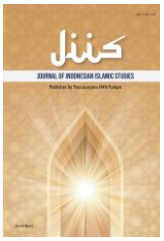
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The Postponement of the 1,000-Day Inheritance Distribution in Javanese Custom in Menampu, Jember: A Maqasid Sharia Perspective

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Abstract

This study examines inheritance deferral associated with sewu dino in Menampu Village, Jember, through maqasid al-shariah. An empirical legal approach analyzes reported interviews with the family of the late Mrs. RK and a religious figure alongside the Compilation of Islamic Law. The findings describe postponement of estate division until the 1,000-day commemoration, during which the surviving husband manages a house, yard, and rice field. The family reports restrictions on unilateral disposal and associates deferral with commemorative responsibilities and family harmony. However, the evidence does not verify every heir's informed consent, financial accountability, or final distribution. The analysis distinguishes ritual timing from recognition of inheritance rights. Property protection provides the strongest basis for temporary stewardship; mourning and deliberation remain contextual considerations rather than demonstrated effects of the waiting period. Custom cannot independently authorize expenditure from heirs' property. The study recommends early asset identification, informed agreement, transparent accounting, and reviewable management. It contributes a conditional framework for evaluating deferral without treating the 1,000-day interval as a mandatory legal rule.

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Introduction

Inheritance distribution in Indonesian Muslim families involves more than identifying beneficiaries and calculating their shares. Families also negotiate the timing of distribution, the authority to manage assets, and the relationship between religious obligations and customary expectations. Studies of Muslim communities in Central Java and Mandailing Natal show that local legal culture shapes the implementation of inheritance norms, including decisions to postpone division while a parent remains alive or until family circumstances are considered appropriate (Rasyid et al., 2024; Supriyadi & Ahamed, 2021). Such negotiations raise a specific question: when does temporary family stewardship protect an estate, and when does it obstruct the rights of its heirs?

The question is particularly relevant in Menampu Village, Gumukmas District, Jember Regency, East Java. The family account examined in this study describes the postponement of estate division until the completion of sewu dino, the commemoration held approximately 1,000 days after a death. During the waiting period, the surviving spouse manages property associated with the deceased, including residential and agricultural assets. The arrangement connects the administration of property to a ritual calendar and to the family's understanding of respect for the deceased. However, neither its cultural familiarity nor its stated purpose establishes that every heir has consented freely or that the estate has been managed without loss.

The ritual context is significant. Woodward (1988) examines the relationship between textual Islamic knowledge and Javanese slametan performance, while Nasir (2019) interprets death commemorations as practices of honor, social integration, and symbolic communication across generations. These studies help explain why a commemoration can structure family obligations after a death. They do not, however, establish a religious requirement to suspend inheritance distribution for a specified number of days. Ritual meaning and the legal consequences of estate administration therefore require separate examination.

Research on inheritance postponement has already identified several reasons for deferral. Badi' and Iqbal (2024) report the continued survival of a parent, commemorative intervals, the absence of heirs, and disagreements over shares in Semen Village. Putra and Riyanta (2024) show that maintaining family harmony can justify delayed distribution in Kampar, while also creating risks for rightful heirs. Azni et al. (2023) examine distribution timing in the Compilation of Islamic Law and assess postponement through the protection of property. Together, these studies indicate that the duration of a delay is only one component of its evaluation; its effects on ownership, access, and accountability are also consequential.

Other studies locate inheritance within negotiations between Islamic norms and customary institutions. Huda et al. (2020) identify different negotiation models among Mataraman families in East Java. Fadani and Adib (2024) describe the interaction of customary, Islamic, and state law among Dayak-Muslim Senganan communities, while Muzainah and Mansyuroh (2022) examine deliberation and legal integration among Chinese Muslim families in Banjarmasin. More recently, Ngazizah (2025) investigates changing inheritance norms in the Pantura region, and Yusmita et al. (2025) examine tensions between Sasak customary practices and Islamic inheritance provisions. These

context-specific accounts caution against treating a local practice as representative of all Indonesian Muslim families.

The literature also emphasizes that negotiated arrangements must be assessed from the position of individual beneficiaries. Hamdani et al. (2022) examine Muslim community awareness of customary and Islamic inheritance law, drawing attention to the relationship between legal understanding and practice. Aniroh et al. (2024) discuss fairness and reciprocity in bilateral inheritance, and Harnides et al. (2023) examine gender justice in South Aceh. These debates matter because a family can appear harmonious while a beneficiary lacks practical access to property or meaningful participation in decisions. In the present study, this concern is examined as an analytical possibility rather than as a documented finding of coercion in the RK family.

The unresolved issue addressed here is the connection between a fixed commemorative endpoint and the surviving spouse's temporary control of assets. Existing studies illuminate inheritance delay, customary negotiation, and the social meaning of death rituals, but these strands need to be brought together to distinguish deferred physical division from deferred recognition of heirs' rights. This study contributes a bounded account of the sewu dino arrangement in Menampu and evaluates the conditions under which its claimed benefits can be reconciled with property protection.

Two questions guide the study: how is inheritance deferral associated with sewu dino described and organized in the Menampu case, and how should that arrangement be evaluated through maqasid al-shariah and the relevant provisions of the Compilation of Islamic Law? The objectives are to reconstruct the reported sequence of management and distribution and to identify the safeguards required for a defensible temporary arrangement. The central argument is that commemoration may explain the timing of division, but it cannot suspend entitlement or independently authorize expenditure from assets belonging to heirs.

Method

This study employs an empirical legal approach with a sociological orientation. It examines a family inheritance arrangement in Menampu Village and relates the reported practice to Islamic inheritance norms and their implementation in Indonesia. The principal unit of analysis is the estate-management arrangement associated with the family of the late Mrs. RK. The study is treated as a bounded qualitative case rather than as a survey of village-wide prevalence. This scope is consistent with the distinction between contextual explanation and statistical generalization in case-study research (Yin, 2018).

The interview material concerns the reason for postponement, the surviving spouse's management of residential and agricultural property, restrictions on sale or transfer, the relationship between the assets and ritual expenditure, and the anticipated distribution after the commemorative period. The available manuscript does not contain complete transcripts, an interview guide, a full participant list, asset valuations, or accounting records. It is therefore inappropriate to claim data saturation, an audited financial assessment, or a verified measure of consent among all heirs. The discussion is based on reported accounts rather than independently authenticated property transactions.

The analysis is descriptive and interpretive. For this reconstruction, the reported material was organized under four topics: commemorative timing, interim control of assets,

family agreement and transfer restrictions, and the reported sequence leading to distribution. This organization makes the relationship between evidence and interpretation explicit without retroactively attributing an unreported coding protocol to the original fieldwork. Braun and Clarke (2019) emphasize the interpretive character of thematic analysis; their work informs this caution, but the study does not claim to have implemented a complete reflexive thematic-analysis procedure on unavailable transcripts.

The legal analysis draws on the Compilation of Islamic Law, especially Articles 96, 171, 175, 176, 179–180, 183, 188–189, and 195 (Republic of Indonesia, 1991). These provisions address marital property, the definition of inheritance, estate obligations, beneficiaries' shares, informed settlement, requests for distribution, certain agricultural estates, and testamentary limits. Qur'anic inheritance provisions are cited by surah and verse, particularly Qur'an 4:7, 4:11–12, and 4:176. The analysis uses maqasid al-shariah to evaluate property protection, family welfare, and deliberation, drawing on Auda (2008) and contemporary inheritance scholarship (Azni et al., 2023; Syaikhu et al., 2023). Normative recommendations are presented in the Discussion and are not counted as additional empirical findings.

Results

Commemorative timing and the reason for deferral

The family account links the postponement of estate division to the completion of the sewu dino commemoration. The event marks the final observance in the sequence of death commemorations described by the religious informant and includes collective tahlil and prayers for the deceased (Ustad Husein, personal communication, September 20, 2026). The ritual endpoint therefore functions as the family's stated reference point for beginning distribution.

The family describes the interval as a period for honoring the deceased, attending to commemorative responsibilities, and allowing the surviving spouse time to adjust after the loss. These are reported reasons for the arrangement. The interview record does not establish that a 1,000-day interval is necessary for recovery, nor does it measure grief or psychological outcomes. Similarly, the religious informant's description of a customary obligation is recorded as a local understanding rather than a finding that Islamic inheritance law requires this waiting period.

Assets and the surviving spouse's interim management

The family account states that the assets should not be sold or transferred unilaterally without the agreement of other heirs. Interim management is described as supporting the family's commemorative responsibilities. However, no detailed ledger distinguishes expenditure from the estate's principal, agricultural proceeds, the surviving spouse's own funds, or voluntary contributions. The record therefore supports a finding about the reported purpose of management, but not a finding that every payment was authorized or that the value of the inheritance was preserved.

Family agreement and the reported distribution sequence

The manuscript describes deferral as a family arrangement and connects restrictions on disposal to that agreement. It also reports that village officials can mediate

disagreements when internal family discussions do not produce a settlement. Neither a written agreement signed by all beneficiaries nor a completed mediation file is available in the record. The existence of an account of family agreement must consequently be distinguished from documentary proof that each heir knew their share and consented independently.

According to the reported sequence, asset identification and the distinction between jointly acquired marital property and separate property precede distribution after the 1,000-day commemoration. The material does not provide the deceased's complete family composition or the shares ultimately received by each beneficiary. It also does not comprehensively document the final distribution. Table 1 summarizes the findings and the principal limits of the supporting evidence.

Table 1. Reported features of inheritance deferral and evidence limitations

Aspect	Reported finding	Evidence limitation
Timing	Division deferred until sewu dino at approximately 1,000 days.	No independent record of the completed timetable.
Assets and management	House, yard, and rice field managed by the surviving husband.	Title, values, and marital ownership shares unspecified.
Transfer restrictions	Unilateral sale or transfer reported as prohibited.	No signed agreement from all heirs supplied.
Ritual expenditure	Management linked to commemorative responsibilities.	No itemized income or expenditure accounts.
Distribution	Property classification reported as preceding eventual division.	Full beneficiary list and final allocations unavailable.

Source: Authors' synthesis of the reported interview material.

The case thus documents an account of temporally deferred division with continuing management by the surviving spouse. It does not establish village-wide frequency, demonstrate the absence of conflict, or verify the completion of a legally correct distribution. Those evidentiary boundaries are central to the subsequent evaluation.

Discussion

Ritual timing and the recognition of inheritance rights

The reported connection between sewu dino and estate division suggests that a commemorative calendar can influence the practical administration of family property. Nasir (2019) explains the importance of honor and continuing symbolic relationships in Javanese death rituals, while Woodward (1988) situates slametan within the relationship between Islamic knowledge and local religious performance. These perspectives help interpret the family's stated reasons for postponement. They do not convert the 1,000-day interval into a legal prerequisite for inheritance.

A necessary distinction is between recognizing an heir's entitlement and physically dividing an estate. Qur'an 4:7 recognizes inheritance shares for men and women, while Qur'an 4:11–12 specifies shares in relation to estate obligations. Article 171 of the Compilation of Islamic Law supplies definitions relevant to the deceased, heirs, and inherited property; Article 175 sets out obligations concerning burial, debts, testamentary matters, and distribution (Republic of Indonesia, 1991). Article 176 concerns children's shares, not permission to postpone distribution. The absence of a specified 1,000-day

deadline in these provisions cannot by itself be interpreted as authorization for a customary delay.

Azni et al. (2023) assess inheritance timing through the protection of assets and the consequences of postponement. The present case extends that concern by identifying the ritual event that provides a stated endpoint. Nevertheless, a finite endpoint offers only partial protection: rights may be impaired before the deadline if beneficiaries cannot access information, proceeds are depleted, or control becomes exclusive. A defensible arrangement must therefore recognize heirs and their shares at the outset even if physical division is postponed by a legally valid agreement.

Article 183 permits an agreed settlement after each heir understands their share (Republic of Indonesia, 1991). This creates an important basis for discussing negotiated distribution, but it does not establish that the RK arrangement automatically satisfies the provision. The available account does not verify the knowledge or consent of every beneficiary. Article 188 also provides a route for an heir to seek distribution and, in the event of refusal, to bring a claim before the Religious Court. Family harmony should therefore support informed agreement rather than disable an heir's ability to request their entitlement.

Separating marital ownership from the deceased's estate

The reported practice leaves the house, yard, and rice field under the surviving husband's management. This fact requires a distinction between management authority, ownership of marital property, and entitlement to inherit. Awiety and Riyadi (2020) trace the development and legal recognition of joint marital property in Indonesia. Their analysis highlights why all assets used by a household cannot simply be classified as property owned exclusively by the deceased.

Article 96(1) of the Compilation of Islamic Law provides that, when a marriage ends through death, half of the joint marital property belongs to the surviving spouse (Republic of Indonesia, 1991). The deceased's share of joint property, together with their separate property and subject to applicable obligations, must be distinguished from the survivor's own assets. The surviving husband may also be an heir under Article 179, while a surviving wife's share is addressed in Article 180. These legal capacities are separate: entitlement to part of the joint property does not make the survivor the owner of the entire estate.

The manuscript places property classification near the end of the waiting period. As a recommendation, this identification should begin earlier. Without an initial inventory and ownership classification, neither ritual expenditure nor agricultural income can be allocated reliably. The available data do not permit a calculation of the RK family's shares because the complete set of beneficiaries and the legal status of each asset are unspecified. Introducing illustrative percentages as if they were findings would therefore misrepresent the evidence.

Comparative research reinforces the need to distinguish the legal character of property and transfers. Nofialdi and Rianti (2024) differentiate inheritance from lifetime gifts and testamentary arrangements in Minangkabau property distribution. Fikri (2024) examines reform within Sasak inheritance practices. Although the underlying customs differ from Menampu's commemorative deferral, both studies support careful analysis of

what is being transferred, under whose authority, and at what stage, rather than applying a single customary label to all family assets.

Property protection and the limits of ritual expenditure

The clearest maqasid concern in this case is hifz al-mal, the protection of wealth and lawful property interests. Auda (2008) presents maqasid as a framework for evaluating legal purposes and their relationships rather than merely attaching beneficial labels to a practice. Applied here, property protection concerns the rights of every beneficiary as well as the physical preservation of the house and land. The reported prohibition on unilateral sale is relevant, but it does not establish that income was accounted for or that access to the estate was equitable.

The family's account of financing commemorative obligations must also be treated carefully. Article 175 identifies estate obligations concerning burial, debts, wills, and distribution; it does not expressly classify every subsequent commemorative feast as a compulsory estate charge (Republic of Indonesia, 1991). The analysis therefore does not presume that sewu dino expenses have the same priority as burial costs or enforceable debts. Neither customary expectation nor the manager's good intention is sufficient to authorize expenditure from another heir's entitlement.

Voluntary contributions by competent beneficiaries require an informed decision about the amount, source of funds, and effects on their shares. Testamentary expenditure, where relevant, must be assessed separately under Article 195, including its limitations and requirements for consent (Republic of Indonesia, 1991). A family cannot use a general statement of collective approval to dispense with the protection of minors or beneficiaries unable to consent for themselves. These are normative safeguards, not documented violations in the RK case.

The contrast between intention and consequence is central to previous research. Badi' and Iqbal (2024) describe several situational reasons for postponement, whereas Putra and Riyanta (2024) show how appeals to harmony can risk marginalizing heirs. In Menampu, the reported restriction on disposal offers a potential safeguard, but the absence of financial records prevents a conclusion that it worked effectively. The case supports conditional evaluation: a temporary arrangement may preserve productive assets if beneficiaries' rights, proceeds, and access are protected; depletion or exclusion would undermine that justification.

Family welfare and meaningful deliberation

The family's desire for time to mourn can be considered in relation to hifz al-nafs, understood here as concern for personal and family welfare. The evidence supports the existence of a stated welfare rationale, not a clinically demonstrated improvement in psychological health. Nor should the customary interval be conflated with the legally prescribed period of widowhood. A maqasid argument for compassion must remain sensitive to heirs who may need resources during the same period.

Hifz al-aql is relevant more indirectly, through the conditions for informed deliberation and understanding of rights. Waiting does not itself demonstrate thoughtful decision-making. This objective is engaged only when beneficiaries can obtain information, understand the legal status of assets, and participate in decisions without pressure. The

case does not document these processes sufficiently to establish that this benefit was achieved; it identifies where further evidence is needed.

Studies of customary negotiation show why deliberation remains significant. Huda et al. (2020) examine the combination of fiqh and custom in resolving Mataraman inheritance disagreements. Fadani and Adib (2024) identify possibilities for harmonization in a distinct Dayak-Muslim setting, while Syaikhu et al. (2023) connect the Tumbang Anoi inheritance framework to the value of peace. These studies explain how culturally legitimate procedures can support settlement. Their conclusions cannot be transferred automatically to Menampu, where the record does not establish whether every beneficiary participated or whether the arrangement was later reviewed.

Muzainah and Mansyuroh (2022) likewise show that family deliberation and non-division can coexist within locally negotiated arrangements. The Menampu case adds a specified ritual endpoint, but its contribution is descriptive and analytical rather than a demonstration that fixed deferral is superior to earlier distribution. The decision should be assessed against competing needs, including continued productive management, support for the survivor, timely access for heirs, and the costs of waiting.

Protecting beneficiaries within customary agreement

Contemporary studies demonstrate that inheritance practices may reproduce unequal control even where the family presents them as customary or harmonious. Yusmita et al. (2025) examine patrilineal preferences in Sasak inheritance, while Rasyid et al. (2024) describe how Mandailing customary expectations influence distribution timing. Ngazizah (2025) situates changing Pantura practices within negotiation between customary, Islamic, and state norms. These findings provide reasons to examine power and participation, rather than to assume that customary acceptance proves individual agreement.

Gender-focused scholarship strengthens this scrutiny. Kususiyanah (2021) examines women's inheritance rights through a historical and sociological lens; Aniroh et al. (2024) discuss justice within bilateral inheritance; and Harnides et al. (2023) analyze inheritance and gender equity in South Aceh. These studies differ in their doctrinal and social arguments, but they direct attention to beneficiaries as rights holders. In the present case, there is no adequate basis to assert that women were excluded. The appropriate implication is to ensure that daughters, wives, and other entitled beneficiaries are heard and that their rights remain identifiable during the waiting period.

Tarmizi et al. (2024) identify delays, incomplete property documentation, and limited legal understanding among factors associated with inheritance conflict in Bone Regency. Their emphasis on consultation and documentation is relevant to the uncertainties in the RK record. Village mediation may offer an accessible forum, but its legitimacy depends on informed participation and cannot replace the protection available through formal legal processes. A recommendation for mediation should preserve an heir's ability to decline a settlement or seek distribution.

A conditional framework for temporary stewardship

The combined analysis supports a conditional framework rather than a categorical endorsement of 1,000-day postponement. First, the family should identify ownership,

beneficiaries, and their shares before deferring physical division. Second, an agreement should specify why postponement is needed, who manages the assets, what expenditure is permitted, and when the arrangement will be reviewed. Third, beneficiaries should be able to examine income and expenditure and request reconsideration if their needs or circumstances change. Table 2 summarizes these proposed safeguards; they were not verified as practices implemented by the RK family.

Table 2. Proposed safeguards for temporary estate management

Safeguard	Purpose	Documentation needed
Initial inventory	Separate the survivor's ownership from the deceased's estate.	Asset list, ownership evidence, debts, and testamentary documents.
Informed agreement	Recognize each beneficiary's entitlement before deferral.	Beneficiary list, explained shares, and recorded decisions.
Defined management	Limit the manager's authority and expenditure.	Mandate, budget, and explicit expenditure permissions.
Transparent accounting	Protect assets, income, and beneficiaries' access to information.	Receipts and periodic income and expenditure reports.
Review and remedies	Reassess hardship and preserve access to distribution.	Review date, concerns recorded, and dispute-resolution route.

Source: Authors' normative synthesis; these safeguards are recommendations, not verified practices in the RK case.

Article 189 illustrates the relevance of maintaining certain agricultural estates, particularly land below two hectares, under the conditions stated in the Compilation (Republic of Indonesia, 1991). However, the area of the reported rice field is unknown, so this provision cannot be claimed as a demonstrated legal basis for the RK arrangement. Its relevance is limited to showing that preserving an asset as an economic unit and protecting heirs' interests are not necessarily incompatible. Whether a particular arrangement meets those conditions requires evidence of area, agreement, management, and the needs of individual heirs.

The study's principal contribution is the distinction between a culturally meaningful period and a legally defensible management arrangement. The fixed endpoint explains when the family expects to divide assets; legal recognition, consent, and accountability explain whether waiting protects its members. Because the study lacks comprehensive records of consent, financial flows, and completed distribution, it cannot certify the arrangement's conformity with Islamic inheritance law. It instead identifies the evidence and safeguards on which such an assessment must depend.

Conclusion

The Menampu case describes inheritance deferral linked to the sewu dino commemoration and interim management of residential and agricultural assets by the surviving spouse. Family accounts connect the postponement to respect for the deceased, commemorative responsibilities, and family harmony. A reported restriction on unilateral sale or transfer suggests an intention to preserve assets, but the available evidence does not verify the informed agreement of every heir, the treatment of income and expenditure, or the final distribution.

From a maqasid al-shariah perspective, the most direct issue is the protection of property and beneficiaries' rights. Mourning and deliberation supply additional considerations, but they do not establish that 1,000 days is necessary or universally beneficial. The legal distinction between the survivor's own marital property and the deceased's estate must be maintained. Recognition of heirs and their shares should precede any agreement to postpone physical division, and commemorative expenditure must not be treated automatically as a compulsory estate obligation.

The study advances understanding of customary inheritance by distinguishing ritual timing from the conditions of legitimate stewardship. Families and mediators should prioritize an early asset inventory, informed participation, transparent accounting, proportionate expenditure, and a reviewable agreement that preserves access to legal remedies. These recommendations concern the management process rather than the adoption of a uniform waiting period.

The conclusions are limited by the bounded family evidence, incomplete participant and ethics reporting, unavailable financial and ownership documents, and the absence of a comprehensively documented final distribution. Further research should compare several families, include beneficiaries with different economic needs, and follow asset management through actual division. Such evidence would allow researchers to evaluate whether a stated commitment to harmony produces measurable protection or conceals unequal control.

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