



Submit Article for BALTIC

5 pesan

Muchlis Bahar <muchlisbahar@uinib.ac.id>

15 Agustus 2022 15.17

Kepada: Tanel Kerikmäe <editor.baltic@versita.com>

Dear Editor
BALTIC Journal

I have read and used scientific articles published in BALTIC Journal.

The performance of the BALTIC Journal was excellent, and the published article helped me conduct research and write scientific articles.

I am Muchlis Bahar, Lecturer from UIN Imam Bonjol Padang, Indonesia.

I have completed a scientific article entitled "**Marriage Agreement Not to Have Children According to Islamic Law.**"

I hope this article can be published in the BALTIC Journal because there are interesting findings in the scientific article that can become new treasures in sciences, especially in the field of law sciences.

I am willing to go through the review process following BALTIC Journal standards.

Best Regards,

Muchlis Bahar
UIN Imam Bonjol Padang, Indonesia.



BALTIC_Article_Muchlis.doc
724K

Tanel Kerikmäe <editor.baltic@versita.com>

18 Agustus 2022 12.20

Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

Dear
Muchlis Bahar
UIN Imam Bonjol Padang, Indonesia.

The BALTIC Journal Editorial Board has received your article. I appreciate your interest in BALTIC Journal.

Your article will be processed according to the publication standards at BALTIC Journal.

I beg you to be patient while waiting for the notification from the BALTIC Journal Editorial Board.

Always check your email because the correspondence is only via email.

Best Regards,

--

Tanel Kerikmäe

Editorial Board BALTIC

[Kutipan teks disembunyikan]

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: "Tanel Kerikmäe" <editor.baltic@versita.com>

20 Agustus 2022 09.04

Dear Editor
BALTIC Journal

Thank you for your response.

I am happy to wait for the next stage.

Muchlis Bahar
UIN Imam Bonjol Padang, Indonesia.
[Kutipan teks disembunyikan]

Tanel Kerikmäe <editor.baltic@versita.com>
Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

26 Agustus 2022 17.27

Dear
Muchlis Bahar
UIN Imam Bonjol Padang, Indonesia.

Thank you for submitting your manuscript to BALTIC Journal.

We have completed our evaluation, and the reviewers recommend reconsidering your manuscript following minor revisions. We invite your article to send back after addressing the comments below. Please resubmit your revised manuscript by September 25th, 2022, or ask whether an alternate date would be acceptable.

When revising your manuscript, please consider carefully all issues mentioned in the reviewers' comments: outline every change made in response to their comments and provide suitable explanations for any comments not addressed. Please also note that the revised submission may need to be re-reviewed.

To submit your revised manuscript, please log in as an author at this email, and navigate to the "Revision" folder.

BALTIC Journal values your contribution, and I look forward to receiving your revised manuscript.

Editor and Reviewer comments:

Reviewer #1:

1. The paper has some interesting information, and the topic is essential; however, there seem to be some basic questions suggesting flaws in the questionnaire, which put the conclusions in question.
2. The English in parts approaches is incomprehensible, so as a first step, a firm editorial hand would be needed to figure out what needs to be rethought.
3. The literature review refers to engaging experience and studies elsewhere, but it is not well linked to the research and, therefore, the conclusions.
4. The paper's focus is more applicable to Indonesia Only. How about other countries and the questionnaire?
5. There should be more information about the object of research, not about the content of the study.

I hope your team can make improvements as soon as possible and send the revised article again via this email.

[Kutipan teks disembunyikan]

Muchlis Bahar <muchlisbahar@uinib.ac.id>

26 Agustus 2022 19.33

Kepada: "Tanel Kerikmäe" <editor.baltic@versita.com>

Dear
Editor BALTIC Journal

Thank you for the Editorial Board response to BALTIC Journal.

I have read the revised instructions from the Reviewers.
I will immediately correct the article according to the reviewers.

Best Regards,

Muchlis Bahar
UIN Imam Bonjol Padang, Indonesia.
[Kutipan teks disembunyikan]



Revision Article for BALTIC

4 pesan

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: "Tanel Kerikmäe" <editor.baltic@versita.com>

2 September 2022 18.35

Dear
Editor BALTIC Journal


Thank you for the patience of the BALTIC Journal Editorial Board. I am waiting for the revision of my article.

I have made improvements according to the reviewer's instructions. I am happy if there are still points that need to be improved again in the article.

Revised Article Attached.

Best Regards,

Muchlis Bahar
UIN Imam Bonjol Padang, Indonesia.

 **Revision1_BALTIC_Article_Muchlis.doc**
717K

Tanel Kerikmäe <editor.baltic@versita.com>
Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

22 September 2022 16.23

Dear

Muchlis Bahar
UIN Imam Bonjol Padang, Indonesia.

Thank you for your efforts to make improvements to your article.

Based on Reviewers' considerations, the article has, at some point, increased.

However, you have to improve on a few more points. Hopefully, you are willing to do it.

Please follow the following revision instructions:

#Reviewer 2:

1. I was hopeful that this article would be readily usable though the English in parts is so low that reading is challenging. The topic is of great importance.
2. The literature review includes some tantalizing references, but the links are not made to the specific study even after sorting through the language issues.
3. When study design comes into play, there are serious questions about the system.
4. It might be publishable if the author could work with a robust English language editor or colleague to clean up both language and argument.
5. A side note is that it's not clear what title references the article.

Articles that have been revised and please send them back via this email.

--

Tanel Kerikmäe

Editorial Board
BALTIC Journal

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: "Tanel Kerikmäe" <editor.baltic@versita.com>

23 September 2022 08.32

Dear
Editor BALTIC Journal

Thank you for your response. I will be happy to revise the article according to these instructions.

Muchlis Bahar
UIN Imam Bonjol Padang, Indonesia.
[Kutipan teks disembunyikan]

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: "Tanel Kerikmäe" <editor.baltic@versita.com>

14 Oktober 2022 12.02

Dear
Editor BALTIC Journal


Thank you for the patience of the BALTIC Journal Editorial Board. I am waiting for the revision of my article.

I have made improvements according to the reviewer two instructions. I will be happy if there are still points that need to be improved again in the article.

Revised Article Attached.

Best Regards,

Muchlis Bahar
UIN Imam Bonjol Padang, Indonesia.

 **Revision2_BALTIC_Article_Muchlis.doc**
684K



Muchlis Bahar <muchlisbahar@uinib.ac.id>

ACCEPTANCE LETTER

1 pesan

Tanel Kerikmäe <editor.baltic@versita.com>

10 November 2022 11.32

Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

Dear Author
Muchlis Bahar

Warm Greetings!

ACCEPTANCE LETTER

It's a great pleasure to inform your article. After the peer review, your article entitled "**Marriage Agreement Not to Have Children According to Islamic Law**" has been accepted for publication in the BALTIC Journal Regular Issue 2022. Please make a payment publication fee.

Thank you for submitting your work to this journal. We hope to receive it in the future too.

--

Tanel Kerikmäe

Editorial Board
BALTIC Journal



LoA_BALTIC_Muchlis.pdf

178K



Submit Article for ENDLESS

5 pesan

Muchlis Bahar <muchlisbahar@uinib.ac.id>

26 Desember 2021 17.51

Kepada: A Aneesh <editor.endless@gmail.com>

Dear Editor
ENDLESS Journal

I have read and use scientific articles published in ENDLESS Journal.

The performance of the ENDLESS Journal was excellent, and the article published helped me in conducting research and writing scientific articles.

I am Muchlis Bahar, Lecturer from UIN Imam Bonjol, Padang, Indonesia.

I have completed a scientific article entitled "**Ijtihad 'Izzuddin Bin Abdussalam about Bid'ah and Its Relevance to Local Wisdom in Indonesia.**"

I hope this article can be published in the ENDLESS Journal, because there are interesting findings in the scientific article that can become new treasures in sciences, especially in the field of social sciences.

I am willing to go through the review process following ENDLESS Journal standards.

Best Regards,

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia



ENDLESS_Article_Muchlis.doc

248K

A Aneesh <editor.endless@gmail.com>

28 Desember 2021 20.12

Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

Dear
Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia.

The ENDLESS Journal Editorial Board has received your article. I appreciate your interest in ENDLESS Journal.

Your article will be processed according to the publication standards at ENDLESS Journal.

I beg you to be patient waiting for the notification from the ENDLESS Journal Editorial Board.

Always check your email, because the correspondence is only via email.

Best Regards,

--

A Aneesh

Editorial Board ENDLESS

[Kutipan teks disembunyikan]

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: "A Aneesh" <editor.endless@gmail.com>

3 Januari 2022 09.40

Dear Editor
ENDLESS Journal

Thank you for your response.

I am happy to wait for the next stage.

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia
[Kutipan teks disembunyikan]

A Aneesh <editor.endless@gmail.com>
Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

16 Januari 2022 12.27

Dear
Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia

Thank you for submitting your manuscript to ENDLESS Journal.

We have completed our evaluation and the reviewers recommend reconsideration of your manuscript following minor revision. We invite you to send back after addressing the comments below. Please resubmit your revised manuscript by February 25th, 2022 or ask whether an alternate date would be acceptable.

When revising your manuscript, please consider carefully all issues mentioned in the reviewers' comments: outline every change made in response to their comments and provide suitable explanations for any comments not addressed. Please also note that the revised submission may need to be re-reviewed.

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5. There should be more information about the object of research, not about the content of the study.

I hope you can make improvements as soon as possible, and send the revised article again via this email.

[Kutipan teks disembunyikan]

Muchlis Bahar <muchlisbahar@uinib.ac.id>

24 Januari 2022 17.33

Kepada: "A Aneesh" <editor.endless@gmail.com>

Dear
Editor ENDLESS Journal

Thank you for the Editorial Board response ENDLESS Journal.

I have read the revised instructions from Reviewers.
I will immediately correct the article according to reviewers.

Best Regards,

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia
[Kutipan teks disembunyikan]



Muchlis Bahar <muchlisbahar@uinib.ac.id>

Revision Article for ENDLESS

4 pesan

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: "A Aneesh" <editor.endless@gmail.com>

18 Februari 2022 15.53

Dear
Editor ENDLESS Journal

Thank you for the patience of the ENDLESS Journal Editorial Board, waiting for the revision of my article.

I have made improvements according to the reviewer's instructions. I will be happy if there are still points that need to be improved again in the article.

Revised Article Attached.

Best Regards,

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia

 **Revision1_ENDLESS_Article_Muchlis.doc**
224K

A Aneesh <editor.endless@gmail.com>
Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

23 Februari 2022 23.18

Dear

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia

Thank you for your efforts to make improvements to your article.

Based on Reviewers' considerations, the article has, at some point, increased.

However, you have to improve on a few more points. Hopefully, you are willing to do it.

Please follow the following revision instructions:

#Reviewer 2:

1. I was hopeful that this article would be readily usable though the English in parts is so low that reading is challenging. The topic is of great importance.
2. The literature review includes some tantalizing references, but even after sorting through the language issues, the links are not made to the specific study.
3. They when study design comes into play there are serious questions about the system.
4. If the author could work with a robust English language editor or colleague to clean up both language and argument, it might be publishable.
5. A side note is that it's not at all clear what the title references the article.

Articles that have been revised and please send it back via this email.

--

A Aneesh

Editorial Board ENDLESS
ENDLESS Journal

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: "A Aneesh" <editor.endless@gmail.com>

24 Februari 2022 10.29

Dear
Editor ENDLESS Journal

Thank you for your response, I will be happy to revise the article according to these instructions.

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia
[Kutipan teks disembunyikan]

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: "A Aneesh" <editor.endless@gmail.com>

26 Maret 2022 20.02

Dear
Editor ENDLESS Journal

Thank you for the patience of the ENDLESS Journal Editorial Board, waiting for the revision of my article.

I have made improvements according to the reviewer 2 instructions. I will be happy if there are still points that need to be improved again in the article.

Revised Article Attached.

Best Regards,

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia



Revision2_ENDLESS_Article_Muchlis.doc
197K



Muchlis Bahar <muchlisbahar@uinib.ac.id>

ACCEPTANCE LETTER

1 pesan

A Aneesh <editor.endless@gmail.com>

24 Mei 2022 11.32

Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

Dear Author
Muchlis Bahar

Warm Greetings!

ACCEPTANCE LETTER

It's a great pleasure to inform you that, after the peer review process, your article entitled "**Ijtihad 'Izzuddin Bin Abdussalam about Bid'ah and Its Relevance to Local Wisdom in Indonesia**" has been accepted for publication in ENDLESS Journal Regular Issue 2022, please make a payment publication fee.

Thank you for submitting your work to this journal. We hope to receive it in the future too.

--

A Aneesh

Editorial Board
ENDLESS Journal

**LoA_ENDLESS_Muchlis.pdf**

180K



Submit Article for ENDLESS

5 pesan

Muchlis Bahar <muchlisbahar@uinib.ac.id>

26 Juli 2020 15.17

Kepada: A Aneesh <editor.endless@gmail.com>

Dear Editor
ENDLESS Journal

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Best Regards,

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia



ENDLESS_Article_Muchlis.doc
248K

A Aneesh <editor.endless@gmail.com>

28 Juli 2020 12.20

Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

Dear
Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia.

The ENDLESS Journal Editorial Board has received your article. I appreciate your interest in ENDLESS Journal.

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Always check your email, because the correspondence is only via email.

Best Regards,

--

A Aneesh

Editorial Board ENDLESS

[Kutipan teks disembunyikan]

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: "A Aneesh" <editor.endless@gmail.com>

3 Agustus 2020 09.04

Dear Editor
ENDLESS Journal

Thank you for your response.

I am happy to wait for the next stage.

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia
[Kutipan teks disembunyikan]

A Aneesh <editor.endless@gmail.com>
Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

16 Agustus 2020 17.27

Dear
Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia

Thank you for submitting your manuscript to ENDLESS Journal.

We have completed our evaluation and the reviewers recommend reconsideration of your manuscript following minor revision. We invite you to send back after addressing the comments below. Please resubmit your revised manuscript by September 25th, 2020 or ask whether an alternate date would be acceptable.

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Reviewer #1:

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2. The English in parts approaches being incomprehensible so as a first step, a firm editorial hand would be needed to figure out what needs to be rethought.
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I hope you can make improvements as soon as possible, and send the revised article again via this email.

[Kutipan teks disembunyikan]

Muchlis Bahar <muchlisbahar@uinib.ac.id>

24 Agustus 2020 16.33

Kepada: "A Aneesh" <editor.endless@gmail.com>

Dear
Editor ENDLESS Journal

Thank you for the Editorial Board response ENDLESS Journal.

I have read the revised instructions from Reviewers.
I will immediately correct the article according to reviewers.

Best Regards,

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia
[Kutipan teks disembunyikan]



Muchlis Bahar <muchlisbahar@uinib.ac.id>

Revision Article for ENDLESS

4 pesan

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: "A Aneesh" <editor.endless@gmail.com>

18 September 2020 18.35

Dear
Editor ENDLESS Journal

Thank you for the patience of the ENDLESS Journal Editorial Board, waiting for the revision of my article.

I have made improvements according to the reviewer's instructions. I will be happy if there are still points that need to be improved again in the article.

Revised Article Attached.

Best Regards,

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia



Revision1_ENDLESS_Article_Muchlis.doc
243K

A Aneesh <editor.endless@gmail.com>
Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

23 September 2020 16.23

Dear

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia

Thank you for your efforts to make improvements to your article.

Based on Reviewers' considerations, the article has, at some point, increased.

However, you have to improve on a few more points. Hopefully, you are willing to do it.

Please follow the following revision instructions:

#Reviewer 2:

1. I was hopeful that this article would be readily usable though the English in parts is so low that reading is challenging. The topic is of great importance.
2. The literature review includes some tantalizing references, but even after sorting through the language issues, the links are not made to the specific study.
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Articles that have been revised and please send it back via this email.

--

A Aneesh

Editorial Board ENDLESS
ENDLESS Journal

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: "A Aneesh" <editor.endless@gmail.com>

24 September 2020 08.32

Dear
Editor ENDLESS Journal

Thank you for your response, I will be happy to revise the article according to these instructions.

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia
[Kutipan teks disembunyikan]

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: "A Aneesh" <editor.endless@gmail.com>

26 Oktober 2020 12.02

Dear
Editor ENDLESS Journal

Thank you for the patience of the ENDLESS Journal Editorial Board, waiting for the revision of my article.

I have made improvements according to the reviewer 2 instructions. I will be happy if there are still points that need to be improved again in the article.

Revised Article Attached.

Best Regards,

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia

 **Revision2_ENDLESS_Article_Muchlis.doc**
215K



Muchlis Bahar <muchlisbahar@uinib.ac.id>

ACCEPTANCE LETTER

1 pesan

A Aneesh <editor.endless@gmail.com>

24 November 2020 11.32

Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

Dear Author
Muchlis Bahar

Warm Greetings!

ACCEPTANCE LETTER

It's a great pleasure to inform you that, after the peer review process, your article entitled "Islamic Law Review Analysis on Lesbian, Gay, Bisexual, and Transgender (LGBT)" has been accepted for publication in ENDLESS Journal Regular Issue 2020, please make a payment publication fee.

Thank you for submitting your work to this journal. We hope to receive it in the future too.

--

A Aneesh

Editorial Board
ENDLESS Journal

**LoA_ENDLESS_Muchlis.pdf**

179K



Muchlis Bahar <muchlisbahar@uinib.ac.id>

Submit Article for IJAIR

5 pesan

Muchlis Bahar <muchlisbahar@uinib.ac.id>

20 April 2022 13.47

Kepada: jurnal.ijair@gmail.com

Dear Editor
IJAIR presents

I have read and used scientific articles published in IJAIR.

The performance of the IJAIR was excellent, and the published article helped me conduct research and write scientific articles.

I am Muchlis Bahar, Lecturer from UIN Imam Bonjol Padang Indonesia

I have completed a scientific article entitled "**The Use Of Cryptocurrency In Indonesia According To Islamic Law.**"

I hope this article can be published in the IJAIR because there are interesting findings in the scientific article that can become new treasures in science, especially in law sciences.

I am willing to go through the review process following IJAIR standards.

Best Regards,

Muchlis Bahar
UIN Imam Bonjol Padang Indonesia

**IJAIR_Article_Muchlis.doc**

172K

Snježana Dubovicki <jurnal.ijair@gmail.com>

10 Mei 2022 18.21

Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

Dear
Muchlis Bahar
UIN Imam Bonjol Padang Indonesia.

The IJAIR Editorial Board has received your article. I appreciate your interest in IJAIR.

Your article will be processed according to the publication standards at IJAIR.

I beg you to be patient while waiting for the notification from the IJAIR Editorial Board.

Always check your email because the correspondence is only via email.

Best Regards,

--

Snježana Dubovicki

Editorial Board IJAIR

[Kutipan teks disembunyikan]

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: "Snježana Dubovicki" <jurnal.ijair@gmail.com>

12 Mei 2022 09.04

Dear Editor
IJAIR

Thank you for your response.

I am happy to wait for the next stage.

Muchlis Bahar
UIN Imam Bonjol Padang Indonesia
[Kutipan teks disembunyikan]

Snježana Dubovicki <jurnal.ijair@gmail.com>
Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

23 Mei 2022 17.27

Dear
Muchlis Bahar
UIN Imam Bonjol Padang Indonesia

Thank you for submitting your manuscript to IJAIR.

We have completed our evaluation, and the reviewers recommend reconsidering your manuscript following minor revisions. Please resubmit your revised manuscript by June 9th, 2022 or ask whether an alternate date would be acceptable. We invite you to send it back after addressing the comments below.

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IJAIR values your contribution, and I look forward to receiving your revised manuscript.

Editor and Reviewer comments:

Reviewer #1:

1. The paper has some interesting information, and the topic is essential; however, there seem to be some basic questions suggesting flaws in the questionnaire, which put the conclusions in question.
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I hope you can make improvements as soon as possible and send the revised article again via this email.

[Kutipan teks disembunyikan]

Muchlis Bahar <muchlisbahar@uinib.ac.id>

25 Mei 2022 16.33

Kepada: "Snježana Dubovicki" <jurnal.ijair@gmail.com>

Dear
Editor IJAIR

Thank you for the Editorial Board response to IJAIR.

I have read the revised instructions from the Reviewers.
I will immediately correct the article according to the reviewers.

Best Regards,

Muchlis Bahar
UIN Imam Bonjol Padang Indonesia
[Kutipan teks disembunyikan]



Revision Article for IJAIR

4 pesan

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: "Snježana Dubovicki" <jurnal.ijair@gmail.com>

6 Juni 2022 18.35

Dear
Editor IJAIR

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Best Regards,

Muchlis Bahar
UIN Imam Bonjol Padang Indonesia

 **Revision1_IJAIR_Article_Muchlis.doc**
168K

Snježana Dubovicki <jurnal.ijair@gmail.com>
Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

9 Juni 2022 09.23

Dear

Muchlis Bahar
UIN Imam Bonjol Padang Indonesia

Thank you for your efforts to make improvements to your article.

Based on the Reviewers' considerations, the article has, at some point, increased.

However, you have to improve on a few more points. Hopefully, you are willing to do it.

Please follow the following revision instructions:

#Reviewer 2:

1. I was hopeful that this article would be readily usable though the English in parts is so low that reading is challenging. The topic is of great importance.
2. The literature review includes some tantalizing references, but the links are not made to the specific study even after sorting through the language issues.
3. When study design comes into play, there are serious questions about the system.
4. It might be publishable if the Author could work with a robust English language editor or colleague to clean up both language and argument.
5. A side note is that it's not clear what title references the article.

Articles that have been revised and please send them back via this email.

--

Snježana Dubovicki

Editorial Board IJAIR

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: "Snježana Dubovicki" <jurnal.ijair@gmail.com>

9 Juni 2022 14.32

Dear
Editor IJAIR

Thank you for your response. I will be happy to revise the article according to these instructions.

Muchlis Bahar
UIN Imam Bonjol Padang Indonesia
[Kutipan teks disembunyikan]

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: "Snježana Dubovicki" <jurnal.ijair@gmail.com>

12 Juni 2022 12.02

Dear
Editor IJAIR

Thank you for the patience of the IJAIR Editorial Board. Waiting for the revision of my article.

I have made improvements according to reviewer 2 instructions. I will be happy if there are still points that need to be improved again in the article.

Revised Article Attached.

Best Regards,

Muchlis Bahar
UIN Imam Bonjol Padang Indonesia

 **Revision2_IJAIR_Article_Muchlis.doc**
164K



Muchlis Bahar <muchlisbahar@uinib.ac.id>

ACCEPTANCE LETTER

1 pesan

Snježana Dubovicki <jurnal.ijair@gmail.com>

13 Juni 2022 09.32

Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

Dear Author
Muchlis Bahar

Warm Greetings!

ACCEPTANCE LETTER


It's a great pleasure to inform you that, after the peer review process, your article entitled "**The Use Of Cryptocurrency In Indonesia According To Islamic Law**" has been accepted for publication in the IJAIR Regular Issue 2022. Please make a payment publication fee.

Thank you for submitting your work to this journal. We hope to receive it in the future too.

--

Snježana Dubovicki

Editorial Board IJAIR

 **LoA_IJAIR_Muchlis.pdf**
164K



Muchlis Bahar <muchlisbahar@uinib.ac.id>

Submit Article for IJSOC

5 pesan

Muchlis Bahar <muchlisbahar@uinib.ac.id>

11 Juli 2019 13.47

Kepada: chen_xue@editor-ijsoc.com

Dear Editor
International Journal of Science and Society presents
(IJSOC)

I read and use scientific articles published in IJSOC.

The performance of the IJSOC was excellent, and the published article helped me conduct research and write scientific reports.

I am Muchlis Bahar, Lecturer from UIN Imam Bonjol, Padang, Indonesia

I have completed a scientific article entitled "**Comparative Analysis of Classification and Factors Causing the Emergence of Bid'ah in the Perspective of Islamic Law Scholars.**"

I hope this article can be published in the IJSOC because exciting findings in the scientific report can become new treasures in science, especially in law sciences.

I am willing to go through the review process following IJSOC standards.

Best Regards,

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia

**IJSOC_Article_Muchlis.doc**

201K

Dr. Chen Xue <chen_xue@editor-ijsoc.com>

12 Juli 2019 18.21

Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

Dear
Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia.

The IJSOC Editorial Board has received your article. I appreciate your interest in IJSOC.

Your article will be processed according to the publication standards at IJSOC.

I beg you to be patient while waiting for the notification from the IJSOC Editorial Board.

Always check your email because the correspondence is only via email.

Best Regards,

--

Dr. Chen Xue

Editorial Board IJSOC

[Kutipan teks disembunyikan]

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: Dr. Chen Xue <chen_xue@editor-ijsoc.com>

24 Juli 2019 09.04

Dear Editor
IJSOC

Thank you for your response.

I am happy to wait for the next stage.

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia
[Kutipan teks disembunyikan]

Dr. Chen Xue <chen_xue@editor-ijsoc.com>
Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

6 Agustus 2019 17.27

Dear
Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia

Thank you for submitting your manuscript to IJSOC.

We have completed our evaluation, and the reviewers recommend reconsidering your manuscript following minor revisions. Please resubmit your revised manuscript by September 25, 2019, or ask whether an alternate date would be acceptable. We invite you to send it back after addressing the comments below.

When revising your manuscript, consider carefully all issues mentioned in the reviewers' comments: outline every change made in response to their comments and provide suitable explanations for any remarks not addressed. Please also note that the revised submission may need to be re-reviewed.

To submit your revised manuscript, please log in as an author at this email, and navigate to the "Revision" folder.

IJSOC values your contribution, and I look forward to receiving your revised manuscript.

Editor and Reviewer comments:

Reviewer #1:

1. The abstract has not discussed the research objectives and results, so readers do not understand this journal.
2. The English in parts approaches is incomprehensible, so as a first step, a firm editorial hand would be needed to figure out what needs to be rethought.
3. The literature review has not explained the theories that are related and relevant to the research object and are well related to the study results.
4. The focus of this research can be developed for further study, both in Indonesia and abroad, because the research topic is very relevant to the novelty of other research.
5. References are good enough, but we still need to find the latest references so that this research becomes more up-to-date.

I hope you can make improvements as soon as possible and send the revised article again via this email.

[Kutipan teks disembunyikan]

Muchlis Bahar <muchlisbahar@uinib.ac.id>

20 Agustus 2019 16.33

Kepada: Dr. Chen Xue <chen_xue@editor-ijso.com>

Dear
Editor IJSOC

Thank you for the Editorial Board response to IJSOC.

I have read the revised instructions from the Reviewers.
I will immediately correct the article according to the reviewers.

Best Regards,

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia
[Kutipan teks disembunyikan]



Muchlis Bahar <muchlisbahar@uinib.ac.id>

Revision Article for IJSOC

4 pesan

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: Dr. Chen Xue <chen_xue@editor-ijso.com>

14 September 2019 18.35

Dear
Editor IJSOC

Thank you for the patience of the IJSOC Editorial Board. I was waiting for the revision of my article.

I have made improvements according to the reviewer's instructions. I will be happy if there are still points that need to be improved again in the article.

Revised Article Attached.

Best Regards,

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia

**Revision1_IJSOC_Article_Muchlis.doc**
195K

Dr. Chen Xue <chen_xue@editor-ijso.com>
Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

27 Oktober 2019 16.23

Dear

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia

Thank you for your efforts to make improvements to your article.

Based on the Reviewers' considerations, the article has, at some point, increased.

However, you have to improve on a few more points. Hopefully, you are willing to do it.

Please follow the following revision instructions:

#Reviewer 2:

1. The abstract already has a problem topic regarding the purpose of the method and the research results so the reader can easily understand.
2. The introduction has explained the research's background, purpose, and use.
3. The literature review has explained well the related theories that are relevant to the object of the research results.
4. The focus of the research can be developed for further study, both for research in Indonesia and abroad.
5. References are good enough, and the latest connections are more up-to-date.

Articles that have been revised and please send them back via this email.

--

Dr. Chen Xue

Editorial Board IJSOC
International Journal of Science and Society

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: Dr. Chen Xue <chen_xue@editor-ijsoc.com>

10 November 2019 00.32

Dear
Editor IJSOC

Thank you for your response. I will be happy to revise the article according to these instructions.

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia
[Kutipan teks disembunyikan]

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: Dr. Chen Xue <chen_xue@editor-ijsoc.com>

20 November 2019 12.02

Dear
Editor IJSOC


Thank you for the patience of the IJSOC Editorial Board. I was waiting for the revision of my article.

I have made improvements according to the reviewer two instructions. I will be happy if there are still points that need to be improved again in the article.

Revised Article Attached.

Best Regards,

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia

 **Revision2_IJSOC_Article_Muchlis.doc**
189K



Muchlis Bahar <muchlisbahar@uinib.ac.id>

ACCEPTANCE LETTER

1 pesan

Dr. Chen Xue <chen_xue@editor-ijsoc.com>

8 Desember 2019 09.32

Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

Dear Author
Muchlis Bahar

Warm Greetings!

ACCEPTANCE LETTER

It's a great pleasure to inform you that, after the peer review process, your article entitled "**Comparative Analysis of Classification and Factors Causing the Emergence of Bid'ah in the Perspective of Islamic Law Scholars**" have been accepted for publication in the International Journal of Science and Society Regular Issue 2019, please make a payment publication fee.

Thank you for submitting your work to this journal. We hope to receive it in the future too.

--

Dr. Chen Xue

Editorial Board IJSOC
International Journal of Science and Society

 **LoA_IJSOC_Muchlis.pdf**
178K



Muchlis Bahar <muchlisbahar@uinib.ac.id>

Submit Article for INFLUENCE Journal

5 pesan

Muchlis Bahar <muchlisbahar@uinib.ac.id>

7 Februari 2021 12.41

Kepada: influence.editor@gmail.com

Dear Editor

International Journal of Science Review presents
(INFLUENCE Journal)

I read and use scientific articles published in INFLUENCE Journal.

The performance of the INFLUENCE Journal was excellent, and the published article helped me conduct research and write scientific reports.

I am Muchlis Bahar, Lecturer from UIN Imam Bonjol, Padang, Indonesia.

I have completed a scientific article entitled "**Analysis of the Development of Maqasid Shariah Theory and Its Relevance to the Reality of Social Change**".

I hope this article can be published in the INFLUENCE Journal because exciting findings in the scientific report can become new treasures in science, especially in social sciences.

I am willing to go through the review process following INFLUENCE Journal standards.

Best Regards,

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia

**INFLUENCE_Article_Muchlis.doc**

195K

Mustafa Acar <influence.editor@gmail.com>

9 Februari 2021 12.45

Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

Dear

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia.

The INFLUENCE Editorial Board has received your article. I appreciate your interest in INFLUENCE.

Your article will be processed according to the publication standards at INFLUENCE.

I beg you to be patient while waiting for the notification from the INFLUENCE Editorial Board.

Always check your email because the correspondence is only via email.

Best Regards,

--

Mustafa Acar**Editorial Board INFLUENCE**

[Kutipan teks disembunyikan]

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: "Mustafa Acar" <influence.editor@gmail.com>

15 Februari 2021 18.53

Dear Editor
INFLUENCE Journal

Thank you for your response.

I am happy to wait for the next stage.

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia
[Kutipan teks disembunyikan]

Mustafa Acar <influence.editor@gmail.com>
Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

25 Maret 2021 09.12

Dear
Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia

Thank you for submitting your manuscript to INFLUENCE.

We have completed our evaluation, and the reviewers recommend reconsidering your manuscript following minor revisions. Please resubmit your revised manuscript by November 25th, 2021, or ask whether an alternate date would be acceptable. We invite you to send it back after addressing the comments below.

When revising your manuscript, consider carefully all issues mentioned in the reviewers' comments: outline every change made in response to their comments and provide suitable explanations for any remarks not addressed. Please also note that the revised submission may need to be re-reviewed.

To submit your revised manuscript, please log in as an author at this email, and navigate to the "Revision" folder.

INFLUENCE values your contribution, and I look forward to receiving your revised manuscript.

Editor and Reviewer comments:

Reviewer #1:

1. This article has some rather interesting information, and the topic is quite important; however, there seem to be some basic points that point to the lack of a questionnaire, which makes its conclusions a bit questionable.
2. The use of English is so incomprehensible, that as a first step, journal editors are needed to find out what needs to be rethought.
3. Literature review refers to experiences and studies of interest elsewhere, but not related to research and, conclusions.
4. The focus of this paper only applies to Indonesia. What about the use of other countries and questionnaires?
5. It takes a lot of information about the object of research, not about the content of the research.

I hope you can make improvements as soon as possible and send the revised article again via this email.

[Kutipan teks disembunyikan]

Muchlis Bahar <muchlisbahar@uinib.ac.id>

5 April 2021 19.42

Kepada: "Mustafa Acar" <influence.editor@gmail.com>

Dear
Editor INFLUENCE Journal

Thank you for the Editorial Board response to INFLUENCE Journal.

I have read the revised instructions from the Reviewers.
I will immediately correct the article according to the reviewers.

Best Regards,

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia
[Kutipan teks disembunyikan]



Muchlis Bahar <muchlisbahar@uinib.ac.id>

Revision Article for INFLUENCE

4 pesan

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: "Mustafa Acar" <influence.editor@gmail.com>

20 April 2021 11.13

Dear
Editor INFLUENCE Journal

Thank you for the patience of the INFLUENCE Journal Editorial Board. Waiting for the revision of my article.

I have made improvements according to the reviewer's instructions. I will be happy if there are still points that need to be improved again in the article.

Revised Article Attached.

Best Regards,

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia

**Revision1_INFLUENCE_Article_Muchlis.doc**
184K

Mustafa Acar <influence.editor@gmail.com>
Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

21 Mei 2021 14.22

Dear

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia

Thank you for your efforts to make improvements to your article.

Based on the Reviewers' considerations, the article has, at some point, increased.

However, you have to improve on a few more points. Hopefully, you are willing to do it.

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3. When study design comes into play, there are serious questions about the system.
4. It might be publishable if the Author could work with a robust English language editor or colleague to clean up both language and argument.
5. A side note is that it's not clear what title references the article.

Articles that have been revised and please send them back via this email.

--

Mustafa Acar

Editorial Board INFLUENCE
International Journal of Science Review

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: "Mustafa Acar" <influence.editor@gmail.com>

28 Mei 2021 09.24

Dear
Editor INFLUENCE Journal

Thank you for your response. I will be happy to revise the article according to these instructions.

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia
[Kutipan teks disembunyikan]

Muchlis Bahar <muchlisbahar@uinib.ac.id>
Kepada: "Mustafa Acar" <influence.editor@gmail.com>

12 Juni 2021 17.37

Dear
Editor INFLUENCE Journal

Thank you for the patience of the INFLUENCE Journal Editorial Board. Waiting for the revision of my article.

I have made improvements according to the reviewer two instructions. I will be happy if there are still points that need to be improved again in the article.

Revised Article Attached.

Best Regards,

Muchlis Bahar
UIN Imam Bonjol, Padang, Indonesia

 **Revision2_INFLUENCE_Article_Muchlis.doc**
181K



Muchlis Bahar <muchlisbahar@uinib.ac.id>

ACCEPTANCE LETTER

1 pesan

Mustafa Acar <influence.editor@gmail.com>

25 Juli 2021 11.31

Kepada: Muchlis Bahar <muchlisbahar@uinib.ac.id>

Dear Author
Muchlis Bahar

Warm Greetings!

ACCEPTANCE LETTER

It's a great pleasure to inform you that, after the peer review process, your article entitled "**Analysis of the Development of Maqasid Shariah Theory and Its Relevance to the Reality of Social Change**" has been accepted for publication in the International Journal of Science Review Regular Issue 2021, please make a payment publication fee.

Thank you for submitting your work to this journal. We hope to receive it in the future too.

--

Mustafa Acar

Editorial Board INFLUENCE
International Journal of Science Review

**LoA_INFLUENCE_Muchlis.pdf**

173K

Patterns for Settlement of Punah Inheritance Disputes In the Community of Nagari Salareh Aia from the Perspective of Islamic Law

<https://doi.org/10.19105/al-lhkam.v17i2.6246>

<http://ejournal.iainmadura.ac.id/index.php/alihkam/article/view/6246/3298>

The screenshot shows a web browser window displaying a submission form for the journal 'AL-IHKAM: Jurnal Hukum & Pranata Sosial'. The form is titled 'Patterns for Settlement of Punah Inheritance Disputes In the Community of Nagari Salareh Aia from the Perspective of Islamic Law'. The form fields include:

- Section:** Articles
- Submission Language:** English
- Prefix:** (empty)
- Title:** Patterns for Settlement of Punah Inheritance Disputes In the Community of Nagari Salareh Aia from the Perspective of Islamic Law
- Subtitle:** (empty)
- Abstract:** This research aims to investigate the settlement pattern of inheritance disputes in Nagari Salareh Aia as well as the impact of this settlement pattern. This is a field study using customary law and Islamic law approaches. Data were obtained through interviews and document studies. To analyze data, the Creswell approach was used, which includes data reduction, data verification, and drawing conclusion. This research reveals three significant findings. First, the customary settlement pattern, for heirs who control *punah* inheritance, is done by selling it to other. If there are one or more heirs, the remaining sale of the assets is divided among the heirs after the *Mamak's* rights are excluded. Second, the settlement of *punah* inheritance disputes in Salareh Aia fosters close family ties. It also clarifies the heirs' position regarding inheritance and property status, whether it

The form also includes a sidebar with navigation options: Submissions, Patterns for Settlement of Punah Inheritance Disputes, Submission, Production Disputes, Galleys, and EDE. The browser address bar shows the URL: <http://ejournal.iainmadura.ac.id/index.php/alihkam/authorDashboard/submission/6246>. The system tray at the bottom shows the date and time: 12/02/2023, 20:38.

eflora, Patterns for Settlement of P x +

Not secure | ejournal.iainmadura.ac.id/index.php/alihkam/authorDashboard/submission/6246

English View Site eflora_artikel

Submission Library View Metadata

Patterns for Sett
Elfia, Sandria Milka R

Submissions

Submission

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Name

Galleys

PDF

Subtitle

Abstract +

This research aims to investigate the settlement pattern of inheritance disputes in Nagari Salareh Aia as well as the impact of this settlement pattern. This is a field study using customary law and Islamic law approaches. Data were obtained through interviews and document studies. To analyze data, the Creswell approach was used, which includes data reduction, data verification, and drawing conclusion. This research reveals three significant findings. First, the customary settlement pattern, for heirs who control *punah* inheritance, is done by selling it to other. If there are one or more heirs, the remaining sale of the assets is divided among the heirs after the *Mamak's* rights are excluded. Second, the settlement of *punah* inheritance disputes in Salareh Aia fosters close family ties. It also clarifies the heirs' position regarding inheritance and property status, whether it

List of Contributors

Name	E-mail	Role	Primary Contact	In Browse Lists
Elfia	elfiamag@uinib.ac.id	Author	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Sandria Milka Ratna Sari	sandriamilkaratnasari@gmail.com	Author	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ikhwan	ikhwan@uinib.ac.id	Author	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Muchlis Bahar	muchlisbahar@uinib.ac.id	Author	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Nurus Shalihin	nurus_shalihin@uinib.ac.id	Author	<input type="checkbox"/>	<input checked="" type="checkbox"/>

20:39 12/02/2023

eflora, Patterns for Settlement of P x +

Not secure | ejournal.iainmadura.ac.id/index.php/alihkam/authorDashboard/submission/6246

English View Site eflora_artikel

Submission Library View Metadata

Patterns for Sett
Elfia, Sandria Milka R

Submissions

Submission

Production Dis
Name

Galleys

PDF

fosters close family ties. It also clarifies the heirs' position regarding inheritance and property status, whether it

List of Contributors

Name	E-mail	Role	Primary Contact	In Browse Lists
Elfia	elfiamag@uinib.ac.id	Author	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Sandria Milka Ratna Sari	sandriamilkaratnasari@gmail.com	Author	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ikhwan	ikhwan@uinib.ac.id	Author	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Muchlis Bahar	muchlisbahar@uinib.ac.id	Author	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Nurus Shalihin	nurus_shalihin@uinib.ac.id	Author	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Cover Image

Submission Metadata

These specifications are based on the Dublin Core metadata set, an international standard used to describe journal content.

Additional Refinements

Keywords

Islamic Inheritance, Minangkabau, Dispute Settlement, Punah

Faraidh, hukum Islam, kewarisan, Minangkabau, punah

20:39 12/02/2023

Submissions

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Archived Submissions

6246 **Elfia, Sandria Milka Ratna Sari, Ikhwan, Muchlis Bahar, Nurus Shalihin** Published

Patterns for Settlement of Punah Inheritance Disputes In the Community of Nagari...

1 Production galleys created

0 Open discussions

Last activity recorded on 12/31/2022

View Submission

1 of 1 submissions

Elfia, Patterns for Settlement of P

AL-IHKAM: Jurnal Hukum & Pranata Sosial

Submission Library View Metadata

Patterns for Settlement of Punah Inheritance Disputes In the Community of Nagari Salareh Aia from the Perspective of Islamic Law

Elfia, Sandria Milka Ratna Sari, Ikhwan, Muchlis Bahar, Nurus Shalihin

Submission Review Copyediting Production

Submission Files

Name	From	Last Reply	Replies	Closed
No Items				

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Add discussion

18795-1 elfia_artikel1, SUBMIT AL IHKAM 25 MEI 2022 OKE.docx May 25, 2022 Article Text

eflia, Patterns for Settlement of P x +

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AL-IHKAM: Jurnal Hukum & Pranata Sosial Tasks 0 English View Site elfia_artikel1

Submission Library View Metadata

Patterns for Settlement of Punah Inheritance Disputes In the Community of Nagari Salareh Aia from the Perspective of Islamic Law
 Eflia, Sandria Milka Ratna Sari, Ikhwan, Muchlis Bahar, Nurus Shalihin

Submission Review Copyediting Production

Round 1 Round 2

Round 2 Status
 Submission accepted.

Notifications

[al:lhkam] Editor Decision	2022-10-21 11:08 AM
[al:lhkam] Editor Decision	2022-11-24 10:33 AM
[al:lhkam] Editor Decision	2022-12-26 09:48 AM
[al:lhkam] Editor Decision	2022-12-31 06:23 PM

ejournal.iainmadura.ac.id/index.php/alihkam/\$\$\$call\$\$\$/tab/author-dashboard/author-dashboard-tab/fetch-tab?submissionid=6246&stageid=3 Search

2036 12/02/2023

eflia, Patterns for Settlement of P x +

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AL-IHKAM: Jurnal Hukum & Pranata Sosial Tasks 0 English View Site elfia_artikel1

Notifications

[al:lhkam] Editor Decision	2022-10-21 11:08 AM
[al:lhkam] Editor Decision	2022-11-24 10:33 AM
[al:lhkam] Editor Decision	2022-12-26 09:48 AM
[al:lhkam] Editor Decision	2022-12-31 06:23 PM

Reviewer's Attachments Search

22418-1	. Recognition of The Meaning of Punah R2.docx	November 24, 2022
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Revisions Search Upload File

22670-1	Article Text, REVISI KE2 NASKAH AL IHKAM ELFIA (EDIT).docx	November 30, 2022	Article Text
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Review Discussions Add discussion

Name	From	Last Reply	Replies	Closed
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2036 12/02/2023

AL-IHKAM: Jurnal Hukum & Pranata Sosial

Reviewer's Attachments

22418-1	. Recognition of The Meaning of Punah R2.docx	November 24, 2022
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Revisions

22670-1	Article Text, REVISI KE2 NASKAH AL IHKAM ELFIA (EDIT).docx	November 30, 2022	Article Text
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Review Discussions

Name	From	Last Reply	Replies	Closed
PATTERNS FOR SETTLEMENT OF PUNAH (EXTINCT) INHERITANCE DISPUTES IN THE COMMUNITY OF SALAREH AIA VIEWED FROM THE PERSPECTIVE OF ISLAMIC LAW	elfia_artikel1	-	0	<input type="checkbox"/>
=	elfia_artikel1	elfia_artikel1	0	<input type="checkbox"/>

AL-IHKAM: Jurnal Hukum & Pranata Sosial

Submission Library

Patterns for Settlement of Punah Inheritance Disputes In the Community of Nagari Salareh Aia from the Perspective of Islamic Law
Elfia, Sandria Milka Ratna Sari, Ikhwan, Muchlis Bahar, Nurus Shalihin

Submission Review Copyediting **Production**

Copyediting Discussions

Name	From	Last Reply	Replies	Closed
No Items				

Copyedited

23704-1	dimas, 7. Elfia 480-505.doc	December 31, 2022	Article Text
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Al-IHKAM: Jurnal Hukum & Pranata Sosial

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 Kam, 24 Nov 2022 10.33

Elifa M. Ag (elfiamag@uinib.ac.id) kepada Dimas
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thank you Mr. Dimas and the Al-Ihkam journal team, it will be corrected soon according to the reviewer's input.

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Terimakasih Pak Abdul Haq... dan team jurnal al ihkam. semoga al ihkam semakin jaya ke depannya. aamin

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Patterns for Settlement of *Punah* Inheritance Disputes In the Community of Nagari Salareh Aia from the Perspective of Islamic Law

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Abstract:
This research aims to investigate the settlement pattern of inheritance disputes in Nagari Salareh Aia as well as the impact of this settlement pattern. This is a field study using customary law and Islamic law approaches. Data were obtained through interviews and document studies. To analyze data, the Creswell approach was used, which includes data reduction, data

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Patterns for Settlement of Punah Inheritance

three significant findings. First, the customary settlement pattern, for heirs who control *punah* inheritance, is done by selling it to other. If there are one or more heirs, the remaining sale of the assets is divided among the heirs after the Mamat's rights are excluded. Second, the settlement of *punah* inheritance disputes in Salareh Aia fosters close family ties. It also clarifies the heirs' position regarding inheritance and property status, whether it is a high inheritance or low inheritance. Third, based on the pattern of settlement and the resulting impact, it can be concluded that the mechanism for resolving disputes over the *Punah* inheritance in the Nagari Salareh Aia has fulfilled sharia principles, namely to maintain the property and the honor of the people.

Keywords:
Islamic Inheritance, Minangkabau, Dispute Settlement, *Punah*

Abstrak
Penelitian ini bertujuan mengeksplorasi pola penyelesaian sengketa waris punah di Nagari Salareh Aia serta dampak yang ditimbulkan dari penyelesaian tersebut. Penelitian ini merupakan penelitian lapangan dengan pendekatan hukum adat dan hukum Islam. Data diperoleh melalui metode wawancara dan dokumen sebagai alat pengumpul data. Pendekatan Creswell digunakan untuk menganalisis data dengan tahap: reduksi data, penyajian data, verifikasi data dan pengambilan kesimpulan. Temuan penelitian ini menemukan tiga hal penting. Pertama, pola penyelesaian adat terhadap ahli waris yang menguasai harta warisan punah, dengan cara menjualnya untuk dimiliki perorangan. Jika ahli waris punah satu atau beberapa orang, maka setelah diberikan hak mamak, sisa penjualan harta dibagi di antara ahli waris punah. Sedangkan penyelesaian terhadap sengketa harta campuran pusaka tinggi dan pusaka rendah, dilakukan dengan cara memurnikan dan memisahkan harta tersebut. Sebagian untuk ahli waris punah dan sebagian lagi untuk adat dalam status menjadi harta pusaka tinggi. Kedua, dampak yang ditimbulkan

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Patterns for Settlement of *Punah* Inheritance Disputes In the Community of Nagari Salareh Aia from the Perspective of Islamic Law

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Abstract:
This research aims to investigate the settlement pattern of inheritance disputes in Nagari Salareh Aia against the research

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Abstract:
This research aims to investigate the settlement pattern of inheritance disputes in Nagari Salareh Aia as well as the impact of this settlement pattern. This is a field study using customary law and Islamic law approaches. Data were obtained through interviews and document studies. To analyze data, the Creswell approach was used, which includes data reduction, data verification, and drawing conclusion. This research reveals

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Patterns for Settlement of Pusuh Inheritance

three significant findings. First, the customary settlement pattern, for heirs who control *pusuh* inheritance, is done by selling it to other. If there are one or more heirs, the remaining

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RECOGNITION OF THE MEANING OF *PUNAH* IN THE MINANGKABAU INHERITANCE AND ITS RELEVANCE WITH THE SETTLEMENT OF INHERITANCE DISPUTES

Article history:

Abstract:

This research investigates the settlement pattern of extinct inheritance disputes in Nagari Salareh Aia. Theoretically, the procedure is consistent with Islamic law, but in practice, it is not, although this region is located in the *Salingka Nagari* area of Minangkabau. This is a field study using customary law and Islamic law approaches. Data were analyzed using the Creswell approach. This research found, first, the Minangkabau community and Islamic inheritance law interpret the concept of extinction differently. Extinction in Minangkabau society is defined as not having daughters, while Islam defines it as not having children or fathers, so the two concepts are used mutually in resolving inheritance disputes. Second, the mechanism for resolving extinct inheritance disputes against heirs who control the inheritance and sell it for private ownership is incompatible with high inheritance ownership concept. Meanwhile, disputes over mixed assets of high and low inheritance are settled by purifying and separating the assets. Some are for extinct heirs, while others are for customs, with high inheritance status. Third, the settlement of extinct inheritance disputes in Salareh Aia fosters close family ties. It also clarifies the heirs' position regarding inheritance and property status, whether it is a high inheritance or low inheritance.

Keywords:

Faraidh; Islamic Inheritance; Minangkabau; Dispute Settlement;

Punah (Extinct)

Abstrak

Penelitian ini bertujuan mengeksplorasi pola penyelesaian sengketa waris punah di Nagari Salareh Aia. Secara prinsip sesuai dengan hukum Islam, namun dalam pelaksanaannya, tidak sesuai dengan hukum kewarisan Islam meskipun termasuk daerah *Salingka Nagari* di Minangkabau. Penelitian ini merupakan penelitian lapangan dengan pendekatan hukum adat dan hukum Islam. Data diperoleh melalui metode wawancara dan dokumen sebagai alat pengumpul data. Pendekatan Creswell digunakan untuk menganalisis data. Temuan penelitian ini menemukan tiga hal penting. Pertama, konsep punah dipahami secara berbeda oleh masyarakat Minangkabau dan hukum kewarisan Islam. Dalam masyarakat Minangkabau, kepunahan itu bergantung kepada tidak memiliki anak perempuan, sementara punah dalam Islam adalah tidak memiliki anak atau bapak sehingga kedua konsep itu digunakan secara

mutual dalam menyelesaikan sengketa warisan. Kedua, mekanisme penyelesaian adat waris punah terhadap ahli waris yang menguasai harta warisan dan menjualnya untuk dimiliki perorangan, menyalahi konsep kepemilikan harta pusaka tinggi. Sedangkan penyelesaian terhadap sengketa harta campuran pusaka tinggi dan pusaka rendah, dilakukan dengan cara memurnikan dan memisahkan harta tersebut. Sebagian untuk ahli waris punah dan sebagian lagi untuk adat dalam status menjadi harta pusaka tinggi. Ketiga, dampak yang ditimbulkan dari pola penyelesaian adat waris punah di Nagari Salareh Aia adalah menjadikan hubungan kekeluargaan terjalin erat. Juga, memperjelas kedudukan ahli waris terhadap harta warisan dan status harta, mana yang termasuk harta pusaka tinggi dan pusaka rendah.

Kata Kunci:

Faraidh; Kewarisan Islam; Minangkabau; Penyelesaian Sengketa,

Punah

Introduction

The concept of extinction is interpreted differently by the Minangkabau community and Islamic inheritance law (*faraidh*), thus, the two concepts are used mutually in resolving inheritance disputes. The meaning of *Punah* in Islamic inheritance law is found in the concept of *Kalalah* inheritance. A person is called *Kalalah* if he has no offspring (children) and parents (father). People who have the kinship in the family, be it from the top line (parents) or the bottom line (descendants), are called *Kalalah*¹. However, some also interpret *kalalah* as people with no offspring at all.² The term *Kalalah* can be used for heiress and heirs. However, several opinions of linguists suggest the meaning of *Kalalah*: *first*, someone who does not have children and parents; *second*, someone who does not have children, parents, and siblings; *third*, someone who does not have family and relatives. The first meaning is a representative meaning of the opinion of the majority of scholars. Meanwhile, *Kalalah* heirs include siblings or brothers and sisters. The term *Kalalah* can be used for heiress and heirs. Meanwhile, *Kalalah* heirs include siblings or brothers and sisters^{3, 4}

Principally, Inheritance transfers ownership rights from the deceased to the living heirs⁵. *Kalalah* inheritance is mentioned in the Qur'an Surah an-Nisa 'verse 12 and 176. Verse 12 describes the share of each heir who gets the inheritance, including the *Kalalah* inheritance⁶. The mentioned verse explains the settlement of the share of the *Kalalah* (*Punah*) inheritance by emphasizing that both brothers and sisters are also counted as an heirs if a person who dies does not have a father as

¹ Ahmad Suganda and Muhammad, 'Konsep Kalalah Dalam Fiqh Waris, Suganda and Muhammad, "Konsep Kalalah Dalam Fiqh Waris The Concept of Kalalah in Inheritance Jurisprudence." 04, 1-17 (p. 5).

² Al Yasa' Abu Bakar, *Rekonstruksi Fikih Kewarisan* (Banda Aceh: LKAS, 2012).

³ Suganda and Muhammad

⁴ M Guntur Ageng Prayogi, "(IAIN) Metro Lampung," 2018.

⁵ Endah Dwi Atmaji, *Hukum Waris Dalam Islam* (Klaten: Cempaka Putih, 2019, h.3)

⁶ Amir Syarifuddin, *Hukum Kewarisan Islam*, 2nd ed. (Jakarta: Kencana, 2005).

heir and children but only has a brother or sister. In verse 176, the *Kalalah* inheritance is the heirs of siblings (siblings and agnate siblings, both male and female).

The term *Punah* is also shown in the Minangkabau customary inheritance. In this case, *punah* (extinction) refers to the situation in which there is no heir to inherit the inheritance. High ancestral inheritance assets, inherited in Minangkabau customary terms, are assets inherited based on the matrilineal system. High ancestral inheritance refers to the high ancestral inheritance from *Mamak* (*Mamak* means all mother's brothers) and *Ninik Mamak* (a traditional leadership title carried by a Minangkabau man, which is elected and agreed upon by members of his clan for an indefinite period of time) ahead to the top of the family tree. As the Minangkabau's Proverb: *dari ninik turun ke mamak, dari mamak turun ke kemenakan* (from *Ninik* passed down to *Mamak*, from *Mamak* passed down to nephew)⁷. In Minangkabau custom, there are two forms of inheritance: high inheritance and low ancestral inheritance.⁸ High ancestral inheritance is recognized as assets from their ancestors and afterward inherited from generation to generation from *Mamak* to nephews of the kinship group. Thus, they become the high ancestral inheritance of the kinship group⁹. The provision of this high ancestral inheritance assets, in principle, cannot be sold or pawned to the public, as the Minang proverb says: *dijua tak dimakan bali, digadai tak dimakan sando* (which means that sold but cannot be bought, pawned but cannot be held). If there is an urgent condition for inheritance, it may be sold or pawned for the common good, but all lineage members must approve it. For example, a woman in the clan is not married, or someone dies and the body has not yet been buried. Under Minangkabau customary law, which is based on matrilineal, namely maternal law, then inheritance law in Minangkabau custom is applied and calculated based on maternal lineage. According to the mother's lineage, the inheritance is shared to family members of mother's line if someone dies.¹⁰

The meaning of *Punah* in Minangkabau in this inheritance concept is that when a woman dies without an heir from her direct lineage, the heirs are the distant kindred. Consequently, the heirs are from distant heirs. Distant family heirs mean blood-lined family members from the mother's lineage, indirectly descended from the woman who died such the daughter of a deceased sister. If this lineage is still none, the inheritance goes to family members, including blood relatives, according to the maternal lineage from the ancestors. In addition, *jurai-jurai* (family structure consisting of small groups according to maternal lineage kinship (matrilineal) come from the same *paruik* (blood-lined) If someone dies, *jurai* will be in the same Nagari (Nagari's meaning in terms of *punah* heirs is adat)¹¹. Furthermore, if all the heirs specified above no longer exist, the Nagari will

⁷ Safrudin Halimy Kamaluddin, *Adat Minangkabau Dalam Perspektif Hukum Islam* (Padang: Hayfa Press, 2005, h.85-85).

⁸ Amir Syarifuddin, *Pelaksanaan Hukum Kewarisan Islam Dalam Lingkungan Adat Minangkabau* (Jakarta: PT Gunung Agung, 1984).

⁹ Ellyne Dwi Poespasari, *Pemahaman Seputar Hukum Waris Adat Di Indonesia* (Jakarta Timur: Kencana, 2018).

¹⁰ Chairul Anwar, *Hukum Adat Indonesia Meninjau Hukum Adat Minangkabau* (Jakarta: PT.Rineka Cipta, 1997), h. 89.

¹¹ (Chairul Anwar, 1997: 89-90)

inherit the inheritance. That is what meant by *Punah* people in Minangkabau in the concept of high ancestral inheritance in Minangkabau custom.¹²

Regarding the reality in the community, the settlement of the distribution of inheritance follows the rules of Islamic inheritance law. However, majority divide inheritance in a familial manner and customary rules for certain areas. As happened in the Banjarmasin, the distribution of inheritance is accomplished in a family manner instead of following the practice of Islamic inheritance law and the Compilation of Islamic Law.¹³ Correspondingly, the distribution of inheritance is similar in Kemukiman Lambang Aceh Besar. The distribution of inheritance to the youngest daughter is carried out based on the principle of justice (in terms of independence and financial stability), the heirs give their inheritance rights to the youngest daughter.¹⁴ In Banjar, the inheritance distribution uses the bequeathed grant before death.¹⁵ Meanwhile, the principle of matrilineal kinship is applied in Minangkabau. It means the ownership of inherited assets occurs from generation to generation, from parents to their children. Thus, as the head of the heir, *Mamak* ignores his nephew. The position of *Mamak* role in high ancestral inheritance should be a supervisor. In fact, *Mamak* is no longer responsible for supervising the inheritance.¹⁶

The son's role in the high inheritance in Minangkabau is only as of *mamak waris adat* or *mamak kepala adat* (a person with complete control over the high inheritance and is in charge of supervising, maintaining, and developing the high inheritance property so that it does not run out), who is responsible for supervising the inheritance assets^{17,18}. Settlement of inheritance disputes (according to Minangkabau customary law and Islamic law), is resolved by the elders through deliberation involving *ninik mamak* who are the elders in a clan.^{19 20} The management of high ancestral inheritance assets in Minangkabau indigenous peoples, such as in Batipuh

¹² (Chairul Anwar, 1997: 91)

¹³ Rizeka Aprilia, *Penyelesaian Sengketa Waris Di Luar Pengadilan Agama Di Kota Banjarmasin'* (Universitas Islam Negeri Antasari Banjarmasin, 2020, h. 74).

¹⁴ Hirdayadi M. Ansar Israr, "Tehnik Pembagian Warisan Terhadap Anak Bungsu Perempuan Dalam Masyarakat Kemukiman Lamblang Kec. Kuta Baro Kab. Aceh Besar Menurut Hukum Islam," *Samarah* 1, no. 2 (2018).

¹⁵ Wahidah and Faridah, "Praktik Penyelesaian Harta Warisan Pada Masyarakat Banjar" (*Universitas Islam Negeri Antasari Banjarmasin*, 2018).

¹⁶ Ria Agustar, "Pelaksanaan Pembagian Warisan Atas Harta Pencarian Dalam Lingkungan Adat Minangkabau Di Kecamatan Lubuk Kilangan Kota Padang" (Program Pascasarjana Universiats Diponegoro, 2008).

¹⁷ Danial Abdillah Lazuardi and Endang Pandamdaro, "*Harta Pusaka Tinggi Menurut Hukum Waris Adat Minangkabau*," 2015, 1-13.

¹⁸ Qasim Muhammadi, "Distribution of Heritage Association of Harta Pusaka Tinggi And Harta Pusaka Rendah in Padang Pariaman The Theme in This Study Is the Distribution of Inheritance from a Mixture of Pusaka Tinggi and Pusaka Rendah Which Is Located in Nagari Lurah Ampalu Dis" 30, no. 1 (2020): 39-60.

¹⁹ Puspita Farahdillah et al., "Mediasi Tentang Penyelesaian Sengketa Waris: Studi Putusan No. 181/PDT.G/2013/PA.YK" 9, no. 1 (2022): 381-95.

²⁰ Rama Deyan and others, 'Penyelesaian Sengketa Waris (Menurut Hukum Adat Minangkabau Dan Hukum Islam)', IV.Oktober (2021), 436-46.

Subdistrict, Tanah Datar District, is carried out in a profit-sharing agreement for pawning, which is allowed by *adat* (customs).²¹

Handling disputes over customary land tenure through the customary court of West Sumatra, such as customary land disputes, namely the *pacuan kudo*, occurred due to the status of customary land and unclear *ranji* (structure), resulting in an unclear distribution of assets. Disputes over customary land tenure are resolved through customary court, which are subsequently forwarded to the District Court.²² To avoid conflicts and disputes, it is necessary to apply an Islamic inheritance system in inheritance distribution to create harmony and justice²³.

Although the Minangkabau community adheres to the customary inheritance system, they still consider the Islamic inheritance system. If there is a dispute, the Tribal Council settles it amicably²⁴. Eric expressed the same thing that high ancestral inheritance cannot be divided equally among heirs because Minangkabau tradition applies a collective inheritance system. In contrast, low ancestral inheritance applies Islamic inheritance law²⁵. Settlement of inheritance disputes can also be accomplished through mediation through *takharruj* (the heir's exit or resignation from receiving his share rights of the inheritance) or *tasaluh* (peace), which means the willingness and agreement between the heirs²⁶²⁷. It is completed in order that the distribution of inheritance follows each provision. It is also known as distributive justice, in which someone obtains a share according to their rights²⁸. The gender justice system also characterizes the distribution of Islamic inheritance, in which men and women are equally qualified for a share of the inheritance, in line with each heir's share.²⁹

Referring to the findings of the preceding studies, it is clear that the settlement of inheritance disputes varies according to the heirs' agreement. Inheritance can be divided

²¹ Indra Rahmat, "(Studi Di Kecamatan Batipuh Kabupaten Tanah Datar) Sumber Diterbitkan Oleh : Indra Rahmat : Laboratorium Program Studi Pendidikan Sejarah Sekolah Pengelolaan Harta Pusaka Tinggi Dalam Masyarakat Adat Minangkabau (Studi Di Kecamatan Batipuh Kabupaten Ta" 8 (2019): 15–24.

²² Hesty Wahyuni et al., "Penanganan Sengketa Penguasaan Tanah Hak Adat Melalui Peradilan Adat Sumatera Barat" 4, no. 3 (2021).

²³ Lalu Supriadi and Bin Mujib, "Revitalisasi Hukum Waris Islam Dalam Penyelesaian Kasus Sengketa Tanah Waris Pada Masyarakat Sasak" 19, no. 1 (2019): 67–87, <https://doi.org/10.18326/ijtihad.v19i1.67-87>.

²⁴ Ernawati and Baharudd, 'Akulturasi Kewarisan: Penyelesaian Sengketa Pusaka Tinggi di Minangkabau', 2017.

²⁵ Eric Eric, 'Hubungan Antara Hukum Islam Dan Hukum Adat Dalam Pembagian Warisan Di Dalam Masyarakat Minangkabau', *Jurnal Muara Ilmu Sosial, Humaniora, Dan Seni*, 3.1 (2019), 61.

²⁶ Rini Fahriyani Ilham and Ermi Suhasti, "Mediasi Dalam Penyelesaian Sengketa Waris: Studi Putusan No . 181 / PDT . G / 2013 / PA . YK" 9, no. 181 (2016): 67–86.

²⁷ Laras Sesha, Oloan Muda Hasim Harahap, and Elimartati, "Eksistensi Hukum Islam Dan Sistem Waris Adat Yang Dipengaruhi Oleh Sistem Kekekabatan Melalui Penyelesaian Al-Takharruj" 6, no. 1 (2021): 145–64.

²⁸ Islamiyati, "Analisis Keadilan Pada Pembagian Harta Warisan Menurut Hukum Islam," n.d.

²⁹ Maryati Bachtiar, "Hukum Waris Islam Dipandang Dari Perspektif Hukum Keadilan Gender" 3, no. 1 (n.d.).

amicably or based on Islamic inheritance law. However, some resolve inheritance disputes through various forms of tradition, such as in Kenagarian Salareh Aia. The problem in this area is a gap in customary law carried out by the community related to inheritance. As previously stated, there is a case of inheritance distribution in Nagari Salareh Aia based on the extinction of the heirs who are entitled to inherit the property, such as the inheritance is in the form of a house but is built on customary land, and the customary land is a gift from the previous Ninik mamak. The daughter as the recipient of the right to the inheritance is *Punah*, and no one is allowed to receive it. In fact, this inheritance is seized by the only son. By all means, this son is not the heir. He cannot receive it because he is not part of the kinship group. Moreover, the inheritance given to the son is sold. On the other hand, customary only qualifies inheritance to someone from the same kinship group, and it is not allowed to be traded because the legal action is not in line with customary rules and Islamic inheritance law. The assets is permittable to sell on four conditions: first, *gadiah gadang indak balaki* (to carry out the marriages of the tribe's unmarried women). Second, *mayat tabujua diateh rumah* (the hold the funeral). Third, *rumah gadang katirisan* (to renovate the tribe's traditional house), fourth, *mambangkik batang tarandam* (restoring lost or no longer living traditional heirlooms). However, selling the inheritance does not need the four conditions in this issue.

There are several problems investigated in this research. First, what is the customary procedure for resolving extinct inheritance disputes in Nagari Salareh Aia? Second, how are disputes over mixed assets of high and low inheritance settled in Nagari Salareh Aia? Third, what effect does the pattern of settling extinct inheritance disputes have in Nagari Salareh Aia?

Methods

The type of research was field research with a qualitative approach. The primary data sources of the research are in the form of explanations or information obtained from disputing parties, *Ninik mamak*, *Datuak* and *Nagari officials (KAN) Salareh Aia Solok West Sumatera*, namely the head of Assembly of Adat Nagari and the head of the custom and syara' Assembly of Adat Nagari to provide information for more complete data collection. The secondary data sources in this study were taken from books related to the topics concerned, such as books of inheritance including Islamic inheritance law and customary inheritance law books, followed by other literature books to support this research. Techniques for collecting data in this study included interviews with disputing parties, *Ninik mamak*, *Datuak*, Religious leaders and the head of Assembly of Adat Nagari, the head of the adat and syara' Assembly of Adat Nagari Salareh Aia regarding the settlement pattern of customary *Punah* heir dispute in the Kenagarian. Data were analyzed using the Creswell approach.in the following ways: first, data reduction. The data were reduced by summarizing and selecting the main information on extinct inheritance (*punah*) dispute resolution, then focusing on important points, such as customs procedures and mechanisms in resolving inheritance disputes, with the goal of determining the pattern used in traditional dispute resolution in Nagari Salareh Aia. Second, data presentation. The presentation of data is completed in a short description, which is processed from the local language that has been translated, which

then made it into a narrative text that is easy to understand. Third, drawing conclusions and verification.

Discussion and Result

Overview of Salareh Aia

Salareh Aia is an administrative *nagari* (falls under the jurisdiction of the regency), in Palembang Subdistrict, Agam District, West Sumatra which is located between the border of Agam District and Pasaman District. Nagari Salareh Aia was formed on May 31, 1946. As a Nagari Government, Salareh Aia consists of 11 *Jorong* (The term *Jorong* is equivalent to urban village, *Jorong* falls under the jurisdiction of *Nagari*) and has different areas, covering several *Jorong* with a population of 4168 families in Salareh Aia. The socio-cultural conditions of *Nagari* Salareh Aia are not far from the role of *Ninik Mamak*, traditional leaders and religious leaders tasked with managing the customs in Nagari Salareh Aia. *Nagari* Salareh Aia characteristics are uniform because these areas are still occupied by indigenous people and have no immigrant communities. People who live or work in *Nagari* Salareh Aia are mostly traders and farmers, civil servants, artisans, and fishermen. The majority of people in this region are Muslim.³⁰

In Salareh Aia, several leaders have a duty to manifest the law in the field of adat Nagari Salareh Aia which consists of two local political units known as Langgam. The two *Langgam* in Nagari Salareh Aia have different structural compositions and local cultural values but have similarities in the basic pattern that forms the structure and values of adat istiadat, namely the habit of living in clans and groups through a matrilineal system and solid philosophical values of Minangkabau custom. The Adat structures are the *Saripado Langgam* (is formed through maternal lineage kinship and relationships based on close residence. In *Langgam Saripado*, unity includes the *paruik*, *kampung* (village), tribe, and *luhak*, as well as the *lareh*. Meanwhile), and the *Rajo nan Balimo Langgam* (has community unity based on maternal lineage kinship and residence relations. Its form of unity includes the unity of the *paruik*, *kampung* (village), tribe, and *langgam*), was formed from a different history. The difference is in the composition of the customary unit.³¹

Customary Procedures for Settlement of the Disputes of *Punah* Inheritance Di Nagari Salareh Aia

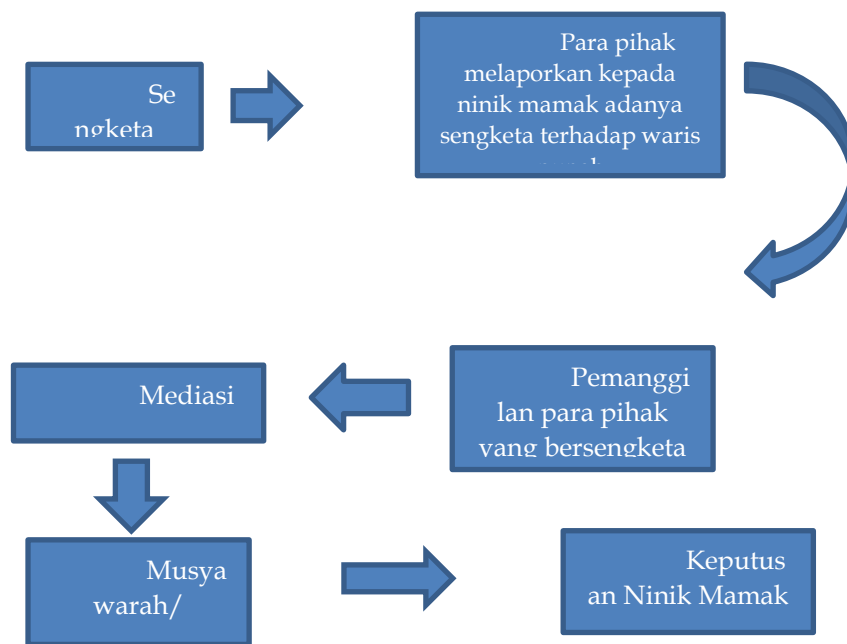
Settlement of the disputes of *Punah* inheritance in Nagari Salareh Aia, Palembang Subdistrict, is carried out through customary courts. There are several customary procedures for dispute settlement that the disputing parties must pass regarding inheritance. The settlement of

³⁰ Iron Maria Edi, *Langgam: Struktur Politik Lokal Minangkabau Yang Tergerus, (Kasus Langgam Nagari Salareh Aia, Kecamatan Palembang, Kabupaten Agam, 2019.*

³¹ Edi, *Wawancara*, 22 December 2021. *Prosedur Adat Menyelesaikan Sengketa Waris Punah Di Nagari Salareh Aia.*

this dispute is through Assembly of Adat Nagari with deliberation.³² In carrying out his duties, the *Penghulu* (is the highest title held by a Minangkabau man in a clan, chosen by clan agreement) of the Kerapatan Adat Nagari (KAN) is guided by the customary rules that apply in Nagari Salareh Aia, both for people who adhere to Langgam Saripado and for people who adhere to Langgam Rajo Nan Balimo. These two Langgam, have the same customary rules, but the implementation of customary settlements is different.

Tahap-Tahap Penyelesaian Sengketa Waris Punah Di Nagari Salareh Aia



The Customary Court resolves the *Punah* inheritance dispute in Nagari Salareh Aia by holding a customary court through several stages.: first, reports from the disputing parties that there were disputes related to *Punah* inheritance with other parties. The report form submitted is a complaint from one of the parties reported to the Ninik mamak or to the board of Ninik mamak, leader of luhak (a confederation of several *Nagari* in Minangkabau). Report in the form of a verbal submission in which the heirs inform the *Mamak* that they intend to sell the inheritance. When the report has reached the head of the *Ninik mamak*, the Ninik mamak will call the parties to discuss the problems that occurred in the form of a claim by one of the disputing parties to be delivered to the trial. Afterward, the *Ninik mamak* manages a meeting to implement the customary trial. If it is agreed on, then a sign and address are placed..³³

³² Edi, *Wawancara*, 22 December 2021. Prosedur Adat Menyelesaikan Sengketa Waris Punah Di Nagari Salareh Aia.

³³ Asril Dt. Rangkayo Mulia. *Wawancara*, 22 December 2021. Prosedur Adat Menyelesaikan Sengketa Waris Punah Di Nagari Salareh Aia.

Second, the calling of the disputing parties *dirapekkan* (discussed/deliberated at the meeting) is accomplished a week after the head of the *ninik mamak* receives the report, and there is an agreement between both parties to carry out the trial. At this stage, the disputing parties are requested to explain the inheritance dispute between the parties. Furthermore, both parties can present their complaints. In the customary trial process, the disputing parties are called to resolve the problems encountered through custom meetings.³⁴

Third, mediation. This mediation is carried out after the disputing parties are summoned before the *ninik mamak* and then resolved by finding a common ground to establish an agreement. Afterward, a meeting is held for both disputing parties to carry out mediation actions. One of the mediation actions carried out is to relay the case to the *Ninik mamak* to be resolved amicably within the time provided: three days, seven days, or maximally 14 days. If there is no amicable settlement between the two parties, the *Ninik mamak* summons the two disputing parties, and then the decision rests on the *Ninik mamak*.³⁵ This mediation is carried out after the disputing parties are summoned before the *panghulu* and then resolved by finding identical perspective to establish an agreement.³⁶

Fourth, deliberation and consensus. The deliberation system is completed amicably so that there is no interference from other parties outside of the disputing family members. Every customary dispute in the family will be discussed by family members guided by *Ninik mamak*.³⁷ Before a decision is made by the *Ninik mamak* and during the process of deliberation and consensus, the *Ninik mamak* preferably examines and investigates everything related to the inheritance, including the origin of the inheritance to the *ranji* (structure) of ownership of the previous *Punah* inheritance. The customary trial is carried out at least seven to eleven times until it is found clarity of the *Punah* inheritance to determine a fair decision.³⁸

Fifth, the decision of *Ninik mamak*. After deliberation and consensus have been carried out, the *Ninik mamak*, as the customary leader, determines a decision based on the results of the deliberation that has been mutually agreed on. As a result, because the customary settlement is based on mutual consideration and agreement, including the heirs, there will be no disputes. Thus, the process of resolving inheritance disputes is carried out peacefully until there is identical perspective and clarity on the status of the *Punah* inheritance.

Some Case Studies About Mechanism of Dispute Resolution in *Punah* Inheritance

The meaning of *punah* in the Minangkabau traditional inheritance system of Nagari Salareh Aia is the end of the closest heir, including the daughter from the matrilineal. In principle, the Minangkabau custom has determined that the inheritance of property is passed down to the niece's children close to matrilineal kinship. Although there are sons from the mother's

³⁴ Arman Dt. Tan Mangindo, Wawancara, 22 December 2021. Pucuk Adat Nan 15

³⁵ Asril Dt. Rangkayo Mulia, Wawancara, 23 December 2021

³⁶ Arman Dt. Tan Mangindo, Wawancara, 22 December 2021

³⁷ Arman Dt. Tan Mangindo, Wawancara, 22 December 2021

³⁸ Asril Dt. Rangkayo Mulia, Wawancara, 23 December 2021

descendants, they cannot be regarded as heirs who are entitled in Minangkabau custom because inheritance for sons is a mere usufructuary right, so that they cannot fully control the inheritance. However, the main point of this study is that sons can control the collection of inheritance passed by his parents.

There are cases of *punah* inheritance disputes that have occurred in Nagari Salareh Aia, however, only a few cases were taken as samples in this study, including: first is the case in Kampuang Gadang Jorong Kayu Pasak Timur, on behalf of Oyoih (nickname), Chaniago clan, 51 years old who is the sole *punah* heir. In this case, the inheritance left by both parents is land and a house established upon customary land. The inheritance is a mixture of high ancestral inheritance and low ancestral property. As the sole heir, Oyoih controlled the entire inheritance, then all property was sold to other people. The form of settlement for this combination of high and low ancestral inheritance is to sell the property, however, *Mamak* requires that he should receive a 10% share of the transaction of this ancestral inheritance combination. If the *punah* heir did not agree to share with *Mamak*, then he is reluctant to assist in the process of selling the inheritance, such as signing an approval letter for the deal purpose.³⁹

Second, the case in Padang Gantiang Jorong Kayu Pasak Timur, on behalf of Ijen (nickname), Jambak clan, 47 years old. He is a *punah* heir along with three other brothers. The form of inheritance left by both parents is land, but it is a composition of high ancestral inheritance and low ancestral inheritance. This mixture was completed by Ijen and his three other brothers, who are *punah* heirs as well through the distribution of the inheritance with his three brothers. Each person deserved an equal share. After each *punah* heir acquired a share, the share for Ijen's heirs from the distribution, which is the property, was sold to the other party. Albeit, in the process of selling the inheritance, it must obtain approval from the *Mamak* with proof of signature on the letter, and it requests the *Mamak* to obtain 10% of the inheritance sale.⁴⁰ That part is given to all *Mamak* and used for their personal interests

Third, the case that occurred in Jorong Kayu Pasak, in the name of Sirubidin (nickname), Piliang clan, as the sole *punah* heir. His parents left an inheritance in form of land and houses. The inheritance is a mixture of high ancestral inheritance and low ancestral inheritance. The customary settlement carried out on this combination of high and low ancestral inheritance was by selling and distributing a share of 10% to the *Mamak* because in the correspondence process the *Mamak's* signature was required as evidence of the approval and he was the head of the heir, therefore requested for a share. This type of inheritance always has an impact on how disputes are resolved. After deliberation, it was agreed that the inheritance might be marketed by the *punah* heir.⁴¹

Fourth, the case that occurred in Padang Gantiang Jorong Kayu Pasak Timur, representing Icam (nickname), Jambak clan, 45 years old, as a *punah* heir. The forms of inheritance sold are land and houses, which are composed of high ancestral inheritance and low ancestral inheritance.

³⁹ Ratmiyati, Wawancara, 23 Desember 2021.

⁴⁰ Yerman, Wawancara, 21 Desember 2021

⁴¹ Kasiman Dt. Marajo Nan Tinggi. Wawancara, 26 Desember 2021

Customary settlement of a combination of high ancestral inheritance and low ancestral inheritance cannot be separated from deliberation, so in this case when a *punah* heir wills to sell the inheritance of a mixture of high ancestral inheritance and low ancestral inheritance, then a discussion is carried out with the *Mamak* as the head of the customary inheritance. The settlement carried out, in this case, is by deliberation and it was also required that the *Mamak* was provided with 10% of the proceeds from the inheritance sale.⁴²

Fifth, the case that occurred in Jorong Kayu Pasak Selatan, on behalf of Nulih and Majik (nickname), as *punah* heirs. The forms of inheritance obtained by these *punah* heirs are land, houses, and rice fields from the combination of high ancestral inheritance and low ancestral inheritance. Some of the inherited assets were sold and the others were not. However, some of the sold assets are called gifts using a grant contract, but principally the heirs would earn a sum from the grant. This composition of high ancestral inheritance and low ancestral inheritance was settled amicably by the *punah* heirs with *Mamak* because they wished to sell the said assets such as land, houses and rice fields. Then, a family discussion was held between the *punah* heirs and the *Mamak* to provide approval in order to assist the buy and sell transaction using proof of signature in the letter, and the *Mamak* would ask for a 10% share of the inheritance deal.⁴³

Some of the cases above show that the *punah* inheritance dispute that occurred in Nagari Salareh Aia is heirs controlling the entire inheritance and then selling it. But the settlement of this inheritance is not according to the inheritance legal system in Minangkabau custom and also with customary law regarding the inheritance law prevailing in Nagari Salareh Aia. Basically. The combination of high and low ancestral inheritance cannot be controlled and traded in its entirety by *punah* heirs before the inheritance is divided and settled according to customary inheritance law.

This customary settlement of disputes between high and low ancestral inheritances should be resolved based on a system of negotiation for consensus which results in *ninik mamak's* decision. *Mamak's* decision should be based on mutual agreement and discussion, which is following the applicable customary law in Saripado style. For that reason, several examples of cases of mixed inheritance of high and low ancestral inheritance assets took place in the Luhak Kayu Pasak, which is part of the *Saripado* style traditional area in order to find solutions. As per the applicable customary law in the *Saripado* style, following finding the results of the negotiation for consensus, a decision is issued by *ninik mamak*. The decision should be following *sakato samupakat* (negotiation for consensus) from the results of the deliberation that has been closed. In the settlement of the *Saripado Ninik mamak*-style case, the *Mamak* (all mother's brothers) is not authorized to make and resolve separate decisions. Meanwhile, the settlement carried out in the case above was based on the agreement of the *Mamak* and the requirement that allows *Mamak* to obtain a 10% share had no legal basis before the custom.

⁴² Amralis Angku Rajo Endah, Wawancara, 24 December 2021. Kasus-Kasus Sengketa Waris Punah Di Nagari Salareh Aia.

⁴³ Ratmiyati, Wawancara, 23 December 2021.

Several cases that occurred and the form of customary settlement of *punah* inheritance disputes carried out in Nagari Salareh Aia showed that The customary settlement of extinct inheritance (Punah) disputes in Nagari Salareh Aia demonstrates that there are differences and similarities in customary rules and principles of Islamic inheritance, such as in the case of heirs. The heirs of high inheritance are given to women under Minangkabau customary law, whereas sons and daughters both receive a share of the inheritance under Islamic inheritance law. However, when the female heirs are extinct, the inheritance is passed directly to the sons who are still alive.

The basic provisions of Islamic inheritance law that have been stipulated in the Qur'an state that sons will get a share of the rest of the inheritance of their parents. The position of the son in the *punah* inheritance shows that the son is *ashabah binafsihi*, that is, the son will inherit the rest of the property alone. The legal basis that determines that a son has the right to inherit property from his parents is written in Q.S an-Nisa' [4]: 7. These are obligatory shares. The verse explains that the son will have a share of the inheritance left by either his father and mother, or both. Likewise, daughters get a share of the inheritance left by their parents as well ⁴⁴.

The implementation of the customary settlement of inheritance disputes in Nagari Salareh Aia referred to several sides of inheritance in customary Minangkabau, the customary settlement in Nagari Salareh Aia should be carried out in the following forms: First, is in terms of the status of inheritance. Assets that are inherited or sold do not belong to the heirs so the *punah* heirs do not have the right to have. Second is from the perspective of the heirs. In this case, the son is a *punah* heir and the inheritance left is a mixture of high ancestral inheritance and low ancestral inheritance. In term of property ownership, the position of son as *punah* heirs is not included in the inheritance of high ancestral inheritance the custom because Minangkabau applies an inheritance system based on matrilineal kinship. Despite that, low ancestral inheritance in the Qur'an verse explains that the son will inherit a share of the inheritance, the position of the son are *ashabah* heirs, or is the person who controls the rest of the property. Third is the distribution of inheritance. Islamic inheritance law dictates that the share for sons is twice that of daughters. If there is no daughter heir, then the son who is *ashabah* will inherit the rest of the assets. The prevailing customary rules addressing *punah* inheritance law in the Nagari Salareh Aia custom on a mixture of high ancestral inheritance and low ancestral inheritance are by dividing the two assets. Some are for *punah* heirs and some are endowed to adat.

If the heirs have received a share of the mixed assets of high inheritance and low inheritance, then selling the property is permitted under customary law. All Ninik Mamak receive 10% of the sale proceeds, not from the property distribution to the heirs. This has become a provision of customary inheritance law in Nagari Salareh Aia. After the combination of high ancestral inheritance and low ancestral inheritance is divided according to customary rules, the heirs have received some of the property, and part of it has been included in the custom which becomes high ancestral inheritance. Subsequently, what is part of this heir may be sold but based

⁴⁴ Amir Syarifuddin, *Hukum Kewarisan Islam*, (Jakarta: Kencana), 2005), h. 7.

on the *ninik mamak* agreement such as *tigo tungku sajarangan* (Traditional leaders in Minangkabau include *Niniak Mamak/Penghulu*, *Alim Ulama* (People who are religious experts), and *Cadiak Pandai* (who are intelligent), elders in the customary system will have their share according to their level of position before the custom.⁴⁵

This form of customary settlement is carried out by inviting all *sapayung* (kinship of people of the same *datuak* (traditional title bestowed on a person by the agreement of people or tribe) parties in inheritance disputes, especially *ninik mamak* should divide the mixed assets of high and low ancestral inheritance, which partly is for the heirs and the other are for the customary. The combination of high ancestral inheritance and low ancestral inheritance cannot be controlled entirely by the heirs, yet cannot be traded and cannot be controlled by *mamak* (because the property is not entirely customary)⁴⁶

The distribution of property is acknowledged by the *mamak* and witnessed directly by the *datuak*.⁴⁷

The customary provision in Nagari Salareh Aia that the inheritance of a *punah* person is known as *warih bakaturunan sako babandaran* (some of the properties of extinct heirs (*punah*) are divided among heirs and some are included in the customary property. A part of the custom's inheritance becomes a high inheritance). The remaining heirs are only entitled to authority but to spend by controlling individually is not allowed before in the custom. The disposition of the combination of high ancestral inheritance and low ancestral inheritance is in *payuak timbago* (Sako house, a traditional wealth center, also known as the traditional leader's house of Tigo Tungku Sajarangan). If the inheritance is controlled in its entirety, the customary law of *warih bakaturunan sako babandaran* (some of the properties of extinct heirs (*punah*) are divided among heirs and some are included in the customary property. A part of the custom's inheritance becomes a high inheritance) is void.⁴⁸ The customary settlement of mixed assets of high ancestral inheritance and low ancestral inheritance is different. In the case of high ancestral inheritance, the settlement is carried out by involving all elements of custom, while low ancestral inheritance only requires the nuclear family and nephew-cousin kins cannot interfere, including disputes over low ancestral inheritance because it is not property rights.⁴⁹

Mechanisms and efforts for the customary settlement of inheritance disputes of mixed high ancestral inheritance and low ancestral inheritance are performed by applying two forms of settlement, namely: First is negotiation which is conducted to anticipate social turmoil and ongoing disputes over the inheritance dispute. Second is consensus, the word consensus is taken after deliberation. The agreement does not harm other parties and certainly does not violate the applicable customary laws. One of the reasons for the implementation of these two forms is to

⁴⁵ Arman Dt. Tan Mangindo, Wawancara, 22 December 2021. Pucuk Adat Nan 15

⁴⁶ Asril Dt. Rangkayo Mulia, Wawancara, 23 December 2021

⁴⁷ Yerman, Wawancara, 21 December 2021

⁴⁸ Rabuman Dt. Jelo, Wawancara, 23 December 2021.

⁴⁹ Asril Dt. Rangkayo Mulia, Wawancara, 23 December 2021

apply the concept of justice, therefore the agreement that will be decided does not harm any of the disputing parties and maintains kinship in family relations.^{50,51,52}

In traditional inheritance disputes, *ninik mamak* plays an important role in the process of settling *punah* inheritance disputes as stated by Kasiman Khatib Marajo Nan Tinggi. He mentioned that *ninik mamak* has a great influence on the mechanism of customary settlement of disputes between high ancestral inheritance and low ancestral inheritance in Nagari Salareh Aia because *ninik mamak* holds the decisions on negotiation and consensus which is completed collectively before the religious stakeholders, as well as *imam khatib*. Meanwhile, the elders in custom “*pai tampek batanyo pulang tampek barito*” (means *Niniak Mamak* is the highest position in the tribes in Minangkabau, they are a support and a place to ask questions from various problems faced by their children, nephew, people and *Nagari*).⁵³

Impact and Solutions for *Punah* Inheritance Settlement Patterns in Nagari Salareh Aia

The impact of the customary settlement pattern on *punah* inheritance disputes in Nagari Salareh Aia is: First, the customary settlement of *punah* inheritance disputes has shown the clarity of the heir's position with respect to inheritance and property status in the category of high ancestral inheritance or low ancestral inheritance and or mixed assets both high ancestral inheritance and low ancestral inheritance. Second, it can avoid disputes between parties and heirs because the settlement pattern is applied following the concept of justice. The customary settlement of inheritance in Nagari Salareh Aia is based on the *Salingka of Nagari* custom (A rule that has been practiced in society from generation to generation (since the ancestors' time) to the point where it is a law and regulation that must be followed, but only applies in a particular *Nagari* in Minangkabau and does not necessarily apply in other *Nagari*.), which is inseparable from the *adat basandi syara', syara' basandi kitabullah* (the customary provisions are based on the Shari'a, and the Shari'a refers to the Qur'an). It can be understood that the customary settlement process of the *punah* inheritance dispute is based on the customary laws that apply and are used in Nagari Salareh Aia. These laws are inseparable from *syara'* law.⁵⁴

Some of the solutions put forward by traditional leaders in the traditional settlement of a *punah* inheritance dispute of combined high and low ancestral inheritance in Nagari Salareh Aia, Palembayan Subdistrict are: First, to understand the inheritance which is the subject of the customary inheritance dispute. Second is to organize discussion. The discussion held with traditional leaders is negotiation and consensus, which is to find common ground for the settlement of customary rights on inheritance. Negotiations are held to maintain relationships

⁵⁰ Asril Dt. Rangkayo Mulia, Wawancara, 23 December 2021

⁵¹ Yerman, Wawancara. 21 December 2021

⁵² Kasiman Dt. Marajo Nan Tinggi. Wawancara, 26 December 2021

⁵³ Kasiman Dt. Marajo Nan Tinggi. Wawancara, 26 December 2021.

⁵⁴ Asril Dt. Rangkayo Mulia. Wawancara, 22 December 2021. Analisis dan Solusi Penyelesaian Adat Sengketa Campuran Harta Pusaka Tinggi dan Harta Pusaka Rendah Waris Punah Di Nagari Salareh Aia.

within the family, therefore it is performed in a family way, to avoid problems and disputes between heirs, *Mamak*, and other family parties. Third is to make consensus. The consensus made is based on the results of negotiation by all parties involved in the settlement of customary inheritance disputes. Fourth, is the decision of *ninik mamak*. This is the highest decision issued by the *ninik mamak* in custom. Hence, decision-making by *ninik mamak* is inseparable from seeking justice in the settlement of the distribution of inheritance.

The form of the solution presented by these traditional leaders is indivisible from the Salingka Nagari Customary system which is also based on the *adat syara'*, *syara' basandi Kitabullah*. This is to avoid disputes, bad impacts, and disputes that will occur in the future as the effect of the implementation of the settlement of *punah* inheritance dispute. Therefore, the disputing parties can accept the *ninik mamak* decision without any other disagreement and the outcomes of the negotiation and consensus do not harm each other because of the settlement of the *punah* inheritance as per the concept of justice. Therefore, no dispute will arise from the customary settlement because it is based on mutual consideration and agreement, including the heirs.

The nature of customary law that applies in society is not a proposition that is determined by *syar'i*. However, this customary law includes *'urf* in the maintenance of *mashlahah* (*Mashlahah* is a concept that is used as the primary consideration in solving Islamic law problems because its principle is the protection of the law's objective purpose (*maqasid al-syari'ah*), which is the preservation of religion, soul, mind, lineage, and property) in society. The intended *maslahat* is one that clearly maintains the five parts; the protection of religious beliefs, the protection of soul, the protection of mind, the protection of family and descendants (human dignity), and the protection of property ⁵⁵. As stated by al-Ghadzali is *hifzu al-Kulliyat al-Khams* ⁵⁶. The implementation of customary settlement is relevant to *mashlahah* which aims to maintain heirs and assets.

The implementation of inheritance distribution has been explained in the Qur'an Surah an-Nisa verses 11, 12, and 176, as well as several hadiths of the prophet. However, the community also applies customary laws that have become a habit and are implemented by the people in Nagari Salareh Aia. In principle, high ancestral heritage assets are to be maintained and developed continuously so that the next generation can benefit from these assets and these assets can be passed down from generation to generation. However, in contrast to mixed assets of high ancestral inheritance and low ancestral inheritance, the form of ownership may shift if the heirs agree to divide and settle so that ownership rights also change. Therefore, it is also not allowed in customary inheritance law to control and sell all assets before the distribution of the mixed inheritance is completed.

Conclusion

⁵⁵ Abdul Ghofur Anshori and Yulkarnain Harahab, *Hukum Islam Dinamika Dan Perkembangannya Di Indonesia* (Yogyakarta: Kreasi Total Media, 2008).

⁵⁶ Firdaus, *Ushul Fiqih: Metode Mengkaji Dan Memahami Hukum Islam* (Depok: Rajawali Pers, 2017).

The concept of *punah* is understood differently by the Minangkabau community and *islamic inheritance* because on the one hand Islamic society refers to Islamic law and on the other hand uses a matrilineal system. The two concepts are used interchangeably in resolving inheritance disputes in the Nagari Salareh Aia. The Minangkabau customary procedure for resolving *punah* inheritance disputes in Nagari Salareh Aia, is based on applicable customary rules, which undergoes customary settlement.

The mechanism for resolving *punah* inheritance customs in Nagari Salareh Aia upholds the kinship system with the settlement of assets that can be carried out between *punah* heirs and *Mamak* in a family manner. However, controlling the inheritance and selling it for individual ownership violate the concept of settlement of high ancestral inheritance so that the essence of collective ownership of high inheritance is void. The customary settlement of disputes between high ancestral inheritance and low ancestral inheritance can be done by refining and separating between low ancestral inheritance and high ancestral inheritance, partly for *punah* heirs and partly for customs, which are used for subsequent high ancestral inheritance property.

The impact of customary settlement pattern of extinct inheritance disputes in Nagari Salareh Aia is to foster close family ties. The resolution of this extinct inheritance dispute clarifies the heirs' position toward the inheritance and the status of the assets, whether the property is classified as high inheritance or low inheritance.

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PATTERNS FOR SETTLEMENT OF *PUNAH* INHERITANCE DISPUTES IN THE COMMUNITY OF NAGARI SALAREH AIA FROM THE PERSPECTIVE OF ISLAMIC LAW

Article history:

Abstract:

This research aims to investigate the pattern of settlement of inheritance disputes in *Nagari Salareh Aia* that is theoretically in accordance with Islamic law but is not in practice, as well as the impact of this settlement pattern. This is a field study using customary law and Islamic law approaches. Data were obtained through interviews and document studies. To analyze data, the Creswell approach was used, which includes data reduction, data verification, and conclusion drawing. This research reveals three significant findings. First, the customary settlement pattern for heirs who control *punah* inheritance is to sell it to individuals. If the *punah* heirs are one or more people, the remaining sale of the assets is divided among the heirs after the Mamak's rights are excluded. Second, the settlement of *punah* inheritance disputes in *Salareh Aia* fosters close family ties. It also clarifies the heirs' position regarding inheritance and property status, whether it is a high inheritance or low inheritance. Third, based on the pattern of settlement and the resulting impact, it can be concluded that the mechanism for resolving disputes over the *Punah* inheritance in the *Nagari Salareh Aia* has fulfilled sharia principles, namely to maintain property and the honor of the people.

Keywords:

Islamic Inheritance; Minangkabau; Dispute Settlement; *Punah*

Abstrak

Penelitian ini bertujuan mengeksplorasi pola penyelesaian sengketa waris *punah* di *Nagari Salareh Aia* yang secara prinsip sesuai dengan hukum Islam, namun dalam pelaksanaannya tidak sesuai dengan hukum kewarisan Islam dan dampak yang ditimbulkan dari penyelesaian tersebut. Penelitian ini merupakan penelitian lapangan dengan pendekatan hukum adat dan hukum Islam. Data diperoleh melalui metode wawancara dan dokumen sebagai alat pengumpul data. Pendekatan Creswell digunakan untuk menganalisis data dengan tahap: reduksi data, penyajian data, verifikasi data dan pengambilan kesimpulan. Temuan penelitian ini menemukan tiga hal penting. Pertama, pola penyelesaian adat terhadap ahli waris yang menguasai harta warisan *punah*, dengan cara menjualnya untuk dimiliki perorangan. Jika ahli waris *punah* satu atau beberapa orang, maka setelah diberikan hak mamak, sisa penjualan harta dibagi di antara ahli waris *punah*. Sedangkan penyelesaian terhadap sengketa harta campuran pusaka tinggi dan pusaka rendah, dilakukan dengan cara memurnikan dan memisahkan harta tersebut. Sebagian untuk ahli waris *punah* dan sebagian lagi untuk adat dalam status menjadi harta pusaka tinggi. Kedua, dampak yang ditimbulkan dari pola penyelesaian adat waris *punah* di *Nagari Salareh Aia* adalah menjadikan hubungan kekeluargaan terjalin erat. Juga, memperjelas kedudukan ahli waris terhadap harta warisan dan status harta, mana yang termasuk harta pusaka tinggi dan pusaka rendah. Melihat dari

pola penyelesaian dan dampak yang ditimbulkan maka mekanisme penyelesaian sengketa warisan punah secara adat telah memelihara prinsip-prinsip syariah yaitu selain memelihara harta juga memelihara kehormatan kaum.

Kata Kunci:

Kewarisan Islam; Minangkabau; Penyelesaian Sengketa, Punah

Introduction

The concept of *punah* is interpreted differently by the Minangkabau community and Islamic inheritance law (*faraidh*), thus, the two interpretations are used in resolving inheritance disputes. The meaning of *Punah* in Islamic inheritance law is found in the concept of *kalalah* inheritance. A person is called *kalalah* if he has no offspring (children) and parents (father) passed away. People who have the kinship in the family, be it from the top line (parents) or the bottom line (descendants), are called *kalalah*⁵⁷. However, some also interpret *kalalah* as people with no offspring at all.⁵⁸ The term *kalalah* can be used for heiress and heirs. However, several opinions of linguists suggest the meaning of *kalalah*: *first*, someone who does not have children and parents; *second*, someone who does not have children, parents, and siblings; *third*, someone who does not have family and relatives. The first meaning is a representative meaning of the opinion of the majority of scholars. Meanwhile, *kalalah* heirs include siblings or brothers and sisters. The term *kalalah* can be used for heiress and heirs. Meanwhile, *kalalah* heirs include siblings or brothers and sisters⁵⁹.

Principally, inheritance transfers ownership rights from the deceased to the living heirs⁶⁰. *Kalalah* inheritance, which transfers ownership rights from the deceased to the living heirs is mentioned in the Qur'an Surah an-Nisa 'verse 12 and 176. Verse 12 describes the share of each heir who gets the inheritance, including the *Kalalah* inheritance⁶¹. The mentioned verse explains the settlement of the share for the *Kalalah* (*Punah*) inheritance by emphasizing that both brothers and sisters are also counted as an heirs if the late person does not have a father and children as heir but only has a brother or sister instead. In the verse 176, meanwhile, the *Kalalah* inheritance is identified for the heirs of siblings (siblings and agnate siblings, both male and female).

The term *Punah* shown in the Minangkabau customary inheritance. In this case, *punah* (extinction) refers to the situation in which there is no heir to inherit the inheritance. High ancestral inheritance assets, inherited in Minangkabau customary terms, are assets inherited based on the

⁵⁷ Ahmad Suganda and Muhammad, 'Konsep Kalalah Dalam Fiqh Waris, Suganda and Muhammad. 04, 1-17 (p. 5).

⁵⁸ Al Yasa' Abu Bakar, *Rekonstruksi Fikih Kewarisan* (Banda Aceh: LKAS, 2012).

⁵⁹ Suganda and Muhammad, "Konsep Kalalah Dalam Fiqh Waris The Concept of Kalalah in Inheritance Jurisprudence.", M Guntur Ageng Prayogi, "(IAIN) Metro Lampung," 2018.

⁶⁰ Endah Dwi Atmaji, *Hukum Waris Dalam Islam* (Klaten: Cempaka Putih, 2019, h.3)

⁶¹ Amir Syarifuddin, *Hukum Kewarisan Islam*, 2nd ed. (Jakarta: Kencana, 2005).

matrilineal system. High ancestral inheritance refers to the high ancestral inheritance from *Mamak* (*Mamak* means all mother's brothers) and *Ninik Mamak* (a traditional leadership title carried by a Minangkabau man, which is elected and agreed upon by members of his clan for an indefinite period of time) ahead to the top of the family tree. This is in line with a Minangkabau's proverb: *dari ninik turun ke mamak, dari mamak turun ke kemenakan* (from *Ninik* passed down to *Mamak*, from *Mamak* passed down to *nephew*)⁶². In Minangkabau custom, there are two forms of inheritance: high ancestral inheritance and low ancestral inheritance.⁶³ High ancestral inheritance is recognized as assets from their ancestors and afterward inherited from generation to generation from *Mamak* to nephews of the kinship group. Thus, they become the high ancestral inheritance of the kinship group⁶⁴. The provision of this high ancestral inheritance assets, in principle, cannot be sold or pawned to the public, as the Minang proverb says: *dijua tak dimakan bali, digadai tak dimakan sando* (which means that it can be sold but cannot be bought, pawned but cannot be held). If there is an urgent condition for inheritance, it may be sold or pawned for the common good, but all lineage members must approve it. For example, a woman in the clan is not married (does not have the cost to get married and is eligible for marriage in terms of age), or someone dies and the body has not yet been buried. Under Minangkabau customary law, which is based on matrilineal, namely maternal law, then inheritance system in Minangkabau custom is applied and calculated based on maternal lineage. According to the mother's lineage, the inheritance is shared to family members of mother's line.⁶⁵

The meaning of *Punah* in Minangkabau in this inheritance concept is that when a woman dies without an heir from her direct lineage, the heirs are the distant kindred. Consequently, the heirs are from distant heirs. Distant family heirs mean blood-lined family members from the mother's lineage or indirectly descended from the woman who died, such as the daughter of a deceased sister. If this lineage is still none, the inheritance goes to family members, including blood relatives, according to the maternal lineage from the ancestors. In addition, *jurai-jurai* (family structure consisting of small groups according to maternal lineage kinship (matrilineal) come from the same *paruik* (blood-lined). If someone dies, *jurai* will be in the same Nagari (Nagari's meaning in terms of *punah* heirs is *adat* or customary)⁶⁶. Furthermore, if all the heirs specified above no longer exist, the Nagari (institution) will inherit the inheritance. That is what meant by *Punah* people in Minangkabau in the concept of high ancestral inheritance in Minangkabau custom.⁶⁷

Regarding the reality in the community, the settlement of the distribution of inheritance

⁶² Safrudin Halimy Kamaluddin, *Adat Minangkabau Dalam Perspektif Hukum Islam* (Padang: Hayfa Press, 2005, h.85-85).

⁶³ Amir Syarifuddin, *Pelaksanaan Hukum Kewarisan Islam Dalam Lingkungan Adat Minangkabau* (Jakarta: PT Gunung Agung, 1984).

⁶⁴ Ellyne Dwi Poespasari, *Pemahaman Seputar Hukum Waris Adat Di Indonesia* (Jakarta Timur: Kencana, 2018).

⁶⁵ Chairul Anwar, *Hukum Adat Indonesia Meninjau Hukum Adat Minangkabau* (Jakarta: PT.Rineka Cipta, 1997), h. 89.

⁶⁶ (Chairul Anwar, 1997: 89-90)

⁶⁷ (Chairul Anwar, 1997: 91)

follows the rules of Islamic inheritance law. However, majority divide inheritance in a familial manner and customary rules for certain areas. As happened in the Banjarmasin, the distribution of inheritance is accomplished in a family manner instead of following the practice of Islamic inheritance law and the Compilation of Islamic Law.⁶⁸ Correspondingly, the distribution of inheritance is similar in the community of Kemukiman Lamblang, Kota Baro sub-district, Aceh Besar District. The distribution of inheritance to the youngest daughter is carried out based on the principle of justice (in terms of independence and financial stability) in which other heirs give their inheritance rights to the youngest daughter.⁶⁹ In Banjar, the inheritance distribution uses the bequeathed grant before death.⁷⁰ Meanwhile, the principle of matrilineal kinship is applied in Minangkabau. It means the ownership of inherited assets occurs from generation to generation, from parents to their children. The position of *Mamak* role in high ancestral inheritance should be a supervisor, because *mamak* possessed considerable power in customs. In fact, *Mamak* is no longer responsible for supervising the inheritance.⁷¹

The son's role in the high inheritance in Minangkabau is only as of *mamak waris adat* or *mamak kepala adat* (a person with complete control over the high inheritance and is in charge of supervising, maintaining, and developing the high inheritance property so that it does not run out), who is responsible for supervising the inheritance assets⁷². Settlement of inheritance disputes (according to Minangkabau customary law and Islamic of inheritance), is resolved by the elders through deliberation involving *ninik mamak* who are the elders in a clan.^{73 74} The management of high ancestral inheritance assets in Minangkabau indigenous peoples, such as in Batipuh

⁶⁸ Rizeka Aprilia, *Penyelesaian Sengketa Waris Di Luar Pengadilan Agama Di Kota Banjarmasin'* (Universitas Islam Negeri Antasari Banjarmasin, 2020, h. 74).

⁶⁹ Hirdayadi M. Ansar Israr, "Tehnik Pembagian Warisan Terhadap Anak Bungsu Perempuan Dalam Masyarakat Kemukiman Lamblang Kec. Kuta Baro Kab. Aceh Besar Menurut Hukum Islam," *Samarah* 1, no. 2 (2018).

⁷⁰ Wahidah and Faridah, "Praktik Penyelesaian Harta Warisan Pada Masyarakat Banjar" (*Universitas Islam Negeri Antasari Banjarmasin*, 2018).

⁷¹ Ria Agustar, "Pelaksanaan Pembagian Warisan Atas Harta Pencarian Dalam Lingkungan Adat Minangkabau Di Kecamatan Lubuk Kilangan Kota Padang" (Program Pascasarjana Universitas Diponegoro, 2008).

⁷² Danial Abdillah Lazuardi and Endang Pandamdarso, "*Harta Pusaka Tinggi Menurut Hukum Waris Adat Minangkabau*," 2015, 1-13. Qasim Muhammadiyah, "Distribution of Heritage Association of Harta Pusaka Tinggi And Harta Pusaka Rendah in Padang Pariaman The Theme in This Study Is the Distribution of Inheritance from a Mixture of Pusaka Tinggi and Pusaka Rendah Which Is Located in Nagari Lurah Ampalu Dis" 30, no. 1 (2020): 39-60.

⁷³ Puspita Farahdillah et al., "Mediasi Tentang Penyelesaian Sengketa Waris: Studi Putusan No. 181/PDT.G/2013/PA.YK" 9, no. 1 (2022): 381-95.

⁷⁴ Rama Deyan and others, 'Penyelesaian Sengketa Waris (Menurut Hukum Adat Minangkabau Dan Hukum Islam)', IV. Oktober (2021), 436-46.

Subdistrict, Tanah Datar District, is carried out in a profit-sharing agreement for pawning, which is allowed by *adat* (customs).⁷⁵

Handling disputes over customary land tenure through the customary court of West Sumatra, such as customary land disputes, namely the *pacuan kudo*, occurred due to the status of customary land and unclear *ranji* (structure), resulting in an unclear distribution of assets. Disputes over customary land tenure are resolved through customary court, which are subsequently forwarded to the District Court.⁷⁶ To avoid conflicts and disputes, it is necessary to apply an Islamic inheritance system in inheritance distribution to create harmony and justice⁷⁷.

Although the Minangkabau community adheres to the customary inheritance system, they still consider the Islamic inheritance system. If there is a dispute, the Tribal Council settles it amicably⁷⁸. Eric expressed the same thing that high ancestral inheritance cannot be divided equally among heirs because Minangkabau tradition applies a collective inheritance system. In contrast, low ancestral inheritance applies Islamic inheritance law⁷⁹. Settlement of inheritance disputes can also be accomplished through mediation through *takharruj* (the heir's exit or resignation from receiving his share rights of the inheritance) or *tasaluh* (peace), which means the willingness and agreement between the heirs^{80 81}. It is completed in order that the distribution of inheritance follows each provision. It is also known as distributive justice, in which someone obtains a share according to their rights⁸². The gender justice system also characterizes the distribution of Islamic inheritance, in which men and women are equally qualified for a share of the inheritance, in line with each heir's share.⁸³

Referring to the findings of the preceding studies, it is clear that the settlement of inheritance disputes varies according to the heirs' agreement. Inheritance can be divided amicably or based on Islamic inheritance law. However, some resolve inheritance disputes

⁷⁵ Indra Rahmat, "(Studi Di Kecamatan Batipuh Kabupaten Tanah Datar) Sumber Diterbitkan Oleh : Indra Rahmat : Laboratorium Program Studi Pendidikan Sejarah Sekolah Pengelolaan Harta Pusaka Tinggi Dalam Masyarakat Adat Minangkabau (Studi Di Kecamatan Batipuh Kabupaten Ta" 8 (2019): 15-24.

⁷⁶ Hesty Wahyuni et al., "Penanganan Sengketa Penguasaan Tanah Hak Adat Melalui Peradilan Adat Sumatera Barat" 4, no. 3 (2021).

⁷⁷ Lalu Supriadi and Bin Mujib, "Revitalisasi Hukum Waris Islam Dalam Penyelesaian Kasus Sengketa Tanah Waris Pada Masyarakat Sasak" 19, no. 1 (2019): 67-87.

⁷⁸ Ernawati and Baharudd, 'Akulturasi Kewarisan: Penyelesaian Sengketa Pusaka Tinggi di Minangkabau', 2017.

⁷⁹ Eric Eric, 'Hubungan Antara Hukum Islam Dan Hukum Adat Dalam Pembagian Warisan Di Dalam Masyarakat Minangkabau', *Jurnal Muara Ilmu Sosial, Humaniora, Dan Seni*, 3.1 (2019), 61.

⁸⁰ Rini Fahriyani Ilham and Ermi Suhasti, "Mediasi Dalam Penyelesaian Sengketa Waris: Studi Putusan No . 181 / PDT . G / 2013 / PA . YK" 9, no. 181 (2016): 67-86.

⁸¹ Laras Sesha, Oloan Muda Hasim Harahap, and Elimartati, "Eksistensi Hukum Islam Dan Sistem Waris Adat Yang Dipengaruhi Oleh Sistem Kekekabatan Melalui Penyelesaian Al-Takharruj" 6, no. 1 (2021): 145-64.

⁸² Islamiyati, "Analisis Keadilan Pada Pembagian Harta Warisan Menurut Hukum Islam," n.d.

⁸³ Maryati Bachtiar, "Hukum Waris Islam Dipandang Dari Perspektif Hukum Keadilan Gender" 3, no. 1 (n.d.).

through various forms of tradition, such as in Kenagarian Salareh Aia. The problem in this area is a gap in customary law carried out by the community related to inheritance. As previously stated, there is a case of inheritance distribution in Nagari Salareh Aia based on the extinction of the heirs who are entitled to inherit the property, such as the inheritance is in the form of a house but is built on customary land, and the customary land is a gift from the previous *ninik mamak*. The daughter as the recipient of the right to the inheritance is *Punah*, and no one is allowed to receive it. In fact, this inheritance is seized by the only son. By all means, this son is not the heir. He cannot receive it because he is not part of the kinship group. Moreover, the inheritance given to the son is sold. On the other hand, customary only qualifies inheritance to someone from the same kinship group, and it is not allowed to be traded because the legal action is not in line with customary rules and Islamic inheritance law. The assets is permittable to sell on four conditions: first, *gadiah gadang indak balaki* (to carry out the marriages of the tribe's unmarried women). Second, *mayat tabujua diateh rumah* (the hold the funeral). Third, *rumah gadang katirisan* (to renovate the tribe's traditional house), fourth, *mambangkik batang tarandam* (restoring lost or no longer living traditional heirlooms). However, selling the inheritance does not need the four conditions in this issue.

There are several problems investigated in this research. First, what is the pattern of *punah* inheritance dispute settlement in the Nagari Salareh Aia community? Second, what effect does the pattern of settling *punah* inheritance disputes have in Nagari Salareh Aia?

Methods

The type of research was field research with a qualitative approach. The primary data sources of the research are in the form of explanations or information obtained from disputing parties, *Ninik mamak*, *Datuak* and KAN (is a mediation institution in *Nagari* level in Minangkabau) *Salareh Aia Solok West Sumatera*, namely the head of Nagari's Costomary Court and the head of the custom and *syara'* Nagari's Costomary Court to provide information for more complete data collection. The secondary data sources in this study were taken from books related to the topics concerned, such as books of inheritance including Islamic inheritance law and customary inheritance law books, followed by other literature to support this research. Techniques for collecting data in this study included interviews with disputing parties, *Ninik mamak*, *Datuak*, Religious leaders and the head of Assembly of *Adat Nagari*, the head of the *adat* and *syara'* Costomary Court of Nagari Salareh Aia regarding the settlement pattern of customary *Punah* heir dispute in the Kenagarian. Data were analyzed using the Creswell approach in the following ways: the first phase, data reduction. The data were reduced by summarizing and selecting the main information on extinct inheritance (*punah*) dispute resolution, then focusing on important points, such as customs procedures and mechanisms in resolving inheritance disputes with the goal of determining the pattern used in traditional dispute resolution in Nagari Salareh Aia. The second phase is data presentation. The presentation of data is completed in a short description which is processed from the local language that has been translated then made it into a narrative text that is easy to

understand. The third phase, conclusions and verification. The third stage is to verify the data and formulate conclusions after discussing and analyzing the findings.

Discussion and Result

Overview of Nagari Salareh Aia

Salareh Aia is an administrative *nagari* (under the jurisdiction of the regency) in Palembayan Subdistrict, Agam District, West Sumatra which is located between the border of Agam District and Pasaman District. Nagari Salareh Aia was formed on May 31, 1946. As a *Nagari* Government, Salareh Aia consists of 11 *Jorong* (The term *Jorong* is equivalent to urban village. It is under the jurisdiction of *nagari*) and has different areas with a population of 4168 families. The socio-cultural conditions of *Nagari* Salareh Aia are not far from the role of *Ninik Mamak*, traditional and religious leaders tasked with managing the customs in *Nagari* Salareh Aia. *Nagari* Salareh Aia characteristics are uniform because these areas are still occupied by indigenous people and have no immigrant communities. People who live or work in *Nagari* Salareh Aia are mostly traders and farmers, civil servants, artisans, and fishermen. The majority of people in this region are Muslim.⁸⁴

In Salareh Aia, several leaders have a duty to manifest the law in the field of local *adat* which consists of two local political units known as *Langgam*. The two *Langgam* in Nagari Salareh Aia have different structural compositions and local cultural values. However, they have similarities in the basic pattern that forms the structure and values of *adat-istiadat* (customary), namely the habit of living in clans and groups through a matrilineal system and solid philosophical values of Minangkabau custom. The *Adat* structures are the *Saripado Langgam*, for instance, is formed through maternal lineage kinship and relationships based on close residence. In *Langgam Saripado*, unity includes the *paruik* (a nuclear family descended from matrilineal relations), *kampung* (village), tribe, and *luhak* (a kind of confederation area of *Nagari* in Minangkabau). Meanwhile, the *Rajo nan Balimo Langgam* formed its unity based on the same thing while forming the unity based on the *paruik*, *kampung* (village), tribe, and *langgam* with a different history in the composition of the customary unit.⁸⁵

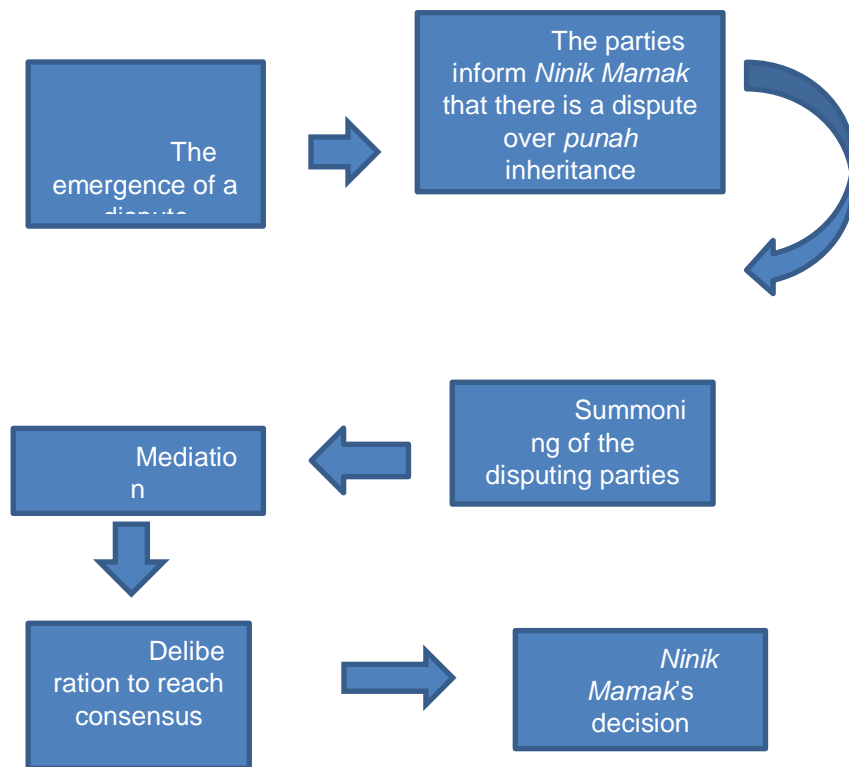
Customary Procedures for Settlement of the Disputes of *Punah* Inheritance in Nagari Salareh Aia

⁸⁴ Iron Maria Edi, *Langgam: Struktur Politik Lokal Minangkabau Yang Tergerus, (Kasus Langgam Nagari Salareh Aia, Kecamatan Palembayan, Kabupaten Agam, 2019.*

⁸⁵ Edi, *Wawancara*, 22 December 2021. *Prosedur Adat Menyelesaikan Sengketa Waris Punah Di Nagari Salareh Aia.*

Settlement of the disputes of *Punah* inheritance in Nagari Salreh Aia, Palembang Subdistrict, is carried out through customary courts. There are several customary procedures for dispute settlement that the disputing parties must pass. The settlement of this dispute is through customary court with deliberation.⁸⁶ In carrying out his duties, the *Penghulu* (the highest title held by a Minangkabau man in a clan, chosen by clan agreement) of the Kerapatan Adat Nagari (KAN) is guided by the customary rules that apply in Nagari Salarah Aia both for people who adhere to Langgam Saripado and those who adhere to Langgam Rajo Nan Balimo. These two langgam (the customary system) have the same customary rules although the implementation of customary settlements is different. Differences in customary systems in terms of customary rules used result in differences in power and authority. In Langgam Saripado there is a kinship relationship formed based on maternal lineage and close residence. Langgam Rajo Nan Balimo, on the other hand, has a kinship-based community based on maternal lineage and place of residence.

The stages of settlement of *punah* inheritance disputes in Nagari Salarah Aia



The Customary Court resolves the *Punah* inheritance dispute in Nagari Salarah Aia by holding a customary court through several stages.: first, report. The reports from the disputing parties that there were disputes related to *Punah* inheritance with other parties. The report's form is a complaint from one of the parties that is submitted to the *ninik mamak* or the *ninik mamak's*

⁸⁶ Edi, *Wawancara*, 22 December 2021. Prosedur Adat Menyelesaikan Sengketa Waris Punah Di Nagari Salarah Aia.

leader. When *ninik mamak* receives the report, they will summon the disputing parties with the intention of conveying the problems that arise in the form of a claim by one of the disputing parties to be tried. Afterward, the *ninik mamak* manages a meeting in official's *Nagari* to implement the customary trial. If it is agreed on, then a sign and address are placed.⁸⁷

Second, summoning of the disputing parties (discussed/deliberated at the meeting) is accomplished a week after the head of the *ninik mamak* receives the report, and there is an agreement between both parties to carry out the trial. At this stage, the disputing parties are requested to explain the inheritance dispute between the parties. Furthermore, both parties can present their complaints. In the customary trial process, the disputing parties are called to resolve the problems encountered through custom meetings.⁸⁸

Third, do mediation. This mediation is carried out after the disputing parties are summoned before the *ninik mamak* and then resolved by finding a common ground to establish an agreement. Afterward, a meeting is held for both disputing parties to carry out mediation actions. One of the mediation actions carried out is to relay the case to the *Ninik mamak* to be resolved amicably within the time provided: three days, seven days, or maximally 14 days. If there is no amicable settlement between the two parties, the *Ninik mamak* summons the two disputing parties, and then the decision rests on the *Ninik mamak*.⁸⁹ This mediation is carried out after the disputing parties are summoned before the *panghulu* and then resolved by finding identical perspective to establish an agreement.⁹⁰

Fourth, is do deliberation to reach consensus among *ninik mamak*. The deliberation system is completed amicably so that there is no interference from other parties outside of the disputing family members. Every customary dispute in the family will be discussed by family members guided by *Ninik mamak*.⁹¹ Before a decision is made by the *ninik mamak* and during the process of deliberation and consensus, the *Ninik mamak* preferably examines and investigates everything related to the inheritance, including the origin of the inheritance to the *ranji* (structure) of ownership of the previous *Punah* inheritance. The customary trial is carried out at least seven to eleven times until it is found clarity of the *Punah* inheritance to determine a fair decision.⁹²

Fifth, making decisions among *ninik mamak*. This is the *ninik mamak*'s highest decision in customs.. After deliberation and consensus have been carried out, the *Ninik mamak*, as the customary leader, determines a decision based on the results of the deliberation that has been mutually agreed on. As a result, because the customary settlement is based on mutual consideration and agreement, among the heirs, there will be no disputes. Thus, the process of

⁸⁷ Asril Dt. Rangkayo Mulia. Wawancara, 22 December 2021. Prosedur Adat Menyelesaikan Sengketa Waris Punah Di Nagari Salareh Aia.

⁸⁸ Arman Dt. Tan Mangindo, Wawancara, 22 December 2021. Pucuk Adat Nan 15

⁸⁹ Asril Dt. Rangkayo Mulia, Wawancara, 23 December 2021

⁹⁰ Arman Dt. Tan Mangindo, Wawancara, 22 December 2021

⁹¹ Arman Dt. Tan Mangindo, Wawancara, 22 December 2021

⁹² Asril Dt. Rangkayo Mulia, Wawancara, 23 December 2021

resolving inheritance disputes is carried out peacefully until there is identical perspective and clarity on the status of the *Punah* inheritance.

Some Case Studies about Mechanism of Dispute Resolution in *Punah* Inheritance

The meaning of *punah* in the Minangkabau traditional inheritance system of Nagari Salareh Aia is the end of the closest heir, including the daughter from the matrilineal. In principle, the Minangkabau custom has determined that the inheritance of property is passed down to the niece's children close to matrilineal kinship. Although there are sons from the mother's descendants, they cannot be regarded as heirs who are entitled in Minangkabau custom because inheritance for sons is a mere usufructuary right, so that they cannot fully control the inheritance. However, the main point of this study is that sons can control the collection of inheritance passed by his parents.

There are cases of *punah* inheritance disputes that have occurred in Nagari Salareh Aia, however, only a few cases were taken as samples in this study, including: first is the case in Kampuang Gadang Jorong Kayu Pasak Timur, on behalf of Oyoih (nickname), Chaniago clan, 51 years old who is the sole *punah* heir. In this case, the inheritance left by both parents is land and a house established upon customary land. The inheritance is a mixture of high ancestral inheritance and low ancestral property. As the sole heir, Oyoih controlled the entire inheritance, then all property was sold to other people. The form of settlement for this combination of high and low ancestral inheritance is to sell the property to a buyer. However, *Mamak* required that he should receive a 10% share of the transaction of this ancestral inheritance combination. If the *punah* heir did not agree to share with *mamak*, then *mamak* is reluctant to assist in the process of selling the inheritance, such as signing an approval letter for the deal purpose.⁹³

Second, the case in Padang Gantiang Jorong Kayu Pasak Timur, on behalf of Ijen (nickname), Jambak clan, 47 years old. He is a *punah* heir along with three other brothers. The form of inheritance left by both parents is land, but it is a composition of high ancestral inheritance and low ancestral inheritance. Ijen and his three other brothers, who were heirs of extinction, resolved the case of high inheritance mixed with low inheritance by dividing the inheritance equally among them. Each person deserved an equal share. After each *punah* heir acquired a share, the share for Ijen's heirs from the distribution, which is the property, was sold to the other party. Albeit, in the process of selling the inheritance, it must obtain approval from the *Mamak* with proof of signature on the letter, and it requests the *Mamak* to obtain 10% of the inheritance sale.⁹⁴ That part is given to all *Mamak* and used for their personal spending.

Third, the case that occurred in Jorong Kayu Pasak, in the name of Sirubidin (nickname), Piliang clan, as the sole *punah* heir. His parents left an inheritance in form of land and houses. The

⁹³ Ratmiyati, Wawancara, 23 Desember 2021.

⁹⁴ Yerman, Wawancara, 21 Desember 2021

inheritance is a mixture of high and low ancestral inheritance. The customary settlement carried out on this combination of high and low ancestral inheritance was by selling and distributing a share of 10% to the *Mamak* because in the correspondence process, the *Mamak's* signature was required as evidence of the approval and *mamak* therefore requested for a share. The type of inheritance always has an impact on how disputes are resolved. After deliberation, it was agreed that the inheritance might be marketed by the *punah* heir.⁹⁵

Fourth, the case that occurred in Padang Gantiang Jorong Kayu Pasak Timur, representing Icam (nickname), Jambak clan, 45 years old, as a *punah* heir. The forms of inheritance sold are land and houses, which are composed of high and low ancestral inheritance. Customary settlement of a combination of both cannot be separated from deliberation, so in this case, when a *punah* heir wills to sell the inheritance, a discussion is carried out with the *mamak* as the head of the customary inheritance. The settlement carried out, in this case, is by deliberation and it was also required that the *mamak* was provided with 10% of the proceeds from the inheritance sale.⁹⁶

Fifth, the case that occurred in Jorong Kayu Pasak Selatan, on behalf of Nulih and Majik (nickname), as *punah* heirs. The forms of inheritance obtained by these *punah* heirs are land, houses, and rice fields from the combination of high and low ancestral inheritance. Some of the inherited assets were sold and others were not. However, some of the sold assets are called gifts using a grant contract, but principally the heirs would earn a sum from the grant. This composition of high and low ancestral inheritance was settled amicably by the *punah* heirs with *Mamak* because they wished to sell the whole assets ranging from land, houses to rice fields. Then, a family discussion was held between the *punah* heirs and the *Mamak* to provide approval in order to assist the transaction using proof of signature in the letter. As other cases, the *Mamak* would ask for a 10% share of the inheritance deal.⁹⁷

If analyzed, some of the cases above show that the *punah* inheritance dispute that occurred in Nagari Salareh Aia is heirs controlling the entire inheritance and then selling it. However the settlement of this inheritance is not according to the inheritance legal system in Minangkabau custom and also with customary law regarding the inheritance law prevailing in Nagari Salareh Aia. Basically, the combination of high and low ancestral inheritance cannot be controlled and traded in its entirety by *punah* heirs before the inheritance is divided and settled according to customary inheritance law.

This customary settlement of disputes between high and low ancestral inheritances has been resolved based on a system of negotiation for consensus which results in *ninik mamak's* decision. *Mamak's* decision should be based on mutual agreement and discussion, which is following the applicable customary law in *Saripado* style. For that reason, several examples of cases

⁹⁵ Kasiman Dt. Marajo Nan Tinggi, "Wawancara," 2021.

⁹⁶ Amralis Angku Rajo Endah, Wawancara, 24 December 2021. Kasus-Kasus Sengketa Waris Punah Di Nagari Salareh Aia.

⁹⁷ Ratmiyati, Wawancara, 23 December 2021.

of mixed inheritance of high and low ancestral inheritance assets took place in the Luhak Kayu Pasak, which is part of the *saripado* style traditional area in order to find solutions (In langgam saripado there is a kinship relationship formed based on maternal lineage and close residence).

As per the applicable customary law in the *Saripado* style, following finding the results of the negotiation for consensus, a decision is issued by *ninik mamak*. The decision should be following *sakato samupakat* (negotiation for consensus) from the results of the deliberation. In the settlement of the *Saripado Ninik mamak*-style case, the *Mamak* (all mother's brothers) is not authorized to make and resolve separate decisions. Meanwhile, the settlement carried out in the cases above was based on the agreement of the *Mamak* and the requirement that allows *Mamak* to obtain a 10% share had no legal basis before the custom.

Several cases that occurred and the form of customary settlement of *punah* inheritance disputes carried out in Nagari Salareh Aia showed that the customary settlement of *punah* inheritance (Punah) disputes in Nagari Salareh Aia demonstrates that there are differences and similarities in customary rules and principles of Islamic inheritance, such as in the case of heirs.

The heirs of high inheritance are given to women under Minangkabau customary law, whereas sons and daughters both receive a share of the inheritance under Islamic inheritance law. However, when the female heirs are extinct, the inheritance is passed directly to the sons who are still alive.

The basic provisions of Islamic inheritance law that have been stipulated in the Qur'an state that sons will get of the inheritance of their parents. The position of the son in the *punah* inheritance shows that the son is *ashabah binafsihi*, that is, the son will inherit the rest of the property alone. The legal basis that determines that a son has the right to inherit property from his parents is written in Q.S an-Nisa' [4]: 7. These are obligatory shares. The verse explains that the son will have a share of the inheritance left by either his father and mother, or both. Likewise, daughters get a share of the inheritance left by their parents as well ⁹⁸.

The implementation of the customary settlement of inheritance disputes in Nagari Salareh Aia referred to several sides of inheritance in customary Minangkabau. The customary settlement in Nagari Salareh Aia should be carried out in the following forms: First, is in terms of the status of inheritance. Assets that are inherited or sold do not belong to the heirs so the *punah* heirs do not have the right to have any. Second is from the perspective of the heirs. In this case, the son is a *punah* heir and the inheritance left is a mixture of high ancestral inheritance and low ancestral inheritance. In term of property ownership, the position of son as *punah* heirs is not included in the inheritance of high ancestral inheritance of the custom because Minangkabau applies an inheritance system based on matrilineal kinship. Despite that, low ancestral inheritance in the Qur'an verse explains that the son will inherit a share of the inheritance, the position of the son are *ashabah* heirs, or the person who controls the rest of the property. Third is the distribution of

⁹⁸ Amir Syarifuddin, *Hukum Kewarisan Islam*, (Jakarta: Kencana), 2005), h. 7.

inheritance. Islamic inheritance law dictates that the share for sons is twice that of daughters. If there is no daughter heir, then the son who is *ashabah* will inherit the rest of the assets. The prevailing customary rules addressing *punah* inheritance law in the Nagari Salareh Aia custom on a mixture of high ancestral inheritance and low ancestral inheritance are by dividing the two assets. Some are for *punah* heirs and some are endowed to be used as a high ancestral inheritance .

If the heirs have received a share of the mixed assets of high inheritance and low inheritance, then selling the property is permitted under customary law. All *Ninik Mamak* receive 10% of the sale of inheritances, not from the property distribution to the heirs. This has become a provision of customary inheritance law in *Nagari Salareh Aia*. After the combination of high ancestral inheritance and low ancestral inheritance is divided according to customary rules, the heirs have received some of the property, and part of it becomes high ancestral inheritance. Subsequently, a part of this heir may be sold based on the *ninik mamak* agreement such as *tigo tungku sajarangan* (Traditional leaders in Minangkabau include *Niniak Mamak/Penghulu*, *Alim Ulama* (religious experts), and *Cadiak Pandai* (intelligent people). Elders in the customary system will have their share according to their level of position before the custom.⁹⁹

This form of customary settlement is carried out by inviting all *sapayung* (kinship of people of the same) *datuak* (traditional title bestowed on a person by the agreement of people or tribe) parties in inheritance disputes, especially *ninik mamak* who should divide the mixed assets of high and low ancestral inheritance, which partly if for the heirs and the other are for the customary. The combination of high and low ancestral inheritance cannot be controlled entirely by the heirs, yet cannot be traded and cannot be controlled by *mamak* (because the property is not entirely customary)¹⁰⁰ The distribution of property is instead acknowledged by the *mamak* and witnessed directly by the *mamak*.¹⁰¹

The customary settlement is carried out by inviting all parties involved in inheritance disputes, particularly *Ninik Mamak*. This is done in order to convey the distribution of mixed high and low inheritance. Some are given to heirs, while others are included in high inheritances. The position of the mixed inheritance of high and low ancestral inheritance is under the control of *payuak timbago* (sako house, a traditional wealth center, also known as the traditional leader's house of *Tigo Tungku Sajarangan*). If the inheritance is completely controlled, the customary law of *warih bakaturunan sako babandaran* (some of the properties of *punah* heirs (*punah*) is lost.¹⁰²

The customary settlement of mixed assets of high ancestral inheritance and low ancestral inheritance is different. In the case of high ancestral inheritance, the settlement is carried out by involving all elements of custom, while low ancestral inheritance only requires the nuclear family and nephew-cousin kins cannot interfere, including disputes over low ancestral inheritance

⁹⁹ Arman Dt. Tan Mangindo, Wawancara, 22 December 2021. Pucuk Adat Nan 15

¹⁰⁰ Asril Dt. Rangkayo Mulia, Wawancara, 23 December 2021

¹⁰¹ Yerman, Wawancara, 21 December 2021

¹⁰² Rabuman Dt. Jelo, Wawancara, 23 December 2021.

because it is not property rights.¹⁰³ In the low ancestral inheritance, only the nuclear family has the rights, and nephews cannot dispute it because it does not belong to them.

Mechanisms and efforts for the customary settlement of inheritance disputes of mixed high ancestral inheritance and low ancestral inheritance are performed by applying two forms of settlement, namely: First is negotiation which is conducted to anticipate social turmoil and ongoing disputes over the inheritance dispute. Second is consensus, the word consensus is taken after deliberation. The agreement does not harm other parties and certainly does not violate the applicable customary laws. One of the reasons for the implementation of these two forms is to apply the concept of justice, therefore the agreement that will be decided does not harm any of the disputing parties and maintains kinship in family relations.¹⁰⁴

In traditional inheritance disputes, *ninik mamak* plays an important role in the process of settling *punah* inheritance disputes as stated by Kasiman Khatib Marajo Nan Tinggi. He mentioned that *ninik mamak* has a great influence on the mechanism of customary settlement of disputes between high ancestral inheritance and low ancestral inheritance in Nagari Salareh Aia. This is caused by *ninik mamak* holds the decisions on negotiation and consensus which is completed collectively before the religious stakeholders as well as *imam khatib*. Whereas the customary elder serves as a person who will explain custom or what is known as "*pai tampek batanyo balik tampek barito*" (the elder understand more about the ins and outs of custom if there is a customary settlement that is not in accordance with customary rules).¹⁰⁵

Impact and Solutions for *Punah* Inheritance Settlement Patterns in Nagari Salareh Aia

The impact of the customary settlement pattern on *punah* inheritance disputes in Nagari Salareh Aia is: First, the customary settlement of *punah* inheritance disputes has shown the clarity of the heir's position with respect to inheritance and property status in the category of high ancestral inheritance or low ancestral inheritance and or mixed assets of both. Second, it can avoid disputes between parties and heirs because the settlement pattern is applied following the concept of justice.

The customary settlement of inheritance in Nagari Salareh Aia is based on the *Salingka of Nagari* custom (A rule that has been practiced in society from generation to generation in a particular *Nagari* in Minangkabau and does not necessarily apply in other *Nagari*.), which is inseparable from the *adat basandi syara', syara' basandi kitabullah* (the customary provisions are based on the Shari'a, and the Shari'a refers to the Qur'an). It can be understood that the customary settlement process of the *punah* inheritance dispute is based on the customary laws that apply and are used in Nagari Salareh Aia. These laws are inseparable from *syara'* law.¹⁰⁶

¹⁰³ Asril Dt. Rangkayo Mulia, Wawancara, 23 December 2021

¹⁰⁴ Asril Dt. Rangkayo Mulia, Wawancara, 23 December 2021, Yerman, Wawancara. 21 December 2021,

¹⁰⁵ Kasiman Dt. Marajo Nan Tinggi. Wawancara, 26 December 2021.

¹⁰⁶ Asril Dt. Rangkayo Mulia. Wawancara, 22 December 2021. Analisis dan Solusi Penyelesaian Adat Sengketa Campuran Harta Pusaka Tinggi dan Harta Pusaka Rendah Waris Punah Di Nagari Salareh Aia.

Some of the solutions put forward by traditional leaders in the traditional settlement of a *punah* inheritance dispute of combined high and low ancestral inheritance in Nagari Salareh Aia, Palembayan Subdistrict are: First, to understand that inheritance is the subject of the customary inheritance dispute. Second is to organize discussion. The discussion held with traditional leaders is negotiation and consensus making, which is to find common ground for the settlement of customary rights on inheritance. Negotiations are held to maintain relationships within the family, therefore it is performed in a familial way, to avoid problems and disputes between heirs, *Mamak*, and other family parties. Third is to make consensus. The consensus made is based on the results of negotiation by all parties involved in the settlement of customary inheritance disputes. Fourth, is the decision of *ninik mamak*. This is the highest decision issued by the *ninik mamak* in custom.

The form of the solution presented by these traditional leaders is indivisible from the Salingka Nagari Customary system which is also based on the *adat syara'*, *syara' basandi Kitabullah*. This is to avoid disputes, bad impacts, and that will occur in the future as the effect of the implementation of the settlement of *punah* inheritance dispute. Therefore, the disputing parties can accept the *ninik mamak* decision without any other disagreement and the outcomes of the negotiation and consensus do not harm each other because of the settlement of the *punah* inheritance as per the concept of justice.

The nature of customary law that applies in society is not a proposition that is determined by *syari'*. However, this customary law includes '*urf* in the maintenance of *mashlahah* (*Mashlahah* is a concept that is used as the primary consideration in solving Islamic law problems because its principle is the protection of the law's objective purpose (*maqasid al-syari'ah*), which is the preservation of religion, soul, mind, lineage, and property) in society. The intended *maslahat* is one that clearly maintains the five parts; the protection of religious beliefs, the protection of soul, the protection of mind, the protection of family and descendants (human dignity), and the protection of property¹⁰⁷. As stated by al-Ghadzali is *hifzu al-Kulliyat al-Khams*¹⁰⁸. Related to this present research on customary settlement of *Punah* inheritance disputes in Nagari Salareh Aia, Palembayan sub-district, the implementation of this customary settlement is relevant to *mashlahah mursalah*, which aims to preserve offspring and property

The implementation of inheritance distribution has been explained in the Qur'an Surah an-Nisa verses 11, 12, and 176, as well as several hadiths of the prophet. However, the community also applies customary laws that have become a habit and are implemented by the people in Nagari Salareh Aia. In principle, high ancestral heritage assets are to be maintained and developed continuously so that the next generation can benefit from these assets and these assets can be passed down from generation to generation. However, in contrast to mixed assets of high ancestral inheritance and low ancestral inheritance, the form of ownership may shift if the heirs agree to divide and settle so that ownership rights also change. Therefore, it is also not allowed in

¹⁰⁷ Abdul Ghofur Anshori and Yulkarnain Harahab, *Hukum Islam Dinamika Dan Perkembangannya Di Indonesia* (Yogyakarta: Kreasi Total Media, 2008).

¹⁰⁸ Firdaus, *Ushul Fiqih: Metode Mengkaji Dan Memahami Hukum Islam* (Depok: Rajawali Pers, 2017).

customary inheritance law to control and sell all assets before the distribution of the mixed inheritance is completed.

Conclusion

This research shows that the pattern of tribal-based inheritance dispute settlement by prioritizing the kinship approach is effective in resolving *Punah* inheritance disputes in *Nagari Salareh Aia*.

This pattern of settlement also has a significant impact on class solidarity, clarifies the position and status of the heirs, and clarifies the inheritance's status.

Based on the pattern of settlement and the resulting impact, it can be concluded that the mechanism for resolving disputes over the *Punah* inheritance in the *Nagari Salareh Aia* has fulfilled sharia principles, namely to maintain property and the honor of the people.

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