# Asset Management in Islamic Inheritance: A Solution for Economic Empowerment Obstacles

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#### **Abstract**

If inheritance assets are transferred, the economic well-being of heirs should increase. However, conflicts among heirs often prevent this, resulting in unproductive or disputed assets with unclear ownership. These disputes significantly hinder the economic progress of the heirs. This article attempts to propose a solution to the problem. According to Islamic inheritance principle, before distribution, there are three obligations must be fulfilled: handling the body's costs, repaying the deceased's debts, and executing their will within limits. Afterward, remaining assets can be distributed among entitled heirs according to Islamic inheritance laws. The remaining assets, termed inheritance, can enhance heirs economic empowerment when distributed. The asset management approach that focuses on Islamic inheritance is expected to further impetus for the economic strengthening of individual beneficiaries specifically, as well as benefit the Muslim community and the general public in the country, such as alleviating conflicts and cultivating heightened economic activity. This qualitative study utilizes a library research approach with phenomenological lens. Based on the literature review conducted, asset management based on the principles of Islamic heritage with the aim of increasing economic empowerment is: providing education to families about Islamic inheritance; accurately record ownership of property, debts, and receivables; the written documents as proof of ownership of asset, and the determination of inheritance rights and their division should be held; utilizing inheritance assets productively to establish sustainable individual or family finances.

Keywords: asset management, Islamic inheritance, empowerment, economy

#### Introduction

Economic theory explains that property ownership can be done through business transactions, *tabarru'* contracts, exchanges, buying and selling, and other halal means. By means of lawful and lawful acquisition, individuals or groups have the right to utilize their property as needed, without forgetting the rights of others. Therefore, to ensure that the property owned can be useful in accordance with the needs of individuals and society, it is necessary to rotate property or distribution of ownership from one individual to another. Islamic inheritance is one of the instruments of wealth distribution in Islam. This distribution is predetermined, where every rightful heir is entitled to receive it, whether they like it or not, as stated in the al-Qur'an, Surah An-Nisaa' verses 11, 12, and 176, the Hadith of the Prophet Muhammad, and the consensus of the companions and scholars.<sup>2</sup>

Ideally, if there is an inheritance or asset that goes to an individual, the economic well-being of recipient has the potential to increase. Even if this inheritance is agreed to be managed together with other heirs, whether used as capital for a new business or to continue an existing one, it will certainly have an impact on the welfare of the family. An example is the Jenang Barokah dodol company in Kudus, which, when

<sup>&</sup>lt;sup>1</sup> Maimun Nawawi, *Pengantar Hukum Kewarisan Islam*, ed. Ulfatun Hasanah, 1<sup>st</sup> ed. (Surabaya: Pustaka Radja, 2016), p. 10.

<sup>&</sup>lt;sup>2</sup> Amir Syarifuddin, *Hukum Kewarisan Islam*, 5<sup>th</sup> ed. (Jakarta: Prenadamedia Group, 2015), p. 7.

the owner passed away, was continued by the eldest child and has been running well until now, without any inheritance disputes within the family.<sup>3</sup> In terms of Islamic philanthropy, especially *waqf*, we can see the example of the Darussalam Gontor Modern Islamic Boarding School, which was established using inheritance and then donated as *waqf*.<sup>4</sup> Economic empowerment can be sustained in this way.

Large Muslims population in Indonesia, around 85%, will be an opportunity for the creation of economic balance through inheritance distribution. Inheritance has the potential to become a significant source of funds in Indonesia in addition to *zakat* and *waqf* funds that will be given to *Baitul Mal* for Muslims and general welfare based on KHI article 191, namely: If the heir leaves no heirs at all or his heirs are not known to exist or not, then the property upon the decision of the Religious Court is handed over to *Baitul Mal* for the benefit of Islam and general welfare.<sup>5</sup>

However, until now, disputes caused by inheritance are still found in Muslim societies,<sup>6</sup> inheritance disputes can even turn violent.<sup>7</sup> Asset that should be able to increase ownership of asset or capital so as to increase the economic empowerment of the new owner (heirs), cannot be realized because of conflicts between heirs. This conflicts headed in inheritance asset being unclaimed<sup>8</sup> and abandoned,<sup>9</sup> until ownership became unidentified,<sup>10</sup> Triggers of conflict due to unclear ownership of asset also occur when one spouse dies. This is often due to the absence of clear and detailed records related to which are the husband's asset and the wife's.<sup>11</sup> Conflicts within families often arise also because of a lack of understanding, either about Islamic inheritance itself,<sup>12</sup> or understanding that inheritance does not have to be distributed, but can also be used productively.<sup>13</sup>

<sup>&</sup>lt;sup>3</sup> Imam Kamaluddin, "Kuliah Umum Spesial Ramadan "Aktualisasi Penerapan Ilmu Waris Bersanad"," Institut Dagu, 2022, https://www.youtube.com/watch?v=TtovEL5aTH.

<sup>&</sup>lt;sup>4</sup> Hamid Fahmi Zarkasyi, "Launching and International Seminar on Mawarith Linked Waqf," Gontor tv Milenial, 2021, https://www.youtube.com/watch?v=d7SJyxZR-ek.

<sup>&</sup>lt;sup>5</sup> Dian Berkah, Tjiptohadi Sawarjuwono, and Abd Hadi, "Challenges and Opportunities on Islamic Inheritance Distribution in Indonesia", *Opción: Revista de Ciencias Humanas y Sociales*, Vol. 35, No. 19, (2019), p. 446.

<sup>&</sup>lt;sup>6</sup> Nurul Diva Kautsar, "Viral Pria di Cirebon Ngamuk Gara-Gara Warisan, Ancam Bunuh Keluarga Saudara," Merdeka, 2022, https://www.merdeka.com/jabar/viral-pria-ngamuk-gara-gara-warisan-di-cirebon-ancam-bunuh-keluarga-saudara.html.

<sup>&</sup>lt;sup>7</sup> Rachmawati, "Kronologi Ayah dan Anak Bunuh 5 Anggota Keluarga Gara-Gara Warisan, 4 Korban Dibuang di 'Septic Tank' lalu Dicor Semen Halaman All - Kompas.Com," regional.kompas.com, 2022, https://regional.kompas.com/read/2022/10/07/084000378/kronologi-ayah-dan-anak-bunuh-5-anggota-keluarga-gara-gara-warisan-4-korban?page=all.

<sup>&</sup>lt;sup>8</sup> Azizi Abu Bakar, Muhammad Ashraf Aliff Mohamad Rapi, and Mohd Rashdan Sallehuddin, "Property Inheritance Management: Issues Unclaimed Property," *Webology*, Vol. 17, No. 2, (2020), p. 874. https://doi.org/10.14704/WEB/V17I2/WEB17073.

<sup>&</sup>lt;sup>9</sup> Jaiya Abu, *et. al.*, "Challenges of Idle Small Estate Issues and Potential Solution/ Cabaran Isu Tanah Pusaka Terbiar dan Potensi Penyelesaian," *Sains Humanika*, Vol. 14, No. 3 (2022), p. 49. https://doi.org/10.11113/SH.V14N3.1954.

Andi Herawati, "Urgensi Penyegeraan Pelaksanaan Warisan," *Ash-Shahabah: Jurnal Pendidikan dan Studi Islam,* Vol. 6, No. 2 (2020), p. 185.

<sup>&</sup>lt;sup>11</sup> Indah Puspitasari and Iza Ĥanifuddin, "Stratifikasi Akad Kepemilikan Harta Sebagai Solusi Problem Pembagian Harta Pascacerai," *Tafáqquh: Jurnal Penelitian dan Kajian Keislaman*, Vol. 11, No. 1 (2023), p. 55.

 $<sup>^{12}</sup>$  Berkah, Sawarjuwono, and Hadi, "Challenges and Opportunities on Islamic Inheritance Distribution in Indonesia." p. 457.

Dian Berkah, "Meningkatkan Nilai Ekonomi melalui Pengelolaan Harta Waris Secara Produktif (Insiyab Al Miras): Studi Perilaku Pengelolaan Harta Waris di Kota Gresik" (Universitas Airlangga,

Considering the issues related to actual inheritance hindering the economic progress of heirs, the question arises: are there hypothetical ways to encounter it? Therefore, this article aims to propose solutions to this problem. An approach to property management based on Islamic inheritance, from the pre-death period to post-death of the deceased, is expected to encourage economic empowerment of each beneficiary, as well as being beneficial to the Muslim community and the general society in this country.

#### Literature Review

Some studies about Islamic inheritance that relevant to this paper found that: a). In Indonesia the inheritance distribution often runs without the aim of improving wealth distribution and economic balance,14 b). In fact, the economic effects of Islamic inheritance are: eradicating poverty, reducing unemployment, the distribution of funds that have economic implications, the market will also move, because the heirs will spend their asset, 15 c). Productive inheritance management has the potential to increase economic value for both heirs (family finance) and the community. However, disagreements over Islamic heritage persist. Conflicts in families over inheritance are frequently caused by a misunderstanding that inheritance does not have to be distributed. Inheritance property is stated to be used productively so that the earnings can be distributed to heirs. Additionally, income might be dispersed to heirs and the community. Profits from inherited production can, without exception, be used to fund business development. Thus, inheritance becomes a sustainable item of property, and it can increase economic value in a sustained way. The lack of education about Islamic inheritance further adds to the existing problems, <sup>16</sup> d). The absence of proof of legal and written ownership of asset also triggered the problem of inheritance distribution.17

These studies have not produced solutions for how to ensure that inheritance distribution does not contradict established Islamic laws, but still does not generate conflict and can bring economic empowerment to heirs. There has not been discovered a method to asset management with the direction of the asset owner dying, so that there is no controversy and the economic empowerment of his heirs may be achieved immediately. So, the purpose of this research was to provide solutions for avoiding inheritance conflicts and achieving economic empowerment through asset management. Of course, what is offered does not violate the rules in Islamic inheritance, even supports the implementation of Islamic inheritance in accordance with the source of law.

<sup>2020),</sup> p. vii.

Dian Berkah and Tjiptohadi Sawarjuwono, "Inheritance Wealth Distribution Model and Its Implication to Economy," *Humanities and Social Sciences Reviews*, Vol. 7, No. 3 (2019), p. 8.

<sup>&</sup>lt;sup>15</sup> Shadi Anwar Karim Alshawaki, "Economic Impacts of the of Inheritance System in Islam," *Zanco Journal of Humanity Sciences*, Vol. 25, No. 2 (2021), p. 57.

<sup>&</sup>lt;sup>16</sup> Berkah, "Meningkatkan Nilai Ekonomi melalui Pengelolaan Harta Waris Secara Produktif (*Insiyab Al Miras*): Studi Perilaku Pengelolaan Harta Waris di Kota Gresik", p. v.

<sup>&</sup>lt;sup>17</sup> Puspitasari and Hanifuddin, "Stratifikasi Akad Kepemilikan Harta sebagai Solusi Problem Pembagian Harta Pascacerai", p. 56.

# Methodology

This research is qualitative research with a library research approach to find solutions to observed phenomena. <sup>18</sup> Library research is research that makes collections contained in libraries as its main source. <sup>19</sup> In addition to analyzing literature such as books in the library; journals, periodicals (scientific magazines published by private or government institutions periodically), yearbooks, newsletters, annual reviews, magazines, newspapers, historical records, and so on can also be used as the focus of study. <sup>20</sup> Furthermore, researchers can use document analysis techniques, historical record analysis, or book analysis. <sup>21</sup>

In literature study research there are at least four main characteristics that need to be considered: First, that the author or researcher is dealing directly with text (nash) or numerical data, not with direct knowledge from the field. Second, library data is "ready-to-use" meaning that researchers do not go directly to the field because researchers are dealing directly with data sources in the library. Third, that library data is generally a secondary source, in the sense that researchers obtain material or data second-hand and not original data from first data in the field. Fourth, that the condition of library data is not limited by space and time.<sup>22</sup> Literature research is a data collection technique by reviewing books, literature, notes, and various reports related to the problem to be solved.<sup>23</sup>

The emphasis of the library's research is to find a variety of theories, laws, principles, opinions, ideas, and others that can be used to analyze the phenomena studied so that the purpose of the solution to the problems that exist within such phenomena can be formulated. Data collection in research is carried out by reviewing and / or exploring several journals, books, and documents (both printed and electronic) as well as other sources of data and / or information that are considered relevant to the research. In this study, the researchers used data sources of phenomena occurring in society known from news in the mass media, scientific articles, and theories contained in books. The conclusion of all these resources will be summarized into a model that hypothetically becomes an asset management before death comes under the law of Islamic inheritance.

#### **Result And Discussion**

#### **Asset Management in Islam**

The word "management" comes from the Italian (1561), "maneggiar" meaning "to control", especially in the context of controlling horses. The word comes from the *latin* "manus" meaning "hand". Later, the French adopted this word from English as "ménagement", which means the art of carrying out and organizing. Management functions are basic elements that are always present and inherent in the

<sup>&</sup>lt;sup>18</sup> A. Muri Yusuf, *Metode Penelitian: Kuantitatif, Kualitatif, dan Penelitian Gabungan,* Cet. Ke-4, (Jakarta: Kencana, 2017), p. 350.

<sup>&</sup>lt;sup>19</sup> Ibid., p. 198.

<sup>&</sup>lt;sup>20</sup> Moh. Nazir, Metode Penelitian, Cet. 4, (Jakarta: Ghalia Indonesia, 1999), p. 126.

<sup>&</sup>lt;sup>21</sup> Yusuf, Metode Penelitian: Kuantitatif, Kualitatif, dan Penelitian Gabungan, p. 199.

<sup>&</sup>lt;sup>22</sup> Mestika Zed, *Metode Penelitian Kepustakaan*, 4<sup>th</sup> ed., (Jakarta: Yayasan Pustaka Obor Indonesia, 2017), p. 4-5.

<sup>&</sup>lt;sup>23</sup> Nazir, Metode Penelitian, p. 111.

management process, and become a reference for managers in carrying out activities to achieve goals. The concept of management functions was first introduced by a French industrialist named Henry Fayol in the early 20<sup>th</sup> century. At that time, he mentioned the functions of management, namely planning, organizing, directing, coordinating, and controlling.<sup>24</sup> Management then developed with discussions and theories of each according to its needs to date, such as human resource management, financial management, production management, and others, including asset management in Islam.

Wealth management in Islam is now better known as Islamic Wealth Management (IWM). After 1970, the development of Islamic economics and finance opened new doors to discuss wealth management and the role of wealth managers in this industry. It is observed that Islamic economics and finance have unique, value-based characteristics with certain constraints, and different rules and regulations. The concepts of wealth management and the role of wealth managers in conventional literature are not compatible with Islamic economic and financial epistemology. Therefore, it is necessary to discuss the concept of wealth management in Islam.<sup>25</sup>

Based on the moral principles in Islam, the focus of man in managing his wealth based on Islamic sharia will be centered on two main things. First, the use of these possessions to provide for himself and his family, as an obligation arising from human nature. Second, the use of the property for the benefit of others outside the family, or the use for the purpose of *shaleh* charity as a means to achieve primacy before God, in accordance with the standards revealed by Him.<sup>26</sup> Wealth creation is therefore considered a permissible activity, and it is also important to distribute and invest this acquired wealth.<sup>27</sup> Managing wealth to meet needs and charity can be done by investing, namely afterlife investment and investment to maintain financial strength or wealth and self-honor. Hereafter investment is the distribution of wealth through *infaq*, *sadaqah*, grants, and *waqf*.<sup>28</sup> The instrument of *zakat* is mandatory, so this is not an investment in the afterlife, although it is categorized as a distribution of wealth in Islam. As for investments that maintain financial strength or wealth and self-honor can be: stocks, mutual funds, sukuk, land, houses, gold, or in the form of business (livestock, agriculture, culinary and others).<sup>29</sup>

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<sup>&</sup>lt;sup>24</sup> Muhtadi and Hermansah Tantan, "Manajemen Pengembangan Masyarakat Islam," *UIN Jakarta Press*, (2013), p. 2.

<sup>&</sup>lt;sup>25</sup> Nasim Shirazi, et. al., "Wealth Management and Investment: An Islamic Epistemology," in Wealth Management and Investment in Islamic Settings; Opportunities and Challenges, ed. Toseef Azid, Murniati Mukhlisin, and Othman Altwijry (Singapore: Springer, 2022), p. 3. https://doi.org/10.1007/978-981-19-3686-9\_6.

<sup>&</sup>lt;sup>26</sup> Muhamad, Manajemen Keuangan Syariah; Analisis Fiqh & Keuangan, 2<sup>nd</sup> ed., (Yogyakarta: UPP STIM YKPN, 2019), p. 110.

<sup>&</sup>lt;sup>27</sup> Mohamed Ariff, "Wealth Management, Its Definition, Purpose, Structure and Practices," in *Islamic Wealth Management: Theory and Practice*, ed. Mohamed Ariff and Shamser Mohamad, (UK & USA: Edwar Elgar Publishing, 2017), p. 28. https://doi.org/10.4337/9781786439390.

<sup>&</sup>lt;sup>28</sup> Muhaimin Iqbal, *Dinar Solution; Dinar Sebagai Solusi*, 3rd ed., (Jakarta: Gema Insani, 2009), p. 9.

<sup>&</sup>lt;sup>29</sup> Abdul Qoyum and Achmad Rizal, Perencanaan Keuangan Syariah; Bagaimana Islam Mengatur Tentang Pengelolaan Harta, ed. Hidayati, 1<sup>st</sup> ed., (Depok: Rajawali Pers, 2022), p. 194.

# The Islamic Inheritance Principles

According to the al-Qur'an Surah An-Nisaa' verses 11, 12, and 176, the Hadith of the Prophet Muhammad SAW, and the consensus of the companions and scholars, Islamic inheritance is one of the instruments of wealth distribution in Islam. This distribution is predetermined, and every rightful heir is entitled to receive it, whether they like it or not. When someone dies, the property he left behind does not necessarily become an inheritance that can be directly distributed. This treasure is called *tirkah*.<sup>30</sup> It is defined by what a person leaves behind after death, both in the form of property and property or non-property rights. This assets still cannot be distributed to heirs, because there are still attached to it three obligations/costs that must be incurred, namely: 1). The cost of handling the body, 2). Repayment of the testator's debt, 3). The execution of the testator's will, the amount must not exceed 1/3 of the remaining assets to pay the debt and must not be given to heirs who are entitled to inherit the assets.<sup>31</sup> After these three obligations/costs are incurred, if there is still remaining assets, it can be distributed to the most entitled heirs, as inheritance assets, in accordance with the provisions of the al-Qur'an, *hadith*, and *ijma'*.<sup>32</sup>

After facing a pile of property to be distributed to heirs, the next effort is: 1). Detailing valuable property, whether movable or immovable, either a lot or a little; 2). Tracing with certainty persons related to and married to the testator, whether on the spot or not; 3) Sorting out heirs who are definitely entitled to inherit property in accordance with the terms and conditions of Islamic inheritance law; 4). Divide inheritance in accordance with the provisions stipulated in Islamic inheritance law.<sup>33</sup> In the division of inheritance, there is also the settlement of inheritance that outwardly looks inconsistent with the principles of Islamic inheritance, especially the principle of *ijbari* (necessity/obligation), namely settlement by *takharuj* and settlement by mutual agreement or *ishlah* (peace/agreement). The settlement of the distribution of inheritance *ishlah* is contained in Article 183 of the KHI (Kompilasi Hukum Islam).<sup>34</sup>

The content of Article 183 of the KHI is: "The heirs can agree to make peace in the division of inheritance, after each realizes his share". The narrative "after each realizes his share" implies that *ishlah* is carried out after the testator dies. With the death of the testator it means that the estate is already known to each heir, although it is not yet in his hands. In this circumstance the estate has been detached from the possession of the testator and at the same time already belongs to the heir in accordance with the amount stipulated by Islamic inheritance law. This settlement means that the heirs reconcile or agree to divide the estate according to the peace and agreement of all the heirs. This *ishlah* settlement in the KHI is acceptable to

<sup>&</sup>lt;sup>30</sup> Muhammad Ali Ash-Shabuni, *Kitab Ilmu Waris: Mengupas Persoalan Warisan Sesuai Al-Qur'an & Hadis (Terjemahan: Al-Mawaris fi Syari'ah Al-Islamiyyah fi Dhau' Al Kitab Wa as-Sunah, Penerjemah: M. Syauqi Mubarak)*, ed. Abdul Majid and Erik Erfinanto, 1<sup>st</sup> ed., (Jakarta Selatan: Turos, 2019), p. 45.

<sup>&</sup>lt;sup>31</sup> Syarifuddin Amir, *Hukum Perkawinan Islam di Indonesia: Antara Fiqh Munakahat dan Undang-Undang Perkawinan*, 5<sup>th</sup> ed., (Jakarta: Kencana-Prenadamedia Group, 2014), p. 299.

<sup>&</sup>lt;sup>32</sup> Ash-Shabuni, Kitab Ilmu Waris: Mengupas Persoalan Warisan Sesuai Al-Qur'an & Hadis (Terjemahan: Al-Mawaris fi Syari'ah Al-Islamiyyah fi Dhau' Al Kitab Wa as-Sunah, Penerjemah: M. Syauqi Mubarak), p. 49

<sup>&</sup>lt;sup>33</sup> Syarifuddin, p. 295.

<sup>&</sup>lt;sup>34</sup> Ibid., p. 302.

most scholars and is established as a policy in the distribution of inheritance.<sup>35</sup> The remaining estate that has been reduced by three obligations, is called inheritance. This inheritance can be distributed to heirs as additional assets or capital that can increase their economic empowerment.

### **Economic Empowerment through Inheritance**

Islamic economics is one of the fields that studies the problem of the distribution of property in the family. One of them, regarding the distribution of property when a person is still alive. Including the distribution of property when a person has passed away. This final distribution is called inheritance. Inheritance has the same position as *zakat*, *infaq*, *sadaqah* and *waqf*, which is an instrument that has implications for the distribution of wealth and factors of production.<sup>36</sup>

Islamic inheritance law can remove the centralization of inheritance to a particular person, can create family economic welfare. This prosperity is possible by producing inheritance jointly and sustainably within the family. This form of inheritance management can describe Sustainable Islamic Family Finance (SIFF) as a new concept in the development of Islamic finance, namely a concept of sustainable Islamic family finance.<sup>37</sup> Islamic inheritance can also contribute to creating potential social funds for the ummah, through inheritance distributed to the community, due to the absence of heirs.<sup>38</sup>

Inheritance is the instrument that governs the transfer of wealth between generations. If examined from the perspective of Islamic economics, this instrument has implications for the sustainable distribution of wealth and production function.<sup>39</sup> It is clear that Shari'ah-based inheritance distribution should be capable of achieving equality and justice in asset distribution.<sup>40</sup> Productive inheritance is an effort to not only distribute inheritance, but can also be managed productively. This management can be carried out on inheritance from the agricultural, housing, industrial, and trade sectors, and others. This is the effort of the heirs in moving the inheritance into a property that remains productive, so that the inheritance will continue to have economic value because the property will remain (sustainable). Its benefits are not only felt by the heirs, but also by the surrounding community.<sup>41</sup>

Empowerment in KBBI is interpreted: as a matter of empowerment. Empowered means having reason, ways and so on to overcome something, empowered also has the meaning of being powerful, capable. Still, in KBBI, economics refers to the use

<sup>&</sup>lt;sup>35</sup> Ibid., p. 309.

<sup>&</sup>lt;sup>36</sup> Dian Berkah, Hukum Kewarisan Islam: Teori dan Praktik Mengelola Harta Waris Produktif (Waris Asset Management), ed. Tjiptohadi Sawarjuwono and Abd Hadi, 1<sup>st</sup> ed., (Surabaya: PT. Pustaka Saga Jawadwipa, 2023), p. 13.

<sup>&</sup>lt;sup>37</sup> Berkah, "Meningkatkan Nilai Ekonomi melalui Pengelolaan Harta Waris Secara Produktif (*Insiyab Al Miras*): Studi Perilaku Pengelolaan Harta Waris di Kota Gresik," p. vi.

<sup>&</sup>lt;sup>38</sup> Berkah, Hukum Kewarisan Islam: Teori dan Praktik Mengelola Harta Waris Produktif (Waris Asset Management), p. 16.

<sup>&</sup>lt;sup>39</sup> Ibid., p. 13.

<sup>&</sup>lt;sup>40</sup> M.O.A. Mustafa and M. A. Agbabiaka-Mustapha, "Inheritance Management and Accountability: A Case Study of Z and S Inheritance Committee in Lagos of Nigeria," *Gusau Journal of Accounting and Finance*, Vol. 2, No. 1 (2021), p. 12. https://doi.org/10.57233/GUJAF.V2I1.54.

<sup>&</sup>lt;sup>41</sup> Berkah, Hukum Kewarisan Islam: Teori dan Praktik Mengelola Harta Waris Produktif (Waris Asset Management), p. iii.

of money, energy, time, and other valuable resources. According to Istan, economic empowerment of the people is basically an effort to maximize and increase the potential of individuals, groups, and communities in a certain environment, so that they have the capability to improve the quality of life independently, especially in economic terms. <sup>42</sup> Suryanto and Adinugroho found that the indicators of individual economic empowerment are: having a job (business), meeting business capital needs, having the ability to do business, being able to increase family income, increasing purchasing power, behaving positively (*akhlak mahmudah*), and thinking forward. <sup>43</sup> <sup>44</sup>

# Asset Management Based on Islamic Inheritance Principles

According to the al-Qur'an, Surah An-Nisaa' verses 11, 12, and 176, the Hadith of the Prophet Muhammad, and the consensus of the companions and scholars, Islamic inheritance is one of the instruments of wealth distribution in Islam. This distribution is predetermined, and every rightful heir is entitled to receive it, whether they like it or not. If the asset is distributed to the heirs without any conflict, whether the property is divided among each heir or cultivated together by agreement, it will make the property clear who takes care of and owns it. If the property is in the form of land and building assets, the tax that must be incurred will also be smoothly paid. If the heir leaves a debt in the bank, if the heir knows about the testator's receivable debt, and knows there is an obligation to pay the debt first before dividing the inheritance, of course bad credit will be avoided.

The economic empowerment of heirs can certainly increase with the increase in personal property from the inh eritance received. Heirs can use it or manage it in economic sectors, in accordance with Islamic rules of avoiding *maghrib* (*mayshir*, *gharar*, *haram*, and *riba*). If they have reached *nisab* and *haul*, heirs can also certainly increase their *zakat* payments, from the results of the management of this additional property. In addition, heirs can also infacate, give away, and/or entrust the inheritance. Of course, with the great potential of the number of Muslims in Indonesia, if done massively, of course the funds of the ummah will increase through the instrument of distribution of inheritance assets.

The obstacles that are often found in society are treasures left alone, possessed, or managed by one of the heirs. Even if there is a conflict in the way wealth is divided, the inheritance is left alone and not productive. There is also an inheritance settlement that does not generate controversy, but it does not consider Islamic heirs law, which Muslims are required to obey. To avoid such a situation, we can manage some ways out of these problems, which are:

<sup>&</sup>lt;sup>42</sup> Muhammad Istan, "Pengentasan Kemiskinan melalui Pemberdayaan Ekonomi Umat Menurut Persfektif Islam," *Al-Falah: Journal of Islamic Economics*, Vol. 2, No. 1 (2017), p. 81. http://journal.iaincurup.ac.id/index.php/alfalah/article/view/199.

<sup>&</sup>lt;sup>43</sup> Mukhtar Adinugroho, Teguh Herlambang, and Riyan Sisiawan Putra, "Model Pemberdayaan Ekonomi dan Sosial Masyarakat Berbasis Masjid Kampus Surabaya (Studi Kasus pada Masjid Kampus UNAIR, ITS dan UNESA)." Vol. 9, No. 02 (2023), p. 2849.

<sup>&</sup>lt;sup>44</sup> Asep Suryanto and Asep Saepulloh, "Optimalisasi Fungsi dan Potensi Masjid: Model Pemberdayaan Ekonomi Masyarakat Berbasis Masjid di Kota Tasikmalaya," *Iqtishoduna: Jurnal Ekonomi Islam*, Vol. 5, No. 2 (2016), p. 171. https://www.ejournal.iaisyarifuddin.ac.id/index.php/iqtishoduna/article/view/143

#### a. Educating Families about Islamic Inheritance Law

The division of inheritance can certainly only occur within the family. Because the condition of obtaining inheritance rights is to be bound in a legal marriage and is a descendant of the testator. 45 Therefore, education in the family about Islamic heritage is very important. Management can begin with education about Islamic inheritance within the family without having to wait for death to occur. With education, the understanding of Islamic heirs will be embedded in the family, thus facilitating the process of sharing the wealth. 46 This will make the future heir more prepared in preparing the necessary things related to her estate, debts and wills. The heir knows best who shall inherit, and what portion of the inheritance shall be according to the law of Islam. 47 With education, it would be better from an early age, it can be an effort to avoid inheritance problems that can ultimately interfere with the distribution or management of inheritance.<sup>48</sup> In addition to the family, in order for this Islamic inheritance to be applied properly, continuous efforts are needed in educating knowledge about heritage through education, Islamic study groups, and religious bodies for the communities. 49 This stage is a function of planning and organizing before death comes.

### b. Recording of Assets, Payables, and Receivables

Wahbah Azzuhaily explained in his tafsir about the command of Allah Almighty in Surah Al-Baqarah verse 282 regarding how to write transactions and who has the right to do so, that the recording or writing of muamalah transactions, especially debts, ordered by Allah Almighty is done correctly and honestly, neutral without taking sides with either party, writing must be clear, and avoid the use of words that can be interpreted variously. The person who records it should also be a person who can be trusted, fair, neutral, impartial to one party, understands *fiqh*, is intelligent and careful. For transaction registrars (accountants), fair requirements take precedence over scientific requirements. People who have a fair attitude can learn what is needed in writing documents or proof letters. While people who are knowledgeable but unfair, will bring damage, because documents or letters of evidence are closely related to the fulfillment and preservation of the rights of others <sup>50</sup>.

If it is associated with death-based asset planning, in addition to leaving only halal assets and minimizing debts; recording a list of wealth, debts, and receivables is also very necessary. Recording assets should be done by every individual who

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<sup>&</sup>lt;sup>45</sup> Ash-Shabuni, Kitab Ilmu Waris: Mengupas Persoalan Warisan Sesuai al-Qur'an & Hadis (Terjemahan: Al-Mawaris fi Syari'ah Al-Islamiyyah fi Dhau' Al Kitab Wa as-Sunah, Penerjemah: M. Syauqi Mubarak), p. 54–55.

<sup>&</sup>lt;sup>46</sup> Lutfi Amalia, *et. al.*, "Pemahaman Dasar Hukum Waris Islam sebagai Upaya Mengatasi Permasalahan Harta Waris dalam Keluarga," *Syaksia: Jurnal Hukum Perdata Islam*, Vol. 24, No. 1 (2023), p. 83. https://doi.org/10.37035/SYAKSIA.V24I1.8296.

<sup>&</sup>lt;sup>47</sup> Syarifuddin, Hukum Kewarisan Islam, p. 309.

<sup>&</sup>lt;sup>48</sup> Qoyum and Rizal, Perencanaan Keuangan Syariah; Bagaimana Islam Mengatur Tentang Pengelolaan Harta, p. 252.

<sup>&</sup>lt;sup>49</sup> Wasman Wasman and Afif Muamar, "Analisis Kepatuhan Muslim Indonesia dalam Praktik Kewarisan Islam (Studi Relasi Ayat Waris dengan Hadits Punahnya Ilmu Kewarisan)," *Al-Mustashfa: Jurnal Penelitian Hukum Ekonomi Syariah*, Vol. 8, No. 1, (2023), p. 6. https://doi.org/10.24235/JM.V8I1.13267.

<sup>&</sup>lt;sup>50</sup> Wahbah Az-Zuhaily, *Tafsir Al-Munir Jilid 2: Aqidah, Syariah, dan Manhaj,* Terj. Abdul Hayyie Al-Kattani, Cet. Ke-3, (Depok: Gema Insani, 2021), p. 138–139.

has been able and understands how to do it. If a person is a minor but already has property, whether acquired through a gift, grant, or inheritance, the record may be represented by his or her guardian. This will make it easier for heirs to manage inheritance before it is distributed as inheritance. The heir will find out exactly what the amount of wealth and debts of the deceased. Of course, this recording also requires valid evidence, both proof of ownership and debt or receivable contracts. For this reason, making written evidence is also necessary in wealth management. This stage is a function of planning and organizing before death comes.

#### c. Make Proof of Property Ownership Through a Written Agreement

Islam as a religion of *rahmatan lil alamin* has holistic rules. This includes recording *muamalah* activities, as stated in QS. al-Baqarah: 282.<sup>51</sup> To maintain and secure assets, it is necessary to record so that we can monitor and control every transaction that causes an increase or decrease in wealth and liabilities.<sup>52</sup> When a person dies, only rights and property that are truly his personal property will be inherited.<sup>53</sup> Property ownership is generally known by recorded evidence, both ownership letters, sale and purchase deeds, grant deeds and others.

The problem that often occurs is the absence of written evidence of ownership of an asset. So when it will be used as inheritance, it causes a lot of conflicts. For example, if there is a gift contract between husband and wife or parents and children, plural in society, this gift contract is not accompanied by writing a contract or certificate of transfer of ownership, either under hand or directly recorded at a notary, let alone directly behind the name to the recipient of the gift. This creates a conflict when dividing inheritance, there are assets that are considered as inheritance, when in fact they have been gifted. Because of the absence of evidence, the recipient of the gift could not do anything. If this kind of thing can be resolved peacefully in the family, it is certainly not a problem. However, if it even causes conflicts, it will certainly delay the economic empowerment of heirs through the acquisition of inheritance. So, to make it easier for heirs to investigate the personal property of legal heirs to be inherited, it is very necessary to record wealth and ownership contracts in the form of deeds, ownership letters and the like. This stage is also a function of planning and organizing before death comes.

### d. Accelerate the Determination of Inheritance Rights and Their Division

Accelerating the resolution of inheritance issues can create justice and well-being among heirs, and prevent potential conflicts, debates, or actions that could result in mutual suspicion, accusation, reporting, suing, or even acts of violence. The longer the time gap between the distribution of inheritance, the greater the potential for conflict that will be caused.<sup>56</sup> The completion of the inheritance process can begin

<sup>&</sup>lt;sup>51</sup> Muhammad, *Pengantar Akuntansi Syari'ah*, 1<sup>st</sup> ed., (Jakarta: Salemba Empat, 2002), p. 61.

<sup>&</sup>lt;sup>52</sup> Mhd Syahman Sitompul, *et. al.*, "Implimentasi Surat Al-Baqarah Ayat 282 dalam Pertanggungjawaban Mesjid di Sumatera Timur," *HUMAN FALAH: Jurnal Ekonomi dan Bisnis Islam*, Vol. 3, No. 2, (2017), p. 205. https://doi.org/10.30829/HF.V3I2.530.

<sup>&</sup>lt;sup>53</sup> Syarifuddin, Hukum Kewarisan Islam, p. 215.

<sup>&</sup>lt;sup>54</sup> Puspitasari and Hanifuddin, "Stratifikasi Akad Kepemilikan Harta Sebagai Solusi Problem Pembagian Harta Pascacerai..." p. 52.

<sup>55</sup> Ibid.

<sup>&</sup>lt;sup>56</sup> Qoyum and Rizal, "Perencanaan Keuangan Syariah; Bagaimana Islam Mengatur Tentang Penge-

by immediately establishing *tirkah*. Once the inheritance is known, the division of inheritance can be done through the settlement of the division of inheritance according to the law of inheritance or through agreement.<sup>57</sup> Before making the agreement, the heirs have known their inheritance rights in accordance with Islamic law, as stipulated in Article 183 of the KHI. This stage is the actuating stage in the implementation of Islamic inheritance sharia.

## e. Managing the Inherited Assets to be Productive

One of the purposes of this inheritance law is also as a means of economic distribution, where property is not centralized in one heir only. And this portion of the division is also in accordance with the needs of the heirs. Allah Almighty has certainly become a guarantee that this law of Allah is the fairest for mankind. This law exists to ensure that the legal ownership of one's property can be transferred to the next generation, so that the property can continue to benefit the survival of mankind in the future.<sup>58</sup>

For example, the inheritance received by the heir can be used to build a business. If the business has produced an income that reaches *nisab* and *haul* must surely pay the *zakat*. The instrument of empowerment in Islam is the use of *zakat*. It can reduce the social gap between the rich and the poor, it can increase the ability to buy goods and services of the poor from not being able to buy to be able to purchase goods or services. In conclusion, it is able to increase consumption and stimulate economic growth in society.<sup>59</sup> Nowadays, various types of *waqf* are also developing. One of them is cash *waqf*.<sup>60</sup> If the heir receives inheritance in the form of cash money, it can also be made into a *waqf*, yet not necessarily in the form of a property or land.

Inheritance can be in the form of assets, rights, businesses that have been running. If examined from an economic point of view, receiving inheritance will certainly be able to increase individual economic empowerment. Even if this inheritance is agreed to be managed together with other heirs, either used as new business capital or still used as capital for an existing business, it will certainly have an impact on family welfare. The acquisition of inheritance will certainly increase the economic level of the recipient, because every increase in assets or assets received by someone, has been generally understood, it will certainly increase their ability or economic empowerment, either through investment or stored for future needs.

The model of inheritance wealth distribution in Indonesia often runs without the aim of improving wealth distribution and economic balance.<sup>61</sup> Inheritance that has been received by heirs, should be managed with the principles of assets management in Islam, so as to maximize their economic functions, one of which, heirs become more

lolaan Harta..." p. 251.

<sup>&</sup>lt;sup>57</sup> Herawati, "Urgensi Penyegeraan Pelaksanaan Warisan..." p. 188.

<sup>&</sup>lt;sup>58</sup> Nawawi, Pengantar Hukum Kewarisan Islam, p. 8.

<sup>&</sup>lt;sup>59</sup> Syamsuri Syamsuri, Deliar Agha Firdaus, and Imam Kamaluddin, "Peran LAZ Sidogiri dalam Memberdayakan Ekonomi Masyarakat Pasuruan melalui Filantropi Islam," *Islamic Economics Journal*, Vol. 6, No. 2 (2020), p. 248–249. https://doi.org/10.21111/IEJ.V6I2.5409.

<sup>&</sup>lt;sup>60</sup> Nurul Jannah, "Cash Waqf Literacy in Indonesia: Literature Studies and Perspectives of Islamic Economics Academics," *Islamic Economics Journal*, Vol. 9, No. 1, (2023), p. 2. https://doi.org/10.21111/IEI.V9I1.8709.

<sup>&</sup>lt;sup>61</sup> Berkah and Sawarjuwono, "Inheritance Wealth Distribution Model ..." p. 9.

economically empowered. However, this distribution is not a necessity. Inherited assets in the form of companies, land or property do not necessarily have to be distributed perfectly to heirs. These assets can be managed to be productive and bring economic benefits. This management can be done by heirs or other competent people in their midwives, in order to minimize business risks. The distribution of profits from productivity can be agreed upon by the heirs, whether in accordance with the share of inheritance or divided by a mutually agreed agreement. If this management can continue, then finances or family assets can provide economic empowerment in a sustainable manner.<sup>62</sup> The actuating function is in the form of an effort to produce assets in the business sector in accordance with the provisions of the Sharia both from the type of business and its management. The controlling and evaluating functions are used in running the business, whether in accordance with expectations or not.

It is expected that with this management model, heirs will be able to utilize their inheritance without disputes and ensure that the asset is managed and used to remain productive and preserved. The economic quality of life of the heirs can increase. Including an increase in the receipt of Islamic philanthropic funds, from the results of inheritance management. This will ultimately contribute to encouraging the economic empowerment of the people through the distribution of philanthropic funds, to those in need.

The following is an illustrative example of how Islamic inheritance-based asset management can have an impact on economic empowerment:

Mr. A has a restaurant business, savings in the bank of Rp 100,000,000, precious metals in the form of gold weighing 500 grams, 2 houses, 1 car, and 1 motorcycle. Mr. A has educated his family about Islamic inheritance law, so that recording all muamalah transactions and making written proof of ownership of property, has become customary, in preparation for death. Mr. A passed away this morning, leaving behind heirs consisting of his mother, a wife, 2 grown sons, and 2 biological brothers. The determination of heirs and inheritance rights is then carried out. Mother gets 1/6 share, wife 1/8 share, and 2 sons get the rest. The rest was then divided equally among the 2 boys. Two brothers did not get a share because they were hindered by the presence of sons, and this was understandable by both brothers of the deceased. After the deceased's debt records were viewed, it turned out that there was still 1 installment to the bank of Rp. 80,000,000. Thus, the heirs agreed to use the savings of the deceased to pay off the debt.

After knowing their respective parts, it was agreed that the restaurant business would continue to be managed by the eldest son, so that the sustainability of receiving income from this business could continue to occur. As a restaurant manager, the eldest child also gets the manager's salary, so the salary is included in the business expenditure component. The net profit from the business is given to the mother and wife of the deceased, so that the daily needs of both of them do not experience shortages. The remaining savings and precious metals

<sup>&</sup>lt;sup>62</sup> Berkah, Hukum Kewarisan Islam: Teori dan Praktik Mengelola Harta Waris Produktif (Waris Asset Management), p. 216.

are divided in accordance with the provisions of the Sharia. One house that is usually rented is given to a second boy who does not yet have a house. The house currently occupied by the mother and wife of the deceased and the car, was agreed to be given to the mother and wife with ownership divided in half. The motorcycle was sold, then the money was gifted to 2 brothers of the deceased.

By looking at the scheme, it can be seen that all heirs get additional assets, even those who do not have inheritance rights also get addition of assets in the form of cash. If the heirs manage this inheritance with a worldly and hereafter orientation, then the heirs will manage or invest it in a way and in a sector that is in accordance with the Sharia. Of course, the obligations attached to the results of the management (*zakat*) will also not be difficult to issue. Similarly, *infaq*, *sadaqah* and grants or endowments, will be easy to give. This fund certainly adds to the receipt of Islamic philanthropic funds that can be used for the economic empowerment of the *ummah*.

Economic theory explains that property ownership can be done through business transactions, *tabarru'* contracts, exchanges, buying and selling, and other halal means. By means of lawful and lawful acquisition, individuals or groups have the right to utilize their property as needed, without forgetting the rights of others. Therefore, to ensure that the property owned can be useful in accordance with the needs of individuals and society, it is necessary to rotate property or distribution of ownership from one individual to another.<sup>63</sup>

One of the purposes of this inheritance law is also as a means of economic distribution, where property is not centralized in one heir only. And this portion of the division is also in accordance with the needs of the heirs. Allah Almighty has certainly become a guarantee that this law of Allah is the fairest for mankind. This law exists to ensure that the legal ownership of one's property can be transferred to the next generation, so that the property can continue to benefit the survival of mankind in the future.<sup>64</sup>

Islam views wealth as not just an asset that can only meet the needs of life in the world, but there is a dimension of faith that makes a Muslim view that wealth can also be a testament to the provisions of the Hereafter.<sup>65</sup> So, by planning the amount of *infaq*, *sadaqah* before death and the heirs also have the awareness to invest in the afterlife through the inheritance received, philanthropic funds for the ummah will increase through the receipt of *zakat*, *infaq*, *sadaqah*, or *waqf*. These funds will eventually increase the source of income for the empowerment of the people.<sup>66</sup>

Inheritance can be in the form of assets, rights, businesses that have been running. If examined from an economic point of view, receiving inheritance will certainly be able to increase individual economic empowerment. Even if this

<sup>63</sup> Nawawi, Pengantar Hukum Kewarisan Islam, p. 9–10.

<sup>&</sup>lt;sup>64</sup> Ibid., p. 8.

<sup>&</sup>lt;sup>65</sup> Shofia Zahra and Yadi Janwari, "Konsep Pemikiran Ekonomi Islam Imam Al-Ghazali," *Eco-Iqtishodi : Jurnal Ilmiah Ekonomi dan Keuangan Syariah*, Vol. 4, No. 2, (2023), p. 87. https://doi.org/10.32670/ECOIQTISHODI.V14I2.3083.

<sup>&</sup>lt;sup>66</sup> Junia Farma and Khairil Umuri, "Filantropi Islam dalam Pemberdayaan Ekonomi Umat," *JEIPS: Jurnal Ekonomi Islam dan Perbankan Syariah*, Vol. 1, No. 1, (2021), p. 13.

inheritance is agreed to be managed together with other heirs, either used as new business capital or still used as capital for an existing business, it will certainly have an impact on family welfare. The acquisition of inheritance will certainly increase the economic level of the recipient, because every increase in assets or assets received by someone, has been generally understood, it will certainly increase their ability or economic empowerment, either through investment or stored for future needs.

#### Conclusion

Asset management based on Islamic inheritance that can be offered, in order to encourage economic empowerment, inheritance is no longer a source of problems, stuck in one of the heirs, unproductive, are: 1) Before death comes (Planning and Organizing Function): a. Educating families about Islamic inheritance, b. Recording of assets, payables, and receivables, c. Make proof of property ownership through a written agreement; 2) After death comes (actuating and controlling function): a. Accelerate the determination of inheritance rights and their division, b. Managing the inherited assets to be productive.

Education makes the family aware of the law of Islamic inheritance so that it will not delay the agreement of the division of wealth, and the heirs can immediately obtain the property that becomes their right. In addition, the obligations to be performed before the distribution of property must be known by the heir so that there will be no misconduct in the division of property. This is in line with point number four. If the family understands, then the determination of the inheritance and the division of the estate will not be delayed anymore. Recording and proof of property ownership through a written agreement can be legal proof in determining which is the inheritance of the deceased. Conflict can be avoided, and eventually managing the inherited assets to be productive will increase the economic empowerment of the heirs.

This assets management will have an impact on economic empowerment, where heirs can utilize assets without the need for conflicts to be faced, preventing assets stagnation and enabling productive utilization. In addition, the banking sector will benefit from smooth payment of debt installments from heirs (if they do not use insurance). The results of inheritance management, or from heirs who intend to invest the inheritance they receive for the benefit of the hereafter, will also increased <code>zakat</code>, <code>infak</code>, alms, and <code>waqf</code> contributions. Various family conditions will certainly affect how the distribution of inheritance is agreed. Whatever the variations, it is hoped that this management pattern can facilitate the implementation of Islamic inheritance law, create family harmony and economic empowerment by not violating the rules of <code>sharia</code>. Further research on this can be done using field study data or observing what happens if this management pattern is applied in Muslim communities.

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