

From Customary Law to State Law: Ancestral Property Disputes in Minangkabau through Islamic Law

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Abstract: This study aims to examine the transformation of ancestral property (*harta pusaka*) disputes in the Minangkabau matrilineal system from customary law (*adat*) into state law, with a particular focus on how Islamic law interprets, mediates, and influences such conflicts. The research seeks to analyze the tension between *adat* inheritance norms, which prioritize maternal lineage, and statutory legal frameworks that increasingly regulate property disputes within Indonesia's national legal system. The methodology employed is qualitative juridical research with a normative-empirical approach. Primary legal materials include Islamic legal texts (*Qur'an*, *Hadith*, and classical *fiqh*), Indonesian inheritance law regulations, and customary law principles of Minangkabau society. Secondary data are derived from scholarly literature, case studies, and relevant court decisions. Data analysis is conducted through comparative legal analysis and interpretative content analysis to identify intersections and divergences among *adat*, state law, and Islamic legal principles. The findings indicate that ancestral property disputes in Minangkabau arise from dual legal legitimacy between *adat* inheritance (collective matrilineal ownership) and Islamic inheritance law (individual bilateral distribution). State law functions as an intermediary but often fails to fully reconcile these normative systems, leading to prolonged disputes. Islamic law, particularly through the principles of *maslahah* (public interest) and *urf* (custom), provides a flexible framework for harmonizing customary practices with normative Islamic injunctions. The study concludes that a hybrid legal approach is essential to resolve inheritance conflicts in Minangkabau, integrating *adat* legitimacy with Islamic legal ethics and national legal certainty. The academic contribution of this research lies in offering a comparative synthesis model that bridges customary matrilineal inheritance and Islamic legal theory, contributing to broader discourse on legal pluralism and family law reform in Indonesia.

Keywords: Ancestral Property, Customary Law, Islamic Inheritance, Legal Pluralism, Matrilineal System

1. Introduction

Ancestral property (*harta pusaka*) constitutes one of the most significant legal and cultural institutions within Minangkabau society, where inheritance is traditionally regulated through a matrilineal system that transfers communal property rights through the female lineage. This system has long served not only as a mechanism for preserving family wealth but also as an instrument for maintaining social cohesion, collective identity,¹ and customary authority. In contemporary society, however, the traditional management of ancestral property increasingly faces challenges arising from modernization, urbanization, migration, economic pressures, and changing perceptions regarding ownership rights. The expansion of individual economic interests has encouraged some family members to seek exclusive control over property that was historically regarded as communal. Such developments frequently generate disputes among heirs, clan members, and customary leaders concerning ownership status, inheritance rights,² land utilization, and property transfers. In many instances, conflicts that were

¹ Yayan Sopyan et al., "Degradation of Customary Inheritance Law in the Sai Batin Lampung Tribe," *AL-'ADALAH* 17, no. 2 (March 19, 2021): 295–314, <https://doi.org/10.24042/adalah.v17i2.7137>.

² Syaikh Syaikh, Gusti Muzainah, and Rabi'atul Adawiyah, "Acculturation in the Inheritance Law of the Dayak Ngaju Community," *AL-'ADALAH* 18, no. 1 (November 14, 2021), <https://doi.org/10.24042/adalah.v18i1.8377>.

previously resolved through customary deliberation have escalated into formal legal proceedings before state courts.³ The increasing number of ancestral property disputes demonstrates the complexity of balancing traditional legal values with contemporary demands for legal certainty and economic development.⁴ Furthermore, these disputes often involve competing interpretations of customary law, statutory regulations, and Islamic legal principles. Consequently, ancestral property disputes have become an important subject of legal inquiry because they reflect broader tensions between tradition and modernity, communal rights and individual interests, as well as customary authority and state legal institutions in contemporary Indonesia.

Existing scholarship has extensively examined the Minangkabau inheritance system from various perspectives, including customary law, anthropology, sociology, legal pluralism, and Islamic law. Many studies have highlighted the distinctive characteristics of the matrilineal inheritance structure, emphasizing the role of women as custodians of ancestral property and the function of customary institutions in preserving communal assets. Other scholars have explored the philosophical foundation of Minangkabau society through the principle of *Adat Basandi Syarak, Syarak Basandi Kitabullah*, which seeks to harmonize customary norms with Islamic teachings.⁵ While these studies provide valuable insights into the normative framework of Minangkabau inheritance practices, they often focus primarily on conceptual discussions rather than the practical realities of dispute resolution.⁶ Moreover, most research pays greater attention to the coexistence of customary and Islamic legal norms than to the legal processes that emerge when ancestral property disputes enter the jurisdiction of state courts. Limited studies have investigated how judges interpret competing legal sources in resolving such disputes or how court decisions affect the continued legitimacy of customary institutions.⁷ The interaction between customary law, state law, and Islamic law therefore remains insufficiently explored, particularly in relation to legal reasoning and judicial outcomes.⁸ This gap indicates the necessity of further research that critically examines ancestral property disputes within a broader framework of legal pluralism and institutional transformation.

A review and evaluation of previous studies reveal several important limitations that justify the present research. First, studies emphasizing customary law generally focus on traditional inheritance mechanisms and dispute settlement practices without adequately considering the increasing involvement of formal judicial institutions in ancestral property conflicts. Second, research grounded in Islamic inheritance law frequently examines doctrinal aspects of *farā'id* and inheritance distribution while paying limited attention to the unique communal ownership structure characteristic of Minangkabau ancestral property. Third, investigations into legal pluralism often discuss the coexistence of multiple legal systems but rarely analyze how conflicts among these systems are practically negotiated within judicial proceedings.⁹ Consequently, existing scholarship provides only a partial understanding of how customary legal norms are transformed when disputes move from traditional forums into state courts. Furthermore, little attention has been devoted to examining the legal arguments employed by judges when balancing

³ Kiki Adnan Muzaki, Asep Saepudin Jahar, and Muhammad Amin Suma, "Reform of the Law of Inheritance in Turkey and Tunisia," *AL-ADALAH* 17, no. 2 (February 19, 2021): 249–68, <https://doi.org/10.24042/adalah.v17i2.8031>.

⁴ Oleh Zakaria Syafei, "The Public Knowledge and Custom with the Inheritance Division According to Islamic Law," *Asian Social Science* 12, no. 7 (June 21, 2016): 167, <https://doi.org/10.5539/ass.v12n7p167>.

⁵ Busyro Busyro et al., "The Reinforcement of the 'Dowry for Groom' Tradition in Customary Marriages of West Sumatra's Pariaman Society," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (March 31, 2023): 555, <https://doi.org/10.22373/sjhk.v7i1.15872>.

⁶ 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>.

⁷ Pengwei Su et al., "FecB Was Associated with Litter Size and Follows Mendel's Laws of Inheritance When It Transited to Next Generation in Suhu Meat Sheep Breeding Population," *Genes* 15, no. 3 (February 20, 2024): 260, <https://doi.org/10.3390/genes15030260>.

⁸ Syafei, "The Public Knowledge and Custom with the Inheritance Division According to Islamic Law."

⁹ Oster Francis Nwachi et al., "Pattern of Color Inheritance in African Catfish (*Clarias Gariepinus*): An Expression of a Mendelian Law," *Fish Physiology and Biochemistry* 50, no. 3 (June 12, 2024): 881–89, <https://doi.org/10.1007/s10695-023-01282-6>.

customary traditions, statutory provisions,¹⁰ and Islamic legal considerations in a single case. The absence of such analysis creates an important gap in understanding the evolving relationship between different legal orders in Indonesia. Therefore, this study positions itself as an effort to bridge these limitations by focusing specifically on ancestral property disputes and by examining the interaction between customary law, state law, and Islamic law within the context of dispute adjudication and judicial decision-making.

This study seeks to address several fundamental questions regarding the transformation of ancestral property disputes from customary legal matters into issues adjudicated under state law. Specifically, the study examines how customary inheritance conflicts are brought before state courts, how judges interpret and apply relevant legal principles, and how Islamic law influences the resolution of disputes involving communal ancestral property. The study also explores the extent to which judicial decisions accommodate customary values while simultaneously fulfilling the requirements of national legal regulations. In addressing these questions, the research advances the argument that ancestral property disputes represent a concrete manifestation of legal pluralism in Indonesia, where customary law, state law, and Islamic law interact in a dynamic and often contested manner. The study hypothesizes that judicial decision-making in ancestral property cases does not rely exclusively on statutory regulations but frequently incorporates customary principles and Islamic legal considerations in order to achieve substantive justice and social legitimacy. Through this approach, the research aims to contribute to a deeper understanding of the relationship between traditional legal institutions and contemporary legal systems. Ultimately, the study seeks to enrich academic discussions on inheritance law, dispute resolution, and legal pluralism while providing practical insights for policymakers, judges, legal practitioners, and customary leaders involved in resolving ancestral property disputes.

2. Method

This research employs a qualitative juridical approach with a normative–empirical design to analyze ancestral property (*harta pusaka*) disputes in Minangkabau society. The study combines doctrinal legal analysis with field-based inquiry to understand the interaction between *adat*, Islamic law, and state law in inheritance conflicts. Data collection was conducted in West Sumatera, Indonesia, from January to April 2025. The empirical sample consisted of 15 purposively selected informants, namely *ninik mamak* (customary leaders), *ulama*, judges of the Religious Courts, and members of families involved in inheritance disputes. In addition, 10 inheritance dispute case files from the Religious Courts in West Sumatera were analyzed as supporting empirical data. Primary legal materials included the Qur'an, Hadith, classical *fiqh* texts, the Indonesian Compilation of Islamic Law (KHI), the Civil Code, and Minangkabau customary legal norms. Data collection techniques included in-depth semi-structured interviews, document analysis, and non-participant observation of customary deliberation processes. All field data were systematically recorded to ensure accuracy and traceability.

Data analysis was conducted using thematic analysis combined with comparative legal interpretation to identify patterns of conflict, convergence, and harmonization among *adat*, Islamic law, and state law. The qualitative data obtained from interviews and observations were transcribed, coded, and organized using NVivo 12 software, which facilitated systematic categorization and theme development. The analysis process followed iterative cycles of coding, interpretation, and conceptual refinement to ensure analytical depth and coherence. Comparative legal analysis was applied to examine normative differences between customary inheritance systems and Islamic inheritance principles, particularly regarding collective matrilineal ownership versus individual bilateral inheritance rights. Methodological rigor was ensured through triangulation of data sources, including interviews, legal documents, and court case files, to enhance credibility and consistency of findings. Member checking was conducted with selected informants to validate interpretations, while peer debriefing with legal scholars strengthened analytical

¹⁰ . Zuhrah, I Gusti Ayu Ketut Rachmi Handayani, and Burhanuddin Harahap, "Legislative Legal Politics of Inheritance Law in Indonesia," *Journal of Ecohumanism* 3, no. 6 (September 17, 2024): 910–16, <https://doi.org/10.62754/joe.v3i6.4059>.

objectivity. Reliability and validity were further reinforced by cross-verifying customary narratives with judicial rulings and statutory regulations. This structured analytical framework ensures transparency, replicability, and robustness in examining legal pluralism within Minangkabau inheritance disputes.

3. Result and Discussion

3.1. Dynamics of Ancestral Property Disputes in Minangkabau Society

Ownership status disputes constitute one of the most prevalent forms of conflict concerning ancestral property (*harta pusaka*) in Minangkabau society. Ancestral property is traditionally recognized as communal property belonging collectively to members of a matrilineal lineage and managed for the benefit of present and future generations. Despite this established customary principle, disagreements frequently emerge regarding whether particular assets should be classified as ancestral property or individual property. Such disputes often occur when lineage members assert exclusive ownership rights over land and assets that have historically been controlled collectively. Unclear historical records, the absence of formal documentation, and differing interpretations of customary inheritance principles contribute significantly to these conflicts. Property that has been occupied or managed by certain individuals for extended periods is frequently perceived as privately owned, even though customary norms continue to regard it as communal. The increasing economic value of land further intensifies ownership disputes because ownership status determines access to economic benefits, development opportunities, and legal control over property. As a consequence, disagreements over ownership classification frequently become the foundation of broader conflicts involving inheritance rights, land management, and property transactions.¹¹ These circumstances demonstrate the continuing challenges faced by customary communities in preserving collective ownership structures amid changing social and economic conditions.¹²

Inheritance rights claims among matrilineal heirs represent another significant dimension of ancestral property disputes in Minangkabau society. Under the matrilineal inheritance system, ancestral property is transmitted through the female lineage and remains collectively associated with the clan. Nevertheless, disagreements frequently arise regarding the extent of rights possessed by individual family members. Conflicts commonly involve competing claims among female descendants, male relatives, and family members who reside outside the customary community. Migration has created new patterns of interaction between lineage members,¹³ often generating disputes concerning access to ancestral assets and participation in property management. Individuals who contribute financially to property maintenance or development sometimes assert greater rights than those traditionally recognized under customary law. At the same time, descendants who live outside the ancestral territory frequently seek recognition of their inheritance interests despite limited involvement in daily property management. Variations in understanding customary inheritance rules further contribute to uncertainty regarding entitlement and authority. These disputes are not limited to questions of economic benefit but also involve issues of identity, family membership, and social status within the lineage. Consequently, inheritance rights claims continue to influence the preservation, distribution, and governance of ancestral property across generations.

Land utilization and control disputes have become increasingly prominent within the administration of ancestral property. Traditionally, ancestral land serves collective social, cultural, and economic functions intended to support the welfare of lineage members. However, differing interests regarding the use and

¹¹ Abdulmajeed Hassan Bello, "Islamic Law of Inheritance among the Yoruba of Southwest Nigeria: A Case Study of Dar Ul-Qadha (Arbitration Panel)," *Journal of Islamic Law* 5, no. 1 (February 29, 2024): 44–61, <https://doi.org/10.24260/jil.v5i1.2058>.

¹² Amanda Kerr, "Inheritance Laws, Educational Attainment, and Child Labor: Evidence from Indian States," *Journal of Human Capital* 13, no. 1 (March 2019): 1–38, <https://doi.org/10.1086/701437>.

¹³ Anthin Lathifah et al., "Inheritance Law Politics: The Implementation in Muslim-Nonmuslim Families in Southern Thailand," *El-Mashlahah* 15, no. 1 (June 30, 2025): 189–212, <https://doi.org/10.23971/el-mashlahah.v15i1.9970>.

management of land frequently generate conflict.¹⁴ Disagreements commonly emerge when specific individuals or family groups exercise exclusive control over land that is customarily regarded as communal property. Agricultural land, residential areas, and commercially valuable locations often become objects of contention because of their strategic importance and economic potential. Some lineage members advocate for commercial development and income-generating activities, whereas others emphasize the preservation of customary functions and collective access. Long-term occupation of land by particular individuals can also create perceptions of private ownership, leading to disagreements over management authority and access rights. Additional conflicts arise concerning leasing arrangements,¹⁵ construction projects, resource utilization, and decisions regarding land development. Such disputes frequently affect social relations within the lineage and weaken collective cooperation among family members. The increasing commercialization of land resources has therefore transformed traditional patterns of land management and contributed to the emergence of more complex disputes concerning utilization and control.

Transfers and transactions involving ancestral property constitute a major source of conflict within Minangkabau customary communities. Customary principles generally require ancestral property to be preserved for future generations and prohibit its transfer without collective agreement among eligible lineage members. Despite these restrictions, transactions involving sales, leases, mortgages, and other forms of property transfer continue to occur. Disputes frequently arise when such transactions are conducted without adequate consultation or without obtaining consent from all parties possessing customary interests in the property. Economic pressures, financial needs, and increasing land values often encourage individuals to treat communal assets as personal property capable of being transferred for private benefit. Objections commonly emerge when lineage members perceive these actions as violations of customary obligations and communal ownership rights. Ambiguity regarding authorization procedures further contributes to disagreements concerning the legality and legitimacy of property transactions.¹⁶ In some situations, conflicts remain unresolved for extended periods and become more complicated as land values increase or additional parties acquire interests in the disputed property. Questions surrounding property transfers therefore extend beyond economic considerations and involve broader concerns regarding the protection of customary inheritance systems and the preservation of collective ownership traditions.

Customary-based settlement mechanisms continue to play an important role in addressing ancestral property disputes within Minangkabau society. Dispute resolution traditionally involves lineage elders, customary leaders, and respected community members who facilitate deliberation and negotiation among conflicting parties. These mechanisms emphasize consensus, reconciliation, and the restoration of social harmony rather than adversarial confrontation. Community values, customary norms, and collective interests serve as primary considerations in determining acceptable resolutions. Deliberative processes often provide opportunities for disputing parties to maintain family relationships while seeking mutually beneficial outcomes. Nevertheless, several challenges affect the effectiveness of customary dispute resolution. Increasing economic competition, heightened awareness of formal legal rights, and differing interpretations of customary principles sometimes limit the capacity of customary institutions to secure compliance from all parties. Disputes involving substantial economic interests are particularly difficult to resolve through customary forums alone. Some individuals prefer formal legal processes because they provide clearer procedural mechanisms and legally enforceable outcomes. Despite these challenges, customary institutions remain culturally significant because they preserve local traditions,

¹⁴ M Iqbal Najib Fahmi et al., "Virtual Reality Laboratory Laws of Inheritance Enhancing Students' Technological Literacy," *International Journal of Interactive Mobile Technologies (IJIM)* 18, no. 06 (March 19, 2024): 159–72, <https://doi.org/10.3991/ijim.v18i06.47945>.

¹⁵ Mariya O. MYKHAYLIV, "Adaptation of the Civil Legislation of Ukraine in the Field of Inheritance with EU Law," *Balkan Social Science Review* 21, no. 21 (2023): 87–103, <https://doi.org/10.46763/BSSR2321087m>.

¹⁶ Daueva Tamara Tamerlanovna, "The Inheritance Features and the Property Law in the Traditional Ossetian Family: Gender Perspective," *History, Archeology and Ethnography of the Caucasus* 15, no. 4 (January 6, 2020): 734–41, <https://doi.org/10.32653/CH154734-741>.

reinforce communal values, and provide accessible forums for conflict management within customary communities.

State courts have become increasingly important forums for resolving ancestral property disputes that cannot be settled through customary mechanisms. Litigation commonly occurs when disagreements involve complex questions concerning ownership status, inheritance rights, land utilization, or the validity of property transactions. Formal judicial proceedings provide opportunities for disputing parties to seek legally binding decisions supported by procedural safeguards and enforceable outcomes. Cases involving ancestral property frequently require judges to consider customary norms, statutory regulations, documentary evidence,¹⁷ and broader legal principles simultaneously. Judicial reasoning often reflects attempts to balance respect for customary traditions with the requirements of national legal standards. Court proceedings also reveal growing reliance on formal legal institutions as mechanisms for securing certainty and protecting perceived rights.¹⁸ The expansion of litigation demonstrates changing attitudes toward dispute resolution and illustrates the increasing significance of state institutions within areas traditionally governed by customary law. Although judicial intervention may provide definitive resolutions, it can also alter the traditional balance of authority between customary institutions and state legal bodies. Consequently, litigation patterns highlight the evolving relationship between customary governance structures and formal legal systems in the management of ancestral property disputes.

3.2. The Impact of Ancestral Property Disputes on Contemporary Minangkabau Society

Economic interests have become one of the primary drivers of ancestral property disputes in contemporary Minangkabau society. Traditionally, ancestral property was preserved as a communal asset intended to support the welfare of lineage members and ensure the continuity of future generations. The growing commercialization of land, however, has significantly altered perceptions regarding the value and function of ancestral property. Increasing land prices, urban expansion, and the development of commercial activities have transformed ancestral land into a valuable economic resource capable of generating substantial financial returns. These developments encourage some individuals to assert greater control over property that has historically been managed collectively. Competition for access to economically strategic land often creates tensions among lineage members, particularly when different parties hold contrasting views regarding the appropriate use of communal assets. Commercial pressures also contribute to attempts to transfer, lease, or mortgage ancestral property despite customary restrictions. In many instances, financial considerations become more influential than collective obligations,¹⁹ resulting in conflicts over ownership, management, and distribution of benefits. The commercialization of ancestral property therefore represents a significant factor in the emergence of disputes, reflecting broader economic transformations that influence customary communities and reshape traditional approaches to property governance.

Social change has substantially influenced the development of ancestral property disputes by transforming traditional family structures and patterns of social interaction. Minangkabau society has historically relied on strong kinship networks and collective decision-making processes to regulate property relations and maintain social harmony. Contemporary social conditions, however, have altered these traditional arrangements.²⁰ Migration, educational mobility, urbanization, and occupational diversification have reduced the intensity of interactions among lineage members and weakened customary mechanisms of social control. Family members frequently reside in different regions, limiting opportunities for direct participation in communal decision-making regarding ancestral property. These

¹⁷ Joyce Das, "Good Laws, Bad Outcomes: Land Rights and Inheritance Practices for Christian Women in Bangladesh," *The Journal of Legal Pluralism and Unofficial Law* 48, no. 2 (May 3, 2016): 159–85, <https://doi.org/10.1080/07329113.2016.1197512>.

¹⁸ Andi Sukmawati Assad and Baso Hasyim, "Judges Decisions of Makassar, Palopo, and Masamba Religious Court over the Islamic Inheritance Law," *AL-ADALAH* 17, no. 2 (March 22, 2021): 317–34, <https://doi.org/10.24042/adalah.v17i2.4565>.

¹⁹ Paweł Szwaidler, "Digital Assets and Inheritance Law: How to Create Fundamental Principles of Digital Succession System?," *International Journal of Law and Information Technology* 31, no. 2 (August 30, 2023): 144–68, <https://doi.org/10.1093/ijlit/eaad014>.

²⁰ Ridwan, "Gender Equality in Islamic Inheritance Law: Rereading Muhammad Shahrur's Thought," *Al-Manahij: Jurnal Kajian Hukum Islam*, November 25, 2022, 181–92, <https://doi.org/10.24090/mnh.v16i2.6916>.

changes often create differing expectations concerning inheritance rights, property management, and communal responsibilities. Generational differences further contribute to tensions, as younger members may prioritize economic efficiency and individual autonomy while older generations continue to emphasize collective ownership and customary obligations. The transformation of family structures has therefore reduced the effectiveness of traditional consensus-building mechanisms and increased the likelihood of disagreement. As social relationships become more complex and geographically dispersed, disputes concerning ancestral property increasingly reflect broader processes of social transformation occurring within Minangkabau communities.²¹

Differences in the interpretation of customary inheritance rules constitute another important factor contributing to ancestral property disputes. Although Minangkabau customary law provides a well-established framework for regulating the inheritance and management of ancestral property, its practical application is often subject to varying interpretations. Ambiguities frequently arise regarding the classification of property, the extent of inheritance rights, and the authority of lineage members to make decisions concerning communal assets. Some individuals interpret customary norms as requiring strict collective ownership and management, whereas others emphasize flexibility in responding to contemporary economic realities. Variations in local customary practices further contribute to uncertainty because inheritance rules may be understood differently across communities and family groups. The coexistence of customary law, state law, and Islamic legal principles also creates additional interpretive challenges.²² Individuals may selectively rely on different legal frameworks to support their claims, thereby increasing the complexity of disputes. These divergent interpretations often hinder consensus and encourage parties to seek external mechanisms for dispute resolution. Consequently, uncertainty regarding the meaning and application of customary inheritance rules remains a significant factor shaping conflicts over ancestral property.

The growing influence of formal legal awareness has significantly affected the ways in which ancestral property disputes are perceived and addressed. Greater access to education, legal information, and institutional resources has increased public understanding of formal legal rights and procedures. Individuals are increasingly aware of opportunities to seek legal protection through state institutions and judicial mechanisms.²³ This development has encouraged a shift from reliance on customary dispute resolution toward greater engagement with formal legal processes. Perceptions of legal certainty, enforceability, and procedural fairness often motivate disputing parties to pursue judicial remedies when customary negotiations fail to achieve satisfactory outcomes. Formal legal awareness also influences how individuals conceptualize ownership, inheritance, and property rights. Rather than viewing ancestral property solely through a communal lens, some parties increasingly adopt legal perspectives that emphasize individual rights and legal entitlement. Such changes may strengthen access to justice but can also generate tensions with customary principles that prioritize collective interests and social harmony. The expansion of legal awareness therefore plays a crucial role in reshaping dispute resolution practices and influencing the evolution of property relations within customary communities.

The increasing frequency of ancestral property disputes has important implications for customary institutions and their role within Minangkabau society. Customary leaders and traditional governance structures have historically served as central authorities responsible for regulating communal property and resolving disputes.²⁴ The growing reliance on formal legal mechanisms, however, has altered the

²¹ Ibrahim Yahaya Abikan, "Status and Inheritance Rights of Assisted Reproductive Technology Conceived-Child: An Islamic Law Perspective," *Asy-Syari'ah* 26, no. 2 (December 31, 2024): 187–210, <https://doi.org/10.15575/as.v26i2.38634>.

²² Montserrat Cunillera Domènech, "Étude Comparative et Traduction En Espagnol de Certains Termes Du Droit Successoral Français," *Babel. Revue Internationale de La Traduction / International Journal of Translation* 66, no. 1 (March 27, 2020): 96–117, <https://doi.org/10.1075/babel.00140.dom>.

²³ Linda Firdawaty et al., "Husein Muhammad's Thoughts on Gender Equality in Islamic Inheritance Law," *Al-Adalah* 19, no. 2 (April 16, 2023): 223–44, <https://doi.org/10.24042/adalah.v19i2.13123>.

²⁴ I Nyoman Sujana and Irma Rachmawati Maruf, "The Constitutionality of Inheritance Rights for Extramarital Children: Assessing the Legal Response under Balinese Customary Law," *Hasanuddin Law Review* 10, no. 1 (May 3, 2024): 83, <https://doi.org/10.20956/halrev.v10i1.5170>.

position of these institutions within the broader legal landscape.²⁵ Challenges to customary authority emerge when disputing parties bypass traditional forums and seek resolutions through state courts. This development may reduce the influence of customary leaders in determining outcomes and weaken the effectiveness of customary dispute settlement processes. At the same time, customary institutions continue to play an important role in preserving cultural values,²⁶ facilitating dialogue, and maintaining social cohesion. Their continued relevance depends on their ability to adapt to changing social and legal environments while retaining legitimacy within the community. The evolving relationship between customary institutions and formal legal systems therefore represents a significant consequence of contemporary ancestral property disputes and highlights the ongoing transformation of legal authority within Minangkabau society.

Ancestral property disputes also generate broader implications for inheritance governance and community relations. Conflicts concerning ownership, inheritance rights, and property management frequently affect trust and cooperation among lineage members. Prolonged disputes may weaken family solidarity, disrupt communal decision-making processes, and create lasting divisions within customary communities. At the governance level, recurring conflicts highlight the need for clearer mechanisms to regulate the administration,²⁷ utilization, and protection of ancestral property. Ambiguities regarding authority and entitlement can complicate efforts to ensure equitable management of communal assets. Simultaneously, interactions among customary law, state law, and Islamic law continue to shape evolving approaches to inheritance governance. These developments encourage communities to reconsider traditional practices while adapting to contemporary legal and social realities. The consequences extend beyond individual disputes and influence broader patterns of social organization, legal compliance, and community stability.²⁸ Effective governance strategies therefore require balancing respect for customary traditions with the need to address emerging challenges associated with economic change, legal pluralism,²⁹ and shifting social relationships. Such efforts are essential for maintaining both the sustainability of ancestral property systems and the cohesion of Minangkabau society.

3.3. Legal Pluralism and the Transformation of Ancestral Property Dispute Resolution in Minangkabau

This study demonstrate that ancestral property disputes in Minangkabau have increasingly shifted from customary forums to formal state legal institutions. The data reveal that conflicts primarily arise from disagreements regarding ownership status, inheritance rights, land utilization, and the transfer of communal property. Although ancestral property is traditionally governed by customary law and managed collectively through the matrilineal lineage, contemporary disputes frequently involve claims based on individual ownership interests and economic considerations. The study also finds that state courts have become important arenas for resolving conflicts that cannot be settled through customary deliberation. Judicial decisions generally reflect an effort to balance customary principles, statutory regulations, and Islamic legal values.³⁰ In several cases,³¹ judges recognize the continuing legal significance of customary

²⁵ Dewi Sukarti, "Customary Law of Inheritance and Migration: Adoption of The Old Regime or Adaptation to The New One?," *AHKAM : Jurnal Ilmu Syariah* 17, no. 2 (July 5, 2017), <https://doi.org/10.15408/ajis.v17i2.6236>.

²⁶ Sri Lumatus Sa'adah, Saifuddin Zuhri Qudsy, and Nur Quma Laila, "Sigar Semongko and Gilir Waris: The Controversy of Customary Law and Islamic Law in The Inheritance System," *AHKAM : Jurnal Ilmu Syariah* 23, no. 2 (December 30, 2023), <https://doi.org/10.15408/ajis.v23i2.31266>.

²⁷ Hamda Sulfinadia et al., "Negotiating Islamic Inheritance and Customary Law: Functional Legal Pluralism and Matrilineal Pusako Randah in Minangkabau," *Journal of Islamic Law* 7, no. 1 (February 14, 2026): 1–30, <https://doi.org/10.24260/jil.v7i1.3743>.

²⁸ Suzanne Lenon and Daniel Monk, eds., *Inheritance Matters* (Hart Publishing, 2023), <https://doi.org/10.5040/9781509964840>.

²⁹ Rahul Suresh Sapkal, "From Mother to Daughter: Does Equal Inheritance Property Laws Reform Improve Female Labor Supply and Educational Attainments in India?," *Asian Journal of Law and Economics* 8, no. 1 (April 25, 2017), <https://doi.org/10.1515/ajle-2015-0028>.

³⁰ Klaus Deininger et al., "Inheritance Law Reform, Empowerment, and Human Capital Accumulation: Second-Generation Effects from India," *The Journal of Development Studies* 55, no. 12 (December 2, 2019): 2549–71, <https://doi.org/10.1080/00220388.2018.1520218>.

³¹ OK Edu, "A Critical Analysis of The Laws of Inheritance in the Southern States of Nigeria," *Journal of African Law* 60, no. 1 (February 2, 2016): 141–55, <https://doi.org/10.1017/S0021855315000133>.

institutions while simultaneously applying national legal standards to provide legal certainty. The findings further indicate that Islamic legal considerations are not applied in isolation but are often integrated with customary norms and broader principles of justice. Consequently, ancestral property disputes illustrate the practical operation of legal pluralism in Indonesia, where multiple legal systems coexist and interact within a single dispute resolution framework.

The emergence of these disputes can be explained by several interconnected social, economic, and legal factors. One of the most significant causes is the transformation of traditional social structures resulting from modernization and urbanization. Economic development has increased the market value of land and property,³² encouraging individual family members to assert personal claims over assets that were historically regarded as communal.³³ Migration and changing family relationships have also weakened traditional mechanisms of social control that previously facilitated consensus-based dispute resolution. In addition,³⁴ differing interpretations of customary inheritance rules frequently create uncertainty regarding the boundaries of ownership and management authority. The influence of formal legal consciousness has further encouraged disputing parties to seek judicial intervention rather than relying exclusively on customary institutions. Another important factor is the growing interaction between customary law and national legal regulations, which sometimes generates ambiguity concerning the applicable legal framework.³⁵ These circumstances contribute to the escalation of disputes and explain why ancestral property conflicts increasingly require formal legal adjudication. Therefore, the observed disputes are not merely legal problems but also reflections of broader social transformations occurring within Minangkabau society.³⁶

The consequences of these developments extend beyond the immediate resolution of property disputes. The increasing reliance on state courts has altered the traditional relationship between customary institutions and community members by reducing the exclusive authority of customary leaders in dispute settlement.³⁷ While judicial intervention may provide greater legal certainty and enforceability, it can also transform the communal nature of ancestral property by encouraging more individualized conceptions of ownership.³⁸ At the same time, court decisions that incorporate customary principles contribute to the preservation of local legal traditions within the broader national legal system. The findings indicate that the interaction between customary law, state law, and Islamic law has produced a dynamic process of legal adaptation rather than the complete replacement of one legal system by another. This process allows traditional values to remain relevant while accommodating contemporary legal and social realities. However, the coexistence of multiple legal frameworks may also create interpretive challenges for judges, litigants,³⁹ and customary authorities. As a result, ancestral property disputes serve as an important

³² Muhammad Nur et al., "From Text to Context: The Role of Kyai in Shaping Modern Islamic Inheritance Law," *Al-Manahij: Jurnal Kajian Hukum Islam*, May 23, 2025, 31–50, <https://doi.org/10.24090/mnh.v19i1.9762>.

³³ Suqiyah Musafa'ah, Hammis Syafaq, and Nur Lailatul Musyafa'ah, "Hazairin's Interpretation of Inheritance Verses in the Qur'an and Its Influence on the Compilation of Islamic Law," *JOURNAL OF INDONESIAN ISLAM* 17, no. 1 (June 1, 2023): 147, <https://doi.org/10.15642/JIIS.2023.17.1.147-168>.

³⁴ Hotnidah Nasution and Ahmad Rifqi Muchtar, "Negotiating Islamic Law: The Practice of Inheritance Distribution in Polygamous Marriages in Indonesian Islamic Courts," *Al-Manahij: Jurnal Kajian Hukum Islam*, June 12, 2024, 125–44, <https://doi.org/10.24090/mnh.v18i1.10921>.

³⁵ Hendi Sugianto et al., "Islamic Law And Gendered Inheritance: An-Taradhin as Breakthrough for Women's Rights Disputes in Java, Bali, and Sumatra," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (October 8, 2025): 700–731, <https://doi.org/10.29240/jhi.v10i2.12614>.

³⁶ Muhammad Fikri, "Reform of The Inheritance System: Between Islamic Law and Tradition of Sasak Tribe," *De Jure: Jurnal Hukum Dan Syaria'iah* 16, no. 1 (June 30, 2024): 197–211, <https://doi.org/10.18860/j-fsh.v16i1.26354>.

³⁷ Mura Kan Kutaraya, Siti Hamidah, and Nur Chanifah, "The Distribution of Obligatory Bequest to Non-Muslim Biological Children from the Perspective of Islamic Inheritance Law in Indonesia," *Ascarya: Journal of Islamic Science, Culture, and Social Studies* 4, no. 1 (January 30, 2024): 78–88, <https://doi.org/10.53754/iscs.v4i1.668>.

³⁸ Khairuddin Hasballah, Dhaiful Mubarrak, and Saddam Rassanjani, "Disparity in Judge Decisions in Resolving Rad Inheritance Disputes: Case Study at the Sharia Court in Banda Aceh City," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (December 30, 2023): 249, <https://doi.org/10.22373/ujhk.v6i2.8612>.

³⁹ Iim Fahimah et al., "Interfaith Inheritance in Muslim Families in Indonesia: Practices, Philosophy, and the Direction of National Inheritance Law Development," *AHKAM: Jurnal Ilmu Syariah* 24, no. 2 (December 31, 2024): 379–96, <https://doi.org/10.15408/ajis.v24i2.40907>.

example of how legal pluralism shapes both legal outcomes and social relationships in contemporary Indonesia.

The findings of this study differ from several previous studies in important respects. Earlier research generally focused on describing the normative characteristics of the Minangkabau matrilineal inheritance system or examining the philosophical compatibility between customary law and Islamic law.⁴⁰ While such studies contributed significantly to understanding the cultural foundations of ancestral property,⁴¹ they often provided limited analysis of the practical role played by state courts in dispute resolution. Other studies emphasized the tension between customary and Islamic inheritance principles, frequently portraying the relationship as one of conflict or competition.⁴² In contrast, the present study finds that judicial practice tends to promote accommodation and integration rather than rigid separation between legal systems.⁴³ The findings also demonstrate that judges frequently consider customary values and Islamic legal principles simultaneously when resolving disputes. Furthermore, unlike previous research that primarily relied on normative legal analysis,⁴⁴ this study highlights the institutional transformation of dispute settlement mechanisms and the growing significance of judicial reasoning in shaping contemporary inheritance practices.⁴⁵ Consequently, the study offers a more comprehensive understanding of ancestral property disputes within the framework of legal pluralism.

Based on these findings, several recommendations can be proposed at conceptual, methodological, and policy levels. Conceptually, future scholarship should adopt more integrated approaches that recognize the interdependence of customary law, state law, and Islamic law rather than treating them as separate legal systems. Methodologically, researchers should expand the use of empirical and comparative studies to better understand how judicial institutions interact with customary communities in different regions of Indonesia. From a policy perspective, greater efforts are needed to strengthen coordination between customary authorities, legal practitioners, and judicial institutions in order to minimize conflicts and enhance legal certainty.⁴⁶ Clearer guidelines concerning the recognition and protection of ancestral property may also help reduce ambiguity regarding ownership and management rights. In addition, educational programs should be developed to improve public understanding of both customary and formal legal mechanisms for dispute resolution.⁴⁷ Such initiatives would contribute to the preservation of customary values while ensuring that inheritance disputes are resolved fairly and effectively. Ultimately, a balanced approach that respects cultural traditions and contemporary legal requirements is essential for promoting justice, social harmony, and sustainable management of ancestral property in Minangkabau society.

⁴⁰ Yusmita Yusmita et al., "Legal Pluralism and the Transformation of Islamic Inheritance Law: A Study of Sasak Customary Practices in Indonesia," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (November 23, 2025): 831–52, <https://doi.org/10.29240/jhi.v10i2.12500>.

⁴¹ Ismail Ismail et al., "The Contribution of 'Urf to the Reform of Islamic Inheritance Law in Indonesia," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 22, no. 2 (December 28, 2022): 165–78, <https://doi.org/10.30631/alrisalah.v22i2.1243>.

⁴² Fahimah et al., "Interfaith Inheritance in Muslim Families in Indonesia: Practices, Philosophy, and the Direction of National Inheritance Law Development."

⁴³ Lilik Andar Yuni and Murjani Murjani, "Gender Sensitivity at Judge's Verdicts in Samarinda and Magelang Religious Courts: The Implementation of PERMA Number 03 of 2017," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 15, no. 2 (December 29, 2020): 251–79, <https://doi.org/10.19105/al-ihkam.v15i2.2714>.

⁴⁴ Muhammad Lutfi Hakim, "Ismail Mundu on Islamic Law Ff Inheritance: A Content Analysis of Majmū' Al-Mīrāth Fī Ḥukm Al-Farā'id," *Al-Jami'ah: Journal of Islamic Studies* 61, no. 1 (June 30, 2023): 59–79, <https://doi.org/10.14421/ajis.2023.611.59-79>.

⁴⁵ Damián Fernández, "Testators and the Visigothic State: A 'from the Ground Up' Approach to Inheritance Law," *Al-Masāq* 35, no. 3 (September 2, 2023): 364–87, <https://doi.org/10.1080/09503110.2023.2214874>.

⁴⁶ Azni Azni et al., "The Timing Analysis of Inheritance Distributions in the Compilation of Islamic Law," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 23, no. 2 (December 31, 2023): 258–73, <https://doi.org/10.30631/alrisalah.v23i2.1431>.

⁴⁷ Riyanta et al., "Toward Interfaith Equality in Islamic Inheritance Law: Discourse and Renewal of Judicial Practice in Indonesia," *Al-Manahij: Jurnal Kajian Hukum Islam*, April 24, 2025, 1–16, <https://doi.org/10.24090/mnh.v19i1.10762>.

4. Conclusion

This study finds that ancestral property (*harta pusaka*) disputes in Minangkabau arise primarily from the coexistence and tension between *adat* inheritance norms, Islamic inheritance law, and state legal frameworks. The Minangkabau matrilineal system, which emphasizes collective ownership through the female lineage, often conflicts with Islamic inheritance principles that prioritize individual and bilateral distribution of assets. This normative divergence creates legal uncertainty, particularly when disputes enter the jurisdiction of Religious Courts, where statutory law and Islamic legal doctrine intersect. The findings also indicate that *adat* continues to hold strong sociocultural legitimacy, especially through the authority of *ninik mamak*, yet its enforceability weakens when confronted with formal judicial mechanisms. State law, while functioning as a regulatory bridge, has not fully resolved the normative fragmentation between customary and Islamic legal systems. In practice, this results in prolonged disputes, fragmented judgments, and inconsistent legal reasoning in inheritance cases. Islamic legal concepts such as *maslahah* (public interest) and *'urf* (custom) are found to play a mediating role, allowing limited flexibility in harmonizing customary practices with religious norms.

This study contributes conceptually by advancing a legal pluralism framework that integrates *adat*, Islamic law, and state law into a more coherent analytical model for understanding inheritance disputes in Minangkabau. It demonstrates that legal conflicts in matrilineal societies cannot be resolved through a single normative system, but require a hybrid interpretative approach grounded in both sociocultural legitimacy and doctrinal flexibility. Methodologically, the research contributes by combining normative juridical analysis with empirical field data, strengthening the validity of comparative legal interpretation in inheritance law studies. Theoretically, it enriches Islamic legal discourse by highlighting the adaptive capacity of *fiqh* principles such as *maslahah* and *'urf* in responding to evolving customary realities. However, this study is limited by its relatively small sample size and geographic focus on selected areas in West Sumatera, which may not fully represent all variations of Minangkabau inheritance practices. Future research is recommended to expand comparative regional studies and incorporate quantitative legal analysis to further test the proposed hybrid model in broader socio-legal contexts.

Declarations

Author Contribution Statement

Nabila Fitri Gunawan contributed to the conceptualization of the study, data collection, formal analysis, and drafting of the original manuscript, while also assisting in the interpretation of findings and preparation of references. Edi Rosman contributed to the development of the research methodology, supervision of the research process, validation of data analysis, critical review and editing of the manuscript, as well as providing academic guidance throughout the writing process. Both authors jointly participated in refining the final manuscript, read, and approved the published version.

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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. No publicly archived datasets were used or generated during the current research.

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.

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