

Legal Pluralism and the Transformation of Islamic Inheritance Law: A Study of *Sasak* Customary Practices in Indonesia

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Abstract

This study examines the dynamics of legal pluralism and the transformation of Islamic inheritance law within the indigenous *Sasak* community of Indonesia. Its primary objective is to explore how the deeply entrenched patrilineal tradition, which privileges sons in the transmission of land and core family assets, interacts with the proportional distribution mandated by Islamic inheritance law (*farā'id*), a system that explicitly recognizes the rights of female heirs. Employing a qualitative approach rooted in socio-legal empiricism, the research draws on in-depth interviews with customary leaders, *Sasak* community members, and scholars of Islamic jurisprudence, complemented by documentary analysis of national legal instruments and classical fiqh literature. Findings reveal that, although patrilineal practice remains predominant, a discernible shift in values is underway toward greater adherence to Islamic inheritance principles, particularly among younger generations and families with higher educational attainment. Socio-economic change, modernization, and growing awareness of gender justice have collectively fuelled this transformation, even as resistance persists among traditional elders who regard patrilineal inheritance as an indispensable marker of cultural identity. The study concludes that these developments exemplify the inherent dynamism of Islamic law through processes

of renewal (*tajdid*) and selective adaptation (*takbayyur*). Achieving a just, gender-inclusive inheritance system with broad social legitimacy in the Indonesian context ultimately requires thoughtful harmonization among Islamic inheritance norms, local customary traditions, and the national legal framework.

Keywords: Legal pluralism, Islamic inheritance law, *Sasak* customary law, gender justice, Indonesian legal reform

Introduction

Islamic inheritance law represents one of the most crucial domains within Islamic jurisprudence, as it governs the equitable distribution of a deceased person's estate among rightful heirs. The Qur'an provides detailed and proportionate regulations, including explicit entitlement for women to receive a defined share of inheritance. Yet, in practice, the application of Islamic inheritance rules across Muslim communities frequently deviates from these normative prescriptions, particularly when confronted with deeply entrenched customary traditions.¹ A prominent illustration is found among the indigenous *Sasak* community of Lombok, who continue to adhere to a patrilineal inheritance system that accords primary rights over land and houses to male children, while daughters are often marginalised or granted only limited movable property.

This phenomenon has provoked considerable scholarly unease, revealing a persistent tension between the universal and egalitarian ideals of Islamic norms and the patriarchal values preserved in local customary practices. Most earlier studies have remained largely descriptive, highlighting disparities between customary law and Islamic law without exploring in depth the processes through which Islamic inheritance law undergoes transformation within specific socio-cultural settings. This gap raises critical questions: Can Islamic inheritance law adapt to local realities without compromising its foundational principle of justice? How might discriminatory customary practices be reshaped through renewed interpretations of the sharia? To what extent can evolving values within *Sasak* society serve as a foundation for broader national legal reforms that are genuinely inclusive?

Such concerns acquire particular urgency in Indonesia's plural legal landscape, where Islamic law, customary law, and state law continually interact and occasionally clash. Without rigorous investigation, dualism or even disharmony in inheritance matters will persist, to the detriment of those whose rights ought to be protected, especially women. The present study therefore seeks

¹ Khalil Ahmad and Muneer Kuttiyani Muhammad, "Revisiting Medinah Charter: Towards the Realization of Maqasid Al-Shariah for Contemporary Plural Societies," *International Journal of Islamic Thought* 27: 2025, accessed November 20, 2025, <https://doi.org/10.24035/ijit.27.2025.321>.

to examine how Islamic inheritance law transforms when encountering *Sasak* customary practice through the concepts of *tajdid* (renewal) and *takbayyur* (selective adaptation), and how these dynamics may contribute to the development of a more just and socially responsive national inheritance regime.

Previous scholarship has addressed the relationship between customary and Islamic inheritance practices in Indonesia. Mansyur, for instance, demonstrated that *Sasak* customary inheritance remains strongly favours a patrilineal pattern, with men as the principal recipients of immovable property and women receiving only minor or symbolic portions.² This finding aligns closely with Syukur's observation of the systemic marginalisation of women in inheritance distribution in Lombok, despite the proportionate shares guaranteed by the Compilation of Islamic Law.³

Conversely, Wahyu Aolia has illuminated an emerging shift in attitudes among younger generations of *Sasak*, who appear more receptive to Islamic inheritance rules, largely owing to increased education and growing gender awareness.⁴ Irene's research further reinforces this trend, showing that religious leaders play a pivotal mediating role by proposing compromise arrangements acceptable to both customary and Islamic stakeholders.⁵

Although these studies usefully map the tensions between customary and Islamic law, they have generally remained at the level of describing inheritance practices. Few have explicitly linked the phenomenon to the framework of legal pluralism or to the dynamic concepts within Islamic jurisprudence such as *tajdid* and *takbayyur*. The present research therefore aims to fill this lacuna by focusing on the mechanisms of transformation of Islamic inheritance law within the *Sasak* indigenous community and by considering the implications for national legal reform in Indonesia.

The study adopts a qualitative approach employing an empirical-sociological method that privileges direct observation of inheritance practices among the *Sasak*. Data were gathered through in-depth interviews with customary

² Muhamad Mansyur et al., "Pelaksanaan Pembagian Waris Menurut Hukum Adat Sasak Di Desa Semaya Kecamatan Sikur Kabupaten Lombok Timur," *Jurnal Education and ...* 7, no. 2 (2019): 295–301, <http://journal.ipts.ac.id/index.php/ED/article/view/1133%0Ahttp://journal.ipts.ac.id/index.php/ED/article/download/1133/477>.

³ Muhamad Syukur and Winning Son Ashari, "Analisis Perbandingan Hak Waris Anak Perempuan Suku Sasak Antara Hukum Islam Dan Hukum Adat," *Rayah Al-Islam* 8, no. 3 (2024): 1198–1217, <https://doi.org/10.37274/rais.v8i3.1058>.

⁴ Wahyu Aolia, Ketut Sudiarmaka, and Dewa Bagus Sanjaya, "KEDUDUKAN ANAK LAKI-LAKI DAN ANAK PEREMPUAN SUKU (Studi Kasus Di Dusun Adat Sade Kabupaten Lombok Tengah)" 3 (2023): 87–95.

⁵ Irene Septia Fada, Achmad Tanthowi, and Dwi Noviani, "Pengaruh Globalisasi Dan Modernisasi Hukum Waris Di Indonesia," *Student Research Journal* 2, no. 3 (2024): 82–92.

leaders, community members, academics, and legal officials responsible for resolving inheritance disputes. Documentary analysis was also conducted, encompassing classical and contemporary sources of Islamic law, *Sasak* customary regulations, and relevant national legal instruments.

This combined methodology enables a nuanced understanding of how Islamic inheritance law evolves in practice, as well as how social, cultural, and economic factors either facilitate or impede change. The collected material is analysed through descriptive-critical analysis in order to uncover the interplay between Islamic legal theory and the lived reality of *Sasak* customary inheritance. Such an approach makes it possible to identify patterns of adaptation and resistance and to propose recommendations for a more inclusive national inheritance framework.

The research offers genuine novelty within Islamic legal discourse by investigating the transformation of inheritance law among the *Sasak* through the lens of legal pluralism. Unlike earlier works that largely catalogue differences between customary and Islamic inheritance regimes, this study foregrounds the dynamics of value change, customary resistance, and Islamic legal adaptation within a particular socio-cultural milieu. It underscores that Islamic law is not a static monolith but a living system capable of transformation through *tajdid* and *takbayyur* while remaining faithful to principles of justice and the higher objectives of the sharia (*maqāṣid al-sharī'ah*).⁶ The originality thus lies in its integrative analysis that weaves together customary practice, Islamic norms, and the national legal order into a single comprehensive inquiry.

The principal objectives of the study are threefold: (1) to analyse the ways in which Islamic inheritance law transforms within a *Sasak* community still oriented toward patrilineal principles; (2) to trace the social, cultural, economic, and educational factors that either promote or obstruct such transformation; and (3) to explore the implications of shifting inheritance values among the *Sasak* for a national reform agenda that is more gender-equitable, inclusive, and attuned to Indonesia's plural society.

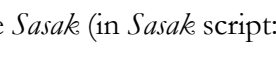
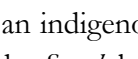
Ultimately, the research aspires to deepen understanding of how Islamic law can engage local traditions through processes of legal renewal while offering both conceptual and practical contributions to the evolution of national inheritance law. Academically, it seeks to enrich the literature on legal pluralism and the dynamism of Islamic law in the Indonesian context. Practically, the findings are intended to serve as a resource for policymakers, legal practitioners, and community leaders in crafting strategies that harmonise Islamic law,

⁶ Mahroof Athambawa, "Ijtihād Maqāṣidī and Legal Adaptation: A Comparative Analysis of Contemporary Islamic Jurisprudence in Responding to Emerging Issues," *Mazāhibuna*, June 14, 2025, 89–103, <https://doi.org/10.24252/MAZAHIBUNA.VI.54378>.

customary law, and state law, thereby establishing an inheritance system that is just, inclusive, and socially legitimate.

Discussion

History and Origins of the *Sasak* People

The *Sasak* have inhabited the island of Lombok for centuries. Some accounts suggest their presence dates as far back as 4,000 BCE, making Lombok an inseparable part of their historical and cultural homeland. Administratively, the island today comprises five regencies: West Lombok, North Lombok, East Lombok, Central Lombok, and the municipal city of Mataram.⁷ Of Lombok's roughly three million inhabitants, approximately eighty percent belong to the *Sasak* ethnic group. The *Sasak* (in *Sasak* script: ; in *Jawi*: ) constitute an indigenous Austronesian people who primarily reside on Lombok and speak the *Sasak* language as their mother tongue.⁸

The vast majority of *Sasak* adhere to Islam. A small minority, however, practise a distinctive syncretic form known as Islam *Wetu Telu*, which differs markedly from mainstream Sunni observance and accounts for roughly one percent of the community. An even smaller segment still follows pre-Islamic *Sasak* beliefs referred to locally as *Sasak Boda*.⁹

The name "*Sasak*" first appears in historical records through the *Pujungan* Inscription, an ancient epigraph discovered in Tabanan Regency, Bali, which is believed to date back to the eleventh century.¹⁰ The origin of the term *Sasak* is widely thought to derive from the word *sak-sak*, meaning a type of traditional canoe or small boat. In the *Negara kertagama book*, a fourteenth-century Javanese kakawin composed by Mpu Prapanca, the word *Sasak* is explicitly linked to the

⁷ Juwita Widya Qur'ani, Moehammad Awaluddin, and Fauzi Janu Amarrohman, "Analisis Batas Pengelolaan Wilayah Laut Antara Kabupaten Lombok Utara, Lombok Barat, Lombok Tengah, Dan Lombok Timur," *Jurnal Geodesi Undip* 8, no. 2 (2019): 40–49.

⁸ Irma Setiawan, "Relasi Bahasa Sasak Dan Samawa: Studi Diakronis Pada Kekerabatan Bahasa Suatu Suku Bangsa Di Indonesia Irma," *Jurnal TUTUR* 4, no. 1 (2018): 1–26, https://web.archive.org/web/20180421074444id_/http://tutur.apbl.org/index.php/tutur/article/viewFile/74/71.

⁹ M Masnun, "Resiprositas Dan Redistribusi Kekeramatan Situs Islam Di Pulau Lombok Dalam Perspektif Ekonomi Syari'ah," *Az Zarga': Jurnal Hukum Bisnis Islam* 9, no. 2 (2017).

¹⁰ Dr. Abdullah Muzakar Abdul Azizurrahman Roni, *MOSAİK BUDAYA SASAK* (Lombok: Universitas Hamzanwadi dan Yayasan Suluh Rinjani, 2016), https://eprints.hamzanwadi.ac.id/5315/1/MOSAİK_BUDAYA_SASAK.pdf.

island of Lombok itself, appearing in the phrase *Lombok Sasak Mirah Adbi*, which underscores their inseparable association. Within the oral traditions of the local community, however, the word *Sasak* is more commonly interpreted as originating from the expression *sa'-saq*, literally meaning "the one" or "that which is one." Meanwhile, the name Lombok is derived from the term *lomboq*, which carries the sense of "straight" or "honest." When combined, *sa' saq lomboq* thus conveys the evocative meaning of "something that is straight" or "that which is upright." Many community members and scholars alike further interpret this etymology metaphorically as "the straight path," a phrase that resonates deeply with notions of moral integrity, truthfulness, and righteous conduct in *Sasak* cultural worldview.

In Old Javanese (*Kawi*), the full epithet *Lombok Mirah Sasak Adi* can be rendered as "*Lombok* the precious gem of honest reality that is noble."¹¹ Here, *lombok* means "straight" or "honest," *mirah* "ruby" or "precious stone," *Sasak* "reality" or "truth," and *adi* "excellent" or "supreme." Another compelling folk etymology connects the name to traditional weaving. The *Sasak* are renowned for their intricate hand-woven textiles, and a girl was traditionally proved her maturity and readiness for marriage by mastering the loom. The *Sasak* verb for weaving is *sèsèk*, derived from the onomatopoeic *sak-sak* the sharp sound produced when the beater compresses the weft threads tightly together, one by one, until the cloth becomes dense and firm. This rhythmic *sak-sak*, repeated only twice per beat, is said to have given the people their name.

Oral sources further relate that in ancient times Lombok was covered by impenetrable jungle. According to one dictionary entry compiled by Indonesia's language development agency, "*sasak*" originally denoted bamboo or timber lashed together into a single raft, again emphasising unity and oneness. The *Nagara Kertagama* book (*Decawanana*) distinguishes western *Lombok* as *Lombok Mirah* and eastern *Lombok* as *Sasak Adi*.¹² From their earliest settlement, the *Sasak* people have spoken the *Sasak* language daily, a tongue closely related to the languages of the neighbouring *Samawa* (Sumbawa) and Balinese peoples.

¹¹ Muhammad Syarifudin, "Resistensi Adat Sasak Dan Agama (Studi Tawaran Resolusi Konflik Dalam Perilaku Keagamaan Muslim Lombok)," *Komunitas* 12, no. 2 (2021): 120–31, <https://doi.org/10.20414/komunitas.v12i2.4410>.

¹² Ni Putu Sudewi Budhawati, "Konsep Ketuhanan Dalam Sistem Kepercayaan Masyarakat Bali Beragama Hindu Di Lombok," *Sophia Dharma: Jurnal Filsafat, Agama Hindu, Dan Masyarakat* 4, no. 2 (2021): 1–12, <https://doi.org/10.53977/sd.v4i2.366>.

Sasak customary culture is remarkably rich and distinctive, revealing clear influences from both Balinese and Malay worlds. Balinese impact stems from the roughly two centuries of political domination by the *Karangasem* kingdom, while Malay elements arrived with early Islamic missionaries.¹³ Balinese-derived traditions include the majestic *Gendang Beleg* drum ensemble, the *gamelan tokol*, the ritual “rice war” known as *Perang Topat*, and the poetic dialogue performances called *Cakepung* or *Cepung*. Malay-influenced practices, by contrast, encompass the *gambus* lute music, the martial-arts-infused *Rudat* dance, and the melodious *Cilokaq* poetry recitation.

The customs of the *Sasak* people are vividly displayed during wedding ceremonies, encompassing a sequence of rituals that begin with the elopement of the bride and culminate in the festive procession known as *nyongkolan*.¹⁴ Among the *Sasak*, when a young man (*terune*) wishes to marry a young woman (*dedare*), tradition dictates that the bride must first be spirited away to the groom’s family home in a practice called *merariq* or elopement. The procedure is remarkably straightforward: the chosen *dedare* refrains from informing her parents of her intent to marry.¹⁵ Instead, the groom and his companions discreetly take her to a temporary hiding place within the extended family of the *terune*. Crucially, this act of “stealing” the bride (where the term implies her full consent and readiness for marriage) is never undertaken alone. The groom is accompanied by several relatives or close friends who serve both as witnesses and as part of the ceremonial escort. Moreover, the bride cannot be brought directly to the groom’s residence; she must first be entrusted to one of his relatives.¹⁶ Marrying a *dedare* through the formal channel of seeking parental consent (*redaq*) is undoubtedly considered more honourable than an unannounced elopement. Nevertheless, the latter practice has become far less common in contemporary *Sasak* society. The preference for *merariq* stems from a desire to circumvent potential obstacles, such

¹³ Agus Dedi Putrawan, “Sistem Birokrasi Dan Kekuasaan Masyarakat Suku Sasak,” *In Right: Jurnal Agama Dan Hak Azazi Manusia* 15, no. 1 (2013): 165–75.

¹⁴ Rapi Renda, Sumaryadi, and Hanifa Sa’diyah, “Wedding Procession of Sasak Ethnic Group as Presented in the Cilokaq Text Titled ‘Ngiring Penganten’ (The Bridal Parade): A Review Based on Dilthey’s Hermeneutics,” *Proceedings of the 4th International Conference on Arts and Arts Education (ICAAE 2020)* 552, no. Icaae 2020 (2021): 1–7, <https://doi.org/10.2991/assehr.k.210602.001>.

¹⁵ Ismi Putri and Muhammad Amin, “An Analysis of Politeness Strategies and Pedagogical Values of Selabar in Marriage Procession of Sasak Culture,” *Proceedings of the 3rd Annual Conference of Education and Social Sciences (ACCESS 2021)*, December 9, 2022, 314–20, https://doi.org/10.2991/978-2-494069-21-3_34.

¹⁶ Dr. Abdullah Muzakar Abdul Azizurrahman Roni, *MOSAİK BUDAYA SASAK*. h. 67.

as parental disapproval or financial constraints.¹⁷ The *redaq* process typically entails significantly greater expenditure than an elopement without prior permission, making *merariq* a pragmatic choice for many families.

In the *merariq* process, once the bride has spent one night in hiding under the care of the groom's relatives, the groom's side dispatches a delegation to the bride's family. The purpose of this visit is to formally announce that their daughter has been "taken" and is now safely sheltered elsewhere, although the exact location of her concealment is deliberately kept secret from the bride's family. This notification ritual is locally known as *nyelabar* and must be performed by the groom's relatives; the groom's parents themselves are strictly prohibited from participating.¹⁸ The *nyelabar* delegation consists of more than five members, all of whom are required to wear traditional attire (*dodot*). Strict protocol governs their approach: they may not proceed directly to the bride's family home. Instead, they must first seek permission from the village customary leader (*Kliang* or local elder) as a mark of respect. Even after receiving approval, the delegation is not allowed to enter the bride's house. They are expected to sit cross-legged in the front yard, where a designated spokesperson from the group delivers the formal announcement on behalf of the entire party.

The System of Responsibilities and Rights of Family Members in the Inheritance Practices of the *Sasak* Ethnic Group in Sade Village, Lombok

When discussing the system of responsibilities and rights of family members within the inheritance framework of the *Sasak* people in Sade Village, Central Lombok, one must begin with the prevailing kinship pattern embraced by the community. The *Sasak* in Sade follow a firmly patrilineal system, clearly evident in the preferential treatment given to male descent lines. Lineage is traced exclusively from father to son, and an individual's family membership is determined by the father's clan (*marga*). The clan's name itself is transmitted only from father to male children.

Male children bear significantly greater rights and responsibilities within the family. They are entitled to the lion's share of inherited property, particularly ancestral land (*tanah pusaka*). In return, they assume lifelong responsibility as

¹⁷ Nova Apriliani et al., "Bride Kidnapping as a Marriage Tradition: An Examination of Newcomers' Perspectives on Merariq in Lombok Island," *Fikri: Jurnal Kajian Agama, Sosial Dan Budaya* 9, no. 2 (2024): 239–58, <https://doi.org/10.25217/jf.v9i2.4874>.

¹⁸ M A B Bagas, "Treatment Penyuluh Agama Dalam Menyikapi Pernikahan Dini Semasa Pandemi Covid-19 Ditengah-Tengah Masyarakat Suku Sasak," *KONSELING: Jurnal Ilmiah Penelitian Dan ...* 3, no. 2 (2022): 48–54, <https://doi.org/10.31960/konseling.v3i2.1510>.

family heads, even after marriage. The duty to protect and provide for the family simultaneously elevates them to the role of customary leaders within the household. Daughters, by contrast, primarily serve a supportive role in livelihood matters. They inherit their mother's personal belongings and acquire individual property of their own, yet their principal obligations revolve around assisting parents with domestic chores and preparing themselves for marriage and family-building. Consequently, daughters are expected to uphold the family's honour with particular rigor.

The extended family, encompassing both nuclear and wider kin, plays a pivotal role in the daily life of the *Sasak* community in Sade. Major family decisions are typically reached through deliberation among elder male customary leaders. A profound sense of solidarity and mutual assistance binds family members together. For this reason, endogamous marriages within the same clan are generally prohibited, whereas exogamous marriages with partners from different clans are strongly encouraged. Such practices aim to prevent consanguineous unions while broadening kinship networks.

Interviews with local figures reveal both continuity and emerging tension. Haji Mahsun, a 65-year-old customary elder, emphasized that the patrilineal principle remains the cornerstone of inheritance: "From time immemorial in this village, land and houses have only been passed down to sons. Daughters remain part of the family, but once married they follow their husbands, so there is no reason for them to take ancestral land from their parents." Nuraini, a 48-year-old villager, echoed this view when recounting her own experience: "When my father passed away, the rice fields and house went to my older brother. I only received jewellery and woven cloths left by my mother. That is already considered sufficient for women here." Yet a younger voice, that of 27-year-old Ahmad Fauzi, signals change: "If we look at Islamic law, women also have inheritance rights. In my opinion, it is time for customary practice to adapt, especially since many women in this village now work and contribute significantly to family economies." These statements highlight an intergenerational value conflict between elders who staunchly defend tradition and younger members who increasingly advocate for a more equitable application of Islamic legal principles.

In Sade Village, Central Lombok, the *Sasak* inheritance system exhibits several distinctive features, particularly regarding the types of property women may rightfully possess. Women typically receive their mother's personal effects, such as gold jewellery, cash, and family heirlooms like hand-woven textiles. They

also acquire gifts from their husbands, often gold, clothing, woven fabrics, or household utensils. Additionally, women may accumulate personal wealth through trade, wages, or inheritances from relatives other than their parents. In certain cases, daughters can inherit specific assets from their natal family, including living quarters (usually the inner or outer sections of the house reserved for women), weaving equipment, and livestock such as goats or cattle. The nature and extent of property allocated to women vary considerably across families, depending on customary consensus and individual household circumstances. Oral traditions and customary law in Sade continue to be rigorously observed in matters of inheritance and ownership.

Eligibility criteria for heirs among the *Sasak* vary across regions, yet several general principles remain consistent, including in Sade Village. Primary heirs are almost invariably male children. Daughters do not automatically inherit, although exceptions exist. Only legitimate offspring from marriages recognized by both custom and religion possess inheritance rights. Children born outside wedlock are generally excluded, though certain exceptions apply. An heir must be alive at the moment of the decedent's death, and descendants of a predeceased heir may assume their ancestor's position through the system of substitution.

Heirs are obliged to fulfil both customary and religious duties, such as conducting funeral ceremonies, preserving and maintaining inherited assets, and nurturing harmonious relations within the extended family. Distribution of inheritance typically occurs through deliberation (*musyawarah*) involving heirs and respected customary leaders, with the aim of reaching a consensus regarded as fair and consonant with local tradition. In Sade Village, Central Lombok, no fixed timeline governs inheritance division. It generally takes place after the decedent's passing, but the precise timing differs from case to case. Distribution rarely occurs immediately following death. Instead, a mourning period lasting several days or weeks is observed, during which the family devotes itself to funerary rites and prayers. Only after mourning concludes does the family begin preparing the deliberation to address inheritance matters. Such deliberations are ordinarily attended by all heirs, customary authorities, and village elders.

Unilateral division of inheritance is strictly prohibited. Collective agreement among heirs and customary leaders is mandatory, grounded firmly in

the prevailing traditions of Sade Village.¹⁹ The more complex the estate, the longer the process tends to last, as thorough inventory, valuation, and equitable allocation to every eligible heir become necessary. Family circumstances also influence timing. For instance, if minor children are among the heirs, distribution may be postponed until they reach adulthood. In Sade, inheritance division constitutes a profoundly sacred and meaningful process, carried out with deep reverence and a strong spirit of familial unity.

Notable differences exist between inheritance practices in Sade Village and those observed elsewhere among the *Sasak*, as illustrated in the following comparison:

No	Other Regions	Sade Village
1	The eldest son is not necessarily the primary heir. Property may be divided equally among all sons or allocated according to individual capability and responsibility.	The eldest son is generally recognized as the primary heir.
2	A mother's personal belongings may be distributed to daughters before marriage.	A mother's personal belongings are given to daughters only upon marriage.
3	Inheritance may follow alternative frameworks, such as broader customary law or national statutory law.	Inheritance is almost always settled through deliberation among heirs and customary leaders.
4	In certain areas, women may inherit ancestral land, depending on local tradition.	Women have no claim to ancestral land (<i>tanah pusaka</i>).
5	In places like <i>Semaya</i> Village, women receive no share of their parents' land.	In Sade Village, Central Lombok, women are entitled to jewellery, household furnishings, clothing, and hand-woven textiles from their parents' estate.

Fieldwork conducted in *Sade* Village revealed a rich spectrum of opinions regarding the prevailing inheritance system. Among customary elders, the patrilineal framework enjoys unwavering support as an ancestral legacy. Mr. Lalu Sapar, a 70-year-old traditional leader, firmly asserted that change is neither desirable nor feasible: "Since the time of our forebears, land and houses have

¹⁹ Hilman Syahril Haq, "Legal Pluralism and Inheritance Rights: Resolving Conflicts Between Local Customs and National Law in Indonesia," *Kosmik Hukum* 25, no. 1 (January 31, 2025): 148–59, <https://doi.org/10.30595/KOSMIKHUKUM.V25I1.23727>.

always passed to sons. This is not merely about wealth; it is about safeguarding lineage and ensuring the extended family remains anchored to its ancestral soil. If daughters received land, they would follow their husbands, and the property could end up in another family's hands." His words underscore the deep legitimacy that customary law continues to command in upholding patrilineal continuity.

In contrast, married women offered candid reflections drawn from personal experience. Nuraini, a 48-year-old housewife, recalled: "When my father died, only my older brother inherited the rice fields. My younger sister and I received nothing but some woven cloths and a few pieces of jewellery. At the time it felt normal because that is simply how things are done here, yet looking at it now, women clearly need a share too, especially when economic circumstances become difficult." Her narrative illuminates both the restrictive nature of women's inheritance rights under *Sasak* custom and an emerging awareness of contemporary livelihood pressures.

Younger voices displayed markedly greater critical engagement. Ahmad Fauzi, a 27-year-old university graduate from the village, argued: "Custom is undoubtedly important, but Islamic law is equally explicit in granting women inheritance rights. It hardly seems fair that only men receive land when women today also contribute substantially to household finances. I believe we should gradually shift our perspective to better align with religious teachings." Such statements signal a paradigm shift among youth who have been exposed to formal education and broader discourses on gender equity.

Religious figures, meanwhile, seek to bridge these divergent viewpoints. Ustaz Rahman, aged 52, adopts a mediating stance: "I fully understand that our custom is patrilineal, yet I am equally aware of Islamic regulations. I often advise families to retain land for sons while ensuring daughters are not overlooked. Their share might take the form of cash, agricultural proceeds, or other assets. The crucial point is that everyone feels content and no one perceives injustice." This approach reflects a deliberate effort to foster coexistence between customary practice and Islamic jurisprudence without precipitating social discord.

Village officials tasked with resolving inheritance disputes bring a pragmatic dimension to the discussion. Junaidi, the 45-year-old hamlet head of Sade, observed: "When inheritance conflicts arise, families first approach the customary elders. Only if consensus proves elusive do they come to me. Lately we have noticed change; some families now request distribution according to

Islamic law. This poses challenges because custom and religious law do not always converge, yet we strive to find middle ground so that family unity remains intact.”

Several factors account for the observed variations in *Sasak* inheritance practices. Even within the same ethnic group, each locality has evolved distinct customary norms shaped profoundly by its unique historical origins and settlement patterns. External influences, particularly Islam and national legal frameworks, further contribute to ongoing transformation. The *Sasak* inheritance system thus proves dynamic rather than static, capable of gradual evolution over time. While oral traditions and customary institutions surrounding inheritance warrant preservation and respect, tensions occasionally arise when national law intersects with local practice. Balancing these competing normative orders remains an enduring challenge for the community.

Legal Pluralism and the Contestation of Norms in *Sasak* Inheritance Practices

Legal pluralism remains an inescapable reality in Indonesia, a nation inhabited by communities with profoundly diverse cultural, religious, and traditional backgrounds. In legal scholarship, pluralism is understood as the coexistence of multiple legal orders that interact, overlap, and occasionally clash within everyday social practice. In the inheritance customs of the *Sasak* community in Sade Village, Lombok, legal pluralism manifests through the simultaneous presence of three distinct systems: patrilineal customary law, Islamic inheritance law based on the principle of *farā'id*, and state law as codified in the Compilation of Islamic Law.²⁰ Far from operating in isolation, these three frameworks continually intersect and shape actual inheritance practices on the ground.

At the level of custom, the *Sasak* people of Sade Village steadfastly uphold a patrilineal system that designates sons as both primary lineage bearers and legitimate recipients of core inherited assets, particularly land and houses. This arrangement is widely regarded as essential for preserving the integrity of the extended family and ensuring that land ownership remains confined within a single male descent line. Interviews with elders such as Mr. Lalu Sapar, aged 70, reveal a deep-seated conviction that granting land to daughters risks its eventual transfer to another lineage upon marriage. Customary law thus serves not merely

²⁰ Diana Zuhroh, “KONSEP AHLI WARIS DAN AHLI WARIS PENGGANTI: Studi Putusan Hakim Pengadilan Agama,” *Al-Ahkam*, 2017, <https://doi.org/10.21580/ahkam.2017.27.1.1051>.

to regulate property distribution but also to safeguard cultural identity and the long-term stability of social structures.

Islamic law, by contrast, introduces a markedly different distributive logic through the rules of *farā'id*. Under this system, both sons and daughters possess unequivocal inheritance rights, albeit in a fixed ratio of two shares for males to one for females. Women's entitlement in Islam is substantive rather than symbolic, firmly grounded in explicit Qur'anic verses. Religious leaders in Sade, including Ustaz Rahman, aged 52, repeatedly emphasized during interviews that denying daughters their share contradicts fundamental Islamic principles. Yet the adoption of Islamic law has not displaced custom wholesale; instead, it has generated spaces for negotiation. Religious figures frequently propose compromises whereby land continues to pass to sons, while daughters receive compensation through agricultural yields or alternative assets. Such arrangements illustrate a process of selective adaptation (*takhayyur*), enabling Islamic law to retain its core commitment to justice while accommodating local social realities.²¹

State law enters the picture through the KHI, which formally applies in religious courts and largely follows *farā'id* with certain modifications, thereby legitimizing daughters' claims in official legal proceedings. Field observations, however, reveal that villagers rarely resort to courts. Most prefer internal resolution through customary channels or mediation by religious leaders. This pattern suggests that although state law enjoys formal authority, its practical efficacy hinges on grassroots acceptance and perceived social legitimacy.

The interplay among these systems produces a clear contestation of norms. Customary law defends its cultural legitimacy by invoking collective harmony and identity preservation. Islamic law asserts religious legitimacy rooted in sacred texts and universal justice.²² State law, meanwhile, upholds formal legitimacy through nationally binding regulation. The resulting tension creates a dynamic push-and-pull: custom tends toward resistance, while Islam and the state press for greater inclusivity. Outcomes typically take the form of partial, context-specific compromises rather than outright victory for any single order.

Younger generations introduce a fresh dimension to this contestation. Exposed to formal education and broader gender-equality discourses, they

²¹ Shahwīqar Shahin, "The Islamic Legal and Cultural Influences on Britain's Shari'a Councils," *Heythrop*, December 18, 2023.

²² Amalia Lathifah, "Interpretation of Verses on Women in Politics," *MILRev: Metro Islamic Law Review* 2, no. 1 (2023): 10–26, <https://doi.org/10.32332/milrev.v2i1.6872>.

question patrilineal exclusivity and advocate stronger alignment with Islamic principles. As Ahmad Fauzi, a 27-year-old villager, expressed it: “It simply is not fair for only men to inherit land when women today also provide for their families. We need to start shifting our mindset to better reflect religious teachings.” Such views signal the emergence of a new paradigm with potential to erode customary dominance over time.

Normative contestation is equally visible in daily practice. Some families adhere strictly to custom, others attempt full compliance with *farā'id*, and many pursue hybrid solutions. A daughter, for instance, might forgo land but receive monetary compensation from the sale of part of the estate. These blended approaches reflect a transitional phase in which no single legal order achieves complete hegemony. Within the theoretical framework of legal pluralism, scholars describe this phenomenon as *interlegality*: the creative intermingling of rules from different systems that gives rise to novel, locally grounded practices.

The implications of this contestation are far-reaching. First, it demonstrates that customary law is not inherently rigid but capable of gradual accommodation under pressure from religious norms and changing social expectations. Second, Islamic law proves remarkably adaptable through processes of renewal (*tajdid*) and selective application (*takebayyur*), remaining relevant within diverse cultural settings.²³ Third, despite its formal authority, state law continues to face acceptance challenges at the community level. Together, these insights reinforce the understanding that legal pluralism is less about the mere coexistence of multiple systems and more about how communities actively navigate competing claims to construct locally meaningful conceptions of justice.

Thus, inheritance practices among the *Sasak* of Sade Village exemplify a vibrant and dynamic form of legal pluralism. Custom, Islam, and the state do not simply coexist; they compete, negotiate, and compromise within the lived reality of inheritance distribution. The ongoing contestation of norms reveals not only tensions between tradition and religious law but also fertile opportunities for the emergence of more equitable and contextually attuned practices. For the development of national legal policy, the Sade experience offers a valuable lesson: meaningful reform must engage seriously with sociocultural diversity and cannot be detached from the twin sources of legitimacy provided by custom and religion.

²³ Fauzi, “Urf and Its Role in The Development of Fiqh: Comparative Study of Family Law Between Egypt and Indonesia,” *El-Ussab* 7, no. 1 (2024): 346–71, <https://doi.org/10.22373/ujhk.v7i1.23968>.

Transformation of Inheritance Values: From Patrilineal Tradition to Inclusive Islamic Principles

The transformation of inheritance values among the *Sasak* community reveals a distinctive legal dynamic in which a centuries-old patrilineal tradition steadily engages with the more inclusive principles of Islamic law.²⁴ Customary practice has long positioned sons as the primary recipients of immovable assets such as land and houses, while daughters typically receive only movable property or symbolic items. This pattern rests on the conviction that, upon marriage, a woman joins her husband's lineage, making any transfer of land to her a potential loss of family patrimony to another descent line. Yet rising social awareness, women's growing economic contributions, and sustained religious outreach emphasizing equal inheritance rights have gradually reshaped local perspectives.

The fiqh maxim *al-'ādah muhakkamah* (custom constitutes a valid source of law) initially lent legitimacy to the *Sasak* patrilineal system, provided it did not contradict explicit scriptural commands. Once customary practice produces clear injustice, particularly toward women, however, that maxim can no longer serve as absolute justification. Here the complementary principle "*lā ḍarar wa lā ḍirār*" (no harm may be inflicted or reciprocated) gains relevance, offering grounds to set aside harmful customary rules.²⁵ Consequently, *Sasak* customary law loses its claim to unqualified preservation when it demonstrably infringes upon women's Qur'anically established inheritance rights.

In everyday practice, families increasingly strike compromises between custom and Islamic norms. Some continue to allocate land exclusively to sons while sharing agricultural proceeds or other assets with daughters. Others move toward full application of *fara'id* proportions.²⁶ Such adaptations align with the method of *takbayyur*, whereby communities selectively adopt rulings best suited to their social context. The maxim *al-ḥukm yadūru ma'a 'illatibi wujūdan wa 'adaman* (a ruling revolves around its effective cause, whether present or absent) further clarifies why shifting social realities, notably women's heightened economic

²⁴ Syukur and Son Ashari, "Analisis Perbandingan Hak Waris Anak Perempuan Suku Sasak Antara Hukum Islam Dan Hukum Adat."

²⁵ Agus Hermanto, "Al-Qawā'id Al-Fiqhiyyah Dalil Dan Metode Penyelesaian Masalah-Masalah Kekinian," accessed February 6, 2025, <https://penerbitlitnus.co.id/product/al-qawaid-al-fiqhiyyah-dalil-dan-metode-penyelesaian-masalah-masalah-kekinian-dr-agus-hermanto-m-h-i/>.

²⁶ Daniel R. Meyer, Maria Cancian, and Yiyu Chen, "Why Are Child Support Orders Becoming Less Likely after Divorce?" *Https://Doi.Org/10.1086/681604* 89, no. 2 (June 1, 2015): 301–34, <https://doi.org/10.1086/681604>.

agency, provide legitimate grounds for adjusting inheritance practices toward greater equity.²⁷

This value shift also reflects active renewal (*tajdid*) spearheaded by local religious scholars. Drawing upon the higher objectives of Islamic law (*maqāṣid al-syari'ah*), especially *ḥifẓ al-māl* (preservation of wealth) and *ḥifẓ al-nasl* (preservation of progeny), these leaders urge recognition of daughters' inheritance entitlements.²⁸ They insist that the Sharia was revealed to establish substantive justice, not to perpetuate gender discrimination. The principle *al-masyaqqab tajlib al-taysir* (hardship begets facility) likewise supports practical solutions, such as substituting monetary compensation or movable assets for land, thereby averting disputes while safeguarding family harmony.²⁹

The role of the state, embodied in the Compilation of Islamic Law, remains significant. Although villagers seldom resort to religious courts, the very existence of state-sanctioned law strengthens the normative case for women's rights. From the perspective of *fiqh siyāsah*, this aligns with the maxim *taṣarruf al-imām 'ala al-ra'iyah manūṭun bi al-maṣlahah*: governmental authority must serve public welfare.³⁰ The state thus bears responsibility for ensuring that inheritance practices satisfy not only customary validity but also the substantive justice mandated by both Sharia and the national constitution.

The gradual transition from strict patriliney toward more inclusive Islamic inheritance principles carries profound implications.³¹ First, it demonstrates that

²⁷ Hendrianto Hendrianto and Hasan Bisri, "Implementation of Qawa'id Al-Fiqhiyyah Mazhab Hambali in Islamic Economic," *AL-FALAH: Journal of Islamic Economics* 6, no. 1 (2021): 61, <https://doi.org/10.29240/alfalah.v6i1.2521>.

²⁸ Saheed Abdullahi Busari et al., "Maqasid Al-Shariah-Based Strategies for Enhancing Digital Adoption Among B40 Muslim Entrepreneurs," *Journal of Islamic Finance* 14, no. 2 (September 29, 2025): 160–69, <https://journals.iium.edu.my/iibf-journal/index.php/jif/article/view/1036>.

²⁹ Siti Nur Husna Abd Rahman et al., "Kaedah Fiqhiyyah Dan Implikasinya Dalam Penentuan Hukum Hotel Halal Fiqhiyyah Principles and Their Implications in Determining the Legal Status of Halal Hotels," *Al-Basirah Journal* 15, no. 1 (2025): 22–34, <https://doi.org/10.22452/basirah.vol15no1.3>.

³⁰ Ahmad Musadad et al., "Accelerating Halal Certification: Al-Siyasah Shar'iyah Analysis of Local Government Strategies and Systemic Challenges for Madura's MSMEs," *Milkiyah: Jurnal Hukum Ekonomi Syariah* 4, no. 2 (2025): 87–98, <https://doi.org/10.46870/milkiyah.v4i2.1507>.

³¹ Syed Hasnat Ahmad Shah Gillani, Noor-Ul Shabbir, and Asmara Farzand, "Laws Regarding Family Inclusive of Marriage, Dowry, Custody, Divorce, Maintenance and Inheritance," *AL-IDRAK: Research Journal* 4, no. 1 (2024): 94, <https://www.alidrak.com/ojs3303/index.php/alidrak/article/view/141/97>.

custom is not a static monolith but a living tradition capable of evolution when confronted with demands for justice and religious fidelity. Second, Islamic law reveals its enduring flexibility through processes of renewal and selective application, enabling it to resonate deeply with *Sasak* social realities. Third, state law bolsters Islamic protections for women while paving the way for broader harmonization of national legal frameworks. Ultimately, this transformation transcends mere technical adjustments in asset distribution; it embodies an ongoing dialectical encounter among custom, Sharia, and state authority. Their convergence gives rise to inheritance practices that are markedly more humane, inclusive, and consonant with the higher objectives of Islamic law, particularly the principles of justice (*al-'adl*) and public welfare (*al-maṣlahah*).

Conclusion

This study reveals that inheritance practices among the indigenous *Sasak* community in Sade Village, Lombok, remain firmly rooted in a patrilineal framework. Sons continue to enjoy preferential access to core immovable assets, particularly land and houses, whereas daughters typically receive only limited portions in the form of jewellery or movable property. Such arrangements reflect the enduring cultural legitimacy of customary law, widely regarded as both an emblem of collective identity and a mechanism for preserving the cohesion of the extended family across generations. Nevertheless, broader social changes driven by rising education levels, modernization, heightened gender awareness, and the deepening influence of Islamic teachings are steadily fostering a transformation in prevailing inheritance values.

The findings highlight a striking plurality of perspectives within *Sasak* society. Elders steadfastly defend the patrilineal order as ancestral heritage. Married women increasingly articulate feelings of inequity in existing distribution patterns. Younger, better-educated members adopt a more critical stance, insisting on the application of Islamic principles that unequivocally guarantee women's inheritance rights. Religious leaders serve as mediators, proposing workable compromises between custom and Sharia. Village officials, in turn, strive to balance competing normative claims in ways that prevent open social conflict. Together, these voices demonstrate that legal pluralism extends far beyond the mere parallel existence of three legal orders (customary law, Islamic law, and state law); it constitutes a vibrant arena of negotiation, resistance, and creative adaptation.

From the vantage point of Islamic jurisprudence, the shifts observed among the *Sasak* illustrate the inherent dynamism of Sharia through the twin processes of renewal (*tajdid*) and selective adaptation (*takebayyur*). These mechanisms enable Islamic law to evolve while remaining firmly anchored in its foundational commitment to justice. The ongoing transformation also carries significant implications for national legal reform, particularly in the domain of inheritance, by underscoring the need for frameworks that are responsive to sociocultural diversity, genuinely inclusive of women's rights, and grounded in robust social legitimacy. Ultimately, this research affirms that meaningful harmonization among custom, Sharia, and state law is not merely a pragmatic necessity but a vital pathway toward an Indonesian inheritance system that is equitable, contextually attuned, and fully aligned with the higher objectives of Islamic law (*maqāṣid al-syarī'ah*).

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