Samarah: Jurnal Hukum Keluarga dan Hukum Islam
Volume 10 No. 2. July 2026
ISSN: 2549 – 3132; E-ISSN: 2549 – 3167
DOI: 10.22373/end3b419

Interfaith Waqf in Central Kalimantan: Transformation of Islamic Financial Institutions from the Perspective of Legal Pluralism

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Abstract: Waqf has long been conceptualized as a form of religious endowment governed by established doctrinal and institutional frameworks. However, contemporary practices in plural societies increasingly challenge this conventional understanding. In particular, interfaith expressions of waqf invite a reconsideration of the boundaries of Islamic social finance and its capacity to adapt within diverse social settings. This study seeks to analyze how interfaith waqf practices reshape the normative, social, and institutional dimensions of waqf, while also examining their implications for social cohesion and processes of institutional transformation. This research adopts a qualitative field-based approach, utilizing in-depth interviews, direct observation, and documentary analysis conducted in Tewah District, Central Kalimantan. The findings indicate that waqf may originate from non-Muslim actors and operate as a socially embedded practice sustained through interfaith collaboration, shared ethical commitments, and forms of legitimacy rooted in community recognition. At the same time, the lack of formal legal acknowledgment points to a persistent gap between regulatory structures and lived social practices. The study concludes that interfaith waqf can be understood as an adaptive and practice oriented form of Islamic social finance, in which institutional change is shaped primarily by everyday social interactions rather than formal legal arrangements. These findings emphasize the importance of developing a legal pluralism approach that is more responsive to local contexts, and contributes to efforts to reconceptualize waqf as an inclusive institution rooted in social realities in plural societies.

Keywords: Waqf, Islamic social finance, interfaith philanthropy, social cohesion, legal pluralism

‖ Submitted: May 18, 2026 ‖ Accepted: July 31, 2026 ‖ Published: July 31, 2026

DOI: 10.22373/end3b419

Abstrak: *Wakaf selama ini dipahami sebagai suatu bentuk endowmen keagamaan yang diatur oleh kerangka doktrinal dan institusional yang mapan. Namun demikian, praktik kontemporer dalam masyarakat plural semakin menantang pemahaman konvensional tersebut. Secara khusus, praktik wakaf lintas agama mendorong perlunya peninjauan kembali terhadap batas-batas keuangan sosial Islam serta kapasitasnya untuk beradaptasi dalam konteks sosial yang beragam. Penelitian ini bertujuan untuk menganalisis bagaimana praktik wakaf lintas agama membentuk ulang dimensi normatif, sosial, dan institusional wakaf, sekaligus mengkaji implikasinya terhadap kohesi sosial dan proses transformasi kelembagaan. Penelitian tersebut menggunakan pendekatan kualitatif berbasis lapangan, dengan teknik pengumpulan data melalui wawancara mendalam, observasi langsung, dan analisis dokumentasi yang dilakukan di Kecamatan Tewah, Kalimantan Tengah. Hasil penelitian menunjukkan bahwa wakaf dapat berasal dari aktor non-Muslim dan berfungsi sebagai praktik yang tertanam secara sosial, yang dipertahankan melalui kolaborasi lintas agama, komitmen etis bersama, serta legitimasi yang bersumber dari pengakuan komunitas. Pada saat yang sama, ketiadaan pengakuan hukum formal menunjukkan adanya kesenjangan yang berkelanjutan antara kerangka regulasi dan praktik sosial yang hidup di masyarakat. Penelitian ini menyimpulkan bahwa wakaf lintas agama dapat dipahami sebagai bentuk keuangan sosial Islam yang adaptif dan berbasis praktik, di mana perubahan kelembagaan lebih banyak dibentuk oleh interaksi sosial sehari-hari daripada oleh pengaturan hukum formal. Temuan ini menegaskan pentingnya pengembangan pendekatan pluralisme hukum yang lebih responsif terhadap konteks lokal, serta berkontribusi pada upaya konseptualisasi ulang wakaf sebagai institusi yang inklusif dan berakar pada realitas sosial dalam masyarakat plural.*
Kata Kunci*: Wakaf, keuangan sosial Islam, filantropi lintas agama, kohesi sosial, pluralisme hukum*

Introduction

The growing complexity of religious diversity in modern societies has stimulated renewed interest in the functioning of Islamic charitable institutions across social and cultural boundaries.[1] In plural settings, waqf and similar practices are no longer limited to doctrinal prescriptions, but rather shaped by the everyday interactions and common needs of the community.[2] This change is

[1] Solomon Gwerevende, "Chilonga Cultural Landscape in the Shadow of Eviction: Living Cultural Heritage , Livelihoods and Minority Indigenous People's Rights under Threat in Zimbabwe ?," *International Journal of Heritage Studies* 29, no. 7 (2023), p. 627–42.

[2] Lita Tyesta Addy Listya Wardhani, et.al., "The Adoption of Various Legal Systems in Indonesia: An Effort to Initiate the Prismatic Mixed Legal Systems," *Cogent Social Sciences* 8,

DOI: 10.22373/end3b419

part of larger changes in the religion-society relationship where formal religious institutions are forced to respond to lived realities.[3] For example, some regions in Indonesia have local communities that have developed interfaith cooperation patterns, which are contrary to the stereotypical view of religious exclusiveness in Islamic philanthropy. This suggests that waqf, as one of the major instruments of Islamic social finance, is undergoing a significant adaptation to plural social environments.[4]

Waqf has been considered as a formal instrument for asset management and social welfare. This body of literature has contributed useful insights into governance, productivity and sustainability but has largely failed to pay attention to the social and interreligious dynamics that influence waqf practices in everyday settings.[5] Classical scholarship has concentrated on legal compliance, but recent studies have argued for a more socially embedded understanding of Islamic social finance.[6] However, little attention has been given to interfaith contexts, especially in indigenous contexts. Recently, the perspective has been enlarged to include the multidimensional system of Islamic social finance, with the ethical and social dimensions.[7] However, little attention has been given to waqf initiated by non-Muslim actors or to waqf in interfaith settings.[8] This gap points to the need for a more nuanced understanding of waqf as a socially embedded institution that interacts with diverse cultural and religious contexts.

This study aims to fill this gap by studying the practice of interfaith waqf in an indigenous community in Tewah District, Central Kalimantan. This study

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no. 1 (2022). Nancy T. Ammerman, "Lived Religion as an Emerging Field: An Assessment of Its Contours and Frontiers," *Nordic Journal of Religion and Society* 29, no. 2 (2016), p. 83–99.

[3] Ahmad Subakir et al., "Islamic Law and Local Religious Interpretations in the Samin Community of Central Java," *El-Mashlahah* 15, no. 1 (2025), p. 41–58.

[4] Fatahuddin Aziz Siregar et al., "Merantau in the Ethnic Tradition of Minangkabau: Local Custom without Sharia Basis?," *Samarah* 6, no. 1 (2022), p. 115–38. Alvin Hoi-chun Hung, "Filial Piety across Legal Systems: Analysing the Influence of Traditional Chinese Legal Culture of Property in Hong," *Asian Journal of Comparative Law* 18 (2023), p. 137–57.

[5] Abdurrauf Umar, "Integration of Islamic Law and Customary Law and Its Application in the Indonesia Legal System: Opportunities and Challenges," *Sortuz* 16, no. 1 (2026), p. 89–111.Radhika Chatterjee, "Legal Pluralism, Waqf, and Property in Urban India," *Asian Journal of Law and Society* 12, no. 3 (2025), p. 373–93.

[6] Monzer Kahf, "The Role of Waqf in Improving the Ummah Welfare," *International Seminar on Waqf as a Private Legal Body* 6, no. 1 (2003), p. 1–26.Kaja Borchgrevink and Manta Bivand Erdal, "The Necessity of Taking a Loan, and the Necessity of Not Doing so: Islamic Finance among Muslim Minorities in Denmark and Norway," *Nordic Journal of Religion and Society* 34, no. 2 (2022), p. 117–29.

[7] Fulya Apaydin, "From Piety to Profit: Shariah Scholars and the Rise of Islamic Finance - Ryan Calder, The Paradox of Islamic Finance: How Shariah Scholars Reconcile Religion and Capitalism," *European Journal of Sociology* 65, no. 3 (2024), p. 395–402.

[8] Thahir Jamal Kiliyamannil, "Allah's House to Domes of Secularism: Minoritization of Muslim in India," *Pluto Journals* 8, no. 2 (2024), p. 262–85.

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focuses on the practice of waqf across religious boundaries and the implications of such practices on the normative, social and institutional foundations of Islamic social finance. The paper investigates the dynamics of interfaith philanthropy to understand its implications for social cohesion and institutional transformation. Tewah's case is a unique empirical example where a non-Muslim actor donates land for Muslim burial, yet the same space becomes incorporated into local religious practices. This enables the study to explore the negotiation and reinterpretation of waqf within a plural and culturally embedded context.

Therefore, herein lies the interesting and important gap in this study, namely waqf which has been regulated in Islamic law through the fiqh of the four schools of thought, and in the context of the state is regulated by the Compilation of Islamic Law in 1991 and Indonesian Law Number 41 of 2004 concerning Waqf and its implementing regulations.[9] However, in its application it is faced with the practice of waqf in a plural society such as that which occurs in Central Kalimantan, especially the Dayak community, which is non-Muslim and has relevant customary norms in the *Kaharingan* tradition. [10]

The increasing complexity of religious diversity in contemporary societies has prompted renewed scholarly attention to the functioning of Islamic charitable institutions across social and cultural boundaries. In plural contexts, practices such as waqf are no longer confined to formal doctrinal and legal prescriptions, but are shaped by the interaction of multiple normative systems, including state law, Islamic jurisprudence, and customary norms.[11] This condition can be better understood through the lens of legal pluralism, which emphasizes the coexistence and dynamic interaction of diverse legal orders within a single social setting.[12] As argued by Benda-Beckmann and Benda-Beckmann, plural legal systems are characterized by ongoing processes of continuity, change, and negotiation, while Salim highlights how contested legal orders in Indonesia reflect the complex relationship between formal and informal sources of authority.[13] Similarly, Djawas and colleagues demonstrate that the interaction between state, Islamic, and customary law requires

[9] Instruksi Presiden No. 1 Tahun 1991 tentang Kompliasi Hukum Islam. Undang-Undang Republik Indonesia Nomor 41 Tahun 2004 Tentang Wakaf, Pub. L. No. 41 (2004).

[10] Anu Lounela and Heikki Wilenius, "Haunting the Factory: Indonesian Modernity and the Spiritual Landscape of Central Kalimantan," *Ethnos* 90, no. 1 (2025), p. 128–48.

[11] Wardhani, Noho, and Natalis, "The Adoption of Various Legal Systems in Indonesia."

[12] Arskal Salim, "Dynamic Legal Pluralism in Indonesia: Contested Legal Orders in Contemporary Aceh," *The Journal of Legal Pluralism and Unofficial Law* 42, no. 61 (2010), p. 1–29.

[13] Franz von Benda-Beckmannn and Keebet von Benda-Beckmannn, "The Dynamics of Change and Continuity in Plural Legal Orders," *The Journal of Legal Pluralism and Unofficial Law* 38, nos. 53–54 (2006), p. 1–44. Arskal Salim, "Dynamic Legal Pluralism in Indonesia."

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continuous harmonization in practice.[14] Building on this perspective, this study examines interfaith waqf in Central Kalimantan as a socially embedded phenomenon, arguing that waqf operates within a plural legal framework in which institutional meaning and legitimacy are shaped through everyday social interaction rather than solely through formal legal structures.

Therefore, this study argues that interfaith waqf is a practice-based form of Islamic social financing that is inherently contextualized within its social context. [15] Within this context, institutional transformation is created in everyday interfaith interaction, not in formal legal structures. This perspective questions conventional approaches that predominantly interpret waqf as a formal institution with rigid doctrinal boundaries. In plural societies, waqf is constantly being reconfigured by processes of negotiation, adaptation and ongoing social engagement, rather than the findings showing that it is.[16]

This research uses empirical legal methods, analyzed using the theory of legal pluralism.[17] Data were collected through in-depth interviews, direct observation, and documentation studies. Interviews were conducted with community members, religious leaders, and local institutional actors. [18] This methodological approach allows the research to explore the lived experiences and structural conditions that shape waqf practices.[19] Moreover, the study demonstrates that the interfaith waqf is a transformation of Islamic social finance that is socially rooted based on lived practice. The findings also resonate with broader socio legal dynamics where the state's intervention can clash with indigenous legal traditions as observed in contexts such as the Samin community where formal legal frameworks have restricted customary practices.[20] In this context, the study adds to a wider reassessment of Islamic

[14] Mursyid Djawas et al., "Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism," *Hasanuddin Law Review* 10, No. 1 (2024), p. 64–82.

[15] Fadil Fadil et al., "Religious Moderation and Family Resilience in the City of Malang, Indonesia: The Historical Perspectives of the Islamic Law," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 1 (2024), p. 236–56.

[16] Isma'il Iliyasu Danladi et al., "Rebuilding Communities through Waqf: Restoring Ethical Values and Social Cohesion in Contemporary Muslim Societies," *Perwakilan: Journal of Good Governance, Diplomacy, Customary Institutionalization and Social Networks* 4, no. 1 (2026), p. 233–41.

[17] Sukamto and Siti Musfiqoh, *Metodologi Penelitian Ekonomi Syariah,* Malang: Literasi Nusantara Abadi, 2024. Salim HS and Erlies Septiana Nurbani, *Penerapan Teori Hukum pada Penelitian tesis dan Disertasi,* Jakarta: RajawaliGrafindo, 2016.

[18] Nur Wakhidah et al., "The Legal Culture of Samin Community of Family Law in Central Java," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 19, no. 2 (2024), p. 126–50.

[19] Ihsan Yilmaz, *Sharia as Informal Law: Lived Experiences of Young Muslims in Western Societies* (New York: Routledge, 2025).

[20] Wakhidah et al., "The Legal Culture of Samin Community of Family Law in Central Java."

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philanthropy by showing how it can operate as an inclusive and adaptive institution in varied and plural social environments.

Reconfiguring the Normative, Social, and Institutional Foundations of Waqf

This study indicates that the practice of waqf in Tewah District is a social process that has been embedded in local context with interfaith interaction and communal needs. Empirical data shows that the creation of Muslim burial land (alkah) was initiated by voluntary land donation from members of Hindu Kaharingan community, especially in the early post-independence era when Muslim migrants could not access burial land. Several informants explicitly described this land provision as an expression of collective solidarity. One respondent stated that the granting of land from non-Muslims to Muslims signifies togetherness,[21] while another emphasized that such actions were necessary because if people do not help each other, the region will be left behind. Other participants also emphasized that the provision of burial land was meant to prevent Muslim migrants from encountering problems in carrying out basic religious obligations, especially regarding burial practices.[22]

The data further demonstrate that this interfaith waqf practice responds to practical and urgent needs within the community. Prior to the availability of the *alkah*, Muslim residents were required to transport deceased individuals back to their places of origin for burial. As one informant explained, before having their own burial place, deceased Muslims had to be returned to their hometown),[23] while another noted the logistical and emotional burden experienced by families.[24] The provision of land therefore addressed a critical social need by enabling localized burial practices .

Another important finding is that of collective social practices that go beyond religious divides. All community members regardless of religious affiliation participate in funeral processes, according to informants. One respondent noted that regardless of religion, all community members gather together),[25] while another described how all community members come together to help until the burial process is completed).[26] These data suggest that burial practices are embedded in broader patterns of communal cooperation.

The data reveal the coexistence of religious spaces within a shared environment. Observations and interview data confirm that Muslim burial grounds and Kaharingan sandung structures are located within close proximity.

[21] Interview with A1, Kuala Kurun, Central Kalimantan, January 02, 2025.
[22] Interview with A2, Kuala Kurun, Central Kalimantan, April 12, 2025.
[23] Interview with A6, Tewah, Central Kalimantan, September 13, 2025.
[24] Interview with A8, Tewah, Central Kalimantan, January 02, 2026.
[25] Interview with A4, Tewah, Central Kalimantan, June 22, 2025.
[26] Interview with A3, Tewah, Central Kalimantan, May 11, 2025.

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As one informant stated, here there are Muslim graves and also *sandung*, but it is not a problem,[27] indicating an accepted spatial arrangement. However, another respondent acknowledged that such arrangements are carefully managed to avoid potential tensions, noting that including certain elements in formal arrangements could lead to conflict.[28]

In addition, the study finds a significant degree of institutional ambiguity in the management of waqf land. Several informants acknowledged the absence of formal documentation. A local religious authority noted that waqf documents are not available at the KUA Tewah,[29] while others explained that parts of the land are managed informally without formal certification.[30] This indicates that waqf practices in this context rely more on social recognition than on formal legal validation. Finally, the data show that kinship ties and intermarriage between Muslim migrants and indigenous *Kaharingan* communities play a significant role in sustaining this practice. One respondent highlighted that the acceptance of land provision is closely related to marital ties between different religious groups,[31] suggesting that social relationships reinforce the legitimacy of waqf practices.

The findings suggest that interfaith waqf in Tewah changes the basic perception of waqf in ways that correspond and differ from the existing normative, legal and institutional frameworks.[32] This study confirms that, on a basic level, waqf is not a formal legal construct without social content but a socially embedded practice, one that is conditioned by context, interaction and practical necessity.[33]

From a normative and doctrinal standpoint, classical Islamic jurisprudence conceptualizes waqf as a perpetual charitable endowment established by a Muslim donor, encompassing specific legal components such as the donor, the endowed asset, the beneficiary, and the formal declaration of endowment.[34] While the dominant juristic position requires the waqif to be Muslim, more recent interpretations have opened the possibility for broader

[27] Interview with A5, Pulang Pisau, Central Kalimantan, January 03, 2025.
[28] Interview with A11, Tewah, Central Kalimantan, April 01, 2026.
[29] Interview with A10, Tewah, Central Kalimantan, January 14, 2026.
[30] Interview with A9, Palangka Raya, Central Kalimantan, January 12, 2026.
[31] Interview with A11, Tewah, Central Kalimantan, April 01, 2026.
[32] Gwerevende, "Chilonga Cultural Landscape in the Shadow of Eviction : Living Cultural Heritage, Livelihoods and Minority Indigenous People's Rights under Threat in Zimbabwe ?"
[33] Karen Broadhurst et al., "Scaling up Research on Family Justice Using Large-Scale Administrative Data: An Invitation to the Socio-Legal Community," *Journal of Social Welfare and Family Law* 43, no. 3 (2021), p. 237–55.
[34] Yusri Supiyan, "The Administration and Regulation of Cash Waqfs : Bangladesh and Malaysia in Perspective," *Politics and Religion* (2026), p. 1–20.

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inclusion based on the principle of public benefit.[35] This reflects an ongoing scholarly debate concerning the boundaries of eligibility and legitimacy within waqf.[36] In this regard, the Tewah case challenges established doctrinal assumptions by demonstrating that waqf-like practices may originate from non-Muslim actors while continuing to function effectively within a Muslim social setting.

From a legal perspective, the Indonesian law number 41 of 2004 on waqf, mandates that a valid waqf must meet the formal requirements, such as declaration before the authorized official, registration and certification, and the clear identification of the donor and the endowed asset.[37] Empirical evidence however suggests that the practice observed in Tewah does not fully meet the above formal criteria. It is difficult to classify legally because it is undocumented, informal transfer of land and the donors are not Muslims. Here, the case is better understood with reference to social waqf rather than legal waqf indicating a disjunction between legal norms and social realities.[38]

This gap reflects the dynamics of legal pluralism, where state law, Islamic jurisprudence, and customary practices coexist and interact in complex and often overlapping ways.[39] Rather than indicating a failure to comply with legal norms, the Tewah case illustrates how communities adapt religious institutions to address local needs while maintaining social harmony.[40] This finding resonates with broader developments in Islamic social finance scholarship, which increasingly acknowledges the role of context, ethical considerations, and everyday practice in shaping institutional forms.[41]

From an institutional perspective, the case points to a notable shift in the locus of authority within waqf governance.[42] Traditionally, authority is exercised through formal institutions such as the Indonesian Waqf Board and the Office of Religious Affairs. However, the findings suggest that in this setting, authority is effectively negotiated at the community level, where social

[35] Rabiat Akande, "Neutralizing Secularism : Religious Antiliberalism and the Twentieth-Century Global Ecumenical Project," *Journal of Law and Religion* 37, no. 2 (2022), p. 284–316.

[36] Chatterjee, "Legal Pluralism, Waqf, and Property in Urban India."

[37] Wardhani, Noho, and Natalis, "The Adoption of Various Legal Systems in Indonesia."

[38] Sungeun Choi, "Reimagining Riverine Rights : A Socio-Legal Analysis of the Legal Status and Governance Models of Te Awa Tupua, the Turag River , and Birrarung," *Griffith Law Review* 34, no. 1 (2025), p. 107–30.

[39] Umar, "Integration of Islamic Law and Customary Law and Its Application in the Indonesia Legal System: Opportunities and Challenges."

[40] Alexandra V´azquez et al., "Can Identity Fusion Foster Social Harmony ? Strongly Fused Individuals Embrace Familiar Outgroup Members Unless Threatened," *Journal of Experimental Social Psychology* 107 (2023).

[41] Chatterjee, "Legal Pluralism, Waqf, and Property in Urban India."

[42] Salman Ahmed Shaikh, "Institutionalization of Zakat and Waqf in Contemporary Economies: Challenges and Prospects," *Policy Perspectives* 20, no. 2 (2023), p. 75–90.

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legitimacy takes precedence over formal legal validation.[43] This reflects a transition from institutionally centralized authority toward community-based legitimacy, indicating a bottom up process of institutional transformation.[44]

A striking and not altogether surprising observation is the considerable absence of overt conflict. While much of the literature on shared sacred spaces has focused on contestation, this case reveals a more nuanced pattern of managed coexistence, in which potential tensions are diffused through informal arrangements and careful social navigation.[45] This adaptive strategy is noticeable in the conscious exclusion of some elements from the formal certification. In contrast to earlier studies that predominantly focus on the economic and developmental dimensions of waqf,[46] this study foregrounds its role as a socially embedded and relational institution.[47] The findings extend existing scholarship by demonstrating that waqf can operate as an adaptive mechanism within plural societies, contributing not only to economic welfare but also to social integration and interfaith coexistence.[48]

More broadly, the findings point to a transformation in the relationship between religion, law, and society.[49] The case of Tewah illustrates how indigenous values,[50] kinship networks, and shared moral commitments shape and reconfigure formal religious institutions, resulting in hybrid and contextually grounded forms of waqf practice.[51]

The study concludes the potential of interfaith waqf as a model of more inclusive Islamic social finance in plural societies.[52] At the same time, the institutional ambiguity that is observed in this case raises important questions

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[43] Tuba Azeem, "Muslims' Share of the Waves: Law, War and Tradition," *Pluto Journals* 17, no. 2 (2020), p. 67–82.

[44] Nezar Alsayyad, "Bottom-up Urbanization and the Culture of Squatting," *Almuntaqa* 4, no. 2 (2021), p. 80–90.

[45] Wakhidah et al., "The Legal Culture of Samin Community of Family Law in Central Java."

[46] Muhamad Nafik Hadi Ryandono et al., "Overcoming Barriers to Optimizing Cash Waqf Linked Sukuk : A DEMATEL-ANP Approach," *Social Science & Humanities Open* 11 (2025).

[47] Yuliani Dwi et al., "The Development of National Waqf Index in Indonesia : A Fuzzy AHP Approach," *Heliyon* 9, no. 5 (2023).

[48] Chatterjee, "Legal Pluralism, Waqf, and Property in Urban India."

[49] Nurfadzilah Yahaya, "Beyond Doctrine : How ' Law and Society ' Approaches Transform Historical Analysis," *Law & Society Review* 60 (2026), p. 70–75.

[50] Gwerevende, "Chilonga Cultural Landscape in the Shadow of Eviction : Living Cultural Heritage, Livelihoods and Minority Indigenous People's Rights under Threat in Zimbabwe ?"

[51] Karen Broadhurst et al., "Scaling up Research on Family Justice Using Large- Scale Administrative Data : An Invitation to the Socio-Legal Community," *Journal of Social Welfare and Family Law* 43, no. 3 (2021), p. 237–55.

[52] Chatterjee, "Legal Pluralism, Waqf, and Property in Urban India."

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with respect to legal recognition, regulatory adaptation and the integration of such practices within formal institutional frameworks.[53] This study makes contributions to three main areas. First, it contributes to the theoretical knowledge by conceptualizing interfaith waqf as a socially embedded and practice oriented form of Islamic social finance. Second, it offers empirical insight from an indigenous context that is missing in the global waqf literature. Third, it provides policy relevant reflections on the need to bridge the gap between formal legal frameworks and social realities lived.

Interfaith Philanthropy, Social Cohesion, and the Institutional Transformation of Waqf in a Plural Society

The study shows that interfaith philanthropy through waqf in the Tewah is mainly reflected in the formation and strengthening of social cohesion across religious boundaries. Empirical evidence indicates that by providing burial land, members of the Hindu Kaharingan community are not only fulfilling a practical need but also creating a common sense of belonging among different religious groups. One informant explained that the land was provided so that Muslim residents would not face difficulties, including in burial arrangements,[54] while another emphasized that the community remains inclusive toward newcomers regardless of their religion.[55] These findings indicate that interfaith philanthropy functions as a mechanism for inserting diverse religious communities into a shared social framework.

The data further reveals that social cohesion is actively reproduced through collective participation in funerary practices. Informants consistently reported that community members gather and contribute to burial processes without regard to religious affiliation. As one respondent stated, when a death occurs, all community members gather regardless of religion, while another noted that assistance continues until the final burial process.[56] These recurring interactions create sustained patterns of engagement that foster trust, reciprocity, and a shared communal identity. In this context, social cohesion is not produced through formal interfaith initiatives, but through repeated and meaningful participation in everyday social practices.

The field data reveal a significant pattern: the central role of gotong royong as a unifying social value.[57] Informants stressed that participation in

[53] Dwi et al., "The Development of National Waqf Index in Indonesia : A Fuzzy AHP Approach."

[54] Interview with A1, Kuala Kurun, Central Kalimantan, January 2, 2025.

[55] Interview with A4, Tewah, Central Kalimantan, June 22, 2025.

[56] Interview With A13, Banjarmasin, South Kalimantan, May 28, 2025.

[57] Adiska Octa Paramita et al., "Can the Indonesian Collective Action Norm of Gotong-Royong Be Strengthened with Economic Incentives ? Comparing the Implementation of an

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funerary assistance is understood as a collective moral duty and not as a bounded obligation of the religious. This points to the role of interfaith philanthropy in building cohesion through the reassertion of common ethical commitments that go beyond doctrinal differences. These values help different religious communities to live in harmony with each other and at the same time to preserve their identity.[58]

The data shows that interfaith waqf helps to increase the sense of social integration of Muslim residents. The availability of burial land reduces logistical burdens and enhances their sense of security and belonging in the broader community. As one informant observed, this has created a very strong sense of brotherhood.[59] At the same time, the sharing of a common space by different religious elements also reinforces everyday interaction though such arrangements need constant informal negotiation to maintain the balance.

In addition to fostering cohesion, the findings point to an ongoing process of institutional transformation within Islamic social finance.[60] The data suggest that interfaith philanthropy in this case is embedded in an informal institutional framework, lacking formal documentation, certification, and administrative structures.[61] However, the practice appears to be working well, indicating that institutional development may arise from social processes rather than formal design. This is a shift from rule based institutionalization to practice driven transformation.[62]

Theoretically, these findings contribute to the extant scholarship of Islamic social finance that is increasingly recognizing the relevance of social and ethical dimensions beyond the economic functionality.[63] They also add to the literature on interfaith philanthropy which emphasizes the importance of

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Aquaculture Irrigation Policy Program," *International Journal of the Commons* 17, no. 1 (2023), p. 462–80.

[58] Wakhidah et al., "The Legal Culture of Samin Community of Family Law in Central Java."

[59] Interview with A9, Palangka Raya, Central Kalimantan, January 12, 2026.

[60] Ibnu Qizam, Izra Berakon, and Herni Ali, "The Role of Halal Value Chain, Sharia Financial Inclusion, and Digital Economy in Socio-Economic Transformation: A Study of Islamic Boarding Schools in Indonesia," *Journal of Islamic Marketing* 16, no. 3 (2025), p. 810–40.

[61] Subakir et al., "Islamic Law and Local Religious Interpretations in the Samin Community of Central Java."

[62] Yahaya, "Beyond Doctrine: How' Law and Society' Approaches Transform Historical Analysis."

[63] Khadar Ahmed Dirie, Md. Mahmudul Alam, and Selamah Maamor, "Islamic Social Finance for Achieving Sustainable Development Goals: A Systematic Literature Review and Future Research Agenda," *International Journal of Ethics and Systems* 40, no. 4 (2024), p. 676–98.

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cross religious collaboration as a basis for social integration.[64] Rather than focusing on formal programs or institutional efforts, as many previous studies do, this case shows that interfaith philanthropy can emerge spontaneously through local, everyday social interaction.[65] The findings are consistent with social cohesion theory, especially the argument that repeated interaction builds trust and collective identity.[66] Social cohesion in Tewah is not the result of formal policy interventions, but of continual involvement in common social activities.[67] This indicates that the sustainability of social cohesion in plural societies relies less on institutional engineering and more on the persistence of relational practices.[68]

From an institutional standpoint, the findings reveal a transformation in the way Islamic social finance evolves in plural contexts. Rather than being driven primarily by formal institutions such as the Indonesian Waqf Board or the Office of Religious Affairs, institutional change appears to be shaped by community based practices that gradually redefine the meaning and function of waqf.[69] This indicates a bottom up process of transformation in which social interaction becomes a primary driver of institutional adaptation.[70]

An important insight emerging from this study is the relative absence of conflict.[71] While theoretical perspectives on interfaith relations often emphasize tension, the findings suggest that cohesion can be maintained through informal negotiation, mutual respect, and shared moral commitments.[72] This challenges dominant assumptions that shared religious spaces inevitably generate

[64] Borchgrevink and Erdal, "The Necessity of Taking a Loan, and the Necessity of Not Doing so: Islamic Finance among Muslim Minorities in Denmark and Norway."

[65] Luyao Yan, et.al., "Alternative for Building Social Connection : Coexistence of Elderly People and Others in Outdoor Common Spaces of Residential Areas in China," *Journal of Asian Architecture and Building Engineering*, 2026, p. 1–18.

[66] Robert Putnam et al., "Using Social Capital to Help Integrate Planning Theory, Research, and Practice: Preface," *Journal of the American Planning Association* 70, no. 2 (2004), p. 142–92.

[67] Ahmad Rodzi Pawanteh et al., "Waqf in Penang from the Historical Perspective," *KASTA : Jurnal Ilmu Sosial, Agama, Budaya Dan Terapan* 5, no. 3 (2025), p. 376–89.

[68] Chatterjee, "Legal Pluralism, Waqf, and Property in Urban India."

[69] Zefrizal Nurdin, "Supporting 21st-Century Learning by Providing Educational Infrastructure in the Form of Land: Legal Perspective," *Tadris: Jurnal Keguruan Dan Ilmu Tarbiyah* 6, no. 1 (2021), p. 163–70.

[70] W. Richard Scott, *Institutions and Organizations: Ideas, Interests, and Identities* (London: SAGE Publications, 2014).

[71] Fujita et al., "Understanding Self-Control as a Problem of Regulatory Scope," *American Psychological Association* 132, no. 1 (2025), p. 50–75.

[72] Miles Tucker, "Avoiding Moral Commitment," *Journal of the American Philosophical Association*, (2025), p. 323–37.

DOI: 10.22373/end3b419

contestation.[73] This study differs from previous studies that focused on economic and managerial aspects of waqf by focusing on its contribution to social integration. The findings suggest that waqf may be a flexible and adaptive institution that contributes to social cohesion and institutional transformation in plural societies.[74]

More generally, the research shows that Islamic social finance is undergoing a major change in the modern contexts.[75] The development of interfaith waqf in Tewah shows that the future development of waqf will not only depend on formal institutional frameworks, but also on its capacity to be in touch with social realities, cultural values and interreligious dynamics.[76] The study contributes to three main areas. First, it enhances theoretical knowledge by proposing interfaith philanthropy through waqf as a driver of social cohesion and institutional transformation. Secondly, it offers empirical evidence from an under-researched, indigenous and plural context in global scholarship. Third, it provides policy relevant insights into the need for more adaptive and context sensitive approaches in the governance of Islamic social finance.

Hybrid Sacred Space and the Negotiation of Religious Boundaries in Interfaith Waqf Practices

This study reveals that the waqf land in Tewah is not only a cemetery but also a shared sacred landscape where different religious symbols and practices are integrated in a unified spatial configuration. Empirical observations have shown that Muslim burial sites or places called alkah are close to the Kaharingan sandung structures creating a solid sacred environment. As one informant remarked here there are Muslim graves and also *sandung*, but it is not a problem.[77] This spatial coexistence is widely regarded as an ordinary and accepted aspect of everyday life rather than a point of tension.

The data also indicate that this shared sacred space is maintained through implicit and carefully negotiated social boundaries. Informants stressed that different religious elements share the same physical space but symbolic and ritual distinctions are consciously maintained. One respondent observed that

[73] Terje Østebø, "Religious Dynamics and Conflicts in Contemporary Ethiopia : Expansion , Protection , and Reclaiming Space," *African Studies Review* 66, no. 3 (2023), p. 721–44.

[74] Ascarya Ascarya, et.al., "Determining the Characteristics of Waqf-Based Islamic Financial Institution and Proposing Appropriate Models for Indonesia," *International Journal of Ethics and Systems* 39, no. 1 (2023), p. 143–64.

[75] Dirie, Alam, and Maamor, "Islamic Social Finance for Achieving Sustainable Development Goals: A Systematic Literature Review and Future Research Agenda."

[76] Umar, "Integration of Islamic Law and Customary Law and Its Application in the Indonesia Legal System: Opportunities and Challenges."

[77] Interview with A9, Palangka Raya, Central Kalimantan, January 12, 2026.

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introducing certain elements into formal arrangements could lead to conflict,[78] reflecting an underlying awareness of potential sensitivities. Field observations also demonstrate that religious rituals are conducted separately in accordance with each tradition, while remaining situated within a common spatial framework.

In addition, the field data suggest that this spatial coexistence is sustained through routine social interaction rather than formal institutional coordination. Members of the community from different religious backgrounds participate in burial related activities through parallel forms of engagement without merging doctrinal practices. As one informant expressed, regardless of religion, all community members gather together.[79] Field observations show that the religious rituals are performed separately according to each tradition, but within a common spatial framework.

Another significant finding concerns the managed character of this coexistence.[80] Despite the presence of potentially conflicting religious symbols, no overt disputes were reported.[81] Instead, the arrangement is sustained through informal negotiation, mutual awareness, and deliberate restraint.[82] This suggests that the shared sacred space is actively produced and maintained through ongoing social processes rather than simply inherited.[83]

Taken together, these findings suggest that the waqf site in Tewah represents a hybrid sacred space in which religious meanings remain fluid and subject to continuous negotiation.[84] At a fundamental level, this study affirms that sacred space is not solely determined by doctrinal or institutional frameworks, but is socially produced through practice and interaction.[85] The

[78] Interview with A12, Palangka Raya, Central Kalimantan, January 13, 2026.

[79] Interview with A5, Pulang Pisau, Central Kalimantan, January 03, 2025.

[80] Yan, Li, and Komatsu, "Alternative for Building Social Connection : Coexistence of Elderly People and Others in Outdoor Common Spaces of Residential Areas in China."

[81] Chee Wen Liew et al., "A Comparative Analysis of Eaves Characteristics in Chinese Temples in Lingnan, China, and Johor-Malacca, Malaysia," *Journal of Asian Architecture and Building Engineering*, (2025), p. 1–17,

[82] Mussa S. Muhoja, et.al., "Whose Land Builds the City ? Spatial Politics and Power Dynamics in Negotiating Space for Infrastructure during Informal Settlement Regularization in Mbarali , Tanzania," *Social Sciences & Humanities Open* 13 (2026).

[83] Belinda Jane Davis, Alan Reid, and Briony Rogers, "The 'Butterfly Effect': Identifying Pathways for Sustainability Transformation through Social Processes of Disaster Resilience," *Global Sustainability* 7, no. e49 (2024), p. 1–17.

[84] Clifford Geertz, *The Interpretation of Cultures*, in *Basic Books* (New York, 1973).

[85] Laura Ariadne Martin, "Intersubjective Meanings and Oppressive Social Practices," *Hypatia*, (2026), p. 1–13.

DOI: 10.22373/end3b419

spatial configuration observed in Tewah reflects a dynamic process in which meaning emerges through lived experience and collective engagement.[86]

The presence of Muslim graves in Kaharingan sandung structures may be seen as a hybridized form, or Martin's third space, where cultural and religious boundaries are renegotiated rather than obliterated.[87] In this context, the site does not operate as an exclusively Islamic or *Kaharingan* sacred domain, but as a negotiated spatial formation that accommodates multiple religious identities within a shared symbolic landscape. This is especially significant since many classical religious frameworks postulate exclusiveness of sacred space.

A striking pattern that emerges from the findings is the normalization of boundary negotiation. Instead of definite separation, the community members continuously and informally negotiate, allowing the different religious elements to coexist.[88] This confirms Gao's argument that social boundaries are not fixed but are continually constructed through interaction.[89] In Tewah, religious boundaries still exist, but they are flexible and context dependent, permitting coexistence without the need for doctrinal uniformity.[90]

The broader significance of this pattern lies in its implications for understanding how religion operates within plural indigenous contexts.[91] The findings suggest that the sustainability of religious practices is closely linked to their capacity for spatial and social adaptation. This perspective is consistent with the concept of lived religion, which emphasizes that religious meaning is generated through everyday practices and interactions rather than abstract doctrinal formulations.[92] In this setting, the shared sacred space is sustained through routine practices of coexistence, mutual recognition, and practical accommodation.

In the context of the wider literature, these findings resonate with and add to existing studies. Earlier research on waqf has focused mainly on legal

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[86] Gwerevende, "Chilonga Cultural Landscape in the Shadow of Eviction: Living Cultural Heritage, Livelihoods and Minority Indigenous People's Rights under Threat in Zimbabwe ?"

[87] Paul Froese, et.al., "The Sacred Gun: The Religious and Magical Elements of America ' s Gun Culture," *Politics and Religion* 18 (2025), p. 22–49.

[88] Nurdin, "Supporting 21st-Century Learning by Providing Educational Infrastructure in the Form of Land."

[89] Tongchaoran Gao, et. al., "Space Appropriation and Interaction: How to Promote Social Cohesion in High-Density Urban Environments?," *Cities*, n.d.

[90] Pawanteh et al., "Waqf in Penang from the Historical Perspective."

[91] Lindsay Richards and Anthony Heath, "How Divided Is Britain? Symbolic Boundaries and Social Cohesion in Post-Brexit Britain," *Politics Symposium*, no. October (2023), p. 553–59.

[92] Ammerman, "Lived Religion as an Emerging Field: An Assessment of Its Contours and Frontiers."

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frameworks, economic roles and institutional governance,[93] while more recent contributions have begun to acknowledge its social and contextual dimensions.[94] However, the spatial dimension of waqf, particularly in interfaith contexts, remains insufficiently explored. This paper fills this gap by showing that waqf can also be a site of spatial negotiation and symbolic coexistence, thus broadening the analytical scope of Islamic social finance.[95]

From a legal standpoint, the presence of a shared sacred space raises important questions within both Islamic jurisprudence and Indonesian waqf regulation.[96] Classical jurisprudence generally presumes the exclusivity of Muslim burial spaces and emphasizes clear distinctions between religious domains.[97] Similarly, Indonesian Law Number 41 of 2004 requires formal designation, registration, and certification of waqf land.[98] The coexistence of Muslim graves and non-Muslim sacred structures within a single spatial setting challenges these assumptions and suggests that such practices fall outside established legal categories.[99] This points to the emergence of a socially negotiated form of sacred space that operates beyond formal legal recognition and reflects the dynamics of legal pluralism.[100]

More broadly, these findings reflect a wider transformation in the relationship between religion, space, and society.[101] The case of Tewah illustrates how indigenous values, kinship relations, and shared ethical commitments shape the formation of sacred geography.[102] Rather than being defined exclusively by doctrinal authority, sacred space emerges as a relational and context dependent construct. Looking ahead, the presence of hybrid sacred

[93] Supiyan, "The Administration and Regulation of Cash Waqfs : Bangladesh and Malaysia in Perspective."

[94] Ryandono et al., "Overcoming Barriers to Optimizing Cash Waqf Linked Sukuk : A DEMATEL-ANP Approach."

[95] Richards and Heath, "How Divided Is Britain? Symbolic Boundaries and Social Cohesion in Post-Brexit Britain."

[96] Wardhani, Noho, and Natalis, "The Adoption of Various Legal Systems in Indonesia."

[97] Shaikh, "Institutionalization of Zakat and Waqf in Contemporary Economies : Challenges and Prospects."

[98] Undang-Undang Republik Indonesia Nomor 41 Tahun 2004 Tentang Wakaf.

[99] María Jos´e Andrade Su´arez, et.al., "Researching Links between Pilgrimage Tourism and Rural Development: The Emergence of Fisterra as a 'New End' of the Way," *Journal of Rural Studies* 119 (2025), p. 1–14.

[100] Chatterjee, "Legal Pluralism, Waqf, and Property in Urban India."

[101] Cori Tucker-Price, "Race , Religion , and Space in California's Central Valley," *Church History* 93 (2024), p. 621–24.

[102] Gwerevende, "Chilonga Cultural Landscape in the Shadow of Eviction: Living Cultural Heritage , Livelihoods and Minority Indigenous People's Rights under Threat in Zimbabwe ?"

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spaces presents both opportunities and challenges.[103] On one hand, such spaces may offer practical models for peaceful coexistence in plural societies.[104] On the other hand, their informal and uncodified nature raises questions regarding legal recognition, institutional integration, and long term sustainability within formal waqf systems.[105] From a policy perspective, the findings underscore the importance of developing regulatory approaches that are responsive to socially embedded practices. The appropriate balance between flexibility and legal certainty will be a critical challenge for the future development of Islamic social finance.

Finally, this study argues that interfaith waqf should be understood not only as a mechanism of social and institutional change, but also as a spatial practice that produces hybrid sacred spaces. In these spaces religious boundaries are not erased, but are constantly negotiated in everyday interaction. This perspective introduces a spatial and relational dimension to waqf studies, which has been missing in the existing literature, especially in the context of Islamic social finance in plural societies.

Framework for Waqf in Indonesia: Legal Pluralism

These findings highlight that the waqf practice in Tewah exists at the intersection of multiple legal and normative frameworks. At one level, Indonesian law, particularly Law Number 41 of 2004,[106] establishes a formal legal structure that requires declaration before an authorized official, registration, certification, and institutional management. At another level, classical Islamic jurisprudence defines waqf through specific doctrinal elements, including the qualifications of the *waqif*, the status of the endowed asset, the presence of a *nazhir*, and the formal declaration of intent.[107] However, the empirical findings indicate that these formal requirements are not fully observed in practice.

From the perspective of the rule of law,[108] this situation reflects a gap between normative legal frameworks and their implementation. The concept of a state based on law assumes that social actions are regulated by legal certainty,

[103] Ahmad Subakir et al., "Synergy of Samin Culture with Environmental Fiqh in Central Java," *Syariah: Jurnal Hukum Dan Pemikiran* 24, no. 1 (2024), p. 224–40.

[104] Gwerevende, "Chilonga Cultural Landscape in the Shadow of Eviction: Living Cultural Heritage, Livelihoods and Minority Indigenous People ' s Rights under Threat in Zimbabwe ?"

[105] Shaikh, "Institutionalization of Zakat and Waqf in Contemporary Economies : Challenges and Prospects."

[106] Undang-Undang Republik Indonesia Nomor 41 Tahun 2004 Tentang Wakaf.

[107] Zubair Amir et al., "Service Waqf : Fiqh Perspectives and Recommendations on Implementation," *Jurnal Syariah* 32, no. 1 (2024), p. 74–99.

[108] Jeremy Waldron, "The Rule of Law and the Role of Courts," *Global Constitutionalism* 10, no. 1 (2021), p. 91–105.

DOI: 10.22373/end3b419

procedural correctness and institutional authority.[109] However, the case of Tewah demonstrates that legal norms do not always function as the primary basis for regulating social behavior. Instead, informal arrangements grounded in trust and communal agreement can effectively structure social relations, even in the absence of formal legal compliance.[110]

From the standpoint of Islamic legal theory, the findings reveal a tension between doctrinal requirements and practical adaptation.[111] Classical fiqh generally presumes that the *waqif* should be Muslim, particularly when the waqf is intended for religious purposes.[112] Yet the involvement of a non-Muslim donor in this case suggests a broader interpretation influenced by considerations of public benefit.[113] This is an example of the ongoing trend in modern Islamic thought where maqasid-based approaches prioritize the achievement of social welfare over the observance of formalistic criteria.[114]

A key trend emerging from the findings is the coexistence of multiple normative orders. The waqf practice in Tewah is shaped simultaneously by state law, Islamic doctrine, and customary norms rooted in local culture.[115] This reflects the dynamics of sociological jurisprudence,[116] particularly the idea that law must be understood as a social institution embedded in lived experience rather than as a purely formal system.[117] In this context, what operates is not a singular legal system, but a plural legal order in which different sources of authority interact and overlap.[118]

This trend is especially important in its contextual meaning, if we consider it from the point of view of legal anthropology.[119] The findings indicate that the practice of waqf is based on customary norms and local values.[120] The

[109] Neil Walker, "Legalising Inter-Legality," *European Law Open* 1, no. 1 (2022), p. 216–27.

[110] Subakir et al., "Islamic Law and Local Religious Interpretations in the Samin Community of Central Java."

[111] Salim, "Dynamic Legal Pluralism in Indonesia."

[112]Amir, et al., "Service Waqf : Fiqh Perspectives and Recommendations on Implementation."

[113] Chatterjee, "Legal Pluralism, Waqf, and Property in Urban India."

[114]Jasser Auda, *Reforming Islamic Studies: A Maqasid Approach* (Amsterdam: Amsterdam University Press, 2016).

[115] Wakhidah et al., "The Legal Culture of Samin Community of Family Law in Central Java."

[116] Danladi et al., "Rebuilding Communities through Waqf."

[117] Donald Nicolson, "Legal Education and Legal Theory: The Determined Province of Jurisprudence Textbooks," *Law Teacher* 59, no. 1 (2025), p. 84–111.

[118] Chatterjee, "Legal Pluralism, Waqf, and Property in Urban India."

[119] John R. Bowen, *Islam, Law and Equality in Indonesia: An Anthropology of Public Reasoning* (New York: Cambridge University Press, 2003).

[120] Nurdin, "Supporting 21st-Century Learning by Providing Educational Infrastructure in the Form of Land."

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focus on mutual aid, collective responsibility and social harmony comes from indigenous cultural values that shape the way legal concepts are understood and practiced.[121] In this sense, law is negotiated through social practice and everyday interaction, not imposed from above.[122] These findings are consistent with prior work and extend the existing scholarship. Formal governance and regulatory compliance are known to be important in waqf management, but recent studies are starting to acknowledge the impact of social context and informal practices.[123] However, the Tewah case provides a more nuanced perspective by demonstrating how waqf can function effectively within a hybrid legal environment that combines elements of state law, religious doctrine, and customary norms.

More broadly, the findings reflect a wider transformation in the relationship between law and society.[124] The case of Tewah illustrates that legal institutions do not operate in isolation but are continuously shaped by social practices and cultural values.[125] This suggests that the effectiveness of legal frameworks depends not only on formal design but also on their capacity to resonate with local realities.[126] In the future, the coexistence of multiple legal frameworks is both an opportunity and a challenge. On the one hand, it allows for flexibility and adaptation to local needs.[127] But it raises concerns about the legal certainty, institutional accountability and long term sustainability. Without formal recognition, waqf assets are vulnerable to disputes and mismanagement, highlighting the need for a more integrated legal approach.[128]

From a policy perspective, these findings highlight the need for regulatory frameworks for waqf to be more sensitive to socially embedded practices. Alternative approaches that preserve core legal safeguards and recognize the role of customary norms and community-based legitimacy, rather than imposing rigid legal requirements, may be worth exploring.[129] Such an approach might help to bridge the gap between formal law and lived practice,

[121] Umar, "Integration of Islamic Law and Customary Law and Its Application in the Indonesia Legal System: Opportunities and Challenges."

[122] Wakhidah et al., "The Legal Culture of Samin Community of Family Law in Central Java."

[123] Broadhurst et al., "Scaling up Research on Family Justice Using Large- Scale Administrative Data: An Invitation to the Socio-Legal Community."

[124] Chatterjee, "Legal Pluralism, Waqf, and Property in Urban India."

[125] Subakir et al., "Synergy of Samin Culture with Environmental Fiqh in Central Java."

[126] Bowen, *Islam, Law and Equality in Indonesia: An Anthropology of Public Reasoning*.

[127] Wakhidah et al., "The Legal Culture of Samin Community of Family Law in Central Java."

[128] Ascarya, Husman, and Tanjung, "Determining the Characteristics of Waqf-Based Islamic Financial Institution and Proposing Appropriate Models for Indonesia."

[129] Subakir et al., "Synergy of Samin Culture with Environmental Fiqh in Central Java."

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particularly in plural social settings.[130] Finally, this study shows that the legal framework of waqf in Indonesia cannot be understood merely from the angle of formal state law or doctrinal fiqh.[131] It should be approached as a plural and socially embedded system in which multiple normative orders interact and shape the practice of Islamic social finance.[132] This perspective underscores the necessity for a more integrative legal framework that acknowledges the simultaneous presence of state law, religious doctrine and customary norms to improve legal coherence and social legitimacy.[133]

Legal Status and the Reconceptualization of Waqf in Plural Societies

This study reveal that the waqf practice in Tewah operates outside the framework of formal legal recognition as prescribed by Indonesian waqf law. Empirical evidence indicates that the land in question has neither been formally registered as waqf property nor accompanied by official certification. Informants consistently explained that the transfer of land was conducted informally, relying on trust and communal consensus rather than legal procedures. As one participant noted, there is no formal waqf document, only mutual agreement.[134]

The data indicate that the land was donated by a non-Muslim individual, which introduces additional complexity when assessed in relation to formal waqf requirements. Despite this, informants generally did not consider the donor's religious identity to be problematic. One respondent remarked, what matters is the intention for good.[135] This suggests that the practice is socially recognized regardless of doctrinal limitations. Local community members also manage the land informally without the involvement of authorized institutions. There is no formal appointment of a nazhir but the responsibility is taken collectively by the community and the decision about the land use is made through communal deliberation.[136]

From a legal perspective, these findings raise critical questions regarding the validity of this practice under Indonesian waqf law.[137] Law Number 41 of

[130] Bowen, *Islam, Law and Equality in Indonesia: An Anthropology of Public Reasoning*.

[131] von Benda-Beckmannn and von Benda-Beckmannn, "The Dynamics of Change and Continuity in Plural Legal Orders."

[132] Djawas et al., "Harmonization of State, Custom, and Islamic Law in Aceh."

[133] Naqiyah et al., "Polygamy Legal Politics in Southeast Asian Muslim Countries: Legal Pluralism and Qur'anic Perspectives," *Al-Manahij: Jurnal Kajian Hukum Islam* 19, No. 1 (2025), p. 51–64.

[134] Interview with A10, Tewah, Central Kalimantan, January 14, 2026.

[135] Interview with A6, Tewah, Central Kalimantan, September 13, 2025.

[136] Chatterjee, "Legal Pluralism, Waqf, and Property in Urban India."

[137] M. Thahir Maloko et al., "Analyzing the Prohibition of Interfaith Marriage in Indonesia: Legal, Religious, and Human Rights Perspectives," *Cogent Social Sciences* 10, no. 1 (2024).

DOI: 10.22373/end3b419

2004 stipulates that a valid waqf must fulfill several formal requirements, including a declaration of waqf before an authorized official known as the PPAIW, formal registration, and the issuance of a waqf certificate.[138] The law also requires that waqf assets be managed by a legally recognized nazhir.[139] The absence of these elements in the Tewah case indicates that the practice does not meet the formal criteria for legally recognized waqf.[140]

A more detailed analysis can be conducted through the classical framework of the *rukun wakaf*, which consists of the waqif, the *mauquf*, the *nazhir*, and the *sighat*. First, regarding the waqif, classical Islamic jurisprudence generally presumes that the donor should be Muslim, particularly when the waqf is intended for religious purposes such as burial. In this case, the involvement of a non-Muslim donor places the practice within a contested doctrinal space. [141] While some contemporary interpretations allow broader participation based on considerations of public benefit, this remains a debated issue across different schools of thought.[142]

Secondly, in relation to the mauquf, the land itself meets the basic requirement of being a durable asset intended for public benefit.[143] However its legal status is still vague as it is not registered and certified formally which is required by the national law for legal protection and to avoid disputes.[144] Third, the findings clearly indicate that the nazhir does not have a formally appointed manager. Rather, the waqf is collectively managed by the community.[145] This is a departure from the legal requirement that waqf assets have to be administered by a recognized nazhir. This creates ambiguity in terms of accountability and institutional responsibility.[146] Fourthly, regarding the *sighat* or formal declaration, the lack of official waqf pledge before an authorized officer further indicates that the legal formation of waqf has not been fulfilled. Reliance on the

[138] Undang-Undang Republik Indonesia Nomor 41 Tahun 2004 Tentang Wakaf.
[139] Kahf, "The Role of Waqf in Improving the Ummah Welfare."
[140] Chatterjee, "Legal Pluralism, Waqf, and Property in Urban India."
[141] Amir et al., "Service Waqf : Fiqh Perspectives and Recommendations on Implementation."
[142] Jasser Auda, *Re-Envisioning Islamic Scholarship: Maqasid Methodology as a New Approach* (California: Claritas Books, 2022).
[143] Ahmad Faiz Khudlari Thoha and Ali Mujahidin, "Faith-Based Social Entrepreneurship: Improving Mosque's Socio-Economic Values in Emerging Country," *Shirkah: Journal of Economics and Business* 8, no. 3 (2023), p. 268–83.
[144] Wakhidah et al., "The Legal Culture of Samin Community of Family Law in Central Java."
[145] Chatterjee, "Legal Pluralism, Waqf, and Property in Urban India."
[146] Subakir et al., "Islamic Law and Local Religious Interpretations in the Samin Community of Central Java."

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informal agreement and mutual understanding is not procedural requirements established by the Indonesian law. [147]

Taken together, this analysis suggests that the waqf practice in Tewah cannot be classified as a formally valid waqf under existing legal frameworks.[148] Instead, it represents what may be conceptualized as a form of socially recognized or "social waqf," in which the substantive purpose of waqf is maintained despite the absence of formal legal compliance. This condition reflects a broader gap between law in books and law in action, a central concern in socio-legal studies.[149] At the same time, the findings indicate that legal validity is not the sole basis of legitimacy in this context. Community acceptance, shared moral values, and perceived social benefit function as alternative sources of legitimacy.[150] This aligns with a maqasid-oriented perspective, which prioritizes the realization of public welfare over strict formalism.[151] In this sense, the Tewah case illustrates how the objectives of waqf can be achieved through socially embedded practices even in the absence of formal legal structures.[152] "The case shows that there has been a shift in authority from formal institutions such as the Indonesian Waqf Board and the Office of Religious Affairs to community-based legitimacy, institutionally.[153] This suggests a process of bottom-up institutional change, whereby everyday practices gradually change the meaning and workings of waqf.[154]

However, this situation also raises important legal concerns.[155] The absence of formal recognition creates uncertainty regarding ownership status, limits access to legal protection, and may pose risks to the long-term sustainability of the waqf asset.[156] It also raises questions about how such practices can be integrated into existing legal frameworks without undermining their social character. The findings point to ways in which future regulation could be more adaptive and context sensitive. Instead of relying only on strict procedural requirements, policymakers might consider mechanisms that

[147] Wakhidah et al., "The Legal Culture of Samin Community of Family Law in Central Java."

[148] Maloko et al., "Analyzing the Prohibition of Interfaith Marriage in Indonesia."

[149] Bowen, *Islam, Law and Equality in Indonesia: An Anthropology of Public Reasoning*.

[150] Subakir et al., "Synergy of Samin Culture with Environmental Fiqh in Central Java."

[151] Auda, *Reforming Islamic Studies: A Maqasid Approach*.

[152]Subakir et al., "Islamic Law and Local Religious Interpretations in the Samin Community of Central Java."

[153] Nurdin, "Supporting 21st-Century Learning by Providing Educational Infrastructure in the Form of Land."

[154] Scott, *Institutions and Organizations: Ideas, Interests, and Identities*.

[155] Emad H. Atiq, "Legal Positivism and the Moral Origins of Legal Systems," *Canadian Journal of Law & Jurisprudence* 36, no. 1 (2023), p. 37–64.

[156] Amal Hayati Ishak et al., "The Critical Success Factors of Waqf Land Development for Sustainable Agriculture," *Social Sciences & Humanities Open* 11 (2025).

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acknowledge socially embedded forms of waqf, while ensuring legal certainty, asset protection and institutional accountability. Such a tactic may contribute to narrowing the gap between formal law and lived practice, particularly in plural social settings. Finally, this study suggests reconceptualising waqf as a legally plural and socially embedded institution where legitimacy is based not only on formal compliance but also on community recognition and social function. This view questions the dominant legalistic interpretations of waqf and paves new ways to understand its role in contemporary Islamic social finance.

Conclusion

This research shows that interfaith waqf practices in Tewah District is a form of social Islamic finance that is developing and influenced by the social realities of the local community and the interaction among the religions. Here waqf is not confined to formal legal procedures as endowments may be established by non-Muslim actors, sustained via interfaith collaboration, and legitimated by communal recognition. The findings suggest that waqf is socially embedded institution which contributes to social cohesion and at the same time responsive to the needs of plural society. This practice is legally outside the formal framework of Indonesian Law Number 41 of 2004, especially due to the lack of registration, certification, and institutional administration. However, strong community based legitimacy and shared moral values allow the practice to function effectively in its local context. This situation suggests that socially embedded waqf can complement the formal legal framework and contribute to the development of a more flexible, inclusive, and context-responsive Islamic social finance model in a pluralistic society. Therefore, in the context of legal pluralism in Indonesia, a pluralistic country, including religious differences, waqf regulation needs to be implemented taking into account the social realities of a pluralistic society.

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