

**Sumando Inheritance to Natal Muslim Community, Mandailing Natal District
(Comparative Study of Islamic and Customary Law)**

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Abstract

Sumando is the joining of a husband to his wife's family after the marriage. In the Natal District community system, a marriage bond will create inheritance. The difference is, the distribution of inheritance is carried out based on custom where women are the heirs. Daughters as the successors of descendants receive honor in various customary events, including in the distribution of inheritance. If this is viewed from the Islamic inheritance law system, this surely seems contradictory. This is because in Islam, the share of men heirs is twice as much as that of women. This research was a descriptive analysis with qualitative methods. This research showed that women in Sumando society are prioritized to get inheritance, but men were also if the inherited property was in the form of money, not goods. The Sumando indigenous people of Natal District still upheld the matrilineal system. Meanwhile, the distribution of inheritance based on Islamic law was patrilineal-matrilineal. This meant that men and women have the right to inherit according to the provisions of their respective sections.

Keywords: Inheritance, Sumando, Islamic Law, Customary Law

INTRODUCTION

In Islamic teachings, inheritance law is called *faraid*.¹ *Faraid* is the plural form of *faridah* which comes from the word *fardu* which means provision. All inheritance in Islam, whether the dead person has a material or rights, is referred to as "*tirkah/tirkah*". These treasures do not become assets that automatically become inherited assets that will be bequeathed to the heirs.² The death of a person results in the settlement of their rights and obligations, regulated in inheritance law. Until now, Indonesian legal experts and librarian law in Indonesia have not had the same understanding in making the definition of "inheritance" law, so the term for inheritance law varies. Like Wirjono Prodjodokoro uses the term "legacy law" (*hukum warisan*). Hazairin uses the term "Inheritance Law" (*Hukum Kewarisan*), and Soepomo uses the term "Legacy Law" (*Hukum Waris*).³

The distribution of inheritance causes many conflicts in the community, even conflicts regarding this inheritance occur before the person dies. This conflict is also caused by the very low level of public awareness of the law and is also caused by juridical problems relating to the

¹ Habib Ismail, Agus Hermanto, and Ahmad Muslimin, "Analisis Hak Waris Istri Akibat Murtad Perspektif Hukum Waris Islam dan Gender" 8 (2020): 124.

² Amir Husein Nasution, *Hukum Kewarisan* (Jakarta: T. Grafindo Persada, 2012), 57.

³ Eman Suparman, *Hukum Waris Indonesia Dalam Perspektif Islam, Adat Dan BW* (Bandung: PT. Rafika Aditama, 2011). 1.

practice of inheritance law in Indonesia. The practice of implementing inheritance law in Islam has written provisions. The Koran provides clear explanations and provisions regarding the laws of the distribution of inheritance without neglecting the rights of the heirs. The distribution of each male and female heir has been determined by the number of portions in The Koran, as in Q.S An-Nisa verse 7 which means:

*“For men there is a share in what their parents and close relatives leave, and for women there is a share in what their parents and close relatives leave—whether it is little or much. These are ’ obligatory shares.”*⁴

Islamic inheritance law is the most prevalent problem today and the most serious one. There are many people who do not fully understand the Islamic inheritance law, so there is often a misperception, which results in frequent disputes and conflicts between heirs who feel they do not accept the inheritance they receive. In Islamic teachings, implementing provisions relating to Islamic inheritance law is a must that must be implemented, because it is a form of faith and devotion to Allah SWT and His Messenger. In Islam, the share of male and female heirs has been determined, that is, the share of men is more than that of women, that is, twice as much as the share of women. It is as contained in Q.S An-Nisa verse 11 which means:

“Allah commands you regarding your children: the share of the male will be twice that of the female....”

This kind of inheritance distribution has not been fully implemented by all Muslim communities, there are some circles who say that the division where women receive half of the men share is considered unfair, this practice can be seen in the distribution of inheritance carried out or implemented by Muslim communities in the Natal Sub-District.

The kinship factor is very influential in the distribution of inheritance that is formed in the society itself. Each kinship has its own inheritance distribution system. The kinship system existing in Indonesian society itself is divided into three types, including: First, the patrilineal kinship group, it is kinship which is fatherly in nature, this system is commonly adopted by people in the lands of Gayo, Alas, Batak, and Ambon, Irian, Timor and Bali. Second, the matrilineal kinship group, which is motherly in nature, this system is usually adopted by the Minangkabau people. Third, the kinship class of the father-mother or also known as parental, this system is found in the communities of Java, Madura, Sulawesi, Aceh, South Sumatra, Kalimantan, Ternate and Lombok.⁵ This kinship system is what makes the difference in the distribution of inheritance in every society in Indonesia, because indeed this has a very strong influence on the practice of inheritance distribution. Sumando indigenous peoples in Natal Sub-

⁴Departemen Agama RI, *Al-Qur'an Dan Terjemahannya* (Bandung: CV jama'atul 'Ali Art, 2004), 79.

⁵Wirjono Projodikoro, *Hukum Waris Di Indonesia*, Cetakan II (Bandung: Sumur, 1983), 15–16.

District who are native to coastal descent adhere to a maternal or matrilineal kinship system.

The maternal lineage is more dominant, or in terms of the distribution of inheritance, women will get more shares than sons. This looks different from what is explained in the Koran and the Compilation of Islamic Law which says that the portion of men is twice that of women. So, compared to applying Islamic law, they prefer customary law in the distribution of inheritance.

As people who have power in the family, it is women who are in charge of supervising the inheritance in a broad sense, but that does not mean that women can act arbitrarily towards the inheritance, because supervision is still carried out by men (*mamak*). In the distribution of inheritance in a family in the Sumando customary community in Natal sub-district, it is carried out based on custom where the heir is a woman. But that does not mean men do not get rights, men get rights to inheritance that is, if the inherited property has been sold. In the sense that if the inheritance is still in the form of goods, then men are not entitled to the inheritance, and women are entitled to control the house or land that was left behind.

This research showed that the Sumando custom in Natal sub-district community, Mandailing Natal District, has become a law that must be obeyed. It can be seen from the implementation of solving problems always using customary law, including in the implementation of inheritance. When the author asked which law was used to complete the distribution of inheritance, without the slightest doubt the informants answered customary law. When this question was continued, why was the customary law used, not Islamic law, the answer given by the informant was very simple, stating that customary law was the first to be present in this Natal sub-district. Then then Islam came with its legal institutions. This means that they have long been subject to customary law.⁶

The Sumando custom in Natal Sub-District Society places men and women in an unequal position. Daughters as the successors of descendants get honors in various customary events, including in the process of inheritance. Her high position also places her as a person who must take priority and give priority to the expression of inferiority which is shown by the attitude of giving in, not demanding inheritance, and giving up the inheritance of his parents to fall to the sister whose attitude is practiced by men in Sumando custom and they are very aware of their position that is not balanced. Besides that, these Sumando indigenous women are also aware of the customary rules that place them as first-class creatures. On the one hand, daughters are usually the place where parents complain about various things. Daughters become friends with various stories. Even when the parents are sick, the daughters take care of them. This is seen as

⁶ Interview with Asrul, Head of Sumando Customary of Natal Community, Interview, 18 August 2019

an obligation. In fact, not infrequently, daughters not only take care of but also bear the medical costs. In fact, parents feel more comfortable living with their daughters than with their sons (with their daughters-in-law). But on the other hand, at the time of distribution of the inheritance, they get a bigger inheritance than their brothers' share.⁷

As a legal system that is formed and originates from the empirical experience of society in the past Living law is conceptualized as a legal system that is formed and originates from the empirical experience of society in the past, which is considered fair and proper and has obtained legitimacy from the customary rulers so that it is binding or must be obeyed (normative).⁸ According to Soerjono Sukanto, customary law is an entire custom both unwritten and living in society in the form of morals, habits and customs which have legal consequences.⁹ Customary law which is a work of certain communities with the aim of order, justice and community welfare, so that customary law cannot be static and conservative. Customary law must be dynamic and can adapt to a certain situation or situation (plastic).¹⁰

The shift in social institutions can be influenced by several factors, including increasing population, changing habitat, technology or cultural structures of society, while its implementation can be driven by the advancement of the education system, tolerance for behavior deviations, an open social stratification system, the level of population heterogeneity, and racial dissatisfaction with certain living conditions.¹¹

An example of this is the case in the Sumando traditional family in Natal Sub-District, where the family of the late father Ahmad Sholihin had 8 (eight) heirs, including a wife and 7 (seven) children, the children consisted of 3 (three) daughters and 4 (four) sons. The inheritance is in the form of 1 (one) house unit, an empty plot of land and a 2-hectare plot of land planted with oil palm. By the heirs, the inheritance is agreed to be divided, where the house is sold and the proceeds from the sale are worth 100 million rupiah. The money from the sale of the house is divided, the wife gets 30 million rupiahs, and the remaining 70 million is distributed to each child by 10 million per person. Then through mutual agreement the vacant land from the inheritance is given to the eldest daughter, while a 2-hectare garden is given to 2 (two) other daughters, 1 hectare each.¹² From the above case, it is clear that there is a difference between

⁷Asrul Ketua Adat Sumando Masyarakat Natal, Wawancara Pribadi, Agustus 2019.

⁸Otje Salman Soemdingrat, *Rekonseptualisasi Hukum Adat Kontemporer* (Bandung: Alumni, 2002), 27.

⁹Imam Sudiyat, *Asas-Asas Hukum Adat* (Yogyakarta: Liberty, 2000), 9.

¹⁰Bushar Muhammad, *Asas-Asas Hukum Adat* (Jakarta: Pradnya Pramita, 1975), 12–13.

¹¹Soerjono Sukanto, *Beberapa Permasalahan Dalam Kerangka Pembangunan Di Indonesia* (Jakarta: UI PRESS, 1975), 139–40.

¹²Ika Puspita, Interview, August 2019.

the distribution of inheritance according to Islam and according to the customs in Natal Sub-District, where according to the customary inheritance law in the Natal sub-district, women get more shares than men. Unlike the case with the Mandailing people who also live in the Natal Sub-District, they use the Islamic inheritance system. Islamic inheritance law has its own rules in regulating inheritance issues, as well as customary inheritance law. The inheritance distribution system carried out by the people of Natal Sub-District tends to be based on the agreement of the heirs themselves by custom.¹³

RESEARCH METHOD

The type of research used in this research was descriptive qualitative where this method was used to get answers to problems by looking at various aspects existing in society related to comparative studies of Islamic inheritance law with Sumando customary inheritance law in the Natal community, Mandailing Natal District. This research was conducted to describe the symptoms, facts, aspects and legal remedies related to the comparative study of Islamic inheritance law and Sumando traditional inheritance law in the community in Natal Sub-District, Mandailing Natal District. The location of this research was located in Natal Sub-District, Mandailing Natal District, North Sumatra Province, Indonesia. This research was descriptive analytical which will describe the symptoms, facts, aspects and legal efforts related to the comparative study of Islamic inheritance law with Sumando customary inheritance law in the Natal society. This research was included in normative and empirical legal research, while the approach of this research was the comparative (comparative approach). The population in this research were cases of the inheritance of the Muslim community in the Sumando custom in 2017-2018 in Natal Sub-District who had received and distributed inheritance proportionally. The data collection instruments used in this research were observation and documentation.

RESULT AND DISCUSSION

Implementation of inheritance distribution to the Sumando Indigenous People

Related to the language of inheritance law, the term inheritance is usually referred to as *Tarikah* or *tirkah*, such as the word *miras* or property left by someone who has property, for his heirs it is called *Tarikah Simati*.¹⁴ The Sumando Natal customary community is a matrilineal community, it is people who draw the lineage from their mother.¹⁵ In the distribution of inheritance

¹³Tanwir, Interview, August 2019.

¹⁴Tengku Muhammad Hasbiash-Shiddieqy, *FiqhMewaris* (Semarang: PT. Pustaka Rizki Putra, 1997), 9.

¹⁵ Habib Ismail, Hasyim Asyari, and Agus Setiawan, "Hak Waris Anak Laki-Laki Tertua Dalam Hukum Adat Lampung Pepadun Perspektif Gender (Studi Di Tegineneng Kabupaten Pesawaran)," *Alhurriyah: Jurnal Hukum Islam* 04, no. 01 (2019): 57.

in the Sumando custom in Natal Sub-District, only daughters are heirs in the distribution of inheritance from their parents' assets. In the implementation of customary distribution, there is no specific system or method for the distribution of inherited assets left behind, which in practice is usually carried out either in writing or orally.

The people of Natal are people who adhere to Sumando customs. As a form of custom which is matrilineal in nature, women have an essential and special position in the traditional view of the Natal community because it is the mothers who are central to the family system.¹⁶

The custom of the Natal coastal sumando which is adhered to by the indigenous people of Natal in the coastal area of Natal is in fact not justified for people who are not Muslims, all indigenous people who want to do all aspects of their lives in accordance with Natal customs are only people who are Muslim, because the customary philosophy of coastal Sumando is "the custom of *basandi syara'*, *syara' basandi Kitabullah* (customary with the base of *syara'*, while *syara'* with the base of *Kitabullah*)".¹⁷ . In managing assets, women are considered to be more capable in maintaining and spending more economically than men. For example, if a man controls the inheritance, he tends to sell the inheritance easily if he needs money at any time, besides that, women also have more feelings in giving as the property he obtained from the inheritance to other relatives who are considered need more of them.¹⁸ Men are entitled to the inheritance if the inherited property has been sold. In the sense that if the inheritance is still in the form of goods, then men are not entitled to the inheritance, and women are entitled to control the house or land that was left behind.¹⁹

In Sumando's tradition in the Nata domain, there are 3 (three) forms of assets, including²⁰ inherited assets, which are assets of a man which he brings to his wife's house when he pronounces the marriage contract. Then, wealth obtained, which is an asset/wealth found by a man at home or in his wife's family, either in the form of assets given by the wife's parents or the assets of the wife obtained when the wife is still not married. Furthermore, property, which is an inheritance for children, grandchildren and nephews in the future.

These three forms of assets will eventually become heirlooms. Meanwhile, heirlooms are also divided into 2 (two) parts respectively, they are²¹ high and low inheritance assets

¹⁶Kasran, *Sekelumit Pokok-Pokok Pengetahuan Tentang Adat Istiadat Di Ranah/Nagari Nata* (Natal, 2000), 60.

¹⁷Kasran, 15.

¹⁸Asrul Head of Sumando Custom of Natal Community, Interview, February 9, 2020.

¹⁹Tanwir, Interview, February 9, 2020.

²⁰Kasran, *Sekelumit Pokok-Pokok Pengetahuan Tentang Adat Istiadat Di Ranah/Nagari Nata*, 61.

²¹Kasran, 64.

1) High Inheritance Assets

According to the traditional view, high inheritance and low inheritance assets are also called²² *ameh tumbilang* assets, it is assets obtained from the assets of parents. And *tumbilang perak* assets, it is assets obtained from the legacy of a grandmother/great-grandmother from generation to generation. With respect to inheritance, possessions, and assets, if there is a cross dispute between a husband and wife, causing divorce, or the death of one of the husband and wife or even both of them die while the child/offspring is not there, then the property/assets remain in their place and may not be taken by anyone, all will be taken over by the parents of one of their respective heirs.²³ When approaching the inheritance system that exists in the Minangkabau custom, you will find a matrenial collective inheritance system, namely high inheritance and bilateral individual systems at low inheritance, this shows the clarity of the legal direction of the Minangkabau traditional inheritance, which in its implementation will be divided into the recipient. inheritance, which are entitled to high inheritance and which are entitled to low inheritance. So that the negative views that always corner the inheritance law system in the Minangkabau custom are rejected, because basically Islam does not contradict custom, it is Islam that enriches the Minang Kabau custom.²⁴

The distribution of inheritance in the people of Natal Sub-District usually begins with a deliberation by the heirs first, but if there is a problem that the heir considers cannot be resolved by the heirs, the families will call other family parties or other relatives to solve the problem. And if the problem has not been resolved, customary leaders and village officials will be summoned in the deliberation, in order to reach the best agreement.²⁵ Thus, it becomes logical that the male and female heirs will have the same share as long as the parties agree on this principle and know their respective rights.²⁶

Sumando custom in the Natal Community of Mandailing Natal District

The custom used in the Natal community is *Sumando Pesisir Natal* custom, where this custom is almost similar to that in the Minangkabau community of West Sumatra. The Sumando custom that exists in this Natal society is not justified for people who are not Muslim, all people who want to adhere to this custom must adhere to Islam. This is because the traditional philosophy of Sumando in the realm of Natal is “*adat basan disyara*”, *syara’ basan dikitabullah*”. This philosophy is still firmly held by the *ninik mamak* and traditional leaders in Natal Region. *Ninik*

²²Kasran, 67.

²³Putra, Interview, February 18, 2020.

²⁴Amir Syarifuddin, *Pelaksanaan Hukum Kewarisan Islam Di Lingkungan Adat Minangkabau* (Jakarta: Gunung Agung, 1984), 289.

²⁵Putra, Interview, Agustus 2019.

²⁶Ainun, Interview, February 9, 2019.

mamak is really very decisive among the people, both in customary law and in terms of governance, everything is regulated based on *aluo jo patuik*.

Especially for Natal area, this *Sumando* custom with all its rules was compiled by *Datuk Parpati Nan Sabatang* who came from the realm of Minang (West Sumatra). The meaning of the word *Sumando* comes from the story of the old people from Natal which happened in the Central Tapanuli area (Barus-Sibolga).

In Sumando indigenous community, the realm of Natal itself is divided into 4 (four), including: First, *adat nan sabana adat* is all the rules arranged in such a way by the ancestors according to *aluo jo patuik* based on *ukhuwah Islamiyah*. This is a will according to the provisions of the nature of development which is always used by the teacher to place the mind and spark plug according to the circumstances, place and time.²⁷ The provisions and truths are *Sunnatullah*, and this is what is said in *indakakang dekpaneh, indak lapuk dek hujan*, because we also will never find the verses of The Koran that change.²⁸

The customary fatwa states that *adat manurun, syara' mandaki*, means that the customary fatwa itself contains the law of cause and effect. *Adatapi: membakar, adat air: mamueh, adattajam: malukoi, adatruncing: mancucuk, adatgunung: kababuik, adatbukik: barangin, adatlurah: berair, adatlaut: berombak, adatmurai: berkicau, adatbuluh: babulu* and other objects in this world were Allah's verses that will never change according to their activities to be read or studied and lived and understood for all people who think. *Adat hanyo sabatang, pusako hanyo sabuah* means to put everything in its place.

Secondly, *adat nan diadatkan*, which are rules made/compiled by the ancestors guided by the wisdom values and policies contained in the elaboration of *adat nan sabana adat* which among other things, regulates; The role and position of a person as an individual or as a person; The role and position of a person as head or family member; The role and position of a person as a leader or member of the community; The role and position of a person as a leader or member of government, religion, politics, law and the economy and so on; The role and position of a person as a member or leader or *urang sumando* to be able to realize a humane society.

Third, *Adat nan taradat* is rules compiled by the *datuk* at the command of the lord (king) who are appointed by the nagari to be able to realize the welfare of life and life for the people. It should be noted that the customs between customs are not the same in each country, but in practice they should not conflict with *adat nan sabana adat*. It means remaining in one unified

²⁷Kasran, *Sekelumit Pokok-Pokok Pengetahuan Tentang Adat Istiadat Di Ranah/Nagari Nata*, 18.

²⁸Asrul Head of Sumando Custom of Natal Community, interview.

whole.²⁹

Fourth, traditional customs which are habits in the life of the community itself which are joyous in nature, but sometimes can also be touching when a performance is held, it can also exude its own charm as cultural arts in an area. In the traditional *petitih* it also says: “*nan barasodimakan, nan barupodilie, nan babunyididanga*”.³⁰

The factors behind Natal Community Prefer the Customary Distribution of Inheritance

Several factors that influence Natal community in carrying out the traditional distribution of inheritance apart from the matrilineal kinship factor, including: First, the factor of the Inheritance Agreement. The distribution of inheritance in Natal Subdistrict, Mandailing District is often carried out by means of deliberation by reaching an agreement between the family and the heirs. If the inheritance is in the form of objects such as land or a house, then the son will not receive anything except the property in the form of that object for sale, the female heir must give the son's share, and the portion of the inheritance is not determined depending on the female heirs.³¹

Second, factors of family and economic relations. What is meant by the kinship factor here is the feelings of other family members who become heirs. In relation to inheritance, this means that the inheritance should not cause disputes and hurt feelings among the heirs. There is an opinion from some people who have experienced the distribution of inheritance that if the assets are divided separately in the form of a definite distribution it will result in an unharmonious relationship because the distribution of material can bring dissatisfaction among the heirs to other heirs. Such assumptions influence their thinking in completing the distribution of inheritance. The distribution of inheritance can have an effect on an economic level, because if there is one of the heirs who needs living expenses in the sense of being less fortunate then he does not hesitate to help the heirs financially with the share of the inheritance that has been distributed. In addition, for the people of Natal, this customary inheritance system is indeed the most appropriate inheritance distribution system to be applied. First, because it is considered not in conflict with Islamic law, which has always been upheld by Natal community. And also, the inheritance distribution system like this is considered to be able to protect women who are considered weak, most of the men, can also protect the inheritance from being easily traded.³²

²⁹Kasran, *Sekelumat Pokok-Pokok Pengetahuan Tentang Adat Istiadat Di Ranah/Nagari Nata*, 19.

³⁰Kasran, 20.

³¹Tanwir, interview.

³²Tanwir, interview, February 7, 2020.

Comparison of Islamic Inheritance Law and Sumando Customary Inheritance Law in Natal Sub-District, Mandailing Natal District

The similarities between Islamic Inheritance Law and *Adat Sumando Ranah Natal* Customary Law are in the distribution system of inheritance experts according to Islamic inheritance law and *Sumando Ranah Nata* inheritance law, there are several similarities, including³³: Causes of inheritance. The similarities are: First, because of the existence of a marriage bond. The bond between husband and wife is in a marriage bond, which is a legal marriage bond. Second, kinship ties These kinship ties are like kinship ties between parents and children, and then a straight line up or down. But in the inheritance distribution system according to Islamic law, there is also a sideways division of inheritance. In Sumando Natal, the customary community does not recognize this kinship system.

Third, the right to reject inheritance. In the Islamic inheritance distribution system and according to Sumando Natal customs, there is no right to reject inheritance. Each heir is obliged to receive the inheritance given to him. Fourth, the treasure that was left behind. Similar to the inheritance nutrient distribution system according to Islam, the distribution of inheritance according to the Sumando Natal custom is also in the case that the assets left behind are assets that are free of debt. In the sense that before distribution of all inheritance for the heirs, the debts and all obligations of the heirs must first be paid. These are some of the similarities of the inheritance distribution system according to Islamic law and the customary law of *Sumando Ranah Nata*.

Apart from the similarities, there are also several differences in the distribution system of the two inheritance laws, including³⁴:

First, the kinship system. In the inheritance distribution system according to Islamic inheritance law, the kinship system adopted is the maternal patrilineal kinship system or kinship which is fatherly and motherly in nature, while in the kinship system adopted in the *Sumando Ranah Nata* custom is the Matrilineal kinship system or the motherly kinship system. Second, the inheritance system. The inheritance system in Islamic inheritance law is a system of individual parental inheritance, while in the customary law Sumando Ranah Nata adheres to a collective maternal system, it is *pusakorandah* property which is distributed as inheritance. Third, the heirs section. Regarding the share of the heirs, in the law of the distribution of inheritance according to Islam it is said that men have twice the share of women, and for other heirs, the portion that will be received depends on the group. Whereas in *Sumando Ranah Nata* custom,

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it is women who control the inheritance. Fourth, the rights of adopted children. In the inheritance distribution system according to Islamic law, the term adopted child does not recognize. Meanwhile, in the inheritance distribution system according to the Sumando Ranah Nata custom, the position of adopted children is recognized. Fifth, Legal Basis. The legal basis for the distribution of inheritance according to Islam is based on the Qur'an and the hadith of the Prophet, while the distribution of inheritance according to the *Sumando Ranah Nata* custom is based on customs and agreements, where customs and agreements are also inseparable from religious values. Islam is like the saying *adat basan disyara', syara basan dikitabullah*

From the above comparisons, there are several similarities and differences in the inheritance distribution system according to Islamic law and according to the Sumando Natal custom, among which the most striking are in terms of the kinship system and the distribution of heirs. In Islamic inheritance law the kinship system used is patrilineal and bilateral, while in the customary system of kinship the kinship system used is the matrilineal kinship system. Apart from the kinship system which is already different, in terms of the share of heirs is also different, in the system of inheritance distribution according to Islam, the share of heirs is determined based on the classification or according to the group of heirs themselves, and regarding the portion, there are values and provisions in the form of comparison, whereas in the customary inheritance system the share of heirs has been determined from the start, and not based on the class of heirs or based on comparisons, but indeed all assets are controlled by the oldest daughter, this applies if the heir is still alive. It is different if the heir has passed away, then the inheritance will be divided for other children but still only for the daughters. Sons' rights exist if the inheritance is sold, and the proceeds from the sale will be shared with sons, according to how much the daughters want to give.

CONCLUSION

In a family in Sumando customary community in Natal sub-district, the distribution of inheritance in a family is carried out based on custom where the daughter is the heir. But that does not mean that the male heir does not have the right of the son to be entitled to the inheritance if the inherited property has been sold. Several factors that influence the Sumando Natal indigenous people prefer customary inheritance law in carrying out the distribution of inheritance apart from matrilineal kinship factors, consist of: First, the Factor of the Inheritance Agreement. Deliberation by reaching an agreement between the family and the heirs in the distribution of Sumando traditional inheritance in Natal Sub-District, Mandailing Natal District. Second, the factor of family and economic ties. This means that the inheritance should not cause disputes and hurt feelings among the heirs.

The most obvious comparison between Islamic inheritance law and Sumando customary law in Natal Sub-District, Mandailing Natal District, which is most clearly seen is that the kinship system used is patrilineal and bilateral, while in customary inheritance law the kinship system used is the matrilineal kinship system. Apart from that in terms of the share of heirs it is also different, in the system of distribution of inheritance according to Islam the share of heirs is determined based on the classification or according to the group of heirs themselves, and regarding the portion, there is already a value and provision in the form of comparison, whereas customary inheritance system, the share of the heirs has been determined from the start, and not based on the class of heirs or by comparison, but indeed all assets are controlled by the oldest daughter, this applies if the heir is still alive. It is different when the heir has passed away, then the inheritance will be divided between other children but still for daughters only. Sons' rights exist if the inheritance is sold, and the proceeds from the sale will be shared with sons, according to how much the daughters want to give.

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