



Suspension of Inheritance Distribution: A Review of Islamic Law and Its Implications

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Abstract

This research examines the suspension of the distribution of inheritance from the perspective of Islamic law and its implications for the justice and benefit of the heirs. The focus of the research is directed at the normative analysis of the normative basis of inheritance division in fiqh mawaris, the limitations of deferral ability, and the social and cultural factors behind the practice of postponing the distribution of inheritance in Muslim society. This research uses a literature study method with a normative qualitative approach, through an analysis of classical and contemporary Islamic law sources, including the Qur'an, hadith, fiqh books, and modern Islamic legal literature. The results of the study show that in principle, the distribution of inheritance in Islam is recommended to be carried out immediately after the fulfillment of the heir's obligations, such as debt repayment and the execution of a will. However, the suspension of the distribution of inheritance can be justified under Islamic law as long as it is based on the agreement of all heirs, does not cause tyranny, and aims to maintain the common good. The implications of the suspension show that there is a potential for conflict and injustice if it is not accompanied by clarity of rights, so a comprehensive legal understanding is needed so that the practice of suspension remains in line with the principles of justice.

Keywords: Suspension; Inheritance; Islamic Law

Abstrak

Penelitian Penelitian ini mengkaji penangguhan pembagian harta warisan dalam perspektif hukum Islam serta implikasinya terhadap keadilan dan kemaslahatan ahli waris. Fokus penelitian diarahkan pada analisis dasar normatif pembagian warisan dalam fiqh mawaris, batasan kebolehan penangguhan, serta faktor-faktor sosial dan kultural yang melatarbelakangi praktik penundaan pembagian harta warisan dalam masyarakat Muslim. Penelitian ini menggunakan metode studi literatur dengan pendekatan kualitatif normatif, melalui analisis terhadap sumber-sumber hukum Islam klasik dan kontemporer, termasuk Al-Qur'an, hadis, kitab-kitab fiqh, serta literatur hukum Islam modern. Hasil penelitian menunjukkan bahwa pada prinsipnya pembagian harta warisan dalam Islam dianjurkan untuk segera dilaksanakan setelah terpenuhinya kewajiban pewaris, seperti pelunasan utang dan pelaksanaan wasiat. Namun, penangguhan pembagian harta warisan dapat dibenarkan secara hukum Islam sepanjang didasarkan pada kesepakatan seluruh ahli waris, tidak menimbulkan kezaliman, dan bertujuan menjaga kemaslahatan bersama. Implikasi dari penangguhan tersebut menunjukkan adanya potensi konflik dan ketidakadilan apabila tidak disertai kejelasan hak, sehingga diperlukan pemahaman hukum yang komprehensif agar praktik penangguhan tetap sejalan dengan prinsip keadilan.

Kata Kunci: Penangguhan; Harta Warisan; Hukum Islam

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Introduction

In social practice in the field, the suspension of the distribution of inheritance is still a phenomenon that is often encountered in Muslim societies.¹ The distribution of inherited inheritance is often postponed for a long time, even for years, for various reasons such as waiting for the surviving parents, maintaining the integrity of the family, respecting the eldest sibling, or keeping the inheritance from being divided.² This procrastination is initially understood as a form of social wisdom and family ethics, but in reality it often develops into a problematic practice because it is not accompanied by legal clarity and definite time limits.³ Real problems arise when the suspension of the distribution of inheritance has direct implications for the violation of the rights of heirs, especially heirs who are socially and economically weak, such as women, orphans, or heirs who do not live with the nuclear family.⁴ In many cases, the estate is unilaterally controlled by one of the heirs under the pretext of deferment, while the other heirs lose access to their rights. This condition often triggers latent conflicts in the family, tension in kinship relationships, and protracted legal disputes, both at the informal and formal levels through religious courts.

Furthermore, the practice of suspending the distribution of inheritance in the field is often carried out without an adequate understanding of the provisions of Islamic law.⁵ Deferment is considered something that is absolutely permissible, even though in fiqh mawaris there is a principle of the necessity of accelerating the distribution of inheritance after the fulfillment of the heir's obligations. This insynchronization between Islamic legal norms and social practices shows the existence of a gap in legal knowledge in society, as well as showing how customary values and power relations in the family can shift the principles of justice and legal certainty which are the main goals of sharia. The death of a

¹ Maryam Muhammad Bature dan Jasni Sulong, "Inheritance distribution among Muslims: a comparative analysis on the practice of some Muslim countries," *International Journal of Academic Research in Business and Social Sciences* 14 (2025), https://kwpublications.com/papers_submitted/9612/inheritance-distribution-among-muslims-a-comparative-analysis-on-the-practice-of-some-muslim-countries.pdf.

² Selamat Lumban Gaol, "Division of Inheritance and Will: First Marital Children, Second Marital Wife (Literature Legal Review)," *Journal of Law, Politic and Humanities* 4, no. 3 (2024): 258–67, <https://dinastires.org/JLPH/article/view/346>.

³ Annalise Acorn dan Jason Buttuls, "The Not Now Habit: Procrastination, Legal Ethics and Legal Education," *Legal Ethics* 16, no. 1 (2013): 73–96, <https://doi.org/10.5235/1460728X.1.1.73>.

⁴ Silas Tom Silas, "An Evaluation of the Cultural Practices and Women's Inheritance Rights in Iboland, Eastern Nigeria: A Theological-ethical Study" (PhD Thesis, North-West University, Potchefstroom Campus, 2017), https://www.academia.edu/download/103008907/Silas_ST_2017.pdf.

⁵ Iqbal Saujan dkk., "Islamic Law of Inheritance and Its Implication amongst Muslim Society: An Empirical Analysis," *Journal of Contemporary Islamic Law* 7, no. 1 (2022): 35–51, https://www.researchgate.net/profile/Iqbal-Saujan/publication/361285765_Islamic_Law_of_Inheritance_and_Its_Implication_Amongst_Muslim_Society_An_Empirical_Analysis/links/62a8bd9d55273755ebecd17a/Islamic-Law-of-Inheritance-and-Its-Implication-Amongst-Muslim-Society-An-Empirical-Analysis.pdf.

person will cause legal consequences regarding the method of transfer or settlement of his inheritance to the surviving heirs, known as the Law of Inheritance. So with the death of a person, there is a process of inheritance or transfer and transfer of the property of someone who has died. This issue is very important because it is closely related to the scope of human life. The problem of inheritance in Islam is a matter that is undoubtedly determined both about who is entitled to receive, how much share is received, what is the reason for inheritance and everything related to inheritance is clear and cannot be challenged.⁶

Research on Islamic inheritance law in general has been carried out a lot, especially those that discuss the normative provisions for the distribution of inheritance based on the Qur'an, hadith, and fiqh mawaris. A number of classical and contemporary studies affirm that the distribution of inheritance in Islam should in principle be expedited after the fulfillment of the heir's obligations, such as the payment of debts and the execution of the will. These studies generally emphasize aspects of legal certainty and distributive justice as the main goals of the Islamic inheritance system, but have not specifically reviewed the phenomenon of postponing inheritance distribution as a social practice that develops in society.⁷ Several other studies have begun to highlight the practice of inheritance in the socio-cultural context of Muslim communities, especially in Indonesia. These studies show that customs, family structures, and power relations in the family often influence the implementation of Islamic inheritance law.⁸ In this context, the suspension of the distribution of inheritance is often understood as part of the tradition of maintaining family harmony or respecting certain figures in the family. However, the focus of this study is more on the conflict between customary law and Islamic law in general, without an in-depth analysis of the status of the suspension law itself and the limits of its capabilities according to fiqh.⁹ Research that examines inheritance disputes in religious courts also provides an empirical picture of the impact of suspending the distribution of inheritance. Several studies have found that delays in the distribution of inheritance are one of the main factors in the emergence of disputes between heirs.¹⁰ However, the research is more

⁶ "Al-Takharuj Sebagai Modernisasi Pembagian Hukum Waris Di Indonesia | MAQASID," diakses 23 Desember 2024, <https://journal.um-surabaya.ac.id/Maqasid/article/view/23762>.

⁷ David S. Powers, "The Islamic inheritance system: a socio-historical approach," dalam *Issues in Islamic Law* (Routledge, 2017), <https://www.taylorfrancis.com>.

⁸ Utama Wardi dkk., "Comparative analysis of Islamic family law and customary law in the settlement of inheritance disputes in Indonesia," *Hakamain: Journal of Sharia and Law Studies* 3, no. 1 (2024): 13–25, <https://journal.makwafoundation.org/index.php/hakamain/article/view/330>.

⁹ Arbanur Rasyid dkk., "Contestation of Customary Law and Islamic Law in Inheritance Distribution: A Sociology of Islamic Law Perspective," *Al-Ahkam* 34, no. 2 (2024): 419–48, <https://journal.walisongo.ac.id/index.php/ahkam/article/view/20843>.

¹⁰ Maimanah Maimanah dkk., "Delay in the Division of Inheritance: A Theoretical Review within Legal System Framework in Indonesia," *Syariah: Jurnal Hukum Dan Pemikiran* 24, no. 1 (2024): 241–57, <https://jurnal.uin-antasari.ac.id/index.php/syariah/article/view/12916>.

oriented towards the aspect of dispute resolution and judge's decisions, so it has not comprehensively examined the suspension of inheritance distribution as an issue of Islamic law that has ethical implications.

The novelty of this research lies in the focus of the study which specifically places the suspension of the distribution of inheritance as the main object of analysis, not just as a side phenomenon in the study of Islamic inheritance law. In contrast to previous research that generally emphasizes the normative aspects of inheritance division or conflicts between Islamic and customary law, this study systematically examines deferment as a legal and social practice that has juridical, ethical, and beneficial consequences for the heirs. In addition, this study offers a novelty to the analytical approach by integrating normative Islamic law (*fiqh mawaris*) and the perspective of *maqāṣid al-syarī'ah* in assessing the possibilities and limitations of the suspension of inheritance distribution. This approach not only assesses the textual validity of deferral, but also examines its implications for the protection of rights, distributive justice, and the prevention of tyranny in inheritance practices in Muslim societies. Thus, this study provides a more comprehensive evaluative framework than previous studies which tend to be legal-formal.

Method

This approach was chosen because the research focuses on the study of Islamic legal norms, concepts, and principles related to the suspension of inheritance distribution, as well as the analysis of its implications for justice and the benefit of heirs.¹¹ This research is not intended to measure the phenomenon quantitatively, but to understand and analyze the issue of inheritance in depth in a normative and conceptual framework. The data sources in this study consist of primary data and secondary data. Primary data includes Islamic law sources, namely the Qur'an, hadith, and classical and contemporary heirs' *fiqh* books that discuss the provisions for the distribution of inheritance and the rights of heirs. Meanwhile, secondary data includes supporting literature in the form of books, scientific journals, results of previous research, laws and regulations related to Islamic heritage in Indonesia, such as the Compilation of Islamic Law (KHI), as well as religious court rulings relevant to cases of suspension of inheritance distribution. Data collection techniques are carried out through systematic search and literature review of legal sources and scientific works relevant to the research topic.¹² All data collected are then analyzed using a descriptive-analytical analysis method, namely by describing the concept of inheritance

¹¹ Faisal Ananda Arfa dan Watni Marpaung, *Metodologi Penelitian Hukum Islam: Edisi Revisi* (Prenada Media, 2018), <https://books.google.com>.

¹² Qadriani Arifuddin dkk., *Metodologi Penelitian Hukum* (PT. Sonpedia Publishing Indonesia, 2025), <https://books.google.com/books>.

distribution and the practice of deferring it, then analyzing it based on the principles of Islamic law.

Results and Discussion

A Review of Islamic Law on the Suspension of Distribution of Inheritance

Islam not only discusses aspects of faith and worship of Allah, but also includes interactions between individuals in the world, known as muamalat. This includes various things, such as the division of inheritance. The rules set by Allah, known as sharia law, including inheritance (fara'id), are revealed as a blessing for mankind. This grace, in the context of the law, is also referred to as the "benefit of the people," which provides benefits to people or prevents them from harm.

According to the Great Dictionary of the Indonesian Language, to suspend means to stop an activity and resume it at another time; to postpone the implementation time; or to postpone. A delay is a process or action to delay. Meanwhile, suspending the distribution of inheritance means not completing the process of distributing the inheritance of the deceased person, as previously explained. This delay can occur for various reasons that cannot be accounted for according to sharia, or because it does not follow the correct order, namely fulfilling the rights of the deceased first before distributing the rights to the heirs.¹³ However, with regard to the evidence showing the obligation to immediately distribute the inheritance, there is no evidence that the inheritance must be distributed within a certain time after the death of the deceased. However, this does not mean that its implementation can be delayed. If not done immediately, this can lead to many irregularities in inheritance matters.

Usually, the division of inheritance is done when all the heirs come together, for example on the seventh day, the fortieth day, or the hundredth day after death. At these times, often the division of inheritance is carried out. However, implicitly Islam teaches to hasten in doing good. This is contained in Q.S. Al-Imran verse 133 which means "*And hasten to the forgiveness of your Lord and to the paradise which is as wide as the heavens and the earth for those who are for the converted*". According to Tafsir Quraish Shihab, the meaning of Q.S. Al-Imran Verse 133 is "*then hurry to do righteous deeds, so that you may obtain great forgiveness from Allah for your sins. And that you may have a vast Paradise, as wide as the heavens and the earth, reserved only for those who fear Allah and His punishment.*"

The existence of this verse can strengthen the statement that everything that brings the maghfirah of Allah must be accelerated, because it is a command of Allah. Then, in the Muslim Narration there is also a provision to hasten doing good, which means: "*Immediately do good before the slander comes into your life, a very dark slander (all matters cannot*

¹³ Ahmad Faruq, "Postponement of the Distribution of Inheritance According to Islamic Law", *Irtifaq Journal*, 11, no. 2 (2024).

be resolved)". H.R. Muslim).¹⁴ The verses about inheritance that have been stated explain that every heir has the right to receive property left by his parents, father or mother, or grandparents will receive inheritance according to the provisions that have been determined in qath'i. Because, implementing Islamic inheritance law is one of the obligations of the Muslim community.

In the legal perspective related to the suspension of the distribution of inheritance, there is a rule of fiqh *الضرر يزال* (harm must be eliminated) the main purpose is to achieve benefits and reject fascadas. The purpose of shari'ah in the existence of these rules is to realize maqasid shari'ah in the sense of eliminating harm or minimizing it. There is also a rule of fiqh that states, namely: *درا المفساد مقدم على جلب المصالح* (Eliminating mafsadat takes precedence over taking advantage). Therefore, based on the above rules, it can be concluded that suspending the distribution of inheritance is better left because the negative impact that results is greater than the positive impact that can be taken by the community, therefore it is better for the community to immediately distribute inheritance when the heir has died, and the costs of handling the body, paying debts and wills have been settled.¹⁵

In Islam, the suspension of the distribution of inheritance is not allowed, if you continue to do it, it will cause problems in the future. As in the Hadith it is also mentioned that once in the time of the Prophet there was a person who complained to the Prophet about delaying the distribution of inheritance: *"The representative narrated to us, he said: Uthman Bin Zaid narrated to us from Abdullah bin Rafi', from Um Salamah ra he said, one day he came, that one day two men came to the house of the Prophet Muhammad (saw) who were arguing about the long-pending inheritance and having no clear information, the Prophet said to them, "Surely you have come to complain to me, whereas I am only an ordinary man. It may be that some of you are clever and understand giving information from others, I decide the case only from the information you give, whoever among you is cunning in giving information, so I give (punish) to some other rights. It means that I have given him a piece of the fire of Hell, and then the fire will be placed on his neck as a means of driving on the Day of Resurrection, after the Prophet Muhammad (peace and blessings of Allaah be upon him) said, the two men who were disputing were crying, they said that all their rights were given to their brothers. Hearing the testimony of the two men, the Prophet said: Go home and divide the wealth fairly according to deliberation and then you should justify each other."* (HR. Ahmad).

It can be concluded that there is a hadith that tells of a dispute regarding the delay in the distribution of inheritance in the time of the Prophet. Two men from the Ansar complained to the Prophet about the inheritance that had not been shared for a long time, so the Prophet ordered them to divide the property fairly. This shows that in Islam, the

¹⁴ Ro'fah Setyowati, "The Deadline for the Distribution of Inheritance in the Perspective of Islamic Law", *Law Journal*, Vol. 5, No. 3, (2016).

¹⁵ Faruq, "Penundaan Pembagian Harta Waris Menurut Hukum Islam".

delay in the distribution of inheritance is not allowed, as the Prophet instructed that the property be given immediately to the rightful heirs. However, there are no specific provisions regarding the timing of inheritance. This event shows that delaying the distribution of inheritance can cause problems later in life and damage family relationships. If the delay has an impact on harming others, it is forbidden in Islam because it can cause conflict between families. One of the bad causes of delays in the distribution of inheritance is waiting for the right time to divide it and the agreement between the heirs.

This practice of postponement, when viewed from the principle of compulsory Islamic inheritance (*ijbari*), is not in accordance with the inheritance law which requires the division of inheritance immediately after death occurs. However, if the heirs postpone the distribution of the inheritance for legitimate reasons or with the consent of all parties, then it is allowed. However, if one of the heirs obstructs the right of others to take their share, the action is considered unfair. The scholars state that delaying the distribution of the inheritance to the rightful will cause disputes and quarrels. Not all heirs have abundant possessions, and one of them may need an inheritance for urgent needs, such as family support or other needs. This shows that the postponement of the distribution of inheritance is not part of sharia. However, if the heirs suspend the distribution of the inheritance for legitimate reasons or with the consent of all other heirs, then the inheritance is allowed to be postponed, but if one of the assets is his right, but the other heirs prevent him from taking his rights, they have treated the heirs unfairly.

The scholars said that the suspension of the distribution of inheritance to the person who is entitled to receive it will cause disputes and quarrels, of course not all heirs have a lot of property but one of them needs the inheritance for urgent needs such as maintenance in his family or for other purposes. Based on this, it shows that the postponement of the distribution of inheritance is not part of the sharia. However, in the practice, the suspension of the distribution of inheritance often occurs. This is caused by various factors, such as the presence of one of the surviving parents, lack of deliberation between the heirs, lack of understanding of the knowledge of the heir, the existence of heirs who are not legally competent. This suspension can create new problems, both legally and socially, that need to be handled wisely. Postponement of the distribution of inheritance is allowed in two situations, namely if there is *udzur syar'i* and if there is an agreement from all heirs.¹⁶

Udzur syar'i refers to a situation in which the proportion of an heir's share cannot be ascertained. An example is a child who is still in the womb or an heir who has two genders. The part of the child who is still in the womb cannot be determined because we do not know whether he is a boy or a girl, nor whether he will be born alive or dead. Likewise,

¹⁶ Muhammad Abduh, "Analisis Hukum Terhadap Tradisi Penundaan Pembagian Harta Warisan Kepada Ahli Warisnya (Studi Kasus Di Kelurahan Purbaratu Kecamatan Purbaratu Kota Tasikmalaya)," *Khuluqiyah: Jurnal Kajian Hukum dan Studi Islam*, July 25, 2021.

heirs who have multiple genders and whose status is not clear as male or female. In such conditions, the distribution of inheritance can be postponed until there is certainty regarding the allotment of each heir. Delays in the distribution of inheritance can occur due to the existence of *udzur syar'i*, especially if one of the heirs is missing. In this situation, the status of the lost heir cannot be ascertained, whether he is still alive or has died. However, the part of the property that is the right of the lost heirs can be separated first. The division of the estate can be postponed if all the heirs agree to do so. The heirs may choose to wait and not take a share of the inheritance because they feel they do not need the inheritance yet.

From the above explanation, it can be concluded that the concept of inheritance law in Islam emphasizes the importance of distributing inheritance immediately after death. Delays in this process can cause various problems, both from a legal and social perspective. However, if the postponement is done for legitimate reasons or with the agreement of all the heirs, then it is allowed.

Factors Causing the Suspension of Inheritance Distribution

One of the reasons for the delay is the life of one of the parents. The heir's children are worried that if the assets have been distributed while the parents are still alive, this could make it difficult for them later when the parents need large expenses, such as for health care. There is an assumption that postponing the distribution of inheritance is a form of respect and devotion to children. However, when there are children who question inheritance until a dispute occurs, they can be considered unfilial. This kind of delay is actually not justified, because after the heir dies, the inheritance automatically becomes the right of the heir. Therefore, the heirs can request the division of the property, and if anyone refuses, they can file a lawsuit at the Religious Court in accordance with the Compilation of Islamic Law article 188.¹⁷

One of the factors that often delays the distribution is the age of the heirs' children who are still young. Families generally feel it's better to wait until the children are old enough to understand and manage their inheritance. If not all heirs are independent or have families, this can also be a reason for delay.¹⁸ Some heirs may still be attending school or pursuing education, which is an important factor in the division of inheritance. This educational obligation can be a reason to postpone the division until they complete their

¹⁷ Ahmad Manfaluti, Akhmad Haries, and Mukhtar Muhammad Salam, "The Phenomenon of Postponement of Inheritance Distribution Among Ulama Families in North Hulu Sungai Regency," *Journal on Education* 5, no. 4 (August 14, 2023): 17790.

¹⁸ Muhammad Abduh and Roni Nurhidayat, "Delayed Distribution of Inheritance to Heirs of Studies in Cipatujah Village," *Ahwaluna | Journal of Islamic Family Law* 3, no. 1 (October 31, 2023): 183–97, <https://journal.iaitasik.ac.id/index.php/Ahwaluna/article/view/263>.

studies. Education is considered an important investment for the future of individuals and families, so families may choose to postpone division in order to focus on education.¹⁹

Sometimes there are certain parties who try to control the inheritance, so the distribution is postponed.²⁰ Conflicts or disputes between heirs are often the main cause of delays. When there is a difference of opinion about the rights or method of distribution, the process of division can be hampered, and this uncertainty makes the heirs reluctant to continue.²¹ Delays often occur because heirs are reluctant to discuss the inheritance. The unwillingness to open a dialogue causes a situation of waiting for each other between the heirs, both from the parents and the children. The heirs of the parents do not discuss the division with the child, while the child is hesitant to ask questions for fear of causing misunderstanding and tension in the family.²²

Lack of understanding of inheritance law and distribution procedures can lead to delays. Many heirs do not know their rights or the proper way to distribute the estate, so they choose to delay the process.²³ In some cultures, there are social norms that consider that distributing an immediate inheritance is an inappropriate or greedy act. The community often gives a negative stigma to those who want to distribute assets immediately, so the heirs feel pressured to delay the distribution.²⁴ There are also traditions that uphold the value of togetherness and agreed norms in the family, such as not dividing the inheritance if one of the heirs is not married or is not legally qualified.²⁵

Social and Legal Implications of the Suspension of Inheritance Distribution

The delay in the distribution of inheritance has a variety of significant social implications, which can affect relationships between family members as well as social dynamics in society. One of the direct consequences of the delay in the distribution of inheritance is the emergence of conflicts among the heirs. Uncertainty about the rights of each heir can trigger prolonged disputes. These conflicts often involve not only direct heirs,

¹⁹ Samaruddin Samaruddin, Fatahuddin Aziz Siregar, and Putra Halomoan Hsb, "Postponement of the Distribution of Inheritance for Heirs in North Padang Lawas Regency," *Tambusai Education Journal* 7, no. 3 (December 5, 2023): 27638–46, <https://doi.org/10.31004/jptam.v7i3.11132>.

²⁰ Asnawi Abdullah, "Postponement of the Distribution of Inheritance and Its Impacts" 1, no. 1 (2023).

²¹ Ronaldo Heinrich, "Legal Risks of Delaying the Distribution of Inheritance," *My Law*, July 2, 2024, <https://www.hukumku.id/post/risiko-hukum-menunda-pembagian-warisan>.

²² Bambang Edi Tilarsono dkk., "Tinjauan Hukum Waris Islam Dalam Penundaan Pembagian Harta Warisan: (Studi Kasus di Kelurahan Koya Timur, Distrik Muara Tami, Kota Jayapura)," *AL-AQWAL: Jurnal Kajian Hukum Islam* 1, no. 1 (2022): 17–35, <https://doi.org/10.53491/alaqwal.v1i1.278>.

²³ Khairuddin Khair, "Factors of Delay in Distribution of Inheritance in Desa Tanah Bara Aceh," *Court: Journal of Islamic Law Studies* 5, No. 2 (October 20, 2020): 174, <https://doi.org/10.24235/Mahkamah.V5i2.6472>.

²⁴ Abdullah, "Delay in the distribution of inheritance and its impacts."

²⁵ Muhammad Ridwan, "Penundaan Pembagian Warisan: Tradisi Menjaga Keharmonisan Keluarga Ditinjau Dari Sosiologi Hukum Islam Muhammad Artho' Mudzhar," *Jurnal El-Qanuniy: Jurnal Ilmu-Ilmu Kesyariahan Dan Pranata Sosial* 10, No. 1 (June 8, 2024): 72–85, <https://doi.org/10.24952/El-Qanuniy.V10i1.10954>.

but also other family members, which can exacerbate the situation and add to the tension in family relationships.²⁶ Delays in the distribution of inheritance often result in injustice, where the rights of the heirs are not met fairly. Some heirs may feel disadvantaged, especially if the estate is not properly managed and can lose value over time. In addition, the increased litigation costs due to inheritance disputes also add to the economic burden on families.²⁷ Uncertainty about the distribution of inheritance can cause stress and anxiety among the heirs. This insecurity can affect their mental health and interpersonal relationships. Prolonged procrastination often creates an unharmonious atmosphere in the family, which can worsen the psychological state of the individual.²⁸

Delays in the distribution of inheritance can create a bad precedent in society's legal culture. Ignorance of existing legal provisions can erode public trust in the legal system and justice. It can also lead to the view that procrastination is normal, which in turn reduces awareness of the importance of a quick and fair settlement. The delay in the distribution of inheritance can change the social dynamics in the community. As conflicts between heirs increase, this can affect social relationships outside of the family, including interactions with neighbors and friends. Society may begin to view families involved in inheritance disputes negatively, which can isolate them. In addition to the social implications, delaying the distribution of inheritance also has significant legal implications. In Islamic law, this postponement is contrary to established principles regarding inheritance. The inheritance should be distributed immediately after the death of the heir, and the delay can be considered a violation of the rights of the heirs.

One of the legal implications of the delay is the potential for legal disputes. When the heirs feel their rights are not being met, they may take legal action to demand a division of the estate. This can lead to lengthy and expensive legal proceedings, as well as worsening the relationship between the heirs.²⁹ In addition, delays in the distribution of inheritance can result in financial losses for the heirs. Assets that are not immediately distributed can decrease in value, especially if they are fixed assets such as property. In the long run, this can be detrimental to the heirs who are supposed to benefit from the property.³⁰ From a legal point of view, delays can also affect the status of property ownership. If the inheritance

²⁶ Khair, "Factors of Delay in Distribution of Heritage in Tanah Bara Aceh Village."

²⁷ Rasdiana, Munira Hamzah, and Rahman Subha, "The Degradation of Legal Culture: A Review of the Socio-Juridical Impact of the Suspension of Inheritance Distribution," *Proceedings: International Conference On Islamic Studies, Education And Civilization (Iconis)* 1, No. 1 (July 22, 2023): 1–6, <https://Prosiding.Iainpare.Ac.Id/Index.Php/Iconis/Article/View/14>.

²⁸ Samaruddin, Siregar, And Hsb, "Penundaan Pembagian Harta Warisan Bagi Ahli Waris Di Kabupaten Padang Lawas Utara."

²⁹ Munira Hamzah and Rahman Subha, "The Degradation of Legal Culture: A Review of the Socio-Juridical Impact of the Suspension of Inheritance Distribution," N.D.

³⁰ Samaruddin, Siregar, and HSB, "Delay in the Distribution of Inheritance for Heirs in North Padang Lawas Regency."

is not distributed immediately, there is a possibility that a third party may claim the right to the property, especially if it is related to debts or other obligations.³¹ In the context of positive law in Indonesia, the delay in the distribution of inheritance can also have implications for the application of applicable inheritance law. If the delay lasts for a long time, there may be a need to review existing legal provisions to better suit evolving social conditions.

Conclusion

This study concludes that from the perspective of Islamic law, the distribution of inheritance is in principle recommended to be carried out immediately after the fulfillment of the heir's obligations, such as debt repayment and the execution of a will. The principle of urgency aims to maintain legal certainty, protect the rights of heirs, and prevent disputes and injustices in the family. Therefore, the suspension of the distribution of inheritance is not an ideal practice in Islamic inheritance law, but an exception that can only be justified under certain conditions. The suspension of the distribution of inheritance is acceptable under Islamic law as long as it is based on the agreement of all legal heirs, is carried out voluntarily without coercion, and does not cause tyranny or loss of rights of either party. From the perspective of *maqāṣid al-syarī'ah*, deferment can only be justified if it is really intended to protect benefits, such as protecting weak heirs or maintaining the sustainability of joint property, and accompanied by clarity about the management and the deadline for deferment.

The implications of the practice of suspending the division of inheritance suggest that without a clear legal and ethical basis, deferrals have the potential to lead to injustice, family conflicts, and protracted legal disputes. Therefore, a comprehensive understanding of the law in society and the formulation of suspension principles oriented towards justice, legal certainty, and benefits are needed. Thus, this study confirms that the suspension of the distribution of inheritance should be placed as a limited practice that is normatively controlled, not as a practice that ignores the main purpose of Islamic inheritance law.

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