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Postponement of Inheritance Distribution for Minangkabau Migrant Inheritors: A Study of Islamic Law

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ABSTRACT

This research aimed to examine the practice of postponing inheritance distribution for Minangkabau migrant inheritors from Islamic law's perspective and identify the contributing factors. The research employed a mixed-methods approach, combining field research and normative legal analysis. Subsequently, the collected data were analyzed qualitatively to describe the problem and address the research purposes. The results showed that postponing inheritance distribution contradicts the principles of Islamic law, which mandates that the division be carried out promptly after the testator's death using fara'id. This delay is influenced by economic factors, customary practices that grant women a dominant role in inheritance and prioritize the preservation of high-level heirloom treasures, and the distance separating migrant inheritors from their hometowns. Nevertheless, some scholars permit postponement if it is based on considerations of family welfare, while others reject it by referring to the ijbari principle. Therefore, it is recommended that the government, Islamic scholars, Minangkabau indigenous people, and Muslim migrant inheritors enhance their understanding and awareness of Islamic inheritance law and play an active role in preventing and resolving the issue of postponed inheritance distribution, as preventing inheritors from their inheritance rights is unlawful (haram) and a major sin.

Keywords: Indigenous People; Inheritor; Ijbari Principle; Minangkabau Migrant; Inheritance.

INTRODUCTION

Islamic inheritance law is a comprehensive set of rules governing inheritance distribution among Muslims (Saujan et al., 2022). This law originates from two primary sources, the Qur'an and hadith, guaranteeing justice and benefit for all inheritors (Siregar et al., 2024). The relevance of Islamic inheritance law is timeless because every individual will inevitably face death. When a person dies, they must distribute the estate left behind to the inheritors according to their respective shares (Ayudiatri & Cahyono, 2022). Proper and fair inheritance distribution not only fulfills the rights of the inheritors but also plays a vital role in preventing potential conflicts and disputes that often arise due to inheritance disputes (Zuhirsyan et al., 2022). By consistently applying Islamic inheritance law, it is hoped that peace, justice, and harmony in family relationships will be created.

One hadith that explicitly regulates inheritance distribution is the hadith narrated by Ibn Abbas in *Sahih al-Bukhari*, in which the Prophet Muhammad SAW states:

"Give the Fara'id (the shares of the inheritance that are prescribed in the Qur'an) to those who are entitled to receive it. Then whatever remains, should be given to the closest male relative of the deceased."

This hadith provides clear guidance that inheritance distribution must be carried out by the provisions established by Allah SWT. Each male and female inheritor can receive their respective share according to their position and degree

of kinship with the testator (Kamumu, 2022). After the *ashabul furudh*¹ receive their share, the remaining inheritance is given to the testator's brother who has the closest kinship relationship. To become an inheritor, there are causes of inheritance, namely *nasab* (bloodline), valid marriage, freeing a slave, and *jihatul Islam* (Muslim relations) (Abdillah & Anzaikhan, 2022).

The principles of justice and speed in inheritance distribution are fundamental in Islam. Although Islam encourages inheritance distribution to be carried out immediately after the testator dies, postponement is permitted under certain conditions. Such postponement is justified if there are legitimate and urgent reasons, for example, to settle the testator's affairs first or because of considerations for the benefit of all inheritors (Munir, 2021). However, suppose the postponement is done without an apparent reason or even hinders the inheritors who demand their rights. In that case, this action is considered a form of injustice and a violation of the inheritors' rights (Jakfar et al., 2022).

The phenomenon of postponement of inheritance distribution is often found among the Minangkabau indigenous people, especially those in rental or a foreign land. The term "*rantau*" is an integral part of the Minangkabau language and culture, and it refers to areas outside the core Minangkabau region, namely West Sumatra. Minangkabau men have long practiced the tradition of migrating when they reach young adulthood. Driven by customary culture and the spirit of independence, they leave their hometowns to seek experience, knowledge, and a better livelihood elsewhere. History records that the Minangkabau indigenous people, especially traders, have been essential in developing Southeast Asian trade since the 7th century (Munoz, 2006). Their presence in various regions in the archipelago significantly influenced the social, cultural, and economic development in those areas.

Although the tradition of migrating brings many benefits, it also poses some challenges, including inheritance distribution. In reality, several migrant inheritors postpone their inheritance distribution. This delay can be triggered by various factors, such as the long distance between inheritors, their respective busy lives, or considerations to maintain the integrity of high-level heirloom treasures. However, this practice of postponing inheritance distribution has the potential to cause conflict between inheritors and appears to be contrary to Islamic teachings, which encourage inheritance distribution to be carried out immediately after the testator dies. On the other hand, there is also the practice of inheritance distribution based on deliberation among inheritors led by their mothers. This practice, although prioritizing kinship and togetherness, sometimes ignores the rules of Islamic inheritance law entirely, thus potentially causing injustice in inheritance distribution.

¹Ashabul furudh are the inheritors whose shares have been explicitly defined in the Qur'an and Hadith. They are entitled to receive their inheritance with priority.

Based on the description above, this research aims to examine the practice of postponement of inheritance distribution for Minangkabau migrant inheritors from the perspective of Islamic law. This research focuses on understanding the factors causing the postponement of inheritance distribution, especially in the Medan Area Subdistrict. In addition, this research will also examine the opinions of Islamic scholars regarding the postponement of inheritance distribution for Minangkabau migrant inheritors. The results of this research are expected to provide recommendations regarding the problem of postponement of inheritance distribution based on Islamic law principles.

METHOD

This research employs a mixed method of field research and normative approaches to examine the postponement of inheritance distribution for Minangkabau migrant inheritors from the perspective of Islamic law. A qualitative approach with a field research method is applied to explore the factors causing the postponement of inheritance distribution among Minangkabau indigenous people in the Medan Area Subdistrict, where this research is focused (Irwansyah, 2021). The selection of this location is based on indications of deviations in understanding and implementing inheritance distribution for migrant inheritors. Meanwhile, the normative research method is used to analyze the law of postponement of inheritance distribution for inheritors based on the perspective of Islamic law (Qamar & Rezah, 2020). Data is collected through observation, in-depth interviews with Islamic scholars and Minangkabau indigenous people as key informants, and documentation studies. Data analysis is carried out qualitatively with a focus on interpreting the meanings, values, and practices that apply in the postponement of inheritance distribution and assessing their alignment with Islamic law principles. Through this analysis, it is hoped that this research can identify the factors causing the postponement of inheritance distribution and answer the established research objectives (Sampara & Husen, 2016).

RESULTS AND DISCUSSION

A. Postponement of Inheritance Distribution from the Perspective of Islamic Law

As a comprehensive religion, Islam regulates ritual worship and guides various aspects of life, including inheritance. Islamic inheritance law, derived from the Qur'an and Hadith, was established to ensure justice and welfare for all inheritors. One crucial principle in Islamic inheritance law is the obligation to distribute inheritance to rightful inheritors (Pulungan et al., 2022). This principle aligned with the theory of justice put forward by Aristotle (1999), which

distinguished between distributive and commutative justice. Distributive justice concerns the proportional distribution of rights and obligations in society, while commutative justice focuses on equality in transactions between individuals. In the context of inheritance, distributive justice is reflected in the inheritance distribution according to each inheritor's share, while commutative justice is manifested in the obligation to deliver the inheritance to the inheritors without any unauthorized reduction or delay.

Although Q.S. *An-Nisa'* verses 11, 12, and 176 do not explicitly mention the need for prompt inheritance distribution, determining each inheritor's share is an undeniable obligation. Postponement of inheritance distribution is permissible for valid reasons, such as public interest considerations or the consent of all inheritors (Mutia, 2016). However, if the delay is without an apparent reason or even hinders inheritors from claiming their rights, such action is considered an injustice. This contradicts the principle of *maslahah mursalah* in Islamic law, which prioritizes the common good and avoids actions that harm others (Fadli et al., 2021).

Postponement of inheritance distribution can lead to various problems in the future, such as disputes among inheritors, loss of crucial evidence, and damaged family relationships. Sunan al-Darimi in Ad-Daraquthni (2007) narrates a story about a group of people who came to the Prophet Muhammad SAW to resolve an inheritance case and other matters where evidence had been lost and witnesses were no longer available. This story illustrates that postponement of inheritance distribution can create future problems that potentially damage family relationships. Therefore, Islam encourages the prompt execution of inheritance distribution after the testator's death and discourages repeated postponement without clear reasons. Delays that harm other inheritors are prohibited in Islam because they can raise suspicions and mistrust among them. It aligns with the Islamic legal maxim "*dar'ul mafaasid muqaddamun alaa jalbil mashaalih*," which prioritizes the prevention of harm over the pursuit of benefits (Vinuris et al., 2023).

Islamic inheritance law is based on several essential principles that ensure justice and welfare for all inheritors. One of these principles is the principle of *ijbari*, which means the transfer of inheritance from the testator to the inheritors occurs automatically according to the command of Allah SWT, regardless of the inheritors' will (Lilis, 2022). This *ijbari* principle indicates that Islamic inheritance law is binding and obligatory for all Muslims. This principle also implies that the amount of each inheritor's share is determined by Allah SWT and cannot be altered by anyone (Rahmawati & Zuhdi, 2022). The word *mafrudhan* in the Qur'an emphasizes that each inheritor's share is predetermined and must be implemented bindingly (Zenrif & Bachri, 2003).

The *ijbari* principle in Islamic inheritance law requires that inheritance distribution be carried out promptly and not be repeatedly postponed. Postponement of inheritance distribution can lead to sin, except when there are urgent public interest considerations and agreements from all inheritors. Although factors such as economics, customs, and distance often become reasons for postponing inheritance distribution, these factors are not justifiable according to Islamic law. This is reinforced by the opinions of Islamic legal scholars who state that continuous postponement of inheritance distribution without valid reasons can lead to disputes, embezzlement, and violation of inheritors' rights (Maimanah et al., 2024).

In addition to the *ijbari* principle, Islamic inheritance law also upholds the principle of justice. This principle of justice implies a balance between the rights obtained from inheritance and the obligations or burdens of life that must be borne by the inheritors (Datumula & Syaifullah, 2022). Justice in Islamic inheritance law is not measured by the equal status of the inheritors but by the magnitude of the responsibilities borne by each inheritor. Thus, Islamic inheritance law ensures justice and welfare for all male and female inheritors, young and old. It is by the word of Allah SWT in Q.S. An-Nisa' verse 7, which states:

لِلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ ۗ نَصِيبًا مَّفْرُوضًا ﴿٧﴾

"For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much - an obligatory share."

B. Inheritance Management Practices Among the Minangkabau Indigenous People

Kinship and inheritance systems are closely intertwined aspects of any indigenous people. The kinship system determines lineage and inheritance rules within that indigenous group. Generally, Indonesia has three recognized kinship systems: patrilineal, matrilineal, and parental (Maryani et al., 2022). The patrilineal system traces lineage through the father, giving the father and paternal relatives a more dominant role in the family. The matrilineal system traces lineage through the mother, placing the mother and her family at the center of tradition and leadership. The parental system combines both lineages, giving both parents equal standing within the family. Each kinship system has distinct inheritance rules influenced by the indigenous people's values, norms, and traditions (Sinaga et al., 2022).

On the other hand, indigenous peoples have various inheritance practices, ranging from equal distribution among inheritors to prioritizing male inheritors over female inheritors (Susanti & Hasibuan, 2023). Minangkabau customary inheritance law, however, does not stipulate specific portions for each inheritor, making it more flexible and adaptable to the family's circumstances and needs. The unwritten nature of Indigenous law allows it to be dynamic and readily adapt to changing times.

The Minangkabau indigenous people of West Sumatra are renowned for their matrilineal solid system. In this system, lineage is traced through the mother, and women play a vital role in the family and society. Traditional Minangkabau history states that the matrilineal system (one umbrella, one grandmother, one womb) was used by ancestors to cultivate land and establish villages. As descendants grew, the *nagari* (village) expanded (*bakalebaran*). From then on, Minangkabau ancestors considered the future of their descendants by bequeathing inheritance in the form of *sako* (clan titles) and *pusako* (high-level heirloom treasure) (Murniwati, 2023). *Sako* is an intangible asset crucial in shaping morality and social identity and preserving Minangkabau customs. Meanwhile, *pusako* is a high-level heirloom treasure that guarantees the lives of clan members, passed down through generations with the principle of communal ownership.

Matrilineality is a central aspect of the Minangkabau indigenous people's identity. Over time, Minangkabau customs and culture have positioned women as inheritors of high-level heirloom treasures and determinants of lineage. Lineage is traced back to the mother, referred to as *sumande* (one mother). Meanwhile, the father is called *sumando* (brother-in-law) and treated as a guest in the family (Abidin et al., 2024). The kinship principle of the Minangkabau indigenous people is matrilineal descent, which governs kinship relations through the maternal line. With this principle, a daughter will inherit her mother's clan title and receive inheritance in the form of high-level heirloom treasures passed down through the maternal lineage.

To gain a deeper understanding of this phenomenon, this research involved three married Minangkabau women. The selection of female informants was based on the consideration that in Minangkabau customs, women have a crucial role in the family, including inheritance management. This research found that half of the Minangkabau indigenous people in the Medan Area Subdistrict practice postponement of inheritance distribution for various reasons, thus normalizing the practice.

This research conducted an initial interview with Suzanna², a married Minangkabau woman, to gather more in-depth information regarding inheritance distribution practices among Minangkabau indigenous people in the Medan Area Subdistrict. Suzanna comes from a family that adheres firmly to Minangkabau customs. In the interview, Suzanna explained that in Minangkabau customs, women receive a larger share of the inheritance than men. This is based on the belief that men have the opportunity to migrate and earn a living elsewhere, while women are expected to stay at home and safeguard the family inheritance.

This practice demonstrates a significant difference between Minangkabau indigenous and Islamic inheritance laws. In Islamic law, inheritance distribution is meticulously regulated in the Qur'an and Hadith, known as *fara'id*. *Fara'id* stipulates the share of each inheritor based on their degree of kinship with the testator, without gender distinction (Daulay et al., 2022).

In the case of Suzanna's family, inheritance distribution is not based on fear but on Indigenous law and parental wishes. Suzanna's mother encouraged that the inheritance be given entirely to the daughters or divided equally with the sons. She even instructed her daughters to transfer the ownership of the house deed to their names as their inheritance rights. Suzanna and her siblings respected their mother's decision because, in Minangkabau customs, a mother's words are highly valued and considered a form of *birrul walidain* (filial piety).

The second informant interviewed in this research was Yeva³, a married Minangkabau woman. Yeva comes from a large family with two brothers and four sisters. In the interview, Yeva explained that Minangkabau customs utilize a matrilineal system for inheritance, where women are considered the primary inheritors of high-level heirloom treasures. It demonstrates that in the Minangkabau tradition, women hold a significant position and role, especially regarding inheritance and the preservation of family heirlooms.

Yeva recounted that in her family, their mother bequeathed all her assets to Yeva. This decision was based on two primary reasons. *First*, Yeva lived with and cared for their mother until her passing, while her siblings married and lived separately. *Second*, in Minangkabau customs, women from the maternal lineage are prioritized to receive inheritance. Although one of Yeva's brothers disagreed with the decision, their family upheld the inheritance tradition according to their customs. This illustrates that indigenous law still strongly influences inheritance-related decision-making among Minangkabau indigenous people, even though it sometimes conflicts with Islamic law.

²Interview Results with an Inheritor in the Minangkabau Indigenous People. Suzanna, on July 11, 2024.

³Interview Results with an Inheritor in the Minangkabau Indigenous People. Yeva, on July 11, 2024.

From an Islamic legal perspective, the inheritance practice in Yeva's family raises several questions and issues. *First*, bequeathing all property to a single daughter contradicts Islam's principle of justice and the rules of inheritance distribution, which are clearly stipulated in the Qur'an and Hadith. *Second*, postponing inheritance distribution without an apparent reason is also not permissible in Islam. Postponement is only allowed for valid and urgent reasons, such as settling the testator's affairs, disputes among inheritors, or more significant benefits for all inheritors.

In the case of Yeva's family, the postponement of inheritance distribution appears to have been done to deny the inheritance rights of Yeva's brother. This action is considered unlawful as it contradicts [Q.S. An-Nisa'](#) verse 7. This verse emphasizes that every male or female inheritor has the right to receive a share of the inheritance according to the provisions set by Allah SWT.

The third informant interviewed in this research was Yanti⁴, a married Minangkabau woman. Yanti comes from a family with two brothers and two sisters. Yanti explained that when their father passed away, he left several inheritances, such as a house, rice fields, and farmland. However, to date, Yanti's family has not divided the inheritance due to a prohibition in Minangkabau customs against dividing high-level heirloom treasures.

This delay is based on two main reasons. *First*, according to their adhered Minangkabau customs, high-level heirloom treasures, such as houses and land, cannot be divided or sold. These heirlooms are considered communal property of the extended family, especially the maternal lineage, and are managed collectively for shared benefit. This practice prohibiting the distribution of high-level heirloom treasures contradicts Islamic law, which mandates inheritance distribution to rightful inheritors according to the provisions stipulated in the Qur'an and Hadith.

Second, their mother is still alive. In Minangkabau customs, inheritance distribution is typically postponed as long as one parent is still alive, considering that the surviving parent still needs and has the right to utilize the inheritance. While postponement of inheritance distribution in this context can be justified according to Islamic law based on public interest and the consent of the inheritors, it must be ensured that the delay does not cause injustice or harm the rights of other inheritors.

Yanti's family also agreed to postpone the distribution of other assets, such as savings, because they wanted their mother to continue using and managing them. This demonstrates that Yanti's family prioritizes their mother's needs and

⁴Interview Results with an Inheritor in the Minangkabau Indigenous People. Yanti, on September 16, 2024.

comfort in deciding to postpone inheritance distribution. They focus on caring for their mother and managing shared assets for the family's benefit and will revisit the distribution of non-high-level heirloom treasures after their mother passes away.

The practice of postponing inheritance distribution in Yanti's family reflects the strong influence of Minangkabau customs on inheritance management. Nevertheless, the postponement in this case can be justified according to Islamic law if it is based on public interest considerations and has all inheritors' consent. In Islamic law, postponement of inheritance distribution is permissible if there are valid reasons and it does not harm other inheritors.

However, it is essential to remember that the prohibition against distributing high-level heirloom treasures in Minangkabau customs contradicts the principles of Islamic law, which mandates fair inheritance distribution to every rightful inheritor. Although indigenous law is part of local wisdom that needs to be respected in matters of inheritance, Islamic law should be the primary guide for Muslims.

C. Factors Causing the Postponement of Inheritance Distribution for Minangkabau Migrant Inheritor

Postponement of inheritance distribution is a complex issue that frequently occurs in various indigenous communities, including among male Minangkabau migrants. From an Islamic legal perspective, delaying the distribution of inheritance to rightful inheritors according to their designated shares is a violation of Allah SWT's decree. This is based on the *ijbari* principle in Islamic inheritance law, which mandates that inheritance distribution be carried out as soon as possible after the testator's affairs, such as funeral arrangements, debt settlement, and execution of the will, have been completed (Fadloli et al., 2023). However, several factors influence the postponement of inheritance distribution for Minangkabau migrant inheritors. These factors can be internal, such as economic conditions, or external, such as customary practices and distance.

Economic factors are crucial in inheritance distribution decisions, especially for male Minangkabau migrants. The economic condition of the inheritors' families, particularly in meeting basic needs, significantly influences the decision to postpone inheritance distribution. This was revealed in interviews with several informants, such as Suzanna and Yeva, who disclosed that postponement occurred because, at the time of the testator's death, they and their siblings felt content with their assets and did not need the inheritance.

Sufficient economic conditions allow inheritors to postpone distribution without feeling disadvantaged or burdened. They can meet their daily needs with their assets, so there is no urgency to divide the inheritance immediately. The decision to postpone distribution in this situation can be considered prudent financial management. However, it is crucial to remember that postponing distribution must still consider the principles of justice and the rights of the inheritors. Even though the inheritors may not need the inheritance then, they still have rights to those assets. Therefore, when the family's economic condition improves, or an inheritor is in need, the inheritance distribution must be carried out promptly according to Islamic law.

Furthermore, customary practices significantly influence various aspects of indigenous life in Indonesia, including inheritance. Values, norms, and traditions embedded in customary practices shape the perspectives and actions of indigenous people in managing and distributing inheritance. It is reflected in the statements of several informants in this research, such as Suzanna and Yeva, who revealed that they postponed inheritance distribution to adhere to customary practices passed down through generations in their families.

Although customary practices are an integral part of indigenous identity and culture, Islamic law must be the primary guide for Muslims in matters of inheritance. Customary practices that contradict the principles of Islamic law cannot be justified. In postponing inheritance distribution, Islamic law provides clear rules and encourages the division to be carried out immediately after the testator's death. Postponement is only permissible if there are valid reasons and it does not harm the rights of other inheritors.

In the case of postponed inheritance distribution among Minangkabau indigenous people in the Medan Area Subdistrict, there is an evident intermingling of customary and religious rules. Although the informants are aware that postponing inheritance distribution contradicts Islamic law, they still do so to adhere to long-standing customary practices in their families. This demonstrates that the influence of customary practices remains vital in shaping the mindset and actions of indigenous people, including in matters of inheritance.

Finally, distance is a significant obstacle in distributing inheritance, especially for male Minangkabau migrants. In the Minangkabau tradition, migration is essential to a man's maturation process and search for identity. Men are expected to leave their hometowns and seek life experiences elsewhere, often settling in cities or regions far from their families.

When a testator passes away while their inheritors are scattered across different regions, distance becomes an obstacle in the inheritance distribution process. Migrant inheritors may face difficulties returning to their hometown due to various factors, such as long distances, expensive travel costs, busy work schedules, and family responsibilities. This situation can lead to the postponement of inheritance distribution, and in some cases, it can be prolonged for a considerable time.

Postponement of inheritance distribution is a complex and multidimensional phenomenon. On the one hand, it can have positive effects, such as providing time for inheritors to settle the testator's affairs, avoiding conflicts among inheritors, and allowing inheritors to prepare themselves psychologically and financially to receive and manage the inheritance. However, delaying distribution can also have negative consequences for the inheritors and the family. *Firstly*, it can result in some inheritors not receiving their full rights, while others take more than their share from the assets themselves and their benefits. It undoubtedly creates injustice and has the potential to cause disputes among inheritors. *Secondly*, the longer the postponement, the greater the family's potential for *syubhat* (doubt). This doubt can manifest as uncertainty about the ownership status of assets, questions about each inheritor's share, and suspicion among inheritors (Muttaqin, 2021).

Therefore, while these factors can be understood as obstacles to inheritance distribution, it is essential to remember that postponing distribution without valid reasons can have negative consequences and contradict the principles of Islamic law. Hence, efforts are needed to raise awareness among indigenous people about Islamic inheritance law and encourage them to distribute inheritance promptly, somewhat, and transparently.

D. Islamic Scholars Views on the Postponement of Inheritance Distribution Among the Minangkabau indigenous People

The practice of postponing inheritance distribution among Minangkabau indigenous people has garnered attention from Islamic scholars, resulting in diverse perspectives. Muhibbussabry⁵, for instance, firmly rejects the practice and deems it as *'urf fasid* (corrupted custom) due to its contradiction with Islamic law. He emphasizes that Allah has designated the inheritors' shares in a detailed and transparent manner in the Qur'an, specifically in [Q.S. An-Nisa'](#) verses 11, 12, and 176. Therefore, according to Muhibbussabry, postponing inheritance distribution without a clear justification is unlawful (*haram*), and those who do so must restore the wronged inheritors' rights.

⁵Interview Results with the Member of the Fatwa Commission of the Indonesian Ulema Council of North Sumatra. Dr. Muhibbussabry, M.A., on July 8, 2024.

A relatively similar view is presented by Asmuni⁶, who stresses that inheritance distribution must adhere to Islamic law as stipulated in [Q.S. An-Nisa'](#) verses 11 and 12. He explains that these verses indicate that men receive a larger share than women in inheritance distribution. Consequently, the Minangkabau custom of granting women a larger share contradicts the Qur'an and is not permissible. Asmuni also highlights that equal distribution of inheritance is not allowed because Allah has determined the share of each inheritor in *fara'id*.

On the other hand, Ahmad Sanusi Luqman⁷ offers a more moderate perspective. He states that customs are permissible as long as they do not conflict with Islamic law. Postponement of inheritance distribution is allowed if it serves a beneficial purpose and has objectives that do not contradict Islamic law, depending on the purpose of the custom. This delay aligns with the concept of *hifz al-mal* (preservation of wealth) in Islamic law, which encourages the preservation and growth of wealth to benefit the family and society ([Juswandi et al., 2024](#)). For example, if a mother is still alive, the inheritance for the sons falls under the mother's guardianship, not the daughters', and is referred to as communal property.

The differing views among scholars regarding the postponement of inheritance distribution among Minangkabau indigenous people highlight the complexity of this issue, which demands in-depth analysis considering various aspects, from Islamic law and indigenous law to family welfare, in seeking appropriate and just solutions. Ahmad Sanusi Luqman, for instance, permits postponement if it is based on considerations of family welfare. Conversely, Asmuni and Muhibbussabry reject postponement by referring to the *ijbari* principle, which requires inheritance distribution to be carried out immediately after the testator's death. They argue that postponing distribution can diminish the rights of inheritors and potentially lead to various forms of injustice.

Despite the differences in opinion regarding postponing inheritance distribution, scholars agree that ownership of property transfers to the inheritors upon the testator's death. It aligns with the Hadith narrated by Anas bin Malik in [Sahih Muslim](#), which states that the Prophet Muhammad SAW said:

“Three things follow the bier of a dead man. Two of them come back and one is left with him: the members of his family, wealth, and his good deeds. The members of his family and wealth come back and the deeds alone are left with him.”

⁶Interview Results with the General Secretary of the Indonesian Ulema Council of North Sumatra. Prof. Dr. H. Asmuni, M.A., on July 3, 2024.

⁷Interview Results with the Head of the Fatwa Division of the Indonesian Ulema Council of North Sumatra. Drs. H. Ahmad Sanusi Luqman, Lc., M.A., on July 10, 2024.

This Hadith emphasizes that after the testator's death, the inheritance becomes the rightful property of the inheritors and no longer belongs to the testator. Therefore, postponing inheritance distribution without a valid reason can be seen as preventing inheritors from their rights. Furthermore, the Prophet Muhammad SAW explicitly prohibited actions that hinder inheritors from their inheritance rights (Haque et al., 2020). A Hadith narrated by Anas bin Malik in *Sunan Ibn Majah* states that the Prophet Muhammad SAW said:

"Whoever tries to avoid giving the inheritance to his heirs, Allah (SWT) will deprive him of his inheritance in Paradise on the Day of Resurrection."

This Hadith demonstrates that preventing inheritors from their inheritance rights is unlawful (*haram*) and a major sin. Obstructing or postponing inheritance distribution without valid reasons or permission constitutes a violation of others' rights and a form of oppression. Oppression is a grave sin that is threatened by Allah SWT (Fakhrurrazi et al., 2022). Jabir bin Abdullah narrated in *Sahih Muslim* that the Prophet Muhammad SAW said:

"Be on your guard against committing oppression, for oppression is a darkness on the Day of Resurrection, and be on your guard against stinginess for stinginess destroyed those who were before you, as it incited them to shed blood and make lawful what was unlawful for them."

Furthermore, obstructing inheritance rights also falls under the category of consuming others' wealth unjustly, as stated by Allah SWT in *Q.S. An-Nisa'* verse 29:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالِكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ
وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا ﴿٢٩﴾

"O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful."

Therefore, the stance taken by Islamic scholars regarding the postponement of inheritance distribution among Minangkabau indigenous people in the Medan Area Subdistrict is not intended to condemn indigenous law but is based on a thorough examination of Islamic law. The scholars' opinions serve as an instrument for social change and are expected to benefit society (Reskiani et al., 2022). However, the views presented by the scholars have not been established as fatwa or formal regulations. Hence, further action is needed from the scholars to develop their opinions into regulations that can address the issue of postponed inheritance distribution for Minangkabau migrant inheritors. A more comprehensive analysis

of Islamic law concerning these scholarly opinions is necessary to gain a deeper understanding.

CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion, it can be concluded that the practice of postponing inheritance distribution for Minangkabau migrant inheritors contradicts Islamic law principles, which mandate that inheritance distribution be carried out promptly after the testator's death using *fara'id*. This delay is also influenced by economic factors, customary practices, and distance. Sufficient economic conditions allow inheritors to postpone distribution. Minangkabau customary practices, which grant women a dominant role in inheritance and prioritize the preservation of high-level heirloom treasures, also serve as a primary driver of this postponement. The distance separating migrant inheritors from their hometown further hinders the execution of inheritance distribution. Nevertheless, some scholars permit the postponement of inheritance distribution if it is based on considerations of family welfare. Conversely, other scholars reject postponement by referring to the *ijbari* principle, which requires inheritance distribution to be carried out immediately after the testator's death. These scholars categorically reject delaying distribution and consider it as *'urf fasid* (corrupted custom) due to its conflict with Islamic law. The scholars' perspectives serve as an instrument for social change within the indigenous people and are expected to promote benefits for society in general.

Based on the above conclusions, it is recommended that the government increase public awareness and understanding of Islamic inheritance law, particularly among Minangkabau indigenous people. Islamic scholars are expected to provide comprehensive and easily understandable explanations regarding Islamic inheritance law and to bridge the harmony between indigenous law and Islamic law in inheritance practices. Minangkabau indigenous people who adhere to Islam are recommended to enhance their awareness and understanding of Islamic inheritance law and to play an active role in preventing and resolving the issue of postponed inheritance distribution by adhering to the Qur'an and Hadith, and engaging in deliberations to reach a consensus on inheritance distribution. Muslim migrant inheritors are recommended to understand their rights within Islamic inheritance law and actively communicate about inheritance distribution with their families in their hometowns. Overall, preventing inheritors from their inheritance rights is unlawful (*haram*) and a major sin.

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