

Editorial + Reviewer Remarks and comments:

1. Please revise your title to include the specificity of the content. Your research is about a very specific culture, but your title is very general "Blending Islamic and Customary Law for Gender Equity in the Inheritance System". Perhaps mention in the title that you are specifically researching Bugis Luwu customs.
2. English is good; though in few cases, revision needs to be done; Because your sentences is difficult too understand, need to make smoother by adding appropriate linkers
3. Please conform to the Journal rules. You are using body note (inside note) citation, meanwhile Al-Ihkam uses FOOTNOTE citation (style: Chicago 17th edition). Please revise using Mendeley or other citation manager software.
4. However, some points need to be considered to develop the quality of the article:
  - a. Abstract is still too abstract; needs to be rewritten. it is too much background. Please add more about the method and result. Indonesian version is also needed;
  - b. Structure of the article: literature review, methods, and result and discussion sections need to be reconsidered. Make it flow smoothly instead with substantive chapter headings, instead of formal rigid ones. Except if this is the style of the journal;
  - c. The introduction is not well elaborated. You need serious concern in this part because it has not mentioned yet about the urgency, problem research, and so on. Additionally, it does not follow the template!
  - d. Literature review is too long. Please shorten it only to include what is necessary for your analysis. This could be cut in half.;
  - e. The analysis needs to be strengthened; references therefore need to be added; what is going to be said and argued in this article: that the customary law provides bases for gender sensitivity and justice? How? The focus might be better on the attitude of the society toward the Islamic law (IL)of inheritance provided by the state and customary law (CL); in what cases they prefer CL and how and why; here the author can elaborate the three ideas or thought discussed below; the author might also consider article on 'pembagian secara kekeluargaan' in the KHI; how the society understands this; the author needs to be clear in supporting the kesimpulan that the society blends the two norms (IL and CL); why and how this is looked and analyzed within huge context of legal pluralism and Judicial practice in Indonesia: they do not involve courts or how?
  - f. Please also refer directly to the works of the 'Ulama of Bugis to indicate their basis of ijtihad from a more primary material. As of now, you only cite secondary material.

Sukses!!!

VERDICT: REVISION REQUIRED, THEN PUT INREVIEW ROUND 2

**Blending Islamic and Customary Law for Gender Equity in the Inheritance System**

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### Abstract

Gender inequality in inheritance is a longstanding issue. The Bugis Luwu of Indonesia recognize a broad and diverse range of inheritance practices, exhibiting a degree of pluralism that highlights the intersection, adaptation, and assimilation of Islamic and customary laws. This article departs from three research questions: 1) how is inheritance practiced amongst the Bugis Luwu customary community, 2) what are the predominant inheritance practices, and 3) how have Islamic and customary laws combined to create gender equity? Using interpretative analysis, this article shows that Bugis inheritance practices follow Islamic principles but still prioritize discussion and compromise within the family. Furthermore, a mixture of Islamic and customary laws also guides everyday norms

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2.Don't ignore the general template!

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and interactions within Buginese society. Gender equity has been created through the blending of Islamic and customary laws, including the practice known as *passideppungeng*.

This article recommends that inheritance law integrate religious law, custom, gender perspectives, and ongoing societal changes, thereby creating a contextual and adaptive system.

**Keywords:** Gender equity, legal collaboration, inheritance systems, customary communities (Bugis)

## 1. Introduction

The Bugis Luwu people have blended Islamic and customary inheritance law, thereby creating gender equity within the system. The Bugis Luwu recognize no less than six inheritance systems (Haniru 2014; Fikri & Wahidin 2017), three of which are supported by the principles of gender equity. This blending of existing values (customs) and religious/social values is not rooted in assimilation, but rather in acculturation (Ardinata, 2020), and is inexorably associated with the kinship system that has long been practiced by the Bugis Luwu people (Eric 2019). From a gender perspective, religious inheritance law stipulates that assets must be divided using a 2:1 ratio; customary law, conversely, divides assets using a 1:1 ratio and following certain social conditions (Sriani 2018). This differs from the findings of Sugianto, Purnama Sari, and Jennifer (2021), who see that gender inequality remains common in inheritance law, especially where religious law and customary cannot be negotiated.

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**Commented [U12]:** This is suggestion or findings? If suggestion, please just move it into the conclusion as part of suggestion for future research!

**Commented [U13]:** It is still biased, what is the relationship between blended, Islamic and customary, and gender equity, you can explain it further

**Commented [Ma14]:** They

**Commented [U15]:** What is that?

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**Commented [Ma17]:** What are they? Plis explain

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**Commented [Ma20]:** In what way?

Studies of inheritance law and religion have been common. Numerous researchers, for example, have investigated the link between local customs and Islam (Febriawanti & Mansur 2020; Fikri & Wahidin 2017; Pongoliu et al. 2018; Siska, Firman, & Rusdinal 2019; et al., 2018; Haniru 2014). Others have investigated the intersection between inheritance law and gender (Haque et al. 2020; Ahmad, Batool, & Dziegielewski 2016; Gultom 2017; Ezeilo 2021; Doss et al. 2012; Mostofa 2019). This article investigates how customary law has intersected with Islamic law to promote gender equity, something rarely considered by scholars.

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At the macro level, this article seeks to contribute to the sizable literature on customary inheritance laws and Islamic inheritance laws, as well as the processes and dynamics through which these laws have been implemented. At the micro-level, meanwhile, this study seeks to fill the gap in the literature regarding Buginese inheritance laws and their blending of Islamic and customary practices. It thus answers three questions, namely: 1) how is inheritance practiced amongst the Bugis Luwu customary community, 2) what are the predominant inheritance practices, and 3) how have Islamic and customary laws combined to create gender equity? The answers to these questions will produce a new model for understanding inheritance, one that blends customary and Islamic laws to create gender equity.

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This article argues that Indonesian inheritance law, which has been dominated by customary systems, is continuously adapting. Islamic law which one; the state Islamic law??? KHI??? has not been perceived as gender-sensitive, by whom and how???? and thus collaborative negotiations between it and customary systems are

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necessary to create gender equity. This shows that religious spaces are negotiable, adapting to various times and contexts.

**Commented [Ma26]:** Plis focus to the Bugisness community as clear from your title

**2. Literature Review** For me, the review is a bit too long: to what extent the putting of theme of the review (gender equality, Legal collaboration, and so on) is significant? Better to select the most relevant articles to the topic or issue being discussed and observed by this paper!  
The review can also be inserted into the introduction: but of course it depends on the journal style.

### **2.1. Gender Equity**

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Gender equity refers to the situation wherein men and women are treated as equals. This concept is usually informed by the concept of justice, particularly in the division of rights and responsibilities between the sexes (Ruzycki et al. 2019). As argued by Sharma and Sharma (2015), gender equity means that men and women have equal access to opportunities, without any biases against them. Carter (2014) writes that gender justice means that men and women must not be subjected to fixed roles, subordination, marginalization, or violence. As such, Sharma and Sharma (2015) identify four indicators of gender equity: (1) access; (2) participation; (3) control; and (4) fair and equitable benefits. In this context, awareness of the need for gender equity is influenced by social and cultural constructions that distinguish between the sexes and their specific roles and responsibilities (Jackson 2018; Fahmi et al. 2020; Manisha & Mangla 2019). As written by Bericat (2012), gender equity is necessary to address the gendered structural inequalities that exist within society.

The concept of gender equity seeks to minimize the cultural and social mores that limit individuals' development (Wibowo 2011). In Ghana and India, for example, neither wives nor daughters enjoy inheritance rights, and thus they have little access to economic

activities or education (Deere et al. 2013). This reflects the findings of Doss et al. (2012), who write that women are extremely vulnerable to losing their assets in customary inheritance systems, and this results in them experiencing higher levels of poverty. As noted by Bahrami-Rad (2018), in patrilineal cultures women are perceived solely as conveying property from their fathers to their husbands and/or children. With assets passed along patrilineal lines, women are not treated as active participants in asset management. Indeed, women often face social stigma in customary societies that perceive them as simply wasting the assets they have inherited (Bahrami-Rad 2018). As such, much of the literature on inheritance focuses on gender equity and women's right and ability to access and manage assets (Deininger et al., 2013; Anderson, 2018; Heath & Tan, 2020).

## **2.2. Legal Collaboration**

Islamic law in Indonesia not only exists as part of the religion practiced by the majority of Indonesians but also involves the important and influential customs of pre-Islamic societies (Aditya 2019). As Islam has spread through Indonesia, it has interacted with indigenous societies and its law has been combined with their customs (Muzainah et al., 2019; van Engelenhoven, 2021). This supports Kurniawan (2017), who argues that law is adaptive by nature and changes continuously in response to society's transformations. Zuhdi (2017) writes that the adaptivity of its law has enabled Islam to easily enter customary societies and influence their beliefs and practices (Miswardi et al., 2021). This can be seen, for example, in the practice of inheritance, which may occur in accordance with the

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principles of Islamic law while still prioritizing discourse and discussion. It also provides specific norms that help regulate everyday social interactions (Nuraidah, Yumarni, & Nurwati 2021).

Several studies have investigated the effects of blending customary and Islamic law (Nasution 2019; Kasdi & Anwar 2019; Tono et al. 2019; Berkah & Sawarjuwono 2019). The blending of these laws has resulted, for example, in a fundamental shift in customary law and the everyday activities of customary society. All that corresponds with Islamic law has been maintained (*'urf fāsīd*) (Mutawali 2021); as shown by Jafar et al. (2018), Islamic inheritance law has fundamentally transformed customary inheritance law—which did not recognize the rights of women and children. The blending of customary and Islamic law has sought to ensure justice for all (Sumardi, Lukito, & Ichwan 2021) by providing new conflict resolution and compliance mechanisms (Zahara & Mirwati 2019). As shown by Tono et al. (2019), a blend of Islamic and customary law has provided Minang families in Indonesia with new means of solving inheritance disputes.

### **2.3. Inheritance Systems**

Inheritance systems are part of the traditional customs that remain practiced around the world. Referring to Febriawanti and Mansur (2020), inheritance systems are those systems that ascertain the legitimacy of heirs and manage the division of assets (wealth, property, and knowledge) amongst them. Cooper (2010) writes that inheritance systems may be divided into bilineal (along both maternal and paternal lines) and unilineal ones

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(solely along paternal [patrilineal] or maternal [matrilineal] lines). Today, many inheritance systems are pluralistic, being a blend of formal, Islamic, and customary law (Sihombing & Andika, 2017). It is also affected by factors such as (1) kinship bonds; (2) life events such as marriage, birth, and death; and (3) retirement (Groce et al., 2014). This reflects the argument that inheritance law is strongly influenced by kinship systems, as a result of which each society has its means of dividing inherited assets (Sihombing & Andika, 2017; Jacobs, 2011; Lowes, 2016; Sargent, 2019; van Steensel, 2012).

In the literature, the inheritance system used by Buginese society is described as little different than the Islamic system (Fikri & Wahidin, 2017; Haniru, 2014; Kartini & Inah, 2018). As written by Sabri (2019), the inheritance system used by the Buginese is bilineal, following both the paternal and maternal lines. Islamic law is likewise bilineal, with children having the right to assets from both of their parents; however, it is gendered, with sons entitled to two parts for every part received by daughters. One unique characteristic of Buginese inheritance law is that parents tend to leave their homes to their youngest children, as it is these children who are responsible for caring for them (Sabri, 2019: 246). Sihombing and Andika (2017) write that, due to favoritism, the youngest children tend to receive special shares of their parents' assets. Furthermore, although Islamic law is gendered in its treatment of inheritance, in Buginese society it is common for sons and daughters to receive equal shares—or even for daughters to receive larger shares (Yusuf, 2013: 121). This corresponds with the Buginese values of *assitinajang* (obedience) and justice; where assets are deemed to not have been divided fairly, ratios of 1:1 or 2:1 may be used, or discussion may be used to reach an agreement (Yusuf, 2013; Zubair & Watampone, 2016).



#### 2.4. Customary (Buginese) Society

As a concept, customary society has been broadly explored in the literature (Rahardjo, Sulistyani, & Suprihatini 2018; Omar 2015; Christmas 2012). As written by Nurhayanto and Wildan (2016), customary societies are those that live their own lives and utilize their own worldviews. Davidson writes that customary societies are those peoples who have existed within an area for generations and developed their own values, ideologies, politics, cultures, and territories (Mulyadi, 2013: 227). In this context, customary societies have particular rights and responsibilities, which they transmit orally and performatively through their stories, expressions, and family activities (Reo & Whyte 2012). Customary societies have the freedom to establish their own rules through which they assert control of their land, territory, and resources, thereby maintaining their institutions, cultures, and traditions (Whyte, 2018: 58). Indigenous societies live their own lives, through which they create their own shared identities (Mulyadi, 2013; Christeward, 2014).

Customary societies tend to have their own values, which are applied to all of their members (Bennett 2015; Hammar 2019; Bunikowski 2014). Nurul and Hikmawati (2017) write that customary societies have shared traditions that guide their interactions and create a sense of togetherness, idealism, and justice. As seen amongst the Buginese people of South Sulawesi, customary law is perceived as something that must be honored, respected, and upheld. The *pangadeereng* (rules and guidelines contained within the Lontara) contains *papangngaja* (advice) and *paseng* (mandates), including (1) *siri* (shame); (2) *alempureng*

(honesty); (3) *amaccangeng* (intellectuality); (4) *assitinajang* (decency); (5) *agetengeng* (firmness); (6) *reso/mareso* (sincere dedication); (7) *warani rialempureng* (courage in service of truth); (8) *sabbara* (patience); (9) *asugireng* (wealth); (10) *sipatokkong* (mutual assistance) and (11) *sipakainga* (mutual advice) (Nurul & Mustamin, 2017: 89; Maddukelleng & Muhammad, 2021). However, Buginese values have transformed over time, being influenced by the spread of Islam through Sulawesi (Said, 2015:78). As stated by Jubba et al. (2019), similarities between Buginese and Islamic laws have ensured their continued usage in social interactions.

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### 3. Methods

the  
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on method  
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This study explores the inheritance systems used by the Bugis Luwu of South Sulawesi, in Eastern Indonesia. Various inheritance systems are recognized by the Bugis Luwu, with some being equitable and others not. Primary data were collected through in-depth and structured interviews, as well as on-site observations at the research location. Data were collected in consideration of availability and efficiency, with the researchers living in the community, observing informants, and listening to their statements regarding their practice of inheritance. Secondary data were collected through an exploration of the literature on Islamic inheritance law (*faraid*), customary inheritance law, gender equity, social anthropology, and associated formal law (*Compilation of Islamic Laws, Indonesian Legal Code – Civil*, etc.). Before research was conducted, the researchers visited the site to

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collect data from informants—religious leaders, customary leaders, etc.—regarding disputes. Analysis was conducted using the interpretative method.

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**4. Results and Discussions:???? Selingkung? Imrad??? Consider to reconstruct? Or this is the style of the journal to publish this article???**

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**4.1. Gender Inequity in the Buginese Inheritance Systems**

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The Buginese have diverse views of inheritance and kinship. Different elements of Buginese society have their own specific systems; some divide assets equitably, while others distinguish between children. At times, sons receive a greater share than daughters; other times, daughters receive more than sons. In some cases, the eldest child receives the greatest share; other times, it is the youngest, or the one who has shown the greatest dedication to their parents (Informant, September 2021). Table 1 provides a more detailed description.

**Commented [U34]:** What do you mean by element here? Explain to readers, what kind of elements exist in buginese!

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**Commented [Ma36]:** Mention whom you mean by 'some' and 'others'

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**Commented [U39]:** ?

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**Table 1. Division of Assets in Buginese Inheritance**

Source	Statement	Coding
Ikram (eldest son) and Asiah (wife) of deceased	BP passed in 2006, leaving a wife, three sons, and three daughters. Leaving land, a shop, and a house. The land was divided evenly amongst the children. The other assets were divided as follows: one shop	Equitable rights

**Commented [U42]:** 1. Before performing this table you can add more info such as: In Bugih LUwu there are six types of inheritance systems. This system were reached from interview, then classified into several part such as shown in table 1. Table 1 shows detail aspect of inheritance system. ....  
2. Please directly detail your information what kind of things were left by the owners for their son, daughters, and wife. i.e leaving land, houses, and shops. How many houses and shops should be mentioned earlier!

**Commented [Ma43]:** Another thing to pay attention is whether the informants mentioned at the table (written as source) are representative enough at the Buginesse context. In other word, is it possible to find uncovered category beyond these six?

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**Commented [U44]:** Who are they?

**Commented [U46]:** Tell us about this case, who are they, where this case is taken, etc before you talk in detail

	shared between children, two homes, one home in Palopo given to the youngest son, and the house in Makassar given to the third child (PR).	
Wife of deceased	IS left behind a wife, four sons, and a daughter. Home and land were divided using the ratio 2:2:2:2:1.	Sons received a greater share than daughters
Ishak, husband of deceased	ST left behind a husband, two sons, and two daughters. The shop, house, and land were inherited. The shop was given to the second and third daughters. The house and land were divided between the son and daughter.	Daughters received a greater share than sons
Umi, daughter of deceased	KM left behind a wife, three sons, and a daughter. Assets consisted of houses, land, and plantation. According to the daughter of the deceased, the eldest child received a larger share than the others.	Eldest child received the greatest share
Waru, wife of deceased	HS left behind a wife, three sons, and four daughters. Assets consisted of houses and cars. A car was given to the youngest daughter. The two houses, the first was occupied by the wife, and the second was sold and the proceeds divided amongst the seven children.	Youngest child received the greatest share

**Commented [U47]:** You used Indonesian style of English, this is not easy to understand. Please revise into readable and understandable statement!

**Commented [U49]:** Is it different case from above? Please tell us first!

**Commented [U48]:** There are six people, so this is just divided into 5 parts? Are you sure do not missing something?

**Commented [U50]:** Please give linkers and make a solid paragraph/info so that easy to understand

**Commented [U51]:** Larger or largest?

**Commented [U52]:** How many, just mention it earlier

**Commented [U53]:** How many? Two, three?

Fara, the second child of deceased	HM left behind a son and two daughters. Assets consisted of one house, which was given to the second child, a daughter.	Most faithful child received the greatest share
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Table 1 shows that six inheritance systems are used by the Bugis Luwu, most of which are inequitable. In the first case, the wife of the departed divided assets equitably between her sons and daughters (Ikram, interview [eldest child of deceased], September 2021). According to the wife of the deceased, they did not distinguish between their sons and daughters. In the second system, sons receive a larger share of assets than daughters (Haniah, interview [wife of deceased], August 2021) following religious law. In the third system, daughters receive a larger share of assets than sons (Ishak, interview [husband of deceased], August 2021), as they were the ones to dedicate themselves to serving their parents.

In the fourth system, the eldest children receive the greatest share of assets (Umi, interview [daughter of deceased], June 2021), as they are the ones who take on the duties of the departed. In the fifth system, the youngest children receive the largest share (Waru, interview [wife of deceased], July 2021); in such cases, the older children have often achieved economic stability or traveled abroad. In the sixth system, it is the children who have most dedicated themselves to their parents who receive the largest share (Fara, interview [second child of deceased], June 2021).

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**Commented [Ma55]:** Plis go further by explaining why these six categories exist and why there only found six and not more.

**Commented [Ma56]:** In what purpose? How does it relate to the inheritance sharing?

These inheritance systems show that, in general, Buginese society emphasizes the kinship bonds and relations between the deceased and their heirs; religious considerations are secondary.

Most members of Bugis Luwu society are Muslim; however, they have continued to adhere to customary values and traditions. When asked what inheritance system they practiced, most informants simply stated "Islamic". In practice, however, the division of assets follows customary laws that are not found in Islamic teachings (*fiqhi mawaris*), and this is deemed just by informants.

The six inheritance systems used by the Bugis Luwu are varied, and injustice may occur when the deceased and/or their spouse desire to divide assets a certain way. This is influenced by the kinship system, wherein discussions often occur within the family without providing heirs an opportunity to express their views. Many would feel ashamed if disputes were brought to court, for example, if the children or heirs disputed their share.

As stated previously, inheritance systems tend to fall into three categories: patrilineal, with assets divided along the paternal line; matrilineal, with assets divided along the maternal line, and bilateral, with assets divided along both lines. In Islam, a bilateral kinship system is used (Haniru 2014). Customary inheritance laws have been blended within customary ones since Islam first entered the archipelago and the Buginese kings embraced the religion. Over generations, Islamic laws became more deeply entrenched. At the same time, however, customary societies continued to practice their laws and adapt them to the formal colonial law imposed by the Dutch (Sukmawati, 2014: 6). Today, Buginese society

**Commented [U57]:** You can add some theories how religious teach us about how to share our assets! Give the reference as well

**Commented [Ma58]:** Then what? To what does this imply?

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**Commented [Ma61R60]:** Why do these happen?

**Commented [Ma62]:** How is it?

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**Commented [Ma65]:** Mention the reference otherwise provide further explanation.

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does not distinguish between customary law and Islamic law, especially as the Islam practiced by Buginese society has been modified over the generations.

**Commented [Ma68]:** What are the evidences of your statement?

**Commented [U69]:** Whaat do you mean, please consider how to make readable sentence!

#### 4.2. "Similarities" between Religious and Customary Inheritance Law

Diverse inheritance laws are practiced by the Bugis Luwu. Two systems are used: Islamic and customary. Both are inexorably intertwined with Indonesian history, including its Hindu and Buddhist kingdoms, the rise of Islam, and the colonial era—all of which have influenced the everyday lives of society. This is seen in Table 2 below.

**Commented [Ma70]:** If the system is two, then what about the six ones you mentioned before? Categories? Plis be clear!

**Commented [Ma71]:** You havent explained this at the following table

**Commented [U72]:** Please linkers among these and elaborate this!

**Commented [U73]:** What table 2 show? Tell us first in this part then mention about table 2

Table 2. Inheritance Systems Used

No	Case	Inheritance System	
		Customary	Islamic
1.	Equitable Division	Customary	Islamic
2.	Greater share for sons		Islamic
3.	Greater share for daughters	Customary	
4.	Greater share for the eldest child	Customary	Islamic??? How???

**Commented [U74]:** You can explain how it intertwine each other!

**Commented [Ma75]:** What do you mean by the question mark?

5.	Greater share for the youngest child	Customary	IslamicHOW
6.	Greater share for most dedicated child	Customary	IslamicHOW

Data compiled from various sources

Table 2 shows six forms of inheritance practiced by the Bugis Luwu; five of these refer to customary inheritance law, and five refer to Islamic inheritance law. In one case, a purely religious approach is used; assets are divided using a 2:1 ratio, with sons receiving the greater share. This indicates that, in general, the Bugis Luwu use discussion to determine the best course of action. Many deem it safer and more apt to divide their assets to heirs while they are still alive—even though, in Islamic and state inheritance laws, assets are only divided after death (Azimar Rusydi, religious judge, September 2021).

Islamic inheritance law has been practiced amongst the Bugis since the first king converted to Islam. Over time, customary and Islamic laws blended to create new traditions, such as those found in Table 2. Today, members of the public have difficulty distinguishing between Islamic inheritance law and customary inheritance law (Rusydi, religious leader, September 2021).

The Buginese recognize a customary adage, "*ade' sanrei kisara'e atau sara' sanrei kiade'e*"—custom rests upon Islam, and Islam rests upon custom. As such, Islam and Buginese society are inexorably intertwined and cannot easily be distinguished. This is

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Commented [U76]: What do you mean by various? It must be clear from whom! Was it taken from previous data, about six cases above?

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Commented [U78]: What do you mean? Previously you said that it was intertwined? You can explain how the both one works!

Commented [Ma79]: Good for you if you can detect in what kind of family does this type of share occur.

Commented [Ma80]: This doesn't sound like connected each others!

Commented [U81]: How it blended base on table 2 has not explained yet

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evident, for example, in the public's general response to the question of what inheritance law is being used; as noted by Zainuddin (customary and religious leader, interview, July 2021), "[they say] Islamic law but in reality, they practice customary law". (Zainuddin, customary and religious leader, interview, July 2021). **Here**, Islamic and customary laws intersect, as shown in dialogue, **The family of BP and the wife of AI both stated "de'ku passilengeng wija-wijakku padamaneng uwarengngi warangparang"**, i.e., they did not differentiate between their children when dividing their assets. Their three sons and three daughters received land, shops, and houses. **All land was divided evenly between the children; the three shops were divided amongst pairs (one shop for every two children);** the home in Palopo was given to the youngest son; and the home in Makassar was given to the third child—a daughter (Asiah, interview [wife of deceased], August 2021).

### SIMILARITIES???

The pluralistic inheritance system practiced by the Bugis Luwu reflects how different legal systems influence each other.

**First**, certain elements are shared by both Islamic and customary systems; for example, both recognize daughters' right to receive an inheritance. Likewise, both systems share certain terms and concepts; for example, the Buginese recognize the adage "mallempai uranewe ma'jujungi makkuraiwe" (men bear two, women bear one). Such a concept is also contained within the Qur'an; in Surah an-Nisa, Verse 11, it is stated that "Allah commands you regarding your children: the share of the male will be twice that of the female."

**Second**, they contain similarities in the rights and conceptual frameworks used for understanding women and children. Male and female children both have the right to receive an inheritance. **Where** women did not receive an inheritance before the revelation of Islam and indeed were often treated as property, with

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the spread of Islam women have improved their status and gained the right to receive an inheritance. As stated in Surah an-Nisa, Verse 7:

"For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much - an obligatory share."

As emphasized by Said (2015:78), the link between customary and Islamic law in Sulawesi is a long-standing one that is entrenched in acculturation, through which indigenous customs have been influenced by Islam. It is therefore not surprising that Islam and custom are mutually influential.

**Third**, similarities in the sanctions and regulations binding members. The *Compilation of Islamic Laws* provides formal guidelines for resolving disputes in matters of inheritance. According to several scholars, the *Compilation of Islamic Laws* is an Indonesian form of *fiqh*. In the second book of this compilation, both women—be they grandmothers, mothers, wives, daughters, granddaughters, sisters, or aunts—and men—be they grandfathers, fathers, husbands, sons, grandsons, brothers, or uncles—are identified as having the right to inherit assets. Jurisprudence also provides guidance for resolving disputes in inheritance matters.

In the *Compilation of Islamic Laws*, it is stated that heirs—be they male or female—are forbidden from receiving an inheritance if they kill or plan the killing of the deceased. Such a point is also included within Islamic law, including the Hadith that holds that

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murderers have no right to an inheritance (Hadith transmitted to Tirmidzi, 3/288, Ibnu Majah 2/883, Hadis Shahih). What is the point of this information or paragraph?

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#### 4.3. Blending Islamic and Customary Law to Create Gender Equity

**Commented [U101]:** It is part of assimilation or accommodation for a culture? Please mention to us therefore readers can conclude that it forms new culture!

Amongst the Bugis Luwu, diverse mechanisms are used to divide assets between heirs. This often results in inequity, in part because of diverse understandings of inheritance law and in part because families tend to divide their assets as they please. Many heirs feel as though the assets have not been distributed fairly. Therefore, it is necessary to develop a new model, a strategic solution that blends Islamic and customary understandings of inheritance.

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Table 3: Blended Models

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No	Member of Society	Model	Description
1.	Religious and customary leader	Massideppungeng	Bringing together the core family and government, religious, and customary leaders.

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2.	Government leader, customary leader, and religious leader	Conditional	Assets divided conditionally, based on facts in the field
3.	Religious and customary leader	Proportional justice	Assets are divided between heirs justly, to achieve a specific goal.

Source: Primary data, collated by researchers

Table 3 explains the collaborative models of inheritance used by the Bugis Luwu. It is divided into three sections. Zainuddin, a religious and customary leader in Palopo, used the term *massideppungeng* to refer to a process through which the heirs, family, and government, religious, and customary leaders are united. This is intended to provide a further legal foundation for the heirs and distribution of assets, ensuring that items are distributed proportionally and fairly, as agreed by all involved. As stated by one informant, in the distribution of assets, it is important to involve the authorities (for example, religious leaders and elders) as they best understand the distribution of assets (Syarifuddin, interview, August 2021).

Second is the conditional distribution of assets, in accordance with the facts in the field. First, all expenses incurred by the death of the departed are subtracted—hospital fees,

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funeral preparations, outstanding debts, and charity. Second, other debts are settled. Third, the current assets of the heirs are identified. Fourth, the main heir is identified (Rusydi, July 2021)

Third is proportional justice, in which the heirs and their specific needs, desires, and goals are identified. Heirs are not equal. Some may be established, while others may not be. Some have used much of their parents' money for school, marriage, etc., while others have not. As stated by one informant, the particular situation of heirs must be considered; for instance, if Son A has had his education funded through his undergraduate degree, and his parents sold land to pay for his marriage, while Daughter B lived at home and helped her family, receiving only a high school degree, it would not be just to give the son the larger share. Such factors are considered carefully when dividing assets (Azimar Rusydi, religious judge and former chief justice of the Palopo Religious Court, interview, July 2021)

Studies of gender equity have developed models that make it possible to investigate the inheritance issues amongst the Buginese of Sulawesi. The collaborative model used by the authors, which referred to Islamic inheritance law, has enabled them to explore the development of gender equity in Buginese society.

Islamic law is not merely a religious entity, part of the religion practiced by the majority of Indonesians, but also an important and influential part of the customs that exist within society (Aditya, 2019). Islam's influence has shaped society, with customary law being heavily informed by Islamic law (Muzainah et al., 2019; van Engelenhoven, 2021). This reflects the findings of Kurniawan (2017), who argues that law is transformative and

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**Commented [Ma109]:** Authors of studies of gender equity? Plis be clear!

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adapts to changes in society. Zuhdi (2017) writes that this adaptability has enabled Islam to easily enter customary society and influence its traditional laws (Miswardi et al., 2021). Such a blending is evident in inheritance law. As shown by Jubba et al. (2019), similarities between Buginese and Islamic values have enabled their legal systems to be combined and shape social interactions. Inheritance law follows the principles of Islam but continues to prioritize discussion and discourse within the family. The blending of these legal systems also influences the norms that guide society in its everyday interactions (Nuraidah et al., 2021).

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**5. Conclusion** This article has shown that, although the majority of Buginese are Muslim, Islamic approaches to inheritance tend not to be practiced—even though Islam provides highly detailed guidelines for distributing assets to heirs. Amongst the Bugis Luwu, assets tend to be distributed proportionally, with both sons and daughters receiving an equitable share. Six specific models for distributing assets were identified as being used by the Bugis Luwu. Five of these were rooted in customary law, as negotiated with Islamic law, while one followed the 2:1 ratio provided by the Qur'an. The Bugis Luwu thus rely heavily on a familial or discourse-based system, and the gender-equitable Massideppungeng, conditional, and proportional justice models.

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**Commented [Ma118R116]:**

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The decision to not employ Islamic law in inheritance matters indicates a genuine problem with the approach. Textual understandings of the Qur'an, which emerged in Arabic society fourteen centuries ago, tend to result in inheritance matters being handled

discriminatively. As a consequence, the use of customary law to distribute assets amongst heirs provides an ideal model for equitable inheritance. This article thus recommends the creation of a new model, one that integrates religious, customary, and social perspectives to provide an approach to inheritance that is contextual, adaptive, and gender-equitable.

Having only taken the Bugis Luwu as its sample, many findings can still be made. Further research could explore, for example, the dialog between religion and custom that exists amongst the Bugis Luwu of Sulawesi or, more broadly, amongst Indonesia's diverse Muslim-majority population.

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