

The Practice of Executing Wasiat Distribution of Assets Perspective of the Compilation Islamic Law

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Abstract: In the practice of wasiat distribution property in Prambonwetan, wasiat are commonplace for people to manage their property after death. Because wasiat is said to be the last mandate of a person which is carried out after the owner dies. Everyone has full rights to the property they own. But in Prambonwetan village there are conflicts between families caused by unfair wasiat because they are not in accordance with Islamic law or the provisions in the KHI. The formulation of the problem in this study is twofold, namely: (1) How is the practice of implementi wasiat in Prambonwetan village? (2) How is the review of the Compilation of Islamic Law on the implementation of wasiat in Prambonwetan village? The objectives of this study are as follows (1) To examine how wasiat are practiced in Prambonwetan village. (2) To find out how the review of the Compilation of Islamic Law This research method uses a qualitative approach, namely a research method that produces analytical descriptive data. With the type of empirical legal research. The data collected and the findings of this study use technical triangulation, namely combining two data collection techniques, namely interviews and documentation. The results of field research on the implementation of wasiat in Prambonwetan village do not use the guidelines of the Compilation of Islamic Law, wasiat are carried out informally without following the official procedures regulated in the Compilation of Islamic Law. Wasiat are made verbally without notary approval. In practice, there is a distribution of assets exceeding one-third of the assets owned so that it is not in accordance with Article 195 KHI paragraph 2 and Article 201 KHI because the heirs do not agree to the existence of a will exceeding one-third of the assets left behind.

Keywords: Wasiat, Distribution of Assets, KHI.

Introduction

Allah SWT created humans in this world and experiences various events, such as birth, marriage, and death. Humans have rights and obligations by birth. Rights and obligations must be interconnected. Consequently, people are not only required to claim their rights but also to fulfill their obligations. A person's rights and obligations remain valid both during their life and after their death. Death is a legal matter that can result in inheritance, which determines the rights and obligations between heirs, as well as other wills in the Islamic inheritance system and Indonesian civil law.¹

One of the most important things that people often do is giving and receiving. This occurs both in their relationship with Allah SWT through deeds such as charity and in their relationships with other people in this world, such as in exchange transactions or other equally important means. Wealth is one of God's gifts given to humans to help them live. It is very important for humans to have wealth to continue living. Because wealth only serves as a means to bring someone to eternal life in the afterlife, it does not mean that wealth is the ultimate goal of human life. Then God gave humans religious rules that they must follow when they use their wealth. There are many types of uses for wealth, including wasiat, which are gifts from one person to another in the form of goods, receivables, or benefits to be owned by another person who receives the will and is carried out after the person who made the will dies.² The transfer of inheritance to legal heirs or the distribution of inheritance based on a will, and the transfer of inheritance to heirs if heirs such as relatives are unable to accept the inheritance.³

In society, Wasiat has become commonplace for people to manage their assets after death. A will is considered a person's final mandate, executed after the owner's death. Everyone has full rights over their property. Through wasiat, a person can also provide assistance to someone in need, or express gratitude even if that person is not an heir.

¹ GST Adhe Lucia Anggeani, "Tinjauan Yuridis Konsekuensi Hukum Terhadap Pemberian Wasiat Yang Merugikan Ahli Waris (Studi Kasus Di Desa Banyumelek)" (2022).

² Syahputra Naipospos, "Analisis Yuridis Pelaksanaan Wasiat Di Bawah Tangan Menurut Kompilasi Hukum Islam (Studi Putusan Pengadilan Agama Nomor:431/Pdt.G/2016/PA.Rap)," *Energies* 6, no. 1 (2018): 1-8,

³ Dwi Dasa Suryantoro, "Analisis Yuridis Wasiat Wajibah Dalam Kompilasi Hukum Islam," *Asasi: Journal of Islamic Family Law* 2, no. 2 (2022)

However, many people are still unaware of the concept of wasiat in Islamic law.⁴

Essentially, making a wasiat is an act of one's own volition, regardless of the circumstances. Therefore, a person is essentially free to make or not make a wasiat. However, some scholars argue that the freedom to make a wasiat or not applies only to people who are not close relatives.⁵

Ulama differ on the legality of wasiat. Most believe that a wasiat is not obligatory, either for parents or relatives who have received an inheritance, or for those who, for some reason, do not receive a share of the inheritance. However, the legality of wasiat varies. For example, wasiat to pay a debt or return entrusted property is wajib; wasiat for a relative who has not received an inheritance and is part of a good deed is sunnah; wasiat for a wealthy sibling or relative is permissible; and wasiat for evil deeds is haram.⁶

Indonesia has legislation that serves as a guideline for Muslims regarding Islamic law, namely the Kompilasi Hukum Islam (KHI). The concept of Islamic inheritance law, related to the definition of Wasiat, is stated in Article 171 letter f of Chapter 1 of the Kompilasi Hukum Islam concerning general provisions, which states that "Wasiat is a gift of an object from an heir to another person or institution that will take effect after the heir dies."⁷

Relates to inheritance law where the wasiat will take effect after the person who has the will dies. The legal basis for wills is found in Surah Al-Baqarah verse 180.⁸

كُتِبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدُكُمُ الْمَوْتُ إِنْ تَرَكَ خَيْرًا الْوَصِيَّةُ لِلْوَالَّدِينَ وَالْأَقْرَبِينَ بِالْمَعْرُوفِ حَقًا عَلَى الْمُتَّقِيْنَ

It is prescribed that when death approaches any of you—if they leave something of value—wasiat should be made in favour of parents and

⁴ Fanny Kurniasari, "Analisi Yuridis Kekuatan Surat Wasiat Terhadap Kewarisan Dalam Prespektif Kompilasi Hukum Islam Dan Kitab Kitab Hukum Perdata" (2020): 1-23

⁵ Rizki Kurniawan, "Analisis Yuridis Perolehan Harta Bagi Anak Angkat Melalui Wasiat Wajibah Menurut Kompilasi Hukum Islam," *Jurnal Pro Hukum* V, no. 2 (2016): 153-60.

⁶ Fikri Syahputra Naipospos, "Analisis Yuridis Pelaksanaan Wasiat di Bawah Tangan Menurut Kompilasi Hukum Islam (Studi Putusan Pengadilan Agama Nomor:431/Pdt.G/2016/PA.Rap)," *Energies* 6, no. 1 (2018): 1-8.

⁷ Syahrul Mubarak, "WASIAH WAJIBAH DAN IMPLEMENTASINYA TERHADAP HUKUM KELUARGA DI INDONESIA," *Comparativa: Jurnal Ilmiah Perbandingan Mazhab Dan Hukum* 1, no. 2 (2020): 76-94, <https://doi.org/10.24239/comparativa.v1i2.14>.

⁸ Fanny Kurniasari, *Analisi Yuridis Kekuatan Surat Wasiat Terhadap Kewarisan Dalam Prespektif Kompilasi Hukum Islam Dan Kitab Kitab Hukum Perdata*, 2020, 1-23.

immediate family with fairness. 'This is' an obligation on those who are mindful 'of Allah'.

According to Article 195, paragraph 1 of the Kompilasi Hukum Islam, wasiat can be made orally before two witnesses, in writing before a notary, or in the presence of two witnesses. During the reading of wasiat, the deceased summons his heirs to convey a final message or wasiat stating that his estate will be divided in a certain manner after his death.⁹

In Prambonwetan Village faces issues related to wasiat, with the distribution of assets not in accordance with the Kompilasi Hukum Islam and exceeding the limits set out in Article 195 Paragraph 2 of the Kompilasi Hukum Islam. According to this article, in the regulation of wasiat, a testator is only permitted to allocate up to a maximum of 1/3 (one-third) of the entire inheritance.¹⁰ Wasiat is a statement of will made by a person (pewasiat) regarding the distribution of assets after his death. However, existing legal limits aim to protect the interests of other parties who have rights in the inheritance, such as heirs determined by law.¹¹

Based on the explanation above, the author is interested in raising research in Prambonwetan village with the problem of heir dissatisfaction in the distribution of assets through wasiat, because *pewasiat* bequeathed more than a third of his assets to other people who are not family members of the *pewasiat* on the grounds that they are considered adopted children and as a token of service for having cared for them and also being considered their own children.¹² Other problems also discuss the unfair distribution of inheritance because it prioritizes religious institutions over the heirs. Because wasiat is unfair in the distribution of assets, it causes internal problems in daily life. This problem often occurs because one of the heirs is dissatisfied with the distribution of inheritance.

⁹ sminto Aminjoyo, "Tinjauan Yuridis Terhadap Kedudukan Wasiat Suami Kepada Istri Terkait Harta Warisan Menurut Instruksi Presiden Nomor 1 Tahun 1991 Tentang Kompilasi Hukum Islam" (UNIVERSITAS PASUNDAN BANDUNG, 2016).

¹⁰ Abdul Jafar et al., "Penemuan Hukum Oleh Hakim Mahkamah Agung Perspektif Hukum Progresif: Wasiat Wajibah Terhadap Anak Sebagai Ahli Waris Beda Agama," *JURNAL USM LAW REVIEW* 7, no. 3 (2024): 1431-44, <https://doi.org/10.26623/julr.v7i3.9281>.

¹¹ Zainul Aziz Nasution and Faisar Ananda Arfa, "Tranformasi Hukum Wasiat Wajibah Ke dalam Sistem Hukum Nasional," *Tadzhkirah: Jurnal Terapan Hukum Islam dan Kajian Filsafat Syariah* 2, no. 3 (2025): 18-30.

¹² Imam Supriyadi et al., "Perbedaan Negara; Penghalang Kewarisan?," *The Indonesian Journal of Islamic Law and Civil Law* 1, no. 2 (2020): 125-38, <https://doi.org/10.51675/jaksa.v1i2.151>.

Reviewing the background description above, the author is motivated to raise this problem in research with the title "Practice of Implement Wasiat for the Distribution of Assets from the Perspective of the Kompilasi Hukum Islam in Prambonwetan Village".

Research Method

A research method is a scientific approach to collecting data with specific goals and benefits. According to Soehartono, a research method is a comprehensive way or strategy for finding or obtaining necessary data.¹³ Therefore, the focus of this research method is how to obtain data that can answer the research problem formulation regarding the practice of implementing wills for the distribution of assets in Prambonwetan village.

This study uses a qualitative approach, a research method that produces descriptive analytical data. This data includes written or oral statements from research subjects as well as their actual behavior.¹⁴

This study uses Empirical Legal Research, a method used to collect empirical data related to the implementation of wasiat in Prambonwetan Village. By using empirical legal research methods, this study is expected to provide a deeper understanding of the implementation of wasiat in Prambonwetan Village and contribute to the renewal or improvement of inheritance law.

Two types of data sources were used in this study to support the data or information used:

1) Primary data sources

This primary data was collected using field studies in Prambonwetan Village, Rengel District, Tuban Regency, using interviews and the Kompilasi Hukum Islam Guidelines (KHI).

2) Secondary Data Sources

Secondary data in this study consisted of books, including Munadi Usman's 2020 book, "Wasiat in the Indonesian Legal System," journals, articles, including Kurniawan's 2016 article, "A Legal Analysis of the Acquisition of Assets for Adopted Children Through Obligatory wasiat According to the Kompilasi Hukum Islam," and other writings relevant to the research problem. Secondary data was used to analyze and supplement the primary data obtained.

¹³ Nur Solikin, *Pengantar Metodologi Penelitian Hukum* (CV. Penerbit Qiara Media, 2021).

¹⁴ Solikin, *Pengantar Metodologi Penelitian Hukum*.

Results and Discussion

Wasiat Execution Practices in Prambonwetan Village, Rengel District, Tuban Regency

To analyze wasiat execution practices in Prambonwetan Village, the researcher conducted several interviews with parties experiencing problems in Prambonwetan Village.

In the practice of wasiat in Prambonwetan village, there is a dispute between families with someone who is considered an adopted child and the heirs' refusal to accept the distribution of assets through wasiat. Interviews with the heirs revealed that the assets were not in accordance with the heirs' wishes, as wasiat was made in the presence of three heirs as witnesses.

Wasiat was not registered with a notary, but was made verbally with only witnesses present. When the assets were divided, the heirs were unable to do anything because the will holder immediately requested a change of name on the land certificate, so that the land and house would be in the name of the adopted child. In this case, the heirs explained that the house and the land whose ownership had been transferred, during the testator's lifetime, were still being used by the testator because the letters of ownership had not been issued, the letters were issued after the testator died.

So after the testator dies, the recipient of wasiat occupies the house and land that have been transferred into his name.¹⁵ After the testator dies, the new beneficiary can fully take over and occupy the land and property that has been named to him, which should be the beneficiary receiving a maximum distribution of one-third of the testator's assets, while in the field data, adopted children receive a share of assets more than one-third of the inheritance from the testator.

Basically, wasiat is only permitted up to one-third of the total inheritance after the testator's debts have been paid off. However, if all heirs agree on an amount greater than one-third of the total inheritance, then it is permitted. Meanwhile, in the field data, the heirs still do not agree on the distribution of wasiat that was carried out, while in its implementation the testator immediately changed the name of the land to

¹⁵ Isniyatun Faizah et al., "Bagian Ahli Waris Laki-laki dan Perempuan dalam Kajian Hukum Islam," *The Indonesian Journal of Islamic Law and Civil Law* 2, no. 2 (2021): 152–69, <https://doi.org/10.51675/jaksa.v2i2.166>.

the name of his adopted child, so that other heirs cannot do anything. In the distribution, which should only be able to receive a share of up to one-third, then the assets are divided according to existing provisions.

If it is connected with Islamic inheritance law, it is stated in Article 182 of the KHI that if a person dies without leaving any children and father, while he has one biological or half-sister, then he gets half the share. If the sister is together with two or more biological or half-sisters, then they together get two-thirds of the share. If the sister is together with a biological or half-brother, then the brother's share is two to one with the sister. In this case, the share received by each heir is as follows:

No	Name	Status	Property Acquisition
1	K (Woman)	Brother's testator	2/3
2	S (Woman)	Brother's testator	
3	D (Woman)	Beneficiaries of the Will	1/3
4	Y (Die)	Recipient of wasiat	-
5	T (Die)	Testator	-

Not only that, in Prambonwetan village there is also a problem regarding the distribution of assets through wasiat, that the testator divides most of his assets to religious institutions such as places of worship ranging from mosques to prayer rooms, so that the heirs do not get their share, there are also heirs who do not get anything. In this case, Pewasiat gave more than a third of his assets for this purpose, so it can be said that most of his assets were distributed to religious institutions. As a result of this decision, the heirs only received Rp. 500,000 alone, not only that, there are also other heirs who don't get a share. This shows that pewasiat prioritizes religious institutions in distributing his assets rather than the legal heirs. In the future, such a division can cause conflict between families because the distribution is not in accordance with the Kompilasi Hukum Islam.¹⁶ The researcher asked the reason for this, the testator said that because he did not have children, he preferred to bequeath his property to nearby places of worship so that he could have provisions for the afterlife.

From the description of the problem, this implementation practice

¹⁶ Elva Imeldatur Rohmah and Isniyatun Faizah, "Konsep Keadilan Dalam Hukum Waris Muhammad Syahrur," *The Indonesian Journal of Islamic Law and Civil Law* 3, no. 2 (2022): 186–200, <https://doi.org/10.51675/jaksa.v3i2.255>.

does not use the Islamic Law Compilation guidelines. So many wasiat are executed informally, without following the official procedures regulated in the Kompilasi Hukum Islam. Wasiat are often conveyed orally without notarization. Apart from that, there are many discrepancies in the distribution of inherited assets, where some heirs feel that the distribution of assets is unfair because of wasiat made by the testator.

In some cases, Wasiat will be executed informally without following the proper formal procedures. For example, wills are often delivered orally or handwritten without notarization, a crucial step in ensuring the document's validity. This leads to conflicts among heirs, which could have been avoided if wasiat had been prepared and executed in accordance with the provisions of the Kompilasi Hukum Islam.

It's commonplace in Prambonwetan village to distribute assets through wills without registering them with a notary. This practice often leads to dissatisfaction among heirs, who feel dissatisfied with the contents of the will left by the testator. This dissatisfaction typically arises because wasiat that are not registered with a notary tend to lack transparency and legal force, leading to feelings of injustice among the heirs. As a result, conflicts and disputes often arise that could have been avoided if the will had been officially prepared and registered in accordance with applicable legal procedures.

There is a need to make a written and official wasiat. One of the main problems revealed in this research is that many wasiat are conveyed orally without formal validation. To avoid future disputes, it is recommended that testators always make a wasiat in written form and certify it before a notary. A legalized written wasiat not only provides stronger legal force but also increases transparency and reduces the potential for conflict between heirs. Village governments can also provide notary services by collaborating with notary offices to make it easier for residents to make official wasiat.

Furthermore, ensure that all inheritance and testamentary distribution processes are properly documented and wasiat by authorized officials, such as a notary or a Religious Court. This documentation and legality are crucial to avoid future disputes and ensure that all parties involved understand and accept the agreed-upon distribution. Furthermore, consider the moral and ethical aspects of inheritance distribution.¹⁷ In this

¹⁷ Naily Fadhilah, "PEMBARUAN HUKUM WARIS ISLAM: WASIAT WAJIBAH MESIR

regard, it is crucial to explain to the heirs the testator's good intentions in donating a portion of their assets to religious institutions as a continuous charity. Encourage them to view this distribution from the perspective of long-term goodness and the spiritual benefits it can bring. By understanding the testator's good intentions, it is hoped that the heirs will accept this distribution with open hearts and support pewasiat efforts to attain rewards in the afterlife.

Review of the Kompilasi Hukum Islam on the Implementation of Wasiat in Prambonwetan Village, District. Rengel

In carrying out a wasiat, there are conditions and harmony if reviewed in the Kompilasi Hukum Islam and Islamic Law and practices carried out in Prambonwetan village as follows:

1) Pewasiat

In several interviews in the field conducted by researchers, in practice it is in accordance with the pillars of wills that apply in Islamic law and also in the KHI there is an article that explains the requirements for a pewasiat, this is regulated in article 194 which reads:

"People who are at least 21 years old, of sound mind and without any coercion can bequeath some of their assets to other people or institutions."

Based on the article explained, there are three main conditions that must be fulfilled by a pewasiat. The first condition is that a pewasiat must be at least 21 years old. The second condition is that a pewasiat must be of sound mind. The third condition is that a pewasiat must make a will without any coercion from any party.

Meanwhile, according to Islamic law, a valid wasiat is made by a person who is mukallaf and independent, because a wasiat is an act of *tabarru'* (giving) it is not valid when made by a crazy person or a small child who is not yet *mumayyiz*, Imam Syafi'i's view is that the age of puberty is marked and reached at the age of 15 years. At this age, the development of a child's body and mind has reached perfection. Apart from that, a person has also begun to be bound by obligations regarding the provisions of religious law relating to property and non-property, and relating to the rights of God and fellow human beings.

All of these provisions apply when a child is mature and perfect.¹⁸

Researchers have collected data from the field which shows that the two pewasiat have fulfilled the three requirements contained in the KHI and Islamic law. First, in terms of age, the two pewasiat have passed the minimum limit of 21 years and according to Islamic law they must be *mumayyiz* or at least 15 years old, with the first pewasiat being 78 years old and the second pewasiat being 80 years old. Second, based on observations in the field, the two pewasiat were declared to be of sound mind. Third, there was no indication that there was any coercion against the pewasiat in making wasiat.¹⁹

So, it can be concluded that the execution of wasiat fulfilled the requirements stipulated in the Kompilasi Hukum Islam (KHI). This means that wasiat made by both pewasiat were in accordance with both KHI and Islamic law.²⁰

2) Beneficiary of Wasiat

The KHI states that in article 171 letter f and article 194 paragraph 1, the recipient of a will is another person or institut Munadi Usman, *Wasiat Dalam Sistem Hukum Di Indonesia*. In article 196 of the Kompilasi Hukum Islam, it is also stated who or what institutions are indicated who will receive the assets prepared.

There are Islamic legal experts who are of the opinion that the person or legal entity who receives a will is not an heir and is legally considered capable of owning rights or objects. However, scholars from the Syafi'iyah, Hanafiyah and Malikiyah circles are of the opinion that a will to an heir is valid if it is approved by all the other heirs. The legal basis is the Hadith narrated by Daruquthni, which confirms that a will to an heir is invalid unless approved by the other heirs.²¹

The data obtained by researchers shows that the recipient of wasiat is someone else or can be called the adopted child of the testator and religious institutions who are accepted by their trusted people in the area and are not heirs. So, in practice, Prambonwetan village is in

¹⁸ Munadi Usman, *Wasiat Dalam Sistem Hukum Di Indonesia* (Pustaka Pelajar, 2020).

¹⁹ Didin Haenudin et al., "Dinamika Hukum Waris Islam: Hak Anak Angkat Antara Hibah Dan Wasiat Wajibah," *RIGGS: Journal of Artificial Intelligence and Digital Business* 4, no. 3 (2025): 2467-73, <https://doi.org/10.31004/riggs.v4i3.2344>.

²⁰ Jimmi Pasla and Muhammad Adnan Azzaki, "Rekonstruksi Hak Wasiat Wajibah Bagi Ahli Waris Murtad Dalam Perspektif Maqosid Syariah," *Jurnal Riset Rumpun Ilmu Sosial, Politik Dan Humaniora* 4, no. 3 (2025): 783-95, <https://doi.org/10.55606/jurris.v4i3.6015>.

²¹ Usman, *Wasiat Dalam Sistem Hukum Di Indonesia*.

accordance with the provisions contained in the Kompilasi Hukum Islam.²²

3) Wasiat items

In terms of testamentary items in the KHI, Article 194 paragraph 2 states that:

"The property that is bequeathed must be the right of the testator."

so the property that a person can bequeath is something that has become his legal property. In article 195 paragraph 2 it explains that:

"Wills are only permitted up to a third of the inheritance unless all the heirs agree"

Then the assets bequeathed cannot exceed one third, this is regulated in article 201 which reads;

"If wasiat exceeds one-third of the inherited assets and there are heirs who do not agree, then wasiat will only be executed up to one-third of the inherited assets."

In Islamic law it is also explained that items bequeathed must be items that can be owned, such as property. Apart from being a lawful item, the items that are bequeathed also have other restrictions in the form of the amount that can be bequeathed. Regarding the amount of assets that can be bequeathed and their relationship to Islamic inheritance law, this is to find out to what extent the heirs' rights apply to the amount of one third of the inherited assets. If wasiat exceeds one third of the inheritance, all Islamic legal experts from various schools of thought agree that this must require permission from all the heirs. If everyone agrees then the testator's wasiat is valid, but if they refuse then wasiat is void.²³

In practice, in Prambonwetan village, it was found that the assets that were bequeathed were truly the rights of the testator, so that the assets were in accordance with article 194 paragraph 2 of the KHI. However, in the practice of wills, there are inconsistencies in article 195 paragraph 2 of the KHI, namely that the assets given by the recipient of wasiat exceed one third of the assets owned by the testator so that the other heirs receive shares that are not in accordance with Islamic

²² Karina Novian Muriani R et al., "PERALIHAN HAK WARIS MENJADI WASIAT WAJIBAH KEPADA AHLI WARIS MURTAD," *El-Ahli: Jurnal Hukum Keluarga Islam* 5, no. 1 (2024): 1-17, <https://doi.org/10.56874/el-ahli.v5i1.1844>.

²³ Usman, *Wasiat Dalam Sistem Hukum Di Indonesia*.

inheritance.²⁴ According to Islamic law, the will becomes invalid because the heirs do not agree with the will executed by the testator, causing conflict between families. Meanwhile, KHI article 201 explains that if the assets of wasiat exceed one-third of the will's assets, then wasiat will only be executed up to one-third of wasiat assets.

4) Shigat / Execution of Wasiat

Regarding the implementation of wasiat in the KHI, it is regulated in article 195, namely that it is carried out in three ways, namely:

- a. Verbally in front of two witnesses; or
- b. Written in the presence of two witnesses; or
- c. Before a notary.

Meanwhile, in the Al-Qur'an and Hadits relating to the issue of wasiat, it is illustrated that there does not have to be a consent from the recipient of the will. Because it is possible that the consent and granting will be carried out if the recipient of the will is not present, for example the testator is on a journey and suddenly dies, or dies in his sleep. So it is legal for a will to be executed only with consent without being granted, either in oral or written form, it is important that at the time the will is made there are sufficient witnesses present.²⁵

In the data obtained by the researcher, the implementation of wasiat in Prambonwetan village was carried out verbally and in writing and attended by sufficient witnesses so that the implementation was in accordance with the provisions of Islamic law, but in the provisions of the KHI it was necessary to do it in front of a notary, while in the practice of wills carried out in Prambonwetan none were registered with a notary, so that this caused conflict between families because it did not have legal force from the state.

Conclusion

The conclusions from the discussion based on the problem formulation above are as follows:

In analyzing the practice of will execution in Prambonwetan village, several significant problems were identified arising from the discrepancy between will execution and Islamic law. The researcher conducted interviews with the parties involved and discovered a dispute between the heirs and the testator's adopted children regarding the distribution of assets. The interviews indicated that the heirs were dissatisfied with the

²⁴ Fadhilah, "PEMBARUAN HUKUM WARIS ISLAM."

²⁵ Usman, *Wasiat Dalam Sistem Hukum Di Indonesia*.

distribution of assets that did not conform to their wishes, particularly because the will was not officially registered the will was officially submitted to a notary and only conveyed verbally with witnesses. While the testator was still alive, the land and house whose ownership had been transferred were still used by the testator. Only after the testator's death could the beneficiary, in this case the adopted child, fully take over the property. However, the other heirs felt disadvantaged because the adopted child received more than one-third of the testator's inheritance, which should be the maximum limit according to Islamic law. While this limit can be exceeded if all heirs agree, in this case, the heirs did not provide such consent. Furthermore, there was another issue where the testator distributed a large portion of his assets to religious institutions, such as mosques and prayer rooms, leaving the legal heirs with very little or no share. This also exceeded the limit of one-third of assets permitted to be bequeathed without the consent of the heirs, leading to dissatisfaction and potential future conflict.

Reviewed from the Kompilasi Hukum Islam, the practice of implementing wills in Prambonwetan village is not in accordance with the Kompilasi Hukum Islam. In its own pillars regarding the goods that are bequeathed, the problem in Prambonwetan village is not in accordance with the KHI guidelines, because in practice it has exceeded one-third of the assets owned by the testator without the consent of the heirs according to Islamic law, the will is canceled because it does not comply with the established law. This causes injustice and conflict among the heirs, indicating the need for improvements in the implementation of wills to comply with official procedures and applicable laws.

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