

**Responsibilities of Heirs in Paying Debts of Heirs Perspective Ulama of
Regency Bener Meriah**

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ABSTRACT

One of the heir's responsibilities towards his heirs is to settle the heir's debts that may have existed while he was still alive. The issue is to what extent is the heir's responsibility in paying the heir's debts if the heir does not leave sufficient assets to pay his debts. This paper aims to examine the practices and perspectives of Bener Meriah Regency ulama regarding the responsibility of heirs in paying the heir's debts. This research is empirical legal research, with a legal sociology approach. Primary data sources were obtained from interviews with the public and ulama. Secondary data sources were obtained from primary legal materials, namely the Compilation of Islamic Law and secondary legal materials, namely fiqh books. The data analysis method used is a qualitative analysis method. The results of the research show that some Ulama from Bener Meriah Regency are of the opinion that the heirs have an obligation to pay the debts left by the heir until they are paid off. If the assets left behind are not sufficient, then the heirs will pay them from their own assets, which can be done in installments. However, some ulama agree with the KHI provisions which limit the heir's obligation to pay debts to only the amount of assets left behind, without having to use the heir's assets to pay them as stated in Article 175 paragraph 2. Implementation of the KHI provisions is recommended by means of deliberation with the parties. -the party who owes the debt, so its implementation cannot be forced.

Keywords: Heirs, Debt, Heirs, Bener Meriah Regency Ulama

INTRODUCTION

Etymologically, the word heir consists of two words, namely expert and heir. The word expert means skilled, understanding, people who belong to a group, family or people, while waris is taken from the word waarits which means anyone who has a hereditary relationship (nasab) or has entered into a legal marriage contract according to Islamic law (Hakim, 2020). In simple terms, an heir is defined as a person who has the right to the inheritance left by the person who died (Syarifudin, 2004). In the Compilation of Islamic Law (KHI), an heir is defined as a person who, at the time of death, is related by blood or marriage to the testator, is Muslim and is not prevented by law from becoming an heir (Article 171 letter c). Thus, it can be understood that what is meant by heir is a person who has the right to receive inheritance from the heir because

of kinship or for certain reasons (marriage and al-wala'), who is Muslim and is not prevented by reasons that have been determined by law to receive property. Inheritance (Turnip, 2021).

From the definition above, it seems that being an heir has the connotation of receiving the rights that will be obtained from the deceased (heir) over the assets he or she leaves behind. In fact, being an heir is not always related to the rights that will be obtained, but there are a number of obligations that must be carried out by the heir towards the heir, both relating to the care of the heir's body and obligations of the heir that may not have been fulfilled while he was still alive. . Heirs have rights and obligations regarding the inheritance they receive. The heir's right is to receive the inherited assets that are his or her share, on the other hand, heirs also have several obligations as heirs. The obligations in question include taking care of the costs of caring for the corpse, all the heir's debts and so on. In other words, before the inheritance is distributed, several rights that are related to the inheritance must first be resolved. (Nardiana, 2017) The rights that must be settled and paid are: a. Zakat, b. Shopping; c. debt, d. Will (Hasan, 2020).

The obligations of the heir after the heir dies are to carry out the heir's will, pay the heir's debts and distribute the assets left by the heir to the heirs. The heir first carries out the will given by the testator. A will means a statement of will by a ruler regarding what to do with his property after he dies (Ali, 2020). The second obligation of heirs is to pay the heir's debts before the inheritance is divided according to their respective faraidh. Debt payments must not bring harm to the heirs (Ilyas, 2011). The final obligation carried out by the heirs is to divide the inheritance according to their respective portions according to Islamic law. There is a difference in the distribution of inheritance according to Islamic law, namely between men and women 2:1. The distribution of inheritance must be wise so as not to cause injustice among fellow heirs (Turnip, 2021).

One of the obligations of heirs which sometimes still leaves problems even though the heir has died a long time ago is regarding paying off debts from the heir that have not been paid due to the lack of inheritance (tirkah) left by the heir. Paying off debts is an obligation that must be paid by every Muslim who has debts, and it can be a problem if it is not paid even though he has died. In several hadith editorials it is emphasized that the Messenger of Allah refused to pray for bodies that still had unpaid debts, and in other hadiths it is even emphasized that the soul of the person in debt will hang (mu'allaqah bi dainih), until the debt is paid off. However, sometimes not all heirs have the ability to pay off the debts of their heirs, or it could be someone who during their lifetime has a habit of getting into debt which is used for inappropriate things which are ultimately the responsibility of their heirs.

The practice that researchers have encountered in society, as is the case in the Bener Meriah Regency area, is that some heirs are indeed unable to pay the heir's debts and hope that those who have receivables will forgive them, because they can no longer find a way to pay off the debt. According to researchers, similar phenomena are certainly experienced by many other Muslims. This attracted researchers' interest in questioning some of the ulama in Bener Meriah Regency. The issue is whether there is a limit to the heir's responsibility in paying the heir's debts if the heir does not leave sufficient assets to pay his debts, and whether the heir must pay the heir's debts which come from the heir's own assets.

RESEARCH METHODS

This research is empirical juridical legal research. Empirical juridical legal research is legal research regarding the application or implementation of normative legal provisions directly to each specific legal event that occurs in society. In this case, the author wants to know what the practice is regarding the provisions regarding the heir's obligations in paying the heir's debts and what the Ulama of Bener Meriah Regency think about this issue. The approach used in this research is a legal sociology approach, where this approach is increasingly being developed and used to analyze and provide answers to the problem of the effectiveness of the operation of law in the entire legal institutional structure in society. The primary data source was obtained from interviews with people who practice debt repayment obligations from heirs and ulama in Bener Meriah Regency. Meanwhile, secondary data sources are obtained from primary legal materials, namely legal compilations and secondary legal materials sourced from Islamic jurisprudence books and research results. The data analysis method used is a qualitative analysis method.

RESULTS AND DISCUSSION

Heirs' Obligations for Heirs' Debts

The KHI explains in detail what obligations must be carried out by the heir towards the heir, as regulated in Article 175. The full provisions of Article 175 of the KHI read as follows:

- 1) The heir's obligations to the heir are:
 - a. take care of and complete the burial of the corpse;
 - b. settle debts in the form of treatment, maintenance, including the obligations of heirs and debt collectors;
 - c. completing the testator's will;
 - d. dividing inherited assets among the rightful heirs (Turnip, 2021).

From the editorial of Article 175 KHI above, it can be explained again that the obligations of the heir towards the heir are as follows. First, managing the body until the funeral. The heirs are obliged to carry out the deceased's fardu kifayah procession from

start to finish. Preparing for the presence of pentakziah, washing, shrouding, praying and burying the deceased, are a series of activities that are usually carried out. Second, settlement of debts. Settlement of the deceased's debts is a very important part for the heirs to carry out. The heirs can make an inventory of the debts incurred during the treatment or care of the deceased when he was sick and still alive, then pay these debts from the deceased's inheritance before distributing them as inheritance. Third, Execution of the will. Article 175 requires the heirs to carry out the deceased's will if there is one. A will is the act of someone handing over their property rights to another person, which is carried out after the person who gave it dies. The assets given cannot exceed 1/3 of the total amount of assets left behind. Fourth, distribution of inheritance. After the obligations related to carrying out fardu kifayah, settling debts and carrying out wills are carried out, the final obligation regulated in the KHI is the distribution of the deceased's inheritance. This distribution of inherited assets should be carried out immediately so as not to cause new problems that arise in the future (Anuzha, 2015).

One of the very important obligations of heirs is regarding the settlement of the heir's debts. The word debt in the Indonesian dictionary consists of two syllables, namely debt which means money lent from another person, while the word receivable means money lent (can be collected from others) (Humarid, 2015). From a jurisprudence perspective, the law on debts and receivables is flexible depending on the situation, conditions and tolerance. In general, lending and borrowing is sunnah under normal circumstances. However, it can be haram if you lend money to buy drugs, commit crimes, hire prostitutes, and so on. The law can be mandatory if you give it to someone who really needs it, such as a neighbor whose child is seriously ill and needs money to pay for a prescription for medicine given by a doctor (Humarid, 2020).

There are a number of verses from the Qur'an and the Hadith of the Prophet Muhammad that can provide evidence for this practice of debts and receivables. In QS Al-Maidah verse (2) Allah SWT says:

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

Artinya:

Help you in (doing) righteousness and piety, and do not help in committing sins and enmity. Fear Allah, indeed Allah is very severe in punishment.

The verse above emphasizes to us the importance of helping each other in kindness towards fellow humans, especially towards other Muslims. One form of helping in kindness is by helping a sibling who is in financial difficulty by lending it without expecting anything in return.

In fact, in several hadiths, the Prophet Muhammad praised people who were willing to lend money to relatives in need. The Prophet SAW said, "Whoever relieves a believer's distress (sorrow) in the world, Allah will alleviate his distress on the Day of Resurrection." (HR. Muslim). Then there is a hadith which emphasizes the comparison of rewards between giving charity and lending assets to other people, where the reward for lending could be higher in value. In the hadith narrated by Ibn Majjah from the path of Anas bin Malik. Rasulullah SAW said, "On the night of Isra', I saw writing on the door of heaven, 'charity will be rewarded ten times, and qardh (giving loans) will be rewarded eighteen times'. I asked, O Jibril, why qardh is more important than almsgiving? He (Jibril) answered, because the beggar asks for something even though he has it, while the one who borrows will not borrow unless because he needs it."

For those who lend debts, Allah SWT will reward them. However, for those who have debts, they have an obligation to pay them, and are prohibited from neglecting to pay off their debts, let alone deliberately intending not to pay them. This debt must still be paid and repaid even though he has died, by taking the assets he left behind which are intended to pay off his debt. Debt is a liability that must be repaid within a certain (agreed) time, as a result of the compensation received from the debt. If someone who dies turns out to have left debts with other people that have not been paid, then the debts should be paid off first and the inheritance taken, before the assets are distributed to the heirs (Roqib, 2019).

When a person is in debt, if he dies, his heirs must pay the debt from the inherited assets. The verse below provides an explanation of this matter which is stated in Surah An-Nisa verse 11:

... مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ ...

Artinya:

"...(the distributions) after fulfilling the will he made or (and after paying) his debts ..."

In the hadith narrated by Ahmad and Tirmidhi it is explained:

From Abu Hurairah Radhiallahu 'anhu, the Prophet sallallaahu 'alaihi wasallam said,

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ " نَفْسُ الْمُؤْمِنِ مُعَلَّقَةٌ بِدَيْنِهِ حَتَّى يُقْضَى عَنْهُ

"The soul of a believer (who has died) hangs in limbo because of his debt until the debt is repaid" (HR. At Tirmidhi no. 1079, he said, "(Hadith) hasan", authenticated by Al Albani in Sahih At Tirmidhi).

Al Mula Ali Al Qari Rahimahullah explained, "Some scholars said, 'His spirit was restrained from occupying a noble place.' Al Iraqi said, 'That is, he (in the realm of barzakh) was in a state of limbo. Not considered as a survivor and not considered as a person who perished until it is seen whether there are still outstanding debts or not?'" (Depag, 2012). The Syafi'i School's view of debt repayment explains as follows: Mushannif said that Imam Syafi'i said: "then state the argument for the heir not inheriting all the assets", Imam Syafi'i said: "not inheriting any of the heirs from the inheritance until the heir's debt is the heir's inherited debt." According to Mahmud Syaltut, Islam determines that the inheritance that will be distributed between heirs according to the above principle, is the remaining wealth after payment of debts from the deceased person (Mahmut, 2020).

From this explanation, it can be understood that considering that debt issues are a very important thing to fulfill, the heirs have the responsibility to take care of the heir's debt issues. Settlement of the deceased's debts is a very important part for the heirs to carry out. The issue is to what extent is the heir's responsibility in paying the heir's debts, and what if the deceased's debts are not sufficient for the debts he had when he was alive, are the heirs still obliged to pay them? Is there a limit to the heir's responsibility in paying the heir's debts if the heir does not leave sufficient assets to pay his debts, and does the heir have to pay the heir's debts which come from the heir's own assets?

In the KHI perspective, the issue of limiting the heir's responsibility in paying the heir's debts is emphasized in Article 175 paragraph 2, which reads: "the heir's responsibility for the heir's debts or obligations is only limited to the amount or value of his inheritance. Article 175 paragraph 2 emphasizes that the heir's responsibility in terms of paying the heir's debts is only limited to the amount of the inheritance owned by the deceased, if it decreases then it is not the heir's obligation to pay it. Thus, the heir's responsibility in paying the heir's debts is limited to the amount of the inheritance owned by the heir. If it turns out to be insufficient, then based on this article, the heirs have no responsibility to pay it off. This means that the heir does not need to pay the heir's debts which come from his assets. The heirs are not obliged to cover the shortfall that arises because the inheritance is insufficient to pay off the heir's debts with the amount of the inheritance (Ilyas, 2020).

Practices and Perspectives of District Ulama Bener Meriah Regarding the Responsibilities of the Heirs in Paying the Heir's Debts

In general, the Muslim community actually understands and knows about the responsibilities of heirs towards heirs both in relation to the settlement of fardhu kifayah, wills and settlement of debts. A problem that often arises in society, as is the

case in Bener Meriah Regency, is where the heir does not leave sufficient tirkah assets to pay his debts, while the heirs also do not have sufficient personal assets to pay them off. In this case, the heirs usually hope for sincerity from those who have debts with the heir, so that they will accept the debt, because the heirs are also worried that the unpaid debt will burden the heir in his grave.

There were at least two informants who the researchers interviewed regarding how people practice in carrying out their responsibilities as heirs in settling the heir's debts. The results of the author's interview with Mr. SLM, as one of the heirs, said that his deceased parents had debts with his father. ZHR, and as heirs they have paid the debt with sufficient assets, even though it has not been fully paid. As heirs, they hope for Mr. ZHR's sincerity, because it was not fully paid. "Because we think that the debt has been settled, we only pay what we can," said Mr. SLM (SLM, 2023).

Next, the researcher conducted an interview with FTW's mother. He admitted that as heirs, they had debts from our parents and we were the ones who should pay the debts to the debtors. However, the inheritance handed down to them was not enough to pay off the debt, while they were unable to pay off the debt due to economic factors as well. FTW's mother stated that she hoped that the debt from their parents would be completely forgiven because they did not know and had no other way and economically they were living just barely (FTW, 2023).

The two interview results above illustrate the existence of a phenomenon in society, especially in Bener Meriah Regency, where the heirs have actually tried to carry out their responsibilities as heirs in paying the debts of the heirs, or their deceased parents. However, due to the inability of the heirs, they were unable to pay off the debt in full, plus the assets left behind by the heirs were not sufficient to pay it.

This issue, academically, raises questions regarding the actual extent of the heirs' responsibility in paying the heir's debts if the assets left behind are not sufficient to pay them and whether the heirs have to pay using the assets they own. In this case, researchers have conducted interviews with a number of religious figures (ulama) in Bener Meriah Regency, to find out what their perspectives or opinions are about this issue.

1. Ustad Iwan Ranto

According to Ustad Iwan Ranto, as Head of the Nurul Islam Integrated Islamic Boarding School Santri Education Bureau, said:

"If the inherited assets are not enough to pay the debts, then the heirs must be responsible for paying off the debts of the heir. Then the procedure for paying off the debt can be in installments, according to the family agreement. The first is because maybe at the beginning you promised to pay off the debt. So the law is that it must or is

obligatory, otherwise it would be a pity for the deceased because there are heirs. No assets are still paid because the deceased is in a different world. It's a different story if the debt giver is sincere. There is no such thing as not wanting to pay off debt. That's why there's a term "door beruke padenang kite betama semawah suderengku ku trunk room ni kami ara e kami rupen jasae kami tanguhen" (the door is open, the mats laid out on the stairs of the house are available, if we have it, we'll pay for it, if we don't have it, then we postpone) the aim is to take over from the heirs. The law is that it is a sin if you don't pay, especially if you have promised before praying, usually the family gathers first to discuss the heir's debt (Ranto, 2023)."

He further said that the debt was part of the inheritance, thus the heir or recipient of the inheritance was obliged to pay the heir's debt. According to the law, it is obligatory, therefore before carrying out the distribution of inheritance, the debt must be repaid first. Because it is clear that the statement is mandatory, whether there is or is not an asset, it must be resolved, for example, if there is 100,000 today then it will be paid immediately today, likewise if there is only 50,000 then it will still be paid. The point is, no matter what, the debt must still be repaid, because the result is not only dealing with humans but also dealing with Allah SWT, that's what should be done (Ranto, 2023).

1. Ustad Wahid Purnomo

Ustad Wahid Purnomo, as deputy Head of the Nurul Islam Integrated Islamic Boarding School Education Bureau, said:

"When the heir does not pay the debt, the deceased will still be in debt, it is impossible for the deceased to pay. If it has been transferred to the heir, that means the law is that the heir has sinned, but if it hasn't been transferred, that's no problem. In essence, the debt must still be paid and repaid."

2. Tengku Zakaria

Tengku Zakaria, as a Muhammadiyah Ulama in Bener Meriah Regency, said:

From a legal perspective, the debt has been transferred, the debt is an obligation, paying the debt is an obligation for the person paying the debt. However, for the deceased, the debts have been transferred to the heirs. In this way, the obligation does not expire, the law remains obligatory even though taking over the heir means that the deceased's obligation has been taken over by the heir. What is paid with? So the religious guidance is with the deceased's assets, if they are not sufficient, this is where the heirs must have an inner attachment, meaning for example how many children there are, so they are willing to work together to pay for it. Or if Sara Jema is the one who handles it (maybe there is one person who handles it) yes, please. Is it okay like

that? Yes, it is possible because based on the hadith, the prophet did not want to pray for the dead, so a friend took care of it, then the prophet wanted to pray for the deceased. In fact, if such an obligation has been taken by the heir, it means that the deceased has been released from that obligation, so the law is that if the heir is reluctant to pay it off then the heir has committed a sin (Zakaria, 2023).

3. Tengku Mukhlis

Tengku Mukhlis, as Chair of Commission B of the Education Section of the Bener Meriah Ulama Consultative Council, said:

Basically, the debts must be settled first before the goods are broken up. The main obligation is to fulfill the will and pay the debts. Indeed, basically the debt is the heir's own obligation, it does not necessarily transfer to his child, although in the category of obligation it passes to his child, actually from the heir's assets even if his child fulfills it. If the heir's assets are insufficient to pay it off, it is a matter for the heir to make up the shortfall. If the heirs don't pay off the debt, that's okay. That's basically it, whereas what happens in the field can't possibly be like that, because of the principle that the heir must cover everything. This also means that it is forbidden to go into too much debt, where it is possible for the heir to leave the burden to the heirs. If there was a law that said that, people could just go into debt and one day their children would pay. So the heir does not have the responsibility to pay off the heir's debts. In the Compilation of Islamic Law, as far as possible, the language of the law does not require an obligation, it is not an absolute obligation, meaning it immediately passes to the heirs to cover it, so the language is made like that (Zakaria, 2023).

4. Tengku Yusrol

Tengku Yusrol, as Chair of commission A of the Bener Meriah Ulama Consultative Council, emphasized:

According to the law in our Shari'a, many inheritances, including debts, must be paid by the heirs because in the postulates it is clear that having to pay debts is very obligatory for a person and as a result of the law according to Shari'a there are also rewards for those who do not want to settle debts. If the person who dies does not leave much money or assets to the heirs, even if the assets are insufficient, they do not cover the debts, so the heirs must also pay the debts from their assets. So the heir gets an inheritance which is called a debt, the debt is paid and settled. Our country's laws are very clear about the regulations regarding the obligation to settle the debts of the deceased. Because there are examples of cases too, this is a civil case, not a criminal case, this civil case cannot be punished because it must be resolved even in installments. It turns out that the Compilation of Islamic Law has its own view that the assets are not

enough to meet the debts, yes, the deceased's assets are enough, it doesn't need to be from the assets of the heirs, this is a problem, indeed, if a person has died, there is no need to be sued. That we remain obedient to the state because debts or civil debts must be resolved, even though there is no criminal law attached to them. So the law of heirs in paying debts is that they are obliged to pay them in full, if there is no money they must at least pay it in installments and work on it (Yusrol, 2023).

5. Hamdanul Arifin S.Ag

Mr. Hamdanul Arifin Lingga S.Ag, as Head of KUA Bukit Subdistrict, Bener Meriah Regency, emphasized:

"The heir's obligation to pay the heir's debts is mandatory, because the first thing when inheritance is to be divided is the debt that must be accounted for first. Only when there are debts paid, wills completed and the distribution of inheritance. The initial debt must be paid first, right? Now this is what inheritance is like, we are the heirs of our parents, the children are the heirs so we are also obliged to pay debts. Paying the debt remains the obligation of the heir as long as the parent or heir is no longer around, right? Eating from the perspective of our tradition in Gayo, it was clear that when he died, when it came to debts, the words were said, please come, if you have something, try it, if you have it, give it, if you don't discuss it, how good is it? There is an element of deliberation, which means that sometimes the person giving the debt has a conscience, he sees that, well, that's how he looks at the condition of the heir, so there is deliberation that it is clear that the debt must be paid somehow, but through deliberation, sometimes it is not as big as the debt that is paid. There may be a clear tolerance that the debt must be paid, even if it is paid in installments no matter what. Obviously, when we owe a debt, the state also says I still want to pay, so we won't be subject to penalties according to state regulations. With this debt, it is clear that there is a way, there is deliberation, but the point is that the debt must be paid, whether the person who gave the debt is obliged to pay that amount or there is a reduction, that's a different story, right? Yes, article 175 of the Compilation of Islamic Law was also formed, so if we look at it from a religious perspective, we are obliged to pay debts, so what if we said earlier was limited to the assets left behind and it depends on the deliberation later, whether the person who gave the debt wants to or not? There is an element of deliberation and this is again related to civil law regarding debts. I also agree with article 175 paragraph 2 of the Compilation of Islamic Law, but what is clear is debt, for example the debt is 500 million but the assets are only 300 million, that's how much we negotiate for the assets, right, back to deliberation again. It doesn't have to be forced, but what is clear is that the debt must be paid (Hamdanul, 2023).

From the results of interviews with a number of scholars above, it can be explained that some scholars are of the opinion that heirs have an obligation to pay

debts left by the heir, because debts are also part of an inheritance that must be paid by the heirs. Heirs can take over the responsibility for paying debts. Before the funeral prayer is performed, the obligation to pay the debt is transferred to the heirs and the corpse is free from the obligation to pay the debt. If later, the heirs are reluctant to pay, it is the heirs who are guilty, not the heirs. Some scholars add that if the deceased or heir does not leave much money or assets to the heirs and it turns out it is not enough to pay the debt, then the heirs must also pay the debt from their assets until it is paid off. So the heir gets an inheritance which is called a debt, the debt must be paid and settled. Regarding how to pay off the debt, the ulama provide advice by holding discussions with those who owe it, whether by paying it in installments or postponing partial payments. So in the community tradition there is a well-known word of advice, namely: "door beruke alas bedenang kite betama semawah suderengku ku trunk Ruang ni kami ara e kami rupen jasae kami tanguhen" (the door is open, mats are spread on the stairs of the house, they are available, if we have them, we will pay them off, if we don't have it then we postpone it) the aim is to take over from the heirs. However, if the debtor has accepted it, then the heirs will no longer be obliged to pay the heir's debt.

Some ulama also appreciate and agree with the provisions of KHI Article 175 paragraph 2, which confirms that the heir's responsibility for the heir's debts or obligations is only limited to the amount or value of his inheritance. assets left by the heir only to pay the heir's debts. If it decreases, the heirs have no obligation to pay it using the heirs' personal assets. However, the cleric underlined that in practice, the provisions of Article 175 paragraph 2 of the KHI should also be implemented by means of consultation with those who have receivables and the heirs, so that there are no misunderstandings and disputes, because it is feared that those who have receivables will object to the provisions of the KHI. So this KHI provision cannot be enforced, because no matter what, the debt must still be repaid.

According to researchers, there may be differences among scholars regarding the extent of the heir's responsibility in paying the heir's debts, considering the importance of the issue of debt repayment. However, KHI has made a formula or provision that does not seem to make the heir fully responsible for the heir's debts. KHI only limits the amount of assets left by the heir, if it is less then there is no obligation for the heir to pay using his assets. This is in line with the results of Lenny Nadriana and Eman Suparman's research, entitled Responsibilities of Heirs of Guarantor in Bankrupt Companies in View of Islamic Inheritance Law. The results of the research conclude: first, the heirs of the heirs holding individual guarantees, if viewed from the aspect of Islamic inheritance law, the heirs have an obligation to pay the debts of their heirs as specified in Article 175 paragraph (2) of the Compilation of Islamic Law. Second, the legal consequence for the heirs of individual security holders being bankrupted is that there cannot be a general confiscation of all assets belonging to the heirs to pay off all

their creditor debts. This means that the heirs' responsibilities are limited. The heir is only responsible for paying off the debt to the extent of the heir's inheritance and is not obliged to cover any shortfall that arises because the inheritance is not sufficient to pay off the debt (Lenny, 2023).

The content of Article 175 KHI contains the meaning that the heir is responsible for settling debts in the form of medical treatment, maintenance, including the obligations of the heir and debt collectors. However, the heir's responsibility is limited. This limited liability means that the heir's responsibility for the heir's debts or obligations is only limited to the amount or value of the inheritance. In other words, in Islamic law, the heir's responsibility for the heir's debts is only limited to the amount of his inheritance, and must not cause losses to the heir himself. So payment for the heir's debts can only be taken from the inheritance. The heir cannot be sued or forced to pay or settle all of the heir's debts, but if the heir's debt has been paid off, then the remainder becomes the right of the heir himself (Lenny, 2023).

This was also mentioned by Muhammad Daud Ali who gave an opinion regarding the inheritance of heirs and the responsibility for the heirs. He emphasized that if someone dies leaving behind debts, the deceased person's debts become the responsibility of the heirs and must be paid by their heirs. However, if the inherited assets are insufficient to pay off these debts, then there is no obligation for the heirs to pay them (Daud, 2023). However, according to researchers, it is best if the heirs are still able and willing to pay it, this would certainly be a very good form of noble deed towards the deceased. Because after all, it is feared that this debt problem will burden the deceased in his grave.

CONCLUSION

Based on the description above, things can be explained again that can form a conclusion from this research. In general, there are a number of obligations of heirs towards the corpse of the heir, including: managing the corpse until its burial, settling debts, executing wills, and distributing inherited assets. A problem that often arises in society, such as in Bener Meriah Regency, is that there are a number of people as heirs who are unable to pay the heir's debts, especially since the assets left by the heir are also insufficient to pay the debt, so they sometimes expect the sincerity of the person who has the receivables to accept it. Responding to this problem, some Ulama from Bener Meriah Regency continue to emphasize the importance of the heirs in carrying out the responsibility for paying the heir's debts, by transferring the debt obligations to the heirs, and the heirs are obliged to pay them even with the assets they own. However, some ulama agree with the KHI provisions which limit the heir's obligation to pay debts to the amount of assets left behind, without having to use the heir's assets to pay them as stated in Article 175 paragraph 2, which reads: "the heir's responsibility for debts or The heir's obligations are only limited to the amount or value of his inheritance.

However, in implementing the KHI provisions, the cleric still recommends that there be a way of deliberation with the parties who owe the debt, so that its implementation cannot be forced, because in any case the debt must be paid.

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