Al-Lubab

A New Approach to Islamic Inheritance Law Education in Pesantren

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Abstract

Ilmu mawarits, or Islamic inheritance law, holds significant importance in Muslim communities as it ensures the fair distribution of a deceased person's estate in accordance with the Qur'an and Hadith. Despite its importance, the study and application of ilmu mawarits are often neglected in modern times, leading to conflicts and misunderstandings within families. The Centre for Mawarith Studies (CMS) at Universitas Darussalam Gontor aims to address this issue by implementing innovative educational approaches to enhance the understanding and application of Islamic inheritance law. This research aims to explore the thoughts and movements of CMS in educating ilmu mawarits within pesantrens, providing insights into its innovative curriculum, teaching methods, and the overall impact on the community's understanding of Islamic inheritance law. A qualitative case study method was employed at the CMS of Universitas Darussalam Gontor. Data were collected through in-depth interviews, participatory observations, and document analysis involving 30 participants, including CMS administrators, educators, and students. Thematic analysis was used to analyze the data, ensuring validity through triangulation techniques. The findings reveal that CMS has significantly influenced the approach to teaching ilmu mawarits by focusing on practical applications and interactive learning methods. This approach has successfully enhanced the understanding and skills of students, making Islamic inheritance law more accessible and applicable in daily life. The study recommends further development of innovative educational methods and the integration of practical applications in the teaching of ilmu mawarits. Additionally, expanding CMS programs to other Islamic educational institutions could further promote the understanding and application of Islamic inheritance law across broader communities.

Keywords: *Quran, Faraidh, Islamic Inheritance, Mawarith Studies, Educational Movement.*

INTRODUCTION

Ilmu mawarits, or Islamic inheritance law, plays a very important role in the life of Muslims. As an integral part of Islamic law, inheritance law regulates the distribution of a person's estate to their heirs fairly and in accordance with the provisions established by the Qur'an and Hadith (Ahmad, 2017). A good understanding of inheritance law is not only important for maintaining fairness in wealth distribution but also for ensuring that the rights of every individual are protected according to Islamic teachings (Zaini, 2019).

The importance of ilmu mawarits is reflected in many verses of the Qur'an and Hadith of the Prophet Muhammad SAW. For instance, in Surah An-Nisa' verses 11-12 and 176, Allah SWT explains in detail the shares that each heir should receive. This demonstrates how seriously Islam addresses inheritance issues and the importance for Muslims to study it thoroughly (Khalid, 2018).

However, amid the busyness of modern life and various life challenges, the attention of Muslims to ilmu mawarits is often neglected. Many Muslims do not understand the basic rules and principles of Islamic inheritance law, which ultimately leads to various problems in the distribution of inheritance (Rahman, 2020). This ignorance can cause family conflicts, injustice, and even violations of Islamic law (Hasan, 2016).

The lack of attention to ilmu mawarits is also due to the insufficient emphasis in formal and non-formal education. In many pesantrens and Islamic educational institutions, inheritance law is often taught theoretically without adequate practical application. This causes students and graduates of pesantren to lack sufficient skills to apply this knowledge in daily life (Nurdin, 2015).

In this context, the Center for Mawarits Studies (CMS) presents a new approach to teaching Islamic inheritance law in pesantrens. CMS seeks to address this issue by developing a more structured curriculum, interactive teaching methods, and enhancing interactions between teachers and students. This approach is expected to revive Muslim attention to ilmu mawarits and improve their understanding and skills in applying Islamic inheritance law (Sulaiman, 2021).

This research aims to delve deeper into CMS (Centre for Mawarith Studies), from the perspective of its thoughts and movements in educating ilmu Mawarits in pesantrens. By achieving these objectives, this research is expected to make a

significant contribution to improving the quality of Islamic inheritance law education in pesantrens. Additionally, this research is expected to lay the foundation for further development of new approaches in relevant and applicable Islamic education (Mustafa, 2022).

THEORETICAL REVIEW

Islamic Inheritance Law Education in Pesantren

Education in pesantren is the backbone in shaping the character and religious knowledge of Muslims in Indonesia. Pesantren plays an important role in teaching various religious disciplines, including Islamic inheritance law (mawarits). Islamic inheritance law is part of fiqh muamalat that regulates the distribution of inheritance according to Islamic law. This knowledge has a strong legal basis from the Qur'an, Hadith, and the consensus of the scholars (Nurdin, 2015).

Theory and Principles of Islamic Inheritance Law

Islamic inheritance law is detailed in Surah An-Nisa' verses 11, 12, and 176. The basic principles of Islamic inheritance law include: Justice, where the distribution of inheritance must be fair according to the provisions set by the sharia and no one should be harmed; Legal Certainty, which means the rules about who is entitled to inheritance and how much has been clearly determined; and Moral and Religious Obligations, where understanding and applying inheritance law is an obligation for every Muslim as part of worship and obedience to Allah (Ahmad, 2017).

However, in practice, understanding and applying inheritance law often face various challenges. Many Muslims do not understand the detailed rules of inheritance law, which often leads to injustice in the distribution of inheritance (Rahman, 2020). The traditional approach to inheritance law education in pesantren is usually textual and theoretical. This method emphasizes memorization and textual understanding of classical books such as "Al-Mawardi's Al-Ahkam Al-Sultaniyya" or "Al-Mughni" by Ibn Qudamah (Khalid, 2018). Although this method provides a strong theoretical foundation, it often does not provide the practical application needed in daily life.

Some Weaknesses of the Traditional Approach

Limitations in Practical Application: Students often have difficulty connecting theory with real-life situations they face; Lack of Interactivity: Traditional teaching methods tend to be one-way, with the teacher as the center of knowledge and the students as passive recipients; and Limitations in Technology Use: Traditional

pesantrens often lack the utilization of modern technology in the teaching-learning process, making it less appealing to young students (Hasan, 2016).

The Center for Mawarits Studies (CMS) advocates a new approach to Islamic inheritance law education aimed at addressing these weaknesses. This new approach includes several key elements, namely the development of a more structured curriculum, interactive teaching methods, and enhanced interaction between teachers and students (Sulaiman, 2021).

The curriculum developed by CMS is designed to be more systematic and applicable. This curriculum includes: Practical Case Studies, which use real case studies to help students understand the practical application of inheritance law theory; and Use of Technology, such as the integration of technology in learning, use of simulation software for inheritance distribution, e-learning modules, and digital learning media (Mustafa, 2022).

RESEARCH METHOD

Research Design The design of this research is qualitative with a case study method at the Centre for Mawarith Studies at Universitas Darussalam Gontor. The characteristics of qualitative research include a natural setting, humans as instruments, qualitative methods, inductive data analysis, grounded theory, descriptive nature, prioritizing process over outcomes, having a focus-defined boundary, specific criteria for data validity, provisional design, and results discussed and agreed upon collectively (Creswell, 2013).

This qualitative approach is appropriate for this research to delve deeper into the CMS (Centre for Mawarith Studies), its thoughts, and its movements in educating Mawarith knowledge to families. This approach allows researchers to explore and understand complex phenomena in their natural context (Merriam, 2009). Research Location The location of this research is the CMS (Centre for Mawarith Studies) at Universitas Darussalam Gontor, an Islamic boarding school university in Ponorogo Regency, East Java, Indonesia. This university is known for its comprehensive approach to Islamic education, including inheritance law (Mawaris) education (Nurdin, 2015).

The subjects in this study are 30 individuals, consisting of CMS administrators, educators, and CMS learning participants. The background of the research subjects will be chosen from various levels and groups to obtain a detailed picture of CMS learning.

Research subjects are selected using purposive sampling techniques to ensure that the information obtained is relevant and in-depth (Patton, 2015).

Data Collection Techniques Data collection techniques used in this study include in-depth interviews, participatory observation, and document analysis. In-depth interviews are conducted to explore the views and experiences of subjects related to the inheritance law learning process at CMS. Participatory observation allows researchers to directly observe the interaction between teachers and students in the learning context. Document analysis is carried out on various teaching materials and modules used in the CMS program (Yin, 2018).

Data Analysis Techniques Data analysis techniques in this study follow the thematic analysis model. The collected data will be analyzed inductively by identifying themes that emerge from the data. This analysis process involves steps such as data transcription, coding, categorization, and drawing conclusions. Data validity is maintained through source and technique triangulation (Braun & Clarke, 2006)

RESULT AND DISCUSSION

History of CMS (Centre for Mawarith Studies)

CMS (Centre for Mawarith Studies) is a center for the study and education of Islamic inheritance law for Muslim families, under the Faculty of Sharia at Universitas Darussalam Gontor, an Islamic boarding school university in Ponorogo, East Java, Indonesia. The CMS office is located in the Sirah Nabawiyyah Center building on the Universitas Darussalam Gontor campus. CMS was officially established at UNIDA Gontor in August 2016, with the aim of becoming a center for inheritance law education and a training center for Mawarith teachers in ASEAN.

CMS is led by a director. Since its inception, the director of CMS has been Ust. Mhd. Jabal Alamsyah, Lc., M.A. Ust. Mhd. Jabal Alamsyah, Lc., M.A. is the founder of Majelis Al-Mawarits (2004 – 2010 in Cairo, 2010 – 2016 in Bogor) and the creator and trainer of the "Mawarits = PSP" educational program. Since joining UNIDA Gontor in 2016, Majelis Al-Mawarits has been merged and upgraded to CMS. Ust. Mhd. Jabal Alamsyah, Lc., M.A. also holds three sanad Ilmi wat Ta'lim in Mawarith knowledge, one of which is from Syeikh Dr. Atia Abdul Maujud Al-Azhari for the book Ahkam Al-Mawarits fi Al-Fiqh Al-Islami (AMFI).

Thought of the Educational Movement for Reviving Mawarits Knowledge

The Educational Movement for Reviving Mawarits Knowledge aims to instill an understanding of Islamic inheritance law (Mawarits) in every Muslim family. Many Muslim families in Indonesia lack knowledge of Mawarits, often leading to a tendency to reject inheritance distribution according to Islamic law and opt for mutual agreements instead. This reflects a belief that the inheritance is entirely theirs, ignoring Allah Swt as the true owner. It also suggests that their distribution is perceived as more just than what is stipulated in the Quran. Conversely, inheritance disputes frequently appear in the news, ranging from civil lawsuits and family splits to conflicts and even murder. If they believed that the inheritance belongs to Allah Swt and must be distributed according to His law, it would bring blessings and peace to their families.

From this perspective, CMS aims to raise awareness among Muslims about the importance of distributing inheritance according to Islamic law as obedience to Allah Swt and His Messenger, and the process of determination before distribution as an act of compassion among fellow humans. This view is formalized in an educational movement known as the Educational Movement for Reviving Mawarits Knowledge.

CMS believes in the importance of the process of determination before distribution (PSP) as obedience to Allah Swt. The PSP concept includes five main views.

1. The concept of Mawaris in Islam is determination before distribution (PSP). This view is based on a hadith that serves as the asbabun nuzul of QS An-Nisa 7. When Sa'ad Ibn Rabi' was martyred, his entire estate was taken by his brother, leaving his two daughters without assets for their marriage preparations. Allah Swt then revealed the verse establishing that Sa'ad's daughters are entitled to 2/3 of the estate, his wife gets 1/8, and the rest goes to Sa'ad's brother. This illustrates that the Prophet Muhammad SAW first established the process of determining inheritance rights before distributing the estate.

2. PSP is a command from Allah Swt and His Messenger. The implementation of PSP is based on Allah's command taught by the Prophet Muhammad SAW, reinforcing that property belongs to Allah and He has the right to distribute it.

3. Implementing PSP is a communal obligation (fardhu kifayah). This means that the PSP obligation must be fulfilled by some Muslims, relieving others from this duty.

4. PSP must be carried out immediately and can be delegated to a Mawarits expert. The distribution of inheritance should be done promptly to avoid conflicts and ensure the legality of the inherited property.

5. PSP means the determination process as Hablun MinAllah and the distribution process as Hablun Minannas. The distribution of inheritance should aim to harmonize and prosper the family.

CMS emphasizes the importance of educating Mawarits teachers (educators) rather than Mawarits consultants. A teacher provides explanations and guidance without expecting payment, unlike consultants who seek livelihood through consulting services. Teachers hold a noble position in Islam, as educators, instructors, and community builders, following the example of the Prophet Muhammad SAW. In this role, a Mawarits teacher has great potential to earn rewards and continuous charity from their teachings.

Educational Movement Programs at CMS (Centre for Mawarith Studies)

CMS (Centre for Mawarith Studies), as part of the Ihya' Ilmi Al-Mawarits educational movement, offers several programs and services to the community. CMS's initiatives are encapsulated in three educational movements: Sekolah Mawarits (SM), Mawarith Call Center (MCC), and Klinik Ilmu Mawarits (KIM).

Sekolah Mawarits (SM) aims to gradually and continuously create Mawarith-Aware Families (KSM). This program is implemented in stages and levels, from basic education for families to advanced training for those who wish to become Mawarits trainers. The teaching philosophy at Sekolah Mawarits aligns with the educational principles of Pondok Modern Darussalam Gontor: "Atthoriiqotu Ahammu Mina Al-Maadah Wa Al-Mudarrisu Ahammu min At-Thoriiqoh Wa Ruuhul Mudarris Ahammu Min Mudarris Nafsuhu" (The method is more important than the material, the teacher is more important than the method, and the teacher's spirit is more important than the teacher himself).

The curriculum of Sekolah Mawarits includes "Mawarits = PSP" (Penentuan Sebelum Pembagian) Series 1, 2, and 3, authored by Ustadz Mhd. Jabal Alamsyah, Lc., M.A., and the "Concept of Wealth in Islam" by Ustadz Dr. Imama Kamaluddin, Lc., M.Hum. (Advisor of CMS – UNIDA Gontor). During an educational Mawarits event in February-March 2020 at UNIDA Gontor, Ustadz Jabal emphasized that the key approach in every CMS Mawarits education is "Why before What," meaning one must

understand the five reasons for studying and applying Mawarits before knowing the principles of Mawarits science.

The teacher levels in this CMS program are categorized into three criteria: Mudarris, Muallim, and Mudarrib. A Mudarris teaches Mawarits in their pesantren, while a Mu'allim teaches both in and outside the pesantren, including community services such as Friday sermons and lectures in mosques and study groups. Mudarrib, the highest level of Mawarits educator at CMS, is qualified to be a trainer for the "Mawarits = PSP" Educational Series.

Mawarith Call Center (MCC) is another CMS program designed to ensure the timely execution of "Ideal PSP" without delay. MCC offers services to Muslim families via phone or other communication media to expedite the fulfillment of communal obligations (fardhu kifayah) upon death. MCC provides online Mawarits education through OMST (Online Mawarith Short Training) and also offers Family Mawarits Simulation or SIMAK (Simulasi Mawarits Keluarga).

A member of the Darussalam Cibubur Mosque in Bogor who contacted MCC for SIMAK noted two key benefits: first, it encourages the immediate recording of personal assets and debts, facilitating debt repayment by heirs after one's death. Second, it enables Personal Financial Planning based on Islamic guidelines, balancing income and expenses, and preparing for zakat, infaq, charity, and waqf before death.

Klinik Ilmu Mawarits (KIM)**,** the third CMS program, aims to address delayed PSP and find solutions for inheritance disputes. KIM serves Muslim families facing inheritance problems or conflicts. CMS analyzes the issues, identifies the losses from a Mawarits perspective, and provides solutions for implementing Mawarits within the family.

CMS educates families on the "Mawarits = PSP" series, emphasizing a layered approach to Mawarits determination (Munaasakhaat), starting with the father, mother, and the deceased's sons I, II, and III. The second step involves drafting the inheritance distribution in sequence from three deceased family members, with the rightful heirs collaborating to harmonize and prosper the conflicting family.

These CMS - UNIDA Gontor educational programs have expanded nationally and internationally, spreading Islamic teachings and fostering harmony and strength among Muslims by raising awareness of the importance of Mawarits in families.

DISCUSSION

The results of our study on the educational programs at the Centre for Mawarith Studies (CMS) – UNIDA Gontor highlight the effectiveness of the Ihya' Ilmi Al-Mawarits movement in promoting awareness and application of Mawarits principles within Muslim families. These findings are consistent with previous studies that emphasize the importance of structured educational interventions in fostering religious and legal literacy among community members. For example, a study by Al-Kandari (2019) found that comprehensive educational programs significantly improved participants' understanding and adherence to Islamic inheritance laws. Similarly, Rahman (2020) demonstrated that targeted educational efforts could mitigate common misunderstandings and disputes related to Islamic inheritance, leading to more harmonious familial relationships (Al-Kandari, 2019; Rahman, 2020).

Our research supports these conclusions by showcasing the practical impact of the Sekolah Mawarits (SM), Mawarith Call Center (MCC), and Klinik Ilmu Mawarits (KIM) programs. The structured curriculum and the multi-tiered approach to teacher training at CMS align well with Al-Kandari's findings that educator effectiveness is crucial in achieving educational outcomes. Furthermore, the integration of modern communication tools through the MCC and online training programs aligns with Rahman's assertion that accessibility and timely intervention are key factors in effective educational initiatives (Al-Kandari, 2019; Rahman, 2020).

The theories of educational experts provide a solid framework for analyzing the success of the CMS programs. John Dewey's theory of experiential learning, which posits that education should be grounded in real-life experiences, is reflected in CMS's practical approach to teaching Mawarits. The use of real-world scenarios and simulations in the SM and SIMAK programs allows learners to apply theoretical knowledge to practical situations, thereby enhancing their understanding and retention (Dewey, 1938). This approach aligns with Dewey's emphasis on learning through doing and the importance of context in education.

Moreover, the CMS programs resonate with Paulo Freire's concept of critical pedagogy, which advocates for an educational process that empowers learners to question and transform their world. By addressing the practical needs of Muslim families in understanding and applying Mawarits principles, CMS fosters a sense of agency among its participants. The focus on "Why before What" in their educational

approach encourages critical thinking and a deeper appreciation of the underlying reasons for Islamic inheritance laws, thus promoting a more profound and transformative learning experience (Freire, 1970).

In addition, Lev Vygotsky's theory of social constructivism, which emphasizes the role of social interaction in learning, is evident in the collaborative nature of CMS's programs. The levels of teacher training—Mudarris, Muallim, and Mudarrib—highlight the importance of mentorship and community involvement in the educational process. The collaborative efforts seen in MCC and KIM, where families work together to resolve inheritance issues, also reflect Vygotsky's idea that learning is a socially mediated process (Vygotsky, 1978).

The alignment of our research findings with both previous studies and established educational theories underscores the robustness of the CMS approach. The successful implementation of the Ihya' Ilmi Al-Mawarits movement can be attributed to its grounding in both practical and theoretical foundations. The integration of experiential learning, critical pedagogy, and social constructivism into the CMS programs not only validates the efficacy of these educational strategies but also demonstrates their applicability in diverse cultural and religious contexts (Dewey, 1938; Freire, 1970; Vygotsky, 1978).

CONCLUSION

From the above research findings, it can be concluded that the ideas and initiatives of Centre for Mawarith Studies (CMS) - UNIDA Gontor bring a new dimension to the teaching of Mawarits knowledge in Islamic boarding schools. The educational philosophy encompasses several key principles: 1. The goal of Mawarits education is to cultivate a "Mawarits Mind" within every family. 2. Penentuan Sebelum Pembagian (PSP) serves as the fundamental core of Mawarits education. 3. CMS focuses on training Mawarits educators rather than Mawarits consultants. This approach has shifted community perspectives towards learning Mawarits knowledge. It emphasizes that Mawarits is not merely about confusing calculations that are tedious and uninspiring; rather, it is about realizing the blessings, harmony, strength, and ease in both learning and application.

The three educational initiatives of CMS - UNIDA Gontor: 1. Sekolah Mawarits (SM), 2. Mawarits Call Center (MCC), and 3. Klinik Ilmu Mawarits (KIM), introduce a new pattern in the paradigm of education, enlightening the community that the primary

focus of Mawarits education is the family. The learning process is not confined to schools but can be conducted anywhere there are families or family members. With the textbook "Mawarits = PSP" (Penentuan Sebelum Pembagian) series 1, 2, and 3, and the categorization of educators into Mudarris, Muallim, and Mudarrib, community confidence in this educational movement grows, understanding it as more than just a marginal effort. Instead, it is recognized as a significant educational movement within the Islamic da'wah striving to strengthen the Muslim community.

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