



Shifting Inheritance Patterns in the Minangkabau Tribe in Negeri Sembilan, Malaysia

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Abstract

In the *Minang Urang Darek Luhak Nan Tigo and Urang Rantau Negeri Sembilan* Malaysia communities, inheritance is passed down to nieces based on matrilineal practices. They hold a significant role in the tradition, following the *sumando* custom, and the offspring belong to their mother's tribe. This study seeks to ascertain whether the practice of inheriting heirlooms in the *Minang Urang Darek Luhak Nan Tigo and Urang Rantau Negeri Sembilan* Malaysia communities is still in accordance with traditional customs or if it has started to deviate from prior norms. This study employed an anthropological methodology, utilizing in-depth interviews. The findings suggest that the father has taken on the position of an expert and protector, while the mother's involvement is limited to customary events. In contrast to the residents of *Negeri Sembilan* who continue to reside in the village, there are some who have relocated outside of *Negeri Sembilan*. The inhabitants of *Negeri Sembilan* who reside in their native region continue to firmly uphold traditional customs, whilst those that relocate outside of *Negeri Sembilan* have resettled in their paternal hometowns. The inheritance of ancestral property has altered in accordance with the changing role of the mother. In the past, it was customary for ancestral property to be inherited by nieces. However, there has been a shift in this practice, with some individuals now choosing to pass down their ancestral land to their own children. As a result, many ancestral lands in *Negeri Sembilan* have been left abandoned as people seek livelihoods in new locations.

Keywords: Inheritance, *Urang Darek*, *Urang Rantau*, Minangkabau, Malaysia

Abstrak

Pada masyarakat Minang Urang Darek Luhak Nan Tigo dan Urang Rantau Negeri Sembilan Malaysia, warisan diwariskan kepada keponakan perempuan berdasarkan praktik matrilineal. Mereka memegang peranan penting dalam tradisi, mengikuti adat sumando, dan keturunannya termasuk dalam suku ibu mereka. Penelitian ini bertujuan untuk mengetahui apakah praktik pewarisan benda pusaka pada masyarakat Minangkabau Urang Darek Luhak Nan Tigo dan Urang Rantau Negeri Sembilan Malaysia masih sesuai dengan adat istiadat atau sudah mulai menyimpang dari norma-norma sebelumnya. Penelitian ini menggunakan metodologi antropologi dengan menggunakan wawancara mendalam. Temuan menunjukkan bahwa peran ayah berperan sebagai ahli dan pelindung, sedangkan keterlibatan ibu hanya sebatas pada acara adat saja. Berbeda dengan warga Negeri Sembilan yang tetap menetap di desa, ada pula yang pindah ke luar Negeri Sembilan. Penduduk Negeri Sembilan yang bertempat tinggal di daerah asalnya tetap memegang teguh adat istiadat, sedangkan penduduk yang pindah ke luar Negeri Sembilan telah bermukim kembali di kampung halaman pihak ayah. Warisan harta leluhur mengalami perubahan sesuai dengan perubahan peran ibu. Dahulu, harta warisan merupakan kebiasaan yang diwarisi oleh keponakan perempuan. Namun, terdapat pergeseran dalam praktik ini, dimana beberapa individu kini memilih untuk mewariskan tanah leluhur mereka kepada anak mereka sendiri. Akibatnya, banyak tanah leluhur di Negeri Sembilan yang terbengkalai karena masyarakat mencari kehidupan di lokasi baru.

Kata Kunci: *Inheritance, Urang Darek, Urang Rantau, Minangkabau, Malaysia*

Introduction

Minangkabau is an ethnic group that is famous for its spirit of wandering. Meraantau has become a cultural identity for the Minangkabau people. Culture contributes to how people live, how they behave, and besides that, it also influences how they see themselves. Trading and migrating were habits carried out by their ancestors in the past and this resulted in values that were used by the Minangkabau people as a guide for them. Some of the reasons that make them carry out trading activities are general reasons, and there are also reasons that are based on aspects of their culture. However, in this case, migrating has the potential to fade the social and cultural values that exist in Minangkabau society.¹ This culture of wandering has

¹ Fatahuddin Aziz Siregar, et.al., "Merantau in The Ethnic Tradition of Minangkabau: Local Custom Without Sharia Basis?" *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 6, No. 1 (2022). Azizi Bahauddin, et.al., "From 'Darek' To 'Rantau' The Architecture Morphology of Minangkabau Traditional House," Paper in Technology, Science, Social Sciences and Humanities International Conference, UiTM Kedah, Malaysia, 2021, (TeSSHI 2021). Khomsahrial Romli,

caused Minangkabau people to be found in Malaysia, Singapore, the Philippines and even to Europe, America and Australia.

The Minangkabau people in Malaysia, for example, are experiencing changes in cultural forms and styles or customs, this can be seen in Randai performances (traditional games). The breakdown in socio-cultural communication and the long distance between Minangkabau and Peninsular Malaysia has resulted in a shift in the form and style of Randai in the Minangkabau diaspora. These shapes and patterns are caused by cultural mixing between the diaspora and the Malaysian Malay community. This change was made so that local people could accept Randai. Apart from that, Randai can be easily studied and cultivated by the Malay community and easily explored by the Malaysian community and the Minangkabau diaspora as practitioners of Randai. These changes occur through the process of adaptation and acculturation. This has led to the emergence of a new Randai model, namely Randai which refers to local culture, both in terms of story, silat style and music, as the identity and tradition of the Malaysian Minangkabau diaspora in the future.²

The Minangkabau population can be categorized into two distinct groups: the indigenous people (*urang asa*) and the migrant population (*urang rantau*). *Tanah Datar* Regency, Agam Regency, and Lima Puluh Kota Regency are commonly referred to as *urang asa*, sometimes known as *urang darek* or *urang luhak*. Aside from the darek or luhak areas, there are other regions such as the Kinali region, the Tiku Pariaman region, the Kampar region, the Kuantan region, or the Yang Esa Duapuluh region. One particularly intriguing region is Negeri Sembilan in Malaysia, which exhibits a population distribution similar to that of the *luhaks* in the Minang region.

This resemblance was observed when the population of *Luhak Tanah Data* (Tanah Datar Regency) experienced a surge, prompting approximately fifty tribes to migrate to the new region. Upon reaching Lima Puluh Kota, the group leader tallied the total number of tribes, which amounted to 45, excluding five tribes for which information was unavailable at the time. Due to its inadequacy, it was referred to as the Lima Puluh Kota luhak, which translates to being 5 (five) short of Limapuluh. The five tribes with undisclosed information migrated to the Malacca Peninsula. In Negeri Sembilan, Malaysia, they founded *korong*, *kampung*, *koto*, and *nagari*, and reinforced kinship bonds through intermarriage between different tribes. They continue to adhere to the Minang practices passed down from *Datuak Parpatiah Nan Sabatang*, bear a *mamak* family name, and utilize tribes and ancestral possessions associated with the rantau region.

“Dinamika Identitas Budaya Perantau Etnis Minangkabau di Bandar Lampung,” *Jurnal Komunika* 2, No. 1 (2019). p. 29-41.

² Indrayuda Indrayuda and Mohd Effindi Samsuddin, “Changes in Form and Style in Randai Performance at The Minangkabau Diaspora in Malaysia,” *Harmonia: Journal of Arts and Research and Education* 21, No. 2 (2021). p. 340-355.

Examining the connection between the inheritance of *harato pusako* and the matrilineal system, as well as the practice of *merantau*, is a fascinating endeavor. It is particularly intriguing to compare *Luhak Nan Tigo*, the ancestral region of the Minangkabau people, with Negeri Sembilan in Malaysia, which serves as a Minangkabau diaspora area. *Karatau madang in ulu, babuah babungo balun, marantau bujang dulu, di rumah panguno balun*, is an ancient adage that describes the motivation to move, including to Negeri Sembilan. When Minang men embark on migration, they transfer ownership of the houses constructed by their parents, as well as their fields and rice fields, to their nieces. This present is designed for the daughter (or niece) who resides with her parents and takes on the responsibility of caring for them in their old age. In a matrilineal system, when sons get married and start a family, they typically go to live with their wife's family. As a result, their offspring become part of their wife's tribe.³

Nevertheless, considering the multitude of factors that impact the matrilineal system, both within the Minang community in the *Luhak Nan Tigo* region and among the Negeri Sembilan Malaysian diaspora who have assimilated into the local culture and obtained Malaysian citizenship, it is worth questioning whether they still adhere to the traditional principles of dividing the *harato pusako* or if there has been a shift in their practices. Hence, this study is intriguing as it aims to identify the change in the transmission of ancestral property in the original territory of *Luhak Nan Tigo* as *urang darek*, and compare it with Negeri Sembilan Malaysia, which is recognized as one of the locations where the Minang diaspora settled.

Shifts in traditions within the Minang Society

Shifting pertains to alterations or displacements from one state, location, or framework to another.⁴ Shifting can occur in different domains, including culture, social, economic, political, or environmental. This involves changes in behavior, beliefs, values, social structures, technologies, or policy.⁵ This phenomenon can occur either gradually or abruptly, and can be instigated by several sources such as technical advancements, globalization, demographic shifts, or alterations in societal wants and expectations. Shifts can exert profound influences on the society and can

³Nofiardi, "Perkawinan Dan Baganyi: Analisis Sosiologis Kultural Dalam Penyelesaian Perselisihan Di Kecamatan Banuhampu Kabupaten Agam," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 13, no. 1 (2018), p. 49–72.

⁴Busyro et al., "Female Imam and Khatib: The Shifting in Worship Traditions from Progressive to Conservative in Sungai Landia, West Sumatra, Indonesia," *Juris: Jurnal Ilmiah Syariah* 22, no. 1 (2023), p. 39–51. Kiki Adnan Muzaki, et.al., "Reform of The Law of Inheritance in Turkey and Tunisia," *Al-'Adalah* 17, no. 2 (2020), p. 249–268. Zulham Wahyunadi and Raihanah HJ Azahari, "Perubahan Sosial Dan Kaitannya Dengan Pembagian Harta Warisan Dalam Perspektif Hukum Islam," *Jurnal Ilmiah Islam Futura* 14, no. 2 (2015), p. 166–189,

⁵Muhammad Faisal, "Hukum Islam Dan Perubahan Sosial," *Juris: Jurnal Ilmiah Syariah* 18, no. 1 (2019), p. 33–44.

alter all facets of daily existence.⁶ Typical instances of shifts encompass alterations in consumer patterns, transformations in political views, changes in cultural values, or variations in weather and climate patterns. Gaining a comprehensive understanding of shifts and their corresponding adaptations is crucial for effectively addressing the difficulties and seizing the possibilities that emerge as a result of these transformations. Shifts can also present prospects for creativity and constructive transformation in the society, encompassing the Minang community.⁷

Sakali aia gadang, sakali tapian barubah (Once the large current arrives, the bank changes). This proverb from the Minang people elucidates the concept that life is in a constant state of flux, as change is the only constant in life. The Minang people must possess the capacity to adjust to change in order to ensure the continuity of life, despite the alterations in their prior customs and practices. The matrilineal family holds significant importance among the Minang people, and it is conceivable that it may undergo changes as well.

Minangkabau Customary Inheritance Law

Experts commonly characterize customary inheritance law as a set of norms that outline the process of transferring both physical and non-physical assets from one generation to the next.⁸ The customary inheritance law is heavily influenced by the kinship system embraced by a society that follows the customary law.⁹ Regarding this kinship system, there are three commonly recognized forms: matrilineal, which follows the mother's line,¹⁰ patrilineal, which follows the father's line; and parental or bilateral, which follows both the mother and father's lines.¹¹

⁶Ignacio De La Rasilla Del Moral, "The Shifting Origins of International Law," *Leiden Journal of International Law* 28, no. 3 (2015), p. 419–40,

⁷James Anderson, "The Shifting Stage of Politics: New Medieval and Postmodern Territorialities?," *Environment and Planning D: Society and Space* 14, no. 2 (1996), p. 133–53.

⁸Mursyid Djawas et al., "The Construction of Islamic Inheritance Law: A Comparative Study of the Islamic Jurisprudence and the Compilation of Islamic Law," *Juris: Jurnal Ilmiah Syariah* 21, no. 2 (2022), p. 207–219. Akhmad Haries, "Analisis Tentang Studi Komparatif Antara Hukum Kewarisan Islam Dan Hukum Kewarisan Adat," *Fenomena* 6, no. 2 (2014), p. 217. Asni Zubair, Hamzah Latif, and Al Furqon Dono Hariyanto, "The Construction of Inheritance Law Reform in Indonesia: Questioning the Transfer of Properties through Wasiat Wājibah to Non-Muslim Heirs," *Samarah* 6, no. 1 (2022), p. 176–197. Khairuddin Hasballah, et. al., "Patah Titi and Substitute Heirs: A Study of Legal Pluralism on the Inheritance System in Aceh Community," *Ahkam: Jurnal Ilmu Syariah* 21, no. 2 (2021), p. 299–324.

⁹Halimah Basri, et. al., "Inheritance Rights of Women in Makassar Society: A Study of Living Qur'an and Its Implications for Islamic Law," *Samarah* 6, no. 2 (2022), p. 537–557. Ulfiani Rahman et al., "Men and Women in the Distribution of Inheritance in Mandar, West Sulawesi, Indonesia," *Samarah* 6, no. 1 (2022), p. 156–175.

¹⁰Abdul Basith Junaidy, "Competing For Inheritance: The Contestation between Islam, Adat and Modernity in Inheritance Distribution in Indonesia," *Journal of Indonesian Islam* 7, no. 2 (2013), p. 427.

¹¹Akhmad Kamil Rizani and Ahmad Dakhoir, "Musyawarah Sebagai Alternatif Penyelesaian Sengketa Waris Beda Agama: Evidence Based Solution From Indonesia," *El-Mashlahah*, 2020., Andi Sukmawati Assaad et al., "Gender Equity in Inheritance System: The Collaboration of Islamic and

The Minangkabau society is renowned as the largest society worldwide that practices a matrilineal kinship system, which continues to exist today despite the dominant influence of Islam, which follows a patrilineal kinship system with a bilateral inheritance structure.¹² The Minangkabau customary inheritance law is based on three main principles. Firstly, the unilateral principal grants inheritance rights to one line of kinship through the mother (matrilineal). Secondly, the collective principle ensures that inheritance rights are held jointly or in groups, rather than individually. Lastly, the principle of priority dictates that the closest heir group has greater rights than distant heirs.¹³

In accordance with Minang customs, inheritance of property refers to the transfer of responsibilities in jointly maintaining and administering inherited property, rather than the transfer of property to individuals for private ownership. The mode of transmission follows the idea of unilateral communal inheritance, specifically in a matrilineal manner. The inheritance rights resulting from the demise of a property manager cannot be automatically passed on to their offspring, unless the entire family that collectively owns the property agrees to bestow it as a gift.¹⁴ Meanwhile, the Minang customary law illustrates the arrangement of heirs through the adat adage, “*birik-birik turun ke rumput, tiba di rumput berilah makan, harta ninik turun ke mamak, dari mamak turun ke keniekan*”.¹⁵ The actual heirs, who are the nephews, can be categorized into four groups: blood nephews, specifically biological nephews, sometimes known as nephews under the chin. Secondly, nephews or heirs with customary ties refer to nephews who belong to the same tribe but not the same clan, and are not blood relatives. These nephews are under the authority of the tribal chief and are sometimes referred to as nephews beneath the chest. Furthermore, nephews who are granted membership in the tribe due to the services or acts of kindness they have provided to the tribe of their origin are commonly known as nephews below the belly. Furthermore, nephews who

Bugis Luwu Customary Law,” *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 17, no. 2 (2022): 458–479, Reni Nur Aniroh, Khoiruddin Nasution, Ali Sodikin “The Bilateral Inheritance System in Islamic Family Law: Fairness, Equality, and Mutual Exchange Perspectives Reni” 8, no. 2 (2018): 53–54,

¹²Adeb Davega Prasna, “Pewarisan Harta Di Minangkabau Dalam Perspektif Kompilasi Hukum Islam,” *Kordinat: Jurnal Komunikasi Antar Perguruan Tinggi Agama Islam* 17, no. 1 (November 19, 2018): 29–64,

¹³M Iqbal, “The System of Inheritance Law in Minangkabau: A Social History Study,” *Indonesian Journal of Education, Social Sciences and Research* 1, no. 2 (2020), p. 87–93. Anugrah Reskiani et al., “Reform Methods of Islamic Inheritance Law in Indonesia in Jurisprudence,” *Juris: Jurnal Ilmiah Syariah* 21, no. 1 (2022): 39–51,

¹⁴Amir Syarifuddin, *Pelaksanaan Hukum Kewarisan Islam Dalam Lingkungan Adat Minangkabau*, (Jakarta: Gunung Agung, 1984), p. 332.

¹⁵Amir Syarifuddin, *Pelaksanaan Hukum Kewarisan Islam Dalam Lingkungan Adat Minangkabau*.

contribute a monetary amount in the form of gold ties are individuals who become part of the original tribe. They are commonly known as nephews below the knee.¹⁶

The Minangkabau Ethnic Group: Migrants in Negeri Sembilan

The Minang people are one of the ethnic groups residing in the region known as Nusantara, which is now called Indonesia. In addition to the Minang ethnic group, there are also a substantial number of Javanese, Batak, Bugis, and other ethnic groups. The Minang ethnic group is commonly categorized into two subgroups based on their geographical location. The individuals residing in the original region are referred to as *Urang Darek* Minangkabau, which includes Luhak Agam, Luhak Tanah Datar, and Luhak Lima Puluh Kota. Outside of the three ethnic groupings, those belonging to other ethnicities are referred to as *Urang Rantau*. One particularly fascinating location where the Minang diaspora may be found outside the island of Sumatra is Negeri Sembilan, Malaysia. While the exact timing of the Minang people's migration to Negeri Sembilan is challenging to determine, historical evidence suggests that Minang migrants had already established settlements in the Malay Peninsula prior to the arrival of Western influences.¹⁷ Josselink de Jong, in his research on Minangkabau and Negeri Sembilan, has found evidence indicating that Minang migrants were crossing over to the Malay Peninsula as early as the 16th century, and possibly even earlier. This is corroborated by the Portuguese governor in Malacca who acknowledged the existence of Minang people in the port city. Mestika Zed asserted that historical records indicate that the migration of the Minang people to the area began a few years after the demise of King Aditiawarman. One piece of evidence, in the shape of engraved stones, is the tomb of Syech Ahmad Majnun (d. 872 H), who originated from Minangkabau.¹⁸

Motivations for migration encompass the desire to establish new habitats and secure a means of sustenance. The tradition has exerted a significant impact on history, blood relations, and cultural connections, particularly between the Pagaruyung Kingdom of West Sumatra and Negeri Sembilan Malaysia. Their participation as early settlers and the establishment of new communities is considered a significant aspect in the history of Negeri Sembilan. The Minang migrants faced challenges in their pursuit of a better life, but they also managed to build a kingdom and introduce the Perpatih Custom as the foundation of Negeri Sembilan culture.¹⁹

¹⁶Yelia Nathassa Winstar, "Pelaksanaan Dua Sistem Kewarisan Pada Masyarakat Adat Minangkabau," *Jurnal Hukum & Pembangunan* 37, no. 2 (2017): 154.

¹⁷Rahilah Omar dan Nelmawarni, "Negeri Sembilan: Rantau Minangkabau Di Semenanjung Tanah Melayu," *Historia: Jurnal Pendidikan Sejarah* IX, no. 2 (2008), p. 1–32.

¹⁸Mestika Zed, "Hubungan Minangkabau Dengan Negeri Sembilan" (Padang, Pusat Kajian Sosial Budaya dan Ekonomi, 2010), p. 3.

¹⁹Omar dan Nelmawarni, "Negeri Sembilan: Rantau Minangkabau Di Semenanjung Tanah Melayu."

The Role of Mamak in the Inheritance System of the Minangkabau in Negeri Sembilan Malaysia Ethnic Groups

Within the Minangkabau customary inheritance law system, the mamak (maternal uncle) holds a significant role in overseeing the distribution of property inheritance. Nevertheless, the function of the mamak has transformed in response to social and cultural shifts within Minangkabau culture.

Informant 1 (55 years old) Luhak Tanah Datar stated: In Nagari Pariangan, like to other *nagari* in Minangkabau, men have two distinct roles. They serve as mamak in their nephew's household and as fathers (*urang sumando*) in their own children's households. Regarding marriage in Nagari Pariangan, there are two widely recognized phrases that play distinct roles: ahli and wali. The term "ahli" refers to a family member, while "mamak" specifically denotes the father. On the other hand, "wali" is a term used to refer to the father. The expert is tasked with overseeing the process of finding suitable partners and covering the expenses related to matchmaking and marriage. On the other hand, the guardian is responsible for arranging the marriage of his daughter. However, the current role of men, as said earlier, has undergone a transformation. The position of a guardian, specifically that of a father, is highly influential. He is the individual who carries the responsibility as a protector and as a close relatives.²⁰

Informant 2 (45 years old) Luhak Agam stated: Currently, the mother's role is primarily limited to participating in traditional events such as wedding parties and other cultural ceremonies. However, when it comes to matters of economy, education, matchmaking, and marriage expenses, these responsibilities now fall on the father. The mother's involvement, if any, is merely to provide assistance. In the past, the measure of equality between potential candidates was determined by looking at the mother, using the phrase "whose nephew is that". Nowadays, this has changed, and people inquire about the candidate's paternal lineage by asking "whose son is that."²¹

Informant 3 (35 years old) Luhak Lima Puluh Kota stated: Traditionally, the task of arranging matchmaking and wedding parties has shifted to the father, while the function of the mamak has diminished significantly compared to its previous significance. Informant Hnp (40 years old) stated: The population of Negeri Sembilan, Malaysia can be categorized into two groups: those residing in the villages of Negeri Sembilan and those who have relocated to the city. The villagers of Negeri Sembilan strongly adhere to traditional customs, to the extent that the mother's brother holds a significant position and role. Conversely, those who have migrated or left Negeri Sembilan place a greater emphasis on the authority and role of the father. Presently, it is common for women in Negeri Sembilan to move out of

²⁰ Informant 1 (55 years old) Luhak Tanah Datar

²¹ Informant 2 (45 years old) Luhak Agam

their ancestral homes, known as *rumah gadang*, after marriage and establish new residences elsewhere.²²

The inheritance of Ethnic Assets from *Minang Urang Darek* to *Urang Rantau* in Negeri Sembilan, Malaysia

According to Minangkabau tradition, inheritance is traditionally passed down to the niece, who is the daughter of a sister. This is reflected in the adage which states that inheritance goes from the *niniak* to the *mamak*, and then to the niece. However, due to societal changes, it is now possible for children to also receive inheritance, as mentioned by a 60 years old informant I: In specific circumstances, the current inheritance can be transferred to children, such as land for a housing development. However, this transfer must be approved by all individuals who have the right to the inheritance.

The informant, Ali Anhar Dt. Lelo Nan Panjang, who serves as the Secretary of KAN Nagari Andaleh in Luak District, Lima Puluh Kota Regency, further stated: Children can receive their parents' inheritance in the form of the proceeds generated from cultivating the inherited land." The division pertains to the outcome, rather than the initial amount, of the parents' legacy. If a total of 50 bags of rice are harvested from multiple rice fields and the initial investment has been recovered, then the 50 sacks of rice can be distributed to the children.²³

Informant, SLM, aged 50, from Luhak Agam, that: The rice fields and fields are collectively owned by the nieces in accordance with matrilineal traditions, as the saying goes 'Ureknyo disiram, samaknyo dibuang, batangnyo dijago dan dipaliharo, dan buahnyo dimakan basamo'/akarnya disiram, rumputnya dibuang, batangnya dijaga dan dipelihara, dan buahnya dimakan bersama, which means that the roots are nurtured, the unwanted grass is discarded, the stems are protected and preserved, and the fruits are shared and consumed together. If the plant is rice, it is necessary to irrigate the veins of the rice plant. The grass that grows on the rice plant should be removed or cleaned. The rice stalks should be nurtured with fertilizer to ensure their growth and size. Finally, when the rice is harvested, the yield is consumed collectively. Regrettably, a significant number of inherited land holdings have been liquidated to fulfill the family's essential financial requirements. A member of the clan, known as the *niniak mamak*, has the ability to request permission from the *Kerapatan Adat Nagari* (KAN) to sell a piece of land. Once approved, the transaction can proceed after submission to the local Wali Nagari. The revenues from the sale are distributed not just to the nephews of the matrilineal family, but also to the children of the nuclear family.²⁴

Informant Zr (35 years old) Negeri Sembilan Malaysia stated: In Negeri Sembilan, Malaysia, numerous ancestral farms and big residences have been

²² Informant 3 (35 years old) Luhak Lima Puluh Kota stated

²³ The informant, Ali Anhar Dt. Lelo Nan Panjang, who serves as the Secretary of KAN Nagari Andaleh in Luak District, Lima Puluh Kota Regency,

²⁴ Informant, SLM, aged 50, from Luhak Agam,

disregarded and deserted by female individuals. The cause of this situation is the growth in the number of individuals within the family lineage, while the physical extent of the inherited land has remained unchanged. Over time, as the inheritance process has been repeated across generations, the distribution or allocation of property has gradually diminished. Frequently, the current partition is insufficient for constructing a residential plot.

The Changing Roles of the Mamak Community and the Inheritance of Heirloom Property in Negeri Sembilan, Malaysia

Historically, it has been customary for men in Minangkabau to assume leadership roles within their maternal families.²⁵ Men are obliged to assume the duty of caring for and safeguarding both their sisters and their sisters' children, as dictated by the dominant authority. *Mamak* fulfills the responsibilities of guiding his nieces, preserving and enhancing family heirlooms, and representing the family in familial affairs. *Mamak* has a responsibility to provide guidance to his nieces in matters related to customs, religion, and daily conduct. Currently, the Minangkabau community has experienced societal transformations. The role of the *mamak* has been diminished and supplanted by dads, also known as *urang sumando*. The father assumes the responsibility of providing financial support for the family, funding his children's education, and arranging suitable marriages for them, including covering the associated expenses. *Mamak* primarily assumes a role in traditional affairs, such as organizing celebrations or wedding ceremonies for his female nieces and bestowing titles upon his male nephews prior to their marriage.

The form of kinship adopted has a direct bearing on inheritance law. Minangkabau follows a matrilineal kinship structure, where the individual responsible for overseeing inherited property is known as the *mamak* or *buapak* in the context of Negeri Sembilan, Malaysia. Contrary to popular belief, the current head of the household is the father (*urang sumando*), as confirmed by Informant MJ (55 years old), who stated: The consolidation of kinship or nuclear family is primarily driven by the growing number of family members within a clan and the numerous conflicts arising from sako and pusako issues, involving both internal and external clan members. Many people nowadays have a preference for living in a different location by either constructing their own house or renting one, and they no longer prioritize inheriting property. The *mamak* or *buapak* has transitioned from tending to their matrilineal family to focusing on their nuclear family. Put simply, he has transitioned from being a *mamak* to assuming the role of a father.

Informant SLM (50 years old) Luhak Agam said that: According to Minangkabau customary law, it is prohibited to sell or use heirlooms as collateral. While pawning is permitted, it is restricted to specific circumstances, notably, the *rumah gadang katirisan*, *gadiah gadang indak balaki*, *mayik tabujua di tengah rumah*,

²⁵Nofiardi and Fahmil Samiran, "Living Under the Same Roof Before the Date of Separation: The Relevance of Maqāsid Al-Sharī'ah and Minangkabaunese Custom in A New Direction for Families," *Juris: Jurnal Ilmiah Syariah* 22, no. 2 (2023): 305–316.

dan mambangkik batang tarandam. Presently, the *niniak mamak* possess the authority to grant consent not only for pawning but also for the sale of ancestral land by specific clan members to external parties. Consequently, the number of heirlooms is diminishing, and the inheritance procedure is no longer operational.²⁶

Informant AA (45 years old) from Luhak Lima Puluh Kota said that: Under customary inheritance law, children are not entitled to receive a share of the heirloom (land) and its proceeds. Children belong to their mother's family rather than their father's family. Currently, children have the opportunity to inherit a share of the proceeds from farming their father's ancestral land.²⁷ Informant Zr (35 years old) said that: Due to the growing size of families within a clan and the fragmentation of ancestral land, the *Datuk Perpatih* customary inheritance method is no longer feasible. The treasures and large mansions are currently in a state of neglect. If in previous times, women held significant influence, it subsequently diminished as it transitioned to fathers.²⁸

According to the data provided, it is evident that the transfer of ancestral property in the Minang community in Luhak Nan Tigo, both in the area of origin and in the area of migration, particularly in Negeri Sembilan, Malaysia, has undergone a change. Traditionally, property inheritance follows a matrilineal system, where it is passed down from mother to daughter, and thereafter through the female lineage. Currently, societal and cultural developments have indirectly led to modifications in the inheritance system of these cherished possessions.

Within the realm of significant changes, there is a growing recognition of the entitlement of sons to inherit property. While the matrilineal system remains robust and esteemed, several families are increasingly contemplating the partitioning of inheritance among their male offspring. Indeed, there have been instances where sons have taken their spouses to reside in their matrilineal communities, as elucidated by SL (50 Years) from Luhak Agam.²⁹

if a nephew of *Koto Gadang* marries a woman who is not from *Koto Gadang*, the man can bring his wife and children to live in *Nagari Koto Gadang* until he passes away, as long as it is agreed upon by the *niniak mamak*. This arrangement is referred to as '*sahabiah kuciang sahabih ngeong*'. Upon the man's death, his children are not entitled to inherit the valuable assets, such as the residence, that belonged to his matrilineal family. The land is inalienable due to its status as a valuable ancestral property.

The Role of the Mamak in the Present Minangkabau Customary Kinship System

The role of *mamak* in the Minang society is a crucial social construct. *Mamak* is the paternal family member who is responsible for overseeing matters related to

²⁶ Informant SLM (50 years old) Luhak Agam

²⁷ Informant AA (45 years old) from Luhak Lima Puluh Kota

²⁸ Informant Zr (35 years old)

²⁹ SL (50 Years) from Luhak Agam

inheritance, land ownership, and the care of children. According to Minangkabau tradition, this method is referred to as "*Adat Perpatih*" or "*Adat Alam Minangkabau*". Nevertheless, in the past few decades, the role of the *mamak* has experienced substantial and noteworthy transformations. First, these changes have been mostly induced by variables related to education and work. The significance of education and employment in shaping the societal position of persons in Minangkabau society has increased. A significant number of Minangkabau individuals, including both males and females, actively seek higher education and employment opportunities beyond their local area. This has altered the relationships inside families and the role of the *mamak* in making family decisions.

Second, the phenomenon of cultural integration has significantly impacted the lifestyle of the Minang people due to globalization and cultural interchange. The *Adat Perpatih* tradition frequently encounters conflicts with other global cultural norms. This can influence the public's perception of the function of the *mamak* and the traditional system. Furthermore, there has been a notable increase in the involvement of Minangkabau women in various aspects of social, economic, and political spheres. They participate in both family and commercial decision-making, perhaps impacting the mother's involvement in the process. Furthermore, land ownership undergoes modifications under the *Perpatih* Customary tradition, wherein land is predominantly possessed by the *mamak* and transferred via an inheritance system from mother to daughter. Nevertheless, as metropolitan areas expand and societies become more modernized, there is a notable rise in the number of individuals who possess land. Certain Minang households opt to distribute land inheritance evenly among their children, disregarding the customary *Adat Perpatih* arrangement. Furthermore, contemporary national legal frameworks frequently have an impact on old systems like *Adat Perpatih*. In certain instances, national legislation is necessary to resolve conflicts pertaining to property ownership and inheritance within the framework of contemporary legal systems.

A similar transformation took place in *luhak nan tigo*, as well as in *rantau Negeri Sembilan* Malaysia. Currently, the Minang people in both *luhak nan tigo* and *rantau Negeri Sembilan* Malaysia no longer depend on ancestral land as their main source of livelihood. Instead, they have shifted to other occupations such as trading, working as civil servants or private employees, and pursuing various other professions. Furthermore, it is common for Minang women to relocate or construct new residences in different locations away from their ancestral property after starting families, resulting in the average family no longer residing in their original house known as "*rumah gadang*". The father (*urang sumando*) has assumed the leadership role over members of his clan or his nephews, replacing the *mamak*. The diminishing influence of the *mamak* in matrilineal kinship has implications for the transmission of ancestral property.

These effects encompass the deprivation of authority over inherited assets. If the *mamak's* former responsibility for overseeing the family's assets and ancestral property is diminished, it might lead to a loss of authority over the property. This

can lead to inquiries regarding the future custodianship and maintenance of the heirloom, which may subsequently affect the allocation of heirlooms. Consequently, if the influence of the *mamak* is diminished in the allocation of inheritance, the customary division of ancestral heirlooms based on the matrilineal system may no longer occur. This can result in alterations in the possession of ancestral possessions. Moreover, alterations in the *mamak's* function and modifications in the inheritance distribution method frequently instigate tensions within the family. Relatives who are discontent with the recent allocation of inheritance or who believe that their entitlements have been disregarded have the option to submit claims or create discord.

According to the Minangkabau custom, inheritance of property involves the transmission of responsibilities in managing and administering collectively owned heritage, rather than transferring the property to individuals for private ownership. Previously, the transfer of property was limited to a transfer of management and did not involve a transfer of ownership. However, it has now evolved into a transfer of ownership. Consequently, the land is subsequently pledged or secretly sold by clan members or inheritors, without the unanimous permission of all clan members.

Conclusion

Previously, the concept of material lineal kinship was closely tied to the unity of the rumah gadang. However, the rumah gadang is now gradually disappearing and there is a growing trend of building residences on property that is not considered ancestral. The practice of constructing a residence for wives and children is prevalent among urang sumando (in this context, dads), who typically opt to build it on property that is not part of their ancestral inheritance or in a different location. Pusako land is owned by the community (clans) and is highly susceptible to disputes (conflicts). To circumvent this issue, it is advisable to purchase land in a different location and subsequently construct a dwelling on it. Put simply, extended family connections (tribes) now exist solely as emotional attachments, wherein if any member encounters a difficulty, all others will come to their aid. Conversely, kinship lines based on matrilineal descent remain constant and do not undergo any alterations or shifts. Mamak, being one generation older and having been nurtured by the same family, still holds authority over his nephews and nieces, including a datuak who is responsible for managing the family's affairs and ensuring their well-being. Notwithstanding this change, it is crucial to acknowledge that the Minang ethnic group continues to uphold distinct matrilineal customs and traditions. Although the officially acknowledged system of property inheritance may have undergone alterations, the profound impact of Minangkabau culture and identity remains highly relevant in the everyday lives of individuals.

References

Journals and Books

- Amir Syarifuddin. *Pelaksanaan Hukum Kewarisan Islam Dalam Lingkungan Adat Minangkabau*. Pertama. Jakarta: Gunung Agung, 1984.
- Assaad, Andi Sukmawati, et al., "Gender Equity in Inheritance System: The Collaboration of Islamic and Bugis Luwu Customary Law," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 17, no. 2 (2022): 458–479. <https://doi.org/10.19105/al-Ihkam.v17i2.6761>.
- Anderson, James. "The Shifting Stage of Politics: New Medieval and Postmodern Territorialities?" *Environment and Planning D: Society and Space* 14, no. 2 (1996): 133–53. <https://doi.org/10.1068/d140133>.
- Basri, Halimah, et.al., "Inheritance Rights of Women in Makassar Society: A Study of Living Qur'an and Its Implications for Islamic Law." *Samarah* 6, no. 2 (2022): 537–57. <https://doi.org/10.22373/sjhk.v6i2.13882>.
- Bahauddin, Azizi, et.al., "From 'Darek' To 'Rantau' The Architecture Morphology of Minangkabau Traditional House," Paper in Technology, Science, Social Sciences and Humanities International Conference, UiTM Kedah, Malaysia, 2021, (TeSSHI 2021).
- Busyro, Arsal, et.al., "Female Imam and Khatib: The Shifting in Worship Traditions from Progressive to Conservative in Sungai Landia, West Sumatra, Indonesia." *Juris: Jurnal Ilmiah Syariah* 22, no. 1 (2023): 39–51. <https://doi.org/10.31958/juris.v22i1.8545>.
- Del Moral, La Rasilla and Ignacio De. "The Shifting Origins of International Law." *Leiden Journal of International Law* 28, no. 3 (2015): 419–40. <https://doi.org/10.1017/S0922156515000205>.
- Djawas, Mursyid, et.al., "The Construction of Islamic Inheritance Law: A Comparative Study of the Islamic Jurisprudence and the Compilation of Islamic Law." *Juris: Jurnal Ilmiah Syariah* 21, no. 2 (2022): 207–19. <https://doi.org/10.31958/juris.v21i2.7495>.
- Faisol, Muhammad. "Hukum Islam Dan Perubahan Sosial." *Juris: Jurnal Ilmiah Syariah* 18, no. 1 (2019): 33–44. <https://doi.org/10.31958/juris.v18i1.1397>.
- Haries, Akhmad. "Analisis Tentang Studi Komparatif Antara Hukum Kewarisan Islam Dan Hukum Kewarisan Adat." *Fenomena* 6, no. 2 (2014): 217. <https://doi.org/10.21093/fj.v6i2.169>.
- Hasballah, Khairuddin, et.al., "Patah Titi and Substitute Heirs: A Study of Legal Pluralism on the Inheritance System in Aceh Community." *Ahkam: Jurnal Ilmu Syariah* 21, no. 2 (2021).
- Indrayuda Indrayuda and Mohd Effindi Samsuddin, "Changes in Form and Style in Randai Performance at The Minangkabau Diaspora in Malaysia," *Harmonia: Journal of Arts and Research and Education* 21, No. 2 (2021). DOI: 10.15294/harmonia.v21i2.32043.
- Iqbal, M. "The System of Inheritance Law in Minangkabau: A Social History

- Study.” *Indonesian Journal of Education, Social Sciences and Research*, no. 2 (2020). DOI: <https://doi.org/10.30596/ijessr.v1i2.5047>.
- Junaidy, Abdul Basith. “Competing For Inheritance: The Contestation between Islam, Adat and Modernity in Inheritance Distribution in Indonesia.” *Journal of Indonesian Islam* 7, no. 2 (2013): 427. <https://doi.org/10.15642/jiis.2013.7.2.427-432>.
- Muzaki, Kiki Adnan, et.al., “Reform of The Law of Inheritance in Turkey and Tunisia.” *Al-’Adalah* 17, no. 2 (2020): 249–68. <https://doi.org/10.24042/adalah.v17i2.8031>.
- Nofiardi. “Perkawinan Dan Baganyi: Analisis Sosiologis Kultural Dalam Penyelesaian Perselisihan Di Kecamatan Banuhampu Kabupaten Agam.” *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 13, no. 1 (2018): 49–72. <https://doi.org/10.19105/al-lhkam.v13i1.1613>.
- Nofiardi, and Fahmil Samiran. “Living Under the Same Roof Before the Date of Separation: The Relevance of Maqāṣid Al-Sharī’ah and Minangkabaunese Custom in A New Direction for Families.” *Juris: Jurnal Ilmiah Syariah* 22, no. 2 (2023): 305–16. <https://doi.org/10.31958/juris.v22i2.9014>.
- Omar dan Nelmawarni, Rahilah, “Negeri Sembilan: Rantau Minangkabau Di Semenanjung Tanah Melayu.” *Historia: Jurnal Pendidikan Sejarah* IX, no. 2 (2008).
- Prasna, Adeb Davega. “Pewarisan Harta Di Minangkabau Dalam Perspektif Kompilasi Hukum Islam.” *Kordinat: Jurnal Komunikasi Antar Perguruan Tinggi Agama Islam* 17, no. 1 (November 2018): 29–64. <https://doi.org/10.15408/kordinat.v17i1.8094>.
- Rahman, Ulfiani, et.al., “Men and Women in the Distribution of Inheritance in Mandar, West Sulawesi, Indonesia.” *Samarah* 6, no. 1 (2022): 156–75. <https://doi.org/10.22373/sjhc.v6i1.9094>.
- Reni Nur Aniroh, et.al., “The Bilateral Inheritance System in Islamic Family Law: Fairness, Equality, and Mutual Exchange Perspectives Reni” 8, no. 2 (2018): 53–54. <https://doi.org/10.22373/sjhc.v8i2.17630>.
- Reskiani, Anugrah, Dian Furqani Tenrilawa, Aminuddin, and Rahman Subha. “Reform Methods of Islamic Inheritance Law in Indonesia in Jurisprudence.” *Juris: Jurnal Ilmiah Syariah* 21, no. 1 (2022): 39–51. <https://doi.org/10.31958/juris.v21i1.5564>.
- Rizani, Akhmad Kamil, and Ahmad Dakhoir. “Musyawarah Sebagai Alternatif Penyelesaian Sengketa Waris Beda Agama: Evidence Based Solution From Indonesia.” *El-Mashlahah*, 2020. <https://doi.org/10.23971/maslahah.v10i2.2063>.
- Romli, Khomsahrial, “Dinamika Identitas Budaya Perantau Etnis Minangkabau di Bandar Lampung,” *Jurnal Komunika* 2, No. 1 (2019). p. 29-41.
- Siregar, Fatahuddin Aziz, et.al., “Merantau in The Ethnic Tradition of Minangkabau: Local Custom Without Sharia Basis?,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 6, No. 1 (2022).

DOI: <http://dx.doi.org/10.22373/sjhc.v6i1.9954>

- Wahyunadi, Zulham, and Raihanah HJ Azahari. "Perubahan Sosial Dan Kaitannya Dengan Pembagian Harta Warisan Dalam Perspektif Hukum Islam." *Jurnal Ilmiah Islam Futura* 14, no. 2 (2015): 166. <https://doi.org/10.22373/jiif.v14i2.328>.
- Winstar, Yelia Nathassa. "Pelaksanaan Dua Sistem Kewarisan Pada Masyarakat Adat Minangkabau." *Jurnal Hukum & Pembangunan* 37, no. 2 (2017): 154. <https://doi.org/10.21143/jhp.vol37.no2.1483>.
- Zed, Mestika. "Hubungan Minangkabau Dengan Negeri Sembilan." Padang, 2010.
- Zubair, Asni, et.al.,. "The Construction of Inheritance Law Reform in Indonesia: Questioning the Transfer of Properties through Wasiat Wājibah to Non-Muslim Heirs." *Samarah* 6, no. 1 (2022): 176–97. <https://doi.org/10.22373/SJHK.V6I1.12628>.

Interviews

Interview Informant 1 (55 years old) Luhak Tanah Datar

Interview Informant 2 (45 years old) Luhak Agam

Interview Informant 3 (35 years old) Luhak Lima Puluh Kota

Interview Hnp (40 years old)

Interview Ali Anhar Dt. Lelo Nan Panjang, Secretary of KAN Nagari Andaleh in Luak District, Lima Puluh Kota Regency

Interview SLM, aged 50, from Luhak Agam

Interview Zr (35 years old) Negeri Sembilan Malaysia

Interview SLM (50 years old) Luhak Agam said

Interview AA (45 years old) from Luhak Lima Puluh Kota

Interview Zr (35 years old).