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Islamic Inheritance Law as *Living Law* in South Sulawesi: Developing a Contextual-Moderate *Receptie* Approach

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Abstract: This study examines Islamic inheritance practices among Muslim communities in South Sulawesi, where Qur'anic inheritance norms interact with local traditions and family-based mechanisms of property transfer within a *living law* framework. Although Islamic inheritance law is normatively *ijbārī* and grounded in definitive Qur'anic texts, empirical practices frequently involve lifetime gifts (*hibah*), bequests (*wasiat*), family deliberation, caregiving-based considerations, and consensual redistribution. Employing a normative-empirical juridical method with a socio-legal approach, this study draws on document analysis and in-depth interviews with Religious Court judges, religious officials, customary leaders, and community figures across several regions of South Sulawesi. The findings reveal that Islamic inheritance law remains widely acknowledged as a binding religious obligation rooted in faith commitment, yet its application is commonly mediated through classical Islamic legal mechanisms rather than routine formal adjudication. These practices do not function as attempts to evade inheritance law, but as context-sensitive applications aimed at preserving justice, family harmony, and social legitimacy within Islamic law as *living law*. However, the prevalence of unregulated legal eclecticism exposes a risk of normative dilution when definitive Qur'anic inheritance norms are treated as negotiable preferences. In response, this study advances a contextual-moderate *receptie* approach, grounded in Islamic legal principles and *maqāṣid*-based systems thinking, to balance normative certainty with contextual justice. By positioning Islamic inheritance law as the normative core of an integrated family property transfer system encompassing *waris*, *hibah*, and *wasiat*, this study contributes to socio-legal scholarship on Islamic law and legal pluralism within Indonesia's plural legal landscape.

Keywords: Islamic Inheritance Law, Living Law, Contextual-Moderate Receptie.

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Abstrak: *Penelitian ini mengkaji praktik kewarisan Islam di kalangan masyarakat Muslim Sulawesi Selatan, di mana norma kewarisan Al-Qur'an berinteraksi secara dinamis dengan tradisi lokal dan mekanisme peralihan harta keluarga dalam kerangka hukum yang hidup (living law). Meskipun secara normatif hukum kewarisan Islam bersifat ijbārī dan berlandaskan nash yang pasti, dalam praktiknya masyarakat sering memadukannya dengan hibah, wasiat, musyawarah keluarga, pertimbangan jasa perawatan, serta pembagian berdasarkan kesepakatan bersama. Dengan menggunakan metode yuridis normatif-empiris melalui pendekatan sosio-legal, penelitian ini didasarkan pada analisis dokumen dan wawancara mendalam dengan hakim Pengadilan Agama, pejabat keagamaan, tokoh adat, dan tokoh masyarakat di berbagai wilayah Sulawesi Selatan. Hasil penelitian menunjukkan bahwa hukum kewarisan Islam tetap dipahami sebagai kewajiban keagamaan yang mengikat, namun penerapannya lebih banyak dimediasi melalui mekanisme hukum Islam klasik dan kesepakatan keluarga daripada melalui proses peradilan formal. Praktik tersebut bukan bertujuan menghindari hukum waris, melainkan sebagai bentuk penerapan kontekstual untuk menjaga keadilan, keharmonisan keluarga, dan legitimasi sosial. Namun, kecenderungan eklektisisme hukum yang tidak terkelola secara normatif berpotensi melemahkan kekuatan norma, terutama ketika ketentuan Al-Qur'an diperlakukan sebagai sesuatu yang dapat dinegosiasikan. Oleh karena itu, penelitian ini menawarkan pendekatan resepsi kontekstual-moderat berbasis prinsip hukum Islam dan maqāṣid untuk menyeimbangkan kepastian normatif dan keadilan kontekstual. Dengan menempatkan hukum kewarisan Islam sebagai inti sistem peralihan harta keluarga yang terintegrasi, meliputi waris, hibah, dan wasiat, penelitian ini berkontribusi pada kajian sosio-legal tentang hukum Islam dan pluralisme hukum di Indonesia*
Kata Kunci: *Hukum Kewarisan Islam, Living Law, Receptie Kontekstual-Moderat*

Introduction

The relationship between Islamic inheritance law and local social practices continues to generate sustained academic concern, particularly within Muslim societies characterized by deep legal pluralism. In many contexts, inheritance law represents one of the most normatively rigid domains of Islamic jurisprudence, grounded in definitive Qur'anic provisions and framed as divinely prescribed obligations. At the same time, inheritance is among the most socially sensitive areas of law, closely intertwined with family relations, moral expectations, economic inequality, and cultural values. This intersection between doctrinal certainty and social complexity has positioned Islamic inheritance law not merely

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as a set of formal rules, but as a living normative order whose authority and application are continuously negotiated in social life.[1]

This tension is especially visible in South Sulawesi, where Islamic law historically developed through gradual acculturation with Bugis-Makassar customary norms. Islam did not displace existing social structures, but interacted with them, producing a socio-religious synthesis in which religious obligations are embedded within local ethical frameworks.[2] Inheritance practices in this region therefore cannot be understood solely through doctrinal analysis or statutory reference. Instead, they operate as *living law* within a plural normative environment shaped by Islamic legal principles, adat values, family ethics, and institutional mediation.

Recent studies on inheritance in South Sulawesi and other regions of Indonesia have documented the prevalence of non-litigious settlement,[3] lifetime transfers of property, and deliberative redistribution among heirs.[4] Empirical research published over the last decade highlights practices such as *hibah*, *wasiat*, *takhāruj*, and family consensus[5] as dominant mechanisms through which inheritance disputes are prevented or resolved in everyday life.[6] Other studies emphasize the role of Religious Courts as institutions of last resort, activated primarily when informal mechanisms fail.[7] While this literature provides valuable descriptive insight into inheritance as social practice, it often treats these mechanisms either as deviations from Islamic inheritance law[8] or as

[1] Dewi Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints," *Ahkam* 23, no. 1 (2023), p. 25–48. Karjoko et al., "Islamic Court ' s Approach to Land Dispute in Inheritance Cases." Fahimah and Gusmansyah, "Interfaith Inheritance within Muslim Families in Indonesia: Practices, Philosophical Foundations, and Prospects for the Development of National Inheritance Law."

[2] Tarmizi, "Inheritance Distribution and Conflict Resolution in Bone Regency: Upholding Women's Rights and Islamic Law Objectives," *De Jure: Jurnal Hukum Dan Syariah* 16, no. 2 (2024), p. 255–77.

[3] Abdul Mutakabbir, Hastuti, and Mikdar Rusdi, "The System of Inheritance Distribution in South Sulawesi," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 1 (2023), p. 57–76.

[4] Asni Zubair, "Eksistensi Hukum Kewarisan Islam dalam Pembagian Warisan Masyarakat Bugis Bone (Studi di Kecamatan Tanete Riattang)," *Al-Mizan* 18, no. 1 (2022), p. 37–54.

[5] Siah Khosyi'ah and Ayi Yunus Rusyana, "Inheritance Settlement of Descendants of Children and Siblings in Islamic Law with Local Wisdom in Indonesia," *Cogent Social Sciences* 8, no. 1 (2022).

[6] Halimah Basri, et al., "Inheritance Rights of Women in Makassar Society: A Study of Living Qur'an and Its Implications for Islamic Law," *Samarah* 6, no. 2 (2022), p. 537–557.

[7] Andi Herawati, "Sistem Pembagian Warisan Pada Masyarakat Muslim di Kota Makassar," *Ash-Shahabah: Jurnal Pendidikan Dan Studi Islam* 5, no. 1 (2019), p. 72–81.

[8] Abdul Syatar et al., "The Development of Fatwas Basen on Local Wisdom to the National Level: A Case Study of Panaik Money Fatwa," *El-Mashlahah* 13, no. 2 (2023), p. 133–150.

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manifestations of legal pluralism without sufficient normative engagement with Islamic legal epistemology.[9] This limitation is also evident in broader studies of Islamic law in Indonesia, including post-special autonomy Aceh, where the interaction of Islamic, customary, and national legal traditions has been shown to form a plural legal framework that enhances justice and strengthens the protection of women's and children's rights.[10]

At the same time, normative scholarship on Islamic inheritance law has largely focused on doctrinal coherence, *maqāṣid*-based reform, or statutory implementation, often detached from lived practices.[11] As a result, existing studies tend to fall into two separate analytical tracks: descriptive socio-legal accounts that explain *how* inheritance is practiced, and normative legal analyses that explain *how it should be practiced*. What remains underexplored is the interpretive space between these approaches, namely how Islamic inheritance law functions as *living law* through contextual application of its own legal mechanisms without losing its binding authority.[12]

This gap becomes particularly evident in discussions of *receptie*. Classical *receptie* theory,[13] *receptie a contrario*[14] and more recent contextual interpretive approaches offer competing explanations for the relationship between Islamic law and local norms.[15] Yet none adequately accounts for why Islamic inheritance law in South Sulawesi retains strong moral authority while being selectively activated in practice. Nor do these approaches sufficiently distinguish between legitimate contextual accommodation grounded in Islamic legal reasoning and unregulated legal eclecticism that risks diluting definitive Qur'anic norms.

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[9] Jumriani Nawawi et al., "Local Wisdom , Islamic Law , and Criminal Law in Higher Education : A Preventive Framework against Bullying through Pangadereng Culture and a Compassion-Based Curriculum Violence in Higher Education Environments Continues to Be a Highly Concerning" 8, no. 1 (2026).

[10] Dedy Sumardi, et al., "Legal Pluralism Within The Space of Sharia: Interlegality of Criminal Law Traditions in Aceh, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (2021), p. 426–449.

[11] Yusmita et al., "Legal Pluralism and the Transformation of Islamic Inheritance Law: A Study of Sasak Customary Practices in Indonesia," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (2025), p. 831–852.

[12] Jalaludin, Negeri, and Wahid, "From Patrilineal to Bilateral : A New Balance of Islamic Inheritance Law in Indonesia's Religious Court."

[13] Rachmi Sulistyarini et al., "The Contact Point of Customary Law and Islamic Law (Legal History Perspective)," *International Journal of Social Sciences and Management* 5, no. 2 (2018), p. 51–59.

[14] Hazar Kusmayanti, et al., "Contradiction Implications of The *Receptie A Contrario* Theory In Minangkabau Inheritance," *Justicia Islamica* 21, no. 2 (2024), p. 347–366.

[15] Harda Armayanto et al., "Snouck Hurgronje and the Tradition of Orientalism in Indonesia," *Tasfiyah: Jurnal Pemikiran Islam* 7, no. 2 (2023), p. 263–287.

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Against this background, this study examines Islamic inheritance practices among Muslim communities in South Sulawesi as expressions of Islamic law operating as *living law*. It argues that these practices reflect neither rejection nor rigid enforcement of Islamic inheritance law, but a form of contextual mediation rooted in Islamic legal instruments themselves. To capture this dynamic, the study advances a contextual-moderate receptie approach that affirms the binding authority of Qur'anic inheritance norms while recognizing regulated contextual application through established *fiqh* mechanisms.

Accordingly, this study addresses four interrelated research questions: how Islamic inheritance law is practiced as *living law* in South Sulawesi; what historical, sociological, anthropological, and juridical factors shape these practices; how the interaction between Islamic law, adat, and institutional mechanisms affects the authority of inheritance law; and how a contextual-moderate *receptie* approach can be formulated to preserve normative certainty while accommodating social reality within Indonesia's plural legal system.

This study adopts a normative-empirical juridical research design with a socio-legal approach, integrating doctrinal analysis of Islamic inheritance law with a systematic examination of its operation as living law in social practice.[16] The normative dimension focuses on primary Islamic legal sources, including Qur'anic inheritance provisions, classical fiqh, and the Compilation of Islamic Law (KHI), while the empirical dimension explores how these norms are interpreted, negotiated, and applied in everyday inheritance practices in South Sulawesi. Data were drawn from legal materials, judicial decisions, Islamic legal literature, and in-depth interviews with judges, religious officials, community leaders, and scholars in Makassar, Gowa, and Bone. Qualitative analysis was conducted using a descriptive-analytical method, in which empirical findings were organized thematically and interpreted through an Islamic legal perspective to understand how inheritance norms gain authority through social acceptance and deliberation. The evaluation of Sharīʿah-related practices was guided by a contextual-moderate *receptie* approach and maqāṣid-based systems thinking, enabling a balanced assessment between doctrinal integrity, normative certainty, and socio-legal realities.

Inheritance Practices among Muslim Communities in South Sulawesi

Inheritance practices among Muslim communities in South Sulawesi reflect a socio-legal reality in which Islamic inheritance law operates not as a rigid

[16] Wiraguna, "Metode Normatif Dan Empiris Dalam Penelitian Hukum: Studi Eksploratif Di Indonesia." Leeuw, "The Empiric Legal Research." Fauzah Nur Aksa, Siska Mona Widia, and Silfia Hanani, "Perbandingan Metode Penelitian Yuridis Normatif dan Yuridis Empiris," *Nusantara: Jurnal Ilmu Pengetahuan Sosial* 12, no. 6 (2025), p. 2226–2236. Victor Imanuel W. Nalle, "The Relevance of Socio-Legal Studies in Legal Science," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 27, no. 1 (2015), p. 179.

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post-mortem mechanism, but as a fluid and extended process of family property transfer. Across regions such as Gowa, Bone, Makassar, Wajo, and Luwu, inheritance is commonly understood as encompassing lifetime gifts (*hibah*, *pabbere*, *ampe kale*), bequests (*wasiat*), and residual inheritance (*waris*), which unfold gradually in accordance with family dynamics, social expectations, and moral considerations.[17] In this sense, inheritance is embedded in everyday family life rather than confined to a single juridical moment following death.

In practice, many families begin distributing property long before death. Parents frequently allocate land, houses, or productive assets incrementally to their children, often prioritizing those considered more responsible, economically vulnerable, or actively involved in caring for the household. These transfers may be formally documented through land registration, but they often remain informal and verbal, relying on mutual trust and social recognition. Assets remaining after the parents' death are subsequently treated as inheritance in a narrower sense. Such arrangements reflect a strong belief in parental prerogative and preventive justice, whereby parents are regarded as morally authorized to determine what constitutes fairness within their own families. Differences in the value of assets received by children are generally accepted as part of personal destiny, provided that each child has obtained some tangible benefit and that the process is perceived as sincere and non-discriminatory.

A recurrent justification for differentiated distribution lies in contribution and caregiving. Children who provide sustained care to aging parents, most often daughters, frequently receive preferential allocations, particularly residential houses or strategically located land. These allocations are commonly framed as *ampe kale*, understood as recognition of devotion and service rather than as part of the formal inheritance estate. Within families characterized by strong consensus, *ampe kale* is widely viewed as morally compelling and socially appropriate.[18] However, the same practice becomes a significant source of conflict when other heirs later contest earlier transfers, especially in cases where documentation is absent or ambiguous. Disputes often emerge when the economic value of property increases or when family

[17] Tarmizi, "Inheritance System of Bugis Community in District Tellu Siattinge, Bone, South Sulawesi (Perspective of Islamic Law)," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 4, no. 1 (2020), p. 179–208. Andi Sukmawati Assaad et al., "Gender Equity in Inheritance System: The Collaboration of Islamic and Bugis Luwu Customary Law," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 17, no. 2 (2022), p. 458–479. Elpina, "Kedudukan Perempuan Dalam Hukum Waris Adat Batak Toba," *Jurnal Hukum Kalam Keadilan* 3, no. 2 (2015), p. 1–12. Mutakabbir, Hastuti, and Rusdi, "The System of Inheritance Distribution in South Sulawesi". Basri et al., "Inheritance Rights of Women in Makassar Society: A Study of Living Qur'an and Its Implications for Islamic Law."

[18] Ira Hasnita and Asni Zubair, "Tinjauan Hukum Islam Terhadap Ampikale Dalam Sistem Kewarisan Masyarakat Bugis ," *Al-Syakhshiyyah: Jurnal Hukum Keluarga Islam Dan Kemanusiaan* 1, no. 2 (2019), p. 166–182.

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relationships deteriorate, prompting dissatisfied heirs to retrospectively invoke formal inheritance norms to challenge arrangements that were previously accepted on moral grounds.

Despite the predominance of negotiated practice, Islamic inheritance law retains a strong position within communal moral consciousness. Religious idioms such as *majjujung-malempa* function as culturally embedded expressions of Islamic inheritance principles, conveying the idea that male heirs receive a larger share than female heirs. While these expressions broadly correspond to the two-to-one ratio articulated in Islamic law, they are rarely applied in a strictly mathematical manner. Instead, they are interpreted substantively, allowing contextual adjustment based on need, contribution, and family agreement. As a result, many families sincerely believe that they are implementing Islamic values even when their practices diverge from classical doctrinal formulations.

In more urban settings and among families with stronger exposure to formal religious education, Islamic inheritance law is referenced more explicitly. In such contexts, *farāʾiḍ* is often treated as the normative baseline for identifying heirs and determining shares. Yet even here, its application remains open to negotiation. Families commonly use *farāʾiḍ* as an initial reference point before engaging in deliberation to accommodate practical considerations, including prior lifetime transfers, caregiving roles, and economic vulnerability.[19] Voluntary redistribution through mutual consent is widely practiced, reflecting the continued priority accorded to harmony and collective agreement over strict legal entitlement.

Field interviews further reveal that these arrangements are not understood by community members as deviations from Islamic inheritance law (*farāʾiḍ*), but rather as legitimate forms of *hibah* and family deliberation conducted before the estate legally becomes inheritance. This finding demonstrates that inheritance practices operate within a plural normative order in which Islamic jurisprudence, customary norms, and state legal regulations interact simultaneously rather than competitively. Families strategically draw upon different legal sources according to the social context, preserving religious legitimacy while maintaining communal harmony and preventing future disputes. From the perspective of legal pluralism,[20] these practices illustrate that multiple normative systems coexist and are selectively mobilized to produce socially accepted outcomes instead of functioning as mutually exclusive legal regimes. Moreover, the empirical evidence provides a critical reinterpretation of *receptie*

[19] Nurul Wakia, "Mappammana Tradition of Buginese Communityin Bone: A Legal Review of Islamic Inheritance," *Al-Bayyinah* 4, no. 2 (2020), p. 151–163.

[20] Khairatun Hisan, et al., "Analysis of Ibn Qudāmah's Comparative Fiqh Methodology in Al-Mugnī and Its Relevance for Contemporary Ijtihad The Study of Comparative Fiqh (Fiqh Al-Muq ā Ran) Is of Great Significance in The," *Mazahibuna: Jurnal Perbandingan Mazhab* 7, no. 1 (2025), p. 71–88.

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theory.[21] Rather than confirming the classical proposition that Islamic law is subordinate to customary law, the findings indicate a reciprocal process in which customary inheritance practices derive legitimacy from Islamic legal concepts such as *hibah*, *ṣulḥ*, and *riḍā*, while Islamic norms are simultaneously contextualized through local traditions of kinship and consensus. In this sense, receptie no longer represents the dominance of one legal order over another but reflects an adaptive interaction among Islamic law, adat, and state law, producing a dynamic form of legal pluralism in which Islamic law functions as a living law embedded within local social institutions.

Variations of Inheritance Practices as *Living Law* in South Sulawesi

Empirical findings indicate that inheritance practices among Muslim communities in South Sulawesi cannot be reduced to a single legal pattern. Instead, they exhibit a spectrum of normative configurations shaped by the interaction of Islamic legal norms, adat traditions, and pragmatic family considerations. Broadly, these practices may be grouped into three interrelated forms: adat-dominant practices, Islamic norm-oriented practices, and hybrid configurations.[22]

In adat-dominant contexts, inheritance is conceptualized primarily as a gradual family-based process rather than a post-mortem legal event. Studies from Bone, Wajo, Soppeng, Kajang (Ammatoa), and parts of Gowa show that property distribution is often embedded in everyday family life through practices such as *pabbere*, *tana pabbere*, *mappammana*, and *ampe kale*. In these settings, parents distribute assets during their lifetime based on considerations of responsibility, proximity, caregiving, and social roles. Legitimacy is derived from the Bugis-Makassar normative system of *pangngaderreng*, particularly *ade'* (custom) and *wari'* (status), which emphasize propriety (*asitinajang*), balance, and the avoidance of conflict. Even when such arrangements diverge from classical Islamic inheritance ratios, they are not perceived as unjust, as they are framed as adat-based transfers rather than formal inheritance in the fiqh sense.

At the other end of the spectrum are practices that are predominantly guided by Islamic inheritance law. In urban areas such as Makassar and Palopo, as well as among families with strong religious education backgrounds, *farāʾiḍ* is more explicitly applied as the primary normative reference. In these contexts, inheritance distribution typically occurs after death, involves clear identification of heirs and shares, and often relies on guidance from religious figures or the

[21] Khairatun Hisan, et al.,.

[22] Ira Hasnita and Asni Zubair, "Tinjauan Hukum Islam Terhadap Ampikale dalam Sistem Kewarisan Masyarakat Bugis ," *Al-Syakhshiyyah Jurnal Hukum Keluarga Islam dan Kemanusiaan* 1, no. 2 (2019), p. 166–182. Kartini and Ety Nur Inah, "The Legal System of Inheritance of Indigenous Bugis-Bone: Islamic Law Perspective," *IOP Conference Series: Earth and Environmental Science* 175, no. 1 (2018).

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Religious Courts. The application of Islamic inheritance law is perceived as a moral obligation and a means of ensuring religious compliance and legal certainty. Nevertheless, even in these settings, rigid application is rare. Families frequently allow consensual adjustments through deliberation to accommodate family-specific circumstances.[23]

Between these two poles lies the most prevalent configuration: hybrid inheritance practices that consciously integrate Islamic legal norms with adat-based considerations. Empirical evidence from Bone, Gowa, Luwu, Jeneponto, and Makassar shows that many families acknowledge *farāʾiḍ* as the authoritative religious framework while simultaneously relying on adat and family deliberation to implement inheritance in socially acceptable ways. In such cases, Islamic inheritance law functions as a moral reference point, while adat operates as an applicative mechanism. This hybrid configuration allows families to maintain religious legitimacy without sacrificing social harmony.

Hybrid practices are particularly visible in the widespread use of deliberation (*musyawarah*) and *takharuj*. Heirs often agree to redistribute shares after identifying Islamic entitlements, with some voluntarily relinquishing part or all of their shares to prevent conflict or to support vulnerable family members. Because *takharuj* is recognized in Islamic jurisprudence and accommodated within the Compilation of Islamic Law, it serves as an important normative bridge between Islamic inheritance law and socially embedded practices, reinforcing the legitimacy of negotiated outcomes.[24]

Institutional and Empirical Landscape of Inheritance Practices

The institutional dimension further illustrates how inheritance law operates in practice. Judges and court officers in the Religious Courts consistently report that only a small fraction of inheritance practices reach the judicial system. Most disputes are resolved internally through family deliberation or mediation by local figures. Consequently, the Religious Court is widely perceived as an institution of last resort (*ultimum remedium*), activated primarily when consensus fails, when earlier transfers are contested, or when disputes involve high-value immovable property.[25]

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[23] Herawati, "The Existence of Islamic Law Compilation Article 183 in Solving Inheritance Issue of Muslim Communities in Makassar." Andi Sukmawati Assaad and Baso Hasyim, "Judges Decisions of Makassar, Palopo, and Masamba Religious Court Over the Islamic Inheritance Law," *Al-'Adalah* 17, no. 2 (2020), p. 317–334. Muhamad Anis, "Pelaksanaan Hukum Kewarisan Islam Di Kota Makassar," *Al-Qadau* 5, no. 2 (2018), p. 281–194. Andi Herawati et al., "The Implementation of Inheritance Law in Muslim Communities in the City of Makassar," *Maret 2019 Journal of Research and Multidisciplinary* 2, no. 1 (2019), p. 106–115.

[24] Herawati, "The Existence of Islamic Law Compilation Article 183 in Solving Inheritance Issue of Muslim Communities in Makassar."

[25] Interview with Muhammad Surur and Raodhawiyah, Judges at the Religious Court of Makassar, on August 22, 2024. Interview with Muhammad Fitrah and Muhammad Arsyad, Judges

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In adjudicating inheritance cases, judges remain bound to the Compilation of Islamic Law, judicial precedent, and procedural rules. Legal discretion is exercised cautiously, with a clear distinction drawn between declaratory proceedings, which primarily serve administrative purposes, and contentious litigation requiring full adjudication of heirs and assets. Judges frequently encourage reconciliation, mediation, and *takharuj* before issuing enforceable decisions, reflecting sensitivity to the social consequences of adversarial rulings.[26]

At the level of religious administration, inheritance remains a marginal concern. Although policy initiatives have conceptually expanded the role of the *Kantor Urusan Agama* (KUA) to include broader religious guidance, inheritance counseling has not become an established service. Limited resources, lack of specialized training, and public perceptions that inheritance is primarily a judicial matter contribute to this condition. As a result, preventive legal education and early-stage mediation are largely absent from formal religious institutions.[27]

At the community level, this institutional gap reinforces the predominance of gradual and negotiated inheritance practices. Parents commonly distribute property incrementally during their lifetime, allocating land, houses, or productive assets to children based on perceived responsibility, economic need, or caregiving contribution. These arrangements may be formally documented or remain verbal, relying on trust and social recognition. Any remaining assets after death are subsequently treated as inheritance in the narrower legal sense. While such practices often function effectively in maintaining family harmony, they also generate legal vulnerability when documentation is unclear or when family relations deteriorate.[28]

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at the Religious Court of Sungguminasa, on August 29, 2024. Interview with Hadrawati and Hayad Jusa, Judge and Legal Affairs Clerk at the Religious Court of Watampone, on October 10, 2024.

[26] Interview with Muhammad Surur and Raodhawiyah, Judges at the Religious Court of Makassar, on August 22, 2024. Interview with Muhammad Fitrah and Muhammad Arsyad, Judges at the Religious Court of Sungguminasa, on August 29, 2024. Interview with Hadrawati, Judge at the Religious Court of Watampone, on October 10, 2024.

[27] Interview with Muhammad Tahir, Head of the Office of Religious Affairs of Manggala-Makassar, on September 12, 2024. Interview with Abd. Waris Usman, Head of the Office of Religious Affairs of Rappocini-Makassar, on September 12, 2024. Interview with Muhammad Ridwan, Marriage Registrar of Religious Affairs of Pattallassang-Gowa, on September 17, 2024. Interview with Abustang, Marriage Registrar of Religious Affairs of Tanete Riattang-Watampone, on October 21, 2024.

[28] Interview with Asni Mihran, Community Figure of Gowa Regency, on September 19, 2024. Interview with Hisbullah, Community Figure of Gowa Regency, on September 19, 2024. Interview with Hasan Hasyim, Cultural Figure of Gowa Regency, on September 19, 2024. Interview with Abdullahana, Religious Figure of Watampone Regency, on October 20, 2024. Interview with Asni Zubair, Religious Figure of Watampone Regency, on October 20, 2024. Interview with Singkeru Rukka, Cultural Figure of Watampone Regency, on October 21, 2024.

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Judicial actors consistently observe that many inheritance disputes originate not from deliberate rejection of Islamic inheritance law, but from undocumented lifetime gifts, ambiguous verbal agreements, and partial understandings of legal norms. Limited inheritance legal literacy, often confined to awareness of the two-to-one ratio between male and female heirs, contributes to the conflation of *waris*, *hibah*, and *wasiat* in everyday practice. When economic conditions change or property values increase, previously accepted moral arrangements may be retrospectively contested through formal legal claims, forcing courts to prioritize legal certainty over earlier social agreements.

Taken together, these institutional and empirical dynamics demonstrate that Islamic inheritance law in South Sulawesi operates within a negotiated legal space. Its normative authority is widely acknowledged, yet its formal application is episodic and reactive, activated primarily in situations of conflict. The interaction between informal family practices, limited institutional mediation, and reactive judicial enforcement underscores both the resilience and fragility of Islamic inheritance law as a *living law*, effective in sustaining social harmony under conditions of trust, but vulnerable to dispute in the absence of documentation, legal literacy, and preventive institutional support.

Dynamics and Factors Influencing Inheritance Practices

The dynamics of inheritance practices in South Sulawesi are shaped by an interlocking set of historical, sociological, anthropological, economic, and juridical factors that operate simultaneously. Historically, the Islamization of the region proceeded through gradual acculturation rather than rigid legal formalism. Islamic norms were not imposed as technical legal rules, but translated into culturally intelligible ethical idioms that resonated with existing Bugis-Makassar social structures. This process produced a lasting synthesis in which religious obligations are internalized at the level of values, while their formal legal articulation remains flexible in practice. Philosophically, local conceptions of justice emphasize contextual fairness, proportionality, and social responsibility rather than abstract compliance with fixed rules.[29]

Sociologically, inheritance is widely regarded as a private family matter, and public litigation is often perceived as socially undesirable. Cultural values such as *siri'* (honor and shame) exert strong pressure to preserve family dignity and social harmony, encouraging internal resolution through deliberation and

Interview with Muh. Amir, Religious Leader of Watampone Regency, on October 21, 2024. Interview with Syarifuddin Latif, Religious Figure of Watampone Regency, on October 21, 2024. Interview with Muh. Rasywan Syarif, Community Figure of Watampone Regency, on October 22, 2024.

[29] Interview with Hasan Hasyim, Cultural Figure of Gowa Regency, on September 19, 2024. Interview with Muh. Amir, Religious Leader of Watampone Regency, on October 21, 2024. Interview with Syarifuddin Latif, Religious Figure of Watampone Regency, on October 21, 2024.

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consensus. This social orientation explains the preference for non-litigious mechanisms and the tendency to defer formal legal intervention until conflict becomes unavoidable.[30]

Anthropologically, caregiving plays a central role in shaping inheritance outcomes. Children who provide sustained care to aging parents, most often daughters, are commonly regarded as morally entitled to preferential consideration. This moral economy of reciprocity reinforces practices such as *ampe kale*, in which inheritance-related benefits are allocated in recognition of service and devotion rather than formal entitlement alone. Such arrangements are widely accepted within families as substantively just, particularly when grounded in long-term contribution and shared understanding.[31]

Economic transformation further intensifies these dynamics. Rising land values, urban expansion, and the commercialization of previously low-value assets often convert latent inheritance arrangements into contested claims. Disputes frequently emerge not immediately after the death of the deceased, but when property acquires significant economic value. In such situations, heirs may selectively invoke formal inheritance norms to legitimize their claims, even when earlier arrangements were previously accepted on moral or consensual grounds.[32]

From a juridical perspective, the limited reach of formal institutions, uneven legal literacy, and the technical complexity of inheritance law significantly shape practice. Many community members possess only fragmentary knowledge of Islamic inheritance law, often confined to awareness of the two-to-one ratio between male and female heirs, without a comprehensive understanding of heir categories, calculation methods, or the distinction between *waris*, *hibah*, and *wasiat*. This partial understanding does not necessarily generate conflict in stable family relationships, but it becomes a critical source of dispute when disagreements arise and parties selectively mobilize formal legal norms to support competing claims.[33]

Taken together, these factors explain why Islamic inheritance law in South Sulawesi operates through continuous negotiation between normative ideals and social realities. Historical acculturation, moral expectations, economic change, and institutional limitation collectively shape inheritance practices,

[30] Interview with Asni Mihran, Community Figure of Gowa Regency, on September 19, 2024. Interview with Abdullahana, Religious Figure of Watampone Regency, on October 20, 2024.

[31] Interview with Muh. Amir, Religious Leader of Watampone Regency, on October 21, 2024. Interview with Asni Zubair, Religious Figure of Watampone Regency, on October 20, 2024.

[32] Interview with Muhammad Fitrah and Muhammad Arsyad, Judges at the Religious Court of Sungguminasa, on August 29, 2024.

[33] Interview with Muhammad Surur, Judge at the Religious Court of Makassar, on August 22, 2024. Interview with Hadrawati, Judge at the Religious Court of Watampone, on October 10, 2024.

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reinforcing their adaptive character while simultaneously exposing vulnerabilities when trust, documentation, or consensus breaks down.

Normative and Islamic Legal Foundations as an Interpretive Lens

This section does not seek to reconstruct Islamic inheritance doctrine or to advance a purely normative argument detached from empirical realities. Rather, it provides a normative-Islamic legal lens through which the inheritance practices observed in South Sulawesi can be assessed and evaluated. By situating empirical findings within the epistemology of Islamic law, this lens helps distinguish between legitimate contextual accommodation grounded in *fiqh* and practices that risk departing from definitive religious norms.

Qur'anic inheritance provisions, particularly those articulated in Sūrat al-Nisāʾ (7, 11-12, 13-14, 176), establish inheritance as a divinely mandated (*ijbārī*)[34] legal regime characterized by definitive textual meaning (*qaṭʿī al-dilālah*)[35] and framed as *ḥudūd Allāh*.[36] Within Islamic legal epistemology, these provisions constitute a normative *ʿazīmah* that forms the baseline of legal obligation for Muslims. This obligation is not merely a matter of positive legality, but of religious accountability grounded in faith commitment.

This normative status is reinforced by the Credo (Shahāda) theory, which positions obedience to Islamic legal norms as a direct consequence of religious belief.[37] In classical fiqh, the declaration of faith generates a binding legal obligation (*iltizām sharʿī*), rendering Islamic inheritance rules expressions of religious duty rather than optional ethical guidance. From this perspective, the strong moral authority of Islamic inheritance law observed in South Sulawesi, reflected in local idioms, ethical expectations, and communal consciousness, can be understood as an extension of faith-based normativity rather than as a product of state enforcement.

At the same time, Islamic legal tradition has never conceptualized law as rigid or insensitive to context. Classical jurists consistently distinguish between immutable rulings (*qaṭʿiyyāt*) and adaptable domains of application (*taṭbīq*), allowing contextual accommodation without altering definitive textual

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

[35] Anugrah Reskiani et al., "Reform Methods of Islamic Inheritance Law in Indonesia in Jurisprudence," *Juris: Jurnal Ilmiah Syariah* 21, no. 1 (2022), p. 39–51. Andi Sukmawati Assaad et al., "Development Model of Gender Equality Study in Inheritance Distribution of Tanah Luwu Communities," *Jurnal Hukum Dan Peradilan* 12, no. 2 (2023), p. 215.

[36] Ridwan, "Gender Equality in Islamic Inheritance Law: Rereading Muhammad Shahrur's Thought," *Al-Manahij: Jurnal Kajian Hukum Islam* 16, no. 2 (2022), p. 181–192.

[37] Fahmi Fatwa Rosyadi Satria Hamdani et al., "Traditional Law vs. Islamic Law. An Analysis of Muslim Community Awareness in Inheritance Issues," *Al-Ahkam* 32, no. 1 (2022), p. 109–130.

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commands. This distinction is essential for interpreting empirical practices such as lifetime gifting (*hibah*),[38] bequests (*wasiat*),[39] and consensual redistribution, which frequently precede or accompany inheritance distribution in South Sulawesi.

Within this framework, practices commonly employed prior to death may be situated within the classical discourse on *ḥiyal sharʿiyyah*.[40] Islamic jurisprudence differentiates between permissible legal devices aimed at realizing justice and preventing hardship (*taḥqīq al-ʿadl wa dafʿ al-ḥaraj*) and impermissible stratagems intended to circumvent divine commands (*taḥāyul li-isqāṭ al-ḥuqūq*). When *hibah* and *wasiat* are conducted transparently, proportionately, and with informed consent (*riḍā*)[41] of all potential heirs, they may function as legitimate instruments of equity rather than unlawful evasion of Qur'anic inheritance norms. This distinction provides a normative explanation for why many empirically observed practices are perceived as religiously legitimate within the community.

Similarly, deliberative mechanisms such as family consultation (*musyawarah*) and voluntary withdrawal from inheritance rights (*takhāruj*)[42] resonate with established Islamic legal concepts of *iṣlāḥ* and consensual settlement.[43] The Qur'an explicitly affirms reconciliation as a preferred normative choice (*wa al-ṣulḥu khayr*), while classical jurists recognize *takhāruj* as a valid mechanism grounded in consent and fairness. From this perspective, negotiated

[38] Naskur Bilalu et al., "Reevaluating Inheritance Distribution in Indonesia: The Role of Hibah as a Preventive Measure," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025), p. 378–406.

[39] Syhabudin, "Fiqh Indonesia: Transformasi Dan Sinkronisasi Fiqh Wasiat Dan Hibah Dalam Kompilasi Hukum Islam Di Indonesia."

[40] Asni Zubair, Hamzah Latif, and Al Furqon Dono Hariyanto, "The Construction of Inheritance Law Reform in Indonesia: Questioning the Transfer of Properties through Wasiat Wājibah to Non-Muslim Heirs," *Samarah* 6, no. 1 (2022), p. 176–197. Zaenul Mahmudi et al., "The Charity Values within Islamic Law of Inheritance in Malang: Maqāṣid Al-Sharī'ah and Social Construction Perspectives," *Samarah* 8, no. 3 (2024), p. 1324–1345.

[41] Hendi Sugianto et al., "Islamic Law And Gendered Inheritance: An-Taradhin as Breakthrough for Women's Rights Disputes in Java, Bali, and Sumatra," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (2025), p. 700–731.

[42] Elfia, "Resistensi Ulama Terhadap Konsep Takharuj Dalam Fikih Hanafiyah," *Al-Istinbath : Jurnal Hukum Islam* 3, no. 1 (2018), p. 1. Mohammad Takdir et al., "The Takharrūj Method as an Islamic Legal Solution for Customary Inheritance Practices among Muslim Communities in Pakamban Laok, Sumenep, Indonesia," *Journal of Islamic Law* 4, no. 1 (2023), p. 104–122. Laras Shesa, Oloan Muda Hasim Harahap, and Elimartati, "Eksistensi Hukum Islam Dalam Sistem Waris Adat Yang Dipengaruhi Sistem Kekerabatan Melalui Penyelesaian Al-Takharujj," *Al-Istinbath: Jurnal Hukum Islam* 6, no. 1 (2021), p. 145–164.

[43] Khotifatul Defi Nofitasari, "Tasaluh Sebagai Metode Pembagian Waris Perspektif Hukum Progresif," *Al-Mikraj: Jurnal Studi Islam Dan Humaniora* 5, no. 01 (2024), p. 1453–1465. Naachy, "Tatacara Pelaksanaan Ishlah Dalam Pembagian Waris." Elfia Elfia, "Ishlah Dalam Takharuj Menurut Hanafiyah Versus Ishlah Dalam Kompilasi Hukum Islam (Analisis Kebijakan Hukum)," *JURIS (Jurnal Ilmiah Syariah)* 17, no. 1 (2018), p. 19.

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settlements observed in South Sulawesi do not necessarily reflect legal informality, but may instead represent embedded fiqh mechanisms operating beyond formal adjudication.

Preferential consideration accorded to caregiving heirs further illustrates how proportional justice operates within Islamic legal reasoning. While Qur'anic inheritance provisions articulate distributive ratios, Islamic law also recognizes responsibility, dependency, and social contribution as morally relevant considerations. Adjustments based on caregiving may therefore be understood as manifestations of *rukhṣah* operating alongside the normative *ʿazīmah* of inheritance law.[44] Importantly, *rukhṣah* functions as exceptional accommodation rather than as reformulation of the general rule.

Viewed through this normative lens, many inheritance practices observed in South Sulawesi can be interpreted as context-sensitive applications of Islamic law rather than departures from it. However, this interpretive flexibility is not unlimited. Islamic legal tradition permits contextual adaptation in *ẓannī* matters, but it explicitly prohibits practices that undermine *qaṭʿī* rulings. Maintaining this boundary is critical for evaluating the normative validity of empirical practices and for preventing contextual accommodation from sliding into impermissible circumvention.

Toward a Contextual-Moderate *Receptie* Approach

Building on the empirical findings and the normative lens outlined above, this section advances a contextual-moderate *receptie* approach as an interpretive framework for understanding how Islamic inheritance law operates within a plural legal environment. This approach does not function as a prescriptive legal model or a blueprint for reform. Rather, it emerges from the patterns observed in practice and seeks to balance normative authority with social responsiveness in the application of Islamic inheritance law.

Empirical evidence from South Sulawesi demonstrates that Muslim families navigate inheritance through selective engagement with Islamic law, adat-based norms, and institutional mechanisms. This pattern corresponds to what has been described as legal eclecticism.[45] While legal eclecticism accurately captures empirical behavior, it remains descriptively strong but normatively insufficient. Without methodological discipline, eclectic legal behavior risks

[44] Siah Khosyiah, "Perdamaian dalam Menyelesaikan Kewarisan," *Adliya* 10, no. 1 (2016), p. 1–18.

[45] Utama Wardi, et al., "The Relationship Between Religious Law and State Law: Analytical Study of Receptio and Electicism Theories," *Hakamain: Journal of Sharia and Law Studies* 2, no. 2 (2024), p. 186–195. Mohammad Fauzan Ni'ami, et al., "Modernization, Eclecticism, And Saudi Arabia Vision 2030 On Family Law: Positivization of Talaq Divorce in Niẓam Al-Aḥwāl 1443 H," *Al-Ahwal* 16, no. 1 (2023), p. 1–22.

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treating definitive Qur'anic rulings as negotiable preferences, thereby weakening the *ijbārī* character of Islamic inheritance law.

The contextual-moderate *receptie* approach addresses this limitation by integrating insights from applied *receptie* theories[46] with classical Islamic legal principles. It affirms the normative primacy of Islamic inheritance law for Muslims, consistent with *receptie a contrario*, while recognizing that implementation occurs within complex social settings. Contextualization is therefore understood not as reformulation of doctrinal rules, but as regulated application within established fiqh mechanisms.

Within this approach, Islamic inheritance law is situated at the normative core of a broader family property transfer system encompassing *waris*, *hibah*, and *wasiat*. Empirical findings indicate that many practices commonly labeled as deviations from inheritance law are, in fact, located within the legitimate domains of *hibah* and *wasiat*. Clear conceptual differentiation among these institutions is essential to prevent lawful flexibility from being misread as normative violation, and conversely, to prevent deviation from being justified as contextual adaptation.

Contextual accommodation within this framework is treated as exceptional and case-based rather than systemic. It may be justified in circumstances involving economic vulnerability, dependency, or sustained caregiving contribution, but it must be voluntary, transparent, and grounded in informed consent. In this sense, contextual moderation functions as controlled accommodation (*rukhṣah*) rather than as a general rule that dilutes the binding nature of inheritance law.

The normative discipline of this approach is reinforced by Jasser Auda's systems-based *maqāṣid al-sharīʿah*.[47] Rather than replacing classical fiqh, *maqāṣid* operate as an evaluative filter that assesses whether contextual practices advance higher objectives such as justice, welfare, dignity, and family cohesion. Through a *maqāṣid*-oriented lens, contextual adaptation remains purpose-driven and ethically coherent, while practices that undermine definitive textual commands are excluded.

Operationally, the contextual-moderate *receptie* approach envisions a layered interaction between legal norms, social practice, and institutional mechanisms. Qur'anic inheritance provisions remain authoritative as the normative baseline. Contextual instruments such as *hibah*, *wasiat*, and *takhāruj* operate as legitimate mechanisms for preventing conflict and addressing social complexity when applied within their proper domains. Formal institutions, particularly Religious Courts, function as guarantors of legal certainty in disputes,

[46] Juhaya S. Praja, *Filsafat Hukum Antar Madzhab-Madzhab Barat Dan Islam*. p. 81. Afdol, *Penerapan Hukum Waris Islam Secara Adil*. p. 61-62.

[47] Jasser Auda, *Membumikan Hukum Islam Melalui Maqasid Syariah*. p. 141. Musarrofa and Muttaqin, "Maqasid Sharia Jasser Auda Theory: Systems Approach to Islamic Family Law in the Digital Era."

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while non-judicial actors, religious leaders, KUA officials, and community mediators, play preventive and educational roles in sustaining normative awareness.

As an interpretive framework, the contextual-moderate *receptie* approach offers a principled middle path between rigid formalism and unbounded contextualism. It preserves the binding authority of Islamic inheritance law while acknowledging the socio-legal realities through which that law is lived, negotiated and mediated. In this way, the approach explains how Islamic inheritance law in South Sulawesi continues to function as *living law*: normatively authoritative, socially embedded, and continuously shaped through interaction between text, context, and institutional practice.

In light of the empirical findings and the normative framework discussed above, the contextual-moderate receptie approach may be formulated not merely as a conceptual label, but as an operational interpretive approach with clear normative boundaries and practical indicators. At its core, the approach affirms the *ijbārī* and *qaṭʿī* character of Qur'anic inheritance norms as the non-negotiable normative baseline. Contextual moderation is therefore not directed at altering inheritance rules, but at regulating their application (*taṭbīq*) through established Islamic legal mechanisms that are already recognized within classical fiqh and positive law.

Operationally, this approach is characterized by several measurable indicators. First, Qur'anic inheritance shares (*farāʾiḍ*) must be identified and understood by all heirs prior to any consensual adjustment, ensuring normative awareness and preventing uninformed waiver of rights. Second, contextual accommodation may only occur through lawful mechanisms such as *islāḥ*, *takhāruj*, *hibah*, or *wasiat*, and must be grounded in voluntary consent (*riḍā*), transparency, and proportional reasoning. Third, contextual adjustment must be justified by concrete social considerations, such as caregiving responsibility, economic vulnerability, or dependency, rather than abstract preference or convenience. Fourth, any agreement reached must not negate the existence of inheritance rights themselves, but operates as a voluntary redistribution at the level of implementation. Finally, contextual outcomes must remain open to juridical scrutiny should disputes arise, preserving legal certainty within the state legal system.

Through these indicators, the contextual-moderate *receptie* approach avoids both rigid formalism and unregulated legal eclecticism. It enables Islamic inheritance law to function as *living law*, normatively authoritative, socially responsive, and legally accountable, without dissolving definitive Qur'anic norms into negotiable moral preferences. In this sense, contextual moderation operates not as doctrinal reform, but as disciplined application that sustains the integrity and relevance of Islamic inheritance law within a plural socio-legal environment.

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Implications for Islamic Inheritance Law as *Living Law*

The findings of this study carry important implications for understanding the position of Islamic inheritance law as *living law* within a plural legal environment. First, they demonstrate that the authority of Islamic inheritance law in South Sulawesi is sustained primarily through moral legitimacy and social recognition rather than routine judicial enforcement. Islamic inheritance norms continue to function as binding religious references even when their formal application is deferred or mediated through family-based mechanisms, indicating that *living law* operates through internalized normativity and ethical commitment rather than coercive legality.

Second, the study highlights that many practices commonly perceived as deviations from Islamic inheritance law, such as lifetime gifting, bequests, and consensual redistribution, often fall within legitimate Islamic legal instruments. Conflicts do not arise from contextual practice per se, but from the absence of conceptual clarity, documentation, and normative guidance distinguishing *waris*, *hibah*, and *wasiat*. This condition reveals a structural gap between doctrinal inheritance norms and everyday legal consciousness, particularly when informal agreements are later contested through formal legal claims.

Third, the findings reveal that legal eclecticism, while socially functional, poses normative risks when left without methodological discipline. When definitive Qur'anic inheritance rules are treated as negotiable preferences, the binding (*ijbārī*) character of Islamic inheritance law may be gradually weakened. This underscores the importance of a contextual-moderate *receptie* approach that preserves normative certainty while allowing regulated contextual accommodation through established Islamic legal mechanisms such as *islāḥ* and *takhāruj*. Within this framework, consensual settlement, explicitly recognized in Article 183 of the Compilation of Islamic Law, should be understood not as an exception to inheritance law, but as its procedural articulation, enabling lawful contextual application after inheritance entitlements are properly recognized.

Finally, these implications point to the need for stronger preventive and educative measures beyond formal adjudication. Religious institutions such as the *Kantor Urusan Agama*, together with local religious figures including imams and community scholars, may play an important non-adjudicative role in facilitating normative awareness of inheritance entitlements before disputes arise. Likewise, improving inheritance literacy, through simplified instruction in inheritance calculation and proportional reasoning, can help reduce conflicts rooted in partial knowledge and misunderstanding. Overall, strengthening Islamic inheritance law as *living law* requires not greater formalization alone, but better integration between normative guidance, preventive education, and socially embedded mediation. By situating Islamic inheritance law as the normative core of an integrated family property transfer system, the contextual-moderate *receptie*

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approach offers a realistic and principled pathway for maintaining its authority, social relevance, and ethical coherence within Indonesia's plural legal landscape.

Conclusion

This study demonstrates that Islamic inheritance law among Muslim communities in South Sulawesi operates as a *living law* situated at the intersection of Qur'anic normativity, classical Islamic legal reasoning, and socially embedded practices. Empirical findings show that inheritance is not treated as a singular post-mortem legal event, but rather as an extended process of family property transfer involving *waris*, *hibah*, *wasiat*, deliberation, and consensual adjustment. These patterns confirm that Islamic inheritance law is neither rejected nor rigidly enforced, but is continuously mediated within everyday social life. From an Islamic legal perspective, such mediation does not in itself constitute deviation. Qur'anic inheritance provisions function as a normative *ʿazīmah* grounded in definitive textual authority, while Islamic law simultaneously provides lawful mechanisms, such as *hibah*, *wasiat*, *iṣlāḥ*, *takhāruj*, and *rukhṣah*, to address social complexity, dependency, and caregiving responsibility. When applied transparently and with informed consent (*riḍā*), these mechanisms represent legitimate applications of Sharīʿah rather than circumvention of divine limits. At the same time, the study confirms the prevalence of de facto legal eclecticism, in which Islamic norms, *adat* values, and pragmatic considerations are selectively combined. While this eclecticism accurately explains empirical behavior, it entails normative risks when definitive Qur'anic inheritance rules are treated as negotiable preferences. This condition underscores the need for a disciplined interpretive framework capable of distinguishing principled contextual accommodation from normative dilution. In response, this study advances a contextual-moderate *receptie* approach that affirms the binding authority of Islamic inheritance law while allowing regulated contextual application through established Islamic legal instruments. Anchored in faith-based normativity and guided by *maqāṣid*-based systems thinking, this approach provides a principled middle path for sustaining the authority, adaptability, and ethical integrity of Islamic inheritance law within Indonesia's plural legal order. The findings further suggest that the sustainability of Islamic inheritance law as *living law* in South Sulawesi depends less on routine formal adjudication than on the clarity and legitimacy of its contextual application through recognized Islamic legal mechanisms. To preserve both normative authority and social effectiveness, clearer differentiation between *waris*, *hibah*, and *wasiat* is essential, particularly to prevent legal uncertainty arising from undocumented lifetime transfers and informal agreements. Accordingly, this study recommends strengthening preventive legal education and mediation by religious and community institutions, while encouraging judges and policymakers to employ the contextual-moderate *receptie* approach as an interpretive guide. Such an approach

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enables contextual accommodation without undermining definitive Qur'anic norms, thereby reinforcing the ethical coherence, social relevance, and legal integrity of Islamic inheritance law within Indonesia's plural legal landscape.

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Interviews

Interview with Abd. Waris Usman, Head of the Office of Religious Affairs of Rappocini-Makassar, on September 12, 2024.

Interview with Abdullahana, Religious Figure of Watampone Regency, on

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October 20, 2024.
Interview with Abustang, Marriage Registrar of Religious Affairs of Tanete Riattang-Watampone, on October 21, 2024.
Interview with Asni Mihran, Community Figure of Gowa Regency, on September 19, 2024.
Interview with Hisbullah, Community Figure of Gowa Regency, on September 19, 2024.
Interview with Asni Zubair, Religious Figure of Watampone Regency, on October 20, 2024.
Interview with Hadrawati and Hayad Jusa, Judge and Legal Affairs Clerk at the Religious Court of Watampone, on October 10, 2024.
Interview with Hasan Hasyim, Cultural Figure of Gowa Regency, on September 19, 2024.
Interview with Muh. Amir, Religious Leader of Watampone Regency, on October 21, 2024.
Interview with Muh. Rasywan Syarif, Community Figure of Watampone Regency, on October 22, 2024.
Interview with Muhammad Fitrah and Muhammad Arsyad, Judges at the Religious Court of Sungguminasa, on August 29, 2024.
Interview with Muhammad Ridwan, Marriage Registrar of Religious Affairs of Pattallassang-Gowa, on September 17, 2024.
Interview with Muhammad Surur and Raodhawiyah, Judges at the Religious Court of Makassar, on August 22, 2024.
Interview with Muhammad Tahir, Head of the Office of Religious Affairs of Manggala-Makassar, on September 12, 2024.
Interview with Singkeru Rukka, Cultural Figure of Watampone Regency, on October 21, 2024.
Interview with Syarifuddin Latif, Religious Figure of Watampone Regency, on October 21, 2024.