

Local Wisdom and Nahdlatul Ulama Kiai's *Ijtihād* on Interfaith Inheritance: Lessons from Malang, Indonesia

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Inheritance disputes within multireligious families in Indonesia reflect the tension between religious legal regimes and the plural social realities of everyday life. When formal law fails to provide adequate solutions, the *ijtihād* of Nahdlatul Ulama (NU) *kiai* and Javanese-Islamic cultural values emerge as informal mechanisms for mitigating conflict. This research examines how the socio-religious authority of NU *kiai* and the Javanese value of harmony are mobilized in reconstructing

inheritance distribution involving non-Muslim heirs in Wagir and Polehan, Malang, Indonesia. Employing a qualitative case study approach, data were collected through in-depth interviews with *kiai* and community members, complemented by participant observation and document analysis. The analysis applies the frameworks of legal pluralism, *maqāṣid al-syarī'ah*, and legal culture. The findings reveal that NU *kiai* function as legal intermediaries bridging state law, Islamic jurisprudence, and local norms. They practice contextual *ijtihad* through the instruments of grant, *wasiat wajibah* (compulsory bequest), and socially engineered *maṣlahah*-based arrangements to prevent open conflict. Javanese cultural values emphasizing harmony (*rukun*), deliberation (*musyawarah*), and empathy (*tepa selira*) serve as social capital in the mediation process. This article contributes to the literature on legal pluralism by demonstrating the integration of social *ijtihad* and local cultural values as a model for mitigating interfaith inheritance disputes, while also offering implications for value-based policy design in multicultural societies.

Konflik waris dalam keluarga multireligius di Indonesia mencerminkan ketegangan antara rezim hukum agama dan realitas sosial yang plural. Ketika hukum formal tidak menyediakan solusi yang memadai, praktik ijtihad kiai Nahdlatul Ulama (NU) dan nilai budaya Jawa-Islam muncul sebagai mekanisme informal untuk memitigasi konflik. Penelitian ini menganalisis bagaimana otoritas sosial-keagamaan kiai NU dan nilai harmoni Jawa digunakan dalam merekonstruksi distribusi waris yang melibatkan ahli waris non-Muslim di Wagir dan Polehan, Malang. Menggunakan pendekatan kualitatif dengan studi kasus, penelitian ini mengumpulkan data melalui wawancara mendalam dengan kiai dan warga, disertai observasi partisipatif dan studi dokumen. Analisis dilakukan dengan kerangka pluralisme hukum, *maqāṣid al-syarī'ah*, dan budaya hukum. Hasil menunjukkan bahwa kiai NU berperan sebagai legal intermediary yang menjembatani hukum negara, fiqh Islam, dan norma lokal. Mereka mempraktikkan ijtihad kontekstual melalui instrumen hibah, wasiat wajibah, dan rekayasa sosial berbasis maslahat untuk mencegah konflik terbuka. Budaya Jawa yang menekankan harmoni (*rukun*), musyawarah, dan tepa selira berfungsi sebagai modal sosial dalam proses mediasi. Artikel penelitian ini berkontribusi pada literatur pluralisme hukum dengan menunjukkan integrasi ijtihad sosial dan nilai budaya lokal sebagai model mitigasi konflik waris lintas agama, serta memberikan implikasi bagi desain kebijakan berbasis nilai di masyarakat multikultural.

Keywords: *interfaith inheritance; legal pluralism; local wisdom; multicultural context; NU kiai's ijtihad.*

Introduction

Indonesia is globally recognized as one of the most religiously diverse countries. Data from the Pew Research Center indicates that approximately 87% of the population adheres to Islam, 11% to Christianity, with the remainder practicing Hinduism, Buddhism, or Confucianism (Stirling, 2024). Religious diversity in Indonesia is not only reflected in macro demographic data but also manifests in micro social spaces, such as multicultural villages, which present complex social dynamics (Arifin, Kholis, & Oktavia, 2021). One such example is Wagir

District in Malang Regency, East Java, Indonesia. This area—including Sukodadi Village in Wagir—is widely known as a multicultural setting, with a Muslim majority alongside Christian (Protestant and Catholic), Hindu, and Buddhist minorities, forming socially and theologically significant minority communities (Triana, 2024). Official demographic data provided by the Malang Regency Government through KAMASUTA (*Kabupaten Malang Satu Data*, or “Malang Regency One Data”), the regency’s centralized open-data portal managed by its Office of Communication and Informatics (*Dinas Komunikasi dan Informatika*, or Diskominfo), reports that in 2022, Wagir District had a population of approximately 80,594 people: 74,234 Muslims (92.1%), 763 Protestants (0.9%), 398 Catholics (0.5%), 5,123 Hindus (6.4%), and 76 Buddhists (0.1%) (Diskominfo Kabupaten Malang, 2022). Although Muslims numerically dominate, the historically rooted presence of Protestant and Catholic communities has shaped distinctive and complex patterns of social interaction, marked by dynamics of tolerance and identity negotiation at the local level (Triana, 2024).

Similarly, Polehan Subdistrict in Blimbing District, Malang City, represents a comparable landscape of religious plurality (Kementerian Agama Kota Malang, 2023). The area is recognized as a model for religious moderation, evidenced by Focus Group Discussions, interfaith charitable initiatives, and dialogue programs jointly facilitated by residents and the Ministry of Religious Affairs (Malang Posco Media, 2025). According to the Malang City Statistics Bureau, the Blimbing District recorded a population of 192,159 in 2022: 183,021 Muslims (95.2%), 6,421 Protestants (3.3%), 1,234 Catholics (0.6%), 1,316 Hindus (0.7%), 121 Buddhists (0.06%), and 46 Confucians (0.02%) (BPS Kota Malang, 2023). Despite the Muslim majority, Protestant, Catholic, Hindu, Buddhist, and Confucian communities in Polehan have coexisted for generations, cultivating distinctive interreligious relations through traditions of mutual cooperation, shared religious celebrations, and forums on religious moderation.

The presence of Protestant communities in Wagir and Polehan is not the result of temporary migration but has deep historical roots. Christianization in Malang and its surrounding areas dates back to the Dutch colonial period, when missionaries established churches in central locations—such as Kayutangan and the town square—as both spiritual centers for European communities and symbols of Christianity’s presence (Wijaya et al.,

2024). Over time, the spread of Christianity extended into rural areas, particularly with the emergence and growth of the Javanese Christian Church (*Gereja Kristen Jawi Wetan*, GKJW). GKJW was formally established on December 11, 1931, through the consolidation of several local congregations that had existed since 1843, when 35 Javanese converts from Wiyung were baptized in Surabaya (GKJW, 2023). The GKJW thus represents not only a place of worship but also an institutional embodiment of the historical continuity of Protestant communities in rural areas such as Wagir and Polehan. This demonstrates that local religious plurality is deeply embedded in historical processes rather than being merely the outcome of contemporary mobility.

In multicultural societies such as Wagir and Polehan, inter-religious diversity within families has become a common social reality. Interfaith marriages or religious conversions by family members often produce theologically and socially heterogeneous family structures (Suwardiyati et al., 2021). While efforts to maintain harmony are pursued through practices such as mutual cooperation and village deliberations, sensitive issues such as inheritance distribution often become critical points of normative and emotional conflict. This is largely due to the stipulations of Islamic inheritance law (*farā'id*) (Tohari & Kholish, 2020), which normatively prohibits inheritance across religious boundaries (*mawāni' al-irṭh*). Consequently, in Muslim families with non-Muslim members, these provisions often create tensions between normative legal rules and expectations of fairness, potentially disrupting micro-level social cohesion (Maimun, 2017).

The phenomenon of interfaith inheritance disputes is not merely hypothetical but a normative and judicial reality in national legal practice (Rohmah et al., 2022). Several interreligious inheritance cases have been brought before Religious Courts and District Courts (Suwarti et al., 2022). A recurring pattern involves non-Muslim heirs who claim entitlement to inheritance but are normatively barred under *farā'id*. As a solution, the instrument of *wasiat wajibah* (compulsory bequest)—which allows non-Muslim heirs to receive up to one-third of the estate—has been applied in various cases to preserve a sense of justice while upholding Islamic inheritance principles (Baihaki, 2021). However, the implementation of this solution depends heavily on family legal awareness and the availability of informal mediators. In regions such as Wagir and Polehan, interfaith inheritance disputes are more

commonly resolved through family deliberations and the involvement of local religious leaders rather than through formal legal mechanisms (Nida'ul, 2024).

Within this context, Nahdlatul Ulama (NU) *kiai* play a pivotal role. In NU tradition, a *kiai* is not only regarded as an Islamic scholar but also as a figure of high social, moral, and symbolic legitimacy (Luth et al., 2022). *Kiai* are frequently consulted in resolving family disputes, including interfaith inheritance cases, because their fatwas or solutions are deemed both normatively valid and socially acceptable (Zuhriah et al., 2025). The *ijtihad* approach of NU *kiai* is contextual and responsive to societal conditions; rather than adhering rigidly to literal texts, they prioritize the *maqāṣid al-syarī'ah* (objectives of Islamic law), emphasizing justice, public interest (*maṣlahah*), and the preservation of social harmony (Susilo, 2020).

Alongside the authority of *kiai*, Javanese local wisdom also contributes significantly to mitigating tensions arising from religious differences (Kholish et al., 2026). Cultural practices of deliberation, mutual cooperation, and harmony serve as social capital enabling inclusive resolutions of interfaith inheritance disputes (Bräuchler, 2015). In areas such as Wagir and Polehan, dispute resolution is typically conducted in family forums, witnessed by community leaders, village heads, and *kiai* acting as mediators. These inclusive and dialogical local values balance religious norms and social expectations, thereby preventing conflict escalation and preserving social cohesion (Huda, Choeri, & Ma'arif, 2024).

The urgency of this study is underscored by the lack of research systematically examining the resolution of interfaith inheritance disputes in multicultural rural contexts. To date, no study has specifically explored the role of NU *kiai*'s *ijtihad* and local wisdom in resolving interreligious family conflicts, particularly in settings such as Wagir and Polehan. Previous research in Malang has generally focused on interfaith harmony, rural economic development, or broader cultural dimensions (Sumbulah, 2015; Ikhwan, 2020), without integrating Islamic legal sociology, local anthropology, and family conflict resolution practices. National-level studies have addressed interfaith inheritance disputes but remain limited to normative-juridical approaches, such as applications of the Compilation of Islamic Law and the Civil Code (Firdaus & Zaky, 2023), or judicial decisions on *wasiat majibah* (Wahyudi, 2015), with few adopting perspectives of legal pluralism or *maqāṣid al-syarī'ah* (Taufiq, Mahmudi, & Anam, 2024). None, however, explicitly examine the interplay

of NU *kiai* and local cultural values as informal mediators in multicultural villages like Wagir and Polehan—highlighting a significant research gap and the originality of this study.

Against this backdrop, this study provides an in-depth analysis of how NU *kiai's* *ijtihad* and local wisdom address inheritance distribution for non-Muslim heirs as a strategy for mitigating family conflict in the multicultural societies of Wagir and Polehan.

Method

This research employed a qualitative approach with a case study design to examine the practices of NU *kiai's* *ijtihad* and local wisdom in resolving interfaith inheritance disputes in Wagir, Malang Regency, and Polehan, Malang City, Indonesia. The case study design was chosen because it allowed for capturing the complexity of social and cultural dynamics within specific contexts, while providing space for in-depth exploration of the interactions between religious norms, local values, and social relations that shape legal practices at the community level. The research was conducted in Wagir, Malang Regency, and Polehan, Malang City—multicultural settings inhabited by Muslim and Christian communities living peacefully side by side. Preliminary observation confirmed that these locations represent unique social contexts where interreligious and intercultural encounters generate distinctive relational patterns, including in the management of family inheritance. The research subjects consisted of NU *kiai*/religious leaders who functioned as socio-religious authorities and legal mediators, as well as interfaith families. Data were collected through in-depth interviews, social observations, and document analysis (Denzin & Lincoln, 2018). Interviews targeted *kiai*, community leaders, and interfaith families; observations were conducted in both formal and informal forums; and documentation involved local religious texts and records of inheritance deliberations. Data validity was checked through triangulation. Data analysis was carried out using a thematic approach, identifying the main patterns emerging from field narratives (Creswell, 2014).

Socio-religious context and local pluralism in Malang

Malang—particularly Wagir District, Malang Regency, and Polehan Subdistrict, Malang City—presents a unique socio-religious configuration that reflects local pluralism embedded in the everyday life of its communities. These areas are predominantly inhabited by Muslims

alongside significant Protestant Christian communities and smaller groups of Catholics and adherents of local beliefs. Religious differences do not result in sharp social segregation; instead, they enrich patterns of interaction through customary rituals, social forums, and inclusive communal life. This phenomenon demonstrates that local pluralism in Wagir and Polehan is not merely a normative discourse but a lived experience rooted in social practice.

The pluralism that emerges in Wagir and Polehan is strongly grounded in social cohesion values, which can theoretically be understood through the framework of legal pluralism. Griffiths asserts that even in modern societies, the coexistence of multiple legal orders—not limited to state law—is an empirical reality, and legal pluralism creates space for normative negotiations among state law, religious law, and customary norms (Griffiths, 1986). Tamanaha reinforces this perspective through a non-essentialist approach that rejects rigid notions of legal monism, emphasizing that legal pluralism is not an exception but a structural condition in many contemporary societies (Tamanaha, 2004). Local contexts such as Wagir and Polehan illustrate a strong preference for conflict resolution that preserves family harmony rather than strictly following formal state law. This aligns with von Benda-Beckmann and von Benda-Beckmann's findings that legal pluralism is often mediated by local actors capable of translating formal norms into socially acceptable practices (Benda-Beckmann & Benda-Beckmann, 2006; Musda, 2012).

The role of Javanese cultural values is a critical element supporting this local pluralism. The values of *rukun* (harmony), *tepa selira* (empathy), and *srawung* (social connectedness) function as social mechanisms that prevent open conflict. When facing sensitive issues such as interfaith inheritance—which is classically prohibited in *fiqh*—communities often prefer deliberation rooted in kinship spirit. This resonates with Sally Engle Merry's concept of the “vernacularization of law,” namely the translation of formal norms into social practices suited to cultural contexts (Merry, 2006). Field interviews with local *kiai* (KD) highlighted:

“When discussing inheritance, I use a sense of consideration. Do not only look at the scriptural texts, but also at people's feelings—who passed away, who receives, what their relationship is. Sometimes inheritance is taken only as needed, so it does not create family problems” (KD, 2026).

This statement reveals more than a practical strategy for avoiding family conflict; it reflects the informant's underlying worldview, in which inheritance is not purely a legal-textual matter but a relational and moral one, weighed against kinship ties and emotional considerations. Such depth of meaning often surfaces only through the relational dynamic of in-depth interviewing itself, in which trust and rapport allow informants to move beyond normative scriptural answers toward more personal, lived interpretations of religious obligation (Johnson & Rowlands, 2012). This suggests that, for the informant, religious moderation in inheritance practices is enacted less as adherence to textual rules and more as an ethic of care that prioritizes family harmony.

Within this framework, NU *kiai* hold dual legitimacy: religious and cultural. They are respected not only as spiritual leaders but also as cultural authorities (Arifin, Kholish, & Ma'ali, 2023). This dual legitimacy provides them with wide latitude to employ mediation mechanisms grounded in local values. Hiroko Horikoshi similarly observes that local religious leaders often serve as key actors in managing religious conflict and maintaining social stability due to their emotional closeness to communities and sensitivity to local dynamics (Horikoshi, 1987).

A concrete example in Wagir and Polehan involves inheritance disputes where one of the heirs is Christian. According to classical *fiqh*, inheritance ties are severed by religious difference (As-Suvi, 2023). However, through family deliberations facilitated by *kiai* and customary leaders, agreements were reached to allocate inheritance via *wasiat wajibah* (compulsory bequest) (Tohari & Hazyimara, 2023). This demonstrates the flexibility of Islamic law when interpreted through the *maqāsid* framework, which emphasizes the promotion of benefits (*jalb al-maṣālīh*) and the prevention of harm (*dar' al-maṣāsid*). In contemporary scholarship, such practices are categorized as social *ijtihad* oriented toward substantive justice (Kamali, 2008).

Tensions are, of course, not entirely absent, particularly regarding religious conversion or claims of unequal inheritance. Yet, communities in Polehan typically adopt preventive approaches based on dialogue and deliberation, which have proven effective in maintaining social stability. As one resident (AN) remarked:

“If it goes to court, it will only become more complicated. It is better to gather the family, deliberate, ask the *kiai*, so that things remain calm” (AN, 2026).

This statement reflects more than a practical preference for avoiding legal proceedings; it reveals an underlying worldview in which formal law is perceived as external, adversarial, and potentially disruptive to social harmony, whereas family deliberation and religious authority (*kiai*) are seen as legitimate, internal mechanisms of justice rooted in trust and communal belonging. The word *adem* (“calm,” literally “cool”) is telling: for AN, the measure of a just resolution is not strict adherence to formal legal entitlement, but the restoration of emotional and social equilibrium within the family. This suggests that, at the level of lived religiosity, moderation is not merely tolerance of religious difference but an ethic that subordinates individual legal claims to the preservation of collective harmony—positioning the *kiai* not as a judge who enforces textual rules, but as a mediator who helps the family arrive at a mutually acceptable, “cooled-down” outcome.

In conclusion, the socio-religious context of Malang, particularly in Wagir and Polehan, affirms that local pluralism is not only a cultural identity but also an effective social infrastructure for resolving sensitive conflicts such as interfaith inheritance. By integrating local values, religious authority, and legal flexibility, communities have succeeded in creating peaceful and inclusive conflict-resolution models, while contributing conceptually to the study of legal pluralism and contextual *ijtihad* in contemporary Islamic legal scholarship.

Local wisdom and Javanese culture: social infrastructure for conflict resolution

This research finds that local wisdom and Javanese culture in Wagir and Polehan villages function not merely as markers of cultural identity but as active social infrastructures facilitating the resolution of family disputes, including interfaith inheritance conflicts. Culture, in this context, is not a mere social ornament; rather, it operates as soft law—social norms that are respected and followed despite lacking formal sanctions. Accordingly, values such as *musyawarah* (deliberation), *rukun* (social harmony), and *guyub* (togetherness) serve not only as social norms but also as forms of living law embedded within the community (Geertz, 1960; Wimra et al., 2023; Zaki, Bin Syihab and Ikhwan, 2025; Ismail, Mantali and Moha, 2023). These findings reinforce the perspective of legal pluralism, which rejects the centrality of the state as the sole source of legal authority, and instead highlight the active dialectic between religious law, state law, and customary norms (Fahimah et al., 2024).

In practice, the communities of Wagir and Polehan internalize Islamic legal norms—such as the obligation of *wasyyah* (testamentary bequest) and the imperative of family justice—through the frame of local cultural values that prioritize social harmony. Even when inheritance involves non-Muslim family members, the distribution of assets is conducted as a means of strengthening solidarity, negotiating wealth division peacefully, and preventing open conflict. Interviews with local *kiai* (Islamic clerics) illustrate the mediating dimension of this tradition. As one cleric (UF) explained:

“The distribution of inheritance is not only a way to add blessings but also to avoid disputes. Families remain harmonious because they eat together, pray together. What matters most is that no one feels belittled” (UF, 2026).

UF’s statement points to a worldview in which inheritance is not reducible to a legal transaction of dividing property, but is embedded within a broader moral economy of blessing and dignity. By pairing “adding blessings” with “avoiding disputes,” UF frames material distribution and spiritual merit as inseparable: a fair division is, in his view, simultaneously a religious and a social achievement. His emphasis on shared meals and shared prayer as markers of continued harmony suggests that, for this informant, the success of inheritance practice is measured not by strict proportional accuracy to fiqh rulings, but by the family’s capacity to remain a functioning moral community afterward. Most tellingly, his closing remark—“no one feels belittled”—reframes justice (*‘adl*) away from a purely quantitative, rule-based concept toward a relational and affective one: what matters is dignity and felt fairness among kin, not merely conformity to textual shares. This positions the *kiai* less as an enforcer of scriptural inheritance law and more as a custodian of family dignity, mediating between normative religious obligation and the lived imperative of communal harmony.

The authority of the *kiai* further consolidates these culture-based mechanisms of dispute settlement. In line with Bowen’s observation that the authority of religious leaders lies in their ability to mediate between normative interpretation and social cohesion, *kiai* in Wagir and Polehan act as mediators bridging the tension between classical fiqh norms and the socio-familial needs of their communities (Bowen, 2003; Faisal et al., 2022). Villagers explicitly avoid religious courts, which they perceive as overly formalistic and ill-suited

to accommodate the complexities of interfaith family relations. As one villager (AN) expressed:

“If the case goes to court, it will only become more complicated. It is better to gather the family, deliberate, ask the *kiai*, so that things remain calm” (AN, 2026).

Normatively, the Javanese cultural approach to interfaith inheritance conflicts aligns with the principles of *maqāṣid al-syari'ah*, which emphasize the protection of public interest (*maṣlahah*) and social stability. The principles of *rukun sawung* (convivial socializing) and family harmony are prioritized over the literal application of inheritance rules that risk fragmenting families. As al-Raysuni (2005) emphasizes, *maqāṣid* must serve as the foundation for legal adaptation in responding to social complexities, including religious differences within families. This resonates with Abou El Fadl's (2014b) contention that Islamic legal authority must address the real needs of the community rather than merely reproducing normative texts.

This study offers two key academic contributions. First, it expands the understanding of legal pluralism by demonstrating that local culture is not merely supplementary to state and Islamic law but can function as a normative authority in effectively preventing family conflicts (Merry, 1988). Second, it introduces a model of social *ijtihād* that integrates contextualized Islamic law with local wisdom (Hallaq, 2009), thereby enriching discourse on Islamic legal innovation in multicultural societies. This approach carries practical implications, namely the potential integration of customary mediation models into formal family dispute settlement policies, as has been applied in several Southeast Asian jurisdictions (Hooker, 2008).

In sum, these dynamics show that local wisdom in Wagir and Polehan functions as more than cultural backdrop: it operates as living law, carrying normative weight comparable to state or religious law even without formal sanction. This underscores that Islamic legal reasoning and Javanese cultural values are not parallel, competing systems but mutually reinforcing resources that communities draw on to sustain family harmony.

NU Kiai's *ijtihād*: social authority and contextual innovation in Islamic law

Findings from Wagir and Polehan demonstrate that the resolution of interfaith inheritance

disputes does not rely solely on positive law or classical fiqh but is deeply rooted in the socio-religious authority of NU's *kiai*. This authority rests upon strong social legitimacy, both religious and cultural, making *kiai* the primary reference before cases are brought to the domain of state law. In other words, the prevailing dispute resolution patterns affirm that local religious authority structures function as arenas of mediation that complement, and at times even substitute, formal legal mechanisms.

Interviews with a *kiai* KD concretely illustrated how a *maṣlaḥah*-based approach is operationalized in practice:

“We cannot rely solely on the black-and-white inheritance texts. This family lives together—one child is Christian, the father is Muslim. If inheritance is handled rigidly, it could lead to family conflict. Therefore, we encourage deliberation, with me as the mediator. Sometimes we propose the *wasiat wajibah* model or distribute inheritance through family consensus” (KD, 2026).

KD's phrase “black-and-white inheritance texts” is significant: it signals that, in his worldview, textual fiqh is not rejected outright but is treated as necessary yet insufficient—a starting point rather than a self-executing verdict. His juxtaposition of “one child is Christian, the father is Muslim” with the risk of “family conflict” reveals that, for KD, the family's continued coexistence as a lived unit takes interpretive priority over strict textual application, which in classical fiqh would in principle exclude a non-Muslim heir altogether. By positioning himself explicitly as mediator rather than adjudicator, KD reframes the *kiai*'s role away from pronouncing a binding ruling toward facilitating consensus—suggesting that, in his understanding, religious authority is legitimated less by the power to decide and more by the trust to reconcile. His invocation of *wasiat wajibah* further shows how classical juristic categories are creatively redeployed as flexible instruments of accommodation, letting the non-Muslim child receive a share without formally violating the doctrinal bar on non-Muslim inheritance. In this sense, KD's *maṣlaḥah*-based reasoning reflects a worldview in which Islamic law is understood as inherently purposive and adaptive—oriented toward preserving family cohesion (*ukhuwwah*) and averting harm (*mafsadah*)—rather than as a fixed, mechanically applied code.

This quotation not only describes mediation practice but also underscores that *kiai*'s *ijtihād* prioritizes *maṣlaḥah* and the prevention of harm (*dar' al-mafāsīd*), in line with the

orientation of *maqāṣid al-syarī'ah* (Kamali, 2021). From a theoretical perspective, this approach may be classified as *ijtihād istiṣlāḥī*, a mode of legal reasoning that privileges social benefit over textual rigidity. In the context of religious pluralism, such *ijtihād* reflects the adaptation of Islamic norms to contemporary social dynamics.

This research further identifies two notable forms of legal innovation. First is the application of *wasiat wajibah* as a mechanism to grant rights to non-heirs, including non-Muslims. Although this practice typically requires validation by the religious court, at the local level *wasiat wajibah* is morally recommended by *kiai* to ensure that the rights of non-Muslim family members are respected. Second is the practice of inheritance deliberation, which emphasizes family consensus rather than adversarial litigation. These two innovations reveal how the interpretation of Islamic law can evolve within social contexts without abandoning classical *fiqh* principles. Accordingly, the findings support the view that Islamic law, when articulated contextually, is capable of addressing justice needs in multicultural societies.

Nonetheless, this socially grounded approach has its limitations. Extra-judicial settlements carry the risk of legal uncertainty if parties later pursue litigation, given that the Compilation of Islamic Law (KHI) still prohibits interfaith inheritance (Cammack & Feener, 2012). This phenomenon reflects the reality of legal pluralism, in which communities do not submit to a single legal system but instead navigate “interlegality” by combining state, religious, and social norms (Griffiths, 1986). These findings are also comparable to contexts in Malaysia and other Muslim-majority countries, where the involvement of local actors in interfaith family disputes often proves more effective than formalistic state legal mechanisms (Peletz, 2005).

The effectiveness of NU *kiai* in mediating conflicts cannot be separated from their mobilization of social capital and local wisdom, such as the tradition of *rembugan* (family deliberation), *slametan* rituals, and the value of *tepa selira* (empathy). This social capital facilitates community acceptance of the legal innovations they propose, as such solutions are expressed in culturally familiar terms that engage both emotional and spiritual dimensions of family life. As another *kiai*, UF expressed:

“If inheritance disputes arise in interfaith families, I recommend that distribution be based on family consensus, so that harmony is preserved” (UF, 2026).

This practice aligns with the vision of progressive Islamic law—law that remains responsive to social change while upholding substantive justice. Rohmah, Kholish, and Galib (2022) note that An-Na’im has argued, Islamic law must undergo continual reform to remain relevant to the needs of the time and to the complexity of social realities. In this sense, the role of *kiai* is not limited to issuing fatwas; they act as agents of social transformation who bridge scriptural texts with social realities. These findings parallel Sulaiman et al.’s (2023) study, which highlighted how local fatwas in Egypt and Morocco privilege *maṣlahah* in the resolution of family disputes.

Overall, these findings from Wagir and Polehan contribute to the global discourse on contextual *ijtihad* and legal pluralism, showing that Islamic law can adapt within religiously plural settings without losing its fundamental values—*wasiat wajibah* and inheritance deliberation exemplifying how it can strategically sustain social cohesion in a multicultural era.

A model of multicultural inheritance conflict mitigation: empirical and theoretical synthesis

The resolution of interfaith inheritance conflicts in multicultural communities such as Wagir and Polehan demonstrates complexities that cannot be reduced to a single normative legal system. The social dynamics in these villages reveal that a singular approach—relying solely on state law or classical Islamic *fiqh*—often generates resistance, as it disregards social contexts shaped by interfaith kinship relations and deeply rooted local cultural norms. In such contexts, conflict resolution evolves into a hybrid model that combines the religious authority of NU *kiai*, the strength of Javanese local wisdom, and selective engagement with state law (Hariri & Babussalam, 2024). This model is not merely a pragmatic solution but also makes a conceptual contribution to the development of adaptive legal pluralism theory, while broadening the horizons of contextual Islamic legal studies.

Field findings indicate that communities in Wagir and Polehan actively operationalize legal pluralism in their daily practices. As Murdan (2020) argues, societies do not submit to a single legal system but live under the influence of multiple overlapping systems: state

law, religious law, and customary norms. In Wagir and Polehan, these layers do not function antagonistically but instead complement one another in managing interfaith inheritance disputes. State law itself is not monolithic in this context: Muslim heirs are governed by the Compilation of Islamic Law (KHI)—Indonesia's codification of Islamic family and inheritance law, issued under Presidential Instruction No. 1 of 1991 and adjudicated in the Religious Courts while non-Muslim heirs fall under the Civil Code, a body of civil law inherited from the Dutch colonial *Burgerlijk Wetboek* and adjudicated in the District Courts. For interfaith families, this plurality of state law is rarely the first option, as invoking either regime is deemed overly formal, potentially exposes the family to two separate jurisdictions, and is likely to exacerbate family tensions. Instead, communities prioritize family consensus through deliberations mediated by NU *kiai* and legitimized by local cultural values. This demonstrates the practice of interlegality, where formal, religious, and customary norms interact within a single social context (Sumardi, Lukito, & Ichwan, 2021).

In practice, inheritance disputes are often resolved in family forums with *kiai* serving as mediators and advisors on religious law. One interviewed *kiai*, UF emphasized that inheritance issues should not be interpreted solely through textual rules but must consider the social impact on family relations. He stated:

“As a *kiai*, when asked to give advice, I do not rely solely on textual rules. For people here, inheritance is not just about lawful or unlawful, but about preventing resentment and maintaining harmony. The most important thing is family harmony, so that life remains blessed” (UF, 2026).

UF's phrasing—“not just about lawful or unlawful” (*ḥalāl-ḥarām*)—is analytically significant: for him, *ḥalāl-ḥarām* is a necessary threshold, not the final measure of a good outcome. By placing “preventing resentment” and “maintaining harmony” alongside legal permissibility, UF constructs a worldview in which the moral success of an inheritance settlement is judged by its relational aftermath—whether the family remains intact and at peace—rather than by its formal conformity to prescribed shares. His closing invocation of “blessing” further reveals that, in his understanding, religious merit itself is contingent on social harmony: a technically correct but relationally destructive distribution would, in his logic, forfeit its own spiritual value. This positions UF's reasoning within a paradigm

grounded in *maqāṣid al-syarī'ah*, particularly the principle of preserving family harmony (*ṣulḥ al-'ā'ilah*), which is prioritized over strict textual compliance. What is notable, however, is that UF does not articulate this as an abstract juristic principle but as an intuitive, experience-based conviction rooted in his pastoral role—suggesting that *maqāṣid*-based reasoning operates here less as formal legal methodology and more as an internalized ethical disposition through which everyday religious authority is exercised.

Beyond religious authority, Javanese local culture serves as a crucial social infrastructure for conflict resolution. Values such as *rukun* (harmony), *tepa selira* (empathy), and family deliberation function as coercive ethical norms even without formal sanctions. Cultural practices such as *slametan waris* are not merely spiritual rituals but also mediatory tools that reinforce consensus and defuse potential conflicts. These traditions illustrate how local culture can operate as a form of soft law—a set of norms observed due to their strong social legitimacy (Hertogh, 2009). One informant, AN expressed community preference for such informal mechanisms:

“If it goes to court, it will only become more complicated. It is better to gather the family, deliberate, ask the *kiai*, so that things remain calm” (AN, 2026).

AN's statement is a lay articulation of the soft-law dynamic Hertogh (2009) describes: compliance with *rukun* is not compelled by any sanctioning authority, yet AN treats it as self-evidently obligatory, framing court as something to be actively avoided and family deliberation as the default, common-sense course of action. Consulting the *kiai*, notably, is not framed as a search for a doctrinally correct answer but as a further step toward calm (*adem*)—his role valued less for producing an authoritative verdict than for lending communal and spiritual weight to a resolution the family has already begun to shape. This is soft law as lived normativity: a norm obeyed not because it is enforced, but because non-compliance would itself be experienced as a moral and relational failure (Al Turki et al., 2025).

The interplay between *kiai* authority and local culture produces a flexible and contextual dispute-resolution mechanism. *Kiai* in Wagir and Polehan do not simply issue rigid legal rulings but engage in contextual *ijtihad* that considers the community's social needs. This often takes the form of recommending *wasiat wajibah* or *hibah* (lifetime gifts), ensuring that non-Muslim heirs receive a portion of inheritance despite the prohibition of interfaith

inheritance in classical fiqh. Such practices reflect the perspectives of KH. Sahal Mahfudh and NU's Bahtsul Masail deliberations that prioritize *maṣlaḥah* (Rusli, 2021). In this role, *kiai* act as intermediary actors, bridging Islamic doctrine and social realities to ensure that legal resolutions do not fracture family ties.

Synthesizing empirical findings with theoretical frameworks, this study formulates a triadic model of conflict mitigation. First, inheritance decisions acquire social legitimacy by grounding themselves in cultural values that prioritize family harmony, such as *rukun*, deliberation, and *slametan* rituals. These values provide binding force despite lacking formal sanctions. Second, the religious authority of *kiai* functions as mediation, balancing textual understanding with social context to produce *ijtihād* that prioritizes *maṣlaḥah* and acts as social control to preserve family integrity (Black, 1984). Third, state law is engaged selectively, serving as formal reinforcement of family agreements rather than as the primary channel of dispute resolution. This model embodies the concept of adaptive legal hybridization (Santos, 2020), reflecting society's ability to selectively integrate multiple legal sources in accordance with its social context.

This model contributes to the literature on legal pluralism by highlighting the role of local culture as soft law possessing binding power equivalent to formal norms, alongside the involvement of religious authorities as agents of legal transformation. In international scholarship, customary-based dispute resolution is often dominated by formal customary institutions with hierarchical structures. By contrast, the model in Wagir and Polehan relies on a combination of non-formal religious authority and egalitarian cultural values. This demonstrates that family conflict resolution can be achieved without dependence on either state law or rigid customary structures, but rather through participatory approaches rooted in social legitimacy.

Despite its potential for replication in other multicultural communities in Indonesia, this model is not without limitations. Its success depends heavily on the homogeneity of cultural values and community acceptance of local authorities such as *kiai*. In more heterogeneous areas with diverse social authorities, adaptation would require identifying alternative legitimate actors and mapping dominant cultural values that support social cohesion. Furthermore, the long-term success of this model relies on the capacity of *kiai* and community leaders to

maintain public trust and to manage increasingly complex conflicts amid social change.

The implications of these findings extend to contemporary Islamic legal discourse and legal pluralism. Within the framework of Islamic law, the model demonstrates that *ijtihad* is not confined to academic or institutional settings but can also emerge at the grassroots level through the interaction of legal texts, cultural values, and social realities. This aligns with Arifin's assertion, drawing on Abou El Fadl, that Islamic legal authority must respond to the real needs of the community, rather than merely reiterating textual interpretations (Arifin, 2021). Within the discourse of legal pluralism, the model underscores the importance of recognizing culture not merely as ornamentation but as an active legal actor that produces, mediates, and resolves conflicts.

Thus, the resolution of interfaith inheritance disputes in Wagir and Polehan is not solely about the permissibility of inheritance but about how law, religion, and culture operate synergistically to produce resolutions that are peaceful, just, and contextual (Fannani et al., 2025). Islamic law, in this context, is negotiated, interpreted, and internalized within complex social relations rather than applied in a vacuum—a conflict-mitigation model that is locally grounded yet analytically transferable to legal pluralism scholarship more broadly.

Conclusion

In multicultural communities like Wagir and Polehan in Malang, interfaith inheritance disputes are effectively mitigated through the dynamic intervention of Nahdlatul Ulama (NU) *kiai* who harmonize strict religious texts with social realities. Rather than relying on rigid confrontation, these *kiai* act as legal brokers by applying contextual *ijtihad* (independent reasoning) rooted in *maqāṣid al-syarī'ah* (the objectives of Islamic law) and leveraging flexible instruments like *wasiat wajibah* (obligatory bequests) to ensure fairness. By blending Islamic principles with Javanese cultural values of harmony, such as *gotong royong* (mutual cooperation) and *tepa selira* (empathic consideration), they foster a form of “living fiqh” that prioritizes family unity and *maṣlahah* (the public good). This practical integration of state law, religious law, and local culture forms a robust three-layered legal pluralism model that can serve as a replicable blueprint for religious institutions and policymakers managing inheritance conflicts across other diverse regions in Indonesia. Beyond its immediate

policy relevance for Indonesia, this model offers the international scholarly community a grounded illustration of how religious authorities can actively broker between textual, formal, and customary norms, offering a transferable analytical lens for studying interfaith or interethnic conflict resolution in other religiously and culturally plural societies.

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