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Grants as a Model of Inheritance Prospective Distribution in the Coastal *Santri* Community

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Abstract

The practice of Islamic inheritance law in Muslim communities in Indonesia experiences many obstacles. One of the reasons is that there is still a tradition of sharing assets when the parents are still alive with the kinship system in force. It was found in the transfer of assets by the coastal *santri* community in Pekalongan City. This paper describes the method of dividing the inheritance of the coastal *santri* community and the mechanism for solving problems in the event of a dispute. This article is qualitative, uses a socio-legal approach, and is descriptive-analytical. This article finds two things. First, the model for distributing the assets of the coastal *santri* community in Pekalongan City is carried out using oral grants and deliberations for consensus. Second, prospective inheritance is divided by a grant system equally, without differentiating between men and women. The dispute resolution mechanism is carried out through negotiation and mediation.

Keywords: alternative solution; coastal *santri*; grants; inheritance

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Praktik hukum waris Islam pada masyarakat muslim di Indonesia mengalami banyak kendala. Salah satu penyebabnya yaitu masih mentradisinya pembagian harta ketika orang tua masih hidup dengan sistem kekerabatan yang berlaku. Hal itu ditemukan dalam pengalihan harta oleh masyarakat santri pesisir di Kota Pekalongan. Tulisan ini mengungkapkan tentang metode pembagian harta waris masyarakat santri pesisir dan mekanisme penyelesaian masalah jika terjadi sengketa. Artikel ini bersifat kualitatif dengan menggunakan pendekatan sosio-hukum dan bersifat deskriptif-analitik. Artikel ini menemukan dua hal. Pertama, model pembagian harta kekayaan masyarakat santri pesisir di Kota Pekalongan dilakukan dengan menggunakan hibah secara lisan dan musyawarah untuk mufakat. Kedua, calon harta waris dibagi dengan sistem hibah sama rata, tanpa membedakan antara laki-laki dan perempuan. Adapun mekanisme penyelesaian sengketa dilakukan secara negosiasi dan mediasi.

Kata Kunci: solusi alternatif; santri pesisiran; hibah; harta waris

Introduction

The discourse on inheritance law is always interesting to study, especially about the sociocultural conditions of society in Indonesia. It happens because the inheritance law that applies in Indonesia is still pluralistic, in the sense that each community has customary law that applies in its area. In this regard, three types of inheritance law still exist and live in society. First, inheritance law is based on Islamic law (*'ilm al-farā'iḍ*)—second, customary inheritance law, whose existence is very pluralistic and unwritten. Third, inheritance law is based on the Civil Code (KUH Pdt.) and Burgerlijk Wetboek.[1]

Two of the three inheritance laws still exist and live in society are Islamic and customary inheritance laws. The two main reasons are, first, because the majority of Indonesian people are Muslims. Second, the heterogeneity of tribes, customs, and cultures in Indonesia. Both of these reasons influence the diversity of inheritance distribution practices.[2]

Inheritance is one of the critical issues in human life. The inheritance pattern guarantees the legitimacy of the transfer of assets from one generation to another. However, the assumption that property is an essential part of human life makes the transfer of rights prone to conflict. Inheritance law, both Islamic and customary, is necessary in this case.

Islamic inheritance law is fundamentally a direct expression of sacred texts.[3] It manifests from the scriptures and is a fundamental principle in Islam. Its existence does not only answer the problems at the time of its emergence but for the sake of realizing Islamic law as a teaching construction.[4] Details about Islamic heritage have been running regularly for 22 years between the beginning of the Prophet's preaching (610 AD-632 AD).[5]

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[1] M. Toha Abdurrahman, *Pembahasan Waris dan Wasiat Menurut Hukum Islam* (Yogyakarta: n.p., 1976), 102.

[2] Ahmad Haries, 'Pembagian Harta Warisan dalam Islam: Studi Kasus pada Keluarga Ulama Banjar di Kabupaten Hulu Sungai Utara Provinsi Kalimantan Selatan', *Jurnal Diskursus Islam* 2, no. 2 (2014): 191–208, https://doi.org/10.24252/Jdi.v2i2.6520.

[3] Anwar Harjono, *Hukum Kewarisan Bilateral Menurut Alquran: Komentar atas Hazairin dalam Pembaharuan Hukum Islam di Indonesia* (Jakarta: UI Press, 1981), 63.

[4] A. Sukris Sarmadi, *Transendensi Keadilan Hukum Waris Islam Transformatif* (Jakarta: PT RajaGrafindo Persada, 1997), 1.

[5] David S. Powers, *Peralihan Kekayaan dan Politik Kekuasaan: Kritik Historis Hukum Waris*, ed. Arif Maftuhim and Nurul Huda S.A (LKiS, 2001), 12.

Provisions regarding inheritance law are regulated in the text. In the Qur'an, inheritance is handled in QS. al-Nisā' (4): 11.[6] The verse explains that the portion of the son is twice as large as that of the female (2:1). Many studies state that this division is unfair and gender biased.

Apart from that, research on inheritance law is familiar with different study focuses. Concerning the customary distribution of inheritance, Syauqon Hilali stated that the division of Javanese ethnic inheritance was based on the *sagendhong sapikul*[7] and *sigar semangka*[8] systems. The practice of sharing is based on five patterns as follows. a) *Angayani* (giving a living physically and spiritually). b) *Angomahi* (making a house a place to live). c) *Angayomi* (become the protector and mentor of the family). d) *Angayemi* (maintaining the peace of the family). e) *Angamatjani* (able to pass on offspring).[9]

As stated by Shaykhu, the meaning of justice in the inheritance system contained in the texts has undergone a shift in meaning. It is especially so when it collides with the sociocultural conditions that exist in society.[10] Abdul Aziz said the same thing. Through the *maqāṣid al-sharī'ah* paradigm, the principle of distributive justice based on economic level is offered as an alternative in the distribution of inheritance.[11] Hamdani et al. stated the same conclusion, which

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[6] Abū al-Fidā' Ismā'īl Ibn Kathīr, *Tafsīr Ibn Kathīr* (Beirut: Dār al-Fikr, 1980), vols I; 262.

[7] The meaning of the expression *sagendhong sapikul* is that men get an inheritance of two (*sapikul* = carry on the shoulder) to one (*sagendhongan* = carry on the back) with women. Like a grown-up who has, he takes two baskets on his shoulders, one basket in front and one basket in the back. While women only carry one basket, which she puts on their backs. Javanese people with an Islamic religious and educational background (*santri*) usually share inheritance based on Islamic law. Meanwhile, others divide it based on Javanese customary law. The division of estate based on this custom provides two possibilities; based on the principle of *sagendhong sapikul*, or all children get the same share. Koentjaraningrat, *Kebudayaan Jawa* (Jakarta: Balai Pustaka, 1994), 161.

[8] The word *sigar semangka* means *sigar*, broken, and *semangka*, watermelon. When the two words are combined, the watermelon is divided into two equal parts. This expression means the equality of parts between boys and girls. Hilman Hadikusuma, *Hukum Waris Adat* (Bandung: Citra Aditya Bakti, 1999), 106.

[9] Syauqon Hilali Nur Ritonga, 'Pembagian Harta Warisan pada Masyarakat Etnis Jawa Kecamatan Bilah Barat Kabupaten Labuhan Batu dalam Perspektif Hukum Islam', *At-Tafahum: Journal of Islamic Law* 2, no. 2 (11 July 2019), http://jurnal.uinsu.ac.id/index.php/attafahum/article/view/5116.

[10] Syaikhu Syaikhu, 'Kewarisan Islam dalam Perspektif Keadilan Gender', *El-Mashlahah* 8, no. 2 (2018), https://doi.org/10.23971/maslahah.V8I2.1323.

[11] Abdul Azis, 'Pembagian Waris Berdasarkan Tingkat Kesejahteraan Ekonomi Ahli Waris dalam Tinjauan Maqashid Shariah', *De Jure: Jurnal Hukum dan Syar'iah* 8, no. 1 (2016): 48–63, https://doi.org/10.18860/j-fsh.v8i1.3729.

noted that the people in Bandung more dominantly practiced the customary inheritance system.[12]

However, in the writings of Hamid Pongoliu et al., it is stated that Islamic inheritance law still exists in the Muslim community of Gorontalo. The reason is that the Muslim community in the area strongly respects customary inheritance law. Customary inheritance law in this case, is in line with Islamic inheritance law.[13]

Meanwhile, the practice of inheritance distribution, both under Islamic law and customary law, is highly dependent on the decisions of local community leaders. It happened, for example, in the practice that occurred in the Samin community.[14] In another study, Wahyunadi using *maṣlaḥah mursalah* reasoning, stated that the mandatory will can be used as an alternative to the distribution of inheritance for those who are not included in the relative heirs.[15]

This research is different from the research mentioned above. The emphasis of this article is on the traditions of the Javanese Muslim community, especially the coastal Javanese Muslim community. In addition, this paper is directed to create patterns and map out conflict resolution models in inheritance distribution. More than that, the customs and culture of coastal communities are relatively different from those of the Javanese, negarigung, and mancanegari.

Observing the Pesisir Muslim community in Pekalongan, the author found that the settlement of inheritance distribution disputes was carried out by way of deliberation. Meanwhile, in inheritance distribution, the last child gets a larger share of the inheritance than the other siblings. This practice is textually contrary to the normativity of inheritance law.

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[12] Fahmi Fatwa et al., 'Traditional Law vs. Islamic Law; An Analysis of Muslim Community Awareness in Inheritance Issues,' *Al-Ahkam* 32, no. 1 (2022): 109–30, https://doi.org/10.21580/ahkam.2022.32.1.11000.

[13] Hamid Pongoliu et al., 'Eksistesni Hukum Waris Adat dalam Masyarakat Muslim di Kota Gorontalo dalam Perspektif Sejarah', *Jurnal Diskursus Islam* 6, no. 2 (2018): 361–401, https://doi.org/10.24252/jdi.v6i2.6866.

[14] Ama Khisbul Maulana, 'Pergulatan Hukum Waris Islam dan Hukum Adat: Pembagian Warisan Keluarga Muslim Masyarakat Samin', *Ijtihad* 36, no. 2 (2020), https://journals.fasya.uinib.org/index.php/ijtihad/article/view/37.

[15] Zulham Wahyunadi and Raihanah HJ Azahari, 'Perubahan Sosial dan Pembagian Harta Warisan dalam Perspektif Hukum Islam', *Jurnal Ilmiah Islam Futura* 14, no. 2 (2015): 166–89, https://doi.org/10.22373/jiif.v14i2.328.

The Javanese customary inheritance system is different from the customs of other societies. The kinship system is essential to understand. The division of inheritance in the traditional Javanese community depends on this system. Javanese culture adheres to a parental or bilateral system. This system is drawn from the two lineages of the father and mother. The implication is that the position between men and women becomes equal and equal. This system requires that each heir get a division to be able to control and have their respective rights.[16]

The Coastal Muslim community, including the *santri* (a community that is considered to understand the teachings of the Islamic religion), divides the inheritance in three ways. First, the distribution is done after the parents die. The distribution is done by deliberation method between families. Second, the distribution is done by the testamentary grant. The pattern is that some of the parent's assets are distributed to the potential heirs while they are still alive, and some are kept for their living needs. The remaining assets will be distributed by will and handed over after the parents pass away. Third, the distribution is done by choice. The pattern is that the distribution of assets is determined by way of a will and will take effect after his death.

The main problem that is the focus of this study is related to the inheritance distribution model in the coastal *santri* community and the dispute resolution mechanism when there is a dispute over the distribution of inheritance. The attraction lies in the social conditions of the coastal *santri* community in Pekalongan, which tend to maintain tradition as a way of dividing an estate.

This research uses a qualitative-socio legal studies method and is descriptive and analytic. This study aims to describe the process of distributing parental assets to their children among the coastal *santri* community in Pekalongan and to analyze the distribution and conflict resolution model in inheritance distribution from the perspective of legal sociology and benefit. Data was obtained using observation, documentation, and interviews. The data was analyzed using the principle of ongoing analysis. Given that this research attempts to understand the practice of distributing assets among the *santri*

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[16] Anggita Vela, 'Pembagian Waris pada Masyarakat Jawa Ditinjau dari Hukum Islam dan Dampaknya', *As-Salam: Jurnal Studi Hukum Islam & Pendidikan* 4, no. 2 (2015): 67–91, https://doi.org/10.51226/assalam.V4I2.74.

community, understanding the meaning behind words and behavior to gain complete understanding (meaningful) is also carried out. This effort is based on an interrelationship model of knowledge from three sources: society, theory, and researchers. These interrelationships are three units of triangulation understanding which are then carried out in a balanced manner. The analysis of the triangulation model in the process starts with field research, tentative analysis, and final analysis.

Islamic Inheritance Law and Inheritance Conflict Resolution Methods

Islamic inheritance law (*'ilm al-farā'iḍ*) is an inheritance law followed by Muslims in the distribution of inheritance. Etymologically, inheritance (*al-mīrāth*) is a *maṣdar* (infinitive) form of the word *wārītha-yarithu-irthan wa mīrāthan*, namely the transfer of something from one person to another or from one person to another.[17] Meanwhile, in terms of terminology, there are several formulations of meaning. For example, according to 'Alī Al-Ṣābūnī, it is the transfer of ownership rights from the deceased to his heirs who are still alive, whether in the form of money, land, or anything in the form of legal property rights according to sharia. According to Wahbah al-Zuhaylī, as quoted by Umam, inheritance has the same meaning as *tirkah*, namely everything that someone leaves after death, both in the form of property and rights that are material and non-material.[18] Thus, Islamic inheritance law is a law that regulates everything related to the transfer of rights and obligations over a person's assets after he dies to his heirs. This definition explains that according to Islamic law, inheritance only occurs after the testator dies. The transfer of support to the heirs while the testator is still alive, is not considered an inheritance.

The two primary sources of Islamic law are the Qur'an and the Sunnah. The verses of the Qur'an and Sunnah that directly regulate inheritance are as follows.

لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ

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[17] Muhammad Ali Ash-Shabuni, *Pembagian Waris menurut Islam*, ed. A. M. Basalamah (Jakarta: Gema Insani Press, 1995), 33.

[18] Dian Khairul Umam, *Fiqih Mawaris* (Bandung: Pustaka Setia, 2006), 24.

$$وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ ۚ نَصِيبًا مَّفْرُوضًا ﴿٧﴾$$

"From what is left by parents and those nearest related there is a share for men and a share for women, whether the property be small or large,-a determinate share."[19]

This verse gives two meanings. First, in Islam, both men and women have equal inheritance rights. Second, Islam recognizes that women are legal subjects with rights and obligations. This provision is different from the pre-Islamic period, which considered women as objects. It is equated with things and can even be inherited.[20]

While the legal basis of Islamic inheritance referred to the ḥadīth of the Prophet from 'Abdullāh Ibn 'Abbas and narrated by al-Bukhārī as follows.

$$الحقوا الفرائض بأهلها فما بقي فهو لأولى رجل ذكر. [21]$$

It means: "Give *farā'iḍ* (specified portion) to those entitled and the rest give to men from the closest male offspring."

There are three conditions for inheritance distribution as follows.[22] 1) The heir has passed away, both in terms of *ḥaqīqī* (natural) and *taqdīrī* (measurement). 2) The heir is still alive essentially when the heir dies. 3) All heirs are known with certainty in their parts (*al-furūḍ al-muqaddarah*).

As for the pillars of inheritance, there are three as follows:[23] 1) *Muwarrith* was the one who inherited his property. Condition, he must have died. 2) *Wārith* (heir) is a person who is declared to have a kinship relationship, either blood relationship (lineage), marital relationship (marriage), or because of freeing slaves. The condition is that when *Muwarrith* dies, they are indeed alive. 3) *Mawrūth* or *al-mīrāth*, namely *muwarrith*'s inheritance, after deducting the costs of caring for the body, paying off debts, and carrying out a will.

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[19] QS. al-Nisā' (4) Verse 7, translated by Abdullah Yusuf Ali, Quran Auto Reciter Software.

[20] Ali Wahdi, 'Historis Waris Jahiliyah dan Awal Islam', *Al-Manhaj: Journal of Indonesian Islamic Family Law* 1, no. 2 (2019): 86–96, https://doi.org/10.19105/al-manhaj.v1i2.3075.

[21] Ibn Ḥajr al-'Asqalānī, *Bulūgh al-Marām fī Adillah al-Aḥkām* (Riyaḍ: Maktabah Nizar Muṣṭafā al-Baz, 2003), 159.

[22] Abdul Ghofur Anshori, *Hukum Kewarisan Islam di Indonesia* (Yogyakarta: Ekonisia, 2005), 25.

[23] Ash-Shabuni, *Pembagian Waris menurut Islam*, 49.

Meanwhile, there are five principles of inheritance in Islamic law as follows: 1) The principle of Ijbar is the transfer of property from muwarrith to *wārīth*. It applies automatically according to God's provisions without depending on the will of both. This principle can be seen from two perspectives. First, the transfer of property must occur after the person dies. Second, the amount of property that has been determined for each wārith.[24] 2) The bilateral principle is that a person receives *mawrūth* from two parties, namely from relatives of male descendants and from relatives of female descendants. This principle can be seen in QS. al-Nisā' (4): 7, 11, 12, and 176.[25] 3) Individual principles, namely *mawrūth*, can be distributed to *wārith* to be owned individually. 4) The principle of balanced justice is balancing rights and obligations and acquisition and use. For example, men and women have rights that are proportional to the commitments they carry each other in family and community life. 5) The principle of solely due to death is that inheritance only applies after the *muwarrith* dies. This principle illustrates that Islamic inheritance law only recognizes one form of estate, namely as a result of death, and does not recognize inheritance based on a will made when the testator is still alive.

The distribution of *mawrūth* that is not fair and proportional is strongly suspected to be one of the causes of disputes. As is expected, inheritance can make a person rich. At the same time, one can become poor by not getting it. Another result is a person becomes mad to death due to not getting *mawrūth*.

The rules regarding inheritance require the distribution of *mawrūth* to *wārith* to take place without dispute. In principle, the implementation of the division of *mawrūth* takes place in a family deliberation to determine the share of each heir. However, if thinking cannot resolve the dispute, it is resolved through the courts.[26]

There are at least three ways of dividing an inheritance.[27] First, grants, namely giving *mawrūth* from *muwarrith* to *wārith* before *muwarrith* died. The

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[24] Aulia Mutiah, *Hukum Islam; Dinamika Seputar Hukum Keluarga* (Yogyakarta: Pustaka Baru, 2016), 23.

[25] Muhammad Daud Ali, *Asas Hukum Islam* (Jakarta: Rajawali Press, 1990), 316.

[26] Ibrahim Ahmad, 'Menyelesaikan Sengketa Pembagian Harta Warisan Melalui Peran Kepala Desa', *Jurnal Legalitas* 5, no. 01 (2012), https://doi.org/10.33756/jelta.v5i01.874.

[27] Akhmad Haries and Darmawati Darmawati, 'Pelaksanaan Pembagian Waris di Kalangan Ulama di Kota Samarinda: Analisis Pendekatan Normatif Sosiologis', *Fenomena Jurnal Penelitian* 10, no. 2 (2018): 149–69, https://doi.org/10.21093/fj.v10i2.1370.

argument was that after *muwarrith* died, *wārith* would continue to live in harmony, peace, and brotherhood. Meanwhile, according to customary law, the transfer of assets to the wārith can be done. The transfer can be done through appointment, handover of power, or handover of ownership of objects by the *muwarrith* to the *wārith*. From this point of view, according to customary law, distributing *mawrūth* using grants is permissible in contrast to Western law (BW) and Islamic law, which only allow the division of inheritance if the heir has died.

Second is deliberation, namely the distribution of *mawrūth* by reflection and consensus by considering the benefit principle between the *wārith*s. The argument built is the benefit and integrity of the family. In line with that, the Compilation of Islamic Law (KHI) places deliberation and mediation as essential in resolving inheritance cases. KHI Article 193 states that the *wārith* can agree to make peace in distributing *mawrūth* after they know their share.

Third, *farā'iḍ*, namely the division of inheritance based on the rules of the Qur'an and Sunnah. This distribution system was resolved through the awareness of the wāriths by seeking opinions from religious leaders. If there is no self-awareness and it creates conflict between *wārīth*, then it is resolved through the Religious Courts and determined through KHI. The argument is that the inheritance law provisions, as stated in the Qur'an and Sunnah, are safer and promise rewards hereafter.

Inheritance Distribution Model in the Coastal *Santri* Community

The researcher represents Degayu Village as the coastal *santri* area. This area is one of the sub-districts in Pekalongan Utara District, Pekalongan City-Central Java Province, with an area of 337.05 Ha. To the east, it is bordered by Batang Regency, to the south by Gamer Village, to the west by Kapayak Village, and the north by the Java Sea.[28] Therefore, it is appropriate to say that this area is coastal. In addition, the many religious activities that exist in Degayu Village, with the majority of residents being Muslim and affiliated with the Nahdlatul Ulama' (NU) mass organization,[29] Further reinforces that this area is referred to as the *santri* area.

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[28] Latest Profile of the Degayu Sub-district for 2018, by Sunardi as the head of the Degayu sub-district, Period 2021

[29] Interviews with Sunardi, the Head of Kelurahan, and with Local Religious Leaders.

The Degayu area has a population of 4,007 men and 4,041 women, totaling 2,429 family heads. The sociocultural conditions of the Degayu Village community are no different from other regions. The Degayu area is located on the outskirts, not in urban areas.[30] The Degayu community is also thick with solidarity, cohesiveness, cooperation, harmony, and nuances of religiosity. The religious nuance can be seen from the variety of community activities in Table 1.

Degayu, apart from having various religious activities, is unique in transferring parental assets to their children. The Degayu people, who are predominantly Muslim, practice grants as an alternative solution to distributing parental assets to their children. The practice is carried out on the principle of deliberation. However, in cases that have occurred, all children agree with their parent's advice. The proof can be seen in the results of data analysis at Degayu. Five families were selected as sample informants with the criteria of having carried out inheritance distribution and being religiously observant.

Table 1
Kinds of Religious Activities

No.	Name of Activity	Information
1	*Yasinan* (the activity of reading Surah Yāsīn together) and *Tahlilan* (the movement of praying for ancestors who have died)	There are many agendas every week, including the reading of *Sūrah Yā Sīn* and *Tahlīl*, both by groups of men, children/youth boys, mothers, and children/youth girls. These activities are carried out in every *langgar* (small mosque) or grand mosque.
2	Recitation (religious reading)	The recitations carried out are: a) The commemoration of the Prophet's birthday is held in mosques and prayer rooms. b) *Rajaban* (recitations in the month of Rajab in several *langgar*s. c) Recitation of the women of Jam'iyyah Thariqun al-Najah every Sunday night - Thursday night. d) Recitation every Friday morning at Langgar Hidayah al-Asy'ari and recitation every morning prayer during Ramadan.
3	*Tadarus* al-Qur'an (activities to read al-Qur'an together)	This activity has become a daily routine at the Degayu Grand Mosque, particularly after Asr until before the Maghrib prayer time.

[30] Monograph data of Degayu Pekalongan Utara Village, Pekalongan City

4	*Berjanjen* (activities to read the history of the Prophet saw contained in the book al-Barzanji)	Activities are carried out once a week at almost all mosques and *langgar* in Degayu.
5	*Manakiban* (activities reading the history of Shaykh 'Abd al-Qādir al-Jaylānī)	Activities are carried out once a month, to be precise, every night on the 11th of the Hijri month and carried out activities at Langgar Hidayah al-Asy'ari and Jam'iyyah Nurul Huda in rotation at the participants' homes.
6	Muslimat recitation (recitation activities for women affiliated with NU organizations)	This activity is held every *Kliwon* Friday (a day in the Javanese calendar system) in rotation. This activity was carried out and attended by Muslim women.
7	Routine activities of the Ansor Branch Management (One of the NU Autonomous Bodies engaged in youth and community affairs)	This routine is used as a forum for NU members in Degayu for friendship and as a science assembly. The series of activities are reading *Sūrah Yā Sīn*, *Tahlīl*, and continuing with studying the Yellow Books (*Kitab Kuning*) such as *Sulam al-Munājat*. This activity is carried out every two weeks, every Tuesday night, with a rotating location at each *Langgar* in Degayu.
8	IPNU and IPPNU Branch Management Routines (Both are student organizations or student age among NU)	This activity is carried out by Degayu Teenagers (ARDEGA) every two weeks, precisely on Monday nights, with rotating places in the participants' homes.
9	Religious Activities in the month of *Rabi' al-Awwal*	The activity was initiated by a collaboration between the Branch Management of Ansor, Muslimat, Fatayat (NU teenage girls), IPNU (NU male students) and IPPNU (NU female students), and the entire Degayu community through delegations from each *langgar*.

Deliberation is a fundamental principle oriented to the agreement (consensus orientation). Consensus deliberations can satisfy the parties and attract community commitment. Thus, this practice has the legitimacy of coercive power to realize the effectiveness of implementing a decision.[31]

Three points related to parental property grants to children in Degayu are as follows.

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[31] Abd Rachman Assegaf, *Studi Islam Kontekstual Elaborasi Paradigma Baru Muslim Kaffah* (Yogyakarta: Gama Media, 2005), 89.

1. Reasons for Choosing Grant Practices

Even though the reasons are pretty varied, they have one thing in common. The following are the reasons for selecting grants from the informants.

Ahmad Khikam (34 years old) is one of the grant recipients. Khikam revealed two reasons for his parents: first, to maintain good relations between children, so there is no conflict now and someday. Second, grants have horizontal and vertical aspects, namely in the framework of *taqarrub* (getting closer) to Allah SWT. Khikam believes giving is the same as giving alms to their children, which will get a reward. It differs from an inheritance, in which Islamic teachings fully contain rules.[32]

Khuzairi (47 years old), one of the recipients of the grant, stated that he chose to practice appointments because he did not want to destroy the kinship between children and between children and parents, both now and in the future.[33]

Fauzi (60 years old) as a grant giver. The reason is that he does not want conflict between his children just because of wealth. His experience while living in Degayu, he had seen his neighbors' children experience disharmony just because of the difference in the inheritance.[34] However, when the researcher tried to ask about the identity of the person concerned, he was reluctant to answer it. He considered the case, not for public consumption.

Kurnia Dewi Astuti (25 years old) is one of the grant recipients. He revealed two reasons why his parents chose to practice grants. First, the parents want to stabilize the economy that their children are experiencing. Second, so that their children live in harmony and happiness.[35]

Imron Mashadi (45 years old) is one of the grant recipients. He revealed that his parents used the grant practice because they thought this practice was more appropriate and could avoid conflict between children and between

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[32] Interview with Mr. Ahmad Khikam on Joko Tingkir Street at the end of August 2021.

[33] Interview with Mr. Khuzairi in Degayu village in early September 2021.

[34] Interview with Mr. Fauzi at Joko Tingkir Street in mid-August 2021.

[35] Interview with Kurnia Dewi Astuti on Friday, August 22, 2021, at Joko Tingkir Street, Degayu village.

children and their parents. Apart from that, Mashadi also said that the problem of inheritance is prone to causing family conflicts if the distribution is unfair.[36]

Musfirohtun (48 years old) is one of the grantees. He revealed that his parents worried their children would fight over parts of the inheritance, which could lead to family conflicts in the future. When assets are distributed in advance, conflicts can be managed.[37]

Besides being intended to benefit the family, grants can protect property and life. Avoiding fraud in the distribution of inheritance is included in the category of *hifẓ al-māl* (keeping the property as an essential part of the *maqāṣid al-sharī'ah* building). Meanwhile, fraud in the distribution can trigger divisions that can have an impact on endangering lives. Thus, he is also included in the category of *hifẓ al-nafs* (preserving life as an essential part of the *maqāṣid al-sharī'ah* building).

2. Purpose of Selecting Grant Practices

The practice of grants aims to realize the ideals of harmony efficiently and effectively. In addition to peace, the course of appointments also aims to maintain good assets. Its practitioners also believe it is a means of *taqarrub* to Allah. Therefore, annuities have both horizontal and vertical objectives. He intends to create benefits and eliminate harm.

In general, parents want to create family harmony and control assets so that they are transferred properly, quickly, and with fair and equitable distribution. So avoid *mafsadah* (damage) in the family. Parents prefer to share their wealth through grants rather than using an inheritance system. The division of inheritance is prone to conflict, and a slight mistake can cause a commotion. It's not impossible; disputes and other more significant adverse impacts can arise if there is injustice in the distribution. When someone is obsessed with something, it is not uncommon to justify any means to fulfill their desire.

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[36] Interview with Mr. Imron Mashadi at Labuhan Street, Degayu Village, on Tuesday, August 19, 2021.

[37] Interview with Mrs. Musfirotun on Tuesday, March 12, 2019, at Joko Tingkir Street, RT/05 RW/05.

3. Impact of Grant Practices

Some of the assets of the Degayu people are land, rice fields, gardens, and ponds. Most of the wealth they have is a gift from their parents. The majority of their assets are intact and still productive. Only a tiny part was damaged due to natural factors, such as rice fields that were affected by abrasion. The damaged rice fields, when not managed, become dead land like swamps. However, it switches its function to a pond when it is still controlled.

Giving grants as a living custom in the Degayu community is done with a good purpose. As for the output of the grant practice, as stated by Khuzairi, it has been well realized. The form of realization is preserving wealth assets in rice fields and gardens, which are still well-maintained and productive. More important than that, the relationship between the children is still well maintained.[38] Musfirohtun felt the same situation. The aspirations of parents through the practice of grants are realized in the harmony of their children's lives.[39] Astuti added that apart from creating harmony, the practice of these grants impacted economic stability.[40]

A good understanding can adequately realize the practice of grants. Mashadi conveyed this. He fully understands the intent and purpose of his parents in carrying out grant practices. The hope of their parents can now be felt, namely harmony and harmony between children and children with their parents.[41] Fauzi also felt the positive impact as the grantor. The practice of granting is by his expectations, namely that his children live in harmony. It is undoubtedly following the original purpose of the grant.[42]

Based on this information, the practice of grants positively impacts people's lives. The commission has been going on for a long time and has taken root in the Degayu Muslim community. This practice can solve economic problems experienced by prospective heirs. For example, a married child but,

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[38] Interview with Mr. Khuzairi in Degayu village in early September 2021.

[39] Interview with Mrs. Musfirotun on Tuesday, March 12, 2019, at Joko Tingkir Street, RT/05 RW/05.

[40] Interview with Kurnia Dewi Astuti on Friday, August 22, 2021, at Joko Tingkir Street, Degayu village.

[41] The results of direct observations and interviews with Mr. Imron Mashadi at his house, located at Labuhan, Degayu Village.

[42] Interview with Mr. Imron Mashadi at Labuhan Street, Degayu Village, on Tuesday, August 19, 2021.

because of financial issues, does not immediately have a home. Through grants, parents give land or even provide a house for their child. Thus, gifts can be used as an alternative for transferring rights from prospective heirs to prospective heirs.

The following data categories are the reasons and objectives for choosing a grant as an alternative to inheritance distribution (Table 2).

Table 2
Categorization of Reasons and Purposes for Selecting Grant Practices

No.	Name	Avoiding Conflict	Keeping Harmony	Bringing Benefit	Stabilizing Children's Economy
1	Khuzairi	v	v		
2	A. Khikam	v		v	
3	Fauzi	v	v	v	
4	Imron M	v		v	
5	Kurnia D			v	v
6	Musfirohtun	v	v	v	

Source: Results of Interviews and Observations at Degayu

Dispute Resolution Mechanism in Inheritance Law

Coastal *santri* communities have diverse views on how to address inheritance disputes that occur in their respective regions. The author has collected heterogeneous field data to make the consequences of dividing inheritance vary. The majority of residents pursuing higher education in religion use a distribution system based on Islamic law. As for people with a more comprehensive level of knowledge -religious and general fields-they are more inclined to state inheritance law as in KHI. Meanwhile, in addition to these two types, they use the inheritance distribution method that has been used by their ancestors, namely dividing it equally among all heirs who are entitled to it.[43]

Negotiation becomes the primary way in the interaction process when conflicts occur between individuals or groups. In interaction, some symbols are interpreted as something whose value is given by those who use it. Social

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[43] Results of data processing from the field during research. This data comes from the effects of interviews with informants and field observations during the investigation.

processes will happen when individuals and human groups meet each other and determine the system and the forms of these relationships, including alternative solutions when various changes change the existing way of life.[44]

The problem of dividing inheritance is prone to causing internal conflicts within the family. Such conflicts can arise when the distribution is carried out by Islamic law alone or when there is a conflict using the distribution system. On the one hand, some want an Islamic inheritance system; others wish for a conventional inheritance law system. Every design offers a solution to the conflict that occurs. Islam allows taking all means that can lead to dispute resolution and the realization of peace as long as it does not conflict with the rules of the Shari'a and can create benefit. Islam also promotes prevention efforts for cases that can become a source of conflict or dispute in society.

Inheritance disputes that occur have an impact on the life of a kinship. It can fade the sense of kinship so that disharmony is very likely to occur. As a result, the family's good name can be damaged in the eyes of society. Therefore, when a dispute arises, the steps that can be taken are:

1. Deliberation (negotiation), namely negotiations between two or more parties who want to find a mutually beneficial solution. The first negotiations are usually carried out within a limited scope of prominent family members. In this discussion, the oldest child or the older family usually leads the way in a debate to get a fair agreement to all parties.

2. Mediation through a mediator -usually a kiai or an elder figure-. A mediator is a neutral party who assists the parties in the negotiation process to find various possibilities for resolving disputes without coercive means. The mediator works with both parties to a conflict to help them choose a settlement that benefits all parties. Usually, the agreed results are: a) Postponement of distribution of inheritance through the implementation scheme of inheritance distribution is determined when all parents have died. If the deceased is the husband, the estate will be divided when the wife dies. That is, if one of the two (husband or wife) is still alive, the distribution of inheritance will be suspended first. b) They were shared equally. Inheritance is divided equally. They stated that they split their heritage in a kinship way; it was divided equally between all heirs. c) The collective method is that the assets left by the heir automatically become

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[44] Yesmil Anwar and Adang, *Sosiologi untuk Universitas* (Bandung: Refika Aditama, 2013), 194.

the property of the immediate family. For example, if a husband dies, his property will automatically belong to his wife and children as the closest family members. While other relatives, such as siblings, parents, and uncles, do not receive the inheritance.

Conclusion

Based on this description, this paper concludes two things. First, the distribution of prospective heirs is carried out by the Degayu coastal *santri* community with the grant method orally and in a familial way through consensus deliberation. All future heirs agree on their share fairly and evenly, without distinguishing between men or women. The reasons for using the practice of grants are to maintain family harmony, avoid disputes, stabilize the family economy (especially children), bring more goodness, be more just, and have become a hereditary custom. Second, the dispute resolution mechanism in the event of a conflict is pursued in two ways: deliberation and mediation. This paper finds that the grant system can be an alternative solution for the distribution of conflict-prone inheritance. The researcher recommends further research on ancestral heritage in other regions in Indonesia. The dominance of the customary inheritance system, with the principle of deliberation and consensus, can support the inheritance law system in Indonesia.[a]

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