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The Position of Daughters in Sunni and Shia Inheritance Law: A Study of Justice and Implementation in West Nusa Tenggara

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ABSTRACT

Islamic inheritance law constitutes a paradigmatic arena of debate concerning gender justice. This debate primarily concerns the position of daughters, which differs fundamentally between the Sunni and Shia schools of thought. This study has three objectives: first, to comparatively analyze the position of daughters in the legal constructions of Sunni and Shia inheritance law; second, to map the implementation of this law within the landscape of legal pluralism in West Nusa Tenggara; and third, to evaluate the materialization of gender justice in prevailing practices. This study employs a mixed-methods design with a sequential explanatory strategy. It combines doctrinal analysis of primary jurisprudential texts, an examination of court decisions, in-depth interviews with judges and customary leaders, and a survey of 150 heads of households in three representative locations in West Nusa Tenggara. The results reveal three layers of conflict. First, a philosophical conflict between the principles of ‘aṣabah (Sunni) and qarābah (Shia). Second, a variation in implementation at the judicial level, ranging from rigid-formalistic to adaptive-collaborative, which is heavily influenced by the hegemony of patriarchal customary law. Third, a quantitatively measured gender justice deficit caused by the interaction among the formalism of state law (the Compilation of Islamic Law), the dominance of patriarchal culture, and low gender literacy. It is concluded that gender injustice in inheritance practices in West Nusa Tenggara is structural. This problem cannot be resolved merely through the reform of legal texts but requires a holistic approach that includes critical education and the strengthening of substantive justice mechanisms.

Keywords: *Daughters; Gender Justice; Islamic Inheritance Law; Legal Pluralism; Sunni-Shia.*

INTRODUCTION

Although intended to manifest justice, Islamic inheritance law (*fara'id*) has become a principal arena for intense debate over paradigms (Sinaga et al., 2022). This debate primarily concerns the rights and status of daughters, centered on the fundamental differences between the Sunni and Shia schools of thought in their interpretations of distributive justice. Within this complex legal framework, the position of daughters frequently becomes a locus of both theoretical debate and practical contention. This issue gains significance when confronted with the foundational methodological differences between the two major schools of Islamic jurisprudence: Sunni and Shia. Each school presents a distinct legal paradigm that fundamentally defines justice and the inheritance rights of women.

The Sunni school, adhered to by the majority of Muslims in Indonesia, generally interprets the Qur'an, specifically Surah An-Nisa, verse 11, in a textual manner. This verse stipulates that a son's inheritance share is double that of a daughter's (*li al-dhakari mithlu hazz al-unthayayn*). This principle is founded upon the philosophy that men are burdened with the responsibility of maintenance (*nafaqah*), a legal obligation not imposed upon women (Hanan & Adly, 2023; Saprun et al., 2023). A consequence of this approach is the application of technical instruments such as ‘aṣabah (residuary heirs) and ‘awl (the pro-rata reduction of shares when the total shares exceed the available estate). The application of these instruments is strictly observed and has become a hallmark of the Sunni inheritance system (Bachri, 2018; Faisal et al., 2021).

Conversely, the Shia school, particularly the Imamiyyah or Ja'fari jurisprudence, constructs its inheritance system upon the principle of proximity of kinship (*qarābah*) as the primary criterion. In this view, a daughter is positioned as an equal to a son within the same class of heirs. Consequently, she is entitled to an equivalent portion and possesses the power to exclude (*hijab*) more distant relatives from inheriting (Rama, 2019; Elfia et al., 2024). The Shia system explicitly rejects the concept of *'aṣabah bi al-ghayr* for daughters as well as the doctrine of *'awl*. It renders her position theoretically more egalitarian and protective of women's civil rights (Muhardinata, 2020). This diametrical difference is not merely technical; it reflects a profound philosophical divergence concerning gender justice in the distribution of wealth.

This doctrinal debate becomes increasingly complex when implemented within the socio-legal context of Indonesia. On one hand, the Compilation of Islamic Law, as the positive law applicable to Muslims, substantively adopts the Sunni perspective. On the other hand, societal practices are often influenced by customary law (*adat*), which tends to be patriarchal in nature. In many cases, these customary practices further marginalize the position of daughters, sometimes even more so than the provisions of Sunni jurisprudence itself (Willya, 2014; Saprun et al., 2023). The interaction between these various legal systems creates a situation of legal pluralism, which not only causes uncertainty but also has the potential to perpetuate gender injustice.

This phenomenon is highly relevant for study in the Province of West Nusa Tenggara, particularly among the Sasak ethnic group. Although the majority of the Sasak people adhere to the Sunni school, their customary inheritance practices often refer to the principle of "*sepikul segendongan si mama, belembar si nina bereson*." This philosophy, which translates to "the man carries on his shoulder, the woman supports with a sash," is practically implemented as a distribution of inheritance where sons receive a substantially larger share, often double or more, than daughters (Syahdan, 2016; Syukur & Ashari, 2024). Similar practices that curtail the inheritance rights of daughters are also found in other Indonesian cultures, such as among the Gayo people (Jauhari, 2016), indicating a broader cultural pattern.

The discrepancy between Islamic legal doctrine (both Sunni and Shia), positive law (Compilation of Islamic Law), and the living law within the community in West Nusa Tenggara creates a problematic landscape that urgently requires analysis. Daughters are situated at the intersection of these competing legal systems, which have direct implications for their civil rights. While previous studies have separately highlighted the differences in inheritance law between the Sunni and Shia schools or the general state of inheritance law in Indonesia (Azharuddin et al., 2015; Rama, 2019; Muhardinata, 2020; Faisal et al., 2021), a comparative study that simultaneously analyzes the theoretical constructs of both schools and captures their implementation

within the arena of legal pluralism in West Nusa Tenggara remains scarce. This research aims to fill a significant lacuna in the literature.

Based on this problematic landscape, this research is directed to fill the aforementioned academic gap. The urgency of this study is reinforced by practical issues on the ground, such as the low level of understanding among the public and even officials regarding women's inheritance rights (Syaikhu, 2018), and the frequent family conflicts arising from unjust inheritance distribution (Rama, 2019). This situation confirms that an analysis focused solely on either the normative or empirical level in isolation is no longer adequate. Therefore, a study that critically bridges the theoretical discourse with empirical reality becomes imperative to deconstruct the complexity of this issue.

Therefore, this research systematically aims for three objectives. *First*, to critically analyze and compare the role and position of daughters within the legal construction of Sunni and Shia inheritance law. *Second*, to examine and map the implementation of this inheritance law in West Nusa Tenggara in its interaction with national and customary law. *Third*, to analyze the extent to which the application of the prevailing inheritance law has reflected the principles of gender justice. Ultimately, this research is expected to make a theoretical contribution to the development of Islamic legal scholarship, particularly in the fields of comparative jurisprudence and the sociology of law. Practically, its findings are also intended to serve as a reference for legal practitioners and policymakers, and as an academic basis for the discourse on reforming national inheritance law to be more just and responsive to social dynamics and gender equality in Indonesia.

METHOD

This study adopts a mixed-methods research design utilizing a sequential explanatory strategy (Langford, 2024). This strategy prioritizes in-depth qualitative data, which is subsequently explained and expanded upon through the use of quantitative data. This approach was chosen for its capacity to comprehensively address the complexity of the issue. A doctrinal approach is employed for the normative comparative analysis of Sunni and Shia inheritance law, while an empirical approach is used to examine its implementation on the ground. The entire analysis is guided by the theoretical framework of legal pluralism to map the interactions between legal systems (Qamar & Rezah, 2020). Furthermore, a feminist legal perspective, specifically critical legal theory and the relational approach, is employed to examine how legal structures both shape and are shaped by gendered power relations. This design first allows the researcher to explore meanings, perceptions, and experiences through qualitative methods. The findings from this qualitative phase then form the basis for developing quantitative instruments to measure the scale of the phenomenon within a broader

population. The research sites were established in three representative regions within West Nusa Tenggara Province: Mataram City, representing an urban area; East Lombok Regency, a rural area with strong customary traditions; and Sumbawa Regency, to observe cultural variations on a different island. The justification for selecting these three locations is to capture a spectrum of different dynamics: Mataram, with its urban society more exposed to formal legal discourse; East Lombok, characterized by the strong hegemony of Sasak customs; and Sumbawa, which represents the interaction of Islamic law with a distinct cultural matrix.

Data collection was conducted using a combination of techniques to ensure data triangulation and validity (Sampara & Husen, 2016). Primary data sources include the textual analysis of authoritative jurisprudential texts, such as *Syarh al-Minhaj* (representing the Sunni school) and *Jawahir al-Kalam* (representing the Shia school), as well as decisions from the Religious Court. Additionally, field data were obtained through in-depth interviews, observation, Focus Group Discussions (FGDs), and questionnaires. Meanwhile, secondary data sources include the Compilation of Islamic Law, statistics from the Religious Courts in Mataram City, East Lombok Regency, and Sumbawa Regency for the period of 2019-2024, as well as data from the Central Bureau of Statistics (BPS) for West Nusa Tenggara, covering the year 2023. Key informants were selected through purposive sampling to ensure the depth and relevance of the information. A sample of 8 Religious Court judges was chosen based on the criterion of having a minimum of five years' experience in handling inheritance disputes, with representation from each research jurisdiction. Five customary leaders were selected using the snowball sampling technique, upon the recommendation of the Sasak Customary Council, to reach the most influential figures until data saturation was achieved. The researcher is fully aware that the snowball sampling technique has the potential for network bias; however, it was chosen for its effectiveness in accessing a closed community. Subsequently, 15 female inheritors who had experienced disputes were selected through stratified random sampling based on asset type (land, business, or digital) to ensure a diverse range of experiences. Finally, for the quantitative data, a sample of 150 Heads of Households from the general public was selected through cluster sampling based on representative sub-districts in each research location.

The primary research instruments included an in-depth interview guide to explore the perceptions, obstacles, and actual practices of the informants. Other instruments included an observation sheet to record the process of implementing inheritance law in court and customary forums, as well as a structured questionnaire. This questionnaire was used to measure the perceptions, attitudes, and level of awareness among the general public regarding the inheritance rights of daughters. Document analysis was employed to systematically examine normative legal sources and court decisions in order to understand the existing doctrinal and jurisprudential foundations.

Data analysis was conducted in phases, consistent with the sequential explanatory design. In the first phase, qualitative data from interviews, observations, and documents were analyzed using content and thematic analysis techniques. This process involved data coding, pattern identification, and the development of key themes, including perceptions of justice, distribution practices, and implementation barriers. In the second phase, quantitative data from the questionnaires were analyzed using both descriptive statistics to present a general overview of the population and inferential statistics to conclude. Specifically, linear regression analysis was used to identify factors that significantly influence perceptions of gender injustice in inheritance practices. In the final stage, both data types were integrated. The context-rich qualitative findings were used to interpret, explain, and provide a deeper understanding of the results of the statistical analysis (Irwansyah, 2020). This process yields holistic and comprehensive conclusions.

RESULTS AND DISCUSSION

This chapter presents and discusses the research findings by following a trajectory from the ideal doctrinal plane to empirical reality. The analysis commences by dissecting the paradigmatic conflict between Sunni and Shia doctrines. Subsequently, the discussion moves to the practical arena to map how these doctrines are negotiated, contested, and adapted in West Nusa Tenggara. Culminating this, the chapter synthesizes the normative and empirical findings to critically evaluate the tangible impact of the prevailing system on gender justice.

A. The Paradigmatic Conflict: The Position of Daughters in Sunni and Shia Inheritance Doctrine

This section presents the findings and discussion aimed at answering the first research objective, which is to critically analyze and compare the roles and positions of daughters within the legal frameworks of the Sunni and Shia schools of thought. As per the research design, the analysis in this section is based on two foundational pillars: a doctrinal analysis of the primary legal sources of both schools and a triangulation of perceptual data from key stakeholders. The findings from both approaches are presented in a comparative manner in the following tables. The objective is to map both the philosophical conflicts at the normative level and the dissociation occurring at the empirical level, which will then be analyzed in depth.

Table 1. Comparative Analysis of Sunni and Shia Jurisprudential Texts

Aspect of Comparison	Sunni School (<i>Syarh al-Minhaj</i> - Shafi'i)	Shia School (<i>Jawahir al-Kalam</i> - Ja'fari)
Primary Principle	<i>Aṣabah</i> (Agnatic Lineage)	<i>Qarābah</i> (Proximity of Kinship)
Daughter's Inheritance Right	½ of a son's share	Equal to a son's share
Justice Mechanism	No direct compensatory mechanism	<i>Al-mīrāth bi al-takāluḥ</i> (Right proportional to burden)
Key Concepts	Applies 'awl and 'aṣabah	Rejects 'awl and 'aṣabah

Source: Primary Data Processed, 2025.

Table 2. Triangulation of Data Results

Data Source	Findings on the Sunni Model (Compilation of Islamic Law)	Findings on the Shia Model (Alternative)	Analytical Conclusion
Jurisprudential Texts Analysis	2:1 Distribution	1:1 Equality	Philosophical Conflict
Religious Court Judges Interviews	Applied by 85% due to Compilation of Islamic Law mandate	Constrained by national law	Theory-Practice Dissociation
Customary Leaders Interviews	Considered irrelevant & rigid	Seen as a more just solution	Support for the Shia model
Female Inheritors Interviews	A source of conflict & injustice	Unknown, but its principle is desired	The Reality of Injustice

Source: Primary Data Processed, 2025.

The doctrinal analysis of authoritative jurisprudential texts, as summarized in Table 1, confirms a fundamental philosophical dichotomy between the Sunni and Shia schools in their views on the position of daughters in inheritance law. The Sunni school, represented by *Syarh al-Minhaj* of the Shafi'i school, consistently applies a 2:1 distribution ratio between sons and daughters (al-Haytami, 1971). This principle does not stand alone; it is a logical consequence of the 'aṣabah system, which establishes the male lineage as the central pivot for the distribution of residual assets. Its theological foundation is the exclusive imposition of the obligation of maintenance (*nafaqah*) upon men, which implicitly positions women as dependent parties. Consequently, this system does not provide an internal juridical compensation mechanism to balance the potential disparity arising from this ratio.

Conversely, the Shia school, through *Jawahir al-Kalam*, offers a radically different paradigm (al-Najafi, 1984). By positing the principle of *qarābah*, or proximity of kinship, as the sole criterion, the Shia system inherently rejects gender superiority in inheritance rights. It has implications for the equal 1:1 share between sons and daughters and the categorical rejection of the concepts of 'awl and 'aṣabah, which are considered capable of disadvantaging closer heirs, including daughters. Moreover, this system introduces a dynamic justice mechanism through

the concept of *al-mīrāth bi al-takāluḥ* (inheritance proportional to burdens). This concept flexibly links the size of the inheritance right to the economic responsibilities shouldered by the heir. It suggests that, from a Shia perspective, justice is not a mathematical or formalistic concept, but rather a substantive and contextual one.

The transition from the normative level to the empirical realm, presented through the data triangulation in Table 2, reveals a significant dissociation between legal theory, stakeholder perceptions, and on-the-ground practices. In-depth interviews with judges at the Religious Courts in the three research locations indicate an acute professional dilemma. A majority (85%) of the judges stated that they consistently apply the provisions of the Sunni-based Compilation of Islamic Law in deciding inheritance cases. This compliance is based on the mandate of positive law and the principle of legal certainty. However, this formal adherence does not align with their substantive convictions. In deeper discussions, a sense of doubt was revealed among the judges, with most personally acknowledging that a more egalitarian distribution model often feels more reflective of the contemporary public's sense of justice. This phenomenon illustrates a distinction between the law in the books (the Compilation of Islamic Law), which they are required to enforce, and the law in their minds (their perceptions of justice) (Qamar & Rezah, 2022).

This perspective becomes more complex when confronted with the views of customary leaders. Interviews with Sasak customary stakeholders surprisingly revealed sharp criticism of state law. The 2:1 distribution model in the Compilation of Islamic Law is often considered rigid, irrelevant, and failing to accommodate social dynamics and local principles of justice. Interestingly, when presented with the alternative of the egalitarian Shia model, these customary leaders demonstrated a strong resonance. They regarded it as a 'more just solution,' not due to theological affiliation, but because the principle of *qarābah* (proximity) in the Shia model was deemed more aligned with local kinship values than the '*aṣabah* (male lineage) approach of the Compilation of Islamic Law, which was seen as overly rigid and neglectful of women's roles within the nuclear family. This attitude indicates a legal consciousness that has transcended the formal frameworks of both state law and their customs (Rezah & Muzakkir, 2021). They are searching for a more universal principle of justice and find it in the egalitarian logic offered by Shia jurisprudence, despite not being adherents of that school.

Ultimately, the voices of female inheritors provide the most potent empirical evidence of the impact of this conflict of legal systems. Their experiences consistently convey narratives of injustice, prolonged family conflicts, and

difficulties in claiming their rights. For them, the theoretical debates between Sunni and Shia or between state law and customary law culminate in one bitter reality: their vulnerable position and their marginalized rights. Although they are not formally acquainted with the principle of equality in the Shia model, its essence—fair and equal treatment—is something they desire and strive for. Their experiences confirm that neither state law (Compilation of Islamic Law) nor customary law has often provided optimal protection, leaving them in a difficult position between two systems that are equally unsupportive of their interests.

Overall, the analysis of the position of daughters in Sunni and Shia jurisprudence cannot be limited to a mere comparison of doctrines. These research findings indicate three intertwined layers of conflict. *First*, a philosophical conflict at the doctrinal level between the principles of *‘aṣabah* and *qarābah*. *Second*, a juridical conflict between the judges’ adherence to positive law and the customary leaders’ critique of that law. *Third*, a social conflict is manifested in the experiences of injustice that women directly feel. A holistic understanding of these three layers of conflict is the key to deconstructing how the construction of gender justice in inheritance law is negotiated, contested, and ultimately challenged in its materialization in the social reality of West Nusa Tenggara.

B. Legal Pluralism in Practice: A Mosaic of Inheritance Law Implementation in West Nusa Tenggara

This section unpacks the research findings related to the second objective, which is to map and examine the implementation of inheritance law in West Nusa Tenggara. The analysis focuses on how state law (the Compilation of Islamic Law) interacts with customary law and judicial practice in the three distinct research locations. Data from the matrix of Religious Court decisions, triangulated with interviews and observations, indicate that the implementation of inheritance law is not a monolithic process. Instead, it constitutes a spectrum of practices, varying from conservative and rigid to adaptive and collaborative to conflictual.

Table 3. Matrix Analysis of 30 Religious Court Decisions (2019-2024)

Location	Implementation Pattern	Characteristic Case regarding the Daughter’s Role
Mataram	Conservative (85%)	Receives ½ share, cannot exclude other heirs
East Lombok	Adaptive (70%)	Receives a 30% gift (<i>hibah</i>) prior to inheritance
Sumbawa	Conflictual (45%)	Dispute over land documents registered in the male’s name

Source: Primary Data Processed, 2025.

Table 4. Triangulation of Data Results

Metode	Mataram	East Lombok	Sumbawa
Court Decision	Rigid (2:1)	Accommodates <i>hibah</i>	Legal Conflict
Interviews	Frustration	Satisfaction	Confusion
Observasi	Bureaucratic	Collaborative	Prolonged Mediation

Source: Primary Data Processed, 2025.

In Mataram City, as the urban and administrative center, the implementation of inheritance law tends to follow a conservative and formalistic pattern. The analysis of court decisions reveals that 85% of cases were resolved by strictly applying the provisions of the Compilation of Islamic Law, particularly regarding the 2:1 ratio. Observations in court confirmed a highly bureaucratic process, where adherence to formal legal procedures is the primary priority. This pattern, in the context of legal pluralism theory, can be viewed as a manifestation of state legalism, where the judicial apparatus seeks to enforce the supremacy of state law over other norms. However, this approach has significant social consequences. Interviews with justice seekers in Mataram revealed a deep sense of frustration, as they felt the judges' decisions often did not reflect substantive justice and failed to resolve the root problems within their families.

In significant contrast, the practice in East Lombok Regency displays an adaptive and syncretic pattern of implementation. The judges in this region tend to engage in legal maneuvering to achieve substantive justice, even while formally bound by the Compilation of Islamic Law. Analysis of court decisions indicates that in 70% of inheritance cases, the distribution was preceded by the recognition or establishment of a *hibah* (inter vivos gift). This gift is granted to the daughter before the estate is divided according to *fara'id*. This mechanism effectively serves as a juridical middle ground to provide daughters with a larger portion, exceeding the 2:1 ratio limit. This practice is supported by a more collaborative judicial process, in which judges actively encourage mediation and family agreements. As a result, revealed in interviews, the level of satisfaction among the parties, including women, tends to be higher. It demonstrates a form of cooperative legal pluralism, where judges not only apply the law but also interpret it creatively to accommodate the values of justice that are part of the community.

Meanwhile, implementation in Sumbawa Regency occupies the most conflictual end of the spectrum. The analysis of court decisions shows that 45% of cases are trapped in complex disputes, often involving conflicts between formal ownership documents (land certificates) and claims based on customary law. Many disputes are no longer about the proportion of shares, but about the ownership status of the property itself (Rahmawati & Zuhdi, 2022). Observations

indicated prolonged mediation processes, and interviews revealed widespread legal confusion among the population. Here, a direct clash arises among state law, Islamic law, and customary law, with none prevailing as dominant. This condition reflects a situation of antagonistic legal pluralism, where various legal systems compete for legitimacy, which ultimately harms justice seekers, especially women, whose positions are most vulnerable in ownership disputes.

Overall, the findings from these three locations refute the assumption that the implementation of Islamic inheritance law in Indonesia is uniform. Instead, it is a complex mosaic. Beneath the surface of a generally patriarchal Sasak customary law, with its principle of "*sepikul segendongan*," diverse juridical and social responses exist. In Mataram, state law reinforces the existing structure. In East Lombok, legal actors actively seek loopholes to create more accommodating justice. In Sumbawa, the clash of legal systems creates a deadlock. This variation confirms that judges are not mere mouthpieces of the law; they are social actors who interpret and shape the law in their interaction with the local context ([Laili & Santoso, 2021](#)). This mapping is crucial for understanding why centralistic legal reform efforts often fail and for identifying the different strategies that may be necessary for each unique local context.

A deeper analysis of the interview data reveals that behind these variations in implementation lies a constant and hegemonic cultural force: the patriarchal Sasak customary law. The customary principle "*sepikul segendongan si mama, belembar si nina bereson*" is not merely an adage; it is a deeply internalized socio-juridical norm. It functions as the primary interpretative framework for the community, including some religious figures, in understanding and practicing inheritance distribution. Consequently, the 2:1 ratio in the Compilation of Islamic Law is often not seen as an independent provision of Islamic law, but rather as a religious justification for pre-existing customary practices. This hegemony explains why even in an urban area like Mataram, distribution practices tend to remain conservative, as the patriarchal customary structure provides a stronger social legitimacy than formal legal texts alone.

Furthermore, the resistance faced by daughters when demanding their rights is a manifestation of this cultural hegemony at work. Interviews with religious figures and court officials confirmed that social pressure is a primary barrier. From a feminist legal perspective, this phenomenon highlights how inheritance law encourages settlement in the 'private' or family sphere, which indirectly perpetuates existing power structures and complicates women's access to justice in the 'public' sphere (the courts) ([Jalil, 2022](#)). A daughter who brings an inheritance dispute into the formal arena is often seen as committing a transgressive act against family harmony and the social order. She is not only challenging her brothers

but also an entire established value system. Consequently, the “social cost” of demanding her inheritance rights becomes excessively high, encompassing risks of stigmatization, ostracism from the extended family, and psychological pressure. This dilemma places women in a challenging position: they must choose between accepting injustice to preserve social relations or fighting for their legal rights at the risk of losing their social support.

As a synthesis of the implementation of inheritance law in West Nusa Tenggara, it can be concluded that the law does not operate in a vacuum. Legal practice on the ground is the result of negotiation, contestation, and sometimes collaboration among state law (Compilation of Islamic Law), religious law (jurisprudential understanding), and customary law (living law). This finding reinforces the theory of legal pluralism, which posits that various legal orders coexist and mutually influence one another (Aditya, 2019). However, in the context of West Nusa Tenggara, this interaction is not equal. The patriarchal customary cultural matrix proves to be the dominant variable shaping how state law is interpreted and experienced. Therefore, to fully understand the implementation of inheritance law, an analysis of court decision texts is insufficient. The analysis must deconstruct the underlying social and cultural structures at their roots. Thus, the issue of gender justice in inheritance law in West Nusa Tenggara is not merely a matter of normative application; it is a problem of power structures that is manifested in legal practice itself.

C. Measuring Injustice: An Analysis of the Inheritance System’s Impact on Gender Justice

This final section specifically analyzes the materialization of gender justice in the practice of inheritance law in West Nusa Tenggara, providing an answer to the third research objective. By integrating quantitative data from the survey with the previously discussed qualitative data, this section assesses the tangible impact of the prevailing legal system on women’s position. The quantitative analysis offers a measurable picture of the level of injustice, while the qualitative analysis deconstructs the structures and factors that perpetuate it.

Table 5. Gender Justice Index Results (Likert Scale 1-5)

Indicator	Mean Score	Key Finding Detail
Access to Productive Assets	2.1	Only 35% of land tax registration documents (SPPT) are in women’s names
Recognition of Contribution	1.8	89% of women’s contributions in family businesses are not formally recorded
Documentary Equality	3.2	<i>Hibah</i> deeds as compensation are more accessible in East Lombok

Source: Primary Data Processed, 2025.

Table 6. Linear Regression Results: Factors Influencing Perceptions of Injustice

Independent Variable	Coefficient (β)	p-Value	Interpretation
Reliance on Sunni Law (Compilation of Islamic Law)	0.38	0.003	Significant
Low Gender Literacy	0.42	0.01	Significant

Source: Primary Data Processed, 2025.

The quantitative findings unequivocally demonstrate a significant gender justice deficit in inheritance practices in West Nusa Tenggara. The Gender Justice Index in Table 5 shows low mean scores on two crucial indicators: access to productive assets (2.1) and recognition of economic contribution (1.8). These scores provide quantitative confirmation of the qualitative narratives from female inheritors. The low access to assets is reflected in the fact that only 35% of land tax registration documents (SPPT) are registered in women's names, illustrating how the inheritance system systematically limits women's control over strategic economic resources. More alarming is the lowest score for recognition of contribution (1.8), where an alarming 89% of women's contributions to family businesses are not formally acknowledged. From a feminist legal perspective, this is a manifestation of the "invisibilization" of women's labor; their contributions in the domestic and informal spheres are not considered to have equivalent economic value and are therefore not taken into account in the division of assets (Afifah, 2024).

Further descriptive statistical analysis reinforces this picture. A highly significant majority of respondents (82%, standard deviation = 0.92) openly deemed the 2:1 inheritance distribution ratio an unjust practice. The magnitude of this figure, which spans various respondent backgrounds, suggests that dissatisfaction with the Compilation of Islamic Law is not a minority view but rather a widespread sentiment within the community. Interestingly, however, 75% of male respondents supported dispute resolution through customary law (with a 95% confidence interval). This paradox reveals the complexity of the problem: although state law (Compilation of Islamic Law) is considered unjust, the most familiar alternative (customary law) is equally patriarchal. It places women in a squeezed position between two disadvantageous systems, which explains why many choose not to pursue any legal channels at all.

The linear regression model in Table 6 successfully identified two key structural factors that significantly contribute to perceptions of injustice. The variable "Low Gender Literacy" emerged as the strongest predictor ($\beta = 0.42$, $p = 0.01$), followed by "Reliance on Sunni Law (Compilation of Islamic Law)" ($\beta = 0.38$, $p = 0.003$). This finding is crucial because it shifts the focus of analysis from merely

blaming “culture” or “custom” to more fundamental issues. Low gender literacy indicates that injustice is perpetuated by a lack of critical understanding in society regarding power relations and women’s rights. Meanwhile, the significance of the Compilation of Islamic Law variable reveals a correlation in which, within the existing social context, the formalistic application of the Compilation of Islamic Law norms is associated with perceptions of injustice. It suggests that state law, when interacting with cultural factors and low literacy, can be seen as one of the elements that reinforces the existing structure, rather than functioning as an independent transformative force.

Integrating these findings, it can be concluded that gender injustice in the inheritance law of West Nusa Tenggara is not merely the product of a single legal system. It is the outcome of a complex interaction among three mutually reinforcing elements: (1) Formal legal doctrine (the Compilation of Islamic Law) that institutionalizes the 2:1 ratio; (2) Patriarchal cultural hegemony (customary law) that serves as the dominant interpretative framework; and (3) Low critical consciousness (gender literacy) within the society. This combination creates a structure that is exceedingly difficult for women to penetrate. Legal recourse through the courts often only enforces the formalism of the Compilation of Islamic Law, as seen in Mataram, while out-of-court settlements are dominated by equally unjust customary norms.

Ultimately, this analysis confirms that achieving gender justice requires intervention beyond reforming legal texts. Although introducing more egalitarian principles, such as those in Shia jurisprudence, could serve as a potent doctrinal alternative, it would not be effective on its own. Such efforts must be accompanied by massive undertakings to dismantle patriarchal cultural structures and enhance gender literacy at all societal levels, from law enforcement officials to customary leaders and the general public. Without this holistic approach, formal law risks becoming an instrument that indirectly maintains the status quo, rather than serving as a transformative tool for liberation.

CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion, it can be concluded that the position of daughters in the inheritance law of West Nusa Tenggara is a complex arena of contestation among various legal systems and social norms. *First*, doctrinally, there is a paradigmatic difference between Sunni jurisprudence, based on *‘aṣabah*, and Shia jurisprudence, based on *qarābah*, with direct implications for the inheritance rights of daughters. *Second*, in its implementation in West Nusa Tenggara, state law (the Compilation of Islamic Law), which adopts the Sunni view, does not operate monolithically. It is interpreted and applied heterogeneously—from conservative to

adaptive—depending on the local context and the hegemony of patriarchal Sasak customary law. *Third*, the prevailing system ultimately does not yet fully reflect the principles of gender justice. It is not caused by a single legal norm but by the destructive interaction among the formalism of state law, the dominance of patriarchal culture, and low gender literacy in society. This interaction collectively creates structural barriers that prevent women from accessing their rights.

This finding provides a significant theoretical contribution. It demonstrates that legal pluralism in the context of inheritance in West Nusa Tenggara is hierarchical, wherein the customary cultural matrix serves as the dominant variable that frames the interpretation of formal law. From a feminist legal perspective, this research also proves how legal structures, both formal and informal, can perpetuate gender inequality by blurring the lines between the private and public spheres and increasing the “social cost” for women who claim their rights. The complexity of this issue confirms that partial solutions will be inadequate.

Therefore, this study recommends a holistic approach that operates on several levels. At the macro level, a more open discourse on reforming national inheritance law is necessary. Instead of relying solely on one jurisprudential view, this process needs to consider the broader repository of Islamic jurisprudence, including egalitarian principles such as those found in Shia jurisprudence. Furthermore, this process should also accommodate progressive judicial practices, such as legal maneuvering on the ground. At the meso level, intervention must focus on the massive improvement of legal and gender literacy. Critical education should target not only the general public but also law enforcement officials and customary leaders. The goal is to deconstruct internalized patriarchal assumptions and promote a more substantively just understanding of the law. Finally, at the micro level, there is a need to strengthen gender-sensitive alternative dispute resolution mechanisms, such as collaborative mediation, to provide a safe space for women to negotiate their rights without incurring high social costs. Further research is also crucial to map similar dynamics in other cultural contexts in Indonesia, aiming to build a more comprehensive knowledge base for inclusive and just legal reform.

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