



Analysis of Student Problems in Learning *Fiqh Mawaris* in Higher Education

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Abstract

The phenomenon that occurs to students is their difficulty in detailing and sorting out the division of inheritance. This material is indeed difficult to understand, especially in the details of each received by the heirs. This study aims to find out what problems occur in students of Islamic religious education regarding Islamic jurisprudence. This study uses a qualitative method with a case study approach. Sources of data were taken from five informants through in-depth interviews who were selected using techniques of purposive sampling, all informants are active students majoring in Islamic religious education at Universitas Negeri Padang in 2019 and 2020. The results of the analysis show that there are three problems that occur with Islamic religious education students regarding *Fiqh Mawaris*. These three problems are i) the difficulty of determining the parts that must be received by the heirs, ii) the lack of time allocation used in the rose material and the lack of understanding of mathematical concepts, and iii) students' lack of mastery and repetition of the rose material. The results of this study can be used as initial data for future researchers to examine this issue in different contexts and issues.

INTRODUCTION

Regarding inheritance of course it cannot be separated from faraid science. Faraid science can be defined as a science that studies inheritance provisions for heirs (Damping, 2017). Merits according to language are provisions regarding the distribution of inheritance which includes provisions regarding who is entitled and who is not entitled to receive an inheritance and how much each asset is received (Sriani, 2018). There are also those that mean the transfer of something from one person to another or from one person to another. Something that is more general than just wealth, which includes knowledge, glory, and so on (Uyuni & Adnan, 2021).

Inheritance law occupies an important role in Islamic law (Hidayah et al., 2021). The Qur'an regulates inheritance laws clearly and in detail. This is understandable because this problem is a definite problem experienced by everyone, besides that the distribution of inheritance very easily causes disputes between heirs. Ayu, (2021) in fact, many commentators say that there are two things that are mentioned in the most detail in the Qur'an, namely problems surrounding marriage laws and problems of inheritance. In terms of discussing inheritance, there are various kinds of problems that occur and also many discussions of solutions to the problems that occur, because there are many problems or

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cases that occur in this matter of inheritance so the science of inheritance or jurisprudence is one of the interesting sciences to study further.

In are those who clearly have inheritance rights when the heir dies, there are no obstacles to inheriting (Sari, 2018). Islamic law establishes inheritance rules in a very orderly and fair form (Surayya, 2020). It stipulates the right to own property for every human being, both men and women in a legal way. Islamic law also stipulates the right to transfer a person's ownership after death to his heirs, from all his relatives and lineage, both male and female.

In Article 171 letter (c) of the Compilation of Islamic Law (KHI) states that: "An heir is a person who at the time of death has a blood relationship or marriage relationship with the heir, is Muslim and is not prevented by law from becoming an heir". Divide the inheritance in the right way, should someone. Muslims need knowledge related to preparations and procedures before dividing the inheritance. Islamic Sharia has established the rules of inheritance in a very orderly and fair form. Among them, property ownership rights are established for every human being, both men and women in a legal way. Islamic Sharia also stipulates the right to transfer a person's property after death to his heirs, from all his relatives and lineage, without distinguishing between men and women, big or small (Hariyanto, 2020).

The fact in the field is that students' ability to think creatively in solving marital problems is still low. This can be seen when students are given a rosette calculation problem that is in accordance with the indicators of creative thinking. There are 4 creative thinking indicators, namely: 1 (fluency) has an average ability to think creatively in solving problems as much as 58.62%. Indicator 2 (flexibility) has an average ability to think creatively in solving questions as much as 48.27%. Indicator 3 (originality) has an average ability to think creatively in solving questions as much as 37.93% and indicator 4 (elaboration) has an average ability to think creatively in solving problems as much as 27.59%. From the results above it can be concluded that students' thinking skills in solving marigold problems are still low. Inheritance is the science of jurisprudence that aims to know the people who are entitled to receive the inheritance, the people who are not entitled to receive it, the share of each heir and how it is divided. A hadith states the importance of learning the science of inheritance (Baharun et al., 2018).

حَدَّثَنَا إِبْرَاهِيمُ بْنُ الْمُنْذِرِ الْحِزَامِيُّ، حَدَّثَنَا حَفْصُ بْنُ عُمَرَ بْنِ أَبِي الْعَطَّافِ، حَدَّثَنَا أَبُو الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " يَا أَبَا هُرَيْرَةَ تَعَلَّمُوا الْقَرَائِصَ وَعَلِّمُوهَا فَإِنَّهُ نِصْفُ الْعِلْمِ وَهُوَ يُنْسَى وَهُوَ أَوَّلُ شَيْءٍ يُنْتَزَعُ مِنْ أُمَّتٍ (رواه ابن ماجه . 2719)

"Has informed us Ibrahim bin Mundzir bin Hizami, and has informed us Hafsbah bin abi umar bin 'Atthaf, has informed us Abu Zinaad, from A'raaj, from Abu Hurairah, said: had said Rasulullah SAW: abu hurairah learn faraidh (knowledge of inheritance) and teach it, for indeed it is part of knowledge, and that knowledge will be forgotten and it will be the first thing that will be removed from my people." (HR. Ibnu Majah No. 2719, Vol. 4, Book 23).

The science of faraidh is the study of inheritance distribution and procedures. The distribution of inheritance is still often the trigger for rifts in family relationships and triggers disputes, so it is important for Muslims to learn about it. In many places, the implementation of the distribution of inheritance is no longer based on Sharia law, because there is a misperception of the concept of fairness in the distribution of inheritance (Zulkarnain & Dewi, 2021). The concept of fairness that is understood later is to share it equally. In addition, there is a mistake in understanding the rights of adopted children to the inheritance of their adoptive parents which also contributes to giving inheritance rights to those who are not their heirs.

Understanding faraidh means understanding the rights of anyone who may receive an inheritance. The list of beneficiaries of these rights has been mentioned in detail in the Qur'an Surah An-Nisa' verses 11, 12, 13, 14, and 176 (Dewi, 2016). The amount of these

rights: $1/2$, $1/4$, $1/8$, $2/3$, $1/3$, $1/6$ and 'aşabah. If these rights are ignored or are not distributed to those who are entitled, then someone will take property that is not his right. This is something that is prohibited and violates the provisions of inheritance law in Islam (Wahidah, 2018).

Fiqh mawaris is a branch of jurisprudence that is considered complicated by (Darmawiyah, 2017). Mawaris learning material is also classified as difficult learning material by high school students and even students so they are reluctant to go deep into it (Sulistyo et al., 2021). Student's difficulties in studying faraidh science are very common in almost every area or school. In addition, there are not many syari students who are interested in exploring and focusing on studying this science. This is what causes faraidh science to be less developed and the lack of faraidh science experts. Faraidh material is a part of knowledge that has been widely forgotten and is the first knowledge that will be removed from the people of the Prophet Muhammad SAW. In the Indonesian context, the Shari'at regarding faraidh has been adopted into civil law for religious courts, through the Islamic Law Compilation (KHI) article 171 concerning the definition of heir, inheritance, and heirs. The position of faraidh law in Indonesian laws and regulations is non-binding, thus giving Muslims the opportunity not to practice it, except when the heirs disagree about their rights.

METHODS

This study uses a qualitative method with a case study approach (Aini et al., 2019; Azzahra et al., 2021; Putri et al., 2020). Data sources were taken from five informants through in-depth interviews who were selected using a purposive sampling technique, while the selected informants met four criteria, namely understanding well the problems being studied, still active in the field being researched, had time to provide information to researchers, and provide information in accordance with the facts that occur in the field (Hakim, 2019; Irawan et al., 2021). To fulfill the criteria as an informant, all informants are active students of Islamic religious education. After the interviews were completed, all informants were taken, a transcript process was carried out, then the authors took themes that were in accordance with research needs.

RESULT AND DISCUSSION

Based on the results of interviews conducted with five informants, the results of the analysis actually found three problems that occurred to students Islamic religious education regarding fiqh mawaris. These three problems can be seen in figure 1 below:

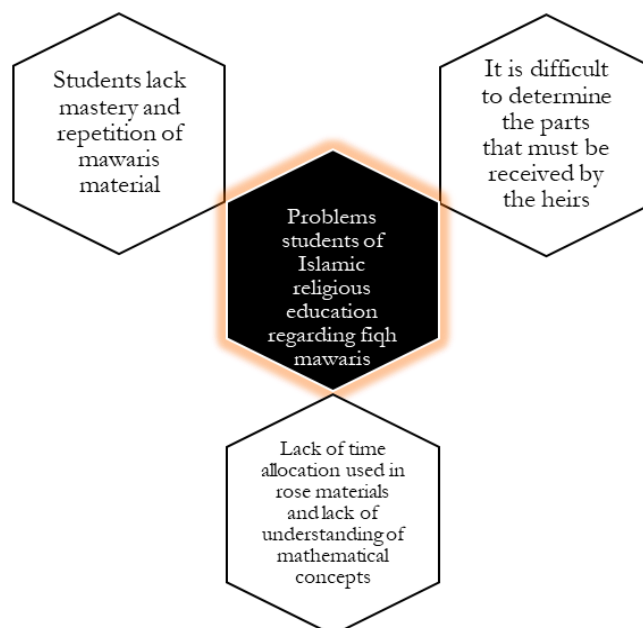


Fig 1. Problems students of Islamic religious education regarding *Fiqh Mawaris*

Based on the figure, the author can explain that after conducting in-depth interviews with informants, there are three problems that occur in students of Islamic religious education regarding *fiqh mawaris*. The problems are i) the difficulty of determining the parts that must be received by the heirs; ii) the lack of time allocation used in rose materials and the lack of understanding of mathematical concepts, iii) students lack mastery and repetition of *mawaris* material. To make it more interesting, in the following, the author will describe excerpts from interviews with informants based on the three problems described above. The description of the interview that the author will display is a brief statement excerpt from the informant when the interview was conducted.

First the difficulty of determining the parts that must be received by the heirs. According to informants, this problem is one of the problems that students often encounter regarding *mawaris*. This theme was conveyed by two informants. The interview excerpts are as follows

...Most students are confused about this rose in the distribution that must be received by the heirs. For example, when a father dies, what percentage should be distributed to his wife and children?" (I-1). ...Whoever has the right to inherit property (I-2)

Mawaris and Classification of Heirs In terms of the term *mawaris* or afraid science, it is the science of knowing those who are entitled to receive an inheritance, those who are not entitled to receive it, the share of each heir, and how it is distributed. Heirs are people who are entitled to receive the inheritance, in terms of type it can be divided into two, namely *ẓawil furud* and *asabah* (Aisyah & Santika, 2017).

The classification of heirs is divided into two types, namely men and women (Burhan, 2017). Male Heir the list of male heirs is as follows: i) Sons, ii) Grandsons down from the son's line, iii) Father, iv) Grandfather up to the father's line, v) Brothers biological male, vi) father's brother, vii) mother's brother, viii) biological brother's son downwards, ix) father's male uncle downward, x) biological uncle, xi) paternal uncle, xii) Children of biological uncles down, xiii) Children of paternal uncles down, xiv) Husbands, xv) Men who freed slaves (Aoslavia, 2021).

The list of male heirs is as follows: i) Daughters, ii) Granddaughters descending from sons, iii) Mothers, iv) Grandmothers ascending from the mother's line, v) Grandmothers ascending from the father's line, vi) biological sister, vii) father's sister, viii) mother's sister, ix) wife, x) woman who freed slaves (Naskur, 2016).

Viewed from the point of view of dividing the heirs into two (Muttaqin, 2021). *Asbabul furudh*, namely people who get certain parts, namely: a. Those who get 1/2 of the property: i) Daughter if alone, ii) Granddaughter if alone, iii) biological sister if alone, iv) half-sister if alone, v) husband; b. Those who receive 1/4 of the property: i) Husband and children or grandchildren, ii) Wife or several if not available (children or grandchildren); c. Those who receive 1/8 of the property: 1) Wife or several wives with children or grandchildren; d. Those who receive 2/3 of the assets: 1) Two or more daughters, 2) Two or more granddaughters, 3) Two or more biological sisters, 4) Two or more half-sisters; e. Who gets 1/3 of the assets: 1) Mother if there are no children, grandchildren from the line of sons, two siblings/half or one mother, 2) Mother's two or more children, either boys or girls; f) Who gets 1/6 of the assets: 1) Mother with son, grandson or two or more biological sisters or mother's daughter, 2) Maternal grandmother if there is no mother and continues upwards, 3) Maternal grandmother father if there is no mother and father and above, 4) One or more granddaughters of sons with one biological daughter, 5) One or more half-sisters with one biological sister, 6) Father with sons or grandsons, 7) Grandfather if there is no father, 8) One mother's sibling, either male or female (Sujud et al., 2017).

Asabah heirs are heirs who do not get a certain share, but they can spend the remaining portion of *ashhabul furud* (Kusmayanti & Krisnayanti, 2019). *Asabah* is divided into three types, namely *Asabah binafsihi*, *bighairi Asabah*, and *Asabah* spending a certain part: a. *Asabah binafsihi* is that which is *Asabah* by itself. The order of *Asabah binafsihi* is

as follows: i) Son, ii) Grandson from son continues down, iii) Father, iv) Grandfather from the paternal line and up, v) Biological brother, vi) Brother -Son of the same father, vii) Sons of biological brothers down, viii) Sons of the same father's brother down, ix) Biological uncles, x) Uncles of the same father, xi) Sons of biological uncles to the bottom, xii) Uncle's son to the bottom, xiii) Men who freed the deceased; b. *Ashabab* with his brother; i) Daughters with sons or grandsons, ii) Granddaughters and grandsons, iii) Siblings with siblings or common-law brothers, iv) Siblings with fathers father's man; c. *Ashabab* Spends a certain portion: 1) One person's biological daughter with one or more granddaughters ($\frac{2}{3}$), 2) Siblings with half-father sisters ($\frac{2}{3}$) (Sujud et al., 2017).

Second lack of time allocation used in mawaris materials and the lack of understanding of mathematical concepts. According to the informant, learning fiqh mawaris is quite difficult, so it's not enough if you only study 2 credits, especially since many students don't understand fractions. This theme was conveyed by one informant. The interview excerpt is as follows

...Moreover, there are only 2 credits for courses in Islamic jurisprudence which make students feel less willing to study them, and also the large number of students who do not understand mathematics related to fractions makes it difficult to understand Islamic jurisprudence (I-3)

Learning mathematics in fractional material is very closely related to the calculation of inheritance, if students do not understand fractional material this will be difficult to solve, especially in calculating fractions with unequal denominators. The implementation of inheritance distribution belongs to fractions with unequal denominators (Netriwati, 2016).

The fraction is divided into 2 parts; fractions with the same denominator and fractions with a different denominator. In this process, fractions with unequal denominators are described, because in faraid division, the fractions between the parts to be divided have unequal denominators. You can add fractions with the same denominator by finding equivalent fractions. Adding two fractions with different denominators uses a concrete model and uses the area of the area. First, adding fractions with unequal denominators is done by equating the denominators by finding the LCM of each of these denominators, after the denominators are the same, then add up the numerators.

The concept of inheritance itself is called in sight in arabic which is the *masdar* (infinitive) form of the word *waritsa-yuritsu-slice-miratsan*. The meaning of the language is "the transfer of something from one person to another, or from one person to another". Understanding according to this language is not limited to matters relating to property, but includes both property and non-property. Many verses of the Koran confirm this, including al-Naml verse 16, which means: "People, we have been given an understanding of the sound of birds and we have been given everything. In fact (all) this is really a real gift". The meaning of the verse above is that Prophet Sulaiman replaced the prophethood and kingdom of Prophet Daud as. and inherited his knowledge and the Psalms that were revealed to him.

One of the glories of the knowledge of inheritance is that it has been organized in the scriptures. Surat an-Nisa verse 7, also explains the rights of shares obtained by each heir as follows: For men, there is a right to a share of the property left by their parents and relatives, and for women, there is a right to a share (also) from the inheritance of his parents and relatives, either a little or a lot according to the share that has been set".

In line with the above letter, An-Nisa verse 12 means: "And for you (husbands) half of the property left by your wives if they have no children. If your wives have children, then you get a quarter of the property they left behind after fulfilling the will they made or (and) after paying the debt. The wives get a quarter of the property you leave if you have no children. If you have children, the wives get one-eighth of the property you leave behind after fulfilling the will you made or (and) after paying your debts. if a person dies, whether male or female who does not leave a father and does not leave a child, but has a brother (by mother only) or a sister (by mother only), then for each of the two types of brothers one-sixth property but if there are more than one mother's brothers, then they are

partners in the third, after the will made by him has been fulfilled or after his debt has been paid without causing harm (to the heirs). (Allah established that as) the true shari'a from Allah, and Allah is All-Knowing and Most Merciful.

Surat an-Nisa verse 176 also discusses the division of inheritance as follows: "Say, "Allah gave you a fatwa about the time (that is), if a person dies and he has no children but has a sister, then his share (his sister's) is half from the property she left behind, and her brother inherits (the entire sister's property), if she has no children. But if there are two sisters, then for both of them two-thirds of the property is left behind. And if they (the heirs consist of) brothers and sisters, then the share of one brother is equal to the share of two sisters. Allah explains (this law) to you so that you do not go astray. God knows all things."

Third students lack mastery and repetition of fiqh mawaris material. According to informants, students very rarely repeat what they have learned and this includes the problems students experience in learning. This theme was conveyed by two informants. The interview excerpts are as follows

...at this time students very rarely repeat learning material, they already know they don't understand, but are lazy to study again (I-2), ...Most of today's students are lazy, they often open their cellphones, rather than opening books to repeat what has been learned (I-1).

During the process of taking education up to the lecture level as it is today, the author admits that sometimes there is a feeling of "lazy" to study. Moreover, when the subject matter tends to be difficult to understand. If it continues to be allowed then this is not good for the future. But every problem certainly has its own solution, so that the problem can be solved in the end. The ways to overcome this feeling of laziness include starting by knowing the cause of this feeling of laziness. If you are lazy because you don't really like or understand the material, you can look for other learning resources that are easy to understand or ask friends who can. If you are lazy because you are too bored studying, you can provide space for a moment or move to a more pleasant learning place. After recognizing the cause of laziness, we will be able to find the right solution. The next way to motivate yourself is an important thing to do for a student. By knowing clearly what the goals and benefits of learning are, the higher his motivation to learn succeed. In addition, environmental factors are very important. We must recognize the right environment because a supportive environment and a good atmosphere will make us comfortable in learning.

CONCLUSION

This research has successfully revealed three problems that occur in Islamic religious education students regarding Fiqh awards. Learning jurisprudence is very necessary for us to understand not only as a student but as a Muslims because this knowledge will be useful until any time. A good and effective learning system management is very necessary to be able to implement the learning process effectively and efficiently, as well as achieve the expected learning outcomes.

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