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Inheritance Rights of The Youngest Child In The Middle Barumun Indigenous Community From The Perspective of Islamic Law

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Abstract: This study aims to examine the determination of inheritance for the youngest child in the Central Barumun customary society from the perspective of Islamic law. The customary tradition of Central Barumun has its own rules and customs in the distribution of inheritance which is sometimes different from the provisions of Islamic law. This research uses field research (field research) with a case study approach, collecting data through interviews with traditional leaders, indigenous people, naposo bulung adat and local religious leaders, then using data collection methods that are reviewed by observation, and related documents. The results showed that in the customary society of Central Barumun adheres to the inheritance distribution system with the descent system by giving automatically given to adult sons, and for the youngest child often gets special treatment in the distribution of inheritance and done by parents during life. If there is any remaining inheritance, it will be distributed after the parents die. Girls will not get the inheritance if it is not given by their brothers. Although in the view of Islamic Law the division carried out by the system cannot be called the division of inheritance, as stated in the Koran as the main guide to inheritance law in Islam which has determined the portion of each heir in accordance with the provisions that have been determined from Allah SWT, with a predetermined size based on the small and large age and has been confirmed by Islamic inheritance law stipulates that every time there is a death, the determination of the share of each heir must be done.

Keyword: Inheritance, Youngest Child, Islamic Law.

INTRODUCTION

Islamic law is a rule that regulates the relationship between man and his god and the relationship between man and man, the relationship between man and his creator is inseparable from matters of worship, while the relationship between man and man is not separated from matters of muamalah that have been determined by God which are directly related to human social life. One part of muamalah is inheritance law. Based on the law of inheritance has the basics that must be known about the pillars of inheritance. There are three

pillars of inheritance, namely, the first is the inheritance that has been left by the heir and the second is the muwarris or the person who has died, and the third is the heir, someone who receives the inheritance by blood relationship or is the descendant of the heir.¹

The division of inheritance is an important aspect in society that regulates the distribution of assets after a person dies. Each community has its own rules and traditions regarding heritage, which are often influenced by local culture and beliefs. In Indonesia, cultural diversity is reflected in various heritage sharing practices in various regions,² including in Central Barumun. The indigenous people of Central Barumun have a unique tradition in determining the share of inheritance for each heir, especially for the youngest child. In some cases, the youngest children receive special treatment in the distribution of inheritance, which may differ from the principles set forth in Islamic law.

Because each place has different traditions and customs, the way of handling inheritance according to customary law is also different. This means that the inheritance law is basically adjusted to the culture and traditions of each region, with all the advantages and disadvantages of the system. In customary law, there is no mathematical way to decide who gets what. On the other hand, what is taken into account is the form of property and the wishes of the heirs.

This type of law comes from a collection of written rules that grow and change over time. They are constantly updated by the legal consciousness of the people who can adapt to different social norms. In contrast, customary law communities consist of several groups of people connected by a common customary legal order, which is seen as a rule of citizens, and are also legal allies because they reside or have a common territory.

According to customary law in Indonesia, there are only two ways to inherit property. To begin with, the transfer process is carried out when the testator is still alive. Secondly, how the property is inherited after the owner dies. If a person leaves an inheritance while still alive, it can be done through succession, transfer, will, testament, or trust. Conversely, if it is done when the heir dies, children, family members, or certain relatives can decide how it is handled. In distribution, on the other hand, it can be delayed as long as it is done fairly, equitably, or in accordance with religious law.³

In Islamic law, inheritance law is part of family law. This is very important to learn so that when the distribution of inheritance does not make mistakes and is carried out fairly and intelligently. By studying Islamic inheritance law, a Muslim will be able to exercise his rights. This law regulates inheritance after the heir dies and is given to the heirs who are entitled to receive it.⁴

What a Muslim should know about getting ready and following the right steps before dividing the inheritance in order to do it properly. Sharia, Islamic law, establishes very fair and organized rules of inheritance. The legal system ensures that everyone, male or female, has the right to own land, among other things. Islamic law also says that a person's property can be given to his children from the whole family and lineage, without distinguishing between men and women, or between big and small people.⁵

This means that the Qur'an is the main source of law and determines the distribution of inheritance. Meanwhile, the hadith of the Prophet Muhammad PBUH contains rules in

¹ Rita Khoerunnisa, *Jurnal Komunikasi dan Humaniora, Tinjauan Hukum Islam Terhadap Hukum Kewarisan Masyarakat Adat Kampung Naga, Kabupaten Tasikmalaya*, Vol. 5, No. 2, 2023, h. 98

² Budi, B. (2018). "Hukum Adat dan Praktik Warisan di Indonesia." *Jurnal Hukum Islam*, 10(1), 112-125.

³ Hamid Pongoliu, *jurnal kajian Hukum Islam, Pembagian Harta Waris dalam Tradisi Masyarakat Muslim di Grontalo*, Vol. 13, No. 2, 2019, h. 188

⁴ Muhammad Ali ash-Shabuni, *Hukum Waris Dalam Islam* (Depok Jawa Barat: Pathan Prima Media, 2013), h. 31

⁵ Cahaya, C. (2019). "Prinsip Pembagian Warisan dalam Perspektif Hukum Islam." *Jurnal Keadilan Sosial*, 15(3), 78-91.

inheritance. The ijma of scholars is also very small. When it comes to Islamic and sharia law, the law of inheritance is one of the few verses in the Qur'an that explains in depth a law. Because inheritance is a legitimate way to have something and halal in the sight of Allah SWT. In addition, property is also an important part of the lives of both humans and groups. The Qur'an elaborates in depth the laws that protect inheritance rights, ensuring that no one's rights are neglected. The inheritance section is fully described based on its place in the family tree, such as a son, father, wife, husband, grandfather, mother, uncle, grandson, or even just a brother of the father or mother. It is part of sharia science that the way of managing property in Islam is intended to bring peace.⁶

It is part of sharia science that the way of managing property in Islam is intended to bring peace to the life of the person who does it. Islamic sharia has established the best and best rules of inheritance and property law that they can do. Talking about Islamic inheritance law, the Compilation of Islamic Law is here to provide convenience for Muslims in Indonesia. It is a guideline for many family matters, including inheritance law.⁷

One of the community groups in Indonesia is the Indigenous Peoples of Central Barumun Subdistrict. The Indigenous Peoples in Barumun Tengah Sub-district are predominantly Muslim. The only people living in the district who are not Muslim are newcomers. As an indigenous village in Kecamatan Barumun Tengah, they have different ways of giving inheritance, even to the youngest child.

The community thinks that deciding who gets the inheritance is a normal thing because it will also be given later. The people of Central Barumun say that the main recipient of inheritance is a man, not a woman. This method of determining the inheritance of the youngest child causes problems for other sons and contradicts the rules and principles of inheritance. Of course, in a Muslim society, all traditions must be in line with Islamic law. The problem is that in Islam, no one knows how to decide who gets what from the youngest child. The cultural practice of dividing property is to figure out how much of the inheritance goes to the youngest child. This decision is undoubtedly wrong, but further research needs to be done to find out more information. When it comes to property, both Islamic law and the Quran have rules about it. Surah An-nisa tells us how much inheritance each son and daughter should receive:

In the Qur'an there are several verses that discuss how to give inheritance. "Allah commands you concerning the division of your children," reads one of the verses that is often used to discuss the division of inheritance. Women get one share if there are more than two, and men get two shares if there are more than two. He gets half if there is only one daughter. And each parent gets one-sixth of the estate. If the deceased has no children, then his mother gets a third of the property. If the deceased has a brother, then his mother gets a third of the remaining money after debts or wills are paid. If someone leaves a will or a debt, the All-Knowing is the All-Knowing, so there is no sin for that person. (QS. An-Nisa: 11).⁸

Surah An-Nisa verse 11 talks about Allah's rules on how to distribute inheritance to children, both boys and girls. The rule says that sons and daughters should get different amounts of inheritance. Males should get twice as much as their parents, while females get one share if they have more than two daughters and half a share if they only have one. The verse also talks about how parents should inherit. If the deceased has children, then each parent gets one-sixth of the estate. If there are no children and only the parents inherit, then

⁶ Amelia Firdausya, jurnal stai-aljawami, *Pemberian Rumah Untuk Anak Bungsu Perspektif Maslaha Mursalah Di. Kp. Sapan, Rw 01, Desa Sukamanah, Kecamatan Rancaekek, Kabupaten Bandung*, Vol. 4, No.2. 2021, h. 8

⁷ Ulfa Sundari, *Sistem Pewarisan dalam Perkawinan antara suku batak dan Minangkabau (studi di kota medan)* h. 3

⁸ Ahmad Rofiq, *Hukum Perdata Islam Di Indonesia*, Jakarta: Rajawali Pers, (2013)

the mother is entitled to one-third. Allah, the All-Knowing and Most Merciful, has set a fair and wise rule for the needs and justice of the heirs.

This paper will explain the problems discussed above, so the author will make further observations to find out how the rights given to the youngest child in obtaining inheritance property in the customary community of Central Barumun kec. from the perspective of Islamic law.

METHOD

In determining the explanation of the research to be carried out by the author, the researcher takes qualitative research that aims to collect information related to the phenomenon that occurred at the time the research was carried out by the researcher. The research method used in the research is the analytical descriptive method. This descriptive method aims to describe or describe the object of research through the data that has been collected. This method is a research that focuses on real and real problems.⁹

This qualitative research process involves questions, collecting data from participants, analyzing data from specific themes to general themes, and interpreting the meaning/meaning of the data obtained. The author will also first observe special matters related to problems in the field concretely in order to have a flexible research structure. Qualitative research will also be used by the author to objectively assess the attitudes, opinions and behaviors of the community in Central Barumun district related to the problems that the author researches.

One of the considerations in choosing a research problem is the availability of data sources. Quantitative research is more explanatory (explaining), because it is to learn about the people (object society), while qualitative research is more understanding of social phenomena or symptoms, because it is to learn about the people (society as a subject). The data sources in the research that the author will do are:

1. Resource Person (Informant)
2. Events or activities
3. Research Place or Location
4. Documents, archives, scientific works¹⁰

The above data sources will then be separated by the author into primary data sources and secondary data sources. Primary data sources are in the form of individual sources and respondents, while secondary data sources are research records in the form of documentation and archives from the government or related agencies as well as books/literature in the form of scientific papers or journals.

Instruments are measurement tools that can provide information related to what is being researched during the data collection process. According to Sugiono, a research instrument is a tool used to measure observed natural or social phenomena.¹¹ In this study, the author will apply a series of data collection instruments through:

- a. Interview Instrument, which is an instrument that will be used to ask a series of questions to respondents or sources directly.
- b. Documentation Instrument, which is a series of concrete evidence of the problems discussed in the research, such as photos / images, tables and others.
- c. Data analysis in this study is carried out continuously and repeatedly until an answer to the question of the problem can be concluded based on the data collected. Qualitative data analysis is an effort made with data as the main source. Data analysis actually starts when

⁹ Tia Lestari, *Sistem Pembagian Warisan Di Gampong Drien Tujoh Nagan Raya (Analisis Terhadap Warisan Rumah untuk Anak Perempuan Bungsu)* 2023, h. 9

¹⁰ Yusuf . M, *Metode Penelitian Kuantitatif, Kualitatif & Penelitian Gabungan.* (Prenada Media: 2016), h. 52

¹¹ I Komang Sukendra and Kadek Surya Atmaja, *Instrumen Penelitian, ed. Teddy Fiktorius, 1st ed.* (Pontianak: Mahameru Press, 2020), h. 1

researchers collect data by selecting data that is important or not in order to determine the meaningfulness of the data obtained.¹²

- d. Researchers are also required to have a deep understanding, creativity, ingenuity, conceptual sensitivity and experience in order to generate new data. For this reason, the author uses a thematic descriptive method in analyzing data patterned after Miles and Huberman where data is collected through observations, interviews, document digests, scientific papers, expert opinions and others which are processed into a descriptive narrative with three flows, namely data reduction, data presentation and conclusion drawing.¹³

RESULTS AND DISCUSSION

Condition of Indigenous Peoples of Central Barumun District

Kecamatan Barumun Tengah is one of the sub-districts that has various customs and is one of the sub-districts in Padang Lawas Regency, North Sumatra Province. Central Barumun sub-district can be reached from North Padang Lawas district or Gunung Tua and Aek nabara sub-district.

Kecamatan Barumun Tengah has an area of approximately 2,878.46 Km², relatively more extensive land and choppy than hills and mountains, which includes 60% of the land to choppy, 30% choppy to hilly and 10% hilly to mountainous. Administratively, Kecamatan Barumun Tengah has the following boundaries: North: Bordered by Portibi District, Paluta Regency East: Bordered by Huristak District South: Bordered by Aek Nabara Barumun Sub-district West: Bordered by Sihapas Barumun and West Barumun sub-districts. The population of Central Barumun Sub-district until now is 16364 people (data in 2022) consisting of 2,454 households.¹⁴

Barumun Tengah Sub-district is one of the communities that has thick customs and has a social system, namely a very strong kinship system, including fathers, mothers, and children, as well as a leadership or government system that includes formal and informal. Formal leadership is leadership that is elected on the basis of democracy or popular elections and is legitimized by the government with a term of office of approximately 5 years. Leadership in the Central Barumun sub-district is the same as leadership in other areas such as, sub-district heads, village heads and others. while informal leadership is leadership determined according to custom and descent from traditional leaders or called harajaon, hatobangon, alim ulama. The Central Barumun sub-district still upholds the term "Dalihan Natolu".

The Concept of Heritage in Central Barumun District

There are several issues that will be discussed regarding the implementation of inheritance law in the Central Barumun sub-district. Some of the rules of inheritance law that will be discussed are those relating to inherited property. Inherited property according to Islamic law is everything left by the testator that can legally pass to the heirs. While the inheritance property is all the property left by the person who died with another meaning is what is in a person who died at the time of his death, while the inheritance property is property that can be distributed to the heirs. The Compilation of Islamic Law in this case distinguishes between legacy property and inheritance property. Heritage is the property left by the heir either in the form of property that belongs to him or his rights.¹⁵

¹² Zulfah, Mumtahanah, and Husnussaadah, *Analisis Data Kualitatif: Teori dan Terapan* (Makkasar: Sekolah Tinggi Theologia Jaffray, 2022), h. 65

¹³ Sirajuddin Saleh, *Analisis Data Kualitatif*, ed. Hamzah Upu, 1st ed. (Bandung: Pustaka Ramadhan, 2017), h.72.

¹⁴ Data Bps Kecamatan Barumun Tengah

¹⁵ Hanan Azhari, *fakultas syariah dan ilmu hukum, "Persepsi Ulama Terhadap Pelaksanaan Pembaguan Harta*

While the inheritance property is the inherited property plus part of the joint property after being used for the needs of the testator during his illness until his death, the cost of managing the body (tajhiz), payment of debts and gifts to relatives. While in the community of Barumun Tengah Subdistrict related to this inheritance property, the term that is widely used is harta pusaka, the use of this term is understandable because the word pusaka comes from the Malay language. In addition to this term there is also the term inheritance property which comes from Arabic and then there are also those who call it inheritance property and also comes from the Malay language. Based on the above terms, the reality prevailing in the community of the Central Barumun sub-district that heirloom property is all movable and immovable property left by the heir at the time of his death.

Based on this description, according to the indigenous people in Barumun Tengah Subdistrict, the object of inheritance is all the property belonging to the heir, both movable and immovable objects left behind by the heir. The definition of heirloom property put forward by the community of Central Barumun Subdistrict is almost the same as the definition put forward by Islamic law and KHI, except that in the community of Central Barumun Subdistrict heirlooms include inherited property and inherited property.

According to Mr. Raja Sulongi, if the testator dies, all of the testator's property becomes heirloom property in the form of land, rice fields and gardens, livestock, money and jewelry, except that the house does not become inherited property, because the house belongs to the youngest son. Meanwhile, other assets of lower value are not included in the heirloom property to be distributed such as clothing, furniture, utensils, books and so on. These assets are distributed to relatives as alms.¹⁶

Based on the grouping of heirlooms above, it can be seen that there are several differences in customs in the inheritance law of the community in the Barumun Tengah sub-district which are not in accordance with Islamic inheritance law, such as the grouping of heirlooms that will be distributed to heirs and those that are not distributed to heirs. Whereas in Islamic inheritance law there are provisions that all inheritance property left behind (tirkah) must be divided between the entitled heirs and there are customs or habits such as giving inheritance property to certain people who are not included in the group of heirs. Meanwhile, according to the provisions of Islamic inheritance law, the goods in the form of property as a whole must be distributed to the heirs left behind.

In the implementation of the division of inherited property in the Central Barumun sub-district in accordance with the results of the author's research that according to the cause of getting inherited property is because there is a blood and marriage relationship, namely only sons and daughters of the testator who get inherited property and the youngest son gets a bigger share than other sons. However, there are problems that are very contrary to the implementation of inheritance law in Central Barumun Subdistrict, namely the youngest son getting more or determining the inheritance which is determined earlier before the distribution of the inheritance in Central Barumun Subdistrict when the testator's parents are still alive.

Likewise, married daughters do not get their inheritance rights as much as their share which has been determined in the rules of Islamic inheritance law because according to informants, daughters do not inherit inheritance because according to customary law married women are already classified into their husband's family, so they no longer inherit their parents' property. Meanwhile, other informants also said that the married daughter had become her husband's dependent so that she did not get her share in inheriting as much as stipulated in Islamic law.

Warisan Di Kecamatan Bukit Malintang Kabupaten Mandailing Natal, 2018, h. 32

¹⁶ Raja Sulong Hasibuan, Narasumber Desa Unterudang

This is very contrary to the rules of Islamic inheritance law. While the people of Barumun Tengah Subdistrict are 98.9% Muslims, but in carrying out Islamic law in this place there are still many who contradict the rules of Islamic law. While solving problems or disputes in the community of Central Barumun Subdistrict they solve their problems within their own families, in front of the scholars in order to expect justice as fair as possible, even though the state has provided a court institution for its people but the people in this area very rarely solve their disputes before the court. According to the explanation of Mr. Paisal Lubis, people do not settle their disputes in court because according to their understanding to litigate in front of the court, it must be a rich person and a smart person.¹⁷

The Practice of Determining the Share of Inheritance to the Youngest Child Based on the initial explanation of this research, there is a fundamental difference in relation to the system of distributing the inheritance of other sons in Islamic law with the practices that occur in the midst of society. Especially, the customary society in the Central Barumun sub-district. As in Islamic law, sons are heirs whose share is determined with daughters, namely two to one (2: 1). The inheritance rights of sons in Islamic law do not seem to distinguish whether they are the first, middle or youngest child. That is, each of them is equally given with no distinction. However, in practice, the community views the smallest son (the youngest) as more favored than the other children, whether the son is his brother or his older sister.

According to M. Ali, a resident of Central Barumun sub-district, if there are several children in a family and there is a youngest daughter, the parents' property is usually given to the youngest child. Furthermore, it was emphasized that the prioritization of the youngest child in the family regarding inheritance is inseparable from the existence of family deliberations as a step for each family member in determining their share of inheritance. Similar information was also expressed by Aslan, also residents from Central Barumun District, the point is that it is stated that the inheritance of parents is prioritized to the youngest child, this was done after previously family deliberations were carried out.¹⁸

The determination of the inheritance of the youngest child is understood as a step by the family's attention to the boy. Based on information collected from the community, the practice of dividing inheritance for the youngest child is not known when it started, but according to the community, this kind of distribution has been practiced for a long time and has existed for a long time. The transcript of the interview is as at: Interview with Raja Sulong, as the harajaon in Barumun Tengah sub-district: "The youngest child is seen as a little weak. For that reason, there must be special attention in a family. Especially in inheritance, the youngest child who was last born (the youngest child: the author), is usually given inheritance property and the share is prioritized, it can be in the form of a house and others. This stipulation can be rejected and the youngest child chooses to receive an equal share, or in other forms according to the agreement. This is done, for example, because he already has an established job and other considerations. This practice is common in the community. To the best of my knowledge, this kind of inheritance division practice has been going on for a long time, and was also practiced by our parents in the past".

It is generally understood that there is a fundamental difference between the practice and the concept in Islamic law in placing women as heirs. The practice of dividing the inheritance by prioritizing the youngest child, as happened in Barumun Tengah Subdistrict, is based on the hope of kinship and is carried out through family deliberations. This means that there is little possibility for each heir to disagree with the division. This means that there is little chance of each heir disagreeing with the division because (based on the previous information) each family member will also get a share through deliberation. Regarding the

¹⁷ Paisal warga desa siparau

¹⁸ M. ali kepala desa Siparau

cases that occurred in relation to the practice of dividing inheritance property in Central Barumun Subdistrict, so far researchers have found 2 villages where the youngest child was placed.

Based on the information above, it can be concluded that the practice of dividing inheritance to the youngest daughter is still carried out in the community of Central Barumun Subdistrict until now. In several cases that have been mentioned, the youngest daughter is given a larger share with other heirs. However, based on the awareness of the family and daughters, the division of inheritance can be done equally, this is adjusted to the results of deliberations from each heir.

Inheritance rights of the youngest child in Central Barumun District: Islamic Law Perspective

In the inheritance law contained in Islamic law, the nature of justice must be balanced. This means that boys have the same rights as girls. Can be seen in the provisions in the verse of the Koran in surah Al-Baqarah verse 180 means: "It is obligatory upon you, when one of you comes to die, if he leaves behind a large estate, to leave a will for his mothers, fathers and relatives in a fair manner, (this is) an obligation upon the pious".

Based on the provisions of the above verse, in several books of interpretation, such as the interpretation of al-Sabuni, Sayyid Quthb, and Quraish Shihab, states that the word "ma'rūf" in the verse is to be fair and good in terms of distributing inheritance to mothers and relatives, including to offspring. Although the verse has been singled out (or in some literature it is said that this verse has been abrogated or nasakh) by the hadith that reads: "lā waṣīyah li wāris", meaning that there is no will to the heirs (father and mother), but still the general building in the concept of Islamic inheritance law is the principle of justice.

This is the same as what Zainuddin Ali stated, that one of the five principles of Islamic inheritance is the principle of balanced justice, namely the balance between the rights obtained with the needs and uses in carrying out obligations. This principle of balanced justice is essentially related to the issue of rights and obligations, between the rights obtained by a person and the obligations that must be fulfilled. In addition, there are also other principles such as the ijbari principle (applies automatically when death occurs), bilateral principle (each heir from the male and female parties gets a share of inheritance), individual principle (inheritance property is divided and owned individually), and the principle due to death (new inheritance can be divided when death occurs).¹⁹

Likewise, in terms of the number of parts stipulated in the Qur'an, it is the realization of the hope of balanced justice. Muhibbin states that the number of parts contained in Islamic inheritance law, in principle, cannot be separated from the principle of balanced justice. This principle implies that there must always be a balance between rights and obligations, between what is obtained and the obligations and responsibilities that must be fulfilled. In relation to the practice of division in society, it is also possible that parts of the inheritance are given fairly by not denying the rights of other heirs.

When viewed according to Islamic law regarding the distribution of inheritance for the youngest child in the community of Central Barumun Subdistrict, it can be seen and reviewed in terms of whether the principles mentioned earlier are fulfilled. In the ijbari principle, it seems that the practice and theory are the same. This means that the division of inheritance in the community applies automatically after death, even though the determination of the share has been carried out since before death. In addition, there are also other principles such as the ijbari principle (applies automatically when death occurs),

¹⁹ Israr Hirdayadi, *Jurnal Hukum Keluarga dan Hukum Islam, Teknik Pembagian Warisan terhadap Anak Bungsu Perempuan dalam Masyarakat Kemukiman Lamblang Kec. Kuta Baro Kab. Aceh Besar Menurut Hukum Islam*, Vol. 2. No. 1. 2018 H. 260

bilateral principle (each heir from the male and female parties gets a share of inheritance), individual principle (the inheritance is divided and owned individually), and the principle due to death (the inheritance can only be divided when death occurs).

Likewise, in terms of the number of parts stipulated in the Qur'an, it is a manifestation of the hope for balanced justice. Muhibbin states that the number of parts contained in Islamic inheritance law in principle cannot be separated from the principle of balanced justice. This principle implies that there must always be a balance between rights and obligations, between what is obtained and the obligations and responsibilities that must be fulfilled. In relation to the practice of division in society, it does not rule out the possibility that the share of inheritance is given fairly by not denying the rights of other heirs.

When reviewed according to Islamic law regarding the distribution of inheritance for the youngest child in the community of Central Barumun Subdistrict, it can be seen and reviewed in terms of whether the principles previously mentioned are fulfilled. In the *ijbari* principle, it seems that the practice and theory are the same. This means that the division of inheritance in the community applies automatically after death, even though the determination of the share has been made since before death.

Based on some of the explanations above, it can be concluded that the practice of dividing inheritance for the youngest child in the community of Central Barumun District is generally not contrary to Islamic law. Because, in terms of the provisions of the number of shares received by the youngest child with other heirs, but if in one family there is no justice in determining the inheritance share, then the division of the inheritance is not in accordance with the basis of Islamic Law.

CONCLUSION

The practice of distributing inheritance to the youngest child has been carried out since long ago, namely by giving greater inheritance rights with other heirs. The inheritance that is usually received by the youngest child in Barumun Tengah Subdistrict is in the form of a house, even in the case of a lot of inheritance, he also usually gets other parts of the inheritance. The reasons and considerations of the community in giving greater property rights to the youngest child are due to three general considerations, namely because the care of parents is usually carried out by the youngest child, because of the marriage where the parents' house is usually given to the youngest child, and because of the condition of the youngest child who is not yet independent and not yet established in terms of the economy. The implementation of inheritance law in Barumun Tengah Pe Sub-district is carried out by way of deliberation between the heirs. This is to prevent quarrels between the heirs so as to achieve benefit. In addition, the deliberation effort also aims to prevent the heir's inheritance from being transferred to people who are not descendants of the heir. The division of inheritance in the Central Barumun sub-district is carried out by parents to their children during their lifetime. Although in the view of Islamic Law, this cannot be called Islamic law.

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