



MIZAN: JOURNAL OF ISLAMIC LAW

P-ISSN: 2598-974X. E-ISSN: 2598-6252

Vol. 14 No. 1 (2026), pp. 77-104

<https://ejournal.uika-bogor.ac.id/index.php/MIZAN/index>

The Integration of Local Wisdom and Islamic Law: A Socio-Legal Study of the Minangkabau Tradition between Customary Values and Modern Reform from the Perspective of Maqāṣid al-Sharī'ah¹

Isra Mardi

Universitas Ibn Khaldun Bogor, Indonesia

Corresponding email: isra.mardi@uika-bogor.ac.id



10.32832/mizan.V14i1.22997

Abstract:

This study examines the integration of Minangkabau local wisdom and Islamic law from the perspective of maqāṣid al-sharī'ah, using a socio-legal approach to explain how customary law (adat) and the Sharī'ah interact in shaping a living Islamic legal system. The study is motivated by the growing need for a model of Islamic legal reform that can respond to contemporary social change without undermining the authority of the naṣṣ or disregarding the dynamics of local culture. Employing a normative qualitative design within a socio-legal and legal pluralism framework, the study draws upon documentary sources, including classical and contemporary works on uṣūl al-fiqh, maqāṣid al-sharī'ah, the doctrine of 'urf (custom), Minangkabau customary documents, and scholarly literature on legal pluralism, communal asset governance, and Islamic legal reform. The data were analyzed through normative interpretation, conceptual analysis, and thematic synthesis to examine the interaction between naṣṣ, 'urf, maqāṣid al-sharī'ah, and social institutions in Minangkabau society. The findings demonstrate that the philosophy of adat basandi syarak, syarak basandi Kitabullah represents an institutional mechanism that harmonizes customary values and Islamic legal principles through deliberative decision-making, dispute resolution, the management of harta pusaka tinggi (ancestral communal property), and communal asset governance oriented toward public welfare (maṣlaḥah). The study further argues that harta pusaka tinggi is more appropriately understood as milk al-jamā'ah (communal ownership), and therefore should not be equated directly with the individual inheritance regime governed by farā'id. From the perspective of maqāṣid al-sharī'ah, modernization does not diminish the role of customary institutions but rather encourages institutional transformation, enabling Islamic law to adapt to contemporary social realities while preserving its normative foundations. The principal contribution of this study is the formulation of the Contextual Integration Model of 'Urf-Maqāṣid-

¹ Manuscript received date: June 1, 2026, revised: June 20, 2026, approved for publication: June 30, 2026.

Legal Pluralism as an analytical framework for Islamic legal reform that integrates the authority of *naṣṣ*, the objectives of the *Sharī'ah*, social institutions, and cultural dynamics in developing a contextual, humanistic, and sustainable Islamic legal system.

Keywords: Minangkabau Local Wisdom; Islamic Law; *Maqāṣid al-Sharī'ah*; 'Urf; Legal Pluralism; Living Islamic Law.

A. INTRODUCTION

The relationship between Islamic law and local wisdom (*'urf*) constitutes one of the most dynamic and contested themes in contemporary Islamic legal reform discourse (Hallaq, 2009a). This debate stems from a fundamental question concerning the extent to which Islamic law can interact with local systems of values, traditions, and social practices without compromising its normative authority (Kamali, 2003). On the one hand, Islamic law is understood as a normative system derived from divine revelation and grounded in binding legal principles (Hallaq, 2009b). On the other hand, Muslim societies are characterized by diverse cultural traditions, customary norms, and local institutional structures that often predate Islam and continue to evolve throughout the Islamization process (An-Na'im, 2008). Consequently, the relationship between *Sharī'ah* and custom should not be viewed merely as a dichotomy between text and tradition, but rather as a continuous process of normative negotiation that shapes the implementation of Islamic law across different Muslim societies (Rosen, 1989).

Contemporary developments in Islamic legal thought demonstrate a gradual shift from a predominantly legalistic approach emphasizing the literal application of legal texts toward a purposive approach centered on the objectives of the *Sharī'ah* (*maqāṣid al-sharī'ah*) (Auda, 2008). This transformation reflects the growing complexity of contemporary social issues arising from globalization, urbanization, economic restructuring, digitalization, and changing family and institutional structures (Ramadan, 2009). Within this perspective, Islamic law is no longer perceived merely as a collection of fixed legal rules but as an ethical and normative system intended to realize justice (*al-'adl*), public welfare (*al-maṣlaḥah*), the protection of fundamental human interests, and the sustainability of social life (Kamali, 2008). This perspective is further strengthened by Jasser Auda's systems approach, which conceptualizes *maqāṣid* as an epistemological framework for reinterpreting the relationship between legal texts, social realities, and the objectives of Islamic law, thereby ensuring that legal reform incorporates social, cultural, and humanitarian dimensions alongside normative considerations (Auda, 2008, pp. 45–60).

Despite this development, the expansion of *maqāṣid al-sharī'ah* as a methodology of legal reasoning (*istinbāt*) remains one of the most debated issues in contemporary *uṣūl al-fiqh* scholarship (al-Raysuni, 2005). Some contemporary scholars regard *maqāṣid* as an independent methodological framework capable of facilitating contextual reinterpretation of Islamic law in response to social change. Others, however, argue that *maqāṣid* cannot override definitive textual rulings (*naṣṣ qat'ī*), but should function only as an interpretive instrument in relation to speculative evidence (*ẓannī*) (Kamali, 2003, pp. 395–400). This

methodological debate becomes particularly significant when Islamic law encounters deeply rooted customary practices that appear, at least superficially, to diverge from the prescriptions of classical *fiqh* (Hallaq, 2001). Accordingly, examining the relationship among *maqāṣid*, *'urf*, and legal pluralism is not merely a practical endeavor aimed at developing a responsive Islamic legal system; it also raises fundamental epistemological questions regarding the limits and possibilities of Sharī'ah adaptation to contemporary social change (An-Na'im, 2008).

Within the classical tradition of *uṣūl al-fiqh*, *'urf* has long been recognized as a legitimate consideration in legal reasoning, provided that it satisfies several jurisprudential requirements. These include consistency and widespread acceptance (*'urf muṭṭarid*), compatibility with explicit Sharī'ah provisions, and conformity with the legal maxim *al-'ādah muḥakkamah*, which recognizes custom as a valid source of legal consideration (al-Zuhaylī, 1986, pp. 828–835). Consequently, the principal issue is not whether custom should be accepted or rejected within Islamic law, but rather how the methodological boundaries between *'urf*, *maqāṣid*, and textual authority should be defined. This issue continues to occupy a central position in contemporary debates on Islamic legal reform (Auda, 2008).

Debates concerning the relationship among *'urf*, the Sharī'ah, and Islamic legal reform extend far beyond the Indonesian context and have emerged across numerous Muslim societies. In Pakistan and Afghanistan, for example, the Pashtunwali customary legal system has long generated scholarly debate because several of its customary practices are considered incompatible with codified Islamic legal principles, particularly regarding women's rights, dispute resolution, and family property distribution (Esposito & Voll, 1996, pp. 145–160). Similar dynamics are evident in North Africa, where Amazigh (Berber) customary legal traditions have stimulated efforts to reinterpret Islamic law through the frameworks of *maqāṣid al-sharī'ah*, legal pluralism, and constitutional accommodation (Menski, 2006, pp. 145–178). Comparable patterns can also be observed in Southeast Asia, particularly in Aceh, South Sulawesi, and Minangkabau, where distinct historical processes of Islamization have produced different models of negotiation between adat and the Sharī'ah. These experiences demonstrate that the interaction between customary law and Islamic law constitutes a transnational jurisprudential issue that requires analytical approaches capable of explaining how Islamic law interacts with diverse normative systems within plural Muslim societies.

Among the various models of interaction between customary law and the Sharī'ah, Minangkabau society presents one of the most established, sophisticated, and enduring examples of normative integration. The philosophy of *adat basandi syarak, syarak basandi Kitabullah* (ABS-SBK) is not merely a cultural slogan but constitutes a normative framework that links customary institutions with Islamic legal principles across multiple domains of social life, including kinship, customary leadership, communal land (*tanah ulayat*) management, dispute resolution, and the governance of *harta pusaka tinggi* (Nasroen, 1971, pp. 56–94; Abdullah, 1966, pp. 23–47). The distinctive feature of this model lies in its capacity to preserve customary identity while simultaneously positioning the Sharī'ah as the primary source of moral and religious legitimacy. Consequently, the Minangkabau experience has frequently been regarded as an illustration of *living law*, demonstrating that

religious and customary norms may evolve through a dialogical relationship rather than an inherently antagonistic one.

Nevertheless, the relationship between Minangkabau adat and Islamic law remains the subject of significant scholarly debate. One of the central issues concerns the continued existence of the *harta pusaka tinggi* system, which is inherited collectively within the matrilineal structure of Minangkabau society, whereas the Qur'anic law of *farā'id* regulates the distribution of individually owned inheritance among legal heirs. This distinction raises an important methodological question within contemporary *uṣūl al-fiqh*: should *harta pusaka tinggi* be regarded as a valid form of *'urf ṣaḥīḥ* because it is based upon communal ownership (*milk al-jamā'ah*), or should it instead be understood as an exception to the rules of *farā'id* that requires jurisprudential justification through the framework of *maqāṣid al-sharī'ah* (Auda, 2008, pp. 221–240; Kamali, 2003, pp. 283–302)? This issue demonstrates that the Minangkabau experience cannot be adequately understood solely as an anthropological phenomenon but should also be examined as an important case for exploring the relationship among *'urf*, *maqāṣid al-sharī'ah*, and the authority of *naṣṣ* within contemporary Islamic legal theory.

At the same time, modernization presents new challenges to the sustainability of this integrative legal model. Urbanization, migration (*merantau*), the expansion of formal education, the growth of market-oriented economic activities, digitalization, and changing family structures have significantly influenced the ways in which Minangkabau society perceives communal ownership, the function of *tanah ulayat*, the authority of customary leaders (*penghulu*), and traditional deliberative institutions (Azra, 2006, pp. 201–215; von Benda-Beckmann, 1979). These transformations indicate that the relationship between adat and the Sharī'ah is not static but continuously renegotiated in response to evolving socio-economic conditions. Accordingly, discussions of "modern reform" should not be confined to changes in statutory regulations but should also encompass institutional transformation, communal asset governance, and the ongoing negotiation between customary norms and Islamic legal principles to address contemporary challenges.

Although the relationship between Minangkabau customary law and Islamic law has attracted scholarly attention for several decades, most previous studies have approached the subject through relatively sectoral perspectives. The first group of studies primarily examines Minangkabau adat from anthropological and sociological perspectives, emphasizing the matrilineal system, kinship organization, the authority of *penghulu*, and the social function of *tanah ulayat* (Nasroen, 1971). While these studies successfully explain the cultural characteristics of Minangkabau society, they provide limited discussion regarding their jurisprudential implications for the development of contemporary Islamic legal theory. By contrast, the second group focuses on normative analyses of the relationship between adat and the Sharī'ah, particularly in Islamic inheritance law, assessing the conformity of customary practices with classical *fiqh* and Indonesian positive law (Syarifuddin, 1984). Although this perspective contributes to understanding the implementation of Islamic law within customary societies, it generally treats adat and the Sharī'ah as separate normative systems to be compared rather than as interacting sources of normativity that collectively shape legal practice.

More recent scholarship has increasingly employed the perspective of maqāṣid al-sharī'ah to explain the continuity of harta pusaka tinggi, tanah ulayat, and other forms of Minangkabau local wisdom, reflecting a gradual shift from legal formalism toward an approach emphasizing public welfare and the objectives of Islamic law (Auda, 2008; Kamali, 2008; al-Raysuni, 2005). Nevertheless, most of these studies continue to employ maqāṣid primarily as a normative justification for customary practices rather than as a methodological framework for legal reasoning (istinbāt) when confronted with definitive textual rulings (naṣṣ qat'ī), particularly in matters concerning farā'id. Consequently, the methodological relationship among maqāṣid, naṣṣ, and 'urf remains insufficiently explored despite constituting one of the principal debates within contemporary uṣūl al-fiqh scholarship.

Another limitation of the existing literature lies in the limited application of a comparative Islamic jurisprudence perspective. Most studies on Minangkabau remain confined to the Indonesian context, with relatively little effort to situate the Minangkabau experience alongside other Muslim societies that also negotiate the relationship between customary law and the Sharī'ah, such as the Pashtun communities of Pakistan and Afghanistan, the Amazigh communities of North Africa, and the Acehnese customary legal tradition. A comparative perspective makes it possible to identify broader jurisprudential patterns regarding how diverse Muslim societies integrate 'urf, maqāṣid al-sharī'ah, and Islamic law in responding to social transformation (Menski, 2006; Tamanaha, 2001). Consequently, the Minangkabau experience should be understood not merely as a local Indonesian phenomenon but as part of a wider discourse on legal pluralism and Islamic legal development in contemporary Muslim societies.

Furthermore, previous scholarship has generally approached harta pusaka tinggi primarily as an issue of inheritance law or cultural identity. Such an approach does not adequately explain its institutional role as a mechanism of communal asset governance designed to preserve productive resources across generations. From the perspective of institutional economics, harta pusaka tinggi shares important characteristics with common-property institutions and Islamic waqf, particularly in promoting collective ownership, intergenerational sustainability, and long-term public welfare (Kuran, 2011; Ostrom, 1990). Consequently, the analysis of harta pusaka tinggi should extend beyond inheritance law to encompass institutional governance, socio-economic sustainability, and the broader objectives of ḥifẓ al-māl within the framework of maqāṣid al-sharī'ah.

Building upon these discussions, this study argues that the relationship between Minangkabau adat and Islamic law should not be reduced to a question of cultural accommodation or to a binary debate concerning the compatibility of the matrilineal inheritance system with the law of farā'id. Rather, it should be understood as a jurisprudential issue involving the interaction among 'urf, maqāṣid al-sharī'ah, legal pluralism, and institutional transformation within contemporary Muslim societies. Accordingly, this study aims to examine how the integration of Minangkabau local wisdom and Islamic law can be explained within the framework of maqāṣid al-sharī'ah from a socio-legal perspective, while simultaneously evaluating its relevance as a contextual model for contemporary Islamic legal reform.

Unlike previous studies, this article offers three principal scholarly contributions. First, it operationalizes *maqāṣid al-sharī'ah* not merely as an ethical foundation but as a jurisprudential analytical framework for examining the relationship among *'urf*, textual authority (*naṣṣ*), and legal practice in society. Second, it situates the Minangkabau experience within the broader discourse of comparative Islamic jurisprudence by engaging with customary legal traditions in other Muslim societies, thereby extending the theoretical significance of the Minangkabau case beyond Indonesia. Third, it advances a new interpretation of *harta pusaka tinggi* as a system of communal asset governance that integrates Islamic legal theory, institutional economics, and the objective of *ḥifẓ al-māl*. Through this approach, the study proposes a Contextual Integration Model of *'Urf–Maqāṣid–Legal Pluralism* as a conceptual framework for developing contextual, adaptive, and sustainable Islamic legal reform in legally plural Muslim societies.

The analytical position adopted in this study maintains that the relationship among *maqāṣid al-sharī'ah*, *'urf*, and *naṣṣ* is neither subordinative nor antagonistic but fundamentally complementary within the methodology of Islamic legal reasoning (*istinbāt*) (Kamali, 2003). Accordingly, this study does not assume that *maqāṣid* may override or suspend definitive textual rulings (*naṣṣ qaṭ'i*), as suggested in certain strands of contemporary Islamic legal thought. Rather, *maqāṣid* is understood as an epistemological framework for interpreting the universal objectives of the Sharī'ah while simultaneously determining the legitimate scope of *'urf* in legal domains that permit contextual interpretation (al-Shāṭibī, 1997, Vol. 2, pp. 8–15; Ibn 'Āshūr, 2001, pp. 177–203). On this basis, the study argues that *harta pusaka tinggi* should not be evaluated solely in terms of its conformity with or deviation from the Qur'anic law of *farā'id*. Instead, the analysis should begin by determining the juridical character of the legal object itself, namely, whether it constitutes individual ownership (milk al-fard), subject to Islamic inheritance law, or communal ownership (milk al-jamā'ah), governed by a different legal regime. Consequently, the *maqāṣid*-based approach developed in this study is not intended to diminish the authority of *naṣṣ* but to demonstrate how the objectives of the Sharī'ah, the doctrine of *'urf*, and legal pluralism may operate in an integrated manner to address the complexity of contemporary Muslim social life (Auda, 2008, pp. 233–247). In doing so, this study synthesizes the classical formulations of *maqāṣid* developed by al-Shāṭibī and Ibn 'Āshūr with Jasser Auda's systems approach, thereby constructing an analytical framework that transcends the dichotomy between textualism and contextualism while remaining firmly grounded in the normative authority of the Sharī'ah and responsive to contemporary social realities (al-Shāṭibī, 1997; Auda, 2008; Ibn 'Āshūr, 2001).

B. METHODE

This study employs a qualitative approach with a normative socio-legal research design to analyze the relationship between Minangkabau local wisdom and Islamic law from the perspective of *maqāṣid al-sharī'ah*. This approach is selected because the issues under investigation concern not only the normative validity of Islamic legal doctrines but also the interaction between legal norms, customary institutions, and socio-cultural practices within Muslim society (Auda, 2008, pp. 45–51). Accordingly, the study extends

beyond doctrinal analysis to examine how Islamic legal norms are interpreted, negotiated, and socially legitimized within Minangkabau society. The socio-legal approach is particularly appropriate because it enables the integration of jurisprudential analysis, legal pluralism, and the study of *living law* within society (Menski, 2006; Tamanaha, 2001).

Conceptually, this study is constructed upon four complementary theoretical frameworks. First, the theory of *maqāṣid al-sharī'ah* serves as the principal evaluative framework for examining Islamic law's orientation toward justice, public welfare, and the protection of the Sharī'ah's essential values. In this regard, the study integrates the classical formulations of al-Shāṭibī and Ibn 'Āshūr with Jasser Auda's systems approach. The classical framework is employed to explain the normative structure of *maqāṣid* as the higher objectives of Islamic law, whereas the systems approach provides an analytical basis for understanding how these objectives may be operationalized in response to contemporary social transformation while remaining grounded in the primary sources of Islamic law (al-Shāṭibī, 1997; Auda, 2008; Ibn 'Āshūr, 2001).

Second, the study employs the theory of *'urf* within *uṣūl al-fiqh* to evaluate the legal position of custom in Islamic jurisprudence. The analysis draws upon the classical principles governing the acceptance of *'urf*, including the maxim *al-'ādah muḥakkamah*, the distinction between *'urf ṣaḥīḥ* and *'urf fāsid*, and the requirements that custom must be widespread (*mutṭarid*), must not contradict explicit *naṣṣ*, and must not undermine the higher objectives of the Sharī'ah (al-Suyūṭī, 1998; Ibn 'Ābidīn, 1992; Kamali, 2003). This framework enables the study to distinguish between customary practices that function as institutional mechanisms and those that fall within the legal domain of individual inheritance governed by *farā'id*.

Third, this study adopts a legal pluralist perspective to explain how Islamic law, customary law, and the national legal system interact to shape the legal order of Minangkabau society. From this perspective, multiple legal systems coexist and mutually influence one another without necessarily operating within a hierarchical structure. Accordingly, the analysis does not seek to contrast adat and the Sharī'ah as mutually exclusive legal systems, but rather to explain how both contribute to the formation of living law that possesses both social legitimacy and normative authority (Lukito, 2013; Menski, 2006; Tamanaha, 2001).

Fourth, the study employs the perspective of communal asset governance as a complementary analytical framework for understanding the institutional character of *harta pusaka tinggi*. This perspective is adopted because *harta pusaka tinggi* should be viewed not only as an object of inheritance law but also as a mechanism for protecting intergenerational communal assets whose characteristics resemble those of common-property institutions examined in institutional economics (Kahf, 1998; Ostrom, 1990). Consequently, the analysis extends beyond the distribution of inheritance to encompass resource sustainability, collective responsibility, and the realization of *ḥifẓ al-māl* within the framework of *maqāṣid al-sharī'ah*.

The research data consist of primary and secondary sources. Primary data include

normative sources such as Qur'anic verses and *ḥadīth* related to inheritance, public welfare, deliberation, and custom; classical literature on *uṣūl al-fiqh* concerning *maqāṣid al-sharī'ah* and *'urf* (al-Shāṭibī, 1997; Auda, 2008; Kamali, 2003); Minangkabau customary documents; traditional proverbs; and scholarly works discussing the philosophy of *adat basandi syarak, syarak basandi Kitabullah* (Abdullah, 1966; Navis, 1984). Secondary data are drawn from peer-reviewed journal articles, academic monographs, previous research findings, national legislation, customary institutional documents, and publications addressing legal pluralism, Islamic legal reform, communal land governance, institutional economics, and socio-cultural transformation within Minangkabau society (Menski, 2006; Tamanaha, 2001; Lukito, 2013; Ostrom, 1990; Kahf, 1998). The selection of literature was conducted purposively based on academic authority, substantive relevance, and publication quality, with particular emphasis on contemporary international scholarship concerning *maqāṣid al-sharī'ah*, comparative Islamic jurisprudence, legal pluralism, and communal asset governance (Auda, 2008; Kamali, 2003; Menski, 2006).

Data were collected through documentary research involving the systematic examination of the aforementioned primary and secondary sources (Bowen, 2009). All documents were subsequently classified into the principal analytical themes of the study, namely *maqāṣid al-sharī'ah*, *'urf*, legal pluralism, communal asset governance, the Minangkabau customary system, Islamic inheritance law (*farā'id*), and contemporary social transformation. This classification process was conducted iteratively to identify conceptual relationships among legal doctrines, customary institutions, and social practices relevant to the research objectives (Miles et al., 2014).

Data analysis was undertaken through four interrelated stages. The first stage consisted of normative analysis aimed at identifying jurisprudential principles derived from the theories of *maqāṣid al-sharī'ah*, *'urf*, and Islamic inheritance law that are relevant to the Minangkabau customary system (al-Shāṭibī, 1997; Ibn 'Ābidīn, 1992; Kamali, 2003). The second stage involved socio-legal analysis through the interpretation of customary documents, sociological studies, and empirical literature concerning kinship structures, communal land management, *harta pusaka tinggi*, customary deliberation, and dispute resolution (Menski, 2006; Lukito, 2013). The third stage employed comparative analysis by examining the Minangkabau experience alongside customary legal systems in other Muslim societies, particularly those that similarly negotiate the relationship between *'urf*, the Shari'ah, and legal pluralism (Tamanaha, 2001; Menski, 2006). The final stage comprised theoretical synthesis, integrating the findings of the normative and socio-legal analyses to formulate a conceptual model that explains the interaction among local wisdom, *maqāṣid al-sharī'ah*, legal pluralism, and institutional transformation as foundations for contextual Islamic legal reform in contemporary Muslim societies (Auda, 2008; Kamali, 2003).

Methodologically, this study does not seek to issue legal opinions (*fatāwā*) or determine the Shari'ah validity of the Minangkabau customary system. Rather, it aims to explain how the interaction among *'urf*, *maqāṣid al-sharī'ah*, legal pluralism, and evolving social institutions contributes to the construction of *living law* within Minangkabau society (Menski, 2006; Tamanaha, 2001). Accordingly, the analysis clearly distinguishes between

the descriptive dimension, which explains how customary institutions operate in practice, and the normative dimension, which evaluates these practices through the analytical frameworks of Islamic jurisprudence (Auda, 2008; Kamali, 2003). This methodological distinction is intended to produce a more balanced and theoretically rigorous explanation of the Minangkabau experience while contributing to the development of a contextual model of Islamic legal reform applicable to legally plural Muslim societies.

C. RESULTS AND DISCUSSION

The findings of this study indicate that the relationship between Minangkabau local wisdom and Islamic law cannot be understood merely as a form of coexistence between *adat* (customary law) and the Sharī'ah, but rather as a dynamic process of normative interaction that unfolds through mechanisms of negotiation, reinterpretation, and the institutionalization of legal values within social life (Ehrlich, 1936; Menski, 2006; Tamanaha, 2001). The study reveals that the philosophy of *adat basandi syarak, syarak basandi Kitabullah* is not only a cultural expression reflecting the identity of Minangkabau society, but also constitutes a normative framework that connects religious authority, customary legitimacy, and social practices within a living legal system (*living law*) (Abdullah, 1966; Hadler, 2008; Nasroen, 1971). Therefore, the integration between *adat* and the Sharī'ah in Minangkabau society cannot be reduced to a matter of formal compatibility between customary norms and *fiqh* norms; rather, it must be understood as a socio-legal construction that continuously evolves alongside changes in social structure, institutional transformation, and the dynamics of Islamic legal interpretation (Menski, 2006; Tamanaha, 2001).

In contrast to previous studies that tend to position the relationship between *adat* and the Sharī'ah at a descriptive or cultural level, this study analyzes the Minangkabau experience through a framework that integrates the theory of *maqāṣid al-sharī'ah*, the doctrine of *'urf* in *uṣūl al-fiqh*, the perspective of legal pluralism, and a socio-legal approach (Auda, 2008; Kamali, 2003; Lukito, 2013; Tamanaha, 2001). This framework enables the study not only to explain how the Minangkabau customary system operates in practice, but also to evaluate the jurisprudential foundations that sustain it, including various methodological issues that arise when customary practices interact with Islamic legal provisions derived from *naṣṣ* (al-Shāṭibī, 1997; Ibn 'Ābidīn, 1992; Ibn 'Āshūr, 2001). Accordingly, the discussion in this study moves from conceptual analysis to normative evaluation, followed by institutional analysis and a theoretical synthesis concerning a contextual model of Islamic legal reform.

Based on this framework, the findings are organized into six main sections. First, the study reconstructs the theoretical relationship between *'urf*, *maqāṣid al-sharī'ah*, and the Sharī'ah as a methodological foundation for understanding the interaction between Islamic law and local wisdom (al-Shāṭibī, 1997; Auda, 2008; Kamali, 2003). Second, it explains the characteristics of the Minangkabau socio-legal system as a form of *living Islamic law* that demonstrates the institutionalization of Sharī'ah values within customary structures (Ehrlich, 1936; Menski, 2006). Third, it critically analyzes the position of *harta pusaka tinggi* (ancestral communal property) from the perspective of *uṣūl al-fiqh*, particularly regarding the relationship between communal ownership, Islamic inheritance law, and the theory of

'urf (al-Suyūṭī, 1998; Ibn 'Ābidīn, 1992; Kamali, 2003). Fourth, it discusses *harta pusaka tinggi* as a model of communal asset governance relevant to the concept of ḥifẓ al-māl within maqāṣid al-sharī'ah, as well as to contemporary institutional theories (Kahf, 1998; Ostrom, 1990). Fifth, it evaluates the impact of modernization on the sustainability of the relationship between *adat* and the Sharī'ah by analyzing urbanization, migration, structural economic changes, and the transformation of customary institutions (Castells, 2010; Kato, 1982; Navis, 1984). Sixth, it formulates a conceptual model integrating 'urf, maqāṣid al-sharī'ah, and legal pluralism as a paradigm for contextual Islamic legal reform in contemporary Muslim societies (Auda, 2008; Menski, 2006; Tamanaha, 2001).

1. Theoretical Reconstruction of the Relationship between 'Urf, Maqāṣid al-Sharī'ah, and the Sharī'ah in Muslim Societies

The study of the relationship between custom and Islamic law represents one of the oldest and most dynamic discourses within the tradition of *uṣūl al-fiqh*. Since the classical period, Muslim jurists have recognized that the Sharī'ah was not revealed in a social vacuum but emerged within societies that already possessed diverse systems of values, customs, and social institutions (Hallaq, 2009a; Kamali, 2003). Consequently, the central issue in the formation of Islamic law is not whether custom may be considered in legal reasoning, but how its methodological boundaries can be determined in a manner consistent with the objectives of the Sharī'ah. This awareness gave rise to the concept of 'urf as an important instrument in the process of legal derivation (*istinbāt*), particularly in matters of *mu'āmalah* that are closely connected with the dynamics of social life (Kamali, 2003; al-Zuhaylī, 1986).

In classical *uṣūl al-fiqh* literature, the validity of 'urf has never been understood as an unlimited legitimization of all social practices that develop within society. Rather, Muslim jurists formulated several jurisprudential criteria to determine whether a particular custom may be accepted as a basis for legal consideration. These include the requirements that the custom must be generally practiced and consistently observed ('urf *muṭṭarid*), must not contradict explicit provisions of the Sharī'ah, and must embody benefits that are compatible with the objectives of Islamic law. On this basis, the legal maxim *al-'ādah muḥakkamah* emerged, affirming that custom may constitute a valid basis for legal rulings insofar as it remains consistent with the principles of the Sharī'ah (al-Suyūṭī, 1998, pp. 119–121; Ibn 'Ābidīn, 1992, pp. 112–115). This formulation demonstrates that the relationship between the Sharī'ah and custom has historically been constructed in an integrative rather than subordinative manner, whereby 'urf functions as an interpretative instrument rather than as an independent source of law capable of superseding the authority of *naṣṣ*.

The recognition of 'urf within *uṣūl al-fiqh* is grounded in the understanding that the Sharī'ah was revealed to regulate human life, which is inherently characterized by cultural diversity, social variation, and local traditions. Accordingly, classical jurists did not regard custom as an element that should necessarily be eliminated but as a social reality that may be incorporated into legal reasoning, provided that it does not conflict with the fundamental principles of the Sharī'ah (al-Suyūṭī, 1998, p. 119). Within this framework, 'urf is understood as a practice that is widely accepted, consistently maintained over time, and endowed with social legitimacy, thereby functioning as a practical guideline for regulating

human interaction (Ibn 'Ābidīn, 1992, pp. 125–130). This perspective demonstrates that Islamic law has, since its formative period, possessed an internal mechanism for accommodating social change by recognizing local practices that satisfy established jurisprudential criteria without compromising the normative authority of revelation.

To maintain an appropriate balance between legal flexibility and normative certainty, classical scholars of *uṣūl al-fiqh* established several conditions that must be fulfilled before a custom may be recognized as *'urf ṣaḥīḥ*. Among the most important are that the custom must be generally and consistently practiced (*'urf muṭṭarid*), remain operative at the time the legal event occurs, embody a rationally recognizable benefit (*maṣlaḥah*), and not contradict explicit provisions of the Sharī'ah (al-Suyūṭī, 1998, pp. 119–121; Ibn 'Ābidīn, 1992, pp. 45–52; al-Zuḥaylī, 1986, Vol. 2, pp. 828–835). Customs that fail to satisfy these requirements are classified as *'urf fāsid* and therefore cannot serve as a valid basis for legal rulings. This distinction illustrates that the acceptance of custom in Islamic law is never absolute but always operates within a clearly defined methodological framework. Consequently, the maxim *al-'ādah muḥakkamah* should not be interpreted as legitimizing every cultural practice, but rather as recognizing only those customs that substantively support the objectives of the Sharī'ah while remaining consistent with authoritative legal texts.

The issue becomes considerably more complex when a customary practice appears to diverge from provisions explicitly prescribed in the Qur'an or the Sunnah. It is precisely in this context that one of the most enduring debates within contemporary *uṣūl al-fiqh* emerges. Classical jurists generally maintain that *'urf* may operate only in legal domains that are not explicitly regulated by *naṣṣ*, or as an interpretative instrument for clarifying the practical scope of legal rulings. Accordingly, custom does not possess the authority to modify, suspend, or restrict legal rulings established by definitive (*qaṭ'ī*) textual evidence, since revelation occupies the highest position within the hierarchy of Islamic legal sources (al-Suyūṭī, 1998, pp. 119–121; Ibn 'Ābidīn, 1992, pp. 45–47; al-Zuḥaylī, 1986, Vol. 2, pp. 828–830). This perspective constitutes one of the principal foundations of classical *uṣūl al-fiqh*, in which *'urf* functions as an interpretative mechanism rather than an autonomous source of law.

At the same time, the increasing complexity of contemporary social life has generated legal issues that cannot always be addressed through a purely literal reading of legal texts. Transformations in economic transactions, family structures, technological development, and emerging forms of communal and digital ownership have encouraged many contemporary Muslim scholars to expand the methodological role of *maqāṣid al-sharī'ah* in the process of *istinbāṭ* (al-Shāṭibī, 1997; Auda, 2008; Ibn 'Āshūr, 2001). Within this perspective, custom is no longer viewed merely as a social habit tolerated by Islamic law, but as an empirical manifestation of social reality that should be taken into account to realize the higher objectives of the Sharī'ah. Nevertheless, this expansion of the methodological function of *maqāṣid* simultaneously raises important jurisprudential questions concerning the limits of contextual interpretation, particularly when the objectives of the Sharī'ah appear to diverge from definitive textual rulings.

These debates demonstrate that the relationship among *'urf*, *maqāṣid al-sharī'ah*, and *naṣṣ* should not be understood through a dichotomous framework that opposes text and context. Rather, these three elements constitute an integrated methodological structure within Islamic legal reasoning (*istinbāt*) (al-Shātibī, 1997; al-Suyūṭī, 1998; Auda, 2008; Ibn 'Ābidīn, 1992; Ibn 'Āshūr, 2001). Within this structure, *naṣṣ* provides normative authority and legal legitimacy, *maqāṣid* explains the objectives and values underlying Islamic law, while *'urf* supplies the socio-cultural context in which legal norms are implemented and interpreted. Their relationship is therefore complementary rather than competitive. Consequently, the validity of custom is not determined solely by its existence as a social practice but by its capacity to facilitate the realization of the objectives of the Sharī'ah without undermining the normative authority of revelation.

The evolution of *maqāṣid al-sharī'ah* theory further demonstrates that the purpose of Islamic law extends beyond formal adherence to legal formulations toward the realization of the higher objectives intended by the Sharī'ah. This theoretical foundation was systematically articulated by Abū Ishāq al-Shātibī, who argued that every legal ruling ultimately aims to secure human welfare through the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*) (al-Shātibī, 1997, Vol. 2, pp. 8–10). In al-Shātibī's formulation, *maqāṣid* is not merely an ethical ideal but a methodological principle that explains the internal coherence and rationality of the Sharī'ah. Consequently, every process of *istinbāt* must remain oriented toward these higher objectives while preserving its connection with authoritative legal sources. In this sense, *maqāṣid* functions as an interpretative framework that strengthens the unity of Islamic law rather than as a mechanism for liberating legal reasoning from the normative authority of revelation.

This line of thought was subsequently developed by Muḥammad al-Ṭāhir Ibn 'Āshūr, who expanded the scope of *maqāṣid* from individual legal objectives to broader societal objectives (*al-maqāṣid al-'āmmah*). According to Ibn 'Āshūr, the Sharī'ah is concerned not only with regulating the relationship between human beings and God but also with establishing justice, social order, equality, freedom, and the sustainability of collective life (Ibn 'Āshūr, 2001, pp. 51–65). This broader conception provides greater analytical space to incorporate social realities into the understanding of the Sharī'ah's objectives. Nevertheless, Ibn 'Āshūr consistently maintained that the development of *maqāṣid* must remain grounded within the methodological framework of *uṣūl al-fiqh*, thereby preserving the authority of *naṣṣ* while enabling Islamic law to respond effectively to changing social circumstances. Accordingly, engagement with social reality is not conceived as an alternative to revelation but as a means of realizing revelation's objectives more effectively within society.

In contemporary Islamic legal thought, this development has been further advanced by Jasser Auda's systems approach, which conceptualizes Islamic law as an open and dynamic system that interacts continuously with social, political, cultural, and economic transformations (Auda, 2008). Unlike classical approaches that generally situate *maqāṣid* within the framework of *uṣūl al-fiqh*, Auda reconstructs *maqāṣid* as a broader epistemological paradigm for evaluating the entire process of Islamic legal reasoning. Through the principles of cognitive nature, wholeness, openness, interrelated hierarchy, multidimensionality, and purposefulness, he argues that Islamic law possesses an inherent

adaptive capacity enabling it to respond to emerging legal problems while maintaining its orientation toward justice and public welfare (*maṣlahah*) (Auda, 2008). Consequently, contemporary Islamic legal reform should not be confined to textual interpretation alone but should integrate normative authority with empirical realities in a coherent methodological framework.

Nevertheless, the expansion of *maqāṣid* within contemporary Islamic legal theory has generated significant methodological debate. One of the central questions concerns whether *maqāṣid* may function as an independent source of legal reasoning capable of reinterpreting legal rulings supported by definitive (*qaṭ'ī*) textual evidence. While some contemporary scholars advocate a broader operational role for *maqāṣid* in addressing social transformation, the dominant position within *uṣūl al-fiqh* continues to maintain that *maqāṣid* cannot supersede or replace rulings explicitly established by the Qur'an and Sunnah (al-Shāṭibī, 1997; Auda, 2008; Ibn 'Āshūr, 2001). Rather, *maqāṣid* serves as a methodological instrument for clarifying the objectives of the Sharī'ah, strengthening legal reasoning, and guiding juristic preference in legal domains characterized by interpretative flexibility (*ẓannī*), without altering the authority of definitive textual rulings. Accordingly, contemporary debates concerning *maqāṣid* are not fundamentally disputes over its legitimacy but rather over the scope of its methodological operation within Islamic legal reasoning.

Building upon these theoretical discussions, this study adopts an integrative methodological position. It neither treats *maqāṣid al-sharī'ah* as an instrument for overriding the authority of *naṣṣ* nor reduces it to a merely declarative ethical concept detached from legal methodology. Instead, *maqāṣid* is positioned as an evaluative jurisprudential framework through which social practices are examined by integrating the objectives of the Sharī'ah, the doctrinal structure of Islamic law, and the empirical realities in which legal norms operate (al-Shāṭibī, 1997; al-Zuhaylī, 1986; Ibn 'Āshūr, 2001). Consequently, social institutions such as communal ownership, customary governance, and indigenous dispute-resolution mechanisms are not assessed solely on their formal conformity to particular *fiqh* doctrines. Rather, they are first analyzed according to the juridical nature of the legal object, its institutional function within society, and its relationship to the higher objectives of the Sharī'ah. Such an approach enables a clearer distinction between legal domains governed by individual inheritance law (*farā'id*) and those belonging to communal institutions possessing distinct juridical characteristics, thereby avoiding simplistic binary classifications of customary practices as either "compatible with" or "contrary to" Islamic law.

On this basis, the relationship among *'urf*, *maqāṣid al-sharī'ah*, and legal pluralism may be understood as three complementary analytical dimensions for explaining the development of Islamic law within contemporary Muslim societies. *'Urf* explains the socio-cultural context in which legal norms operate; *maqāṣid* provides the normative orientation toward the objectives pursued by the Sharī'ah; while legal pluralism explains how multiple normative systems interact within social practice (Lukito, 2013; Menski, 2006; Tamanaha, 2001). Collectively, these three dimensions constitute an analytical framework through which Islamic law may be understood as a normative system firmly rooted in revelation while simultaneously capable of engaging constructively with changing social realities

through methodologically responsible interpretation. Within this framework, the Minangkabau experience is interpreted not merely as an illustration of harmony between *adat* and the Shari'ah but as an empirical demonstration of how the theories of '*urf*, *maqāṣid al-shari'ah*, and legal pluralism operate simultaneously in constructing a dynamic model of *living Islamic law* within a legally plural and continuously evolving Muslim society (Auda, 2008; Ibn 'Ābidīn, 1992; Ibn 'Āshūr, 2001; al-Shāṭibī, 1997; Menski, 2006).

2. Minangkabau as Living Islamic Law: Institutionalization of Customary Law and Shari'ah within a Living Legal System

One of the main findings of this study is that the relationship between customary law (*adat*) and Shari'ah in Minangkabau society is more appropriately understood as a process of legal institutionalization rather than merely a process of cultural accommodation to religion. From this perspective, the philosophy of *adat basandi syarak, syarak basandi Kitabullah* (ABS-SBK) functions not only as a philosophical slogan reflecting Minangkabau identity, but also as a constitutional principle that shapes the normative structure of social life. Through this philosophy, *adat* is not positioned as a system separate from Shari'ah, nor is Shari'ah imposed to replace the entire pre-existing customary structure. Instead, both undergo a process of institutional integration that produces a living law system, in which social legitimacy and religious legitimacy mutually reinforce each other in regulating community life (Abdullah, 1966; Ehrlich, 1936; Menski, 2006)..

From the perspective of legal pluralism, this condition demonstrates that Minangkabau society does not construct its legal system based on the dominance of a single normative order, but rather through the interaction of multiple sources of legitimacy that coexist simultaneously (Benda-Beckmann, 1989; Griffiths, 1986; Merry, 1988). Customary law regulates various aspects of social institutions, such as kinship structures, communal land governance (*tanah ulayat*), deliberative mechanisms, and clan leadership, while Islamic law provides ethical, religious, and normative orientation for the operation of these institutions. Thus, the relationship between *adat* and Shari'ah does not take the form of normative competition, but rather a functional differentiation that allows each system to maintain authority within distinct yet interconnected domains.

These findings indicate that the concept of *living law*, as developed in socio-legal studies, finds a concrete manifestation in the Minangkabau experience (Ehrlich, 1936; Friedman, 1975). Law is not merely a set of formal rules imposed by the state or textual religious norms, but lives on in social practices that are accepted, maintained, and collectively reproduced by the community. In this context, compliance with *adat* is not solely based on formal sanctions, but on moral legitimacy constructed through the integration of customary values, Islamic teachings, and communal authority. Therefore, the effectiveness of law in Minangkabau society is determined not only by the strength of norms, but also by the degree of internalization of the values that sustain those norms.

This institutional character explains why various Minangkabau customary institutions have persisted despite significant social transformations. Customary deliberation (*musyawarah adat*), the institution of *penghulu* (clan leaders), communal land (*tanah ulayat*), the *rumah gadang*, and dispute resolution mechanisms continue to be maintained not because they are immune to change, but because they continuously adapt

to societal needs. This adaptability demonstrates that the Minangkabau customary system possesses a high capacity for internal reform without losing its normative identity. From the perspective of *maqāṣid al-sharī'ah*, such adaptability reflects one of the fundamental characteristics of Sharī'ah itself, namely the realization of public welfare (*maṣlaḥah*) through mechanisms that are responsive to social conditions, as long as they do not contradict the fundamental principles of Islamic law (al-Shāṭibī, 1997; Ibn 'Āshūr, 2001).

However, this study also finds that the harmonious relationship between *adat* and Sharī'ah does not imply that all customary practices automatically obtain juridical legitimacy within Islamic law. On the contrary, precisely because this relationship is built through a long process of dialogue, there remain areas that require deeper jurisprudential evaluation. In the Minangkabau context, the most debated issue is not the existence of the ABS-SBK philosophy itself, but rather how this philosophy is implemented in specific institutions, particularly those related to the system of *harta pusaka tinggi* (ancestral communal property). This raises an important methodological question: should *harta pusaka tinggi* be considered part of Islamic inheritance law subject to the rules of *farā'id*, or should it be understood as a form of communal ownership with its own distinct legal character, thus requiring a different jurisprudential approach (Coulson, 1971; Layish, 2014)?

This question has significant implications for understanding the relationship between *adat* and Sharī'ah. If *harta pusaka tinggi* is directly categorized as an object of individual inheritance law, then the Minangkabau matrilineal system appears to be in tension with the inheritance distribution rules stipulated in QS. al-Nisā' verses 11–12. Conversely, if *harta pusaka tinggi* is understood as a form of communal ownership (*milk al-jamā'ah*), conceptually distinct from individual ownership (*milk al-fard*), then the focus shifts from the distribution of inheritance to the governance of collective assets, which, in the Islamic legal tradition, rests on a different jurisprudential foundation. Therefore, the analysis of *harta pusaka tinggi* cannot rely solely on inheritance law, but must also engage with the concept of ownership in Islamic jurisprudence, the theory of *'urf*, and the objective of property protection (*hifẓ al-māl*) within the framework of *maqāṣid al-sharī'ah* (Ibn 'Ābidīn, 1992; al-Zuhaylī, 1985).

Based on this framework, this study argues that the debate surrounding Minangkabau does not fundamentally concern whether *adat* contradicts Sharī'ah, but rather how the legal character of customary institutions is properly understood prior to normative evaluation. In other words, the central issue is not a conflict between *adat* and Islam, but the juridical classification of the legal object under analysis. This approach allows for a more proportionate reading of the Minangkabau experience while avoiding the oversimplifications that often arise in discussions of the relationship between matrilineal systems and *farā'id* law. Accordingly, the following section will analyze in greater depth the position of *harta pusaka tinggi* from the perspective of *uṣūl al-fiqh*, particularly concerning the relationship between communal ownership, the theory of *'urf*, *maqāṣid al-sharī'ah*, and Islamic inheritance law.

3. Harta Pusaka Tinggi in the Perspective of Uṣūl al-Fiqh: Between Farā'id, Milk al-Jamā'ah, and Maqāṣid al-Sharī'ah

The discussion of *harta pusaka tinggi* constitutes the most crucial point in the relationship between Minangkabau customary law and Islamic law. Unlike other aspects of *adat* that generally do not generate significant jurisprudential controversy, the system of communal ownership transmitted through the female lineage is often perceived as being in tension with the provisions of *farā'id* as explicitly regulated in QS. al-Nisā' verses 11–12. Therefore, before assessing this issue through the perspective of *maqāṣid al-sharī'ah*, it is necessary to first explain how this matter is understood within the classical tradition of *uṣūl al-fiqh*.

Within the framework of Islamic inheritance law (*fiqh al-mawārith*), the rules governing the distribution of inheritance are strongly grounded in textual authority. The verses concerning *farā'id* are generally understood as *naṣṣ qaṭ'ī al-thubūt* and *qaṭ'ī al-dalālah*, meaning that the prescribed shares of each heir cannot be altered based on rational considerations, social customs, or family agreements. On this basis, the majority of scholars across various schools of thought maintain that custom does not possess the authority to modify the composition of inheritance distribution explicitly determined by the Qur'an. This position is a logical consequence of the principle that *'urf* is only applicable in areas that do not contradict definitive textual evidence. Accordingly, if a customary practice is understood as a mechanism for distributing a deceased person's estate in a manner that differs from Qur'anic provisions, such a practice cannot, in principle, be justified merely on the grounds that it has become a societal norm (al-Shāṭibī, n.d.; Ibn 'Ābidīn, 1992).

This argument has a strong methodological foundation in *uṣūl al-fiqh*. Scholars explain that the function of *'urf* is to clarify, complement, or operationalize legal provisions in areas where the *naṣṣ* does not provide detailed regulation. Conversely, when a matter has been explicitly regulated, custom cannot serve as a basis to limit, reduce, or replace such provisions. Therefore, the legal maxim *al-'ādah muḥakkamah* has never been understood as legitimizing customs that contradict the Qur'an, but rather applies only to customs that do not conflict with the principles of the Sharī'ah. This view represents the mainstream position in classical *uṣūl al-fiqh* literature and continues to be upheld by many scholars in contemporary times (al-Suyūṭī, 1998; Ibn 'Āshūr, 2001).

If this approach is applied directly to the Minangkabau matrilineal system, an initial conclusion may arise that the transfer of *harta pusaka tinggi* through the female lineage potentially creates juridical problems, particularly if such property is positioned as individual inheritance that should be distributed among all heirs according to the rules of *farā'id*. From this perspective, male heirs—who, according to the Qur'an, are entitled to specific shares—may be seen as losing their rights when all family property is maintained as collective ownership of the clan through the maternal line. This critique has long served as the primary basis for arguments asserting that the Minangkabau matrilineal system is in tension with Islamic inheritance law.

However, this study finds that the core issue does not lie in the mechanism of inheritance distribution, but rather in the initial assumption regarding the legal nature of *harta pusaka tinggi* itself. Most critiques of the Minangkabau system are based on the assumption that *harta pusaka tinggi* constitutes *tarikah* (the estate of the deceased) that is automatically subject to the rules of *farā'id*. In practice, however, within Minangkabau

customary institutions, *harta pusaka tinggi* is not understood as the individual property of a person, but rather as a communal asset belonging to the clan, whose existence transcends individual interests and even a single generation. Therefore, the primary question is not how such property should be distributed, but whether the object in question actually falls within the category of individual inheritance under Islamic law, or instead possesses a distinct legal character (Kahf, 1998; Menski, 2006; Ostrom, 1990).

A different perspective emerges when *harta pusaka tinggi* is analyzed through the lens of the theory of ownership (*milk*) in Islamic jurisprudence. In the literature of Islamic law, jurists (*fuqahā'*) distinguish between individual ownership (*milk al-fard*) and various forms of joint or collective ownership that possess their own distinct legal characteristics (Ibn 'Ābidīn, n.d.; al-Zuhaylī, 1985). Individual ownership grants full authority to the owner to use, transfer, donate, or bequeath the property to heirs after death. In contrast, under communal ownership, individual rights are subordinated to collective interests, so not all members have the authority to unilaterally transfer or alter the asset's legal status. In various *fiqh* discussions concerning shared land, public facilities, and other forms of collective ownership, the legal object is not treated as personal property that automatically becomes part of the estate (*tarikah*), but rather as an asset whose existence is preserved to ensure the continuity of broader societal interests.

These characteristics closely resemble the institutional construction of *harta pusaka tinggi* in Minangkabau society. *Harta pusaka tinggi* is not understood as the accumulation of an individual's personal wealth that can be freely transferred to heirs, but rather as a collective asset belonging to the clan (*kaum*), inherited across generations to ensure the community's sustainability. The position of the *mamak kepala waris* is not that of an absolute owner, but rather that of a custodian entrusted with the responsibility to safeguard, maintain, and regulate the use of the asset for the benefit of all clan members. Therefore, the prohibition against selling, pawning, or dividing *harta pusaka tinggi* is not intended to eliminate individual rights but to preserve the asset's social function and prevent its fragmentation across generations. From an institutional perspective, this system more closely resembles a model of communal asset governance than a mechanism for distributing individual inheritance (Kahf, 1998; Ostrom, 1990).

This analysis shifts the focus from the question of "who receives the inheritance" to the question of "what is the legal status of the inherited object." This shift is crucial because Islamic inheritance law (*farā'id*) fundamentally regulates the distribution of *tarikah*, namely property that was under the full ownership of an individual prior to death (Abū Zahrah, 1958; Coulson, 1971). If an asset does not fall within the category of individual ownership from the outset, but instead constitutes part of a collective ownership maintained by the community, then its legal analysis cannot simply rely on the same conceptual framework used for the distribution of *tarikah*. In other words, before discussing the shares of heirs as stipulated in QS. al-Nisā' verses 11–12, it must first be established that the object in question meets the criteria of individual inheritance under Islamic law. Without such clarification, debates regarding the compatibility of the Minangkabau system with *farā'id* risk conflating two conceptually distinct legal categories.

However, this study does not claim that all issues concerning *harta pusaka tinggi* are automatically resolved merely by categorizing it as communal ownership. Such classification still requires rigorous jurisprudential justification, particularly to explain how an asset can maintain its communal status across generations without contradicting the principles of the Shari'ah. It is in this context that the theories of *'urf* and *maqāṣid al-shari'ah* become relevant. *'Urf* provides a basis for understanding how a social institution gains legitimacy through lived and collectively accepted practices, while *maqāṣid al-shari'ah* offers an evaluative framework to assess whether such an institution truly realizes the objectives of the Shari'ah, particularly the protection of property (*ḥifẓ al-māl*), the preservation of lineage (*ḥifẓ al-nasl*), and the maintenance of social order (*niẓām al-mujtama'*) (al-Shāṭibī, n.d.; Ibn 'Āshūr, 2001). Thus, the acceptance of *harta pusaka tinggi* cannot be based solely on historical or cultural considerations, but must be assessed in terms of its capacity to actualize the fundamental objectives of the Shari'ah in practice.

This approach also demonstrates that the tension between Minangkabau customary law and Islamic law does not lie in a dichotomy between custom and revelation, but rather in the processes of classifying and interpreting the legal object under analysis. Accordingly, this study does not adopt an extreme position that equates the system of *harta pusaka tinggi* entirely with Islamic inheritance law, nor does it accept the view that the system is inherently incompatible with *farā'id*. Instead, it proposes that resolving this issue requires a layered reading: first, identifying the legal character of the object through the theory of ownership in *fiqh*; second, evaluating the validity of custom through the theory of *'urf*; and third, assessing the institutional orientation of the system through the perspective of *maqāṣid al-shari'ah*. Through these three stages of analysis, the relationship between custom and Shari'ah can be understood more proportionally, while avoiding the oversimplifications that have long dominated debates on the Minangkabau matrilineal system.

The analysis of *harta pusaka tinggi* becomes more comprehensive when evaluated through the operational framework of *maqāṣid al-shari'ah*. Within this perspective, the assessment of a legal institution is not solely based on its conformity with specific normative formulations, but also on its capacity to realize the fundamental objectives of the Shari'ah (*maqāṣid al-kulliyah*) (al-Shāṭibī, n.d.; Ibn 'Āshūr, 2001). Therefore, the existence of *harta pusaka tinggi* must be analyzed multidimensionally by considering its social, economic, and institutional functions within Minangkabau society (Menski, 2006).

From the perspective of *ḥifẓ al-māl*, the system of *harta pusaka tinggi* demonstrates a strong orientation toward the protection of collective assets. The prohibition against selling, pawning, or individually dividing ancestral land serves as an institutional mechanism to prevent the fragmentation of ownership across generations (Navis, 1984). From an institutional economic perspective, this mechanism ensures the continuity of productive assets so that they can be sustainably utilized by all members of the kin group (Ostrom, 1990). Thus, the protection of property in this context is understood not merely as the protection of individual ownership rights but also as the preservation of shared resources that sustain the community's livelihood (Kahf, 1998). This understanding aligns with contemporary developments in *maqāṣid* thought, which no longer limit *ḥifẓ al-māl* to

individual interests but extend it to the protection of public assets and broader social interests (Ibn 'Āshūr, 2001).

At the same time, this system is closely related to the objective of *ḥifẓ al-nasl*. In Minangkabau society, *harta pusaka tinggi* is not merely an economic resource but also serves as an instrument for maintaining the continuity of kinship structures, clan identity, and generational sustainability (Blackwood, 2000; Kato, 1982). Communal ownership ensures that each member of the kin group retains access to livelihood resources while preserving genealogical ties that form the basis of social organization (Blackwood, 2000). Therefore, the protection of *harta pusaka tinggi* is not limited to material aspects but also serves to sustain extended-family institutions as a fundamental pillar of Minangkabau social life (Navis, 1984).

Furthermore, the existence of *harta pusaka tinggi* is closely linked to the realization of social justice (*al-'adl*) and public welfare (*al-maṣlaḥah al-'āmmah*). Collective asset management fosters deliberative mechanisms, shared responsibility, and the distribution of benefits that are not determined solely by individual economic power (al-Suyūṭī, 1998). In practice, the *mamak kepala waris* functions as a trustee rather than an absolute owner, ensuring that decisions regarding asset utilization are made through collective processes that reflect the interests of the kin group (Hadler, 2008). This characteristic demonstrates that the objectives of the Sharī'ah are realized not only through the distribution of rights but also through governance structures that maintain a balance between individual rights and communal interests (Menski, 2006).

Nevertheless, this study does not overlook the tensions that arise between the protection of communal assets and the protection of individual rights as regulated in Islamic inheritance law. These tensions primarily concern whether the orientation of *ḥifẓ al-māl* in the form of collective asset protection can serve as a basis for limiting the application of *farā'id* provisions (Coulson, 1971). In this context, the study adopts the position that *maqāṣid* cannot be used to annul or replace *naṣṣ* that are *qaṭ'ī* in nature (al-Shāṭibī, n.d.). However, *maqāṣid* plays a crucial role in determining the legal character of an institution before it is classified within a specific legal category (Ibn 'Āshūr, 2001). In other words, *maqāṣid* is not employed to revise the rules of *farā'id*, but rather to clarify whether *harta pusaka tinggi* should be considered an object subject to the inheritance regime or instead belongs to a distinct regime of communal ownership with different juridical characteristics (Layish, 1995).

This methodological position demonstrates that the relationship between *maqāṣid al-sharī'ah* and *naṣṣ* in this study is complementary. *Naṣṣ* remains the highest normative source in legal determination, while *maqāṣid* serves as an evaluative framework that helps clarify the objectives, functions, and scope of application of legal provisions within social realities (al-Shāṭibī, n.d.). This approach avoids two extreme tendencies often found in contemporary Islamic legal discourse: a purely textual approach that neglects the complexity of social institutions, and a purely contextual approach that uses *maqāṣid* to override textual provisions (Kamali, 2003). By positioning both proportionally, the analysis of *harta pusaka tinggi* can be conducted more balanced, from the perspectives of *uṣūl al-fiqh* and Islamic legal reform.

Based on the above discussion, this study argues that the primary issue in the system of *harta pusaka tinggi* does not lie in an inherent conflict between custom and Sharī'ah, but rather in the need to accurately identify the legal character of the institution under analysis. Once this character is understood through theories of ownership, *'urf*, and the framework of *maqāṣid al-sharī'ah*, the dialogue between custom and Islamic law can be conducted in a more objective, systematic, and methodologically accountable manner (Ibn 'Ābidīn, 1992). This approach forms the basis for the subsequent analysis of how the system of *harta pusaka tinggi* evolves as a form of communal asset governance that continues to adapt to social change and the demands of modernity (Ostrom, 1990).

4. *Harta Pusaka Tinggi* as Communal Asset Governance: Perspectives from Islamic Institutional Economics and Intergenerational Asset Protection

In addition to its juridical dimension within the framework of *uṣūl al-fiqh*, *harta pusaka tinggi* also exhibits significant institutional characteristics when analyzed through the lens of Islamic economics. In this context, *harta pusaka tinggi* is not merely understood as an object of ownership, but as a social institution that regulates the governance of communal assets (*communal asset governance*) in a sustainable manner. This approach expands the discussion from issues of rights distribution toward an analysis of how a society constructs institutional mechanisms to protect, manage, and preserve productive assets across generations. Therefore, the system of *harta pusaka tinggi* is highly relevant to the development of institutional economics in contemporary Islamic legal studies (Kuran, 2004; North, 1990).

Within the Minangkabau customary system, communal lands (*tanah ulayat*), rice fields, plantations, and *rumah gadang* categorized as *harta pusaka tinggi* are not treated as freely tradable economic commodities. Instead, these assets are maintained as shared resources whose sustainability must be preserved for the benefit of all members of the kinship group. The customary principle *indak dimakan bali*, *indak dimakan sando* (not to be sold and not to be mortgaged) reflects an institutional mechanism deliberately designed to prevent fragmentation of ownership due to short-term economic pressures (Abdullah, 1966; Benda-Beckmann, 1979). Thus, the primary orientation of this system is not the maximization of individual profit, but the preservation of productive assets as the foundation of communal welfare in both present and future generations.

From the perspective of institutional economics, this mechanism aligns with the theory of common-pool resource governance, which explains that the sustainability of an asset is determined not only by its ownership status but also by the effectiveness of institutions regulating access rights, decision-making processes, benefit distribution, and the responsibilities of its members (Ostrom, 1990). Within this framework, the *mamak kepala waris* functions as an institutional custodian rather than an absolute owner. His authority is constrained by the interests of the kinship group and customary norms that require him to safeguard the continuity of assets for future generations. Such an institutional structure demonstrates that the success of the *harta pusaka tinggi* system depends not solely on legal norms, but also on the presence of social institutions capable of fostering trust, accountability, and collective responsibility among members (Greif, 2006).

These characteristics reveal a functional similarity to the institution of waqf in Islamic law, although both differ in their legal foundations, contractual forms, and juridical consequences. *Waqf* is established through a formal declaration (*ṣiḡḡah al-waqf*) by a donor (*wāqif*) who dedicates the benefits of their property for specific purposes permanently in accordance with Sharī'ah provisions (al-Zuhaylī, 1985; Kahf, 1998). In contrast, *harta pusaka tinggi* emerges from a customary construction that has historically developed as part of a matrilineal kinship system. Therefore, this study does not equate *harta pusaka tinggi* with *waqf* from a *fiqh* perspective. However, institutionally, both share similar functions: preserving the continuity of productive assets, preventing individual appropriation that could eliminate social benefits, and ensuring that such assets continue to serve the community sustainably. This functional similarity provides space for comparative analysis within the framework of *maqāṣid al-sharī'ah*, particularly concerning the protection of wealth (*ḥifẓ al-māl*) at the collective level (Auda, 2008).

This institutional analysis also explains why the *harta pusaka tinggi* system has endured for centuries despite facing economic pressures, colonial interventions, agrarian policy changes, and modernization. Its resilience is not solely due to the strength of cultural traditions but also to the effectiveness of customary institutions in establishing rules governing collective asset use. From the perspective of institutional economics, the existence of clear rules on rights and obligations, deliberative mechanisms, and dispute resolution is crucial to ensuring the sustainability of communal asset management institutions (Williamson, 1985). These findings indicate that Minangkabau society has developed a form of communal governance that substantively aligns with the principles of good governance, including participation, accountability, responsibility, and sustainability.

Nevertheless, this study also finds that the sustainability of this system faces increasingly complex challenges in the modern era. Urbanization, migration of Minangkabau communities to overseas regions, rising household economic demands, changes in land use patterns, and the expansion of market-based economic systems have affected the effectiveness of *harta pusaka tinggi* governance. In some communities, communal assets face pressure to be commercialized or converted into individual ownership to meet short-term economic needs. At the same time, younger generations living outside their native villages often exhibit weaker attachment to customary institutions compared to previous generations. This condition indicates that the primary challenge faced by *harta pusaka tinggi* today is no longer merely a matter of normative legitimacy, but also one of institutional sustainability amid rapid social transformation (Kato, 1982).

From the perspective of *maqāṣid al-sharī'ah*, these dynamics necessitate institutional reform that preserves the fundamental objective of protecting communal assets while accommodating contemporary economic needs. Such reform does not require altering the core principles of customary law, but can be achieved through governance innovations that enhance asset productivity, strengthen transparency, develop community-based economic partnerships, and expand the utilization of assets for education, economic empowerment, and social welfare (Kahf, 2003). Thus, the protection of wealth (*ḥifẓ al-māl*) should not be understood as rigidly maintaining the status quo, but as a dynamic process of preserving

the social function of assets through adaptive mechanisms responsive to changing circumstances.

These findings demonstrate that the Minangkabau experience offers broader contributions beyond merely illustrating the relationship between custom and Shari'ah. The *harta pusaka tinggi* system shows that Muslim societies possess the capacity to develop communal asset governance institutions oriented toward intergenerational sustainability, social responsibility, and collective welfare. Therefore, this experience is not only relevant for the development of customary law studies, but also provides conceptual inspiration for advancing productive *waqf* governance, Islamic social assets, and various forms of collective wealth management in contemporary Muslim societies (Ahmed, 2004). In this context, Minangkabau should not be positioned as a normative model to be replicated, but rather as a social laboratory demonstrating how Shari'ah values, local wisdom, and social institutions can interact to build a just, sustainable, and welfare-oriented asset governance system.

5. Modern Reform and the Transformation of Customary Institutions: Negotiating the Sustainability of Harta Pusaka Tinggi in the Contemporary Era

One of the key findings of this study is that modernization does not eliminate the *harta pusaka tinggi* system, but rather transforms how this institution is practiced, interpreted, and negotiated within Minangkabau society. Therefore, the term *modern reform* in this study is not understood as an effort to replace customary law with a new legal system or to diminish the authority of the Shari'ah, but as a process of institutional adaptation that enables customary values and Islamic legal principles to remain relevant amid changes in social, economic, and cultural structures. In this sense, reform is better understood as institutional transformation rather than a normative alteration of the foundational principles that underpin the Minangkabau customary system (Menski, 2006).

This transformation is primarily influenced by increasing urbanization, population mobility, and the long-standing tradition of *merantau* (outmigration), which forms an integral part of Minangkabau identity. Migration to various economic centers has resulted in many clan members no longer residing within the *nagari*, thereby weakening their direct connection to communal land (*tanah ulayat*) and *harta pusaka tinggi*. This shift in settlement patterns has led to a decline in the intensity of customary deliberations, reduced involvement of younger generations in clan institutions, and the emergence of a need for governance mechanisms capable of reaching community members dispersed across different regions (Kato, 1982). In other words, the primary challenge is no longer preserving the existence of customary law, but maintaining the effectiveness of customary institutions amid rapid social transformation.

Changes in economic structure have also had a significant impact. In agrarian societies, *harta pusaka tinggi* functions as the primary means of production, sustaining the clan through the collective use of land, rice fields, and plantations. However, in the context of a modern economy, sources of income have become increasingly diversified and are no longer directly dependent on communal assets. Education, the service sector, trade, industry, and the digital economy have created new economic opportunities that reduce reliance on communal land as the sole basis of family welfare (Ostrom, 1990). Consequently,

there is a growing demand for the governance of *harta pusaka tinggi* to focus not only on asset preservation but also on generating more productive economic benefits for clan members, without undermining its communal character.

This study also identifies changes in intergenerational relations. Younger generations of Minangkabau who grow up in urban environments tend to have social experiences that differ from those of previous generations. Their connection to the *rumah gadang*, clan structure, and customary deliberation mechanisms is no longer shaped through daily interaction, but is instead maintained through periodic familial ties. This condition presents new challenges for leadership regeneration within customary institutions and for the transmission of institutional values to future generations (Sanday, 2002). Therefore, the sustainability of the *harta pusaka tinggi* system depends not only on the protection of physical assets but also on the successful transmission of the social values that underpin these institutions.

On the other hand, the development of digital technology offers new opportunities to renew customary governance. The documentation of communal assets, recording of clan genealogies, the organization of online deliberations, and the development of institutional information systems at the *nagari* level demonstrate that technology can be utilized to enhance the effectiveness of customary institutions without altering their fundamental principles (Castells, 2010). In this context, digitalization is not understood as a replacement for customary mechanisms, but as an instrument that supports transparency, accountability, and participation among clan members residing in different regions. Thus, modernization can strengthen institutional sustainability when wisely integrated with customary values and Sharī'ah principles.

These transformations also generate a need for more contextual reinterpretations of Islamic law. Emerging issues such as the optimization of communal land use, the management of communal assets for productive economic activities, the protection of women's and children's rights within modern family structures, and the governance of digital wealth are not fully addressed by classical *fiqh* approaches oriented toward agrarian societies (Coulson, 1964). In such circumstances, the *maqāṣid al-sharī'ah* approach becomes increasingly relevant, as it allows the process of *ijtihād* to remain grounded in the objectives of the Sharī'ah while taking into account changing social conditions (Ibn 'Āshūr, 2001). Nevertheless, such reinterpretation must remain within the methodological framework of *uṣūl al-fiqh*, ensuring that adaptation to social realities does not relativize fundamental Sharī'ah principles.

The findings of this study indicate that the relationship between customary law and the Sharī'ah in Minangkabau society is not static but evolves through ongoing negotiation. Customary law is not preserved as a rigid cultural heritage, and the Sharī'ah is not understood as a system that excludes social change. Rather, both form a dialogical mechanism that enables institutional renewal without losing its moral and theological orientation (Layish, 2014). From this perspective, modern reform does not imply replacing tradition with modernity, but rather bringing the two into a process of transformation that preserves continuity of values while responding to contemporary societal needs.

Thus, the Minangkabau experience demonstrates that the success of Islamic legal reform does not always depend on the creation of new regulations or more detailed legal codification. Reform can also occur through the renewal of existing social institutions, as long as these institutions maintain their orientation toward public welfare (*maṣlahah*), justice, and sustainability (Auda, 2008). This perspective offers an important insight: the vitality of Islamic law is determined not only by the strength of its norms, but also by the capacity of social institutions to translate those norms into practices that remain relevant in changing times. On this basis, the Minangkabau experience can be understood as a form of *bottom-up legal reform*, namely, one that emerges through institutional adaptation within society rather than solely through state intervention or formal legislative change (Tamanaha, 2001).

6. The Integration Model of 'Urf, Maqāṣid al-Sharī'ah, and Legal Pluralism as a Paradigm for Contextual Islamic Legal Reform: Theoretical Synthesis

Based on the overall findings of this study, it can be concluded that the experience of Minangkabau society not only represents a harmonious relationship between customary law (*adat*) and the Sharī'ah, but also demonstrates the mechanisms through which Islamic law interacts with social realities through continuous processes of institutionalization. These findings indicate that the success of integrating local values and Islamic law is not determined solely by formal conformity between customary practices and fiqh provisions, but rather by a society's capacity to develop social institutions that internalize the objectives of the Sharī'ah into everyday practices. Thus, the primary contribution of the Minangkabau experience lies not solely in the uniqueness of its matrilineal system, but in the jurisprudential and institutional mechanisms that enable *adat*, the Sharī'ah, and social dynamics to evolve dialogically, as emphasized in legal pluralism theory (Menski, 2006).

Based on this analysis, this study proposes a conceptual framework referred to as the **Contextual Integration Model of 'Urf-Maqāṣid-Legal Pluralism**. This model is constructed upon three interrelated layers of analysis. The first layer involves identifying the juridical character of social institutions through the theory of ownership (*milik*) and the doctrine of 'urf. This stage aims to ensure that the legal object is properly understood prior to normative evaluation. Accordingly, the analysis does not merely address whether a practice conforms to or contradicts the Sharī'ah, but first examines the legal nature of the institution under consideration, in line with the classical juristic emphasis on the legal characterization of social practices (*taḥqīq al-manāṭ*) (Ibn 'Ābidīn, 1992).

The second layer consists of normative evaluation through *maqāṣid al-sharī'ah*. Once the legal character of an institution is established, the next step is to assess whether it fulfills the fundamental objectives of the Sharī'ah, particularly the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). In this study, *maqāṣid* is not positioned as an instrument to replace or override *qat'ī* textual sources (*naṣṣ*), but rather as an evaluative framework that explains an institution's orientation and social function in realizing public welfare (*maṣlahah*). Within this approach, the relationship between *naṣṣ* and *maqāṣid* is complementary rather than competitive, as articulated in both classical and contemporary *maqāṣid* scholarship (al-Shātibī, 1997; Ibn 'Āshūr, 2001).

The third layer involves the analysis of legal pluralism and social institutionalization. At this stage, attention is directed to how Islamic legal norms are implemented through institutions operating within society (*living law*). The perspective of legal pluralism demonstrates that the effectiveness of law is determined not solely by its normative validity but also by the capacity of social institutions to generate legitimacy, compliance, and public trust. Therefore, Islamic legal reform need not be achieved solely through the enactment of new legislation but can also occur through institutional renewal that strengthens the relationship among Sharī'ah norms, cultural values, and societal needs, as highlighted in socio-legal scholarship (Menski, 2006; Merry, 1988).

These three layers form an integrative analytical framework. Unlike legalistic approaches that emphasize formal conformity to textual sources, or relativistic approaches that grant full legitimacy to cultural practices, the model proposed in this study positions *naṣṣ*, *maqāṣid*, *'urf*, and social institutions in a complementary relationship. Within this framework, *naṣṣ* remains the highest normative authority, *maqāṣid* provides teleological orientation for legal interpretation, *'urf* explains the social context in which the law is applied, and legal pluralism elucidates the institutional mechanisms through which these norms achieve effectiveness in society, consistent with the juristic maxim recognizing custom as a valid legal consideration (*al-'ādah muḥakkamah*) (al-Suyūṭī, 1998).

This model also has broader implications for the development of Islamic legal reform in contemporary Muslim societies. The Minangkabau experience demonstrates that the dialogue between the Sharī'ah and local culture should not be understood as a compromise that diminishes the authority of revelation, nor as the dominance of one legal system over another. Rather, such dialogue can take place through processes of institutional reinterpretation that preserve the fundamental principles of the Sharī'ah while accommodating evolving social needs. This perspective offers an alternative to two dominant tendencies in Islamic legal reform discourse: textual formalism, which often neglects social realities, and contextualism, which risks detaching law from its normative foundations, as critically discussed in the literature on Islamic legal development (Coulson, 1964).

In a broader context, this conceptual model is not only relevant to Minangkabau society but can also serve as an analytical framework for other Muslim communities navigating interactions between Islamic law and customary systems, such as Acehnese society in Indonesia, Pashtun communities in Pakistan and Afghanistan, and Amazigh societies in North Africa. Although each community possesses distinct customary characteristics, the methodological challenges they face share similar patterns, namely how to determine the relationship between *'urf*, *naṣṣ*, *maqāṣid al-sharī'ah*, and social institutions in constructing a legal system that possesses both normative legitimacy and social relevance. Thus, this study not only offers a new reading of the Minangkabau experience but also provides an analytical framework that can be developed in comparative studies of legal pluralism in the Muslim world, as reflected in earlier comparative works on customary law and Islamic law (Layish, 1975).

On this basis, this study asserts that contextual Islamic legal reform should not be understood merely as a process of modifying the substance of legal norms, but rather as a

reconstruction of the relationship between revelation, the objectives of the Shari'ah, social institutions, and societal dynamics. This perspective enables Islamic law to maintain its theological foundations while possessing the adaptive capacity to respond to contemporary changes. Therefore, the integration of *'urf*, *maqāṣid al-sharī'ah*, and legal pluralism, as demonstrated in the Minangkabau experience, can be regarded as a promising paradigm for the development of a more contextual, humanistic, and sustainable theory of Islamic legal reform in contemporary Muslim societies, particularly in relation to communal resource governance and institutional adaptation (Ostrom, 1990; Kahf, 2003).

CONCLUSIONS

This study demonstrates that the relationship between Minangkabau local wisdom and Islamic law cannot be understood merely as coexistence between adat and the Shari'ah, but rather as a process of institutionalizing norms that produces a system of living Islamic law. Through the philosophy of *adat basandi syarak, syarak basandi Kitabullah*, Minangkabau society constructs social mechanisms that integrate local cultural values with Islamic legal principles in the organization of social life, the management of communal assets, dispute resolution, and the formation of institutional authority. These findings indicate that the sustainability of the relationship between adat and the Shari'ah is not primarily determined by uniformity in legal form but by the capacity of social institutions to continuously internalize the objectives of the Shari'ah into society's lived practices.

This study also finds that debates concerning the system of *harta pusaka tinggi* should not be framed solely in terms of the dichotomy between adat and Islamic inheritance law. The analysis shows that the fundamental issue lies in the juridical classification of the legal object under consideration. When *harta pusaka tinggi* is positioned as a communal asset characterized as *milk al-jamā'ah*, its legal treatment cannot be automatically equated with the distribution of individual estates (*tarikah*) under the regime of *farā'id*. Therefore, evaluation of this system must follow a methodological sequence that includes identifying the legal nature of the object, analyzing the applicability of *'urf*, and assessing its alignment with the objectives of *maqāṣid al-sharī'ah*. This approach enables a more proportional dialogue between adat and the Shari'ah without undermining the authority of the *naṣṣ* or overlooking the complexity of living social institutions.

From the perspective of *maqāṣid al-sharī'ah*, this study affirms that *maqāṣid* does not function as an instrument to replace or limit *qat'ī* textual rulings, but rather as an evaluative framework that explains the purpose, function, and social orientation of legal institutions. Within this methodological position, the relationship between *naṣṣ*, *maqāṣid*, and *'urf* is understood as complementary. The *naṣṣ* provides normative foundations, *maqāṣid* articulates the teleological orientation of the law, and *'urf* offers the social context that enables Islamic law to be effectively implemented in society. This synthesis contributes to the development of a contemporary *uṣūl al-fiqh* methodology better equipped to explain the interaction among revelation, culture, and social change.

The main contribution of this study lies in the formulation of the Contextual Integration Model of *'Urf-Maqāṣid-Legal Pluralism* as an analytical framework for Islamic legal reform. This model is constructed through three interrelated stages: (1) identifying the

legal character of institutions through theories of ownership and 'urf; (2) evaluating the objectives of the Sharī'ah through the framework of *maqāṣid al-sharī'ah*; and (3) conducting institutional analysis through the perspectives of legal pluralism and living law. Unlike approaches that emphasize only formal conformity to textual sources or grant full legitimacy to cultural practices, this model offers an integrative approach that maintains the authority of revelation while accommodating social dynamics through methodologically responsible interpretation.

In addition to contributing to the development of Islamic legal theory, this study also demonstrates that the system of *harta pusaka tinggi* can be understood as a form of communal asset governance oriented toward intergenerational asset protection, institutional sustainability, and public welfare. Although it cannot be juridically equated with the institution of waqf, both share functional similarities in preserving productive assets for collective benefit. This perspective opens broader avenues for dialogue between Islamic law, institutional economics, and the management of social assets in contemporary Muslim societies.

This study has limitations due to its reliance on a normative socio-legal approach based on documentary analysis, which does not directly examine the practical management of *harta pusaka tinggi* across various *nagari* with differing social characteristics. Furthermore, the comparative analysis of other Muslim communities—such as Acehnese, Pashtun, and Amazigh societies—remains conceptual and is not yet supported by in-depth field research. Therefore, future research should develop empirical studies on the dynamics of customary institutions in different regions, while also testing the application of the Contextual Integration Model of 'Urf–Maqāṣid–Legal Pluralism across various forms of interaction between Islamic law and customary systems in the Muslim world. Such developments are expected not only to enrich the study of legal pluralism but also to contribute more broadly to the formulation of contextual, just, and sustainable Islamic legal reform.

REFERENCES:

- Abdullah, M.A. (2014). 'Religion, local culture, and social harmony in Indonesian Islam', *Al-Jami'ah: Journal of Islamic Studies*, 52(1), pp. 1–26.
- Anwar, S. (2019). 'The discourse of maqasid al-shariah in contemporary Islamic legal reform', *Ahkam: Jurnal Ilmu Syariah*, 19(2), pp. 231–250.
- Arifin, Z. (2021). 'Islamic law and local wisdom: socio-legal perspectives in Indonesian Muslim society', *Mazahib: Jurnal Pemikiran Hukum Islam*, 20(1), pp. 45–66.
- Auda, J. (2008). *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*. London: International Institute of Islamic Thought.
- Denzin, N.K. & Lincoln, Y.S. (2011). *The SAGE Handbook of Qualitative Research*. 4th edn. California: Sage Publications.
- Fadhli, M. (2020). 'Adat and sharia relations in Minangkabau society', *Al-Ihkam: Jurnal Hukum dan Pranata Sosial*, 15(2), pp. 289–310.

- Fauzia, A. (2018). 'Islamic legal adaptation and social change in Indonesia', *Studia Islamika*, 25(3), pp. 489–514.
- Hallaq, W.B. (2009). *An Introduction to Islamic Law*. Cambridge: Cambridge University Press.
- Hefner, R.W. (2017). 'Islamic law and pluralism in Indonesia', *Journal of Indonesian Islam*, 11(1), pp. 1–27.
- Ilyas, H. (2016). 'Maqasid al-shariah and social justice in Muslim societies', *Karsa: Journal of Social and Islamic Culture*, 24(2), pp. 187–205.
- Kamali, M.H. (2008). *Shari'ah Law: An Introduction*. Oxford: Oneworld Publications.
- Lukito, R. (2013). *Legal Pluralism in Indonesia: Bridging the Unbridgeable*. London: Routledge.
- Mudzhar, M.A. (2015). 'The dynamics of Islamic legal thought in Indonesia', *Al-Jami'ah: Journal of Islamic Studies*, 53(2), pp. 275–302.
- Nasroen, M. (1971). *Dasar Falsafah Adat Minangkabau*. Jakarta: Bulan Bintang.
- Qaradawi, Y. al- (1990) *Madkhal li Dirasat al-Shari'ah al-Islamiyyah*. Cairo: Maktabah Wahbah.
- Rahman, F. (2019). 'Socio-legal approaches in Islamic law studies', *Jurnal Hukum Islam*, 17(1), pp. 77–95.
- Salim, A. (2015). 'Adat, Islam, and the state in contemporary Indonesia', *Indonesia and the Malay World*, 43(127), pp. 324–345.
- Sirry, M. (2020). 'Islamic law, local tradition, and legal pluralism', *Journal of Islamic Studies*, 31(3), pp. 315–337.
- Syarifuddin, A. (1984) *Pelaksanaan Hukum Kewarisan Islam dalam Lingkungan Adat Minangkabau*. Jakarta: Gunung Agung.
- Tamanaha, B. (2001). *A General Jurisprudence of Law and Society*. Oxford: Oxford University Press.
- Wahid, M. (2022). 'Contextualizing Islamic law through local wisdom in Indonesia', *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan*, 22(1), pp. 55–74.
- Yakin, A.U. (2018). 'Fiqh sosial and contemporary Islamic legal reform', *Ahkam: Jurnal Ilmu Syariah*, 18(1), pp. 101–120.
- Yusdani (2017) 'Maqasid al-shariah and legal reform in Muslim countries', *Al-Manahij: Jurnal Kajian Hukum Islam*, 11(2), pp. 159–176.