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Mathematical Reasoning of Tirkah Management: Excluding Illicit Wealth in Islamic Inheritance Law

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Abstract

The estate left by a decedent cannot be immediately distributed to the heirs because there are several normative-administrative aspects that the heirs must fulfill. In the study of Islamic inheritance law (fiqh al-mawaris), these normative-administrative obligations are limited to the discussion of tajhiz, debts, and wills. Meanwhile, normative-ethical considerations (regarding the permissibility of the inherited assets) are rarely addressed comprehensively. This article aims to examine the status of haram assets in the Islamic inheritance process and how this is applied in mathematical calculations. This article is a literature review analyzed qualitatively. Data is sourced from books on Islamic inheritance law, other relevant books, and journal articles. Based on philosophical and conceptual approaches, as well as considerations of the principle of ijbari in Islamic inheritance law, this article finds that haram assets left by the decedent must not be used for normative-administrative purposes nor be bequeathed to heirs. The main argument of this article demonstrates that a sharia-compliant inheritance process cannot render haram assets halal for the heirs. Based on this, this article recommends that haram inheritance assets left by the decedent must be eliminated at the initial stage of estate administration to avoid various forms of harm that may arise.

[Harta waris yang ditinggalkan pewaris tidak bisa langsung dibagikan kepada ahli waris karena ada beberapa aspek normative-administratif yang perlu dilaksanakan oleh ahli waris. Dalam kajian fikih mawaris, kewajiban normative-administratif tersebut hanya membahas pada pembahasan tajhiz, hutang, dan wasiat. Sedangkan pertimbangan normative-etis (status kehalalan harta warisan) tidak banyak ditemukan secara komprehensif. Artikel ini bertujuan untuk mengkaji status harta haram dalam proses kewarisan islam dan bagaimana praktiknya dalam penghitungan matematis. Artikel ini merupakan penelitian Pustaka yang dianalisis secara kualitatif. Data bersumber dari kitab fikih mawaris, buku, hingga artikel jurnal yang relevan. Berdasarkan pendkatan filosofis dan konseptual, serta pertimbangan prinsip ijbari dalam hukum waris islam, artikel ini menemukan bahwa harta haram yang ditinggalkan oleh pewaris tidak boleh digunakan untuk hal-hal normative-administratif maupun diwariskan kepada ahli waris. Argumentasi utama artikel ini menunjukkan bahwa proses kewarisan yang syar'I tidak dapat menjadikan harta haram menjadi halal bagi ahli waris. Berdasarkan hal tersebut, artikel ini mengajukan rekomendasi bahwa harta waris haram yang ditinggalkan oleh pewaris harus dieliminasi pada tahap awal pengelolaan tirkah untuk menghindari berbagai mafsadat yang akan dihadapi.]

Keywords: tirkah; unlawful wealth; mathematical framework; Islamic inheritance law

Introduction

In Islamic legal discourse, ownership of property is not merely the accumulation of material wealth in this world, but rather a trust for which one must be accountable regarding its permissibility, both in terms of its nature and the manner in which it was acquired.[1] One way to acquire property in Islam is through the process of inheritance.[2] Therefore, the administration of the estate becomes a crucial issue in the cycle of a Muslim's property ownership because it involves the transfer of rights from the decedent to the heirs.[3] In common inheritance law practice, attention to inherited assets tends to be limited to the fulfillment of inheritance obligations in a normative-administrative sense, such as the costs of preparing the deceased for burial (tajhiz), the settlement of debts, and the fulfillment of a will, before the remaining assets are distributed according to the faraid.[4] In fact, before reaching the stage of distributing shares to the

[1] Mugni Muhit and Jajang Herawan, "Implikasi Kepemilikan Harta Halal dan Haram Perspektif Al-Qurâ€™ An dan Al-Hadits," *Ad-Deenar: Jurnal Ekonomi Dan Bisnis Islam* 6, no. 001 (2022): 35–60.

[2] Hafidz Taqiyuddin, Mus'idul Millah, and Hikmatul Luthfi. "Instruments of property ownership in Islam: The study of inheritance law." *Journal of Islamic Thought and Civilization* 13, no. 1 (2023): 157-171.

[3] Elviana Sagala, "Ketentuan Tentang Harta Peninggalan (Tarikah) Dalam Hukum Islam," *Jurnal Ilmiah Advokasi* 5, no. 1 (2017): 34–51.

[4] Arbanur Rasyid, Rayendriani Fahmei Lubis, and Idris Saleh, "Contestation of Customary Law and Islamic Law in Inheritance Distribution: A Sociology of Islamic Law Perspective," *Al-Ahkam* 34, no. 2 (October 2024): 419–48, https://doi.org/10.21580/ahkam.2024.34.2.20843.

heirs, there is a far more crucial discourse regarding the permissibility of the assets that will be the subject of the inheritance.

Despite the fact that, within the Indonesian legal context, the concept of the division of joint property or "gono-gini" in inheritance is well-established,[5][6] the discourse on "tirkah" still leaves room for further discussion in both fiqh literature and the practical methods of calculation. To date, there has been no integrative fiqh and scientific study on the mechanism for separating tirkah assets when they are mixed with assets that are haram.[7][8] This challenge is further complicated because it involves two main categories of haram status: haram li zatihi—which is haram by its very nature, such as impure objects—and haram li ghairihi—where the substance itself may be halal but the method of acquisition violates Sharia principles, or assets whose Sharia-compliant ownership rights remain with the original owner and cannot be transferred.[9] Until now, inheritance studies have often been conducted under the assumption that all inherited assets are pure.[10][11] Without clear calculation standards for predicting or isolating the haram portion from a mixed pool of assets, heirs risk inheriting the moral liability of the decedent and consuming assets that are not halal.[12]

The existence of the principle of compulsory inheritance in Islamic inheritance law has theoretical and practical implications, whereby the

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[5] Yuli Andini Puspitasari et al., "Kedudukan Harta Gono-Gini Dalam Pembagian Harta Waris Menurut Hukum Islam," ALADALAH: *Jurnal Politik, Sosial, Hukum Dan Humaniora* 2, no. 3 (2024): 83–92.

[6] Puspitasari et al.

[7] Hajarul Aswad Panggabean, "Hukum Waris Harta Haram (Pandangan Tokoh Komisi Fatwa MUI DI Yogyakarta dan Tokoh Majelis Tarjih dan Tajdid Pimpinan Pusat Muhammadiyah)" (UIN Sunan Kalijaga Yogyakarta, 2024).

[8] Rafli Chesio, Fitri Zalita Dalimunthe, and Rizki Kurnia Tari, "Analisis Transformasi Harta Ilegal Oleh Pewaris dalam Perspektif Hukum Waris Islam: Studi Kasus Penadah Barang Curian," n.d.

[9] Dimas Aji Saputra, Budi Kisworo, and Lendrawati Lendrawati, "Pandangan Hukum Islam Terhadap Harta Warisan Dari Hasil Perjudian" (IAIN Curup, 2021).

[10] Hendra Wijaya and Azwar Iskandar, "The Terminology of Al-Tirkah in the Perspective of Al-Syansyūrī Al-Syāfi'ī and Its Relevance to Inheritance Issues in Indonesia: Istilah Al-Tirkah Menurut Pandangan Al-Syansyūrī Al-Syāfi'ī Dan Relevansinya Dengan Masalah Pewarisan Di Indonesia," *Journal of Muwafaqat* 7, no. 2 (2024): 1–10.

[11] Azka Izzatun Nada and Ali Kadarisman, "Bagian Tirkah Anak Mupu Perspektif Teori Double Movement Fazlur Rahman," *Sakina: Journal of Family Studies* 8, no. 1 (2024): 15–28.

[12] Mulyana Abdullah, "Memahami Prinsip-Prinsip Pembagian Harta Peninggalan Dalam Perspektif Dakwah Islam," *Ahsan: Jurnal Dakwah Dan Komunikasi* 1, no. 1 (2022): 67–81.

transfer of ownership of assets from the decedent to the heirs occurs automatically.[13] However, this principle carries significant risks if not applied carefully, as it has the potential to include haram assets in the administrative handling of the estate or in the compulsory distribution of the inheritance.[14] This research is important because the discussion of haram assets within the structure of traditional inheritance fiqh has not yet been fully integrated. Classical fiqh appears to assume that the subject of inheritance (maurust) is a lawful asset and is fully owned,[15] so mechanisms for screening out illegal assets prior to the faraid process have not been accommodated in discussions of the estate. The proliferation of various assets derived from sources not permitted by sharia, such as proceeds from corruption, bribery, and gambling (maysir),[16] requires a re-examination of the concept of the estate.

A literature review on inheritance law regarding illicit assets from the perspective of Islamic law reveals a shift from a classical administrative approach toward an ethical-juridical approach based on the Maqāṣid al-Sharīʿah. In general, the literature identifies two dominant approaches: the formal-traditional approach, which views the estate as a purely administrative entity (funeral expenses, debts, and bequests),[17] and the substantial-contemporary approach, which emphasizes the halal status of assets prior to the distribution process.[18] Scholarly debates have consistently centered on the relationship between the principle of compulsion (asas ijbari) and the principle of the sanctity of property. Ichsan argues that a rigid application of the principle of compulsion risks forcing heirs to inherit a "relay of sin" from the decedent, particularly in cases involving dubious assets (syubhat).[19] This debate intensifies when considering assets that are haram

[13] Riska Siti Alida et al., "The Application of the Ijbari Principle in Islamic Inheritance Law," *DE'RECHTSSTAAT* 11, no. 2 (2025): 248–52.

[14] Muhammad Ichsan, "Hukum Kewarisan Tirkah Syubhat dan Relevansinya dengan Asas Ijbari Perspektif Empat Mazhab" (Universitas Islam Negeri Sultan Syarif Kasim Riau, 2020).

[15] Mohd Ali Mohd Yusuf, Khiral Anuar Daud, and Noorsafuan Che Noh, "Inheritance Distribution in Islam: Between Legal Provisions and Dynamics of Its Implementation," *International Journal of Research and Innovation in Social Science* 8 (2025): 3719–26.

[16] Nur Kholis, "Potret Perkembangan Dan Praktik Keuangan Islam Di Dunia," *Millah: Journal of Religious Studies*, 2017, 1–30.

[17] Sagala, "Ketentuan Tentang Harta Peninggalan (Tarikah) Dalam Hukum Islam."

[18] Ichsan, "Hukum Kewarisan Tirkah Syubhat dan Relevansinya dengan Asas Ijbari Perspektif Empat Mazhab."

[19] Ichsan.

lighairihi. Some researchers, such as Saputra, assert that assets derived from gambling are invalid (bathil) and cannot be purified through inheritance because they would compromise the quality of the heirs' worship.[20] Sagala and Ichsan note that although Islamic law and the KHI are well-established, there is still no standardized mathematical mechanism for separating the haram elements from a mixed pool of assets (syubhat). Therefore, it is crucial to reformulate the inheritance formula so that the purification of assets serves as the first filter before deducting the rights of the deceased and distributing the faraid.

Although numerous studies on the principles of inheritance and the administration of the estate have been conducted in Islamic legal literature,[21][22][23][24] there remains a significant research gap: academic attention has often been limited to administrative procedures such as funeral expenses, debts, and wills, while the practice of removing illicit assets prior to estate administration has not yet been addressed. This article addresses this gap by arguing that illicit assets must be fully excluded from the total estate before other inheritance rights are exercised. The originality of this research lies in the initial hypothesis that illicit assets must be treated as the first absolute filter to minimize the risk of dividing joint assets (gono-gini), handling funeral arrangements, and fulfilling wills and debts using illicit funds. This study contributes to the development of a more dynamic and sustainable Islamic inheritance law by promoting the integration of ownership ethics and legal procedures. This article specifically aims to determine the status of illicit assets within an estate. Furthermore, this study

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[20] Saputra, Kisworo, and Lendrawati, "Pandangan Hukum Islam Terhadap Harta Warisan Dari Hasil Perjudian."

[21] Abdul Rohim, "Civil Servants' Pension Benefits after Death in the Perspective of NU Bahtsul Masa'il: Reconstructing Status between Tirkah, Ujrah, and Irzaq," *Journal of Nahdlatul Ulama Studies* 6, no. 2 (2025): 86–98.

[22] h Wijaya And A Iskandar, "The Terminology of Al-Tirkah in The Perspective of Al-Syansyūrī Al-Syāfi'ī and Its Relevance to Inheritance Issues in Indonesia," *Journal of Muwafaqat Учредители: Penerbit Kolej Universiti Islam Antarabangsa Selangor* 7, no. 2 (2024): 1–10.

[23] Zainal Muttaqin, "Tirkah Distribution Obligation Rules According to Fiqh Al-Awlawiyyat," *Jurisprudensi: Jurnal Ilmu Syariah, Perundang-Undangan Dan Ekonomi Islam* 15, no. 1 (2023): 88–101.

[24] Muammar Bakry Nurfaizah, Abd Rauf Muhammad Amin, and Rahmatiah H L Darussalam Syamsuddin, "Legal Reasoning of Judges Towards Inheritance Decision Making in the Religious Court of Bone District (Case Study of the Settlement of Tirkah Ampikale in the Customs of Inheritance of the Bone Society)," *Cuestiones de Fisioterapia* 54, no. 3 (2025): 5423–41.

seeks to integrate Islamic inheritance jurisprudence (fiqh al-mawaris) with mathematics to create a precise formula for calculating inheritance in cases where the decedent's assets are mixed with illicit elements.

Literature Review

Studies on tirkah (the estate of the deceased) reveal a shift from the normative-administrative interpretation in classical fiqh toward a more progressive and sociological approach in contemporary practice.[25] In classical fiqh discourse, tirkah is understood as a legal entity encompassing all property and property rights actually owned by the decedent prior to death (mā takhallafa 'an al-mayyit). The core argument in classical fiqh literature emphasizes that the status of tirkah does not automatically become an inheritance (mirats) that can be distributed immediately; rather, it must undergo a process of deduction to ensure strict distribution. Based on the principle of Fiqh al-Awlawiyyat, there is a hierarchy of priorities that must be fulfilled, beginning with the costs of preparing the deceased for burial (tajhiz al-mayyit), the settlement of debts, and the fulfillment of bequests.[26] Within this framework, the estate is viewed as collateral for the financial and spiritual obligations of the deceased that must be settled first in order to preserve the sanctity of the assets to be received by the heirs.

Conversely, in contemporary fiqh practice, the interpretation of tirkah has undergone a more complex paradigm shift due to its interaction with state regulations and local customs. This dynamic is evident in the process of dividing joint property (gono-gini) in both monogamous and polygamous families,[27] where judges often must apply a progressive legal framework to conduct collective tashfiyah (purification of assets) before determining inheritance shares to ensure distributive justice for the wives.[28] Furthermore, the integration of Islamic law with local wisdom, such as the Ampikale tradition among the Bugis people, demonstrates that assets customarily set aside for old age can be legally reclassified as a will by a judge, provided they

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[25] Muttaqin, "Tirkah Distribution Obligation Rules According to Fiqh Al-Awlawiyyat."

[26] Muttaqin.

[27] Abdul Kodir Alhamdani and Ahmad Firman, "Paradigma Hakim Dalam Menetapkan Tirkah Dan Harta Bersama Pada Keluarga Poligami: Analisis Putusan MA Nomor 107 PK/Ag/2016," LEX FAMILIA: *Journal of Islamic Family Law* 1, no. 1 (2026): 41–54.

[28] Desy Triyana, "The Distribution System of Joint Property in Polygamous Families from the Perspective of Islamic Law Compilation and Civil Code," *Eduvest-Journal of Universal Studies* 5, no. 12 (2025): 14444–59.

do not exceed one-third of the total estate.[29] Furthermore, the debate over the status of civil servant pension benefits underscores the boundaries of the contemporary definition of tirkah; religious authorities such as NU's Bahtsul Masa'il assert that benefits that arise only after death and are conditional in nature must be categorized as irzāq (state provision) rather than tirkah, and thus are not subject to inheritance distribution.[30] Thus, contemporary practice positions tirkah no longer merely as a static asset, but rather as a dynamic legal object that requires critical analysis of its sources of acquisition and intended use within the framework of national law and social justice.

In fiqh studies, haram property is classified into two categories: haram li dzatihi and haram li ghairihi.[31] Haram li dzatihi refers to property that is haram because its very nature or essence is prohibited by Islamic law, such as alcohol, pork, carrion, and items obtained illicitly—such as through theft, robbery, and fraud.[32] Scholars generally agree that this type of property cannot be inherited because its ownership is invalid under Islamic law.[33] Such property must be returned to its original owner or their heirs, and if the owner is unknown, it must be channeled toward the public interest or donated to the poor and needy. As for "haram li ghairihi" assets, these are assets that are inherently lawful but become illicit because the method of acquiring them violates Islamic law, such as proceeds from usury, bribes, corruption, bank interest, and other prohibited transactions.[34] Thus, the illicitness of this type of asset does not lie in the asset itself, but rather in the process or mechanism by which it was acquired.

Scholars have differing opinions regarding the inheritance law of haram li ghairihi (illicit) assets. The majority of scholars from the Hanafi, Shafi'i, and

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[29] Nurfaizah, Amin, and Syamsuddin, "Legal Reasoning of Judges Towards Inheritance Decision Making in the Religious Court of Bone District (Case Study of the Settlement of Tirkah Ampikale in the Customs of Inheritance of the Bone Society)."

[30] Rohim, "Civil Servants' Pension Benefits after Death in the Perspective of NU Bahtsul Masa'il: Reconstructing Status between Tirkah, Ujrah, and Irzaq."

[31] Teddy Kusuma, "Cryptocurrency for Commodity Futures Trade in Indonesia: Perspective of Islamic Law.," *Journal of Islamic Banking & Finance* 37, no. 1 (2020).

[32] Ahmad Munif Suratmaputra, "Problematika Uang Haram Dalam Kajian Fiqh," MISYKAT: *Jurnal Ilmu-Ilmu Al-Quran Hadits Syari'ah Dan Tarbiyah* 2, no. 1 (2017): 21–34.

[33] Chesio, Dalimunthe, and Tari, "Analisis Transformasi Harta Ilegal Oleh Pewaris dalam Perspektif Hukum Waris Islam: Studi Kasus Penadah Barang Curian."

[34] Panggabean, "Hukum Waris Harta Haram (Pandangan Tokoh Komisi Fatwa MUI DI Yogyakarta dan Tokoh Majelis Tarjih dan Tajdid Pimpinan Pusat Muhammadiyah)."

Hanabilah sects are of the opinion that haram assets are not permissible for either the owner or his heirs, and therefore any assets known to be haram must be released or returned to the rightful party.[35] This opinion is supported by Imam Nawawi, Imam Al-Ghazali,[36] Ibnu Taimiyah,[37] Ibnu Rusyd,[38] Ibnu Abidin,[39] and a number of Maliki scholars. Meanwhile, some other scholars, such as Ibnu Syihab,[40] and Syekh Ibnu Utsaimin[41] are of the opinion that haram assets due to the way they were acquired are sinful only for the owner, while the heirs can possess them through legitimate means, namely inheritance. They base their opinion on the principle that the prohibition related to the method of acquisition does not transfer to another party who receives it through a contract or a reason permitted by sharia. This difference of opinion shows that the issue of inheritance of haram li ghairihi assets is included in the area of ijtihadiyyah which is still a matter of debate in the treasury of Islamic jurisprudence.

Methodology

This study employs a qualitative research design using a literature review approach. A philosophical and conceptual approach was chosen because it is particularly well-suited to capturing the sociocultural dynamics and local knowledge systems involved in the development of Islamic law in Indonesia, particularly regarding the practice of asset distribution. Through the normative framework of fiqh mawaris, this approach examines how contemporary ijtihad addresses the complexities of modern asset ownership—such as assets derived from corruption or gambling—to achieve the public good.

Data sources in this study are transparently classified into primary and secondary data. Data were systematically obtained and collected through a documentary study of classical fiqh literature, specialized books on inheritance (mawaris), regulations from the Compilation of Islamic Law (KHI),

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[35] Imam Nawawi, Al-Majmu' Syarah Al-Muhażżab..., XI: 114.

[36] Al-Ghazali, Ihya' 'Ulumiddin, alih bahasa Ibnu Ibrahim, (Jakarta: Republika Penerbit, 2011), III: 158.

[37] Ibnu Taimiyah, Majmu' Fatawa, (Beirut: Darul Fikr, 1980), XV: 169.

[38] Ibnu Rusyd, Al-Muqaddimat Al-Mumhidat, (Beirut: Dar Al-Gharab Al-Islami, 1988), II: 617.

[39] Ibnu Abidin, Hāsyiyatu Raddu Al-Mukhtar, (Beirut: Darul Al-Fikr, 1995), V: 220.

[40] Ibnu Rusyd, Fatawa Ibnu Rusyd, (Beirut: Darul Gharbil Islam, 1987), 640.

[41] Muhammad Ibnu Shalih Al-Utsaimin, Liqā'at Al-Bāb Al-Maftūh, (nd: Muassasah Asy-Syaikh Muhammad bin Shalih Al-'Utsaimin, 1438 H) I: 103.

as well as research journals related to inheritance law and asset classification. All data were compiled to ensure the validity of information regarding the legal status of tirkah mixed with haram elements.

The data analysis technique used is descriptive-analytical with deductive reasoning, in which theories of inheritance and the status of assets are synthesized into legal conclusions. The data are interpreted using a theoretical framework based on the fundamental principles of inheritance law. The analysis in this article also draws on the theory of tirkah from the perspective of Islamic schools of thought and the principles of usul al-fiqh to examine the relevance of the principle of ijbari to illicit assets. In the final stage, this study integrates aspects of fiqh with mathematics to formulate a revised formula for calculating inheritance that can precisely exclude illicit elements before the distribution of the heirs' shares.

Results

This study found that illicit assets cannot be categorized as part of the estate that is legally inheritable; therefore, they must first be excluded from the total estate of the decedent before any further calculations are made. This elimination is obligatory and fundamental, preceding the entire estate administration process—including the determination of joint property (gono-gini), the settlement of obligations (haq al-mauruts), and the distribution of faraid. Thus, an inheritance distribution structure in accordance with Sharia teachings requires an initial separation between lawful (halal) and illicit (haram) assets, so that only assets that have been purified (halal) can be the subject of further calculations within the Islamic inheritance system.

The mathematical formula developed in this study positions the elimination of haram assets as the initial stage in the tirkah calculation. Systematically, the total estate (tirkah) is first reduced by the haram assets to obtain the sharia-compliant net estate. Next, the share of joint property (gono-gini) to which the spouse is entitled is deducted from this clean estate, followed by the deduction of funeral expenses, the settlement of debts, and the fulfillment of the will. Thus, only the final remainder after this series of deductions can be categorized as the inheritance ready for distribution to the heirs.

$$E=(G-IA-21(G-IA)-FE-D)-BQ$$
$$BQ\leq 31(G-IA-21(G-IA)-FE-D)$$

Where:

E = net estate available for distribution to the heirs

G = gross estate (total tirkah left by the deceased)

IA = illicit assets contained within the estate

FE = funeral expenses

D = debts of the deceased

BQ = bequest (waṣiyyah), limited to a maximum of one-third of the net estate

To better understand the calculation scheme for an estate that contains illicit assets, the following case simulation is presented. A deceased person leaves the following estate:

Gross estate (G) = IDR 600,000,000

Illicit assets (IA) = IDR 120,000,000

Funeral expenses (FE) = IDR 10,000,000

Debts (D) = IDR 50,000,000

Proposed bequest (BQ) = IDR 80,000,000

The first step is to remove the illicit assets from the total estate jointly owned by the deceased and the surviving spouse:

$G - IA = 600{,}000{,}000 - 120{,}000{,}000 = 480{,}000{,}000$ is the remaining lawful estate.

The next step is to determine the marital property (*gono-gini*) belonging to the surviving spouse, amounting to 50% of the lawful estate.

$1/2(G - IA) = 1/2(480{,}000{,}000) = 240{,}000{,}000$ received by the surviving spouse as gono-gini.

The remaining lawful estate is then reduced by the surviving spouse's marital property share, funeral expenses, and the deceased's debts.

480.000.000 – 240.000.000 – 10.000.000 – 50.000.000 = 180.000.000 is the remaining estate.

The bequest is calculated based on the net estate remaining after all estate obligations have been fulfilled:

$BQ \leq 1/3(G - IA - 1/2(G - IA) - FE - D)$

1/3 x 180.000.000 = 60.000.000

Since the initial will was drafted based on the assumption of 80,000,000, excluding ill-gotten assets, the bequests are calculated using the second method, which is 60,000,000 after the ill-gotten assets have been excluded. The final step is to calculate the final result: the net estate ready to be distributed.

E= 180.000.000 – 60.000.000 = 120.000.000 is the final estate available for distribution among the heirs.

To illustrate the difference between the inheritance model that eliminates illicit assets before estate distribution and the conventional model that does not, the following comparative table is presented.

Table 1: Simulation comparison of conventional model and new formulation model

Aspect	Conventional Model	Formulation Model
Status of Illicit Assets	Not explicitly addressed/often overlooked	Eliminated at the earliest stage
Classification of Illicit Assets	Potentially mixed in with tirkah	Not part of the tirkah
Calculation Order	Goes directly to gono-gini or obligations	Begins with the elimination of illicit assets
Sharia Validity	Problematic (potential for non-halal distribution)	More in line with Sharia principles
Mathematical Structure	Not systematic	Systematic and well-defined
Readiness for Digitization	Low	High (can be calculated)

The following is a comparison table showing simulated calculations of inheritance assets with and without the exclusion of illicit assets.

Table 2: Simulation comparison of distribution of inheritance between two models

Stages	General Model (Without Initial Elimination)	Formula Model (With Initial Elimination)
Initial Basis	600,000,000	600,000,000
Elimination of Illicit Assets	✖ Not performed	600 million – 120 million = 480 million
Equal Division (50%)	300,000,000	240,000,000
Remaining Amount After Equal Division	300,000,000	240,000,000
Less Funeral Expenses	290,000,000	230,000,000
Less Debts	240,000,000	180,000,000
Bequest Limit (1/3)	80,000,000 (valid)	60,000,000 (limited)
Final Inheritance	160,000,000	120,000,000

Analysis and Discussion

The results of this study indicate that the elimination of illicit assets must be carried out before proceeding to the division of marital property and the administration of the distribution of the tirkah. The status of illicit assets in inheritance does indeed give rise to varying opinions among scholars, as previously explained. The majority of scholars agree that illicit assets (haram li kasbihi) cannot be bequeathed to heirs, and even if such assets are transferred, this does not render the illicit assets lawful.[42] According to Imam Nawawi, heirs must exercise ijtihad to eliminate such illicit assets if they do not know with certainty the proportion of illicit assets within the estate.[43] More explicitly, Ibn Abidin states that such assets are absolutely prohibited from being inherited. If the heirs know the rightful owner, the assets must be returned; if they do not know the owner, the haram assets must be given as charity.[44] Even in contemporary cases, Darul Ifta has issued a fatwa stating that heirs must terminate the investment contract, retrieve the principal and interest, and then donate the interest to those in need so that the deceased's investment is not continued to be exploited by the bank.[45]

Some contemporary scholars state that haram wealth can become halal through inheritance. Dr. Ali Jum'ah states that there is no haram wealth in inheritance, because the process of transferring wealth through inheritance can purify the wealth.[46] Usman al-Khamis also states that inheritance is one way to acquire halal wealth, so that certain forms of haram wealth, such as usury and even corruption, become halal for the heirs. He emphasizes that if the original owner of such property is identified, it must be returned to them.[47] However, this opinion directly contradicts a fundamental principle of Islamic jurisprudence (fiqh) which states that whatever is forbidden to take is also forbidden to give to others by any means.[48] Illicit wealth remains illicit even if transferred through lawful means (transfer of ownership by inheritance), because from the outset that wealth remains the property of its original owner.[49] Based on this principle, heirs have an obligation to remove any illicit assets found in the deceased's estate.

The comparison results show that the fundamental difference between the conventional model and the proposed model lies in the placement of the elimination of haram assets as an initial step before assets are classified as tirkah. In the conventional model, haram assets are not explicitly separated,

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[42] Imam al-Ghazali, *Ihya 'Ulum ad-Din*.

[43] Imam an-Nawawi, *Majmu' Syarah al-Muhazzah*.

[44] Ibn Abidin, *Radd al-Mukhtar*.

[45] Fatwa Darul Ifta, accessed on 18-01-2026 (click for the link)

[46] Dr. Ali Jum'ah, Video on Social Media Facebook, accessed on 18-01-2026 (click for the link)

[47] Usman al-Kamis, Video Media Sosial, accessed on 18-01-2026 (click for the link)

[48] https://shamela.ws/book/37692/156#p8

[49] Abbas Ahmad Muhammad al-Baz, *Ahkam al-Mal al-Haram wa Dhawabit al-Intifa' wa at-Tasharuf bihi fi al-Fiqh al-Islami*, (Yordania: Dar an-Nafais, 1418H), https://shamela.ws/book/95557/1346

so all of the decedent's assets directly form the basis for calculating the joint estate, deducting the decedent's liabilities, and distributing the estate to the heirs. This situation has the potential to result in assets that lack sharia legitimacy being distributed to the heirs. In contrast, the proposed model treats the elimination of haram assets as a prerequisite for the formation of the tirkah, ensuring that only halal assets serve as the basis for all subsequent calculation processes. Simulations show that changing the starting point of the calculation affects all derived components, ranging from the value of joint assets, the amount of permissible bequests, to the total estate that can be distributed to the heirs. Although the final value of the estate is smaller—Rp120,000,000 compared to Rp160,000,000 in the conventional model—this result actually reflects an increase in Sharia validity, as the heirs' rights derive solely from assets that have been purified of illicit elements. In addition to providing normative certainty, this formulation also yields a calculation structure that is more systematic, measurable, and easily adaptable to computational systems or digital applications for Islamic inheritance law, thereby having the potential to serve as a new model for the development of technology-based faraid science.

Tables 1 and 2 show that the elimination of illicit assets in the early stages of estate administration plays a crucial role. Systematically, eliminating illicit assets from the outset preserves the lawful status of the assets, which forms the basis for the entire estate administration process in subsequent stages. Conversely, if this elimination is not carried out, as shown in Table 2, the haram assets will become part of the basis for calculating joint assets (gono-gini), tajhiz costs, debt repayment, the execution of the will, and the distribution to the heirs. In other words, illicit assets totaling Rp120,000,000 will affect every stage of the calculation, thereby potentially compromising the permissibility of the entire asset distribution. Furthermore, the question arises as to whether illicit assets can be eliminated after the division of joint property. Technically, this is possible; however, this approach carries different consequences. First, there is a possibility that a portion of the illicit assets will remain attached to the spouse's share as joint property. Second, if the entire amount of illicit assets is charged to the heir's share after the equal division, the value of the remaining tirkah will be significantly reduced. To illustrate these implications, Table 3 presents a simulation of the calculation if the elimination of illicit assets is carried out after the equal division. As an illustration, the calculation will be outlined in a table.

Table 3: Simulation of inheritance distribution using elimination of illicit assets

Stages	Elimination of illicit assets following the division of marital property
Initial Base	600.000.000
Equal Division (50%)	300.000.000
Elimination of Illicit Assets	300.000.000 – 120.000.000 = 180.000.000
Remaining Assets After Elimination	180.000.000
Minus Funeral Expenses	170.000.000
Minus Debts	120.000.000
Bequest Limit (1/3)	40.000.000
Final Inheritance	**120.000.000 – 40.000.000 = 80.000.000**

This finding indicates that illicit assets left behind by a husband or wife are, in essence, part of the joint property that must be purified jointly before the division of marital assets takes place. In the context of Indonesian law, the concept of joint property reflects the principles of partnership and equality between husband and wife regarding ownership of assets acquired during the marriage.[50] Thus, assets acquired by the husband, the wife, or both during the marriage are regarded as the result of joint efforts.[51] Consequently, when the joint property contains illicit elements, the legal consequences must also be borne jointly through an elimination mechanism prior to the division of marital property. Conversely, if elimination is carried out after the division of marital property, the burden of reducing the illicit assets will be borne by only one party, thereby no longer reflecting the principles of solidarity and equality that form the basis of the concept of joint property.

The situation is different if one spouse has predeceased the other, so that at the time of the decedent's death, there is no longer a surviving spouse. In such circumstances, the elimination of illicit assets must still be carried out as the first step in the administration of the estate. The difference lies in the subsequent stage: once the illicit assets have been set aside, the inheritance administration process can proceed directly to fulfilling the obligations of the estate, including funeral expenses (tajhiz), repayment of

[50] Barru Aliyyu Nissa Ismanto, "Pembagian Harta Bersama Berdasarkan Kontribusi Koheren Dengan Prinsip Hukum Perkawinan," *Journal Of Normative Legal Research* 1, no. 2 (2025): 11–18.

[51] Khoirul Dwi Safe'i et al., "Dynamics of Gono-Gini Property in Marriage: A Comparative Analysis of Indonesian Civil Law, Islamic Family Law, and Javanese Customary Law," *Al-Afkar, Journal For Islamic Studies* 9, no. 2 (2026): 1843–55.

debts, execution of the will, and finally, the distribution of the estate to the heirs in accordance with Sharia law.

Conclusion

This article concludes that illicit assets may not be inherited by heirs. Although some contemporary scholars argue that illicit assets can become lawful through a sharia-compliant process, this article concludes otherwise—that the transfer of rights through inheritance cannot render illicit assets lawful. Several fiqh principles are presented in this article to support the fact that there is no money laundering process in Islamic inheritance law. This article also concludes that the elimination of illicit assets must be carried out at the early stages of managing the deceased's estate. The objective is to ensure that no illicit assets are mixed into the joint estate (gono-gini), funeral expenses, debt payments, or the execution of a will. Another objective is to ensure that the obligation to eliminate haram assets is not solely imposed on one party (the husband or wife) if carried out after the division of joint assets. If the obligation to eliminate haram assets is imposed solely on one party, this would be inconsistent with the philosophical concept of joint assets, in which husband and wife embody unity and equality within the household. On the other hand, shifting the burden of eliminating illicit assets could also result in a reduction in the value of the heirs' entitlements.

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The author states that the use of AI in the preparation of this article was limited to assisting with the process of refining words and sentences

Bibliography

Abdullah, Mulyana. "Memahami Prinsip-Prinsip Pembagian Harta

Peninggalan Dalam Perspektif Dakwah Islam." *Ahsan: Jurnal Dakwah Dan Komunikasi* 1, no. 1 (2022): 67–81.

Abidin, Ibnu. Hāsyiyatu Raddu Al-Mukhtar. Beirut: Darul Al-Fikr, 1995. V: 220.

Alhamdani, Abdul Kodir, and Ahmad Firman. "Paradigma Hakim Dalam Menetapkan Tirkah Dan Harta Bersama Pada Keluarga Poligami: Analisis Putusan MA Nomor 107 PK/Ag/2016." *LEX FAMILIA: Journal of Islamic Family Law* 1, no. 1 (2026): 41–54.

Alida, Riska Siti, Ani Yumarni, Hidayat Rumatiga, Saddam Husein, and Nova Monaya. "The Application of the Ijbari Principle in Islamic Inheritance Law." *DE'RECHTSSTAAT* 11, no. 2 (2025): 248–52.

Baz, Abbas Ahmad Muhammad al-. *Ahkam al-Mal al-Haram wa Dhawabit al-Intifa' wa at-Tasharuf bihi fi al-Fiqh al-Islami*, (Yordania: Dar an-Nafais, 1418H). https://shamela.ws/book/95557/1346

Chesio, Rafli, Fitri Zalita Dalimunthe, and Rizki Kurnia Tari. "Analisis Transformasi Harta Ilegal Oleh Pewaris dalam Perspektif Hukum Waris Islam: Studi Kasus Penadah Barang Curian," n.d.

Ghazali, Imam Al-. Ihya' 'Ulumiddin, alih bahasa Ibnu Ibrahim. Jakarta: Republika Penerbit. 2011. III: 158.

https://shamela.ws/book/37692/156#p8

Ichsan, Muhammad. "Hukum Kewarisan Tirkah Syubhat dan Relevansinya dengan Asas Ijbari Perspektif Empat Mazhab." Universitas Islam Negeri Sultan Syarif Kasim Riau, 2020.

Ifta, Fatwa Darul. accessed on 18-05-2026 (click for the link)

Ismanto, Barru Aliyyu Nissa. "Pembagian Harta Bersama Berdasarkan Kontribusi Koheren dengan Prinsip Hukum Perkawinan." *Journal Of Normative Legal Research* 1, no. 2 (2025): 11–18.

Jum'ah, Ali. Video on Social Media Facebook, accessed on 18-05-2026 (click for the link)

Kholis, Nur. "Potret Perkembangan Dan Praktik Keuangan Islam Di Dunia." *Millah: Journal of Religious Studies*, 2017, 1–30.

Kusuma, Teddy. "Cryptocurrency for Commodity Futures Trade in Indonesia: Perspective of Islamic Law." *Journal of Islamic Banking & Finance* 37, no. 1 (2020).

Muhit, Mugni, and Jajang Herawan. "Implikasi Kepemilikan Harta Halal dan Haram Perspektif Al-Qurâ€™ An dan Al-Hadits." *Ad-Deenar: Jurnal Ekonomi Dan Bisnis Islam* 6, no. 001 (2022): 35–60.

Muttaqin, Zainal. "Tirkah Distribution Obligation Rules According to Fiqh Al-Awlawiyyat." *Jurisprudensi: Jurnal Ilmu Syariah, Perundang-Undangan Dan Ekonomi Islam* 15, no. 1 (2023): 88–101.

Nada, Azka Izzatun, and Ali Kadarisman. "Bagian Tirkah Anak Mupu Perspektif Teori Double Movement Fazlur Rahman." *Sakina: Journal of Family Studies* 8, no. 1 (2024): 15–28.

Nawawi, Imam. Al-Majmu' Syarah Al-Muhażżab.

Nurfaizah, Muammar Bakry, Abd Rauf Muhammad Amin, and Rahmatiah H L Darussalam Syamsuddin. "Legal Reasoning of Judges Towards Inheritance Decision Making in the Religious Court of Bone District (Case Study of the Settlement of Tirkah Ampikale in the Customs of Inheritance of the Bone Society)." *Cuestiones de Fisioterapia* 54, no. 3 (2025): 5423–41.

Panggabean, Hajarul Aswad. "Hukum Waris Harta Haram (Pandangan Tokoh Komisi Fatwa MUI DI Yogyakarta dan Tokoh Majelis Tarjih dan Tajdid Pimpinan Pusat Muhammadiyah)." UIN Sunan Kalijaga Yogyakarta, 2024.

Puspitasari, Yuli Andini, Navyra Berlianny, Mila Sari, and Putri Yanti. "Kedudukan Harta Gono-Gini Dalam Pembagian Harta Waris Menurut Hukum Islam." ALADALAH: *Jurnal Politik*, *Sosial*, *Hukum Dan Humaniora* 2, no. 3 (2024): 83–92.

Rasyid, Arbanur, Rayendriani Fahmei Lubis, and Idris Saleh. "Contestation of Customary Law and Islamic Law in Inheritance Distribution: A Sociology of Islamic Law Perspective." *Al-Ahkam* 34, no. 2 (October 2024): 419–48. https://doi.org/10.21580/ahkam.2024.34.2.20843.

Rohim, Abdul. "Civil Servants' Pension Benefits after Death in the Perspective of NU Bahtsul Masa'il: Reconstructing Status between Tirkah, Ujrah, and Irzaq." *Journal of Nahdlatul Ulama Studies* 6, no. 2 (2025): 86–98.

Rusyd, Ibnu, Fatawa Ibnu Rusyd. Beirut: Darul Gharbil Islam. 1987.

Rusyd, Ibnu. Al-Muqaddimat Al-Mumhidat. Beirut: Dar Al-Gharab Al-Islami. 1988. II: 617.

Safe'i, Khoirul Dwi, Ghozel Indrawan, Hamdan Arifin, Nike Ade Anggaeni, Abid Assidiqi Zahra, Fayyad Akram, and Annikmah Farida. "Dynamics of Gono-Gini Property in Marriage: A Comparative Analysis of Indonesian Civil Law, Islamic Family Law, and Javanese Customary Law." *Al-Afkar, Journal For Islamic Studies* 9, no. 2 (2026): 1843–55.

Sagala, Elviana. "Ketentuan Tentang Harta Peninggalan (Tarikah) Dalam Hukum Islam." *Jurnal Ilmiah Advokasi* 5, no. 1 (2017): 34–51.

Saputra, Dimas Aji, Budi Kisworo, and Lendrawati Lendrawati. "Pandangan Hukum Islam Terhadap Harta Warisan Dari Hasil Perjudian." IAIN Curup, 2021.

Suratmaputra, Ahmad Munif. "Problematika Uang Haram Dalam Kajian Fiqh." MISYKAT: *Jurnal Ilmu-Ilmu Al-Quran Hadits Syari'ah Dan Tarbiyah* 2, no. 1 (2017): 21–34.

Taimiyah, Ibnu. Majmu' Fatawa. Beirut: Darul Fikr. 1980. XV: 169.

Triyana, Desy. "The Distribution System of Joint Property in Polygamous Families from the Perspective of Islamic Law Compilation and Civil Code." *Eduvest-Journal of Universal Studies* 5, no. 12 (2025): 14444–59.

Usman al-Kamis, Video Media Sosial, accessed on 18-05-2026 (click for the link)

Utsaimin, Muhammad Ibnu Shalih Al-. Liqā'at Al-Bāb Al-Maftūh. Penerbit: Muassasah Asy-Syaikh Muhammad bin Shalih Al-'Utsaimin. 1438 H. I: 103.

Wijaya, H, and A Iskandar. "The Terminology of Al-Tirkah in The Perspective of Al-Syansyūrī Al-Syāfi'ī and Its Relevance to Inheritance Issues in Indonesia." *Journal of Muwafaqat Учредители: Penerbit Kolej Universiti Islam Antarabangsa Selangor* 7, no. 2 (2024): 1–10.

Wijaya, Hendra, and Azwar Iskandar. "The Terminology of Al-Tirkah in the Perspective of Al-Syansyūrī Al-Syāfi'ī and Its Relevance to Inheritance Issues in Indonesia: Istilah Al-Tirkah Menurut Pandangan Al-Syansyūrī Al-Syāfi'ī Dan Relevansinya Dengan Masalah Pewarisan Di Indonesia." *Journal of Muwafaqat* 7, no. 2 (2024): 1–10.

Yusuf, Mohd Ali Mohd, Khiral Anuar Daud, and Noorsafuan Che Noh. "Inheritance Distribution in Islam: Between Legal Provisions and Dynamics of Its Implementation." *International Journal of Research and Innovation in Social Science* 8 (2025): 3719–26.