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LAW & SOCIAL POLICY | RESEARCH ARTICLE

Perspective on Inheritance Rights in Other Wives

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Abstract: This research aims to investigate and understand the position of wives who marry consecutively and who are not the first wife in the perspective of heirs according to the Compilation of Islamic Law. The research method used is normative-juridical. Analysis of the research results shows that the position of other wives in polygamous marriages is equal in rights to the first wife. Joint property in a polygamous marriage is divided fairly, where the legal consequences of the inheritance of a husband who marries more than once legally are that when the husband dies, the division of joint property in his marriage is half of the joint property obtained with the first wife, and half of the joint property obtained with the second wife, each separately without any mixing of assets. Each wife in a polygamous marriage has the right to her husband's inheritance. The conclusion of this study is that there is no difference in inheritance rights between the first wife and subsequent wives, in accordance with the provisions of Religion and the Compilation of Islamic Law applicable in Indonesia. Recommendations from this research include the need for reform in the Law and incorporated in the omnibus rule of law, especially related to the distribution of inheritance in polygamous marriages, as some laws have accommodated what is implied in the Qur'an and AlHadith. The terms in the law need to be adjusted to reflect fair and balanced principles in accordance with religious values. In addition, wives in polygamous marriages need to pay attention to factors that may limit their inheritance rights and follow religious recommendations.

Keywords: Inheritance Rights; Another Wife; Second Wife; Subsequent Wife; Polygamy; Marriage;

1. INTRODUCTION

The development of law in Indonesia cannot be separated from the history behind it. History shows how Indonesia recognizes three legal systems, where each system influences each other, according to its ability to adapt to Indonesian society which is diverse in ethnicity, language, culture, and so on (Anderson, 1955; Cattelan, 2012; Khodaverdian, 2022; Ramadhan, 2023). One of them is the field of inheritance law which is influenced by Islamic law and Western law. This influence has a major impact on human relations with other humans, especially in legal relations between family members in the settlement of inheritance disputes (Bowen, 1998; Malekian, 2014; Williams, 2020). Inheritance disputes can arise when there are no or unclear rules in resolving inheritance issues. Such disputes can lead to disputes that can result in the fracturing of kinship, for example the case that occurred between Nisbah Kusran binti A. Husain, the second wife of the late H. Ansar Dg. Lawa bin Coke Dg. Sarro sued Hj. Hadana Dg. Hadana Dg. Hada bint Balla Dg. La'lang the first wife of the deceased H. Ansar Dg. Lawa bin Coke Dg. Sarro at the Makassar Religious Court over a BTN house located at Graha Lestari Housing Block D1. No. 4 Jalan Tung Abdul Razak Makassar, with case No. 1946 /Pdt. G/2020/PA.Mks.

Allah SWT has said in Surah An-Nisa 4:12: And your share (husbands) is one-half of the property left by your wives, if they have no children. If they (your wives) have children, then you get a quarter of the property they leave behind after (fulfilling) the will they made or (and after paying) their debts. If you have no children, then the wives get a quarter of the property you leave behind. If you have children, then the wives get an eighth of the property you leave (after fulfilling) the will you made or (and after paying) your debts (Kozlowski, 1997). If a man or woman dies leaving no father and no children, but has a brother or a sister, each of the two types of brothers or sister shall receive one-sixth of the estate. But if the brothers are more than one, then they shall share together in the third part, after the fulfillment of his will or the payment of his debts with no hardship to the heirs. Such is the decree of Allah. Allah knows best, and is most merciful.

This need not happen if we all understand what we should do, what our rights are, and what our obligations are in relation to the inheritance. Ignorance and lack of understanding are the cause of many of these conflicts (Kloos, 2021). The question that arises every time someone dies, is "How

should the inheritance (if any) be distributed to those entitled to receive it and to whom the property is transferred, and how. All of this must be regulated in the law of inheritance. Islamic Inheritance Law aims to regulate the ways of distributing inheritance so that it can benefit the heirs fairly and well. This goal means that the inheritance or property is the property of the testator obtained through his own efforts or obtained by him as an heir legally and justified by religion, and likewise with the heirs allowed to get the inheritance through a legal and justified way as well. This goal shows the function of Islamic law as a teaching of truth that directs humans to act in accordance with the guidance of Allah SWT and the Prophet Muhammad SAW. Law is a rule system as a system of rules about human behavior, thus the law does not refer to a single rule, but a set of rules that have a unity so that it can be understood as a system. The consequence is that it is impossible to understand the law if you only pay attention to one rule.

This principle is in line with Teer Hard's reception theory that culture, regardless of its development, must follow the development of traditions, Islamic inheritance law being one of them.

In Islamic inheritance, there is also the term absolute rights in inheritance, absolute rights, namely, rights that can be defended or challenged based on rights obtained legally, one of which is through marriage. If we analyze three articles in the Compilation of Islamic Law (KHI), namely Article 174:

- a) The groups of heirs consist of:
 1. According to blood relationship:
 - a. The male group consists of: Father, son, brother, uncle and grandfather.
 - b. The female group consists of: Mother, grandmother, grandmother's sister.
 2. According to marital relationship consists of: widower or widow.

This article shows the legitime portie system, meaning that the rights between husband and wife are equal to other heirs, even though the dose obtained is different (the principle of balanced justice in Islam). The problem of understanding arises in the next article, namely Article 180 KHI: Widows get a quarter of the share if the testator does not leave children, and if the testator leaves children then the widow gets an eighth share (Hijriani & Ramadani, 2022). This article was chosen as the focus of the study of rights (wife), this article shows the majoritarian nature of Islamic inheritance. The majoraat inheritance system is defined as a situation that gives a single right to get all the inherited property or a single right to inherit a number of basic assets from a family, the possibility of this misunderstanding arises because of the mention of absolute rights above, namely widows. While those who have more than one wife are certainly widows, normatively this is problematic, it is different if this is only a rule, by rule the placement of absolute heirs can be understood if only called widows, therefore any number of wives when the husband dies, all of them are called widows, this problem is a matter of normative language and rule language.

The next problem lies in Article 190: For the testator who has more than one wife, then each wife is entitled to a share of the gono-gini from the household with her husband, while the entire part of the testator is the right of the heirs.

The above article raises several issues:

1. It refers to the maayorate system of inheritance.
2. Absolute rights can mean bias, the bias is that the so-called heirs can include widows as heirs or not with the provisions of the norms above, namely only the gono gini property of the wives, then with the mention of wives it seems to indicate that if only one wife she does not get a share of the gono gini property, everything is categorized as inheritance. Furthermore, the problem goes back to Article 174 that only widows have the absolute right to inherit, what about the second, third and fourth wives?

Some issues (which are still hypothetical, the mention of the term hypothesis is part of the dialectic of scientific knowledge which is falsification, speculation and explanation) (Adebayo & Bankole, 2019). The above is important to study, with the understanding that, Islamic law here is understood as a system of rationalization not as a dogmatic system as a product of intellectual work, and needs to be understood not limited to fiqh alone. Disproportionate perceptions in viewing existence often give birth to erroneous perceptions in viewing developments or changes that occur in Islamic law (Anderson, 1955; Mukhlis et al., 2023).

2. Research Method and Materials

This research carries a juridical normative legal approach with a focus on the study of legal norms contained in the Civil Procedure Code (KHI) and its relationship with other social rules. As an Indonesian positive law research, this research specifically uses an Islamic law approach. In carrying out this research methodology, the collection of legal materials is the main key to obtaining a deep understanding of the problem being studied. The researcher accessed various literature and legal journals as the main reference sources in obtaining relevant legal materials. By detailing and examining

in depth the contents of KHI, researchers can identify legal norms relating to aspects of social life. References from the literature provide a solid theoretical basis for formulating the research conceptual framework. Engaging with current legal journals was also a critical step to ensure that the research was up-to-date and relevant to existing legal developments.

Interviews are an important element in this research as they can provide practical insights from Islamic law experts and other legal practitioners. Interviews not only serve as a supplement to the data, but also as a source of direct information from stakeholders who can provide valuable insight into the implementation and interpretation of Islamic legal norms in the KHI. Direct interaction with respondents opens up opportunities to gain a more contextual perspective and understand how these legal norms are applied in social reality. The use of qualitative analysis techniques is the right choice in exploring the data collected. This research does not only focus on numbers and statistics, but on an in-depth understanding of the social and legal context that shapes the norms in KHI. Qualitative analysis techniques allow researchers to explore the complexity of the relationship between legal norms and social rules in more depth, providing space for holistic interpretation and understanding of the phenomenon under study.

In summarizing the research results, the researcher will compile the main findings found from the analysis of legal materials, journals, and interviews. All of these findings will be used to formulate solid conclusions and make a significant contribution to the understanding of the relationship between legal norms in KHI and other social rules. It is hoped that this research can make a significant contribution to the development of Islamic legal thought in Indonesia, and can be a valuable reference for academics, legal practitioners, and other interested parties.

3. Results and Discussion

The position of the second wife as an heir according to the Compilation of Islamic Law in the perspective of the Indonesian legal system, the function of the state is to protect every religion and its adherents through the role of guaranteeing the implementation of worship, providing support facilities and maintaining harmony between religious communities. Religion must be the foundation of morality, so any regulations and legislation that contradict morals and religion must be ruled out. Normatively, practicing Islamic law in a *kaffah* (comprehensive) manner is an order from Allah. Islamic Sharia is the revelation of God revealed to the Prophet to be conveyed to his people. It is not a theory, but a divine teaching that must be studied, and enforced to create order in people's lives as well as a balance between obligations and rights. Islamic Sharia will apply to all mankind in the world until the hereafter, but if Islamic Sharia is made a positive law in a country, then its validity is only for the Islamic community (Postema, 2018). Conceptually, there are principles of Islamic law that include the structuring and application of Islamic law for Muslims, that Allah and His Messenger commanded people whose laws are faithful to run.

In Islamic inheritance, the right of ownership of property has been determined for every human being with justice (Abel, 2020). Therefore, Islamic inheritance law is a science and law that must be studied as hadith Knowledge is three, and anything other than that is excess, namely clear and unclear verses, or Sahih As-Sunnah or *fara'id* science or inheritance law fair distribution of inheritance. (Hadith narrated by Abu Daud No. 2499). As well as the hadith from Abdullah Ibn Mas'ud that the Prophet SAW said which means "Study the Qur'an and teach it to others, and study *fara'id* and teach it to others. Indeed, I am a person who will die, and this knowledge will disappear until there will be fitnah. In fact, there will be two people who will dispute over the distribution of their rights, but they will not find anyone to settle the dispute."

Islamic teachings on legal structuring provide an overview of how Islam has actually organized human life with established laws. The theory or teaching about legal structuring from an Islamic perspective comes from Allah as the creator of sharia in the form of revelation, namely the Qur'an. It can be said to be a normative law that is universal and applies to all humans without distinguishing racial, political and socio-cultural positions (Andersen, 2017). The universality of the Qur'anic law requires explanation in the form of practical legal implementation. This is done by the Prophet through daily life, in the form of normative law that is applicable, namely As-Sunnah. When there is an absence or vagueness of the law intended by Allah and His Messenger in the Al-Quran and As-Sunnah, then the formation of the law is left to humans, through the method of *ijtihad*. This teaching on legal structuring states that for every believer to carry out the sharia in a *kaffah* manner. Islamic law itself regulates several areas of law (Kahar, 2019).

The position of inheritance law in law is included in the scope of the family law field. In general, matters regarding family law in which there are provisions regarding inheritance are regulated in the Qur'an Surah An-Nisa (Q.S.IV). State law regulates Islamic inheritance through Presidential Instruction of the Republic of Indonesia Number 1 of 1991 concerning Book I on Marriage Law,

Book II on Inheritance Law, and Book III on Perwakafan Law. The inheritance verses regulated in it are:

Q.IV: 7. Regulates the affirmation that men and women can inherit and is emphasized by the same designation in the form of : For men there is inheritance from what is left by their fathers and aqrabun, and for women there is a share of inheritance from what is left by their fathers and aqrabun. Q.IV: 11. Regulates the acquisition of children by legal lines, the acquisition of mothers and fathers by three legal lines, and the matter of wills and debts. Q.IV: 12. Provides for the acquisition of widowers by two lines of law, the question of wills and debts. The acquisition of widows with two lines of law, the question of wills and debts and the acquisition of brothers in the case of kalalah with two lines of law, the question of wills and debts. Q.IV: 33. Regulates the mawali of a person who receives property from his father's mother. Regarding the mawali of a person who gets an inheritance from his aqrabun.

Regarding the mawali of a person who gets an inheritance from his co-religionists, and the order that the division of the share is carried out.

From the inheritance verse, we can see the amount of inheritance from each of them, namely:

1. Child inheritance rights
 - a. The share of a son is as much as two parts of a daughter
 - b. If the deceased left only one daughter, (no sons) then a daughter gets 1/2 (half) of the property tarikah (heirloom).
 - c. If the deceased left only daughters and they are two or more people they get 2/3 (two-thirds) and divided equally between them.
2. The right of inheritance of parents
 - a. If the deceased has children, father, and mother, then the father and mother each get 1/6 (one-sixth)
 - b. If there are no children and no other heirs, the mother gets 1/3 (one third) and the father gets the rest.
 - c. If in addition to the mother and father there are brothers and sisters of the deceased, the mother gets 1/6 (one-sixth).
3. The right of inheritance of husband and wife
 - a. Husband gets 1/2 (half) if the wife did not leave children.
 - b. The husband gets 1/4 (a quarter) if the wife leaves children. c. The wife gets 1/4 (a quarter) if the husband does not leave children.
 - c. Wife gets 1/4 (a quarter) if the husband does not leave children.
 - d. Wife gets 1/8 (one-eighth) if the husband leaves children.
4. The right of inheritance of a mother's brother

Male or female siblings who are left behind while the deceased has no children and fathers, if he alone then get 1/6 (one-sixth). But if they are more than one, then they get 1/3 (one third) and divided equally among them, whether male or female (Bahrum, 2019; Hager & Hilbig, 2019).

women. When distributing the inheritance, all of the above inheritance divisions can only be carried out after first settling the affairs of the will or the debts of the deceased. As for Some provisions regarding the law of inheritance are as follows:

1. Making a will can not be more than 1/3 (one third) of the property, because it brings harm to the heirs
2. The will does not apply to the heirs except with the consent of the heirs (according to some Shafi'iyah scholars).
3. Allah promises paradise for His servants who obey His laws and a painful punishment for those who disobey Allah and His Messenger.

Motivated by the problems that occur within the scope of society regarding the problem of a stepmother (second, third, and fourth wives) in obtaining inheritance rights as a study of existing understanding in society, there are several facts that can be conveyed in the background of this writing, namely:

1. Intellectual facts, which are facts that explain the basis of Islamic inheritance law that applies in Indonesia.
2. Facts about the legal system of Islamic inheritance in Indonesia, looking at the facts of the legal form of the enactment of Islamic inheritance law in the legal system in Indonesia.
3. Practical facts are facts about how Islamic inheritance law is enforced, understood, and implemented in Islamic society.

In Islamic law known as inheritance law, Islamic inheritance law is part of family law that regulates the acquisition and inheritance rights of a person. Families who are left dead by their father or mother, whether male or female, both have the right to receive inheritance as stipulated in the verses of inheritance, as well as in the compilation of Islamic law (Butt, 2019; Train, 2016).

Likewise, wives have the right to receive inheritance from their husbands who die. Inheritance law is closely related to the scope of human life, because every human being will definitely experience a legal event called death. The legal consequences that subsequently arise with the occurrence of a legal event of a person's death include the problem of how to manage and continue the rights and obligations of someone who dies. In the Qur'an Surah An-Nisa verse 3 that a man may marry one wife, two wives, three wives or four wives (Gaddis et al., 2022). Performing marriage with more than one wife in the verse the conditions must be able to be fair, the meaning contained in the Qur'an makes Muslims there are those who perform marriage with wives. With this, the author tries to provide some brief description of the acquisition and inheritance rights of these wives.

Law No. 1 of 1974 concerning the Marriage Law and its implementing regulations stipulate that polygamy is only intended for those whose laws and religions allow more than one wife. This is emphasized in the explanation of Law No. 1 of 1974 at number 4C which says: This Law adheres to the principle of monogamy, only if desired by those concerned because the law and religion of the person concerned allow it, a husband can have more than one wife (Broms & Kokkonen, 2019).

Marriage Law in Indonesia does not close the door on husbands to have more than one wife, this does not necessarily open a wide door to polygamous marriages. In Islam, it is known as the reasons for the revelation (Al-Qur'an) or *asbabun nuzul* about the verses of Islamic inheritance.

The cause of the revelation of the verses of Islamic inheritance according to the hadith narrated by Ahmad, Abu Daud and Tarmizi from the friend Jabir which means: The wife of Sa'ad bin al-Rabi' came to the Messenger of Allah and said "O Messenger of Allah, these are the two daughters of Sa'ad bin al-Rabi', he died in the battle of Uhud, all his property was taken by his uncle and nothing was left for them while they could not marry if they did not have property". The Prophet said, Allah will send down the verses of Islamic inheritance (Solemnou, 2016). So, then the Prophet SAW went to the uncle of the two children of Saad bin al-Rabi' and said give two-thirds of Sa'ad's property to his two children and to his mother give one-eighth, while the rest is for you. In another narration about the *asbabun nuzul* of the verse of Islamic inheritance, it is told, when Aus bin Sabit Al-Ansari died, he left a wife, Ummu Kuhhah and three daughters.

Then two of Aus's uncle's sons, namely Suwaid and Arfatah, forbade them from giving their share of the inheritance to Aus' wife and three daughters, because according to ignorant custom, children and women do not receive any inheritance because they are unable to take revenge (if a murder occurs, etc.). Then Aus' wife complained to Rasulullah SAW, then Rasulullah summoned Suwaid and Arfatah. Both of them explained to the Messenger of Allah that their children could not ride horses, could not carry loads and could not face the enemy. We work, while they do nothing. So, this verse came down establishing women's rights to receive inheritance as explained in the inheritance verse (Tikhodeyev, 2018).

According to the majority of scholars, these two narrations are the reasons for the revelation of Islamic inheritance verses. There are still authentic narrations that talk about the reasons for the revelation of the inheritance verse, none of these narrations deviate from the core of the problem. Inheritance verses are found in the Al-Qur'an Surah An-Nisa starting from verse 7 to verse 14 which is a verse that contains inheritance rights which include: children's share of inheritance rights, parents' inheritance rights, inheritance rights for husband and wife, inheritance rights for siblings. The inheritance rights of husband and wife are regulated in the Al-Qur'an, Surah An-Nisa, verse 12 (QS.4: 12).

In Law no. 1 of 1974, that a husband may marry more than one person if: obtains permission from the first wife or there is written consent from the first wife, see Articles 3, 4, 5, Law no. 1 of 1974 and its implementing regulations no. 9 of 1975. In the Al-Qur'an, Surah An-Nisa, verse 3, a husband may marry more than one and a maximum of 4 wives and must be able to act fairly, considering that in the Law and the Al-Quran it is permissible to marry more than one wife. then there will be legal consequences for the rights and inheritance of polygamous marriages. In the Al-Qur'an Surah An-Nisa verse 12:

And your share (husbands) is half of the property left by your wives, if they do not have children. If they (your wives) have children, then you get a quarter of the assets they leave after (fulfilling) the will they made or (and after paying) their debts. Wives get a quarter of the property you leave if you don't have children (Khayati, 2018; Pelfrey, 2020). If you have children, then the wives get one-eighth of the property you leave (after fulfilling) the will you made or (and after paying) your debts. If a person dies, whether a man leaves behind a father or a woman who does not have a brother (a mother) or a sibling and does not leave a child, but a daughter (a mother), then to each of the two types of siblings one sixth of the property. But if there are more than one half-brother, then they share one-third together, after (fulfilling the will) which he made or (and after paying) the debt without any inconvenience (to the heirs). Such are the provisions of Allah, Allah is All-Knowing, Most Forgiving. From this verse it can be concluded that the acquisition and inheritance rights of husband and wife are:

1. The husband gets 1/2 (half) if the wife does not leave any children.
2. The husband gets 1/4 (a quarter) if the wife leaves the children.
3. Wives get 1/4 (a quarter) if the husband does not leave children.
4. Wives get 1/8 (one eighth) if the husband leaves the children.

Then what about the acquisition and inheritance rights of second, third and fourth wives, in the Al-Qur'an Surah An-Nisa verse 12 uses the word "*Labunna*" which means wives, where the author tries to interpret the acquisition and inheritance rights of wives here. If a husband has more than one wife when he dies and when he dies he leaves behind more than one wife, the wives will receive 1/4 (a quarter) of the income and inheritance if the husband does not leave any children.

Wives receive 1/8 (one eighth) of their income and inheritance if their husband leaves behind children. Apart from that, by dividing the meaning of 1/4 (one quarter) and 1/8 (one eighth), it can be interpreted that 1/4 or 1/8 is calculated based on the number of wives present when the husband died. If the husband dies, leaves behind 2 (two) wives and has children, the income and inheritance rights of both wives receive 1/8 share divided by 2 (two) people. If the husband dies leaving 2 (two) wives and no children, then the income and inheritance rights of both wives receive 1/4 share divided by the 2 (two) wives. Islamic inheritance law uses the word *Labunna* or wives, so if the husband dies, 3 (three) wives die and the husband has children, the wife's income and inheritance rights are 1/8 to be divided among the 3 (three) wives.

If the husband dies leaving 3 (three) wives and the husband has no children, the wives get 1/4 to be divided among the 3 (three) wives. Likewise, if the husband dies, leaving behind 4 (four) wives, the wife's income and inheritance rights are 1/4 if the husband has no children. Each wife's income and inheritance rights are 1/8 if the husband has children. This is a clear form that Islamic teachings have protected women, who during the era of Arab oppression, women were denied income and inheritance rights (Andreetta, 2020). Islam has been able to let go of the tyranny of the times, Islam has given income and inheritance rights to women who previously did not have such rights. So let's not ignore this provision any more now.

Before Islam came, women had absolutely no right to receive an inheritance from their heirs (parents or the acquisition and inheritance rights of second, third and fourth wives, their relatives). For the reason that women cannot participate in fighting to defend their people and tribe. The ignorant Arabs firmly stated, "How can we give inheritance (heritage) to people who cannot and have never ridden a horse, cannot bear weapons, and have not fought against enemies." They forbid women from receiving inheritances just as they forbid small children. The causes of inheritance in pre-Islamic times in the Arabian Peninsula and around Mecca and Medina were based on:

1. Blood Relations, inheritance here applies only to men who are able to ride horses, fight enemies and seize war spoils from enemies and does not apply to women and small children, even men, because they are not capable of fighting.
2. Relationship as an adopted child, someone else's child who is adopted by someone as an adopted child, gets rights as a child in terms of inheritance and other things.
3. A relationship based on oaths and promises, if two people swear and promise each other to be brothers and inherit each other, they become each other's heirs. If one of them dies, the one who is alive the longest becomes the heir to the deceased's inheritance.

It is very clear to us that before Islam came, the Arabs treated women less well. They do not give inheritance rights to women and children, whether from the inheritance of their relatives, fathers, or husbands in full glory, without being humiliated, Islam gives them inheritance rights, without anyone being allowed to disturb or oppose them. This is a decree that Allah has confirmed in His Shari'a as a necessity that cannot be changed. When the revelation came to the Prophet Muhammad SAW, in the form of a verse about the inheritance of Islam, among the Arab people at that time they felt no objection and objected, they really hoped that the law stated in that verse could be abolished (*mansukh*). Because according to their opinion, giving inheritance to women and children is very contrary to the habits and customs that they have long carried out as taught by their ancestors.

Along with the revelation of the inheritance verses, on the one hand, this is a concrete form of the teachings of Islamic law in protecting women and children, and the implementation of Islamic inheritance law in national law in the form of the Compilation of Islamic Law (KHI) in the form of Presidential Instruction number 1 of 1991. problems still remain in society. Islamic inheritance law has been codified through the Instruction of the President of the Republic of Indonesia number 1 of 1991 concerning the Compilation of Islamic Law, the contents of which are to disseminate a compilation of Islamic law consisting of: Book I on Marriage law, Book II on Inheritance law, Book III on Endowment law for use by Institutions The government, in this case the Ministry of Religion of the Republic of Indonesia, and the people who need it.

The legal facts state that Islamic inheritance law is the law that applies in Indonesia in solving inheritance problems for Islamic communities. With the above position, there are words in the Presidential Instruction to be disseminated to people who need it, so in accordance with the essence of the law it can be explained by providing a definition of legal science in understanding Islamic inheritance law, it can be said to be part of legal science (Wang, 2019). This opinion is supported by Indonesian legal expert, Wiryo Projodikoro (1983) who said that law is a series of regulations regarding the behavior of people as members of a society. Islamic inheritance law is a study of legal science based on Islamic law regarding inheritance, which has been codified into national law that applies to Islamic communities, for example the acquisition of a wife is regulated in Article 180 of the Compilation of Islamic Law, which states: "The widow gets a quarter share if the heir leaves no children, and if he leaves behind children, the widow gets one-eighth share." What if having more than one wife has been clearly explained in Islamic inheritance law using Wives, but the compilation of Islamic law has not provided the explanation implied in Article 180. This means that the law needs to be clear in its articles so that it can be easily understood. The law must be clear in its interpretation so that people do not misinterpret Article 180 KHI (Compilation of Islamic Law) by people who need it.

If we compare the legal interpretation by society of the Islamic inheritance verse of Surah An-Nisa verse 12 and Article 180 of the KHI, it appears that issues that are considered important require legal discussion or understanding. Humans or society naturally want to know, want to understand, want to know this inheritance law with all its contents and in all its various aspects. So that the aspect of clarity is considered necessary in an article of the Compilation of Islamic Law (KHI) which must provide an understanding of legal knowledge not only for those with one wife but also for husbands who have more than one wife. It would be good if the Compilation of Islamic Law (KHI) provided a detailed, clear and detailed description of the legal understanding of husbands who have more than one wife, so that Article 180 KHI could be used as a concrete description of the legal objects captured by the Islamic community and ultimately become a force. general. With the general power of understanding the law, it will form concrete knowledge in Islamic inheritance law and ultimately become a systematic legal knowledge about Islamic inheritance law. Furthermore, Islamic inheritance law is expected to become a science of inheritance law, it is hoped that people's understanding of Islamic inheritance law will become an object that is easy to grasp. And Muslim society will be formed by knowledge of Islamic inheritance law which does not stop at science but in practice. So that the inheritance law of the Compilation of Islamic Law (KHI) is not static, but can be understood dynamically, and is a law that can be carried out in a healthy dialectical manner by actors in carrying out inheritance distribution (Gaddis et al., 2022; Malekian, 2014).

Article 1 letter (f) KHI states.

"Matrimonial assets or *Syirkah*, are assets acquired either individually or jointly by husband and wife during the marriage bond, hereinafter referred to as joint assets, regardless of whether they are registered in anyone's name."

For example, a husband who leaves his wife and has 3 (three) children, it can be interpreted that the object of property in question now is the property obtained from the husband's first marriage, which then had 3 (three) children. Regarding this property object which then becomes property that must be inherited due to the death of the property owner. In this case, a father who left behind 3 children from his first marriage, then the party most entitled to receive the inheritance is these three children.

Furthermore, regarding the second wife's rights to immovable property left by her husband, it can be referred to Article 94 KHI paragraph (1), it is explained that:

"Joint assets from the marriage of a husband who has more than one wife, each separate and independent."

How to determine joint property ownership in a polygamous marriage? As explained in KHI Article 94 paragraph (2) it is explained that:

"The joint ownership of property from the marriage of a husband who has more than one wife as stated in paragraph (1), is calculated at the time the second, third or fourth marriage contract takes place."

If we refer to this provision, joint assets start from the time of the marriage contract. So what is the status of joint assets if one of the partners dies? In cases like this, joint assets must be divided between the surviving spouse and the deceased spouse. Regarding the second wife's rights to joint property in her marriage, based on Article 96 paragraph (1) KHI, it is regulated that:

"In the event of a divorce, half of the joint assets become the right of the spouse who survives longer."

Paragraph (2), explains that:

"The distribution of joint assets for a husband or wife, whose debts the wife or husband have, must be postponed until there is certainty of their actual death or legal death based on the decision

of the Religious Court."In determining the inheritance certificate, the husband's second wife should be included in it, because basically inheritance is the transfer of rights to property from those who have died to certain people who are still alive. The second wife is the legal wife until the husband dies, so the second wife is entitled to the joint property obtained.

Factors that limit the second wife's rights to inherit according to the Compilation of Islamic Law, because of Murder. Someone who kills his heir or someone who kills another person (in a way) that is not permitted by law, then he cannot inherit the property of the person who was killed, as the Messenger of Allah said:

"From Amr bin Syu'aib, from his father, from his grandfather, he said: Rasulullah SAW, said: the person who kills cannot inherit anything from the inheritance of the person he killed."

This provision contains benefits so that people do not take shortcuts to obtain inheritance by killing the person who inherited it. Basically, murder is a criminal act, but in certain cases murder is not seen as a criminal act and therefore is not seen as a sin. To further understand the meaning, it is better to categorize them as follows:

- a. Killing is right and not against the law. Such as killing on the battlefield, carrying out the death penalty, and defending life, property and honor.
- b. Unrighteous and unlawful killings (criminal crimes) such as intentional killing and unintentional killing. Concerning the forms of murder which constitute an obstacle to obtaining this inheritance, there is no unanimity of opinion. and the opinion that developed was as follows:
- c. According to Imam Syafi'i, murder in any form creates an obstacle for the murderer to obtain an inheritance.
- d. According to Imam Maliki, murder that prevents inheritance rights is only intentional murder.
- e. According to Imam Hambali, murder that hinders inheritance rights is killing without right, while killing by right does not constitute an obstacle, because the perpetrator is free from the sanctions of the afterlife.
- f. According to Iman Hanafi, murder which hinders inheritance rights is murder which is sanctioned by qishas, while murder which does not apply to qishas (even if it is intentional, such as when committed by children or under duress, does not hinder inheritance). The murderer is prevented from obtaining the inheritance rights of those he killed due to the following reasons:
- g. The murder broke the relationship which was the cause of the inheritance, and with the severance of this cause the cause was also severed.
- h. To prevent someone from speeding up the inheritance process.
- i. Murder is a crime which in religious terms is called immorality, whereas inheritance rights are a blessing, so immorality itself cannot be used as a way to obtain favors.

Because of different religions what is meant by different religions is the difference in religion adhered to by the heir and heir, meaning that a Muslim does not inherit from a non-Muslim, and vice versa, a non-Muslim does not inherit from a Muslim. This provision is based on the sound of a hadith saying by the Prophet Muhammad:

"From Usamah bin Zaid RA, the Messenger of Allah SAW said, Muslims do not inherit from unbelievers and unbelievers will not inherit from Muslims. (HR. Al-Jamaah, except Muslims and Al-Nasa'i)"

According to Jumhur Ulama Fiqh, the measurement for determining religious differences is when the person who inherits the inheritance dies. If a Muslim dies, he is prevented from inheriting even if he later converts to Islam before the distribution of inheritance is carried out.

If the murderer can sever kinship relations and revoke inheritance rights, then the same can be said for religious differences, because the area of Islamic law (especially inheritance law) has no power to apply to non-Muslims.

Apart from that, the relationship between relatives of different religions in daily life is only limited to social relations and good relations (community relations), and is not included in the implementation of sharia law (including inheritance law), this is in line with the provisions of the Al-Qur'an surah Luqman verse 15 as follows:

"And if both of them force you to associate with Me something that you have no knowledge of, then do not follow either of them, and associate them well in the world, and follow the path of those who return to Me, then only to Me will your return be, then I proclaim to you what you have done."

Because a person has disappeared without any definite news about his address and place of residence for 4 (four) years or more, then that person is considered to be dead by law (dead hukmy) and automatically does not inherit and declaring him dead must be decided by a judge.

Marital status wife who has the right to receive the inheritance is a wife who is legal and registered in the eyes of the law. A woman who enters into a marriage with a man and the marriage is carried out in a serial manner does not have the right to inherit the property left behind if a husband dies. In Article 2 paragraphs (1) and (2) Law Number 1 of 1974 concerning Marriage which has been amended

in Law No. 16 of 2019 explains that marriage is valid if it is carried out according to the laws of each religion and belief, and each marriage is recorded according to the applicable laws and regulations. Even though a siri marriage is valid if it meets the requirements and harmony according to the religion, because it is not registered, a siri marriage is considered to be no marriage. Because it is considered that there was no marriage, it is considered that there is no inheritance.

4. Conclusion

The position of the second wife as heir is the same as the position of the first wife, that is, if the heir or husband leaves children, then they jointly inherit 1/8 of the inheritance and if the heir or husband does not leave children, then the wives are jointly entitled to 1/4 share of inheritance. Barriers to the second wife receiving an inheritance by analogy are no different from those of the first wife, namely if there is a murder, because of a different religion, because they disappeared without news, and legal marital status. Suggestion it would be better if the compilation of Islamic law should become a law and of course changes should be made therein, including formulating concrete inheritance divisions, especially those related to polygamy (a wife as more than one heir). Considering that polygamous marriages can result in future disputes for the parties involved in polygamy, such as inheritance issues. It is best for a first or second wife to pay attention to several factors that limit the right to inherit and follow religious recommendations. Apart from that, a woman who wants to get married pays attention to her status and therefore it is best to carry out a marriage that is legal both religiously and in the eyes of state law.

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