the science of fiqh, inheritance is anything left by the deceased, either in the form of property or rights, the cause of death becomes the right of the heirs according to sharia<sup>5</sup>.

This is also related to human life which will always coexist with interests that are individually or collectively. One of the interests of humans is marriage because marriage is a teaching of Islam. Then from a marriage there will be further problems, namely about inheritance. Legal consequences will arise if there is death or when someone has died, including the management and continuation of that person's rights and obligations will be transferred to his heirs.

The rights and obligations in the settlement are regulated by inheritance law which is quite important because in the distribution of inheritance it can often lead to unfavorable consequences for some families, many problems occur such as inheritance struggles because there are heirs who feel they do not get inheritance with fair.

With regard to inheritance after the rights of the deceased have been carried out, such as the need for burial, the will is fulfilled and the debt is paid, then the property must be distributed to the heirs. This is also mentioned by Imam Shafi'i in his book Al-Umm, namely:

قال الشافعي: رحمه اهلل تعالى فرض اهلل تعالى ميراث الوالدين والخواة والزوجة والزوج

<sup>3</sup> Departemen Agama RI, *Al-Qur'an dan Terjemahan* (Jakarta: Gema Insani, 2022), hal 75

<sup>4</sup> Mursyid, Ali. "Tafsir Ayat-Ayat Pandemi: Studi Atas Fatwa Majelis Ulama Indonesia (MUI)." *MISYKAT Jurnal Ilmu-ilmu Al-Quran Hadist Syari ah dan Tarbiyah* 5.1 (2020): 23-50.

<sup>5</sup> Welas, Ninuk Tri. "Comparative Study of Development between Islamic Inheritance Law According to Compilation of Islamic Law (KHI) & Faroid Science." *Sultan Agung Notary Law Review* 3.1 (2021): 164-180.

The meaning:

*Imam ash-Shafi'i rahimahullah ta'ala has said: God has mandated the inheritance of parents, brothers, husbands, and wives<sup>6</sup>.*

The expression of Imam Shafi'i is in accordance with the Word of Allah SWT in Surah An-Nisa verse 11, as follows:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ ۚ فَإِن كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ ۚ وَإِن كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ ۚ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِن كَانَ لَهُ وَلَدٌ ۚ فَإِن لَّمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَتْهُ أَبَوُهُ فَلِأُمِّهِ الثُّلُثُ ۚ فَإِن كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ مِن بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دِينٍ ۚ أَبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُم أَقْرَبُ لَكُمْ نَفَعًا ۚ فَرِيضَةٌ مِّنَ اللَّهِ ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

The meaning:

*Allah has prescribed (obligatory) on you regarding (the division of inheritance for) your children, (ie) the share of a son is equal to the share of two daughters. And if the children are all girls whose number is more than two, then their share is two-thirds of the property left behind. If she (daughter) is only one, then she gets half (the property left behind). And for both parents, the share of each one-sixth of the property left behind, if he (the deceased) has children. If he (who dies) has no children and he is inherited by his two parents (only), then his mother gets a third. If he (the deceased) has several siblings, then his mother gets one-sixth. (The distributions mentioned above) after (fulfillment of) the will he made or (and after being paid) the debt. (About) your parents and your children, you do not know which of them will benefit you more. This is God's decree. Indeed, Allah is All-Knowing, All-Wise<sup>7</sup>.*

Supported by the hadith of the Prophet SAW narrated by Muttafaq Alaihi from Ibn Abbas which reads:

عَنْ ابْنِ عَبَّاسٍ - رَضِيَ اللَّهُ عَنْهُمَا - قَالَ : قَالَ رَسُولُ اللَّهِ ﷺ ( أَلْحَقُوا الْفَرَايضَ بِأَهْلِهَا , فَمَا بَقِيَ فَهُوَ لِأَوْلَى رَجُلٍ ذَكَرَ ) مُتَّفَقٌ عَلَيْهِ

The meaning:

*From Ibn Abbas that the Prophet sallallaahu 'alaihi waSallam said: "Give a share of the inheritance to his heirs, the rest belongs to the closest male." (HR. Muttafaq Alaihi)<sup>8</sup>.*

So based on the opinion of Imam Shafi'i, showing the Qur'an and also supported by the hadith of the Prophet Muhammad, then the law of implementing the distribution of inheritance is obligatory for Muslims. But what happens in the

<sup>6</sup> Borotan, Amrin. "Pendapat Imam Syafi'i Tentang Hak Kewarisan Istri Yang Ditalak Ba'in Oleh Suami Yang Sakit Keras." *Hukumah: Jurnal Hukum Islam* 5.1 (2022).

<sup>7</sup> Departemen Agama RI, *Al-Qur'an dan Terjemahan* (Jakarta: Gema Insani, 2022), hal 11

<sup>8</sup> Adib Bisri, *Terjemahan Shahih Muslim* (Semarang : asy-Syifa, 2016), h. 146

community is still often delay the implementation of the distribution of inheritance for various reasons while they use the property.

Along with the distribution of inheritance which is also related to the use of the inheritance. Indonesia is a country that is rich in culture and various tribes that are found in each of their respective regions which are still maintained from generation to generation even though times have changed and continue to develop from time to time<sup>9</sup>. One of the traditions or customs that are still often practiced in Indonesia is the kenduri kematian. This was also done in Meranti Village, Meranti District, Asahan Regency.

Meranti Village is one of the villages in Meranti sub-district, Asahan Regency, the majority of the population is Javanese and Batak, and almost all embrace Islam, so there are traditions or habits that are often carried out by the people in Meranti Village. For the people in Meranti Village, adat is not just a habit or order, but like something that includes aspects of physical and spiritual life, the present and the future, as well as relationships with fellow people, as well as relationships with the creator. In this case, the people in Meranti Village carry out a tradition called the kenduri kematian.

Kenduri kematian is the gathering of guests in a crowd at the house of a person who is an expert in the accident of death with a banquet (food). As for the feast in the Muslim tradition, it is the custom of eating together and has become a culture in Indonesia that is ingrained in its society<sup>10</sup>. And the tradition is usually held on the first, second, third, seventh, fortieth, hundredth, and yearly nights. The feast is carried out by reading verses from the Koran such as reading al fatihah, short suras, remembrance and praying for someone who has died with the aim that his sins are forgiven and calm in the grave<sup>11</sup>. And after the calamity expert's family will distribute food and talk then go home with a gift called a blessing.

The origin of the existence of kenduri in Indonesia is when before the entry of Islam in Indonesia this custom was brought by Sunan Kalijaga, at that time many people in Indonesia still believed in mystical things. So this causes them to believe and believe that if the soul is removed from a person's body, it will come to haunt his house for seven days, then after seven days the spirit will leave, but will come back again on the fortieth day, the hundredth day, even in the day of the year. But there are also some of them who only believe that the spirit will come back on every date and month when the body died and this is still very much attached to the beliefs of ordinary people to this day<sup>12</sup>. After that came the Hindu and Buddhist beliefs that introduced the gods, although these beliefs also could not replace the previous Javanese beliefs. According to Koentjaraningrat, the Javanese in general

---

<sup>9</sup> Nur, Aslam. "Garis Batas Antara Agama dan Budaya Dalam Perspektif Antropologi." *Jurnal Adabiya* 19.1 (2020): 49-56.

<sup>10</sup> Salma, Salma. "The Study of Islamic Law About The Deceased Muslim and Its Cultural Symbols in Sumpur Kudus, West Sumatera, Indonsia." *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 5.1 (2021): 402-425.

<sup>11</sup> Faizah, Khairani. "Kearifan lokal tahlilan-yasinan dalam dua perspektif menurut Muhammadiyah." *Aqlam: Journal of Islam and Plurality* 3.2 (2018).

<sup>12</sup> Anasom, Anasom. "Ajaran Dakwah Sunan Muria (Kajian Rijal Al-Dakwah)." *Jurnal Ilmu Dakwah* 37.1 (2018): 83-107.

mention various names of gods, complete with the characteristics and appearance of each. And these gods are known in wayang stories<sup>13</sup>.

Kenduri is a tradition or custom that has been passed down from ancestors that have existed for centuries with the aim of sending a special reward for people who have died and the Kenduri has become like a burdensome necessity and has to be held, so it is difficult to avoid, let alone deleted<sup>14</sup>. The use of inheritance for a kenduri kematian is usually part of the community using inheritance that has not been distributed. And the use of inheritance has an impact on delaying the distribution of inheritance.

As happened to several families in Meranti District, Asahan Regency. When an heir dies, and leaves an inheritance, after fulfilling the rights related to the inheritance, the property is usually also used to commemorate him by holding a kenduri kematian on the first, second, third night, and so on. The author has conducted direct interviews with 2 people in Meranti District, Asahan Regency who have held a kenduri kematian, namely Mrs. Rus and Mrs. Erni Wati.

The first is Rose's mother. He said that "the kenduri kematian is held to pray for the soul for the sins of his life by inviting neighbors to join in praying. And we as a family of calamity experts have an obligation to entertain guests who come. Usually we use the money saved by the deceased, if the money donated by the mourners is used for burial purposes"<sup>15</sup>.

The second is Mrs. Erni Wati. he said that "Actually the kenduri kematian is not obligatory to be held. But because it is like a tradition or custom, the people in Meranti carry it out like an obligation. He also revealed that this kenduri tradition is a good habit because the goal is to give alms to the community. And the people here have also formed an STM (Help-Help Union) organization that participates in all fardu kifayah activities including the holding of feasts. For the cost of the feast, money is usually donated from the people who come to mourn, but if there is no remainder from the donation, usually the funds are from their children, if not, it is usually from savings that have died"<sup>16</sup>.

Based on the tradition of the kenduri kematian, usually some people use inheritance instead of donations, while the inheritance has not been distributed to the heirs while the inheritance has been used. In this case, the author seeks the opinion of the scholars of Meranti District, Asahan Regency. The author has also conducted interviews with 3 scholars in Meranti District, namely, Mr. Marsidi, Mr. Badri and Mr. Suryono. The first is Mr. Marsidi. He works as a civil servant at the KUA Office as well as the Chair of the MUI in Meranti District. From a brief interview that the author conducted, Mr. Marsidi said that "There is no recommendation for a celebration to pray for the dead in Islam, especially if doing the feast using inherited assets is a futile act, but why is it still applied in our society? here because the custom has existed from the time of the ancestors, so the

---

<sup>13</sup> Busro, Busro, and Husnul Qodim. "Perubahan Budaya dalam Ritual Slametan Kelahiran di Cirebon, Indonesia." *Jurnal Studi Agama Dan Masyarakat* 14.2 (2018): 127-147.

<sup>14</sup> Resan, Ahmad. *living Quran dalam Tradisi Tahlilan di Masyarakat Banten (Studi Terhadap Pelaksanaan Tahlilan di Kota Serang Banten)*. Diss. UIN SMH BANTEN, 2019.

<sup>15</sup> Rus, Tokoh Masyarakat, Wawancara Pribadi, Tanggal 30 Agustus 2022, Pukul 10.00 WIB.

<sup>16</sup> Erni Wati, Tokoh Masyarakat. Wawancara Pribadi, Tanggal 02 September 2022, Pukul 10.00 WIB.

kenduri kematian is one form of *Hablum Minannas*, namely relationships with others in the form of staying in touch and helping out”<sup>17</sup>.

The second is Mr. Badri, he is also a cleric who works at the Ad-Dhiya' Islamic Boarding School, from a brief interview that the author conducted, he said that “Inherited assets should be distributed as soon as possible according to the law of our religion. *Kenduri* is sometimes interpreted the same as alms, so it comes back to the intention, so it depends on the intention. Because most of the people here consider it as alms to guests who come because it has eased their steps for a feast to pray for the family who died”<sup>18</sup>.

He is a cleric in Meranti Village who is also the Principal at MIS Miftahul Ulum Meranti and is also a Religion teacher at the Meranti Unity Education Foundation, and spends his time lecturing every day. From a short interview that the author conducted, he said, “In my opinion, inheritance should and should be distributed immediately. Regarding inheritance, in my opinion, it is not permissible to use inheritance for a feast. I consider that gathering at the residence of the family of the deceased and having food after the body is buried is a *niyah* or lamentation. But because some of the people here still believe in the teachings of the ancients or the ancestors and the spirits that exist, according to them the feast is for safety so that the corpses do not interfere with their lives. So to avoid this disturbance, they make a feast with a banquet of food that is distributed to the guests who come”<sup>19</sup>.

Based on some of the explanations and problems that the author has described above, there are various problems, including the use of inheritance. The author is interested and interested in conducting this research related to the use of heirs' inheritance in Meranti Village, Meranti District, Asahan Regency in accordance with Islamic law, and also analyzes based on the views of local Ulama, namely scholars in Meranti Village, Meranti District, Asahan Regency.

Therefore, this study aims to analyze the views of scholars in Meranti Village, Meranti District, Asahan Regency on the use of inheritance for *kenduri kematian*.

## Research Method

For this research the author uses several methods, including:

The type of research carried out in this research is field *researcher* a method for collecting qualitative data, namely the type of research that seeks findings that show people's life, history, behavior. The purpose of qualitative research is to understand social phenomena that occur in the field<sup>35</sup>. In this study, the author went directly to the field and was involved with scholars. The object referred to in this study is the community in Meranti Village, Meranti District, Asahan Regency in carrying out the *kenduri kematian*.

This research is a descriptive study that focuses on objects with the aim of reviewing cases and providing a detailed description of the use of heirs' property for a *kenduri kematian*. This study seeks to describe factually based on the results

---

<sup>17</sup> Marsidi, Tokoh Agama, Wawancara Pribadi, Tanggal 18 Juli 2022, Pukul 10.00 WIB.

<sup>18</sup> Badri, Tokoh Agama, Wawancara Pribadi, Tanggal 10 Juli 2022, Pukul 20:15 WIB.

<sup>19</sup> Suryono, Tokoh Agama, Wawancara Pribadi, Tanggal 10 Juli 2022, Pukul 15.15 WIB

of interviews with religious leaders, traditional leaders, communities and made in the form of tabulations or reports.

### ***Research Instruments***

Primary data sources are data directly given by informants to data collectors obtained from the object of research, which contains the results of information obtained through interviews with religious leaders or scholars, traditional leaders and the community of Meranti Village, Meranti District, Asahan Regency so that the data obtained in the study it becomes complete.

Sources of secondary data in this study through all written materials, articles, journals and books related to the use of inheritance.

### ***The Data Collection***

#### ***Observational***

The author will observe the views of Syafi'i fiqh on the use of heirs' inheritance for a kenduri kematian in Meranti village, Meranti sub-district, Asahan district.

#### ***Interview***

And in the case of this research, to facilitate the implementation, the author conducted interviews in the form of questions and answers with several people, namely clerics or religious leaders, traditional leaders regarding the kenduri kematian using the inheritance of the heirs.

#### ***Documentation***

In carrying out the documentation method the author investigates written objects such as books, magazines, documents, regulations, meeting minutes, diaries, and so on related to research problems. And the document is analyzed, then used as research material.

#### ***Document Analysis***

Qualitative analysis was used because this study refers to the theories contained in the Koran and the opinions expressed by the scholars regarding the use of heirs' inheritance for kenduri kematians.

## **Results and Discussion**

### **The Concept of Inheritance**

Inheritance is property left by someone who dies to his heirs. Inherited assets according to customary law are inherited assets that can be in the form of property or intangible objects, such as nobility. Inherited assets in the form of property according to customary inheritance law are livelihood assets, namely assets obtained before the marriage period and inherited assets<sup>20</sup>.

Congenital assets are assets obtained before the marriage period as well as assets derived from inheritance. According to customary law, as long as the husband and wife do not have children, the livelihood assets can be separated. However, if the husband and wife have children, the livelihood assets become mixed. Original assets are all assets controlled and owned by the testator from the first entry into the marriage and may increase until the end of his life.

---

<sup>20</sup> Aoslavia, Cindy. "Perbandingan Hukum Waris Adat Minangkabau Sumatera Barat Dan Hukum Perdata Barat." *Mizan: Jurnal Ilmu Hukum* 10.1 (2021): 54-63.

This inheritance is divided by all the heirs with the provisions and rules of the part that have been determined by Allah SWT<sup>21</sup>. As in His word:

فَرِيضَةً مِّنَ اللَّهِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

The meaning:

*This is the decree of Allah. Indeed, Allah is All-Knowing, All-Wise. (QS: 4:11)*

### **The concept of Kenduri Kematian**

Kenduri is a tradition that has been carried out by some people from generation to generation since the entry of Islam in Java until now to commemorate the death of the deceased (deceased). This tradition is held sequentially, starting from the seventh night, ripe puluh (forty), nyatus (hundredth), pendak pisan (one year), pendak pindo (two years) to the thousandth day of someone's death. After that, the feast is held periodically every year on the date and month of his death which is better known by the community as a feast or slametan in order to send prayers, or also often referred to as "haul". This tradition is carried out periodically because Javanese people believe that the spirit of someone who has died is still in the environment around us until the fortieth day, so it is necessary to carry out a feast ceremony so that the spirit does not disturb the living. Then nyatus, mendhak, and so on are carried out to appreciate, send prayers for the spirits of the deceased, and so that family or neighbors always remember that the deceased also lived with them<sup>22</sup>.

The kenduri kematian is called 'tahlil' or 'tahlilan' and is performed at night (ba'da isya). According to those who have an intention, tahlilan is usually done for 3 days or 7 days. For those who have a sufficient economy, 'tahlilan' is carried out for 7 consecutive days. After the event is over, usually those who have an intention (in this case the host or his heirs) serve food and drinks to the tahlil invitees, even before they go home they are also given a blessing (wrapped food/snacks to take home) with the intention of giving charity.

Kenduri has several purposes whose benefits are not only felt by the families who carry it out, but can also be felt by the invitees who attend it. Among the goals of tahlilan for the invitees who attended this event were <sup>23</sup>:

1. Entertaining the family of the deceased.
2. Reduce the burden on the family of the deceased.
3. Inviting the family of the deceased to always be patient for the calamity he has faced.

---

<sup>21</sup> Ritonga, Raja, Jannus Tambunan, and Andri Muda. "Konsep Syajarotul Mirats Dalam Praktek Kewarisan Islam." *Samawa: Jurnal Hukum Keluarga Islam* 2.1 (2022): 99-113.

<sup>22</sup> Muid, Muhammad Abdul. *Penafsiran Misbah Musthafa tentang tradisi lokal keagamaan di Jawa: studi Tafsir al-Iklil fi Ma'ani al-Tanzil*. Diss. UIN Sunan Ampel Surabaya, 2022.

<sup>23</sup> Hakim, Apip Rahman. *Persepsi Masyarakat Terhadap Tradisi Tahlilan: Studi Terhadap Masyarakat Kampung Arab Al Munawar 13 Ulu Palembang*. Diss. UIN Raden Fatah Palembang, 2019.



### **Views of Ulama in Meranti Village, Meranti District, Asahan Regency On The Use of Inheritance Assets for Kenduri kematians.**

According to the Kedah State Fatwa Authority in the Fatwa Association Book (tt) it states that holding a kenduri kematian involving the property of the dead, heirlooms and property of orphans is not required but holding a spirit feast is like the practice of some people in which the family of the dead provides food to the deceased. The person who visits it is not a mistake in terms of syarak, even if it is considered a good deed if the goal is to agree to pray and ask for mercy from Allah SWT for the dead, provided that the feast is held not for the purpose of riya but sincerely because of Allah. Even so, the Office of Power refers to a hadith that the Messenger of Allah (saw) once said "Provide food for the family of Jaafar Bin Abi Talib and deliver it to them". Therefore, it is encouraged that relatives and neighbors give food to the family of the dead because they are busy with the dead. This is because these actions strengthen the relationship of love and take heavy on the troubles that are being befallen by neighbors<sup>24</sup>.

Although the Bureau of Power refers to this Hadith, they also agree that the practice of 'urf holding a tahlil feast or a spirit feast is a must. Therefore, this practice of 'urf needs to be continued because it is very useful for Muslims, especially in the land of Kedah. Among the benefits of holding a spirit feast is to provide opportunities and encouragement to Muslims to pray together, to give gifts to those who have died, besides being able to strengthen the bonds of friendship among Muslims. As for those who are not proficient in prayer and wirid, then this is the best opportunity for them to do so.

The results of this study support several studies including:

Batara Borong Harahap, a student of the State Islamic University of North Sumatra with the research title "Children's Rights to the Inheritance of Mothers Who Died First From Father Judging from the Syafi'i School (Case Study In Aek Raru Village, Kec. Simangambat)". The results of Batara Borong Harahap's research are that the distribution of the inheritance of a mother who dies before her husband is not carried out in Aek Raru Village, Simangambat District, which should be done or distributed when a mother or father dies even if the mother dies first. formerly.

Fenky Permadhi, student of UIN Maulana Malik Ibrahim Malang with the research title, "Study of Article 185 of the Compilation of Islamic Law on Substitute Inheritance (An Overview of Maslahah)". The results of Fenky Permadhi's research, namely the concept of a substitute heir according to KHI can occur if the person who connects it to the heir has died earlier than the heir. According to the Compilation of Islamic Law, which includes the successor heirs are all descendants, the heirs who died earlier than the heirs and the number of parts received by the replacement heirs may not exceed (maximum equal) the part that should be replaced.

Rizki Mufida Rohmah, student of UIN Mulana Malik Ibrahim Malang with the research title "position of substitute heirs (PLAATSVERVULLING) comparative study of article 841 of the Civil Code with 185 KHI". The results of Rizki Mufida Rohmah's research, namely the inheritance law of the Civil Code and the

---

<sup>24</sup> Desa, Hazizan Mat, and Alias Azhar. "uruf dan kesannya terhadap hukum Islam di negeri Kedah." *Journal of Global Business and Sosial Entrepreneurship* 1.2 (2016): 21-32.

inheritance law of the KHI recognize the existence of a substitute heir or change of inheritance position, and it has been collected in articles 841-848 of the Civil Code. It's just that in article 185 of the KHI it is not allowed to get a portion that exceeds the share of heirs that is parallel to the one being replaced. If interpreted broadly, the replacement heir is a new system in the Islamic inheritance law system. Comparison of successor heirs of the two laws. Equally, men and women are equally entitled to replace the position of heirs who died earlier than the heirs. The legal line coverage of the Civil Code and KHI is only for straight lines down and sideways. While the difference in the Civil Code is that the substitute heir gets the rights and obligations in all the rights of the person being replaced, the KHI is not allowed to get a portion that exceeds the share of the heir that is parallel to the replaced. In the Civil Code, heirs must exist and still exist when the testator dies, KHI does not contain heirs and must exist at the time the testator dies. The Civil Code for substitute heirs eliminates *ashabah*, KHI substitute heirs still use *ashabah*. In the Civil Code, the share of inheritance received by men and women is the same in their rights and obligations, namely 1:1, KHI the distribution of inheritance received by men is greater than that of women, which is 2:1.

### **Conclusion**

In Meranti Subdistrict, Asahan Regency, it is still common to use the inheritance of heirs that is not in accordance with Islamic teachings, for example, it is used for a funeral feast which is considered a tradition. In Islam, the tradition may be maintained if it does not conflict with Islamic teachings, but the *kenduri kematian* which is considered a tradition turns out to be contrary to the teachings of Islam which have been perfectly brought by the Prophet Muhammad. However, this is still happening among the people in Meranti Village, Meranti District, Asahan Regency. There are still many families of disaster experts who apply these habits or traditions which are carried out on the first, second, third, and so on, which in fact use the inheritance of the heirs that have not been distributed to the heirs.

According to the Kedah State Fatwa Committee in the Fatwa Collection Book (tt) states that holding a death feast involving the property of the deceased, inheritance and property of orphans is not required but holding a funeral feast as is the practice of some communities where the family of the deceased provides food to the person who visits it is not an offense in terms of Sharia, it is even counted as a charity if the purpose is to pray and ask for mercy from Allah SWT for the deceased, provided that the feast is not held for the purpose of *riya'* but sincerely for the sake of Allah.

## References

- Adib Bisri, Terjemahan Shahih Muslim (Semarang : asy-Syifa, 2016)
- Anasom, Anasom. "Ajaran Dakwah Sunan Muria (Kajian Rijal Al-Dakwah)." *Jurnal Ilmu Dakwah* 37.1 (2018)
- Aoslavia, Cindy. "Perbandingan Hukum Waris Adat Minangkabau Sumatera Barat Dan Hukum Perdata Barat." *Mizan: Jurnal Ilmu Hukum* 10.1 (2021)
- Badri, Tokoh Agama, Wawancara Pribadi, Tanggal 10 Juli 2022, Pukul 20:15 WIB.
- Borotan, Amrin. "Pendapat Imam Syafi'i Tentang Hak Kewarisan Istri Yang Ditalak Ba'in Oleh Suami Yang Sakit Keras." *Hukumah: Jurnal Hukum Islam* 5.1 (2022).
- Busro, Busro, and Husnul Qodim. "Perubahan Budaya dalam Ritual Slametan Kelahiran di Cirebon, Indonesia." *Jurnal Studi Agama Dan Masyarakat* 14.2 (2018)
- Departemen Agama RI, *Al-Qur'an dan Terjemahan* (Jakarta: Gema Insani, 2022)
- Departemen Agama RI, *Al-Qur'an dan Terjemahan* (Jakarta: Gema Insani, 2022)
- Desa, Hazizan Mat, and Aliaz Azhar. "uruf dan kesannya terhadap hukum Islam di negeri Kedah." *Journal of Global Business and Sosial Entrepreneurship* 1.2 (2016)
- Erni Wati, Tokoh Masyarakat. Wawancara Pribadi, Tanggal 02 September 2022, Pukul 10.00 WIB .
- Faizah, Khairani. "Kearifan lokal tahlilan-yasinan dalam dua perspektif menurut Muhammadiyah." *Aqlam: Journal of Islam and Plurality* 3.2 (2018).
- HAKIM, APIP RAHMAN. *Persepsi Masyarakat Terhadap Tradisi Tahlilan: Studi Terhadap Masyarakat Kampung Arab Al Munawar 13 Ulu Palembang*. Diss. UIN Raden Fatah Palembang, 2019.
- Marsidi, Tokoh Agama, Wawancara Pribadi, Tanggal 18 Juli 2022, Pukul 10.00 WIB.
- Maylissabet, Maylissabet. "Hukum waris dalam kompilasi hukum Islam perspektif filsafat hukum." *TERAJU: Jurnal Syariah Dan Hukum* 1.01 (2019)
- Muid, Muhammad Abdul. *Penafsiran Misbah Musthafa tentang tradisi lokal keagamaan di Jawa: studi Tafsir al-Iklil fi Ma'ani al-Tanzil*. Diss. UIN Sunan Ampel Surabaya, 2022.
- Mursyid, Ali. "Tafsir Ayat-Ayat Pandemi: Studi Atas Fatwa Majelis Ulama Indonesia (MUI)." *MISYKAT Jurnal Ilmu-ilmu Al-Quran Hadist Syari ah dan Tarbiyah* 5.1 (2020)
- Nur, Aslam. "Garis Batas Antara Agama dan Budaya Dalam Perspektif Antropologi." *Jurnal Adabiya* 19.1 (2020)
- Resan, Ahmad. *living Quran dalam Tradisi Tahlilan di Masyarakat Banten (Studi Terhadap Pelaksanaan Tahlilan di Kota Serang Banten)*. Diss. UIN SMH BANTEN, 2019.
- Ritonga, Raja, Jannus Tambunan, and Andri Muda. "Konsep Syajarotul Mirats Dalam Praktek Kewarisan Islam." *Samawa: Jurnal Hukum Keluarga Islam* 2.1 (2022)
- Rus, Tokoh Masyarakat, Wawancara Pribadi, Tanggal 30 Agustus 2022, Pukul 10.00 WIB.

Salma, Salma. "The Study of Islamic Law About The Deceased Muslim and Its Cultural Symbols in Sumpur Kudus, West Sumatera, Indonesia." *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 5.1 (2021)

Suryono, Tokoh Agama, Wawancara Pribadi, Tanggal 10 Juli 2022, Pukul 15.15 WIB

Syarifuddin, Amir. "Garis-garis besar fiqh." (2019).

Welas, Ninuk Tri. "Comparative Study of Development between Islamic Inheritance Law According to Compilation of Islamic Law (KHI) & Faroid Science." *Sultan Agung Notary Law Review* 3.1 (2021)