



***Kiai Kampung* as Normative Brokers: Negotiating Inheritance Legal Pluralism in Rural Java**

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Abstract

This study examines how *Kiai Kampung* (village religious figure) in Jombang negotiates competing legal systems and explores the implications for legal pluralism theory. Using a qualitative socio-legal approach, the research draws on observations, in-depth interviews with seven *kiai from the kampung village* and with residents, and document analysis. The finding shows that *Kiai Kampung* acts as a consultant, educator, advisor, and mediator through five locally grounded strategies rooted in Javanese Islamic values. The study identifies three variants of *Kiai Kampung*: textualist, culturalist, and moderate, each representing a different approach to reconciling *faraid* (Islamic inheritance law) with customary inheritance practices. Unlike previous studies emphasizing legal contestation, this research introduces the concept of “normative brokerage”, referring to the ability of local actors to select, validate, and operationalize forms of *’urf* (custom) to transform normative conflict into complementarity. The study also extends structural-functionalist theory by demonstrating that social equilibrium in a plural legal system depends on local actors who can bridge competing normative frameworks.

Keywords: *Kiai Kampung*; Inheritance Legal Pluralism; Normative Brokerage; Rural Java.

Introduction

In recent years, scholarly literature has introduced the term *Kiai Kampung* (village religious figure) to refer to respected Islamic religious scholars (Dhofier, 1980) who exert influence at the local level (W. Setiyani, 2020). Recent studies reveal that *Kiai Kampung* play a significant role in various aspects of community life; however, their role in resolving inheritance disputes remains underexplored, even though such disputes constitute the second most common category of Islamic civil cases in Indonesia after divorce (Direktori Putusan, 2024). The prevalence of these disputes indicates that Islamic inheritance law is often neglected within Indonesia’s plural legal system (Islamic, customary, and Western), a

situation exacerbated by the reluctance of Javanese Muslims to fully implement Islamic inheritance law, as it is perceived to reflect social justice inadequately (Asmu'i, 2024; Waskito, 2021).

From the perspective of legal pluralism (Giudice, 2014), This phenomenon illustrates the contestation between Islamic law and customary law (Huda et al., 2024). Sopyan underscores that Indonesia's coexistence of customary, religious, and national laws makes the study of legal pluralism essential (Sopyan, 2020). Hariri and Babussalam distinguish juridical from empirical legal pluralism, capturing the dual nature of rural inheritance disputes (Achmad Hariri & Basuki Babussalam, 2024), while Fujinami cautions that legal pluralism can serve partisan interests rather than neutral description (Fujinami, 2024). Faisal et al. further contend that *kiai's* traditional authority is vital for reaching rural communities where state approaches alone fall short (Faisal dkk., 2022). As local leaders closely connected to their communities, *kiai kampung* have the potential to serve as mediators between these normative frameworks, particularly given their accommodative stance toward local wisdom and their continued role as primary references for rural society in the digital era (W. Setiyani, 2020; W. S. Setiyani & Orwela, 2022).

The earliest study of the role of *kiai* was conducted by Clifford Geertz, who concluded that its primary role is as a cultural broker, introducing rural communities to new external cultures deemed beneficial (Geertz, 1960). In contrast, Horikoshi's research suggests that the primary role of *kiai* extends beyond cultural brokerage to include acting as agents of change (Horikoshi, 1987). Similar studies include Hefni's exploration of Madurese *kiai* efforts to preserve correct syncretic practices, as preserved by traditional leaders in *beberten* (syncretic tradition from Madura) rituals (initially involving deity worship) (Hefni, 2017). In the political realm, Asmawati's study reveals that *kiai* act as vote brokers, bridging political party leaders with their constituents, thereby contributing to Indonesia's democratization process (Asmawati dkk, 2021). Syafiqurrahman, Ahmad Munif, and Habib have also conducted studies on the role of *Kiai Kampung*. Syafiqurrahman concludes that *Kiai Kampung* contributes to community harmony through the tradition of *Kompolan* (gathering tradition) (Syafiqurrahman & Hosnan, 2019). Munif's study examines how *Kiai Kampung* provides legal solutions through *qawliyy* (textual) and *ilhaqiy* (rational) methods (Munif, 2020). Meanwhile, Habib's research highlights the critical role of *Kiai Kampung* in maintaining family harmony by resolving household conflicts creatively and persuasively (Habib dkk, 2021).

Based on the literature reviewed above, no study has specifically examined the role of *Kiai Kampung* in negotiating the tension between *faraid* (Islamic inheritance law) and Javanese *'urf* (local custom) in

inheritance disputes. Research on cultural brokers (Geertz, 1960) and agents of change (Horikoshi, 1987) does not address the dynamics of legal pluralism in rural contexts regarding inheritance cases. Similarly, studies on legal solutions (Munif, 2020) and family harmony (Habib dkk, 2021) do not explicitly focus on the resolution of inheritance disputes involving the contestation between *faraid* and Javanese *'urf*. Investigations into the correction of syncretic religious practices (Hefni, 2017), vote brokers (Asmawati et al., 2021), and the *Kompolan* tradition in Madura (Syafiqurrahman & Hosnan, 2019) also tend to emphasize the homogeneity of the *kiai's* role, without highlighting its heterogeneity in navigating the plurality of legal systems in rural Javanese society, particularly in the context of inheritance disputes.

Thus, the identified research gap lies in the absence of empirical studies on how *Kiai Kampung* negotiate the tension between *faraid* and Javanese *'urf* in inheritance disputes. The novelty of this study lies not only in examining the mediation strategies employed by *kiai kampung* but also in conceptualizing their role as normative brokers within a plural legal order. Unlike cultural brokers who primarily mediate between cultures (Geertz, 1960), normative brokers selectively interpret, validate, negotiate, and operationalize competing normative systems, particularly *faraid* and *'urf*, to restore social harmony and legal legitimacy. Through a case study in Jombang, East Java, this socio-legal research seeks to answer how *Kiai Kampung* negotiate the tension between Islamic inheritance law and Javanese customary law in resolving inheritance disputes, as well as what theoretical implications this has for legal pluralism in Indonesia. Jombang is selected as the research site due to its strong rural culture and the community's dual cultural identity: *ijo* culture (religious) and *abang* culture (*kejawen*: Javanese culture). This study is significant because it holds both theoretical and practical contributions. Theoretically, it aims to provide a new framework for socio-legal scholarship on the role of local authorities in articulating and sustaining legal pluralism at the community level. In practice, the mapping of local actors' strategies for articulating legal pluralism at the community level can be replicated in other rural communities with similar contexts.

Research Method

This qualitative field research, conducted in Jombang, East Java, adopts a socio-legal approach (Soekanto, 2010). The approach is selected not only as a methodological framework, but also as an analytical tool to examine the interplay between legal norms (Islamic law and customary law) and social practices in resolving inheritance disputes, which constitutes the material object of the study, specifically the social role of *Kiai Kampung* in this process. Primary data are obtained through

observation and in-depth interviews with seven kiai, village officials, and residents. The selection of informants employed a purposive sampling technique (Creswell, 2016), considering the following criteria: (a) have studied religious knowledge at a *pesantren* (Islamic boarding school) or similar religious educational institution, (b) recognized as a *Kiai Kampung* by the local community, and (c) actively involved in resolving community disputes, particularly inheritance cases. Village officials and residents were selected to provide cross-checking data and enrich perspectives on *Kiai Kampung*'s role in practice.

The seven *Kiai Kampung* informants are Kiai Triyanto, Kiai Muzakki, Kiai Hadi, Kiai Muslih, Kiai Ali, and Kiai Syuhada. These informants come from various villages in the northern and southern areas of the Brantas River in Jombang, representing abangan (Javanese) and santri (religious) cultures, respectively. Secondary data is collected through document analysis, including research reports, books, and other relevant literature. Data validation is performed using triangulation techniques to confirm accuracy across diverse sources and methods. The research data is analyzed through a process that starts with data collection, data reduction, data display, and interpretation, and concludes with a conclusion (Sugiyono, 2015).

The interpretation of the data employs an integrated theoretical framework that combines structural functionalism (Ritzer, 2004) and 'urf theory (Khallaf, 2008), positioning the *Kiai Kampung* as key actors within a plural legal system. Anugrah et al. reinforce this by showing that Islamic principles (*shura*, 'adl, *maslahah*) combined with local values (gotong royong) strengthen rural governance, validating our normative-cultural analytical lens (Setiajie Anugrah dkk., 2025). From the perspective of structural functionalism, *Kiai Kampung* are understood as institutional components of the social structure whose functions include maintaining equilibrium and social integration by mediating between Islamic inheritance law and Javanese customary norms in inheritance disputes. In turn, 'urf theory provides the analytical framework for identifying which local practices are 'urf sah (accommodated) or 'urf fasid (rejected) by *Kiai Kampung* in their social roles, in accordance with the *fiqh* (jurisprudence) principles that shape their normative commitments. In this study, this process is conceptualized as "normative brokerage," namely the capacity of local actors to mediate competing legal norms through the selective validation and operationalization of acceptable forms of 'urf, as mechanisms for restoring equilibrium and resolving inheritance disputes within a plural legal system.

Result and Discussion

Jombang: Socio-Religious Background

Jombang is one of the significant cities in East Java, covering an area of 1,159.50 km². Geographically, Jombang borders the cities of Mojokerto, Lamongan, Bojonegoro, Nganjuk, and Kediri. The total population of Jombang is 1,370,510 people, distributed across 21 sub-districts, 4 urban villages, and 302 rural villages. The majority of the population is Muslim (98%), with a small minority practicing Christianity, Catholicism, Hinduism, Buddhism, and Confucianism, living harmoniously together. In terms of occupation, the majority are farmers (75%), followed by traders (18%), construction workers (4%), and others working in various sectors such as fishing, livestock farming, office work, and more (Badan Pusat Statistik Kabupaten Jombang, 2024).

Sociologically, the residents of Jombang can be heuristically categorized into two cultural groups: *santri* (religious) and *abangan* (*kejawan* or Javanese culture). This categorization aligns with the etymology of the name Jombang, an acronym for *ijo* (green: a symbol of religiosity) and *abang* (red: a symbol of Javanese culture). The *santri* culture is characterized by numerous prominent *pesantren* (Islamic boarding schools) in Jombang, such as Tebuireng, Tambakberas, Denanyar, and Peterongan, which have created many prominent *ulama* (Islamic scholars) and national figures. These *pesantrens* are generally located south of the Brantas River in Jombang.

In contrast, the *abangan* culture is marked by strong Javanese cultural elements and, according to Clifford Geertz, by syncretic religious practices blending animism, Hinduism, and Islam. Geertz notes that the *abangan* religious tradition primarily consists of ceremonial feasts called *slametan* (thanksgiving) and a complex belief system involving spirits (Geertz, 1981). The *abangan* group primarily resides north of the Brantas River in areas such as Kabuh and Kudu. They tend to have a stronger interest in traditional folk arts such as *orkes* (folk orchestra), *jaranan* (kuda lumping or horse dance), *karawitan* (Javanese gamelan music), and similar forms, which surveys suggest are more prevalent and developed compared to Islamic arts in Jombang, such as *banjari*, *qosidah*, *ishari*, and *selawat* music (Dinas Komunikasi dan Informatika Kabupaten Jombang, 2022).

It is important to emphasize that the *santri-abangan* dichotomy is employed here only as an initial analytical tool, not as an essential, fixed, or static social category. This study acknowledges the dynamics, hybridity, and ongoing transformation of the local community's religious practices during the post-Geertz era, as Hilmy notes. For example, individuals residing in areas predominantly characterized by *abangan*

culture may adopt santri cultural practices, and vice versa. Moreover, recent developments such as media exposure, education, and geographical mobility have blurred the traditional boundaries between these cultural orientations.

Jombang and the Javanese Inheritance Legal System

Inheritance is the process of transferring assets, both material and non-material, from one generation to the successor (Soekanto, t.t.). In Indonesia, there are three systems of inheritance law: customary, Islamic, and Western. Customary inheritance law is a set of norms and rules that govern the distribution of inheritance in indigenous communities, based on their traditions, customs, and values. Islamic inheritance law, on the other hand, bases the distribution of inheritance on the norms outlined in the Qur'an, Hadith, and the *ijtihad* (independent reasoning) of scholars. Finally, Western inheritance law is based on the *Burgerlijk Wetboek*, the legal code introduced by the Dutch during their colonial rule in Indonesia (Barlinti, 2013). *Faraid* (Islamic inheritance law) and *'urf* (customary inheritance law) are two of the three most common systems found in Javanese communities.

Customary inheritance law is closely related to the kinship structures in the society in question, such as patrilineal, matrilineal, and bilateral (parental) (Ragawino, t.t.). In Javanese society, which follows a bilateral kinship system, a child inherits lineage from both parents. This means that a child is affiliated with both paternal and maternal relatives equally (Soekanto, t.t.). The consequence of this bilateral kinship system is that both male and female children are considered heirs, whether to the original or jointly owned property. Bilateral inheritance typically applies to an individual system, in which ownership of the inherited property is divided and becomes the personal right of each heir (Nugroho, 2016b).

Another tendency in bilateral societies, such as the Javanese, is the prioritization of the nuclear family (father, mother, and children) as the most important social unit. Therefore, inheritance is primarily based on the nuclear family bond. If the nuclear family no longer exists, the inheritance is passed on to other heirs according to a hierarchy of kinship. The first group of heirs is the children and their descendants. If the deceased has no children, then the parents inherit the property. If the parents have already passed away, the deceased, siblings, and their descendants inherit (Soekanto, t.t.). In certain cases, adopted children may also be considered heirs if they have a good relationship with their adoptive parents and their relatives (Nugroho, 2016).

In Javanese society, it is common for a deceased person's property to remain undivided. Generally, Javanese people tend to give (donate) part of their wealth to their children, both sons and daughters, to help

them start an independent life. Upon the person's death, the remaining property is inherited by the surviving spouse to meet their needs. Children usually do not claim anything, as it is believed to be sinful to fight over the inheritance of someone who has passed away. However, in rare cases, such as when a widow remarries, the children from the first marriage may claim the inheritance, as their mother will be supported by her new husband (Soekanto, t.t.).

In customary inheritance law, including among the Javanese, the distribution of inheritance is based on values of harmony and togetherness, with consideration for the special circumstances of the heirs (Ragawino, t.t.). In Javanese culture, inheritance *hibah* (gifts) are often given by parents while they are still alive, particularly to children who are already married. This type of inheritance practice aims to minimize conflicts after the person's death (Elfia dkk, 2023). If the inheritance has not been donated, the distribution is typically carried out through a family consultation, based on the principle of family unity. Through deliberation, the heirs are determined, and the portions each will receive are determined (Waskito, 2021). Generally, both sons and daughters receive equal shares. However, in some areas of Central Java, the principle of *sepikul segendong* (2:1 male-female inheritance ratio) aligns with Islamic inheritance, in which the son's share is twice that of the daughter's (Zuhroh dkk., 2020). In some cases, elements of primogeniture (the privilege of the firstborn) and ultimogeniture (the privilege of the youngest child) may emerge. Typically, sacred property is given to the firstborn, while the house is given to the youngest child, as the youngest is often the one who takes care of their mother (Soekanto, t.t.).

Most Javanese people are Muslim. However, Soekanto notes that Islamic inheritance provisions are rarely adopted. Compared to Islamic inheritance law, Javanese Muslims more commonly use the Javanese customary inheritance system. Quoting Ter Haar, Soekanto argues that the neglect of Islamic inheritance law stems from a conflict between it and Javanese customary law. Islamic inheritance law, as prescribed in the Qur'an, is seen by some Javanese Muslims as too complex compared to the more flexible Javanese customary system (Soekanto, t.t.). Additionally, the lack of knowledge about Islamic inheritance law and the absence of socialization or education on how to divide inheritance in accordance with *shar'i* (Islamic principles) contribute to this neglect (Zuhroh dkk, 2020).

The phenomenon illustrated by Soekanto above can be empirically observed in Jombang, East Java. Like other Javanese communities, the people of Jombang predominantly follow the Javanese customary inheritance system (D. W. Astuti, Personal Interview in Jombang, October 23, 2024). This system adheres to the bilateral principle, in which a child inherits lineage from both the father's and the mother's sides. In Javanese

customary inheritance law, the inheritance rights are granted to the nuclear family (father, mother, and children) while they are still alive (Kiai Triyanto, Personal Interview in Jombang, September 6, 2024). Furthermore, there is no distinction between the portions received by sons and daughters. Both receive the same share (Kiai Triyanto, Personal Interview in Jombang, September 6, 2024). The portion of the inheritance received by heirs is determined through a family consultation that takes into account elements of primogeniture (the privilege of the firstborn) and ultimogeniture (the privilege of the youngest child) (Kiai Hadi, Personal Interview in Jombang, September 19, 2024). In some areas of Jombang, there is also a customary provision that parents' estates may be distributed only to their heirs after both parents have died (Kiai Triyanto, Personal Interview, 6 September 2024).

Inheritance gifts are also commonly practiced in Jombang. While still alive, parents often donate part of their property, such as land, to their children, especially married children. This is done to minimize potential family conflicts after the person's death (Kiai Hadi, Personal Interview in Jombang, September 19, 2024). When the parents pass away, and there is remaining property that has not yet been distributed, the inheritance is passed on to the nuclear family, while still considering the amount of gift received by each heir (Kiai Syuhada, Personal Interview in Jombang, September 18, 2024).

The inheritance distribution practices in Jombang society, as described above, create a normative tension between Islamic and customary law. First, the bilateral principle in some inheritance distribution practices in Jombang places male and female children on an equal footing. This contradicts the faraidh provisions, which stipulate a 2:1 ratio for the inheritance shares of sons and daughters. Second, there exist special privileges for certain heirs, such as the firstborn (primogeniture), the youngest child (ultimogeniture), or adopted children. These provisions are inconsistent with Islamic law, which does not differentiate children's inheritance shares based on their merits or closeness to the deceased, but rather based on gender.

Meanwhile, in Islam, adopted children are not considered heirs of their adoptive parents; rather, they remain heirs of their biological parents. Third, the provision that postpones the distribution of inheritance until both parents have died is also not explicitly regulated in Islam. Islamic jurisprudential literature affirms that inheritance may be distributed after the heirs have fulfilled their obligations, such as covering the deceased's funeral expenses, settling their debts, and executing their will. The aforementioned normative tension between the two inheritance law systems can generate familial conflict when family members adhere to different legal systems. This tension is not isolated to Java: Miftahuddin

and Masduqi confirm persistent national harmonization gaps (Miftahuddin, 2024). Elfia et al. find customary dominance in West Sumatra mirroring Java (Elfia dkk., 2023). Yusmita et al. show generational *faraid* shifts among Sasak (Yusmita dkk., 2025), while Suharsono et al. address substitute heirs, and triangular legal interplay (Suharsono dkk., 2024). In this context, the *Kiai Kampung*, as the bearer of religious authority in Jombang, is deemed able to mediate and bridge the flexibility of customary law and the formal dictates of Islamic law, thereby enabling the two legal systems to operate in mutual complementarity.

***Kiai Kampung* as Normative Brokers**

This study argues that the role of *Kiai Kampung* exceeds conventional religious mediation. This serves as a normative broker, negotiating between competing legal systems by determining which customary norms may be accommodated, modified, or rejected in Islamic inheritance practices. Through this process, legal pluralism is transformed from a source of contestation into a mechanism of social integration. A role is defined as “a specific set of norms organized based on function” or “behavior referring to normative expectations associated with a position within a social system.” Based on this definition, Biddle emphasizes that roles are always closely tied to two factors: an individual's position in the social structure and the expected behaviors associated with that position for both the individual and others (Biddle, 1986).

Kiai Kampung in Jombang are charismatic figures. They are not merely religious leaders but are also known for their close ties to the community. They are respected and honored, and they serve as role models in everyday life. In the context of inheritance, *Kiai Kampung* acts as a consultant, educator, advisor, and, most importantly, mediator who strives to reconcile disputing parties (see Table 1).

Table 1.
The Role of *Kiai Kampung* in the Field of Inheritance

Role	Description	Practical Examples
Consultant	Providing Islamic inheritance law consultations to those seeking guidance.	<i>Kiai</i> Triyanto and <i>Kiai</i> Hadi handle an average of 2-3 consultations per year from villagers and outsiders.
Educator & Advisor	Educating the community about Islamic inheritance law and providing advice to maintain harmony.	<i>Kiai</i> Syuhada explains inheritance shares under Islamic law; <i>Kiai</i> Muslih advises avoiding conflict.
Mediator	Mediating inheritance	<i>Kiai</i> Muslih handled an

	disputes to achieve peaceful agreements between conflicting parties.	inheritance dispute between a woman and her late husband's family. At the same time, Kiai Syuhada resolved an inheritance dispute between a man and his late wife's family in Kwaron, Jombang.
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Source: Interview data with informants, September-October 2024.

When linked to structural functionalism, which posits that every element of society contributes to maintaining social stability and equilibrium (Ritzer, 2004), the primary role of the *Kiai Kampung* is to serve as a mechanism for preventing and resolving systemic disruptions. In the context of rural inheritance disputes, the potential for social disequilibrium arises from the clash between Islamic law and Javanese customary law, thereby generating intra-family conflict. In such situations, the role of the *Kiai Kampung* operates at three levels: preventive, through consultation, education, and advice; curative, through mediation; and reintegrative through reconciliation. This causal chain, from normative tension to potential conflict, to social intervention, and finally to the restoration of social equilibrium, confirms that the *Kiai Kampung's* role extends beyond that of a mere religious service provider. Rather, they act as social stabilizers within a competing plural legal order.

As consultants, the *Kiai Kampung* interviewed for this research shared that they are frequently approached by residents, both from their villages and neighboring areas, seeking advice on the mechanism for distributing inheritance. On average, two to three people consult them annually regarding inheritance matters (Kiai Triyanto, Personal Interview in Jombang, September 6, 2024). This finding affirms Setiyani's conclusion that, even in the modern era, *Kiai Kampung* remain authoritative references for local communities in addressing socio-religious problems (W. S. Setiyani & Orwela, 2022). As consultants, *Kiai Kampung* guides individuals seeking clarity on Islamic inheritance law. This role meets the community's need for accessible religious expertise, particularly in areas difficult for formal legal institutions to reach. By providing early clarification of Islamic inheritance rules before a death occurs or intra-family conflicts intensify, the *Kiai Kampung* can reduce the likelihood that family members will resort to contradictory legal norms to legitimize or delegitimize inheritance claims based on their individual, subjective interests. This preventive function remains scarcely documented in existing studies, including those by Syafiqurrahman (Syafiqurrahman & Hosnan, 2019), Munif (Munif, 2020), Habib et al. (Habib dkk, 2021), and

others that examine the local role of religious figures across different sectors of community life.

In addition to serving as consultants, *Kiai Kampung* in Jombang also serves as an educator and advisor on Islamic inheritance law. For instance, *Kiai Syuhada* not only provides consultation services to those seeking his guidance on inheritance distribution but also educates them on the importance of adhering to formal Islamic inheritance law. Topics he discusses include the significance of Islamic inheritance law and the differences in inheritance shares between males and females (*Kiai Syuhada*, Personal Interview in Jombang, September 18, 2024). According to *Kiai Syuhada*, the community's lack of understanding about Islamic inheritance law often leads to misconceptions about its system. This finding affirms *Zuhro's* conclusion (*Zuhroh dkk*, 2020) that knowledge deficits and inadequate socialization contribute to the neglect of *faraid*. As a result, they sometimes turn to customary inheritance laws, even when they conflict with Islamic principles, because these are perceived as more flexible and better able to accommodate diverse interests. *Kiai Syuhada* recounted:

“Sometimes, people ask for equal shares (where males and females receive the same portion), which is incorrect. Then I explain the respective shares and responsibilities. Eventually, they mostly agree. If they don't, I leave and refuse to distribute. Alhamdulillah, they agree in the end. Because the verse revealed reminds us humans, to advise one another when dividing inheritance.” (*Kiai Syuhada*, Personal Interview in Jombang, September 18, 2024).

In addition to providing personal education, *Kiai Kampung* also educates the local community about the importance of Islamic inheritance law in *musala*, also known as *langgar* (village prayer halls). For instance, such an activity took place in one of the *musala* in *Tambakrejo Village*, Jombang. On the evening of Thursday, December 12, 2024, a *Kiai Kampung* delivered a religious lecture to a group of women after the *Maghrib* prayer, followed by the recitation of the *Burdah* (poem) by *Imam al-Busiri* (1213–1297 CE). The lecture focused on the topics of inheritance and *'iddah* (waiting period). In his sermon, the *Kiai Kampung* noted that Islamic inheritance is rarely discussed publicly, as some consider it sensitive. Quoting a hadith of the Prophet, he also explained that the knowledge of Islamic inheritance will be the first knowledge that Allah will lift from the earth, as few people truly master and fully practice it.

Kiai Kampung also provides moral advice to prioritize family harmony by avoiding conflicts over inheritance. According to *Kiai Muslih*, disputes over inheritance are unethical acts that can remove the blessings from wealth and bring future calamity to those involved (*Kiai Muslih*,

Personal Interview in Jombang, September 13, 2024). Some *Kiai Kampung* in Jombang also act as mediators in family inheritance disputes. Structural functionalism views this role as a stabilizing function, in which the mediator maintains the equilibrium of the family and society. During the mediation process, *Kiai Kampung* can bring all disputing parties together in a peaceful atmosphere, helping them openly discuss their respective rights. This mediation often prevents conflicts from escalating and helps heirs reach mutual agreements. The number of inheritance dispute cases handled by *Kiai Kampung* varies. For example, *Kiai Syuhada*, who has served as a functionary of the Indonesian Islamic Scholar Council (MUI) in Jombang for over 10 years, has handled numerous inheritance disputes. Dozens of these cases have ended in *istlah* (peaceful settlement), while others remain unresolved (*Kiai Syuhada*, Personal Interview in Jombang, September 18, 2024). Other *Kiai Kampung*, such as *Kiai Muslih* and *Kiai Hadi*, have also served as mediators in reconciling inheritance disputes. Both of them shared their experience:

“Not long ago, I handled an inheritance case involving a resident of Diwek. I have also mediated a case in Madiun. Once, I was asked to help by a wealthy person whose husband had passed away, leaving behind three cars. Her children were still young, yet the deceased husband's siblings were also demanding a share of the inheritance.”
(*Kiai Muslih*, Personal Interview in Jombang, September 13, 2024)

“Sometimes someone comes to me and says, “Din [mudin], come with me!” I ask, “What’s the matter?” And he replies, “Oh, the usual [inheritance conflict within the family].” Then he gives me a ride [on his motorcycle] and takes me to his house. In that moment, I hold and pat his shoulder while joking, “Seriously, don’t you feel sorry for your father? The inheritance is just there for you to receive; you didn’t even work for it, so why make such a fuss about it?” (*Kiai Hadi*, Personal Interview in Jombang, September 19, 2024)

In resolving an inheritance dispute, the mediating role of the *Kiai Kampung* yields three social outcomes. First, it prevents physical altercations and prolonged familial conflict. Second, it facilitates the voluntary acceptance of distribution arrangements without recourse to state courts. Third, it restores social harmony as a core community value. These outcomes do not occur automatically; they result from specific causal mechanisms embedded in *Kiai Kampung*’s mediating approach. The following five strategies, rooted in local wisdom, operationalize these mechanisms:

First, they respect local traditions and customs of inheritance. The majority of people in Jombang continue to strongly uphold ancestral inheritance traditions, including the distribution of inheritance. These

traditions include, for example, respect for the eldest child, who carries the moral responsibility for the family, and for the youngest child, who stays in the family home and is willing to care for their parents (*Kiai Muzakki*, Personal Interview in Jombang, September 1, 2024). Although *Kiai Kampung* may have varying views on the details of these local inheritance practices, they play an important role in interpreting and balancing religious rules with deeply rooted local customs.

Second, *Kiai Kampung* typically facilitates meetings between disputing heirs to engage in dialogue and reach a mutually agreed-upon agreement. This method was used by *Kiai Syuhada* and *Kiai Muslih*, for example, to mediate inheritance disputes in the Diwek area of Jombang. The disputing heirs are gathered, their opinions are sought, and they are encouraged to engage in dialogue until they reach a consensus (*Kiai Muslih*, Personal Interview in Jombang, September 13, 2024). Through these deliberations facilitated by *Kiai Kampung*, family disputes over inheritance can often be resolved peacefully.

Third, *Kiai Kampung* in Jombang prioritizes family unity. The people of Jombang uphold the value of peace and family harmony, rooted in the Javanese philosophy of *guyub rukun saklawase* (living peacefully and harmoniously forever). Family disputes, particularly those caused by inheritance conflicts, are considered a shame. Therefore, *Kiai Kampung* always advises the heirs to prioritize family unity over individual interests. According to *Kiai Muslih*, this value is deeply rooted in the Javanese philosophy *mikul duwur mendem jero* (to uphold the family's honor and bury its flaws deeply) (*Kiai Muslih*, Personal Interview in Jombang, September 13, 2024). This philosophy reflects the social ethics of Javanese culture, which values respect for family dignity, self-esteem, and obedience to elders (*Maghfiroh*, 2024).

Fourth, in some cases, such as inheritance mediation handled by *Kiai Syuhada*, *Kiai Kampung* involves *pamong* (local officials), such as *bayan* (neighborhood heads), *carik* (village secretaries), and *lurah* (village chiefs). In addition to serving as witnesses, these officials also act as appraisers to assess the value of immovable assets, such as land and buildings, that are the subject of the dispute. Once the heirs agree on the asset valuation, *Kiai Kampung*, in their role as mediators, use the appraisal to distribute the inheritance in accordance with their rightful shares (*D. W. Astuti*, Personal Interview in Jombang, October 23, 2024).

Fifth, *Kiai Kampung* in Jombang often uses a persuasive approach grounded in Islamic values adapted to local culture. In cases mediated by *Kiai Muslih*, *Kiai Syuhada*, and *Kiai Hadi*, values such as *syura* (consultation), *silaturahmi* (family solidarity), *rahmah* (compassion), *rida* (acceptance without greed), *islah* (reconciliation), and *maslahat* (common good) are often emphasized. These Islamic values are delivered through

mau'idah (moral advice) by *Kiai Kampung* in their roles as religious consultants, educators, or mediators, striving to reconcile disputing heirs. Through this persuasive approach rooted in local Islamic values, *Kiai Kampung*'s solutions for resolving inheritance disputes are voluntarily accepted by the heirs without coercion.

These five strategies demonstrate that the *Kiai Kampung*'s effectiveness as a mediator does not rely on formal legal authority or coercive power, but on normative legitimacy derived from their simultaneous mastery of Islamic law and 'urf (local customs). This finding advances structural functionalism by showing that social equilibrium in a plural legal system is maintained not through a single overarching legal order, but through localized actors who perform "normative brokerage", a concept underexplored in classical functionalist literature. Although the use of cultural strategies is common to all *Kiai Kampung* in this study, their degree of accommodation toward customary inheritance norms is not uniform. This variation will be elaborated in the following section.

Three Variants of *Kiai Kampung*

Inheritance disputes, particularly in rural areas of Jombang, often arise from a clash between Islamic law and local customs. This aligns with Tamanaha's assumption that legal pluralism in society is often accompanied by competing claims of authority, leading to conflicting demands and creating uncertainty for individuals and groups (Tamanaha, 2017). This legal pluralism creates societal polarization along preferred legal systems. In the context of Makassar, for example, Halimah Basri's research shows three different tendencies in inheritance distribution: First, Muslim communities that fully accept and practice the Islamic inheritance system. Second, Muslim communities that use the customary inheritance system through deliberation and consensus to maintain family harmony and unity; and third, communities that prioritize a positive law approach through inheritance dispute resolution in court (Basri & Miswar, 2022). Comparative evidence reinforces this: Rasyid et al. show North Sumatra's Mandailing leaders mediate customary (*Dalihan Na Tolu*) and Islamic norms (Rasyid dkk., 2024). Ismail et al. find Aceh's Gampong Customary Court uses *suloh* or *syura* consensus to merge both systems (Husen Ismail dkk., 2024). Mohsi et al. highlight Madura's local leaders harmonizing religious and cultural practices (Mohsi dkk., 2025). Irawan et al. present Bali's Pegayaman village where syncretic practices qualify as 'urf *sahih* (Irawan dkk., 2025). Yet Rosidi et al. caution that such religious authority is contested and negotiated, not linearly established (Rosidi dkk., 2024).

In societies that adhere to legal pluralism, structural functionalism holds that when a system faces pressure, in this case, competing legal norms, it develops mechanisms to restore balance. *Kiai Kampung* becomes

a manifestation of this mechanism, facilitating negotiations and encouraging agreements that align with Islamic principles and local traditions. In mediating the two competing legal systems and their clashing claims of authority, *Kiai Kampung* can be classified into three variants: textualist, culturalist, and moderate.

Textualist *kiai* tend to resolve inheritance issues by strictly adhering to *fiqh* (Islamic jurisprudence). Textualist *kiai* emphasizes distributing inheritance in accordance with Islamic law, with little compromise or negotiation. They tend to view customs as matters that should align with religious law and focus more on normative justice grounded in the Qur'an, Hadith, and classical *fiqh* texts. *Kiai Syuhada* falls into this category. For him, resolving inheritance cases based on Islamic law is not only *fardhu* (obligatory) but also *ta'abbudiy* (an act of worship). He states:

"Everything is in accordance with Islamic inheritance law. I dare not deviate from that. Why? Because if it's wrong in dividing it, the inheritance that the heirs possess will cause problems later on [...]. The wealth is essentially Allah's, and He is the One who divides it. Allah has no interest in wealth. Justice is according to Allah, not according to humans." (*Kiai Syuhada*, Personal Interview in Jombang, September 18, 2024)

In contrast to the textualist *kiai*, the culturalist *kiai* tend to rely more on local customs and traditions than on religious texts. *Kiai Triyanto* is one of the main figures of the culturalist *kiai*. In resolving inheritance cases, *Kiai Triyanto* places local customs and traditions above formal religious rules. For him, recognizing the universal values of Islam, such as harmony, peace, and brotherhood, is far more important than applying formal religious rules that could cause unrest, since they have not been fully adopted by society. In practice, for instance, in the distribution of inheritance, he states:

"The distribution of inheritance happens when both parents have passed away. Then, the number of children and the remaining expenses for their lives until death are calculated, and the remainder is distributed to the heirs, especially the children. So, the inheritance should not be divided, for example, when the father passes away but the mother is still alive, and then it is divided; that is not allowed." (*Kiai Triyanto*, Personal Interview in Jombang, September 6, 2024)

Meanwhile, the moderate *kiai* are positioned between the two previous types, compromising Islamic law with local customs. Among their characteristics is an understanding of the importance of Islamic law, while respecting local wisdom that supports social harmony. They tend to be flexible in addressing customary inheritance, as long as it does not

directly contradict religious law, and to apply a *maslahat* (social benefit) approach in conflict resolution. Kiai Muzakki, Kiai Ali, Kiai Muslih, and Kiai Hadi belong to this type. Kiai Ali states:

"The Sharia must not be abandoned. The shares of the heirs must be calculated first. After that, if the heirs wish to gift their share to another heir, that is fine. So, inheritance cannot be divided solely based on the principle of *taradhin* (mutual consent). The Sharia must be followed first. The heir may choose to gift their share, but after knowing their share's value, for example, one billion, they might regret it." (Kiai Ali, Personal Interview in Jombang, September 9, 2024)

The three variants of *Kiai Kampung* exercise authority in distinct ways, and this distinction shapes both the negotiation process and the ultimate outcomes of inheritance dispute resolution. Textualist *Kiai*, such as Kiai Syuhada, derive their authority from strict adherence to Islamic legal norms. Their authority is hierarchical and non-negotiable, with disputing parties expected to accept *faraid* provisions without modification or bargaining. For those who prefer justice under customary law, such decisions may be outwardly accepted but often generate latent dissatisfaction that resurfaces as renewed conflict.

Culturalist *Kiai*, in contrast, derive their authority from embeddedness in local social structures and personal relationships. Unlike the Textualist *kiai*, who tend to impose religious rules, culturalist *kiai* prioritize negotiation grounded in '*urf* or local wisdom. They act more as facilitators than instructors. This approach fosters greater voluntary compliance among the parties and helps preserve family cohesion. However, it carries the risk of marginalizing Islamic norms, such as *faraid*, as customary rules may take precedence, a tendency that can be difficult to accept for more devout family members.

Moderate *Kiai*, such as Kiai Muzakki, *Kiai* Ali, and *Kiai* Hadi, occupy the middle ground by exercising what may be termed distributed authority. Their approach proceeds in two steps: first, they establish the *faraid* shares as a non-negotiable foundation, thereby affirming Islamic law; second, they allow heirs to *hibah* (voluntarily gift) portions of their shares to achieve justice as understood by customary law. This two-step process acknowledges both legal systems without creating contradiction. The power relation here is dialogical yet structured; the *kiai* sets the boundaries, and within those boundaries, negotiation takes place. Consequently, both legal systems are respected, and both textually oriented and custom-oriented parties perceive the outcomes as fair. Accordingly, the moderate variant provides the most promising framework for sustainable conflict resolution.

The three typologies outlined above provide a broad overview of how *Kiai Kampung* engage with local customs. Their specific positions on these customary practices are presented in Table 2.

Table 2.
Positions of *Kiai Kampung* toward local customs

No	Form of Local Custom	<i>Kiai</i> Type		
		Textualist	Culturalist	Moderate
A	Material Aspect			
1	Bilateral inheritance (a child inherits from both parents and the extended family)	Accepts	Accepts	Accepts
2	Male and female children receive equal shares	Rejects	Accepts	Compromise, Negotiation
3	Considering special rights for certain heirs (eldest child, youngest child, or other heirs who have served the deceased)	Rejects	Accepts	Compromise, Negotiation
4	Inheritance from deceased parents can only be distributed after both have passed away.	Compromise, Negotiation	Accepts	Compromise, Negotiation
B	Formal Aspect			
1	Encouraging and facilitating inheritance dispute resolution through family consultation	Implements	Implements	Implements
2	Encouraging peace agreements for family unity	Implements	Implements	Implements
3	Involvement of local leaders (village officials)	Conditional	Conditional	Conditional
4	Persuasive approach based on local Islamic values	Implements	Implements	Implements

Source: Interview data with informants, September-October 2024.

As illustrated in Table 2, each type of *Kiai Kampung* demonstrates a distinct orientation toward local customs. Textualist *kiai* reject equal shares (A.2) and special rights (A.3) because their hierarchical, non-negotiable authority cannot accommodate customs that contradict Qur'anic text, specifically in QS al-Nisa [4] verses 11, 12, and 176, and QS al-Ahzab [33] verse 6. These provisions are *ijbariy* (obligatory), and therefore, local

customs that contradict these Islamic norms, including granting special rights to certain heirs that violate the Quranic rulings, are categorized as *'urf fasid*. Culturalist *Kiai* accepts both, as their relational authority prioritizes social harmony over formal consistency. Moderate *kiai* negotiate compromises on these items, using their distributed authority to establish *faraid* as a baseline before facilitating voluntary *hibah*. On postponement (A.4), textualist and moderate *kiai* accept it only conditionally, for ethical reasons or *maslahat* (e.g., underage heirs), despite preferring immediate distribution to prevent conflict. Culturalists fully accept the practice, as it is deeply rooted in local custom. In the formal aspect (B.1–B.4), all three implement consultation, peace agreements, and persuasive approaches, but involvement of local officials (B.3) remains conditional for all, demonstrating that even convergences are strategically managed to preserve the *kiai*'s religious authority. These varying positions (rejection, acceptance, compromise, and conditional implementation) represent the concrete operationalization of “normative brokerage” in practice: the strategic selection, validation, and negotiation of competing legal norms by local actors.

The three types of *kiai* demonstrate varying degrees of accommodation toward local inheritance practices within the sharia framework: the culturalist fully accepts them, the moderate negotiates compromises, and the textualist imposes selective limitations. This affirms Muhaimin's finding that *Kiai Kampung* generally exhibits a high level of tolerance toward local cultural systems. This tolerant and accommodative attitude is rooted in a hadith from the companion Ibn Mas'ud *-radhiyallahu 'anhu-* which means: "What is considered good by the Muslim community is also considered good by Allah." This narration serves as the scriptural basis for the relationship between Islam and local customs. A custom that scholars have validated as *'urf sahih* (a good practice) can be accepted, while a practice considered *'urf fasid* (bad) must be rejected. Good local customs place Sharia and *adat* (tradition) in an integrative relationship (Muhaimin, 2006).

Theoretically, the foregoing findings simultaneously enrich and challenge the existing scholarship on inheritance law pluralism in Indonesia. Earlier studies have consistently highlighted a confrontational dynamic between Islamic and customary law. Rifqi (Rifqi, 2021) demonstrates the predominance of customary inheritance law over its Islamic counterpart during the Dutch colonial era, a direct consequence of Hurgronje's doctrinal influence. In the post-colonial period, conversely, customary inheritance law has been progressively marginalized by the supremacy of state law, enforced through judicial mechanisms imbued with human rights principles (Anggraeni, 2023). Both hierarchical-dichotomous approaches neglect the empirical reality that, at the

grassroots level, communities do not invariably demand the definitive victory of one legal system over another; they aspire instead to a combination of certainty and flexibility, divine justice and family harmony. The three variants of *Kiai Kampung* elaborated above, especially the moderate variant, which integrates *faraid* and customary law into a procedural inheritance framework, demonstrate that such local actors can reconfigure legal pluralism from a site of contestation into a complementary legal system. It must be noted, however, that the effectiveness of this transformation depends critically upon the identity of the mediator, the nature of their legitimacy, and their skill in managing negotiation processes.

Conclusion

This study finds that *Kiai Kampung* in Jombang serves as a consultant, educator, advisor, and mediator. In fulfilling these roles, they deploy five locally grounded strategies. This study also identifies three distinct variants of *Kiai Kampung*: textualist (scripture-oriented), culturalist (local custom-oriented), and moderate (balancing scripture and custom). These three variants reflect different ways of negotiating the tension between *faraid* (Islamic inheritance law) and Javanese customary law. The study's theoretical contribution lies in advancing the concept of legal pluralism through "normative brokerage". This concept captures the ability of local actors to select, validate, and operationalize forms of *'urf*, whether *sahih* (good custom) or *fasid* (bad custom), thereby transforming normative contestation into complementarity. It also extends structural-functional theory by demonstrating that social equilibrium within a plural legal system does not hinge on a single legal order. Instead, it relies on local actors who can bridge competing legal frameworks. Nonetheless, several limitations must be acknowledged. The research is confined to the Jombang region, which possesses a distinctive *santri-abangan* cultural character, and its findings are based on only seven *Kiai Kampung* informants. As a result, the typologies and mediation strategies identified here cannot be generalized to all rural Javanese communities, let alone to Indonesia as a whole. Further empirical study in other settings with similar structures of legal pluralism is required.

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