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Male Inheritance Rights in Marriage of the Lampung Indigenous Peoples Saibatin: Reconstruction of the Limits of the Applicability of Customary Sanctions in the *Farā'iḍ Law*

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Abstract

This article examines the tension between customary sanctions associated with *semanda* marriage and the principle of *al-anṣibah al-muqaddarah* in Islamic inheritance law among the Lampung Saibatin community. Because *semanda* practices and their consequences vary across local communities, the article distinguishes restrictions on customary access to ancestral property from deprivation of an inheritance share in a deceased person's estate (*tirkah*). The empirical discussion draws on three focal interview cases from Pesisir Barat, Tanggamus, and Lampung Barat, conducted on 12, 18, and 24 May 2026. The findings document restrictions concerning access to ancestral land and participation in customary deliberations; The available case narratives do not establish that every disputed asset was individually owned by the deceased and formed part of the *tirkah*. Under *faraid*, *semanda* marriage is not recognized as a *māni' al-irth*, so where an asset is proven to belong to the deceased's estate, custom cannot by itself extinguish an heir's prescribed share. The article proposes the Compatibility Principle of Customary Inheritance Sanctions, a four-indicator framework to assess whether a customary rule can be accommodated as *'urf ṣaḥīḥ* or should be rejected as *'urf fāsid*. The framework preserves legitimate customary functions while requiring verification of asset status, protection of established inheritance rights, voluntary post-allocation arrangements, and consistency with *maqāṣid al-sharī'ah*.

Keywords: Islamic Inheritance Law; Legal Pluralism; *Semanda* Marriage; Lampung Saibatin Customary Law; Legal Harmonization.

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INTRODUCTION

Legal pluralism is one of the main characteristics of the legal system in Indonesia. In addition to state law, Indonesian people still practice customary law and religious law as guidelines in regulating social relations, including in the field of family law and inheritance. The existence of these three legal systems does not always run in harmony, but often creates normative tension when each system sets different rules on the same legal issue (Bakar et al., 2025). In the context of inheritance, Islamic law has established a system of distribution of inheritance through the provisions of the *Al-Anṣibah al-Muqaddarah*, namely the parts of the heirs that have been expressly determined in the Qur'an, especially Q.S. al-Nisā'

verses 11, 12, and 176. These provisions are seen as norms of the nature of *qaṭ'ī al-dalālah* so that in principle it cannot be changed by human agreement or local traditions. On the other hand, in various indigenous communities in Indonesia, the distribution of heritage is still influenced by the kinship system, social structure, and cultural values that develop in the community. As a result, not a few customary heritage practices are different, even contrary to the provisions of faraid (Yusuf et al., 2025).

This phenomenon has become increasingly relevant because Indonesia has hundreds of customary law communities that still maintain the traditional kinship system and inheritance law. In many indigenous communities, the distribution of inheritance is not solely based on blood relations as regulated in Islamic law, but also considers social status, customary responsibility, lineage sustainability, and the importance of maintaining family inheritance. This condition shows that customary law not only functions as a cultural identity, but also as a mechanism for distributing rights and obligations in the community (Gibran, 2025). The problem arises when customary norms provide legal consequences that reduce or even remove a person's right as an heir, even though according to Islamic law these rights are still inherent because of the relationship of descent. Such a situation reflects the clash between the social legitimacy of customary law and the normative legitimacy of Islamic law, which is still debated in the study of legal pluralism (Rupiah, 2025).

One form of legal pluralism that is interesting to study in the indigenous people of Lampung is the practice of marriage *São Paulo* in the Saibatin indigenous community. In practice, semanda marriage is related to the position of the husband in the wife's family environment and the fulfillment of the social and customary obligations that accompany it. However, the form and consequences of semanda marriage cannot be understood as a uniform practice throughout the Saibatin community, considering that its implementation can be influenced by local customary variations, kinship patterns, family agreements, and the form of semanda carried out. Therefore, the change of the husband's place of residence after marriage cannot necessarily be interpreted as a disconnection of legal and social relations with his family of origin. Similarly, the consequences for the right to participate in customary deliberations, access to inheritance, and inheritance rights need to be examined based on customary provisions and practices applicable to the community where the research is located. Thus, intermarriage can be an entry point for analyzing the relationship between customary norms, kinship relations, and the distribution of economic rights in the perspective of legal pluralism, without assuming that the entire Saibatin community applies the same rules and consequences of inheritance (B. Ritonga et al., 2024). A site-specific ethnographic study is needed to identify how the norm is understood, applied, and negotiated by local communities.

From the perspective of Islamic law, this condition raises serious normative problems. Faraid science stipulates that inheritance rights are born for certain reasons, namely nasab relationships, marital relationships, and *Wow'*, while the inheritance barrier (*Mawāni' al-Irth*) classically only includes murder of heirs, religious differences, and slavery. Changes in customary status, change of residence, or the participation of a man in his wife's family are not grounds that can abort inheritance rights. Therefore, if a man loses his inheritance rights solely because he is engaged in a semanda marriage, a fundamental question arises about the legal legitimacy of the customary sanction (Ridwan, 2025). Does customary law have the authority to limit rights that have been explicitly determined by the Qur'an? This question does not only concern the aspect of inheritance fiqh, but also touches on the issue of the relationship between customary law, Islamic law, and national law in a country that adheres to legal pluralism.

This problem is not just a theoretical problem, but is still found in the practice of the people of Lampung Saibatin. Based on various field findings reported in studies on the Saibatin community, there are families that do not give a share of the inheritance to a married boy on the grounds that the person concerned has become a member of the wife's family. In other practices, men are still recognized as biological children, but only receive a very limited share compared to their brothers who remain in the traditional structure of the family of origin. In fact, in some cases, the decision is affirmed through customary deliberation, making it difficult for family members to question it because it is considered a consequence of the choice to undergo a semanda marriage. Such a practice shows the existence of social sanctions that have direct implications for a person's property rights and have the potential to cause conflicts between customary norms and the principles of Islamic inheritance law (Arifin et al., 2026).

From the perspective of human rights and justice, these issues cannot be seen solely as part of the autonomy of indigenous peoples. The right to inherit is a civil right related to the protection of property and legal certainty. When a person loses these rights for reasons unknown in the Islamic legal system or national law, the issue of substantive justice and the protection of individual rights arises. On the other hand, indigenous peoples also have a constitutional right to defend their cultural identity and customary law as long as they do not conflict with higher legal principles. Thus, the conflict between customary sanctions and inheritance rights in same-sex marriage is actually a problem that is at the intersection of cultural protection, distributive justice, and the supremacy of legal norms (Taqiyuddin, 2025).

A number of previous studies have discussed the semanda marriage system, Lampung customary inheritance law, and the relationship between customary law and Islamic law. Some studies explain the characteristics of semanda marriage as a strategy to maintain women's family lineage and the sustainability of family

property. Other studies describe the inheritance system of the Lampung Saibatin community, the position of boys and girls in the customary structure, and changes in customary practices due to social development. In addition, there is also a study on the harmonization of customary law with the Compilation of Islamic Law and legal pluralism in indigenous peoples. Although it makes an important contribution to the understanding of Lampung customs, these studies still focus on descriptive aspects of the kinship system, form of marriage, or customary inheritance mechanism. The study has not specifically analyzed the juridical consequences of customary sanctions on male inheritance rights that have been determined through the concept *of al-anṣibah al-muqaddarah* in faraid law.

On the other hand, research on Islamic inheritance law generally focuses on the division of inheritance, reform of inheritance law, or harmonization between Islamic law and national law. These studies rarely place customary sanctions as the main object of analysis. As a result, there is still a void in studies regarding the limits of the applicability of customary norms when these norms have implications for the reduction or elimination of inheritance rights that have been expressly determined in the Qur'an. There has not been a study that comprehensively examines the validity of customary sanctions in same-sex marriage using the perspective of legal pluralism, living *law theory*, the concept *of 'urf* in fiqh proposals, and maqāṣid al-syarī'ah in an integrated manner. This gap shows the existence of **a research gap** as well as opening up space for more in-depth research.

Based on this analysis, this research offers a novelty that is different from the previous research. The novelty of this research does not lie in the discussion of marriage alone, but in the formulation of the juridical limits of the applicability of customary sanctions on inheritance rights that are *al-anṣibah al-muqaddarah*. This research develops an analysis of whether customary sanctions can still be categorized as *'urf ṣaḥīḥ* which is recognized in Islamic law or has actually changed to *'urf fāsid* because it is contrary to the provisions of sharia. In addition, this study offers an evaluative framework to assess the conformity of customary norms with the principles of maqāṣid al-syarī'ah, substantive justice, and legal pluralism. Thus, this study not only describes the conflict between customary and Islamic law, but also produces normative parameters that can be used in assessing the validity of a customary norm that has an impact on inheritance rights.

The urgency of this research lies in the need to establish harmonization between the preservation of customary law and the protection of inheritance rights guaranteed by Islamic law. The results of the research are expected to make a theoretical contribution to the development of the study of Islamic inheritance law, legal pluralism, and customary law in Indonesia. From a practical perspective, the findings of the research can be a reference for traditional leaders, scholars, judges of the Religious Court, family mediators, and policymakers in formulating fairer settlement of inheritance disputes, providing legal certainty, and still respecting the

cultural identity of the indigenous people of Lampung Saibatin. Therefore, research on the dilemma of male inheritance rights in intermarriage is not only important to fill the gap in academic literature, but also has high significance in efforts to build harmonization between customary law and Islamic law in Indonesia.

RESEARCH METHODS

This study uses *a socio-legal research method* that combines normative and empirical analysis to assess the limits of the applicability of customary sanctions in intermarriage to male inheritance rights. The normative analysis examines the Qur'an, hadith, fuqha opinions, the Compilation of Islamic Law (KHI), as well as regulations related to the recognition of customary law communities. For the three cases presented in detail, the main informants were selected *purposively* based on knowledge or direct involvement in customary practices: PB-01, a customary collaborator in the West Coast (interview May 12, 2026); TG-02, a family member of the perpetrator in Tanggamus (interview May 18, 2026); and LB-03, a traditional leader of Lampung Saibatin in West Lampung (interview May 24, 2026). The three informants are focal informants for the cases shown, not the basis for claiming the representation of the entire Saibatin community. Secondary data include scientific literature, laws and regulations, customary documents, and legal sources related to inheritance.

The analysis was carried out qualitatively through data condensation, data presentation, and conclusion drawing and verification. The normative analysis assessed the conformity of customary rules with the principles *of al-anṣibah al-muqaddarah*, mawāni' al-irth, the theory of 'urf, and *maqāṣid al-syarī'ah*. The empirical analysis compared the statements of three focal informants regarding the form of marriage, inheritance management, and participation in customary deliberations. Verification was carried out through triangulation of sources and methods, namely comparing interview information with relevant documents or literature, as well as *member checking on the* summary of the information used. Since the case description details only three informants and does not include ownership documents for each land object, the empirical findings are read as a description of selected cases; the status of each asset as a communal heirloom or *individual tirkah* must still be proven before a final legal conclusion is drawn.

RESULTS AND DISCUSSION

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

Marriage *São Paulo* is known in some Lampung Saibatin communities as a way of regulating family position and responsibilities after marriage. In certain forms, the husband lives or carries out customary obligations in the wife's family environment. However, this practice cannot be generalized as a uniform form for all Saibatin people because the pattern of marriage and its social implications change according to local needs and contexts. Therefore, the analysis in this article departs

from the forms *São Paulo* mentioned in the three research cases, not from the assumption that all clans follow the same rules (Hardiyansyah et al., 2024).

Historically, the marriage system in the Lampung Saibatin community has undergone changes. Ethnographic studies have recorded a change in pattern from patrilineal bujujogh to practice *São Paulo* in certain social contexts, among others, related to family needs, the economy, and cultural change. The findings support the understanding that marriage practices are dynamic, but do not prove that the entire Saibatin community has provisions *São Paulo* or the consequences of the same inheritance. Therefore, the form of marriage, kinship structure, inherited land status, and customary responsibilities need to be examined based on the context of each community (Karim et al., 2026).

In its development, the practice of semanda shows that Lampung customary law has an adaptive character. Although the Saibatin community adheres to the patrilineal system, the existence of semanda proves that the customs are not rigid. Customary law actually provides a space for exceptions to answer the social problems faced by the family. This perspective is in line with the theory *of living law* put forward by Eugen Ehrlich that the law that lives in the community develops according to social needs, not solely based on formal rules. In the context of Lampung Saibatin, the need to maintain the sustainability of the family, traditional houses, and inheritance is the main reason for the birth of the practice of semanda. Therefore, the existence of semanda cannot be seen as a deviation from the patrilineal system, but as a corrective mechanism justified by customary law to maintain social balance.

The philosophy of semanda marriage is essentially rooted in the view of life of the people of Lampung known as the Piil Pesenggiri philosophy. These cultural values are moral guidelines that govern the relationship between individuals and families and communities. Piil Pesenggiri consists of four main elements, namely *Juluk Adek*, *Nemui Nyimah*, *Nengah Nyappur*, and *Sakai Sambayan*. These four values are the basis for building the social life of the people of Lampung. In the practice of semanda, the most dominant value is *Sakai Sambayan*, which is the spirit of mutual cooperation, mutual help, and sharing responsibilities in family life. Men who undergo a temporary marriage voluntarily accept the responsibility to help their wife's family, including taking care of their parents, maintaining the traditional house, and carrying out other social obligations. On the other hand, the woman's family is obliged to accept the man as a full member of the family and provide social and customary protection. Thus, the relationship built through the semanda is not a subordinate relationship, but a mutual relationship based on mutual responsibility to maintain the continuity of the family.

This philosophy also shows that the people of Lampung view marriage as a social institution that goes beyond the biological relationship between husband and wife. Marriage is a medium to maintain generational continuity, maintain family

identity, and ensure the sustainability of social functions in indigenous peoples. From the perspective of legal anthropology, the semanda mechanism reflects a balance between individual interests and collective interests. A man who enters his wife's family not only acquires a new status, but also receives a social mandate to maintain the honor of the woman's family. Therefore, the change in position is not solely administrative, but contains a symbolic meaning that shows full recognition of men as part of the new family structure.

In practice, the people of Lampung Saibatin know several forms of semanda that develop according to the needs of the family. The first form is semanda lepas, which is when a man completely leaves his family of origin to become a member of his wife's family. In this form, all male social and customary activities are centered on the female family so that he carries out the functions previously carried out by the sons of the family. The second form is semanda waitu, where men live with their wife's family for a certain period of time, usually until the woman's parents die or until there are other family members who are able to continue their traditional responsibilities. After this goal is achieved, the couple can form their own household without losing a good relationship with the woman's family. The third form is known as semanda adat, which is a marriage that is carried out specifically in the family of traditional breadwinners who do not have male descendants, so a son-in-law is needed who can continue the traditional leadership, maintain the traditional house, and manage the family inheritance. In addition, in the development of modern society, the semanda form is also known based on family agreement, namely the spouse lives with the female family due to economic considerations, work, or the need to take care of the parents without being accompanied by a full change in customary status. The variation of the form shows that semanda develops flexibly following the dynamics of the community without leaving the basic values of Lampung customs.

The most prominent aspect of semanda marriage is the change in the position of men in the kinship system. In the patrilineal system in general, men are the successors of the father's lineage as well as the holder of the main responsibility for their family of origin. However, through the semanda mechanism, this position undergoes a transformation because men are accepted as part of their wife's family. This change does not mean removing their biological identity as a member of the family of origin, but rather transferring social functions and customary responsibilities to the woman's family. In daily life, men participate in the deliberations of their wives' families, assist in the implementation of traditional ceremonies, maintain relations between relatives, and are responsible for the welfare of their wife's parents. These changes can only occur through the consent of both parties ratified in the customary deliberations so as to gain social legitimacy from the community (Arsyad et al., 2025).

This transformation of position also shows a change in customary status. In Saibatin society, a person's status is not only determined by blood relations, but also by customary recognition given through certain mechanisms. Semanda marriage is one of the mechanisms that allows a person to obtain a new status in the structure of society. After being ratified through a customary procession, men obtain the right to follow the social structure of the female family and carry out the customary functions inherent in the family. However, this change in status does not necessarily mean the automatic transfer of all genealogical rights or inheritance rights. In many Saibatin communities, the issue of inheritance is still determined through the deliberation of the extended family and the applicable customary provisions. Thus, recognition as a semanda man emphasizes more on the aspect of social responsibility than the granting of economic rights alone.

The change in customary status has consequences for the rights and obligations of men in women's families. In terms of rights, men are recognized as family members, have the right to live with their wives' families, obtain customary protection, participate in family deliberations, and under certain conditions obtain the right to manage family assets in accordance with customary agreements. However, these rights are always balanced with relatively greater obligations. Men are obliged to take care of their wives' parents, maintain the good name of the women's family, help finance the family if necessary, maintain the traditional house, maintain the inheritance, and take responsibility for all customary activities organized by the family. This obligation shows that the essence of the marriage is not to obtain material benefits, but to carry out a social mandate as a substitute for sons in the female family.

In the context of contemporary society, semanda practices have undergone various changes due to modernization, urbanization, increasing levels of education, and economic mobility of the community. Many semanda couples no longer live permanently with their female families due to the demands of work and education. Nevertheless, studies on the indigenous people of Lampung show that the substance of customary responsibility is maintained through various forms of adjustment. Family deliberation is the main mechanism to determine the division of duties and responsibilities so that the basic values of semanda are maintained even though the pattern of residence has changed. This condition shows that Lampung's customary law is able to adapt to the times without losing its basic identity as a system of norms that live in the community (Iskandar et al., 2025).

Based on this description, it can be understood that semanda marriage in the indigenous people of Lampung Saibatin is not just a form of marriage that determines the husband's residence after marriage, but is a customary law institution that contains very complex social, cultural, and legal dimensions. The history of its emergence shows that semanda was born as a mechanism to maintain the continuity of the family that does not have a male successor, while its philosophy

is rooted in the values of Piil Pesenggiri which emphasizes collective responsibility, mutual cooperation, and respect for the family. Through this mechanism, a man experiences a transformation of social position, obtains a new customary status, while assuming rights and obligations that are different from ordinary marriage. Thus, semanda is not just a form of marriage, but a mechanism for changing social status institutionalized through the customary law of Lampung Saibatin, so that its existence becomes one of the important instruments in maintaining the continuity of kinship structure, customary leadership, and social identity of the people of Lampung.

The Practice of Losing Male Inheritance Rights due to Same-Sex Marriage

The results of field research show that the practice of semanda marriage in the indigenous people of Lampung Saibatin not only has implications for changes in the place of residence and social position of a man, but also affects his legal position in the customary inheritance system. Based on in-depth interviews conducted with traditional contributors, community leaders, heirs, and families of perpetrators of semanda marriage in West Coast Regency, Tanggamus Regency, and West Lampung Regency, it was found that the transfer of a man's customary status into his wife's family is often followed by restrictions and even the loss of rights to the inheritance of the family of origin. Although the blood relationship with parents and siblings is still recognized, in customary practice men who perform semanda marriage are seen as having shifted social responsibilities to their wife's family so that they no longer carry out their functions as successors to the family of origin.

In the first case in West Coast Regency, the results of the interview with [name/code of the informant] on [the date of the interview] showed that [describe the chronology of the case based on field data]. The informant explained that [excerpt of the results of the interview]. Based on this information, it can be seen that the decision not to grant inheritance land rights to a man who performs a semi-marriage is based on the assumption that he has become part of his wife's family. Thus, the right to continue the ownership and management of the estate is transferred to family members who remain in the line of kinship of origin. These findings show that the main consideration of indigenous peoples is not the breakdown of the relationship of descent, but the change in social status and customary functions carried out by the man.

The second case in Tanggamus Regency shows a different pattern. Based on the interview with [informant's name/code], it is known that [describe the chronology based on the results of the interview]. In the process of distributing inheritance, men who perform a temporary marriage are no longer involved in family deliberations regarding the distribution of inheritance. The informant said that [excerpt from interview results]. The non-involvement of a person in inheritance deliberations shows that the restriction of inheritance rights is not always carried out through the direct rejection of ownership rights, but also through

the reduction of the right to participate in the customary decision-making process. From the perspective of customary law, deliberation is a form of recognition of a person's position as a family member who still has rights and obligations to inheritance.

Similar findings were also obtained in West Lampung Regency. Based on the results of the interview with [informant's name/code], it is known that [describe the chronology based on field data]. The informant explained that men who marry in unison are considered to have left the original clan structure so that they are no longer positioned as traditional heirs to the family inheritance. [Insert excerpt of the interview results]. This condition shows that the transfer of customary status is understood as a transfer of social membership that has consequences for customary rights, including the right to inheritance. Although genealogical relationships are still recognized, recognition as a customary heir depends on the sustainability of social functions in the kinship structure.

In general, the three research locations show a relatively similar pattern, namely that temporary marriage is seen as a mechanism for changing social status that has an impact on the position of men in the customary inheritance system. The difference lies in the form of restrictions applied by each indigenous community. In some communities, restrictions are carried out through the elimination of inherited land rights, while in other communities it is manifested through the non-involvement of men in inheritance deliberations or no longer being recognized as customary heirs. These variations show that the implementation of customary law is greatly influenced by the agreement of the extended family, the position of the customary contributor, and the characteristics of each clan.

Table. Variations in Semanda Marriage Practices and Their Implications for Inheritance Rights in Saibatin Indigenous Peoples

Research area	**Forms of marriage**	**Customary practices based on field findings**	**Implications for inheritance rights**	**Empirical evidence and data sources**
West Coast	Semanda (type identified based on local practice)	It is filled out based on the information of traditional contributors and perpetrators of semanda marriage regarding the position of the husband, customary obligations, and his	It is described based on evidence whether there are restrictions on access to inheritance or inheritance rights, as well as	Informant code, interview date, direct quote, and custom documents if available.

		relationship with the family of origin.	the customary basis used.	
Tanggamus	Semanda (type identified based on local practice)	It was filled out based on the results of interviews about the implementation of semanda, the position of the husband in customary deliberations, and kinship relationships after marriage.	It is explained based on evidence whether there are restrictions on participation in inheritance deliberations or changes in rights to the family property of origin.	Informant codes, interview dates, direct quotes, and observation notes.
West Lampung	Semanda (type identified based on local practice)	It is filled in based on information from traditional leaders, spouses, and family members regarding the rules and implementation of customary obligations.	It is explained based on evidence whether semanda status affects recognition as an heir or access to inheritance.	Informant code, interview date, direct quote, and supporting documents.

Based on a comparison of the practice of intermarriage in West Coast Regency, Tanggamus Regency, and West Lampung Regency, it can be analyzed that the relationship between intermarriage and male inheritance rights needs to be understood by considering the kinship structure, social obligations, and customary provisions that apply to each community. If the results of the interview show that there is a restriction on the right to inheritance of the family of origin, the condition needs to be traced based on the underlying customary reasons, including changes in the social status of men after marriage and the transfer of responsibilities to the wife's family. However, these consequences cannot be generalized to the entire Lampung Saibatin community without considering the variation in practices between communities and empirical evidence from each research location.

From the perspective of legal anthropology, the practice of intermarriage can show the existence of a relationship between rights, social obligations, and the recognition of membership in the structure of customary kinship. However, its influence on inheritance needs to be distinguished between the right to inheritance according to customary and the right to receive inheritance according to Islamic law. The relationship of nasab remains one of the important bases in determining

inheritance according to faraid law, while changes in social status due to intermarriage do not automatically abort a person's inheritance rights. Therefore, the empirical findings of the three regions are the basis for analyzing the limits of the authority of customary norms, their position in Indonesian legal pluralism, and their conformity with the principles of Islamic inheritance and justice in the distribution of inheritance (Ugli et al., 2025).

The Contradiction of Customary Sanctions with *Al-Anṣibah al-Muqaddarah* in the Law of Farā'iḍ

The main substance of the problem in this study lies in the relationship between customary provisions regarding the position of men in the traditional marriage and their inheritance rights according to Islamic law. In the indigenous people of Lampung Saibatin, the marriage of the individual in certain communities can affect the social position of men in the family of origin, including their involvement in the management or control of customary inheritance. However, restrictions on the management or control of customary heirs need to be distinguished from the loss of the right to inheritance property and inheritance rights according to faraid law. Customary heirlooms are related to the provisions for inheritance, control, and utilization of property based on local customary norms, while inheritance property is property that a person leaves after death. The inheritance rights according to faraid are the heirs' rights to a share of the inheritance determined based on the inheritance relationship and sharia provisions after the settlement of inheritance obligations and the determination of inheritance that can be shared. In Islamic law, a change in social status due to a temporary marriage does not automatically abort a person's inheritance rights, because the inheritance barrier (mawāni' al-irth) must be based on the legal provisions recognized in fiqh. Therefore, the main question of this research is how to distinguish the consequences of customary on a man's position in the management of inheritance from his right to the inheritance of his parents or deceased relatives, and whether the restrictions that apply in a particular indigenous community have implications for inheritance rights according to Islamic law (Aryani et al., 2026).

In Faraid law, the concept of *Al-Anṣibah al-Muqaddarah* is a fundamental principle that shows that the share of each heir has been determined directly by Allah SWT. This provision is not born from the result of deliberation, customs, or community agreement, but is a divine decree (*ta'abbudī*) which is binding. Therefore, the scholars of usul fiqh categorize inheritance verses as nash that have definite legal force (*qaṭ'ī al-dalālah*) so that it cannot be changed by habit (*'urf*) which is contrary to the Shari'ah (Akil et al., 2026).

The main basis for the distribution of inheritance is found in QS. An-Nisā' [4]: 11, which begins with the words of Allah SWT: *"Yūṣīkumu Allāhu fī awlādikum..."* ("Allah has decreed for you the division of inheritance for your children"). This verse establishes the division of sons, daughters, fathers, mothers, and explains that the

division is the decree of Allah SWT. Tafsir al-Ṭabarī explains that this verse is the basis that the right of inheritance comes from a legitimate relationship of descent and not from one's social position in society. Ibn Kathīr also affirms that these provisions are the limits of Allah's law (*ḥudūd Allāh*) which cannot be changed by humans through tradition or family agreement. Therefore, as long as the relationship of nasab still exists and there is no barrier to inheritance recognized by the Shari'a, the right of inheritance remains attached to the heirs (Mardanus & Mustafa, 2026).

The arrangement is complemented by QS. An-Nisā' [4]: 12 which regulates the share of husbands, wives, and siblings. This verse shows that the Shari'ah has regulated in detail the proportion of inheritance distribution for each group of heirs without distinguishing their social position after marriage. According to al-Qurṭubī in *Al-Jāmi' li Aḥkām al-Qur'ān*, the details of the division show the perfection of Islamic sharia in realizing distributive justice so that humans are not justified in establishing new causes that remove the rights of heirs outside the provisions that have been set by Allah SWT (Hariati, 2026).

Furthermore, QS. An-Nisā' [4]: 176 regulates the division of inheritance in the circumstances of the *São Paulo*, that is, when a person dies without leaving father and son. This verse shows that the Qur'an has comprehensively regulated almost all possible inheritance relationships. Wahbah al-Zuḥaylī in *Al-Fiqh al-Islāmī wa Adillatuhu* explained that the breadth of the arrangement shows that inheritance law is a very detailed area of law so that the space for customary intervention that is contrary to NASH is very limited (Sukirman et al., 2025).

In addition to the Qur'an, the Sunnah of the Prophet Muhammad PBUH provides an affirmation of the causes of the loss of inheritance. The Prophet PBUH said: "Al-qātil lā yarith" (murderers are not entitled to inheritance) (HR. Abū Dāwūd, al-Tirmiżī, and Ibn Mājah). In another hadith the Prophet PBUH said: "Lā yarithu al-muslim al-kāfira wa lā al-kāfir al-muslima" (a Muslim does not inherit a disbeliever and a disbeliever does not inherit a Muslim) (HR. al-Bukhārī and Muslim). These two hadiths are the basis that the loss of inheritance rights must have a clear shari'i legitimacy. There is not a single sahih hadith that states that a change in social status due to marriage can erase a person's inheritance rights against his parents (Djawas et al., 2025).

Based on these nash-nash, the scholars then formed ijmak regarding the barriers to inheritance that are recognized by the Shari'ah. The majority of the jurists agree that the murder of the heirs, the religious differences between the heirs and the heirs, and the status of slavery are barriers to inheritance that have a strong legal basis. Beyond these three barriers, there are some differences in details in certain cases, but there is not a single opinion of the scholars who makes the transfer of customary status due to marriage as *mawāni' al-irth*. Thus, normatively there is

no basis in the Shari'ah that justifies the loss of inheritance rights just because a man has a semanda marriage.

This view is consistent in the four schools of fiqh. The Hanafi school emphasizes that the cause and barrier of inheritance are sharia provisions that cannot be extended through customs. Al-Sarakhsī in *Al-Mabsūṭ* explains that the right of inheritance is born due to the relationship of nasab, marriage, and wala', while the loss of rights can only occur if there is an obstacle recognized by the nash. Therefore, a change in residence or a change in social status after marriage does not remove the relationship between a child's nasab and his parents.

The Maliki school also holds the view that blood relations are the main cause of inheritance. In *Al-Mudawwanah al-Kubrā*, Imam Mālik emphasized that the right of inheritance cannot be removed just because of a change in a person's social circumstances. As long as the relationship of descent still exists and there are no sharia barriers, the right of inheritance remains attached. Thus, the custom that eliminates the right of inheritance due to intermarriage does not have legitimacy according to the Maliki school (Djawas et al., 2025).

The Shafi'i school even gives a stronger affirmation. In *Al-um*, Imam al-Shafi'i stated that the division of inheritance is a decree of Allah SWT which must be carried out as revealed in the Qur'an. Humans are not allowed to increase or subtract the share of inheritance based on customs, customs, or benefits that are contrary to nash. This principle shows that the inheritance rights of a son cannot be lost just because he changes his social status through a temporary marriage (R. Ritonga et al., 2024).

A similar view is put forward by the Hanbali School. Ibn Qudāmah in *Al-Mughnī* explains that the inheritance barrier is limited (*maḥṣūrah*) and cannot be expanded through qiyas or customs. The restriction of inheritance rights is only valid if it has a clear evidence from the Qur'an or Sunnah. Therefore, the transfer of customary status due to marriage cannot be categorized as an inheritance barrier according to the Hanbali school (Haq, 2025).

Table 2. Comparison between the barrier of inheritance recognized by the sharia and the practice of intermarriage

Inheritance Barrier (*Mawāni' al-Irth*)	Recognized in Sharia	Legal Basis
Murder of heirs	Yes	Hadith *"Al-qātil lā yarith"* and ijmak fuqaha
Religious differences	Yes	HR. al-Bukhārī and Muslims and ijmak ulama
Slavery	Yes	Classic fuqaha sum agreement

Semanda marriage	No	There is no basis in the Qur'an, Sunnah, ijmak, or the opinions of the four schools

Based on the analysis of the Qur'an, Sunnah, ijmak, and the opinions of the four madhhabs, it can be affirmed that semanda marriage does not fall into the category *of mawāni' al-irth*. Thus, the practice of customary law that eliminates or restricts male inheritance rights solely due to a change in customary status is contrary to the principle *of al-anṣibah al-muqaddarah* in faraid law. From the perspective of Islamic law, the relationship of nasab remains the main cause of the birth of inheritance rights and cannot be removed just because a person enters his wife's family through customary mechanisms.

These findings show that there is a normative conflict between Lampung Saibatin customary law and faraid law. Customary law makes changes in social status the basis for restricting inheritance rights in order to maintain the sustainability of customary structures and inheritance, while faraid law places inheritance rights as rights that have been directly determined by Allah SWT and can only be eliminated due to barriers that have a sharia basis. Therefore, the reconstruction of customary law that accommodates local values without negating faraid principles is an urgent need to realize harmonization between customary law and Islamic law in the Lampung Saibatin community.

Legal Pluralism: Why Do People Prefer Customs to Farā'iḍ?

The findings of the study show that the practice of restricting and even losing male inheritance rights due to intermarriage is still maintained by some indigenous people of Lampung Saibatin even though it is normatively contrary to the provisions of faraid law. This phenomenon cannot be explained only through a normative legal approach, because in reality society does not always use state law or Islamic law as the only reference in resolving inheritance problems. On the contrary, society lives in a space that is colored by the existence of various legal systems that work simultaneously. In such a context, the theory of legal pluralism is a relevant approach to explain why people maintain customary practices even though there are different sharia provisions.

John Griffiths explains that legal pluralism is a state when more than one legal system lives and works simultaneously in a society. Griffiths distinguishes between weak legal pluralism, namely pluralism recognized by the state through the establishment of various legal regimes, and Strong Legal Pluralism, which is a situation when state law is only one of the many norm systems that the community adheres to. According to Griffiths, in daily life, people often obey customary norms, religious norms, and community norms more than formal state laws because these norms have stronger social legitimacy. This perspective explains that the people of Lampung Saibatin live in a situation of strong legal pluralism (*Strong Legal*

Pluralism), where customary law, Islamic law, and state law are present simultaneously and interact with each other in regulating family relations and inheritance (Husain et al., 2024).

In the context of this study, the existence of customary law is not seen as a counterpart to Islamic law, but as a system of norms that has long governed the sustainability of the social structure of society. When there is an inheritance distribution, the community does not necessarily consider faraid provisions, but first considers the consequences of customary related to the sustainability of inheritance, family position, and maintenance of inheritance. Therefore, the choice of customary law is more of a social choice than a theological choice.

This view is in line with Brian Z. Tamanana's theory that law is essentially everything that society treats as law (*law is whatever people treat as law*). According to Tamanaha, the effectiveness of a legal system is not only determined by its normative strength, but also by the level of social acceptance of the norm. If the community views a customary rule as a binding guideline, then the rule will have the same strong validity as state law and religious law. In the Lampung Saibatin community, customary law gains this legitimacy because it is inherited from generation to generation and institutionalized through a distribution structure that has high social authority. As a result, when there is a conflict between customary and faraid provisions, some people prefer to maintain customary practices in order to maintain social harmony rather than implementing inheritance distribution based on formal sharia provisions (b Ahmad et al., 2024).

This phenomenon can also be explained through the theory of living law put forward by Eugen Ehrlich. Ehrlich argues that the actual law that regulates people's lives is not merely the law written in laws and regulations, but the living *law* in daily social practice. According to him, the effectiveness of the law is largely determined by the degree of internalization of norms in people's lives. In the context of the Lampung Saibatin community, customary law regarding intermarriage and the distribution of inheritance has become part of *the living law* that continues to be practiced across generations. Therefore, the community views these rules as moral and social obligations that must be complied with, even though normatively different from the faraid system.

Based on the results of interviews conducted at the research location, there are several main factors that cause people to prefer to apply customary law over faraid law in the case of semanda marriage.

The first factor is customary identity. For the people of Lampung Saibatin, customary is not just a collection of rules, but a collective identity that distinguishes them from other communities. Donation structures, customary titles, customary houses, and inheritance systems are seen as symbols of the sustainability of clan existence. Therefore, maintaining customary rules regarding semanda is understood as an effort to maintain cultural identity that has been inherited by

ancestors. In this perspective, adherence to customary is a form of loyalty to the community, not rejection of Islamic teachings.

The second factor is respect for the traditional banker. In the Saibatin society, the banker not only functions as a traditional leader, but also as a guardian of social balance and a symbol of the legitimacy of important decisions in the extended family. Decisions regarding the distribution of inheritance are generally taken through deliberation led by traditional bankers. Therefore, the decision of the banker has high moral power and tends to be obeyed by all family members. Compliance is based more on respect for social authority than on normative considerations about the right or wrong of a rule according to Islamic law.

The third factor is concern about social sanctions. The results of the study show that families who deviate from customary decisions have the potential to face various forms of social pressure, such as reduced respect in the community, not being involved in customary activities, or disrupted family relationships. In societies that still have strong communal ties, social sanctions are often more effective than formal legal sanctions. Therefore, many families choose to follow customary provisions despite being aware of differences with faraid provisions.

The fourth factor is the desire to maintain the integrity of the heirloom land and the sustainability of the customary structure. Heirloom land in the Lampung Saibatin community not only has economic value, but also contains historical, symbolic, and spiritual value. The land is a symbol of clan sustainability, a place where various traditional activities are carried out, and a marker of the existence of the family in the social structure of the community. Therefore, the restriction of inheritance rights for men who carry out intermarriage is seen as a mechanism to prevent the transfer of control of inherited land outside the traditional family structure. This consideration shows that the main orientation of the community is to maintain the sustainability of customary institutions, not to reduce one's rights for discriminatory reasons.

The findings of this study show that people's choice of customary law is not based on rejection of Islamic law. Almost all informants admitted that the provisions of faraid are part of Islamic teachings that must be believed. However, in social practice they try to balance the obligation to practice religious teachings with the need to maintain the sustainability of customs. In other words, people do not view customary and Islamic as two systems that must be opposed, but as two sources of norms that both have legitimacy in their lives. When there is a conflict between the two, people tend to look for a solution that is considered the most capable of maintaining social harmony, although in some cases the results are different from the provisions of faraid.

Analysis based on the theories of Griffiths, Tamanaha, and Ehrlich shows that this practice is a real manifestation of legal pluralism in Indonesia. Customary law survives because it has strong social legitimacy, while faraid law has high theological

legitimacy. The conflict that occurs is not a conflict between customs and religion, but a conflict between two legal systems that both live in society and have different legitimacy grounds. Therefore, resolving the problem of the loss of male inheritance rights due to intermarriage is not enough to be carried out through a normative approach that places one of the legal systems as the winner. What is needed is a legal reconstruction that is able to harmonize the values of protection of inheritance in customary law with the principle of distributive justice which is the basis of faraid law. The harmonization approach is the conceptual basis for the preparation of the legal reconstruction model in the next subchapter so that the sustainability of customary is maintained without ignoring the inheritance rights that have been established by Islamic law (Hafis et al., 2026).

Table 3. The Dominant Factor of the Community Choosing Customary Law over Farā'iḍ

Factors	Explanation	Theoretical Perspectives
Indigenous identity	Customs are seen as a collective identity that maintains the continuity of the clan and the partnership.	John Griffiths (*strong legal pluralism*)
Respect for contributors	The decision of the customary banker has social legitimacy and is the main reference in the distribution of inheritance.	Brian Z. Tamanaha (*law as social practice*)
Concerns about social sanctions	Deviations from customary decisions can lead to exclusion, family conflicts, or loss of respect within the community.	Eugen Ehrlich (*living law*)
Preserving the heritage land	Heirloom land is maintained as a symbol of identity, clan sustainability, and stability of customary structures.	Griffiths, Tamanaha, and Ehrlich

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

The results of the study show that the main problem in the practice of semanda marriage does not lie in the existence of customary law itself, but in the absence of a clear normative limit on the extent to which customary sanctions can be applied to a person's inheritance rights. In the Lampung Saibatin community, the transfer of social status through semanda marriage is often used as a basis to limit or even eliminate male inheritance rights to the inheritance of the family of origin. From the perspective of customary law, the policy is intended to maintain the continuity of the inheritance structure, maintain the identity of the clan, and protect the inherited land from leaving the traditional family environment. However, from the

perspective of faraid law, this practice raises problems because it eliminates the inheritance rights that have been expressly stipulated in the Qur'an.

The findings of this study show that the conflict that occurs is not a conflict between customary and Islam as two value systems that negate each other, but a conflict regarding the limits of the applicability of customary norms when dealing with the provisions of sharia that are *qaṭ'ī*. Therefore, this study does not offer the abolition of customary law, but rather a reconstruction of the space for its application so that it can still live as part of the national legal system without contradicting the basic principles of Islamic law.

Based on the analysis of the theory of legal pluralism, the concept of living law, the theory of 'urf in fiqh proposals, the principle of maqāṣid al-syarī'ah, and the provisions of faraid law, this study offers a conceptual model of The Compatibility Principle of Customary Inheritance Sanctions as an instrument to test the suitability of customary sanctions related to inheritance with the principles of Islamic law. This model is not intended to reject the entire customary practice of marriage, but rather to distinguish customary provisions that regulate social status, family obligations, and inheritance management from sanctions that eliminate a person's inheritance rights that have been determined based on faraid law. The test is carried out through four interrelated indicators, namely conformity with the source of sharia law, protection of the rights of heirs, freedom and voluntariness in deliberation, and alignment with the goals of sharia. The four indicators are used cumulatively while still paying attention to the differences in the character of each legal issue.

Table 4. Model The Compatibility Principle of Customary Inheritance Sanctions

Test indicators	Criteria meet	Criteria not met	Legal consequences
Conformity with the Qur'an and Sunnah	Customary provisions do not conflict with the relevant sharia principles and provisions.	Customary sanctions are used to negate rights that have been established based on sharia provisions.	Customary provisions that are contrary to the provisions of the sharia cannot be used as a basis for aborting faraid rights.
Protection of inheritance rights	The rights of the heirs are determined based on the causes and provisions of the applicable	The status of semanda is used as a separate excuse to abort inheritance rights without a sharia basis.	Semanda status cannot by itself be a barrier to inheritance.

	Islamic inheritance.		
Free and voluntary deliberation	The deliberation was carried out after the identity of the heirs, the inheritance, the obligations of the heirs, and the rights of each heir were clarified.	Deliberation is used to force the heirs to give up their share of the inheritance or to authorize the unilateral abolition of rights.	An agreement can only be considered if it meets legal requirements, is based on free consent, and does not contain coercion.
Alignment with maqāṣid al-syarī'ah	Customary provisions protect the interests of the family and property without causing violations of the rights of the heirs.	Customary provisions cause injustice or unjustifiable losses to the heirs.	Customary provisions need to be evaluated or reconstructed to be in harmony with property protection and justice.

First, the test of conformity with the Qur'an and Sunnah. This indicator is used to assess whether customary sanctions are related to social arrangements or actually remove inheritance rights. For example, if a man who is married to a wife is obliged to live in his wife's family environment and help maintain the family's inheritance, this provision is essentially a social obligation arrangement that needs to be examined in the context of his custom. However, if the man is later declared not entitled to inherit from his parents solely because of his semantan status, the provision must be tested differently. The status of a married person is not in itself a barrier to inheritance in Islamic law. Thus, social restrictions or inheritance management should not automatically be extended to the elimination of the right to inheritance.

Second, the test of the protection of inheritance rights. This indicator is applied by first identifying the status of the disputed property. Customary heirlooms whose control and use are regulated based on customary provisions need to be distinguished from the personal property of the heirs who are the object of inheritance according to Islamic law. If the object is the personal property of the deceased parent and the man meets the requirements as an heir, the temporary marriage cannot be used as the only reason for the deprivation of his rights. On the other hand, if the object in question is an inherited land that legally and customarily

has a special ownership or control character, the status and provisions of the transfer must be examined first. This test prevents the conclusion that any restriction on the management of inherited land is a violation of faraid rights.

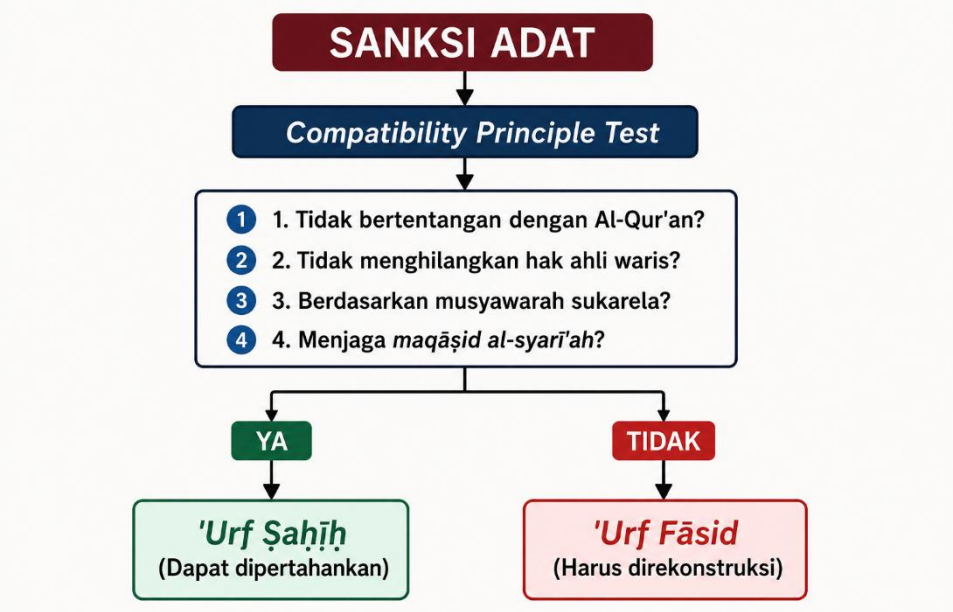
Third, the test of free and voluntary deliberation. Customary deliberation can still serve as a mechanism for resolving disputes and maintaining family relations, but it should not be positioned as an instrument to remove the faraid section before the rights of the heirs have been determined. For example, if all the heirs have been identified and their respective shares have been calculated, they may consider a division or rearrangement agreement on the property to maintain the integrity of the family land. The agreement must be done consciously, voluntarily, without intimidation, and with an adequate understanding of each party's rights. Mechanisms such as ṣulḥ or takhāruj can be used in accordance with the relevant fiqh requirements, while grants must meet the conditions applicable to the act of grant. Heirs should not be considered to have waived their rights simply because they were present at the deliberations, obeyed the decisions of traditional leaders, or received a certain social status after the marriage of the somanda.

Thus, deliberation functions as a mechanism for settlement or settlement after inheritance rights are clarified, not as a basis for negating the right. The consent of one heir also does not automatically bind other heirs who do not agree to it.

Fourth, testing based on maqāṣid al-syarī'ah. This indicator assesses whether customary provisions safeguard the family's interests without sacrificing rights protected by the sharia. The desire to preserve inherited land, maintain the continuity of the customary family, and prevent the fragmentation of property can be important considerations. However, these goals do not necessarily justify the elimination of inheritance rights. If the preservation of family land can be achieved through arrangements for use, legal joint ownership, or voluntary agreement after inheritance rights have been determined, such mechanisms should be considered rather than imposing sanctions that deprive a person of their rights. Thus, customary benefits should be achieved in a manner that does not create injustice and does not contradict the provisions of Islamic inheritance.

The application of these four indicators shows that the assessment of customary sanctions must begin by identifying the object of the property, the legal position of the party concerned, the form of sanctions applied, and the legal consequences. After that, customary provisions are tested based on their conformity with sharia law, protection of heirs' rights, the validity of the agreement, and the purpose of Islamic law. If the sanctions only regulate social obligations or the management of inheritance that are legally within the scope of customary authority, these provisions must not automatically be rejected. However, if the sanction directly removes a person's right to the heir's personal inheritance solely because he is undergoing a semanda marriage, the sanction cannot be used as a basis for the abortion of inheritance rights according to faraid law.

On that basis, the main contribution of this model lies in the distinction between customary legitimacy as a regulator of social relations and the limits of customary authority over inheritance rights. This model also offers a mechanism to reconstruct customary practices without having to eliminate all applicable traditions. The preservation of inherited land and family harmony can still be pursued through legitimate mechanisms, while inheritance rights according to Islam are still protected in accordance with applicable provisions.



The novelty of this research lies in the development of The Compatibility Principle of Customary Inheritance Sanctions, which is a normative model to test the applicability of customary sanctions in Islamic inheritance law. In contrast to previous studies that generally only describe the conflict between customary law and Islamic law or conclude that one of the legal systems must take precedence, this study offers an evaluative instrument that allows customary law to be maintained as long as it meets the four indicators of compatibility with faraid principles. This model provides a harmonized framework between the *living law* of indigenous peoples and Islamic law so that it can be a reference in the reform of customary inheritance law in Indonesia based on legal pluralism, respect for local culture, and certainty of sharia law.

Implications for Islamic Inheritance Law Reform in Indonesia

The findings of this study show that the practice of losing male inheritance rights due to intermarriage in the indigenous people of Lampung Saibatin is a manifestation of the complexity of legal pluralism in Indonesia. On the one hand, customary law has strong social legitimacy because it functions to maintain the sustainability of kinship structures, cultural identity, and the preservation of inheritance. On the other hand, faraid law stipulates inheritance rights as rights that are directly sourced from the Qur'an and Sunnah so that they cannot be removed

through customary mechanisms that are contrary to the provisions of sharia. This condition shows that the reform of Islamic inheritance law in Indonesia is not enough to be carried out by affirming the superiority of one legal system, but must be directed at the development of a harmonized model that is able to integrate customary law values with Islamic law principles within the framework of the Indonesian legal state.

The first implication of this research is related to the development of the Compilation of Islamic Law (KHI). So far, KHI has more regulated normative provisions regarding the cause of inheritance, the share of heirs, and the mechanism for the division of inheritance, but has not provided adequate guidelines regarding the resolution of conflicts between Islamic inheritance law and customary law. In fact, in judicial practice, there are still people who maintain a mechanism for distributing inheritance based on custom, especially in customary law communities that have their own inheritance system. Therefore, this study proposes that the future renewal of the KHI include norms regarding the relationship between customary law and Islamic inheritance law by emphasizing that customary can be accommodated as long as it does not contradict the provisions of the Qur'an, does not eliminate the rights of heirs that have been determined by the sharia, is implemented through voluntary deliberation, and still maintains the goals of sharia (*maqāṣid al-shari'ah*). This formulation does not remove the existence of customary law, but provides a clear normative limit regarding its scope of enforcement.

The second implication is related to the practice of Religious Courts. As an institution authorized to resolve inheritance disputes for Muslims based on Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts, the court is not only required to apply the law textually, but also to understand the social reality of the community. The results of this study show that inheritance disputes involving traditional families are often not only related to the issue of property distribution, but also to family identity, customary leadership, and the sustainability of inherited land. Therefore, judges of the Religious Court need to develop a *socio-legal adjudication* approach, which is an approach that considers social and cultural facts without ignoring the provisions of Islamic law. In this context, The Compatibility Principle of Customary Inheritance Sanctions offered in this study can be used as an analytical framework to assess whether a customary provision can still be maintained or must be set aside because it is contrary to faraid principles.

The third implication is aimed at Customary Institutions as an institution that has authority in maintaining the sustainability of local cultural values. This research does not view customary institutions as parties that must be left behind in legal reform, but as strategic partners in building harmonization between customary and sharia. Therefore, customary institutions need to reinterpret customary provisions that have the potential to cause injustice, especially customary sanctions that

eliminate a person's inheritance rights just because of a change in social status due to same-sex marriage. This reinterpretation does not mean eliminating the existence of customs, but adjusting the substance of customary to remain relevant to the development of Islamic law and human rights principles. Thus, the function of customary as a *Living Law* Remain preserved without sacrificing the normative rights of the heirs (M. C. Ramadhan, 2025).

The fourth implication is related to strengthening the function Mediator in the settlement of inheritance disputes. The results of the study show that most customary inheritance disputes can actually be resolved through family deliberation if there is a facilitator who understands both customary law and Islamic law. Therefore, mediators in Religious Courts and non-litigation mediators need to have interdisciplinary competencies that include understanding of faraid law, customary law, mediation techniques, and socio-cultural approaches of the local community. The mediation model allows the parties to continue to obtain faraid rights as stipulated by the sharia, while providing space for voluntary redistribution of property through mechanisms *ṣulḥ*, *takhāruj*, or grants to maintain the integrity of inheritance and family relations (Darmawan, 2022).

The role of traditional leaders also has a very important meaning in the process of legal harmonization. Based on the results of the research, the people of Lampung Saibatin in general are more receptive to change when conveyed by traditional contributors than through a formal legal approach alone. This shows that traditional leaders have large social *capital* in shaping community compliance with legal norms. Therefore, traditional leaders need to be involved in legal counseling programs, Islamic heritage education, and the preparation of joint guidelines between customary institutions and religious institutions. Through this participatory approach, legal changes are not seen as a threat to customs, but as a form of strengthening the values of justice that have long been the goal of customary law and Islamic law.

The harmonization between customary law and faraid law as offered in this study is built on the principle that customary does not have to be abolished, but must be placed within boundaries that are in line with sharia. By using The Compatibility Principle of Customary Inheritance Sanctions, each customary provision can be tested through four indicators, namely its conformity with the Qur'an and Sunnah, not eliminating the rights of heirs that have been determined by the sharia, carried out based on free and voluntary deliberation, and in line with the goals *of maqāṣid al-shari'ah*. Customary provisions that meet these four indicators can still be maintained as *'urf ṣaḥīḥ*, while provisions that fail to meet one of the indicators must be reconstructed because they fall under the category *of 'urf fāsid*.

The harmonization model provides a middle ground between a legalistic approach that rejects all customary practices and a relativistic approach that accepts all the customs of society without borders. Islamic inheritance law reform in

Indonesia should not be understood as a process of replacing customary law with Islamic law or vice versa, but rather as a process of building a normative dialogue between the two legal systems. In the context of customary law communities, the harmonized approach is much more effective because it is able to maintain the sustainability of cultural identity while ensuring the protection of the rights of heirs that have been established by the sharia.

Based on the overall findings of the research, it can be affirmed that the reform of Islamic inheritance law in Indonesia requires a new paradigm that no longer places customary law and Islamic law in a dichotomous relationship, but in a complementary relationship through a harmonization mechanism. The novelty of this research lies in the development of The Compatibility Principle of Customary Inheritance Sanctions as a normative instrument to determine the limits of the applicability of customary sanctions in the Islamic inheritance system. This model not only makes a theoretical contribution to the development of Islamic family law, but also offers practical guidelines for policymakers, judges of Religious Courts, mediators, customary institutions, and community leaders in resolving inheritance disputes in Muslim indigenous peoples in a more fair, inclusive, and in accordance with the principles of Islamic law.

CONCLUSION

This study concludes that the three cases presented show variations in the restrictions on the customary position of men who undergo *semanda* marriages: restrictions on access to the inherited land of the family of origin, the non-involvement of men in deliberations, and the transfer of customary functions to the wife's family. Because the interview description is not accompanied by ownership documents or an inventory of the inheritance, the findings are not sufficient to conclude that all objects referred to as inheritance are *tirkah* or that in each case there has been the elimination of the faraid part. Normatively, if an asset is proven to be the inheritance of the heir and the man is qualified as an heir, the *marriage is* not a barrier to inheritance and cannot be used as a single reason to eliminate its share. These results are contextual in the case studied and are not generalized to the entire Saibatin community.

The conceptual contribution of this article is The Compatibility Principle of Customary Inheritance Sanctions, which is four indicators to assess the applicability of customary sanctions: (1) it does not contradict the Qur'an and the Sunnah; (2) it does not eliminate the rights of the heirs that have been established by the shari'a over proven inheritance; (3) deliberation is carried out freely and voluntarily after the rights of the heirs have been explained; and (4) in line with *maqāṣid al-syarī'ah*. Customary rules governing communal inheritance need to be tested through the status of ownership and local context, whereas rules that use premarital *marriage* to remove the faraid part of individual inheritance cannot be maintained. This model can be a conceptual material for the harmonization of customary law and Islamic

law, while still leaving open the need for further validation through other cases and relevant ownership documents.

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