



## Neglecting Islamic Law in the Distribution of Inheritance in the Sasak Muslim Society: A Study of Legal Pluralism

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**Abstract:** This study examines the persistence of Sasak customary inheritance practices within a predominantly Muslim society, focusing on their implications for gender justice through the lens of legal pluralism. Despite the normative authority of Islamic inheritance law (*farā'id*), the Sasak community continues to prioritize a patrilineal customary system that allocates inheritance exclusively to male heirs, thereby excluding women. Using an empirical socio-legal approach, this research draws on in-depth interviews, observations, and engagement with community members, customary leaders, and religious authorities. The findings reveal that customary law maintains strong social legitimacy due to deeply internalized traditions, reflecting Max Weber's concept of traditional social action. In this context, inheritance practices are shaped more by habitual norms than by formal religious or legal rationality. The authority of customary leaders often surpasses that of Islamic religious figures, contributing to the marginalization of Islamic inheritance law. This dynamic results in the systematic exclusion of women from inheritance rights, reinforcing gender inequality and negatively affecting women's socio-economic welfare. The study contributes to the discourse by highlighting the gap between normative Islamic law and its practical implementation, calls for strengthening legal awareness and institutional engagement to promote more equitable inheritance practices.

**Keywords:** Legal Pluralism; Customary Inheritance Law; Gender Inequality; Sasak Muslim Society

**Abstrak:** Studi ini meneliti keberlanjutan praktik warisan adat Sasak dalam masyarakat yang mayoritas Muslim, dengan fokus pada implikasinya terhadap keadilan gender melalui lensa pluralisme hukum. Terlepas dari otoritas normatif hukum warisan Islam (*farā'id*), komunitas Sasak

terus memprioritaskan sistem adat patrilineal yang mengalokasikan warisan secara eksklusif kepada ahli waris laki-laki, sehingga mengecualikan perempuan. Dengan menggunakan pendekatan sosio-legal empiris, penelitian ini didasarkan pada wawancara mendalam, observasi, dan keterlibatan dengan anggota komunitas, pemimpin adat, dan otoritas agama. Temuan menunjukkan bahwa hukum adat mempertahankan legitimasi sosial yang kuat karena tradisi yang sangat terinternalisasi, mencerminkan konsep tindakan sosial tradisional Max Weber. Dalam konteks ini, praktik warisan lebih dibentuk oleh norma-norma kebiasaan daripada rasionalitas agama atau hukum formal. Lebih lanjut, otoritas pemimpin adat seringkali melampaui otoritas tokoh agama Islam, yang berkontribusi pada marginalisasi hukum warisan Islam. Dinamika ini mengakibatkan pengecualian sistematis perempuan dari hak warisan, memperkuat ketidaksetaraan gender dan berdampak negatif pada kesejahteraan sosial-ekonomi perempuan. Studi ini berkontribusi pada wacana dengan menyoroti kesenjangan antara hukum Islam normatif dan implementasinya secara praktis, serta menyerukan penguatan kesadaran hukum dan keterlibatan kelembagaan untuk mendorong praktik warisan yang lebih adil.

**Kata kunci:** Pluralisme Hukum; Hukum Warisan Adat; Ketidaksetaraan Gender; Masyarakat Muslim Sasak

## Introduction

There is a plurality of inheritance laws that apply in Indonesian society, including customary inheritance law, Islamic inheritance law, and the inheritance law from the colonial Netherlands' *Burgerlijk Wetboek*.<sup>1</sup> Similarly, in the Sasak society, inheritance is distributed according to both Islamic and customary laws. The Sasak society in Lombok, which is predominantly Muslim, still does a lot of inheritance distribution based on customary law and ignores Islamic inheritance law.<sup>2</sup>

The issue of neglect of Islamic law in the distribution of inheritance in the Sasak Muslim society is essential, because this neglect also has an impact on the neglect of women's inheritance rights. This neglect is evident in the application of customary law, which is more extensive than Islamic law in the distribution of inheritance.<sup>3</sup> The application of patrilineal customary inheritance law contributes to the neglect of women's inheritance rights.<sup>4</sup> Women do not have access to inheritance shares in the form of property, so in many cases, inheritance claims from women are handled by religious courts.<sup>5</sup> Thus, neglecting Islamic Law in the distribution of inheritance becomes a problem for the Sasak Muslim society.<sup>6</sup>

<sup>1</sup> Awalia Syifa and Ummi Maskanah, "Eigendom: A Dutch Colonial Legacy in Indonesia's Land Ownership System in Case Number 109 PK/Pdt/2022," *Jurisprudensi: Jurnal Ilmu Syariah, Perundang-Undangan Dan Ekonomi Islam* 17, no. 1 (2025): 254–67.

<sup>2</sup> Syahdan Syahdan, "Pembagian Harta Warisan Dalam Tradisi Masyarakat Sasak : Studi Pada Masyarakat Jago Lombok Tengah," *PALAPA* 4, no. 2 (November 2016): 120–38, <https://doi.org/10.36088/palapa.v4i2.28>.

<sup>3</sup> Wiwiek Wahyuningsih, Arief Rahman, and Mualifah Mualifah, "Kedudukan Hukum Laki-Laki Dan Perempuan Dalam Memperoleh Hak Milik Atas Tanah Warisan Perspektif Hukum Agraria Dan Hukum Adat Sasak," *Journal Kompilasi Hukum* 5, no. 1 (June 2020): 30–40, <https://doi.org/10.29303/jkh.v5i1.35>.

<sup>4</sup> Zainal Arifin Haji Munir, "Wealth Distribution among Sasak Communities Through Inheritance: A Quest for Justice," *Samarah*, 2023, <https://doi.org/10.22373/sjkh.v7i3.10835>. Lombok Indonesia. Economic justice is a value championed in the study of Islamic business law (al-fiqh al-muāmalah

<sup>5</sup> In the directory of decisions, the number of inheritance lawsuit cases in PTA Mataram was 480, while divorce cases were 604. Thus, inheritance cases rank second in number after divorce cases, and the difference is only slight.

<sup>6</sup> Daniel Lev, *Legal Evolution and Political Authority in Indonesia: Selected Essays*, vol. 4 (Brill, 2021).

Little literature discusses the neglect of Islamic inheritance law, the distribution of inheritance, and the Sasak Muslim society.<sup>7</sup> The existing literature on the neglect of Islamic inheritance law identifies several factors that contribute to it. Some consider Islamic inheritance law to be no longer relevant to modern times.<sup>8</sup> Some argue that the existence of customary law and societal beliefs contributes to neglect.<sup>9</sup> Regarding the study on inheritance, previous research indicates that some communities apply Islamic law. Conversely, others apply customary law, while still others employ a combination of Islamic law and customary law.<sup>10</sup> Meanwhile, literature on the Sasak Muslim society discusses social change, the role of Tuan Guru in these changes, and society's resistance to change due to customs practised for generations.<sup>11</sup>

This research builds upon existing studies that have found legal pluralism in the distribution of inheritance, comprising both customary law and Islamic inheritance law. However, in the Sasak community, inheritance is often distributed according to patrilineal customary law (excluding women from inheritance), due to the strong influence of tradition and the role of traditional leaders.<sup>12</sup> Therefore, this study examines the neglect of Islamic law in the distribution of inheritance within the Muslim Sasak community, within the framework of legal pluralism, and discusses its implications for the neglect of women's rights and welfare.

Previous research on the Sasak customary inheritance law has also focused more on women's rights and discrimination against women.<sup>13</sup> Indeed, the interesting thing about the Sasak inheritance system is that women do not get their inheritance rights, so there is discrimination against women.<sup>14</sup> However, the discussion has not included why the inheritance custom is dominant in the society and its implications for women's welfare. This research continues existing research, which discusses the neglect of Islamic law in the distribution of inheritance in the Sasak Muslim society, which has implications for the low welfare of women. This discussion is critical, considering that Sasak Lombok society is predominantly Muslim, which is why Lombok is often referred to as the Island of One

<sup>7</sup> Zainal Arifin Haji Munir, "Analysis of Patterns for Inheritance Dispute Settlement in the Tradition of Sasak Community in Lombok," *Mazahib Jurnal Pemikiran Hukum Islam*, 2021, <https://doi.org/10.21093/mj.v20i2.3774>; Compare with A H Bello, "Islamic Law of Inheritance among the Yoruba of Southwest Nigeria: A Case Study of Dar Ul-Qadha (Arbitration Panel)," *Journal of Islamic Law* 5, no. 1 (2024): 44–61, <https://doi.org/10.24260/jil.v5i1.2058>. interview, and documentation techniques. Lombok people often postpone dividing the inheritance, which eventually causes problems. According to Lombok customary law, postponing inheritance is carried out due to several cultural factors, i.e.: the existence of the parent (either father or mother

<sup>8</sup> H Sulfinadia et al., "Negotiating Islamic Inheritance and Customary Law: Functional Legal Pluralism and Matrilineal Pusaka Randah in Minangkabau," *Journal of Islamic Law* 7, no. 1 (2026): 1–30, <https://doi.org/10.24260/jil.v7i1.3743>.

<sup>9</sup> Niswatun Hasanah, "Islamic Inheritance Law in the View of the Philosophy of Justice," *Journal of Islamic Science and Education* 7, no. 7 (2021).

<sup>10</sup> Halimatul Maryani et al., "Sistem Keekerabatan Dan Pengaruhnya Terhadap Hukum Waris Islam," *Legal Brief* 11, no. 4 (2022): 2518–25.

<sup>11</sup> Jun Mawalidin, "Peranan Tuan Guru Ormas Islam Nahdlatul Wathan Di Lombok Wadah Ajaran Keagamaan Dan Sosial (Islam)," *IJTIMAIYA: Journal of Social Science Teaching*, 2021, <https://doi.org/10.21043/ji.v5i2.11577>; Munir, "Wealth Distribution among Sasak Communities Through Inheritance: A Quest for Justice."

<sup>12</sup> S Wahyuni et al., "Considering the Principles of Patrilineal Inheritance between Religions: Negotiations of Islamic and Customary Law," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 20, no. 2 (2026): 673–96, <https://doi.org/10.19105/al-ihkam.v20i2.18542>; M Fikri, "Reform of The Inheritance System: Between Islamic Law and Tradition of Sasak Tribe," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 1 (2024): 197–211, <https://doi.org/10.18860/j-fsh.v16i1.26354>; D Azhari and S Qalyubi, "The Rights of Sasak Noble Muslim Women in Choosing A Mate: An Analysis of the Marriage of Noble Women With Jajar Karang Men From the Perspective of Islamic Law," *Al-'Adalah* 20, no. 2 (2023): 381–404, <https://doi.org/10.24042/adalah.v20i2.18416>.

<sup>13</sup> Munir, "Wealth Distribution among Sasak Communities Through Inheritance: A Quest for Justice." Lombok Indonesia. Economic justice is a value championed in the study of Islamic business law (al-fiqh al-muāmalah

<sup>14</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 (November 2023): 923–36, [https://doi.org/10.4335/21.4.923-936\(2023\)](https://doi.org/10.4335/21.4.923-936(2023)).

Thousand and One Mosques. Thus, this research will contribute to the choice-of-law debate and to the prevalence of customary inheritance law in society, as well as to its implications for women's welfare.

This paper examines the neglect of Islamic law in the distribution of inheritance within the Sasak Muslim society, the reasons behind this neglect in the context of the plurality of inheritance laws, and its implications. The research findings section provides a detailed discussion of the data on the form of neglect of Islamic law in the distribution of inheritance within the Sasak Muslim society, specifically through the enforcement of patrilineal customary inheritance law. It also discusses the factors that cause such neglect, particularly the contestation between customary law and Islamic law (within the framework of legal pluralism), as well as the roles of traditional and religious leaders. Furthermore, this study examines the implications of implementing customary inheritance practices that overlook inheritance rights. Thus, this research can make a significant contribution, enabling the formulation of strategies to address the neglect of Islamic law and the issue of inequality in women's welfare.

This paper is the result of field research that uses a qualitative approach.<sup>15</sup> As a legal research, this paper can also be described as an empirical or sociological study, adopting a sociological approach. We collect data through observation of welfare conditions and inheritance distribution practices.<sup>16</sup> Interviews were also conducted with tribal chiefs, traditional and religious leaders, and community members to explore their knowledge and roles in applying customary and Islamic inheritance law. Primary data from interviews and observations covered inheritance distribution practices, the factors causing the neglect of Islamic law, and its impact, while secondary data included previous research to enrich the analysis.<sup>17</sup>

Data analysis uses an interpretative method through three stages: data presentation to map the main findings, data description to narrate the conclusions based on themes, and data interpretation to explore the deeper meanings and contextualise them within a broader framework. This study employs legal pluralism theory to analyze the research results, particularly the neglect of Islamic law. Max Weber's theory of traditional actions is also examined to identify the factors contributing to the neglect of Islamic law. Meanwhile, this research uses gender equality theory to analyse the implications of neglect for women. With this method, this research will provide comprehensive insights into the factors contributing to the neglect of Islamic law in the distribution of inheritance among the Sasak Muslim society and offer solutions to these problems.

### Neglect of Islamic Inheritance Law

Yayat explains that Islamic inheritance law regulates the transfer of ownership rights in inherited property (*tirkah*) from the *al-muwarist* (the person who bequeaths) to the heirs (*al-waarits*), determining who the heirs are and how many parts they receive. The inheritance process in Islam recognises three main elements, namely: *Mauruth*, *Muwarits*, and *Warits*.<sup>18</sup> In line with this, Islamic

<sup>15</sup> Qodariah Barkah et al., "Abandonment of Women's Rights in Child Marriage; An Islamic Law Perspective," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (2022): 383–411.

<sup>16</sup> Khairul Hamim, Muhammad Iskandar, and Muhammad Azizurrohman, "Interfaith Marriage in North Lombok: Sociological Perspective of Islamic Law," *Khazanah Hukum* 4, no. 2 (2022): 129–38.

<sup>17</sup> Lawrence Rosen, *The Anthropology of Justice: Law as Culture in Islamic Society*, vol. 1985 (Cambridge University Press, 1989).

<sup>18</sup> Yayat Dimiyati, "Inheritance in the Perspective of Customary Law and the Compilation of Islamic Law," *VRISPRAAK: International Journal of Law* 9, no. 1 (2025): 58–79.

inheritance law, derived from the Qur'an and hadith, also has five principles: the *ijbari* principle, the bilateral principle, the individual principle, the principle of balanced justice, and the principle solely due to death.<sup>19</sup> However, in practice, Islamic inheritance law can be neglected and not followed for various reasons. It has implications for multiple aspects of social life. The neglect of Islamic inheritance law is a key factor contributing to conflicts and disputes over inheritance distribution within society. This issue arises from a lack of understanding and awareness of Islamic inheritance principles.<sup>20</sup>

Previous studies have shown that neglect of Islamic inheritance law is due to various factors, including social, economic, and cultural changes in contemporary society.<sup>21</sup> A Bouderman survey reveals modernisation and globalisation have impacted people's perceptions of Islamic inheritance law. People sometimes view this as less relevant to contemporary needs.<sup>22</sup> This survey encourages families to prioritise aspects of equality based on rational calculations rather than religious measures and rules. Furthermore, this study also reveals that the neglect of Islamic inheritance law is often due to its intersection with local customs, culture, and beliefs.<sup>23</sup> In society, the law governing inheritance does not always refer to Islamic law or a particular religion; instead, it may prioritise local customary law. The intersection of customary and Islamic inheritance law varies; in one society, it goes hand in hand, but in another, it can clash.<sup>24</sup> This research builds on previous studies of the intersection between customary and Islamic inheritance. The above factors show how the social context and conditions have broad implications for the neglect of Islamic inheritance law.

### Shifting Patterns in Inheritance Distribution: Legal, Cultural, and Social Influences

Inheritance refers to all wealth that passes to heirs, family members with specific relationships, upon a person's death.<sup>25</sup> In a legal context, inheritance distribution involves a set of rules and principles that govern the allocation of property among family members or eligible parties.<sup>26</sup> In practice, the distribution of inheritance may vary depending on the legal system in place. Some systems prioritise the testator's freedom to determine the distribution of their property through a will. In contrast, other systems have standard rules that define the portion of inheritance based on kinship relations.<sup>27</sup> The practice of inheritance distribution in a particular society group can shift.<sup>28</sup>

<sup>19</sup> Hasanah, "Islamic Inheritance Law in View of the Philosophy of Justice."

<sup>20</sup> Mujib & Supriadi (2019)

<sup>21</sup> Anwar Hidayat, M Gary Gagarin Akbar, and Deny Guntara, "Kajian Perbandingan Dalam Pembagian Waris Berdasarkan Pada Hukum Islam Dan Hukum Adat," *Justisi: Jurnal Ilmu Hukum* 3, no. 1 (2018).

<sup>22</sup> David Bouderman, "Modernization and Changing Perceptions of Islamic Law," *Harv. L. Rev.* 81 (1967): 1169.

<sup>23</sup> Akhmad Haries, "Analisis Tentang Studi Komparatif Antara Hukum Kewarisan Islam Dan Hukum Kewarisan Adat," *Fenomena* 6, no. 2 (2014): 217–30.

<sup>24</sup> Dinta Febriawanti and Intan Apriyanti Mansur, "Dinamika Hukum Waris Adat Di Masyarakat Bali Pada Masa Sekarang," *Media Juris* 3, no. 2 (2020): 119–32.

<sup>25</sup> Zuhdi, "Problematics of Inheritance Calculation and Distribution in the Muslim Family of M. Zuhdi," *Nurani* 17, no. 1 (2017): 107–31.

<sup>26</sup> Mohamed A. Mostafa et al., "Novel Graphical Family Tree Representation to Develop an Interactive Expert System," *Experts System*, 2022.

<sup>27</sup> Eko Setiawan, "Penerapan Wasiat Wajibah Menurut Kompilasi Hukum Islam (KHI) Dalam Kajian Normatif Yuridis," *Muslim Heritage* 2, no. 1 (2017): 43–62; Maryani et al., "Sistem Kekekabatan Dan Pengaruhnya Terhadap Hukum Waris Islam."

<sup>28</sup> A B Awang et al., "An Analysis of the Justice of Faraid Law in Relation to the Concept of Qiwwamah in the Sustainability of the Muslim Family Institution," *El-Usrah* 8, no. 2 (2025): 1160–83, <https://doi.org/10.22373/ujhk.v8i2.26431>; S Abbas, I Ismail, and I Jauhari, "Reinterpreting Islamic Inheritance: Supreme Court Jurisprudence and Gender Justice in Indonesia," *Jurnal Ilmiah Peuradeun* 13, no. 3 (2025): 2339–64, <https://doi.org/10.26811/peuradeun.v13i3.1593>.

Siregar said that cultural and structural factors influence the shift.<sup>29</sup> Structurally, fundamental social changes drive the shift, including those related to urbanization, globalization, and modernization. These social transformations lead to changes in norms, structures, and patterns of family relationships, ultimately affecting the distribution of inheritance.<sup>30</sup> Culturally, the intersection of religious and customary norms influences the distribution of inheritance. The distribution of inheritance, which was previously regulated absolutely by spiritual rules, is now shaped by the values and standards of certain societal beliefs.<sup>31</sup>

The distribution of inheritance in Indonesia (in the discourse of the plurality of inheritance laws) follows three rules, namely Islamic law, customary law, and the acculturation of Islamic law and customary law.<sup>32</sup> First, according to Islamic law, the distribution of inheritance is based on the inheritance rights of men and women under the laws of the Qur'an, Hadith, *Ijma'*, and *Qiyas*. Indonesian Muslim communities widely apply the Islamic inheritance distribution law.<sup>33</sup> Second, communities that apply customary inheritance law as the basis for the distribution of inheritance, one of which is the Bugis Bone. The distribution of inheritance follows deliberation between families and consensus deliberation involving third parties.<sup>34</sup> Third, communities that apply Islamic law and customary law, for example, in Polewali Mandar, West Sulawesi, and Sampang, Madura.<sup>35</sup> Wahyuni & Harisah revealed that the distribution of inheritance follows a view that places equal value on men and women.<sup>36</sup> The inheritance is divided among the children, while the parents' house is given to the youngest child, regardless of gender. Both Islamic law and customary law have distinct differences that are valid and true.

### Sasak Muslim Society

Chaplin defines a Muslim society as a group of people who practice Islam as their primary religion.<sup>37</sup> Adherence to the principles of sharia, Islamic law and practice, is one of the characteristics that distinguish Muslim societies from other societies.<sup>38</sup> The Sasak Muslim society adheres to Islam while practising Sasak traditions (namely in Lombok). Wahyudin states that the Sasak Muslim society has a complex religious identity shaped by the acculturation of Islam, local customs, and pre-Islamic cultural heritage (including Balinese Hinduism).<sup>39</sup>

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<sup>29</sup> Siregar (2020)

<sup>30</sup> Alfa Rizky Voth and Mochammad Firmansyah Dwi Setiawan, "The Dynamics of Customary Inheritance Law in Indonesia: A Study of Social, Cultural, and Legal Changes," *Syariah: Journal of Legal Science* 1, no. 2 (2024): 328-34.

<sup>31</sup> Agus Wantaka, Abdul Rosyid, and Eka Sakti Habibullah, "Pembagian Warisan Dalam Perspektif Hukum Islam Dan Hukum Adat Jawa (Studi Komparasi)," *Prosa AS: Prosiding Al Hidayah Ahwal Asy-Syakhshiyah* 1, no. 1 (2019): 13-33.

<sup>32</sup> Miftahul Huda, Niswatul Hidayati, and Khairil Umami, "Fiqh and Custom Negotiation in Avoiding Inheritance Dispute Tradition among Mataraman Society East Java," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial*, 2020, <https://doi.org/10.19105/al-lhkam.v15i2.2714>.

<sup>33</sup> Agus Wantaka, Abdul Rosyid, and Eka Sakti Habibullah3, "Pembagian Warisan Dalam Perspektif Hukum Islam Dan Hukum Adat Jawa (Studi Komparasi)" 01, no. 1 (2019): 13-33.

<sup>34</sup> Kartini and Ety Nur Inah, "The Legal System of Inheritance of Indigenous Bugis-Bone: Islamic Law Perspective," in *IOP Conference Series: Earth and Environmental Science*, 2018, <https://doi.org/10.1088/1755-1315/175/1/012139>.

<sup>35</sup> Rahman et al.

<sup>36</sup> Afidah Wahyuni and Harisah, "Humanism in Inheritance Distribution in Sampang Madurese Culture," *Ahkam: Jurnal Ilmu Syariah* 19, no. 2 (2019): 219-28, <https://doi.org/10.15408/ajis.v19i2.13899>.

<sup>37</sup> Chaplin (2018)

<sup>38</sup> Tim Lindsey and Kerstin Steiner, "Islam, the Monarchy and Criminal Law in Brunei: The Syariah Penal Code Order, 2013," *Griffith Law Review* 25, no. 4 (2016): 552-80, <https://doi.org/10.1080/10383441.2016.1273294>.

<sup>39</sup> Dedy Wahyudin, "Identitas Orang Sasak: Studi Epistemologis Terhadap Mekanisme Produksi Pengetahuan Masyarakat Suku

Previous studies on the Sasak society have identified several trends. First, studies that focus on social studies.<sup>40</sup> Fitriani's study, for example, examines social change in *Sasak* society under the leadership of a figure known as Tuan Guru. Tuan Guru's leadership exerts influence legitimised not only structurally in government but also culturally and socially, thereby having a significant impact on social conditions. Second, a study examining the intersection of religion and culture in *Sasak* society.<sup>41</sup> Syarifudin observes that the understanding and appreciation of religion often lead to resistance and friction against the practices and customs from one generation to the next. For this reason, interaction, reconciliation, and mapping of each between religion and custom must work to avoid conflict. The previous studies mentioned above demonstrate that research on the *Sasak* Muslim society is conducted in various contexts.<sup>42</sup> This study builds on earlier research on the *Sasak* community, particularly regarding the intersection of religion and culture, as well as the roles of traditional leaders and *tuan guru*. Primarily, this study highlights the conflict between Islamic law and customary law in inheritance distribution, revealing a disregard for Islamic law and a more dominant role for traditional leaders, akin to the *tuan guru* in this context.

## The Distribution of Inheritance in the *Sasak* Muslim Society does not refer to Islamic Law

### 1. The Absence of Tuan Guru as a Religious Figure in the Division of Inheritance Property

The distribution of inheritance in the *Sasak* Muslim society does not refer to the inheritance distribution system according to Islamic law, but follows customary law, as in the following interview:

**Table 1. Interviews on The Customary Inheritance Distribution**

No	Interview result	Informant	Coding
1.	The traditional ceremony when someone dies is carried out in an Islamic way, led by the <i>Jero Keliang</i> ; if someone dies, the family slaughters goats, buffaloes, or cows according to the family's ability; the more buffaloes or cows, the higher the prestige; then the distribution of inheritance is carried out.	Ama Zidan	Customary Rituals determine inheritance.
2.	" <i>Jero Keliang</i> can help distribute the inheritance, but society also knows that"	<i>Jero Keliang</i> (Mr. Kurdaf)	The customary chief determines the distribution of inheritance.

*Sasak*," *Jurnal Penelitian Keislaman* 14, no. 1 (2018): 52–63.

<sup>40</sup> Saprudin Saprudin, "Dampak Tradisi Begawe Merarik Terhadap Sosial Ekonomi Masyarakat Islam Sasak Di Kota Mataram," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 19, no. 1 (2019): 119–26; Suparman Jayadi, A Demartono, and Drajat Tri Kartono, "Interaksi Sosial Umat Hindu Dan Muslim Dalam Upacara Keagamaan Dan Tradisi Perang Topat Di Lombok," *Jurnal Analisa Sosiologi* 6, no. 2 (2017): 54–63.

<sup>41</sup> Muhammad Affandi Yusuf, "The Phenomenon of Unique Dowry Giving in the *Sasak* Muslim Society in Review of Legal Pluralism," *Al-Rasūkh*: 13, no. 1 (2024): 51–66; Zaenuddin Mansyur, "The Implementation of Wetu Telu Islamic Teachings in the Middle of Five Time Islamic Teachings: An Effort to Preserve the Local Wisdom of *Sasak* Muslims," *Religió Journal of Religious-Religious Studies* 9, no. 2 (2019) *Journal Legal Interpretation* 2, no. 3 (2021): 479–83.

<sup>42</sup> Syarifudin (2021)

No	Interview result	Informant	Coding
3.	<i>Kiyai (Tuan Guru)</i> does not deal with the distribution of inheritance.	Ama Zidan	The absence of Islamic leaders in the distribution of inheritance.
4.	“The inheritance is among sons; if there are no sons, then it is for nephews. Women do not get a share of the inheritance.”	Jero Keliang (Mr. Kurdaf)	Domination of inheritance for men.

Source: data processed by the author

Based on the data above, both *Jero Keliang* (customary chiefs and village heads) and society members stated that the division of inheritance in the Sasak society in Lombok, West Nusa Tenggara, is based on customary law. The dominance of *adat* in the distribution of inheritance begins with the heir’s death ceremony and continues through the distribution process. Although the death procedure still follows in an Islamic manner, there are still traditional rites that accompany it. In addition, at the implementation level, the division of inheritance is generally led by the *Jero Keliang* (customary head), without the intervention of the *Kyai* or the *Tuan Guru*. However, it is not uncommon for inheritance distribution to be handled directly by the family without involving the *Jero Keliang*. Because the society in general already understands and practices the distribution of inheritance according to the *Sasak* custom. It becomes a common understanding in the Sasak society.

In the Sasak customary inheritance system, there are two components: heirs and inheritance property. The heir is the person who dies and leaves the inheritance. Heirs are individuals who inherit rights and portions of their inheritance, such as children and nephews. Inheritance is the property left by the heir, both in the form of material and non-material assets. Material assets include land, houses, livestock, and vehicles, as well as non-material assets such as leadership and weaving skills.

The Sasak customary inheritance system is patrilineal, following the male lineage and thus ignoring women’s inheritance rights. All inherited property, such as land, houses, livestock, and vehicles, is given to male heirs. If there are no sons, male nephews can inherit. Women do not typically receive an inheritance, except for household furniture, looms, and money or jewellery given while their parents (heirs) were still alive.

## 2. The Strong Influence of Old Traditions in Society

The *Sasak* society highly values the cultural traditions inherited from its ancestors. The *Sasak* people preserve their traditions in their daily life. The society repeatedly practices its customs and makes them habits inseparable from life. The strong influence of tradition and custom is evident in the many *Sasak* houses that are shaped exactly like traditional *Sasak* houses.

Some house models still exist as the original *Sasak* house customs. This house model is still in the *Sade Rambitan* society, which is similar to the original *Sasak* traditional society. The house is an example of a form of property. If the heir dies, for example, the father’s estate will be divided among the sons. The youngest son will inherit the house, while the other sons will receive land and houses outside this central area. Such is the inheritance custom, still very strong in this society. That tradition influences the inheritance distribution system according to custom, thereby disregarding the rules of Islamic law in its implementation. Some evidence of the strong influence of custom in *Sasak* society is also evident in Table 2.

**Table 2. Interview Results about The Strength of Customs in Society**

No	Interview Result	Informant	Coding
1.	“Everyone knows the customary rules. The rules educated me in that manner since I was a child.”	Ama Zidan, society	Socialisation of customary teachings in society
2.	“Here, there is already <i>awig-awig</i> about customary rules.”	Jero Keliang (Mr. Kurdaf)	Customary rules have been established
3.	“Yesterday, we followed <i>Islam waktu telu</i> , but now we pray five times because there are religious instructors from the Ministry of Religion who conduct socialisation.”	Jero Keliang (Mr. Kurdaf)	Less strong influence of Islamic law
4.	“We learn religion at school and the mosque, learning Al Qur’an, not learning Islamic inheritance.”	Ama Zidan, society	Not studying Islamic inheritance
5.	“There are no proper teachers who teach Islamic inheritance here.”	Ama Zidan, society	Limited Islamic leaders

Source: data processed by the author

Based on the interview data in Table 2 above, it is evident that society remains firmly committed to upholding traditional practices, particularly the division of inheritance under customary law. Tradition and custom teach society members since childhood. The socialisation of these customs is passed down from generation to generation, so that all have come to understand and carry them out. This custom includes the custom of dividing inheritance. So, this patrilineal *Sasak* inheritance distribution custom has also been socialised and has become a strong societal practice.

Some customary rules originate from *awig-awig*. This custom also reinforces the strong position of customary law in this *Sasak* society, including *waris*. This custom rule has become a common practice in society, allowing all to follow and observe it. Thus, this customary inheritance practice holds significant power in society.

They don’t learn about Islamic inheritance law. They learn Islam at school and in the mosque, but they only know the Koran and daily prayers. *Tuan guru, Kyai*, and Islamic leaders do not teach Islamic inheritance law. Most of them also attend public schools, such as elementary, junior, and senior high schools, which do not teach Islamic inheritance law, so they do not understand the distribution of inheritance according to Islamic law. Based on this, customary inheritance division remains dominant in *Sasak* Muslim society, rather than Islamic inheritance law.

### 3. Discrimination against women in the inheritance system: they do not receive a share.

The neglect of Islamic law in the process of inheritance distribution based on customary rules has discriminated against women. The following examples illustrate the types of discrimination women experience (see Table 3).

**Table 3. Interviews on the Impact of Neglecting Islamic inheritance law**

No	Interview result	Informant	Coding
1	Custom distributes inheritance to boys. Women do not get it. Women only get household furniture	Ama zidan	Discriminatory division of inheritance
2	Women only work and weave at home	Women	Lack of social security for women
3	Here, school only goes up to junior high school	Mothers	Women's low education
4	"Here, men work in the fields," "Women stay at home"	Mother, ama zidan	Unequal division of tasks and roles at home between men and women

*Source: data processed by the author*

The interview data in Table 3 and Figure 2 above it show that ignoring Islamic law in the distribution of inheritance in the Sasak Muslim society has an impact on discrimination against women. Men who work and are responsible for their families have a more appropriate position to inherit property than women do. Customary rules regarding the division of roles and duties between men and women are not equal. Men work outside the home, while women are primarily responsible for household chores and weaving. The tradition of weaving is passed down to women, so that what they receive is only home furnishings, looms, and jewellery that women have had since their parents' time.

In the Sasak society, inheritance typically includes land, houses, livestock, and vehicles, and is passed down to male heirs. Girls do not inherit property, except for jewellery, clothing, and financial assets acquired by their parents during their lifetime. They do not get material inheritance when their parents die. There is a non-material inheritance obtained in the form of weaving skills. The results of this weaving must be given to the prospective husband at the time of marriage as a form of readiness to build a household.

This discrimination against women further creates inequality in welfare, education, and social security for women. Women, especially in the Sasak Sade society, are often expected to become homemakers and are frequently undereducated. The average woman there typically attends elementary and junior high school, rather than high school and college. Women do not have or develop professions other than weaving. Women cannot own assets such as land and houses. She relies on her husband's income. Based on this, the application of patrilineal inheritance customary law results in the neglect of women's welfare.

### **Analysis of the Significant Findings in Neglecting Islamic Law in the Distribution of Inheritance in the Sasak Muslim Society**

This study on the neglect of Islamic law in inheritance distribution in the Sasak Muslim society reveals three issues. First, there are customary inheritance law systems and Islamic inheritance law systems (in the study of legal pluralism, a concept that recognizes the existence of several different legal systems operating within a society). It turns out that the society does not use Islamic law as a

reference in inheritance distribution in the Sasak society, which is predominantly Muslim. In the study of legal pluralism, there are strong laws and weak laws. Strong laws in the theory of legal plurality are usually state laws that are formally enforced and include sanctions.<sup>43</sup> In the context of inheritance law, for example, when there is a lawsuit in the Religious Court, people apply Islamic inheritance law, so that Islamic law becomes the strong law that is formally enforced by the state (within the scope of the Religious Court). However, in reality, in the Sasak Muslim society, customary law is the strong law (in this theory of legal plurality). The *Sasak* people prefer to use customary inheritance law in the distribution of inheritance.

Second, the survival of the customary inheritance system compared to the Islamic inheritance system is based on the strong influence of traditions and ancestral values that society adheres to.<sup>44</sup> This system follows Max Weber's theory of traditional action. Weber divided social action into four ideal types: instrumentally rational action, value-rational action, affectively motivated action (individual emotion), and traditional action based on customs, norms, or traditions already existing in society. The neglect of Islamic law is due to the strength of old traditions, in the form of customs, in society. Weber refers to this system as traditional action, namely, actions based on traditions or customs that exist within society.<sup>45</sup> These inheritance values and customs are instilled in society from childhood.

The neglect of Islamic law in the distribution of inheritance among *Sasak* Muslims is also caused by the absence of Islamic leaders. The role and authority of *Jero Keliang* (customary head) are more dominant than those of *Kyai* or *Tuan Guru* in the distribution of inheritance. Several previous studies also state that the *Sasak* Muslim society applies its customary inheritance law. The authority and role of the *Jero Keliang* (customary leader) are also powerful in preserving these customs, whereas Islamic leaders play a lesser role. In several previous studies, it has also been mentioned that traditional leaders play a significant role in resolving inheritance disputes within the society.<sup>46</sup> Even in resolving inheritance conflicts, the roles of traditional leaders and families are dominant. Meanwhile, *Tuan Guru*, *Kyai*, and Islamic religious leaders play a lesser role in resolving inheritance disputes in the society.<sup>47</sup> Based on this, customary inheritance law in the *Sasak* Muslim society is powerful and dominant.

Third, the rules of customary inheritance law provide only for material inheritance to male heirs and do not allocate a share to women. This inheritance system is a form of gender inequality (referring to the unequal treatments, opportunities, and rights between men and women).<sup>48</sup> Women are neglected and discriminated against. Thus, this inheritance system states that the *Sasak* Muslim

<sup>43</sup> Brian Z Tamanaha, *Legal Pluralism Explained: History, Theory, Consequences* (Oxford University Press, 2021). "http://www.mendeley.com/documents/?uuiid=221d6f40-b3a8-4a2c-a9b1-09a04bd5c4df"}], "mendeley": {"formattedCitation": "Brian Z Tamanaha, <i>Legal Pluralism Explained: History, Theory, Consequences</i> (Oxford University Press, 2021

<sup>44</sup> David S Powers, "The Islamic Inheritance System: A Socio-Historical Approach," in *Issues in Islamic Law* (Routledge, 2017), 165-81.

<sup>45</sup> Joshua Rust, "Traditional Action and Traditional Authority," *Max Weber Studies* 18, no. 2 (2018): 159-85.

<sup>46</sup> Munir, "Analysis of Patterns for Inheritance Dispute Settlement in the Tradition of Sasak Society in Lombok." interview, and documentation techniques. Lombok people often postpone dividing the inheritance, which eventually causes problems. According to Lombok customary law, postponing inheritance is carried out due to several cultural factors, i.e.: the existence of the parent (either father or mother

<sup>47</sup> Jeremy Kingsley, *Tuan Guru, Society and Conflict in Lombok, Indonesia* (University of Melbourne, Melbourne Law School, 2010).

<sup>48</sup> Muhammad Nadeem and Naeem Ullah Khan, "Harassment of Women; a Biased Approach; Neglecting of Other Genders," *JL & Soc'y* 46 (2015): 87.

society has ignored Islamic law and women's rights in the distribution of inheritance, because it perpetuates customary inheritance law. The neglect of Islamic law and the dominance of patrilineal customary inheritance law have been widely studied by previous researchers, such as Cahyani & Amelda, who highlighted the injustice in the distribution of customary inheritance that places women in a subordinate position.<sup>49</sup> Elpina emphasises that customary practices often ignore the principle of equality stipulated in both national and Islamic law.<sup>50</sup> Erna Wintari & Agus Suparta's study demonstrates that inheritance discrimination affects women's limited access to family economic resources.<sup>51</sup> Jima et al. found that custom remains a dominant factor in determining inheritance rights, despite the existence of more egalitarian formal regulations.<sup>52</sup>

Lasmaria and Adiasih highlighted the weak position of girls within customary family structures, especially regarding land ownership.<sup>53</sup> Muzainah illustrates how women are often positioned as secondary rather than primary recipients in the division of property.<sup>54</sup> Nababan reviews the tension between customary law and Islamic law, which has an impact on women's disadvantage.<sup>55</sup> Nainggolan emphasises that customary legitimacy is often maintained despite contradicting the principles of gender justice.<sup>56</sup>

Nugaheni highlighted that patrilineal customary heritage not only has economic, but also psychosocial impacts on women.<sup>57</sup> Pattiruhu found discriminatory practices legitimised through local cultural constructions.<sup>58</sup> Rahmayanti & Prasetyo Agung Basuki explained the inconsistencies in the application of inheritance laws that often disadvantage women.<sup>59</sup> Saragih argues that the application of customary law leads to the marginalization of girls' rights.<sup>60</sup> Sianturi et al. highlighted the need to reinterpret customary law to be more responsive to gender equality.<sup>61</sup> Finally, Siki & Masriani noted that a significant gap in inheritance rights exists between men and women, affecting women's

<sup>49</sup> Firnanda Arifatul Cahyani and Dia Aisa Amelda, "Kedudukan Perempuan Hindu Dalam Sistem Pewarisan Menurut Hukum Waris Adat Bali," *Jurnal Hukum Lex Generalis*, 2022, <https://doi.org/10.56370/jhlg.v3i6.190>.

<sup>50</sup> Elpina, "Kedudukan Perempuan Dalam Hukum Waris Adat Batak Toba," *Jurnal Hukum Kalam Keadilan* 3, no. 2 (2015): 1–12.

<sup>51</sup> Made Erna Wintari and Gede Agus Suparta, "Sistem Kewarisan: Hak Wanita Dalam Hukum Adat Bali," *Pariksa: Jurnal Hukum Agama Hindu*, 2022, <https://doi.org/10.55115/pariksa.v6i1.2241>.

<sup>52</sup> Selviana Jima, Ketut Sudiartama, and Ni Ketut Sari Adnyani, "Pembagian Harta Waris Menurut Perspektif Hukum Waris Adat Terhadap Anak Laki-Laki Dan Perempuan (Studi Kasus Pada Masyarakat Di Desa Barang, Kecamatan Cibal, Kabupaten Manggarai)," *Jurnal Komunitas Yustisia*, 2022, <https://doi.org/10.23887/jatayu.v5i1.45937>.

<sup>53</sup> Lasmaria Lasmaria and Ning Adiasih, "Analisis Yuridis Terhadap Kedudukan Anak Perempuan Dalam Mewaris Harta Asal Pauseang Berdasarkan Hukum Waris Adat Batak Toba (Studi Kasus Putusan Pengadilan Negeri Balige Nomor 47/Pdt.G/013/Pn.Blg)," *Reformasi Hukum Trisakti*, 2019, <https://doi.org/10.25105/refor.v1i1.7139>.

<sup>54</sup> Gusti Muzainah, "Prinsip Hukum Kedudukan Perempuan Dalam Hukum Waris Adat Masyarakat Banjar," *Muadalah*, 2015, <https://doi.org/10.18592/jsga.v2i1.461>.

<sup>55</sup> Helprida Nababan, "Kedudukan Anak Perempuan Dalam Hukum Waris Adat Pada Masyarakat Batak Toba Di Kecamatan Pontianak Kota Di Kota Pontianak," *Universitas Tanjungpura*, 2017.

<sup>56</sup> Torop Eriyanto Sabar Nainggolan, "Kedudukan Anak Perempuan Dalam Hukum Waris Adat Pada Masyarakat Batak Toba Di Kecamatan Pontianak Kota Di Kota Pontianak," *Universitas Stuttgart*, 2005.

<sup>57</sup> Laksana Arum Nugaheni, "Dinamika Hukum Waris Adat Dalam Sistem Kekerabatan Patrilineal : Pewarisan Terhadap Anak Perempuan," *Jurnal Literasi Hukum*, 2021.

<sup>58</sup> Fransisca Jallie Pattiruhu, "Critical Legal Feminism Pada Kedudukan Perempuan Dalam Hak Waris Pada Sistem Patriarki," *Culture & Society: Journal Of Anthropological Research*, 2020, <https://doi.org/10.24036/csjar.v2i1.57>.

<sup>59</sup> Nadya. Rahmayanti and Triyono Prasetyo Agung Basuki, "Kedudukan Anak Perempuan Dalam Hukum Waris Adat Masyarakat Hukum Adat Suku Karo Desa Sugihen Kecamatan Juhar Kabupaten Karo," *Diponegoro Law Journal*, 2017.

<sup>60</sup> Aprinus Saragih, "Pengaruh Latar Belakang Pendidikan, Lama Kerja, Dan Budaya Organisasi Terhadap Kinerja Pegawai Pada Pemerintah Kabupaten Tapanuli Tengah," *Judicious* 2, no. 1 (2021): 22–28, <https://doi.org/10.37010/jdc.v2i1.199>.

<sup>61</sup> Wahila N Sianturi et al., "Kedudukan Perempuan Dalam Hukum Waris Adat Batak Toba (Desa Untemungkur Kecamatan Muara)," *Jurnal Rectum: Tinjauan Yuridis Penanganan Tindak Pidana*, 2022, <https://doi.org/10.46930/jurnalrectum.v5i1.2634>.

social sustainability.<sup>62</sup> Meanwhile, Suparyanto & Rosad emphasised the importance of reconstructing customary law to align with Islamic values of justice and human rights principles.<sup>63</sup>

The application of customary inheritance, which does not provide a share of inheritance to women, has also resulted in a large number of inheritance lawsuit cases in the Religious Courts and from the data in the directory of the Supreme Court of the Republic of Indonesia, inheritance cases in the Mataram Religious High Court amounted to 480, the second highest number after divorce cases at 604. At the Praya Religious Court, inheritance cases are also high, totaling 384.<sup>64</sup> This shows that there are problems with the position and rights of women in the distribution of customary inheritance. The same applies to the impact on their welfare. Thus, neglecting Islamic law in the distribution of inheritance will overlook the welfare of women.

The neglect of Islamic law is a phenomenon that shows society lacks knowledge of Islamic law in the distribution of inheritance. The socialisation they have received since childhood, spanning generations, is rooted in the customary inheritance system, enabling them to understand and practice customary law in the distribution of inheritance. The *Tuan Guru* and *Kyai* also do not socialise Islamic inheritance law.<sup>65</sup> This aligns with previous research suggesting that society has not fully adopted Islamic inheritance law. To overcome this, it is necessary to increase the role of *Tuan Guru*, *Kyais*, and Islamic religious leaders in teaching Islamic inheritance law to the Sasak Muslim society.<sup>66</sup> The role of the *Tuan guru* should also be increased to assist with the distribution of inheritance and dispute resolution in accordance with Islamic inheritance law within the society.<sup>67</sup> Thus, it can be said that the socialisation of Islamic inheritance law in Sasak Muslim society remains incomplete.<sup>68</sup>

The neglect of Islamic law in the distribution of inheritance in Sasak Muslim society needs to be addressed by increasing the role of *Tuan Guru* or *Kyai* in educating the public about the Islamic inheritance system. The dominance of customary inheritance law in *Sasak Muslim* society and the role of *Jero Keliang*, or customary head, can be unravelled if, first, Islamic religious education in the society is improved, mainly to provide knowledge of Islamic inheritance. Second, the *Tuan Guru* and *Kyai* can understand and apply Islamic inheritance law. Third, the *Tuan Guru* and *Kyai* can provide instruction on the settlement of inheritance under this Islamic law. Finally, the master teachers participate in settling inheritance cases within the society. These things can facilitate the *application of Islamic law in the distribution of inheritance among the Sasak Muslim community*.

<sup>62</sup> Delila Siki and Yulies Tiena Masriani, "Kedudukan Anak Perempuan Dalam Pembagian Harta Warisan Berdasarkan Hukum Waris Adat Timor Amarasi Di Desa Soba Kecamatan Amarasi Barat Kabupaten Kupang," *Notary Law Research*, 2022, <https://doi.org/10.56444/nlr.v3i1.3395>.

<sup>63</sup> Suparyanto dan Rosad, "Publikasi Data Perkembangan Industri Asuransi Syariah," *Asosiasi Asuransi Syariah Indonesia* 5, no. 3 (2022): 248–53.

<sup>64</sup> Ainuddin Ainuddin, "Recognition The Right Of Inheritance Of Adopted Children Based On The Ceremony Of Reason According To Balinese Hindu Customary Law In Lombok Island (Case Study of District Court Ruling Class IA Mataram Number: 46/Pdt. G/2019/PN. Mtr)," *Unizar Law Review (ULR)* 3, no. 2 (2020): 110–20.

<sup>65</sup> Lalu Supriadi Bin Mujib, "Revitalisasi Hukum Waris Islam Dalam Penyelesaian Kasus Sengketa Tanah Waris Pada Masyarakat Sasak," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 19, no. 1 (June 2019): 67–88, <https://doi.org/10.18326/ijtihad.v19i1.67-88>.

<sup>66</sup> Bianca J Smith and Mark Woodward, *Gender and Power in Indonesian Islam* (Taylor & Francis, 2013).

<sup>67</sup> Syahdan, "Pembagian Harta Warisan Dalam Tradisi Masyarakat Sasak : Studi Pada Masyarakat Jago Lombok Tengah."

<sup>68</sup> Wahyuningsih, Rahman, and Mualifah, "Kedudukan Hukum Laki-Laki Dan Perempuan Dalam Memperoleh Hak Milik Atas Tanah Warisan Perspektif Hukum Agraria Dan Hukum Adat Sasak."

## Conclusion

The study of neglecting Islamic law (in the context of legal pluralism) in the distribution of inheritance in the Sasak Muslim society offers a crucial lesson about the profound impact of perpetuating customary inheritance practices. Customary law is a strong law in this plurality of inheritance laws. The neglect of Islamic law in the distribution of inheritance also shows the existence of traditional actions (in Max Weber's category), namely actions based on tradition and custom in the society, as well as the lack of socialisation of Islamic inheritance law, which has an impact on the society's low knowledge of the distribution of Islamic inheritance. Likewise, the role and authority of the customary heads are more dominant than those of *Tuan Guru*, *Kyai*, or Islamic religious leaders in resolving inheritance issues within the society. The inheritance based on customary rules has neglected gender equality and women's rights, so that women's welfare, education, and social security have also been ignored (especially in Sasak Sade). This system has also led to a high number of inheritance lawsuit cases in the Religious Court. Thus, *Tuan Guru*, *Kyai*, and spiritual leaders need to increase Islamic inheritance law in society. People practise Islamic law for the distribution of inheritance, and women can obtain their inheritance rights.

The contribution of this research lies in its more comprehensive approach to examining Sasak customary inheritance, particularly in light of the neglect of Islamic law and its impact on women's welfare. The neglect of Islamic law in the distribution of inheritance in Sasak society signifies the lack of socialisation by Islamic religious leaders. This neglect not only raises the issue of discrimination of women's inheritance rights, but the impact and implications are further than that, namely, welfare. Therefore, social education is likely to increase if we resolve this welfare problem. Likewise, if the society already understands Islamic inheritance law and can apply it, then they will no longer apply customary law that ignores women's rights. Based on this, a comprehensive approach is fundamental to studying Sasak customary quiet inheritance.

This research also has a limitation in that it was only conducted in Sasak Muslim communities that use patrilineal customary inheritance law. In comparison, many other communities in Indonesia employ patrilineal customary inheritance law in various regions, including Bali, Sumatra, Sulawesi, and Maluku. Patrilineal customary inheritance law in some of these areas also needs to be examined regarding its impact on women's welfare. Therefore, it is necessary to continue to study the practice of patrilineal inheritance law in other regions. This study can better address the issues of welfare and equal rights for women in patrilineal societies.

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