

Negotiated Justice: Deliberation, Custom, and Gender in Javanese Inheritance Practices

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Abstract

Fairness in the distribution of inheritance among Javanese communities has traditionally been understood through two main patterns: *sepikul segendong* (2:1) and *dum-dum kupat* (1:1). However, research on the dynamics of the concept of fairness underlying these two practices remains limited. This study aims to analyze the construction of justice in Javanese customary inheritance and its implications for gender relations. The study employs a literature review using conceptual and socio-legal approaches to examine literature on Javanese customary inheritance law, Islamic inheritance law, and theories of justice. The results indicate that the concept of justice in Javanese customary inheritance is pluralistic and contextual. Communities not only apply a 2:1 or 1:1 division but also utilize mechanisms such as *lintiran*, *acungan*, *wekasan*, and lifetime gifts based on deliberation, filial piety, and family needs. This flexibility indicates that justice is understood as a balance between rights, responsibilities, and family harmony, rather than merely an equal distribution of shares. However, this study also found that the deliberation process is still influenced by power dynamics and patriarchal norms, and thus does not yet fully guarantee equality for women. Therefore, inheritance deliberations need to be restructured as a more inclusive deliberative space so that they can realize substantive justice while preserving the values of harmony within Javanese society.

[Keadilan dalam pembagian waris masyarakat Jawa selama ini sering dipahami melalui dua pola utama, yaitu *sepikul segendong* (2:1) dan *dum-dum kupat* (1:1). Namun, penelitian mengenai dinamika konsep keadilan di balik kedua praktik tersebut masih terbatas. Penelitian ini bertujuan menganalisis konstruksi keadilan dalam kewarisan adat Jawa serta implikasinya terhadap relasi gender. Penelitian menggunakan metode studi kepustakaan dengan pendekatan konseptual dan sosio-legal terhadap literatur mengenai hukum waris adat Jawa, hukum waris Islam, dan teori keadilan. Hasil penelitian menunjukkan bahwa konsep keadilan dalam kewarisan adat Jawa bersifat plural dan kontekstual. Masyarakat tidak hanya menerapkan pembagian 2:1

atau 1:1, tetapi juga menggunakan mekanisme lintiran, acungan, wekasan, dan hibah semasa hidup berdasarkan musyawarah, darma bakti, serta kebutuhan keluarga. Fleksibilitas tersebut menunjukkan bahwa keadilan dipahami sebagai keseimbangan antara hak, tanggung jawab, dan keharmonisan keluarga, bukan sekadar kesamaan proporsi pembagian. Namun, penelitian ini juga menemukan bahwa proses musyawarah masih dipengaruhi relasi kuasa dan norma patriarki sehingga belum sepenuhnya menjamin kesetaraan posisi perempuan. Oleh karena itu, musyawarah kewarisan perlu direkonstruksi sebagai ruang deliberatif yang lebih inklusif agar mampu mewujudkan keadilan substantif sekaligus mempertahankan nilai-nilai kerukunan dalam masyarakat Jawa.]

Keywords: Javanese customary inheritance; inheritance justice; gender equality; deliberative inheritance; Islamic inheritance law

Introduction

Inheritance distribution remains one of the most debated issues in contemporary Islamic family law, particularly in relation to the balance between scriptural prescriptions and changing social realities. Normatively, Surah An-Nisa (11) prescribes a two-to-one inheritance ratio between sons and daughters.¹ This normative basis is used in nearly all classical books on inheritance fiqh. However, this distribution is often harmonized,² negotiated with customary practices,³ or set aside⁴ based on various considerations, including gender equality.⁵⁶ Indonesia, through Article 183 of the Compilation of Islamic Law (KHI), grants heirs the flexibility to reach a settlement after

¹ Sarpika Datumula and M S Syaifullah, "Makna Keadilan Pada Ketentuan 2:1 Dalam Konsep Waris Islam," *Jurnal Al-Mashadir: Ilmu Hukum Dan Ekonomi Islam* 4, no. 2 (2022): 132–44.

² Fadhil Fadani and Muhammad Adib Alfarisi Adib, "The Harmonization of Customary, State, and Islam in the Practice of Dayak-Muslim Senganan Customary Inheritance in Sintang, Indonesia," *Al-Mazaahib: Jurnal Perbandingan Hukum* 12, no. 2 (2024): 137–64.

³ Hamda Sulfinadia, Jurna Petri Roszi, and Mega Puspita, "Negotiating Islamic Inheritance and Customary Law: Functional Legal Pluralism and Matrilineal Pusako Ranhah in Minangkabau," *J. Islamic L.* 7 (2026): 1.

⁴ Sri Wahyuni and Putri Ananda Saka Siregar, "Neglecting Islamic Law in the Distribution of Inheritance in the Sasak Muslim Society," *Al-Manahij: Jurnal Kajian Hukum Islam*, 2026, 65–84.

⁵ Wahyudi Noor and Uswatun Hasanah, "The Concept Of Gender Equality In Inheritance According To Islamic Family Law In Indonesia," *IJTIHAD* 41, no. 1 (2025): 60–74.

⁶ Zulfikar and Sri Windani, "Gender Equality in Inheritance Distribution Reviewed from the Perspective of Islamic Inheritance Law," *Journal of Gender and Social Inclusion in Muslim Societies* 5, no. 1 (2024): 13–24.

they have been informed of their respective shares.⁷ Malaysia, on the other hand, still strictly adheres to the standard rules of faraid in its legislation, although after a court-ordered distribution, heirs are permitted to reach a settlement through the *taksim taradi* mechanism.⁸

A review of the latest literature indicates that studies on inheritance law in Indonesia generally adopt a pluralistic legal approach.⁹ In the context of the Javanese Muslim community, the distribution of inheritance often takes various forms, ranging from the application of fiqh mawaris to resolution under state law, to the use of family customs.¹⁰ Some customary inheritance distribution practices still observed by certain Javanese communities include the “dum-dum kupat” and “sepikul segendong” systems.¹¹ Dum-dum kupat,” or equal division (1:1),¹² within Javanese tradition represents a unique manifestation of social relations, where customary law maintains harmony through negotiations that take collective morality into account. Another pattern of inheritance distribution among other Javanese Muslim communities is “segendong sepikul” (2:1),¹³ a concept that closely resembles the 2:1 ratio in Islamic inheritance law (fiqh mawaris). Both the “dum-dum kupat” (1:1) and “segendong sepikul” systems can be seen as manifestations of

⁷ Yusida Fitriyati and Duski Ibrahim, “Reconsidering Inheritance Equality: Gender Justice in Religious Court Decisions through the Lens of Maqashid Al-Shariah,” *Nurani* 25, no. 1 (2025): 122–40.

⁸ Oman Sudrajat et al., “Islamic Inheritance Law In Indonesia and Malaysia: Gender Equality Through Consensual Modification,” *Mawaddah: Jurnal Hukum Keluarga Islam* 4, no. 1 (2024): 227–51, <https://doi.org/10.52496/mjhki.v4i1.64>.

⁹ Adelina Nasution, “Pluralisme Hukum Waris Di Indonesia,” *Al-Qadha: Jurnal Hukum Islam Dan Perundang-Undangan* 5, no. 1 (2018): 20–30.

¹⁰ Sri Astutik, “Karakteristik Pembagian Waris Adat Jawa,” *Jurnal Aktual Justice* 4, no. 2 (2019): 147–55.

¹¹ M Faizurrizqi Al-farisi Ad, Ziada Hilmi Hanifah, and Nurul Kasanah, “Progressivity of Dum-Dum Kupat Inheritance Distribution in Java Community Perspective of Progressive Legal Theory Satjipto Rahardjo (Study in Pehserut Village , Sukomoro District , Nganjuk Regency),” 2020, 1356–67.

¹² Anis Rizki Kumara, Muh Kurniawan Bw, and Fajri Kurnia Pradana, “Analisis Hukum Islam Dan Hukum Adat Dalam Pembagian Warisan Di Kelurahan Jetis Kabupaten Sukoharjo,” *Ar-Risalah Media Keislaman Pendidikan Dan Hukum Islam* 22, no. 2 (2024): 75–88.

¹³ Wahyu Setiadi, “Pembagian Harta Warisan Pada Masyarakat Muslim Desa Sugihan Kecamatan Tengaran Kabupaten Semarang,” *Unnes Civic Education Journal* 3, no. 2 (2017).

a dialectical interplay between Islamic law, customary law, and national law within Javanese society.¹⁴

The harmonization of Islamic inheritance law and Javanese customary law arose due to religious influences, such as the strong tradition of Abangan Islam, which syncretizes Islamic teachings with local beliefs—particularly in determining the timing of inheritance distribution, which often awaits the completion of the selamatan ritual (up to 1,000 days).¹⁵ On the other hand, the impact of industrialization and economic transformation has also forced rural communities to adopt more practical and legalistic methods of distribution. The dynamics of socioeconomic development—such as the shift in livelihoods from agriculture to trade—have sparked a dialectic between traditional and modern values, in which heirs with greater legal literacy tend to question the fairness of customary distribution if they perceive it to be disadvantageous.¹⁶

Studies on customary inheritance in the Indonesian archipelago, particularly in Java, show that some researchers use a progressive legal lens to examine how communities prioritize humanistic values over normative legal certainty.¹⁷ Other studies indicate that Javanese customary inheritance law is a dynamic, flexible legal system that is deeply influenced by noble humanistic values and social harmony, and that it continually adapts to changing times.¹⁸ There is a collective recognition of the Javanese kinship system, which is parental or bilateral in nature, where both sons and daughters have equal rights as primary heirs, although their shares may vary depending on the traditions and agreements within their respective families.¹⁹ The two main patterns of inheritance distribution commonly

¹⁴ Dwi Imro and Akhmad Jalaludin, “Tradisi Pembagian Harta Waris Di Desa Silirejo : Perspektif Antropologi Hukum The Tradition of Inheritance Distribution in Silirejo Village : A Legal Anthropology Perspective,” 2024, 132–42.

¹⁵ Astutik, “Karakteristik Pembagian Waris Adat Jawa.”

¹⁶ Dwi Nurgianto and Habibi Al Amin, “Dinamika Perkembangan Sosial Ekonomi Dalam Implementasi Hukum Waris Adat Jawa,” *Kartika: Jurnal Studi Keislaman* 5, no. 3 (2025): 2515–31.

¹⁷ Ad, Hanifah, and Kasanah, “Progressivity of Dum-Dum Kupat Inheritance Distribution in Java Community Perspective of Progressive Legal Theory Satjipto Rahardjo (Study in Pehserut Village , Sukomoro District , Nganjuk Regency).”

¹⁸ Dika Aries Prasetyono, Mega Ayu Putri Sanjaya, and Muhammad Ircham Faridil Kudsi, “Transformasi Hukum Adat Di Tengah Modernisasi,” *TarunaLaw: Journal of Law and Syariah* 3, no. 2 (2025): 160–78.

¹⁹ Astutik, “Karakteristik Pembagian Waris Adat Jawa.”

practiced are “segendong sepikul,” which allocates a two-to-one ratio in favor of males over females, and “dum-dum ketupat” (or “sigar semongko”), which upholds equality through an equal division.²⁰ There is a general understanding that in Javanese tradition, the inheritance process is unique because it is not always triggered by the testator’s death; the transfer of assets is often carried out while the testator is still alive through a mechanism of gifting (*hibah* or *toescheiding*), which is counted as part of the future inheritance.²¹

There is an interesting debate regarding the philosophical basis behind this method of distribution; some authors emphasize the concept of relative distributive justice, in which distribution is based on the extent of the heirs’ contributions (such as the devotion of the youngest child or the “caretaker” who looked after the parents),²² social responsibility, and individual economic needs.²³ Meanwhile, other perspectives have begun to contrast this flexibility with the demands of formal justice under national law, which emphasizes absolute equality of rights without considering social roles.²⁴ Debate has also arisen regarding the interpretation of the “sepikul segendongan” rule; empirical studies have found that some communities no longer view this rule as a rigid obligation or “fardhu,” but rather merely as an instrument of social control or a maximum limit to curb human greed and maintain the normalcy of family relationships.²⁵ Although there are variations in practice across different regions, all of these studies agree that the core substance of Javanese customary inheritance law is a “living law” that prioritizes consensus-based deliberation, the principle of “tepo seliro,” and respect for the contributions of heirs. The sustainability of Javanese customary

²⁰ Miftahul Huda, Niswatul Hidayati, and Khairil Umami, “Fiqh And Custom Negotiation In Inheritance Dispute Tradition At Mataraman Society, East Java,” *AL-IHKAM* 15, no. 2 (2020): 224–50.

²¹ Ribut Riyadi and Siti Zumrotun, “Hibah Sebagai Strategi Penyelesaian Sengketa Pembagian Harta Waris Di Indonesia,” *ADHKI: Journal of Islamic Family Law* 4 (2023): 71–80.

²² Vindy Maulinna Rosdianti and Rose Citrawati, “Konflik Kewarisan Dalam Rumah Tangga: Dampaknya Terhadap Keharmonisan Keluarga Pasca Pewarisan,” *Konferensi Nasional Hukum Islam* 3, no. 1 (2025).

²³ Rosidi Jamil, “Hukum Waris Dan Wasiat (Sebuah Perbandingan Antara Pemikiran Hazairin Dan Munawwir Sjadzali),” *Al-Ahwal: Jurnal Hukum Keluarga Islam* 10, no. 1 (2017): 99–114.

²⁴ Fatah Imanuddin Haq and Ahdiana Yuni Lestari, “Pelaksanaan Pembagian Harta Warisan Menurut Hukum Adat Di Kecamatan Gondangrejo, Kabupaten Karanganyar: Sebuah Studi Kasus,” *Jurnal Analisis Hukum* 8, no. 2 (2025): 167–76.

²⁵ Nurgianto and Al Amin, “Dinamika Perkembangan Sosial Ekonomi Dalam Implementasi Hukum Waris Adat Jawa.”

inheritance law depends heavily on its ability to harmonize contextual local wisdom with the demands of a pluralistic national legal system, in order to create an inheritance system that is not only materially just but also spiritually peaceful.²⁶

Based on the literature review above, there is a clear research gap, in which the perspective of family harmonization often critically overlooks the dimension of gender justice. Although a 1:1 division is considered a just solution, the existing literature has not explored how patriarchal power relations continue to operate latently behind the negotiation table.²⁷ On the other hand, studies on 1:1 inheritance have focused solely on the distribution of inheritance among heirs at the children's level, as mentioned in Surah an-Nisa (11),^{28,29} and have overlooked the possibility of other inequities among heirs at the sibling level (full siblings and half-siblings). This article fills that gap by arguing that inheritance distribution in Javanese society constitutes a space of contestation where justice is constructed through social pressures veiled behind the label of "harmony." This article also presents a mathematical analysis in which a 1:1 distribution is applied in a simulation of inheritance calculations within Javanese society. The novelty of this research lies in a synthesis of the literature that unpacks women's bargaining power in inheritance negotiations, the practice of 1:1 distribution, and challenges the common understanding of the "democratic" nature of customary institutions.

Literature Review

Under Javanese customary inheritance law, the distribution of inherited property follows a bilateral parental system, in which all heirs are relatives who share a blood relationship with the decedent through both the paternal

²⁶ Hanifah Rajwa Faiqah EP, "Studi Komparasi Hukum Waris Antara Hukum Waris Adat Jawa Dan Hukum Waris Nasional," *Journal of Education and Humanities (JEH) Terekam Jejak* 1, no. 2 (2025): 20–32.

²⁷ Matsani Abdillah, Noval Febriansyah, and Asmak Ul Hosnah, "Analisa Pembagian Warisan Dalam Perspektif Hukum Adat Jawa," *JURNAL RECTUM: Tinjauan Yuridis Penanganan Tindak Pidana* 6, no. 2 (2024): 370–79.

²⁸ Idris Rasyid, "Eksekusi 'Ab Intestato' Warisan Dua Banding Satu: Rasionalisasi Surah Annisa Ayat 11," *Diktum*, 2016, 201–13.

²⁹ Nurul Padilah et al., "Pembagian Waris 2:1 Bagi Ahli Waris Laki-Laki Dan Perempuan Terhadap QS. Al-Nisa [4]:11," *Arus Jurnal Sosial Dan Humaniora* 5, no. 1 (2025): 700–708.

and maternal lines.³⁰ However, not all heirs receive a share of the inheritance, as only those in the highest hierarchy are entitled to an inheritance. If the decedent has children, then those biological children—whether sons or daughters—are entitled to the inheritance.³¹ Javanese society treats sons and daughters fairly,³² in the sense that both are entitled to a share of their parents' inheritance. Although in practice, sons receive a larger share of the inheritance than daughters.³³ This system of distribution is known as “sepikul” (sons receive two shares) and “segendongan” (daughters receive one share).³⁴

In addition to the “sepikul segendongan” system, Javanese society typically also follows a system of inheritance division that treats men and women equally.³⁵ This model of division is commonly referred to as “dum-dum kupat,” which, philosophically speaking, views sons and daughters as having equal roles within the family.³⁶ With equal roles, Javanese society ultimately views sons and daughters as having equal rights to the distribution of inherited assets. The “dum-dum kupat” inheritance system, within Javanese society, emphasizes the importance of justice and equality.³⁷ Therefore, although rooted in Javanese culture, this distribution system is used by modern Javanese society as a reflection of gender equality and social

³⁰ Ayu Kinanti and Zainudin Hasan, “Sistem Kekerabatan Parental Dampak, Implementasi Dan Struktur Sosial Dalam Kehidupan Bermasyarakat,” *Jurnal Ilmiah Penelitian Mahasiswa* 3, no. 5 (2025): 772–79.

³¹ Abdillah, Febriansyah, and Hosnah, “Analisa Pembagian Warisan Dalam Perspektif Hukum Adat Jawa.”

³² Haq and Lestari, “Pelaksanaan Pembagian Harta Warisan Menurut Hukum Adat Di Kecamatan Gondangrejo, Kabupaten Karanganyar: Sebuah Studi Kasus.”

³³ Sinta, Taufik Yahya, and Indriya Fathni, “Pelaksanaan Pewarisan Pada Masyarakat Adat Jawa Tengah Di Desa Rantau Makmur,” *Zaaken: Journal of Civil and Business Law* 4, no. 1 (2023): 121–43.

³⁴ Muhammad Andi Saputro, Syaifuddin Zuhdi, and Jibrail Bin Yusuf, “Sapikul Sagendhongan: The Value of Javanese Traditional Heritage in the Practice of Islamic Heritage Distribution in Klaten Community Indonesia,” *Journal of Islamic Economic Laws* 8, no. 1 (2025): 1–18.

³⁵ Ad, Hanifah, and Kasanah, “Progressivity of Dum-Dum Kupat Inheritance Distribution in Java Community Perspective of Progressive Legal Theory Satjipto Rahardjo (Study in Pehserut Village , Sukomoro District , Nganjuk Regency).”

³⁶ Ad, Hanifah, and Kasanah.

³⁷ Imro and Jalaludin, “Tradisi Pembagian Harta Waris Di Desa Silirejo : Perspektif Antropologi Hukum The Tradition of Inheritance Distribution in Silirejo Village : A Legal Anthropology Perspective.”

justice.³⁸ These two models of inheritance distribution in Javanese society illustrate that the customary inheritance system followed is not uniform. This serves as a sort of option that heirs can use to avoid conflicts in the distribution of inheritance.³⁹

The dualism in the practice of traditional Javanese inheritance distribution between men and women reflects a subjective notion of gender justice.⁴⁰ This means that the nominal amounts of the shares allocated to men and women do not always reflect true justice. Consequently, various distribution models are always adapted to the specific family circumstances and the environment of each Javanese community. Nevertheless, Rifda and Zikri, drawing on Amina Wadud's concept of substantive justice, argue that the 2:1 inheritance ratio in Javanese society reflects structural injustice.⁴¹ Nevertheless, the value of public interest in inheritance distribution certainly cannot be measured solely by theory, as the circumstances of one family differ from those of another. Thus, both public interest and justice can only be measured, in part, by how the agreement on inheritance distribution is established through deliberation.⁴²

In Islamic inheritance law, the primary principle is balanced justice.⁴³ Among the meanings of justice mentioned by Islamic scholars is placing things in their proper place,⁴⁴ that is, allocating inheritance shares in a 2:1 ratio—with men receiving a larger share than women—is a form of justice that takes into account the burdens and responsibilities they must bear.⁴⁵

³⁸ Kumara, Bw, and Pradana, "Analisis Hukum Islam Dan Hukum Adat Dalam Pembagian Warisan Di Kelurahan Jetis Kabupaten Sukoharjo."

³⁹ Elfia, Surwati, and Bakhtiar, "The Struggle of Custom and Sharia: Classic Dilemma of Inheritance Settlement in Javanese and Minangkabau Ethnic Communities in Indonesia," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 1 (2023): 75–94.

⁴⁰ Abdillah, Febriansyah, and Hosnah, "Analisa Pembagian Warisan Dalam Perspektif Hukum Adat Jawa."

⁴¹ Rifda Adla Salsabila and Zikri Assidiqqi, "Keadilan Hak Waris Istri: Studi Empiris Desa Umbulmartani Perspektif Aminah Wadud," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 4, no. 2 (2026): 610–18.

⁴² Hisam Ahyani et al., "Prinsip-Prinsip Keadilan Berbasis Ramah Gender (Maslahah) Dalam Pembagian Warisan Di Indonesia," *Al-Mawarid Jurnal Syariah Dan Hukum* 5, no. 1 (2023): 73–100.

⁴³ M Nasikhul Umam Al-Mabruri, "Keadilan Pembagian Harta Warisan Perspektif Hukum Islam Dan Burgerlijk Wetboek," *Al-Mazaahib: Jurnal Perbandingan Hukum* 5, no. 1 (2017).

⁴⁴ Ibnu Jaiir At-Tobari, *Jami' Al-Bayan Fi Tafsir Ayiat Al-Qur'an* (Makkah: Dar al-tarbiyah wa al-turats, n.d.).

⁴⁵ Luqman Abdul Jalal, "Rekonstruksi Argumen Keadilan Berimbang Hak Laki-Laki Dan Perempuan Dalam Waris Islam," *Tasyri': Journal of Islamic Law* 4, no. 1 (2025): 111–48.

However, Islam does not strictly enforce the 2:1 ratio. Through the concept of *musytarakah*, for example, heirs can negotiate to reach an agreement on the distribution of the estate, taking into account fairness and equality.⁴⁶ This concept aligns with the idea of *islah* in compilations of Islamic law as well as classical *fiqh mawaris*, where heirs can agree on a distribution after each heir is aware of their respective shares. In addition, Islamic inheritance law also offers the concept of *takharuj*, whereby heirs can agree to exclude a specific heir from the distribution in exchange for an agreed-upon compensation.^{47,48} This means that Islamic inheritance law has essentially ensured the rights of each heir in a fair and balanced manner; however, if improvisation is necessary in practice, Islam does not prohibit it as long as no heir is disadvantaged.

Methodology

This article is a library-based study using qualitative methods (library research). This approach was chosen to map the dynamics of customary inheritance law as practiced within communities through credible scholarly documents. The primary data sources were drawn from articles in reputable scholarly journals, textbooks, and previous research documents that specifically address inheritance practices in Java and gender justice.

Data collection was conducted through a systematic review of the literature covering the “*dum-dum kupat*” and “*segendong sepikul*” practice in Javanese society. This review focused on literature that views inheritance as “*living law*”—that is, law that is actively practiced by the community.

The collected data was then analyzed using content analysis and comparative analysis. The researcher compared various findings regarding inheritance distribution patterns—such as “*segendong sepikul*” and “*dum-dum kupat*”—as well as the position of women in the negotiation process as documented in the literature. This analysis aims to construct a new theoretical synthesis regarding gender power relations and how the principle of substantive justice is realized through customary institutions.

⁴⁶ Muhammad Jaidi, Ahmadi Hasan, and Masyithah Umar, “Keadilan Dalam Pembagian Waris: Memahami Konsep *Musytarakah* Dalam Hukum Waris Islam,” *Indonesian Journal Of Islamic Jurisprudence, Economic And Legal Theory* 1, no. 4 (2023): 718–31.

⁴⁷ Hamdani, “Konsep *Takharuj* Alternatif Pembagian Warisan,” *Al Hisab: Jurnal Ekonomi Syariah* 1, no. 1 (2020): 32–43.

⁴⁸ Wahbah az-Zuhaili, *Al-Fiqh Al-Islami Wa Adillatuhu*, 2nd ed. (Beirut: Dar al-Fikr al-Muassir, 2007).

Results

Based on a literature review, it was found that the concept of fairness in inheritance distribution among Javanese communities is not uniform but varies. Some Javanese communities practice “dum-dum kupat,” or a 1:1 division, which represents the crystallization of the value of harmony influenced by economic transformation. The shift in livelihoods from the agricultural sector to the industrial and commercial sectors has also changed the way people view wealth.⁴⁹ People tend to avoid open conflicts triggered by material inequality in order to maintain social cohesion.⁵⁰

Others apply a 2:1 division in which sons receive a larger share than daughters—a practice commonly known as “sepikul segendong.” This division is carried out either through a gift or bequest while the testator is still alive, or through the inheritance process after the testator’s death. This practice is a time-honored tradition considered to reflect a sense of justice and to maintain harmony among heirs.⁵¹ This practice is often viewed as consistent with—or even a manifestation of—the internalization of Islamic inheritance law values within certain Javanese indigenous communities, although it is now beginning to fall out of use.⁵² The “sepikul segendong” method of inheritance division is typically still used by some Javanese communities that adhere to patriarchal beliefs, where, philosophically, men bear greater responsibilities than women.⁵³

⁴⁹ Nurgianto and Al Amin, “Dinamika Perkembangan Sosial Ekonomi Dalam Implementasi Hukum Waris Adat Jawa.”

⁵⁰ Imro and Jalaludin, “Tradisi Pembagian Harta Waris Di Desa Silirejo : Perspektif Antropologi Hukum The Tradition of Inheritance Distribution in Silirejo Village : A Legal Anthropology Perspective.”

⁵¹ Setiadi, “Pembagian Harta Warisan Pada Masyarakat Muslim Desa Sugihan Kecamatan Tengaran Kabupaten Semarang.”

⁵² Mastri Imammusadin, “Sepikul Segendongan: Budaya Hukum Kewarisan Adat Jawa Masyarakat Kaligesing, Kabupaten Purworejo, Jawa Tengah,” *Dampeng: Journal of Art, Heritage and Culture* 1, no. 1 (2025): 49–67.

⁵³ Husain Fadhil Arrasyid, Habib Shulton Asnawi, and Habib Ismail, “Nilai-Nilai Falsafah Jawa Sepikul Segendongan Terhadap Dinamika Pembagian Waris Perspektif Teori Hudud (Studi Kasus Di Desa Balekencono Kecamatan Batanghari),” *Berkala Hukum, Sosial Dan Agama* 2, no. 1 (2025): 200–211.

Table 1: Simulation of 2:1 and 1:1 inheritance distributions in Javanese society when the heirs consist of a wife, 2 sons, and 3 daughters

Heirs	Estate division segendong	2:1	sepikul	Estate division 1:1	dum-dum kupat
	8	56		8	40
wife	1/8	1/8	7/56	1/8	1/8
2 sons	Remaining estate 2:1	7/8	28/56 @14/56	The remainder	14/40 @7/40
3 daughters	Remaining estate 2:1		21/56 @7/56	is divided equally	21/40 @7/40

Table 2: Simulation of 2:1 and 1:1 inheritance distributions in Javanese society when the heirs consist of a husband, two sons, and three daughters

Heirs	Estate division segendong	2:1	sepikul	Estate division 1:1	dum-dum kupat
	4	28		4	20
husband	1/4	1/4	7/28	1/4	1/4
2 sons	Remaining estate 2:1	3/4	12/28 @6/28	The remainder	6/20 @3/20
3 daughters	Remaining estate 2:1		9/28 @3/28	is divided equally	9/20 @3/20

This article also found that just as the shares of sons and daughters are sometimes distributed according to the 2:1 “sepikul segendong” or 1:1 “dum-dum kupat” systems, the shares of brothers and sisters are also treated equally.⁵⁴ This indicates that the focus on gender equity in inheritance for men and women does not stop at the children’s heirs but extends to all levels of heirs. However, in Javanese customary inheritance, there are four hierarchies of heirs, and those in lower hierarchies only receive a share of the inheritance if there are no heirs in the hierarchy above them.⁵⁵ These hierarchies are the testator’s children and grandchildren, the testator’s parents, the testator’s siblings, and the testator’s uncles.⁵⁶

⁵⁴ Agus Wantaka, Abdul Rosyid, and Eka Sakti Habibullah, “Pembagian Warisan Dalam Perspektif Hukum Islam Dan Hukum Adat Jawa,” *Prosa AS* 1, no. 1 (2019): 13–33.

⁵⁵ Abdillah, Febriansyah, and Hosnah, “Analisa Pembagian Warisan Dalam Perspektif Hukum Adat Jawa.”

⁵⁶ Agus Sudaryanto, “Aspek Ontologi Pembagian Waris Dalam Hukum Islam Dan Hukum Adat Jawa,” *Mimbar Hukum* 22, no. 3 (2010): 534–52.

Table 3: Simulation of 2:1 and 1:1 inheritance distributions in Javanese society when the heirs consist of a husband, two brothers, and three sisters

Heirs	Estate division segendong	2:1	sepikul	Estate division 1:1	dum-dum kupat
	4	28		4	20
husband	1/4	1/4	7/28	1/4	1/4
2 brothers	Remaining estate 2:1	3/4	12/28 @6/28	The remainder	3/4
3 sisters	Remaining estate 2:1		9/28 @3/28	is divided equally	6/20 @3/20
					9/20 @3/20

Table 4: Simulation of 2:1 and 1:1 inheritance distributions in Javanese society when the heirs consist of a husband, two brothers, and three sisters

Heirs	Estate division segendong	2:1	sepikul	Estate division 1:1	dum-dum kupat
	8	56		8	40
wife	1/8	1/8	7/56	1/8	1/8
2 brothers	Remaining estate 2:1	7/8	28/56 @14/56	The remainder	7/8
3 sisters	Remaining estate 2:1		21/56 @7/56	is divided equally	14/40 @7/40
					21/40 @7/40

This article also found that the distribution of an estate in Javanese society does not always take place after the testator's death. In many cases, some communities actually distribute assets while the testator is still alive through various mechanisms, such as transfer or succession (*lintiran*), designation (*acungan*), or a testamentary directive (*wekasan*). Through these methods, the testator has greater flexibility to distribute assets based on considerations of fairness deemed appropriate to the circumstances and needs of each heir. Therefore, the distribution of assets is not always based on the principle of quantitative equality but places greater emphasis on the principle of balance between the rights and responsibilities fulfilled by each family member. In practice, the youngest child often receives a larger share because they are viewed as having a moral and social obligation to live with and care for their parents until the end of their lives.⁵⁷ This additional share is not merely interpreted as a form of privilege, but rather as compensation for the sacrifice of time, effort, and responsibility borne in providing care for the parents. Conversely, children who are independent, married, or living elsewhere generally receive a share commensurate with their level of

⁵⁷ Astutik, "Karakteristik Pembagian Waris Adat Jawa."

involvement in fulfilling family obligations. These findings indicate that the Javanese inheritance system prioritizes the values of consensus, family harmony, and substantive justice over a purely mathematical distribution. Thus, the distribution of an inheritance is understood not only as a transfer of property ownership but also as a means of maintaining a balance of rights and obligations, as well as the continuity of intergenerational family relationships.

However, other data reveal that such an equal division is often the result of verbal instructions (*weling*) or gifts made by the parents during their lifetime, based on considerations of the devotion shown by each heir.⁵⁸ This finding indicates that an equitable distribution does not always stem from deliberations among the heirs, but rather is rooted in the testator's previously expressed wishes, which are then respected by all family members. Thus, parental authority continues to play a dominant role in determining the distribution of assets before the family deliberation process begins.⁵⁹ The deliberations that follow generally serve more as a mechanism to confirm, agree upon, and carry out that will, rather than to redefine the size of each heir's share. This situation demonstrates that the legitimacy of inheritance distribution in Javanese society rests not only on collective agreement but also on respect for the moral authority of the parents as the owners of the estate. Therefore, the heirs' compliance with *weling* is viewed as part of their devotion to their parents and as an effort to maintain family harmony, thereby minimizing the potential for disputes over the distribution of the inheritance.

Analysis and Discussion

The children's share in the Javanese inheritance system is essentially very flexible, depending on the outcome of family deliberations.⁶⁰ They may divide the inheritance according to the "*sepikul segendong*" or "*dum-dum kupat*" schemes, or even give a larger share to a daughter if she is the

⁵⁸ Nurgianto and Al Amin, "Dinamika Perkembangan Sosial Ekonomi Dalam Implementasi Hukum Waris Adat Jawa."

⁵⁹ Haq and Lestari, "Pelaksanaan Pembagian Harta Warisan Menurut Hukum Adat Di Kecamatan Gondangrejo, Kabupaten Karanganyar: Sebuah Studi Kasus."

⁶⁰ Edelia Triasty, "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, no. 1 (2026): 82–94.

youngest child responsible for caring for her parents.⁶¹ The purpose of this flexibility in the distribution of traditional Javanese inheritance is to maintain harmony among heirs after the testator's death, avoid family conflicts, and foster a sense of justice within the specific social context of the family in question. This flexibility demonstrates that the concept of justice in Javanese customary inheritance is not understood as a singular, normative principle, but rather as a contextual concept that takes into account the social relationships, contributions, and responsibilities of each heir. Therefore, the measure of justice is not always equated with equal shares (equality) or differentiated shares based on gender (equity), but is rather directed toward creating a balance between the rights and obligations received by each heir. This finding is consistent with research results showing that Javanese communities can apply both the *dum-dum kupat* (1:1) and *sepikul segendong* (2:1) models, and even modify them through mechanisms such as *lintiran*, *acungan*, *wekasan*, or *hibah* while the testator is still alive. Thus, the pattern of inheritance distribution in Javanese society reflects a process of negotiating values among customary law, Islamic teachings, and the practical needs of the family rather than the application of rigid rules. In this context, family deliberation is not merely a mechanism for distributing assets but also serves as an instrument for maintaining social harmony and the legitimacy of decisions, ensuring that the outcome of the distribution is accepted by all heirs without causing disputes.

Although it can be argued that inheritance distribution in Javanese society is often carried out in the name of justice, this study shows that women's bargaining position in inheritance deliberations frequently lies between two normative frameworks: religious interpretation and customary demands. From a theological perspective, there is a debate between classical interpretations that uphold the 2:1 ratio as a normative provision and feminist interpretations—such as those put forward by Amina Wadud—which place greater emphasis on the principles of public interest, justice, and substantive equality for women.⁶² However, the findings of this study indicate that women are not always in a more advantageous position in Javanese customary inheritance practices. This is because the distribution of

⁶¹ Naimatul Afyati, "Rumah Peninggalan Orang Tua Sebagai Hak Waris Anak Bungsu Perspektif Kompilasi Hukum Islam (Studi Di Desa Kalimojosari Kecamatan Doro Kabupaten Pekalongan)" (UIN KH Abdurrahman Wahid Pekalongan, 2025).

⁶² Nidaul Islam et al., "Komparasi Penafsiran Ibn Kat Hī r Dan Amina Wadud Tentang Hak Waris Laki-Laki Dan Perempuan," 2023, 227–56, <https://doi.org/10.15408/ref.v22i2.31099>.

inheritance—particularly through the mechanism of *wekasan* (will)—is often based on the family’s assessment of each heir’s contributions to their parents and the family. Thus, gender is not the sole variable determining the size of an inheritance share. Considerations regarding filial piety, the intensity of care provided to parents, emotional closeness, and the responsibilities shouldered during the testator’s lifetime are, in fact, the primary factors in determining the distribution of assets. This explains why, in some cases, women receive an equal or even larger share than men when deemed to have made a greater contribution, while in other cases women still receive a smaller share if the family continues to adhere to the “*sepikul segendong*” pattern. In other words, Javanese customary inheritance practices cannot be understood solely as a patriarchal or egalitarian system, but rather as a system that is highly dependent on the process of negotiating values within the family.⁶³ This finding also demonstrates that the flexibility—a defining characteristic of Javanese customary inheritance—can lead to two distinct outcomes. On the one hand, this flexibility creates space for substantive justice that takes into account the specific circumstances of each heir. On the other hand, due to the absence of a standard measure of “contribution” or “service,” decisions regarding the distribution of inheritance remain susceptible to being influenced by power dynamics within the family, meaning that women do not necessarily receive equal protection in every deliberation process.

In practice in Karanganyar and Sukoharjo, women tend to accept an equal division not merely because it is viewed as materially fair, but also as a strategy to avoid the social stigma of being perceived as “greedy” if they demand a different share.⁶⁴ These findings indicate that inheritance deliberations do not take place in a completely free space, but are influenced by social norms that prioritize harmony and conflict management. As a result, acceptance of the division’s outcome often reflects an effort to maintain family ties rather than a truly equal bargaining position among the heirs. Furthermore, quantitative equality is not always accompanied by substantive equality. Although men and women receive shares of equal size, in some cases men still control assets with higher economic, social, or symbolic value,

⁶³ Widia Ari Susanti, Hana Wafiqotus Salamah, and Mochammad Zain Al Majid, “Analisis Hukum Islam Terhadap Praktik Adat Wekas Dalam Pembagian Waris Masyarakat Jawa,” *Jurnal Sains, Ekonomi, Manajemen, Akuntansi Dan Hukum* 2, no. 3 (2025): 180–91.

⁶⁴ Kumara, Bw, and Pradana, “Analisis Hukum Islam Dan Hukum Adat Dalam Pembagian Warisan Di Kelurahan Jetis Kabupaten Sukoharjo.”

such as the main house, yard land, or productive family assets. Conversely, women more often receive assets of relatively lower value or those that are easier to transfer. These findings demonstrate that fairness in Javanese customary inheritance cannot be measured solely by the proportion of assets received but must also take into account the quality and strategic value of the inherited assets being distributed. On the other hand, the growing participation of women in the economic sector has fostered greater acceptance of the idea that women are entitled to a share equal to that of men, as reflected in the increasingly widespread practice of *dum-dum kupat*. However, the implementation of this idea still must be negotiated with cultural values that prioritize family harmony above all else. Therefore, the equality emerging in Javanese customary inheritance practices is not merely the result of changes in legal norms, but rather the result of a compromise between women's rising economic status and cultural values that continue to uphold family authority and social harmony as the primary foundations for decision-making.

Theoretically, the practice of *dum-dum waris* is a form of law that has developed organically in response to changes in societal values and needs.⁶⁵ Its flexibility demonstrates that Javanese customary law has the ability to adapt to social, economic, and cultural dynamics without having to abandon its fundamental principles of harmony and deliberation. In this context, *dum-dum waris* can be understood as a manifestation of “living law”—that is, law that derives its legitimacy from social practices accepted by the community, rather than solely from being codified in formal regulations. The findings of this study reinforce this view by showing that Javanese communities are capable of developing various distribution patterns—ranging from “*sepikul segendong*” and “*dum-dum kupat*” to distributions that take into account filial piety and mechanisms such as “*lintiran*,” “*acungan*,” and “*wekasan*”—in accordance with the specific needs of each family.

However, from the perspective of development anthropology, such flexibility does not automatically guarantee the realization of inclusive development.⁶⁶ Community-based development will not be fully successful if

⁶⁵ Ad, Hanifah, and Kasanah, “Progressivity of Dum-Dum Kupat Inheritance Distribution in Java Community Perspective of Progressive Legal Theory Satjipto Rahardjo (Study in Pehserut Village , Sukomoro District , Nganjuk Regency).”

⁶⁶ Nurgianto and Al Amin, “Dinamika Perkembangan Sosial Ekonomi Dalam Implementasi Hukum Waris Adat Jawa.”

customary institutions still harbor power imbalances that influence decision-making processes within families. As demonstrated by the findings of this study, inheritance deliberations are indeed a dispute-resolution mechanism accepted by all heirs, but the outcomes of these deliberations do not always reflect equal bargaining power, particularly for women. Therefore, changes in the economic structure of Javanese society—marked by increased participation and economic independence among women—should be accompanied by efforts to strengthen women’s capacity to participate more equitably in the process of determining inheritance distribution. Thus, justice in customary inheritance cannot be measured solely by the customary system’s ability to adapt to social change, but also by the extent to which the deliberation process ensures equal participation, transparency in determining heirs’ contributions, and a distribution of rights that truly reflects substantive justice for all family members.

The division of inheritance through deliberation in Javanese society is a practice that holds positive value and should be preserved because it reflects a spirit of kinship, peaceful dispute resolution, and efforts to maintain harmony among heirs. However, this study indicates that the prevailing narrative regarding deliberation as a means to avoid social jealousy or prevent conflict when assets are distributed according to the “sepikul segendong” scheme needs to be examined more critically.⁶⁷ This narrative implicitly fosters the assumption that women’s objections to unequal distributions are a potential source of conflict, thereby positioning women as the party that must accept such distributions to maintain family harmony. Such a construction has the potential to diminish women’s dignity because it indirectly perpetuates the stereotype that women are considered greedy or ungrateful if they desire a different share from the established practice.

The findings of this study actually show that in the practice of Javanese customary inheritance, women do not always demand a larger share; in fact, in many cases they accept the outcome of the deliberation in order to preserve family ties. Therefore, the main issue does not lie in the size of the share received by women, but rather in whether the deliberation process truly provides equal space for all heirs to express their views and interests without pressure from social norms or power dynamics within the family. In this context, the deliberation process needs to be transformed so that it does

⁶⁷ Sinta, Yahya, and Fathni, “Pelaksanaan Pewarisan Pada Masyarakat Adat Jawa Tengah Di Desa Rantau Makmur.”

not merely serve as a mechanism to legitimize predetermined decisions or as a tool to standardize opinions under the guise of the common good. Rather, deliberation must be positioned as a deliberative space that guarantees equal participation, values the experiences and contributions of every heir, and allows women to freely articulate their rights and interests.⁶⁸ In this way, the value of harmony—which is a defining characteristic of Javanese customary inheritance—can be preserved without sacrificing the principles of justice, equal participation, and respect for the dignity of all heirs.

Conclusion

This study concludes that the concept of justice in Javanese customary inheritance is pluralistic, dynamic, and contextual, and therefore cannot be reduced solely to the “sepikul segendong” (2:1) or “dum-dum kupat” (1:1) distribution models. Inheritance distribution practices are shaped through a deliberative process influenced by the interplay between customary values, Islamic teachings, the family’s socioeconomic conditions, and considerations regarding the contributions and devotion of each heir. This flexibility allows Javanese communities to develop various mechanisms—such as “lintiran,” “acungan,” “wekasan,” and lifetime gifts—to achieve substantive justice and maintain family harmony. However, this study also shows that this flexibility has not fully guaranteed gender equality, as the deliberative process remains influenced by power dynamics, patriarchal norms, and cultural constructs that can limit women’s bargaining power. Therefore, deliberation—as the defining characteristic of Javanese customary inheritance—needs to be reconstructed so that it functions not only as an instrument for maintaining harmony but also as a deliberative space that ensures equal participation, transparency, and respect for the rights of all heirs. Thus, the reinforcement of the value of justice in Javanese customary inheritance does not lie in the standardization of inheritance distribution models, but rather in the creation of a decision-making process that is inclusive, participatory, and capable of balancing customary values, the principles of Islamic justice, and the dynamics of contemporary society.

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⁶⁸ Islam et al., “Komparasi Penafsiran Ibn Kat Hī r Dan Amina Wadud Tentang Hak Waris Laki-Laki Dan Perempuan.”

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Generative AI Usage Statement

The author states that the use of AI in the preparation of this article was limited to assisting with the process of refining words and sentences

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