

The Relevance of Islamic Inheritance Law to Customary Law: A Study in Sarolangun Regency

Ahmad Husairi^{a*} | Devrian Ali Putra^b

^{a,b} Universitas Islam Negeri Sulthan Thaha Saifuddin Jambi

* Correspondence author, email: ahmadhusairi1803@gmail.com

Received : November 12, 2025

Revised : January 18, 2026

Accepted : March 13, 2026

Online : April 15, 2026

Abstract

This study discusses the relevance of Islamic inheritance law and customary inheritance law in the context of the community in Sarolangun Regency. This research is an empirical juridical study with a case study approach, involving in-depth interviews with customary leaders, religious scholars, and local community members, as well as analysis of legal and customary documents aimed at obtaining scientifically accountable conclusions. The conclusion of this study is that there are significant differences between Islamic inheritance law and customary inheritance law, particularly regarding the distribution of inherited assets. Islamic inheritance law, based on the Quran and Hadith, regulates the distribution more rigidly and in detail, whereas customary inheritance law is more flexible and often adjusts to the social and economic conditions of the family. However, a convergence was found where the Sarolangun community integrates both legal systems to achieve justice and harmony in the distribution of inheritance. The study also found that in practice, many families choose to follow customary inheritance law first and then adapt to the provisions of Islamic inheritance law. This reflects a dynamic and complementary adaptation between the two legal systems.

Keywords: relevance, Islamic inheritance law, customary inheritance law.

1. INTRODUCTION

Indonesia is the country with the second largest Muslim population in the world, with approximately 236 million people adhering to Islam [1]. In addition, Indonesia is also an archipelagic country, which leads to pluralism in society resulting in differences in arts, culture, and traditions [2]. Sarolangun Regency is a region rich in culture and customs that are still preserved and maintained by its community. However, because the majority of its population practices Islam, Islamic inheritance law is more applicable in this area.

Publisher's Note:

Sharia Research Center stays neutral with regard to jurisdictional claims in published maps and institutional affiliations.



Copyright:

© 2026 by the author(s).

Sharia Research Center, Jambi, Indonesia. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (<https://creativecommons.org/licenses/by/4.0/>).

The diversity of the Indonesian archipelago has led to the emergence of various types of inheritance laws applied in the country. There are three types of inheritance laws in Indonesia: Islamic inheritance law, civil inheritance law, and customary inheritance law [3]. Inheritance law is a very important part of the legal system that regulates the distribution of inheritance assets by the family of the deceased. In the distribution of inheritance, there are legal systems that must be considered to achieve justice and resolve disputes among heirs.

The topic of inheritance is always an interesting subject of study, especially regarding the inheritance system in the Sarolangun area, where different customs and cultures lead the community to adopt different inheritance systems. Although the majority of the population in Sarolangun Regency adheres to Islam, they predominantly use the customary inheritance system rather than the Islamic inheritance system [4].

There are several studies examining traditional inheritance systems related to this topic that can serve as points of discussion in this research. Yuliatin's research focuses on the dynamics of inheritance systems among indigenous

communities in Jambi City. The object of this study centers on the implementation of inheritance distribution within these customary groups. From the observed inheritance practices, there are three methods of classifying the distribution system: those applying Islamic law, those applying customary law, and those designating inherited assets as *hibah* (gifts). The community in Jambi City has not fully utilized Islamic law in inheritance distribution due to social polarization and the established tradition of using customary law, which has been passed down through generations [5]. Based on Yuliatin's findings, the researcher notes several areas that remain unexplored, specifically regarding the reconstruction of inheritance systems and the benchmarks for why the community dominantly favors customary inheritance law over Islamic law, despite the majority of the population being Muslim.

Research conducted by Al-Muthahhiri on the community of Batang Hari Regency, Jambi Province, examines the implementation of customary law concerning inheritance. His study explains that according to the *Bumi Serentak Bak Regam* custom, the distribution of inheritance is carried out through a meeting or adjudication process involving several parties, namely the government, customary leaders, and religious scholars (*ulama*). Furthermore, inherited assets are categorized into specific classifications, such as *harta ringan* (light assets), *harta tempaan* (acquired assets), and *harta bawaan* (brought-in/ancestral assets). These specific types of assets are not recognized within Islamic inheritance law. The distribution of inheritance is based solely on the entirety of Islamic law only if a conflict or dispute arises among the heirs [6].

The study on the Customary Inheritance Law of the Bangko Community in Jambi Province was authored by Absyar Surwansyah from Diponegoro University. This research examines the historical perspective, specifically in the Sungai Manau District, which possesses its own customary law characterized by a dominant matrilineal kinship system. The customary inheritance practices within this community are implemented through a combination of individual and collective inheritance systems [7]. Regarding this topic, the researcher identifies both similarities and differences in the

inheritance distribution systems, as this study focuses on three distinct locations, each possessing its own unique characteristics.

The research was conducted by Dara Kartika Rahma in the Kerinci region of Jambi. The community in this area, known as the Jambi Highlands, adheres to a matrilineal kinship system. This kinship system subsequently influences the position of women in inheritance ownership and grants them broader authority in managing inherited assets (usually in the form of land). This greater equality or dominance of women is then juxtaposed with the Malay *adat seloko* based on Islamic law, specifically the maxim: *adat bersendi syarak, syarak bersendi kitabullah* (Custom is based on Sharia, Sharia is based on the Book of Allah). According to Islamic teachings, the leadership position of men is superior to that of women, especially if the woman is married. This adaptive phenomenon ensures that women's access to inheritance—both in terms of property and management—is equal to that of men [8]. Regarding gender equality, there is an interesting element in the researcher's study. This is evident in the inheritance distribution using a bilateral system, which divides the inheritance equally among all heirs, provided there is a prior mutual agreement.

A thesis research on the topic of Inheritance Distribution among the Malay Muslim Community in Semabu Village, Tebo Tengah, Jambi, was conducted by Abdurrahman Wahid at Andalas University. This study indicates that customs still tend to dominate in the distribution of inheritance. In the Semabu village community, inheritance is divided equally between sons and daughters. This, of course, differs from Islamic Sharia, despite the fact that the majority of the community there is Muslim. The equal distribution is practiced with the reason and purpose of avoiding conflict [9]. Broadly speaking, there is a similarity between Tanjung Village and Semabu Village in terms of distributing inheritance equally. Thus, the combination of these two regions demonstrates legal pluralism within the society in inheritance distribution, utilizing parental/bilateral, patrilineal, and matrilineal lineage systems.

The inability of the majority of Sarolangun residents to implement Islamic inheritance law is a serious problem in the inheritance system, as the

provisions regarding the distribution of inheritance assets are clearly regulated in the Qur'an. One perspective among Muslims is that the Islamic inheritance system is a religious rule that cannot be ignored, even though strict regulations already exist. On the other hand, many people do not use the Islamic inheritance system and instead choose the customary inheritance distribution system to honor the sense of brotherhood and avoid conflicts among family members [10].

The reason for the majority of Muslims not using the Islamic inheritance law system lies in its rigid provisions, leading them to prefer the more flexible customary law system, which they feel is economically more beneficial in the distribution of inheritance assets. Although in some areas of Sarolangun Regency the eldest son often receives the largest share, there are also cases where the youngest child receives the most inheritance. Additionally, some families choose to distribute the inheritance equally, provided there is agreement among all heirs, in the interest of mutual consent and a sense of justice.

Although there is a dualistic system predominantly used by the community in Sarolangun Regency as a reference for the distribution of inheritance assets, the application of customary inheritance law in the area is also related to Islamic inheritance law in terms of the justice believed to be derived from the proverb "*Adat bersendi syarak, syarak bersendi Kitabullah*" (Customs are based on Islamic law, and Islamic law is based on the Quran). Furthermore, the existence of customary inheritance law in practice is due to inheritance law being influenced by social law rather than exact science, which results in differences in the procedures for inheritance distribution [11].

This understanding makes it difficult for the people of Sarolangun Regency to abandon their customary inheritance law system when distributing inheritance assets. However, Islamic inheritance law should provide leniency by setting boundaries in case of conflicts in the implementation of customary inheritance law and allow the practice of customary inheritance law with considerations of sincerity and justice by each heir in accordance with the values of Islam.

2. METHODS

This type of research is empirical juridical, which aims to identify both written and unwritten laws. Written laws refer to the legislation existing in Indonesia, while unwritten laws are customary laws that apply in community life [12]. The research used is descriptive research, which aims to accurately describe the characteristics of an individual, condition, phenomenon, or the distribution of a phenomenon, or the frequency of certain relationships between one phenomenon and another within society [13]. This study also employs a case study approach to observe phenomena occurring in the field.

The data collection technique in this research is field research, which involves collecting data through fieldwork. Field data is gathered through interviews by conducting question-and-answer sessions with respondents regarding the issues being studied. The interview format used in this study is only unstructured and free-form interviews. The purpose of the interviews is to collect information directly from the community about certain situations and conditions, to complement scientific investigation, and to obtain data to influence a particular situation or party [14]. The data and information obtained through interviews and document studies are analyzed qualitatively, then presented descriptively, explaining the relevance of Islamic inheritance law to customary inheritance law in Sarolangun Regency.

3. RESULTS AND DISCUSSIONS

3.1. Reconstruction of the Inheritance System in Sarolangun Regency

A brief history of the reconstructed inheritance system reveals that inheritance distribution during the *Jahiliyyah* period still followed ancestral traditions. The primary provision dictated that children and women were prohibited from inheriting the property of deceased relatives. The main reason for this was their perceived inability to engage in warfare; thus, inheritance was exclusively reserved for males capable of riding horses, fighting enemies, and seizing war booty [15].

In the early days of Islam, inheritance law

underwent a drastic transformation with the provision that the distribution of inherited wealth was no longer restricted to adult males but also extended to women and children, as stipulated in Q.S. Al-Nisā'/4: 7. From this point, scholars sought to establish pathways or guidelines to validate their *istinbāt* (legal deduction). It is at this level of interpretation that biases and diverse perspectives are often found in empirical practice, as each *mujtahid* possesses a unique educational background and discipline, while living across different periods and under varying conditions [16].

Muhammad Syahrūr emerges as a contemporary Muslim thinker offering ideas that are simultaneously deconstructive and reconstructive. Syahrūr posits that it is time to review the paradigm of Islamic scholarship, as the conception of Islamic inheritance—which has been studied and developed by Islamic thinkers thus far—still leaves unresolved problematic issues. Specifically, the inheritance practices implemented among Muslim societies emerged based on the understanding of jurists during the early centuries of Islam. Furthermore, the application of inheritance concepts found in *farā'id* and *mawāriṭh* books is closely linked to traditions practiced within local cultures in both Arab and non-Arab regions, straying beyond the provisions outlined in the Qur'an [17].

Historically, before the arrival of Islam in Jambi Province in the seventh century and its subsequent spread to various regions, including Sarolangun Regency, the local community primarily utilized the *adat* (customary) inheritance system as the reference for distributing estates [18]. Inheritance law is intrinsically linked to human life, as death is an inevitable certainty for every individual and constitutes a legal event. The legal consequence of this event is the emergence of issues regarding the settlement of the deceased's rights and obligations, a process regulated by inheritance law [19]. In relation to these rights and obligations, inheritance law can also be defined as a set of regulations governing the transfer of both tangible and intangible assets from the deceased to the heirs.

Inheritance law in Indonesia remains pluralistic, with three distinct systems currently in effect: Western inheritance law as stipulated in the *Burgerlijk Wetboek (BW)*, Islamic inheritance law, and *adat* (customary) inheritance law [20].

Customary inheritance law itself is pluralistic; in reality, it is influenced by three kinship systems existing within Indonesian society. First, the patrilineal system, a kinship structure that traces lineage through the male or paternal line, found in the societies of Tanah Gayo, Alas, Batak, Bali, Irian Jaya, and Timor. Second, the matrilineal system, a kinship structure that traces lineage through the female or maternal line, found in the Minangkabau society. Third, the parental or bilateral system, which traces lineage through both the father and mother, found in the societies of Java, Madura, East Sumatra, Aceh, Riau, South Sumatra, throughout Kalimantan, Ternate, and Lombok [21].

This concept of lineage profoundly influences the determination of heirs and inheritance. The estate of the deceased—consisting of money or other assets—may be legally bequeathed to their heirs. In societies that still adhere to *adat* (customary) law, inheritance typically includes land, agricultural property, ancestral heirlooms (*harta pusaka*), tribal leadership positions, and more. Consequently, inheritance law in Indonesia remains pluralistic, whereby the distribution of the estate is subject to the specific legal system followed by the deceased. From this point, the respective scopes of the three existing inheritance law systems in Indonesia can be distinguished [22]. The application or process of distributing assets within the Islamic inheritance law system is *ijbar* in nature [23]. The transfer of inheritance from the deceased to the heirs occurs automatically, even in the absence of a legal act or formal declaration by the deceased to transfer the estate [24]. The legal process for transferring an inheritance begins automatically when the person who wrote the will dies [25].

Terminologically, the element of *ijbar* (compulsion) can be observed in the fact that heirs are obligated to accept the transfer of property to them in accordance with the provisions of the Qur'an, Sunnah, *Ijma'*, and the *Ijtihad* of scholars [26]. The element of *ijbar* in the phrase "*nashiban mafrudhan*" from QS. an-Nisa' verse 7 etymologically refers to the "fixed portions" specified in QS. an-Nisa' verses 11, 12, and 176, namely: 1/2, 1/3, 1/4, 1/6, 1/8, 1/3 of the remainder, 2/3, and the 2:1 ratio between male and female heirs [27]. In the terminology of Islamic Jurisprudence

(*fiqh*), the expression "*nashiban mafrudhan*" in QS. an-Nisa' verse 7 is understood as the mandatory portions ordained by Allah SWT to be distributed to all entitled heirs.

The Islamic inheritance law system is cumulative in nature and has established legal principles that align with human rights and dignity compared to other legal systems. The provisions regarding the specific portions for heirs must not be ignored, and no one has the right to alter them [28]. It is explained in the *Tafsir Ibn Katsir* that the various provisions concerning heirs—specifically the amount of the shares received based on kinship, necessity, and the sense of loss following the death of the deceased—constitute boundaries (*hudud*) that must be obeyed. These portions may not be increased or decreased by any means whatsoever [29]. Initially, the theory of *receptio in complexu* (Van den Berg) applied the Islamic inheritance system to Muslims. However, the *receptio* theory (Van Vollenhoven and Snouck Hurgronje) opposed this with a hypothesis stating that the Islamic inheritance system is not the prevailing law unless it has been accepted by the system of *adat* (customary) law [30]. Consequently, the Islamic teachings underlying Jambi Malay customary law were understood as an alternative within the inheritance practices of indigenous communities. In essence, classical *ushul fiqh* scholars assert that if Qur'anic verses and Hadiths already contain a clear meaning (referring to specific numbers/shares), they do not admit any other interpretation. The *qath'i* (definitive) nature of the Qur'anic verses regarding the distribution of inheritance is already very strong and clear. This remains the case despite differing perspectives between classical and contemporary scholars, the latter of whom generally allow for the application of *maqashid syariah* (the higher objectives of Sharia), thereby allowing inheritance verses to be interpreted within the *zhanni* (speculative/interpretative) category [31].

The community of Sarolangun Regency is a majority-Muslim population. Despite this, they prefer to apply customary law (*hukum adat*) in their daily activities, particularly regarding the implementation and distribution of inheritance. Customary law has evolved within the community as the primary method for handling inheritance

matters, with most residents favoring it to resolve related disputes. This is evident in the inheritance practices of the people in Tanjung Village, Bathin VIII District, who follow a bilateral or parental lineage system. This system influences the status of both sons and daughters regarding their respective inheritance rights.

In this study, the researcher specifically examines several sub-districts in Sarolangun Regency, namely Bathin VIII, Cerminan Gedang, and Mandiangin, which regulate differences in the distribution of inheritance according to customary law. According to Hayatul Hamdi, a prominent figure in the Customary Institution (*Lembaga Adat*) of Tanjung Village: "Tanjung Village adheres to a matrilineal kinship system (the mother's line). Consequently, the distribution of inheritance in Tanjung Village, Bathin VIII Sub-district, allocates a larger portion to daughters. However, this is done with the consent of each heir and by observing the customary rule (*Seloko*) regarding *harto berat* (heavy assets) and *harto ringan* (light assets), which are divided equally" [32].

According to Hasbi, a religious leader (*Ulama*) in Tanjung Village: "What is meant by heavy assets (*harta berat*) are immovable assets, which are divided equally, while light assets (*harta ringan*) are movable assets. The hereditary belief practiced in the equal distribution of inheritance reassures the community that heirs will receive a fair share. However, there are also instances where an heir chooses not to take their inheritance rights because they are already financially stable and prefer to grant the assets as a gift (*hibah*). This is viewed favorably and is permitted by Sharia, guided by the customary maxim: *Adat bersendi Syarak, Syarak bersendi Kitabullah* (Custom is based on Sharia, and Sharia is based on the Book of Allah)." [33]

Regarding the implementation of inheritance, followers of the matrilineal system emphasize a larger portion for women compared to men. In Tanjung Village, the inheritance practice involves passing down nearly all assets to daughters, although a portion for sons is still provided. To determine these specific inheritance shares, the community prioritizes deliberation (*musyawarah*) to reach a consensus (*mufakat*), as they follow the fundamental guidance passed down by their

ancestors. Although Islam provides specific laws governing the distribution of inheritance, these have not displaced the deeply rooted customs that form a small but significant part of the various customary laws (*hukum adat*) prevailing in Tanjung Village, Bathin VIII District, Sarolangun Regency.

Another area that continues to practice inheritance according to customary law is Kampung Tujuh Village, in the Cermin Nan Gedang District of Sarolangun Regency, Jambi Province. The community of Kampung Tujuh Village consists of the *Penghulu* tribe; this ethnic group originated from Minangkabau and is predominantly Muslim [34]. The lineage system applied by the community in Kampung Tujuh Village, Cermin Nan Gedang District, is based on matrilineal customary law, tracing descent through the mother's side [35]. Regarding marriage customs, after the wedding, the husband will reside in his wife's home before they eventually establish a home of their own. Regarding the process of inheritance distribution, Nasri, the Head of the Customary Institution of Kampung Tujuh Village, explains that "although Kampung Tujuh Village follows a matrilineal kinship system, in the distribution of inheritance, women do not receive a larger share than men. Instead, it is distributed fairly by holding a consensus (*musyawarah*) with all heirs" [36]. "Heavy assets" (*harto berat*) should ideally be given to female heirs; however, this is currently rare. In practice, male heirs—who should receive "light assets" (*harto ringan*)—often receive a portion of the "heavy assets," while female heirs receive the "light assets." The distribution of inheritance is carried out using a 2:1 ratio between men and women, in accordance with Islamic inheritance law.

Furthermore, the practice of inheritance distribution in Mandiangin District, Sarolangun Regency, utilizes a customary inheritance system. In this region, the community refers to the distribution process as "*Serah Siren*" [37]. *Serah Siren* is a Mandiangin custom that forms part of the traditional marriage rites. It involves parents providing a grant of assets (*harta hibah*) to their children who have married, intended as a provision for their new household life. This grant is officially handed over once the child has held their wedding ceremony.

Inheritance in the *Serah Siren* tradition is distributed before the testator passes away, leading to ambiguity as to whether these assets are considered a gift (*hibah*) or an inheritance. In essence, a gift from parents to children is indeed calculated as inheritance, as stipulated in the Compilation of Islamic Law (KHI), Chapter VI, Article 211 [38]. The impact of the *Serah Siren* handover is that the gifted items are given directly to the children and simultaneously serve as their inheritance. Consequently, when the parents pass away, there is no further distribution of assets. Because the entirety of the inheritance is granted to the heirs after they marry—well before the parents' death—the distribution procedure follows a specific method where sons receive a larger share than daughters, specifically a 2:1 ratio, once the female heirs have married [39].

The various inheritance distribution systems mentioned above reveal significant differences within Sarolangun Regency, reflecting the legal pluralism and the unique cultural beliefs held by each local community.

3.3. The relevance of Islamic Inheritance Law to Customary Inheritance Law in Sarolangun Regency.

When faced with various problems that arise in life, everything that occurs on this earth ultimately refers back to these two primary sources: the Quran and the Sunnah. The effort to understand the Quran and Hadith as the core sources of Islamic teachings is essential for deriving specific provisions of Sharia law.

Scholars differ in determining *qath'i* (definitive) and *zhanni* (speculative) proofs because the process is highly subjective, depending on the interpretation of each individual scholar. Furthermore, some scholars do not recognize the dichotomy between *qath'i* and *zhanni* evidence, a perspective originating from the views of Umar bin Khattab. This has led contemporary scholars to interpret these concepts differently; for instance, Asy-Syatibi held views distinct from the traditional *madzhab* (schools of thought) scholars by looking deeper into the concepts of *qath'i* and *zhanni* within the Quran [40]. As a consequence, scholars who accept the *qath'i* and *zhanni* theory restrict *ijtihad*

(independent legal reasoning) to *zhanni* matters; they do not apply *ijtihad* to *qath'i* verses, even though they may disagree on which specific verses are classified as *qath'i* (and thus exempt from *ijtihad*) versus *zhanni* (and thus open to it). On the other hand, those who reject the *qath'i* and *zhanni* theory do not limit the scope of *ijtihad*, arguing that the law must evolve in tandem with the changes occurring within society.

The concept of *qath'i* and *zhanni* in the view of classical scholars is often claimed to be less relevant and inadequate for contemporary developments. Meanwhile, contemporary scholars state that *qath'i* and *zhanni*—in both the Quran and Hadith—cannot be viewed solely through the literal clarity of the text (*lafazh*), but must also be understood through the intended essence of the text, commonly known as *Maqasid al-Shari'ah* (the higher objectives of *Sharia*). Consequently, Quranic verses and Hadiths related to Islamic inheritance law are placed in the *zhanni* (speculative) category because they pertain to human social relations (*mu'amalah*), which are influenced by the socio-economic roles of men and women in society (*ta'aqquli* or rational/contextual reasoning). Therefore, religious texts in the field of inheritance law remain open to modern interpretation.

Based on the description above, a distinct difference in interpretation can be drawn regarding ideological development in both classical and contemporary contexts. The definitions of *qath'i* and *zhanni* are as follows (figure 1):

Thus, what is actually being transformed is not the basic theory of *qath'i* and *zhanni* itself, but rather the method of interpretation, allowing it to evolve over time. In the modern era, Mashdar Farid Mas'udi follows the conventional theory stating that

verses with clear literal meanings (*lafzhi*) are called *muhkam*, or in the context of *ushul fiqh*, are referred to as *dalalah qath'i* (definitive indication). Conversely, verses whose literal meanings are not clear are called *mutasyabihah* or *dalalah zhanni* (speculative indication). In the framework of *ushul fiqh*, *dalalah qath'i* refers to indications that cannot be subjected to *ijtihad*; on the other hand, *dalalah zhanni* serves as the primary object of *ijtihad* studies. In other words, *ijtihad* is applicable to matters indicated by *zhanni* proofs, given that the meaning of such proofs encompasses both explanation and interpretation [41].

In the case of Tanjung Village, Bathin VIII District, Sarolangun Regency, there are four heirs: two males and two females. The inheritance left behind consists of 4 hectares of land, one house, and 120,000,000.00 in cash. This inheritance was distributed based on the local customary inheritance system, in which the female heirs received a larger portion than the males. Consequently, each male heir received 0.5 hectares of land and 15,000,000.00 in cash. Meanwhile, each female heir received 1.5 hectares of land, with the family home specifically allocated to the youngest daughter. The reason for this unequal distribution is based on the consensus reached by all heirs in accordance with prevailing customary law. This was not intended to show favoritism; rather, it reflects the understanding that the estate was the result of the entire family's collective hard work. Therefore, the decision was made to distribute the assets according to established customary provisions.

The case described above does not simply mean that all assets become the property of the female children without a specific purpose. The house is owned by the daughter with the intent that, should

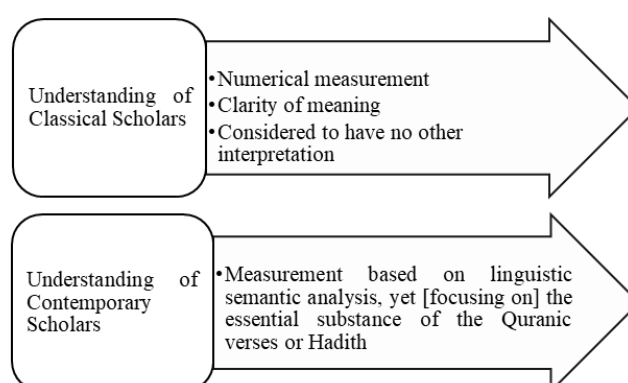


Figure 1. Conceptual differences between *qath'i* and *zhanni* interpretations

her brothers face misfortune—such as a divorce or other life hardships—the daughter is responsible for caring for them, and the sons retain the right to reside in that home.

Furthermore, if a dispute arises among the heirs during the consensus (*musyawarah*) process regarding their respective shares, it is resolved through a peaceful settlement mediated by the local customary leader. In principle, settlements reached through customary means incorporate values found in Islam. In other words, this form of reconciliation falls under the category of the theory of *ishlah*, which is based on an agreement to enter into a peace treaty [42]. There is a clear alignment between the practice of reconciliation according to the *ishlah* theory and the Compilation of Islamic Law (KHI) regarding how settlements are conducted. According to Article 183 of the Compilation of Islamic Law: "The heirs may agree to reach a settlement regarding the distribution of inheritance after each has become aware of their respective shares" [43].

Based on the guidelines of the Sarolangun community, where the majority utilize a customary inheritance system despite being Muslim, many Islamic legal values are found within their customary inheritance practices. This is based on the principle of "custom linked to *sharia*, and *sharia* linked to the Book of Allah" (*Adat bersendi Syarak, Syarak bersendi Kitabullah*). This implies that the customs practiced by the community follow Islamic law, and that law is implemented according to the values contained within the Book of Allah, the Quran.

Therefore, the views of contemporary scholars serve as a bridge for customary communities to interpret their traditions through the lens of Sharia law. This means that the relevant *qath'i* (definitive) and *zhanni* (speculative) proofs are used as a foundation by these communities to determine the shares of each heir. This approach ensures that the inheritance distribution is transparent and fulfills the heirs' sense of justice and satisfaction. The legal maxim of *Urf*, "*Al-'adah muhakkamah*" (custom is a basis for legal ruling), fosters an acculturation between customary law and Islamic law. Consequently, this makes the practice of Islamic inheritance law highly compatible with the practical aspects of customary inheritance distribution.

4. CONCLUSIONS

Islam began to enter and spread throughout the Jambi Province in the seventh century; consequently, before the arrival of Islam, the local communities had already adopted inheritance systems based on customary law (*hukum adat*). Several dominant lineage systems influenced the distribution of inheritance, ranging from patrilineal and matrilineal to parental or bilateral lines. To delve deeper into the nuances of inheritance law distribution, the researcher selected specific areas within the Sarolangun Regency—namely, Bathin VIII District, Cerminan Gedang District, and Mandiangin District—as unique study sites.

Generally, each region utilizes inheritance systems based on customary law while remaining aligned with the values of Islamic law, guided by the traditional *seloko* (maxim): '*Adat bersendi syarak, syarak bersendi kitabullah*' (Custom is based on *Sharia*, and *Sharia* is based on the Book of Allah). The variations between these inheritance systems are dominated by principles deeply ingrained through generations. Despite these differences, Islamic law remains a relevant benchmark for inheritance distribution in the region, permitting the use of customary inheritance law in accordance with the *Ushul Fiqh* (Principles of Islamic Jurisprudence) maxim '*Al-'adah muhakkamah*, which means that custom can be established as law.

Furthermore, while Islamic law—clearly codified in the Qur'an and Article 182 of the Compilation of Islamic Law—prescribes a 2:1 inheritance ratio for sons compared to daughters, customary law often maintains its own rigid structures. Nevertheless, Article 183 of the Compilation of Islamic Law offers a 'breath of fresh air' regarding inheritance distribution; it stipulates that mutual agreements between heirs regarding their respective shares can serve as a basis for distribution. This aligns with customary inheritance law in determining an heir's portion, reaching a common ground where the ultimate goal of inheritance distribution is the fulfillment of justice and the sincere acceptance (*keikhlasan*) of each heir.

REFERENCES

- [1] C. Dwi, "Negara Dengan Umat Muslim Terbanyak Di Dunia, RI Nomor Berapa?" <https://www.cnbcindonesia.com/research/20240310150636-128-521083/10-negara-dengan-umat-muslim-terbanyak-di-dunia-ri-nomor-berapa> di akses pada tahun 2024.
- [2] K. Nisa, "Sistem Pembagian Warisan pada Masyarakat Multikultural: Studi di Desa Teluk Panji II Kecamatan Kampung Rakyat Kabupaten Labuhan Batu Selatan Sumatera Utara," *Ahwal* 8, no. 2 (2016): 161. <https://doi.org/10.14421/ahwal.2015.08204>
- [3] F. Zulvyanita & W. Handoko, "Upaya Penyelesaian Pembagian Waris Tanah Menurut Hukum Adat di Hadapan Notaris," *Notarius* 16, no. 2 (2022): 686-700. <https://doi.org/10.14710/nts.v16i2.42380>
- [4] Tarmizi & A. Zubair, "Toleransi Hukum Islam terhadap Sistem Kewarisan Adat di Indonesia," *ADHKI: JOURNAL OF ISLAMIC FAMILY LAW* 4, no. 2 (2023): 131-147. <https://doi.org/10.37876/adhki.v4i2.98>
- [5] Yuliatin, "Inheritance Distribution Dynamics of Indigenous Peoples: Studies in Society Seberang Jambi City," *Proceedings Ancoms* 110 (2017): 111-121. <https://doi.org/10.36835/ancoms.v0iSeri%201.13>
- [6] Al-Muthahhiri, "Pelaksanaan Hukum Waris Adat Melayu Jambi pada Masyarakat Kabupaten Batang Hari Menurut Hukum Islam," *AL-MASLAHAH: Jurnal Kajian Hukum Islam dan Pranata Sosial*, 9, no. 1 (2021). <https://doi.org/10.30868/am.v9i01.12>
- [7] A. Surwansyah, "Suatu Kajian tentang Hukum Waris Adat Masyarakat Bangko Jambi," *Thesis* 12 Suppl 1. 9 (2005): 1-29. <http://doi.wiley.com/10.1002/anie.197505391>
- [8] D. K. Rahma, "Adat Bersandi Syarak, Syarak Bersandi Kitabullah: Konstruksi Adat dan Agama dalam Hak Waris Masyarakat Matrilineal," *BUANA GENDER : Jurnal Studi Gender dan Anak* 2, no. 1 (2017): 35-58. <https://doi.org/10.22515/bg.v2i1.718>
- [9] Wahid, "Pembagian Warisan pada Masyarakat Islam Melayu Jambi Studi Kasus di Desa Semabu, Kec. Tebo Tengah, Kab. Tebo," *S2 Thesis*, Universitas Andalas. <http://scholar.unand.ac.id/78910/>
- [10] C. Tohari, "Sistem Kewarisan Bilateral Ditinjau dari Perspektif Hukum Islam," *Istinbath: Jurnal Hukum* 15, no. 1 (2018): 63. doi.org/10.32332/istinbath.v15i1.1094
- [11] A. Wahyuni, "Sistem Waris dalam Perspektif Islam dan Peraturan Perundang-undangan di Indonesia," *SALAM: Jurnal Sosial dan Budaya Syar-I* 5, no. 2 (2018): 147-160. <https://doi.org/10.15408/sjsbs.v5i2.9412>
- [12] Z. Ali, *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2016)
- [13] C. M. Zellatifanny & B. Mudjiyanto, "Tipe Penelitian Deskripsi dalam Ilmu Komunikasi (The Type of Descriptive Research in Communication Study)," *Diakom Jurnal Media dan Komunikasi* 1, no 2 (2018): 83-90. <https://doi.org/10.17933/diakom.v1i2.20>
- [14] Burhan Bungin, *Metodologi Penelitian Kualitatif* (Jakarta: Raja Grafindo Persada, (2008).
- [15] Firdaus, A. Zubair, & A. S. Sulfian, "REKONSTRUKSI HUKUM WARIS ISLAM (Telaah Atas Pemikiran Muḥammad Syaḥrūr Terhadap QS al-Nisā’/4:11 Tentang Pembagian Warisan Anak Laki-laki dan Perempuan)," *AL-KHARAJ* 2, no. 1 (2022): 31-49. <https://doi.org/10.30863/alkharaj.v2i1.2786>
- [16] N. Ichwan, *Meretas Kesarjanaan Kritis al-Qur’an: Teori Hermeneutika Naṣr Ḥāmid Abū Zaid* (Bandung: Teraju, 2003).
- [17] M. S. Syamsuddin & Burhanuddin, *Metodologi Fikih Islam Kontemporer* (Yogyakarta: eLSAQ Press, 2004), Cet. 6.
- [18] A. Rahim, "Kerajaan Jambi dan Pengaruh Islam," *Jurnal Ilmiah Universitas Batanghari Jambi* 22, no. 3 (2022): 1811-1817. <https://doi.org/10.33087/jiubj.v22i3.2985>
- [19] E. Suparman, *Hukum Waris Indonesia dalam Perspektif Islam, Adat dan BW* (Bandung: PT.Refika Aditama, 2011).
- [20] S. Putra, "Hukum Waris Adat Melayu Riau di Kecamatan Pasir Penyau Kabupaten Indragiri Hulu," *Jurnal Ilmu Hukum* 11, no. 2 (2022): 316-328. <https://doi.org/10.30652/jih.v11i2.8385>

- [21] Hazairin, *Hukum Kewarisan Bilateral Menurut Al- Qur'an dan Hadits* (Jakarta: Kencana, 1997).
- [22] E. D. Poespasari, *Pemahaman Seputar Hukum Waris Adat di Indonesia* (Jakarta : Prenada Group, 2018), Cet. I.
- [23] M. T. Abdurrahman, *Hukum Waris Islam* (Yogyakarta: UII Press Yogyakarta, 2001), Cet. 14
- [24] Jamhir, "Hukum Waris Islam Mengakomodir Prinsip Hukum yang Berkeadilan Gender," *TAKAMMUL: Jurnal Studi Gender dan Islam Serta Perlindungan Anak* 8, no. 1 (2019): 5. <https://doi.org/10.22373/takumul.v8i1.4862>
- [25] S. K. Lubis & K. Simajuntak, *Hukum Waris Islam (Lengkap dan Praktis)* (Jakarta: Sinar Grafika Offset, 2007), Edisi ke-2, Cet. I.
- [26] A. Syarifuddin, *Hukum Kewarisan Islam* (Jakarta: Kencana Prenada Media Group, 2008), Edisi Ke III.
- [27] S. A.P. Kau, *Tafsir Ahkam: Tema-tema Kontroversial* (IAIN Sultan Amai Gorontalo: Sultan Amai Press, 2010), Cet. 2.
- [28] I. Djakfar & T. Yahya, *Kompilasi Hukum Kewarisan Islam*, (Jakarta: PT. Dunia Pustaka Jaya, 1995).
- [29] I. A. F. I. I. K. F. Al-Dimasyqi, *Tafsir Ibn Katsir*, Vol. I (Dimasyq: Dar al-Fikr, 1980M/1400H).
- [30] Habiburrahman, *Rekonstruksi Hukum Islam di Indonesia* (Jakarta: Kencana, 2011), Cet. I.
- [31] D. Kurniasari, N. R. Roihani & S. M. Nurjannah, "Qath'i dan Zhanni dalam Kewarisan Islam," *Media Syari'ah: Wahana Kajian Hukum Islam dan Pranata Sosial* 22, no. 2 (2021): 195. <https://doi.org/10.22373/jms.v22i2.7851>
- [32] Interview with a Tanjung Village religious leader, 2024
- [33] Interview with a Tanjung Village Customary Figure, 2024
- [34] I. Zen, *Kitab Undang-Undang Hukum Adat Pucuk Jambi Sembilan Lurah*, 1987, Cet 1.
- [35] I. D. Putri, D. Amelisca & S. Nengsih, "Pewarisan Menurut Hukum Waris Islam Terhadap Sistem Kekerabatan Matrilineal Minangkabau," *Notaire* 2, no. 2 (2019): 198. <https://doi.org/10.20473/ntr.v2i2.13916>
- [36] Interview with a Customary Figure of Kampung Tujuh Village, Cerminan Gedang District, 2024
- [37] Interview with a Mandiangin Community Leader, 2024
- [38] Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law, 2015
- [39] Interview with a Customary Leader of Mandiangin District, 2024
- [40] I. D. Putri, D. Amelisca & S. Nengsih, "Pewarisan Menurut Hukum Waris Islam..."
- [41] Kholildah, "Qathi' dan Zhanni Menurut Masdar Farid Mas'udi," *FITRAH: Jurnal Kajian Ilmu-Ilmu Keislaman* 2, no. 1 (2016): 19-25. <https://doi.org/10.24952/fitrah.v2i1.453>.
- [42] S. Khosyi'ah, "Perdamaian dalam Menyelesaikan Kewarisan," *ADLIYA: Jurnal Hukum dan Kemanusiaan* 10, no. 1 (2019): 1-18. <https://doi.org/10.15575/adliya.v10i1.5143>