

## **Reform of The Inheritance System: Between Islamic Law and Tradition of Sasak Tribe**

**Muhammad Fikri**

Universitas Islam Mataram, Indonesia

[muhammadfikri@uinmataram.ac.id](mailto:muhammadfikri@uinmataram.ac.id)

|                      |                     |                       |
|----------------------|---------------------|-----------------------|
| Received: 07-03-2024 | Revised: 26-06-2024 | Published: 30-06-2024 |
|----------------------|---------------------|-----------------------|

### **Abstract:**

This paper discusses the reform of the inheritance system between Islamic law and tradition of the Sasak tribe by investigating how religious leaders in Lombok view the inheritance distribution system and how to reform the inheritance system between Islamic law and tradition in the Sasak Lombok Community. This research uses qualitative methods with a case study approach, and data taken from the field was analysed using Jasser Auda's system theory regarding *maqasid sharia*. The result of reforming the Islamic law system and tradition in the Sasak tribe is to eliminate injustice within the Lombok NTB community by emphasising the value of inheritance property rather than its quantity. This approach ensures that inheritance distribution considers the value of assets, such as land, rather than merely dividing by area. For instance, the value of one hectare of strategically located land differs significantly from that of less strategically located land. Thus, instead of dividing the land by hectares, it is divided based on value, ensuring a fair distribution among the eldest brother, other brothers, and sisters. This method seeks to achieve justice for all parties involved.

**Keywords:** inheritance law; Islamic law; justice.

### **Introduction**

Islamic law, also known as sharia, is a legal framework based on the teachings of Islam. Over the centuries, Islamic law has undergone various interpretations and implementations throughout the Muslim world. In recent decades, there has been a growing enthusiasm and effort to reform the Islamic legal system to respond to the challenges and needs of modern society.<sup>1</sup> The reform of Islamic law reflects the response to the social, political, and cultural changes in Muslim societies. The aim is

---

<sup>1</sup> Azhar Azhar, 'Islamic Law Reform in Indonesia from the Perspective of Maqāsid Al-Sharī'ah: Kerinci's Intellectual Views', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (11 May 2024): 750–69, <https://doi.org/10.22373/sjhk.v8i2.15051>; Zuly Qodir, 'Post-Islamism And Reform Islamic Law: The Challenges And Future Of Political Islam In Indonesia', *AHKAM: Jurnal Ilmu Syariah* 23, no. 2 (30 December 2023), <https://journal.uinjkt.ac.id/index.php/ahkam/article/view/31484>.

to maintain the relevance of Islamic law by integrating the principles of sharia into the contemporary context. Scholars and practitioners of Islamic law have taken various approaches in this process. One important approach to reform Islamic law is *ijtihad*, which involves an in-depth analysis of classical Islamic texts, including the Qur'an and hadith, and the application of Islamic legal principles in a contemporary context. Through *ijtihad*, scholars seek legal solutions relevant to the new problems Muslims face.<sup>2</sup>

In addition, the reform of Islamic law also involves dialogue between Islamic legal scholars and social scientists, secular jurists and academics from various disciplines. In this dialogue, the principles of Islamic law are evaluated and debated critically to understand how Islamic law can be effectively applied in a changing society. Reforms of Islamic law can also cover issues such as human rights, gender equality, religious freedom, and minority rights.<sup>3</sup> Allah Almighty has clearly explained in the Qur'an the division of inheritance and the rights of everyone entitled to receive an inheritance. Still, the division system in practice often goes wrong. Hence, the system of inheritance distribution has a vital role in the law and culture of a society because it affects justice, stability, and welfare of the family left behind.<sup>4</sup> The inheritance system is critical in every community's social and legal life. In Indonesia, cultural and religious diversity gives its own colour in applying inheritance law.<sup>5</sup> One community with a unique heritage system is the Sasak tribe in Lombok, West Nusa Tenggara. The Sasak tribe adheres to the majority of Islam and hold fast to local traditions passed down throughout generations.<sup>6</sup>

Islamic inheritance law, based on the Qur'an, Hadith, and Fiqh, regulates the

<sup>2</sup> Ahmed Gad Makhlof, 'Evolution of Islamic Law in the 20th Century: The Conception of Collective *Ijtihad* in the Debate Between Muslim Scholars', *Oxford Journal of Law and Religion* 9, no. 1 (1 February 2020): 157–78, <https://doi.org/10.1093/ojlr/rwaa019>; Kawakib Kawakib and Hafidz Syuhud, 'Interelasi Akal dan Wahyu: Analisis Pemikiran Ulama Mutakallimin dalam Pembentukan Hukum Islam', *Journal of Islamic Law* 2, no. 1 (9 February 2021): 43–61, <https://doi.org/10.24260/jil.v2i1.127>; Ali Sodikin, 'Science-Based *Ijtihad*: Religious and Scientific Dialectic on Fatwas Regarding Congregational Worships amid the Covid-19 Pandemic', *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 21, no. 1 (30 June 2021): 79–98, <https://doi.org/10.18326/ijtihad.v21i1.79-98>.

<sup>3</sup> Suud Sarim Karimullah, 'The Implications of Islamic Law on the Rights of Religious Minorities in Muslim-Majority Countries', *MILRev: Metro Islamic Law Review* 2, no. 2 (9 November 2023): 90–114, <https://doi.org/10.32332/milrev.v2i2.7847>.

<sup>4</sup> Suwanti Suwanti, Decha Khunmay, and Stepan Abannokovya, 'Conflicts Occurring Due to the Application of Different Legal Inheritance Systems in Indonesia', *Legality: Jurnal Ilmiah Hukum* 30, no. 2 (18 September 2022): 214–27, <https://doi.org/10.22219/ljih.v30i2.21020>.

<sup>5</sup> Hamid Pongoliu, 'Pembagian Harta Waris Dalam Tradisi Masyarakat Muslim Di Gorontalo', *Al-Manahij: Jurnal Kajian Hukum Islam* 13, no. 2 (28 November 2019): 187–202, <https://doi.org/10.24090/mnh.v13i2.3166>; Elfia Elfia, Surwati Surwati, and Bakhtiar Bakhtiar, 'The Struggle of Custom and Sharia: Classic Dilemma of Inheritance Settlement in Javanese and Minangkabau Ethnic Communities in Indonesia', *Al-Istinbath: Jurnal Hukum Islam* 8, no. 1 May (16 May 2023): 75, <https://doi.org/10.29240/jhi.v8i1.5480>; Ali Abubakar et al., 'The Postponement of the Implementation of Inheritance Distribution in The Seunuddon Community, North Aceh In The Lens Of 'Urf Theory and Legal Pluralism', *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (30 December 2023): 411–29, <https://doi.org/10.22373/ujhk.v6i2.10207>; 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 (28 April 2022): 109–30, <https://doi.org/10.21580/ahkam.2022.32.1.11000>.

<sup>6</sup> Ramadhanita Mustika Sari et al., 'An Examination of Talal Asad's Thought in Anthropological Studies on the Islamic Community of the Sasak Tribe of Lombok', *Indonesian Journal of Islam and Muslim Societies* 14, no. 1 (1 June 2024): 117–44, <https://doi.org/10.18326/ijims.v14i1.117-144>.



division of inheritance with the principles of justice and balance between heirs.<sup>7</sup> However, in the midst of the application of Islamic law, the Sasak people also maintain traditions that have become an integral part of their lives. This tradition encompasses various aspects of life, including the inheritance system. The friction between Islamic inheritance law and Sasak customary traditions creates its societal dynamics. Although Islamic inheritance law provides clear guidance, its implementation on the ground is often tailored to deep-rooted customary norms and values.<sup>8</sup> This raises questions about how these two legal systems interact and how the Sasak people respond to these differences.<sup>9</sup> In the Sasak tribe, the inheritance system prioritises customary law over Islamic law, so it seems unfair to some people in Lombok, especially women because men always dominate inheritance.<sup>10</sup>

The inheritance system applied to the Sasak people contains similarities to the customary inheritance system taught in Islamic inheritance law, although most of the Sasak people are Muslims. This certainly attracts the author's view to further explore inheritance practices in the Sasak Lombok community and compare them with the practices in the Islamic legal system.<sup>11</sup> From these problems, the author uses Jasser Auda's perspective to learn more about the inheritance system between Islamic law and the Sasak tribe tradition. The system approach was used to discuss *Maqasid al-Shari'ah* to produce legal products in line with Islamic sharia and can deal with problems universally. Jasser Auda's thought about *Maqasid al-Shari'ah* can be understood as the goal of a set of Islamic laws in forming justice and the benefit for societies.<sup>12</sup> The inheritance system in the Sasak tribe of Lombok, West Nusa Tenggara (NTB), is deeply rooted in local traditions passed down through generations.<sup>13</sup> This research reveals that the inheritance system predominantly

<sup>7</sup> Andi Sukmawati Assaad et al., 'Gender Equity in Inheritance System: The Collaboration of Islamic and Bugis Luwu Customary Law', *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (31 December 2022): 458–79, <https://doi.org/10.19105/al-lhkam.v17i2.6761>.

<sup>8</sup> Maimanah Maimanah et al., 'Delay in the Division of Inheritance: A Theoretical Review within Legal System Framework in Indonesia', *Syariah: Jurnal Hukum Dan Pemikiran* 24, no. 1 (1 June 2024): 241–57, <https://doi.org/10.18592/sjhp.v24i1.12916>; Ismail Ismail et al., 'The Contribution of 'Urf to the Reform of Islamic Inheritance Law in Indonesia', *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 22, no. 2 (28 December 2022): 165–78, <https://doi.org/10.30631/alrisalah.v22i2.1243>.

<sup>9</sup> Zainal Arifin Haji Munir, 'Wealth Distribution among Sasak Communities Through Inheritance: A Quest for Justice', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (14 October 2023): 1627–42, <https://doi.org/10.22373/sjhk.v7i3.10835>.

<sup>10</sup> Zainal Arifin Haji Munir, 'Analysis of Patterns for Inheritance Dispute Settlement in the Tradition of Sasak Community in Lombok', *Mazahib* 20, no. 2 (2021): 225–50, <https://doi.org/10.21093/mj.v20i2.3774>.

<sup>11</sup> Micselin Sifa Frisandia and Salsabila Ardila W, 'Sistem Pewarisan Menurut Hukum Waris Adat Mengenai Sistem Kekerabatan Yang Berlaku Dalam Masyarakat Adat Indonesia', *Synergy: Jurnal Ilmiah Multidisiplin* 1, no. 4 (2024): 238–46.

<sup>12</sup> Mohammad Fauzan Ni'ami and Bustamin Bustamin, 'Maqāṣid Al-Syarī'ah Dalam Tinjauan Pemikiran Ibnu 'Āsyūr Dan Jasser Auda', *JURIS (Jurnal Ilmiah Syariah)* 20, no. 1 (21 June 2021): 91–102, <https://doi.org/10.31958/juris.v20i1.3257>; Syafril Wicaksono et al., 'Maqashid Sharia Progressive: Anatomical and Transformational of Halal Institutions in UIN KHAS Jember', *El-Mashlahah* 13, no. 2 (31 December 2023): 107–32, <https://doi.org/10.23971/el-mashlahah.v13i2.7370>.

<sup>13</sup> Muhammad Salahuddin et al., 'Between Adat Law and National Law: The Resistance of Sasak Women to Their Inheritance Rights in Lombok Indonesia', *Lex Localis - Journal of Local Self-Government* 21, no. 4 (1 November 2023): 923–36, [https://doi.org/10.4335/21.4.923-936\(2023\)](https://doi.org/10.4335/21.4.923-936(2023)).



follows a bilateral kinship system. In the practice of inheritance, there is a distinction between what girls and boys can inherit from the heir's property. When both boys and girls are potential heirs, the property is transferred to the closest male heir. Meanwhile, the female heir's mother may receive jewellery and household items from the deceased's estate.

There is a rule in the customary law of the Sasak tribe that a *menak* (aristocrat) cannot marry a coral row (grassroots), which is considered *Nyerompang* (diverge) in the Sasak tribe.<sup>14</sup> If this happens, it will cause legal consequences for the kinship and inheritance of the *menak*. In the case of kinship, the *menak* will be demoted to caste and expelled from his family or *inherited*. In contrast, in the inheritance, the *menak* will no longer be the heir and have the right not to be given an inheritance because customarily, he is the one who leaves the inheritance. In the Sasak tribe of Rarang village, the practice of marriage law reveals a divide due to differing perspectives. On the one hand, some people firmly adhere to customary law, while on the other, some are open to changes and incorporate not only customary law but also Islamic law and national law in their practices.<sup>15</sup>

In Mangkung Village, Central Lombok, inheritance is traditionally distributed exclusively to male heirs. The youngest male heir typically receives any undivided inheritance as personal property. In contrast, female heirs are only allowed to take personal items, such as necklaces and rings, considered private property and not part of the family's common assets.<sup>16</sup> The Sasak tribe has its unique approach to resolving inheritance issues among the surviving family members of a deceased person. Despite being predominantly Muslim, the community does not follow the *farâ'id* system of inheritance. Instead, they use a male-majority system, where the eldest son (or male descendant) becomes the sole heir. Upon reaching adulthood, this eldest son assumes the role of the parental mandate holder, responsible for caring for the other family members and managing the inheritance. The findings are as follows: First, due to the adherence to the male-majority system, the entire inheritance automatically goes to the eldest son. However, in some instances, such as with land, the distribution is extended to other heirs to provide for them. Second, the system and practice of inheritance distribution do not align with the *farâ'id* principles. Nonetheless, based on the concept of *tasâluh*, this practice is permissible as it aligns with the broader goal of Islamic law, which is to ensure the community's welfare.<sup>17</sup>

## Method

This paper is qualitative research with a case study approach. A qualitative

<sup>14</sup> Rima Lamhatul, Muhammad Mabur, and Dahlan Dahlan, 'Perubahan Nilai Budaya Dalam Tradisi Merariq Antara Masyarakat Bangsawan Dan Masyarakat Jajarkarang Pada Masyarakat Suku Sasak (Studi Di Desa Sakra Kecamatan Sakra Kabupaten Lombok Timur)', *Jurnal Pendidikan Sosial Keberagaman* 8, no. 2 (16 December 2021), <https://doi.org/10.29303/juridiksiam.v8i2.253>.

<sup>15</sup> Haerani Haerani, 'Pelaksanaan Pembagian Harta Warisan Menurut Hukum Adat Dan Hukum Islam Di Desa Sesaot Kecamatan Narmada Kabupaten Lombok Barat Nusa Tenggara Barat', *Unizar Law Review (ULR)* 2, no. 1 (28 June 2019): 1–8.

<sup>16</sup> Lalu Junaidi, 'Kajian Sosiologi Hukum Terhadap Adat Kewarisan Masyarakat Desa Mangkung Kecamatan Praya Barat Kabupaten Lombok Tengah', *Al-IHKAM: Jurnal Hukum Keluarga Islam Fakultas Syariah UIN Mataram* 13, no. 2 (2021): 66–88, <https://doi.org/10.20414/alihkam.v9i01.1154>.

<sup>17</sup> Nurhasanah Walijah, 'Budaya Hukum Pembagian Waris Adat Masyarakat Sasak Di Desa Jerowaru Kecamatan Jerowaru Kabupaten Lombok Timur Perspektif Antropologi Hukum Islam', March 2023, <https://dspace.uin.ac.id/handle/123456789/44954>.



method emphasises more on observing phenomena, interviewing, and examining the substance and meaning of the phenomenon. Analysis of qualitative research greatly affects the strength of words and sentences used. Therefore, the focus of qualitative research is on the process and the meaning of the results. In addition, the primary attention of qualitative research is focused on human elements, objects, and institutions, as well as the relationships or interactions between these elements, to understand an event, behaviour, or phenomenon.<sup>18</sup> A case study approach studies a phenomenon in depth, such as a particular individual, group, organisation, or system case. It is the case of colonisation of the inheritance system experienced by the people of Lombok, West Nusa Tenggara. Case studies aim to uncover how individuals construct meaning and important concepts within the framework of intersubjectivity. When a person exhibits certain behaviours in society, these behaviours reflect the realisation of the views or thoughts that reside in the person's mind. Essentially, reality is an expression of one's mental state. In this context, the case study focuses on the inheritance system in the Sasak tribe of Lombok comparing the influences of Islamic law and local traditions. The primary data were obtained from the field, which is related to the inheritance system between Islamic law and the tradition of Sasak tribe. In contrast, secondary data were based on interviews with religious and community leaders.

This observation was conducted over a month and involved three informants from Tuan Guru in Lombok. The aim was to investigate the inheritance system practices as influenced by Islamic law and the traditions of the Sasak tribe in Lombok, NTB. This research explores rationalism and interdisciplinary perspectives on the inheritance system within the Sasak tribe, incorporating both Islamic law and local traditions. The study combines a literature review with field research to comprehensively understand the subject. This research employs Jasser Auda's conceptual framework on *maqasid shari'ah* as the philosophical foundation, using this theory to examine the inheritance system in the Sasak tribe of Lombok, NTB, from the perspectives of Islamic law and local traditions. Additionally, the study incorporates a theory of justice approach. Jasser Auda optimises six system features for analysis in this article: the cognitive dimension of religious thought, wholeness, openness, interrelated thinking, the hierarchy of thinking that involves various dimensions (multidimensionality), and intent (purposefulness).<sup>19</sup>

These six features are very closely interrelated, penetrate and relate to each other, thus forming the integrity of the thinking system.<sup>20</sup> However, one feature that spans all other features and represents the core of systems analysis methodology is the feature of intent (*Maqasid*), leading Jasser Auda to place *Maqasid Shari'ah* as a fundamental principle and fundamental methods in the reform of contemporary Islamic law, which he echoed. Given that the effectiveness of a system is measured based on the achievement of its goals, the effectiveness of the Islamic legal system is

<sup>18</sup> John W. Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (London: SAGE, 2014).

<sup>19</sup> Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought (IIIT), 2008).

<sup>20</sup> Mohammad Lukman Chakim and Muhammad Habib Adi Putra Habib, 'Kesetaraan Gender Dalam Fikih Perempuan Perspektif Maqasid Syariah Jasser Auda', *MAQASHID Jurnal Hukum Islam* 5, no. 1 (29 August 2022): 47–60, <https://doi.org/10.35897/maqashid.v5i1.831>.



assessed based on the level of achievement of its *Maqasid Shari'ah*.<sup>21</sup> In other words, it evaluates the efficacy and benefit to humanity in solving particular problems. Jasser Auda's first proposed reform is to reinterpret *Maqasid Shari'ah* from a contemporary perspective, shifting from a focus on preservation to one of development and the enhancement of Human Rights. He suggests that the development of human resources should become a primary theme for the benefit of the modern public. This reform implies that by adopting the concept of Human Resource Development, the realisation of *Maqasid Shari'ah* can be measured empirically using the United Nations' Human Resources development targets. The second reform proposed by Auda involves re-evaluating the current levels of authority, postulates, and sources of Islamic law, including human rights, as a foundation for formulating a typology of contemporary Islamic legal theory.

## Results and Discussion

### Sasak Inheritance System in Lombok Island

In the Sasak tribe, the distribution of property has differences between regions. However, in general, the distribution of inheritance in Lombok still uses a family system, even though the eldest son is more dominant. This refers to their patriarchal kinship system, with bilateral principles and class groupings.<sup>22</sup> The distribution of heritage property in the Sasak tribe of Lombok follows several patterns of unequal division between one region and another in Lombok. The distribution of property is carried out at the will of the parents as the property owner. This division is usually done before the testator dies, but the division is executed after the heir dies. Parents, as property owners, have absolute authority to determine the share of each of their heirs. Sometimes, some are divided equally between men and women, and some are distinguished based on the order of brotherhood. The eldest brother gets the most share of the division because he is considered responsible for his younger siblings, but some consider gender by favouring boys over girls, even though the excess share does not refer to the provisions of parts one to two.<sup>23</sup> This pattern of division can still be found in several villages in Selong and Sakra sub-districts of East Lombok. This research was conducted in East Lombok, specifically in the villages of Selong and Sakra, focusing on inheritance distribution practices prioritising the eldest son over the daughters. This was highlighted by the experience of RZ, a daughter with two brothers. In an interview with the author, RZ stated, "I experienced injustice in the distribution of inheritance, as my eldest brother received a larger share and took control, while I, as a daughter, received nothing".<sup>24</sup>

---

<sup>21</sup> Muhammad Habib Adi Putra and Umi Sumbulah, 'Memaknai Kembali Konsep Nusyuz Dalam Kompilasi Hukum Islam Perspektif Gender & Maqashid Syariah Jasser Auda', *EGALITA* 15, no. 1 (21 August 2020), <https://doi.org/10.18860/egalita.v15i1.10179>.

<sup>22</sup> Achmad Gusti Malayudha, Widya Sari, and Angga Puja Asiantu, 'Indonesian Inheritance System Based on Islamic Law, Civil Code, Matrilineal Customs, and Gender Equality Perspectives', *SANGKEP: Jurnal Kajian Sosial Keagamaan* 6, no. 1 (14 June 2023): 55–73, <https://doi.org/10.20414/sangkep.v6i1.6286>.

<sup>23</sup> Syahdan Syahdan, 'Pembagian Harta Warisan dalam Tradisi Masyarakat Sasak: Studi pada Masyarakat Jago Lombok Tengah', *Palapa* 4, no. 2 (16 November 2016): 120–38.

<sup>24</sup> Ahyar Rosidi, *Personal Interview* (Lombok, May 5<sup>th</sup> 2024)



Distribution of property based on merit and recompense.<sup>25</sup> This type of inheritance division, although less common now due to changing societal values, still exists within Sasak society. Traditionally, inheritance was not solely based on kinship but also on long-standing friendships and bonds strengthened by familial ties. For instance, friends or individuals regarded as family by the parents could inherit property if they passed away first. Sometimes, these friendships were even stronger than blood relations, leading to friends being prioritised over family in inheritance matters. However, this pattern has shifted over time, and kinship relations have become more dominant. As a result, inheritance due to friendly ties has become increasingly rare. Stories of parents receiving rice fields or farmland from friends can still be found in some communities in East Lombok and North Lombok.<sup>26</sup>

The distribution of property in the Sasak tribe based on a sense of solidarity or closeness of the emotional relationship. This is particularly evident in the relationship between students and teachers. Teachers, out of deep affection for their students, may bequeath part of their property to them through a will, which is executed after the teacher's death. This inheritance includes material possessions and the teacher's knowledge and students. Such practices are observed in some rural areas of Narmada, West Lombok, and Jerowaru, East Lombok, where there are several religious schools, especially among the *Bathiniyah* sect. The *Bathiniyah*, a *tariqa* sect in Lombok, is known for its strong devotion to its teachers. The bond between teachers and students goes beyond academic relations, becoming even closer than family ties. This close relationship often leads to mutual inheritance between teachers and students, and sometimes, students may even become the teachers' sons-in-law.<sup>27</sup>

In certain Sasak villages, property distribution is exclusively to sons, while daughters receive only jewellery, clothes, and household furniture. This practice is still prevalent in various areas, such as Rambitan and Sade in Central Lombok, as well as in parts of West Lombok and other locations across Lombok. This pattern persists due to a patriarchal kinship system, where lineage is traced through male descendants, and women are considered part of their husbands' family after marriage. This viewpoint stems from the belief that once a woman marries, she and her possessions belong to her husband. The division of property by being divided equally without distinction of gender and kinship status. Usually, this kind of division is based on the agreement of all heirs, which the Sasak tribe calls *Soloh* which is taken from Islamic law, namely *sulh*. Of course, this kind of division is not always divided equally, and sometimes some heirs get more because the economic burden is heavier or counted as low-income families, and vice versa, those who have less financial burden or are counted as rich are usually given a smaller share. This distribution method is determined by the consensus of all heirs during the inheritance process, referred to as *soloh*.<sup>28</sup>

Division of inheritance by following the provisions of Islamic inheritance. This is the pattern most widely practised by most Sasak people, even in the view of most

<sup>25</sup> Christopher M. Joll, 'Sedekoh and Meritorious Smorgasbords', in *Muslim Merit-Making in Thailand's Far-South*, ed. Christopher M. Joll (Dordrecht: Springer Netherlands, 2012), 129–57, [https://doi.org/10.1007/978-94-007-2485-3\\_6](https://doi.org/10.1007/978-94-007-2485-3_6).

<sup>26</sup> Rajo Langit, *Personal Interview* (Lombok, February 15<sup>th</sup> 2024)

<sup>27</sup> Salimul Jihad, *Polarisasi pemikiran Tuan Guru Dan tradisi adat pewarisan sasak Di Lombok*, ed. Erlan Muliadi (Lombok NTB: Sanabil, 2021), <https://repository.uinmataram.ac.id/1492/>.

<sup>28</sup> Jihad.



indigenous leaders in Sasak. They argue that the original Sasak customs are derived from Islam. Therefore, no Sasak tradition deviates from Islamic values. In this area, the customary rules of Shara also apply, namely the teachings of Kitabullah and the Sunnah of the Messenger of Allah. Analysing the tradition of inheritance distribution in the Sasak tribe reveals that it is shaped by various elements, including religion, community customs, and economic and political factors. As previously mentioned, the primary religious influences are Islam and Hinduism, along with the significant impact of Dutch colonial rule. Additionally, kinship ties, ownership systems, and social strata play crucial roles in shaping Sasak inheritance traditions. These factors collectively influence how inheritance is distributed within the community.<sup>29</sup>

### Views of Religious Leaders in the Inheritance Distribution System in Lombok Island

Inheritance in Islam is based on the teachings of the Quran and Al-Hadith. The Quran mentions the ways of inheritance and how property will be divided between heirs. On the other hand, the Hadith records examples of inheritance from the Prophet (peace be upon him). However, the interpretation and implementation of this law can vary across Islamic societies, often leading to injustice and inequality. In Islam, the legal system of inheritance is governed by the concept of *faraidh*, which regulates the division of inheritance based on the provisions in the Qur'an and the Hadith of Prophet Muhammad (PBUH).<sup>30</sup> The *faraidh* principles provide guidelines on equitable inheritance, ensuring that the rights of individuals in receiving their share of inheritance are recognised and respected. The *Nahdlatul Wathan* (NW) organisation in Lombok encourages its members and the public in general to follow the *faraidh* rules in inheritance. They educate and explain the principles of *faraidh*, so that individuals understand their rights and obligations in inheritance and how to ensure justice and equality in the distribution of inheritance.<sup>31</sup>

Cultural factors and customs in the Lombok community of West Nusa Tenggara can also influence the practice of inheritance law.<sup>32</sup> Religious leaders seek to champion awareness of Islamic principles in inheritance and encourage understanding that aligns with justice and equality while respecting local values that influence inheritance practices in the area. The challenge of the existing Islamic inheritance legal system is the traditional inheritance system which often results in gender injustice, where women receive a smaller share of inheritance than men. It is rooted in the diverse interpretations of religious texts and customs predominating in some societies. In addition, the Islamic inheritance system based on patrilineal (bequeathing property from the father's side) can also result in injustice to some family members.<sup>33</sup>

Tuan Guru generally holds diverse opinions on how some Sasak people handle inheritance, following traditions passed down through generations. Some argue that

<sup>29</sup> Rajo Langit, *Personal Interview* (Lombok, February 15<sup>th</sup> 2024)

<sup>30</sup> Syabbul Bachri, 'Rekonstruksi Kewarisan Islam: Studi Hermeneutika Ibn Abbas Atas Ayat-Ayat Waris', *Al-Istinbath: Jurnal Hukum Islam* 5, no. 1 (9 May 2020): 21, <https://doi.org/10.29240/jhi.v5i1.1197>.

<sup>31</sup> TGH. L Anas Hasyri, *Personal Interview* (Lombok, February 21<sup>st</sup> 2024)

<sup>32</sup> Emy Handayani et al., 'Prosiding Hukum Waris Menurut Adat Di Indonesia', *Journal of Indonesian Adat Law (JIAL)*, 29 November 2021, 256, <https://doi.org/10.46816/jial.v0i0.37>.

<sup>33</sup> TGH. L Anas Hasyri, *Personal Interview* (Lombok, February 21<sup>st</sup> 2024)





any inheritance division not based on *faraid* (Islamic inheritance law) contradicts Islam and should be realigned according to *faraid* principles, as divisions outside the Qur'an and Hadith are deemed invalid. However, some Masters believe that adhering to tradition in inheritance division should not be outright invalid; each case should be assessed individually. They acknowledge that while some traditional divisions may be illegitimate, others can be legitimate. The legal pattern of division is if the division of inheritance has become the agreement of all heirs who are entitled to be divided in a particular pattern that does not follow the rules of *faraid* because this is the right of every heir that can be aborted by those who have rights, and this is included in the pattern of distribution of *sulh* justified in Islam.<sup>34</sup>

However, divisions not based on the agreement of all heirs are invalid because they are fully entitled to the inheritance in accordance with the provisions of their share in Islamic inheritance law. The third group views the traditional division of inheritance as acceptable, provided that all heirs agree with the arrangement. They argue that societal customs regarding worldly matters can be resolved through traditions, which Islam recognises as a legitimate source of law. Following *faraid* rules is one method to address inheritance disputes. However, if resolving such disputes according to prevailing traditions is necessary, Islam permits it as long as all relatives consent to the traditional provisions.<sup>35</sup>

### **Reform of Islamic Law in Response to the Inheritance System in Sasak tribe**

From the perspective of *Maqasid al-Sharia*, Jasser Auda views that *Maqasid al-Shari'ah* can be understood as the goal of a set of Islamic laws in the formation of justice and the benefit of society, as in line with the opinion of Ibn al-Qayyim asserting that "*Sharia* is the basic building that is laid on the wisdom and welfare of man, in this world and in the Hereafter. *Sharia* is entirely about justice, mercy, wisdom, and goodness. Therefore, if a rule purported to be *Sharia* results in injustice, cruelty, harm to public welfare, or absurdity, then it is not truly part of *Sharia*, despite any claims or interpretations to the contrary.<sup>36</sup> Scholars and activists have initiated reforms to Islamic law, particularly in the inheritance system influenced by colonial history. These reforms aim to achieve gender and social equality, grounded in the fundamental Islamic principles of justice and equality. Interpretations that limit women's rights need to be reassessed in the context of contemporary times. The reform efforts by religious leaders include (a). Resubmission to the values of Islamic teachings: an attempt to return to the values of Islamic teachings, such as justice, equality, and civility, in the Islamic legal understanding of inheritance; (b). Context and *ijtihad*: paying attention to the context of the times and using the principle of *ijtihad* (thought effort to produce legal decisions) to adapt inheritance law to social changes and demands for justice; (c). Comparative study: examines and understands how other Muslim countries deal with similar issues in inheritance and learns from their legal reform efforts.<sup>37</sup>

<sup>34</sup> Jihad, *Polarisasi pemikiran tuan guru*.

<sup>35</sup> Jihad.

<sup>36</sup> Lukman Hakim and Akhmad Rudi Maswanto, 'Maqasid Al-Syari'ah Ala Jasser Auda Upaya Mereformasi Hukum Islam Melalui Pendekatan Teori Sistem', *AL-ASHLAH: Jurnal Hukum Keluarga Dan Hukum Islam* 1, no. 1 (20 January 2022): 015–027.

<sup>37</sup> Budiman Sulaeman, 'Reformasi Pemikiran Hukum Islam', *DIKTUM: Jurnal Syariah Dan Hukum* 11, no. 2 (2013): 123–30, <https://doi.org/10.35905/diktum.v11i2.162>.



Reforming the Islamic legal system is essential as muslim societies navigate a rapidly changing world. Technological advancements, globalisation, and social shifts present new challenges requiring an updated legal framework to stay relevant and address contemporary issues.<sup>38</sup> The principles guiding the reform of Islamic law include: (a). Contextualisation: in facing the challenges of the times, the renewal of Islamic law must take the social, cultural, and political context into consideration. Legal interpretation must consider the social realities and needs of today's Muslim societies; (b). Ijtihad: ijtihad is an essential principle in the reform of Islamic law; it refers to a critical attempt at interpreting Islamic law based on its principles. In the face of changing times, ijtihad allows Islamic scholars and jurists to interpret existing statutes flexibly and contextually; (c). Justice and equality: the reform of Islamic law should promote the principles of justice and equality. This includes reviewing legal provisions that may result in injustice or discrimination. The reforms should ensure that Islamic law provides equal protection and rights for all individuals, regardless of sex, race, or social status; (d). Protection of human rights: the renewal of Islamic law should align with internationally recognised human rights principles. The updated Islamic legal system should recognise and respect basic rights such as freedom of religion, freedom of expression, and protection from discrimination.<sup>39</sup>

In the context of inheritance, the renewal of Islamic law may involve reconsidering traditional interpretations and applying Islamic law to ensure fairness and equality in the distribution of inheritance. Some possible steps that can be considered in the context of the inheritance colonisation system include putting forward the principle of equality to change perceptions and practices of unfair inheritance. Several models of inheritance distribution carried out by the people of Lombok, which are still far from equality and justice, have resulted in the importance of renewing the inheritance distribution system, namely by prioritising the principle of justice or equality. The inheritance distribution system in Islam is clearly defined, but its practical application often deviates from these guidelines. For example, in the case of dividing a 1-hectare plot of land among sons and daughters, daughters are entitled to half the share of sons. However, men often receive a larger portion of the land, especially in strategic and high-value locations. Conversely, women frequently receive land in less desirable areas with lower value. This discrepancy arises from Sasak cultural norms, which prioritise the eldest and favoured sons, resulting in the most valuable and extensive portions of inherited land being allocated to them. Consequently, this practice is far from equitable or just.<sup>40</sup>

The current inheritance system is far from achieving justice and equality. To address this, the division of inheritance should adhere to Islamic teachings by focusing on the value of the property rather than its physical size. For instance, if someone leaves behind a 1-hectare plot of land, the division should be based on the land's market value, not its area. This is because different parts of the land may have varying prices depending on their location, such as roadside land being more valuable than interior plots. A fairer inheritance distribution system can be implemented in

<sup>38</sup> Ihsan Yilmaz, 'Muslims, Sacred Texts, and Laws in the Modern World', in *Handbook of Contemporary Islam and Muslim Lives*, ed. Ronald Lukens-Bull and Mark Woodward (Cham: Springer International Publishing, 2021), 19–37, [https://doi.org/10.1007/978-3-030-32626-5\\_5](https://doi.org/10.1007/978-3-030-32626-5_5).

<sup>39</sup> Muhammad Zainuddin Abdul Madjid, *Al-Tuhfah al-Anfananiyyah Sharh al-Nahdlat al-Zainiyah*, 3rd ed. (Pancor, Lombok Timur: Darun Nahdlatain Islamic Boarding School, 1978).

<sup>40</sup> Rajo Langit, *Personal Interview* (Lombok, February 15<sup>th</sup> 2024)



Lombok by prioritizing the principles of justice and equality in Islamic teachings. Tuan Guru Haji Lalu Anas Hasyri, Chairman of the Nahdlatul Wathan Fatwa board, emphasised that inheritance distribution must adhere to Islamic law, specifically *Faraid*, which prioritises justice. However, in Lombok, the division often deviates from these principles, incorporating cultural practices. Typically, the eldest brother receives the most strategic and valuable portions of the inheritance, while other siblings receive less desirable and lower-value parts. To ensure fairness, this system should be reformed to focus on the monetary value of the property rather than its physical location, ensuring that all heirs receive an equitable share.<sup>41</sup>

Tuan Guru Kasful Anwar, a religious leader from Kopang, Central Lombok, highlighted that disputes often arise among siblings and families due to unfair inheritance distribution. He stressed the importance of addressing this issue, noting that while some inheritance practices align with *faraid* principles, errors frequently occur. These errors typically arise from focusing on the quantity of the property rather than its value. As a result, younger siblings often feel aggrieved, receiving less strategic or lower-value portions of the inheritance than their older siblings. Tuan Guru Pahrurrozi revealed that "indeed some of our inheritance distribution system, especially in the Sakra area of East Lombok, still seems not to respect women as inheritance recipients. This cannot be separated from our customary law, which remains influenced by the colonial system. Therefore, it is appropriate for us to overhaul the inheritance distribution system that is too colonial and does not prioritise justice and welfare for women".<sup>42</sup> Based on the perspectives of several religious leaders in Lombok, it is essential to reform the current inheritance system to ensure justice and equality. The inheritance practices should integrate Islamic law principles with the traditions of the Sasak tribe in Lombok. This approach should emphasise the core Islamic values of fairness, equality, and gender neutrality in the distribution of inheritance.

According to Jasser Auda's theory, the *Maqasid* hierarchy is divided into three categories: General *Maqasid*, which encompasses universal benefits such as justice, equality, tolerance, and ease, including the essential aspects (*dharuriyyat*) in classical *Maqasid*; Specific *Maqasid*, which addresses particular issues such as protecting women within the family and ensuring honesty in trade; and Partial *Maqasid*, which focuses on the core purpose or wisdom behind a legal ruling. The reform of the inheritance distribution system falls under the essential aspects (*dharuriyyat*), emphasising the need for justice and fairness in accordance with these principles. The reform of the inheritance distribution system aims to shift the focus from the quantity of the inheritance, as currently practised in Lombok, to the value of the inherited assets. Instead of merely dividing the physical property, the inheritance should be assessed based on its current market value. The total value can then be fairly distributed according to the principles of Islamic inheritance law.<sup>43</sup>

<sup>41</sup> Jazilah Mohd Saad and Adnan Trakic, 'Islamic Family Law', in *Islamic Law in Malaysia: The Challenges of Implementation*, ed. Adnan Trakic and Hanifah Haydar Ali Tajuddin (Singapore: Springer, 2021), 43–61, [https://doi.org/10.1007/978-981-33-6187-4\\_5](https://doi.org/10.1007/978-981-33-6187-4_5).

<sup>42</sup> )

<sup>43</sup> Hakim and Maswanto, 'Maqasid Al-Syari'ah Ala Jasser Auda Upaya Mereformasi Hukum Islam Melalui Pendekatan Teori Sistem'.



## Conclusion

The reform of the inheritance system in Lombok, NTB, aims to eliminate injustice by integrating Islamic law with Sasak tribe traditions, focusing on equitable values. Instead of dividing inheritance based on the quantity of property, the reform emphasises converting the property into its current market value. This ensures fairness, as a hectare of strategically located land has a different value than less desirable land. Each heir receives a fair share by valuing the inheritance rather than simply measuring it. This research aspires to change the inheritance distribution paradigm in Lombok and Indonesia, encouraging traditional and religious leaders to adopt a more just system in line with Maqasid al-Sharia principles. Theoretically, this paper offers a new perspective by testing Jasser Auda's Maqasid al-Sharia system against the practical inheritance practices of the Sasak tribe. The author highlights the gap between Auda's theoretical concepts and their real-world application, noting the limitations in existing literature on Lombok's inheritance system.

## Bibliography

- Abubakar, Ali, Gamal Achyar, Husnul Khatimah, and Sri Astuti A. Samad. 'The Postponement of the Implementation of Inheritance Distribution in The Seunuddon Community, North Aceh In The Lens Of 'Urf Theory and Legal Pluralism'. *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (30 December 2023): 411–29. <https://doi.org/10.22373/ujhk.v6i2.10207>.
- Akmaliah, W. 'Mengartikulasikan Suara Alternatif Muslim Asia Tenggara'. *Studia Islamika*, 2020. <http://journal.uinjkt.ac.id/index.php/studia-islamika/article/view/16764>.
- Assaad, Andi Sukmawati, Saifuddin Zuhri Qudsy, Baso Hasyim, Muhammad Taufan Badollahi, and Abdul Wahid Haddade. 'Gender Equity in Inheritance System: The Collaboration of Islamic and Bugis Luwu Customary Law'. *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (31 December 2022): 458–79. <https://doi.org/10.19105/al-lhkam.v17i2.6761>.
- Auda, Jasser. *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. London: International Institute of Islamic Thought (IIIT), 2008.
- Azhar, Azhar. 'Islamic Law Reform in Indonesia from the Perspective of Maqāsid Al-Shar'ah: Kerinci's Intellectual Views'. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (11 May 2024): 750–69. <https://doi.org/10.22373/sjhk.v8i2.15051>.
- Bachri, Syabbul. 'Rekonstruksi Kewarisan Islam: Studi Hermeneutika Ibn Abbas Atas Ayat-Ayat Waris'. *Al-Istinbath: Jurnal Hukum Islam* 5, no. 1 (9 May 2020): 21. <https://doi.org/10.29240/jhi.v5i1.1197>.
- Chakim, Mohammad Lukman, and Muhammad Habib Adi Putra Habib. 'Kesetaraan Gender Dalam Fikih Perempuan Perspektif Maqasid Syariah Jasser Auda'. *MAQASHID Jurnal Hukum Islam* 5, no. 1 (29 August 2022): 47–60. <https://doi.org/10.35897/maqashid.v5i1.831>.
- Creswell, John W. *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. London: SAGE, 2014.
- Elfia, Elfia, Surwati Surwati, and Bakhtiar Bakhtiar. 'The Struggle of Custom and Sharia: Classic Dilemma of Inheritance Settlement in Javanese and Minangkabau Ethnic Communities in Indonesia'. *Al-Istinbath: Jurnal Hukum*



- Islam* 8, no. 1 May (16 May 2023): 75.  
<https://doi.org/10.29240/jhi.v8i1.5480>.
- Frisandia, Micselin Sifa, and Salsabila Ardila W. 'Sistem Pewarisan Menurut Hukum Waris Adat Mengenai Sistem Kekerabatan Yang Berlaku Dalam Masyarakat Adat Indonesia'. *Synergy: Jurnal Ilmiah Multidisiplin* 1, no. 4 (2024): 238–46.
- Haerani, Haerani. 'Pelaksanaan Pembagian Harta Warisan Menurut Hukum Adat Dan Hukum Islam Di Desa Sesaot Kecamatan Narmada Kabupaten Lombok Barat Nusa Tenggara Barat'. *Unizar Law Review (ULR)* 2, no. 1 (28 June 2019): 1–8.
- Hakim, Lukman, and Akhmad Rudi Maswanto. 'Maqasid Al-Syari'ah Ala Jasser Auda Upaya Mereformasi Hukum Islam Melalui Pendekatan Teori Sistem'. *AL-ASHLAH: Jurnal Hukum Keluarga Dan Hukum Islam* 1, no. 1 (20 January 2022): 015–027.
- 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 (28 April 2022): 109–30.  
<https://doi.org/10.21580/ahkam.2022.32.1.11000>.
- Handayani, Emy, Rosnidar Sembiring, Sryani Ginting, HM Amruzi, Sri Warjiyati, Zeti Sari, Suprpto Suprpto, et al. 'Prosiding Hukum Waris Menurut Adat Di Indonesia'. *Journal of Indonesian Adat Law (JIAL)*, 29 November 2021, 256.  
<https://doi.org/10.46816/jial.v0i0.37>.
- Ismail, Ismail, Busyro Busyro, Nofiardi Nofiardi, Fajrul Wadi, and Hanif Aidhil Alwana. 'The Contribution of 'Urf to the Reform of Islamic Inheritance Law in Indonesia'. *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 22, no. 2 (28 December 2022): 165–78.  
<https://doi.org/10.30631/alrisalah.v22i2.1243>.
- Jihad, Salimul. *Polarisasi pemikiran Tuan Guru Dan tradisi adat pewarisan sasak Di Lombok*. Edited by Erlan Muliadi. Lombok NTB: Sanabil, 2021.  
<https://repository.uinmataram.ac.id/1492/>.
- Joll, Christopher M. 'Sedekoh and Meritorious Smorgasbords'. In *Muslim Merit-Making in Thailand's Far-South*, edited by Christopher M. Joll, 129–57. Dordrecht: Springer Netherlands, 2012. [https://doi.org/10.1007/978-94-007-2485-3\\_6](https://doi.org/10.1007/978-94-007-2485-3_6).
- Junaidi, Lalu. 'Kajian Sosiologi Hukum Terhadap Adat Kewarisan Masyarakat Desa Mangkung Kecamatan Praya Barat Kabupaten Lombok Tengah'. *AL-IHKAM: Jurnal Hukum Keluarga Islam Fakultas Syariah UIN Mataram* 13, no. 2 (2021): 66–88. <https://doi.org/10.20414/alihkam.v9i01.1154>.
- Karimullah, Suud Sarim. 'The Implications of Islamic Law on the Rights of Religious Minorities in Muslim-Majority Countries'. *MILRev: Metro Islamic Law Review* 2, no. 2 (9 November 2023): 90–114.  
<https://doi.org/10.32332/milrev.v2i2.7847>.
- Kawakib, Kawakib, and Hafidz Syuhud. 'Interelasi Akal dan Wahyu: Analisis Pemikiran Ulama Mutakallimin dalam Pembentukan Hukum Islam'. *Journal of Islamic Law* 2, no. 1 (9 February 2021): 43–61.  
<https://doi.org/10.24260/jil.v2i1.127>.
- Lamhatul, Rima, Muhammad Maburur, and Dahlan Dahlan. 'Perubahan Nilai



- Budaya Dalam Tradisi Merariq Antara Masyarakat Bangsawan Dan Masyarakat Jajarkarang Pada Masyarakat Suku Sasak (Studi Di Desa Sakra Kecamatan Sakra Kabupaten Lombok Timur)'. *Jurnal Pendidikan Sosial Keberagaman* 8, no. 2 (16 December 2021). <https://doi.org/10.29303/juridiksiam.v8i2.253>.
- Madjid, Muhammad Zainuddin Abdul. *Al-Tuhfah al-Anfananiyyah Sharh al-Nahdlat al-Zainiyah*. 3rd ed. Pancor, Lombok Timur: Darun Nahdlatain Islamic Boarding School, 1978.
- Maimanah, Maimanah, M. Fahmi al-Amruzy, Arni Arni, and Siti Faridah. 'Delay in the Division of Inheritance: A Theoretical Review within Legal System Framework in Indonesia'. *Syariah: Jurnal Hukum Dan Pemikiran* 24, no. 1 (1 June 2024): 241–57. <https://doi.org/10.18592/sjhp.v24i1.12916>.
- Makhlouf, Ahmed Gad. 'Evolution of Islamic Law in the 20th Century: The Conception of Collective Ijtihād in the Debate Between Muslim Scholars'. *Oxford Journal of Law and Religion* 9, no. 1 (1 February 2020): 157–78. <https://doi.org/10.1093/ojlr/rwaa019>.
- Malayudha, Achmad Gusti, Widya Sari, and Angga Puja Asiandu. 'Indonesian Inheritance System Based on Islamic Law, Civil Code, Matrilineal Customs, and Gender Equality Perspectives'. *SANGKÉP: Jurnal Kajian Sosial Keagamaan* 6, no. 1 (14 June 2023): 55–73. <https://doi.org/10.20414/sangkep.v6i1.6286>.
- Munir, Zainal Arifin Haji. 'Analysis of Patterns for Inheritance Dispute Settlement in the Tradition of Sasak Community in Lombok'. *Mazahib* 20, no. 2 (2021): 225–50. <https://doi.org/10.21093/mj.v20i2.3774>.
- . 'Wealth Distribution among Sasak Communities Through Inheritance: A Quest for Justice'. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (14 October 2023): 1627–42. <https://doi.org/10.22373/sjhc.v7i3.10835>.
- Ni'ami, Mohammad Fauzan, and Bustamin Bustamin. 'Maqāṣid Al-Syarī'ah Dalam Tinjauan Pemikiran Ibnu 'Āsyūr Dan Jasser Auda'. *JURIS (Jurnal Ilmiah Syariah)* 20, no. 1 (21 June 2021): 91–102. <https://doi.org/10.31958/juris.v20i1.3257>.
- Pongoliu, Hamid. 'Pembagian Harta Waris Dalam Tradisi Masyarakat Muslim Di Gorontalo'. *Al-Manahij: Jurnal Kajian Hukum Islam* 13, no. 2 (28 November 2019): 187–202. <https://doi.org/10.24090/mnh.v13i2.3166>.
- Putra, Muhammad Habib Adi, and Umi Sumbulah. 'Memaknai Kembali Konsep Nusyuz Dalam Kompilasi Hukum Islam Perspektif Gender & Maqashid Syariah Jasser Auda'. *EGALITA* 15, no. 1 (21 August 2020). <https://doi.org/10.18860/egalita.v15i1.10179>.
- Qodir, Zuly. 'Post-Islamism And Reform Islamic Law: The Challenges And Future Of Political Islam In Indonesia'. *AHKAM: Jurnal Ilmu Syariah* 23, no. 2 (30 December 2023). <https://journal.uinjkt.ac.id/index.php/ahkam/article/view/31484>.
- Saad, Jazilah Mohd, and Adnan Trakic. 'Islamic Family Law'. In *Islamic Law in Malaysia: The Challenges of Implementation*, edited by Adnan Trakic and Hanifah Haydar Ali Tajuddin, 43–61. Singapore: Springer, 2021. [https://doi.org/10.1007/978-981-33-6187-4\\_5](https://doi.org/10.1007/978-981-33-6187-4_5).
- Salahuddin, Muhammad, Ahmad, Suharti, Syukri, and Nurhilaliati. 'Between Adat Law and National Law: The Resistance of Sasak Women to Their Inheritance Rights in Lombok Indonesia'. *Lex Localis - Journal of Local Self-Government* 21,



- no. 4 (1 November 2023): 923–36. [https://doi.org/10.4335/21.4.923-936\(2023\)](https://doi.org/10.4335/21.4.923-936(2023)).
- Sari, Ramadhanita Mustika, Ita Rodiah, Ahmad Fauzi, and Lalu Pradipta Jaya Bahari. 'An Examination of Talal Asad's Thought in Anthropological Studies on the Islamic Community of the Sasak Tribe of Lombok'. *Indonesian Journal of Islam and Muslim Societies* 14, no. 1 (1 June 2024): 117–44. <https://doi.org/10.18326/ijims.v14i1.117-144>.
- Sodiqin, Ali. 'Science-Based Ijtihad: Religious and Scientific Dialectic on Fatwas Regarding Congregational Worships amid the Covid-19 Pandemic'. *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 21, no. 1 (30 June 2021): 79–98. <https://doi.org/10.18326/ijtihad.v21i1.79-98>.
- Sulaeman, Budiman. 'Reformasi Pemikiran Hukum Islam'. *DIKTUM: Jurnal Syariah Dan Hukum* 11, no. 2 (2013): 123–30. <https://doi.org/10.35905/diktum.v11i2.162>.
- Suwarti, Suwarti, Decha Khunmay, and Stepan Abannokovya. 'Conflicts Occurring Due to the Application of Different Legal Inheritance Systems in Indonesia'. *Legality: Jurnal Ilmiah Hukum* 30, no. 2 (18 September 2022): 214–27. <https://doi.org/10.22219/ljih.v30i2.21020>.
- Syahdan, Syahdan. 'Pembagian Harta Warisan dalam Tradisi Masyarakat Sasak : Studi pada Masyarakat Jago Lombok Tengah'. *Palapa* 4, no. 2 (16 November 2016): 120–38.
- Walijah, Nurhasanah. 'Budaya Hukum Pembagian Waris Adat Masyarakat Sasak Di Desa Jerowaru Kecamatan Jerowaru Kabupaten Lombok Timur Perspektif Antropologi Hukum Islam', March 2023. <https://dspace.uui.ac.id/handle/123456789/44954>.
- Wicaksono, Syafril, M. Khoirul Hadi Al-Asy'ari, Elisa Dourouthun Nafis El-Adibah, and Iffahasanah Iffahasanah. 'Maqashid Sharia Progressive: Anatomical and Transformational of Halal Institutions in UIN KHAS Jember'. *El-Mashlahah* 13, no. 2 (31 December 2023): 107–32. <https://doi.org/10.23971/el-mashlahah.v13i2.7370>.
- Yilmaz, Ihsan. 'Muslims, Sacred Texts, and Laws in the Modern World'. In *Handbook of Contemporary Islam and Muslim Lives*, edited by Ronald Lukens-Bull and Mark Woodward, 19–37. Cham: Springer International Publishing, 2021. [https://doi.org/10.1007/978-3-030-32626-5\\_5](https://doi.org/10.1007/978-3-030-32626-5_5).