

## THE DEATH OF HAJJ PILGRIMAGES DURING THE WAITING PERIOD AND ITS IMPACT ON THE INHERITANCE SYSTEM AT THE MINISTRY OF RELIGION'S OFFICE EAST KUTAI DISTRICT

*Sofiansyah*

*Sultan Aji Muhammad Idris State Islamic University, Samarinda, Indonesia*

*sofiansyahsadri72@gmail.com*

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### **Abstract**

The heirs who receive the delegation of portion numbers of the Hajj congregation who died, do not reduce their share of inheritance and its impact on the inheritance system. This study aims to analyze the procedure for delegating the portion number of Hajj congregation who died during the waiting period at the Office of the Ministry of Religious Affairs of Kutim Regency, analyze the problems faced by the heirs in the delegation of the portion number of the Hajj congregation who, and analyze the determination of the heirs who receive the delegation of the portion number and its impact on the inheritance system taken by the family of the Hajj congregation who died during the waiting period. The type of research is empirical legal research. The approach in this research uses a normative sociological approach. Data were collected by observation, interview, and documentation. Data analysis in this research is qualitative with the Induction way of thinking. The results showed that the procedure for delegating portion numbers in accordance with the Kepdirjen Number 130 of 2020 about Implementation Guidelines for the delegation of portion numbers for hajj congregation who died or were permanently ill. The problem faced is the distance-time-cost. Determination of the heirs who receive the delegation of the portion number is carried out through discussion and it does not reduce their inheritance. So that it does not have an impact on the inheritance system in the family of the heir.

**Keywords:** the delegation of portion numbers, the Hajj congregation who died, inheritance

## INTRODUCTION

At the Office of the Ministry of Religion, East Kutai Regency, East Kalimantan Province, as long as it is permissible to transfer Hajj portion numbers to heirs because the Hajj pilgrim dies. Namely, from 2019 – 2023 (5 year period) it was found that there were 44 (forty four) requests for the transfer of Hajj portion numbers from pilgrims who died.<sup>1</sup>With East Kutai Regency's hajj quota of 173 (one hundred and seventy three) pilgrims and an estimated waiting period of approximately 34 (thirty four) years and 5,858 (five thousand eight hundred and fifty eight) prospective pilgrims.<sup>2</sup>

Based on the initial research assessment, researchers in completing the assignment of Hajj portion numbers to heirs, still encountered problems related to procedures in completing the assignment of Hajj portion numbers to heirs of pilgrims who died during the waiting period. As for this procedure, there are still complaints from the heirs of the congregation who died. So that unilaterally it is considered burdensome in the process of transferring portion numbers. Complaints related to this procedure include: Heirs who receive the delegation of Hajj portion numbers are required to come without representation to the Regional Office of the Ministry of Religion of East Kalimantan Province to change their SPPH (Hajj Registration Letter) data as well as taking photos and recording fingerprints (biometrics). Considering that the Regional Office is located in the Provincial Capital, it requires quite a long travel time considering the estimated distance is  $\pm$  174 Km with a travel time of  $\pm$  5 hours. Apart from time, it also requires significant costs, even though the heirs are people from the lower middle economic class.

Furthermore, it is also known that the inheritance share of the heirs who receive the transfer of the portion number is not reduced. With the context that the Hajj portion number is not included in the inheritance or inheritance of the family of the Hajj pilgrim who dies. In fact, the Hajj portion number, which is the serial number for the Hajj pilgrimage registration, dies, in this case the heir. It can be assumed that it is a non-material right to be able to go on Hajj which arises because a certain amount of money has been paid. So, the value of this right can be measured and should be part of the inheritance that can be passed on to the heirs. With the number of parts that have been regulated in the inheritance verses in the Koran. This situation clearly contradicts the spirit of justice in Islamic inheritance law. In fact, Allah Himself explicitly mentions it in the Qur'an, including Surah An Nisa' verses 11, 12 and 176 regarding inheritance matters and their distribution among heirs. Remembering that of course there is always wisdom from all the provisions of Allah SWT for human life.

The theoretical basis used as a reference in this research includes the provisions governing procedures for transferring portion numbers in the Director General's Decree Number 130 of 2020 concerning Guidelines for Implementing Portion Numbers for Hajj Pilgrims Who Die or are Permanently Ill. As well as the theory of inheritance law in Islam. As for the theory in Islamic inheritance law,<sup>3</sup>starting from legal sources in Islamic inheritance, the causes, pillars and conditions of inheritance. Various types of heirs, gifts, wills, and distribution of inheritance by deliberation to reach consensus.

These theories, which are data resulting from literature studies, together with data from field findings will be processed in such a way, to be selected and focused into a summary containing important things so that the core and patterns of the research can be found. These data will be presented in narrative form. Next, it is analyzed to draw conclusions while still being based on the basic relationship between law and theory from literature study. So that it can explain the answers to the problems in the research. The aim of this research is to analyze the procedures for handing over the portion numbers of Hajj pilgrims who died during the waiting period at the Ministry of Religion Office, Analyze the problems faced by heirs in handing over the portion numbers of Hajj pilgrims who died during the waiting period,

## RESEARCH METHODS

The types of this research are:empirical legal research. According to Soerjono Soekanto in a book by Susanti and Efendi, empirical legal research "includes research on legal identification (unwritten law) and research on legal effectiveness." <sup>4</sup>The method in this research is a qualitative descriptive method. With researchers as the key to this research. Researchers will act as searchers, collectors and processors of qualitative data. The nature of this research is analytical descriptive, namely "data in the form of words, images and behavior are not expressed in the form of numbers or

<sup>1</sup>East Kutai Regency Ministry of Religion Office, Hajj and Umrah Organizing Section, Data for 2019-2023.

<sup>2</sup>Ministry of Religion of the Republic of Indonesia, "Estimated Waiting List for Hajj Pilgrims", accessed May 23, 2023, <https://haji.kemenag.go.id/v4/waiting-list>

<sup>3</sup>Akhmad Haries, *Islamic Inheritance Law (Revised Edition)* (Yogyakarta: Ar-Ruzz Media, 2019), 24.

<sup>4</sup>Dyah Ochtorina Susanti and A'an Efendi, *Legal Research* (Jakarta: Sinargrafia, 2022), 18.

statistical figures."<sup>5</sup>The approach in this research uses a sociological normative approach. The normative approach is used as a reference in looking at the religious context, in this case the verses of the Qur'an, Hadith, as well as the opinions of Ulama regarding inheritance issues. Meanwhile, a sociological approach is used to look at the values understood by a family which then underlies a reason or consideration in acting or responding to problems surrounding inheritance.

The population in this study were applicants or heirs who applied for the transfer of portion numbers of deceased Hajj pilgrims at the Kutim Regency Ministry of Religion Office. The sample in this research was taken using a purposive sampling technique. Where the researcher assumes that the selected sources are parties who are research subjects who can become competent sources considering the role of each party who is directly involved in the problem that the researcher is researching.

Data collection techniques were carried out using participant observation, interviews, and documentation for primary data sources. Meanwhile, for secondary data sources, data collection was carried out through library study techniques. Through observation, researchers can pay attention to the behavior of service users in the Hajj and Umrah Operations Section. Especially for prospective pilgrims who apply for the transfer of portion numbers/heirs of deceased Hajj pilgrims. Meanwhile, in the interview process, the heirs who receive it also apply for the transfer of portion numbers. Or to the Head of PHU Section of the District Ministry of Religion Office. Kutim. The researcher, assisted by an interview guide, asked questions regarding the origin of the information obtained, followed up with information regarding the requirements for assigning portion numbers,

In writing this research, the data extracted was qualitative data. Therefore, the data analysis used is qualitative analysis using induction thinking, meaning analyzing specific data and then drawing general conclusions.<sup>6</sup>

## RESULTS AND DISCUSSION

The Head of the PHU Office, Kemang, Kutim Regency, and 13 heirs who were respondents to this research were determined. Due to limited capacity, energy, time and research costs, and based on the researcher's assumption that these respondents were able to answer the research problems. Where these respondents are heirs in accordance with what has been regulated in Government Regulations regarding the delegation of Hajj portion numbers, in this case the respondents have the status of biological children, wives and siblings. He is the heir of the delegation of Hajj portion numbers every year since the issuance of the provisions regarding the delegation of Hajj portion numbers to the heirs of deceased Hajj pilgrims (5 year period). Respondents also have the status of paid or not paid or in the sense that they have gone on pilgrimage to the Holy Land or are still in the waiting period (in the payment process). The results or research findings are as follows:

### Procedure for Handing Over Portion Numbers for Hajj Pilgrims Who Die During the Waiting Period at the Office of the Ministry of Religion, East Kutai Regency

The procedure for assigning portion numbers to congregations follows the Director General's Decree Number 130 of 2020 and is also supported by the Ministry of Health Circular Letter Number HK 02.01/MENKES/33/2020. With the following procedure:<sup>7</sup>

1. The recipient of the portion number assignment submits an application letter to the Ministry of Religion by attaching the requirements. Requirements:
  - a. Proof of the deceased's initial deposit
  - b. Proof of death certificate from Capil
  - c. Certificate of absolute responsibility signed by the recipient of the portion transferred
  - d. Power of attorney for the assignment of portion numbers signed by the heirs with a stamp of 10,000 which is known to the RT/Village/Kelurahan, where most of them are to the sub-district head's office.
  - e. Then attach your KTP, Family Card, Birth Certificate, or marriage certificate which is legalized or wet stamped by an authorized official.
  - f. Next, open a new account in the name of the person who received the portion number assignment at the Bank Receiving the Initial Deposit (Bank must be the same).

<sup>5</sup>Karmanis and Karjono, Handbook for Learning Research Methods (Tangerang: CV Pilar Nusantara, 2020), 44.

<sup>6</sup>Akhmad Haries and Darmawati, "Implementation of Inheritance Distribution among Ulama in Samarinda City, Analysis of Sociological Normative Approaches", Research Journal Vol 10 No.2, 2018, ISSN: 2615-4900, p. 155.

<sup>7</sup>Results of an interview with the Head of PHU Section of the East Kutai Regency Ministry of Religion Office, August 11 2023.

2. Next, go to the Ministry of Religion of East Kutai Regency, then verify the files (if the files are not complete according to the requirements in the Director General's Decree 130 of 2020, then the files will be returned to be completed).
  3. After being verified by the Ministry of Religion of East Kutai Regency, the Ministry of Religion issued a recommendation which was signed by the Head of the Ministry of Religion of East Kutai Regency.
  4. The Ministry of Religion carried out the process of submitting the delegation to the Office of the Ministry of Religion of East Kalimantan Province
  5. After the submission is submitted to the regional office, the regional office has the task of validating the files. Next, make a Letter of Proposal to the Director General of PHU RI.
  6. The Director General of PHU RI unblocked the portion numbers that will be delegated
  7. The recipient of the portion number assignment comes to the Provincial Ministry of Religion regional office to fill out the SPPH (Hajj Registration Letter) form (after a call).
  8. The process of taking photos and recording fingerprints at the East Kalimantan Province Regional Ministry of Religion office (located in Samarinda)
  9. SPPH is issued to congregations who receive a portion number (but the portion number remains the portion number of the deceased congregation).
- So, actually the task of the East Kutai Regency Ministry of Religion is only to verify and issue recommendations. In accordance with Director General's Decree Number 130 of 2020.

### **Problems Faced by Heirs When Transferring Portion Numbers for Hajj Pilgrims Who Die During the Waiting Period**

Based on the results of the interview, the problems faced were more related to the long distance traveled by the heirs in completing the process of transferring portion numbers. The difference in the location of the two Ministry of Religion offices is a problem in itself, which will therefore have a domino effect on other problems that arise. These include the time and costs that must be incurred when completing the entire portion number assignment procedure. The distance problem is not only due to the distance from the two Ministry of Religion offices. But there is also the issue of the distance between the domiciles of the heirs who receive the portion number assignment. Because not all heirs have the same domicile as the domicile of the Hajj pilgrim who died. Meanwhile, submission of proposals for transferring portion numbers is carried out through the Regency/City Ministry of Religion office where the Hajj pilgrim (deceased) is registered. The next problem is time. This is the effect of the previous problem, namely distance. Because the distance is relatively long, a long estimate of travel time is required. Next is the issue of cost. Costs are of course affected considering there is a distance that must be covered between Sangatta and Samarinda.

The problem faced is a situational situation that cannot be avoided. As an effect of government regulations which then divide the tasks and authority of state institutions at each level of administrative region. Although this procedure must be passed by all heirs who request the transfer of portion numbers. Not all heirs who receive the delegation consider matters of distance, time and costs as problems or obstacles in managing the transfer of the portion number. It is assumed that the delegation of portion numbers is a direct invitation from Allah SWT to worship Him in the Holy Land. Fortune that you never expected to come. Remembering that many other Muslims have to wait on long waiting lists.<sup>8</sup>In fact, the opportunity to go on the Hajj with this portion number transfer route is so special. If you can choose, then the heirs who receive the portion number will not pass through. Because the cause of this privilege is the death of a parent they love. That there are things beyond human control that must be accepted. We hope that the journey to Baitullah will be easier and will improve the quality of our faith.

### **Determining the Heirs Who Recipient of the Portion Number and Its Impact on the Inheritance System Followed by the Family of a Hajj Pilgrim Who Dies During the Waiting Period**

The determination of the heir who receives the portion number is carried out based on deliberation with various considerations. Respondents DRN and AAM were appointed as recipients of the delegation in family consultations based on the mandate/will of the heir. This is the same as the basis for determining the recipient of the LMA heir portion number.<sup>9</sup>Meanwhile, for HN respondents, the same consideration was taken to determine who received the portion number assignment. with respondents SH, KN, AW, FJ, AP, JM, and WN. Both are determined as recipients of the delegation

<sup>8</sup>Results of online telephone interviews with DRN and FJ respondents, July 26 2023.

<sup>9</sup>Results of online interviews via telephone with respondent DRN on 26 July 2023, with respondent AAM on 24 July 2023, and with WW as the mother of respondent LMA on 24 August 2023.

of portion numbers in the deliberation. Due to considerations of the eldest child/first child and then being chosen by other heirs, apart from the unpreparedness of the other heirs to go on the Hajj.<sup>10</sup>Next, LM, with the status of the heir's sibling, received the delegation through deliberation because the other heirs were not ready to go on the Hajj.<sup>11</sup>Almost the same as the consideration of the family of respondent MS regarding the relationship status with the heir as wife. Receive the assignment of portion numbers after deliberation with their adult children. That his other children were not ready to be chosen as replacements for their father to go on the Hajj.<sup>12</sup>

Highlighting the deliberation itself specifically in QS Ash Shura, Verse 38 states that:<sup>13</sup>

شُورَىٰ بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنفِقُونَ ۗ ۝ ٣٨ about

Meaning: "(it is also better and more lasting for) those who accept (obey) God's call and perform prayers, while their affairs are (decided) by deliberation between them. They spend part of the sustenance that We have bestowed upon them."

Regarding the determination of an heir as the recipient of the inheritance of the portion number of the deceased pilgrim (the heir), this does not reduce the inheritance share of the heir who receives the delegation. So it does not have any impact on the inheritance system adopted by the family in dividing the inheritance of the heir. The reasons for not reducing the inheritance share of the heirs who receive the delegation include the following:

1. The appointment of the heir who receives the portion number is the will or trust of the testator and the distribution of the inheritance is by means of the testator's will.

The designated heirs receive the delegation based on the trust/will of the testator (the deceased congregation member). So it is excluded from other matters of dividing the inheritance between the heirs. Although, in Islam there are provisions for making a will. That is, the will cannot be more than 1/3 of the assets owned by the person who has the will and the will cannot be given to heirs who have already received a sufficient share.<sup>14</sup>Unless the other heirs agree and allow it.<sup>15</sup>

This is the same as the explanation of the reason why the recipient's share of the portion number is not reduced from his inheritance. Namely the distribution of inheritance by means of a Will from the testator. The heir has willed his assets to each of his heirs. The assets are divided according to what the testator wills. For this reason, the portion number no longer reduces the inheritance share of the heirs receiving the transfer. This will is made while the testator is still alive and executed after the testator dies.

2. Distribution of inheritance by means of a gift from the heir.

A gift is of course different from a will, one of which is that if someone donates their property or objects, then immediately, the gift can be owned and used by the recipient of the gift. In terms of the amount of grants given to heirs, there are differences of opinion from the ulama. There are those who argue that it must be in accordance with inheritance in Islam. There are also those who believe that grants should be equal, without distinguishing between genders. Differences like this are understandable and in fact both opinions are not wrong, if all the heirs can agree and accept in sincerity what their parents have given them.<sup>16</sup>

3. The existing inheritance is never discussed, discussed or deliberated on because of the position of one of the living parents and the perception that if there are still living parents then there should be no division of inheritance.

In connection with existing inheritance, it is never discussed, discussed or discussed because of the position of one of the living parents and the perception that if there are still living parents then there should be no division of inheritance. It is a deviation that is not in accordance with the provisions to distribute inheritance as soon as possible. In order to avoid

<sup>10</sup>Results of online interviews via telephone with respondent HN on 26 July 2023, with respondent SH on 24 August 2023, with NC as mother of respondent KN on 26 July 2023, with AW on 26 July 2023, with FJ on 26 July 2023, with AP on July 26 2023, with JM on August 25, and with WN on July 21 2023.

<sup>11</sup>Results of online telephone interviews with LM respondents on July 24 2023.

<sup>12</sup>Results of online telephone interviews with MS respondents on July 26 2023.

<sup>13</sup>Lajnah Pentashihan Mushaf Al-Qur'an, Kemenag Qur'an Application in Microsoft Word (Indonesian Ministry of Religion: Qur'an Kemenag In Word version 2.0), 2019, <https://lajnah.kemenag.go.id/unduh/category/1-qkiw>

<sup>14</sup>Akhmad Haries, Islamic Inheritance Law..., 103

<sup>15</sup>Akhmad Haries and Darmawati, "Implementation of Inheritance Distribution among Ulama in Samarinda City, Analysis of Sociological Normative Approaches", Research Journal Vol 10 No.2, 2018, ISSN: 2615-4900, p. 160.

<sup>16</sup>Akhmad Haries and Darmawati, "Implementation of the Distribution of Inheritance...", 162.

possible conflicts or even loss of heir rights. For example, if the management of inherited property is handed over to a certain heir and then he dies, or another heir dies but his rights have not been given. This will of course give rise to new problems regarding the division of inheritance as well as concerns about the ambiguous status of ownership of assets that have been postponed for distribution.

It is an obligation to convey a trust in the form of inheritance to those who are entitled to receive it. There needs to be a correct understanding that distribution of inheritance does not mean that the inheritance must be sold quickly to be immediately distributed to the heirs. However, in the division of inheritance, what is divided is the heir's share (al furudh al muqaddarah), namely 1/2, 1/4, 1/8, and so on. Not the nominal amount of money but the portion. Every heir who has the right to receive an inheritance from the testator must know clearly what portion he or she will receive from the testator's inheritance.<sup>17</sup> So that whenever the inheritance is cashed out it will no longer be a problem.

4. Lack of knowledge regarding Islamic inheritance law/Faraid Science.

The importance of the position of the science of inheritance distribution is as described in the hadith of the Prophet as follows:<sup>18</sup>

بِقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "مَنْ عَلَّمَ نَفْسًا مِنْ أُمَّتِي

Meaning: "Study faraid and teach it to humans (many people), because he (faraid) is half knowledge and he (faraid) will be forgotten and is the first knowledge to be uprooted (lost) from my people." (HR Ibnu Majah and Daaru Quthni).

It is clear that the command in the hadith recommends studying the Science of Faraid, namely the Science of Islamic Inheritance. What is meant by half knowledge in the hadith is half knowledge in inheritance matters and related matters such as wills, grants and endowments.

5. Distribution of inheritance by deliberation and consensus.

Ustadz Abdul Somad in his online question and answer lecture.<sup>19</sup> Meanwhile, he explained the permissibility of dividing inheritance according to agreement without using Islamic law. According to Fatawa Asy Syabakkah Al Islamiyah, this is permissible with the following conditions:

- a) All the heirs have reached puberty, if there are those who are not mature or mentally disabled then this cannot be done.
- b) Each heir knows how much he or she will inherit.
- c) If any part of one of the heirs is given in excess to another, then the heir in question accepts it as sadaqoh.

In the context of deliberation and consensus, the heirs divide the inheritance with certain considerations according to the circumstances or conditions in the family (heirs). So the share received by each heir and other recipients of inheritance varies because it does not use percentage or share rules as in Faraid Science.<sup>20</sup>

6. The heir does not leave any inheritance.

The pillars of inheritance are the existence of heirs who have a relationship with the heir who dies due to inheritance reasons. The second pillar is the existence of an heir, namely the person who dies. Lastly, there is inheritance, namely assets or rights that are transferred from heir to heir. If these pillars are not fulfilled then the inheritance process cannot be carried out.

7. The position of the heir who is determined as the recipient of the assignment of the portion number, is not in a primary position in the distribution of inheritance compared to the other heirs of the testator.

In the order of heirs, according to Islamic law, if someone dies, those who are most entitled to receive the inheritance are the ashab al-furud (people who get a certain share as determined by the Qur'an). If the inherited assets have been distributed to the ashab al-furud

<sup>17</sup>Windo Putra Wijaya, "Inheritance Verses in Review of the Interpretation of Maudhu'i and Its Deviations in Indonesia", Wardah Postgraduate Journal of UIN Raden Fatah Palembang, 2020, ISSN 1412-3711, pp. 106-122.

<sup>18</sup>Imanjauhari and T.Muhammad Ali Bahar, Islamic Inheritance Law (Yogyakarta: Deepublish Publisher, 2021), 2.

<sup>19</sup>Abdul Somad, "Is it permissible to divide inheritance according to agreement?", (Lecture Question and Answer Session in Palembang, October 2017), accessed September 9, 2023, <https://www.youtube.com/watch?v=nr1sLdhEk-8>.

<sup>20</sup>Akhmad Haries and Darmawati, "Implementation of the Distribution of Inheritance...", 167.

and it turns out that the assets still remain, then the remaining assets are given to the asabah. If the asabah is also not there, then the assets are given to the zawil arham and if the zawil arham is also not there, then the assets are given to the bait al-mal (religious treasure hall) which will later be used for the benefit of the Islamic religion and general welfare.<sup>21</sup>

8. The Hajj portion number is considered not part of the inheritance/inherited assets.

The portion number itself according to the Regulation of the Minister of Religion of the Republic of Indonesia Number 13 of 2021 concerning the Implementation of Regular Hajj is "a registration serial number issued by the Ministry which carries out government affairs in the field of religion for Hajj pilgrims who register". Where the portion number is the right of the Hajj pilgrims which is also expressly stated in Law Number 8 of 2019, Article 6 Paragraph 1.

When someone registers to go on the Hajj, they are entitled to receive a portion number which is their registration serial number. This portion number will then also become the serial number for Hajj departures on the waiting list of registered Hajj pilgrims. When registering for Hajj, Hajj pilgrims will have the right to go on Hajj along with other rights. These include: guidance on Hajj rituals, accommodation, food and health services, transportation services, and others. To obtain all these rights for 2023, the Hajj pilgrims must prepare funds of around ± IDR 50 million to be able to carry out the regular Hajj pilgrimage in Indonesia.

Where according to Malikiyah, Syafiiyah and Hambaliyah scholars, this tirkah is everything left by the heir (who dies) in the form of property and rights, both material and non-material rights.<sup>22</sup> Meanwhile, Imam Maliki only mentioned that there are heir rights that cannot be shared, for example the right to be a marriage guardian as a general meaning rather than the right in question.<sup>23</sup>

Based on this description, the researcher concludes that the portion number, both in the perspective of positive law in Indonesia and in Islamic inheritance law, is a right that can be inherited. This right is the right to be able to carry out the Hajj pilgrimage where this right can be calculated and/or exchanged for the amount of money which is the legacy of the deceased Hajj pilgrim/heir. In particular, in the Islamic view, all inheritance from the heir has been determined by both male and female heirs. The portion number is part of the inheritance, which can be inherited by passing it on to the heirs.

## CONCLUSION

The procedures for handing over portion numbers carried out at the East Kutai Regency Ministry of Religion Office are in accordance with the provisions in the Director General's Decree Number 130 of 2020 concerning Implementation Guidelines for Handling Portion Numbers for Hajj Pilgrims who Die or are Permanently Ill. Where the duties and authority of the Ministry of Religion Office are limited to verifying the completeness of the requirements for the delegation applicant's files and providing recommendations to the Provincial Ministry of Religion Regional Office.

The problem faced by the heirs when handing over the portion numbers of deceased pilgrims is the distance-time-cost problem.

Determination of the heirs who receive the portion number is carried out through deliberation, for the recipient of the delegation their inheritance portion is not reduced. So this does not have an impact on the inheritance system in the heir's family. The factors that cause the inheritance portion of the heirs who receive the portion number to not be reduced are as follows:

- a. The appointment of the heir who receives the portion number is the will or trust of the testator and the distribution of the inheritance is by means of the testator's will.
- b. Distribution of inheritance by means of a gift from the heir.
- c. The existing inheritance is never discussed, discussed or deliberated on because of the position of one of the living parents and the perception that if there are still living parents then there should be no division of inheritance.
- d. Lack of knowledge regarding Islamic inheritance law/Faroid Science.
- e. Distribution of inheritance by deliberation and consensus.
- f. The heir does not leave any inheritance.

<sup>21</sup>Akhmad Haries, "Analysis of Comparative Studies Between Islamic Inheritance Law and Customary Inheritance Law", *Phenomenon Journal* Vol.6 No. 2, 2014, p. 221.

<sup>22</sup>Suryati, *Islamic Inheritance Law* (Yogyakarta: ANDI, 2017), 50.

<sup>23</sup>Supangat, "Patent Rights (Immaterial) as Inherited Assets", *Islamadina Journal*, Volume XIV No.1, 2015, pp. 97-118.

- g. The position of the heir who is determined as the recipient of the assignment of the portion number, is not in a primary position in the distribution of inheritance compared to the other heirs of the testator.
- h. The Hajj portion number is considered not part of the inheritance/inherited assets.

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