

THE PERSPECTIVE OF ISLAMIC LAW ON WOMEN'S RIGHTS IN THE DISTRIBUTION OF INHERITANCE IN SASAK ETHNIC CUSTOMS IN BANGGAI REGENCY, INDONESIA

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Abstract

This study discuss the perspective of Islamic law on women rights in distribution of inheritance in Sasak ethnic customs in Banggai regency, Indonesia. This study used qualitative approach with the data was collected through field observation, in-depth interview with local communities, and written document analysis. The findings of this research indicate that the rights of women in the inheritance distribution practices conducted by the indigenous Sasak community in the village of Mekar Jaya is referred to as "*bebande*" (carrying on the head). This term implies that female offspring are heirs entitled to inheritances. However, due to the community's custom of distributing inheritances through *musyawarah* (discussions), in some instances, daughters do not receive their rightful share of the inheritance. Our study also reveals that women often do not inherit due to the customary practice that they will be taken and live with their husbands upon marriage. Sons, on the other hand, bear significant responsibilities, providing financial support to their families. As a result, women are financially supported by their husbands, and the inheritances allocated to them are relatively modest, contingent on the approval of female heirs. Despite these challenges, the underlying purpose of such practices is to maintain family harmony, particularly among the heirs.

Keywords: Islamic law, Wome Rights, Inheritance, Sasak Customs, Indonesia.

INTRODUCTION

In Islam, inheritance law holds a significant position, and the Quran elaborates on inheritance law in great detail. This prominence is attributed to the fact that inheritance issues are inevitable for every society or individual, as inheritance laws directly involve material possessions (Stum, 2000). If not clearly specified and fulfilled, these laws can easily lead to disputes among the community or heirs. Following the death of an individual, questions arise regarding the implementation of their estate, the recipients of the estate, and the procedures for the estate transfer. These matters are regulated by Islamic inheritance law.

Islamic inheritance law comprehensively governs and determines matters related to the transfer and continuity of inherited assets from the deceased to their heirs (von Benda-Beckmann & von Benda-Beckmann, 2012). This process is known as "*alfara'id*", a discipline that discusses or explains the regulations governing inheritance. In addition to Islamic law, customary law, as one of the oldest legal systems in Indonesia, also addresses the transfer of the estate of a deceased person to all his/her heirs. Customary inheritance law in Indonesia is strongly influenced by the principles of lineage followed by the concerned community and serves as a benchmark in distributing inherited wealth (Adeline & Rahayu, 2023). Lineage principles vary, including pure patrilineal, matrilineal, or bilateral systems (though the specific application in

Indonesia may be challenging to ascertain), as well as double-unilateral principles. These lineage principles significantly impact the determination of heirs and the allocation of both material and immaterial aspects of the estate.

The majority of the Indonesian population stands at the intersection of customary and Islamic law. Most Islamic communities have not fully embraced Islamic law as it should be, except in some regions or limited groups still adhere to customary inheritance laws. Customary inheritance law encompasses various systems and principles. Kidido et al., (2017) defines customary inheritance law as regulations governing the process of the transmission and allocation of material and immaterial assets from one generation to its descendants.

In the context of the distribution of inheritance, the Sasak community is one of the ethnic groups in Indonesia that still utilizes customary inheritance law in the division or resolution of issues related to the estate of a deceased individual. Based on initial observations on the distribution of inherited wealth, the Sasak community in the village of Mekar Jaya continues to use the method of customary distribution of inheritance. One notable aspect is the treatment of female offspring, where some do not receive any inheritance, while others allocate an inheritance to female offspring equal to that of male offspring.

Given the above explanations, this study focus on understanding the practice of distribution of inheritance among Sasak ethnic customs to provide insight to academia and practitioners. The aims of this study include to show the uniqueness of Sasak ethnic customs in the distribution of inheritance and to show the alignment of the Sasak inheritance distribution customs with Islamic law. As such this study is expected to contribute to the local customs misconception regarding the distribution of inheritance among Sasak communities. In addition, the women's rights in the distribution of inheritance in the Sasak community is in accordance with Islamic law's perspective.

LITERATURE REVIEW

Theories of Islamic Law

a. *Maqasidsyari'ah*

Maqasid al-Syari'ah is a compound (*Idlafi*) term consisting of two phrases: *Maqashid* and *al-Syari'ah*. Etymologically, *Maqashid* is the plural form of the word *Maqshid*, derived from the letters *qaf*, *shad*, and *dal*, signifying intention or purpose. On the other hand, the term *al-Syari'ah* etymologically originates from the words *syar'a*, *yasyra'u*, *syar'an*, which mean legislating or stating the law. When it is said, "*syara' lahum syar'an*," it means indicating a path or regulation.

In terminology, *Syari'ah* has various interpretations. According to Reinhart (1983) *Syari'ah* is the canon law of Islam, encompassing all of Allah's commands in the form of textual evidence. It is also defined as the regulatory framework or laws prescribed by Allah to be followed, covering matters related to creed, worship, ethics, and transactions. Satria Effendi further explains that *Syari'ah* constitutes *al-nushus al-muqaddasah*, sacred texts found in the Quran

and *mutawatir* hadiths unaffected by human understanding and interpretation. Thus, *Syari'ah* encompasses theological, practical, and ethical aspects. The scope of Sharia encompasses the domains of *i'tiqadiyyah* (creed), *'amaliyah* (rituals and actions), and *khuluqiyah* (morality and ethics). However, according to contemporary scholars, there has been a narrowing of the meaning of Sharia.

The study of *Maqashid al-Syari'ah* theory in Islamic law is deemed essential for several reasons. Firstly, Islamic law derives from divine revelation and is intended for humanity, necessitating adaptation to social changes (Arif, 2019). The examination of various elements of Islamic law, including the crucial *Maqashid al-Syari'ah* theory, is required to assess its adaptability to evolving societal dynamics. Secondly, historical evidence indicates that Prophet Muhammad, his companions, and subsequent *mujtahid* generations paid attention to this theory. Thirdly, knowledge of *Maqashid al-Syari'ah* is pivotal for the success of *mujtahids* in their *ijtihad*, guiding every matter in human interaction (*mu'amalah*) back to the fundamental purpose of the law.

There are certain conditions for *Maqashid al-Syari'ah* which includes four criteria as follows:

- 1) It must be permanent, signifying that the intended meanings are certain or strongly presumed.
- 2) It must be clear, ensuring unanimity among jurists in determining its meaning. For example, preserving lineage is a purpose of legalizing marriage.
- 3) It must be measurable, meaning that the intended meaning should have a clear and undisputed criterion. For example, safeguarding reason is a purpose of prohibiting intoxication (drinking *Khamr*), with a defined measure of drunkenness.

It must be applicable universally, implying that the meaning remains consistent across time and place. For instance, the nature of Islam and the ability to provide financial support as a condition of *kafa'ah* in marriage in the Maliki school.

b. Fiqh Principles

Qawaid Fiqhiyyah is a compound term formed by two words: *qawaid* and *fiqhiyyah*. Etymologically, *qaidah*, in its plural form *qawaid*, means principles, bases, or foundations of something, whether tangible and material such as the foundation of a building or abstract and non-material as the *ushuluddin* (principles of religion) (Abdullah, 2020). In terms of terminology, scholars have different definitions of *Fiqh* principles (Parry, 2012).

Abu Zahrah defines *Qawaid Fiqhiyyah* as:

مَجْمُوعَةُ الْأَحْكَامِ الْمُتَشَبِهَاتِ الَّتِي تُرْجَعُ إِلَى قِيَاسٍ وَاحِدٍ جَمَعَهَا

A collection of similar laws derived from *qiyas* or analogy, meanwhile, Al-Jurjani describes it as:

قَضِيَّةٌ كَلْبِيَّةٌ مُنْطَبِقَةٌ عَلَى جَمِيعِ جُزْءِيَّاتِهَا

A comprehensive determination covering all its parts (Al-Jurjani, 1983).

Fiqh principles render Fiqh as a specialized, relative science significantly influenced by the conditions, time, and place (*qabilliniqash, qabil lit taghyir*) (Mansour & Bhatti, 2018). The development of society, culture, knowledge, and technology indirectly affects the evolution of Islamic law. While the essence of Sharia remains unchanged, interpretations can evolve to accommodate changing times, bridged by Fiqh principles as parameters in understanding the meanings contained in the Quran and Sunnah, applied in contemporary Islamic law.

Islamic law is characterized by three eternal, everlasting, and unchanging features: first, *takamul* (completeness), signifying that Islamic law forms a complete and cohesive system for all nations, despite their diverse backgrounds. Second, *wasathiyat* (harmony), meaning that Islamic law follows a middle path, balancing and not favoring extremes, harmonizing reality and ideals. Lastly, the eternity of Islamic law itself, as it cannot change due to its eternal nature; however, interpretations can adapt to contemporary developments, guided by Fiqh principles (Melchert, 2001).

Inheritance in Islam

Powers (1998) employs the term "Islamic inheritance law" in connection with the science of *Faraidh*, defining it as a set of written rules based on the revelation of God and the Muhammad Prophet regarding the transfer of wealth or tangible assets from the deceased to the living, acknowledged and believed to be applicable and binding for all who follow Islam".

In Islamic inheritance law, three essential elements must be fulfilled (Ariff & Mohamad, 2017):

- a. Heirs: Individuals who are related to the deceased in any way and are entitled to inherit.
- b. The person who bequeaths wealth *Pewaris*. A person who is clearly or legally established indication of deceased, for example, *maqfud* as someone officially declared dead.
- c. Estate (Inherited Property): Also known as *tarikah* and inheritance, referring to assets or rights transferred from the deceased to the heirs.

Additionally, there are certain conditions where an individual can become an heir:

- a. Blood Relationship: Presence of a familial relationship, either through lineage or blood ties;
- b. Marital Relationship: Connection between spouses through marriage;
- c. *Wala'* Relationship: *Wala'* is a connection where someone has freed another person from slavery, and if the freed person dies before the liberator, the liberator has the right to inherit their wealth.

According to the majority of scholars, there are three impediments to inheritance (Noordin, Ismail, Abd Rahman, Haron, & Abdullah, 2016):

a. Murder

Scholars unanimously agree that a murderer does not inherit unless an extreme faction, known as the Khawarij, asserts the murderer's right to inheritance (Hahlo, 1953). Umar bin Khattab prohibited a murderer from inheriting to prevent incidents of murder and to avoid allowing an accused person to benefit from their crime.

b. Religious Differences

c. The majority of scholars maintain that a Muslim cannot inherit from non-Muslim relatives, and vice versa. For instance, if a Muslim husband dies, leaving behind a wife who is Jewish or Christian, the wife cannot inherit the deceased husband's estate. However, the wife can receive it through a will, but not exceeding one-third of the husband's estate.

Regarding the inheritance of non-Muslims, whether they are killed under the punishment of *had* (Islamic law) or die a natural death, the majority of scholars in the Hijaz, such as Imam Malik and Imam Shafi'i, argue that their wealth should be handed over to Baitul Mal.

d. Slavery

All scholars unanimously agree that slaves are barred from inheriting and being inherited (Haslett, 1986). When a slave dies, their wealth is not inherited by their relatives, as slaves do not possess individual ownership of property. Slaves are treated as the property of their master. Islam incentivizes the act of freeing slaves, considering it an honorable deed and categorizing it as *kaffarah*. Presently, with the absence of slavery, inheritance issues related to slavery do not arise.

Customary Inheritance Law

Customary law is a term bestowed by legal scholars in the past to the set of principles, guidelines, and realities governing and organizing the lives of the people in Indonesia. Scholars at that time observed that the Indonesian people, living in remote areas, adhered to order and lived in an organized manner based on rules they established themselves (Diala, 2017).

According to Bennett & Vermeulen (2009) customary law is law not derived from regulations created by the former Dutch East Indies government or other authoritative instruments established by the Dutch authorities. It applies to native people and people from the Eastern regions. He further argued that to distinguish between custom and customary law, one should look at the element of sanctions, stating that not all customs qualify as customary law—only customs with sanctions can be classified as customary law.

In customary inheritance law, inherited property is not considered a unified entity with a monetary value. Instead, it is regarded as an undivided or divisible unit based on its type and the interests of the heirs. Inherited property cannot be sold as a whole, and the proceeds from its sale cannot be distributed to the heirs according to the provisions of Islamic or Western inheritance law.

Customary inheritance includes property that cannot be divided among the heirs in terms of ownership, and some that can be divided (Takane, 2008). Undivided property is collectively owned by the heirs, and while it cannot be owned individually, it can be used and enjoyed. Undivided customary inheritance can be pledged in urgent situations with the approval of customary leaders and relevant family members. Even for divided inheritance property, if an heir intends to transfer (sell) it to someone else, opinions must be sought among family members to avoid violating neighborly rights (*naastingsrecht*) within the harmony of kinship.

a. Costumary Law as a Living Law

Regarding the term "customary law as a living law," it is stated that customary law is a living law because it embodies the genuine legal feelings of the people, albeit not yet developed scientifically (Diala, 2017). In 1974, during the 3rd National Law Seminar, this issue was revisited and became one of the discussion topics on the "Understanding of Customary Law as a Living Law in Society." One conclusion of the seminar was that the development of national law should consider the living law within society.

Customary law as the living law is the process of forming a living law. Fuller referred to it as implicit law. This term is intended to contrast it with intentionally created law, i.e., law made by an entity or individual with a monopoly on authority to do so. Implicit law does not involve authoritative verbal declarations about its content. It does not express itself in words but through a course of conduct. Implicit law depends on and is influenced by time. Over a long or short period, implicit law forms, grows, and develops. In contrast to created law, implicit law does not explicitly state its goals. Van Vollenhoven stated that law is a phenomenon in society that is constantly interacting with other phenomena in society.

b. Customary Law as a Reflection of the Soul of Indonesian Society

Norms are standards that must be adhered to by an individual in their relationship with others or their environment. In its development, norms are interpreted as standards or guidelines for an individual to act or behave in society (Miller & Prentice, 1996). Scholars also use the term "*kaidah*," stating that "*kaidah*" is commonly interpreted as life rules that determine how humans should behave in society to protect the interests of others. In essence, norms or *kaidah* are an objective view of evaluating whether an action should or should not be done, recommended to be carried out as behavior guidelines, or rules of conduct that must be obeyed to provide order and protection to humans or groups of humans.

Norms or these rules (*kaidah*) are a measure of which actions should or should not be done. These guidelines exist and are created because people do not have the same views to achieve their lives. Humans live in a structure of rules and simultaneously represent a way of life. This way of life is composed of rules that encompass rules of belief (religion), morality, etiquette, and legal rules. Among these four rules, legal rules are characterized by strict sanctions. The existence of strict legal sanctions is a characteristic of law compared to other norms. Because the law clearly regulates human actions physically, and it has the nature of creating balance between the interests of the community. The balance created is intended to neutralize or minimize conflicts towards a balance that can be accepted by society.

c. Nature of Customary Inheritance Law

If customary inheritance law is compared with Islamic inheritance law or Western inheritance law, as mentioned in the Civil Code, differences can be observed in the inherited property and the various ways of its distribution.

In customary inheritance law, inherited property is not considered a unified entity with a monetary value, but rather a unit that is undivided or can be divided based on its type and the interests of the heirs. Inherited property in customary inheritance cannot be sold as a whole, and the proceeds from the sale are then distributed to the heirs according to the applicable provisions in Islamic or Western inheritance law.

Customary inheritance property consists of assets that cannot be divided among the heirs in terms of ownership, and some that can be divided (Kingwill, 2016). Undivided property is collectively owned by the heirs and cannot be individually owned but can be used and enjoyed. Undivided customary inheritance property can be pledged in urgent situations with the approval of customary leaders and relevant family members.

Even for divided inheritance property, if an heir intends to transfer (sell) it to someone else, opinions must be sought among family members to avoid violating neighborly rights (*naastingsrecht*) within the harmony of kinship.

METHODOLOGY

This study uses qualitative methods. In qualitative research, the use of theory is only a guide so that the research focus is in accordance with the facts in the field (Nurdin & Pettalongi, 2022; Nurdin, Stockdale, & Scheepers, 2016).

The data was collected through direct observation, in-depth interviews, and written document analysis at the research site (Rusli, Hasyim, & Nurdin, 2021; Rusli & Nurdin, 2022). The object of this research is Sasak ethnic customs in the distribution of inheritance in Mekar Jaya Village, Banggai Regency, Indonesia.

The interviews involved ten local figures who know well the Sasak ethnic customs, five figures from department of religious affairs, and ten communities who practice the distribution of inheritance based on local customs. The interviews were recorded and transcribed. The results of transcripts were consulted with the participant to obtain their consents (Nurdin, Scheepers, & Stockdale, 2022).

The data analysis technique in this research, we used a deductive thinking technique, which can be interpreted as a research procedure that produces deductive data from the interviews and field notes. Data analysis was conducted using thematic analysis from Strauss and Corbin (1998). The analysis started with open, axial, and selective coding. The final result of the data analysis is themes found from the data.

RESULTS AND DISCUSSION

Women's Rights in the Inheritance Distribution of Sasak Customary Law

The societal structure in Mekar Jaya village is characterized by simplicity, as evidenced by various deeply rooted traditional practices. One such practice is the inheritance distribution, which follows age-old customs passed down from generation to generation. In this inheritance distribution, two terms distinguish male and female heirs: "*belembah*" for male heirs, signifying the act of carrying on the back, and "*bebande*" for female heirs, signifying the act of carrying on the head.

The term "*belembah*" (carrying on the shoulder) reflects the tradition of the Sasak community when carrying something using a shoulder pole to lift and transport goods, with one end in front and the other at the back. This term is meant to signify that male children have a higher position than female children when it comes to inheriting property. Conversely, the term "*bebande*" suggests that female heirs carry loads on their heads, symbolizing the acknowledgment that female heirs also have the right to inherit property.

In practice, the customary norms observed in Mekar Jaya village do not always dictate the determination of the rights of male and female heirs. Instead, the outcome of a consensus reached through deliberation determines the distribution of inherited assets. This approach is necessitated by the overall economic condition of the Sasak community in Mekar Jaya, which generally experiences financial constraints. Consequently, the share of inheritance for each heir is contingent upon their individual responsibilities.

This situation may lead to certain heirs, especially females, not receiving any inheritance. Due to the higher economic responsibilities placed on male heirs, female heirs may be excluded from inheriting the deceased's assets. This prevalent practice in Mekar Jaya village prioritizes male heirs, leaving female heirs in a disadvantaged position.

Instances where female heirs are denied inheritance commonly occur when the deceased distributes their assets while still alive, a practice that is relatively infrequent. Several considerations guide the decisions of the deceased, including:

- a. Married daughters are taken by and live with their husbands.
- b. Sons have significant financial responsibilities, providing for their families.
- c. Married daughters are expected to be financially supported by their husbands.
- d. The inheritance to be distributed is relatively minimal.
- e. Agreement from female heirs is obtained.

Furthermore, the diversity in inheritance distribution practices can be attributed to the status of Mekar Jaya as a transmigration village, originating from various regions on the island of Lombok. According to the sources, each region has distinct inheritance distribution practices, influencing the customs of the Mekar Jaya community, particularly concerning the division of inherited property. It emphasizes that, fundamentally, the people of Mekar Jaya do not adhere

to the kinship system prevalent in Indonesia when it comes to the distribution of inheritance. Instead, in practice, they rely on a consensus-based (through discussions/*musyawarah*) approach to avoid issues, taking into account the principles of Islamic law related to the respective positions of heirs.

These practices are reiterated by the statements of Mekar Jaya residents who express unfamiliarity with kinship systems. Inheritance distribution is not compelled by parents, and decisions are made through consensus to ensure harmonious familial relationships are maintained.

Islamic Law perspective on the Women's Rights in the Inheritance Distribution According to Sasak Customary Law

In Islamic jurisprudence, the study of "*maslahat*" or benefits, which constitutes the objective behind the revelation of Islamic law, is discussed in the study of *Maqasid Sharia*. Generally, *Maqasid al-Sharia* refers to the objectives sought for humanity through the establishment of Sharia law to achieve well-being and prevent harm in both the worldly and hereafter realms. These objectives are related to the preservation of religion, life, intellect, lineage, and property. To attain *Maqasid al-Sharia*, the realization of benefits and the avoidance of "*mafsadah*" or harm are crucial elements that must go hand in hand. Achieving benefits alone without rejecting harm is incomplete in reaching *Maqasid al-Sharia*, and rejecting harm without attaining benefits leads to confusion due to the absence of a definite purpose. Thus, the simultaneous realization of benefits and rejection of harm are necessary to fulfill the objectives of Sharia, known as *Maqasid al-Sharia* (Al-Qaradaghi, 2016).

The *Maqasid al-Shariah* refers to the objectives or purposes that Shariah aims to achieve through its legal provisions. In *Maqasid syariah Al-Islamiyyah* written by Muhammad Al-Thahir Ibn Ashur, although sharing a fundamental concept with Al-Shathibi, Ibn Ashur introduces new developments in his work, particularly regarding the scholarly position of *Maqasid al-Shariah* in the study of Islamic legal theory and its practical application. Ibn Ashur provides clear examples of the application of the *Maqasid al-Shariah* approach in various areas of Islamic legal studies. Moreover, while previous studies on *Maqasid al-Shariah* tended to discuss it either generally (*maqasid al-ammah*) or partially (*juz'iyah*), Ibn Ashur takes a middle path by addressing both aspects in detail, covering all aspects of Shariah. For instance, a detailed study not previously undertaken by scholars is found in the third part of the book "*Maqasid al-Shariah Al-Islamiyyah*." In this section, Ibn Ashur discusses *Maqasid al-tashri al-khashshah bi anwa al-mu'amalat bayna al-nas*, which intricately explores the objectives of Shariah in the realms of family law, business transactions related to the human physical work, social aspects of worship laws, judiciary and witnessing laws, and criminal laws (Kader, 2021).

Ibn Ashur classifies *Maqasid Sharia* theory into two forms: *maqasid Sharia al-ammah* (general or universal) and *maqasid Sharia al-khashshah* (specific or partial). According to Ibn Ashur, *maqasid Sharia al-ammah* refers to the "meanings and wisdoms that God considers in all Sharia provisions, or most of them if not specific to a particular Sharia law." Components of *maqasid*

Sharia al-ammah include *fitroh* (purity), *samahah* (tolerance), *maslahah* (benefit), *al-musawah* (equality), *‘adalah* (justice), and *hurriyah* (freedom) (Baehaqi, Birton, & Hudaefi, 2020).

In this study, the authors use the theory of *maqasid Sharia al-ammah* to analyze the inheritance distribution practices in Mekar Jaya Village. The general nature of this theory is suitable as it addresses the benefits of inheritance distribution while considering the well-being of marriages. Additionally, *maqasid Sharia al-ammah* is utilized to assess the extent of benefits derived from the inheritance distribution practices observed in Sasak society in Mekar Jaya Village.

Islamic law also incorporates a principle addressing customary practices within society. This principle is one of the five fundamental maxims:

العَادَةُ مُحَكَّمَةٌ

“Customs can be considered (in legal deliberations)”

Customs or traditions can serve as a legal basis under certain conditions: they should not contradict Islamic values, be beneficial for society, and be consistently practiced. This aligns with the principle:

إِنَّمَا تُعْتَبَرُ الْعَادَةُ إِذَا اضْطَرَّتْ أَوْ غَلَبَتْ

Customs considered (in legal deliberations) are those that continuously apply or are universally observed.

Accordingly, the inheritance distribution practices in the Sasak community of Mekar Jaya Village align with Islamic customary law (*al-‘urf*) as described above. The repeated and universally accepted nature of these practices, along with their inherent benefits for heirs and their families, adheres to Islamic inheritance principles.

CONCLUSION

In Sasak customary law, the women’s rights as heirs in inheriting property is referred to as "*bebande*" (carrying on the head). This signifies that daughters are entitled to receive a share of the inheritance left by the deceased. However, in contemporary times, this concept has diminished in significance as a determinant of the heirs' shares. This change aligns with the evolution of societal norms and the increasing demands of modern life. In the village of Mekar Jaya, Sasak community members now prioritize a system of consultation (*musyawarah*) in the distribution of inheritance. This shift has led to instances where daughters do not receive their share of the inheritance, as the community believes that allocating inheritance primarily to male heirs contributes more significantly to the family's harmony.

In Islamic law, the study of benefits, a goal behind the revelation of Islamic law, is discussed within the realm of *Maqasid al-Sharia*. Regarding the inheritance distribution practices in Mekar Jaya Village by the Sasak community, there is relevance to the theory of *Maqasid al-Sharia al-Ammah* by Thahir Ibn Ashur. This relevance is evident in two aspects integral to *Maqasid al-Sharia al-Ammah*: “benefit” and “justice”. Hence, it becomes apparent that the inheritance distribution practices in Mekar Jaya Village are closely connected to the

preservation of religious essence, particularly in the substance of Islam's objectives, which aim for the creation of benefit and justice, including the just nature of tolerance (*al-samahah*). Implementing such practices is akin to safeguarding and upholding the religion. Furthermore, the inheritance distribution practices in Mekar Jaya Village align with a fundamental Fiqh principle, as stated: "Customs can be considered (in legal deliberations)."

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