



Implications Of Islamic Family Law And Customary Law On Women's Rights: A Comparative Study And Human Rights Perspective

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Abstract. Islamic family law and customary law, which have long been established and developed within society, have gained considerable recognition as official legal sources in Indonesia. Hence, further research is needed to explore the implications of recognition of these laws on the fulfillment of women's rights. Researchers utilized a literature review method with descriptive analysis techniques, drawing data from various references and sources. The findings of this study reveal that recognition of Islamic family law and customary law has brought significant implications for the fulfillment of women's rights in Indonesia. This is reflected in the ongoing reforms of Islamic family law to appreciate and accommodate the aspirations and demands of women activists. Similarly, the same applies to customary law, especially concerning women's rights, as evidenced by the Minangkabau custom with its matrilineal kinship system.

Keywords: Implications, Islamic Family Law, Customary Law, Women's Rights

1. Introduction

The historical position of women before the advent of Islam was a dark period in the civilizations of great nations such as Rome, Greece, China, Egypt, and also in other religions such as Judaism, Christianity, Buddhism, Zoroastrianism, and others. (Roykhatun Nikmah, 2020) Islam then emerged gradually, displacing previous civilizations and teachings that disregarded the status and rights of women. Through the scriptures revealed to Prophet Muhammad (peace be upon him), the position of women in various fields such as marriage, inheritance, and divorce began to be recognized. (Agustin Hanap, 2015)

In the context of Indonesia, post-independence, particularly during the New Order era, falls within the authoritative-source period, during which through the GBHN (General Guidelines for State Policy) there was a desire to create new laws that align with the aspirations of the law within Pancasila (the five principles of the Indonesian state ideology) and the 1945 Constitution. One aspect of the new law was the incorporation of religious law (including Islamic law) into national law (Mahadi, 1969). The formalization of Islamic law into national law is evident in the efforts to pass Law No. Year 1974 concerning Marriage. The birth of Law Number 1 of 1974 concerning marriage was inseparable from the role of women's organizations or congresses demanding that the government establish regulations that can guarantee women's rights and address issues in family law. (Arso Sosroatmodjo and A. Wait Aulawi, 1975)

In addition to Islamic law as one component of positive law in Indonesia, customary law is the next component. The theory that describes the condition of Indonesian society's law during the colonial period is receptive in complexu, according to Lodewijk Willem Cristian Van den Berg. Indonesian society found it difficult to accept foreign laws when the Dutch East

India Company (VOC) first occupied Indonesia. Later, Snouck Hurgronje introduced the Receptie theory as a policy of interference in the religious affairs of the community, essentially stating that Islamic law could be accepted if it did not contradict customary legal norms. (Yaswirman, 2011) Subsequent responses to the Receptie theory were countered by Hazairin and Sayuthi Thalib with the Receptie a Contrario theory, which posits that customary law can apply if it does not contradict the religion believed by the community. (S Thalib, 1980)

Customary law may indeed not be written, legislated, or codified, but its implementation and adoption are binding on anyone residing in the area, carrying its own sanctions or punishments if violated, and respected by the State. This can occur when the regulations and provisions of customary law are in line with and do not contradict what already exists and serves as the basis of the Unitary State of the Republic of Indonesia, namely the 1945 Constitution and Pancasila. In terms of respecting customary law communities, there are several obligations that state that the State only acts as a caretaker and administrator, not as an owner (Marni et al., 2023).

Based on the background above, the main issue to be examined in this article is the implications of recognizing Islamic family law and customary law, especially Minangkabau customs, on women's rights by comparing the two and from a human rights perspective. This will illustrate the position of women in both laws, thus generating various perspectives and progressiveness as well as the government's policy influence in addressing women's aspirations to obtain equal rights and recognition in civil matters (Liza et al., 2023).

2. Method

This research is a library research with a qualitative approach. This approach is chosen because the researcher will later present matters related to the research object, which are the implications of the recognition of Islamic family law and customary law on women's rights, then compare these two laws and synchronize them with the perspective of human rights (HR). The research data was collected by reading literature that discusses the issues under investigation, including classical fiqh books, Islamic family law (ahwal al-Syakhsyiyah), customary law, and several related journals.

3. Results And Discussion

Implications of the Recognition of Islamic Family Law and Customary Law on Women's Rights

1. Implications of the Recognition of Islamic Family Law on Women's Rights

In Indonesian society, religious law also applies, playing a significant role in shaping an individual's behavior. The majority of Indonesian Muslims follow the Shafi'i school of thought in the application of Islamic law (fiqh). The teachings of Islam were disseminated by merchants through trade and marriage, as well as by local scholars through study and teaching. The Pasai Kingdom marked the beginning of the spread of the Shafi'i school to various other Islamic kingdoms. (Yoserwan, 2023) The reference books such as the Sirath al-Mustaqim, which were then elaborated upon by Sheikh Muhammad Arsyad al-Banjari through the book Sabilul Muhtadin, and so on, other popular books emerged such as Fathul Qarib by Sheikh Nawawi al-Bantani. (Maliki, 2018)

The conventional fiqh pattern and patriarchal system applied by some Indonesian communities influence the status and position of women within society. In the field of marriage, the phenomenon of polygamy has garnered attention from several women's organizations such as Puteri Indonesia, which collaborates with Persaudaraan Isteri, Wanita

Sejati, and Isteri Sedar. They criticize the practice of polygamy often carried out by husbands without the consent of their wives, where wives do not receive fair treatment in the provision of material and emotional needs.(Bazilah Zawanah Amran and ur Afifah Vanitha Abdullah, 2021) Additionally, early marriage is prevalent, driven by the economic and cultural backgrounds of the community, ultimately making early marriage a common practice. For a young girl, not marrying at a mature age may result in being labeled as an "old maid"(Wahyudi et al., 2023).

Forced marriage by guardians also poses an important issue in granting women the right to determine whom they will marry. This is influenced by the understanding of guardianship theory in the chapter of marriage (munakahat) in classical fiqh books. Another concern is the legal status of women in religiously valid marriages that are not recognized legally because they are not registered. Furthermore, in the realm of divorce, post-divorce rights of the wife are not fulfilled, and divorces can be initiated arbitrarily by the husband(Dafizki et al., 2023).

These ideas eventually prompted the Women's Congress in 1928 to urge the government to regulate and guarantee women's rights through legislation. The government responded to the demands of the women's movement by attempting to formulate the Marriage Law in 1950, through a special committee conducting research and reviewing all regulations and draft laws. (Wulan Sondarika, 2017) Efforts to pass the bill into law did not proceed smoothly when the DPR (People's Consultative Assembly) was suspended through the President's Decree on July 5, 1959. Several subsequent efforts were made around 1960-1963 through meetings discussing major issues in marriage law. In 1966, the MPRS (Provisional People's Consultative Assembly) issued a decree to promptly enact a Marriage Law. Then, in 1967 and 1968, the government submitted bills on Muslim Marriage and the Basic Provisions of Marriage to the DPRGR (Provisional People's Representative Council), but they did not receive approval, as a decision was issued on January 5, 1968, citing rejection by one of the factions(Wandri et al., 2023).

The efforts made by women's groups and organizations in the formation of the Marriage Law demonstrate the significant role of women in proposing the bill. This stems from women's status of not receiving justice in several matters when traditional and classical fiqh concepts continue to prevail widely without being restricted by state law. In this regard, it does not mean that the three legal systems (customary, Islamic, and state) are in conflict with each other, but rather they engage in dialogue to seek a middle ground that can fulfill justice for all layers of society regardless of gender (male or female).

Aspects of Reforming Islamic Family Law and Their Implications on Women's Rights

Before the reform of family law in Indonesia, the applicable laws were divided into several categories, including the application of customary law for native Indonesian citizens in resolving marriage matters. For Indonesian citizens who are Muslim, Islamic law is applied, which refers to classical fiqh books. For Indonesian citizens who are Christians in Java, Minahasa, and Ambon, the Indonesian Christian Marriage Ordinance applies, while for Indonesian citizens of Chinese and European descent, the Civil Code and Mixed Marriage Regulations apply to mixed marriages. (Syaiful Anwar and Muhammad Yunus, 2020) Various types of laws that were in effect then underwent unification through the enactment of Law No. 1 of 1974, which applies to all Indonesian citizens.

Several demands from women's organizations regarding marriage, such as age limits for marriage, polygamy requiring permission from the Court, registration of marriages, the existence of marriage agreements and taklik talak (divorce declaration), joint property

provisions, and several other demands regarding divorce and inheritance matters, have received a positive response with the renewal through the Marriage Law. (Khaeron, n.d.) Several additional provisions through the Compilation of Islamic Law can be referred to regarding Presidential Instruction of the Republic of Indonesia Number 1 of 1991 concerning the dissemination of the Compilation of Islamic Law.

The legal content in the Compilation of Islamic Law refers to classical fiqh adapted to the Indonesian context (Indonesian fiqh) and has undergone renewal in several provisions such as marriage registration, polygamy, determination of marriage age, which complement each other alongside the enactment of Law Number 1 of 1974, which applies widely to all Indonesian citizens. Therefore, it is necessary to examine the direction of the reforms that have been made and their impact on women's rights in Indonesia (Sundari et al., 2023).

a. Age of Marriage Provisin

The practice of early marriage has become a major issue for the women's movement in Indonesia. This is because in some cultures or customs, women are marginalized and subordinate in social interactions. (Ismail, 2023) Women are considered second-class citizens who lack equality in education, politics, and economics. Therefore, the case of a young girl who is biologically and psychologically unprepared for marriage and should still be receiving education directly from her parents and socializing with her peers loses this opportunity due to marrying too early. (Nikmah, n.d.-a) In Islamic law itself, there are no provisions regulating the age limit for marriage, so when the conditions and pillars of marriage are fulfilled, marriage with a young girl is still allowed (Jayusman et al., 2024).

Responding to the proliferation of early-age marriages, the government was urged to enact a unifying law for all groups, and after a lengthy process, Law No. 1 of 1974 was born. (Inna Noor Inayati, n.d.) One provision regarding the minimum age limit for marriage is stipulated in Article 7 paragraphs 1 and 2, which state: Article 7 paragraph 1 "marriage is only permitted if the man has reached the age of 19 and the woman has reached the age of 16". Article 7 paragraph 2 "in the event of deviation from paragraph (1) of this article, parties may request dispensation from the court or other officials appointed by both parents of the woman" (Sundari et al., 2023).

The age set forth in Law No. 1 of 1974 and the Compilation of Islamic Law (KHI) are not in line with Law No. 35 of 2014 as an amendment to Law No. 23 of 2002 concerning child protection. (Nuria Hikmah, n.d.) Article 1 of the child protection law states that a child is someone who has not reached the age of 18 (eighteen) years, including children still in the womb. Therefore, Article 7 paragraph 1 of Law No. 1 of 1974 and the KHI violate the Child Protection Law. The Constitutional Court has twice reviewed Article 7 paragraph (1), and in the second judicial review, the Constitutional Court accepted petition number 22/PUU-XV/2017 on the grounds of petitioner alleging discriminatory treatment regarding the establishment of minimum age for males and females. The Constitutional Court's decision to grant petition number 22/PUU-XV/2017 serves as the basis for the renewal and amendment of Law No. 1 of 1974 after 45 years without changes. On October 14, 2019, President Joko Widodo ratified Law No. 16 of 2019 concerning amendments to Law No. 1 of 1974. Article 7 paragraph (1) based on Law No. 16 of 2019 is amended to "marriage is only permitted when the man and woman have reached the age of 19 (nineteen) years".

Another consideration in changing the marriage age is the lack of fulfillment of the right to education. In reality, girls who marry at a young age tend to have lower levels of education. (Azarine Pandita Widyandhara, n.d.) A girl who marries at the age of 16 does not receive her constitutional rights to education according to the national education system in

Indonesia, which mandates 12 years of compulsory education. Other issues arise such as the role of women in family relationships, which may involve domestic violence, sexual violence, polygamy, and other forms of discrimination. (Setyawan, n.d.) Therefore, changing the marriage age from 16 to 19 is a form of eliminating discrimination against women and ensuring the realization of constitutional rights, including equality before the law, the right to education, and the right to health.

b. Polygamy Provisions

Polygamy has been a very ancient practice almost throughout the nations of the world and since pre-Islamic times. The practice of polygamy in Indonesia was largely carried out by kings before Indonesian Independence, such as King Raden Wijaya of the Majapahit Kingdom, who had five wives. With social changes, polygamy eventually became common among ordinary people. (Nikmah, n.d.-b) Polygamy has been heavily criticized by Indonesian women's organizations and movements, such as Puteri Indonesia, Persaudaraan Isteri, Persatuan Isteri, and Wanita Sejati. These organizations held a special meeting on October 13, 1929, in Bandung to discuss and establish a ban on polygamy, considering the reality of the phenomenon of polygamy and also the practice of prostitution. The ban on polygamy proposed by several women's organizations received criticism from both organizations and individuals such as the Women's Association of Jakarta and individuals like Ratna Sari, who was the Chairwoman of the Indonesian Muslim Women's Association (Permi). (Alfattiah Aldin, 2023a)

Responding to various demands for the prohibition of polygamy, the government, through Marriage Law No. 1 of 1974, Article 3 paragraph (1) states, "in principle, in a marriage, a man may only have one wife, a woman may only have one husband." The principle of marriage applied in Indonesia is monogamy, although in certain circumstances, polygamy can be considered as an emergency exit and may be allowed under specific conditions and regulations. (Alfattiah Aldin, 2023b) Articles 3 to 5 of the Marriage Law mention that the court has the authority to grant permission to a husband who wishes to marry more than one wife. A husband seeking polygamy must submit an application to the Religious Court, and the court will grant permission if (Article 4 paragraph (2) of Law No. 1/1974), among others; a) the wife is unable to fulfill her obligations; b) the wife is physically disabled or suffering from an incurable illness; and c) the wife is unable to bear children.

Meanwhile, the conditions for a husband seeking permission, apart from those stipulated in Article 4 paragraph (2), include the following requirements: first, obtaining consent from the wife/wives. Second, ensuring that the husband is capable of providing for the needs of the wives and their children. Third, providing assurance that the husband will treat his wives and children fairly.

The provisions for polygamy are also regulated in the Compilation of Islamic Law, from Article 55 to Article 59. Article 55 paragraph (2) requires the husband to treat his wives and children fairly, and more firmly, paragraph (3) of Article 55 prohibits a husband who is unable to treat his wives fairly from marrying more than one. A husband wishing to marry more than one wife must obtain permission from the Religious Court. Permission may be granted if the wife is unable to fulfill her duties as a wife, the wife is physically disabled or suffering from an incurable illness, and the wife is unable to bear children, in line with the provisions of Article 4 paragraph (2) of Law No. 1/1974. Polygamy without permission according to the provisions of the Marriage Law and the Compilation of Islamic Law renders the marriage legally invalid. The rules on polygamy serve as a control system for unauthorized polygamous practices and aim to ensure that wives are treated fairly in managing their households.

c. Divorce

One form of limiting the husband's arbitrary authority in marriage is through the agreement of "*talaq ta'liq*," which can be the basis for divorce or serve as grounds for divorce proceedings in court. Among the reasons for "*talaq ta'liq*" are: First, the husband abandoning the wife for three months or more without providing maintenance. Second, the husband abandoning the wife for six months without providing maintenance. Third, the husband neglecting or not treating the wife as his wife and not divorcing her either. Fourth, mistreatment of the wife. Considering its development, polygamy can be included in the grounds for "*talaq ta'liq*" for wives who do not wish to continue the marriage if the husband takes another wife.

Moreover, based on the Marriage Law and the Compilation of Islamic Law (KHI), in divorces initiated by the husband or "*cerai talak*," the husband is obligated to bear living expenses or other obligations to the former wife (Article 41 letter (e) of Law No. 1/1974). The KHI stipulates that if a marriage ends due to divorce, the former husband must provide suitable "*mut'ah*" (compensation) to the former wife, whether in the form of money or property, except for the "*isteri qobla al dukhul*," provide maintenance, housing, and clothing during the "*iddah*" period unless the former wife has been issued a "*talak ba'in*" or has been rebellious and is not pregnant, settle any outstanding dowry, and provide support to their children who are under 21 years old (Article 149 of the KHI). The status of women in the family law reform has undergone significant changes and gained equality in managing households. The state also ensures the rights of wives with legal certainty in the applicable constitution.

2. The Implications of Legal Recognition of Customary Law on Women's Rights

Customary law is the original legal framework of Indonesia that existed before colonialism. (Laurensius Arliman, 2018) The existence of customary law in the Indonesian legal system is fundamentally intertwined with the nation's history itself. Therefore, its existence is constitutionally recognized in the 1945 Constitution of the Republic of Indonesia. One of the customary laws in Indonesia is Minangkabau customary law.

Minangkabau, a region on the island of Sumatra, now synonymous with the province of West Sumatra, has a unique cultural heritage in regulating the lives of its people. Minangkabau is one of the communities that still adheres to a matrilineal system (kinship system based on the mother's line). Anthropologists note that currently, there are fewer than 10 ethnic groups worldwide that maintain a matrilineal system, including Minangkabau (West Sumatra, Indonesia), Campa (Vietnam), Muangthai (Golden Triangle Thailand), ethnic groups in India, Africa, and the Badui (Middle East). (Ariani, 2015)

For the Minangkabau customary law community, there are rules of life that apply, whether in the form of customs or customary law. Custom is the pattern of community life shaped by behavioral patterns that have evolved according to the history of the community concerned, involving all aspects of community life, both in personal life and in relationships between humans and the creator, as well as relationships among humans. (Efri Syamsul Bahri, 2019)

Behavioral patterns that develop in the community are reinforced by law, as it is crucial in achieving societal peace by being established/enforced by the community itself, by providing institutions and authorities to implement sanctions against those who violate them. Thus, Minangkabau custom, which shapes behavioral patterns, is accompanied by clear sanctions determined by the Minangkabau community, which can be enforced through

institutions formed by the Minangkabau community. Customary law is the behavioral pattern of the community that is sanctioned if violated.

Minangkabau customary law as a norm that applies to the Minang people cannot be separated from Islam as the religion practiced by the Minang people. This is reflected in the proverb or basic concept that states: "*Adat basandi Syara', syarak basandii Kitabullah, Syara' mengato adat memakai.* (Yaswirman, n.d.)." This expression means that Minangkabau customary law is based on Islamic Law found in the Holy Quran. Minangkabau customary law, as a norm that applies in Minang society, covers various aspects of life, both in the form of rules that protect public interests such as governance systems, and those that regulate relations among its citizens, such as in matters of wealth, and trade.

Minangkabau customary law is a legal system largely based on unwritten laws, in other words, laws that are living within the community. These laws are found in *pepatah petitih* that are passed down through generations. (Febri Yulika and M Hum, 2017) In areas concerning public interest, there are customary laws that protect collective interests in various fields, including protection against violence towards women and children. Among these laws, the most common are the *Undang-undang nan Duo Puluah* dan *Undang-Undang Nan Salapan* they are: *dago dagi, sumbang salah, samun saka, maling curi, tikam bunuah, tipu tepok, kincang kicuah, upeh racun.* (Yoserwan, n.d.)

From a national legal perspective, *Undan-Undang nan Salapan* are considered prohibited acts or offenses that can be subject to criminal sanctions. Within it, there are eight forms of offenses or actions that constitute pairs of acts or behaviors that, in certain circumstances, have similarities and differences. These various prohibited acts do not have specific rules aimed at protecting women or children. Thus, these actions are aimed at protecting all citizens.

Although *Undan-Undang nan Salapan* do not specifically contain protections for women and children, such protection can be found in various traditional sayings or expressions that represent principles or principles of customary law. The first principle of protection, in its most common form, is found in the Minangkabau customary law principle, expressed in the proverb "*Adat Basandi Syara, Syarak Basandi Kitabullah dan Syarak Mangato adat Memakai*". This proverb means that customary law is based on religious law, so the protection provided by Islamic law is also adopted by customary law, including the protection of women and children.

The second principle of protection can be found in the Minangkabau customary law system, which adheres to the Matrilineal kinship system that traces lineage through women. With such a system, women occupy a highly respected position in the family and society. This position is reflected in the honorable title given to women, namely "*Bundo Kanduang*". (ZainalArifin, 2013) This expression signifies every woman as the biological mother of every individual who must be respected and honored just as we honor our own biological mothers.

Regarding the position of women within the family, it is reflected in the proverb that describes women as: "*Limpapeh rumah nan gadang Amban parui; unduang undung ka Madinah, Payung Panji ka Sarugo.*". This concept implies that women, especially mothers, hold the position of household managers who organize and make a family excel in all aspects, thus ensuring the success of the family's life. The expression "*Amban Paruik*" or stomach binder, signifies that mothers are the financial managers of the household, ensuring that finances run smoothly and are tailored to the needs of the household, in accordance with the nature that women are more meticulous.

The expression *Unduan-unduang ka Madinah Payuang Panji ka Sarugo*, means that women are guides or guardians of morality and education within the family, in accordance with the demands of customs, rules, laws, and religion. It also implies how the family always stays on the path of goodness, depicted as the path to Medina, and guides the path to heaven. It is important that family members do not stray from the right path.

Furthermore, women in Minangkabau have the right to voice their opinions, and their opinions are always heard and prioritized. Women inherit family wealth and carry the family name. Lineage follows the maternal line, not the paternal line. Moreover, the grand houses with beautiful carvings in Minangkabau belong to Minang women. (Linda Firdawaty, 2018) The implementation of kinship systems, management of ancestral property, grand house ownership, and marriage arrangements are also carried out by women. The kinship system is supported by economic resources derived from managing ancestral property and a residence called a "*Rumah Gadang*."

Pusako tinggi belongs to the community through generations. According to the matrilineal system such as fields, plantations, rumah gadang (traditional Minangkabau houses), and others. (Muhammad Daffa Alfie Yamarizky, 2023) The heritage is utilized by women within their community. The yield from fields and plantations becomes the livelihood for women and their children. Rumah gadang serves as their residence. Men/mamak have the authority to manage the ancestral property but do not have the right to own it. Therefore, men have rights over the community's heritage, but they are not the owners of their community's heritage.

The inheritance of high heritage has a close relationship with the matrilineal kinship system, and the procedure for inheriting is: "*adaik nan sabana adaik*" (the real customary law). This must be followed, meaning the inheritance follows the maternal line or female lineage, and the authority to manage the high ancestral property is held by the eldest woman in the maternal line, known as *Amban Paruik* (a large family or clan), and the duty to protect, preserve, and develop this high ancestral property is under the authority of Mamak Penghulu or the tribal chief of the Minangkabau tribe.

The purpose of inheriting high ancestral property to women in Minangkabau is as follows:

- a. Preservation of Minangkabau tribe's livelihood, especially for women, to prevent them from being expelled from their own village. When their family is economically incapable or when they divorce their husband, ancestral land can become a support for their livelihood and prevent them from resorting to begging.
- b. Preservation of Muslim community's land, to prevent it from being transferred to non-Muslims. There is no absolute authority for anyone to control millions of hectares of land. Thus, there is no monopoly over land in Minangkabau except for land owned by customary communities. This is in accordance with the *ijtihad* (legal reasoning) of Umar ibn Khattab in returning the confiscated land in Iraq and Iran to the inhabitants and obliging them to pay *kharaj* (land tax) and *jizyah* (poll tax) for security assurance.
- c. Preservation of the kinship system and familial ties among the communities in Minangkabau. Every transfer and change in land use requires consultation among the *datuk* (community leader), *niniak mamak* (male elder), and also *bundo kanduang* (female elder).

The inheritance of high ancestral property to daughters in Minangkabau from the perspective of protecting women's rights means that inheritance to daughters provides a significant level of protection to women, as women in Minangkabau not only have the right to inherit low ancestral property from their parents but also have the right to manage high

ancestral property. The allocation of high ancestral property to women in Minangkabau is because women are highly respected figures. The high status of women is symbolized as "*limpapeh rumah nan gadang, sumarak anjuang nan tinggi*".

4. Conclusion

Recognition of Islamic family law and customary law as norms and rules that have long grown and developed in Indonesia apparently has significant and tangible implications for the fulfillment and protection of women's rights. This is evident in the increasing efforts to reform Islamic family law, especially in response to the demands and aspirations of various women's movements and women's rights advocates, especially gender activists. The renewal of Islamic family law from various aspects indicates the increasing assurance and protection of women's rights by the state as the official institution with definite and binding legal authority.

Similarly, customary law that is still recognized for its continuity and existence in Indonesian society. One example is the Minangkabau customary law with its matrilineal kinship system that prioritizes women in all aspects and affairs, both domestic and public. This simultaneously illustrates how women receive high appreciation and respect, which in turn ensures that all their rights are well-assured and protected.

From the recognition of these two laws, it can be inferred that both Islamic family law and customary law have synergized to fulfill women's rights and ensure their existence by upholding the principle of human rights protection (HRP), which has been known by Islamic family law and customary law communities, especially in Minangkabau customs, before.

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