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THE PRACTICE OF MANA' ASSET DISTRIBUTION AMONG THE BA'TAN COMMUNITY IN PALOPO CITY: AN ANALYSIS FROM THE PERSPECTIVE OF ISLAMIC LAW

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Abstract

The practice of mana' inheritance among the Ba'tan community in Palopo City is a tradition that preserves inherited land by preventing it from being physically divided among individual heirs; instead, it is managed on a rotational basis or utilized through the sharing of proceeds. This practice is worth studying because it reconciles the preservation of customary traditions, the fulfillment of heirs' rights, and the principles of justice in Islamic inheritance law. This study aims to analyze the mechanisms of mana' inheritance among the Ba'tan community and to examine this practice from the perspective of Islamic inheritance law and maqāṣid al-syarī'ah. The study employs a qualitative method with historical, sociological, normative, and ijtihadi approaches. Data were collected through interviews with traditional leaders, local government officials, and community members who own or have inherited mana' property, as well as through observation, documentation, and literature review. Research findings indicate that mana' assets are generally not physically divided but are managed on a rotational basis or by specific family members, with the proceeds then distributed to eligible heirs. This practice serves to preserve family assets and maintain kinship ties. However, the increasing number of heirs and differences in inheritance mechanisms among families can raise issues regarding the determination of rights, the distribution of benefits, and the continuity of rights across generations. From the perspective of maqāṣid al-syarī'ah, the mana' tradition must be directed toward preserving the welfare and solidarity of the family without neglecting the rights of heirs. Therefore, collective land management must be accompanied by clarity regarding rights and fair family agreements so that the continuity of customary practices does not override the principles of Islamic inheritance law.

Keywords: mana' property; Ba'tan community; Islamic inheritance law; maqāṣid al-syarī'ah; heirs' rights

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Abstrak

Praktik pewarisan harta *mana'* pada masyarakat Ba'tan, Kota Palopo, merupakan tradisi yang mempertahankan tanah warisan agar tidak dibagi secara fisik kepada masing-masing ahli waris, tetapi dikelola secara bergiliran atau dimanfaatkan dengan pembagian hasil. Praktik ini menarik dikaji karena mempertemukan pelestarian adat, pemenuhan hak ahli waris, dan prinsip keadilan dalam hukum kewarisan Islam. Penelitian ini bertujuan untuk menganalisis mekanisme pewarisan harta *mana'* pada masyarakat Ba'tan serta mengkaji praktik tersebut dalam perspektif hukum kewarisan Islam dan *maqāṣid al-syarī'ah*. Penelitian menggunakan metode kualitatif dengan pendekatan historis, sosiologis, normatif, dan ijtihadi. Data dikumpulkan melalui wawancara dengan tokoh adat, unsur pemerintahan setempat, dan masyarakat yang memiliki atau mewarisi harta *mana'*, serta melalui observasi, dokumentasi, dan studi literatur. Hasil penelitian menunjukkan bahwa harta *mana'* pada umumnya tidak dibagi secara fisik, melainkan dikelola secara bergiliran atau dikelola oleh anggota keluarga tertentu, kemudian hasilnya dibagikan kepada ahli waris yang berhak. Praktik ini berfungsi mempertahankan aset keluarga dan memelihara hubungan kekerabatan. Namun, bertambahnya jumlah ahli waris dan perbedaan mekanisme pewarisan antarkeluarga dapat memunculkan persoalan mengenai penentuan hak, pembagian manfaat, dan keberlanjutan hak antargenerasi. Ditinjau dari *maqāṣid al-syarī'ah*, tradisi *mana'* perlu diarahkan pada pemeliharaan kemaslahatan dan solidaritas keluarga tanpa mengabaikan hak ahli waris. Oleh karena itu, pengelolaan tanah secara kolektif perlu disertai kejelasan hak dan kesepakatan keluarga yang adil agar keberlanjutan adat tidak mengesampingkan prinsip hukum kewarisan Islam.

Kata kunci: harta *mana'*; masyarakat Ba'tan; hukum kewarisan Islam; *maqāṣid al-syarī'ah*; hak ahli waris

INTRODUCTION

The foundation of Islamic law is revelation, which is considered to have eternal validity (Arif, 2018). This revelation is contained in the Qur'an, the holy book of Muslims, which is believed to be a perfect guide to life, relevant for all ages. Islamic laws are also derived from the Sunnah—the actions, sayings, and approvals of the Prophet Muhammad (peace be upon him)—which is regarded as the interpreter and complement to the Qur'an (Santoso, 2003). Based on this revelation, Islamic law is not merely regarded as a set of norms or rules, but also as a profound moral guide that encompasses various aspects of human life, ranging from an individual's relationship with God to the norms of social interaction within society (Jamil, 2022). Therefore, Islamic law is considered to possess eternal validity and relevance, providing an ethical and moral framework for Muslims across all times and places.

As an archipelagic nation, Indonesia is home to a diverse array of religions, ethnic groups, and cultures. Local cultures embody local values cultivated by regional communities, which have developed naturally and been acquired through a process of learning over time. Local culture can take the form of art, traditions, ways of thinking, or customary law; it can also be defined as rules or ways of life that shape patterns of behavior and action. This makes Indonesia rich in traditions that have grown and evolved within indigenous communities and continue to exist in society today (Assaad,

2021). It is well known that Islam is the religion followed by the majority of Indonesia's population. Given the pluralistic nature of society, Islamic law is seen as a potential solution to every problem that arises. For instance, in matters of inheritance, inheritance law is a set of legal rules in Islam that outlines the procedures for the transfer and distribution of both intangible and tangible assets from one generation to the next (Astutik, 2019).

In Indonesia, citizens are free to choose a system of inheritance law that aligns with their respective cultural and religious backgrounds. There are three inheritance law systems to choose from: customary law, Western civil law, and Islamic law. For Indonesian citizens who are Muslim, Islamic inheritance law is the primary choice. Meanwhile, Indonesian citizens who follow religions other than Islam may choose between the customary law system applicable in their region or the Western civil law system (BW) (Assaad, 2021).

Inheritance law in Indonesia remains characterized by legal pluralism. Although Indonesia is a country that adheres to a national legal system based on positive law, Islamic law also exerts a strong influence on inheritance matters, particularly among Muslim communities. Inheritance is understood as a form of transfer of ownership, subject to the clear condition that the owner of the property or estate has passed away; the principles of Islamic law and Sharia serve as the foundation for determining inheritance regulations for Muslims in Indonesia (Lusiana, 2022).

Inheritance is also closely linked to customary law, whereby the distribution of inheritance by a community is influenced by the traditions prevailing in that area (Oktavia et al., 2024). This is the case with the Ba'tan people of Palopo City, a family-based community living in the mountain forests of Luwu. They live in groups and practice marriage among family members, resulting in a large population, the majority of whom inhabit a specific region.

As the Ba'tan community established their lives in the area they inhabited, they formed social groups bound by kinship ties. The Ba'tan community practices the tradition of *mana'* – assets bequeathed by the decedent to the heirs – but these assets are not distributed among the heirs according to Islamic inheritance law; instead, the heirs are only permitted to use the benefits derived from them. Naturally, this has become a point of contention regarding Islamic inheritance, as customary inheritance law does not recognize the 2:1 ratio of inheritance rights between men and women (Dharu, 2024), as

stipulated in Islamic inheritance law, leading to conflicts within family clans that result in the breakdown of kinship ties.

The *mana'* tradition serves as evidence of an inherited custom within indigenous communities that still persists within Islamic society under the Islamic inheritance system—specifically among the Ba'tan community. This tradition gives rise to conflicts within family clans, resulting in an unequal distribution of inheritance. This phenomenon is part of the challenges faced by Islamic teachings. Therefore, a solution is needed to ensure that kinship ties within the Ba'tan community are maintained. Given that *mana'* inheritance cannot be divided but only managed and utilized, ownership of *mana'* accumulates from generation to generation while the available land remains the same size. Consequently, this inheritance cannot be divided equally and can only be utilized on a rotational basis.

Although research on Islamic inheritance law and customary inheritance practices has advanced, the mechanism for inheriting land—which is preserved as *mana'* property—among the Ba'tan community still requires more specific study. The issue lies not only in the absence of physical division of the land but also in the determination of heirs' rights, patterns of management and distribution of proceeds, and the continuity of these rights across generations. Therefore, an analysis is needed that distinguishes between the aspects of ownership, the distribution of inheritance rights, and the utilization of assets from the perspective of Islamic inheritance law.

Given these gaps, this study aims to analyze the mechanisms of inheritance and management of “*mana'* property” among the Ba'tan community in Palopo City and to examine their alignment with the principles of Islamic inheritance law. This analysis is expected to elucidate the relationship between the sustainability of collective property management, the fulfillment of heirs' rights, and the maintenance of kinship ties.

LITERATURE REVIEW

Inheritance law in Indonesia operates within a plural legal system in which Islamic law, customary law (*adat*), and state law interact. These systems may differ in determining inheritance rights and the distribution of family property. Tarmizi and Zubair (2023) explain that customary inheritance practices can be accommodated within Islamic law, provided that the rights of heirs remain protected. Similarly, Khosyi'ah and Rusyana (2022) demonstrate that local wisdom and family values influence inheritance

settlements in Indonesian Muslim communities. These studies highlight the importance of understanding inheritance practices within their cultural and social contexts.

Customary inheritance practices often emphasize family deliberation, collective responsibility, and the preservation of kinship relations. However, maintaining family harmony does not automatically guarantee that every heir's rights have been fulfilled. Inheritance arrangements must also be examined in terms of consent, fairness, and the distribution of property or its benefits. This perspective is relevant to the *mana'* tradition among the Ba'tan community in Palopo City, where inherited land is not necessarily divided physically but may be managed collectively or in rotation, with its yields distributed among eligible heirs.

The *maqāṣid al-sharī'ah* framework provides a useful perspective for examining customary inheritance practices in relation to Islamic legal principles. The protection of property (*ḥifẓ al-māl*), justice (*'adl*), and public welfare (*maṣlaḥah*) are particularly relevant to assessing whether customary arrangements preserve family assets while respecting the rights of heirs. Ritonga and Ritonga (2024) emphasize that the application of Islamic inheritance law in Indonesia is influenced by local customs and social realities, requiring contextual consideration to promote justice and welfare. Similarly, Wardi et al. (2024) highlight the differences between Islamic and customary inheritance systems, particularly in their principles and mechanisms of property distribution. These studies suggest that customary inheritance practices should be examined by considering both their social functions and their implications for the legal rights of heirs. In the context of the *mana'* tradition, this approach helps assess whether collective land management can preserve family assets and solidarity without undermining the principles of justice and the protection of inheritance rights.

Although previous studies have discussed customary inheritance, local wisdom, and the contextual application of Islamic inheritance law, the specific mechanisms of *mana'* inheritance in the Ba'tan community require further examination. Particular attention needs to be given to the distinction between ownership, inheritance entitlements, collective land management, and the distribution of yields across generations. This study addresses that issue by examining the practice of *mana'* inheritance in Ba'tan, Palopo City, through the perspectives of Islamic inheritance law and *maqāṣid al-sharī'ah*. Its contribution lies in explaining how the preservation of

customary land management can be evaluated alongside the principles of justice, property protection, and family solidarity.

METHODS

This study employs a qualitative research design, which is aimed at exploring a specific social phenomenon within society. The research approach used is the historical approach. In this study, the historical approach focuses on understanding or interpreting historical events to provide information and offer an in-depth description of the elements that support this research regarding the location and subject of the study. The sociological approach is used to gather data by establishing positive connections with the community that will serve as the source of information in this study – namely, the Ba'tan community – so that the author can engage in constructive interactions throughout the research process. The normative approach referred to in this study is the Islamic legal approach based on the texts of Sharia – namely, the Qur'an and the Hadith. The Ijtihadi approach in Islam refers to a process of serious and in-depth thought and research aimed at deriving Sharia laws from their foundational principles. The focus of this study is the distribution of Mana' assets within the Ba'tan family clan in Palopo City and the perspective of Islamic law on the social dynamics of the Mana' tradition within the Ba'tan family clan in Palopo City. Data collection methods included observational notes, interviews, and documentation. The data was processed and obtained from interviews with a traditional leader, Tomakaka Ba'tan; local government officials; and several members of the Ba'tan community who own Mana' assets.

RESULTS AND DISCUSSION

Distribution of mana' Assets Among the Ba'tan Family Clan

According to Ba'tan tradition, mana' inheritance is property that cannot be divided into specific shares but may only be managed on a rotational basis by any heir who wishes to do so. As part of research on the distribution of *mana'* within the Ba'tan family clan, the researcher conducted interviews with several community members who both own mana' property and are heirs to such property. The distribution of mana' land within the Ba'tan family clan is as follows:

1. The Family of the Late Nek Alifah

Grandmother Alifah has passed away and bequeathed a plot of land measuring approximately 4 hectares – consisting of a durian orchard – to her only child, Alimuddin Biaga, who has four children: Sirajuddin Ali, Rosdiana Ali, Samsidar Ali, and Ahmad Ali. The following is an excerpt from an interview with a direct heir:

“Since I am an only child, the *mana’* inheritance from my mother – the durian orchard – belongs solely to me. However, to avoid conflict, I have already made a will specifying how the land is to be divided among my children. Each of them has their own share. But the *mana’* land is still registered under my name.”

Mr. Alimuddin Biaga explained that, since he is an only child, his parents’ entire estate – in this case, his mother’s durian orchard – automatically became his property. As the sole heir, the orchard is entirely his without any division among siblings. However, even though the land belongs to him, Mr. Alimuddin is mindful of the need to avoid potential conflicts that might arise in the future regarding the division of the inheritance. To that end, he has drawn up a clear will regarding the division of the land among his children. In the will, each child has been assigned a specific portion of the land, so there will be no doubts or disputes regarding inheritance rights in the future. From this description, the tradition of *mana’* inheritance has undergone a change in status: what was originally a *mana’* inheritance has transformed into a transfer of rights due to the presence of an only child, who will later pass the status on to his heirs through division according to the Islamic inheritance concept of 2:1, even though by mutual agreement it is divided equally.

2. The Family of the Late Hamsah

Hamsah is known to have had six children: Hasmu, Nasbudi, Dusri, Siti Aminah, Hasmi, and Irma. Siti Aminah and Irma have passed away. Therefore, the distribution of this inheritance becomes slightly more complex because it involves their respective children taking their places. The following is an excerpt from an interview with one of the heirs.

“Some of the *mana’* land our family owns has been certified, while some has not. The land that has been certified has already been divided equally among the family clans, whereas the land that has not been certified is intended for joint ownership, with the proceeds to be divided equally. It is usually managed on a rotating basis, and only then are the proceeds distributed equally among the family members.”

The process of dividing this inherited land is carried out through family deliberation. As with many customary traditions in the community, the division of

inheritance is done collectively and agreed upon by all family members involved. In this case, the durian orchard – which is part of the inheritance – is not physically divided, meaning it is not split into individual plots. Instead of being divided into several parts, the land is jointly managed by a single person agreed upon by the family. Therefore, the durian orchard remains jointly owned, but its management is handled solely by a single selected family member. Siti Aminah and Irma have passed away, but their inheritance is carried on by their children. Siti Aminah is succeeded by her two children, while Irma is succeeded by her three children. Dengan demikian, meskipun secara fisik Siti Aminah dan Irma tidak lagi ada, hak warisan mereka tetap diberikan kepada keturunannya untuk menjaga keadilan dan kesinambungan pembagian warisan tersebut.

3. The Family of the Late Nek Bong

Nek Bong left behind an inheritance of 4 hectares of land containing a variety of crops, such as cocoa, cloves, and durian. Since Nek Bong's children – Nek Naba and Nek Mutti – have passed away, the management of this inheritance is now handled by their heirs. Therefore, within Nek Bong's family, the inheritance is not divided among specific individuals but is managed by whichever heirs wish to do so, with the proceeds distributed equally among the eligible heirs. The proceeds from the management of this *mana'* land are intended for the generation closest to the heirs – that is, the direct descendants of Nek Naba and Nek Mutti. Since Nek Naba's direct descendants – Naba, Sekamma, and Dedda – are still alive, the heirs below them are not entitled to receive this *mana'* inheritance. Conversely, the heirs of Nek Mutti – namely her grandchildren – receive the *mana'* inheritance because all of Nek Mutti's direct descendants have passed away.

The following is an excerpt from an interview with one of the heirs.

“In my family, it's divided equally between men and women, and that *mana'* inheritance isn't certified. Usually, the family manages it, and later the proceeds are distributed among the heirs who are entitled to receive them.”

Abidin R's account above explains how inheritance in their family is divided equally between men and women, with no distinction in the distribution of inheritance rights. In practice, this inheritance is not specifically allocated to each heir, but is managed by a trusted family member. Once managed, the proceeds from the land's management are distributed among the eligible heirs, in accordance with the family's agreement. Regarding the status of this land, the inherited land is still managed in

accordance with the mana' inheritance tradition; it can still be considered part of the mana' inheritance as long as its management is carried out on a rotational basis and the proceeds are distributed equally among the eligible heirs. Because the land is not specifically divided, it is considered part of the mana' inheritance and remains within the context of traditional management in accordance with the customs prevailing within the family. Thus, the family's inheritance system reflects the values of solidarity and justice, where the distribution of the inheritance is viewed not only in terms of the division of land but also in terms of how the land is managed and its proceeds distributed to all eligible heirs, regardless of gender or generational order. This mana' inheritance remains a symbol of family bonds and traditions that are preserved through its management.

4. The Family of the Late Tampa

The family of Muchtar Siada has a mana' inheritance that originated from their grandmother, Tampa. Tampa had two children by different mothers: Coba and Hasmiati, which means Coba and Hasmiati are half-siblings. Tampa left behind a mana' inheritance consisting of a 1-hectare rice field. However, since Coba has passed away, Coba's children are entitled to inherit the property as substitute heirs. Coba's children are Salita, Anne, and Muktar. Since Salita also passed away before the inheritance was distributed, her inheritance rights are assumed by Salita's children, who are now Salita's substitute heirs. Similarly, if any other heirs of Coba have passed away, their inheritance rights will be assumed by Salita's grandchildren or other descendants, in accordance with applicable regulations. Meanwhile, Hasmiati, Coba's full sister, has four children: Patma, Ani, Narsi, and Alam. These four children of Hasmiati are entitled to receive a share of the inheritance left by Tampa.

The following is an excerpt from an interview with one of the oldest and most respected heirs:

"The one-hectare plot of land I inherited from my grandfather was not divided. Currently, that land is managed by Abdul Muis, the son of my sister Anne. So, when it's harvest time, the proceeds are discussed in a family meeting and then divided equally between men and women—there is no distinction made. However, since I, Muktar, and my sister Anne are still alive, my children do not receive a share of the proceeds from that land. In addition, the proceeds are still distributed to Hasmiati even though she lives far away; she is still given her share because she has a right to it."

Muchtar explained that the one-hectare plot of land he owns was inherited from his grandfather and has been passed down through the generations. The land was not initially divided among the heirs, and to this day, it is still managed by Abdul Muis, the son of his sister, Anne. Muchtar explained that every harvest, the proceeds from the land are always discussed first among those involved in its management. During these discussions, they agree to divide the harvest fairly—that is, by splitting it equally between men and women without any discrimination or distinction. This distribution is carried out with the aim of maintaining balance and ensuring that no party feels disadvantaged. However, what is quite interesting is that even though the land was inherited from their grandfather and is managed collectively—since Muktar and his sister Anne are still alive—Muktar’s children are not entitled to receive a share of the land’s proceeds. Muktar explained that this has been an agreement accepted by them as the surviving heirs. They feel that these inheritance rights are intended primarily for the older generation and those who are still alive, so Muktar’s children are not yet entitled to a share of the inheritance. Muktar also emphasized that even though his children do not receive a share, they are still expected to take care of the land and respect the agreement that has been made.

Nevertheless, there is one very important point that Muchtar made: the proceeds from the land must still be shared with Hasmiati, even though she now lives very far away and outside their region. Muchtar emphasized that even though distance separates them, Hasmiati is still entitled to her share of the inheritance because, legally, she has a valid claim to the portion of the inheritance left by their grandfather. This is a form of respect for Hasmiati’s rights, which are upheld in accordance with applicable inheritance laws—there is no justification for disregarding her rights, even if geographical conditions or other circumstances have changed. The *mana’* inheritance tradition within the Ba’tan family in Palopo City continues to exist to this day as an integral part of local wisdom that prioritizes the values of togetherness, justice, and harmony within the family. Although times have changed and the legal status of land has become increasingly important, the principles governing the distribution and management of *mana’* inherited land remain intact.

The *mana’* inheritance serves not only as material wealth but also as a symbol of family bonds and the preservation of customs passed down through generations. The continuity of this tradition is reflected in various practices, such as rotational land

management, the equitable distribution of harvests, and respect for inheritance rights even after some heirs have passed away. Thus, even as the world becomes increasingly modern, the mana' inheritance tradition remains relevant and serves as a means to strengthen relationships among family members and preserve local culture. The mana' tradition is a form of local wisdom passed down through generations. Mana' land is considered an ancestral inheritance of high cultural value and a symbol of family unity. This tradition involves the management and distribution of land based on the principle of family deliberation, known as "tudang sipulung." In practice, mana' land can be managed through various methods involving all family members, such as the fair distribution of proceeds, rotational management, or even the use of the land for the common good.

The main principle of this tradition is to maintain family harmony and strengthen family bonds. Therefore, every decision regarding inherited land is made by mutual agreement, so that all parties feel valued. This tradition also reflects egalitarian values, in which every heir is considered to have equal rights to the inherited land. This process not only fosters a sense of justice within the family but also strengthens bonds among family members, particularly in upholding the legacy of their ancestors.

The presence of the mana' tradition within the Ba'tan family demonstrates how local cultural values remain relevant in modern society. This tradition not only maintains relationships among family members but also serves as a means of preserving the culture and identity of the local community in Palopo City. By upholding these values, the Ba'tan family not only preserves their ancestral heritage but also ensures the continuity of this tradition for future generations.

The Mana' Tradition from the Perspective of the Maqashid al-Shari'ah

From the perspective of the maqashid al-sharia, this tradition can be analyzed through the five primary objectives of Islamic law: safeguarding religion (hifz al-din), safeguarding life (hifz al-nafs), safeguarding reason (hifz al-'aql), safeguarding lineage (hifz al-nasl), and safeguarding wealth (hifz al-mal). The following is a more detailed explanation:

1. Preserving the Religion (Hifz al-Din)

The mana' tradition among the Ba'tan community prioritizes the values of solidarity and togetherness within the family. This reflects Islamic values that emphasize

the importance of unity and ukhuwah. In Islam, safeguarding the faith does not merely mean performing acts of worship but also maintaining good relations with others, particularly within the family (Agus & Safriani, 2024). The mana' tradition upholds customary norms that do not absolutely contradict Islamic teachings, as it preserves family harmony—a key element of Sharia. By incorporating family consultation, this tradition supports Islamic values that emphasize the principles of justice and shura (consultation).

The mana' tradition, which aims to preserve the values of togetherness and family harmony, is in line with Islam, which advocates for ukhuwah and unity. However, Islam also emphasizes the importance of upholding Sharia law in all aspects, including the distribution of inheritance. As explained in the Quranic verse below:

يَا أَيُّهَا الَّذِينَ آمَنُوا ادْخُلُوا فِي السِّلْمِ كَافَّةً وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ ۚ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ

Translation:

“O you who believe, enter fully into Islam, and do not follow in the footsteps of Satan. Indeed, Satan is a clear enemy to you.”

This verse affirms the obligation of Muslims to follow all the rules of Sharia, including the distribution of inheritance as stipulated in Islamic law. This tradition is consistent with the maqashid al-Sharia as long as it does not disregard the principles of Islamic inheritance law and prioritizes consultation as a form of worship to maintain harmony.

2. Preserving Life (Hifz an-Nafs)

The mana' tradition aims to avoid family conflicts by utilizing assets collectively. Within the maqashid al-sharia, preserving life encompasses efforts to foster peace and avoid potential physical or emotional harm (Tsalitsah, 2024). This tradition prevents disputes that could damage family relationships, which could ultimately impact the mental and emotional well-being of family members. In this way, the mana' tradition helps foster harmony among heirs. However, without proper management, the potential for conflict remains because the distribution of assets is not carried out in accordance with Islamic law. Therefore, the principle of consultation (musyawarah) and the alignment of this tradition with Sharia are necessary to ensure the sustainability of peace.

The mana' tradition aims to maintain harmony and prevent family conflicts that could lead to disputes or even pose a threat to life. Islam emphasizes the importance of

maintaining peace and harmony within the family. As explained in Surah Al-Hujurat/49:10;

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ أَخَوَيْكُمْ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُونَ

Translation:

“Indeed, the believers are brothers. Therefore, reconcile between your two brothers and fear Allah so that you may receive mercy.”

This verse emphasizes the importance of maintaining brotherhood, including resolving conflicts that could threaten family harmony. The tradition of *mana'* preserves relationships among family members so that potential conflicts and emotional harm can be minimized. This is in line with the objective of preserving life within the *maqashid al-sharia*.

3. Safeguarding Assets (Hifz al-Mal)

In Islam, assets are a trust that must be managed properly for the sake of the community's livelihood and well-being. The tradition of dividing *mana'* land through family consultation reflects an effort to safeguard shared assets. In this context, *mana'* land is not divided entirely among individual heirs but is managed collectively or on a rotational basis. This distribution model preserves the integrity of the land, preventing it from being fragmented into small, unusable parcels. This aligns with the *maqashid al-sharia*, which advocate for the management of wealth for the common good (Syahputra et al., 2023). The *mana'* tradition of collectively utilizing assets reflects an effort to ensure the sustainable benefits of those assets. However, Islam has established inheritance laws based on the principle of justice, which must be observed to safeguard the rights of every heir. As stated in Surah An-Nisa' 4:7: “Men have a share of the estate left by their parents and relatives, and women have a share (as well) of the estate left by their parents and relatives, whether it is little or much, according to the shares that have been prescribed.”

However, in Islam, the distribution of inheritance is governed by clear rules. If the *mana'* tradition fails to ensure fairness in distribution in accordance with Sharia, this can lead to dissatisfaction that threatens the principle of property protection. The solution is to integrate tradition with Sharia—for example, distributing assets according to Islamic law but managing them collectively for the common good. The *mana'* tradition, which manages assets for the common good, aligns with Islamic principles, provided there is no violation of individual rights.

4. Preserving the Lineage (Hifz al-Nasl)

The *maqashid al-sharia* principles emphasize the importance of preserving family ties and lineage. The *mana'* tradition of land distribution among the Ba'tan community is carried out through consensus-building, involving all family members in decision-making. This process strengthens family bonds, as decisions made collectively tend to avoid conflict. Thus, this tradition fosters solidarity among family members, maintains harmony, and strengthens kinship ties—which is one of the primary objectives of the *maqashid al-sharia*.

One of the goals of the *mana'* tradition is to strengthen family bonds through the joint management of assets. In the *maqashid al-sharia*, preserving the family lineage involves efforts to strengthen the bonds of kinship and foster harmony within the family. This tradition demonstrates that the Ba'tan community has a strong commitment to family values, thereby supporting the preservation of intergenerational relationships. The *mana'* tradition aims to maintain kinship ties by prioritizing togetherness within the family. This is in accordance with Islamic teachings that encourage maintaining ties of kinship and fostering relationships among family members. Relevant verse: Quran 4:1: “And fear Allah, in whose name you ask one another, and (maintain) the ties of kinship. Indeed, Allah is ever watching over you.”

However, tensions may arise if any heir feels their rights are being disregarded. Therefore, it is important to integrate this tradition with Islamic law so that the principle of justice is upheld. In this way, family ties can be maintained without sacrificing individual rights. The *mana'* tradition supports the *maqashid al-sharia* in preserving family lineage by emphasizing the values of unity and togetherness, but it requires fair management to prevent conflicts.

5. Preserving the Public Interest (Maslahah)

The *Maqashid al-Sharia* place great emphasis on the public interest (the common good) in every aspect of life, including the administration of inherited assets. In the “*tanah mana'*” tradition, there are several methods of distribution aimed at creating justice and benefit for all parties, including the equal distribution of land yields—where the land's produce is managed by one party and then divided equally among the heirs—and rotational management, where each heir is given the opportunity to cultivate the land in turn. These methods demonstrate that this tradition is designed not only to meet

individual needs but also to preserve family assets for future generations and the broader community.

6. Maintaining Justice in Inheritance

Under Islamic law, inheritance distribution must be carried out in accordance with the principle of justice as stipulated in the Qur'an (Wasiska et al., 2024). The mana' land tradition, which is based on deliberation and family consensus, reflects an effort to achieve justice within the context of local cultural values. The deliberative process allows each party to express their views and reach a peaceful resolution. Provided that there is no coercion or injustice, this approach may be considered legitimate and consistent with the objectives of maqāṣid al-sharī'ah.

Although the mana' tradition among the Ba'tan community does not specifically allocate inheritance according to the gender-based shares prescribed under Islamic inheritance law, in practice, it prioritizes deliberation and family solidarity in the distribution of property. These values are aligned with the five primary objectives of maqāṣid al-sharī'ah: the preservation of religion, intellect, life, wealth, and lineage.

When properly managed, the mana' land distribution tradition among the Ba'tan community can serve as an example of the application of maqāṣid al-sharī'ah by safeguarding wealth, kinship relations, and the common good. However, to ensure that this tradition remains relevant and equitable, harmonization is needed between customary values, Islamic law, and positive law. Approaches such as formally documenting assets and strengthening family deliberation can help reduce the potential for conflict and promote the sustainability of this tradition in accordance with the objectives of maqāṣid al-sharī'ah.

CONCLUSION

The Ba'tan community is an indigenous community with a Muslim majority, whose members still maintain close kinship ties. The mana' tradition, practiced within the Ba'tan family lineage, is still upheld today through the principle of consensus in the distribution of assets. The strong influence of culture and traditional values, which have been passed down from generation to generation, reflects that local traditions and culture remain intact. An analysis of the maqashid al-sharia indicates that this tradition still embodies values aligned with the primary objectives of Islamic law—namely, preserving kinship ties and the public interest. However, there is a need to adapt this

tradition to better align with the principles of justice in Islam without disregarding local values.

This study is expected to enrich the literature on customary and Islamic inheritance law, as well as provide new insights into how local traditions can be analyzed through the lens of maqashid al-sharia. The results of this study can serve as a guide for the Ba'tan community in managing inheritance conflicts through an approach that prioritizes justice and kinship, and local governments can use these findings as a basis for formulating policies that support the harmonization of customary law and Islamic law in their regions.

REFERENCES

- Al Mustaqim, D. (2023). Strategi pengembangan pariwisata halal sebagai pendorong ekonomi berkelanjutan berbasis maqashid syariah. *AB-JOIEC: Al-Bahjah Journal of Islamic Economics*, 1(1), 26–43.
- Agus, M., & Safriani, L. (2024). Integrasi maqāṣid al-syari'ah dalam perumusan konsep keluarga sakinah kontemporer. *Al-Azhar Islamic Law Review*, 6(2), 78–88. <https://ejournal.staialazhargowa.ac.id/index.php/ailrev/article/view/143>
- Anggito, A., & Setiawan, J. (2018). *Metodologi penelitian kualitatif*. CV Jejak.
- Assaad, A. S., Zainuddin, F., & Hasyim, B. (2021). Realitas pengamalan nilai-nilai Pancasila sebagai kontrol sosial pada masyarakat adat lokal Tanah Luwu. *Palita: Journal of Social Religion Research*, 6(1), 41–62.
- Assad, A. S., & Hasyim, B. (2021). Judges decisions of Makassar, Palopo, and Masamba Religious Court over the Islamic inheritance law. *Al-'Adalah*, 17(2), 317–334.
- Astutik, S. (2019). Karakteristik pembagian waris adat Jawa. *Jurnal Aktual Justice*, 4(2), 147–155.
- Dharu, S. J. (2024). Pembagian harta waris bagi ahli waris perempuan tunggal menurut perspektif hukum adat dan hukum Islam. *Dinamika*, 30(1). <https://jim.unisma.ac.id/index.php/jdh/article/view/2355>
- Fadli, S., & Yunus, Y. (2023). Koperasi syariah dalam perspektif maqashid syariah. *Journal of Science and Social Research*, 6(1), 79–90.
- Firman, M. A. (2018). *Maqashid as living law dalam dinamika kerukunan umat beragama di Tana Luwu*. Deepublish.
- Irwan, M. (2021). Kebutuhan dan pengelolaan harta dalam maqashid syariah. *Elastisitas: Jurnal Ekonomi Pembangunan*, 3(2), 160–174.
- Khosyi'ah, S., & Rusyana, A. Y. (2022). Inheritance settlement of descendants of children and siblings in Islamic law with local wisdom in Indonesia. *Cogent Social Sciences*, 8(1), Article 2126615. <https://doi.org/10.1080/23311886.2022.2126615>
- Jamil, J. (2022). *Etika profesi guru*. CV Azka Pustaka.
- Kasma, H. (2023). Rivalitas dalam rumpun keluarga pada pemilihan umum anggota legislatif Kota Palopo (Studi kasus pada rumpun keluarga Ba'tan) [*Disertasi, Institut Agama Islam Negeri Palopo*].
- Kementerian Agama Republik Indonesia. (2019). *Al-Qur'an dan terjemahnya*.
- Oktavia, Sartika, Yova Alvioneza, Khafifah Rahmawati, Muhammad Pasha Naufal Illahi, dan Stevri Iskandar. 2024. "Analisis Pembagian Waris Menurut Hukum

- Adat Nusa Tenggara Timur (NTT).” *Kultura: Jurnal Ilmu Hukum, Sosial, dan Humaniora*, *Kultura*, 2(10), hlm. 481-487.
<https://jurnal.kolibi.org/index.php/kultura/article/view/3566>
- Ritonga, R., & Ritonga, M. (2024). The dynamics of Islamic inheritance in Indonesia between Sharia and social realities. *Maqasid: Jurnal Studi Hukum Islam*, 13(1), 59-71. <https://doi.org/10.30651/mqs.v13i1.22583>
- Santoso, T. (2003). *Membumikan hukum pidana Islam: Penegakan syariat dalam wacana dan agenda*. Gema Insani.
- Syahputra, A., Asmuni, A., & Anggraini, T. (2023). Urgensi maqashid syariah dalam pengelolaan harta. *Jurnal Iqtisaduna*, 9(1), 14-27.
<https://doi.org/10.24252/iqtisaduna.v9i1.36636>
- Tarmizi, T., & Zubair, A. (2023). Toleransi hukum Islam terhadap sistem kewarisan adat di Indonesia. *ADHKI: Journal of Islamic Family Law*, 4(2), 131-147.
<https://www.jurnal.adhkiindonesia.or.id/index.php/ADHKI/article/view/98>
- Tsalitsah, I. M. (2024). Internalisasi nilai-nilai maqashid syariah dalam psikoterapi keluarga Muslim. *Maqasid: Jurnal Studi Hukum Islam*, 13(2), 189-205.
<https://doi.org/10.30651/mqs.v13i2.27444>
- Vinna, L. (2022). Hukum kewarisan di Indonesia. *Jurnal Alwatzikhoebillah: Kajian Islam, Pendidikan, Ekonomi, Humaniora*, 8(2).
- Wardi, U., Yaswirman, Y., Ismail, I., & Gafnel, G. (2024). Comparative analysis of Islamic family law and customary law in the settlement of inheritance disputes in Indonesia. *Hakamain: Journal of Sharia and Law Studies*, 3(1), 13-25.
<https://doi.org/10.57255/hakamain.v3i1.330>
- Wasiska, A., Muttaqin, Z., & Wulansari. (2024). Pembagian waris menurut hukum Islam: Analisis dan implementasi. *Mustika Justice*, 4(1).
<https://jurnal.uic.ac.id/mustikajustice/article/view/334>
- Wulandari, S. (2024). Analisis hukum keluarga Islam terhadap praktik mammula mappatekka dalam pemeliharaan identitas masyarakat Bugis di Kecamatan Kulo [Disertasi, IAIN Parepare].