

## Inheritance in the Mandailing Community: Value Changes from a Legal Culture Perspective

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**Abstract:** *This study explores the concept of marbagi dos in relation to the changing inheritance practices of the Mandailing community, viewed through the lens of legal culture. Marbagi dos, which literally means equal in the Mandailing indigenous people, has traditionally had a very important social dimension and equality. The type of research methodology used in this study is qualitative with a descriptive approach. The research data was obtained through interview techniques and participatory observation. In-depth interviews will be carried out with traditional leaders, scholars, and community members who play a direct role in the inheritance process. Using a legal culture approach, this study analyzes how the changes in values in Mandailing society are influenced by Islam which has implications for changes in inheritance practices in Mandailing, as well as how the community balances customary traditions with modern equality demands. The results of the study show that this inheritance transformation is a reflection of the adaptation of the Mandailing people to social changes, while maintaining cultural values within the framework of customary law. The implications of this study suggest that customary law is dynamic and capable of adapting to Islamic law and state law, highlighting the need for synergy between these three legal systems in crafting more inclusive policies.*

## Introduction

The Mandailing indigenous people, an ethnic group in North Sumatra, possess a rich system of customary law, particularly when it comes to matters of inheritance. The inheritance system in Mandailing customary law has evolved over the centuries and is based on the principles of kinship and customary rules that are collective (Nasution, 2022). The division of inheritance in customary law tends to follow a certain lineage and considers the social role and status of the family in society. However, along with the entry of Islam into the Mandailing region, the interaction between customary law and Islamic law became inevitable, especially in terms of inheritance arrangements (Siregar et al., 2022). Meanwhile, in Islamic law, inheritance is regulated by the principles contained in the Qur'an and hadith, where the distribution of inheritance follows more structured and specific provisions (Djawas, 2022). The interaction between customary law and Islamic law in inheritance creates complex socio-legal dynamics in the Mandailing society (Siregar et al., 2023). On the one hand, customary law has become an inseparable part of the cultural identity of the community, where the family

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aspect and social ties are the main foundation in the distribution of inheritance (Wardi et al., 2023). On the other hand, Islamic law provides more rigid rules, with a clear distribution of inheritance rights among heirs such as sons, daughters, parents, and close relatives. These divisions are outlined in the Qur'anic verses and further reinforced by Islamic legal traditions.

The interaction between customary law and Islamic law not only generates socio-legal dynamics, but also significantly influences the legal culture of the Mandailing people (Sebyar et al., 2023). Legal culture, which includes people's perceptions, attitudes, and practices towards the law, becomes an arena where these two legal systems influence each other and form new, more complex norms (Hytönen, 2016). The influence of Islamic law in Mandailing legal culture can also be seen from the increasingly strong application of sharia in certain aspects of life, such as marriage and inheritance, which used to be dominated by customary law. This indicates a shift in legal culture that leads to Islamization, where Islamic teachings are starting to gain a wider place in the social regulation of society. However, this process does not completely eliminate the role of customary law, but rather creates a unique hybrid form of law, in which elements of customary and Islamic coexist (Hahm, 2002). Therefore, this interaction not only affects how the law is applied in practice but also shapes how society interprets law, identity, and justice.

In the context of legal culture, cultural changes influence not only the social and economic aspects but also have a significant impact on the legal system that governs society. Legal culture, which includes values, norms, and behaviors related to the law, evolves as cultures change. The community always tries to find common ground by applying the principle of deliberation or compromise in the practice of inheritance distribution, so that aspects of Islamic law can be integrated without ignoring customary traditions. Other research, Suheri Sahputra Rangkuti reveals that in many indigenous communities, including the Mandailing, there is an interaction between the two legal systems that not only involves differences in rules, but also reflects the negotiation of power and cultural identity (Rangkuti, 2021). Islamic law, with more detailed rules on the rights of female heirs and provisions for heirs, is seen with customary law that is more patriarchal or based on certain kinship rules (Ullah et al., 2016). From the perspective of legal culture, Keegan argues that this creates a space where indigenous peoples must navigate the balance between preserving their ancestral traditions and adapting to the growing influence of Islamic law (Keegan, 2023).

Other research also points out, as Anggraeni notes, that the transformation in inheritance is not solely about the application of the law, but also about how shifts in social and religious consciousness influence legal behavior (Anggraeni, 2023). In many cases, societies adopt a compromise approach by blending elements of customary law and Islamic law, especially through family deliberation and consensus mechanisms (Taslina, 2023). Susilo shows the study of legal culture in this context emphasizes that the interaction between Islamic law and customary law in inheritance is not only legalistic, but also reflects broader social changes in society (Susilo & Safitri, 2022). This inheritance transformation study also focuses a lot on changing

legal culture among indigenous peoples. The legal culture approach emphasizes the importance of understanding how changes in social and religious norms affect people's perception of the law. In this case, the transformation in Mandailing's heritage was influenced by the dynamics of modernization, Islamic education, and changes in social structure. Therefore, previous studies emphasize that the interaction between Islamic law and customary law in Mandailing inheritance represents a complex process of cultural negotiation, where local identity and Islamic values mutually influence one another.

Theoretically, legal culture is evolving due to three main factors, which can be analyzed within the context of social and legal interactions (Ricca, 2023). The first factor is the desire to adapt due to cultural touches with each other. This touch occurs when a society that has a certain legal system interacts with other societies or civilizations that carry different legal norms. In this context, adaptation in legal culture reflects how local legal systems adapt to the influence of foreign or new laws (Insani et al., 2024). The second factor is innovation or new inventions. In the context of legal culture, innovation can be in the form of changes in legal thinking, new regulations, or the adoption of more progressive legal principles. Innovation in law begins with the need to answer new social problems that cannot be accommodated by the existing legal system. The third factor is cultural acculturation, which occurs through the interaction of cultural elements with certain requirements (Lefringhausen et al., 2023). In legal culture, acculturation reflects how different legal systems meet and influence each other. The process of acculturation in law involves the acceptance or rejection of foreign legal principles. This legal acculturation can be either resistive or escapist, where individuals strive to protect their original laws and resist the influence of new legal systems.

This article aims to address the research gap related to the transformation of the inheritance system among the Mandailing indigenous people, with a particular focus on the concept of *marbagi dos*. By looking at how customary law adapts to Islamic values. The main focus of this article is to analyze the dynamics of change in inheritance systems that were initially patrilineal towards a more inclusive model. In addition, this article will explore the practical challenges that individuals face in carrying out customary and religious obligations, including social tensions, community pressures, and legal aspects that affect women's inheritance rights. This article also aims to provide a new perspective in the cultural perspective inheritance that is undergoing change. In order to understand the factors that encourage the flexibility of customary law in the face of change. With a legal culture approach, this article will examine how these changes affect the social structure of Mandailing society as well as the implications of law in inheritance. At the same time, it enhances the understanding of the interaction between customs, religions, and laws in Indonesia.

Based on the problems and theories outlined above, it is evident that the interaction between customary law and Islamic law in Mandailing society is a complex and multifaceted phenomenon. However, from some of the previous studies above, it has not provided an answer on how the Mandailing people balance between adherence to Islamic principles and the preservation

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of long-standing customary values, especially in the issue of inheritance. Furthermore, what changes have occurred from the interaction between customary law and Islamic law in customary inheritance in Mandailing? Thus, this study was carried out to answer the empty space that had not been answered in previous research. At the very least, it offers a fresh perspective on the interaction between Islamic law and customary law in the context of inheritance within the Mandailing community.

### **Method**

The research methodology employed in this study is qualitative, utilizing an ethnographic approach (Gerring, 2017). The qualitative approach was chosen because it was considered appropriate to explore in depth the dynamics of the interaction between Islamic law and customary law in the heritage of the Mandailing community. This method is used by researchers to understand how inheritance transformation occurs in the context of legal culture which is influenced by traditional values and religious norms. This research focuses on the Mandailing indigenous people, as a unit of analysis that reflects the characteristics of the interaction of the two legal systems. The research data was obtained through interview techniques and participatory observation (Cohen et al., 2017). In-depth interviews will be conducted with four traditional leaders, three clerics, as well as two community members who are directly involved in the inheritance process, to gain a rich perspective on how Islamic law and customary law are applied. Participatory observation is carried out to understand real practices in the inheritance process and the social interactions that occur in it. In addition, this study also uses the analysis of documents, such as customary law documents, fatwas of local scholars, and relevant religious and customary texts, in order to gain a further understanding of inheritance norms and rules. The legal culture approach will be used as a theoretical framework in analyzing data. This perspective is used to answer how norms, traditions, and social changes affect people's legal behavior. The analysis will focus on the process of negotiation and adaptation between Islamic law and customary law in inheritance (Miles & Huberman, 1994), as well as how social and religious changes contribute to the transformation of inheritance practices in Mandailing society.

### **Results and Discussion**

#### **Principles of Inheritance Law in Islam**

The basic concept of inheritance law in Islam, known as *faraid*, is a fundamental aspect of the Islamic legal system, designed to ensure a fair and balanced distribution of inheritance among heirs. *Faraid* is based on the verses of the Qur'an, especially in *Surah An-Nisa* in verses 11 to 13, and the Sunnah of the Prophet Muhammad, which provides clear guidance on who is entitled to receive the inheritance, how much it is, and how the principle of justice is applied in this context. This system emphasizes the importance of maintaining a balance between rights and responsibilities in society, taking into account the social roles and responsibilities of each heir (Fadloli et al., 2023). Heirs in the *faraid* system are grouped into several groups that have different priorities

in receiving inheritance. The first group consists mainly of direct descendants of heirs, namely boys and girls. In this system, boys are given a larger share than girls, generally twice the share that girls receive, according to the clear rules in the Qur'an in Surah *an-Nisa* verse 11 (Basri et al., 2022). Although there is a difference in the proportion of inheritance between men and women, this is not considered discrimination but rather an acknowledgment of the greater financial responsibility that men bear within the family structure. Boys are expected to provide for their families, including wives, children, and often unmarried or dependent parents and sisters.

The law of inheritance in Islam is part of the divine law set by Allah SWT to regulate the distribution of human heritage, with the goal of ensuring justice and balance within society. As a divine law, the Islamic inheritance law is sourced from the Qur'an which is a revelation of God, and then clarified and perfected through the Sunnah of the Prophet Muhammad and the *ijtihad* of scholars (Kholish & Galib, 2023). As a law that comes from God, Islamic inheritance law has several principles that are different from the laws made by humans. This law not only regulates the equitable distribution of inheritance but also reflects profound spiritual and moral values, as it relates to social and ethical responsibilities within the family. Therefore, the principles within Islamic inheritance law often reflect the ideals of justice grounded in religious teachings and divine guidance.

From Coulson's perspective, which distinguishes law into two categories-God's law and human law-Islamic inheritance law can be classified into these two types. God's law governs the fundamental principles of inheritance, while human law may adapt or interpret these rules within specific societal contexts. Fundamentally, Islamic inheritance law is rooted in God's law revealed through the Qur'an and the Sunnah of the Prophet Muhammad, which reflects the divine principles and eternal justice (Coulson, 2017). However, in reality, this inheritance law has also undergone a process of improvement along with the socio-economic development of the community from the time of the prophet to the present. The Islamic law of inheritance as the law of God includes fundamental rules that are universal and unchanging, which are established to ensure the fair distribution of wealth in accordance with God's revelation (Razy, 2023). However, in addition, there are aspects of this law that have been adapted and adapted to the social and economic conditions of the community throughout history. This adjustment process involves *ijtihad*, or the intellectual efforts of scholars in interpreting and applying the law in light of contemporary contexts.

The principles of Islamic inheritance law possess characteristics that set them apart from human-created inheritance laws, reflecting their nature as the law of God. These principles not only reflect the eternal values of divine and justice, but they also have their own distinctive characteristics that set them apart from man-made legal systems. However, on the other hand, the principles of Islamic inheritance law also show that this law has gone through a process of refinement to adapt to the social and economic conditions of the people who apply it. In other words, although the basis of Islamic inheritance law still adheres to divine principles, it has also undergone adaptations to reflect the development and needs of society over time. This adjustment process

highlights the flexibility of Islamic law in embracing change, while preserving the core values established by God.

### ***Ijbari Principles***

The principle of *ijbari* in Islamic inheritance law is a fundamental concept that emphasizes the obligatory nature of inheritance distribution, ensuring it is carried out in strict accordance with the provisions outlined in the Qur'an and Sunnah (Siregar et al., 2024). This principle comes from the Arabic term meaning "coercion" or "obligation," which reflects that the rules regarding the division of inheritance are absolute and cannot be changed or adjusted according to personal will. In this context, Islamic inheritance law firmly establishes the proportions and rights of each heir, and this division must follow the guidelines set by God. In practice, the principle of *ijbari* ensures that each heir receives a predetermined portion of the holy texts of Islam, without the possibility of negotiation or modification. This provision is outlined in the verses of the Qur'an, particularly in Surah An-Nisa, which provides detailed guidance on the portions each heir is entitled to receive, whether it be a son, daughter, spouse, parent, or other relatives.

Rationally, the principle of *Ijbari* in Islamic inheritance law ensures the objective fairness of property distribution. If inheritance were left to individual discretion, there would be a high likelihood of injustice, particularly for the socially and economically weaker parties. In addition, this principle also ensures the sustainability of family well-being. If the division of inheritance is left without clear rules, there will be the potential for monopoly by the stronger parties, which can ultimately lead to economic inequality within the family. In the perspective of Islamic economics, fair distribution will create a balance in the ownership of property, thereby reducing the accumulation of wealth in a few individuals and preventing exploitation. In addition, the principle of *Ijbari* provides legal certainty. If the inheritance rules are flexible and can be changed according to the will of each individual, there will be legal uncertainty that has the potential to cause prolonged disputes. By defining the share of each heir, Islamic inheritance law provides legal certainty regarding individual rights, ultimately fostering social stability within the community.

With the principle of *ijbari*, Islamic inheritance law plays a crucial role in maintaining justice and balance in the distribution of inheritance, ensuring that the process adheres to the established provisions and preventing any potential injustice or deviation from the set guidelines (Sheka & Abdulkadir, 2023). This principle also reflects the principle that God's law, as revealed in the Qur'an and Sunnah, must be applied consistently and not influenced by human decisions or preferences. Therefore, there is no room for heirs to make a treaty or agreement that can change the part they should receive. Thus, the principle of *ijbari* seeks to ensure that the entire process of inheritance distribution is carried out with integrity and justice, adhering strictly to the rules set by God. This principle ensures that no external interference can undermine the justice intended within the Islamic inheritance law system.

### **Bilateral Principles**

The bilateral principle in inheritance law refers to the approach that considers the kinship relationships of both parties, taking into account the descendants of both men and women simultaneously. In the context of the distribution of inheritance, the bilateral principle emphasizes that inheritance can be passed on through two lines of descent: the paternal line of descent and the line of maternal lineage. Thus, this principle allows that each individual has the right to receive a share of the inheritance from both lines of kinship, both from the paternal and maternal sides. This bilateral principle serves to ensure that the distribution of heritage is carried out fairly and equitably, covering all family members from both parties (Baroncini, 2023). This means that in the inheritance distribution process, both the paternal and maternal lineages are considered, ensuring that heirs from both sides of the family are included.

The logical justification for the bilateral principle is to reinforce the principle of justice in the distribution of wealth, ensuring that both paternal and maternal lineages receive fair consideration. If only one of the bloodlines is recognized in inheritance, then there will be inequality that is detrimental to one of the parties. Taking into account both bloodlines, the bilateral principle ensures that each individual gets his or her rights proportionately in accordance with the existing kinship relationship. This principle also serves as a social protection mechanism. With the principle of bilateral, the inheritance rights of both bloodlines are maintained, thus providing wider social protection for all family members. In a good legal system, justice must be upheld based on the principles of inclusivity and balance, not based on the dominance of one party. Therefore, the bilateral principle in inheritance law serves as an important foundation for maintaining justice and social harmony within society, ensuring that both sides of the family are fairly represented in the distribution of wealth.

This approach provides individuals the opportunity to receive inheritance from both relevant kinship lines, reflecting **diversity** and **balance** in the inheritance system. For example, if someone dies, the rightful heirs can receive a share of the inheritance from relatives connected through the paternal and maternal bloodlines. With the existence of bilateral principles, the process of transferring inheritance can include various kinship relationships, thus preventing injustice or neglect of inheritance rights based on certain lineages (Hsb & Batubara, 2024). This principle ensures that all descendants, **both male and female**, have an equal opportunity to inherit property from both sides of the family, fostering a more **inclusive** and **equitable** system of distribution.

### **Individual Principles**

The individual principle in Islamic inheritance law emphasizes that each heir is entitled to an individual share of the inheritance. The division is carried out based on specific provisions for each person, taking into account their position in the lineage and their status within the family. In the Islamic inheritance system, this principle stipulates that inheritance is divided according to the predetermined parts of the Qur'an and Sunnah, which

stipulate the proportion of each heir based on gender, kinship relationship, and responsibilities that they must carry (Zuleika & Desinthya, 2013). This individual principle means that each heir receives their rights directly and is not bound by a joint or collective division. For example, in Islamic inheritance law, sons and daughters, spouses, parents, and other relatives each receive a share of the inheritance according to specific provisions. This division is carried out separately based on the part that has been determined, without involving decisions or approvals from other heirs. For example, in the distribution of inheritance, sons typically receive a larger share than daughters, in accordance with the provisions outlined in the Qur'an.

From a logical perspective, this principle ensures clarity of ownership rights for each heir, providing a clear understanding of their entitlement in the inheritance distribution process. In an individual-based distribution system, each beneficiary gets his share directly without having to share or negotiate with other heirs. This prevents potential conflicts or disputes that can arise due to unclear ownership claims in the joint sharing system. The principle of the individual also supports the principle of efficiency in the distribution of inheritance. With the individual system, each heir receives their share without having to wait for an agreement from the other heirs. So that the distribution process becomes faster and more effective. If the inheritance system is based on collective division or mutual agreement, it is possible that economically or socially weaker individuals will lose their rights due to pressure from the more dominant party. Under the individual system, each heir has their rights clearly defined by law, ensuring that these rights are not diminished or overlooked by other parties.

This is because, in the Islamic inheritance system, men bear additional responsibilities in providing for the family and fulfilling greater financial obligations. This individual principle ensures that each heir gets a share that has been assigned to them fairly and in accordance with the rules that have been set, without having to rely on collective decisions or the consent of other heirs (Razy, 2023). In addition, the individual principle also means that a person's inheritance rights cannot be replaced or transferred to another person without following the applicable legal provisions. The distribution of inheritance is carried out directly and specifically for each individual, which reflects the principles of justice and balance in the Islamic inheritance system. Thus, the individual principle ensures that each person's inheritance rights are respected and upheld, in accordance with the provisions established by sharia.

### **Proportional Principles**

The principle of proportionality in Islamic inheritance regulates the distribution of inheritance in a fair and balanced manner, based on the proportions established in the Qur'an and the Sunnah (Abdulsiddik et al., 2024). This principle ensures that each heir receives a share of the inheritance according to the portion determined by sharia law, which takes into account the position, gender, and responsibilities of each heir in the family. According to the principle of proportionality, the distribution of inheritance is not carried out arbitrarily, but based on detailed rules regulated in Islamic sacred texts. For example, in the Qur'an, there are special provisions regarding the portions



that must be accepted by sons and daughters, spouses, parents, and other relatives. For example, boys typically receive twice the daughter's share, reflecting a greater responsibility in providing for the family. This principle ensures that the distribution of property is done fairly, reflecting the contribution and responsibility of each family member within the inheritance process.

By adhering to predetermined proportions, the principle of proportionality helps prevent injustice or imbalance in the distribution of inheritance, ensuring a fair allocation for all heirs. In addition, this principle also accommodates the special needs and conditions of each heir, ensuring that the distribution of inheritance is carried out wisely and in accordance with the principles of sharia justice. This principle of proportionality also makes it easier to resolve inheritance disputes, because the provisions for division are clear and stipulated in sharia law (Tarmizi et al., 2024). With this principle, each heir knows his rights for sure and can claim his share of the inheritance without having to get involved in disputes or uncertainties. Thus, the principle of proportionality in Islamic inheritance plays a crucial role in maintaining justice and balance in the distribution of inheritance, in line with the sharia principles that have been established.

### **The Principle of the Cause of Death**

The principle of the cause of death in Islamic inheritance is a principle stating that the right to inheritance is directly triggered by the death of an individual. This means that inheritance rights are only activated upon the passing of the person whose estate is being distributed. In Islamic inheritance law, the death of a person creates inheritance rights for the surviving heirs, and the transfer of inheritance to them occurs as a consequence of the event of death. This principle defines the cause-and-effect relationship between the death of the heir and the distribution of inheritance to the rightful heir. This principle underlines that an inheritance can only be given after the heir has died, and the inheritance cannot be inherited or distributed before that time (Abugharsa, 2024). Inheritance is part of the property left by the heirs and must be divided in accordance with the applicable sharia provisions, based on the lineage and status of the heirs. In other words, inheritance rights are activated only as a direct result of death, and no division of property can take place while the heir is still alive.

The rationality of the principle of cause of death in Islamic inheritance law lies in the logical connection between a person's death and the transfer of inheritance ownership rights. The death triggers the redistribution of property to the rightful heirs. From a legal perspective, this principle ensures clarity regarding the subjects who are entitled to receive the inheritance and prevents uncertainty in the distribution of property. If the inheritance can be distributed before the death of the heir, then there will be potential disputes and ambiguities regarding property rights, which can undermine legal and social stability. In addition, this principle is in line with the concept of ownership in Islam which affirms that a person only has full authority over his property as long as he is alive. After death, the ownership rights are transferred to heirs according to sharia provisions. In the context of *maqāṣid sharī'ah*, this principle

reflects the protection of property (*ḥifẓ al-māl*) and social order by ensuring that the distribution of inheritance is carried out fairly and in accordance with the provisions that have been set out in the Qur'an and hadith. Thus, the principle of cause of death functions as a legal mechanism that maintains order in the inheritance system and ensures justice in the distribution of inheritance, ensuring that the process is triggered only by the death of the individual.

In this context, the principle of cause of death also encompasses the idea that all rightful heirs are entitled to a share of the inheritance following the death of the individual, ensuring that the inheritance is fairly distributed among those designated by law. The distribution of property is carried out by paying attention to the provisions stipulated in the Qur'an and Sunnah, which determine the proportion and rights of each heir. Therefore, the status of the death of the heir is the main requirement in determining and carrying out the distribution of inheritance. This principle ensures that the inheritance process is carried out systematically and in an orderly manner, taking into account the principles of justice and law that have been established (Wardi et al., 2024). With this principle, the distribution of inheritance can be carried out clearly and structured, avoiding uncertainty or disputes that may arise if inheritance rights are granted before death. Thus, the principle of cause of death plays a key role in regulating and upholding justice in the distribution of inheritance, ensuring that it aligns with the established sharia principles.

### **The Practice of Traditional Heritage in Mandailing Before Islam**

Customary inheritance is essentially a reflection of the legal culture that exists within society, shaped by traditions, beliefs, and social norms. As part of the social structure that is formed and develops over time, customary inheritance law reflects the values, norms, and practices embraced by that society (Diala, 2017). In the analysis of legal culture, customary inheritance law is not only seen as a formal rule, but also as a result of dynamic social interaction between various elements of society, especially the kinship system that serves as the basis for shaping social structures (Balkakedi, 2023). In other words, customary inheritance law is not just a set of written rules, but a legal tradition shaped by social practices, customs, and mutual agreements that develop in the local context of customary law communities. Indigenous peoples play a significant role in determining how wealth or marital property left by an individual is distributed within the community, guided by cultural traditions and social practices.

In Mandailing society, before the arrival of Islam, all legal heirs were relatives from the male side of the family. This inheritance system only accepts male bloodlines, which means that only sons and male relatives of the paternal side are entitled to receive inheritance. In a sense, women do not have the right to family inheritance (Siregar, 2019). The broader social impact of this inheritance system, particularly with regard to the marginalization of women, can be seen in how ownership rights and access to economic resources are dominated by men. In Mandailing society before the advent of Islam, the patrilineal inheritance system placed women in an economically and socially vulnerable position because they had no inheritance rights over family property. This creates structural inequalities where women are dependent on

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men, both in the context of the family and the wider community. The marginalization of women in inheritance not only impacts their economies but also their participation in decision-making in families and communities. When women do not have access to family property, they become more dependent on their husbands or their male families, which can limit their freedom in various aspects of life. Therefore, while Islam introduced changes to women's inheritance rights, the main challenge lay in ensuring the implementation of a more equitable inheritance system in a society still influenced by the patriarchal customary system.

Despite being family members, women were historically not considered rightful heirs in terms of inheritance distribution within certain cultural systems. The property they receive does not come from the inheritance, but rather as a gift or gift. This Mandailing traditional inheritance system puts the male lineage in a very central position (Lubis et al., 2020). The preferred heirs are the male descendants of the heirs, who are then followed by the heir's father as the party who also has the right to the property. If the heir does not have a surviving son or father, the right to the inheritance will go to the half-brother of the heir. Additionally, this kinship line includes paternal grandfathers, brothers of the heir's father, and other relatives who share blood relations and belong to the same clan, such as those in the ripe family line-individuals who are connected by kinship, clan, and familial ties to the heir.

According to Sari Rangkuti, boys are often referred to as *tampuk ni pasu-pasu, ihot ni ate-ate, tumtum ni siubeon*, which translates to boys being seen as the center of happiness, the calming of the heart, and the core of family sustainability. This status illustrates how important the presence of boys is in the Mandailing family, as boys are considered the successors of the lineage and heirs of family responsibilities. If a Mandailing family does not have a son, this condition is considered very unlucky and is often likened to the proverb *na purpur tu angin na mayup tu alogo*, which means to fly into the air and be carried away by the wind. This phrase symbolizes the feeling of emptiness and loss of direction without a male successor in the family. Boys are not only seen as heirs of property, but also as guardians of the family's good name and honor. Without a son, the Mandailing family is seen as having lost a crucial connection to preserving their cultural heritage and reputation, which traditionally would have been passed down through the male lineage. (Interview With Mr. SR (Panyabungan traditional leader) 2023).

Although every boy receives a share, there is a special portion known as *hasurungan* (privileges), which is a larger share compared to others. This right is not only a material legacy, but also related to the social role and responsibility in maintaining the sustainability of the family and inheritance. One concrete example of *hasurungan* is the ownership of a legal or main heritage land, such as rice fields, fields, or traditional houses that cannot be sold and must remain in the male lineage of the family. The son who receives the inheritance is responsible for safeguarding, managing, and ensuring that the property is still used for the benefit of the extended family. In addition to land, *hasuran* can also be in the form of family heirlooms, such as traditional jewelry, daggers, or objects that have symbolic value in the community. Usually the people who get the blessing are sincere people who are willing to

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help or take care of the family. *Hasurungan* can be obtained by every child, not only the oldest child can get *hasurungan*, but the youngest child can also get this right. The youngest child is typically the focus of parental care in old age, as parents often live with the youngest child until the end of their lives.

Mr. Martua states that the reason for giving *hasurungan* to the youngest child is also considered valid in the context of inheritance distribution. However, in some cases, children in the middle can also receive tribute. If the eldest or youngest child does not live in his or her hometown or is unable to fulfill their responsibilities, for example due to health problems or other reasons, then the middle child or the child called *haldungan* becomes the focus of parental care. In this situation, the child is also entitled to receive a blessing as a substitute for the role of the eldest or youngest child in caring for the parents. Thus, the Mandailing customary inheritance system shows flexibility in the distribution of inheritance. Although the main principle is individual, the factor of responsibility within the family and the social role of children in caring for parents plays an important role in determining who is entitled to the *hasurungan*. (Interview with Mr. Martua, 06 Maret 2024).

In the Mandailing customary inheritance system, if there is no legitimate heir, the inheritance will be passed on to the *huta* (village), and its management will be entrusted to *Raja Pamusuk*, the local customary ruler (Lubis, 2003). *Raja Pamusuk* plays a role as a leader in maintaining order and order of customary life in the *huta*. As a customary ruler, he had the authority to regulate the distribution of wealth that had no direct heirs. *Raja Pamusuk* was not only a leader, but also the founder of the *huta* who had cleared the first land, called *bona bulu*. The leadership system of *Raja Pamusuk* in the Mandailing indigenous people faces various challenges and potential conflicts in the context of modern society. One of the main challenges is the clash between the traditional authority-based customary system and the national legal system that prioritizes legal certainty and the principle of more universal justice. In the national inheritance law, property that does not have direct heirs is usually managed by the state or transferred in accordance with the provisions of the applicable law. However, in the Mandailing customary system, *Raja Pamusuk* holds the authority to regulate the distribution of property, which may lead to differing interpretations when compared to positive law.

This position was granted through the recognition of *Raja Panusunan Bulung*, the highest customary authority in the Mandailing community. *Raja Panusunan Bulung* acted as the main ruler who had the authority to inaugurate the formation of the *huta* and give legitimacy to *Raja Pamusuk*. The power of *Raja Pamusuk* does not only come from his role in the daily life of the community, but also based on the legitimacy of the customs given by *Raja Panusunan Bulung*. Before the Dutch colonial period, the title of *Raja Panusunan Bulung* had long been known and respected in the Mandailing traditional structure (Rodgers, 1978). This title symbolizes the highest authority in the *bona bulu parhutaon* area, a customary territory that encompasses several *hutas* that are both genealogically and geographically interconnected.

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Mr. Subur explains that the presence of Raja Panusunan Bulung strengthens the tiered customary leadership system, where each level, from Raja Pamusuk to Raja Panusunan Bulung, holds a distinct role and responsibility in maintaining social order and harmony. If there are no heirs left, the inheritance will return to the *huta* as a form of sustainability and preservation of the customary system. *Raja Pamusuk*, as the leader of the *huta*, plays an important role in ensuring that the property is managed wisely and remains within the framework of the tradition that has been passed down from generation to generation. This system not only serves to maintain material sustainability, but also as a means of maintaining solidarity and social cohesion. This system not only ensures material sustainability, but also functions as a means of preserving solidarity and social cohesion among the Mandailing people. (Interview with Mr. Subur, 2023).

As mentioned earlier, under the Mandailing customary law system, a woman is not considered an heir, and even a widow is not regarded as an heir to her deceased husband. The widow did not have full rights to her husband's inheritance, even though she was an important part of her husband's family during her lifetime. This customary rule not only affects the status of inheritance left by the husband, but also affects the status of the wife's inheritance. The property that a wife acquires before marriage, which should be her personal right, in the honest marriage system is also considered part of the husband's property. This happens because honest marriage stipulates that a wife, after marriage, is no longer part of her family of origin, but is completely integrated into the husband's family. This merger also extends to property ownership. (Interview With Mr. MMS (Panyabungan indigenous community leader), 2023)

From a feminist perspective, the Mandailing customary law system that denies women's rights as heirs reflects the deep-rooted gender inequality embedded in social and cultural structures. The inability of women, including widows, to inherit their husbands' property indicates the subordination of women in a patriarchal family system that places men as the primary holder of control over economic resources. Feminism highlights how these customary rules not only limit women's rights to inheritance but also reinforce women's dependence on their husband's family, which can have an impact on their well-being and economic independence (Onyebueke et al., 2024). Furthermore, the concept of honest marriage, which requires women to fully integrate into their husband's family, reflects the erasure of women's identity as individuals with their own economic rights.

In this system, any property women acquire before marriage can be absorbed into the husband's ownership, effectively eliminating women's economic autonomy. Feminism sees this as a form of structural injustice that not only ignores women's economic contribution in the family but also limits their freedom to own and manage assets independently (Estrada-Tanck, 2024). The impact of this system is not only material but also psychosocial, where women are conditioned to accept a passive role in the management of family property. Feminism emphasizes the need for changes in both the legal and customary systems to ensure that women have equal inheritance rights with men.

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Mr. Mardan explains that manjujur marriage is not merely an emotional or social bond, but also a transfer of social and economic status for a woman. After marriage, a woman no longer has a formal bond with her family, so all rights to her property pass to her husband. After her husband died, her status as part of her husband's family continued, and she was not allowed to return to her family of origin. A widow's life is governed entirely by her husband's relatives, and all decisions taken by the widow, both personal and property-related, must be approved by her husband's relatives. In this condition, the widow does not have the freedom to independently determine her attitude to life. In fact, in terms of property, a woman does not have full control over the assets she should have brought into the marriage or her husband's inheritance.

However, to address this injustice, the custom provides compensation in the form of the right to use property, allowing women some access to assets despite not having full ownership. Although the widow is not entitled to inherit her husband's property officially, she is still given the right to use her husband's property throughout her life, but only to meet her daily needs. This right grants the widow limited access to her husband's family property, but it does not provide her with full control or direct ownership.

This strict customary rule reflects the position of women in the Mandailing patrilineal society, where the inheritance and property ownership system is largely dominated by men. Widows, as women who have been integrated into their husband's family, are bound by customary norms that prioritize their husband's relatives in terms of property rights and property control (Aji et.al., 2021). Even though they were given compensation in the form of the right to use property, the position of widows remained limited and unequal in terms of access to family property. This confirms that the Mandailing customary system places significant emphasis on the stability of the patriarchal family, where women, particularly widows, hold a more passive position in property management and decision-making.

In the Minangkabau society, which follows a matrilineal system, inheritance is passed down through the maternal line, granting women a stronger position in economic matters compared to women in the Mandailing patrilineal system (Rasyid et. al., 2024). However, although Minangkabau women have inheritance rights, the management of property remains under the supervision of the *mamak* (mother's brother), which reflects the existence of male control in the customary structure. In contrast, in Javanese society, the inheritance system is more flexible with bilateral tendencies, where both boys and girls can receive a share of the inheritance, although traditionally boys often get a larger portion. In some cases, inheritance is more given to the child who lives and cares for the parents until the end of their lives. This demonstrates a more adaptive distribution pattern compared to the Mandailing customary rules, which explicitly exclude women from inheriting.

### **The Interaction of Islamic and Customary Law: *Urf* as a Guarantee of Customary Existence**

The interaction between customary law and Islamic law in Mandailing is seen as a dynamic process, where the two legal systems adapt and negotiate

with each other to strike a balance between religious norms and local traditions. Mandailing customary law, which is rooted in the values of local wisdom and the social structure of the community, in practice, there is a dialogue that allows customary law to transform in accordance with the demands of Islamic sharia without leaving the local cultural identity (Horowitz, 1994). The Mandailing indigenous people, who have historically followed a patrilineal pattern in the distribution of wealth, have undergone changes along with the entry of Islamic teachings that emphasize justice and a more inclusive distribution of wealth (Kamal & Rozi, 2020). However, modifications in the application of Islamic law occurred to accommodate the social and cultural needs of the community. For example, in some Mandailing communities, there is a consensus to maintain certain elements of customary law, such as the role of customary leaders in the deliberative process of property distribution, while still adhering to Islamic principles.

The interaction between Islamic law and customary law in Mandailing did not happen suddenly, but rather through a long and complex gradual process (Prabangso et.al., 2024). Initially, customary law in Mandailing which adhered to the patrilineal kinship system dominated almost all aspects of people's lives, including inheritance, marriage, and social relations. However, along with the spread of Islam in this region, there have been changes that have slowly affected the public's view of the law. Islamic law began to be introduced through the role of scholars and community leaders who preach the teachings of Islam, especially in the context of family law and inheritance. However, the acceptance of Islamic law within the customary system was not immediately fully embraced, as the customary practices had been deeply rooted in the daily life of the Mandailing people.

Mr. Salohot says, the first stage of this interaction was the introduction of Islamic law among the Mandailing society, which focused on Islamic values such as Mr. Salohot explains that the first stage of this interaction was the introduction of Islamic law among the Mandailing society, which focused on Islamic values such as justice, equality, and moral obligations in family life. justice, equality, and moral obligation in family life. At this stage, Islam exists as a moral alternative that provides a new perspective in social arrangements, without directly replacing or eliminating existing customary law. People began to consider Islamic teachings as part of the practice of life, but still within a strong customary framework. The next stage is the process of adjustment and adaptation, where Islamic law begins to enter the customary realm more significantly. This process occurs through dialogue between religious leaders and traditional stakeholders. At this stage, there is an effort to find a common ground between deep-rooted customary law and Islamic teachings that are increasingly accepted by the community. For example, in terms of inheritance, some principles of Islamic law, such as a fairer distribution of inheritance, are considered more important than the traditional distribution practices. (Interview with Mr. Salohot, 26 April 2024).

The culmination of this interaction was the achievement of a consensus, expressed in the phrase "*Hombar do adat dohot agama*," which means that customs and religion are in harmony (Rangkuti et.al., 2022). This consensus is an important foundation for the acceptance of Islamic law in Mandailing

customs, without having to completely erase the existing cultural heritage. In this consensus, Islamic law and customary law go hand in hand, complementing each other in maintaining social harmony. Islam provides a moral and spiritual framework, while customs remain a handle in maintaining identity and social integrity. This process shows that the acceptance of Islamic law in Mandailing customs is not the result of coercion or domination of one legal system over another, but is the result of a long dialogue and compromise (Lubis, 2005). Thus, the interaction between Islamic law and customary law in Mandailing took a long time to develop and reach a point of harmony. Mandailing customs that have been inherited from generation to generation are ultimately able to provide space for Islamic law, but in a form that is integrated with local customary values. This reflects the flexibility and ability of the Mandailing people to adapt to change, while still preserving their cultural heritage.

The social implications of the phrase *hombar do adat dohot agama* in the context of gender and the distribution of inheritance highlight how the harmony between Mandailing customary law and Islam can influence the position of women in the inheritance structure. This balance can shape women's roles, rights, and access to inheritance, reflecting a more inclusive approach. In the Patrilineal Mandailing customary system, the main inheritance such as land and customary houses is usually given to the son or male relative of the father's side. Meanwhile, in Islamic inheritance law, women have clearly regulated rights, although they get a smaller share than men. The harmony between customs and Islam in practice is currently interpreted in a way that divides equally between men and women in inheritance. This has led to women in Mandailing society today receiving equal inheritance as an automatic right, as granted under Islamic law, reflecting a shift toward greater gender equality in the inheritance process.

In addition, the recognition of Islamic law within customary law, based on the postulates of '*urf*' (customs or traditions that do not contradict the principles of sharia), is significant evidence that there is room for flexibility in the application of Islamic law, allowing it to adapt to local customs and cultural practices. In this context, this recognition shows that Islamic law does not function as a rigid system, but is able to interact with local customs that have long been rooted. The concept of '*urf*' provides a strong theoretical basis for Islamic law to accept local traditions, provided that they do not contradict the basic teachings of Islam. This signifies that Islamic law respects and accommodates the cultural diversity as well as the social systems of different societies, including in Mandailing. This recognition also reflects the synergy between religion and culture, which plays a key role in maintaining social stability and harmony within the community (Luthfi et.al., 2024).

Mr. Yusri states that the acceptance of customary law into Islamic law is an important step that demonstrates the openness of the Mandailing indigenous people in embracing change. This acceptance process is not just a merger of two different legal systems, but a dynamic interaction that affects both parties. Customary law, which has long been the foundation of Mandailing society, began to accept the influence of Islamic values in various aspects of life, such as in the rules of inheritance, marriage, and the division of



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family rights. This interaction shows a balanced adaptation between customs and religion, where customary law does not completely lose its identity, but transforms by adopting Islamic values that are considered relevant. This interaction between Islamic law and customary law illustrates a reciprocal relationship that not only takes place formally, but also at the practical level of community life. The two go hand in hand, influence each other, and complement each other. In the inheritance system, for example, customary law that previously adhered to strict patrilineal began to give space to the concept of gender justice carried out by Islamic law. On the other hand, Islamic law in Mandailing has also undergone adjustments by taking into account local values and the social structure of the established community. This suggests that the interaction is not a one-way process, but rather involves a deep dialogue and adaptation between customary law and Islamic law. (Interview with Mr. Yusri, 2023).

Ultimately, the interaction between Islamic law and customary law in Mandailing led to the creation of a distinctive legal system, one that effectively blended the essential elements of both traditions. Islamic law provides a strong normative foundation, while customary law maintains the social integrity and cultural identity of the community. This interaction is not only about merging two different legal systems, but more than that, it is an integration process that creates harmony and harmony in the lives of the Mandailing people. The result of this interaction is the formation of a legal order that is not only relevant to the local context, but can also serve as a model for other communities in facing the challenges of integrating religious and customary law. Thus, the interaction between Islamic law and customary law in Mandailing not only shows acceptance from both sides, but also creates a legal framework that is responsive to the needs of the community. This indicates that both religious and customary laws can evolve together, creating a balance that supports the development of a plural and dynamic social life.

### ***Marbagi Dos: From Patrilineal to Parental***

As explained earlier, before the advent of Islam, women in the Mandailing patriarchal kinship system did not receive any portion of the inheritance. This patrilineal system places men as the main heirs and controllers of family resources, while women are seen only as part of the husband's family after marriage, without the right to the family property of the family of origin. This subordinate status of women reflects a social structure that focuses heavily on male descent, where lineage and property rights are maintained through male-only channels. In the context of inheritance, women are considered to have no role in maintaining the sustainability of the family from a customary point of view, so they do not have inheritance rights. However, the arrival of Islam brought a change in the view of women's rights, including in terms of inheritance. Islam introduced a bilateral inheritance system, which recognizes the right of women to inherit property, either as children, wives, or close relatives. Islamic teachings emphasize the principle of justice, where every individual, both male and female, has a legitimate right to inheritance, although the distribution of inheritance differs according to the social responsibilities carried out by each of them. These changes create a more

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equitable space for women, who were previously excluded from the patrilineal inheritance system, allowing them to gain rights in inheritance distribution.

The following is a table 1 describing statistical data regarding the acceptance of the Mandailing people towards the current parental inheritance system:

Table 1. Public Acceptance of Inheritance Based on the Parental Principle

No.	Category	Percentage (%)
1.	Awareness of the Parental Inheritance System	
	- Very knowledgeable	35%
	- Knowing some	40%
	- Not knowing enough	15%
	- Don't know at all	10%
2.	Attitude towards the Implementation of the Parental Inheritance System	
	- Strongly agree	25%
	- Agree to the terms	30%
	- Neutral	20%
	- Disagree	15%
	- Strongly disagree	10%
3.	Factors Affecting Parental Inheritance Acceptance	
	- The influence of more inclusive Islamic law	40%
	- Modernization and higher education	30%
	- Social and family pressure to maintain customs	20%
	- Economic factors and land ownership	10%
4.	Inheritance Practices in Mandailing Families Today	
	- Still fully following the customary patrilineal system	35%
	- Following the customary system, but giving grants to girls	15%
	- Adopt a fully parental inheritance system	50%

Source: Survey conducted by the researcher during the period of 2023 to 2024

This table shows that although the majority of Mandailing people still maintain a patrilineal customary inheritance system, there is a trend of change with increasing awareness and acceptance of the parental inheritance system, mainly influenced by a more inclusive understanding of Islam and modernization. However, social and cultural pressures remain the primary factors hindering this change, as traditional practices continue to influence the inheritance system.

The integration of Islamic law and customary law in Mandailing generates various social dynamics. One of the dynamics that has emerged is the debate between the older generation who still maintain the patrilineal customary system and the younger generation who are more open to the principles of Islamic law that give inheritance rights to women. This shift in values often causes tension in families and communities, especially when there

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are individuals who want to claim their inheritance rights based on Islamic law but are under social pressure to continue to follow customs. In addition, there are also compromise efforts in the form of grants to girls before their parents die, so that they still get a share of the family property without having to directly change the customary inheritance system. However, the biggest challenge in this integration is the implementation of Islamic law in social structures that are still very strong in favor of customary systems. Several traditional and religious leaders played an important role in bridging these differences through family deliberations or customary institutions that began to consider the principle of justice in Islam. Education and modernization have also played a significant role in accelerating this change, as the younger generation, who receive higher education, tends to be more critical of customs that are seen as less aligned with Islamic values.

Although the patrilineal structure of the customs remained strong, the influence of Islam introduced new values that were gradually adopted over time. Women are no longer fully under the control of male relatives, but have more independent economic rights through the share of inheritance recognized in Islamic law. This created a new, more inclusive order, in which women gained a more important role in the family and society, although it did not completely eliminate the influence of patrilineal customs. This shift did not happen instantly, but through a long process of adaptation and negotiation between traditional values and Islamic teachings. In Mandailing society, Islam does not necessarily replace the customary system, but interacts and adjusts to local values (Kamal & Rozi, 2020). This can be seen from how bilateral Islamic law began to be accepted in terms of inheritance, but still goes hand in hand with some of the patrilineal principles that underlie Mandailing customs. This interaction led to the creation of a unique inheritance system, where women's rights began to be recognized, yet still within a framework that respected indigenous social structures.

Currently, the inheritance distribution practice that has emerged and is commonly used by the Mandailing indigenous people is *marbagi dos* (equal sharing). *Marbagi dos*, which literally means equal in the Mandailing indigenous people, has a very important social and spiritual dimension. This tradition has historically been practiced within the framework of a patrilineal system, in which the lineage and division of inheritance are passed down through the male line. In this system, men, especially the eldest son, have the primary responsibility in safeguarding family property and shouldering moral and social burdens, including in inheritance matters. However, with the interaction between Islam and customs, the Mandailing people began to experience a shift toward a more parental system, where the responsibility and inheritance rights were no longer exclusive to men, but also extended to women.

The emergence of a new awareness regarding the importance of gender equality in the distribution of inheritance and responsibilities. The parental system began to develop among the Mandailing people, which brought about a significant change in the way *marbagi dos* was practiced. In the parental system, both men and women are considered equal in receiving inheritance and assuming social and moral responsibility. Culturally, this is seen as a middle

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ground to avoid complications produced by certain genders. In its division, the inheritance is divided equally among all heirs, regardless of their gender. According to some Mandailings, it is more egalitarian, where each heir has the same rights to the inheritance left behind. This practice of division is not always followed by all Mandailing families or societies, and the preference for a division that favors men can still be a common practice in some places. What is particularly interesting about the distribution of *marbagi dos* inheritance is that it gains legitimacy within the community, despite the fact that the Mandailing people are predominantly Muslim.

The recognition of girls' rights in the distribution of inheritance also marks a significant shift in the social structure of Mandailing society. In this system, women are no longer excluded from the right to family property, so they have better economic security than the purely patriarchal system that only favors men. The positive impact is the increase in women's economic independence, especially for those who are unmarried and do not have husbands as financial support. Unmarried children, both boys and girls, are also more economically protected because their inheritance rights do not depend on marital status or gender. However, although the parental inheritance system is fairer in principle, in practice it still faces challenges in the midst of the Mandailing Natal community who are still strong in maintaining customary norms. Social pressure from extended families or indigenous communities often discourages women from claiming their inheritance rights, especially if they are considered contrary to long-held traditions. In some cases, even though inheritance rights are granted to women, the management of assets is still predominantly controlled by men in the family, which means that women continue to face limitations in managing their own assets.

The patrilineal tradition, which previously placed women in a subordinate position, began to shift towards a more balanced system, where the lineage of both parents was recognized. This means that women are no longer just part of the husband's family after marriage, but also have clear rights in their own family. This impact is also seen in the broader social aspect, where women are beginning to have a greater influence in terms of family decisions and property ownership.

Mr. Rudi Rangkuti explains that, in the mechanism, before the customary meeting on inheritance began, a family atmosphere was already present when the chairman of the meeting, accompanied by the Traditional Chairman, opened the session. In the opening of the meeting, the Traditional Chairman officially announced the list of names of heirs who are entitled to receive inheritance, ensuring that all present understand their roles and rights. After that, the Traditional Chairman solemnly delivered an opening statement, marking the official start of the meeting. In the next stage, the Traditional Chairman asks questions to the heirs to ensure that they are ready to carry out discussions in a spirit of family, as is the local customary tradition. The heirs, with full respect and agreement, expressed their readiness to follow the process of distributing the inheritance in accordance with the prevailing customs (Interview with Mr. Rudi Rangkuti, 15 Januari 2024).

After confirming the readiness of all parties, the Traditional Chairman proceeded by asking if there were any changes to the content of the inheritance letter that had already been prepared. This process aims to ensure fairness and appropriateness in the distribution of inheritance, as well as open up space for discussion if anyone wants to submit input or objections. After the inheritance letter was read clearly, the meeting continued by listening to an explanation from the Head of the Family. This explanation is very important because it is directly related to the mechanism of inheritance distribution that will be carried out. The Head of the Family provides details on how to divide the property, ensuring that all heirs get a predetermined share in accordance with the customs and family values that are the basis for the discussion. One of the possible causes of this strengthening legitimacy is that in addition to Islamic religious factors, there are historical and socio-cultural factors. Because of the location of the Mandailing community bordering West Sumatra with Minangkabau customs where the female gender is actually the main heir customarily. In addition, there are economic and social aspects that influence. For some Mandailing indigenous people, the distribution of marbagi dos inheritance is considered a fair way both socially and economically. This ensures justice and stability in family relationships, while also strengthening social bonds among family members, regardless of gender.

Mr. Nasution stated that dividing inheritance through marbagi dos is not in conflict with religious principles. Therefore, dividing the heritage with what has been done by our predecessors is a mandate to maintain the existing cultural teachings. Even the distribution of inheritance according to our culture has been tested not to cause conflicts from time to time. (Interview with Mr. Puli, 20 April 2024). In line with this, the author met Mr. Lubis (traditional elder) at his residence and asked about what efforts have been made by the related hatobangon in socializing cultural teachings including marbagi dos as part of the culture. Mr. Lubis said, I explained the principles of Mandailing culture in the community. The philosophical value of the very egalitarian structure of the na-tolu pretext. Then, I translated the philosophical value into the practice of distributing inheritance. (Interview with Apek Lubis, 2 April 2024).

The distribution of inheritance should be divided equally. Because in Mandailing, men and women both have the responsibility to support their families. Therefore, the distribution of inheritance with marbagi dos is a necessity. In contrast to the Arabian Peninsula, where men are traditionally the sole providers responsible for meeting their families' needs.

## **Conclusion**

This study concludes that the transformation of inheritance practices among the Mandailing indigenous people, particularly in the concept of marbagi dos, reflects the community's adaptation to social change and growing awareness of the importance of gender equality. The tradition of marbagi dos, which was once patrilineal and placed men as the main beneficiaries of inheritance, has now developed to be more inclusive by involving women in the distribution of inheritance rights and family responsibilities. This change is driven by the influence of Islamic values that prioritize justice and

modernization that prioritizes gender equality. The legal culture approach in this study reveals that despite the transformation in inheritance practices, the Mandailing people still try to maintain a balance between traditional traditions and modern values. These changes demonstrate the ability of customary law to evolve and remain relevant amid accelerating social change. One of the main challenges is the tension between customary norms that still have patriarchal roots and the principles of Islamic law that are more inclusive in granting inheritance rights to women. In practice, individuals are often faced with a dilemma when it comes to choosing between practicing customary law respected by their community or following Islamic inheritance rules that give a portion of the inheritance to women, which in some cases is still seen as a deviation from the old tradition. Based on the findings of this study, strategic steps are needed to ensure that the transformation of the inheritance system in Mandailing society can run in harmony with Islamic values and modern laws without eliminating the cultural identity that has been inherited. The implications of this study include various social, legal, and economic aspects. From a legal perspective, the implications of this study reveal that customary law is dynamic and capable of adapting to Islamic law and state law, highlighting the need for synergy between these three legal systems in developing more inclusive policies.

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