

Status of inheritance for heirs who take their own share: A case study in Mattoanging village

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ABSTRACT

This study aims to determine the cause of the heirs in Mattoanging Village to take their own share and to find out the law of taking their own share of the inheritance and their ownership status according to Islamic law. This research is qualitative research through a normative sociological and theological approach. The data were obtained through observation and interviews with the community in Mattoanging Village, community leaders and religious leaders with broad understanding of Islamic law determined through purposive sampling. The results showed that several heirs in Mattoanging Village took their own share because the inheritance was not distributed after the heir died, no one regulates the distribution of inheritance, there are heirs who use a lot of the heir's property during his life, the person who divides the inheritance is the eldest child and there are heirs who are greedy in taking part. The law takes its own share of the inheritance according to the agreement of each heir. If the other heirs agree, then it is permissible. However, if the other heirs do not agree, then it is prohibited. Likewise with the ownership status which adjusts to the law of taking it, namely if the law is allowed, then the ownership status is not in doubt so that the assets taken may be used and if the law of taking it is unlawful, then the ownership status is also unlawful.

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1. Introduction

Islam as (religion) revelation from Allah swt. The dimension of rahmatan lil 'ālamīn provides guidelines for human life, towards achieving the happiness of spiritual and physical life and to regulating the order of human life, both as individuals and in society. In general, the purpose of creation and the establishment of law by Allah swt. is for the benefit and happiness of all human beings (Basri, Miswar, Hasan, Pabbajah, & Khalik, 2022; Rodliyah, Ky, & Nuraini, 2022). All Islamic provisions are regulated by a law, while the law that regulates human life regarding the good and bad, right, and wrong, and whether an act in Islam is called Islamic law.

The procession of human life can be categorized categorically into 3 (three) processions, namely birth, marriage, and death. The three processions of life are always interesting to discuss from various aspects and views (Latif, 2017). Among the three processions of human life mentioned above, apart from the issue of marriage, the issue of death is also often discussed. Humans are living beings, who will surely experience death at a predetermined time. When death comes to a person, he will leave all his family members, as well as all their property. So, we need a rule that will regulate the distribution of property left by someone to family members who are entitled to the property. The rules governing human relations relating to property and death are inheritance law, namely the science that discusses ownership of property arising from death. Property left by someone who dies requires arrangements about who is entitled to receive it, how much, and how to get it (Muthiah & Hardani, 2015).

Islamic inheritance law recognizes the existence of individual property rights, both to movable objects and to immovable objects. Islam also recognizes that the property rights of someone who has died can be transferred to his heirs and must be divided equally, both men and women, both children and adults if they meet the conditions determined by Islamic law. The rules of inheritance in Islamic law, have been explained by the Qur'an perfectly. Only a small part of Islamic inheritance law is determined by sunnah, ijma', and ijtihad. Allah swt. has carefully determined the rights related to the inheritance, the orderly sequence of these rights, the conditions for granting the inheritance to the heirs, the reasons for inheriting, the barrier to receiving the inheritance, the share of each, the people who are prevented from receiving an inheritance, people who are entitled to inherit property and laws relating to inheritance. Everything was explained perfectly to avoid disputes between the heirs in receiving the inheritance (Manan, 2012).

For Muslims, implementing sharia rules by naş sārīh, even in the matter of the distribution of inheritance, is a must, if the regulation is not appointed by other naş arguments indicating its obligation. Even though there is no such naş. Such is the importance of following all the rules that have been set by Allah swt. In the explanations in the Qur'an and Hadith there are provisions for the division of inheritance in detail and clearly. If there is an order in the Qur'an and al-Hadith with a valid naş, then the law of carrying it out is obligatory, if there is no naş argument that shows its obligation as qaīdah uşūl fiqh "basically the command indicates (meaning) obligatory" (Bahrami-Rad, 2021).

The division of inheritance using farāīḍ science is a form of carrying out Islamic law. The implementation of Islamic inheritance law is in line with the purpose of law enforcement (maqashid al-shari'ah), which is to provide justice and welfare for the heirs (Azis, 2016). Inheritance law is a very important subject in Islamic law, so Islamic researchers and thinkers always pay serious attention to inheritance issues (Daud & Azahari, 2019; Salamon & Davis-Brown, 2021). Islamic inheritance law is a law that comes from the Qur'an as a benchmark for the truth of teachings or theories that are absolute truth because it is a law conveyed by Allah swt. to the Prophet Muhammad. to be enforced and made into law by mankind (Weni, AlBaroud, & Mina, 2022).

The verse of the Qur'an in the letter al-Nisa '4:11-12 has explained the portion of the heirs in detail and clearly. Furthermore, in the letter al-Nisa '4:13, Allah swt. has arranged the inheritance portion above as a provision and then emphasized in the same surah al-Nisa '4:14. Referring to the verse in question, it can be understood that the law of carrying out inheritance distribution (farāīḍ) is obligatory as stated in the verse of the Qur'an.

The division of inheritance in Islam is a must (ijbāry). The determination and distribution of the inheritance that has been listed in the Qur'an must not be rejected by the heirs who are entitled to receive it before the distribution of the inheritance is carried out first. After the distribution of inheritance according to the Qur'an/hadith, and the heirs clearly know their respective parts, then he has the right to donate it to others. The heirs can agree to make peace in the distribution of inheritance

after each is aware of his share (Article 183 KHI). Because the conditions for assets that may be donated in Islam must be clear, can be handed over, and have been owned perfectly. If the property is not clear or cannot be handed over or it is not owned, it is not valid to be given away and it is not valid to be traded.

Likewise, the portion of each share, cannot be changed or canceled even though the heirs themselves give it up (Nasution, 2014). Therefore, knowing the amount of the share obtained by the heirs is very important before the property is voluntarily handed over to other heirs if the distribution is kinship. According to Satria Effendi M. Zein, by knowing the boundaries of his land with those of others, there have been violations of rights and other parties' rights to their rights, and he should be able to limit himself so as not to be taken to other people's shares (Zein, 2010). The problem of the portion or portion for heirs is often the root of a dispute, so it is not uncommon for this problem to lead to a court decision.

The division of inheritance should be carried out based on the provisions of the Qur'an and hadith as rules that are fair. This shows that the distribution of inheritance already has absolute guidelines so that there is no reason to delay dividing the inheritance. If the inheritance is not distributed, it is doubtful to take it so that it affects the legal status of owning it and this is one of the things that should be known. The unclear ownership status causes the right to manage or sell it is also in doubt. The division of inheritance is often not carried out because no one has distributed it, or the terms of the distribution are not known. This causes the inheritance to be taken directly by each heir without being based on the dose that has been determined by the Qur'an and Sunnah so that it will affect the ownership status whose clarity is questionable.

The distribution of inheritance in Mattoanging Village generally applies a family system in which the distribution is based on an agreement by each heir voluntarily. This has an impact on the share obtained by the heirs being unclear and the heirs can choose the type of inheritance to be taken. For example, in the form of rice fields, gardens, ponds, and others whose sizes vary according to needs. The inheritance is usually taken if you want to sell it or will be managed by the heirs for the necessities of life and the collection is not measured in advance but is taken directly by each heir.

Taking the inheritance itself means that an heir in owning the heir's property is done by claiming or acknowledging that the inheritance is his share. This needs to be investigated further in a study on the status of inheritance for people who take their own share with reference to the case in Mattoanging Village, Tellu Siattinge District, Bone Regency. However, before getting to the point of the problem, it is necessary to first examine the reason why the heirs in Mattoanging Village take their own share. Furthermore, it is necessary to explain the law of taking the inheritance itself as a guide in describing the status of ownership whether it is still legal or not.

2. Method

2.1. Types of Research

This research is field research using qualitative research, as a research procedure that produces descriptive data, in the form of written or spoken words from people or behaviors that can be observed in these heirs who take their own part in Mattoanging Village and ownership status in Islamic law (Crabtree & Miller, 2022; Creswell & Creswell, 2017; Miles, Huberman, & Saldaña, 2014).

2.2. Research Time and Place

This research was conducted in 2018 and takes place in Mattoanging Village, Tellu Siattinge District, Bone Regency, South Sulawesi. The subject of the research is focused on community leaders and religious leaders who often handle conflicts over the distribution of inheritance and heirs who take their own shares without going through the calculation process as prescribed in Islamic law. The technique of determining the research subjects was carried out by purposive sampling because the interviewees were only certain figures who understood the distribution of inheritance and snowball sampling to obtain information directly from the heirs who took their share in Mattoanging Village.

2.3. Research Procedure

The procedure for obtaining data was carried out through observation on the inheritance behavior of the community in Mattoanging Village, then explored through interviews and evidenced by documentation. The people interviewed are people who can provide information, especially people

who take their own share of the inheritance, community leaders, and figures who often resolve conflicts over the distribution of inheritance.

2.4. Research Instruments

The instrument in this study is the researcher himself as the main instrument of data collection in qualitative research, while the supporting instruments are determined based on the data collection method. Because this study uses the method of observation, interviews, and documentation, the instrument used is an interview guide in the form of a list of questions, notebooks, or writing instruments used to record all information obtained from data sources, and mobile phones are used to take pictures or document interviews conducted.

2.5. Data Analysis Technique

Data analysis in this study used descriptive qualitative which was carried out at the time of data collection, and after completion of data collection within a certain period. The steps taken through data reduction are only focused on information that is in line with the research objectives, then described narratively at the stage of presenting data and drawing conclusions to describe the findings.

3. Results and Discussion

3.1. Result

In pre-Islamic times, the transfer of property from a deceased person tended to lead to the male group. This is because, in social strata, women's groups are indeed in a "second class" position. Practically, women's groups receive discriminatory treatment in terms of the right to obtain inheritance. This kind of phenomenon has become a tradition and is deeply rooted in the ignorant society. Islam then came to erode this tradition and put women to the proper degree (Khair & Zubair, 2014). Things like this are also a driving factor for disputes in the distribution of inheritance.

Mattoanging Village is one of the villages where most of the population works by farming and gardening on their own land. The many fields and gardens in Mattoanging Village make the people prosperous by farming and gardening. The vast expanse of rice fields and extensive gardens are the property of the Mattoanging Village community itself. The assets come from the inheritance of their parents which are managed to earn income to meet their daily needs. According to Bustamin as a Mattoanging community leader, the distribution of inheritance in Mattoanging Village uses a deliberation system that is held within the family itself. They divide or take the inheritance themselves by relying on the approval of each heir. As for the determination of the dose, it is not prioritized so that each heir does not determine his share as recommended in Islamic law. Furthermore, in dividing the inheritance, community leaders or religious leaders are not involved as witnesses as well as intermediaries in the distribution of inheritance (Personal communication, April 23, 2018).

The statement explained that the distribution of inheritance in Mattoanging Village was carried out by way of deliberation without paying attention to the prescribed dose so that there were heirs who took their own share. Taking part in the inheritance yourself is quite risky because it requires the agreement of the other heirs. Especially if the part taken exceeds the dose and the other heirs do not agree. The heirs who take their own share must have a reason so that it is done. The reasons for the heirs in Mattoanging Village to take their own share without determining the prescribed dose will be classified as follows:

3.1.1 Inheritance Property is not Distributed to the Heirs after the Testator Dies

One of the causes of the heirs taking their own share is that there is no distribution of inheritance to the heirs after the heir dies. The inheritance is not distributed to the heirs because the distribution system and the law of distribution are not known by the heirs. New inheritance is taken if the heirs feel aware of the rights of the inheritor's property that is entitled to be obtained and usually the heir's property is taken and used when there is a need so that the property is needed to meet his needs. Regarding the amount that is entitled to be taken by the heir, it is not determined but only sees the number of types of property left by the heir, for example, a plot of garden or rice field, which does not calculate the price or size of the field. As explained by Jamaluddin as the Mattoanging community, the taking of the inheritance itself is due to the rights of the heirs to the inheritance but there is no prior distribution that clarifies how much should be taken. So, if needed, the property is directly used to meet needs (Personal communication, April 4, 2018).

Not doing the distribution of inheritance to the heirs forced some heirs to take their own share because of the rights that must be obtained and the needs that demand that it be done. This is quite risky because if there are heirs who do not want to succumb to the decision of the heirs who take their own share and vice versa, this will cause family conflicts. But if the other heirs have no problems, then it will be a success because the other heirs accept it.

3.1.2 No One Regulates or Distributes Inheritance to the Heirs

Several heirs in Mattoanging Village took their own share because there was no one who distributed the inheritance to the heirs so that the heirs had their inheritance recognized. The property is only taken if it is needed in this case it is sold to meet the needs of the heirs. As stated by Mustamin as a religious figure in Mattoanging Village that this usually happens because there is no one who regulates and distributes inheritance to heirs. So that when there are heirs who need the inheritance, they are immediately taken without specifying how much should be obtained but determine the share according to their needs. The assets are sold to meet daily needs or used as business capital and other expenses. To get a share of the inheritance, it is enough to admit that the inheritance is a right that should be obtained so that the share is reduced because it has been taken for purposes (Personal communication, April 2, 2018).

The existence of the right of the heirs to get a share makes the heirs try to get their rights, but if no one distributes it while the heirs need the property for their needs, then the inheritance is taken. Demanding needs cause some heirs to take their own share and usually it is not measured in advance how much should be entitled to be taken. The heir who takes his own share asks for an agreement from the other heirs if the inheritance is his share and can only be taken if the other heirs agree.

3.1.3 There is an Heir who uses the Inheritance of the Heir during His Life

According to Baharuddin as the Mattoanging Village community, the heirs take part in the inheritance themselves because there are heirs who use a lot of property from the heirs while they are still alive, and it is considered part of the inheritance from their parents. Then the heir who does not use the heir's property while he is still alive will take the inheritance from the heir by being recognized or taken by himself. This happens because if the heirs who use the heir's property a lot while still alive take part in the inheritance, there will be the envy from the heirs who do not use the heir's property while he is still alive so that heirs who use the heir's property a lot during his life do not get a share of the inheritance. inheritance (Personal communication, April 8, 2018).

Referring to the case above, it can be understood that in the distribution of inheritance, the heirs pay more attention to each heir's property. If there is an heir who sells the heir's property while he is still alive for the needs of the heir, it is considered to have been part of the other heirs. An inheritance that is used is usually not calculated how much or its value is so that heirs who take more than their share will have an impact on other heirs who do not use the inheritance of the heir during their lifetime, will get an inappropriate share if the inheritance is not sufficient. In this case, the heirs who have received the inheritance of the heir during his lifetime no longer receive the inheritance after the testator dies, whether it is a little or a lot.

3.1.4 The Inheritance is Shared by the Eldest Son

The eldest son is usually considered a leader for his siblings and is considered more experienced than the other siblings because the eldest child usually knows more about the ins and outs and secrets of the family. This makes the eldest child has the power to regulate and divide his parents' property after his parents die. As explained by Baharuddin, the inheritance distributed by the first child as the eldest child is then accepted by the other heirs. The distribution is done directly without calculating the amount and dose that should be obtained from each heir. In dividing the inheritance, usually, the eldest child gets more shares, and the inheritance is not adjusted to the amount that should be taken so that the distribution system is uneven because it is distributed by the eldest child who only relies on power (Personal communication, April 8, 2018).

The division of inheritance made by the eldest child, which is sometimes unequally distributed and sometimes more than the other heirs, makes the eldest son is considered to have taken his own share by relying on power as the eldest son. Because they have a close relationship with their parents and are considered to help their parents more, they make more shares of the eldest child, especially if it is the first child who manages the distribution. This causes the first child's decision to be listened to by his brother and must be accepted. What often causes conflict is when the siblings of eldest child do not accept the decision, especially if the share that is obtained is more and is not balanced with the

share of the other siblings, making the other siblings feel that they have been treated unfairly. It is different if the brother understands the decision of the eldest son as the child who helps the parents the most then it does not become a problem because deliberation has been reached.

3.1.5 Heirs who have a Greedy Nature to own the Inheritance of the Heir

The greedy nature in the distribution of inheritance is marked by the unfair distribution of inheritance where the share of this greedy heir is more than the share of the other heirs. Heirs who are greedy in dividing the inheritance take a large share and exceed the amount that should be obtained. This more part is obtained by taking it yourself. As explained by Bustamin as a Mattoanging community leader, the heirs who take their own share are caused by the greedy nature of one heir who divides the inheritance and then determines the share of the other heirs. However, the share of the heirs who distribute this is more than the other heirs. This, of course, led to a response from other heirs whose share was less because they were treated unfairly, causing a dispute over the distribution of inheritance (Personal communication, April 23, 2018).

Dividing inheritance with greed will only cause division between the heirs so this method is a very risky way. The other heirs certainly feel aggrieved by the greedy heir in owning the heir's property. This means that the distribution of inheritance fairly and balanced by deliberation is far better than dividing inheritance by relying on power. For this reason, the application of the distribution of inheritance according to Islamic law is very necessary for bridging the community to avoid conflict.

The occurrence of a conflict of inheritance distribution can be seen from the agreement of each heir if it is agreed to be taken by himself, then there is no problem. However, if it is not approved it will cause conflict. If a conflict occurs, of course, the heirs do not stay silent but look for solutions to resolve the conflict. According to Mustamin as a religious figure in Mattoanging that if there is a dispute, the heirs involved will be given a solution to redistribute the inheritance by sitting together and discussing until all are satisfied with the results of the discussion. If this method does not work, then inheritance disputes are usually reported to the local government to resolve the dispute due to the non-compliance of the part that should be obtained. By being handled by the government, usually, the dispute can be resolved (Personal communication, April 2, 2018).

The local government has the authority to resolve conflicts, including the issue of inheritance distribution by way of deliberation and based on Islamic law. Furthermore, this matter will be forwarded to the Religious Courts if the right solution is not found, or the deliberation of the disputing heirs is not reached. This method is carried out by community leaders and religious leaders in collaboration with the local government so that the heirs of the dispute are not bothered with resolving cases in the Religious Courts if the problem can still be handled by the local government.

3.2. Discussion

One of the suggestions revealed by Allah swt. to the Prophet Muhammad. is the distribution of inheritance. The division of inheritance that is more specific is called *farāid* law, by cleric it is stated as a detailed law. Nevertheless, there are still things found in the *farāid* law that is based on the *ijtihād* of *fiqh* experts, whether from friends or others (Sarjan, 2014). Including the status of ownership of inheritance for people who take their own share which is answered based on the provisions of Islamic inheritance law by referring to the Qur'an, hadith, and added to the rules of *fiqh*.

According to A. Muh. Isra' Matugengkeng as a religious figure in Tellu Siattinge District that the distribution of inheritance by Islamic law is something that should be known and implemented as the most absolute provision because this is based on the Qur'an and Hadith. This is the recommended method with the aim of avoiding disputes in the distribution of inheritance. Meanwhile, the main mechanism of inheritance distribution is to follow Islamic law and its provisions. Furthermore, if the inheritance will be distributed to the heirs but the procedure and determination of the number of shares are not yet known, the heirs should conduct a deliberation first so that the distribution can take place smoothly and be agreed upon by all heirs. If the distribution is done amicably, then deliberation determines the level of justice in dividing inheritance (Personal communication, April 12, 2018).

This statement was reinforced by Fathurahman as a religious figure in Bone Regency that the rules in the distribution of inheritance have a reference, namely the pillars of inheritance. First, the *muwarrīs* or the person who dies and hereinafter referred to as the heir. Second, *wārīs* or heirs as people who are still alive and have been abandoned by their relatives, namely heirs. Third, *maurūs* or inheritance from the heir which will then be handed over to the heirs. The three pillars must be achieved and

mutually support, especially the inheritance that can be distributed to the heirs. Inherited assets are recommended to be distributed according to Islamic rules and always prioritize deliberation. The prescribed way of dividing inheritance is by following provisions as the most absolute rule (Healy & Bush, 2010; Kawangung, 2019). Religious provisions, if followed, will prevent conflicts in the distribution of inheritance. If there is another way of dividing the inheritance, at least it will not become a prohibition provided the rules are fulfilled, in this case, the deliberation of each heir. If the method used does not deviate from religion, then the method used is legal. Dividing and taking inheritance is not permitted by force because justice in the distribution of inheritance is not achieved. Taking the inheritance forcibly yourself will harm the other heirs and eat up the rights of others so that this trait is prohibited in the distribution of inheritance. Coercion in taking the property itself should not be carried out, especially if the other heirs do not agree and are not sincere about it because it can make the heirs conflict (Personal communication, April 30, 2018).

Of course, the act of taking part in the inheritance itself is also something that needs to be studied as a consideration and reference in the distribution of inheritance. If you look at some of the reasons why the inheritance is taken by the heirs themselves, making the law to take part of the inheritance is relative, as described by A. Muh. Isra' Mattugengkeng is a religious figure in Tellu Siattinge District. According to him, the law of taking part of the inheritance itself is relative or adjusts to the reasons why the part is taken by oneself and the approval of the other heirs. May take their own share if the other heirs agree and understand and accept the reason. Furthermore, it is not allowed or prohibited if it does not get approval from other heirs or heirs who take their own share is greedy (Personal communication, April 12, 2018). The same thing was also explained by Fathurahman as a religious figure in Bone Regency that the law of taking part of the inheritance itself was determined through the agreement of the other heirs. Inheritance property may be taken alone if the other heirs agree, and the inheritance may not be taken alone if the other heirs do not agree (Personal communication, April 30, 2018).

The approval of other heirs before or at the time of taking part in the inheritance is very important. This is so that the assets taken do not become unlawful as in the fiqh rules that "a person is not allowed to take other people's property without a reason justified by syara" (Mubarok, 2002). This rule also applies to the division of inheritance as a legal reference that can prevent inheritance disputes because the share exceeds the dose and takes the rights of others. According to Hasbi Ash-Shiddieqy, the division of inheritance among the heirs must separate the rights of each heir so that they can fully control their share and use it (Ash-Shiddieqy, 2013). From the legal issue of taking part in the inheritance and its exceptions, this leads to a discussion that is quite urgent, namely the status of ownership of the inheritance for heirs who take their own share.

According to A. Muh. Isra' Mattugengkeng that if the other heirs do not object to the heirs taking their own share, the status of ownership is not in doubt, in other words, they can be used for their purposes. This is especially true for the heirs who take their own share without being measured and the amount is more than what should be obtained. If the heir in question does not get approval from the other heirs or only part of the heirs agrees, then the ownership status is doubtful, in other words, the property eaten from that method will be illegal (Personal communication, April 12, 2018).

The status of ownership of the inheritance is determined by the law of taking part of the inheritance and course the agreement that determines how the law is. It was also conveyed by Fathurahman that the ownership status for people who take their own share is very much determined based on the law of taking their own. If the other heirs allow or agree, the property may be owned and used. However, if the other heirs do not allow it and then the inheritance is still taken by himself, then the ownership status is forbidden and cannot be used because the assets used are the rights of the other heirs (Personal communication, April 30, 2018).

Regarding the management, it is also forbidden and the part of the inheritance that exceeds the part that should be obtained is the right of other heirs so that permission or prior approval is needed for the heirs who take their own share. This is in line with the fiqh rule "A person is not allowed to manage other people's property without permission (from the owner)" (Mubarok, 2002). The prohibition of taking other people's rights without their permission is an act of vanity and is forbidden by Allah. As the prohibition is explained in the following QS al-Baqarah/2:188 And do not let some of you eat the wealth of the other part of you in a false way and (do not) take the property to the judge so that you

can eat part of the property of others by sin, even though you know. (Ministry of Religion, Qur'an in Word).

Based on the explanation above regarding the status of inheritance for heirs who take their share according to Islamic law, of course, this has been realized and provided an understanding of the importance of implementing the distribution of inheritance according to Islamic law. Furthermore, after knowing the law and the reasons for the heirs to take their own share, it will be used as a reference in the distribution of inheritance in the future. It should also be underlined that in Islamic inheritance law there is an individual principle, meaning that inheritance can be divided up to be owned individually. Each heir has its own share, without being tied to the other heirs. Then the principle of balanced justice, which means a balance between rights and obligations and a balance between what is obtained and the need and use, the argument is QS An-Nisā '4: 7 (Khair & Zubair, 2014; Zubair, 2015). To prevent conflicts, it is necessary to apply the principle of instantaneous distribution, namely the inheritance of the testator is immediately calculated and distributed to the heirs after the testator dies (Salihima, 2016).

In addition, before the research was carried out, some cases were obtained as material and consideration to determine the law of taking part of the inheritance and the status of its ownership. This case has been experienced by several heirs who do not agree with the existence of heirs who take their own share. Moreover, if there are heirs who take their own share, it turns out that it exceeds the amount or is not sufficient with the share that should be obtained. As for the solution offered by Fathurahman if the heirs have already taken their own share and the amount exceeds what is entitled to be obtained by returning and redistributing it fairly. An inheritance that is returned, namely an inheritance that is not entitled to be taken, in this case, the remainder of the part that is entitled to be taken, must be returned, and distributed fairly to other heirs. This must be discussed carefully with the heirs who take it themselves because if not, it can lead to disputes (Personal communication, April 30, 2018). Meanwhile, according to A. Muh. Isra' Mattugengkeng regarding the solution if there is a split due to the heirs who do not agree, namely returning to the rules and methods of dividing inheritance according to Islamic law, namely by using calculations. The portion given must of course be adjusted to the portion that is entitled to be obtained and it may be resolved in the Religious Courts for absolute results and decisions by Islamic law (Personal communication, April 12, 2018).

Some of the solutions above are expected to be implemented to avoid conflicts so that the distribution of inheritance can be carried out effectively without any conflicts. In addition, the recommendation is no less important, namely studying inheritance as a science of Islam. Inheritance is a third of knowledge in Islam that needs to be studied by Muslims of all walks of life (Suma, 2013). Likewise, James Norman Darymple (JND) Anderson admits that inheritance is very important to know as his argument that indeed, there is a famous dictum attributed to the Prophet that a knowledge of the shares allotted to the various heirs under this system constitutes the equivalent of one-half of all human knowledge. This saying has often comforted me greatly, seeing that may at least claim to know more about this half of human knowledge than about the other half (Bahrami-Rad, 2021; Rodliyah et al., 2022).

Islamic inheritance law that has been set by Allah swt, is neatly and systematically arranged, especially the provisions regarding who is entitled and who is not entitled, the share of each heir so as not to trigger disputes which can eventually lead to the rift of family relations (Basri et al., 2022; Daud & Azahari, 2019). Justice in inheritance law is obtained if the heirs accept voluntarily, otherwise, if the heirs refuse, the inheritance dispute can be resolved in the Religious Courts to be examined and decided by the judge (Sanjaya, 2014). For this reason, studying inheritance is very important before implementing its implementation. Furthermore, carrying out the distribution of inheritance by Islamic law is a must and can prevent us from family conflicts. Maintaining the integrity of the family is far better than the pursuit of inheritance which can lead to conflict. Based on the explanation above regarding the status of inheritance for heirs who take their share according to Islamic law, of course, this has been realized and provided an understanding of the importance of implementing the distribution of inheritance according to Islamic law. Furthermore, after knowing the law and the reasons for the heirs to take their own share, it will be used as a reference in the distribution of inheritance in the future. It should also be underlined that in Islamic inheritance law there is an individual principle, meaning that inheritance can be divided up to be owned individually. Each heir has its own share, without being tied to the other heirs. Then the principle of balanced justice, which means a balance between rights and obligations and a balance between what is obtained and the need

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4. Conclusion

The causes of heirs in Mattoanging Village taking their own share, namely, the inheritance is not distributed to the heirs after the heir dies, there is no one who regulates or distributes the inheritance to the heirs, there are heirs who use the inheritance of the heir during his life by selling it for his needs, the inheritance is distributed by the eldest child who is also the heir and there are heirs who are greedy in dividing the inheritance. Likewise with the status of ownership of inheritance for heirs who take their own share according to the law, take their own share of the inheritance. If the law of taking part of the inheritance itself is allowed with the consent of other heirs, then the ownership status is not in doubt and may be used. However, if the law of taking part of the inheritance itself is prohibited in the absence of the consent of the other heirs, then the ownership status is prohibited and is not allowed to be used.

Based on these findings, there are several recommendations regarding the implementation of the distribution of inheritance which should be carried out by following what is prescribed by Islamic inheritance law, namely by using a calculation system. The important role of academics in the field of Islamic law is not to stop studying the problems of Islamic inheritance law in society and educate the public to understand the rules for dividing an inheritance. Religious leaders and community leaders are expected to be able to foster the community, reprimand if the method used is wrong and provide solutions if there is an inheritance dispute. The presence of people who are considered capable of dividing inheritance fairly is expected to reduce conflicts or problems caused by errors in the distribution of inheritance.

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