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Implementation Of The Division Of Inheritance From Marriage Between Minang And Javanese Tribes

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ABSTRACT This research focuses on the implementation of inheritance distribution from marriages between Javanese and Minang tribes in Koto Salak Village, Koto Salak Sub-district, Dharmasraya Regency. The questions of this research are First, how is the implementation of inheritance from marriage between Minang and Javanese tribes in Koto Salak Village? Second, what are the consequences of the inheritance of different tribes between the Minang and Javanese tribes in Koto Salak Village? Third, how is the implementation of inheritance from the marriage between Minang and Javanese tribes in Koto Salak Village according to fikih mawaris? This research is qualitative research with the research location in Koto Salak Village. Data were obtained from interviews supporting documents and books related to the research discussion. The conclusion of this research is first, the implementation of the distribution of inheritance from marriage between Minang and Javanese tribes in Koto Salak Village is the youngest child gets more property while other heirs get an equal share and the distribution is carried out by living parents. Second, as a result of the division of inheritance from marriage between the Minang and Javanese tribes, all heirs must accept the results of their parents' decisions when dividing the inheritance, this is because they want to respect the decisions of their parents who are still alive, and the tradition of dividing inheritance like this has been going on for generations. Third, the implementation of the distribution of inheritance from marriages between Minang and Javanese tribes in Koto Salak Village when viewed from mawaris fiqh has not implemented faraidh and is contrary to the principle of ijbari and the principle of balanced justice.

KEYWORDS Inheritance, Marriage, Different Tribes

INTRODUCTION

Islamic inheritance law has several principles that are the basis for the distribution of inheritance, the principle of ijbari which means the transfer of inheritance based on the provisions of Allah SWT in the Koran not according to the will of the heir or heir, the bilateral principle in Islamic inheritance means that the heir is entitled to get his inheritance rights through the father and mother, Individual principle in Islamic

inheritance means that each heir gets his share to own, the principle of Justice in Islamic inheritance law means the balance between rights and obligations and the balance between what is obtained and its needs and uses, the principle of death is inheritance applies when someone has died (Wantaka 2019, 16).

The division of inheritance in Indonesia generally reflects a family system, where a patrilineal matrilineal or bilateral descent system applies. To maintain the patrilineal or

matrilineal form of society, the form of marriage between men and women must be a tribal marriage in other words, the form of marriage and the community system will determine the inheritance system of the indigenous community (Hazairin 1976, 12). There are many kinds of tribes, customs, and cultures in Indonesia which have implications for the life of various customary inheritance systems. In general, customary inheritance law in Indonesia is regulated according to the patrilineal, matrilineal, and parental/bilateral structure of customary societies (Hilman Hadikusumo 1993, 10).

The principle of lineage mainly affects the determination of heirs and the share of inherited property (both material and immaterial) (Hadikusuma 2003, 260). Discussing Javanese cultural customs in the matter of the distribution of inheritance has a set of rules that regulate all mechanisms related to the principle of inheritance, which in the process is different from the provisions adopted by people outside the Javanese community regarding customs governing heirs (Vela 2015, 69). The distribution of inheritance according to Javanese customary inheritance law has its characteristics, which are influenced by the Parental or Bilateral family system, namely sons and daughters are heirs of their parents' inheritance, and which applies the distribution of inheritance is based on individual and balanced principles (Astutik 2019, 154).

Minangkabau custom, when viewed from the kinship system, adheres to the matrilineal system, so the heirs according to Minangkabau custom are calculated from the mother's line. It is also found that new heirs appear if there is an heir's inheritance. Heirlooms in Minangkabau are known in the form of high heirlooms and low heirlooms (Aoslavia 2021, 57). The difference between these two lies in the time and how the property was obtained. This high heirloom property was obtained from the ancestors of the Minangkabau people in the past, which in the distribution of inheritance was distributed from generation to generation according to the mother's lineage. High heirloom property left by the heirs cannot be

divided, what can be shared is only the right to use it to the rightful heirs, namely the heirs determined based on the Matrilineal system are women. This collective ownership will cause the death of a family member in the house to not affect the collective nature of the high-heirloom property (Syarifuddin 1984, 234).

Hereditary property is obtained from ancestors and cannot be divided, so the heirs must receive it as a whole. Property that cannot be divided in the concept of Minangkabau society is known as high heirloom property. Each child becomes a member of the family complex that owns the heirloom property. If the number of family members is too large then the family members will be divided into two, the family each stands alone, so the heirloom property is also divided into two parts. This concept is called gadang manyimpang. Each family has its heirloom property that cannot be distributed to its members. Family members can only enjoy the heirloom together. However, if a family member has the property that he got during his lifetime, then this property is called pusako randah search property (Fauzi, 2016).

Koto Salak Village, Dharmasraya Regency is a village that has diverse tribes, namely the Minang Tribe and the Javanese Tribe, in this village there are four Jorong inhabited by Javanese people, namely jorong Padang Tarok satu (Blok B 1), jorong Padang Tarok dua (Blok B 1), jorong Sungai Lancar (Blok B 2), and jorong Pakan sinayan (Blok B 3). This is due to the transmigration program in 1976 from Wonogiri Regency, Central Java Province, and 6 Jorong in Koto Salak Village are inhabited by the Minangkabau people as the original inhabitants of the village which causes the existence of different tribal marriages between the Minangkabau and Javanese tribes.

Based on the observations of researchers in Koto Salak Village, Koto Salak Subdistrict, Dharmasraya Regency, it was found that there were marriages between people with different kinship systems, for example, marriages between Javanese people who adhere to a parental or bilateral kinship

system and Minangkabau people who adhere to a matrilineal kinship system and then from this marriage there was a process of distributing inheritance to after one of the partners died. what are the consequences of the inheritance of different tribes between the Minang and Javanese tribes in Koto Salak Village? how is the implementation of inheritance from marriage between Minang and Javanese tribes in Koto Salak Village according to fikih mawaris?

METHODS

This type of research is qualitative research, namely by coming directly to Koto Salak Village to ask about the distribution of inheritance from the marriage of Minang and Javanese tribes using qualitative methods and by taking a descriptive approach. The type of primary data is data obtained from the main source. Primary data is obtained from respondents informants and sources totaling 6 people. Primary data that the author gets from direct interviews RHM, STM, PJY, and LMY as heirs and relatives of heirs as well as Mbah Mukiman as a traditional leader in Jorong Sungai lancar Koto Salak Village and Mr. Afriwandi as the head of Koto Salak Village.

RESULT

Implementation of the Division of Different Tribal Inheritance in Koto Salak Village, Koto Salak Subdistrict, Dharmasraya Regency

Customary inheritance law is customary law that contains lines of provisions regarding the system and principles of inheritance law, regarding inherited property, heirs and inheritance, and the way the inherited property is transferred from the heir to the heir. In Javanese society, which is rooted in a parental or bilateral kinship system, the heirs are the biological children (sons and daughters). In a bilateral (Javanese) society, sons and daughters have equal rights to their parents' inheritance. This does not mean that

each child has the same rights according to the number of numbers, but the distribution is based on the needs and appropriateness as well as the ability (condition) of each heir.

Javanese society generally divides inheritance using the sigar semangka principle, which gives equal rights to boys and girls because it is assumed that both will build a family that requires a lot of capital. This equal share is intended as household capital. According to him, this system is considered fair because both the wife and husband contribute equally to the family economy so that the wife is not fully borne by the husband, the wife helps build the economy for her own family. The essence of the division of inheritance with the sigar mangaka principle is the existence of continuity of offspring to survive to support the needs of household life. This deliberation will ultimately determine the size of the share that each heir will receive. Deliberations are held or what is discussed there is usually more about the location of the land where the heirs will later be given an inheritance (Vela 2015, 82).

In Koto Salak Village, researchers conducted interviews related to the division of inheritance from inter-ethnic marriages between Minang and Javanese tribes with the local community. Based on these interviews, it can be found that 4 married couples carry out the distribution of inheritance from marriages between Mining and Javanese tribes that researchers found in Koto Salak Village, namely First, the family of the PNM and RMK couples, the following are excerpts from interviews with informants:

Mr. RMK died in 2007 leaving behind four cows, a house and yard of 6x10m², and 1 hectare of rice fields, then the property was distributed to SKT, the first child, 1 cow, KDN, the second child, 1 cow, KDM, the third child, 1 cow, and LMY, the youngest child, 1 cow, a house of 6x10m² and 1 hectare of rice fields. The distribution of inheritance at that time was led by Mrs. PNM and did not involve

outside parties, only family (LMY, 2023).

The results of the interview explain that RMK passed away in 2007 and bequeathed his property to his children SKT, KDN, KDM, and LMY. The assets left behind were four cows, a house and yard of 6x10 m², and 1 hectare of rice fields. The assets left behind were distributed to each child: First, SKT gets one cow; Second, KDN gets one cow; Third, KDM gets one cow; Fourth, LMY gets one cow, a house and yard of 6x10 m² and one hectare of rice fields. LMY received more inheritance because LMY was the youngest child who cared for and lived in the house in the village.

The assets that had been distributed to the children were initially still under the full supervision of Mrs. PNM as Mr. RMK's wife after Mrs. PNM died in 2009 and then the assets distributed to the children were fully handed over according to the division. The division of this inheritance in the implementation of its distribution does not involve religious leaders or traditional leaders because the family feels that the division of inheritance is an internal matter within the family so the settlement is only carried out by internal family parties.

Second, the family of the KRM and STY couple, the following is an excerpt from an interview with one of the informants:

Mr. KRM died in 2011 leaving behind 6 cows, 1/2 hectare of paddy field, and a house measuring 10x13 m². The property was then distributed to STN as the first child who received 4 cows, STK as the second child who received 2 cows, 1/2 hectare of paddy field, and the house. The division of inheritance was led by Mrs. STY but the assets distributed were still under Mrs. STY's supervision because she was still alive (RHM, 2023).

The interview results can explain that KRM passed away in 2011 and bequeathed his property to his children STN and STK. The assets left behind were six cows, 1/2 hectare

of rice fields, and a house measuring 10x13 m². The assets left behind were distributed to each of the children: First, STN received four cows; Second, STK received two cows, a 10x13 m² house, and a half-hectare rice field. STK received more inheritance because STK was the youngest child who took care of his parents and lived in the house in the village. The assets that have been distributed to the children as heirs are still under the supervision of Mrs. STY because Mrs. STY is still alive. The division of this inheritance does not involve religious or traditional leaders because the family feels that the division of inheritance is an internal matter within the family so the settlement is only carried out by internal family parties and there are no problems in the implementation of the distribution of the property left behind.

Third, the family of WRS and STM, the following is an excerpt from an interview with one of the informants:

Mr. WRS bequeathed his property to his children in 2020, each child received the following assets, SBL the first child received 4 hectares of palm oil land, ATR the second child received 4 hectares of palm oil land and a 2014 Toyota Hilux car, and SHM the youngest child received 5 hectares of palm oil land and an 8x10 m² house. the distribution of inheritance was completed only by the nuclear family and the assets distributed were still under the management of Mrs. STM because the children were still in education (STM, 2023)

The results of the interview explain that the couple WRS and STM are couples from different tribes, WRS comes from the Javanese tribe and STM comes from the Minang (Malay) tribe. WRS bequeathed property in 2020 to his children named SBL, ATR, and SHM respectively. The assets left behind are thirteen hectares of oil palm plantation land, a 2014 Toyota Hilux car, and a house and yard measuring 8x10 m². The assets left behind were distributed to each of the children: First, SBL received a four-

hectare oil palm plantation; Second, ATR received a four-hectare oil palm plantation and a 2014 Toyota Hilux car; Third, SHM received a five-hectare oil palm plantation and an 8x10 m² house and yard. SHM received more inheritance property because SHM is the youngest child who will take care of her parents and live in a house in her hometown. The assets that have been distributed to the children as heirs are still under the supervision of Mrs. STM because she is still alive. The division of inheritance does not involve religious or traditional leaders because the family feels that the division of inheritance is an internal matter within the family so the settlement is only carried out by internal family parties and there are no problems in the implementation of the distribution of the property left behind.

Fourth, the family of PJY and ESN The following is an excerpt from an interview with one of the informants:

Buk ESN bequeathed the property to his children in 2019, with each child getting a share of the property as follows, RA as the first child getting 1 hectare of palm oil land and an L300 pickup car, AM getting 1 hectare of palm oil land, and DA as the youngest child getting 1 hectare of palm oil land and a 6x10 m² house. The division of inheritance did not involve traditional or religious leaders and was led directly by Mr. PJY (PJY, 2023).

The results of the interview explain that the couple PJY and Eva Sulasti Ningsih are a couple from a different tribal marriage, PJY comes from the Javanese Tribe and Eva Sulasti Ningsih comes from the Minang Tribe (Koto). ESN inherited property in 2019, her children are named RA, AM, and DA. The assets left behind were three hectares of oil palm plantation land, one L-300 pickup car, a house, and a yard measuring 6x10 m². The assets left behind were distributed to each child: first, RA received one hectare of oil palm plantation and one L-300 pick-up car; second, AM received one hectare of oil palm plantation; third, DA received one hectare of

oil palm plantation and a house and yard of 6x10 m². Dafa Arya received more inheritance property because DA is the youngest child who will take care of his parents and live in the house in his hometown. After all, the first and second children left to migrate.

The implementation of the distribution of inheritance in Koto Salak Village based on the cases that the researchers have described above in the implementation of the distribution is left to the surviving parents, this was also conveyed by the customary elders of Koto Salak Village Jorong Sungai Lancar:

The custom of the people of Jorong Sungai Lancar in the distribution of inheritance who gets more shares or inheritance rights is the child who looks after his parents in the village and usually, it is the youngest child one more custom in the community of Jorong Sungai Lancar in the distribution of inheritance is when one of the parents is still alive (not yet died both) then the property that has been inherited to the children is still under the supervision and management of the surviving parent be it a mother or father, so the children who are the heirs of their parents' property will manage and supervise the inheritance in full when both parents have died (MKN, 2023).

The interview explains that the largest share of inheritance is obtained by the youngest child because the youngest child will take care of the parents in the village and if one of the parents is still alive, the property that has been distributed is still under the supervision and management of the surviving parent.

Consequences of Inheritance between Minang and Javanese Tribes in Koto Salak Village, Koto Salak Subdistrict, Dharmasraya Regency

The division of inheritance from inter-ethnic marriages in Jorong Sungai Lancar,

Koto Salak Village in the PNM-RMK, KRM-STY, WRS-STM and PJY-Eva Sulasti Ningsih couples in their implementation did not find any problems, all heirs or relatives of the heirs stated legowo with several reasons that the author got from the first interviews, had to accept because they obeyed their parents' decisions, the following are interview excerpts with informants:

The distribution of inheritance, no matter how big or small, we have to accept because it is the parents' decision who are looking for the property, so we just leave it to the parents (RHM, 2023).

Javanese customs always require submission and obedience to parents, we always teach children to obey parents because it is all also for the good, as well as for the distribution of inheritance whatever is given is the best (MKN, 2023)

Other siblings are willing to get the inheritance that has been determined by their parents, apart from being obedient, they are also well-established with their livelihoods (LMY, 2023).

The interview explains that the role of living parents is very influential in the division of inheritance carried out in Koto Salak Village as a result of causing a sense of coercion to accept the share of property that has been determined by parents because they want to respect the decisions made by parents and Javanese customs that strictly prohibit going against parental decisions.

Second, accepting because they do not understand afraid science, the following are excerpts from interviews with informants:

The habit of residents in Koto Salak Village, especially Jorong Sungai Lancar, is to give more inheritance to the youngest child and other children accept because the custom here is so (PJY, 2023). the custom of the people of Jorong Sungai Lancar in the distribution of inheritance who get more shares or inheritance rights are

children who look after their parents in the village and usually it is the youngest child (MKN, 2023)

The interview suggests that the reason why they distribute more inheritance to the youngest child is that it is customary and has been passed down from generation to generation who gets more property than the youngest child. Usually, the youngest child will remain in the parents' house even though he is married and take care of his parents until he dies because the distribution of inheritance is still based on existing habits, it can be concluded that there is no understanding of the heirs about afraid science or Islamic inheritance science.

Implementation of Inheritance Distribution from Marriage between Minang and Javanese Tribes in Koto Salak Village According to Mawaris Jurisprudence

Islamic inheritance law is a rule that regulates the transfer of property from a person who dies to his heirs. Meanwhile, customary inheritance law is a series of regulations governing the forwarding and passing of inheritance or inheritance property from one generation to another (Haniru 2014, 472). The Ijbari principle is the transfer of property from someone who dies to his heirs applies automatically according to Allah's decree. Islamic law divides the inheritance according to the provisions of Islamic law and requires mathematical calculations using separate calculations because the numbers to be faced are fractional numbers of the heirs' shares as determined in the Qur'an and Sunnah, namely $\frac{2}{3}$, $\frac{1}{2}$, $\frac{1}{3}$, $\frac{1}{4}$, $\frac{1}{6}$, and $\frac{1}{8}$, so it is necessary to find the smallest common multiple or in the science of fara'idh called the root of the problem (Basri 2020, 41).

The calculation method to solve problems in the calculation of the division of inheritance including al-aul, ar-radd, garawain, and musyarakah is different from the implementation of the division of inheritance in the community of Jorong Sungai Lancar Koto Salak Village which divides the inheritance equally or 1: 1 and the

one who gets more shares is the youngest child, because the youngest child will live in the house in the hometown after the death of his parents. Analysis of the distribution of inheritance in Koto Salak Village based on fikih mawaris as follows:

The couple PNM and RMK, the heirs left behind by Mr. RMK are his wife, 2 daughters, and 2 sons, with assets in the form of 4 cows, a house with an area of 6x10 m², and 1 hectare of rice fields. The total assets if estimated to the value of Rupiah amounted to Rp. 254,000,000,-. The following is the division according to Fikih Mawaris:

Wife = 1/8, 2 ashabah daughters, 2 ashabah sons.

Wife = $1/8 = 6/48 \times \text{Rp. } 254,000,000 = 31,750,000$

Remainder = 7/8

2 daughters = $2/6 \times 7/8 = 14/48 = 7/48 \times \text{Rp. } 254,000,000 = 37,041,666$

2 boys = $4/6 \times 7/8 = 28/48 = 14/48 \times 254,000,000 = 74,083,333 = 14/48 \times 254,000,000 = 74,083,333$.

When viewed from the division of inheritance it can be concluded, that if the division is carried out based on the division of fikih mawaris then Mrs. PNM gets Rp.31.750,000, -, SKT (daughter) gets Rp. 37,041,666, -, LMY (daughter) Rp. 37,041,666, -, KDN (son) Rp. 74,083,333, -, KDM (son) Rp. 74,083,333, - while the division of inheritance carried out based on the customs of the people of Koto Salak Village results in the following distribution, SKT (first child) 1 cow Rp. 16,000,000. 16,000,000, -, KDN (second child) 1 cow Rp. 16,000,000, -, KDM (third child) 1 cow Rp. 16,000,000, -, and LMY (youngest child) 1 cow worth Rp. 16,000,000, -, a house of 6x10 m² worth Rp. 150,000,000, - and rice fields. 000,000,- and 1 hectare of rice fields worth Rp.40,000,000,- the total assets obtained by LMY are Rp. 206,000,000,-. The division of inheritance carried out has a very large gap because the share obtained by the youngest child if calculated amounts to 12 times the other heirs.

KRM and STY, the heirs left behind by Mr. KRM are his wives, 1 daughter, and 1 son, with 6 cows, 1/2 hectare of rice fields, and a house measuring 10x13 m². The total assets if estimated to the value of Rupiah amounted to Rp. 286,000,000, -. The following is the division according to fiqh mawaris:

Wife = $1/8 = 3/24 \times 286,000,000 = \text{Rp. } 35,750,000$

Remainder = 7/8

1 daughter = $1/3 \times 7/8 = 7/24 \times 286,000,000 = \text{Rp. } 83,416,666,-$

1 son = $2/3 \times 7/8 = 14/24 \times 286,000,000 = \text{Rp. } 166,833,333,-$

When viewed from the distribution of inheritance, it can be concluded that if the division is carried out based on the distribution of fikih awards, Mrs. STY gets Rp.35,750,000, -, STK gets Rp. 83,416,666, - and STN gets Rp. 166,833,333,-, While the division of inheritance carried out based on the customs of the people of Koto Salak Village resulted in the following division, STN (first child) got 4 cows worth Rp. 64,000,000, - and STK (youngest child) got 2 cows Rp. 32,000,000, -, a house covering an area of 10x13 m² worth Rp. 170,000,000, - and a 1/2 hectare rice field worth Rp. 20,000,000, - the total assets obtained by STK were Rp. 222,000,000, -. The division of inheritance carried out has a very large gap because the share obtained by the youngest child if calculated amounts to 4 times the other heirs.

Mr. WRS and STM's heirs are his wife, 2 sons, and 1 daughter, and their assets include 13 hectares of palm oil land, a 2014 Toyota Hilux car, and an 8x10 m² house. The total assets if estimated to the value of Rupiah amounted to Rp. 1,310,000,000,-. The following is the division according to fiqh mawaris:

Wife = $1/8 = 5/40 \times 1,310,000,000 = \text{Rp. } 163,750,000$.

Remainder = 7/8

2 sons = $4/5 \times 7/8 = 28/40 = 14/40 \times 1,310,000,000 = \text{Rp. } 458,500,000, - = 14/40 \times 1,310,000,000 = \text{Rp. } 458,500,000, -$

1 daughter = $1/5 \times 7/8 = 14/24 \times 1,310,000,000 = \text{Rp. } 229,250,000,-$

When viewed from the division of inheritance it can be concluded, that if the division is carried out based on the distribution of fikih mawaris, Mrs. STM gets Rp. 163,750,000, - ATR gets Rp. 458,500,000, -, SHM gets Rp. 458,500,000, - and SBL gets Rp. 229,250,000, - while the division of inheritance carried out based on the customs of the people of Koto Salak Village results in the following division, SBL (first child) gets 4 hectares of oil palm land worth Rp. 280,000,000. 280,000,000, ATR (second child) gets 4 hectares of oil palm land worth Rp. 280,000,000 and a 2014 Toyota Hilux car worth Rp. 150,000,000, - a total of Rp. 430,000,000, and SHM (youngest child) gets 5 hectares of oil palm land worth Rp. 350,000,000 and a house with an area of 8x10 m² worth Rp. 250,000,000, - a total of Rp. 600,000,000. The division of inheritance carried out has a very large gap because the share obtained by the youngest child if calculated amounts to 2 times the other heirs.

PJY and Eva Sulasti Ningsih, the heirs left behind by Mrs. Eva are her husband, 2 sons, and 1 daughter, with assets in the form of 3 hectares of palm oil land, 1 L 300 pickup truck, and a 6x10 m² house. The total assets if estimated to the value of Rupiah amounted to Rp. 520,000,000,-. The following is the division according to fiqh mawaris:

Husband = $1/4 = 5/20 \times 520,000,000 = \text{Rp. } 130,000,000,-$

Remainder = $3/4$

2 sons = $4/5 \times 3/4 = 12/20 = 6/20 \times 520,000,000 = \text{Rp. } 156,000,000,- = 6/20 \times 520,000,000 = \text{Rp. } 156,000,000,-$

1 daughter = $1/5 \times 3/4 = 3/20 \times 520,000,000 = \text{Rp. } 78,000,000,-$

When viewed from the division of inheritance, it can be concluded, that if the division is carried out based on the distribution of fikih mawaris, Mr. PJY gets Rp. 130,000,000, -, Rifki Azizan gets Rp. 156,000,000, -, Dafa Arya gets Rp. 156,000,000, -, and Azuri Mahira gets Rp. 78,000,000, - while the division of

inheritance carried out based on the customs of the people of Koto Salak Village results in the following distribution, Rifki Azizan (first child) gets 1 hectare of oil palm land worth Rp. 70,000,000. 70,000,000, - and an L 300 pickup car worth Rp. 140,000,000, - a total of Rp. 210,000,000, Azuri Mahira (second child) gets 1 hectare of oil palm land worth Rp. 70,000,000, - and Dafa Arya (youngest child) gets 1 hectare of oil palm land worth Rp. 70,000,000, - and a house with an area of 6x10 m² worth Rp. 170,000,000, - a total of Rp. 240,000,000. The division of inheritance carried out has a very large gap because the share obtained by the youngest child if calculated amounts to 3 times the other heirs.

Based on the division of inheritance that the author has described above, it can be understood that the implementation of the distribution of inheritance in the community of Jorong Sungai Lancar, Koto Salak Village, which divides the inheritance equally or 1: 1 for children other than the youngest child and who gets more shares is the youngest child, because the youngest child will inhabit the house in the hometown after the death of his parents. The form of transfer of livelihood assets in Javanese ethnicity, while parents are still alive, is divided into three patterns: first, the transfer of assets is carried out when both parents (father and mother) as property owners are still alive. In this first form, the property is transferred to the daughter. Second, the transfer of livelihood property is carried out when one of the parents dies, in this form there are two patterns of transfer: a) if the male parent (father) dies first, then the livelihood property is automatically directly under the control of the mother. If it is the female parent (mother) who dies first, then the property does not automatically return to the father. However, the property goes through a deliberation forum controlled by the daughter. Third, when after both parents die. The transfer of livelihood property in this second form is given to the daughter (Sulfinadia 2022, 152).

The process of transferring livelihood property consists of two kinds of processes, namely: a) Transfer of livelihood property preceded by deliberation of the parties

entitled to the livelihood property such as father, mother, son, and daughter. The process in this form occurs if both parents are still alive but the family wants to divide the livelihood property, or the mother dies before the father. b) If the father dies first while the mother (father's wife) is still alive, the livelihood property automatically transfers everything to the mother (father's wife). meaning that inter-ethnic marriage has implications for the practice of inheritance distribution, where this is the effect of the occurrence of adaptation and acculturation of different cultures (Sulfinadia 2022, 153).

This is different from the principle of *ijbari* which explains the transfer of property from someone who dies to his heirs applies automatically according to Allah's decree (Bachtiar 2012). Islamic law divides the inheritance according to the provisions of Islamic law and requires mathematical calculations using separate calculations because the numbers to be faced are fractional numbers of the heirs' shares as determined in the Qur'an and Sunnah, namely $\frac{2}{3}$, $\frac{1}{2}$, $\frac{1}{3}$, $\frac{1}{4}$, $\frac{1}{6}$, and $\frac{1}{8}$, so it is necessary to find the smallest common multiple or in the science of *fara'idh* called the root of the problem. This is to facilitate the calculation of how much each heir's share is so that the inheritance is perfectly divided. It is different from the principle of balanced justice because, in the distribution of inheritance, the youngest child who gets the most property is the youngest child, resulting in the unbalanced distribution of property. After all, the inheritance is focused on the youngest child.

The distribution of inheritance in Jorong Sungai Lancar Koto Salak Village is by the bilateral principle in *mawaris fiqh* because a man is entitled to inherit from his father and mother. Likewise, women get an inheritance from both sides of their parents and are not differentiated. The implementation of the distribution of inheritance in Koto Salak Village is by the individual principle in *mawaris fiqh* because heirs or children who have received the distribution of inheritance still cannot have full rights to the inheritance they get when

one of the parents is still alive, either mother or father if one of the parents is still alive then the inheritance that has been distributed to the child is still under the supervision of the surviving parent. The principle of death has also been by the implementation of the distribution of inheritance because in the 4 cases that the author examined the distribution of inheritance was distributed after the heir died.

CONCLUSION

The implementation of the distribution of inheritance from marriage between Minang and Javanese tribes in Koto Salak Village is that the youngest child gets more property while other heirs get an equal share and the distribution is carried out by living parents. As a result of the division of inheritance from marriage between the Minang and Javanese Tribes, all heirs must accept the results of their parents' decisions when dividing the inheritance, this is because they want to respect the decisions of their parents who are still alive, and the tradition of dividing inheritance like this has been going on for generations. The implementation of the distribution of inheritance from marriages between Minang and Javanese tribes in Koto Salak Village when viewed from *mawaris fiqh* has not implemented *fara'idh* and is contrary to the principle of *ijbari* and the principle of balanced justice.

REFERENCE

- Aoslavia, C. (2021). PERBANDINGAN HUKUM WARIS ADAT MINANGKABAU SUMATERA BARAT DAN HUKUM PERDATA BARAT. *Jurnal Ilmu Hukum*, Vol 10. <https://doi.org/https://doi.org/10.32503/mizan.v10i1.1545>
- Astutik, S. (2019). KARAKTERISTIK PEMBAGIAN WARIS ADAT JAWA. *Jurnal AKTUAL JUSTICE*, Vol. 4.
- BACHTIAR, M. (2012). HUKUM WARIS ISLAM DIPANDANG DARI PERSPEKTIF HUKUM

- BERKEADILAN GENDER. *Jurnal Ilmu Hukum, Volume 3 N.*
- Basri, S. (2020). Hukum Waris Islam (Fara'id) dan Penerapannya dalam Masyarakat Islam. *Jurnal Kepastian Hukum Dan Keadilan, Vol 1.*
- Fauzi, E. (2016). DUALISME PELAKSANAAN PEMBAGIAN HARTA WARIS DI KOTA PADANG: PERSPEKTIF HUKUM ISLAM DAN ADAT. *Jurnal Hukum Islam Dan Pranata Sosial, Vol 32 No.*
- Hadikusuma, H. (2003). *Hukum Waris Adat.* Citra Adi Karya.
- Haniru, R. (2014). HUKUM WARIS DI INDONESIA PERSPEKTIF HUKUM ISLAM DAN HUKUM ADAT. *Jurnal Al-Hukama, Vol 04.*
- Hazairin. (1976). *Hendak Kemana Hukum Islam.* TintaMas.
- Hilman Hadikusumo. (1993). *Hukum Waris Adat.* PT. Citra Aditya Bakti.
- Sulfinadia, H. (2022). *Bentuk Kewarisan dari Perkawinan antar Etnis: Studi atas Praktik Kewarisan di Minangkabau.* CV Budi Utama.
- Syarifuddin, A. (1984). *Pelaksanaan Hukum Kewarisan Islam Di Lingkungan Adat Minangkabau.* Gunung Agung.
- Vela, A. (2015). PEMBAGIAN WARIS PADA MASYARAKAT JAWA DITINJAU DARI HUKUM ISLAM DAN DAMPAKNYA. *Jurnal Hukum Islam Dan Pendidikan As-Salam, 4.*
- Wantaka, A. (2019). PEMBAGIAN WARISAN DALAM PERSPEKTIF HUKUM ISLAM DAN HUKUM ADAT JAWA (Studi Komparasi). *Jurnal Al Hidayah Ahwal Asy-Syakhshiyah, Vol 01 No.*