

## THE ECONOMIC IMPACT OF DISOBEDIENT HEIRS ON FAMILY WEALTH DISTRIBUTION: A STUDY OF POSITIVE LAW AND ECONOMICS

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### Abstract

This study investigates the economic implications of disobedient heirs on patterns of wealth distribution within Indonesian families. Employing the Systematic Literature Review (SLR) method, the research draws on academic sources from databases such as Google Scholar, Elsevier, and Publish or Perish, covering the period from 2014 to 2024. Findings reveal divergent perspectives among Sunni jurisprudence on the inheritance rights of disobedient heirs: the Hanafi madhhab generally upholds the inheritance rights even in cases of disobedience, whereas the Hanbali madhhab adopts a stricter stance, with potential for revoking inheritance rights. Patterns of disobedience identified include greed, fraudulent asset transfers, and violence toward other heirs. Under Indonesia's positive law, as outlined in the Compilation of Islamic Law (KHI), disobedient children retain inheritance rights unless they have committed murder or severe abuse. The economic consequences identified include delays in inheritance processes, leading to postponed investment and asset development; prolonged conflicts that deplete family resources; and challenges in wealth accumulation and intergenerational wealth transfer. This study concludes that the issue of disobedient heirs not only undermines familial values but also carries substantial economic repercussions, affecting both the family's internal wealth distribution and broader societal equity. An understanding of inheritance law and sound financial management is essential to mitigate conflicts and promote the family's long-term prosperity.

**Keywords:** *Disobedient Heirs, Economy, Family Wealth*

### INTRODUCTION

The complexities of modern family dynamics bring forth numerous challenges, particularly concerning wealth inheritance, which frequently leads to multifaceted conflicts. A prominent issue within the domains of inheritance law and family economics is the presence of disobedient heirs—referred to in Islamic legal terminology 'walad aq' or disobedient children (Vela, 2015). This phenomenon not only illustrates a decline in family values observed over recent decades, but it also has profound economic



implications for wealth distribution patterns both within the family unit and society at large.

Indonesia, characterized by a pluralistic legal system, encounters significant challenges in addressing the issue of unruly heirs. The national legal framework, which encompasses a combination of colonial positive laws, deeply entrenched Islamic law, and a variety of customary laws, results in a complex legal environment for managing cases of heir iniquity (Nasution, 2019). The Indonesian Civil Code (KUHPerdata) lacks specific provisions pertaining to the notion of disobedient heirs, whereas Islamic law delineates clear regulations through the concepts of *hirman* (prevention of inheritance) and restrictions on inheritance rights (Handayani, 2022). This regulatory void engenders legal ambiguity, potentially leading to uncertainty in the distribution of familial assets. From a positive legal standpoint, inheritance laws in Indonesia outline the mechanisms for asset inheritance; however, they frequently neglect the moral and ethical considerations relevant to the administration of these assets. Such injustices in inheritance distribution may result in protracted legal disputes, adversely affecting all parties involved (Sarmadi, 2024).

From an economic perspective, effective inheritance management has the potential to enhance the economic value of both families and society at large (Fahmi, 2024). Conversely, conflicts arising from noncompliance can diminish the economic potential that ought to be harnessed for the collective good. The economic ramifications associated with the phenomenon of disobedient heirs are both multi-faceted and enduring. At the microeconomic level, uncertainties in the inheritance process, stemming from noncompliant behaviors, may lead to delays in the investment and development of family assets. Families embroiled in inheritance disputes due to the inequities among heirs typically experience reduced asset productivity compared to those that enjoy a harmonious inheritance process. This decline is evidenced by postponed business expansions, impeded new investments, and a decrease in asset value resulting from suboptimal management practices (Shofwanul Mu'minin, 2020).

Conflicts arising from disobedient behavior frequently result in the freezing of assets and protracted litigation, which can deplete a family's financial resources. Throughout the litigation process, productive assets may face stagnation or even depreciation in value due to ambiguities surrounding ownership and restrictions on their management (M. Jannah & Amri, 2019). On a macroeconomic level, the proliferation of cases involving disobedient heirs contributes to the inefficiency of economic resource allocation on a broader scale. This situation not only adversely affects overall economic productivity but also obstructs the processes of wealth accumulation and intergenerational transfer, which are critical for sustainable long-term economic growth (Malahayatie, 2013).

The evolution of contemporary family dynamics introduces a new dimension to the issue of unruly heirs. The rising prevalence of nuclear families, coupled with elevated



divorce rates and increased geographical mobility, poses significant challenges to sustaining familial cohesion and effectively monitoring heir behavior (Hariati & Salat, 2013). Furthermore, the advancement of the sharia economy in Indonesia offers a fresh lens through which to comprehend and address the issue of disobedient heirs. The principles of sharia economics, which prioritize distributive justice and the common good, present an alternative framework for assessing the economic repercussions of disobedient conduct (Fauza et al., 2023).

In light of the aforementioned issues, this study seeks to analyze and identify the economic effects resulting from the disobedient behavior of heirs on the patterns of wealth distribution within the familial context, evaluated from both positive legal and economic analytical perspectives.

## LITERATURE REVIEW

### Customary Inheritance Law

Customary inheritance law in Indonesia plays a crucial role in governing property inheritance within the framework of local cultural practices. According to Soepomo, this legal framework places a premium on social norms that guide the transmission of property across generations. From the perspective of local customs, inherited property is frequently viewed as belonging to the community rather than to individuals (Soepomo, 2022). In instances where an heir is perceived as disobedient such as by refusing to adhere to established traditions or norms this can incite disputes that undermine familial relationships. Such conflicts not only adversely affect family cohesion but also hinder what is intended to be an equitable distribution of assets, thereby introducing economic uncertainty for all parties involved. Studies on customary inheritance law indicate that breaches of customary norms can lead to considerable economic detriment for both families and society at large (Attallah et al., 2024).

### Islamic Inheritance Law

Islamic inheritance law, commonly referred to as the science of faraidh, delineates specific regulations concerning the allocation of inheritance, grounded in the principle of justice. The Qur'an, particularly in Surah An-Nisa', verses 11 and 12, stipulates defined proportions that each heir is obligated to adhere to. Nonetheless, instances of disobedience by an heir who neglects to comply with these stipulations can precipitate familial discord. Such legal disputes stemming from these acts of disobedience not only obstruct the equitable distribution of inheritance but may also lead to a forfeiture of economic opportunities that could otherwise benefit the family unit (Einsbie Grata Myn & Ahmad Yani, 2023). Research by N. Jannah (2023) indicates that conflicts over inheritance can yield considerable economic detriment to families, particularly when assets are not administered efficiently. This underscores the critical importance of



comprehending Islamic inheritance law as a means to mitigate disputes and ensure the equitable distribution of wealth.

### **Civil Inheritance Law**

The Civil Code (KUHPerdata) establishes a formal framework governing the distribution of assets following the death of an heir. It mandates that such distribution be conducted equitably and without gender discrimination (Palayukan et al., 2021). Nonetheless, complications often emerge when heirs hold differing views regarding their entitlements. Instances of noncompliance by heirs who refuse to adhere to these legal stipulations can result in prolonged legal disputes. Previous studies indicate that such conflicts are not only time-consuming and financially burdensome but also pose significant risks to the economic value of the inheritance. Moreover, uncertainty surrounding the distribution of wealth can lead to economic stagnation within the family, impeding potential investment and business development opportunities (Sari & Santoso, 2023).

### **The Heirs in Economic Perspective**

From an economic perspective, the actions of heirs exhibiting disobedient behavior can significantly affect the long-term welfare of the family. In instances where conflicts emerge, hindering the distribution process, resources that could otherwise enhance the quality of life for family members are squandered on legal battles and interpersonal disputes (N. Jannah, 2023). Such internal familial conflicts may not only stifle potential economic growth but also exacerbate broader social disparities. Consequently, it is essential to recognize how effective estate management and dispute resolution can mitigate the adverse consequences of disobedient conduct. This situation underscores the complexities arising from the interplay of customary inheritance law, Islamic law, and civil law, particularly in the context of inheritance management in Indonesia. The heirs' non-compliance with established norms can have profound implications for the distribution of family wealth and the overall stability of the economy (Kurniawan & Sapitri, 2024).

## **RESEARCH METHOD**

This study employs the Systematic Literature Review (SLR) methodology to conduct a thorough analysis of the economic repercussions associated with heirs of disobedience in the context of family wealth distribution. The SLR methodology is executed through a series of methodical stages, beginning with the identification of relevant research keywords, which encompass "heirs of disobedience", "economic impact of inheritance", "distribution of family wealth", "Islamic inheritance law", and "family economy" in both Indonesian and their English equivalents. Comprehensive literature searches were conducted across various academic databases, including Google



Scholar, Elsevier, Publish or Perish, among others, covering publications from 2014 to 2024 to ensure the relevance and recency of the data. The inclusion criteria were restricted to peer-reviewed journal articles, international conference proceedings, dissertations, and official research reports from reputable institutions, whereas the exclusion criteria encompassed opinion pieces, popular news articles, and publications lacking a peer-review process.

The screening process is executed in three distinct phases: initially, a screening based on the title and abstract; subsequently, a comprehensive evaluation of the full text according to predefined eligibility criteria; and finally, an assessment of the quality of the research methodology utilizing the Quality Assessment Tool specifically designed for interdisciplinary studies in law and economics. The data gathered were then extracted using a standardized format encompassing bibliographic details, methodology, key findings, and implications of the research. This was followed by a narrative synthesis that integrated perspectives from positive law and economic analysis. The data analysis employed a meta-synthesis approach, merging both qualitative and quantitative findings, with a specific focus on identifying patterns, trends, and gaps within the existing literature concerning the economic repercussions of disobedient heirs.

## RESULTS AND DISCUSSION

### Perspective of Sunni Madhhab Imams on Disobedient Heirs

In the Hanafi madhhab, the perspective regarding disobedient heirs is notably distinctive. Heirs deemed disobedient retain their entitlement to inherit, irrespective of their actions that may disregard the rights of other heirs. This indicates that a wayward heir remains eligible for their portion of the inheritance, grounded in the principle that rights of inheritance cannot be rescinded solely due to improper conduct (Wahyuni et al., 2023). This viewpoint is supported by various narrations attributed to the companions of the Prophet Muhammad (PBUH), including figures such as Abu Bakr and Ali bin Abi Talib, which illustrate that the inheritance of an apostate (one who has renounced Islam) is still bequeathed to their Muslim relatives. This underscores the Hanafi madhhab's emphasis on individual inheritance rights, even in the face of accompanying moral or ethical concerns (Nawawi, 2016).

In the Maliki madhhab, the perspective regarding heirs who exhibit disobedience is notably more stringent. Heirs whose conduct is classified as disobedient may forfeit their entitlement to inherit property if their behavior is judged to contravene relevant social or religious standards. In this regard, disobedience may manifest as a failure to uphold moral or ethical responsibilities towards the heir (Elfia, 2021). The Maliki madhhab places significant emphasis on preserving familial bonds and social cohesion in the process of inheritance distribution. Consequently, if an heir is found to have engaged in misconduct or to have caused harm to the deceased during their lifetime, they



may be excluded from the roster of beneficiaries. This underscores the Maliki madhhab's focus on social and moral accountability within the framework of inheritance law.

The Shafi'i madhhab aligns with the Maliki madhhab regarding the importance of considering the conduct of heirs. According to the Shafi'i perspective, an heir who is proven to be disobedient or engages in actions that harm the estate may forfeit their right to inherit. Nonetheless, it is important to note that even if an heir loses such rights, the distribution of the inheritance must still adhere to the other stipulations of Islamic law (Islam & Ahdi, 2022). Thus, while disobedience may restrict an individual's entitlement to a specific share of the inheritance, it does not completely negate their rights as heirs. This illustrates the Shafi'i madhhab's effort to achieve a balance between justice and moral accountability.

In the Hanbali madhhab, the stance regarding heirs who engage in disobedience is notably stringent. Those heirs who partake in such disobedient conduct risk entirely forfeiting their entitlement to inheritance. This position is underpinned by the principle that acts of disobedience represent a significant breach of the rights accorded to heirs as well as established religious norms. Consequently, the Hanbali madhhab underscores the significance of virtuous conduct and ethical behavior within the framework of familial relations and the allocation of wealth (Ria & Zulfikar, 2015). Thus, if an heir is found to have committed acts of disobedience, they not only forfeit their inheritance rights but may also face social repercussions from the community.

In summary, the perspectives of Sunni madhhab imams concerning the heirs of the disobedient illustrate a spectrum of interpretations within Islamic law regarding wealth distribution. The Hanafi madhhab tends to prioritize individual property rights irrespective of one's conduct, whereas the Maliki and Shafi'i madhhabs highlight the necessity of moral and social accountability as prerequisites for inheritance rights. In contrast, the Hanbali madhhab adopts a resolute position that nullifies the rights of heirs engaged in disobedient behavior. This variation exemplifies the intricacies of Islamic inheritance law and underscores the importance of contextualizing social and moral factors in decisions concerning wealth distribution.

### **Inheritance Pattern of Inequity Towards Successors**

The inheritance of iniquity towards heirs represents a progressively intricate issue within the realms of inheritance law and familial dynamics in contemporary society. Frequently, such acts of insubordination stem from feelings of dissatisfaction or perceived injustice among heirs regarding the allocation of the inheritance. Misinterpretations of inheritance rights and prevailing social norms often exacerbate these conflicts, resulting in protracted disputes that disadvantage all parties involved.

The findings of the study reveal several behavioral patterns commonly exhibited by disobedient heirs. Foremost among these is the influence of greed, which serves as a primary motivator for insubordination. Heirs frequently develop a sense of entitlement



to a greater portion of the inheritance, even in the absence of legal justification. This attitude may lead them to disregard the rights of other heirs and to attempt unilateral control over the estate (Yasin, 2019). Such behaviors underscore a substantial lack of awareness regarding the legal frameworks governing inheritance distribution. Many heirs remain oblivious to the requirement that inheritance must be allocated in accordance with relevant legal provisions and often neglect the necessary legal procedures that should be initiated promptly following the demise of the decedent.

Moreover, in certain instances, heirs exhibiting disobedient behavior engage in fraudulent activities by transferring inherited assets to third parties without the consent or knowledge of other heirs. Such actions frequently occur during periods of family mourning or when members are unprepared to address the division of the estate. This conduct not only contravenes the principles of equitable wealth distribution but also has the potential to precipitate protracted legal conflicts. The ambiguity surrounding the status of ownership during litigation can result in stagnation or even a decrease in asset values, adversely affecting all parties involved (Chaterina & Djaja, 2024).

Additionally, this pattern of misconduct often encompasses acts of violence or intimidation directed toward the heirs. In particularly severe cases, disobedient offspring may resort to physical or psychological abuse of their parents to achieve their objectives. This troubling behavior is indicative of a broader trend where intimidation tactics are employed against heirs, compromising their rights and well-being.

From the perspective of Islamic law, the rights of a disobedient child regarding inheritance are delineated within the Compilation of Islamic Law (KHI). Specifically, Articles 171(c) and 174 of the KHI stipulate that a disobedient child remains recognized as an heir and retains the right to receive a portion of the inheritance. However, should the disobedient conduct encompass grave offenses such as murder or egregious mistreatment of parents, the child's inheritance rights may be forfeited in accordance with Article 173 of the KHI (Songgirin, 2020). This situation prompts a critical examination of the constraints surrounding the term "disobedience" and its practical implications.

Based on the above, the inheritance patterns concerning disobedient heirs reveal intricate challenges associated with inheritance management in Indonesia. Factors such as legal ambiguity, avarice, and fraudulent activities significantly contribute to the emergence of multidimensional conflicts within families.

### Legal Perspective on the Disobedient Heirs

The positive legal perspective on the status of disobedient heirs within the framework of Islamic inheritance law in Indonesia—particularly as delineated in the Compilation of Islamic Law (KHI)—reveals a complex interplay of principles that warrant thorough examination. A disobedient heir, defined as a child who acts against a



parent, retains the right to inherit their parents' estate, albeit subject to specific limitations articulated in the KHI (Lubis et al., 2023).

According to Article 171(c) and Article 174 of the KHI, a disobedient child is recognized as an heir and is entitled to inheritance. However, Article 173 introduces additional stipulations concerning the forfeiture of inheritance rights in instances where disobedience involves murder or severe abuse towards the parents. Specifically, Article 173(a) stipulates that a child who commits murder against their parents is precluded from inheriting. Conversely, Article 173(b) clarifies that acts of disobedience that do not result in murder do not negate inheritance rights, although it is imperative to precisely define "disobedience" within the legal framework to avoid a broad interpretation that may encompass other criminal acts influencing inheritance rights (Songgirin, 2020).

Normative research indicates that the legal status of disobedient children in relation to inheritance is not entirely severed due to their disobedience. This situation illustrates the principle of justice inherent in positive law, which endeavors to preserve familial relationships amidst conflicts. However, it is crucial to underscore the boundaries that exist to prevent any potential misuse of rights by disobedient children seeking to acquire inheritance through unethical or unlawful means (Lahati, 2017).

Overall, while disobedient heirs possess the legal right to inherit their parents' estate, certain egregious actions, such as persecution or murder, may lead to the forfeiture of those rights. Thus, a comprehensive understanding and rigorous enforcement of the law are vital to uphold the principles of justice and morality in inheritance matters within Indonesia.

### **Perspectives of Islamic Economic Law on the Disobedience Heirs**

The term "heir of disobedience" designates a child who engages in acts of defiance against a parent, both in physical and emotional dimensions. While such actions represent a profound breach of Islamic teachings, the child's rights to inheritance remain intact under Islamic inheritance law, barring specific exceptional circumstances. Within the framework of Islamic economic law, inheritance is governed by principles of justice and equity. The Compilation of Islamic Law (KHI), which serves as a legal reference in Indonesia, outlines inheritance rights in accordance with sharia provisions. Article 171 of the KHI stipulates that a child is entitled to a portion of the parent's estate. Conversely, Article 173 of the KHI states that a child forfeits his or her inheritance rights if involved in acts of murder or egregious abuse resulting in a parent's death. This underscores the necessity of adhering to certain constraints to preserve the integrity of the inheritance system (Songgirin, 2020).

Acts of disobedience toward one's parents can range from disrespectful conduct to physical abuse. Within the framework of Islamic economic law, it is essential to differentiate between these various manifestations of disobedience. For instance, a child who merely exhibits disrespect toward their parents may still retain the right to inherit,





whereas a child involved in severe maltreatment or even homicide forfeits this entitlement. This distinction reflects the principle of justice in Islamic law, which aims to safeguard individual rights while upholding ethical standards in familial relationships.

From a moral standpoint, disobedience to parents is unequivocally condemned in Islamic teachings. The Qur'an and Hadith contain numerous verses and traditions that underscore the significance of filial piety. Consequently, even though a disobedient child may legally retain the right to inherit their parents' estate, their actions may constitute a significant ethical transgression (National Library of the Republic of Indonesia, 2011). This condition presents a dilemma for both society and families in navigating the interplay between inheritance rights and moral conduct.

In practice, the enforcement of law regarding heirs who exhibit disobedience frequently employs a restorative justice framework. This framework prioritizes the restoration of relationships among the parties involved, rather than merely imposing punitive measures on offenders. Within this context, family mediation emerges as a viable mechanism to resolve disputes and achieve an equitable compromise for all stakeholders (Jazari, 2019). This approach aligns with the foundational principles of Islamic economic law, which underscores the significance of preserving social relationships and fostering societal harmony.

In general, Islamic economic law's perspective on heirs of disobedience illustrates a delicate equilibrium between individual rights and the moral standards prevalent in society. While acts of disobedience may constitute significant breaches of familial ethics, the legal system continues to acknowledge the inheritance rights of children, provided their actions do not reach the severity of murder or grave maltreatment. Consequently, it is imperative for both the public and legal institutions to promote a clearer understanding of disobedience and its legal ramifications, ensuring that justice is administered in a manner consistent with Islamic legal principles.

### **The Economic Impact of Disobedient Heirs on Family Wealth**

Heirs are defined as children who engage in misconduct towards their parents, which may encompass behaviors such as abuse, neglect, or a failure to provide care. In numerous legal frameworks, including Islamic law, such acts of disobedience can influence a child's rights to inheritance. For instance, Article 173 of the Compilation of Islamic Law (KHI) stipulates that a child who perpetrates an act of disobedience may forfeit their entitlement to inherit their parents' estate, contingent upon the severity of the act (Songgirin, 2020). Nevertheless, the implementation of these principles is frequently intricate and varies according to the relevant social and cultural contexts (Askarial Askarial & Rinaldi, 2023). On one hand, there is a contention that children retain their inheritance rights due to the preservation of familial bonds; conversely, there is a compelling interest in maintaining moral and ethical standards that mandate filial



respect. The ambiguity surrounding the legal status of disobedient heirs can generate familial discord and incite protracted inheritance disputes.

One of the most significant consequences associated with the status of being an heir to an act of disobedience pertains to the economic ramifications experienced by the individual. Inheritance frequently serves as a principal source of income and well-being for heirs. Typically, inherited assets manifest as land, real estate, or other valuable property. Consequently, when an heir to a disobedient estate forfeits their entitlement to such assets, they not only relinquish a vital income stream but also forfeit the opportunity to accumulate capital for future endeavors (Puspitasari, 2024). Research indicates that in rural regions, including certain areas of Indonesia, the utilization of inherited assets can enhance the overall welfare of the community. In contrast, heirs embroiled in disputes or conflicts regarding inheritance may not only lose access to their properties but also become encumbered by legal expenses and extended periods of uncertainty, ultimately jeopardizing their economic well-being (Umri, 2017).

Uncertainty regarding inheritance rights for heirs who exhibit disobedience frequently precipitates disputes among family members. Such disputes may arise from divergent interpretations of inheritance law and the manner in which property ought to be apportioned. In numerous instances, this ambiguity results in protracted conflicts that involve not only the heirs but also other relatives. Such disputes can fracture familial relationships and foster an atmosphere of enduring hostility. The legal proceedings required to resolve inheritance disputes are often lengthy, consuming significant financial and emotional resources from all parties involved. Furthermore, these conflicts can attract public and media scrutiny, thereby tarnishing the family's overall reputation. In extreme cases, tensions stemming from inheritance disputes may culminate in a complete rupture of family bonds and the erosion of critical social support networks (Putra, 2020).

The management of inheritance plays a pivotal role in assessing the economic implications for heirs. Heirs lacking the requisite knowledge or experience in asset management may encounter substantial risks, including the potential devaluation of their inherited properties. For instance, an heir who opts to liquidate land or other inherited assets to address an immediate financial need, without considering the asset's long-term prospects, may forfeit the chance to realize greater future profits. Furthermore, a deficiency in financial management skills can result in the misallocation or squander of inherited resources. In certain instances, heirs might find themselves without access to essential information or educational resources regarding the effective management of investments or properties, leading to significant financial detriment. Consequently, it is imperative for families to furnish education and support to subsequent generations concerning asset management, thereby enabling them to optimize the economic potential of their inherited wealth.

The economic impact associated with the status of being an heir to disobedience are multifaceted, encompassing a range of legal, social, and economic considerations.



Although certain heirs may derive benefits from their inheritances, numerous others encounter considerable difficulties in the management and distribution of familial assets, often exacerbated by internal disputes and legal ambiguities. Consequently, it is imperative for each family member to gain a thorough understanding of inheritance law, alongside principles of financial management, to avert potential conflicts and to promote the long-term welfare of all family members. Fostering open dialogue regarding financial matters and providing education on asset management represent strategic initiatives aimed at minimizing the likelihood of disputes while enhancing the potential advantages of inheritance.

## CONCLUSION

The economic implications of heirs who engage in disobedience regarding the distribution of familial wealth are notably intricate, as they encompass legal, social, and economic dimensions that significantly impact the family's well-being. Disputes arising from disobedient heirs frequently initiate conflicts that can impede or even obstruct the inheritance distribution process, thereby incurring substantial litigation costs and generating economic uncertainty for all parties involved. Moreover, the lack of preparedness among heirs to effectively manage inherited assets, particularly among those lacking sufficient financial acumen, often results in detrimental decision-making in the long term. For instance, heirs may be compelled to sell an asset at a depreciated price to address immediate financial needs, disregarding the asset's potential future economic value. Consequently, disobedient heirs may forfeit opportunities to cultivate greater economic capital, leading to financial losses that adversely affect the overall welfare of the family and jeopardize the continuity of wealth across successive generations.

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