

Family Harmony: Distribution of Inheritance to the Youngest Child in Gunung Meriah Aceh

Khairuddin^{1*}

¹STAI Syekh Abdur Rauf Singkil, Indonesia

*Corresponding Author: khairuddinazka15@gmail.com

Article Info	Abstract
Received: 01-03-2024 Revised: 01-04-2024 Accepted: 25-06-2024 Keywords: Inheritance; Youngest child; division of inheritance.	This paper aims to reveal the distribution of the inheritance of the youngest child in Gunung Meriah sub-district, Aceh Singki Regency. This study departs from a phenomenon where the youngest child gets more shares than other siblings, this is certainly different in the fiqh mawaris which explains if there are sons and daughters then sons get a share of 2: 1. This research belongs to the type of field research because the data is generated from informant answers. The data sources were obtained from religious leaders, community leaders, village heads, parents who distributed inheritance and children who received inheritance who had a broad understanding of the inheritance of the youngest child. Data collection was carried out by observation, interview and documentation methods. The results of this study showed that the youngest child in Gunung Meriah District received more shares of inheritance compared to other relatives, both the youngest child was a boy and a girl. The factor of giving more to the youngest child is because the youngest child is more economically less stable than his brother and brother, besides that the youngest child is the most tired and busy taking care of his parents, the youngest child after marriage usually stays at his parents' house. When viewed from Islamic law, the granting of inheritance to the youngest child is permissible because the distribution is based on deliberation and justice.
Info Artikel	Abstrak
Kata Kunci: Harta warisan; Anak bungsu; pembagian harta waris	Tulisan ini bertujuan untuk mengungkap pembagian harta warisan anak bungsu di kecamatan Gunung Meriah Kabupaten Aceh Singki. Kajian ini berangkat dari sebuah fenomena dimana, anak bungsu mendapat bagian lebih banyak dibanding dengan saudara lainnya, hal ini tentu berbeda dalam fiqh mawaris yang menjelaskan jika ada anak laki dan anak perempuan maka anak laki-laki mendapat bagian 2:1. Penelitian ini termasuk dalam jenis penelitian lapangan karena datanya dihasilkan dari jawaban informan. Sumberdatatersebut didapat dari tokoh agama, tokoh masyarakat, kepala desa, orang tua yang membagikan harta warisan dan anak yang menerima warisan yang memilikipemahaman luas terkait pembagain hartawarisan anak

bungsu. Pengumpulan data dilakukan dengan metode observasi, wawancara dan dokumentasi. Hasil penelitian ini menunjukkan bahwa, anak bungsu di Kecamatan Gunung Meriah mendapat bagian harta warisan lebih banyak dibandingkan dengan saudara lainnya, baik anak bungsu tersebut berjenis kelamin laki-laki maupun perempuan. Adapun faktor pemberian lebih kepada anak bungsu disebabkan karena anak bungsu lebih banyak ekonominya kurang mapan dibandingkan dengan abang dan kakaknya, selain itu juga anak bungsu paling capek dan sibuk mengurus orang tuanya, anak bungsu setelah menikah biasanya menetap di rumah orang tuanya. Jika dilihat dari hukum Islam, pemberian harta warisan kepada anak bungsu merupakan hal yang diperbolehkan karena pembagaian tersebut berasaskan musyawarah dan berkeadilan.



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INTRODUCTION

The implementation of inheritance distribution in Islam aims to create peace of life for those who carry it out, (Karmila & Siregar, 2021) This is seen as part of Sharia science. (Khairuddin, 2020) Islamic inheritance law basically applies to all Muslims everywhere. (Mundakir & Aat, 2020) To be able to divide inheritance in the right way, a Muslim should need knowledge related to preparation and procedures before making the distribution of inheritance. (Eficandra, 2022) Islamic Sharia has regulated who is entitled to inherit both men and women, (Muhibbussabry, 2020) in line with what is described in the Qur'an surah An-Nisâ' [4] verse 11:

“Allah decrees (obliges) you about (the division of inheritance for) your children, (that is) the share of a son is equal to the share of two daughters. If the children are all girls who add up to more than two, their share is two-thirds of the property left behind. If she (the daughter) is alone, she gets half (the property left behind)...” (An-Nisa'/4:11)

The verse explains the rights of men and women, as well as their relatives in obtaining inheritance, so as not to cause slander in the future between each other. (Khisni, 2017) In addition, so that the property is not controlled by one heir only, but all heirs get their share. (Muhammad, 2019)

There are three basic principles in terms of the provision of inheritance for children, first, if the deceased leaves children among whom there are sons, the share received by sons is more than twice the share received by daughters. Second, if the

deceased had no sons, only girls and more than one person, then the share of all the daughters would be $\frac{2}{3}$ of the parents' property. Third, If the deceased dies leaving one daughter, he gets a share of $\frac{1}{2}$ of the total estate of the deceased (Abdurrahman, 2004). In KHI article 176 explains the implementation of the distribution of inheritance between men and women in a ratio of 2: 1, with the stipulation that if the daughter is only one, she gets $\frac{1}{2}$ share, if two or more of them together get $\frac{2}{3}$ shares, and if the daughter is with the son then the ratio is 2: 1.(Hutami et al., 2020)

However, what happened to the people of Gunung Meriah, Aceh Singkil Regency, who carried out the distribution of inheritance property was not only seen by the male or female gender but seen by the eldest child or youngest child. Usually, the youngest child gets more parts than the firstborn, the youngest child often gets a house left by his parents and gets more shares because the youngest child is more tired of taking care of his parents in old age, both the youngest child are a boy and a girl. The youngest child is also more often unsuccessful than the firstborn who first tried and achieved success, so to avoid the gap, parents often give more wealth to their younger children.

The practice of distributing inheritance specifically to the youngest child has attracted the attention of researchers in recent years. Some previous studies relevant to this topic include: First, research conducted by Hirdayadi and Ansar on that the youngest daughter got a house in Aceh Besar Regency after holding a deliberation between heirs. Second, a study conducted by Hutami, et.al explained the distribution of the inheritance of the youngest child in Kampung Naga, Salawu District, Tasikmalaya Regency where the results of his research showed that boys and girls were divided equally, and the youngest daughter gets more than her brother, this is also categorized by the community as justice in Naga village.(Hutami et al., 2020) Third, research conducted by Nandrini and Febriansah explained that the youngest daughter did not get a share because, in the Batak tribe, the daughter did not get a share of the inheritance. The study has not discussed the implementation of inheritance to the youngest child from the perspective of Islamic law.

The purpose of this paper is to investigate the inheritance of the youngest child in Gunung Meriah District. To explore this phenomenon, it is asked with two questions. First, what is the practice of giving inheritance to the youngest child in Gunung Meriah? Second, what factors do I have that influence the different distribution of inheritance to the youngest child? Third, how does Islamic law affect the practice of giving inheritance to the youngest child in Gunung Meriah? These questions guided the discussion to explain the

legacy of the youngest child for the Muslim community in Gunung Meriah Aceh Singkil District.

RESEARCH METHOD

The research for this article was conducted in Gunung Meriah District, located in Aceh Singkil Regency, Aceh Province. For this article, primary and secondary data are collected. Primary data are collected in the field, through observation, interviews, and reviews of published data. The secondary data is data obtained in the form of documentation from the Gunung Meriah community which is related to this research.

Observations were made by direct observation with the practice of distributing inheritance to the youngest child in Gunung Meriah Aceh Singkil District. Meanwhile, the interview data was generated from in-depth interviews with ten informants: two religious leaders, two community leaders, three parents who distributed inheritance, and three youngest children who received inheritance. These informants were chosen because of their knowledge and involvement in Gunung Meriah District, they were involved in the community. The author conducted interviews with informants starting from December 1, 2023, to February 27, 2024. Furthermore, data analysis was carried out by paying attention to the data analysis model developed by Miles and Huberman.

RESULTS AND DISCUSSION

The Practice of Sharing the Inheritance of the Youngest Child in Gunung Meriah

In general, the problem of inheritance has been widely researched, because the problem of inheritance is an interesting discussion coupled with the plural state of Indonesian society.(Sopiyan & Khosy'ah, 2022) Where various ethnicities, cultures and religions live and have diverse inheritance customs, both researched in the literature and the field.(Wahyudani & Firdaus, 2022) The practice of dividing inheritance is different in almost every region. Some of them only settle the division of inheritance in a family way.(Tria Septi Wulani & Fahmi Fatwa Rosyadi Satria Hamdani, 2022) And some of them choose to settle by mawaris law.

This is also the case in Gunung Meriah sub-district, Aceh Singkil district, where the researchers conducted their research. Researchers conducted interviews with several resource persons Among them are village heads, former village heads, religious and community leaders who have passed the settlement period of inheritance assets.

According to Mr. Zulkarnain, the practice of distributing inheritance in Lae Butar village does indeed vary in the way it is distributed. However, it is more dominantly divided based on family deliberation alone. During my tenure as village head in Lae Butar village, there has never been any involvement of the village head in the matter of dividing the inheritance. I often hear about the practice of distributing inheritance to the youngest child in this village, to my knowledge, the reason why they give more inheritance to the youngest child is because the youngest child lives with their parents, even after they started a family, the youngest child continued to live with his parents while taking care of his parents. Therefore, many people in this village give more of their property to the youngest child than to other heirs (Zulkarnain, 2023).

Mr. Ahmad Hamid explained that the practice of dividing inheritance in Lae Butar village varies, many also divide the inheritance based on Islamic law. But not a few also divide the inheritance only based on family deliberations, especially regarding the inheritance of the youngest child. Indeed, it happens a lot here that the youngest child gets a bigger inheritance than other heirs, not without reason this happens because the youngest child most often takes care of their parents even when they are married. But whatever the reason, it still cannot be justified because it is not in accordance with Islamic law unless all the heirs are happy with it, and if they are not happy, it will cause quarrels between families and can even break the brotherhood.” (Hamid, 2023).

Furthermore, Mr. Salman Manik said that inheritance for the youngest child may also occur in Tanah Bara village. The reason I often hear is that some of his siblings have gone overseas or have settled outside the Aceh Singkil area. Usually, the youngest child stays with his parents, so their parents divide the inheritance for the youngest child to be larger, such as a house, for example. Sometimes this means that the youngest child receives more, even to the point where the other siblings do not receive any inheritance because they have already become successful outside the area” (Manik, 2023).

From these three opinions, there are similarities in opinion, namely, the practice of dividing inheritance is more often done in a family manner, and the practice of dividing inheritance for the youngest is greater because the youngest child most often lives with their parents even after they get married.

Mrs. Raliya said the matter of inheritance should indeed be divided according to Sharia, but sometimes this situation makes us no longer prioritize Sharia. For example, I have 5 children - 2 boys and 3 girls. My youngest daughter is married but still lives with me,

and she is the one who takes care of me. Of course, my heart is big for her, and my plan is that I will give this house to her. Her brothers and sisters have agreed with it, even though my first child did not agree. But finally, now he has agreed because my youngest child does not have a house with her husband. Similarly, Mrs. Sinya said, "I have three children - two girls and one boy. I divided the inheritance more for my last son because he is the only one who lives near my house. He and his wife often see my condition and take care of me when I am sick. My two daughters did not accept that I gave more inheritance to my last son. They argued for months over the inheritance, but eventually they accepted and have now reconciled." (Sinya: 2024).

Furthermore, Mrs. Naimah said that I have not divided my inheritance. But if I do, I will give this house to my youngest daughter. She's the only daughter among my five siblings, and even if she's married, I want her to live with me and take care of me. So, I will give this house to her (Naimah, 2024).

Based on this explanation, that the youngest child gets more shares than his brother and sister, there is some disagreement, but it is not uncommon for his siblings to agree with this opinion. The distribution in several villages in the Gunung Meriah area, such as the villages of Lae Butar, Tanah Bara, and Gunung Lagan, distributes the inheritance after the death of the male parent. Only the mother is present and plays a role in distributing the inheritance to her children.

The youngest child who is an adult and is considered capable of taking care of the parents' inheritance can control all the inheritance because the property cannot be divided or the amount of property is small, for example only leaving an heirloom house, or even a small rice field, because usually the assets of the testator have been divided when they were alive. which we know as a grant (gift), this division is intended so that when the testator dies it does not become a quarrel again among the heirs, but if the youngest child is still small and immature then the inheritance is handed over to the oldest child after being considered an adult, then their share is given.

Mrs. Cut Mutia said, as the youngest of six siblings, I lived with my late mother in this house from childhood until now that I am married and have three children. Regarding the division of inheritance in my family, it was divided based on my family's deliberations. There was a serious commotion because my two brothers did not agree if I got more inheritance than the other brothers. The property left behind was in the form of a house, which had a price range of \$600,000. Two of my brothers and one of my sisters agreed if I

got 300,000.000 out of 600,000.000 In accordance with what my mother had willed to me, this house was given to me. Unfortunately, when my mother made a will, there was no one to witness it and my other two brothers did not agree. They proposed that I receive Rp. 300,000,000 while the remaining 300,000,000 was divided among my five brothers. This caused a commotion that did not end until we voted. Eventually, four of my brothers agreed to give me 300.000,000 for me and the other 300,000,000 were divided among the five of us, but the other two siblings still did not agree. However, because the voting was in favor of me, the inheritance was split 300,000,000 for me and 300,000,000 for my sister and brother, with each of them receiving 60,000,000 (Cut Mutia, 2024).

Furthermore, Mr. Kasnadi said that the division of inheritance in my family was based on deliberation. I, as the smallest of three siblings, received more inheritance than my other two siblings, because I am the only child of my parents whose house is next door to them. Automatically, my wife and I are the ones who take care of my parents, even though we do not live in the same house as them. But we are closer to our parents compared to my two siblings who live in another village. There was a quarrel between my two siblings, my parents, and me about inheritance that was not divided based on shari'at. However, my two siblings finally accepted our parents' decision because, after all, my wife and I have been taking care of our parents since my siblings got married and stopped living with them (Kasnaidi, 2024).

Furthermore, Saimah also said that she was the youngest of 10 siblings, 9 girls, and 1 boy. I am the smallest child who got a house from my mother, while my siblings did not get anything, except for my teenage brother who got a patch of oil palm plantation. No one protested when my mom gave me the house because she told my siblings about it (Saimah, 2024).

From some of these community opinions, it can be concluded that the practice of distributing inheritance to the youngest child more often uses a family method for settlement. The youngest child gets more than his or her siblings, whether the youngest child is male or female. However, the granting of inheritance to the youngest child is not attended by the village who witnesses the granting of inheritance, so there will be concerns about quarrels in the future after the parents are gone.

Factors affecting the Inheritance Rights of the Youngest Child

1. Family Economic Conditions

Families with well-established economic conditions tend to be more open to sharing inheritance with the youngest child. Families with economic limitations tend to maintain the tradition of inheritance for sons. Usually, the youngest child is more likely to have a low economic status compared to their siblings, so the inheritance is given to the youngest child (Mukhlis, 2024).

2. Taking care of the elderly

Giving more inheritance than his brother is not without reason, the youngest son gets it because he is the most tired and tired of taking care of his parents, while his siblings already have a house and have their own lives, so that other siblings can come once a week, once a month and some even once a year, so that the gift of a house and other property is worthy of his (Karyanto, 2024).

Islamic Law Review of the Division of Inheritance for the Youngest Child

The practice of dividing inheritance is an act that has existed for a long time, some of which result in peace and not infrequently also fights among themselves. The division of inheritance in Gunung Meriah is not regulated in customary law as to how to distribute it and who has the right, because this has been regulated in Islam. Customary law does not recognize how to divide by mathematical calculations, but is always based on considerations regarding the form of objects and the needs of the heirs involved. Customary inheritance law recognizes the principle of equal rights, which does not mean that each heir will receive the same amount of inheritance, with the same price value, or according to a certain number of shares (Nandrini & Febriansah, 2023).

In the customary inheritance system in Indonesia, there are also terms in the way of division. There are three ways: firstly, the patrilineal system, which is a family system that draws the lineage of male ancestors. In this system, the position and influence of the male party in inheritance law are very prominent, for example in the Batak community. The only heirs are sons because daughters who have married then become members of their husband's family and cannot inherit from their parents who have died. (Rahman et al., 2022)

Second, is the matrilineal system, which is a family system that draws the lineage of the female ancestors. In this family system, the man does not inherit his children. Children become heirs of the female or maternal line because their children are part of the mother's family, while the father is still a member of his own family, an example of this system is

found in Minangkabau society. However, for the Minangkabau people who have migrated outside their original land, these conditions have changed a lot.(Adawiyah, 2019)

Third, the parental or bilateral system is a system that draws lineage from two sides. Both paternal and maternal side. In this system, the position of sons and daughters in inheritance law is equal and equal. That is, both sons and daughters are heirs of the estate left by their parents.(Hutami et al., 2020)

In a society where the majority embrace Islam appropriately and should carry out religious teachings in accordance with the recommendations of the Quran and Al-hadith, as well as in this issue of inheritance. Ideally, the Gunung Meriah community, whose citizens are Muslims, runs an inheritance system with an Islamic inheritance system but still exists in practice using the inheritance system not using Islamic inheritance law but the law originating from the community itself, namely the law that applies from the ancestors.

The construction of inheritance law, which is built in Islamic law, is a legal construction that is balanced in nature. This means that sons have rights with girls. This refers to the provisions of the Qur'an surah al-Baqarah verse 180 as follows:

كُتِبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدُكُمُ الْمَوْتُ إِن تَرَكَ خَيْرًا الْوَصِيَّةُ لِلْأُولَادِ وَالْأَقْرَبِينَ بِالْمَعْرُوفِ حَقًّا
عَلَى الْمُتَّقِينَ ١٨٠

It means: "It is incumbent upon you, when any one of you is visited by death while he leaves good (many possessions), testify to both parents and close relatives in a proper way (as) an obligation for those who are pious" (Al-Baqarah/2:180)

Based on the provisions of the verse, in some books of tafsir, such as tafsir al-Sabuni,(As-Shabuni, 2011) Sayyid Quthb,(Quthb, 2003) dan Quraish Shihab,(Shihab, 2007) mentions that the word "*ma'ruf*" denotes the principle of fair and benevolent distribution of inheritance to mothers and relatives, including to offspring. Although there is a hadith that states "*la wasiyah li waris*" which means there is no will to the heirs (father and mother), the principle of justice remains basic in the Islamic concept of inheritance law.

This is the same as stated by Zainuddin Ali, that one of the five principles of Islamic inheritance is the principle of balanced justice, namely the balance between rights obtained with needs and usefulness in carrying out obligations. This principle of balanced justice is essentially related to the issue of rights and obligations, between the rights obtained by a person and the obligations that must be fulfilled. In addition, there are also other principles such as the principle of *ijbari* (applies by itself in the event of death), the

bilateral principle (each heir from the male and female parties gets a share of the inheritance), the individual principle (inheritance is divided and owned individually), and the principle of death effect (inheritance can only be divided when death occurs). (Hirdayadi & Ansar, 2018)

Likewise, in the case of the number of parts stipulated in the Qur'an, it is the realization of the principle of a balanced state. (Karmila & Siregar, 2021) The problem with the distribution of inheritance in the Gunung Meriah community who are Muslims generally distributes inheritance outside the method specified in the Quran and Al-Hadith, this method is carried out from generation to generation which in general, in practice has different results from what should have been stipulated in the nash. This discrepancy does not mean that it is not permissible in Islam if indeed this method can bring more benefit to humans in general, considering that this issue of inheritance is a matter of individual rights for each heir, so when heirs do not get a share as prescribed in the science of fara'id, but because their existence can actually bring benefit and order to the heirs then this is in line with the objectives of sharia (maqasid syariah) namely prioritizing benefit and keeping away from damage and preventing people from difficulties and bringing ease. Islam does not burden its adherents, because in fact those who make it difficult in religion cannot practice religion perfectly nor is it an excuse to "make it easier" by trivializing religious matters but rather to find the best solution by not making misery and harm.

In all matters of world affairs, humans are actually encouraged to always deliberate so that later they can produce a determination that feels fair from each individual concerned, as well as in terms of inheritance. (Fitriyani, 2022)

Basically, Allah wants the actualization of human benefit in all the rules of His law, because this is the purpose of Islamic law known as maqasid ash-shari'ah. What is considered good by a Muslim then Allah acknowledges or approves all that is beneficial and rejects all that comes with trouble. The term maslahat, as opposed to the term mafsadat, is all that leads to goodness to them (Muslims). Therefore, the term maslahat is synonymous with the term al-khair. In relation to things that are good for man, this society is i'tibari, that is, it must be recognized that it (the implementation of law) can be different or different according to the identity, tradition, custom, or muru'ah of each community of people.

Based on the reasons accompanied by postulates, the inheritance system of the youngest son in Lae Butar Village can be done because it does not contradict Islamic law,

all heirs have no question, and they agree to the distribution of inheritance in that way also this method has become urf" or acceptable custom in society.

CONCLUSION

The legacy of the youngest child for the people of Gunung Meriah gets more share after the deliberation process between the families, when there is a dispute between the heirs, then they hold a vote that wins, and their opinions are used. Paktor gives inheritance to the youngest child more because the economy of the youngest child is usually lower compared to his siblings. In addition to the factor of taking care of parents, the youngest child usually cannot move home from his parents, as if the youngest child is obliged to take care of his parents until death. Because his parents have more love for the youngest child, so he gives his house to the younger child. Review of Islamic Law on the distribution of inheritance for the youngest child in Lae Butar village, Gunung Meriah District, Aceh Regency Sngkil from the provisions of fiqh mawarits, Islamic law is invalid. however, the youngest son gets the primacy of the number of shares among other heirs, however, the heirs still accept and do not dispute in this way and Islamic law allows the division of inheritance in this way because the heirs have agreed and accepted the provision.

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