

Implementation of the Baduy Tribe's Inheritance System in Kanekes Village, Leuwidamar District, Lebak Regency, Banten Province

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ABSTRACT

The Muslim Baduy community basically adheres to the customs and customs they adopted from their ancestors. The inheritance system used in Baduy customary inheritance uses a bilateral system, namely from father to mother who are equally powerful. The problem that will be discussed is how to implement inheritance in the Baduy Dalam tribe community. The type of research used in this research is normative juridical legal research, namely library research which only focuses on written statutory regulations, so this research is very closely related to libraries because it requires secondary data. The fundamental difference between the inheritance law of the Baduy community and Islamic inheritance law lies in *Pikukuh* which is the basis for the unwritten inheritance distribution rules which in Islamic inheritance law are clearly based on the Al-Quran and As-Sunnah. Apart from that, there are similarities between Baduy inheritance law and Islamic inheritance law in that the heirs are the descendants of the person who died and the inheritance can only be distributed after the death of the testator. However, the Baduy community does not distribute inheritance to the lineage and above.

Keywords:

heirs, islamic inheritance law, baduy tribe

INTRODUCTION

The Badui tribe, also known as Sunda Badui (Badui language: Urang Kanékés, Urang Cibeo, or sometimes simply called Badui, sometimes written informally as Baduy) is a group of Sundanese indigenous people in the interior of Lebak Regency, Banten Province. Their population is around 26,000 people, they are one of the groups of people who have closed themselves off from the outside world. In addition, they also have taboo beliefs to be documented, especially the residents of the Inner Badui region. The Badui tribe is a sub-tribe of the Sundanese tribe, they are considered a Sundanese society that has not been affected by modernization or a group that is almost completely isolated from the outside world. The Badui community rejects the term "tourism" or "tourism" to describe their villages. Since 2007, to describe their territory and to maintain the sacredness of the territory, the Badui community has introduced the term "Saba Budaya Badui", which means "Silaturahmi Budaya Badui" The term "Badui" is a term given by outsiders to this community group, starting from the term used by Dutch researchers who seemed to equate them with the Arab Badawi group who are nomadic people. Another possibility is because of the Badui River and Badui Mountains in the northern part of the region. They themselves prefer to call themselves urang Kanekes or "Kanekes people" according to the name of their territory, or a term that refers to the name of their village such as Urang Cibeo.

The Badui tribe lives in the area of Kanekes Village, Leuwidamar District, Lebak Regency. Their settlements are centered in the river basin of the Cijung River which is included in the Kendeng Mountains Cultural Heritage area. Kanekes is geographically located at coordinates 6°27'27" – 6°30'0" LS and 108°3'9" – 106°4'55" BT (Permana, 2001). They live right at the foot of the Kendeng Mountains

which are about 40 km from the capital of Lebak Regency, namely Rangkasbitung District. The area which is part of the Kendeng Mountains with an altitude of 300 – 600 m above sea level (ASL) has a hilly and undulating topography with an average land slope of 45%, which is volcanic soil (in the north), sedimentary soil (in the middle), and mixed soil (in the south). average temperature 20 °C. The language they use is Sundanese Badui dialect. To communicate with outsiders they are fluent in Indonesian, although they do not get this knowledge from school. The Kanekes Dalam people do not know the written culture, so that customs, beliefs/religions, and ancestral stories are only stored in oral speech. The Kanekes people know two systems of government, namely the national system, which follows the rules of the Indonesian state, and the customary system that follows the customs believed by the community. The two systems are combined or acculturated in such a way that there is no conflict. Nationally, the Kanekes people are led by a village head called jaro pamarentah, who is under the sub-district head, while according to custom they are subject to the highest Kanekes customary leader, namely "Pu'un".

The highest customary leader in the Kanekes community is "Pu'un" who is in the three tangtu villages. This position is hereditary, but not automatically from father to son, but can also be other relatives. The term of office of Pu'un is not determined, only based on a person's ability to hold the position. The Kanekes people do not know schools, because formal education is contrary to their customs. They reject the government's proposal to build school facilities in their villages. Even today, although since the Soeharto era the government has tried to force them to change their way of life and build modern school facilities in their area, the Kanekes people still reject the government's efforts. However, the Kanekes people have their own way of learning and developing their insights to match those of people outside the Badui tribe. The Kanekes people are generally divided into three groups, namely tangtu, panamping, and dangka. The tangtu group is a group known as Kanekes Dalam (Badui Dalam), which is the most strict in following customs, namely residents who live in the three villages of Cibeo, Cikertawana, and Cikeusik. The characteristics of the Kanekes Dalam people are their natural white and dark blue (tarum color) clothes and wearing white headbands. They are forbidden by tradition to meet strangers. Kanekes Dalam is part of the entire Kanekes people. Unlike Kanekes Luar, the Kanekes Dalam people still hold fast to the customs of their ancestors. Some of the rules adopted by the Kanekes Dalam People include:

1. Not allowed to use vehicles for transportation
2. Not allowed to wear footwear
3. The door of the house must face north/south (except for the house of the Pu'un or traditional leader)
4. Prohibition on using electronic devices (technology)
5. Using black/white cloth as clothing that is woven and sewn by yourself and is not allowed to wear modern clothing.

Thus, from the explanation above, I as a researcher want to research how the Implementation of the division of inheritance is carried out in accordance with the customary rules of Baduy Dalam. Then what is the position of the heirs in the eyes of the law, and is there a connection or similarity between the inheritance distribution system in Baduy Custom and Islamic Law. The author is interested in further research and tries to immortalize it in a scientific work in the form of a thesis entitled

Implementation of the Inheritance System of the Baduy Tribe in Kenakes Village, Leuwidamar District, Lebak Regency, Banten Province

METHOD

This study uses normative legal research, namely library research that only leads to written laws and regulations so that this study is very closely related to the library because it requires secondary data. The data collection technique used in this study is library research (Library Search), namely by reading, studying and analyzing literature/books, laws and regulations and other book sources related to this study. The data analysis technique used in this legal research uses an inductive mindset/logic, namely a mindset to draw conclusions from real individual cases into general conclusions.

RESULTS AND DISCUSSION

Results

Before the inheritance (property) is distributed to the heirs, the same as Islam and the distribution of inheritance in general, where the body of the deceased must be taken care of until it is finished, such as being bathed, dressed and then buried. The grave is also ordinary without a tombstone and is simply leveled with the ground, only planted with red hanjuang trees around it. There are several processes that must be gone through until the inheritance can be distributed. Among them are the thanksgiving held on the 1st, 3rd, and 7th days, called the death thanksgiving, after that there are no more thanksgivings. In Baduy Dalam, there is a term known as "Huma Serang" which is land that is under the supervision of the custom, the handling of which is the responsibility of "GirangSerat". Starting from being opened as a field until the results are harvested. The creation of Huma Serang was decided in a customary meeting, aimed at supporting general needs, such as the cost of building bridges, connecting roads between villages, traditional halls and religious ceremony activities to support their welfare. Elderly people, widows, orphans, and people in need during the lean season. This is called the "Prosperity Barn" as the foundation of environmental resilience, which is never fragile shaken by various influences that hit from outside, community income remains intact, even if it is lacking, it is even helped for free, as payment for the following year only community service to work on it. Even the seeds to be planted must also come from Huma Serang and must not disturb rice seeds from other fields. Thus it is clear that in the "Baduy Dalam" Community, the land that exists is customary property. And for those who get married, a house and a rice barn will be built to live life with their families. Even so, when someone dies, there are still assets that are inherited, such as money, kitchen utensils, heirlooms, pets and houses with rice barns.

Different from the case of inheritance distribution in Kampung Cicakal Girang, which in its territory already has very close interaction with Islam. What is clearly proven is that in the village of Cicakal Girang there is already a place of worship for Muslims in the form of a mosque and a school based on religion. Similar to Baduy Dalam, every family member who gets married will be built a house to be used as a place to live with their partner. Where the difference is, in the Muslim Baduy community the land is no longer owned by the customary law together, but the land is owned by individuals and can be inherited to their descendants. Different from Baduy Dalam where all the land in the Baduy Dalam area is customary land that

cannot be inherited to anyone, and the land used for building houses and residences and barns is determined by the customary secretary and puun. And even among the Baduy, there is a term "Anak Pulung" or adopted children can get a larger share compared to other biological children. Which can happen because of the will conveyed by the deceased and things that are considered by the family such as adopted children who take more care of their parents' lives compared to biological children when their parents are sick until they die. And the condition of adopted children whose prosperity is far below that of biological children so that these adopted children are prioritized in the distribution of inheritance.

In the Baduy community of Kanekes Village, there are several ways and systems in the distribution of inheritance, namely with customary inheritance laws that are very thick with provisions that have been passed down from generation to generation, and the distribution of inheritance that prioritizes the welfare of the family or by means of deliberation agreements carried out within the family. And the system is used depending on each village and its region. In general, Inner Baduy adheres to an equal distribution of inheritance, and Outer Baduy also with an equal principle, and Muslim Baduy who in the distribution of inheritance adheres to the principle of Maslahat where the intended maslahat is the distribution of inheritance carried out by means of deliberation in the family led by siblings and sometimes guided by local religious figures. The creation of inheritance laws in Baduy society is certainly influenced by the family system and environmental conditions, as well as the legal culture which is the main factor in determining the law within the Baduy community itself. As in Inner Baduy, where land is not owned by individuals, but the land as a whole is communal property and cannot be distributed to anyone individually.

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According to the Compilation of Islamic Law (KHI) which has been stated in article 183 which reads "the heirs can agree to make peace in the division of inheritance, after each is aware of their share", from this article in the division of inheritance there is a possibility that it can be taken through peace or by agreement of all parties concerned with the inheritance left behind. Namely by not referring to the provisions of faraidh that men and women get a share of two to one (2:1) as explained in article 176 of the KHI is that the division of inheritance is not in accordance with the rule of two to one. Because article 176 of the KHI determines: "a daughter if there is only one she gets half of the share, if two or more people together they get two-thirds of the share, and if the daughter is together with the son, then the son's share is two to one with the daughter.". Likewise, the same thing happens in the Baduy community order, where the Baduy community has a complete legal system which is proof that the legal system in the Baduy community is able to stand alone because it has a unity of law and customary rules which in

customary law is based on the principle of togetherness which is very close between the Baduy community.

In addition, the development of Islamic Law that occurred in the Baduy Muslim community area purely occurred because of the factor of customary demands which indeed required a liaison between the Baduy community who would leave by being expelled or by leaving themselves or leaving the Baduy area. Like the marriage that wants to be carried out with people outside Baduy which of course makes the status of the resident have to change to become a resident of Outer Baduy (panamping) or Baduy Dangka who in general do not adhere too closely to the Pikukuh customary rules or a Sunda Wiwitan culture.

1. The Rights of a Wife or Husband in Receiving a Portion of Inheritance.
2. Viewed from the perspective of community life that is formed in the Baduy Muslim community, it has indeed entered the Islamic legal order. The Muslim Baduy community already knows Islam and many have embraced Islam, almost all residents of Kampung Cicakal are Muslim. In Kampung Cicakal, Islam began to develop in the Baduy community. Although the majority of the people of Kampung Cicakal are Muslim, it does not mean that they have forgotten the customs they received from their ancestors. They still practice the customs that are still written in the rules of the Baduy traditional community. The Muslim Baduy community in terms of preserving nature, socializing the community, and in terms of implementing inheritance distribution, they still hold to customs.
3. In terms of inheritance distribution, the Muslim Baduy community still uses the equal inheritance distribution, which they have adhered to since ancient times. In terms of equal inheritance distribution, it means that there is no larger or smaller portion, in the sense that it is the same size and fair. The rights of a husband or wife are the same as their children. There is no difference whatsoever, the rights of a husband or wife in receiving inheritance in the Muslim Baduy community are equal. If in Islamic inheritance law the division of the rights of a husband or wife is clearly different, where the rights of a wife get 1/8 and 1/4 while the husband gets 1/2 and 1/4. It is different with the Muslim Baduy community, they do not recognize such a division, they recognize the division of their inheritance, namely equally.
4. The Rights of a Male and Female Child in Receiving a Portion of Inheritance.
5. The division of inheritance in the Baduy community is based on the division of inheritance that refers to its own customary rules, where the position of men and women is equal or balanced. The parts of male and female heirs are equalized. This is done on the basis of customary law that has been passed down from generation to generation in the distribution of inheritance.
6. However, if there is a dispute in the division of inheritance, then the inheritance is withheld and must be resolved amicably by inviting or calling Jaro to be the leader in resolving the problem of the division of inheritance.
7. The reason for distributing inheritance with this equal system is based on unwritten customary rules. And there is no intervention from the State or Islamic teachings that are the reference and influence in the process of distributing the inheritance of the Baduy community. Although there is one village in the Baduy Region, namely the Cicakal Girang village, where in the Cicakal Girang Community there has been a very strong interaction from Islam in the distribution

of inheritance and in the implementation of marriages that are carried out through the KUA route.

8. In the distribution of inheritance, the Baduy community is resolved through familial means. In which the position of a man and a woman is equalized. Because this equality occurs because in Baduy society there is no term 2 to 1 in the distribution of inheritance. The reason is that men and women are equal so that there are no disputes or quarrels between heirs. They argue that what is called fair is equal.
9. The Rights of an Adopted Child to Receive a Portion of Inheritance.
10. According to Islamic Law, naming an adopted child does not make someone have a blood relationship. Naming and naming an adopted child is not recognized in Islamic Law to be used as a basis and reason for inheriting, because the basic principle of the reason for inheriting and the main principle in inheritance is blood relations or arhaam.

This is different from the Muslim Baduy community, in their view, adopted children are the same as their own biological children, both in terms of status and position. They believe that adopted children should be treated the same as biological children, because in their philosophy, all those who have become family members, in this case adopted children, they will consider them as their own biological children. All their life needs will be covered and in terms of inheritance, their share will be the same as biological children. So in terms of inheritance distribution, adopted children's portions are the same as biological children, there is no difference between adopted children and biological children, in this case they believe that what is called fair is equal.

Discussion

Hearing the name or term Baduy is not a strange thing. When this name is mentioned, people immediately say that Baduy is the name of a tribe that for people outside Baduy - until now - still considers them as a primitive, backward, old-fashioned, traditional society, rejecting modernity, or other similar terms. If seen from the geographical and demographic conditions, then the above mention seems to be justified. Because indeed, looking at the geographical conditions, the Baduy tribe is in an area that is very far from urban areas and far from the world of comederenan. More precisely, the Baduy people live on the slopes of the Kendeng mountains, which is 900 meters above sea level. The Baduy area is part of Kanekes Village, Leuwidamar District, Lebak Regency, Banten Province, and is about 50 km from Rangkasbitung City and inhabits about 5000 hectares of forest area. They actually do not like to call themselves the Baduy tribe or Urang Baduy as is commonly done by outsiders. They prefer to call themselves Urang Kanekes, Urang Rawayan, or more specifically by calling their home village such as; Urang Cibeo, Urang Cikartawana, Urang Tangtu, and Urang Panamping. Then the question is, where did the term Baduy come from? Some people suspect that the term or word Baduy itself comes from the word "Badawi", which is a nickname for people who do not have a permanent residence who live around the Arabian peninsula. This opinion is based on the similarity of the behavior of the Baduwi people with their daily lives who are always busy with activities from one place to another, from one activity to the next, no day without moving to farm and every year the place of farming always moves (nomadic). However, this opinion is strongly opposed by their own tribe, especially the adat figures and customary leaders. They explained that the term Baduy is

actually a sasaka from an old river name, namely the Cibaduy River, which flows around their residence, also based on the name of one of the hills in their customary land area, namely Bukit Baduy.

One of the cultural riches in Indonesia is the Baduy tribe, with the Sunda Wiwitan religion as the guideline they adhere to, the Sunda Wiwitan religion still lives sustainably and peacefully in the midst of dense old forests, river headwaters and the peaks of Mount Kendeng, South Banten. Sunda Wiwitan is the religion of the Baduy people who respect the spirits of Karuhun, ancestors. The Baduy tribe is a tribe located in Banten Province and is also one of the tribes that still closely maintains the values, norms and traditions or customs of the community. The Baduy tribe is one of the isolated tribes in Indonesia. The Baduy people deliberately isolate themselves, they live independently without expecting help from outsiders. They isolate themselves and close themselves off with the aim of avoiding the influence of outside culture, which will enter, to maintain the authenticity of their culture. The Baduy people until now still maintain the basic cultural values that they have and believe in, amidst the progress of civilization around them. They live right at the foot of the Kendeng Mountains in Kanekes Village, Leuwidamar District, Lebak Regency, Banten Province. The Baduy people still hold fast to their customs, both in behavior, social relations, marriage, and in terms of inheritance distribution.

The culture of inheritance law in the Baduy tribe prioritizes the development of their customary inheritance law. Especially seen in the development of marriage law, because from these two areas of law is actually the beginning of the development of customary inheritance law. However, in reality, they are faced with various forms of kinship structures, including: patrilineal, matrilineal, and bilateral, each of which has implications for Islamic inheritance law. While the majority of Baduy people believe in ancestral spirits (animism). In Baduy society there is a pattern or system of kinship. The kinship system in the position of the name is located as a descendant of the Batara. Kinship relationships can be seen from three sides, namely first, Tangtu Village, second, Panamping Village. Third, Pajaroan. In that case, the entire Baduy community stated that the entire Baduy village area is "Tangtu Teulu Jaro Tujuh" which means that all residents in the Kanekes Baduy area are one relative who comes from one ancestor. The Sunda Wiwitan people's outlook on life is guided by Pikukuh, an absolute customary rule. Pikukuh is the rule and how one should (must) carry out one's life journey according to the mandate of Karuhun, the ancestors. The Baduy tribe consists of 59 (fifty-nine) villages spread across three areas, namely Baduy Tangtu, Baduy Penamping, and Baduy Pajaroan which are spread across Kanekes Village. The majority of the Baduy Tangtu and Penamping communities still adhere to the Sunda Wiwitan religion or still believe in the spirits of their ancestors, in terms of their lives they still adhere to the customary rules of Sialanguh. Meanwhile, the majority of the Baduy Pajaroan community embraces Islam.

Customary inheritance law is the regulation that governs the process of continuing and transferring tangible or intangible property from one generation of humans to their descendants. The death of a parent is indeed an important event for the inheritance process, but it does not radically affect the process of continuing and transferring property and rights to the property. That the provisions of inheritance law used in the Baduy region are very unique and diverse, where in Baduy Muslims do not use a faraidh inheritance distribution system, but they are already familiar with the existence of an inheritance distribution system by means of deliberation. This is

interpreted as the benefit of the heirs to find a mutual agreement in the distribution of inheritance. Meanwhile, in the Baduy community who still adhere to the Sunda Wiwitan Religion, the guidelines for the rules of life are not based on the Koran. They distribute inheritance equally, not comparing between men and women on the grounds that true justice is not biased or in other words, inheritance must be divided equally. The legal basis used by the Baduy community for the distribution of inheritance is divided into two, namely based on customary law (Pikukuh) which is not written or codified by the customary system and the distribution of inheritance based on Islamic law which is based on the Koran which is adhered to by the Muslim Baduy community, namely the community in the village of Cicakal Girang. In the Baduy community, there are several ways and systems in the distribution of inheritance, namely with customary inheritance law which is very thick with provisions that have been passed down from generation to generation, and the distribution of inheritance that prioritizes the welfare of the family or by means of a deliberation agreement carried out within the family. And the system is used depending on each village and its region. In general, the "Inner Baduy" adheres to an equal distribution of inheritance, and the "Outer Baduy" also adheres to an equal principle, and the "Muslim Baduy" adheres to the principle of Maslahat in the distribution of inheritance, where the maslahat in question is the distribution of inheritance carried out through deliberation in the family led by siblings and sometimes guided by local religious figures. The creation of inheritance laws in Baduy society is certainly influenced by the family system and environmental conditions, as well as the legal culture which is the main factor in determining the law within the Baduy community itself.

CONCLUSION

The distribution of inheritance in Baduy society uses the principle of justice which means that the position of boys and girls is equalized, and does not recognize the term (2:1) two to one between boys and girls. In the distribution of inheritance in Baduy, it is quite different, such as in "Inner Baduy", in the distribution of inheritance it is equalized without distinguishing between boys or girls, but the eldest child will get his inheritance and the mother or wife does not have any inheritance. "Usually the inherited property is objects such as: household equipment and rice barns for land in Outer Baduy are prohibited from being inherited because land in Inner Baduy is jointly owned. The inheritance law provisions used in the Baduy region are very unique and diverse, where in Muslim Baduy they do not use a faraidh inheritance distribution system, but they are already familiar with the existence of an inheritance distribution system through deliberation. This is interpreted as the benefit of the heirs to find mutual agreement in the distribution of inheritance. Meanwhile, in the Baduy community who still adhere to the Sunda Wiwitan Religion, the guidelines for their lives are not based on the Quran. They distribute inheritance equally, not comparing between men and women on the grounds that true justice is not biased or in other words, inheritance must be divided equally. The legal basis used by the Baduy community for the distribution of inheritance is divided into two, namely based on customary law (Pikukuh) which is not written or codified by the customary system and the distribution of inheritance based on Islamic law which is based on the Quran..

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