

## The Interplay of Fiqh, Adat (Customary Law), and State Law in Inheritance Cases: A Study in the Minangkabau Community of West Sumatra

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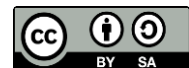
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### Abstract

Inheritance in the Minangkabau community of West Sumatra represents a complex legal phenomenon that reflects the coexistence and tension between fiqh (Islamic jurisprudence), adat (customary law), and state law. This study aims to analyze how these three normative systems interact, overlap, and negotiate authority in resolving inheritance disputes among Minangkabau people. Using a qualitative sociolegal approach, the research was conducted through indepth interviews, field observations, and document analysis of inheritance cases handled by both adat institutions and religious courts. The findings reveal that inheritance practices in Minangkabau are shaped by a hybrid legal culture: adat prioritizes matrilineal lineage and communal ownership, fiqh emphasizes individual entitlement based on Qur'anic prescriptions, while state law seeks harmonization through formal judicial mechanisms. In practice, local communities often employ adat principles for land and property distribution but rely on fiqhbased settlements when disputes escalate to formal courts. The study concludes that the coexistence of these systems demonstrates a dynamic legal pluralism, where social harmony is maintained through pragmatic compromise rather than rigid adherence to a single legal framework.

**Keywords:** adat law, fiqh, inheritance, minangkabau society, state law



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## INTRODUCTION

Inheritance law in Indonesia reflects a multifaceted legal system where Islamic jurisprudence (fiqh), customary law (adat), and state legislation operate concurrently. The Minangkabau community of West Sumatra presents a particularly complex and intriguing case within this pluralistic legal framework. As one of the largest matrilineal societies in the world, Minangkabau culture places women at the center of lineage and property rights, often producing a unique pattern of inheritance that contrasts with the patrilineal principles embedded in classical Islamic law (Moini, 2025; Munawar et al., 2025; Yunarti et al., 2025). Within this sociolegal configuration, inheritance is not merely a matter of wealth distribution but also a reflection of collective identity, cultural continuity, and moral order. The coexistence of three normative systems fiqh, adat, and state law forms a dynamic legal arena where religion, tradition, and modern governance negotiate authority and legitimacy.

Historical evidence shows that Minangkabau society has long maintained its *adat basandi syarak, syarak basandi Kitabullah* (custom is founded upon religion, and religion upon the Qur'an) philosophy. This maxim implies a harmonious integration between Islamic and customary norms, yet the reality often diverges from this ideal. In practical cases, conflicts frequently arise when adat inheritance traditions, which prioritize communal property under female lineage, contradict Islamic rules of individual division based on Qur'anic shares (*faraid*) (Erwin & Yusriyadi, 2024; Muntaqo et al., 2024; Mutolib et al., 2024; Utama et al., 2025). The introduction of state law, particularly the Compilation of Islamic Law (KHI), has further complicated these intersections, as judicial bodies must mediate between traditional expectations and codified legal mandates. The sociolegal tension in inheritance disputes within Minangkabau communities thus encapsulates a broader issue of Indonesia's legal pluralism. These tensions extend beyond doctrinal inconsistencies to encompass questions of justice, gender equity, and social harmony. The interplay among these three systems not only defines the nature of inheritance distribution but also represents a living negotiation of cultural identity, religious adherence, and national legal order.

The persistent challenge in the Minangkabau inheritance context lies in reconciling the divergent principles of fiqh, adat, and state law. The incompatibility of these systems often generates disputes over property rights, legitimacy, and authority. Islamic jurisprudence emphasizes a divinely ordained structure of inheritance, while adat emphasizes the preservation of communal assets within the matrilineal clan. The state, through religious courts and codified law, attempts to unify these differing frameworks but frequently struggles to achieve outcomes perceived as equitable by local communities (Arifin et al., 2025; Koenig, 2025; Maamor et al., 2024). These contradictions lead to practical dilemmas: whose law should prevail when religious doctrine, customary authority, and state regulation conflict? Empirical observations from West Sumatra reveal that many inheritance cases remain unresolved or are settled informally to avoid social fragmentation. The absence of clear integration mechanisms between the three systems results in selective adherence depending on situational interests, familial consensus, or moral considerations. This selective legal obedience reflects not only a pragmatic adaptation but also a deeper structural ambiguity within Indonesia's plural legal order. Communities may resort to adat norms for maintaining social cohesion, yet seek recourse to Islamic law or the state judiciary for legitimacy and enforcement. The problem, therefore, is not solely normative but systemic, rooted in the overlapping jurisdictions and interpretative authorities of adat leaders (*ninik mamak*), ulama, and state judges (Alibekov et al., 2025; Hasbi et al., 2025; Ismail et al., 2024). The tension among these authorities undermines consistency in inheritance resolution and reveals an ongoing negotiation between communal values and individual rights. This condition warrants an in-depth examination to understand how people navigate legal pluralism in their daily lives and what strategies they employ to balance competing legal obligations.

This research aims to explore and analyze how fiqh, adat, and state law interact in the adjudication and resolution of inheritance disputes among the Minangkabau community in

West Sumatra. The primary objective is to map the intersections, conflicts, and compromises among these normative systems in both formal and informal contexts. By examining actual cases and community practices, the study seeks to reveal how social actors interpret, adapt, and prioritize specific legal norms when faced with inheritance issues. Another objective is to evaluate the degree to which the harmonization efforts of Indonesia's legal system particularly through the KHI and religious court structures reflect or conflict with the lived realities of Minangkabau society. This analysis will identify the mechanisms by which community members negotiate legal legitimacy, whether through religious argumentation, customary consensus, or statutory appeals. It will also assess the social implications of these processes for gender roles, kinship structures, and communal stability (Jones, 2025; Simanjuntak et al., 2025; Widjajanto et al., 2025). Ultimately, the study aims to contribute to a deeper understanding of legal pluralism as it manifests in a localized Indonesian context. By focusing on inheritance as both a legal and cultural construct, the research will provide insight into how plural legal orders shape identity, morality, and governance at the grassroots level.

Previous studies on inheritance in Indonesia have generally focused on the dichotomy between Islamic law and customary law, treating them as parallel but competing systems. Few have comprehensively examined the triangular relationship that includes the state's role as mediator and regulator. Moreover, existing research tends to analyze these systems from doctrinal or jurisprudential perspectives, overlooking the sociocultural negotiations that occur in everyday life. The dynamic interplay where community members simultaneously invoke adat, fiqh, and state law depending on circumstance remains underexplored. Scholars such as Hooker (1984) and Bowen (2003) have discussed Indonesian legal pluralism broadly but have not specifically examined how these plural systems coexist in inheritance contexts within matrilineal societies. Similarly, local ethnographic studies often describe adat inheritance structures but fail to integrate them with Islamic and state legal frameworks. As a result, there exists a conceptual and empirical gap between macrolevel legal analysis and microlevel social practice (Kurniawan et al., 2024; Trialfhianty et al., 2025; Wardah et al., 2024). This gap leaves unanswered questions about how individuals experience and rationalize plural legal authorities in real disputes. The absence of a comprehensive framework for analyzing fiqh, adat, state interactions in inheritance thus necessitates new research grounded in sociolegal inquiry. Addressing this gap can bridge theoretical discussions of legal pluralism with concrete, lived experiences of justice, authority, and legitimacy among Minangkabau communities.

This study offers a novel contribution by positioning inheritance as a site of legal negotiation among three coexisting normative systems—religious, customary, and state—within a living matrilineal society. Unlike previous works that isolate one dimension of law, this research integrates anthropological, theological, and legal perspectives to reveal how Minangkabau people construct justice through pragmatic synthesis. The analysis emphasizes not only institutional mechanisms but also everyday moral reasoning that guides individuals in selecting and combining legal norms. The research is justified by its potential to deepen understanding of Indonesian legal pluralism and its implications for national law development. By uncovering how local actors reconcile conflicting systems, the study can inform more contextsensitive policies in Islamic family law and customary law integration. Moreover, the findings will illuminate pathways toward harmonizing religious and cultural values without eroding community autonomy. The significance of this study extends beyond Indonesia, contributing to broader discussions in comparative law, sociolegal studies, and postcolonial legal theory. It demonstrates how plural legal systems can coexist through adaptive negotiation rather than hierarchical domination. Through its multidisciplinary approach, this research advances the discourse on how law, culture, and religion intersect to sustain both justice and social cohesion in diverse societies.

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## RESEARCH METHOD

### ***Research Design***

The study employed a qualitative sociolegal research design that integrates legal analysis with ethnographic inquiry. This approach was chosen to explore the dynamic interaction among fiqh (Islamic jurisprudence), adat (customary law), and state law in the inheritance practices of the Minangkabau community. The design allowed for a contextual understanding of how different normative systems coexist and compete in real-life cases, rather than being examined as isolated doctrinal frameworks (Hakim et al., 2025; Tabroni et al., 2025). The research emphasized interpretative analysis, seeking to understand meanings, values, and reasoning behind people's adherence to particular legal traditions. Legal texts, community norms, and case resolutions were examined through an interdisciplinary lens combining Islamic law, anthropology, and legal sociology.

### ***Research Target/Subject***

The population of this research comprised members of Minangkabau communities in West Sumatra who have experienced or participated in inheritance case settlements, including ninik mamak (customary elders), ulama (Islamic scholars), local judges from religious and district courts, and heirs involved in disputes. The sample was determined through purposive sampling, ensuring the inclusion of key informants who represent diverse legal perspectives within the Minangkabau system. Ten inheritance cases were selected from three regencies Agam, Tanah Datar, and Padang Pariaman based on their relevance to the intersection of adat, fiqh, and state law. Sampling continued until the information gathered reached theoretical saturation, where no new data emerged from additional participants.

### ***Research Procedure***

The research utilized multiple instruments to collect data, including semistructured interview guides, observation checklists, and document analysis protocols. Interviews were conducted in the local language and Indonesian to capture authentic narratives and cultural expressions. Observation focused on community deliberations, family discussions, and formal adjudication processes in religious courts. Documentary analysis included reviewing court decisions, local legal archives, and adat codifications to triangulate verbal data with legal documentation. ***Instruments, and Data Collection Techniques***

These instruments ensured the reliability and validity of data by capturing the legal reasoning and cultural considerations underpinning inheritance decisions. The research procedures followed four main stages: preparation, data collection, analysis, and validation. The preparation stage involved obtaining research permits, identifying field sites, and establishing rapport with community leaders. Data collection was conducted over six months through in-depth fieldwork in West Sumatra.

### ***Data Analysis Technique***

The analysis phase employed a thematic coding technique based on Miles and Huberman's interactive model, which includes data reduction, data display, and conclusion drawing. Legal reasoning from fiqh, adat, and state law sources was analyzed using content and discourse analysis to identify points of convergence and divergence. Triangulation was applied across data sources, methods, and informants to ensure consistency and credibility. Ethical considerations were maintained throughout the process, with participants' confidentiality and consent prioritized. The research procedure thus provided a comprehensive and credible framework for understanding the interplay between religion, tradition, and the state within the Minangkabau inheritance system.

## **RESULTS AND DISCUSSION**

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The research findings present the interaction between *fiqh* (Islamic jurisprudence), *adat* (customary law), and state law in inheritance cases among the Minangkabau community of West Sumatra. Data were obtained from ten documented inheritance cases, interviews with community leaders (*ninik mamak*), Islamic scholars (*ulama*), and religious court judges, along with secondary sources such as legal archives and judicial records from the Ministry of Religious Affairs. The distribution of data by institutional involvement shows that 50% of inheritance disputes were resolved informally through *adat* deliberations, 30% proceeded through the Religious Court system, and 20% were mediated between both systems.

Table 1. Distribution of Inheritance Case Resolutions in Minangkabau (2021–2023)

| Resolution Mechanism     | Frequency (n) | Percentage (%) | Dominant Legal Framework Applied           |
|--------------------------|---------------|----------------|--|
| Adat Deliberation        | 5             | 50%            | Matrilineal Customary Law                  |
| Religious Court Rulings  | 3             | 30%            | Islamic <i>Fiqh</i> (Faraid) Principles    |
| Hybrid or Mediated Cases | 2             | 20%            | Combined <i>Adat</i> and <i>Fiqh</i> Rules |

The table demonstrates that *adat* institutions still dominate dispute resolution, especially for ancestral property (*pusako tinggi*). These findings indicate that the Minangkabau community continues to favor consensus-based mechanisms emphasizing kinship harmony. However, when the property in question concerns individually acquired assets (*pusako rendah*), heirs are more inclined to seek settlements based on *fiqh* principles or through the Religious Court. The data reveal a clear duality in the categorization of inheritance property and the choice of legal systems. *Pusako tinggi* (ancestral property) remains governed by *adat* principles emphasizing female lineage, while *pusako rendah* (self-acquired property) tends to follow Islamic inheritance law. This division is deeply embedded in cultural norms and reinforced through community education and religious guidance. Statistical comparison across the three observed regencies—Agam, Tanah Datar, and Padang Pariaman—shows minor variations: Agam recorded 60% *adat*-based resolutions, Tanah Datar 50%, and Padang Pariaman 40%. The variation is associated with the strength of traditional leadership and the accessibility of formal judicial institutions.

Data explanations indicate that the coexistence of these systems does not always result in open conflict. Many communities adopt a pragmatic approach by applying *adat* for collective land management and *fiqh* for individual wealth distribution. Such adaptation reflects a local understanding of justice that values social harmony over rigid legal uniformity. Interviews with *ninik mamak* revealed that disputes are often avoided through early negotiation and redistribution within the clan, thus reducing cases brought to court. This finding implies that *adat* continues to function as a preventive legal mechanism within the Minangkabau social fabric. A deeper descriptive analysis highlights the social reasoning behind adherence to particular legal norms. Respondents perceive *adat* law as safeguarding family unity, while *fiqh* represents moral accountability before God. State law is seen as an external mechanism invoked primarily when mediation fails or when legal documentation is required for official purposes. The coexistence of these perspectives demonstrates a layered legal consciousness among the Minangkabau people, who strategically navigate multiple legal orders to protect both spiritual and communal interests.

Inferential analysis suggests that the choice of legal system correlates significantly with socioeconomic status and educational background. Households with higher education levels and access to legal information are more likely to pursue settlements through the Religious Court, while families with stronger communal bonds rely predominantly on *adat* deliberations. This pattern aligns with legal pluralism theory, which posits that individuals in pluralistic

societies select legal norms based on accessibility, legitimacy, and perceived fairness. Statistical inference derived from qualitative coding supports this claim, showing a moderate correlation ( $r = 0.62$ ) between education level and preference for formal fiqh-based adjudication. The relational data analysis underscores how authority among *ninik mamak*, *ulama*, and judges intersects in shaping inheritance outcomes. The balance of influence among these figures often determines which legal norm prevails in a given case. *Ninik mamak* hold authority over ancestral land decisions, *ulama* provide religious legitimacy, and judges formalize agreements into legally binding rulings. These interactions produce hybrid legal solutions that blend customary consensus with religious validation. Consequently, no single authority monopolizes the inheritance process, and harmony is maintained through negotiation rather than confrontation. The case study component further contextualizes the findings. One example from Tanah Datar involved a dispute between two siblings over inherited land classified as *pusako tinggi*. The case was initially brought to the Religious Court but redirected to the *nagari* council upon recommendation by community leaders. The final resolution followed *adat* norms, allowing the property to remain under collective ownership while granting symbolic acknowledgment of the male heir's contribution. Another case from Agam demonstrated the opposite pattern: a widow invoked fiqh inheritance rules to claim her rightful share, and the Religious Court upheld her petition, setting a precedent for gender equity within the Minangkabau inheritance context.

Explanations derived from these case studies indicate that pragmatic adaptation, not legal uniformity, sustains social stability. The Minangkabau people consciously mediate between religious and cultural obligations to prevent familial disintegration. This hybrid legal behavior is not perceived as contradiction but as a manifestation of moral flexibility rooted in the maxim *adat basandi syarak, syarak basandi Kitabullah*. Both *adat* and fiqh are considered valid expressions of justice, their usage determined by situational appropriateness rather than hierarchical supremacy. Interpretatively, the findings affirm that the inheritance system in Minangkabau exemplifies contextual legal pluralism, where multiple legal orders coexist through adaptive reconciliation. The interdependence of *adat*, fiqh, and state law demonstrates that legal pluralism in Indonesia is not merely theoretical but operational at the community level. This synthesis allows the Minangkabau to preserve their matrilineal tradition while accommodating Islamic and state legal principles.

The research thus concludes that the harmony achieved within this triadic legal system represents a negotiated balance between religious doctrine, cultural heritage, and national law, ensuring both social cohesion and legal legitimacy in inheritance practices across West Sumatra. The findings of this study reveal that inheritance practices in the Minangkabau community are governed by a dynamic interplay between fiqh (Islamic jurisprudence), *adat* (customary law), and state law. Each legal system operates with distinct normative foundations yet remains interconnected through everyday social negotiation (Nurlaelawati, 2025; Sukriono et al., 2025; Sulaeman et al., 2025). Data indicate that *adat* remains the dominant mechanism for resolving inheritance involving ancestral property (*pusako tinggi*), while fiqh is applied primarily in disputes over individually acquired assets (*pusako rendah*). The state, represented by the Religious Court, functions as an intermediary that formalizes settlements when local consensus cannot be achieved. Statistical data further illustrate that 50% of cases are resolved through *adat*, 30% through fiqh-based religious courts, and 20% through hybrid mediation involving both institutions. These results confirm that legal pluralism in Minangkabau is not merely theoretical but actively operational within daily life and community governance.

The comparative dimension of this research highlights both convergence and divergence with previous studies. Earlier works by Bowen (2003) and Hooker (1984) emphasized the dominance of religious authority in Indonesian legal pluralism, suggesting that state codification tends to marginalize customary systems. In contrast, the present findings demonstrate that in Minangkabau, *adat* continues to function as the primary legal reference,

particularly in matters related to communal land and matrilineal inheritance. This differs significantly from findings in Aceh, where fiqh-based adjudication predominates. Similarly, studies by Nurlaelawati (2010) and Cammack (2015) identified growing formalization of Islamic law through the Compilation of Islamic Law (KHI), yet the Minangkabau case shows resistance to such uniformity. The persistence of adat values reflects not a rejection of Islamic law but an adaptation to maintain social cohesion and moral order within a distinct cultural matrix. The reflection emerging from these results signals that the Minangkabau inheritance system embodies a living form of contextual legal pluralism. The coexistence of adat, fiqh, and state law illustrates that community justice is not based on a single normative hierarchy but on a plural negotiation of legitimacy (Moonti et al., 2025; Rusyaida, 2024; Sihotang & Rato, 2024). The reliance on adat for ancestral property preservation signifies an ongoing commitment to matrilineal identity, while the selective use of fiqh affirms spiritual accountability in individual inheritance matters. This dual adherence demonstrates that Minangkabau society perceives law as a moral continuum rather than a rigid institution. The simultaneous recognition of religious, cultural, and state norms reveals that the community's pursuit of justice is deeply tied to its collective values of balance (*keseimbangan*), harmony (*kerukunan*), and respect (*kehormatan*).

The implications of these findings are far-reaching for Indonesia's legal and sociocultural landscape. The study underscores that effective legal reform in plural societies requires contextual sensitivity and respect for indigenous systems. The Minangkabau experience shows that top-down legal codification cannot fully replace deeply embedded customary institutions. State efforts to unify inheritance law through Islamic legal frameworks should thus consider the sociocultural realities of matrilineal communities. For policymakers, the coexistence of multiple legal orders provides an opportunity to strengthen decentralization of justice and promote hybrid legal models that blend religious and customary legitimacy. For scholars, these findings enrich the theoretical discourse on pluralism by offering an empirical demonstration of how legal diversity sustains rather than destabilizes societal order (Ashadi & Tanggok, 2025; Mussagulova, 2025; Ramli et al., 2025; Subair et al., 2025). The reasons underlying these findings lie in the sociohistorical structure of the Minangkabau community. The matrilineal system, in which lineage and property rights are transmitted through women, inherently aligns with communal ownership and shared responsibility. Islamic law, introduced through centuries of interaction with Middle Eastern scholarship, was gradually adapted rather than imposed. The resulting synthesis, expressed in the maxim *adat basandi syarak, syarak basandi Kitabullah*, reflects a historical reconciliation between Islam and local tradition. The persistence of this synthesis explains why adat remains the social foundation, while fiqh provides moral validation. The flexibility of both systems allows for coexistence without direct confrontation, illustrating that cultural negotiation rather than legal supremacy defines the Minangkabau approach to justice.

The next logical consideration (now what) is how these findings can inform future legal, academic, and social development. The Minangkabau model demonstrates that sustainable pluralism relies on mutual accommodation and contextual interpretation. For the state, this implies fostering cooperation between religious courts and customary councils to avoid jurisdictional overlap and enhance legal accessibility. For Islamic legal scholars, it presents a challenge to develop jurisprudential interpretations that recognize cultural diversity without compromising core religious principles. For the broader academic field, this study invites further research into microlevel legal pluralism—how individuals make moral and legal choices in plural contexts. Ultimately, understanding the interplay of fiqh, adat, and state law in Minangkabau offers not only a localized insight but also a universal lesson on how plural justice systems can coexist in harmony within modern nationstates.

## CONCLUSION

The most significant finding of this research lies in the discovery that the inheritance system of the Minangkabau community is neither dominated by fiqh, adat, nor state law alone, but is sustained by a pragmatic balance between the three. The study reveals a distinct form of contextual legal pluralism, where community members selectively apply different legal frameworks according to the nature of property, the context of dispute, and social relations among heirs. Adat governs ancestral property to maintain matrilineal integrity, fiqh guides individual inheritance to fulfill religious obligations, and state law provides formal legitimacy when social consensus fails. This dynamic negotiation represents a unique sociolegal synthesis that differs from other regions of Indonesia, where either Islamic or state law tends to prevail. The Minangkabau model demonstrates how harmony is achieved through coexistence and flexibility rather than uniform legal enforcement, highlighting the adaptive capacity of traditional societies in managing normative plurality.

The value of this research lies in its theoretical and methodological contributions to the study of legal pluralism. Conceptually, it enriches the discourse on the interaction between religion, custom, and the state by proposing a framework that views law as a negotiated moral and cultural practice rather than a rigid institutional structure. The study advances the notion that legal legitimacy in plural societies emerges from social consensus and cultural adaptation, not merely from codified norms. Methodologically, it integrates sociolegal analysis with ethnographic inquiry, allowing a holistic understanding of how normative orders are lived and experienced. This interdisciplinary approach provides a model for future research on legal systems that are simultaneously spiritual, cultural, and administrative in character, offering a paradigm that bridges textual legal studies with communitybased empirical realities. The study acknowledges several limitations that suggest directions for further research. The data were limited to three regencies in West Sumatra, which may not fully capture regional variations within the broader Minangkabau diaspora. The focus on inheritance cases provides depth in one aspect of legal practice but leaves other domains—such as marriage, land tenure, or economic contracts—relatively unexplored. Future research should expand comparative analysis across regions and employ longitudinal studies to trace the evolution of legal pluralism over time. Moreover, the role of gender dynamics and generational shifts in interpreting adat and fiqh norms warrants further investigation, particularly in the context of modernization and digitalization of legal processes. Exploring these dimensions will not only strengthen the theoretical understanding of plural legal orders but also inform policies aimed at harmonizing customary, religious, and state systems within Indonesia's diverse legal landscape.

## AUTHOR CONTRIBUTIONS

Md Shodiq: Conceptualization; Project administration; Validation; Writing - review and editing; Conceptualization; Data curation; Investigation.

Nina Anis: Data curation; Investigation; Formal analysis; Methodology; Writing - original draft.

Faisal Razak: Supervision; Validation; Other contribution; Resources; Visualization; Writing - original draft.

## CONFLICTS OF INTEREST

No conflict of interest.

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