



The inheritance system of the Amma Toa indigenous community in Kajang District, Bulukumba Regency

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ABSTRACT

This scientific study examines the inheritance system applied to the Amma Toa indigenous people of Kajang District, Bulukumba Regency from the perspective of Islamic Law. The research highlights the significance of addressing this issue due to prevalent social problems within the community, particularly related to disputes arising from the distribution of inheritance by descent. Certain individuals repeatedly handle these matters, leading to conflicts between parties. While some perceive this practice as their rightful pursuit, others feel aggrieved. Consequently, these disputes often escalate into prolonged conflicts, overshadowing past peaceful resolutions. This qualitative research employs a case method approach to analyze the recurring disputes, which stem from the diverse methods of applying the inheritance system in the Amma Toa indigenous community. These variations fail to provide satisfaction to the community and its members, resulting in ongoing disagreements. The study reveals that the inheritance distribution system in the Amma Toa customary society prioritizes the share of girls over boys. This preference is based on the belief that boys bear a significant burden due to marriage commitments.

Keywords: Inheritance, Amma Toa; indigenous community

1. INTRODUCTION

The *Amma Toa* indigenous community residing in Tanah Towa Village follows a local belief system called Patuntun, guided by the principles of pasang ri kajang. Interacting harmoniously with neighboring communities, their livelihood revolves around natural resources, particularly agricultural and livestock products. However, with a growing population, economic interests have clashed, leading to shifts in life patterns and community attitudes. Recognizing the importance of preserving ancestral legacies and assets obtained through inheritance, the community engages in various forms of inheritance transactions.

In the intricate tapestry of human existence, shaped by diverse cultural origins, Islamic Law serves as a guiding light, especially concerning matters of inheritance. This legal framework addresses the complexities of human life, providing principles for the equitable distribution of property, known as inheritance. Despite these detailed guidelines, misunderstandings and misapplications persist, often rooted in limited awareness of Islamic inheritance science. This gap in knowledge has given rise to numerous disputes, impacting familial bonds and societal harmony.

Ahmad Faizal Adha in his dissertation "Social Construction in the Sundanese Customary Inheritance Legal System" found that (1) The lack of knowledge of the community regarding the principle system in Islam causes incomplete mixing or acculturation because the way of broadcasting preachers varies in each village. However, the hillah theory is used by researchers to mediate between phenomena in a dynamic society and the rigidity of Islamic law. (2) The solution to resolve the problem of problematic inheritance land is to obey the advice and suggestions of the traditional advice. (3) In relation to *Tirkah*, it was found that some villages apply the teachings of the use of wealth to be used together. If there are adopted children who have contributed to the testator rather than biological children, they have more rights in getting the inheritance distribution. (5) Women will get more property than men because they diligently help the heir during life because there is a shift in values from before in Urug Village. The distribution of inheritance in Cempaga Subdistrict, East OKU Regency. There is a succession system as part of a long-standing customary procedure, which distributes all inherited property if the owner has passed away. Since the abolition of the position of customary leaders in the Marga government (March 24, 1983), the rules regarding the distribution of inheritance have not functioned at all, even though they used to apply a customary regulation called *Simbur Cahaya*. So that gradually the Cempaga community began to apply Sharia rules in determining inheritance.

Moreover, a journal article from Suparjo Adi Suwarno entitled *Problematics of Inheritance Distribution in the "Sangkolan" Tradition in the Madurese Community Overseas 2021*. This research shows that if the distribution of inheritance property is more in favor of women than men. There is also a share of male inheritance more than women by deliberation, and if there is a dispute in the future, it can be reported to the local police. If there are heirs taking land that is not their share, they are given social sanctions by the community and do not care about it.

Haidir Rachman in his journal on "Harmonization of Customary Law and Islamic Law in the Inheritance System in Semende, South Sumatra Province Based on Balance as a Contribution to the Formation of National Inheritance Law" in the work mentioned that the Islamic inheritance law system also consists of pluralism of teachings, for example the inheritance system of *ahlus sunnah wal jama'ah*, Shia teachings, and the teachings of *Hazairin* Indonesia. The most dominant system of inheritance law adopted in Indonesia is the teaching of *ahlus sunnah wal jama'ah* (Syafi'i, Hanafi, Hambali, and Maliki schools of thought). However, the most dominant among the four *madhhab*s adopted in Indonesia is the Syafi'i *madhhab*, in addition to *Hazairin*'s teachings which began to be influential

since 1950 in Indonesia. This is an *ijtihad* to describe the law of inheritance in the Qur'an bilaterally. In inheritance in Semende, South Sumatra Province, the eldest daughter is the one who controls the inheritance, which is called *Tunggu tubang*, which is the eldest daughter who acts as a successor or is responsible for parents, especially responsible for managing property, younger siblings until they grow up and have their own family. If there is no eldest daughter, then the wife of the eldest son is the heir (*tunggu tubang*).

The Semende inheritance system adopted by Muara Enim Regency, South Sumatra Province is a majorate inheritance system that makes the eldest daughter the main heir, namely the waiting *tubang* child. This daughter is the first-born daughter in the family and is customarily directly appointed as a candidate for the waiting *tubang* child who will continue to manage the waiting *tubang* property from her mother. In accordance with the majorate system, the eldest daughter is not the sole owner of the property inherited from her parents, but she only acts as a person who controls and has the right to cultivate the property. In a community with a majorate inheritance system, the transfer of inheritance to the heirs occurs when the testator dies. In addition to the right to control the property, the eldest daughter who becomes a *tunggu tubang* also has the obligation to take care of and nurture her younger siblings who are still small or unable to earn their own money and organize traditional ceremonies that should have been carried out by her parents while they were still alive. The waiting *tubang* inheritance system in Semende Muara Enim Regency, South Sumatra Province until now still occurs which is harmonized with Islamic law. This is in accordance with Hazairin's opinion regarding the theory of acceptance of Islamic law, namely the theory of *receptio a contrario* which states that customary law is applied as long as it does not conflict with Islamic religious law.

This study sets out to unravel the intricate tapestry of inheritance practices within the *Amma Toa* indigenous community. It delves into the community's unique customs, shedding light on the intricate practices that govern inheritance distribution. The research aims to explore the nuances of this system and investigate the perspectives of community leaders while concurrently analyzing these practices through the lens of Islamic Law.

The inquiry unfolds along three critical dimensions: First, it seeks to comprehend the *Amma Toa* community's inheritance distribution practices, dissecting the customs, traditions, and social norms that underpin these transactions. Second, the study aims to capture the perceptions of community leaders concerning the *Amma Toa* customary inheritance system. Understanding their perspectives is pivotal in grasping the broader socio-cultural context within which these practices unfold. Lastly, this research endeavors to analyze these practices through the prism of Islamic Law, elucidating the points of convergence and divergence between the community's traditions and religious teachings.

2. METHODS

a. Type of Research

This type of research is qualitative research is a type of field research that researchers apply in their research. This research was conducted in natural conditions (naturalistic)

because of its natural implementation without special treatment given. Qualitative research techniques are methods based on post-positivism, namely the study of natural objects, emphasized in this study more meaning than existing generalizations. Specifically, this research approach is a case study. Therefore, this research uses descriptive research as planned. As Bogdan said, "This research uses a case study design, the main purpose of a case study is to understand a case thoroughly. Case studies also try to describe a setting, an object, or a particular event in depth. In accordance with the themes that researchers discuss, this research uses field research conducted directly in the field, namely in the *Amma Toa* indigenous community, to obtain the necessary data. Researchers make observations about events in a natural setting. Strengthening understanding of the research approach, explores ideas, and extracts information from interviews to be processed into research data sources.

b. Research Location

The research conducted by researchers is located in the *Amma Toa* customary area, Tanah Toa Village, Kajang District, Bulukumba Regency.

c. Data Sources

In this research, there are two data sources, namely secondary and primary information. Researchers get primary data directly through informants such as *Amma Toa* traditional leaders, community leaders, religious leaders, the community, friends who are invited to discussions and direct observations. Then secondary data was obtained from documents and through other people including village profile data from the Tanah Towa Village Office.

d. Data Collection Technique

When viewed based on the existing setting, data collection can be done in natural conditions without any setting. Experimental research is carried out in the laboratory using various respondents, it can also be through discussions and so on. When analyzed based on data sources, collection can be done through primary and supplementary sources. From the main source, researchers get data from related parties, while the complementary data is obtained from relevant documents and references. Based on the data collection methods carried out by researchers, namely interviews, observations, questionnaires, and combinations.

e. Data Analysis Technique

Stages to find and compile data obtained systematically based on interview results, documentation records and other materials. the implementation of data analysis is carried out through data organization, describing it in parts, forming a framework and making conclusions.

3. RESULTS AND DISCUSSION

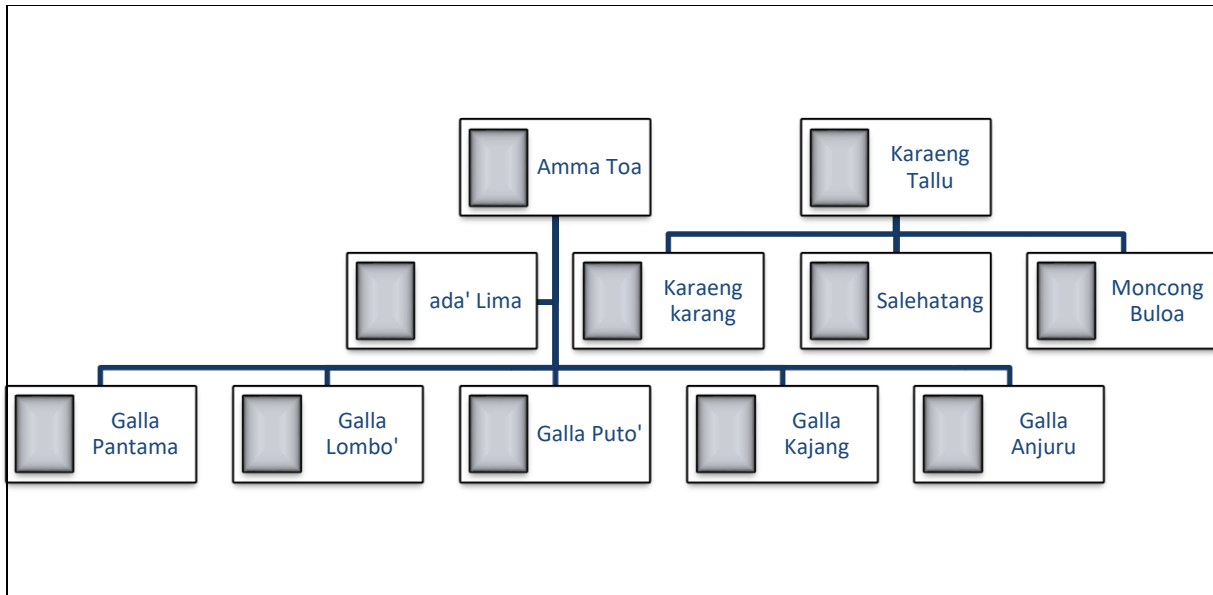
a. Overview of Tanah Towa Village

Tanah Towa Village is one of the villages in Kajang sub-district, Bulukumba district, South Sulawesi province, Tanah Towa Village has seven hamlets within the scope of the *Amma Toa* customary area called lalang embaya, namely; Benteng Hamlet, Tombolo Hamlet, Bongkina Hamlet, Pangi Hamlet, Sobbu Hamlet, Luraya Hamlet and Balambina Hamlet, and two hamlets are located outside the scope of the *Amma Toa* customary area called panrang Embaya, namely Balagana Hamlet and Jannaya Hamlet So the total number of hamlets is nine.

Tanah Towa village is located between 5020' N and 120022' E. Tanah Towa Village is one of the nineteen villages in Kajang Sub-district, Bulukumba Regency. Kajang has an area of 129.06 km divided into two sub-districts, namely Laikang sub-district and Tanah Jaya sub-district. Tanah Jaya sub-district as the center of the sub-district capital as the central government in Kajang sub-district and Tanah Towa Village as the central village of *Amma Toa* customary power center located in Benteng Hamlet. As well as seventeen villages (Lembang Lohe, Lembang, Bontorannu, Lembanna, Tambangan, Mattoanging, Possi Tanah, Pantama, Lolisang, Maleleng, Batunilamung, Pattiroang, Sapanang, Tanah Towa, Bonto Baji, Sangkala, and Bonto Biraeng). The specific area of Tanah Towa Village is 5.25 square kilometers. Tanah Towa Village is a village where the Kajang indigenous community still closely maintains and protects their civilization until today.

b. Leadership Structure of *Amma Toa* Custom

In the government structure of the Kajang indigenous community organized according to *Pasang memp*, the highest leadership is *A mmatoa*, under the tactics of a number of apparatus incorporated in an institution. Each of these institutions is called *Adat Limaya*, *Knraeng Tallw*, *Lompo Adat* and other apparatus. As for the organizational structure of power, *Ammatoa* is at the helm (see the scheme below).



c. Inheritance Distribution Practices in the *Amma Toa* Indigenous Community

The practice of inheritance distribution in *Amma Toa* custom varies and is sometimes erratic and has no certain security in the future because there are still frequent demands in the form of disputes, only a small part applies the distribution of inheritance according to existing rules. Because sometimes people do not understand the inheritance system, let alone the obligations of heirs, it is difficult to understand the heirs and only demand rights. Moreover, the inheritance that is demanded has passed through several generations, and there is not enough evidence, but strong arguments can convince the speaker, so it is possible to be the winner in the case. The interlocutor always judges from the level of the argument built without paying careful attention to both, especially when acquiring the property and how it was obtained.

d. Perceptions of community leaders between pros and cons related to the inheritance of *Amma Toa* customs

In the view of *Amma Toa* traditional community leaders, especially the highest customary leader, Puto Palasa, said that:

"I'm a child of the problem of pabbagean barang battu ri tua padaji, buru'ne na bahine, well usually kunne children bahinea angnuppa bolaya tu toana nasaba ia appalu, akkatuho buru'ne."

The maximum we are here children the problem of sharing inheritance is the same between boys and girls and usually the daughter gets the house because she cooks and gives food to men, especially the oldest daughter, she takes care of her parents and younger siblings so she will deserve more than her sister.

Some of the reasons for the distribution of inheritance to daughters in the *Amma Toa* indigenous community sub-district of Kajang sub-district are as follows:

- Girls are the closest children to their parents, so they are more active in their parents' affairs than boys.
- In everyday life, women have struggled to look after and care for their parents while they were alive, while men are busy with their own work.
- Some people apply the existing marriage system in the village is the Nitappai system so that the man goes home to his wife while the wife remains at home with her parents. If the wife still wants to live with her parents and stays working in the garden or rice field owned by her in-laws.
- The division of inheritance that he does with his family is based on his own understanding, this is due to his ignorance of the division of inheritance in Islam which is motivated by lack of education. And experience.

Pro opinions on the inheritance system that occurs in the *Amma Toa* Indigenous community they appreciate the agreement that occurs regarding the distribution of inheritance on the grounds that we live in the same position because we both work and help each other. Among the opinions of *Amma Toa* community leaders, Puto Upa Lallo said, "Before the division of inheritance occurs, of course family deliberations are held together". Because every division of inheritance should be carried out in advance, what becomes an agreement will be made together and witnessed by local community leaders or local government to function as a facilitator but not choose one particular family. And all the results of agreements and agreements can be said to be valid and inviolable because in the agreement, there is no coercion from the government but only witnesses. What becomes the agreement is considered valid and applies like the rules made in the state because all regulations made by the state are born due to the process of deliberation and mutual agreement.

d. Perceptions of youth related to the practice of inheritance distribution carried out by the *Amma Toa* customary community

There are several views of the youth leaders of the *Amma Toa* indigenous community, including Mustamin who said:

"That the inheritance distribution system that occurs in our family is an equal sharing system with each male and female being used up equally, if the way the inheritance distribution system in Islam is considered unfair to the family because men get twice the share of girls. Unless there is a close living relationship with the heir or living together there is a special policy but even then, there must be agreement between all families."

In this statement, teenagers' views on Islamic law regarding the inheritance distribution system, if applied to the *Amma Toa* indigenous community, are said to create injustice because, in their family group, all children must have the same share, and both men and women must be treated equally. While another opinion expressed by Hamsin Cion, he argued:

"The division of inheritance in the Amma Toa indigenous community gets an inheritance from the legacy of parents divided equally and equally between men and women. The ratio is 1:1 because the man has actually received a share of the property used in the cost of marriage, because in general, men when proposing marriage, use a lot of panai' money and bring a dowry in the form of land must exist and also bring buffaloes to be cut at the bride's family home called sunrang tedong tunuang and tedong tallasa or buffaloes to be kept. So if you look at the distribution of inheritance in Islam, it is almost comparable to the share between boys and girls 2: 1. Only in community marriages that apply Islam is the dowry in the form of land not a priority and the bride's family bears animals."

From this statement it can be said that the inheritance distribution system that occurs in the midst of the *Amma Toa* indigenous community is dominant in the community's customs that must be followed together because it has become a habit that is difficult to change into a distribution system in the view of Islam. Because of the difference in understanding of the customary system when compared to the Islamic concept. According to the author, the Islamic concept when analyzed is very beneficial for boys because they get two parts than sisters.

In another view relating to the distribution of inheritance to the testator who has all male children, the distribution is equal and comfortable for the family because there is no dispute between brothers because all children are male, so the share is equal and can be arranged by the oldest brother. As stated by Jusriedi that "The distribution system that applies to siblings is the same because of the five brothers all male and arranged by the eldest brother and coincidentally the eldest brother has good management and is highly respected by his younger siblings." And different from people who have siblings between men and women, sometimes there is only a boy who gets more than the sister, if the female sibling has a track record in socializing in the community has been entangled in deviant behavior so that it tarnishes the good name of the extended family to the general public, it will be sanctioned to share the inheritance unevenly. And there is also a division of inheritance if the father dies first, then the division of children between men and women is equal and there is also a share for the wife, if the inheritance is in the form of rotating rice fields, then the mother's share is done by relatives who are at home, so later, for example, if the mother dies, the one who has the right to cultivate it is the person whose mother's house was alive."

e. Community perceptions regarding the practice of inheritance distribution carried out by the *Amma Toa* customary community

Several community perceptions regarding the practice of inheritance distribution have occurred in the *Amma Toa* indigenous community. According to Tamrin Rais, the division of inheritance that occurs in the *Amma Toa* indigenous community is actually a 2:1 share for men against daughters. However, in practice a lot happens not like that, but sometimes there is an equal share as much as the share of boys and girls. In view of this, there is a term that boys are called *buru'nea a'lembara na minting*, meaning that boys get two parts, namely carrying and carrying. Because a man gets the responsibility of supporting children and wife. However, sometimes there are people who are difficult to understand and usually treat their siblings unnaturally because maybe the era demands excessive inheritance because in Konjonya language a'bakka ki te'ka. This means that people have extraordinary greed and greed and forget the rights of their other siblings.

In another opinion, expressed by Muh. Ansar:

"That the inheritance distribution system in the Amma Toa indigenous community, some people divide the inheritance before the death of their parents with an equal share system, both men and women equally many atra one with another. For example, each of them gets a patch of garden or rice field and the rest will also be used for the living expenses of children who live with their parents. And in general, more inheritance is obtained by girls in addition to can land also get a house if the woman is with both of them. While the sons get only one share because the reason is that the man has used a lot of funds for marriage expenses and parental obligations in the son's marriage."

f. Analysis of Islamic Law on the *Amma Toa* Inheritance System

The system of inheritance distribution in Islam derives from justice according to the guidelines of the Qur'an and Sahih Hadith. It should be understood that the determination of the inheritance distribution system is part of Furu'iah worship in the form of religious practices identical to differences of opinion, so *islah* / deliberation takes precedence to "reach an agreement.

Quoting the statement of Mr. Sabri Samin in his lecture:

"That the division of inheritance is included in Allah's commands in the Qur'an in the category of Furu'iah ibadah if violated then there will be no sin and different from Allah's commands related to Usuliah worship if the command is violated, then the perpetrator is sinful". Inherited property is usually controlled by one of the heirs. The control of inherited property by one of the heirs is usually carried out by male parents or female parents if one of them dies, or controlled by the eldest sibling if both parents die. There are several reasons why the inheritance has not been divided, such as the: Division of Inheritance in Islam."

- 1) The prospective heir makes a will (message) before dying so that there is no quarrel over the inheritance, where the inheritance is enjoyed together. In this case, usually the inheritance is in the form of houses, gardens and rice fields so that each heir can enjoy the results or use them.
- 2) Heirs have an agreement not to divide part or all of the inherited property, with the aim that the property can be used to carry out religious ceremonies that occur in connection with the death of the testator, such as the haulan ceremony every year.
- 3) The heirs agree that the inheritance is not divided in order to support the heirs who are not yet independent or other heirs are considered immature or capable of taking care of their own part of the inheritance which is their right.
- 4) The heirs agree not to divide the inheritance because they respect one of the other heirs, namely the mother or father, so that there is rarely a demand to divide the inheritance from their children even though the children are adults. Based on the results of the research, some cases that occur in the *Amma Toa* customary community have inherited property that has not been divided. This illustrates that the inheritance system carried out by some families of the *Amma Toa* indigenous community in the Kajang sub-district of Bulukumba Regency also adheres to the majorate inheritance system. However, the majorate system that occurs in Islamic families is also carried out because of certain considerations not to divide the inheritance based on the will or agreement of the heirs in order to maintain the common good. Therefore, the majorate inheritance system model found in the *Amma Toa* indigenous community can be said to be an exception or special deviation from the individualized inheritance system. The standard of justice regarding the provision of two for one (2:1) division with women as stipulated in the Qur'an must be compared with other perspectives, when men have far greater material obligations than women. First, men are obliged to pay the dowry (masawin) while women only receive and enjoy it.

First, men are obliged to earn the family's livelihood while women are only obliged to obey and serve their husbands. The obligation to earn a living is explicitly stated by Allah in QS al-Nisa/4:34.

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ ۗ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۗ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ ۗ فَإِنِ اطَّعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

Translation:

"Men (husbands) are responsible for women (wives) because Allah has given some of them (men) more than others (women) and because they (men) have spent some of their wealth. The righteous women are those who obey (Allah) and take care of themselves when (their husbands) are absent because Allah has taken care of (them).

Those women whom you fear may be unfaithful,) counsel them, leave them in bed, and (if necessary,) beat them (in a way that does not hurt). But if they obey you, do not look for ways to distress them. Verily, Allah is the Most High, the Most Great."

Qs al_Nisa /4:11

كُم نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِنْ لَمْ يَكُنْ لَهُنَّ وَلَدٌ فَإِنْ كَانَ لَهُنَّ وَلَدٌ فَلَكُمْ الرُّبْعُ مِمَّا تَرَكْنَ مِنْ بَعْدِ وَصِيَّةٍ يُوصِينَ بِهَا أَوْ دَيْنٍ ۗ وَلَهُنَّ الرُّبْعُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ مِنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ ۗ وَإِنْ كَانَ رَجُلٌ يُورَثُ كَلَّةً أَوْ امْرَأَةً وَوَلَةٌ فَلِلرَّجُلِ النِّصْفُ وَلِلْمَرْأَةِ الرُّبْعُ ۗ وَلِلْوَالِدَيْنِ وَالْأَوْلِيَّاءِ مِمَّا تَرَكَ الْوَالِدُ وَالْوَالِدَةُ وَلِلْأَخِ وَالْأُخْتِ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ ۚ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ ۚ مِنْ بَعْدِ وَصِيَّةٍ يُوصَىٰ بِهَا أَوْ دَيْنٍ ۗ غَيْرِ مُضَادٍّ ۗ وَصَىٰ ۗ مِنَ اللَّهِ ۗ وَاللَّهُ عَلِيمٌ حَلِيمٌ

Translation:

"For you (husbands) one-half of the property left by your wives, if they have no children. If they (your wives) have children, you get a quarter of the property they leave behind after (fulfilling) the will they made or (and after paying) their debts. For them (the wives) a quarter of the property you leave if you have no children. If you have children, for them (the wives) an eighth of the property you leave (after fulfilling) the will you made or (and after paying) your debts. If a man or woman dies leaving no father or children, but has a brother or a sister, to each of the two kinds of brothers one-sixth of the estate. But if they (the brothers) are more than one, they shall share together in the third part, after (the fulfillment of) his will or (the payment of) his debts, without distressing (the heirs). Such is the decree of Allah. Allah knows best, and is most merciful."

Distressing the heirs can occur by taking actions such as bequeathing more than one-third of the estate and making a will with the intention of reducing the estate, even if it is less than one-third of the estate. Thus, men getting twice the share of women is the fairest and most relevant. Giving men a share of inheritance equal to or even half of a woman's share would be unfair because it would burden men who bear greater economic responsibility than women. Therefore, the two-for-one provision will never lose its validity.

If a parent feels that Allah's stipulation is not fair when he has provided for his son's many needs, then the solution is to give his daughter - during her lifetime and health - an amount that he considers to be fair among his children. Allah authorizes the owner of property during his lifetime and health to use his property as he wishes within the limits of what is lawful and just. When he dies, he ceases to have authority and the property becomes the property of Allah, and He alone has full authority to divide it as He stipulates in the provisions of the law of inheritance.

- a. Although the normative standard of justice of a son getting twice the share of a daughter is the fairest and most relevant standard, in certain cases, the son must also be able to act wisely and prudently when he sees his sister, poorer and suffering than he is.
- b. Division of Inheritance Based on Faraid Islam
- c. Intentions in the interpretation of the division of inheritance

First: Allah's statement that "the share of a son is equal to the share of two daughters" indicates the following ruling:

- a. If the deceased has only one son and one daughter, then the estate is divided between them. The son gets two parts, while the daughter gets one part.
- b. If the heirs are many, consisting of sons and daughters, then the share for men is twice the share of girls.
- c. If along with children (as heirs) there are also ashhabul furudh, such as husband or wife, father or mother, then what must be given first is ashhabul furudh. After that, the rest of the inheritance is distributed to the children. For sons two parts, while for daughters one part.
- d. If the testator leaves only one son, then the son inherits the entire estate. Although the verse does not explicitly state this, this understanding can be seen from the two verses. The passage quoted earlier (Point 1) indicates that the son's share is twice that of the daughter. Then followed by the sentence (meaning) "if the daughter is only one, then she gets half the property". From the two fragments of the verse it can be concluded that if the heirs consist only of a son, then he gets the entire estate of the testator.
- e. As for the share of descendants of sons (grandchildren of the testator), the amount of their share is the same as the child, if the child is absent (for example, died first). This is because the verse "Allah has prescribed for you the inheritance of your children" includes the descendants of biological children. This is the ruling on which there is consensus.

Second: The ruling on the share of both parents. Allah said,

.....وَلَدٌ فَإِنْ لَمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَةٌ أَبَوُهُ فَلِأُمِّهِ الثُّلُثُ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ مِنْ بَعْدِ وَصِيَّةِ يُوصِي
بِهَا أَوْ دَيْنٍ أَبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفَعًا فَرِيضَةٌ مِنَ اللَّهِ إِنْ اللَّهُ كَانَ عَلِيمًا حَكِيمًا..

Translation:

.... "And to two mothers-fathers, to each one-sixth of the estate, if the deceased has children; if the deceased has no children and he is inherited by his mothers-fathers (only), then his mother gets one-third; if the deceased has several brothers, then his mother gets one-sixth." (QS.al-Nisa' 4/11)

This passage indicates the following rulings:

- a. The father and mother each get one-sixth of the share if the deceased has descendants. If the testator has no descendants, then his mother gets a third of the property left behind. While the rest, namely two-thirds becomes the father's share. This can be understood from the wording of the verse which only mentions the mother's share, which is one third, while the father's share is not mentioned. So, the understanding is that the rest is the father's share.
- b. If in addition to both parents, the testator has siblings (two or more people), then the mother gets a sixth part. While the father gets five-sixths. The brothers do not get a share of the inheritance because of the father, which in the rules of inheritance law in Islam is stated as *hajib* (barrier). If, for example, the question arises, what is the wisdom of the obstacle of the testator's siblings to their mother - meaning that in the absence of siblings (two or more) the mother gets one-third of the share, while if there are siblings of the testator the mother only gets one-sixth of the share? The answer is that the wisdom of this is that the father is the guardian of their marriage and is obliged to provide for them. This is not the case with the mother. So, his need for wealth is greater and more than the mother, who does not have the obligation to provide for them.

Third: The debts of the deceased take precedence over the will. Allah says (meaning) "after the fulfillment of the will he made or (and) after the payment of his debts." Evidently, the will should take precedence over paying the debts of the deceased. However, in reality, it is the debts that must be paid first. So, the debts of the testator should be paid first, and then the will should be executed if he made a will before he died. This is what the Prophet practiced. Narrated Ali ibn Abi Talib: "Verily you have recited the words of Allah

.....فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأُمَّهِ السُّدُسُ مِنْ بَعْدِ وَصِيَّتِهِ يُوْصَىٰ بِهَا أَوْ دَيْنٍ..... ۞

"And the Messenger of Allah (may Allah's peace and blessings be upon him) decreed that the debts of the deceased should be paid, and then the will should be executed..."

The wisdom of giving precedence to the payment of debts over making a will is because debts are obligations that remain on the shoulders of the debtor, whether he is alive or dead. In addition, the debt will still be demanded by the debtor, so that if the debtor dies, the debtor will sue his heirs. On the other hand, bequests are a recommended

Sunnah practice, and if they are not fulfilled, no one will sue them. On the other hand, so that people do not disrespect the will and the human soul does not become miserly (especially the heirs), Allah SWT gives precedence to the cause.

Fourth: Allah's Word.

....أَبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفْعًا فَرِيضَةٌ مِّنَ اللَّهِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا....

Translation:

"(As for) your parents and your children, you do not know which of them will benefit you more, but this is the decree of Allah. Verily, Allah is the All-Knowing, the All-Wise..." QS.Al-Nisa' (4/11).

This verse clearly indicates that Allah is the one who is competent and most entitled to regulate the distribution of inheritance. This is not left to humans, whoever the person, the method or the rules of distribution, because no matter what form of human effort to realize justice will not be able to carry it out perfectly. In fact, it will not be able to realize a fair distribution as stipulated in the verses of Allah.

Man will not know which of the parents and children is closer or more beneficial to a person, but Allah, the Glorified, the Wise, the All-Knowing. The distribution that He determines must be just. If so, who can make better, fairer and more relevant rules and laws for mankind and humanity than Allah.

Fifth: Allah's Word. QS.al-Nisa 4/12.

وَلَكُمْ نِصْفُ مَا تَرَكَ أزْوَاجُكُمْ إِنْ لَمْ يَكُنْ لَهُنَّ وَلَدٌ فَإِنْ كَانَ لَهُنَّ وَلَدٌ فَلَكُمْ الرُّبْعُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ وَصِيَّةٍ يُوصِيَنَّ بِهَا أَوْ دَيْنٍ ۗ وَلَهُنَّ الرُّبْعُ مِمَّا تَرَكَتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَ لَهُنَّ الثُّمُنُ مِمَّا تَرَكَتُمْ مِنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ ۗ وَإِنْ كَانَ رَجُلٌ يُورَثُ كَلَلَةً أَوْ امْرَأَةً وَوَلَةً ۖ آخٍ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ ۚ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ ۗ مِنْ بَعْدِ وَصِيَّةٍ يُوصَى بِهَا أَوْ دَيْنٍ غَيْرِ مُضَارٍّ ۚ وَصِيَّةً مِنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَلِيمٌ ۝

Translation:

"And for you (husbands) one-half of the property left by your wives, if they have no children. If your wives have children, then you get a quarter of the property they leave behind after fulfilling the will they make or (and) after paying their debts. If you have no children, then the wives get a quarter of the property you leave behind. If you have children, then the wives get an eighth of the property you leave after fulfilling the will you make or (and) after paying your debts."

The verse explains the law of inheritance for husbands and wives. For husbands or wives, each has two ways of division. The husband's share:

- If a wife dies and has no offspring (children), then the husband gets half of the property left by his wife.
- If a wife dies and she has descendants (children), then the husband gets a quarter of the property left behind. Wife's share: If a husband dies and he has no children, the wife's share is one-fourth. If a husband dies and he has children (descendants), then the wife gets a share of one-eighth.

Sixth: Rulings relating to the inheritance rights of brothers or sisters of the same mother. His words (meaning): "If someone dies, male or female, leaving no father and no children, but has a brother (a mother only) or a sister (a mother only), then for each of the two types of brothers a sixth of the property. But if the brothers are more than one, then they shall share in the third, after the fulfillment of the will made by him or the payment of his debts, without causing any harm to the heirs."

What is meant by ikhwah (brothers) in this passage (al-Nisa': 12) is brothers or sisters "of the same mother as the father". So, it does not include siblings or brothers or sisters "on the other side of the mother". This is the understanding agreed upon by the scholars. What the scholars use as evidence is that Allah swt has explained in His word about the inheritance rights of the brother of the heir twice. The first is in this verse, and the second is at the end of Surah al-Nisa'. In the latter verse, one brother gets one-sixth of the estate, while if the number of brothers is large, they get one-third of the estate and are divided equally.

From this verse it is very clear that the system of inheritance distribution in Islam has been determined by Allah swt to be obeyed and implemented by believing servants. Because the risks and benefits are certainly greater benefits and provide justice to all servants. Allah's judgment is superior to the judgment of mankind. In determining the law of inheritance, it must have accuracy and certain accuracy. Therefore, the heirs and heirs must have knowledge of this science so that all have an understanding and willingness to practice inheritance problems.

CONCLUSION

In conclusion, this study sheds light on the intricate dynamics of the inheritance system within the Amma Toa indigenous community of Kajang District, Bulukumba Regency, as viewed through the lens of Islamic Law. The research emphasizes the pressing need to address the persistent social challenges arising from disputes related to inheritance distribution. The conflicts, perpetuated by certain individuals, create discord and prolonged disagreements within the community.

Notably, the study reveals a gender preference in the inheritance distribution system, favoring girls over boys based on the belief that boys shoulder significant burdens

due to marriage commitments. This preference, though rooted in tradition, highlights the need for a balanced and inclusive approach. In essence, this research emphasizes the importance of harmonizing cultural practices with legal principles, aiming for equitable and just inheritance distribution. Addressing these challenges is pivotal in fostering social harmony, resolving disputes, and ensuring a fair legacy for future generations within the Amma Toa community."

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