

Muhammad Husein's Gender Perspectives on Inheritance in Mukomuko Customary Law

Dwi Putra Jaya^{1*}, Laras Shesa²

¹Universitas Dehasen Bengkulu, Indonesia

²Institut Agama Islam Negeri Curup, Indonesia

*Corresponding Author: dwiputrajaya@unived.ac.id

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Abstract

This research examines the transmission of the Mukomuko custom according to Muhammad Husein's perspective on gender studies, which posits that women possess equal status and responsibilities as males. This research aims to analyze the correlation between gender studies, as proposed by Muhammad Husein, and the inheritance system outlined in Mukomuko customary law. This research uses a normative juridical legal method using a statutory and conceptual approach. Data processing uses inductive techniques that describe the specifics of the Mukomuko traditional heritage in the study of Islamic law with a gender approach by Muhammad Husein. Data collection techniques are based on literature originating from previous research, which will later be analyzed by comparing the two inheritance studies. Data-gathering approaches rely on prior studies' literature, which will be analyzed by comparing the two inheritance studies. Research findings indicate that women benefit more economically from the Mukomuko custom's inheritance than men. In Mukomuko culture, the inheritance system gives priority to the maternal bloodline. According to Muhammad Hussein's gender perspective, it is important to note that this viewpoint does not align with Islamic law, as male body parts are not considered to be offered as gifts. As per Muhammad Hussein, the gender ratio is equal, with an even distribution of males and women. Muhammad Hussein's viewpoint demonstrates that Islam strongly values equality among all groups. The Quran unequivocally affirms the equality of all human beings in the eyes of Allah, with the sole distinguishing factor being their level of devotion.

1. Introduction

Indonesia is a nation that acknowledges and respects adat. Common law in Indonesia is a set of laws governing societal behavior derived from long-standing customs and widely acknowledged and followed by the community. Indonesian customary law is implicitly recognized by the 1945 Constitution of the Republic of Indonesia, namely: "The 1945 Constitution is the basis of written law, while in addition to this law, unwritten law is the basic rules, which arise and are maintained in the practices of state administrators, even though they are not written down¹. One area in Bengkulu Province still steeped in traditional life is Mukomko Regency, part of Bengkulu regency. The original inhabitants of Mukomuko are the Minang Mukomuko tribe, which is part of the Minangkabau tribe. Regarding customs, culture, and language, Mukomuko is close to the southern coastal area of West Sumatra. The Mukomko area was once part of the Minangkabau coastal region (Pasisi Barek). This area, often called the Ripple Region, is along the west coast from Padang to the southern part of Bengkulu. However, since the British colonial period, the Mukomko area has been under the

¹ Ilham Bisri, *Sistem Hukum Indonesia: Prinsip-Prinsip & Implementasi Hukum Di Indonesia*, 2008.

jurisdiction of the Bengkulu regime (Benkoren). They have since been separated from their relatives in West Sumatra and become inseparable from the Bengkulu region.²

Kinship law is a set of customary rules regulating the relationship between one customary law community and other customary law communities related through marriage. The kinship system of the Mukomuko people is almost the same as the Minangkabau people, namely adhering to a matrilineal system. The number of children born is calculated according to the mother's line (mother's belly). Or you could say it's part of your mother's stomach. This is the difference with Minangkabau culture. This is because the word ethnic is not known in the Mukomuko area. The principle of genealogy is based on the maternal lineage, and individuals see themselves as descending from their mothers and grandmothers regardless of their father's lineage. This becomes clear when one remembers the dates of families and homes in the Mukomuko community. According to hereditary tradition, offspring inherit their mother's name. As a result, family assets passed down from generation to generation, especially fixed assets such as fields, houses, and fields, are inherited and fall into the hands of women. Inheritance problems in society often give rise to quarrels, which lead to the breakdown of closeness between siblings. If we all knew what to do and what rights and responsibilities we have regarding this legacy, none of this would need to happen. Ignorance and lack of understanding are many factors that contribute to conflict. Therefore, in the future, it is deemed necessary to develop inheritance procedures at the local level to avoid confusion in resolving inheritance issues and disputes between siblings.³

Some research related to this article is as follows. First, the article entitled "A Comparative Study Between The Customary Inheritance Legal System Of The Community And Islamic Inheritance Legal System On Inheritance Distribution In Mukomuko Citu District Of MukoMuko Regency."⁴ This research shows that to understand and explain the inheritance distribution system according to the customary inheritance law of the Mukomuko community, understand and explain the inheritance distribution system according to the Islamic inheritance law, understand, study, and compare the customary inheritance system of the community and the Islamic inheritance legal system on the inheritance distribution. Second, research entitled "*Dualisme Sistem Pewarisan Menurut Hukum Perdata dan Hukum adat Mukomuko.*"⁵ The results of his research show that the people of Mukomuko district still use the customary law system in the division of inheritance law, so that a lack of knowledge in the community about civil law and society in general; therefore, the community is only guided by the family way related to the transfer of inheritance rights. Third, a research entitled "*Model*

² Agus Setiyanto, *Elite Pribumi Bengkulu* (Jakarta: Balai Pustaka, 2001).

³ S.H., M.H Oemar Moechthar, *Perkembangan Hukum Waris Praktik Penyelesaian Sengketa Penyelesaian Kewarisan Di Indonesia* (PRENADA MEDIA GROUP, 2019).

⁴ Vidyadhara Prawiratama Nugraha, Andry Harijanto, and Akhmad Muslih, 'A COMPARATIVE STUDY BETWEEN THE CUSTOMARY INHERITANCE LEGAL SYSTEM OF THE COMMUNITY AND THE ISLAMIC INHERITANCE LEGAL SYSTEM ON INHERITANCE DISTRIBUTION IN MUKOMUKO CITY DISTRICT OF MUKOMUKO REGENCY', *Jurnal Ilmu Hukum*, 13.1 (2023), 104-16 <<https://doi.org/10.33369/j>>.

⁵ Lestari Dewi and Dwi Putra Jaya, 'Dualisme Sistem Pewarisan Menurut Hukum Perdata Dan Hukum Adat Muko-Muko.', *Berasan : Journal of Islamic*, 1.2 (2022), 185-203.

Penyelesaian Pelanggaran Adat Melalui Pranata Perdamaian Adat Kaum di Kota Mukomuko."⁶ This research explains and describes the kinship system according to traditional tribal law in the community of Mukomuko City.

K. Hussein's writings demonstrate a strong focus on the issue of equality in various aspects of life. This includes not only the relationship between genders but also the relationship between minority and majority groups. In this research, we examine the inheritance of the mukomuko custom from Muhammad Husein's perspective in gender studies. Gender studies aim to present the idea that women have equal status and responsibilities as men. There is no religious argument that supports this.

2. Methods

In this research, the qualitative research method used is normative juridical legal research. Data processing uses inductive techniques that draw on the specificities of Mukomuko traditional inheritance in the study of the gender approach to Islamic law by Muhammad Husein. Data collection techniques are based on previous research literature, which will be analyzed later by comparing the two inheritance studies.⁷

3. Results and Discussion

3.1. Mukomuko Customary Law: Exploring Forms of Inheritance and Dispute Resolution

Customary law is a legal system arising from long-standing traditions, beliefs, and norms passed down through generations in a society. In Mukomuko, West Sumatra, customary law significantly regulates social life, particularly in inheritance matters. In Mukomuko, inheritance is not solely about transferring wealth or property to the next generation; it encompasses more than just material possessions. In this context, inheritance also embodies local wisdom and the values cherished in their culture. Inheritance in Mukomuko has two crucial dimensions. The first dimension is material, which distributes property or material wealth from older to younger generations. The second dimension is immaterial, encompassing knowledge, traditions, cultural values, customs, and spiritual wisdom inherited from ancestors.⁸

In the realm of material possessions, the inheritance system in Mukomuko customary law is primarily guided by principles of social justice. The allocation of assets considers various factors, including the contributions and roles of family members within the community, their individual needs, and the emotional bonds between them. In certain instances, the involvement of traditional leaders or community figures significantly facilitates the inheritance process. In the intangible domain, Mukomuko customary law places great emphasis on the significance of upholding cultural and spiritual values that have been passed down from ancestors. Traditional knowledge, way of life, customs, ancestral narratives, and local wisdom are integral components of inheritance that must be safeguarded and transmitted to future generations.

When discussing Mukomuko assets, interpretations often refer only to material assets. These tangible assets include rice fields, the *Tuo* family, gold and silver, etc. Apart from these

⁶ Hamdani Ma'akhir and others, 'Model Penyelesaian Pelanggaran Adat Melalui Pranata Perdamaian Adat Kaum. Di Kota Mukomuko', *Jurnal Ilmiah Kutei*, 1-14.

⁷ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2022).

⁸ Andry Harijanto and others, *MODEL SISTEM KEKERABATAN MENURUT HUKUM ADAT KAUM PADA MASYARAKAT DI KOTA MUKOMUKO*, *Jurnal Ilmiah Kutei L*, 2023, xxii.

assets, moral assets such as inheritance titles are passed down from generation to generation. People who have many material assets are called wealthy. However, according to the traditional view, the rich are not those with a lot of wealth but rather those with a lot of inheritance passed down from generation to generation. Due to normal status, they were given more respect, and people with many of these heirlooms were not purchased. There have been differences of opinion regarding the distribution of assets, especially the distribution of inherited assets in real estate. The type of inheritance in question is the process of transferring assets from heir to heir as determined by the Mukomuko custom, or more precisely, the transition of the role of heirs in matters relating to managing inherited assets to heirs. The type of transfer depends on the type of property being transferred and the type of heir who will inherit it. Mukomuko has two types of inheritance: high inheritance and low inheritance.

The death of a clan member does not pose a problem because the clan collectively manages the property, and the heirs are also part of the clan. The assets remain within the clan's possession and can be shared among all clan members. The issue of asset continuity or property management only applies to valuable properties. The aspect of treasure hunting is not considered and is the responsibility of subordinates. The problem arises when inheritance involves a mix of high and low-value assets. This difficulty stems from the notion that, although a person may have ownership of two houses, the property of a person or house can only be inherited by the descendants of that specific house and cannot be transferred to another house in a broader sense.

A high estate is a property acquired and passed down through multiple generations. Its transferability is significant, but its impact is primarily relevant to the general public. The origins of this property are unknown. These large estates were not only inherited by close relatives such as uncles and nephews, but also by others. The Puyang property, for instance, was passed down from one grandmother to another, then from grandmother to mother, and finally from mother to sister. The management of high-ranking estates was typically entrusted to members of extended families or families led by a designated heir. Lower inheritance assets are properties that can be inherited or transferred. Lower Inheritance Treasures encompass various types of inherent treasures and quest treasures. Examples include land acquired by a married couple, cars received as wedding gifts, etc. Minor heirs refer to small families consisting of a wife and children or descendants of a husband and his siblings.

Congenital assets are assets a husband brings to his wife's house at marriage. Inherited assets can be in the form of the results of one's search, which was obtained before the marriage took place or gifts received during the marriage and tribal assets in the form of the right to use a handheld, which was in the hands of the husband before the marriage or the right was obtained during the marriage. Because these two types of inherited assets arise outside of the husband and wife's business, they are the husband's full rights, so the wife has no rights to them. The definition of inherited property is the return of the property to its origin, namely the husband's family. Regarding the return of assets originating from inheritance, it is clear because the husband's relationship with inheritance is only in the form of use rights or loans from the clan. As appropriate, the loan assets return to their original state. Meanwhile, inherited assets originating from the results of the husband's bachelor search before marriage also return to the clan, as do those obtained by someone not yet married. If we compare the

status of these two forms of property, then in inheritance property, the rights of the people in it are more obvious, while in search property, there are fewer people's rights. Therefore, this second form causes more disputes. In the first form, as far as it can be proven, the property is an inheritance.

Joint assets refer to the assets acquired by both spouses during their marriage. These assets are distinct from inherited assets, brought into the marriage by one spouse, and assets discovered by the husband upon returning to his wife's home. However, joint assets can also originate from these two types of assets. Joint assets can be tangible if the husband is employed within his wife's sphere, regardless of whether he receives direct assistance from her. Consequently, any profits generated by the husband's business outside the wife's family circle are considered joint assets.

According to the interview with Abdul Sadar, the chairman of the Traditional Deliberative Body (BMA) of Pondok Kandang village, the mukomuko community in Pondok Suguh sub-district does not maintain the distribution of low inheritance (collective assets) as mandated by the mukomuko customary law. The process of distributing inherited assets takes place at the residence of the beneficiary or beneficiaries. The division of assets in Pondok Suguh sub-district is carried out by the heirs themselves or individuals entrusted by the heirs. This division is done through deliberation to reach a consensus or family discussion. The distribution is based on the predetermined positions of the heirs, with women receiving a larger share than men. Typically, the youngest child will inherit the parental home, while the last child to get married or leave the house will receive their share after caring for the parents.

Derived from the outcomes of an interview with M. Nur serves as the chairperson of the Pondok Suguh Traditional Deliberation Body (BMA). The process of distributing lower inheritance assets is typically carried out at the testator's place of residence. In the case of mukomuko customary law, where both parents or one of them has passed away, there is a discussion among the parties involved regarding who has the right to receive the inheritance. During the distribution deliberation of mukomuko customary inheritance, all the heirs, the family and the head of the heir, participate. If the head of the heir cannot attend, an older individual knowledgeable about inheritance matters may serve as a witness in the division of inheritance. According to Mukomuko customary law, lower inheritance property includes all assets acquired by the parents.

As per the author's statement, the distribution of collective assets (lower inheritance) in the Pondok Sugu community is allocated to each successor based on their established standing, in defined proportions. Girls are afforded preferential treatment compared to guys. As you are aware, the Mukomuko tradition emphasizes matrilineal ancestry. This is also grounded in Islamic jurisprudence due to the predominantly Muslim population. Observing the tangible occurrences in society, it is common to witness disputes arising from the distribution of inheritance, regardless of whether it involves substantial or meagre assets. Such conflicts frequently arise due to disagreements over asset allocation between different parties involved. The escalating market worth of ancestral artifacts has led to the rise of inheritance conflicts within society.

According to the findings from an interview with Marusin, the leader of the traditional sector in Lubuk Bento Village (BMA). To resolve this dispute, the most effective approach is

through deliberation. It is uncommon for the dispute to escalate to court as it can typically be resolved within the Customary Consultative Body. Every problem and dispute, including the division of inheritance according to Mukomuko customary law, must have a solution and resolution. The Mukomuko community employs this process to address disputes arising from the division of inheritance, whether it involves high or low inheritance. According to the author's findings, attempts have been made to find a replacement solution based on society's existing rules and conventions in every instance of an inheritance dispute. These attempts involve settlement and negotiation between the parties involved. They are resolving the issue inside the family by involving the matriarchal figure within the extended family. In addition, in cases where amicable resolution is not possible, the parties will seek a secondary resolution through a conventional institution commonly referred to as the Mukomuko Regency Traditional Deliberative Body. However, the Mukomuko BMA's endeavors represent a peace initiative that involves negotiations between the conflicting parties, facilitated by the link *mamak* within the Mukomuko BMA. The resolution process in the BMA Mukomuko Agency is based on legal principles and societal customs that are still respected, particularly by the parties involved in the inheritance dispute.⁹

Resolving inheritance disputes through BMA Mukomuko can be categorized into several distinct stages, beginning with the initial stage of parties filing complaints. The subsequent phase involves attentively hearing the involved parties. The third phase entails attentively hearing the testimonies of the involved parties. The fourth step of the BMA session culminates in the BMA decision, which takes the form of recommendations for peace presented as usual considerations. The decision rendered by BMA Mukomuko is non-binding since it will restore the matters to the disputing parties. If family discussions cannot resolve inheritance issues, the community must turn to the BMA for customary legal guidance. The BMA will provide recommendations and considerations based on customary practices. The cases will be taken to court for a final legal decision if an agreement cannot be reached. Occasionally, certain instances that have been brought to the attention of the BMA cannot be addressed due to the implementation of considerations and punishments. Nevertheless, cases brought before the BMA typically result in a consensus due to the Mukomuko community's consideration of the potential repercussions. Failure to reach an agreement would lead to customary penalties, such as exclusion from the BMA Traditional Consultative Body and the disapproval of their relatives, regardless of their actions, if they cannot achieve a consensus.

The BMA possesses a robust organizational framework and adheres to time-honored standards and processes that have undergone decades of testing. Typically, they comprise individuals esteemed in the community and possess substantial expertise in customary law and traditional principles. In an inheritance dispute, the BMA is a forum where conflicting parties can present their issues to achieve a just decision based on relevant customary principles. The BMA's approach to resolving inheritance disputes emphasizes careful consideration and mediation. The arbitrators attentively hear all parties concerned, carefully evaluate the arguments and evidence given, and endeavor to achieve a mutually agreeable resolution.

⁹ Lestari Dewi and Dwi Putra Jaya.

The decisions made by the BMA carry significant influence within the Mukomuko community due to their foundation in local wisdom and revered traditional standards. Amidst globalization and escalating societal change, upholding the sustainability and pertinence of traditional legal systems in settling inheritance conflicts is crucial. The BMA serves as a conflict mediator and a guardian of cultural values and unique local identity. Hence, comprehending and valuing the inheritance system and the function of the BMA in the Mukomuko community is a crucial aspect of upholding harmony and sustainability in this traditional community.

In Mukomuko, the inheritance system follows a notion that comprises two primary inheritance forms: high and low. This system is deeply rooted in the region's rich history and heritage. The significance of these two forms of heritage is not solely derived from their material or symbolic worth but also from their function in preserving the cultural and social identity of the Mukomuko community. High legacy refers to preserving cultural traditions and esteemed principles passed down from previous generations, whereas low heritage typically serves as the foundation for ordinary, day-to-day existence. This inheritance system encompasses more than just property. However, it is also a deliberate endeavor to preserve and perpetuate a cultural heritage abundant in indigenous wisdom and principles. The heritage is integral to the Mukomuko community's identity and long-term viability.

3.2. Muhammad Husein's Approach to Islamic Studies: An Emphasis on Gender Perspectives

The etymology of the term "gender" in English refers to the concept of "sex". According to Ari Khoiruddin Nasution, gender refers to the variations in values and behaviors exhibited by males and females. Gender is a widely recognized notion often explored in research to understand variations in societal roles, behavior, spirituality, and emotional characteristics within interpersonal relationships.¹⁰ The etymology of the term "gender" is not documented in the *Kamus Besar Bahasa Indonesia*. Nonetheless, it is frequently employed in Indonesian language. Sex is a manifestation of the biologically inherent characteristics of human beings. The term "gender" is frequently associated with the term "sex". These two phrases are frequently conflated by individuals lacking comprehension of gender. Nevertheless, both sex and gender have their origins in the English language. The concept has been formalized as the Indonesian term "gender," which asserts that gender is not inherent and may be altered. Local culture is also disseminated to other groups through the actions of individuals over time.

Sex is a manifestation of the biologically inherent characteristics of human beings. The term "gender". It is frequently used with the term "sex". The two concepts are frequently considered equivalent entities, yet they are distinct. Individuals were lacking comprehension of gender. Nevertheless, both sex and gender have their origins in the English language. The term "gender" has been standardized in the Indonesian language. It emphasizes that gender is not inherent and may be altered. Various communities also adopt this concept, as individuals gradually share it over time, bridging local cultural differences in social roles and construction. The pace of social interchange is swift and a direct reaction to atypical alterations. Community connections are necessary to uphold and sustain harmony rather than solely focusing on competency. The structure of value consistently operates to establish equilibrium throughout

¹⁰ Asriana Harahap and others, 'STUDI ISLAM DALAM PENDEKATAN GENDER', *Jurnal Kajian Gender Dan Anak*, 05.1 (2021).

the population. The presence of a duality in Islamic civilization leads to a distinct approach towards gender and sexuality.¹¹ Disparities lead to diverse viewpoints of women, particularly their primary responsibility of domestic chores. The presence of a duality in Islamic civilization leads to diverse interpretations of gender. Variations lead to unfairness, and customs frequently lead to the presumption that women bear the primary responsibility for domestic affairs and are accountable for household chores. Women are consistently relegated to a secondary position, while boys are given priority in all aspects. An equitable gender balance will ensure justice for both sexes without perpetuating the oppression of women, who are often perceived as vulnerable and powerless.¹²

Islamic teachings safeguard women's rights and prioritize their esteemed roles, distinguishing them from other teachings. If women experience any strange occurrences, it suggests that there has been insufficient implementation of Islamic instruction, and the teachings themselves should not be held responsible. Unsuitable behaviors are shaped by customs from remote communities, diverging from the precepts of Islam. Men play a crucial role in society and have certain obligations towards their families, while women are expected to comply with the decisions made by men.¹³ In Arab society, the birth of females is not embraced, and they are subjected to inferior treatment. Historically, women were subordinate to men and lacked control since they were compelled to submit and obey male dominance. The presence of *rahmatanlilla'lamin* alters society's perception of women by acknowledging the persecution they have endured and elevating their social standing. Judaism and Christianity were established earlier in history, although they have not fully comprehended society's perception of women's place.

The advent of Islam challenged earlier societal norms, hence increasing the status of women to parity with males. In addition, women now have responsibilities and a range of previously nonexistent rights. The initial passage in the Qur'an that addresses the issue of gender equality is found in QS Al Lail verses 3 and 4. These verses state:

وَمَا خَلَقَ الذَّكَرَ وَالْأُنثَىٰ إِنَّ سَعْيَكُمْ لَشَتَّىٰ

God has created both males and females, and your efforts are diverse. This verse implies that the distinction between the two individuals is evident in the servant's conduct in the presence of the Almighty. These deeds pertain to the positive and negative attributes of the caliph on Earth, irrespective of gender distinctions. The divine discourse imparts the fundamental guidelines for addressing both men and women's challenges. The issues encompass various topics, including global challenges, religious concerns, and the fundamental connection between the two within professional endeavors.

During the era of the Prophet, a harmonious and equitable interaction existed between men and women without displaying a significant bias towards either gender. Women are granted several rights, including the ability to engage in political activities, inherit property, be free from being bought and sold, and assume leadership roles in times of conflict. The reign

¹¹ Esli Zuraidah Siregar and Ali Amran, 'GENDER DAN SISTEM KEKERABATAN MATRILINIAL', *Jurnal Kajian Gender Dan Anak*, 2.2 (2018), 133–46.

¹² Ahmad Juhaidi and Masyithah Umar, 'PERNIKAHAN DINI, PENDIDIKAN, KESEHATAN DAN KEMISKINAN DI INDONESIA : MASIHKAH BERKORELASI?', *Khazanah: Jurnal Studi Islam Dan Humaniora*, 18.1 (2020), 1 <<https://doi.org/10.18592/khazanah.v18i1.3585>>.

¹³ Harijanto and others, XXII.

of the Khulafa'a al-Rasyidin brought about a significant transformation in the distribution of authority. The caliphate operated as a democratic system but transitioned into an absolute monarchy. The status of women deteriorated, and significant changes took place, accompanied by political failures. The introduction of the monarchy system resulted in the adoption of policies by the Islamic kings, which facilitated their territorial expansion. The Islamic empire expanded its influence to other regions by establishing a non-Islamic concubinage system in Muslim territories. Consequently, this system created fabricated hadiths to justify its application for certain political and ideological purposes. This marked the onset of the proliferation of spurious hadiths, thereby undermining the honor of women and fostering hatred against them. The shared characteristics between males and females also serve as the primary foundation for the topic of discussion. One of the primary concepts and key focal points of instruction. The verse in question is located in Surah Al-Hujurat, specifically verse 13, which states:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ ۗ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

"people, indeed, We have created you from male and female and made you into nations and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted" (See QS. Al-Hujurat: 13). This obstetric letter illustrates worship and social activities. There is no mention in this verse of the highest position but the only difference is the quality of devotion to Allah. Al-Karim does contain the idea of the theoretical interdependence of men and women. The implementation of this principle is sometimes neglected without realizing it or on purpose.¹⁴ In inheritance law matters, the Quran determines that women's share is half that of men or 2:1 for women. This expression is found in QS. An-23. Massively and consistently, the status of women's lives continues to be castrated. It is considered only as a complement. That is why, in dividing "rights," you must be willing to get "half" from men. Once again, this expression is interpreted by many groups as proof that women are indeed inferior to men.

Conservative commentators do not assert this viewpoint. However, the broader community believes that limited inheritance rights for women imply their inferior ability to manage assets. To fully comprehend the text, it is crucial to consider the context in which it was written, where women were consistently undervalued.¹⁵ Even in the era of ignorance, women were denied any share of inheritance. The 2:1 ratio provided to both genders in Islam manifests respect towards women. Islam not only liberated women from being treated as mere "inherited assets" but also explicitly recognized them as heirs, albeit with a share of half that of males.

The presence of this verse demonstrates Islam's concern for the presence of women. Certain radical feminists are beginning to question this division, arguing that the 2:1 allocation is unjust. Furthermore, in contemporary times, many women earn considerably more than their husbands. K. Husein emphasized that men receive a larger portion because they are responsible for supporting women, including their sisters. Despite receiving a larger share,

¹⁴ Kadar M. Yusuf, *Tafsir Ayat Ahkam: Tafsir Tematik Ayat-Ayat Hukum*, 2011.

¹⁵ Eni Zulaiha, 'ANALISA GENDER DAN PRINSIP PRINSIP PENAFSIRAN HUSEIN MUHAMMAD PADA AYAT-AYAT RELASI GENDER', *Al-Bayan : Jurnal Studi Al-Qur'an Dan Tafsir* 3, 2018, 1-11.

men must share it with other families. Although women receive only one share, it is exclusively theirs and does not need to be shared with others. In addition to the points mentioned above, numerous factors serve as a basis for constraining the realization of women's lives. Paradoxically, interpretations perpetuating women's "weakening" persistently endure across generations.

Naturally, this situation caused me to feel anxious. Muhammad Husein firmly believes Islam is a divine blessing for all of nature. Consequently, Muhammad Husein endeavors to reinterpret the explanations of all texts pertaining to women. In his inaugural book, "Women's Fiqh," KHusein delves into numerous topics that have been utilized as a basis for "restricting" women's progress, which are the consequences of the four points above.¹⁶ In the preface of his book, he expresses astonishment at the fact that "religion" (not exclusively Islam) has become entwined with mainstream culture.¹⁷

"Women" provides a comprehensive examination of the notion of gender within the context of Islam. Hussein attempts to challenge the patriarchal paradigm by emphasizing the significance of women in both religion and society. Within the Mukomuko custom, an indigenous society in Indonesia, how inheritance is allocated illustrates the application of gender norms in everyday life. Hussein emphasized the conventional understanding of Islamic law, which frequently exhibits gender-based discrimination concerning inheritance rights for women. He advocated for the notion that the distribution of inheritance should be grounded in the idea of gender equality, aligning with the authentic teachings of Islam. Nevertheless, in Mukomuko customs, similar to several other communities, there frequently exists disparity in the inheritance allocation. To comprehend Hussein's notion of gender, it is imperative to acknowledge women's entitlement to inheritances and other rights throughout many domains of life. This perspective frequently challenges the traditional understanding that favors men in matters of inheritance, thereby leading to inherent gender inequity.

In the Mukomuko tradition, like in many other civilizations, inheritance is frequently distributed inequitably, with women receiving a lesser portion than men. This is evident in the patriarchal paradigm that is deeply ingrained in the fabric of society, as men are accorded superior inheritance rights. Muhammad Hussein would have countered this perspective by promoting gender equality within the Islamic faith. He is likely to promote the integration of religious teachings into the Mukomuko custom while aligning them with the principles of gender equality. In addition, she might foster societal transformation and promote a more profound comprehension of women's rights within that particular community. Nevertheless, alterations in firmly entrenched traditions or customs necessitate considerable effort and a thorough strategy. There is a need for educational initiatives and increased public awareness to emphasize the significance of gender equality in Islam and its practical implementation in several aspects of daily life, such as the fair distribution of inheritance. In "Women's Fiqh," Muhammad Hussein emphasizes the importance of gender equality in different areas of life,

¹⁶ K.H. Husein Muhammad, *Fiqh Perempuan*, ed. by Yudi and Faqihuddin Abdul Kodir, 1st edn (Yogyakarta: IRCiSoD).

¹⁷ Laksana Arum Nugraheni, 'DINAMIKA HUKUM WARIS ADAR DALAM SISTEM KEKERABATAN PATRILINEAL : PEWARISAN TERHADAP ANAK PEREMPUAN', *Dinamika Hukum Waris Adat*, 5.1 (2021), 136-46.

such as the fair allocation of inheritance. The association with the Mukomuko tradition emphasizes the need to dismantle the deeply ingrained patriarchal framework in this community to attain a more equitable and authentically Islamic notion of equality.

Our culture focuses on the Mukomuko traditional heritage, which is predominantly passed down through women. The Mukomuko culture places a strong emphasis on matrilineal inheritance. According to Muhammad Husein's gender perspective, it is important to note that this viewpoint does not align with Islamic law, as it suggests that male reproductive organs are merely bestowed as presents. According to Muhammad Husein, the gender distribution is equal, with an even ratio of men to women. Muhammad Husein's viewpoint demonstrates that Islam places great importance on equality for all social categories. The Quran plainly states that all individuals are equal in the eyes of Allah, with the sole distinction being their level of devotion.

4. Conclusions

The residents of Mukomuko district still employ the customary law system in the partition of inheritance law. Consequently, the community lacks understanding Islamic law and society, relying solely on familial practices pertaining to transmitting inherited rights. The challenges encountered in implementing property rights transfer through inheritance originate from individuals' hesitancy to engage with the Islamic legal framework. The Mukomuko culture places a strong emphasis on matrilineal inheritance. According to Muhammad Husein's gender perspective, it is important to note that this viewpoint does not align with Islamic law, as it suggests that male reproductive organs are merely bestowed as presents. As per Muhammad Husein, the gender distribution is equal, with an even ratio of men to women. Muhammad Husein's viewpoint demonstrates that Islam strongly advocates equality among all social categories. The Quran plainly states that all individuals are equal in the eyes of Allah, with the sole distinction being their level of devotion.

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