

## REVIEW OF ISLAMIC LAW AND CUSTOMARY LAW ON THE MODEL OF THE DIVISION OF INHERITANCE IN THE BETAWI AND MINANGKABAU TRIBES, A COMPARISON

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### Abstract

*This research investigates two crucial aspects of Indonesian culture, namely the inheritance division traditions in the Betawi and Minangkabau tribes, and how these traditions interact with the Islamic worldview. The research uses a qualitative approach, descriptive methods, and legal, sociological, and philosophical analyses to understand how the inheritance division traditions in these societies reflect the influence of the Islamic Worldview. The results show that both tribes retain elements of their distinctive culture in the division of inheritance, although the influence of Islam is visible in a number of aspects. Although there are differences with Islamic teachings in some respects, the principles of equality and justice remain an integral part of this tradition. Given the complexity of interpreting and implementing religious values in diverse cultural contexts, this research provides a deep insight into the interaction between Islam, adat and inheritance division in Indonesia. The findings of this study provide a basis for further comparisons with other cultural and religious contexts as well as practical implications for strengthening the principles of justice in inheritance systems in these societies.*

**Kata Kunci:** *Islamic Law, Customary Law, Division of Inheritance, Betawi and Minangkabau Tribes*

### TINJAUAN HUKUM ISLAM DAN HUKUM ADAT TERHADAP MODEL PEMBAGIAN WARISAN SUKU BETAWI DAN MINANGKABAU, SEBUAH PERBANDINGAN

#### Abstrak

Penelitian ini menginvestigasi dua aspek krusial dalam budaya Indonesia, yaitu tradisi pembagian warisan dalam suku Betawi dan suku Minangkabau, serta bagaimana tradisi-tradisi ini berinteraksi dengan pandangan dunia Islam. Penelitian menggunakan pendekatan kualitatif, metode deskriptif, dan analisis hukum, sosiologis, serta filosofis untuk memahami bagaimana tradisi pembagian warisan dalam masyarakat ini mencerminkan pengaruh Islamic Worldview. Hasil penelitian menunjukkan bahwa kedua suku tersebut mempertahankan unsur-unsur khas budaya mereka dalam pembagian warisan, meskipun pengaruh Islam terlihat dalam sejumlah aspek. Walaupun terdapat perbedaan dengan ajaran Islam dalam beberapa hal, prinsip-prinsip kesetaraan dan keadilan tetap menjadi bagian integral dari tradisi ini. Dengan kompleksitas penafsiran dan implementasi nilai-nilai agama dalam konteks budaya yang beragam, penelitian ini memberikan wawasan yang mendalam mengenai interaksi antara Islam, adat, dan pembagian warisan di Indonesia. Temuan penelitian ini memberikan

dasar bagi perbandingan lebih lanjut dengan konteks budaya dan agama lainnya serta implikasi praktis untuk memperkuat prinsip-prinsip keadilan dalam sistem waris di masyarakat ini.

**Keywords:** *Hukum Islam, Hukum Adat, Pembagian Warisan, Suku Betawi dan Minangkabau*

## INTRODUCTION

Inheritance distribution is an important aspect in the life of the Betawi and Minangkabau people, which is closely related to economic aspects. The division of inheritance in the Betawi and Minangkabau communities does not only follow the teachings of Islam, but is also governed by customary rules and applicable law. The legal implications and customary rules can affect economic conditions in the distribution of inheritance, especially in terms of fulfilling the rights of heirs and distribution of inheritance (Ali Zainuddin, 2010). Both of these communities have rich and highly respected culture and customs. These cultures and customs often blend with Islamic religious teachings and influence understanding and practice in inheritance distribution (Hanafi, 2023). However, in the context of inheritance distribution, there is an Islamic worldview that influences views, values, and practices in inheritance distribution (Wahid, Moh. Muhibbuddin, & Abdul, 2011). This results in problems that need to be analyzed related to economic conditions in the distribution of inheritance in the two communities. Conflicts between cultural values and religious values can affect economic conditions in inheritance distribution (Barlinti, 2013).

The Betawi and Minangkabau people have different Islamic worldview concepts that influence their perspectives and practices regarding inheritance distribution. This difference in understanding can lead to different views and practices in everyday life, including in the context of inheritance distribution. Various interpretations of the concept of Islamic worldview also often result in differences of opinion and views among the Betawi and Minangkabau people regarding the distribution of inheritance. In addition, the influence of customs and traditions on inheritance distribution also influences the economic conditions of the Betawi and Minangkabau people. Even though it has Islamic foundations in the distribution of inheritance, the influence of local customs and traditions can create tension between cultural values and religious values, which has an impact on the economic conditions of the community (Ngazizah & Rahma, 2022).

Various problems that are often encountered are the existence of a single inheritance system, where the inheritance is automatically passed on to one heir who is determined based on male lineage (Asniah, 2023). This causes women and girls to be less recognised in the process of inheritance distribution. The community tends to apply an unbalanced inheritance system between

men and women (Firdawati, Munji, Sukandi, Bukhari, & Apriani, 2022). Women often get a smaller share or are ignored in the distribution of inheritance (Irawaty & Darajat, 2019). This contradicts the principle of gender equality that is increasingly fought for in the modern social context. In practice, inheritance distribution in Betawi and Minangkabau is heavily influenced by strong customary norms and values (Zaelani, Hilal, & Hanif, 2021). Some customary norms consistently result in the restriction of women's rights in receiving an equal share of inheritance with men (Ramli, Rosele, Darmawan Achmad, & Qotadah, 2023). The strong presence of adat and deep cultural influences have created significant obstacles in the struggle to create a more inclusive and equitable inheritance sharing system (Syahriana & Mahmudi, 2022). These norms, which are ingrained in society, play a key role in shaping perceptions and practices related to inheritance, which can further challenge the fight for change in favour of gender equality and fairness in inheritance sharing systems (Tolkah, 2021).

Complex extended family structures in Betawi and Minangkabau societies can complicate inheritance distribution. In the Minangkabau matrilineal system, heirs are daughters who inherit family assets and must maintain their nuclear family and matrilineal family (Aziz, Dzofir, & Widodo, 2020). On the other hand, in a more patrilineal Betawi society, there are many parties who have

claims on inheritance, including the nuclear family, brothers and outsiders (Thobroni, 2023). Injustice in the division of inheritance often causes conflict among family members. Conflicts and debates over the division of inheritance can disrupt family relationships and even lead to lengthy legal disputes (El Khalfi, Zukri, & Victoria, 2019). Recently, there have been efforts to reform the inheritance distribution system in the Betawi and Minangkabau communities to make it more inclusive and fair. Several initiatives have been carried out to provide women and girls with more balanced rights in inheritance distribution (Karjoko, Jaelani, Tegnan, Glaser, & Hayat, 2021; Syibly, Nurozi, Tono, & Muallim, 2020). However, these changes still face complex cultural, social and legal challenges in these societies.

Betawi and Minangkabau communities have different views on economic development in line with Islamic law. Some individuals and community groups may favour a religious approach in the economic context, while others may prioritise a secular approach (Sahid et al., 2018). These different views can lead to conflict and affect economic conditions in the distribution of inheritance. Religion and diversity play an important role in Betawi and Minangkabau communities. The influence of religion and diversity can affect perspectives and practices in the division of inheritance, including related to economic aspects (Dwipayana

& Astawan, 2021; Zuhirsyan & Yamamah, 2022). Identity conflicts and differences in views can arise in the context of religious life and affect economic conditions in the division of inheritance (El Khalfi et al., 2019).

Economic development and the influence of Islamic worldview are also important factors in this analysis. When more secular or non-Islamic economic values are involved in the process of inheritance division, this can lead to conflicts between the Islamic worldview and actual practices, as well as have an impact on the economic conditions of the community (Hizbullah, Elimartati, & Eficandra, 2023). In addition, it is important to analyse the contribution of Islamic worldview in the division of inheritance in Betawi and Minangkabau communities. This analysis can help understand the extent to which Islamic values, norms and beliefs play a role in the division of inheritance, as well as its implications for the economy of the Betawi and Minangkabau communities.

Thus, a comprehensive analysis of the influence of Islamic worldview on economic conditions in inheritance distribution among the Betawi and Minangkabau people will provide important insights in understanding the social, cultural and economic dynamics of these two groups of people.

## **METODE PENELITIAN**

In this research, the method applied is a descriptive method with a qualitative approach. The descriptive approach is

used to provide an in-depth description of the subject or object of research, be it an individual, institution, or society, based on clearly observed data and facts. The qualitative approach was chosen because it is often used in the exploration of aspects in the disciplines of Sharia, social sciences, and humanities. The aim is to gain an in-depth understanding and identify the situation, especially in the context of the text and its surrounding environment. With such methods, research investigates social phenomena that arise as a result of a number of causes, such as societal norms and values or everyday issues. The researcher critically evaluated materials from various sources, including textbooks, journal articles, seminar papers, and relevant data from supporting documents related to the division of inheritance in the context of Islamic customs and religion. The data obtained was analysed descriptively using legal, sociological and philosophical approaches, and referring to previous research that examined similar issues.

## **RESULTS DISCUSSION**

### **Islamic Wordview**

In general, the term "Weltanschauung" comes from German which refers to a person's worldview or worldview which includes philosophical, social, cultural, religious and political aspects in their view of the world. In the Islamic context, although the term "Weltanschauung" is not used

directly, a similar concept of the Islamic way of life can be found in various terms and writings by Islamic thinkers and scholars (Ahmat, Aziz, Anas, & Habidin, 2016). Some terms that are often used to describe a view of life in an Islamic perspective include:

- *Al-Mabda' Al-Islamiy* (Al-Zayn, 1982): This term is of Arabic origin and literally means "foundation of Islam" or "starting point of Islam". This refers to the concept of an Islamic view of life which is the basis and basis for understanding and practicing the life of a Muslim.
- *At-Tashawwur Al-Islamiy* (Qutb, 1965): This term also comes from Arabic and describes the concept of Islamic understanding or view of life which includes Islamic values, ethics, and norms in various aspects of life.
- *Ru'yatu-I-Islamiy* (Al-Attas, 1995): This term also comes from Arabic and refers to an Islamic way of life which includes a comprehensive vision and view of the world and life based on Islamic teachings.
- *Nazharaat Al-Islamiyyah* (Al-Mawdudi, 1985): This term also comes from Arabic and includes an Islamic view of life that is oriented towards religious, political, social, and economic aspects from an Islamic perspective.

Based on the description of the term and the opinions of the experts above, Worldview is an overall framework of a person's basic beliefs about everything

and has an important role in determining the thoughts that underlie his actions. But in reality, despite modern times, cultures that are not in accordance with the concept of Islam are still upheld by the community and traditional leaders in certain tribes. Islamic worldview plays an important role in the distribution of inheritance, because it is an important aspect of Islamic law that regulates how inheritance should be divided to heirs (Pramesi & YUSDANI, 2021). The Islamic worldview regarding the inheritance distribution system is based on the main principles of justice, which have been explained and regulated in the Qur'an and Hadith of the Prophet Muhammad (Jahar & Shodiq, 2022). These principles provide the moral and legal basis underlying the distribution of inheritance in Muslim societies.

In the Islamic worldview, the basic principle is that each heir should receive a fair share of the estate. This includes clear shares for husbands, wives, children, parents and other relatives. This principle of justice also applies to gender differences, although there are differences in the amount of inheritance received by men and women (Azwan, 2021). For example, a daughter usually receives half of a son's share. In practice, the Islamic Worldview's understanding of the division of inheritance affects how Muslims divide the estate in accordance with Islamic law (Firdawati et al., 2022). It is an important part of their religious and cultural practices. However, it

should be noted that inheritance division practices may vary across different Muslim communities, depending on local understandings and interpretations of Islamic law (Syahriana & Mahmudi, 2022).

This is in line with the opinion of (Zarkasyi, 2013) that the perspective of human life on the universe is influenced by several factors, including culture, philosophy, religion, beliefs, social values, and other factors. It was further explained that the spectrum of human views is very broad and depends on the factors that influence it, including the various things previously mentioned, which then form the basis of the concept of human behavior. As such, Islamic Worldview plays a key role in shaping and guiding inheritance division practices among Muslims, with the principle of justice as the central value to be realized in this process.

### **Customary Law**

According to (Soepomo, 2000), the term "customary law" is used as a synonym for law that is not written in legislation or unwritten law. This customary law applies as a convention or custom in state legal bodies such as the DPR, DPRD, and the like. In addition, customary law can also arise due to a judge's decision or what is known as "judge made law". Furthermore, customary law lives as a rule of habit that is maintained in the association of life, both in cities and villages, and this is known as

"customary law". Thus, the term "customary law" refers to various types of law that are not formally written in legislation, but prevail as living customs, conventions, or court decisions and serve as the basis of law in society at various levels, both at the national level and at the local level (cities and villages). Customary law has long played an important role in supporting the formal legal system and is an integral part of the community's cultural heritage and traditions.

In addition to civil law and Islamic law, the inheritance system is also regulated in customary law, which has different arrangements and applies throughout Indonesian society (Nurmala & Koni, 2022). Each indigenous community has a variety of kinship systems, which are often influenced by local geographical, cultural and historical factors. In Indonesia, there are differences and similarities in the kinship systems adopted by indigenous peoples, such as Patrilineal, Matrilineal and Parental Adat. In the context of inheritance, indigenous peoples have heirs who are entitled to receive inheritance, which can be reviewed or based on the kinship system they adhere to (Rifqi, 2021). Each kinship system in customary law, such as Patrilineal, Matrilineal, and Parental Adat, has its own rules regarding who is entitled to receive inheritance and the extent to which the inheritance can cover, including the right to a position or position that is part of the inheritance

(Nurmala & Koni, 2022). In Patrilineal societies, inheritance is often given to paternal male heirs, whereas in Matrilineal societies, maternal female heirs can have strong claims to inheritance (Rahmadanil & Zuwanda, 2021).

The Islamic view of true customs is derived and sourced from the Qur'an and As-Sunnah to explain matters of worship, aqidah clearly and in detail. So these teachings determine the direction and boundaries of culture cannot be reduced or added at all because it already has a strong and standardised foundation (Djawas, Hasballah, Devi, Kadir, & Abda, 2022). In addition, the concept that has been determined has been explained in general and globally according to the pattern line to be developed further in order to become a benefit (Zainuddin, 2018). Customary law, which was originally a living and developing law and was able to provide solutions to various problems of Indonesian society, is increasingly losing its existence. Currently, if we look at the empirical facts in society, we can find various complexities of problems faced by indigenous peoples in Indonesia, especially when customary law is faced with positive law.

Customary law has unique characteristics, and regulations in this law are often based on local values, norms and traditions. However, the view that customary law tends to be traditional and archaic has made its existence increasingly marginalised in

the more modern national legal system. As a result, indigenous peoples face inequality in access to legal protection and basic rights, especially in terms of inheritance distribution and land ownership (Judiasih & Fakhriah, 2018). The disappearance of customary law as one of the sources of law in Indonesia is due to the assumption that customary law is very traditional, underdeveloped, and ancient, so it cannot reach the development of modern times (Aditya & Yulistiyaputri, 2019). This results in inequality in legal protection for indigenous peoples, especially in terms of inheritance distribution and land ownership rights. Many customary norms limit women's rights to inheritance and land rights, which is in line with the problems faced in inheritance law in Indonesia (Firdawati et al., 2022).

### **Inheritance and The Patrilineal System in Betawi Culture**

Patrilineal system is one of the kinship systems found in many indigenous communities in Indonesia. In this system, lineage and inheritance are passed down through the father's line, which means that children inherit status and property from the father's side (Dwipayana & Astawan, 2021). This is closely related to the Islamic view, where in Islamic inheritance law, men are given a larger share of inheritance than women. In this context, the patrilineal system in indigenous communities is often in line with Islamic

inheritance principles that favour men. As a result, women often find themselves at a disadvantage in the distribution of inheritance, both according to custom and Islamic teachings (Syibly et al., 2020). This illustrates how kinship systems in indigenous communities often reflect and reinforce the values and principles present in the dominant religion of the region. In this case, the patrilineal system found in many indigenous communities can be one of the factors that limit women's rights to inheritance. It also highlights the complex relationship between customary law, religion and national law in Indonesia, and how cultural and religious influences often impact on social and legal practices, including the division of inheritance.

The inheritance distribution system in Betawi society adheres to the patrilineal system, which draws lineage from the father's side so that the position of men is more emphasised. In this system, one of the foundations is the Islamic religion in a culture that requires the inheritance received by men to be greater than women. With this system in place, it has different influences and characteristics from other inheritance laws in Indonesia. However, according to adat, the division of inheritance according to customary law has several parts, namely, the inheritance process, the heirs, and the inheritance property. Therefore, this process is an action taken to pass on or transfer the inheritance so

that it is divided or undivided among the heirs when they are still alive or have died, either given directly (through a will) or given to the heirs who have been determined. Among these heirs: (1) biological children and stepchildren of the testator, (2) widows or widowers, (3) parents of the testator, (4) siblings of the testator, and heirs who do not receive inheritance. So with this concept, the culture has different characteristics from the Minangkabau custom and the inheritance system in Islam in Indonesia.

The influence of the culture of inheritance distribution in the Betawi tribe reflects the complexity of the culture that developed in Indonesia. In the context of the patrilineal system prevailing in some Betawi communities, inheritance tends to be given to male descendants. Although there is an Islamic influence in this inheritance distribution practice, there are differences with Islamic teachings that require men to receive a larger share in the distribution of inheritance. However, factors such as avoiding conflict within the family and helping children who may have low economic levels are the reasons for the practice of grants and wills. This shows how culture, religion and economic factors are intertwined in the division of inheritance in the Betawi tribe, resulting in a unique framework that incorporates these elements in their daily practices.



## **Inheritance and The Matrilineal System in Minangkabau Culture**

In Minangkabau culture, there is a known matrilineal system which creates strong family ties to descendants through the mother's line (Irawaty & Darajat, 2019). In addition, the community has some uniqueness with the exogamy model which recommends that marriages be carried out between family members who are not female relatives from outside the tribe. Marriage with a man from outside the tribe is also not a problem because it does not damage the customary structure, and children still follow their mother's tribe (Indomo, 1984). It was further explained that in matrilineal culture, the use of property is supervised by traditional leaders called "ninik mamak", and it is they who determine the usufructuary rights of inheritance. Minangkabau custom distinguishes inheritance into three categories, namely high inheritance, low inheritance, and Sako (title) (Syarifuddin, 1982):

- High heirlooms are assets that have been passed down from generation to generation from the mother's lineage and are used by all relatives in one family. If the heir dies, the property is transferred to the descendants for generations. High heirlooms include land, rice fields, fields, gardens, ponds, gadang houses, as well as symbols of greatness such as keris or traditional clothes. This property may not be traded.
- Low inheritance is the livelihood of both parents during their lifetime. This property can be distributed to children, both boys and girls, in accordance with Islamic law, civil law, or any other method desired by the parents.
- Sako (title) is an inheritance that is not in the form of objects, but includes titles, manners, and customary laws that are used and carried out by certain groups. The title is given by agreement of the authorities, and it is passed on through the nephews through the mother's lineage.

From these three classes of inheritance, it can be concluded that not all inheritance property in the Minangkabau customary society is given to daughters. Girls are only entitled to heirlooms and titles, and this decision is usually recognised by community leaders who have authority in this matter. High heirloom property is property that is passed down from the mother's line and includes assets such as land, houses, and other valuable objects. These assets may not be traded and are traditionally passed on to descendants for generations. On the other hand, lower heirlooms are the livelihoods of both parents during their lifetime, and can be distributed to their children in accordance with Islamic law or civil law, or according to parental agreement. In addition, there is also sako (title) inheritance, which involves non-material aspects such as titles, manners and

customary laws passed down through the maternal line. This reflects the diversity of inheritance arrangements and the strong cultural influence of the inheritance distribution system.

### **Islamic Worldview and Distribution of Inheritance**

The concept of an Islamic worldview, which includes an Islamic view of life and values, has a strong impact on various aspects of life, including the distribution of inheritance in Muslim societies. This view has had a significant influence in shaping the principles and procedures for the division of inheritance in Islam. In the Islamic Worldview, inheritance law has a strong foundation in the Al-Qur'an and the hadiths of the Prophet Muhammad. The basic principle of distributing inheritance in Islam is fair, and this is reflected in verses of the Qur'an such as Surah An-Nisa (4:7-11) which explains the division of inheritance between male and female heirs. This concept emphasizes individual rights, gender non-discrimination in inheritance distribution, and social responsibility in ensuring that each family member is given a fair share.

However, in the context of different cultures and traditions of Muslim societies, the implementation of the Islamic Worldview concept in the distribution of inheritance may vary. For example, the Betawi and Minangkabau tribes have different traditional traditions regarding inheritance.

Although both identify their beliefs as conforming to the principles of an Islamic worldview, their interpretation and application of inheritance laws may have unique nuances. In the Betawi tribe, which practices a bilateral or parental customary system, the gender view is balanced in the distribution of inheritance according to Islamic principles of justice. This reflects the concept that every member of the family has equal rights in inheritance, in accordance with the perspective of justice in the Islamic Worldview.

On the other hand, in the Minangkabau tribe, which practices a matrilineal customary system, the distribution of inheritance is also related to the concept of Islamic worldview. Although externally it may appear to be contrary to the demands of gender equality in Islam, many Minang circles believe that this system can be understood as an effort to protect women's rights and avoid oppression. However, it is important to recognize that sometimes customary practices may conflict with Islamic principles or the wider concept of the Islamic worldview. In this context, there is a need for a careful approach to integrating and harmonizing customary practices with fundamental Islamic principles, such as the principle of gender equality in inheritance distribution.

The Islamic worldview, especially when it comes to the distribution of inheritance, is based on the principles of justice laid out in the religion. However,

the implementation of such principles may vary depending on the local culture and traditions in various Muslim societies. This results in a diversity of inheritance division practices across the Muslim world, with some communities possibly following religious principles strictly, while others may integrate local values in the inheritance division process. Therefore, the relationship between the Islamic worldview and the division of inheritance is the result of a complex interaction between religious teachings and cultural context, which creates variations in inheritance practices across the Muslim world.

### **The Tradition of Sharing the Inheritance of the Betawi Tribe**

The tradition of inheritance division in the Betawi tribe is the result of the deep influence of the Islamic Worldview, which permeates the culture and social order of the community. Islamic Worldview encompasses a holistic view of life based on the teachings of Islam that encompasses various aspects of life, including laws, ethics and social values adopted by Muslims. The influence of Islamic Worldview can be seen in the Betawi inheritance distribution process which reflects the principles of justice and equality emphasised in Islam. Although this tradition may have roots in the local culture, the influence of Islamic Worldview plays an important role in shaping the Betawi tribe's inheritance sharing views and practices. This

illustrates how religion can be a major influence in shaping social values and norms in a particular society. Although the Betawi tribe's inheritance division tradition has local cultural roots, its understanding and implementation show influence and harmonisation with Islamic worldview principles.

The tradition of dividing inheritance in the Betawi tribe has a close relationship with the concept of Islamic worldview that they adhere to. Although this tradition is inspired by local customary values, its relation to Islam can be seen in the recognition that the inheritance received by men and women must be equal or equal, in contrast to Islamic Sharia rules which require men to receive a larger share. The understanding of Betawi adat regarding the equal distribution of inheritance between men and women reflects social values and justice which are highly emphasized in Islam. Although there are differences with Islamic teachings in this regard, this tradition can also be considered as an adaptation and reinterpretation of Islamic values to local cultural realities. Thus, in their understanding, this tradition respects the principles of justice that exist in Islam.

The tradition of inheritance distribution in the Betawi tribe reflects the influence of Islamic Worldview that has permeated the culture and social order of the Betawi people. Islamic Worldview is a concept that includes a holistic view of life based on Islamic

teachings, including aspects of law, ethics, and social values recognized by Muslims. One of the fundamental values in the Islamic Worldview is the principle of justice, which is regulated by Islamic inheritance law. Although the Betawi inheritance division tradition has strong local cultural roots, its understanding and implementation show influence and harmonization with the principles of justice emphasized in Islam. One example is the principle of equal division of inheritance between men and women in the Betawi tradition, which reflects an effort to achieve social justice in accordance with the Islamic view, despite differences with Islamic teachings that require men to receive a larger share. In this case, the Betawi tradition interprets Islamic values to achieve gender equality within their cultural context, demonstrating the alignment of Islamic views with efforts to achieve justice in society.

Although the tradition of dividing the inheritance of the Betawi tribe has elements that are in line with the Islamic Worldview concept, this does not necessarily reflect an understanding and application that is fully in accordance with Islamic teachings. There are differences between Islamic teachings and implementation in local customary traditions, especially in terms of differences in inheritance distribution between men and women. Therefore, even though there is a connection with the concept of Islamic worldview, the implementation of practices in the

inheritance distribution tradition needs to be considered so that it is more consistent with the underlying Islamic values.

### **The Tradition of Sharing the Inheritance of the Minangkabau Tribe**

The inheritance distribution system in the Minangkabau tribe has a strong historical and philosophical basis. Since the great meeting of Urang Nan Ampek Jinih in 1953 and the customary law seminar in 1968, the matrilineal inheritance system of the Minangkabau tribe has been established with several important points. High heirloom property and livelihood property (*pusako rendah*) are the two main categories in the division of inheritance. High heirloom property is a form of property governed by the head of the heirs and is considered a legal entity property that is passed down from generation to generation in Minangkabau families. In this case, the head of the family or heir plays a central role in managing the high heirloom property and determining how it is distributed in accordance with Minangkabau customary law. On the other hand, livelihood heirlooms are governed by the principles of *faraidh* law, which is based more on Islamic teachings. This includes divisions that are in accordance with Islamic provisions, such as the stipulated shares for the immediate family, husband, wife, children, and others. Thus, there is a

difference in approach to the regulation of high heirlooms and livelihoods, with the former being more customary, while the latter is closer to Islamic principles.

The inheritance system in Minangkabau society is supported by Kerapatan Adat Nagari (KAN) as the highest representative entity in customary deliberations. KAN plays an important role in maintaining and preserving Minangkabau customary and cultural traditions. They formulate and implement policies related to the inheritance system, ensure that customary traditions are maintained, and resolve conflicts or problems related to inheritance. KAN also acts as an authority in making decisions related to customary law and inheritance, so it plays a central role in maintaining the continuity of Minangkabau traditions. There are four elements in KAN, namely penghulu, manti, malin, and dubalang, who carry out their duties to maintain customs and preserve culture. Decisions made by KAN become a reference for the penghulu in carrying out government duties and must be obeyed by the entire community.

The division of inheritance in Minangkabau society can be divided into two categories of customs that have different characteristics. First, there are customs that have not changed and remain pure in accordance with the traditions of the ancestors. Secondly, there are customs that have changed over time and decisions made by customary leaders in the past. The first

category reflects an effort to maintain the cultural roots and heritage of the ancestors, while the second category reflects flexibility in adjusting to the changing times and social environment. This reflects the ever-evolving complexity of Minangkabau culture, while maintaining the traditional values it upholds. The system has four parts that reflect the social customs of the community, and aims for the welfare and survival of the family. Aside from the fact that the Minangkabau inheritance system has adopted cultural and customary aspects, it is also linked to Islamic principles of fair distribution and equality between sons and daughters.

Although there are differences between the Minangkabau tradition of inheritance distribution and Islamic inheritance law in some aspects, the principles of equality and justice remain central to this tradition. The Minangkabau inheritance system has adapted and incorporated elements of Islamic inheritance law into its customary practices, so that the principles of justice and gender equality are maintained. While its application may not literally follow Islamic inheritance law, the principles reflect the Minangkabau community's commitment to maintaining fairness in the distribution of inheritance and protecting the rights of women and other family members. Thus, the long-established inheritance system governed by Minangkabau customs and culture

continues to operate with due regard to their religious and cultural values.

## CONCLUSION

In the Indonesian cultural context, two customary issues that have attracted attention are the inheritance sharing traditions in the Betawi tribe and in the Minangkabau tribe. While both have strong cultural roots, they represent different approaches to inheritance and social structure. The Betawi tribe follows a more patrilineal inheritance system, where inheritance is passed on through the paternal line, giving men a higher position in the division of inheritance. The Minangkabau, on the other hand, practise a matrilineal system, where inheritance is through the mother's lineage, reflecting fundamental differences in the social structure and understanding of customary values in Indonesian society. Further study of these two traditions provides valuable insights into the diversity of cultures in Indonesia and the complex relationship between customary law, Islamic values and social dynamics in indigenous communities. The Betawi tradition of inheritance division reflects values of gender equality that are more in line with the concept of Islamic Worldview, which accommodates the principles of justice and equality that are important in Islam. However, while this tradition demonstrates cultural adaptation to religious values, there are still challenges to fully integrate Islamic principles in its implementation. Efforts to achieve

consistency with deeper Islamic values remain important.

Meanwhile, the matrilineal inheritance system in Minangkabau culture emphasizes the role of women in inheritance and a strong family structure. Although this can be considered as a more even application of gender, there is still complexity in the management of assets and inheritance within it. Understanding the influence of culture, religion and gender equality in the Minangkabau context requires in-depth analysis to acknowledge the uniqueness and complexity of this system. In conclusion, both the Betawi inheritance distribution tradition and the Minangkabau matrilineal inheritance system represent different ways of managing inheritance and gender roles in Indonesian culture. Both teach the importance of balance between local traditions, religious values, and the concept of gender equality. Recognition and respect for these values is the key to maintaining and developing a rich and diverse culture in Indonesia.

Suggestions for further research are to conduct a more in-depth comparative study between the inheritance distribution traditions of the Betawi and Minangkabau tribes with a focus on the influence of religion, analysis of social and economic impacts, cultural adaptation to changing times, and relations with social change and globalization. Researchers can also analyze how these traditions conflict with or align with national laws and

policies and examine concrete cases and personal narratives to understand individual experiences. As such, this in-depth research will provide richer insight into both culture and the implications of the tradition of inheritance sharing for society and culture in Indonesia.

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