

Redefining the Role of Sons in *Mangulewa-Ngada* Matrilineal Inheritance: A Sociolegal Reinterpretation of Tradition and Change

Yosefina Daku ✉

*Faculty of Law, Universitas Nusa Nipa, Maumere, Indonesia
Faculty of Law, Universitas Diponegoro, Semarang, Indonesia*

 <https://orcid.org/0009-0001-8140-1927>

Afriansyah Tanjung

*Faculty of Business and Humanities, Universitas Siber
Muhammadiyah, Yogyakarta
Faculty of Law, Universitas Diponegoro, Semarang, Indonesia*

 <https://orcid.org/0000-0002-0704-8424>

Kornelius Joseph Paga Meka

Faculty of Law, Universitas Nusa Nipa, Maumere, Indonesia

 <https://orcid.org/0009-0006-3418-7274>

Arum Anggraeni Maulida

*College of Law, The Australian National University, Canberra,
Australia*

 <https://orcid.org/0000-0003-4161-4175>

✉ Corresponding email: yosefina.daku@nusanipa.ac.id

Abstract

This study investigates the evolving social and functional roles of sons within inheritance practices under the Mangulewa matrilineal system in Ngada Regency, East Nusa Tenggara. In this system, lineage and property rights are traditionally transmitted through the maternal line, positioning women as formal heirs to ancestral houses and family assets. Despite their exclusion from formal inheritance, sons retain significant cultural roles embedded in customary obligations and symbolic authority. This research



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aims to analyze how the roles of sons are conceptualized, negotiated, and reconstructed within the dynamics of contemporary Mangulewa society. The study employs a qualitative socio-legal approach grounded in a social constructivist paradigm, incorporating perspectives of legal pluralism and living law. Data were collected through in-depth interviews with traditional leaders, family heads, and community members, complemented by document analysis and direct observation of customary practices. The findings demonstrate that sons occupy strategic roles as protectors, mediators, and custodians of family dignity and ritual continuity, particularly in relation to the Ngadhu–Bhaga houses as central symbols of lineage identity. Their participation in marriage negotiations, ceremonial duties, and conflict resolution reflects a form of socially acknowledged yet informally constituted authority. At the same time, processes of modernization, migration, and increasing interaction with state legal systems have contributed to shifting interpretations of gender roles and inheritance claims. This study contributes to socio-legal scholarship by offering an empirically grounded account of how non-heir actors sustain and reshape matrilineal inheritance systems. It advances the discourse on legal pluralism by demonstrating that inheritance practices are not solely determined by formal entitlement but are continuously reconstructed through cultural negotiation, thereby highlighting the adaptive capacity of customary law in responding to social change.

KEYWORDS *Matrilineal Inheritance; Legal Pluralism; Customary Law; Gender Roles; Socio-Legal Studies*

Introduction

The kinship system is a social institution that regulates genealogical relationships, responsibilities, and the inheritance of values in an indigenous community. In Indonesia, various systems of coexistence kinship, ranging from patrilineal, bilateral, to matrilineal, each reflect the social and cultural structure of its society, such as in Minangkabau, Bali, Batak, Sulawesi, Jambi, East Nusa Tenggara and others including in Mangulewa-Ngada Regency.¹ One form that attracts attention in the context of legal pluralism is the matrilineal kinship system embraced by the Mangulewa indigenous people in Ngada Regency, Flores. In this system, the lineage is drawn through the mother's side, and inheritance and

¹ Zuhrah Zuhrah, I Gusti Ayu Ketut Rachmi Handayani, and Burhanuddin Harahap, "Legislative Legal Politics of Inheritance Law in Indonesia", *Journal of Ecohumanism* 3, no 6 (2024): 910 – 916, <https://doi.org/10.62754/joe.v3i6.4059>.

genealogical identity are passed on to the daughter as the successor of the family line. However, behind the symbolic dominance of the maternal line, the role of men remains an important position in the social and spiritual structure of society.²

Historically, the kinship system spread throughout Indonesia in practice will have a close relationship with the marriage procession, the system of passing on kinship lineages, as well as the inheritance system and procedures, even in practice the existence of a marriage procession in a certain kinship system can affect or cause the mixing of the kinship system and even the change of the system itself.³ Mixing the marriage system or even changing will also affect the inheritance process. The inheritance system in this custom uses a different model of rules in carrying out the process of distributing inheritance and its responsibilities in the family, which will certainly be different from what is tried to be regulated in state law in Indonesia. As a system, matrilineality in the Mangulewa indigenous people comes from different powers and judgments, both by the perpetrators, families, and the community, especially by women.⁴

The issue of marriage and inheritance is considered to bring injustice to women, especially to community groups that apply the patrilineal kinship system. Patriarchal societies cause injustice to women's inheritance rights, which vary depending on the ethnicity of the society or group, which leads to dependence on men and vulnerability to violence within the domestic ladder.⁵ This imbalance of attention to girls and sons is formed from a social construct that portrays girls as gentle, loving and maternal and that sons are far more powerful than the various economic forces recognized by society.⁶ This aspect is inseparable from cultural heritage which ultimately

² Iim Fahimah et al., "Interfaith Inheritance within Muslim Families in Indonesia: Practices, Philosophical Foundations, and Prospects for the Development of National Inheritance Law", *Ahkam: Jurnal Ilmu Syariah* 24, no 2 (2024): 379 – 396, <https://doi.org/10.15408/ajis.v24i2.40907>.

³ Halimatul Maryani, et al. "Sistem kekerabatan dan pengaruhnya terhadap hukum waris islam." *Legal Brief* 11, no. 4 (2022): 2518-2525.

⁴ Gelaldi Francisco Meang, "A Study of the General Description of Dongo Sa'o as a Matrilineal Marriage System of the Mangulewa Ngada-Flores Community", *Prisma Legal Journal* 8, no. 1 (2024): 37–46.

⁵ Agus Suharsono, Nanik Prasetyoningsih, and Sunyoto Usman, "Women's Inheritance Rights in Indonesia from the Perspective of the Triangular Concept of Legal Pluralism". *El-Mashlahah* 14, no 2 (2024): 259–80, <https://doi.org/10.23971/el-mashlahah.v14i2.7657>.

⁶ David K. Linnan, "Legal Pluralism and the Three-Cornered Case Study of Women's Inheritance Rights Changing in Lombok." *Legitimacy, Legal Development and Change*. (London: Routledge, 2016), pp. 231-250.

results in gender perception.⁷ Minangkabau with a matrilineal system is inseparable from conflicts about inheritance, such as inheritance about high-value inheritance is often a source of conflict.⁸

The process of marriage and the division of inheritance in a kinship system can trigger conflicts in the family. In fact, inheritance should not be a conflict in a family if each family member is given the opportunity to be accommodated for their interests and there is obedience in its implementation.⁹ The form of the kinship system is really influential and also makes a difference in inheritance law issues, besides that between kinship systems in terms of marriage.¹⁰ The Mangulewa community in Ngada Regency, basically adheres to the matrilineal marriage system but also does not limit the patrilineal marriage system where patrilineal marriage will use an exogamous marriage system known as *Pasa* which has the consequence that the male party will give something to the female party called *belis (weli)*.¹¹ The meaning of *belis* in Ngada traditional marriage is a symbol of agreement and connection between the man and the woman who are going to get married, strengthening the family and kinship between the two parties who are going to get married, and a symbol of prosperity and luck, strengthening tradition and culture.¹²

The role of sons and girls for the society with a patrilineal kinship system looks different where the position of sons is prioritized in their families while girls are 'out' and follow their husbands if they marry later. For women in the matrilineal kinship system, their status and position will inherit all family property. However, we cannot necessarily think that the position of girls will be prioritized in the matrilineal kinship system because

⁷ Napsiah Napsiah, Muryanti Muryanti, and Yani Tri Wijayanti. "Inequality as a Construct of Customary Law: Access to Home Ownership Rights of Women in Lampung." *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (2024): 184-203.

⁸ Ellyne Dwi Poespasari, "The development of inheritance customary legal norm on Minangkabau indigenous society." *Tribuna Juridică* 10, no. 2 (2020): 328-334.

⁹ Inna Fauziatal Ngazizah, "Transformation of Local Norms in Inheritance Division in Pantura: A Sociology of Law Approach", *Malaysian Journal of Syariah and Law* 13, no 2 (2025): 591 – 603, <https://doi.org/10.33102/mjssl.vol13no2.1124>.

¹⁰ Sovia Santika, and Yusnita Eva. "Kewarisan dalam Sistem Kekerabatan Matrilineal, Patrilineal dan Bilateral." *Al-Mashlahah Jurnal Hukum Islam dan Pranata Sosial* 11, no. 2 (2023): 193–202, <https://doi.org/10.30868/am.v11i02.4874>.

¹¹ Maria Kaban en Runtung Sitepu, "The efforts of inheritance dispute resolution for customary land on indigenous peoples in Karo, North Sumatra, Indonesia", *International Journal of Private Law* 8, no 3–4 (2017): 281 – 298, <https://doi.org/10.1504/IJPL.2017.087364>.

¹² Agustinus Kowe, et al. "Makna Belis dalam Perkawinan Matrilineal Masyarakat Ngada (Ditinjau Berdasarkan Kitab Hukum Kanonik No. 1062)." *Jurnal Adat dan Budaya Indonesia* 6, no. 1 (2024): 94-103.

the essence of this inheritance issue, which is related to inheritance, will be in accordance with its duties and responsibilities.¹³

Several studies examining inheritance in customary law and matrilineal kinship systems focus on the roles and rights of girls. The Khasi community in Meghalaya recognises following the matrilineal principle where the role of the eldest brother of the mother or uncle on the side of the mother and youngest daughter, is very important in the social structure of the Khasi society. Customary law there is intended to maintain social order, establish rules of conduct for individuals, determine gender roles and regulate land inheritance and access to resources for women and men differently.¹⁴ The development of inheritance law norms in the Minangkabau indigenous people who adhere to the matrilineal system where through the judge's decision affects the position of the *mamak* in the community which affects the issue of inheritance.¹⁵ In addition to the research on the role of *mamak* in the inheritance process in Minangkabau which focuses on the matrilineal kinship-based marriage system, while there is this study to explore the meaning of the Mangulewa indigenous people on the selection of the marriage system and its influence that opens up the role of sons in the inheritance model in the matrilineal kinship system.¹⁶ If the matrilineal system in Minangkabau¹⁷ positions women higher than men in the distribution of inheritance, but with a constructivist view, the author interprets that in the matrilineal society in *Mangulewa* it cannot be said that women are positioned higher in inheritance because of the responsibilities given to men and women which according to the author is a form of implementing the meaning of the existence of *Ngadhu* and *Bhaga*.¹⁸

¹³ Napsia, et.al, "Inequality as a Construct of Customary Law: Access to Home Ownership Rights of Women in Lampung".

¹⁴ Rachele Ellena, "Changing gender roles and relations in food provisioning among matrilineal Khasi and patrilineal Chakhesang Indigenous rural People of North - East India". *Maternal & Child Nutrition* 13, no. July (2018): 1–14, <https://doi.org/10.1111/mcn.12560>.

¹⁵ Poespasari, "The development of inheritance customary legal norm on Minangkabau indigenous society".

¹⁶ Ali Muhtarom, and Yuli Sutoto Nugroho, "Grants as a Model of Inheritance Prospective Distribution in the Coastal Santri Community", *Al-Ahkam* 32, no. 2 (2022): 169 – 188, <https://doi.org/10.21580/ahkam.2022.32.2.12557>.

¹⁷ Rika Saraswati et al., "The Implementation of Low-Inheritance Customary Law Within Minangkabau Migrant Families in Indonesia: A Law, Power, Space Approach", *Space and Culture*, 2025, <https://doi.org/10.1177/12063312251367261>.

¹⁸ 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 – 250, <https://doi.org/10.15408/ajis.v24i1.38557>.

This study uses the constructivism paradigm which in socio-legal is intended to find the meaning behind the kinship system that affects the marriage and inheritance system in the Mangulewa indigenous people where the role of sons will affect the relationship system in the family (with their brothers and sisters).¹⁹ Social construction in society that places the position of sons and girls by considering the responsibilities that will be carried out by the child when his parents are gone. The selection of the marriage system and the inheritance process with the role of sons in it in a community group is not only for the sake of the identity of a group but more than that is for a harmonious life between fellow members of society.²⁰ The matrilineal system in the indigenous people of Mangulewa can be said to be like in the indigenous people of Minangkabau where this system is not to elevate or strengthen the role of women in their families but to protect and protect the heritage of a tribe from extinction.²¹

Through the study of the meaning of the form of kinship system and its influence on marriage and inheritance practices in the indigenous people of Mangulewa, Ngada Regency and the role of sons in the matrilineal kinship system of the Mangulewa indigenous people in the heritage management process,²² this research is intended to illustrate how the values that exist in the development of open and adaptive customary law are able to provide a sense of justice to children men and girls and is also beneficial for all family members/community groups. As well as being included in the state legal system considering the content material in customary law in accordance with the personality of the State of Indonesia.²³

The methodology of this study uses a non-doctrinal approach with a socio-legal perspective,²⁴ as the focus is not only on written law, but on the

¹⁹ Afriasyah Tanjung, Dinda Riskanita, and Muhammad Rizal, "Examining the Dual Nature of Divorce Trial Cases In Indonesia: Private Hearings and Public Verdicts", *Jurnal Kajian dan Penelitian Hukum* 7, no. 2 (2025).

²⁰ Zuhrah, Handayani, and Harahap, "Legislative Legal Politics of Inheritance Law in Indonesia".

²¹ Krisna Bhayangkara Yusuf, "The Distribution of Customary Law Inheritance According to the Matrilineal System (Minangkabau Customs)", *Journal of Law, Politics and Social Science* 2, no. 1 (2023): 72–81.

²² Halimatussa'Diyah Halimatussa'diyah et al., "Minangkabaunese matrilineal: The correlation between the Qur'an and gender", *HTS Teologiese Studies / Theological Studies* 80, no. 1 (2024), <https://doi.org/10.4102/hts.v80i1.8643>.

²³ Wahyuni Retno Wulandari et al., "Inheriting Inequity: A Comparative Legal Dissection of Gender Discrimination in Indonesian Inheritance Law", *Volkgeist: Jurnal Ilmu Hukum dan Konstitusi* 8, no. 1 (2025): 285 – 307, <https://doi.org/10.24090/volkgeist.v8i1.12994>.

²⁴ Sulistyowati Irianto, "Enriching legal studies with socio-legal research", *Advancing Rule of Law in a Global Context*, 26 February 2020, 196–209, <https://doi.org/10.1201/9780429449031-25/enriching-legal-studies-socio-legal-research-sulistyowati-irianto>.

laws that live and develop in the social practices of indigenous peoples.²⁵ This approach blends legal and social dimensions to understand how the matrilineal kinship system in the indigenous Mangulewa people shapes and changes the meaning and function of men in the customary structure.²⁶ The paradigm used is social constructivism, which views that social reality is built through interaction and interpretation between members of society.²⁷ With this paradigm, the role of men is understood as the result of social construction that continues to develop along with changes in values, state law interventions, and socio-economic dynamics of society. The research was conducted in the customary area of Mangulewa, Ngada Regency, East Nusa Tenggara, because this community still practices a strong matrilineal kinship system with the traditional symbols of *Ngadhu* and *Bhaga* as the centre of social and spiritual structure.

Primary data was collected through in-depth interviews with traditional leaders, family heads, and community members who understood inheritance practices and their social structures.²⁸ Meanwhile, secondary data were obtained from literature studies on customary law literature, legal pluralism theory, and relevant previous research. The data were analysed qualitatively and inductively with reduction, categorization, and interpretation techniques of social meaning through a bottom-up approach.²⁹ The analysis process is carried out continuously, by connecting field findings and living law theory to understand how customary law interacts with state law.³⁰ The validity of the data is maintained through triangulation of sources and methods, as well as member checking with informants to ensure the accuracy of interpretation.³¹ This methodology is expected to provide a comprehensive picture of the transformation of male

²⁵ Irianto.

²⁶ Franz Von Benda-Beckmann, and Keebet von Benda-Beckmann. "Islamic law in a plural context: The struggle over inheritance law in colonial West Sumatra." *Journal of the Economic and Social History of the Orient* 55, no. 4-5 (2012): 771-793.

²⁷ Afriasnyah; Tanjung, Moh Lubsi; Tuqo Romadhan, and Mela Khoirul Ummah, "Beyond 50:50 of Matrimonial Asset: Applying the Contra Legem Principle in Marital Property Division in Indonesia", *Retical Review* 7, no. 1 (2025): 83–108.

²⁸ Agusmidah et al., "Protecting Start-Up Workers: Social Security and Decent Employment in the Gig Economy Era", *Pandecta Research Law Journal* 20, no 1 (2025): 393–436, <https://doi.org/10.15294/pandecta.v20i1.17991>.

²⁹ Afriasnyah; Tanjung, Moh Lubsi; Tuqo Romadhan, and Mela Khoirul Ummah, "Beyond 50:50 of Matrimonial Asset: Applying the Contra Legem Principle in Marital Property Division in Indonesia", *Retical Review* 7, no. 1 (2025): 83–108.

³⁰ Afriasnyah Tanjung, "Pengantar Metode Penelitian Hukum", in *Modul Pengantar Metode Penelitian Hukum Program Studi S1 PJJ Hukum Universitas Siber Muhammadiyah*, I (Kota Yogyakarta: Universitas Siber Muhammadiyah, 2025).

³¹ Sulistyowati Irianto, "Introducing Socio-Legal Studies and Their Methodological Implications", in *Socio-Legal Studies*, Red Adriaan; W. Bedner et al., I (Jakarta: Pustaka Larasan, 2012).

roles in the matrilineal system of the Mangulewa indigenous people, as well as show how legal pluralism works dynamically in maintaining a balance between customary values, social justice, and legal modernity³², as shown on Figure 1.

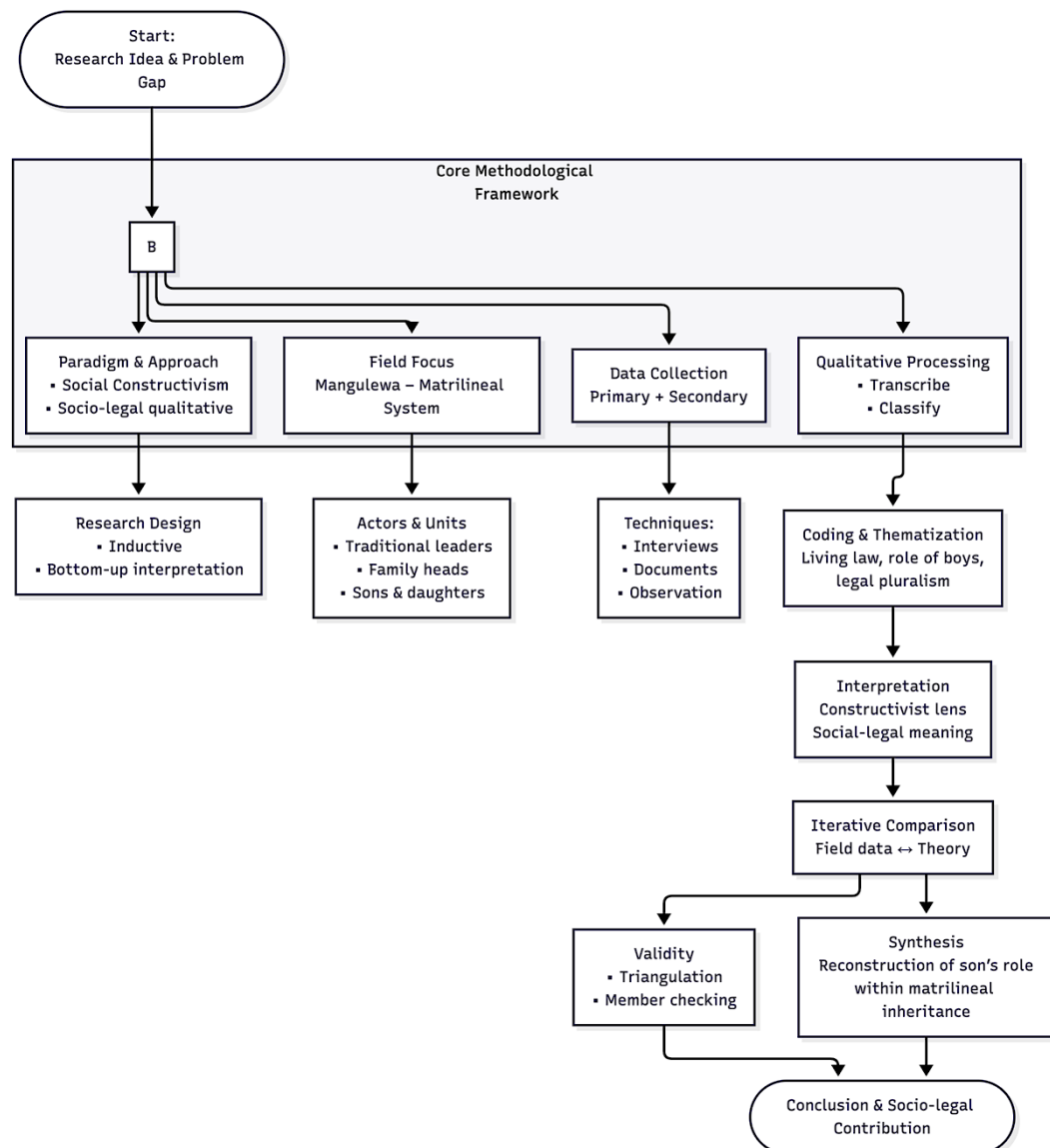


FIGURE 1. The detailed Research Methodology applied in this paper

³² Laurensius Arliman S, "The Role of Legal Research Methodology in the Development of Legal Science in Indonesia", *Soumatra Law Review* 1, no. 1 (2018): 112, <https://doi.org/10.22216/soumlaw.V1I1.3346>.

The Meaning of the Form of the Kinship System and Its Influence on Marriage and Inheritance Practices in the Mangulewa Indigenous People, Ngada Regency

The kinship system in indigenous peoples not only serves as a social institution that regulates genealogical relationships but is also a social construct that forms the structure of meaning, collective identity, and normative order within the community.³³ In the perspective of structural-functional anthropology developed by Radcliffe-Brown, the ³⁴ kinship system becomes the basis for the organization of society, determining the division of roles, obligations, and legitimacy for access and *control* over data sources including inheritance.³⁵ On the other hand, according to Guba and Lincoln, the reality that occurs in society cannot be seen as absolute but can be arranged locally (in a given context, not for all things) and specific (a unique construct, not intended for all conditions/people/groups, cannot be generalized). Reality cannot be seen as something that has only one understanding (let alone only through written rules) but should be seen as something complex, influenced by other elements (family, state, economic, cultural and other problems).³⁶

In the socio-legal framework, as conveyed by Eugen Ehrlich, the kinship system can be seen as living law, which is the law born from human experience that struggles with daily life that is shaped through habits that gradually bind and become an effective order and do not depend on the state but on the members of the community group.³⁷ This view is enriched by Benda-Beckmann who highlights how customary, religious and legal norms of the state interact, influence and negotiate in everyday social practices, especially in the context of family relations and resource management.³⁸

³³ Sulistyowati Irianto, "Enriching legal studies with socio-legal research." *Advancing Rule of Law in a Global Context*. CRC Press, 2020. 196-209.

³⁴ Nancy Kingsbury, and John Scanzoni. "Structural-Functionalism." *Sourcebook of Family Theories and Methods: A Contextual Approach*. (Boston, MA: Springer US, 1993), pp. 195-221.

³⁵ Jomana Mohamed Sabri Awiety and Abdul Kadir Riyadi, "History of Joint Marital Property in Indonesia and Its Legalization", *Malaysian Journal of Syariah and Law* 8, no. 2 (2020): 94 – 112, <https://doi.org/10.33102/mjssl.vol8no2.256>.

³⁶ Egon G. Guba and Yvonna S Lincoln, "Competing Paradigms in Qualitative Research", in *Qualitative Research*, 1985.

³⁷ Bernard L Tanya, Yoan N Simanjuntak, in Markus y Hage, *Legal Theory - A Cross-Spatial and Generational Human Order Strategy* (Yogyakarta: Genta Publishing, 2019).

³⁸ See Von Benda-Beckmann, and Keebet von Benda-Beckmann. "Islamic law in a plural context: The struggle over inheritance law in colonial West Sumatra."

Thus, in the Mangulewa community in Ngada Regency, the kinship system not only regulates family relations genealogically, but also becomes a normative framework that determines the legitimacy of marriage, the structure of customary authority, and the mechanism of inheritance.³⁹ Understanding this theoretical foundation is important as a foundation to see how the form of kinship system adopted by the Mangulewa people is interpreted and carried out in social life.

The kinship system embraced by the Mangulewa indigenous people is based on the matrilineal principle, where lineage, clan membership and inheritance of cultural identity are drawn through the maternal line.⁴⁰ In the social structure of the Mangulewa indigenous people, this system is oriented towards the sustainability of *Ngadhu* and *Bhaga* as symbols of clans and traditional houses that present the origins, genealogical unity and social legitimacy of a family group.⁴¹ *Ngadhu* symbolizes the masculine element that protects and protects the lineage, while *Bhaga* represents the element of feminism as the centre of hereditary regeneration and inheritance.⁴² These two symbols not only have spiritual and cultural meaning, but also serve as normative mechanisms that determine the position, rights and obligations of each family member in the customary order. From a philosophical aspect, *Bhaga* and *Ngadhu* can be considered as the embodiment of Pancasila values, especially in the aspects of cooperation, deliberation, and respect for others. The life of the *Ngada* people is governed by the tradition of *No Ngadhu Nara Bhaga*. This tradition shows how local culture has an important role in maintaining and implementing moral values that are relevant to the life of the nation and state.⁴³ Socio-legally, this kinship system forms a structure of customary authority and authority that regulates social relations and the distribution of rights in the family, especially related to marriage and inheritance.⁴⁴ Thus, understanding the kinship system in the *Mangulewa* indigenous people requires an approach that not only sees it as a hereditary pattern, but

³⁹ Wulandari et al., "Inheriting Inequity: A Comparative Legal Dissection of Gender Discrimination in Indonesian Inheritance Law".

⁴⁰ Personal Interview with Mr. Laurensius Rinu, Mangulewa Indigenous People on October 26, 2024

⁴¹ Personal Interview with Mr. Isidorus Ngeo, Mangulewa Indigenous People on October 31, 2024

⁴² *Ibid*

⁴³ Prisko Yanuarius Djawaria Pare, et al. "Menggali Nilai-Nilai Pancasila dalam Tradisi Pembuatan Ngadhu dan Bhaga di Kabupaten Ngada." *PACIVIC: Jurnal Pendidikan Pancasila dan Kewarganegaraan* 4, no. 2 (2024): 56-66.

⁴⁴ Rajab et al., "The level of jealousy toward high heritage assets distribution in Minangkabau", *International Journal of Innovation, Creativity and Change* 9, no. 10 (2019): 127 – 144.

also as a living customary law system that regulates the social practices of the community.⁴⁵

The meaning of the kinship system in the Mangulewa indigenous people is not static, but continues to be born through cultural practices, customary rites, and social interactions between community members. In the perspective of social constructivism, this process of meaning is formed through a dialectic⁴⁶ between the objectivity of traditional values inherited by ancestors, internalization by each generation, and externalization through social actions in daily life. For the *Mangulewa* indigenous people, the kinship system is interpreted as the foundation of social harmony and the sustainability of traditional identity, because it contains the value of togetherness, respect for ancestors and the collective responsibility to protect *Ngadhu* and *Bhaga*. This meaning is reflected in various customary practices and patterns of relationships between siblings, maternal uncles, and sons and women in the family, such as cooperation of all family members to find materials to build *Ngadhu* and *Bhaga*.⁴⁷

In practice, the matrilineal kinship system in the Mangulewa community has a direct effect on the form and pattern of marriage that is considered valid and ideal according to custom. Marriage is not only understood as a bond between two individuals, but as a union of two kinship groups that have clear social and customary consequences.⁴⁸ Marriages that follow a matrilineal pattern are seen as more in line with the principle of preserving the maternal lineage because it ensures the sustainability of *Bhaga* as the centre of family regeneration.⁴⁹ However, the Mangulewa people also recognize a form of marriage that is oriented to the patrilineal system through certain mechanisms that allow women to enter the kinship of their husbands, although this form is less followed and generally requires customary consideration.⁵⁰ In this context, *belis (weli)* has a symbolic role as a form of appreciation from the male side to the female side, as well as social legitimacy for the union of the two families, although it does not fully

⁴⁵ Johari et al., "Inheritance management: An innovative approach to the inheritance system in Meranti, Riau, Indonesia", *International Journal of Innovation, Creativity and Change*, no. 4 (2020): 145 – 160.

⁴⁶ Guba and Lincoln, "Competing Paradigms in Qualitative Research."

⁴⁷ Sidik Tono et al., "The harmonious relationship between minangkabau custom and Islam in the distribution of inheritance", *Al-Shajarah* 2019, no. Special Issue (2019): 39 – 55.

⁴⁸ Yusuf, "Pembagian Warisan Hukum Adat Menurut Sistem Matrilineal (Adat Minangkabau)".

⁴⁹ Mina Elfira, "Minangkabau mothers and daughters in contemporary 'rantau' society: Regaining power with modified matrilineal principles and patriarchal 'rantau' norms", *Wacana, Journal of the Humanities of Indonesia* 24, no. 2 (30 April 2023), <https://doi.org/10.17510/wacana.v24i2.1170>.

⁵⁰ Interview with Mr. Isidorus Ngeo

determine the change in the kinship system that follows after marriage. This shows that the choice of marriage form in the Mangulewa society is not only driven by personal preferences, but must consider the principles of kinship, the sustainability of the maternal line and the acceptance of customs.⁵¹

The position of the husband in the matrilineal household of the Mangulewa people is in a unique position because even though he lives a married life with his wife and children, his kinship status is still attached to his family of origin, not to his wife's family.⁵² The husband does not automatically acquire full kinship rights in the wife's family, but is more seen as a respected guest and companion for his wife in carrying out domestic life. Her involvement in the wife's customary family affairs is limited and usually only in domestic aspects, while customary decision-making and resource management remains the domain of the wife's family, especially the maternal brother.⁵³ On the other hand, the daughter who is bought, no longer occupies an important position in the kinship within her parents because she has entered her husband's kinship, so she no longer has rights and responsibilities in her parents' family. In practice, because of the strong relationship between children and their parents, usually the girl who has been beaten still pays attention to her parents. However, regarding his position in his parents' house, he no longer has the same rights and responsibilities as his other brothers/sisters.⁵⁴

The link between the kinship system and the mechanism of inheritance in Mangulewa society is a logical consequence of the matrilineal structure that places the maternal line as the basis for the decline of family rights and responsibilities. Theoretically, in the matrilineal system, inheritance is not only seen as a material asset, but also as a symbol of social legitimacy and the sustainability of group identity, so that inheritance is collective and tied to the maternal lineage. This view is in line with the concept of inheritance in legal anthropology which emphasizes that inheritance is not just a transfer of ownership, but is a process of transferring social status, customary obligations, and roles in kinship structures. Thus, this kinship system not only determines who has the right

⁵¹ Tjhong Sendrawan et al., "Optimizing The Role of Notaries in Digital Property Inheritance: A Comparative Legal Analysis", *Indonesia Law Review* 15, no. 2 (2025): 43 – 64, <https://doi.org/10.15742/ilrev.v15n2.3>.

⁵² Meang, "A Study of the General Description of Dongo Sa'o as a Matrilineal Marriage System of the Mangulewa Ngada-Flores Community".

⁵³ Wulandari et al., "Inheriting Inequity: A Comparative Legal Dissection of Gender Discrimination in Indonesian Inheritance Law".

⁵⁴ Yosefina Daku, and Kristina Yulita Pawe. "Hukum Responsif dalam Pembagian Hukum Adat Waris Bagi Anak Perempuan." *Innovative: Journal of Social Science Research* 4., no. 3 (2024): 6526-6536.

to inherit but is also ready to be responsible for maintaining the heritage and customary values attached to it, so that inheritance becomes a mechanism to maintain a balance between rights, obligations and the sustainability of kinship identity in the Mangulewa indigenous people. The mechanism of inheritance in the Mangulewa indigenous people usually begins with a large deliberation from the mother line to determine the form and portion of inheritance distribution, especially land and houses (*Sa'o*). This process not only emphasizes the aspect of the division of rights, but also the affirmation of customary responsibilities that must be carried out by the heirs.⁵⁵

The meaning of the kinship system in Mangulewa can also change from matrilineal to patrilineal. This is encouraged when the husband does not have a sister who can pass on the mother's family lineage.⁵⁶ So that the daughter (his wife) who has been beaten (*Ana Kaba Wea*) is considered "adopted" as a daughter in her husband's family (for her mother) who in the Mangulewa community can be certified as *Ana Woe* but she is not a direct descendant of *Ngadhu* and *Bhaga* of her husband's family (the mother of the husband). Or in other cases, the family of the parents (Father) does not have a sister to pass on *Sa'o*, then one of his daughters will be asked/appointed to continue his *Sa'o* called *Ana Dheko Lega Ema*. This shift not only changes the social position of a woman to a continuation of the paternal line (if she is bullied by her husband from the patrilineal kinship system) and maternal (if she is "bullied" by her husband from the matrilineal kinship system). In a process like this, it will certainly be different from state law, which with its legal documents and administrative procedures, tends to demand formal proof of ownership and follow the provisions of the law that are universal, while customary law operates through social legitimacy, family deliberations and lively local practices. The consequence is when the inheritance claims clashes with the formal evidentiary requirements. The following are some important descriptions to provide an overview of the description of interaction in the Mangulewa indigenous people that are complementary, not competitive, namely the positions of men and women that function to complement each other in maintaining social, spiritual, and customary law balance in the community.

⁵⁵ Suharsono, Prasetyoningsih, and Usman, "Women ' s Inheritance Rights in Indonesia from the Perspective of the Triangular Concept of Legal Pluralism".

⁵⁶ Derita Prapti Rahayu et al., "Law Enforcement in the Context of Legal Culture in Society", *Law Reform* 16, no. 2 (27 September 2020): 276–89, <https://doi.org/10.14710/lr.v16i2.33780>.

TABLE 1. Patterns of Interaction of Kinship, Marriage, and Inheritance Systems in Mangulewa Indigenous Peoples

Aspects	Key Elements	Forms of Interaction / Relationship	Social and Cultural Significance	Impact on Customary Law Practice
Kinship Structure	Matrilineal (<i>mother line</i>)	Determination of ancestry, clan membership, and social identity based on the maternal line	Affirming the symbolic dominance of women as the successors of the lineage	Men do not become the main heirs, but still have a social function in the mother's family
Traditional Symbols	<i>Ngadhu</i> (masculine element) and <i>Bhaga</i> (feminine element)	Complementing each other and becoming the centre of spiritual and social orientation of the family	<i>Ngadhu</i> symbolizes the protector and guardian of the lineage; <i>Bhaga</i> as a source of life and regeneration	Building moral legitimacy for the roles of men and women in maintaining the balance of customs
Marriage	Traditional marriage with the <i>belis</i> (<i>weli</i>) system	Men give <i>belis</i> as a symbol of respect and bond between families	Strengthening the social ties between two families and the legitimacy of marriage	Determining a man's social status in his wife's kinship and influencing inheritance
Male Position	Son and uncle (mother's brother)	Men play the role of protectors, mediators, and guardians of the mother's estate	Although not the owner of the inheritance, the male is responsible for maintaining the honour of the mother's family	Providing gender balance in the matrilineal system without shifting the position of women as heirs
Inheritance	Land and traditional houses (<i>Sa'o</i>) are inherited	Carried out through family deliberation	Inheritance is understood as a social and spiritual	Avoiding conflict through the principles of

Aspects	Key Elements	Forms of Interaction / Relationship	Social and Cultural Significance	Impact on Customary Law Practice
	through the mother line	with male involvement	responsibility, not just material possessions	deliberation and communal justice (the principle of <i>Pacta Sunt Servanda</i>)
Interaction with State Law	Customary law vs. national law	There is a negotiation of meaning between communal rights and formal ownership	Adapting to modernity without losing traditional values	Demonstrate legal pluralism and the flexibility of <i>living law</i> in society
Philosophical Values	Balance, mutual cooperation, and communal responsibility	Harmony between masculinity (<i>Ngadhu</i>) and femininity (<i>Bhaga</i>)	Becoming a moral basis for communal justice and the preservation of indigenous identity	Strengthening the position of customary law as a source of national moral and social law

As living law, this kinship system forms the legitimacy of marriage and inheritance, but its enactment is now in the arena of conscription between customary regimes, state law and rational-individual-based modernity. The shift in the meaning of kinship for example when families choose patrilineal marriage patterns in order to preserve offspring suggests that social reality is no longer entirely determined by customs, but rather is the result of new constructions formed through the reinterpretation of values by social actors in a changing socio-historical context. This practice has empirically raised tensions between customary legitimacy and formal legitimacy of the state, especially when kinship status, women's position and inheritance rights are not aligned with formal legal proof systems. The following is a flowchart based on the table of interaction patterns of the Mangulewa indigenous people's kinship system as shown on Figure 2.

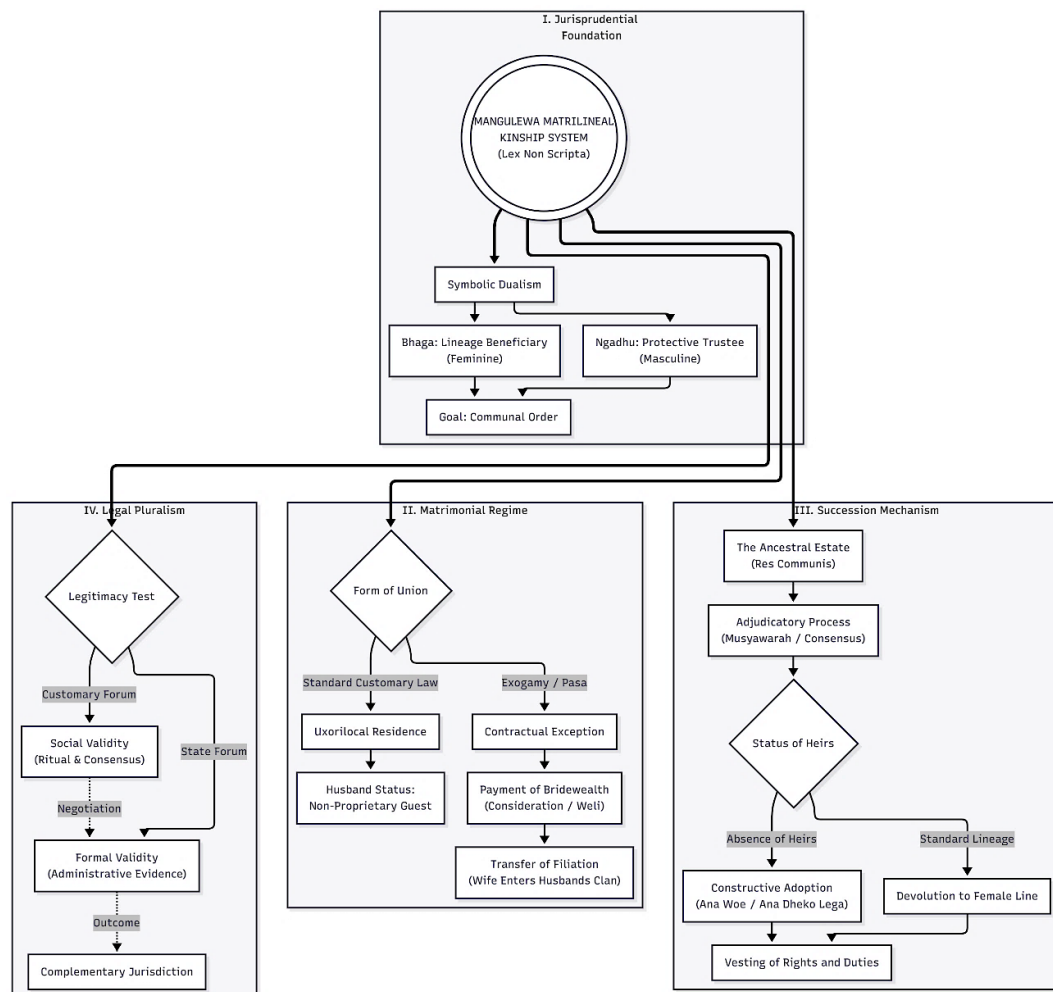


FIGURE 2. The foundational symbols (*Ngadhu-Bhaga*), through the negotiated marriage systems (*Matrilineal vs. Pasa*), and their interaction with state law.

Thus, the meaning of the kinship system in the indigenous people of Mangulewa must now see how the roles, rights and responsibilities of every child, both male and female, who undergo changes and adjustments in inheritance practices during social changes in society, especially when they must be faced with state law.

The Role of Sons in the Matrilineal Kinship System of the Mangulewa Indigenous People in the Heritage Management Process

In the Mangulewa indigenous people's kinship system, lineage is drawn through the mother, so that family members share a genealogical identity and collective responsibility for the sustainability of the indigenous family from the mother. Theoretically, the construction of the role of sons in matrilineal society cannot be understood through the patrilineal lens that is common in Indonesian culture, because the power relationship and role distribution are not always dominant subordinate, but functional and complementary. Customary law is an unwritten rules, is respected and obeyed by the people in the belief that these regulations are valid as law. Customary law practices exist in the fields of family, property, land, agreements, and inheritance.⁵⁷ This is in line with Berger and Luckman's constructivist approach that social roles are formed through a process of internalization and objectification in a social structure that is considered legitimate and meaningful by the community.⁵⁸ In the context of the indigenous people of Mangulewa, sons are understood not as successors to the surname as in patrilineal structures, but as an integral part of maintaining the symbolic, social and customary continuity of the maternal family, which in turn forms the social identity of the community.

The purpose of customary law is to guide members of the customary law community to achieve a material and spiritual life, while the benefit is to guide humans to be united or inseparable from nature and other fellow humans.⁵⁹ In the *Ngada* community, it is known as *Go Kau Go Kau, Go Ngata Go Ngata* which means that if it is yours then it is yours, and the person's property belongs to that person, so do not take someone's property to become ours. Customary law represents the values of truth and justice that are deeply embedded in society.⁶⁰ The distribution of inheritance to the Mangulewa indigenous people can be done while the parents are still alive

⁵⁷ Yuli Adhi Prasetyo, Triyono Triyono, and Muhyidin Muhyidin, "Questioning the Customary Inheritance Law After Law No . 3 of 2006 about Religious Jurisdiction". *Indonesian Journal of Advocacy and Legal Services* 3, no. 1 (2021): 111–22, <https://doi.org/10.15294/ijals.v3i1.45728>.

⁵⁸ Peter L Berger and Thomas Luckman, *The Social Construction of Reality Treatise in the Sociology* (Penguin Books, 1991).

⁵⁹ Daku, Pawe, and Nipa, "Hukum Responsif dalam Pembagian Hukum Adat Waris Bagi Anak Perempuan".

⁶⁰ Hayatul Ismi et al., "Revitalizing Customary Law: Reforming Buffalo Farming Practices (*Jalangan*) in Menaming Village for Sustainable Governance", *Journal of Law and Legal Reform* 5, no. 4 (2024): 1645–72, <https://doi.org/10.15294/jllr.v5i4.7014>.

or after the parents die, but it is generally done while the parents are still alive. This is intended to avoid conflicts of interest (not children who feel disadvantaged) and open up a space for consensus deliberation between parents and children. If it is done after the parents die, then the division is imposed on the boy to conduct deliberation with his brothers and sisters who if they do not find an agreement, they will be involved by an uncle (brother of the mother) or parents who are experienced inside or outside the tribe, to accompany the deliberation process to find a way out.⁶¹ However, the responsibility of this division can also be carried out by the eldest daughter in the family, if there is a case of the absence of a boy in the house who still adheres to the deliberation and agreement of each family member.⁶² In this process we might know as an alternative dispute resolution is a concept of a customary law settlement process directed at an opportunity for parties to produce a win-win solution (win for all parties to the dispute).⁶³

This is taught in the term *Mami Le Mogo, Ngeta Bhaghi Ngia* which has the mature meaning (the result of parents) belonging to the common, the raw belonging belongs to each other. ⁶⁴Sons in the matrilineal community in Mangulewa do not have the privilege of getting an inheritance because sons are considered able to work for their households, while girls are considered weak, especially if in their domestic life their husbands cannot make an effort to meet the needs of the family.⁶⁵ However, another view assesses that sons because of their responsibilities have privileges in managing the heritage and maintaining the sustainability of *Sa'o*, but this goes back to the conscience and human values of the boy.⁶⁶ So we can interpret that the principle of inheritance distribution in the Mangulewa indigenous people's system still adheres to human values, deliberation and consensus as well as obedience to these results or in the law of the country we know in the principle of *Pacta Sunt Servanda*. ⁶⁷

The position of sons in the mother's family in the Mangulewa indigenous people has a strong social and customary dimension, especially

⁶¹ Interview with Mr. Aloysius Meda, Mangulewa Indigenous People conducted on October 30, 2025

⁶² Interview with Mr. Laurensius Rinu

⁶³ Yosefina Daku, Kornelius Y.P. Meka, en Adrianus Keriama Jawan, "Customary Communities in the Establishment of Village Customary Institutions as an Alternative Dispute Settlement", *Jurnal Scientia* 12, no. 3 (2023): 2445-2454.

⁶⁴ Interview with Mr. Isidorus Ngeo

⁶⁵ Interview with Mr. Aloysius Meda

⁶⁶ Interview with Mr. Isidorus Ngeo

⁶⁷ Ismail et al., "The Contribution of 'Urf to the Reform of Islamic Inheritance Law in Indonesia", *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 22, no. 2 (2022): 165 – 178, <https://doi.org/10.30631/alrisalah.v22i2.1243>.

related to their role in *Bhaga*, as the centre of family identity and spirituality. Although after marriage the man would live in his wife's family following a matrilineal pattern, he remained attached to *Ngadhu-Bhaga* as a symbol of his genealogical origin and responsibility. Sons are still appointed to lead, guard and manage because of considerations and realities in society to avoid their sisters being 'dominated' by their husbands.⁶⁸ The presence of men in the mother's family including the role of the maternal uncle in other matrilineal contexts such as in Minangkabau shows that male authority is moral, representative and ritual rather than possession-based.⁶⁹ As Mina Elfira writes, in Minangkabau society 'even though the mamak (mother's brother) does not inherit his family inheritance, he has the right and obligation to maintain and manage the family property.⁷⁰ A mamak is also in charge of supervising and distributing the family inheritance to nephews".⁷¹ This comparison shows that in Indonesia's matrilineal structure, the position of men is not marginal or most powerful but has the function of being the guardian of honour, mediator of social relations, and protector of the mother's family.⁷² The following is a flowchart of the Role of Sons in the Heritage Management Process of inheritance based on the *Ngadhu-Bhaga* symbol, *Sa'o* assets, family deliberations, and customary and state law frameworks,

⁶⁸ Interview with Mr. Laurensius Rinu

⁶⁹ Evelyn Blackwood, "Women, Land, and Labor: Negotiating Clientage and Kinship in a Minangkabau Peasant Community". *Ethnology* 36, no. 4 (1997): 277–93.

⁷⁰ Lina Knorr, "A Matrilineal Society's Influence on Women's Political Access (ibility)—The Minangkabau Women Missing in Indonesian Politics." *Local Responses to Global Challenges in Southeast Asia: A Transregional Studies Reader*. (London: World Scientific Publishing, 2023), pp. 213-237.

⁷¹ Az-zahroh, Fatimah, and Meila Riskia Fitri. "Peran mamak kanduang dalam struktur keluarga Minang di perantauan (Studi Kasus: Persatuan Keluarga Silungkang)." *Multikultural: Jurnal Ilmu Sosial* 1, no. 1 (2023): 47-58.

⁷² Awiety and Riyadi, "History of Joint Marital Property in Indonesia and Its Legalization".

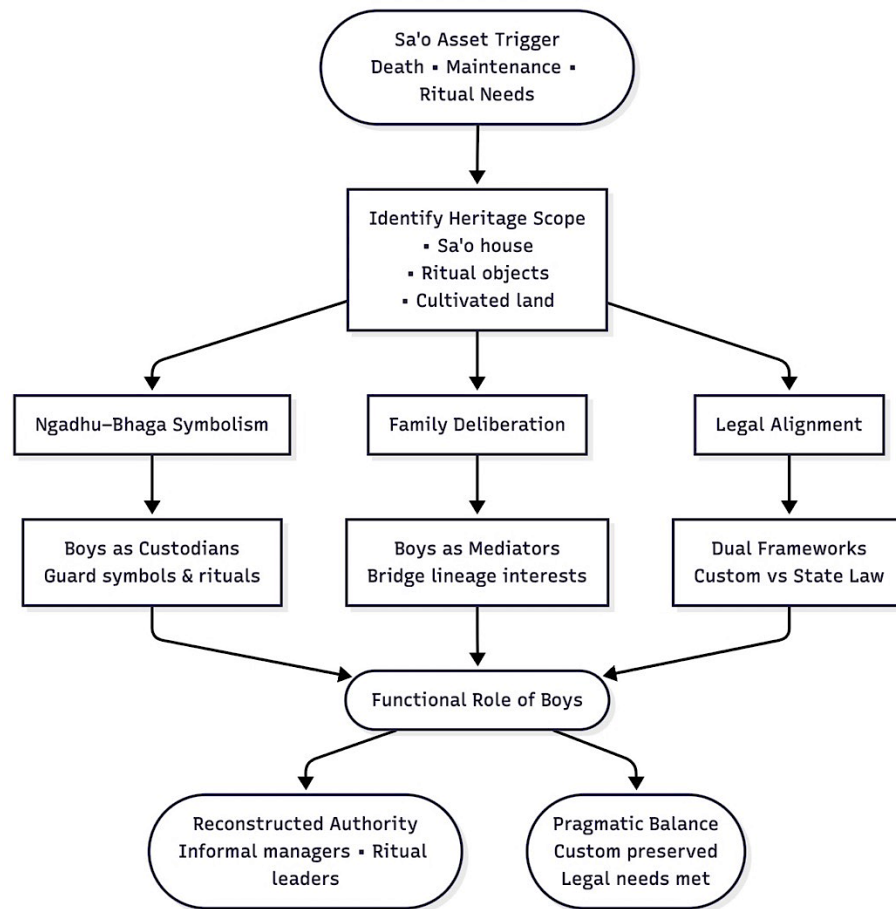


FIGURE 3. The Role of Sons in the Heritage Management Process of inheritance based on the *Ngadhu-Bhaga* symbol, *Sa'o* assets, family deliberations, and customary and state law frameworks.

The role of sons in matrilineal families in Mangulewa is not only symbolic, but also functional in the implementation of customs and daily social life. They are often trusted to be family spokespeople, lead small deliberations and manage external relationships with other families or indigenous parties.⁷³ The obligation given to sons in securing inheritance both in and out of their mothers because sons are considered strong to face situations, physically and mentally they are considered more able to face situations (psychological considerations) but this does not close the role of girls as well.⁷⁴ The following is a description of the table below to more comprehensively describe the role of sons in the matrilineal kinship system of the indigenous people of Mangulewa, Ngada Regency, especially in the

⁷³ Knorr, *A Matrilineal Society's Influence on Women's Political Access(ibility) – The Minangkabau Women Missing in Indonesian Politics*.

⁷⁴ Interview with Mr. Aloysius Meda

context of heritage management, arranged based on social, customary, and legal aspects, namely:

TABLE 2. Dimensions of the Role of Sons in Legacy Management within the Mangulewa Matrilineal System

Aspects	The Role of Sons	Social and Cultural Significance	Functions in Legacy Management	Implications of Customary and Socio-Legal Law
Kinship and Identity	Members of the mother line (matrilineal lineage)	Sons remain part of the mother's line, even if after marriage their social status does not transfer to the wife's family	Maintaining the continuity of the Ngadhu symbol as a genealogical representation and protector of the lineage	Strengthening male social legitimacy in matrilineal structures without changing the system of inheritance
Social and Customary Roles	Protector and honorary guardian of the mother's family	It is expected to maintain family dignity and become a mediator in social relations between clans	Ensuring the implementation of customs, including land management, traditional houses (Sa'o), and family rituals	Men do not inherit, but have moral and social authority in the preservation of customary values
Inheritance Decision Making	Family deliberation facilitator	To be a discussion leader and mediator in the division of inheritance between brothers	Organizing the deliberative process to ensure fairness and mutual agreement	Upholding the principles of Pacta Sunt Servanda (customary agreement that is morally binding)
Asset and Legacy Management	Managers and custodians of communal assets	Responsible for safeguarding the mother's land, customary house, and estate from	Managing inheritance results collectively without claims of personal ownership	Demonstrate a form of social responsibility rather than individual property rights

Aspects	The Role of Sons	Social and Cultural Significance	Functions in Legacy Management	Implications of Customary and Socio-Legal Law
		disputes or misuse		
Relationship with Sister	Balancing the role of women as heirs	Assisting and protecting sisters in carrying out customary and social obligations	Prevent external influences (e.g., husbands, sisters) that can threaten the sustainability of the mother's line	Realizing gender balance and communal solidarity in the matrilineal system
Spiritual and Philosophical Values	Representation of <i>Ngadhu</i> (masculine element)	Become a symbol of strength, courage, and guardian of ancestral honour	Preserving the value of mutual cooperation and social harmony in the family	Strengthening the moral value of customary law as part of living law

From the table above, it can be concluded that sons in the matrilineal system of the Mangulewa indigenous people have a strong social function although not as formal heirs.⁷⁵ Men are the guardians of honour, mediators of deliberation, and protectors of family assets, whose roles are rooted in *Ngadhu-Bhaga* traditional values and the principle of communal justice. In the socio-legal context, this position indicates a transformation from a symbolic role to a functional role, where men play an active role in maintaining a balance between customs, social morals, and formal law.⁷⁶

Conclusion

This research demonstrates that the matrilineal inheritance system in Mangulewa continues to evolve while maintaining its cultural foundation. Although sons are not designated as formal heirs within the maternal lineage, their role remains essential in safeguarding the continuity of *Sa'o*

⁷⁵ Rajab et al., "The level of jealousy toward high heritage assets distribution in Minangkabau".

⁷⁶ Saraswati et al., "The Implementation of Low-Inheritance Customary Law Within Minangkabau Migrant Families in Indonesia: A Law, Power, Space Approach".

heritage and preserving the symbolic authority of the *Ngadhu–Bhaga* structure. They serve as guardians of tradition, protectors of collective assets, and mediators in family deliberations positions that grant them significant influence in the social and ritual life of the community.

The findings affirm that the inheritance process in Mangulewa does not represent a simple transfer of material property, but rather a complex mechanism of fulfilling shared obligations and reinforcing ancestral identity. Sons occupy a functional authority that emerges from responsibility rather than ownership. At the same time, increasing interaction with state legal norms introduces new interpretations of rights, identity, and property documentation. These dynamics create a space of negotiation where customary principles and statutory expectations must coexist and adapt. Ultimately, this study highlights that maintaining harmony between customary law and national legal frameworks is crucial for protecting cultural heritage without marginalizing community members who carry vital familial duties. The reconstructed role of sons reflects a model of adaptive legal pluralism one that respects the essence of matrilineal values while responding to contemporary socio-legal challenges. Future research could further explore how administrative recognition of collective customary assets, along with gender-balanced legal protection, can strengthen both cultural resilience and social justice in Mangulewa and similar indigenous communities.

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DECLARATION OF CONFLICTING INTERESTS

The authors state that there is no conflict of interest in the publication of this article.

FUNDING INFORMATION

This research was conducted with personal funding provided solely by the authors. No external grants or institutional financial support were received for the design, data collection, analysis, writing, or publication of this article.

ACKNOWLEDGMENT

The authors would like to express their sincere appreciation to Universitas Nusa Nipa and Universitas Siber Muhammadiyah for their generous academic support and encouragement throughout the development of this research. Special thanks are extended to Lembaga Pengelola Dana Pendidikan (LPDP) Indonesia for its indirect support in enabling the first author to pursue doctoral studies at the Faculty of Law, Universitas Diponegoro. The authors also gratefully acknowledge the Faculty of Law, Universitas Islam Indonesia, for the opportunity to present and discuss this work during the National Seminar on Private Law, where valuable feedback and insightful scholarly conversations contributed to strengthening this article. Most importantly, the authors extend deep respect and gratitude to the traditional leaders, family heads, and community members of Mangulewa, Ngada Regency, who generously shared their knowledge, cultural insights, and personal experiences as part of this study. Their trust and willingness to engage in open dialogue were essential in understanding the meaning, responsibilities, and evolving roles within their matrilineal inheritance system. May this research continue to honor their cultural heritage and contribute to its recognition and sustainability.

GENERATIVE AI STATEMENT

None

HISTORY OF ARTICLE

Submitted : January 12, 2025
Revised : May 12, 2025; August 20, 2025; October 15, 2025
Accepted : November 2, 2025
Published : November 30, 2025