



The Inheritance of a Wife Who Has Been Divorced and whose Iddah Period Has Ended Perspective of the Imam Syafi'i School (Case Study in the Mining Community of Mandailing Natal Regency)

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| Info Articles | Abstract |
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| Article History Received: 2025-08-10 Revised: 2025-08-24 Published: 2025-09-30 Keywords: <i>Divorce; Iddah; Inheritance</i> | The Tambangan Jae community adheres to the Shafi'i school of thought, but in the distribution of inheritance to a divorced wife whose iddah has expired, the Tambangan Jae community has a different view. This research is a juridical empirical study using a case study approach. The results of this study indicate that the opinions and practices of the Tambangan Jae community regarding the inheritance of a divorced wife whose iddah has expired differ from the opinions of the Shafi'i school of thought, motivated by several factors. First, the customs practiced by the community for generations. Second, as a form of protection for women and children. Third, the wife participates in working to meet household needs, so that the wife still receives a share of the inheritance from her husband's assets. |

I. INTRODUCTION

There are two types of heirs, First, Nasabiyah heirs, namely heirs whose inheritance relationship is based on blood relations (kinship). Second, Sababiyah heirs, namely heirs whose inheritance relationship is due to a reason, namely because of marriage and freeing slaves, in the formulation of the Compilation of Islamic Law, Heirs are people who at the time of death have blood relations or marital relations with the testator, are Muslim and are not prevented by law from becoming heirs. Thus, what is meant by heirs by the compilation, are those who clearly have inheritance rights when the testator dies, there is no obstacle to inheriting (no mawani'al-irs) (Sanafiah, 2022).

In the case of being an heir for a divorced wife who is still in the iddah period, scholars agree that when the ex-husband dies, the divorced wife is still considered an heir, even if the divorce is a ba'in kubro divorce. If the divorced wife's iddah period has expired, they also agree that the person is no longer an heir to the deceased ex-husband. However, if the divorced wife whose iddah period has expired, there is a difference when the ex-husband dies, namely on the one hand saying she is no longer an heir (Baidowi, 2022).

Imam Syafi'i argues that it is logically correct for a divorced ex-wife whose husband died after her iddah (waiting period) has expired (Adminfamilia, 2022). Because the ex-wife is no longer in a marital relationship, these two factors constitute grounds for inheritance.

Imam Syafi'i explained further

Meaning: "Imam Syafi'i said: there is no inheritance right for a woman if her husband divorces her when she is sick. If her iddah period has expired, she knows she has remarried, because the hadith which originates from Zubair is still continuous: Ustman bin Affan gave inheritance rights to women whose husbands divorced her while she was still in her iddah period. And Ibn Syihab's hadith is a munqati hadith."

From the statement above, it can be understood that according to Imam Shafi'i, if a wife is divorced by her husband while he is sick or healthy, and then the husband dies, and after the iddah period has expired, the wife is not entitled to inherit from her husband. Imam Shafi'i's reasoning is that Sharia law stipulates that husband and wife have the right to inherit from each other due to the bond of marriage. Once the iddah period has expired, the husband and wife no

longer have a marital relationship, so there is no longer any right to inherit from each other.

From Imam Syafi'i's opinion above, if a wife is divorced and her iddah period has expired, the husband and wife are no longer each other's heirs, but in the village of Tambangan Jae, Kec. Tambangan Mandailing Natal Regency, there are several husband and wife families who have been divorced for a long time, but when one of the husband and wife dies, one of the husband and wife still gets the inheritance from one of the husband and wife, for example Fatimah's family and Yasir, they have been divorced for almost a year but none of them have remarried to another partner, Yasir died leaving 3 children and his ex-wife is still counted among his heirs.

From the explanation above, the author sees that the community understands about how to divide inheritance but they still consider the ex-wife to still have a family relationship, therefore the author is very interested in continuing the case study in Tambangan Jae village, Tambangan sub-district, Mandailing Natal Regency, because in the village the majority of the community embraces the Imam Syafi'i school of thought, if the case in the village is linked to the opinion of Imam Syafi'i above, then the understanding of the community in Tambangan Jae village is no longer in accordance with the opinion of Imam Syafi'i. Therefore, the author is very interested in raising this problem.

II. RESEARCH METHODS

This type of research is field research, which is a study that examines objects in the field to obtain clear and concrete data and descriptions of matters related to the problem being studied using a social approach. The author conducted data analysis and processing using deductive analysis, namely making a general conclusion from a specific problem.

III. RESULTS AND DISCUSSION

A. Inheritance Rights of Divorced Wives Whose Iddah Period Has Expired in the Tambangan Jae Community

The Tambangan villagers understand that a wife who has been divorced and whose iddah

(waiting period) has expired still inherits from her husband's assets. The Tambangan Jae community understands that even though the marital relationship between husband and wife ceases after a divorce, inheritance rights remain. Shalihin explained that the reason for allowing wives to inherit from their ex-husbands is to ensure the well-being of widowed wives.

Based on the research conducted by the author, in the Tambangan Jae community there were three cases of inheritance distribution for wives who had been divorced and whose iddah period had expired.

1. Yasir and Fatimah

Fatimah still received an inheritance even though they had been divorced for almost a year but none of them had remarried with another partner, Yasir died leaving 3 children and his ex-wife was still counted as a member of his heirs because according to Mr. Sholihin as a religious figure in the village of Tambangan Jae he said that the divorce between Fatimah and Yasir was not their own will but it was because they were forced by Yasir's parents because before they divorced her husband had started to get sick and his wife rarely took care of her sick husband, and his wife was cruel she slept soundly and she did not care about her husband so that was why Yasir's family forced him to divorce his wife so that's the basis for religious figures allowing his ex-wife to still receive inheritance from her ex-husband because when they divorced it was not because of their will but because they were forced. Then the community knows about things that veil in inheritance and according to the community, Yasir's wife still gets inheritance even though they have divorced and the distribution method is in accordance with Islamic law if they have children then the wife gets $\frac{1}{8}$ and if there are no children then the wife's share is $\frac{1}{4}$ (Siregar, nd-f).

2. Yazid and Aminah

In this family, it is almost the same as the case of Yasir-Fatimah, they divorced before Yazid was sick and they divorced a month later, her husband fell ill and died, at the age of 8 months they were divorced and Aminah also got a new husband and when Yazid's family divided the inheritance he left behind with community leaders, the family and community leaders agreed to give the inheritance to the wife in accordance with the provisions in Islamic law on the grounds that her ex-wife had also been devoted to her ex-husband even though his wife often made mistakes and did not carry out her obligations. the wife towards her husband, that's why they divorced and when her husband

was sick, the wife regretted all her actions, so her ex-husband was sick, she always took care of her ex-husband, so Yazid's family wanted to return the favor to Aminah.(Siregar, nd-c).

3. Abdul Basid-Masitoh

the same as the case above, they have been divorced for 5 months and Masitoh does not have a new husband and when her husband died, Masitoh still received the inheritance and her share according to Islamic law and the case is exactly the same as the Yazid family with Aminah(Siregar, nd-d).

To clarify the practice of dividing the inheritance of a wife who has been divorced and whose iddah period has expired in the Tambangan community, the author describes it in the following table.

Table
Rights for Wives Who Have Been Divorced
and whose Iddah Period Has Ended in
Tambangan Jae Village

| NO | NAME | | INFORMATION |
|----|----------|--------|---|
| | HUS-BAND | WIFE | |
| 1 | Yasir | Fatima | This family couple has been divorced for almost 1 year but none of them have remarried with another partner, Yasir died leaving 3 children and his ex-wife is still counted as a member of his heirs because according to Mr. Sholihin as a religious figure in the village of Tambangan Jae, he said that the divorce between Fatimah and Yasir was not their own will but it was because they were forced by Yasir's parents because before they divorced her husband had started to get sick and his wife rarely took care of her sick husband, and his wife was cruel she slept soundly and |

she did not care about her husband so that's why Yasir's family forced him to divorce his wife then that's the basis for religious figures allowing his ex-wife to still receive inheritance from her ex-husband because when they divorced it was not because of their will but because they were forced. Then the community knows about things that veil in inheritance and according to the community, Yasir's wife still gets inheritance even though they are divorced and the distribution method is in accordance with Islamic law if they have children then the wife gets 1/8 and if there are no children then the wife's share is 1/4.

| | | | |
|---|-------|--------|---|
| 2 | Yazid | Aminah | This couple divorced before Yazid got sick and a month after they divorced, her husband fell ill and died. They have been divorced for 8 months now and Aminah also got a new husband and when Yazid's family divided the inheritance he left behind with community leaders, the family and community leaders agreed to give the inheritance to the wife in accordance with the |
|---|-------|--------|---|

provisions in Islamic law on the grounds that her ex-wife had also been devoted to her ex-husband even though his wife often made mistakes and did not carry out a wife's obligations towards her husband, that's why they divorced and when her husband when he is sick, the wife regrets all her actions, so her ex-husband is sick, she always takes care of her ex-husband, so Yazid's family wants to return the favor to Aminah.

| | | | |
|---|-------------|---------|--|
| 3 | Abdul Basit | Masitoh | This family couple has been divorced for 5 months and Masitoh does not have a new husband and when her husband died, Masitoh still received the inheritance and her share according to Islamic law and the case is exactly the same as the Yazid family with Aminah. |
|---|-------------|---------|--|

Source: Results of Interviews with the Jae Mining Community

B. The views of the Jae Tambang Community regarding the inheritance rights of wives who have been divorced and whose Iddah period has expired

In this chapter, the author will describe the results of interviews with several community leaders regarding their understanding of the rights of a divorced wife whose iddah (waiting period) has expired. Hasbullah Lubis explains as follows:

Pandapat ni community problems Inheritance rights Wife sian husband na, na mandung ends iddah na society mampatolaon si wife mandapot inheritance bope alai mandung honok divorce as long as there are children, ex-wife totop

mandapot dope inheritance harana adong children ni alai so can ma umak nai mangarawat children on to magodang.

In the explanation above, Hasbullah Lubis is of the opinion that inheritance is still given to widows whose iddah period has ended to provide for them in caring for their children, because in social customs children are always cared for by their mothers.(Siregar, nd-b). Thus, giving a quarter of the inheritance to a divorced wife is a form of protection and guarantee of survival for the woman and her children.

Next, Erwin Syaputra explained:

The inheritance rights for wives whose iddah period has expired in the Tambangan community are still given, because we often pay attention to their lives before the divorce, they are very united, the husband goes to the rubber fields and the wife goes with him, and both work, when the husband dies and they are divorced, it is impossible for the wife not to get an inheritance from her ex-husband, even though when her husband was still alive she was the one who always helped him to look for this property, and if he is not given inheritance rights for his ex-wife and they have children. So, who will provide a living for this child except the mother and where does the mother earn their living? And if you give it, it will help your ex-wife's burden of raising their child(Siregar, nd-a).

From Erwin's explanation above, it can be understood that the reason for granting inheritance to a divorced wife is the same as that stated by Hasbullah above, namely as a form of protection for the ex-wife and her children. In addition to these two reasons, Erwin explained that a divorced wife still receives inheritance rights because the wife has a role in accumulating assets before the divorce. In reality, the social conditions of the Tambangan Jae community are rubber and rice farmers, in their habits the husband is responsible for the rubber and the wife is responsible for the rice fields. If we compare the roles played by husbands and wives in earning a living for the family, we will see the same roles where in the morning the husband goes to the rubber plantation and the wife goes to the rice fields. With this consideration, according to Erwin, a divorced wife still receives an inheritance.

Next, Siti Zulaikha explained:

In Tambangan village, it is common for a wife whose iddah period has ended, and after her iddah expires, her husband dies, so we still give the ex-wife the inheritance rights, because, when the husband passed the divorce on his wife, the

husband was sick, perhaps at that time the husband was dizzy from his illness, it could be because of this that the husband immediately dropped the divorce, then if we look back before they divorced, this wife was very caring, diligent in helping her husband to earn a living, that's why the community still gives inheritance rights to the wife even though His iddah is over(Siregar, nd-g).

Likewise with Syamsul Nasution:

It is customary in this society that if a husband and wife are divorced, the wife's iddah period has ended and the husband has died, the problem is that the ex-wife's inheritance still gets a share of the inheritance, because when they were still legally husband and wife, the wife was also involved in earning a living, and the inheritance can also be used as capital for the wife to look after her children, if the problem is that the wife's share remains in accordance with Al-Quran 1/8. I believe that our ancestors and their custom makers must have had reasons for making something like this. And in my opinion, this is not wrong because by giving the ex-wife a share of the inheritance, she has the capital to live, raise and pay for her child's education. I see this tradition as a protection for women and children (Siregar, nd-e).

From the explanation of Siti Zulaikha and Syamsul above, it can be understood that the inheritance rights of a wife who has been divorced have become a custom and habit of the Tambangan Jae community, even Syamsul believes that this is a traditional inheritance that has been practiced by the community from generation to generation so that the community still practices it to this day.

For further clarity regarding the views of the Tambangan Jae community regarding wives' rights, the author describes them in the following table.

Table

The Tambangan Jae Community's Views on the Inheritance Rights of Wives Who Have Been Divorced and Whose Iddah Period Has Expired

| No | Name | View | |
|----|------------------|------|---------|
| | | Can | Can not |
| 1 | Solihin Lubis | ✓ | |
| 2 | Syamsul Nasution | ✓ | |
| 3 | Hasbullah Lubis | ✓ | |
| 4 | Erwin Syafutra | ✓ | |
| 5 | Siti Zulakha | ✓ | |

| | | |
|----|----------------------------|---|
| 6 | Nur Bayan Batubara | ✓ |
| 7 | Puli Lubis | ✓ |
| 8 | Nasution Forestry Minister | ✓ |
| 9 | Sutan Nasution | ✓ |
| 10 | Ali Basuki | ✓ |

Source: Results of interviews with the Jae Mining Community

Next, the author will describe the reasons of the Tambangan Jae community regarding their understanding and practice regarding giving inheritance to wives who have been divorced and whose iddah period has expired in the table below:

Table

The Tambangan Jae Community's Reasons Regarding the Inheritance Rights of Wives Who Have Been Divorced and Whose Iddah Period Has Expired

| No | Name | Reason |
|----|--------------------|---|
| 1 | Solihin Lubis | It has become a custom and habit |
| 2 | Syamsul Nasution | Providing inheritance rights to a wife who has been divorced and whose iddah period has expired so that the wife has provisions to care for her child |
| 3 | Hasbullah Lubis | It has become a custom so that the wife has the funds to support her children's needs. |
| 4 | Erwin Syafutra | As a form of protection for women and children |
| 5 | Siti Zulakha | Because the wife also works |
| 6 | Nur Bayan Batubara | It has become customary and must still be given for children's education and shopping needs. |
| 7 | Puli Lubis | First, it is custom. Second, it is a form of justice because the wife also |

| | | | |
|----|----------------------------|--|--|
| | | works so that the wife still gets a share in the inheritance even though she is divorced | <i>Allah SWT has established the right of inheritance between wife and husband, and husband and wife, as long as they remain married. In this case, both are no longer married.</i> (AL, nd). |
| 8 | Nasution Forestry Minister | So that the wife can take care of her child | Imam Syafi'i explained further |
| 9 | Sutan Nasution | Widows still receive inheritance according to custom, considering that wives need the financial resources to raise children. Wives also work to help their husbands, and many more wives work, so it's unfair if wives don't receive an inheritance. | <i>Imam Syafi'i said: there is no inheritance right for a woman if she is divorced by a sumai who is sick, if her iddah period has expired, she knows she has remarried, because the hadith sourced from Zubair is still continuous: Ustman bin Affan gave inheritance rights to women whose husbands divorced her as long as she was still in her iddah period. And Ibn Shihab's hadith is a munqati' hadith. If the husband is healthy after his wife's mental illness and then she dies, the wife will not inherit from the husband</i> (AL, nd). |
| 10 | Ali Basuki | It is stipulated in custom that the wife has the costs of looking after the children | From the statement above, it can be understood that according to Imam Shafi'i, a wife who is divorced by her husband while sick or healthy, and then the husband dies after the iddah period has expired, the wife is not entitled to inherit from her husband. Imam Shafi'i's reasoning is that Sharia provisions give husband and wife the right to inherit each other due to the bonds of marriage. When the iddah period expires, the husband and wife no longer have a marital relationship, so there is no longer any right to inherit each other. |

Source: Results of interviews with the Tambangan Jae community.

C. Imam Syafi'i's opinion and arguments regarding the inheritance rights of a wife who has been divorced and the Iddah period has expired

Imam Shafi'i explained that the reason for mutual inheritance between wives is the marital bond between them. Therefore, as long as they remain married, husband and wife have the right to inherit from each other. Imam Shafi'i stated the following:

As-Shafi'i said, may Allah Ta'ala have mercy on him. Allah Ta'ala will grant inheritance to parents, siblings, wives and husbands."(AL, nd).

From the above statement, it can be understood that definitively inheritance is only given to people who have the right to receive it, such as parents, siblings, wife and husband, based on the respective provisions as regulated in inheritance law itself.

In the case of a wife whose husband has divorced her and whose iddah period has expired, the wife has no inheritance rights from her husband, and the husband also has no inheritance rights from his wife, because according to Shafi'i, the two are not related by marriage. The following is Imam Shafi'i's statement:

The Shafi'i school of thought holds that the ruling on divorce during health and illness is the same. If a husband divorces his wife, the divorce is valid. The husband does not inherit from his wife if he dies, and vice versa. This is because

The argument that Imam Syafi'i uses as a basis for his opinion is the word of Allah SWT in Surah An-Nisa [4]: 12.

This verse is a continuation of the details of each heir's share. The husband's share is ½ of the inheritance if the heir does not leave any children, if there are children, the husband's share is 1/4 of the inheritance after the debts and the heir's will are paid, the wife's share is 1/4 of the inheritance if there are no children, and 1/8 if there are children. If a person dies without leaving behind a father or children, even though he leaves behind a brother or sister (same mother), the sibling share is 1/6 if it is one person, and if more than one person gets 1/3.

As for if the wife has been divorced by her husband, sometimes he divorced her when she was healthy or when she was sick which resulted in her death but with the consent of the wife in the sense that the divorce was requested by the wife, then there is no longer any right to inherit between them because their marriage bond has been broken, even though it is still in the iddah period. On the other hand, if the husband divorces his wife when she is sick which results in her death without the consent of the wife, then

according to the Shafi'i school of thought he does not inherit anymore even though it is still in the iddah period, because their marriage relationship has been broken.(al-Birry, 1968).

Based on the explanation above, it can be understood that Imam Syafi'i's reason is that a wife who is divorced and whose iddah period has expired does not have inheritance rights because the marital relationship has been broken off between the two.

Furthermore, Imam Syafi'i's argument is:

1. Zubair's narration of Uthman Ibn Affan's decision to grant inheritance rights to his divorced wife. According to Shafi'i, the hadith is connected, explaining that Uthman granted inheritance rights to his divorced wife while she was still in the iddah period. Imam Shafi'i stated the following:

Imam Syafi'i said: there is no inheritance right for a woman if she is divorced by a sumai who is sick, if her iddah period has expired, she knows she has remarried, because the hadith sourced from Zubair is still continuous: Ustman bin Affan gave inheritance rights to a woman whose husband divorced her as long as she was still in her iddah period(AL, nd).

2. According to Imam Syafi'i, the Hadith which originates from Ibn Syihab cannot be used as a proof, as used by Ulama Alain in his opinion that a wife whose husband divorced her and whose iddah period expired still has inheritance rights. Imam Syafi'i said that the hadith of Ibn Syihab is a munqati hadith. The following is Imam Syafi'i's statement:

Meaning: And the hadith of Ibn Syihab is a munqati' hadith. If the husband is healthy after divorcing his wife and then he dies, the wife does not receive an inheritance from her husband.(AL, nd).

Analysis

Imam Shafi'i's opinion regarding a wife who is divorced by her husband while sick or healthy, and then the husband dies after the iddah period has expired, means the wife is not entitled to inherit from her husband. Imam Shafi'i's reasoning is that Sharia law stipulates that husband and wife have the right to inherit from each other due to the bonds of marriage. Once the iddah period expires, the husband and wife no longer have a marital relationship, and thus no longer have the right to inherit from each other.

One of the conditions for someone to receive an inheritance is that there is a marriage relationship (sababiyah) and this is the consensus of the Ulama.(Ramulyo, 2000) as Allah SWT says in QS an-Nisa' verse 12: Husband and wife can inherit each other, if their marital relationship fulfills two conditions(Nasution, 2012):

1. Their marriage is valid according to Islamic law, namely with a contract that meets the terms and conditions.
2. The marital relationship is still ongoing, namely their marital relationship is still ongoing until the death of one of the husband or wife, not in a state of divorce.

Included in the definition of a marriage still ongoing is a wife who is still undergoing a raj'i divorce because as long as the wife is still in a state of raj'i divorce, the husband can return to his wife. Therefore, according to the author, if one of the husband or wife dies during the iddah period of raj'i divorce, then the surviving husband or wife has the right to inherit. However, if one of them dies after the iddah period of raj'i divorce ends, then each of them no longer inherits from the other.

This is different from a husband and wife who are still in the iddah period for talaq bain, where the husband and wife do not inherit from each other since the talaq bain was pronounced.

So from the results of the case study in the Tambangan Jae community regarding inheritance rights for ex-wives after their iddah period has ended, the author assesses that the opinion of the Tambangan Jae community allows giving inheritance to ex-wives whose iddah period has ended. They state the reason that the majority is because the husband is sick, so according to the community if someone is sick when he complains about seeing his condition at that time, it could be that he is experiencing emotions and is not aware.

In fact, in the opinion of Imam Syafi'i, the consequences of a divorce when a wife is sick or healthy are the same, so that if a divorce is pronounced when a husband is sick and then dies after the end of the iddah period of the wife who was divorced, then the wife does not have the right to receive an inheritance.

Thus, it is clear that with the divorce intended by the husband during his illness, all ties between husband and wife will be broken if the iddah is over, including the termination of the wife's inheritance rights and the husband's inheritance rights, because both have inheritance rights due to the marital relationship.

In his Qaul Jadid, Imam Syafi'i stated that a divorce pronounced by a husband who is seriously ill has the same legal implications as a divorce pronounced in good health. This is because he adhered to the principle of qiyas talak ba'in, which states that the ruling for divorce between a healthy person and a sick person is the same, and can be pronounced at any time as long as the conditions and pillars of divorce are met.

In this case, the author believes that Imam Shafi'i rejected the rule of granting inheritance to a wife who has been divorced absolutely. It is understood that marriage has legal provisions such as divorce, zihar, and illa, and the prohibition of gathering certain mahrams (such as siblings and aunts from both the father and mother) is also included in inheritance. If a marriage breaks down, the legal chain of inheritance is automatically terminated, as are inheritance rights.

Therefore, Imam Syafi'i's opinion confirms the validity of divorce for a sick person because whatever is imposed under any conditions, as long as it fulfills the pillars and requirements of divorce, the implications will still occur according to the provisions of the text. Imam Syafi'i did not consider the allegation of escape in this case, because an allegation cannot be used as a basis for making a law, and Islamic law is based on real causes, not hidden intentions.

Therefore, according to Shafi'i, the factor causing inheritance rights is the existence of a marital bond (al zawjyah) that is still maintained. If that bond is lost due to the divorce, then the right to inherit between the two is also lost. The naqli argument used by Imam Shafi'i is the stance of his companion Abdullah bin Zubair who disagreed with the inheritance given by Uthman bin Affan to Tumadir binti Asbag in a similar case. Abdullah bin Zubair said:

Meaning: I am of the opinion that there is no right of mutual inheritance. (AL, nd).

Imam Syafi'i relied on a hadith narrated by Abdullah Bin Zubair when he heard the story of Usman Bin Affan giving an inheritance to Tumadir Binti Asbag who was divorced while Abdurrahman Bin Auf was ill and later died. Abdullah Bin Zubair said; Meanwhile, I don't see any inheritance from a wife who was divorced, regardless of whether she was sick or healthy, and this provision is the same as for a person whose wife was divorced in a state of talak raj'i, then died, in this case they also do not inherit from each other.

Based on this argument, Imam Shafi'i stated that there was no consensus on this matter

because Abdullah bin Zubair had departed from it. Furthermore, al-Muwardi stated that if the text of the hadith "لا ترث" is authentic, then there is no longer any valid disagreement in its content.

Moreover, Imam Bukhari as the imam of hadith whose authenticity and capability of hadith have been recognized, narrated the statement of Abdullah Bin Zubair in a special chapter "the permissibility of triple divorce", as follows;

The attitude of Abdullah Bin Zubair, one of his pious friends and a well-known ijthad expert and hadith expert, especially during the time of Usman Bin Affan, who did not give inheritance to women who were divorced by their husbands who were seriously ill, is a strong support for Imam Syafi'i in his opinion. So, in this case it is clearly stated that the wife has no right to inherit, and likewise in the opposite situation, namely if the wife dies first, the husband is not entitled to a share of her inheritance, because the bond between the two has been broken since the talak ba'in was pronounced, according to Imam Syafi'i's opinion.

Based on the explanation above, it can be understood that the practice of granting inheritance to a divorced wife whose iddah period has expired in the Tambangan Jae community differs from the opinion of Imam Syafi'i. If we look at the reason given by the Tambangan Jae community, namely to protect women and their children, the Tambangan Jae community means that the Tambangan Jae community grants inheritance rights to wives for the protection of them and their children. The second reason is because the wife also has a role in accumulating wealth while still in the marriage bond.

For these reasons, the author believes that if the inheritance given to a wife whose iddah period has expired is a form of protection for her and her children and because of her role in trying to accumulate wealth while still married, then according to the author, this inheritance is not correct. If these two things are the reason, then the correct one is the division of joint assets. Because in the tradition of the Mandailing community, including the Jae community, there is no recognition of the division of joint assets when a marriage ends due to death. Thus, if the marital assets are divided and given to the wife whose iddah period has expired, this will be more beneficial and better guarantee the costs of her children's education, because the wife's share in the marital assets is greater than the wife's share of inheritance. The author's second consideration is the wife's role in accumulating assets, thus the

wife has rights to the marital assets as mandated by the Marriage Law and the Compilation of Islamic Law.

Thus, if the gift of property to a wife whose iddah period has expired is given by way of a portion of joint property, then this does not conflict with the Shafi'i school of thought and is relevant to the laws and regulations of the Republic of Indonesia.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Imam Syafi'i is of the opinion that a wife who was divorced and whose iddah period has expired does not inherit from her ex-husband, because according to Imam Syafi'i a wife who was divorced and whose iddah period has expired does not have a marital relationship with her ex-husband, thus her inheritance rights are lost. The evidence used by Imam Syafi'i is Surah al-Talaq verses 1 and 2 and the hadith narrated by Imam Muslim which comes from Rabi'ah bin Abdurrahman. In the understanding and practice of the Tambangan Jae Community, a wife who has been divorced and whose iddah period has expired still gets an inheritance from her ex-husband even though their marriage has broken up. The inheritance rights of a wife who has been divorced and whose iddah period has expired in the Tambangan Jae community is motivated by several factors. Firstly, it is a custom that has been practiced from generation to generation by the community. Second, as a form of protection for women and children. The three wives participate in work to meet household needs, so that the wife still inherits her share of her husband's assets.

B. Suggestion

To achieve harmony between Islamic law and local customary practices, constructive dialogue between religious scholars, traditional leaders, and the government is necessary. In this regard, it is crucial to consider local wisdom, such as the Tambangan Jae custom, as long as it does not conflict with the basic principles of Islamic law. This harmonization effort can be achieved through education and outreach that strengthens understanding of women's rights, particularly in the context of inheritance. Furthermore, developing regulations that take into account local cultural and customary aspects is also necessary to ensure that applicable laws are more

responsive to the needs and social justice of all parties involved.

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