

The Difference between The Inheritance of Common Heritage and Customary Heritage in The Practice of Adat Perpatih

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Abstract

The old Malay community practises two main forms of custom; *Adat Perpatih* in Negeri Sembilan and *Adat Temenggung* in other states in Malaysia. The principle of patrilineal practice that prioritises male heirs in the distribution of inheritance, which is practised in the norms of the *Adat Temenggung* community, is seen to be in accordance with the provisions of Islamic law in the Quran regarding the distribution of inheritance. Meanwhile, the *Adat Perpatih* community tends to practice the matrilineal principle in their customary practices by prioritising female heirs in inheritance. The objective of this article is to examine the differences between the inheritance practices of common heritage and customary heritage in Adat Perpatih, as observed in Negeri Sembilan. This research is importance to provide understanding to the public regarding the difference between these two practice patterns. The methodology of this research is qualitative. Collection of research data used document analysis and the results of interviews with several individuals directly involved in customary land inheritance. Data obtained was thematically and comparatively analysed. Research results find that there are differences between the common heritage and customary heritage of inheritance practiced in Negeri Sembilan. The differences namely, in the type of property, determination of the rate of acquisition of property, method of dividing property and the right of adoption. This article concludes by proposing further research on the management and administration of inheritance in Negeri Sembilan, pertaining to both common heritage and

customary heritage to enhance the understanding of the Muslim community and to improve the quality of services provided by the administrators.

Keywords: Adat Perpatih, Customary Land, Inheritance Management, Negeri Sembilan, Law.

Introduction

Negeri Sembilan is a unique state compared to other states in Malaysia owing to the uniqueness of its people who practice customary law in the state government system. Some of the Negeri Sembilan communities in several districts such as Kuala Pilah, Rembau, Jelebu and Jempol practise the inheritance of property according to customary practices. *Adat* or custom generally refers to something that is *ghalib* or common, which is done by community groups to organise their daily life (Idris et al., 1994). According to Ibrahim (1995), custom is understood as a fixed and unchangeable rule in a society. Meanwhile, the concept of *adat* is understood as a rule of life or law that needs to be held and obeyed by generations throughout time.

The practice examined in this study is known as *Adat Perpatih*. It is a complex system or ideology that is realised and acts as a view of life that guides the involvement or perception of its members (Idris et al., 1994). Meanwhile, the *Adat Perpatih* community is described as a very strong farming community with a bond of family cooperation (Idris et al., 1994). *Adat Perpatih* used to be codified in metaphorical language through proverbs and rhymes. Most of the customs are expressed as proverbs. According to Musa (2016), proverbs are sometimes considered an unofficial rule or moral guideline that needs to be followed.

Adat Perpatih has a great influence on the governance of Negeri Sembilan government. This practice is said to be related to the Minangkabau society and history. According to previous studies, *Adat Perpatih* is said to have originated in western Sumatra and was later brought by the Minangkabau community who came to Negeri Sembilan (Ibrahim, 1995). Idris (1970) in his study stated that the first arrival of the Minangkabau people was around the 15th century AD based on a clue, which is a tomb inscribed with Sheikh Ahmad's name found in Sungai Udang, Linggi. From the shape and Arabic writing found on his tombstone, it was observed similar to the inscription stone in Batusangkar and Pagaruyung in Minangkabau; thus, it can be known that Sheikh Ahmad is from Minangkabau (Idris, 1970). Based on the previous studies, the accurate time the Minangkabau people arrived in Negeri Sembilan and at the Malay Peninsula is yet to be ascertained by researchers, but it can be estimated that their arrival was around the 14th century until the 15th AD.

The core of Minangkabau customs has been compiled and adapted to build the framework of *Adat Perpatih* in Negeri Sembilan (Ahmad et al., 2019). The process of assimilation takes place considering that their society has a common cultural characteristic, which is a matrilineal social system. The most important principle in *Adat Perpatih* is that descent is counted through the mother's lineage. The basis of the entire behaviour of the community that practices the *Adat Perpatih* is to use a matrilineal tribal system that takes the lineage from the mother's side, which affects the political, economic, social and cultural system of the community (Tusarripah & Taib, 2016; Wardi et al., 2018).

Adat Perpatih practised by the people of Negeri Sembilan has now undergone changes, but some of the original principles remain. One of the important things in *Adat Perpatih* is that each tribe has customary inheritance land registered in the name of female heirs in the same tribe. The privileges received by women in the *Adat Perpatih* society cause some in the community to adopt girls if they do not have a daughter or female heirs. Meanwhile, other properties other than customary land are subject to inheritance under Islamic or faraid law.

This article focuses on the inheritance system in the *Adat Perpatih* community in Negeri Sembilan involving common inheritance and customary inheritance (customary land). The research methodology is qualitative based on library research and results of interviews with several individuals directly involved in customary land inheritance. Previous studies demonstrated that communities practising *Adat Perpatih* in Negeri Sembilan are often faced with various issues involving the inheritance system, especially when it comes to the distribution of customary land. Therefore, the findings in this study are expected to provide information and understanding to the community about the inheritance system in Negeri Sembilan.

Literature Review

Past studies proved that the practice of estate management in Negeri Sembilan has long attracted the attention of many scholars. The rules and laws outlined, however, seem to have allowed some of the problems that often arise. Azaldin & Zain (2019) described the aspects of the differences between customary land inheritance and Islamic inheritance. Among the most clearly discussed in the study is the extent to which the customary practices on property contradict Islamic law. At the end of the study, the researchers gathered some shariah-compliant concepts that can be implemented to replace the *Adat Perpatih* inheritance practice according to the opinion of previous scholars so that the inheritance practice can continue and not contradict the Shariah view. The concept of practice that is introduced is, between *waqf*, *hibah* and a trustee. However, the concept explained by the researcher has its advantages and disadvantages.

According to Sulong (2012), the practice of the Malay community in the distribution of inheritance is influenced by traditions and customary practices such as those in Negeri Sembilan. Based on the discussion in the research paper, he explained that there are three patterns of inheritance distribution in the practice of the Malay community, namely giving priority to heirs from female descendants, prioritising heirs from male descendants and prioritising heirs from both sides equally. He also showed that the implementation of the distribution of the Muslim community's inheritance in Malaysia usually refers to the distribution of common inheritance and customary inheritance. He illustrated that there were various forms of inheritance distribution practices of the Malay community in the past, which differed according to place. For instance, traditional community practices such as *Adat Perpatih* and *Adat Temenggung*, as well as village customs. He explained that the development of Islam in Malaya has gradually shifted the distribution of inheritance according to the Shariah law. In resolving the distribution of customary land, the consensus method is usually used to make the inheritance following the Islamic religion.

In the study of Rushdan et al (2021), it was explained that land administrators are often faced with various management and administration issues of inheritance, especially in matters of customary land distribution. This situation can trigger a conflict between the heirs and the Land Office as an inheritance administration agency. The results of their literature review explained the causes of this phenomenon, which include the lack of knowledge or community's understanding of the practice of dividing inheritance, the attitude of heirs who do not care about the process or procedure that needs to be followed in the management of inheritance, conflicts in administrative matters and the management of customary land, as well as the challenges of the Small Estates Distribution Unit in managing the distribution of inheritance. The study finally suggested that further research should be done on the practice

of estate management in Negeri Sembilan focusing on the comparison of common estate management practices and customary estates.

Yusof et al (2017) in their article stated that the practice of dividing customary land in Negeri Sembilan remains to this day. In addition, they mentioned that the level of community practice in Negeri Sembilan related to customary land inheritance is still high. Furthermore, their research on a total of 525 Muslim respondents in Negeri Sembilan revealed several factors such as weaknesses in terms of management and administration of customary land as well as community misunderstanding of land ownership, which led to conflict throughout the implementation of customary law in this state. This statement is supported by Rahman et al (2016) stating that the smooth management and administration of Islamic inheritance in Malaysia is affected by the provision of customary law in Negeri Sembilan that tends to trigger conflicts and disputes between heirs and Land Office as an inheritance administration agency.

Research Methodology

This study is qualitative research using the approach of a case study design, aiming to examine in depth the inheritance distribution system of *Adat Perpatih* community in Negeri Sembilan. The method of content analysis was applied by gathering information and written materials from primary and secondary sources against various materials and literature by experts in related fields that touch on the Muslim community and their practices in estate management. This article also employed the interview method as an instrument to obtain research data. Interviews involved the administrator of heritage property, the administrator of customary property in Negeri Sembilan, community leaders and academics. After that, a thematic analysis was done on all the information obtained from the settlement of inheritance for the types of common inheritance and customary inheritance practised in Negeri Sembilan. Finally, a comparative analysis was done to find out the difference in the practicality of the distribution between the two types of property found in this study.

System of Inheritance Distribution In *Adat Perpatih* Society

The practices of *Adat Perpatih* greatly influence the distribution of inheritance for the community in Negeri Sembilan. Customary property or ancestral property in *Adat Perpatih* has long been passed down to daughters or female descendants. In the past, certain properties including a house owned by a woman would usually be inherited by the youngest daughter. If there is no immediate heir, then the customary property will be inherited by female siblings, children of female siblings (nieces), female grandchildren and great-grandchildren (Winstedt, 1934).

In addition to houses and land, the form of traditional properties of the *Adat Perpatih* community in the past comprised weapons, jewellery and valuable clothing (Winstedt, 1934). Usually, inheritances such as land, houses, rice fields and garden land are given to daughters, while other inheritances such as tools, clothes and weapons are given to sons (Peletz, 1981). Part of the custom property is used by men, but the original owner must return to the mother or sister. Therefore, at the time of death, the weapon used cannot be passed on to his son but should return to his mother or sister.

Based on the description above, it has been proven that traditional communities have different understandings and classifications for the types of property. By understanding the type of inheritance practised by the customary community in Minangkabau, the researcher believed that the type of inheritance in this customary community needs to be first explained since the inheritance of property based on the *Adat Perpatih* in Negeri Sembilan is resulted

from the assimilation of custom in Minangkabau. The general customary practice in Minangkabau in terms of dividing inheritance comprises two types of inheritance, which are low heritage (*harta pusaka rendah*) and high heritage (*harta pusaka tinggi*).

Low Heritage (Harta Pusaka Rendah)

Pusako rendah or *harta pusaka rendah* involves all properties received and inherited from the *mamak kandung* (mother's biological brother) or *tungganai rumah* (head of the household) obtained as a result of his work (Haron & Hanifuddin, 2012). The low heritage property is also referred to as properties whose origin can be known with certainty, which is when the inheritance is passed down by parents to their children, both male and female (Elfia et al., 2020). This property is owned absolutely by the person who cultivates the property. Therefore, a person has full authority over the property (Prasna, 2018). Property inheritance for low heritage in Minangkabau is inherited with a bilateral individual inheritance system. The distribution of property must be done following the provisions of *syarak*, which is the faraid law established in the Quran. In addition, the rules usually follow the method of equal distribution between the rightful heirs (Ishak, 1997).

High Heritage (Harta Pusaka Tinggi)

Pusako tinggi or *harta pusaka tinggi* includes all properties that have long been passed down from one generation to another and enjoyed together for generations, which are passed down according to the mother's lineage and regulated based on Minangkabau customary law (Elfia et al., 2020; Rahmat, 2019). The high heritage property is acquired through generations and its nature is not absolutely owned by one person, but owned by all members of a tribe (Prasna, 2018). Some of the high heritage properties are inheritances in the form of *tanah ulayat*, rice fields, burial grounds and houses inherited and jointly owned by a tribe (Prasna, 2018). However, this type of property cannot be sold or mortgaged except based on an agreement between the tribe itself (Rahmat, 2019). Meanwhile, the way of distribution for high heritage property follows the mother's lineage (matrilineal) (Elfia et al., 2020; Rahmadanil & Zuwanda, 2015). The term *tanah ulayat* is a high heritage property among the Minangkabau community in Indonesia, while in Malaysia, it is referred to as the term *tanah adat* (Sahid et al., 2018).

Thus, it is clear that high heritage property or *tanah adat* is inherited from generation to generation based on the collective inheritance system, meaning that the property is passed down to descendants in the matrilineal line, which can be used by tribal families. Low heritage property, on the other hand, is inherited by the heirs according to the Islamic inheritance system, which is the faraid law. The results of this research on the inheritance of the different types of property illustrate that women in the *Adat Perpatih* community are well protected since they not only receive the right to inherit property from their parents through low inheritance but also the right to inherit high heritage from generation to generation.

Inheritance of Customary Heritage Nowadays

According to Puan Nor Haslina Binti Hussin, Chief Assistant Director of the Small Estates Distribution Unit of JKPTG Negeri Sembilan, along with the introduction of several customary laws that have been introduced, the *Adat Perpatih* regulations are only applied specifically to customary land or *tanah adat* without involving other properties (Hussin, 2022). According to her, the administration of customary land is now only carried out by the Land Office for districts involved with customary lands such as in Kuala Pilah and Rembau. When a person

dies leaving the land that is marked or written as 'customary land' or '*tanah adat*', the heirs need to make the application for claiming the customary land at the Land Office (Customary Division). Puan Nor Haslina also explained that even though the land title has written down the female heirs, the original concept of *Adat Perpatih* is still maintained. The reason is that the male heirs are still entitled to enjoy the proceeds of the customary lands.

Currently, customary land administration laws that are valid and applicable in Negeri Sembilan are regulated and managed under three enactments, which are Customary Tenure Enactment (CTE) Chapter 215, Customary Tenure Enactment (Lengkongan Land) Year 1960 and Rembau Law Enactment (Land) 1949. However, only two enactments are elaborated further in this study since the research was done at the Kuala Pilah Land Office, namely the Customary Tenure Enactment (CTE) Chapter 215 and the Customary Tenure Enactment (Lengkongan Land) Year 1960. In addition, the Kuala Pilah Land Office is the most visited reference point by the community related to customary land compared to other customary land areas in Negeri Sembilan.

Customary Tenure Enactment (CTE) Chapter 215

Customary Tenure Enactment (CTE) Chapter 215 is a customary land enactment used to administer customary lands in the districts of Kuala Pilah, Jempol, Jelebu, Rembau, Tampin and the small districts of Gemas. Customary land or '*tanah adat*' as stated in Section 2 CTE 215 is defined as land registered in the name of the deceased that has been endorsed under the Customary Tenure Enactment 1909. The contents of this customary law must be complied with in carrying out the inheritance of customary land. It is stated in Section 7 of the enactment describing an important matter in the *Adat Perpatih*, which is that the land belonging to the tribe must be inherited matrilineally or according to the mother's line of descent. As stated clearly in Section 7 (i) that customary land can only be transferred to female members of any of the twelve tribes that have been mentioned in Table B CTE 215. For a matter of registration of customary land cases, Section 4 (i) also states that the Land Administrator is the authority to manage matters related to the registration of 'customary land' or '*tanah adat*' for land that is subject to customary administration and must be recorded under the land office's title document.

Any matter related to customary land including transfer of ownership, lease and mortgage must first be approved by the *Dato' Lembaga* for the tribe in question referring to Section 7(iv) of the same enactment. The assertion about the need to use customary rules in matters related to customary lands such as land transfer activities and customary land collateral is also explained in Section 5 of the enactment. Therefore, any customary land matters must be carried out following customary law. Nevertheless, this section provides an exception for the state authority to take over any customary land for the public interest, with compensation given to the owner of such customary land.

As stated in Article 90(1) of the Federal Constitution as previously discussed, Section 23 of the Customary Tenure Enactment (CTE) Chapter 215 mentions that other laws cannot override the customary administration laws in Negeri Sembilan. The section states that any question regarding enactment, interpretation or implementation can only be referred through the *Menteri Besar* to the *Raja Dalam Mesyuarat (Yang Di-Pertuan Besar)* and they will make a final decision that cannot be questioned by any court. This means that any problem related to the investigation and trial of customary land cannot be referred to any higher court, either in the lower court or the session court or the magistrate's court, or any

law that higher than that, but reference must be made to the *Menteri Besar* and then the *Raja Dalam Mesyuarat (Yang Di-Pertuan Besar)*.

However, in practical terms, when there is a dispute or objection by any party, the case will be brought first to the knowledge of *Dato' Lembaga* and if it still cannot be resolved, it will be brought to the chief of tribe (*Penghulu Luak*) and then to *Undang* (Zaidin, 2022). This shows that the claim by the heirs for a case for customary land claims is only to the authorities in the Negeri Sembilan area and cannot be brought to the civil court or otherwise. This matter is based on an interview with Tuan Zaiful Azwan Bin Zaidin, the Chief Assistant Land Officer at the Kuala Pilah District Land Office, dated 18 July 2022.

Customary Tenure Enactment (Lengkongan Land) Year 1960

This enactment is used to manage and administer customary lands in Kuala Pilah only covering Luak Ulu Muar, Luak Gunung Pasir and part of Luak Jempol. The *Adat Lengkongan* is said to be resulted from the interaction between the *Adat Perpatih* and the *Adat Temenggung*, especially from the aspect of inheritance rules. This enactment is seen as different from *Adat Perpatih* practice under CTE 215 since the *Adat Lengkongan* allows the names of sons and daughters to be registered on Lengkongan custom land title and they are entitled to inherit equally, with the restriction that the land owner, either male or female, must be from among the *Adat Lengkongan* community tribes stated in Schedule A of the enactment.

Referring to this enactment, when a woman dies, the portion registered in the woman's name is called *harta dapatan* and will be divided according to the principle of *dapatan tinggal*. In customary terms, *harta dapatan* is defined as the property belonging to a woman that is acquired by the woman from her parent's inheritance (Haron & Hanifuddin, 2012). A husband does not have the right to own the land but his right is limited to cultivating the land without being able to own it. In the event of death or divorce, the property will be given to the daughter or handed over to the customary heirs or female tribe if there are no descendants (Adnan & Buang, 2021). Whereas, for a man who dies, the part registered in the man's name is called *harta pembawaan*. *Harta pembawaan* is meant as a property owned by a person before marriage or personal property (Sahid et al., 2017). In the event of death, inherited property must be divided according to the principle of *pembawaan kembali*, which means that the property is returned to the original race or tribe.

Customary Land (Tanah Adat) Distribution System In Adat Perpatih Society

Customary land is known as a hot cultural code in the *Adat Perpatih* community and is part of the important criteria of *Adat Perpatih* practised by several communities in Negeri Sembilan (Idris et al., 1994). In Kuala Pilah and Rembau Districts, all matters of customary land distribution according to *Adat Perpatih* practices are still applied by the community. Customary land is defined as land inherited from generation to generation under the same family tribe and must be registered at the land office with a title of customary land registration with the name of the tribe on it (Idris et al., 2015). Ahmad et al (2019) mentioned that customary property in *Adat Perpatih* has its way of distribution according to custom, while non-custom property must be settled according to Islamic law.

According to the *Adat Perpatih* practice, customary land is only inherited by female heirs, while male heirs are entitled to benefit without gaining ownership of the land (Ibrahim, 1988; Kassim, 1989). It should be known that customary land inherited by a female heir is not her absolute property but belongs to the tribe of the female heir; therefore, she cannot sell the land as the land is not her absolute property (Yusof et al., 2017). As trustees, customary

land owners do not have complete freedom over customary land holdings and are responsible for keeping the land from being sold or mortgaged to other parties (Azaldin & Zain, 2019; Ibrahim, 1995).

In addition, customary land cannot be transferred to another tribe. However, according to an interview with Dato' Raja Dimuda Ahmad Bin Awaludin, *Dato' Lembaga* of the Suku Biduanda Kundangan in Luak Terachi, Negeri Sembilan, in necessary and unavoidable circumstances, the *Dato' Lembaga* can allow a customary land to be transferred to the other tribal members who are ready to be adopted (*berkadim*) and recognised as members of the *Dato' Lembaga* tribe (Awaludin, 2022). The distribution of customary land must now be subject to the procedures set by the land office and any transfer of ownership must be with the knowledge of *Dato' Lembaga*.

Position of Men in Inheritance Rights

An important point about this customary land is that the ownership of the name in the land title is only given to the women without giving the right of ownership to men. Although men are not given ownership rights in the land title, they still have the right to manage, operate and get shared benefits from the customary land (Azaldin & Zain, 2019). This is because men are not legitimate heirs according to *Adat Perpatih* to inherit customary land. They only have the right to use tribal property as the saying goes (Ibrahim, 1995)

*Terbit pusaka dari saka,
silelaki menyandang pusaka
siperempuan punya pusaka,
orang semenda yang membela.*

It should be understood that customary land is not owned by individuals but is inherited through generations by a tribe and cannot be transferred to another tribe (Gunardi et al., 2017). Therefore, the women in *Adat Perpatih's* custom are only considered trustees of the land (Yusof et al., 2017), and all results or benefits must be shared with male relatives (Kassim, 1988). Dato' Senara Kaya Ali Azizan Bin Abdullah, *Dato' Lembaga* for the Suku Paya Kumbuh, Luak Ulu Muar, stated that the younger generation's perception of customary land ownership as private property invites challenges, especially for customary leaders. As a result, many of the male heirs in the tribe who attended made a claim to own customary land since they did not understand the true concept of customary land (Abdullah, 2022). However, according to him, when the status of the customary land has been well explained to them, they understood and agreed with the customary principles.

Inheritance Rights for Adopted Children

Adopted children are recognised in *Adat Perpatih* as heirs who have the right to inherit customary land with the performance of a customary ceremony known as the customary term *berkadim* or *cechah darah*, which allows adopted children to be given the same status as daughters born in the community. Usually, this customary ceremony is done for someone who only has a son without a daughter, at the same time wishing to maintain the ownership of customary land only to his immediate family. For the sake of inheriting the customary land, the adopted child must first be registered to enter the tribe. *Berkadim* from the language term is to admit to being brothers. Whereas in terms of custom, it means to raise someone as an adopted child to be included in the tribe and have the right to inherit customary land.

In other words, the *berkadim* custom is a process of adopting female children from other members of the tribe into the same tribe, thus allowing them to pass on property to heirs if there is no female heir in a certain tribe (Sahid, 2018).

Based on an interview with *Dato' Lembaga* Suku Biduanda Kundangan in Luak Terachi, Negeri Sembilan, Dato' Raja Dimuda Ahmad Bin Awaludin dated 6 August 2022, there are two categories of *berkadim* customs (Awaludin, 2022), namely

Berkadim Aur Serumpun. Claiming for the customary property. Adopted children have to go through a blood ceremony witnessed by *buapak, ibu soko* and community groups of the tribe. After that, a confirmation letter will be issued by *Dato' Lembaga* and confirmed by the *Penghulu Luak*. Finally, the confirmation must be sent to the land office to change the customary land ownership of the deceased.

Berkadim Pinang Sebatang. Relationship with the tribes. When a man from the other state marries a woman from Negeri Sembilan, he can then be adopted as a relative, but cannot claim customary land rights. His right is only to claim kinship and directly to himself only, not his descendants.

Research Findings

The results from this study displayed various perceptions and evaluations of the difference between the two patterns of property inheritance in the *Adat Perpatih* community. It turns out that despite the practicality of this practice in Negeri Sembilan, there is a distinct benefit in the inheritance of customary land. This difference factor is because the *Adat Perpatih* community believes that this privilege can protect women's rights when unwanted things happen including divorce besides also raising the dignity of women in a tribe. Looking at these two property inheritance systems, this study revealed some differences between customary land inheritance in the *Adat Perpatih* and common property inheritance according to Islamic law practiced in Negeri Sembilan.

First, as explained before, only property with a high inheritance status, which is customary land inherited through generations, will be passed on to female heirs in the family. Meanwhile, for low inheritance or common property in Negeri Sembilan, it is distributed according to the shariah inheritance distribution system, which is the faraid law. There exists a significant difference as it has been stated that in Islam, the priority of inheritance through faraid law is given to men because their responsibility is greater than women. Unlike the *Adat Perpatih* in Negeri Sembilan, priority in the inheritance of this property is not given to men when it comes to customary inheritance. *Adat Perpatih* emphasises daughters as legitimate heirs, while Islamic law establishes sons as legitimate heirs in addition to daughters also having rights as established in Islam.

Second, the concept of customary property is also seen as different from the concept of inheritance for common property in Islam practiced in Negeri Sembilan, which considers all inheritances to be the same and does not differentiate between the types of property whether movable or immovable in the distribution of inheritance. The concept of inheritance in Islam defines that all the properties left by the deceased are passed on to the heirs after all needs have been settled such as debts, funeral expenses and wills upon death. Inheritance in Islam includes all properties belonging to the deceased including movable property such as savings, vehicles, jewellery and business, as well as immovable property such as house and land. Although there are different types of property, there is no difference between movable

property and immovable property in the distribution of inheritance, as all are based on faraid law. All properties are considered equal and each legitimate heir is entitled to his share as stipulated by Islamic law (Abubakar et al., 2019). However, this rule does not apply to customary land in the *Adat Perpatih*. The difference in property inheritance according to *Adat Perpatih* is however only limited to customary inheritance only.

Third, based on the sources of reading and research obtained, although the important core of the law in the inheritance of *Adat Perpatih* has been clearly stated, which is to be given to female heirs only, it was found that the proportion of customary inheritance inherited by heirs was not determined. For example, houses and traditional inheritance land are usually given to the youngest daughter. There are also studies showing that the distribution of customary inheritance must follow the rule of equal parts. This matter can create confusion about the actual rules practised by the *Adat Perpatih* society. In contrast to the inheritance of common property in Negeri Sembilan, the proportion of the property inheritance in Islam has been determined based on Surah An-Nisa's verses 11-12, which explains the distribution of faraid to be given to the heirs who are entitled. Besides, the status of customary inheritance is different from the status of inheritance in Islam, which must be in full possession to meet the requirements of property ownership. Ownership of customary inheritance does not belong entirely to individuals and the owner is only responsible as a trustee.

The fourth is related to the inheritance rights of adopted children in *Adat Perpatih*. Customary land can be inherited by an adopted child on the condition that all female heirs are absent or if the rightful heirs agree that the share is given to the adopted child. This concept aims to prevent the property from leaving the tribe. However, referring to the shariah inheritance distribution system practiced in Negeri Sembilan, it has been stated that the adopted children are not included in the category of property recipients. However, the gift of property can be given to adopted children through other instruments such as a will or *hibah*. In contrast to Islamic law, the *Adat Perpatih* stated that an adopted child can inherit the estate of his adoptive mother even if the adoptive mother did not make any will during her lifetime. According to Mualimin Mochammad Sahid, the position of adopted children is recognised to receive inherited property in the form of customary land in Negeri Sembilan owing to its nature that does not use faraid law as a way of division (Sahid, 2022).

After examining these differences, it was discovered that the rules set by *Adat Perpatih* in the inheritance of property according to custom property and common property are clearly different. However, returning to the concept of property that has been previously explained, customary land is the property belonging to the tribe and each member of the tribe is entitled to the property. This is why the distribution of customary inheritance is different from other inheritances owned by certain individuals.

Conclusion

A glance at the inheritance system of the *Adat Perpatih* community in Negeri Sembilan and the reality of the entire community that adheres to Islamic law based on the teachings of the Shafi' school has actually revealed the problems of the community's negative response to customary practices and its position in the customary law and Islamic law, problems about matrilineal kinship, as well as problems in understanding inheritance rights and ownership of property, among others. Some believe that the matrilineal system that is practised is against the practice of shariah as it gives ownership rights and priority to the female line in the inheritance of property. In addition to some people who do not accept this customary law, there are still many who support it, especially the inheritance of customary land as they feel

that this is the key to preserving the identity and continuity of the community that practices *Adat Perpatih*. Based on the explanation in this paper, it is clear that customary land as a high inheritance is inherited from generation to generation based on the collective inheritance system, which means that property is passed down to descendants in the matrilineal line and can be used by tribal families. The specific distribution according to this method or system is based on the property that belongs to the tribe and not to the individual. Meanwhile, common inheritance categorised as low inheritance is inherited by heirs according to the Islamic inheritance system, which is faraid law. To enhance the understanding of the Muslim community and develop best practices for managing inheritance, it is suggested that further research be conducted on the management and administration of both common and customary heritage in Negeri Sembilan. The outcomes of this research can be utilized to improve the quality of services provided by administrators and ensure a fair and efficient distribution of inheritance.

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