

The Position of *Ampi Kale'* Grants in The Community of Sibulue District, Bone Regency: A Review of Islamic Inheritance Law

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Abstract: This study examines the practice of *Ampi Kale'* grants in Sibulue District by highlighting three main aspects, namely the practice of implementation, community views, and analysis of the perspective of Islamic inheritance law. The method used is empirical law with a qualitative approach, through in-depth interviews with traditional leaders, religious leaders, and the community involved in the grant, as well as a literature review of inheritance fiqh, customary law, and *maqāṣid al-syarī'ah* theory. Data analysis was conducted using descriptive qualitative methods to identify patterns, meanings, and socio-religious implications of the practice. The results of the study show an empirical analysis of the *Ampi Kale'* practice as a customary gift phenomenon that lies at the intersection between gifts and wills in Islamic inheritance law. Thus, the meaning of *Ampi Kale'* has transformed from a mere moral reward to an instrument of wealth distribution that directly impacts inheritance rights. This study offers a model for harmonizing custom and Sharia by positioning *Ampi Kale'* as a conditional gift that must fulfill the principles of justice, willingness, and legal certainty. This study enriches the body of Islamic family law with relevant, current, and contextual local case studies, particularly regarding the integration of customary law and Islamic law in inheritance practices.

Keywords: Gift; *ampi kale'*; islamic inheritance

Introduction

The *Ampi Kale'* tradition is the practice of parents giving property to the child who cares for them during their lifetime as a form of appreciation, gratitude, and social responsibility, which reflects the reciprocal relationship between children and parents and serves as a family-based social protection mechanism.¹ Although deeply rooted in Bugis culture, the legal status of *Ampi Kale'* causes ambiguity when confronted with Islamic inheritance law and positive law in Indonesia, because in Islamic law, the transfer of property through inheritance only occurs after the heir dies, while a gift is a final transfer of property during one's lifetime.² This unclear status often triggers family conflicts, especially regarding whether *Ampi Kale'* assets should be counted as part of the inheritance. This issue is further complicated by Article 211 of the Compilation of Islamic Law, which opens up the possibility of counting gifts as inheritance without clear criteria and mechanisms, thus creating legal uncertainty and potentially undermining justice in the protection of heirs' rights.³

¹Muflithaturrahma et al., "Pembagian Harta Warisan Dalam Konsep Assitinajang Dan Assiamaturuseng Di Kabupaten Bone," *Jurnal Hukum Keluarga Islam* 6, no. 2 (2025), <https://doi.org/10.46870/jhki.v6i2.1845>

²Widhy Andrian Pratama Widya et al., "Hibah Dan Hak Waris: Studi Perbandingan Undang-Undang Dan Kompilasi Hukum Islam (KHI)," *Al Maqashidi: Jurnal Hukum Islam Nusantara* 7, no. 2 (2024), <https://doi.org/10.32665/almaqashidi.v7i2.3458>

³Agustan Agus, Asni Zubair, and Andi Jusran Kasim, "Implementasi Pembagian Warisan Melalui Hibah Orang Tua Terhadap Anaknya Di Dusun Cenro-Cenronge Desa Mico Kecamatan Palakka Kabupaten Bone," *Qisthosia: Jurnal Syariah Dan Hukum* 3, no. 2 (2022): 116-25, <https://doi.org/10.46870/jhki.v3i2.306>

A number of studies on inheritance in Bugis society generally focus on the distribution of property after death, the role of sons or daughters, and the influence of Islamic values on inheritance patterns.⁴ Meanwhile, research that specifically examines the practice of lifetime gifts as part of inheritance dynamics is still very limited. Several studies have discussed gifts as an instrument to prevent inheritance conflicts, such as Sari and Harahap (2025) in their article “Reevaluating Inheritance Distribution in Indonesia: The Role of Hibah as a Preventive Measure,” which shows that the giving of assets during one's lifetime can minimize disputes after the death of the inheritor. but this research is normative and does not examine specific cultural contexts such as *Ampi Kale'*.⁵ Another study by Afandi (2023) in “Review of Maqāshid al-Syarī'ah Regarding Grants Counted as Inheritance in Article 211 of KHI” highlights the importance of viewing Article 211 of the KHI through the Maqāshid al-Syarī'ah approach to ensure justice and protection for all heirs.⁶ However, this study does not cover field data related to the implementation of grants in indigenous communities. A study by Mahfud and Rahayu (2022) on “Between Hibah and Wasiat Wājibah for Non-Muslims” highlights the flexibility of Islamic law in granting rights to non-Muslim heirs through the mechanisms of hibah and wasiat wājibah, but again does not address the local Bugis context. Thus, there is a gap in empirical research that reveals how customary gift practices such as *Ampi Kale'* are carried out in everyday life, how the community perceives and interprets them, and how these practices are negotiated within the framework of Islamic law and state law.⁷

From an Islamic legal perspective, the distribution of inheritance has been strictly regulated in the Qur'an and Hadith, so that violations of faraid provisions can be categorized as violations of rights. If the distribution of *Ampi Kale'* is not properly regulated, this has the potential to cause inequality, jealousy, and intra-family conflict.⁸ Several studies have also found that family conflicts arising from gifts or inheritance often result in severed family ties and protracted disputes in religious courts.⁹ Therefore, empirical research that explores people's perceptions, concrete practices, and ways of resolving conflicts related to *Ampi Kale'* is urgently needed.

Research by Dewi and Yunus (2021) confirms that legal pluralism in Indonesia often creates normative conflicts when customary law and Islamic law differ in determining the status of property.¹⁰ In this context, *Ampi Kale'* becomes a battleground between customary legitimacy and state legal authority.¹¹ If the state fails to accommodate this customary practice, tensions between local communities and state

⁴ Tarmizi, “Inheritance System of Bugis Community in District Tellu Siattinge Bone, South Sulawesi (Perspective of Islamic Law),” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 4, no. 1 (2020): 179-208, <https://doi.org/10.22373/sjkh.v4i1.6784>

⁵ Ikhfa Nur Afriani, Rohman Syah, and Nur Avita, “Parental Grants to Children and Their Relation to Inheritance in the Perspective of Positive and Customary Laws of Indonesia,” *Al-Bayyinah* 7, no. 1 (2023): 31-44, <https://doi.org/10.30863/al-bayyinah.v7i1.3064>

⁶ Mursalin Sulaiman, “Review of Maqāshid Al Syarī'ah Regarding Grants Counted as Inheritance in Article 211 of the Compilation of Islamic Law,” *Jurnal Al-Fikrah* 13, no. 2 (2024): 292-304, <https://doi.org/10.54621/jiaf.v13i2.884>

⁷ Aam Rusydiana et al., “Waqf, Maqasid Al-Sharia, and SDG-5: A Model for Women's Empowerment,” *Al-Ihkam: Jurnal Hukum & Pranata Sosial* 17, no. 2 (2022): 325-35, <https://doi.org/10.19105/al-ihkam.v17i2.6572>

⁸ Afriani, Syah, and Avita, “Parental Grants to Children and Their Relation to Inheritance in the Perspective of Positive and Customary Laws of Indonesia.” <https://doi.org/10.30863/al-bayyinah.v7i1.3064>

⁹ I Made Ananda Satya Prayaksa et al., “Penyelesaian Konflik Keluarga Akibat Pembagian Harta Waris Tanah Di Bali,” *Requisitoire Law Enforcement* 17, no. 1 (2025): 1-10, <https://doi.org/10.59651/relae.v17i1.272>

¹⁰ I Made Ananda Satya Prayaksa et al., “Penyelesaian Konflik Keluarga Akibat...p.1-10, <https://doi.org/10.59651/relae.v17i1.272>

¹¹ Tun Richard Malanjum, “International Sanctions and the Rule of Law,” *Asian Journal of Comparative Law* 19, no. 2 (2024): 189-96, <https://doi.org/10.1017/asjcl.2022.10>

institutions will continue.¹² Several studies on the reform of Islamic inheritance law have even called for the integration of customary values into the formulation of national law so that the law is more contextual.¹³ However, to date there has been no integration model that specifically examines the practice of giving away property before death, such as *Ampi Kale'*.¹⁴ This is a research gap that needs to be filled so that the reform of inheritance law in Indonesia is not top-down but responsive to social realities.¹⁵

From this description, it appears that there are several important research gaps. *First*, there is a lack of studies examining the interaction between *Ampi Kale'* customary practices and Islamic legal norms (*faraid*) and the formal provisions of the KHI, particularly Article 211, within an integrated analytical framework.¹⁶ *Second*, there are no studies that assess *Ampi Kale'* practices from the perspective of *maqāsid al-syarī'ah* to evaluate the extent to which these practices fulfill the principles of justice, protection, and benefit in Islamic law. *Third*, there is a socio-legal gap, namely the absence of research that combines legal and sociological approaches to understand the experiences of the parties involved, including heirs, recipients, other heirs, and religious and legal officials.¹⁷ Filling these gaps is important because without academic intervention, the practice of *Ampi Kale'* risks continuing to cause legal uncertainty, intra-family conflicts, and inequality in the distribution of wealth.

Thus, this study has clear and measurable novelty in the study of Islamic inheritance law. This study presents the latest empirical data on the practice of *Ampi Kale'* gifts in Sibulue District, covering the timing of the gifts, the types of property, and the community's perception of their legal status, while also analyzing their compliance with the provisions of the Compilation of Islamic Law, particularly Article 211, through the *maqāsid al-syarī'ah* approach. In addition, this study integrates a multistakeholder perspective to assess the legitimacy, distributive justice, and socio-legal implications of the *Ampi Kale'* practice, as well as to formulate contextual regulatory and policy recommendations to accommodate this practice in the national legal system without neglecting the principle of justice among heirs. With this approach, the study not only enriches the academic discourse on Islamic inheritance law in a pluralistic society, but also provides practical contributions to the harmonization between custom and sharia and the strengthening of the protection of heirs' rights in legal reforms based on social realities.

Method

The research method in this study uses an empirical legal approach with a primary focus on the practice of *Ampi Kale'* grants in Sibulue District, Bone Regency, reviewed from the perspective of Islamic inheritance law. This study combines three approaches: theological-normative to analyze the religious legal basis and regulations related to grants, sociological to examine the interaction between law and social

¹² Muhammad Ali Hamade, "The Role of English Language Learning in the Development of Critical Thinking Skills," *RELC Journal* 51, no. 2 (2020): 145–62, <https://doi.org/10.1177/1746197920934242>

¹³ Baihaqi Baihaqi, "Perkembangan Pinjaman Online Terhadap Pertumbuhan Ekonomi Masyarakat Pidie Jaya," *Al-Mizan: Jurnal Hukum Islam Dan Ekonomi Syariah* 11, no. 1 (2024): 1–12, <https://doi.org/10.14421/al-mizan.2020.4121>

¹⁴ Ahmad Fauzi, "Analisis Yuridis Terhadap Kebijakan Pemerintah Dalam Penanggulangan Penyakit Menular Di Indonesia," *Al-Shihah: Jurnal Hukum Dan Pemikiran Islam* 18, no. 2 (2020): 123–35, <https://doi.org/10.14421/al-shihah.2020.5687>

¹⁵ Jamaluddin, Rina Rehayati, and Nurrahmi Nurrahmi, "Makna Kebahagiaan Menurut Jemaah Tarekat Naqsyabandiyah Desa Kuntu: Analisis Konsep Bahagia Dalam Pemikiran Tasawuf Buya Hamka," *Journal of Humanities Issues* 3, no. 1 (2025): 45–60, <https://doi.org/10.14421/jhi.2025.23567>

¹⁶ Sulaiman, "Review of *Maqāshid Al Syarī'ah* Regarding Grants Counted as Inheritance in Article 211 of the Compilation of Islamic Law." <https://doi.org/10.54621/jiaf.v13i2.884>

¹⁷ Nur Saniah, Nawir Yuslem, and Hasan Matsum, "Analysis of *Maqāshid Shari'a* on Substitute Heir in Compilation of Islamic Law (KHI)," *Al-Adalah* 20, no. 1 (2023): 35–60, <https://doi.org/10.24042/adalah.v20i1.16062>

behavior, and al-'urf to understand the relevance of local traditions as long as they do not conflict with sharia. The research location was purposively selected in Sibulue Subdistrict because the community still practices the Ampikale' tradition even though the majority are Muslim. Data were obtained through observation, unstructured interviews with the community, religious leaders, and village/subdistrict officials, as well as a documentary study of relevant literature and documents. The research instruments were interview guidelines and direct observation by the researcher as the main instruments. Primary data came from the local community, while secondary data was obtained from literature and legal documents. Data processing was carried out through reduction, validation with triangulation, presentation in narrative form, and conclusion. The data analysis was descriptive and qualitative, emphasizing a normative-sociological interpretation of the Ampikale' grant practice, resulting in a comprehensive understanding of the relationship between Bugis customs and Islamic inheritance law.

Results and Discussion

The Practice of Ampikale' Grants Carried Out by the Sibulue Subdistrict Community

The traditional practice of gift-giving known as Ampikale' is still deeply rooted in Bugis society, especially in Sibulue District, Bone Regency. This tradition is a socio-cultural mechanism in the form of giving or transferring wealth from parents to children who are considered to have been most instrumental in caring for and accompanying them until the end of their lives.¹⁸ The values contained in this tradition are not only material, but also symbolic, namely as a form of moral appreciation, gratitude, and social recognition for children's devotion to their parents.¹⁹ Therefore, Ampikale' is not merely an economic practice, but an integral part of the Bugis cultural value system that places kinship, loyalty, and the principle of siri' na pacce (honor and social empathy) as its main foundations.²⁰ In reality, this gift is generally not given through formal legal procedures, but rather verbally, witnessed by the immediate family, and confirmed through family deliberation.²¹ The absence of official documents is considered valid by the community because it relies on social legitimacy based on trust. However, this non-formal aspect creates potential vulnerabilities, especially when linked to Islamic inheritance law principles that emphasize fairness in the distribution of assets.²²

The types of assets used as objects in Ampikale' reflect the character of an agrarian society. Land, rice fields, gardens, and houses are the primary choices because they have high economic value, long-term utility, and are symbols of the continuation of the lineage. Giving land or a house to a dutiful child is understood as the highest reward and a guarantee of the family's economic sustainability.²³ In addition,

¹⁸ Tarmizi, "Inheritance System of Bugis Community in District Tellu Siattinge Bone, South Sulawesi (Perspective of Islamic Law)." <https://doi.org/10.22373/sjkh.v4i1.6784>

¹⁹ Baitur Rohman et al., "The Tradition of Hibah Andum Berkat as a Substitute for Inheritance: A Perspective of Justice and the Interconnectedness of Maslahah (A Case Study of the Mojojoto Community, Kediri, East Java)," *Hikmatuna: Journal for Integrative Islamic Studies* 11, no. 1 (2025): 65-77, <https://doi.org/10.28918/hikmatuna.v11i1.10208>

²⁰ Andi Sukmawati Assaad et al., "Gender Equity in Inheritance System: The Collaboration of Islamic and Bugis Luwu Customary Law," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (2022): 458-79, <https://doi.org/10.19105/al-lhkam.v17i2.6761>

²¹ Mohammad Takdir et al., "The Takharrūj Method as an Islamic Legal Solution for Customary Inheritance Practices among Muslim Communities in Pakamban Laok, Sumenep, Indonesia," *Journal of Islamic Law (JIL)* 4, no. 1 (2023): 104-22, <https://doi.org/10.24260/jil.v4i1.1044>

²² Naskur Bilalu et al., "Reevaluating Inheritance Distribution in Indonesia: The Role of Hibah as a Preventive Measure," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025): 378-406, <https://doi.org/10.29240/jhi.v10i1.12530>

²³ Filbert Cristo Wattilete, Barzah Latupono, and Novita Uktolseyaya, "Aspek Yuridis Peralihan Hak Atas Tanah Melalui Proses Hibah," *TATOHI: Jurnal Ilmu Hukum* 2, no. 6 (2022): 583-603, <https://doi.org/10.47268/tatohi.v2i6.1122>

movable assets such as gold and cash are also often given in certain situations, especially when parents do not have sufficient fixed assets.²⁴ The selection of asset types is flexible and adjusted to the socioeconomic conditions of the giver and the situation of the recipient child. For example, if the recipient lives far from their hometown, cash or gold is considered more practical than land.²⁵ This flexibility demonstrates the ability of the *Ampi Kale*' tradition to adapt to practical needs without neglecting its symbolic value.²⁶

The grant is usually made towards the end of the donor's life, typically when the parent is frail or suffering from a prolonged illness. This is driven by the desire to avoid conflict after death, as well as a form of preparation for the end of life.²⁷ However, the practice of giving gifts before death poses a legal dilemma. In Islamic jurisprudence, gifts made in a state of *maradh al-maut* (illness approaching death) are very similar to wills, which have stricter rules, such as not exceeding one-third of the estate and not being given to heirs without the consent of other heirs.²⁸ Thus, although the community accepts *Ampi Kale*' as a gift according to custom, from an Islamic legal perspective, its validity is often questioned if it does not meet the requirements of actual transfer (*qabd*) and fairness between children. This situation reveals the tension between customary legitimacy and Sharia norms, making this tradition prone to causing conflicts between heirs.

The criteria for selecting *Ampi Kale*' recipients also reflect distinctive moral and social values. Recipients are generally not chosen based on their status as the eldest or youngest child, but rather on their willingness and dedication to caring for their parents.²⁹ Children who live at home, help with housework or farm work, and give intensive attention to their parents are considered more deserving of grants than siblings who are less involved. This consideration highlights the ethical dimension of the *Ampi Kale*' tradition, in which the giving of wealth serves as a symbol of appreciation and recognition for real contributions, not merely the distribution of assets. This narrative is in line with the *siri' na pacce* ethos of the Bugis people, which places loyalty and empathy at the foundation of family relationships. However, from a *fiqh* perspective, giving to only one child risks causing jealousy if it is not done transparently. The hadith of the Prophet emphasizes the importance of being fair to all children in the distribution of wealth, so scholars emphasize that such gifts should be carried out with caution, openness, and reasons that are socially and sharia acceptable.³⁰

²⁴ Nurul Wakia, "Mappammana Tradition of Buginese Community in Bone: A Legal Review of Islamic Inheritance," *Al-Bayyinah* 4, no. 2 (2020), <https://doi.org/10.35673/al-bayyinah.v4i2.811>

²⁵ Natalie Bau et al., "Traditional Institutions in Modern Times: Dowries as Pensions When Sons Migrate," *SSRN Electronic Journal*, 2023, <https://doi.org/10.2139/ssrn.4433855>

²⁶ Rahmat Hidayat, Akh Fauzi Aseri, and M. Hanafiah, "Legalization of Informal Hibah and Wasiat through Isbat Hibah and Wasiat in Religious Courts," *Mazahib Jurnal Pemikiran Hukum Islam* 22, no. 1 (2023): 89-128, <https://doi.org/10.21093/mj.v22i1.5152>

²⁷ Sukiati, Muhammad Hidayat, and Muhamad Hasan Sebyar, "Analyzing the Practice of Hibah in Lieu of Inheritance among the Indonesian Muslim Community," *Al-Ulum* 23, no. 1 (2023): 132-52, <https://doi.org/10.30603/au.v23i1.3440>

²⁸ R M Yusoff et al., "A Preliminary Study on the Role of Will and Obligatory Will in Property and Estate Management Based on Islamic LawTY - JOUR TI - Analysing the Practice of Hibah in Lieu of Inheritance among the Indonesian Muslim Community AU - Sukiati AU - Muhammad Hidayat," *International Journal of Research and Scientific Innovation* 12, no. 1 (2025): 112-18, <https://doi.org/10.51244/ijrsi.2025.12010010>

²⁹ Sukiati, Hidayat, and Hasan Sebyar, "Analyzing the Practice of Hibah in Lieu of Inheritance among the Indonesian Muslim Community." <https://doi.org/10.30603/au.v23i1.3440>

³⁰ Muhamad Wahyudin and Guntur Gusti Nugraha, "Islamic Law Analysis of the Equal Distribution of Male and Female Children's Inheritance in Kadubeureum," *Formosa Journal of Sustainable Research* 4, no. 6 (2025): 1019-38, <https://doi.org/10.55927/fjsr.v4i6.376>

The Sibulue community is aware of the potential for conflict that may arise from the practice of *Ampi Kale'*. Therefore, although the gift is generally given verbally, the involvement of the extended family through small meetings (*tudang sipulung*) is often sought to reduce misunderstandings. In this forum, parents convey their intentions in front of their children and closest relatives, so that the gift gains social legitimacy even without formal documents. This kind of transparency is considered important so that all parties understand the reasons for the selection of recipients, thereby reducing prejudice or jealousy. However, when the deliberation process is not carried out or information about the gift is not conveyed openly, the potential for conflict is very high, especially after the parents pass away. In such situations, the *Ampi Kale* tradition, which was originally intended to maintain harmony, has the potential to become a source of conflict within families.

In recent social developments, there has been a shift in perception between generations. The older generation still views *Ampi Kale'* as a noble practice that reflects Bugis moral values and customs, so they emphasize sincerity and devotion over formal justice.³¹ Conversely, younger generations who are more educated and open to formal legal values tend to criticize this practice, especially when it is not done openly and documented. They demand mathematical justice and legality, so that the rights of all heirs are protected.³² This phenomenon demonstrates a cultural transition from an oral customary system to a modern legal approach based on transparency and legal certainty.³³ Thus, *Ampi Kale'* is currently at a crossroads between preserving tradition and the need for reformulation in line with developments in public legal awareness.

From an Islamic legal perspective, the *Ampi Kale* tradition is acceptable as long as it complies with the principles of a valid gift, namely the existence of *ijab-qabul* (offer and acceptance), actual transfer, voluntariness, and does not cause injustice to the heirs.³⁴ Therefore, to ensure compliance with Islamic law, religious leaders in Sibulue recommend that the granting of gifts be done openly, accompanied by witnesses, and even recorded in writing if necessary. In this way, the tradition can be preserved as part of the local cultural heritage while remaining in accordance with Islamic law.³⁵ This is also in line with the concept of '*urf ṣaḥīḥ* in *ushul fikih*, which recognizes local traditions as a source of law as long as they do not conflict with the principles of *sharia*.³⁶

Thus, the practice of *Ampi Kale'* grants in Sibulue Subdistrict represents a complex interaction between Bugis customs, Islamic values, and modern social dynamics.³⁷ This tradition serves as a tribute to the child's devotion, strengthens family ties, and preserves local cultural values. However, the lack of documentation and the tendency to carry it out shortly before death raise legal issues and the potential for

³¹ Sukiati, Hidayat, and Hasan Sebyar, "Analyzing the Practice of Hibah in Lieu of Inheritance among the Indonesian Muslim Community." <https://doi.org/10.30603/au.v23i1.3440>

³² Inking Your Brain et al., "International Journal of Law Critical Study of Right to Information Act," 2022, 2157-59. <https://doi.org/10.1177/1746197920934242>

³³ Wakia, "Mappammana Tradition of Buginese Community in Bone: A Legal Review of Islamic Inheritance." <https://doi.org/10.35673/al-bayyinah.v4i2.811>

³⁴ Sukiati, Muhammad Hidayat, and Muhamad Hasan Sebyar, "Analysing the Practice of Hibah in Lieu of Inheritance among the Indonesian Muslim Community," *Al-Ulum* 23, no. 1 (2023): 132-52, <https://doi.org/10.30603/au.v23i1.3440>

³⁵ Sukiati, Hidayat, and Hasan Sebyar, "Analyzing the Practice of Hibah in Lieu of Inheritance among the Indonesian Muslim Community." <https://doi.org/10.30603/au.v23i1.3440>

³⁶ Brain et al., "INTERNATIONAL JOURNAL OF LAW Critical Study of Right to Information Act."

³⁷ Wakia, "Mappammana Tradition of Buginese Community in Bone: A Legal Review of Islamic Inheritance." <https://doi.org/10.35673/al-bayyinah.v4i2.811>

conflict between heirs.³⁸ People are now beginning to seek a middle ground through family discussions, the involvement of religious leaders, and simple written records, to ensure fairness while preserving traditions. Therefore, *Ampi Kale'* cannot be viewed solely as a legal practice of gift-giving, but also as a socio-cultural phenomenon that requires an integrative approach to remain relevant in the midst of changing times without losing the noble values that have been passed down from generation to generation.³⁹

The Sibulue Community's View of the *Ampi Kale'* Grant

The views of the Sibulue subdistrict community regarding the practice of *Ampi Kale'* grants reveal a complex interaction between local cultural heritage, Islamic teachings, and ongoing modern social dynamics. The *Ampi Kale'* tradition is viewed by most of the community not only as a mechanism for giving wealth, but also as a moral, social, and spiritual expression that contains the meaning of appreciation for a child's devotion to their parents. For the Bugis people in Sibulue, this tradition represents noble values such as *siri' na pacce* (pride and solidarity), which emphasizes the importance of maintaining family harmony and repaying those who have made sacrifices. Therefore, even though *Ampi Kale'* is often not formalized through written legal instruments, its social and cultural legitimacy remains strong, as it is based on the principles of trust, deliberation, and family consensus.⁴⁰

In general, the Sibulue community gives positive justification for the continuation of *Ampi Kale'*. They consider this practice to be capable of maintaining family relationships and providing social justice from a local cultural perspective. Children who have devoted time, energy, and attention to caring for their parents are considered deserving of rewards in the form of property grants. From the community's perspective, this form of reward does not conflict with the value of justice; rather, it is considered more balanced than formal inheritance distribution, which sometimes ignores the aspect of personal sacrifice. This view stems from the social logic that justice is not merely mathematical, but also moral and situational. Thus, the cultural justice of the Sibulue community places *Ampi Kale'* as an important instrument in harmonizing relations between family members, especially in the moments leading up to the death of a parent.⁴¹

However, on the other hand, there are also critical views, especially among the younger generation and groups of people who have a more formal understanding of religion and law. They believe that the practice of *Ampi Kale'* has the potential to cause injustice, especially if the gift is given unilaterally without transparency or clear documentation. These concerns are based on the potential for conflict after the death of the parents, when other heirs feel aggrieved by the excessive gifts given to one child. Within the framework of Islamic law, gifts are indeed permitted, but on the condition that fairness between children is maintained and the gifts are given while the parents are in good health, not on their deathbed (*maradh al-maut*). Therefore, some members of the community have begun to demand that *Ampi Kale'* not only be carried out based on verbal customs, but also formalized through legally certified records or deeds of gift, so that the rights of all parties are protected.⁴²

³⁸ Sukiati, Hidayat, and Hasan Sebyar, "Analyzing the Practice of Hibah in Lieu of Inheritance among the Indonesian Muslim Community." <https://doi.org/10.30603/au.v23i1.3440>

³⁹ Wakia, "Mappammana Tradition of Buginese Community in Bone: A Legal Review of Islamic Inheritance." <https://doi.org/10.35673/al-bayyinah.v4i2.811>

⁴⁰ A. Akbar, Head of Pakkasalo Village, Interview, in Pakkasalo Village, Sibulue District, July 5, 2025.

⁴¹ Muh. Yahya, Head of Sibulue District, Interview, in Maroanging Village, Sibulue District, June 27, 2025.

⁴² Zaenal Abidin, Secretary of Sibulue District, Interview, in Maroanging Village, Sibulue District, June 27, 2025.

Generational differences in views on *Ampi Kale'* mark a shift in values within Sibulue society. The older generation still views this tradition as a cultural heritage that must be preserved, as it embodies local wisdom and strengthens Bugis identity. They emphasize sincerity and gratitude, and therefore do not consider written legality to be important. In contrast, the younger generation prioritizes legal certainty, transparency, and formally measurable justice. This difference in perspective indicates a cultural transition from a customary value system to a modern legal value system, which in turn requires a synthesis so that both can coexist harmoniously. In this context, the Sibulue community's view of *Ampi Kale'* is not monolithic, but pluralistic and dynamic, depending on each individual's educational background, experience, and religious orientation.⁴³

In addition to generational aspects, public opinion is also influenced by local religious authorities. Religious leaders play an important role in legitimizing or criticizing this practice. Most religious leaders in Sibulue believe that *Ampi Kale'* is acceptable as long as it is carried out in accordance with the principles of fairness, openness, and does not cause harm to other heirs. They emphasize the importance of family deliberation as a means to bridge potential disputes. However, they also remind that if *Ampi Kale'* is carried out before death without clear documentation, then its position tends to fall into the category of a will, which has certain legal restrictions. Thus, religious leaders try to place *Ampi Kale'* within the framework of 'urf *ṣaḥīḥ*, which is a local tradition that is acceptable to Sharia as long as it does not conflict with the basic principles of Islam. The presence of religious authorities in providing such interpretations is very significant because it is able to bridge the conflict between customary norms and religious norms.⁴⁴

Although many people still appreciate the practice of *Ampi Kale'*, awareness of the potential for disputes is also increasing. Several cases of family conflict arising from a lack of clarity or transparency in the granting of gifts have become important lessons for the community. Therefore, there is a new trend in Sibulue to combine tradition with formal legal instruments, for example, by presenting witnesses from religious leaders or village officials when gifts are given, or even by creating simple gift letters. This step is seen as a compromise solution, which on the one hand preserves cultural values, while on the other hand provides legal certainty for all heirs. This transformation shows that the Sibulue community's view of *Ampi Kale'* is not rigid, but rather adaptive to the needs of the times.⁴⁵

The community's view of *Ampi Kale'* also shows a dialectic between distributive justice and commutative justice. On the one hand, they want to give more rewards to children who are devoted (distributive justice based on service). On the other hand, they also recognize the need to maintain equal rights for all children (commutative justice based on equality). It is this dialectic that makes public opinion layered, and often results in variations in practice. In families that strongly uphold traditional values, *Ampi Kale'* is given exclusively to one child. However, in more modern families, the gift is often balanced with a certain distribution to other children, so as not to create a noticeable gap. This kind of variation shows that the views of the Sibulue community fall within a spectrum, ranging from traditionalistic to legalistic, without leaving behind the cultural roots that underlie them.⁴⁶

Thus, it can be concluded that the Sibulue community's view of the *Ampi Kale'* grant reflects rich socio-cultural and religious dynamics. In general, this tradition is viewed positively because it is considered capable of maintaining family harmony, rewarding children's devotion, and preserving local wisdom.

⁴³ Muhammad Akil, Head of Pattiro Bajo Village, Interviewed in Pattiro Bajo Village, Sibulue District, July 2, 2025.

⁴⁴ Marwati, Retired Teacher. Interviewed in Tadang Palie Village, Sibulue District, June 24, 2025.

⁴⁵ Muallim, A. Civil Servant. Interviewed in Tadang Palie Village, Sibulue District, June 24, 2025.

⁴⁶ Rabiati, Sitti. Secretary to the Village Head. Interviewed in Maroanging Village, Sibulue District, June 27, 2025.

However, awareness of the potential for conflict and incompatibility with formal Islamic law has also led to critical views that emphasize the need for openness, fairness, and official registration. This plurality of views shows that *Ampi Kale* is not only a traditional phenomenon, but also an arena where cultural values, religious norms, and the demands of modernity meet. Therefore, this tradition requires careful management so that it remains relevant, does not cause conflict, and can run in line with the principles of Sharia justice and the needs of contemporary society. All of these views confirm that the Sibulue community is in the process of finding a middle ground between traditional heritage and the demands of modernity, so that *Ampi Kale* continues to play an important role in preserving cultural identity while adapting to a broader legal and religious framework.⁴⁷

The Islamic Inheritance Law Perspective on *Ampi Kale* Gifts in Sibulue Subdistrict

The Islamic inheritance law perspective on the practice of *Ampi Kale* gifts in Sibulue District reveals a complex dialectic between Sharia norms, local traditions, and the social reality of the Bugis community. In Islamic law, a gift is a form of voluntary giving by one person to another while still alive, provided that there is a clear *ijab-qabul* (offer and acceptance), actual delivery (*qabd*), and that it does not conflict with the principle of justice.⁴⁸ A grant is different from an inheritance, which only takes effect after the testator's death, or from a will, which has a maximum restriction of one-third of the estate.⁴⁹ However, in the practice of *Ampi Kale*, grants are often given before death or in conditions of *maradh al-maut*, so that their position in *fiqh* often approaches the category of wills. This has legal implications, as Sharia law imposes strict restrictions on wills, particularly when they involve inheritance. Thus, one of the main criticisms from an Islamic legal perspective is that *Ampi Kale* risks deviating from the principle of fair inheritance distribution if it is not carried out with proper procedures. Normatively, the Qur'an in QS. al-Nisā'/4: 11-12, which reads:⁵⁰

This principle affirms that the distribution of inheritance has been determined in detail and is *qat'ī* (definitive) by Sharia law, by establishing specific shares for children, parents, and spouses, so that it is not left entirely to human discretion.⁵¹ This provision shows that Sharia law views inheritance justice as a normative right of heirs that must be protected, while also limiting the scope of intervention by the testator through a will. In Islamic jurisprudence, a will is limited to a maximum of one-third of the estate and cannot be given to heirs except with the consent of all other heirs, as a form of protection for the principle of justice and prevention of injustice.⁵² In this context, the practice of *Ampi Kale*, which resembles the giving of wealth before death, has the potential to contradict the spirit of QS. al-Nisā'/4: 11-12 if it is carried out without a mechanism for approval and legal clarity. Sharia places distributive justice as the main objective of inheritance law, not merely considerations of service or emotional closeness. Therefore, criticism from an Islamic legal

⁴⁷ Yahya, Muh. Headman of Sibulue District. Interviewed in Maroanging Village, Sibulue District, June 27, 2025.

⁴⁸ Sukiati, Hidayat, and Hasan Sebyar, "Analyzing the Practice of Hibah instead of Inheritance among the Indonesian Muslim Community." <https://doi.org/10.30603/au.v23i1.3440>

⁴⁹ Wakia, "Mappammana Tradition of Buginese Community in Bone: A Legal Review of Islamic Inheritance." <https://doi.org/10.35673/al-bayyinah.v4i2.811>

⁵⁰ Ministry of Religion of the Republic of Indonesia, *Al-Qur'an and its Translation* (Jakarta: Ministry of Religion of the Republic of Indonesia, 2002)

⁵¹ Sarifa Suhra, Abdul Kallang, and Misdah, "Reinterpretation of Women's Inheritance Rights in Islam: A Study Qs. Al-Nisā'/4: 11," *Al-Ulum* 23, no. 2 (2023), <https://doi.org/10.30603/au.v23i2.4239>

⁵² Oemar Moechthar, Agus Sekarmadji, and Ave Maria Frisa Katherina, "A Juridical Study of Granting Wills to Heirs in the Perspective of Islamic Inheritance Law," *Yuridika* 37, no. 3 (2022): 739-58, <https://doi.org/10.20473/ydk.v37i3.41161>

perspective emphasizes that *Ampi Kale'* risks deviating from the principle of fair inheritance distribution if practiced without a valid, transparent, and non-detrimental gift procedure. Thus, the integration of custom and Sharia requires compliance with the normative boundaries outlined in the Qur'an.

Affirming the proportional distribution of inheritance among heirs with a certain ratio that cannot be changed by the unilateral will of the heir. This principle is intended to ensure universal justice and avoid family disputes. Meanwhile, the hadith of the Prophet SAW emphasizes the prohibition for parents to give unfair gifts to their children, as well as the command to distribute gifts equally. In this context, the practice of *Ampi Kale'*, which only gives property to one child on the grounds of service, although morally valuable, has the potential to violate the principle of equality in gifts. However, some scholars allow for tolerance if the gift is made openly, agreed upon by all heirs, and based on clear considerations of benefit, such as recognition of the services of a child who cares for their parents.⁵³ Thus, Islamic law's position on *Ampi Kale'* is ambivalent: on the one hand, it recognizes this tradition as part of 'urf ṣaḥīḥ, but on the other hand, it warns that it should not violate the established principles of inheritance justice.⁵⁴

The fiqh perspective on inheritance also highlights the aspect of timing and the mechanism for executing gifts in the *Ampi Kale'* tradition. Legally, gifts must be made in good health and through actual transfer.⁵⁵ However, the people of Sibulue generally perform *Ampi Kale'* before the death of their parents, so it is often considered valid by custom but weak in terms of Sharia law.⁵⁶ If the grant is made in a state of *maradh al-maut* without the permission of the heirs, it is considered a concealed will that is only valid if it does not exceed one-third of the estate and is not intended for the heirs except with their consent.⁵⁷ This view highlights the importance of reconciliation between tradition and Islamic law, so that the implementation of grants is not only valid according to custom, but also has the legitimacy of Sharia law that protects all parties.

On the other hand, Islamic law also emphasizes the principle of *maslahat* (*maslahah mursalah*) in assessing a tradition.⁵⁸ Within the framework of *maqāshid al-syarī'ah*, gifts do not merely serve as a transfer of ownership, but also as an effort to maintain family harmony, protect property from conflict, and reward those who have rendered meritorious service.⁵⁹ Thus, *Ampi Kale'* can be viewed as a tradition that has a basis of benefit, as long as it does not sacrifice the rights of other heirs. Religious leaders in Sibulue generally emphasize that *Ampi Kale'* should not cause injustice, by encouraging openness, family deliberation, and the involvement of witnesses or village officials in its implementation.⁶⁰ This effort reflects the adaptation

⁵³ Tarmizi and Asni Zubair, "Toleransi Hukum Islam Terhadap Sistem Kewarisan Adat Di Indonesia," *ADHKL: Journal of Islamic Family Law* 4, no. 2 (2022): 131–47, <https://doi.org/10.37876/adhki.v4i2.98>

⁵⁴ H Heriana, "Pembagian Harta Warisan Ampikale Dalam Konsep Maslahah Pada Masyarakat Bugis Bone," *Sangaji: Jurnal Pemikiran Syariah Dan Hukum* 9, no. 1 (2025): 51–63, <https://doi.org/10.52266/sangaji.v9i1.4421>

⁵⁵ Rifqi Muttaqin, "Pengaturan Hibah dan Wasiat dalam Hukum Islam," *At-Tabayyuan: Journal Islamic Studies* 3, no. 1 (2021): 66–81, <https://doi.org/10.47766/atjis.v3i1.1749>

⁵⁶ A Hidayatulloh and M Nuruddien, "Hibah Mua'llaqah Untuk Menghindari Sengketa Waris Perspektif Fath Adz-Dzariah," *Sakina: Journal of Family Studies* 7, no. 4 (2023): 464–74, <https://doi.org/10.18860/jfs.v7i4.3732>

⁵⁷ Muttaqin, "Pengaturan Hibah dan Wasiat dalam Hukum Islam." <https://doi.org/10.47766/atjis.v3i1.1749>

⁵⁸ Waheeda bt Abdul Rahman, Abdul Aziz, and Ghufuron Maksun, "Legal Reasoning of Distribution of Property by Grant Vis a Vis Inheritance Perspective Maslahah Mursalah," *Al Ashriyyah* 10, no. 1 (2024): 1–16, <https://doi.org/10.53038/alashriyyah.v10i1.185>

⁵⁹ Sulaiman, "Review of Maqāshid Al Syarī'ah Regarding Grants Counted as Inheritance in Article 211 of the Compilation of Islamic Law." <https://doi.org/10.54621/jjaf.v13i2.884>

⁶⁰ Ahmad Jayadi, "Prospek Legislasi Hukum Kewarisan, Hibah Dan Wasiat," *Constitutional Law Review* 2, no. 1 (2023): 24–44, <https://doi.org/10.30863/clr.v2i1.5176>

of local traditions to Islamic law principles, which ultimately aims to avoid potential conflicts after the death of the heir.

Meanwhile, from the perspective of positive law in Indonesia, gifts have their own rules in the Compilation of Islamic Law (KHI), namely Articles 210–214, which stipulate that gifts are only valid if they are made when the giver is in good health, given to a person who actually exists, and may not exceed one-third of the assets unless approved by the heirs. This provision further strengthens criticism of the practice of *Ampi Kale*, which is carried out shortly before death, without documentation, and is only given to one child. Thus, both Indonesian positive law and Islamic law require that gifts be carried out fairly, transparently, and legally, even though the Sibulue indigenous community places greater emphasis on verbal legitimacy and family deliberation as the basis for validity.⁶¹

The position of the *Ampi Kale* grant is also interesting when analyzed through the concept of 'urf in ushul fikih. Local traditions can be used as a legal basis as long as they do not conflict with the *nash syar'i*. In this case, *Ampi Kale* is included in 'urf 'āmali (practical customs) that have been recognized and accepted by the wider community. As long as its implementation does not violate Sharia principles, this tradition can be accepted as part of the Islamic legal system. However, if the gift causes injustice or harms other heirs, then it falls into the category of 'urf fāsīd, which cannot be used as a legal basis. Thus, Islamic law allows for adaptation, but still requires clear boundaries so that traditions do not violate *maqāṣid al-syarī'ah*, namely protecting property, protecting offspring, and maintaining family harmony.⁶²

In practice, tensions between Islamic law and *Ampi Kale* traditions are often managed through family discussions, the involvement of religious leaders, and social compromise.⁶³ For example, parents who wish to give a gift to a child who is a nurse will announce it in front of the entire extended family, so that all children understand the reason for the gift. In some cases, the recipient of the gift is even willing to share part of the property with their siblings after the parents pass away, to maintain family harmony. This kind of compromise mechanism demonstrates the flexibility of Bugis society in maintaining a balance between custom and sharia law, while also strengthening the social function of gifts as an instrument for maintaining family harmony.

Thus, the Islamic inheritance law perspective on *Ampi Kale* gift can be summarized in three main points. First, normatively speaking, this gift practice still leaves legal problems because it is often carried out shortly before death, without documentation, and only to one child. Second, from the perspective of *maqāṣid al-syarī'ah*, *Ampi Kale* still has positive value because it contains *maslahat*, moral appreciation, and a social function in maintaining family harmony.⁶⁴ Third, from the perspective of 'urf, this tradition is acceptable as long as it is in line with the principles of Islamic justice, transparency and does not harm other heirs. Therefore, it is necessary to reconstruct the implementation of *Ampi Kale* by emphasizing the aspects of openness, legal documentation, and family consent, so that this tradition remains sustainable and valid within the framework of Islamic law and Indonesian positive law.

⁶¹ Abdul Rahman, Aziz, and Maksum, "Legal Reasoning of Distribution of Property by Grant Vis a Vis Inheritance Perspective Maslahah Mursalah." <https://doi.org/10.53038/alashriyyah.v10i1.185>

⁶² Abd. Kadir Ahmad et al., "Bunting Lolo: The Dialectics of State, Islamic Law, and Culture in Marriage Practice among Island Communities in South Sulawesi," *Al-Ihkam: Jurnal Hukum & Pranata Sosial* 18, no. 2 (2023): 443–66, <https://doi.org/10.19105/al-ihkam.v18i2.10399>

⁶³ Abdul Rahman, Aziz, and Maksum, "Legal Reasoning of Distribution of Property by Grant Vis a Vis Inheritance Perspective Maslahah Mursalah." <https://doi.org/10.53038/alashriyyah.v10i1.185>

⁶⁴ Abdul Mutakabbir, Hastuti Hastuti, and Mikdar Rusdi, "The System of Inheritance Distribution in South Sulawesi," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 1 (2023): 57–76, <https://doi.org/10.18326/ijtihad.v23i1.57-76>

This overall analysis shows that the *Ampi Kale'* grant is not only relevant as a customary phenomenon, but also important as material for interdisciplinary study between Islamic law, positive law, and legal anthropology. The Islamic inheritance law perspective provides a normative and ethical framework that can strengthen traditional values while correcting potential deviations that cause conflict. With an integrative approach, *Ampi Kale'* can be reconstructed as a legitimate, fair, and beneficial cultural practice, thereby serving as a bridge between Bugis customary heritage and the more universal principles of Islamic law.

Conclusion

The practice of granting *Ampi Kale'* in Sibulue District generally takes place informally and is based on family trust. The grants are made verbally without official legal documentation, often shortly before the death of the parents, and are intended for the child who is considered to have contributed the most, particularly in caring for the parents in their old age. The objects of the grants are predominantly immovable assets such as land and houses, although in some cases they also include movable assets such as gold or money. The granting process takes place within the immediate family without the involvement of a notary or authorized official. Sociologically, the community views this practice as a form of appreciation and reward that has high moral value. However, findings show a shift in views between generations, where the younger generation is beginning to demand openness, fairness, and deliberation as the basis for the distribution of assets, while the older generation tends to maintain customary legitimacy and family loyalty.

From the perspective of Islamic inheritance law, the practice of *Ampi Kale'* gifts made without direct transfer (*qabdh*), given before death, and only to one child without the consent or knowledge of other heirs, does not meet the requirements for a valid gift. Islam emphasizes the principles of justice, clarity of contract through *ijab qabul*, and the prohibition of harming the rights of heirs. Under these circumstances, the gift has the potential to be classified as a will, the validity of which is limited to a maximum of one-third of the total estate. Therefore, normatively, the practice of *Ampi Kale'* needs to be adjusted to be in line with the principles of Sharia, including through family deliberation, clarity of the giver's intentions, legal documentation, and the enforcement of the principles of justice and the willingness of all interested parties.

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