

## Islamic Law Review of the Practice of Cemetery Land Transactions in Bandar Jaya Village, Rantau Rasau Subdistrict

Adrian Wiratama Saputra<sup>1\*</sup>, Wargo<sup>2</sup>, Wandī<sup>3</sup>

<sup>1</sup>Institut Islam Al-Mujaddid Sabak, Tanjung Jabung Timur, Indonesia

<sup>2</sup>Institut Islam Al-Mujaddid Sabak, Tanjung Jabung Timur, Indonesia

<sup>3</sup>Institut Islam Al-Mujaddid Sabak, Tanjung Jabung Timur, Indonesia

\*Corresponding Author: [adrianwiratama.s@gmail.com](mailto:adrianwiratama.s@gmail.com)

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### Abstract:

The limitation of cemetery land has become an increasingly complex issue alongside population growth and the scarcity of public space, prompting the emergence of alternative practices in cemetery land management at the community level. This study aims to describe the practice of cemetery land transactions in Bandar Jaya Village, Rantau Rasau Subdistrict, and to analyze it from the perspective of Islamic law. The research employs a qualitative descriptive approach with a phenomenological strategy, utilizing data collection techniques such as interviews, observations, and documentation. The findings reveal that the practice does not take the form of conventional buying and selling, but rather a collective contribution system that grants long-term usage rights to cemetery land within family structures, accompanied by fund management for social purposes and community investment. From the perspective of Islamic law, this practice tends to align with the principles of muamalah as long as it upholds justice, public benefit, and avoids prohibited elements, while also resembling the concepts of usufruct rights and waqf in the management of public assets. This study contributes to the enrichment of contemporary Islamic legal scholarship by offering a contextual analysis and proposing a sustainable, community-based model for cemetery land management oriented toward social welfare.

### Keywords:

*Islamic Law; Cemetery Land Transactions; Muamalah; Bandar Jaya Village.*



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## INTRODUCTION

The limitation of cemetery land has emerged as a global issue alongside population growth, urbanization, and rapid land-use change, particularly in developing and semi-urban regions. This challenge extends beyond spatial planning and intersects with social, cultural, and religious dimensions, as burial practices are integral to honoring the deceased. In Indonesia, the scarcity of public cemetery land (TPU) has intensified due to increasing demand that is not matched by land availability, leading to alternative practices such as community-based management and collective financing systems (Sari & Nugroho, 2021; Hidayat et al., 2022). From the perspective of Islamic law, cemetery land management is not merely a social activity but a form of *muamalah* that must adhere to principles of justice, public benefit, and the prohibition of exploitation (Rahman, 2020; Fauzi & Karim, 2023), making the emergence of cemetery land transactions a significant subject for scholarly inquiry.

Despite growing attention to cemetery land management in spatial and policy studies, a substantial gap remains in integrating local practices with comprehensive Islamic legal analysis. Existing research often emphasizes administrative and technical aspects without exploring the underlying principles of *fiqh muamalah* (Pratama & Yusuf, 2020; Lestari et al., 2021). Conversely, Islamic legal studies on land transactions tend to focus on general commercial objects, rarely addressing cemetery land, which carries profound social and sacred value (Anwar, 2022; Zainuddin & Hakim, 2023). This gap highlights the need for contextual and empirically grounded research that combines field data with normative Islamic analysis, particularly in local settings such as Bandar Jaya Village, Rantau Rasau Subdistrict, where collective contribution systems shape cemetery land management.

Theoretically, this study is grounded in *fiqh muamalah*, which governs transactional relationships in Islam, including the principles of *al-bay'* (sale), requiring clarity of object, mutual consent, and the absence of *gharar* and *riba* (Karim, 2021; Ismail & Santoso, 2024). It also incorporates the concepts of *al-milkiyyah* (ownership) and *maqasid al-shariah*, particularly the pursuit of public benefit (*maslahah 'ammah*) and the protection of human dignity, including after death (Aziz & Maulana, 2020; Nurhayati et al., 2022). Additionally, the concept of cemetery *waqf* provides an alternative framework in which land is not commodified but preserved for sustainable public use (Hasanah, 2023). These frameworks enable a comprehensive integration of empirical realities and normative Islamic principles.

The study aims to describe the practice of cemetery land transactions in Bandar Jaya Village and to analyze its conformity with Islamic law. Specifically, it addresses two key questions: how the practice is implemented and how it is assessed within Islamic legal perspectives. Prior studies indicate that community-based cemetery management can enhance efficiency and social solidarity (Wibowo & Kurniawan, 2021; Sulaiman et al., 2024), while contemporary Islamic legal research increasingly adopts empirical-contextual approaches to better understand real-world practices (Rohman, 2022). However, limited attention has been given to cemetery land transactions within specific local contexts using phenomenological analysis.

Building on this gap, the study synthesizes empirical findings with normative analysis grounded in *fiqh muamalah* and *maqasid al-shariah*. Cemetery land transactions are thus understood not merely as economic exchanges but as socio-religious practices that must uphold justice, public benefit, and sustainability. The integration of community-based practices with concepts such as *waqf* offers a conceptual model for more ethical and sustainable cemetery land management. This approach aligns with broader methodological trends emphasizing interdisciplinary and phenomenological perspectives in Islamic legal studies, thereby providing a comprehensive and contextually grounded analytical framework for examining contemporary *muamalah* practices.

## METHOD

This study employs a descriptive qualitative approach with a phenomenological strategy aimed at gaining an in-depth understanding of the meaning of the practice of buying and selling cemetery plots from the perspective of those directly involved within a specific socio-religious

context. The phenomenological approach was chosen because it is capable of exploring the subjective experiences and constructions of meaning held by individuals regarding a social phenomenon, making it relevant for examining muamalah practices that are not only normative but also contextual (Creswell & Poth, 2021; Moustakas, 2020). The data sources in this study consist of primary and secondary data. Primary data was obtained through in-depth interviews with informants, including members of the community involved in the buying and selling of cemetery plots, cemetery administrators, and local religious figures. Additionally, direct observation was conducted to obtain a factual picture of practices in the field, while documentation was used to supplement data related to local policies and cemetery management. Secondary data was obtained from scientific literature, academic journals, and documents relevant to the study of fiqh muamalah and cemetery land management (Yin, 2021; Flick, 2022). Data collection was conducted using a semi-structured interview guide as the primary instrument, which allowed for flexibility in gathering information while maintaining focus on the research objectives. Inclusion criteria for selecting informants included individuals directly involved in transactions or the management of cemetery land in Bandar Jaya Village, while exclusion criteria included individuals who had no direct involvement or sufficient knowledge regarding these practices. The unit of analysis in this study is the social practice of buying and selling cemetery land along with the meanings constructed by the actors within the context of Islamic law.

The data analysis technique used in this study employs an interactive analysis model that includes the stages of data reduction, data presentation, and verification and conclusion-drawing, as developed in modern qualitative analysis approaches. The data reduction process involves selecting, coding, and categorizing data from interviews, observations, and documentation to identify key themes relevant to the research focus. Subsequently, data presentation is carried out in the form of systematic descriptive narratives to facilitate the interpretation of patterns emerging in the practice of buying and selling cemetery plots. The verification stage is conducted through triangulation of sources and techniques to ensure the validity and reliability of the data obtained (Miles et al., 2020; Nowell et al., 2021). In the context of this study, thematic analysis was used to identify the relationship between empirical practices and the principles of Islamic law, particularly within the framework of fiqh muamalah and maqasid al-shariah. The analysis process was conducted manually using an open coding approach without specialized software, given the contextual and in-depth nature of the research focus. This approach allows the researcher to interpret the data reflectively and critically, thereby yielding findings that are not only descriptive but also analytical in explaining the alignment of cemetery land sale practices with the principles of Islamic law (Braun & Clarke, 2021; Guest et al., 2022).

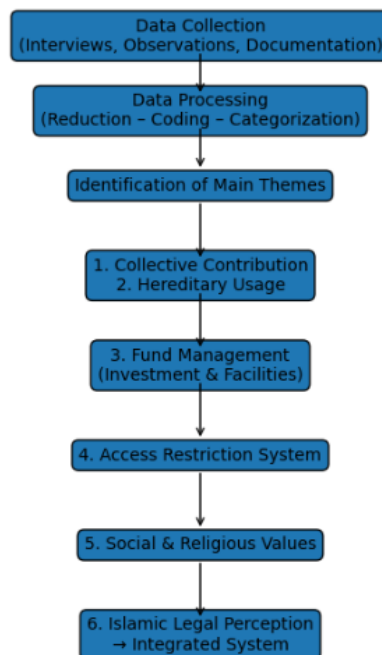
## RESULTS AND DISCUSSION

### Results

The findings of this study were compiled using a phenomenological qualitative approach through a process of data reduction, categorization, and coding of data obtained from interviews, observations, and documentation in Bandar Jaya Village, Rantau Rasau Subdistrict. Based on the analysis of field data, several main themes were identified that represent the practices of buying and

selling cemetery plots within the community.

No.	Key Theme	Core Findings	Conceptual Insight
1	Collective Contribution Mechanism	Each household contributes Rp300,000 to obtain cemetery land usage rights; funds from ~1,300 households used to acquire ~2 hectares of land	Reflects community-based resource management and social legitimacy of land use rights
2	Hereditary Usage Rights	Burial plots are used continuously by family members (children, grandchildren) without additional cost; cannot be resold	Represents “limited ownership” aligned with usufruct rights and sustainability of communal assets
3	Integrated Fund Management	Funds allocated not only for land acquisition but also for investments (oil palm), cemetery facilities, caretakers, ambulances, and subsidies for low-income groups	Demonstrates a hybrid model combining economic sustainability and social welfare functions
4	Access Restriction System	Cemetery access limited to contributors; based on collective agreement to ensure fairness and prevent conflict	Functions as social control and reflects distributive justice in common resource management
5	Social and Religious Dimensions	Contributions viewed as social responsibility; strong values of solidarity, mutual cooperation, and religious involvement	Indicates integration of religious values and collective identity in community practices
6	Islamic Legal Perception	Community considers the practice permissible if based on mutual agreement, non-harm, and public benefit; no formal written rules	Reflects contextual interpretation of Islamic law and informal but binding social norms



The first finding is the mechanism of collective contributions as the basis for cemetery land ownership, whereby each household head is required to pay a contribution of Rp300,000 to obtain rights to cemetery land. With approximately 1,300 households, the funds collected were used to purchase land covering roughly two hectares. This system demonstrates a pattern of collective management based on community participation, which previous studies have also identified as an alternative model for community-based public resource management (Hadi & Prasetyo, 2021). Furthermore, observational findings indicate that this contribution system functions not only as a

financing mechanism but also as a form of social legitimacy for the right to use the cemetery land by residents participating in the contributions, as also noted in research on social solidarity in the management of public facilities (Kurniawati et al., 2022).

The second finding was a pattern of hereditary burial plot usage rights within the family, whereby each household that has paid the fee obtains the right to use the burial plot, which can be utilized on an ongoing basis by family members including children and grandchildren without any additional costs in the future. Interview data indicate that the community views this right as a form of “limited ownership” that cannot be resold but can be inherited within the family. This pattern reflects a social construction of ownership distinct from the concept of absolute ownership, and aligns more closely with the concept of usufructuary rights in social practice (Siregar & Hakim, 2020). These results are also consistent with findings in studies on communal asset management, which show that communities tend to develop usage-based ownership systems to ensure the sustainability of shared resources (Nugraha & Santoso, 2021).

The third finding is that the management of contribution funds is not solely focused on land acquisition, but also on the development of assets and social facilities supporting the cemetery. The data shows that the collected funds are allocated for various needs, including investments in oil palm plantations as a source of sustainable income, the construction of cemetery facilities such as prayer halls, payments for graveyard caretakers (*kuncen*), and the procurement of ambulances and funeral vehicles for social services. Additionally, a subsidy policy for low-income communities was identified, under which funeral costs can be reduced to Rp150,000. This approach demonstrates an integrated management system combining economic and social functions, referred to in the literature as a hybrid community-based resource management model (Fitriani & Abbas, 2024). The results of the observation also show that facilities such as ambulances and funeral vehicles play a significant role in improving the accessibility of funeral services for the community, as also identified in studies on community-based social services (Putra & Wijaya, 2021).

The fourth finding is the restriction of access to cemetery land to only those residents who have contributed to the fees, which serves as a social control mechanism to ensure the sustainability and orderly use of the land. Interview data indicate that this policy was collectively agreed upon by the community and accepted as a form of distributive justice, wherein land-use rights are granted based on contributions made. This restriction also aims to prevent social conflicts that may arise from land use by outsiders who do not participate in the contribution system. This finding aligns with research showing that access restrictions in the management of common-pool resources can enhance efficiency and reduce the potential for conflict, provided they are based on collective agreement (Fauzan & Ridwan, 2023). Furthermore, this practice also reflects the existence of local governance mechanisms based on deliberation and consensus (Latifah & Anshori, 2024).

The fifth finding concerns the social and religious dimensions inherent in cemetery management practices, which are reflected in the spirit of mutual cooperation, solidarity, and collective responsibility toward the cemetery. The data indicates that the community does not view contributions merely as an economic transaction, but as a form of social contribution to ensure the availability of adequate burial land for all community members. Furthermore, the involvement of

religious leaders in the management and legitimization of this practice demonstrates the integration of religious values and social practices (Rasyid, 2022). These findings also indicate that the practice of cemetery land management possesses a strong symbolic dimension, where respect for the deceased is an integral part of the community's collective identity, as observed in studies on community-based religious practices (Rahimah & Yusuf, 2023).

The sixth finding concerns the public's understanding of the practice of buying and selling cemetery plots within the framework of Islamic law, with the majority of informants stating that such practices are considered valid as long as they are conducted through mutual consultation, do not harm others, and are intended for the common good. The data indicates that the community does not view these transactions as purely commercial sales, but rather as a form of collective contribution for the common good. This finding demonstrates the existence of a contextual legal framework, in which religious norms are interpreted in accordance with the needs and social conditions of the community (Hakim & Nur, 2023). Furthermore, the documentation reveals that there are no specific formal written rules governing this practice; rather, it is based on informal yet socially binding collective agreements. This finding demonstrates that the practice of buying and selling cemetery plots in Bandar Jaya Village is a complex social phenomenon that simultaneously encompasses economic, social, and religious dimensions.

## Discussion

The findings of this study confirm that the practice of buying and selling cemetery plots in Bandar Jaya Village does not take the form of conventional commercial transactions, but rather operates through a collective contribution mechanism that grants community members the right to use cemetery land. This finding directly addresses the first research question regarding how the practice operates, namely through a contribution system of Rp300,000 per household, which subsequently provides sustainable access to land use within the family unit. In this context, the practice demonstrates a transformation of the concept of buying and selling into a form of collective participation oriented toward shared social needs, as also identified in studies on solidarity-based communal economies (Iskandar & Huda, 2022; Prabowo, 2021). Thus, this practice not only represents an economic activity but also reflects a social mechanism for addressing the scarcity of cemetery land.

From the perspective of muamalah fiqh theory, these findings indicate that the existing practice does not fully meet the formal characteristics of a sale and purchase contract (*al-bay'*) but rather resembles a contract based on collective benefit, bearing similarities to the concept of *syirkah* or even *wakaf* in certain forms. This is evident from the absence of a transfer of absolute ownership of the land, but rather only a limited right of use that cannot be resold. In Islamic legal literature, such practices can be linked to the concept of *al-intifa'* (right of benefit), which emphasizes use without full ownership (Rahman & Aziz, 2021; Salamah, 2023). Furthermore, when viewed through the lens of *maqasid al-shariah*, this practice can be categorized as an effort to safeguard the public interest (*maslahah 'ammah*), particularly in meeting the community's basic need for burial land (Fadli & Karim, 2022; Hidayah, 2024). Thus, conceptually, this practice falls within the spectrum of flexible and contextual muamalah.

When compared with the findings of previous studies, the results of this research align with studies that emphasize the importance of community-based approaches in the management of limited resources. A study by Luthfi and Amin (2020) shows that collective models can improve efficiency and equity in the distribution of public resources. However, this study also identified a significant difference: the integration of religious values into practices, a topic not extensively discussed in previous studies. Another study by Ramadhan et al. (2022) indicates that community-based land management practices often face challenges regarding formal legal aspects, whereas in the context of Bandar Jaya, the legitimacy of such practices relies more heavily on social agreements and religious values. Furthermore, this study expands upon previous findings by demonstrating that investing contribution funds into productive sectors such as oil palm plantations can serve as an effective sustainability strategy (Wahyuni & Setiawan, 2023).

The scientific contribution of this study lies in the development of a new understanding of contemporary muamalah practices that cannot be rigidly categorized under a single type of classical contract. This study demonstrates that the practice of buying and selling cemetery plots can evolve into a hybrid form combining elements of a sale, social contributions, and collective management oriented toward the public good. This reinforces the argument that Islamic law is dynamic and capable of adapting to evolving social contexts, as emphasized in studies on the flexibility of fiqh in addressing modern issues (Zuhdi, 2021; Kholis & Ma'arif, 2024). Furthermore, this study also offers practical contributions by proposing a community-based cemetery land management model that can be replicated in other regions with similar conditions (Sutrisno & Hidayat, 2022).

From a theoretical perspective, the findings of this study also indicate an overlap between existing practices and the concept of cemetery waqf, even though they are not formally designated as waqf. In several studies, cemetery waqf is viewed as an ideal solution for providing burial land because it ensures sustainability and equitable access (Nasution, 2023; Firdaus & Hakim, 2022). However, in practice in Bandar Jaya, the collective contribution approach provides greater flexibility in fund management and asset utilization. This indicates that there are various management models that can be adapted to the needs and local conditions of the community (Utami & Syarif, 2021). Thus, this study enriches the discourse on alternative cemetery land management from an Islamic legal perspective.

Nevertheless, this study has several limitations that must be acknowledged. First, the study was conducted at only one location, so generalizing the findings to other areas should be done with caution. Second, the qualitative approach used relies heavily on the researcher's interpretation of the data collected, so the potential for subjective bias cannot be entirely avoided (Mulyana, 2020; Setyawan & Nugroho, 2021). Third, the lack of formal documentation regarding local regulations also poses a challenge in analyzing legal aspects more comprehensively. Nevertheless, data triangulation efforts have been undertaken to minimize these limitations.

The implications of this study are quite broad, both in the academic and practical spheres. Academically, this study opens the door to the development of Islamic legal studies that are more contextual and grounded in real-world social practices. Practically, the findings of this study can serve as a reference for local governments and cemetery administrators in designing more equitable

and sustainable land management systems. Furthermore, this study provides a foundation for developing policies that integrate religious values with the social needs of the community (Arifin & Sari, 2022; Kurniawan & Lestari, 2023). Thus, this study is highly relevant in addressing the challenges of cemetery land management in the future.

Furthermore, this study also offers recommendations for future research to explore similar practices in other regions using a comparative approach, thereby providing a broader understanding of the variations in these practices and their implications within Islamic law. Additionally, quantitative or mixed-methods research could be conducted to measure the economic and social impacts of the collective contribution system more objectively (Hakimi & Prasetyo, 2024; Dewi & Ramli, 2021). The development of a conceptual model that integrates collective contributions with waqf schemes is also a potential area for further study, given its relevance in the context of sharia-based public asset management.

## CONCLUSION

This study shows that the practice of buying and selling cemetery plots in Bandar Jaya Village, Rantau Rasau Subdistrict, does not take the form of conventional commercial transactions, but rather operates through a collective contribution mechanism that grants each head of household the right to use cemetery land on a sustainable basis. This system results in a limited, family-based ownership pattern, where cemetery land can be utilized from generation to generation without any transfer of absolute ownership. Furthermore, the management of contribution funds is not only focused on land acquisition but also on the development of social facilities and productive investments that support the sustainability of cemetery management. From an Islamic legal perspective, this practice cannot be fully categorized as a pure sale and purchase transaction; rather, it more closely resembles a form of collective muamalah oriented toward the public good, provided it adheres to the principles of justice and transparency and does not contain prohibited elements.

Theoretically, this study contributes to expanding our understanding of the flexibility of the concept of muamalah in Islamic law, particularly in the context of evolving social practices within society. The findings indicate that community-based economic practices can be accommodated within the framework of Islamic law through an approach that emphasizes the common good and values of social justice. Practically, this study offers a model for managing cemetery land based on collective contributions that can serve as an alternative solution to land constraints, while simultaneously strengthening social solidarity within the community. This model also opens the door to integration with the concept of waqf as a form of management that is more sustainable and consistent with Sharia principles.

The implications of this study highlight the need to develop policies that can accommodate community-based local practices in cemetery management, while still adhering to the principles of Islamic law and the social needs of the community. For future research, a broader study with a comparative approach across various regions is needed to obtain a more comprehensive picture of the variations in practices and their relevance within Islamic law. Additionally, the development of an integrative model between the collective contribution system and the waqf scheme could be a focus for further research to produce a more optimal, equitable, and sustainable formulation for cemetery land management.

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