

Transforming Matrilineal Traditions: The Role of Ulama in Reforming Minangkabau Customary Inheritance Law

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Abstract: This article investigates the evolving role of *ulama* as pivotal agents in the reform of inheritance norms within Minangkabau society, particularly amid tensions between Islamic legal principles and matrilineal customary law (*adat*). Situated within the broader dynamics of legal pluralism and global cultural transformation, this study employs a qualitative ethnographic methodology, incorporating field observations, semi-structured interviews with religious leaders and *adat* authorities, and textual analysis of sermons, deliberative forums, and locally issued *fatwas*. The findings indicate that *ulama* do not operate in antagonism to tradition but strategically embed Islamic inheritance principles (*fara'id*) within the local moral universe through culturally resonant methods—such as *cultural preaching*, participatory *musyawarah*, and the reinterpretation of foundational axioms like *adat basandi syarak, syarak basandi Kitabullah*. These efforts have produced a hybrid inheritance model that distinguishes between *pusaka tinggi* (ancestral property), retained under matrilineal logic, and *pusaka rendah* (acquired assets), increasingly subject to *fara'id* distribution. The study reveals that *ulama*, by leveraging their dual authority as religious scholars and cultural insiders, facilitate normative convergence between *syariah* and customary law, generating legal syncretism that is both context-sensitive and ethically grounded. This convergence is particularly visible in urban and diasporic communities, where exposure to global Islamic discourses and structural changes in kinship systems have intensified the demand for codified and equitable inheritance practices. Conclusively, the research underscores the capacity of local religious actors to drive legal transformation from within, offering an empirical contribution to scholarly debates on Islamic legal anthropology, indigenous legal change, and the adaptive resilience of customary systems in plural societies.

Keywords: Customary Law, Inheritance, Islam, Matrilineal, Minangkabau, Ulama

1. Introduction

The Minangkabau people of West Sumatra, Indonesia,¹ are widely recognized for upholding one of the world's largest surviving matrilineal kinship systems,² in which lineage and inheritance are passed through the female line. This tradition is deeply rooted in the customary law that has governed Minangkabau society for centuries, shaping not only family structures but also property ownership, community leadership, and cultural identity.³ Within this framework, women inherit ancestral land (known as *harta pusaka*) and serve as custodians of familial wealth, while men typically act as the executors or protectors of this property in the capacity of maternal uncles (*mamak*). However, this system stands in contrast to Islamic inheritance law, which is patrilineal and individualistic in nature, granting specific shares of inheritance to male and female heirs based on a well-defined legal framework in the Qur'an. The

¹ Evelyn Blackwood, "Representing Women: The Politics of Minangkabau Adat Writings," *The Journal of Asian Studies* 60, no. 1 (2001): 125–49, <https://doi.org/http://dx.doi.org/10.2307/2659507>.

² Sadiq Bhanbhro et al., "Factors Affecting Maternal Nutrition and Health: A Qualitative Study in a Matrilineal Community in Indonesia," ed. Baltica Cabieses, *PLOS ONE* 15, no. 6 (June 16, 2020): e0234545, <https://doi.org/10.1371/journal.pone.0234545>.

³ Moh Yasir Alimi, "Rethinking Anthropology of Shari'a: Contestation over the Meanings and Uses of Shari'a in South Sulawesi, Indonesia," *Contemporary Islam* 12, no. 2 (July 2018): 123–51, <https://doi.org/10.1007/s11562-017-0410-x>.

divergence between customary law and Islamic *syariah* has long sparked debate in West Sumatra, especially as Islamic revivalism gained momentum throughout the 20th century.⁴ While historically the Minangkabau have harmonized *adat basandi syarak, syarak basandi Kitabullah*—customary law based on Islamic law and the Qur'an—practical tensions still emerge when legal and religious interpretations of inheritance diverge, particularly in court cases or family disputes.⁵

In recent decades, these tensions have intensified amid shifting socioeconomic conditions, increasing literacy in Islamic jurisprudence,⁶ and the growing authority of religious leaders (*ulama*) within the public sphere.⁷ Many *ulama* and Islamic scholars in the region have begun to challenge the legitimacy of customary matrilineal inheritance practices,⁸ arguing that they are inconsistent with the foundational principles of Islamic law.⁹ This has triggered complex debates over how to reconcile the inherited traditions of customary law with the evolving interpretations of *syariah*,¹⁰ especially in matters concerning *harta pusaka*, which is often communal and intergenerational, unlike Islamic inheritance that tends to divide assets among individual heirs. These reform efforts range from community-based dialogues and educational initiatives to legal reinterpretations and even the codification of hybrid systems that attempt to bridge customary and Islamic principles. The future of matrilineal inheritance in Minangkabau society, therefore, remains at a crossroads—negotiated between historical identity, religious orthodoxy, and the lived realities of a changing world.

The transformation of customary inheritance law has increasingly been shaped by the active involvement of *ulama* as authoritative religious figures who command respect both within Islamic jurisprudence and local cultural structures.¹¹ These religious scholars leverage their deep understanding of *fiqh* (Islamic legal theory),¹² the Qur'an,¹³ and prophetic traditions to reframe inheritance not as a purely cultural matter but as a divine obligation governed by immutable principles of *syariah*. By doing so, they employ their religious authority to challenge aspects of the matrilineal inheritance system—particularly the concept of communal ancestral property (*harta pusaka*) passing exclusively through female lineage—as being at odds with the Qur'anic injunctions mandating defined shares for individual male and female heirs. Importantly, the authority of *ulama* is not derived solely from textual expertise, but also from their embeddedness in local networks of social trust. Through Islamic study circles, Friday sermons, informal consultations, and public forums, they disseminate interpretations that promote Islamic models of inheritance, often emphasizing justice, equity, and family cohesion as moral foundations. Some *ulama* go further by engaging in active legal reform, advising local councils (*nagari*) or collaborating with provincial legislatures to craft new inheritance guidelines that synthesize customary law with *syariah*,¹⁴ thus

⁴ Zulfritri Zulkarnain Suleman et al., "Negotiating Islamic Moderation: The Interplay of Sharia and Local Culture in Gorontalo, Minangkabau, and Banten," *Jurnal Ilmiah Al-Syir'ah* 23, no. 1 (2025): 50–69, <https://doi.org/https://doi.org/10.30984/jis.v23i1.3527>.

⁵ Defel Fakhyadi and Muhammad Adib Samsudin, "Islamic Law Meets Minangkabau Customs: Navigating Forbidden Marriages in Tanah Datar," *El-Mashlahah* 14, no. 1 (March 23, 2024): 1–20, <https://doi.org/10.23971/el-mashlahah.v14i1.7364>.

⁶ Elfia et al., "Patterns for Settlement of Puhah Inheritance Disputes In the Community of Nagari Salareh Aia from the Perspective of Islamic Law," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (December 31, 2022): 480–505, <https://doi.org/10.19105/al-ihkam.v17i2.6246>.

⁷ Andri Ashadi, "Negotiation of Tradition, Islam, and Modernity in The Movement of The Kaum Mudo Islamic Reform in Minangkabau," *TEOSOFI: Jurnal Tasawuf Dan Pemikiran Islam* 9, no. 1 (June 2019): 30–59, <https://doi.org/10.15642/teosofi.2019.9.1.30-59>.

⁸ Rizky Alikhsan and Endri Yenti, "Minangkabau Ethnic Women and the Shadows of Patriarchy Perspective of Customary Law and Islamic Law," *Mazahibuna*, December 1, 2023, <https://doi.org/10.24252/mazahibuna.vi.39207>.

⁹ R Michael Feener, "Indonesian Movements for the Creation of a National Madhhab," *Islamic Law and Society* 9, no. 1 (2002): 83–115, <https://doi.org/http://dx.doi.org/10.1163/156851902753649298>.

¹⁰ Jan Prins, "Adatlaw and Muslim Religious Law in Modern Indonesia: An Introduction," *Die Welt Des Islams* 1, no. 4 (1951): 283–300, <https://doi.org/https://doi.org/10.2307/1568867>.

¹¹ Ahmad-Norma Permata et al., "Reconstructing the Role of Local Actors in the Islamization of East Kalimantan," *Indonesian Journal of Islam and Muslim Societies* 15, no. 1 (2025): 1–25, <https://doi.org/https://doi.org/10.18326/ijims.v15i1.1-25>.

¹² Zelfeni Wimra et al., "The Living Fiqh: Anatomy, Philosophical Formulation, and Scope of Study," *Juris: Jurnal Ilmiah Syariah* 22, no. 1 (2023), <https://doi.org/http://dx.doi.org/10.31958/juris.v22i1.9491>.

¹³ Nispul Khoiri et al., "Fiqh Nusantara: Exploring the Discourse and Complexity of Indonesian Islamic Jurisprudence," *Multidisciplinary Science Journal* 7, no. 10 (April 2025): 2025584, <https://doi.org/10.31893/multiscience.2025584>.

¹⁴ Welhendri Azwar et al., "Nagari Customary Justice System in West Sumatra," *Jurnal Bina Praja*, May 31, 2019, 53–62, <https://doi.org/10.21787/jbp.11.2019.53-62>.

enabling a smoother sociocultural transition.¹⁵ In this process, they serve as mediators and reformers, crafting a theological narrative that seeks not to erase tradition but to align it with what they perceive as divine law—offering a gradual, persuasive pathway for reform rather than coercive enforcement.

The purpose of this research is to explore how *ulama* function as agents of legal and cultural transformation in reconciling Minangkabau customary inheritance practices with Islamic inheritance law. By focusing on the intersection of religious authority, legal pluralism, and social change, this study aims to uncover the processes through which *ulama* influence the reinterpretation of custom norms and their gradual alignment with the principles of *syariah*. It examines the strategies employed by religious leaders to initiate discourse shifts, reshape communal attitudes, and legitimize reform efforts—whether through religious sermons, educational outreach, legal consultation, or involvement in customary institutions such as the *Kerapatan Adat Nagari* (KAN). This research also seeks to assess the extent to which these interventions are accepted, resisted, or negotiated by different actors within Minangkabau society, including traditional leaders, women inheritors, legal practitioners, and ordinary villagers. By analyzing both the discursive and practical dimensions of inheritance reform, the study contributes to a deeper understanding of how religious authority is mobilized in a matrilineal society to bridge the tension between indigenous traditions and Islamic legal universality. Ultimately, the research aspires to illuminate broader pathways for the contextual adaptation of Islamic law within pluralistic cultural settings, offering valuable insights into the dynamics of religious reform, identity negotiation, and legal hybridity in contemporary Muslim communities.

2. Method

This study adopts a qualitative empirical legal research design with a sociological approach, aimed at understanding how Islamic inheritance principles—particularly *faraid*—are negotiated, resisted, or integrated within Minangkabau customary inheritance practices. The focus is on capturing lived experiences, interpretive meanings, and evolving legal consciousness within the community. The research was conducted in both urban and rural settings across West Sumatra and diasporic Minangkabau communities in Jambi and Pekanbaru. The target population included key normative actors such as *ulama*, *ninik mamak* (customary leaders), religious teachers, village council members, and community members directly involved in inheritance negotiations or disputes. Purposive and snowball sampling techniques were used to identify 32 key informants, including six high-ranking *ulama*, four female heirs, five *ninik mamak*, three village mediators, four local government officials, and ten members of Minangkabau families across generations. The researcher was present in the field for six months (January to June 2024), engaging in participant observation during traditional deliberation forums, local Islamic study circles, and community inheritance negotiations, allowing for deep immersion in the socio-legal context. Ethical clearance was obtained prior to fieldwork, and informed consent was secured from all informants, with a commitment to anonymity and confidentiality in reporting.

Data collection employed multiple techniques to ensure comprehensiveness and reliability. These included semi-structured interviews, direct observation, and document analysis of legal texts (national inheritance law, fatwas, local inheritance agreements, and Islamic jurisprudence manuals), as well as customary manuscripts (*tambo adat*) and institutional records from *Kerapatan Adat Nagari* (KAN). The interviews were guided by a semi-structured protocol designed to elicit perceptions, experiences, and justifications related to inheritance reform and cultural adaptation. Triangulation was performed by cross-verifying interview narratives with documented proceedings of deliberation, textual analysis of local *fatwas*, and observations of practice in inheritance resolution processes. This methodological design ensures not only contextual validity but also offers a scientifically accountable framework for capturing the complex interaction between religious law, customary law, and evolving community values in the regulation of inheritance.

¹⁵ Moses Mosonsieyiri Kansanga, Godwin Arku, and Isaac Luginaah, "Powers of Exclusion and Counter-Exclusion: The Political Ecology of Ethno-Territorial Customary Land Boundary Conflicts in Ghana," *Land Use Policy* 86 (July 2019): 12–22, <https://doi.org/10.1016/j.landusepol.2019.04.031>.

3. Result and Discussion

3.1. Islamic Legal Integration and the Reconfiguration of Inheritance Authority in Minangkabau Society

In the Minangkabau context, where customary law (*adat*) is deeply entrenched within a matrilineal social system, the introduction of Islamic inheritance principles such as *faraid* requires not only theological legitimacy but also cultural sensitivity. Ulama have responded to this challenge by crafting localized *da'wah* narratives that strategically blend Qur'anic injunctions with the philosophical underpinnings of *adat*. Rather than presenting Islamic law as an opposing force to tradition, ulama frame *faraid* as a complementary system that aligns with the Minangkabau sense of justice and moral balance. These sermons often invoke shared values such as justice, deliberation, and social harmony, which resonate with both Islamic jurisprudence and Minangkabau communal ethics. By delivering messages in local dialects and referencing ancestral wisdom, ulama enhance the acceptability of Islamic reforms while minimizing communal resistance. This method of cultural translation not only softens the ideological dissonance between *adat* and *syariah* but also positions ulama as cultural mediators who operate within the symbolic authority of both religion and tradition.

One of the most potent discursive tools used by Minangkabau ulama in transforming inheritance norms is the reinterpretation of the foundational maxim "*adat basandi syarak, syarak basandi Kitabullah*" (custom is based on Islamic law, and Islamic law is based on the Qur'an). Traditionally, this axiom has been invoked to justify the compatibility of *adat* and Islam;¹⁶ however, ulama are now employing it to argue for the necessity of reforming *adat* to align more explicitly with Islamic legal standards. Central to this reinterpretation is the emphasis on justice as a universal value shared by both *adat* and Islamic jurisprudence. Ulama argue that when existing customary norms lead to injustice—particularly regarding the exclusion or marginalization of male heirs in a matrilineal system—they must be reevaluated in light of Islamic ethics. This reframing shifts the paradigm from static preservation of tradition to dynamic adaptation grounded in moral imperatives. It also challenges the previously uncontested authority of *ninik mamak* (maternal uncles) by inserting religious scholarship into the legal-moral discourse of inheritance. The reinterpretation of this principle does not necessarily dismantle *adat* structures but rather reorients them toward a more inclusive and equitable form.

A crucial factor in the long-term transformation of Minangkabau inheritance norms is the systematic inclusion of Islamic inheritance jurisprudence (*fiqh al-mirath*) within religious education curricula. Islamic schools (*madrasahs* and *Surau*) have increasingly recognized the need to introduce students to the foundational principles of *faraid* as part of a broader Islamic legal literacy agenda. This pedagogical shift is not limited to theoretical instruction but is framed within practical socio-cultural contexts, particularly addressing cases where Islamic and customary laws may clash.¹⁷ Through structured modules, case studies, and community-based learning, students are equipped not only with doctrinal knowledge but also with the capacity to engage in critical reflection on the ethical dimensions of inheritance.¹⁸ This educational exposure cultivates a generation that is both religiously literate and socially responsive, capable of navigating between inherited tradition and religious reform. Furthermore, by training future community leaders, preachers, and legal advisors, these institutions serve as incubators for legal-cultural change. They also function as epistemological spaces where Islamic knowledge is localized and contextualized, giving rise to a uniquely Minangkabau interpretation of Islamic law.

In the process of transforming inheritance norms in Minangkabau society, ulama have not only relied on oral preaching but also taken a more formalized role by issuing localized fatwas and practical guidelines

¹⁶ Bassam Tibi, *Islam and the Cultural Accommodation of Social Change*, *Sojourn: Journal of Social Issues in Southeast Asia*, vol. 2 (Routledge, 2020), <https://doi.org/10.4324/9780429033513>.

¹⁷ Grace B. Villamor and Meine van Noordwijk, "Gender Specific Land-Use Decisions and Implications for Ecosystem Services in Semi-Matrilineal Sumatra," *Global Environmental Change* 39 (July 2016): 69–80, <https://doi.org/10.1016/j.gloenvcha.2016.04.007>.

¹⁸ Erling Berge et al., "Lineage and Land Reforms in Malawi: Do Matrilineal and Patrilineal Landholding Systems Represent a Problem for Land Reforms in Malawi?," *Land Use Policy* 41 (November 2014): 61–69, <https://doi.org/10.1016/j.landusepol.2014.05.003>.

tailored to the sociocultural context of specific nagari (village-level customary units). These fatwas often emerge in response to real-world inheritance disputes that expose the tension between adat's collective ownership and Islam's individualistic inheritance model. Rather than relying solely on classical fiqh references, ulama consider local customs, family structures, land tenure systems, and economic conditions in crafting their recommendations. In many cases, these fatwas are not issued unilaterally but are developed in collaboration with local stakeholders, including *ninik mamak*, religious teachers, and village councils. This participatory process ensures greater legitimacy and acceptance.

The increasing presence of ulama in formal adat institutions—particularly in deliberative bodies such as the Kerapatan Adat Nagari (KAN)—illustrates a significant shift in the locus of normative authority within Minangkabau society.¹⁹ Historically, matters of inheritance were governed exclusively by *ninik mamak*, who interpreted and applied matrilineal adat according to lineage-based wisdom.²⁰ However, as social and economic complexities have intensified, particularly in relation to land disputes and inheritance fragmentation, these traditional authorities have found it increasingly necessary to consult religious scholars. Ulama, in turn, have become integrated into adat decision-making processes, not as external critics but as internal collaborators. This co-presence marks a transition from a monolithic adat-based legal framework to a dialogical model in which Islamic jurisprudence is recognized as a legitimate co-source of normativity. It also reflects the community's growing desire to harmonize religious piety with cultural heritage, particularly among younger generations. Importantly, this collaboration does not entail a full replacement of adat norms but rather a restructuring of deliberative authority, in which ulama contribute ethical frameworks, textual expertise, and procedural clarity.

Empirical findings from several Minangkabau communities indicate the emergence of a pragmatic inheritance model that blends the customary and Islamic systems—particularly through the differentiated treatment of *pusaka tinggi* (ancestral property) and *pusaka rendah* (acquired property). Under this hybrid model, *pusaka tinggi* continues to be inherited matrilineally and managed communally in accordance with adat traditions, preserving the symbolic core of Minangkabau identity and kinship structure. In contrast, *pusaka rendah*—such as income, savings, or privately purchased land—is increasingly divided according to Islamic principles of *faraid*, reflecting the growing influence of religious norms and individual claims. This bifurcated system has emerged not through legal coercion but through negotiated consensus, often brokered by ulama who mediate between the moral obligations of adat and the scriptural mandates of Islam. The hybrid model serves as a compromise that satisfies both the cultural imperative to maintain matrilineal continuity and the religious expectation of just and equal distribution among heirs. In effect, it offers a culturally sensitive path toward legal reform, one that avoids confrontation while accommodating pluralistic values.²¹ Over time, this dual-track system may solidify into a localized jurisprudence that exemplifies legal syncretism, wherein overlapping normative orders coexist and interact to create a functioning socio-legal equilibrium unique to the Minangkabau context.

3.2. Intergenerational Legal Pluralism and the Reconfiguration of Inheritance Norms in Minangkabau Society

One of the most significant findings of this study is the relative openness of the younger Minangkabau generation—particularly those residing in urban centers and diasporic communities—to the adoption of Islamic-based inheritance principles. This receptivity stems from multiple sociocultural and educational factors. Urban youth are more frequently exposed to religious discourses that emphasize the egalitarian nature of Islamic inheritance law (*faraid*), which contrasts with the collective, matrilineal practices of

¹⁹ Zainal Fadri, Mhd. Alfahjri Sukri, and Rindi Ramadhani, "The Existence of Kerapatan Adat Nagari (KAN) in Society Decision Making: Case Study in Durian Tinggi," *Alfuad: Jurnal Sosial Keagamaan* 8, no. 2 (September 4, 2024): 204, <https://doi.org/10.31958/jsk.v8i2.13377>.

²⁰ Fernando Lopes et al., "Fine-Scale Matrilineal Population Structure in the Galapagos Fur Seal and Its Implications for Conservation Management," *Conservation Genetics* 16, no. 5 (October 5, 2015): 1099–1113, <https://doi.org/10.1007/s10592-015-0725-1>.

²¹ Hal Whitehead, Felicia Vachon, and Timothy R. Frasier, "Cultural Hitchhiking in the Matrilineal Whales," *Behavior Genetics* 47, no. 3 (May 9, 2017): 324–34, <https://doi.org/10.1007/s10519-017-9840-8>.

traditional Minangkabau adat.²² Furthermore, their experiences with formal education, digital media, and mobility have broadened their legal consciousness and fostered a more individualistic sense of rights and responsibilities. Unlike their elders, who often view inheritance as a matter of lineage preservation and communal identity, younger individuals tend to approach it as a question of justice, efficiency, and religious authenticity. Islamic inheritance, in this light, offers a clear, codified system that aligns with both their religious commitment and their practical needs, especially in contexts involving nuclear family structures, property ownership, and financial planning. This generational shift reflects not only a changing value system but also a redefinition of identity, where being Minangkabau and being a devout Muslim are no longer seen as oppositional.

Despite growing support for Islamic inheritance reform among younger and urban populations, substantial resistance remains among traditional adat authorities, particularly *ninik mamak*—the maternal uncles who serve as custodians of lineage-based property and communal values. These figures perceive the encroachment of Islamic legal norms as a direct challenge to the foundational structure of Minangkabau identity, which is rooted in matrilineality. To them, inheritance is not merely a matter of asset distribution but an integral component of cultural continuity and kinship solidarity. The authority of *ninik mamak* depends heavily on the control and management of *pusaka tinggi* (ancestral property), and any attempt to redistribute such assets in accordance with Islamic norms threatens to undermine their sociopolitical role. Resistance is thus not only ideological but also structural and functional. Many traditional leaders argue that Islamic inheritance law, with its emphasis on individual ownership and male priority, contradicts the Minangkabau worldview, which prioritizes the collective and positions women as custodians of lineage. For them, the preservation of adat is essential to maintaining social harmony, gender balance,²³ and historical continuity.²⁴ This resistance also reflects a broader anxiety over cultural erosion, as external religious reforms are perceived to be gradually displacing indigenous wisdom and practices.

In contrast to the strong resistance from adat traditionalists, the Minangkabau diaspora—particularly those living outside West Sumatra in urbanized areas across Indonesia and abroad—exhibit a more pragmatic and flexible approach to inheritance issues. For many in these diasporic settings, strict adherence to matrilineal customary law is no longer feasible due to changing family structures, legal systems, and economic circumstances. The dispersal of extended families and the growing prevalence of nuclear households reduce the relevance of communal property arrangements and increase the demand for clear, legally recognized inheritance mechanisms. Islamic inheritance law, with its codified principles and compatibility with national civil law, offers a convenient and morally legitimate alternative. Moreover, the diasporic context often exposes individuals to a wider array of Islamic teachings, legal institutions, and socio-religious networks that promote faraid as an ideal model of justice and religious observance. This exposure encourages the adoption of Islamic norms not through coercion but through rational calculation and religious alignment. Many diaspora families choose to adopt Islamic inheritance principles not because they reject adat, but because they seek solutions that are more functional, legally valid, and spiritually fulfilling in their current context.

In response to the growing contestation between Islamic legal norms and customary matrilineal practices, several *nagari* (village communities) in West Sumatra have initiated formal forums of deliberation that bring together *ulama* and *ninik mamak* as equal partners in the negotiation of inheritance matters. These forums serve as institutional spaces where traditional and religious authorities engage in structured dialogue to resolve disputes, reinterpret norms, and develop context-sensitive solutions. Rather than

²² Ahmad Wira et al., "Legal Study of Dzurri Waqf and Its Implementation towards Strengthening High Heritage Assets in Minangkabau, West Sumatra, Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (December 18, 2023): 329, <https://doi.org/10.31958/juris.v22i2.9383>.

²³ Abu Zafar M. Shahriar, "Gender Differences in Entrepreneurial Propensity: Evidence from Matrilineal and Patriarchal Societies," *Journal of Business Venturing* 33, no. 6 (November 2018): 762–79, <https://doi.org/10.1016/j.jbusvent.2018.04.005>.

²⁴ Matilda N. Azong and Clare J. Kelso, "Gender, Ethnicity and Vulnerability to Climate Change: The Case of Matrilineal and Patrilineal Societies in Bamenda Highlands Region, Cameroon," *Global Environmental Change* 67 (March 2021): 102241, <https://doi.org/10.1016/j.gloenvcha.2021.102241>.

functioning as battlegrounds for ideological supremacy, these spaces facilitate mutual recognition and practical compromise. *Ulama* contribute their textual expertise and moral authority rooted in Islamic law, while *ninik mamak* offer sociocultural insights grounded in ancestral wisdom and community cohesion. In many cases, these forums have produced locally accepted guidelines that balance religious mandates with cultural continuity—for example, maintaining *pusaka tinggi* as communal heritage while allowing *pusaka rendah* to be distributed according to *faraid*. Such initiatives reflect a shift from unilateral authority to co-governance and co-legislation, marking a significant evolution in Minangkabau legal pluralism.²⁵

The intersection of Islamic and customary inheritance systems not only generates tension at the institutional level but also produces conflict within families.²⁶ Diverging ideological orientations among siblings, parents, and extended kin often lead to disagreements over how property should be distributed—especially when Islamic principles clash with matrilineal expectations.²⁷ In many cases, younger family members may advocate for inheritance based on Islamic law, citing principles of justice and religious obligation, while older relatives insist on maintaining *adat* as a marker of Minangkabau identity and familial cohesion. These disputes are further complicated by differences in religious education,²⁸ gender roles, and exposure to urban or diasporic values.²⁹ As a result, inheritance becomes more than a legal process; it becomes a symbolic battleground for competing notions of morality, identity, and belonging. The emotional weight of these disagreements can disrupt familial relationships, delay estate settlement, and require intervention by third parties—typically *ulama*, *adat* elders, or even village mediators.³⁰ In some cases, these conflicts escalate into formal legal battles,³¹ while in others, they are resolved through informal mediation and compromise.

Amid these tensions and negotiations, several Minangkabau communities have begun to institutionalize informal hybrid inheritance models that blend elements of both Islamic and customary systems. This emergent consensus reflects a pragmatic accommodation to evolving religious sensibilities, legal expectations, and cultural loyalties. In many cases, communities have adopted dual frameworks: *pusaka tinggi*—land and property tied to ancestral lineage—continues to be governed by matrilineal *adat* and collective management, while *pusaka rendah*, often viewed as personal acquisition, is distributed according to Islamic *faraid* rules. These arrangements are not codified by state law nor standardized across regions, but they are widely accepted within local practice and sustained through communal agreement. This evolving normative landscape represents a form of legal syncretism, where customary and religious principles coexist and interact to produce new social contracts. It also illustrates the flexibility of Minangkabau *adat* in absorbing external legal influences without losing its core identity. Importantly, this hybrid model is not imposed top-down but emerges organically through negotiation, experience, and shared interest. As such, it serves as a living testament to the dynamic interplay between

²⁵ Hilaire Tengan, "Legal Pluralism and Land Administration in West Sumatra: The Implementation of the Regulations of Both Local and Nagari Governments on Communal Land Tenure," *The Journal of Legal Pluralism and Unofficial Law* 47, no. 2 (May 4, 2015): 312–23, <https://doi.org/10.1080/07329113.2015.1072386>.

²⁶ Patrick Bottazzi, Adam Goguen, and Stephan Rist, "Conflicts of Customary Land Tenure in Rural Africa: Is Large-Scale Land Acquisition a Driver of 'Institutional Innovation'?", *The Journal of Peasant Studies* 43, no. 5 (September 2, 2016): 971–88, <https://doi.org/10.1080/03066150.2015.1119119>.

²⁷ Rachel Brulé and Nikhar Gaikwad, "Culture, Capital, and the Political Economy Gender Gap: Evidence from Meghalaya's Matrilineal Tribes," *The Journal of Politics* 83, no. 3 (July 1, 2021): 834–50, <https://doi.org/10.1086/711176>.

²⁸ Elfia Elfia, Meirison Meirison, and Qasim Muhammadi, "Distribution of Heritage Association of Harta Pusaka Tinggi And Harta Pusaka Rendah in Padang Pariaman," *Al-Ahkam* 30, no. 1 (April 30, 2020): 39, <https://doi.org/10.21580/ahkam.2020.30.1.5273>.

²⁹ Amanda Lea Robinson and Jessica Gottlieb, "How to Close the Gender Gap in Political Participation: Lessons from Matrilineal Societies in Africa," *British Journal of Political Science* 51, no. 1 (January 27, 2021): 68–92, <https://doi.org/10.1017/S0007123418000650>.

³⁰ Imam Mahardinata, Nawir Yuslem, and Asmuni Asmuni, "Factors Supporting The Position And Role of Minangkabau Women In Resolving Heritage Conflicts In West Sumatra," *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 22, no. 2 (January 11, 2024), <https://doi.org/10.31941/pj.v22i2.3334>.

³¹ Iswandi Syahputra, "New Media, New Relations: Cyberstalking on Social Media in the Interaction of Muslim Scholars and the Public in West Sumatra, Indonesia," *Jurnal Komunikasi, Malaysian Journal of Communication* 34, no. 1 (March 26, 2018): 153–69, <https://doi.org/10.17576/JKMJC-2018-3401-09>.

tradition and reform, and offers a viable pathway for managing legal pluralism in culturally complex societies.³²

3.3. The Role of Contemporary Ulama as Agents of Reform in Minangkabau Legal Pluralism

The active involvement of *ulama* in reshaping Minangkabau customary inheritance norms reflects a strategic engagement with both religious doctrine and cultural sensibilities. Rather than positioning themselves as antagonists to tradition,³³ *ulama* employ culturally embedded methods—such as *cultural preaching*, community-based education, and participatory dialogue in traditional deliberation forums—to introduce and legitimize Islamic inheritance principles. These efforts are not delivered in isolation from local identity; instead, they are interwoven with Minangkabau philosophies such as *adat basandi syarak*, *syarak basandi Kitabullah*. Through sermons, informal study circles, and engagement in local deliberative institutions, *ulama* are not merely disseminating Islamic legal norms but are also reinterpreting them in ways that resonate with communal values and social expectations. This reformulation is often framed not as a rupture with tradition,³⁴ but as a theological deepening of adat itself—reclaiming justice, clarity, and equity as both Islamic and Minangkabau values.

Community responses to these reform initiatives, however, reveal the plural and sometimes polarized landscape of norm acceptance in Minangkabau society. Urban and diasporic communities—especially among the youth—are generally more receptive to inheritance reform based on Islamic law, viewing it as more aligned with individual justice, legal certainty, and spiritual obligation. In contrast, many conservative adat leaders, particularly *ninik mamak* in rural areas, resist these changes as threats to the integrity of the matrilineal system, which they see as the bedrock of Minangkabau identity and social order. Nonetheless, research findings indicate that when reinterpretation is conveyed by *ulama* with recognized authority and deep cultural sensitivity, even traditional actors exhibit a degree of openness. This trust in religious leadership is especially crucial in resolving internal family conflicts, where diverging expectations between generations and genders often result in emotionally charged disputes over property distribution.

These findings affirm the utility of legal pluralism as an interpretive framework, particularly in recognizing that religious institutions like those led by *ulama* are not merely parallel legal authorities but are capable of producing hybrid normative orders. The evolving Minangkabau inheritance practices demonstrate that *ulama* can function as normative agents who synthesize state, religious, and customary legal systems into a more coherent and socially acceptable whole. Far from replacing adat, they contribute to its transformation—preserving its communal ethos while aligning its content with Islamic notions of distributive justice and individual rights.³⁵ Practically, this positions *ulama* as strategic partners in the reconstruction of a more inclusive and ethically grounded customary legal system. Their presence offers a culturally embedded mechanism for legal change that does not rely on coercion or state intervention but on deliberation, legitimacy, and gradual transformation from within.

Resistance from traditional adat authorities is not merely a legal objection but a manifestation of deeper anxieties over cultural erosion and identity loss. For many within the Minangkabau community, particularly those in rural or conservative regions, the matrilineal inheritance system is not only a mode of property transmission but a foundational pillar of social cohesion, kinship organization, and ethnic pride. Thus, any perceived encroachment by Islamic inheritance norms is interpreted less as a doctrinal correction and more as a threat to the survival of communal heritage. This emotional and symbolic attachment to adat requires that reform initiatives adopt an intercultural communication approach—one that is not

³² Zefrizal Nurdin, "Legal Protection of Customary Rights Under Legal Pluralism and Its Impact on the Minangkabau Society: An Empirical Study in the District of Lima Puluh Kota, West Sumatra," *Cogent Social Sciences* 8, no. 1 (December 31, 2022), <https://doi.org/10.1080/23311886.2022.2045722>.

³³ Zefrizal Nurdin and Hilaire Tegnau, "Legal Certainty in the Management of Agricultural Land Pawning in the Matrilineal Minangkabau Society, West Sumatra," *Land* 8, no. 8 (July 30, 2019): 117, <https://doi.org/10.3390/land8080117>.

³⁴ Try Widiyono and Md Zubair Kasem Khan, "Legal Certainty in Land Rights Acquisition in Indonesia's National Land Law," *LAW REFORM* 19, no. 1 (August 9, 2023): 128–47, <https://doi.org/10.14710/lr.v19i1.48393>.

³⁵ K.O. Asiama, R.M. Bennett, and J.A. Zevenbergen, "Land Consolidation on Ghana's Rural Customary Lands: Drawing from The Dutch, Lithuanian and Rwandan Experiences," *Journal of Rural Studies* 56 (November 2017): 87–99, <https://doi.org/10.1016/j.jrurstud.2017.09.007>.

confrontational, but dialogic, empathetic, and attuned to the symbolic meaning embedded within traditional practices. In this context, the transformation of Minangkabau inheritance law exemplifies the concept of *legal syncretism*, whereby distinct normative systems—Islamic jurisprudence and matrilineal customary law—are not simply juxtaposed, but actively blended into a socially accepted legal hybrid. Here, *ulama* serve as catalysts of normative synergy, carefully balancing fidelity to Islamic principles with cultural continuity. Interestingly, this syncretic adaptation varies across different contexts: in more conservative rural areas, reform takes a slower, more negotiated form, while in diasporic urban communities, the shift toward Islamic inheritance practices is often more pragmatic, driven by legal clarity and ease of documentation.

Rejection from indigenous communities is not merely a matter of legal or administrative opposition; it is, more profoundly, an expression of fear over the erosion of cultural identity. For many customary groups, such as the Minangkabau, identity is intricately woven into the very fabric of daily life, embodied in traditions, rituals, and social norms passed down through generations. When external legal frameworks or modern societal expectations begin to penetrate these communities, the response is often one of resistance, not out of obstinance, but from a deep-seated desire to protect what is perceived as sacred. This means that legal solutions alone are insufficient. What is truly required is a more sensitive intercultural communication approach—one that does not merely translate language but also interprets the underlying historical, social, and spiritual contexts of these communities. Respecting indigenous narratives, understanding local cosmologies, and acknowledging the collective rights of cultural groups to shape their own pathways of change are central to forging any meaningful dialogue between the state and traditional societies.

The Minangkabau tradition is characterized by a matrilineal kinship system, in which lineage and inheritance of high-value ancestral property (*harta pusaka tinggi*) are passed down through the female line and managed by *niniak mamak* (maternal uncles) as customary authorities.³⁶ This system grants women a strategic role within the social and economic structure of the customary community. However, this situation contrasts with conditions in many other parts of the world, where women systematically face structural barriers in accessing inheritance rights. These obstacles stem from the dominance of patriarchal social norms, gender-biased legal interpretations,³⁷ and weak institutional law enforcement. In Punjab, Pakistan, for instance, women encounter significant limitations in claiming inheritance due to economic dependency, family pressure, and legal manipulation by male relatives.³⁸ In India, women's education has been shown to improve their ability to assert inheritance rights, although social practices such as dowry payments often serve as substitutes for property ownership.³⁹ Studies in Kenya reveal that women's land ownership remains heavily dependent on marital status and support from male kin, despite legal reforms.⁴⁰ In rural Europe, inheritance patterns vary according to historical context and local legal systems, yet women's access to inheritance still largely depends on their status as wives or widows.⁴¹ In Turkey, although civil law formally guarantees equal inheritance rights, women from economically

³⁶ Andre Indrasukma, "Pengelolaan Harta Pusaka Tinggi Di Minangkabau: Studi Kasus Di Kubang Putih Kecamatan Banuhampu Kabupaten Agam Sumatra Barat," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 14, no. 1 (June 18, 2021): 99–111, <https://doi.org/10.14421/ahwal.2021.14108>.

³⁷ Henrietta Nkechi Ene-Obong, Nne Ola Onuoha, and Paul Eze Eme, "Gender Roles, Family Relationships, and Household Food and Nutrition Security in Ohafia Matrilineal Society in Nigeria," *Maternal & Child Nutrition* 13, no. S3 (December 22, 2017), <https://doi.org/10.1111/mcn.12506>.

³⁸ Iram Rubab and Ahmed Usman, "Women's Right of Inheritance: Choices and Challenges in Punjab," *Journal of Islamic Thought and Civilization* 08, no. 02 (December 2018): 95–109, <https://doi.org/10.32350/jitc.82.06>.

³⁹ Sanchari Roy, "Empowering Women? Inheritance Rights, Female Education and Dowry Payments in India," *Journal of Development Economics* 114 (May 2015): 233–51, <https://doi.org/10.1016/j.jdeveco.2014.12.010>.

⁴⁰ Benjamin Linkow, "Inheritance Practices, Investment Incentives and Women's Control Over Land in Rural Kenya," *Journal of African Economies* 28, no. 3 (June 1, 2019): 304–22, <https://doi.org/10.1093/jae/ejy025>.

⁴¹ Martine Segalen, "Gender and Inheritance Patterns in Rural Europe: Women as Wives, Widows, Daughters and Sisters," *History and Anthropology* 32, no. 2 (March 15, 2021): 171–87, <https://doi.org/10.1080/02757206.2021.1905239>.

disadvantaged backgrounds continue to face difficulties in realizing these rights due to low legal literacy and a prevailing culture of deference to family authority.⁴²

The process of legal syncretism does not occur uniformly across all Minangkabau regions. In more conservative areas or among Minangkabau diaspora communities, the tension between preserving cultural authenticity and adapting to new socio-legal realities becomes more pronounced. In insular or strongly traditionalist villages, any alteration of adat is seen as a betrayal of ancestral legacy, often met with fierce resistance. Meanwhile, in overseas communities, especially in urban perantauan settings, exposure to plural legal systems and multicultural norms accelerates the evolution of customary practices, sometimes to the dismay of those committed to maintaining original values.⁴³ These contrasting dynamics create a complex legal-cultural terrain in which informal, situational practices often emerge to reconcile competing norms. Here, again, intercultural communication and mediating figures with a deep understanding of both legal and cultural paradigms become essential. Without such intermediaries, the risk grows that normative transformation will not lead to empowerment or cohesion, but instead to cultural dislocation and identity fragmentation.

4. Conclusion

The findings of this study demonstrate that the role of *ulama* in reforming inheritance practices within Minangkabau society represents a nuanced and strategic form of legal and cultural mediation, in which Islamic legal principles are neither imposed in opposition to customary law nor introduced through doctrinal rigidity, but are instead contextualized, negotiated, and embedded within local moral frameworks. This reform process took place through methods appropriate to the culture, such as cultural preaching, traditional deliberation, and reinterpretation of norms adapted to the local context, allowing for the emergence of a hybrid model of inheritance that pragmatically accommodates Islamic values and matrilineal customs—particularly through differentiation between *pusaka tinggi* and *pusaka rendah*. The study reveals that the success of such reform initiatives depends heavily on the *ulama*'s legitimacy as both religious and cultural actors, capable of navigating between the ethical universe of syariah and the social logic of Minangkabau identity. These findings have broad implications for the study of legal pluralism, showing that normative transformation in plural societies does not necessarily result from formal legal codification or state intervention, but can emerge organically from within the community through trust-based, dialogical, and culturally embedded processes. Theoretically, the research contributes to Islamic legal anthropology by offering a grounded model of how legal syncretism can take place without the erosion of indigenous authority or communal values. Practically, it informs the design of culturally sensitive legal reforms in Muslim-majority societies facing normative conflicts between tradition and modernity. Nevertheless, the study is limited by its temporal and regional scope, as it focused primarily on selected communities in West Sumatra and specific diasporic settings, leaving room for future research to explore comparative cases across different ethnic groups, legal systems, and transnational Islamic contexts. Further research is recommended to examine how gender, generational change, and digital religious literacy influence the sustainability and scalability of hybrid inheritance models, as well as how state legal institutions respond to the coexistence of customary and religious norms in inheritance adjudication.

⁴² Salih Yasun, "Does Education Enable Underprivileged Women to Achieve Real Equality in Property Rights? A Case Study of Inheritance Rights of Women in Turkey," *Women's Studies International Forum* 69 (July 2018): 100–114, <https://doi.org/10.1016/j.wsif.2018.05.013>.

⁴³ Eliana La Ferrara and Annamaria Milazzo, "Customary Norms, Inheritance, and Human Capital: Evidence from a Reform of the Matrilineal System in Ghana," *American Economic Journal: Applied Economics* 9, no. 4 (October 1, 2017): 166–85, <https://doi.org/10.1257/app.20150342>.

Declarations

Author Contribution Statement

Nabila Inita Zahra was responsible for the conceptualization of the study, development of the theoretical framework, and drafting of the original manuscript. Miswardi provided valuable input on the literature review and contributed to shaping the initial structure of the manuscript through academic guidance and feedback. Nabila Fitri Gunawan contributed to the data collection process, conducted the data analysis, and participated in the editing and refinement of the manuscript. M. Doni and M. Yusuf Iskandar served as the academic supervisor, offering critical review, overall direction, and final approval of the manuscript. All authors have reviewed and approved the final version of the article for submission and publication.

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Data Availability Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request. Due to ethical considerations and the nature of the data, public sharing is limited to ensure confidentiality and responsible use.

Declaration of Interests Statement

The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this paper. If any potential conflicts of interest exist, they will be disclosed transparently.

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