

Analysis of Inheritance in Kuntu Village: Perspective of Islamic Law and Local Traditions



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ABSTRACT: The implementation of inheritance law in Indonesia is influenced by Islamic, customary, and western law. Entering the phase of independence, Islamic law has entered into a positive legal system in Indonesia, especially regarding inheritance law. The purpose of this writing is to discover the inheritance in Malay customs in Kuntu Village. This research is a qualitative descriptive research. This type of research uses a social phenomenological perspective. The data collection technique uses interviews. The data obtained will be critically analyzed. The conclusion of this study states that Kuntu Village is a village that is very thick with customs and upholds the belief in Islam. The inheritance law applied in Kuntu Village is a collaboration between customary law and Islamic law

KEYWORDS: Inheritance, Customary law, Islamic law, Customs, Legal System

I. INTRODUCTION

The implementation of inheritance law in Indonesia is greatly influenced by three legal systems, namely Islamic law, customary law, and Western law.¹ In the early days of the arrival of Islam in Indonesia, Islamic law dominated the implementation of inheritance law which was intertwined with the customs and culture of the Muslim community. Entering the colonial period, the Dutch East Indies Colonial Government began implementing Western legal policies for European and Foreign Eastern nations. Meanwhile, for the natives, a combination of Islamic law and customary law is applied. Entering the independence phase, legal politics changed along with the policy of codification and unification of law by incorporating Islamic law into the positive legal system in Indonesia, including in terms of the implementation of inheritance law.² The implementation of inheritance law in Indonesia is more characterized by a combination of Customary and sharia as happened in Kuntu Village. Islamic law and local traditions are the inheritance standards inherent there.

Studies on inheritance in customs so far tend to focus on several aspects. First, a study conducted by Ibnu Elmi Achmat Slamet Pelu et al. (2019) on the settlement of community inheritance disputes. The results of this study describe the tradition of resolving inheritance disputes of the people of Central Kalimantan in Katingan Regency and Palangka Raya City according to the custom in resolving inheritance disputes, prioritizing peace by using Islamic law first, then deliberations are carried out to agree on the division and division of property.³ Second, a study conducted by Husni and Diana (2023) on the implementation of inheritance law in Islam. The study shows that while there are similarities in the principles of inheritance law in Islam, their implementation can differ from country to country. Saudi Arabia, as a country that strictly implements Sharia, follows the inheritance system specified in the Qur'an and the hadiths of the Prophet Muhammad. Egypt, on the other hand, has an inheritance system influenced by their national laws that sometimes contradict Islamic principles. Indonesia and Malaysia, which implement mixed legal systems, have inheritance rules that include Islamic principles but also take into account local cultural

¹ Dewi Noviarni, "Kewarisan Dalam Hukum Islam Di Indonesia," *Hukum Keluarga Islam* 1, no. 1 (2021): 62–75, <https://ejournal.an-nadwah.ac.id/index.php/ainulhaq/article/view/236>.

² Sirman Dahwal, "Hubungan Hukum Keluarga Dan Hukum Kewarisan Islam Dalam Masyarakat Modern Indonesia," *Supremasi Hukum: Jurnal Penelitian Hukum* 28, no. 1 (2019): 17–32, <https://doi.org/10.33369/jsh.28.1.17-32>.

³ Ibnu Elmi Achmat Slamet Pelu, Ahmad Syaikh, and Jefry Tarantang, "TRADISI PENYELESAIAN SENGKETA KEWARISAN MASYARAKAT KALIMANTAN TENGAH: Studi Pada Kabupaten Katingan Dan Kota Palangka Raya," *Al-Manahij: Jurnal Kajian Hukum Islam* 13, no. 2 (2019): 203–16, <https://doi.org/10.24090/mnh.v13i2.2027>.

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factors and customs.⁴ Third, a study conducted by Zikri and Nurul (2024) examines inheritance based on history, law, and inheritance principles. This research results in a broader understanding of inheritance in Islam not only as a rule of property division but also the values of justice, religious observance, and profound Islamic principles. From the existing studies, no one has examined the analysis of inheritance based on customary law and local traditions specifically in Malay customs in Kuntu Village.

The purpose of this paper is to complement the shortcomings of the studies that have been conducted, which do not pay attention to the aspect of inheritance in the perspective of customary law and Islamic law. This paper will show that inheritance in customary law and Islamic law is a substantial aspect to be able to understand the phenomenon of the distribution of inheritance rights in the life of a society. In line with this, the question that will be answered in this study is how inheritance in Malay customs in Kuntu Village through a prior study of inheritance in Islam and local traditions. After that, a critical analysis of the information obtained was carried out to provide an overview of heritage in Malay customs in Kuntu Village.

II. LITERATURE REVIEW

Inheritance of Islamic Law Perspective

The word inheritance comes from the Arabic word *miras*. The plural form is *mawaris*, which means the inheritance of the deceased that will be distributed to their heirs. The science that studies heritage is called '*ilm al-mawaris*, or *faraid*. The word *faraid* is a form of *jama'* from *faridah*, which the scholars of *Faradiyun* interpret in the same meaning as the word *mafrudah*, which is the part that has been determined in its level. It can be understood that the science of *faraid* or the science of inheritance is a science that talks about the transfer of inheritance from a deceased person to a living person, both regarding the property he left behind. These people are entitled to receive the inheritance, the share of each heir, and the way to settle the distribution of the inheritance.⁵

Islamic inheritance law, or often referred to as *faraid* in Islamic legal literature, is part of all Islamic law that regulates the view of property from a deceased person to a living person. Islamic inheritance law has its own model in certain cases that is different from other inheritance laws. The Islamic inheritance law is sourced from the legal verses of the Qur'an and other explanations given by the Prophet Muhammad SAW in his Sunnah. The Qur'an and Al-Hadith as the source of the formulation of Islamic law that places Islamic inheritance law as a reference for all Muslims.⁶

Inheritance Law according to Islamic Law is one part of family law (*al-Ahwalus shahsiyah*). The Compilation of Indonesian Islamic Law, which is meant by Islamic Inheritance Law, is a law that regulates the transfer of ownership rights to inherited property, determining who has the right to be an heir and how much is their respective share. Thus, Islamic Inheritance Law is a law that regulates everything related to the transfer of rights and obligations to a person's property after death to the heirs. In the Qur'an, which is the first and main source of Islamic Inheritance Law, it has determined matters related to Islamic Inheritance Law, namely: heirs, the provisions of each heir's share and how to implement its division.⁷

Inheritance law in Islamic Law is regulated in Articles 171 to 193 Indonesian Constitution. Article 171 What is meant by:

- a. Inheritance law is a law that regulates the transfer of ownership rights to inheritance (*tirkah*) of heirs, determining who is entitled to be an heir and how much is their share.
- b. An heir is a person who, at the time of his death or who is declared dead based on the decision of the Islamic Court, leaves heirs and inheritance.
- c. Heirs are people who at the time of death have a blood relationship or marital relationship with the heir, are Muslim, and are not hindered by law to become heirs.
- d. Heritage property is property left by the heir either in the form of objects that belong to him or his rights.
- e. Inheritance is inherited property plus part of the common property after being used for the needs of the heir during an illness until death, the cost of managing the body (*tajhiz*), paying debts, and giving to relatives.
- f. A will is the gift of an object from the heir to another person or institution that will take effect after the heir dies.
- g. A grant is the gift of an object voluntarily and without reward from someone to another person who is still alive to have.
- h. An adopted child is a child who is in maintenance for his daily life, education costs and so on transfers his responsibility from the original parent to his adoptive parents based on the Court's decision.

⁴ Muhammad Husni Abdulah Pakarti and Diana Farid, "Implementasi Hukum Waris Dalam Islam: Studi Komparatif Tentang Praktek Waris Di Negara-Negara Muslim," *El-Ahli : Jurnal Hukum Keluarga Islam* 4, no. 2 (2023): 37–62, <https://jurnal.stain-madina.ac.id/index.php/el-ahli/article/view/1267>.

⁵ Akhmad Haries, *Hukum Kewarisan Dalam Islam*, Perpustakaan Nasional : Yogyakarta Ar-Ruzz Media, 2019

⁶ Mohamad Faisal Aulia, "Analisis Perbandingan Penerapan Hukum Keluarga Di Mesir Dan Di Indonesia," *Al-Ahwal Al-Syakhsiyyah: Jurnal Hukum Keluarga Dan Peradilan Islam* 2, no. 2 (2022): 123–32, <https://doi.org/10.15575/as.v2i2.14327>.

⁷ Noviarni, "Kewarisan Dalam Hukum Islam Di Indonesia."

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i. Baitul Mal is a Religious Treasure Hall.⁸

The basis and main source of Islamic law on inheritance is the nash contained in the Qur'an and the Sunnah of the Prophet, including Verse of the Qur'an, Surah al-Nisa (4) 7: "For men, there is a right to a share of the inheritance of mothers and relatives, and for women, there is a right to share (also) of the inheritance of mothers and relatives, either a little or a lot according to the predetermined portion". The hadith of the Prophet from Ibn Abbas according to the narration of al-Bukhari and Muslim: "Give the Faraidh (the appointed portions) to the rightful and the rest to the men of the nearest male descendants".⁹

When viewed from the Islamic inheritance system, women get half of the share of men in a ratio of 1:2. This kind of provision is considered by some contemporary scholars, especially those who support genderism, not to meet justice. Therefore, they echo the equal division between female and male heirs with a ratio of 1:1, the Qur'an expressly stipulates that the male part is two parts of the daughter as contained in Surah al-Nisa verse 11. Even with special notes. Indeed, at first glance it appears that there is discrimination for women in this division. However, what needs to be noted is that the principle of justice contained in the Islamic inheritance system is the principle of balanced justice, namely justice that is adjusted to its needs and uses, not equal justice without paying attention to its compatibility with the responsibilities owned by the heirs.¹⁰

The above gives an idea that Islamic inheritance law has changed the pre-Islamic Arab inheritance law and at the same time overhauled the structure of kinship relations, and even overhauled the community's ownership system of property, especially inheritance. The structure of pre-Islamic Arab society was heavily influenced by tribal groups. Property, including the inheritance of the deceased person belongs to his tribe. Men dominate life, women are not allowed to own property except for women from the elite. Even women become something inherited. This can be seen in Surah al-Nisâ' [4]: 19 which means in the form of a rebuke from Allah SWT to Arabs who like to inherit women by force.¹¹

The Islamic inheritance law brought by the Prophet Muhammad (peace be upon him) contains the rule that every person, whether he is a man or a woman, has the property right. Women besides having the right to own property, also have the right to inherit and inherit just like men. In fiqh, inheritance can only be owned by the closest relatives, either because of descent, marriage, or because of the freedom of the servant, not by the tribal group. Islamic law regulates in great detail who has the right, who is not entitled, and how much size each party must accept. These provisions are contained in the Qur'an, so they have the highest legal force because of their nature qath'iyyah al-wurûd (the descent of the verse is undoubted) and qath'iyyah al-dilâlah (the indication is certain).¹²

Inheritance from a Customary Law Perspective

Customary law is called unwritten law, which differs from continental law as written law. Customary law is a cultural product that contains substance about cultural values as creation, karsa, and human taste. In the sense that customary law was born from the awareness of human needs and desires to live fairly and civilized as the actualization of human civilization. Customary inheritance law is a series of regulations that regulate the continuation and transfer of heritage or inheritance from one generation to the next, both related to property and material rights. The elements of customary inheritance law of the people inhabiting the Republic of Indonesia consist of:

1. Testate

A testate is a person who has passed away and leaves something that can be transferred to his or her surviving family, either family through kinship relationships, marriage or family through communion living in the household. Those who are classified as a testate are: parents, brothers who are not married or who are married but have no children, and husbands or wives who have passed away.

2. Inheritance

Inheritance is wealth left by a deceased person to his heirs. Inheritance consists of: Inherited or original property, marital property, and inheritance.

⁸ Syarif Husien and Akhmad Khisni, "Hukum Waris Islam Di Indonesia (Studi Perkembangan Hukum Kewarisan Dalam Kompilasi Hukum Islam Dan Praktek Di Pengadilan Agama)," *Jurnal Akta* 5, no. 1 (2017): 75, <https://doi.org/10.30659/akta.v5i1.2533>.

⁹ Rahmat Haniru, "Hukum Waris Di Indonesia Perspektif Hukum Islam Dan Hukum Adat," *The Indonesian Journal of Islamic Family Law* 04, no. 30 (2014): 2089–7480.

¹⁰ Zakiul Fuady Muhammad Daud and Raihanah Bt Azahari, "Menyoal Rekontruksi Maqashid Dalam Pembaharuan Hukum Kewarisan Islam," *Jurnal Ilmiah Islam Futura* 18, no. 1 (2019): 1, <https://doi.org/10.22373/jiif.v18i1.2843>.

¹¹ Supriyadi, "Pilihan Hukum Kewarisan Dalam Masyarakat Pluralistik (Studi Komparasi Hukum Islam Dan Hukum Perdata)," *Al-Adalah* 12, no. 3 (2015): 553–68, <http://103.88.229.8/index.php/adalah/article/view/235>.

¹² Supriyadi.

3. Heir

Heirs are people who have the right to inherit the inheritance from a testate, namely biological children, parents, siblings, successor heirs, and people who have a marital relationship with the heirs. In addition, it is also known as adopted children, stepchildren, and illegitimate children, who are usually given a share of the inheritance from the heirs if the heirs divide the inheritance between them. In addition, it is also common to be given property from the heirs either through wills or through grants.¹³

The customary inheritance legal system is influenced by the pattern and form of society which is arranged based on genealogical and territorial factors. Therefore, each kinship system in Indonesian society has different peculiarities or patterns. First, in the form of a patrilineal system, which is a legal system that draws bloodlines based on the paternal (male) lineage. In this case, the position of men is very prominent or strong, for example: in Batak society where the blessing of heirs is only men. A married woman will leave her relatives and follow her husband after the honesty is paid off, all her children are also included in her husband's relatives. Second, the matrilineal system, which is a family system that draws bloodlines from the mother's side (women), daughters are more prominent than boys, and the heirs are daughters (Minangkabau). Third, the Bilateral/Parental system, which is a family system that draws bloodlines from both sides of the father or mother. Thus, the position of the son and the daughter is the same, both of whom are the heirs of both parents.¹⁴

III. RESEARCH METHODS

This research is a field research. The research method used is qualitative descriptive (QD) which is used for a descriptive study. This type of research is generally used in social phenomenology.¹⁵ The descriptive qualitative method is a research method based on data processing that is descriptive. Descriptive qualitative research is carried out to explain existing research without providing manipulation of the variable data studied by conducting direct interviews.¹⁶ This research tries to understand human or social phenomena by creating a comprehensive and complex picture that can be presented in words, reporting detailed views obtained from informant sources and carried out in a natural setting.¹⁷

This research was conducted in Kuntu Village, Kampar Kiri District, Kampar Regency, Riau Province. The information collected in this study is related to the analysis of inheritance in Kuntu Village based on customary law and Islamic law. The resource persons are determined deliberately by the researcher by considering certain criteria and aspects that exist from the beginning. The resource persons interviewed by the researcher were the Kuntu Village government, traditional leaders, community leaders, and the general public. The selection of several speakers was intended to obtain in-depth data on the analysis of customary heritage in Kuntu Village, the perspective of customary law and Islamic law.

Data collection is an important job in research. The term "collection" also refers to the meaning of "acquisition" and "initial processing" related to the concept of source or origin. Data collection determines the success rate of subsequent data processing. Data collection needs to be supported by technical and methodological considerations.¹⁸ The data collection method in this study is first, interview, this is a data collection technique that involves direct interaction between researchers and research participants. aims to gain a deep understanding of individual experiences, views, and perspectives related to the phenomenon being studied. Second, observation is a data collection technique that involves direct observation of participants and the context involved in the research phenomenon. Observation provides an opportunity for researchers to observe social interactions, behaviors, and contexts relevant to the phenomenon being studied. Third, documentation involves collecting data from documents, archives, or other written materials related to research phenomena. Documentation studies provide insights into historical contexts, policies, events, and developments relevant to the phenomenon.¹⁹

¹³ Haniru, "Hukum Waris Di Indonesia Perspektif Hukum Islam Dan Hukum Adat."

¹⁴ M. Syaikhul Arif, "Mengenal Sistem Hukum Waris Adat."

¹⁵ Yuli Nurmalasari and Rizki Erdiantoro, "Perencanaan Dan Keputusan Karier: Konsep Krusial Dalam Layanan BK Karier," *Quanta* 4, no. 1 (2020): 44–51, <https://doi.org/10.22460/q.v1i1p1-10.497>.

¹⁶ Siti Hanyfah, Gilang Ryan Fernandes, and Iwan Budiarto, "Penerapan Metode Kualitatif Deskriptif Untuk Aplikasi Pengolahan Data Pelanggan Pada Car Wash," *Semnas Ristek (Seminar Nasional Riset Dan Inovasi Teknologi)* 6, no. 1 (2022): 339–44, <https://doi.org/10.30998/semnasristek.v6i1.5697>.

¹⁷ Muhammad Rijal Fadli, "Memahami Desain Metode Penelitian Kualitatif," *Humanika* 21, no. 1 (2021): 33–54, <https://doi.org/10.21831/hum.v21i1.38075>.

¹⁸ Annisa Rizky Fadilla and Putri Ayu Wulandari, "Literature Review Analisis Data Kualitatif: Tahap Pengumpulan," *Mitita Jurnal Penelitian* 1, no. No 3 (2023): 34–46.

¹⁹ Ardiansyah, Risnita, and M. Syahrani Jailani, "Teknik Pengumpulan Data Dan Instrumen Penelitian Ilmiah Pendidikan Pada Pendekatan Kualitatif Dan Kuantitatif," *Jurnal IHSAN: Jurnal Pendidikan Islam* 1, no. 2 (2023): 1–9, <https://doi.org/10.61104/ihsan.v1i2.57>.

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IV. RESULT

Traditions in Kuntu Village

Kuntu Village is one of the villages in Riau province, Kampar Regency, Riau Province. Customs in Kuntu Village as written in the historical items of the Kampar Kiri kingdom in the Kampar Kiri region explain that the customs in Kampar Kiri regulate people's lives well created by their ancestors. The teachings in the custom to distinguish between bad and good in behavior and deeds are based on virtue and noble morals among fellow human beings and their environment. In the provisions of customs, the proverb concerns its teachings is:

Sawah diagieh bapamatang,
Ladang dibori bamintalak,
Nan babesoh topung jo sodah,
Nan babokeh minyak jo ayieh.

The saying above means that customs regulate life both individually and in community life. Every behavior and deed in the daily association is based on noble ethics so that each individual can feel what others feel. As the saying goes:

Bak adat bapiek kulik,
Sakik dek awak sakik dek urang,
Sonang dek awak sonang dek urang,
Nan elok dek awak katuju dek urang.

From the above proverb, it is clear that customs regulate human life from the smallest to broader and bigger problems. Customary rules about the smallest rules of behavior and deeds, for example, how customary rules about sitting, walking, talking, eating, drinking, seeing, calling old and young, big and small, based on what we think and what others like. Once in a while, don't behave nicely for one person or one person or a few people. The customs that regulate larger and broader things such as regulating the importance of human relations with humans, both individually and in the way of society and nation based on these relationships to customary provisions.

Traditional Inheritance in Kuntu Village

According to Mr. Muslim as Datuk Manggung Sati in the Piliang tribe in Kuntu Village, the custom in Kuntu Village is a matrilineal custom, namely a family system that draws bloodlines from the mother (woman). Regarding inheritance in Kuntu Village, in general, it returns to the customary system in Kuntu Village, namely the matrilineal system, meaning that the division of inheritance rights in Kuntu Village, the female side is considered to get a more position than the male side. However, this is not necessarily according to the custom but based on customary considerations that are determined to be harmonized with Islamic law. For example: in Kuntu Village, a girl will be the heir to the house from her parents, this is because she considers that girls must be protected and guarded and trusted as the guardian of the house for the place where the man returns.²⁰

In line with the above, Mr. Darma Putra as Datuk Sultan Jalelo in Kuntu Village said that the custom in Kuntu Village is ""adat besandi syara', syara' besandi kitabullah". The traditional slogan above colors the life of the community in Kuntu Village, including in terms of inheritance. Inheritance in Kuntu Village, according to Mr. Darma Putra, is the division of the inheritance system that is filled with customary and religious considerations, meaning that the issue of inheritance in Kuntu Village is inseparable from the intertwined traditional and religious values in its implementation. Mr. Darma Putra gave an example in his family life that the distribution of inheritance in his family, in addition to following customary rules, is also colored by Islamic values. Mr. Darma Putra said that although the Kuntu Village customary system follows the custom of the matrilineal system which will automatically follow the distribution of inheritance, Islamic values are always accepted. For example, in the family life of Mr. Darma Putra, men have a deep awareness of religion so that in the distribution of inheritance, not only because of customary rules, women get more rights, but because of men's awareness and willingness without a sense of coercion formed through religious knowledge about the protection of women and glorifying women is the teaching of the Prophet Muhammad SAW.²¹

In line with that, Mr. Azwir as a community leader said that Kuntu Village before the entry of Islam, the people of Kuntu Village were indigenous people who highly upheld the beliefs born from their ancestors in the customs and culture that govern people's lives. Kuntu Village, which became the first village to be entered by Islam in Kampar Kiri Riau, makes the people of Kuntu Village a community that adheres to Islamic religious values. The entry of Islam into Kuntu Village is also through traditional values and upholding traditional values. This makes the tradition and agami slam in Kuntu Village equally provide value in the life of the community. The control of these values is contained in the traditional proverb "adat besandi syara', syara' besandi kitabullah".

²⁰ Interview with Mr. Muslim in Kuntu Village on October 24, 2024

²¹ Interview with Mr. Darma Putra as Datuk Sultan Jalelo of Kuntu Village, on October 20, 2024

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Regarding the fact of inheritance in Kuntu Village, it is influenced by three aspects. First, the religious aspect. Second, the customary aspect. Third, the aspect of benefit. This means that the distribution of inheritance in Kuntu Village in any form is the first time to assess from the aspect of religious law. Although it is generally said that religious sharia is the main factor for consideration of the distribution of inheritance in Kuntu Village, the influence of customs also dominates this because Kuntu Village cannot escape from the existing customs. Looking at the history of Kuntu Village at a glance, before the entry of Islam into Kuntu Village, the people of Kuntu Village already believed in the belief of animism and dynamism, which of course is the inheritance of customs from the ancestors of the ancestors. The entry of Islam into Kuntu Village in 1111 AD gave a new color to the life of the people of Kuntu Village so that since then the life of the people of Kuntu Village has been dominated by two laws that apply equally influencing, namely customary law and Islamic law. Therefore, the inheritance law in Kuntu Village also cannot be separated from customary law and Islamic law, only in its implementation, it will be assessed through the common good. This means that customary law and Islamic law in inheritance in Kuntu Village are bridged by mutual benefits.²²

In line with that, Salmaini's mother, who is one of the residents of Kuntu Village, gave information that inheriting in Kuntu Village is a matter of great importance to peace and common good. Personally, Mrs. Salmaini explained that in the distribution of inheritance in her family, Mrs. Salmaini's parents will look at the condition and circumstances of their children. This means that every inherited property will be given more to children who are in dire need and in the economically underprivileged. Everything that is given by parents is based on religious and customary considerations so that all their children will receive it well without any jealousy between each other. Regarding the house where he lives with his parents in Kuntu Village, it will again belong to the daughter, preferably the youngest child because the youngest child is considered to be the child who will take care of the old house and become a place to return to the other siblings. However, if the youngest daughter is able to make her own house and there are other sisters who are not able to afford it, the house will be given to the sister who is not able to afford it. This shows that the distribution of inheritance in Kuntu Village is very concerned with the aspect of common benefit and attaches importance to peace and common comfort.²³

Mr. Nislahuddin gave a slightly different color in seeing the heritage in Kuntu Village. According to Mr. Nislahuddin, as far as what is seen and practiced in family life, inheritance is first based on Religious Law first. More clearly, Mr. Nislahuddin explained that Islamic law is used as the basis for the distribution of inheritance in Kuntu Village, which means that the men get more rights than the women. Customary law for Mr. Nislahuddin will play a role when the men in the family voluntarily divide the inheritance equally without coercion just because they want to share and see that women in customary law are taken into account in the right to share the inheritance.²⁴

V. DISCUSSION

Inheritance Analysis in Kuntu Village: Perspective of Islamic Law and Customary Law

The law of inheritance in the Kuntu community reflects the pattern of life of the Kuntu people. Heritage in Kuntu Village is the embodiment of the community's way of thinking so that each thought can be different according to the analytical point of view used and the more dominant one. Inheritance in customary law and Islamic law is a substantial aspect to be able to understand the phenomenon of the division of inheritance rights in the life of a society. This paper shows that inheritance in Malay customs in Kuntu Village is colored by the role of customary law and Islamic law in the life of the people of Kuntu Village.

Based on the data obtained, the author assesses that the issue of inheritance in Kuntu Village in practice uses customary law and Islamic law. However, if the two laws are confronted, the author assesses that in its application society uses a more dominant understanding of the law. This means that for those who study customary law rather than Islamic law, the issue of inheritance will be more about customary law. On the other hand, if the understanding of religion is more donistical, inheritance will be used in Islamic laws. Furthermore, if the understanding of customs and religion is equally dominant, the law of benefit will be used together by assessing the usefulness and partiality to those who need it most. In line with this, it illustrates that inheritance in Kuntu Village is an inheritance system that cannot be separated from understandings of local religion and traditions. However, so far the author sees that there has been no implementation of the distribution of inheritance in Kuntu Village with a mutually agreed law, this can be seen when the distribution of inheritance of the Kuntu community will prioritize the dominant understanding between customary law and Islamic law.

Seeing the phenomenon of inheritance in Kuntu Village, the author thinks that Kuntu Village is a village with a community life that grows in a good understanding of religion as well as an understanding of customs that have been ingrained from previous

²² Interview with Ustad Yusri as a religious leader in Kuntu Village, on November 9, 2024 in Kuntu Village

²³ Interview with Ibuk Salmaini as a Resident of Kuntu Village, on November 11, 2024 in Kuntu Village

²⁴ Interview with Mr. Nislahuddin as a resident of Kuntu Village on November 13, 2024 de Kuntu Village

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ancestors. Therefore, it is necessary to unite the understanding between the people of Kuntu Village about customary law and Islamic law so that in the matter of inheritance, it can be based on the same law, used and understood together. According to the author, this needs to be done so that the dominance between the understanding of customary law and Islamic law does not make a difference in the distribution of inheritance in Kuntu Village.

VI. CONCLUSION

Kuntu Village is a village that is very thick with customs and upholds the belief in Islam. Seeing from the historical history that Kuntu Village became the first village in Kampar Kiri to be entered by Islamic religious understanding in 1111 AD, this makes Kuntu Village a village with Islamic values in the life of its people. However, the way of thinking of the people of Kuntu Village is still colored by customary law that has existed before as a law born from previous ancestors before the entry of Islam into Kuntu Village. Based on this, the distribution of inheritance in Kuntu Village is also colored by customary law and Islamic law which are equally dominant, depending on the community's understanding of the law, which understanding is more dominant.

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