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Death Accident Head of the Office of the Ministry of Religion East Kalimantan as Part of Inheritance Right When They Die Simultaneously

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Abstract

The calamity that occurred in Central Kalimantan on Sunday, July 17, 2022, brought up “Man Yamutuna Jumlatan” once more less than a month ago. In addition to causing great sorrow for the heirs and families of the victims in the case of the death of a family of the Head of the Regional Office of the Ministry of Religion of East Kalimantan, this tragic accident also raises issues regarding how to manage and continue the rights and ownership of six heirs in one nasabiyah. There are numerous occurrences that qualify people as “dying together,” but it is extremely likely that there be a time lag between those who are related by a -iritsi, making the method of calculating inheritance situations operationally different from natural inheritance.

Keywords: Faraidh, Died Together, Man Yamutuna Jumlatan, Heirs, and Heirs

INTRODUCTION

One of the accidents (events) of shared death between “heirs and heirs” at a time when it is unknown which of these nasabiyah sooner and later is the deadly accident that befell the family of the Head of Regional Office of the Ministry of Religion of East Kalimantan in the middle of 2022. They are classified as *Man Yamutuna Jumlatan* by Faraidh.

This type of catastrophe, called as *tha'un 'amwas* in *faraid*, had happened twelve centuries prior. Co-death is not the same as “continuous death” in this context because there is still a temporal gap between one person’s death and another. Accordingly, this problem is not always related to the occurrence of a joint death. Although discussing this tragic event in terms of inheritance feels improper psychologically, it is legally required. Considering that *Faraidh* has unambiguously and plainly supplied indicators for the conditions pertaining to the settlement attempts.

This makes it imperative to study the inheritance settlement case of the death of a victim of a fatal accident that affected the family of the Head of Regional Office of the Ministry of Religion of East Kalimantan Province. The case involved the family of the Head of Regional Office of the Ministry of Religion. Since each of the victim’s heirs will at the very least take the study’s findings into account while deciding whether to fulfill commitments that are deserving of reward and sin. The study focuses on how the issue of *Man Yamutuna Jumlatan’s* death in the event of the fatal accident involving the Head of Regional Office of the Ministry of Religion of East Kalimantan is formulated. *Man Yamutuna Jumlatan’s* inheritance in the accident case? The operational calculation approach in *al-taqdir* is connected to the theoretical underpinnings employed as analytical tools in this article (estimated). Because *asbab al-irtsi* between individuals in an inherited relationship changes to “something foreign” in this death scenario. They are no longer inherited by one another. Each successor is responsible for the inheritance they received. As a result of the argument’s transformation into a legal justification and

the endorsement of the majority view of Jumhur jurists, this stipulation (rule) becomes proof. Additionally, the belief of some communities that permits the right to inherit amongst those who pass away jointly appears to be contingent on the absence of claims between the victim's family in relation to the heirs' earlier and later deaths.

DISCUSSION

The completion of the pillars results in the inheritance process (inherited inheritance). Specifically, the heir's life, death, and the existence of an inheritance that has been "clean" of any issues connected to it. such as the payment of debts, the issue of *tahjiez al-mayyit* expenses, and the execution of the heir's will.

The main factors that can be used to ascertain the circumstances of al-Muwarrits' (heir's) death are *hukmy* and *taqdiry*. His death was mainly determined in the case of the deadly accident that befell the Head of the Regional Office of the Ministry of Religion in East Kalimantan and his family. because news from several social media can make it known and seen by many individuals, or even by the entire world.

There are actually quite a several variations of the joint death case (Man Yamutuna Jumlatan), as noted in the *faraidh* by many terms, including *al-Harqa*, *al-Gharqa*, and *al-Hadma*, as well as *Tha'un* and *'Amwas*, which occurred thousands of years ago. Or the episode involving the tsunami that hit North Sumatra and Aceh (NAD) at the end of 2004[2].

Basically, the phrase "die together" has a rather broad definition that isn't just restricted to the events, catastrophes, or deadly accidents listed (above). "Every occurrence and kind of death that kills individuals simultaneously without

allowing for the determination of who died first and who survived afterwards, those people are punished like Man Yamutuna Jumlatan,” according to the Qur’an.

However, in fact, the depth of this comprehension cannot be used to explain the incidents that have largely taken place over the past three years starting in 2019. Specifically, the global Covid-19 pandemic that has afflicted several regions. Because the deaths were simply “in a row,” despite the fact that (in his instance) a number of deaths simultaneously killed one family. In this instance, there is a gap in time between one member of the family’s passing and another.

Six “heirs” are known to have perished simultaneously in a fatal accident that happened in Saka Kajang, Jabiren Raya District, Pulang Pisau Regency, Central Kalimantan, in contrast to the incident that occurred to the family of the Head of Regional Office of the Ministry of Religion of East Kalimantan mentioned above. Although the general circumstances surrounding his death may be identified, no witnesses are present to identify which families perished earlier and later.

As a result of such an occurrence, the specific inheritance article known as *al-Taqdir* discusses the management and continuance of the testator’s rights and property. According to the regulations:

وإن يمت قوم بهدم أو غرق أو حادث عم الجميع كالحرق
ولم يكن يعلم حال السابق فلا تورث زاهقا من زاهق
وعدهم كأنهم أجنب فهكذا القول السديد الصائب¹

¹ Muhammad Ali al-Shabuny, *al-Mawarits fi al-Syariat al-Islamiyyah fi Dhau-i al-Kitab wa al-Sunnah*, Dar al-Kutub al-Islamiyyah, hal. 190.

Then between Head of Regional Office of the Ministry inherit each other.” In a similar vein, the child of the head of regional office is not entitled to the inheritance of his late parents’ side of the family as well as that of his wife and children (husband and wife). The following matrix serves as an example of how his inheritance case was resolved:

Heir/Waris	Ahl Waris	Fardh Ahli Waris/Inheritance Rights
Masrawan (Husband)	2 other children besides Mahfuzhiansyah	Taking everything as ashobah
Hilaliyah (wife)	2 other children besides Mahfuzhiansyah	Taking everything as ashobah
Mahfuzhiansyah (son)	2 brothers who are still alive.	Taking everything as ashobah
Siti Hasanah (son-in-law)	His surviving brothers	Taking everything as ashobah
Muhammad Ibnu ‘Athallah al-Mahfuzi (Grandchild)	Uncle	Taking everything as ashobah
Hamsah (parents in law)	Other children (other than Hilaliyah)	Taking everything as ashobah

The Head of the Regional Office of the Ministry of Religion in East Kalimantan, along with his wife, one son, one daughter-in-law, one grandchild, and mother-in-law, were all murdered in the fatal accident in Central Kalimantan. It is unknown who of the six individuals would be the heir who passed away first and then survived in the event of death. In order to resolve *Man Yamutuna Jumlatan’s* inheritance in this instance:

Masrawan and Hilaliyah do not inherit from each other, and vice versa. Mahfuzhiansyah with his wife (Siti Hasanah), and vice versa ‘Athallah al-Mahfuz with his father

(Masrawan), Hilaliyah with her husband (Masrawan), Mahfuziansyah with his father (Masrawan), Siti Hasanah with Mahfuzhiansyah (her husband), and so on (Mahfuzhiansyah). Hamsah with his son (Siti Hasanah), Muhammad Ibn- Mahfuz with his mother (Sti Hasanah), and Siti Hasanah with his father (Hamsah).

CONCLUSION

Man Yamutuna Jumlatan (died together) is affected by a number of disasters, and his death is largely influenced by the fatal accident that occurred on July 17, 2022. The term "naming" is not used in the context of Islamic inheritance law, unlike the terms "*al-Harqa*," "*al-Hadma*," and "*al-Gharqa*" in *fiqh faraidh*. When persons with this inherited relationship face a collective calamity that kills them without being able to tell who of them died first or whose life was changed later, marriage and nasab (blood relations), which are the causes of inheritance, become something "alien," because it is uncertain when ownership and rights will be transferred from one party to another.

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