

Abstract

Aliyadi: *The Existence of the Division of the Tunggg Haul Inheritance (Case Study in Sungai Tabuk District, Banjar Regency)*, Family Law Study Program. Thesis, at the Postgraduate Program of UIN Antasari Banjarmasin, (2023).

Kata Kunci : *Existence, Inheritance, Wait for haul*

In the practice of daily life, not many people use the inheritance distribution rules as described in the Koran. Communities more often use customary law in their respective regions. This is due to the lack of public knowledge regarding the rules for dividing inheritance according to Islamic inheritance law and the tradition of inheritance distribution still attached to their customs. They consider the distribution of inheritance according to Islam to be complicated because they have to calculate the entire value of the heir's inheritance and then divide it according to the fractions according to the portion of each inheritance.

This applies in the Kec. Tabuk River, Kab. Banjar, there is a term for the distribution of inheritance waiting for haul. Regarding the waiting haul designation, according to him, it turns out that it has been charged to the inheritance that has been divided, which in this case has been handed over to the female heirs who have received it. So that the female heirs who receive this inheritance are fully responsible for commemorating the haulan. Because on the basis of the reason that some of the heirs only have one person who becomes the benchmark or is appointed to commemorate the haulan. When asking him about the legal basis both in the Koran and Sunnah as well as other basics regarding the implementation of this waiting haul, he only explained that it was carried out with the aim of benefiting, namely that the implementation of the haul commemoration which is commemorated every year should continue to be carried out and This is a proof of the devotion of a child to his parents.

This research is a field research (*field research*) or empirical legal research. In this study the authors will use a legal sociology or empirical juridical approach, namely an approach that looks at legal reality in society and a legal anthropological approach. There were 5 (five) villages where the research was carried out and there were 10 cases in the application of waiting haul inheritance distribution in Sungai Tabuk District, Banjar Regency.

The results showed that the waiting haul treasure practiced by the people of Sungai Tabuk District was in the form of rice fields. Communities in Sungai Tabuk District follow the individual and mayoral systems (*mixed*). They also prioritize *ishlâhor* “*adat badamai*” in completing the calculation of inheritance. Based on the 10 cases that the author examined, the distribution of waiting-haul inheritance was caused by; assets waiting to haul have been passed down from generation to generation, reducing the cost of haul activities, avoiding debts owed to other parties, avoiding envy, avoiding the disgrace of inheritance, a sign of filial piety to parents, trust from the heir.