



# Legal Literacy and Cultural Awareness in the Inheritance System: An Islamic Law Study of Indigenous Muslim Communities in West Nusa Tenggara

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## Abstract

The variation in inheritance practices among indigenous Muslim communities in West Nusa Tenggara (NTB) reflects a dynamic interaction between Islamic legal norms and local traditions. Although the Islamic inheritance law system (*faraid*) is widely recognised, its implementation is often adapted to customary values and family deliberation to preserve social harmony. This raises the question of how legal literacy and cultural awareness influence the choice of inheritance systems. This study analyses the dynamics of legal literacy and cultural awareness in the inheritance practices of the Sasak, Samawa, and Mbojo peoples. A qualitative approach with an exploratory case study design was employed to examine the interaction between Islamic legal principles and customary values. Data were obtained through in-depth interviews with customary leaders, religious figures, heirs, and village officials, supported by customary law documents, inheritance records, and academic literature. The data were analysed inductively using reduction, categorisation, and thematic interpretation based on the theories of legal pluralism, the objective of Islamic law (*maqāṣid al-syarī'ah*), and valid custom (*'urf ṣaḥīḥ*). The findings reveal that varying levels of legal literacy shape contextual interpretations of Islamic inheritance law. The integration of *maqāṣid al-syarī'ah* and *'urf ṣaḥīḥ* preserves protection of wealth (*ḥifẓ al-māl*) and preservation of lineage (*ḥifẓ al-nasl*), demonstrating that Islamic law adapts to local socio-cultural contexts. The novelty of this research lies in mapping the interrelation between legal literacy, cultural awareness, and inheritance practices as a form of community-based on collective legal reasoning (*ijtihād jamā'ī*). Scientifically, this study strengthens Islamic legal pluralism, enriches the anthropological approach to Muslim family law, and recommends enhancing community-based legal literacy and contextual inheritance mediation.

**Keywords:** Cultural Awareness; Customary Law; Inheritance Law; Islamic Law; Legal Literacy.

## Abstrak

Variasi praktik pewarisan di kalangan masyarakat Muslim adat di Nusa Tenggara Barat (NTB) mencerminkan adanya interaksi dinamis antara norma hukum Islam dan tradisi lokal. Meskipun sistem faraid telah dikenal luas, penerapannya sering disesuaikan dengan nilai-nilai adat dan musyawarah keluarga (musyawarah) untuk menjaga keharmonisan sosial. Kondisi ini menimbulkan pertanyaan tentang bagaimana literasi hukum dan kesadaran budaya mempengaruhi pilihan sistem pewarisan. Penelitian ini menganalisis dinamika literasi hukum dan kesadaran budaya dalam praktik pewarisan masyarakat Sasak, Samawa, dan Mbojo. Pendekatan kualitatif dengan desain studi kasus eksploratori digunakan untuk mengkaji interaksi antara prinsip hukum Islam dan nilai-nilai adat. Data diperoleh melalui wawancara mendalam dengan tokoh adat, tokoh agama, ahli waris, dan aparat desa, didukung oleh dokumen hukum adat, catatan musyawarah waris, dan literatur akademik. Data dianalisis secara induktif menggunakan teknik reduksi, kategorisasi, dan interpretasi tematik berdasarkan teori pluralisme hukum, *maqāṣid al-syarī'ah*, dan *'urf ṣaḥīḥ*. Temuan menunjukkan bahwa variasi tingkat literasi hukum membentuk cara masyarakat menafsirkan hukum Islam secara kontekstual. Integrasi nilai *maqāṣid al-syarī'ah* dan *'urf ṣaḥīḥ* menjaga *ḥifẓ al-māl* (pemeliharaan harta) dan *ḥifẓ al-nasl* (kelestarian keturunan), menunjukkan bahwa hukum Islam adaptif terhadap konteks sosial-budaya lokal. Kebaruan penelitian ini terletak pada pemetaan hubungan antara literasi hukum, kesadaran budaya, dan praktik pewarisan sebagai bentuk *ijtihād jamā'ī* berbasis komunitas. Secara ilmiah, penelitian ini memperkuat teori pluralisme hukum Islam, memperkaya pendekatan antropologi hukum dalam studi hukum keluarga Muslim, serta merekomendasikan penguatan literasi hukum Islam berbasis komunitas dan mediasi pewarisan yang kontekstual.

**Keywords:** Hukum Adat; Hukum Islam; Hukum Waris; Kesadaran Budaya; Literasi Hukum.



## Introduction

The practice of inheritance distribution in West Nusa Tenggara (NTB) presents complex legal and cultural challenges resulting from the intersection of Islamic law and indigenous customary norms. Although the community theoretically recognises the Islamic inheritance law system (*faraidh*), its practical application is often adapted to social structures that emphasise family harmony.<sup>1</sup> In the Sasak, Samawa, and Mbojo traditions, inheritance is commonly determined through family deliberation rather than strict adherence to Islamic law.<sup>2</sup> This pattern reflects a preference for social justice achieved through consensus rather than the formal justice prescribed in Islamic inheritance jurisprudence (*fiqh al-mawāriṭh*).<sup>3</sup>

Another difficulty arises from the community's low level of legal literacy concerning *faraidh* principles.<sup>4</sup> Consequently, Islamic law is frequently employed symbolically, while economic pressures, gender relations, and social hierarchies influence inheritance decisions.<sup>5</sup> These conditions produce a duality of authority between religious and customary systems that coexist without strong integration. A contextual approach is therefore required one that maintains the supremacy of *faraidh* as the foundation of Islamic inheritance law while allowing adaptation to local wisdom.<sup>6</sup>

Cultural awareness denotes an understanding of the values and customs embedded within a society, including its inheritance norms.<sup>7</sup> Among Indonesia's indigenous Muslim communities, inheritance systems are influenced by kinship models patrilineal, matrilineal, or bilateral alongside religious doctrines.<sup>8</sup> Consequently, communities do not always adhere strictly to formal Islamic law. In Java and Minangkabau, for instance, disputes are frequently resolved through customary mechanisms considered more contextual and practical.<sup>9</sup>

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<sup>1</sup> Utama Wardi et al., "Comparative Analysis of Islamic Family Law and Customary Law in the Settlement of Inheritance Disputes in Indonesia," *Hakamain: Journal of Sharia and Law Studies* 3, no. 1 (July 9, 2024): 13–25, <https://doi.org/10.57255/hakamain.v3i1.330>.

<sup>2</sup> Wahyu Azwar et al., "Exploration of the Merariq Tradition in Sasak Lombok, Indonesia: Analysis in Islamic Law and Socio-Cultural Dynamics Perspectives," *IBDA: Jurnal Kajian Islam Dan Budaya* 22, no. 1 (April 8, 2024): 23–38, <https://doi.org/10.24090/ibda.v22i1.10766>.

<sup>3</sup> Achmad Hariri and Basuki Babussalam, "Legal Pluralism: Concept, Theoretical Dialectics, and Its Existence in Indonesia," *Walisongo Law Review (Walrev)* 6, no. 2 (October 31, 2024): 146–70, <https://doi.org/10.21580/walrev.2024.6.2.25566>.

<sup>4</sup> Fahmi Fatwa Rosyadi Satria Hamdani et al., "Traditional Law vs. Islamic Law; An Analysis of Muslim Community Awareness in Inheritance Issues," *Al-Ahkam* 32, no. 1 (April 28, 2022): 109–30, <https://doi.org/10.21580/ahkam.2022.32.1.11000>.

<sup>5</sup> Arbanur Rasyid, Rayendriani Fahmei Lubis, and Idris Saleh, "Contestation of Customary Law and Islamic Law in Inheritance Distribution: A Sociology of Islamic Law Perspective," *Al-Ahkam* 34, no. 2 (October 31, 2024): 419–48, <https://doi.org/10.21580/ahkam.2024.34.2.20843>.

<sup>6</sup> Misdudin Mahdan, "Interview with the Secretary of PDM Lotim, Conducted by the Author," 2024.

<sup>7</sup> Awis Alhkarni and Novia Yuriska, "Minangkabau Customary Marriage Traditions: Integration of Custom and Sharia Principles in the Perspective of Islamic Law," *USRATY: Journal of Islamic Family Law* 2, no. 2 (December 20, 2024): 124–33, <https://doi.org/10.30983/usraty.v2i2.8834>.

<sup>8</sup> Hanisah Binte Abdullah Sani, "State Law and Legal Pluralism: Towards an Appraisal," *The Journal of Legal Pluralism and Unofficial Law* 52, no. 1 (January 2, 2020): 82–109, <https://doi.org/10.1080/07329113.2020.1727726>.

<sup>9</sup> Siti Hasanah, "Adat Bersendikan Syarak, Syarak Bersendikan Kitabullah Basis Transendental Pemerintahan Masyarakat Suku SAMAWA," *Istinbath* 18, no. 1 (September 22, 2019), <https://doi.org/10.20414/ijhi.v18i1.153>.

Comparable dynamics appear among the Bugis in Luwu, where inheritance is distributed through collaboration between Islamic and customary law.<sup>10</sup> The local system is viewed as complementary to formal Islamic practice and more aligned with the social order of the community.<sup>11</sup> Empirical findings demonstrate that the level of legal literacy significantly shapes communities' inheritance preferences.<sup>12</sup> In Bolaang Mongondow, for example, higher legal literacy enables individuals to integrate customary norms within a Sharia-based framework to attain fairer outcomes.

Studies in Mandailing and Lombok indicate that awareness of dual legal systems customary and Islamic encourages a flexible, syncretic approach to inheritance. In Lombok, the Sasak people uphold local values by applying Islamic inheritance law contextually to preserve social harmony.<sup>13</sup> In Bali, parental kinship in local law recognises women as principal heirs, illustrating gender-equality adaptation.<sup>14</sup> Meanwhile, digitalisation and exposure to national legal norms have led younger generations in Java toward hybrid solutions that balance tradition and statutory law.<sup>15</sup>

Despite extensive research in other regions, few studies have explored inheritance practices among Muslim communities in West Nusa Tenggara (NTB).<sup>16</sup> Existing works remain largely descriptive and rarely examine how legal literacy and cultural awareness interact to influence inheritance preferences. This research fills that gap by adopting an Islamic-legal theoretical framework that emphasises the dynamic relationship between Sharia norms and indigenous practices through local custom (*'urf*) and social benefit (*maṣlaḥah*). The principle of *'urf* legitimises established customs that do not contradict Islamic law, while *maṣlaḥah* evaluates whether such customs promote justice, family welfare, and community stability.<sup>17</sup>

Building on this conceptual foundation, the present study offers a novel analytical model that bridges the principles of *'urf* and *maṣlaḥah* to explain how indigenous Muslim communities contextualise Islamic inheritance law in West Nusa Tenggara (NTB). This approach not only identifies the interaction between legal literacy and cultural awareness as a determining factor in inheritance decision-making but also contributes to the broader discourse of Islamic legal pluralism in Indonesia. The study thus aims to analyse how legal

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<sup>10</sup> Kartini and Ety Nur Inah, "The Legal System of Inheritance of Indigenous Bugis-Bone: Islamic Law Perspective," *IOP Conference Series: Earth and Environmental Science* 175 (July 24, 2018): 012139, <https://doi.org/10.1088/1755-1315/175/1/012139>.

<sup>11</sup> Kholova Madina Boboqulovna, "The Influence Of Cultural Codes On Society," *American Journal of Philological Sciences* 4, no. 3 (March 1, 2024): 82–90, <https://doi.org/10.37547/ajps/Volume04Issue03-15>.

<sup>12</sup> Dedy Sumardi, Ratno Lukito, and Moch Nur Ichwan, "Legal Pluralism within The Space of Sharia: Interlegality of Criminal Law Traditions in Aceh, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (June 30, 2021): 426, <https://doi.org/10.22373/sjkh.v5i1.9303>.

<sup>13</sup> Azwar et al., "Exploration of the Merariq Tradition in Sasak Lombok, Indonesia: Analysis in Islamic Law and Socio-Cultural Dynamics Perspectives."

<sup>14</sup> I Gusti Ayu Aditi et al., "Reexamination of the Concept of Justice in the Inheritance System: A Study on Women's Inheritance in the Traditional Society of Bali in Lombok, West Nusa Tenggara, Indonesia," *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 3 (December 26, 2023): 602–22, <https://doi.org/10.29303/ius.v11i3.1322>.

<sup>15</sup> Romi Adetio Setiawan, "Impact of Islamic Jurisprudential on Traditional Financial Customs and Legal Integration in Indonesia," *Journal of Islamic Thought and Civilization* 13, no. 2 (December 6, 2023): 195–209, <https://doi.org/10.32350/jitc.132.13>.

<sup>16</sup> Achmad Hariri and Basuki Babussalam, "Legal Pluralism: Concept, Theoretical Dialectics, and Its Existence in Indonesia."

<sup>17</sup> Wahbah al-Zuhaili, "Ushul Al-Fiqh Al-Islami" (Damaskus: Dar al-Fikr, 1986).

literacy and cultural awareness interact to shape inheritance practices among the Sasak, Samawa, and Mbojo peoples in West Nusa Tenggara (NTB) and to demonstrate how these interactions embody a harmonisation between Islamic legal norms and local wisdom in pursuit of social justice and cultural cohesion.

## Method

This study employs a qualitative approach with an exploratory case study design to examine the dynamics of legal pluralism in inheritance practices among indigenous Muslim communities in West Nusa Tenggara (NTB), encompassing the Sasak (Lombok), Samawa (Sumbawa), and Mbojo (Bima) ethnic groups. The theoretical framework integrates the theory of legal pluralism (Griffiths, 1986; Merry, 1988), the *maqāṣid al-syarī'ah* framework (Al-Ghazali; Al-Syatibi), and the concept of *urf* as a secondary source of Islamic law. Primary data were obtained through in-depth interviews with traditional leaders, religious scholars, heirs, and local government officials, while secondary data were derived from customary manuscripts (*awig-awig*), inheritance records, and village regulations. All data were analysed inductively using Miles and Huberman's interactive model, involving data reduction, thematic categorisation, and conclusion drawing.<sup>18</sup> Triangulation of sources and methods was applied to ensure validity, supported by expert review sessions with scholars of Islamic law and local customary leaders. This approach facilitated a contextual understanding of how Islamic law and customary norms interact to shape inheritance practices that align with *maqāṣid al-syarī'ah* and promote social harmony.

## Community legal literacy regarding inheritance systems

The results of the study indicate that the level of legal literacy among indigenous Muslim communities in West Nusa Tenggara (NTB) reveals complex dynamics in the understanding and application of the inheritance system. Legal literacy, defined as an individual's ability to comprehend their legal rights and obligations, plays a significant role in determining the acceptance and implementation of the inheritance system within society. Several studies conducted in Indonesia demonstrate that communities with low levels of legal literacy tend to adhere to traditional inheritance patterns rooted in custom, often disregarding Islamic or state law. This type of inheritance pattern frequently results in distributional inequality, particularly concerning women's rights. A similar phenomenon is observed in West Nusa Tenggara (NTB), where indigenous Muslim communities generally recognise Islamic inheritance law as the primary reference, yet in practice, continue to prioritise customary norms that have been transmitted through generations.

An interview with Anugerah Arifin revealed that inheritance distribution in Lombok communities is seldom executed textually according to *faraidh* law; instead, it is facilitated through family deliberation.<sup>19</sup> This practice is perceived as more conducive to maintaining harmony than the application of rigid legal norms. This perspective reflects a medium level of legal literacy, wherein the community understands the principles of Islamic law but still prioritises social harmony. This observation aligns with the theory of legal pluralism posited by Griffiths (1986) and Merry (1988), which elucidates that multiple legal systems may concurrently operate within a single social space, namely customary law, Islamic law, and

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<sup>18</sup> J. Miles, M.B. Huberman, A.M. & Saldana, "Qualitative Data Analysis, A. Methods Sourcebook," Edition 3 (USA: Sage Publications, 2014).

<sup>19</sup> Anugerah Arifin, "Chair of PDM Mataram," 2024.

state law.<sup>20</sup> Communities with low literacy rely more heavily on *'urf* as a social guideline, whereas communities with higher literacy levels tend to integrate Islamic legal values into customary practices.

Within the framework of the theory of *maqāṣid al-syarī'ah*, the inheritance practices of the Sasak, Samawa, and Mbojo communities reflect efforts to uphold *ḥifẓ al-māl* (preservation of property) and *ḥifẓ al-nasl* (preservation of descendants). According to Hj. Nasihi, "*the distribution of inheritance is often adjusted to the capabilities and needs of the heirs, not merely a matter of numbers.*"<sup>21</sup> This statement encapsulates the principle of substantive justice (*al-'adālah al-ma'nawīyyah*), which is the primary objective of Islamic law. This approach illustrates that Islamic law is not applied rigidly but is understood within the framework of contextual social welfare.

In Sasak society, there exists a saying, '*Sak Mame Belebah Sak Nine Bereson,*' which implies that men receive a larger share due to their heavier economic responsibilities. This principle is not viewed as contrary to Sharia law; rather, it exemplifies the application of the value of proportional justice (*ta'dīl*) within *maqāṣid al-syarī'ah*. Conversely, the Samawa community in Sumbawa Besar acknowledges the principle of '*Tau Slaki Balemar, Tau Swai Basoan,*' which aligns with the Islamic concept of sharing burdens between men and women (*sepikul sejnjing*). According to Anharijudin, this principle sustains a balance of responsibility within the family and reinforces the value of contextual justice.<sup>22</sup> This demonstrates how the Samawa community harmoniously integrates Islamic law and custom through family deliberation (*tokal*), functioning as a community-based on collective *ijtihād* (*ijtihād jamā'ī*) mechanism.

In contrast, the Mbojo community in Bima and Dompu exhibits a relatively high level of legal literacy, primarily due to the robust influence of religious institutions. They tend to adhere formally to the *faraidh* system; however, the inheritance distribution process is still conducted through family forums such as *mbolo radampa* or *mufakat*, which facilitate equitable joint decisions. According to Hj. Reni Wahyuni (2024), "*the distribution is conducted in accordance with Islamic law, but it is still discussed to prevent disputes.*"<sup>23</sup> This practice illustrates the harmonisation between *ḥifẓ al-māl* and *ḥifẓ al-nasl*, which underpin the principles of *maqāṣid al-syarī'ah*, ensuring that the application of Islamic law is not merely normative but also considers the local socio-cultural context.

Based on field findings, the level of legal literacy among indigenous Muslim communities in West Nusa Tenggara (NTB) can be categorised into three classifications that display variations in the understanding and application of Islamic inheritance law across diverse social contexts. First, low legal literacy is evident in rural areas such as East Lombok and South Sumbawa, where the distribution of inheritance is generally facilitated through family agreements without reference to Islamic legal texts. This process is more oriented towards familial values and social harmony than towards the stipulations of *faraidh* system. Second, moderate legal literacy is observed in communities that comprehend the principles of *faraidh* yet maintain the family deliberation mechanism as a form of customs that are valid according to Sharia (*'urf ṣaḥīḥ*). In this group, a process of adaptation occurs between Islamic legal texts and the local socio-cultural context, emphasising a balance between formal justice

<sup>20</sup> Sani, "State Law and Legal Pluralism: Towards an Appraisal."

<sup>21</sup> Hj. Nasihi, "Personal Interview with the Chairman of PDA Lotim," 2025.

<sup>22</sup> Anharijudin, "Pancor Traditional Leader," 2024.

<sup>23</sup> Dra. Hj Reni Wahyuni, "Chairman of the Dompu PDA," 2024.

and substantive justice. Third, high legal literacy is typically found in urban areas, where *faraidh* law is applied normatively according to the text but is still complemented by deliberative practices as a means of maintaining social harmony among family members.

According to Misdudin Mahdan (2024), "people who frequently attend religious lectures possess a better understanding of Islamic inheritance law, while rural communities continue to adhere to oral traditions."<sup>24</sup> This statement corroborates that legal literacy is influenced not only by formal education levels but also by factors such as social experience, community leadership, and religious understanding developed through da'wah and community development activities.

Overall, the findings of this study illustrate that inheritance practices in West Nusa Tenggara (NTB) constitute a hybrid legal system that integrates Islamic and customary values based on the principles of *maqāṣid al-syarī'ah*. This form of legal pluralism reflects the community's capacity to adapt religious norms to social realities, ensuring that Islamic law remains contextually relevant. This integration seeks to uphold justice (*'adl*), harmony, and social stability within traditional Muslim families, while emphasising that Islamic law in the local context is not rigid, but rather flexible and oriented towards the common good (*maṣlahah musytarakah*).

### **Cultural awareness of communities concerning customary values in inheritance practices**

This subsection focuses on analysing the research results and their discussion in relation to several important theories in Islamic law, particularly the theories of *maqāṣid al-syarī'ah* and *'urf ṣaḥīḥ*. This analysis highlights how customary values and Islamic law interact in the inheritance practices of Muslim indigenous communities in West Nusa Tenggara (NTB). Furthermore, the researchers examine additional research findings to emphasise the contribution, novelty, and scientific significance of this research in the context of contextual and pluralistic Islamic inheritance law. If the evaluation results indicate potential inconsistencies between customary norms and Islamic law, recommendations for improvements to regional regulations related to inheritance distribution will be presented as part of research-based policy implications.

The community's cultural awareness of customary values in inheritance practices reflects the strong connection between collective identity and the local legal system that has been passed down across generations. In indigenous communities in Indonesia, customary values not only function as social norms but also serve as a source of moral legitimacy for resolving inheritance issues fairly and harmoniously. Communities tend to use customary principles as their main reference, especially when inheritance issues cannot be fully resolved through state or religious law. Values such as respect for seniority, family responsibility, and contribution to social welfare are important considerations in determining inheritance rights. In line with the findings of Didik and colleagues, customs act as a corrective mechanism to the rigidity of formal law and help communities maintain substantive justice based on the value of family harmony.<sup>25</sup>

In the Sasak community in Lombok, the social system, which is still influenced by

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<sup>24</sup> Misdudin Mahdan, "Interview with the Secretary of PDM Lotim, Conducted by the Author."

<sup>25</sup> Didik Sukriono et al., "Local Wisdom as Legal Dispute Settlement: How Indonesia's Communities Acknowledge Alternative Dispute Resolution?," *Legality : Jurnal Ilmiah Hukum* 33, no. 1 (April 15, 2025): 261–85, <https://doi.org/10.22219/ljih.v33i1.39958>.

customary structures, makes cultural values such as mutual cooperation, and preservation of the local language the foundation of social cohesion. The *Wetu Telu* tradition that developed in the Bayan region, North Lombok, demonstrates how Islamic teachings are adapted through local values. In the context of inheritance, the concept of *Sak Mame Belembah Sak Nine Bereson* describes the balance of responsibility between men and women, where men receive a larger share due to their heavier economic role. However, research by Makhrup shows that the pressures of modernisation and demands for gender equality have encouraged the Sasak community to provide a more equitable space for women in receiving inheritance.<sup>26</sup> The results of an interview with Ustazah Siti Mardiyah (2024) also confirm that 'now women are starting to be considered equal in inheritance rights, although it is still through family deliberation,' indicating a process of cultural adaptation that is responsive to Islamic values of justice.<sup>27</sup>

The cultural awareness of the Samawa community in Sumbawa demonstrates a close synergy between traditional values and Islamic principles. The expression '*Adat bersendikan syarak, syarak bersendikan Kitabullah*' (custom is based on Sharia, Sharia is based on the Book of Allah) serves as the normative foundation that affirms that custom and Sharia coexist harmoniously. Their agrarian and maritime-based social system reinforces values of deliberation (*tokal*), mutual assistance (*saleng tulung*), and equality within the family. An interview with Hj. Zaenab (2024) revealed that 'in the distribution of inheritance, we always consult first; Islamic law is a guideline, but custom is our way of keeping the family harmonious.'<sup>28</sup> This finding reinforces Fazli and Safi's (2025) view that custom is not a barrier to Islamic law, but rather an instrument of '*urf ṣaḥīḥ*' that assists the community in interpreting Sharia law contextually.<sup>29</sup> Thus, the cultural awareness of the Samawa community reflects a form of *ijtihād jamā'ī* that is alive and participatory, prioritising social justice over legal formalities.

Meanwhile, the Mbojo community in Bima and Dompu exhibits a strong cultural awareness of the integration between custom and Islam. Influenced by the legacy of the Bima Sultanate, the Mbojo social structure is hierarchical, with the roles of clerics and nobles being very dominant in education and dispute resolution. Inheritance practices are often conducted through family deliberations (*mbolo radampa*), where final decisions are made by consensus. Based on an interview with Hj. Reni Wahyuni (2024), 'the distribution is carried out according to faraid, but there must be family agreement so as not to cause division.'<sup>30</sup> This demonstrates the application of the principle of *maqāṣid al-syarī'ah* in maintaining *ḥifẓ al-nasl* (preservation of descendants) and *ḥifẓ al-māl* (preservation of wealth), where justice and family peace are the main objectives. This finding is consistent with Setiawan's (2023) research in Malaysia, which shows that the integration of customs and *faraidh* strengthens social cohesion without undermining the legitimacy of Islamic law.<sup>31</sup>

<sup>26</sup> Abdul Gani Makhrup, "Dispute over Sasak Customary Inheritance Rights and the Evolution of Granting Inheritance Rights to Girls," *JILPR Journal Indonesia Law and Policy Review* 5, no. 2 (February 29, 2024): 442–49, <https://doi.org/10.56371/jirpl.v5i2.225>.

<sup>27</sup> Siti Mardiyah, "Chairperson of the KLU Muslimat PC," 2024.

<sup>28</sup> Ir. Hj. Zaenab, "Chairman of the Sumbawa PDA," 2024.

<sup>29</sup> Fazal Hadi Fazli and Shamsul Islam Shams Safi, "Valid Custom ('urf Al-Sahih): Its Legitimacy and Implications in Nangarhar Province, Afghanistan," *Journal of Arts, Humanities and Social Science* 2, no. 1 (January 1, 2025): 1–7, <https://doi.org/10.69739/jahss.v2i1.192>.

<sup>30</sup> Wahyuni, "Chairman of the Dompu PDA."

<sup>31</sup> Setiawan, "Impact of Islamic Jurisprudential on Traditional Financial Customs and Legal Integration in Indonesia."

The results of this study also confirm that cultural awareness of inheritance in West Nusa Tenggara (NTB) is not static, but rather adaptive to religious education and modernisation. Communities with greater access to Islamic education and guidance from religious scholars demonstrate a higher tendency to formally apply *faraidh*. Conversely, communities in remote areas are more likely to uphold egalitarian traditions through deliberative distribution. This phenomenon indicates that cultural awareness develops in line with increased religious literacy and social participation. According to Jamaludin (2024), 'religious knowledge makes people wiser, but customs are still preserved because they are our identity.'<sup>32</sup> This statement illustrates the harmony between religion and culture as pillars of contextual justice at the community level.

Within the framework of *maqāṣid al-syarī'ah*, the cultural awareness of the Sasak, Samawa, and Mbojo communities reflects efforts to uphold the five basic objectives of Sharia: religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). The customs that exist in these community's function as social instruments to maintain a balance between legal norms and the realities of life. In accordance with the views of Hariri and Babussalam, legal pluralism, realised through the integration of customs and Islam at the local level, reflects a form of substantive justice that is adaptive to social dynamics.<sup>33</sup> Thus, inheritance in the context of West Nusa Tenggara (NTB) society is not merely a process of material distribution, but also a social mechanism that preserves family solidarity and cultural identity.

These findings indicate that the integration of customary law and Islam in inheritance practices in West Nusa Tenggara (NTB) does not represent a conflict between values, but rather a dynamic and creative process of adaptation. Cultural awareness serves as the primary foundation for maintaining social harmony, while Islamic law provides a moral and spiritual guide. The results of this study reinforce the argument that legal pluralism in Indonesia does not negate Sharia law but rather revitalises it within a local context oriented towards public interest (*maṣlaḥah*) and justice (*'adl*). Therefore, inheritance practices in West Nusa Tenggara (NTB) can be understood as a concrete manifestation of *maqāṣid al-syarī'ah* and *'urf ṣaḥīḥ*, which work collaboratively to create a balance between law, culture, and social values.

Based on the research findings, systematic efforts are needed to strengthen the Islamic legal literacy of the people of West Nusa Tenggara (NTB) so that their understanding of *faraidh* law is not only textual but also substantive. The local government, together with religious institutions such as the Indonesian Ulema Council (MUI) and the Muhammadiyah Regional Leadership (PWM) of West Nusa Tenggara (NTB), should initiate community-based family law education programmes. This programme can be developed through Baitul Arqam and thematic recitations on contextual Islamic inheritance law. Additionally, it is recommended that the West Nusa Tenggara (NTB) Provincial Government revise the Regional Regulation on Customary Law by incorporating a clause on the harmonisation of customs and Islamic law so that the inheritance distribution process reflects substantive justice and social welfare. This recommendation aligns with research conducted in Aceh and India, which confirms that legal policies based on local wisdom strengthen the social legitimacy of Islamic law without causing

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<sup>32</sup> Jamaludin, "Religious Leader of Bima," 2024.

<sup>33</sup> Achmad Hariri and Basuki Babussalam, "Legal Pluralism: Concept, Theoretical Dialectics, and Its Existence in Indonesia."

conflict with customary norms.<sup>34</sup> This demonstrates the application of the principle of *maqāṣid al-syarī'ah* in maintaining *ḥifẓ al-nasl* (preservation of descendants) and *ḥifẓ al-māl* (preservation of wealth), where justice and family peace are the primary objectives. This finding is consistent with research in Malaysia, which shows that the integration of customs and *faraidh* enhances social cohesion without diminishing the legitimacy of Islamic law.

### **Legal literacy and cultural awareness of the inheritance system through analysis of *maqāṣid al-syarī'ah* and 'urf**

This subsection focuses on analysing the research results and their discussion in relation to several important theories in Islamic law, particularly the theories of *maqāṣid al-syarī'ah* and *'urf ṣaḥīḥ*. This analysis highlights how customary values and Islamic law interact in the inheritance practices of Muslim indigenous communities in West Nusa Tenggara (NTB). Furthermore, the researchers examine additional research findings to emphasise the contribution, novelty, and scientific significance of this research in the context of contextual and pluralistic Islamic inheritance law. If the evaluation results indicate potential inconsistencies between customary norms and Islamic law, recommendations for improvements to regional regulations related to inheritance distribution will be presented as part of research-based policy implications.

The community's cultural awareness of customary values in inheritance practices reflects the strong connection between collective identity and the local legal system that has been passed down across generations. In indigenous communities in Indonesia, customary values not only function as social norms but also serve as a source of moral legitimacy for resolving inheritance issues fairly and harmoniously. Communities tend to use customary principles as their primary reference, especially when inheritance issues cannot be fully resolved through state or religious law. Values such as respect for seniority, family responsibility, and contribution to social welfare are important considerations in determining inheritance rights. In line with the findings of Didik and colleagues, customs act as a corrective mechanism to the rigidity of formal law and assist communities in maintaining substantive justice based on the value of family harmony.<sup>35</sup>

In the Sasak community in Lombok, the social system, which is still influenced by customary structures, makes cultural values such as mutual cooperation, *merariq*, and preservation of the local language the foundation of social cohesion. The *Wetu Telu* tradition that developed in the Bayan region, North Lombok, demonstrates how Islamic teachings are adapted through local values. In the context of inheritance, the concept of *Sak Mame Belembah Sak Nine Bereson* describes the balance of responsibility between men and women, where men receive a larger share due to their heavier economic role. However, research by Makhrup shows that the pressures of modernisation and demands for gender equality have encouraged the Sasak community to provide a more equitable space for women in receiving inheritance. The results of an interview with Ustazah Siti Mardiyah (2024) also confirm that 'now women are starting to be considered equal in inheritance rights, although it is still through family deliberation,' indicating a process of cultural adaptation that is responsive to Islamic values of

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<sup>34</sup> Ajidar Matsyah et al., "Cultural Continuity and Legal Adaptation: The Evolution of Suluh in Aceh's Conflict Resolution System," *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (June 11, 2025): 101, <https://doi.org/10.31958/juris.v24i1.13272>.

<sup>35</sup> Sukriono et al., "Local Wisdom as Legal Dispute Settlement: How Indonesia's Communities Acknowledge Alternative Dispute Resolution?"

justice.<sup>36</sup>

Analysis of the research results shows that inheritance practices among indigenous Muslim communities in West Nusa Tenggara (NTB) cannot be understood solely through the normative perspective of *faraidh* system but must be analysed through the principles of *maqāṣid al-syarī'ah* and the concept of '*urf ṣaḥīḥ*'. Based on the *maqāṣid* theory developed by Al-Ghazali and Al-Syatibi, the objectives of Islamic law are to protect five fundamental aspects of human life: religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-'aql*), progeny (*ḥifẓ al-nasl*), and wealth (*ḥifẓ al-māl*).<sup>37</sup> In the context of customary inheritance in West Nusa Tenggara (NTB), the Sasak, Samawa, and Mbojo communities strive to maintain a balance between legal justice and social harmony by making family deliberation the primary means of inheritance distribution.

The practices of *mbolo radampa* in Bima and tokal in Sumbawa demonstrate the implementation of *ḥifẓ al-nasl* through efforts to maintain harmony among heirs, while the proportional distribution of wealth among the Sasak people illustrates the application of *ḥifẓ al-māl*. Although the *faraid* formula is widely known, its implementation is often modified to suit the principle of public interest (*maslahah*), namely maintaining family welfare and solidarity. Thus, the application of Islamic law is not rigid but adaptive to socio-cultural realities.

This approach reinforces the view of '*urf ṣaḥīḥ*' as a recognised secondary source of law in fiqh.<sup>38</sup> '*Urf* allows local customs to be used as a legal reference as long as they do not contradict the *nash syariat*. In the case of West Nusa Tenggara (NTB), customs such as *Sak Mame Belebah*, *Sak Nine Bereson* in Lombok, and *Tau Slaki Balembar*, *Tau Swai Basoan* in Sumbawa are valid forms of '*urf*' because they uphold the principles of proportional justice (*ta'dīl*) and social benefit. As emphasised by Hj. Nasihi, 'the distribution of inheritance is often adjusted to the capabilities and needs of the family, not just numbers, which demonstrates the implementation of substantive justice (*al-'adālah al-ma'naviyyah*) in the local context.'

This finding is consistent with previous research by Alhkarni & Yuriska (2024) on the adaptation of Islamic inheritance law in Minangkabau society, which shows that the integration of '*urf*' strengthens the legitimacy of Islamic law at the social level.<sup>39</sup> Similarly, Mitiche (2025) emphasises that *maqāṣid*-based legal pluralism creates substantive justice that is not rigid towards legal texts but adapts to the social structure of society.<sup>40</sup>

Furthermore, the results of an interview with Jamaludin revealed that 'religious knowledge makes society wiser, but customs are still maintained because they are our identity.'<sup>41</sup> This view illustrates that the people of West Nusa Tenggara (NTB) practise community-based on collective *ijtihād* (*ijtihād jamā'ī*), in which Islamic law and customs negotiate to achieve common goals, namely justice, harmony, and social sustainability.

Thus, the inheritance system in West Nusa Tenggara (NTB) can be understood as a form

<sup>36</sup> Mardhiyah, "Chairperson of the KLU Muslimat PC."

<sup>37</sup> Al-Ghazali, Al-Mustasfa min 'Ilm al-Uṣūl (Beirut: Dar al-Kutub al-'Ilmiyyah, "Al-Syatibi, Al-Muwafaqat Fi Usul Al-Syari'Ah." (Kairo: Dar al-Ma'arif, 2005).

<sup>38</sup> Wahbah al-Zuhaili, "Ushul Al-Fiqh Al-Islami."

<sup>39</sup> Alhkarni and Yuriska, "Minangkabau Customary Marriage Traditions: Integration of Custom and Sharia Principles in the Perspective of Islamic Law."

<sup>40</sup> Mohamed Mitiche, "A Decolonial Critique of the Maqāṣid-Based Approach to Shari'a: The Call for a Moratorium on the Ḥudūd," *Journal of Islamic Law* 6, no. 1 (June 30, 2025), <https://doi.org/10.53484/jil.v6.mitiche>.

<sup>41</sup> Jamaludin, "Religious Leader of Bima."

of legal hybridisation oriented towards *maqāṣid al-syarī'ah*. Through the fusion of sharia and customary values, the community not only maintains Islamic law in the normative realm but also brings it to life in the real social context. This reinforces the findings of Faris (2025) research in India that Islamic law based on local wisdom actually strengthens the social legitimacy of Sharia without eroding its basic principles.<sup>42</sup>

Conceptually, this analysis illustrates that the application of Islamic law in West Nusa Tenggara (NTB) is a form of dynamic actualisation of *maqāṣid al-syarī'ah* oriented towards *maṣlaḥah mursalah*, in which *'urf ṣaḥīḥ* functions as a social mechanism that maintains substantive justice (*al-'adālah al-ma'naviyyah*). Therefore, the inheritance practices of the Sasak, Samawa, and Mbojo communities are a concrete representation of the harmony between legal texts and cultural contexts within the framework of Indonesian Islamic legal pluralism.

## Conclusion

The findings of this study reveal that the inheritance practices among the Sasak, Samawa, and Mbojo Muslim communities in West Nusa Tenggara (NTB) represent a dynamic interaction between Islamic law and local customs. The community's interpretation of *faraidh* is not merely textual but contextual, guided by social harmony and familial justice. Through family deliberation, the people of West Nusa Tenggara (NTB) maintain a balance between the preservation of wealth (*ḥifẓ al-māl*) and lineage (*ḥifẓ al-nasl*), reflecting a substantive form of *maqāṣid al-syarī'ah* in daily legal practice. These practices demonstrate that Islamic law in West Nusa Tenggara (NTB) evolves as a living system that accommodates cultural diversity through *'urf ṣaḥīḥ* while remaining consistent with the moral objectives of sharia. The coexistence of Islamic, customary, and state law illustrates that pluralism in the Indonesian legal system is not a sign of contradiction, but a mechanism for achieving justice (*'adl*), social stability, and community welfare (*maṣlaḥah musytarakah*). The results also show that community-based legal literacy and cultural awareness form the foundation for developing a harmonious legal consciousness, where law is not imposed as a rigid norm but practiced as a moral and social responsibility. This synthesis between *maqāṣid al-syarī'ah* and local wisdom implicitly offer a model of contextual Islamic jurisprudence that aligns normative values with the lived realities of society, strengthening the relevance of Islamic law within Indonesia's pluralistic framework. These findings provide an interpretative framework that bridges the normative dimension of Islamic law and the sociocultural realities of local communities, thereby offering a contemporary understanding of legal pluralism in Indonesia.

## References

- Achmad Hariri, and Basuki Babussalam. "Legal Pluralism: Concept, Theoretical Dialectics, and Its Existence in Indonesia." *Walisongo Law Review (Walrev)* 6, no. 2 (October 31, 2024): 146–70. <https://doi.org/10.21580/walrev.2024.6.2.25566>.
- Aditi, I Gusti Ayu, Lalu Husni, Lalu Muhammad Hayyanul Haq, and Lalu Sabardi. "Reexamination of the Concept of Justice in the Inheritance System: A Study on Women's Inheritance in the Traditional Society of Bali in Lombok, West Nusa Tenggara, Indonesia." *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 3 (December 26, 2023): 602–22. <https://doi.org/10.29303/ius.v11i3.1322>.

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<sup>42</sup> Salman Faris LC, "Revisiting the Legacy of Islamic Legal Scholarship: The Influence of Sharia on Contemporary Legal Systems," *Journal of Islamic Law and Legal Studies* 2, no. 1 (June 17, 2025): 1–15, <https://doi.org/10.70063/-v2i1.56>.

- Al-Ghazali, Al-Mustasfa min 'Ilm al-Uṣūl (Beirut: Dar al-Kutub al-'Ilmiyyah, 1993); "Al-Syatibi, Al-Muwafaqat Fi Usul Al-Syari'Ah." Kairo: Dar al-Ma'arif, 2005.
- Alhkarni, Awis, and Novia Yuriska. "Minangkabau Customary Marriage Traditions: Integration of Custom and Sharia Principles in the Perspective of Islamic Law." *USRATY: Journal of Islamic Family Law* 2, no. 2 (December 20, 2024): 124–33. <https://doi.org/10.30983/usraty.v2i2.8834>.
- Azwar, Wahyu, Deviana Mayasari, Aliahardi Winata, Malami Muhammad Garba, and Isnaini. "Exploration of the Merariq Tradition in Sasak Lombok, Indonesia: Analysis in Islamic Law and Socio-Cultural Dynamics Perspectives." *IBDA: Jurnal Kajian Islam Dan Budaya* 22, no. 1 (April 8, 2024): 23–38. <https://doi.org/10.24090/ibda.v22i1.10766>.
- Boboqulovna, Kholova Madina. "The Influence Of Cultural Codes On Society." *American Journal of Philological Sciences* 4, no. 3 (March 1, 2024): 82–90. <https://doi.org/10.37547/ajps/Volume04Issue03-15>.
- Faris LC, Salman. "Revisiting the Legacy of Islamic Legal Scholarship: The Influence of Sharia on Contemporary Legal Systems." *Journal of Islamic Law and Legal Studies* 2, no. 1 (June 17, 2025): 1–15. <https://doi.org/10.70063/-v2i1.56>.
- Fazli, Fazal Hadi, and Shamsul Islam Shams Safi. "Valid Custom ('urf Al-Sahih): Its Legitimacy and Implications in Nangarhar Province, Afghanistan." *Journal of Arts, Humanities and Social Science* 2, no. 1 (January 1, 2025): 1–7. <https://doi.org/10.69739/jahss.v2i1.192>.
- Hamdani, Fahmi Fatwa Rosyadi Satria, Suci Pebrianti, Liza Dzulhijjah, and Hudzaifah Muhammad Maricar. "Traditional Law vs. Islamic Law; An Analysis of Muslim Community Awareness in Inheritance Issues." *Al-Ahkam* 32, no. 1 (April 28, 2022): 109–30. <https://doi.org/10.21580/ahkam.2022.32.1.11000>.
- Hasanah, Siti. "Adat Bersendikan Syarak, Syarak Bersendikan Kitabullah Basis Transendental Pemerintahan Masyarakat Suku SAMAWA." *Istinbath* 18, no. 1 (September 22, 2019). <https://doi.org/10.20414/ijhi.v18i1.153>.
- Kartini, and Ety Nur Inah. "The Legal System of Inheritance of Indigenous Bugis-Bone: Islamic Law Perspective." *IOP Conference Series: Earth and Environmental Science* 175 (July 24, 2018): 012139. <https://doi.org/10.1088/1755-1315/175/1/012139>.
- Makhrup, Abdul Gani. "Dispute over Sasak Customary Inheritance Rights and the Evolution of Granting Inheritance Rights to Girls." *JILPR Journal Indonesia Law and Policy Review* 5, no. 2 (February 29, 2024): 442–49. <https://doi.org/10.56371/jirpl.v5i2.225>.
- Matsyah, Ajidar, Mursyid Djawas, Umar Bin Abdul Aziz, Dedy Sumardi, and Abidin Nurdin. "Cultural Continuity and Legal Adaptation: The Evolution of Suluh in Aceh's Conflict Resolution System." *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (June 11, 2025): 101. <https://doi.org/10.31958/juris.v24i1.13272>.
- Miles, M.B, Huberman, A.M, & Saldana, J. "Qualitative Data Analysis, A. Methods Sourcebook," Edition 3. USA: Sage Publications, 2014.
- Mitiche, Mohamed. "A Decolonial Critique of the Maqāṣid-Based Approach to Shari'a: The Call for a Moratorium on the Ḥudūd." *Journal of Islamic Law* 6, no. 1 (June 30, 2025). <https://doi.org/10.53484/jil.v6.mitiche>.
- Rasyid, Arbanur, Rayendriani Fahmei Lubis, and Idris Saleh. "Contestation of Customary Law and Islamic Law in Inheritance Distribution: A Sociology of Islamic Law Perspective." *Al-Ahkam* 34, no. 2 (October 31, 2024): 419–48. <https://doi.org/10.21580/ahkam.2024.34.2.20843>.
- Sani, Hanisah Binte Abdullah. "State Law and Legal Pluralism: Towards an Appraisal." *The*

- Journal of Legal Pluralism and Unofficial Law* 52, no. 1 (January 2, 2020): 82–109. <https://doi.org/10.1080/07329113.2020.1727726>.
- Setiawan, Romi Adetio. "Impact of Islamic Jurisprudential on Traditional Financial Customs and Legal Integration in Indonesia." *Journal of Islamic Thought and Civilization* 13, no. 2 (December 6, 2023): 195–209. <https://doi.org/10.32350/jitc.132.13>.
- Sukriono, Didik, Sudirman Sudirman, Desinta Dwi Rapita, A. Rosyid Al Atok, and Alfian Bramantya. "Local Wisdom as Legal Dispute Settlement: How Indonesia's Communities Acknowledge Alternative Dispute Resolution?" *Legality : Jurnal Ilmiah Hukum* 33, no. 1 (April 15, 2025): 261–85. <https://doi.org/10.22219/ljih.v33i1.39958>.
- Sumardi, Dedy, Ratno Lukito, and Moch Nur Ichwan. "Legal Pluralism within The Space of Sharia: Interlegality of Criminal Law Traditions in Aceh, Indonesia." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (June 30, 2021): 426. <https://doi.org/10.22373/sjkh.v5i1.9303>.
- Wahbah al-Zuhaili. "Ushul Al-Fiqh Al-Islami." Damaskus: Dar al-Fikr, 1986.
- Wardi, Utama, Yaswirman Yaswirman, Ismail Ismail, and Gafnel Gafnel. "Comparative Analysis of Islamic Family Law and Customary Law in the Settlement of Inheritance Disputes in Indonesia." *Hakamain: Journal of Sharia and Law Studies* 3, no. 1 (July 9, 2024): 13–25. <https://doi.org/10.57255/hakamain.v3i1.330>.

### Interviews

- Anharijudin. "Pancor Traditional Leader," 2024.
- Arifin, Anugerah. "Chair of PDM Mataram," 2024.
- Jamaludin. "Religious Leader of Bima," 2024.
- Mardhiyah, Siti. "Chairperson of the KLU Muslimat PC," 2024.
- Misdudin Mahdan. "Interview with the Secretary of PDM Lotim, Conducted by the Author," 2024.
- Nasihi, Hj. "Personal Interview with the Chairman of PDA Lotim," 2025.
- Wahyuni, Dra. Hj Reni. "Chairman of the Dompu PDA," 2024.
- Zaenab, Ir. Hj. "Chairman of the Sumbawa PDA," 2024.