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Restriction of Male Inheritance Rights due to Semanda Marriage in the Lampung Saibatin Community: A Socio-Legal Study on Inheritance and Islamic Inheritance Law

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Abstract

This article examines the relationship between intermarriage and men's restrictions on access to family inheritance in the Lampung Saibatin community, by distinguishing the management of customary assets from inheritance rights over tirkah. The study uses a socio-legal approach through normative analysis of inheritance verses, fiqh literature, Compilation of Islamic Law, the concept of 'urf and maqāṣid al-syarī'ah, as well as empirical readings of three cases reported through interviews coded PB-01, TG-02, and LB-03 in May 2026. The three cases illustrate different consequences: not gaining access to inherited land, not being involved in family deliberations, and not being recognized as successors/managers of the family inheritance. These findings are limited to the cases presented and do not prove uniform practices throughout the Saibatin community. Normative analysis shows that semanda is not recognized as a barrier to self-inheritance if the object is proven to be the heir and the man qualifies as an heir. In contrast, communal inheritance assets require an examination of ownership status before faraid rules are applied. The article proposes The Compatibility Principle of Customary Inheritance Sanctions as an analytical framework with four indicators: conformity with the nash, prohibition of adding inheritance barriers, free and capable consent after the right is known, and benefits assessed through concrete impacts. The model is a conceptual synthesis and has not been externally validated.

Keywords: Islamic Inheritance Law; Inheritance; Marriage Semanda; Lampung Saibatin; Legal Pluralism

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INTRODUCTION

Legal pluralism in the inheritance of the Lampung Saibatin community can be seen when customary norms about clan sustainability and inheritance management interact with Islamic inheritance law and state law. The interaction is not always in the form of direct conflict: customary law can regulate the responsibility of kinship and maintenance of communal assets, while faraid determines the rights of heirs to inherited property that legally belongs to the heir. Problems arise when a change in customary status due to intermarriage is used to deny a person the right to property that actually includes the heir's tirkah. Therefore, the analysis needs to distinguish

the social function of customary from the ownership status of disputed objects (Ilyas et al., 2023; Alfarizi & Mahmudi, 2025).

The distinction is important because the term heirloom does not necessarily designate a single legal category. In customary practice, the term may refer to land or objects that are maintained across generations and are tied to clan interests; in other contexts, the term may be used loosely to refer to inherited family assets. Before determining the faraid section, it is necessary to ascertain whether the object is the personal property of the heir that falls into the tirkah, a common property that requires a separation of rights first, or an inheritance/communal asset whose ownership status cannot simply be equated with an individual inheritance. This distinction determines whether the primary dispute is about the identification of inheritance, the rights of heirs, or the management of customary assets.

The practice of semanda marriage in the people of Lampung Saibatin is a special context for this problem. An ethnographic study by Imron and Pratama (2020) shows that the pattern of marriage in Saibatin has changed and that semanda cannot be treated as a uniform pattern and does not change in the entire community. Therefore, semanda needs to be distinguished in terms of the form of agreement, changes in customary position, residence patterns, and consequences for certain assets. Living with the wife's family, by itself, does not prove that a man loses his genealogical membership or all his rights to the family of origin.

In Islamic inheritance law, the relationship of nasab and legal marriage is the cause of inheritance, whereas the barrier to inheritance is discussed specifically in the jurisprudence literature. A change in residence, the division of family responsibilities, or the acceptance of new customary status are not declared as barriers to inheritance in itself. However, the determination of who the heir is and how much he or she receives must be made after the object of the property left behind and the rights attached to it are examined. Thus, the claim that a customary practice is contrary to faraid can only be ascertained once it is known that the object in question is hereditary property, not merely a collective asset whose use is subject to other rules.

The empirical evidence discussed in this article is limited to three cases reported through interviews coded PB-01 in the West Coast (May 12, 2026), TG-02 in Tanggamus (May 18, 2026), and LB-03 in West Lampung (May 24, 2026). All three describe different forms of customary consequences: not acquiring a share of inherited land, not being actively involved in family deliberations, and not being recognized as the successor to the original family inheritance. These findings are case evidence, not a basis for stating that all Saibatin people apply the same practice. The literature on Saibatin's marriage patterns and inheritance system provides context, but does not replace specific evidence regarding the status of the object and the reasons for the decision in each case (Imron & Pratama, 2020; Yusha et al., 2021; Zuhraini et al., 2024).

This issue is related to the protection of individual rights and constitutional recognition of customary law communities, but the two should not be mixed. Article

18B paragraph (2) of the 1945 Constitution recognizes and respects the unity of customary law communities and their traditional rights with constitutional requirements; the norm does not in itself stipulate that every plot of land called an inheritance belongs to the communal, nor that any heirs' claim to the asset must be rejected. At the case level, the status of the object, ownership history, basis of rights, and applicable customary rules need to be examined. Protection of customary identity must go hand in hand with certainty regarding the owner of the asset and the protection of the civil rights of interested parties.

Previous research that is closest to the issue of this article shows several lines of study. Imron and Pratama (2020), through ethnographic research, discuss changes in the marriage pattern of the Saibatin community and the emergence of semanda in social dynamics; the focus is not on testing inheritance sanctions against the Faraid part. Yusha et al. (2021) examined the position of girls in Saibatin inheritance in the Central Coast with a qualitative-ethnographic approach, thus providing an overview of the difference between the status of customary heirs and the types of assets that can be controlled. Zuhraini et al. (2024) discussed the majorat system in the Saibatin community through interviews, observations, and documentation, with attention to the position of women and the control of inheritance by the eldest child. Alfarizi and Mahmudi (2025) examined the harmonization of the distribution of the heritage of the Pepadun community with KHI through an empirical-anthropological approach; his findings emphasize the value of obedience to parents as a point of dialogue, but the community and its problems are not identical to the case of Saibatin. Ilyas et al. (2023) examined the accommodation of customary law and Islamic law in Acehnese inheritance disputes through interviews and literature review, and showed that harmonization can take place on certain issues. The five studies are relevant as a comparison, but each has not presented an integrated test of three things in the case studied here: the legal status of the heirloom object, the feasibility of customary reasons as a barrier to inheritance, and the possibility of voluntary redistribution after the heir's share is known.

Based on a targeted review of publications on Saibatin marriage, the Saibatin inheritance system, custom-Islamic harmonization, and pluralism of inheritance law, the gap that this article seeks to fill is not a claim that there has never been research on Saibatin's semanda or heritage. The gap is more limited: the literature examined has not simultaneously examined the customary consequences of the three semanda cases on access to inheritance, separated the issue of asset status from individual inheritance, and formulated normative parameters for assessing such practices in faraid law. This search is a review of the targeted literature, not a systematic review that claims to cover all publications or the entire Saibatin community.

On the basis of this gap, the research question is formulated as follows: how do changes in customary status in the three cases of intermarriage studied affect men's access to the inheritance of the family of origin, and to what extent can these

consequences be justified if the object is a tirkah subject to faraid law? The purpose of the article is to analyze the three cases in a limited way, distinguish the status of inheritance from individual inheritance, and develop an evaluative framework to assess the compatibility of customary sanctions. The main contribution of the article is four analytical indicators synthesized from faraid legal sources, the concept of 'urf, maqāṣid al-syarī'ah, legal pluralism, and a reading of the three cases—not a model that has been statistically validated or has been established as an official guideline.

The urgency of the research lies in the need to maintain the social function of customary without making changes in marital status an automatic reason for eliminating the rights of heirs. Theoretically, this article brings together the study of legal pluralism with the doctrine of faraid and the problem of classification of property objects. In practical terms, the analysis can help customary advocates, families, mediators, and legal practitioners distinguish disputes over the management of inherited lands from disputes over the distribution of tirkah, as well as prioritize a fair settlement based on adequate ownership information.

RESEARCH METHODS

This study uses a socio-legal approach that combines normative analysis and empirical reading of three cases explicitly reported in the manuscript. The empirical analysis units are the PB-01 case in the West Coast, TG-02 in Tanggamus, and LB-03 in West Lampung, based on interviews dated May 12, 18, and 24, 2026. The informants directly cited consisted of a traditional banker, a family member of the perpetrator of the semanda, and a traditional leader; personal identity was not listed and the informant's code was used to maintain confidentiality. The three cases were chosen as informative cases because they displayed different forms of consequences for land/inheritance. Secondary data included relevant scientific articles, fiqh literature, Compilation of Islamic Law, laws and regulations, and searchable legal documents. This study is not intended as a representative sample for the entire Saibatin community. Technical details not included in the source record—e.g., the number of other informants outside of the three informants cited, the duration of the interview, the manner of recording/transcription, and the form of consent documentation—were not assumed in this analysis and still needed to be ascertained based on the researcher's field notes before the manuscript was resubmitted.

The analysis was carried out through two differentiated paths. First, the empirical material was read on a case-by-case basis and grouped according to four themes: the semantic form mentioned, the form of the asset in question, the family/customary decision-making process, and the consequences for access to the asset. The information of each informant was then compared at the thematic level, but was not treated as stand-alone evidence of formal ownership status because the manuscript did not include certificates, property lists, or customary decision documents for each object. Second, normative analysis examined the causes and barriers of inheritance in the Qur'an, hadith, jurisprudence literature, KHI, as well as the concepts of 'urf and maqāṣid al-syarī'ah. The two paths were juxtaposed to

distinguish empirical claims from legal judgments. Four model indicators were derived through the synthesis of faraid norms, the conditions for the acceptance of 'urf, the principle of freedom of consent, and the purpose of the protection of soul, descent, and property; The indicators were applied analytically in the three available cases. Since comparative data and ownership documents have not been presented in full, this model is positioned as an initial conceptual framework, rather than an independently tested measuring tool. Reportable triangulation from available materials is limited to comparisons between case descriptions and cross-reading with literature and legal norms; member checking or recording processes are not stated as facts without supporting records.

RESULTS AND DISCUSSION

Semanda Marriage in the Kinship System of the Lampung Saibatin Indigenous Peoples

Same-sex marriage in the Lampung Saibatin community is one of the marriage patterns that places men in a certain position in the wife's family environment, but the social and legal consequences depend on the form of agreement and the local community. Ethnographic studies of Saibatin show that the marriage system has changed over time and cannot be summarized into one practice that applies uniformly (Imron & Pratama, 2020). Therefore, the term semanda in this article is used to refer to the practice mentioned by the informant in three cases, not as a single definition for the entire Saibatin community. Change of residence, acceptance of customary functions in the wife's family, and change in property rights are three different issues that must be proven separately.

Historically, Imron and Pratama (2020) examined the dynamics of the marriage pattern of the Saibatin community, especially in Krui, with an ethnographic-qualitative approach. They reported changes in patterns from patrilineal bujujogh to the practice of semanda, as well as subsequent changes influenced by internal factors such as interests and economics as well as external factors such as education and policies. The findings provide context that semanda is part of social dynamics, not institutions whose legal forms and consequences are always the same. The study does not specifically prove that semanda always removes genealogical membership or negates rights to each type of family assets of origin; the claims regarding inheritance in this article are therefore limited to the three cases studied.

The concept *of living law* helps to explain why customary decisions can be complied with even if not all of the consequences are in line with written law or inheritance fiqh. In the three cases shown, social status as the successor of the wife's family is used as a reason to transfer the management of inherited land or limit participation in the deliberations of the family of origin. A fact that can be drawn from the case is the existence of social authority over the decision-making process; this fact does not in itself prove that the decision legally transfers ownership. Therefore, the theory of *living law* here is used to explain the social power of norms, not to conclude that every living norm is automatically valid juridically or sharia.

The Piil Pesenggiri philosophy, which is often explained through the values of Juluk Adek, Nemui Nyimah, Nengah Nyappur, and Sakai Sambayan, can be a context for understanding the importance of honor, reception, social relations, and mutual cooperation in the life of the people of Lampung. However, this manuscript does not have sufficient ethnographic evidence to state that one of these values is always the dominant basis in the decision of the semanda or is the direct reason for the restriction of inheritance. These cultural values are therefore placed as a contextual framework, while the concrete reason in each case still refers to the information of the informant cited.

At the ideal level, marriage involves a reciprocal relationship between a couple and both families. At the practical level, the distribution of duties and influence in deliberation can differ according to customary structure, economic position, and power relations within the family. Therefore, the existence of the norm of mutual cooperation cannot be used alone to conclude that relationships in the seanda are always equal. This article assesses the consequences for rights and assets of case information, rather than making generalizations about the experiences of all men or women who undergo semanda.

The three cases analyzed mentioned the form of semanda which the informant or scriptwriter called semanda lepas (West Coast), semanda based on customary agreement (Tanggamus), and semanda adat to continue family functions (West Lampung). This category is used as a working classification based on the description of the three cases, not as a standard taxonomy that is claimed to apply to the entire Saibatin community. Other terms such as semanda nunggu may appear in different local descriptions, but need to be referred to ethnographic sources that specifically identify the term and its meaning before being treated as a general category. Differences in terms also do not automatically determine the consequences for inheritance; the consequences depend on the agreement, customary status, and legal status of the property object.

In a kinship system that emphasizes the paternal line, semanda can change the division of functions and social responsibilities of a man. Such a change in function is not the same as the breakdown of the relationship of the nasab. For the purposes of faraid analysis, the biological status and legal relationship between the child and the parents need to be distinguished from participation in customary activities or family maintenance responsibilities. Thus, the relevant question is not simply whether the man lives with the wife's family, but whether he still meets the qualifications of the heir and whether the assets in question are the inheritance's property.

Customary recognition of a person's new position can affect the way the family regulates access and management of assets. However, such a change in social status does not prove a transfer of ownership of personal property or the abolition of the status of heirs according to Islamic law. In each case, it is necessary to separate at least three issues: who owns the assets before death, whether the assets are collective inheritances or private property, and who has the right to manage or

inherit them according to the relevant rules. These three issues cannot be answered through the term semanda alone.

The obligations of the individual husband mentioned in the text include assisting the wife's family, caring for the parents, maintaining the family home or assets, and carrying out customary responsibilities. These obligations are important to understand the social reasons for the family's decision, but they are not in themselves a reward or substitute for inheritance. If the family intends to recognize the contribution of maintenance through the division or transfer of assets, the legal basis, value, time, and voluntariness of the transfer need to be ascertained separately. Contributions to maintenance should not automatically be used to negate the rights of others that have been established by law.

Changes in patterns of residence, employment, and education may affect semanda practices, but the available material is insufficient to measure the extent or direction of such changes in the entire Saibatin community. In the three cases discussed, the prominent element is not simply the residence after marriage, but the recognition of social functions and involvement in the deliberations of the family of origin. Due to the limited scope of cases, the description of modernization is positioned as a context that needs to be tested through further research, rather than as the main empirical conclusion of the article.

This description shows that semanda needs to be analyzed as a practice that has local variations. Social and customary responsibilities can be maintained as part of family life as long as the scope is clear. Legal problems arise when customary status is used as an automatic excuse to eliminate rights to assets that prove to be individual inheritances. This limit is the focus of discussion on the three cases and is not intended to assess all variations of Lampung Saibatin customs.

Three Cases of Restriction of Access to Inheritance due to Semanda Marriage

The empirical material presented in this subsection consists of three cases from the West Coast, Tanggamus, and West Lampung. All three show different forms of consequences after men undergo semanda: not gaining access to land called inherited land, not being actively involved in family deliberations, and no longer being recognized as successors to the original family inheritance. The term land/inheritance in the following description follows the informant's mention. The source manuscript does not include ownership documents, asset inventory lists, or judgments that confirm whether each object is the heir's personal property, common property, or customary communal assets. Therefore, the empirical results below state the social consequences and customary decisions reported, not a final conclusion about the ownership status of each object.

In the case of West Coast, an interview with informant PB-01, a traditional breadwinner, on May 12, 2026, explained that a man was living a freelance life because his wife's family did not have a son as a successor. After the marriage was legalized through customary deliberation, he lived with his wife's family and carried out the responsibility of caring for his parents and maintaining the house and land referred to as the wife's family inheritance. When his biological parents died, he did

not receive a share of the inherited land of the family of origin; the informant explained that the land was passed on to a relative who was still carrying out responsibilities in the family of origin. The information shows that the reason for the decision centered on the customary function and asset management. Because neither the ownership documents nor the written basis for the decision were presented, the status of the land as a privately owned tirkah or collectively managed heirloom asset could not be ascertained from this interview alone.

The Tanggamus case is based on an interview with TG-02, a family member of the perpetrator, on May 18, 2026. The informant said that the man was still recognized as a biological son and was still in contact with the family of origin, but was not directly involved in the deliberations regarding the management of the inheritance land after the death of his parents. He only obtained information about the results of the deliberations after the decision was taken. The informant's quote emphasizes the restriction of participation because the man's social responsibility is considered to have passed to the wife's family. The available information does not detail the value or calculation of the inheritance received, so this article does not conclude that the share is smaller; the findings that can be confirmed are that he was not actively involved in the customary decision-making process.

In the case of West Lampung, an interview with informant LB-03, a Saibatin traditional leader, on May 24, 2026, described the customary process undertaken by a man to continue the family functions of a wife who does not have a son. The informant stated that the man was then not placed as the main successor of the inherited land in the family of origin, because his customary responsibilities were considered transferable. This information shows how customary status is used in the arrangement of the continuation of asset management. However, the manuscript does not attach a document that ascertains whether the property is the personal property of the heir or a collective heir; as a result, the conclusion regarding the right to the object must be limited to the position and decision reported by the informant.

A comparison of the three cases shows similarities in the use of customary responsibility as a reason for regulating access to family assets of origin, but differs in the mechanism. In the West Coast, the reported consequence is not obtaining a share of inherited land; in Tanggamus, restrictions mainly occur in participation in deliberations; while in West Lampung, the position as successor/manager of inheritance is no longer recognized. The three cases do not have complete comparative information regarding the status of asset ownership and decision documents, so they cannot be treated as three identical examples of the abolition of inheritance rights according to positive or faraid law.

Table 1. Summary of Three Semanda Cases

Cases and generic forms	Reported consequences	Limits of evidence and conclusions

West Coast — semanda lepas	PB-01 states that men do not get the part of land called inheritance; the management is passed on to the members of the original family.	There are no documents on the basis of rights or ownership history; it is uncertain whether the object is private property or communal heirloom.
Tanggamus — customary agreement	TG-02 said that men are not actively involved in the deliberation of inheritance management after their parents die.	The evidence only showed restrictions on participation; there were no details proving a smaller or unallocated share of inheritance.
West Lampung — semanda adat	LB-03 states that men are no longer recognized as the successors of the original family inheritance.	Ownership documents and customary decisions are not available; the status of assets and the basis of the decision cannot be ascertained.

Note: the term "land/estate" follows the designation in the informant's statement. Because ownership documents and property inventory details are not included, this table summarizes the reported customary consequences, rather than establishing the juridical status of the object as a tirkah or a communal asset.

Cross-case analysis shows that the restriction of access occurs through a social mechanism that links the right of management to the obligation to maintain the family structure of origin. When the man is considered to have transferred the center of responsibility to the wife's family, the family of origin prioritizes members who remain active in customary activities as successors to the inherited assets. In the case of Tanggamus, the mechanism works through exclusion from deliberation; in the other two cases, it appears in the transfer of management functions or recognition as successor. These findings shed light on the social logic of the decision, but do not prove that it can remove the faraid right to individual tirkah.

The distinction between management and ownership is at the core of socio-legal reading. A customary rule can allocate the task of caring for land, houses, or parents to certain family members without automatically transferring ownership rights or determining who the heirs are according to the faraid. Previous studies of Saibatin's inheritance have also shown that the type of assets and social position affect the right of use and control, so the term customary inheritance needs to be elaborated according to its object (Yusha et al., 2021; Zuhraini et al., 2024). The legal analysis in the following section is therefore limited to the conditions when the object is proven to be a tirkah owned by the heir, not just an inherited land whose ownership status is unclear.

Limits of Implementation of Farā'iḍ: Heirs' Rights and Classification of Inheritance

The main normative issue in this article is not whether all inherited land should be divided as an inheritance, but rather whether the status of the heir can be used as a reason to remove the right of a child who qualifies as an heir to property

that actually belongs to the heir's tirkah. Faraid law establishes the cause and part of inheritance; its application to an object requires the identification of ownership and inheritance first. If the object is the heir's personal property that falls into the tirkah, the semanda status is not known as a barrier to inheritance. If the object is a communal asset that is not individually owned by the heir, the dispute is first of all about the status and authority over the asset, not the calculation of the faraid share alone.

Al-Anṣibah al-muqaddarah refers to the part of the heirs that is explicitly mentioned in the inheritance verses. The provisions regarding a particular part have a strong nash foundation, but that does not mean that every issue relating to inheritance land is automatically free from debate, especially when it must be determined who owns the object, its communal or individual nature, and whether the object is a tirkah. Therefore, this analysis does not generalize all customary rules on the management of inheritance as a faraid offense; normative assessments are directed at actions that eliminate the right of the heir to property that has been proven to be part of the heir's estate.

QS. al-Nisā' [4]:11 establishes the share of boys and girls and the share of parents in the conditions mentioned in the verse. This verse is the basis that the distribution of tirkah must take into account the relationship of the heirs and the circumstances of the relevant heirs. Before the share is calculated, the law enforcement or the parties need to identify the surviving heirs, the legal relationship of the inheritance, and the assets that the heir actually left behind. The verse cannot be used to pass the proof of the status of the object; rather, once the objects including the tirkah and the status of the heir are established, a change in the customary role cannot be an additional reason for removing the right of inheritance.

QS. al-Nisā' [4]: 12 regulates the share of the husband or wife and the half-brother in the conditions described in the verse. Together with verse 11, this provision shows that the share of inheritance is determined on the basis of the relationship recognized by the Shari'ah and the circumstances of the heir's family, not merely the social position after marriage. In the context of this study, the verse is the basis for rejecting the status of the first person as a barrier to new inheritance, but it does not replace the need to assess the ownership of the object and the rights of the other party attached to it.

QS. al-Nisā' [4]: 176 describes inheritance in the state of kalālah. This verse emphasizes the importance of identifying family relations and the condition of the heirs before the division is determined. The three verses of inheritance must be read together with the rules of jurisprudence regarding inheritance and the barrier to inheritance; the correct reading does not equate any possession of family land with individual ownership that automatically falls into the tirkah.

The Sunnah is also the basis for the discussion of the barrier of inheritance. The hadith on religious differences is narrated in Ṣaḥīḥ al-Bukhārī and Ṣaḥīḥ Muslim in the discussion of faraid; the narration of the murderer not inheriting is found in the books of hadith, including Sunan Abī Dāwūd and Jāmi' al-Tirmiżī, with a

discussion of the fiqh necessary to assess the scope and quality of the history. This article does not base its conclusions on these two hadiths alone. The point of analysis is that the fiqh literature discusses the barrier to inheritance in particular, while the change of residence or the change in customary status due to semanda is not mentioned as a barrier in itself.

In classical Sunni jurisprudence literature, commonly discussed barriers to inheritance include murder of heirs, religious differences, and slavery; the details of the terms and scope may differ between sects. The list is not intended to eliminate differences of opinion in particular branches. Same-sex marriage does not appear as a barrier to independent inheritance in the classical discussion of mawāni' al-irth. Therefore, the conclusion that can be drawn in a limited way is that a change in customary status alone is not sufficient to erase inheritance if the relationship of the nasab remains and the object is proven to be the heir's tirkah.

In the discussion of faraid in the Hanafi school, al-Sarakhsī describes the causes of inheritance and its barriers in *al-Mabsūṭ*, Kitāb al-Farā'iḍ, the section on mawāni' al-irth. This reference is used to identify the categories of fiqh discussed, not to state that the book specifically reviews Lampung intermarriage. A change in residence or assignment of customary functions does not in itself change the relationship of the nasab; its influence on the new property can be assessed after the status of ownership and its object are clear.

In the Maliki tradition, the discussion of faraid in *al-Mudawwanah al-Kubrā*, Kitāb al-Farā'iḍ, can be used as a reference for causes and barriers to inheritance. This article does not attribute to Imam Mālik any specific statement on the semanda, since the local issue is not directly discussed in the sources referred. The reasoning used is more limited: the category of barriers known in jurisprudence cannot simply be supplemented with social labels that do not change the nasab or other provisions of the shari'i.

In the Shafi'i school, *al-Umm*, Kitāb al-Farā'iḍ, is the primary reference for the discussion of inheritance. The part that has been determined by the Shari'ah cannot be reduced solely by social decisions. The application of this principle in the case of the Shari'a still requires proof that the man in question is the heir and the object is the heir's property. If the two elements are met, the reduction of the share due to the status of the Shari'ah has no basis as a barrier to inheritance.

In the Hanbali school, the discussion of the causes and barriers of inheritance is found in *al-Mughnī* by Ibn Qudāmah, Kitāb al-Farā'iḍ and the discussion of mawāni' al-irth. The conclusion of the article does not presuppose that there is a direct discussion of Lampung customs in the book. The four references of the school are used comparatively to affirm the boundaries of the category of inheritance barriers, noting that the printed and digital editions have different page numbering; therefore the location of the book/chapter is mentioned so that the reader can browse through the relevant discussions.

The following table distinguishes the inheritance barrier discussed in classical jurisprudence from the problem of determining whether an asset is truly a tyranny.

This distinction is important so that the issue of inheritance management is not directly equated with the loss of inheritance rights.

Table 2. Differences in Inheritance Barriers

Question	Position in fiqh	Relevance to the case
Murder of heirs	It is discussed as a barrier in hadith and fiqh; the detailed scope differs according to the madhhab.	It cannot be analogized to the status of semanda.
Religious differences	It is discussed as a barrier based on hadith and fiqh literature.	It is not a consequence of the shift in the role of customs.
Slavery	Barriers in the construction of classical fiqh in its historical context.	It is irrelevant as a description of the status of contemporary law.
Semanda marriage	It is not referred to as a barrier to independent inheritance.	Semanda status alone does not remove the right to tirkah if the heir's condition is met.
Status of Land/Estate	It is not a barrier to inheritance; it is a matter of identification of ownership and object.	Check if the heir's personal assets are shared, joint property, or inheritance/communal assets.

Based on the inheritance and fiqh literature discussed, semanda does not include the inheritance barrier known as the independent category. If a man still has a relationship of inheritance who qualifies as an heir and the object is proven to be the heir's tirkah, a change in customary status cannot be a reason in itself to negate his rights. This conclusion does not mean that every asset called inheritance must be automatically divided as a tirkah; the status of the property, the character of the asset, debts, wills, and the rights of the other party must still be determined first.

Thus, normative conflicts must be formulated specifically. In individual assets belonging to the heirs, customary sanctions that remove the rights of the heirs simply because they are not in line with the faraid principle. In communal heirloom assets, what must first be examined is who the rights are, the nature of the rights inherited or managed, and whether the heirs do indeed have a share that can go into the tirkah. This distinction provides a more precise basis for the harmonization of customary law and Islamic law than the assertion that all forms of semanda always give rise to the abolition of inheritance.

Legal Pluralism: Social Factors Behind the Sustainability of Indigenous Practices

Three cases show that customary norms can continue to influence the management of inheritance even though faraid analysis yields different normative questions. This phenomenon can be explained through legal pluralism: several normative orders exist in the same social space and provide different reasons for family actions. However, the available case data are insufficient to conclude that the

Saibatin people generally prefer customary over faraid. The following analysis explains the social power of customary norms in the cases presented, rather than the preferences of the entire community.

Griffiths defines legal pluralism descriptively as the presence of more than one legal order in a social field. In his writings, he criticizes legal centralism and distinguishes pluralism that relies on official recognition of the state from the pluralism that develops in society. The concept is relevant to read three cases because asset management decisions seem to be guided by family norms and customary authorities in addition to state law and religious norms (Griffiths, 1986). However, the available data are not enough to classify the entire Lampung Saibatin community as a strong legal pluralism; the category is used here as an analytical lens on the co-existence of norms in the case being studied.

The case data shows that customary functions and social responsibility are used as reasons when the family arranges successors or managers of the estate. There are no direct citations in the source text that are sufficient to conclude that the decision is a social choice that consciously prioritizes custom over theological beliefs. Therefore, a more cautious explanation is that the reported practice demonstrates the social binding power of customary decisions; religious motives and the informant's understanding of faraid require additional interviews that explicitly ask the question.

The Tamanaha framework helps to see law as a social phenomenon that is formed through various understandings and practices, rather than merely rules announced by the state (Tamanaha, 2001). In the three cases presented, the legitimacy of the beneficiary and family deliberations appear to be influential in determining who is involved in the management of the estate. This analysis does not mean that social acceptance makes an automatic rule valid according to positive or sharia law; social effectiveness and normative validity are two questions that must be examined separately.

Ehrlich's concept *of living law* can be used to explain how norms about responsibility towards the family of origin and the wife's family enter into daily practice. In the case of PB-01, semanda status is associated with the transfer of the management of inherited land to members of the family of origin who continue to carry out responsibilities; in TG-02, the norm appears through restrictions on deliberative participation; and in LB-03, it affects the determination of who is seen as the successor to the estate. The relationship with this theory is interpretive, as the data presented have not shown how widely the norm was adhered to beyond the three cases (Ehrlich, 1936).

From a comparative reading of the three cases, four considerations can be identified that may explain customary decisions: the sustainability of family identity, the legitimacy of the benefactor, the avoidance of social tensions, and the maintenance of inherited assets. These considerations are formulated as an analytical theme of the available information; since not all themes are explicitly

stated in the quotation, they are not treated as a list of motives that have been measured or dominant in the entire Saibatin community.

First, family identity and the sustainability of customary lines emerge in the explanation that the responsibility of the successor is considered to pass to the wife's family. This suggests that decisions about inherited land are understood in relation to social functions, not just the economic value of assets. However, customary status as a collective identity does not resolve the question of individual ownership and the right of heirs to tirkah.

Second, the position of the negotiator seems important in the West Coast case, because PB-01 is the informant who explains the reasons for the customary decision and deliberation. The testimony of one informant shows the role of the customary authorities in the case, but it is not enough to measure the degree of compliance of the entire Saibatin family or to state that all inheritance decisions are generally conducted in the same way.

Third, restrictions on participation and decisions made without the presence of a male in the Tanggamus case can create tensions in family relationships. The manuscript does not provide data to ascertain whether there was exclusion or other social sanctions. Therefore, concerns about social sanctions are maintained as possible explanations that need to be tested, rather than factual findings that have been proven in all cases.

Fourth, the maintenance of land or property called inheritance is the reason that appears in the three narratives. The land is seen as related to the function of the family successor. However, the purpose of maintaining assets in a clan does not in itself prove that the asset is a communal right, and it is not enough to remove the heir's right to the heir's personal assets. The status of the asset and the form of inherent rights must be independently proven.

The three interview narratives do not allow the conclusion that almost all informants accept the provisions of faraid or consciously combine the two norm systems. The available data are more limited: the reported customary decisions are based on social responsibility and the continuation of inheritance management. The religious understanding and attitudes of the parties are a separate empirical question that should not be inferred from customary actions or decisions alone.

Griffiths, Tamanaha, and Ehrlich's analysis helps explain the co-existence of norms and social legitimacy that appear in the three cases, but does not replace the examination of the legal status of assets or heirs' rights. The main implication is that dispute resolution needs to begin with the classification of objects and the mapping of the parties who have rights, then consider the role of customary in management and family relationships. In this order, respect for social norms is not used to obscure individual property rights, and faraid norms are not applied abstractly to objects whose legal status has not yet been determined.

Table 3. Analytical Themes in Three Cases

Analytical themes	The basis of three cases	Reading limits

Sustainability of family functions	PB-01 and LB-03 associate inheritance management with members who carry out the function of the family of origin.	The interpretation of the narrative is limited, not a generalization of the entire Saibatin.
Customary Decree Authority	PB-01 mentions deliberation/customary as the basis for the decision.	It is not enough to conclude that all contributors or communities act the same.
Participation in deliberations	TG-02 reported that he was not actively involved in the deliberations.	One case; broader social pressures or sanctions are not proven.
The Status of Inherited Assets	The narrative mentions land/inheritance, but the rights document is not presented.	It is necessary to verify the origin of the asset, owner, tirkah status, and management authority.

Reconstruction of the Enforcement Limits of Customary Sanctions through *The Compatibility Principle of Customary Inheritance Sanctions*

The three cases show that the main problem is not the existence of customary rules regarding the responsibility of the semanda, but the use of the status as a reason to limit access to the assets of the family of origin. Before declaring the elimination of inheritance rights, it is necessary to ascertain whether the assets belong to the heir or communal inheritance. If the status is tirkah and the man qualifies as an heir, the semanda cannot be added as an inheritance barrier. If the assets are communal, the assessment must start from the ownership structure and the applicable management rights.

Therefore, this article does not offer the abolition of customary law nor does it conclude that all semanda provisions are contrary to faraid. The framework offered serves to test the limits of the applicability of customary sanctions in a given case: norms regarding liability, residence, or asset management can be distinguished from norms that negate the rights of heirs to individual property. This distinction underlies the four-indicator model below.

The Compatibility Principle of Customary Inheritance Sanctions is formulated as a conceptual synthesis of faraid provisions, the concepts of 'urf and maqāṣid al-syarī'ah, the theory of legal pluralism, and a comparative reading of three cases. This model was developed as an analytical tool, not taken from a single theory and not the results of independent field tests. The research of Ilyas et al. (2023) discusses customary-Islamic accommodation in Acehnese heritage, while Alfarizi and Mahmudi (2025) discusses the harmonization of the Pepadun heritage with KHI; both emphasize dialogue between legal systems. The contribution of this article model is to place the classification of property objects as a prerequisite for the analysis and distinguish (a) the determination of the heir's share from (b) the transfer of the share through voluntary consent after the right is known.

Before the four indicators are applied, the researcher or the party who settles the case must determine the status of the object: whether the assets belong to the individual heirs and fall into the tirkah, joint property that requires separation of rights, or inheritance/communal that is not individually owned. After that, the following four indicators are used as cumulative normative tests. Since the model is applied analytically only in three cases with limited ownership documents, the results cannot be called empirical validation or official legal guidelines.

Table 4. Customary Sanctions Compatibility Test Indicators

Indicator	Test and evidence questions	Analytical implications
1. Consistency with nash	Has the object been proven to be tirkah and the heir's share has been identified?	Custom does not reduce the faraid portion of the verified tirkah.
2. Not adding barriers	Is semanda status used as the only reason to abort inheritance?	This reason needs to be reviewed because semanda is not an independent barrier.
3. Free and capable consent	Is there a coercive consent of the capable party after the object, rights, and parts are known?	Redistribution can be tested as ṣulḥ, takhāruj, or grant on its terms; deliberation alone is not enough.
4. Measurable benefits	Are customary functions protected without coercion or disproportionate deprivation of rights?	Choose the way that least limits rights, according to the status of the assets and concrete needs.

The first indicator is conformity with the Qur'an and the Sunnah, especially when the provisions explicitly stipulate the share of the heirs. Custom cannot be used as a basis for reducing the share if the object is proven to be tirkah and the status of the heir is clear. However, the determination of whether a piece of land is a tirkah is not answered by simply citing the verse of the inheritance; it requires proof of the owner and the nature of the right to the object. Therefore, the nash test must be carried out after the factual issue of ownership has been identified.

The second indicator is the prohibition of adding a new barrier to inheritance. A change of residence, responsibility towards the wife's family, or status as a customary successor are not listed as separate mawāni' al-irth in the discussion of the cited fiqh. If the man qualifies as an heir and the object is the heir's tirkah, the denial of rights solely because of semanda cannot be justified as a new barrier. This indicator does not resolve claims against communal assets that do not belong to the individual heir; such objects require a separate ownership analysis.

The third indicator assesses the freedom and competence of the parties in the transfer of rights. Customary deliberations do not automatically prove free consent. A new share transfer agreement is relevant once the heirs, objects, obligations of the heirs, and their respective shares have been identified and the parties have been adequately informed. Consent must be given without pressure, fraud, or exploitative dependence; incapable parties, including minor children, cannot be considered to

have relinquished rights simply because of family decisions. Transfers can also only be made against rights that the party actually has. Communal assets must not be transferred individually by persons who do not have authority over them. In the context of the KHI, Article 183 opens up a space of peace between the heirs after each has realized his or her share; The mechanism *of ṣulḥ*, *takhāruj*, or grant should therefore not be used to disguise the unilateral elimination of rights.

The fourth indicator assesses benefits through criteria that can be examined in a concrete case: whether the decision protects the basic needs of the vulnerable party; whether it prevents coercion, loss of property, prolonged conflict, or disproportionate loss; whether the purpose of preserving the estate can be achieved through less restrictive means; and whether the use of assets still benefits the family without necessitating a predetermined part of the faray. The protection of inheritance can be a legitimate goal, but it must be distinguished from the elimination of heirs' rights and tested on the basis of evidence about the status of the object and the impact on the parties.

The test results distinguish between two circumstances. Customary provisions regarding residence, parental care, and asset management can be maintained as long as their authority is clear and do not negate individual rights that have been determined by law. Provisions that automatically remove the right to tirkah simply because of a temporary marriage need to be reconstructed as 'urf that cannot be maintained in that aspect. This model does not declare the entire custom to be 'urf fāsid; the evaluation is directed at specific provisions and consequences, and still relies on proof of the status of the assets and the consent of the parties.

Figure 1. Customary Sanctions Compatibility Test Framework



Compared to previous harmonization research, such as Ilyas et al. (2023) on customary accommodation and Islamic law in Acehnese heritage and Alfarizi and Mahmudi (2025) on Pepadun and KHI heritage, this article model is more specific to

the impact of semanda status on access to family inheritance of origin. The distinguishing elements offered are the initial step in the form of object classification, separation of inheritance rights from inheritance management, then testing four indicators regarding consistency with nash, prohibition of adding inheritance barriers, free consent after rights are known, and concrete benefits. The contribution is still conceptual because the model is applied to three case narratives and has not been tested on a broader sample of cases or through structured expert validation.

Implications for Islamic Inheritance Law Reform in Indonesia

The findings of three cases suggest that the relationship between customary and faraid needs to be analyzed at the level of specific objects and rights, rather than through a dichotomy that states that one system always triumphs over another. Customary law plays a role in regulating the responsibility and management of family assets, while faraid law determines the rights of heirs to tirkah after the status of property and heirs is determined. Responsive legal reform needs to facilitate dialogue between the two without equating the social acceptance of a norm with its validity according to applicable law.

As an academic recommendation, the revision of the Compilation of Islamic Law could consider a more operational explanation of the relationship between customary practice and inheritance rights, especially the need to separate the inventory of property, the determination of heirs and shares, and a peace agreement after the heirs know their rights. This proposal is a recommendation for future reforms, not a provision that is currently explicitly listed in the KHI. The existing basis includes KHI Article 171 on the definition of inheritance and heirs, Article 174 on the group of heirs, the provisions in Article 176 and so on, and Article 183 on peace after the heirs have realized their part. Any addition to the norm still requires a review of legislation, harmonization with relevant regulations, and consultation with stakeholders.

Law No. 3 of 2006, which amends Law No. 7 of 1989 concerning Religious Courts, grants authority to the Religious Court in inheritance cases for parties subject to Islamic law. The model in this article can be used as an academic framework to structure factual and normative questions, not as an official guideline or independent legal basis for decisions. The judge must still adhere to the authority, applicable law, evidence, and character of the object of dispute. If the main issue concerns the status of the right to inherited land or communal assets, the status and authority over the object must be examined first according to the relevant legal regime.

Customary institutions can play a role in explaining family history, responsibility structures, local terms, and heritage management practices. This role is important to help understand the context, but it does not replace proof of ownership and does not by itself authorize the elimination of inheritance rights over individual property. Customary-religious dialogue needs to be directed at

structuring the responsibility for asset management and protection without using semantic status as an automatic sanction for heirs' rights.

Mediation can be a space to discuss the maintenance of inherited assets and the sustainability of family relationships. However, the outcome of mediation should not be assumed to always be successful or always fair simply because it is achieved through deliberation. The mediator needs to help the parties understand the type and status of the assets, identify the beneficiaries, calculate the relevant rights, and ensure that the agreement is voluntary. Transfers or redistributions can be discussed after the parties know their rights and only to the assets or parts that they can legally control.

Donors and religious leaders can be involved in education about the differences between property rights, inheritance management rights, and faraid shares. Such collaboration is more appropriate to be directed at the provision of balanced information and deliberation documentation rather than on the initial ratification of decisions restricting rights. On a practical level, a record of the origin of the asset, its basis for management, the parties involved, and the consent of the heirs will help prevent future disputes.

These four model indicators should be read as a set of tests after the status of the object has been established. The first and second indicators test the normative boundaries of faraid; the third indicator ensures that any diversion is carried out by a capable party, knows its rights, and consents to them without coercion; the fourth indicator assesses the real impact on property protection, the needs of vulnerable parties, family relationships, and the proportionality of restrictions. Customs that do not remove faraid rights can still govern social responsibility and asset management. Customs that eliminate the right to tirkah simply because semanda cannot be maintained in such a way, whereas the case of communal assets requires a separate ownership assessment.

The framework tries to avoid two overly oversimplistic approaches: rejecting all customary practices without distinguishing their social functions, or accepting the entire practice for living in a community. Social acceptance explains why a norm is influential; it does not end the examination of legal validity and justice for the affected parties. The model also has limitations: three cases are not enough to represent the variation of Saibatin customs, the classification of the status of objects has not been supported by documents in each case, and the indicators have not undergone external validation. Therefore, the model is positioned as an analytical proposal to be tested and refined through advanced research.

The contribution of the article is to propose a sequence of analysis that links socio-legal findings with faraid law: determine the status of the object; identify the heirs and share if the object is a tyranny; assess whether customary sanctions add an unknown barrier; examine the freedom of consent for the transfer once the right is known; and test the benefits of its concrete impact. This sequence answers the research question by distinguishing customary access restrictions from normative

abolition of inheritance. The applicability of the model is still conceptual and requires testing in other cases and communities.

CONCLUSION

This study analyzed three cases of intermarriage reported in the West Coast, Tanggamus, and West Lampung. These cases show that changes in customary status and responsibilities can be associated with restrictions on access to land or property called heirlooms, either through the transfer of management, restrictions on participation in deliberations, or changes in recognition as family successors. The data presented do not prove that this pattern applies to the entire Saibatin community, and the formal ownership status of each object cannot be ascertained because asset documents are not included. Therefore, the findings should be read as a limited overview of the three customary decisions, rather than as a comprehensive generalization of all the inheritance rights of the Saibatin people.

In the faraid perspective, a temporary marriage or change of residence is not known as a barrier to self-inheritance. If the object is proven to be the heir's tirkah and the man in question qualifies as an heir, the right cannot be removed solely because of the status of the estate. If the object is a communal heirloom or an asset whose ownership is unclear, the assessment should start from the status and form of the right to the object, not directly from the calculation of the faraid share. This article proposes The Compatibility Principle of Customary Inheritance Sanctions as an analytical framework of four indicators: consistency with the nash; not creating new inheritance barriers; free and capable consent once the rights and objects are known; and the measured benefits of concrete impacts. This model synthesizes the laws of faraid, 'urf, maqāṣid al-syarī'ah, legal pluralism, and a three-case reading. The contribution is in the form of a more directed sequence of analysis, but the model has not been externally validated and still requires additional data on the number/procedure of interviews, ownership documents, and variations of the Saibatin community. The recommendations for KHI updates and the use of the model by the judiciary are academic proposals, not official provisions that have been applied.

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