

LEGAL CONSEQUENCES OF INHERITANCE DISTRIBUTION UNDER BATAK KARO CUSTOMARY LAW BY MUSLIM MEMBERS OF THE BATAK KARO TRIBE

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Article history: received 01 January 2026; revised 15 February 2026; accepted 14 March 2026

DOI: <https://doi.org/10.33751/jhss.v10i1.71>

Abstract. This study aims to analyze the inheritance distribution system under Batak Karo customary law in modern society and to examine its legal position and validity for Muslim Batak Karo communities from the perspectives of Islamic law and national law. The issue arises because the patrilineal system of Batak Karo customary law, which prioritizes sons, potentially differs from the principles of justice and proportional distribution in Islamic inheritance law. This situation raises questions regarding the harmonization between custom and sharia, as well as its juridical implications in the event of a dispute. The research employs a normative legal method using statutory and conceptual approaches. Primary legal materials include Law Number 3 of 2006 and the Compilation of Islamic Law, supported by literature and academic journals as secondary legal sources. The analysis is conducted qualitatively through systematic interpretation. The findings indicate that Batak Karo customary inheritance distribution continues to exist through family deliberation mechanisms; however, within Muslim families, adjustments have been made to align with the principles of faraidh. Socially, customary distribution is considered valid when agreed upon by all heirs, but juridically, it is subject to Islamic law if a dispute is brought before the Religious Court.

Keywords: Adat, Batak, Faraidh.

I. INTRODUCTION

Inheritance law constitutes an essential part of family law that regulates the transfer of rights and obligations of a deceased person to his or her heirs. In Indonesia, the system of inheritance law is pluralistic, as it is influenced by three legal systems that live and develop within society, namely customary law, Islamic law, and Western civil law (*Burgerlijk Wetboek*). Such legal pluralism is a consequence of Indonesia's social, cultural, and religious diversity, which is recognized within the national legal system. In practice, certain indigenous communities continue to uphold customary inheritance systems as part of their identity and social structure, including the Batak Karo community.[1]

The Batak Karo community, as part of the broader Batak ethnic group in North Sumatra, adheres to a strong patrilineal kinship system. This system places the male lineage at the center of inheritance, so that in practice the distribution of inheritance prioritizes sons as successors of the clan (*marga*). This pattern of distribution is closely related to the social structure known as *Daliken Si Telu*, which forms the foundation of Batak Karo customary life. In modern society, the customary inheritance system of the Batak Karo remains in use, although social changes have occurred due to

educational development, urbanization, and the influence of national law and religious teachings, particularly Islam.

The issue becomes increasingly complex when Batak Karo families who embrace Islam continue to practice inheritance distribution according to customary law. Islamic law, through the doctrine of faraidh, regulates in detail the respective shares of heirs based on the principle of proportional justice as stipulated in the Qur'an and elaborated in the Compilation of Islamic Law (*Kompilasi Hukum Islam*). In this context, a potential normative tension arises between the patrilineal customary system, which tends to be discriminatory toward female heirs, and the principles of equality and justice in Islamic law. This inconsistency raises questions regarding the legitimacy, fairness, and legal validity of customary inheritance distribution among Muslim Batak Karo communities.

Normatively, inheritance matters for Muslims in Indonesia fall under the jurisdiction of the Religious Courts as regulated in Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 on Religious Courts. Furthermore, the substantive provisions governing Islamic inheritance are regulated in the Compilation of Islamic Law, which serves as a guideline for judges in resolving inheritance disputes within the Religious Courts. On the other hand, the recognition of

customary law as part of the national legal system is affirmed in the 1945 Constitution of the Republic of Indonesia, particularly Article 18B paragraph (2), which states that the state recognizes and respects traditional customary law communities and their traditional rights as long as they remain alive and in accordance with societal development and the principles of the Unitary State of the Republic of Indonesia. Thus, there exists a dual legal legitimacy between customary law and Islamic law in the context of inheritance among Muslim Batak Karo communities.[2]

Previous studies indicate that within Batak society in general, customary inheritance systems tend to maintain a patrilineal pattern, although there has been a gradual shift toward more egalitarian distribution due to the influence of education and religion. Several studies on Batak Toba and Batak Karo customary inheritance emphasize the existence of normative compromises between customary law and Islamic law through family deliberation mechanisms. Other research on the implementation of Islamic inheritance law within customary communities shows that inheritance is often initially distributed according to custom and later adjusted to Islamic principles if objections arise from heirs. However, there remains a lack of comprehensive studies specifically analyzing the legal consequences of customary inheritance distribution among Muslim Batak Karo families from the perspectives of Islamic law and Indonesian national law.[3]

Based on the background described above, the research problems in this study are formulated as follows:

First, how are the system and procedures of inheritance distribution under Batak Karo customary law still applied in modern society, and how are they implemented within Muslim Batak Karo families, particularly in relation to the application of the principles of justice and equality of heirs' rights under Islamic teachings?

Second, what is the legal position and validity of inheritance distribution under Batak Karo customary law for Muslim Batak Karo communities when viewed from the perspectives of Islamic law and Indonesian national law, including under Law Number 3 of 2006 on Religious Courts and the Compilation of Islamic Law as the substantive law governing Islamic inheritance in Indonesia?

II. RESEARCH METHODS

This study employs a normative legal research method (juridical-normative research), which focuses on examining legal norms as stipulated in statutory regulations, court decisions, and legal doctrines. Normative legal research aims to identify legal principles, doctrines, and constructions relevant to the issues under study, particularly concerning the legal consequences of inheritance distribution under Batak Karo customary law for Muslim Batak Karo communities within the perspectives of Islamic law and Indonesian national law.

This research applies several approaches. First, the statutory approach is used to analyze laws and regulations related to inheritance, including Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 on Religious Courts, the Compilation of Islamic Law, and

constitutional provisions recognizing customary law communities. Second, the conceptual approach is employed to examine legal concepts such as legal pluralism, customary inheritance systems, the principle of justice in Islamic law, and legal certainty within the national legal framework. Third, a limited comparative approach is utilized to compare the principles of Batak Karo customary inheritance with Islamic inheritance law in order to identify points of convergence and potential normative conflict.[2]

The legal materials used in this study consist of primary, secondary, and tertiary legal sources. Primary legal materials include statutory regulations, relevant Religious Court decisions concerning inheritance disputes, and normative provisions of Islamic inheritance law derived from the Qur'an and Hadith as codified in the Compilation of Islamic Law. Secondary legal materials comprise textbooks, academic journals, prior research findings, and scholarly opinions discussing Batak Karo customary inheritance law, Islamic inheritance law, and legal pluralism in Indonesia. Tertiary legal materials include legal dictionaries, encyclopedias, and other supporting references that assist in clarifying legal terminology and concepts.

Legal materials are collected through library research by examining and analyzing relevant legislation, court decisions, and academic literature related to the research object. The collected materials are then systematically classified according to their relevance to the research problems, namely the system and procedures of Batak Karo customary inheritance, its implementation among Muslim families, and its legal standing and validity within Islamic law and national law.

The analysis of legal materials is conducted qualitatively through methods of legal interpretation, including grammatical, systematic, and teleological interpretation. This analysis aims to formulate an appropriate legal construction in addressing the research issues, particularly regarding the legal validity and implications of customary inheritance distribution among Muslim Batak Karo communities. The findings are subsequently presented in a descriptive-analytical manner to provide a comprehensive understanding of the interaction between customary law, Islamic law, and national law within Indonesia's pluralistic legal system.

III. RESULTS AND DISCUSSION

The System and Procedure of Inheritance Distribution under Batak Karo Customary Law in Modern Society and Its Implementation in Muslim Families in Relation to Islamic Principles of Justice and Equality.

Customary inheritance law constitutes an integral part of Indonesia's living legal system, developing within the social fabric of its diverse communities. In the context of the Batak Karo society, inheritance law functions not merely as a mechanism for distributing the estate of the deceased, but also as an instrument for preserving social structure, maintaining clan continuity (*marga*), and sustaining kinship stability. Consequently, the inheritance system of the Batak Karo cannot be understood solely as a material division of wealth; rather, it must be situated within the framework of customary

values, social structures, and philosophical foundations that underpin community life.[4]

The Batak Karo kinship system adheres to a patrilineal principle, whereby lineage is traced through the male line. This principle directly influences the inheritance system, as sons particularly those regarded as successors of the clan occupy a central position within the family structure. Within this framework, the continuity of the clan is perceived as the primary responsibility of male descendants. As a result, sons traditionally receive a more dominant share of inheritance compared to daughters. Daughters who marry are considered to have entered their husband's family structure and, according to custom, no longer hold a full position within their father's lineage.

The social structure of the Batak Karo community is known through the concept of Daliken Si Telu, which consists of kalimbubu, anak beru, and senina. This structure regulates not only ceremonial and ritual relationships but also influences the deliberative mechanisms involved in inheritance distribution. In practice, inheritance division is conducted through family deliberation involving these kinship elements. The roles of customary leaders and extended family members are essential in maintaining balance and preventing disputes. Thus, the inheritance process is collective and consensus-based rather than grounded solely on individual claims of heirs.[5]

Inherited property within Batak Karo society typically includes land, traditional houses, agricultural fields, and objects of both economic and symbolic value. Land holds a particularly significant position, as it represents not only economic assets but also the existential symbol of the clan's continuity. For this reason, customary land is generally transferred to sons to ensure that it remains within the patrilineal lineage. The traditional house likewise carries symbolic meaning as the center of family identity, and its transfer of ownership follows the logic of maintaining male lineage continuity.

Modern societal developments have influenced the traditional practices of Batak Karo inheritance. Formal education, social mobility, urbanization, and interaction with the national legal system have gradually reshaped familial values. Daughters with higher educational attainment and economic contributions increasingly seek more equitable recognition in inheritance distribution. Under such circumstances, family deliberation becomes a negotiation arena between traditional values and contemporary notions of justice.

These social transformations have resulted in variations in inheritance practices. Some families continue to adhere strictly to the traditional pattern, prioritizing sons. Others adopt a compromise model by granting daughters a certain share, either in the form of inter vivos gifts during the parents' lifetime or through proportional distribution after the death of the testator. This pattern reflects the inherent flexibility of Batak Karo customary law, enabling adaptation to societal change without entirely abandoning its patrilineal foundation.[6]

The implementation of customary inheritance within Muslim Batak Karo families introduces additional complexity. Islam provides a structured and detailed inheritance system

through the doctrine of faraidh. Islamic inheritance law determines specific portions for each heir based on blood and marital relations, emphasizing proportional justice. Sons receive a share equal to twice that of daughters, yet both are recognized as legitimate heirs with legally protected rights.

When Muslim Batak Karo families apply customary inheritance distribution, normative differences may arise in relation to Islamic law. Customary law tends to position daughters in a relatively weaker status, sometimes excluding them from certain categories of ancestral property. Conversely, Islamic law grants daughters explicit and irrevocable inheritance rights. This divergence represents a meeting point between customary norms and religious principles within social practice.

Empirically, Muslim Batak Karo families often pursue a compromise approach. Customary deliberation remains the primary mechanism, but the resulting distribution is generally adjusted to avoid fundamental contradiction with Islamic teachings. For example, daughters are granted a portion as a form of religious compliance, even if the exact distribution does not strictly follow the faraidh formula. Such practice illustrates an effort to harmonize cultural identity with religious conviction.[7]

The principle of justice in Islamic law is not synonymous with mathematical equality; rather, it is grounded in proportionality based on social responsibility. Sons receive a larger share because they bear financial obligations toward the family. In the context of modern Batak Karo society, customary practices that entirely disregard daughters' rights may be perceived as inconsistent with Islamic justice. Consequently, many Muslim Karo families increasingly incorporate substantive fairness into inheritance deliberations.

The presence of the Compilation of Islamic Law as a formal guideline for inheritance among Indonesian Muslims strengthens the normative position of Islamic inheritance law in dispute resolution. Nevertheless, amicable settlement through family consensus remains the preferred option before pursuing litigation. Customary law thus retains practical relevance so long as it does not provoke objections or legal disputes among heirs.

In modern society, legal awareness has grown significantly. Heirs who perceive injustice in customary distribution may submit claims before the Religious Court. This possibility encourages families to exercise greater caution in dividing inheritance to avoid formal legal conflict. Customary deliberation thereby functions as a preventive mechanism aimed at maintaining harmony and minimizing litigation.[8]

Social reality demonstrates that Batak Karo customary inheritance law is undergoing gradual adaptation. The patrilineal value remains an essential cultural identity, yet its implementation is no longer as rigid as in the past. Daughters in Muslim Karo families increasingly receive reasonable shares, especially when they have actively supported their parents during their lifetime. This development reflects the internalization of Islamic justice principles within customary practice.

From a broader analytical perspective, the general structure of Batak Karo inheritance law rests upon patrilineal continuity and collective deliberation. At an intermediate level, modernization and Islamic teachings have reshaped its

practical application. At a more specific level, within Muslim Batak Karo families, inheritance distribution tends to evolve toward harmonization between custom and Islamic justice principles through inclusive deliberative mechanisms.[9]

Overall, the inheritance system under Batak Karo customary law continues to exist within modern society, albeit in a dynamic and adaptive form. Its implementation within Muslim families reveals an ongoing normative negotiation between cultural tradition and religious doctrine. The principles of justice and equality of heirs' rights according to Islam gradually influence customary practice, generating a more integrative model of distribution without entirely eliminating the patrilineal identity of Batak Karo society.

In conclusion, the Batak Karo customary inheritance system retains its foundational structure while demonstrating adaptive tendencies within Muslim families. Family deliberation serves as the primary instrument for balancing tradition and religious teachings, functioning as a mechanism that embodies familial values, social harmony, and contextualized justice in contemporary society.

The Legal Status and Validity of Inheritance Distribution under Batak Karo Customary Law for Muslim Communities in the Perspective of Islamic Law and Indonesian National Law.

Legal pluralism in Indonesia constitutes a juridical reality inseparable from the country's social and cultural diversity. The coexistence of customary law, Islamic law, and national law within a single legal system creates dynamic normative interactions, particularly in the fields of family and inheritance law. In the context of Muslim Batak Karo communities, customary inheritance distribution stands at the intersection between the recognition of traditional rights of customary law communities and the obligation to observe Islamic teachings, which contain specific inheritance provisions. Therefore, analysis of the position and validity of customary inheritance distribution must be situated within a framework of harmonization among customary norms, religious norms, and national positive law.[10]

Constitutional recognition of customary law communities is explicitly affirmed in the 1945 Constitution of the Republic of Indonesia, particularly Article 18B paragraph (2), which states that the state recognizes and respects customary law communities along with their traditional rights, as long as they remain alive and are in accordance with societal development and the principles of the Unitary State of the Republic of Indonesia. This provision grants legitimacy to the existence of customary law, including the Batak Karo customary inheritance system, as part of the living law. However, such recognition is conditional and must align with national legal principles and human rights standards.

The position of Islamic law within the national legal system is strengthened through the regulation of the jurisdiction of the Religious Courts. Law Number 3 of 2006, amending Law Number 7 of 1989, stipulates that Religious Courts have the authority to examine, adjudicate, and resolve inheritance disputes among Muslims. This provision demonstrates that in cases of inheritance disputes involving Muslim parties, the applicable law is Islamic law as formulated in prevailing legislation.[11]

Substantive provisions governing Islamic inheritance in Indonesia are codified in the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI). The KHI provides detailed regulations concerning heirs, their respective shares, and the procedures for inheritance distribution based on the principles of *faraidh*. From the perspective of Islamic law, the rights of heirs are normative and cannot be disregarded without valid consent from the concerned parties. Accordingly, any inheritance distribution deviating from *faraidh* provisions may raise questions of validity if not conducted based on free and voluntary agreement.[12]

Within Muslim Batak Karo communities, customary inheritance distribution maintains sociological significance as a cultural practice transmitted across generations. Sociologically, such distribution is considered valid when conducted through family deliberation and agreed upon by all heirs. Nevertheless, from the perspective of Islamic law, the validity of customary distribution depends on its conformity with *sharia* principles. If customary practices substantially eliminate the rights of heirs explicitly determined in the Qur'an, such distribution may be regarded as invalid under Islamic law.

The principle of freedom of contract in Indonesian civil law allows parties to enter agreements provided they do not violate the law, morality, or public order. In inheritance practice, distribution based on family deliberation may be considered a form of agreement among heirs. If all legally competent heirs approve the customary distribution without coercion, such agreement possesses binding civil force. Therefore, customary inheritance distribution may obtain juridical legitimacy as long as it does not contravene mandatory legal norms.

Assessment of the validity of customary inheritance distribution for Muslim Karo communities must also consider the principle of Islamic personality (*asas personalitas keislaman*) within the Religious Court system. This principle means that Islamic law applies to every Muslim in certain legal matters, including inheritance. Consequently, if a dispute arises and the case is brought before the Religious Court, judges are obliged to apply Islamic inheritance law as stipulated in the KHI. In such circumstances, customary distributions conflicting with *faraidh* provisions may be annulled or adjusted by judicial decision.[13]

The validity of customary inheritance must also be evaluated from the standpoint of substantive justice. Islamic law emphasizes proportional justice, whereas traditional Batak Karo customary law prioritizes sons as successors of the clan. If customary distribution results in significant inequality detrimental to female heirs, such practice normatively contradicts the principle of justice in Islam. However, if customary distribution provides compensation or certain shares to female heirs through *inter vivos* gifts or family agreement, such arrangements may be regarded as a form of social *ijtihad* that does not entirely conflict with Islamic justice values.

Empirical practice indicates that many Muslim Batak Karo families prefer amicable settlement without involving judicial institutions. Customary deliberation resulting in collective agreement is often deemed sufficient to bind the parties. In the absence of disputes, the state does not automatically intervene

in such inheritance distribution. Thus, the effectiveness of customary distribution is more factual and sociological rather than formally juridical.[14]

Nevertheless, the potential for dispute remains a decisive factor in determining the legal strength of customary distribution. If one heir raises objection and submits the case to the Religious Court, the judge will assess the conformity of the distribution with Islamic law. In judicial practice, amicable agreements reached by the parties may be ratified as a deed of settlement provided they do not contradict Islamic law. Therefore, the legitimacy of customary distribution largely depends on the free consent of all heirs.

The legal position of customary inheritance distribution for Muslim Karo communities within national law may be understood as a recognized social practice so long as it does not violate positive law. Recognition of customary law is not absolute but must conform to constitutional principles and statutory regulations. In matters of Islamic inheritance, Islamic law holds a special position as substantive law applied by the Religious Courts. Consequently, customary law cannot override the imperative rights of heirs determined under Islamic law in the event of dispute.

The development of legal awareness among society also influences the position of customary inheritance distribution. Communities increasingly aware of their rights tend to demand distribution consistent with Islamic provisions. This condition encourages adaptation within customary practice, whereby inheritance is distributed in consideration of faraidh principles or at least in a manner that avoids striking inequality. Such adaptation demonstrates the dynamic nature of customary law and its capacity to adjust to religious norms and national legal standards.[15]

Through an inverted triangle analytical approach, legal pluralism serves as the general framework of analysis. At the intermediate level, the interaction between customary law and Islamic law is understood as a normative negotiation process within Muslim Batak Karo society. At the specific level, the validity of customary inheritance distribution depends on two principal elements: conformity with Islamic legal principles and the existence of free consent from all heirs. When both elements are fulfilled, customary distribution may be regarded as possessing limited social and juridical legitimacy.

Overall analysis indicates that customary inheritance distribution among Muslim Batak Karo communities is neither automatically null and void nor absolutely binding when conflicting with Islamic law. Its validity depends on context, agreement among parties, and the possibility of dispute. If a dispute arises and the matter is brought before the Religious Court pursuant to Law Number 3 of 2006, Islamic inheritance law as codified in the Compilation of Islamic Law becomes the primary legal reference.

Accordingly, customary inheritance distribution among Muslim Karo communities occupies a subordinate position to Islamic law when subjected to judicial review. However, in undisputed social practice, such distribution remains binding as a family agreement. This condition reflects the face of Indonesian legal pluralism, which allows coexistence between custom and religion while ultimately positioning national law as the final controlling framework to ensure legal certainty and justice.

IV. CONCLUSIONS

Based on the overall discussion, it can be concluded that the inheritance distribution system under Batak Karo customary law continues to uphold the patrilineal principle, with family deliberation serving as the primary mechanism. However, in modern society particularly within Muslim Batak Karo families there has been an adaptation toward the principles of justice and equality embodied in Islamic law. Customary inheritance distribution retains social legitimacy as long as it is agreed upon by all heirs. Nevertheless, from a formal juridical perspective, its validity is subject to the provisions of Islamic law as regulated in Law Number 3 of 2006 and the Compilation of Islamic Law. Therefore, in the event of a dispute, its resolution must refer to Islamic inheritance law as applied within the jurisdiction of the Religious Courts.

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