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The Dynamics of Harmonizing Customary Law and Islamic Law in Inheritance Resolution Based on Local Wisdom

Ria Pisca Arnindhita¹¹Universitas Bengkulu, Bengkulu, Indonesia, riapisca@gmail.comCorresponding Author: riapisca@gmail.com¹

Abstract: Indonesia has a pluralistic legal system reflected in the coexistence of customary law, Islamic law, and national law. In inheritance matters, this diversity has resulted in various inheritance practices based on the local wisdom of different regions. This study aims to describe the forms and practices of local wisdom in inheritance distribution in Indonesia and to analyze its integration with the principles of Islamic inheritance law in achieving justice and social harmony. The study shows that inheritance practices in Indonesian communities have diverse characteristics, including the matrilineal system in Minangkabau, the patrilineal system in Batak and Bali, and the bilateral system in Java. Despite these differences, such practices generally emphasize deliberation, responsibility, balance, and family harmony as the basis for inheritance distribution. The integration of local wisdom and Islamic inheritance law is carried out by adapting customary values to Islamic principles, particularly through deliberation, gifts (hibah), and considerations of public benefit. Islamic inheritance law provides a normative framework concerning the rights and shares of heirs, while local wisdom provides flexibility to consider social conditions and family needs. The integration of these two systems can create inheritance distribution that is more socially and religiously acceptable, prevent family conflicts, and strengthen solidarity and social harmony.

Keywords: Local Wisdom, Customary Law, Islamic Inheritance Law, Inheritance, Social Harmony

Abstrak: Indonesia memiliki pluralisme hukum yang tercermin dalam keberadaan hukum adat, hukum Islam, dan hukum nasional. Dalam bidang kewarisan, keberagaman tersebut melahirkan berbagai praktik pembagian warisan yang berlandaskan kearifan lokal masing-masing daerah. Penelitian ini bertujuan untuk mendeskripsikan bentuk dan praktik kearifan lokal masyarakat Indonesia dalam pembagian warisan serta menganalisis integrasinya dengan prinsip hukum waris Islam dalam mewujudkan keadilan dan keharmonisan sosial. Kajian ini menunjukkan bahwa praktik kewarisan masyarakat Indonesia memiliki karakter yang beragam, seperti sistem matrilineal di Minangkabau, patrilineal di Batak dan Bali, serta bilateral di Jawa. Meskipun memiliki pola yang berbeda, praktik tersebut pada umumnya menempatkan nilai musyawarah, tanggung jawab, keseimbangan, dan keharmonisan keluarga sebagai dasar pembagian warisan. Integrasi antara kearifan lokal dan hukum waris Islam

dilakukan melalui penyesuaian nilai adat dengan prinsip syariah, terutama melalui mekanisme musyawarah, hibah, dan pertimbangan kemaslahatan. Hukum waris Islam memberikan kerangka normatif mengenai hak dan bagian ahli waris, sedangkan kearifan lokal memberikan ruang untuk mempertimbangkan kondisi sosial dan kebutuhan keluarga. Integrasi kedua sistem tersebut dapat menciptakan pembagian warisan yang lebih dapat diterima secara sosial dan religius, mencegah konflik keluarga, serta memperkuat solidaritas dan keharmonisan sosial.

Keywords: *Kearifan Lokal, Hukum Adat, Hukum Waris Islam, Kewarisan, Keharmonisan Sosial*

INTRODUCTION

Indonesia is known for having a robust and complex system of legal pluralism. In the realm of civil law including inheritance law this pluralism is clearly evident in the simultaneous application of three primary legal systems: customary law, Islamic law, and Western civil law (the Civil Code). These three systems coexist within the national legal framework, reflecting the diversity of Indonesia's culture, religion, and long history. Historically, this pluralism emerged from the processes of colonialism, the spread of religion, and the social dynamics of a diverse society. (Hilman Hadikusuma, 2017) Adat law is an indigenous heritage that evolved from community customs and is upheld based on values of morality, justice, and social balance. Islamic law emerged alongside the spread of the faith and the acceptance of its teachings, subsequently influencing social structures and societal norms. Meanwhile, Western civil law is a colonial legacy that remains applicable to specific groups of citizens. Together, these three systems reflect the pluralistic and adaptive nature of Indonesia's legal landscape, wherein different communities opt for the legal framework they deem most aligned with their own values.

Customary law, as a form of local wisdom, is the product of a long process of internalizing social, cultural, and religious values prevalent within a community. It functions not merely as a set of legal rules but also as a guide for ethics and social conduct that preserves harmony among community members. In the context of inheritance, customary law does not focus solely on the distribution of assets; it also considers the social function of inheritance in maintaining family harmony, ensuring the continuity of the lineage, and upholding the economic stability of the extended family. (R. Soepomo, 1985) the distribution of inheritance under customary law systems is typically determined through family deliberation, tailored to the circumstances and needs of the heirs. For instance, a child deemed the most responsible or one residing in the parental home is often allocated a larger share to ensure the preservation of family assets. Such patterns demonstrate that customary law prioritizes values of social justice and moral responsibility over the mathematical calculations of distribution found in the Islamic system. This wisdom reflects the humanistic nature of Indonesian legal systems which emphasize social harmony and shows that they are not driven solely by numerical considerations.

In Minangkabau indigenous society, the inheritance system is matrilineal, meaning that lineage and rights to ancestral property are passed down through the maternal line. Ancestral property is inherited by daughters or maternal nieces, while men play the role of safeguarding and managing the assets for the benefit of the extended family. This arrangement is intended to ensure the family's economic and social continuity while strengthening emotional bonds among clan members. In contrast to the Minangkabau, the Batak and Balinese peoples as well as most communities in eastern Indonesia adhere to a patrilineal system, which prioritizes the eldest son as the successor to family responsibilities. (Dedi Ismatullah, 2020) On the other

hand, Javanese society tends to employ a bilateral system, in which sons and daughters hold relatively equal rights to inheritance. Variations in these systems demonstrate that customary law in Indonesia is not monolithic but rather multidimensional and contextual, reflecting the social character and life philosophy of each community.

Meanwhile, Islamic inheritance law presents a distributive system that is normative in nature and grounded in the principle of proportional justice. The Qur'an sets forth detailed inheritance provisions to safeguard the rights of each heir, based on blood ties and their respective family responsibilities. Surah An-Nisa, verse 11, states that "a son receives a share twice that of a daughter," underscoring the balance between the responsibility to provide financial support and the right of ownership. (Amir Syarifuddin, 2018) This principle demonstrates that justice in Islam does not necessarily mean nominal equality, but rather a balance of roles and obligations between men and women within the family's social system.

Tensions between customary systems and Islamic law regarding inheritance distribution often arise from the differing philosophical values underpinning them. Customary law prioritizes family welfare and harmony, whereas Islamic law emphasizes legal certainty and normative justice. However, Indonesian society is known for its high degree of legal flexibility; people tend to avoid viewing the law in black-and-white terms, preferring instead to seek common ground between custom and religion. In many instances, families opt for deliberation to reach a compromise, distributing assets by balancing religious precepts with local notions of fairness. This approach reflects a form of legal syncretism—a blend of customary norms and Islamic teachings that gives rise to a distinctively Indonesian practice of inheritance (M. Atho Mudzhar, 2019).

Furthermore, the Indonesian government, through the Compilation of Islamic Law (KHI), has sought to establish Islamic legal regulations tailored to the nation's socio-cultural context. Enacted via Presidential Decree Number 1 of 1991, the KHI serves not merely as a legal instrument but also as a symbol of the accommodation of legal pluralism in Indonesia. It embodies an effort to uphold Islamic norms without disregarding the existence of local wisdom. This demonstrates that Indonesia's legal system is not rigid but rather inclusive and contextual, aligning with the (Unity in Diversity) philosophy, which honors differences as a national asset (Kompilasi Hukum Islam (KHI), 1991).

Thus, local wisdom regarding inheritance distribution in Indonesia does not constitute a deviation from Islamic law; rather, it reflects a social and spiritual adaptation that prioritizes substantive justice. Living customary values complement Islamic teachings within a pluralistic cultural context, thereby fostering harmony among religious, customary, and social laws. Examining the integration of these elements is crucial for strengthening a national legal system that is just and rooted in the nation's own culture.

METHODS

This study employs a normative legal research method (juridical-normative), examining legal norms, principles, concepts, and practices regarding the harmonization of customary law and Islamic law in inheritance dispute resolution grounded in local wisdom. The approaches utilized include the statute approach to examine relevant inheritance laws; the conceptual approach to analyze concepts of justice, customary law, Islamic law, and local wisdom; and the comparative approach to observe the diversity of inheritance distribution practices among various indigenous communities in Indonesia. The legal materials consist of primary sources such as legislation, the Compilation of Islamic Law, and other relevant legal provisions; secondary sources including books, scholarly journals, research findings, and expert legal opinions; and tertiary sources such as legal dictionaries and other supporting materials. Data collection was conducted through library research, while analysis was performed using a qualitative-descriptive method; this involved elaborating on and linking

customary and Islamic legal norms with inheritance practices across different regions to understand the nature of this harmonization and to formulate an inheritance resolution model that fosters justice and family harmony while respecting local community wisdom.

RESULTS AND DISCUSSION

Forms and Practices of Local Wisdom Regarding Inheritance Distribution Among Indonesian Communities Across Various Regions

Indonesia is known for its vast diversity of cultures, customs, and social systems, which have directly shaped distinct forms of customary law in each region. This diversity stems from a long history of interaction among the various ethnic groups, religions, and traditional values that have evolved across the archipelago. In the realm of inheritance, this diversity reveals not only differing perspectives on property but also reflects the moral and spiritual values deeply embedded in the community's way of life. For indigenous communities, the distribution of an inheritance is not merely a transfer of ownership from the deceased to the heirs; it symbolizes the continuity of responsibility and respect for ancestors, while serving as a mechanism to maintain social harmony within the extended family. Inherited assets are viewed as a means to strengthen intergenerational bonds rather than simply as economic resources; consequently, the inheritance process is often conducted through deliberation and profound moral consideration. It is in this context that local wisdom serves as the foundation for interpreting the meaning of social justice and family well-being (Hilman Hadikusuma, 2017).

A tangible example of such local wisdom is found among the Minangkabau people of West Sumatra. This community adheres to a matrilineal kinship system, in which lineage is traced through the maternal line and women play a pivotal role in inheritance. In practice, inherited assets are categorized into two types: (ancestral communal property) and (individually acquired property). is passed down from a mother to her daughters or nieces; it is communal in nature representing an ancestral legacy that cannot be sold and is managed by the (maternal uncle) for the benefit of the extended family. Conversely, consists of assets acquired through personal effort, which can be bequeathed to one's own children, whether male or female. This tradition demonstrates that, within Minangkabau culture, the value of fairness is realized through social responsibility and communal solidarity rather than through the individual distribution of material wealth. Such local wisdom not only maintains the economic balance of the extended family but also strengthens social bonds and mutual respect among family members (R. Soepomo, 1985).

In contrast, the Batak people of North Sumatra adhere to a patrilineal kinship system, meaning that lineage and inheritance rights are traced through the father's side. Under this system, sons particularly the eldest serve as the primary successors of the clan and heirs to family responsibilities. Daughters typically do not receive a share of the inheritance but instead receive which are symbolic gifts bestowed as a mark of respect. Although it may appear unbalanced at first glance, this system is actually grounded in the concept of social responsibility: sons inherit not only assets but also the obligation to care for the extended family, assist siblings, and carry on the family name. Thus, the distribution of inheritance in Batak society holds not only economic significance but also moral importance, as it entails values of duty and honor that must be upheld across generations (T.O. Ihromi, 2006).

Balinese society possesses a customary legal system strongly influenced by Hindu teachings. Inheritance in Bali is generally patrilineal, with the eldest son or the serving as the primary heir. He inherits not only material assets but also the responsibility of maintaining the family temple, performing religious ceremonies, and caring for his parents. In this context, inheritance is understood as a combination of material wealth and spiritual obligations. However, with the changing times, adjustments are being made to align with modern values and national law. Many traditional Balinese families have begun granting inheritance rights to

daughters, particularly when there are no sons or when parents desire a more equitable distribution. These changes demonstrate that customary law is dynamic and capable of adapting to social developments without abandoning fundamental religious and cultural values (I Nyoman Sirtha, 2019).

Javanese society employs a bilateral kinship system, meaning lineage is traced through both the paternal and maternal lines. Under this system, the distribution of inheritance is carried out with a focus on fairness and balance. Sons and daughters possess equal rights, though the specific amounts allocated may be adjusted based on individual circumstances and responsibilities. The guiding principles of Javanese custom are harmony and fairness, with the preservation of family harmony prioritized over strict adherence to numerical figures or formal regulations. Consequently, inheritance distribution is typically determined through family deliberation characterized by openness and moral consideration. For instance, a child who cares for their parents in their old age might receive a larger share as a token of appreciation. This demonstrates that Javanese society views fairness not merely in quantitative terms, but through a broader moral and social lens (Soerjono Soekanto, 2019).

Meanwhile, in eastern Indonesian regions such as Bugis and Makassar, the distribution of inheritance is guided by the values of concepts signifying honor and empathy. This framework prioritizes family honor above all else; consequently, disputes over inheritance are viewed as a grave disgrace that could tarnish the family's reputation. Decisions regarding inheritance must be reached through consensus to avoid causing division. These values demonstrate that Bugis-Makassar society places social and moral considerations above material interests, viewing material possessions merely as a means to strengthen solidarity rather than a source of conflict.

From these various examples, it is evident that the local wisdom of Indonesian communities regarding inheritance distribution is rooted in noble values that uphold balance, harmony, and social justice. While each customary system possesses its own unique characteristics, they all share a common objective: maintaining harmonious family relationships. This local wisdom plays a vital role in fostering social stability by prioritizing moral values, responsibility, and togetherness over personal interests.

From a modern legal perspective, such a system reflects the nature of customary law as a living law one that evolves alongside societal changes without losing its essential character. It serves as a source of inspiration for the development of a national legal framework that is more humane and deeply rooted in the nation's culture. Thus, the practice of inheritance distribution based on Indonesian local wisdom functions not merely as a legal instrument, but also as a reflection of human values, social solidarity, and respect for the history and ancestral traditions that have shaped the nation's identity to this day.

Integrating Such Local Wisdom with Islamic Inheritance Law Principles to Realize Justice and Social Harmony

The integration of local wisdom and Islamic inheritance law stems from the recognition that Indonesian society possesses living and respected customary traditions. This integration process unfolds by aligning customary values with the provisions of (Islamic jurisprudence) regarding inheritance, which are derived from the Qur'an and Hadith. Communities adopt the principle of substantive justice as the foundation for combining these two systems. This practice of integration is evident in customary communities that maintain their kinship structures while accommodating Sharia rules. The interaction between the two gives rise to asset distribution patterns that align with the local social context. (Hazairin, 1982) Islamic inheritance law provides normative guidelines that serve as the primary reference for determining shares. Customary practice offers flexibility in considering family needs and

social harmony. This integration takes place through family deliberation, which serves as the primary mechanism for resolution.

Local wisdom values within Indonesian society often emphasize the importance of balance and harmony. Islamic inheritance law incorporates a principle of proportionality that can be adapted to specific social contexts. These values converge in distribution mechanisms that take into account both Sharia provisions and family needs. The practice of (deliberation) offers room for compromise without abandoning the foundations of Islamic law. Many communities view as a means to ensure that the distribution of inheritance does not create tension within kinship ties. Islamic law provides a standardized framework regarding heirs and their shares, while customary practice offers the flexibility needed for the distribution to be accepted within the social environment. Integrating these values results in a distribution that is more morally and socially acceptable.

The legal basis for integrating customary law and Islamic law can be found in Article 18B, Paragraph (2) of the 1945 Constitution, which addresses state recognition of the rights of indigenous communities. The Compilation of Islamic Law allows for the practice of deliberation in the distribution of inheritance. Both sets of regulations provide legitimacy for the integration of customary values and Sharia principles. This recognition demonstrates the state's understanding of the diverse lifestyles of the Indonesian people. Such integration does not conflict with the fundamental principles of national law, which guarantee the freedom of communities to manage their family affairs. Islamic law relies on the principle of (public interest/welfare) as the basis for utility in legal rulings, while customary law prioritizes the value of communal solidarity as a primary guide. The synergy between the two establishes a legal foundation that can be sustainably applied within society.

Local wisdom often manifests in traditions involving the distribution of specific assets prior to the owner's passing. Islamic law recognizes the concept of (gift-giving), which can be utilized to facilitate such arrangements. Community traditions frequently employ as a means to preserve family harmony. Integrating the concept of with customary practices ensures the orderly distribution of assets without inciting conflict. The Compilation of Islamic Law recognizes as a legitimate act that may be executed during one's lifetime, while customary norms view it as an expression of a parent's moral responsibility toward their children. These values of local wisdom align with Sharia norms, and their combination reinforces social stability within the family (Bushar Muhammad, 2006).

The tradition of (deliberation) an integral part of Indonesian culture plays a vital role in integrating customary values with Islamic law. This practice allows all family members to express their views regarding the distribution of inheritance. Islamic law does not oppose the practice of, provided it does not unilaterally alter the prescribed (fixed inheritance) shares. Such deliberations often lead to voluntary agreements among the heirs; these agreements are respected as long as they are based on the mutual consent of all parties involved. also serves as a means to consider the economic circumstances of each heir. Customary practice allows room for the principle of kinship in determining the best solution, and this process plays a crucial role in fostering social justice.

The integration of customary law and Islamic inheritance law is also evident in societies with matrilineal kinship structures. Islamic law stipulates that lineage does not affect an individual's status as an heir. The Minangkabau indigenous community accommodates this by distinguishing between (ancestral communal property) and (self-acquired or individually inherited property). Continues to be managed according to custom, whereas is distributed in accordance with Sharia. This dualistic approach is socially accepted because it provides legal certainty; custom preserves cultural identity through the management of specific assets, while Sharia clarifies the distribution of personal assets. Together, these values create a balance in the economic organization of the family.

The integration of customary values and Islamic inheritance law highlights the importance of the principle of utility in law-making (public interest/benefit) serves as the guiding principle for adjustments that remain respectful of Sharia norms. Custom provides the social context that helps define the nature of this benefit, while Islamic law establishes boundaries to ensure the integration stays within the framework of Sharia. Communities understand that such benefits are not merely material but also social, with the value of harmony serving as a key component. Integrating the two creates a legal experience that is more relevant to people's lives, and the continued practice of this approach demonstrates that the integration occurs naturally (Hilman Hadikusuma, 2010).

The concept of justice in Islamic inheritance law goes beyond mere mathematical division; it is understood as a balance between rights and needs. Many communities integrate this concept with customary values regarding a family's obligations toward its more vulnerable members. Distributing assets through mutual consultation accommodates this principle of social justice. Islamic law does not prohibit additional allocations made via gifts or voluntary agreements, and custom provides a moral justification for such arrangements. The integration of these two approaches broadens the meaning of justice in inheritance distribution, resulting in an allocation of assets that is acceptable to all family members.

This practice of integration also fosters harmony within communities characterized by communal social structures. The community views inheritance as a means of strengthening family ties. Islamic law provides formal provisions that ensure legal certainty, while customary practices offer social values that maintain stability in relationships among family members. This integration helps prevent conflicts that might otherwise arise during the distribution of assets. Family deliberation serves as the primary mechanism for reconciling Sharia principles with customary norms. Harmony is the ultimate goal sought through this integration, enabling the community to uphold tradition without disregarding religious requirements.

CONCLUSIONS AND RECOMMENDATIONS

Conclusion

Local wisdom regarding inheritance distribution across various regions of Indonesia demonstrates that every community holds strong social, moral, and spiritual values aimed at maintaining family balance; consequently, inheritance is understood not merely as material wealth, but as a mechanism for upholding responsibility and social harmony. The diversity of matrilineal, patrilineal, and bilateral systems reveals that customary law is a living tradition one that continuously adapts while simultaneously preserving distinct cultural identities.

The integration of local wisdom and Islamic inheritance law operates through the principles of justice, consultation, and the public interest, allowing the two systems to complement each other in achieving an inheritance distribution that is more socially and religiously acceptable. The constitutional framework and the Compilation of Islamic Law provide legitimacy for this integrative practice, which has proven effective in preventing conflict, strengthening family solidarity, and maintaining social harmony.

Recommendations

The government and customary institutions need to strengthen the documentation of and guidance on local inheritance practices to preserve local wisdom, while simultaneously fostering public understanding regarding the compatibility and limits of their application vis-à-vis Islamic inheritance law and national law. The community should prioritize inclusive deliberation regarding the distribution of inheritance taking into account Sharia provisions, customary values, and the socio-economic circumstances of each family member so that the inheritance decision reflects fairness and fosters long-term harmony.

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