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## The Tradition of The Wakatobi Bajo Tribe in Determining Inheritance: A Legal Perspective of Islamic Inheritance

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### ABSTRACT

*In the distribution of heirs to the Pesisir Bajo Wakatobi community, it is divided into five parts, namely; 1. Only child in a family, 2. Only child, male or female in a family, 3. Carer parents (family), 4. Youngest child in the family and 5. Will to caregiver parents (non-family). Meanwhile, the view of Islamic law regarding the distribution of heirs to the Bajo Wakatobi Coastal Community views that the distribution of heirs is selective., so that Islam views that the distribution of heirs to the Pesisir Bajo Wakatobi community is still based on existing customary law, so Islam views it as something that needs to be reviewed based on existing Islamic law, because in this distribution of heirs many parties are harmed.*

### A. Introduction

In this modern era, one by one problem after problem is now emerging, one of the problems that arise in the Wakatobi Coastal community is related to the distribution of heirs. Particularly among the Bajo community in Wakatobi, there are various differences of opinion regarding the issue of dividing inheritance and determining heirs which is now a problem for the Bajo Pesisir Wakatobi community,

where the distribution of inheritance and determination of heirs is always based on the distribution of inheritance based on applicable customary law. hereditary,<sup>1</sup> and now the problem continues to be a very fantastic debate. This problem arises when the distribution of inherited assets is considered unfair in its distribution, so that it is considered a mistake that deviates from human conscience, because in this distribution many parties always feel disadvantaged, because some of the heirs do not get their rights from the inheritance as they should.<sup>2</sup>

Then based on the results of initial interviews with the community, the researcher found several findings in the field within the scope of the life of the Pesisir Bajo Wakatobi community regarding the distribution of inheritance which is divided into several parts, including;<sup>3</sup> 1) inheritance is only distributed to the only child in the family, 2) inheritance is only distributed to the only son or only daughter in the same family, 3) inheritance is only distributed to the caregivers of the parents (family), 4) inheritance is only distributed to the youngest child in the family, 5) inheritance is only distributed to children who are caregivers of parents (non-family). Therefore, researchers will try to find a way out in solving this problem, considering that this problem is a very serious problem, which must be addressed properly and wisely.

And to be more in-depth, we can find out through some of the existing problems in the field related to the distribution of heirs, for example we can find out through;<sup>4</sup> the emergence of various views that strongly oppose the division of heirs that are not in accordance with their understanding; the number of children who sued their own parents and siblings to the authorities; and the emergence of various disputes among the brothers themselves.<sup>5</sup> Then departing from some of these problems, it is clear that not all communities support the tradition of inheritance distribution in the Pesisir Bajo Wakatobi community.

Previous studies have also shown various findings that heirs are descendants who are entitled to receive gifts from the heir.<sup>6</sup> Heirs are people who are entitled to the inheritance left by the heir.<sup>7</sup> This is in line with Sayuti Talib's statement in the book of Islamic inheritance law in Indonesia, that heirs are people who are entitled to a share of the inheritance. Heirs are also interpreted as people who are entitled to the

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<sup>1</sup> Faculty of Law and Warmadewa University, "The Position of Children as Heirs of Changing Religions" *Journal of Legal Construction*, Volume. 1, No. 1 (2020): 227–31, <https://doi.org/https://doi.org/10.22225/jkh.1.1.2139.227-231>

<sup>2</sup> Fatmi Utarie Nasution, "Islamic Inheritance Law Analysis of Heirs' Rights on Debts of Excluded Members of Heirs, P-ISSN: 2715-7202 E-ISSN: 2715-9418," *Journal of the Axis of Padjadjaran Law* Volume 1, NO. November (2019): 55–72, <https://doi.org/http://dx.doi.org/10.23920/jp hp.v1i1.324>.

<sup>3</sup> Interview with Community, Indigenous and Religious Leaders on 15 February 2022.

<sup>4</sup> Results of Interviews with Community Leaders: Mr Lurah and Lurah of Mantigola Village and Horuo Village on 15 February 2022.

<sup>5</sup> Ritonga et al., "Ta'yin: Determination of Participation of Heirs Before Invention Distribution."

<sup>6</sup> Hamzah Ahmad, *Smart Indonesian Dictionary*, (Surabaya: Fajar Mulya, 1996), p. 13.

<sup>7</sup> Hajar M, *Islamic Inheritance Law, Printing-I*, (New Week: Alaf Riau, 2007), p. 32.

inheritance left by the deceased.<sup>8</sup> Then according to the Compilation of Islamic Law, heirs are people who at the time of death have blood relations or marital relations with heirs who are Muslim and are not prevented by law from becoming heirs.<sup>9</sup> Inheritance is a matter of whether and how various rights and obligations regarding a person's assets at the time of his death will be transferred to other people who are still alive.<sup>10</sup>

The purpose of this study is to identify how the distribution of inheritance in the Bajo community and the extent to which Islamic views are related to the distribution of inheritance in the Pesisir Bajo Wakatobi community. So because of that, it is hoped that this research will be able to create intensive peace, peace, comfort and unity in the midst of the coastal communities of Bajo Wakatobi, so that good cooperation is needed in solving problems in society.<sup>11</sup>

## **B. Method**

The type of research used in this research is historical-normative research<sup>12</sup> with a qualitative descriptive approach, meaning that in this research the researcher seeks factual and accurate data systematically from an event and then describes it qualitatively and seeks the truth from the correct sources, both historically and normatively, this method is carried out without limiting its activities only to selected literary sources, However, this activity is carried out in depth in the field, because this series of activities is related to data collection techniques through:<sup>13</sup> observation, interview and documentation study. This research was conducted in February 2022 in the coastal community of Bajo Wakatobi.

There are 2 types of data sources used in this study, namely; primary data sources through structured interviews with 10 traditional leaders and 10 local communities as informants in this study which have been used as the main source of information in providing accurate information needed in the research conducted,<sup>14</sup> while the second is a secondary data source found through published journal articles, books, magazines and news that are considered accurate in providing valid information.<sup>15</sup>

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<sup>8</sup> Amir Syarifuddin, *Islamic Inheritance Law*, Print-2, (Jakarta: Kencana, 2004), p. 210.

<sup>9</sup> Legislation Association, *Compilation of Islamic Law*, (Jakarta: Media Focus, 2007), p. 56.

<sup>10</sup> Beni Ahmad Saebani, *Fiqh Mawaris*, Printing-1, (Bandung: CV Pustaka Setia, 2009), p. 17.

<sup>11</sup> Supreme Court of the Republic of Indonesia, *Association of Legislation Related to Compilation of Islamic Law and its Definition and Discussion*, First (Jakarta: RI National Library, 2011).

<sup>12</sup> Soerjono Soekanto and Sri Mamuji, *Brief Review of Normative Legal Research*, (Jakarta: Rajawali Press, 2012), Cet. 14, p. 1.

<sup>13</sup> H. Hadari Nawawi and HM Martini Hadari, *Social Research Instruments*, Cet. 3rd, (Yogyakarta: Gajah Mada University Press, 2016), p. 74.

<sup>14</sup> Bernard, *Research Methods in Anthropology; Qualitative and Quantitative*, Methods, third edition, Almitra Press: Walnut Creek California, 2002.

<sup>15</sup> Bernard.

**Table 1. List of Respondents**

<b>Name</b>	<b>Gender</b>	<b>Age</b>	<b>Place</b>	<b>Role</b>
Abdul Rahim	L	63	Horou Village	Traditional Figures
Ramuddin	L	54	Horou Village	Religious leaders
Tanna	P	64	Horou Village	Traditional Figures
Landu	L	61	Horou Village	Traditional Figures
La Ipa	L	62	Mantigola village	Traditional Figures
La Tao	L	55	Horou Village	Religious leaders
Mummu	P	64	Horou Village	Traditional Figures
Jafar	L	43	Mantigola village	Religious leaders
Bambang	L	45	Horou Village	Public figure
Cabi	L	62	Horou Village	Traditional Figures

The researchers analyzed the data using data reduction, data presentation, data verification and drawing conclusions. After that the data that has been collected is analyzed in depth until the data is at the saturation stage to get accurate results in accordance with the research objectives that have been prepared at the beginning of the study to get results that can solve problems and answer the problems that have been studied.

## **C. Finding and Discussion**

### **1. Distribution of heirs to the Bajo Wakatobi Coastal Community**

The distribution of heirs to the Pesisir Bajo Wakatobi community is determined based on the decision of the parents based on tradition<sup>16</sup> which has been passed down from generation to generation from the past until now, so that this custom is used as a legal basis in determining the distribution of heirs to the extended family of the Pesisir Bajo Wakatobi community. As stated by traditional leaders and religious leaders in providing an explanation regarding the distribution of heirs to the Pesisir Bajo Wakatobi community, which will be described herein regarding the distribution of heirs to the Pesisir Bajo Wakatobi community which is divided into 5 parts, namely:<sup>17</sup>

#### **a. Only Child in the Family**

Here it will be explained that if in a family there is an only child who has no brothers or sisters, then all inheritance will be given to that child as the sole heir of all property. This tradition has been ingrained in the minds of the Pesisir Bajo Wakatobi people since ancient times until now, that an only child will get all the assets left by his parents because in the customs of the Pesisir Bajo Wakatobi community, those who are entitled to be appointed are heirs in

<sup>16</sup> Febriawanti and Mansur.

<sup>17</sup> Sara Agency Interview Results: Indigenous and Religious Leaders on 19 February 2022

a family, only people who have ties "biological",<sup>18</sup> such as biological parents and biological children.

However, an only child cannot be separated from certain provisions that must be obeyed and cannot be violated by a child because if a child violates these provisions, it will have a negative impact on him personally. To find out some of the requirements that must be maintained and complied with by the child in question, the following will describe in detail the requirements.

In the large family of the Pesisir Bajo Wakatobi community, in terms of the distribution of heirs, the distribution of heirs has been determined based on several reasons, namely the only child will be made the heir, if the child does not violate any conflicting matters. at the will of his parents as follows:<sup>19</sup>

1) A child must choose a potential mate who is liked by his parents to be the child's life partner, and if the child does not want to heed the order, then the property will not be given to the child even a penny, because the child is disobedient to his parents. So it is considered as a serious violation of parental orders. 2) The child must be able to take care of everything related to old age and the death of his parents, and if the child agrees, then all property belongs to him, but if the child does not agree, the child only gets a small share of the property.

Incidents like this have become commonplace that many Wakatobi Pesisir Bajo people experience, these incidents occur because of several actions that are considered to violate parental rules, so that it becomes a problem that results in children not getting a living. percent of inheritance. And to become an heir in the family, a child must obey everything that is stipulated in the family, because this stipulation is a starting point for obstacles as well as a benchmark imposed by the family for children to obey.<sup>20</sup>

#### **b. Male or Female in One Family**

If in one family there are many family members/children in sibling ties, then among the family members are all brothers but he himself is female or vice versa all sisters but only he himself is male. male among his sisters, then the only child who will be considered is the only son/daughter among his other siblings, because he will be the inheritor of all inherited assets based on customary law,<sup>21</sup> which applies to the Pesisir Bajo Wakatobi community from

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<sup>18</sup> Alhafiz Limbanadi2, "Position and Division of Substitute Heirs in Islamic Law. Vol. II/No. 8/Sep-Nov/2014 Kedudukan.," *Journal of Lex et Societatis* Vol. II/No, no. 8 (2014): 170–80.

<sup>19</sup> Results of Interviews with Local Communities and the SARA Agency: Traditional Leaders and Religious Leaders Held on 19 February 2022.

<sup>20</sup> Eliyne Dwi Poespasari, *Development of Customary Inheritance Law in Indonesia*, ed. Emjy, First (Surabaya: Zifatama Publisher, 2016).

<sup>21</sup> Cindy Aoslavia, "Comparison of West Sumatra's Minangkabau Customary Inheritance Law and Western Civil Law, ISSN: 2301-7295 e-ISSN: 2657-2494," *Journal of Legal Studies* 10, no. 1 (2021): 54–63.

the past until now as a cultural heritage that must always be considered and cultivated so that its beauty value is maintained.

If in the family of the Pesisir Bajo Wakatobi community there is a family that has an only son/daughter in one family, then there will be several requirements that must be fulfilled by the person concerned to be obeyed as a bridge that must be passed to get an inheritance from his parents. fulfilled are:<sup>22</sup> 1) The person concerned must maintain kinship with his siblings, both with his brothers and sisters. 2) The person should always be friendly and courteous to his parents and to his other siblings. 3) The person must obey all the wishes of his parents, whether related to a mate or a place to live for a household. 4) The person concerned may not leave his village and must remain in the village. 5) The person must be willing to look after and care for his parents when they enter old age and the person must be able to take care of everything related to his death.

From some of the descriptions above, it can be explained that the person concerned must fulfill all the requirements that have been determined by the extended family in the deliberations that are held, then from some of the predetermined requirements the person concerned may not violate them. conditions, because if he violates the conditions that have been determined, then the heir will fall into the hands of another brother.

### **c. Caring Parents (Family)**

One of the traditions that applies in the distribution of inheritance to the Wakatobi Coastal community is that inheritance rights are given to people who are responsible for the care of their parents, this method is considered good for the Wakatobi Coastal community. because the division of responsibilities is divided when the parents are elderly, then at that time the children will immediately hold a deliberation to hold a special deliberation to discuss who will be the heir to the family based on existing customary law,<sup>23</sup> who among their children is willing and considered capable of caring for and raising their parents, then that person will become the heir of all the inherited assets of his parents based on a preliminary agreement with his siblings who have agreed to agree to all the provisions. in family gatherings.<sup>24</sup>

Currently everything related to the distribution of inheritance rights in the customs of the Pesisir Bajo Wakatobi community will be disclosed to their heirs. The distribution of inheritance rights to the Pesisir Bajo Wakatobi

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<sup>22</sup>Results of Interviews with Local Communities and Sara Agency: Traditional Leaders and Religious Leaders to be Held on 20 February 2022.

<sup>23</sup> Daria Zuhdi Arman, "Restoring Customary Law as a Source of Law in the Development of the Indonesian Legal System Zuhdi E-ISSN 2715-386X P-ISSN 2715-3878," *Journal of Sharia and Law* Volume 4 N, no. 1 (2022): 1–59, <https://doi.org/https://doi.org/10.35961/teraju.v4i01.423>.

<sup>24</sup> Rahmat Haniru and Muhammadiyah University of Buton, "Inheritance Law in Indonesia Perspective of Islamic Law and Customary Law ISSN: 2089-7480," *Journal of Islamic Family Law* 04, no. 30 (2014): 457–74.

community as the researchers found in the field, namely:<sup>25</sup> 1) There was an initial agreement that among the extended family, whoever wanted to look after and care for his parents, he would get the full inheritance rights, then. 2) For those who are not willing and do not participate in looking after and caring for the parents concerned, then that person will not receive a share of the inheritance, unless there is compassion from a sibling who is responsible for the upbringing of their parents. 3) If the parents have died, it is the person who is willing to take care of the parents who will bear all the costs of the death of the parents.

In this case, all inheritance will be handed over to family members who meet the requirements and are able to care for their parents until they die. Determination of heirs is determined based on the decisions of most of the family members of the parents concerned in the community which are carried out until an agreement is reached that is absolute and cannot be contested and if one day one of his siblings demands his inheritance back,<sup>26</sup> then that person will not be able to sue his brother because there has been a black and white agreement.

#### **d. Youngest Child in the Family**

In this discussion the distribution of inheritance rights will be given to the youngest child as heirs based on customary law which has been adhered to as a rule that is believed to be true,<sup>27</sup> in Bajo families where the youngest child is always with their parents and this is the reason for parents to divide inheritance among their youngest children, and every parent will treat their children fairly,<sup>28</sup> however, with certain considerations that can be a reason for parents to tell their children that it is the youngest child who will get the inheritance.<sup>29</sup>

However, the distribution of inheritance will still be subject to certain conditions that must be met by the child concerned, so the youngest child will receive an inheritance if certain conditions are met that must be obeyed and cannot be denied, while the conditions that are met include:<sup>30</sup> 1) When

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<sup>25</sup>Results of Interviews with Local Communities and SARA Agency: Traditional Leaders and Religious Leaders Held on 21 February 2022

<sup>26</sup> Margo Hadi Lutfi Ramadhan, Nurul Hajjan, "Position of Customary Criminal Law in Indonesian Criminal Law and Settlement of Criminal Cases Through Customary Law, P-ISSN 1412 – 517X e-ISSN 2720 – 9369," *Journal of Thought and Research in the Social Sciences, Law , & his Teachings* XVI, no. 2 (2021): 203–10, <https://ojs.unm.ac.id/supremasi>.

<sup>27</sup> Febriawanti and Mansur, "The Dynamics of Customary Inheritance Law in Balinese Society in the Present P-ISSN: 2721-8384 e-ISSN: 2621-5225."

<sup>28</sup> Sofyan Mei Utama, "Justice in Islamic Inheritance Law," *Journal of Legal Insights* Vol. 34, N, no. 1 (2016): 68–86.

<sup>29</sup> Haniru and Buton, "Inheritance Law in Indonesia Perspective of Islamic Law and Customary Law ISSN: 2089-7480."

<sup>30</sup>Results of Interviews with Local Communities and the SARA Agency: Traditional Leaders and Religious Leaders Held on 22 February 2022.

siblings get married first, these siblings will be released from the care of their parents, and they will live independently and no longer live under the same roof with their parents, and will be separated from the distribution of inheritance. 2) The youngest child may not marry first by overriding his siblings, but the youngest child must wait for his sibling to marry first, and if the youngest child marries first, then the inheritance will be given to whoever will be responsible for managing and caring for it. people's education. old. Like point 1 above.

If the conditions mentioned above are met, then in this case it is the parents who decide that the youngest child will inherit the property and it has previously been decided through mutual deliberation between the parents and their children to convey that the child will inherit the property. the youngest child, and in this case the youngest child will be responsible for caring for and raising their parents, as well as being responsible for paying for the death of their parents.<sup>31</sup>

#### **e. Will to Caregiver Parents (Not Family)**

The distribution of heirlooms to the Pesisir Bajo Wakatobi community has been a hereditary tradition from ancient times to the present, and it has become a very sacred decision if the treasure has been bequeathed. Like the distribution of wills that have been in effect so far, that is, to people who are not the heir's family but are only limited to casual acquaintances, but that person has the full trust of the heir so that he is appointed as the heir. the property of the person making the will.<sup>32</sup>

In this event, heirs are given to people who care for parents who live alone without family or close relatives.<sup>33</sup> because of parents; the first has no biological children, the second is abandoned by his family, and the third his parents are far from his family. Therefore, in this case as a sign of gratitude to parents for the kindness of those who are willing to care for and care for them,<sup>34</sup> then the old man is willing to give a will of his wealth to someone he has trusted for his willingness to care for and look after it until he dies.

This is an absolute decision that cannot be contested by anyone, even though one day when his family comes to claim his share of the rights, then it is not valid, except for the following reasons:<sup>35</sup> 1) If the parents have given a

<sup>31</sup> Poespasari, Development of Customary Inheritance Law in Indonesia

<sup>32</sup> Lisa Krisnayanti, "The Right and Position of Majesty as a Substitute Inheritance in the Individual Division System in View of Islamic Teachings and Compilation of Islamic Law," *Islamic Scientific Journal Futura* Vol. 19. N, no. August 1 (2019): 68–85.

<sup>33</sup> Krisnayanti.

<sup>34</sup> Riski Riko and Ibrahimy Situbondo University, "Slander as an Obstacle to Inheritance of Comparative Studies, Article 173 Compilation of Islamic Law and Islamic Law" 14, no. 1 (years): 49–50.

<sup>35</sup> Results of Interviews with Local Communities and Sara Agency: Traditional Leaders and Religious Leaders Held on 23 February 2022.



will so that the child or family is given a portion of their wealth, which should there be at a later date. 2) If the entire property has been inherited by a person who has been trusted and is willing to take care of it, then the property fully belongs to the person receiving the will, and in this case the child or family does not get any share, but there is affection from the person receiving the will for the property. .

In this event the heir is handed over to the person who received the will from the heir who received the inheritance.<sup>36</sup>

## 2. Views of Islamic Law on The Distribution of Heirs to The Coastal Communities of Bajo Wakatobi

fiqh scholars (fuqaha),<sup>37</sup> Islamic Inheritance Law defines Islamic Inheritance Law as follows: "Islamic Inheritance Law is the science that clearly regulates everything related to the distribution of inheritance to heirs, both those who are entitled to receive and those who are not entitled to receive inheritance as well as the arrangement of the distribution of inheritance to heirs. heir.

The Compilation of Islamic Law defines the law of inheritance: "the law governing the transfer of ownership rights over the inheritance (tirkah) of the heirs, determines who is entitled to become the heir and what is the share of each."<sup>38</sup> Islamic law is known as tirkah, tirkah is all the property of a deceased person, tirkah can be in the form of movable property or immovable property and whether the property is in his hands or in the hands of another person such as entrusted goods, land. or home. rent, goods lent, and are included in the category of receivables, both those that are due for payment, as well as receivables for which the time of payment is not clear.<sup>39</sup>

The process of determining the distribution of heirs has been explained in the Qur'an in several verses in Surah An-Nisa. These verses explain in detail the amount of each heir's share. The share of the heirs is determined directly by Allah SWT. with a certain fraction. So the fractions 1/2, 1/4, 1/8, 2/3, 1/3 and 1/6 are numbers that can be added up to details and little things.<sup>40</sup> Then there are verses that explain about the distribution of good and right heirs, namely as explained in the Al-Qur'an Surah An-Nisa that:

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<sup>36</sup> Sutrisno, Fazlur Rahman Studies on Epistemological Methods and Education Systems, ed. Herry Ck, I (Yogyakarta: Student Library, 2006).

<sup>37</sup> Rachmad Budiono, Renewal of Islamic Inheritance Law in Indonesia, (Bandung: PT. Citra Aditya Bakti, 1999), p1.

<sup>38</sup> Nasution, "Islamic Inheritance Law Analysis of Recipient's Rights on Debt of Freed Heir Members, P-ISSN: 2715-7202 E-ISSN: 2715-9418."

<sup>39</sup> Nasution.

<sup>40</sup> Nasution.

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ فَإِن كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِن كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِن كَانَ لَهُ وَلَدٌ فَإِن لَّمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ فَإِن كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ مِن بَعْدِ وَصِيَّتِهِ يُوصَىٰ بِهَا أَوْ دِينٌ أَبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفَعًا فَرِيضَةٌ مِّنَ اللَّهِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

The translation:

"Allah arranges for you regarding (the distribution of inheritance for) your children. namely: the son's share is equal to the share of two daughters, and if the children are more than two daughters, then for them two-thirds of the inheritance left behind; if there is only one daughter, then she gets half of the estate and for the two parents, for each one-sixth of the estate left, if the deceased had a child; if the deceased person has no children and is inherited by his parents (only), then his mother gets one third; If the deceased had several siblings, the mother gets one sixth. (The distribution mentioned above) after the will is fulfilled or (and) after the debt is paid. (About) your parents and your children, you do not know which of them is closer (much) of benefit to you. This is a decree from Allah. Indeed, Allah is All-Knowing, All-Wise." (Surah An-Nisa 4:11).<sup>41</sup>

The share for men is double that for women because men's obligations are heavier than women's, such as the obligation to pay a dowry and earn a living. More than two means: two or more according to the practice of the prophet.<sup>42</sup> What is detrimental to the heirs are actions such as: 1. inheriting more than one-third of the inheritance. 2. a will with the intention of reducing the inheritance. Even if it is less than a third, if there is an intention to reduce inheritance rights, then that is also not permissible because it is the same as violating predetermined rules.<sup>43</sup> As Allah says in the Qur'an, namely:

<sup>41</sup> Shabbany Shodaq, E. Kusman, Tahfidz Memorizing the Qur'an and the Colors of Tajweed, (Jakarta: Cordova, 2020), p.78.

<sup>42</sup> Indonesia, Collection of Legislation Relating to Compilation of Islamic Law and Their Definition and Discussion.

<sup>43</sup> Charity of Life, Rizki Muhammad Haris, LAW OF INHERITANCE.P. 17-18.

## وَلِكُلِّ جَعَلْنَا مَوَالِي مِمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ

The translation: "For every inheritance from the inheritance of the parents and close relatives, we make the heirs. for all." (Surah An-Nisa: 33).<sup>44</sup>

Islamic teachings through the Al-Qur'an and Al-Hadith<sup>45</sup> directs his people to share the inheritance that has been ordained by God. Whoever follows the distribution of inheritance according to Allah's provisions, Allah will reward him, and conversely whoever gives a portion of the inheritance not according to Allah's provisions, he will be punished.<sup>46</sup> As explained in the letter An-Nisa' verses 13-14 namely:

تِلْكَ حُدُودُ اللَّهِ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ  
تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ خَالِدِينَ فِيهَا وَذَلِكَ  
الْفَوْزُ الْعَظِيمُ ﴿١٣﴾ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ  
وَيَتَعَدَّ حُدُودَهُ يُدْخِلْهُ نَارًا خَالِدًا فِيهَا وَلَهُ عَذَابٌ  
مُهِيمٌ ﴿١٤﴾

The translation:

“(The laws) are the provisions of Allah. Whoever obeys Allah and His Messenger, Allah will surely enter him into paradise flowing rivers, while they live therein forever; and that's a big win. His Messenger and violates His statutes, Allah will surely put him into the fire of hell while he will remain therein, and for him will be a humiliating torment.” (Surah An-Nisa 4:13-14).<sup>47</sup>

From the explanation above, it can be seen that Islamic law views that coastal communities carry out the distribution of heirs, namely; a) heirs are handed over to the only child in the family, b) heirs are handed over to the only son or daughter in a family, c) heirs are handed over to caregivers of parents (family), d) heirs are handed over to the child youngest in the family. family and e) Heirs are handed over at the will of parental caregivers (not family). The

<sup>44</sup>*Op., Cit.*, Shabbany Shodaq, E. Kusman, p. 83.

<sup>45</sup> Indonesia, Collection of Legislation Relating to Compilation of Islamic Law and Their Definition and Discussion.

<sup>46</sup>Zakiul Fuady Muhammad Daud, "Analysis of Judges' Decisions Against Religious Differences in a Sharia Perspective: Case Studies (ISSN Print 2528-1402, ISSN Online 2549-5593)," *As-Salam Journal* Vol. 5, No., No. 1 (2021): 62–75.

<sup>47</sup>Agus Hidayatullah et al, *Alwasim: Code of Tajwid Al-Qur'an Transliteration of Translated Words*, (Jakarta: Cipta Bagus Segara, 2013), p. 79.

distribution of heirs for the Pesisir Bajo Wakatobi community is still based on existing customary law, while the implementation of the distribution of heirs according to Islamic law has not been carried out, therefore Islam views the Pesisir Bajo Wakatobi community as not yet implementing Islamic law.

#### **D. Conclusion**

The distribution of heirs to the Bajo Wakatobi Coastal Community is divided into 5 parts including: 1) The only child in the family. 2) Only son or daughter in one family. 3) Caring parents (family). 4) The youngest child in the family. 5) Will for Caring Parents (non-family). Views of Islamic Law on the Distribution of Heirs to the Coastal Communities of Bajo, Wakatobi. Based on the distribution of heirs carried out by the Pesisir Bajo Wakatobi community, so that Islam views that the distribution of heirs in the Pesisir Bajo Wakatobi community is still based on existing customary law, so Islam views it as something that needs to be reviewed based on existing Islamic law, because in the distribution of heirs, many parties are harmed. The results of this study are unique compared to previous studies because the results of this study have significant differences, so that as people who care about fellow human beings and the Indonesian nation, especially the people of the Wakatobi Coastal Bajo, so here the author tries to understand that of the various kinds of problems that occurs in the field, the author can formulate and seek alternatives. As a solution that is able to make people feel the results of this research. And finally, with all humility, the author feels that this research is very simple and still far from perfection, so suggestions and constructive criticism are needed for the perfection of this research so that its contribution to scientific treasures can be more useful.

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