

**IMPLEMENTATION OF DISTRIBUTION OF HIGH HERITAGE ASSETS
TO THE MALE CHILDREN OF THE HEIRS OF STUDY IN SUNGAI
JARIANG VILLAGE, BUKITTINGGI**

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ABSTRACT

The Minangkabau people adhere to a matrilineal kinship system that places high heirlooms as collective inheritance through the maternal line. However, social developments have given rise to changes in inheritance practices, including the granting of high heirlooms to sons, as seen in Sungai Jariang Village, Bukittinggi. This shift has created tension between customary norms, the principle of faraidh, and the needs of modern society. This study aims to analyze the legal validity of high heirlooms, examine the practice of distributing them to sons, and identify obstacles that arise in their implementation. This study is expected to provide an understanding of the dynamics of customary inheritance amidst ongoing social change.

This research uses empirical and descriptive methods to examine the practice of distributing high-ranking heirlooms. Data were obtained through literature review, observation, and interviews. All information was analyzed qualitatively to generate factual understanding and scientific answers to the research questions within the socio-cultural context of the local community at the designated research location.

The status of high inheritance in Sungai Jariang Village remains regulated by Minangkabau custom, which is based on a matrilineal kinship system, even though the community has experienced social dynamics and come into contact with modern law. High inheritance is understood as a symbol of clan identity and a supporter of family continuity, so its management remains under the authority of women in the maternal line and mamak as customary leaders. In practice, sons do not obtain ownership rights to high inheritance, but under certain conditions can be granted use rights based on clan deliberation, especially if the person concerned plays an active role in maintaining or managing the asset. The obstacles to its implementation stem from internal factors in the form of differences in customary understanding and external factors resulting from the influence of social change, which requires efforts to improve understanding of Islamic law and selective adjustment of customary values

so that the inheritance system remains relevant without eliminating the basic principles of Minangkabau culture.

Keywords: Implementation, Inheritance, High Inheritance, Minangkabau, Male Inheritor

A. Introduction

In the West Sumatra region, there is one widely known ethnic group, namely the Minangkabau ethnic group. This community is known as the Minang people, namely a group of people who use the Minangkabau language and highly uphold their traditional customs. The uniqueness of Minangkabau society lies in its matrilineal-based society, namely following the maternal line. This pattern is visible from the smallest scope such as the family to the broader social structure such as Nagari (autonomous customary region). Thus, it can be seen that maternal lineage is the main principle in regulating the structure of Minangkabau society, although within the nagari scope, there is often also the influence of other social elements as a binder. When we talk about a system regulated by the maternal line, this is closely related to life that is carried out according to customs, which in practice is often called customary law.¹ Traditionally, high heirloom property is a collective and sacred inheritance. This property cannot be sold and is maintained by the maternal uncle (mamak) as a form of protection for women and for the continuity of the tribe. In reality, the inheritance system in Minangkabau traditional society has undergone significant shifts along with evolving social dynamics.² Currently, practices of distributing high-ranking heirlooms to sons are emerging, both directly and through informal recognition within the family. These practices demonstrate a shift in values and roles in society due to various factors such as modernization, economic needs, changes in the mindset of the younger generation, and the influence of patrilineal Islamic inheritance law.³

This phenomenon is crucial to study because it creates a gap between normative expectations and empirical reality. Ideally, Minangkabau society is expected to maintain an inheritance system that safeguards communal values, tribal unity, and the well-being of women. However, reality shows the transfer of inheritance functions and rights to sons, who actually have no rights to high heirlooms. This practice not only shifts the social structure but

¹ Avvisa Azaria and Ayu Karisa Fania Aristiawati. (2022). "Division of Land Inheritance Under Minangkabau Customary Law from the Perspective of the Compilation of Islamic Law." *Journal of Law, Society, and Islamic Civilization*, No. 2, page 76.

² Afnaini and M. Syamsudin. (2022). "Changes in the Inheritance System of Pusako Tinggi Assets and Their Impact on the Minangkabau Traditional Inheritance System." *Journal of Prophetic Law Review*, Vol. 4, no. 2, page 223.

³ Mega Rahmi Putri. (2023). "Inheritance of Property in Minangkabau." *Journal Review of Customary Law and Islamic Law*, pages 387–393.

also has the potential to cause conflict within extended families and give rise to legal issues, as assets that should not be divided become the object of personal claims. The urgency of this research is heightened by the lack of studies specifically examining local cases such as those in Sungai Jariang Village. This village has a strong customary community structure but is beginning to conform to modern values. This research will provide empirical data on how the implementation of high heirloom distribution actually occurs at the community level, and how local communities respond to the tension between custom and changing realities.

The issue of inheritance in Minangkabau has become a topic of discussion because some people believe that the existing customary inheritance system conflicts with Islamic principles. In this regard, Islamic rules on the distribution of property are often used as a benchmark for assessing the validity of the Minangkabau customary inheritance system. This is understandable because Islamic teachings, as spiritual values and religious law, are considered to have higher authority than social norms such as customs. As a result, tensions have arisen between religious scholars and traditional leaders, who have argued against each other since the early 20th century to defend their respective views. This tension stems not only from legal differences but also from an ideological struggle between Islamic reformism, which seeks reform based on religious texts, and Minangkabau traditionalism, which seeks to preserve ancestral values.⁴

In practice, this difference creates a gap between customary ideals and social reality. Communities are expected to maintain the matrilineal system and maintain the existence of high heirlooms as communal values inherited through the maternal line. However, in reality, changing times, economic pressures, and the weak oversight function of the *ninik mamak* have led some communities to adopt more flexible inheritance distribution patterns, even resembling the Islamic inheritance system, which gives a portion to sons. This informal practice further blurs the line between high heirlooms and ordinary inheritance, resulting in the frequent free sale of high heirlooms, even though according to custom, these assets are entrusted to ancestors and should be safeguarded and not transferred to outsiders. This tension is further exacerbated when Islamic inheritance principles are used as a legal basis by some communities, referring specifically to verses of the Quran.⁵

QS. An-Nisa verse 7

الْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ ۖ نَصِيبًا مَّفْرُوضًا and الْأَقْرَبُونَ لِلنِّسَاءِ ۚ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ and لِلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ

⁴ Nuzul Iskandar. (2023). "Compromise of Islamic Law and Customary Law in the Inheritance of High Heritage in Minangkabau Nuzul Iskandar." *Journal of Integration of Sharia Science*, No. 3 pages 484 - 486.

⁵ *Ibid.*, page 487

Meaning: For men there is the right to share in the inheritance of their parents and relatives, and for women there is the right to share (also) in the inheritance of their parents and relatives, whether a little or a lot according to the division that has been determined.

Although the verse above is the basis for the division of assets in Islam, its application in the context of high Minangkabau heirlooms raises problems, because in custom, high heirlooms are not considered individual property but rather collective assets of women.

The application of Islamic inheritance law to this type of property is considered inappropriate and is one of the triggers of internal conflict in traditional families. Therefore, it is important to distinguish between high communal heirlooms and personal property that can be inherited based on the principle of *faraidh*. In the national legal level, the position of customary law is actually legally recognized in the 1945 Constitution Article 18B Paragraph (2) which states "The state recognizes and respects customary law community units and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated by law.

Law No. 5 of 1960 concerning Agrarian Principles, which strengthens and recognizes the existence of customary rights to land by customary law communities as long as these rights are recognized by the local community.⁶ The UUPA has recognized the existence of customary rights. However, this recognition remains limited by certain conditions, particularly regarding the continued existence of these rights and who exercises them. This means that customary rights are only recognized if they are still alive in practice in a given area. If these rights are no longer functioning or are no longer found in a particular area, the state will not revive them. Therefore, the distribution of high inheritance based on Minangkabau custom is not only legal under customary law but also constitutionally valid. Therefore, any deviation from customary rules without proper deliberation is considered a violation of national legal principles.⁷

B. Research Methods

⁶ Masitah Pohan. 2019. "The Position of Customary Rights in National Land Law (UUPA) in Indonesia." *Prima Legal Science Journal*, Vol. 2 No. 2, pages 5-6.

⁷*Ibid.*, page 7

A study cannot be called research if it does not have a research method.⁸ Research methods are one of the factors of a problem that will be discussed. The study was conducted using secondary data which was analyzed qualitatively using the Desk Research Method. The literature materials used in writing this research are several references originating from research results, studies, and reviews of several writings which are then summarized into a scientific paper.⁹

C. Discussion

1. The Validity of the High Heritage Status in Sungai Jariang Village, Bukittinggi

Based on the results of an interview with Amril Datuak Tumangguang Nan Kuniang as the Chairperson of KAN (Nagari Customary Council) on Thursday, July 31, 2025 at 14.00 in Jambak Village, Jorong Sungai Jariang, who during the interview stated that he did not want to be photographed, explained that the Minangkabau people have a matrilineal kinship system, namely the line of descent is drawn from the mother's side. This system has existed long before the entry of Islamic influence into the Minangkabau realm. In the matrilineal system, women are the center of the entire social structure because it is through them that descent is continued, clan identity is maintained, and inheritance is kept within the extended family environment. Since the time of our ancestors, women have been seen as a symbol of the continuity of life, because from them are born the next generation who will continue the clan (tribe) lineage. Therefore, high heirlooms, consisting of the traditional house, rice fields, fields, and customary land, are passed down to women as a symbol of the continuity of the clan and the preservation of ancestral heritage.¹⁰

This inheritance pattern is also related to the traditional Minangkabau social structure, which places the traditional house (rumah gadang) at the center of extended family life. The traditional house serves not only as a residence but also as a symbol of honor and clan identity. Because women remain in their own traditional house after marriage, while men move to their wives' homes, women are more likely to be the permanent heirs to high-ranking heirlooms. Inheritance to daughters ensures that the house, land, and fields remain within the maternal line, preventing the property from being transferred to other clans through marriage. This

⁸ Hanifah, I., Hariyanto, H., Ginting, L., Koto, I., & Syafriana, R. (2026). Legal Protection of Indonesia's Fisheries from Foreign Investment: A Social-State Approach. *Jurnal IUS Kajian Hukum dan Keadilan*, 14(1).

⁹ Simatupang, R. S. A., Hanifah, I., & Mansar, A. (2025). The Concept of Restitution as Legal Accountability in the Crime of Human Trafficking. *Pena Justisia: Media Komunikasi dan Kajian Hukum*, 24(1), 3554-3462.

¹⁰The results of the interview with Amril Datuak Tumangguang Nan Kuniang as the Chairperson of KAN (Nagari Traditional Council) on Thursday, July 31, 2025 at 14.00 in Jambak Village, Jorong Sungai Jariang, who during the interview stated that he did not want to be photographed.

system thus maintains the social, economic, and cultural continuity of Minangkabau society. Furthermore, men in Minangkabau tradition are not considered the owners of high-ranking heirlooms, but rather as protectors and managers. They play a role in safeguarding, managing, and ensuring that these assets are used for the benefit of the clan, not their own interests. Men, particularly the *ninik mamak* (elderly elders), have a moral responsibility to guide their nephews (the children of their sisters) and to safeguard the honor and welfare of the clan. This is reflected in the traditional proverb, “A child is held in the lap, a nephew is guided, and the village people are patronized.” This proverb illustrates that men are responsible for providing protection and guidance, while ownership remains subordinate to the female line.¹¹

In addition to structural and social reasons, the tradition of giving high-value inheritances to daughters is also driven by the historical economic conditions of the Minangkabau people. Minangkabau men have long been known for their tradition of *merantau* (migration), that is, traveling to other areas to seek a livelihood. Because men often leave their hometowns, women remain and manage the family inheritance. This makes giving heirlooms to daughters more rational and practical, as women can safeguard and utilize the assets sustainably for the benefit of the extended family. This tradition of *merantau* further strengthens women's position in the inheritance system and provides a logical basis for why high-value inheritances are still passed down through the maternal line. Within the Minangkabau customary structure, a distinction is also made between high-value inheritances and low-value inheritances (or livelihood inheritances).¹²

High heirloom property is an ancestral inheritance that cannot be traded, as it is collective and reflects clan identity. Meanwhile, livelihood property is obtained from an individual's efforts during his lifetime and can be distributed to heirs according to agreement or based on Islamic law. In this context, the *ninik mamak* (head of the clan) acts as a customary supervisor who determines the validity of the transfer of high heirloom property. Every action such as selling, sharing, or transferring heirlooms must be approved by them, as the *ninik mamak* are the primary guardians of customary values and balance within the clan. Over time, the influence of Islamic law and social change have begun to influence customary inheritance practices in Minangkabau. After the arrival of Islam, some communities began to consider the principle of *fara'idh* (Islamic inheritance law), which grants rights to sons and daughters in a

¹¹ Ellies Sukmawati. 2019. “The Philosophy of the Matrilineal Kinship System as Social Protection for Families in Minangkabau Society.” Vol. 8, No. 1, pages 12–26.

¹²Results of an interview with Amril Datuak Tumangguang Nan Kuniang as Chairman of KAN, on Thursday 31 July 2025 at 14.00 in Jambak Jorong Sungai Jariang Village, who at the time of the interview did not want to be photographed.

certain ratio. However, the Minangkabau people adapted the application of Islamic law to prevailing customs through the proverb "Adat basandi syarak, syarak basandi Kitabullah," meaning customs are derived from sharia and sharia is based on the Book of Allah (the Quran). Despite this, high heirlooms are still considered clan property, not individual property, and are therefore excluded from Islamic inheritance distribution. However, modernization and economic pressures have begun to shift values, with some communities now viewing high heirlooms as personal property that can be bought and sold or inherited by sons with the consent of the clan elders and family.¹³

In the Minangkabau social and customary legal system, the *ninik mamak* hold a very central and respected position as guardians, protectors, and implementers of customary values passed down through generations by their ancestors. Their role is not only symbolic, but also functional in maintaining social order, regulating family relationships, and ensuring that customary law is implemented in accordance with prevailing norms and values. In Sungai Jariang Village, for example, the role of the *ninik mamak* is still evident in every aspect of the community's life, particularly in the management and maintenance of high heirlooms, which symbolize the identity and continuity of the Minangkabau matrilineal community.¹⁴

In general, the *ninik mamak* serve as clan leaders, namely males from the maternal line who are entrusted with the care and guidance of their nephews and nieces. They are responsible for managing high-ranking ancestral assets such as the traditional house, rice fields, fields, and customary land to ensure they are not transferred to outsiders or sold without the clan's consent. The *ninik mamak* also ensure that the use of high-ranking ancestral assets benefits all family members, not just individual interests. In this context, they serve as economic and social protectors for the clan they lead.

The *ninik mamak* also serve as enforcers of customary law and community morality. When disputes arise within the clan, whether over land boundaries, inheritance distribution, or violations of customary norms, the *ninik mamak* act as mediators and customary judges. They resolve disputes through customary deliberations known as customary meetings. In these forums, every decision is made by consensus, taking into account the values of justice, balance,

¹³The results of the interview with Amril Datuak Tumangguang Nan Kuniang as the Chairperson of KAN (Nagari Traditional Council) on Thursday, July 31, 2025 at 14.00 in Jambak Village, Jorong Sungai Jariang, who during the interview stated that he did not want to be photographed.

¹⁴Results of an interview with Amril Datuak Tumangguang Nan Kuniang as Chairman of KAN, on Thursday 31 July 2025 at 14.00 in Jambak Jorong Sungai Jariang Village, who at the time of the interview did not want to be photographed.

and the common good. The resulting decisions have high moral force and are respected by all clan members, as they are considered inviolable customary decisions.¹⁵ To carry out these functions and authorities, the *ninik mamak* consists of several important elements in the Minangkabau traditional social structure, each of which has different tasks and roles but is interrelated with one another, namely:

a. Datuak (Headmaster)

The Datuak is the supreme leader of the clan, holding primary responsibility for the implementation of customs. He serves as the go-to person for questions, the place to complain, and the ultimate decision-maker in all customary matters. A datuak is often described as "*pai tampek batanyo, pulang tampek babarito*," meaning he is the primary reference for his children and nephews in all aspects of life.¹⁶

b. Religious Scholar

Play a role in the religious and spiritual fields, ensuring that the implementation of customs does not conflict with Islamic values. He also accompanies the headman in traditional ceremonies and ensures that the traditional principles of *basandi syarak, syarak basandi Kitabullah* remain the basis of community life.¹⁷

c. Clever Cadiak

It is an intellectual circle that provides rational views and wise thoughts on every traditional problem. They help adapt the implementation of customs to current developments without losing traditional values.¹⁸

d. Rang Tuo Adat

Traditional elders with experience in social and customary life provide advice to other *ninik mamak* and play a role in preserving community norms and customs.¹⁹

e. Mother Kandung

A symbol of the greatness of Minangkabau women, they are the guardians of balance and honor within the clan. Their role is crucial in maintaining the values of compassion, togetherness, and family harmony.

f. Youth (Indigenous Young Generation)

¹⁵Results of an interview with Amril Datuak Tumanguang Nan Kuniang as Chairman of KAN, on Thursday 31 July 2025 at 14.00 in Jambak Jorong Sungai Jariang Village, who at the time of the interview did not want to be photographed.

¹⁶Muhammad Jamil Labai Sampono, *Op.Cit.*, pages 76-77.

¹⁷*Ibid*, page 78.

¹⁸*Ibid*, page 79

¹⁹*Ibid*, page 80

They function as implementers of traditional values in the field, as successors of traditions, and as guardians of the existence of traditional customs amidst the currents of modernization.²⁰

Apart from these elements, the Minangkabau traditional leadership structure also recognizes levels in the *ninik mamak* hierarchy, each of which has different responsibilities, namely:

a. Head of Pucuak (Head of Pucuk)

The supreme leader holds the highest authority in the village's customs. He has the authority to decide customary matters between clans and is a symbol of the village's customary unity.²¹

b. Andiko Headman

Being one level below the top village head, he has the authority to regulate customary affairs between tribes and supervise the implementation of customary practices in his area of responsibility.²²

c. Penghulu Below (Ordinary Datuak)

A clan leader who interacts directly with his descendants and nephews. He is responsible for the welfare and smooth running of the clan's social life, as well as the preservation of high-ranking ancestral treasures.²³

These three levels are then united in the Nagari Customary Council (KAN), which serves as the highest customary body in the nagari. KAN serves as a forum for resolving various social issues, customary disputes, and violations of community norms. Within this body, the *ninik mamak* (heads of the clan), along with other elements such as religious scholars (*ulama*), *cadiak pintar* (smart elders), and *bundo kanduang* (heads of the village) sit together to find the best solution through deliberation.

Furthermore, the *ninik mamak* also serve as traditional educators for the younger generation. They instill the awareness that high heirlooms are not merely possessions, but symbols of unity and clan identity. Therefore, the *ninik mamak* play a role in ensuring that future generations understand the importance of preserving, caring for, and using high heirlooms wisely. In the modern era marked by the influence of globalization and rapid social

²⁰Ibid, page 81

²¹Ibid, page 83

²²Ibid, page 84

²³Ibid, page 85

change, the ninik mamak's role is increasingly crucial in bridging traditional values with the needs of the times without losing the roots of Minangkabau culture.

It can be emphasized that the ninik mamak are not only formal traditional figures, but also moral, social, and spiritual figures who ensure the continued viability of the Minangkabau customary system. They serve as the last line of defense in safeguarding customary law, particularly in the context of high-priced heirlooms, to prevent it from being eroded by social change or individualistic external legal systems. The role and authority of the ninik mamak make them a key pillar in maintaining the balance between custom, religion, and modern life in Minangkabau society.

Within the Minangkabau social order, a customary system known as *kelarasan* (harmonies) exists, a pattern or school of thought that serves as the basis for regulating the social, political, and customary law of a village. Generally, three major *kelarasan*s have developed in Minangkabau: the Koto Piliang Harmony, the Bodi Caniago Harmony, and the Panjang Harmonies. While each has distinct characteristics and values, they are rooted in the Minangkabau traditional philosophy, which upholds justice, togetherness, and a balance between rights and obligations in community life.²⁴

a. Koto Piliang Harmony

The Koto Piliang harmony is a Minangkabau customary system with aristocratic characteristics, in which leadership and decision-making are hierarchically structured. This system was first introduced by Datuak Katumanggungan, a traditional figure considered wise and authoritative. The Koto Piliang ideology is widely practiced in the areas of Tanah Datar, Lima Puluh Kota, Agam, and Padang. In this system, society is organized based on maternal lineage (matrilineal), with each tribe or clan having a traditional leader called a *datuak* who regulates social life and inherits ancestral values. In the Minangkabau community, Koto Piliang is known as a school of thought that emphasizes order, obedience, and respect for leaders. The term "Koto Piliang" itself is believed to originate from the combination of the words "Koto" (speech) and "Piliang" (choice). Philosophically, it is interpreted as a "chosen word" or "superior word" uttered by a wise leader. Therefore, in Minangkabau *tambo*, Koto Piliang is considered the holder of power and a symbol of nobility, as his followers possess noble blood

²⁴Results of an interview with Amril Datuak Tumangguang Nan Kuniang as Chairman of KAN, on Thursday 31 July 2025 at 14.00 in Jambak Jorong Sungai Jariang Village, who at the time of the interview did not want to be photographed.

and high social standing. Under the auspices of Datuak Katumanggungan, this system emphasizes strict rules and top-down decision-making, resembling a monarchy.²⁵

b. Caniago Body Harmony

Unlike Koto Piliang, the Bodi Caniago Harmony adheres to democratic and egalitarian principles, where every important decision is made based on deliberation and consensus. This system was designed by Datuak Parpatih Nan Sabatang, a traditional figure with progressive views and an emphasis on justice and equality in social life. The Bodi Caniago movement is widely developed in the Limo Kaum region, Tanah Datar Regency, Kerinci, and parts of Malaka. Etymologically, the term "Bodi Caniago" is thought to originate from the Sanskrit words Bhodi, Catni, and Arga, which describe the pinnacle of noble and brilliant thought. The main value of this system is that leaders are not absolute rulers, but rather servants of the community tasked with maintaining harmony. In this system, all community members have equal rights to express their opinions, so customary decisions are made collectively. This makes Bodi Caniago a customary system open to renewal and striving for social justice. This harmony also serves as a critique of the Koto Piliang aristocratic system, as it rejects overly prominent hierarchies. Datuak Parpatih Nan Sabatang developed a concept of participatory leadership that involved all members of the clan, including nephews, to reach consensus in resolving problems. Several tribes belonging to the Bodi Caniago sect include the Bodi, Caniago, Sumagek, Mandaliko, and Panyalai.²⁶

c. Long Harmony

In addition to these two main systems, there is also the Long Harmony System developed by Datuak Bandaro Kayo. This harmony emphasizes social rules regarding marriage and inter-nagari relations, one of which is the prohibition on intermarrying with fellow Minang people from the same nagari. The purpose of this rule is to maintain the integrity of lineages and expand social networks beyond the original nagari. Long Harmony is often found in the Agam and Padang Panjang regions. Over time, this harmony has strengthened the

²⁵Results of an interview with Amril Datuak Tumangguang Nan Kuniang as Chairman of KAN, on Thursday 31 July 2025 at 14.00 in Jambak Jorong Sungai Jariang Village, who at the time of the interview did not want to be photographed.

²⁶Results of an interview with Amril Datuak Tumangguang Nan Kuniang as Chairman of KAN, on Thursday 31 July 2025 at 14.00 in Jambak Jorong Sungai Jariang Village, who at the time of the interview did not want to be photographed.

Minangkabau social system, which places a balance between custom, law, and kinship as the foundation of community life. Some of the tribes included in this system include the Kutianye, Pitopang, Banuhampu, Bariang, Jambak, and Salo.

Some of the tribes belonging to the Koto Piliang sect include the Piliang Koto, Piliang Guci, Piliang Baruh, Piliang Bongsu, Piliang Cocoh, Piliang Patar, Piliang Sati, and Piliang Kaciak. These tribes are part of a social structure bound together by descent and strong customary rules. Of the three harmony systems that developed in Minangkabau customs—Koto Piliang, Bodi Caniago, and Panjang—the people of Sungai Jariang Village adhere to the Bodi Caniago harmony system.²⁷In the view of the Sungai Jariang community, high heirlooms are inherited treasures of high historical and cultural value. These treasures are passed down from their ancestors and are often referred to in the region as iron tembilang.

According to Minangkabau custom, which is based on a matrilineal kinship system, the primary heirs of high inheritance are women, while men serve as protectors or guardians of these inheritances as long as the maternal lineage remains intact. The distribution of these high inheritances is not only about material ownership but also a symbol of the continuity of clan identity. Women are considered the successors of the lineage and guarantors of the clan's survival, while men are tasked with protecting and ensuring that the high inheritance remains in the hands of the legitimate clan. Therefore, to this day, the Sungai Jariang community still adheres to the principle of inheritance through the maternal line, despite various social changes and the influence of modern law. In the implementation of customs in Sungai Jariang, the *ninik mamak* play a very important role. They serve as guardians of customary balance, mediators in family conflicts, and overseers to ensure that high inheritance laws are implemented according to ancestral customary norms. The *ninik mamak* not only serve as symbols of customary authority but also mediate when disagreements arise regarding the distribution of inheritance or ownership of heirlooms.²⁸

The existence of the *ninik mamak* (family elders) is crucial because they maintain a harmonious relationship between traditional values and modern developments. However, in recent years, differing views have emerged between the older and younger generations

²⁷<https://www.jurnalissubar.com/2024/05/mengenal-sistem-adat-suku-di-minangkabau.html>. Accessed on November 10, 2025, at 23.18 WIB.

²⁸Results of an interview with Amril Datuak Tumangguang Nan Kuniang as Chairman of KAN, on Thursday 31 July 2025 at 14.00 in Jambak Jorong Sungai Jariang Village, who at the time of the interview did not want to be photographed.

regarding the concept and function of high heirlooms. The older generation adheres to the customary principle that high heirlooms belong to the clan communally, while some younger generations living in the modern era have begun to view these treasures as personal assets that can be bought and sold or passed on to sons.

This shift in perspective poses new challenges for the sustainability of customary law, particularly when economic interests and family needs take priority over preserving customary values. In this context, the influence of Islamic law is also beginning to emerge in Sungai Jariang Village. According to interviews with Datuak Nan Kuniang, inheritance practices that align closely with Islamic law have long been in place. In some cases, high pusaka (heritage) assets can be transferred or inherited to sons if the extended family and the *ninik mamak* (chief elders) have reached an agreement. This demonstrates the flexibility inherent in Minangkabau customary practices, where change is acceptable as long as it does not diminish the primary meaning and value of high pusaka as a symbol of ancestral heritage.²⁹

In recent years, the influence of modernization has become increasingly strong. People have begun to view high-ranking heirlooms as personal property that can be passed down to direct descendants, even though, according to custom, high-ranking heirlooms are communal property and should not be held by individuals. This phenomenon creates the potential for conflict within families, especially when unilateral claims to ownership of inherited property arise. When disputes or differences of opinion arise regarding inheritance rights, the indigenous people of Sungai Jariang still maintain traditional methods of resolving disputes.

The first step is to involve the *ninik mamak* (leaders) from both parties, both the giver and the recipient of the inheritance. The *ninik mamak* will listen to statements from all parties and provide an assessment based on prevailing customs. Afterward, the final decision will be ratified through a customary meeting, an official forum where traditional leaders deliberate to establish the decision deemed fairest and most in accordance with Minangkabau customary norms. This process demonstrates that despite social change, the fundamental values of deliberation and consensus are still upheld in resolving customary disputes.³⁰

²⁹Results of an interview with Amril Datuak Tumangguang Nan Kuniang as Chairman of KAN, on Thursday 31 July 2025 at 14.00 in Jambak Jorong Sungai Jariang Village, who at the time of the interview did not want to be photographed.

³⁰ Muhammad Jamil Labai Sampono, 2020, *Men in Minangkabau*, Bukittinggi: Love Book Agency, pages 90-97.

2. Implementation of the Distribution of High Inheritance Assets to the Inheritor's Sons

Based on the results of an interview with Datuak Tumangguang Nan Kuniang, as the Chairperson of the Nagari Traditional Council (KAN), which was conducted on Saturday, November 1, 2025 in Jambak Village, Jorong Sungai Jariang, it was revealed that there had been several cases that showed changes in practices in the distribution of high inheritance, one of which was the case of inheritance to sons. One example that attracted attention was the case experienced by a resident named Nenek Marsiam, a woman from the Sikumbang clan who died in 2018. During her life, Nenek Marsiam had one son named Amar, who during his mother's illness, had cared for and looked after her with full responsibility along with his wife and their son named Pangeran.

The estate left by Grandma Marsiam consisted of a plot of land and a house built on it. Although the land lacked official ownership, it was known to be a high-ranking heirloom, passed down through generations of Grandma Marsiam's family ancestors. Before her death, Grandma Marsiam verbally instructed her son, Amar, to give the house and land to him. This mandate later became the moral and customary basis for Amar to manage the estate after his mother's death.³¹

The problem arose after Amar died in January 2024, followed by his wife a few months later, in June 2024. Their son, Pangeran, then came to the Nagari Customary Council Hall (KAN) to submit a request that the land and house inherited from his grandmother be recognized as his property. On the other hand, demands arose from the Sikumbang clan, the clan from which Nenek Marsiam came, who stated that the land was part of their clan's high heritage, so it should be returned to the collective ownership of the clan, not the private property of the male descendants. In a customary deliberation led by the datuak and the Head of KAN, including the Datuak-Datuak as the highest authority in the customary institution, an in-depth discussion was held to find a common ground between Minangkabau customary provisions and the applicable principles of justice. Based on these considerations, the KAN Hall decided that the land and house be given to Amar and his heir (Prince) with the condition that the assets could not be freely traded. If at some point the Prince or his descendants want to sell the land

³¹Results of an interview with Amril Datuak Tumangguang Nan Kuniang as Chairman of KAN, on Thursday 31 July 2025 at 15.00 in Jambak Jorong Sungai Jariang Village, who at the time of the interview did not want to be photographed.

and house, the sale must be made to the Sikumbang clan first, or can be made to an outside party only if official approval is obtained from the datuak and the Sikumbang clan.³²

This decision was made after considering two important aspects. First, from a customary law perspective, Nenek Marsiam is indeed from the Sikumbang clan, so according to custom, the land is part of the clan's high inheritance. However, from an Islamic legal perspective, sons like Amar and his grandson, Pangeran, have inheritance rights to their mother's estate if there are no direct female heirs. Second, this decision was also based on moral and social considerations, because Amar and his family had cared for Nenek Marsiam until the end of her life, so it was considered reasonable for them to be given the right to continue using the estate.³³ Thus, this case reflects a shift in values in the implementation of Minangkabau customary law, where matrilineal principles are beginning to be balanced with the application of Islamic legal values and social family considerations.

The decision of the Sungai Jariang KAN demonstrates the flexibility of customary law in adapting to changing times, without eliminating its root values, which emphasize deliberation, justice, and respect for ancestral heritage. Under Minangkabau customary law, high-ranking heirlooms may not be sold or pawned except in urgent circumstances, for four main reasons. First, when the family lacks the funds to care for and bury the body, such a situation would lead to embarrassment and be considered disrespectful to tradition. Second, when an adult woman (*gadis gadang*) is unable to marry due to lack of funds, which is feared to lead to moral issues and conflict with the surrounding community. Third, when there are no funds available to establish a household for members of the clan, which would hinder the continuity of customary life within the tribe. Fourth, when the clan must appoint a headman but lacks the funds to meet the customary requirements for the appointment process. Although custom permits the sale or pawning of high-ranking heirlooms for these four reasons, such a decision should not be planned, deliberate, or taken as a personal opportunity. The chief heir's mother and the village headman are obliged to direct the members of the clan to first look for alternatives or other businesses before giving up their inheritance. If all efforts have been made

³²Results of an interview with Amril Datuak Tumangguang Nan Kuniang as Chairman of KAN, on Thursday 31 July 2025 at 14.00 in Jambak Jorong Sungai Jariang Village, who at the time of the interview did not want to be photographed.

³³Results of an interview with Amril Datuak Tumangguang Nan Kuniang as Chairman of KAN, on Thursday 31 July 2025 at 15.00 in Jambak Jorong Sungai Jariang Village, who at the time of the interview did not want to be photographed.

but are still insufficient, then the inheritance may be sold or pawned in accordance with the customary provisions of each village.

Customary law emphasizes that failure to care for a corpse, failure to marry off a traditional girl, the absence of a traditional house as a residence, or the absence of a clan leader will bring great shame to the family and tribe. Therefore, in such circumstances, the release of ancestral property is considered a last resort to maintain the clan's honor. However, the sale or mortgage must be conducted transparently, with the knowledge and approval of all customary elements, including the leader, the chief heir, and other respected members of the tribe. If ancestral property is released without following customary rules, for example without deliberation, without the clan's consent, or without a valid reason, the act is declared void, and both the seller and the buyer are considered to have violated customary law. Furthermore, those who agreed to the wrongful sale are also considered guilty of allowing the loss of ancestral property.³⁴

Highly valued heirlooms are inherited from generation to generation and must be preserved to ensure they can be passed on to future generations. Therefore, customary law strictly forbids their release without justification. If village or tribal members are aware of the unauthorized release of heirlooms but fail to take preventative action, this can cause difficulties for the community in the future. The loss of heirlooms often puts subsequent generations under economic pressure or even leads to negative behavior due to the loss of a source of communal support. Currently, customary values regarding the maintenance of highly valued heirlooms are increasingly being eroded.

Many once-affluent families are now experiencing decline because their high-priced heirlooms have been sold or pawned without following customary law. A lack of understanding of customary law, both among elders and clan members, coupled with the influence of social change, has left many younger generations with only stories of heirlooms that were once the pride of their families, but have now been illegally transferred. This situation causes lasting regret, but it cannot be repaired because lost heirlooms are difficult to recover.³⁵

³⁴Results of an interview with Amril Datuak Tumanguang Nan Kuniang as Chairman of KAN, on Thursday 31 July 2025 at 15.00 in Jambak Jorong Sungai Jariang Village, who at the time of the interview did not want to be photographed.

³⁵ Ibrahim Dt. Sanggoeno Diradjo, 2020, Tambo Alam Minangkabau, Bukittinggi: Crystal Multimedia, Pages 239-242 .

3. Obstacles in the Implementation of the Distribution of High Inheritance Assets to the Sons of the Heir Study in Sungai Jaiang Village, Bukittinggi

a. Normative Constraints

The inheritance system for high-ranking heirlooms in Minangkabau customs is traditionally based on matrilineal principles, where the female lineage is the center of ownership of assets, including land and inherited houses. Men in this system act as managers and guardians of the clan's interests, rather than as individual recipients of inheritance rights. However, social conditions in Sungai Jariang Village indicate a shift in the meaning and application of this norm. In practice, society has begun to allow sons to receive rights to use or control high-ranking heirlooms, particularly if the son cares for the parent until the end of his life, or when the testator conveys a final request that the assets be given to him. This is evident in the case of the inheritance of land inherited from the late Nenek Marsiam, where her son, although not entitled to it according to custom, still receives rights based on moral considerations and the value of gratitude.

This phenomenon reinforces Eugen Ehrlich's concept of living law, which states that the laws adhered to by a community are not always identical to written normative rules, but rather laws that are truly lived in social practice. In this context, the people of Sungai Jariang Village prioritize a sense of social justice and humanitarian values over dogmatic customary rules. However, this flexibility also creates a new normative problem, namely the blurring of the boundaries between binding customary provisions and exceptional practices that arise from social needs. KAN (Nagari Customary Council) ultimately faces a dilemma: they must enforce customary rules, but also consider evolving social dynamics. This tension creates normative uncertainty, as the community no longer fully understands when customary rules must be strictly enforced and when they can be relaxed for the sake of justice. Thus, the main normative constraint in Sungai Jariang Village lies in the clash between idealistic customary rules and increasingly pragmatic social practices. The more frequent exceptions are made, the more the authority of customary norms becomes blurred in the eyes of the community.³⁶

b. Socio-Cultural Constraints

In Minangkabau tradition, disputes over high-ranking heirlooms involve not only the nuclear family but also the wider community, including the penghulu (headman), datuak

³⁶Results of an interview with Amril Datuak Tumangguang Nan Kuniang as Chairman of KAN, on Thursday 31 July 2025 at 15.00 in Jambak Jorong Sungai Jariang Village, who at the time of the interview did not want to be photographed.

(head of the clan), *mamak kepala waris* (head of the clan), and other customary authorities. This multi-layered social structure makes resolving inheritance issues challenging, as every decision is influenced by collective considerations, not simply the wishes of a single family. The case of Nenek Marsiam's family illustrates this situation vividly. The Sikumbang clan claimed the land was part of a high-ranking inheritance that should remain in the maternal line, while the male heirs held to the will of the deceased and the care rendered. This fundamental difference in thinking fueled the socio-cultural conflict.

On the one hand, the community strives to maintain the integrity of communal property, as high heirlooms are considered symbols of identity and lineage continuity. On the other hand, male heirs emphasize the value of care, emotional closeness, and moral responsibility as reasons for granting rights. According to the theory of reciprocity in legal anthropology, reciprocal relationships such as care and sacrifice often form the basis for granting rights in traditional societies. However, this concept does not always align with the communal principles of Minangkabau customs. Furthermore, the deliberation process at the KAN (National Mandate Council) often takes a long time because it involves many parties with differing interests. Each *penghulu* (headman) or *mamak* (mother) represents the perspective of his or her clan, requiring lengthy negotiations to reach decisions. In some cases, the community feels a loss of authority if high heirlooms are given to sons, even if only as limited use rights.³⁷

This demonstrates that sociocultural constraints are not only about who is entitled to receive property, but also about power relations, customary legitimacy, and the balance of social structures within a clan. The tension between traditional values and the realities of the nuclear family complicates the implementation of the distribution of high inheritance, especially when customary decisions are unsatisfactory to either party.

c. Administrative Obstacles and Legal Evidence

Administrative constraints are the most significant obstacle to implementing the distribution of high-priority land in Sungai Jariang Village. Many ancestral lands lack official certificates because they are customary lands inherited through customary law, not

³⁷Results of an interview with Amril Datuak Tumangguang Nan Kuniang as Chairman of KAN, on Thursday 31 July 2025 at 15.00 in Jambak Jorong Sungai Jariang Village, who at the time of the interview did not want to be photographed.

through formal land administration. Consequently, proof of ownership can only be achieved through non-documentary evidence, such as:

- 1) Oral history of the people,
- 2) The testimony of the registrar,
- 3) Indigenous knowledge,
- 4) Communal recognition.

This model of proof is weak when confronted with national legal systems that tend to prioritize written evidence. When claims conflict between the clan and the heirs, there are no official documents to provide definitive evidence. This was the case with Nenek Marsiam, where the clan asserted the land was a high heirloom, while the heirs claimed an oral will from the testator.

Indonesian positive law does recognize the existence of customary land, but its regulations require formal recognition from the local government. Without such written recognition, customary land is difficult to process in modern land administration. As a result, customary decisions often lack sufficient evidentiary force when disputes escalate to the realm of state law. The National Accreditation Agency (KAN) itself faces limited authority. As a customary institution, KAN can make decisions based on customary law, but it lacks the binding executive authority of a district court. KAN's decisions are valid only as long as all parties respect them. If any party is dissatisfied, they can take the case to litigation, where formal documentation is the deciding factor.

This poses a serious obstacle: customary decisions often cannot be effectively implemented without written evidence and formal legal recognition. As a result, disputes can resurface later, especially if subsequent generations begin to question the legitimacy of earlier customary decisions.³⁸

The distribution of high-ranking heirlooms to sons in Sungai Jariang Village presents a complex customary law dilemma. This dilemma arises from the confluence of three main elements: matrilineal customary norms, social changes that present new demands, and the role of customary institutions that must maintain a balance between traditional rules and social justice. Each of these elements creates different pressures, making the process of inheriting high-ranking heirlooms not only a problem for the inheriting family but also a challenge for the village's social structure and customary institutions.

³⁸ Tandori and V. Hari Supriyanto. 2025. "Contradictions of Communal Rights and Customary Rights in Indonesian Land Law: A Review of Indonesian Jurisprudence and Regulation." *Tunas Agraria*, Vol. 8, No. 3, Pages 380–400.

a. Shifting Social Values and Challenges to Matrilineal Norms

In the Minangkabau customary system, high heirlooms are essentially inherited property passed down through the maternal line. Men serve only as managers or guardians, not as recipients of ownership rights. However, contemporary social realities demonstrate that family structures and intergenerational relationships have undergone significant changes. Many families now live within the nuclear family system, rather than the extended family system that was the foundation of Minangkabau custom.

This change has consequences for parental care patterns. Sons who live with their parents or who play a significant role in caring for the heir during their lifetime are often considered more entitled to receive a higher share of the inheritance than female relatives who, according to tradition, have inheritance rights but are not socially involved in the management of the estate or the heir's care.

b. Value Conflicts in Determining Heirs

The dilemma of customary law stems not only from changes in social structures, but also from the conflict between family morality and established customary provisions. In some cases, such as the inheritance of land belonging to the late Nenek Marsiam, the nuclear family believes that sons are entitled to certain rights because they have cared for and supported the heir until the end of his life. From a moral perspective, the decision to give heirlooms to sons is considered a reasonable and fair form of reciprocation. However, customary provisions stipulate that these assets must be returned to women as part of the communal estate. This creates a conflict of values:

- 1) Customary values emphasize stability, continuity, and blood ties through the maternal line,
- 2) Modern nuclear family values emphasize contribution, social roles, and emotional closeness.

This dilemma shows that the issue of inheriting high heritage is not just a matter of “dividing inheritance rights”, but rather about how the community faces the clash of two value systems that both have social legitimacy.³⁹

c. The Dual Role of Men in Minangkabau Traditional Structure

One of the main factors complicating the inheritance dilemma in Sungai Jariang Village

³⁹Results of an interview with Amril Datuak Tumangguang Nan Kuniang as Chairman of KAN, on Thursday 31 July 2025 at 15.00 in Jambak Jorong Sungai Jariang Village, who at the time of the interview did not want to be photographed.

is the dual position of men in the Minangkabau traditional social structure. Men play a crucial role as clan elders, customary leaders, and decision-makers in social matters. However, when it comes to inheriting high-ranking heirlooms, men are not considered the primary heirs. This creates a mismatch between men's social functions and their civil rights. When a son assumes significant responsibilities within the nuclear family but lacks formal rights to high-ranking heirlooms, feelings of injustice and disappointment arise within the family. This tension often triggers internal disputes and weakens community acceptance of customary decisions. This dual role also impacts the image of the custom itself. If custom is perceived as ignoring men's contributions within the nuclear family, some in the community begin to question the relevance of high-ranking heirloom regulations in the contemporary context.

d. Traditional Institutions in a Dilemma Between Maintaining Tradition and Providing Justice

The Nagari Customary Council (KAN) and village chiefs are in a difficult position when dealing with the issue of inheritance of high-ranking heirlooms to sons. They must ensure that customary decisions remain within the framework of matrilineal rules, while simultaneously taking into account the growing demands for justice within the community. If KAN is too rigid in enforcing customary rules, the nuclear family may feel its rights are being neglected and may view custom as an institution no longer suited to the realities of modern life. However, if KAN relaxes customary rules, some clan members may perceive that custom has been sacrificed for individual interests, thus threatening the very survival of the matrilineal system. This situation creates a unique institutional dilemma: preserving tradition risks violating the family's sense of justice, while making concessions sets a precedent that could potentially weaken customary identity.

e. The Legal Dilemma of Customary Pluralism, State Law, and Religious Law

The dilemma of inheriting high-ranking heirlooms in Sungai Jariang Village arises not only within the realm of customary law, but also within the context of legal pluralism. Indonesia has three coexisting legal systems: customary law, state law, and religious law. Each has its own distinct principles regarding inheritance:

- 1) Minangkabau customary law: high heirlooms are inherited by women through the maternal line.
- 2) Islamic law: boys get twice the share of girls.
- 3) State law (Civil Code and UUPA): emphasizes formal proof of ownership and does not

differentiate between genders in certain inheritance concepts.⁴⁰

These three legal systems can reinforce or conflict with each other. In certain cases, families may choose a legal system that favors their own position, thus widening the conflict and deepening the dilemmas facing customary institutions. For KAN, this legal pluralism presents a significant challenge, as customary decisions must remain consistent but cannot ignore the fact that families have alternative dispute resolution options outside customary institutions, including through litigation.

D. Conclusion

The legal status of high-ranking heirlooms in Sungai Jariang Village, Bukittinggi, is still based on Minangkabau customs, which are based on maternal lineage. Although society has undergone social change and is increasingly exposed to national and modern law, the rules regarding high-ranking heirlooms remain the primary guideline. High-ranking heirlooms are understood not simply as property, but also as tribal identity and assets that ensure family continuity. Therefore, any use or management of these assets must involve women in the matrilineal line, as well as the customary elders (mamak), who hold customary authority. Thus, custom continues to hold a dominant influence in regulating the status and validity of high-ranking heirlooms, despite the ever-evolving social environment.

The distribution of high inheritance rights to sons in Sungai Jariang Village is generally not permitted in full because it violates matrilineal customary law. However, in social reality, there are certain conditions that allow sons to obtain usufruct rights, rather than ownership rights. This is usually granted when a son is deemed to have made a significant contribution to the family, resides in the ancestral home, or is the sole guardian of the inheritance. However, granting these usufruct rights still requires the approval of the women and the head of the family, the mamak. In other words, granting rights to sons is exceptional and based on deliberation, not as a customary inheritance pattern that replaces women's positions.

Obstacles in implementing the distribution of high inheritance to sons in Sungai Jariang Village are rooted in two types of obstacles: internal obstacles arising from the community's own customary practices and understanding, and external obstacles influenced by factors outside the customary environment. To resolve these obstacles, comprehensive efforts are needed through increasing community literacy regarding Islamic legal provisions relating to heirloom management, accompanied by adaptation of customs to developments and social changes so that inheritance practices remain relevant and do not conflict with the basic values of Minangkabau culture.

⁴⁰ Krisna Bhayangkara Yusuf, 2023, "Distribution of Customary Legal Inheritance According to the Matrilineal System (Minangkabau Customs), *Journal of Law, Politics, and Social Sciences* Vol. 2, No. 2, Pages 72–81.

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