

Reconstructing Gender Relations for Family Resilience in Minangkabau: Integrating Islamic Law and Customary Law

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Abstract

Women are social beings who hold a high position in continuing the kinship system, preserving the existence of inheritance, and being responsible for forming family ethics and morals. This study aims to reconstruct the legal perspective on gender relations by integrating Islamic law with the Minangkabau cultural customs to strengthen family resilience. This research uses a qualitative approach based on relevant documents from primary and secondary sources, including interviews, documentation, books, and articles. The collected data is analyzed using content analysis methods with phenomenological, feminist, and sociological approaches. The findings of this study indicate that the Minangkabau community views women as charismatic and respected figures. *Bundo kanduang* protects her kin, preserves the ancestral heritage, and maintains the kinship system to ensure the continuity of the family within the matrilineal kinship system. This research contributes to the discourse on Islamic law and gender by showing how the matrilineal society of Minangkabau aligns with Islamic principles and challenges conventional patriarchal interpretations that are not in line with Islamic values.

Keywords: women; gender relations; *bundo kanduang*; inheritance



Perempuan merupakan makhluk sosial yang memiliki kedudukan yang tinggi dalam meneruskan sistem kekerabatan, menjaga eksistensi harta warisan serta bertanggung jawab terhadap pembentukan akhlak dan moral keluarga. Penelitian ini bertujuan merekonstruksi perspektif hukum tentang relasi gender melalui integrasi hukum Islam dengan adat budaya Minangkabau untuk memperkuat ketahanan keluarga. Penelitian ini menggunakan pendekatan kualitatif berdasarkan dokumen yang relevan pada sumber primer dan sekunder berupa wawancara, dokumentasi, buku dan artikel. Data yang dikumpulkan dianalisis menggunakan metode analisis konten dengan pendekatan fenomenologis, feminis dan sosiologis. Temuan Penelitian ini menunjukkan bahwa masyarakat Minangkabau menjadikan perempuan sebagai sosok kharismatik dan terpuja, *bundo kanduang* memiliki tugas dalam menjaga kaumnya, memelihara *pusako* serta menjaga sistem kekerabatan agar eksistensi keluarga dalam sistem kekerabatan matrilineal terjaga dengan baik. Penelitian ini memberikan kontribusi terhadap wacana hukum Islam dan gender dengan menunjukkan bagaimana masyarakat matrilineal di Minangkabau sejalan dengan prinsip-prinsip Islam dan menentang interpretasi patriarki konvensional yang tidak sejalan dengan nilai-nilai Islam.

Kata Kunci: perempuan; relasi gender; *bundo kanduang*; kewarisan

Introduction

Gender-based violence of a psychological nature often occurs in societies where women are subordinate to men.¹ Women are marginalized and always positioned as second-class beings in the fields of law, education, the labor market, and participation in elections.² This inferiority results in the formation of stigmas and stereotypes embedded in a patriarchal culture that men must be superior to women.³ However, no norms justify this happening in society. Discrimination against the existence of women also occurs in the family structure.⁴ Sexual harassment and discrimination against certain races can affect both physical and mental health.⁵

Islam eliminates negative stigma and discrimination against women by granting them a noble status. Women are legal subjects in society and households, and they hold a central position in the development and empowerment of society.⁶ Misogynistic views arise from the influence of patriarchal Arab culture, which affects the way the cleric interprets Islamic law.⁷ A woman who asserts her inheritance rights may face social sanctions and risk damaging family relationships.⁸ Socio-religious conditions shaped by patriarchal systems have led to discriminatory practices against women,

¹ Humera Malik, "The Trend of Claiming Right of Inheritance among Women in Lahore," *Pakistan Perspectives* 28, no. 1 (2023): 52, <https://journal.psc.edu.pk/index.php/pp/article/view/495/438>.

² Jaya Addin Linando, "A Relational Perspective Comparison of Workplace Discrimination toward Muslims in Muslim-Minority and Muslim-Majority Countries," *International Journal of Cross Cultural Management* 23, no. 1 (2023): 31–57, <https://doi.org/10.1177/14705958221120990>.

³ Iram Rubab, Beenish Malik, and Zujajah Bakht Aziz, "Do Legal and Institutional Reforms in Punjab, Pakistan Protect Women's Inherited Land Rights?," *Journal of International Women's Studies* 25, no. 4 (2023): 1–18, <https://vc.bridgew.edu/jiws/vol25/iss4/5/>.

⁴ Syahrul Mubarak Subeitan, "Forced Marriage: Implementation of the Mandatory Provisions of the Bride's Consent in Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 211 (2022): 77–87, <https://doi.org/10.31958/juris.v21i1.5581>.

⁵ Gillian K. SteelFisher et al., "Gender Discrimination in the United States: Experiences of Women," *Health Services Research* 54, no. S2 (2019): 1442–53, <https://doi.org/10.1111/1475-6773.13217>.

⁶ Mounira M. Charrad and Rita Stephan, "The 'Power of Presence': Professional Women Leaders and Family Law Reform in Morocco," *Social Politics* 27, no. 2 (2020): 337–60, <https://doi.org/10.1093/sp/jxz013>.

⁷ Mohamed Sulthan et al., "Gender Equity in Muslim Family Law: Modern and Contemporary 'Ulamā's View," *Al-Ahkam* 34, no. 2 (2024): 221–56, <https://doi.org/10.21580/ahkam.2024.34.2.20773>.

⁸ Sylvia Vatuk, "Muslim Daughters and Inheritance in India: Sharīcat, Custom and Practice," *Contemporary South Asia* 30, no. 1 (2022): 16–29, <https://doi.org/10.1080/09584935.2021.2021854>.

manifested in physical and psychological violence, as well as various forms of intimidation.⁹ Islamic law in various Muslim-majority countries still adopts a traditionalist view of women, influenced by local customs,¹⁰ and the dominance of men in interpreting societal values can diminish the role of women within the family.¹¹

The Minangkabau tradition regards women as charismatic and responsible figures in life and society. In Minangkabau, women are known as *Bundo Kanduang*, *Bundo kanduang* refers to a senior women, eldest woman or elder woman, who holds leadership in household affair in a tribe and reflects the Minangkabau woman who has a high position and dignity, possessing authority in enforcing family rules,¹² being responsible for the children and her clan, and preserving the matrilineal kinship system.¹³ The matrilineal kinship system of the Minangkabau community provides space for women to participate in public spheres such as education, journalism, and community empowerment activities.¹⁴ Rahmah el-Yunusiah was one of the pioneers in empowering women through formal and informal education, ensuring that women did not experience discriminatory treatment within the national education system.¹⁵

Research on the position of women in the matrilineal kinship system of the Minangkabau focuses on social structures and various contemporary scholars'

⁹ Malik, "The Trend of Claiming Right of Inheritance among Women in Lahore."

¹⁰ Abdul Rahman Salim and Enayatullah Saddiqyar, "Investigating the Presence and Social and Political Contribution of Women in Islamic Societies," *IAHRW International Journal of Social Sciences Review* 9, no. 2 (2021): 128–31, <https://iahrw.org/product/investigating-the-presence-and-social-and-political-contribution-of-women-in-islamic-societies/>.

¹¹ Janet Afary and Kevin B. Anderson, "Woman, Life, Freedom: The Origins of the Uprising in Iran," *Dissent* 70, no. 1 (2023): 82–98, <https://doi.org/10.1353/dss.2023.0032>.

¹² Nadilla Yuwanita Dewi and Titik Indarti, "Matrilineal Masyarakat Minangkabau dalam Novel Perempuan Batih Karya A.R. Rizal," *Bapala* 10, no. 1 (2023): 197–207, <https://ejournal.unesa.ac.id/index.php/bapala/article/view/53842/42918>.

¹³ Sekar Dea Islamiati, "Bundo Kanduang Peranan Perempuan Minangkabau," *Design: Jurnal Desain* 2, no. 2 (2022): 195–204, <https://doi.org/10.33376/jdes.v2i2.1694>.

¹⁴ Nur Farida Deliani, Nazhiratul Khairat, and Kori Lilie Muslim, "Gerakan Emansipasi Ruhana Kuddus dalam Memperjuangkan Kesetaraan Pendidikan Perempuan di Minangkabau," *Humanisma: Journal of Gender Studies* 3, no. 2 (2019): 170, <https://doi.org/10.30983/humanisme.v3i2.1097>; Alana K Ribarovska et al., "Gender Inequality in Publishing during the COVID-19 Pandemic," *Brain Behavior and Immunity* 91, no. January (2020): 19–22, <https://doi.org/10.1016/j.bbi.2020.11.022>.

¹⁵ Weri Aulia et al., "Pendidikan Islam Perempuan Minangkabau (Telaah Pemikiran Rahmah El-Yunusiyah)," *Innovative: Journal of Social Science Research* 3, no. 2 (2023): 7623–37, <https://j-innovative.org/index.php/Innovative/article/view/1245/944>.

perspectives on women.¹⁶ The research tends to emphasize the position of women in gender equality within Islam. This study reveals the role of women in the reconstruction of law through the integration of Islamic law with Minangkabau cultural customs.

This descriptive qualitative research uses a phenomenological, feminist, and sociological approach. Primary data sources are obtained through interviews and documentation. At the same time, secondary data sources refer to experts' opinions in scientific journals and books on women, both from Islamic and Minangkabau customary perspectives. After collecting the data, the author analyzes it using deductive reasoning and content analysis to produce a comprehensive understanding.

Women in Islamic Perspective

Women are independent individuals who have the freedom to engage in legal actions that benefit themselves and society. In the pre-Islamic era, women

¹⁶ Wardah Nuroniyah and Bani Syarif Maula, "Muslim Women Adhering to Minangkabau's Bajapuk Tradition in Cirebon, West Java: Compromizing a Gendered Culture in Islamic Law," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, no. 2 (2022): 135–54, <https://doi.org/10.18326/ijtihad.v22i2.135-154>; Fitria Sari et al., "Woman Creativepreneurship Based on Minangkabau Culture," *Jurnal Arbitrer* 11, no. 1 (2024): 60–71, <https://doi.org/10.25077/ar.11.1.60-71.2024>; Halimatussa'diyah et al., "Minangkabaunese Matrilineal: The Correlation between the Qur'an and Gender," *HTS Teologiese Studies / Theological Studies* 80, no. 1 (2024): 1–8, <https://doi.org/10.4102/hts.v80i1.8643>; Fatmariza, Rika Febriani, and Sakinah Salleh, "Resilience and Matriarchal Values: A Study of Women and Single Mothers in the Minangkabau Community," *KnE Social Sciences* 2024 (2024): 252–64, <https://doi.org/10.18502/kss.v9i23.16715>; Ellyne Dwi Poespasari, "The Development of Inheritance Customary Legal Norm on Minangkabau Indigenous Society," *Juridical Tribune* 10, no. 2 (2020): 328–34, <https://www.tribuna.juridica.eu/arhiva/An10v2/10>; Ellyne Dwi Poespasari.pdf; Susi Fitria Dewi et al., "The Role of Culture in Cross-Cultural Marriage among Minangkabau Women," *Journal of International Women's Studies* 20, no. 9 (2019): 68–83, <https://vc.bridgew.edu/jiws/vol20/iss9/7/>; Widia Fithri, "Dysfunction of Bundo Kanduang and the Collapse of the Rumah Gadang," *Turkish Journal of Computer and Mathematics Education* 12, no. 9 (2021): 3027–33, <https://turcomat.org/index.php/turkbilmat/article/view/4753/3989>; Gusnedi Gusnedi et al., "Effectiveness of Optimized Food-Based Recommendation Promotion to Improve Nutritional Status and Lipid Profiles among Minangkabau Women with Dyslipidemia: A Cluster-Randomized Trial," *BMC Public Health* 22, no. 1 (2022): 1–12, <https://doi.org/10.1186/s12889-021-12462-5>; Ellices Sukmawati, "Filosofi Sistem Kekerabatan Matrilineal Sebagai Perlindungan Sosial Keluarga pada Masyarakat Minangkabau," *Empati: Jurnal Ilmu Kesejahteraan Sosial* 8, no. 1 (2019): 12–26, <https://doi.org/10.15408/empati.v8i1.16403>; Hamdan Hasibuan, Muhammad Roihan Daulay, and Mowafg Masuwd, "Philosophical Texts: Character Education for Minangkabau Women," *Al-Talim Journal* 29, no. 2 (2022): 164–73, <https://doi.org/10.15548/jt.v29i2.733>; Sulthan et al., "Gender Equity in Muslim Family Law: Modern and Contemporary 'Ulamā's View."

were looked down upon and thus were not permitted to carry out legal acts.¹⁷ Their existence is considered a disgrace to the family because they are unable to continue the family lineage, as the tribal system is passed down through the male line.¹⁸ Dehumanization of women often occurs through verbal and physical violence, which can be seen in the pages of history.¹⁹ The presence of a baby girl was considered a shame for the family, leading to her being killed and buried alive.²⁰ Women in the household also experience discriminatory actions, as they are unable to receive inheritance,²¹ and it can even be passed on to others.²²

Islam grants honor to women by elevating their status to be equal to men, allowing them to take legal action.²³ The Quran grants dignity to women, making them active, dynamic, responsible, and endowed with rights and duties equal to those of men.²⁴ During the time of the Prophet, notable female figures such as Khadija, Fāṭima, and 'Ā'isha were intelligent and accomplished entrepreneurs.²⁵ Even during the Khalīfa 'Umar Ibn al-Khaṭṭāb, women were appointed as advisers in matters of the market.²⁶ It indicates that the status of women in the

¹⁷ Syed Muhammad Shahid Tirmizi et al., "Gender Equality in Islam and Gender Biased Discrimination in Global Muslim Societies: Analytic and Critical Evaluation," *Humanities & Social Sciences Reviews* 9, no. 3 (2021): 30–36, <https://doi.org/10.18510/hssr.2021.934>.

¹⁸ Anjar Fikri Haikal, Mahmudah Mahmudah, and Kholid Mawardi, "Arab Pra-Islam (Sistem Politik Dan Kemasyarakatan)," *Journal on Education* 6, no. 1 (2023): 1462–70, <https://jonedu.org/index.php/joe/article/view/3096/2706>.

¹⁹ Ahmad Musta'id, "The Position of Women in Islamic History," *Journal of Islamic History and Manuscript* 2, no. 1 (2023): 21–34, <https://doi.org/10.24090/jihm.v2i1.6966>.

²⁰ Hijriatu Sakinah and Suyuti Dahlan Rifa'i, "Islam dan Gender: Relevansi Pembaharuan Islam Bidang Keluarga dan Tuntutan Egaliter," *Tahkim: Jurnal Peradaban dan Hukum Islam* 4, no. 1 (2021): 21–40, <https://doi.org/10.29313/tahkim.v4i1.7017>.

²¹ Fatima Seedat, "Trans Inheritance Roundtable," *African Journal of Gender and Religion* 28, no. 1 (2022): 44–48, <https://doi.org/10.36615/ajgr.v28i1.2270>.

²² Muhammad Thoyib and Muhammad Chairul Huda, "Dinamika Hukum Keluarga Islam: Dari Pra Kenabian Hingga Kenabian," *Bidayah: Studi Ilmu-Ilmu Keislaman* 13, no. 9 (2022): 132–48, <https://doi.org/10.47498/bidayah.v13i1.1054>.

²³ Sulthan et al., "Gender Equity in Muslim Family Law: Modern and Contemporary' Ulama's View."

²⁴ Zakir Hussain, "Women Education: Islamic Dogma," *Turkish Online Journal of Qualitative Inquiry (TOJQI)* 12, no. 9 (2021): 613–19, <https://tojqi.net/index.php/journal/article/view/3013/2010>.

²⁵ Akif Tahiev, "Female Leadership in Shia Islam: Women on the Way from Mujtahid to Marja'," *Societies* 14, no. 1 (2024): 1–11, <https://doi.org/10.3390/soc14010002>.

²⁶ Haleema Sadia, Rukhsana Shaheen Waraich, and Sadia Halima, "CEDAW & Woman's Right to Work in Islamic Law," *Journal of Social Sciences and Humanities* 30, no. 2 (2022): 21–32, <https://ojs.aiou.edu.pk/index.php/jssh/article/view/823/628>.

Islamic era was not limited to domestic roles but also extended to the public sphere.

Women as second-class citizens in Islamic jurisprudence (*fiqh*) originates from the belief that women (Ḥawā) were created from the rib of man (Ādam), even though there is no definitive evidence in the Qur'an that explicitly supports this idea.²⁷ The understanding is concerning because of the patriarchal social conditions in Arab society, which identifies itself within a tribal system, thereby not allowing space for gender justice in its relations.²⁸ Women are not only judged as half of men but are treated as objects in marriage, while men are seen as the subjects. Women can be seen by their potential husbands when they are proposed to men as having the right to marry (*khiṭbah*), while women are the ones being married. Men have the right to have more than one wife. In contrast, men only need to say *ṭalaq* (divorce) to end a marriage. In contrast, women must request a divorce (*khulu'*) before the man pronounces the word *ṭalaq*.

The Quran explains the special status of women and their position, which Allah immortalizes in a *Sūrah* called Al-Nisā'. The position of women in Islam can be seen from several verses that emphasize that they are capable of taking legal actions, so there is no distinction between men and women.²⁹ Islam provides an equal position for both genders, where biological differences are not considered a basis for legal status differences.³⁰ Women can engage in self-development so that their existence is not marginalized by the progress of time.³¹ The right of women to have the freedom to act within the family is explicitly stated in the Quran. Hence, the stigma that women are only responsible for domestic affairs

²⁷ Muhammad Quraish Shihab, "Konsep Wanita Menurut Quran, Hadis, dan Sumber-Sumber Ajaran Islam," in *Wanita Islam dalam Kajian Tekstual dan Kontekstual* (Jakarta: INIS, 1993), 4–6.

²⁸ Mari Teigen, Arnfinn H. Midtbøen, and Rune Karlsen, "Elites on Equality: Room for Gender Balance and Ethnic Diversity in Leadership Positions?," *Acta Sociologica (United Kingdom)* 66, no. 2 (2023): 119–35, <https://doi.org/10.1177/00016993211070192>.

²⁹ Nehaluddin Ahmad, Zheimie H. Zamri, and Noor Saffrena Omarali, "Islamic Nations' Approaches to Combating Gender Discrimination against Women: An Examination of the Southeast Asia Region," *De Jure: Jurnal Hukum dan Syaria'h* 16, no. 2 (2024): 501–30, <https://doi.org/10.18860/j-fsh.v16i2.29965>.

³⁰ Musaab A. Alkhazaali, Rashid Husam, and Fatimah Riyadh Shaheed, "Women Rights in the Glorious Qur'an: A Sociolinguistic Study," *Kufa Journal of Arts* 1, no. 46 (2020): 739–52, <https://doi.org/10.36317/kaj/2021/v1.i46.674>.

³¹ Tanya Zion-Waldoks, Ronit Irshai, and Bana Shoughry, "The First Female Qadi in Israel's Shari'a (Muslim) Courts: Nomos and Narrative," *Shofar* 38, no. 2 (2020): 229–61, <https://doi.org/10.5703/shofar.38.2.0229>.

without considering their psychological health, reproductive rights, and overall well-being is not based on Islamic values.³²

The sociological condition of society greatly influences the formation of Islamic law.³³ The Arab culture, which adheres to a patriarchal system, affects the way Islamic law is understood. A patriarchal understanding of law leads to the degradation of the position of women in the social order.³⁴ The depiction of women's inferiority in the social order is found in the *Kitab Kuning* (classical Islamic texts), which is widely known and popular among traditional scholars.³⁵ The birth of male Quranic exegesis scholars who dominate over females will significantly influence their understanding of the Quranic text.³⁶

An authoritative understanding of women emerged when modernist groups advocated for it,³⁷ asserting that women have equal rights to express their existence in various aspects, thereby not being subordinated to men but being treated as equals.³⁸ A contextual approach is applied to position women as noble beings, establishing gender relations within the family.³⁹ A contextual approach is applied to position women as noble beings, establishing gender relations within the family. The ideas of the modernist group inspired the emergence of several modernist figures in Indonesia who revived the spirit of

³² Qodariah Barkah et al., "Abandonment of Women's Rights in Child Marriage; An Islamic Law Perspective," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 17, no. 2 (2022): 383–411, <https://doi.org/10.19105/al-ihkam.v17i2.6725>.

³³ Agus Hermanto, *Revitalisasi Ushul Fikh: Menyikapi Permasalahan Kontemporer* (Solok: Mafy Media Literasi Indonesia, 2024), 1.

³⁴ Siti Nurjanah and Iffatin Nur, "Gender Fiqh: The Mobilization of Gender-Responsive Movements on Social Media," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 1 (2022): 1–18, <https://doi.org/10.18326/ijtihad.v22i1.1-18>.

³⁵ Lies. M Marcoe, *Wanita Islam Indonesia dalam Kajian Tekstual dan Kontekstual* (Jakarta: INIS, 1993), 1-3.

³⁶ Sara Parks, "Women and Gender in the Apocrypha," *The Oxford Handbook of the Apocrypha* 40, no. 3–4 (2021): 477–97, <https://doi.org/10.1093/oxfordhb/9780190689643.013.24>.

³⁷ Morta Vidūnaitė, "The Agency in Islam or (and) Human Rights? The Case of Pious Baltic Muslim Women," *Religions* 14, no. 7 (2023): 1–20, <https://doi.org/10.3390/rel14070937>.

³⁸ Muhammad Rikza Muqtada et al., "Fiqh Contestation on Women's Public Leadership in Indonesia and Malaysia: Reproducing Qur'anic and Hadith Interpretations," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 19, no. 1 (2024): 221–48, <https://doi.org/10.19105/al-ihkam.v19i1.13163>.

³⁹ Belqes Al-Sowaidi, "A Socioecological and Maqāṣidi Analysis of Domestic Gender-Based Violence in Yemen," *Journal of International Women's Studies* 26, no. 5 (2024): 1–25, <https://vc.bridgew.edu/cgi/viewcontent.cgi?article=3252&context=jiws>.

ijtihad to bring a sense of justice in social life, such as Harun Nasution, Munawir Sjadzali, Quraish Shihab, and others.

Women in Family Resilience in Minangkabau

Women in Minangkabau hold a central position in the household, which makes them independent individuals with strong character. The matrilineal kinship system, which is highly upheld by the Minangkabau society, has a positive and proud impact on women's personalities.⁴⁰ The term "*bundo kanduang*," which means biological mother, refers to a charismatic woman who becomes a leader for all women and their descendants and is acknowledged by her community.⁴¹ She ensures the continuity of kinship through the matrilineal system, has the function of successor to kinship based on the matrilineal kinship system, safeguards the existence of inherited wealth, and is responsible for her people's moral and ethical values. Additionally, she is the determinant of the dignity and status of women within society.⁴²

Heirs to the Kinship System

The family structure plays a significant role in determining the stability of descendants. Islam recognizes the parental kinship system originating from two lines of descent, namely from the father and the mother, so that an individual is entitled to receive legitimate recognition from the religion to be acknowledged as having lineage to both.⁴³ It has implications for the inheritance distribution system based on the two lines of kinship known as bilateral inheritance.⁴⁴ Differences in the style of law in society are influenced by the kinship system that applies in the region, which determines the stability of offspring in the

⁴⁰ Micselin Sifa Frisandia and Salsabila Ardila. W, "Sistem Pewarisan Menurut Hukum Waris Adat Mengenai Sistem Kekerabatan yang Berlaku dalam Masyarakat Adat Indonesia," *Jurnal Ilmiah Multidisiplin* 1, no. 4 (2024): 238–46, <https://e-journal.naurendigiton.com/index.php/sjim/article/view/1002/391>.

⁴¹ Silmi Novita Nurman, "Keudukan Perempuan Minangkabau dalam Perspektif Gender," *Jurnal Al-Aqidah* 11, no. 1 (2019): 90–99, <https://doi.org/10.15548/ja.v11i1.911>.

⁴² Fithri, "Dysfunction of Bundo Kanduang and the Collapse of the Rumah Gadang."

⁴³ Abu Yazid Adnan Quthny and Ahmad Muzakki, "Urgensi Nasab dalam Islam dan Silsilah Nasab Habaib di Indonesia," *Asy-Syari'ah: Jurnal Hukum Islam* 7, no. 2 (June 25, 2021): 131–51, <https://doi.org/10.55210/assyariah.v7i2.592>.

⁴⁴ Yusmita Yusmita, "Keadilan Gender dalam Sistem Kewarisan Bilateral Hazairin," *Al-Khair Journal: Management, Education, and Law* 3, no. 1 (2023): 155, <https://doi.org/10.29300/kh.v3i1.10939>.

household because norms and values affect the patterns and relationships of life in society.

The Minangkabau community adheres to a kinship system through the maternal line, known as the matrilineal system, where an individual traces their lineage through the mother. A woman plays a vital role in continuing the kinship and descent within her clan, and a family is considered extinct if it has no daughters, as daughters are the successors of their clan.⁴⁵ Women in Minangkabau have a very problematic task in determining the quality of their offspring.⁴⁶ The depiction of one's identity by the proverb of tradition:⁴⁷

*Limpapeh rumah nan gadang, amban puruak pagangan kunci,
amban puruak aluang Bunian, Pusek Jalo Kumpulan Tali, sumarak
dalam kampuang hiasan dalam nagari, kok iduik tampek baniek,
kok mati tampek banasa, ka unduang-unduang ka madinah ka
payuang panji kasarugo, kapai tampek batanyo, kapulang tampek
babarito*

This proverb can be translated as follows. Bundo Kanduang as the pillar of the house, lock and chest holder, holder of power for the people's home, center of the string ball net, Nagari decoration, the great man with the luck, the lifetime of the place of vow, when you die the place of intention, Protective veil to Medina, banner umbrella into heaven. It indicates that a woman in Minangkabau holds a very high status; she is a place to seek solace, a central figure in the family, and the guardian of lineage.⁴⁸ Women preserve the harmony of family life based on a matrilineal kinship system, in which, upon marriage, the woman brings the man to live with her in her family.⁴⁹ A husband is the leader of his family, but the wife also holds authority over her household.

The matrilineal kinship system influences the social and political structure in Minangkabau. Women play a dominant role in decision-making within the

⁴⁵ Interview with Datuak Kayo, Lima Kaum Subdistrict, January 17, 2024.

⁴⁶ Interview with Datuak Basa, Sijunjung Subdistrict, March 15, 2024.

⁴⁷ Interview with Jaswarna, Pariangan Subdistrict, April 20, 2024.

⁴⁸ Gisha Dilova et al., "The Role of Minangkabau Women in Family and Community in Gender Fair Development," *JCH (Jurnal Cendekia Hukum)* 8, no. 1 (2022): 60, <https://doi.org/10.33760/jch.v8i1.569>.

⁴⁹ Dewi et al., "The Role of Culture in Cross-Cultural Marriage among Minangkabau Women."

family and the community.⁵⁰ They are central in resolving marital disputes, distributing inheritance, and addressing other issues that arise in society.⁵¹ The matrilineal kinship system grants women a prominent position within the family and society.⁵² *Bundo Kanduang*, as a representation of women in Minangkabau culture, exemplifies gender equality within the traditional community based on the principles of justice, equality, and partnership—principles that are in harmony with the values of Islam.⁵³

Heritage Keeper

Indigenous communities possess communal property managed collectively and used to support their relatives, thereby ensuring the survival and continuity of the community. In Minangkabau society, customary property is managed by women, as the matrilineal kinship system grants inheritance rights to women through the maternal line.⁵⁴ The family system, which is based on a matrilineal kinship structure, is unique in its inheritance distribution, where both women and men hold power and control based on the principles of interdependence and responsibility.⁵⁵ The property is collectively owned by the tribe and not by any individual, representing the symbol of kinship and unity within the tribe or ethnicity.

In the pre-Islamic era, women had no rights to inheritance and were therefore highly marginalized within society.⁵⁶ Islam granted them a special status by giving them equal rights to men in receiving inheritance.

⁵⁰ Irma Suryani et al., "Menelusuri Peran dan Fungsi Bundo Kanduang Saat Ini sebagai Bagian Lembaga Adat dan Kaitannya dalam Menyelesaikan Kasus KDRT di Sumatera Barat," *JISIP (Jurnal Ilmu Sosial dan Pendidikan)* 6, no. 2 (2022): 2538–49, <https://doi.org/10.58258/jisip.v6i2.3178>.

⁵¹ Silvia et al., "Penerapan Gaya Kepemimpinan dalam Lembaga Kemasyarakatan Bundo Kanduang di Padang Utara," *Jurnal Ilmu Sosial dan Pendidikan (JISIP)* 7, no. 3 (2023): 2380–84, <https://doi.org/10.58258/jisip.v7i1.5397/http>.

⁵² Abadi Ikrar, "Keluarga Sakinah (Perkawinan Menurut Adat dan Perubahan Sosial Masyarakat Minangkabau)," *Journal Al-Ahkam* 12, no. 1 (2021): 37–52, <https://doi.org/10.15548/alahkam.v12i1.2914>.

⁵³ Halimatussa'diyah et al., "Minangkabaunese Matrilineal: The Correlation between the Qur'an and Gender."

⁵⁴ Nuroniyah and Maula, "Muslim Women Adhering to Minangkabau's Bajapuik Tradition in Cirebon, West Java: Compromizing a Gendered Culture in Islamic Law."

⁵⁵ Sadiq Bhanbhro et al., "Factors Affecting Maternal Nutrition and Health: A Qualitative Study in a Matrilineal Community in Indonesia," *PLoS ONE* 15, no. 6 June (2020): 1–17, <https://doi.org/10.1371/journal.pone.0234545>.

⁵⁶ Thoyib and Huda, "Dinamika Hukum Keluarga Islam: Dari Pra Kenabian Hingga Kenabian."

Discrimination against women's rights arises from patriarchal understanding and misogynistic attitudes,⁵⁷ even though the Quran does not depict such views. Therefore, modernist scholars and feminists have carried out a reconstruction of Islamic inheritance. The issues of *kalālah* inheritance of a person without direct lineage), Parental inheritance rights, *gharāwayn* (equitable division of inheritance between mother and father, when they are the only heirs), and the concepts of *hijāb-mahjūb* (obstacle to inheritance) reflect interpretations of Islamic law that can be discriminatory toward women. A reexamination and objective reinterpretation are necessary to prevent misogynistic attitudes and the marginalization of women within Islam.

Inheritance in Minangkabau is known as *sako* and *pusako*. *Sako* refers to an immaterial inheritance in the form of honorary titles that are passed down to men.⁵⁸ In contrast, *pusako* refers to material inheritance, such as rice fields, gardens, and farmland, which are passed down to women.⁵⁹ Inheritance assets in the form of *pusako* are known as *harato pusako randah* and *harato pusako tinggi*.⁶⁰ *Harato pusako randah* refers to the inherited property passed down to heirs by Islamic law. In contrast, *harato pusako tinggi* refers to the ancestral property passed down through generations, belonging to the clan's forebears and given to women under the supervision of the *niniak mamak* (traditional clan leaders).⁶¹

Minangkabau women hold a very strategic position in inheriting property.⁶² Women may receive *harato pusako tinggi* as collective property and *harato*

⁵⁷ Dewi Widiyanti and Muammar Firdaus, "Interpreting Women's Emancipation in the Context of Islamic Multiperspectivism: An Analytical Approach," *Saree: Research in Gender Studies* 5, no. 1 (2023): 19–36, <https://doi.org/10.47766/saree.v5i1.1003>.

⁵⁸ Adly Rifky Bariqy et al., "Harta Pusaka Minangkabau dalam Prespektif Al-Quran (QS. An-Nisa: 11)," *Innovative: Journal of Social Science Research* 3, no. 2 (2023): 12817–26, <https://j-innovative.org/index.php/Innovative/article/view/1802/1366>.

⁵⁹ Alfi Syukri et al., "Pelaksanaan Pewarisan Pusako Randah di Nagari Padang Laweh Malalo Kabupaten Tanah Datar," *Jurnal Hukum dan Kemasyarakatan Al-Hikmah* 4, no. 2 (2023): 336–64, <https://doi.org/10.30743/jhah.v4i2.7136>.

⁶⁰ Rahmi Murniwati, "Sistem Pewarisan Harta Pusako di Minangkabau Ditinjau dari Hukum Waris Islam," *UNES Journal of Swara Justisia* 7, no. 1 (2023): 103, <https://doi.org/10.31933/ujsj.v7i1.315>.

⁶¹ Rahmi Sonanda, Syuriani Syuriani, and Jazman Nazar, "Penyelesaian Sengketa Tanah Harta Pusako Tinggi terhadap Ahli Waris yang Punah Melalui Niniak Mamak Nan Salapan di Nagari Ampalu Kabupaten Lima Pulu Kota," *Law, Development and Justice Review* 6, no. 2 (2023): 147–65, <https://doi.org/10.14710/ldjr.6.2023.147-165>.

⁶² Poespasari, "The Development of Inheritance Customary Legal Norm on Minangkabau Indigenous Society."

pusako randah as individual property, whereas men are only entitled to *harato pusako randah*. *Harato pusako tinggi* may not be sold or traded except in emergencies that could threaten the stability of the community.⁶³ It is by the traditional saying, "*rumah gadang katirisan* (rumah gadang is need repair/renovation), *Gadiah gadang alum balaki* (unmarried adult women), *mayiek tabujua diateh rumah* (someone died in the house), *mambangik batang tarandam* (reviving the old lost dignity)."⁶⁴ The inheritance of *harato pusako tinggi* to women aims to preserve and protect the property from extinction and safeguard lineage within the matrilineal kinship system of the Minangkabau.⁶⁵ Additionally, a woman's ownership may increase through the portion she receives by will from *harato pusako randah*.⁶⁶

The Caregivers

Psychologically and socially, women in Minangkabau society are responsible for nurturing the family and serving as role models for their relatives and community. It follows the traditional saying, "*auih tampek mamintak aia, litak tampek mamintak nasi*"⁶⁷ (it is a place to ask for water for people who are thirsty and a place to ask for rice for hungry people). It indicates that women in Minangkabau are seen as the foundation and hope of their families, which places a significant moral and material responsibility on their shoulders.⁶⁸ The Minangkabau society portrays women as strong individuals who hold substantial control over their community's continuity.⁶⁹

⁶³ Apri Hendri, Syamsuwir Syamsuwir, and Hospi Burda, "Pengalihan Harta Pusaka Tinggi Perspektif Hukum Adat dan Hukum Islam (Studi Kasus di Nagari Durian Gadang Kecamatan Sijunjung)," *JISRAH: Jurnal Integrasi Ilmu Syariah* 2, no. 1 (2021): 85, <https://doi.org/10.31958/jisrah.v2i1.3212>.

⁶⁴ Interview with Angku Bandaharo Kayo, Padang City, February 10, 2024.

⁶⁵ Tuti Kelana Sembiring and Susanti Sembiring, "Pertimbangan Hakim dalam Memutus Perkara Harta Pusako Tinggi di Daerah Tanah Datar," *Ensiklopedia of Journal* 5, no. 2 (2023): 58–61, <https://doi.org/10.33559/eoj.v5i2.1553>.

⁶⁶ Malsril Efichandra, "Pemikiran Semasa Mahmud Yunus di Indonesia," *Islamiyat* 35, no. 1 (2013): 154.

⁶⁷ Interview with Datuak Kayo, Lima Kaum Subdistrict, January 17, 2024.

⁶⁸ Interview with Angku Bandaharo Kayo, Padang City, February 10, 2024.

⁶⁹ Gusti Wahyuni and Helga Yohana Simatupang, "Tantangan Perempuan Minangkabau dalam Mengakses Pendidikan di Tengah Budaya Matrilineal," *JoGP (Journal of Global Perspective* 2, no. 1 (2024): 112–24.

The matrilineal kinship system in Minangkabau is a form of kinship that occurs formally and holds emotions.⁷⁰ A child is often emotionally closer to their mother and sister.⁷¹ When parents reach old age, their daughters usually take on the responsibility of caring for them. This is because the emotional bond between parents and daughters tends to be stronger than between sons.⁷² Women play a significant role in the development of their families, thus taking on dual roles within the household.⁷³ This results from crises influenced by power dynamics and the social roles they experience.

Bundo kanduang is known for being kind and courteous and avoiding *sumbang* (something is not right) and incorrect, commonly called *sumbang duo baleh* (Minangkabau community laws).⁷⁴ The provisions outlined in *sumbang duo baleh* regulate decorum and aesthetic values as moral and ethical guidelines for women, ensuring their conduct aligns with the customary norms of Minangkabau society. Their care for the family serves as a refuge for their brother; they are ready to be a source of support and protection whenever he faces difficulties, whether in his household or life.⁷⁵

The role of *bundo kanduang* in Malaysia is based on the *Adat Perpatih* (matrilineal customary legal system used by Negeri Sembilan) tradition found in Negeri Sembilan and parts of Malacca, known as *ibu soko*. The role of *ibu soko* is highly significant in marriage, reconciliation, and the appointment of clan leaders (*dato' lembaga* and *buapak*).⁷⁶ The responsibilities of an *ibu soko* include upholding customs and religious practices, ensuring the continuation of the

⁷⁰ Adiyati Yumna, Lara Fridani, and Yuliani Nurani, "Pendidikan Seks pada Anak Usia Dini dalam Keluarga Etnis Minangkabau: A Narrative Inquiry," *Murhum : Jurnal Pendidikan Anak Usia Dini* 4, no. 2 (2023): 105–18, <https://doi.org/10.37985/murhum.v4i2.298>.

⁷¹ Annysa Kurnia Sandra et al., "Kedekatan Anak dan Ibu dalam Suku Minangkabau," *Causalita: Journal of Psychology* 1, no. 2 (2023): 26–33, <https://doi.org/10.62260/causalita.v1i2.193>.

⁷² Interview with Datuak Gaga, Pariangan Subdistrict, April 20, 2024.

⁷³ Fatmariza, Febriani, and Salleh, "Resilience and Matriarchal Values: A Study of Women and Single Mothers in the Minangkabau Community."

⁷⁴ Hasan Basri, Mahyudin Ritonga, and Mursal Mursal, "The Role of Tungku Tigo Sajarangan in Educating Adolescent Morality Through the Indigenous Values of Sumbang Duo Baleh," *Al-Ishlah Jurnal Pendidikan Islam* 14, no. 2 (2022): 2225–38, <https://doi.org/10.35445/alishlah.v14i2.1943>.

⁷⁵ Interview with Datuak Indo Nan Gamuak, Pariangan Subdistrict, April 21, 2024.

⁷⁶ Nurlisa Syuhada Mohd Radzi Radzi and Mohd Yuszaidy Mohd Yusoff, "Adat Perpatih di Luak Johol, Negeri Sembilan: Peranan Ibu Soko Mohd Yuszaidy Mohd Yusoff," *Jurnal Wacana Sarjana* 7, no. 3 (2023): 1–13, <https://spaj.ukm.my/jws/index.php/jws/article/view/538/450>.

family lineage, managing family inheritance, and overseeing the household and ancestral land.⁷⁷

Reconstruction of Gender Relations in Islamic Family Law from Normative, Sociological, and Juridical Aspects

The family is the smallest unit in society, consisting of a father, a mother, and children as the core members. Each has rights and responsibilities according to their roles and positions within the household. Each individual plays a vital role in realizing family resilience to build a happy family.⁷⁸ Women, in particular, have a strategic role in maintaining family resilience—whether in creating a comfortable environment for children and husbands, educating children, or supporting the family's economic stability.⁷⁹ Women contribute to community development while maintaining communication and harmonious relationships with their husbands.

Normative-Theological Aspect

Implementing Islamic law regulated by *Naṣṣ* (Text) must be followed with obedience because human behavior governed by *qaṭ'i* (definitive) rules must be carried out unconditionally.⁸⁰ However, some rules are *ẓanni* (probabilistic), which gives rise to various views on understanding them. It makes the characteristics of Islamic law more dynamic, elastic, and flexible.⁸¹ The differences in opinions among scholars become a rich treasure trove of Islamic jurisprudence, so there is no single claim to absolute truth from any group or side.⁸² Justifying a particular opinion by one group can lead to an authoritarian

⁷⁷ Mohd Rosli Saludin, Nor S. Azima Ismail, and Nor Azean Razali, "Management of the Adat Perpatih Matriarchy in Negeri Sembilan," *International Journal of Management* 11, no. 12 (2020): 1527–36, <https://doi.org/10.34218/ijm.11.12.2020.138>.

⁷⁸ Ulil Fauziyah and Abd Rozak, "Peranan Istri dalam Rumah Tangga Perspektif Al-Qur'an dan Tinjauannya dalam Fikih Munakahat," *Jurnal Ilmiah Ahwal Syakhshiyah* 4, no. 1 (2022): 43–55, <https://doi.org/10.33474/jas.v4i1.13835>.

⁷⁹ Barkah et al., "Abandonment of Women's Rights in Child Marriage: An Islamic Law Perspective."

⁸⁰ Zarul Arifin, Maisyarah Rahmi Hasan, and Abdurrahman Raden Aji Haqqi, "Qat'i and Zanni Debate from the Perspective of Qur'anic Studies," *QIST: Journal of Quran and Tafseer Studies* 2, no. 1 (2022): 63–67, <https://doi.org/10.23917/qist.v2i1.1248>.

⁸¹ Ishaq Ishaq and Muannif Ridwan, "A Study of Umar Bin Khatab's Ijtihad in an Effort to Formulate Islamic Law Reform," *Cogent Social Sciences* 9, no. 2 (2023): 1–11, <https://doi.org/10.1080/23311886.2023.2265522>.

⁸² Ayhan AK, "İslam Hukuku Perspektifiyle Hukukî Realizmin Analizi," *Cumhuriyet İlahiyat Dergisi* 26, no. 2 (2022): 717–41, <https://doi.org/10.18505/cuid.1151808>.

attitude in Islam. In contrast, humans are merely trying to understand the meaning contained in the text of the Qur'an, not to act in an autocratic manner.

Islam recognizes the kinship systems in society and even accommodates bilateral kinship systems, which trace lineage through both the paternal and maternal sides.⁸³ The paternal kinship is called *ahl al-nasab*, while the maternal kinship in Islam is known as *ahl al-arḥām*.⁸⁴ The *kalālah* mentioned in the Qur'an indicates that a person is considered to have no descendants if they have no male or female children.⁸⁵ This view is further supported by a *ḥadīth* of the Prophet, which explains that the descendants of the Prophet come from Fāṭima and 'Alī Ibn Abī Ṭālib,⁸⁶ where Fāṭima is from the maternal lineage. It refutes the misogynistic view that kinship must always be traced through the male line.

The distribution of inheritance in Islam grants women the right to receive a share of the inheritance based on the bilateral principle upheld in Islamic inheritance law, whereby both men and women are entitled to inherit from their parents and relatives.⁸⁷ A woman who is a descendant of an heir holds an essential position in Islamic inheritance law and, therefore, should be given priority.⁸⁸ The wife has the right to inherit the estate left by her husband and vice versa. A wife's right to receive inheritance cannot be denied by any other party, making her a primary heir who cannot be excluded from the distribution of the inheritance.⁸⁹ A mother has inheritance rights to her child's estate, holding the same position as the father, as the deceased's parent. This indicates that in Islamic inheritance law, women have equal rights to men in receiving a share of the estate left by the deceased.

⁸³ Reni Nur Aniroh, Khoiruddin Nasution, and Ali Sodikin, "The Bilateral Inheritance System in Islamic Family Law: Fairness, Equality, and Mutual Exchange Perspectives," *Samarah* 8, no. 2 (2024): 891–911, <https://doi.org/10.22373/sjhkv8i2.17630>.

⁸⁴ Hasanayn Muḥammad Makhluḥ, *Al-Mawāriṭh fī al-Sharī'ah al-Islāmiyyah* (Mesir: Lajnah Ta'rīf bi al-Islām, 1971), 39–40.

⁸⁵ H Ali and A Bashir, "Kalalah in Islamic Jurisprudence: A Critical Analysis of the Contemporary Views," *Journal of Islamic and Religious Studies* 6, no. 1 (2021): 23–40, <https://doi.org/10.36476/JIRS.6>.

⁸⁶ Muhammad Suib, "Makna Ahlul Bait dalam Al-Qur'an Menurut Ulama Tafsir Nusantara," *Anwarul* 4, no. 1 (2023): 81–100, <https://doi.org/10.58578/anwarul.v4i1.2215>.

⁸⁷ Javeria Khan, Asma Khalid, and Adeela Rehman, "Women's Inheritance Rights in the West Pakistan Muslim Personal Law, Shariat Act 1962: An Analysis of Practices," *Journal of Gender and Social Issues* 21, no. 1 (2022): 63–74, <https://jgsi.fjwu.edu.pk/jgsi/article/view/338/266>.

⁸⁸ Vatuk, "Muslim Daughters and Inheritance in India: Sharīcat, Custom and Practice."

⁸⁹ Muḥammad Jawād Mughniyah, *Al-Fiqh 'alā al-Madhāhib al-Khamsah* (Kairo: Maktabah Shuruq Dawliyyah, 2008), 568.

Islam guarantees women's rights to develop their potential and establish their existence in life.⁹⁰ Women have equal status to men in social, economic, and political domains. Women can participate in public activities to realize their existence in religious activities.⁹¹ The Quran and *Ḥadīth* grant equal rights and responsibilities to men and women in various aspects of social life. Even the Prophet Muhammad empowered women through education, the right to work, healthcare, and involvement in political and social decision-making in Islam.⁹² The stereotype that women are under the authority of men is a legal foundation that is not based on religious, social, or cultural values.

Sociological Aspect

Islam places great emphasis on the institution of the family by establishing comprehensive rules that create an equal relationship between husband and wife, with no individual superiority based on gender, by each person's role and position within the household.⁹³ As a leader in the family, a husband should not demonstrate superiority over his wife but instead must protect her.⁹⁴ The sociological prejudice in society considers women to have intellectual shortcomings, lacking credibility and competence in carrying out legal actions,⁹⁵ which is a patriarchal cultural mindset that cannot be justified because it leads to discriminatory attitudes towards women. Islam does not endorse such a view.

⁹⁰ Trie Nadirra and Trie Nadilla, "Examining Gender Roles and Professional Realities: Stereotypes Against Women in Islamic Societies," *Saree: Research in Gender Studies* 5, no. 2 (2023): 173–86, <https://doi.org/10.47766/saree.v5i2.2448>.

⁹¹ Zainul Mun'im et al., "Revisioning Official Islam in Indonesia: The Role of Women Ulama Congress in Reproducing Female Authority in Islamic Law," *Ahkam: Jurnal Ilmu Syariah* 24, no. 1 (2024): 135–52, <https://doi.org/10.15408/ajis.v24i1.34744>.

⁹² Dinny Rahmayani Zebua and Khatibah, "Islamic Feminism and Online Communities: Exploring Women's Empowerment in Indonesia," *Ascarya Journal* 4, no. 2 (2024): 99–107, <https://doi.org/10.53754/iscs.v4i2.708>.

⁹³ Busran Qadri and Ihsan Mulia Siregar, "Islamic Renewal in the Field of Family Law: A Historical Analysis of Gender Equality," *El-Usrah* 6, no. 2 (2023): 444–55, <https://doi.org/10.22373/ujhk.v6i2.17128>.

⁹⁴ Nur Mutiullah and Muhammad Yaufi, "Reinterpretation Meaning of Qiwwa in Surah An-Nisa' Verse 34 Perspective Hermeneutics of Khaled M. Abou El-Fadl," *Prosiding Konferensi Nasional Gender dan Gerakan Sosial* 2 (2022): 270–84, https://proceedings.uin-alauddin.ac.id/index.php/icsis/icsis_2022/paper/viewFile/688/372.

⁹⁵ Husni Mubarrak and Faisal Yahya, "Women in the Public Sphere and Religious Discourse Interpretation in the Post-Conflict Aceh," *Mazahib Jurnal Pemikiran Hukum Islam* 19, no. 2 (2020): 195–218, <https://doi.org/10.21093/mj.v19i2.2204>.

The dichotomy that occurs in society becomes biased in Islamic law, leading to discrimination against certain groups and making women subordinate to men.⁹⁶ The degradation of women's status in Islam is a result of the patriarchal condition of Arab society, which led to an understanding that it is detrimental to women. The dominance of male scholars in interpreting Islamic law will influence their way of thinking, as the customs and social environment shape the interpretations they are part of;⁹⁷ therefore, an objective and authoritative understanding of Islamic law is crucial to ensure it aligns with the development of the times.

The concept of justice in an Islamic family is the equality of rights between the husband and wife, which is reflected in their duties within the household. The husband is responsible for the wife as the head of the household. In contrast, the wife has responsibilities in managing household affairs.⁹⁸ Islamic family law values should be based on the reality of society through a sociological and contextual approach⁹⁹ so that differences in the roles and responsibilities of husband and wife are not seen as a form of male superiority over females. Instead, men must protect, care for, and be responsible for meeting the family's needs. Victimization of women is also caused by acts of violence and sexual harassment experienced by women within households and social environments.¹⁰⁰ However, such immoral crimes are often considered the woman's fault, with the reasoning that they do not uphold Islamic values and fail to maintain their purity.

In Islamic inheritance law in Indonesia, several moderate figures recognize equal rights between men and women. The inheritance division concept applied in Islamic countries that still adhere to the 2:1 principle does not reflect the

⁹⁶ Dzakiyyah Fauziyah Rifat and Nurwahidin Nurwahidin, "Feminisme dan Kesenjangan Gender dalam Kajian Islam Kontemporer," *Syntax Literate: Jurnal Ilmiah Indonesia* 7, no. 1 (2022): 172, <https://doi.org/10.36418/syntax-literate.v7i1.6038>.

⁹⁷ Mochomad Nadif Nasruloh and Taufiq Hidayat, "Budaya Patriarki dalam Rumah Tangga (Pemahaman Teks Al-Qur'an dan Kesenjangan Gender)," *Yudisia: Jurnal Pemikiran Hukum dan Hukum Islam* 13, no. 1 (2022): 139, <https://doi.org/10.21043/yudisia.v13i1.14325>.

⁹⁸ S. Baroroh Baried, "Konsep Wanita dalam Islam", in *Wanita Islam Indonesia dalam Kajian Tekstual dan Kontekstual*, 38-39.

⁹⁹ Ahmad Sharifuddin Mustapha et al., "Al-Fatani's Perspectives on Islamic Family Law: Insights from Hidayah al-Muta'allim wa 'Umdah al-Muta'alim," *Journal of Islamic Thought and Civilization* 14, no. 1 (2024): 247–65, <https://doi.org/10.32350/jitc.141.15>.

¹⁰⁰ Ibrahim Olatunde Uthman, "Women and the Public Space in Muslim Majority Countries and the West," *International Journal of Islamic Thought* 22 (2022): 40–49, <https://doi.org/10.24035/ijit.22.2022.238>.

values of justice, thus leading to deviations from the original provisions.¹⁰¹ The preventive attitude taken by parents in giving gifts to their children demonstrates a lack of trust among Muslims in the Islamic inheritance system itself, as it is considered not in line with the spirit of justice (*hiyal shar'iyya*).¹⁰² This method is applied to create justice in Islamic inheritance, ensuring that no party feels discriminated against in receiving the inheritance.

Juridical Aspect

Islamic law views men and women as equals, and its implementation in legislation also recognizes equal status. Several legal instruments regulating gender relations and the status of women have been established, including the Convention on the Elimination of Violence and Discrimination against Women in *the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)*.¹⁰³ The Convention mandates that the state ensure equality among all individuals in various aspects, thereby eliminating stereotypes against women.¹⁰⁴ The enactment of Law No. 23 of 2004 on the Elimination of Domestic Violence provides protection and recognition for women within the household. Additionally, Law No. 1 of 1974 on Marriage establishes the rights and obligations of both men and women within the marital bond.

The Compilation of Islamic Law (KHI) also contains provisions regarding the equal status of men and women in legal actions. Women have the same position as men in inherited wealth, with the amounts determined by a bilateral inheritance system.¹⁰⁵ A woman, whether as a wife or a daughter, is prioritized as an heir in the division of inheritance.¹⁰⁶ There is discrimination against

¹⁰¹ Dadi and Imas Siti Masuroh, "Rekonstruksi dan Reaktualisasi Hukum Islam Perspektif Munawir Sjadzali," *Siyasatuna: Jurnal Hukum Tata Negara* 2, no. 1 (2023), <https://journal.iaitaskid.ac.id/index.php/Siyasyatuna/article/view/171/113>.

¹⁰² A. Qodri Azizy, *Elektisisme Hukum Nasional* (Yogyakarta: Gaya Media, 2002), 198.

¹⁰³ Anne Sisson Runyan and Rebecca Sanders, "Prospects for Realizing International Women's Rights Law Through Local Governance: The Case of Cities for CEDAW," *Human Rights Review* 22, no. 3 (2021): 303–25, <https://doi.org/10.1007/s12142-021-00635-z>.

¹⁰⁴ Sadia, Waraich, and Halima, "CEDAW & Woman's Right to Work in Islamic Law."

¹⁰⁵ Reni Nur Aniroh, "Mempertegas Ide Kesetaraan Gender Dalam Sistem Kewarisan Bilateral Sistem Waris Bilateral Pasca Hazairin," *Al-Ahwal* 13, no. 2 (2020): 119–38, <https://doi.org/10.14421/ahwal.2020.13203>.

¹⁰⁶ Afiq Budiawan, "Telaah Pemikiran Hazairin dalam Mengelompokkan Ahli Waris Menurut Persepektif Hukum Kewarisan Islam," *Journal of Hupo_Linea* 1, no. 1 (2020): 46–53, <https://www.ejournal.anotero.org/index.php/hupo/article/view/23>.

women's rights, which is a dilemma in the implementation of Islamic law in Indonesia.

The progressive distribution of inheritance between male and female children can be carried out by contextually interpreting the context if it is detrimental to women.¹⁰⁷ Women have the same rights and position as heirs;¹⁰⁸ even a woman, by her position as a daughter, can obstruct the inheritance rights of others, just as a son can.¹⁰⁹ Several jurisprudential rulings in decisions from the Religious Courts and the Supreme Court indicate that Islamic law in Indonesia prioritizes women's rights in inheritance law.¹¹⁰ The government is conducting legal consolidation to prevent the marginalization of women's position, thus producing statutes relevant to the times.

Conclusion

Minangkabau women are highly respected and possess strong character, making them not merely objects as commonly perceived but subjects capable of taking legal actions. The integration of Islamic values into Minangkabau culture highlights that women hold an equal and, in some cases, an even higher position than men in maintaining family resilience and strengthening the matrilineal kinship system. The role of *Bundo Kanduang* in Minangkabau society reduces patriarchal values and eliminates misogynistic views toward women. As heirs of kinship, guardians of inherited property, and pillars of hope for their parents and relatives, women are central to preserving family unity in the modern era.[a]

¹⁰⁷ Huzaemah Tahido Yanggo, *Fikih Perempuan Kontemporer* (Bogor: Ghalia Indonesia, 2020), 11.

¹⁰⁸ B Kurniawan et al., "Studi Putusan Nomor 92/Pdt. G/2009/PA Medan tentang Pembagian Waris Islam terhadap Perempuan sebagai Kepala Keluarga (Perspektif Muhammad Syahrur)," *Journal of Law and Islamic Law* 1, no. 2 (2023): 174–84, <https://panitera.amiin.or.id/index.php/panitera/article/view/12/9>.

¹⁰⁹ Kaswadi Kaswadi, "Putusan Hakim Anak Perempuan Mahjub Saudara Pewaris dalam Pewarisan di Pengadilan Agama Lombok Barat Beserta Implikasinya," *Morality: Jurnal Ilmu Hukum* 7, no. 2 (2021): 130, <https://doi.org/10.52947/morality.v7i2.210>.

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