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Matrilineal Management of *Pusako Tinggi*: A Maslahah and Maqasid al-Shari'ah Perspective

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Abstract

The management of high ancestral inheritance (*pusako tinggi*) represents a form of sustainable preservation of traditional customary values, where ancestral property is predominantly managed by women rather than men within the matrilineal kinship system. This study aims to analyze the practice of managing high ancestral inheritance by women in the community of Air Hangat District, Jambi. from the perspectives of maslahah and maqasid al-shyari'ah. An exploratory qualitative method with a socio-legal study approach was employed in this research. Data were collected through observation, in-depth interviews with five informants, and visual documentation. The data were analyzed through data reduction, data presentation, and conclusion drawing to identify patterns and meanings of the socio-legal phenomenon under investigation. The findings show that high ancestral inheritance is generally managed by women (*anak batino*) in the matrilineal kinship system, positioning women as successors and guardians of the inheritance lineage. This role reflects functional justice based on women's social and familial responsibilities and serves to maintain the sustainability of ancestral property for future generations. The practice embodies the value of maslahah and aligns with the objectives of Islamic law, particularly *hifz al-mal* as a mechanism for wealth preservation.

Keywords: High Ancestral Inheritance, *Maslahah, Maqasid Al-Syari'ah*, Matrilineal.

INTRODUCTION

Indonesia is recognized as a country with legal pluralism, where state law, customary law, and Islamic law coexist in society. Legal pluralism refers to a condition in which various legal systems operate simultaneously within social life.[1] In practice, customary mechanisms are more frequently prioritized than other legal rules, as customary law functions as a normative framework practiced by the community, even though it is not formally written.[2] Customary legal systems are considered more effective

[1] Rossa Silfiah, "Kontribusi Hukum Islam Dalam Membangun Hukum Nasional Berwawasan Multikultural," *Arena Hukum* 13, no. 01 (2020): 77–96, https://doi.org/10.21776/ub.arenahukum.2020.01301.5.
[2] Firdaus Arifin et al., "Recognition of Customary Norms Within the Framework of Indonesian Legal Positivism," *Khazanah Hukum* 7, no. 1 (2025): 92–104, https://doi.org/10.15575/kh.v7i1.

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because they are able to bridge empirical practices and normative values within community life.[3]

This effectiveness is reflected in the way customary law regulates various aspects of social institutions within the community, including the governance of collective property. In many indigenous communities, collective property is not only understood as an economic asset but also as a symbol of identity, honor, and lineage continuity.[4] Collective property is considered to play a role in maintaining social stability, as it serves as the economic foundation of extended families, a space for customary activities, and an instrument for preserving traditional values.[5]

One form of instrument for preserving traditional values in customary practices that is still maintained by the community of Air Hangat District, Kerinci Regency, Jambi Province, is the management of high ancestral inheritance (*pusako tinggi*). This type of property holds a position similar to that of collective property.[6] High ancestral inheritance (*pusako tinggi*) is a form of customary property that holds an important position in the social structure of the community, as it functions to maintain the sustainability of a community group's life.[7] However, high ancestral inheritance (*pusako tinggi*) is predominantly managed and inherited through the female lineage or matrilineal kinship system.[8] Many members of the community do not fully understand the context of managing high ancestral inheritance, which places greater emphasis on women's role in its governance.

The dynamics of inheritance management within indigenous communities reflect a complex interaction between religious normative rules and customary practices. In Islamic legal theory, property ownership is regulated through the principles of *ijbari*, bilateral inheritance principles, and balanced justice.[9] However, in other Muslim communities, the implementation of this law is dynamic and adaptive through various models, such as *faraidh-ishlah* and *munasakhah*, in order to accommodate socio-cultural

[3] Oemar Moechthar et al., "The Epistemology of Land in an Adat Perspective: Philosophical Aspects of Human Relations With Land in the View of Mohammad Koesnoe," *Media Iuris* 7, no. 1 (2024): 149–68, https://doi.org/10.20473/mi.v7i1.44976.

[4] Elfia et al., "Distribution of Heritage Association of Harta Pusaka Tinggi And Harta Pusaka Rendah in Padang Pariaman," *Al-Ahkam: Jurnal Pemikiran Hukum Islam* 30, no. 1 (2020): 39–60.

[5] Mairul and Azriadi, "Pemanfaatan Harta Pusako Tinggi Terhadap Perlindungan Anak Korban Penelantaran Rumah Tangga Dalam Konsep Adat Minangkabau Dan Hukum Islam," *USRATY: Journal of Islamic Family Law* 1, no. 2 (2023): 174–81.

[6] Rizki Fajri Iasra et al., "Penyelesaian Sengketa Waris Tanah Pusako Tinggi Sebagai Tanah Adat Melalui Pengadilan Agama Kelas 1a Padang," *Unes Law Review* 6, no. 1 (2023): 375–83.

[7] Andre Indrasukma, "(The Management of High Heritage Assets in Minangkabau: Case Study in Kubang Putiah, Banuhampu District, Agam Regency, West Sumatra)," *Al-Ahwal* 14, no. 1 (2021): 99–111, https://doi.org/10.14421/ahwal.2021.14108.

[8] Widhia Fithri et al., "Philosophy 'Habis Adat Karena Mufakat': Consensus of Diversion of Pusako Tinggi in Minangkabau," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 9, no. 2 (2025): 1220–41, https://doi.org/10.22373/6q2sa250.

[9] Hafidz Taqiyuddin, "Hukum Waris Islam Sebagai Instrumen Kepemilikan Harta," *Asy-Syari'ah* 22, no. 1 (2020): 2–20.

needs.[10] The tension between customary law and Islamic law is more apparent in the management of ancestral inheritance, where the allocation of high ancestral property to daughters is often perceived as inconsistent with the literal interpretation of Islamic law. Therefore, the involvement of religious scholars and community leaders is needed to seek a just and acceptable solution.[11] Women receive a larger share of the inheritance because they bear greater social responsibilities within the family structure.[12] Interestingly, the shift in the practice of managing high ancestral inheritance has now adopted Islamic legal mechanisms, such as the use of *hibah* as an administrative solution.[13] Collectively, this demonstrates that the management of high ancestral inheritance represents a negotiating space that continues to evolve in order to balance religious legal certainty and the sustainability of customary traditions.

This study aims to analyze the practice of managing high ancestral inheritance (*pusako tinggi*) by women within the matrilineal kinship system of the community in Air Hangat District and to evaluate it from the perspectives of maslahah and *maqasid al-syari'ah*. Through this approach, the study is expected to reveal the values of public welfare embedded in the management of high ancestral inheritance, including its social and economic dimensions as well as its conformity with Islamic legal principles. This research is expected to contribute to the development of Islamic legal studies that are more responsive to local customary practices while strengthening the preservation of traditional values in the context of modern society. In contrast to previous studies such as Taqiyuddin, Hasan, Elifa, Habi and Mudzhar, as well as Indrasukma, which examine *pusako tinggi* from the perspectives of Islamic inheritance law, anthropology, customary law, and historical approaches, this study specifically focuses on the role of women as managers of high ancestral inheritance within the framework of *maslahah* and *maqasid al-syari'ah*. Accordingly, this study not only provides a descriptive account of customary practices but also offers a normative evaluative analysis in assessing their alignment with the objectives of Islamic law. Furthermore, this research is expected to fill the existing gap in the literature and to provide recommendations for the management of *pusako tingggi* that are both equitable and oriented toward public welfare.

METHOD

This research employs a qualitative approach with an exploratory research design using a socio-legal study approach. This approach is used to gain an in-depth understanding of the practice of managing high ancestral inheritance (*pusako tinggi*) within the matrilineal kinship system as well as the social and legal dynamics developing

[10] Muhammad Hasan et al., "Inheritance Property Distribution Models Among the Muslim Community of Borneo-Nusantara," *Al-'Adalah* 21, no. 1 (2024): 175–98, https://doi.org/10.15408/sdi.v24i3.4324.1.
[11] Elfia et al., "Distribution of Heritage Association of Harta Pusaka Tinggi And Harta Pusaka Rendah in Padang Pariaman."
[12] Nuraida Fitri Habi and Atho Mudzhar, "Women , Islamic Law and Custom in Pucuk Induk Undang Nan Limo Manuscript of Jambi," *Ahkam : Jurnal Ilmu Syariah* 24, no. 2 (2024): 233–50.
[13] Indrasukma, "(The Management of High Heritage Assets in Minangkabau: Case Study in Kubang Putiah, Banuhampu District, Agam Regency, West Sumatra)."

within the community. Through this approach, the study does not only examine the norms related to the management of high ancestral inheritance but also analyzes how such practices are implemented in community social life and their relevance to the perspectives of *maslahah* and *Maqasid al-Syari'ah*.

This research was conducted in Air Hangat District, Kerinci Regency. The research informants were selected using a purposive sampling technique, involving individuals considered to possess knowledge and direct involvement in the practice of managing high ancestral inheritance (*pusako tinggi*). A total of five informants were involved in this study, consisting of one religious leader, one customary leader, two community leaders, and one village head who were considered to have a good understanding of the customary practices occurring within the community.

Data collection was carried out through observation, in-depth interviews, and documentation. Observation was conducted to directly examine the practice of managing high ancestral inheritance (*pusako tinggi*) within community life. In-depth interviews were conducted with informants to obtain information regarding the mechanisms of managing high ancestral inheritance, the role of women (*anak batino*) in the matrilineal kinship system, and community perceptions regarding the sustainability of such inheritance. Documentation was used to complement the research data through various records and documents related to the customary practices under study.

The data obtained were analyzed using a qualitative descriptive analysis technique through the stages of data reduction, data presentation, and conclusion drawing to identify meanings and patterns of the socio-legal phenomenon under study. The analysis was conducted by grouping the data based on themes related to the management of high ancestral inheritance (*pusako tinggi*), the role of women in the matrilineal system, and the values of public welfare contained within it. To ensure data validity, this study employed source and method triangulation by comparing data obtained from interviews, observations, and documentation to produce more valid and accountable research findings.

RESULTS AND DISCUSSION

Social Structure and the Position of High Ancestral Inheritance (*Pusako Tinggi*) in the Customary System of Air Hangat District

Air Hangat District is part of Kerinci Regency, Jambi Province, consisting of 16 villages and located in the central part of the regency. The majority of the population works as farmers and livestock breeders, while a smaller proportion are civil servants. The community's way of life is still characterized by rural social patterns, marked by close social relationships and intensive interaction among residents. In community life, the role of customary leaders remains very strong and active, as they are consistently involved in various social activities, customary ceremonies, and important community

events. From the perspective of customary law, this condition reflects the existence of living law that continues to exist and bind the community.[14]

The community of Air Hangat District is predominantly Muslim and is known for strongly upholding religious values in daily life.[15] Nevertheless, the community continues to preserve customary law as a moral and social guideline in regulating social life. Customary norms must still be respected even though they are not formally written in positive legal regulations, as they continue to function as a living regulatory framework practiced by the community.[16] This application is reflected in the management of high ancestral inheritance (*pusako tinggi*) in Air Hangat District, where the rights and position of heirs continue to follow the customary provisions prevailing in the local community. This indicates the coexistence of state law, Islamic law, and customary law, which interact with one another and form a distinctive social regulatory system within the community.[17]

In the social life of the community in Air Hangat District, local customary cultural values remain strongly upheld and serve as the foundation for shaping the community's social structure. This social structure is based on a close kinship principle, where social relations are not limited to the nuclear family consisting of father, mother, and children, but are instead bound within a broader kinship unit known as *kalbu*. *Kalbu* refers to a kin group originating from the same ancestral lineage and functions as the primary social unit in customary life, including the management and preservation of collective property.[18]

The community of Air Hangat District generally adheres to a matrilineal kinship system, where lineage is traced through the maternal line, and in social practice is often supported by a matrilocal settlement pattern. This matrilocal pattern strengthens the position of women within the family and community, as it enables them to play an active role in child rearing, maintaining social relationships, and managing household economic activities.[19] The existence of the maternal lineage culture based on the matrilineal system is maintained for several purposes: first, to preserve and sustain customary law; second, to regulate social interaction within the community; third, to produce high-quality offspring in social and moral terms; fourth, to avoid psychological disturbance in children; fifth, to prevent the loss of customary rights; and sixth, to enforce customary

[14] Apifah Hairunnisa et al., "Dinamika Penegakan Hukum Dalam Masyarakat : Telaah Sosiologi Hukum Terhadap Kesenjangan Antara Hukum Normatif Dan Hukum Empiris Di Indonesia," *PESHUM: Jurnal Pendidikan, Sosial Dan Humaniora* 4, no. 5 (2025): 7966–73.

[15] Marjan Fadil et al., "The Islamic Formal Movement in Malay Land: Experinces of The Muslim Community Kerinci, Jambi," *Fuaduna: Jurnal Kajian Keagamaan Dan Kemasyarakatan* 5, no. 1 (2021): 95–110.

[16] Yoghi Arief Susanto et al., "Customary Law in the New Indonesian Criminal Code : Recognition or Reduction?," *ADLIYA: Jurnah Hukum Dan Kemanusiaan* 19, no. 1 (2025): 77–96, https://doi.org/10.15575/adliya.v19i1.44458.

[17] Achmad Hariri and Basuki Babussalam, "Legal Pluralism: Concept, Theoretical Dialectics, and Its Exsitence in Indonesia," *Walisongo Law Revies (Warlev)* 6, no. 2 (2024): 146–70, https://doi.org/10.21580/walrev.2024.6.2.25566.

[18] Hafiful Hadi Sunliensyar, *Kajian Tanah, Kuasa, Dan Niaga: Dinamika Relasi Antara Orang Kerinci Dan Kerajaan-Kerajaan Islam Di Sekitarnya Dari Abad XVII Hingga Abad XIX* (Perpusnas Press, 2020).

[19] Fakhriati et al., "How to Challenge the Life Women Resiliency in Acehnese Matrilocal System: Philological and Anthropological Approaches," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (2023): 1468–88, https://doi.org/10.22373/sjhk.v7i3.18797.

sanction payments within the community.[20] The strengthening of women's roles ultimately supports the sustainability of the matrilineal system, which has direct implications for the position of customary property, particularly high ancestral inheritance (pusako tinggi), which is transmitted across generations through the maternal line.[21]

High ancestral inheritance (*pusako tinggi*) in the community of Air Hangat District holds an important position as collective property embedded within the customary social structure and matrilineal kinship system. This position indicates that high ancestral inheritance is not regarded as individual property but rather as communal property that is preserved and passed down across generations. In addition to its economic value, high ancestral inheritance also carries social and cultural meanings as a symbol of lineage continuity and family identity within the customary community of Air Hangat.

Characteristics of High Ancestral Inheritance in Air Hangat District

Each region generally has different customary regulations regarding the management of property, including differences in the origin and social functions of property within community life.[22] These differences are not only related to the manner of acquiring property but also encompass the rules governing its utilization and transfer patterns within the community. This framework of understanding serves as the basis for examining how ancestral property is positioned within the customary system, particularly high ancestral inheritance (*pusako tinggi*), which plays an important role in maintaining the continuity of tradition from one generation to the next.

In the context of the community of Air Hangat District, there are two forms of customary property, namely high ancestral inheritance (*pusako tinggi*) and low ancestral inheritance (*pusako rendah*). High ancestral inheritance is ancestral property that is passed down from one generation to the next. This property is not the result of individual effort but originates from the ancestors and is maintained as a foundation for the continuity of the lineage.[23] Based on interviews with customary leaders, it was explained that high ancestral inheritance (*pusako tinggi*) possesses several main characteristics.[24]

> "*High ancestral inheritance (pusako tinggi) basically originates from the property left by previous ancestors. In our community, high ancestral inheritance usually consists of land, rice fields, plantations, and houses, which must be preserved so that they are not separated from the lineage. High ancestral inheritance is not the*

[20] Yayan Sopyan and Helma Suryani, "Marriage with Same Tribes in the Customary Law of Minangkabau Batipuh Ateh (A Legal Anthropology Approach)," *Jurnal Hukum Islam* 18, no. 2 (2020): 157–72.
[21] Ahmat Jamburi and Moh Muhibbin, "Matrilineal System Mechanism for The Distribution of Inheritance Rights," *Jurnal Cakrawala Hukum* 2, no. 2 (2024): 122–33, https://doi.org/10.22004/ag.econ.285082.
[22] Zuhraini et al., "Eksistensi Konsep Kewarisan Dalam Hukum Adat Indonesia Studi Perbandingan Antar Suku," *Journnal Pengabdian Masyarakat Dan Riset Pendidikan* 4, no. 3 (2026): 17435–39.
[23] Cindy Aoslavia, "Perbandingan Hukum Waris Adat Minangkabau Sumatera Barat Dan Hukum Perdata Barat," *Mizan: Jurnal Ilmu Hukum* 10, no. 1 (2021): 54–63.
[24] Ernawati and Erwan Baharuddin, "Akulturasi Sistem Kewarisan: Penyelesaian Sengketa Pusaka Tinggi Di Minangkabau," *Lex Jurnalica* 14, no. 3 (2017): 192–200.

absolute property of an individual, but its management is entrusted to women". (Interview with Customary Leader MR, 6 October 2025).

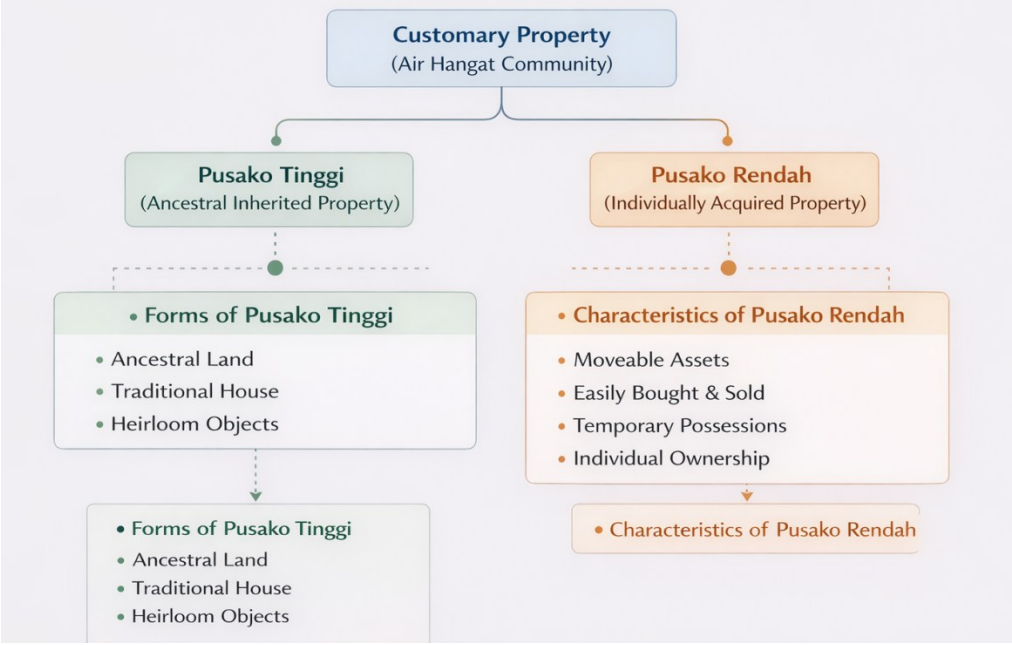


Figure 1. Classification of Customary Property in the Air Hangat Community

High ancestral inheritance (pusako tinggi) is property that is permanent in nature, has high value, and is not easily transferred to other parties. In this context, high ancestral inheritance is not regarded as individual property but as collective property belonging to a kinship group. Collective property is also viewed as a cultural asset that can be utilized for the welfare of the kin group as well as for realizing public welfare.[25] Based on interviews with customary leaders, the community of Air Hangat District also recognizes low ancestral inheritance (pusako rendah), which refers to property that is non-permanent in nature and can be easily transferred.

"*Low ancestral inheritance (pusako rendah) or light inheritance is property left by a father or mother, including property acquired from parents' earnings during their lifetime. It is called low inheritance because this type of property is generally easier to transfer to other parties*". (Interview with Customary Leader MR, 6 October 2025).

There are several classifications of property in the customary system of Air Hangat District that are not only based on physical form but also on social value and function. High ancestral inheritance (*pusako tinggi*) occupies a higher position because it functions to maintain family continuity and identity. This type of property cannot be distributed individually and is only permitted to be managed by women (*anak batino*).

[25] Elfia et al., "Institutionalizing Maqasid Hizf Al-Nasl within the Minangkabau Inheritance Framework," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24, no. 2 (2024): 193–222, https://doi.org/10.18326/ijtihad.v24i2.193-222.

Conceptually, low ancestral inheritance (*pusako rendah*) is understood as property that can be easily transferred because it is acquired from the parents' productive efforts during their lifetime. The distribution of this type of property is sometimes carried out using the Islamic inheritance system of *faraidh.*[26]

Management and Utilization Patterns of High Ancestral Inheritance in Air Hangat District

In the customary property management pattern, high ancestral inheritance (*pusako tinggi*) is not divided mathematically as private property. This is because high ancestral inheritance is considered a customary trust passed down through the maternal lineage, so its existence must be maintained as an intact unit within the kinship line. When the heir or mother passes away, the right of utilization is transferred to the daughters within the lineage without any individual division of ownership. The inheritance is maintained collectively, while its management and benefits are entrusted to female family members according to customary provisions.[27] In principle, daughters have utilization rights over high ancestral inheritance (*pusako tinggi*), while males do not possess full usage rights but instead function only as guardians who help maintain and supervise the sustainability of customary property.[28] Such transfer patterns have been practiced for a long time and are maintained as an effort to preserve the integrity of the property. Based on interviews with religious leaders, the practice of managing high ancestral inheritance (*pusako tinggi*) is considered to be in accordance with Islamic values, as high ancestral inheritance is not categorized as inheritance property but rather as customary property whose regulation follows customary provisions and agreements prevailing within the community.

> "*High ancestral inheritance (pusako tinggi) management has been practiced for a long time and passed down across generations. Even before Islam entered Air Hangat District, this form of property management already existed*". (Interview with Religious Leader MYK, 7 October 2025).

This statement indicates that high ancestral inheritance (*pusako tinggi*) is property whose management differs from other forms of inheritance, as its existence is not associated with the division of individual estate assets but rather functions as collective property preserved across generations.

In the customary system, kinship interests are placed as the main priority. Both sons and daughters are not given individual inheritance rights to family property, as this provision has become a deeply rooted tradition within community life.[29] However, the

[26] Nofialdi and Siska Rianti, "The Distribution of Pusako Randah Property in Minangkabau Society: Between Cultural Tradition and Islamic Law Provision," *Mazahib Jurnal Pemikiran Hukum Islam* 23, no. 1 (2024): 271–304.
[27] Ismail and Nofiardi, "Shifting Inheritance Patterns in the Minangkabau Tribe in Negeri Sembilan, Malaysia," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (2024): 294–309, https://doi.org/10.22373/ujhk.v7i1.23998.
[28] Miswardi et al., "Gender Dynamics in Minangkabau Customs : Women's Role in Safeguarding and Preserving High Heirlooms," *HUMANISMA: Journal of Gender Studies* 8, no. 2 (2024): 165–79.
[29] Rahmi Murniwati, "Sistem Pewarisan Harta Pusako Di Minangkabau Di Tinjaau Dari Hukum Waris Islam," *UNES Journal of Swara Justisia* 7, no. 1 (2023): 103–11.

kinship system can determine an individual's social position. In a patrilineal kinship system, men tend to occupy a more dominant position, whereas in a matrilineal kinship system, women hold a more significant social position.[30]

The matrilineal kinship system is applied in the customary tradition of Air Hangat District, where the management of high ancestral inheritance (*pusako tinggi*) places women (*anak batino*) as the managers. However, this does not mean that high ancestral inheritance becomes the absolute property of individuals. Daughters are given the authority to use and utilize high ancestral inheritance as effectively as possible, as expressed in interviews with customary leaders. The matrilineal lineage structure that regulates the management of pusako tinggi in the Air Hangat community is illustrated in Figure 2.

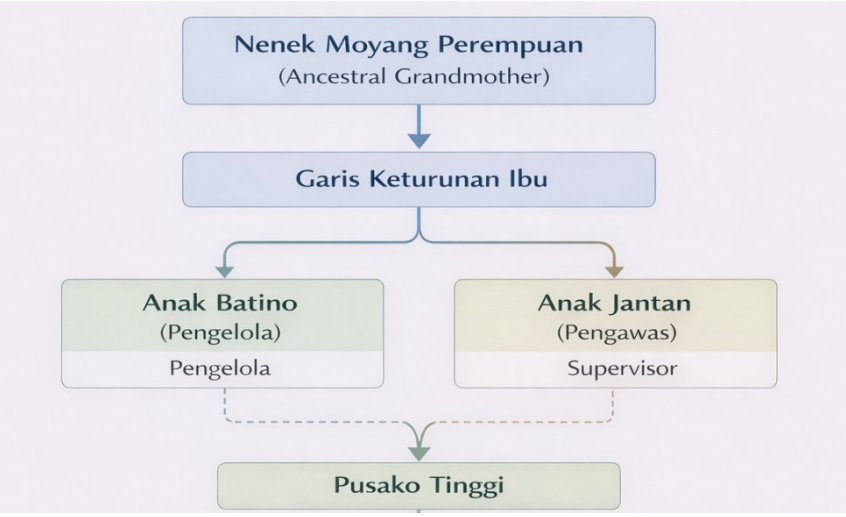


Figure 2. Matrilineal Lineage Structure of Pusako Tinggi in the Air Hangat Community

> *"Daughters are granted usage rights to manage and utilize the property without eliminating the rights of sons as part of the family. High ancestral inheritance (pusako tinggi) may be utilized to generate benefits but its ownership cannot be transferred. This provision has been practiced across generations and has become a customary mechanism for preserving the sustainability of high ancestral inheritance*". (Interview with Customary Leader MR, 6 October 2025).

Such a mechanism represents a symbolic form of respect for the ancestors who passed the property down to future generations, as well as a manifestation of family honor and dignity. According to customary perspectives, ownership rights cannot be transferred, even when physical development is carried out on the land jointly by a married couple, because control over the land remains within the female lineage of the family.[31]

[30] Julianti Sahputri et al., "Budaya Dan Sistem Kekeluargaan Etnis Aneuk Jamee : Studi Kasus Di Aceh Selatan," *Al-Qadha : Jurnal Hukum Islam Dan Perundang-Undangan* 8, no. 2 (2021): 110–26.
[31] M. Agung Setiawan and Hendri Zola Efendi, "Konflik Dan Resolusi Dalam Pembagian Harta Pasca Perceraian Di Tanah Pusaka Minangkabau," *USRATY: Journal of Islamic Family Law* 2, no. 1 (2024): 42–52.

In certain conditions, high ancestral inheritance (*pusako tinggi*) may be used as a last resort to resolve family problems. For instance, when a son (*anak jantan*) or daughter (*anak batino*) experiences disaster or severe economic hardship, high ancestral inheritance may be utilized as an ultimate solution under customary considerations within Air Hangat District. However, such action must be preceded by collective deliberation and careful consideration that no other alternatives are available. The principle of consensus-based deliberation (*musyawarah mufakat*) serves as an important foundation for maintaining social harmony, preserving cultural identity, and regulating the mechanism based on mutual agreement.[32] Based on interviews with customary leaders, it was stated that such use is permissible if the following conditions occur.

1. *Tabunoh Tabangon di Uhang*

   This means that the inheritance may be used to help a son or male relative when he is experiencing disaster or severe difficulty. For example, if a male relative is involved in an accident that causes harm to others and requires substantial compensation costs, the daughter will be the one responsible for assisting in covering the expenses.

2. *Umah Gedang Ketirisan*

   This means that if a male relative experiences economic hardship, for example, if his house has no proper roof or is in an uninhabitable condition, the woman who manages high ancestral inheritance (*pusako tinggi*) has the right to use part of the property to help repair the house.

3. *Merandu Gedang Idak Balakai*

   This means that if the child of a male relative intends to hold a celebration, such as a wedding ceremony for his child or a niece/nephew from the female lineage, but is facing financial difficulty, the female relative who manages the property is expected to help provide financial or material assistance for the ceremony or celebration (Interview with Customary Leader MR. 6 October 2025).

The meaning of these expressions extends beyond these specific conditions, as there are many other similar socio-economic situations. The management and utilization of high ancestral inheritance (*pusako tinggi*) in Air Hangat District emphasize the principle of proportionality by considering the real social, economic, and humanitarian conditions experienced by family members. This principle is reflected in the community's practice of using high ancestral inheritance for flexible needs while still adhering to applicable customary rules. Although there is flexibility in its management, these values are maintained as the fundamental basis for preserving the integrity of high ancestral inheritance so that it does not lose its function and meaning within community life.

[32] Ahmad Bahauddin et al., "When the Eldest Daughter Creating Family Harmony: The Practice of al-Ma'rūf within Collective Inheritance Distribution System among the Semende Migrant Community," *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 57, no. 2 (2023): 255–82.

Social Considerations in the Management of High Ancestral Inheritance (*Pusako Tinggi*)

In the practice of managing high ancestral inheritance (*pusako tinggi*) in Air Hangat District, the granting of usufruct rights to daughters is not carried out without reason rather, it is based on various social considerations that are understood and upheld within the customary community. These considerations arise from the real conditions of family life as well as from efforts to maintain social harmony and balance within the community.

First, the social condition of the family shows that, in general, after marriage the husband resides in the wife's house, a pattern commonly known as matrilocal residence. In the customary practice of Air Hangat, since the husband lives in the wife's household, the ancestral property cannot be transferred or taken away by the male party. This is because the existence of the property is inherently attached to the house and the social environment of women as the successors and custodians of *pusako tinggi*.

Second, the responsibility of children toward their parents, Although caring for elderly parents is, in principle, a shared responsibility of all children, in the social practice of communities that adhere to a matrilocal system, this role is more frequently carried out by daughters. This condition is influenced by the emotional closeness and the continuity of daughters' residence with their parents, as even after marriage they generally remain living within their natal family environment. In contrast, sons typically do not reside in their parents' house after marriage, as they move and live in the household of their wives' families, a practice locally known as *semendo*.[33] Conceptually, *semendo* refers to a man who marries a woman and subsequently resides in the household of his wife's family. Within this arrangement, he is expected to assist with household responsibilities and support the wife's extended family, so that the role of the husband is largely adaptive to the social environment of the wife's family.[34]

Third, considerations related to social and emotional circumstances, It is generally regarded as less appropriate if the responsibility of caring for elderly parents is borne not by their biological children but by other members of the family, such as daughters in law. This perspective aims to minimize potential tensions that may arise when parents live with a married son, as concerns often emerge regarding possible conflicts between a daughter-in-law and her parents in law, given the emotional sensitivity often associated with interpersonal family relations. Therefore, within the sphere of *muamalah*, both in the management and distribution of property, it is considered preferable to take into account the contributions of heirs who have provided care for the deceased during their lifetime. Such considerations are believed to play an important role in maintaining

[33] Halil Khusairi and Ican Mandala, "Perkawinan Adat: Analisis Hukum Dan Sistem Perkawinan Kerinci Dalam Perspektif Hukum Islam," *Istinbath Jurnal Hukum Dan Ekonomi Islam* 21, no. 2 (2022): 227–436.
[34] Agusten et al., "Implementation of Semendo Traditional Marriage to the Semendo Communities in Rejang Lebong : Socio Normatif Study," *Fokus Jurnal Keislaman Dan Kemasyarakatan* 8, no. 1 (2023): 118–25.

harmony within the family.[35] This practice is not merely viewed as a pattern of property distribution, but also as an effort to realize *maslahah* by considering the contributions and roles of family members in the lives of their parents during their lifetime. Through such considerations, the distribution of property is carried out in a more proportional and contextual manner, thereby reflecting a sense of justice that can be accepted by all family members while also preserving harmony within the family.[36]

The social considerations underlying the management of *pusako tinggi* in Air Hangat District indicate that customary practices are not merely oriented toward the material distribution of property. Instead, the management of *pusako tinggi* is primarily directed toward maintaining harmony within family relationships, preventing conflicts among relatives, and preserving collective agreements that have been upheld across generations. Through this approach, the social function of *pusako tinggi* remains well preserved and continues to endure as an important element of the social life of the Air Hangat customary community from one generation to the next.

Analysis of the Management of Pusako Tinggi from a Maslahah Perspective

Maslahah is defined as anything that brings benefit and prevents harm, while its opposite is *mafsadah*, which refers to anything that leads to damage or harm. In Islamic law, the concept of *maslahah* holds a very important position, as the realization of public welfare constitutes the primary objective of legal rulings. Sharia, as a set of legal norms revealed by Allah SWT, aims to ensure the well-being of humanity. This fundamental objective is commonly referred to as *Maqasid al-Syari'ah*.[37] *Maqasid al-Syari'ah* essentially carries a meaning that is closely aligned with the concept of *maslahah*, namely goodness or benefit aimed at realizing welfare and preventing harm or damage. Scholars have emphasized that *maslahah* may serve as a basis for legal determination when the benefits it seeks to achieve are consistent with the objectives of the Sharia, are capable of generating benefit while preventing harm, and when there is no explicit textual evidence in the Sharia that clearly affirms or rejects it.[38] The *usuliyyun* (scholars of Islamic legal theory) also classify *maslahah* into three categories: *maslahah muʿtabarah* (a benefit that is recognized and validated by textual evidence), *maslahah mulghah* (a benefit that is rejected by textual evidence), and *maslahah mursalah* (a benefit that is neither explicitly recognized nor rejected by textual evidence). Benefits that fall into the first and third categories may serve as a basis for legal determination, whereas the second category

[35] Muhammad Syafi'i et al., "Peace Agreement on Maslahah in Distribution of Inheritance in Sasak Tribe's Muslim Community," *Jurnal Hukum Islam* 23, no. 1 (2025): 73–104, https://doi.org/10.28918/jhi.v23i1.03.
[36] Baitur Rohman et al., "The Tradition of Hibah Andum Berkat as a Substitute for Inheritance: A Perspective of Justice and the Interconnectedness of Maslahah(A Case Study of the Mojoroto Community, Kediri, East Java)," *HIKMATUNA: Journal for Integrative Islamic Studies* 11, no. 1 (2025): 65–77.
[37] Zezen Zainul Ali, "The Urgency of Patriotism in Maintaining the Unity in the Republic of Indonesia in the Perspective of Maslahah," *El-Mashlahah* 11, no. 2 (2021): 116–26, https://doi.org/10.23971/elma.v11i2.2958.
[38] Afif Noor et al., "Maslahah -Based Protection of Fund Recipients in Fintech Lending Through Empowerment and Justice," *El-Mashlahah* 15, no. 1 (2025): 1–20, https://doi.org/10.23971/el-mashlahah.v15i1.7786.

cannot be used as a legal foundation.[39] The conceptual relationship between customary practices, the principle of maslahah, and the objectives of Islamic law *(maqasid al-shari'ah)* in the management of *pusako tinggi* is illustrated in the figure below.

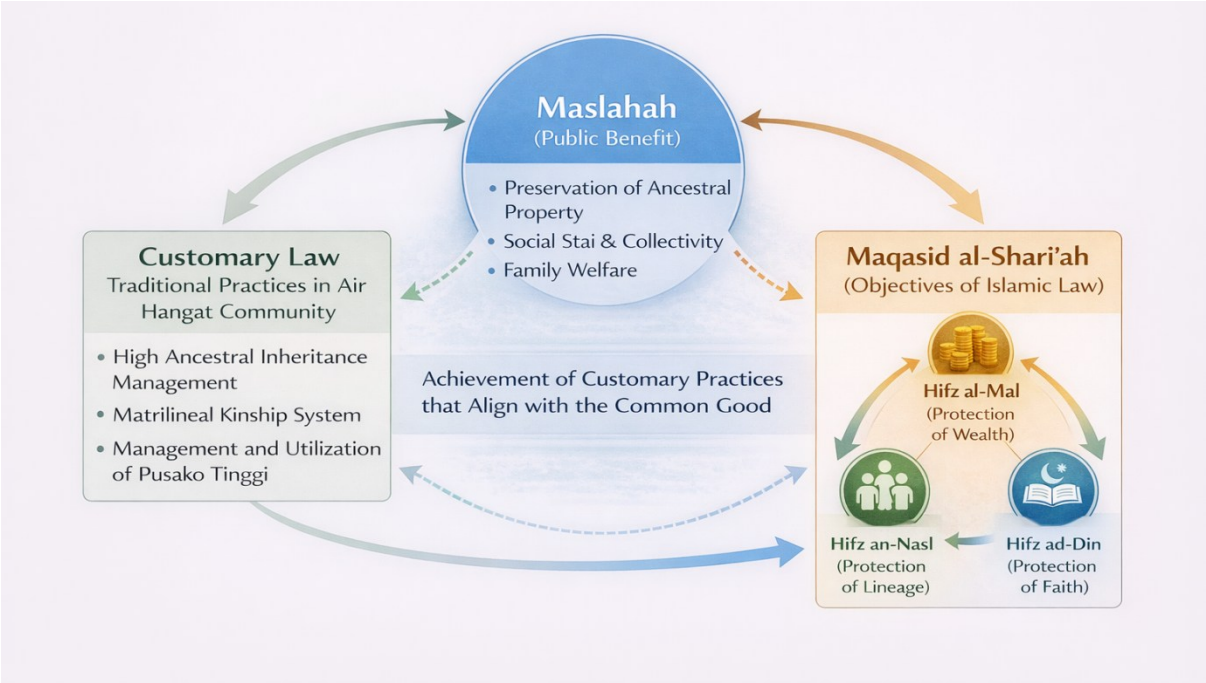


Figure 3 Conceptual Framework: Customary Law, Maslahah, and Maqasid al-Shariah

Maslahah can be understood as a condition, whether material or non-material, that enhances the dignity of human beings as the most noble of creations. Therefore, *maslahah* encompasses all forms of goodness that have both worldly and spiritual dimensions, covering material and spiritual aspects, as well as individual and collective interests. Furthermore, *maslahah* must fulfill three main elements: conformity with the Sharia (*halal*), the ability to generate benefit, and the presence of comprehensive goodness (*tayyib*) without causing harm.[40]

According to Abu Hamid al-Ghazali, the parameters of *maslahah* include several criteria. First, the benefit must be *mula'im* (compatible) with the objectives and purposes of the Sharia. Second, it must not contradict any textual evidence (*nass*) of the Sharia. Third, it must not conflict with another benefit or with stronger legal evidence. However, when a conflict arises between one benefit and another, or between *maslahah* and

[39] Akhmad Sulaiman et al., "'Ulama, 'Maslahah, and the Politics of Fatwa : The Shifting of Ali Gomaa's Fatwa Approach during the 2011 Egyptian Revolution," *Asy-Syir'ah Jurnal Ilmu Syari'ah Dan Hukum* 57, no. 2 (2023): 284–307.
[40] Zainal Arifin Haji Munir, "Exchanging Maslahah Between Landownesr and Land Tenants: The Practice of Sandak-Tanggep in Pringgasela District," *Jurisdictie: Jurnal Hukum Dan Syariah* 13, no. 1 (2022): 24–39, https://doi.org/10.18860/j.v13i1.15027.

mafsadah, the assessment should be based on the consideration of the benefit that is predicted to be stronger and more valid.[41]

The benefits protected by Islamic law, according to Abu Hamid al-Ghazali, encompass five essential elements known as *al-usul al-khamsah*: the preservation of religion (*hifz al-din*), life (*hifz al-nafs*), lineage (*hifz al-nasl*), intellect (*hifz al-'aql*), and property (*hifz al-mal*). Al-Ghazali further emphasized that *maslahah* refers to anything that functions to bring about benefit (*jalb al-manfa'ah*) and prevent harm (*dar' al-mafsadah*). Therefore, anything that safeguards these five fundamental elements is categorized as a benefit, whereas anything that undermines them is regarded as harm.[42] A customary practice can be considered *maslahah* when it is capable of maintaining social order, preserving the continuity of customary values, and ensuring the stability of community life.[43]

In the social practices of the customary community in Air Hangat District, the regulation of *pusako tinggi* is not merely understood as a hereditary customary provision, but also as a product of continuously evolving social experience. The community perceives that the sustainability of *pusako tinggi* depends on responsible patterns of management as well as the existence of social mechanisms that function to prevent the transfer of property outside the lineage. Within this framework, the placement of *pusako tinggi* in the hands of women should not be interpreted as a form of privilege or individual ownership; rather, it represents a component of the kinship system that maintains the integrity and continuity of the property so that it remains within the lineage.[44]

This pattern emerges from social realities that reflect differences in the roles and levels of closeness between daughters and their parents within a matrilocal kinship system. In addition, there exists relatively stronger social control over women in the management of customary property, exercised both by the nuclear family and by male relatives as *anak jantan* within the same *kalbu* (matrilineal kin group).[45] This condition forms a collective awareness that *pusako tinggi* must be managed responsibly for the common interest rather than for individual benefit. This perspective not only reflects customary values but also aligns with the principle of *maslahah*, namely the effort to

[41] Diky Faqih Maulana, "Transisi Otoritas Sertifikasi Halal Pasca UU No. 33 Tahun 2014 : Telaah Maslahah Dan Kepastian Hukum," *Asy-Syir'ah Jurnal Ilmu Syari'ah Dan Hukum* 53, no. 2 (2019): 463–95.

[42] Sulhani Hermawan, "Studi Fatwa Nahdlatul Ulama (NU) NO. 005/MNU-33/VIII/2015 Tentang Hukum Alih Fungsi Lahan Perspektif Maslahah," *Jurnal Hukum Islam* 16, no. 2 (2018): 172–87; Taufik Rohman Kuswandi et al., "The Validity of the Bamboo Currency in Pasiwa According to Sharia Law and the Currency Law," *Al-Rasīkh: Jurnal Hukum Islam* 15, no. 2 (2026): 229–45, https://doi.org/10.38073/rasikh.4568; Habibi Ali Zainal Abidin et al., "Actualization of the Reverence of Santri to the Kiai in Choosing a Life Partner in Pesantren," *Al-Rasīkh: Jurnal Hukum Islam* 14, no. 1 (2025): 51–67, https://doi.org/10.38073/rasikh.v14i1.2476.

[43] Fatma Amilia et al., "The Gendered Politics of Maslahah : Patriarchal Tendencies in the Legal and Judicial Justification of Polygamy," *Asy-Syir'ah Jurnal Ilmu Syari'ah Dan Hukum* 58, no. 2 (2024): 242–72.

[44] Hafidz Akbar Choirul Aulad and Teguh Dwi Cahyadi, "Analisis Peran Perempuan Sebagai Ahli Waris Dalam Masyarakat Adat Minangkabau (Studi Kasus Tentang Penerapan Hukum Adat Dan Hukum Islam Di Kabupaten Agam)," *Al-Zayn: Jurnal Ilmu Sosial Dan Hukum* 3, no. 4 (2025): 3600–3614.

[45] Arif Setiawan, "Sistem Kekerabatan Matrilineal Dalam Adat Minangkabau Pada Novel Siti Nurbaya : Kasih Tak Sampai," *ALFABETA* 2, no. 1 (2019): 92–104.

preserve benefits while preventing potential social harm. Such an understanding is also reflected in the views of local religious figures. As conveyed in the results of an interview with a local religious leader, the placement of *pusako tinggi* under the authority of daughters is not interpreted as a form of absolute ownership, but rather as a social strategy to maintain the continuity and integrity of the ancestral property.

> "*If pusako tinggi were placed under the control of men, there would be concern that the property might be more easily sold. This concern arises from the perception that men tend to feel more freedom and fewer restrictions, which may lead them to regard pusako tinggi as if it were their personal property. In contrast, when pusako tinggi is placed under the authority of daughters, it is considered to be better preserved, as daughters generally maintain a sense of respect and restraint toward male relatives within the same kalbu. They also understand that pusako tinggi does not constitute personal ownership, but rather represents a right of use that must be safeguarded and cannot be unilaterally transferred*". (Interview with Religious Leader MYK, 7 October 2025).

There exists stronger social control, both from the family and from male relatives within the same *kalbu*, which prevents daughters from feeling free to sell *pusako tinggi* unilaterally. This awareness fosters a cautious attitude in utilizing *pusako tinggi*, ensuring that it remains well preserved and does not easily change hands. Moreover, such a mechanism has not been found to generate tensions or conflicts among family members, as expressed by members of the community. Based on the results of an interview with a community leader, it was stated that:

> "*I certainly agree with the system in which pusako tinggi is managed by women. Although such a pattern of management has long been part of our traditions and customary practices, it also reflects certain social considerations. For instance, daughters (anak batino) generally live with their parents and are the ones who directly take care of them. Meanwhile, we men, as anak jantan, after marriage reside in our wives' households. If this arrangement is considered carefully, we as men also continue to benefit from pusako tinggi through our wives*". (Interview with Community Leader KA, 10 October 2025).

This finding is also consistent with the results of an interview with a customary leader, who stated that there has never been a need to resolve conflicts among families or *kalbu* regarding *pusako tinggi*.

> "*We have never handled any disputes concerning pusako tinggi, whether related to claims of ownership or other similar matters. We are not aware if such conflicts have occurred elsewhere, but in our community the situation has remained peaceful and well maintained*". (Interview with Customary Leader MR, 6 October 2025).

This reflects a relatively shared understanding regarding the function and status of *pusako tinggi*. Such alignment of understanding is evident in the absence of conflicts

or social tensions related to the management of *pusako tinggi*, whether in the form of ownership disputes or competition over rights. This condition indicates that the existing customary mechanisms have been collectively accepted and adhered to as part of the community's collective awareness in maintaining the integrity and continuity of *pusako tinggi*. From this perspective, *maslahah* can be considered by examining its objective of promoting benefit, preventing conflict, and aligning with customary provisions as well as the social conditions of the community.[46]

From the perspective of *maslahah*, this pattern of management aims to safeguard collective benefit and prevent potential social loss resulting from the disappearance of the property. The placement of usufruct rights in the hands of daughters is viewed as a preventive mechanism to avoid *mafsadah* in the form of the sale of *pusako tinggi*, while simultaneously ensuring the continuity of the property's social function for future generations. The preservation of property in this manner constitutes a fundamental necessity that must be safeguarded, as its protection is essential to guarantee the continuity and well-being of communal life. Therefore, every action should be directed toward the protection and realization of *maslahah*.[47] This principle of *maslahah* is understood as an effort to realize substantive justice and the practical benefit of law by taking into account the social and economic dynamics of the community.[48] In the context of *muamalah* related to property, the legal consequences that arise become an important consideration in assessing *maslahah*, as *maslahah* functions as an evaluative principle to ensure that the law is not merely repressive, but also just, proportional, and capable of protecting the rights of those who are entitled to them.[49]

The pattern of managing *pusako tinggi* implemented under the customary system of Air Hangat District reflects the presence of *maslahah*. This is because *pusako tinggi* is entrusted to women to manage, based on the consideration that daughters generally maintain closer relationships with their parents and continue to live with them. Consequently, they are also the ones who directly care for their parents in old age. In addition, this arrangement functions as a mechanism to safeguard the property so that it remains intact and is not easily lost or transferred, thereby ensuring that future generations can continue to benefit from and utilize *pusako tinggi*. This practice is also consistent with the principle of *hifz al-mal* (the preservation of property), which constitutes one of the fundamental objectives of the Sharia.

CONCLUSION

[46] Maimun et al., "Analyzing the Maduranese's Traditional Inheritance from al-Tufi's Maslahah Theory," *Al-'Adalah* 18, no. 1 (2021): 35–54.
[47] Muzalifah et al., "The Interconnection of Maslahah in Traditional Market Management Policy during the Pandemic in the City of Yogyakarta," *Asy-Syir'ah Jurnal Ilmu Syari'ah Dan Hukum* 55, no. 1 (2021): 124–52.
[48] Yusida Fitriyati et al., "Reconsidering Inheritance Equality: Gender Justice in Religious Court Decisions Trough the Lens of Maqashid Al-Shariah," *NURANI: Jurnal Kajian Syari'ah Dan Masyarakat* 25, no. 1 (2025): 122–40.
[49] Akhmad Dulfikar et al., "Sanctions for Inheritance Embezzlement in Indonesia: Analysis of Qiyas and Maslahah," *Jurnal Hukum Islam* 23, no. 1 (2025): 176–200.

The management of *pusako tinggi* among the people of Air Hangat District continues to be based on customary provisions implemented through a matrilineal kinship system. Within this system, women serve as the managers and holders of usufruct rights over *pusako tinggi*, while men function as supervisors who ensure that its management remains consistent with prevailing customary norms. This division of roles is closely related to the social structure of a matrilineal society, which positions women as being closer to their parents and responsible for caring for them in their old age. The practice of managing *pusako tinggi* through the female lineage also aims to maintain the continuity and integrity of the property so that it is not easily transferred or sold, thereby allowing its benefits to be sustainably enjoyed by future generations. This condition indicates that the management of *pusako tinggi* embodies the value of *maslahah* and aligns with the objectives of Islamic law, particularly in the preservation of property (*hifz al-mal*). Therefore, future research is recommended to examine the management of *pusako tinggi* from broader perspectives in order to better understand the dynamics of this practice within society. Nevertheless, this study is limited to the context of Air Hangat District in Kerinci Regency, and thus may not capture the diversity of customary practices in other regions.

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