

SEWAGHEIAN BROTHERHOOD AS A LIVING NORM IN LAMPUNG MUSLIM FAMILY RECONCILIATION: A CONCEPTUAL ANALYSIS THROUGH MAQASID AL-SHARI'AH

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ABSTRACT

This article reconstructs Sewagheian as a living-law framework for Muslim family reconciliation in Lampung through a *maqasid al-shari'ah* perspective. Existing studies have examined Lampung customary marriage, inheritance, kinship, and conflict resolution, but have not sufficiently conceptualized Sewagheian as a normative framework for family reconciliation. Employing normative-conceptual legal research with a legal-anthropological orientation, this study analyzes Islamic legal literature, Indonesian family law, Lampung customary-law scholarship, and findings from previous empirical studies. The analysis shows that Sewagheian embodies kinship responsibility, brotherhood, deliberation, dignity, accountability, and relational restoration. These values indicate its potential as a living law that complements, rather than replaces, Islamic and state family law. The study further develops a Sewagheian-based conceptual model of family reconciliation grounded in three principles: brotherhood, deliberation, and *maqasid*. Through *maqasid al-shari'ah*, the model protects lineage, dignity, property, personal safety, religious values, and family welfare while rejecting customary practices that coerce vulnerable parties, conceal violence, undermine gender equality, or restrict access to formal justice. The study contributes a culturally grounded and critically normative model for reconstructing Indonesian Islamic family law.

Keywords: Sewagheian Brotherhood; family reconciliation; Lampung customary law; *maqasid al-shari'ah*; living law; legal pluralism.

ABSTRAK

Artikel ini merekonstruksi Sewagheian sebagai kerangka living law untuk rekonsiliasi keluarga Muslim Lampung melalui perspektif *maqasid al-shari'ah*. Kajian terdahulu telah membahas perkawinan adat, waris, kekerabatan, dan penyelesaian konflik dalam masyarakat Lampung, tetapi belum secara memadai mengonseptualisasikan Sewagheian sebagai kerangka normatif rekonsiliasi keluarga. Penelitian ini menggunakan penelitian hukum normatif-konseptual dengan orientasi antropologi hukum melalui analisis terhadap literatur hukum Islam, hukum keluarga Indonesia, kajian hukum adat Lampung, serta temuan penelitian empiris terdahulu. Hasil penelitian menunjukkan bahwa Sewagheian mengandung nilai tanggung jawab kekerabatan, persaudaraan, musyawarah, martabat, akuntabilitas, dan pemulihan relasi. Nilai-nilai tersebut menunjukkan potensinya sebagai living law yang melengkapi, bukan menggantikan, hukum keluarga Islam dan hukum negara. Penelitian ini selanjutnya merumuskan model konseptual rekonsiliasi keluarga berbasis Sewagheian yang bertumpu pada tiga prinsip: persaudaraan, musyawarah, dan *maqasid*. Melalui perspektif *maqasid al-shari'ah*, model ini diarahkan pada perlindungan keturunan, martabat, harta, keselamatan, nilai agama, dan kemaslahatan keluarga, sekaligus menolak praktik adat yang memaksa pihak rentan, menyembunyikan kekerasan, mengabaikan kesetaraan gender, atau membatasi akses terhadap keadilan formal.

Kata Kunci: *Persaudaraan Sewagheian; Rekonsiliasi Keluarga; Hukum Adat Lampung; Hukum Keluarga Islam; Maqasid al-Syari'ah.*

INTRODUCTION

Contemporary studies of Islamic family law in Indonesia are increasingly moving from a normative-textual approach toward a more contextual, relational, and socially responsive reading. This shift is evident in the growing academic attention to the reconstruction of family authority, marriage contracts, divorce mediation, child protection, gender justice, and the integration of Islamic law with positive law and customary law (Ibn Ashur, 2001, p. 32, 2013, p. 42). In this context, *maqasid al-shari'ah* is no longer understood merely as a classical theoretical device, but as an evaluative framework to assess whether family law practices truly preserve public interest (*maslahah*), honor, lineage, property, and the sustainability of family relations. Auda emphasizes that *maqasid* needs to be read systemically by considering the relationships between text, context, values, and social impact, while Ibn 'Ashūr positions *maqasid* as an instrument to ensure that law progresses toward human well-being (Auda, 2008, p. 44; Hallaq, 1995, p. 21; Ibn Ashur, 2001, p. 33). Therefore, the reform of Islamic family law in Indonesia cannot be separated from a fundamental question: how can religious norms, state law, and social practices be negotiated to create more substantive family justice.

On the other hand, studies of *maqasid al-shari'ah* in family law also show an increasingly strong tendency to bridge classical jurisprudence and modern social realities. Majid places al-Ghazali's thought as a foundation for *maqasid*-based Islamic legal reform relevant to Indonesian family law. Aslati et al. emphasize the importance of utilizing scientific knowledge and *maqasid al-shari'ah* in resolving contemporary issues of Islamic family law (Aslati et al., 2024). Margono and Rahmawati demonstrate how the principles of *maqasid* are applied by judge-mediators in divorce mediation at Religious Courts (Margono et al., 2025). Van Huis also shows that the practice of family law in Indonesian Islamic courts cannot be separated from the shadow of legal pluralism, particularly when judges confront state norms, Islamic law, and the social realities of families. These studies indicate that *maqasid* has become an important academic language in contemporary Islamic family law (Azzahra et al., 2025). However, most of these studies remain centered on formal institutions, such as courts, judge-mediators, positive law, and regulatory instruments, while local values that live within Muslim customary communities have yet to be reconstructed as a conceptual basis for family reconciliation.

Lampung represents an important context for understanding the relationship between custom (*adat*), Islam, and family law (Guspidawati & Nelli, 2025) (Mustofa, 2025).

The customary communities of Lampung, both Pepadun and Saibatin, possess distinct social structures, values of honor, kinship relations, and mechanisms for conflict resolution. Studies by Baihaqi, Kasdi, Farida, and Maraliza on marriage among the Saibatin customary community of Lampung demonstrate that customary marriage practices cannot be separated from religious interpretations, gender relations, and family involvement in resolving domestic conflicts (Baihaqi et al., 2022). Research by Qotrunnada and Anwar on the *Mak Dijuk Siang* tradition within the Pepadun community of Lampung also shows that Lampung custom has layered mechanisms for preserving marriage, preventing divorce, and maintaining family harmony through the perspectives of *maqasid* and gender justice (Qotrunnada & Anwar, 2026). Bowen's study on the Gayo property system reveals that custom and Islam in Sumatra do not always negate each other but rather interact within social change and family relations. These two studies from Lampung and one comparative study from Sumatra are important because they demonstrate that custom is not merely a cultural identity but can also function as a normative instrument in preserving the continuity of Muslim families (Bowen, 1988).

Within this structure, Sewagheian occupies an important conceptual position. Sewagheian refers to a form of brotherhood and kinship attachment that emphasizes mutual recognition, respect, solidarity, and responsibility among members of the social community. It should not immediately be defined as a formal mechanism of family dispute resolution because the available literature has not yet sufficiently demonstrated its procedures, authoritative institutions, or uniform application in different Lampung customary groups. Nevertheless, the values contained in Sewagheian provide a relevant basis for examining how customary kinship ethics may influence the prevention, management, and reconciliation of family conflict. Its significance lies not merely in maintaining social harmony but in shaping the moral expectations imposed on family members when conflict occurs.

Existing studies on Lampung customary law have more frequently discussed marriage systems, inheritance arrangements, customary titles, gender positions, and relations between Islamic and customary norms. These studies provide important explanations of Lampung social organization, but they have not adequately reconstructed Sewagheian as a normative concept related specifically to family reconciliation. As a result, the relationship between Sewagheian, kinship responsibility, family dignity, deliberation, and the restoration of disrupted family relations remains conceptually underdeveloped. The present study therefore does not begin with the assumption that Sewagheian is already an established

reconciliation model. Instead, it first identifies the values attributed to Sewagheian, examines their position within Lampung kinship relations, and determines whether those values can normatively support the reconciliation of Muslim families.

The novelty of this article lies in its effort to reconstruct Sewagheian not merely as a cultural value of Lampung, but as a conceptual framework for Muslim family reconciliation. Previous studies have addressed the reform of Islamic family law through *maqasid*, marriage contracts, *qiwamah*, *wilayah*, *nusyuz*, divorce mediation, and the integration of custom (*adat*) and Islam (Wardatun & Smith, 2020a). *Maqasid al-shari'ah* is relevant to this inquiry because customary acceptance alone is insufficient to establish the legitimacy of a reconciliation practice within Islamic family law. A customary mechanism may preserve harmony but may also suppress individual rights, reinforce unequal power relations, compel reconciliation, or prioritize family reputation over justice. *Maqasid al-shari'ah* therefore functions as the principal framework for evaluating whether the values and possible applications of Sewagheian protect the essential interests of family members. Particular attention is directed to the protection of lineage, dignity, property, religious commitment, human welfare, and family continuity.

Living law and legal pluralism are employed only as supporting perspectives. Living law explains how Sewagheian may continue to possess normative influence through social recognition and customary practice even when it is not fully codified in state law. Legal pluralism clarifies the interaction between customary values, Islamic legal principles, and state family law within Lampung Muslim society. These perspectives explain the normative environment in which Sewagheian operates, while *maqasid al-shari'ah* remains the primary standard for assessing its legitimacy and conceptual contribution to family reconciliation (Utama, 2021).

Studies on Islamic family law reveal three main tendencies. First, there is a reconstructive tendency, namely efforts to reinterpret classical concepts such as *qiwamah*, *wilayah*, *nusyuz*, obligatory bequest (*wasiyyah wajibah*), marriage contracts, and maintenance obligations (*nafaqah*) to better align with contemporary justice. Second, there is a *maqasidi* tendency, namely the use of *maqasid al-shari'ah* as an analytical tool to assess whether family law is capable of preserving public welfare (*maslahah*), protecting women and children, and strengthening family resilience. Third, there is a pluralistic tendency, namely the recognition that Indonesian Muslim family law exists at the intersection of Islamic law, state law, and customary law (*adat*). Studies by Nurlaelawati and van Huis on the status of

children born out of wedlock and adopted children in Indonesia demonstrate how Indonesian family law brings together Islamic norms, custom, and human rights (Nurlaelawati & Salim, 2013a). Bedner and van Huis also show that the legal pluralism of Indonesian Muslim marriage demands a pragmatic approach because social practices often do not fully follow the legal constructions of the state (Bedner & Van Huis, 2010). Nevertheless, these three tendencies have not yet fully converged in a single study that specifically reconstructs the customary value of brotherhood in Lampung as a foundation for family reconciliation based on *maqasid al-shari'ah*.

This academic gap is significant because the discourse on family reconciliation in Islamic law is still often associated with formal mediation, the role of judges, or settlement through religious institutions. Conceptually, Sewagheian can be analyzed through three layers of analysis. The first layer is *living law*, namely Sewagheian as a social norm that lives within the consciousness of the Lampung people and influences how families build relationships, resolve disputes, and maintain honor. The second layer is *legal pluralism*, namely Sewagheian as a meeting point between customary law (*adat*), Islamic values, and the social needs of Muslim families. The third layer is *maqasid al-shari'ah*, namely Sewagheian as a value that can be tested through the objectives of Sharia, particularly *hifz al-nasl* (protection of lineage), *hifz al-'ird* (protection of honor), *hifz al-mal* (protection of property), and *hifz al-nafs* (protection of life/soul). Tamanaha emphasizes that modern legal pluralism needs to be read from the local to the global level because law is not only present as state rules but also as a social order that operates in everyday life. If Sewagheian is capable of protecting lineage, honor, family property, emotional well-being, and the continuity of kinship ties (*silaturahmi*), then it can be positioned as a customary value that is compatible with the objectives of Islamic law (Wardatun & Smith, 2020b).

On this basis, this article aims to analyze how Sewagheian in the customary law (*adat*) of Muslim Lampung can be understood as a value of brotherhood that functions in family reconciliation. This article also seeks to explain how Sewagheian can be read through *maqasid al-shari'ah*, particularly in preserving lineage, honor, property, safety, and family harmony. By employing a normative-conceptual approach with sensitivity to legal anthropology, this article does not purport to present empirical field data, but rather to reconstruct the conceptual relationship between Lampung custom, Islamic family law, and *maqasid al-shari'ah*. The main questions posed are: how can Sewagheian be understood as a *living law* in Muslim family law of Lampung; how does this value of brotherhood function in family reconciliation;

and how can *maqasid al-shari'ah* be used to assess and develop a Sewagheian-based model of family reconciliation.

RESEARCH METHOD

This study employs normative-conceptual legal research with a legal-anthropological orientation to reconstruct Sewagheian Brotherhood as a conceptual framework for family reconciliation in Lampung Muslim customary law. It does not generate primary empirical data, but relies on documentary materials and findings reported in previous field-based studies. (Banakar & Travers, 2005; Braun & Clarke, 2021; Charmaz, 2006) The research focuses on three issues: family conflict in Lampung customary society, the position of Sewagheian within Lampung kinship structures, and the relevance of *maqasid al-shari'ah* for assessing its legitimacy and limitations. *Maqasid al-shari'ah* serves as the primary analytical framework, while living law and legal pluralism function as supporting perspectives. Materials were collected through library research and include Islamic legal literature on *maqasid*, *sulh*, *islah*, and family reconciliation; Indonesian legal materials on marriage, inheritance, domestic violence, customary recognition, and access to justice; and scholarly works on Sewagheian, Angkon Mewaghei, Angkon Muakhi, Rembuk Pekon, Piil Pesenggiri, and Lampung kinship institutions.

The materials were analyzed through qualitative content analysis and normative legal reasoning. The analysis involved identifying Sewagheian values, mapping customary actors and authority, comparing conceptual claims with findings from previous empirical studies, evaluating the practice through *maqasid*, and formulating a Sewagheian-based reconciliation model (Creswell et al., 2018, p. 45; Guest et al., 2012, p. 4). Claims that Sewagheian prevents conflict, preserves dignity, and restores family relations are treated cautiously. Where previous studies concern social or community disputes rather than family cases, their relevance is regarded as an analytical inference, not direct empirical proof. The study also critically examines gender inequality, customary pressure, conflicts with formal legal rights, and the authority of customary leaders. The resulting model is conceptual, not empirical. Its main limitation is the absence of direct observation, interviews, and case documentation. Future research should therefore use socio-legal and legal-anthropological fieldwork to test the model across Pepadun and Saibatin communities. This fieldwork should prioritize women's participation, voluntary consent, procedural fairness, and enforceability of agreements.

FINDINGS AND DISCUSSION

Sewagheian as Living Law in Lampung Muslim Family Law

The classification of Sewagheian as living law cannot be based merely on the philosophical importance of brotherhood in Lampung society. It must be demonstrated through evidence that the norm is socially recognized, repeatedly practiced, supported by identifiable customary institutions, and regarded by community members as having binding or guiding force. The available literature provides a basis for such a classification, although the scope and strength of the evidence must be carefully qualified (Busriyanti et al., 2025).

In Lampung customary terminology, Sewagheian is associated with the word *waghei*, meaning brother or sibling. Related expressions—including *Pewagheian*, *Mewagheian*, *Angkon Mewaghei*, and *Angkon Muakhi*—refer to the creation or recognition of a brotherhood relationship. These terms may vary according to dialect, locality, and customary affiliation. They should therefore not be treated as completely uniform practices. Nevertheless, they share a normative orientation toward transforming social distance or hostility into recognized kinship relations.

Empirical support for this interpretation is found in a legal-ethnographic study conducted in West Lampung. The study observed three *Rembuk Pekon* processes between January and June 2025 and interviewed fifteen informants, including customary leaders, disputing parties, police officers, and village officials. The recorded process involved customary deliberation, an opportunity for both parties to explain the conflict, negotiation of responsibility, customary compensation or *nyukak*, a public apology, the *Angkon Mewaghei* procession, and a communal meal marking the conclusion of the conflict. The customary leader functioned principally as a facilitator, while the disputing parties, their extended families, village officials, and community representatives participated in reaching an agreement (Azharuddin, 2025).

Other empirical research on *Angkon Muakhi* also indicates the continued operation of customary brotherhood as a socially recognized mechanism. Documented cases include a traffic-accident dispute involving families in Kemiling and Langkapura and a land-related conflict in *Pekon Umbul Buah*, Tanggamus. The settlement structure described in this research begins with direct agreement between the parties, proceeds to family involvement, and may subsequently involve a customary mediator, the *punyimbang* as the clan leader, and

the *perwatin* as the customary institution possessing broader authority to deliberate and publicly confirm the settlement (Nugroho, 2019).

These empirical studies concern criminal or broader social disputes rather than specifically documented husband–wife, inheritance, or intergenerational family disputes. Consequently, they demonstrate that *Sewagheian* or its related customary forms operate as living norms of reconciliation, but they do not by themselves prove that *Sewagheian* has already developed into a distinct and consistently applied institution of Muslim family law. The relevance of *Sewagheian* to family reconciliation must therefore be reconstructed by connecting these documented customary practices with evidence concerning conflict management within Lampung families (Fitriyati et al., 2025; Nurlaelawati & Salim, 2013b).

Field research in the *Saibatin* communities of Tanggamus and the *Pepadun* communities of Way Kanan shows that family conflicts are commonly addressed through deliberation, extended-family assistance, and the participation of customary leaders. Such research identifies *Piil Pesenggiri*, family support, reciprocal respect, and negotiated settlement as important elements in preventing household conflict from developing into family disintegration. Another study of divorce in Lampung *Pepadun* society reports a progressive structure of intervention: the spouses first attempt to resolve their disagreement; if this fails, the extended family becomes involved; unresolved cases may then be brought to a *punyimbang* or customary elder and ultimately to the head of the *tiyuh* or another customary authority.

The documentary findings therefore support a limited but defensible conclusion. *Sewagheian* possesses the characteristics of living law because it is embedded in customary vocabulary, social expectations, deliberative practices, recognized actors, symbolic procedures, and community-based forms of accountability. Its position in Muslim family law, however, remains supplementary and conceptually reconstructed rather than formally institutionalized. It operates within a plural normative field in which customary obligations coexist with Islamic norms and state family law. Its legal relevance arises not from autonomous authority to replace Islamic or state law, but from its capacity to shape the social process through which family members understand responsibility, dignity, apology, and the restoration of relationships.

In Lampung society, the customary brotherhood value is closely related to honor, self-esteem, and social responsibility. Family conflict does not only affect the individuals in dispute, but also the extended family and the customary community. Therefore, conflict

resolution must consider the broader social impact. If marital conflicts, inheritance disputes, or disagreements among relatives are allowed to escalate, the resulting damage is not merely the loss of rights or property, but also the fracturing of family relationships, the erosion of honor, and the weakening of social solidarity. Bowen, in his study of the Gayo people, shows that property systems and family relations in Indonesia can change through the interaction between custom (*adat*), Islam, and social change (Ma'u et al., 2025; Sugitanata et al., 2026). Based on this framework, *Sewagheian* can be understood as a local value that helps Lampung Muslim families perceive conflict as a shared problem that must be resolved through kinship mechanisms, not merely as an individual dispute.

The results of the review of contemporary Islamic family law literature also indicate that the customary brotherhood-based approach aligns with the tendency of family law reform that is more relational. Van Huis shows that the practices of Indonesian Islamic courts regarding child and spousal support are situated within the shadow of legal pluralism, because judges are not only confronted with legal texts but also with the social realities of families (Van Huis, 2024). This literature reinforces the argument that modern Islamic family law cannot be sufficiently constructed upon hierarchical authority, but must also take into account justice, responsibility, protection, and family harmony. *Sewagheian* strengthens this direction because it offers a cultural foundation for building family relations that are not merely legalistic, but also ethical and social.

Analytically, *Sewagheian* as living law has five main elements. First, brotherhood (*persaudaraan*), namely the recognition that the conflicting parties remain within a social bond that must be maintained. Second, kinship responsibility (*tanggung jawab kekerabatan*), namely the awareness that family conflicts should not be resolved by damaging the dignity of the other party. Third, deliberation (*musyawarah*), namely resolution through dialogue and consensus. Fourth, honor (*kehormatan*), namely the awareness that conflict resolution must preserve the dignity of the family and the disputing parties. Fifth, restoration of harmony (*pemulihan harmoni*), namely a resolution orientation that does not stop at right or wrong, but moves toward restoring relationships. These elements align with the theory of legal pluralism which views law as a social process, not merely state norms. Manse asserts that Indonesian customary law has a complex historical legacy and its meaning is continuously contested in local practice, while Kouwagam shows that elderly care relationships in Indonesia demonstrate the importance of family ties, responsibility, and the plurality of

norms in everyday life. Therefore, Sewagheian is relevant as a conceptual framework in Lampung Muslim family law.

Thus, the first question can be answered as follows: Sewagheian can be understood as living law because it lives in the social consciousness of Lampung Muslim society as a value of brotherhood, kinship responsibility, deliberation, honor, and restoration of family harmony. This value is not formal like legislation, but it has social force because it is rooted in honor, shame, solidarity, and the obligation to maintain family relationships. In the context of Islamic family law, Sewagheian can function as a local value that supports the resolution of family conflicts in a more humane manner, as long as it is not used to pressure the weak or to conceal injustice in the name of harmony.

The Function of Sewagheian in the Reconciliation of Lampung Muslim Families

The available evidence permits the functions of Sewagheian to be organized into three interconnected dimensions: conflict prevention, protection of dignity, and restoration of family relationships. These functions should not be presented as universally established outcomes. They represent normative possibilities supported by related customary practices and limited empirical studies. The preventive function of Sewagheian derives from its emphasis on kinship responsibility and early collective intervention. Within the Lampung customary structure, conflict is not necessarily regarded as the exclusive concern of the two individuals directly involved. When a dispute threatens the relationship between families, relatives and customary representatives may intervene through deliberation before hostility becomes permanent. Field research on family conflict in Tanggamus and Way Kanan shows that extended-family support and customary deliberation remain significant instruments for resolving household disagreements and preventing divorce.

Sewagheian contributes conceptually to this preventive process by redefining the disputing parties as persons who remain connected by kinship obligations. Such a perspective may discourage insulting conduct, retaliatory action, public humiliation, or the rapid severance of family ties. It creates a moral expectation that a dispute should first be approached through communication, acknowledgment of responsibility, and the involvement of trusted relatives. However, prevention should not be equated with the preservation of marriage or family unity at all costs. In cases involving violence, exploitation, repeated abandonment, or serious inequality, preventing separation may protect the appearance of harmony while allowing substantive harm to continue (Kouwagam, 2024).

The second function concerns the protection and restoration of dignity. In the documented Rembuk Pekon processes, the victim was given an opportunity to explain the harm suffered, while the responsible party was expected to acknowledge wrongdoing, apologize publicly, and provide an agreed form of compensation. The empirical study reports that victims regarded acknowledgment and public accountability as important aspects of recovery, not merely the amount of material compensation. This process is relevant to family reconciliation because many family conflicts involve injuries to dignity that cannot be resolved exclusively through financial distribution or formal legal declarations (Van Huis, 2024).

Within a family context, a Sewagheian-based process could provide structured space for acknowledging humiliation, broken promises, neglect, interference by in-laws, unfair control of family property, or disrespect toward parents and other relatives. The restoration of dignity would require more than asking the injured party to forgive. It would involve recognition of the injury, acceptance of responsibility, correction of the harmful conduct, and guarantees of non-repetition. Accordingly, family honor should be understood as the protection of each family member's dignity rather than merely the preservation of the family's external reputation.

The third function is relational restoration. In documented Sewagheian practices, the agreement is followed by symbols of social reintegration, including Angkon Mewaghei and a communal meal. These acts communicate that the dispute has formally ended and that the parties are expected to resume peaceful social relations. The mechanism therefore extends beyond the production of an agreement and seeks to reconstruct the social relationship damaged by conflict.

Applied to Muslim family disputes, relational restoration may include reopening communication, clarifying kinship responsibilities, returning property, correcting defamatory statements, arranging contact between children and parents, or establishing new boundaries between spouses and extended families. Reconciliation does not necessarily require that the parties return to precisely the same relationship that existed before the conflict. In certain cases, restoration may mean establishing a safer and more respectful relationship after separation or divorce. The objective is not always reunification, but the prevention of continuing hostility, retaliation, and the destruction of wider kinship relations. (Cammack & Feener, 2012)

***Maqasid al-shari'ah* Analysis of Sewagheian-Based Family Reconciliation**

The social acceptance of Sewagheian does not automatically establish its justice or its compatibility with Islamic family law. Living law explains why a customary norm possesses social authority, while legal pluralism explains its interaction with Islamic and state law. Neither theory determines whether the substantive outcome of the custom is morally or legally acceptable. That evaluation must be undertaken through *maqasid al-shari'ah* (Ibn Ashur, 2001, p. 43, 2013, p. 32; Larbani & Mohammed, 2011).

From a *maqasid* perspective, reconciliation is valuable when it protects human welfare, lineage, dignity, property, personal safety, religious responsibility, and the continuity of constructive family relations. Reconciliation ceases to serve the *maqasid* when it conceals violence, deprives a party of property, silences a victim, reinforces discrimination, or preserves family unity by sacrificing the safety and dignity of weaker members. Sewagheian should therefore be treated as a conditionally legitimate customary process rather than an inherently just institution.

The first critical issue is whether Sewagheian provides equal protection for women. Lampung customary society is not homogeneous, but several of its kinship arrangements are patrilineal and give significant authority to male lineage structures. This social background may influence who speaks, who represents the family, and whose interests are treated as the collective interests of the kinship group.

Field research on the Nyakak tradition in Lampung Saibatin society illustrates this risk. The study found that wives may be incorporated into the husband's patrilineal family, experience restrictions in maintaining relations with their original families, and face consequences concerning kinship, inheritance, customary titles, and employment. It concluded that discriminatory practices against wives remained present in the investigated customary setting. These findings do not prove that every Sewagheian process discriminates against women. They do demonstrate, however, that customary solidarity and family honor operate within structures that may not always distribute authority equally. A *maqasid*-based analysis must therefore ask whether women participate directly in deliberation, whether their consent is independently obtained, whether they may be accompanied by a trusted person or legal adviser, and whether female customary or religious figures are involved in the process. (al-Ghazali, 1993, p. 176; Al-Shātībī, 1996, p. 21) Representation by a husband, father, brother, or male customary leader cannot automatically be treated as equivalent to the woman's own voice. (Cammack & Feener, 2012) The empirical study of Sewagheian itself

acknowledges that some customary processes remain closed and dominated by male traditional figures, creating a need to protect the equal participation of women and other vulnerable groups. Accordingly, the *maqasid* legitimacy of Sewagheian requires gender-inclusive deliberation, equal opportunity to present claims, and substantive protection of women's safety, property, dignity, and freedom of legal choice.

The second issue concerns the possibility that customary reconciliation may pressure the weaker party. Sewagheian derives much of its effectiveness from kinship authority, collective recognition, and concern for family honor. These elements may encourage cooperation, but they may also make refusal socially difficult. The language of brotherhood may obscure unequal bargaining positions. A wife who depends economically on her husband, a younger family member facing senior relatives, or an heir confronting a powerful punyimbang may formally agree to reconciliation without possessing a realistic freedom to refuse. Public deliberation may intensify this pressure when rejecting an agreement is presented as rejecting the family, insulting customary leaders, or damaging the reputation of the community. Evidence from Lampung customary studies shows that family honor can carry severe social consequences. Divorce has been characterized in some Pepadun settings as a disgrace affecting both extended families, and customary authorities have historically exercised substantial influence in discouraging marital dissolution. Such norms may prevent impulsive divorce, but they can also burden a spouse who has legitimate reasons to end an unsafe or unjust marriage. For this reason, *maqasid*-based Sewagheian must distinguish genuine reconciliation from compelled conformity. Consent must be informed, express, and revocable before the agreement is finalized. Separate preliminary consultations should be provided when there is a significant power imbalance. Cases involving domestic violence, sexual violence, child abuse, coercive control, or serious threats should not be handled solely through public family deliberation. The protection of life, bodily integrity, dignity, and freedom from oppression takes precedence over the symbolic preservation of kinship harmony (Zulkarnain et al., 2024).

The third issue arises when a customary agreement conflicts with rights guaranteed by formal law. Indonesian law recognizes the existence of customary communities and their traditional rights, but such recognition is conditional and operates within the constitutional and national legal order. Customary authority is therefore not unlimited. In marriage disputes, a customary declaration that a couple has reconciled or separated cannot replace legal procedures that the state assigns to courts. Under Article 39 of the Indonesian Marriage Law,

divorce may only be conducted before a court after efforts at reconciliation have been made. Sewagheian may assist the parties before, during, or after litigation, but it cannot remove a spouse's right to bring a divorce claim or determine the legal status of the marriage independently of the court. The same boundary applies in cases of domestic violence. The Law on the Elimination of Domestic Violence recognizes victims' rights to protection, health services, assistance, legal support, and recovery. A customary agreement cannot legitimately require a victim to withdraw a report, return to an unsafe household, waive protection, or accept an apology as a substitute for necessary legal measures. Likewise, reconciliation concerning inheritance or marital property must not deprive a party of rights through intimidation or misinformation. A family settlement may be valid when it is voluntary, transparent, and reached after the parties understand their legal entitlements. It becomes problematic when family harmony is used to persuade daughters, widows, younger heirs, or economically dependent relatives to surrender their rights for the benefit of more powerful family members. Legal pluralism should therefore be understood as coordinated coexistence rather than unrestricted customary autonomy. Sewagheian can complement formal law by restoring communication and reducing hostility, but it cannot extinguish access to courts, legal aid, protection orders, or other statutory remedies. Where a customary outcome conflicts with mandatory legal protection, fundamental rights, or the prevention of harm, formal law must prevail (Amiruddin, 2020; Fahrudin, 2021; Islam, 2024).

The fourth issue concerns who possesses authority to initiate, facilitate, validate, and supervise Sewagheian reconciliation. Available empirical sources indicate a layered structure. Resolution may begin with the parties and their immediate families. If no agreement is achieved, a customary figure may mediate, followed by the *punyimbang* as clan leader and, in more complex matters, the *perwatin* or broader customary institution. Studies of household conflict similarly describe the involvement of extended families, customary elders, and *tijuh* authorities when direct reconciliation fails. This hierarchy should not be interpreted as giving customary leaders unrestricted power to impose reconciliation. Their legitimate role is principally facilitative: organizing deliberation, ensuring that the parties are heard, clarifying customary responsibilities, preventing intimidation, and documenting an agreement. Empirical observations of Sewagheian describe the customary leader as a facilitator rather than a unilateral decision-maker. The authority of the customary mediator must consequently rest on four foundations: recognition by the relevant customary community, consent of the disputing parties, procedural impartiality, and conformity with Islamic and state-law

protections. A customary leader who is related to one party, financially interested in the outcome, or committed primarily to preserving family reputation should disclose the conflict of interest and should not exercise sole control over the process (Abitolkha & Dodi, 2023; Budi Priambodo, 2018; Firdawaty et al., 2024). For Muslim family disputes, a plural facilitation structure may be more appropriate than a male customary authority acting alone. Depending on the case, the process may involve a customary leader, a female community representative, a religious scholar, a professional mediator, a legal-aid representative, or a child-protection specialist. The composition should reflect the nature of the conflict and the vulnerability of the parties.

On the basis of this critical analysis, Sewagheian may be considered compatible with *maqasid al-shari'ah* only when several substantive and procedural conditions are fulfilled. First, participation must be voluntary and based on informed consent. No party should be threatened with social exclusion, loss of family recognition, or reputational punishment for choosing formal legal remedies. Second, the process must be non-discriminatory. Women, children, younger relatives, persons with disabilities, and economically dependent family members must have meaningful opportunities to speak and to obtain independent assistance. Third, reconciliation must include accountability. Apology and symbolic brotherhood should not replace restitution, the return of property, protection from future harm, or other corrective obligations. Fourth, the process must protect access to formal justice. Sewagheian agreements cannot lawfully prevent divorce applications, criminal reports, protection requests, inheritance claims, or other remedies guaranteed by law. Fifth, the substantive outcome must protect the *maqasid* rather than merely restore the appearance of social harmony. The relevant indicators include personal safety, preservation of dignity, protection of lineage and children, fair treatment of property, freedom from coercion, and the prevention of continuing injustice (Auda, 2008, p. 67; Herawati et al., 2023; Mappasessu & Akmal, 2025).

Under these conditions, Sewagheian can be reconstructed as a culturally grounded framework of family reconciliation. Its theoretical contribution does not lie in replacing Islamic family law or state adjudication, but in providing an ethical and relational process through which responsibility is acknowledged, communication is restored, and wider kinship hostility is reduced. Its validity remains conditional upon substantive justice, voluntary participation, protection of vulnerable parties, and compatibility with the higher objectives of the *Shari'ah*.

Lampung Muslim Family Reconciliation Model

From the three discussions above, it can be formulated that Sewagheian has theoretical potential as a model for the reconciliation of Lampung Muslim families. *First*, as living law, Sewagheian demonstrates that family law exists not only in fiqh texts and state regulations but also in social norms that regulate honor, brotherhood, kinship responsibility, and family deliberation mechanisms. In this context, Islamic family law cannot be understood merely as a system of formal rules but also as a social practice negotiated within the spaces of family, custom (adat), and community. Sewagheian shows that society possesses moral-cultural instruments to maintain family relationships, mitigate conflict, and preserve social honor without always having to rely on state litigation mechanisms (Afandi & Muhyidin, 2025; Ananda et al., 2025; del-Pino-Casado et al., 2012; Muttaqin et al., 2026).

Second, as a reconciliation mechanism, Sewagheian functions to restore communication, prevent conflicts from escalating, and maintain family harmony. This function is important because family conflicts often involve not only violations of formal rights but also emotional wounds, loss of trust, broken kinship ties, and damaged dignity. In marital disputes, inheritance issues, parent-child relationships, or inter-relative conflicts, formal legal resolutions are often insufficient to restore social relationships. Sewagheian offers a relational approach that positions the parties as part of a brotherhood network that must be restored, rather than as opponents to be defeated. Thus, family reconciliation is understood not merely as a peace agreement but as a process of repairing damaged social bonds.

Third, from the perspective of *maqasid al-shari'ah*, Sewagheian can be accepted as long as it protects the family, dignity, property, safety, and religious values. The dimension of *hifẓ al-nasl* is evident in Sewagheian's function of preserving family continuity and intergenerational kinship ties. The dimension of *hifẓ al-'ird* is evident in efforts to maintain the dignity of the disputing parties so that conflict does not turn into humiliation or social ostracism. The dimension of *hifẓ al-māl* is evident in Sewagheian's function of encouraging deliberation over property, inheritance, grants, and family agreements so that property does not become a source of hostility. The dimension of *hifẓ al-nafs* is evident in efforts to reduce tension, hostility, violence, and emotional suffering resulting from family conflict. Meanwhile, the dimension of *hifẓ al-din* is evident in the internalization of the values of sulh, islah, amanah (trustworthiness), deliberation (musyawarah), and kinship ties (silaturahmi) in

the lives of Muslim families (Muttaqin et al., 2026; Naim & Qomar, 2021; Ubaidilah & Husna, 2023). However, this synthesis also shows that Sewagheian cannot be accepted absolutely without critique. Customary values can only become a source for the reconstruction of Islamic family law if they bring benefit (*maslahah*) and do not produce harm (*mafsadah*). If Sewagheian is used to pressure the weak, force women to remain in harmful relationships, deny the rights of certain heirs, or maintain the dominance of the extended family in the name of customary honor, then these values lose their *maqasidi* orientation. Therefore, this article places *maqasid al-shari'ah* not merely as a tool for legitimizing custom, but as an evaluative and corrective device. *Maqasid* functions to sort out which customary elements can be maintained, which need to be reformulated, and which must be rejected because they contradict family justice (Arifin et al., 2026; Idham et al., 2025; Yahdi et al., 2025).

The main contribution of this discussion is the formulation of Sewagheian-based family reconciliation as an academic concept. This concept expands the study of Indonesian Islamic family law by demonstrating that customary values can become a source for the reconstruction of family law when critically interpreted through *maqasid*. So far, family reconciliation in Islamic law has often been understood through formal channels such as court mediation, religious advice, or state legal procedures (Athoillah & Arifin, 2024a; Jabbar, 2025). This article offers a different perspective: family reconciliation can also grow from local values that live within society, as long as those values are directed toward benefit (*maslahah*), the protection of dignity, and substantive justice. Thus, Sewagheian can be positioned as a local concept that enriches the discourse of Indonesian Islamic family law.

Theoretically, the concept of Sewagheian-based family reconciliation rests on three foundations. The first foundation is legal pluralism, namely the recognition that Lampung Muslim families exist at the intersection of Islamic law, state law, and customary law (*adat*). The second foundation is living law, namely the understanding that social norms alive within society can genuinely regulate family behavior, even if they are not always written in formal regulations. The third foundation is *maqasid al-syari'ah*, namely a normative framework for testing whether family reconciliation truly upholds benefit (*maslahah*) or merely conceals injustice. These three foundations make Sewagheian not merely a local tradition, but a conceptual framework that can be used to understand the relationship between custom (*adat*), Islam, and the family in a plural society.

Practically and conceptually, this model can be formulated into three operational principles. *First*, reconciliation must be based on brotherhood, meaning that family conflict

should be understood as a damaged relationship requiring restoration, not merely a matter of winning or losing. *Second*, reconciliation must be based on deliberation (*musyawarah*), meaning that conflict resolution is achieved through dialogue, clarification, acknowledgment of responsibility, and a non-coercive agreement. *Third*, reconciliation must be based on *maqasid*, meaning that every agreement must be tested against the protection of the family, dignity, property, safety, and religious values. With these three principles, Sewagheian can avoid two extremes: on the one hand, dry legal formalism devoid of cultural sensitivity; on the other hand, the romanticization of custom that neglects substantive justice.

This model also shows that Indonesian Islamic family law requires a more contextual and humanistic approach. A contextual approach is necessary because Indonesian Muslim families do not live in a homogeneous social space, but rather within a diversity of customs, traditions, kinship structures, and local practices. A humanistic approach is necessary because family conflicts often involve emotional, psychological, and human dignity dimensions that are not always resolved by legal decisions alone. Sewagheian offers a cultural language to understand family conflict as a matter of relationships, while *maqasid* provides normative limits so that relationship restoration does not sacrifice the rights and safety of particular parties.

Thus, Sewagheian can serve as a local contribution from Lampung to the development of a more contextual, humanistic, and reconciliatory Islamic family law. It offers a language of brotherhood to resolve family conflicts, yet it still requires normative oversight through *maqasid* so that harmony does not come at the expense of justice. The position of this article is not to romanticize custom, but rather to position custom as a social space that can be reconstructed. Within this framework, Sewagheian can become a model for family reconciliation that brings together Islamic values, Lampung customary law, and the demands of contemporary family justice.

Table 1: Sewagheian-Based Family Reconciliation Model

Synthesis Aspect	Conceptual Findings	Contribution to Islamic Family Law
Sewagheian as living law	Customary brotherhood norms live in the social practices of Lampung Muslim families	Demonstrates that family law derives not only from texts and regulations but also from social norms
Sewagheian as reconciliation	Functions to restore communication, preserve honor, and prevent conflict escalation	Expands the concept of family reconciliation from formal mediation toward cultural reconciliation

Sewagheian within <i>maqasid</i>	Can be accepted if it protects nasl, ‘ird, māl, nafs, and dīn	Provides normative criteria for accepting, reformulating, or rejecting customary elements
Critical limits	Must not pressure the weak or conceal injustice in the name of harmony	Affirms <i>maqasid</i> as a corrective instrument toward custom
Theoretical model	Sewagheian-based family reconciliation	Offers a local contribution from Lampung to Indonesian Islamic family law

Source: Compiled by the researcher from various sources.

Through this synthesis, the article contributes at three levels. At the theoretical level, the article brings together legal pluralism, living law, and *maqasid al-shari’ah* within a single model of family reconciliation. At the conceptual level, the article offers the term “Sewagheian-based family reconciliation” as an academic model that can be developed in the study of Islamic family law. At the practical-normative level, the article demonstrates that the resolution of Muslim family conflicts cannot be oriented solely toward formal legality, but must also take into account relationships, dignity, public interest (*maslahah*), and substantive justice. Thus, Sewagheian can be understood as a meeting point between custom (*adat*), Islam, and family justice in Lampung Muslim society.

CONCLUSION

This article concludes that Sewagheian Brotherhood in Lampung Muslim customary law can be reconstructed as a conceptual framework for family reconciliation grounded in customary brotherhood and *maqasid al-shari’ah*. The analysis shows that Sewagheian contains normative values related to kinship responsibility, mutual respect, deliberation, family dignity, and the restoration of disrupted social relationships. As a form of living law, it illustrates that family regulation is shaped not only by *fiqh*, the Compilation of Islamic Law, court procedures, and state legislation, but also by socially recognized customary norms operating within family and kinship structures.

In the context of marital disputes, inheritance conflicts, parent–child tensions, and disagreements among relatives, Sewagheian may provide an ethical-cultural basis for restoring communication, limiting conflict escalation, acknowledging responsibility, and reintegrating disputing parties into a kinship relationship. These functions, however, should not be understood as empirically proven outcomes in all Lampung customary communities. Rather, they constitute a normative reconstruction derived from the intersection of

customary-law literature, documented reconciliation practices, and the principles of Islamic family reconciliation.

Through the framework of *maqasid al-shari'ah*, Sewagheian may be regarded as compatible with Islamic family law insofar as it supports the protection of lineage and family continuity (*hifẓ al-nasl*), human dignity (*hifẓ al-'ird*), property rights (*hifẓ al-māl*), personal safety and welfare (*hifẓ al-nafs*), and religious and moral values (*hifẓ al-dīn*). Its legitimacy is therefore conditional rather than absolute. Customary reconciliation cannot be justified when it pressures women or other vulnerable parties, conceals violence, restricts access to formal justice, deprives individuals of property rights, or imposes artificial harmony in the name of family honor.

The principal contribution of this article is the formulation of a Sewagheian-based conceptual model of family reconciliation. It is important to state explicitly that the model offered here is conceptual, not empirical. It does not claim to describe a standardized procedure currently implemented across all Lampung Pepadun and Saibatin communities. Nor does it establish that Sewagheian consistently produces fair, voluntary, and sustainable reconciliation outcomes in actual family disputes. The model instead provides an analytical framework for examining how customary brotherhood may be evaluated, limited, and developed through *maqasid al-shari'ah*.

The study is limited by its normative-conceptual design and reliance on secondary literature. It does not include direct observation of customary reconciliation, interviews with disputing family members, customary leaders, women, religious authorities, mediators, village officials, or family-court actors. It also does not examine variations in terminology, authority, procedures, and gender relations across different Lampung customary communities. Consequently, the findings cannot be generalized as an empirical representation of Sewagheian practices throughout Lampung.

Future research should therefore employ socio-legal and legal-anthropological fieldwork in both Pepadun and Saibatin communities. Such research should document actual cases of marital conflict, inheritance disputes, parent-child tensions, and interfamily disagreements; identify the actors who initiate and authorize reconciliation; observe the stages of deliberation; and examine how agreements are implemented and enforced. Particular attention should be given to women's participation, power imbalances, voluntary consent, the treatment of domestic violence, access to courts, and the relationship between customary agreements and formal legal rights. Comparative field studies involving customary

leaders, religious scholars, legal-aid institutions, village authorities, mediators, and Religious Court judges would also be valuable for assessing whether the proposed model can be transformed into an empirically grounded and procedurally accountable framework.

Accordingly, Sewagheian should not be presented as an established solution to all family conflicts. Its significance lies in its potential to enrich Indonesian Islamic family law by offering a culturally rooted language of responsibility, dignity, deliberation, and relational restoration. That potential must nevertheless be tested through fieldwork and subjected to the requirements of substantive justice, gender equality, voluntary participation, protection of vulnerable parties, and conformity with *maqasid al-shari'ah* and formal legal guarantees.

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