



EFFECTIVENESS OF THE IMPLEMENTATION OF ISLAMIC LAW IN INHERITANCE DISTRIBUTION IN THE COMMUNITY OF LEREP VILLAGE, WEST UNGARAN SUBDISTRICT

Diah Ayu Ratnaningrum¹, Muhammad Tohari¹, Rohmad Pujiyanto¹

¹ Universitas Darul Ulum Islamic Centre Sudirman, Indonesia

Corresponding Author: Diah Ayu Ratnaningrum, E-mail: diah95707@gmail.com

Received: Feb 24, 2026	Revised: March 01, 2026	Accepted: March 03, 2026	Online: March 08, 2026
------------------------	-------------------------	--------------------------	------------------------

ABSTRACT

This research is motivated by the discrepancy between the normative-imperative nature of Islamic inheritance law (ijbari) and the empirical practices of inheritance distribution in rural communities. In Lerep Village, Semarang Regency, the implementation of faraidh intersects with Javanese legal culture that prioritizes harmony. The research problems are: (1) How is the practice of inheritance distribution in Lerep Village viewed from the perspective of Islamic Law; (2) How is the effectiveness of the implementation of Islamic Inheritance Law in Lerep Village; and (3) What factors influence its implementation. The research method employed is socio-legal (empirical-juridical) with a sociology of law approach. Primary data were gathered through observation and in-depth interviews with the Village Head, religious figures, and heirs, followed by a qualitative descriptive analysis. The results indicate that the implementation of Islamic inheritance law in Lerep Village reflects an integrative legal pluralism model influenced by three primary determinants. First, the strength of local legal culture, which prioritizes the principle of Rukun (harmony), triggers a paradigmatic shift from formal-mathematical justice toward substantive-relational justice, where equal sharing becomes the dominant solution for maintaining social cohesion. Second, legal effectiveness at the village level is achieved through a tripartite mediation mechanism involving a strategic synergy between the Village Government as an administrative facilitator and religious leaders as moral mediators. This synergy successfully facilitates dispute resolution through non-litigation channels that align with the community's sense of justice. Third, the community adaptively utilizes inter vivos gifts (hibah) and amicable settlements (ishlah) as strategies to accommodate the socio-economic conditions of heirs and appreciation for elderly care. Theoretically, practices in Lerep Village confirm the existence of living law that synthesizes Islamic norms with local wisdom. Legal effectiveness is no longer measured by rigid textual compliance, but through the achievement of Maqashid Syariah the realization of public interest (mashlahah) and social stability at the grassroots level.

Keywords: Legal Effectiveness, Islamic Inheritance Law, Inheritance Distribution, Lerep Village, Mediation

Journal Homepage <https://ejournal.iainbatanghari.ac.id/index.php/attasyrih/index>

This is an open access article under the CC BY SA license

<https://creativecommons.org/licenses/by-sa/4.0/>

How to cite:

Ratnaningrum, D. A., Tohari, M., & Pujiyanto, R. (2026). Effectiveness of the Implementation of Islamic Law in Inheritance Distribution in the Community of Lerep Village, West Ungaran Subdistrict *At-Tasyrih: Jurnal Pendidikan dan Hukum Islam*, 12(1), 97-109. <https://doi.org/10.55849/attasyrih.v12i1.486>

Published by:

Pusat Penelitian dan Pengabdian Masyarakat, Universitas Islam Batang Hari

INTRODUCTION

Islamic inheritance law serves as a fundamental pillar within the Islamic legal system, governing the transfer of estate assets based on Sharia principles derived from the Qur'an, Hadith, and the *ijtihad* of scholars. In Indonesia, the position of Islamic inheritance law is highly strategic, given the Muslim-majority population and the regulatory support provided by the Compilation of Islamic Law (KHI) as a guideline for positive law in resolving cases within the Religious Courts (Turnip, I. R. S. 2025). In reality, however, the practice of inheritance distribution does not always proceed linearly according to the normative provisions of *faraidh* (Susanti, W. A., dkk, 2025). Social dynamics, culture, and family relations frequently emerge as variables that influence how these laws are interpreted and applied at the grassroots level (Risma, R., dkk, 2025).

As a pluralistic nation, Islamic law in Indonesia constantly interacts with customary law (*adat*) and social practices that have evolved over generations. This phenomenon of legal pluralism causes the implementation of Islamic inheritance to frequently undergo adjustments through family deliberation mechanisms, prioritizing substantive justice and prevailing local values (*living law*) (Wido Zuwika, dkk, 2024). This reality demonstrates that law functions not only as formal norms (*law in books*) but also as a social practice (*law in action*) influenced by the legal culture of the community. From a sociology of law perspective, the effectiveness of a norm depends heavily on the level of legal awareness, the role of community leaders, socio-economic conditions, and the alignment between formal rules and the collective values held by the community.

Although the community normatively recognizes Islamic law as the primary foundation, practices in various regions often show a shift toward family consensus to maintain social harmony over the strict compliance of *faraidh* mathematical calculations (Hamzah, I. 2025). The gap between the provisions of the Compilation of Islamic Law (KHI) and field practices creates an urgency to examine the extent to which Islamic inheritance law is effectively implemented within the context of a local community with strong traditions. This study aims to analyze the effectiveness of Islamic law implementation in inheritance distribution among the people of Lerep Village, West Ungaran District, while identifying the sociological factors influencing such implementation. Theoretically, this research seeks to enrich the literature of Islamic legal sociology regarding the negotiation between religious norms and social reality.

The novelty of this research lies in its focus on Lerep Village, West Ungaran District, which is characterized by a religious community that remains steadfast in upholding traditional values. To date, empirical studies on Islamic inheritance practices specifically capturing the dynamics of Lerep Village remain very limited, particularly regarding inheritance distribution from an Islamic legal perspective. Focusing on how this rural community negotiates between Sharia compliance and local wisdom in inheritance distribution will provide a new contribution to the empirical study of Islamic law in Indonesia.

Based on the background described above, this study focuses on examining the practice and effectiveness of Islamic inheritance law within the community of Lerep

Village, West Ungaran District, Semarang Regency. Specifically, the research seeks to analyze how inheritance distribution is practiced among the local community when viewed from the perspective of Islamic inheritance law. Furthermore, this study aims to assess the effectiveness of the implementation of Islamic inheritance law in the actual distribution of inheritance within the Lerep Village community. In addition, the research also explores the various sociological, cultural, and legal factors that influence the implementation of Islamic inheritance law in the practical process of inheritance distribution among the people of Lerep Village.

RESEARCH METHODOLOGY

This study employs an empirical-juridical research method, which functions as a legal research approach to observe law in its real sense and examine how law operates within society (Rifa'i, I. J. 2023). This approach was selected because the researcher intends to directly examine the effectiveness of Islamic Inheritance Law implementation in the practical distribution of estate assets within the community of Lerep Village, West Ungaran District. Through this lens, law is viewed not merely as normative text contained in the Compilation of Islamic Law (KHI), but as a social practice that interacts with cultural values and the legal consciousness of the local community (Zuchri Abdussamad, 2017). The research site is located in Lerep Village, West Ungaran District, Semarang Regency, chosen for its community characteristics being religious yet firmly upholding local traditions making it highly relevant as a locus for sociological law studies. The data sources consist of both primary and secondary data. Primary data were obtained directly through field research from key informants, while secondary data include primary legal materials (Al-Qur'an and KHI), secondary materials (books and academic journals), and tertiary materials such as legal dictionaries (Sulung, U., dkk, 2024).

Data collection was conducted through in-depth interviews with informants selected via a purposive sampling technique. Informants include heirs who have executed inheritance distribution, local religious leaders (Kiai), and village officials who understand the social-juridical conditions of Lerep Village residents. In addition to interviews, the researcher conducted observations to witness field social dynamics and documentary studies to supplement administrative data regarding the regional profile and relevant community records (Nurhayati, N., dkk 2024).

The collected data were then analyzed using a qualitative-systematic method. The analysis process began with data reduction to filter relevant information, followed by data display in a structured narrative format, and concluded with drawing conclusions (Putri dan Murhayati, 2025). Through this qualitative analysis, the researcher aims to descriptively explain the effectiveness of Islamic inheritance law and identify sociological factors such as legal awareness and the role of community leaders that influence the implementation of said law in Lerep Village.

RESULT AND DISCUSSION

Inheritance Distribution Practices in Lerep Village, West Ungaran District

The practice of inheritance distribution in Lerep Village, West Ungaran District, reflects the existence of legal pluralism, a distinctive characteristic of the Indonesian legal landscape. Normatively, three intertwining inheritance legal systems coexist: Islamic law, customary (*adat*) law, and civil (Western) law. However, at the empirical level, the community of Lerep Village does not exclusively adopt a single system. Instead, they implement legal hybridity an integration of laws harmonized with social values, local culture, and family consensus. This phenomenon indicates that the choice of law at the village level is pragmatic and adaptive, aimed at maintaining communal harmony. From a juridical-dogmatic perspective, the primary reference for Islamic inheritance law in Indonesia is the Compilation of Islamic Law (KHI), comprehensively regulated in Book II, Articles 171 to 214. These regulations cover fundamental aspects, including definitions, legal subjects (testators and heirs), the specific shares of each heir (*faraid*), distribution mechanisms, and dispute resolution procedures. Article 171 letter (a) of the KHI provides a firm definitional foundation: inheritance law governs the transfer of ownership of the estate (*tirkah*) from the testator, determining the rightful heirs and their respective shares. In Lerep Village, the KHI serves as a normative guideline, though its implementation frequently engages in a "creative dialogue" with the principle of family agreement (Moh Koesnoe, 2020).

This legal pluralism asserts that legal validity is determined not only by formal legitimacy but also by social norms rooted in society (living law). The concept of *living law* assumes that legal effectiveness is measured by the extent to which norms are internalized and practiced in daily social relations. In Lerep Village, the dominance of family values is manifested through deliberation (*musyawarah*) as the primary instrument for determining distribution. This aligns with field findings from an interview with Mr. Muhsinin, who revealed that inheritance distribution within his family followed the principle of equal shares between male and female heirs.

According to Mr. Muhsinin, the decision to distribute equally was based on the testator's (the late mother) oral will, which considered aspects of distributive justice. The primary consideration was the economic reality where daughters play an active role as breadwinners for the family. In this case, both male and female heirs accepted the distribution voluntarily. This collective agreement proves that family consensus can mitigate potential disputes, demonstrating that the community prioritizes welfare (*maslahah*) and harmony over the rigidity of mathematical *faraid* calculations.

In various cases in Lerep Village, equal sharing between male and female heirs is a common phenomenon, despite differing textually from the 2:1 portion stipulated in Islamic law. Based on field findings, this practice is driven by four primary determinants: (a) efforts to maintain family harmony and prevent conflict; (b) appreciation for the actual contributions of children toward their parents during their lifetime; (c) the internalization of social justice according to local perceptions; and (d) the influence of Javanese customary law, which emphasizes balance through deliberation.

Legal pluralism in Indonesia allows the community to practice syncretism between Islamic norms and customary law. Research indicates that customary law continues to play a significant role in directing distribution practices, particularly in rural areas (Saptomo, A. 2010). In Lerep Village, values such as *Rukun* (harmony), *Tepa Selira* (tolerance), and *Musyawarah* are dominant factors that shift the implementation of normative formulas toward a social process aimed at maintaining the balance of family relations.

Furthermore, the Lerep community utilizes lifetime giving or grant-will (*wasiat hibah*) strategies as instruments for dispute anticipation. This is confirmed by information from Mrs. Siti Khotimah, who established an oral will for her estate to be divided equally among all her children. In her view, this equal distribution model is an embodiment of substantive justice that can eliminate potential social jealousy among heirs.

Field observations also reinforce the presence of an economic pragmatism approach. Economic factors trigger compensatory distribution models, where children who live with and care for their parents tend to receive larger portions or asset management rights. Distribution is not always in the form of asset liquidation but often through communal management to ensure the continued economic function of the assets.

From an Islamic law perspective, the phenomenon of equal distribution in Lerep Village is not necessarily viewed as a disregard for Sharia, but rather as a manifestation of the principle of *Ishlah* (peace/reconciliation). In Islamic law, although *faraid* portions are established as *qath'i* (definitive) in the Qur'an, there is space for heirs to renegotiate through the mechanism of *Takharuj* or peaceful agreement post-legal decree (Daulay, N. M. 2024). This principle provides legality for families to divide assets equally as long as all heirs provide full consent (*an-taradhin*) without coercion. This aligns with the jurisprudential maxim that "peace is the master of all rulings" (*as-shulhu sayyidul ahkam*), aimed at preventing the harm (*mudarat*) of broken family ties (Adityo Dapi Pratama, dkk, 2024).

Moreover, the strategy of using grants (*hibah*) and wills (*wasiat*), as seen in Mrs. Siti Khotimah's case, is a valid legal action under Islamic jurisprudence. Giving property during one's lifetime (*Hibah Inter Vivos*) is an absolute right of the owner to distribute wealth without being bound by rigid inheritance rules. Within the framework of the KHI Article 211, a gift from parents to children can be accounted for as part of the inheritance, strategically used to achieve distributive justice for daughters or children who have rendered greater service in caring for their parents (Rahim, A. 2022).

This phenomenon reflects a shift from legalistic *faraid* application toward the utilization of grants to achieve *Maqashid Syariah* (the objectives of Islamic law), namely realizing justice and welfare (*mashlahah*) for all heirs (Syifa Mutiara Putri Heriandita, dkk, 2025). Thus, the inheritance model in Lerep Village demonstrates an adaptive Islamic law, where compliance is measured not merely by mathematical precision, but by the preservation of human values and social harmony commanded by religion (Supriyadi, 2018).

The Effectiveness of Implementing Islamic Inheritance Law in Inheritance Distribution in Lerep Village

The practical application of Islamic inheritance law involves complex dimensions, encompassing not only normative-textual aspects but also sociological factors such as legal awareness and community culture. Referring to the theory of legal effectiveness, successful implementation depends heavily on the synergy between legal substance, structure, and culture. This becomes particularly compelling when contrasted with the *ijbari* (imperative) nature of Islamic inheritance law where the transfer of assets is meant to occur automatically by law yet in reality, it frequently intersects with social dynamics on the ground. Within the social practices of Indonesian communities, including community-based villages like Lerep, inheritance distribution is often influenced by legal pluralism, involving customary law, family consensus, and considerations of social justice (Thomas Febria dkk, 2024).

Islamic inheritance law has established rigid and deterministic mathematical formulations regarding the distribution of estate assets. However, various empirical studies indicate a discrepancy between legal norms and field practices, where Muslim communities often do not implement Sharia provisions in their pure form. This phenomenon is generally influenced by the strong penetration of local cultural factors and a preference for resolution through family consensus (*ishlah*) (Ella Safitri, dkk 2024).

The research findings in Lerep Village demonstrate that religious figures (such as *Modin* or *Ustadz*) serve as central actors and key stakeholders in the Alternative Dispute Resolution (ADR) system. This role manifests in three primary functions: as educators of Islamic law, conflict mediators, and providers of moral legitimacy. The presence of these religious figures functions not only to maintain social cohesion but also to provide a space for deliberation (*musyawarah*) that minimizes community dependence on litigation, which tends to be formal and time-consuming.

Based on interviews with a key informant (Ustadz Sodikin), it was revealed that the involvement of religious figures is driven by high public trust in religious authority. In the mediation process, religious figures internalize *faraid* values by providing an understanding of heirs' rights, the principles of justice, and the urgency of maintaining family harmony. Social legitimacy in Lerep Village tends to be stronger when inheritance distribution agreements are witnessed or advised by religious authorities (Sodikin, 2026). This confirms that in transitional societies, the living law often relies on figures perceived to possess high moral authority.

While the moral authority of religious leaders serves as a compass for the community in understanding *faraid* norms, the practical implementation of these values requires a formal-organizational space for mediation. In this context, the function of religious figures as spiritual advisors necessitates support from village institutions to administratively legitimize the reconciliation process. This synergy between moral and structural power is reflected in the village bureaucracy. Research findings from an interview with the Head of Lerep Village (Mr. Maryadi, 2026) confirm that the village government acts as a facilitator in resolving inheritance disputes, rather than a policy-

maker in asset distribution. The village government positions itself as a provider of a 'neutral space' for mediation when heirs encounter a deadlock in internal negotiations (Mr. Maryadi, 2026). This indicates that the formal structure at the village level prioritizes a restorative justice approach, aiming to restore familial relationships rather than merely applying legal rules in a rigid manner.

The synergy of these authorities allows for flexibility in the selection of legal norms. The practice of inheritance distribution in Lerep Village is not confined to a single path but adopts several approaches simultaneously, ranging from Islamic law (*faraid*), local customs, to family agreements based on a sense of collective justice. The Head of Lerep Village emphasized that the primary orientation of the village government's involvement is not the imposition of a specific legal codification, but rather the maintenance of social stability and the prevention of prolonged conflict escalation. This accommodative-persuasive approach proves that legal effectiveness at the village level is measured more by the attainment of a consensus that ensures the sustainability of social relations among heirs. Interviews with religious figures and the village government indicate that the roles of the village head and religious leaders are social and mediative, rather than serving as legal authorities who dictate inheritance distribution. This reflects a synergy between formal law, religious norms, and local wisdom in the practice of inheritance distribution within rural communities (Mr. Maryadi, 2026).

The implementation of Islamic inheritance law at the research site shows a significant level of effectiveness, yet it remains elastic as it is strongly influenced by social values and local culture. Religious figures revealed that although the community possesses a basic understanding of *faraid* concepts particularly regarding heirs' rights and principles of justice the distribution practices are not always oriented toward the mathematical formulations of classical jurisprudence (*fiqh*). Field reality shows that the community tends to prioritize family consensus through deliberation (*musyawarah*) as the primary instrument for maintaining social cohesion and harmony.

The synergy of roles between formal and informal authorities theoretically confirms the prevalence of legal pluralism in Lerep Village, where Islamic law, customary law, and the role of the state interact dynamically. The mediation patterns demonstrated show that legal effectiveness is no longer viewed as the rigid enforcement of statutory texts, but as a process of value negotiation aimed at distributive justice. The Village Head explained that although the village government lacks the juridical authority to formally determine inheritance distribution, they play a central role as mediators when fragmented interests arise among heirs. The involvement of the Village Head and religious leaders is manifested through non-litigation deliberation mechanisms, where parties are oriented toward achieving a consensus that reflects a sense of collective justice. This approach is considered effective as a preventive instrument against prolonged legal disputes while functioning as a social stability mechanism at the village level.

Furthermore, the effectiveness of implementing Islamic inheritance law in Lerep Village is justified through the assimilation of religious norms and local wisdom. Religious figures provide a basis for normative legitimacy sourced from Islamic law,

while the Village Head facilitates the practical-communicative dimension in family mediation. This resolution model aligns with the sociological premise that the integration of social-religious approaches with informal mediation can increase the degree of legal compliance without negating long-rooted social harmony and cohesion.

Despite the high effectiveness shown by this mediation model, several fundamental obstacles persist in the field. First, there is low legal literacy among the community regarding the technical details of inheritance calculations. Second, there is a contestation between customary law and Sharia provisions, where local practices sometimes possess different standards of justice than *faraid* norms. Lastly, there are psychological-relational barriers, specifically emotional factors among heirs that often hinder the achievement of consensus, thus requiring a more persuasive and sustainable mediation approach.

Comprehensively, the application of Islamic law in Lerep Village, West Ungaran District, exhibits a more prominent dimension of sociological stability compared to its normative compliance. This is achieved through a functional synergy between religious figures as normative authorities and the Village Head as an authoritative social mediator. However, viewed from a legalistic-dogmatic perspective, this effectiveness has not reached an optimal level because the practices are not yet fully aligned with the textual provisions of *faraid*. This phenomenon reflects a shift in the community's legal orientation from formal-mathematical justice toward substantive-relational justice, where consensus and family harmony are prioritized over the precision of inheritance numerical calculations

Empirically, a strategic collaboration was found between the village government as a formal authority and religious and community leaders as informal authorities. The Head of Lerep Village consistently involves these figures to provide moral and religious considerations, strengthening the basis of argumentation during the mediation process. This pattern of cooperation creates a Tripartite Mediation model (Village, Religion, and Tradition) that is effective in mitigating potential open conflicts. In this context, the culture of *musyawarah mufakat* (deliberation for consensus) in Lerep Village is not merely a residual tradition but a social defense mechanism that functions to preserve social harmony.

Factors Influencing the Implementation of Islamic Inheritance Law in the Inheritance Distribution Practices of the Lerep Village Community

The implementation of Islamic inheritance law in the practice of distributing estate assets in Lerep Village, West Ungaran District, is influenced by a multidimensional interaction between Islamic legal norms and the social reality of the community. The primary factors include:

a. Local Legal Culture and the Internalization of Javanese Values

Legal culture is a fundamental element that determines how a rule is accepted by the community (Friedman, 1975). In Lerep Village, Javanese culture, which prioritizes the principles of "*Rukun*" and "Harmony" (primacy of harmony), creates a flexible pattern of inheritance implementation. This living law phenomenon reflects a dialectical synthesis where religious norms remain respected, but their execution is harmonized with local

traditions to preserve social cohesion (Achmad Hariri, & Basuki Babussalam. 2024)). These characteristics encourage accommodative distribution practices, such as equal distribution, serving as an instrument to mitigate potential ruptures in family relations.

b. Discrepancy in Religious Understanding and *Faraidh* Science

The effectiveness of Islamic inheritance law depends heavily on the legal literacy of the heirs. Field findings indicate a gap in the community's understanding of the details of *faraidh* rules, specifically regarding the mathematical determination of each heir's portion. This technical ignorance often serves as a sociological reason why the community shifts from a formal Sharia framework toward simpler practices. This confirms that without in-depth legal education, normative law is difficult to implement precisely within social actions (Kostiner, I. 2003).

c. Deliberation and Family Consensus

Deliberation (*Musyawarah*) emerges as the dominant mechanism in inheritance distribution practices in Lerep Village. The use of deliberation aims to achieve "Agreed Justice" rather than "Decided Justice." This practice demonstrates a paradigmatic transformation: rural communities tend to shift the legal approach from a normative-positivistic one toward a flexible social approach. In a legal perspective, this is classified as Alternative Dispute Resolution (ADR), which is highly effective in maintaining social stability at the grassroots level.

d. The Role of Religious and Community Leaders

The role of religious leaders in Lerep Village functions as a legal broker or strategic intermediary bridging sacred texts with local contextual realities. Religious leaders do not merely act as conveyors of rigid *faraidh* norms but also serve as mediators providing religious legitimacy to social agreements. In performing this function, they transform their role from mere law teachers into inclusive law interpreters. This aligns with the concept of "living law," where the effectiveness of a rule depends on its ability to adapt to the local sense of justice (Adi, R. (2012).

In Lerep Village, the involvement of religious figures is a determinant factor in the direction of inheritance law implementation. They do not impose the legal-formal application of *faraidh* if it risks triggering social fragmentation or familial conflict. Instead, religious leaders tend to guide the community toward Deliberation and *Ishlah* (peaceful reconciliation). This pattern confirms the theory that religious leaders possess charismatic authority capable of aligning normative truth (*Sharia*) with sociological truth (*Mashlahah*) to preserve community harmony (Ruhullah, M. E., & Ushama, T. 2025).

e. Socio-Economic Conditions of the Heirs

The socio-economic conditions of the heirs are crucial variables that empirically determine the direction of distribution practices in Lerep Village. In the local view, justice is not measured solely by the mathematical rigidity of *faraidh*, but through a distributive justice approach that considers humanitarian aspects and real needs. This is reflected in actual practices, such as providing larger or equal portions to heirs with urgent economic needs, or giving greater appreciation to children who cared for their parents in old age as a form of gratitude for the value of *birr al-walidain* (devotion to parents).

Furthermore, the emerging recognition of gender role equality where daughters who serve as the family's backbone receive portions equal to sons shows a shift in the legal paradigm. This practice confirms that the Lerep community tends to apply substantive-relational justice, prioritizing welfare (*mashlahah*) and the survival of family members over legalistic compliance with the text. This phenomenon aligns with the sociology of law theory stating that in transitional societies, law is often modified by economic necessity and social structure dynamics to avoid deeper inequality (Luhmann, N. 2013).

CONCLUSION

The implementation of Islamic inheritance law in Lerep Village reflects a form of integrative legal pluralism, where normative adherence to the textual provisions of *faraidh* has gradually shifted toward the realization of substantive and relational justice through family deliberation and consensus. In practice, equal distribution of inheritance and the use of inter vivos transfers (*hibah*) are not viewed by the community as a deviation from Sharia principles, but rather as an expression of *ishlah* (amicable settlement) and the objectives of *Maqashid al-Sharia*, which emphasize public welfare (*mashlahah*) and the preservation of social harmony. In this context, the effectiveness of law is strongly influenced by the presence of *living law*, which integrates Javanese cultural values with the flexibility inherent in Islamic legal principles, thereby minimizing potential conflicts and maintaining family cohesion.

Furthermore, the effectiveness of Islamic inheritance law implementation in Lerep Village, West Ungaran District, demonstrates a model of sociological flexibility. Legal success in this context is not measured solely by strict adherence to the mathematical calculations of *faraidh*, but rather by the extent to which inheritance distribution contributes to social stability and harmony within families. This condition is supported by the existence of a tripartite mediation mechanism involving religious leaders, family members, and the village government. Religious leaders function as holders of normative and moral authority, while the village government acts as an administrative facilitator, together creating a non-litigation mediation space that effectively reduces the potential for inheritance disputes. Although from a legal-dogmatic perspective these practices may not fully align with the textual provisions of Sharia—largely due to limited legal literacy and the strong influence of local culture—the phenomenon illustrates the operation of *living law*, which shifts the community's orientation from formal-mathematical justice toward substantive-relational justice.

In addition, the implementation of Islamic inheritance law in Lerep Village is influenced by several interrelated sociological factors. These include a local legal culture that prioritizes social harmony, the relatively low level of technical understanding of *faraidh* calculations, and the dominant role of family deliberation as a mechanism for achieving collective justice. Religious leaders also play a strategic role as legal intermediaries who bridge normative Islamic teachings with the sociological realities of the community through an *ishlah* approach. Economic considerations of the heirs, as well as recognition of their contributions and responsibilities toward the family, often become

additional factors shaping inheritance distribution. Collectively, these elements form a model of *living law* in which family welfare and social stability are prioritized above rigid legal formalism, illustrating an adaptive interaction between Islamic legal norms and local cultural wisdom

REFERENCES

Article in an online journal:

- Achmad Hariri, & Basuki Babussalam. (2024). Legal Pluralism: Concept, Theoretical Dialectics, and Its Existence in Indonesia . *Walisongo Law Review (Walrev)*, 6(2), 146–170. <https://doi.org/10.21580/walrev.2024.6.2.25566>
- Adityo Dapi Pratama, M. Thoriqul Haq, Fadil Zalfa Firmansyah, Wafi Hidayat, Wismanto Wismanto, & Fitria Mayasari. (2024). Konsep Keadilan dan Perdamaian Dalam Islam. *Reflection : Islamic Education Journal*, 2(1), 49–57. <https://doi.org/10.61132/reflection.v2i1.378>
- Eka S., Dyah O. S., Moh. H, Nadea N. S. M., The Role of Religious Courts in Settling Sharia Economic Disputes in Indonesia: Genealogy Analysis of Constitutional Court Decision Number 93/PUU-X/2012. (2025). *Journal of Indonesian Legal Studies*, 10(1), 391-430. <https://doi.org/10.15294/jils.v10i1.12564>
- Ella Safitri. (2024). *Islamic Inheritance Law in Indonesia: Analysis of Legal Implementation and Compliance Among Muslim Communities*. *RESPONSIVE LAW JOURNAL*, 12(1), 45-62. <https://doi.org/10.59923/rlj.v2i1.460>
- Febria, T., Benni, B., & Kurniawan, D. (2025). Relevansi Asas Keadilan dan Kepastian Hukum dalam Pembagian Warisan menurut Hukum Islam dan Hukum Positif Indonesia. *Jurnal Legalitas*, 3(2), 80–95. <https://doi.org/10.58819/jle.v3i2.174>
- Kostiner, I. (2003). Evaluating legality: toward a cultural approach to the study of law and social change. *Law & Society Review*, 37(2), 323-368. <https://doi.org/10.1111/1540-5893.3702006>
- Najamudin, N., Fautanu, I., Najib, M., Kania, D., & Ridwan, A. H. (2024). Religious and Cultural Diversity in Inheritance Law: A Discussion on the Impact of Judicial Will Considerations on the National Legal System in Indonesia. *Al-Qadha : Jurnal Hukum Islam Dan Perundang-Undangan*, 11(1), 32-48. <https://doi.org/10.32505/qadha.v11i1.8833>
- Rahim, A. (2022). Pemberian Hibah Dari Orang Tua Kepada Anaknya Dapat Diperhitungkan Sebagai Warisan Analisis Pasal 211 Khi. *Al-Usrah: Jurnal Al Ahwal As Syakhsyah*, 10(1). <http://dx.doi.org/10.30821/al-usrah.v10i1.13736>
- Rasyid, A., Lubis, R. F., & Saleh, I. (2024). Contestation of Customary Law and Islamic Law in Inheritance Distribution: A Sociology of Islamic Law Perspective. *Al-Ahkam*, 34(2), 419-448. <https://doi.org/10.21580/ahkam.2024.34.2.20843>
- Risma, R., & Andaryuni, L. (2025). Islamic Law as A Cultural and Social Phenomenon. *International Journal on Advanced Science, Education, and Religion*, 8(3), 80-89. <https://doi.org/10.33648/ijoaser.v8i3.1147>
- Ruhullah, M. E., & Ushama, T. . (2025). Leadership in Islam: A Spiritual and Theological Doctrine. *Fikroh: Jurnal Pemikiran Dan Pendidikan Islam*, 18(1), 54-74. <https://doi.org/10.37812/fikroh.v17i1.1737>
- Susanti, W. A., Salamah, H. W., & Majid, M. Z. A. (2025). Analisis Hukum Islam Terhadap Praktik Adat Wekas Dalam Pembagian Waris Masyarakat Jawa. *Jurnal*
-

-
- Sains, *Ekonomi, Manajemen, Akuntansi Dan Hukum*, 2(3), 180–191.
<https://doi.org/10.60126/sainmikum.v2i3.980>
- Syifa Mutiara Putri Heriandita, Farah Farouk Alwyni, Mohammad Izdiyan Muttaqin, & Mulawarman Hannase. (2025). The Role of Islamic Inheritance Law with a Maqasid al-Shariah Approach in Addressing the Challenges of Social Justice for Women. *AJIS: Academic Journal of Islamic Studies*, 10(1), 231–252.
<https://doi.org/10.29240/ajis.v10i1.11931>
- Wido Zuwika, Radina Mumtaza Ulya, Herianto, Eka Ambar Wati, Badruz Zaman, & Suhairi. (2024). Dinamika Hukum Kewarisan di Era Modern: Tantangan dan Relevansi Hukum Waris Islam. *JSHI: Jurnal Syariah Hukum Islam*, 3(2), 31–45.
<https://doi.org/10.47902/jshi.v3i2.459>

BOOK

- Adi, R. (2012). *Sosiologi hukum: kajian hukum secara sosiologis*. Yayasan Pustaka Obor Indonesia.
- Daulay, N. M. (2024). *Penguasaan Harta Warisan Sebelum Pelaksanaan Faraid Menurut Hukum Islam (Studi Kasus di Desa Bangun Raya Kecamatan Barumon Kabupaten Padang Lawas)* (Doctoral dissertation, Universitas Islam Negeri Sultan Syarif Kasim Riau).
- Friedman, L. M. (1975). *The legal system: A social science perspective*. Russell Sage Foundation.
- Hamzah, I. (2025). *Buku Syariah 5.0: Kajian Maqasidi Atas Transformasi Wakaf, Mawarits, dan Hukum Keluarga Islam Modern*. Penerbit Widina.
- Luhmann, N. (2013). *A sociological theory of law*. Routledge.
- Nurhayati, N., Apriyanto, A., Ahsan, J., & Hidayah, N. (2024). *Metodologi Penelitian Kualitatif: Teori dan Praktik*. PT. Sonpedia Publishing Indonesia.
- Rifa'i, I. J. (2023). Ruang Lingkup Metode Penelitian Hukum. *Metodologi Penelitian Hukum*, 6.
- Saptomo, A. (2010). *Hukum dan kearifan lokal: revitalisasi hukum adat Nusantara*. Grasindo.
- Sulung, U., & Muspawi, M. (2024). Memahami sumber data penelitian: Primer, sekunder, dan tersier. *Edu Research*, 5(3), 110-116.
- Turnip, I. R. S. (2025). *Hukum Perdata Islam di Indonesia (Studi Tentang Hukum Perkawinan, Kewarisan, Wasiat, Hibah, dan Perwakafan)-Rajawali Pers*. PT. RajaGrafindo Persada.

Interviews (Wawancara)

- Maryadi (Village Head of Lerep). *Personal Interview*. Conducted on February 2, 2026, at 09:00 WIB.
- Sodikin (Resident/Religious Leader of Lerep Village). *Personal Interview*. Conducted on February 2, 2026, at 16:00 WIB.
-

Copyright Holder :

© Diah Ayu Ratnaningrum, et.al. (2026).

First Publication Right :

© At-Tasyrih: Jurnal Pendidikan dan Hukum Islam

This article is under:

