

Negotiating Islamic Inheritance and Customary Law: Functional Legal Pluralism and Matrilineal *Pusako Randah* in Minangkabau

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Abstract

This article examines the distribution of *pusako randah* (non-ancestral property) within Minangkabau society, focusing on the normative tension between Islamic inheritance law (*fiqh al-mawāriṭh*) and the deeply institutionalized matrilineal kinship system. While *fiqh al-mawāriṭh* prescribes fixed inheritance shares for male and female heirs, empirical evidence from several Nagari in West Sumatra demonstrates the systematic predominance of female ownership in the allocation of *pusako randah*. Drawing on field research conducted across seven districts in the Darek and Rantau regions, this study utilizes in-depth interviews with 20 key informants, participant observation, and documentary analysis. Employing a socio-legal approach, the findings identify four inheritance distribution typologies that consistently privilege daughters, with sons frequently relinquishing their claims, accepting minimal shares, or receiving only temporary usufruct rights. This persistence is sustained by the matrilineal kinship structure, the internalization of *raso jo pareso* (a culturally embedded ethic of moral restraint), reputational stigma against men who assert inheritance claims, early familial transmission of adat norms, and local customary regulations that formally restrict male ownership. The article argues that the non-application of *fiqh al-mawāriṭh* in the distribution of *pusako randah* should not be construed as resistance to Islamic law; rather, it exemplifies functional legal pluralism, wherein adat functions as living law with greater social efficacy in preserving communal cohesion and matrilineal continuity. By emphasizing the negotiated differentiation of normative authority between Sharia and adat, this study contributes to broader debates on legal pluralism, gendered property regimes, and the contextual adaptation of Islamic law in contemporary Muslim societies.

[Artikel ini mengkaji praktik pembagian pusako randah dalam masyarakat Minangkabau dengan memusatkan perhatian pada ketegangan normatif antara fikih waris dan sistem kekerabatan matrilineal yang terinstitusionalisasi secara mendalam. Meskipun fikih waris menetapkan bagian waris tetap bagi ahli waris laki-laki dan perempuan, temuan empiris dari sejumlah Nagari di Sumatera Barat menunjukkan dominasi sistematis kepemilikan perempuan dalam alokasi pusako randah. Penelitian ini didasarkan pada penelitian lapangan yang dilaksanakan di tujuh kabupaten atau kota yang merepresentasikan kawasan Darek dan Rantau. Data dikumpulkan melalui wawancara mendalam dengan dua puluh informan kunci, observasi partisipatif, serta analisis dokumen. Dengan menggunakan pendekatan sosio-legal, hasil penelitian mengidentifikasi empat



tipologi distribusi warisan yang secara konsisten memprioritaskan anak perempuan, sementara anak laki-laki kerap melepaskan klaim warisnya, menerima bagian minimal, atau hanya memperoleh hak pakai yang bersifat temporer. Keberlanjutan praktik tersebut ditopang oleh struktur kekerabatan matrilineal, internalisasi nilai raso jo pareso (rasa malu) sebagai etika moral yang terinternalisasi secara kultural, stigma reputasional terhadap laki-laki yang menuntut warisan, transmisi norma adat melalui proses sosialisasi keluarga sejak dini, serta hukum adat lokal yang secara formal membatasi kepemilikan laki-laki. Artikel ini berargumen bahwa tidak diterapkannya fikih dalam pembagian pusako randah tidak dapat dipahami sebagai bentuk resistensi terhadap hukum Islam, melainkan sebagai manifestasi pluralisme hukum fungsional, di mana adat berfungsi sebagai living law dengan efikasi sosial yang lebih kuat dalam menjaga kohesi komunal dan kesinambungan sistem matrilineal. Dengan menekankan diferensiasi dan negosiasi otoritas normatif antara syariat dan adat, studi ini berkontribusi pada perdebatan yang lebih luas mengenai pluralisme hukum, rezim kepemilikan berbasis gender, serta adaptasi kontekstual hukum Islam dalam masyarakat Muslim kontemporer.]

Keywords: Adat Law, Islamic Inheritance Law, Legal Pluralism, Matrilineality, Minangkabau, Pusako Randah.

Introduction

The limited implementation of Islamic inheritance law (*fiqh al-mawārīth*) within the inheritance practices of various contemporary Muslim societies reflects increasingly complex socio-legal dynamics, in which Sharia norms frequently interact with—and at times compete with—customary authority, shifting social structures, and evolving conceptions of justice.¹ A central source of tension arises from perceptions of inequity inherent in the classical *fiqh al-mawārīth* framework, particularly regarding the differential shares allocated to men and women, which some critics argue are no longer fully consistent with contemporary understandings of gender justice.² Across diverse local contexts, these tensions have produced inheritance practices that diverge from *fiqh al-mawārīth*, manifesting either as resistance to the textual application of Islamic law or through the reinforcement of customary norms that, in certain cases, marginalize women’s inheritance rights.³ In Indonesia, responses to these tensions have

¹ See: Hafidz Taqiyuddin et al., “Habitus and Legal Behavior in Islamic Inheritance Practice: A Socio-Legal Analysis in Rural Serang Regency, Indonesia,” *El-Usrah: Jurnal Hukum Keluarga* 8, no. 1 (June 2025): 72–96; Roslina Roslina et al., “Reinterpreting Islamic Inheritance: Supreme Court Jurisprudence and Gender Justice in Indonesia,” *Jurnal Ilmiah Peuradeun* 13, no. 3 (September 2025): 2339–64; Muhammad Nur et al., “From Text to Context: The Role of Kyai in Shaping Modern Islamic Inheritance Law,” *Al-Manahij: Jurnal Kajian Hukum Islam* 19, no. 1 (May 2025): 31–50.

² See: Syabbul Bachri, “The Differences of Men’s and Women’s Shares in Islamic Inheritance Law Defense to Criticism and Blasphemy,” *Nurani: Jurnal Kajian Syari’ah dan Masyarakat* 22, no. 1 (July 2022): 17–30; Sukron Ma’mun and Ibnu Akbar Maliki, “A Socio-Historical Study of Women’s Rights Advocacy in Islamic Legal Construction,” *Journal of Southeast Asian Human Rights* 7, no. 1 (June 2023): 1–20; Hani Sholihah, Nani Nani Widiawati, and Mohd Khairul Nazif bin Hj Awang Damit, “Reinterpretation of Justice in Islamic Inheritance Rights Based on Gender,” *Al’Adalah* 21, no. 1 (June 2024): 101–24.

³ See: Khairuddin Hasballah et al., “Patah Titi and Substitute Heirs: A Study of Legal Pluralism on the Inheritance System in Aceh Community,” *AHKAM: Jurnal Ilmu Syariah* 21, no. 2 (December 2021): 299–324; Halimah Basri et al., “Inheritance Rights of Women in Makassar Society: A Study of Living Qur’an and Its Implications for Islamic Law,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 6, no. 2 (October 2022): 537–55; Yusmita Yusmita et al., “Legal Pluralism and the Transformation of Islamic Inheritance Law: A Study of Sasak Customary Practices in Indonesia,” *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (November 2025): 831–52.

included efforts to reinterpret Islamic inheritance law within judicial practice.⁴ Nonetheless, inheritance disputes are often exacerbated by limited legal literacy and inadequate estate planning, frequently resulting in protracted delays and conflicts in the distribution of inherited property.⁵ These circumstances demonstrate that Islamic inheritance cannot be understood solely as a doctrinal or normative issue; rather, it constitutes a socio-legal phenomenon shaped by ongoing negotiation among religious law, customary norms, and lived social realities.⁶

The complex interaction between Islamic law and customary law (*adat*) is particularly pronounced within the Minangkabau community of West Sumatra, which follows a matrilineal kinship system wherein lineage is traced through the maternal line.⁷ In this system, daughters play a central role in the distribution of inherited property, including both *pusako tinggi* (ancestral property) and *pusako randah* (acquired property).⁸ Empirical data demonstrate that daughters may inherit the entirety of their parents' estate, receive a larger share than sons, obtain the most economically valuable and strategically significant assets, or even become the sole legal owners of inherited property. In contrast, sons often retain only usufruct rights. These arrangements result in normative divergences—and occasionally tensions—with the doctrinal prescriptions found in classical Islamic jurisprudence (*fiqh*).⁹ This situation prompts a critical scholarly inquiry: How does a community that identifies culturally and spiritually as Muslim maintain an inheritance system that structurally diverges from Islamic normative prescriptions? The explanation is closely connected to the Minangkabau philosophical maxim, “*adat basandi syarak, syarak basandi Kitabullah*” (custom is based on Sharia, and Sharia is based on the Qur'an), which is ideally interpreted as signifying harmony between custom and Islam. In practice, however, it reflects a process of contextual adaptation that preserves the substantive core of matrilineality. This configuration

⁴ See: Muhammad Lutfi Hakim, “Between Hibah and Waṣīyah Wājibah for Non-Muslims: Expansive Legal Interpretations by Indonesian Religious Judges in Inheritance Cases,” *Al-Abwal: Jurnal Hukum Keluarga Islam* 17, no. 2 (December 2024): 147–66; Achmad Roziqi et al., “Institutional Ijtihād and Socio-Legal Adaptation: The Formulation of Waṣīyah Wājibah in Indonesia's Compilation of Islamic Law,” *Asy-Syar'ah: Jurnal Ilmu Syari'ah dan Hukum* 59, no. 1 (June 2025): 1–18.

⁵ See: Tarmizi Tarmizi et al., “Inheritance Distribution and Conflict Resolution in Bone Regency: Upholding Women's Rights and Islamic Law Objectives,” *De Jure: Jurnal Hukum dan Syari'ah* 16, no. 2 (December 2024): 255–77; Fazira Shafie, Wan Zahari Wan Yusoff, and Syed Muhammad Dawilah al-Edrus, “A Framework Study of Islamic Real Estate Management for Property Inheritance in Malaysia,” *Journal of Engineering and Applied Sciences* 12, no. 7 (2017): 1710–14; Dewi Sukarti, Hasyim Asyari, and Zulkifli, “Legal Education on Women's Property Inheritance Rights in South Sumatera,” *Abkam: Jurnal Ilmu Syariah* 23, no. 2 (2023): 497–518.

⁶ See: Ahmad Sukris Sarmadi et al., “Negotiating Islamic Law and Customary Practice: Fiqh al-Aqalliyat and Restorative Justice in Banjar Inheritance Disputes,” *Jurnal Ilmiah Al-Syar'ah* 23, no. 2 (December 2025): 279–96; Ilyas Ilyas et al., “The Accommodation of Customary Law to Islamic Law: Distribution of Inheritance in Aceh from a Pluralism Perspectives,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 2 (May 2023): 897–919.

⁷ Zainal Azwar et al., “Dynamics Encounter of Tradition and Religion in the Wedding Parade (Baarak Bako) in Solok City West Sumatra,” *Mazāhib* 22, no. 2 (December 2023): 399–430.

⁸ Dodi Syaputra, “Pembagian Harta Waris dalam Masyarakat Nagari Bayua,” *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 3, no. 1 (June 2020): 29–40.

⁹ RA, “Interview with a Minangkabau Traditional Leader, Lima Puluh Kota,” July 14, 2024.

exemplifies legal pluralism—that is, the coexistence of multiple normative systems that interact and negotiate their respective authorities within social life.¹⁰

Existing scholarship on matrilineal inheritance encompasses a wide range of analytical perspectives, particularly regarding the interplay between customary and Islamic law. Numerous studies emphasize normative harmonization and mutual accommodation between these legal systems, identifying the philosophy of “*adat basandi syarak, syarak basandi Kitabullah*” as the foundational principle supporting their coexistence within Minangkabau inheritance practices.¹¹ Other research has focused on the classification of *pusako tinggi* and *pusako rendah*. However, these analyses often remain descriptive and doctrinal, lacking an in-depth examination of *pusako rendah* as a tangible site of legal negotiation.¹² From a legal pluralist perspective, some scholars have highlighted that the resolution of inheritance disputes in Minangkabau involves a tripartite interaction among customary law, Islamic law, and state law, with outcomes significantly influenced by kinship structures and localized social imperatives.¹³ Collectively, these studies underscore that matrilineality functions not merely as a legal tradition but also as a broader social mechanism that structures power relations, familial protection, and resource allocation.¹⁴

Despite these contributions, the existing literature reveals a notable analytical bias, either privileging *pusako tinggi* as the primary symbol of matrilineality or addressing gender equality and dispute resolution in broad terms without adequately centering *pusako rendah* as the principal focus of analysis.¹⁵ However, *pusako rendah* constitutes the most dynamic arena

¹⁰ Franz von Benda-Beckmann and Keebet von Benda-Beckmann, *Transformasi Politik dan Hukum: Nagari di Sumatra Barat: Dari Kolonisasi ke Desentralisasi* (Jakarta: Yayasan Pustaka Obor Indonesia, 2021), 468.

¹¹ See: Sidik Tono et al., “The Harmonious Relationship Between Minangkabau Custom and Islam in the Distribution of Inheritance,” *Al-Shajarah Journal of the International Institute of Islamic Thought and Civilisation (ISTAC)*, no. Special Issue: Shariah and Law as Catalysts for Global Peace (November 2019): 39–55; Sonny Dewi Judiasih et al., “The Developing of Minangkabau Customary Inheritance,” *Media Iuris* 8, no. 3 (October 2025): 529–52.

¹² See: Widia Fithri, Ahmad Wira, and Rahmad Tri Hadi, “The Philosophy of ‘Habis Adat Karena Mufakat’: Consensus of Diversion of Pusako Tinggi in Minangkabau,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 9, no. 2 (July 2025): 1220–41; Nofialdi Nofialdi and Siska Rianti, “The Distribution of Pusako Rendah Property in Minangkabau Society: Between Cultural Tradition and Islamic Law Provision,” *Mazahib* 23, no. 1 (June 2024): 271–304; Ahmad Wira et al., “Legal Study of Dzurri Waqf and Its Implementation towards Strengthening High Heritage Assets in Minangkabau, West Sumatra, Indonesia,” *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (December 2023): 329–41; Elfia Elfia, Meirison Meirison, and Qasim Muhammadiyah, “Distribution of Heritage Association of Harta Pusaka Tinggi And Harta Pusaka Rendah in Padang Pariaman,” *Al-Abkam* 30, no. 1 (April 2020): 39–60.

¹³ See: RR Dewi Anggraeni, “Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints,” *AHKAM: Jurnal Ilmu Syariah* 23, no. 1 (June 2023): 25–48; Sonny Dewi Judiasih et al., “The Developing of Minangkabau Customary Inheritance,” *Media Iuris* 8, no. 3 (October 2025): 529–52; Franz von Benda-Beckmann and Keebet von Benda-Beckmann, “Islamic Law in a Plural Context: The Struggle over Inheritance Law in Colonial West Sumatra,” *Journal of the Economic and Social History of the Orient* 55, nos. 4–5 (2012): 771–93.

¹⁴ See: Mahmood Kooria, “When Men Get No Share,” *Comparative Studies of South Asia, Africa and the Middle East* 43, no. 2 (August 2023): 163–75; Rika Saraswati et al., “The Implementation of Low-Inheritance Customary Law Within Minangkabau Migrant Families in Indonesia: A Law, Power, Space Approach,” *Space and Culture* 0, no. 0 (September 2025): 12063312251367261; Erlin Faridha, I Gede Ab Wiranata, and Nunung Rodliyah, “Analysis of Inheritance Distribution Among Minang Community Against High Heritage and Low Heritage,” *Indonesia Private Law Review* 5, no. 2 (December 2024): 79–88.

¹⁵ See: Puja Anjela, Ana Silviana, and Dyah Wijaningsih, “Implementasi Asas Kesetaraan Gender dalam Pewarisan Tanah di Sumatera Barat (Pewarisan Hak Atas Tanah di Nagari Paninggahan, Kecamatan Junjung

in which individual property ownership, intra-family power relations, and the negotiation between customary and Islamic law intersect. To address this gap, the present study specifically investigates inheritance practices related to *pusako randah* within Minangkabau society. This article argues that *pusako randah* serves as a strategic site for the formation of legal consciousness among Minangkabau Muslims, where law does not function as a rigid dichotomy between custom and Sharia but rather emerges as a living, adaptive, and contextually embedded social practice. The non-application of *fiqh* norms in the distribution of *pusako randah* should not be interpreted as a rejection of Islamic law. Instead, it reflects a context-specific process of normative selection within a legal pluralist framework. Within this framework, Minangkabau customary law operates as a living law endowed with greater social efficacy in regulating inheritance, grounded in matrilineal kinship structures, shared moral values, and community-based sanctions. In contrast, Islamic inheritance law occupies the position of an ideal religious norm that is formally recognized yet pragmatically negotiated when perceived as potentially disruptive to social stability and kinship order.

This article examines matrilineal inheritance practices concerning *pusako randah* within the Minangkabau community and analyzes the factors contributing to the persistence of this system. The focus on the Minangkabau is justified by its unique status as the world's largest Muslim matrilineal society, in contrast to the Batak community, which follows a patrilineal system,¹⁶ and the Javanese community, which predominantly practices bilateral inheritance.¹⁷ This distinctiveness positions the Minangkabau as a significant case study in legal pluralism within Muslim societies, particularly regarding the interaction between customary law and Islamic law. Accordingly, this study addresses two primary research questions: how is the matrilineal inheritance of *pusako randah* practiced in Minangkabau society? Furthermore, what factors explain the persistence and ongoing reproduction of this matrilineal inheritance system within Minangkabau social life? The originality of this research lies in demonstrating that *pusako randah* is not merely a subordinate element of the matrilineal inheritance structure but rather a central medium through which negotiation between customary law and Islamic law is enacted in everyday legal practice.

Sirih, Kabupaten Solok),” *Law, Development and Justice Review* 4, no. 1 (May 2021): 98–115; Achmad Gusti Malayudha, Widya Sari, and Angga Puja Asiandu, “Indonesian Inheritance System Based on Islamic Law, Civil Code, Matrilineal Customs, and Gender Equality Perspectives,” *SANGKĒP: Jurnal Kajian Sosial Keagamaan* 6, no. 1 (June 2023): 55–73; Mina Elfira, “Minangkabau Mothers and Daughters in Contemporary ‘Rantau’ Society; Regaining Power with Modified Matrilineal Principles and Patriarchal ‘Rantau’ Norms,” *Wacana, Journal of the Humanities of Indonesia* 24, no. 2 (June 2023): 197–224.

¹⁶ See: Anwar Sadat Harahap et al., “Resolution of Disputes in Inheritance Through Islamic Law and Surat Tumbaga Holing in the Bataknese Community in South Tapanuli,” *Samarab: Jurnal Hukum Keluarga dan Hukum Islam* 9, no. 3 (December 2025): 1594–618; Ria Manurung et al., “The Existence of Batak Toba Women’s Land in Patriarchal Culture, Indonesia,” *Dirasat: Human and Social Sciences* 53, no. 1 (August 2025): 8027.

¹⁷ See: Miftahul Huda et al., “Tradition, Wisdom and Negotiating Marriage and Inheritance Disputes on Javanese Muslim,” *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (May 2024): 25–44; Muhammad Andi Saputro, Syaifuddin Zuhdi, and Jibrail Bin Yusuf, “Sapikul Sagendhongan: The Value of Javanese Traditional Heritage in the Practice of Islamic Heritage Distribution in Klaten Community Indonesia,” *Journal of Islamic Economic Laws* 8, no. 1 (December 2024): 1–18.

Research Methodology

This study employs a qualitative field research design to conduct an in-depth investigation of matrilineal inheritance practices related to *pusako randah* property within Minangkabau society. A qualitative methodology was chosen to facilitate a contextualized and comprehensive understanding of inheritance patterns, customary norms, gender relations, and legal consciousness—dimensions that are not readily captured through quantitative methods. The research was conducted in West Sumatra Province, encompassing seven regencies and municipalities representing the Darek and Rantau regions of Minangkabau. The Darek region includes Lima Puluh Kota, Agam, and Tanah Datar, while the Rantau region comprises Pariaman, Padang, Solok, and South Solok. The selection of these sites was guided by sociological and historical considerations, aiming to capture variations in *pusako randah* inheritance practices between the cultural heartland of Minangkabau (Darek), where customary authority remains relatively strong, and the more dynamic migratory zones (Rantau), which are comparatively more susceptible to social change. Through this regional comparison, the study explores the dynamics of negotiation between customary law and Islamic law across differing socio-cultural contexts.

Figure 1
Research Location Map



Source: MapChart (2025).

Fieldwork was conducted over six months, from April to October 2024, to ensure in-depth engagement and a comprehensive understanding of the inheritance practices under study. Data collection methods included in-depth interviews, non-participant observation, and document analysis. Both source triangulation and methodological triangulation were employed to enhance the credibility and reliability of the findings. Non-participant observations of inheritance distribution practices within Minangkabau communities were carried out between April and May 2024, while semi-structured interviews with informants were conducted from June to September 2024. A total of twenty informants—including male and female heirs, customary leaders (*ninik mamak*), an administrator of Nagari Customary Council (Kerapatan Adat Nagari, KAN), and religious leaders—were purposively selected based on their experiential knowledge of and direct involvement in inheritance practices. To

protect confidentiality and comply with ethical research standards, all informants' identities have been anonymized. Secondary data were obtained from customary legal documents,¹⁸ classical *fiqh* texts, statutory regulations, and relevant scholarly literature.

Table 1
List of Informants

Informant Code	Gender	Position	Interview Location	Interview Date
AA	Male	Nagari Customary Council	South Solok	September 8, 2024
RA	Male	Customary Leader	Lima Puluh Kota	July 14, 2024
LT	Male	Religious Leader	Agam	July 14, 2024
RJ	Male	Customary Leader	South Solok	September 8, 2024
ER	Female	Heir	Lima Puluh Kota	June 7, 2024
RN	Female	Heir	Lima Puluh Kota	July 20, 2024
AG	Male	Heir	Lima Puluh Kota	July 20, 2024
TM	Male	Heir	Agam	July 13, 2024
ZK	Female	Heir	Agam	July 13, 2024
NS	Female	Heir	Agam	July 13, 2024
MN	Female	Heir	Agam	July 14, 2024
BR	Female	Heir	South Solok	July 28, 2024
FS	Male	Heir	South Solok	July 28, 2024
WR	Female	Heir	South Solok	July 28, 2024
SH	Female	Heir	Tanah Datar	July 20, 2024
MI	Female	Heir	Tanah Datar	July 20, 2024
AM	Male	Heir	Tanah Datar	July 20, 2024
BI	Female	Heir	Tanah Datar	July 20, 2024
NG	Female	Heir	Pariaman	July 7, 2024
DL	Male	Heir	Pariaman	July 7, 2024

The data were analyzed using thematic analysis, incorporating open, axial, and selective coding to systematically identify, categorize, and interpret patterns and deviations in inheritance practices. In interpreting the empirical findings, this study draws on John Griffiths' theory of legal pluralism,¹⁹ with particular emphasis on strong legal pluralism, which conceptualizes law as the product of the coexistence of multiple normative orders—state, religious, and customary—without a singular hierarchical structure. This framework is further complemented by Eugen Ehrlich's theory of living law, which highlights social practice as the primary locus of legal normativity.²⁰ The integration of these theoretical perspectives facilitates an analysis that goes beyond a mere description of matrilineal inheritance practices to elucidate the underlying social rationalities, including local conceptions of justice, moral expectations, and community-based sanctions. Furthermore, it provides a framework for understanding the persistence of the matrilineal system not as a deviation from Islamic law but as the result of ongoing social negotiation within a pluralistic legal order.

¹⁸ The customary documents referred to in this study include the Customary Regulations of Nagari Pauh Duo, Kenagarian Pauh Duo, South Solok, and the Customary Qanun of Nagari Barung Barung Balantai, Pesisir Selatan.

¹⁹ John Griffiths, "What is Legal Pluralism?" *The Journal of Legal Pluralism and Unofficial Law* 18, no. 24 (1986): 1–55.

²⁰ Tetiana Podkovenko dan Kateryna Chorna, "Socio-Cultural Principles of the Concept of "Living Law" Eugene Ehrlich," *Actual problems of law*, no. 4 (2021): 18–24.

General Provisions Concerning Islamic Inheritance Law

In classical *fiqh* literature, Islamic inheritance law is commonly referred to as '*ilm al-farā'id*' or *fiqh al-mawārith*, both terms referring to the Sharia-based regulations governing the transfer of property from a deceased individual to surviving beneficiaries. The term *al-farā'id*, the plural of *fariḍah*, denotes a prescribed or fixed portion; in legal usage, it specifically pertains to inheritance shares explicitly determined by Islamic law.²¹ The majority of Islamic jurists (*fuqahā'*) define '*ilm al-farā'id*' as a specialized branch of *fiqh* concerned with the substantive rules of inheritance, the technical methods of calculation, and the determination of each heir's lawful entitlement to the deceased's estate.²² For an inheritance to be considered legally valid under Islamic law, most *fuqahā'* require the fulfillment of three essential pillars (*arkān*): *al-mumarris* (the deceased), whose death may be actual (*ḥaqīqī*), legally presumed (*ḥukmī*), or constructively determined (*taqdīrī*); *al-wārith* (the heir), who must be alive at the time of the decedent's death and related through blood ties or a valid marital bond; and *al-manwrūth* (the estate), which may be distributed only after the settlement of funeral expenses, outstanding debts, and other financial obligations. This doctrinal framework underscores the systematic and formulaic nature of Islamic inheritance law as developed in classical *fiqh*.²³

The right to inherit under *fiqh al-mawārith* is derived from specific legally recognized causes (*asbāb al-irth*). The majority of *fuqahā'* agree that inheritance rights are confined to three principal grounds: blood relationship (*al-qarābah*), lawful marital union (*'aqd al-nikāḥ al-ṣaḥīḥ*), and *walā'* (a juridical bond established through the emancipation of a slave).²⁴ Among these, consanguinity represents the primary and most authoritative basis for inheritance. Marriage confers reciprocal inheritance rights between spouses, even in the absence of offspring. However, these grounds may be nullified by certain legal impediments (*mawānī' al-irth*), which, according to the prevailing juristic consensus, include religious difference between the deceased and the heir, the intentional killing of the deceased by the heir, and the legal status of enslavement.²⁵ Consequently, inheritance rights become effective only when the recognized legal causes are present, and no Sharia-based impediments apply.

Classical *fiqh* literature further categorizes heirs by gender into 15 male and 10 female heirs. In a hypothetical scenario in which all potential heirs are alive simultaneously, five individuals are invariably present: the spouse (husband or wife), the father, the mother, the son, and the daughter.²⁶ Heirs are also classified according to their mode of entitlement into three principal groups. The first and most prominent category comprises the *aṣḥāb al-furūd* (Qur'ānic heirs), whose shares are explicitly prescribed in the Qur'ān and recognized by all major Sunnī legal schools; this group includes, among others, the father, mother, husband, wife, daughter, and maternal siblings.²⁷ The second category consists of the *'aṣābah* (residuary

²¹ Wahbah al-Zuhaylī, *Al-Fiqh al-Islāmī wa Adillatuh* (Damascus: Dār al-Fikr, 1989), 7:7.

²² Ibn Qudāmah, *Al-Mughnī* (Beirut: Dār al-Fikr, n.d.), 9:3.

²³ Al-Shirbīnī, *Mughnī al-Muḥtāj ilā Ma'rifaṭ Ma'ānī Alfāz al-Minhāj* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1994), 3:5–7.

²⁴ Al-Kāsānī, *Badā'i' al-Ṣanā'i' fī Tartīb al-Sharā'i'* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1986), 7:87.

²⁵ Ibn Rushd, *Bidāyat al-Mujtahid wa Nihāyat al-Muqtaṣid* (Beirut: Dār al-Fikr, n.d.), 2:360–365.

²⁶ Al-Imām Taqī al-Dīn Abū Bakr bin Muḥammad al-Ḥusaynī, *Kifāyat al-Akhyār* (Beirut: Dār al-Kutub al-'Ilmiyyah, 2005), 440.

²⁷ Al-Zuhaylī, *Al-Fiqh al-Islāmī wa Adillatuh*, 7:245–60.

heirs), who inherit the remainder of the estate after the fixed shares of the *aṣḥāb al-furūd* have been allocated. The third category includes the *dhawī al-arḥām* (extended kin), who inherit only in the absence of heirs from the first two categories. Within the *‘aṣabah* framework, when male and female heirs of equal degree inherit concurrently, the male receives a share equivalent to that of two females (*li al-dhakari mithlu ḥaṣṣ al-unthayayn*).²⁸ This principle, derived from Sūrat al-Nisā’ verse 11, has long served as the normative standard for inheritance distribution within the Sunnī legal tradition.²⁹

In contemporary academic discourse, several Muslim intellectuals, including Muhammad Shahrur and Amina Wadud, have critically reexamined the classical framework of *fiqh al-mawārith*, contending that its gender-based allocations may no longer adequately reflect modern socio-economic realities. These scholars advocate for a reinterpretation of the Qur’ānic inheritance verses through the lens of *maqāṣid al-sharī‘ah*, emphasizing the higher objectives of Islamic law—namely justice (*‘adl*), public welfare (*maṣlahah*), and the preservation of human dignity (*hifẓ al-‘ird*). For example, Wadud highlights the necessity of substantive justice in inheritance distribution, proposing that allocations should consider not only gender but also economic contribution, familial responsibility, and the specific needs of individual family members.³⁰ In contrast, Shahrur advances a flexible hermeneutical approach that situates the Qur’ānic text within its socio-historical context while allowing for contextual reinterpretation in contemporary settings.³¹ Although these reformist perspectives have not achieved widespread acceptance within mainstream *fiqh*, they have significantly broadened the discursive scope of contemporary Islamic inheritance law, particularly in debates concerning gender justice and social transformation in modern Muslim societies.³² These discursive developments are also evident in contemporary discussions of localized inheritance practices, such as *pusako randah* among the Minangkabau Muslim community.

Kinship and Inheritance Systems in the Minangkabau Community of West Sumatra

West Sumatra Province is located on the western coast of Sumatra Island in Indonesia. Geographically, the region features coastal lowlands, mountainous highlands, and hilly

²⁸ Ibn Qudāmah, *Al-Mughnī*, 9:120–45.

²⁹ See: Mohd Altaf Hussain Ahangar, “Succession Rights of Muslim Women in the Modern World: An Analytical Appraisal,” *Arab Law Quarterly* 28, no. 2 (July 2014): 111–35; İbrahim Yılmaz, “İslam Hukukunda Kız Çocuğunun Mirastaki Payının Cinsiyet İle Temellendirilmesine Analitik Bir Bakış,” *Cumhuriyet İlahiyat Dergisi* 22, no. 1 (June 2018): 347–76; Elfia Elfia et al., “Gender Equality in Imamate Shia and Sunni Inheritance Jurisprudence: A Comparative Analysis of Legal Doctrines and Familial Relationships,” *Maqāhib* 23, no. 2 (December 2024): 555–94.

³⁰ See: Amina Wadud, “Citizenship and Faith,” in *Women and Citizenship*, ed. Marilyn Friedman (Oxford University Press, 2005), 170–87; Fauzan Zenrif and Syabbul Bachri, “Critical Study of Amina Wadud’s Thought in the Issue of Inheritance,” *De Jure: Jurnal Hukum dan Syar’iah* 15, no. 1 (July 2023): 39–53.

³¹ See: Ridwan, “Gender Equality in Islamic Inheritance Law: Rereading Muhammad Shahrur’s Thought,” *Al-Manahij: Jurnal Kajian Hukum Islam* 16, no. 2 (November 2022): 181–92; Miftahul Huda and Tri Wahyu Hidayati, “The Concept of Muḥammad Shahrūr on Gender Parity in Inheritance Legislation,” *El-Ushrah: Jurnal Hukum Keluarga* 6, no. 2 (December 2023): 262–80.

³² See: Abdul Mutakabbir, Hastuti Hastuti, and Mikdar Rusdi, “The System of Inheritance Distribution in South Sulawesi,” *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 23, no. 1 (June 2023): 57–76; Roslina et al., “Reinterpreting Islamic Inheritance,” 2339–64; Yusida Fitriyati et al., “Reconsidering Inheritance Equality: Gender Justice in Religious Court Decisions through the Lens of Maqāshid al-Shariah,” *Nurani: Jurnal Kajian Syari’ah dan Masyarakat* 25, no. 1 (May 2025): 122–40.

terrain, with the Indian Ocean to its west.³³ Administratively, West Sumatra comprises 12 regencies and 7 municipalities, with the provincial capital, Padang. Of particular significance is the preservation of a customary governance unit known as the Nagari, especially within regencies that represent the cultural core of Minangkabau society. The Nagari functions as a customary law community endowed with the authority to regulate and manage local affairs in accordance with the Minangkabau adat philosophy.³⁴ This governance structure is often described as a “mini-republic,” highlighting its relative autonomy, deliberative nature, and integration of state administration, religious norms, and adat law within a cohesive institutional framework.³⁵ The formal implementation of the Nagari system is regulated by West Sumatra Provincial Regulation No. 7 of 2018 on Nagari.

As of 2024, West Sumatra’s population exceeds 5.8 million.³⁶ Demographically, the region is predominantly inhabited by the Minangkabau ethnic group, which constitutes approximately 87% of the population, according to data from 2010 onward. Other ethnic groups, such as the Mentawai, Javanese, and Batak, are present in smaller proportions. The Mentawai represent the indigenous minority residing in the Mentawai Islands Regency, whereas the Javanese and Batak communities are primarily migrant populations.³⁷ According to data from the Central Statistics Agency (*Badan Pusat Statistik*, BPS) of Indonesia,³⁸ over 97 percent of the province’s population practices Islam. It is pronounced religious homogeneity reinforces the normative authority of Islam within social life and corresponds with the Minangkabau philosophical maxim, “*adat basandi syarak, syarak basandi Kitabullah*” (custom is founded upon Sharia, and Sharia is founded upon the Qur’an), which encapsulates the integration of customary and Islamic legal principles in the formation of collective identity.³⁹

This study examines seven regencies and municipalities representing the Darek region (Lima Puluh Kota, Agam, and Tanah Datar) and the Rantau region (Pariaman, Padang, Solok, and South Solok). These areas continue to actively uphold customary kinship and inheritance systems, particularly at the Nagari level, and maintain relatively strong customary institutional structures. Minangkabau society is widely recognized for its matrilineal kinship system, in which lineage, clan identity, and the management of family property are transmitted through the maternal line. In several of these areas, the *tanah ulayat* (communal

³³ Badan Pusat Statistik Provinsi Sumatera Barat, “Provinsi Sumatera Barat dalam Angka 2024,” accessed January 7, 2026.

³⁴ Rio Yusri Maulana et al., “Non-Western Philosophy and Public Administration: Public Service Provision in Nagari Minangkabau, Indonesia,” in *Islamic Public Value*, ed. Wolfgang Drechsler, Salah Chafik, and Rainer Kattel (Edward Elgar Publishing, 2025), 335–57.

³⁵ See: Zulfan Taufik and Muhammad Taufik, “Nagari Madani: Islamic Favoritism and Religious Freedom in Regional Development in West Sumatra, Indonesia,” *Ulumuna* 27, no. 2 (December 2023): 692–714; Rio Yusri Maulana, Moh. Arief Rakhman, and Mhd. Alfahjri Sukri, “Islamic Public Values in Action: Learning from Nagari Minangkabau’s Approach to Public Governance,” *Haldukskultuur* 24, no. 1 (August 2025): 29–39.

³⁶ Badan Pusat Statistik Provinsi Sumatera Barat, “Provinsi Sumatera Barat dalam Angka 2024,” accessed January 7, 2026.

³⁷ Agus Joko Pitoyo dan Hari Triwahyudi, “Dinamika Perkembangan Etnis di Indonesia dalam Konteks Persatuan Negara,” *Populasi* 25, no. 1 (2018): 64.

³⁸ Badan Pusat Statistik Provinsi Sumatera Barat, “Provinsi Sumatera Barat dalam Angka 2024,” accessed January 7, 2026.

³⁹ Taufik and Taufik, “Nagari Madani,” 692–714.

customary land) remains a vital source of social, economic, and cultural life.⁴⁰ The customary institution known as the Kerapatan Adat Nagari serves as the highest representative body within the Nagari, tasked with resolving disputes over communal land and overseeing the enforcement of adat norms.⁴¹ Consequently, Minangkabau customary law significantly influences patterns of land tenure, inheritance of ancestral property, and matrilineal kinship relations within the community.⁴²

The Minangkabau inheritance system plays a pivotal role within the broader social and cultural structure. It is fundamentally based on matrilineal kinship, in which lineage and property are transmitted through the maternal line. A central element of this system is *harto pusako* (traditional or ancestral wealth), which holds significant social, symbolic, and historical importance and, as such, cannot be freely alienated. *Harto pusako* is divided into two categories: *pusako tinggi* and *pusako randah*. *Pusako tinggi* refers to ancestral property inherited across generations and held communally, including land, the *rumah gadang* (traditional matrilineal house), and *sako* (customary titles), all of which are managed by the *ninik mamak*, who serve as leaders of the extended matrilineal clan (*kaum*).⁴³ In contrast, *pusako randah* consists of property acquired by an individual during one's lifetime through personal effort, gifts, or other lawful means. Although characterized by greater flexibility and individual ownership, customary practice typically dictates that *pusako randah* is inherited by daughters, while sons are generally granted usage rights rather than full ownership.⁴⁴

Historically, the inheritance system within the Minangkabau customary society developed as a mechanism to maintain economic stability and social continuity. Given that the Nagari system emphasizes collective land ownership, *pusako tinggi* functions as the economic foundation of the clan and is inalienable outside the lineage, thereby preserving social continuity and collective identity.⁴⁵ Conversely, *pusako randah* reflects socio-economic transformations and the influence of modern economic practices, in which individuals have greater opportunities to acquire and manage property in their own names. The emergence of *pusako randah* also indicates a gradual shift in cultural values, permitting private ownership

⁴⁰ "Field Notes on Observations of Inheritance Practices among the Minangkabau Community in West Sumatra," May 2024.

⁴¹ See: Arifki Budia Warman et al., "From Communal to Individual: Shifting Authorities of Family Dispute Resolution in Minangkabau Society," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 23, no. 2 (2023): 161–83; Aulia Rahmat, Esmi Warassih, and Muhamad Syamsudin, "The Existence of Nagari in West Sumatra on State Policy Hegemony," *Malaysian Journal of Syariah and Law* 11, no. 2 (December 2023): 310–29.

⁴² See: Halimatussa'diyah Halimatussa'diyah et al., "Minangkabaunese Matrilineal: The Correlation between the Qur'an and Gender," *HTS Teologiese Studies / Theological Studies* 80, no. 1 (January 2024): 7; Judiasih et al., "The Developing of Minangkabau Customary Inheritance," October 2025, 529–52.

⁴³ See: Andre Indrasukma, "Pengelolaan Harta Pusaka Tinggi di Minangkabau: Studi Kasus di Kubang Putih Kecamatan Banuhampu Kabupaten Agam Sumatra Barat," *Al-Abwal: Jurnal Hukum Keluarga Islam* 14, no. 1 (June 2021): 99–111; Afnaini Afnaini and M. Syamsudin, "Changes in the Inheritance System of Pusako Tinggi Assets and Their Impact on the Minangkabau Traditional Inheritance System," *Prophetic Law Review* 4, no. 2 (December 2022): 222–40.

⁴⁴ Nofaldi and Rianti, "The Distribution of Pusako Randah Property in Minangkabau Society," 271–304.

⁴⁵ Rido Refli, "Pelaksanaan Pembagian Harta Warisan Adat di Nagari Lubuk Basung Kecamatan Lubuk Basung Kabupaten Agam Ditinjau dari Perspektif Hukum Islam" (PhD Thesis, Universitas Islam Riau, 2021).

within the context of a matrilineal kinship system.⁴⁶ In practice, the Minangkabau inheritance system is characterized by a communal orientation, collective management, and distribution processes that involve the central role of the *mamak* (maternal uncle). The *mamak* functions as the custodian and protector of ancestral property, ensuring its use aligns with customary norms and does not disadvantage clan members.⁴⁷ This dual structure creates a distinctive typology whereby *pusako tinggi* underpins social stability, while *pusako randah* embodies the socio-economic dynamism of individuals within a matrilineal framework.

The findings of this study reveal a relatively consistent pattern in the practice of *pusako randah* inheritance among the Minangkabau communities. Upon the father's death, all property acquired during the marriage initially transfers to the mother, who holds domestic and economic authority within the household. Following the mother's death, the property is then distributed exclusively among the biological children, excluding other relatives such as the deceased's siblings or extended clan members. This pattern shows that *pusako randah* is considered nuclear-family property (*parnik*) rather than clan property, thereby limiting inheritance rights to the deceased's direct descendants.⁴⁸ This practice aligns with the Minangkabau adat principle, which distinctly differentiates between *pusako tinggi*, characterized as communal property, and *pusako randah*, which is familial and comparatively flexible in its regulation.⁴⁹ Consequently, although Minangkabau society follows a matrilineal kinship system, the distribution of *pusako randah* remains focused on the nuclear family. It is applied contextually, guided by customary values, familial relationships, and locally embedded notions of social justice.

Typologies of *Pusako Randah* Inheritance Practices in Minangkabau Society

An analysis of twelve cases identified by the authors within Minangkabau communities reveals four principal typologies characterizing the distribution of *pusako randah* inherited from parents to their children. The first typology involves the transfer of the entire inheritance exclusively to daughters, with sons receiving no portion. In this pattern, sons often refuse inheritance on moral and cultural grounds, particularly because of the internalized value of *raso jo pareso*—a culturally embedded sense of moral restraint and shame instilled from childhood—as well as the social stigma associated with men claiming inheritance from their parents. The second typology allocates a larger share to daughters than to sons. However, sons may receive a significantly smaller portion, typically claimed only under conditions of economic hardship. The third typology grants sons the right to the usufruct of inherited property without conferring full ownership. Under this arrangement, sons may use the land or agricultural fields during their lifetimes, but upon their deaths, the

⁴⁶ Azhari Akmal Tarigan and Jufri Naldo, *Analisis Sosiologis Perubahan Pola Pembagian Warisan sebagai Modal Usaha pada Masyarakat Minang di Kota Medan dan Kota Padang* (Merdeka Kreasi Group, 2022), 37.

⁴⁷ Rizki Kusuma Chandra, "Relasi Kuasa Perempuan dalam Sistem Matrilineal di Minangkabau (Studi Kasus pada Perempuan di Pasaman Barat)" (PhD Thesis, UIN Ar-Raniry, 2024).

⁴⁸ AA, "Interview with an Administrator of the Nagari Customary Council, South Solok," September 8, 2024.

⁴⁹ See: Amir Syarifuddin, *Hukum Kewarisan Islam* (Jakarta: Prenada Media, 2015), 152; Nofialdi and Rianti, "The Distribution of Pusako Randah Property in Minangkabau Society," 271–304; Faridha, Wiranata, and Rodliyah, "Analysis of Inheritance Distribution Among Minang Community Against High Heritage and Low Heritage," 79–88.

property reverts to their sisters. The fourth typology entails an equal division between sons and daughters; however, the portion allocated to sons must eventually be returned through the customary mechanism known as *anggun-anggun*. Thus, even when sons receive a share, their ownership is temporary and ultimately reverts to the female line. Among these four patterns, the first typology—exclusive inheritance by daughters—predominates in Minangkabau society in West Sumatra.⁵⁰

Table 2
***Pusako Randab* Inheritance Practices in Minangkabau Society**

Case Code	Heirs	Female Heirs' Share	Male Heirs' Share
AM	Three daughters, two sons	Daughters receive entire estate	Sons decline their share due to internalized <i>raso jo pareso</i>
MI	Two daughters, two sons	Daughters receive larger share	Sons receive a small portion due to economic hardship
SH	One daughter, five sons	Entire estate to daughter	Sons decline inheritance due to social stigma
NS	One daughter, two sons	Entire estate to daughter	Sons voluntarily relinquish their share
ZK	Three daughters, three sons	Entire estate to daughters	Sons decline due to an upbringing emphasizing shame
MN	Not specified	Entire estate to daughters	Sons relinquish their share due to shame
ER	One daughter, three sons	Entire estate to daughter	Sons decline; daughter viewed as a place of return
RN	Two daughters, one son	Daughters receive a larger share	Son takes a small portion due to debt
AG	Three daughters, two sons	Entire estate to daughters	Sons decline due to social pressure
FS	Two daughters, two sons	House and fields to daughters	Sons receive use rights, subject to <i>anggun-anggun</i>
BR	Two daughters, one son	House and rice fields to daughters	Son receives the use rights only
NG	Three daughters, one son	House and fields to daughters; rice fields equally divided	Son's share subject to <i>anggun-anggun</i> reversion

Source: Data were compiled from interviews with informants (2024).

The most prevalent inheritance pattern observed is the complete transfer of property to daughters, with no allocation to sons. This pattern is evident in cases AM, SH, NS, ZK, MN, ER, and AG. In the case of AM, the deceased—a mother who passed away in 2019—left behind a permanent house measuring $8 \times 12 \text{ m}^2$, two rice fields totaling $1,000 \text{ m}^2$, and a plantation of $3,000 \text{ m}^2$. The heirs consisted of five biological children: three daughters and two sons. The entire estate was distributed equally among the daughters, while the sons declined to accept any portion.⁵¹ This outcome was primarily attributed to the internalization of the cultural norm known as *raso jo pareso*, particularly the shame associated with transferring parental property into the wife's household, alongside the belief that men are expected to work for and protect property rather than own it.⁵² A similar pattern was observed in the

⁵⁰ RJ, "Interview with a Minangkabau Traditional Leader, South Solok," September 8, 2024; RA, "Interview with a Minangkabau Traditional Leader, Lima Puluh Kota."

⁵¹ AM, "Interview with an Heir, Tanah Datar," July 20, 2024.

⁵² AA, "Interview with an Administrator of the Nagari Customary Council, South Solok."

case of SH, where the deceased left one daughter and five sons, with property including a two-story house measuring $10 \times 15 \text{ m}^2$ and a plantation of $2,400 \text{ m}^2$. Once again, the entire estate was granted to the daughter.⁵³ The sons perceived that claiming inheritance while a sister remained would result in social stigma. Moreover, allocating property to daughters was understood as a form of economic protection, given that daughters are regarded as a place of refuge for brothers facing marital or financial difficulties.⁵⁴

In the case of NS, the deceased left behind one daughter and two sons, with an estate consisting of a house measuring $12 \times 18 \text{ m}^2$ and a rice field of $1,000 \text{ m}^2$. All property was transferred to the daughter, as the sons voluntarily renounced their inheritance rights in accordance with their parents' explicit wishes that the daughter inherit the family property. This decision was further reinforced by feelings of shame and the belief that men must achieve economic independence.⁵⁵ Similarly, in the case of ZK, the deceased left three daughters and three sons, with an estate including a permanent house measuring $20 \times 25 \text{ m}^2$, a plantation of $6,500 \text{ m}^2$, and a rice field of 500 m^2 .⁵⁶ The entire estate was allocated to the daughters, a choice grounded in customary upbringing that instilled shame in sons regarding inheritance claims and concerns about negative community judgment.⁵⁷ In the case of MN, the deceased left a permanent house measuring $8 \times 12 \text{ m}^2$, a fishpond of 250 m^2 , rice fields totaling $2,000 \text{ m}^2$, and cash amounting to IDR 37,000,000. The entire estate was transferred to the daughters at the initiative of the sons, who regarded it as shameful and contrary to adat to incorporate parental property into their wives' households.⁵⁸

In the case of ER, who passed away in 2022, the deceased left behind one daughter and three sons. The estate consisted of a house measuring $6 \times 16 \text{ m}^2$, a plantation of 650 m^2 , and cash amounting to IDR 12,000,000. All assets were transferred to the daughter.⁵⁹ The sons justified this decision by explaining that their sister serves as a refuge during times of marital conflict or financial difficulty; therefore, the property should be consolidated under her ownership.⁶⁰ A similar pattern was observed in the case of AG, who died in 2018 and left two sons and three daughters. The estate included a house measuring $8 \times 12 \text{ m}^2$, rice fields totaling $2,000 \text{ m}^2$, and one cow. Once again, the entire estate was granted to the daughters. The primary motivations cited were feelings of shame in front of their sisters and social pressure from the community.⁶¹ Across these cases, sons consistently declined inheritance for moral and cultural reasons, chiefly due to the concept of *raso jo pareso* and the negative stigma associated with men who claim parental property.⁶²

The second typology—characterized by daughters receiving a larger share of the inheritance than sons—exemplifies cases MI and RN. In the case of MI, the deceased—a

⁵³ SH, "Interview with an Heir, Tanah Datar," July 20, 2024.

⁵⁴ BI, "Interview with an Heir, Tanah Datar," July 20, 2024.

⁵⁵ NS, "Interview with an Heir, Agam," July 13, 2024.

⁵⁶ ZK, "Interview with an Heir, Agam," July 13, 2024.

⁵⁷ TM, "Interview with an Heir, Agam," July 13, 2024.

⁵⁸ MN, "Interview with an Heir, Agam," July 14, 2024.

⁵⁹ ER, "Interview with an Heir, Lima Puluh Kota," June 7, 2024.

⁶⁰ RA, "Interview with a Minangkabau Traditional Leader, Lima Puluh Kota."

⁶¹ AG, "Interview with an Heir, Lima Puluh Kota," July 20, 2024.

⁶² LT, "Interview with a Religious Leader, Agam," July 14, 2024.

mother who passed away in 2016—left behind a house measuring $12 \times 14 \text{ m}^2$, a shop measuring $8 \times 20 \text{ m}^2$, four rice fields totaling $2,000 \text{ m}^2$, and IDR 50,000,000 in cash. The heirs comprised two daughters and two sons. The daughters received the house, shop, and rice fields equally, as well as IDR 15,000,000 each, whereas the sons received IDR 10,000,000 each.⁶³ Although the sons received smaller shares due to economic necessity, they limited their claims out of shame and concern regarding community perceptions. In the case of RN, the deceased left one son and two daughters, with estates including a house measuring $10 \times 15 \text{ m}^2$, a rice field of 750 m^2 , and IDR 60,000,000 in cash. The son accepted only IDR 6,000,000 owing to debt obligations, while the remaining estate was allocated to the daughters. Feelings of shame and reluctance also accompanied this limited acceptance, as adat norms discourage sons from claiming inheritance when sisters are present.⁶⁴ Although sons received shares in these cases, their portions were minimal and typically claimed only under economic duress. This typology reflects a continued preference for the maternal line while demonstrating greater flexibility than the first pattern.

The third typology grants sons usufructuary rights rather than full ownership, as illustrated in cases FS and BR. In the case of FS, the deceased left behind two sons and two daughters, with an estate comprising a house measuring $14 \times 20 \text{ m}^2$, rice fields totaling $2,000 \text{ m}^2$, and a plantation of $4,000 \text{ m}^2$. The house and plantation were allocated to the daughters, while $1,500 \text{ m}^2$ of the rice fields were granted to the sons solely as usufructuary rights.⁶⁵ These rights are temporary and revert to the daughters through the *anggun-anggun* mechanism upon the sons' deaths.⁶⁶ Similarly, in the case of BR, the deceased left one son and two daughters, with property including a house measuring $10 \times 12 \text{ m}^2$, rice fields of $1,950 \text{ m}^2$, and a plantation of 800 m^2 . The house and rice fields were assigned to the daughters, while the son received only usufructuary rights to the plantation. This arrangement was intended to maintain family harmony while reaffirming the daughters' primary ownership.⁶⁷ In both instances, sons are permitted to use the land during their lifetimes; however, ownership ultimately reverts to their sisters in accordance with customary practices.

The fourth typology involves an equal division of property between sons and daughters, as illustrated by the case NG. The deceased, who passed away in 2019, left behind one son and three daughters. The estate included a house measuring $8 \times 10 \text{ m}^2$, a plantation of $1,250 \text{ m}^2$, and rice fields totaling $4,000 \text{ m}^2$. The daughters collectively managed the house and plantation, while the rice fields were distributed equally among all the children.⁶⁸ However, the son's share is provisional, as it may be reclaimed through the *anggun-anggun* mechanism upon his death.⁶⁹ Consequently, even in cases of apparent equality, ownership remains temporary and ultimately reverts to the female lineage. This scheme represents a

⁶³ MI, "Interview with an Heir, Tanah Datar," July 20, 2024.

⁶⁴ RN, "Interview with an Heir, Lima Puluh Kota," July 20, 2024.

⁶⁵ FS, "Interview with an Heir, South Solok," July 28, 2024.

⁶⁶ WR, "Interview with an Heir, South Solok," July 28, 2024.

⁶⁷ BR, "Interview with an Heir, South Solok," July 28, 2024.

⁶⁸ DL, "Interview with an Heir, Pariaman," July 7, 2024.

⁶⁹ NG, "Interview with an Heir, Pariaman," July 7, 2024.

compromise between equitable distribution among siblings and the symbolic and substantive preservation of matrilineal principles.⁷⁰

The twelve cases collectively demonstrate the resilience of Minangkabau matrilineal inheritance practices concerning *pusako randah*, which, in certain respects, extend beyond the formal boundaries of *fiqh al-mawāriṭh*. This extension is particularly evident when sons—who, according to *fiqh*, are entitled to specific shares—deliberately and voluntarily forgo their inheritance rights or accept only minimal portions. These findings suggest that *fiqh* norms do not invariably serve as the primary operative framework in practice; rather, they are often subordinated to socially binding customary norms.⁷¹ Nonetheless, in circumstances marked by economic hardship, indebtedness, or a lack of livelihood, sons may be allocated limited shares, often restricted to temporary use rights subject to customary reclamation. Such restricted allocations represent a form of social compromise that does not diminish female predominance in ownership. These findings underscore the adaptability and contextual nature of Minangkabau inheritance as a normative system in which adat, religion, and social realities interact to produce living law.⁷² Similar patterns of negotiated coexistence between Islamic and customary law have been observed in broader studies of legal pluralism within Southeast Asian Muslim societies, where these normative orders do not necessarily operate in opposition but rather engage in dynamic negotiation responsive to social exigencies.⁷³

Structural, Moral, and Social Control Dimensions of Women’s Predominant Inheritance Shares

The distribution of *pusako randah* property within Minangkabau society follows a prevailing pattern in which daughters receive larger shares of inheritance than sons. In many cases, sons voluntarily relinquish their inheritance rights or accept only minimal portions, despite being aware that, according to *fiqh al-mawāriṭh*, they are entitled—under certain conditions—to a larger share than daughters.⁷⁴ This phenomenon indicates that the provisions of *fiqh al-mawāriṭh* do not serve as the primary framework guiding the distribution of *pusako randah*. Instead, inheritance practices are predominantly influenced by customary norms and socially embedded factors. Based on interviews with informants, five principal factors explain why female heirs receive larger portions than male heirs and why men acquiesce to this arrangement with relative consent.

⁷⁰ See: Tono et al., “Al-Shajarah,” 39–55; Judiasih et al., “The Developing of Minangkabau Customary Inheritance,” October 2025, 529–52.

⁷¹ See: Fithri, Wira, and Hadi, “The Philosophy of ‘Habis Adat Karena Mufakat,’” 1220–41; Defel Fakhyadi et al., “Reconstructing Gender Relations for Family Resilience in Minangkabau: Integrating Islamic Law and Customary Law,” *Al-Abkam* 35, no. 1 (April 2025): 1–30.

⁷² See: Judiasih et al., “The Developing of Minangkabau Customary Inheritance,” October 2025, 529–52; Tono et al., “Al-Shajarah,” 39–55; Hazar Kusmayanti et al., “Contradiction Implications of the Receptie a Contrario Theory in Minangkabau Inheritance,” *Justicia Islamica* 21, no. 2 (November 2024): 247–66.

⁷³ See: Imam Mustofa et al., “Living Islamic Law in Indigenous Communities in Indonesia: Integration of Fiqh in the Tradition of Mu’amalah of the Muslim Community of Banjar,” *Al-Manahij: Jurnal Kajian Hukum Islam* 19, no. 2 (November 2025): 289–312; Hasse Jubba et al., “Compromise of Islam and Customary Practices in the Religious Practices of the Muslim Community in Papua: A Study of Maqāṣid Syaṭī’ah,” *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 24, no. 2 (December 2024): 305–30; Taqiyuddin et al., “Habitus and Legal Behavior in Islamic Inheritance Practice,” 72–96.

⁷⁴ RA, “Interview with a Minangkabau Traditional Leader, Lima Puluh Kota.”

First, the Minangkabau society is distinguished by a matrilineal kinship system that places women at the center of lineage, property ownership, and clan continuity. Within this cultural framework, family property, including *pusako randah*, is traditionally regarded as belonging to women, while men assume the roles of custodians and protectors rather than owners. This perspective fosters a collective consciousness within the Minangkabau community, wherein daughters are considered the primary and legitimate heirs to parental property. Empirical evidence from fieldwork reveals that sons internalize this kinship structure and voluntarily forgo their inheritance rights, despite the clear entitlements granted to them under *fiqh al-mawāriṭh*.⁷⁵ This phenomenon is exemplified by the cases AM and ZK, in which the entire estate was allocated to the daughters.⁷⁶ Consequently, the matrilineal system serves as the fundamental structural framework shaping inheritance attitudes and practices in Minangkabau society, effectively establishing women as the de facto holders of property rights.⁷⁷

Second, the principle of *raso jo pareso* constitutes a fundamental ethical norm within Minangkabau society, emphasizing prudence, moral sensitivity, and social awareness in interpersonal relations. This principle encompasses reverence toward God, a sense of shame, courtesy, empathy, and respect for others.⁷⁸ In the context of inheritance, *raso jo pareso* discourages sons from asserting claims to parental property. DL, an heir, stated, “I do not want to take a share of the inheritance because of *raso jo pareso*—it would be shameful to compete for property with my sisters. If my marriage collapses, I will return to my sister’s house.”⁷⁹ This value also reflects concern for the future economic security of sisters, ensuring they are not left vulnerable. It is transmitted intergenerationally and encapsulated in two customary maxims: *raso dibaok naiak* (to weigh matters with the heart) and *pareso dibaok turun* (to deliberate with reason). These maxims serve as moral guidelines governing speech and conduct within Minangkabau society. Such dynamics are evident in the cases of MI, NS, and RN, where sons claimed only minimal portions of inheritance due to adherence to *raso jo pareso*.⁸⁰ Accordingly, this ethical norm elucidates why sons may forgo rights recognized under *fiqh* rules,⁸¹ as moral considerations and social harmony take precedence in the distribution of inheritance.⁸²

Third, negative social stigma plays a significant role in reinforcing female ownership within Minangkabau society. Sons who claim inheritance are often subject to social stigma, being perceived as noncompliant with customary law, behaving inappropriately, or engaging in rivalry with their sisters. This phenomenon is exemplified in the cases of MI, SH, and

⁷⁵ “Field Notes on Observations of Inheritance Practices among the Minangkabau Community in West Sumatra.”

⁷⁶ AM, “Interview with an Heir, Tanah Datar”; ZK, “Interview with an Heir, Agam.”

⁷⁷ Syafira Syafira dan A. Irfan Habibi, “The Inheritance of Property and the Position of Sons in Accordance with the Matrilineal System in the Minangkabau Indigenous People and Its Relationship with the Rules of al-Adah Muhakkamah,” *MANAZHIM* 5, no. 2 (2023): 853–66.

⁷⁸ LT, “Interview with a Religious Leader, Agam.”

⁷⁹ DL, “Interview with an Heir, Pariaman.”

⁸⁰ MI, “Interview with an Heir, Tanah Datar”; NS, “Interview with an Heir, Agam”; RN, “Interview with an Heir, Lima Puluh Kota.”

⁸¹ AA, “Interview with an Administrator of the Nagari Customary Council, South Solok.”

⁸² Elfira, “Minangkabau Mothers and Daughters in Contemporary ‘Rantau’ Society,” 197–224.

MN.⁸³ The potential for community gossip and damage to one's reputation acts as a deterrent for sons asserting their inheritance rights. As MN expressed: "*As a son, it feels shameful to take inheritance—ashamed before my sisters and before the village, even though I know that under Islamic law I am entitled to a share.*"⁸⁴ This stigma is further shaped by a cultural conflation of *pusako randah* and *pusako tinggi*, both of which are predominantly regarded as female property. Customary principles such as *padusi memiliki harato* (women own property) and *laki-laki manjago harato* (men safeguard property) confer social legitimacy on male renunciation of inheritance claims within Minangkabau society.⁸⁵ Additionally, social sanctions—including reprimands or ostracism—may be imposed on men who improperly benefit from or encumber ancestral property for personal gain. These mechanisms underscore the strong communal pressure to adhere to customary inheritance norms.⁸⁶

Fourth, parental upbringing and guidance play a crucial role in shaping sons' attitudes toward inheritance. Family socialization—particularly by mothers and *mamak*—is instrumental in this process. From an early age, boys are taught to refrain from competing with their sisters over property and are encouraged to pursue economic independence. Within Minangkabau tradition, boys are often not assigned permanent sleeping quarters in the parental home; instead, they spend considerable time in the *surau* (small prayer house), where they receive religious and customary education. This pattern is evident in the cases of AM and SH. As AM stated, "*Since childhood, my mother taught me to feel ashamed of taking my parents' property because a son must earn his own wealth.*"⁸⁷ Such upbringing fosters the belief that parental property does not rightfully belong to sons. Consequently, when inheritance is distributed, sons tend to defer or accept only minimal portions.⁸⁸ This pattern highlights the pivotal role of mothers in transmitting matrilineal norms and protecting daughters' inheritance rights.⁸⁹

Fifth, customary regulations at the Nagari level play a significant role in governing inheritance rights. Beyond social norms and cultural values, certain Nagari formally regulate the inheritance rights of sons. A notable example is found in Nagari Alam Pauh Duo, where customary rules grant sons only usufruct rights over inherited property. Upon a son's death, the property reverts to his sisters through the customary mechanism known as *anggun-anggun*. As AA, an administrator of the Kerapatan Adat Nagari, explained: "*Sons only have use rights; daughters are the true owners. Forty days after a son's death, the property is reclaimed according to adat.*"⁹⁰ This customary rule aims to prevent property from passing to another clan and to ensure that daughters are not left economically vulnerable. Such arrangements are evident in the cases of FS, BR, and NG.⁹¹ These customary regulations effectively supersede sons'

⁸³ MI, "Interview with an Heir, Tanah Datar"; SH, "Interview with an Heir, Tanah Datar"; MN, "Interview with an Heir, Agam."

⁸⁴ MN, "Interview with an Heir, Agam."

⁸⁵ LT, "Interview with a Religious Leader, Agam."

⁸⁶ Indrasukma, "Pengelolaan Harta Pusaka Tinggi di Minangkabau," 99–111.

⁸⁷ AM, "Interview with an Heir, Tanah Datar."

⁸⁸ SH, "Interview with an Heir, Tanah Datar."

⁸⁹ Elfira, "Minangkabau Mothers and Daughters in Contemporary 'Rantau' Society," 197–224.

⁹⁰ AA, "Interview with an Administrator of the Nagari Customary Council, South Solok."

⁹¹ FS, "Interview with an Heir, South Solok"; BR, "Interview with a Local Religious Leader," November 2024; NG, "Interview with an Heir, Pariaman."

ownership rights as recognized under Islamic law. Moreover, disputes concerning communal land and inheritance are more frequently and effectively resolved through adat institutions, which prioritize deliberation and consensus rather than formal state courts.⁹²

Collectively, these five factors should not be interpreted solely as individual moral decisions. Rather, they represent the interplay of kinship configurations, the internalization of cultural values, and concurrent mechanisms of social control. From a socio-legal perspective, these findings suggest that the *fiqh* norms operate predominantly at a declarative-normative level. In contrast, inheritance practices manifest at a practical-normative level, shaped by matrilineality as the principal organizing framework of social life. The matrilineal system extends beyond determining lineage; it establishes a moral economy of inheritance that centralizes women as legitimate property owners.⁹³ Through early socialization processes—both within the household and the *surau*—sons internalize their roles as external economic agents rather than as primary heirs to domestic assets. It, combined with the internalization of *raso jo pareso* and the influence of social stigma, engenders a form of self-regulatory compliance in which men voluntarily forgo inheritance rights in the absence of formal coercion. Consequently, the non-assertion of male inheritance claims should not be construed as a deviation from Islamic law but rather as a contextually negotiated adaptation continuously produced and reproduced by Minangkabau social structures.⁹⁴

Functional Legal Pluralism and the Negotiated Authority of Inheritance Norms

The findings of this study confirm that the distribution of *pusako randah* within the Minangkabau communities examined across various Nagari consistently reflects a matrilineal inheritance pattern, wherein daughters hold a predominant position in property ownership. Sons often relinquish their shares, accept only minimal portions, or receive limited usage rights that may subsequently be reclaimed through customary mechanisms such as *anggun-anggun*. This pattern is not merely a localized custom but constitutes an institutionalized normative framework perpetuated across generations.⁹⁵ A robust matrilineal kinship structure supports its persistence, the internalization of the ethical principle of *raso jo pareso*, social stigma directed toward men who assert inheritance claims, child-rearing practices that emphasize male economic self-reliance, and reputation-based mechanisms of social control within the Nagari community. Within this context, *pusako randah* functions not only as an object of property distribution but also as a means of reproducing social structure and safeguarding women's economic security, which is central to lineage continuity.

⁹² B. Rini Heryanti and Amri Panahatan Sihotang, "Model for Ulayat Land Dispute Resolution Based on Participatory Justice in the Era of Sustainable Development," *Pandecta Research Law Journal* 17, no. 1 (June 2022): 37–49.

⁹³ See: Judiasih et al., "The Developing of Minangkabau Customary Inheritance," October 2025, 529–52; Halimatussa'diyah et al., "Minangkabau Matrilineal," 7.

⁹⁴ See: Von Benda-Beckmann and Von Benda-Beckmann, "Islamic Law in a Plural Context," 771–93; Arbanur Rasyid, Rayendriani Fahmei Lubis, and Idris Saleh, "Contestation of Customary Law and Islamic Law in Inheritance Distribution: A Sociology of Islamic Law Perspective," *Al-Ahkam* 34, no. 2 (October 2024): 419–48.

⁹⁵ Elfia Elfia et al., "Institutionalizing Maqāsid Ḥifz al-Naṣl within the Minangkabau Inheritance Framework," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 24, no. 2 (December 2024): 193–222.

Consequently, inheritance is understood not solely as an individual entitlement but as a collective mechanism for preserving social stability and sustaining the matrilineal system.⁹⁶

Normatively, the distribution of *pusako randah* appears to diverge from the principles of *fiqh al-mawārīth*, which explicitly recognize the inheritance rights of sons—often allocating them a larger share than daughters.⁹⁷ However, framing this divergence as a simple binary opposition between Islamic law and customary law oversimplifies the complex normative dynamics involved.⁹⁸ Within Minangkabau practice, *fiqh al-mawārīth* is upheld as an ideal religious norm that confers theological legitimacy and affirms Islamic identity. However, it does not serve as the primary operative framework for distributing *pusako randah*. Instead, adat functions as a practical norm with direct social legitimacy within the matrilineal system. It leads to a differentiation of normative roles: *fiqh al-mawārīth* occupies a symbolic and declarative position, whereas adat governs the practical sphere through ongoing social negotiation.⁹⁹ This functional distinction is grounded in the matrilineal kinship system of Minangkabau society, where the social function of inherited property emphasizes the continuity of the female descent group and collective ownership rather than individual allocation.¹⁰⁰ Consequently, what may appear formally as a deviation is more accurately interpreted as a reorientation of legal function within a particular social context, wherein the efficacy of a norm is determined not solely by textual authority but by its capacity to sustain kinship structures and communal cohesion.¹⁰¹

The Minangkabau community's preference for customary law in the distribution of *pusako randah* reflects a normative selection process within a framework of functional legal pluralism. While *fiqh al-mawārīth* is not rejected, it is regarded as an ideal normative standard that legitimizes customary practices. In contrast, adat functions as living law, demonstrating greater social efficacy due to its internalization through moral values, collective reputational pressures, and institutionalization within Nagari governance structures.¹⁰² A literal application of *fiqh al-mawārīth* is perceived as potentially disruptive to the existing distribution of power and resources within families and as a source of intra-communal tensions. Accordingly, the community prioritizes collective welfare and the preservation of the

⁹⁶ See: Nofialdi and Rianti, "The Distribution of Pusako Randah Property in Minangkabau Society," 271–304; Halimatussa'diyah et al., "Minangkabaunese Matrilineal," 7.

⁹⁷ Al-Zuhayli, *Al-Fiqh al-Islāmi wa Adillatub*, 7:245–60.

⁹⁸ See: Zaimuariffudin Shukri Nordin et al., "Integrating Islamic Law and Customary Law: Codification and Religious Identity in the Malay Buyan Community of Kapuas Hulu," *Journal of Islamic Law* 6, no. 1 (February 2025): 89–111; Elfia Elfia, Surwati Surwati, and Bakhtiar Bakhtiar, "The Struggle of Custom and Sharia: Classic Dilemma of Inheritance Settlement in Javanese and Minangkabau Ethnic Communities in Indonesia," *Al-Istinbat: Jurnal Hukum Islam* 8, no. 1 May (May 2023): 75–94.

⁹⁹ Elfira, "Minangkabau Mothers and Daughters in Contemporary 'Rantau' Society," 197–224.

¹⁰⁰ Rajab Rajab, Elizamiharti Elizamiharti, and Muslim Muslim, "Islamic Inheritance Law in Saruaso and Sawah Tengah Villages Based on Islamic Principles," *Jurnal Ilmiah Islam Futura* 22, no. 2 (August 2022): 225–225.

¹⁰¹ See: Destika Santi Putri Sarfitri et al., "Battle for Blood: Child Custody Conflicts in Divorce – Islamic vs. Customary Law," *Contemporary Issues on Interfaith Law and Society* 3, no. 2 (December 2024): 263–82; Munawar Munawar et al., "A Dialog Between Islamic Law and Adat (Customary Law) in the Social Context of West Kalimantan, Indonesia," *Al-'Adalah* 22, no. 1 (June 2025): 323–46; Ahmad Sukris et al., "Restorative Justice Principles in Banjar Customary Inheritance Disputes: A Normative Analysis of Out-of-Court Settlement Institutions through Adat Badamai," *El-Masblabah* 15, no. 2 (December 2025): 415–36.

¹⁰² Indrasukma, "Pengelolaan Harta Pusaka Tinggi di Minangkabau," 99–111.

matrilineal system as manifestations of substantive justice and public interest.¹⁰³ From the perspective of living law, this selective adherence is both rational and systemic: the norm followed is the one that most effectively sustains social order.¹⁰⁴

Within this framework, the philosophical maxim “*adat basandi syarak, syarak basandi Kitabullah*” is not implemented as a literal fusion of two legal systems. Instead, it functions as a normative framework that facilitates ongoing adaptation between Sharia principles and local social realities.¹⁰⁵ The Kerapatan Adat Nagari plays a central role in mediating disputes and enforcing customary norms, which are pragmatically oriented toward achieving *maṣlahah*, particularly the protection of property (*ḥifẓ al-māl*), lineage (*ḥifẓ al-nasl*), and social stability.¹⁰⁶ Inheritance, as a domain that directly influences the distribution of power and resources within the family, becomes a site where the prevailing norm is the one that best sustains the existing social structure. This selective application is evident in the community’s consistent adherence to *fiqh* in areas such as ritual worship and marriage, domains that do not disrupt the matrilineal order. In contrast, in matters of inheritance, adat assumes operational precedence. Consequently, the non-application of *fiqh al-mawārith* in the context of *pusako randah* should not be interpreted as resistance to Islamic law but rather as an expression of contextual and functional legal pluralism.¹⁰⁷

From the perspective of legal pluralism, this practice exemplifies that the relationship among customary law, Islamic law, and state law is negotiated and context-dependent rather than hierarchical or subordinated.¹⁰⁸ Islamic law continues to serve as a source of normative and religious legitimacy. However, its implementation is mediated by local social rationalities that emphasize clan continuity, the distribution of economic risk, and the protection of women as foundational to the household and as symbols of lineage sustainability.¹⁰⁹ Consequently, the resulting conception of justice is substantive and contextual, contrasting

¹⁰³ Elfia et al., “Institutionalizing Maqāsid Ḥifẓ al-Naṣl within the Minangkabau Inheritance Framework,” 193–222.

¹⁰⁴ Brian Z. Tamanaha, “A Vision of Social-Legal Change: Rescuing Ehrlich from ‘Living Law,’” *Law & Social Inquiry* 36, no. 1 (2011): 297–318.

¹⁰⁵ Azhari Akmal Tarigan dan Jufri Naldo, “The New Construction of Inheritance in Minangkabau People: Competition and Strategy to Produce Successful Entrepreneurs in Indonesia,” *Millati Journal of Islamic Studies and Humanities* 7, no. 2 (2022): 129–41.

¹⁰⁶ See: Elfia et al., “Institutionalizing Maqāsid Ḥifẓ al-Naṣl within the Minangkabau Inheritance Framework,” 193–222; Muhamad Zaenal Muttaqin et al., “Family Harmony in Contemporary Islamic Law: Ibn ‘Ashūr’s Maqāsid Perspective on Marital Rights and Duties,” *MIL.Rev: Metro Islamic Law Review* 5, no. 1 (January 2026): 61–79.

¹⁰⁷ See: Wira et al., “Legal Study of Dzurri Waqf and Its Implementation towards Strengthening High Heritage Assets in Minangkabau, West Sumatra, Indonesia,” 329–41; Fithri, Wira, and Hadi, “The Philosophy of ‘Habis Adat Karena Mufakat,’” 1220–41.

¹⁰⁸ See: Mura Kan Kutaraya, Siti Hamidah, and Nur Chanifah, “The Distribution of Obligatory Bequest to Non-Muslim Biological Children from the Perspective of Islamic Inheritance Law in Indonesia,” *Ascarya: Journal of Islamic Science, Culture, and Social Studies* 4, no. 1 (January 2024): 78–88; Syarif Syarif et al., “Negotiating Sacred Law: Qur’anic Hermeneutics, Legal Pluralism, and Interfaith Marriage in Muslim-Majority Countries,” *Syariah: Jurnal Hukum dan Pemikiran* 25, no. 2 (2025): 379–401; Naskur Bilalu and Imamuddin, “Negotiating Islamic Inheritance and Legal Ethics in Interfaith Families: Evidence from North Sulawesi, Indonesia,” *Antmind Review: Journal of Sharia and Legal Ethics* 2, no. 2 (December 2025): 107–17; Azharuddin Azharuddin, “Harmonization of Islamic Inheritance Law and Indonesian Customary Law Regarding The Acceleration of Inheritance Distribution: Legal Philosophy Study,” *Jurnal Mediasas: Media Ilmu Syari’ah dan Ahwal Al-Syakhsyiyah* 8, no. 2 (June 2025): 428–39.

¹⁰⁹ Elfira, “Minangkabau Mothers and Daughters in Contemporary ‘Rantau’ Society,” 197–224.

with formalistic-textual approaches that prioritize mathematical proportionality in inheritance shares. From a gender and legal standpoint, the Minangkabau case illustrates that gender constructions within Islamic legal discourse are not fixed but are subject to reconstruction through interaction with resilient local cultural structures. Compared with other contexts, this phenomenon contributes to global discussions on the adaptation of religious law in pluralistic societies and challenges universal assumptions about the predominance of patrilineal patterns in Islamic inheritance practices.¹¹⁰ In this regard, the inheritance of *pusako randah* in Minangkabau can be understood as an arena of social law production (law in action), dynamically reshaping the meanings of justice, normative authority, and gender roles in contemporary Muslim societies.

Conclusion

This study demonstrates that the practice of *pusako randah* inheritance within Minangkabau society—encompassing both the Darek and Rantau regions—systematically reproduces and legitimizes a matrilineal inheritance pattern in which daughters predominantly assume ownership of property. At the same time, sons generally refrain from asserting inheritance claims, accept only minimal shares, or receive temporary usufruct rights. This pattern should not be interpreted as an occasional deviation from Islamic inheritance law (*fiqh al-mawāriṭh*) but rather as the expression of an institutionalized normative order shaped by the matrilineal kinship system, the internalization of *raso jo pareso* (a culturally embedded ethic of modesty and moral restraint), the perpetuation of collective stigma directed at men who claim inheritance, familial socialization processes that transmit customary norms from an early age, and regulatory enforcement through customary law at the Nagari level. Within this normative framework, *fiqh al-mawāriṭh* remains recognized as a source of theological legitimacy and a marker of Islamic identity; however, it does not serve as the primary operative framework governing the distribution of *pusako randah*. Instead, customary law functions as a form of living law endowed with greater social efficacy, as it is deeply embedded within kinship structures and sustained by community-based mechanisms of social control. In this context, inheritance is not conceived merely as the allocation of individualized rights according to textual proportions but as a collective mechanism for reproducing social order and ensuring the continuity of the matrilineal system.

These findings advance a legal pluralism perspective within Islamic legal studies by demonstrating that the relationship between adat and Sharia cannot be adequately understood through a binary oppositional framework. Instead, this relationship is more accurately conceptualized as a differentiated and negotiated distribution of normative functions situated within specific socio-cultural contexts. The Minangkabau case exemplifies that the effectiveness of legal norms in Muslim societies is determined not solely by textual authority or universalistic claims but by their capacity to sustain kinship structures, regulate resource access, and maintain communal cohesion. From this vantage point, the non-application of *fiqh al-mawāriṭh* in the context of *pusako randah* is better interpreted as a form

¹¹⁰ See: Yusmita et al., “Legal Pluralism and the Transformation of Islamic Inheritance Law,” 831–52; Kooria, “When Men Get No Share,” 163–75.

of functional adaptation and pragmatic reorientation of law rather than as a normative deviation from Sharia. Nonetheless, this study has certain limitations. It employs a qualitative methodology with a limited number of informants and does not investigate the longitudinal transformation of inheritance practices across generations. Therefore, future research utilizing comparative and longitudinal approaches is necessary to examine the evolving dynamics of Minangkabau inheritance within broader processes of socio-economic change, migration, and the ongoing development of Indonesia's national legal framework.

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