

## Empowerment of Migrant Workers in Resolving Islamic Inheritance Disputes Through Mediation in Malaysia

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### Abstract

Persyarikatan citizens in Malaysia, especially migrant workers in Kuala Lumpur, who have minimal understanding of Islamic Inheritance Law, are a group that is vulnerable to inheritance conflicts, due to a lack of understanding about Islamic inheritance law and their domicile is not in Indonesia. This lack of understanding of Islamic Inheritance Law can cause conflict within the family so there needs to be education so that all parties understand the science of Faroid and the mechanism for dividing inheritance in Islamic law. The aim of this activity is: to increase the knowledge and understanding of Persyarikatan residents regarding the distribution of inheritance according to the rules of Islamic law (Faroid). The method of this Community Service Activity is Islamic Inheritance Law Training for Persyarikatan residents, especially migrant workers in Malaysia. The training material is in the form of theory and simulation or practice of inheritance distribution with case examples and training on early detection of inheritance conflicts using the conflict early warning system instrument, so as to prevent conflicts from occurring and suppress conflicts from escalating. Apart from that, training in resolving inheritance conflicts outside of court using the mediation method, so that we can resolve inheritance conflicts peacefully and reach an agreement with a win-win solution. By holding Islamic Inheritance Law (Faraidh) training, the participants received enormous benefits, because they felt that they had additional knowledge and insight in the distribution of inheritance.

### Abstrak

Pemberdayaan Buruh Migran dalam Menyelesaikan Sengketa Kewarisan Islam Melalui Mediasi di Malaysia. Warga persyarikatan di Malaysia khususnya pekerja migran di

Kuala Lumpur, yang memiliki pemahaman yang minim tentang Hukum Waris Islam, termasuk kelompok yang rentan terhadap konflik waris, karena disebabkan ketidapahaman tentang hukum waris Islam dan domisili mereka yang tidak berada di Indonesia. Ketidapahaman terhadap Hukum Waris Islam ini dapat menimbulkan konflik dalam keluarga sehingga perlu ada edukasi agar semua pihak memahami ilmu Faroid dan mekanisme pembagian waris dalam hukum Islam. Tujuan kegiatan ini adalah: meningkatkan pengetahuan dan pemahaman Warga Persyarikatan dalam Pembagian Waris menurut kaidah hukum Islam (Faroid). Metode Kegiatan Pengabdian Masyarakat ini dengan Pelatihan Hukum Waris Islam bagi Warga Persyarikatan khususnya pekerja Migran di Malaysia. Materi pelatihan berupa teori dan simulasi atau praktek pembagian waris dengan contoh kasus dan pelatihan deteksi dini konflik waris dengan instrument conflict early warning system, sehingga dapat mencegah terjadinya konflik dan menekan konflik agar tidak membesar. Selain itu, pelatihan penyelesaian konflik waris diluar pengadilan dengan metode Mediasi, sehingga dapat menyelesaikan konflik waris secara damai dan mencapai kesepakatan dengan win win solution. Dengan diselenggarakannya pelatihan Hukum Waris Islam (Faraidh) para peserta mendapatkan manfaat yang sangat besar, karena merasakan adanya tambahan ilmu dan wawasan dalam pembagian waris.



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## INTRODUCTION

In this International Community Service activity, the partner is the Special Branch Leader of Muhammadiyah (PCIM) Malaysia. This partner falls into the category of non-economically productive partners. The proposing team has met with the partner online through Zoom on May 11, 2023, from 8:00 PM to 10:00 PM (Western Indonesian Time) to gather the necessary data for developing the International Community Service Program in Malaysia. Present in the meeting were the Chairman of PCIM Malaysia, Muhammad Ali Imron, Lc., M.A., who was elected as the Chairman of PCIM in the 4th Branch Deliberation in January 2023 (Malaysia, 2023), and all the officials. Several data and information were obtained during the meeting. There are 9 branches in PCIM Malaysia, with 8 active branches and 5 branches ready to host various PCIM activities. Members of PCIM Malaysia have diverse professional and educational backgrounds, including lecturers, teachers, master's or doctoral students, professionals in various fields, and migrant workers. The majority actively participating in PCIM Malaysia activities are migrant workers. Various issues exist within PCIM Malaysia, including financial issues, minimal religious knowledge, especially regarding inheritance matters, lack of community participation in PCIM activities, and a lack of knowledge about legal problem-solving, both in Islamic law and conventional/Western law.

In Malaysia, there is an inheritance distribution system called Faraid, regulated by Islamic law. (Ishak et al., 2020; Nasrul et al., 2021) However, cultural traditions still play a



significant role in inheritance distribution. For instance, in some regions in Malaysia, there is a tradition known as "Adat Perpatih," where inherited wealth is only given to daughters, while sons do not receive a share (Et.al, 2015). According to Mohd Syahril Ahmad Razimi's research, reported in 2016, issues in inheritance settlement have led to an estimated failure to distribute part of the inheritance to the rightful heirs, amounting to around RM 42 billion (Razimi, 2016). Given these issues, it is crucial to understand the rules and principles of Islamic law in inheritance distribution and how to resolve inheritance disputes through both legal and non-legal means.

The lack of comprehensive understanding of the concept of inheritance has resulted in limited practical application of this knowledge. The Quran emphasizes that the rules of inheritance are Allah's laws and must be followed accordingly. Those who correctly practice inheritance are honored with great victories, while those who do not are considered disobedient to Allah's commands and face punishment in the afterlife (Nasution et.al, 2021;Hidayah & Komariah, 2019).

Particularly, migrant workers in Kuala Lumpur, who have minimal understanding of Islamic Inheritance Law, are vulnerable to inheritance conflicts due to their non-residency in Indonesia. Cases experienced by migrant workers include exclusion from the inheritance distribution process, receiving inheritance rights that do not align with Islamic law, leading to injustice, being deceived in land rights distribution, and receiving less strategically positioned land. As these migrant workers are often the primary breadwinners for their families in Indonesia, sending money every month, their rights are sometimes overlooked by their families. Lack of understanding of Islamic Inheritance Law can lead to family conflicts, emphasizing the need for education so that all parties comprehend the Faraid knowledge and the mechanisms of inheritance distribution in Islamic law (Khosyi'ah & Rusyana, 2022). Additionally, knowledge about preventing conflicts through the Conflict Early Warning System and resolving inheritance disputes through Mediation is essential. In the future, these migrant workers are expected to protect their rights and provide inheritance education to their families. Furthermore, the ability to detect and resolve inheritance conflicts is crucial for the PCIM Malaysia officials to offer consultation services and advocacy for inheritance conflict resolution for the association's members in Malaysia.

Based on this data and information, the proposing team and the partner agree to focus the community service activities on three problem areas: Religious issues (Islamic Inheritance/Faraid), Psychological issues (early detection of conflict potential), and Legal issues (resolution of legal inheritance conflicts)(Anggraeny, 2020). Therefore, a training program on Islamic Inheritance Law and Conflict Resolution through Mediation for the members of the association in Kuala Lumpur, Malaysia, will be organized. The participants include both Indonesian and Malaysian citizens, as some association members have dual citizenship. PCIM Malaysia has not previously organized such an inheritance training program, making them enthusiastic about this initiative since knowledge about Islamic Inheritance is limited in Malaysian society. This is due to the



significant role of the Malaysian government in determining inheritance distribution, with the public generally following the government's decisions (Kurnia & H.S, 2020; Tsabita, 2021). This is in contrast to the inheritance distribution culture in Indonesia, where it is more freely determined by the community, particularly the heirs, through a family deliberation process. However, if disputes cannot be resolved through deliberation, they can be settled through Mediation or through filing a lawsuit in the Religious Court.

The objectives of this activity are: 1) To enhance the knowledge and understanding of association members in Islamic Inheritance according to the principles of Islamic law (Faraid). 2) To improve the skills of association members in the technical aspects of inheritance distribution according to the principles of Islamic law (Faraid). 3) To increase knowledge in detecting potential conflicts in inheritance distribution. 4) To enhance knowledge in resolving legal inheritance conflicts through Mediation.

## IMPLEMENTATION METHOD

The method applied in this community service activity is legal education. Legal education is a part of national law development, and national law development is a part of national development (Ayu, 2021). The concept of legal education, based on the Regulation of the Minister of Administrative and Bureaucratic Reform Number 3 of 2014, involves the dissemination of legal information and understanding of applicable legal norms and regulations to realize and develop legal awareness in the community (H.P., 2021).

The implementation stages of community service activities in Malaysia to address the issues faced by the partner (PCIM Malaysia) are as follows:

### 1. Expertise and Team Duties

The community service program in Kuala Lumpur, Malaysia, involves lecturers and students from three disciplines: Faculty of Islamic Law (Islamic Banking Study Program), Faculty of Psychology (Psychology Study Program), and Faculty of Law (Law Study Program). The collaboration of these three expertise areas has different roles in solving the partner's problems, as outlined below.

#### a. Expertise in Islamic Banking

Expertise in Islamic Banking in the community service program involves providing education and training on Islamic Inheritance Law based on the Quran and Hadith. Ustadz Ahmad Arif Rif'an, S.H.I., M.S.I, a lecturer in the Islamic Banking Study Program at UAD, as a member of the community service team, has the competence to provide material on Islamic Inheritance Law. His contributions in providing material on Islamic Inheritance Law can be seen in various Islamic study gatherings and on several YouTube channels. Besides involving lecturers in providing inheritance law material, students from the Islamic Banking Study Program will also be included to prepare technical tools and equipment.



b. Expertise in Psychology

Expertise in psychology in this community service program involves providing training material on early detection of potential conflicts or conflict early warning systems. Dr. Hadi Suyono, S.Psi., M.Psi, a lecturer in Psychology at UAD, as a member of the community service team, is highly knowledgeable in detecting potential conflicts in society, as evidenced by his dissertation on conflict early warning systems. This material is essential to prevent conflicts in inheritance distribution, and if conflicts do arise, they can be minimized or mitigated. In providing early detection of potential conflict material, in addition to involving lecturers, students from the Psychology study program will also be included to prepare technical tools and equipment.

c. Legal Expertise

Legal expertise in this program involves providing training material on the resolution of legal conflicts through mediation (Ward, 2020). Dr. Rahmat Muhajir Nugroho, S.H., M.H., a lecturer in the Law Study Program at UAD, has the ability to present material on Mediation. Besides being a lecturer and lawyer, he also holds a Certificate as a Mediator from the Supreme Court of Indonesia. Material on resolving inheritance disputes through mediation is crucial for participants to peacefully resolve conflicts and achieve win-win solutions. In providing material on the resolution of legal conflicts through Mediation, in addition to involving lecturers, students from the Law Study Program will also be included to prepare technical tools and equipment.

Description of Duties Carried Out by the Community Service Team:

The community service team consists of a leader with the role of coordinating all involved parties and overseeing all program stages, while members play the role of activity implementers providing education/training, and practical/simulation in their respective expertise areas. This proposed community service uses three types of expertise, with the team leader from the Law Study Program in Mediation Conflict Resolution Training. Member 1 from the Islamic Banking Study Program with expertise in Islamic Inheritance Law Education. Member 3 from the Psychology Study Program with expertise in Psychology, particularly Early Detection of Inheritance Conflict Potential. The number of students involved is one student from the Law Study Program, one student from the Islamic Banking Study Program, and one student from the Psychology Study Program.

2. Partner Participation

The partner in this community service is the Special Branch Leader in Malaysia, based in Gombak, Kuala Lumpur, Malaysia. The number of partner members who will participate is 20 people. The partner participates in providing time, venue, inviting



participants, and providing necessary facilities in the training activities organized by the Community Service Team.

### 3. Enhancement of Partner Empowerment

Through this community service activity, it is expected that the partner will have accurate knowledge and understanding of Islamic Inheritance Law, enabling practical application during inheritance distribution. Additionally, the partner is expected to have the ability to detect inheritance conflicts early and resolve them through Mediation. In the future, the partner (PCIM Malaysia) is expected to have the ability to provide inheritance consultation services to association members and even the general public.

### 4. Implementation Evaluation and Sustainability

The knowledge and skills provided by the Community Service Team to the partner can be further disseminated to Association Members in Malaysia more broadly. Furthermore, the Community Service Team will monitor the sustainability of this program by opening an Islamic Inheritance Consultation Service by PCIM Malaysia and developing this program based on information technology.

## RESULTS AND DISCUSSION

The solutions offered to address the issues of PCIM Malaysia's members related to inheritance are outlined in the following stages:

### **Islamic Inheritance Law (Faroid) Training**

In this stage, the service team provides education and training to the members, especially migrant workers in Malaysia, to understand the fundamentals of Islamic Inheritance Law or Faroid (Muthmainnah et al., 2023). The sources used for reference are the Quran, Hadith, as well as popular books on Faroid. Islamic Inheritance Law is crucial in Islam as it is detailed in the Quran and Hadith. While its significance varies across countries or communities, it plays a vital role in countries like Saudi Arabia and Egypt where Islamic law is predominant. In contrast, countries like Indonesia, which have a Muslim majority but do not officially implement Islamic law, may vary in their attention to Islamic Inheritance Law based on local knowledge and awareness.

The role of scholars (ulama) is essential in enhancing the understanding of Islamic Inheritance Law in Indonesia and Malaysia. Islam clearly regulates how inheritance should be distributed, and it is crucial to strengthen the understanding of Faraid or Islamic Inheritance Law in society. This can help rectify traditions and cultures that may not align with Islamic principles.

Participants will be taught the rules and systems of inheritance distribution comprehensively. The material delivery will be supported by learning tools such as laptops, LCD projectors, PowerPoint presentations, and practical modules. The participants will not only learn the theory through classical methods but will also be



practically taught how to distribute inheritance by providing examples (cases). This approach aims to ensure that participants can apply their knowledge and skills when facing inheritance distribution issues in their families.

### **Early Detection Training of Inheritance Conflicts with the Conflict Early Warning System Instrument**

The potential for conflicts in inheritance distribution is high, especially considering the sensitivity of inheritance issues in Indonesia. To prevent these conflicts from escalating, early detection using a Conflict Early Warning System is proposed. This training provides participants with the understanding and skills to take preventive actions independently, steering conflicts away from open confrontations towards peaceful resolutions.

Implementation involves participants identifying various factors contributing to inheritance conflicts, describing the interconnections between these factors, and creating a model of potential conflicts. This model is then used to find solutions to prevent inheritance conflicts, serving as a guide for preventive efforts.

### **Inheritance Conflict Resolution Training with Mediation Method**

In this stage, the service team will provide training on conflict resolution using the mediation method (Bachri et al., 2021; Brummans et al., 2022). Conflict and dispute are often used interchangeably but have distinct characteristics. Not all conflicts lead to disputes, while every dispute is a conflict. Mediation is presented as a non-litigation mechanism for conflict resolution.

Mediation is considered a preferred method for resolving inheritance disputes, particularly since it involves individuals with familial relationships (Hajati et al., 2014; Siang, 2017). The goal is to maintain family honor and dignity by prioritizing consensus through mediation rather than resorting to litigation. (Clayton & Dorussen, 2022)

The objectives of mediation include generating a future plan (agreement) accepted and implemented by the disputing parties, preparing the parties to accept the consequences of their decisions, and reducing concerns and other negative impacts of conflicts. Mediation involves several stages: drafting a mediation plan, initiating mediation sessions, formulating the issues, developing dispute resolution options, negotiation, and reaching a formal settlement. (Adi, 2021; Syarifudin et al., 2022)

Mediation materials will be presented through classical and practical methods, utilizing laptops, LCD projectors, PowerPoint presentations, and practical modules. Participants will undergo pre-tests at the beginning and post-tests at the end of the training. Additionally, role-playing exercises will be conducted to simulate real-life scenarios, allowing participants to acquire conflict resolution skills through mediation.

The solutions proposed by the service team align with the Roadmap for Community Service Program (PPM) of the UAD Research and Community Service Institute (LPPM) for the years 2020-2045, as illustrated in Figure 1.



Gambar 2. Roadmap PPM UAD Tahun 2020-2045

**Figure 1: Roadmap PPM 2020-2045 UAD LPPM**

The roadmap spans three phases:

1. Accelerating marginal regions towards intelligent, healthy, environmentally friendly areas characterized by socio-ecopreneur values, universal values, and Islamism (2020-2024).
2. Developing marginal regions towards intelligent, healthy, environmentally friendly areas characterized by socio-ecopreneur values, universal values, and Islamism (2024-2029).
3. Strengthening marginal regions towards intelligent, healthy, environmentally friendly areas characterized by socio-ecopreneur values, universal values, and Islamism (2029-2045).

The international community service initiated by the service team is highly relevant to the first phase of the roadmap, accelerating marginal regions towards intelligent, healthy, and environmentally friendly areas characterized by socio-ecopreneur values, universal values, and Islamism (2020-2024). Migrant workers in Malaysia, particularly those prone to violence, unfair treatment, inadequate protection of rights, and lack of knowledge, stand to benefit from acceleration towards a more equitable position. The focus is on providing knowledge about Islamic Inheritance Law (Faroid) to enable them to manage their rights and finances intelligently and in line with Islamic values. Thus, the Inheritance Training Program significantly supports the achievement of the established PPM Roadmap by UAD LPPM.

The Inheritance Law Training has been conducted four times, on August 28 and September 2, 2023, online through Zoom, and on September 16-17, 2023, face-to-face in Kampung Baru, Kuala Lumpur, Malaysia. The details of the activities are presented in Table 5.





Figure 2: Online Training Series 1, August 28, 2023



Figure 3: Online Training Series, September 2, 2023



**Figure 4: Face-to-face Training, Series 3 and 4, September 16-17, 2023**

The first training series for the even semester of 2022/2023 was conducted on August 28, 2023, from 20:00 to 22:00 WIB/09:00 to 11:00 PM (MYT) online. The material covered was an Introduction to Islamic Inheritance Law, presented by Akhmad Arif Rifan, S.H.I., M.S.I. Ustadz Arif explained the basics of inheritance distribution according to Islamic legal principles and provided examples of inheritance distribution cases.

The second training series for the even semester of 2022/2023 was conducted on September 2, 2023, from 20:00 to 22:00 WIB/09:00 to 11:00 PM (MYT) online. The material covered included Early Detection of Inheritance Conflicts, presented by Dr. Hadi Suyono, S.Psi., M.Si., and Conflict Resolution through Mediation, presented by Dr. Rahmat Muhajir Nugroho, S.H., M.H.

The third and fourth training series for the odd semester of 2023/2024 were conducted on September 16-17, 2023, from 20:00 to 24:30 WIB/09:00 to 01:30 PM (MYT) face-to-face at TPA Ar-Rehlah, the leadership of Muhammadiyah Branch Istimewa Kampung Baru, Kuala Lumpur, Malaysia. The material covered included Theory and Simulation of Inheritance Distribution according to Islamic Inheritance Law, presented by Akhmad Arif Rifan, S.H.I., M.S.I., Early Detection of Potential Inheritance Conflicts, presented by Dr. Hadi Suyono, S.Psi., M.Si., and Conflict Resolution through Mediation, presented by Dr. Rahmat Muhajir Nugroho, S.H., M.H.



By participating in the four-training series, participants gained a correct understanding of the principles of Islamic Inheritance Law based on Islamic teachings from the Quran and Hadith. Additionally, participants were expected to identify potential conflicts arising in inheritance distribution, allowing for timely anticipation to prevent conflicts from escalating. In case of deadlock in inheritance distribution, the mediation method was introduced as a process to resolve inheritance conflicts. Through mediation, conflicting parties can reach a consensus through familial consultation, achieving a win-win solution.

Participants welcomed the activities with enthusiasm. Approximately 20 participants attended the two online series, and 50 attended the face-to-face training in Kampung Baru, Kuala Lumpur. The training on Islamic Inheritance Law (Faraidh) provided significant benefits to the majority of participants, who are Indonesian Migrant Workers (PMI). Participants expressed satisfaction in finding solutions to their inheritance issues during the training. In addition to the presentation of materials, participants had the opportunity to consult directly with the presenters about their inheritance problems, and solutions were provided.

**Table 1. Partner Empowerment in Community Service Activities (PkM)**

No	Type of Partner	Type of Empowerment	Checklist
1	Non-Productive Economy	Increased knowledge	√
		Increased skills	√
		Improved health	
		Increased income	
		Improved services	√
2	Productive Economy	Increased knowledge	
		Increased skills	
		Improved product quality	
		Increased quantity of products	
		Increased variety of products	
		Increased production capacity	
		Increased number of assets	
		Increased revenue turnover	
		Management capabilities	
		Increased profitability	
		Certified products	
		Standardized products	
		Legally established business unit	
Increased number of new independent entrepreneurs			

Training participants, especially the Management of PCIM Malaysia, are expected to be capable of providing inheritance consultation services to the residents of PCIM Malaysia in the future. Therefore, the team provides a Guidebook for the Resolution of Islamic Inheritance Law to be studied and used in providing inheritance consultation

services to the community in Malaysia. The guidebook contains rules in the Islamic Inheritance System and the mechanisms of inheritance distribution along with case examples, making it easy for partners to review, reference, and guide them in carrying out Islamic inheritance distribution. The module also provides instruments for early detection of conflicts that may arise in the distribution of inheritance. Additionally, the Guidebook also explains and provides case examples in the Resolution of Inheritance Law Conflicts through Mediation. The stages of conflict resolution through Mediation are detailed in the module. The module has been given to partners as a guide in providing Islamic Inheritance Consultation Services at the partner's office (PCIM Malaysia).



**Figure 5: Handover of the Islamic Inheritance Law Book to the Management of PCIM Malaysia.**

The involvement of partners (PCIM Malaysia) in this activity includes bringing approximately 20 participants to Meetings 1 and 2 conducted online. It is then followed by Series 3 and Series 4 in-person at TPA Ar-Rehlah, Kampung Baru, Kuala Lumpur, Malaysia. Partners participate in providing time, inviting participants, providing venues, preparing refreshments, distributing flyers, and serving as moderators in the training activities in Series 1, Series 2, Series 3, and Series 4.

Factors that hindered the process include the difficulty in determining the timing of activities because the majority of participants are Indonesian Migrant Workers (PMI) who have limited time due to work commitments. Additionally, PCIM Malaysia has many internal and external agendas, such as serving requests for community service activities, international community service programs, and more from various visiting campuses in Malaysia. Supporting factors include the excellent cooperation of PCIM and PRIM officials, making it easy to collaborate in organizing this activity. PCIM residents are also



very enthusiastic about participating, as evidenced by the presence of more than 50 people in this activity.

This training activity will be followed up with the Development of an Inheritance Distribution Application based on Digital Technology, which will be created by the team in collaboration with IT experts. This application will make it easier for heirs to calculate inheritance distribution according to Islamic Law. The application can be used practically by anyone. In the future, Islamic Inheritance Law training will also be conducted based on digital technology. The results of this community service activity will be integrated into learning in: 1) Sharia Banking Study Program in the Islamic Jurisprudence course, namely Fiqh Ibadah. 2) Law Study Program in the Family Law and Islamic Inheritance course. 3) Psychology Study Program in the Applied Social Psychology course.

## CONCLUSION

Enhancing the understanding of Muslim communities, especially Muhammadiyah communities abroad, regarding inheritance distribution using Islamic inheritance law (Faroid) is essential to ensure that inheritance distribution complies with Islamic Sharia and embodies justice according to the guidance in the Quran and Sunnah. This training activity has successfully increased the knowledge and understanding of Muhammadiyah Community Members in the distribution of inheritance according to Islamic law (Faroid). Moreover, the training has improved the skills of Muhammadiyah Community Members in the technical aspects of inheritance distribution in accordance with Islamic law (Faroid) and increased knowledge to detect potential conflicts in inheritance distribution. The training has also enhanced knowledge in the resolution of legal inheritance conflicts through Mediation.

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