

ARTICLE

Bridging Tradition and Islamic Law: The Evolution of Pakpak Customary Inheritance Practices in the Muslim Community of Dairi

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Abstract

Background: The evolution of inheritance practices within the Pakpak Muslim population in Dairi indicates a progressive transition from traditional to Islamic inheritance law (*Faraidh*). Historically, Pakpak customary law favored male heirs, precluding daughters from inheriting real property. Increased legal understanding, discussions on gender equality, and marrying with non-Pakpak persons have prompted the community to accept Islamic inheritance principles voluntarily

Purpose: This study examines the factors behind this change and assesses its ramifications via the lenses of Living Law Theory, Legal Awareness Theory, and *Maqasid al-Shariah*

Methods: Utilizing a qualitative case study with a normative-empirical framework, data were gathered via interviews with traditional leaders, religious authorities, and community members.

Results: The results indicate that Islamic inheritance law is regarded as more equitable and consistent with religious duties and changing societal standards. The transition transpires spontaneously through *musyawarah* (family deliberation) and religious influence rather than state-imposed legal reform. The research enhances the dialogue on Islamic legal pluralism by illustrating the coexistence and evolution of customary and Islamic legal systems.

Implication: The findings hold practical significance for policymakers and religious organizations, highlighting the necessity of legal awareness initiatives and community-oriented law adjustments to promote gender justice and equitable inheritance distribution

Originality: comparative analysis of Malaysia's shift from *Adat Temenggong* inheritance to *Faraidh*, emphasizing how voluntary, community-driven transformation might be an alternative to state-mandated legal reform

INTRODUCTION

Indonesia's legal framework comprises a complicated amalgamation of statutory, customary, and Islamic law (Ahyani et al., 2025), especially concerning inheritance issues. Traditional inheritance customs, typically privileging male heirs, have historically coexisted with Islamic inheritance law, resulting in legal conflicts in numerous areas, including Dairi. The state's legal structure recognizes several legal traditions, permitting communities to adhere to Islamic or customary inheritance laws according to societal agreements (Aswan et al., 2025). In Muslim-majority communities such as Dairi, there has been a discernible transition towards the implementation of Islamic inheritance law instead of traditional practices. This transition signifies the growing legal consciousness within the community,

shaped by religious leaders, governmental laws, and broader socio-cultural transformations. This transition is significant as it underscores the practical operation of legal Pluralism, especially in managing the presence of several legal frameworks. Analyzing this transformation in Dairi provides significant insights into the processes by which Islamic law progressively supplants discriminatory conventional inheritance systems.

Comparable developments have transpired in Malaysia, where the *Adat Temenggong* inheritance system traditionally favored male heirs, especially on land inheritance (Jany, 2020). Over time, the codification of Islamic family law and judicial changes enabled the move to *Faraidh*, providing a more systematic implementation of Islamic inheritance law. Religious authorities in Malaysia have played a crucial role in reconciling customary claims with Islamic legal requirements, providing legal clarity for heirs. In contrast to Indonesia, where legal Pluralism permits greater flexibility in inheritance customs, Malaysia has more firmly incorporated Islamic inheritance precepts into its legal structure. The juxtaposition of Malaysia and Indonesia offers a comprehensive view of the interplay among religious, legal, and social elements in formulating inheritance laws (Mohd et al., 2021). Comprehending Malaysia's successful navigation of this transition elucidates the problems and opportunities associated with the implementation of Islamic inheritance law in Dairi. This comparative analysis highlights the necessity for more robust legal frameworks that reconcile religious ideals with social reality.

This research is based on three primary perspectives: Legal Pluralism, Legal Awareness, and Living Law. Legal Pluralism, as articulated by Yan & Benhima (2025), elucidates the coexistence of various legal systems inside a singular community, emphasizing the conflicts and interconnections between customary and Islamic inheritance rules in Dairi. The existence of state-sanctioned customary law permits families to select among various inheritance frameworks, frequently resulting in discrepancies in legal enforcement. The Legal Awareness Theory, proposed by Soerjono Soekanto, is pertinent in examining the gradual transition of community members in Dairi towards Islamic inheritance law, prompted by an enhanced comprehension of religious legal responsibilities. Religious education, state institutions, and media exposure profoundly influence the popular perception of the legitimacy of Islamic inheritance. The Living Law Theory, articulated by Eugen Ehrlich, emphasizes that law transcends state-imposed regulations and is influenced by social conduct and communal values. Implementing Islamic inheritance rules in Dairi illustrates the evolution of legal norms in response to socioeconomic realities, religious consciousness, and community choices.

Prior research has investigated inheritance conflicts in Indonesia, emphasizing the difference between customary and Islamic legal frameworks. Nazli Hasan et al. (2023) examined the status of daughters in traditional inheritance customs within the Pakpak community, highlighting the persistent preference for male heirs. Sagala et al. (2021) examined customary inheritance rules in North Sumatra, highlighting women's legal status and restricted access to property. Kaban & Sitepu (2017) examined the resolution of inheritance disputes via customary law, highlighting the difficulties encountered by women in obtaining their inheritance rights. Although these studies offer significant insights into the endurance of customary rules, they fail to examine the progressive shift from customary to Islamic inheritance law. This study addresses the gap by examining the mechanisms and motivations behind the Dairi Muslim community's growing adherence to Islamic inheritance law, diverging from conventional patrilineal practices.

This research enhances the broader discussion on legal transition in heterogeneous countries, specifically regarding inheritance law. This study diverges from prior studies that mainly recorded the continuity of customary inheritance, concentrating instead on the dynamics of change and the underlying forces propelling this transformation. This research is innovative due to its comparative methodology, utilizing insights from Malaysia's legal

change in inheritance law to analyze the Indonesian context. The results indicate that legal changes are not exclusively determined by state policy but are shaped by societal acceptability, religious knowledge, and legal consciousness. This study offers practical implications for policymakers, indicating that the formalization of Islamic inheritance law should be paired with legal literacy initiatives to facilitate seamless transfers. This research provides a comprehensive framework for analyzing the growing inheritance practices in Dairi by merging legal Pluralism, legal awareness, and living law theories.

This research examines the social reform in inheritance distribution within the Pakpak Muslim community in Dairi. It aims to comprehend the community's transition from conventional to Islamic inheritance law and the circumstances that affected this change. This study investigates the influence of familial consensus, religious education, and legal institutions on inheritance distribution by analyzing real-life examples. Additionally, it assesses if governmental policies, religious convictions, or societal forces influence this movement. The primary objective is to enhance comprehension of the legal, social, and cultural factors that influence the evolution of inheritance law. This study will enhance scholarly discourse on legal Pluralism and provide practical advice for policymakers and legal practitioners in managing inheritance transfers.

LITERATURE REVIEW

1. Legal Pluralism Theory

Legal pluralism is a theoretical construct elucidating the simultaneous existence of various legal systems inside a singular social or political entity. It questions the concept of legal centralism, which posits that state law constitutes the sole valid source of legal power. Yan & Benhima (2025) characterizes legal pluralism as a condition where many normative orders – such as state law, religious law, and customary law – function concurrently within a community. Inheritance law in Indonesia exemplifies legal diversity, comprising three legal traditions: state law, Islamic law (*Faraidh*), and customary law (*Adat*). The interplay between various legal frameworks generates opportunities and difficulties, especially in communities such as the Pakpak Muslim community in Dairi, where customary inheritance practices have traditionally prevailed. Legal pluralism offers a valuable perspective for analyzing the impact of various legal systems on social conduct and legal adjudication in inheritance conflicts.

Legal pluralism has transitioned from a descriptive notion to an analytical instrument for evaluating how nations manage intersecting legal frameworks. Early researchers concentrated on the colonial roots of legal pluralism, wherein indigenous legal traditions coexisted with imposed Western legal systems. Recent studies emphasize how globalization, migration, and human rights rhetoric have transformed diverse legal frameworks (Muchtar et al., 2024). In Indonesia, legal diversity is formalized by acknowledging customary law inside the national legal framework, yet this coexistence frequently results in discrepancies in inheritance customs (Isra et al., 2017). Some localities rigorously comply with *Faraidh*, but others persist in prioritizing ordinary inheritance laws. The development of legal pluralism theory underscores the necessity of examining the interactions, competition, and adaptation of legal norms in response to socio-cultural transformations.

Numerous studies have investigated the processes of legal plurality in inheritance law, especially among Muslim-majority cultures. DEYAN et al. (2021) examined inheritance conflicts in Aceh, Indonesia, demonstrating that individuals frequently maneuver within customary, Islamic, and governmental regulations to secure advantageous results. Flambonita (2021) examined the impact of colonial legal frameworks in Malaysia and Indonesia on enduring legal heterogeneity, influencing the implementation of Islamic inheritance law. Isra & Tegnan (2021) examined the impact of diverse legal frameworks on

gender rights in inheritance, emphasizing that customary practices frequently disadvantage women. Although these studies offer significant insights into the influence of legal diversity on inheritance practices, they inadequately explore the mechanisms by which communities shift from customary to Islamic inheritance systems.

An incisive assessment of these studies uncovers multiple deficiencies. Although prior research has established the endurance of legal plurality, limited studies have investigated the mechanisms that catalyze legal reform. Secondly, there is a paucity of research regarding the impact of religious knowledge and legal consciousness on the transition from customary to Islamic inheritance law. Third, comparative analyses between Indonesia and other Muslim-majority nations are little examined, especially in terms of the management of legal pluralism through policy interventions. Addressing these deficiencies is essential for comprehending the influence of legal pluralism on inheritance practices.

This research employs legal pluralism theory to elucidate how the Pakpak Muslim community in Dairi transitions from customary to Islamic inheritance law. It analyzes community members' legal awareness, their reasons for altering legal frameworks, and the influence of religious and state organizations in enabling this transformation. This study uses legal pluralism as an analytical framework to elucidate the negotiation processes among various legal systems, enhancing the comprehension of how communities modify inheritance practices within pluralistic legal contexts.

2. Legal Awareness Theory

The legal awareness hypothesis, formulated by Soerjono Soekanto in Tagel (2019), examines the perceptions, comprehension, and interactions of individuals and communities with legal standards. It contends that formal regulations do not exclusively govern legal compliance but are also shaped by individuals' awareness and acceptance of legal ideas. Soekanto delineates four tiers of legal awareness: awareness of legal norms, comprehension of legal substance, attitudes toward the law, and behavioral patterns about legal compliance. In inheritance law, legal awareness influences whether individuals comply with Islamic inheritance rules or persist in customary behaviors. The degree of legal awareness in a society affects the frequency of legal transitions, rendering this theory particularly pertinent to examining inheritance reform in Dairi.

Legal awareness theory has evolved to incorporate sociological and psychological aspects. Researchers have investigated the influence of education, media exposure, and religious doctrines on legal awareness, especially in societies with diverse legal systems. Inheritance law is a domain where legal awareness is essential, as individuals must select the legal framework to adhere to (Sudirman & Ramadhita, 2020). In Indonesia, the rising religious awareness has facilitated a gradual transition towards *Faraidh*-based inheritance, especially within Muslim-majority areas. Nonetheless, legal awareness does not progress equally, and numerous persons remain oblivious to their inheritance rights under Islamic law. This disparity in legal awareness underscores the necessity for specific measures to improve public comprehension of inheritance legislation.

Prior studies have examined legal knowledge in inheritance procedures within various cultural contexts. Wijayanti et al. (2023) investigated legal consciousness among Indonesian Muslims and discovered that formal legal knowledge frequently coexists with informal customary norms. Tiraada (2013) examined legal literacy initiatives in Malaysia and their influence on resolving inheritance disputes. Dawing (2020) examined the impact of religious education on legal awareness of inheritance issues. Although these studies emphasize the significance of legal consciousness in inheritance decisions, they do not comprehensively examine how legal awareness facilitates the transition of inheritance practices from customary to Islamic law.

A significant weakness in current studies is the absence of empirical research connecting legal awareness to behavioral modifications in inheritance practices. Although numerous studies record legal knowledge, fewer investigate whether legal awareness results in tangible changes in legal compliance. Moreover, the majority of studies have concentrated on urban populations, neglecting rural communities where customary laws prevail. Comprehending these deficiencies is crucial for formulating more efficacious legal literacy programs that enhance adherence to Islamic inheritance tenets.

This study utilizes legal awareness theory to evaluate the influence of legal consciousness on the transition from customary to Islamic inheritance law in Dairi. It analyzes how individuals obtain knowledge regarding inheritance rights, how it impacts their legal decisions, and what elements lead to discrepancies in legal awareness. By integrating this idea, this study offers a sociological viewpoint on how legal consciousness influences inheritance reform in diverse legal contexts.

3. Theory of Living Law

The living law hypothesis, proposed by Eugen Ehrlich in (Anda, 2018), asserts that law transcends simply state-imposed laws, being instead influenced by social practices, traditions, and the growing ideals of the community. This idea posits that legal norms arise from community interactions rather than being exclusively prescribed by legislative authority. Inheritance law presents a compelling argument for applying living law theory, as it is profoundly rooted in social and religious traditions. The change from customary to Islamic inheritance law among the Pakpak Muslim population signifies a broader transformation in societal norms, rendering living law theory a pertinent analytical framework.

The notion of living law has developed to include the influence of religion and cultural identity in forming legal standards. Academics have highlighted that changes in legal frameworks within religious groups are frequently influenced by alterations in religious interpretation rather than by official legal reforms (Utama, 2021). The acknowledgment of Islamic inheritance rules in diverse Muslim communities demonstrates the impact of religious consciousness on legal norms. The rising use of *Faraidh* in inheritance procedures in Indonesia illustrates that legal norms are influenced more by changing community attitudes than by official involvement alone.

Numerous research have utilized living law theory in the context of inheritance practices. Khoirunnisa, & Didi Jubaidi (2023) investigated the negotiation processes of rural communities in Indonesia concerning state, customary, and Islamic rules in inheritance conflicts. Himonga & Diallo (2017) examined the influence of religious leaders on the formulation of legal standards in Indonesia. Amelia et al. (2023) examined the interplay between local norms and Islamic law in property division. These studies underscore the fluidity of legal norms yet fail to comprehensively elucidate the determinants influencing the voluntary shift from customary to Islamic inheritance systems.

A significant deficiency in prior studies is the absence of comparison analysis between communities that uphold customary inheritance procedures and those that adopt Islamic law. Moreover, research on the influence of family bargaining in inheritance decisions is scarce. Addressing these deficiencies is essential for comprehending the methods by which inheritance law develops. This study employs living law theory to examine how communal ideals, religious consciousness, and familial agreement influence inheritance procedures in Dairi. It examines the impact of societal norms on legal compliance and analyzes the elements that facilitate the shift to Islamic inheritance standards. This theoretical perspective provides a profound insight into the social mechanisms propelling legal development

RESEARCH METHOD

This study utilizes a qualitative research methodology with a normative-empirical approach to examine the evolution of inheritance law application within the Pakpak Muslim community in Dairi. The study aims to comprehend the developing legal awareness within the community, specifically examining the impact of Islamic legal tenets of justice (al-'adl) and public welfare (maslahah) on their shift from customary inheritance law to Islamic inheritance law. This paper employs a comparative legal approach, considering Indonesia's legal plurality and drawing insights from analogous transitions in other Muslim-majority regions, like Malaysia. This method facilitates a broader contextualization of the results, demonstrating how various socio-legal contexts influence changes in inheritance law. This methodology seeks to elucidate the practical, normative, and cultural aspects of inheritance distribution in Dairi.

The research utilizes both primary and secondary sources for data collection. Primary data is collected via semi-structured interviews with Pakpak community leaders, religious authorities, legal professionals, and community members impacted by changes in inheritance law. Participants are selected using a purposive sampling strategy to ensure representation of various generational viewpoints, differing levels of legal understanding, and a range of experiences with inheritance disputes. Villages in Dairi were selected based on recorded instances of inheritance disputes and indications of evolving legal norms regarding inheritance. Concurrently, secondary material includes legal documents, statutory legislation, judicial rulings, academic texts, journal articles, and previous research about Islamic inheritance law, customary law, and legal diversity. This secondary literature contextualizes the empirical findings within broader legal and theoretical contexts.

The collected data is examined using thematic coding, categorizing responses according to recurring patterns of legal awareness, community perceptions of justice, and changes in inheritance practices. Triangulation is utilized by cross-referencing interviews with legal documents and judicial rulings to verify legitimacy and trustworthiness. A comparative legal analysis is performed to extract ideas from the Malaysian experience, wherein customary inheritance (*Adat Temenggong* inheritance) was progressively amalgamated with the Islamic *Faraidh* system under the oversight of religious courts. This comparative viewpoint improves the study's capacity to evaluate the efficacy of inheritance law reform efforts in Muslim-majority cultures.

Ethical considerations are paramount in this research. Informed consent was secured from all participants, confirming their understanding of the study's aims and their rights to confidentiality. Data confidentiality was preserved by anonymizing participants' identities and locations to avert unforeseen social consequences. The researcher recognizes potential biases, including positionality, as an external observer examining a highly entrenched customary system. An *emic* technique was utilized to reduce these biases, enabling participants to articulate their experiences and viewpoints free from external legal influences.

This study thoroughly investigates the functioning of legal pluralism within the Pakpak Muslim community of Dairi by incorporating Islamic legal theories, comparative analysis, and stringent qualitative research methodologies. The research findings enhance current discourse regarding the interplay among state, Islamic, and customary law in influencing modern inheritance practices in Indonesia and elsewhere.

RESULTS

1. The Role of Daughters in Pakpak Customary Inheritance and a Synopsis of Inheritance Allocation in the Former Muslim Community of Dairi

The jurisprudence of the Supreme Court of the Republic of Indonesia, expressly Decision No. 179/K/SIP/1961 and Decision No. 03/Yur/Pdt/2018, confirms that daughters possess equal inheritance rights to those of sons. This decision conforms to Islamic inheritance law, ensuring that male and female heirs obtain inheritance shares. Nonetheless, these legal stipulations are at odds with Pakpak customary inheritance law, which is patrilineal and confines inheritance rights to male heirs. By Pakpak tradition, daughters are excluded from inheriting land or houses but may receive movable assets, such as gold or household items. Notwithstanding considerable flexibility, financial allocations for daughters are markedly inferior to those for sons, perpetuating gender-based inheritance discrimination.

Discussions with Pakpak traditional leaders, such as Aslim Padang, indicated that the Pakpak inheritance system favors sons, as only males perpetuate the Pakpak lineage. Daughters are precluded from inheritance as they are deemed to belong to their husband's family upon marriage, a practice referred to as Tuhor/Manuhor. While confident daughters may obtain property from their brothers as a gift, it is not acknowledged as an inheritance but rather as an act of voluntary generosity. When a family lacks male heirs, daughters may inherit their parents' property, albeit as an exception rather than a standard practice. Wives possess the right to inherit from their husbands; however, Pakpak custom stipulates that inheritance distribution occurs solely after both parents' demise.

The standard inheritance procedure generally commences following the demise of both parents, wherein all heirs convene at the family residence to deliberate on allocating assets. The senior heir directs the discourse, guaranteeing that the inheritance is allocated by traditional accords rather than codified legal statutes. The subsequent table compares inheritance distribution practices in Pakpak customary law and Islamic inheritance law.

Tabel 1. Comparison of Inheritance Distribution Practice

Aspect	Pakpak Customary Inheritance	Islamic Inheritance Law (<i>Faraidh</i>)
Inheritance Basis	Patrilineal, favoring sons	Fixed shares based on the Qur'an
Daughters' Rights	No entitlement to land/houses; may receive movable assets	Entitled to a fixed share (1:2 ratio with sons)
Wives' Rights	Inherit after both parents die	Entitled to one-eighth (if children exist) or one-fourth (if no children exist)
Process of Distribution	Led by eldest male heir	Fixed share distribution through religious and legal guidelines

Source: Interview and Documentation, 2024

Religious leaders in Dairi, such as Mr. Riswan, say that Pakpak's traditional inheritance contradicts the Islamic concept of justice. While Islamic law dictates that girls get inheritance, Pakpak culture distributes their financial security to their spouses or brothers. The exclusion of daughters has led to family disputes and increased gender awareness, forcing a gradual change toward Islamic inheritance law. The tight devotion to traditional inheritance has also damaged women's economic stability, emphasizing their dependence on male family members.

Unlike Islamic inheritance law, Pakpak customary inheritance has no defined numerical splits between male and female heirs. The lack of explicit inheritance norms in Pakpak custom has led to variations, as some families make exceptions based on personal deliberations. Consequently, some Pakpak Muslim families are shifting away from customary inheritance customs, embracing Islamic law as a fairer and more structured alternative.

2. Evolution of Pakpak Customary Inheritance Practices in the Muslim Community of Dairi

The Pakpak tribe remains one of the dominant ethnic groups in Dairi, and its rituals continue to impact social structures, marital traditions, and inheritance systems. Historically, Pakpak customary inheritance was rigorously adhered to, especially in rural regions. Recent trends indicate that numerous Pakpak Muslim households have deviated from customary inheritance practices. This transition is apparent in three sub-districts with the highest Muslim demographics: Sidikalang, Sumbul, and Sitinjo.

Interviews with community members indicated that inheritance distribution is now determined by deliberation and familial consensus rather than rigid compliance with Pakpak tradition. Inheritance is allocated solely after completing all funeral rites following an individual's death. Contemporary families stress equity and consensus over strict traditional norms. The distribution method considers each heir's financial status, family dependencies, and individual circumstances. Families now acknowledge that the exclusion of daughters from inheritance is inequitable, leading to a shift towards Islamic inheritance standards.

Tabel 2. Factors Influencing the Shift in Inheritance Practices among the Pakpak Muslim Community

Key Factors	Interview Findings
Interramriage with Non-Pakpak Ethnicities	Mr. H. Syarifuddin, a local religious leader, explained that many young Pakpak Muslims marry individuals from Javanese, Minang, or Malay communities, where Islamic inheritance law is practiced. This exposure has influenced Pakpak families to reconsider customary inheritance traditions. Mrs. Zahara, a Pakpak woman married to a non-Pakpak Muslim, shared that her husband's family follows Islamic inheritance law, prompting discussions in her own family about the fairness of customary practices. Over time, interethnic marriages have contributed to greater acceptance of Islamic inheritance norms.
Consciousness of Gender Parity	Mr. Ibrahim, an entrepreneur, highlighted the increasing financial independence of Pakpak Muslim women, leading to greater awareness of their legal rights, including inheritance. Mrs. Halimah, a retired teacher, recalled how inheritance discussions were once exclusive to men, but now, educated and economically active women are advocating for fairer inheritance distribution. This shift is driven by women's participation in education, work, and advocacy efforts for gender equality.
Enhanced Accessibility to Education	Mr. Ridwan, a community elder, noted that in the past, Pakpak families followed customary inheritance laws without question. However, increased access to higher education, particularly Islamic education, has exposed younger generations to Islamic legal principles and national inheritance laws. Many university students educate their families on the importance of inheritance rights for daughters, leading to more inheritance distributions being decided through family deliberation (musyawarah) rather than rigid customary rules. Mrs. Nurlina, a widow with three daughters, shared that her daughters' education helped her understand the need for fairer inheritance distribution, which changed her family's approach.

Source: Interview, 2024

These societal elements suggest that Pakpak's traditional inheritance rules are progressively supplanted by a more inclusive, deliberative, and religiously informed framework. Although certain families continue to follow traditional inheritance practices, most Pakpak Muslim communities in Dairi are shifting towards a judicial system that emphasizes equity, justice, and adherence to Islamic principles. The Role of Daughters in Pakpak Customary Inheritance and a Synopsis of Inheritance Allocation in the Former Muslim Community of Dairi

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Notwithstanding considerable flexibility, financial distributions for daughters are markedly inferior to those for sons, perpetuating gender-based inheritance bias.

Interviews with Pakpak traditional authorities, notably Aslim Padang, indicated that the Pakpak inheritance system favors sons, as only males perpetuate the Pakpak bloodline. Daughters are precluded from inheritance as they are deemed to belong to their husband's family upon matrimony, a practice referred to as Tuhor/Manuhor. While confident daughters obtain property from their brothers as a gift, it is not acknowledged as an inheritance but as a gesture of personal charity. When a family lacks male heirs, daughters may inherit their parents' property, albeit as an exception rather than a standard practice. Wives possess the right to inherit from their spouses; nonetheless, Pakpak tradition stipulates that inheritance distribution occurs solely after both parents' demise.

The standard inheritance procedure usually commences following the demise of both parents, during which all heirs convene at the family residence to deliberate on allocating assets. The senior heir directs the discourse, guaranteeing that inheritance is allocated by traditional agreements rather than codified legal statutes. The subsequent table presents a comparative analysis of inheritance distribution procedures in Pakpak customary and Islamic inheritance laws.

Tabel 3. Key Changes in Pakpak Muslim Inheritance Practices in Dairi.

Factor	Traditional Pakpak Customary Practice	Current Trends in Pakpak Muslim Inheritance
Inheritance Discussions	Led by eldest son, excluding daughters	Family deliberation with daughter participation
Daughters' Rights	Excluded from inheritance	Increasingly included in asset distribution
Role of Religion	Based on Pakpak customary law	Increasing preference for Islamic inheritance principles
Legal Awareness	Customary rules enforced by traditional leaders	Growing reliance on Islamic legal framework

Source: Observation, 2024

The Muslim community in Dairi has intermarried with non-Pakpak ethnic groups, leading to cultural assimilation. Many non-Pakpak families follow Islamic inheritance law, which has influenced Pakpak families to reconsider their traditional practices. This interaction has resulted in a gradual departure from customary inheritance laws. Islamic law recognizes equal rights for men and women in various aspects of life. Over time, Pakpak Muslim women have become more financially independent, working as farmers, traders, professionals, and even family breadwinners. As women's roles evolve, so does their awareness of their rights, including the right to inheritance. Gender equality movements have also contributed to the growing acceptance of Islamic inheritance principles over customary inheritance laws.

Education has played a significant role in changing inheritance practices. As literacy rates improve, Pakpak Muslims become more aware of legal frameworks, including Islamic and state inheritance laws. Educated individuals tend to favor fair inheritance distribution, considering the needs of all heirs rather than following rigid traditional rules. As a result, deliberative inheritance sharing has replaced customary inheritance practices in many Pakpak Muslim families. These social factors indicate that Pakpak customary inheritance laws are gradually abandoned in favor of a more inclusive, deliberative, and religiously guided approach. While some families still adhere to customary inheritance rules, most Pakpak Muslim communities in Dairi are transitioning toward a legal framework that prioritizes equity, justice, and religious compliance.

DISCUSSION

1. The Inheritance Reform as a Natural Social Transition

The results indicate a modest yet notable transformation in inheritance customs among the Pakpak Muslim population in Dairi. Traditionally, Pakpak traditional inheritance adhered to a patrilineal system, whereby females were precluded from inheriting immovable property, including land and buildings. Contemporary social trends, such as marrying with non-Pakpak spouses, heightened awareness of gender equality, and enhanced education, have fostered the increasing adoption of Islamic inheritance law (*Faraidh*), which ensures daughters' inheritance rights. Furthermore, the research indicates that the distribution of inheritance is predominantly determined by familial debate (musyawarah) rather than strict compliance with traditional regulations. This change signifies a shifting social consensus in which families emphasize justice and amicable negotiation rather than rigid traditional customs. Despite the enduring influence of Pakpak customary inheritance law, the voluntary acceptance of Islamic inheritance law by the Pakpak Muslim population indicates a significant shift in legal awareness and religious observance.

These findings correspond with Indonesia's extensive socio-legal dynamics, wherein customary law, state law, and Islamic law coexist and contend within a pluralistic legal framework. The analysis indicates that governmental authorities did not mandate this transformation but arose naturally from evolving community values (Febrianty et al., 2023). This phenomenon can be elucidated through Living Law Theory, Legal Awareness Theory, and the *Maqasid al-Shariah* framework, which offer a comprehensive understanding of the reasons and mechanisms by which communities willingly shift from one legal system to another.

Living Law Theory, proposed by Eugen Ehrlich in (Anda, 2018), posits that law is defined not merely by governmental rules but by a society's values, beliefs, and lived experiences. This notion is pertinent to the inheritance reform noted in Dairi, as the implementation of Islamic inheritance law transpired freely rather than under legal compulsion. The evidence indicates that Pakpak Muslims in Dairi are progressively perceiving Islamic law as a fair and religiously mandated framework, resulting in their abandonment of customary inheritance practices that previously disadvantaged girls. Moreover, the Living Law Theory elucidates why certain families follow conventional inheritance practices, whereas others adopt Islamic law (Khoirunnisa, & Didi Jubaidi, 2023). The results suggest that older generations tend to uphold traditional traditions. In contrast, younger generations—especially those with formal education and familiarity with Islamic teachings—are more prone to support *Faraidh*-based inheritance distribution. This generational split highlights the incremental evolution of legal reform as Islamic inheritance law increasingly supplants customary standards in the absence of official involvement.

Comparable dynamics were noted in Malaysia, where *Adat Temenggong* inheritance traditions historically favored sons for land succession. As Islamic legal knowledge expanded and gender equality became more significant, Malaysia shifted from customary inheritance to the Islamic *Faraidh* system, with Syariah courts incorporating Islamic inheritance law into national legal frameworks (Abdul Latif et al., 2018). This historical connection indicates that Dairi's alteration of inheritance is part of a broader regional trend, wherein Islamic law becomes increasingly significant as societal knowledge and religious consciousness develop.

The theory of Legal Awareness asserts that legal transformation transpires when communities attain heightened consciousness of their rights and responsibilities within the legal framework (Wijayanti et al., 2023). This research in Dairi revealed that elevated educational attainment and religious knowledge directly enhanced legal awareness of

gender-equitable inheritance practices. As an increasing number of Pakpak Muslims attain formal education and religious training, they cultivate a more profound comprehension of their legal rights, resulting in a broad repudiation of Pakpak customary inheritance laws that exclude females. Field data reveals that women in Dairi, especially those with advanced education, have commenced lobbying for their inheritance rights. This transition corresponds with Islamic legal transformation literature, which indicates that when communities obtain access to Islamic education, they are more inclined to advocate for compliance with religiously mandated legal standards.

Public awareness activities in Malaysia further substantiates this theory. During Malaysia's shift from Adat inheritance to *Faraidh*, governmental bodies like JAKIM (Department of Islamic Development Malaysia) aggressively advocated for gender-equitable inheritance via Islamic educational initiatives (Abdul Latif et al., 2018). Comparable programs in Indonesia, primarily via KUA and religious organizations, may enhance legal understanding in Dairi, thereby further integrating Islamic inheritance law into community practices.

Islamic inheritance law is frequently misconstrued as discriminatory because of the 2:1 male-to-female inheritance ratio. Nonetheless, within the *Maqasid al-Shariah* paradigm, this allocation signifies a balance between rights and obligations rather than gender discrimination. This study revealed that Pakpak Muslims advocating for the adoption of Islamic inheritance law view it as a religious duty and a means to attain social fairness.

The research delineates three fundamental *Maqasid al-Shariah* principles pertinent to inheritance reform in Dairi:

1. *Hifzh al-Nasl* (Protection of Lineage) – Ensuring equitable inheritance distribution mitigates familial disagreements and disputes, safeguarding kinship bonds.
2. *Hifzh al-Mal* (Protection of Wealth): Islamic inheritance law prohibits inequitable wealth growth within patriarchal family systems, fostering economic equity.
3. The Protection of Human Dignity – Ensuring daughters' inheritance rights enhances women's dignity in society and confronts gender-based discrimination in customary law.

The results demonstrate that Pakpak Muslims who embrace *Faraidh* perceive it as a fair system corresponding to religious duties and contemporary societal principles. Nevertheless, individuals opposed to change persist in rationalizing traditional inheritance to safeguard cultural identity. The conflict between religious duties and cultural preservation illustrates Indonesia's incredible intricacies of legal plurality.

Previous studies have thoroughly recorded inheritance disputes in patrilineal communities (DEYAN et al., 2021; Kaban & Sitepu, 2017; Luawo & Amalia, 2019). This study emphasizes consensual community-led legal change, in contrast to the numerous studies concentrating on state-imposed legal reforms. This study demonstrates that customary inheritance norms are evolving through internal social discourse, contrary to previous studies that characterized them as inflexible and unchanging. Comparative studies in Malaysia (Ibrahim, 2018) indicate that legal reform was predominantly propelled by state intervention via Syariah courts. In Dairi, legal transformation is transpiring organically, independent of official intervention, rendering it a distinctive instance of grassroots Islamic legal reform.

The findings enhance the literature on Islamic legal pluralism, illustrating that Islamic law can coexist with customary practices and progressively supplant them via community-driven legal transitions. This contests the idea that Islamic legal reform must invariably be

state-driven and instead emphasizes the significance of social awareness, education, and voluntary adaptation in legal transformation. The report advocates for enhancing Islamic legal education and deliberate inheritance procedures to provide a seamless transition to gender-equitable inheritance. Institutions like KUA, pesantren, and religious councils could significantly contribute to legal awareness initiatives, assuring the correct understanding and application of Islamic inheritance law across various socio-cultural situations. This study underscores Dairi's shift from Pakpak customary inheritance to Islamic inheritance law as a paradigm for other places with analogous customary-Islamic legal conflicts. The results demonstrate that legal reform in diverse societies is most efficacious when it arises organically from the society rather than externally enforced.

CONSLUSION

This study demonstrates a steady shift from Pakpak customary inheritance law to Islamic inheritance law (*Faraidh*) throughout the Pakpak Muslim community in Dairi. Historically, customary inheritance norms within the Pakpak community precluded girls from inheriting immovable property, hence maintaining a patrilineal kinship structure. The heightened awareness of gender justice, elevated educational attainment, and intermarriage with non-Pakpak persons have facilitated a notable transition towards Islamic inheritance rules. The results indicate that families progressively favor contemplation (*musyawarah*) for inheritance distribution, ensuring equity and preserving social peace. This study emphasizes a community-driven transition toward Islamic law, influenced by changing religious awareness and societal transformation, in contrast to state-imposed legal reforms.

This study significantly contributes by integrating Living Law Theory, Legal Awareness Theory, and *Maqasid al-Shariah* to elucidate the transformation of inheritance practices in Dairi. This study illustrates that legal pluralism facilitates gradual adaptation, wherein customary and Islamic inheritance laws coexist and interact dynamically, contrasting with earlier research that typically characterizes customary inheritance as inflexible and resistant to change. The study contests the prevailing notion that Islamic legal reform necessitates state intervention, demonstrating that community-driven transformation, fueled by social consciousness and religious impetus, is crucial in legal evolution.

This study's primary innovation lies in its comparative analysis of Malaysia's shift from *Adat Temenggong* inheritance to *Faraidh* inheritance rules. The study emphasizes historical parallels between Malaysia and Indonesia while illustrating disparities in legal transformation—Malaysia's transition was state-driven via Syariah courts, whereas Dairi's evolution is voluntary and propelled by socio-religious consciousness. This dichotomy offers significant theoretical and practical insights for legal scholars and policymakers focused on Islamic legal pluralism and gender justice. This work, despite its merits, has numerous drawbacks. The research predominantly examines Muslim populations in Dairi, restricting its applicability to other Indonesian regions with distinct customary inheritance customs. Secondly, although interviews with traditional leaders and community members yield valuable insights, the study might have included more quantitative data regarding inheritance disputes, legal literacy rates, and demographic disparities. The function of state institutions, including the KUA and Syariah courts, in facilitating inheritance transitions was inadequately examined, indicating a need for more investigation into institutional impacts on the merger of customary and Islamic law.

Subsequent research should broaden its geographical focus by examining additional patrilineal communities in Indonesia experiencing analogous legal transformations. Furthermore, comparative analysis throughout Southeast Asia, especially in Malaysia, Brunei, and Aceh, would yield a more comprehensive knowledge of the interaction between customary and Islamic inheritance rules under various legal frameworks. A vital area for investigation is examining the influence of religious institutions (KUA, pesantren, and

Syariah courts) on the awareness and adherence to inheritance law. Subsequently, additional research should include quantitative legal surveys to evaluate legal awareness across various demographic groups, thereby offering statistical validation for the identified legal shift. This study concludes that legal reform may arise spontaneously from social development and evolving legal consciousness rather than necessitating official involvement. The situation of Dairi's Pakpak Muslim community exemplifies how Islamic law can progressively supplant conventional practices through voluntary adaptation, so ensuring religious adherence and social equity.

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