

Wealth Distribution among Sasak Communities Through Inheritance

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**Wealth Distribution among Sasak Communities Through Inheritance:
A Quest for Justice**

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Abstract: This research describes the study of economic justice in the distribution of inheritance among the Sasak people, Lombok Indonesia. Economic justice is a value championed in the study of Islamic business law (*al-fiqh al-muāmalah*) by considering the traditions, national laws, and other laws that live in society. Economic distribution justice is the main spirit of economic equality, one of which is through inheritance, which is also part of the *maqāṣid al-sharī'ah* value, namely *hifz al-māl*. This sociological research was conducted in several villages on Lombok Island: Sade, Bayan, Penujak, Teruwai, Pancor, and Aikmel. Data was collected through interviews, documentation, and observation of the community's perception, knowledge, and practice of inheritance. In this study, it was found that the Sasak community prioritizes customary law, by considering Islamic law as a balance of justice. National law is only a last option when there is no way for dialog and discussion among the heirs. Sasak customary law, which is dominated by a patriarchal system, positions women lower than men. The presence of Islamic law opens the opportunity for women to enjoy economic justice (distribution). National law is used as an option when disputes and disagreements between heirs exist.

Keywords: Wealth distribution, inheritance, *maṣlaḥah*, justice

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Abstrak: Penelitian ini mendeskripsikan tentang keadilan ekonomi dalam pembagian warisan di kalangan masyarakat Sasak, Lombok Indonesia. Keadilan ekonomi adalah nilai yang diperjuangkan dalam kajian hukum bisnis Islam (*al-fiqh al-muāmalah*) dengan mempertimbangkan tradisi, hukum nasional, dan hukum lainnya yang hidup dalam masyarakat. Keadilan distribusi ekonomi adalah spirit utama dalam pemerataan ekonomi, yang salah satunya adalah melalui kewarisan, dan juga bagian dari nilai *maqāṣid al-syarī'ah*, yaitu *hiḏ al-māl*. Penelitian ini adalah penelitian sosiologis yang dilakukan di beberapa desa di Pulau Lombok; Sade, Bayan, Penujak, Teruwai, Pancor, dan Aikmel. Data dikumpulkan melalui metode interview, dokumentasi, dan observasi tentang persepsi, pengetahuan, dan praksis kewarisan dalam masyarakat. Dalam penelitian ini ditemukan bahwa masyarakat Sasak memprioritaskan hukum adat, dengan mempertimbangkan hukum Islam sebagai timbangan keadilan. Hukum nasional hanya sebagai pilihan terakhir ketika tidak ada jalan untuk dialog dan musyawarah di antara ahli waris. Hukum adat Sasak yang didominasi oleh sistem yang patriarkhis, memposisikan perempuan lebih rendah dari laki-laki. Kehadiran hukum Islam membuka peluang perempuan untuk merasakan keadilan (distribusi) ekonomi. Hukum nasional dijadikan sebagai pilihan ketika terjadi perselisihan dan ketidaksepakatan antara ahli waris.

Kata Kunci: Distribusi kekayaan, warisan, *maṣlaḥah*, keadilan

Introduction

The essence of economic activity is welfare, which is realized through the distribution of wealth. In Islam, distributive justice is regulated through the instruments of *zakat*, *waqf*, *hibah*, *sadaqah*, will, and inheritance.¹ All of the above instruments aim for equity, i.e. capital ownership, production, and purchasing power.² Inheritance as part of the study of *al-fiqh al-muāmalah*, places everyone to get inheritance rights in accordance with kinship relationships in the family.³ The main offering of the *sharī'ah* (Islamic law) in the field of *al-fiqh al-muāmalah* is *maṣlaḥah* which is equivalent to welfare.⁴ Theoretically, *maṣlaḥah*

¹ Muh. Salahuddin and Zainal Arifin Munir, "Zakāt , Regional Autonomy, and Sustainable Development (A Review of Maqāṣid Al-Sharī'ah System Approach)," *Jurnal Ilmiah Ekonomi Islam* 9, no. 01 (2023), p. 815–824. Siti Nur Mahmudah, et.al., Implementation of Sharia Maqashid on Sukuk Based on Fatwa DSN-MUI/IX/2020," *Jurnal Ilmiah Islam Futura* 22, No. 2 (2022).

² Ahmad Amir Aziz, et.al., *Phylantropy Islam Investasi Publik Dan Pembangunan*, ed. Moh. Baihaqi (Mataram: FEBI UIN Mataram, 2019).

³ Zainal Arifin H Munir, "Justice and Peace: The Reconstruction Of Inheritance Law Based On Tradition In Lombok," *RUSSIAN LAW JOURNAL* XI, no. 2 (2023), p. 25–32.

⁴ S Al-Daghistani, "Semiotics of Islamic Law, Maṣlaḥah, and Islamic Economic Thought," *International Journal for the Semiotics of Law* 29, no. 2 (2016): 389–404; Hirsanuiddin,

was based on *al-'urf* (custom), which often differs from place to place, changes with the times, and also affects the value of *maṣlahah*. Based on this, al-Thūfi concludes that *maṣlahah* is the main reason for changing the law.⁵

In the study of Islamic law, *maṣlahah* is synonymous with justice. Law, regardless of its system, has always been developed based on the idealism of promoting justice.⁶ The fair behavior is subjective-temporal; it is bound by time and space.⁷ In the field of inheritance, for example, the people of the archipelago with thousands of tribes in it, have diverse and unique rules in the inheritance system. For each tribe, it is justice that must be carried out.⁸ The interaction of some of the archipelago's customary inheritance laws with Islam has shifted the value of justice in the customary inheritance system. This fact is recorded in the Minang proverb that states *adat basandi syara' syara' basandi kitabullah* as evidence of dialogue and recognition of customary law over the Islamic law. In several Islamic sultanates of the archipelago, *hadat* institutions and *shara* institutions were found in the government system as a symbol of the applicability of Islamic law in the sultanate system.⁹ The presence of Islam does not in any way interfere with the existence of customary law, on the contrary, it strengthens each other.

Both customary law and Islamic law are considered by many scholars as systems that support patriarchy, with the issue of polygamy,¹⁰ witnesses, and

“Application of Maslahat Mursalah Rules in Business Transactions in Islamic Banking,” *Journal of Legal Ethical and Regulatory Issues* 24, no. 5 (2021), p. 1–13.

⁵ Munadi Munadi and Budi Iswanto, “The Concept Maslahah of Najamuddin Al Tufi and It's Relevance of Sharia Business,” *IQTISHODUNA: Jurnal Ekonomi Islam* 9, no. 2 (2020): 153; Muhammad Roy Purwanto, *Dekonstruksi Teori Hukum Islam Kritik Terhadap Teori Maslahah Al-Thufi* (Yogyakarta: Kaukaba Dipantara, 2014); Nasiri and Miftahul Ulum, “The Concept Of Maslahah By Al-Imam Malik And Al-Imam Al-Tufi (Comparative Study Of Maslahah Al-Imam Malik and Al-Imam Najm Al-Din Al-Tufi),” *Veteran Law Review* 1, no. 2 (2019), p. 58–76.

⁶ Naomi Jesica, Meta Nadia, and Lusi Septiyati, “The Realization of Social Justice for Underprivileged People in Legal Philosophy,” *Legal Spirit* 2, no. 2 (2018).

⁷ Nur Solikin and Moh Wasik, “The Construction Of Family Law In The Compilation Of Islamic Law In Indonesia: A Review Of John Rawls's Concept Of Justice And Jasser Auda's Maqashid Al-Shari'a,” *ULUMUNA* 23, no. 1 (2023), p. 315–340.

⁸ Muhammad Sabri et al., “The Cosmology of Tana Toa : Local Knowledge, Traditions, and Experiences of Forest Preservation in South Sulawesi, Indonesia,” *Journal of Environmental Management and Tourism* XIV, no. 3 (69) (2023).

⁹ Muh. - Salahuddin, “Shar'iyyah Court In Sultancy of Bima: The Legal Dialectic Between Islam and Tradition,” *Ulumuna* IX (2005): 189–201; Siti Maryam R. Salahuddin, *Naskah Hukum Adat Tanah Bima Dalam Perpektif Hukum Islam* (Bima: Samparaja, 2017).

¹⁰ Haifaa A. Jawad, “Women and the Question of Polygamy in Islam,” *The Rights of Women in Islam* (1998): 41–51; S Aisyah, “Gender Division of Labour and Polygamy: Rethinking of Marriage Law of 1974 and Its Contribution To Domestic Violence,” *Al Qalam* 26, no. 2 (2009): 230–244; Kadri, “Media, Gender, And Society: Relation of News Texts, Journalists' Cognition, and Sociopolitical Context in Framing Female Politicians in Lombok Post Newspaper, Indonesia,”

inheritance.¹¹ Therefore, it is viewed by some as not providing justice. Based on this, a national law was prepared to facilitate the Indonesian people in seeking justice in the field of inheritance. Thus, in the field of inheritance there are three models of case law settlement offered to the Indonesian people, namely; customary law, Islamic law, and national law.¹² The three laws are optional, and it is up to the people to decide which law is assumed to provide a sense of justice in accordance with the prevailing system in society. Customary law based on personal authority, and the state must guarantee legal certainty for citizens through institutional authority.¹³ Laws should ideally recognize the global developments issues that include the human rights, equality of rights and obligations before the law, and gender equality.¹⁴ Justice is a value, which in human history is influenced by the system that is surround it. Law as an important instrument in the realization of justice for society must remain in connection with the reality and sub-systems that surround it.

Based on the description above, this article elaborates on the wealth distribution through inheritance in the context of business development and family existence¹⁵ in Sasak society as an instrument to strengthen the family economy (hifz al-māl) and the sustainability of generations (hifz al-nasl). The dialectic of Islamic, customary, and national law in the distribution of wealth among the Sasak people is the focus of the description in this article.

Jurnal Studi Sosial dan Politik 4, no. 1 (2019): 1–17; Atun Wardatun and Bianca J Smith, “Woman-Initiated Divorce and Feminist Fiqh In Indonesia: Narrating Male Acts of Nushūz in Marriage,” *Ulumuna* 24, no. 2 (2020), p. 266–295.

¹¹ Jamhir Hasan, et.al., “The Heirs of Patah Titi in Gayo Community,” *Media Syari’ah* 24, No. 1 (2022). Nadia Steinzor, “Women’s Property and Inheritance Rights: Improving Lives in Changing Times,” *Final Synthesis and Conference Proceedings POaper* (2003); Wulan Purnama Sari, “Woman as Muted Group (Case Study Of Woman In Sasak Ethnic Group),” in *International Conference on Transformation in Communication (ICOTIC)* (Indonesia: Telkom University, 2016).

¹² Zainuddin Ali, *Pelaksanaan Hukum Waris Di Indonesia* (Jakarta: Sinar Grafika, 2008).

¹³ Mohamad Abdun Nasir, “Religion, Law, and Identity: Contending Authorities on Interfaith Marriage in Lombok, Indonesia, Islam and Christian–Muslim Relations” 31, no. 2 (2020), p. 131–150.

¹⁴ Yeni Salma Barlinti, “Inheritance Legal System in Indonesia: A Legal Justice for People,” *Indonesia Law Review* 1, no. 1 (2013): 23–41; Steinzor, “Women’s Property and Inheritance Rights: Improving Lives in Changing Times.”

¹⁵ Nasir Afghan and Tayyaba Wiqar, *Succession In Family Businesses: Kinship Culture and Islamic Law of Inheritance, CMER WORKING PAPER*, Centre for Management and Economic Research (Lahore, 2007).

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Wealth Distribution among Sasak Through Inheritance: Customary Law Based

The kinship systems in tribal cultures in Indonesia are patrilineal, matrilineal and bilateral. Minangkabau is a tribe that adheres to a matrilineal kinship system, where women (*niniq-mamaq*) are the decision-makers in the family. In terms of inheritance, the matrilineal kinship system usually prioritizes the inheritance rights of women over the rights of men.¹⁶ The matrilineal kinship system protects women in many aspects.¹⁷ Batak, Bugis,¹⁸ Makassar,¹⁹ Mbojo, Kajang, Bali,²⁰ Asmat, Banjar, and others are tribes that adopt a patrilineal kinship system, where men are central in the family. In terms of inheritance, some tribes with patrilineal kinship systems do not provide sufficient/appropriate inheritance rights for women in Indonesia with the assumption that women will become the responsibility of their father, and or husband if they are married.²¹ Bugis, Mbojo, Banjar are some of the tribes with patrilineal kinship systems that position men and women are equal in the rights of inheritance. Most of the tribes on the island of Java follow a bilateral kinship system, where men and women have equal roles in making family decisions, as well as in inheritance rights.

The Sasak tribe adheres to a patrilineal kinship system, where men are very dominant in all aspects of social life. Men's interests and needs are the main consideration in community activities, whether related to education, culture, politics, economy, religion, and others. Including in the field of inheritance, men are prioritized in the patrilineal Sasak kinship system. Conflict in the wealth distribution through inheritance among the Sasak tribe begins with criticism of the injustice felt by women in inheritance rights.

¹⁶ Rahmadanil and Rifka Zuwanda, "Inheritance Law in Minangkabau: A Comparative Study of the Application of Islamic and Customary Inheritance Law in Koto Tengah Subdistrict and Nanggalo Padang City," *el-Qist: Journal of Islamic Economics and Business* 11, no. 2 (2021): 151–163; Keebet von Benda-Beckmann, "Changing One Is Changing All: Dynamics in the Adat-Islam-State Triangle," *Journal of Legal Pluralism and Unofficial Law* 38, no. 53–54 (2006), p. 239–270.

¹⁷ Dodon Alfiander, Ikhsan Azhari, and Irma Suryani, "Settlement of Pusako-Tinggi Property Disputes in Nagari Sungai Tarab," *Al-Qisthu: Jurnal Kajian Ilmu-Ilmu Hukum* 20, no. 1 (2022), p. 1–11.

¹⁸ Tarmizi, "Inheritance System of Bugis Community in District Tellu Siattinge, Bone, South Sulawesi (Perspective of Islamic Law)," *Samarah* 4, no. 1 (2020), p. 179–208.

¹⁹ Halimah Basri et al., "Inheritance Rights of Women in Makassar Society: A Study of Living Qur'an and Its Implications for Islamic Law," *Samarah* 6, no. 2 (2022), p. 537–557.

²⁰ Putu Dyatmikawati, "Inheritance Rights of Women Based On Customary Law In Bali," *International Journal of Business, Economics and Law* 11, no. 4 (2016), p. 13–16.

²¹ Muh. Salahuddin et al., "Between Adat Law and National Law: The Resistance of Sasak Women to Their Inheritance Rights in Lombok Indonesia," *Lex Localis* 21, no. 4 (2023), p. 943–957.

In general, Sasak women do not have inheritance rights over the wealth of their parents and family. In the Sasak customary law system the wealth distribution through inheritance is carried out with three main patterns as follows:²²

1. If a parent dies, the eldest son (*anaq parangga*) is the rightful owner of the whole of the property. The burden placed on the *anaq parangga* after the death of his parents is the social and economic responsibility for all family members. The *anaq parangga* is the backbone and symbol of the family's cohesion. The wealth from their parents' property must be allocated by the *anaq parangga* to ensure the educational, economic, health, and other needs of all family members. In many cases, not all *anaq parangga* have good skills in managing family assets. The ownership of property through inheritance, which is basically a delegation of responsibility, turns into individual ownership that is not followed by responsibility for the survival of family members. The *anaq parangga's* monopoly over their parents' inheritance is a tragedy for other family members.²³
2. If a parent or relative dies, the right of inheritance for boys is the productive property in the forms of land, houses, livestock, and vehicles. While women's inheritance rights are in the form of furniture in the house; mattresses, beds, dishes, cooking utensils, and other furniture. With this model of wealth distribution, the opportunity to develop wealth is only possible for men. Meanwhile, women, no matter how good their resources are, do not have the opportunity to own assets/capital and develop their parents' inheritance. This model of wealth distribution discriminates against women in the development process.
3. In the case that a person does not have a male descendant (son), his property will be inherited by his father, and if his father has died, his property is controlled by his brothers. Women, like the two previous models, are the same in this third pattern; they do not get enough inheritance to develop their parents' property.

The three basic patterns of wealth distribution through inheritance above, in practice, were implemented in various forms, according to the agreement of community members (*gubuk*).²⁴ In the *gubuk* of Sade hamlet for example, the *anaq parangga* does not control all his parents' inheritance. But strategic-productive assets are delegated to the *anaq parangga* as responsible for the

²² Interview with MJ, GM, dan Lalu WG, (Sasak academics and cultural figures) in July-August 2021.

²³ Based on several interviews and observations, this inheritance model causes conflict and family disunity. Several families were found broken up because of inheritance issues with this model.

²⁴ Interview with KH, a local figure of Dusun Sade, September 2021.

continuity of the family. Farms, livestock, houses, rice fields, vehicles and other productive assets are owned by the *anaq parangga*.²⁵ The nature of *anaq parangga* ownership in inherited property is also followed by moral, social and economic responsibility for the integrity of the nuclear family. Meanwhile, property in the house in the form of gold jewelry, silver, clothing, kitchen utensils and others become the inheritance rights of women.²⁶ If there are no sons in the family, then the inheritance is distributed to the daughters. And, if the testator has no descendants (*putung*), then the inheritance is handed over to other family members by considering the closeness of kinship relations, without prioritizing gender.²⁷

Men, in Penujak village huts are central figures in the family, and at the same time they are also symbols of family succession.²⁸ With such a position, men in Penujak have a high social responsibility in the family.²⁹ Because of their responsibilities, sons in Penujak village receive inheritance in the form of productive assets left by their parents. Rice fields, gardens, houses, livestock, vehicles, and other economic instruments (assets) are controlled by boys. Women, especially those who are married, are considered to leave the nuclear family, follow their husband's clan, and become the full responsibility of their husband and his extended family.³⁰ Because of this position, women in Penujak village only get jewelry that has been passed down from generation to generation from their mothers and grandmothers, and a sufficient amount of money, according to the family's economic conditions.³¹

Similar to the Sade and Penujak gubuk, in the Teruwai village the *anaq parangga* is everything. Other family members, both male and female, depend on the *anaq parangga*. The difference with Sade huts is that in the event that a person has no male descendants, the inheritance is transferred to his father. If the father has passed away, the inheritance is handed over to the brother who is most closely related to the testator. In the case of someone who has no descendants (*putung*), then the property is handed over to the father of the person who died. If the father has passed away, then the property is passed to the closest brother.³²

In northern Lombok, the Sasak Bayan community also prioritizes men over women in the wealth distribution through inheritance. However, the duties

²⁵ Interview with LS, a local figure of Sade, September 2021.

²⁶ Interview with SM, Sade women figure, September 2021.

²⁷ Interview with KH, a local figure of Sade, September 2021

²⁸ Interview with LAR, LAM, LK community leader of Desa Penujak, September 2021.

²⁹ Interview with LAM, community figure of Penujak, October 2021.

³⁰ Interview with LSF dan LAZ, religious leader desa Penujak, Oktober 2021

³¹ Syafruddin, Muh. Salahuddin, and Nurhilaliati, "Accessibility of Women's Empowerment in Tourism Industry from Mandalika Special Economic Zone," *Journal of Environmental Management and Tourism* XIV, no. 2 (2023), p. 105–113.

³² Interview with LJS, local figure of Teruwai, September 2021.

and roles of men and women are differentiated, and have specific responsibilities in the family. As a result of the specific duties and responsibilities, it also affects the pattern of inheritance distribution. Men in the Bayan community are the main actors in social activities, while women are the backstage actors; the public sphere and the domestic sphere.³³ Because of this role, the Bayan man is given greater capital and opportunities for self-actualization by the family. Meanwhile, women, with their roles and responsibilities in the domestic sphere who take care of the needs of their husbands, children and other family members, receive inheritance rights in accordance with the kindness of the men in the family. The Bayan man's obligation to provide inheritance rights for his sister is based on her devotion to serve the family.

From the description above, it can be concluded that several issues related to the distribution of wealth through inheritance among the Sasak people, which are; first, the model of wealth distribution through inheritance is influenced by the patrilineal kinship system; second, sons get more inheritance rights with a greater burden of responsibility for the sustained family; third, the inheritance controlled by sons has a social function, not individual; fourth, the patrilineal kinship system in Sasak society causes women to be marginalized in inheritance rights.

Conflict and Tension in Sasak Customary Inheritance: A Quest for Justice

Islam is a religion practiced by the majority of the Sasak people, and the island of Lombok where the Sasak people live is known as the thousand mosques island. In Islamic teachings, there are detailed provisions governing inheritance rights in the family. These Islamic inheritance rules and regulations are substantively incompatible with Sasak customary law. At this point there is a dialog and interaction between Islamic inheritance law and Sasak customary inheritance law. For some Sasak people, it is used as a comparison to seek justice in the distribution of wealth through inheritance.

The efforts of the Sasak people to obtain distributive justice through inheritance are strengthened by the attendance of Law. No. 7 of 1989 concerning Religious Courts and Presidential Instruction No. 1 of 1991 concerning the Compilation of Islamic Law. In addition, the development of inheritance thinking in Indonesia started by Hazairin,³⁴ refined by Sadzali³⁵ and emphasized by the

³³ Interview with MA, AH, and MNH community members of Bayan, Agustus 2021

³⁴ Hazairin, *Hukum Kewarisan Bilateral Menurut Qur'an Dan Hadith* (Jakarta: Tintamas, 1982).

³⁵ Munawir Sjadzali, *Ijtihad Kemanusiaan* (Jakarta: Paramadina, 1997).

gender studies increasingly open space for Sasak people to gain justice in the wealth distribution through inheritance.³⁶

The interaction of Islamic law, national law, thoughts in the field of inheritance, and Sasak customary inheritance law as a unit system in society led to the emergence properties in the field of inheritance in Sasak society.³⁷ This dialectic creates tension in the community, which leads to the disruption of the customary inheritance law system that has been the practice of the community for hundreds of years. Customary inheritance law for Sasak people is a choice, not a necessity.

Tensions began in 1961 with the enactment of Supreme Court of the Republic of Indonesia Decree No. 179K/Sip/1961 which ruled on equal inheritance rights between Sasak men and women. Inaq Rasni's (Sasak woman) lawsuit in 1978 to get the same inheritance rights as her brother was won by the Supreme Court. The decision of the Selong District Court No. 164/P.N.Sel/1982/Pdt dated December 27, 1982 approved a lawsuit that equalized the rights of men and women in inheritance in Sasak society. With the existence of the Religious Court Institution, for Sasak Muslims who seek justice in the field of inheritance can apply for a lawsuit/request at the Religious Court Institution in accordance with existing rules in Indonesia.

Based on data in the last three years in the Lombok Island religious courts, tensions and conflicts over customary inheritance that have been filed as inheritance cases in the religious courts are as follows:

Table 1: Number of Inheritance Cases on Lombok Island

No	Court District	Number of Cases			Total
		2020	2021	2022	

³⁶ Abdul Gani Makhrup et al., "The Inheritance Rights of Girls in Sasak Customary Law Reviewed from the Development of Women's Rights," *Journal of Xi'an Shiyou University* 17, no. 06 (2001); Syafruddin, Muh. Salahuddin, and Nurhilaliati, "Accessibility of Women's Empowerment in Tourism Industry from Mandalika Special Economic Zone," *Journal of Environmental Management and Tourism* XIV, no. 2 (2023): 105–113; Awaz Foundation Pakistan: Centre for Development Services, *Denial of Women's Right of Inheritance*, 2010; Elisa Scalise, *Women's Inheritance Rights to Land and Property in South Asia: A Study of Afghanistan, Bangladesh, Nepal, Pakistan, and Sri Lanka*, 2009; Sven Cederroth, "Islam and Adat: Some Recent Changes in the Social Position of Women among Sasak in Lombok," in *Women in Islamic Societies*, ed. B. Utas, 1st ed. (London: Routledge, 1983), 44; Steinzor, "Women's Property and Inheritance Rights: Improving Lives in Changing Times."

³⁷ Ihsan Rois and Muh. Salahuddin, "Islamic Microfinance Institutions, Indonesian Economic Democracy, and Development (A Maqashid Approach System Perspective)," *Iqtisaduna* 8, no. 1 (2022): 1–14; Muh. Salahuddin, "Towards Humanistic-Inclusive of Islamic Law: Analysis of Jasser Auda's Thoughts on Maqāṣid Al-Sharīah," *Ulumuna* 1, no. 2 (2012), p. 103–124.

1	Religious Court of Mataram	17	52	18	87
2	Religious Court of Giri Menang	52	22	18	92
3	Religious Court of Praya	71	52	67	190
4	Religious Court of Selong	61	67	64	192
Total		201	193	167	561

Data Source: Documentation of Religious Courts

From the total number of inheritance cases submitted to the Lombok religious courts, the female litigant dominated the cases. The unequal distribution of inheritance property is the core of the petitions, with the reinforcing reason that today women in Sasak families have equal roles, participation and contributions to men.

Distribution of Wealth Among Sasak: Sociological Analysis

The existence of Indonesia as a plural country is highly dependent on strengthening the identity of local customs, traditions, and indigenous tribes. Local values and culture are a necessity for strengthening identity and strengthening the existence of Indonesia as a plural country, and on the other hand the demands for justice are fundamental needs that must be met by the state for each of its citizens. Herein lies the urgent dialog of customary law with changes in national and global discourse; the battle of local (personal) authority and institutional authority. Local authorities with all the values of their wisdom, and the state with its instruments of power jointly build and shape change to reduce the conflicts and tensions in society. Religion (Islam) as the religion recognized by the community is an ethical source that combines the two. Indonesia is a country united by differences (*Bhineka Tunggal Ika*), and thus national law in inheritance must maintain its respect for customary inheritance laws that have long lived in the people of Indonesia.³⁸

The paradigm of customary law in Indonesia cannot be understood with the legal paradigm that developed in Europe. Customary law in Indonesia was established on the basis of the diversity of traditions, geography, and values adhered to in society. It lives in the community and becomes a deep-rooted

³⁸ Budi Priambodo Bono, "Positioning Adat Law in Indonesia's Legal System: Historical Discourse and Current Development on Customary Law," *Udayana Journal of Law and Culture* 2, no. 2 (2018): 140–164; Benda-Beckmann, "Changing One Is Changing All: Dynamics in the Adat-Islam-State Triangle"; Yeni Salma Barlinti, "Inheritance Legal System in Indonesia: A Legal Justice for People"; Sonny Judiasih and Efa Laela Fakhriah, "Inheritance Law System: Considering the Pluralism of Customary Law in Indonesia," *PADJADJARAN Journal of Law* 5, no. 2 (2018), p. 315–330.

tradition.³⁹ Academics recognize customary law in Indonesia as a science, and a fundamental reference in strengthening national law. Customary law is Indonesia's identity, source of knowledge, character, and distinctive features,⁴⁰ which is open and can be interacted with other foreign concepts, theories and cultures.

The adaptability of customary law can be found in the statement of the Minangkabau people that has been written previously; *adat basandi syara' syara' basandi kitabullah*, and in Sasak inheritance law is also known as *sepelembah-sepersonan*, which is the Sasak community's recognition of Islamic inheritance law.⁴¹ This means that customary law in Indonesia is a legal system that is open to development, reconstruction and revision without losing its local identity. Sociological, cultural and spiritual approaches are needed to adapt customary law to the values that develop at the global and national levels.

Methodologically, in the study of Islamic law, the adaptability of customary law with others can be achieved by using the concepts of *al-'urf*, *maṣlaḥah*, and *maqāṣid al-syari'ah*, which are theoretical constructions in Islamic studies that offer the concept of legal adjustments, changes in goal orientation, and guarantees of public benefit by referring to the protection of religion, protection of the soul, protection of the mind, protection of property, and protection of offspring.⁴² However, there is a dialogical meeting point between Islamic law, customary law, and national law, and do not need to be clashed. It is in line with Benda's opinion that 'changing one changing all' which ensures that there would always be dynamics that allow the meeting of ideas of Islamic law, customary law, and national law in Indonesia.⁴³

For the Sasak community, Islamic inheritance law is a legal choice confirmed by customary institutions. Islam, as the religion practiced by the

³⁹ Firdaus, "Harmonization of Customary Law With State Law Discourse In National Legal Politics (Socio-Legal Study On Conflict Resolution of The Encounter of Customary Law And State Law In West Kalimantan)" (Universitas Diponegoro, 2011).

⁴⁰ Sofyan A.P. Kau and Zulkarnain Suleman, "Traditional Law in Indonesia Islamic Law Compilation (KHI)," *Al-'Adalah* 13, no. 2 (2016): 165–178; Firdaus, "Harmonization Of Customary Law With State Law Discourse In National Legal Politics (Socio-Legal Study On Conflict Resolution Of The Encounter Of Customary Law And State Law In West Kalimantan)"; Munir, "Justice and Peace: The Reconstruction Of Inheritance Law Based On Tradition In Lombok."

⁴¹ Zainal Arifin Haji munir, "Analysis of Patterns for Inheritance Dispute Settlement in the Tradition of Sasak Community in Lombok," *Mazahib* 20, no. 2 (2022): 225–250; Munir, "Justice and Peace: The Reconstruction Of Inheritance Law Based On Tradition In Lombok"; Alfiander, Azhari, and Suryani, "Settlement of Pusako-Tinggi Property Disputes in Nagari Sungai Tarab."

⁴² Muh Salahuddin, *Maqasid Al-Syari'ah Dalam Fatwa Ekonomi DSN-MUI*, ed. Ahmad Amir Aziz (Mataram: LP2M UIN Mataram, 2017).

⁴³ Benda-Beckmann, "Changing One Is Changing All: Dynamics in the Adat-Islam-State Triangle."

majority of Sasak people, is the main source of values and norms. The sentence in QS al-Nisā: 34 *al-rijāl qawwām 'alā al-nisā'* is identical to the concept of *anaq parangga* in Sasak customary inheritance law. The main task of men in the family is to look after and protect women in the family. Property, for indigenous peoples in Indonesia is common ownership whose management is left to someone appointed by the customary institutional system.⁴⁴ It is very different from the concept of property in European law which is individualized.⁴⁵ The Western distribution of property through inheritance is considered individual ownership, while in the customary law system it is socially responsible and communal.⁴⁶ Wise words in Sasak society '*aiq meneng tunjung tilah empaq bau*'; the Sasak tribe's wise way to solve problems without problems.⁴⁷

Conclusion

The wealth distribution through inheritance among the Sasak community is influenced by a patriarchal kinship system, and therefore does not prioritize the interests of women. Thus men play a dominant role in the control of capital and family wealth. The inheritance property given to Sasak men is accompanied by socio-economic responsibilities to maintain the family's existence in society, which is in this case in line with religious doctrine (Islam) in QS. al-Nisā: 34. Inheritance conflicts that arise due to inequality in the distribution of inheritance wealth are resolved through religious courts as state institutional authority. Basically, Sasak people are still emotionally attached to customary inheritance law, but also consider Islam as a value that balances justice in the distribution of inheritance. When the heirs do not get justice in the customary and Islamic legal systems, then the court is the way to get justice for the distribution of inheritance.

⁴⁴ Sabri et al., "The Cosmology of Tana Toa: Local Knowledge , Traditions , and Experiences of Forest Preservation in South Sulawesi , Indonesia."

⁴⁵ Sulistyowati Irianto, "Competition and Interaction between State Law and Customary Law in the Court Room: A Study of Inheritance Cases in Indonesia," *Journal of Legal Pluralism and Unofficial Law* 36, no. 49 (2004): 91–112; Lily Kalyana and Evita Israhadi, "Inheritance Rights of Children in Customary Law and Civil Law" (2022); Jaja Ahmad Jayus, "Urgency of Legal Indigenous Communities' Position in Indonesian Constitutional System," *Jurnal Media Hukum* 27, no. 1 (2020); Prasetya, "Conflict Resolution of Land Disputes by Using Dayak Customary Law in Seruyan Regency, Central Kalimantan, Indonesia," *Journal of Economics and Sustainable Development* 7, no. 10 (2016): 1–5.

⁴⁶ Prasetya, "Conflict Resolution of Land Disputes by Using Dayak Customary Law in Seruyan Regency, Central Kalimantan, Indonesia."

⁴⁷ Galang Asmara, "The Principles of Religious Tolerance and Harmony among the People of Sasak Tribe in Lombok Island, Indonesia," *Journal of Legal, Ethical and Regulatory Issues* 21, no. 1 (2018): 1–6.

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- Interview with KH, a local figure of Dusun Sade, September 2021.
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- Interview with SM, Sade women figure, September 2021.
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- Interview with LAR, LAM, LK community leader of Desa Penujak, September 2021.

Interview with LAM, community figure of Penujak, October 2021.

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Interview with MA, AH, and MNH community members of Bayan, Agustus 2021

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