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The Inheritance Of A Wife Who Has Been Rejected And The Expiration Of Her Iddah Perspective Of Madhhab Imam Syafi'i (Case Study on the Mining Community of Mandailing Natal Regency)

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Abstract
This study examines the inheritance rights of divorced wives whose *iddah* period has expired in the Tambangan Jae community, Mandailing Natal Regency, and analyzes the practice from the perspective of Imam Shafi'i's legal opinion. According to Imam Shafi'i, the expiration of the *iddah* period terminates the marital bond (*al-zawjiyyah*), thereby eliminating the reciprocal right of inheritance between former spouses. However, the customary practices of the Tambangan Jae community recognize inheritance rights for divorced wives even after the expiration of the *iddah* period. This research employs an empirical legal approach through field research using interviews with religious leaders, community leaders, and local residents. The collected data were analyzed using a qualitative descriptive method with a deductive approach. The findings reveal that the community continues to grant inheritance rights to former wives based on several considerations, including customary traditions, protection of women and children, recognition of the wife's contribution to acquiring family assets, and the need to ensure the welfare and education of the children. These practices differ significantly from Imam Shafi'i's opinion, which strictly limits inheritance rights to spouses whose marital relationship still legally exists. The study concludes that the community's practice is rooted primarily in social justice and local customary values rather than classical Islamic inheritance doctrine. Therefore, the protection intended for former wives and children would be more appropriately realized through the distribution of jointly acquired marital property rather than inheritance, a solution that is more consistent with Imam Shafi'i's legal reasoning as well as Indonesian positive law.

I. INTRODUCTION

There are two types of heirs, first, Nasabiyah heirs, namely heirs whose inheritance relationship is based on blood (kinship). Second, the heir of Sababiyah is an heir whose inheritance relationship is due to a reason, namely the reason for marriage and the liberation of slaves, in the formulation of the Compilation of Islamic Law, the Heir is a person who at the time of death has a blood relationship or marital relationship with the heir, is a Muslim and is not prevented by law from becoming an heir. Thus, what is meant by heirs by compilation, is those who clearly have inheritance rights when their heirs die, there is no obstacle to inheritance (there is no mawani'al-irs) (Sanafiah, 2022).

In terms of being the heir of a wife who has been rejected who is still in the period of iddah, the scholars agree that when the ex-husband dies, the wife who has been rejected is still considered an heir, even though the talaq is talaq ba'in kubro. If the wife who has been rejected has expired, she also agrees that the person is no longer the heir of the deceased ex-husband. However, if the wife who has been talak has expired her iddah period, this makes a difference when her ex-husband dies, namely on the one hand saying that she is no longer the heir (Baidowi, 2022).

Imam Shafi'i is of the opinion that an ex-wife who has been rejected and whose husband finally dies, whose iddah period has expired (Admin, 2022), logically it is true. Because the ex-wife no longer has a marital relationship, this is the cause of inheritance.

Furthermore, Imam Shafi'i explained

وقال الشافعي: لا ترث المرأة زوجها إذا طلاقها مريضا طلاقا لايملك فيه الرجعة, فانقضت عدتها ونكحت, لأن حديث ابن الزبير متصل, وهو يقول: ورثها عثمان في العدة. وحديث ابن شهاب منقطع, فإن صح بعد الطلاق ساعة ثم مات لم ترثه

Meaning: "Imam Shafi'i said: there is no right of inheritance for a woman if she is rejected by her husband who is ill if she knows that she has remarried, because a hadith sourced from Zubair still continues: Uthman bin Affan gave

the right of inheritance to a woman who was rejected by her husband while she was still in the iddah period. And the hadith of Ibn Shihab is the Hadith of munqati'. If the husband is healthy after his wife's mental illness and then she dies, then the wife does not get an inheritance from her husband.

From the above statement, it can be understood that according to Imam Shafi'i, a wife who is rejected by her husband when she is sick or healthy, then the husband dies and after the end of the iddah period, the wife is not entitled to inherit from her husband. The reason for Imam Shafi'i is the shari'a decree which causes them husband and wife to have the right to inherit each other because of the marriage agreement. When the iddah period expires, the husband and wife no longer have a marital relationship so that there is no longer the right to inherit each other.

From the opinion of Imam Shafi'i above, if the wife is rejected and the iddah period has expired, then the husband and wife do not become each other's heirs anymore, but in the village of Tambangan Jae, Kec. Tambangan, Mandailing Natal Regency, there are several married families who have been divorced for a long time, but when one of the spouses dies, one of the spouses still gets the inheritance from one of the spouses, For example, Fatimah's family and Yasir have been divorced for almost 1 year but between them no one has remarried to another couple, Yasir died leaving behind 3 children and his ex-wife is still counted among his heirs.

From the explanation above, the author sees that the community understands the way of distributing inheritance but they still consider that the ex-wife still has family relations, therefore the author is very interested in continuing the case research in Tambangan Jae village, Tambangan District, Mandailing Natal Regency, because in the village the majority of the people embrace the Imam Shafi'i sect, If the case in the village is associated with the opinion of Imam Shafi'i above, then the understanding of the people in Tambangan Jae village is not in accordance with the opinion of Imam Shafi'i. Therefore, the author is very interested in raising this problem.

II. RESEARCH METHODS

This type of research is field research (*Field resaech*), which is a study that examines objects in the field to obtain clear and concrete data and images about things related to the problems being researched using a social approach. The analysis and processing of the author's data is carried out by means of deductive analysis, which is to make a general conclusion of a specific problem.

III. RESULTS AND DISCUSSION

A. The Inheritance Rights of Rejected and Expired Iddah Spouses in the Jae Mining Community

The people of Tambangan village understand that wives who have been rejected and have expired their iddah period still get an inheritance from their husband's property. The Jae Mining community understands that even though the marital relationship no longer exists between husband and wife after talaq, the inheritance rights between the two still remain. Shalihin explained that the reason for allowing the wife to get the inheritance from her ex-husband was because it guaranteed the life of the widowed wife.

Based on the research conducted by the author in the Jae Mining community, there are three cases of distribution of the inheritance of wives who have been rejected and whose iddah period has expired.

1. Yasir and Fatimah

Fatimah still got an inheritance even though they had been divorced for almost 1 year but between them no one has remarried to another couple, Yasir died leaving behind 3 children and his ex-wife is still counted among 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 of their own volition but it was because it was forced by their parents Yasir was because before they divorced his husband had started to get sick and his wife rarely took care of her sick husband, and his wife had the heart to sleep well and she did not care about her husband, so that is why Yasir's family forced him to divorce his wife, so that is the basis on which religious leaders allowed their ex-wives to still get inheritance from their ex-husbands because when they divorced, it was not because of the will of the two of them but because they were forced. Then the community knows about the things that are hijab in inheritance and according to the community the wife of this yasir still gets an inheritance even though they are divorced and the way of distribution 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 (Siregar, n.d.-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 a month they divorced then her husband fell ill until he died in their divorce age now there are 8 months and Aminah also got a new husband and when Yazid's family divided the inheritance left behind by him and community leaders, the family and community leaders agreed to give the inheritance to the wife in accordance with the part in Islamic law on the grounds of the former His wife had also been devoted to her ex-husband even though her wife often made mistakes and did not carry out the obligations of a wife to her husband, that is why they divorced and when her husband was sick, the wife regretted all his deeds, then 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, n.d.-c).

3. Abdul Basid-Masitoh

The same is the case above, they have been divorced for 5 months and Masitoh has not had a new husband and when her husband died, Masitoh still got his inheritance and share in accordance with Islamic law and the case is exactly the same as Yazid's family with Aminah (Siregar, n.d.-d).

For more clarity about the practice of distributing the inheritance of wives who have been rejected and the iddah period has expired in the Mining community, the author describes it in the table.

Table
Rights for Divorced Wives and Expires in Tambangan Jae Village

NO	NAME		REMARKS
	HUSBAND	WIFE	
1	Yasir	Fatimah	This family couple has been divorced for almost 1 year but among them no one has remarried to another couple, Yasir died leaving behind 3 children and his ex-wife is still counted among 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 of their own volition but it was because it was forced by Yasir's parents caused by Before they divorced, her husband had started to get sick and her wife rarely took care of her sick husband, and his wife had the heart to sleep well and she did not care about her husband, so that is why Yasir's family forced him to divorce his wife, so that is the basis on which religious leaders allowed their ex-wives to still get inheritance from their ex-husbands because when they divorced, it was not because of the will of the two of them but because they were forced. Then the community knows about the things that are hijab in inheritance and according to the community, the wife of this yasir

			still gets an inheritance even though they are divorced and the way of distribution is in accordance with Islamic law, if they have children, 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 was sick and a month after they divorced, her husband fell ill until he died, in their divorce age, now it has been 8 months and Aminah also got a new husband and when Yazid's family divided the inheritance that he left behind along with community leaders, the family and community leaders agreed to give the inheritance to the wife in accordance with the part in Islamic law on the grounds that his ex-wife had also been devoted to the former Even though her husband often makes mistakes and does not carry out the obligations of a wife to her husband, that's why they divorce and when her husband is sick then the wife regrets all his actions, then her ex-husband is sick, she always takes care of her ex-husband, so Yazid's family wants to repay Aminah.
3	Abdul Basid	Masitoh	This family couple has been divorced for 5 months and Masitoh has not had a new husband and when her husband died, Masitoh still got his inheritance and share in accordance with Islamic law and the case is exactly the same as Yazid's

	family with Aminah.

Source: Interview Results with Jae's Mining Community

B. Jae's Mining Community's View of the Inheritance Rights of Wives Who Have Been Rejected and Have Expired Their Iddah

In this part of the chapter, the author will examine the results of the author's interviews with several community leaders regarding their understanding of the rights of wives who have been rejected and have expired the iddah period. Hasbullah Lubis explained as follows:

The opinion of the community is a problem of the inheritance rights of the wife sian her husband, na mandung exhaust the period of iddah na the community mampatolaon si wife mandapot inheritance bope alai mandung honok divorce as long as there are children, the ex-wife totop mandapot dope inheritance property harana adong anak ni alai so can ma umak nai mangarawat anak on until magodang.

In the explanation above, Hasbullah Lubis argued that inheritance is still given to widows who have expired their iddah period for their provision in caring for their children, because in the custom of society children are always taken care of by their mothers (Siregar, n.d.-b). Thus, the giving of 1/4 of the inheritance to a divorced wife is a form of protection and guarantee of survival for women and their children.

Furthermore, Erwin Syaputra explained:

The right of inheritance for wives who have expired their iddah period in the Tambangan community is still given, because we often pay attention to their lives before divorce, they are very compact, the husband goes to the rubber plantation, the wife joins, and both work, when the husband is dead 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 her to find this treasure, and if he is not given inheritance rights for his ex-wife and they have children. So, who will be willing to provide for this child except his mother and where does his mother make their living. And if it is loved, it has helped the burden of his ex-wife to raise his child (Siregar, n.d.-a).

From Erwin's explanation above, it can be understood that the reason for giving inheritance to a wife who has been divorced is as a form of protection for his ex-wife and children. In addition to these two reasons, Erwin explained that divorced wives still get inheritance rights because wives have a role in collecting assets before divorce. In fact, the social condition of the people of Tambangan Jae is rubber farmers and rice farmers, in their habit those responsible for rubber are husbands and rice fields are wives. If you compare the role played by husband and wife in making a living for the family, you will see the same role where in the morning the husband goes to the rubber plantation and the wife goes to the rice field. With this consideration, according to Erwin, a divorced wife still gets an inheritance.

Furthermore, Siti Zulaikha explained:

In this Tambangan village, it is indeed common if there is a wife who has expired her iddah period, after her iddah is over her husband dies, then we still give the inheritance rights of his ex-wife, because, when the husband drops his wife's talaq, the husband's condition is sick, it is possible that at that time her husband is dizzy facing his illness, it could be because of that the husband immediately drops the talaq, Then if we look back before they divorced, this wife was very caring, diligent in helping her husband to earn a living, therefore the community still gave inheritance rights to the wife even though her iddah had run out (Siregar, n.d.-g).

Likewise with Syamsul Nasution:

It has become a custom in this society if there are husbands and wives whose wives have divorced their iddah period and their husbands have passed away, the issue of the ex-wife's inheritance still gets the inheritance, because when they are still legally husband and wife, their wives participate in earning a living, and the inheritance can also be the wife's capital to take care of her children, If the problem of the wife's part is still in accordance with the Qur'an 1/8. I believe that our predecessors, our ancestors, and their traditional makers, must have had a reason to make something like this. And in my opinion, this is not a mistake because by giving the inheritance to the ex-wife, he has the capital to live, raise and finance the education of his children. I see this tradition as a protection for women and children (Siregar, n.d.-e).

From the explanation of Siti Zulaikha and Syamsul above, it can be understood that the inheritance rights of wives who have been rejected have become a custom and habit of the Tambangan Jae community, even Syamsul

believes that it is a customary heritage that has been practiced by the community for generations so that the community still practices it today.

For more details, the views of the people of Tambangan Jae regarding the rights of the wife are described in the Table.

Table
Jae's Mining Community's Views on the Inheritance Rights of Divorced and Expired Iddah Spouses

Yes	Name	Views	
		Should	Can't
1	Squirming	✓	
2	Syamsul Nasution	✓	
3	Hasbullah Lubis	✓	
4	Erwin Syafutra	✓	
5	Siti Zulakha	✓	
6	Nur Bayan Batubara	✓	
7	Puli Lubis	✓	
8	Parluhutan Nasution	✓	
9	Sutan Nasution	✓	
10	Ali Basuki	✓	

Source: Interview results with Jae Mining Society

Furthermore, the author will elaborate on the reasons of the Jae Mining community for understanding and practicing related to the granting of inheritance to wives who have been rejected and have expired their iddah period in the table below:

Table
Jae's Mining Community's Reasons for the Inheritance Rights of Divorced Wives and Expires of Iddah

Yes	Name	Reason
1	Squirming	It has become a custom and habit
2	Syamsul Nasution	Granting inheritance rights to wives who are rejected and the iddah period has expired so that the wife has provisions to take care of her child
3	Hasbullah Lubis	It has become customary and so that the wife has the money to finance the needs of her children
4	Erwin Syafutra	As a form of protection for women and children
5	Siti Zulakha	Because my wife also works
6	Nur Bayan Batubara	It has become customary and must still be given for children's education and shopping purposes
7	Puli Lubis	First it is custom. The second is as a form of justice because the wife also participates in the work so that the wife still gets a share in the inheritance even though she is divorced
8	Parluhutan Nasution	A wife can take care of her children
9	Sutan Nasution	Widows still receive inheritance based on custom with the consideration that the wife needs money to raise children. And wives also work to help their husbands, even more wives work, so it is very unfair if the wife does not get an inheritance
10	Ali Basuki	It is stipulated in the custom and so that the wife has the cost of raising children

Source: Results of an interview with the people of Tambangan Jae.

C. Imam Shafi'i's Opinion on the Inheritance Rights of Divorced Spouses and the Expiration of the Iddah Period

Imam Shafi'i explained that the cause of mutual inheritance between the wife monks is the marriage bond between the two. Thus, as long as

it is still in the marriage bond, the husband and wife have the right to inherit each other. The following is the statement of Imam Shafi'i:

قال الشافعى فرض الله ميرث الوالدين وإخوة والزوجة الزوج.

Said as-Shafi'i, may Allah Almighty bless Allah Almighty in obligating inheritance to both parents, brothers, wives and husbands" (AL, n.d.).

From the above expression, it can be understood that definitively inheritance is only given to people who are entitled to receive it, such as parents, siblings, wives and husbands, based on their respective provisions as stipulated in the inheritance law itself.

In the matter of a wife who is rejected by her husband and her iddah period has expired, the wife does not have the right to inherit from her husband as well as the husband does not have the right of inheritance from his wife, because according to Shafi'i the two do not have a marriage bond. The following is the narration of Imam Shafi'i:

وذهب الى ان احكام الطلاق اذا كان في الصحة والمريض سواء, فإن الطلاق يقع على الزوجة, وإن الزوج لايرث المرأة ولو ماتت,فكذالك لا ترثه, لأن الله تعالى إنما ورث الزوجة من الزوج والزوج من الزوجة ماكنا زوجين, وهذان ليسا بزوجين

the opinion of the mazahab (Shafi'i) that the law of talaq imposed when in health and illness is the same. If the husband mentally kills his wife, then he falls into talaq, the husband does not get an inheritance from his inheritance if he dies, and vice versa. Because Allah SWT makes the right of mutual inheritance between wives and husbands and wives as long as they are still in marriage. And in this matter the two are no longer in the marriage bond (AL, n.d.).

Furthermore, Imam Shafi'i explained

وقال الشافعي: لا ترث المرأة زوجها إذا طلاقها مريضا طلاقا لايملك فيه الرجعة, فانقضت عدتها ونكحت, لأن حديث ابن الزبير متصل, وهو يقول: ورثها عثمان في العدة. وحديث ابن شهاب منقطع, فإن صح بعد الطلاق ساعة ثم مات لم ترثه

Imam Shafi'i said: *There is no inheritance right for a woman if she is rejected by her husband who is ill if her iddah period has expired knowing that she has remarried, because a hadith sourced from Zubair still continues: Uthman bin Affan gave inheritance rights to a woman who was rejected by her husband while she was still in the iddah period. And the hadith of Ibn Shihab is the Hadith of munqati'. If the husband is healthy after his wife's death then she dies, then the wife does not get an inheritance from her husband* (AL, n.d.).

From the above statement, it can be understood that according to Imam Shafi'i, a wife who is rejected by her husband when she is sick or healthy, then the husband dies and after the end of the iddah period, the wife is not entitled to inherit from her husband. The reason for Imam Shafi'i is the shari'a decree which causes them husband and wife to have the right to inherit each other because of the marriage agreement. When the iddah period expires, the husband and wife no longer have a marital relationship so that there is no longer the right to inherit each other.

The evidence that Imam Shafi'i used as the basis in his opinion is the words 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 1/2 of the inheritance if the heir does not leave children, if there are children, the husband's share is 1/4 of the inheritance as the heir's debt and will is 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 a father or son, even though he leaves a brother or sister (a mother), the brother's share is 1/6 if one person is one, and if more than one person gets 1/3.

As for if the wife has been talak by her husband, sometimes she is thalak in her health or in illness that results in her death, but with the wife's pleasure in the sense of talaq requested by the wife, then there is no longer a right for the heirs to inherit between the two because their marriage bond has been broken, even though it is still in iddah. On the other hand, if the husband mentally kills his wife during the time of illness which results in her death without the wife's pleasure, then according to the Shafi'i madhhab he does not inherit it even though he is still in the iddah period, because their marital relationship has been broken." (al-Birry, 1968).

Based on the explanation above, it can be understood that the reason for Imam Shafi'i is of the opinion that a wife who is rejected and has expired the iddah period does not have the right of inheritance because the marital relationship has been broken between the two.

Furthermore, the postulates of Imam Shafi'i are:

1. A history from Zubair about the decision of Usman Bin Afffan who gave inheritance rights to the rejected wife. According to Shafi'i, the hadith of the narration is still continuous, so the narration explains that Uthman gave inheritance rights to the wife

who was rejected while still in the iddah period, following Imam Shafi'i's statement:

وقال الشافعي: لا ترث المرأة زوجها إذا طلاقها مريضا طلاقا لايملك فيه الرجعة, فانقضت عدتها ونكحت, لأن حديث ابن الزبير متصل, وهو يقول: ورثها عثمان في العدة. وحديث ابن شهاب منقطع, فإن صح بعد الطلاق ساعة ثم مات لم ترثه

Imam Shafi'i said: There is no right of inheritance for a woman when she is rejected by her husband who is in a sick state if her iddah period has expired knowing that she has remarried, because the hadith sourced from Zubair is still continuous: Uthman bin Affan gave the right of inheritance to a woman who was rejected by her husband while she was still in the iddah period (AL, n.d.).

2. According to Imam Shafi'i, the Hadith sourced from Ibn Shihab cannot be used as a postulate as used by the scholars of Alain in his opinion that a wife who is rejected by her husband and whose iddah period has expired still has the right of inheritance. Imam Shafi'i said that the Hadith of Ibn Shihab is a munqati hadith. The following is the narration of Imam Shafi'i:

وحديث ابن شهاب منقطع, فإن صح بعد الطلاق ساعة ثم مات لم ترثه

Meaning: And the hadith of Ibn Shihab is the Hadith of munqati'. If the husband is healthy after his wife's death then she dies, then the wife does not get an inheritance from her husband (AL, n.d.).

Analysis

Imam Shafi'i's opinion about the wife who is rejected by her husband when she is sick or healthy, then the husband dies and after the end of the iddah period, the wife is not entitled to inherit from her husband. The reason for Imam Shafi'i is the shari'a decree which causes them husband and wife to have the right to inherit each other because of the marriage agreement. When the iddah period expires, the husband and wife no longer have a marital relationship so that there is no longer the right to inherit each other.

One of the conditions for a person to get an inheritance is the existence of a marriage relationship (sababiyah) and this is Ijma' Ulama (Scott, 2000) As Allah SWT says in Q.S. an-Nisa' verse 12: The husband and wife can inherit each other, if their marital relationship meets two conditions (Nasution, 2012):

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

Included in the sense that marriage is still ongoing, namely the wife who is still undergoing *talaq raj'i* because as long as the wife is still in *a state of talaq raj'i,* the husband can refer back to his wife. Therefore, according to the author, if one of the husbands or wives during the *iddah talaq raj'i* period dies, then the surviving husband or wife is entitled to an inheritance. However, if one of them dies after the *iddah talaq raj'i period* ends, then each of them will no longer inherit the other.

Unlike husband and wife who are still in the period of *iddah talaq bain*, the husband and wife have not inherited each other since the *talaq bain* was imposed.

So from the results of case research in the Jae Mining community about inheritance rights for the ex-wife after the end of her iddah period, the author considers that the opinion of the Jae Mining community allows giving inheritance to the ex-wife whose iddah period has expired, they mention the majority of reasons because the husband is sick, so according to the community if there is a sick person when he complains about his condition at that time, then he may be experiencing emotional and unconscious.

In fact, in the opinion of Imam Shafi'i, the talalak that is imposed in a sick or healthy condition has the same consequences, so that talaq is imposed when he is sick and then the husband dies after the end of the iddah period of the wife he rejects, then the wife is not entitled to inheritance.

Thus, it is clear that with the fall of talaq intended by the husband at the time of illness, all the bonds of husband and wife are broken if the iddah has expired, including the termination of the wife's inheritance rights and the husband's inheritance, because both have inheritance rights due to the marital relationship.

Imam Shafi'i in *qaul jadid* said that talaq imposed by a husband who is seriously ill has the same legal implications as talaq imposed in good health. Because he adheres to the qiyas of talak ba'in, which is the talak of a healthy person and the talak of a sick person the law is the same, and

can be imposed at any time as long as he meets the requirements and gets along well with talaq.

In this case, according to the author, Imam Shafi'i rejected the rule of giving inheritance to a wife who was rejected absolutely. As it is understood that marriage has legal provisions such as talaq, zihar and illa, it is haram to collect certain mahrams (such as brothers and aunts from both father and mother) including inheritance. If the marriage is broken, then automatically the legal series becomes broken as well as the inheritance rights.

Therefore, the opinion of Imam Shafi'i justifies the validity of the talaq of a sick person because everything that is imposed under any conditions as long as it meets the harmony and conditions of talaq, the implications still occur in accordance with the provisions of nash. Imam Shafi'i did not consider the existence of a suspicion of escape in this case, because an allegation cannot be used as the basis for making a law, and Islamic law is based on real causes, not on ulterior motives.

Therefore, in Shafi'i's opinion, the factor that causes the existence of inheritance rights is due to the existence of a marriage bond (al zawjiyah) that is still maintained. If the bond has been lost due to the fall of the talaq, then the right to inherit between the two is also lost. The postulates of his naqi that were used as the basis of Imam Shafi'i were the stance of Abdullah Bin Zubair's companions who did not agree with the gift of inheritance by Uthman Bin Affan to Tumadir Binti Asbag in the same case. Abdullah Bin Zubair said:

وأما أنا فلا أرى ترث مبتوتة

Meaning: I argue that there is no right of mutual inheritance (AL, n.d.).

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

With this evidence, Imam Shafi'i stated that there was no ijma to this case because Abdullah Bin Zubair had left it. Furthermore, al Muwardi said; If the text of the hadith "لاترث" is saheeh, then it is no longer permissible to have ikhtilaf from its contents.

Moreover, Imam Bukhari as an imam of hadith who has been recognized for the authenticity and capability of his hadith, narrated the statement of Abdullah Bin Zubair in a special chapter "the permissibility of talaq three", as follows;

وقال ابن زبير في مريض طلاق لاأرى أن ترث مبتوتة

The attitude of Abdullah Bin Zubair, one of the most learned and well-known companions of ijtihad and hadith experts, especially during the time of Usman Bin Affan, who did not give an inheritance to a woman who was rejected by her husband who was seriously ill, is one of the strong backing points for Imam Shafi'i in his opinion. So, in this case it is expressly said that the wife is not entitled to inheritance, and in the opposite case, that is, 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 recitation of talaq ba'in is pronounced, according to Imam Shafi'i.

Based on the above description, it can be understood that the practice of giving inheritance to wives who have been rejected and have expired the iddah period in the Jae Mining community is different from the opinion of Imam Shafi'i. If you look at the reason used by the Jae Mining community, which is to protect women and their children, it means that the Jae Mining community gives inheritance rights to wives for the protection of their children and their children. The second reason for the community is because the wife also has a role in collecting property while still in the marriage bond.

For this reason, according to the author, if the giving of inheritance to a wife whose iddah period has expired as a form of protection for her and her children and because of her role in trying to collect wealth while still in marriage, then according to the author this inheritance is not true. If these two things are the reason, then the correct thing is the division of common property. Because in the tradition of the Mandailing community, including the Jae mine, the community does not know the division of joint property at the time of the marriage breaking up due to death. Thus, if the marital property is divided and given to the wife who has expired her iddah period, this will be more beneficial and more guaranteed the cost of education for her children, because the wife's share in the marital property is greater than the wife's inheritance. The author's second consideration is the role of the wife who participates in collecting property, thus the wife

has the right to marital property as mandated by the Marriage Law and KHI.

Thus, if the gift of property to a wife who has expired the iddah period is given by way of a share of the common property, then this is not contrary to the Shafi'i school and is relevant to the laws of the Republic of Indonesia.

IV. CONCLUSIONS AND SUGGESTIONS

A. Conclusion

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

B. Suggestions

To achieve harmony between Islamic law and local customary practices, constructive dialogue between scholars, traditional leaders, and the government is needed. In this case, it is important to consider the local wisdom that exists in the community, 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 carried out through education and socialization that strengthens understanding of women's rights, especially in the context of heritage. In addition, the development of regulations that consider aspects of local culture and customs also needs to be carried out so that the applicable law is more responsive to the needs and social justice of all parties involved.

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