

MAPPAMMANA TRADITION OF BUGINESE COMMUNITY IN BONE: A LEGAL REVIEW OF ISLAMIC INHERITANCE

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Abstract

The *mappammana* tradition is a custom of the Buginese community in Bone as a form of transfer of properties from the heir to the heirs. *Mappammana* is a system of inheritance that has been practiced in the past to this day. The *mappammana* mechanism is an interesting issue, because in the millennial era, this system is still used by the Buginese community in Bone in the transfer of properties. It is important to explain the connection of the *mappammana* tradition in the frame of Islamic inheritance law. Research is a field of research, data sources obtained from interviews with religious leaders and figures of the Buginese community in Bone. The approach used is theological normative, sociological, and anthropological by examining the social phenomenon of the *mappaammana* system of the Buginese community in Bone. The findings of this study indicate that there are *mappammana* traditions that are general namely, *pabbere* and *pappaseng*, are gifts without any sacred value contained in the object used as *maanaa*. As for the *mappammana*, it is '*ampikâle*', specifically applies because *ampikâle* is a sacred gift and is accompanied by a will. Based on Syahrur's hudud theory, at-Tufi's *Maslahah*, and al-Jauziyah's *urf* theory, *mappammana* as a legacy system practiced by the Buginese community in Bone is considered in line with the values of the Islamic inheritance system because it still upholds the values of consensus value and benefit. The implication of this finding is that the distribution of inheritance does not look at the way it is, but the most important thing is the pleasure of the parties in accepting the results of deliberations and distance from disputes between fellow heirs.

Tradisi *mappammana* merupakan adat masyarakat Bugis Bone sebagai bentuk peralihan harta pewaris kepada ahli warisnya. *Mappammana* adalah sistem peralihan kewarisan yang dipraktekkan dimasa lampau hingga sekarang. Mekanisme *mappammana* menjadi isu yang menarik, karena di era milineal sistem ini masih digunakan oleh masyarakat Bugis Bone dalam peralihan harta. Maka penting untuk dijelaskan koneksi tradisi *mappammana* dalam bingkai hukum kewarisan Islam. Penelitian merupakan *field research*, sumber data diperoleh dari hasil wawancara terhadap tokoh agama dan tokoh masyarakat Bugis Bone. Pendekatan yang digunakan adalah teologis normatif, sosiologis, dan antropologis dengan menelaah fenomena sosial sistem *mappaammana* dalam masyarakat Bugis

Bone. Temuan penelitian ini menunjukkan bahwa taradisi *mappamma* ada yang bersifat umum yaitu, *pabbere* dan *pappaseng*, merupakan pemberian tanpa ada nilai sakral yang terkandung dalam objek yang dijadikan sebagai *maanaa*. Adapun *mappamma* bersifat *ampġkġle*, berlaku secara khusus karena *ampġkġle* merupakan pemberian yang sakral dan disertai dengan wasiat. Berdasar pada teori *hudud*-nya Syahrur, Masalahnya at-Tufi, dan teori *urf*-nya al-Jauziayah, maka *mappamma* sebagai sistem kewarisan yang dipraktekkan masyarakat Bugis Bone dianggap sejalan dengan nilai-nilai sistem kewarisan Islam karena tetap menjunjung tinggi nilai-nilai mufakat dan kemaslahatan. Implikasi temuan ini, bahwa dalam pembagian warisan tidak melihat dari caranya, akan tetapi terpenting adalah keridhoan pihak-pihak dalam menerima hasil musyawarah dan menjauhkan dari persengketaan antara sesama ahli waris.

Keywords: *Islamic Inheritance Law; Tradition; Mappamma; Buginese in Bone.*

INTRODUCTION

The inheritance legal system in Islam is a reference in transferring property of the deceased to the heirs. In detail the inheritance problem has been described by Allah in the Holy Qur'an, for example the division of inheritance of men and women, either little or much according to the part that has been determined.¹

Normatively, in the Qur'an Surah An-Nisġ/4: 7 has illustrated that male and female heirs have the right to inherit the inheritance of their parents, relatives whose part is determined in the Qur'an. This stipulation becomes an obligation for Muslims to be implemented and practiced in life.²The Qur'an has outlined heirs who are entitled to a certain portion as stipulated in the Sharia called *zġwġ al-furġd*.

In Islamic inheritance law, it is known as the principle of *ijbġri*, which requires the distribution of property of people who have died to their heirs. Transfer of property is a matter that is studied in Jurisprudence, ideally all the inheritance system provisions contained in the Qur'an must be obeyed by Muslims in the regulation and transfer of inheritance property. The provision aims to avoid disputes between heirs after the heir dies,³and keep away from disputes that cause rift relations among family members.⁴

¹See Qur'an Surah An-Nisġ/4:7, inal-Mehri, A. B. (Ed.). *The Qur'ġn: With Sġrah Introductions and Appendices: Saheeh International Translation* (Maktabah Booksellers and Publishers, 2010), p. 101.

²Muhammad Ali Ash-Shabġni, *Al-mawaris Fisysyari'ati Islġmiyyah'ala dhau' Al-kitġb was sunnah* translated by: A. M. Baslamah, *Pembagian Waris Menurut Islam* (Jakarta: Gema Insani Press, 1996), p. 46.

³Amir Syarifuddin, *Garis-Garis Besar Fiqh* (2nd Ed.; Jakarta: Prenada Media, 2005), p. 148.

⁴Suhrawardi K. Lubis and Komis Simanjuntak, *Hukum Waris Islam* (Jakarta: Sinar Grafika, 2008), p. 1.

In practice, sometimes problems arise over the distribution of properties that cannot be solved based on Islamic inheritance law, so that people take solutions that bring together benefits. This is because, among the community groups, there are those who cannot accept the provisions of two (male) to one (female) as stipulated in the Qur'an. This attitude causes the distribution of inheritance among the community often causes disputes within the family, especially the determination of who has the right to receive and the amount of inheritance to be obtained. Not infrequently among the heirs feel that the process of distribution of inheritance is not fair so it demands more parts. This is what often causes a relationship breakdown in the family.⁵

In fact, it often creates a radical attitude by justifying various ways to obtain the inheritance. Such facts, commonly found in people's lives and have existed in the history of mankind, until now.⁶ Another reason for not implementing Islamic inheritance law could be due to the lack of public knowledge about the rules of Islamic inheritance law,⁷ so that in the practice of inheritance it is very common to be resolved by local customary law.

For most of the Indonesian people, customary law is always upheld and used as a basis for making decisions regarding issues of daily life. Compliance also applies in matters of inheritance. Until now some of Indonesian population still maintain customary law in managing the distribution of inheritance. As in the Islamic inheritance legal system, the customary inheritance system also recognizes the principle of individuals that allows heirs to obtain inheritance individually. Thus, every heir will get the right of inheritance in accordance with predetermined parts.⁸ This provision is followed in accordance with the division of customary law in each area.

Among the Buginese community in Bone, for example, there is a tradition of inheritance that was carried out when parents were still alive, known as *mappammana*. The process of distribution, women get a greater share when compared to men. The heirs who get more inheritance are children who will take care of and live with their parents when they are old. In general, the custom of Buginese community in Bone is that parents choose to live with their daughter when they are

⁵Amin Husein Nasution, *Hukum Kewarisan: Suatu Analisis Komparatif Pemikiran Muftahid dan Kompilasi Hukum Islam* (3rd Ed.; Jakarta: Rajawali Pers, 2014), p. 52.

⁶Ira Hasnita and Asni Zubair, *Tinjauan Hukum Islam terhadap Ampikale dalam Sistem Kewarisan Masyarakat Buginese*, *Al-Syakhshiyah Jurnal Hukum Keluarga Islam dan Kemanusiaan*, Vol. 1, Number 2, 2019.

⁷Asni Zubair, *Aktualisasi Hukum Kewarisan Islam (Studi tentang Kesadaran Hukum Masyarakat di Desa Wollangi Kec. Barebbo terhadap Hukum Kewarisan Islam)*, *Al-Risalah Jurnal Hukum Keluarga Islam (Akhwal al-Syaksyah)*, Vol. 3, 2017.

⁸Imam Muchlas, *Waris Mewaris dalam Islam* (Pasuruan: Garoeda Buana Indah, 1996), p. 84.

old. The consideration is that it is the daughter who is more often at home and more loyal and has greater affection for her parents.

This tradition has been valid since the ancestors of the Buginese community in Bone, which seems to be still maintained in people's lives. The inheritance system is considered as a recognition in life that is not only practiced in the past but in the present Buginese community in Bone still adheres to it.⁹Therefore, this article will discuss about the *mappammana* tradition in the view of Islamic inheritance law. This is to provide factual answers to the correlation between tradition and texts. In addition, to provide a philosophical interpretation of the value of the transfer of property with *mappammana* with the transfer of property based on Islamic inheritance law.

METHODOLOGY

This study is a field research (data research) whose data are obtained from interviews with community leaders and religious leaders who are considered to understand the *mappammana* system. This research was conducted in Bone Regency because in general, the Buginese community in Bone is still thick with the tradition of transfer of property with *mappammana* system. The approach used is theological normative, sociological, and anthropological by examining the social phenomenon of the *mappaammana* system in the Buginese community in Bone. Efforts to review the data obtained from the field, the data were analyzed qualitatively beginning with data reduction, data presentation, verification and conclusion drawing.

DISCUSSION

A. Conception of *Mappammana* in the Buginese Bone Tradition

The *Mappammana* system is a transfer of property by heirs, both living and dead, to children or relatives who are made as heirs. Thus, the *mappammana* process in the Buginese community in Bone is sometimes carried out by living parents by gathering all of their heirs to be shared, or when the parents have passed away. When the *mappammana* process is carried out by parents after death, it is usually accompanied by a will that is surrendered and entrusted to the family or elder relatives. Some of the inheritance is for funerals, to pay off debts and to fulfill a will. If all matters relating to the necessity and obligations of the deceased have been completed, the inheritance will be distributed to the heirs. This means that the *mappammana* system in the Buginese community in Bone is still paying attention to the need for holding a corpse. The remaining assets from the process of organizing

⁹Muh. Sabri, *Persepsi Hukum Islam terhadap Sistem Kewarisan Berbasis Budaya pada Masyarakat Buginese Bone*, Al-Risalah Jurnal Hukum Keluarga Islam (Akhwal al-Syakhsyah), Vol. 3, 2017.

the remains were distributed to the heirs.

The *nasab* system or descendants in the Buginese Bone customary inheritance law still provide space for male and female descendants to inherit from their parents and relatives. However, not all assets can be shared, the house and furniture in it along with the jewelry will be given to the female heirs. If the heirs of two or more women, the woman can occupy the house, while the men immediately leave the house. However, in the case of mappamana, it is very dependent of the heirs, in this case the parents who will share their heirs, usually in general, all heirs, both men and women, will get the fair distribution.¹⁰

The tradition of separating houses and jewelry is a custom of the Buginese community in Bone, which was adopted from generation to generation since previous ancestors, with the consideration that it is women who will look after their parents in their old age. The Buginese Bone community, is a society known for its obedience to religion, but at the same time holds fast to the customs that have been passed down through generations in its life. In general, the Buginese community in Bone divided the inheritance into several ways, including:

1. Grant (*Pabbere*)

Pabbere is a gift given by parents when they are still alive, given to people who are considered to have an inheritance relationship with him/her.¹¹ *Pabbere* is a certain legal act of someone who gives wealth to another person (still has an inheritance relationship), according to applicable legal rules.¹² The purpose of *Pabbere* carried out while the heir was still alive was to avoid disputes between heirs after the heir died. The Buginese Bone tradition in conducting aqad giving (*nabbereang*) from parents to children is done in two ways:

(a) *Pabbere* that applies in general

The Buginese Bone tradition of implementing a grant contract (*pabbere*) by means of *tudang sipulung*, namely deliberation of all heirs and village government or traditional leaders as witnesses. The decision is fully up to the parents who want to provide the grant.¹³ *Pabbere* from parents to children is a habit that is often found in the Buginese community in Bone in the process of transferring assets. Parents' compensation is done by giving assets to the heirs with a sincere intention so that the assets are managed properly by their children.

The basis of *pabbere* is contained in the buginese proverbial *luka maanaa telluka pabbere*. This means that *maanaa* may be taken back when the parents' mood

¹⁰A. Yushan, Bone customs figure, *Interview*, Watampone August 3rd, 2019.

¹¹A. Baso Bone, Bone customs figure, *Interview*, Watampone, November 5th, 2019.

¹²H. Rapi, Bone customs figure, *Interview*, Lompo, November 10th, 2019.

¹³A. Yushan, Bone customs figure, *Interview*, Watampone, August 3rd, 2019.

is shaken or there is a dispute with the child who is given *maanaa*, while *pabbere* once given cannot be withdrawn.¹⁴This explanation shows that *pabbere* (grant) is different from *maanaa* (inheritance). The initial meaning of *pabbere* is permanent and must not be contested, *pabbere* is different from *maanaa*. All heirs are entitled to *pabbere*, whether married or not, but the decision is absolutely left to the parents to whom among the heirs will be given.¹⁵

Therefore, there may be those who get *pabbere* from among the heirs. However, the position of *pabbere* as a gift from parents to their children should not be excessive, resulting in not fulfilling the rights of other heirs. *Pabbere* that applies in general is *pabbere* from parents to heirs who are not accompanied by a certain will and the goods given do not contain sacred values in the family tradition.¹⁶This shows that *pabbere*, which is generally accepted, can be given to any heirs because the goods given do not contain sacred values in the family tradition. In addition, this kind of *pabbere* is usually not accompanied by a message from the heir.

(b) *Ampĭkĕle*

Between parents and their heirs there is something called *ampĭkĕle*. In the Buginese tradition in Bone, *ampĭkĕle* is a *pabbere* which is sacred in nature and is accompanied by a will (*pappaseng*), so it is given to the heirs who are very useful to their parents (*pabbere* *lao rianak iya mampĭri aleku*).¹⁷It is said that it is sacred because the goods to be given are obtained from the proceeds of the gift from the ancestors who have been passed down from generation to generation for the services of their parents (*iya mampĭri taumatuakku*), so that not all children can *ampĭkĕle* even though it is possible for all children to be gifted as a gift from their parents. Among the wills uttered by parents when giving *ampĭkĕle* to their children is “*ĕja muĭpakuai sangadi nanrepi ĕpi pale' jarimmu*”, meaning that you should not sell this item unless you are in a state of urgency.¹⁸This shows that the item given as *ampĭkĕle* is a very valuable item for the heir, even though the nominal value may not be too expensive. In a state of urgency, these items may be sold if they are purchased by people who are related to them.

2. A Will (*Pappaseng*)

A will or *pappaseng* is a message that contains the final will of the person

¹⁴A. Yushan, Bone customs figure, *Interview*, Watampone, August 3rd, 2019.

¹⁵H. Abd. Jabbar, PPN Assistant in Bajoe, *Interview*, Bajoe, January 12th, 2020.

¹⁶A. Yushan, Bone customs figure, *Interview*, Watampone, August 3rd, 2019.

¹⁷A. Yushan, Bone customs figure, *Interview*, Watampone, August 3rd, 2019.

¹⁸A. Yushan, Bone customs figure, *Interview*, Watampone, August 3rd, 2019.

who will pass away regarding the transfer of property left behind by determining certain parts for his heirs. *Pappaseng* is made before the heir dies, but the transfer of the inheritance is carried out according to the person who gives the *paseng*, the embodiment of the *paseng* must be attended by the heirs and the close family of the giver of *paseng*.¹⁹ *Pappaseng* is also a way for parents to convey their final wishes regarding the distribution of assets that will be left behind and only take effect after the *paseng* giver dies.²⁰ The purpose of *pappaseng* is to prevent potential disputes between heirs.²¹

Pappaseng as *pabbere* is only a process of transferring property among the heirs. The heir remains obedient to the provisions, all heirs receive a fair share, they may not eliminate the rights of a single child, but parents have the right to determine the assets to be given to the heirs.²² This is intended to prevent disputes between the heirs.²³

3. Maanaa

The customary law tradition of Buginese Bone does not stipulate when the property can be distributed to the heirs. based on the custom of the distribution of assets after the heir dies, it is carried out after the matt accommodated on the seventh day, fortith day, the hundredth day after the heir dies because at that time the heirs usually still gather.²⁴

The Buginese Bone community already has various unwritten rules regarding traditions related to the term mappamana. Among them are provisions regarding inheritance transfer, for example *pabbere* is a gift, *pappaseng* is a will, and inheritance is known as *bicara maanaa*.²⁵ As previously explained, the three provisions differ from one another, but are substantially the same, because, the objects are both talking about the transfer of property to the heirs.

The element of *Bicaramaanaa* in Buginese community in Bone is, heirs who will transfer their assets, heirs who will get the right of transfer and inheritance as objects or items to be transferred ownership.²⁶ The inheritance consists of the inheritance of the "*warang parang siwali*" and the assets obtained together with the "*warang parang bali reso*" between husband and wife.²⁷

¹⁹A. Baso Bone, Bone customs figure, *Interview*, Watampone, November 5th, 2019.

²⁰H. Rapi, Customs figure, *Interview*, Lompo, November 10th, 2019.

²¹A. Yushan, Bone customs figure, *Interview*, Watampone, August 3rd, 2019.

²²A. Yushan, Bone customs figure, *Interview*, Watampone, August 3rd, 2019.

²³H. Rapi, Customs figure, *Interview*, Lompo, November 10th, 2019.

²⁴A. Yushan, Bone customs figure, *Interview*, Watampone, August 3rd, 2019.

²⁵A. Yushan, Bone customs figure, *Interview*, Watampone, August 3rd, 2019.

²⁶A. Yushan, Bone customs figure, *Interview*, Watampone, August 3rd, 2019.

²⁷A. Yushan, Bone customs figure, *Interview*, Watampone, August 3rd, 2019.

Waramparang siwali is only given by the heirs who own the property. While *waram parang balireso* is separated first between the husband and the wife part. Each part is given to the heirs of the husband and wife. The division in *maanaa* speech is not only based on the exact same amount but is based on a balance between all heirs. This method of division is different from the division of Islamic inheritance law and Western inheritance law.²⁸ Before the heirs gather, sometimes the inheritance is managed first by a widow or widower, and the part of the immature child is managed by the eldest son.

B. *Mappamana* Tradition in Islamic Inheritance Law

In Islam, the branch of science that talks about inheritance law is family law. The branch of science that deals with inheritance is the *faraid* science linked to the transfer of inherited property, the calculation of the portion of each heir and the distribution of the inheritance to his heirs.

The Buginese Bone community adheres to the lineage of both parents, in terms of dividing the inheritance between men and women, they are entitled to a share of the parents.²⁹ This inheritance characteristic is called parental based on the individual principle which allows each heir to be entitled to inheritance from his parents. This model of inheritance is also embraced by the Buginese community in Bone, known as *mappamana*.

The assets that are made into *maanaa* in the Buginese Bone tradition are usually in the form of land, rice fields and houses which are divided equally between sons and daughter.³⁰ This is done to avoid disputes between the heirs due to the imbalance of their respective parts. Especially for unmarried daughters, they have the right to occupy the house. When they have a husband, the house is divided based on mutual agreement with all the heirs.

However, there are still some among the Buginese community in Bone who practice the inheritance law based on the Holy Qur'an, where men get two parts while women get one part. In line with the Buginese proverb, *majjujung makkunraie mallempa aroanae*, meaning that the burden of a man is heavier because it will provide for his wife and children. Whereas in the *mappamana* tradition, the distribution of inheritance is not a problem if it is divided equally among all heirs left by the heir without distinguishing between men and women.

The compilation of Islamic Law in Article 176 regulates the division between male and female. If the female herself gets half, and when two or more

²⁸Ibnu Qoyim, *Adat dan Agama aalam Perkawinan dan Kewarisan pada Masyarakat Buginese* (Jakarta: (PMB) LIPI, 2005), p. 118.

²⁹A. Baso Bone, Bone customs figure, *Interview*, Watampone, November 5th, 2018.

³⁰A. Baso Bone, Bone customs figure, *Interview*, Watampone, November 5th, 2018.

females get the two-thirds share and if the females is together with the male, then the male gets two portions while the female gets one portion.³¹

Among those who reject the KHI argue that the division of inheritance from two to one has the potential to create a sense of injustice towards women. In the present era, it is not only the husband who makes a living, but in certain cases, women also take part in earning a living, sometimes being far more advanced than men. If this condition is still applied, the concept of the 2:1 division is still applied, it is considered a form of injustice.³² As for the basis for stipulating the proportion of men that are greater than women, the Qur'an Surah an-Nisâ/4: 11.

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ ۚ فَإِن كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلهُنَّ ثُلُثَا مَا تَرَكَ ۚ وَإِن كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ ۚ وَلَا لِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّمَّهَا الشُّدُسُ مِمَّا تَرَكَ إِن كَانَ لَهُ وَلَدٌ فَإِن لَّمْ يَكُن لَهُ وَلَدٌ وَوَرِثَهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ ۚ فَإِن كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ الشُّدُسُ ۚ مِن بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دِينِ ۗ ءَابَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُم أَقْرَبُ لَكُمْ نَفَعًا ۚ فَرِيضَةٌ مِّنَ اللَّهِ ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا ﴿١١﴾

The translation:

Allah instructs you concerning your children: for the male, what is equal to the share of two females. But if there are (only) daughters, two or more, for them is two thirds of one's estate. And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children and the parents (alone) inherit from him, then for his mother is one third. And if he had brothers (or sisters), for his mother is a sixth, after any bequest he (may have) made or debt. Your parents or your children - you know not which of them are nearest to you in benefit. (These shares are) an obligation (imposed) by Allah. Indeed, Allah is ever Knowing and Wise.³³

There is a difference of opinion about the word *فَوْقَ اثْنَتَيْنِ*, which is entitled to share two thirds whether two people or three people and above. According to al-

³¹Abdurrahman, *Kompilasi Hukum Islam* (Jakarta: Akademika Pressindo, 2007), p. 157.

³²Sabriadi HR, Dosen IAIN Bone, *Interview*, Bajoe, January 20th, 2020.

³³al-Mehri, A. B. (Ed.). *The Qur'ān: With Sūrah Introductions and Appendices: Saheeh International Translation* (Maktabah Booksellers and Publishers, 2010), p. 101.

Marāghi, *jumhur* scholars interpreted the word **فَوْقَ اثْنَيْنِ** as consisting of two daughters.³⁴ Muhammad Syahrur in his hudud theory (had al a'lā wa had al adnā, meaning the minimum and maximum limits) in the Qur'an Surah An-Nisa/4: 11, if the family economy is borne by the husband, and the wife is not involved at all, then the law of Allah can be practiced, namely two parts for men and one part for women. In terms of percentage, men get a minimum share of 66.6%. If a boy gets 75% while a girl gets 25% then it violates the limits of the decree of Allah. If men get 60% and 40% of women, it means that they do not violate the boundaries of Allah's law because they are still within the limits of Allah's law. In this situation, the taking of *ijtihad* may also apply the principle of approaching between the two imposed minimum and maximum limits, so as to obtain a balance between the two, namely that between men and women each receiving 50%. Such principles are based on conditions and situations of inheritance or developments in historical settings, or on the consideration of both at once.³⁵ This is based on the principles of *fiqh al-dharuratul yuzallu*, which means that fading must be eliminated.³⁶

All decisions that have the potential to cause harm without good reasons must be eliminated. For example, in a situation where the distribution of inheritance causes problems between family members, such as disputes over the share of each heir, then the distribution process takes precedence which brings more benefits and avoids faltering. This is where the *mappammana* system can be applied in the inheritance distribution process.

In line with Syahrur's opinion, according to Najamuddin at-Tufi in an effort to reform Islamic law, including whether or not the *mappammana* system can be carried out in inheritance practice, it is necessary to make a basis for consideration is the concept of *maslahah* (goodness or benefit in a legal product). Based on textual evidence, at-Tufi describes his *maslahah* theory in three concepts, namely, first: *maslahah mu'tabara*, the concept of *maslahah* whose existence does not conflict with the Qur'an and Hadith textually. Second: *maslahah mursalah*, this concept puts forward the principles of goodness and benefit in a matter even though it is not supported and may even be refuted by textual evidence in the Qur'an and Hadith. Third: *maslahah mulghah*, the concept of *maslahah* which contradicts textual evidence. From the perspective of its interests, there is something that is *daruriyyah*, where *maslahah* is very much needed for the benefit of the hereafter. There is also a *hajiyyat*, prioritizing *maslahah* to eliminate difficulties but not to the point of

³⁴Ahmad Mustāfa al-Marāghi, *Tafsir al-Marāghi* (Beirut: Dārul Fiqr, 1973), p. 196.

³⁵Muhammad Syahrur, *Prinsip dan Dasar Hermeneutika Hukum Islam Kontemporer*, translation, Syahiron Syamsudin and Burhanudin Dziki (Yogyakarta: eISAQ Press, 2007), p.41.

³⁶Nashr Farid M. Washil and Abdul Aziz M. Azzam, *Qawā'id Fiqhiyyah*, translation, Wahyu Setiawan (Jakarta: AMZAH, 2013), p.17.

causing destruction. Meanwhile, the interests of *tahsiniyyat* serve to maintain honor.³⁷

The relationship with the legal product of the inheritance system in Islam outlined in the Qur'an Surah an-Nisâ/4: 11, in situations and conditions where people understand and are able to accept the inheritance system in Islam, then this verse applies textually. However, in the circumstances the inheritance process is carried out, causing disputes, which in turn occur disputes and even bloodshed among the heirs. There needs to be a solution that puts forward *maslahah*. This condition is what at-Tufi calls *hajiyyat* and may even be *daruriyyah*. If in this condition, the *mappammana* inheritance system is considered a transfer of property agreed upon between heirs and is able to avoid disputes, then this is not against inheritance law in Islam.

Likewise, the concept of changing Islamic law according to Ibn Qayyim al-Jauziyah puts forward the consideration of benefit. One aspect of his consideration is customs (*urf*), the tradition in which the law will be enforced.³⁸ Referring to the concept of al-Jauziyah, the *mappammana* tradition falls into the *urf* category as long as in practice it is agreed upon and creates *maslahat*.

The provision of people who are entitled to inheritance according to Islamic inheritance law is *qaṭ'iyah*, which is a definite provision and cannot be changed. Thus, the heirs are *qaṭ'iyah* whereas the process of distributing the inheritance may use the Islamic legal inheritance system or customary law such as *mappammana*, depending on the agreement between the heir and the person involved in the distribution of the inheritance. For this reason, they are welcome to choose the method of inheritance sharing with Islamic *farid* or with customary law which in the Buginese Bone tradition is called *mappamana*.

Therefore, the *mappammana* tradition as a process of sharing the inheritance of the Buginese community in Bone in Islamic inheritance law is allowed as long as it is mutually agreed upon and does not cause conflicts that can break the ties between families. Islamic inheritance law is guided by the principles of *fikhiyah*, therefore the public is welcome to follow and use laws that bring benefit or use laws that are less harmful.

³⁷ Idaul Hasanah, *Konsep Maslahah Najamuddin al-Tufi dan Implementasinya*, Ulumuddin Journal of Islamic Legal studies, Vol. 7, Number 1, 2011.

³⁸ Rizal Darwis, *Pemikiran Ibnu Qayyim al-Jauziyah terhadap Paradigma Perubahan Hukum*, Adzkiya: Jurnal Hukum dan Ekonomi Syariah, Vol. 5, Number 1, 2017.

CONCLUSION

Mappammana is the transfer of property of objects by an heir, whether alive or dead, to a child or relative who is an heir. There are *Mappammana* which are general in nature, namely, *pabbere* and *pappaseng*, giving without any sacred value contained in the object which is used as *maanaa*. There also applies specifically, namely *Ampikâle*. It applies specifically because *ampikâle* is a very sacred gift and is accompanied by a will. Based on Syahrur's hudud theory, at-Tufi's Maslahah, and al-Jauziyah's urf theory, the *mappammana* system implemented by most of the Buginese community in Bone is considered not to conflict with the Islamic inheritance system as long as its implementation is mutually agreed upon, which can lead to *maslahat*, maintain honor and keep away from disputes between fellow heirs.

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