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Negotiating Fara'iḍ and Matrilineal Adat: Inheritance Practice, Women's Property Rights, and Legal Pluralism in a Coastal Muslim Community of North Sumatra

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Abstract

Indonesia recognises three inheritance regimes, Islamic, customary (*adat*), and civil, whose coexistence produces recurring tensions in Muslim communities that maintain non-patrilineal kinship systems. This article examines the inheritance practice of the Sumando Ranah Nata community in Natal District, Mandailing Natal Regency, a coastal Muslim society with a matrilineal orientation in which daughters act as the principal heirs and custodians of family houses and land, while sons obtain a share only when property is sold or when daughters voluntarily release it. The study asks how this practice differs from the *farā'iḍ* rules codified in the Compilation of Islamic Law, why community members continue to prefer it, and whether it can be reconciled with Islamic legal principles. It uses empirical juridical research combining interviews with family members, customary leaders, and village officials in three neighbourhoods, document analysis, and normative analysis of the Qur'an, the Compilation of Islamic Law, Supreme Court jurisprudence, and the literature on legal pluralism. The findings show that customary distribution rests on three logics: the preservation of family property within the female line, the protection of economically vulnerable women, and the priority of family harmony achieved through deliberation (*musyawarah*). Although the outcome departs from the fixed shares of *farā'iḍ*, the process often operates through mechanisms recognised in Islamic law, namely consensual settlement (*ṣulḥ*), voluntary relinquishment (*takhāruj*), and gifts, and Article 183 of the Compilation expressly permits heirs to agree on a peaceful distribution once each knows their share. The article argues that the legitimacy of customary distribution therefore depends on informed consent: where sons and other heirs know their *farā'iḍ* entitlements and freely agree, the practice can be accommodated; where consent is presumed or socially compelled, it conflicts with the rights guaranteed by the Qur'an. The study proposes an informed-consent model of inheritance settlement that combines *farā'iḍ* calculation, deliberation, and written agreement as a bridge between customary values and Islamic law.

I. INTRODUCTION

Inheritance law regulates the transfer of the property of a deceased person (*tirkah*) to those entitled to it, determining who the heirs are and the share each receives (Muddin, 2022). Because inheritance concerns property, family relationships, gender roles, and religious obligation at once, it has long been one of the most contested domains of law in plural societies. In Indonesia, three inheritance regimes coexist: Islamic inheritance law, which applies to Muslims through the Religious Courts; customary inheritance law, which reflects the diverse kinship systems of Indonesia's ethnic communities; and civil inheritance law derived from the Dutch Civil Code (Mamonto et al., 2024). These regimes differ in their conceptions of family, the definition of inheritable property, the identity and shares of heirs, and the institutions through which property is transferred (Hermanto & Aly, 2024; Lukito, 2013).

The coexistence of these regimes has produced one of the most enduring debates in Indonesian legal history. Colonial scholars associated with the *adat* law school, notably Ter Haar (1948), argued that customary law, not Islamic law, was the living law of the Indonesian people, and that Islamic law applied only insofar as it had been received into *adat*. Hazairin (1982) rejected this "reception theory" and argued that the Qur'an itself establishes a bilateral system of inheritance that should govern Indonesian Muslims. After independence, the codification of Islamic family law in the Compilation of Islamic Law (*Kompilasi*

Hukum Islam, KHI) of 1991 and the strengthening of the Religious Courts gave the Islamic regime greater institutional weight (Bowen, 2003; Nurlaelawati, 2010). Yet in many communities, inheritance continues to be distributed according to customary practices that differ significantly from the fixed shares of Islamic law (Muzainah & Syaikhu, 2020; Felicia et al., 2023).

Islamic inheritance law, known as *farā'iḍ*, determines the shares of heirs with considerable precision. The Qur'an affirms that both men and women have a share in what their parents and relatives leave, whether little or much (Q. 4:7), and prescribes that a son receives the equivalent of the share of two daughters (Q. 4:11). The KHI codifies these rules, providing in Article 176 that a single daughter receives half, two or more daughters together receive two-thirds, and where sons and daughters inherit together the son's share is twice that of the daughter. Classical and contemporary scholarship explains the differential share by reference to the financial responsibilities that Islamic law places on men, including the duty to provide maintenance (*nafaqah*) to wives and children (Powers, 1986; Muhibbin & Wahid, 2022; Sulistiani & Nurrachmi, 2021).

Inheritance disputes are among the most frequent family matters brought before Indonesian Religious Courts, and many more are resolved, or left unresolved, within families and villages. Disputes often arise not only from disagreements about shares but also from uncertainty about which normative system applies, from lack of documentation of property and agreements, and from changes in family circumstances over time (Muzainah & Syaikhu, 2020; Khadapi et al., 2023). Understanding how communities reconcile customary and Islamic norms is therefore of practical as well as theoretical importance.

Coastal communities on the western shore of North Sumatra developed through centuries of trade and migration along the Indian Ocean coast, which brought Minangkabau, Malay, and other influences into contact with the Mandailing hinterland. These historical connections help explain why a matrilineal orientation associated with Minangkabau culture persists in a coastal enclave surrounded by patrilineal Mandailing communities. The coexistence of two kinship systems within one regency, and the presence of both customary and Islamic inheritance practices among Muslims, make the area a valuable site for studying how communities negotiate plural normative orders.

Customary systems organise inheritance differently. Indonesian kinship systems are commonly classified as patrilineal, as among the Batak, Gayo, and Balinese; matrilineal, as among the Minangkabau; and bilateral or parental, as among the Javanese and many other groups (Felicia et al., 2023; Sulistiani & Sy, 2021). In matrilineal systems, ancestral property is held by the female line and transmitted from mothers to daughters, while men belong to their mothers' lineage and exercise authority as mother's brothers rather than as fathers. The relationship between matrilineal *adat* and Islam has been the subject of extensive scholarship, particularly in Minangkabau, where historians and anthropologists have documented both conflict and accommodation between the two normative orders (Abdullah, 1966; von Benda-Beckmann & von Benda-Beckmann, 2006; Peletz, 1988).

This article examines a less studied case: the inheritance practice of the indigenous coastal community of Natal District in Mandailing Natal Regency, North Sumatra, known through its customary identity as Sumando Ranah Nata. The community is predominantly Muslim and lives alongside the Mandailing, a patrilineal group that generally applies Islamic inheritance rules. The coastal community, influenced historically by Minangkabau culture, adheres to a matrilineal orientation in which daughters are the principal heirs and controllers of family houses and land. Sons do not lose their entitlement entirely, but they usually obtain a share only when property is sold or when daughters voluntarily give them part of the proceeds. This practice departs from Article 176 of the KHI, yet community members do not generally regard it as a rejection of Islam. Instead, they describe it as an expression of deliberation, harmony, and protection of women.

The case is also significant for policy. The Indonesian state has invested in codifying Islamic

family law, expanding the jurisdiction of the Religious Courts, and promoting religious education, all of which increase awareness of *farā'iḍ* among Muslims. At the same time, the Constitution recognises customary law communities and their traditional rights. Communities such as Natal stand at the intersection of these commitments. How they reconcile them, and how state institutions support or constrain that reconciliation, offers insight into the broader project of governing a religiously observant and culturally diverse society through law.

The case raises three research questions. First, how is inheritance distributed in the community, and how does this distribution differ from Islamic inheritance law as codified in the KHI? Second, what factors explain the community's continued preference for customary distribution? Third, can the customary practice be reconciled with Islamic legal principles, and if so, under what conditions? The article argues that the decisive issue is not whether the outcome matches the fixed shares of *farā'iḍ*, but whether the process respects the rights of each heir through informed and voluntary consent. Islamic law itself provides mechanisms, including consensual settlement and voluntary relinquishment, through which heirs can agree to a distribution different from the fixed shares, and Article 183 of the KHI expressly recognises such agreements. The legitimacy of customary distribution therefore depends on whether these conditions are met in practice.

II. LITERATURE REVIEW

A. Legal Pluralism and the Adat–Islam Relationship

Legal pluralism refers to the coexistence of multiple normative orders within the same social field (Griffiths, 1986; Merry, 1988). Griffiths (1986) distinguished between "weak" legal pluralism, in which the state recognises multiple bodies of law, and "strong" legal pluralism, in which non-state normative orders operate independently of state recognition. Merry (1988) emphasised that plural normative orders are not separate and static but interact, borrow from, and transform one another. Indonesia is a paradigmatic case of both forms: the state formally recognises Islamic law for Muslims in family matters and acknowledges customary law communities in the Constitution, while customary practices continue to govern many aspects of social life outside state institutions (Lukito, 2013).

The relationship between *adat* and Islam has been studied extensively in Indonesia. Abdullah (1966) showed that in Minangkabau, conflict between *adat* and Islam coexisted with a long-standing formula of accommodation expressed in the saying that *adat* is founded on sharia and sharia on the Book of God. Von Benda-Beckmann and von Benda-Beckmann (2006) described the relationship among *adat*, Islam, and the state in West Sumatra as a dynamic triangle in which changes in one normative order trigger adjustments in the others. Bowen (2003), studying the Gayo of Aceh, showed how inheritance disputes move between village deliberation and the Religious Courts, and how judges, scholars, and villagers reason about equality and difference in applying Islamic law. These studies demonstrate that the coexistence of *adat* and Islam is not a simple opposition but a field of negotiation in which communities adjust practices in response to religious, legal, and economic change.

B. Islamic Inheritance Law and Gender

Islamic inheritance law has been central to debates about gender equality in Muslim societies. Powers (1986) traced the formation of the Islamic law of inheritance in the Qur'an and early jurisprudence, showing that the Qur'anic verses represented a significant reform of pre-Islamic Arabian practice by granting women defined shares. Contemporary Indonesian scholarship discusses the two-to-one ratio in light of the financial obligations of men and the changing economic roles of women (Sulistiani & Nurrachmi, 2021; Muhibbin & Wahid, 2022). Some scholars argue that the ratio should be understood contextually, while others maintain that the shares are definitive (*qaṭʿī*) and not open to reinterpretation. In practice, Indonesian Religious Courts have generally applied the KHI shares while allowing heirs to agree on different distributions (Nurlaelawati, 2010; Bowen, 2003).

The KHI provides important flexibility in this respect. Article 183 states that heirs may agree to make a peaceful settlement in dividing the estate after each of them is aware of their share. Article 171(e) defines the inheritable estate as the deceased's own property together with a portion of joint marital property after deduction of funeral expenses, debts, and bequests. The KHI also recognises substitute heirs and obligatory bequests (*wasiyyah wājibah*) for adopted children. These provisions reflect a codification that combines classical rules with mechanisms responsive to Indonesian social realities (Asriati, 2012; Ahmad & Ramdhan, 2023).

C. Women's Property in Islamic Family Law

Discussions of gender in Islamic inheritance often focus narrowly on the two-to-one ratio, but Islamic family law contains other provisions that shape women's property. Women are entitled to a dower (*mahr*) at marriage, to maintenance (*nafaqah*) during marriage and the waiting period after divorce, and to retain their own property free of any obligation to spend it on the household (Sulistiani & Nurrachmi, 2021). Indonesian law adds the institution of joint marital property: under the Marriage Law and the KHI, property acquired during marriage is joint property, and upon death or divorce each spouse is entitled to half, unless otherwise agreed in a marriage contract (KHI Articles 85–97). For a widow, this means that half of the property acquired during marriage is hers before the estate is divided, and she also inherits a share of the deceased's half.

These provisions are significant for the Natal case. A substantial portion of what families regard as inheritance may in fact be joint marital property, half of which belongs to the surviving spouse outright. Correct separation of joint property before applying *farā'iḍ* would often increase the share of widows and thereby, through subsequent gifts or inheritance, the property controlled by women. Customary practice in which the widow receives a larger portion of the proceeds and then gives land to daughters may thus partly reflect, in customary form, entitlements that Islamic and Indonesian law already recognise. Making this connection explicit can reduce the perceived gap between custom and law.

D. Customary Inheritance and State Law

Customary inheritance law in Indonesia has been shaped by both community practice and state adjudication. The Supreme Court has, in a series of decisions beginning in the early 1960s, recognised the equal inheritance rights of daughters and sons in communities whose customary law had excluded daughters, reasoning from principles of humanity and gender equality (Hermanto & Aly, 2024; Lukito, 2013). Customary law scholars emphasise that *adat* is not static but responds to social change, and that its continued validity depends on its acceptance by the community (Sulistiani & Sy, 2021; Tanjung & Calvin, 2026). Studies of inheritance in other communities, such as Banjar scholars' families in Central Kalimantan and the Komering of South Sumatra, show that families frequently combine Islamic and customary elements, using deliberation to reach distributions that satisfy religious and social expectations (Muzainah & Syaikhu, 2020; Muddin, 2022). Studies of conflict prevention emphasise that disputes often arise from misunderstanding of legal rules rather than from irreconcilable norms (Khadapi et al., 2023; Halimah, 2021).

A further development concerns the role of religious authorities. Nur et al. (2025) show that Muslim scholars (*kiai*) in Indonesia play an active role in translating Islamic inheritance rules into practice, often mediating between textual rules and family circumstances. Fikri and Mujib (2025) compare Indonesian and Malaysian inheritance systems and show that both countries combine codified Islamic rules with flexible settlement practices. Peletz (1988), studying the matrilineal Malays of Rembau in Negeri Sembilan, demonstrated how *adat perpatih*, which also privileges women's control over ancestral land, coexists with Islamic inheritance rules through the distinction between ancestral property governed by *adat* and individually acquired property governed by Islamic law.

E. ʿUrf in Islamic Legal Theory

Islamic legal theory has its own resources for evaluating customary practice. Custom (*ʿurf* or

ʿādah) is recognised as a consideration in legal reasoning, expressed in the legal maxim that custom is authoritative (*al-ʿādah muḥakkamah*). Jurists distinguish between valid custom (*ʿurf ṣaḥīḥ*), which does not contradict a definitive text, and invalid custom (*ʿurf fāsid*), which permits what is prohibited or prohibits what is obligatory (Kamali, 2008). Custom may determine the meaning of contractual terms, the content of obligations not specified by the texts, and the practical arrangements through which rights are exercised, but it cannot override clear textual rules. In inheritance, the shares fixed by the Qur'an are generally regarded as definitive, so custom cannot abolish them. Custom can, however, shape how heirs exercise and dispose of their shares, provided that the conditions of valid disposition, including knowledge and consent, are satisfied.

This distinction is directly relevant to the Natal case. If customary distribution is understood as a rule that displaces Qur'anic shares, it falls within invalid custom. If it is understood as a customary pattern of agreement through which heirs, knowing their shares, choose to arrange property in a particular way, it can be regarded as valid custom operating within the space Islamic law leaves for consensual disposition. The empirical question is therefore which description better fits the practice in particular families, and the normative task is to ensure that practice conforms to the second description.

F. Matrilineal Muslim Societies in Comparative Perspective

Comparative experience in other matrilineal Muslim societies suggests ways in which the tension between *adat* and *farāʾiḍ* has been managed. In Minangkabau, a widely discussed accommodation distinguishes between high ancestral property (*harta pusaka tinggi*), which is held collectively by the matrilineage and transmitted according to *adat*, and lower property acquired by individuals or couples (*harta pusaka rendah* or *harta pencaharian*), which is distributed according to Islamic inheritance law. Mid-twentieth-century deliberations among Minangkabau religious scholars and customary leaders endorsed this division, which allowed both normative orders to coexist by assigning them different categories of property (von Benda-Beckmann & von Benda-Beckmann, 2006; Abdullah, 1966). In Negeri Sembilan, Malaysia, customary land under *adat perpatih* has been subject to special legislation that preserves its transmission through the female line, while other property is governed by Islamic law (Peletz, 1988).

These experiences show that a category-based accommodation can preserve the protective and lineage-preserving functions of matrilineal custom while honouring Islamic entitlements in acquired property. They also show that such accommodations are not fixed: as individually acquired wealth grows relative to ancestral property, the domain of Islamic inheritance expands, and the balance between the two orders shifts. The Natal community's own distinction between categories of property suggests that a similar accommodation may be available, a possibility explored in the discussion.

G. Inheritance Disputes and Responsibility for Debts

Scholarship on inheritance practice in Indonesia also draws attention to issues that precede distribution, such as the settlement of the deceased's debts. Islamic law requires that funeral expenses, debts, and bequests be paid before the estate is divided, and the KHI follows this order. Studies of debt responsibility show that communities often misunderstand whether heirs are personally liable for the deceased's debts beyond the value of the estate, and that such misunderstandings can generate conflict (Halimah, 2021; Maiyori et al., 2024). In customary practice, the settlement of debts and obligations may be handled informally by the family members who take control of property. Clarifying the sequence of obligations under Islamic law, and documenting how debts were settled, is therefore part of a sound inheritance process in communities where customary and Islamic norms coexist.

H. Research Gap

Although inheritance in matrilineal Muslim communities has been studied in Minangkabau and Negeri Sembilan, the coastal matrilineal community of Natal has received little scholarly

attention. Existing Indonesian studies of inheritance tend either to describe customary practice or to assess it against Islamic law, without examining the processes through which communities reconcile the two. This article addresses that gap by analysing both the substance of customary distribution and the procedural mechanisms through which it is legitimated, and by evaluating these mechanisms against the provisions of Islamic law that permit consensual departure from fixed shares.

III. RESEARCH METHODS

This study uses empirical juridical research with a descriptive-analytical approach (Rizkia & Fardiansyah, 2023). Empirical juridical research examines how law operates in society and is appropriate because the research questions concern actual inheritance practices and the reasons behind them. The empirical analysis is combined with normative analysis of Islamic inheritance law and Indonesian legislation in order to evaluate the compatibility of customary practice with Islamic legal principles.

The research was conducted in three neighbourhoods of Natal District, Mandailing Natal Regency, namely Pasar I, Pasar II, and Pasar IV, which were selected purposively because their populations are predominantly Muslim and continue to practise customary inheritance distribution. Field data were collected through semi-structured interviews and observation. Informants included members of eight families that had distributed inheritance, selected according to the criteria that they were Muslim, belonged to the indigenous coastal community, and had completed an inheritance distribution; customary leaders from the local customary institution; and village officials. To protect privacy, informants are identified in this article by role rather than by name.

Interviews explored how inheritance had been distributed in each family, who participated in decisions, what information heirs had about their entitlements under Islamic law, how disagreements were resolved, and how informants understood the relationship between custom and religion. Customary leaders were asked about the rules and rationales of customary distribution, the categories of property, and the procedures for resolving disputes. Village officials were asked about documentation of agreements and land transfers. Observation of family and community settings provided context for interpreting interview accounts.

Ethical considerations guided the fieldwork. Informants were informed of the purpose of the research and participated voluntarily. Because inheritance can involve sensitive family matters, interviews were conducted in settings chosen by informants, and identifying details of families have been omitted or generalised in this article. Accounts of particular distributions are presented as illustrations of patterns rather than as evaluations of individual families.

Secondary data were drawn from the Qur'an and hadith, the KHI, legislation on the Religious Courts, Supreme Court decisions on customary inheritance, books, and journal articles on Islamic inheritance law, customary law, and legal pluralism. Data were analysed qualitatively. Interview data were coded thematically to identify patterns of distribution, justifications offered by informants, and mechanisms of decision-making. These patterns were then compared with the rules of *farāʾiḍ* and the KHI, and evaluated using the conceptual framework of legal pluralism and the Islamic legal doctrines of consensual settlement, voluntary relinquishment, and gift. Triangulation across family members, customary leaders, and officials was used to verify accounts of practice.

IV. RESULTS

A. Inheritance Distribution in the Customary Practice of Natal

The first result is that inheritance distribution in the coastal community of Natal reflects a matrilineal orientation in which women are the centre of control over family property. Informants consistently described daughters as the principal heirs, particularly with respect to immovable property such as houses and land. Sons are not regarded as excluded from inheritance, but their rights are realised only when property is sold or transferred. As long as the property remains in the form of a house or land maintained as family property, control remains with the women of the family. A customary leader explained that the

purpose of this arrangement is to keep the family's property within the female line so that it does not pass easily to outsiders through the marriages of sons.

The community distinguishes several categories of property. Property that a man brings into the household at the time of marriage is regarded as originating from his side of the family. Property that a man receives while living within his wife's family, including gifts from the wife's parents and property the wife already owned, is associated with the wife's family. Property accumulated as a provision for children and later generations carries social and symbolic value as an expression of family identity and continuity (Amalia, 2024). Over time, these categories may become heritage property, which the community classifies into lower heritage, acquired through the efforts of parents or a particular generation, and higher heritage, transmitted across generations from ancestors. Customary terminology also distinguishes property derived from parents' wealth from ancestral property derived from great-grandparents.

When a marriage ends through divorce or death without children, property generally remains within the families of origin and cannot be taken unilaterally by either spouse. Informants explained that property is not understood purely as individual ownership but as tied to genealogical relationships and the collective interests of the extended family. This conception resembles the distinction between ancestral and acquired property found in other matrilineal systems in the Malay world (Peletz, 1988; Abdullah, 1966).

A case reported by a family illustrates the pattern. After the death of a household head who left a widow and seven children, three daughters and four sons, the heirs sold the family house and divided the proceeds: the widow received a larger portion, and the remainder was divided equally among the seven children. The widow then gave a vacant plot of land to the eldest daughter, and two hectares of oil-palm land were divided between the other two daughters. The distribution of cash proceeds treated sons and daughters equally, while the land was allocated entirely to daughters. Under Article 176 of the KHI, by contrast, each son would have received twice the share of each daughter in all components of the estate, after the widow's one-eighth share.

B. Process: Deliberation, Mediation, and the Principle of Propriety

The second result concerns the process of distribution. Inheritance distribution in the community almost always begins with family deliberation (*musyawarah*). The heirs meet to reach agreement on how property will be divided or maintained, with the aim of preserving family relationships. When disputes cannot be resolved within the family, other relatives, customary leaders, religious scholars, and village officials are invited to mediate. Informants emphasised that recourse to the Religious Court is regarded as a last resort and as a sign of family failure.

Dispute settlement is guided by a principle of propriety, which informants described as seeking the decision considered most appropriate, fair, and acceptable to all parties. Justice is thus measured not by arithmetic division but by social balance and family harmony. Customary leaders explained that a fair outcome takes account of each heir's circumstances, including whether they are married, whether they have independent income, and whether they care for elderly parents. In this sense, the customary process incorporates a needs-based conception of justice.

C. Reasons for Preferring Customary Distribution

The third result concerns the reasons for the community's preference. Three factors emerged consistently. The first is agreement among heirs through deliberation. Informants explained that families prefer to agree that houses and land should be maintained rather than sold, and that sons accept this arrangement because they understand that the property serves the family as a whole. When property is sold, daughters often share part of the proceeds with sons by agreement.

The second factor is family relations and economic conditions. Informants feared that strict individual division of property would cause jealousy and damage relationships. They also emphasised that family members in difficult economic circumstances, particularly unmarried or widowed women without independent income,

deserve greater support. Inheritance distribution thus functions as a form of social protection within the family.

The third factor is the protection of women. Customary leaders explained that women are seen as the guardians of family continuity and that allocating houses and land to daughters ensures that women have a secure home, especially after the death of their parents or the dissolution of their marriages. Men, by contrast, are expected to work, move to their wives' households, and acquire property through their own efforts. This rationale inverts the justification for the Islamic two-to-one ratio: whereas Islamic law gives men a larger share because of their maintenance obligations, the customary system gives women control of the family home because of their perceived vulnerability and their role in maintaining lineage property.

Table 1. Comparison of Islamic and Customary Inheritance in the Natal Community

Aspect	Islamic law (KHI)	Customary practice
Kinship basis	Bilateral, with defined roles of male agnates	Matrilineal orientation; property follows female line
Principal heirs	All heirs by kinship and marriage, with fixed shares	Daughters as primary controllers of houses and land
Son–daughter ratio	Son receives twice the share of a daughter (Art. 176)	Sons share only upon sale or by daughters' consent
Conception of justice	Distributive justice through fixed shares	Harmony, need, and protection of vulnerable women
Mechanism	*Farā'iḍ* calculation; court where disputed	Family deliberation; mediation by elders and officials
Flexibility	Peaceful settlement after heirs know shares (Art. 183)	Propriety principle; case-by-case agreement

Table 1 summarises the comparison. The differences are substantial in substance but less sharp in procedure, since both systems allow heirs to reach agreements, provided that, under Islamic law, such agreements are reached after heirs are aware of their shares.

D. How the Community Understands the Relationship with Islam

The fourth result is that community members do not generally see customary distribution as a rejection of Islamic law. Informants described deliberation, consensus, mutual cooperation, and protection of weaker family members as values consistent with Islamic teaching. Several invoked the Qur'anic instruction that believers conduct their affairs through consultation (Q. 42:38). Religious leaders in the community acknowledged that the *farā'iḍ* shares are obligatory in principle, but argued that heirs may agree to a different distribution if they do so willingly. At the same time, some informants, particularly younger men, expressed uncertainty about their rights and reported that they had never been told what share they would receive under Islamic law. This finding is significant because it suggests that consent in some families is presumed rather than informed.

The coexistence of customary and Islamic norms is also visible in the community's relationship with the neighbouring Mandailing population, who apply Islamic inheritance rules. Informants were aware of the difference and sometimes described their own practice as "custom" and the Mandailing practice as "religion". This framing indicates that the community perceives the two systems as distinct but compatible spheres rather than as contradictory demands.

V. DISCUSSION

A. Two Paradigms of Justice

The comparison reveals two paradigms of justice. Islamic inheritance law emphasises legal certainty and proportionality of rights based on revelation. The shares are fixed, the heirs are defined, and the rationale for differential shares is tied to the distribution of financial obligations within the family (Powers, 1986; Muhibbin & Wahid, 2022). Customary law emphasises social protection, family harmony, and the preservation of lineage property. Its conception of fairness is contextual and needs-based, and its procedures prioritise consensus over adjudication.

Legal pluralism scholarship suggests that such paradigms should not be understood as static opposites. Merry (1988) and von Benda-Beckmann and von Benda-Beckmann (2006) emphasise that normative orders interact and adapt. The Natal case confirms this: the community has absorbed Islamic values such as consultation and care for the weak into its customary practice, while Islamic legal institutions, through provisions such as Article

183 of the KHI, have made room for consensual departures from fixed shares. The relevant question is therefore not which paradigm should prevail, but how their interaction can be structured so that both religious obligations and social values are respected.

B. Islamic Mechanisms for Consensual Distribution

Islamic jurisprudence provides several mechanisms through which heirs may lawfully agree to a distribution different from the fixed shares. The first is consensual settlement (*ṣulḥ*), which classical jurists recognise as a valid means of resolving claims, including claims to inheritance, provided that it does not permit what is forbidden or forbid what is permitted. The second is voluntary relinquishment (*takhāruj*), in which one or more heirs withdraw from the estate in exchange for a specific asset or payment, or without consideration, allowing the remaining heirs to divide the estate among themselves. The third is gift (*hibah*), by which an heir who has received their share may transfer it, wholly or partly, to another heir. Each mechanism presupposes that the heir knows what they are entitled to and acts voluntarily.

The KHI codifies this principle in Article 183, which permits heirs to agree on a peaceful settlement after each is aware of their share. The condition "after each is aware of their share" is crucial. It means that the legitimacy of a departure from *farā'iḍ* depends on informed consent. An agreement in which sons accept that daughters control the family home, after being informed that they are entitled to twice a daughter's share and freely choosing to waive or defer that entitlement, is consistent with Islamic law. An agreement in which sons are never told their entitlement, or in which social pressure makes refusal impossible, is not.

This analysis also clarifies the role of the hadith instructing that inheritance be given to those entitled according to the Book of God. The hadith establishes that entitlements are defined by revelation; it does not prohibit heirs from subsequently disposing of their entitlements by agreement. The distinction between the existence of a right and its voluntary exercise allows Islamic law to accommodate customary values without denying the Qur'anic shares.

C. Assessing the Natal Practice

Applying this framework, the Natal practice can be assessed in two parts. Where families conduct deliberation in which all heirs participate, understand their entitlements, and agree that daughters will control houses and land, with sons receiving shares upon sale or through other arrangements, the practice can be accommodated within Islamic law through *ṣulḥ*, *takhāruj*, or *hibah*. The community's emphasis on deliberation and harmony provides a strong procedural foundation for such accommodation. The protective rationale for women, particularly unmarried or widowed women, also resonates with Islamic concern for the vulnerable and with the objectives of the sharia in protecting life, family, and property (Kamali, 2008).

Where, however, consent is presumed, where sons are unaware of their entitlements, or where social expectations make refusal unthinkable, the practice conflicts with the rights guaranteed by the Qur'an. The finding that some younger men were unaware of their *farā'iḍ* entitlements indicates that this risk is real. The problem in such cases is not that daughters receive more, but that the process lacks the knowledge and voluntariness that Islamic law requires for a valid departure from fixed shares. The same analysis applies to women in patrilineal communities whose exclusion from inheritance is presented as customary consensus without their informed agreement.

D. Gender, Protection, and Changing Economic Roles

The protective rationale of the Natal practice deserves careful consideration. In Islamic law, the larger share of sons is justified by their financial obligations toward wives, children, and other dependants. In the Natal community, however, men often move to their wives' households and do not necessarily bear the primary responsibility for providing housing. Women are expected to maintain the family home and care for parents. Under these circumstances, the customary allocation of houses and land to daughters can be understood as an adjustment of property to

responsibilities, which is the logic that underlies the Islamic rules themselves.

At the same time, economic change is altering these roles. Younger men increasingly migrate for work, purchase their own homes, and support their wives and children independently, while women increasingly earn income and acquire property. As roles change, the assumptions underlying both the Islamic ratio and the customary allocation become contestable. The informed-consent approach accommodates such change because it allows families to tailor distributions to actual circumstances while ensuring that each heir's rights are respected. It also reflects the observation of customary law scholars that *adat* remains valid only so long as it reflects the community's sense of justice (Sulistiani & Sy, 2021).

E. The Ancestral–Acquired Distinction as a Further Bridge

The community's own classification of property offers a second bridge between customary and Islamic norms. Informants distinguished between heritage transmitted across generations from ancestors and property acquired by parents or a particular generation. This distinction parallels the Minangkabau division between high and low ancestral property. Applying a category-based approach, ancestral property that has been held by the female line across generations could be treated as lineage property governed by *adat*, on the reasoning that it is not part of the individual estate of the deceased but held on behalf of the lineage. Property acquired by the deceased during their lifetime, including property acquired jointly with a spouse, would be part of the individual estate and subject to *farāʾiḍ*, with any departure from fixed shares requiring informed agreement.

This approach has several advantages. It preserves the protective and identity-preserving function of ancestral houses and land for women, which informants regarded as the core of their custom. It respects Islamic entitlements in the growing share of family wealth that is individually acquired, such as savings, vehicles, business assets, and plantation land purchased by parents. It provides a principled rather than ad hoc basis for distinguishing which property follows custom and which follows Islamic law. And it reflects an accommodation that has proven durable in comparable societies. Its limitation is that the boundary between ancestral and acquired property may be contested, especially where acquired property has been held long enough to acquire symbolic value. Such boundary questions are best resolved through family deliberation with the assistance of customary and religious leaders, supported by documentation of the origin of property.

In the case described in the results, the house and plantation land were apparently acquired by the deceased and his wife during their marriage rather than inherited from earlier generations. Under the category-based approach, this property would form part of the estate subject to *farāʾiḍ*, after separating the widow's share of joint marital property. The family's decision to divide the house proceeds equally among children and to allocate land to daughters would then be legitimate only as a consensual arrangement in which sons, knowing their entitlement, agreed to it. The example illustrates how the two bridges, category-based accommodation and informed consent, work together.

F. An Informed-Consent Model of Inheritance Settlement

Building on these findings, this article proposes an informed-consent model of inheritance settlement for communities in which customary and Islamic norms coexist. The model consists of four steps. First, the estate is identified and debts, funeral expenses, and bequests are settled, consistent with Article 171(e) of the KHI. Second, the *farāʾiḍ* shares of each heir are calculated and explained to all heirs, ideally with the assistance of a religious scholar, an official of the Religious Affairs Office, or a legal aid provider. Third, the heirs deliberate on how the estate will actually be distributed, taking into account customary values, family needs, and the preservation of family property, with each heir free to accept, waive, defer, or transfer their share. Fourth, the agreement is recorded in writing, signed by all heirs, and, where land is involved, used as the

basis for registration of title, so that the outcome is legally certain and enforceable.

Table 2. Informed-Consent Model of Inheritance Settlement

Step	Content	Legal basis
1. Identifying the estate	Separate joint property; settle debts, funeral costs, bequests	KHI Art. 171(e)
2. Explaining shares	Calculate and explain *farā'iḍ* shares to every heir	Q. 4:7, 4:11; KHI Art. 176
3. Deliberating	Agree on distribution reflecting custom and need; voluntary waiver or transfer	Q. 42:38; *ṣulḥ*, *takhāruj*, *hibah*; KHI Art. 183
4. Recording	Written agreement signed by all heirs; land registration	Legal certainty; dispute prevention

The model preserves the community's commitment to deliberation and harmony while ensuring that Islamic entitlements are known and respected. It also reduces the risk of future disputes, since a written agreement reached with informed consent is more difficult to challenge than an informal arrangement based on presumed consent (Khadapi et al., 2023). Religious leaders, customary institutions, and village officials can play complementary roles: religious leaders explaining entitlements, customary leaders facilitating deliberation, and officials assisting with documentation.

G. Institutional Support: Religious Courts, Religious Affairs Offices, and Village Institutions

The informed-consent model requires institutional support. Indonesian law provides several channels. The Religious Courts have jurisdiction over inheritance disputes among Muslims under the Religious Judicature Law as amended, and they can issue determinations of heirs and their shares. The law also provides for requests for assistance in dividing an estate outside of a dispute, which allows heirs to obtain an authoritative calculation of shares without litigation. Court-annexed mediation under Supreme Court regulation requires parties in contested cases to attempt mediation, which provides an opportunity for agreements reflecting customary values to be reached and approved by the court.

At the community level, the Religious Affairs Office, religious scholars, and customary institutions can provide guidance on *farā'iḍ* calculation and facilitate deliberation. Village officials can assist with documentation of agreements and with land administration. Legal aid organisations and university legal clinics can offer accessible advice to families, particularly to heirs who may be disadvantaged in family negotiations. Coordination among these institutions would allow families to benefit from the complementary strengths of religious knowledge, customary authority, and administrative capacity. The aim is not to replace family deliberation with formal procedures, but to ensure that deliberation takes place on the basis of accurate knowledge of rights.

H. Social Change and the Future of Customary Inheritance

Customary law is not static. Social change driven by population movement, education, economic transformation, and exposure to religious and legal knowledge alters the conditions under which customs are maintained (Sulistiani & Sy, 2021). In Natal, as in many coastal communities, younger people increasingly pursue education and employment outside the region, acquire property independently, and encounter religious teaching that emphasises *farā'iḍ*. Plantation agriculture has increased the economic value of land and, with it, the stakes of inheritance. These changes create pressures that may either weaken customary distribution or prompt its adaptation.

The direction of change will depend partly on whether custom can demonstrate its continued fairness. A custom that protects women's security while respecting the informed choices of all heirs is more likely to retain legitimacy than one perceived as depriving men of religious rights without explanation. Conversely, an insistence on rigid *farā'iḍ* distribution that ignores the protective role of the family home may provoke resistance and weaken women's position. The informed-consent model and the category-based accommodation offer paths through which custom can adapt without losing its core values. Experience in Minangkabau suggests that such

adaptation is possible and that it can stabilise the relationship between *adat* and Islam over generations (von Benda-Beckmann & von Benda-Beckmann, 2006).

I. Contrast with Neighbouring Patrilineal Practice

The coexistence of the coastal community and the Mandailing population within the same district provides a natural point of comparison. The Mandailing, whose customary kinship system is patrilineal, generally apply Islamic inheritance rules, which in their case align more closely with customary expectations that property passes through men. For the Mandailing, the two-to-one ratio largely confirms rather than contradicts customary norms. For the coastal community, by contrast, Islamic shares cut against matrilineal expectations. The same Islamic rules thus interact differently with different kinship systems, producing harmony in one case and tension in the other.

This contrast highlights that the challenge of reconciling *adat* and Islam is not unique to matrilineal communities but takes different forms depending on kinship structure. In patrilineal communities, the challenge has been to secure women's Islamic entitlements against customary exclusion; in matrilineal communities, it is to reconcile women's customary control with men's Islamic entitlements. A principle that addresses both, namely that every heir must be able to know and freely exercise their rights, provides a consistent normative basis for policy across communities.

J. A Maqāṣid Reading of Customary Distribution

The objectives of the sharia (*maqāṣid al-sharīʿah*) provide a further lens for evaluating the practice. Islamic inheritance law protects property (*ḥifẓ al-māl*) by ensuring that wealth is distributed to defined heirs rather than concentrated or seized, and protects the family (*ḥifẓ al-nasl*) by maintaining relationships of entitlement and responsibility among kin (Kamali, 2008). The Natal practice serves some of these objectives: it protects women's security, preserves family property, and maintains harmony among relatives. It risks undermining others where it deprives heirs of entitlements without their consent, which may generate resentment, conflict, and ultimately the fragmentation of family relationships that custom seeks to prevent.

A *maqāṣid* reading therefore supports neither rigid enforcement of fixed shares regardless of context nor uncritical acceptance of custom. It supports arrangements that achieve the protective objectives of custom through means that respect the rights of all heirs. The informed-consent model and the category-based accommodation are such means. They allow the community to continue protecting women and preserving lineage property while ensuring that departures from Qur'anic shares are voluntary dispositions by those entitled rather than impositions on them.

K. Religious Scholars and Customary Leaders as Intermediaries

The informed-consent model depends heavily on intermediaries who command the trust of families. Nur et al. (2025) show that Indonesian religious scholars play a decisive role in translating Islamic inheritance rules into practice, often adapting their guidance to family circumstances and local norms. In Natal, religious scholars and customary leaders already participate in mediating inheritance disputes when family deliberation fails. Their role could be extended from dispute resolution to dispute prevention: religious scholars explaining *farāʾiḍ* entitlements at the outset of family deliberation, and customary leaders facilitating discussion of how custom and entitlement can be reconciled.

Such collaboration requires mutual recognition. Religious scholars must acknowledge that custom can legitimately shape the exercise of rights, and customary leaders must acknowledge that custom cannot extinguish rights without consent. The long history of accommodation between *adat* and Islam in Minangkabau, expressed in the formula that custom rests on sharia, offers a cultural template for such recognition (Abdullah, 1966). Training programmes for religious and customary leaders on inheritance calculation, family mediation, and documentation would strengthen their capacity to perform this intermediary role.

L. Constitutional Recognition and Its Limits

The Indonesian Constitution recognises and respects customary law communities and their traditional rights as long as they remain in existence and are consistent with the development of society and the principles of the unitary state (Article 18B(2)), and it protects cultural identity and the rights of traditional communities in harmony with the development of the times (Article 28I(3)). At the same time, the Constitution guarantees the right to own private property, which may not be taken arbitrarily by anyone (Article 28H(4)), and guarantees freedom of religion and worship. These provisions together frame the space within which customary inheritance can operate: custom is recognised, but not as a basis for depriving individuals of property rights without their consent, and religious obligations are respected as matters of individual and communal conscience.

Applied to inheritance in Natal, constitutional recognition supports the community's right to maintain its customary institutions and practices, including deliberation and the preservation of lineage property. Constitutional property and equality guarantees, however, imply that no heir can be deprived of an entitlement recognised by the applicable law without consent. Where a Muslim heir invokes Islamic inheritance law before the Religious Court, the court must apply it; customary arrangements are binding only insofar as they reflect valid agreements among the heirs. The informed-consent model is therefore consistent not only with Islamic law but also with the constitutional framework of recognised but rights-bounded custom.

M. Lessons from Judicial Practice on Gender and Custom

Indonesian judicial practice on customary inheritance offers a further lesson. In communities with patrilineal customary systems, the Supreme Court has repeatedly recognised the inheritance rights of daughters and widows, reasoning that customary rules excluding women are inconsistent with humanity, justice, and the equality of men and women (Hermanto & Aly, 2024; Lukito, 2013). These decisions demonstrate that customary law is subject to evolving standards of justice and that courts may refuse to enforce customary rules that deprive individuals of rights. The direction of this jurisprudence has been toward protecting the party disadvantaged by custom, which in patrilineal communities is typically women.

In the Natal context, the party potentially disadvantaged by custom is the son whose Islamic entitlement is subordinated to his sisters' control. The principle underlying the jurisprudence, namely that custom cannot deprive individuals of rights without justification and consent, applies symmetrically. This symmetry is important for the legitimacy of the informed-consent model: it does not favour one gender over another, but requires that every heir, male or female, be able to know and exercise their rights. At the same time, the protective rationale for women in the Natal custom remains relevant, since sons who understand the reasons for the custom may freely choose to support it.

N. Preventing Disputes through Documentation

Many inheritance disputes arise years after an informal distribution, when circumstances change or a new generation questions earlier arrangements. In the Natal community, distributions agreed orally in family deliberation may not be recorded, and land may remain registered in the name of a deceased parent. When property later rises in value or an heir needs capital, the earlier arrangement may be challenged. Documentation of agreements, including the identification of heirs, the calculation of shares, the agreed distribution, and the signatures of all heirs, provides evidence of consent and reduces the risk of later disputes (Khadapi et al., 2023).

Documentation also connects customary practice with the land administration system. Transfers of land rights after death require evidence of heirship and of the agreed distribution for registration. When families document agreements at the time of distribution, they can register the resulting rights in the names of the agreed recipients, giving daughters secure legal title to the houses and land that custom assigns to them. In this way, documentation strengthens

rather than undermines the protective function of custom, since it converts customary allocation into legally enforceable ownership.

O. Implications for Legal Pluralism in Indonesia

The Natal case has broader implications for the management of legal pluralism in Indonesia. It suggests that the relationship between Islamic and customary inheritance law need not be framed as a choice between two systems. The Religious Courts Law, as amended in 2006, removed the option for Muslims to choose customary or civil law in inheritance disputes brought to court, but it does not prevent heirs from settling inheritance by agreement outside court. Article 183 of the KHI provides the bridge: it allows families to honour customary values through agreement while recognising the Islamic entitlements on which the agreement is based. The state's role is therefore not to impose uniformity but to ensure that agreements are informed and voluntary, and to provide accessible adjudication when they are not (Lukito, 2013; Bowen, 2003).

The case also illustrates that customary practices may protect women in ways that formal law does not. Debates about gender in Islamic inheritance often focus on the two-to-one ratio as a disadvantage to women. In Natal, customary practice allocates control of the most important assets, houses and land, to women. Any reform that sought to impose strict *farāʾiḍ* distribution without regard to these protective functions could inadvertently weaken women's security. The informed-consent model avoids this outcome by allowing families to preserve protective arrangements while ensuring that all heirs, men and women alike, understand and consent to them.

P. Theoretical Contribution

The article contributes to the study of legal pluralism by showing how procedural mechanisms, rather than substantive rules, can serve as the point of convergence between normative orders. Much scholarship on *adat* and Islam has focused on conflicts between substantive rules, such as the shares of sons and daughters. This study shows that both orders contain procedural institutions, deliberation in custom and consensual settlement in Islamic law, that can be aligned through the requirement of informed consent. It also contributes to Islamic legal studies by applying the doctrines of *ṣulḥ*, *takhāruj*, *hibah*, and *ʿurf* to a contemporary matrilineal community and by showing how Article 183 of the KHI can function as a bridge between codified Islamic law and living custom.

Q. Limitations

The study has limitations. The empirical data derive from a limited number of families and informants in three neighbourhoods, and the findings may not represent all families in the community. Interviews were conducted at a particular time, and practices may have changed since. The study did not analyse Religious Court decisions involving the community, which could reveal how disputes are handled when deliberation fails. Future research should extend the sample, examine court records, and explore the perspectives of women and younger heirs in greater depth.

VI. CONCLUSION AND RECOMMENDATIONS

A. Conclusion

The indigenous coastal community of Natal District generally prefers customary inheritance distribution, in which daughters act as the principal heirs and controllers of houses and land and sons receive shares upon sale or by agreement. This preference is explained by the community's matrilineal orientation, its emphasis on family deliberation and harmony, the economic circumstances of heirs, and the protection of women. The practice differs fundamentally from Islamic inheritance law as codified in the KHI, which prescribes fixed shares with a two-to-one ratio between sons and daughters.

Despite these differences, the practice can be reconciled with Islamic law where it rests on informed and voluntary consent. Islamic jurisprudence recognises consensual settlement, voluntary relinquishment, and gift as means by which heirs may agree to a distribution different from the fixed shares, and Article 183 of the KHI expressly permits peaceful settlement once each heir knows their share. The legitimacy of customary distribution therefore depends on whether heirs are informed of their entitlements

and free to accept or refuse the customary arrangement. Where consent is presumed or compelled, the practice conflicts with Qur'anic rights. The proposed informed-consent model, combining *farāʾiḍ* calculation, deliberation, and written agreement, offers a practical bridge between customary values and Islamic law.

The findings also contribute to broader debates on Islamic law and gender. They show that the relationship between Islamic inheritance rules and women's welfare depends on social context: in a matrilineal community, customary practice may give women greater security than strict application of fixed shares, while in patrilineal communities custom may disadvantage women. A legal approach based on informed consent and category-based accommodation can respond to both situations, ensuring that the protective aims of custom and the rights guaranteed by revelation are pursued together rather than set against each other.

In practical terms, the study suggests that the most effective interventions are modest and procedural rather than sweeping and substantive. Families do not need to abandon custom in order to comply with Islamic law; they need accurate information about entitlements, a fair forum for deliberation, and a reliable way to record their agreements. Institutions that already exist, including religious scholars, customary leaders, the Religious Affairs Office, village administrations, and the Religious Courts, can provide these elements if they coordinate their roles.

B. Recommendations

First, customary institutions and religious leaders in the community should incorporate an explanation of *farāʾiḍ* shares into family deliberations so that agreements are reached with informed consent. Second, the Religious Affairs Office and legal aid institutions should provide accessible guidance on inheritance calculation and on documenting agreements, particularly for land. Third, families should record inheritance agreements in writing to prevent future disputes. Fourth, future research should examine how inheritance disputes from matrilineal Muslim communities are resolved in the Religious Courts and how women and younger heirs experience customary distribution.

REFERENCES

Abdullah, T. (1966). Adat and Islam: An examination of conflict in Minangkabau. *Indonesia, 2*, 1–24.

Ahmad, S., & Ramdhan, A. W. B. T. A. (2023). Studi komparasi ahli waris pengganti (plaatsvervulling) dalam perspektif KUH Perdata dan Kompilasi Hukum Islam. *Menara Tebuireng: Jurnal Ilmu-Ilmu Keislaman, 18*(2), 1–15.

Amalia, R. N. (2024). *Tradisi orang sumando harus menetap di rumah istri menurut adat Minangkabau dalam perspektif hukum keluarga Islam* [Thesis]. UIN Raden Intan Lampung.

Asriati, A. (2012). Pembaruan hukum Islam dalam terapan dan perundang-undangan di Indonesia. *Diktum, 10*(1), 23–39. https://doi.org/10.35905/diktum.v10i1.251

Bowen, J. R. (2003). *Islam, law, and equality in Indonesia: An anthropology of public reasoning*. Cambridge University Press.

Felicia, F., Jeane, N. S., Puspitasari, A., & Efendi, M. D. (2023). Analisis hukum adat dalam hal pembagian harta warisan. *Jurnal Ilmiah Wahana Pendidikan, 9*(18), 290–298. https://doi.org/10.5281/zenodo.8312930

Fikri, S., & Mujib, M. (2025). Perbandingan sistem pembagian waris dalam hukum Indonesia dan Malaysia. *Usrah: Jurnal Hukum Keluarga Islam, 6*(2), 52–65.

Griffiths, J. (1986). What is legal pluralism? *The Journal of Legal Pluralism and Unofficial Law, 18*(24), 1–55. https://doi.org/10.1080/07329113.1986.10756387

Halimah, H. (2021). Pandangan tokoh agama tentang penanggungan hutang pewaris oleh ahli waris. *Al-Ihkam: Jurnal Hukum Keluarga, 13*(2), 43–65.

Hazairin. (1982). *Hukum kewarisan bilateral menurut Qur'an dan hadith*. Tintamas.

Hermanto, M. O. V., & Aly, A. F. (2024). Pelaksanaan yurisprudensi hukum waris adat masyarakat di Indonesia. *Mandub: Jurnal Politik, Sosial, Hukum dan Humaniora, 2*(1), 230–238.

https://doi.org/10.59059/mandub.v2i1.903

Kamali, M. H. (2008). *Maqāṣid al-Sharīʿah made simple*. International Institute of Islamic Thought.

Khadapi, M. A., Hamzani, A. I., & Wildan, M. (2023). Tinjauan hukum pencegahan konflik dalam pembagian waris menurut hukum perdata. *Jurnal Studi Islam Indonesia, 1*(1), 33–50.

Lukito, R. (2013). *Legal pluralism in Indonesia: Bridging the unbridgeable*. Routledge.

Maiyori, C., Harianto, W., & Rizana, R. (2024). Tinjauan yuridis tanggung jawab ahli waris menurut Kompilasi Hukum Islam dan Kitab Hukum Perdata terhadap warisan dalam bentuk utang di Indonesia. *Jurnal Karya Ilmiah Multidisiplin, 4*(1), 47–53. https://doi.org/10.31849/jurkim.v4i1.19026

Mamonto, D. F., Mahmud, S. R., Utina, R., Sukmawati, G., & Male, F. N. (2024). The evolution of Islamic civil law in Indonesia: Developments, contemporary challenges, and future directions. *Nusantara: Journal of Law Studies, 3*(2), 147–158.

Merry, S. E. (1988). Legal pluralism. *Law & Society Review, 22*(5), 869–896. https://doi.org/10.2307/3053638

Muddin, M. I. (2022). Inheritance system mayorat on the Komering tribe in urf perspective. *Nusantara: Journal of Law Studies, 1*(1), 21–32.

Muhibbin, M., & Wahid, A. (2022). *Hukum kewarisan Islam: Sebagai pembaruan hukum positif di Indonesia* (Rev. ed.). Sinar Grafika.

Muzainah, G., & Syaikhu, S. (2020). Pembagian warisan keluarga ulama Palangka Raya dalam tinjauan hukum waris adat masyarakat Banjar. *Jurnal Hadratul Madaniyah, 7*(1), 20–25. https://doi.org/10.33084/jhm.v7i1.1598

Nur, M., Nisa, S. M., Arhamzah, T. U. A., Sidqi, I., & Witro, D. (2025). From text to context: The role of kyai in shaping modern Islamic inheritance law. *Al-Manāhij: Jurnal Kajian Hukum Islam, 19*(1), 31–50. https://doi.org/10.24090/mnh.v19i1.9762

Nurlaelawati, E. (2010). *Modernization, tradition and identity: The Kompilasi Hukum Islam and legal practice in the Indonesian religious courts*. Amsterdam University Press.

Peletz, M. G. (1988). *A share of the harvest: Kinship, property, and social history among the Malays of Rembau*. University of California Press.

Powers, D. S. (1986). *Studies in Qur'an and hadith: The formation of the Islamic law of inheritance*. University of California Press.

Rizkia, N. D., & Fardiansyah, H. (2023). *Metode penelitian hukum (normatif dan empiris)*. Widina.

Sulistiani, S. L., & Nurrachmi, I. (2021). Hak finansial perempuan dalam keluarga menurut hukum keluarga Islam di Indonesia. *Musawa: Jurnal Studi Gender dan Islam, 20*(2), 175–185. https://doi.org/10.14421/musawa.2021.202.175-185

Sulistiani, S. L., & Sy. (2021). *Hukum adat di Indonesia*. Bumi Aksara.

Tanjung, I. U., & Calvin, C. (2026). *Pengantar ilmu hukum: Kerangka dasar memahami ilmu hukum secara sistematis*. Edupedia.

Ter Haar, B. (1948). *Adat law in Indonesia* (E. A. Hoebel & A. A. Schiller, Eds. & Trans.). Institute of Pacific Relations.

von Benda-Beckmann, F., & von Benda-Beckmann, K. (2006). Changing one is changing all: Dynamics in the adat–Islam–state triangle. *The Journal of Legal Pluralism and Unofficial Law, 38*(53–54), 239–270.