

Analysis of the Ranau Community's Traditional Inheritance System from an Islamic View

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ArticleInfo

Received:

Revised:

Accepted:

Keywords:

Inheritance Law , Ranau Community , Semanda Customary Law , Mutudau Customary Law .

Abstract

The implementation of inheritance distribution in Indonesia does not only use one legal rule, but can use several rules. People in Indonesia are given the option to choose to use national inheritance law, according to their religion, or customary distribution. This research emphasizes the distribution of inheritance in the realm of customary law in relation to the perspective of distribution of inheritance in Islamic law. The object of this research is indigenous communities in Ranau, South Ogan Komering Ulu district, South Sumatra province. Ranau customary inheritance law occurs due to marriages that use the Semanda customary law and the Uangdua customary law. Semanda customary law is when the groom's side is taken by the woman's family, while Mutudau customary law is when the bride's side is taken by the man's side. The legal consequences of these two customs result in the loss of inheritance rights for brides who carry out the semanda custom or themutudau custom. Based on the background above, the problem in this research is what is the inheritance distribution system in the Ranau community and how is the distribution of inheritance in the Ranau custom viewed from the perspective of Islamic law. To answer this problem, this research uses a qualitative descriptive method that analyzes Ranau customary law based on the application of Islamic inheritance law. The results of this research are that the distribution of inheritance based on Ranau customs, namely the Semanda customary system and the Mututdau customary system, has been implemented for a long time and has been passed down from generation to generation, even though the majority of the people are Muslim. The second conclusion is that the implementation of the customary laws of Semanda and Mutudau in inheritance law is contrary to Islamic inheritance law.

I. Introduction

Humans are social creatures whose nature is to need each other with other humans. As social creatures, humans were created by God to live in pairs. Islam sees marriage as something sacred, meaning worship of Allah, following the Sunnah of the Prophet and carried out with sincerity, responsibility, and following legal provisions that must be implemented. ¹Law Number 1 of 1974 concerning Marriage, hereinafter referred to as the Marriage Law, provides a definition of marriage as an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the belief in the Almighty God. ² Marriage has an impact on the lives of the men and women who do it. The most visible impact is the change in status as husband and wife. The impact of marriage is the creation of a family from individuals, the existence of more complex relationships, not only between human beings, but relationships related to family, both rights and obligations and property. The existence of existing family relationships also has an impact on a person's inheritance relationships in the event of death.

Marriage or marriage is one of the most important events in the lives of indigenous peoples, because marriage does not just unite the bride and groom, but both families. With the character and culture of each individual being different. Discussing culture, Indonesia is a country that has various tribes and cultures with the saying *Bhinneka Tunggal Ika*, and that means different but one. Indonesia is a country with ethnic and cultural diversity. With so many tribes and cultures, there are many customs that have developed in Indonesia. Not only do different islands have different customs, even different districts and cities have different customs. Differences in customs influence the characteristics of each society and the rules of life. The most visible thing related to differences in customs is in the case of marriage. In Indonesia, in each region there will be customary implementations carried out before the wedding takes place, during the marriage, or after the marriage takes place. Culture plays an important role in honing how we interpret ourselves and character. This makes culture have an extraordinary influence in all aspects of human life.³

Every human being will eventually meet his or her own death. Death is a legal event that can give rise to legal consequences in the form of inheritance which gives rise to rights and obligations between heirs and heirs. ⁴By returning someone to the lap of the Almighty, it has an impact on what he as the heir leaves in the world and who he leaves in the world.

¹Wahyu Wibisana, "Marriage in Islam", *Journal of Islamic Religious Education-Ta'lim Vol. 14 No.2* (2016), p. 185 .

²Indonesia, *Marriage Law*, Law no. 1 of 1974, LN No. 1 of 1974, TLN No. 3019, no. 1 Ps. 1.

³Sundari Eka Fitri, "Symbolic Meanings of Men and Women in Wedding Traditions (Ethnography of Communication in the "Metudau" Tradition in the Ranau Community, South Oku)", *Journal of Communication Studies Volume 02, Number 02* (May 2023), Pg. 72.

⁴Syafi'i, "Wajibah Wills in Islamic Inheritance in Indonesia", *Misykat Volume 02 Number 02* (December 2017), p. 120

The things left behind can be debts, zakat, or inherited assets, while those left behind are called heirs. The heir's obligations regarding debts and zakat are the heir's obligation to fulfill them, as are the heir's rights. All rights owned by the heirs, whether they will be acquired or have already been acquired, belong to the heirs. The heir's entire inheritance will be distributed to the heirs, but if he is married without a marriage agreement, then his inheritance must first be divided in half with his wife. Likewise with heirs, not everything the heir leaves behind will become an heir. In our country, the Republic of Indonesia, inheritance law that applies nationally has not yet been formed, and up to now there are 3 (three) types of inheritance law that apply and are accepted by Indonesian society, namely inheritance law based on Islamic law, Customary law and European Civil law (BW). This is the result of the legal legacy created by the Dutch colonial government for the former Dutch East Indies.⁵

The national inheritance law has not yet been regulated, so Indonesian people will continue to be faced with the problem of which law to use when it comes to inheritance. As with marriage, death is strongly influenced by customs adhered to by the heir. It will be more complicated when the heir has religion A and custom B, the two systems of which collide or are not in line. As is the case with the Ranau indigenous community who live in South Ogan Komering Ulu Regency (South Oku), South Sumatra Province, geographically South Oku is closer to West Lampung, so culturally the language and customs are adapted from the West Lampung region. The Ranau indigenous community is also predominantly Muslim. If an incident occurs between mutual inheritance, the Ranau indigenous community will be faced with two choices, whether to use customary inheritance law or Islamic inheritance law.

In the customary law of the Ranau community, customary inheritance law depends on which marriage system the heir adheres to, whether using the *Metudau system* or the *Semandau system*, this will also determine how the inheritance system will be used in the context of customary inheritance. Semandau customary law is when the groom's side is taken by the woman's family, while Metudau customary law is when the bride's side is taken by the man's side. The legal consequences of these two customs cause the loss of inheritance rights for brides who carry out the semandau or metudau customs. The Ranau indigenous community also highly upholds patrilinealism where men have a more important role than women. This patrilineal relationship also greatly influences the distribution of inheritance where men, especially the first son, can get 90% of the heir's

⁵Nur Mohamad Kasim, "Comparative Study of Inheritance According to Islamic Law and Customary Law", Faculty of Social Sciences, Gorontalo State University.
https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwiHhsu7z8iBAxVszjgGHS7yBdEQFnoECBQQAQ&url=https%3A%2F%2Frepository.ung.ac.id%2Fget%2Fsimlit_res%2F1%2F270%2Fcomparative-study-of-inheritance-according-to-Islamic-law-and-customary-law.pdf&usg=AOvVaw2qkL4XtpWTZuVsoDFccSTC&opi=89978449

inheritance.

The existence of two options in choosing an inheritance distribution system for the Ranau indigenous community creates confusion about which system should be used. The Ranau indigenous community also cannot turn a blind eye to the Islamic inheritance system. By believing in their religion, commitments must be carried out in implementing other provisions including inheritance. It must be re-examined how the inheritance distribution system is based on the Ranau custom and how it is seen from the perspective of Islamic law. Based on these things, the author is interested in raising the title " **REVIEW OF THE RANAU COMMUNITY'S TRADITIONAL HERITAGE SYSTEM FROM AN ISLAMIC HERITAGE POINT OF VIEW**".

II. Formulation of the problem

1. What is the inheritance distribution system in the Ranau community?
2. How is the distribution of inheritance in the Ranau custom viewed from the perspective of Islamic law?

III. Research methods

The research method used in this research is the Qualitative Descriptive method. The descriptive-qualitative research method focuses on problems based on facts carried out by observation, interviews, and studying documents.⁶

IV. Discussion

1. Inheritance Distribution System in the Ranau Indigenous Community

The rules regarding death in each culture are different, the most visible difference is regarding the distribution of inheritance. Indonesia has many languages, cultures, religions and ethnicities, so in terms of inheritance, there will be many aspects on how to determine how to distribute inheritance in a region. This can be seen in the Ranau community in South Ogan Komering Ulu (South Oku) Regency, South Sumatra Province. In terms of religion, the majority of the population is Muslim, but it turns out that in terms of inheritance, the Ranau indigenous community has its own legal rules. The Ranau indigenous community has its own legal rules regarding inheritance which are a consequence of the choice of customary law in marriage, namely the Semendau customary law and the Metudau customary law.

Metudau/Nidau/Ngejajokh are terms from wedding traditions which mean that a married woman will completely follow the family of the man who will become her husband in the future. The characteristics of the metudau tradition include dowry, as in general, family requests and *kekiluan*. After choosing Metudau, the woman already had restrictions on her family, such as if the woman's father was sick, she was only given permission to visit

⁶Lexy J. Meleong, *Qualitative Research Methodology*, (Bandung: PT. Teen Rosdakarya, 2007), Pg. 4.

him for a maximum of three days. After that, you have to go back to your husband's house. If it's more than that, usually the woman has to come down from the house and stay downstairs until her husband picks her up. In fact, according to the beliefs of the Ranau people as explained by the Raja Mangku Adat, Mr. Teguh Alamsyah, if you have been out of your husband's house for only two days, it is believed that someone will get sick, it could be your wife or children. According to the community, this has become an oath of their ancestors. Another example is if a relative from a woman's family dies, the woman cannot come to mourn with her husband alone, but the husband's extended family also accompanies them.⁷

Semandau has the meaning, namely, a son who will come and live with his wife's family, which has the meaning of turning away from *metudau*.⁸ The *Semenda* system results in the husband living with the wife (wife's family) and the children born from the marriage are the successors of the wife's descendants (wife's side). In a *Semenda* marriage the husband is only a guest (*semendo*), so that the position of husband and wife remains in the family. each.⁹

In the Ranau customary inheritance system, there are similarities between the *metudau* and *semenda* systems. Even though the marriage systems of *metudau* and *semenda* are different and contradictory, they both have the same consistency regarding inheritance, that is, whoever leaves the house loses the right to inherit their family. Mr. Bambang Irawan¹⁰ in his interview said that if a woman marries with a methodological system that requires her to leave the house to follow her husband, then the woman's right to inherit her family is lost. Likewise, vice versa, if a man marries with a *semenda* system that makes him leave his house to follow his wife, then the man's right to inherit his family is lost. So, whoever leaves his house when he marries, his inheritance rights to his family will also be lost.

The Ranau indigenous community also adheres to a very strong patrilineal system. Patrilineal is a social custom that regulates the flow of descent from the father's side. Patrilineal comes from two Latin words, namely *pater*, which means father, and *linea*, which means line. So patrilineal means following the lineage drawn from the father's side. Patrilineal is a social custom that regulates the flow of descent from the father's side. Where if a problem occurs then the man is responsible.¹¹ In the Ranau customary inheritance

⁷Sundari Eka Fitri, "Symbolic Meanings of Men and Women in Wedding Traditions (Ethnography of Communication in the "Metudau" Tradition in the Ranau Community, South Oku)", *Journal of Communication Studies Volume 02, Number 02* (May 2023), Pg. 75.

⁸Sundari Eka Fitri, "Symbolic Meanings of Men and Women in Wedding Traditions (Ethnography of Communication in the "Metudau" Tradition in the Ranau Community, South Oku)", *Journal of Communication Studies Volume 02, Number 02* (May 2023), Pg. 73.

⁹Lia Putri Handayani, "Implementation of the AWAT Tubang Traditional Inheritance System in the Semendo Region, Muara Enim Regency, South Sumatra Province", University of Indonesia Thesis, Depok 2008, p. 33

¹⁰As a resource person who is one of the leaders of the Ranau traditional community.

¹¹Ketut Linda Wati Dewi, Hermi Yanzi, Yunisca Nuralisa, "The Influence of the Patrilineal System on Gender Equality in Balinese Society in Trimulyo Village", <https://media.neliti.com/media/publications/250683-none-52a4cc84.PDF>

system, all inheritance is controlled by the first male child in the family.¹² The first son will have full control over the inheritance, so whether or not it will be divided, in what amount, the determination lies with the first son. The full control held by the first son often leads to a struggle for inheritance in a family. Mr. Bambang Irawan explained that the first son is expected to be wise in managing the inheritance as a means of living for the family, but in reality this is the cause of the destruction of the family due to the struggle. inheritance.

2. Ranau Customary Distribution of Inheritance Reviewed from the Perspective of Islamic Inheritance

The Islamic inheritance system regulates the distribution and/or transfer of inherited assets from heirs to their heirs. The distribution of inheritance is not only seen from the perspective of the heirs who receive the inheritance. The distribution of the heir's inheritance also looks at the aspects that prevent the heir from getting the heir's inheritance.¹³

Islam stipulates that there are pillars and conditions for inheritance. In Islamic inheritance, there are pillars of inheritance, namely that someone must die, there must be heirs, and there must be inheritance from someone who dies.¹⁴ There are three conditions for someone to be able to inherit, namely, ¹⁵the existence of a person who has died, whether in fact or legally, the existence of an heir who is clearly still alive when the testator dies, and knowing the class of heirs.

Apart from the inheritance requirements, one must also look at who can inherit. The classification of heirs can be seen from Hazairin's bilateral inheritance teachings, Syafi'i's patrilineal inheritance teachings, and the Compilation of Islamic Law. Hazairin's bilateral inheritance law differentiates the heirs into three groups, namely, ¹⁶*Dzul Faraaidh*, *Dzul Qarabat*, and *Mawali*. Meanwhile, the Syafi'i patrilineal inheritance law classifies the heirs as *Dzawul Faraaidh*, *Ashabah*, and *Dzawu Al-Arham*. The Compilation of Islamic Law regulates heirs, namely, ¹⁷according to blood relations consisting of men, women, and by marriage consisting of widowers and widows. When there are all heirs, the child, father, mother, widow or widower have the right to inherit.

Islam regulates inheritance in great detail and depth, considering the importance of inheritance as the final responsibility of the heir to his family. Islamic inheritance law has several principles that can be used as a basis for determining legal decisions relating to inheritance, ¹⁸namely:

¹²Results of an interview with Mr Bambang Irawan, 23 September 2023.

¹³Amir Syarifudin, *Islamic Inheritance Law*, (Jakarta: Kencana, 2008), p. 57.

¹⁴Muhammad Ikbāl, "Hijab in the Inheritance Perspective of the Qur'an and al-Hadith (Analysis of the Differences between Fiqh as-Sunnah and KHI)", *At-Ta'fikir Journal Vol XI No. 1*, (June 2018), pp. 140-141.

¹⁵Neng Djubaedah and Yati N. Soelistijono, *Islamic Inheritance Law in Indonesia*, 2nd printing, (Depok: Publishing Agency, Faculty of Law, University of Indonesia, 2008), p. 13-14.

¹⁶*Ibid.*, p. 17-18.

¹⁷Indonesia, *Presidential Instruction on the Compilation of Islamic Law in Indonesia*, Presidential Instruction No. 1 of 1991, Ps. 174.

¹⁸H. Idris Djakfar and Taufik Yahya. *Compilation of Islamic Knansan Law* (Cet I. Jakarta PT. Dunia Pustaka Jaya. 1995). h. 29-39.

a. Integrity Principle: Sincerity

The principle of sincerity (*integrity*) implies that in implementing the Law of Inheritance in Islam, sincerity is required to obey it because it is bound by rules that are believed to be true, namely originating from Allah SWT through the Prophet Muhammad SAW.

b. Ta'abbudi Principle: Self-Servation

The principle of *Ta'abbudi* is that implementing the division of inheritance according to Islamic law is part of carrying out commands (worship) to Allah SWT.

c. Maliyah Legal Principles: Material Rights

Material rights (*hukukul maliyah*) are only material property rights that can be passed on to heirs. Meanwhile, rights and obligations in the field of family law or personal rights and obligations such as husband or wife, position, expertise in a science and something like that cannot be inherited.

d. Thabi'iyah Legal Principles: Basic Rights

Basic rights (*hukukun thabi 'iyah*) are the basic rights of heirs as human beings, meaning that even if the heir is a newborn baby or even a baby who is still in the womb, they can be counted as heirs with certain conditions. There are four types of inheritance rights that cause a person to inherit, namely kinship, marriage, wala (freeing slaves) and same religion.

e. Ijbari Principle: Necessity, Obligation

Ijbari is that in Islamic inheritance law automatically. This means that legally it takes effect immediately and does not require new legal action after the death of the heir or the transfer of assets from someone who has died (the heir) to his heirs in accordance with the provisions of Allah SWT, without depending on the will of someone, either heir or heir.

f. Bilateral Principle

This principle implies that a person receives inheritance rights from both parties, namely from male relatives and from female relatives.

g. Individual Principle: Individual

This principle states that every individual (individual) who is an heir has the right to inherit individually (individually) or the inheritance must be divided among each heir to be owned individually (individually) with no exceptions (women, men). Men, children and even babies still in their mothers' wombs have the right to inherit property individually.

h. Principle of Balanced Justice

This principle implies that there must be a balance between the rights a person obtains from inherited assets and the obligations or burden of living expenses that he must fulfill.

i. The Principle of Death

This principle means that inheritance will arise if someone dies. Transfer of assets due to inheritance can be done if the person who owns the assets has died.

j. Principle of Distributing Inherited Assets

The principle of dividing up all inherited assets is that inherited assets must be

divided up so that nothing remains, from calculating and completing the distribution by determining who is the heir with their respective shares, issuing heir rights such as paying *tajhiz* costs, paying debts and wills and carry out the distribution until complete.

k. Principles of Peace in Dividing Inheritance Assets

In connection with the individual principle, which states that inherited assets must be divided among each heir to be owned individually, then individuals have the full right to do something according to the wishes of the owner of that right. Meanwhile, the principle of peace in dividing inherited assets is that it is possible to distribute inherited assets outside the channels established in the Qur'an and Al-Hadith and the possibility of violating the provisions (levels) of each heir's share as stipulated in the Qur'an. Surah Al-Nisa'/4 7, 11, 12 and 176.

l. Social and Humanitarian Principles

The social and humanitarian principle is that when dividing inheritance, do not forget relatives, orphans and the poor around you.

Looking at the principles of Islamic inheritance, Ranau customary inheritance law is clearly very different from Islamic inheritance. Ranau customary inheritance gives inheritance to the first son as the holder of control. The first son will determine how the heir's inheritance will be distributed, how much it will be, or even if it won't be distributed at all. This is different from Islamic inheritance which adheres to the principle of balanced justice that there must be a balance between the rights a person obtains. The individual principle also concerns that it has been regulated who the heirs are who are entitled to receive the inheritance and it must be distributed individually without exception. Therefore, Islam clearly regulates what portion of the inheritance each heir gets. The Qur'an clearly regulates how much share each heir gets in the distribution of inheritance, for example a mother who is the heir has her share determined. A mother gets 1/6 if she has children, a mother gets 1/3 if she inherits without children and siblings, and gets 1/6 if a mother inherits with children and siblings. Another example, if a boy is the heir, if there is more than one boy then the distribution of inheritance will be 1:1, if there are girls, then the distribution to boys is 2:1 to girls, if only girls then 2 /3 for 2 or more women together, if only one daughter gets ½ share, this is all clearly regulated in the Koran. ¹⁹Allah SWT regulates the share of each heir clearly as a way to fulfill justice for each heir. This is different from the Ranau customary inheritance which gives control to the first son as the decision maker regarding the distribution of inheritance, which is clearly far from fair in practice because it is determined by humans with all their shortcomings.

Ranau traditional inheritance does not use the individual principle, but uses the principle of majorat inheritance. Majorat inheritance is the concentration of control on the eldest child as a substitute for the parent. The eldest child, in his position as successor to the responsibilities of parents who have passed away, is obliged to look after and look after them, especially being responsible for the inheritance and the lives of their younger

¹⁹QS An-Nisa: 11.

siblings until they can live independently.²⁰The advantages and disadvantages²¹ of the majorat inheritance system lie in the leadership of the eldest child in his position as a substitute for parents who have died in managing assets and utilizing them. If he is responsible, of course he can carry out his duties as a substitute for the parent well. Meanwhile, if he is irresponsible, of course he will not be able to take care of the inheritance of his parents which is entrusted to him, and it could even be that he is being taken care of by other family members.

Ranau customary inheritance also excludes women and/or men from the line of heirs for those who marry using the metudau or semanda system. The bilateral principle emphasizes that a person receives inheritance rights from two descendants of relatives, both male relatives and female relatives. The bilateral principle does not apply to Ranau customary inheritance which, on the contrary, eliminates a person's right to inherit from their relatives, both female and male descendants, because they marry using the Metudau or Semanda customary system. In Islam, marriage does not remove someone from their family, but adds relatives to the person who marries. The purpose of marriage, as stated by Allah SWT in Surah Ar-Rum verse 21 "And among the signs of His power is that He created for you a life partner. from your own kind, so that you will tend and feel at ease towards him and He will make among you a feeling of affection (mawaddah warahmah). Indeed, this is a sign of His greatness for those who think." Mawaddah warahmah is a gift from Allah given to humans when humans marry.²²

Inheritance is the final livelihood for the heirs of the heir, therefore Islam regulates it fairly along with the portions that have been determined. Inheritance according to Islam cannot be handed over to just one heir, as the Ranau custom of inheritance applies. Islamic inheritance is not something that is mandatory, because based on the principle of peace in the distribution of inheritance, it is possible to use other methods if peace can be achieved. Islamic inheritance is used as a middle way if there is no other way to achieve peace in the distribution of inheritance. Ranau customary inheritance is possible as long as it is done fairly and accepted by all heirs and there is no debate in it.

V. Conclusion

1. The Ranau customary inheritance distribution system, apart from being centered on patrilineal, is also determined based on the metudau or semanda marriage system. In Ranau customary inheritance, if a woman marries with the metudau system which requires her to leave the house to follow her husband, then the woman's inheritance rights to her family are lost. Likewise, vice versa, if a man marries with a semanda system

²⁰I Gede AB Wiranata, *Indonesian Customary Law Development from Time to Time*, (Bandung: PT. Citra Aditya Bakti, 2005), p. 282.

²¹Hilman Hadikusuma (c), *Traditional Marriage Law with Customs and Traditional Ceremonies*, (Bandung: PT. Citra Aditya Bakti, 2003), p. 39.

²²Wahyu Wibisana, "Marriage in Islam", *Journal of Islamic Religious Education-Ta'lim* Vol. 14 No.2 (2016), p. 185.

that makes him leave his house to follow his wife, then the man's right to inherit his family is lost. Apart from that, the division of inheritance in the Ranau custom stipulates that the first son has full control over the inheritance, so whether it will be divided or not, in what amount, the determination lies with the first son.

2. The distribution of inheritance in the Ranau custom is not in line with Islamic inheritance law. Ranau customary inheritance which gives the inheritance to the first male child to be in full control is not in line with the principles of balanced justice and individual principles. The bilateral principle is also incompatible with the Ranau customary inheritance which excludes men and/or women from their inheritance rights over their families if they marry using the *metudau* or *semanda* system.

VI. Suggestion

Ranau customary inheritance is not something that should not be done, based on the principle of peace in the distribution of inheritance that it is possible to use other methods if indeed peace can be achieved. However, if we refer to the principle of *ta'abbudi* or self-servity, carrying out Islamic inheritance is a form of carrying out the commands/worship of Allah SWT. Seeing that the implementation of Ranau customary inheritance has actually caused many divisions between families, and because the majority of Ranau indigenous people are Muslim, it would be better if we started to shift to using Islamic inheritance law.

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