

Application of Inheritance Law in Minangkabau According to Islamic Law

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Abstract

The majority of Minangkabau people give heirloom to their daughters, not to their sons. The heirloom that is passed down from generation to generation becomes a high heirloom, while the heirloom resulting from the work of parents becomes a low heirloom. High heirloom and low heirloom are different from the division of inheritance law in Islam. High heirloom is intended for daughters, low heirloom has the right of a sons in it (handed over to uncle as head of heirloom and he is responsible for the mandate given by parents). This empirical juridical research obtained data from document studies, interviews, and questionnaires. The results of the study show that Minangkabau society still uphold Islamic law because the guidelines in the application of inheritance distribution are sourced from sharia law, but the terms are different. In practice, high heirloom and low heirloom are on the same line as the inheritance law material. No one is harmed in its application, in accordance with the provisions stipulated by custom or Islamic law.

Keyword: Heirloom; Inheritance; Islamic law; Pusaka Rendah; Pusaka Tinggi

Introduction

Harta Pusaka Tinggi or high heirloom is the family assets from *ninik mamak* (term of *Minangkabau* for the highest authorities in the family tribe) intended for women's benefits and that is an absolute right and cannot be reserved for men. *Harta Pusaka Rendah* or low heirloom is accumulated assets from working parents for their sons and daughters. The inheritance of low heirloom and high heirloom is the right of every male descendant in *Minangkabau* society. This is because the majority of high

heirloom is for the female descendant, while low heirloom contains the rights of male descendant because the assets are the result of the income of both parents.

Basically, customary inheritance law in Indonesia is strongly influenced by various lineages that is applied in society that affect the family and social system, including:

1. Matrilineal ties – In this lineage, the position and influence of women in customary inheritance law is very strong. For example, in the *Minangkabau* society, the heirs are only from the female lineage. In *Minangkabau* inheritance, it is called *Harta Pusaka Tinggi*.
2. Patrilineal ties – In this lineage, the position and influence of men in customary inheritance law is very strong. For example, in the *Batak* society, who become heirs only from the male line, in this case it is only the sons gets a share of the inheritance from both parents which is called *Harta Pusaka Rendah* (Suparman, 2015).
3. Bilateral relationship – In this lineage, the position of sons and daughters are equal. (Article 176 Compilation of Islamic Law (KHI)).

In Islamic inheritance law, there are several heirs who absolutely must get inheritance if they meet the requirements and there are no barriers, namely father, mother, husband, wife, sons and daughters. The position of father and mother is determined as absolute heirs because father and mother are parents who pass down the offspring in the form of children, while the position of husband is determined as absolute heir because he is a companion when his wife is still alive, even he is responsible for providing protection and household support. Likewise, the wife is the absolute heir because when her husband is still alive she is a companion and together with her husband managing the household. As for the capacity of sons and daughters, they are determined as absolute heirs because children are the connector in continuing the offspring and are the fruit of the love of their parents.

Based on the above provisions, it can be seen that if the heirs only consist of father and mother, then the mother's share is determined to be one third of the inheritance, the father's share is the remaining two-thirds (Surah An Nisa: 11). If no

children are left behind, then the husband gets half of the inheritance of his late wife. While the wife gets a quarter of the property of her late husband. But if there are children, the husband gets a quarter and the wife receives one-eighth (Surah An-Nisaa: 12). As for the share of children, it is distinguished between boys and girls, provided that the share of boys is twice of the share of girls (Surah An-Nisaa: 11).

In the Minangkabau tradition, the lineage kinship system uses matrilineal (mother line), in contrast to bilateral lineage according to Islamic law (from father and mother). Likewise, inheritance law in Minangkabau society is carried out collectively, while Islamic law implements it individually. The collective inheritance system is an inheritance owned by the heirs jointly, it cannot be divided unless it is used. Whereas what is meant by an individual inheritance system is an inheritance system where the heirs are entitled to inherit property by dividing according to the share of each heir. (Simanjuntak, 2015).

The plurality of the Minangkabau community with the majority of inheritance given to daughters not to sons, this has become a concept of injustice for *ninik mamak* in *Minangkabau* by not prioritizing inheritance (in the form of items that are not worth money). So that boys are not counted in *Minangkabau*. The blessing given is the result of the inheritance of parents / mothers who become high heirlooms.

The problem of high heirlooms (wealth from parents from generation to generation) is only intended for daughters while low assets/wealth results from the search for father and mother is the right of the son in Minangkabau custom (assigned to the head of the inheritance as the person in charge regarding the distribution of the inheritance by taking into account the mandate given by the two parents for its designation). This high and low inheritance is very different from the division of wealth in Islamic law inheritance that there are standard provisions in the Qur'an and anyone cannot change them. In a growing reality, the application is very different between the 2 subdistricts in Padang which is the object of the author's research. There was no any solution in the community because the customs in Minangkabau are still strong in the application of this heritage.

In the Nanggalo subdistrict, this issue has become a hereditary discussion whose application remains in accordance with Islamic inheritance law. The sample given by Mr. Amrizal as the head of the Nagri costume density in the Nanggalo subdistrict still upholds Islamic law because that is where the source of strength is used as a guide in the application of this heritage. It's just that the terms are different.

Meanwhile in the Koto Tengah subdistrict, Buya Darmis Muar as the niniak mamak at Aia Pacah and the head of the MUI subdistrict, Koto Tengah had explained it already. This problem would not find a bright spot / solution regarding the costume with Islamic law / faraidh. The people in Koto Tengah still adhere to their customs in the distribution of inheritance. Before the parents died, there was already a record of the property left about who it was intended for, both high and low inheritance and joint property to be divided according to the applicable regulations.

This inheritance system is the focus of this research, because there has been no detailed discussion about it in Minangkabau. The results of this study can be used as a reference for the Minangkabau people who use the matrilineal (motherline) lineage kinship system. Likewise, inheritance law in Minangkabau society is carried out collectively, while Islamic law implements it individually. The collective inheritance system is when the inheritance inherited by joining with other heirs is not allowed to be distributed except for its use.

From the phenomena described above, the authors are interested in further study about: Application of Inheritance Law in Minangkabau According to Islamic Law (Comparison of Inheritance Law and Customary Law in Koto Tengah and Nanggalo Subdistricts, Padang).

Method

This research is a descriptive analysis research, with the approach used is empirical juridical. The data sources used in this research are: Document studies, namely legal materials/materials related to customary inheritance law in Minangkabau and Islamic inheritance law which are supported by other legal materials; Interviews, conducting questions and answers with competent sources and directly related to the

issue of customary inheritance in Minangkabau and inheritance in Islam by making a list of questions that have been planned; and a Questionnaire, created using a set of question guides that have been assigned to ten respondents who have experienced an inheritance sharing event in their family and also know how Minangkabau customary law of inheritance is implemented (Dewata & Achmad, 2010). The data above is strengthened by secondary data from documents issued in the form of customary regulations and provisions that have been agreed upon by traditional leaders.

Location of research in *Kerapatan Adat Nagari* office sub district Koto Tengah and sub district Nanggalo, with a duration of 10 months. While the population and research samples are as follows:

NO.	VARIABLES	DATA-1	OBSERVATIONS	MARK
1	<i>Datuk</i>	4	35%	√
2	<i>Manti</i>	5	35%	√
A	<i>Ulama (Ustadz)</i>	3	15%	√
B	<i>Ulama (Ustadzah)</i>	2	15%	√
Total		14	70%	

Table 1. Inheritance in Traditional Figures

The data collection technique used in this research was library research, namely legal research as a system of norms, principles, and rules of legislation, court decisions, agreements and doctrines. This analysis was guided by the opinion expressed by Miles and Huberman (1992:16-19), providing data analysis techniques in three stages, by reducing data, presenting data, and drawing conclusions from existing data. Based on the expert opinion above, the data analysis was carried out by analyzing the data for each aspect to answer the research questions that had been formulated. The steps of the procedure are as follows: Identifying data, which means identifying data that had been collected from direct interviews with traditional leaders and *ulama* in the Koto Tengah and Nanggalo areas; Grouping data according to research objectives; Interpreting the data, interpreting the data in question, namely interpreting or interpreting existed data in the form of critical discourse studies on heritage in Minangkabau; and Concluding the research results.

Format of data inventory and direct interviews with correspondents of traditional leaders and *ulama* in the sub-districts of Koto Tagah and Nanggalo Padang including inheritance in Minangkabau; the practice of inheritance for boys and girls in the Minang realm; the views of scholars on the verse "*lidzakari mitslu haddzil untsayain*" and its application in customary law in Minangkabau.

Discussion

The shift in awareness of *Minangkabau* customary inheritance law is marked by the development of grant institutions in *Minangkabau*. The grant agency entered *Minangkabau* in line with the awareness of *Minangkabau* people who had embraced Islam to be morally and materially responsible for their wives' homes. When the grant institution began to develop, there was no clear separation between high inheritance and livelihood assets. Thus, donating property to children means bringing the wealth of the people out of the community. After the inheritance is separated from the livelihood property, then the grant to the livelihood property is easier to implement.

The separation of livelihood assets from inheritance took effect gradually and only reached the final stage with the formal ratification of a joint agreement with the *ninik mamak*, *alim ulama* and *cerdik pandai* generation who came as envoys throughout the *Minangkabau* world, known as the Density of *Orang Empat Type*. Based on the tribe/ethnic population, the distribution of the population started from an increasingly dense tribal/tribal village, so some of the tribal/tribal families are looking for vacant land to be used as fields, rice fields and settlements.

They began to open new land together and make huts or simple houses to live in, over time the new place continued to be improved and eventually became a new village, from the growth of the village and the village became a *koto*, the *koto* association became a *nagari*. In other words, the spread of tribes was in line with the development of *taratak* into hamlets, hamlets into koto and some *koto* into *nagari*. Geographically, Nagari Nanggalo is located in the middle of the town so that it is a bigger place than other ones, there are also offices and shopping centers.

Nagari Koto Tangah is not much different from *Nagari Nanggalo*, according to the custom and the application of the applicable law in this *Nagari*, the opinion of the *Niniak Mamak* in the *Nagari* is always prioritized when making a decision to be implemented in that *Nagari*. The role of the Islamic scholars is also important in carrying out the law, as the evidence of the strength of the applied customs compared to the inheritance law that is applied. This is a reference for the community when there are inheritance and inheritance problems in the settlement in this area.

Education is growing rapidly in this *nagari*, with the existence of Islamic boarding school being a provision for the preparation of scholars there, and in addition to the existence of other educational centers such as schools or other educational centers. This area is also a recreation center with the Lubuk Minturun River as a tourist attraction.

A. Regional Conditions

1. Koto Tangah Sub district

This district is located 00°58 south latitude and 99°36'40"- 100°21'11" east longitude. Based on its geographical position, this sub district has regional boundaries, namely, to the north it is bordered by Padang Pariaman Regency, to the south, to North Padang District and Nanggalo District, to the west of the Indian Ocean, to the east is Solok Regency. This sub district has an area of 232.25 km², located 0-1,600 meters above sea level, with rainfall of 384.88 mm / month. The villages in Koto Tangah District are as follows: Tunggul Hitam Dadok; Air Pacah; Lubuk Minturun; Sungai Lareh; Bungo Pasang; ParupukTabing; Balai Gadang; Lubuk Buayo; Sarai Padang; Long Koto Ikua Koto; Pasia Nan Tigo; Koto Pulau; Tower Hall; and Batipuh Panjang.

In accordance with the customary development procedures in Minangkabau in general and *Nagari Koto Tangah* in particular, it is delivered elastically/spontaneously and by word of mouth. All cultural heritage is passed on orally from *ninik* down to *mamak* from *mamak* down to *kamanakan*, and from grandmother to mother, from mother to child. And from children down to children and so on. This is not to be blamed, because there was no formal education like today, there was no school yet, but people passed on the lessons by word of mouth.

According to history around the 1500s, people descended from Solok, namely people from Saning Baka who descended to the Nagari Koto Tengah area, which used to be called Nagari Koto Tengah.

The condition of the area at that time was still in the form of forests, forests and swamps. The purpose of the people of Saning Baka descended was to find a new source of life and a new place to live. They descended in groups according to their people, which at first had eight groups of people, namely:

1. The Piliang Group
2. The Balaimansiang Group
3. The Sumpadang Group
4. Group of the Tanjung
5. The Koto Group
6. The Sikumbang Group
7. Group of the Urns
8. Group of Malays

Then the people of the 8 groups spread out, looking for and clearing residential land and agricultural land. They were still free to look for agricultural land, so that life was growing more and more. Then came 2 (two) new groups from Muaro Pingai Solok, namely the Jambak Tribe and the Caniago Tribe. So, since then there had been 10 (ten) ethnic groups in this area, which at that time was not yet called Nagari Koto Tengah.

These groups are led by the top leaders of each tribe, who are appointed according to the customs they brought from their native *nagari*. Then *Taratak* was formed which developed into a village, everything had merged and developed. Each village is led by a village mayor. At first to determine the head or mayor of the village, it was agreed upon by the leaders of the ten tribes. Each village was headed by a village head, then from the villages formed a *nagari*. Nagari Koto Tengah was brought under the leadership of a *penghulu* (the leader) and immediately became the head of the *Nagari/Wali Nagari*.

2. Nanggalo Sub district

Nagari Nanggalo in Padang, geographically, is also called 6 villages, now it is called 6 wards area: 8.07 km², borders / equivalence: North side is bordered by Koto Tengah subdistrict, South and west bordered by North Padang subdistrict, East bordered by Kuranji` subdistrict. Nagari Nanggalo (Nanggalo subdistrict) is located at 0R 58, south latitude and 100R east longitude. All subdistricts are located in plain areas with an average slope of the ground (less than 15n degrees -3 -8 meters above sea level. Based on ethnicity/ethnic distribution) the population started from an increasingly dense tribal/tribal village, so some of the tribal/tribal families were looking for vacant land to be used as fields, rice fields and settlements. They began to open new land together and made huts or simple houses for living.

Over time the new place continued to be improved and eventually became a new village, from the growth of the village and the village became a *koto*, the *koto* association became a *nagari*, in other words the spread of tribes was along with the development of *taratak* into hamlets, hamlets became *koto* and some *koto* become a *nagari*. Geographically, Nagari Nanggalo is located in the middle of the town so that it becomes a place more than the village, there are also offices and shopping centers. Nagari Nanggalo is not much different from Nagari Nanggalo, according to custom and the application of the laws that apply in this *Nagari*, the opinion of the *niniak mamak* in the *nagari* is always prioritized when making decisions. A decision to be implemented in this *nagari*. The role of the *ulama* is also important in carrying out the law, as evidenced by the strength of the applied customs compared to the Islamic inheritance or *faraidh* law in its application. This is a reference for the community when there are inheritance and inheritance problems in the settlement in this area. Education is growing rapidly in this *nagari*, with the existence of Islamic boarding school being a provision for the preparation of scholars in this *nagari* in addition to the existence of other educational centers such as schools, Islamic boarding school and other educational centers. This area is also a recreation center with the Lubuk Minturun River as a tourist attraction.

B. Inheritance in Minangkabau Customs

The plurality of the Minangkabau community with the majority of inheritance given to daughters not to sons. This has become a concept of injustice for *ninik mamak* in Minangkabau by not prioritizing inheritance (in the form of items that are not worth money). So that boys are not counted in Minangkabau. The blessing given is the result of the inheritance of parents / mothers who become high heirlooms. In Islamic law inheritance / inheritance of property, it is regulated in the Islamic inheritance and there are rules in Islam.

This is the confusion in society that in Islam the rights of boys are twice of girls. From this the problem arose, there was no compatibility between existing law and Islamic law which applied as a guide for many people. It states that the Minangkabau customary law regarding inheritance cannot be accepted by Islamic law. The second opinion states that the inheritance of property in Minangkabau does not have any conflict with Islamic law, but is in accordance with the provisions contained in the Islamic law. This opinion was conveyed by Abdul Malik Karim Amrullah who is a student of Ahmad Khatib Al-Minangkabawy. His opinion that inheritance of property in Minangkabau does not against Islamic law. He said that inheritance is the same as *waqf* property or *musabalah* property (*Musabalah* assets are people's assets, or property belonging to a group of people. This *musabalah* treasure originally appeared in the time of Umar Bin Khattab, namely the property of the Khaibar Tribe which came from the spoils of war. The third opinion is that which separates inheritance and livelihood assets. For inheritance, customary law is applied, which is inherited from generation to generation collectively according to the maternal lineage (matrilineal).

As for livelihood assets, Islamic inheritance law (*Faraidh*) applied. This opinion was used at the congress of the *Alim Ulama, Niniak Mamak* and *Cerdik Pandai* Minangkabau Consultative Council on May 4 to 5, 1952 in Bukittinggi, as well as the Minangkabau Customary Law Seminar held in Padang on July 21 to 25, 1968.

The above illustrates that the inheritance Ranah Minang as an area that adheres strongly to religious guidance, still prioritizes religion above all else. The problem of high heirlooms (wealth from parents from generation to generation) is only intended for daughters while low assets/wealth results from the search for father and mother,

this is the right of the son in it in Minangkabau custom (assigned to the head of the inheritance as the person in charge regarding the distribution of the inheritance by taking into account the mandate given by the two parents for its designation). This high and low inheritance are very different from the division of wealth in Islamic law/*faraidh* matter and there are standard provisions in the Qur'an and anyone cannot change it. In the growing reality, the application is very different between the two sub districts in Padang which is the object of the author's research. There is no any solution found in the community because the customs in Minangkabau are still strong in the application of this heritage.

In the Nanggalo sub district, this issue had become a hereditary discussion whose application remained in accordance with Islamic inheritance law. The sample given by Mr. Amrizal as the head of the *nagari* density in the Nanggalo sub district who still uphold Islamic law because that was where the source of strength was used as a guide in the application of this heritage. It's just that the terms were different.

Meanwhile in the Koto Tengah sub district, Buya Darmis Muar as the *niniak mamak* at Aia Pacah and the head of the MUI sub district, Koto Tengah explained it as well. This problem would not find a bright spot / solution regarding with costume with Islamic law / *faraidh*. The people in Koto Tengah still adhere to their customs in the distribution of inheritance. Before the parents died, there was already a record of the property left about who it was intended for, both high and low inheritance and joint property to be divided according to applicable regulations. In this area, there was no visible application of Islamic inheritance law because the distribution was clear, whether it was in the name of grants, wills and gifts (not based on the inheritance count contained in the Islamic inheritance).

This is a big problem that cannot be applied to Islamic law in this area because customary law plays a very important role, not Islamic law. A buya as a religious figure in the Koto Tengah sub district did not dare to apply Islamic inheritance law because there were no shamans from *niniak mamak* in this area. Regarding the latest data updates, in this case, there was no written form, because the punishment used was the principle of kindness and there were advantages that did not harm one party because

there had been provisions for generations in this area. If the Islamic inheritance law was applied, it would cause big problems in this area so that hostility would arise which was not a solution to this problem.

Islamic inheritance law has the power of adaptability to the development of society that occurs, as contained in the text which only consist of details with an emphasis on the formation of the portion obtained by each heir. In the Indonesian context, there are efforts to formulate an Islamic inheritance legal system that is more relevant to the personality of Indonesian people, so that the legal structure that is formulated does not have any conflict with the law relating to rights, parts and principles of Islamic inheritance. This is of course based on considerations by taking into account the qualifications to achieve the legal objectives that were formed, so that Islamic inheritance law will bring benefits to the community with the ability to resolve disputes in the field of inheritance in society.

In the basic concept of inheritance law, there is an explicit distinction between male heirs and female heirs. This is determined because it is in line with the burden of obligations of men as breadwinners and women are not subject to the obligation to earn a family living according to the provisions of Islamic law. Therefore, men who are burdened with material obligations are greater than women, so it is logical that the share of men is greater than the share given to women. In this case, the provisions of the share of boys with girls are two to one or it can be one to one or maybe the share of girls is bigger than boys. Because there is a difference between the provisions of the share between boys and girls.

In Islamic law inheritance or inheritance property, it is regulated in inheritance law and the rules in Islam. This is the confusion in society that in Islam the rights of sons are twice of daughters. From this the problem arose, there was no compatibility between existing customary law and Islamic law which applies as a guide for many people which stated that the *Minangkabau* customary law regarding with the inheritance cannot be accepted by Islamic law.

The issue of inheritance in the courts and the data (customary and religious space) are all contained in the KHI (Islamic Law Compilation). In Minangkabau, there

are low and high heirlooms and this wealth is discussed in Islamic inheritance law matter. Between inheritance law and customary law, both were paradoxes (Sembiring, 2016). Both had mursalah problems. When the property goes to the men, the majority are sold. Inherited assets from low inheritance tends to be controlled by women because if they are controlled by men, they tend to sell the property. This discussion in the KHI is an object of study that needs to be explored in depth. In more detail, this was discussed by experts in Islamic law in West Sumatra. Inherited property must be from a legal marriage because many problems arise such as child marriage fornication, unregistered marriage or underhanded marriage.

Inheritance cannot be contested because the high inheritance cannot be sold or pawned. If high inheritance goods are pawned, they are called low inheritance and tend to be favored by women. In the high inheritance, a man is obliged to keep the high inheritance so it is not disturbed by other people. When someone wants to know the composition of the distribution of high inheritance assets in a clan, there must be a statement from the people that the allocation of the property has been clearly allocated and is known by the *ninik mamak* in the *rumah gadang*. When it doesn't exist then this will cause problems later. When there is no distribution of inheritance in accordance with the Islamic inheritance law then at that time it must be clear what the distribution is before it is distributed.

The inheritance provisions are distributed when the father has died. When there is no Islamic inheritance application, then that is the problem that must be resolved. For high heirlooms, it is not permissible to share it because the purpose is clear. The high heirlooms are used under the armpits of the gadang katirisan house, the gaduh gadang ndak balaki, and the corpses lying on the ground. When this is not available then this high inheritance is used.

The use of high heritage in Minangkabau is for many people who do not understand the high heritage. Those who have power over the high inheritance are men and those who have the high inheritance according to custom are women but in reality the women in power (for those who don't understand) and the husbands of women in Minangkabau / rang sumando are governed by *ninik mamak*. Sometimes

when it is controlled by the woman, the *ninik mamak* is not included in the case of the *rumah gadang*. For this high heirloom property, it cannot be certified because of the difficulty later when it will be certified whether it is a personal name or a clan, so there is no solution yet. So when someone wants to be certified, it must be in whose name the certificate is and must be in accordance with the agreement, the head of the inheritance must be presented in this matter. If the high inheritance is to be sold or pawned, it must be known by all parties in the *rumah gadang* and cannot be unilateral. When high inheritance is sold, the rights of men and women according to custom are the same, if not sold, the ownership status belongs to women. If it is removed, then the rights of men and women are the same (Sonny Dewi Judiasih, 2019).

b. Low inheritance (question from both parents which is inherited to their children)

The part of inheritance for low inheritance in the form of livelihood assets has a different inheritance system from the distribution of inheritance for high inheritance (Pandamdari, 2019). The distribution of inheritance on inheritance is low, especially the distribution of inheritance for children in the Minangkabau customary law community. If the inheritance of the heir comes from livelihood assets, then both sons and daughters have the same right to become heirs.

When someone lives in a *rumah gadang*, it is divided according to custom, half for those who stay at the *rumah gadang* and the other half for the boys, but they are kept with the girls when the boys encounter difficulties later.

The family left behind: zul bahri, nofri, dasmawati, sumarni, sudirman, amsarihim, rasni. Abandoned low-lying inheritance: House, land, rice field (10 plates sold), house and land for girls (Dasmawati, Sumarni, and Rasni). Meanwhile, the rice fields that were sold were distributed to all children according to the division of *faraidh* (Islamic law of inheritance, after getting their share) especially for boys, all that was intended for them, was again allocated to all daughters or sisters. All the treasures left behind were kept under the supervision of the boys. Meanwhile, the results from the rice fields that were sold earlier were divided annually and all of them were divided equally, including the boys (Huda, 2018).

When all of them have died later, it would be fully included in the high inheritance and supervised by the child or nephew of the extended family. In inheritance law, what will be questioned is the property that left behind, in a condition the low inheritance in Minangkabau is in accordance with Islamic law, while the high inheritance is the property of the owner of the clan which is inherited by custom

(dedicated to girls). This inheritance cannot be sold and pawned unless there is an emergency to sell and it is intended for (renovation of the rumah gadang, unmarried elderly women, property for emergency conditions) and this has provisions and cannot be contested. High inheritance is not a right property but only the right to use it from generation to generation.

Meanwhile, in low inherited heirlooms (sacred and unquestionable), the distribution of boys and girls is clear. In general, boys don't want to take their share because boys think about their future and leave it to girls (Prasna, 2018). In practice, it is true that women get a lot of shares while men's rights are left to women. Before the distribution is carried out, it must be explained in advance how the distribution is Islamic and does not have any conflict with the costume. When the distribution is clear, all of them are allocated as assets in the Rumah Gadang.

The results of the deliberation regarding high and low inheritance at the Village Customary Density Office (KAN) are as follows:

The problem with the land dispute at the KAN office, the dispute between the applicant / Firman and friends and the respondent / Chadijah and friend steamed from an unknown land dispute / signed by the regional head of the tribal chief and the chairman of KAN was the cultivation of the rimbo nagari of Koto Tangah (Tanah Ulayat Nagari Koto Tangah Cultivation land disputed by the applicant was divided into 2 parts, where the stakes P4, P5, P6, P7, P8, P9 and P11 were part of the applicant and stakes P1, P2, P3, P4, P11 and P12 were the respondent's share while the benchmarks P9, P10, P11 belonged to Husni Warti. If this customary decision was not accepted by the party who felt dissatisfied, then it could proceed to legal channels in accordance with applicable regulations.

2. Nanggalo Subdistrict

The family of the Alqadar Mosque Siteba congregation, Nanggalo subdistrict (interview on June 21, 2021) whose husband died, the husband's property was taken in full by the wife (Car, House and Savings) and she did not want to share it with the husband's relatives. This problem must be resolved because the wife's share of the property was only and 2/4 more for the brother. This problem had not been resolved and there was no continuation (Amran, 2017). Solution: The husband's brother met the wife of his brother and explained the part of the property in accordance with the law of inheritance/faraidh. If this was not fulfilled by the wife, the husband's brother would take legal action (Warjiyati, 2018).

A wife died who was left behind by her husband and children, the property left by was the house, savings and land. The husband did not work, the wife's property was fully got by the husband (Moelyono, 2018). The husband's brother demanded that the

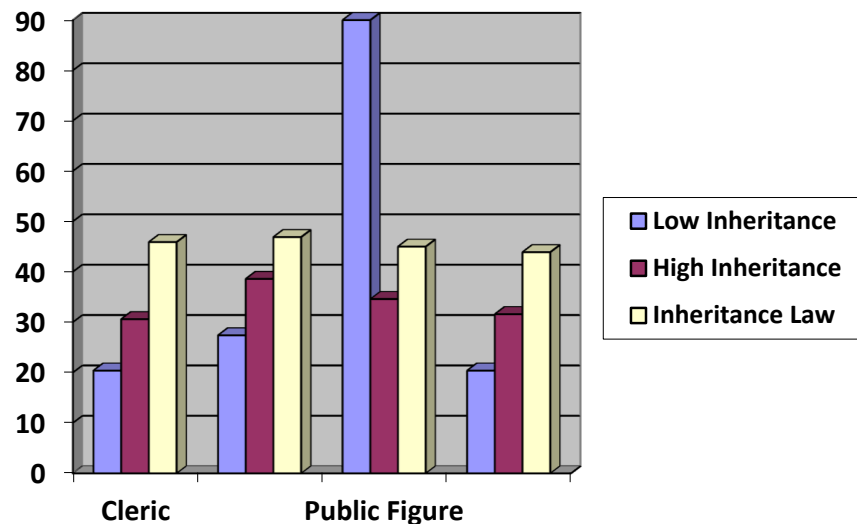
property was his brother's property because he was the one who earned a living. According to Islamic inheritance law, his rights did not exist because the wife has children. According to the distribution of Islamic inheritance law, the husband's asset can't be obtained because the wife had a son unless the wife hadn't. If the husband remarried, the rights of the child ought to be given to him

This following is the focus of the researcher in this study; because there has been no detailed discussion of this matter in Minangkabau, then the results of this study can later become a reference for the Minangkabau community in general (Ulfa Chaerani Nuriz, 2017).

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1	<i>Datuk</i>	4	35%	√
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B	<i>Ulama (Ustadzah)</i>	2	15%	
Total		14	100%	

	Cleric	Traditional Figure	Public Figure	
Low Inheritance	4	6	2	2
High Inheritance	7	4	2	2
Inheritance Law	3	6	3	3

To resize chart data range, drag lower right corner of range.



Conclusion

I Implementation of the distribution of *Harta Pusaka Tinggi* and *Harta Pusaka Rendah* in Minangkabau, it must go through internal family consultations. This is done in order to make all the family happy so that no one is harmed. No one can interfere with the division of *Harta Pusako Tinggi* because it is a hereditary inheritance. While the *Harta Pusako Rendah* (the income of both parents) must be carried out in accordance with a mutual agreement based on Faraidh science in Islamic law.

Therefore, the explanation of *Harta Pusako Tinggi*, *Harta Pusako Rendah* and faraidh must be explained first before the distribution of the property is carried out so that all family parties are satisfied and no one is harmed.

It is closing chapter that points out the conclusion / summary from the finding and discussion and the research analysis including the recommendations given to the next researchers.

References

Amran, A. (2017). Penyelesaian Sengketa Tanah Ulayat Melalui Lembaga Adat di Minangkabau Sumatera Barat. *Adbapter Vol. 3 No. 2*.

- Aoslavia, C. (2021). Perbandingan Hukum Waris Adat Minangkabau Sumatera Barat dan Hukum Perdata Barat, *Mizan Jurnal Ilmu Hukum Vol.10, No 1*.
- Dewata, M. F. N. & Achmad, Y. (2010). *Dualisme Penelitian Hukum Normatif dan Empiris*. Yogyakarta: Pustaka Belajar.
- Eric, (2019) Hubungan Antara Hukum Islam dan Hukum Adat dalam Pembagian Warisan di Dalam Masyarakat Minangkabau. *Jurnal Muara. Vol 3 No 1*.
- Firdawaty, L. & Moelyono, A. (2018). Hukum Kewarisan Adat Minangkabau Menurut Pemikiran Hazairin dan Amir Syarifuddin. *Asas Jurnal Vol 10, No 1*.
- Judiasih, S. D., dkk. (2019). *Sustainable Development Goals: Upaya Penghapusan Perkawinan Bawah Umur di Indonesia*. Bandung: Cakra.
- Larasati, A. H. & Pandamdari, E. (2019). Analisis Yuridis Terhadap Kepemilikan Harta Pusaka Kaum Adat Painan Minangkabau (Studi Putusan Pengadilan Negeri Painan Nomor 14/Pdt.G/2013.). *Reformasi Hukum Trisakti Vol 1 Nomor 1*.
- MS, Amir. (2011). *Pewarisan Harta Pusako Tinggi dan Pencabarian*. Jakarta: Citra Harta Prima.
- Nuriz, U.C., Sukirno, & Ananingsih S. W. (2017). Penerapan Hukum Adat Minangkabau Dalam Pembagian Warisan Atas Tanah (Studi di: Suku Chaniago di Jorong Ketinggian Kenagarian Guguk VIII Koto, Kecamatan Guguk, Kabupaten Lima Puluh Kota, Ibu Kota Sarilamak). *Diponegoro Law Journal, Vol. 6 No.1*.
- Prasna, A. D. (2018). Pewarisan Harta di Minangkabau dalam Perspektif Kompilasi Hukum Islam. *Kordinat Jurnal Komunikasi Antar Perguruan Tinggi Agama Islam, Vol 17, No 1*.
- Sembiring, R. (2016). *Hukum Keluarga*. Jakarta: PT RajaGrafindo.
- Simanjuntak, P. (2015). *Hukum Perdata Indonesia*. Jakarta: Kencana.
- Suparaman, M. (2015). *Hukum Waris Perdata*. Jakarta: Sinar Grafika.
- Suyuthi, I., (2018). *Asbabun Nuzul*. Terj. Huda, M. Solo : Insan Kamil.
- Warjiyati, S. (2018). Eksistensi Hukum Adat Dalam Penyelesaian Konflik pada Daerah Otonom. *Abkam Jurnal Hukum Islam , Volume 6 Nomor 2, 390*.

