

## OPTIMIZATION OF INHERITANCE IN IMPROVING FAMILY WELFARE: A MASLAHAH STUDY ON PRODUCTIVE PRACTICES IN MEDAN HELVETIA DISTRICT

Annisa<sup>1a\*</sup>, M. Jamil<sup>2b</sup>, Dhiauddin Tanjung<sup>3c</sup>

<sup>123</sup> Pascasarjana Universitas Islam Negeri Sumatera Utara, Medan, Indonesia

[annisahamidsanafi20@gmail.com](mailto:annisahamidsanafi20@gmail.com)

[jamilsihaan@uinsu.ac.id](mailto:jamilsihaan@uinsu.ac.id)

[dhiauddintanjung@uinsu.ac.id](mailto:dhiauddintanjung@uinsu.ac.id)

(\*) Corresponding Author

[annisahamidsanafi20@gmail.com](mailto:annisahamidsanafi20@gmail.com)

### ARTICLE HISTORY

**Received** : 07-07-2025

**Revised** : 15-07-2025

**Accepted** : 18-07-2025

### KEYWORDS

Management,  
Inheritance,  
Productive

### ABSTRACT

The distribution of family inheritance in Medan Helvetia District, Medan City, North Sumatra Province is managed productively. In the practice of inheritance distribution in Indonesia, the term productive inheritance is not specifically explained in the applicable positive law. However, the Compilation of Islamic Law (KHI) in optimizing inheritance as a means of empowering the family economy towards inheritance in the form of productive objects recommends an agreement between the heirs and also to maintain the substance or form (like heirlooms) and share the benefits or advantages to the heirs. This study will analyze how to manage assets productively in families in Medan Helvetia District, Medan City, North Sumatra Province from a maslahah perspective and its effectiveness in improving the welfare of heirs. The research in this thesis is a field research. This research is descriptive analytical with an empirical approach. Data collection techniques are by observation, interviews and documentation. After the data is collected, the author analyzes it qualitatively descriptively using the maslahah theory and legal effectiveness. The results of this study indicate that productive inheritance management in families in Medan Helvetia is an effort to realize family welfare that has productivity, economic and long-term investment values and an effort to prevent families from economic weakness. Productive inheritance management that is managed well and professionally can provide the greatest possible welfare to heirs, protect valuable assets in the long term, and create economic opportunities for their descendants.

*This is an open access article under the CC-BY-SA License.*



### INTRODUCTIONS

The division of inheritance has both material and non-material aspects. Material aspects such as wealth, inheritance and so on, while non-material aspects include legal relationships that have been established by the deceased during his or her lifetime such as contracts, rights or obligations that have not been settled. The aspect of inheritance

distribution reflects the settlement of the rights inherited to the legal heirs, in accordance with the provisions that apply in the legal system used, both customary law, Islamic law, and state law. (Tajung & Cape, 2023)

In Indonesia, the implementation of inheritance division is based on three systems, namely Western law, customary law and Islamic law. Western law is regulated in the *Burgerlijk Wetboek* (BW). This system is designed to regulate inheritance for certain groups of people, especially those belonging to the European group. In addition, it also applies to Foreign Eastern groups, such as people of Chinese descent or other communities who consciously choose to submit to European law. Thus, *Burgerlijk Wetboek* plays an important role in accommodating the diversity of the legal system in Indonesia, especially for groups that have different legal backgrounds and traditions from indigenous or Islamic communities. This shows an effort to maintain harmony between the needs of certain community groups and the legal principles that apply nationally. (Sundari, 2023)

The Islamic legal system is a system that basically comes from the main sources of Islamic teachings, namely the Qur'an, Hadith, and Ijma. To provide more structured legal certainty, this system was strengthened through Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law (KHI), which serves as a guide for the implementation of the law for Muslims in Indonesia. Islamic inheritance law is designed specifically for Indonesian citizens who are Muslims, with the aim of ensuring that the distribution of inheritance is carried out in accordance with sharia principles. This system emphasizes the principles of justice and balance, so that each heir gets a predetermined share based on the provisions of the Shari'a, which also takes into account kinship relationships and family responsibilities. With this approach, Islamic inheritance law not only maintains harmony with religious teachings, but also contributes to the creation of social justice in the distribution of inheritance. (Suid & Rahim, 2022)

The legal system that applies in Indonesia is also customary law. This system is applied to the community or Bumiputra group that follows the provisions of customary law. The context of customary inheritance law regulates the distribution of inheritance based on the traditions and norms that apply in a particular community, which have been inherited from generation to generation. Each tribe or indigenous group has different rules regarding how heritage is distributed, which is often influenced by cultural values, social status, and the position of family members in the community. Thus, customary inheritance law serves to maintain the continuity of tradition and social agreement in the distribution of inheritance for indigenous peoples in Indonesia. (Kholis & Harmoyo, 2024; Umam et al., 2024)

Talking about inheritance in Indonesia, until now there has been no national inheritance law that regulates inheritance in general. That is, when there is a distribution of inheritance, it directly follows national rules. There is no longer a pluralistic or pluralistic determination of inheritance law, namely customary law, Islamic law and the Civil Code. However, this did not happen, these three legal systems are still used among the legal community in Indonesia. The determination of inheritance is carried out and submitted to the parties concerned. The party will choose what law is used in the distribution of inheritance that is considered appropriate and provides a sense of justice. (Sylvanie, 2023)

So far, in practice, Muslims often treat inheritance as a "gift" from the dead and managed in a consumptive manner. In addition, the pattern of inheritance distribution, which seems "perfunctory" and "wrong", often triggers conflicts between heirs in one family. As a result, heritage assets that can actually become economic assets or capital and strengthen kinship will lose their value, function, and philosophical purpose.

The focus of the research object in this case can be categorized as productive property. Productive property is property that develops and increases or is able to provide profits and results. In addition, productive property is also defined as property that provides regular income or profit when the property is resold. (Fauza et al., 2023; Islamiyati et al., 2023)

The practice of inheritance distribution in Indonesia, the term productive inheritance is not specifically described in the applicable positive law. However, in the reform of Indonesian inheritance law as stipulated in the Compilation of Islamic Law (KHI) in optimizing inheritance as a means of family economic empowerment for

inheritance in the form of productive objects, it is recommended that there be an agreement between the heirs and also that the substance or form (such as inheritance) be perpetuated and the benefits or benefits are divided to the heirs.

The distribution of productive inheritance in Indonesia occurs within the family in Medan Helvetia sub-district, Medan City, North Sumatra Province. Based on population data from the Population and Civil Registration Office of Medan City, the population of Medan Helvetia District is 170,551 people with a population of 66.10% Muslims. Medan Helvetia District is one of the sub-districts in Medan City that has diverse ethnic populations, namely Malay, Batak, Javanese, Chinese, Minangkabau, Sundanese, Indian, Nias, Coastal, Bugis and others. (Alam et al., 2021; Rajafi, 2018)

The phenomenon of productive inheritance distribution that occurred in one of the families in Medan Helvetia sub-district, Medan City, North Sumatra Province on parents who died in 2018. The heir leaves 6 (six) children; 3 (three) males and 3 (three) females. The inheritance is in the form of 3 (three) plots of shophouses and 3 (three) houses to build houses. During the distribution of inheritance, the heirs conduct deliberations with an agreement that the inheritance is not fully divided. Each heir believes and agrees that the inheritance is managed productively. (Ash-Shabuni, 2007; Mufid, 2016)

The family's productive inheritance management is managed by one of the heirs closest to the location of the inheritance. This is based on the agreement made by the heirs. The heritage property is managed by renting. The distribution of the proceeds from the rental of inheritance is adjusted to the part in Islamic inheritance law, which is two to 1 (2:1), male heirs get 2 (two) shares and female heirs get 1 (one) share. In addition, the heirs agree that if there is an heir who dies, his share can be replaced by their heirs. (Karim, 2012)

The formulation of the problem in this study includes two main things. First, how to manage property productively in the family in Medan Helvetia District, Medan City, North Sumatra Province is reviewed from the perspective of *masalah mursalah*. Second, how effectively the use of productive inheritance in improving the welfare of heirs in the same area. These two formulations of the problem are the basis for exploring the phenomenon of productive family heritage management that is relevant to the principles of benefit in Islamic law. (Auda, 2013)

Based on the formulation of the problem, the purpose of this study is to analyze the practice of productive property management by families in Medan Helvetia District, Medan City, from the perspective of *masalah mursalah*, as well as to examine the effectiveness of productive use of inheritance in an effort to improve the welfare of the heirs. This goal is expected to provide a deep understanding of the role of inheritance management in strengthening the family's economic condition through an approach that is in line with the values of welfare in Islamic law.

This research has benefits both theoretically and practically. Theoretically, the results of this research are expected to contribute to the development of the study of Islamic family law, especially in terms of understanding and applying the concept of productive asset management in order to achieve the welfare of heirs through the *masalah mursalah* approach. Meanwhile, practically, this research can be a guide for Muslim families and practitioners of Islamic law in implementing inheritance principles that not only meet the provisions of sharia, but are also oriented towards the long-term benefits and integrity of the household.

Related to this research, the researcher will analyze how productive asset management in families in Medan Helvetia sub-district, Medan City, North Sumatra Province from the perspective of *masalah* and its effectiveness in improving the welfare of heirs. Thus, seeing the problems that occurred, the author conducted a research entitled "Productive Management of Heritage Assets (Case Study in Medan Helvetia District, Medan City, North Sumatra Province).

## Method

The type of research used in research is empirical legal research. Empirical legal research is legal research where the main ingredient is the fact that it actually happened. The study of empirical law in research refers to an

approach that relies on direct observation or experience as the primary source of information. The data used in the study of empirical law is obtained from real experience or experimentation, not just theory or speculation. In other words, empirical studies focus on proving or testing hypotheses through data collected from the real world, such as interviews conducted in person. A key characteristic of the study of empirical law is the use of observable and verifiable data. In empirical law studies, researchers collect data through a variety of formal methods and tools. The data collected was then analyzed to answer the research questions. (Efendi & Stuttgart, 2016; São Paulo, 1997)

This research is conducted with a qualitative method which means a research approach that focuses on in-depth exploration of social and cultural phenomena. Qualitative research is a method of investigating and understanding the interpretations that people and communities give to humanitarian or social problems. This research involves collecting data from the field in the form of texts, interviews, and observations that are analyzed inductively to build patterns or themes.

Qualitative research will understand the context, process, and meaning of the phenomenon being studied. It is often used to develop new theories or provide deeper insights into existing theories to deepen from previously researched theories. The purpose of qualitative research is to describe and explain the patterns that appear in the collected data. In addition, this research aims to produce an in-depth understanding of processes, interactions, and social dynamics in a specific context. (Arikunto, 2019; Soekanto, 2004)

Data sources can be said to be all sources that are possible for a researcher to obtain a certain amount of information or data needed in a research, both primary data and secondary data. The method of data collection is in the form of a statement about nature, circumstances, certain activities and the like. Data collection is carried out to obtain information needed to achieve research objectives. Data collection methods are techniques or ways used by researchers to collect data.

Qualitative data analysis is an effort that is carried out by working with data, organizing data, sorting it into manageable units, combining it, finding patterns, finding substantial, then deciding what can be told to others. The purpose of the qualitative method is to seek a deep understanding of a symptom, facts, and reality.

## RESULT AND DISCUSSIONS

### Analysis of Productive Heirs Perspective Masalahah

Maslahah in language means benefits. This means that something has a use or benefit value. Etymologically it means useful, beneficial, good, appropriate, proper, good, feasible. According to terminology, the word masalahah means the benefits given to humans by the will of God (Allah). Masalahah means something good, because something good will create a sense of pleasure, satisfaction and common sense can accept it. Masalahah is defined as something that comes from something that provides benefits or rejects something that is detrimental. According to Ash-Syatibi, masalahah is an understanding of the protection of human rights by attracting benefits and rejecting damage. (Choiriyah et al., 2023)

The masalahah theory initiated by Ash-Syatibi, the author uses to analyze the productive management of inheritance in families in Medan Heltevia. This theory will dissect the extent of the usefulness and value of productive inheritance using the perspective of masalahah. As the purpose of masalahah according to Ash-Syatibi is to bring benefits and avoid madharatan. (Senjiati et al., 2020)

Bringing benefits, meaning whether it brings benefits to living beings in this world, or brings benefits to life in the hereafter. Some of these benefits can be felt immediately, and there are also benefits that are postponed or felt later. (Haq, 2007; Mawardi, 2010)

The context of productive inheritance management in the family in Medan Heltevia can be classified as an effort to realize benefits, kindness and pleasure for the heirs. The agreement of the heirs to maintain the integrity of the inheritance in this case, 3 (three) houses and 3 (three) shophouses to be rented is a form of collective utilization so



that the inheritance remains productive, economical and long-term investment value. The productive distribution of inheritance management is carried out by dividing the profits from the lease to the heirs in proportion as their share in Islamic inheritance law. (Aigista, 2021; Anshary, 2013)

Avoiding madharat means both avoiding madharat in the affairs of life in this world, and avoiding madharat after the hereafter. In madharat, there is a madharat that can be felt directly and there is a madharat that is felt after a long time.

The context of productive management of inheritance in families in Medan Heltevia can be classified as an effort to avoid poverty. The poverty in question is the existence of a weak generation, in this case a weak economy. Economic weakness can cause conflicts that risk destroying the integrity of the family. Economic weakness starts from consumptive human nature. Consumptive nature has an impact on waste and can lead to financial problems. Regarding the distribution of inheritance, it can make the heirs rich, but if the wealth is not managed properly, it can cause economic weakness. ( Talib , 2016)

Productive management of inheritance assets for families in Medan Heltevia can provide long-term income without reducing the assets (assets) owned. So that the economic stability of the family which has an impact on the integrity of the family is maintained. In addition, family disputes can be avoided because of family deliberation that results in agreements. Of course, this has an impact on family ties that are always established. As with a productive inheritance agreement, if there is an heir who dies, it can be replaced by the next heir. (Syarifuddin, 2011)

The *maslahah* approach can be distinguished into three levels in its importance and quality for human life, namely the following:

1. *Maslahah Daruriyah*: a benefit related to the basic needs of human beings in this world and in the hereafter. Therefore, this benefit is very important, if it is missed in human life, there will be destruction, disasters and damage to the order of human life. Therefore, it is obligatory even as an absolute condition for the realization of life itself, whether ukhrawi or worldly. Ash-Syatibi also strengthens this by affirming the category of *dharuriyat* by emphasizing the priority of protection for the maintenance of religion, soul, intellect, property and offspring (*maslahah al-khamsah*). (Abu Hamid, 1997; Asshabuni, 2015)

If analyzed from the *maslahah daruriyah* by emphasizing the priority of protecting *maslahah al-khamsah*, then the productive management of inheritance in the family in Medan Helvetia does not contradict or does not cause any of the components of the *maslahah* to be damaged.

- a. Preserving religion. As explained in the Qur'an Surah An-Nisa Verse 9, the function of inheritance is to prosper the family left behind so that it is not weak or miserable. A productively managed inheritance can prevent families from economic disadvantage as the heirs continue to benefit from the inheritance under management.
- b. Preserving the soul. Productive management of inheritance can maintain family harmony and protection of inherited property. This is due to the deliberation between the heirs which causes a strong bond of brotherhood.
- c. Preserve the intellect. Maintenance of common sense in the productive management of inheritance which is the result of an agreement between the heirs. The meaning of reason so that it must be maintained (*hifz*) can be seen in every *value* which is the result of aqali (*rational*) work. Families in Medan Helvetia before making an inheritance agreement are managed productively, of course, considering the values of kindness and rationality for the family.
- d. Preserving Treasures. Inheritance that is managed productively can provide long-term income without reducing the assets (assets) owned. This creates family economic stability which has an impact on maintaining family integrity.

- e. Nurture offspring. Productive asset management can perpetuate assets and can continue for the lives of future generations or descendants. The efforts made by families in Medan Helvetia in productive inheritance by implementing the change of heirs if there are heirs who die to obtain the results of productive inheritances. (Ramadhaniati, 2024)
2. *Maslahah Hajiyah*: a benefit that is needed by humans to perfect the basic benefits (*daruri*) they will eliminate the difficulties they face. Including this *maslahah* are all legal provisions that bring relief to humans in their lives. This *hajj maslahah* is included in the scope of worship, muamalah, customary and jinayat. The main principle in the aspect of *maslahah al-hajiyah* is to eliminate difficulties, ease the burden and facilitate the affairs of *mukallaf* (people who are burdened with the law). So if this need is not obtained, then human life will experience difficulties even if it does not cause extinction. (Moechthar, 2017)

The distribution of inheritance in sharia law is carried out by dividing the inheritance to each heir. If analyzed, this can be improved by the productive management of inheritance. With consideration of seeing the benefits of better management for the heirs.

3. *Maslahah Tahsiniyah*: a benefit that aims to accommodate good habits and behavior as well as noble ethics. This *maslahah* is often called *maslahah takmiliyah*, which is a benefit that is complementary and extensive to the benefit of *daruriyah* and *hajiyah*. As a perfection of the welfare of life (*complementary-secondary*), then *maslahah tahsiniyah* if it is not fulfilled, it is not perfect, although it does not cause misery and destruction of life. (Moechthar, 2017; Sirin, 2015)

Productive asset management is a new term, but the context of development in society often occurs. If analyzed, it can be a complementary *maslahah* that accommodates habits, good behavior and noble ethics in the distribution of property to each heir by managing it productively.

The concept of *maslahah As-Syatibi* has similarities to the concept of *maslahah At-Thufi*. The concept of *maslahah As-Syatibi* is to divide the concept of *maslahah* into the worldly and ukhrawi realms or in the concept of *maslahah At-Thufi* is known as traditional *maslahah* or muamalah and *maslahah ibadah*. However, *As-Syatibi* does not recognize the existence of worldly *maslahah* as a postulate, while *At-Thufi* recognizes it as a postulate of sharia'. (Azharuddin & Cape, 2022; Saebani, 2009)

*As-Syatibi* defines *maslahah* from two points of view, namely from the aspect of the occurrence of *maslahah* in reality and from the aspect of the dependence of sharia on *maslahah*. From the aspect of the occurrence of *maslahah* in a reality, it means something that returns to the upright of human life and the perfection of its life. This type of *maslahah* is also named by *As-Syatibi* by the name of temporal *maslahah*. While *maslahah* which is dependent on sharia' means *maslahah* which is the purpose of the determination of sharia law.

According to *At-Thufi*, the word *maslahah* has the same form as the word *maf'alah*. The word *Al-Maslahah* is taken from the word *salaha* (goodness, usefulness, validity and truth), which means that something is in its perfect form according to its intended purpose or objectives, such as a pen in its proper form for writing or a sword in its proper form as a tool for slashing. (Asmawi, 2011; Shay, 1997)

*At-Thufi* defines *maslahat* linguistically as something that fosters harmony and does not harm or oppress anyone or anything. *At-Thufi* had a different view of *maslahah* compared to the majority of scholars. *At-Thufi* made an interesting statement that at the time was considered highly controversial. In his work *Syarh Mukhtasar Ar-Rawdah*, he states that those who divide *maslahah* into several categories, such as *maslahah mu'tabarah*, *maslahah mulghah* and *maslahah mursalah*, are a group of people who make it difficult for themselves. This is due to *At-Thufi*'s belief that benefits do not require classification. Benefit is a commendable goal that must be used as a foundation by all humans on this earth. Nothing can stand in the way of benefits. Because the purpose of sharia law is benefit. (Hamidah, 2021; Shadiqin, 2012)

The difference between At-Thufi's opinion and others lies in the definition of *maslahah* from two aspects: *the urf aspect* and the sharia aspect. At-Thufi distinguishes the meaning of *maslahah* based on *urf* and *maslahah* based on sharia'.

1. *Maslahah* in *urf* is a cause or something in the form of an action that brings good and benefit, such as trading that can generate profit. As the researcher explained earlier, related to the productive management of inheritance in families in Medan Heltevia can be classified as an effort to realize the benefits of the heirs. Leased heritage is a form of collective utilization so that heritage remains productive, economical and long-term investment value and causes fame.
2. While *maslahah* based on *syara'* is a cause or action that produces the goal of *As-Syaari* (Allah) either in the form of *worship* or *'adah*. The Qur'an Surah Ali Imron verse 103 calls for us to hold fast to the bonds of Allah's religion through brotherhood, as well as the prohibition of people not to divorce *berai*. In addition, it is also in Surah An-Nisa' verse 9 which emphasizes the importance of not leaving descendants or families in a weak state, both economically, scientifically and religiously and morally. The context of productive management of inheritance in the family in Medan Heltevia can be classified as an action that produces the goal of *Syaari'* (Allah). The existence of family deliberation in the distribution of inheritance will strengthen the brotherly bond of the heirs. In addition, the productive management of inheritance can prevent weak offspring, especially in terms of economic weakness. (Sukirman et al., 2019)

At-Thufi said that everything that goes hand in hand or in accordance with the intention of the maker of the sharia, whether in the form of worship or muamalah is called *maslahah*. That means that besides Allah and His Messenger as the law-makers (*Shari'a*), human beings can also become lawmakers (*sharia*) with their intellect, but only in terms of customs or muamalah (not in terms of worship). To determine *maslahah* in terms of worship is absolutely the prerogative of Allah, just as determining *maslahah* in terms of muamalah or custom can be determined by humans. (Idris Sarumpaet & Cape, 2024)

The analysis of productive inheritance management in families in Medan Helvetia is in line with the theory of *maslahah* At-Thufi. As the law-maker (*Shari'a*), Allah and His Messenger in Islamic inheritance law have established certain parts for the heirs in the distribution of inheritance. Thus, in the management of inheritance in the family in Medan, Helvetia divides the results of productive inheritance management in accordance with *furudhul muqaddarah* (the part that has been determined in accordance with the Qur'an and Sunnah). As human beings who have intellect, heirs who manage their inheritance productively are lawmakers (*syaari*) in terms of muamalah.

The concept of *maslahah* At-Thufi is based on the hadith:

لا ضرر ولا ضرار

Based on the hadith, it is explained that one should not do harm to oneself and others. In line with the context of productive inheritance management in the family in Medan, Heltevia can be classified as an effort to avoid the immortality of the heirs with a weak generation in the economy. Economic weakness can cause conflicts that risk destroying the integrity of the family. Economic weakness starts from consumptive human nature. Consumptive nature has an impact on waste and can cause financial problems.

At-Thufi mentions two basic things, namely *First*, all forms of social loss and damage must be rejected, prohibited and prevented by law (*nafy al-dirar wa al-mafasid syar'an*). *Second*, the legal refusal or prohibition of acts of harm to others is common at all times, except in certain cases where legal sanctions are deemed necessary by *ijma'*. (Revelation, 2024)

The researcher argues that At-Thufi's view is a very appropriate theory and concept to be used as an instrument of comparative analysis with the productive management of inheritance in the family in Medan Helvetia. Productive inheritance management is part of the muamalah group which is really present as a *problem solver* that cannot be denied as an alternative path to a great benefit.

Productive heirs have never once been mentioned in the field of Islamic inheritance law from *nas* and *ijma'*. However, this concept carries the benefit of the people and the nation in relation to the lives of the people. For the sake of achieving benefits that can indirectly reduce the potential for harm. This is in line with the opinion of At-Thufi who highly upholds the hadith about the importance of not harming others. (Blessings, 2023)

Then the characteristic in the form of a rule that is always closely attached from At-Thufi regarding the superiority of *maslahah* over *nash* and *ijma'*, this is very relevant to the concept of productive inheritance. Because productive heirs are things that never appear in the *nas* and *ijma'*. However, in the name of the supremacy of *maslahah*, *maslahah* is the goal of the *Shari'ah* and that is the best goal of life in this world. Given the diversity of the Indonesian people and the complexity of the problems of Islamic heritage which are very dynamic, a deep meaning of the text in the *nash* is very necessary.

### **The Effectiveness of Productive Heirs in Improving the Welfare of Heirs**

The effectiveness of productive family inheritance management in Medan Helvetia was analyzed using the theory of legal effectiveness in improving the welfare of heirs. Its implementation is by measuring the extent to which the determined heirs comply with the productive inheritance management that is made, from this we can know whether the productive inheritance management is effective or not.

When associated with the productive management of inheritance in the family in Medan Helvetia, the theory of the effectiveness of this law becomes a reference for research. The goal is to find out how effective productive inheritance is for the family as a regulatory target. Even if the result is effective, we can question further about the degree of its effectiveness, since the target of obeying a law or not depends on its importance. (Khoir, 1993)

Productive inheritance management is not specifically described in positive law in Indonesia. However, the renewal of inheritance law in optimizing inheritance as a means of economic empowerment of the family towards inheritance in the form of productive objects, the Compilation of Islamic Law (KHI) recommends the agreement of the heirs and also that the substance or form (such as inheritance) be perpetuated and the benefits or benefits are divided among the heirs.

In the productive management of inheritance for families in Medan, Helvetia has been in line with KHI. Inheritance assets in the form of shophouses and houses managed by renting out provide routine income or profits to the heirs. This is also in line with the reform of inheritance law to optimize inheritance as a means of family economic empowerment. Productive inheritance management is also based on the agreement of the heir's family whose proceeds are divided according to the rules of inheritance in Islam.

Article 183 of the KHI explains that the heirs can agree to make peace in the distribution of inheritance, after each is aware of his share. This provision will open up the opportunity to determine each part by deliberation, of course after first they know the size of each part legally. (Sukirman et al., 2019; Syarifuddin, 2014)

The distribution of inheritance in the form of business, investment, or other immovable property (house, rented or shophouse that becomes an asset/family income), is not divided directly or sold for value, then divided according to the provisions of Islamic inheritance or the property is broken into small parts to be distributed. However, these assets should still be managed or produced as before, even developed more productively. Later, the assets distributed to the heirs are the benefits or profits of the inheritance assets whose amount is in accordance with the share of their respective inheritances, either monthly or annually, according to the agreement of the heirs (KHI Article 183).

The reasons for managing inheritance productively for families in Medan Helvetia by renting it out are as follows:

1. The sale of building land assets in its entirety takes a long time. Finding a buyer of a building land asset requires skills such as using an online platform or working with a property agent. In essence, to match the exact price between the seller and the buyer cannot be done in a short time.



2. The process of selling building land assets is not simple. Ensuring asset ownership, preparing documents, physical inspection of assets and others, and later changing hands to the buyer is not a simple process. This requires a long process.
3. Strategic location of building land assets. The building land asset is located on Jalan Asdor, Medan Heltevia district, Medan city. The location is a strategic location for businesses and residences. So that renting it will be more effective than selling it.
4. Building land is a long-term asset. The price of land values continues to increase from time to time. By leasing assets, you will earn active income over a period of time without losing the assets owned. (Sylvianie, 2023)

Article 189 of the KHI also states that the distribution of inheritance in the form of agricultural land with an area of less than 2 hectares must be maintained and used together or by paying the price of the land to those who are entitled (if they still want to be divided), so that the land remains intact and can be productive. In this case, the profits or results from land management are distributed to the heirs based on the amount of a percentage or share of their respective inheritances.

Regarding inheritance assets that are managed productively in the form of 3 (three) rented houses and 3 (three) shophouses. Each of them is rented for 30 (thirty) million per year. If the total is rented at the same time, the resulting is 180 million per year. The proceeds are not directly distributed to the heirs. In accordance with the agreement, the result is first reduced by the cost of *maintenance* or maintenance of building assets and operations. The rest of the proceeds are then divided according to the amount of the percentage to the heirs.

The conception of productive inheritance management is defined as assets that are not fully divided but continue to move and generate more profits so that they can be enjoyed by the extended family from generation to generation. This productive inheritance is felt to be more progressive and responsive and its implementation optimally becomes a resolution of poverty in the family. (Fauza et al., 2023)

The context of productive heritage management in Medan Helvetia is important to maintain the integrity of heritage. The author analyzes that there are 3 (three) main aspects in productive inheritance, as follows:

1. Economic Aspect. The management of inheritance assets for the common interest of the heirs by being empowered or rented can provide sustainable *income* for each heir.
2. Productivity Aspect. Producing inheritance assets In addition to benefiting from the results of empowerment or rental, the heirs also do not lose their property. Even if productivity continues to be carried out, the heirs will get more profits and can add to existing assets.
3. Investment Aspect. As time goes by, the value of a building land asset will increase in price. Especially in heritage assets that are managed productively in Medan Helvetia which is located in a strategic urban area. This condition is certainly a high marketability for investors who want to open opportunities in the area. (Islamiyati et al., 2023)

The analysis of the effectiveness of productive inheritance management in improving the welfare of heirs. As explained by Soerjono Soekanto, the measure of effectiveness in law is used in five things, namely: legal factors, law enforcement, facilities, society and culture.

#### 1. Legal factors

Law functions as a form of justice, utility, and certainty. In practice, the implementation of the law in the field sometimes conflicts between justice and legal certainty. Legal certainty itself is concrete, while justice is abstract. So, sometimes when judges decide by law, justice cannot be achieved. Therefore, when deciding a legal issue, justice should be the top priority. Because law is not only seen from the point of view of written law.

In the productive management of inheritance to families in Medan Helvetia, there is no legal certainty that there are no terms that regulate in the law in Indonesia. However, in terms of legal justice, the productive management

of inheritances is considered fair for the heirs in accordance with the agreement in the deliberations. In addition, in terms of benefits for heirs, productive inheritance management can provide sustainable benefits, and can even be enjoyed by heirs from generation to generation. (Ash-Shabuni, 2007; Karim, 2012)

## 2. Law enforcement factors

The personality of law enforcement plays an important role in the implementation of a rule. If the law works well, while law enforcement does not, then problems will arise. People often mention that the law is an enforcer of justice or law enforcer, so people think that the law is synonymous with the personality and behavior of the law enforcer himself.

In relation to the productive management of inheritance in families in Medan Helvetia, law enforcers are the people involved in productive inheritance deliberation decisions. Consistency in the management of productive inheritances must still be carried out in accordance with the agreement. If at any time there is a change in its application, then as law enforcers or rules must return it to family consensus deliberation. (Blessings, 2023; Haq, 2007)

## 3. Means factor

According to Soerjono Soekanto, law enforcers cannot work well, if they are not equipped with adequate facilities and infrastructure. Therefore, facilities and infrastructure are very important for the alignment of law enforcement. Because if the facilities and infrastructure are not qualified, there will be a problem, namely the regulation does not run properly.

Supporting facilities or facilities, related to the productive management of inheritance in families in Medan Helvetia, the need for good management in managing these productive assets. If it is not managed properly, it will cause problems in the future. In addition, it is also necessary to record agreements that have been made related to productive inheritance. Because if there are problems or disputes later, the record of the agreement will be the basis for settlement. (Anshary, 2013; Asmawi, 2011)

## 4. Community Factors

This factor comes from the community for the community itself. In a community group, there must be more or less people who have legal awareness to achieve justice. Problems can also arise, namely the degree of compliance with the law in society. The degrees themselves include high, medium, and low. This degree is one of the indicators of the functioning of the law against the person concerned.

The community related to the productive management of inheritance in the family in Medan Helvetia is the family itself. The family in question is the people involved in the deliberation agreement related to the productive management of inheritance (heirs) and their descendants. The heirs and their descendants must have legal awareness in carrying out productive inheritances so that there are no disputes in the future. (Shadiqin, 2012)

## 5. Cultural factors

This factor starts from people's habits and mindset in assessing which behavior is right and which is wrong. So that a regulation itself is formed based on the customary law that applies in the region.

Productive inheritance management in the family in Medan Helvetia is the result of the agreement and mindset of the heirs which is considered to have benefits for the family. This is expected to apply and have a good impact on the descendants of the family.

The five factors above are interrelated and strengthen each other because they are the main thing in the application of the law. Judging from the five factors above, the most central are the people involved in the deliberative decisions of productive heirs (heirs), because productive heirs themselves are made, run and supervised by the related heirs. Related heirs are also considered role models for the descendants to implement the productive inheritance made. It can also be seen from the five factors above, the main subject of a rule is the family (heirs) as a supervisor in the

running of a rule. So that the impact of productive inheritance management achieves benefits and justice for the family or the welfare of the heirs. (Hamidah, 2021; Sabiq, 2012)

The realization of the effectiveness of productive inheritance management in improving the welfare of heirs can be seen from economic empowerment or ability to utilize inheritance. The following are indicators of the economic empowerment of productive inheritances:

1. The heirs have received the inheritance to be used.
2. The heirs are free to manage and utilize the inheritance.
3. The quality of life economically can be improved from the results of the management of these inheritances. The inheritance that has been received will certainly increase the amount of property ownership or wealth from the heirs. This additional wealth obtained can be managed in order to strengthen the economic empowerment of the heirs. (Rajafi, 2018)

Productive estate management if managed properly and professionally can provide maximum welfare to the heirs, protect valuable assets in the long term, and be able to create economic opportunities for their descendants. This will also have an impact on improving economic welfare. In the long term, inheritance management will encourage the ability of heirs to improve the standard of family life economically.

## CONCLUSION

Productive management of inheritance in the family in Medan Helvetia District can be categorized as an effort to realize benefits, goodness, and pleasure for the heirs. A mutual agreement among the heirs to maintain the integrity of the inheritance by managing it collectively, such as through leasing, is a concrete form of utilization that aims to keep the property productive, economical, and long-term investment. The results of the management of this inheritance are then distributed to the heirs in accordance with the proportions of the distribution regulated in Islamic inheritance law. This practice not only encourages the creation of justice in the distribution of benefits, but also becomes a preventive effort to avoid the emergence of harm, especially related to the emergence of economically weak generations. This is because weak economic conditions often trigger internal family conflicts that can threaten the integrity of kinship relationships.

In addition, the productive management of inheritance for families in Medan Helvetia, if done well, professionally, and responsibly, can provide the greatest benefits for the heirs. This management is not only able to improve the economic well-being of the heirs directly, but also serves as a form of protection for the family's valuable assets in the long term. Thus, inheritance is not only a physical inheritance, but also a source of sustainable economic opportunities for future generations. In the long run, productive inheritance management will encourage an improvement in family living standards, create economic independence, and strengthen the foundation of overall family welfare.

## REFERENCE

- Abu Hamid, M. bin M. A.-G. (1997). *Al-Mustasfa Min al-Usul al-Ulum I*. Muassasah Ar-Risalah.
- Aigista, A. (2021). *Pemanfaatan Harta Waris Bersama dengan Cara Gilir Sawah Perspektif Hukum Islam ((Studi Pada Masyarakat Kecamatan Kelam Tengah Kabupaten Kaur Provinisi Bengkulu)*. IAIN Bengkulu.
- Alam, A., Rahmawati, M. I., & Nurrahman, A. (2021). Manajemen Wakaf Produktif dan Tantangannya di Majelis Wakaf dan Kehartabendaan PDM Surakarta. *Profetika: Jurnal Studi Islam*, 23(1), 114–126. <https://doi.org/10.23917/profetika.v23i1.16799>
- Anshary. (2013). *Hukum Kewarisan Islam Indonesia Dinamika Pemikiran dari Fiqh Klasik ke Fiqh Indonesia Modern*. Mandar Maju.

- Arikunto, S. (2019). *Prosedur Penelitian*. Rineka Cipta.
- Ash-Shabuni, M. A. (2007). *Pembagian Waris Menurut Islam*. Gema Insani.
- Asmawi. (2011). *Perbandingan Ushul Fiqh*. Amzah.
- Asshabuni, M. A. (2015). *Hukum Waris Islam*. Perpustakaan Nasional.
- Asy-Syatibi. (1997). *Al-Muwafaqat fi Ushul Asy-Syariah*. Dar Ibnu Affan.
- Auda, J. (2013). *Al-Maqasid untuk Pemula*. SUKA-Press.
- Azharuddin, A., & Tanjung, D. (2022). Pembaharuan Hukum Islam di Indonesia : Studi Pemikiran Hazairin. *Mediasas: Media Ilmu Syari'ah Dan Ahwal Al-Syakhsiyyah*, 5(2), 163–175. <https://journal.staisar.ac.id/index.php/mediasas/article/view/19>
- Berkah, D. (2023). *Hukum Kewarisan Islam Teori dan Praktek Mengelola Harta Waris Produktif (Waris Asset Management)*. Pusaka Saga Jawadwipa.
- Choiriyah, A. L. F., Rato, D., & Anggono, B. D. (2023). Urgensi Pembaharuan Pengelolaan Wakaf di Indonesia. *JURNAL RECHTENS*, 12(2), 239–256. <https://doi.org/10.56013/rechtens.v12i2.2417>
- Efendi, J., & Rijadi, P. (2016). *Metode Penelitian Hukum Normatif dan Empiris*. Kencana.
- Fauza, N. N., Novianti, R., & Nairah, S. (2023). Perspektif Hukum Waris dalam Ekonomi Syariah. *Islamic Education*, 1(4), 778–789. <https://maryamsejahtera.com/index.php/Education/article/view/854>
- Hamidah, S. (2021). *Hukum Waris Islam*. UB Press.
- Haq, H. (2007). *Al-Syathibi Aspek Teologis Konsep Masalah dalam Kitab al-Muwafaqat*. Erlangga.
- Idris Sarumpaet, M., & Tanjung, D. (2024). Al-Adillah Al-Mukhtalaf Fiha : Sadd Al-Zari'ah. *JURNAL HUKUM, POLITIK DAN ILMU SOSIAL*, 3(4), 42–57. <https://doi.org/10.55606/JHPIS.V3I4.3981>
- Islamiyati, I., Setyowati, R., & Rofiq, A. (2023). Pembaharuan Hukum Pengelolaan Tanah Wakaf di Wilayah Pesisir Utara Jawa Tengah. *Jurnal Suara Hukum*, 5(1), 158–178. <https://doi.org/10.26740/JSH.V5N1.P158-178>
- Karim, M. A. (2012). *Problematisasi Hukum Kewarisan Islam Kontemporer di Indonesia*. Prenadamedia Group.
- Khoir, D. (1993). *Hukum Kewarisan Islam*. Gunung Pesagi.
- Kholis, M. N., & Harmoyo, D. (2024). Analisis SWOT dalam Pengelolaan Pembiayaan Dana Wakaf Tunai Secara Produktif di Bank Wakaf Mikro Almuna Berkah Mandiri Krapyak Yogyakarta. *Quranomic: Jurnal Ekonomi Dan Bisnis Islam*, 3(1), 16–36. <https://doi.org/10.37252/JEBI.V3I1.645>
- Mawardi, I. A. (2010). *Fiqh Minoritas: Fiqh Al-Aqaliyyat dan Evolusi Maqasid Al-Syariah dari Konsep ke Pendekatan*. LKiS Yogyakarta.
- Moechthar, O. (2017). Kedudukan Negara sebagai Pengelola Warisan atas Harta Peninggalan Tak Terurus Menurut Sistem Waris Burgerlijk Wetboek. *Yuridika*, 32(2), 280. <https://doi.org/10.20473/ydk.v32i2.4851>
- Mufid, M. (2016). *Ushul Ekonomi dan Keuangan Kontemporer*. Prenadamedia.
- Rajafi, A. (2018). Kewarisan Produktif (Meramu Makna Adil Melalui Waris Produktif). *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan*, 16(2), 303–314. <https://doi.org/10.30631/al-risalah.v16i02.313>
- Ramadhaniati, N. K. (2024). *Rekonstruksi Hukum Waris di Indonesia Berbasis Keadilan*. Universitas Islam Sultan Agung.
- Sabiq, S. (2012). *Fiqh Sunnah 5*. Pena Pundi Aksara.
- Saebani, B. A. (2009). *Fiqh Mawaris*. Pustaka Setia.
- Senjiati, I. H., Sulistiani, S. L., & Mubarok, M. F. R. (2020). Analisis Fikih Wakaf dan Undang-Undang Nomor 41 Tahun 2004 tentang Wakaf terhadap Perolehan Hak Nadzir pada Pengelolaan Wakaf Uang Nadzir Individu Dikampung Tapos Cicalong Wetan. *Tahkim (Jurnal Peradaban Dan Hukum Islam)*, 3(1), 77–88. <https://doi.org/10.29313/tahkim.v3i1.5661>
- Shadiqin, A. (2012). *Fiqh dan Usul Fiqih: Sejarah, Metodologi dan Implementasi di Indonesia*. Beranda Publishing.



- Sirin, K. (2015). Pengelolaan Harta Warisan secara Produktif Menurut Kompilasi Hukum Islam: Productive Heritage Property Management in The Compilation of Islamic Law. *Penamas*, 28(1), 11–24. <https://penamas.kemenag.go.id/index.php/penamas/article/view/100>
- Soekanto, S. (2004). *Pengantar Penelitian Hukum*. Citra Aditya Bakti Bandung.
- Suid, & Rahim, A. (2022). Analisis Pengelolaan Wakaf Produktif Menurut Undang Undang Nomor 41 Tahun 2004 tentang Wakaf. *Jurnal Penelitian Multidisiplin Ilmu*, 1(3), 425–440. <https://doi.org/10.59004/METTA.V1I3.173>
- Sukirman, S., Hidayah, R., Suryandari, D., & Purwanti, A. (2019). Pengelolaan Keuangan Keluarga dalam Rangka Peningkatan Masyarakat Mandiri dan Berperan dalam Peningkatan Literasi Keuangan Indonesia (Otoritas Jasa Keuangan). *Jurnal Abdimas*, 23(2), 165–169. <https://doi.org/10.15294/abdimas.v23i2.17951>
- Sundari, S. (2023). Wakaf Produktif Sebagai Strategi Pemberdayaan Ekonomi Masyarakat Menuju Pembangunan Berkelanjutan di Era 4.0. *La Zhulma: Jurnal Ekonomi Dan Bisnis Islam*, 2(1), 57–68. <https://journal.iaitasik.ac.id/index.php/LaZhulma/article/view/117>
- Sunggono, B. (1997). *Metode Penelitian Hukum*. PT. Raja Grafindo Persada.
- Syarifuddin, A. (2011). *Hukum Kewarisan Islam*. Kencana.
- Syarifuddin, A. (2014). *Ushul Fiqh 2*. Kencana.
- Sylvianie, L. (2023). Kecakapan Nazhir dalam Pengelolaan Wakaf Produktif di Indonesia. *Ulumuddin: Jurnal Ilmu-Ilmu Keislaman*, 13(2), 199–220. <https://doi.org/10.47200/ulumuddin.v13i2.1773>
- Tajung, A. N. Br., & Tanjung, Y. T. (2023). Tinjauan Yuridis terhadap Hukum Wakaf Produktif Berjangka di Indonesia. *JIM: Jurnal Ilmiah Mahasiswa Pendidikan Sejarah*, 8(4), 4625–4634. <https://doi.org/10.24815/JIMPS.V8I4.26840>
- Thalib, S. (2016). *Hukum Kewarisan Islam di Indonesia*. Sinar Grafika.
- Umam, F. U., Yumarni, A., & Rangkuti, S. H. (2024). Analisis Hukum Pengelolaan Tanah Wakaf Pemakaman oleh Pemerintah Desa dalam Perspektif Pengembangan Wakaf Produktif. *Karimah Tauhid*, 3(12), 13465–13480. <https://doi.org/10.30997/KARIMAHTAUHID.V3I12.15199>
- Wahyu, E. (2024). *Konsep Harta dalam Islam: Kajian Turats dan Kontemporer*. Afanin Media Utama.
- A Turats and Contemporary Study*. Afanin Media Utama.