

FARAID AND HIBAH

18 APRIL 2025 / 19 SYAWAL 1446H

الْحَمْدُ لِلَّهِ نَحْمَدُهُ وَنُسْتَعِينُهُ وَنَسْتَغْفِرُهُ. وَنَعُوذُ بِاللَّهِ مِنْ شُرُورِ أَنْفُسِنَا وَمِنْ سَيِّئَاتِ

أَعْمَالِنَا. مَنْ يَهْدِهِ اللَّهُ فَلَا مُضِلَّ لَهُ وَمَنْ يَضِلَّ فَلَا هَادِيَ لَهُ.

أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ، وَأَشْهَدُ أَنَّ سَيِّدَنَا مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ.

اللَّهُمَّ صَلِّ وَسَلِّمْ عَلَى سَيِّدِنَا مُحَمَّدٍ وَعَلَى آلِهِ وَأَصْحَابِهِ أَجْمَعِينَ.

أَمَّا بَعْدُ،

فَيَا عِبَادَ اللَّهِ، اتَّقُوا اللَّهَ وَأَوْصِيكُمْ وَإِيَّايَ بِتَقْوَى اللَّهِ، فَقَدْ فَازَ الْمُتَّقُونَ.

Let us increase our righteousness to Allah the Almighty by doing all that He prescribes and leaving all that He prohibits. May we be blessed by Allah the Almighty in this life and the hereafter.

Dear brothers and sisters,

Islam is a comprehensive religion, encompassing faith (*aqidah*), sharia (*syariah*) and morality (*akhlak*). Among the aspects of Islamic comprehensiveness is the emphasis on the concept of fair property management, whether while a person is still alive, or after death. This method of distributing property after death

is known as faraid distribution of property. Allah the Almighty says in chapter 4 (Surah al-Nisa') verse 7:

لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ
نَصِيبًا مَّفْرُوضًا

Which means: *“For men there is a share in what their parents and close relatives leave, and for women there is a share in what their parents and close relatives leave—whether it is little or much. These are obligatory shares.”*

When faced with the death of a person, it is the responsibility of the heirs and the community to manage the deceased's remains by using the deceased's estate for the purpose of funeral expenses. The heirs must then manage the deceased's estate by prioritizing the settlement of religious debts and debts between people, as well as executing wills not to heirs, provided that they do not exceed one-third of the estate.

Then, the heirs are obliged to divide the estate according to the law of faraid as determined in the sharia. Allah the Almighty says in chapter 4 (Surah al-Nisa') verse 11 which means:

“Allah commands you regarding your children: the share of the male will be twice that of the female. If you leave only two or more females, their share is two-thirds of the estate. But if there is only one female, her share will be one-half.”

Based on this verse, the distribution of faraid is actually the original law used in the distribution of property, and is the law of Allah the Almighty which is clear in the Quran. It is a grave sin and is feared to damage the faith of anyone who

belittles the distribution of faraid, or claims that this faraid law is unjust. It should be emphasized that the greater the distribution of faraid rights among heirs, the greater the responsibility of the recipient towards the dependents left behind.

Dear brothers and sisters,

Avoid delaying the distribution of inheritance on the grounds that the deceased's grave is still new. Such postponement can lead to more complicated problems when an heir later dies before the property is divided, which can lead to a rift in the relationship between the heirs. What is even more feared is that it could cause some heirs to consume or take the rights of orphans or other heirs' property. Remember what Allah the Mighty says in chapter 4 (Surah al-Nisa') verse 10:

إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا وَسَيَصْلَوْنَ سَعِيرًا ١٠

Which means: *“Indeed, those who unjustly consume orphans’ wealth in fact consume nothing but fire into their bellies. And they will be burned in a blazing Hell!”*

There is data that shows that many inheritances fail to be distributed among heirs. Change this attitude by immediately discussing the distribution of the estate after the deceased is buried, or appoint experts to assist in the distribution based on Islamic law.

However, equal division is permitted provided that it is divided while the owner of the property is still alive. It should be understood that the concept of hibah (good faith gift) must be completed while the hibah giver (property owner) is still alive, and is not tied to the death of the property owner. A gift that is not handed over to the recipient while the owner is still alive is void and reverts to the law of faraid.

However, after the death of the owner, if the heirs wish to distribute equally, it must be agreed upon by all the heirs who are of sound mind and of legal age. The rights of heirs who have not reached puberty or are mentally defective cannot be reduced in the slightest based on faraid. It should be remembered that all heirs cannot be forced to give up their rights on the grounds of dividing them equally.

Dear beloved fellow muslims,

Among the steps for the distribution of faraid property is to appoint companies, agents or administrators who have experience in managing property according to faraid. The administrator must ensure that all rights of the heirs are protected and that claims for marital property by the widow or husband of the deceased are also taken into account.

To ensure that the division of property can be carried out properly, the property owner must have a clear record of property ownership, whether in the form of real estate, shares, cash savings, etc. Many delays in faraid distribution occur due to lack of inheritance documents. Inform the existence of the property to several of the closest heirs. For those who are polygamous, inform someone that they have heirs from another marriage, so that the rights of inheritance are not denied.

Dear brothers and sisters,

To end this sermon, it can be concluded that originally the law of property division was obligatory according to faraid. However, the heirs are allowed to agree on a different division based on their own consent without any pressure, provided that the heir is of sound mind and legal age. Expedite the distribution of inheritance to avoid rifts in relationships between family members, or the property being frozen, which will cause losses to the Muslim community.

أَعُوذُ بِاللَّهِ مِنَ الشَّيْطَانِ الرَّجِيمِ

تِلْكَ حُدُودُ اللَّهِ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ
خَالِدِينَ فِيهَا ذَلِكَ الْفَوْزُ الْعَظِيمُ

بَارَكَ اللَّهُ لِي وَلَكُمْ فِي الْقُرْآنِ الْعَظِيمِ، وَنَفَعَنِي وَإِيَّاكُمْ بِمَا فِيهِ مِنَ الْآيَاتِ
وَالذِّكْرِ الْحَكِيمِ، وَتَقَبَّلْ مِنِّي وَمِنْكُمْ تِلَاوَتَهُ، إِنَّهُ هُوَ السَّمِيعُ الْعَلِيمُ. أَقُولُ
قَوْلِي هَذَا وَأَسْتَغْفِرُ اللَّهَ الْعَظِيمَ لِي وَلَكُمْ، وَلِسَائِرِ الْمُسْلِمِينَ
وَالْمُسْلِمَاتِ، وَالْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ، فَاسْتَغْفِرُوهُ إِنَّهُ هُوَ الْغَفُورُ الرَّحِيمُ.