



Received: 30-05-2023

Accepted: 29-06-2023

Published: 30-06-2023

Heritance Rights of Non-Muslim Heirs in Islamic Law: An Analysis of Case Study Decision No. 1578 / Pdt.G / 2010 / PA. JT

Rosida, Muhamad Taufik La Ode*

Universitas Khairun, Ternate, Indonesia

*muh.taufikld@gmail.com

ABSTRACT

This article examines the barriers to inheritance in the context of the science of roses, with a specific focus on the impact of religious differences between heirs. Utilizing a normative juridical approach and employing library research, the study analyzes Islamic law's position on non-Muslim heirs' right to inherit property from Muslim heirs. The research findings reveal that Islamic law emphasizes the principle that non-Muslim heirs are generally excluded from inheriting assets as outlined in the Qur'an, Hadith, and Compilation of Islamic Law. Furthermore, the article explores a case study decision by the East Jakarta Religious Court (case number 1578/PDT.G/2010/PA. JT) that upheld the exclusion of non-Muslim heirs based on formal legal provisions, including the principle of Islamic personality and the *nebis in idem* case. The judge's decision has raised normative concerns as it appears to contradict the rules stated in the religious texts. The implications of this study shed light on the intersection of religious differences and inheritance rights within the Islamic legal framework.

Keywords: *Heritance Rights; Islamic Law; Non-Muslim Heirs*

Copyright © 2023 The Author(s): This is an open-access article distributed under the terms of the Creative Commons Attribution ShareAlike 4.0 International (CC BY-SA 4.0)

INTRODUCTION

The legal system in Indonesia has several parts, namely the western legal system, the customary law system, and the Islamic legal system. The existence of these three legal systems each has an important role in protecting all rights and obligations and regulating all aspects related to people's daily behavior. One of the legal systems that dominates its application to rules and norms in Indonesian society is Islamic law. This legal system is a legal system that contains divine values or uses many sources of law taken from provisions in the Qur'an and hadith.

The enactment of Islamic law in Indonesia according to Abdul Ghani Abdullah is based on three reasons, namely: First, philosophical reasons, Islamic teachings are a way

of life, moral ideals, and legal ideals of the majority of Muslims in Indonesia, and this has an important role for the creation of the fundamental state norm of Pancasila. Second, sociological reasons. The historical development of Indonesian Islamic society shows that legal ideals and legal awareness based on Islamic teachings have a continuous level of actuality: and third, the juridical reasons contained in Articles 24, 25 and 29 of the 1945 Constitution provide a place for the application of law. Islam in a formal juridical manner (Abdullah, 1994).

Implementation of Islamic law in principle aims to form an attitude of human obedience to the rules of the Qur'an and Sunnah as a manifestation of his faith in Allah SWT. On the other hand, norms in Islamic law serve as general guidelines regarding commandments and prohibitions which form the basis for regulating relations among human beings, especially in matters of material and family law. One of the legal issues related to this is the problem of inheritance of the heir's assets to the heirs.

The transfer of the heir's inheritance cannot be separated from the distribution system in it. According to A. Rofiq, inheritance is a matter of what and how the distribution of rights and obligations regarding a person's wealth when he dies will be transferred to the living family (Rofiq, 1998). With the death of a person, all obligations in principle do not transfer to other parties. As for assets, they are transferred to other parties who are still alive, namely people who have been designated as recipients (Usman, S & Somawinata, 1997). The process of transferring wealth from the deceased to the living is regulated in inheritance law. In its arrangement in article 171 (a) of the Compilation of Islamic Law states that inheritance law is the law governing the transfer of inheritance rights (*tirkah*) to heirs, determining who has the right to become heirs and what part each has (Nurhadi, 2011).

One of the discussions in the science of inheritance is the discussion about the causes of inheritance and its obstacles. The reason why a person is entitled to receive an inheritance is the existence of marriage, kinship, and emancipation of slaves. While there are three causes of inheritance barriers, namely intentional murder, religious differences, and slavery. Religious differences are if between heirs and heirs one of them is Muslim and the other is not Muslim. Concerning religious differences between heirs and heirs which can invalidate a person's right to inherit inheritance. In other words, barriers to inheritance are actions or things that can invalidate a person's right to inherit an inheritance after there are reasons to inherit (Basyir, 1990).

Someone who dies and has property to be divided among heirs of different religions, there is no inheritance between the two, as Rasulullah SAW said: "It is not right for a Muslim to inherit the property of an infidel, and it is also not right for an infidel to inherit the property of a Muslim. (*HR. Bukhari and Muslim*) (Muslim, 1998).

Based on the provisions of the hadith, Indonesian Ulama Council or MUI stipulates a fatwa relating to obstacles to non-Muslim inheritance in provisions Number: 5/MUNAS VII/9/2005 concerning Inheritance of Different Religions, which stipulates that: (hukumonline.com, n.d.)

- a. Islamic Inheritance Law does not provide mutual inheritance rights between people of different religions (between Muslims and non-muslim).
- b. Property giving between people of different religions can only be done in the form of grants, wills and gifts.

Regarding apostates, i.e., those who leave Islam and are categorized as infidels, scholars state that the inheritance of an apostate is not inherited by anyone, including his heirs who are also apostates. His legacy is included in the treasury as property or spoils, and is used for the benefit of the community (Rahman, 1981). As for the property of the apostate, most Hijaz jurists are of the opinion that the property of the apostate if he is killed or dies properly belongs to the Muslims, while his family does not inherit it. This opinion was presented by Zaid r.a. from among the companions and descended into the Malik and Syafi'i sects (Syarifuddin, 2004).

Referring to the provisions of KHI in Article 171 letters (a), (b) and (c) to determine the obstruction of non-Muslim heirs to obtain the heir's inheritance is carried out based on the decision of the Religious Court (Amin, 2004), this is based on the principle of absolute competence which has the authority to examine adjudicate and decide Islamic cases, as other provisions stipulated in Article 49 of Law Number 7 of 1989 as its authority has been expanded by Law Number 3 of 2006 concerning Religious Courts namely: "The Religious Court has the duty and authority to examine, decide and resolve cases at the first level between people who are Muslim in the fields of: Marriage, Inheritance, Wills, Grants, Waqf, Zakat, Infaq, Sadaqah and Sharia Economics." (Undang-Undang Tentang Peradilan Agama, n.d.).

Regarding the causes of the obstruction of non-Muslim heirs from obtaining the inheritance above, the authors found discrepancies in the results of the judge's decision at the East Jakarta Religious Court regarding the application for a lawsuit by the Muslim heirs against his three Catholic brothers. In the essence of the lawsuit stated that the distribution of inheritance was carried out according to the provisions of Islamic law, therefore the three non-Muslim heirs were considered not entitled to receive inheritance, but the East Jakarta Religious Court judge rejected the lawsuit and at the end of the trial process issued Decision No.: 1578/Pdt.G/2010/PA.JT

Seeing these legal gaps, the author feels interested in conducting legal research to study and analyze normatively the position of non-Muslim heirs by looking at the reasons for consideration of East Jakarta Religious Court Judges who examine, hear, and decide cases of inheritance disputes between Muslim heirs and non-Muslim heirs.

METHODS

The method in this study uses a juridical-normative approach or normative law, namely the method of library law research or the method used by examining existing library materials (Soekanto, S & Mamudji, 2009). Furthermore, this research is analytical descriptive in nature, namely seeking and finding relationships between the data obtained from the research and the existing foundation and used so as to provide constructive pictures of the problems studied (Sunggono, 2003). Analytical descriptive research describes laws and regulations as well as legal theories and positive law implementation practices related to problems in the field.

The types and sources of research data are divided into two, namely first, primary data in the form of data directly obtained in field research in the form of decisions from the East Jakarta Religious Court regarding inheritance dispute cases. Second, secondary data sourced from primary legal materials, namely laws and regulations as well as secondary legal materials in the form of literature and library materials containing the results of the writing of Islamic inheritance law.

The data analysis technique used is qualitative analysis, namely the data that has been obtained from field studies and literature studies will be collected and grouped systematically according to the facts and characteristics of the object being studied precisely then analysed qualitatively with the aim of getting a conclusion of research problems (Fajar, 2010).

RESULTS AND DISCUSSION

Position of Non-Muslim Heirs and Legal Consequences in Islamic Inheritance

The heir is one of the subjects in the inheritance who has the first and main place or position to obtain the inheritance from the heir. In the concept of Islamic inheritance, the main heir is the biological child, whether male or female. A child who is entitled to a share of the inheritance is a child who is a true kinship relationship and is not hindered by any law. Article 171 letter (c) states, "an heir is a person who at the time of death has a blood relationship or marriage relationship with the heir, Muslim and are not hindered by law to become heirs". There is an affirmation of the word that apart from blood relations and marriage, it is also due to the same belief relationship, namely being Muslim.

Relationship Between Religion and Law Applicable to Individuals in Islam.

Religion and law are two different entities, which basically both aim to better regulate human life and the environment. Therefore, the two can be very intertwined, support each other and even influence each other. However, at the same time, the two of them can also conflict with each other and engage in contestation, not only because of the differences that exist between them, but also because of the interests that are not always the same.

Formulating the notion of religion is not an easy matter, and human inability to define religion is due to issues relating to absolute interests and cannot be negotiated. Therefore, it is not surprising that internally opinions arise which state that certain religions are alone as the only divine religion, although at the same time it states that the divine religion includes Islam, Christianity, and Judaism.

There are two categories of sources for the occurrence of religion, in general, the Divine religion from the sky, religions obtained through Divine Revelation, including Islam, Christianity and Judaism, while Wad'i religions or earthly religions, which are also often referred to as cultural religions, are obtained based on the power of mind or reason. human reason, including Hinduism, Buddhism, Taoism, Confucianism and various other religious beliefs or beliefs. The term religion comes from Sanskrit which means tradition or "a" which means not and "gama" which means chaos. So that religion can be interpreted as not chaotic. In addition, religion can also be interpreted as a regulation that aims to achieve human life in a certain direction or goal. Religion is seen as a belief and pattern of behavior possessed by humans to deal with problems. Religion is an integrated system of sacred beliefs and practices. Religion is a guide or guide to achieving eternal life. Religion is the concept of a relationship with God (dilihatya.com, n.d.).

There are several reasons why religion is very important in human life, including: first, religion is a source of morality. Second, religion as a guide to truth. Third, religion is a source of metaphysical information. Fourth, religion as a human spiritual guide.

However, of the many functions of religion there is one that is more important to study, namely the role of religion in human life. The extent to which the role of religion contributes and influences the lives of individuals, communities, nations and countries (Shihab, 2013). Among the major influences created by a religion comes from the rules or norms contained therein.

Norms that are based on religion are regulations or rules that originate from the word or command of God through the Prophet or his messenger. For people who are religious, God's commandments or words are a guide or guidelines in their attitudes and actions (way of life). Religious rules not only regulate human relations with their God but also regulate relations between human beings. Those who violate religious norms will receive sanctions in the form of God's wrath or the torments of hell (Ruhiatudin, 2009).

According to Islamic teachings, the relationship between religion and law occurs since the religion was revealed to the apostles and taught to all mankind. This is described in Surah Asy Syura verse (13) namely:

شَرَعَ لَكُمْ مِنَ الدِّينِ مَا وَصَّى بِهِ نُوحًا وَالَّذِي أَوْحَيْنَا إِلَيْكَ وَمَا وَصَّيْنَا بِهِ إِبْرَاهِيمَ وَمُوسَى وَعِيسَى أَنْ أَقِيمُوا الدِّينَ وَلَا تَتَفَرَّقُوا فِيهِ كَبُرَ عَلَى الْمُشْرِكِينَ مَا تَدْعُوهُمْ إِلَيْهِ اللَّهُ يَجْتَبِي إِلَيْهِ مَنْ يَشَاءُ وَيَهْدِي إِلَيْهِ مَنْ يُنِيبُ

It means: "He (Allah) has prescribed for you the religion which He bequeathed (also) to Noah, which you have revealed to you (Muhammad), and what We have bequeathed to Abraham, Moses and Jesus, namely: Establish the religion and do not be divided divided about it. It is very difficult for the polytheists (to follow) the religion that you call them to them. God chooses whom He wills and guides to His (religion) those who return (to Him)."

the verse explains that Allah SWT has established for mankind a set of laws that originate from the Islamic religion (syari'at), from the time of Prophet Noah until it was extended and perfected by Prophet Muhammad SAW in the form of teachings about Tauhid (manifesting Allah).

Islamic law is different in study from European law which separates faith or religion from law, law from decency, in Islamic law such a separation is not possible because apart from Islamic law originating from the Islamic religion, also in the Islamic teaching system, law is an inseparable part. of faith or religion in the narrow sense. In the Islamic legal system, apart from religion or faith, law cannot be separated from decency or morals. Islam without law and decency is not Islam (Ali, 2004).

Broadly speaking, the legal rules in the Qur'an can be divided into three such as, among others:

1. Laws that regulate human relationships with Allah SWT. About anything that should be believed and that should be avoided in relation to his belief, such as the necessity of praying to God and the prohibition of associating partners with Him. The law that concerns this belief is called the law of I'tiqadiyah which is studied in the "science of monotheism" or ushuluddin.
2. The laws governing human relations regarding the good qualities that must be possessed of the good qualities that must be possessed and the bad characteristics that must be avoided in social life. Law in this form is called Khuluqiyah law which later developed in "moral science".

3. Laws concerning human behavior and behavior in relation to Allah SWT. In relations with fellow human beings, and in the form of what to do or to stay away from. This law is called Amaliyah law whose discussion is developed in "Syariah science".

The Amaliyah Law, broadly speaking, is divided into two: (Amir, 2008)

- a) The law governing human behavior and outward actions in relation to Allah SWT. Such as prayer, fasting, zakat, and pilgrimage. This law is called the law of Worship in a special sense.
- b) The laws governing the outward behavior of humans in relation to humans or the natural surroundings such as buying and selling, marriage, killing, and others. These laws are called mu'amalah laws in the general sense.

The link between religion and the law that applies to everyone according to Islam is capable of creating a very basic function. This function can be seen: (Sa'diyah, 2012)

1. As a value system that creates certain norms.
2. These norms become a frame of reference in behaving and behaving so that they are in line with the religious beliefs they adhere to.
3. Religion gives inner stability, a feeling of happiness, a feeling of being protected, a feeling success and satisfaction.
4. Religion can encourage individuals to carry out activities, because actions based on religious beliefs are considered to have elements of purity and obedience.

Juridical and Social Consequences in The Apostasy of Internal Heirs Islamic Heritage.

Changing beliefs or religions from Islam to other religions can be said to be apostasy. An apostate is a person who disbelieves after he abandons his belief in Islam, whether by word, deed, or by doubt. The consequences for a person's apostasy according to Islamic provisions are the loss of charity, the prohibition of sexual intercourse with his wife, the prohibition of marriage and the loss of inheritance rights.

Jumhur ulama, including Al-Imam Malik, Al-Imam Asy-Syafi'i and Al-Imam Ahmad bin Hanbal agreed that a person who apostates and leaves Islam, his right to be an heir will automatically fall. The basis is the words of Rasulullah SAW. However, some scholars who claim to rely on the opinion of Mu'adz bin Jabal radhiallahuanhu say that a Muslim may inherit property from an infidel heir, but may not bequeath it to infidels (Rumah Fiqih, n.d.).

One of the factors that abort the right to inheritance because of religious differences is a strong factor that a Muslim cannot inherit or be inherited by non-Muslims, regardless of their religion. So, if an only child and become the only heir of his father. his rights will fall by itself if he is not a Muslim. And anyone who should be among the heirs, but happens to be not Muslim, are also not entitled to inherit property from a Muslim heir. There are some scholars who say that the case of a person's apostasy also includes things that abort inheritance rights. In this case the scholars made an agreement that apostasy is included in the category of religious difference, therefore an apostate cannot inherit the property of a Muslim (Sarwat, n.d.).

The view of the loss of the right to inherit by an apostate has been hereditary in Islamic inheritance law discourse in every literature and has become the main menu and

reference in the inheritance distribution system. However, as mentioned in the explanation above, the issue of religious differences is one of the obstacles and the loss of receiving an inheritance is considered sensitive. It is not only related to the conflict between the interests of obtaining inheritance on the one hand, but also the pattern of relations between religious communities which are full of tension on the other side (Karim, 2012).

The legal consequences of provisions that distinguish whether or not heirs are entitled to receive an inheritance often led to disputes over inherited assets. especially those that are colored by nuances of tension between religions, this is a sensitive case that requires comprehensive and wise reasoning. On the one hand, relying only on textual references and sich will potentially exacerbate tensions. While on the other hand, completely ignoring textual grounding is certainly not the right way, because it will get rejection everywhere.

Based on the description above, the author understands that the position of non-Muslim heirs when viewed from an Islamic point of view is included in the group of people whose inheritance rights are lost based on juridical and social consequences due to apostasy or caused by a change in their religious beliefs. In Islam, it is not permissible for a non-Muslim or an apostate to fulfill all his rights, be it in having intercourse with their Muslim wife, marrying a Muslim woman to get inheritance rights.

Analysis of Legal Considerations in Decision Number: 1578/Pdt.G/2010/PA.JT

One of the grounds or reasons for the application for an heir lawsuit is to state that the 3 biological children of the deceased (heir) are not entitled to be legal heirs as stated, considering that Defendant 1, Defendant II and Defendant III are Catholics of different religions from the Heirs who are Muslim which is based on the Compilation of Laws Islam states that Muslim heirs may not inherit from non-Muslim heirs or people of different religions who do not inherit from each other, they also declare that they reject the inheritance of the deceased, and make a Statement of Rejection of the Inheritance of the deceased at the Notary, then according to the applicable law they are not heirs.

Implementation of the trial is a form of proceedings. Procedural law or formal law aims to guarantee compliance with material civil law, therefore procedural law contains methods for implementing and maintaining or enforcing the principles contained in material civil law. The procedural law that applies in the Religious Courts is the civil procedural law that applies in the General Courts except for what has been specifically regulated (Article 54 of Law No. 7 of 1989).

Based on the case of the heirs that became the study of this discussion. it was found that the inspection process and its completion were in accordance with the provisions of the law in question. The process begins with the basis or reasons for filing a claim for heirs who are Muslim by the Plaintiff to address the panel of judges at the East Jakarta Religious Court.

The decision of the East Jakarta Religious Court Judge Rejecting the Lawsuit of Muslim Heirs Against the Determination of the Legal Status of Non-Muslim Heirs

The basis of the judge's decision does not depend on the consideration of legal considerations taken based on available legal sources. In the matter of things in the Religious Courts judges should take a foothold on the source Islamic law and special rules governing related affairs with good and true Islamic principles. According to

Ahmad Zaenal Fanani, the concept of a good and correct judge's decision consists of at least 6 parts namely: (Fanani, 2014)

1. The head of the decision which consists of the word decision, the case number, the word "Bismillahirrahmaanirrahiim" and the word for the sake of Justice Based on Belief in the One and Only God.
2. Identity of the parties. In contentious cases, identity includes the identity of the Plaintiff and the identity of the Defendant.
3. About the case. This section at least describes the arguments underlying the Plaintiff's lawsuit and what is demanded by the Plaintiff, the mediation process, answers, duplicative replicas, documentary evidence and witnesses submitted by the Plaintiff and Defendant as well as conclusions from both the Plaintiff and the Defendant. Defendant.
4. Regarding legal considerations. This section is the most important part of a verdict. Because the heart of the decision lies in the consideration law.
5. Amar verdict. Here it must clearly and unequivocally include which petition of claim is granted, rejected or not accepted.
6. Judgment leg. In this section it must be explained that the decision was handed down based on a deliberative meeting of the panel of judges, the date of the deliberative meeting was also stated, the names of the panel of judges and substitute clerks, the decision was read in a session open to the public, the date of reading the decision, it was described who the parties were present and who were not present at the time of reading decision and details of the costs of the case.

In the final process of settlement of the inheritance case Number 1578/PDT.G/2010/PA.JT regarding the application for a lawsuit for heirs at the East Jakarta Religious Court, the judge through his legal considerations decided on the heir case based on the results of the examination from the beginning of the trial to the end of the trial. As for the considerations of judges according to Law Number 48 of 2009 concerning Judicial Powers are the thoughts or opinions of judges in making decisions by looking at things that can mitigate or burdensome (Undang-Undang Tentang Kekuasaan Kehakiman, n.d.).

After the trial, the panel of judges at the East Jakarta Religious Court considered the first, namely by looking at the absolute exceptions of the Defendants, one of which was emphasized in book II of the Revised Edition of the 2009 Revised Edition of the Administrative and Technical Guidelines for Religious Courts, the principle of Islamic Personality does not apply in cases of inheritance disputes whose heirs are Muslim even though some of the heirs are non-Muslim. The second consideration by the panel of judges, regarding the argument in the Defendant's case which states that this inheritance case is *nebis in idem* or that there has been a similar case and was decided by the East Jakarta District Court, namely case number: 384/Pdt.P/1990/PN.Jak.Tim and case number: 373/Pdt.G/2009/PN.Jak.Tim. Which determinations and decisions have permanent legal force so that case number 1578/Pdt.G/2010/PA. JT dated 4 August 2010 is *nebis in idem*. Because there are similarities in the quality of the parties and similarities in substance, based on the provisions of Article 1917 of the Civil Code (BOOK OF CIVIL LAWS) a quo case must be declared *nebis in idem* and therefore the claim of the Plaintiff's heirs must be declared rejected (*niet onvankelijk*).

According to the author's analysis, the judge only looked at him using sources of formal legal provisions as a basis for drawing conclusions. The view of the judges is not careful looking at other sources of legal rules that are more substantive in their assertion regarding heirs who are entitled in the Islamic inheritance system as contained in the Compilation of Islamic Law, namely Articles 171 and 172. The judge's decision at the East Jakarta Religious Court tends to adhere to the principles used by the Religious Court system, namely the principle of Islamic personality, while this for the author is only the initial basis by the judge in examining the lawsuit filed.

Viewed methodologically, there are still deficiencies in the views of East Jakarta Religious Court judges who examine the rules of inheritance in Islam either according to *ijtihad*, fatwa or with the Qur'an and Hadith. Even though the considerations used by the judge were formally appropriate, the decision was deemed to be contrary to the material provisions in the Compilation of Islamic Law. So, for the author, the decision is not in line with the principle of legal certainty, especially those originating from Islamic law.

In the consideration of the judges regarding a *quo case with nebis in idem* status, the author is of the opinion that the *nebis in idem* principle is not attached to the decision, meaning that the decision on the decision is not a binding decision or has permanent legal force. According to legal practitioner Ropaun Rambe, the notion of determining the application is not attached to the principle of *nebis in idem*, but only has binding force unilaterally, namely the applicant himself, so it is not binding and has no evidentiary power on any party (Rambe, R & Agafi, 2001). So, the judge's reason for saying that he already has permanent legal force and can no longer be sued for the same purpose is incorrect, because the nature of a decision is not binding in its entirety.

The legal consequence that arises after the judge's decision is that non-Muslim heirs still get their inheritance rights based on the previous decision of the East Jakarta District Court judge. According to the writer's opinion, normatively it has contradicted the rules specified in the Qur'an and Hadith. Because in the letter Hud verse 46 Allah SWT has said:

قَالَ نُوحٌ إِنِّي لَأُتَىٰ مِنْ أَهْلِكَ فَأْتَهُ عَمَلٌ غَيْرُ صَالِحٍ فَلَا تَسْأَلْنِ مَا لَيْسَ لَكَ بِهِ عِلْمٌ إِنِّي أَعِظُكَ أَنْ تَكُونَ مِنَ الْجَاهِلِينَ

It means: "O Nuh, indeed he is not one of your family (who is promised to be saved). Indeed (his actions) are bad deeds. Therefore, do not ask Me for something that you do not know (the nature of) it. Indeed, I warn you so that you do not include those who have no knowledge".

CONCLUSION

This study highlights the exclusion of non-Muslim heirs from inheritance rights in Islamic law, as evidenced by Article 171 of the Compilation of Islamic Law and the teachings of the Qur'an and Hadith. The findings emphasize that apostatized heirs and non-Muslims are not granted the position to inherit from Muslim heirs, with the only permissible means being grants, wills, and gifts, as stated by the MUI fatwa. The case study decision analyzed, specifically case number 1578/PDT.G/2010/PA.JT, upheld the previous determination of non-Muslim heirs based on formal legal provisions, such as the principle of Islamic personality and the status of a *nebis in idem* case. However, it is noteworthy that this decision has raised normative concerns as it appears to contradict

the rules set forth in the Qur'an and Hadith. Further research and analysis are necessary to explore potential reconciliations between legal provisions, religious principles, and societal dynamics, offering insights into possible reforms or interpretations within the framework of inheritance rights for non-Muslim heirs in Islamic law.

REFERENCES

- Abdullah, A. G. (1994). *Peradilan Agama Pasca UU No.7/1989 dan Perkembangan Studi Hukum Islam di Indonesia dalam Mimbar Hukum No. 1 tahun V*. Al-Hikmah & Ditbinpera Islam Depag RI.
- Ali, M. D. (2004). *Hukum Islam : Pengantar Ilmu Hukum dan Tata Hukum Islam di Indonesia*. PT. Raja Grafindo Persada.
- Amin, M. (2004). *Hukum Keluarga Islam Di Dunia Islam*. PT. Raja Grafindo Persada.
- Amir, S. (2008). *Ushul Fiqh : Jilid 1. Cet. Ke V*. Kencana.
- Basyir, A. A. (1990). *Hukum Waris Islam*. Universitas Islam Indonesia.
- dilihatya.com. (n.d.). *Pengertian Agama Menurut Para Ahli*. <http://dilihatya.com/1287/>
- Fajar, M. & Y. (2010). *Dualisme Penelitian Hukum : Normatif & Empiris*. Pustaka Pelajar.
- Fanani, A. Z. (2014). *Berfilsafat Dalam Putusan Hakim*. Mandar Maju.
- hukumonline.com. (n.d.). *Halangan Bagi Ahli Waris Non Muslim*. <http://www.hukumonline.com>
- Karim, M. A. (2012). *Problematika Hukum Kewarisan Islam Kontemporer Di Indonesia*. Kementerian Agama RI Badan Litbang dan Diklat Puslitbang Kehidupan Keagamaan.
- Muslim, A. (1998). *Shahih Muslim*. Bait Al-Afkar Ad-Dauliyyah.
- Nurhadi, D. (2011). *Himpunan Peraturan Perundang-undangan Yang Berkaitan Dengan Kompilasi Hukum Islam Dengan Pengertian Dalam Pembahasannya*. Mahkamah Agung RI.
- Rahman, F. (1981). *Ilmu Waris*. Al-Ma'arif.
- Rambe, R & Agafi, A. M. (2001). *Implementasi Hukum Islam*. PT. Perca.
- Rofiq, A. (1998). *Hukum Islam di Indonesia, cet. ke-3*. PT. Raja Grofindo Persada.
- Ruhiatudin, B. (2009). *Pengantar Ilmu Hukum*. Teras.
- Rumah Fiqih. (n.d.). *Murtad, Hukuman dan Konsekuensinya*. <http://www.rumahfiqih.com>
- Sa'diyah, S. (2012). *Makalah Agama : Peran dan Fungsi Agama Dalam Kehidupan Manusia*. <http://iissadiyah1.blogspot.com>
- Sarwat, A. (n.d.). *Fiqh Mawaris, Cet. Pertama, Ke 2, Ke 3, Ke 4*. E-Book : DU Center.
- Shihab, M. Q. (2013). *Secercah Cahaya Ilahi*. MIZAN.
- Soekanto, S & Mamudji, S. (2009). *Penelitian Hukum Normatif Suatu Tinjauan Singkat, Cetakan ke - 11*. PT. Raja Grafindo Persada.

Sunggono, B. (2003). *Metodologi Penelitian Hukum*. PT. Raja Grafindo Persada.

Syarifuddin, A. (2004). *Hukum Kewarisan Islam*. Kencana.

Undang-undang Tentang Kekuasaan Kehakiman, Pub. L. No. Nomor 48 Tahun 2009.

Undang-undang Tentang Peradilan Agama, Pub. L. No. Nomor 3 Tahun 2006.

Usman, S & Somawinata, Y. (1997). *Fiqh Mawaris Hukum Kewarisan Islam*. Gaya Media Pratama.