

LOCAL WISDOM BASED ON INDIGENOUS CULTURAL VALUES OF THE KARO BATAK COMMUNITY

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Abstract

This research aims to describe the value-based local wisdom of the Karo Batak community, especially in the customary inheritance law system. This research uses a qualitative approach with a case study method. Data were obtained from various sources, including literature, interviews with traditional leaders, and direct observation of inheritance law practices in the Karo Batak community. Data collection techniques included in-depth interviews, document studies, and participatory observation. Data analysis was conducted through data reduction, data presentation, and inductive inference. The results showed that the Karo Batak customary inheritance law is based on a patrilineal system, where the eldest son is the main heir. However, in certain situations, women also have the right to inherit property, especially if there are no sons in the family. Inherited property, especially land or hereditary property, tends to be passed down patrilineally to maintain the continuity of the lineage. In addition, the role of ancestors is very influential in the process of distributing inheritance, with strong customary mechanisms to resolve conflicts. The conclusion of this study shows that although Batak Karo customary inheritance law is still practiced, modernization has brought challenges and adaptations to this system. Urbanization, education, and the influence of national laws have led some families to adopt a combination of customary and state laws to suit social and economic needs. Therefore, policies that accommodate cultural values and aspects of justice in inheritance practices in the Karo Batak community are recommended to remain relevant to the times.

Keywords

Batak's Karo, Customs, Inheritance, Law.



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INTRODUCTION

Marriage can be defined as a form of interaction between two individuals of different genders (Fikri & Musyafa, 2023). The legal ramifications of matrimony extend to the realm of inheritance law (Masruroh & Widiastuti, 2022). The issue of inheritance law is comprised of three elements. Firstly, there is the existence of the inheritance or property of the heir, which is referred to as the inheritance. Secondly, there is the existence of the heir, who is defined as the person who controls or owns the inheritance and who transfers or inherits it. Thirdly, there is the existence of the inheritance, defined as the person who receives the transfer, forwarding, or distribution of the inheritance (Fadhilah & Lukman, 2022). The concept of customary law encompasses a non-statutory legal system that was established by Schouck Hugronje during the Dutch East Indies Colonial Administration in Indonesia. A portion of this legal framework incorporates elements of Islamic law. (Ciendy & Althaf, 2023a). Customary law encompasses legal principles that are derived from judicial decisions and precedents (Ciendy & Althaf, 2023b). The field of environmental law is characterized by its role in adjudicating cases that involve the intersection of legal principles and customary law, which is deeply entrenched in the local traditional culture of the region.

Meanwhile, Sharia law is a set of divine rules or laws sourced from the Qur'an and Al-Sunnah and contains universal legal norms, both vertical and horizontal dimensions (Dahlia et al., 2021). The general term commonly called sharia is formed from various legal products resulting from the thoughts of scholars (fiqh), which are then transformed into laws and regulations through the process of codification (taqnin) until Islamic Law becomes positive law.

The Karo Batak tribe has a customary heritage legal system that is still respected and maintained in its society (Pratenta, 2024). In Karo customary inheritance law, the main principle used is the patrilineal system, where inheritance is generally given to male descendants in the paternal family line. The system in which inheritance property is generally given to male descendants in the paternal family line (Hatta & Subagiyo, 2024). This reflects the philosophy that men are responsible for maintaining the sustainability of the clan and household.

However, in some cases, girls can receive inheritance under certain conditions, such as if there are no male descendants or through extended family deliberation. The division of inheritance in Karo custom also considers the position of children based on birth order, with firstborn children (especially sons) often getting a larger share than other siblings.

This practice is still respected as it is considered a way of maintaining social balance within the community and preserving ancestral heritage. However, over time, some Karo families have begun to adapt their inheritance practices to state law and the principle of gender equality. As for the uniqueness of efforts to maintain Karo traditional culture, several principles can be said to be the main reference in society, including 1) The Role of Family Deliberation. The division of inheritance is not done unilaterally but through a large family deliberation (*tutur si telu*), where traditional elders, parents, and siblings take part in making decisions. This reflects the value of democracy in Karo custom (Harahap, 2023); 2) Relationship with Merga Silima Tradition. The inheritance system is closely related to Merga Silima, which is the clan system in the Karo tribe consisting of five main groups (Merga Ginting, Karo-Karo, Perangin-angin, Sembiring, and Tarigan). Each family member has a responsibility to maintain the name and honor of the clan, so inheritance is also seen as a tool to preserve the family tree (Kaban et al., 2024); 3) Unification of Customary Law with State Law. Some Karo communities have begun to adapt customary inheritance law to the principles of Indonesian civil law, especially in the context of modern families who want justice for daughters in the division of inheritance. This creates a balance between customary law and state law (Purba, 2023); 4) Maintained in Traditional Ceremonies. In various traditional events, such as the work of the year (harvest celebrations) and death rituals (*ngaben Karo*), the values of customary heritage laws are still taught to the younger generation so that they understand and respect the customary rules that have been inherited (Menot, 2022). With these efforts, the Karo Batak tribe has managed to maintain the cultural values in their customary heritage law while still adjusting to the times.

In Karo Batak society, customary inheritance law reflects collective cultural values that emphasize the importance of kinship and the continuity of patrilineal lineage (Istiningtyas, 2022). Based on observations and interviews with traditional elders in the Karo region, it was found that the system of inheritance of land and property prioritizes sons as the successor of the clan, while girls often only obtain secondary rights, such as in the form of "*tali kasih*" or grants from their brothers. This practice is not only a hereditary rule but is also closely related to the socio-political structure of Karo society, which still maintains the *merga* (clan) system and large households as the basis of social power. In traditional deliberations (*rungs*), inheritance rights are often decided through negotiations between family members, and these decisions are respected as the result of consensus. This shows that the inheritance system in Karo is not only a matter of formal customary

law but also reflects a socio-political mechanism that maintains the balance of power within the extended family and the wider customary community.

Cultural values in Karo customary inheritance law are also closely related to the religiosity of the community, which has historically been influenced by traditional beliefs (Pemena) and Christianity that developed after the colonial era (Hidayat, 2023). From the field documentation, it was found that although most Karo people have now embraced Christianity, in inheritance practices they still adhere to customary values, which are considered as part of social harmony. From a religious perspective, the concepts of "blessing" and "moral responsibility" are very strong in inheritance. Parents often emphasize that the distribution of inheritance is not just a matter of material rights but also a trust that must be safeguarded so as not to damage fraternal relationships. In fact, in some cases, the local church often becomes a mediator in inheritance disputes, playing a role in harmonizing religious teachings with customary law. Thus, custom and religion in the context of inheritance in Karo society are not two conflicting entities but complement each other in maintaining social harmony.

From observations in several traditional villages in Tanah Karo, it appears that customary inheritance law is not only about the distribution of wealth but also about maintaining social balance and preserving kinship relations. This inheritance system encourages solidarity among siblings because, in many cases, even though the distribution of inheritance is unequal, children who are more likely to inherit have a moral obligation to still help their other siblings. This local wisdom is reinforced by customary ritual practices such as the "Perbibingen" (blessing) ceremony before the property is inherited, which involves all family members to ensure there are no disputes later on. In a socio-political context, this system also establishes patronage networks within the community, where individuals who receive larger inheritances are often expected to become leaders within their family or clan group. Thus, Karo customary inheritance law is not just a matter of property ownership, but deeper than that, it is a mechanism that maintains social order through the integration of local cultural, religious, and political values.

In previous research, several researchers have conducted studies that are closely related to the research topics conducted by researchers, such as Andriana (2024). With the results of the research, learning Islamic Religious Education (PAI) based on local wisdom integrates Islamic teachings with local cultural values and traditions to create relevant and meaningful learning experiences. By linking PAI materials such as the Qur'an, Hadith, Jurisprudence, and Akidah

Akhlaq with local practices and wisdom that exist in the community, teachers can explain religious teachings in a context that is familiar to students, making it easier for them to understand and apply Islamic values in everyday life. Further, Mailani et al. (2024), with the results of the study, found that linking geometry with culture increases students' motivation and understanding of the application of mathematics in everyday life. This research emphasizes the importance of cultural context in mathematics education. Understanding geometry through ethnomathematics can help preserve local culture and equip students with relevant math skills. It also creates a generation that is intelligent and appreciative of their cultural heritage. These findings provide insights for the development of a more culturally-based mathematics curriculum.

Research conducted by Sertiawan & Dora (2024) The research results showed that carp is not only a delicious culinary delight and traditional ceremony but also used for weddings, seven-month events, and post-and-birth events and can be used to graduate from school or get a new job, which is symbolic of connecting the Batak community with its culture. In addition, Arsik carp also has cultural significance ce, with the symbolism of abundance and good luck in the Batak tradition. Research Nababan (2023) The result is that mandor hata contains principles of democratic education, including active involvement and participation, understanding of rights and obligations, critical thinking and reflection, practical communication, the ability to work together and cooperate, and social awareness. A democratic education approach that integrates the values and traditions of mandor hata can help develop individual political participation and awareness within families and local communities. Thus, local wisdom-based democracy education has an important role in shaping a democratic and participatory society, as well as in strengthening and preserving local wisdom as a valuable cultural heritage. Finally, research was conducted by Dora et al (2024) with the result that Markobar, which means "talking," is an oral tradition that illustrates the local wisdom of the Mandailing people. This local wisdom is considered important to be explored, studied, and revitalized because it has a crucial role in strengthening the nation's identity amid the challenges of globalization. The Markobar tradition is generally carried out in silicon (party in a happy atmosphere) or a grief event such as silulutun. In wedding ceremonies, Markobar begins with an opening by the shut, answered by the more to the kahanggi, and then continues with advice from the families of the bride and groom based on the Dalian natolu system. While in the death ceremony, although similar, Markobar emphasizes more on the message of encouragement and condolences, which begins with the opening by the suhut and continues with the family.

Research conducted by Andriana (2024) focuses on the integration of Islamic teachings in local wisdom-based PAI learning but does not specifically discuss how the cultural values of certain communities, such as Batak Karo, play a role in education or social life. Mailani et al. (2024) highlighted cultural integration in mathematics education through ethnomathematics but did not discuss how local wisdom in the Batak Karo community can be the basis of education or social values. In contrast, Sertiawan & Dora (2024) focused on the Arsik carp in Batak culture as a symbol of traditional ceremonies but did not explore deeper aspects of cultural values as a whole, especially in the lives of the Batak Karo people. Nababan's research (2023) examines the value of democracy in mandor hata but does not cover the cultural values of Batak Karo customs more broadly, both in social life and in cultural inheritance to the younger generation. Meanwhile, Dora et al. (2024) discuss the oral tradition of Markobar in Mandailing society but have not included or compared how the Batak Karo community has a cultural system that also has distinctive local wisdom values and is important to learn.

The research conducted by the researcher on this topic presents a novelty by examining the value-based local wisdom of the traditional culture of the Karo Batak community more comprehensively. Unlike previous studies that only focused on certain aspects of Batak culture (such as food, democracy, or oral traditions from other subgroups such as Mandailing or Toba), this study:

- 1) Exploring and documenting typical Batak Karo cultural values that have not been widely explored in previous research;
- 2) Examining how the cultural values of Batak Karo customs are applied in social and community life, both in traditional ceremonies, education, and in the face of modernization;
- 3) Explaining how Batak Karo local wisdom can be used as the basis for character and social education in the community;
- 4) Connecting Batak Karo local wisdom with the challenges of globalization, so that cultural values remain sustainable and can be passed on to the younger generation.

Therefore, the research has a specific purpose, namely to describe local wisdom based on the traditional cultural values of the Batak Karo community, especially in the customary inheritance law system. On the other hand, this research is expected to make academic and practical contributions to understanding and preserving the cultural values of the Batak Karo as part of Indonesia's cultural heritage.

METHOD

This research is qualitative with a case study approach in the Karo Batak indigenous community, this research focuses more on a review of the cultural value-based local wisdom owned by the Karo community in the form of inheritance. Data collection techniques were carried out by researchers through interviews with Sahala Boangmanlu, a traditional leader of Boangmanalu Village, where the interview was conducted on January 3, 2025, and Termen Berutu, a traditional leader of Ulumerah Village, and the interview was conducted on January 9, 2025. The observation of the implementation of inheritance law in the Karo customary community was conducted from November 28 to January 9, 2025. The research data is in the form of Local Wisdom based on the Customary Cultural Values of the Karo Batak Community in the form of inheritance. Then the data is analyzed by ethnographic analysis method in which researchers describe in detail a particular case that occurs in the Karo Batak Community in terms of inheritance as a cultural value based on local wisdom.

FINDING AND DISCUSSION

Findings

The Cultural Tradition of Islamic Inheritance Against Karo Customary Inheritance

Every Muslim must deal with family law, especially those related to inheritance law, which must be carried out because it is a manifestation of faith and piety in the provisions of Allah and the Messenger, which are contained in the Qur'an and Hadith. Thus, every believer must follow the procedures of inheritance law contained in the Qur'an and promise threats to anyone who violates the rules of Islamic law. As can be seen in the following table:

Table 1. Comparison of Islamic Inheritance Law and Karo Customary Inheritance Law

No	Aspect	Islamic Inheritance Law	Karo Customary Inheritance Law
1.	Kinship System	Bilateral	Patrilineal
2.	Heirs	Sons & daughters, widows get a share	Only boys and girls are not considered heirs
3.	Inheritance Portion	Specified in the Qur'an (girls get half of a boy's share)	There is no mathematical calculation or division based on the type of property
4.	Widow right	Get 1/4 (if the testator has no children) or 1/8 (if the testator has children)	Does not get inheritance, can only manage husband's property if not remarried

5.	Time of Inheritance Distribution	After the heir dies	Not immediately after the heir dies, waiting for family deliberations
6.	Division Method	Based on <i>furûd al-muqaddarah</i> (a certain portion according to sharia)	Based on family agreements and traditional values
7.	Possible Changes	Stay true to Islamic law	Starting to change due to the influence of national laws and public awareness

Referring to Table 1, it can be seen that in Islamic inheritance law and Karo customary inheritance law, there are fundamental differences in various aspects. In terms of the kinship system, Islamic inheritance law adheres to a bilateral system, where family relationships are calculated from the paternal and maternal lineages, while Karo customary inheritance law adheres to a patrilineal system that only recognizes the paternal lineage. Differences are also seen in the heirs, where in Islamic law, sons and daughters, as well as widows, have inheritance rights, while in Karo custom, only sons are considered heirs while women do not get a share of the inheritance.

In terms of the portion of inheritance, Islamic law stipulates the division according to the Qur'an, where girls get half of the boys' share. In contrast, in Karo customary law, there is no exact mathematical calculation, and the division of inheritance is based more on the type of property and family agreement. The widow's rights in Islamic law are also more guaranteed, where she is entitled to 1/4 of the inheritance if the testator has no children or 1/8 if the testator has children. Meanwhile, in the Karo custom, widows do not get a share of the inheritance but are allowed to manage their husband's property as long as they have not remarried.

The time of inheritance distribution in Islam is carried out after the heir dies, while in Karo custom, it is not immediately distributed but awaits family deliberations. The method of inheritance distribution in Islam follows the provisions of *furûd al-muqaddarah* that have been determined by sharia, while in Karo customary law, the distribution is based on family agreement and customary values. Along with the times, Islamic inheritance law still maintains the rules according to Sharia, while Karo customary inheritance law began to change due to the influence of national law and increased public awareness of inheritance rights.

On the other hand, the development of time from year to year and the social changes that occur naturally can be seen in the diagram of the development of inheritance law in Karo society below:

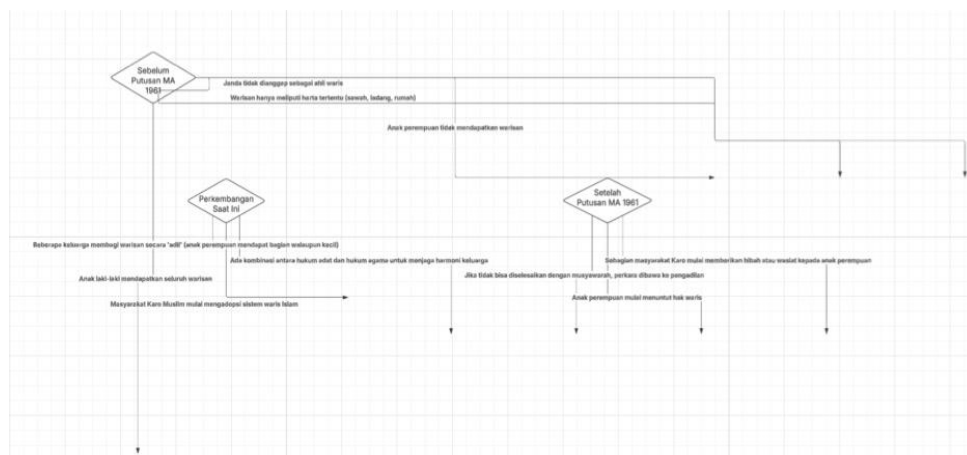


Figure 1. Changes in the Inheritance Law of the Karo Batak Community

Diagram 1 shows that Karo Muslims still use customary law in settling the division of inheritance. However, in recent decades a new awareness has emerged among Karo Muslims to pay more attention to their daughters or sisters. An interesting phenomenon is that many parents have used other legal instruments to give inheritance in the form of movable assets (gold and money) to their daughters. This is what is called the strategy of providing access to inheritance to daughters. Wills and grants are the options used by parents. It is not surprising that many parents during their lifetime have distributed some of their movable assets to their daughters.

Another way is to provide girls with the widest possible opportunity to pursue the highest possible education and also the facility to find a good job. This effort can be seen as a strategy to make girls more independent so that they do not depend on their brothers. Generally, this phenomenon is referred to as "individualization" in several studies on inherited property. For immovable assets, such as rice fields or land, individualization is carried out with capital investment, for example, for plantations or agriculture. As for daughters, individualization is carried out by providing the widest possible opportunity to go to school until finally obtaining a higher education and a decent job.

As for the inheritance rights of widows, there are almost no significant changes. However, if examined carefully, the shift in widows' inheritance rights is taking place slowly, especially for widows who have economic independence. Independent women have relatively more freedom to manage their husband's inheritance. Although explicitly, there is no division of joint property and

certain inheritance shares, in substance, the control of the husband's inheritance shows the strengthening of the wife's rights to her husband's property.

These trends show that Karo customary law in terms of inheritance is actually on the move. Karo customary law is very dynamic. The most important conclusion is that patrilineal-based Karo customary inheritance law is moving towards bilateral-based inheritance law. This phenomenon seems to convince us that national inheritance law will soon be realized when patrilineal and matrilineal-based inheritance law moves towards bilateral. It must be believed that the movement is currently underway.

Modernization has had a significant impact on Karo Batak's inheritance law. The influence of modernization has caused changes in people's mindset, family structure, and positive law. These changes have created challenges for Karo Batak inheritance law. The government and the community need to work together to preserve the Karo Batak inheritance law so that it remains relevant to the times.

Through this research, it is necessary to know that until now the implementation of inheritance law in Indonesia is more characterized by a combination of custom and sharia. This appears to be an ambivalent attitude among the Muslim community, which, on the one hand, wants to apply Islamic inheritance law based on the principles of inheritance according to sharia law, but on the other hand, still holds fast to customary law.

Discussion

Inheritance in the Karo Batak community follows a patrilineal kinship system, which causes daughters to have no inheritance rights (Ginting, 2021). However, since the issuance of Supreme Court Decision No.179/Sip/1961, which states that the position of sons and daughters in the division of inheritance is equal, there has been a change in inheritance practices. Other factors such as economics, education, religion, and migration have also influenced this development. Although daughters have begun to inherit, the status of widows in inheritance is still not fully accepted in Karo customary society.

The relevant theories in this research are the theories of customary law and Islamic law. In Karo customary law, women and widows are not considered as heirs. In contrast, Islamic law affirms women's inheritance rights with clear provisions in the Qur'an. The theory of social change is also relevant in understanding how customary law transforms due to interaction with state law and

religious law. In this context, customary law is not static but undergoes adaptation and modification following the social dynamics of society.

This research relates to previous studies on women's inheritance rights in various customary cultures in Indonesia. Tjok Istri Putra Astiti, in her research on the inheritance rights of Balinese women, found that customary law is dynamic and changes following the development of society. The same thing was found in a study of Minangkabau customary law, which experienced a shift in inheritance practices due to modernization and the influence of Islamic law. This study confirms that Karo customary law also experiences similar dynamics, where social and legal factors drive changes in inheritance practices.

This research affirms previous findings that customary law is not static and undergoes changes due to external influences such as Islamic law and state policies. However, it also offers an antithesis to the view that Karo customary lawfully maintains the patrilineal system without change. This study shows that Karo society is starting to adopt a more inclusive inheritance system towards women, although it is still in its early stages and has not been fully accepted by all parties. As such, this study provides new insights into the transformation of customary law in Karo society, as well as how the interaction between customary law, Islamic law, and state law creates changes in inheritance practices.

Generally, informants stated that customary law was the first to be present in Tanah Karo, and then Islam came with its legal institutions. This means that they have been subject to customary law for a long time.

In the case of the distribution of inheritance for daughters, for example, Karo customary law explicitly states that women, whether in their status as children or widows, are not considered as heirs and, therefore, do not get a share of the inheritance. Although, in certain cases, there are daughters who receive inheritance property, it is not because of their capacity as heirs. They receive the inheritance because they are merely given by their siblings, which is called a gift (*kelang ate*).

According to Islamic law, daughters and widows are not only recognized as heirs, but more than that, religious teachings also determine the portion of shares for both of them (Judiasih et al., 2021). The Quranic provision that places daughters and widows as heirs is a radical change offered by the Quran to the Arab society that adheres to patrilineal kinship (Sarah, 2021).

Regarding the procedural or mechanical aspect of distributing an inheritance, at least three interconnected elements must be considered. Firstly, the time of distribution is a pivotal factor.

Secondly, the determination of the portion or level of property for the heirs. A recurring subject of discussion and debate is the timing of the distribution of inheritance (Hilsy Nurul Sab'ati, 2022). The question of when the distribution of inheritance can be carried out is of particular interest. In Islamic law, the principle of *ijbari* governs this matter. This principle stipulates that the distribution of inheritance assets occurs after the demise of the parent (the testator). In the event of the heir's demise, the property automatically passes to the heirs remaining (Noviarni, 2021). The temporal parameters are contingent upon the heirs. The Shari'ah does not stipulate temporal constraints. The ideal scenario, according to the extant literature, would be the distribution of the inheritance after the heir's death and the resolution of all matters relating to the heir and their property (Safrina, 2022). However, given the inherent nature of Islam within the framework of customary society, the determination of the temporal framework for the distribution of inheritance property is influenced by customary factors. (Pandia et al., 2022). In indigenous societies, the distribution of the estate is typically avoided immediately following the death of the testator. This practice is considered taboo and is often associated with cultural and traditional beliefs that prioritize the sanctity of the family unit or the continuity of the lineage (Isriah, 2024). By the principles of civil law, the transfer of inheritance rights is contingent upon the stipulations outlined in the will of the testator and the consent of the heirs who are entitled to receive these rights (Firdaus & Nugraheni, 2023). In essence, the transfer of inheritance does not apply in the absence of consent. The will of the heir becomes imperative because consenting to assume the role of the heir entails direct implications, including the assumption of the responsibility to settle the debts of the heir. (Purba, 2023) The prerogative of the heirs to accept or reject constitutes a salient factor hindering the prompt execution of the distribution of inheritance. It appears that the Karo customary inheritance law does not stipulate the specific share or proportion of property allocated to each heir. In contrast, most customary societies do not employ mathematical calculations to determine the division of inheritance. While customary inheritance law does acknowledge the principle of equal rights, it does not necessarily imply that each inheritance will receive an equal share, nor does it guarantee that the value or quantity will be uniform. This distinction can be contrasted with Islamic law, which stipulates specific shares (*furud al-muqaddarah*) for various heirs. A salient reason for this distinction is that the Karo customary inheritance law does not encompass a broad spectrum of heirs as observed in Islamic law. As previously mentioned, heirs under Karo customary law are exclusively related to descendants and, even then, only to sons. (Siregar, 2021) It is not an exaggeration to say that the son is the true heir.

Consequently, ascertaining the precise share allocation becomes a secondary concern, as if the heir is male, he is presumed to possess the capacity to assume full ownership of the property. Conversely, if all the heirs are female, there is no issue.

In Karo customary law, the division of inheritance is not based on a specific amount but on the type or form of property left behind. Generally, what is called heirloom property or inherited property only involves fields, rice fields, ponds, and houses. In the process of division, the most important thing is who gets what. Of course, all parties must agree with their respective shares.

This phenomenon has been corroborated by multiple informants who have attested to the absence of inheritance from their male siblings. Additionally, informants have indicated that the paucity of the inheritance has led to a willingness among their sisters to forgo their rights to it. Notably, when her sister refrained from claiming any portion of the inheritance, it was widely perceived as a manifestation of her awareness and compliance with customary law. According to this perspective, women who adhere to customary law are regarded as exemplary and civilized members of the Karo community.

However, it is important to note that Karo customary law establishes unequal roles for men and women. (Sembiring et al., 2024) Boys who serve as clan bearers receive honors in various customary events, including in the process of distributing inheritance. Their elevated status within the social structure signifies their need for prioritization, even over other individuals. It is noteworthy that Karo women are keenly cognizant of this imbalanced arrangement. This awareness manifests in a reluctance to demand inheritance, often relenting to their male siblings in favor of the latter's receipt of their parent's property.

Moreover, Karo women are cognizant of the customary regulations that establish them as "second-class" citizens, a perception that is regarded as unjust. Conversely, daughters are often the subjects of parental complaints. The role of girls in the family unit is often characterized by their tendency to form friendships through which they share personal narratives. In instances of parental illness, it is often the female members of the family who assume the role of primary caregivers. This phenomenon is often perceived as a societal obligation rather than a choice. Indeed, it is not uncommon for daughters to assume not only the role of childcare provider but also to bear the financial burden of medical expenses. Furthermore, parents often report a greater sense of emotional and practical comfort in residing with their daughters and their daughters-in-law as opposed to their sons and their respective spouses. However, in the context of inheritance distribution, they receive

no such benefit. This phenomenon is precisely what incites the "protest" among Karo women, albeit expressed solely through verbal means.

Secondly, daughters receive a nominal inheritance. Another form of the implementation of inheritance law in Karo land is the emergence of awareness among Karo Muslims (brothers) to give inheritance to their daughters or sisters. (Situmorang, 2023) The designation of inheritance as a "gift" or "share" is not contingent upon the gender of the recipient. It is important to note that, irrespective of the terminology, Karo women have historically received an inheritance, albeit a nominal amount.

This practice can be attributed to the cultural norms and beliefs that prioritize familial affection and respect among the Karo people (Tarigan et al., 2024). Consequently, the property bestowed upon daughters is designated as *empyorean*, signifying affection and appreciation. Furthermore, it is customary for daughters to receive inheritances, as they are regarded as deserving recipients. In such cases, the application of wills or grants from parents is customary.

Thirdly, daughters are regarded as equal to sons. This is still in the context of changes in Karo customary law. In the initial and secondary forms, it is evident how the legal decisions made by the Karo Muslim community are instrumental in the distribution of their inheritance. However, it is noteworthy that a considerable number of individuals continue to adhere to customary law, albeit a relatively small percentage. Projections indicate a gradual shift in future trends, with an increasing number of Karo Muslims anticipated to diverge from the conventional framework of customary law. At the very least, there will be a modification of customary inheritance laws.

In contrast to the initial and secondary forms, the third form entails the equitable distribution of the inheritance property to the heirs in equal proportions. The term "equal" is used to denote this phenomenon. The disparity between men and women no longer signifies a discrepancy in the number of shares. It should be noted that this third form exceeds the requirements stipulated by customary law and Islamic law itself. This approach, adopted by parents, aims not only to ensure justice among their offspring but also to prevent discord among fellow heirs. While the assertion of legal rights by Karo women has not been overtly evident until now, there is a possibility that in the future, their legal awareness will be enhanced.

Intriguingly, some informants have noted that the act of bestowing property upon daughters, irrespective of the method employed, constitutes a synthesis of customary and religious law. For these individuals, preserving familial harmony takes precedence over allowing discord and dissolution to result from an inequitable distribution of inheritance.

In the context of Karo Customary Law, which does not recognize daughters and widows as heirs, daughters are regarded as "beings who cannot contribute anything, either in the context of family or tribal life." Consequently, due to their perceived inferiority, daughters are not entitled to any portion of their parents' property. Furthermore, widows are regarded in a manner analogous to "treasures" that can be inherited.

The Qur'an establishes the concept of "ashhab al-furûdh," which refers to daughters and widows. This concept is addressed in specific sections of the Qur'an. (Hidayaturrahman, 2023) Daughters are entitled to a share of the property, amounting to one-half of the total if they are unmarried and two-thirds of the total if they are married. In addition, they receive one-half of the shares held by the sons if they are both heirs. Conversely, widows are entitled to receive $\frac{1}{4}$ of the assets in the absence of offspring or $\frac{1}{8}$ in the presence of offspring.¹⁴ This right is further reinforced by the jurisprudence of the Supreme Court and the Compilation of Islamic Law, which stipulates that widows are entitled to receive $\frac{1}{2}$ of the joint property left by their husbands.

The legal framework governing the distribution of assets among heirs, whether within the context of Dzawî Al-furûdh or Asabat, is delineated by the provisions stipulated in the Qur'an and the Hadith of the Prophet Muhammad SAW. After the exegesis of these verses, scholars have classified heirs into three categories: Asabat, Dzawî Al-furûdh, and Dzawî al-arhâm.

It has been observed that parents, particularly mothers as spouses, frequently bestow inheritances to their daughters through two primary means: grants and wills. The term "grants" refers to the transfer of property during the parents' lifetime. This process is facilitated by the fact that the daughter continues to reside with her parents. The transfer of property from parents to their offspring is also a customary practice accompanying the matrimonial union. (Aminuddin, 2021) In terms of wills, they are typically bestowed upon sons to ensure the care of their female siblings.

In contrast to the less predictable nature of wills, grants provide a more certain avenue for daughters to acquire property from their parents. (Tumbelaka, 2024) In most cases, the property bestowed is considered livelihood property. Land and immovable property are particularly challenging for girls to acquire due to the pervasive influence of adat. Nevertheless, there are still opportunities to acquire immovable property, albeit in limited amounts.

One such change is the emergence of a stronger urge to distinguish customary assets, such as land and houses, from livelihood assets. About customary property, the prospects for female inheritance remain constrained, absent policies favorably impacting female siblings. Conversely,

concerning livelihood assets, the demand for "Sama Rata" is gaining momentum in tandem with shifting sociocultural dynamics.

In the context of inheritance law, the prevailing norm is that daughters do not have the right to inherit (Aolia et al., 2023). The inheritance received by daughters from their parent's estate is considered a gift from their brothers, not an entitlement. In contemporary society, particularly within urban contexts, there are indications of a shift in perspective regarding this norm, particularly concerning the portion of the inheritance that does not take the form of customary property, such as ancestral lands.

A notable trend is the emergence of a demand among daughters to be granted the right to inherit alongside their brothers, albeit in a limited capacity, within their parents' estate. This aspiration is not merely initiated by the testator (the parents). This observation indicates that, despite the assertion by Karo Muslims that they employ customary law in the adjudication of inheritance disputes, in practice, they no longer adhere to the principles of customary law in their entirety.

It is noteworthy to refer to the observations made by Tjok Istri Putra Astiti in (Wedanti et al., 2023) who examined the rights of Balinese women in customary inheritance law. The author posits that customary inheritance law is not static but rather dynamic, implying that it evolves and adapts to the changing needs and circumstances of the community.

He posits that if customary law is conceptualized as folk law, which is understood to evolve and develop within the context of society, then it cannot be regarded as static. Instead, it is considered to be dynamic. (Haryanto, 2024) The dynamic nature of customary law is described in various ways. Koesnoe uses the term "flexible," while Kusumadi Pujusewoyo (1961) employs the expression "thickening and thinning." Nasroen (1957) uses the term "broken, grown, lost, and replaced," and according to Balinese terms, it "adjusts to the village, kala, patra (changing according to place, time, and circumstances)."

The present study corroborates the notion that Karo customary inheritance law is transforming, a phenomenon that has been documented in prior research. The author of the study posits that this development indicates a convergence between Karo customary inheritance law and Islamic law. The analysis posits that Karo customary inheritance law exhibits no discernible progression within the context of interfaith inheritance. (Brutus et al., 2023) The prevailing customary law does not currently acknowledge religious differences as a hindrance to inheritance. Within the cultural context of the Karo people, the concept of blood or descent serves as a unifying bond that

transcends religious distinctions. The concept of inheritance property, which is generally understood as immovable property in the form of rice fields, fields, or land for houses, belongs to the grandfather together and is passed down from generation to generation. Consequently, irrespective of religious affiliation, all children are entitled to equal rights regarding this property.

CONCLUSION

Despite the numerous changes that have occurred in recent decades, the Karo people continue to adhere to customary law in the context of inheritance. A salient development in this regard is the mounting emphasis on the inheritance rights of daughters. Parents have begun to utilize legal instruments, such as wills and grants, to transfer movable assets, including gold and currency, to their daughters. Another strategy employed was to facilitate girls' access to higher education and better job opportunities, thereby fostering independence and reducing their reliance on their brothers. This phenomenon is referred to as "individualization," which refers to the increased access to education and the economy that girls gain. In the context of immovable property, such as agricultural land, individualization is facilitated through capital investment. Concurrently, the legal rights of widows concerning inheritance have undergone minimal alterations. However, there is a discernible tendency for economically independent widows to exercise greater autonomy in the administration of their deceased spouse's inheritance. Karo customary inheritance law, which was originally patrilineal-based, has undergone a transition towards a more bilateral system. This transformation is indicative of the dynamic nature of Karo customary law, which is in a state of continuous evolution. The evolution of this customary law suggests the potential for a more uniform national inheritance law, as well as a transition from patrilineal and matrilineal systems towards a bilateral approach.

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