



**Al-Ihkam:** Jurnal Hukum dan Pranata Sosial, 20 (2), 2025: 673-696  
ISSN: 1907-591X, E-ISSN: 2442-3084  
DOI: <https://doi.org/10.19105/al-lhkam.v20i2.18542>

## Considering the Principles of Patrilineal Inheritance between Religions: Negotiations of Islamic and Customary Law

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Article history: Received: February 24, 2025, Accepted: January 20, 2026,  
Published: January 22, 2026

### **Abstract:**

This study examines the dynamics of patrilineal inheritance principles in Balinese and Sasak Lombok societies through a sociological-historical approach. In particular, it explores the influence of Balinese customary law into the Sasak inheritance system and its implications for women's rights from a comparative legal perspective. Using qualitative methods

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through field observation and in-depth interviews, the study revealed that both systems prioritized male heirs. However, there is a fundamental difference: Balinese inheritance is closely related to the Hindu system of worship (Brahmasthanana), while Sasak inheritance acts as customary law that is currently contested by Islamic inheritance principles (*fiqh al-mawāriṣ*). The findings suggest that although Balinese influences remain visible in the Sasak cultural structure due to historical ties to the Kingdoms of Gelgel and Karangasem, increased legal awareness among Sasak Muslim women has triggered a shift. Unlike in Bali, where inheritance is religiously binding, Sasak people increasingly negotiate the teaching by giving women a specific portion of the inheritance. This study argues that the practice of Sasak inheritance represents a dialectical space in which 'urf (custom) and sharia are in constant negotiation.

**Keywords:**

The influence; Customary law; Inheritance; Religion; *Sasak*

**Introduction**

The island of Lombok, which is famous for its nickname 'Island of a Thousand Mosques' and has a majority Muslim population, holds a striking legal paradox. In the midst of a strong Islamic identity, most people, such as in the Sasak Sade community, Central Lombok, still practice patrilineal customary inheritance law, which exclusively only gives the right to inherit property (land/house) to men, while women only receive household goods.<sup>1</sup> According to Watson. A, this practice shows a structural similarity that is identical to the '*purusa*' tradition in Bali, where boys become sole heirs in order to continue theological responsibilities to the family temple.<sup>2</sup> This raises a fundamental problem: Why did the Sasak Muslim community adopt and maintain a legal structure that is genealogically and functionally closely linked to Balinese Hindu traditions? The similarities point to a significant

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<sup>1</sup> Nuhasanah Walijah, "Budaya Hukum Pembagian Waris Adat Masyarakat Sasak di Desa Jerowaru Kecamatan Jerowaru Kabupaten Lombok Timur Perspektif Antropologi Hukum Islam" (Universitas Islam Indonesia, 2023), <https://dspace.uui.ac.id/handle/123456789/44954>.

<sup>2</sup> Ketut Nehen, *Dinamika Masyarakat dan Kebudayaan Bali* (Denpasar: Offset BP-Denpasar, 1994).

historical effect and legal shift from Bali to Lombok that requires more research.<sup>3</sup>

Interestingly, several key features of *Sasak* customary inheritance are similar to the *purusa* principle found in Balinese customary law.<sup>4</sup> This similarity encourages further examination of the historical and social relationship between Lombok and Bali, two geographically close regions with a long history of cultural interaction.<sup>5</sup> Although the two societies share certain structural similarities, they differ significantly in their social organization, religious orientation, and legal negotiation mechanisms.<sup>6</sup> These differences raise important questions about how customary law is adapted, modified, and legitimized in a Muslim-majority context.<sup>7</sup> In order to comprehend the patterns, processes, and boundaries of customary influence on *Sasak* Muslim inheritance practices, Hooker claims that studying Balinese customary inheritance is an essential analytical step rather than just a comparison exercise.<sup>8</sup>

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<sup>3</sup> A Watson, *Legal Transplants: An Approach to Comparative Law* (Edinburgh: Scottish Academic Press, 1974).

<sup>4</sup> Anastasia Septya Titisari et al., "Stories of Women's Marriage and Fertility Experiences: Qualitative Research on Urban and Rural Cases in Bali, Indonesia," *Gates Open Research* 7, no. 1 (2024): 1–22, <https://doi.org/10.12688/gatesopenres.14781.2>.

<sup>5</sup> I Gusti Ayu Aditi et al., "Re-Examination of the Concept of Justice in the Inheritance System: A Study on Women's Inheritance in the Traditional Society of Bali in Lombok, West Nusa Tenggara, Indonesia," *Jurnal IUS Kajian Hukum dan Keadilan* 11, no. 3 (2023): 602–22, <https://doi.org/10.29303/ius.v11i3.1322>.

<sup>6</sup> Yogi Paramitha Dewi, "Gendering Adat Law: Women's Rights Activists in Balinese Customary Affairs," in *Gender and Sexuality Justice in Asia: Finding Resolutions through Conflicts* (Singapore: Springer Singapore, 2020), 31–44, [https://doi.org/10.1007/978-981-15-8916-4\\_3](https://doi.org/10.1007/978-981-15-8916-4_3); Muhammad Salahuddin et al., "Between Adat Law and National Law: The Resistance of *Sasak* Women to Their Inheritance Rights in Lombok Indonesia," *Lex Localis: Journal of Local Self-Government* 21, no. 4 (2023): 923–36, [https://doi.org/10.4335/21.4.923-936\(2023\)](https://doi.org/10.4335/21.4.923-936(2023)).

<sup>7</sup> Subhan, Fuad Rahman, and Albert Alfikri, "Transintegration of Customary Law and Sharia: Lesson from Historical Law and Cultural Law," *Substantive Justice International Journal of Law* 7, no. 1 (2024): 70–83, <https://doi.org/10.56087/substantivejustice.v7i1.296>; Arbanur Rasyid, Rayendriani Fahmei Lubis, and Idris Saleh, "Contestation of Customary Law and Islamic Law in Inheritance Distribution: A Sociology of Islamic Law Perspective," *Al-Ahkam* 34, no. 2 (2024): 419–48, <https://doi.org/10.21580/ahkam.2024.34.2.20843>.

<sup>8</sup> David M Engel, *Adat Law in Modern Indonesia* (Oxford: Oxford University Press, 1980).

The Karangasem Kingdom of Bali, which had ruled since the 17th century, expanded its influence to Lombok, introducing Balinese Hindu customs and laws to the Sasak people. One of the tolerant kings of Karangasem, Anak Agung Anglurah Gede Ngurah Karangasem (1870-1894), established harmonious relations with the Muslim *Sasak* people.<sup>9</sup> Thus, the influence of Balinese customs on *Sasak* customary law is likely the result of legal adaptation that occurred during the reign of the Karangasem Kingdom, even though the kingdom collapsed at the end of the 19th century. Evidence of this influence can be found in local traditions such as house inheritance and patrilineal social structures.<sup>10</sup> The impact of Balinese Hindu customs on the *Sasak* Sade tribe customs is clearly seen in marriage customs and customary inheritance laws.<sup>11</sup> Several studies on inheritance law in Indonesia have predominantly adopted a normative-comparative approach, examining doctrinal differences between Islamic inheritance law, customary law, and the Civil Code.<sup>12</sup> Hazairin's seminal work on the interaction between Islamic law and customary law introduced the theory of bilateral inheritance grounded in the Qur'an and Hadith, positioning *adat* as compatible with Islamic legal principles under certain conditions.<sup>13</sup> Building on this framework, A. Sukri Sarmadi<sup>14</sup> comparatively analyzed Sunni, Shia, Hazairin's theory, the Compilation of Islamic Law (KHI), and the Civil Code (BW), emphasizing justice as a unifying

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<sup>9</sup> Burhanuddin et al., "Reconstructing Gender Justice in Kampung Kuta Ciamis Customary Law: A Patriarchal Culture Review," *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* 10, no. 1 (2025): 127-45, <https://doi.org/10.22373/petita.v10i1.373>.

<sup>10</sup> Dri Santoso et al., "Harmony of Religion and Culture: *Fiqh Munākahat* Perspective on the Gayo Marriage Custom," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, no. 2 (2022): 199-218, <https://doi.org/10.18326/IJTIHAD.V22I2.199-218>.

<sup>11</sup> I Nyoman Surasana et al., *Etnografi Dusun Sade, Desa Rembitan, Lombok Tengah, Nusa Tenggara Barat, Pustaka Larasan* (Lombok: Pustaka Larasan, 2015).

<sup>12</sup> Mohsi Mohsi et al., "Harmonizing Legal Pluralism in Marriage Laws: Policy Challenges on Child Marriage in Madura," *Al-Ahkam: Jurnal Ilmu Syari'ah dan Hukum* 10, no. 2 (2025): 100-118, <https://doi.org/10.22515/alakhkam.v10i2.11048>.

<sup>13</sup> Hani Sholihah, Nani Widiawati, and Mohd Khairul Nazif Bin Hj Awang Damit, "Reinterpretation of Justice in Islamic Inheritance Rights Based on Gender," *Al-Adalah* 21, no. 1 (2024): 101-24, <https://doi.org/10.24042/adalah.v21i1.21256>.

<sup>14</sup> Muhamad Syukur and Winning Son Ashari, "Analisis Perbandingan Hak Waris Anak Perempuan Suku Sasak Antara Hukum Islam dan Hukum Adat," *Rayah Al-Islam* 8, no. 3 (2024): 1198-1217, <https://doi.org/10.37274/rais.v8i3.1058>.

objective despite divergent inheritance schemes.<sup>15</sup> Ratno Lukito further explored the broader encounter and tension between Islamic law and customary law in Indonesia, although his analysis did not specifically focus on inheritance.<sup>16</sup> More specialized doctrinal comparison was conducted by Ismuha, who examined substitute inheritance across Islamic law, customary law, and the Civil Code, and by Hidayati, whose dissertation analyzed the concept of *kalālah* in Sunni and Shia Imamiyah inheritance law.<sup>17</sup> Collectively, these studies demonstrate sustained interaction among Islamic, customary, and civil legal systems in inheritance matters, yet they remain largely textual and rule-oriented, with limited attention to how these norms emerge from and operate in everyday social practice.

Empirical and sociological studies addressing inheritance as a lived legal practice remain relatively fragmented. Paryanti's field research in Bukuran Village, Sragen, reveals both convergence and divergence between Islamic and customary inheritance norms, particularly regarding the exclusion of murderers from inheritance and differing positions on the rights of biological and adopted children.<sup>18</sup> Other sociological studies, such as those on Batak communities, document significant transformations in customary inheritance systems, including the gradual recognition of women's inheritance rights where they were previously excluded. Conversely, research on Sasak customary inheritance practices in Lombok indicates the persistence of gendered inequality, with women continuing to receive

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<sup>15</sup> Mohammad Takdir et al., "The Takharrūj Method as an Islamic Legal Solution for Customary Inheritance Practices among Muslim Communities in Pakamban Laok, Sumenep, Indonesia," *Journal of Islamic Law* 4, no. 1 (February 2023): 104-22, <https://doi.org/10.24260/jil.v4i1.1044>; 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, <https://doi.org/10.14421/ahwal.2017.10108>.

<sup>16</sup> Ratno Lukito, *Islamic Law and Adat Encounter: The Experience of Indonesia* (Montreal: McGill University, 2001).

<sup>17</sup> Sri Hidayati, "Munasakhah dan Kalalah dalam Praktek di Pengadilan (Studi Analisis Putusan PA Nomor 3359/PDT. G/2015/PA. JS dan Putusan PTA Nomor 113/PDT. G/2017/PTA)" (Universitas Islam Negeri Syarif Hidayatullah Jakarta, 2022), <https://repository.uinjkt.ac.id/dspace/handle/123456789/61448>.

<sup>18</sup> Rahmi Hidayati et al., "Flexibility of Women's Inheritance Distribution in Jambi Malay Society: Compromising Islamic and Customary Law," *El-USRAH: Jurnal Hukum Keluarga* 7, no. 1 (2024): 42-61, <https://doi.org/10.22373/ujhk.v7i1.22038>.

unequal inheritance shares compared to men.<sup>19</sup> Despite these empirical insights, existing studies tend to treat local customary systems as isolated cases and do not sufficiently explain the mechanisms, sources, and pathways of legal influence shaping such practices. This gap highlights the urgency of this study, which aims to go beyond doctrinal comparisons by analyzing how Balinese customary inheritance norms influence, are negotiated within, and are selectively adapted by the Sasak Muslim community in Lombok.

This study will discuss how Balinese customary law affects inheritance law in the Sasak Muslim community in Lombok, which is a result of Bali's historical power over Lombok. Based on the above explanation, the problems in this study are: How do the Balinese and Sasak customary inheritance systems differ? How does the Balinese customary system influence the customary law of the Sasak Muslim community in Lombok?

## Methods

This is field research, which is descriptive and analytical in nature.<sup>20</sup> This research is also empirical or sociological legal. The method used in this research is qualitative research. Qualitative research uses techniques such as observation, interviews, and document analysis.<sup>21</sup> This qualitative method is used for several reasons, primarily because of the size and diversity of the population and because it is more sensitive and adaptable to many overlapping influences on the value patterns encountered. This study uses a sociological-historical and comparative approach. The author will examine the inheritance systems in the patrilineal customs of Bali and Sasak Lombok. The comparative approach is used to identify similarities and differences between the two. In contrast, the socio-historical approach is used to examine the influence of Balinese customary inheritance on *Sasak* Lombok society, given their similarities

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<sup>19</sup> Elpina, "Kedudukan Perempuan dalam Hukum Waris Adat Batak Toba," *Jurnal Hukum Kalam Keadilan* 3, no. 2 (2015): 1-12, <https://doi.org/10.46930/jurnalrectum.v5i1.2634>.

<sup>20</sup> Trie Andari Ratna Widyastuti et al., *Metodologi Penelitian: Panduan Lengkap Penulisan Karya Ilmiah* (Jambi: PT. Sonpedia Publishing Indonesia, 2024).

<sup>21</sup> Degdo Suprayitno et al., *Metode Penelitian Kualitatif (Teori Komprehensif dan Referensi Wajib Bagi Peneliti)* (Jambi: PT. Sonpedia Publishing Indonesia, 2024).

and because the Balinese Hindu kingdom historically ruled several areas of Lombok.

This study involved key informants selected through purposive sampling based on their relevance to the research focus on customary law, religious authority holders, and inheritance practices in Bali and Lombok. To ensure ethical considerations and confidentiality, each informant was identified using a code. The informants represented a variety of social roles, including academics, religious scholars, customary leaders, and community members. Among them were M (60), a university lecturer and community leader in Denpasar, Bali, and Y (45), a lecturer at the Bali State Hindu Dharma Institute, both of whom provided academic and theological perspectives on the relationship between religion, customs, and social institutions. In addition, AZ (30), a member of the Sade Customary Community in Lombok, and AF (24) a community member in Lombok, provided insights into daily customary practices and generational perspectives on the coexistence of customs and Islamic law.

Furthermore, this study involved K (70), a *Jero Keliang* (customary leader) from the Sasak Customary Community in Lombok, who acts as the main authority on customary norms and governance. His role is crucial in explaining the legitimacy of the customary inheritance system, decision-making mechanisms, and inheritance dispute resolution within the community. Collectively, these informants enable the study to capture a multidimensional understanding of how customary inheritance law is maintained, interpreted, and negotiated across different social positions and generations in Bali and Lombok. From the results of these interviews, the similarities in traditions and customs between Bali and *Sasak* Lombok, especially regarding the inheritance system, can be seen and analyzed.

## Results and Discussion

### The Balinese and Sasak Customary Inheritance Laws

The Balinese customary system prioritizes inheritance for male descendants, while women do not receive inheritance.<sup>22</sup> Unmarried women

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<sup>22</sup> Tarmizi et al., "Inheritance Distribution and Conflict Resolution in Bone Regency: Upholding Women's Rights and Islamic Law Objectives," *De Jure: Jurnal Hukum dan Syar'iah* 16, no. 2 (2024): 255-77, <https://doi.org/10.18860/J-FSH.V16I2.29477>.

will receive guardianship and daily necessities from the temple leader and her brothers until she gets married.<sup>23</sup>

This aligns with the statement of M (60), a lecturer and community leader in Denpasar. He explained the traditional inheritance system in Bali, known as *purusa*, as follows:

“The traditional inheritance system in Bali is known as *purusa*. Inheritance is given to sons and male heirs. Women can actually inherit through the *nyentane* system by taking a son from another family as a husband. Those who practice *nyentane* cannot worship at their family temple because they have severed ties with their ancestors and are cut off from receiving anything from their family of origin. If a family does not have a son, they can give the inheritance to a male nephew or take a *sentane* (a son-in-law). Unmarried daughters are supported by their family or older brothers. After marriage, they are supported by their husbands and become part of their husbands’ families”

The statement indicates that the traditional Balinese inheritance system is patrilineal, granting inheritance only to male heirs, not to women. The Balinese family has a patrilineal structure in which women must follow the men’s families. Talcott Parsons’ structural functional theory, which holds that a society is similar to a biological organism with a whole integrated system and its functions to form an equilibrium, may help explain.<sup>24</sup> This theory emphasizes personal obligations in social sustainability.

In the structure of families, men may take the share and obligation to manage all of the families’ affairs, including the system of worship in the *pura* of the families. Therefore, the shares of inheritance are in line with the function of men in the family structure. While women don’t have the same obligations as men.<sup>25</sup>

If a family does not have any sons, they can pass on their inheritance to their nephews, or take their daughter’s husband to become a *sentane* or to

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<sup>23</sup> Ni Nyoman Sukerti, “Perkembangan Hak Perempuan di Bidang Waris dalam Hukum Adat Bali,” *Masalah-Masalah Hukum* 40, no. 1 (2011): 86–92, <https://doi.org/10.14710/mmh.40.1.2011.86-92>.

<sup>24</sup> T. Parsons, *The Social System* (New York: Free Press, 1952).

<sup>25</sup> F. Barth, *Balinese Worlds* (Chicago: University of Chicago Press, 1993).

make a *nyentane* marriage. The *sentane* men may not have a share from their family inheritance because they have entered their wives' families. This inheritance system is closely related to temple worship. M (60) also said that:

“Male heirs will retain their inheritance rights as long as they do not leave their caste or abandon their family in matters of *purusa* worship, for example, by entering into their wife's family. They cannot worship at their family temple and cannot lead worship there. Their initial family is also prohibited from involving *sentane* men in prayer at the family temple. Similarly, married daughters will join their husband's family and worship at their husband's family temple.”

Inheritance in this system includes material and non-material objects. Material objects include finances, land, houses, jewelry, and vehicles, while non-material objects encompass heirlooms, leadership, temple maintenance, and traditional skills. Before being inherited, the inheritance will be used to pay debts and traditional costs, such as *ngaben* (the burning of the corpse). Male heirs with limited inheritance can request additional inheritance through family deliberation, given their responsibility to lead the temple.<sup>26</sup>

This patrilineal inheritance model applies to all indigenous communities in Bali who are Hindu. In the future, men will also have their own small temples in their homes, where they will serve as leaders of worship. Thus, we can see that the line or model of inheritance in Balinese Hinduism is patrilineal.<sup>27</sup> This traditional inheritance model also formed a caste-based system in which heirs are determined by caste. This caste-based model later evolved into a group worship system, where only groups within one family lineage were allowed to enter the family temple. This is because every big family has a special temple for all their descendants. Until now, Balinese customs, including the inheritance system, are still strictly practiced and even supported by Law No. 4 of

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<sup>26</sup> I Putu Angga Raditya Prihandana, Dominikus Rato, and Emi Zulaika, “Hak Waris Anak Perempuan terhadap Harta Guna Kaya Orang Tuanya Menurut Hukum Adat Waris Bali,” *Kharta Desa* (Denpasar: Universitas Udayana, 2014), <https://ojs.unud.ac.id/index.php/kerthadesa/article/download/69832/39547/>.

<sup>27</sup> i Wayan Wahyu Wira Dianti and Udytama Ida Ayu Indira Sita, “Sistem Pewarisan Hukum Adat Bali terhadap Kedudukan Perempuan pada Masyarakat Adat Bali,” *Jurnal Yustitia* 19, no. 2 (2024): 1–7, <https://doi.org/10.62279/yustitia.v19i2.1346>.

2016, which gives autonomy to villages to manage the customs of their people.<sup>28</sup>

The patrilineal inheritance model is also found in the Sasak community, particularly in Sade Village, Central Lombok. This was discovered after interviewing AZ (30), a member of the indigenous community, who explained that:

“Men inherit land, houses, livestock, and vehicles; women only receive looms, furniture, and jewelry. If a family has no sons, they can give their inheritance to a chosen nephew. *Jero Keliang* acts as the traditional leader here. The house inheritance is given to the last son; other children may receive land outside the main Sade complex; the land inherited by male heirs remains extensive for several generations. He is chosen based on observation and leadership skills. His successor will be chosen from one of his sons, who will be selected to replace him and live in his house. He is chosen based on his parents’ observations and becomes the successor. It is written in the Sasak Sade inheritance book in Jero Kaliyang’s house that if no son is chosen as heir when the parents die, the traditional elders will consult to choose an heir from the male line.”

The excerpt shows that the traditional *Sasak* Sade inheritance system also prioritizes male heirs. Only selected sons live in the main house in the Sade area, while daughters and other sons live in houses outside the main Sade complex, which is still very large. If the parents have not yet chosen an heir to occupy the main house, the traditional elders will hold a meeting to determine the successor.

The inheritance left behind includes material assets such as jewelry, houses, land, and vehicles, as well as non-material assets such as heirlooms, customary books, and leadership skills. Traditional houses are material inheritance. From traditional houses, the

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<sup>28</sup> Bambang Adhi Pamungkas, “Pelaksanaan Otonomi Desa Pasca Undang-Undang Nomor 6 Tahun 2014 tentang Desa,” *Jurnal USM Law Review* 2, no. 2 (2019): 210–29, <https://doi.org/10.26623/julr.v2i2.2271>.

inheritance extends to cultivated land outside the Sade Utama complex.<sup>29</sup>

Based on the description of the traditional Hindu inheritance systems of Bali and *Sasak* Sade Lombok above, both systems have a strong patrilineal orientation, in which the main inheritance rights are given to male descendants, reflecting the central role of the continuity of the lineage and family obligations. However, they indicate both similarities and differences in some aspects, as Table 1 shows:

**Table 1.** Similarities and Differences between the Inheritance Systems of Bali and *Sasak* Lombok

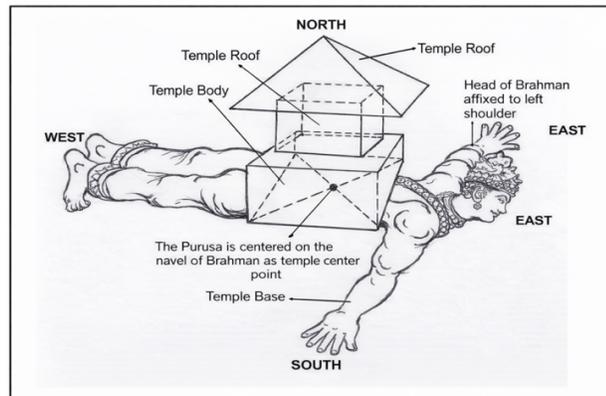
Aspect	Similarities	Differences
Gender based preferred heir	Both Balinese and Sasakness rely on patrilineal, prioritizing males rather than females	Balinese inheritance system only considered male heirs, whether by blood or by marriage, while Sasak system still considers female heirs.
Type of inheritance assets	Inherited assets can be material or non-material.	In Bali, women do not receive inheritance at all, whereas in <i>Sasak</i> , they still receive looms, furniture, and jewelry.
Religious teaching reliance in addition to customary rules		Balinese inheritance is based on Hindu teaching called <i>purusa</i> , while <i>Sasak</i> Lombok inheritance is in line with literal Qur'anic teaching about bigger portion of male.
Someone in charge in dissolving any inheritance disputes/problems		There is no one playing the role in Bali, while Lombok has <i>Jero Keliang</i>

<sup>29</sup> Novita Prihandini, "Identifikasi Modal (Sosial, Alam, Finansial, Fisik dan Manusia) Pada Dusun Wisata Sade di Kabupaten Lombok Tengah," *Jurnal Ilmiah Mahasiswa* 6, no. 1 (2017): 1-7, <https://jimfeb.ub.ac.id/index.php/jimfeb/article/view/4402>.

From Table 1, it can be seen how the two inheritance systems have both common grounds and divergences in four main aspects. The clearest aspect of the similarity is in how those two inheritance systems are tied with the idea of building. While Balinese seems to rely much more on religious teaching, so called *purusa* centered on temple building and worship venue for each family members, the Sasak people has it in determining the next inhabitant of houses inside the traditional village Sade area. The division of inheritance uses the “*kepurusa*” tradition, in which the son receives the entire inheritance.<sup>30</sup> This inheritance process is passed down from generation to generation, rooted in the Hindu Mojopahit belief in harmony between the macrocosm (the universe) and the microcosm (humans). This tradition is closely related to the construction of temples, which functioned as centers of worship in the Hindu royal system.<sup>31</sup>

The *Negarakertagama* book has mentioned a lot about the chronicle of temple history.<sup>32</sup> *Purusa* is the centre point of a temple, as Figure 1.

**Figure 1. Purusa Diagram**



Source: Dwi Budi Harto

<sup>30</sup> Gde Putra Agung, FX Soenaryo, and Ida Bagus Sidemen, *Sejarah Sosial Bali Kota Singaraja* (Jakarta: Direktorat Jenderal Kebudayaan, 1984).

<sup>31</sup> Denys Lombard, *Nusa Jawa: Batas-Batas Pembaratan*, 1st ed. (Yogyakarta: PT Gramedia Pustaka Utama, 1996).

<sup>32</sup> R Soekmono and Inajati Adrisijanti Romli, “Peninggalan-Peninggalan Purbakala Masa Majapahit,” in *Dalam 700 Tahun Majapahit (1293 - 1993)*, ed. Sartono Kartodirdjo (Surabaya: Dinas Pariwisata Daerah Propinsi Tingkat I Jawa Timur, 1993), 67-88.

*Purusa*, as illustrated from Figure 1, originated from the concept of the centre of sacred buildings in Hinduism, which was passed down through the Majapahit kingdom and inherited by Bali, from the Gelgel Kingdom onward, through the small kingdoms after Gelgel, such as Klungkung and Karangasem. Historically, the *purusa* position was passed down to male heirs as leaders of worship and are responsible for sacred buildings and related material and non-material resources.<sup>33</sup> As a symbol of the relationship between the macrocosm and the microcosm, *purusa* embodies masculinity, serving as a system of inheritance for men to replace the head of the *pura*, a sacred place or palace, and to perfect the worship system. It is this fundamental concept of *purusa* that explains why the Balinese Hindu inheritance system is patrilineal and closely related to religious principles and worship at the temple.

Meanwhile, the Sasak Sade are Muslim society nowadays. They follow the patrilineal inheritance system, the same as the Balinese that based on the teaching of the Hindu religion. They just follow it as a customary system that they had gotten from their ancestors. On the other hand, there is an inheritance system in Islamic law, but they don't apply to solve the inheritance distribution. AZ (30) said that:

“We don't learn about Islamic inheritance law. We just know our customary inheritance law from our ancestors.”

Based on the data, we may say that inheritance customary system in Bali is closely related to the religion, but it's not in Sasak Lombok. The interview data shows that the customary inheritance system in Bali and Sasak Sade shows a strong patrilineal structure but with a different foundation of legitimacy. According to V.E. Korn (1932), in Bali, the dominance of male inheritance (*purusa*) is absolute and theologically tied to the obligation to lead worship in the family temple (*merajan*), where inheritance rights can only be transferred to women through a special marriage mechanism (*nyentane*) in order to maintain spiritual and social balance.<sup>34</sup> In contrast, the Sasak Sade community, despite having a Muslim

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<sup>33</sup> I Kadek Dwi Noorwatha, *Naranatha-Kanya: Jejak Sejarah Dewa Agung Istri Kanya dan Kebangkitan Seni Kerajaan Klungkung Abad Ke-19* (Jakarta: Direktorat Sejarah Direktorat Jenderal Kebudayaan Kementerian Pendidikan dan Kebudayaan, 2019), 1-267.

<sup>34</sup> V. E. Korn, *Het Adatrecht van Bali* (Hague: G. Naeff, 1932).

identity, reflects a similar patrilineal pattern in which vital assets such as land and houses are controlled by men under the authority of Jero Keliang, but have nothing to do with temple worship or *nyenane* options. This indicates that although the Sasak inheritance structure has historically been influenced by Balinese traditions, the practice has transformed into rigid customary law to preserve clan identity, regardless of its original religious values.<sup>35</sup>

### **The Influence of Balinese Customary Inheritance Law in Sasak**

Customary law in Indonesia developed through the influence of foreign and local laws. Before the arrival of Singosari in 1284 AD, local law in the Kingdom of Bedahulu consisted of the customs of the Jaya and Warmadewa dynasties. After 1284 AD, a shift in law occurred between local and Singosari customs, including in the royal and inheritance systems. When the Singosari Dynasty collapsed in 1324 AD, Bedahulu customs became a combination of Singosari and local customs. Subsequently, in 1324-1478 AD, Mojopahit customs entered and assimilated with Bedahulu-Singosari customs, forming the customs of the Gelgel Kingdom, which combined local Balinese, Singosari, and Mojopahit beliefs.<sup>36</sup>

However, the notion about influences on the Bali inheritance system to that of Lombok requires careful consideration and reliable argumentation. This is mainly because the patrilineal system of inheritance can be found almost everywhere, so the hypothesis needs really convincing proofs. One of these is the *Negarakertagama* book found in Central Lombok, which records the significant influence of the Karangasem kingdom in Bali on the *Sasak* tribe in Lombok. This book, which contains the history of *purusa*, shows the close relationship between Bali's inheritance customs and their influence on *Sasak* society in Central Lombok.<sup>37</sup> This is in line with how AF (24) told:

“In central Lombok, there used to be the Pujut Kingdom, which was a part of the Hindu Karangasem Kingdom in Bali. Therefore, its customary system was heavily

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<sup>35</sup> Wayan P Windia and Ketut Sudantra, *Pengantar Hukum Adat Bali* (Denpasar: Lembaga Dokumentasi and Publikasi Fakultas Hukum Universitas Udayana, 2006).

<sup>36</sup> Agung, Soenaryo, and Sidemen, *Sejarah Sosial Bali Kota Singaraja*.

<sup>37</sup> I Ketut Ardhana et al., *Pemetaan dan Tipologi Desa Adat* (Denpasar: Cakra Media Utama, 2021).

influenced by Hindu teachings. In the past, everyone here practiced Islam, which was a blend of Hinduism and Islam. The inheritance customs around the Pujut area in Central Lombok also meant that women did not receive an inheritance (as in Bali). We know all this from our elders and teachers who told us about it."

The excerpt implies how Karangasem customary law further enriched *Sasak* customary law, which had previously been grafted with Gelgel customs. However, when there found any slight difference between both, such as women's portion in Lombok, although in a very few cases, while Balinese neglects it all,<sup>38</sup> it might likely describe how changes might happen in accordance to current situation. In this case, it is likely describing how Islamic teaching about inheritance is mingled with customary law so that Lombok people combine the two legal sources instead of fully imitating one of them.

Additionally, the year the Negarakertagama manuscript first copied, 1740 AD in Bali, coincided with the era of Anglurah Made Karangasem Sakti known as Bagawan Atapa Rare, who ruled from 1730 to 1775 AD in the Karangasem Kingdom. Based on an interview with Y (45), a lecturer at the Bali State Hindu Dharma Institute, he said:

"The Karangasem Kingdom of Bali did indeed rule over several areas in Lombok, so it was the Karangasem Kingdom of Bali that influenced the traditions on the island of Lombok."

It is well known how the process of adapting customary law in *Sasak* resulted in a blend of local customs and elements of Balinese Hindu culture, even though the *Sasak* people remain Muslim. Moreover, elements of Balinese Hinduism can be seen in architecture, clothing and the customary inheritance law system. Places of worship in *Sasak Sade*, such as mosques, adopt the *meru* architecture, a mountain-like form resembling that of Balinese Hindu temples. The *meru* model applied to *Sasak* mosques is not only a religious symbol but also a historical legacy tracing back to the previous rulers of the

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<sup>38</sup> Prasetya Ramadhan, *Jejak-Jejak Peradaban Majapahit: Imperium Raksasa Penguasa Nusantara* (Denpasar: Araska Publisher, 2020).

area. The application of the *meru* model in various buildings shows the continuity of spiritual and cultural values, where architectural forms are not only physical but also laden with cosmological and symbolic meanings. Thus, *Sasak Sade* architecture emphasizes that the religious, economic, and social values of the community are closely intertwined in a unity through the form of its buildings.

Likely, the Sasak culture in Lombok, especially in Central Lombok and North Lombok has adopted many Balinese Hindu laws. In Bayan, North Lombok, there is a *Wektu Telu* Islamic culture similar to the Balinese Hindu concept of *Tri Sandhya*, which involves worshipping three times a day: morning (*pratah savanam*), afternoon (*madyana savanam*), and evening (*sandhya savanam*).<sup>39</sup> In *Sasak Sade* Central Lombok, K (70), as *Jero Keliang*, also stated:

“In the past, people here also followed the *Wektu Telu* Islamic practice, but now they pray five times a day because of Islamic missionary work from the Ministry of Religion here.”

From all these aspects, it can be seen that *Sasak Sade* customary law is the result of a long process of adaptation from Java (Singosari and Majapahit) to Bali, and then from Bali (Gelgel and Karangasem) to Central Lombok. Although the Sasak people’s religion remains Islam, Balinese Hindu culture has influenced their social and customary practices not only in inheritance distribution, but also in building construction and leadership titles, creating a distinctive customary law identity that continues to be preserved.

Sasak customary law was formed through a long process of legal transplantation from Javanese influence (Singosari and Majapahit) to Balinese hegemony (Gelgel and Karangasem), where the specific connection between Sasak and Balinese inheritance customs is evidenced by the discovery of the *Negarakertagama* manuscript in Central Lombok, which records the significant influence of the Karangasem Kingdom. This historical validity was confirmed by Y (45), a Hindu academic, who asserted that the power of Karangasem became the main vehicle for the transfer of Balinese traditions to the island, a fact also recognized in the collective memory of the Sasak people as

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<sup>39</sup> Muhammad Harfin Zuhdi, *Sosial Dialektika Agama Lokal di Lombok* (Mataram: UNU Press, 2015).

told by AF (24) regarding the history of the Pujut Kingdom as part of Karangasem which inherited a patrilineal system in which women did not receive inheritance. Traces of this acculturation are not only visible in the inheritance system, but also in the *Meru*-style Mosque architecture and the Islamic practice of *Wektu Telu* in the past, which according to K (70), Jero Keliang Sade, has similarities with Hindu rituals before the shift to current Islamic orthodoxy, indicating that Sasak customary law is a dynamic synthesis between Balinese ancestral values and Islamic teachings that are continuously negotiated over time.

The similarity of the patrilineal structure in the Sasak and Balinese inheritance systems is not coincidental, but rather the result of a long process of legal transplantation and cultural acculturation. This influence began with the expansion of the Singosari and Majapahit Kingdoms, which was later reinforced by the hegemony of the Karangasem (Bali) Kingdom in Lombok. These historical traces are evident not only in the collective memory of the community but also in physical artifacts and ritual practices that persist to this day. Based on analysis of interview data and a review of historical literature, Table 2 below summarizes evidence of the influence of Balinese customary law on the formation of Sasak customary law.<sup>40</sup>

**Table 2.** The Acculturation of Bali-Sasak Inheritance Law in Lombok and Its Evidence

Aspect	Form of Acculturation	Data Evidence
Historical Legitimacy	The process of "Legal Transplantation" from Java (Majapahit) to Bali, then brought to Lombok through the expansion of the Karangasem Kingdom.	The discovery of the <i>Negarakeragama</i> manuscript in Central Lombok which records the history of <i>purusa</i> . It was confirmed by Y (45) that the Karangasem Kingdom brought Balinese traditions to Lombok.

<sup>40</sup> L. M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975).

Aspect	Form of Acculturation	Data Evidence
Inheritance System	The implementation of a strong patrilineal system in the Pujut region (in the past), where women did not get an inheritance, resembled the <i>purusa</i> Balinese system.	AF (24) stated that the Pujut Kingdom was part of Karangasem, so "women did not receive inheritance (as in Bali)" before further adaptation.
Religious Practice	The Islamic phenomenon " <i>Masa Telu</i> " (prayer 3 times) which has a similarity in time pattern with the concept of Tri Sandhya in Balinese Hinduism.	K (70) as Jero Keliang confirmed that in the past people practiced <i>Masa Telu</i> before switching to 5 times prayer because of the Ministry of Religion
Architecture & Symbolism	The use of the " <i>Meru</i> " model roof (a multi-story mountain typical of the temple) in the architecture of the mosque and the traditional building of Sasak.	Physically seen in the buildings in Sade Village as a symbol of the continuity of spiritual values from the past ruler (Hindu-Balinese) to the present (Islamic).

In Balinese society, as illustrated in Table 2, the dominance of men in inheritance (*purusa*) is directly proportional to the burden of obligations (*swadharma*) that they carry. As explained by informant M (60), inheritance is a supporting instrument to finance religious rituals and the maintenance of family temples (*merajan*). If women receive the same inheritance without the same obligations, then the functional structure of the family will be disrupted. Therefore, inequality in the distribution of material wealth is compensated by inequality in ritual burdens.<sup>41</sup>

According to Erhlich, a similar pattern was found in the Sasak Sade community. Although not bound to temple obligations like in Bali, informant AZ (30) asserts that men hold a vital function as the

<sup>41</sup> Agung, Soenaryo, and Sidemen, *Sejarah Sosial Bali Kota Singaraja*.

successor of the clan and protector of communal assets under the authority of Jero Keliang. Men inherit the main house and land because they have a social obligation to accommodate parents and maintain the lineage, while women are prepared to enter the husband's clan.<sup>42</sup>

Historically, the similarity of the traditional legal structure of Sasak and Bali proved to be the result of hegemony of the Karangasem Kingdom that brought the Hindu-Majapahit tradition to Lombok, a fact validated by the *Negarakertagama* manuscript and the collective memory of the people regarding their patrilineal origins. Although this ancient legal framework was retained, its application underwent dynamic acculturation and syncretism with the entry of Islam. According to Sven Cederroth (1981), in contrast to the rigid Balinese system, Sasak customary law shows flexibility through the negotiation of values, such as the granting of "soft property" to women as well as the symbolic blend in the ritual of *Wektu Telu* and the architecture of the *Meru* roofed mosque, which confirms the success of the Sasak people in synthesizing Islamic theology with the "grammar" of ancestral culture.<sup>43</sup>

This syncretism is also visualized in non-legal aspects. Jero Keliang K's (70) confession about the practice of *Wetuk Telu* in the past shows how Islamic rituals were adapted using the Hindu worship time frame (*Tri Sandhya*). Likewise with the architecture of the *Meru* roofed mosque. These symbols confirm that the Sasak people succeeded in carrying out a cultural synthesis: they adopted Islam as a theological belief, but still retained the "grammar" of Balinese culture in their social and symbolic systems.<sup>44</sup>

## Conclusion

This study found that the patrilineal inheritance systems in Balinese and Sasak societies are based on different normative foundations. In Bali, this inheritance system is deeply rooted in Hindu teachings, particularly the concept of *purusa*, which originated in the Majapahit era. On the other hand, the Sasak inheritance system in

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<sup>42</sup> E. Ehrlich, *Fundamental Principles of the Sociology of Law* (Cambridge: Harvard University Press, 1936).

<sup>43</sup> S. Cederroth, *The Spell of the Ancestors and the Power of Mekkah: A Sasak Community on Lombok* (Gothenburg: Acta Universitatis Gothoburgensis, 1981).

<sup>44</sup> H. Geertz and C. Geertz, *Kinship in Bali* (Chicago: University of Chicago Press, 1975).

Lombok, although also patrilineal, is not directly based on explicit religious doctrine, although it might likely do so. Men inherit ancestral land and property, while women generally receive household goods. Although the historical Hindu influence of the Karangasem Kingdom contributed to the formation of Sasak customs, inheritance practices in Lombok have developed largely as a newly more developed and progressive system. This study contributes to the literature by showing how customary inheritance law was historically transmitted and adapted from pre-Majapahit Java to Bali, and then to Lombok. Despite having the same patrilineal structure, different religious, social, and political contexts, both have resulted in different interpretations. These contextual differences explain why Balinese communities continue to associate inheritance with religious obligations, while Sasak communities tend to view it as a customary norm open to negotiation and at this point, Islamic teaching might play a role. The main limitation of this study is its geographical scope, which is limited to the Balinese and Sasak communities. Future research should expand this comparative framework to other patrilineal inheritance systems in Indonesia, particularly in Sumatra, Sulawesi, and Maluku, to further enrich our understanding of diversity and adaptation in customary inheritance law.

### **Acknowledgements**

We would like to express our deepest gratitude to the Rector of Sunan Kalijaga State Islamic University, Yogyakarta, for supporting this research. Besides, the authors also thank the Ministry of Religious Affairs for its support in publishing this paper through the AICIS+2025 funding schemes.

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