

# The Harmonisation of Customary Law and Islamic Law in The Resolution of Family Disputes

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**Abstract:** Legal pluralism in Indonesia reflects the richness of normative systems that coexist between state law, Islamic law, and customary law. In the context of family dispute resolution, especially those related to marriage, inheritance, and divorce, overlapping jurisdictions and fundamental normative differences often give rise to complex legal issues. This article aims to analyse and propose a model for harmonising customary law and Islamic law in the resolution of family disputes in Indonesia. This research uses a qualitative approach with juridical-normative and socio-legal methods, through analysis of legislation, religious court decisions, and community-based dispute resolution practices. The results of the research show that Islamic law and customary law actually have strong common ground in the principles of justice, benefit, deliberation, and social balance. However, tensions arise when local customary values clash with universal Islamic norms. In practice, many communities still prioritise customary-based resolution before bringing cases to religious courts, indicating a social preference for mechanisms that are considered more restorative and rooted in local wisdom. The harmonisation strategies offered include an integrative approach based on *maqāsid al-syarī'ah*, recognition of customary law that does not conflict with sharia principles, and strengthening the role of customary-religious mediators as a bridge between the two legal systems. The harmonisation of customary law and Islamic law is not intended to eliminate differences, but to optimise the role of both in creating substantive justice for Indonesian Muslim families. Thus, legal pluralism can become an integrative potential in strengthening a family dispute resolution system that is fair, contextual, and rooted in a diverse national legal identity.

**Keywords:** legal harmonisation, customary law, Islamic law, family disputes, legal pluralism.

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## Introduction

Indonesia is a country with a pluralistic legal system, where state law, Islamic law, and customary law coexist and influence each other in the practice of community life. (Achmad Hariri & Basuki Babussalam, 2024) This reality of legal pluralism is rooted in the long history of the Indonesian nation, which has been shaped by diverse cultures, religions, and value systems that have interacted dynamically from the pre-colonial era to the post-independence era. In the context of family law, this plurality is most evident. (Rahmatillah, 2024) Indonesian society, especially those who are Muslim, often resolve family issues such as inheritance, divorce, or disputes over joint property through deeply rooted local customary

mechanisms, even though formally, these matters fall under the jurisdiction of religious courts. (Kurdi & Alamudi, 2022) This phenomenon shows that customary law is still *a living law* that has normative power in social practice, even when it intersects with Islamic law, which is derived from revelation. However, the challenges posed by the coexistence of customary law and Islamic law in Indonesia's national legal system are significant, particularly with regard to the potential for overlapping norms and disharmony of values. This is evident in areas such as inheritance law, where Islamic inheritance follows an individual proportional system, while customary law, as seen in regions such as Minangkabau and Bali, often adopts a collective or matrilineal approach. (Dimiyati, 2025) In the context of marriage, indigenous practices such as the

customs of dowry, belis, or pinang sirih, which have their own legal implications for marital status and family rights, further illustrate the differences from Islamic law. (Fauzi, Septiani, & Sholehah, 2023) This normative tension highlights the need for constructive strategies to harmonise customary and Islamic law, ensuring that both complement each other within a fair and contextual national legal framework. (Nasution, SA, Asmaret, Kamal, & Julhadi, 2025) The integration of these legal systems is not only a challenge but also an opportunity to develop a national law that is adaptive and responsive to the needs of society, as demonstrated by the harmonious coexistence of these systems in certain communities, such as the Dayak-Muslim Senganan in Sintang. (Fadani & Adib, 2024) The Minangkabau community also exemplifies how Islamic inheritance law can be adapted to accommodate customary influences, preserving cultural practices without violating Islamic principles. (Siadio & Yenti, 2023) This underscores the importance of an inclusive and contextual approach in building a fair and sustainable legal system that respects local religious and cultural values.

Previous studies on the relationship between customary law and Islamic law have been conducted extensively. The relationship between customary law and Islamic law is complex and diverse, as evidenced by various studies in different cultural contexts. In Indonesia, the integration of Islamic and customary law into the national legal system reflects legal pluralism that accommodates religious and cultural diversity. Islamic law, particularly through the Compilation of Islamic Law (KHI), has gained significant legitimacy, especially in family and inheritance law, while customary law is constitutionally recognised but faces challenges due to modernisation. (Nasution et al., 2025) In the Minangkabau community, customary law and Islamic law coexist, with the former often influencing the latter in legal practice. The Minangkabau philosophy of "Basandi Syarak Adat" emphasises that customary law must be in harmony with Islamic principles, although conflicts arise, particularly in inheritance practices where customary norms sometimes conflict with Islamic law. (Siadio & Yenti, 2023) Similarly, in the Sultanate of Bima, the integration of Islamic and customary

law has historically been facilitated by institutions such as the Majelis Syara', which harmonises these legal systems to address social and cultural challenges. (Amrin, Sugiyarto, Abdurahman, & Mas'udatul Fitriyah, 2025) In Malaysia, the Javanese Muslim community exemplifies a balanced integration of customary and Islamic law, particularly in the tradition of marriage, where the custom of " " is maintained as long as it does not conflict with Islamic principles. (Rafianti, Dwijayanto, & Dali, 2021) Collectively, these studies highlight the dynamic interaction between customary law and Islam, demonstrating the potential for harmonious integration and the challenges posed by conflicting norms.

Based on the above review of previous research, there are still clear gaps in research: studies to date tend to be descriptive-normative in nature in certain areas of practice (particularly marriage and inheritance) and focus on fragmented communities or historical periods, thus failing to provide an operational model that can harmonise KHI and adat in the resolution of family disputes across contexts. The integration demonstrated, for example through the principle of "adat basandi syarak" in Minangkabau or the role of religious institutions in Bima, has not been mapped into tested, measurable, and replicable dispute resolution procedures in contemporary religious courts. Important variables such as the principles of gender justice and child protection, indicators of successful mediation, and mechanisms for testing conflicts of norms when adat conflicts with fiqh principles have not been treated as evaluative parameters. As a result, legal pluralism is recognised, but there is no analytical-practical tool capable of bridging the gap between normative legitimacy and the effectiveness of case resolution at the concrete case level.

This research offers a novel approach in the form of developing a dispute-based harmonisation framework that combines doctrinal analysis of Islamic family law and jurisprudence with local customary mapping, and operationalises it into a hybrid mediation-adjudication protocol containing stages, criteria for testing normative conflicts, and performance indicators (customary viability according to maqāṣid al-syarī'ah, equality of parties, best interests of the child, and certainty of enforcement of decisions). This model was tested

through multi-location case studies and analytical examination of religious court decisions, resulting in a typology of disputes and a decision matrix that can be used by judges, mediators, and customary leaders to select harmonisation options that are lawful, fair, and contextual. Thus, this research not only captures the coexistence of customary law and Islam, but also provides standardised and replicable tools to improve the quality of family dispute resolution in Indonesia's pluralistic legal environment.

This research is based on three main theoretical frameworks, namely the theory of legal pluralism, which explains the existence of various legal systems within a single society, (Djawas, Nurdin, Zainuddin, Idham, & Idami, 2024) the theory of *living law*, which emphasises the existence of laws that are truly alive and obeyed by society, (Suparji, 2019) and the concept of *al-'urf* in Islamic law, which is the recognition of customs as a secondary source of law as long as they do not conflict with the *nash syar'i*. (Mubarok, 2016) These three theoretical frameworks serve to emphasise that customary law is not the antithesis of Islamic law, but can be viewed as a local expression of Sharia values internalised in the culture of Indonesian Muslim society. Thus, the harmonisation between the two is not merely a pragmatic compromise, but an epistemological step towards the integration of universal Islamic values with local wisdom.

Based on this foundation, this research seeks to answer three main questions: (1) how does Islamic law regulate the settlement of family disputes; (2) what is the role of customary law in the settlement of family disputes in society; and (3) what harmonisation strategies can be applied between customary law and Islamic law in the context of family dispute resolution in Indonesia. The main objective of this research is to explain the principles of Islamic law and customary law in the settlement of family disputes and to formulate a conceptual model of legal harmonisation that can be used as a reference in the reform of national family law.

The urgency of this research lies in its attempt to bridge the tension between the universality of Islamic law and the particularity of customary law in the social reality of Indonesian society. In the context of a pluralistic legal state, the harmonisation

of these two legal systems is not only necessary to avoid normative conflicts, but also to strengthen the substantive justice and social legitimacy of the laws that are applied. The results of this research are expected to make a real contribution to the development of Islamic family law in Indonesia, by emphasising that customary law that is in harmony with *maqāṣid al-syarī'ah* (the objectives of sharia) is not only acceptable but also enriches the understanding and practice of Islamic law in a contextual and humanistic manner.

### Materials and Methods

This research employs a qualitative legal-normative approach, focusing on sources of Islamic law and customary law relevant to resolving family disputes in Indonesia, as highlighted by the integration of these legal systems within the national framework of the Compilation of Islamic Law ((Wardi, Yaswirman, Ismail, & Gafnel, 2024) ). The analysis was conducted through a review of legislation, the Compilation of Islamic Law (KHI), religious court decisions, and customary law documents that are still alive and applied in society. This approach enabled researchers to identify the points of convergence and divergence between customary law norms and Islamic legal principles.

Data Research data was collected through library research, including scientific works, books, leading journal articles, and primary and secondary legal documents, ensuring a comprehensive understanding of the legal landscape. (Yadi, 2023) The analysis technique used was descriptive-comparative qualitative analysis, with steps of data reduction, thematic categorisation, and normative interpretation of applicable legal principles. A comparative approach was used to reveal how customary law and Islamic law can complement each other in the settlement of family disputes.

The validity of the findings is maintained through source triangulation and doctrinal analysis, linking the views of classical and contemporary fiqh scholars to the development of customary law practices in Indonesia. The results of the analysis are then synthesised to formulate a pattern of harmonisation between customary law and Islamic

law that is not only normatively relevant but also contextual within the framework of national legal pluralism.

## Results and Discussion

### Principles of Islamic Law in Family Dispute Resolution

Legal pluralism in Indonesia is not a new phenomenon, but rather the result of a long historical evolution. Since the Dutch colonial period, Indonesian society has lived in a duality of law that distinguishes between Western law, customary law, and Islamic law. (Achmad Irwan Hamzani, 2024) Experts such as Snouck Hurgronje and Van Vollenhoven emphasised that customary law (*adatrecht*) is not merely a set of formal rules, but a normative system that governs all aspects of society. (Achmad Irwan Hamzani, 2024) After independence, Indonesia adopted a national legal system that continues to recognise the existence of customary law and Islamic law as *living law*, affirming that formal law and social law interact with each other in the daily practices of society. (Tegnan, 2016)

The social context of families in Indonesia shows that legal pluralism exists in the form of interactions between religious values, customs, and state law. (Rahmatillah, 2024) In family disputes, Muslim communities often refer to local customary law in family deliberations before taking formal action in religious courts. (Warman, Isra, & Tegnan, 2018) For example, the Minangkabau people still maintain a distinctive matrilineal inheritance system, while the Bugis and Javanese people submit customary considerations (large family meetings) to resolve marital or inheritance disputes. (Rahmatillah, 2024) These differences in practice between regions show that legal pluralism is not homogeneous, but rather dynamic and contextual.

The legal basis for legal pluralism is also reflected in Article 18B paragraph (2) of the 1945 Constitution, which recognises the existence of local wisdom, as well as in the authority of religious courts (Law No. 3 of 2006). The Compilation of Islamic Law (KHI) is an instrument that codifies the principles of Islamic law within a national framework, while still providing space for the

application of customary values as long as they do not conflict with the text of the Sharia. Thus, legal pluralism in the context of family disputes is not merely an overlap of norms, but a complex interaction between formal legal values, customs, and Sharia.

Customary law functions as a social mechanism and normative mediator that promotes peace and social balance. In resolving inheritance or divorce disputes, indigenous communities prioritise family deliberation, restitution, and the restoration of harmonious relations, rather than merely applying formal legal sanctions. (Endah & Shaleh, 2024) Indigenous communities, such as those in Minangkabau and Papua, prioritise family deliberation and the restoration of harmony, often following a collective lineage that emphasises the responsibility of the extended family. (Karimah & Gunawan, 2024)

On the other hand, Islamic law provides a normative framework that prioritises justice (*'adl*), benefit (*maslahah*), and peace (*islah*). Fiqh rules such as *al-'adah muhakkamah* allow religious judges to consider local customs in resolving family disputes, as long as they do not conflict with the principles of sharia. (Fauzi et al., 2023) This shows that Islamic law is flexible and adaptive to the social context, opening up opportunities for harmonisation with customary law. (Syahputra & Khalid, 2024)

The interaction between these two legal systems presents a variety of patterns: there is convergence, such as in the use of family deliberation as a mechanism for peace; but there is also conflict, for example in the different inheritance divisions between Islamic law and matrilineal customary law. (Susilo & Safitri, 2022) This dynamic illustrates the complex interaction and potential for harmonisation between customary law and Islamic law in Indonesia's pluralistic legal landscape.

Islamic law functions as a normative and moral system that guides the resolution of family disputes through principles oriented towards justice, prosperity and peace. This is evident in the Indonesian context, where legal pluralism requires the harmonisation of Sharia norms with local customs (*'urf shahih*) to ensure socially acceptable dispute resolution without compromising Sharia principles. (Achmad Hariri & Basuki Babussalam, 2024) This approach is also relevant in filling legal

gaps that arise due to inconsistencies between customary practices and national law.

The main sources of Islamic law in resolving family disputes include the Qur'an and Hadith, which regulate marriage, divorce, inheritance, and family rights, emphasising the protection of women, children, and family responsibilities. *Ijma'* (scientific consensus) and *qiyas* (legal analogy) are adaptive legal instruments that allow for normative interpretation according to the social context. (Nasution et al., 2025)

The Compilation of Islamic Law (KHI) represents contemporary *fiqh* adapted to national needs, providing a normative basis for religious court judges in family disputes. (Nasution et al., 2025) KHI not only translates Sharia texts but also accommodates authentic local values, bridging Islamic law and social reality. This approach is relevant in filling the legal vacuum arising from the incompatibility between customary practices and national law, ensuring a fair and sustainable legal system that accommodates local religious and cultural values. (Ashfiya Nur Atqiya, Ahmad Muhamad Musta'in Nasoha, Aulia Nafiul Khoiriyah, Affan Tafta Naufalianto, & Furqon Abdul Hakim, 2024)

The principles of justice (*'adl*), benefit (*maslahah*), peace (*islah*), and social flexibility (*'urf shahih*) form a complementary normative framework for the resolution of family disputes. Justice ensures the proportionality of the rights and obligations of all parties, including husbands, wives, children, and heirs, as reflected in the *faraidh* regime and the protection of postnatal rights. (Ritonga & Harahap, 2024) *Maslahah* directs decisions towards collective benefit and the prevention of *mafsadah* (social harm), so that mediation and deliberation (*sulh*) are positioned as the main instruments for maintaining family cohesion. (Suhaili, 2025) The principle of *islah* encourages gradual reconciliation through mediation, deliberation, or arbitration (*tahkim*) with a view to resolving disputes without causing social stigma or disintegrating kinship relations. (Avdonina, 2024) Meanwhile, the principle of *al-'adah muhakkamah* affirms the authority of *'urf shahih* as a source of legal consideration, as long as it does not contradict the text, so that the application

of Sharia principles remains contextual and responsive in a pluralistic society. (Rosyid & Dhani Dwi Afrizal, 2015)

### **The Role of Customary Law in Family Dispute Resolution**

Customary law plays a central role as a normative and social mechanism in the resolution of family disputes in Indonesia, reflecting the importance of law in societies characterised by legal pluralism. This system of norms is not only a set of formal rules, but also a living law that is practised and applied in society, as it adapts to the socio-cultural dynamics of Indonesian society. (Syamantha, Syahputra, & ., 2025) . Its existence is important in the context of legal pluralism, where Islamic law and national law sometimes require the support of local values in order for dispute resolution to be socially accepted. (Achmad Hariri & Basuki Babussalam, 2024) The integration of customary law with Islamic law enables the creation of a fair, effective, and contextual model of dispute resolution, as it accommodates local religious and cultural values. (Nasution et al., 2025)

Customary law functions as a social norm that regulates community behaviour, mediates conflicts, and protects family harmony, emphasising deliberation and consensus. (Purnomo, Supeno, & Lisdiyono, 2024) The legitimacy of customary law is reflected in Article 18B of the 1945 Constitution, which recognises local wisdom as part of the national legal system, underlining its constitutional significance. (Winardi, 2020) The theory of legal pluralism asserts that the existence of customary law is not merely an overlap of norms, but rather a constructive interaction between formal law and social norms, facilitating a harmonious legal framework. (Achmad Hariri & Basuki Babussalam, 2024)

In practice, customary law operates as a dispute resolution mechanism that prioritises a restorative and relational approach, emphasising the restoration of relationships and community harmony over punitive measures. (Suherni, 2024) Informal mediation generally takes place through family discussions or customary meetings led by traditional leaders/community elders. (Syaufi, Zahra, & Mursidah, 2021) . The main

objective is to reach an agreement that *is acceptable* to all parties with low social costs and a high chance of compliance.

The social function of customary law goes beyond a mere normative framework by playing an important role in maintaining family cohesion, minimising inter-family conflicts, and affirming social responsibility and collective solidarity through mechanisms such as social sanctions, restoration of dignity, and proportional compensation. This is evident in various communities where customary law is practised, each exhibiting unique contextual variations. For example, in Minangkabau, the matrilineal inheritance system is resolved through family deliberation to ensure tribal stability, highlighting the role of customary law in conflict resolution and social harmony (Karimah & Gunawan, 2024). (Karimah & Gunawan, 2024) Similarly, in Bugis, marital disputes are mediated through customary meetings that rely on the moral authority of elders, demonstrating the integration of local wisdom in maintaining social order. (Syamantha et al., 2025) These practices underscore the effectiveness of customary law in internalising values of justice rooted in local wisdom, as it continues to function as a key guiding principle in various aspects of community life, despite the challenges posed by modernisation and globalisation. (Dewi, 2025)

The effectiveness of customary law as a social mechanism does not negate its limitations. First, some customary practices have the potential to conflict with Sharia principles, especially on issues of gender equality (e.g., inheritance distribution that discriminates against women or violates children's rights). (Fadillah, 2021) Second, weak codification, documentation, and procedural standards make customary norms difficult to identify and verify in formal adjudication forums, thereby reducing the admissibility of evidence and the consistency of decisions. (Firdaus Puji Istiqomah, 2025) Third, potential jurisdictional conflicts may arise when the results of customary deliberations are not in line with religious court provisions or national positive law; these frictions usually arise in cases of marriage, divorce, guardianship, and inheritance, where the standards of evidence, burden of proof, and measures of substantive justice differ. (Fauzi et

al., 2023) These challenges require normative *gatekeeping* mechanisms and institutional designs that ensure customary practices operate within the corridor of *maqāṣid al-syarī'ah* (protection of religion, life, reason, lineage, and property) and national legal certainty.

Credible integration requires three policy pillars. First, normative selection (*tamyīz al-'urf*): customs are considered valid if they do not contradict the text and *maqāṣid*, and demonstrate real benefits for all parties. This process requires explicit criteria (sharia compliance, rationality, *maslahah*, and absence of *mafsadah*) so that it can be tested in court. Second, procedural harmonisation through mediation and *reconciliation*: family deliberations, mediation by customary leaders, and *tahkīm* (arbitration) are instituted as *pre-litigation* prerequisites with documented protocols, including meeting minutes, issue maps, settlement options, and measurable outcomes—making them easy to encapsulate as evidence and references for judges. Third, institutional models: systematic coordination between customary institutions and religious courts through joint *standard operating procedures*, certified mediator training, and two-way referral channels between customary and judicial courts for cases requiring adjudication. This design strengthens the legitimacy of decisions, increases compliance, and provides uniform operational guidelines without eliminating local characteristics. Thus, customary law functions as *living law* that is methodologically integrated with the principles of Sharia, resulting in fair, civilised, and contextual family dispute resolutions while maintaining legal certainty.

### **Strategy for Harmonising Customary Law and Islamic Law**

The harmonisation between customary law and Islamic law is crucial in the context of legal pluralism in Indonesia, as it reflects the coexistence of various legal systems within a society, including state law, customary law, and religious law, which are deeply rooted in Indonesia's colonial history and cultural diversity. The incompatibility between customary norms and Sharia principles often leads to conflict, injustice, or uncertainty in the resolution of family disputes, highlighting the challenge of harmonising state law with non-state legal systems. (Achmad Hariri & Basuki Babussalam,

2024) Therefore, a harmonisation strategy is needed to create fair, effective, and socially acceptable dispute resolution, while remaining based on *maqāṣid al-Sharī'ah*, which emphasises the importance of an inclusive and contextual approach in building a fair and sustainable legal system that accommodates local religious and cultural values.(Nasution et al., 2025) This harmonisation is not only normative but also operational through adaptive institutional mechanisms, as seen in the successful implementation of Islamic Sharia in Aceh, which has realised legal harmonisation between the state, customary law, and Islamic law.(Djawas et al., 2024)

The theory of legal pluralism views the coexistence of norms such as national law, Islamic law, and common law not as overlapping and mutually exclusive, but as a normative ecology that has the potential to interact constructively, as demonstrated in the practice of Dayak-Muslim Senganan customary inheritance, where these legal systems coexist harmoniously.(Fadani & Adib, 2024) Harmonisation is built through normative selection based on the rules of *fiqh al-'adah muhak*, that is, the recognition of authentic customs as a legal basis as long as they do not conflict with sharia, which is essential for maintaining coherence between social norms and sharia principles without sacrificing legal certainty.(Fauzi et al., 2023) Here, the principle of *tamyīz al-'urf* serves as a filtering tool to assess which customary norms are suitable for integration, ensuring that the interaction between Islamic law and customary law creates opportunities to develop national laws that are adaptive and responsive to the needs of society.

Normatively, harmonisation is aimed at aligning the core values of Islamic law, such as justice ('*adl*), welfare (*maslahah*), and peace (*islah*), with proven customary norms. This is evident in the integration of Islamic and customary law in various contexts, such as the Dayak-Muslim Senganan community, where these systems coexist harmoniously to support the interests of the community without conflict- , demonstrating the dynamics of mutual influence and understanding.(Fadani & Adib, 2024) The practice of family deliberation focused on restoring relationships, for example, can be positioned as a coping mechanism that affirms

relational justice while reducing the social costs of conflict. This approach is supported by the concept of *al-islah*, which emphasises the importance of conflict resolution to maintain social harmony and justice.(Fikri, 2018) At the institutional level, harmonisation requires functional coordination between religious courts, customary institutions, and local moral authorities, so that the dispute resolution process does not rely solely on formal legal instruments, but is also sensitive to local wisdom, kinship structures, and community dynamics. This is reflected in the integration of *maqāṣid al-syarī'ah* in religious courts, which aims to provide more contextual and fair solutions by taking into account local values and social dynamics.(Suhaili, 2025) The operational mechanism is tiered, starting with family mediation and customary deliberation to reach a peaceful agreement, continuing with *tahkim* (arbitration) with the involvement of customary leaders or competent mediators when consensus has not been reached, and ending with adjudication in religious courts that consider the principles of sharia and accommodate customary norms that have passed normative selection.

The challenges of harmonisation arise primarily in three areas. First, there is a conflict between customary norms and Sharia law, which requires the application of *tamyīz al-'urf* with indicators of conformity to *nash* and *maqāṣid al-Sharī'ah* (protection of religion, life, intellect, lineage, and property) is a significant issue, as highlighted by the need for contextual interpretation of legal texts to align with community values and *maslahah*, or public interest, which are often embedded in '*urf*, or customary practices.(Bahrudin, 2022) Second, variations in practice between regions require context-based adaptation through the principle of social flexibility ('*urf shahih*) so that substantive justice standards remain consistent. This is evident in Indonesia's diverse legal systems, where customary law, Islamic law, and state law coexist and require careful integration to maintain harmony and justice.(Ropiah, 2025) Third, an institutional weakness is the absence of standard procedures, documentation, and two-way referral channels between customary institutions and religious courts, which therefore necessitates general

operational guidelines, mediator training, and a format for recording the results of deliberations that can be submitted as evidence in court. This challenge is exacerbated by the lack of effective integration between Islamic criminal law and the general court system, as seen in Aceh, where normative and procedural differences hinder effective law enforcement. (Wati, 2025)

Theoretically, this harmonisation framework reinforces the paradigm of *Islamic Legal Pluralism* by demonstrating the capacity of Islamic law to interact productively with social norms without losing its sharia authority, while enriching the development of contextual fiqh that is adaptive to the plurality of society. In practice, this framework provides working guidelines for judges, mediators, and community leaders to design fair, inclusive, and socially acceptable family dispute resolutions, enhancing legal legitimacy, reducing prolonged conflicts, and establishing contextual, effective, and civilised resolution models.

### Conclusions

The relationship between customary law and Islamic law in the resolution of family disputes in Indonesia reflects the dynamic interaction between two legal systems that are both rooted in the values of justice (*'adl*), benefit (*maslahah*), social harmony, and deliberation (*syūra*). The tension that arises between local customary norms and universal Islamic principles is not a contradiction, but rather an opportunity to create an adaptive and contextual legal system. The harmonisation of the two should be understood not as unification, but as an integrative process that affirms the uniqueness of each system in realising substantive justice. *The maqāṣid al-syarī'ah-based* approach can serve as a conceptual foundation for aligning customary values with sharia principles ( ), while strengthening the role of customary-religious mediators and local institutions is a strategic step in developing a restorative family dispute resolution model rooted in cultural wisdom. In the future, it will be necessary to develop a pluralistic legal paradigm that encourages synergy between customary and Islamic legal actors, as well as further research that examines the empirical

application of this harmonisation model in various regions in order to strengthen the practice of Islamic family law in a pluralistic society.

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