

Legal Pluralism in the Resolution of Islamic Inheritance Disputes in Indonesia: An Analysis of the Interaction between Fiqh, Customary Law, and Positive Law

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Article	Abstract
<p style="text-align: center;">Article History :</p> Received : May, 04, 2026 Reviewed: May, 17, 2026 Accepted : May, 19, 2026 Published : May, 24, 2026	This study aims to analyze legal pluralism in the resolution of Islamic inheritance disputes in Indonesia by highlighting the interaction between fiqh, customary law, and positive law, as well as its implications for substantive justice. This research employs normative legal research with a conceptual approach and qualitative analysis through deductive–inductive reasoning. The data consist of primary, secondary, and tertiary legal materials, including the Compilation of Islamic Law, religious court decisions, scholarly journal articles from the past five years, and relevant legal literature. Data collection techniques are conducted through library research and documentation, while data analysis is carried out through data reduction, data presentation, and conclusion drawing in an interpretative and argumentative manner. Data validity is ensured through source triangulation and the strengthening of arguments based on credible scholarly literature. The findings indicate that the resolution of Islamic inheritance disputes occurs within a dynamic configuration of legal pluralism through patterns of competition, compromise, and integration among fiqh, customary law, and positive law. Customary law tends to be dominant due to its strong social legitimacy, while fiqh functions as a theological norm that provides religious legitimacy, and positive law serves as a formal instrument ensuring legal certainty.
<p style="text-align: center;">Keywords:</p> Fiqh; Customary Law; Positive Law; Substantive Justice; Legal Pluralism; Islamic Inheritance Disputes	

INTRODUCTION

The social reality of Indonesian society shows that the resolution of Islamic inheritance disputes does not take place within a single legal system, but rather at the intersection of fiqh, customary law, and state positive law. In practice, conflicts of norms often arise when heirs face choices between distribution based on *far' i*, local customary agreements, or formal provisions as regulated in the Compilation of Islamic Law (KHI). This condition gives rise to serious problems, including legal uncertainty, disharmonious court decisions, and even the potential for prolonged family conflicts. The phenomenon becomes increasingly complex when cultural values embedded in society possess strong social legitimacy, sometimes even more dominant than the prevailing formal legal norms (Rofiq, 2020, p. 112).

Theoretically, legal pluralism explains the existence of multiple legal systems that coexist and interact within the same social space. This concept does not position state law as the sole authority, but also recognizes customary law and religious law as sources of living norms (*living law*) (Griffiths, 1986, p. 5). In the context of Islamic inheritance law, fiqh, as a product of scholarly *ijtihad*, has a normative-doctrinal character; customary law is more flexible and contextual; while positive law functions as a state instrument to ensure legal certainty. The interaction among these three systems forms a dynamic that is not always harmonious, but often competitive and even contradictory.

However, there is a gap between the ideal theory of legal pluralism and the practice of inheritance dispute resolution in reality. Theoretically, legal pluralism is expected to create harmonious normative integration; yet in practice, legal fragmentation often occurs, which in fact exacerbates

conflicts(Rahardjo, 2019, p. 87). For example, in some cases, decisions of the Religious Courts based on the KHI are not always accepted by communities that prioritize customary law, rendering such decisions socially ineffective. This indicates a gap between the theoretical construction of legal pluralism and its empirical reality in society.

A number of studies over the past five years have examined this issue from various perspectives. First, the study by(Romadhan, Ariana, & Noviani, 2024) highlights the dominance of customary law in inheritance practices within the matrilineal Minangkabau community. Second, the research by(Abdillah, Febriansyah, & Hosnah, 2024) reveals normative conflicts between the KHI and local practices in Java. Third, the study by (Diana, Nuzul, & Mahlil, 2023) discusses the effectiveness of Religious Court decisions in inheritance disputes. Fourth, the research by (Yasin & Nurrochmat, 2024) emphasizes the importance of culturally based mediation approaches in resolving inheritance disputes. Fifth, the study by (Fikri, 2025) examines the integration of Islamic law and national law from the perspective of *maq id al-shar ah*. Nevertheless, these studies tend to be partial and have not comprehensively analyzed the interaction between fiqh, customary law, and positive law within a holistic framework of legal pluralism.

The research gap lies in the absence of studies that integratively construct a model of interaction among these three legal systems in resolving Islamic inheritance disputes in Indonesia. Previous studies have largely focused on the dominance of a single legal system, without examining the relational dynamics and normative negotiations that occur among them. Therefore, this study offers a new perspective by examining legal pluralism as a dynamic and interactive system, rather than merely the coexistence of norms.

The novelty of this research lies in its effort to formulate a model of interaction in Islamic inheritance law based on legal pluralism, integrating normative (fiqh), sociological (customary), and juridical (positive law) approaches. Conceptually, this study not only describes normative conflicts but also proposes a framework for harmonization based on the values of substantive justice, as illustrated in the following table:

Table 1. Research Novelty

Aspect	Previous Studies	This Study
Focus of Study	Partial (fiqh/customary law/positive law)	Integrative (interaction of all three)
Approach	Normative or sociological	Multidisciplinary (normative, sociological, juridical)
Objective	Descriptive	Constructive (harmonization model)
Contribution	Case analysis	Formulation of a legal pluralism model

Based on the foregoing discussion, the research questions of this study are: (1) how does the interaction between fiqh, customary law, and positive law take shape in the resolution of Islamic inheritance disputes in Indonesia? (2) what factors influence the dominance of a particular legal system in practice? and (3) what is the ideal model of legal pluralism that can create harmonization in the resolution of inheritance disputes?

This study aims to analyze the dynamics of interaction among the three legal systems in resolving Islamic inheritance disputes, to identify the factors influencing the practice of legal pluralism, and to formulate a just model of legal harmonization. Theoretically, this research contributes to enriching the study of legal pluralism within the context of Islamic law. Practically, it is expected to serve as a reference for judges, legal practitioners, and society in resolving inheritance disputes in a more just and contextual manner.

RESEARCH METHOD

This research is a legal research with a conceptual approach (Yanova, Komarudin, & Hadi, 2023). This approach is employed to construct a conceptual framework of legal pluralism, particularly the interaction between fiqh, customary law, and positive law. The analysis is conducted qualitatively using deductive–inductive reasoning through the interpretation of relevant legal texts and

doctrines(Sukmawan & Damayanti, 2025). The data sources in this study include primary legal materials in the form of statutory regulations and Religious Court decisions, secondary legal materials consisting of scholarly journal articles from the past five years and academic literature, as well as tertiary legal materials such as legal dictionaries and encyclopedias. Data collection techniques are carried out through library research and documentation of various relevant legal sources to obtain a comprehensive understanding of both the practice and normative construction of inheritance disputes (Zainuddin & Karina, 2023). Data validity is maintained through source triangulation by comparing various legal materials and ensuring the use of peer-reviewed literature(Saefullah, 2024). In addition, argumentative validity is applied to test the consistency of legal reasoning within the analysis(Wiraguna, 2024). The data analysis technique is conducted qualitatively through the stages of data reduction, data presentation, and conclusion drawing by linking existing legal norms with the theory of legal pluralism. This process results in a systematic argumentative construction in formulating a model of interaction among fiqh, customary law, and positive law in resolving Islamic inheritance disputes in a more harmonious and just manner (Sumarna & Kadriah, 2023).

RESULT AND DISCUSSION

The Configuration of Legal Pluralism in Islamic Inheritance Disputes

The social reality in Indonesia shows that Islamic inheritance disputes never operate within a single legal system; rather, they exist within a complex configuration of legal pluralism (Sanjaya, 2024). Within society, a recurring phenomenon is the divergence between inheritance distribution based on *far 'i* (fiqh principles) and customary practices that have developed over generations(Yusron, 2025). In some communities, for example, inheritance is distributed through deliberation based on principles of equality or the economic needs of the heirs, even though such practices do not fully align with the normative provisions of fiqh (Triasty, 2026). In addition, there is a tendency among community members to avoid formal proceedings in Religious Courts, as these are perceived to potentially intensify family conflicts(Arifin, 2025). This phenomenon indicates that society often prioritizes social harmony over formal legal certainty, making customary law and family agreements the primary references in resolving inheritance disputes.

On the other hand, when disputes cannot be resolved through familial means, positive law—implemented through the Religious Courts—begins to play an important role as a formal dispute resolution mechanism. However, in practice, court decisions based on the Compilation of Islamic Law (KHI) are not always fully implemented by the parties, particularly when such decisions are perceived as inconsistent with local notions of justice (Wahid, 2022). This reflects a tension between the formal legitimacy of state law and the social legitimacy that exists within the community(Nuryadin & Hilalludin, 2025). In this context, fiqh remains a normative reference that provides religious legitimacy, yet its application is often adjusted through contextual interpretation (Daud & Hambali, 2022). Thus, the configuration of legal pluralism in Islamic inheritance disputes not only reflects the coexistence of multiple legal systems but also reveals ongoing processes of interaction, negotiation, and adaptation within social life.

Based on the above discussion, it can be understood that the configuration of legal pluralism in Islamic inheritance disputes in Indonesia demonstrates that the interaction among fiqh, customary law, and positive law is dynamic and contextual. No single legal system is absolutely dominant, as its application is largely determined by social, religious, and formal legitimacy within society. This phenomenon underscores that the resolution of inheritance disputes is not merely a matter of legal norms but is also influenced by cultural values, social relations, and the practical needs of the parties involved. Therefore, an understanding of legal pluralism becomes essential in formulating dispute resolution approaches that are more adaptive, just, and capable of bridging various normative interests.

The Dominance of Customary Law in Social Practice

Customary law has a very strong position in the practice of resolving inheritance disputes in Indonesian society (Sumaya, 2025). A common phenomenon is the tendency of families to settle inheritance distribution through deliberation based on local values that have been passed down through

generations (Ariansyah, 2025). In many cases, the distribution of assets does not fully adhere to the provisions of *far 'i* in fiqh, but is instead adjusted to align with the community's perception of justice, such as equality among children, contributions to caring for parents, or the economic conditions of each heir (Fadilah, Syafaat, Iqbal, Holis, & Aza, 2026). In some regions, these practices are even institutionalized within customary structures, thereby possessing a stronger binding force than formal legal norms (Sumaya, 2026). This demonstrates that customary law, as a *living law*, enjoys high social legitimacy because it is considered closer to the realities of community life.

Moreover, the dominance of customary law is also reflected in the community's tendency to avoid resolving disputes through formal mechanisms such as the Religious Courts. Many parties believe that bringing disputes to court can damage family relationships and prolong conflict (Kurniawan & Miaz, 2025). Therefore, customary mechanisms—such as mediation by community leaders or family deliberation—are preferred, as they are seen as more capable of preserving social harmony (Ulum, 2025). However, this phenomenon also raises its own set of challenges, particularly when customary practices conflict with the provisions of Islamic law or positive law. In some cases, parties who feel disadvantaged by customary arrangements lack either the courage or access to pursue their rights through formal legal channels, allowing potential injustices to persist (Hadaiyatullah, Marlina, Munadi, & Rambe, 2025). This condition illustrates that the dominance of customary law is not always synonymous with substantive justice, but rather depends heavily on social structures and power relations within the family.

Based on the above discussion, it can be concluded that the dominance of customary law in the social practice of inheritance dispute resolution reflects the strong influence of cultural values and social legitimacy in determining the applicability of law within society. Customary law does not merely function as an alternative, but often serves as the primary system governing inheritance distribution in practice. Nevertheless, this dominance must also be critically examined, as it has the potential to create inequalities that are not balanced by more universal principles of justice. Therefore, efforts are needed to integrate customary law, fiqh, and positive law so that the resolution of inheritance disputes not only preserves social harmony but also ensures justice for all parties involved.

The Role of Fiqh as a Theological-Doctrinal Norm

Fiqh continues to occupy a central position as a theological-doctrinal norm in resolving disputes over Islamic heritage in Indonesia. Within society, a recurring phenomenon is the use of *far 'i* principles as the primary reference for determining the legitimacy of inheritance distribution, particularly in families with a high level of religiosity (Ra'd & Yassir, 2026). Fiqh is understood not only as a set of legal rules but also as a religious obligation that must be observed to preserve blessings and justice from an Islamic perspective (Alam & Fathurrozi, 2024). In practice, parties often consult religious leaders or *ulama* to obtain guidance on inheritance provisions, thereby positioning fiqh as an authoritative source that provides moral legitimacy to the decisions made (Sarmadi, Hafidzi, Mohlis, Yunin, & Korniienko, 2025). This demonstrates that the strength of fiqh lies not only in its normative aspect but also in its spiritual dimension, which influences people's attitudes and choices in resolving disputes.

However, this study also finds that the application of fiqh in practice is not always textual and rigid; rather, it undergoes processes of reinterpretation adapted to social conditions. A common phenomenon is the adjustment of inheritance distribution through family deliberation, while still referring to the basic principles of fiqh as a foundation of legitimacy (Muslih & Farida, 2026). For example, distribution may be modified based on economic needs or the contributions of heirs, without entirely departing from the normative Islamic framework (Waddin & Ashari, 2025). In addition, there is a tendency among some communities to combine fiqh principles with customary values in a single agreement considered more just (Suhaili, 2025). This condition indicates that fiqh in social practice does not operate in isolation but interacts with other norms through adaptive processes aimed at maintaining a balance between religious demands and social realities.

Based on the above discussion, it can be concluded that the role of fiqh as a theological-doctrinal norm in Islamic inheritance disputes remains significant because it provides strong religious legitimacy

for inheritance practices. However, within a pluralistic society, its application is not absolute but rather flexible and contextual through processes of reinterpretation and social negotiation. This phenomenon underscores that fiqh functions not only as a binding set of rules but also as a value framework that guides society in achieving justice in accordance with Islamic teachings while remaining responsive to evolving social conditions.

The Function of Positive Law as a Formal Instrument

Positive law acts as a formal instrument that provides a framework of legal certainty in resolving Islamic inheritance disputes in Indonesia. In practice, regulations such as the Compilation of Islamic Law (KHI), along with the authority of the Religious Courts, serve as the primary reference when disputes cannot be resolved through familial or customary mechanisms (Siregar & Dasopang, 2026). A phenomenon observed in society shows that some parties resort to formal legal channels to secure certainty of rights, particularly in cases involving unequal distribution or prolonged conflict (Ukkas, Fatimah, Anshary, & Kaimuddin, 2025). The Religious Courts are perceived as institutions with the legal authority to determine inheritance distribution in a legitimate and binding manner (Nuryadin & Hilalludin, 2025). This demonstrates that positive law plays an important role in providing a structured dispute resolution mechanism based on clear rules.

However, this study also finds that the effectiveness of positive law in practice does not always operate optimally. A recurring phenomenon is the discrepancy between court decisions and their social acceptance at the family or community level (Purwanti & Natalis, 2025). In some cases, legally binding decisions are not fully implemented because they are perceived as inconsistent with local notions of justice or as conflicting with customary agreements (Ngarawula & Hariyanto, 2025). Moreover, there is a perception among some members of society that litigation processes tend to prolong conflict and damage family relationships, making formal legal channels a last resort (Sinurat & Simamora, 2025). This condition reflects a gap between *law in books* and *law in action*, where positive law possesses formal authority but is not necessarily socially effective without community legitimacy.

Based on the above discussion, it can be concluded that positive law, as a formal instrument, has a strategic role in ensuring legal certainty in Islamic inheritance disputes, particularly when non-formal mechanisms fail to resolve conflicts. However, its effectiveness largely depends on the level of social acceptance and its compatibility with the values that exist within society. Therefore, a more integrative approach is needed so that positive law not only functions as a tool of legal enforcement but is also capable of adapting to social and cultural contexts, thereby producing dispute resolutions that are not only legally valid but also socially accepted.

Patterns of Interaction among Fiqh, Customary Law, and Positive Law

The pattern of interaction between Islamic jurisprudence, customary law, and positive law in Islamic inheritance disputes in Indonesia occurs in a diverse and contextual manner. Within society, a recurring phenomenon is the presence of normative competition, in which these three legal systems confront one another in determining the basis for inheritance distribution (Sukti, 2025). For example, some heirs advocate for distribution based on *far 'i* principles, while others prefer a customary approach that emphasizes equality or family deliberation (Sagala, 2022). In certain situations, positive law—through the Religious Courts—becomes the primary reference when conflicts cannot be resolved internally (Lintang, 2025). This phenomenon shows that interactions among legal systems are not always harmonious but are often characterized by competing interests influenced by the parties' social background, cultural context, and level of religiosity.

In addition to patterns of competition, this study also finds the existence of compromise and integration in the practice of inheritance dispute resolution (Kusumawarni, 2022). Developments within society indicate that many families choose a middle path by combining fiqh principles, customary values, and practical considerations through deliberation or mediation (Zarianto & Adityarani, 2025). In some cases, inheritance distribution still refers to the fiqh framework but is adjusted based on mutual agreement to preserve family harmony (Al Ghiffary, 2025). Even within judicial processes, judges may take local values into account as part of their considerations in rendering decisions (Al Hamid, Sugitanata, & Karimullah, 2023). This integrative pattern reflects efforts to create a balance between

legal certainty, religious legitimacy, and social acceptance. Thus, the interaction among fiqh, customary law, and positive law is not static but evolves dynamically in response to societal needs.

Based on the above discussion, it can be concluded that the patterns of interaction among fiqh, customary law, and positive law in Islamic inheritance disputes reflect a spectrum ranging from competition to integration. There is no single pattern that applies universally, as such interactions are heavily influenced by social, cultural, and situational factors affecting the parties involved. This phenomenon underscores that legal pluralism is an unavoidable reality in Indonesian society, thereby requiring approaches capable of managing these interactions constructively. By understanding these patterns, inheritance dispute resolution can be directed toward models that are more harmonious, adaptive, and just.

Implications for Substantive Justice

The application of legal pluralism in Islamic inheritance disputes has direct implications for the realization of substantive justice in society. A recurring phenomenon is a shift in orientation from formal justice toward a more contextual form of justice grounded in the real needs of the heirs. In practice, inheritance distribution does not always strictly follow the normative provisions of fiqh or positive law, but is instead adjusted to socio-economic conditions, the contributions of family members, and the emotional relationships among heirs. For example, a child who has cared for their parents until the end of their lives may receive a larger share through family agreement, even though this does not fully align with *far 'i* distribution (Istirahat, 2023). This demonstrates that society tends to prioritize perceived justice over formal, text-based justice.

However, the implications for substantive justice are not always positive. In some cases, flexibility in the application of the law can create opportunities for inequality and marginalization, particularly for parties in weaker positions within the family structure, such as women or heirs with limited bargaining power. This phenomenon shows that without a clear normative framework, substantive justice can become subjective and dependent on existing power relations (Surya, 2023). Additionally, there are cases in which court decisions that are formally just are not accepted by the community because they are perceived as failing to consider local values, thereby creating tension between legal legitimacy and social legitimacy (Harahap, 2024). This condition underscores that substantive justice within the context of legal pluralism must be understood as the result of a balanced negotiation between legal norms and social realities.

Based on the above discussion, it can be concluded that the implications of legal pluralism for substantive justice in Islamic inheritance disputes present both opportunities and challenges. On the one hand, legal pluralism enables the realization of justice that is more flexible and responsive to societal needs. On the other hand, without proper management, such flexibility may lead to uncertainty and inequality. Therefore, an integrative model is needed to harmonize fiqh, customary law, and positive law proportionally, so that the resulting justice is not only formal but also substantive and sustainable within social life.

Reconstructing Legal Pluralism toward an Integrative Model Based on Substantive Justice

The research findings outlined above demonstrate that the resolution of Islamic inheritance disputes in Indonesia takes place within a complex and dynamic configuration of legal pluralism. As formulated in the introduction, the primary problem faced by society is not merely the existence of differing norms, but rather the tension between legal certainty, religious legitimacy, and social acceptance. In practice, these three dimensions do not always operate in harmony; instead, they often compete in determining the form of dispute resolution. The findings show that society does not passively submit to a single legal system, but actively engages in normative selection based on social context, power relations, and practical needs (Putri, Mursalin, Muhammad, & Ramadhan, 2026). Thus, legal pluralism in Islamic inheritance disputes is not only a normative reality but also a sociological phenomenon reflecting the dynamic interaction between law and society.

In this context, the dominance of customary law as a *living law* indicates that social legitimacy plays a decisive role in dispute resolution practices. Customary law is chosen not merely due to the absence of alternatives, but because of its capacity to maintain social harmony and accommodate deeply

rooted local values. However, the study also finds that such dominance does not always produce substantive justice, particularly when there are imbalanced power relations within the family or social pressures influencing deliberation processes (Hasan & Sijabat, 2025). This suggests that social legitimacy is not always synonymous with justice and therefore must be critically examined within the framework of legal pluralism.

On the other hand, fiqh as a theological-doctrinal norm continues to hold an important position in providing religious legitimacy for inheritance practices. Nevertheless, its application in society is not static but undergoes reinterpretation influenced by social and cultural contexts. This phenomenon reflects a shift from a textual to a contextual approach in understanding Islamic law (Azhari, 2025). Such reinterpretation does not weaken the authority of fiqh; rather, it strengthens its relevance in addressing the evolving needs of society. Accordingly, within the framework of legal pluralism, fiqh functions as a flexible and adaptive source of values.

Meanwhile, positive law—implemented through the Religious Courts—serves as a formal instrument that provides legal certainty in resolving inheritance disputes. However, the findings indicate that the effectiveness of positive law largely depends on the level of social acceptance of judicial decisions. In many cases, decisions that are formally valid are not fully implemented because they are perceived as inconsistent with local values or family agreements (Nurdin, Syahrul, & Raehana, 2025). This condition reflects a gap between *law in books* and *law in action*, which constitutes a major challenge in the national legal system. Therefore, a more integrative approach is required so that positive law functions not only as an instrument of enforcement but also as a means of social harmonization.

Based on a synthesis of the research findings and the theoretical framework, it can be concluded that the interaction among fiqh, customary law, and positive law forms layered patterns of competition, compromise, and integration. Competition arises when there are sharp differences in interests among the parties, while compromise emerges through deliberation that seeks to accommodate multiple norms. Integration represents the ideal form, enabling a balance between legal certainty, religious legitimacy, and social acceptance (Bahri, 2024). These findings reinforce the argument that legal pluralism cannot be understood statically but must be seen as a dynamic process that evolves alongside social change.

Furthermore, the implications for substantive justice indicate that the success of inheritance dispute resolution is determined not only by conformity with legal norms but also by the ability to fulfill the parties' sense of justice. Substantive justice, in this context, is the result of a negotiation process that considers various factors, including economic conditions, family relationships, and cultural values (Istirahat, 2023). However, without a clear framework, such negotiation processes risk producing uncertainty and even injustice. Therefore, a model capable of systematically and coherently integrating multiple legal systems is required.

In response to this need, this study proposes an Integrative Model of Legal Pluralism Based on Substantive Justice as a conceptual framework to bridge the interaction among fiqh, customary law, and positive law. This model positions the three legal systems in a horizontal and complementary relationship, connected through structured normative negotiation mechanisms such as deliberation, mediation, and adjudication. Within this model, customary law functions as the basis of social legitimacy, fiqh as the source of religious legitimacy, and positive law as the guarantor of legal certainty (Hutajulu, 2025). These systems are not arranged hierarchically but rather in a synergistic relationship that enables normative harmonization.

The model also emphasizes the importance of actors in the process of legal integration, including families, customary leaders, religious scholars (*ulama*), and judges (Lintang, 2025). The success of this model depends largely on the ability of these actors to manage normative differences and build fair agreements. In this regard, judges play a strategic role as normative mediators who not only apply the law textually but also consider sociological and cultural aspects in their decisions. Thus, this model is not merely theoretical but also carries practical implications for the resolution of inheritance disputes (Sabadina, 2025). The proposed model is presented in the following table:

Table 2. Integrative Model of Legal Pluralism Based on Substantive Justice

Element	Fiqh	Customary Law	Positive Law	Integration (Model)
Basis of Legitimacy	Religious	Social	Formal	Synergy of legitimacy
Main Function	Theological norms	Social harmony	Legal certainty	Substantive justice
Character	Doctrinal	Flexible	Procedural	Adaptive
Strength	Religious authority	Social acceptance	Legal force	Balance
Weakness	Less contextual	Potential bias	Less flexible	Requires negotiation
Mechanism	Ijtihad	Deliberation	Litigation	Integrative mediation
Actors	Ulama	Customary leaders	Judges	Multi-actor
Output	Religious compliance	Harmony	Legal decisions	Substantive justice

This model makes a significant contribution to the development of legal pluralism theory by emphasizing the importance of normative integration as a pathway toward substantive justice. Through this approach, legal pluralism is no longer viewed as a source of conflict, but rather as an opportunity to build a more inclusive and responsive legal system that addresses the needs of society.

CONCLUSION

This study concludes that the configuration of legal pluralism in the resolution of Islamic inheritance disputes in Indonesia is shaped by dynamic interactions among fiqh, customary law, and positive law, operating through patterns of competition, compromise, and integration within the social context of society. Fiqh serves as a source of religious legitimacy that provides a normative foundation; customary law dominates social practice due to its cultural legitimacy and its role in maintaining family harmony; while positive law functions as a formal instrument that ensures legal certainty when disputes cannot be resolved through familial means. The interaction among these three systems produces implications for substantive justice, namely the emergence of a form of justice that is contextual and adaptive to the needs of the parties, although it also carries the potential for inequality if not managed proportionally. Therefore, in response to the need for harmonization, this study formulates an Integrative Model of Legal Pluralism Based on Substantive Justice, which positions the three legal systems in a synergistic relationship through mechanisms of negotiation, mediation, and adjudication in order to achieve a more just, balanced, and sustainable resolution of inheritance disputes within a pluralistic society.

REFERENCES

- Abdillah, M., Febriansyah, N., & Hosnah, A. U. (2024). Analisa Pembagian Warisan Dalam Perspektif Hukum Adat Jawa. *Jurnal Rectum: Tinjauan Yuridis Penanganan Tindak Pidana*, 6(2), 370–379.
- Al Ghiffary, A. (2025). Interaksi Hukum Adat dengan Hukum Islam dalam Adat Badamai Masyarakat Banjar. *Musyarakah: Jurnal Hukum Dan Ekonomi Islam*, 2(2), 56–62.
- Al Hamid, R., Sugitanata, A., & Karimullah, S. S. (2023). Sinkronisasi pendekatan sosiologis dengan penemuan hukum Islam sui generis kum empiris. *Bertuah Jurnal Syariah Dan Ekonomi Islam*, 4(1), 48–60.
- Alam, D. W. S., & Fathurrozi, A. (2024). Peran Maqashid Al-Shari'ah Dalam Proses Istihsan dan Taqin Hukum Perlindungan Anak Dalam Keluarga Islam Kontemporer. *Jurnal Ilmiah Multidisipin*, 2(12), 589–595.
- Ariansyah, J. (2025). Integrasi Hukum Kewarisan Islam Dan Kearifan Lokal Dalam Penyelesaian Sengketa Waris Berbasis Musyawarah Adat (Studi Kasus Desa Simpang Sari Kecamatan Lawang Wetan Kabupaten Musi Banyuasin). *USRAH: Jurnal Hukum Keluarga Islam*, 6(4), 475–494.
- Arifin, S. (2025). Efektivitas Mediasi Dalam Penyelesaian Konflik Keluarga Di Pengadilan Agama Polewali Kelas IB Perspektif Hukum Keluarga Islam. IAIN Parepare.

- Azhari, A. (2025). Nikah Sirri dalam Tinjauan Fikih Munakahat dan Konteks Sosial Kontemporer. *Jurnal Al-Mizan*, 12(1), 100–108.
- Bahri, R. A. (2024). Dinamika Sistem Hukum Dalam Masyarakat Pluralistik: Menguji Validitas Teori Luhmann Dalam Konteks Global. *Jurnal Penelitian Hukum Galunggung*, 1(3), 44–53.
- Daud, F. K., & Hambali, M. R. (2022). Living Law Dalam Khi bah Dan Lamaran Perspektif Sosiologi Hukum. *LISAN AL-HAL: Jurnal Pengembangan Pemikiran Dan Kebudayaan*, 16(1), 92–107.
- Diana, E. K. A. P., Nuzul, R., & Mahlil, A. (2023). Efektifitas Mediasi Pada Penyelesaian Sengketa Harta Warisan Di Pengadilan Agama Payakumbuh. *Ensiklopedia of Journal*, 6(1), 304–310.
- Fadilah, N., Syafaat, M. Z., Iqbal, M., Holis, N., & Aza, M. R. (2026). *Jejak Hukum Keluarga Islam Di Berbagai Belahan Dunia*. Penerbit KBM Indonesia.
- Fikri, M. (2025). Transformasi hukum Islam di Indonesia: Dari tradisi historis menuju integrasi hukum nasional. *Islamika: Jurnal Ilmu-Ilmu Keislaman*, 25(2), 165–183.
- Hadaiyatullah, S. S., Marlina, S., Munadi, H., & Rambe, L. (2025). Analisis Sosiologi Hukum Atas Penundaan Pembagian Warisan Dalam Masyarakat. *Iqtiadiah: Jurnal Hukum Dan Ilmu-Ilmu Kesyarahan*, 2(3), 168–181.
- Harahap, P. H. (2024). Transformasi Pelaksanaan Pembagian Harta Waris Masyarakat Purba Baru dalam Perspektif Sosiologi Hukum Islam. *DIVERSI: Jurnal Hukum*, 10(1), 206–228.
- Hasan, Z., & Sijabat, S. P. (2025). Eksistensi Hukum Adat Dalam Perkawinan Masyarakat Batak Di Era Modern: Eksistensi Hukum Adat Dalam Perkawinan Masyarakat Batak Di Era Modern. *Jurnal Multidisiplin Ilmu Akademik*, 2(6), 980–987.
- Hutajulu, L. P. (2025). Strategi Integrasi Hukum Adat dalam Sistem Hukum Nasional. *HARISA: Jurnal Hukum, Syariah, Dan Sosial*, 2(1), 124–139.
- Istirahat, I. (2023). Rekonstruksi peran hakim dalam mewujudkan keadilan substantif di pengadilan Indonesia. *YUDHISTIRA: Jurnal Yurisprudensi, Hukum Dan Peradilan*, 1(2), 44–51.
- Kurniawan, A., & Miaz, H. (2025). Peran Mediasi Dalam Penyelesaian Perkara Keluarga Di Pengadilan Agama. *Sakato Law Journal*, 3(1), 13–28.
- Kusumawarni, B. A. (2022). Pluralisme Hukum Dalam Praktik Penerapan Hukum Internasional Di Indonesia: Kajian Terhadap Hubungan Hukum Internasional Dan Hukum Nasional. *Unizar Recht Journal (URJ)*, 1(4).
- Lintang, M. G. (2025). Sinkronisasi hukum negara dengan hukum Islam dalam konteks pluralisme hukum di Indonesia. *Journal of Society and Scientific Studies*, 1(1), 20–32.
- Muslih, M., & Farida, A. (2026). Pluralisme Hukum Dan Waris Berbasis Gender: Negosiasi Antara Hukum Islam Dan Tradisi Patrilineal Dalam Adat Pepadun. *Jurnal Tana Mana*, 7(1), 85–91.
- Ngarawula, B., & Hariyanto, T. (2025). Collaboration in Land Conflict Resolution: A Socio-Legal Study Employing a Multi-Actor Mediation Approach in the City of Surabaya. *International Journal of Research in Social Science and Humanities (IJRSS) ISSN: 2582-6220, DOI: 10.47505/IJRSS*, 6(12), 129–157.
- Nurdin, N. K., Syahrul, M., & Raehana, S. (2025). Efektivitas Mediasi Dalam Perkara Kewarisan di Pengadilan Agama. *Ukhuwah: Jurnal Ilmu Syariah*, 1(1), 32–40.
- Nuryadin, N., & Hilalludin, H. (2025). Integrasi Hukum Islam dan Hukum Nasional: Studi Kritis atas Harmonisasi Regulasi di Indonesia. *IMANU: Jurnal Hukum Dan Peradaban Islam*, 1(03), 56–70.
- Purwanti, A., & Natalis, A. (2025). Law as Text, Culture as Context: The Semiotics of Marriage Dispensation and Judicial Considerations in Indonesia. *International Journal for the Semiotics of Law-Revue Internationale de Sémiotique Juridique*, 1–32.
- Putri, E., Mursalin, A., Muhammad, F., & Ramadhan, M. P. (2026). Pluralisme Hukum dalam Distribusi Zakat: Studi Sosio-Legal di Desa Pulau Baru, Kabupaten Merangin, Jambi. *Littera Legis: Journal of Law, Society, and Justice*, 1(2), 1–14.
- Ra'd, H. A., & Yassir, M. (2026). Harmonisasi Hukum Waris Islam Dan Hukum Adat: Analisis Tradisi Pembagian Damai Dalam Kerangka Maqashid Syariah. *USRAH: Jurnal Hukum Keluarga Islam*, 7(1), 245–264.
- Rahardjo, S. (2019). *Ilmu Hukum*. Bandung: Citra Aditya Bakti.

- Rofiq, A. (2020). *Hukum Islam di Indonesia*. Jakarta: Raja Grafindo Persada.
- Romadhan, R., Ariana, A., & Noviani, D. (2024). Hukum Waris Adat Minangkabau dalam Pespektif Islam. *Jurnal Multidisiplin Ilmu Akademik*, 1(3), 459–470.
- Sabadina, U. (2025). Peranan Hakim dalam Penegakan Hukum di Indonesia (Suatu Telaah Teoritis dan Normatif). *Desiderata Law Review*, 2(1), 14–25.
- Saefullah, A. S. (2024). Ragam penelitian kualitatif berbasis kepastakaan pada studi agama dan keberagaman dalam islam. *Al-Tarbiyah: Jurnal Ilmu Pendidikan Islam*, 2(4), 195–211.
- Sagala, H. T. W. (2022). Kajian Teori Pluralisme Hukum terhadap Sistem Hukum di Aceh. *Interdisciplinary Journal On Law, Social Sciences And Humanities*, 3(2), 115–129.
- Sanjaya, S. (2024). Dualisme sistem hukum waris: Tantangan implementasi hukum waris islam dalam konteks perdata nasional di Indonesia dan Malaysia. *CBJIS: Cross-Border Journal of Islamic Studies*, 6(2), 395–408.
- Sarmadi, A. S., Hafidzi, A., Mohlis, M., Yunin, O., & Korniienko, M. (2025). Negotiating Islamic Law and Customary Practice: Fiqh al-Aqalliyat and Restorative Justice in Banjar Inheritance Disputes. *Jurnal Ilmiah Al-Syir'ah*, 23(2), 279–296.
- Sinurat, P. M., & Simamora, J. (2025). Peran Jaksa dalam Penerapan Restorative Justice: Tinjauan Asas Legalitas dan Keadilan Substantif dalam Peraturan Kejaksaan 15/2020. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 3(5), 7606–7617.
- Siregar, S., & Dasopang, N. (2026). Kewarisan Beda Agama dalam Perspektif Hukum Islam dan Kompilasi Hukum Islam: Analisis Normatif terhadap Putusan Pengadilan di Indonesia. *Journal of Legal, Political, and Humanistic Inquiry*, 1(3), 253–261.
- Suhaili, A. (2025). Integrasi maqasid al-syariah dalam praktik peradilan agama di Indonesia: Studi alternatif penyelesaian sengketa keluarga. *Mabahits: Jurnal Hukum Keluarga Islam*, 6(01), 29–42.
- Sukmawan, Y. A., & Damayanti, D. (2025). Metode Penelitian Hukum Normatif dan Empiris sebagai Strategi Penguatan Perspektif Kajian Ilmu Hukum. *Notary Law Journal*, 4(3), 114–128.
- Sukti, S. (2025). Living Law Dalam Hukum Keluarga di Indonesia. *Jurnal Riset Multidisiplin Edukasi*, 2(5), 195–207.
- Sumarna, D., & Kadriah, A. (2023). Penelitian kualitatif terhadap hukum empiris. *Jurnal Penelitian Serambi Hukum*, 16(02), 101–113.
- Sumaya, P. S. (2025). Konflik antara hukum adat dan hukum negara: Tantangan penegakan keadilan dalam masyarakat adat. *Manifesto Jurnal Gagasan Komunikasi, Politik, Dan Budaya*, 3(2), 1–12.
- Sumaya, P. S. (2026). Hukum Adat Sebagai Sumber Hukum Di Indonesia: Kajian Historis Dan Kontemporer. *Journal of Law Review*, 5(1), 26–37.
- Surya, F. A. (2023). Pluralisme hukum dalam perspektif Pancasila tantangan dalam era globalisasi. *Indonesian Journal of Legality of Law*, 6(1), 207–212.
- Triasty, E. (2026). Filosofi Keadilan dalam Pembagian Warisan Ditinjau dari Perspektif Hukum Islam dan Implikasinya terhadap Keharmonisan Keluarga. *Al-Istinbath: Jurnal Ilmu Hukum Dan Hukum Keluarga Islam*, 3(1), 82–94.
- Ukkas, J., Fatimah, A. A. N., Anshary, M. R., & Kaimuddin, M. S. P. (2025). Analysis of Dispute Resolution towards Overlapping Ownership of Land Rights in South Konawe District. *Journal of Law, Social Science and Management*, 2(1), 130–136.
- Ulum, F. (2025). Keadilan Substantif dalam Pembagian Waris Islam: Analisis Ketimpangan Distribusi Pra-Waris dalam Keluarga Muslim. *Al-Qadlaya: Jurnal Hukum Keluarga Islam*, 5(01), 24–38.
- Waddin, A. H. K. M., & Ashari, B. (2025). Integrasi Konsep Pewaris, Ahli Waris, Harta Waris, Dan Mawani' Al-Irts Dalam Kerangka Keadilan Distribusi Warisan Islam. *Mabahits: Jurnal Hukum Keluarga Islam*, 6(01), 43–53.
- Wahid, A. (2022). Keadilan Restoratif: Upaya Menemukan Keadilan Substantif? *Jurnal Ius Constituendum*, 7(2), 307–321.
- Wiraguna, S. A. (2024). Metode normatif dan empiris dalam penelitian hukum: Studi eksploratif di Indonesia. *Public Sphere: Jurnal Sosial Politik, Pemerintahan Dan Hukum*, 3(3).

- Yanova, M. H., Komarudin, P., & Hadi, H. (2023). Metode Penelitian Hukum: Analisis Problematika Hukum Dengan Metode Penelitian Normatif Dan Empiris. *Badamai Law Journal*, 8(2), 394–408.
- Yasin, N., & Nurrochmat, M. (2024). Efektivitas Mediasi Non-Litigasi Berbasis 'kiai Kampung' dalam Penyelesaian Sengketa Waris Adat-Islam Di Masyarakat Pesisir Lumajang. *Rausyan Fikr Journal*, 3(2), 17–24.
- Yusron, M. A. (2025). Tradisi Pembagian Harta Warisan di Desa Rembitan Kecamatan Pujut dalam Perspektif Fiqih Mawaris. *AL-RASYAD: Jurnal Hukum Dan Etika Bisnis Syariah*, 4(1), 1–21.
- Zainuddin, M., & Karina, A. D. (2023). Penggunaan metode yuridis normatif dalam membuktikan kebenaran pada penelitian hukum. *Smart Law Journal*, 2(2), 114–123.
- Zariato, A. A. A., & Adityarani, N. W. (2025). Eksistensi Sosiologi Hukum pada Masyarakat Indonesia (Literature Review atas Teori Living Law Eugen Ehrlich). *Juridische: Jurnal Penelitian Hukum*, 2(3), 203–219.