

## **The Concept of Mani' and its Application in Islamic Inheritance**

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**Abstract:** *Islamic inheritance explains in detail whether or not an heir is entitled to receive an inheritance. This is done to ensure that a person may only receive his rights and share. Therefore, giving the inheritance to heirs must go through stages and confirm their status as heirs who are entitled to receive the inheritance. Furthermore, this study aims to explain the concept of mani' or factors that prevent someone from getting an inheritance and the form of its application in Islamic inheritance. This research is qualitative research with a type of literature. All research data is generated by searching many books and articles and other scientific works that have a relationship with the research theme. Furthermore, the data were analyzed descriptively with a conceptual approach. The results of the study explain that Islamic inheritance strictly regulates the distribution of inherited assets. Three things prevent someone from getting an inheritance; murder, different religions, and slavery.*

**Keywords :** *Mani', Barriers to inheritance, Slaves, Different Religions, Murder*

**Abstrak:** Kewarisan Islam menjelaskan secara terperinci terkait berhak dan tidaknya seorang ahli waris dalam mendapatkan warisan. Hal tersebut dilakukan untuk memastikan bahwa seseorang hanya boleh menerima hak dan bagiannya. Oleh karena itu, pemberian harta warisan kepada ahli waris harus melalui tahapan dan konfirmasi atas statusnya sebagai ahli waris yang berhak menerima warisan. Lebih lanjut penelitian ini bertujuan untuk menjelaskan konsep mani' atau faktor yang menghalangi seseorang mendapatkan warisan dan bentuk aplikasinya dalam kewarisan Islam. Penelitian ini merupakan penelitian kualitatif dengan jenis kepustakaan. Semua data penelitian dihasilkan melalui penelusuran sejumlah buku dan artikel serta karya ilmiah lainnya yang mempunyai hubungan dengan tema penelitian. Selanjutnya data-data dianalisis secara deskriptif dengan pendekatan konseptual. Hasil penelitian menjelaskan bahwa kewarisan Islam mengatur secara ketat untuk penyaluran harta warisan. Hal yang membuat seseorang menjadi terhalang untuk mendapatkan warisan ada tiga hal; pembunuhan, berbeda agama, dan perbudakan.

**Kata Kunci :** *Mani', Penghalang warisan, Budak, Berbeda Agama, Pembunuhan*

### **Introduction**

Property rights in Islamic teachings are very basic and are part of the dhoruri principle (Azam 2005). Therefore, a person is required to defend and defend his possessions (Azhar 2010). Safeguarding property rights is part of the goal of sharia (Habib 1427). Recognition of the property of others must be carried out by the limits. So, taking other people's rights without permission is a form of injustice (Asyur 2011).

All forms of protecting rights are very clear and evident in Islamic inheritance (Manangin, Nurmala, and Martam 2020). In the process of determining the portion of the inheritance, an heir must be ensured that he has a certain relationship with the heir (Raja Ritonga, Akhyar, Jannus Tambunan 2022). This relationship is one of the causes of a person getting an inheritance.

Among them are relationships due to marriage, blood, or lineage and because of the reasons for freeing the heir from slavery, if the heir has the status of a slave previously (Ritonga 2021b).

Furthermore, that effort to convey a person's inheritance rights to the owner can be done well, because the chain in the process of determining it has certain stages that must be passed (Quthny 2020). Therefore, it is very impossible in Islamic inheritance that the share of an heir is not conveyed to the owner (Taqiyuddin 2020). Every individual has the right to get a share, both men and women (Hadi 2016; Ritonga 2022a). Starting infants, children, teenagers, adults and the elderly have the same rights in getting a share of the inheritance (Darmawan 2018; Ritonga 2021a; SURYATI 2000).

Then, an heir can be declared to have lost the right to inherit due to certain factors (Ritonga, Putra, and Hamid 2022). The loss of an heir's right to receive an inheritance is different from the right not to receive a share of the inheritance (Jamilah 2014; Ramdani and Karim 2020). When the rights of an heir have been lost and declared not entitled to receive an inheritance, it means that the heir has lost his right to receive a share of the inheritance (Darmawan n.d.). However, for heirs who only lose their right to get a share, it means that the opportunity to get their share is still hindered because other heirs are more entitled (Naskur 2018).

The process of distinguishing between heirs who have lost their inheritance rights and heirs who have not received their share of inheritance are two different things (Sumper Mulia Harahap 2022). Therefore, the discussion of *mani'* or factors preventing someone from getting an inheritance is one of the main things in Islamic inheritance (Washil 1995). This study is a fundamental thing to do before the process of determining the part. If a person has been declared to have lost inheritance rights, then there is no process for determining the share of that person (Raja Ritonga 2022; Ritonga 2022b). The same thing for other heirs also cannot influence the part they have with the status of the heir (Khalifah 2005).

Some factors causing the loss of heirs' rights are of course standardized in the study of Islamic inheritance (Sirin 2013). This is a stipulation of Rasulullah SAW in explaining the categories of people who are not entitled to a share of the inheritance (Shobuni 2002). However, some caliphs still emerge among the mujtahid in certain matters, because the signs in the form of hadith texts are still general and leave room for *ijtihad* for the scholars (Sullivan 2019).

By the description above, this article will explain how the concept of *mani'* or factors hindering someone from getting a share of the inheritance. This paper will also describe various forms of settlement methods and examples of cases in Islamic inheritance related to the

obstruction of someone from getting an inheritance.

## **Method**

This research is qualitative research with the type of library research or literature study. In collecting research data, a search was carried out on many books, books, articles, and other scientific works that had relevance to the research theme. Furthermore, the data were analyzed descriptively using a conceptual approach and described many cases of Islamic inheritance in terms of the obstruction of a person's right to become an heir.

## **Definition of Mani'**

In language, the term mani' is interpreted as a barrier (Ar-Rozi 2003). This means that an heir can be prevented from getting an inheritance when there is one of the seminal factors in him. Furthermore, heirs who are prevented from getting an inheritance due to mani factors are termed mahrum. In this position, the heir does not receive any inheritance at all and is not considered an heir (Sabiq 2011).

Furthermore, the causes that make the heirs lose their rights as heirs are termed barrier factors. This factor is not because other people are more entitled as in the case of hijab and mahjub in the distribution of inheritance. However, this barrier factor is due to a certain nature or doing something that causes you to be unable to get an inheritance.

## **Murder**

In Islamic fiqh it is interpreted as taking someone's life by intentional or unintentional action. When someone kills one of his family members, the killer is prevented from getting the inheritance from the person he killed. He is not considered an heir and is not entitled to inheritance (Wahbah al-Zuhaili 2011). This is based on the hadith of Rasulullah SAW:

وَعَنْ عُمَرَ ابْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَيْسَ لِلْقَاتِلِ مِنَ الْمِيرَاثِ شَيْءٌ

Translation: Narrated by Amr bin Syu'aib, from his father from his grandfather, the Prophet SAW said, "There is no inheritance for the murderer. (Al-Qazwini 1998)

The perpetrator of the murder in Islamic inheritance is referred to as a mahrum, namely a person whose existence is no longer considered in the inheritance distribution process. His position cannot affect the other heirs. As for the person who is obstructed due to the hijab and mahjub factors, his position can still influence the other heirs, even though he does not receive an inheritance. The concept and application of calculations in Islamic inheritance will be described below (Khalifah 2005):

Table 1 Settlement of Husband's Inheritance Cases as Murderers

No	<i>Ta'yin</i>	Heirs	Origin of the problem	Share	
1	<i>Mabrum</i>	Husband who kills who has property	3	x	x
2	<i>Ashobah Bilghoir</i>	Son		2	2/3
3		Daughter		1	1/3
Total Share				<b>3</b>	<b>3/3</b>

In the case above, the heirs consist of the husband who killed the heir, son, and daughter. In the process of determining their respective shares, the husband is mahrum, that is, he does not receive any inheritance at all and is considered non-existent. Son and daughter as ashobah bilghoir. The number of origins of the problem is taken from the number of sons and daughters, with a note that sons are counted 2 and daughters are still counted 1, so the origin of the problem is number 3. In the process of solving it, the sons get 2 shares, so it becomes 2/3 and the daughter gets 1 share, making it 1/3.

Table 2 Settlement of Sons Inheritance Cases as Murderers

No	<i>Ta'yin</i>	Heirs	Origin of the problem	Share	
1	1/8	Wife		1	1/8
2	<i>Mabrum</i>	The biological son who killed his father	8	x	x
3	1/2	Daughter		4	4/8
4	<i>Ashobah Binnafsi</i>	Biological Uncle		3	3/8
Total Share				<b>8</b>	<b>8/8</b>

In the case above, the heirs consist of the wife, son who murdered the heir, daughter, and biological uncle. In the process of determining each share, the wife gets 1/8 because there is furu' inheritance, the son is mahrum, that is, he does not receive any inheritance at all and is considered non-existent. Daughters get 1/2 for being alone and biological uncles as ashobah binnafsi. The origin of the problem is taken from the KPK, the denominator number for the wife and daughter, which is number 8. In the settlement process, the wife gets 1 share so that it becomes 1/8, the daughter gets 4 shares so that it becomes 4/8 and the uncle as Ashobah binnafsi gets the remaining shares. is 3 so it becomes 3/8.

Table 3 Settlement of Father's Inheritance Cases as Murderers

No	<i>Ta'yin</i>	Heirs	Origin of the problem	Share	
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1	<i>Ashobah Bilghoir</i>	Grandson		5	10	10/18
2		Granddaughter	$5 \times 3 = 18$		5	5/18
3	<i>Mahrum</i>	The Father who killed his son		x	x	
4	1/6	Mother		1	3	3/18
Total Share				<b>6</b>	<b>18</b>	<b>18/18</b>

In the above case, the heirs consist of a grandson, granddaughter, and father who killed the heir and mother. In the process of determining their respective shares, grandsons, and granddaughters as ashobah bilghoir, fathers are mahrum, that is, they do not receive any inheritance at all and are considered non-existent. Mother gets 1/6 because there is furu' inheritance. The origin of the problem is taken from the denominator of the mother's share, which is number 6. In the settlement process, the grandson and granddaughter as ashobah bilghoir get all the remainder, which is 5 shares after the mother takes 1 share.

Furthermore, because the grandson's share cannot be divided evenly, then another number is sought that can divide the number 5. According to their number, the grandsons are considered 2 and the granddaughters are still 1, so the divisor is number 3. The original number of the first problem, namely number  $6 \times 3 = 18$ . The number 18 is used as the origin of a new problem. The mother's share is  $1 \times 3 = 3$  to 3/18, the grandson's share and granddaughter's share is  $5 \times 3 = 15$ , for the grandson's share is 2 shares, namely 10/18 and for the granddaughter's share is 1 share, namely 5/18.

Table 4 Settlement of Inheritance Cases of Sisters as Murderers

No	<i>Ta'yin</i>	Heirs	Origin of the problem	Share
1	1/3	Mother		1
2	<i>Ashobah Binnafsi</i>	Brother	3	2
3	<i>Mahrum</i>	The sibling who killed his brother		x
Total Share				<b>3</b>
				<b>3/3</b>

In the above case, the heirs consist of the mother and two siblings, but one of them is the killer of the heir. In the process of determining each share, the mother gets 1/3 because there is no furu' inheritance and the number of siblings is not more than one person. Siblings are only

considered as one person as ashobah binnafsi. The origin of the problem is taken from the denominator of the mother's share, which is number 3. So, the mother gets 1 share to become 1/3, and siblings as ashobah binnafsi get the remainder, the share is 2 to 2/3.

Table 5 Settlement of Inheritance Cases of Biological Uncles as Murderers

N	Ta'yin	Heirs	Origin of the problem	Share
1	1/4	Husbands	3	3/12
2	1/2	Daughter	6	6/12
3	1/6	Granddaughter	2	2/12
4	Mahrum	Biological Uncle who killed the inheritance owner	12	x
5	Ashobah Binnafsi	Biological Uncle's children	1	1/12
			Total Share	12
				12/12

In the above case, the heirs consist of the husband, daughter, granddaughter, biological uncle who killed the heir, and biological uncle's children. In the process of determining each portion, the husband gets 1/4 because there is furu' inheritance, the daughter gets 1/2, the granddaughter gets 1/6, and the biological uncle of the mahrum, that is, does not get any inheritance at all and is not considered to exist, the child of the biological uncle as ashobah binnafsi. The origin of the problem is taken from the KPK, the denominator of the ashobah furudh part, which is the number 12. So, the husband gets 3 shares to make 3/12, the daughter gets 6 shares to make 6/12, the granddaughter gets 2 shares to make 2/12, and the biological uncle's child as ashobah binnafsi gets 1 share so that it becomes 1/12.

### Different Religions

In Islamic inheritance, religious differences are one of the discussions in the transfer of inheritance rights. The existence of religious differences among heirs will be a barrier to getting an inheritance. Heirs who have different beliefs from the heirs are termed mahrum, that is, they do not receive an inheritance and are not considered heirs (Ajuz 1986). This is based on the hadith of Rasulullah SAW (An-Naisaburi 2000; Bukhari 2012):

عَنْ أُسَامَةَ بْنِ زَيْدٍ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ النَّبِيَّ ﷺ قَالَ: لَا يَرِثُ الْمُسْلِمُ الْكَافِرَ، وَلَا يَرِثُ الْكَافِرُ الْمُسْلِمَ. مُتَّفَقٌ عَلَيْهِ.

Translation: From Usamah bin Zaid Radiyallohu Anhuma. That the Prophet said: A Muslim does not inherit the property of an infidel, and an infidel does not inherit the property of a Muslim. (H.R Bukhari and Muslim)

عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: لَا يَتَوَارَثُ أَهْلُ مِلَّتَيْنِ. (رَوَاهُ أَحْمَدُ)

The Messenger of Allah said: There is no mutual inheritance for adherents of two different religions. (HR Ahmad)(Hanbal 2000)

Based on the confirmation from the hadith text above, Islamic inheritance is standardized on some rules. In the process of blocking someone from becoming an heir, one of the most fundamental. Religious differences are one of the factors in the loss of an heir's right to get a share of the inheritance. For more details on how the concept of Islamic inheritance in the settlement of the inheritance rights of a person with a different religious status from the heir will be described as follows(Khalifah 2005):

Table 6 Settlement of Inheritance Cases of Non-Muslim Wives

No	<i>Ta'yin</i>	Heirs	Origin of the problem	Share
1	<i>Mahrum</i>	non-Muslim wives	x	x
2	<i>Ashobah Bilghoir</i>	Grandsons	3	2/3
3		Granddaughters	1	1/3
			Total Share	<b>3</b>
				<b>3/3</b>

In the case above, the heirs consist of non-Muslim wives, grandsons, and granddaughters. In the process of determining their respective portions, the wife is mahrum, that is, does not receive any inheritance at all and is considered non-existent. grandson and granddaughter as ashobah bilghoir. The number of origins of the problem is taken from the number of grandsons and granddaughters, with a note that the grandsons are counted 2 and the granddaughters are counted still 1, so the origin of the problem is number 3. 2/3 and the granddaughter gets 1 share, making it 1/3.

Table 7 Settlement of Inheritance Cases for Sons of Non-Muslim Status

No	<i>Ta'yin</i>	Heirs	Origin of the problem	Share
1	1/4	Husband	4	1/4
2	<i>Mahrum</i>	non-Muslim sons	x	x
3	<i>Ashobah Binnafsi</i>	Grandsons	3	3/4
			Total Share	<b>4</b>
				<b>4/4</b>

In the case above, the heirs consist of the husband, non-Muslim sons, and grandsons. In the process of determining each share, the husband gets 1/4 because there is furu' inheritance,

the son is mahrum, that is, he does not get any inheritance at all and is considered non-existent, and the grandson is ashobah binnafsi. The origin of the problem is taken from the denominator of the husband's share, which is number 4. In the settlement process, the husband gets 1 share so that it becomes  $\frac{1}{4}$  and the grandson as ashobah binnafsi gets the remainder, the share is 3 so that it becomes  $\frac{3}{4}$ .

Table 8 Settlement of Inheritance Cases of Non-Muslim Fathers

No	Ta'yin	Heirs	Origin of the problem	Share
1	<i>Ashobah</i>	Sons	5	10
2	<i>Bilghoir</i>	Daughter	$5 \times 3 = 18$	5
3	<i>Mahrum</i>	non-Muslim fathers	X	X
4	1/6	Mother	1	3
			Total Share	<b>6</b>
				<b>18</b>
				<b>18/18</b>

In the case above, the heirs consist of sons, daughters, non-Muslim fathers, and mothers. In the process of determining their respective portions, sons, and daughters become ashobah bilghoir, and fathers are mahrum, that is, they do not receive any inheritance at all and are considered non-existent. Mother gets  $\frac{1}{6}$  because there is furu' inheritance. The origin of the problem is taken from the denominator of the mother's share, which is number 6. In the settlement process, sons and daughters as ashobah bilghoir get all the remainder, which is 5 shares after the mother takes 1 share.

Furthermore, because the child's share cannot be divided evenly, then look for another number that can divide the number 5. According to their number, sons are considered to be 2 and daughters are still 1, so the divisor is number 3. The number from the first problem, namely number  $6 \times 3 = 18$ . The number 18 is used as the origin of a new problem. Mother's share  $1 \times 3 = 3$  becomes  $\frac{3}{18}$ , son's share and daughter's share  $5 \times 3 = 15$ , for sons 2 shares, namely  $\frac{10}{18}$ , and daughter's share 1 share, namely  $\frac{5}{18}$ .

Table 9 Settlement of Inheritance Cases of Non-Muslim Half-sister

No	Ta'yin	Heirs	Origin of the problem	Share
1	1/3	Mother	3	1
2	<i>Ashobah Binnafsi</i>	Half-brother		2
3	<i>Mahrum</i>	Half-sister		x
			Total Share	<b>3</b>
				<b>3/3</b>

In the case above, the heirs consist of a mother and two paternal siblings, but one of them is a non-Muslim. In the process of determining each share, the mother gets 1/3 because there is no *furu'* inheritance and the number of siblings is not more than one person. One paternal sibling is considered an *ashobah binnafsi*, while the second paternal sibling is a *mahrum*, that is, they do not receive any inheritance at all and are considered non-existent. The origin of the problem is taken from the denominator of the mother's share, which is number 3. So, the mother gets 1 share which becomes 1/3 and the father's brother as *ashobah binnafsi* gets the remainder, the share is 2 which becomes 2/3.

Table 10 Settlement of Inheritance Cases of Non-Muslim Uncles

No	<i>Ta'yin</i>	Heirs	Origin of the problem	Share
1	1/4	Wife	3	3/12
2	1/2	Siblings	6	3/12
3	1/6	Half-sisters	12 2	2/12
4	Mahrum	non-Muslim uncles	x	x
5	<i>Ashobah Binnafsi</i>	Children of biological uncles	1	
			Total Share	<b>12</b>
				<b>12/12</b>

In the case above, the heirs consist of a wife, siblings, half-sisters, non-Muslim uncles, and children of biological uncles. In the process of determining each share, the wife gets 1/4 because there is no *furu'* inheritance, siblings get 1/2, siblings in the father's house get 1/6, biological uncles are *mahrum*, that is, they don't get any inheritance at all and are not considered to be there, children of biological uncles as *ashobah binnafsi*. The origin of the problem is taken from the KPK, the denominator of the *ashabul furudh* part, which is the number 12. So, the wife gets 3 shares to make 3/12, siblings get 6 shares to make 6/12, half-sister gets 2 shares to make 2/12, and biological uncle's child as *ashobah binnafsi* gets 1 share so that it becomes 1/12.

### Slavery

The term slavery is a classic problem in Islamic literature. With the emergence of Islamic teachings, some sanctions and fines were directed at the release of slaves. This is a sign that Islamic teachings highly respect the human rights of every person. In Islamic inheritance, slavery is one of the barrier factors in obtaining inheritance, because status as a slave will lose ownership rights. Everything that belongs to a slave belongs to his master. So, if a slave is given a share of

his inheritance, of course, everything he receives will belong to his master or master(Qonun 2010). The concept and application of the completion of slave inheritance in Islamic inheritance will be described as follows(Khalifah 2005):

Table 11 Settlement of Inheritance Cases of Wives of Slave Status

No	<i>Ta'yyin</i>	Heirs	Origin of the problem	Share
1	<i>Mahrum</i>	Wife with slave status	3	x
2	<i>Ashobah Bilghoir</i>	Brother		2
3		Sister		1
			Total Share	<b>3</b>
				<b>3/3</b>

In the above case, the heirs consist of the wife with slave status, and brother and sister siblings. In the process of determining their respective portions, the wife is mahrum, that is, does not receive any inheritance at all and is considered non-existent. The brother and sister siblings as ashobah bilghoir. The origin of the problem is taken from the number of siblings, with a note that brothers are counted as 2 and sisters are still counted as 1, so the origin of the problem is number 3. In the process of solving it, brothers get 2 shares, so it becomes 2/3 and sisters get 1 share, so it becomes 1/3.

Table 12 Settlement of Inheritance Cases for Grandson of Slave Status

No	<i>Ta'yyin</i>	Heirs	Origin of the problem	Share
1	1/2	Husband		1
2	<i>Mahrum</i>	Grandson with the status of a slave	2	x
3	<i>Ashobah Binnafsi</i>	Half-brother		1
			Total Share	<b>2</b>
				<b>2/2</b>

In the above case, the heirs consist of a husband, a grandson with the status of a slave, and a half-brother. In the process of determining each share, the husband gets 1/2 because there is no furu' inheritance, the grandson of the mahrum does not receive any inheritance at all and is considered non-existent, and the half-father as ashobah binnafsi. The original number of the problem is taken from the denominator of the husband's share, which is number 2. In the settlement process, the husband gets 1 share so that it becomes 1/2, half-father as ashobah binnafsi gets the remainder, the share is 1 so that it becomes 1/2.

Table 13 Settlement of Slave Status Father's Inheritance Cases

No	<i>Ta'yin</i>	Heirs	Origin of the problem	Share	
1	<i>Ashobah Bilghoir</i>	Grandsons	5	10	10/18
2		Granddaughters	<del>6</del> 3=18	5	5/18
3	<i>Mabrum</i>	Father with slave status	x	x	x
4	1/6	Grandmother	1	3	3/18
			Total Share	<b>6</b>	<b>18</b>
				<b>18</b>	<b>18/18</b>

In the above case, the heirs consist of grandsons, granddaughters, the father with slave status, and the grandmother. In the process of determining their respective shares, grandsons, and granddaughters become ashobah bilghoir, fathers are mahrum, that is, they do not receive any inheritance at all and are considered non-existent, grandmothers receive 1/6 because there is no mother. The origin of the problem is taken from the denominator of the grandmother's share, which is number 6. In the process of solving it, the grandson and granddaughter as ashobah bilghoir get all the remainder, which is 5 shares after the grandmother takes 1 share.

Furthermore, because the grandson's share cannot be divided evenly, then another number is sought that can divide the number 5. According to their number, the grandsons are considered 2 and the granddaughters are still 1, so the divisor is number 3. The original number of the first problem, namely number  $6 \times 3 = 18$ . The number 18 is used as the origin of a new problem. Grandmother's share of  $1 \times 3 = 3$  becomes 3/18, grandson's share and granddaughter's share is  $5 \times 3 = 15$ , for grandson's share is 2 shares, namely 10/18, and for granddaughter's share is 1 share, namely 5/18.

Table 14 Settlement of Inheritance Cases of Half-Sisters Slave Status

No	<i>Ta'yin</i>	Heirs	Origin of the problem	Share	
1	1/2	Sister	1	1	1/2
2	<i>Ashobah Binmafsi</i>	Half-brothers	2	1	1/2
3	<i>Mabrum</i>	Half-sisters with the status of slaves	x	x	x
			Total Share	<b>2</b>	<b>2/2</b>

In the case above, the heirs consist of siblings, half-brothers, and half-sisters with the status of slaves. In the process of determining their respective shares, siblings get 1/2 because

there is no obstacle, half-brothers as ashobah binnafsi. After all, a sister with the same father is mahrum, that is, they don't get any inheritance at all and are considered non-existent. The original number of the problem is taken from the denominator of the sibling's share, which is number 2. So, the sibling gets 1 share to become 1/2 and the half-brother as ashobah binnafsi gets the remainder, the share is 1 to 1/2.

Table 15 Settlement of Inheritance Cases of Biological Uncles with the Status of Slaves

No	Ta'yin	Heirs	Origin of the problem	Share
1	1/6	Mother	1	1/6
2	1/2	Biological sister	3	3/6
3	1/6	Half-sister	6	1/6
4	<i>Mahrum</i>	Biological uncle as slave status	x	x
5	<i>Ashobah Binnafsi</i>	Step uncle	1	1/6
			Total Share	<b>6</b>
				<b>6/6</b>

In the above case, the heirs consist of the mother, biological sister, half-sister, biological uncle as slave status, and paternal uncle. In the process of determining each portion, the mother gets 1/6 because there are two siblings, siblings get 1/2, half-sisters get 1/6, biological uncles are mahrum, that is, they don't inherit at all and are not considered to have any, step-uncles in the fathers as ashobah binnafsi. The origin of the problem is taken from the KPK, the denominator of the ashabul furudh part, which is the number 6. So, the mother gets 1 share so that it becomes 1/6, siblings get 3 shares so that it becomes 3/6, half-sister gets 1 share so that it becomes 1/6, and step-uncle as ashobah binnafsi gets 1 share so that it becomes 1/6.

### Conclusion

Islamic inheritance is very strict in the process of determining the rights of heirs. An heir is declared entitled to a share of the inheritance if no factors are preventing him from becoming an heir. However, if a natural factor hinders him such as slavery, different religions, and homicide, then that person cannot be declared an heir. His actions or traits attached to him from one of the barrier factors to getting an inheritance to make him unable to influence other heirs. The position of the person who has been hindered as an heir (*mani'*) is considered non-existent. So, its existence does not exist and cannot affect other parts of the heirs.

Meanwhile, a person has still declared an heir even though he does not get an inheritance because he is prevented by someone who is more entitled (*mahjub*). The obstruction of an heir to get a share of the inheritance can still affect the other heirs. The position of the heir who is

obstructed (mahjub) is still considered as the heir. The obstruction of an heir to get a share of the inheritance does not erase his status as an heir.

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