

## Inheritance Practices in Inter marriages Between the Malay and Minangkabau Ethnic Groups in Perawang, Siak Regency: An Islamic Law Perspective

Indah Permata Sari\*

Universitas Islam Negeri Imam Bonjol Padang, Padang, Indonesia

[indahpermatasari9877@gmail.com](mailto:indahpermatasari9877@gmail.com)

Rahmi Syafia Azzahra

Universitas Andalas, Sumatra Barat, Indonesia

[rahmisyafiaazzahra@gmail.com](mailto:rahmisyafiaazzahra@gmail.com)

DOI: <https://doi.org/>

Received: 2026

Revised: 2026

Approved: 2026

\*Corresponding Author

### Abstract

This article examines inheritance practices in interethnic marriages between the Malay and Minangkabau communities in Perawang, Siak Regency, Riau Province, from the perspective of Islamic law. Perawang represents a unique socio-cultural setting where two distinct customary legal traditions coexist, namely the bilateral (parental) kinship system of the Malay community and the matrilineal kinship system of the Minangkabau community. These differences significantly influence family perceptions and practices regarding inheritance rights and the distribution of inherited property. This study is based on the assumption that the interaction between these two customary systems often creates differing understandings of inheritance within interethnic families. In practice, Islamic inheritance law frequently serves as a common normative reference for resolving inheritance-related issues, although its application is not always uniform. Employing a qualitative socio-legal approach, this research combines fieldwork, document analysis, and normative examination of Islamic inheritance law. The findings reveal that inheritance disputes and distribution arrangements within Malay Minangkabau families are predominantly resolved through family deliberation and mutual agreement rather than through formal legal institutions. Customary values and kinship ties continue to play a significant role in shaping inheritance practices, while Islamic law functions as a normative framework that provides legitimacy to the decisions reached by family members. In short, inheritance practices among interethnic families in Perawang show how customary law and Islamic law constantly interact and negotiate with each other in everyday life."

**Keywords:** *Islamic inheritance law; interethnic marriage; Malay community; Minangkabau community; legal pluralism.*

## Introduction

Inheritance law is one of the fundamental aspects of the Islamic legal system that governs the distribution of a person's estate to their heirs after their death.<sup>1</sup> In Islam, inheritance provisions are detailed in the Qur'an, specifically in Surah al-Nisa' verses 11, 12, and 176. These three verses serve as the primary normative basis governing the share of each heir, whether the deceased has children, has no children, or in cases of 'kalalah' (where the deceased leaves neither descendants nor parents). The defining characteristic of these provisions is their imperative nature that is, they are binding and cannot be arbitrarily altered by human will, whether through family agreements or through wills that exceed the prescribed limits. Islamic inheritance law is often viewed as a form of worship within the field of muamalah that has been established in a qat' 'i (definitive) manner by Allah; thus, theologically, it cannot be altered or manipulated based solely on worldly interests.<sup>2</sup> It is this imperative nature that serves as a crucial starting point when Islamic inheritance law intersects with other legal systems prevalent in society, including customary law, which is still firmly upheld by various ethnic groups in Indonesia.

Indonesia, as the country with the world's largest Muslim population, faces unique challenges in implementing inheritance law. On the one hand, Islamic law serves as a guide for the majority of the Muslim community, as reflected in the application of the Compilation of Islamic Law (KHI) within the Religious Courts. On the other hand, customary laws of various ethnic groups remain alive and are upheld by local communities.<sup>3</sup> This legal pluralism creates its own dynamics, particularly when inter-ethnic marriages occur between groups with differing customary traditions, making the question of which legal system should apply within such mixed families a complex issue. Siak Regency in Riau Province is one of the regions that exemplifies this diversity and complexity, particularly in Tualang District, whose capital is Perawang an industrial area that attracts various ethnic groups from across Indonesia.<sup>4</sup> The growth of the pulp and paper industry in the region since the late 1980s has driven a massive wave of migration; as a result, in less than four decades, Perawang has transformed from a relatively homogeneous Malay settlement into a multi-ethnic area with a high rate of mixed marriages.

Perawang, as an industrial area focused on pulp and paper production, has become a destination for migration by various ethnic groups, particularly the Malay as the local population and the Minangkabau as the largest group of migrants from West Sumatra. These two ethnic groups have fundamentally different inheritance systems. The Malay people follow a bilateral (parental) system, in which inheritance is traced through both the paternal and maternal lines. In practice, however, men often receive a larger share, although women retain the right to inherit.<sup>5</sup> Conversely, the Minangkabau people follow a matrilineal system, where inheritance is traced through the maternal line and female descendants are the primary owners of ancestral property, while men serve as stewards. It is this structural difference that serves as the most fundamental source of tension when these two systems converge within

---

<sup>1</sup> Amir Syarifuddin, *Hukum Kewarisan Islam* (Jakarta: Kencana, 2004), 3.

<sup>2</sup> Syarifuddin, *Hukum Kewarisan Islam*, 7.

<sup>3</sup> Muhammad Ali Ash-Shabuni, *Al-Mawarith fi al-Syari'ah al-Islamiyyah*, vol. 1 (Beirut: Dar al-Kutub al-Ilmiyyah, 1995), 25.

<sup>4</sup> Ash-Shabuni, *Al-Mawarith fi al-Syari'ah al-Islamiyyah*, 1: 30.

<sup>5</sup> Soerjono Soekanto, *Hukum Adat Indonesia* (Jakarta: Raja Grafindo Persada, 2003), 260.

a single family unit through marriage, as each party brings differing perspectives regarding who is entitled to inherit, what assets can be inherited, and how the distribution mechanism should be carried out.

Some studies relevant to this research include Devvi Anggraeni's (2023) study on legal pluralism in Indonesia, which found that conflicts between the Minangkabau matrilineal, Batak patrilineal, and Javanese parental inheritance systems are often resolved through informal mediation mechanisms before being brought to court.<sup>6</sup> Anggraeni's findings are significant because they indicate that the process of resolving inter-ethnic inheritance disputes tends to avoid formal channels—a pattern also observed in Perawang. Ibrahim (2025) examined the evolution of the Minangkabau customary inheritance system in the modern era and found that migrant communities have relaxed strict matrilineal provisions, particularly regarding assets acquired outside their hometowns.<sup>7</sup> This flexibility aligns with findings in Perawang, where the Minangkabau diaspora community is more open to inheritance distribution based on Islamic law or family agreements for assets acquired in their new homeland.

Diana (2023) examined the status of women in the Minangkabau customary inheritance system using the *mubādalāh* method. This study shows that although the matrilineal system normatively grants women a primary position, in practice men still play a role in the management of ancestral property.<sup>8</sup> This finding enriches our understanding that a matrilineal system does not imply full female dominance, but rather a complex division of roles between formal ownership rights and actual management authority. Prayoga (2026) conducted research on the distribution of inherited assets among the Muslim Chinese community in Semarang. Interestingly, this study found a pattern similar to the findings in Perawang, namely that inheritance distribution does not strictly adhere to any specific legal system.<sup>9</sup> The Muslim Chinese community in Semarang typically relies on family deliberation as the primary method for resolving issues, and Islamic law is used only as a secondary reference when disputes or difficulties arise. This pattern indicates that the tendency of Indonesian society to prefer informal resolution of inheritance disputes within diverse cultural contexts is not limited to a single region but represents a broader and more widespread trend within Indonesia's pluralistic society.

In addition to these three studies, Karim's (2003) analysis of the dynamics of Islam and legal issues in Indonesia also provides an important framework for understanding how pluralistic legal systems can coexist without necessarily negating one another.<sup>10</sup> Karim emphasizes that the process of accommodation between customary law and Islamic law in Indonesia generally does not take place through open confrontation, but rather through a long and gradual process of negotiation, so that the final outcome often takes the form of a new synthesis that does not fully reflect either system in its pure form. Similarly, in his study

---

<sup>6</sup>Devvi Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia," *Journal of Indonesian Legal Studies* 8, no. 1 (2023): 45–78.

<sup>7</sup>Alhamd Fajri Ibrahim, "Perkembangan Sistem Pewarisan Adat Minangkabau di Era Modern," *Jurnal Hukum Keluarga Islam* 7, no. 2 (2025): 112–130.

<sup>8</sup>Ayu Agta Diana, "Kedudukan Perempuan dalam Sistem Kewarisan Adat Minangkabau: Perspektif Metode *Mubādalāh*," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 16, no. 1 (2023): 89–104.

<sup>9</sup>Wahid Prayoga, "Pembagian Harta Warisan pada Etnis Tionghoa Muslim di Semarang: Antara Hukum Islam dan Kesepakatan Keluarga," *Jurnal Hukum dan Kemasyarakatan* 5, no. 1 (2026): 1–20.

<sup>10</sup>Rusdi Karim, *Dinamika Islam dan Persoalan Hukum di Indonesia* (Yogyakarta: Tiara Wacana, 2003), 54.

on sacred and secular law, Lukito asserts that conflicts and their resolutions among various legal systems in Indonesia constitute a structural characteristic inherent in the national legal system, rather than merely a transitional phenomenon that will fade over time.<sup>11</sup> Both of these studies reinforce the fundamental assumption of this research that legal pluralism in Perawang is not a temporary phenomenon, but rather a pattern of legal interaction that will continue as long as the multiethnic social structure in the region persists.

This study found that Islamic law cannot be regarded as an automatic “binding force” for interethnic families. Instead, Islamic law is often selectively employed by family member to strengthen their respective positions during inheritance disputes.<sup>12</sup> This selective use aligns with the concept of “forum shopping” in legal pluralism studies, where disputing parties choose the normative framework most advantageous to their interests from among the available legal systems. The unique contribution of this article lies in its examination of methods for resolving inheritance disputes within families composed of Malay and Minangkabau individuals in Perawang—a topic that has not been specifically studied before—while also providing new empirical data on how Islamic law functions not as a single, automatically applicable legal system, but rather as a normative resource whose meaning is contested by various interested parties.

Based on the above description, this study focuses on three main questions: (1) How are inheritance practices carried out in families resulting from interethnic marriages between the Malay and Minangkabau in Perawang, Siak Regency? (2) How do Islamic legal provisions regulate inheritance in the context of such interethnic marriages? (3) How are disputes resolved when there is a conflict between Malay customary law, Minangkabau customary law, and Islamic law in determining a person’s inheritance rights? These three questions are structured in a step-by-step manner, beginning with a description of field practices, followed by a normative analysis of Islamic law, and concluding with an examination of conflict resolution mechanisms. Thus, this article is expected to provide a comprehensive overview of the dynamics of cross-ethnic inheritance in Perawang.

### **Methodology**

This study employs a qualitative socio-legal approach—an approach that integrates normative analysis of Islamic law with empirical research on the legal behavior of communities in the field.<sup>13</sup> This approach was chosen because the issues under examination cannot be addressed solely through textual legal analysis but also require an understanding of how the law is practiced in the real-life context of Perawang’s heterogeneous society.<sup>14</sup> The socio-legal approach is considered most relevant given that the focus of this study is not to assess the legality of an inheritance practice based solely on positive law, but rather to understand the social and normative logic underlying the legal choices made by cross-ethnic families in their daily lives. The research was conducted in Tualang Subdistrict, Siak Regency Riau Province, with a primary focus on the villages of Perawang and Perawang Barat—the

---

<sup>11</sup> Ratno Lukito, *Hukum Sakral dan Hukum Sekuler: Studi tentang Konflik dan Resolusi dalam Sistem Hukum Indonesia* (Jakarta: Pustaka Alvabet, 2008), 112.

<sup>12</sup> Ter Haar, *Beginselen en Stelsel van het Adatrecht*, diterjemahkan oleh K. Ng. Soebekti Poesponoto sebagai *Asas-Asas dan Susunan Hukum Adat* (Jakarta: Pradnya Paramita, 1994), 197.

<sup>13</sup> Wahbah al-Zuhaili, *Al-Fiqh al-Islami wa Adillatuhu*, vol. 8 (Damaskus: Dar al-Fikr, 1985), 244.

<sup>14</sup> Al-Zuhaili, *Al-Fiqh al-Islami wa Adillatuhu*, 8: 249.

two areas with the highest concentration of Minangkabau migrants in the subdistrict, according to local population data.<sup>15</sup> Research subjects were selected through purposive sampling, specifically families resulting from interethnic marriages between the Malay and Minangkabau ethnic groups who have experienced or are currently facing inheritance issues, ensuring that the data obtained truly reflects the subjects' firsthand experiences in navigating tensions between different legal systems.

Primary data were collected through in-depth interviews with twenty informants, consisting of: (a) eight interethnic Malay-Minangkabau married couples; (b) four Malay traditional leaders and four Minangkabau *ninik mamak*; and (c) two local Islamic religious leaders.<sup>16</sup> Interviews were conducted using a semi-structured approach, guided by an interview guide organized around three major themes: the informants' understanding of their respective customary inheritance systems, their concrete experiences with inheritance distribution, and their perceptions of the role of Islamic law in the process. The selection of informants with diverse backgrounds was intended to elicit complementary perspectives, given that each group of informants holds documents.<sup>17</sup> Interviews were conducted using a semi-structured approach, guided by an interview guide organized around three major themes: the informants' understanding of their respective customary inheritance systems, their concrete experiences with inheritance distribution, and their perceptions of the role of Islamic law in the process.

Data analysis was conducted in three stages: data reduction, data presentation, and drawing conclusions, following the interactive analysis model of Miles and Huberman.<sup>18</sup> The theoretical framework employed is Griffiths' (1986) theory of legal pluralism and Merry's (1988) " , " which views law not as a single, centralized system, but as a space where various normative systems interact, compete, and adapt to one another.<sup>19</sup> The primary legal sources examined include the Qur'an, Hadith, classical fiqh texts, and relevant Indonesian laws and regulations.<sup>20</sup> Data validation was conducted through source triangulation by comparing interview results from different informants including traditional leaders, the perpetrator's family, and formal legal officials ensuring that the findings are not based solely on a single perspective. As a methodological note, this study has limitations in terms of geographical scope, as it is restricted to Tualang Subdistrict; therefore, any generalization of the findings to other areas in Siak Regency or outside Riau must be made with caution.

### **The Malay and Minangkabau Customary Inheritance Systems: Normative Foundations and Practices in Society**

The Siak Malay community traditionally adheres to a parental/bilateral kinship system, in which descent is traced through both the paternal and maternal lines. In this system, men play a dominant role as both head of the household and the primary heir to the family's assets.<sup>21</sup> In Malay customary law, ancestral property is not strictly distinguished between

---

<sup>15</sup> Badan Pusat Statistik Kabupaten Siak, Kecamatan Tualang dalam Angka 2023 (Siak: BPS, 2023), 18.

<sup>16</sup> Hilman Hadikusuma, *Hukum Perkawinan Adat* (Bandung: Citra Aditya Bakti, 1995), 73.

<sup>17</sup> Hadikusuma, *Hukum Perkawinan Adat*, 80.

<sup>18</sup> Ahmad Rofiq, *Hukum Islam di Indonesia* (Jakarta: Raja Grafindo Persada, 2000), 355.

<sup>19</sup> Sally Engle Merry, "Legal Pluralism," *Law and Society Review* 22, no. 5 (1988): 869–896.

<sup>20</sup> Muhammad Daud Ali, *Hukum Islam: Pengantar Ilmu Hukum dan Tata Hukum Islam di Indonesia* (Jakarta: Rajawali Pers, 2011), 278.

<sup>21</sup> Ali, *Hukum Islam*, 283.

assets acquired through one's own efforts and those derived from ancestral inheritance; thus, both are fundamentally inheritable. This system aligns with a general tendency in Malay adat often referred to as "adat is based on sharia, and sharia is based on the Book of Allah," a formulation that reflects efforts to integrate customary law with Islamic principles.<sup>22</sup> This philosophy is not merely a normative slogan; historically, it has shaped the mindset of the Siak Malay community such that applicable customary provisions must not fundamentally contradict Islamic sharia. Consequently, when tensions arise between the two, there is relatively more room for accommodation with Islamic law compared to indigenous communities whose philosophies do not explicitly place sharia as the highest authority.

Meanwhile, the Minangkabau kinship system is matrilineal, meaning that descent is traced through the mother's line (*saparuik*). Consequently, high-status ancestral property that is, property that has been passed down through generations within a clan can only be inherited by female members of the within that clan.<sup>23</sup> Minangkabau men have no inheritance rights to the ancestral property of their mother's clan; instead, they are considered *sumando* (guests) in their wives' homes. This concept is rooted in Minangkabau customary philosophy, which draws a clear distinction between high ancestral property which is communal in nature and non-transferable and low ancestral property, or livelihood assets acquired by an individual during their lifetime, which in principle can be inherited according to the laws of *faraid*. In the context of Perawang, which is a diaspora community, there is some flexibility regarding these strict customary rules; however, the underlying principles remain a moral reference point for the local Minangkabau community.<sup>24</sup>

Based on interviews with Malay customary leaders in Perawang, it was found that in practice, the local Malay community tends to follow Islamic inheritance laws for earned assets, while for ancestral land that still exists, parental adat remains the guiding principle.<sup>25</sup> One of the traditional leaders interviewed explained that houses and yard land that have been occupied for generations by the extended family are generally retained as joint property of the extended family, even though Islamic law formally permits individual distribution. This indicates that although Malay society normatively recognizes the principles of Islamic inheritance, there is room for practical negotiation in which certain assets—particularly those with symbolic and emotional value as markers of family identity—tend to be exempted from strict individual division.

Conversely, Minangkabau *ninik mamak* state that even while living abroad, they strive to uphold matrilineal principles, particularly regarding ancestral property left behind in their hometowns in West Sumatra. However, regarding assets acquired in Perawang, many have accepted division based on Islamic law or family agreements. One of the *ninik mamak* interviewed noted that the younger generation of Minangkabau in Perawang generally no longer deeply understands the philosophy of matrilineal custom; consequently, these provisions are maintained more by the older generation as a form of symbolic loyalty to their hometown, rather than as a legally binding guideline in the day-to-day practice of property division in their new homeland. This shift aligns with Ibrahim's findings, which indicate that

<sup>22</sup> Eman Suparman, *Hukum Waris Indonesia dalam Perspektif Islam, Adat, dan BW* (Bandung: Refika Aditama, 2005), 18.

<sup>23</sup> Suparman, *Hukum Waris Indonesia*, 24.

<sup>24</sup> Umar Haris Sanjaya dan Aunur Rahim Faqih, *Hukum Perkawinan Islam di Indonesia* (Yogyakarta: Gama Media, 2017), 57.

<sup>25</sup> Sanjaya dan Faqih, *Hukum Perkawinan Islam di Indonesia*, 62.

the weakening of strict matrilineal provisions among Minangkabau migrants in the “ ” (expatriate community) is a widespread phenomenon, not a phenomenon unique to Perawang.

### **Islamic Legal Provisions on Inheritance in the Context of Interethnic Marriage**

Islam establishes detailed inheritance rules through the science of faraidh. The basic principles of inheritance in Islam include: (1) the clarity of the heirs (ashab al-furudh) and the specific shares of each, as determined by the nash; (2) the closeness of kinship as the basis for priority; and (3) the principle of ta'shib, or the strengthening of male inheritance rights under certain conditions.<sup>26</sup> These three principles operate simultaneously in determining who is entitled to an inheritance and the size of their share, making the calculation of faraid fundamentally mathematical and precise unlike customary systems, which place greater emphasis on social appropriateness and the balance of kinship relationships. Nevertheless, Islam also recognizes a person's right to make gifts and wills, provided they do not exceed one-third of the total estate when bequeathed to non-heirs, which can serve as a tool for flexibility in cross-cultural contexts.<sup>27</sup> In practice in Perawang, this instrument of gifting is frequently used by interethnic families to bridge the gap between the demands of matrilineal customary law and the provisions of Islamic inheritance law, as gifting allows heirs to allocate a portion of their assets during their lifetime to specific parties without violating standard inheritance regulations.

The Compilation of Islamic Law (KHI), which serves as the official guideline for Islamic family law in Indonesia, stipulates that inheritance is governed by the following principles: (1) *ijbari*, meaning the transfer of assets occurs automatically without the need for an expression of intent; (2) *bilateral*, meaning heirs may be either male or female; (3) *individuality*, meaning that inherited assets can be distributed to each heir individually; and (4) *balanced justice*, meaning that men receive twice the share of women under certain conditions.<sup>28</sup> These four principles serve as the primary framework for Religious Courts in adjudicating inheritance disputes, and they are also the normative references most frequently cited by informants in this study when explaining their reasons for choosing Islamic inheritance distribution.

The bilateral principle in the KHI directly demonstrates the closeness of Islamic law to the Malay customary system, which is also bilateral. Conversely, the individual principle—where assets can be distributed directly to each heir individually—fundamentally contradicts the Minangkabau concept of communal inheritance, which is communal in nature and cannot be divided individually. This tension is the most significant source of conflict within families resulting from interethnic Malay-Minangkabau marriages in Perawang. Conceptually, this tension can be understood as a clash between two paradigms of ownership: the individual ownership paradigm characteristic of both Islamic law and Malay customary law versus. The communal ownership paradigm characteristic of Minangkabau customary law. Consequently,

---

<sup>26</sup> Mohd. Idris Ramulyo, *Hukum Kewarisan, Hukum Perkawinan, Hukum Acara Peradilan Agama dan Zakat menurut Hukum Islam* (Jakarta: Sinar Grafika, 1995), 84.

<sup>27</sup> Amiur Nuruddin dan Azhari Akmal Tarigan, *Hukum Perdata Islam di Indonesia: Studi Kritis Perkembangan Hukum Islam dari Fikih, UU No. 1/1974 sampai KHI* (Jakarta: Kencana, 2006), 186.

<sup>28</sup> Nuruddin dan Tarigan, *Hukum Perdata Islam di Indonesia*, 191.

resolving this conflict cannot be achieved simply by rigidly applying one system without considering its social implications for the other party.

In the context of interethnic marriage, the provisions of Islamic law regarding heirs become highly relevant. Article 171(c) of the KHI defines heirs as persons who, at the time of the decedent's death, have a blood relationship or marital relationship with the decedent, are Muslim, and are not legally barred from inheriting.<sup>29</sup> This definition makes no distinction based on ethnicity or tribe; thus, normatively, Islamic inheritance applies universally to all Muslims regardless of their customary background. However, reality on the ground shows that its implementation is far more complex because it intersects with deeply entrenched customary practices.<sup>30</sup> This normative universality often clashes in practice with the particularities of customary law, which are strongly binding socially; thus, even though state law and Islamic law formally accommodate cross-ethnic inheritance rights without discrimination, social pressure from customary communities remains a significant determining factor in the day-to-day practice of estate distribution.

The tension between Islamic law and Minangkabau customary law centers on ancestral property. In Islamic law, there is no concept of property that is permanently tied to a single clan and cannot be divided among individuals.<sup>31</sup> It is from this tension that various reform efforts have emerged from within the Minangkabau community itself. Some religious scholars and traditional leaders have sought to reinterpret ancestral property so that it aligns with Islamic law, while preserving its social- economic function as a collective safeguard.<sup>32</sup> Such reform efforts for example, by categorizing high-value ancestral property as a form of family waqf or communal trust that falls outside the category of inherited property as defined by faraid demonstrate that the Minangkabau community does not entirely reject Islamic law but rather seeks a conceptual common ground that allows both systems to coexist without either having to be completely sacrificed.

### **Conflict Dynamics and Resolution Patterns in Interethnic Malay and Minangkabau Families**

From the twenty families who served as informants for this study, a diverse picture of inheritance practices emerged. Generally, three main patterns can be identified: (1) families that fully follow Islamic law (faraid); (2) families that follow the adat of one of the parties; and (3) families that implement a division based on mutual agreement without consistently following a single legal system.<sup>33</sup> These three patterns are not mutually exclusive in a rigid sense, as in some cases families were found to have initially followed the third pattern but later shifted to the first after undergoing a mediation process involving religious leaders; thus, the boundaries between the patterns are actually more fluid and dynamic than fixed and rigid categories.

The first pattern was found among eight families who both held strong religious beliefs and were active in local Islamic organizations. These families consciously chose Islamic law

---

<sup>29</sup> "Instruksi Presiden Nomor 1 Tahun 1991 tentang Kompilasi Hukum Islam," Pasal 171 huruf c.

<sup>30</sup> Habiburrahman, *Rekonstruksi Hukum Kewarisan Islam di Indonesia* (Jakarta: Kencana, 2011), 67.

<sup>31</sup> Habiburrahman, *Rekonstruksi Hukum Kewarisan Islam di Indonesia*, 72.

<sup>32</sup> "Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan," Pasal 35.

<sup>33</sup> Neng Djubaedah, *Pencatatan Perkawinan & Perkawinan Tidak Dicatat* (Jakarta: Sinar Grafika, 2010), 155.

as the inheritance system they follow, on the grounds that Islamic law is universally applicable and supersedes customary differences.<sup>34</sup> Interestingly, in some cases within this pattern, parents have made gifts to their children before their death to avoid potential conflicts in the future a practice that is permitted under Islamic jurisprudence (fiqh) as long as it is carried out fairl and does not disadvantage any party.<sup>35</sup> This pattern of lifetime gifts also serves as a fairly effective preventive strategy, because with a clear distribution witnessed by family members before the testator's death, the scope for future disputes becomes much narrower than if the distribution were carried out only after the testator's death.

The second pattern was observed in six families, where the inheritance system tended to follow the customs of the husband or the party that was more dominant socio-economically. In cases of marriage between a Malay man and a Minangkabau woman, jointly acquired assets tended to be divided according to the Malay patrilineal system, modified with elements of Islamic law.<sup>36</sup> Meanwhile, in the case of a marriage between a Minangkabau man and a Malay woman, Minangkabau ancestral property located in West Sumatra continues to follow matrilineal rules, but property acquired in Perawang is divided bilaterally in accordance with Islamic law or family agreement.<sup>37</sup> This pattern reveals a kind of normative territorial division based on the location of the assets, whereby assets located in the hometown in West Sumatra are subject to the original customary law regime, while assets acquired in the Perawang region are subject to a legal regime that is more accommodating to the conditions of mixed-ethnic families a pattern that can be described as a form of normative territorialization in cross-ethnic inheritance practices.

The third pattern, which is the most common, is division based on family deliberation. The heirs negotiate and reach an agreement deemed fair by all parties, without strictly adhering to any single legal system. This pattern aligns with the custom of Indonesian society, which prefers to resolve disputes through family mediation rather than through the courts.<sup>38</sup> The outcome of these deliberations is sometimes formalized in a notarial deed or a certificate of inheritance, but more often takes the form of a verbal agreement witnessed by local community or religious leaders.<sup>39</sup> The absence of formal documentation in most cases under this third pattern poses its own potential risks, particularly if, at a later date, new heirs or third parties emerge claiming a share of the assets that were informally divided; the lack of strong written evidence can complicate the process of proving one's case should the dispute ultimately have to be brought before a formal legal forum.

The most common conflict arises when family members from the Minangkabau clan demand the return of a portion of the assets to the clan in their hometown, while the other party considers the assets to be the sole property of the nuclear family and believes they must be divided according to Islamic law.<sup>40</sup> In this context, local religious leaders play a crucial role as mediators. They invoke the legitimacy of Islamic law to justify decisions that favor the

<sup>34</sup> Djubaedah, *Pencatatan Perkawinan & Perkawinan Tidak Dicatat*, 160.

<sup>35</sup> Tengku Muhammad Hasbi Ash-Shiddieqy, *Fiqh Mawaris: Hukum-Hukum Warisan dalam Syariat Islam* (Semarang: Pustaka Rizki Putra, 2010), 45.

<sup>36</sup> Ash-Shiddieqy, *Fiqh Mawaris*, 51.

<sup>37</sup> Beni Ahmad Saebani, *Fiqh Mawaris* (Bandung: Pustaka Setia, 2009), 133.

<sup>38</sup> Saebani, *Fiqh Mawaris*, 140.

<sup>39</sup> Otje Salman Soemadiningrat, *Rekonseptualisasi Hukum Adat Kontemporer* (Bandung: Alumni, 2002), 89.

<sup>40</sup> Soemadiningrat, *Rekonseptualisasi Hukum Adat Kontemporer*, 94.

nuclear family over the traditional clan. Such informal mediation has proven more effective than court proceedings, especially when the goal is to maintain good family relations.<sup>41</sup> One particularly notable case in this study is a dispute between children from a mixed marriage and their maternal sisters who still reside in their hometown in West Sumatra. The hometown community demanded that a portion of the house built in Perawang be returned to the clan, as it was considered an extension of the ancestral estate, while the children, who were born and raised in Perawang, felt that the house was the sole result of their parents' hard work and should therefore be divided according to the rules of *faraid*. A resolution to this case was ultimately reached through mediation involving a local religious leader, resulting in the division of a small portion of the property's value as a symbolic gesture of respect toward the hometown community, without having to relinquish full ownership of the house.

The conflict resolution patterns identified in this study can be summarized as follows: first, mediation through a religious leader who uses Islamic law as the primary reference while still taking customary norms into account; second, mediation through customary leaders from both sides who seek a middle ground between two different customary systems; and third, resolution through an extended family forum without involving external parties, which is typically pursued when differences of opinion among family members are not yet too sharp. Of these three patterns, mediation through religious figures appears to be used most frequently when disputes involve Minangkabau customary claims pitted against the interests of the nuclear family, as religious legitimacy is seen as capable of providing a solution considered neutral by both parties—even though, in practice, such decisions often favor one side over the other.

### **Analysis of Islamic Law as a Normative Resource in the Context of Legal Pluralism**

This study enriches our understanding of legal pluralism, particularly regarding inter-ethnic inheritance issues. Many people assume that with modernization and the spread of Islam, customary law will gradually be abandoned. However, the reality in Perawang is different. Islamic law, Malay customary law, and Minangkabau customary law coexist and dynamically influence one another.<sup>42</sup> This phenomenon aligns with critiques of the classical secularization thesis, which posits that modernization will inevitably and linearly displace the role of customary law; yet what is occurring in Perawang is actually a process of mutual adaptation, in which Islamic law adopts certain sensibilities toward communal customary values, while customary law also adopts certain individualistic and bilateral principles from Islamic law.

The position of Islamic law within this dynamic is quite unique. On the one hand, people use Islamic law to challenge customary practices they perceive as unfair for example, when daughters or wives are disadvantaged by the overly strict Malay patrilineal system.<sup>43</sup> On the other hand, Islamic law is also used to defend the rights of the nuclear family against communal claims by the Minangkabau. Thus, Islamic law in Perawang cannot be understood as a single, fixed set of rules. People use it in different ways depending on their respective

---

<sup>41</sup> Abdul Ghofur Anshori, *Hukum Kewarisan Islam di Indonesia: Eksistensi dan Adaptabilitas* (Yogyakarta: Gadjah Mada University Press, 2012), 211.

<sup>42</sup> Anshori, *Hukum Kewarisan Islam di Indonesia*, 218.

<sup>43</sup> Ahmad Zahari, *Tiga Versi Hukum Kewarisan Islam: Syafi'i, Hazairin, dan KHI* (Pontianak: Romeo Grafika, 2006), 76.

positions and interests.<sup>44</sup> This instrumental use of Islamic law aligns with the concept of “legal consciousness” in the sociology of law, which emphasizes that the layperson’s understanding and application of the law are never neutral but are always shaped by individual interests, social positions, and life experiences; thus, the same legal text can be interpreted and applied differently by parties with differing interests.

From the perspective of Islamic jurisprudence (fiqh), the practice of family deliberation in the distribution of inheritance in Perawang actually has a strong basis of legitimacy in the concepts of sulh (reconciliation) and hibah (gift). The concept of sulh in Islam allows disputing parties to reach a mutually beneficial agreement, provided that such an agreement does not violate fundamental principles of Sharia. Thus, family consultation as a practice of resolving inheritance conflicts possesses dual legitimacy: it is both an Indonesian cultural value and a principle recognized in Islamic jurisprudence. It is this dual legitimacy that explains why the family deliberation model is far more readily accepted by all parties than the rigid application of faraid or the strict adherence to adat, as it accommodates the need for substantive justice that is perceived as fair by the parties, without being trapped by the formal rigidity of either legal system.

However, this flexibility has a dark side. Family members in weaker positions, such as widows or daughters, often receive only a small share—far less than their rights under the Islamic legal principle of “.” Social pressure from the more powerful traditional community makes it difficult for them to refuse. This pattern is particularly evident in cases where the male party holds a far more dominant economic position than the female party, thereby severely limiting women’s bargaining power in family deliberation forums—even though these forums are formally described as democratic and mutually agreed-upon processes. This means that, in addition to raising awareness about Islamic inheritance rights, the Religious Courts must also be actively present to protect those who are vulnerable in inter-ethnic inheritance disputes.

### **Implications for the Protection of Women’s Inheritance Rights and Vulnerable Groups**

The findings regarding the dark side of the flexibility in family deliberations, as outlined above, require further elaboration, given their significant implications for the protection of the rights of vulnerable groups within inter-ethnic families. In this study, at least three categories of groups were identified as being structurally in a weak position in the inheritance distribution negotiation process: widows left behind by their deceased husbands without independent income, daughters who must contend with brothers who hold a stronger socioeconomic position, and Malay daughters-in-law who are married to Minangkabau men but lack strong kinship networks within their husbands’ traditional communities.

Based on the principle of balanced justice in the KHI and the provisions of faraid that explicitly guarantee women’s inheritance rights, ideally the position of this vulnerable group should be protected by law. However, as emphasized by Mukhlis in his study on the social institutions of Islamic law, the effectiveness of legal norms is highly dependent on the

---

<sup>44</sup> Idris Ramulyo, *Perbandingan Hukum Kewarisan Islam* (Jakarta: Sinar Grafika, 2004), 12.

surrounding social power structures; thus, norms that textually protect vulnerable groups may not be optimally implemented if the surrounding social structures do not support them.<sup>45</sup> In the context of Perawang, the social structures in question include, among other things, women's economic dependence on men, the strong social norm against "making excessive demands" within the family, and the lack of legal literacy regarding Islamic inheritance among women themselves which leads many of them to be unaware of the full extent of the rights they actually possess under the provisions of faraid.

Several female informants in this study acknowledged that they accepted a smaller share of the inheritance than they were entitled to solely to maintain harmony within the extended family and avoid prolonged conflicts with their husband's relatives, even though they were fully aware of the discrepancy with the applicable faraid provisions. This kind of concession, while understandable as a form of social wisdom to preserve kinship ties, simultaneously has the potential to perpetuate patterns of structural injustice if not balanced by strengthened legal awareness and access to formal protection mechanisms. Therefore, this study emphasizes the dual role of religious institutions and the judiciary: as mediators bridging differences in legal systems, and as the final gatekeepers ensuring that the family deliberation process does not become a means of legitimizing practices that actually harm those who are structurally vulnerable.

## Conclusion

This study found that inheritance practices in intermarriages between the Malay and Minangkabau ethnic groups in Perawang, Siak Regency, do not follow a single, consistent legal system but rather reflect the dynamics of complex legal pluralism, in which Islamic law, Malay customary law, and Minangkabau customary law interact on a situational basis. The three main patterns identified are: the full application of Islamic faraid, the dominance of one party's customary law, and resolution through family deliberation. Among these three, family deliberation is the most dominant mechanism used for informal conflict resolution to maintain social harmony, while also serving as a space where Islamic law functions as a source of normative legitimacy for the agreements reached by the parties.

The contribution of this article lies in advancing the understanding of Islamic law as a normative resource used selectively within the context of legal pluralism. These findings indicate that although Perawang society is becoming increasingly religious, customary law has not simply disappeared. Rather, the two systems complement each other: Islamic law and customary law are used interchangeably depending on the situation, interests, and social status of the parties involved in inheritance disputes. In practical terms, this study highlights the importance of improving legal literacy regarding Islamic inheritance law among cross-ethnic communities, particularly to protect the rights of vulnerable heirs such as wives and daughters, given that the flexibility of family deliberation—which serves as the dominant mechanism—also carries the potential to perpetuate structural injustice if not balanced by adequate legal awareness.

---

<sup>45</sup> Oyo Sunaryo Mukhlas, *Pranata Sosial Hukum Islam* (Bandung: Refika Aditama, 2015), 102.

This study focuses solely on Perawang; therefore, its findings may not necessarily apply to other areas in Siak Regency or other regions in Indonesia with different ethnic configurations and economic structures. Future research could compare cross-ethnic inheritance practices in various other industrial and urban areas across Sumatra, thereby providing a more comprehensive picture that can be generalized more broadly. In addition, the role of the Religious Court in handling cross-ethnic inheritance disputes in this region needs to be examined more deeply to complement the analysis from an institutional perspective, given that this study primarily highlights informal resolution mechanism through family deliberation and mediation by religious leaders, while the role of formal institutions has not been explored in depth.

### **Bibliography**

- Al-Zuhaili, Wahbah. *Al-Fiqh al-Islami wa Adillatuhu*. Vol. 8. Damaskus: Dar al-Fikr, 1985.
- Ali, Muhammad Daud. *Hukum Islam: Pengantar Ilmu Hukum dan Tata Hukum Islam di Indonesia*. Jakarta: Rajawali Pers, 2011.
- Anggraeni, Devvi. "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia." *Journal of Indonesian Legal Studies* 8, no. 1 (2023): 45–78.
- Anshori, Abdul Ghofur. *Hukum Kewarisan Islam di Indonesia: Eksistensi dan Adaptabilitas*. Yogyakarta: Gadjah Mada University Press, 2012.
- Ash-Shabuni, Muhammad Ali. *Al-Mawarith fi al-Syari'ah al-Islamiyyah*. Vol. 1. Beirut: Dar al-Kutub al-Ilmiyyah, 1995.
- Ash-Shiddieqy, Tengku Muhammad Hasbi. *Fiqh Mawaris: Hukum-Hukum Warisan dalam Syariat Islam*. Semarang: Pustaka Rizki Putra, 2010.
- Badan Pusat Statistik Kabupaten Siak. *Kecamatan Tualang dalam Angka 2023*. Siak: BPS, 2023.
- Diana, Ayu Agta. "Kedudukan Perempuan dalam Sistem Kewarisan Adat Minangkabau: Perspektif Metode Mubādalāh." *Al-Ahwal: Jurnal Hukum Keluarga Islam* 16, no. 1 (2023): 89–104.
- Djubaedah, Neng. *Pencatatan Perkawinan & Perkawinan Tidak Dicatat*. Jakarta: Sinar Grafika, 2010.
- Griffiths, John. "What Is Legal Pluralism?" *Journal of Legal Pluralism and Unofficial Law* 18, no. 24 (1986): 1–55.
- Habiburrahman. *Rekonstruksi Hukum Kewarisan Islam di Indonesia*. Jakarta: Kencana, 2011.
- Hadikusuma, Hilman. *Hukum Perkawinan Adat*. Bandung: Citra Aditya Bakti, 1995.
- Hazairin. *Hukum Kewarisan Bilateral Menurut Al-Quran dan Hadis*. Jakarta: Tintamas, 1982.
- Ibrahim, Alhamd Fajri. "Perkembangan Sistem Pewarisan Adat Minangkabau di Era Modern." *Jurnal Hukum Keluarga Islam* 7, no. 2 (2025): 112–130.
- "Instruksi Presiden Nomor 1 Tahun 1991 tentang Kompilasi Hukum Islam."
- Karim, Rusdi. *Dinamika Islam dan Persoalan Hukum di Indonesia*. Yogyakarta: Tiara Wacana, 2003.
- Lukito, Ratno. *Hukum Sakral dan Hukum Sekuler: Studi tentang Konflik dan Resolusi dalam Sistem Hukum Indonesia*. Jakarta: Pustaka Alvabet, 2008.

- Mahmud Marzuki, Peter. *Penelitian Hukum*. Jakarta: Kencana, 2005.
- Merry, Sally Engle. "Legal Pluralism." *Law and Society Review* 22, no. 5 (1988): 869–896.
- Muhammad, Bushar. *Asas-Asas Hukum Adat: Suatu Pengantar*. Jakarta: Pradnya Paramita, 2006.
- Mukhlas, Oyo Sunaryo. *Pranata Sosial Hukum Islam*. Bandung: Refika Aditama, 2015.
- Nuruddin, Amiur, dan Azhari Akmal Tarigan. *Hukum Perdata Islam di Indonesia: Studi Kritis Perkembangan Hukum Islam dari Fikih, UU No. 1/1974 sampai KHI*. Jakarta: Kencana, 2006.
- Prayoga, Wahid. "Pembagian Harta Warisan pada Etnis Tionghoa Muslim di Semarang: Antara Hukum Islam dan Kesepakatan Keluarga." *Jurnal Hukum dan Kemasyarakatan* 5, no. 1 (2026): 1–20.
- Prodjodikoro, Wirjono. *Hukum Warisan di Indonesia*. Bandung: Sumur Bandung, 1983.
- Ramulyo, Idris. *Perbandingan Hukum Kewarisan Islam*. Jakarta: Sinar Grafika, 2004.
- Ramulyo, Mohd. Idris. *Hukum Kewarisan, Hukum Perkawinan, Hukum Acara Peradilan Agama dan Zakat menurut Hukum Islam*. Jakarta: Sinar Grafika, 1995.
- Rofiq, Ahmad. *Hukum Islam di Indonesia*. Jakarta: Raja Grafindo Persada, 2000.
- Saebani, Beni Ahmad. *Fiqh Mawaris*. Bandung: Pustaka Setia, 2009.
- Sanjaya, Umar Haris, dan Aunur Rahim Faqih. *Hukum Perkawinan Islam di Indonesia*. Yogyakarta: Gama Media, 2017.
- Soekanto, Soerjono. *Hukum Adat Indonesia*. Jakarta: Raja Grafindo Persada, 2003.
- Soemadiningrat, Otje Salman. *Rekonseptualisasi Hukum Adat Kontemporer*. Bandung: Alumni, 2002.
- Suparman, Eman. *Hukum Waris Indonesia dalam Perspektif Islam, Adat, dan BW*. Bandung: Refika Aditama, 2005.
- Syarifuddin, Amir. *Hukum Kewarisan Islam*. Jakarta: Kencana, 2004.
- Ter Haar, B. *Beginnelsen en Stelsel van het Adatrecht*. Diterjemahkan oleh K. Ng. Soebekti Poesponoto sebagai *Asas-Asas dan Susunan Hukum Adat*. Jakarta: Pradnya Paramita, 1994.
- "Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan."
- Zahari, Ahmad. *Tiga Versi Hukum Kewarisan Islam: Syafi'i, Hazairin, dan KHI*. Pontianak: Romeo Grafika, 2006.