

THE DISTRIBUTING SYSTEM OF SEA RECLAMATION AS AN INHERITANCE IN PULAU BUNGIN VILLAGE ACCORDING TO ISLAMIC PERSPECTIVE

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ABSTRAK

Tujuan dari penelitian ini ialah mengetahui sistem pembagian tanah reklamasi sebagai warisan di Desa Pulau Bugin, Nusa Tenggara Barat berdasarkan perspektif hukum Islam. Penelitian ini menggunakan pendekatan kualitatif. Adapun proses pengumpulan data yaitu melalui tahapan observasi, wawancara, dan dokumentasi yang disajikan melalui analisis induksi dengan tahapan proses yakni reduksi, penyajian, dan menarik kesimpulan. Hasil penelitian ini menunjukkan bahwa proses awal diawali dengan suatu keluarga yang bebas mengklaim wilayah laut disekitar rumah untuk menjadi lahan milik pribadi. Sehingga saat mereka meninggal dunia akan diwariskan kepada anak keturunan mereka. Selanjutnya diberikan penanda atau pancang sebagai bukti bahwa lahan tersebut sudah ada yang memiliki. Tahap terakhir yaitu melaporkan ke pemerintah desa terkait hal tersebut. Berdasarkan perspektif hukum Islam, kegiatan reklamasi di Pulau Bungin ini lebih mengutamakan kemaslahatan atau kemanfaatan bagi masyarakat. Hal tersebut dibenarkan dalam Islam. Terkait bukti kepemilikan lahan juga tentu sudah dimiliki oleh masyarakat mengacu pada surat keterangan yang dikeluarkan oleh pihak Pemerintah Desa. Hal ini sesuai dengan konsep *tirkah* yang mensyaratkan bahwa harta warisan tersebut adalah benar-benar milik pewaris.

Kata kunci: Reklamasi, Warisan, Pulau Bungin, hukum Islam

ABSTRACT

The purpose of this research is to examine the division system of sea reclamation as an inheritance in Pulau Bungin Village, West Nusa Tenggara, from the standpoint of Islamic law. The qualitative research method was used in this study. The observation, interview, and documentation provided in the form of induction analysis through reduction, discussion, and conclusion are data collection methods. It starts with a family who is free to claim the sea area around the house as their property, which will then be passed on to the testator's heirs after the testator's death. Following the claim, a marker or stake is placed as evidence that someone already owns the area. The next step is to legitimise the related-vil.

Keywords: Reclamation, Inheritance, Pulau Bungin, Islamic Law

Introduction

Islam has a significant impact on social behaviour. The function of law is to control the social. In essence, the law's social engineering function mobilises all communication in terms of God, humans, and nature. Marriage, inheritance, and waqf are examples of Islamic law concepts.

In Sharia, the concept of inheritance is explained with the goal of enforcing justice for both humans in general and Muslim communities in particular. Every Muslim is obligated to follow the rules of Islamic law as highlighted in the *nash*.¹

Islamic law has provided the rules for inheritance that are fair and certain (*qath'i dalalah*).² Additionally, Sharia also provides for various types of property rights for both men and women, such as transferring the testator's property to the heir.³ As a result, the law of inheritance is primarily directed at all Muslims. The basic principle of inheritance only applies to inherited property (wealth) or other valuable items to the heirs.⁴

In Indonesia, mawaris law is defined as a process of resolving legal relationships that arise in society, resulting in the emergence of complex problems due to the death of the testator. According to history, the concept of inheritance is still primarily based on common law, which contradicts Islamic perspectives.⁵

The process of distributing the inheritance from the testator to the alive heirs must be clear in terms of the property left behind.⁶ As a result, it is deemed necessary to look into the critical issue of inheritance-based-local custom within the community.

People in Pulau Bungin village, West Nusa Tenggara, are free to claim the sea and use it as land for construction. Residents must use corals to reclaim the ocean as residential land. Furthermore, anyone getting married on Pulau Bungin Village, Sumbawa, is required to make land by dredging sand and dead coral into the sea. Then construct a stilt house in the style of the Bajo tribe. There is no restriction on the size of the house that can be built, depending on the ability to collect the materials used. As a result, this island will have no coastline. It is due to the fact that all of the land on Pulau

¹Komis Simanjuntak, dan Surahwardi K. Lubis, *Hukum Waris Islam*, (Jakarta: Sinar Grafika, 2004), p. 3.

²Muhammad Ali as-Shabuni, *Hukum Waris Dalam Syari'at Islam*, (Bandung: Diponegoro, 1995), p. 39.

³Sajuti Thalib, *Hukum Kewarisan Islam Indonesia*, (Jakarta: Sinar Grafika, 2010), p. 1

⁴Effendi Perangin, *Hukum Waris*, (Jakarta: Raja Grafindo Persada, 2010).

⁵Habiburrahman, *Rekonstruksi Hukum Kewarisan Islam di Indonesia*, (Jakarta: Kencana, 2011), p. 1.

⁶Beni Ahmad Saebani, *Fiqh Mawaris*, (Bandung: Pustaka Setia, 2009), p. 16.

Bungin is already occupied by houses. This occasionally sparks various polemics, but for the people who live there. This is a common occurrence. This is because the people have traditionally followed local customs because they have not been contaminated by other complex laws such as illegal sea reclamation.

Tirkah is a bequest from the testator in the form of property and material rights.⁷ Furthermore, *Tirkah* is the testator's inheritance before he dies, which could be a debt or the right to own property. For example, a business's rights, the right to compensation, and a criminal's *qisas*. In addition to *tirkah*, there is the term “inheritance,” which refers to the act of leaving a statement of personal property after a debt has been paid off by the testator.⁸

Assets intended for inheritance must be free of the rights of others. It is forbidden for them to take or share as they please.⁹ While the events in Pulau Bungin occurred on land that had no legal proof of ownership. Consequently, it is clear that anyone who builds a house in a predetermined location, whether testator or intended heirs, must belong to the government. As a result, no one is permitted to control over the land.

Based on the above explanation, it is interesting and part of the motivation of researchers to investigate the distribution of inheritance to traditional communities on Bungin Island under the title: *The Distributing System of Sea Reclamation as an Inheritance in Pulau Bungin Village According to Islamic Perspective*.

The researcher employs a qualitative research method based on a natural paradigm. The researcher attempts to thoroughly describe social facts without using manipulative techniques, so that the level of authenticity in research is a highly prioritised factor. The method used is a case study approach, which means that researchers observe symptoms and an event that occurs in the field. The reason for this is that the factors chosen in this study are related to phenomena or cases involving several individuals who are part of a group, and this is also related to the system of distributing sea reclamation as an inheritance in a village of Pulau Bungin, West Nusa Tenggara, based on the standpoint of Islamic law.

The Development of Settlement Growth

Bungin Island is a coral island that was created by humans. Initially, the island was only known as Gusung, which means "the seabed that appears when the seawater

⁷ Mustofa Hasan, *Pengantar Hukum Keluarga*, (Bandung: Pustaka Setia, 2011), p. 289.

⁸ Hasan, *op.cit.* p. 289.

⁹ *Ibid.*

recedes" in Bajo. Gusung is a muddy white sand beach that is overgrown with mangrove trees that are scattered at a safe distance. The population is small, and the trees are smaller in size than the vast majority of mangrove trees found elsewhere.

Initially, Bajo fishermen from Nange' and Bajorai, which were located close together about 1 km west of the Alas Harbour pier, used the Gusung to dry their fishing nets. They were the ones who later settled in the Gusung.¹⁰

The Bajo tribe constructed the settlement in the areas known as Nange' and Bajorai. In comparison to the economic situation of the Sumbawa people on the mainland. Their financial situation was much better. As a result, it provided numerous opportunities for robbers to make them the target of crime. Beginning with the residents of Taliwang, Seteluk, Jereweh, and Alas, they came to steal and rob their property. They finally decided to find a safer area because the conditions felt unsafe and disrupted the peace. As a result, it was decided to live on the hill. Bubungin is a term that refers to a white dune in the middle of the sea. The mosque building now stands in the centre of this white dune.

According to the head of Pulau Bungin village, the first person has dwelled this island was a Sulawesinhese named Mbo Salino. Mbo is the Bajo word for grandfather. In 1805 AD, he arrived with his relatives from Sulawesi, where he worked as a fisherman. However, Mahyun's name appears in a number of other references. Mahyun and her two daughters from Selayar shared their grievances and incidents that frequently occurred to them as fellow tribesmen sharing the same fate in the foreign land. Finally, Mahyun agreed to their request to live on the *Bubungin*.

Furthermore, Mr. Muchsin, the current Head of Pulau Bungin Village, stated that Mbo Salino possesses supernatural abilities. This is demonstrated by his bravery in sailing in a prohibited area. It is said that if someone sails there, only a few will be able to return alive. Robbers and pirates are always on the lookout for prey in the area.

But the storey was dissimilar to Mbo Salino; he was able to escape and succeed in their pursuit. This lasted a long time. Finally, the surrounding community and kingdom saw him as a thief who agreed to cooperate with the robbers. Mbo Salino was brought to the kingdom, where he was imprisoned and tortured until he admitted his guilt. However, due to his supernatural abilities, he did not die as a result of the torture. He eventually agreed to be slaughtered by the kingdom. If his blood turns out to be white, he will be free of the charges against him. Finally, his request was granted by the government. They

¹⁰Concised from the research results of the Ministry of Education and Culture of the NTB Province Regional Cultural Inventory and Documentation Project

did the same thing, and what happened later was true: the blood pouring from his body was white. The government felt guilty of this crime. A noble-hearted figure's departure must also be tolerated. His final resting place is now in Ai Awak, Bukit Tinggi. However, it is explained in another reference that Mahyun, as the first person to live in Bungin, did not suffer the same tragic fate as Mbo Salino, despite having a magical storey. With this power, he was able to ravage and repel pirates who had been terrorising the waters around Alas Bay for many years.¹¹

The uniqueness of the Pulau Bungin settlements is that the distribution of houses is almost evenly distributed throughout the Bungin island settlements. The houses in Pulau Bungin village are close together with no yard boundaries. All remaining land becomes common property and is used for social purposes. The land around the house is very easy to claim as hereditary land.

The community constructs the house in mutual cooperation. When a house is being built, the term *Mara* is used, which refers to the announcement of information by mothers to their neighbours. Furthermore, the term *Ngalingan* is known, which is an announcement to young people and gentlemen.

The first stage in the construction of a house is *Nindra*, the new home owner planing the construction of the house and preparing all of the materials and tools needed. The second is *Maris*, which is the simulation process. The third is *Nangun*, which refers to cooperation activities that have begun. It is collecting stones at the very bottom in terms of the material that is usually used in building houses for the Bungin community. Then place a pile of dead rocks on top of that. The following material is a variety of plastic waste, and the final material is sand or soil.¹²

As time passes, the amount of inactive coral on Bungin Island decreases, requiring Bungin Island villagers to consider replacing inactive coral material with soil. This is also a first for the residents of Bungin Island. The mountains surrounding the village were then dredged for reclamation material. The land was then sold for Rp. 120,000/ 1 truck for a house close to the mountain because it takes little time to get there. Due to a longer distance is required, a price of Rp. 150.000,00/a truck is set for a house near the pier. On average, 90 trucks are required to build a house in area. Hence the average requirement was 12-13 million for a house. The greater the protrusion into the sea where the house will be built, the more land supply is required. Uruk (landslide) soil

¹¹ Interviewed with Muchsin, the Head of Pulau Bungin village, at 12 July 2018.

¹² Interviewed with the head of village consultative institution (BPD), Sukiman at 24 July 2018.

is classified into three types: premium uruk land, regular uruk soil, and heaped uruk soil. After that, high-quality soil is used as reclamation material.¹³

It is a different case with coral reef materials; it takes a long time to collect them; it takes about a month to collect three coral reef boats, and the price is around Rp. 60.000,-/boat. It also took a year to complete and occupy the house. However, many people continue to believe in this material. Mr. Majiu, for example, must remain on the rock's ledge. He couldn't dredge the mountain because he lacked the necessary strength. It's because he's an elderly person. The tools employed are not as complex as soil scrapers. He was armed with a crowbar large enough to pick up the coral. Concerning the land ownership document that will be the next residence, the village government can issue a certificate of ownership to the residents concerned.¹⁴

Mr. Tison Sahabudin, the Head of Karang Taruna Pulau Bungin village, expressed his deep concern for the survival of life in Pulau Bungin Village as a result inactive coral, which has become one of the livelihoods and is one of the main media for dredging the sea. The implication is that people are forced to exploit and destroy active coral as marine fish habitats. Consequently, he agreed to a breakthrough, and people began to shift to land, no longer expecting total rock coverage. Concerns similar to those expressed above have been expressed by the village head of Pulau Bungin. "This Bungin will sink after a while," he predicted. Tison Sahabudin further said that Pulau Bungin Village has a lot of potentials, including the tourism sector. Tourism cannot be separated from the underwater beauty and the uniqueness of the Bungin Island village itself. The next step in promoting tourism is environmental empowerment by local communities. If the active corals are cleared, it will be very counter-productive to the tourism potential that the village government wants to highlight. Because there will be an Earth Day celebration in Pulau Bungin Village, which will be attended by representatives from eight embassies. As a consequence, numerous things will need to be maintained and preserved in order to keep the village's existence and beauty.¹⁵

Sea Reclamation Distribution System as a Heritage in the village of Bungin Island, West Nusa Tenggara

This system of distributing sea reclamation as inheritance in Pulau Bungin Village, West Nusa Tenggara, has been ingrained in the Pulau Bungin community's habits since its initial conception. The community of Pulau Bungin Village is a

¹³ Interviewed with Pak Zulkarnaen, soil collector at 24 July 2018.

¹⁴ Interviewed with Pak Majiu, reef collector at 24 July 2018.

¹⁵ Interviewed with the head of Youth Organization, Tison Sahabudin at 20 July 2018.

harmonious society. This is exemplified by the deeply ingrained culture of *gotong royong*, which is still embraced and practised today.

The researcher will present the system of distributing sea reclamation as an inheritance in Pulau Bungin Village, West Nusa Tenggara, in terms of the recognition procedure, the hoarding procedure, and the certificate registration procedure, in the following views:

1. Observation based on the procedure for recognition

Regarding the issue of sea reclamation inheritance, which occurs frequently in Pulau Bungin Village, all elements justify this happening. Every citizen has the right to reclaim the sea as private property. According to the procedure, the parents (testator) may claim the sea around their home for their generation. Even a child as young as a toddler has been prepared by the sea for burial when he grows up. As a result, residents from other kinships who want to build houses bury the sea, which is now farther and deeper. It is because another family has claimed the sea, which is closer to the previous settlement. However, due to the lack of regulations to accommodate these activities, internal tensions frequently occur within the Pulau Bungin village community. Nevertheless, the conflicts that occurred only reached the hamlet level, not to the legal realm. High harmonization at the end that causes their internal problems can be easily resolved.

In this regard, the government must take preventive measures to overcome the activity which has been instructed regarding the land limit. In accordance with the Draft Village Regulation. Residents are required to obtain vacant land under Chapter IV Limits of Population Land Heap Development, Article 8 of this Village Regulation, the fulfilment of which is limited by the village government as follows:

- 1) The village government refers to the boundary as the coordinates point from the village building.
- 2) In letter (1), the coordinates of the Village building referred to the building that was first established on Pulau Bungin and is now used as a place of worship (Masjid).
- 3) The boundaries of the area that residents can hoard are determined by the Coordinate Points mentioned in letter (2):
 - To the north is 1500 m (1.25 nautical miles)
 - Westward is 400 m (0.03 nautical miles)

- To the south is 120 m (0.1 nautical miles)
- East direction is 500 m (0.42 nautical miles)

2. Observed during the reclamation procedure

Burying soil and rocks in house foundation materials is a common practise among Bungin residents. Not as well as the land that will be built on the water. However, there is a structure. The bottom is first filled with rocks, then with piles of plastic waste, then with sand, and finally with soil. However, not everyone who construct the house employs all of these elements. Some residents only use rocks, either as a whole or as a foundation on their house's pillars.

The illustration below represents how the researcher presents some statements stated by Mr. Majiu, a rock collector. Researchers inquired as to why he persisted in his search for rocks. He responded: *I am not young at all. I often get sick. As a result, there's nothing I can do but look for rocks. If you want to take the land it takes a lot of energy, you have to go up the mountain near the village.* Still talking with Mr. Majiu, he stated that the rocks he took were completely contradictory to what Mr. Zulkarnaen stated. *"if you just take the rocks, you just need to pry them with a crowbar; we will take them if you wan". Majiu opposed.*

According to Mr. Majiu's explanation, the age of the workers has a strong influence on the work between taking soil in the mountains and picking up dead coral in the sea. Because taking rocks from the sea is a difficult task for Mr. Majiu, who is already in his golden years. Unlike Mr. Zulkarnaen, he chose to live in the mountains because of his age and strength.

Concerning the agrarian debate, the researcher confirmed the number of houses required by residents in Pulau Bungin Village. Mr. Zulkarnaen stated that: *"the average required is up to 90 dams for one piece of land. Again, depending on the depth of the sea, in front of the village gate, it does not require as much as at the pier. Because the depth of the sea is getting higher, it requires more land. In addition, the prices offered are increasingly varied. If in front the price is Rp. 120,000/sec, it's different again if near the pier the price is Rp. 150,000/sec. it is more expensive because the farther the distance, the less time we have to collect the next land, that's why the price is different. Overall, the average required to make the land for houses is 12-13 million, and that time is faster than using rocks. The "uruk" soil used for the house is also not ordinary soil as we have seen. So, in the mountain where I took it, there are 3 types of soil, the first is selected piled-up soil (best uruk), the second one is common uruk soil, and the last would be the*

reclaimed soil (Least quality of uruk soil). Well, we prefer to use the first type of soil, due to its high quality compared to other types of soil.

Mr. Zulkarnaen stated that the tools and equipment used for the dredging process were rented in Alas village, Alas District. Although the price is quite high (one piece of land can generate IDR 12,000,000 – IDR 13,000,000), the cost of equipment and other expenses must be deducted.

According to Zulkarnaen's explanation, there are several differences between the soil and the coral used. It can reduce costs, help in saving time, and contribute to environmental conservation. Furthermore, he stated that the land used as a marine fill material was not ordinary soil that was easily accessible, but rather high-quality land. From an income standpoint, the gross income could potentially reach Rp. 12,000,000-Rp. 13,000,000, which can be reduced when the cost of equipment rental and the rest are considered.

The researcher, on the other hand, has presented a statement made by Mr. Maiju as a coral collector. He was given the same statement regarding the community's need for coral reefs for land establishment. He replied that it usually takes up to 30 canoes to build a shelter foundation. It took more than three days to fill one canoe. The cost of a canoe is estimated to be around IDR 60,000. Based on the above explanation, it is clear that people will spend a significant amount of time reclaiming land with coral reefs.

3. Determined by time allocation and the amount of inheritance

People in Pulau Bungin village can easily declare that their land is theirs to keep and pass on to their children. When an individual is seriously ill or shows signs of death, the community in Pulau Bungin divides the inheritance to their heirs based on the mandate that has been conveyed by the heir. The rate of inheritance distribution with distance from death is approximately 3-4 months after death. This is based on the people's habit of prioritising death rituals in the form of organising activities such as collective prayer, tahlil, and ta'ziah on days 1,2,3,9,40, and 100. The inheritance will be distributed after the religious rituals are completed. When the distribution occurs after the 40th day of the death, one of the heirs must be willing to finance the celebration cost by selling his or her property on the 100th day. The sequence of events in the implementation of this death ritual forces underprivileged families to sell their land, resulting in no inheritance for the heirs. The term "sold-land" refers to sea reclamation dredged by the testator during his lifetime.

The eldest and youngest children will receive the most significant amount of inheritance from the total share of the heirs. The eldest child is usually given a plot of land; the youngest child is usually given a house; and the middle child is usually given money and furniture. When the amount of inheritance received by the oldest and youngest children is compared, the youngest child clearly receives more because of his/her obligation to look after and meet the needs of his/her parents. The inheritance rights are identical to the Sumbawa people's local custom, which allows the youngest to claim the house.

4. Observed during the certificate registration procedure

Concerning the draught village regulation, the chairman of the Pulau Bungin Village consultative department stated that while the certificate was still in the form of a draught, it had been realised despite the fact that it had not been ratified by the headman. This is the first regulation concerning sea reclamation in Pulau Bungin Village. Regarding the right to land ownership, as stated in article 6, paragraphs (6) about the draught village regulation, it is then continued in article 9:

- 1) Settlements in sea reclamation must have a certificate of ownership if they have reached their maximum condition (sporadic).
- 2) The disputed letter of ownership (Sporadic) is signed by the Village chief with the approval of the Head of Development, on a stamp duty of 6000.

According to the draught in the village regulation, the procedure that must be followed is as follows: the local government issues a certificate of ownership (sporadic) to ensure the legality of land ownership.

According to Mr. Tison Sahabudin, *“there was once from local government who wanted to offer land registration assistance for 50 families. However, this was rejected by residents in Pulau Bungin Village. They will be given a free certificate by BPN, but they think that if they have a land certificate, there will be costs they will incur in the future, for example, tax and so on.”*

According to his storey, the Pulau Bungin Village community did not register their land in accordance with the procedures of the relevant laws and regulations, which had serious consequences for the ownership of the land they owned. As a result, the process of passing the land on to the heir will be complicated. In article 42 paragraph 1 of government regulation number 24 of 1997, it is stated that the recipient must submit documentation for the registration of transfer of rights due to inheritance regarding registered land and ownership rights to flat units, as required by the provisions referred to in article 36.

Pulau Bungin Village draught regulation on hoarding settlement land control, Chapter II special provisions on settlement sea reclamation control, article 6.

- 1) Every citizen is obligated to make land in such a way that it becomes orderly without causing any problems within Pulau Bungin Village.
- 2) The pile of residential land referred to in article 6 paragraph 1 is made of soil, dead coral, sand, and other similar materials.
- 3) Every resident of Pulau Bungin Village has the right to obtain vacant land that has not been reclaimed for settlement within the boundaries of the village, with a maximum size of 15 metres x 10 metres.
- 4) Buildings constructed on land/fill, as defined in article 6 paragraph (3), may not be larger than 12 metres x 7 metres.
- 5) The residents in question own the remaining residential land/pile of the building mentioned in article 6 paragraph (4), which is then designated for public use under local government arrangements.
- 6) Residents are required to report to the RT, RW, and local government prior to the start of the process of reclaiming land, which will be followed by a survey site in order to obtain sea reclamation permission from the local government with approval from the development manager.
- 7) Every citizen who has complied with the provisions of article 6, paragraphs (1) to (4), may then begin reclamation for settlement within 1 to 3 years of the issuance of the permit from the local government.

The Analysis of the Division of Sea Reclamation as an Inheritance from the Standpoint of Islamic Law

1. Based on Islamic Law, Observed During the Acknowledgment Procedure

In local customs, someone claiming a large portion of the sea area as his/her private property is common and justified by the relevant government in the relevant legal area. This means that the land, including the sea area, will be owned by the heirs. As a result, if there is a transfer of rights to offspring, it is justified. There is no significant difference related to the Ijbari principle, which is a well-known principle in Islamic inheritance, which means that the transfer of property from one heir to his heir applies automatically without having to rely on the heir's will or the request of his testator. The above-mentioned transfer of rights entails the testator first acquiring ownership of the inherited property. Verse 7 of the Qujhr'an An-Nisa states:

لِلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ ۗ نَصِيبًا مَّفْرُوضًا

Meaning:

“For men, there is a share of the inheritance from your parents and close relatives, and for women, there is share (also) of the inheritance from your parents and relatives, either a little or a lot according to the share that has been determined”

In the preceding verse, Allah SWT uses the lexicon of the word "what is left" to the heir in terms of inheritance. Each word "abandoned" followed by the word "whatever" is known as *al-mawshul* and has a broad meaning. As a result, it can be stated that all of the heirs' inheritance related to the rights of others is included in the inheritance.

2. Observed in Terms of Time and Inheritance Distribution Amount

When viewed from the perspective of the time of inheritance distribution carried out by the heirs, which occurred in Pulau Bungin Village, named after the funeral procession of the heirs, Imam Maliki, Hanafi, and Shafi'I believe that inheritance rights must take precedence when deciding on funerals. In short, all schools of thought agree that funerals should take precedence over debts that are directly related to inheritance; the imams argue that the funeral procession should take precedence.

According to Hanbali, funerals take precedence over all rights and debts. Furthermore, there is no disagreement among scholars regarding the total inheritance that will be handed over (divided) to the heirs, namely that they will receive an inheritance *ashabah ma'al ghairiha*. It means that at the same time, boys and girls account for half of the male share.

3. Observed During The Reclamation and Certificate Registration Procedures

The reclamation procedure in Pulau Bungin Village employs a variety of materials to establish a land for settlement by their descendants after the heirs or parents pass away. The sea reclamation in Pulau Bungin village will become private property if the intended owner follows a series of procedures that include recognition, backfilling the land, and finally receiving a certificate of ownership from the local authority. Although it is still in draught form, the regulation has been implemented by the local government as evidence of the village government's preventive measures to minimise conflicts between various parties regarding this administrative issue. The essence of this issue is already contained in the concept of *masalah mursalah* as a method of *istinbath* Islamic Law. The term administrative is not explicitly stated in the Qur'an; instead, the Arabic word *yudabbiru* is used. The word carries out, manages, runs, and manages well.

Surah Yusuf, verses 3 and 31, Surah Ar-Ra'd, verse 3, and Surah As-Sajdah, verse 5 are among those mentioned in the Qur'an.

The researcher emphasises that the main principle of certificate registration falls under the main principles of the administrative system in Islamic teachings. Among them is the application of administrative concepts. Administration in the realm of justice, in particular, sincerity, honesty, administrative integrity, human rights, and the main concept of deliberation (*shura*). In this case, the government in Pulau Bungin Village explains that this is a general principle that is clearer to meet the needs of the individuals in Pulau Bungin along with the times, settlement expansion, and increasing population.

Conclusion

Based on the findings, the researcher concludes that the system of sea reclamation distribution as an inheritance in Pulau Bungin Village, West Nusa Tenggara is based on Islamic law. The study's conclusion is that the system of sea reclamation inheritance in Pulau Bungin begins with a family who is free to claim the sea area around the house as private property. The area will be passed down to their children after their parents die. In addition, a marker or symbol is provided as proof of ownership. The following step is to report to the village chief about the sea reclamation ownership. The local government will then measure the sea area to be reclaimed in accordance with the size specified in the draught Village regulation and certificate of ownership. After the death ritual has been completed, the inheritance will be distributed.

Analysis of the distribution of sea reclamation as an inheritance in Pulau Bungin Village from the standpoint of Islamic law, which clearly states that land belongs to individuals. They should also be able to pass on their descendants. This occurrence has become commonplace and has been justified in the customs of the people of Pulau Bungin Village. The fundamental value of reclamation is very oriented to the benefit of the community, according to the perspective of Islamic law, which consists of '*Adatu Muhakkamah* and *Mashlahah Mursalah*. As a result, Islam justifies this. Furthermore, the community owns the document of land ownership, which was issued by the village government. This is consistent with the concept of *Tirkah* (inheritance), which requires the testator's legal ownership of his or her property. It represents the transfer of property from a deceased person to his heirs. It happens on its own, without regard for the heirs' wishes or the testator's request. As a result, the heirs' absolute inheritance of the sea reclamation is valid. The timing of inheritance distribution does not contradict Islamic law. The inheritance will be divided following the testator's death procession.

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