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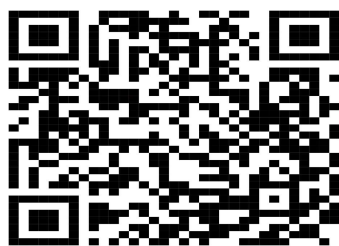
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Reconstructing Legal Protection for Contemporary Intangible Cultural Heritage: An Islamic Law Perspective on the Murut Oral Tradition in Sabah

Abstract: The increasing vulnerability of the Murut oral tradition in Sabah has intensified due to globalization, modernization, digital transformation, cultural commodification, and the weakening of intergenerational knowledge transmission, resulting in the gradual erosion of indigenous values. As an important form of intangible cultural heritage, the Murut oral tradition preserves collective memory, customary norms, ecological knowledge, moral teachings, and the *Aki Kinapuno* cosmology that continues to shape communal ethics and social relationships. Existing preservation initiatives remain predominantly documentation-oriented and inadequately address the normative and religious dimensions relevant to indigenous Muslim communities. This study aims to reconstruct the legal protection of the Murut oral tradition by developing a preservation framework integrating indigenous cultural values with Islamic legal principles through the complementary application of '*urf*' and *maqāṣid al-sharī'ah*. The research employed a qualitative socio-legal and ethnographic approach using semi-structured interviews, participant observation, and document analysis involving traditional elders, cultural practitioners, religious leaders, and Murut community representatives in Sabah. Data were analyzed through thematic interpretation and normative legal analysis. The findings reveal that the Murut oral tradition functions not merely as cultural expression but as a living normative institution governing communal identity, social cohesion, environmental stewardship, conflict resolution, and the intergenerational transmission of ethical values. The analysis further demonstrates that the *Aki Kinapuno* cosmology embodies principles of collective welfare, reciprocity, respect for nature, and social responsibility that substantially correspond with the objectives of *maqāṣid al-sharī'ah*, particularly the protection of religion, intellect, lineage, property, and human dignity. Meanwhile, '*urf*' provides a contextual mechanism for recognizing customary practices that remain socially beneficial while enabling critical evaluation of traditions

inconsistent with Islamic principles. Based on these findings, the study proposes an integrated preservation framework emphasizing community-based cultural validation, participatory governance, adaptive legal protection, and sustainable knowledge transmission. The study contributes by advancing a culturally grounded model of Islamic legal reasoning and offering an interdisciplinary framework for safeguarding intangible cultural heritage within contemporary indigenous Muslim societies.

Keywords: *Aki Kinapuno* cosmology; Intangible cultural heritage; *Murut oral* tradition; Performance heritage; Visualisation.

INTRODUCTION

The accelerating processes of globalisation, digital transformation, and socio-economic modernisation have fundamentally reshaped the cultural practices of indigenous communities worldwide, placing many forms of intangible cultural heritage under increasing pressure.¹ Among the most vulnerable are oral traditions, whose survival depends upon continuous intergenerational transmission rather than material preservation.² Beyond functioning as cultural performances, oral traditions embody collective memory, customary norms, indigenous knowledge, ethical values, and locally grounded systems of social organisation.

¹ J. Jamin, Y. I. A. M. Khalid, and M. Ahmad, "Preserving Malay Midwifery Traditions: The Role of Islam and Local Wisdom in Sustaining Intangible Heritage," *Global Journal Al-Thaqafah* (2025): 14-27, <https://doi.org/10.7187/GJATSI112025-2>

² Y. Fu, K. Shi, and L. Xi, "Artificial Intelligence and Machine Learning in the Preservation and Innovation of Intangible Cultural Heritage: Ethical Considerations and Design Frameworks," *Digital Scholarship in the Humanities* 40, no. 2 (2025): 487-508, <https://doi.org/10.1093/llc/fqaf034>

³ D. Luzzi, E. I. Parisi, M. Ranieri, and G. Tucci, "Interactive and Gamified Educational Virtual Tour for the Preservation of Tangible and Intangible Rural Heritage," in *International Archives of the Photogrammetry, Remote Sensing and Spatial Information Sciences - ISPRS Archives*, vol. 48, ed. H. Shim, S. Choi, W. Lee, H. U. Rii, and S. Kim (and International Society for Photogrammetry Remote Sensing, 2025), 895-902, <https://doi.org/10.5194/isprs-archives-XLVIII-M-9-2025-895-2025>

⁴ E. Gutiérrez-Gómez, J. K. Urpay-Lapa, R. C. González-Ríos, J. C. Aspur-Barrientos, and R. Auccatoma-Tinco, "Patronal Feast as a Symbol of Mayordomo's 'Purchasing Power' in Huanta, Peru," *Millah: Journal of Religious Studies* 24, no. 2 (2025): 675-706, <https://doi.org/10.20885/millah.vol24.iss2.ar4>

Contemporary challenges, including cultural commodification, language shift, migration, formal education systems, and the dominance of digital media, have weakened traditional mechanisms of knowledge transmission, creating conditions in which many indigenous oral traditions risk gradual marginalisation or disappearance.³ These developments have shifted scholarly attention from documenting cultural expressions toward identifying governance models capable of sustaining intangible cultural heritage within rapidly changing societies.⁴

Within this broader context, the Murut community of Sabah presents a particularly significant case. Murut oral traditions are not merely repositories of folklore, myths, ritual speeches, and oral poetry, but constitute living cultural institutions through which communal identity, customary authority, ecological knowledge, and ethical values are reproduced across generations.⁵ Central to this indigenous worldview is the Aki Kinapuno cosmology, which functions as an epistemic and moral framework organising relationships between humans, nature, ancestors, and the wider community.⁶ These traditions are increasingly threatened by declining use of indigenous languages, changing patterns of social interaction, urban migration, and reduced participation of younger generations in customary cultural practices. Unlike many discussions of intangible cultural heritage that remain at a global level, the Murut case illustrates how the erosion of oral traditions

⁵ A. Acharya, "Beyond Copyright: Designing a Sui Generis Framework for Folklore and Traditional Knowledge Protection in India," *Journal of Intellectual Property Rights* 31, no. 1 (2026): 77-86, <https://doi.org/10.56042/jipr.v31i1.12814>

simultaneously affects cultural continuity, indigenous governance, and local systems of normative knowledge.⁷

Table 1. Secondary Data Sources Supporting the Study of Murut Oral Tradition Vulnerability and Islamic Legal Framework in Sabah

Data Type	Source (Validity Level)	Year	Key Finding	Relevance to the Study
Murut population share within Sabah's Bumiputera population	Department of Statistics Malaysia (DOSM) – official government census/demographic release (High validity: primary government statistics)	2020 Census; Q1 2026 update	Sabah Bumiputera is composed of Kadazan/Dusun (31.7%), Bajau (26.5%), Murut (5.1%), and other Sabah Bumiputera groups (36.7%) Grokikipedia	Provides an authoritative, government-verified figure for the size of the Murut population, establishing the demographic scale of the community under study
Religious composition of Sabah	DOSM-derived population data, compiled in a demographic profile report citing official DOSM sources (High-moderate validity: government-sourced statistics, secondary compilation)	2020 Census / 2024–2025 estimates	Islam is the largest religion in Sabah at 69.6%, followed by Christianity at approximately 27%, Joshua Project with strong Christian communities among the Kadazan-Dusun, Murut, and Rungus	Establishes the quantitative religious context underpinning the study's premise that indigenous cultural identity and Islamic religious life increasingly intersect in Sabah
Endangerment status of Murutic languages	UNESCO Atlas of the World's Languages in Danger – official UNESCO reference tool compiled by an international panel of linguists (High validity: authoritative international institutional source)	Third edition (ongoing digital updates)	The Atlas has expanded across editions from 600 to roughly 2,500 endangered languages worldwide, using a standardised international methodology to assess language vitality; Timugon Murut is among the Sabah languages classified as vulnerable or endangered, primarily due to language shift toward Sabah Malay and Bahasa Malaysia among younger generations Borneo Post	Directly substantiates the article's central premise that Murut oral tradition faces measurable, institutionally documented endangerment – not merely an anecdotal concern
Empirical language-shift data among Murut (Lun Bawang) communities	Academic survey study on language use and attitudes among Iban and Murut (Lun Bawang) communities, published academic paper (High validity: peer-reviewed/academic field survey)	Fieldwork 2008, published academic analysis	The survey compared language use between younger and older age groups to determine the degree of language shift occurring toward Malay, the national language UNESCO	Offers a directly comparable empirical precedent for measuring intergenerational language/tradition transmission decline within Murutic-speaking communities
Geographic distribution of Murut sub-groups in Sabah	Wikipedia entry synthesising census and ethnographic sources (Moderate validity: tertiary source; recommend verifying against original DOSM)	2020 census-based	Murut sub-groups are concentrated primarily in the districts of Nabawan, Tenom, Keningau, Sipitang, and Beaufort Department of Statistics Malaysia	Useful for describing the fieldwork setting, but should ideally be cross-checked against DOSM's district-level breakdown or a peer-reviewed

	district-level data before citing in a peer-reviewed manuscript)			ethnographic source for publication-grade rigor
Institutional language documentation and revitalisation efforts	Journalistic/expert-sourced reporting referencing Universiti Malaysia Sabah (UMS) SIL International linguistics research and documentation work (Moderate validity: secondary journalistic source citing named institutional programs – recommend citing UMS/SIL publications directly if available)	Ongoing since 1970s–2026	Linguists estimate that without intervention, several smaller languages with fewer than 5,000 speakers could become dormant within two generations	Supports the article's argument that existing preservation approaches remain documentation-oriented, reinforcing the theoretical gap the study aims to fill with an Islamic legal framework

Existing preservation strategies have made important contributions through documentation, digital archiving, linguistic preservation, and community-based conservation.⁸ These approaches generally conceptualise oral traditions as cultural objects requiring preservation rather than as normative social institutions embedded within broader systems of values and communal regulation.⁹ Preservation discourse has paid limited attention to how religious and legal norms may shape the legitimacy, continuity, and transformation of indigenous traditions in Muslim societies.¹⁰ This limitation is particularly relevant in Sabah, where indigenous cultural identity and Islamic religious life increasingly interact within shared social spaces.¹¹ The present study argues that Islamic law provides an analytically relevant framework not because it automatically legitimises indigenous traditions, but because it offers established normative mechanisms for evaluating the social validity of customary practices.¹²

The concepts of *'urf* and *maqāṣid al-sharī'ah* provide complementary analytical tools for examining whether indigenous traditions contribute to public welfare, ethical conduct, social harmony, and the protection of fundamental human interests.¹³ Rather than treating

these concepts as abstract doctrinal principles, this study operationalises 'urf as a framework for assessing the legitimacy of customary practices through their continuity, communal acceptance, and consistency with Islamic legal norms, while *maqāṣid al-sharīʿah* is employed to evaluate the extent to which oral traditions promote broader objectives such as the protection of religion, intellect, lineage, property, human dignity, and collective welfare.¹⁴

At the same time, this study does not assume that indigenous customs and Islamic legal principles are inherently harmonious.¹⁵ Their relationship is understood as contextual and dynamic, involving processes of accommodation, negotiation, reinterpretation, and, in certain circumstances, normative tension.¹⁷ Some customary practices may readily satisfy Islamic legal objectives, whereas others may require reinterpretation or critical evaluation when ethical conflicts emerge.¹⁸

Many preservation frameworks are still oriented toward secular anthropological and sociological approaches that focus primarily on cultural representation rather than integrating religious or legal perspectives into heritage discourse.¹⁹ Recognising this

⁶ H. Wang, S. Chuangprakhon, W. Seekhunlio, and L. You, "Rhythms of Resilience and the Burden of Cultural Communication: Evaluating the Transmission and Preservation Strategies for Xi'an Guyue in Modern China," *Ianna Journal of Interdisciplinary Studies* 8, no. 1 (2026): 62-74, <https://doi.org/10.5281/zenodo.17689948>

⁷ N. Lu and H. Jiang, "Design and Application of Digital Protection Platform of Intangible Heritage Based on Virtual Reality Technology," in *Proceedings of the 2nd International Conference on Intelligent Algorithms for Computational Intelligence Systems (IACIS 2025)* (2025), <https://doi.org/10.1109/IACIS65746.2025.11211378>

⁸ W. E. Heuva, "Preserving Indigenous Ovaherero Cultural Heritage in the Digital Age: Analysis of the Film Tjipangandjara," *Journal of African Cinemas* 17, no. 3 (2025): 211-226, https://doi.org/10.1386/jac_00151_1

⁹ E. A. Odey, C. A. Apeh, I. I. Ufford, A. A. Ebu, E. E. Etta, J. Nnum-Mgbe, E. E. Aloba, E. U. Edem, M. Nabiebu, G. E.-B. Inyang, J. A. Aboh, and L. A. Edet, "Digital Promotion of Cross River State Cultures: Perspectives from the Calabar Cultural Centre," *Journal of African Films and Diaspora Studies* 9, no. 1 (2026): 241-258, <https://doi.org/10.31920/2516-2713/2026/v9n1a12>

¹⁰ E. M. Saccone D'Ambrosio and C. A. Gianotti García, "Shipwrecks and Maritime Heritage in Coastal Protected Areas of Rocha, Uruguay," *Journal of Maritime Archaeology* 21, no. 2 (2026), <https://doi.org/10.1007/s11457-026-09510-9>

possibility avoids a simplistic harmonisation narrative and enables a more empirically grounded analysis of how religious and indigenous normative systems interact within contemporary Muslim communities (the objectives of Islamic law), and the protection of

¹¹ L. Zhang, Z. Wang, R. Yang, and Q. Yi, "Digital Presentation and Interactive Learning for Intangible Cultural Heritage Preservation Using Artificial Intelligence," *IEEE Access* 13 (2025): 126245–126260, <https://doi.org/10.1109/ACCESS.2025.3588520>

¹² K. H. C. Lau, B. Yun, S. Saruba, E. Bozkir, and E. Kasneci, "Wrapped in Anansi's Web: Unweaving the Impacts of Generative-AI Personalization and VR Immersion in Oral Storytelling," in *AHs 2025: Proceedings of the Augmented Humans International Conference 2025*, ed. Y. Abdelrahman, A. Vargo, A. Withana, B. Tag, N. Henze, and L. Chan (New York: Association for Computing Machinery, 2025), 312–332, <https://doi.org/10.1145/3745900.3746103>

¹³ A. N. Dewi and B. Sørensen, "Revisiting UNESCO's Concept of Intangible Cultural Heritage: Some Semiotic Reflections," *Southern Semiotic Review*, no. 21 (2025): 68–93, <https://doi.org/10.332.34/SSR.21.5>

¹⁴ Y. Li, "Enhancing Conservation and Presentation of Intangible Cultural Heritage through Augmented Reality," in *Proceedings of the 4th IEEE International Conference on Distributed Computing and Electrical Circuits and Electronics (ICDCECE 2025)* (2025), <https://doi.org/10.1109/ICDCECE65353.2025.11035394>

¹⁵ J. Sun, K. Aboo Talib Khalid, and C. Suet Kay, "Deep Learning Models for Cultural Pattern Recognition: Preserving Intangible Heritage of Li Ethnic Subgroups through Intelligent Documentation Systems," *Future Technology* 4, no. 3 (2025): 119–137, <https://doi.org/10.55670/fpl.futech.4.3.12>

¹⁶ W. Komabu, "From Folktale to Stage: Compositional Strategies in the Musical Fable Self-Serving for the Preservation of Ede Oral Traditions," *Muziki* (2026), <https://doi.org/10.1080/18125980.2025.2604135>

¹⁷ R. De Marco, "The Spiritual Architecture of Maqamat: From the Digitisation of Architectural Heritage Sites to the Enhancement of Cultural Memory through Virtual Narratives," *Cidades* (2025): 64–83, <https://doi.org/10.15847/cct.39778>

¹⁸ G. Li, "Muqam Transmission in the Xinjiang Uyghur Autonomous Region: Negotiating Artistic Individuality in Present-Day Uyghur Muqam Performance Practices," *Rast Muzikoloji Dergisi* 13, no. 1 (2025): 1–17, <https://doi.org/10.12975/rastmd.20251311>

¹⁹ A. Vieira, "The Moorish Tradition in Portuguese Archaeology," *Studia Mythologica Slavica* 28 (2025): 29–50, <https://doi.org/10.3986/SMS20252802>

²⁰ B. Levina Viray, "Dissonance in the National Cultural Heritage Policy of the Philippines," *International Journal of Cultural Policy* 31, no. 5 (2025): 694–713, <https://doi.org/10.1080/10286632.2025.2514046>

²¹ M. Li, "Optimization of Digital Protection Strategies for Intangible Cultural Heritage Driven by Reinforcement Learning," *Discover Artificial Intelligence* 6, no. 1 (2026), <https://doi.org/10.1007/s44163-026-00906-z>

²² J. Jamin, Y. I. A. M. Khalid, and M. Ahmad, "Preserving Malay Midwifery Traditions: The Role of Islam and Local Wisdom in Sustaining Intangible Heritage," *Global Journal Al-Thaqafah* (2025): 14–27, <https://doi.org/10.7187/GJATSI112025-2>

²³ D. Luzzi, E. I. Parisi, M. Ranieri, and G. Tucci, "Interactive and Gamified Educational Virtual Tour for the Preservation of Tangible and Intangible Rural Heritage," in *International Archives of the Photogrammetry, Remote Sensing and Spatial Information Sciences (ISPRS Archives)*, vol. 48, ed. H. Shim, S. Choi, W. Lee, H. U. Rii, and S. Kim (International Society for Photogrammetry and Remote Sensing, 2025), 895–902, <https://doi.org/10.5194/isprs-archives-XLVIII-M-9-2025-895-2025>

human welfare.²⁰ Previous scholarship has examined Murut culture primarily from anthropological, linguistic, and sociological perspectives, focusing on folklore, customary institutions, indigenous identity, and language preservation.²¹ Within performance studies, De Marco's²² study of intangible cultural heritage have emphasised UNESCO safeguarding mechanisms, digital documentation, and participatory conservation. In contrast, Islamic legal scholarship has generally explored *'urf* and *maqāṣid al-sharī'ah* within jurisprudential debates without connecting them to indigenous heritage governance.²³

Although these studies have generated valuable insights, they remain analytically fragmented.²⁴ The principal theoretical gap therefore lies not simply in the absence of research on Murut oral traditions or Islamic law individually, but in the lack of an integrated analytical model explaining how Islamic legal reasoning can interact with indigenous normative systems to support the contemporary safeguarding of intangible cultural heritage in Muslim indigenous contexts.²⁵ Through the combined application of socio-legal and ethnographic inquiry, the research examines how indigenous knowledge, customary authority, and Islamic legal principles may be interpreted together to produce culturally legitimate and ethically grounded strategies for safeguarding intangible cultural heritage. In doing so, the study contributes not only to the literature on Murut culture and intangible cultural heritage but also to broader debates concerning legal pluralism, culturally embedded Islamic legal reasoning, and contemporary models of heritage governance in indigenous Muslim societies.

METHOD

This study employs a qualitative research approach with a socio-legal and ethnographic orientation to obtain an in-depth understanding of the protection of Murut oral traditions in Sabah from the perspective of Islamic law. The qualitative approach is selected because this research emphasises interpretative analysis, contextual understanding, and exploration of cultural meanings embedded within indigenous oral traditions and Islamic legal values. The socio-legal approach enables the researcher to examine the interaction between customary cultural practices and normative legal principles within society, while the ethnographic orientation facilitates the understanding of Murut cultural practices within their natural social and cultural contexts. Through this approach, the study seeks to reconstruct a framework for protecting intangible cultural heritage that integrates indigenous cultural identity and Islamic legal principles.

The study integrates two primary sources of data, namely documentary data and contemporary field data. The first source consists of written and archival materials related to Murut oral traditions, including folklore, myths, ritual narratives, oral poetry, customary expressions, cultural manuscripts, and previous academic studies concerning Murut indigenous culture in Sabah. In addition, documentary data also include legal references, Islamic jurisprudential literature, scholarly discussions on *'urf* (customary practice), *maqāṣid al-sharī'ah* (objectives of Islamic law), and international frameworks concerning intangible cultural heritage preservation developed by United Nations Educational, Scientific and Cultural Organization (UNESCO). These sources are treated as important conceptual and cultural references because they provide systematically documented information regarding Murut oral traditions and Islamic legal perspectives on cultural preservation.

The second source consists of recent field data collected through cultural validation and community-based inquiry within Murut communities in Sabah. The fieldwork aims to examine the current existence of Murut oral traditions, identify challenges affecting their sustainability, explore community perceptions regarding cultural preservation, and analyse the compatibility between indigenous oral traditions and Islamic legal values. The field data are essential for understanding how oral traditions continue to function within contemporary Murut society and how these traditions are interpreted within changing social and religious contexts.

Data collection is conducted through three principal techniques, namely semi-structured interviews, field observation, and document analysis. Semi-structured interviews are conducted with cultural informants, traditional elders, community leaders, religious figures, and individuals possessing extensive knowledge of Murut oral traditions and customary practices. The interviews focus on interpretations of cultural meanings, customary values, social functions of oral traditions, methods of cultural transmission, preservation challenges, and perspectives concerning the relationship between Murut oral traditions and Islamic law. The flexible structure of semi-structured interviews allows informants to express their cultural experiences and interpretations more openly and contextually.

Field observations are carried out within the community environment to understand the social practices, symbolic expressions, and cultural functions of oral traditions in everyday life. Observation enables the researcher to identify how oral traditions are practiced, maintained, and transmitted within communal interactions and

cultural activities. Furthermore, observation is utilised to examine the impact of modernisation, urbanisation, technological transformation, and generational change on the continuity of Murut oral traditions in Sabah.

Document analysis is conducted to identify narrative structures, cultural values, customary principles, and legal concepts embedded within Murut oral traditions and Islamic legal discourse. The analysis includes folklore documentation, academic publications, historical records, legal documents, and Islamic jurisprudential references related to culture and customary practice. Through document analysis, the researcher examines how indigenous oral traditions may be reconstructed within a framework of intangible cultural heritage protection based on Islamic legal principles.

The data are analysed using thematic analysis. The analysis begins with data familiarisation through repeated reading and interpretation of interview transcripts, field notes, and documentary materials. Subsequently, the researcher identifies major themes related to cultural preservation, indigenous identity, oral transmission, social transformation, customary values, and Islamic legal principles. Coding procedures are then conducted to categorise patterns and recurring concepts emerging from the collected data.

The next stage involves interpreting the identified themes through the perspective of Islamic legal concepts such as *'urf*, *maqāṣid al-sharī'ah*, social welfare, cultural continuity, and communal harmony. The analysis examines the extent to which Murut oral traditions may be accommodated within Islamic legal frameworks and how Islamic legal principles may contribute to reconstructing the protection of intangible cultural heritage in Muslim

societies. This stage also explores the ethical and normative dimensions of cultural preservation within the context of indigenous communities in Sabah.

To ensure interpretive accuracy and cultural authenticity, the findings are validated through consultation and member checking with cultural informants and community representatives. Through this process, informants are provided opportunities to review and clarify the researcher's interpretations regarding cultural meanings and customary practices. This validation strategy is important to ensure that the findings accurately reflect the perspectives and lived experiences of the Murut community.

RESULTS AND DISCUSSION

The findings of this study demonstrate that Murut oral traditions in Sabah function not merely as cultural expressions but as living systems of indigenous knowledge through which communal ethics, customary authority, collective identity, and historical memory are continuously reproduced. Rather than serving solely as repositories of folklore, ritual narratives, oral poetry, and customary expressions, these traditions operate as normative institutions that regulate social behaviour by transmitting values of respect for elders, communal solidarity, reciprocity, environmental stewardship, and collective responsibility across generations. Their significance therefore extends beyond cultural representation, as they provide locally embedded mechanisms through which moral obligations, customary principles, and social cohesion are maintained within Murut society. In this regard, Murut oral traditions constitute a living form of intangible cultural heritage that links historical consciousness with contemporary communal life while preserving the epistemological foundations of indigenous identity.

The findings further reveal that the continuity of Murut oral traditions is increasingly challenged by modernisation, digital transformation, urban migration, language shift, and changing patterns of intergenerational interaction. Interview data indicate that younger generations are becoming progressively less familiar with traditional narratives and indigenous languages due to the growing influence of digital communication, formal education, and global popular culture. As one cultural informant explained, “many young people now know modern media better than the stories of their ancestors,” illustrating the gradual weakening of oral transmission within the community. This finding suggests that the vulnerability of Murut oral traditions should not be understood merely as the decline of cultural performances but as the erosion of an indigenous epistemic system through which historical knowledge, customary norms, and collective identity are transmitted. The findings therefore reinforce broader scholarship on intangible cultural heritage, which argues that oral traditions are particularly susceptible to disruption because their continuity depends upon sustained human interaction, communal participation, and intergenerational knowledge transmission rather than material preservation alone.

The study also demonstrates that Murut oral traditions embody coherent ethical and cosmological principles that continue to shape everyday communal life. Narratives concerning customary conduct, kinship obligations, conflict resolution, social harmony, and respect for the natural environment reveal that oral traditions function as informal mechanisms of moral education and social regulation rather than merely symbolic or performative cultural expressions. Many narratives portray humans, society, ancestors, and

nature as mutually interdependent components of a shared cosmological order requiring balance, reciprocity, and collective responsibility. These findings indicate that Murut oral traditions preserve not only narrative content but also indigenous systems of meaning that guide ethical decision-making and communal relationships. Consequently, safeguarding these traditions requires protecting the social contexts, cultural authority, and community practices through which their meanings continue to be interpreted, negotiated, and transmitted within contemporary Murut society.

1. Oral Tradition as an Indigenous Knowledge System

The first component of the framework positions Murut oral traditions as systems of indigenous knowledge rather than merely cultural performances. Oral traditions contain historical memory, social ethics, customary values, communal identity, and local wisdom transmitted through narratives and oral communication. This component emphasises that preserving oral traditions means safeguarding the epistemological foundations of the community itself.

“The stories of our ancestors are not just entertainment. Inside them are teachings about how to live, how to respect people, and how to protect our customs.” (PR, Interview, 12 March 2025, lines 14–17).”

Within this framework, oral traditions function as living cultural systems that shape communal consciousness and social relationships. Therefore, the protection of oral traditions should focus not only on preserving narratives but also on maintaining the social contexts and cultural practices through which these traditions continue to exist.

“If the stories disappear, our identity will also slowly disappear because the younger generation will no longer know who they are or where they come from.” (IA, Interview, 18 March 2025, lines 21–25)

2. Islamic Legal Principles as Normative Foundation

The second component consists of Islamic legal principles functioning as normative foundations for cultural preservation. The study identifies *‘urf* and *maqāṣid al-sharī‘ah* as central concepts supporting the accommodation of indigenous traditions within Islamic legal thought. Through the principle of *‘urf*, customary practices may be recognised as socially valid as long as they do not contradict Islamic teachings.

“Not every traditional practice is against Islam. If the tradition teaches goodness, respect, and harmony, then it can still be preserved.” (RH, Interview, 7 April 2025, lines 11–15)

Meanwhile, *maqāṣid al-sharī‘ah* provides broader objectives emphasising the protection of religion, life, intellect, dignity, and social welfare. In this context, preserving oral traditions contributes to maintaining communal identity, moral values, and cultural continuity, all of which align with the objectives of Islamic law. Consequently, Islamic law functions not as a restrictive mechanism but as an ethical framework supporting cultural sustainability.

“Our elders taught us through stories to respect others, avoid conflict, and maintain good relationships in the community. These teachings are also important in Islam.” (SA, Interview, 10 April 2025, lines 18–22)

3. Community-Based Cultural Validation

The third component emphasises the role of community participation in determining cultural authenticity and interpretive legitimacy. The findings demonstrate that traditional elders, cultural practitioners, and community representatives function as custodians of oral traditions and possess authority regarding acceptable forms of preservation and adaptation.

“The stories cannot be changed carelessly because every part has meaning inherited from our ancestors.” (IA, Interview, 22 April 2025, lines 13–16)

Within this framework, preservation efforts must involve continuous consultation and validation with community members to ensure that cultural meanings remain preserved. Community participation becomes essential because authenticity is not determined solely through archival accuracy but through the preservation of lived cultural meanings within society.

“If outsiders want to preserve our traditions, they must first understand the meaning from the elders, not interpret it by themselves.” (PR, Interview, 24 April 2025, lines 20–24)

4. Integrative Preservation Strategy

The fourth component involves developing integrative preservation strategies that combine cultural, educational, social, and religious approaches. Preservation should include oral transmission activities, cultural education, indigenous language revitalisation, community-based programs, and contextual religious engagement. This integrative strategy

ensures that oral traditions remain relevant within contemporary society without losing their cultural foundations.

“Preserving our traditions is not enough by recording stories. The young people must continue hearing, speaking, and practicing them in daily life.” (PR, Interview, 3 May 2025, lines 12–16)

The framework also emphasises the importance of collaboration between indigenous communities, educational institutions, religious scholars, cultural organisations, and policymakers in developing sustainable preservation initiatives. Through collaborative efforts, oral traditions may continue functioning as active cultural systems rather than static historical artifacts.

“When our language disappears, many meanings in the stories will disappear too because some words cannot be fully translated.” (IA, Interview, 9 May 2025, lines 14–18)

5. Sustainable Cultural Continuity

The final component of the framework is sustainable cultural continuity. The study emphasises that the ultimate objective of heritage protection is not merely preservation for archival purposes, but the continuation of cultural practices across generations. Sustainable continuity requires active transmission, contextual adaptation, and social relevance within modern society.

“Culture will survive only if the younger generation continues practicing and valuing it, not simply remembering it as history.” (AL, Interview, 21 May 2025, lines 11–15)

In this regard, the integration between Islamic legal values and indigenous cultural traditions provides opportunities for creating preservation models that are culturally authentic, ethically grounded, and socially sustainable. Therefore, reconstructing intangible cultural heritage protection from the perspective of Islamic law offers a contextual approach capable of strengthening both cultural identity and communal harmony within Muslim indigenous societies.

“Traditions can follow the times, but the important thing is that the meaning and values are not lost.” (AJ, Interview, 24 May 2025, lines 18–21)

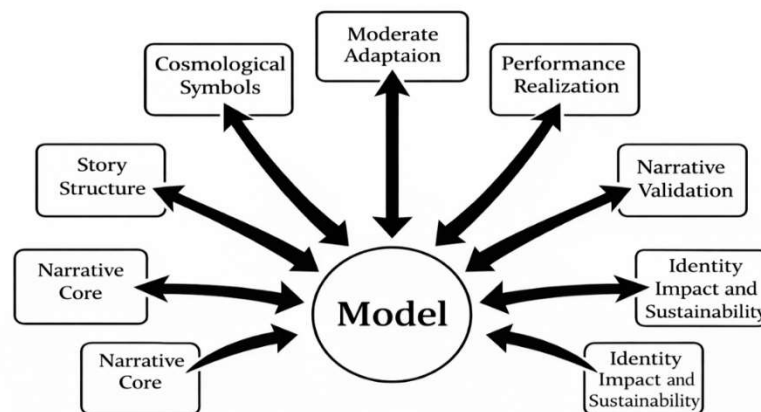


Figure 1. Conceptual Framework for the Protection of Murut Oral Tradition from the Perspective of Islamic Law

Beyond Documentation: Reconstructing Intangible Cultural Heritage Through Islamic Legal Perspectives

The discussion of the findings reveals that protecting Murut oral traditions in Sabah requires a significant shift from conventional documentation-oriented preservation toward a contextual and community-centered reconstruction model grounded in Islamic legal perspectives.³⁶ Existing approaches within intangible cultural heritage studies often focus

primarily on recording, archiving, and institutional recognition as mechanisms for safeguarding cultural traditions.³⁷

This study demonstrates that Murut oral traditions should be understood as living systems of indigenous knowledge encompassing historical memory, customary values, moral teachings, and communal identity.³⁸ Preserving oral traditions does not merely involve protecting narratives as textual artifacts but safeguarding the social environments and cultural relationships through which those traditions continue to exist.³⁹ Challenges dominant preservation paradigms that emphasise technical conservation while neglecting the lived realities of indigenous communities.⁴⁰ The study therefore supports broader critiques within contemporary heritage discourse arguing that intangible cultural heritage cannot be reduced to museum-like preservation detached from everyday communal life.⁴¹

Unlike many previous heritage studies that focus predominantly on anthropological or cultural documentation, this research introduces Islamic law as an important normative framework in reconstructing intangible cultural heritage protection.⁴² This constitutes a significant theoretical contribution because discussions concerning indigenous oral traditions and Islamic legal discourse have often remained separated within academic scholarship.⁴³ Heuva⁴⁴ argues that heritage studies commonly approach oral traditions from anthropological and sociological perspectives. At the same time, Islamic legal scholarship frequently concentrates on jurisprudential and doctrinal issues without engaging deeply with indigenous cultural preservation.⁴⁵ In this study, cosmological symbols such as fire, the moon, and sacred landscapes are analysed as semiotic units containing ontological, epistemological, and axiological meanings.⁴⁶ The relationship

between local cultural traditions and Islamic law has frequently been framed by binary assumptions that position tradition and religion as contradictory domains.⁴⁷

The findings of this study challenge such dichotomous assumptions by demonstrating that Islamic law possesses contextual and adaptive mechanisms capable of accommodating indigenous cultural practices through concepts such as *'urf* and *maqāṣid al-sharī'ah*.⁴⁸ The principle of *'urf* recognises socially accepted customs as valid components of communal life as long as they do not contradict fundamental Islamic teachings.⁴⁹ This demonstrates that Islamic law does not necessarily function as a restrictive force eliminating local traditions, but may instead operate as a normative system supporting cultural continuity, communal harmony, and social welfare.⁵⁰ Dewi and Sørensen⁵¹ state that Islamic jurisprudence by positioning Islamic law not merely as a legal system concerned with ritual obligations, but also as a framework capable of engaging with cultural preservation and indigenous identity.⁵²

pp. 895–902). International Society for Photogrammetry and Remote Sensing. <https://doi.org/10.5194/isprs-archives-XLVIII-M-9-2025-895-2025>

³⁸ Gutiérrez-Gómez, E., J. K. Uray-Lapa, R. C. González-Ríos, J. C. Aspur-Barrientos, and R. Aucatoma-Tinco. "Patronal Feast as a Symbol of Mayor's 'Purchasing Power' in Huanta, Peru." *Millah: Journal of Religious Studies* 24, no. 2 (2025): 675–706. <https://doi.org/10.20885/millah.vol24.iss2.ar4>

³⁹ A. Acharya, "Beyond Copyright: Designing a Sui Generis Framework for Folklore and Traditional Knowledge Protection in India," *Journal of Intellectual Property Rights* 31, no. 1 (2026): 77–86, <https://doi.org/10.56042/jipr.v31i1.12814>

⁴⁰ H. B. M. Nur, M. Abdullah, H. Husda, M. Mukhtar, and M. S. Armia, "Preserving Cultural Heritage in Aceh: Legal Frameworks and Community Initiatives in Gampong Pande," *Lentera Hukum* 12, no. 2 (2025): 289–328, <https://doi.org/10.19184/ejllh.v12i2.53740>

⁴¹ N. Lu and H. Jiang, "Design and Application of Digital Protection Platform of Intangible Heritage Based on Virtual Reality Technology," in *Proceedings of the 2nd International Conference on Intelligent Algorithms for Computational Intelligence Systems (IACIS 2025)* (2025), <https://doi.org/10.1109/IACIS65746.2025.11211378>

⁴² E. Heuva, "Preserving Indigenous Ovaherero Cultural Heritage in the Digital Age: Analysis of the Film *Tjipangandjara*," *Journal of African Cinemas* 17, no. 3 (2025): 211–226, https://doi.org/10.1386/jac_00151_1

The reconstruction model proposed by this study differs fundamentally from preservation frameworks that rely solely on legal institutionalisation or secular cultural policies. Komabu⁵³ Mechanisms contribute significantly to safeguarding endangered traditions; however, they often overlook the ethical and spiritual dimensions that shape cultural meaning within Muslim indigenous societies. In this study, the concept of “moderate adaptation” presents a more cautious and ethical approach, where transformation is carried out through cultural filtering and community validation.⁵⁴ Intangible cultural heritage protection within Muslim contexts requires normative approaches integrating cultural authenticity with ethical and religious legitimacy.⁵⁵

The integration between Murut oral traditions and Islamic legal principles also reveals that indigenous cultural practices contain ethical values closely aligned with the objectives of Islamic law.⁵⁶ Oral traditions transmit teachings concerning mutual respect, social solidarity, collective responsibility, and harmony between humans and nature.⁵⁷ These values correspond directly with maqāṣid al-sharīʿah, particularly the protection of human dignity, social welfare, communal stability, and moral order.

Kamenskikh and Soboleva⁵⁸ describe that muslim societies are often dominated by debates concerning permissibility and prohibition without sufficiently examining the social functions and ethical meanings embedded within indigenous practices.⁵⁹ These inventions contribute to reconstructing a more inclusive and contextual understanding of Islamic law,

⁴³ L. Zhang, Z. Wang, R. Yang, and Q. Yi, "Digital Presentation and Interactive Learning for Intangible Cultural Heritage Preservation Using Artificial Intelligence," *IEEE Access* 13 (2025): 126245–126260, <https://doi.org/10.1109/ACCESS.2025.3588520>

where cultural traditions are evaluated based on their contribution to communal welfare and moral values rather than judged solely through rigid textual interpretations.⁶⁰ This approach aligns with Fan⁶¹ and Jatau⁶², reform-oriented approaches in Islamic legal studies advocating contextual interpretation and social relevance within jurisprudential discourse.

Another important discussion emerging from the findings concerns the role of community participation in determining cultural authenticity and interpretive legitimacy.⁶³ Many heritage preservation models continue to position academic researchers, cultural institutions, or state authorities as dominant actors controlling cultural representation.⁶⁴ Such approaches risk transforming indigenous traditions into externally defined cultural commodities detached from the lived experiences of the communities themselves. This study critically challenges such tendencies by demonstrating that authenticity within Murut oral traditions is socially constructed through communal participation, customary authority, and intergenerational practice.

⁴⁴ A. Vázquez-Atochero, "The Elderly's Role in Preserving and Transmitting Intangible Cultural Heritage," in *Lecture Notes in Bioengineering*, ed. P. L. G. de, C. Fonseca, and E. Moguel (Cham: Springer Nature, 2025), 3–17, https://doi.org/10.1007/978-3-031-87729-2_1

⁴⁵ K. H. C. Lau, B. Yun, S. Saruba, E. Bozkir, and E. Kasneci, "Wrapped in Anansi's Web: Unweaving the Impacts of Generative-AI Personalization and VR Immersion in Oral Storytelling," in *AHs 2025: Proceedings of the Augmented Humans International Conference 2025*, ed. Y. Abdelrahman, A. Vargo, A. Withana, B. Tag, N. Henze, and L. Chan (New York: Association for Computing Machinery, 2025), 312–332, <https://doi.org/10.1145/3745900.3746103>

⁴⁶ A. N. Dewi and B. Sørensen, "Revisiting UNESCO's Concept of Intangible Cultural Heritage: Some Semiotic Reflections," *Southern Semiotic Review*, no. 21 (2025): 68–93, <https://doi.org/10.332.34/SSR.21.5>

⁴⁷ W. Komabu, "From Folktale to Stage: Compositional Strategies in the Musical Fable Self-Serving for the Preservation of Ewe Oral Traditions," *Muziki* (2026), <https://doi.org/10.1080/18125980.2025.2604135>

⁴⁸ R. De Marco, "The Spiritual Architecture of Maqamat: From the Digitisation of Architectural Heritage Sites to the Enhancement of Cultural Memory through Virtual Narratives," *Cidades* (2025): 64–83, <https://doi.org/10.15847/cct.39778>

⁴⁹ Sun, J., K. Aboo Talib Khalid, and C. Suet Kay. "Deep Learning Models for Cultural Pattern Recognition: Preserving Intangible Heritage of Li Ethnic Subgroups through Intelligent Documentation Systems." *Future Technology* 4, no. 3 (2025): 119–137. <https://doi.org/10.55670/fpll.futech.4.3.12>

⁵⁰ Y. Jin, Z. Ren, C. Bi, Z. Sun, and R. Yang, "Knowledge Graph Construction of Chinese Traditional Yu Opera Based on Joint Entity-Relation Extraction Method," in *Proceedings of the ACM/IEEE Joint Conference on Digital Libraries*, ed. J. Wu, X. Hu, T. Nurmikko-Fuller, S. Chu, R. Yang, and J. S. Downie (Piscataway, NJ: Institute of Electrical and Electronics Engineers, 2025), <https://doi.org/10.1145/3677389.3702564>

⁵¹ P. Katerynych and O. Zaiarnyi, "Memory and Loss in Post-war Smart City Reconstruction: Digital Archives and Cultural Heritage in Zaporizhzhia, Ukraine," *Studia Regionalne i Lokalne*, no. 4 (2025): 60–70, <https://doi.org/10.7366/15094995410205>

⁵² J. P. Arrobo-Agila, A. Suing, C. Almachi, and M. Loyola, "Transforming Orality: Podcasts as Tools for Preserving Ecuadorian Traditions and Legends," *VISUAL Review: International Visual Culture Review / Revista Internacional de Cultura* 17, no. 5 (2025): 99–111, <https://doi.org/10.62161/revvisual.v17.5925>

⁵³ A. Catalani, "We Remember Through the Spirit: Yoruba Intangible Heritage, Diasporic Belonging, and the Cultural Work of Aladura Churches in the UK," *Journal of African Diaspora Archaeology and Heritage* (2025), <https://doi.org/10.1080/21619441.2025.2590275>

⁵⁴ L. V. Dunga, K. J. Sink, M. G. Van der Bank, L. R. Harris, L. Van Niekerk, M. Perschke, R. Brand, J. Mann-Lang, M. Bruton, M. Strand, N. Rivers, S. Lamberth, H. Clift, B. Snow, E. Knott, and K. Gee, "Piloting a Culturally Significant Areas Framework for Spatial Planning and Management in the Coastal Environment of South Africa," *Marine Policy* 180 (2025), <https://doi.org/10.1016/j.marpol.2025.106807>

⁵⁵ S. Yang, "Safeguarding and Inheriting Intangible Cultural Heritage Music in the Chongqing Three Gorges Reservoir Area: A Case Study on Lore," *Curator* 68, no. 1 (2025): 125–140, <https://doi.org/10.1111/cura.12636>

⁵⁶ M. Kamenskikh and E. Soboleva, "Buddhism in China's Intangible Cultural Heritage," *Kunstkamera*, no. 4 (2025): 31–41, [https://doi.org/10.31250/2618-8619-2025-4\(30\)-31-41](https://doi.org/10.31250/2618-8619-2025-4(30)-31-41)

⁵⁷ N. Fenech, "Inherited, Not Bought: The Maltese Plover Whistle and the Materiality of Memory," *Folk Life* 64, no. 1 (2026): 66–84, <https://doi.org/10.1080/04308778.2026.2634546>

⁵⁸ S. Roy, P. P. Singh, and A. Padun, "Bridging Tangible Artifacts and Its Intangible Expressions: MAR and CNN Integration for Reviving the Traditional Identity of Tribal Fabrics," *Digital Applications in Archaeology and Cultural Heritage* 39 (2025), <https://doi.org/10.1016/j.daach.2025.e00470>

⁵⁹ Fan, S. "Research on Intangible Cultural Heritage Creative Design Based on Style Transfer Algorithm." In *Proceedings of the 2nd International Conference on Intelligent Algorithms for Computational Intelligence Systems (IACIS 2025)*. 2025. <https://doi.org/10.1109/IACIS65746.2025.11211071>

⁶⁰ S. Fan, "Research on Intangible Cultural Heritage Creative Design Based on Style Transfer Algorithm," in *Proceedings of the 2nd International Conference on Intelligent Algorithms for Computational Intelligence Systems (IACIS 2025)* (2025), <https://doi.org/10.1109/IACIS65746.2025.11211071>

⁶¹ Li, M. "Optimization of Digital Protection Strategies for Intangible Cultural Heritage Driven by Reinforcement Learning." *Discover Artificial Intelligence* 6, no. 1 (2026). <https://doi.org/10.1007/s44163-026-00906-z>

⁶² N. Li and Y. Li, "Design and Research on the Digital Display and Preservation of Intangible Cultural Heritage Using Extended Reality Technology," in *Proceedings of the 3rd IEEE International Conference on Networks, Multimedia and Information Technology (NMITCON 2025)* (2025), <https://doi.org/10.1109/NMITCON65824.2025.11187861>

⁶³ B. Levina Viray, "Dissonance in the National Cultural Heritage Policy of the Philippines," *International Journal of Cultural Policy* 31, no. 5 (2025): 694–713, <https://doi.org/10.1080/10286632.2025.2514046>

⁶⁴ K. Li, J. Yilihamu, and K. A. Sarygulovna, "Fusion of Tradition and Modernity: Digital Inheritance and Sustainable Protection of Kyrgyzstan's Intangible Cultural Heritage," *Edelweiss Applied Science and Technology* 9, no. 4 (2025): 2845–2861, <https://doi.org/10.55214/25768484.v9i4.6663>

Traditional elders, cultural practitioners, and community representatives function not merely as informants but as custodians of indigenous epistemology who possess authority over acceptable forms of interpretation and preservation. This finding extends contemporary debates regarding participatory heritage governance by emphasising that cultural authenticity cannot be determined solely through archival fidelity or institutional certification. Authenticity emerges from the preservation of communal meaning, cultural function, and social relevance within everyday life. Community-based cultural validation becomes essential not only for methodological accuracy but also for ethical protection against cultural misrepresentation and symbolic exploitation.

Modernisation, digital communication, and global cultural influences have transformed patterns of social interaction within Murut communities, weakening oral transmission processes that historically functioned through storytelling, communal gatherings, and customary ceremonies. This condition reflects broader global challenges facing indigenous communities in maintaining cultural continuity within rapidly changing social environments. The findings suggest that cultural sustainability does not require rejecting modernity altogether. Instead, sustainable continuity depends on contextual adaptation that maintains core cultural meanings while allowing traditions to remain socially relevant within contemporary life.

CONCLUSION

This study advances the understanding of Murut oral traditions in Sabah by proposing a contextual framework that positions indigenous oral heritage not merely as cultural expressions requiring preservation, but as normative social institutions whose continuity can be strengthened through the complementary application of Islamic legal

concepts, particularly *ʿurf* and *maqāṣid al-sharīʿah*. Rather than viewing Islamic law and indigenous tradition as inherently conflicting domains, the findings suggest that their relationship is conditional and dialogical, whereby local traditions may serve as legitimate sources of cultural continuity insofar as they remain compatible with the broader objectives of Islamic law, including the protection of religion, life, intellect, lineage, property, human dignity, and communal welfare. This constitutes the study's principal theoretical contribution by introducing a conceptual model of culturally embedded Islamic legal reasoning for safeguarding intangible cultural heritage within indigenous Muslim communities. Nevertheless, the study acknowledges that this framework should not be regarded as universally applicable or free from contextual limitations, as the legitimacy of particular oral traditions depends upon continuous ethical evaluation, historical interpretation, and meaningful community participation. Consequently, cultural preservation should be understood as an adaptive process of negotiation between indigenous knowledge systems, Islamic legal principles, and contemporary social realities rather than straightforward normative harmonization. The findings further indicate that sustainable preservation requires approaches extending beyond documentation toward participatory cultural governance through community-based cultural validation, intergenerational knowledge transmission, and collaboration among indigenous leaders, religious scholars, educators, and cultural institutions. In practical terms, the concepts of *ʿurf* and *maqāṣid al-sharīʿah* can be operationalised through culturally responsive educational curricula, ethical guidelines for documenting and transmitting oral traditions, participatory heritage assessment frameworks, and local cultural policies that integrate indigenous customary authority with Islamic ethical principles. Future research should further examine and validate this conceptual framework through comparative studies involving other indigenous Muslim communities across Southeast Asia, exploring variations in customary systems, legal traditions, governance models, and community participation in heritage preservation to establish a broader theoretical understanding of culturally embedded Islamic legal approaches to safeguarding intangible cultural heritage.

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AUTHOR CONTRIBUTIONS STATEMENT

Jacqueline binti Karimon conceived and designed the study, conducted ethnographic fieldwork, and prepared the initial manuscript draft. Mohamed Nazreen Shahul Hamid contributed to the conceptual framework development and theoretical analysis. Rohaya Md Ali participated in data interpretation and manuscript revision. Fadzilah Abdul Rahim contributed to methodological refinement and cultural analysis. Muammar Ghaddafi Hanafiah assisted in data validation, editing, and final manuscript preparation. All authors reviewed and approved the final version of the manuscript.

CONFLICT OF INTEREST

The authors declare no conflicts of interest regarding the publication of this study.

AI USAGE STATEMENT

Artificial Intelligence (AI) tools were used solely to assist with language refinement, grammar checking, and academic writing enhancement. All research design, ethnographic analysis, interpretation of findings, and conclusions were independently developed by the authors. The authors take full responsibility for the originality and integrity of the manuscript.

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