



The Dialectic between Islamic Law and the Social Reality of the Minangkabau Society: A Study of the Sociology of Law

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Abstract. This paper examines the dialectic between Islamic law and the social reality of the Minangkabau society through the perspective of the sociology of law. The Minangkabau society, with its matrilineal culture, is an interesting subject to analyze in the context of the interaction between Islamic law and local culture. This study discusses the interaction between Islamic law and the matrilineal culture of the Minangkabau, and how social factors such as education level, socio-economic status, and local political dynamics influence the interpretation and implementation of Islamic law in that society. Furthermore, it identifies the challenges and efforts made to achieve harmony between Islamic law and the social reality of the Minangkabau society, involving the role of religious institutions, traditional authorities, local governments, educational institutions, and the community itself. These efforts include collaboration in conducting contextual *ijtihad* or Islamic legal reasoning, education and socialization about adaptive Islamic law, and the formation of regulations and policies that facilitate the application of Islamic law according to the cultural context of the Minangkabau. Through this study, a deeper understanding is gained of the role of Islamic law in the Minangkabau society, as well as the challenges and opportunities in implementing it in accordance with the unique socio-cultural context. The sociology of law provides a valuable perspective in the effort to achieve harmony between Islamic law and the social reality of society.

Keywords: Islamic law, Minangkabau culture, Sociology of law, Dialectic, Social reality

1. Introduction

The Minangkabau society in West Sumatra, Indonesia, is one of the communities that has a strong culture and tradition rooted in daily life. In this context, the Minangkabau society is an interesting subject to study the dialectic between Islamic law and social reality through the perspective of the sociology of law. This dialectic reflects how Islamic law interacts with local culture, and how the Minangkabau society strives to achieve harmony between these two elements in their social life.

Before Islam was accepted in Minangkabau, tradition was much influenced by animistic and dynamistic understandings. With the entry of Hinduism and Buddhism, the customs and culture of the society became mixed with the beliefs of these two religions. After Islam was introduced in Minangkabau, the customs and culture of the people merged and united with Islamic teachings. Islam did not abolish custom, but rather strengthened and perfected it, as long as it did not contradict Islamic principles. The spread of Islam to Minangkabau was done in a persuasive and peaceful manner, through trade and wise preaching, so that it was quickly accepted by the society. Thus, Minangkabau customs and culture supported Islamic teachings and became even stronger in the life of the community. (Bukhari, 2009)

According to Taufik Abdullah, the Minangkabau social and cultural system creates a society that is always ready to face change. This dynamism is driven by a social system that maintains the original tradition while remaining open and flexible to new things. This is very

important to achieve and maintain an ideal social life and community. The traditional Minangkabau order regulates values through customs, which are a series of value systems that form the basis for law, ethics, and behavior considered ideal in society. Custom reflects social expectations and unites various elements into an inseparable whole. As a guide for ideal behavior, Minangkabau customs continue to interact with new ideas that enter society. The community desires the preservation of traditional values as well as the aspiration to adopt new elements for progress.(Nasruen, 1966)

This paper aims to explore the dialectic between Islamic law and the social reality of the Minangkabau society through a review of the sociology of law. The discussion will cover aspects such as the interaction between Islamic law and the matrilineal culture of the Minangkabau, the influence of social factors on the interpretation and implementation of Islamic law in the Minangkabau society, as well as the challenges and efforts made to realize harmony between the two(Marni, Hanani and Nofiardi, 2023).

2. Methods

To study the dialectic between Islamic law and the social reality of the Minangkabau community from the perspective of the sociology of law, a qualitative research approach will be used with the aim of deeply understanding this dialectic. The qualitative approach allows the researcher to directly explore the perspectives and experiences of the Minangkabau community. The case study method is chosen because it enables the researcher to explore the phenomenon within the real-life context of the Minangkabau community. This case study will focus on one or several *nagari* (villages) in Minangkabau that are considered representative for observing the dialectic between Islamic law and the social reality of the community.

Data collection will be carried out using several techniques. First, participant observation, where the researcher will observe and engage in the activities and interactions of the Minangkabau community to gain an in-depth understanding of their social reality and the application of Islamic law. Second, in-depth interviews with traditional leaders, religious scholars, community leaders, and other community members to obtain information about their views, practices, and experiences related to Islamic law and social reality. Third, document study by collecting and analyzing relevant documents, such as customary regulations, religious edicts, and other relevant literature.

The data collected from observations, interviews, and document studies will be thematically analyzed by identifying patterns, themes, and relationships relevant to the dialectic between Islamic law and the social reality of the Minangkabau community. The analysis will be carried out continuously throughout the research process.

3. Results and Discussion

3.1. *Interaction between Islamic Law and Matrilineal Minangkabau*

The Minangkabau community adheres to a matrilineal kinship system, where lineage is traced through the mother's line. In this community, there is a belief that their ancestor was a woman, thus giving women an important position and political power within the society. When it comes to issues related to marriage, economy, inheritance, and other social problems, women play a role in determining the resolution of these matters.(Eric, 2019)

In the matrilineal kinship system of the Minangkabau community, men play an important role equal to that of women in familial and customary matters. Men serve as fathers to their children, nurturing and being responsible for their siblings' nephews and nieces. They

also act as husbands and family leaders, as well as overseers, protectors, and guardians of their sisters' wealth and property (Liza, Hanani and Nofiardi, 2023).

Apart from family responsibilities, men also hold important roles in society, such as becoming religious scholars (*alim ulama*) and village chiefs (*penghulu*). Men are expected to demonstrate intelligence and wisdom, as well as to be leaders and role models in daily life by displaying attitudes and behaviors in line with Islamic teachings. Thus, although women hold a central position, men still play significant roles in the kinship system and customary traditions of the Minangkabau community. (Halimatussa'diyah *et al.*, 2024)

The marriage system practiced in the Minangkabau community is the *semenda* exogamous marriage system. This system requires a woman to seek a prospective husband from outside her clan. After marriage, the husband will be brought to the wife's home and reside there (*semenda*). Thus, the matrilineal kinship system and the *semenda* exogamous marriage system give women a central role in Minangkabau society (Hizbullah, Hanani and Nofiardi, 2023).

Culture One important aspect in the dialectic between Islamic law and the social reality of the Minangkabau society is the interaction between Islamic law and the matrilineal culture adopted by this community. In Minangkabau culture, lineage is traced through the mother's line, and inherited property is passed down through the female family line. This practice differs from the principle of inheritance in Islamic law, which grants certain portions to sons and daughters, as well as other heirs. However, in practice, the Minangkabau people have adapted and modified the application of Islamic law to conform to their culture (Wahyudi, Hanani and Nofiardi, 2023).

For example, in the inheritance system, the Minangkabau people apply the principles of "high inherited property" and "low inherited property". High inherited property, such as *ulayat* land and traditional houses (*rumah gadang*), is inherited matrilineally according to Minangkabau culture. Meanwhile, low inherited property, such as personal belongings, is distributed according to the principles of Islamic law.

In this practice, there is a negotiation between Islamic law and Minangkabau culture. The Minangkabau people acknowledge the principle of inheritance in Islamic law, but apply it selectively to certain types of property. For inherited property that is a symbol of Minangkabau cultural identity, such as *ulayat* land and traditional houses, they maintain the matrilineal system that is deeply rooted in their tradition. This kind of interaction reflects how Islamic law negotiates with local culture, and how the Minangkabau people strive to achieve harmony between the two in their daily life practices.

3.2. Influence of Social Factors on the Interpretation and Implementation of Islamic Law

In addition to the matrilineal culture, other social factors also influence the interpretation and implementation of Islamic law in the Minangkabau society. Some factors that need to be considered include education level, socio-economic status, and local political dynamics.

In rural Minangkabau communities with relatively low levels of education, the interpretation of Islamic law is often influenced by deeply rooted local traditions and beliefs. Meanwhile, in urban areas with higher levels of education, the interpretation of Islamic law tends to be more rational and contextual. For example, in matters of marriage, rural Minangkabau communities with low levels of education tend to hold more strongly to traditional customs in the marriage process, such as having to undergo traditional ceremonies. Meanwhile, urban Minangkabau communities who are more educated tend to be more open to more flexible and contextual interpretations of Islamic law regarding marriage.

Socio-economic status also plays a role in this dialectic. Groups within society with higher socio-economic status tend to be more open to more moderate interpretations of Islamic law that are in line with the times, while groups with lower socio-economic status tend to hold more strongly to tradition and more conservative interpretations.

In the context of the Minangkabau society, groups with higher socio-economic status, such as the educated class and community elites, tend to be more open to more progressive interpretations of Islamic law that align with values of gender equality or social justice. Meanwhile, groups with lower socio-economic status, such as farmers or laborers, tend to cling more tightly to tradition and more conservative interpretations of Islamic law.

Local political dynamics can also influence the interpretation and implementation of Islamic law in the Minangkabau society. For example, regional government policies in regulating matters related to Islamic law, such as zakat management or regulations on marriage and divorce, can influence societal practices in these areas. For instance, when the West Sumatra regional government issued regulations on zakat management that were more structured and modern, this encouraged the Minangkabau community to be more open to progressive interpretations of Islamic law regarding zakat management. Conversely, if the regional government is more conservative in regulating matters related to Islamic law, this can encourage more traditional interpretations and practices among the community.

3.3. Challenges and Efforts to Realize Harmony between Islamic Law and Social Reality

In the effort to realize harmony between Islamic law and the social reality of the Minangkabau society, there are several challenges that must be faced. One of the main challenges is achieving consensus in the interpretation of Islamic law that is suitable to the cultural context of the Minangkabau.

To overcome this challenge, the role of religious institutions and traditional Minangkabau authorities becomes very important. Institutions such as the Indonesian Ulama Council (MUI) West Sumatra branch and the Minangkabau Customary Council (LKAAM) can collaborate to conduct *ijtihad* or Islamic legal reasoning that is adapted to the social reality of the Minangkabau society. This *ijtihad* can be carried out by involving ulama, scholars, and Minangkabau traditional leaders to discuss and formulate interpretations of Islamic law that are in line with Minangkabau cultural values. This process can help achieve consensus and harmony between Islamic law and the social reality of the Minangkabau society.

One effort that has been made is the formation of the Minangkabau Customary Council (LKAAM) in 2014. This institution seeks to preserve and strengthen the values of Minangkabau customs, while simultaneously bridging the dialogue between custom and religion (Islam) in Minangkabau society. LKAAM collaborates with the MUI West Sumatra to harmonize the interpretation and implementation of Islamic law with Minangkabau culture.

In addition, efforts in education and socialization about contextual Islamic law need to be made to increase public understanding of the dialectic between Islamic law and their local culture. With better understanding, it is hoped that the community can be more open to more adaptive interpretations of Islamic law that are in line with the times.

Educational institutions, such as Islamic boarding schools, madrasas, and higher education institutions, have an important role to play in this effort. They can provide more comprehensive education and understanding about Islamic law and how to implement it in the context of the local Minangkabau culture.

Surau is the oldest educational institution in Minangkabau, which existed even before the arrival of Islam in the region. Initially, the surau functioned as a place of education and residence for adult Minangkabau men. After the advent of Islam, the surau underwent a

process of Islamization without changing its name. Subsequently, the functions of the surau further developed in Minangkabau, not only serving as a place for religious education but also as a meeting place for traditional leaders to hold deliberations, a venue for practicing arts such as dance, martial arts, randai, and others. The surau also served as a place to provide enlightenment and insight to families, teach the Quran, Hadith, and other sciences, as well as instruct on customs, manners, and martial arts (Minang silat). The surau also functioned as a residence for young men entering adolescence and elderly divorced men, as Minangkabau men were not provided with rooms in their homes.(Azra, 2003)

In Minangkabau, suraus were typically owned by the local tribes or communities, with each tribe or community having its own surau. However, in the era of globalization and information technology today, the existence of the surau has shifted from its original function. The surau is no longer seen as part of the pure principles of Minangkabau customs that exist in the community's way of life. The original values of the surau have been eroded and have shifted far away. Many suraus have been abandoned by the local communities and villagers, and even children and nephews have little understanding of the role and function of the surau in Minangkabau. As a result, there is a shared justification among the Minangkabau people that the surau is no longer relevant for the present time.(J, Mulyaningsih and Kustanto, 2019)

The role of the regional government is also very important in supporting the harmony between Islamic law and the social reality of the Minangkabau society. The regional government can make regulations and policies that facilitate the application of Islamic law in accordance with the cultural context of the Minangkabau, such as in the areas of zakat management, waqf, or marriage and divorce. One example of a policy taken by the West Sumatra regional government is the enactment of a Regional Regulation on Zakat Management in 2015. This regulation governs zakat management in a structured and modern manner, while also taking into account Minangkabau cultural values. This helps create harmony between the practice of zakat in Islamic law and the social reality of the Minangkabau community.

In addition, the regional government can also encourage active community involvement in the process of formulating policies related to Islamic law and Minangkabau culture. By involving the community, it is hoped that the policies made will be more in line with social reality and can be well accepted by the community.

The effort to harmonize customary law with Islamic law and state law in Minangkabau is an urgent need to be addressed. This relates to the dialectic between Islamic law and the social reality of the Minangkabau community. On one hand, the Minangkabau community has strong customs and traditions that are an important part of their identity and social life. However, on the other hand, the Minangkabau people are also a community that adheres to the teachings of Islam, where Islamic law serves as a guide in their lives. Additionally, as part of the Indonesian society, they must also abide by the prevailing state laws. If this situation persists without efforts to harmonize these three legal systems, there is a risk of a void in values, causing traditional values to be increasingly abandoned and considered outdated. This can weaken the community's view of customs themselves and diminish the role of traditional leaders within the community.

Therefore, the effort to harmonize customary law, Islamic law, and state law becomes crucial to maintain the continuity of traditional values in the dialectic with the social reality of the Minangkabau community, who are also bound by Islamic law and state law. This harmonization can be achieved by finding common ground and minimizing conflicts between these three legal systems, allowing the community to live their lives in accordance with customs, Islamic teachings, and state laws in a balanced manner.

4. Conclusions

The dialectic between Islamic law and the social reality of the Minangkabau society reflects the complexity of the interaction between law and culture within a society. In the study of the sociology of law, this dialectic provides a concrete example of how Islamic law negotiates with local culture, and how social factors influence the interpretation and implementation of Islamic law. To achieve harmony between Islamic law and the social reality of the Minangkabau society, a synergistic effort is needed from various parties, including religious institutions, traditional authorities, regional governments, educational institutions, and the community itself. Collaboration and open dialogue among these stakeholders can help achieve consensus in the interpretation of Islamic law that is in accordance with the cultural context of the Minangkabau. Proper education and socialization are also key to increasing public understanding of the dialectic between Islamic law and their local culture. With better understanding, it is hoped that the community can be more open to more adaptive interpretations of Islamic law that are in line with the times. By understanding this dialectic, we can gain a deeper understanding of the role of Islamic law in Minangkabau society, as well as the challenges and opportunities that exist in implementing it in accordance with the unique socio-cultural context. The study of the sociology of law provides a valuable perspective in the effort to achieve harmony between Islamic law and the social reality of society, so that Islamic law can continue to be a relevant and effective guide in the life of the Minangkabau community.

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