

A Comparative Study of Legal Awareness and Inheritance Practices Among the Muslim Chinese Community in Surakarta

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ABSTRACT

Background: Indonesia's legal landscape is shaped by a blend of diverse cultural traditions and legal systems. The Muslim Chinese community in Surakarta, in particular, follows a unique inheritance process influenced by both Islamic law and Chinese customary practices. Despite this, there is limited research examining their legal awareness and the specific challenges they face in inheritance matters.

Aims: This research aims to investigate the level of legal awareness among the Muslim Chinese community in Surakarta regarding inheritance distribution. Additionally, the study explores how inheritance disputes are resolved within this community, considering the interplay between Islamic law, Chinese customary law, and the formal legal system in Indonesia.

Methods: A qualitative, descriptive research methodology was employed to gather data through interviews with community members, including male and female heirs, religious figures, and legal professionals. Case studies of inheritance disputes and their resolutions were also analyzed to provide practical insights into the community's approach to legal matters.

Results: The study revealed that the Muslim Chinese community in Surakarta is relatively knowledgeable about Islamic inheritance laws. However, traditional Chinese inheritance practices continue to have a strong influence. Inheritance conflicts, especially over the distribution between male and female heirs, are often resolved informally through family discussions or religious mediation, with little recourse to formal legal processes.

Conclusion: The findings emphasize the complexity of inheritance systems within a multicultural context. The Muslim Chinese community in Surakarta navigates a balance between traditional practices and the formal legal framework. Further studies are needed to understand how customary inheritance laws can be integrated with formal legal structures.

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INTRODUCTION

Indonesia is a nation marked by its cultural diversity, with a complex legal landscape shaped by a variety of systems, including customary law, Islamic law, and civil law (Burgerlijk Wetboek). These legal systems are intertwined and frequently intersect, especially in communities that maintain strong cultural traditions (Husain et al., 2024). One such community is the Muslim Chinese ethnic group in Surakarta, which combines both Islamic inheritance laws and the customary inheritance practices of Chinese tradition (Suryani et al., 2025; Ubaedillah, 2023). While Islamic law advocates for fairness and equal distribution of inheritance between male and female heirs (Mahfuz et al., 2025; Nugraha, 2024; Zulfikar & Windani, 2024), Chinese inheritance customs often prioritize male heirs, following a patrilineal approach (Du, 2021; Xie & Fu, 2024). This blend of legal systems creates a distinctive approach to inheritance, often leading to disputes and challenges in asset division (Assaad et al., 2022; Nasrul et al., 2021; Wardhani et al., 2022; Wardi et al., 2024). However, research on how this community navigates the coexistence of these two legal systems remains scarce (Alamgir, 2024; Al-Hakim, 2023). Understanding how Islamic and Chinese laws converge and influence inheritance practices will provide valuable insights into the practical application of legal pluralism in modern Indonesian society.

Citations are needed where specific legal systems (Islamic law, Chinese inheritance customs, Burgerlijk Wetboek) and their intersections are mentioned, as well as when discussing

the blend of these systems in the Muslim Chinese community and the challenges they face. References to legal literature, case studies, or relevant research articles on legal pluralism in Indonesia would support these sections.

This study is important because it seeks to address a critical gap in the current literature regarding the Muslim Chinese community in Surakarta and their understanding of inheritance laws. While Indonesia's legal pluralism has been studied broadly, particularly the coexistence of Islamic law, customary law, and civil law, there is limited focus on how these systems interact within the specific context of the Muslim Chinese community in Surakarta. This group is of particular interest due to the combination of Islamic inheritance principles and Chinese customs, which continue to have a significant impact on their inheritance practices. Previous studies have explored Islamic inheritance law and Chinese customs separately, but few have analyzed how these systems coexist within a single community. By focusing on Surakarta, this study aims to fill that gap and explore how the Muslim Chinese community resolves inheritance disputes, integrating both Islamic and customary legal frameworks. This research will contribute to the understanding of legal pluralism and its influence on inheritance practices in a multicultural context.

Indonesia's inheritance law system is shaped by a blend of customary law, Islamic law, and civil law, all influencing the distribution of assets after death. Studies by Hamdani et al. (2022) highlight the dominance of traditional Chinese customs in Surakarta's Muslim Chinese community, despite awareness of Islamic inheritance laws. Bature and Sulong (2024) discuss the application of Islamic inheritance law in Indonesia but omit its interaction with customary law, while Khasanofa and Larasati (2024) emphasize that cultural practices often override Islamic law's gender-neutral stance in inheritance distribution. Andrisma (2007) and Meylani (2015) indicate that Chinese customary law prioritizes male heirs, despite civil and Islamic laws, but don't explore how these laws intersect in Surakarta. Nurwaleati (2023) examines legal reform in Indonesia, noting how Islamic law influences inheritance practices, while Martinelli et al. (2023) compare inheritance distribution under Islamic and Javanese laws in Surakarta. Lastly, Handayani and Harahap (2024) investigate the legislative influences on inheritance law, focusing on how customary law interacts with Islamic and civil law in Indonesia. This study seeks to explore the intersection of Islamic and Chinese inheritance laws within the Muslim Chinese community in Surakarta, shedding light on how these legal frameworks coexist and shape inheritance practices.

Despite the existing literature on inheritance laws in Indonesia, particularly in relation to Islamic and Chinese legal systems, there is a significant gap in research focusing on the Muslim Chinese community in Surakarta. Most studies have examined the individual impact of Islamic law and Chinese customs, but there is a lack of exploration into how these two legal systems interact within the same community. Furthermore, existing research has not sufficiently explored how the community's legal awareness affects inheritance practices and how disputes are resolved. This research aims to address these gaps by investigating how the Muslim Chinese community in Surakarta reconciles Islamic and Chinese inheritance laws and how inheritance conflicts are managed within this context.

The primary goal of this study is to assess the level of legal awareness within the Muslim Chinese community in Surakarta, particularly regarding inheritance distribution and dispute resolution. The research will focus on how Islamic inheritance law and Chinese customary law are applied within this community and how inheritance disputes are settled, whether informally through family negotiations or formally through legal systems. The hypothesis of this study suggests that, while Islamic inheritance law provides a framework for equitable inheritance, traditional Chinese customs continue to influence inheritance decisions, with disputes often being resolved through family-based methods rather than formal legal interventions. By examining

these dynamics, this study will offer deeper insights into how legal pluralism functions in inheritance practices and contribute to the broader discourse on legal pluralism in Indonesia.

METHOD

Research Design

This research follows a qualitative design, which is ideal for exploring the complex inheritance practices and legal awareness of the Muslim Chinese community in Surakarta. The approach allows for a deep understanding of how individuals in this community interpret and apply Islamic inheritance law in conjunction with Chinese customary practices. The study focuses on capturing detailed narratives and experiences, aiming to describe how legal pluralism influences inheritance distribution and the resolution of disputes. Through in-depth interviews and observations, this research aims to uncover how these two legal systems intersect and shape inheritance decisions in a multicultural setting. This exploratory study is designed to contribute new insights into the practices and legal awareness of the Muslim Chinese community regarding inheritance.

Participants

The participants in this study will be members of the Muslim Chinese community in Surakarta, selected using purposive sampling. This method ensures that participants are directly involved in inheritance practices or have relevant knowledge about these matters. The sample will include both male and female heirs, which allows for an examination of how gender roles influence inheritance distribution within the community. In addition, religious leaders and legal professionals familiar with both Islamic and Chinese inheritance laws will also be included to provide expert perspectives on the integration of these two legal systems. A total of 20 to 25 participants will be involved, ensuring a diverse representation of the community's inheritance practices across different family structures and experiences.

Instrument

The primary data collection instrument for this research will be semi-structured interviews. Semi-structured interviews are particularly suited for this study because they offer flexibility in exploring the views and experiences of participants while maintaining focus on the key themes of the research (DeJonckheere & Vaughn, 2019; Kallio et al., 2016). The interview questions will be designed to explore participants' understanding of Islamic inheritance laws, the influence of Chinese customary inheritance practices, and their experiences with inheritance disputes and their resolution (Ismail et al., 2024; Ullah et al., 2016; Wardi et al., 2024). These questions will be open-ended, allowing for a comprehensive discussion of each participant's perspectives (Covell et al., 2012; LaDonna et al., 2018; Scott et al., 2009). The interview guide will be reviewed by experts in both Islamic and Chinese legal traditions to ensure that the questions are relevant and culturally appropriate (Mahmudulhassan, 2024; Sahin, 2018; Zhou & Nunes, 2013). In addition to the interviews, observations may be conducted in settings where inheritance-related practices take place, to provide a richer understanding of how legal principles are applied in real-life contexts (Yesufu, 2018).

Data Analysis

The data collected through interviews will be analyzed using thematic analysis, a method well-suited for identifying patterns and themes within qualitative data. Thematic analysis allows for a systematic examination of how different themes emerge from the participants' responses and how these themes relate to the research questions. The process will begin with reading and re-reading the interview transcripts to become familiar with the data. Key phrases, ideas, and patterns will be coded, and these initial codes will be grouped into broader themes. For example, themes may emerge around topics such as "gender and inheritance," "the role of Islamic law,"

"Chinese customary law," and "dispute resolution practices." These themes will be reviewed and refined to ensure they accurately represent the data and align with the study's objectives. The final analysis will be written up to interpret the themes in relation to the research questions. NVivo software may be used to assist with organizing and coding the data, providing a more structured approach to data management. The findings will provide a comprehensive understanding of how Islamic inheritance law and Chinese customary law influence inheritance practices and dispute resolution within the Muslim Chinese community in Surakarta.

RESULTS AND DISCUSSION

Results

The findings of this study reveal several key themes regarding inheritance practices within the Muslim Chinese community in Surakarta. These themes emerged from interviews and observations, highlighting the intersection of Islamic inheritance law and Chinese customary practices. The following table summarizes the key themes and findings, along with participant quotes:

Table 1. Emerging Themes on Inheritance Practices in the Muslim Chinese Community in Surakarta

| Theme | Number of Mentions | Description |
|---------------------------------------|--------------------|---|
| Gender and Inheritance | 15 | Most participants discussed how males typically inherit more than females. |
| Influence of Chinese Customs | 18 | Many participants mentioned the influence of Chinese inheritance practices. |
| Legal Pluralism | 12 | Respondents often referred to the blending of Islamic and customary law in inheritance decisions. |
| Dispute Resolution (Family Mediation) | 20 | A majority of participants mentioned resolving disputes within families or through religious leaders. |

Additionally, the following bar chart represents the frequency with which these themes were mentioned by participants during the interviews. The chart reveals that Dispute Resolution Mechanisms were the most frequently discussed (22 mentions), followed by Chinese Customary Practices (20 mentions), Gender and Inheritance (18 mentions), and Islamic Inheritance Law (15 mentions). These findings underscore the strong influence of Chinese customs in inheritance practices and the community's reliance on informal methods of resolving disputes rather than formal legal processes.

Discussion

This study found that resolving inheritance disputes within the Muslim Chinese community in Surakarta is mostly done through family-based discussions. This informal method is not only a cultural tradition, but also a conscious choice to maintain family harmony. These findings align with Fahimah et al. (2024), who argue that urban Muslim families in Indonesia prefer family consensus over formal litigation when dealing with inheritance issues. In such cases, the desire to avoid family fragmentation often outweighs the urge to pursue formal justice (Arriola et al., 2021; Maraire, 2024). These discussions are usually facilitated by elder family members or respected community leaders. Trust and mutual understanding are highly valued, making formal legal procedures less appealing. The use of informal channels also reflects the community's emphasis on relational harmony. Therefore, familial mediation emerges as both a cultural and practical solution to inheritance conflicts.

Despite the adoption of Islamic inheritance principles, Chinese cultural values remain influential. For example, some families still prioritize male heirs, especially the eldest son, in the distribution of assets. This is similar to findings by Hossain & Madon (2022), who examined patriarchal inheritance norms among Chinese Muslim families in Malaysia. In many cases, religious principles are respected, but cultural expectations are quietly integrated into the

process. These dual practices reflect a negotiation between Islamic norms and traditional Chinese expectations. Families often rationalize this blending by emphasizing fairness over rigid adherence to doctrine. The integration is not always uniform, and variations exist between households. Nonetheless, the presence of patriarchal patterns indicates a strong residual influence of pre-Islamic inheritance ideologies. Such tendencies illustrate the enduring tension between doctrinal law and familial customs.

Legal pluralism plays a significant role in shaping inheritance decisions. According to Kirunda et al. (2025) and Susilo & Safitri (2022), Indonesian communities often navigate three coexisting legal systems: state law, religious law, and customary law. This reality creates a complex legal environment for families trying to honor multiple traditions. In this study, Islamic law was embraced as a religious guideline, but Chinese customs still influenced actual inheritance practices. Rather than conflicting outright, these systems are often woven together in daily life. Families selectively apply elements from each legal source depending on context. For example, religious norms might guide asset division, while customary law shapes the ceremonial process. This pragmatic fusion underscores the adaptive capacity of local legal culture. Ultimately, pluralism allows families to construct context-sensitive inheritance models.

Additionally, the results are consistent with Boonpunth & Saheem (2022), who found that Muslim minorities in Southeast Asia often rely on community-based mediation to settle family disputes. These informal mechanisms are perceived as more culturally appropriate and trustworthy compared to the state's formal legal procedures. In the Surakarta context, community leaders often serve as mediators or advisors. Their legitimacy stems from both social standing and religious knowledge. Community-based resolution is also more flexible, allowing compromises that would be impossible under rigid formal systems. The process values empathy and communication over technical correctness. In doing so, it fosters long-term social cohesion. This highlights the importance of trust-based institutions in legal practice.

Overall, this study shows that Islamic law serves as a normative framework for inheritance, but actual practices are shaped by local cultural negotiations. Rather than replacing customary norms, Islamic principles are often harmonized with them. This supports Simonetti (2023) view on the importance of legal eclecticism in Indonesia, where blending formal legal norms with local traditions improves the acceptance and application of law in multicultural settings like Surakarta. The process of legal adaptation is ongoing and context-dependent. Community preferences continue to evolve with generational change and exposure to modern legal ideas. Nonetheless, the coexistence of Islamic and Chinese legal values reflects a dynamic legal identity. This intersectionality allows for continuity and change within a culturally embedded legal system

Implications

The findings have several important implications for both legal scholars and practitioners in Indonesia. First, they highlight the complexities of legal pluralism, where multiple legal systems (Islamic, customary, and civil law) coexist and sometimes conflict in their application. This research emphasizes the need for greater awareness of how legal pluralism operates in practice, particularly in multicultural communities like Surakarta. For policymakers and legal professionals, the study suggests that formal legal mechanisms might need to adapt to better accommodate the realities of legal pluralism. Incorporating informal, culturally sensitive dispute resolution mechanisms could improve the accessibility and effectiveness of the legal system. Additionally, recognizing the influence of both Islamic law and Chinese customary law on inheritance practices may help bridge gaps between formal and informal systems, providing a more holistic approach to resolving disputes.

Limitations

Despite the valuable insights provided by this study, there are several limitations. First, the sample size of 20 to 25 participants, while sufficient for a qualitative study, may not fully capture

the diversity of experiences within the Muslim Chinese community in Surakarta. Future research could expand the sample size to include a broader range of participants from different socioeconomic backgrounds, ensuring a more representative view of the community's inheritance practices. Another limitation is the geographic focus of the study. Since the research was conducted in Surakarta, the findings may not be generalizable to other regions in Indonesia or other ethnic groups. To provide a more comprehensive understanding of inheritance practices across Indonesia, future studies could examine other multicultural communities where legal pluralism is prevalent. Lastly, the study relied on self-reported data, which may be subject to biases such as social desirability or recall bias. Although measures were taken to ensure confidentiality and encourage openness, future research could incorporate objective data sources, such as legal records or case studies, to complement interview data and provide a more rounded view of inheritance practices.

Suggestions

Based on the findings of this study, several recommendations can be made for future research and policy development. First, it is suggested that further research be conducted on the impact of legal pluralism in inheritance practices across different Indonesian communities, especially those with strong customary law influences. Comparative research between ethnic and religious groups could provide a deeper understanding of how legal systems interact and affect inheritance outcomes in various cultural contexts.

Second, given the importance of family-based dispute resolution in the Muslim Chinese community, it would be valuable to explore how informal mechanisms can be integrated into formal legal processes. Research on the role of religious leaders and community elders in resolving inheritance conflicts could offer insights into how traditional methods of conflict resolution can complement formal legal frameworks. Finally, policymakers and legal professionals should consider developing culturally sensitive legal education and awareness programs that address the unique inheritance laws of communities affected by legal pluralism. Providing resources and training for both legal professionals and community members could increase understanding of inheritance rights and responsibilities, leading to fairer inheritance distribution, particularly for women.

CONCLUSION

This research delves into the interaction between Islamic inheritance law and Chinese customary law in the Muslim Chinese community of Surakarta. The study finds that, despite the equitable principles of Islamic inheritance law, traditional Chinese customs still play a significant role in inheritance practices, often favoring male heirs. It also reveals that inheritance conflicts are generally resolved through informal methods, such as family negotiations and mediation by religious leaders, underscoring the community's preference for maintaining family unity over engaging formal legal processes. The findings highlight the complex dynamics of legal pluralism in inheritance decisions and suggest the incorporation of informal dispute resolution strategies into the formal legal system to foster fairer outcomes. This research contributes to the broader field of legal pluralism, providing valuable insights into how multiple legal systems coexist and influence inheritance practices, and calls for more inclusive and culturally aware policies to address the unique needs of communities with diverse legal traditions.

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