

Matrilineal System Mechanism for The Distribution of Inheritance Rights

Ahmat Jamburi¹, Moh. Muhibbin².

^{1,2} Master of Notarial, Islamic University of Malang, Indonesia.

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Corresponding Author:

Ahmat Jamburi.
E-mail: Ahmatjamburi@gmail.com.

Abstract: Inheritance law is one part of civil law and is the smallest part of family law. Inheritance law is closely related to the scope of human life because every human being will experience a legal event called death. In the Unitary State of the Republic of Indonesia territory, various inheritance law systems apply, namely customary inheritance law, Islamic inheritance law, and Western inheritance law, as stated in the Burgerlijk Wetboek (BW). The family system in Indonesian society focuses on the lineage system. In general, there are three kinship systems, namely the patrilineal system (found in communities in Tanah Gayo, Alas, Batak, Ambon, Irian Jaya, Timor, and Bali), the matrilineal system (found in the Minangkabau area), and the bilateral or parental system (found in regions include: Java, Madura, East Sumatra, Riau, Aceh, South Sumatra, all of Kalimantan, all of Sulawesi, Ternate and Lombok). According to Minangkabau customary law, the inheritance distribution system, is based on a descent system drawn from the mother's line, namely a matrilineal inheritance system where the position of children is inherited. Women are the successors, but the heirs are all male and female children from the mother's assets.

1. Introduction

Inheritance law is part of civil law and the smallest part of family law. It is closely related to the scope of human life because every human will experience a legal event called death.¹ Currently, the most effective and cost-efficient mechanism for controlling overabundant white-tailed deer (*Odocoileus virginianus*) is lethal removal, most commonly controlled hunting and sharpshooting. Deer subjected to such efforts may behave differently during removal and remaining deer may alter behaviors, potentially limiting future efficacy of removal efforts. Our objectives were to quantify changes in deer distribution in response to controlled hunting and sharpshooting.

The concept of customary inheritance law itself its form is not written, only in the form of norms and customs that certain communities must obey in an area and only applies in that area with certain sanctions for those who violate them. Meanwhile, many customary inheritance laws are influenced by social or kinship structures.² This legal diversity is increasingly visible because

¹ Oemar Moechthar, "Perkembangan Hukum Waris Praktik Penyelesaian Sengketa Kewarisan di Indonesia." (Jakarta: Prenada Media, 2019). h.22.

the customary inheritance laws that apply are, non-exi, stent single, but also various according to the shape of society and family system of Indonesian society. The family system in Indonesian society focuses on the withdrawal system line of descent. In general, it is known that there are three family systems, namely the patrilineal system (found in communities in Tanah Gayo, Alas, Batak, Ambon, Irian Jaya, Timor, and Bali), matrilineal system (found in the Minangkabau area), and bilateral system or parental (found in areas including Java, Madura, East Sumatra, Riau, Aceh, South Sumatra, all of Kalimantan, all of Sulawesi, Ternate, and Lombok). Various This type of legal system increasingly shows that inheritance law applies to In fact, it is not single, but also varies according to form society and the family system of Indonesian society.

In the matrilineal kinship system or lineage according to the mother's line, Women occupy a very important position in social life.³ The existence of tribes, peoples and parauik in Minangkabau depends on Women. A tribe or people can become extinct if women no longer exist. The position of women guarantees the existence of a tribe or people.⁴ Women are symbolized as "Limpapeh rumah nan gadang." Therefore, the existence of women as guarantors of the continuity and existence of a tribe or race causes women to be very decisive over the property of their clan, called "amban puruak aluang bunian" for the gadang house.

Climate change and natural disaster has both direct and indirect effects on agricultural productivity including changing rainfall patterns, drought, flooding and the geographical redistribution of pests and diseases and importantly, the agricultural land use changes to no Agricultural land. Global land system changes are occurring at an unprecedented pace and have major implications for the environment and human well-being. These impact also occurs in West Sumatera, Indonesia.⁵ Climate change has impact to agricultural activities such as drought and harvest failure thus posing a risk for farmer. While the natural disaster such earthquake in 2009 resulted the movement of people from coastal area to upland area whereas the agricultural land exist. So that this study aims to analysis the land system resilience of farmer in West Sumatera. In Indonesia, there are several studies in the field of adolescent attachment, but they did not specifically apply to Generation Z and compare patrilineal and matrilineal cultures. Topics that have been discussed include characteristics of attachment need fulfillment between parents and children in the Bengkulu culture.

The findings above show a relationship between culture and the formation of parent-adolescent attachment. Based on ecological theory, there is an indirect relationship between the nuclear family and the culture held. The role of the family is in the microsystem, namely the environment where the individual lives.

² Scott C. Williams S.C. Williams, Anthony J. De Nicola A.J. De Nicola, and Isaac M. Ortega. M. Ortega. "Behavioral responses of white-tailed deer subjected to lethal management." *Canadian Journal of Zoology*. 86 (12) 2008: 1358-1366. <https://doi.org/10.1139/Z08-126>.

³ A. Sholekhah, & Pertiwi, P. "Parental Attachment in Generation Z Adolescents: Comparison in Matrilineal and Patrilineal Kinship Systems in Indonesia." *Gadjah Mada Journal of Psychology (GamaJoP)*, 10(2), (2024): 79-90. /*doi:<http://dx.doi.org/10.22146/gamajop.88166>.

⁴ I. Ariani. "Nilai Filosofis Budaya Matrilineal di Minangkabau (Relevansinya Bagi Pengembangan Hak-Hak Perempuan di Indonesia)". *Jurnal Filsafat*, 25(1), (2016): 32-55. DOI: <http://dx.doi.org/10.22146/jf.12613>.

⁵ Vonny Indah Mutiara, & Utami, Ami Sukma & Hariance, Rika, "Land System Resilience: Linking Agricultural Land Use Change and Matrilineal System in West Sumatera, Indonesia," Conference (63rd), February 12-15, 2019, Melbourne, Australia 285082, *Australian Agricultural and Resource Economics Society (AARES)*. DOI: [10.22004/ag.econ.285082](https://doi.org/10.22004/ag.econ.285082).

In this matrilineal system, children connect themselves unilaterally with their mother's relatives based on female lineage. In a matrilineal system, Descent along the maternal line is considered very important, giving rise to relationships. Family relationships are much closer and more pervasive among the residents of the union. Based on that background, the problem is formulated as the focus as described above. The studies in writing this research: the Concept of the Matrilineal System Mechanism for the Distribution of Inheritance Rights According to Customary Inheritance Law, Islamic Inheritance Law, and the Civil Code. Parental attachment has an immense influence on adolescent development, including in Generation Z. Some factors can affect attachment development, such as social environment and culture. This study aimed to compare attachment patterns between Generation Z adolescents from matrilineal and patrilineal backgrounds in Indonesia. The parental attachment was measured using the Indonesian version of the Inventory of Parent Peer Attachment-Revised (IPPA-R). Participants in this study were 206 adolescents, with Batak (n= 69) and Minangkabau (n=134) ethnic backgrounds.

The matrilineal system is a kinship system that determines lineage from the mother's (female) side as successor to the clan and receiving traditional titles, as well as determining a higher portion of inheritance for women than for men. The consequence of this kinship system is that it attracts descendants from the mother's line considered very important. In inheritance matters, people from the mother's lineage will get a larger portion than those from the father's line. System This kinship can be found in the Minangkabau and Semando communities – children who connect themselves to their mothers based on female lineage.⁶ In a matrilineal society, descent along the mother's line is considered highly important, creating many more family relationships spread to families with maternal lineage.⁷ In Indonesia, the inheritance law system is still pluralistic and applies three ways inheritance law systems, namely Customary Inheritance Law, Islamic Inheritance Law, and Inheritance Law Civil Code (KUHPPerdata).

2. Method

This research aims to examine the matrilineal distribution system of inheritance rights according to customary inheritance law, Islamic inheritance law, and positive law in Indonesia so that it can be directed according to existing regulations. Indonesia. Whether it is by customary inheritance law, Islamic inheritance law, or positive law in Indonesia, so that there are no irregularities in its implementation.⁸ Type The research used in writing is normative legal research carried out by collecting library materials or secondary data related to the title that will be discussed. This research is often called library research. From the author's presentation stated above, it is necessary to have a research method used to formulate and analyze the problem.

This research is normative juridical, with legal research retrieving library data. Normative juridical research, which is the main focus of this research, is library legal research. In this research,

⁶ Sovia Santika and Yusnita Eva, "Kewarisan Dalam Sistem Kekerabatan Matrilineal, Patrilineal Dan Bilateral," *Jurnal.Staialhi-dayahbogor.Ac.Id*, November 7, 2023, <https://doi.org/10.30868/am.v11i02.4874>.

⁷ Nurul Afifah, "Mengkaji Ulang Stereotip Gender: Eksplorasi Stereotip Gender Dalam Konteks Budaya Matrilineal Minangkabau," *Jurnal Dinamika Sosial Budaya* 26, no. 1 (August 7, 2024): 93, <https://doi.org/10.26623/jdsb.v26i1.9779>.

⁸ Simon Sabon Ola, "Culture of Mata Musan in Matrilineal Marriage System at Indigenous Community in Malaca- East Nusa Tenggara, Indonesia". *The International Journal of Language and Cultural (TIJOLAC)* 3 (2) 2021: 64-71. <https://www.growing-scholar.org/journal/index.php/TIJOLAC/article/view/150>.

Library materials are basic research data which are classified as secondary data which focuses on the Matrilineal System for the Distribution of Inheritance Rights according to customary inheritance law, Islamic inheritance law, and positive law in Indonesia in writing this thesis as well as data obtained from books, research articles and all forms of documents other literature.

3 Concept of the Matrilineal System Mechanism for the Distribution of Inheritance Rights According to Islamic Law

According to Islamic Inheritance, Law Implementation of Islamic inheritance law in Indonesia tends to the theory of peace (*islah*) and also indirectly applies it to *ibra'* theory (freeing) so that the heirs help each other helping (*ta'awun*), both the *ibra'* theory, in the sense of is not (aborting) one's rights, or in the meaning of *tamlik*, (giving up) one's ownership rights. Form a method like this for experts. A capable heir will help ease the burden or suffering of the expert's life-incapacitated heir.

What occupies us in this volume is how women at all social levels devise their own coping mechanisms to deal with the impact of externally imposed pressures. Their stories reflect the creative solutions with which they have come to terms with some of the resulting problems, but always in a very personal way and without recourse to any form of collective action or organization.⁹ With a few exceptions, most of these women are still committed to traditional roles and the perception of obligations, even if the content of the role has changed. At least these "core" roles seem ideologically more resistant to change, such that there is a considerable lag between changing social conditions and the values underpinning them.

The Minangkabau are an ethnic minority in Indonesia, famous for their matrilineal system – by some even described as matriarchal. Minangkabau women are known in Indonesia and beyond for their powerful status within the community. Yet, this power does not seem to transfer into an extensive representation of women in the political arena, as the proportion of parliamentary seats held by women in West-Sumatra suggests. This chapter analyses in which way the matrilineal system influences women's political participation, focusing on political participation through candidacy and taking into consideration the differences regarding local or regional politics and Indonesia's national political sphere. As the matrilineal inheritance system is often regarded as the main ordering mechanism in Minangkabau, this chapter takes into consideration what effect the positions of different *adat* organisations and gendered clan obligations can actually have on the accessibility of Minangkabau women to politics.¹⁰

Moreover, among the heirs, there are still blood or family relations. So harmony and kinship or kinship community will be maintained public. As for the nature of customary law inheritance is generally based on concrete/not abstract thinking patterns. Then the question of dividing inheritance is usually the delivery of certain inherited goods to a certain heir, such as a certain plot of rice field being handed over to A's heirs, a plot of the yard, or a certain house is given to heir B, a certain keris is given towards C's heir (usually a man), a certain necklace or earring given to D's heir (usually a woman). This differs from inheritance in Islamic law, where inherited assets must

⁹ Janet W. Salaff, and Judith Nagata. "Conclusion", *Asian Journal of Social Science* 24, 1 (1996): 131-140, doi: <https://doi.org/10.1163/030382496X00113>.

¹⁰ Lina Knorr, "A Matrilineal Society's Influence on Women's Political Access(ibility) – The Minangkabau Women Missing in Indonesian Politics Local Responses to Global Challenges in Southeast Asia." *World Scientific Pub*, November 2022: 213-237. DOI: https://doi.org/10.1142/9789811256462_0013.

be distributed at the time of inheritance. If the heir has died, then it is called an ordinary gift, or in Islamic law, it is usually referred to as a grant or sadaqah if the heir is still alive.

The deprivations of the latter two women stem, not from their position in a kinship, domestic or male-dominated system, but rather from the inequities of the wider society beyond them. In the case of the Muslim women in particular, some “interference” or even conflict emerges between the ideologies of their religion and kinship customs. In matrilineal Minangkabau society, Islam’s main impact on Yurni has been in diverting the girls to an inferior or less modern type of education in favour of preparing the boys for a profession or other career. Islam moulded the sequence of Tok Nyam’s divorce, remarriage and such important events in her life as the pilgrimage, but in no way prevented her from enjoying an active community life and the profits of her pandanus mat trade. Zainab happened to be growing up at a time when Islam was on the upswing in her social set and the immediate pressures of her social environment undoubtedly provided some coercive effect.

In 1285-1522, the Islamic religion of the Syaifei School began and developed in East Minangkabau after the area came under the authority of the kingdom of Samudra Pasai. However, large-scale and planned Islamization occurred after the cities on the Minangkabau coast came under the influence of Aceh.¹¹ Reception Islamic law is the basic source for custom, also based on the consciousness Minangkabau Islamic community that the nature of Islamic law is a necessity (compulsory), which means that all Muslim people must implement Islamic law.

The distribution of inheritance in the Minangkabau traditional community is oriented towards the Matrilineal kinship system; in Islamic inheritance law, the inheritance share of daughters in the name of the heirs deals with frauds where the heirs whose share has been specified in the Qur’an and Sunnah. The size of the portion that the person is entitled to receive There are three types of female heirs depending on the situation and certain conditions, namely:¹² The share for daughters is $\frac{1}{2}$ of the Inheritance if there is only one person and does not have a son to attract him to become asabah. The daughter’s share is $\frac{2}{3}$ of the Inheritance if there are two people or more daughters and there is nothing to attract them to become asabah. Girls can become asabah because there are boys with conditions that the share of a son is equal to two shares of a daughter.

The daughter closes the heir to the uncle (the heir’s brother); this is based on Mataraam Religious Court Decision No. 85/PDT.G/1922, 5 November 1992; Supreme Court Decision No. 86/AG/1994, 27 July 1995; Pekalongan Religious Court Decision No.820/G/1991, 27 January 1992; Semarang High Religious Court Decision No. 69/G/1992, 29 December 1994; Supreme Court Decision No. 184 K/AG/1995, 30 September 1996. Likewise, with granddaughters and sisters, his share of Inheritance will be less if the heir of dzawil furudz becomes asabah.

Compilation of Islamic Law (KHI) was promulgated in 1991 in Book II. Regarding Inheritance, several articles are quite interesting. Because several provisions in the Compilation of Islamic Law are almost not found in the literature of classical Fiqh books, as stated by M. Amin Suma, not all contents of the Compilation of Islamic Law contain Islamic law as it is. Therefore, it would not be appropriate if the Compilation of Islamic Law stated its contents through law. Among the provi-

¹¹ Vonny Armin et al., “Legal Protection of Children out of Marriage Regarding the Acquisition of Inheritance Rights Based on Custom Marriage According to Indonesian Legal Perspective,” *Awang Long Law Review* 5, no. 2 (May 31, 2023): 379–86, <https://doi.org/10.56301/awl.v5i2.653>.

¹² Wiwit Pratiwi and Sherly Nelsa Fitri, “Towards the Unification of Inheritance Law in Indonesia: Challenges and Opportunities in the Context of Religious and Cultural Diversity,” *International Journal of Multidisciplinary Research and Analysis* 06, no. 12 (December 26, 2023), <https://doi.org/10.47191/ijmra/v6-i12-55>.

sions in question is Article 171 which reads: "Inheritance law is the governing law regarding the transfer of inheritance rights (tirkah) of the heir, determine who is entitled to be the heir, and the size of the share each heir, Article 183 which reads: "The heirs can agree to do so peace in the distribution of inheritance after the testator dies, Article 189 which reads: "Heirs who do not receive a share of the inheritance can requesting replacement with other equivalent assets."

Article 211 reads: "Gifts and gifts from parents to their children are acceptable and counted as an inheritance." These articles contain, at a glance, elements of similarity with the system of Inheritance of a property that adheres to the matrilineal system and, according to the author, can be the basis for Inheritance in the Minangkabau traditional community because there are elements of equality in the articles. This article stipulates inheritance provisions in Minangkabau.

3. Concept of the Matrilineal System Mechanism for the Distribution of Inheritance Rights According to Civil Code

Indonesia, as a country with rich cultural diversity, has a legal system that reflects the values and traditions of its society. One interesting aspect is the mechanism of the matrilineal system of division inheritance rights according to positive law in Indonesia. This system recognizes matrilineal roles, in which the mother's line determines lineage and inheritance rights. There are two conditions to become heirs, namely.¹³ Based on the law, Article 832 of the Civil Code explains who is entitled. The heirs are the legal and extramarital blood relatives of the husband or wife who lived the longest. Article 875 of the Civil Code explains that a will is a deed containing a person's statement about what he wants will happen after he dies, which can be revoked.¹⁴

According to the Customary Inheritance Law in Indonesia, the concept of a matrilineal kinship system applies to Minangkabau society, Minangkabau society, or ordinary people known as Minang, located in Indonesia. All property, land, and Inheritance are passed from mother to daughter. In the past, this was later made women in Minang have power, but currently. Low income then plays little role in life changes in modern society. However, Inheritance continues to be passed down through the mother's line, and the mother is still the head of the family. The groom will generally be given away to the bride by female family members, who will escort him to the bride's house: strength and authority. The total will be divided equally between men and women, with women having power in the house while men have spiritual and political roles.¹⁵

Both parties believe that this will make them equal. Women in Minang have the right and power to choose a man who will be made chief of the tribe, then remove him from that position if It was felt that he was not a suitable person to be made chief of the tribe. Inheritance law system Matrilineal in Minangkabau itself, there are two types of classification: wealth, namely sako or intangible wealth (immaterial), such as prince title, lineage, proverbs, and customary laws, etiquette, or manners. Then pusako or It is also commonly called harato pusako or inheritance.

¹³ M. Iqbal, "The System of Inheritance Law in Minangkabau: A Social History Study," *Indonesian Journal of Education, Social Sciences and Research* 1, no. 2 (September 29, 2020): 87-93, <https://doi.org/10.30596/ijessr.v1i2.5047>.

¹⁴ Cindy Aoslavia, "Perbandingan Hukum Waris Adat Minangkabau Sumatera Barat Dan Hukum Perdata Barat," *Ejournal. Uniska-Kediri.Ac.Id*, June 3, 2021, <https://doi.org/10.32503/mizan.v10i1.1545>.

¹⁵ None Krisna Bhayangkara Yusuf and None Muhammad Daffa Alfie Yamarizky, "Pembagian Warisan Hukum Adat Menurut Sistem Matrilineal (Adat Minangkabau)," *Jurnal Hukum Politik dan Ilmu Sosial* 2, no. 1 (January 16, 2023): 72-81, <https://doi.org/10.55606/jhpis.v2i1.967>.

This inheritance consists of two types, namely high inheritance assets and low inheritance assets or livelihood assets.¹⁶ The first is Sako, Sako (saka) means a form of immaterial Inheritance, such as a heritage title. In the Minangkabau traditional sense, Sako contains meaning in the form of all intangible original assets or old assets in the form of rights or wealth without form. These immaterial assets are also called great heirlooms, for example as follows:

Headman title; Maternal lineage (also called sako indu); Father's title; Minangkabau customary law itself along with its adages; Customary manners or etiquette; Inheritance assets. Second is Inheritance; next is High Inheritance. High Inheritance is all Inheritance that is inherited from generation to generation hereditary. So, it is not the livelihood assets of people still alive but relics or legacies from ancestors who have preceded us. Meanwhile, high inheritance assets are assets whose management is inherited and passed down from generation to woman or bundle landing. In the traditional saying it is said that: Biriék-biriék tabang ka sasak, Tibo in sasak looking for food, from ninik down ka mamak, from mamak down ka kamanakan, (Beats fly to the sasak. Arrive at Sasak looking for food, from ink down to mamak, from mamak down to nephew Inheritance as a basic element of matrilineal kinship organization, according to its origin was obtained by ancestors, which were then passed on to children grandchildren in the mother's lineage, the Inheritance becomes the joint property of the members of the clan and each member.¹⁷ Have the right to cultivate property.

This is for his benefit but cannot be owned personally. Every Effort carried out on inheritance aims to increase the amount of the inheritance. In this case, it is usually Responsible are the men who have the status of mamak. They must look after, supervise, and develop inheritance from the proceeds of the inheritance itself and by opening up new land. The inheritance included rice fields, fields, fish ponds, Gadang houses, halls, mosques or surau, equipment, or the principal's equipment. This inheritance guarantees life and equipment for nieces and nephews in Minangkabau, especially for people with an agricultural background in villages and Nagari. Treasure In Minangkabau custom, this heirloom cannot be bought and sold, except in urgent situations, namely to cover the costs of carrying out corpses lying in the middle of the house, for the matchmaking costs of a new adult woman get a husband, to repair the damaged traditional house and to appointing a long-hidden ruler.

Matriliney is linked to a local political organization based on an age system and a male political assembly. This link explains the specific way in which matrilineal and Islamic ideologies are linked. Marriage is ruled by Islamic law, but alliances between matrilineal descent groups follow other rationales. The existence of two matrimonial regimes illustrates this distinction. The conceptions of fatherhood produced in Ngazidja shed light on the key issue of male authority in matrilineal and Muslim contexts.¹⁸

Next is Low Inheritance. Lower inheritance assets are all assets resulting from the income of the father or mother (parents) during the marriage bond. Inheritance is low according to the line. Traditional descent: after the father dies, the inheritance is divided in half between the father, who

¹⁶ Syadah Khusniawati et al., "Kaum Padri Dalam Pembaharuan Islam Dan Muhammadiyah Di Minangkabau," *Jurnal Studi Islam Dan Kemuhmmadiyah* (JASIKA) 1, no. 1 (March 30, 2021): 29-38, <https://doi.org/10.18196/jasika.v1i1.3>.

¹⁷ Zelfeni Wimra, "Reintegrasi Konsep Maqashid Syariah Dalam Adat Basandi Syara', Syara' Basandi Kitabullah," *UI Scholars Hub*, n.d., <https://scholarhub.ui.ac.id/jils/vol2/iss1/2/>.

¹⁸ Sophie Blanchy, "A Matrilineal and Matrilocal Muslim Society in Flux: Negotiating Gender and Family Relations in the Comoros." *Africa* 89, no. 1 (2019): 21-39. <https://doi.org/10.1017/S0001972018000682>.

will help earn a living for the wife or children. Which is abandoned because the ones who will earn a living are men. This inheritance can be a legacy resulting from the father's livelihood and/or our mother's—for example, houses, cars, etc. Suppose the heir permanently maintains the integrity of this lowly inheritance by not selling it or dividing it. In that case, it is passed down to the next generation from generation to generation, so it is not easy to trace it. Then, it turns into a high heirloom. So there is Sometimes, high inheritance also comes from a low inheritance, which is utilized hereditary, its origin is no longer in question.¹⁹ Once it is inherited according to custom, it becomes a high inheritance. This is what happens a lot in the middle among the Minangkabau traditional community today.²⁰

The heirs' high inheritance is the line maternal offspring's family members. If a mother dies, her children are the first heirs—then his grandchildren, and finally, with nan take (close heir). So, the mother holds the inheritance, but when she becomes executor, the decider is Ninik Mamak. The role of the ninik mamak is as a coordinator in matters of maintenance and continuation of the inheritance.²¹ However, when Warih Nan Dakek is no longer there, they will look for Warih far away. Warih nan far away is everything family members who are blood from the mother's line but who are not direct descendants of the the deceased woman or the heir. Which is included in warih nan far away, namely the heir's mother (if still alive), or if she is no longer there, she is replaced with the brothers or sisters of the heir's mother. If it is not If there is, it will be replaced by a family member who is in the line area of maternal offspring. So, the mechanism for dividing inheritance is according to Minangkabau customary law. There is a distinction between inheritance assets and livelihood assets.

Regarding inheritance, livelihood must be seen first, whether the assets are partly or wholly owned or gifted to his children or nephews. When it has been given, of course, that part is the right of the person who received it. If there is any remaining, it will be divided among the remaining children who have not received it. If the bako (the fraternity of the father's family) uses part of the inheritance, settled by consensus, but if by consensus, if it is not finished, then proceed to court. In Minangkabau custom, this is precisely the case. On the contrary, there are more women than men. This is because, according to the Minangkabau people, women are given priority. After all, women are considered incapable of working and earning a living, whereas only men are considered capable and are required to earn a living.

Minangkabau society adheres to a matrilineal kinship system, where lineage is calculated through the mother's line. A proverb in Minangkabau quoted from Emran Suparman, who explained that Pusaka was from niniak down to mamak, from mamak down to a nephew. This means a person is considered a member of his mother's tribe, not his father's. This matrilineal kinship system became the basis of the entire social and cultural structure of Minangkabau society. Inheritance of property is done collectively in Minangkabau society. High inheritance, property

¹⁹ Erlin Faridha, I Gede Ab Wiranata, and Nunung Rodliyah, "Analysis of Inheritance Distribution Among Minang Community Against High Heritage And Low Heritage," *Indonesian Private Law Review* 5, no. 2 (December 20, 2024): 79–88, <https://doi.org/10.25041/iplr.v5i2.3463>.

²⁰ Syarah Zulkifli et al., "Filosofi Nilai Budaya Matrilineal Di Minangkabau dan Hubungannya Dengan Pengembangan Hak-Hak Perempuan Di Indonesia," *Jurnal Ilmiah Langue and Parole* 7, no. 1 (December 3, 2023): 52–56, <https://doi.org/10.36057/jilp.v7i1.617>.

²¹ Cindy Aoslavia, "Perbandingan Hukum Waris Adat Minangkabau Sumatera Barat dan Hukum Perdata Barat," *Ejournal. Uniska-Kediri.Ac.Id*, June 3, 2021, <https://doi.org/10.32503/mizan.v10i1.1545>.

passed down from generation to generation, cannot be divided and shared by all the heirs. The heirs of high inheritance are family groups drawn based on male and female maternal lineage.²²

Meanwhile, the division of inheritance is low, namely, search assets and assets The votes obtained by husband and wife during marriage follow Islamic inheritance law. The heirs of lower inheritance are the wife and children of the testator. This treasure can be divided and owned individually by the heirs. The matrilineal kinship system and collective inheritance of property in Minangkabau reflect their cultural values and life philosophy that emphasizes togetherness, harmony, and group interests above individual interests.²³

Minangkabau society adheres to a matrilineal kinship system, where lineage is calculated through the mother's line. This means that a person is considered to be a member of his mother's tribe, not his father's tribe. This matrilineal kinship system is the basis of Minangkabau's entire social and cultural structure. Inheritance of property in Minangkabau society is carried out randomly collectively. High heirloom assets, namely assets passed down from generation to generation, cannot be divided and owned jointly by all heirs. Heir to an inheritance High is a family group drawn based on male and female maternal lineage. Both men and women. Meanwhile, the distribution of inheritance is low. Namely, property search and wealth obtained by husband and wife during marriage follow Islamic inheritance law. The heirs of the lower inheritance are the wife and children of the person heir. These assets can be divided and owned individually by the heirs.²⁴

The primary attributes associated with the matrilineal system are: (1) The lineage is matrilineally inherited; (2) The identification of tribal affiliation based on the maternal lineage; (3) Exogamous marriage means that marriage within one's tribe or social group is prohibited; (4) The concept of revenge (?) is perceived as a collective duty within the tribe, with no further practice in its development; (5) Theoretically, the locus of power within the tribe is vested in the maternal figures. However, empirical observations indicate that this system is seldom realised in practical circumstances; (6) The brother retained his position as supervisor in a matrilocal marriage, wherein the husband assumes the role of visiting the wife's domicile; (7) The transmission of inheritance rights to women was determined by maternal lineage. In this case, it pertains to transmitting *pusako randah*.²⁵

The matrilineal kinship system and collective inheritance of property in Minangkabau society reflect cultural values and philosophy of life, those who emphasize togetherness, harmony, and interests group above individual interests. Women's roles and positions are very strong in the Minangkabau matrilineal system. Women are considered the center of family life and control high inheritance. Men, though not property owners, have an important role as a leader and protectors for their families.²⁶

²² None Farel Asyofil U, None M. Daffa Bagus S, and None Nawal Rozieq, "Sistem Hukum Waris Adat Minangkabau," *Jurnal Hukum Politik Dan Ilmu Sosial* 2, no. 1 (January 16, 2023): 94-102, <https://doi.org/10.55606/jhps.v2i1.970>.

²³ Rahmi Murniwati, "Sistem Pewarisan Harta Pusako Di Minangkabau Ditinjau Dari Hukum Waris Islam," *UNES Journal of Swara Justisia* 7, no. 1 (April 9, 2023): 103, <https://doi.org/10.31933/ujsj.v7i1.315>.

²⁴ Lena Nova, "Hukum Waris Adat Di Minangkabau Ditinjau Dari Kompilasi Hukum Islam Dan Hukum Perdata," January 6, 2021, <https://ojs.pseb.or.id/index.php/jmh/article/view/109>.

²⁵ H. Halimatussa'diyah, Kusnadi, K., Yuliyanti, A.Y., Ilyas, D. & Zulfikar, E., 'Minangkabaunese matrilineal: The correlation between the Qur'an and gender', *HTS Teologiese Studies/Theological Studies* 80(1), 2024, a8643. <https://doi.org/10.4102/hts.v80i1.8643>.

²⁶ Indah Adelia, Sri Wahyuni, and Tetty Marlina Tarigan, "Keunikan Hukum Waris Adat Minangkabau," *El-Mujtama Jurnal Pengabdian Masyarakat* 4, no. 1 (February 18, 2023): 73-79, <https://doi.org/10.47467/elmujtama.v4i1.3187>.

Minangkabau community dispute resolution is generally resolved through a traditional Kerapatan Adat Nagari (KAN) institution. To improve further the existence of *ninik mamak* in government among Indigenous communities, then The West Sumatra Regional Government issued West Sumatra Regional Regulation I Number 2 of 2007 in Chapter VII, article 19 paragraphs (1 and 2). KAN plays the role of mediator and breaker in various disputes that occur in society, which concerns matters of property, land, family, and other matters. If through the mediation and deliberation process at KAN, the parties to the dispute can reach a peace agreement, then KAN will issue a document called a Certificate of Agreement.

This letter functions as a form of legitimacy and confirmation of the agreement that has been reached. Issuance of Certificate The agreement by KAN has an important aim: to avoid undesirable things in the future and prevent the recurrence of disputes between the parties. This document is written evidence that can be referred to if requested. In the future, similar problems will arise. With a Certificate Agreement, the parties to the dispute are bound by customary law to comply with their mutually agreed upon agreement. Violation of the content of the agreement may result in customary sanctions imposed by KAN. Mail function Description of the Agreement as a tool for preventing further conflict makes it an important instrument in a local wisdom-based dispute resolution system Minangkabau people. This document helps maintain social harmony and stability at the Nagari (customary community) level.

Settlement of inheritance disputes in Minangkabau is based on three pillars of laws: Minangkabau customary law, Law 20, and Law Islam. These three legal systems complement each other in regulating inheritance and succession in the community. Minangkabau customary law recognizes the concept of high inheritance and low inheritance. High inheritance is inherited property passed down collectively by the maternal lineage. In contrast, lower inheritance is property results of husband and wife searches that can be inherited individually by the law of Islam. Law 20 is a collection of Minangkabau customary rules that regulate matters related to ownership, inheritance, and management of public assets. This rule is a guideline for KAN (Kerapatan Adat Nagari) in deciding on inheritance matters.

Islamic law is also important in resolving inheritance disputes in Indonesia's Minangkabau. The distribution of lower inheritance assets refers to the provisions of *faraidh* in Islamic law, namely the distribution of inheritance according to predetermined portions. A combination of Minangkabau customary law, law 20, and Islamic law creates a comprehensive and comprehensive inheritance dispute resolution system flexible. This allows KAN to make fair and acceptable decisions by all parties to the dispute.

4. Conclusion

The matrilineal system is a kinship system that determines lineage from the mother's (female) side as successor to the clan and receiving traditional titles. It also determines a higher portion of inheritance for women than for men. The following is the mechanism of the matrilineal system for dividing inheritance rights according to the three legal systems: a). According to Minangkabau customary law, the distribution of inheritance is differentiated between inheritance (collective inheritance) and livelihood assets (individual inheritance). b). According to Islamic inheritance law, the matrilineal system applies the principle of peace (*islah*) and liberation of rights (*ibra'*) between heirs so that mutual assistance occurs help. c). According to civil law (Civil Code), there is a con-

cept of legitime portie (part certain/absolute) for certain heirs and heirs based on a will. Settlement of customary inheritance law disputes in a matrilineal kinship system completed in stages, starting from the house level by the house mamak, to the tribal level by the ninik mamak people, and at the nagari level by the Nagari Traditional Council (KAN). If a settlement is not reached, it can proceed to court.

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