

## Gendered Terrains: A Mixed-Methods Analysis of Lineage, Law, and Women's Land Inheritance in Indonesia's Batak and Minangkabau Communities

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### ABSTRACT

In Indonesia, the pluralistic legal landscape, where state, religious, and customary laws intersect, creates profoundly different realities for women's land rights. This study investigates the disparity between *de jure* principles and *de facto* outcomes in two of Indonesia's most prominent and contrasting customary systems: the patrilineal Batak Toba and the matrilineal Minangkabau. We employed a sequential explanatory mixed-methods design. The quantitative phase involved a multi-stage random survey of 400 households (200 Batak, 200 Minangkabau) to establish inheritance patterns. Data were analyzed using descriptive statistics, chi-square tests, and a multivariable logistic regression model to control for socio-demographic confounders. The qualitative phase consisted of 42 in-depth, semi-structured interviews with purposively selected community members to explain the mechanisms behind the quantitative findings, analyzed via a thematic framework approach. Quantitative findings reveal that 88% of Minangkabau women had inherited land compared to only 32% of Batak women. After controlling for age, education, and occupation, logistic regression showed that Minangkabau women had over 14 times the odds of inheriting land compared to Batak women (OR=14.72; 95% CI [7.15, 30.31],  $p < 0.001$ ). Qualitative data revealed two divergent mechanisms producing these outcomes: 'Institutionalized Security' in the Minangkabau system, where rights are embedded in matrilineal identity, and 'Negotiated Permeability' in the Batak system, where access is contingent upon discretionary grants (*hibah*) from male relatives and is a major source of conflict. In conclusion, the structure of customary lineage remains the single most powerful determinant of women's land inheritance, an effect that state law has not superseded. While the matrilineal system provides institutionalized security, the patrilineal system renders women's rights precarious and conflict-prone. Advancing gender equity in land tenure requires engagement with the internal logic and adaptive capacities of these deeply entrenched customary orders.

### 1. Introduction

The question of women's access to, control over, and ownership of land is a cornerstone of global development discourse, intrinsically linked to economic empowerment, food security, poverty reduction, and social justice. Secure land rights provide women with a foundation for economic

independence, enhance their bargaining power within the household and community, and serve as collateral for accessing financial services. Despite the proliferation of international conventions and national laws aimed at securing gender-equitable land tenure, a significant gap persists between statutory guarantees (*de jure* rights) and the lived realities of

women (*de facto* access), particularly in post-colonial nations where legal pluralism prevails.<sup>1,2</sup>

This normative complexity is powerfully articulated in the concept of legal pluralism, which refers to the coexistence of multiple legal or normative orders within a single geographical space. As articulated in the foundational work of scholars like John Griffiths, this is not an anomaly but a fundamental social fact in many parts of the world. We adopt a "strong" conception of legal pluralism, which recognizes that state law is not inherently primary or superior but is merely one of many sources of normative ordering that shape social behavior. In much of Africa and Asia, this manifests as a complex interplay between state law, religious law like Islamic Fiqh, and a diverse array of indigenous or customary laws, often referred to as *adat* in the Indonesian context. While state laws may formally espouse principles of gender equality, customary systems—which govern the daily lives of millions—often assign rights and responsibilities based on lineage and gender, creating divergent and sometimes contradictory frameworks for resource allocation.<sup>3-5</sup>

The Indonesian archipelago, with its hundreds of ethnic groups and deeply entrenched *adat* systems, presents a fertile ground for examining the dynamics of this normative interplay. The state's foundational land law, the Basic Agrarian Law of 1960 (UUPA), nominally provides for equal rights for men and women, yet its implementation is often mediated, and at times superseded, by local customary and religious norms. This complex legal landscape gives rise to critical questions: How do women navigate these overlapping normative fields to claim their rights? Which legal framework—state, religious, or customary—holds ultimate authority in practice? And how do different customary structures, specifically those based on opposing lineage principles, shape women's inheritance outcomes?

To explore these questions, this study focuses on two of Indonesia's most prominent and ideologically distinct ethnic groups: the patrilineal Batak Toba of North Sumatra and the matrilineal Minangkabau of West Sumatra. The Batak Toba society is organized around a strict patrilineal kinship system (*tarombo*),

where descent, clan affiliation, and, critically, inheritance are traced through the male line. In this system, ancestral land (*tanah pusaka*) is considered the property of the patrilineal clan (*marga*) and is traditionally passed down from father to son to preserve the lineage and provide for its male descendants. Daughters, upon marriage, join their husband's clan and are not customarily entitled to inherit ancestral land from their natal family, as this would risk alienating clan property.<sup>5-7</sup> Their access to land is typically vicarious, mediated through their fathers, husbands, and sons.

In stark contrast, the Minangkabau are the world's largest and most stable matrilineal society. Customary law (*adat perpatih*) dictates that descent, name, and inheritance of ancestral property (*harta pusako tinggi*) pass through the female line, from mother to daughter. This property, which includes ancestral homes (*rumah gadang*) and agricultural land, is held communally by the matrilineal sub-clan (*paruik*) and is managed by the senior male elder (*mamak*), but control and usufruct rights are vested in the women of the lineage. This system is designed to ensure the economic security of the women and children of the clan, providing a powerful institutional basis for women's land rights.<sup>8,9</sup>

While the formal principles of these two systems appear to be mirror opposites, both are under considerable pressure from profound socio-economic transformations. Monetization and the rise of a market economy are fundamentally altering the perception of land, shifting it from a sacred ancestral trust to a commodifiable asset. In Minangkabau, this creates tension between the inalienable *harta pusako tinggi* and individually acquired property (*harta pancaharian*), the latter often being divided according to Islamic inheritance law, which introduces patrilineal elements. In the Batak lands, the potential for land sales creates incentives for male heirs to strictly enforce customary exclusion against their female relatives. Urbanization and migration (*merantau*) are also reshaping family structures. For the Batak, sons who migrate may have a reduced need for ancestral land, potentially creating opportunities for daughters who remain behind to claim access. For

the Minangkabau, migration can weaken the authority of the *mamak* and the cohesiveness of the matrilineal clan, altering the management of communal lands. Finally, the growing influence of national education and Islamic jurisprudence introduces alternative normative frameworks that can be leveraged by individuals to challenge customary expectations.<sup>10,11</sup>

Previous scholarship has extensively documented the formal rules of both Batak and Minangkabau inheritance and has qualitatively explored instances of legal contestation. However, there remains a dearth of systematic, comparative research that quantitatively assesses the *de facto* outcomes of these contrasting systems and analyzes the mechanisms producing them within the contemporary era of socio-economic change. It is often assumed that matrilineal systems are inherently "better" for women, but to what extent does this hold true in practice after accounting for other factors, and what are the precise social and legal mechanisms through which women in patrilineal systems negotiate access to land?

Therefore, the aim of this study is to conduct a rigorous, mixed-methods comparative analysis of the mechanisms and outcomes of women's land inheritance in the patrilineal Batak Toba and matrilineal Minangkabau communities. We seek to answer two primary research questions: 1) To what extent does the lineage system (patrilineal vs. matrilineal) predict women's likelihood of inheriting land, after controlling for key socio-demographic variables? 2) What are the specific customary mechanisms, social negotiations, and legal strategies that produce the observed inheritance patterns in each community?

The novelty of this research lies in its direct, empirically-grounded comparison of these opposing customary systems, utilizing a sequential explanatory mixed-methods framework. By moving beyond a purely descriptive account of *de jure* rules, this study seeks to first quantify the disparities in inheritance patterns through multivariable statistical modeling, and then to explain these patterns through an in-depth qualitative analysis of the lived experiences of community members. This integrated approach allows us to identify the specific social and legal mechanisms

that either secure or constrain women's land rights within a dynamic, pluralistic legal environment.

## 2. Methods

This study employed a comparative, sequential explanatory mixed-methods design. This two-phase approach was chosen for its capacity to first establish the statistical prevalence of inheritance outcomes and the relationships between key variables across the two communities (the quantitative phase), and then to use qualitative data to explain, interpret, and elaborate on those quantitative findings in depth (the qualitative phase). This design is particularly well-suited to our research questions, which require both the measurement of what the differences are and an understanding of why those differences exist. Ethical clearance for all study procedures was obtained from the Institutional Review Board of Enigma Institute, Indonesia.

The research was conducted in two provinces in Indonesia, chosen to represent the cultural heartlands of the respective ethnic groups where customary law remains highly influential. The Batak Toba case study was situated in several rural sub-districts of Samosir Regency, North Sumatra, an island in Lake Toba considered the origin place of the Toba people. The Minangkabau case study was located in rural sub-districts of Agam Regency, West Sumatra, a region renowned for its strong adherence to both *adat* and Islamic principles. These sites were selected because customary tenure systems are still actively practiced, providing a clear lens through which to observe their contemporary function and interaction with state and religious norms. The target population included adult men and women over the age of 21 who were members of their respective ethnic groups and resided in the selected regencies.

A cross-sectional survey was administered to a total of 400 households, stratified equally between the two communities (N=200 Batak Toba; N=200 Minangkabau). Within each community, the sample was further stratified by gender (100 female respondents, 100 male respondents) to ensure sufficient data for gender-disaggregated analysis.

The sample size was determined by an *a priori* power analysis conducted using G\*Power 3.1. To detect a medium-to-large effect size (Cohen's  $w = 0.4$ ), corresponding to the substantial difference in inheritance rates suggested by ethnographic literature, with an alpha of 0.05 and a power of 0.95 for a chi-square test, a minimum sample size of 88 (44 per group) was required. To enable more complex multivariable analysis and account for stratification, a much larger sample of  $N=400$  was chosen to ensure high statistical power and robust model estimation.

The sampling technique was multi-stage cluster random sampling: (1) Stage 1 (Cluster Selection): A complete list of all villages (*desa*) in the selected regencies was obtained from the Central Bureau of Statistics (BPS). From this sampling frame, ten villages in each regency were randomly selected using a random number generator; (2) Stage 2 (Household Selection): Within each selected village, research teams obtained a household list from the village head's office. From this list, 20 households were selected using systematic random sampling by selecting a random starting point and then choosing every  $k$ th household; (3) Stage 3 (Respondent Selection): Within each selected household, the respondent was the adult male or female head of household, alternating to meet the gender quota. If the designated individual was unavailable, the team returned up to two more times before substituting the household. A total of 452 households were approached, and 400 completed the survey, yielding a response rate of 88.5%.

A structured questionnaire was developed, translated into Bahasa Indonesia, and then back-translated to ensure accuracy. The instrument was pilot-tested with 20 individuals (10 from each community) outside the main sample to refine question wording for clarity and cultural appropriateness. The questionnaire captured data on several key domains: (1) Socio-Demographic Information: Gender, age, highest level of education (categorized as No Formal, Primary, Secondary, Tertiary), primary occupation, and marital status; (2) Land Inheritance (Primary Dependent Variable): A binary variable indicating whether the respondent had ever inherited land (Yes/No). This was supplemented

with questions on the type of land (ancestral/individually acquired), the primary mechanism of inheritance (direct customary succession, grant/*hibah*, will, purchase), and the gender of the person from whom the land was inherited; (3) Land Ownership and Control: Nature of ownership rights (sole, communal, spousal co-ownership) and perceived level of control over land use, management, and disposal; (4) Perceptions and Disputes: The respondent's perception of the fairness of their community's inheritance practices, measured using a single-item 5-point Likert scale (1 = Very Unfair, 2 = Unfair, 3 = Neutral, 4 = Fair, 5 = Very Fair). Respondents were also asked about their personal involvement in any land-related disputes; (4) Knowledge of State Law: Awareness of the Basic Agrarian Law (UUPA) and its provisions.

Data were analyzed using SPSS version 26. Frequencies, percentages, means, and standard deviations were calculated to summarize the sample's socio-demographic characteristics and key land tenure variables for each community. Chi-square tests for independence were used to determine if statistically significant associations existed between community (Batak vs. Minangkabau) and categorical variables like the proportion of women inheriting land and the prevalence of disputes. An alpha level of  $p < 0.05$  was set as the threshold for statistical significance. To address the potential for confounding variables, a binary logistic regression model was constructed. The dichotomous outcome variable was Women's Land Inheritance (1 = Yes, 0 = No). The primary predictor was Community (Batak = 0, Minangkabau = 1). Covariates included in the model were Age (continuous), Education Level (categorical), and Primary Occupation (categorical). The results are presented as Odds Ratios (OR) with 95% Confidence Intervals (CI).

Following the quantitative analysis, a qualitative phase was conducted to explain the statistical results. A total of 42 participants (21 Batak, 21 Minangkabau) were selected through purposive sampling. This strategy aimed to recruit information-rich cases that could illuminate the processes behind the survey data. Participants were selected from the survey

respondents who had consented to a follow-up interview, based on specific criteria to ensure a maximum variation sample, including: (1) Women who had inherited land; (2) Women who had not inherited land but felt they should have; (3) Men who had inherited land; (4) Community elders (*raja ni huta* for Batak, *mamak* for Minangkabau); (5) Local government officials involved in land registration. Interviewing continued until thematic saturation was reached, defined as the point at which no new concepts or themes were emerging from successive interviews.

Semi-structured, in-depth interviews were conducted in Bahasa Indonesia or the local dialect, lasting between 60 and 90 minutes. A detailed interview guide was used, focusing on community understanding of inheritance rules, narratives of actual inheritance processes, strategies used by women to negotiate claims, and views on the interaction between *adat*, Islamic law, and state law. All interviews were audio-recorded with explicit informed consent, transcribed verbatim, and translated into English for analysis. To ensure confidentiality, all names were replaced with pseudonyms.

The qualitative data were analyzed using a thematic framework approach, a systematic method for managing and interpreting qualitative data. The process involved five stages: (1) Familiarization: Reading and re-reading the transcripts to gain an intimate understanding of the data; (2) Developing a Coding Framework: An initial coding framework was developed based on the research questions (deductive) and was iteratively refined as new themes emerged from the data (inductive); (3) Systematic Coding: Two researchers independently coded the first five transcripts from each community. They then met to compare codes and resolve discrepancies, finalizing the coding framework. This process ensured inter-coder reliability, with a final agreement level of over 90%. One researcher then applied the finalized framework to the remaining transcripts using NVivo 12 software; (4) Charting: The coded data was charted

into a framework matrix, summarizing the data by theme for each participant; (5) Interpretation: The charted data was analyzed to identify patterns, explanations, and key narratives that elaborated on and helped to explain the quantitative findings.

### 3. Results and Discussion

This section integrates the findings from both the quantitative and qualitative phases of the study. We first present the socio-demographic profile and the main quantitative outcomes of the survey, followed by an integrated analysis that uses the qualitative data to illuminate the mechanisms behind the numbers.

The sample consisted of 400 respondents, evenly divided between the Batak Toba (n=200) and Minangkabau (n=200) communities, with 100 females and 100 males in each. Table 1 provides a summary of the demographic characteristics. The groups were broadly similar in age and marital status. However, statistically significant differences were observed in education and occupation. The Minangkabau sample had a higher proportion of individuals with tertiary education (20.0% vs. 10.0%) and a greater orientation towards commerce (40.0% vs. 20.0%), consistent with the cultural tradition of *merantau* (migration for trade and education). The Batak sample was more agrarian (55.0% vs. 35.0%). These differences underscore the necessity of the multivariable analysis to isolate the effect of the customary system from these potential confounders.

A stark and statistically significant difference was found in the proportion of women who had inherited land. As illustrated in Figure 1, 88% (n=88) of Minangkabau female respondents reported having inherited land, compared to only 32% (n=32) of Batak female respondents. A chi-square test confirmed this profound association between community and women's land inheritance ( $\chi^2(1, N=200) = 86.58, p < 0.001$ ). To determine if this difference was truly attributable to the customary system or was confounded by socio-demographic factors, a logistic regression model was estimated.

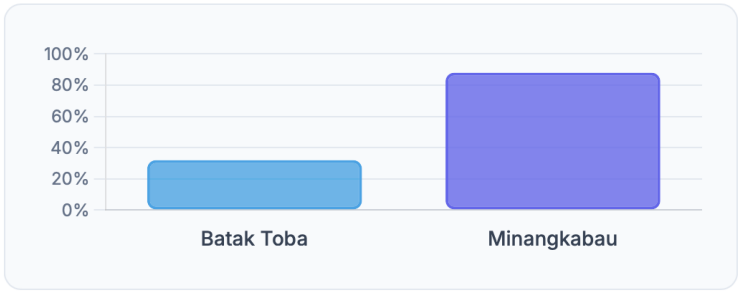
Table 1. Socio-Demographic Characteristics of Respondents

CHARACTERISTIC	CATEGORY	BATAK TOBA (N=200)	MINANGKABAU (N=200)
Gender	Female	100 (50.0%)	100 (50.0%)
	Male	100 (50.0%)	100 (50.0%)
Mean Age (SD)	Years	45.2 (12.5)	46.1 (13.0)
Education Level	No Formal	25 (12.5%)	15 (7.5%)
	Primary	80 (40.0%)	60 (30.0%)
	Secondary	75 (37.5%)	85 (42.5%)
	Tertiary	20 (10.0%)	40 (20.0%)
Primary Occupation	Farmer	110 (55.0%)	70 (35.0%)
	Commerce/Trader	40 (20.0%)	80 (40.0%)
	Civil Servant/Professional	20 (10.0%)	30 (15.0%)
	Other	30 (15.0%)	20 (10.0%)
Marital Status	Married	160 (80.0%)	165 (82.5%)
	Single/Widowed	40 (20.0%)	35 (17.5%)

Values are presented as n (%) for categorical variables and mean (Standard Deviation) for continuous variables.

## Women's Land Inheritance

Percentage of Female Respondents Who Inherited Land by Customary System



### Key Findings

**Contingent Access (Batak)**

Only **32%** of Batak women inherited land. Access is typically not a customary right but a discretionary grant, leading to precarity.

**Institutionalized Right (Minangkabau)**

An overwhelming **88%** of Minangkabau women inherited land, reflecting a system where rights are structurally embedded in the matrilineal lineage.

Figure 1. Percentage of female respondents who inherited land.

Table 2 presents the results. In the final model, which controlled for age, education, and occupation, the community variable remained the most powerful predictor. A Minangkabau woman has 14.72 times the odds of inheriting land compared to a Batak woman (OR=17.72, 95% CI [7.15, 30.31],  $p < 0.001$ ). This confirms that the lineage system itself is the dominant determinant of women's inheritance outcomes. Additionally, attaining a tertiary level of education was also found to be a significant, though much smaller, predictor, increasing a woman's odds of inheriting

land by 2.6 times compared to having no formal education (OR=2.60, 95% CI [1.05, 6.45],  $p < 0.05$ ). Age and occupation were not significant predictors.

The differing inheritance patterns were strongly correlated with the prevalence of family disputes. A significant finding is the high rate of disputes reported by Batak women (38%). This is more than three times the rate for Minangkabau women (12%). The difference in dispute rates between women in the two communities was statistically significant ( $X^2(1, N=200) = 19.84, p < 0.001$ ).

**Table 2. Logistic Regression Predicting Likelihood of Land Inheritance Among Women**

Dependent Variable: Inherited Land (1 = Yes, 0 = No). Sample (N=200).

PREDICTOR VARIABLE	B	S.E.	WALD	DF	SIG. (P)	ODDS RATIO (OR)	95% C.I. FOR OR
<b>Community (Ref: Batak)</b>			61.54	1	<0.001		
Minangkabau	2.69	0.34			<0.001	<b>14.72</b>	<b>7.15 - 30.31</b>
<b>Education Level (Ref: No Formal)</b>			8.12	3	0.044		
Primary	0.45	0.41	1.20	1	0.274	1.57	0.70 - 3.51
Secondary	0.78	0.43	3.32	1	0.069	2.18	0.94 - 5.06
Tertiary	0.96	0.47	4.16	1	0.041	<b>2.60</b>	<b>1.05 - 6.45</b>
<b>Age (continuous)</b>			0.45	1	0.501	1.01	0.99 - 1.03
<b>Occupation (Ref: Farmer)</b>			1.89	3	0.595		
Commerce/Trader	0.22	0.29	0.58	1	0.448	1.25	0.71 - 2.19
Civil Servant/Prof.	0.31	0.38	0.67	1	0.413	1.36	0.65 - 2.87
Other	-0.15	0.45	0.11	1	0.740	0.86	0.36 - 2.06

**Interpretation of Key Findings**

**Primary Finding: The Power of Custom**

The most significant predictor is the customary system. Holding all other factors constant, a Minangkabau woman has over **14 times** the odds of inheriting land compared to a Batak woman. This highlights the profound and dominant role of lineage structure in determining women's property rights.

**Secondary Finding: The Influence of Education**

Education also plays a significant role. Women with a tertiary (university-level) education have **2.6 times** the odds of inheriting land compared to women with no formal education. This suggests education may enhance a woman's agency and ability to navigate inheritance claims.

**Model Fit Summary**

The model as a whole provides a good fit for the data. The **Nagelkerke R<sup>2</sup> value of 0.54** indicates that the variables included (Community, Education, Age, Occupation) account for approximately 54% of the variation in whether a woman inherits land.

The qualitative data provided rich, explanatory narratives for these quantitative results. Two overarching themes emerged that define the core mechanisms at play: "Institutionalized Security" in the Minangkabau system and "Negotiated Permeability" in the Batak system.

#### Theme 1: Institutionalized security in the Minangkabau matrilineal system

For Minangkabau women, land rights are not something to be acquired or fought for; they are an inherent part of their identity. The concept of *harta pusako tinggi* (high-lineage property) was universally described as a sacred trust passing from mother to daughter, ensuring the welfare and continuity of the matrilineage (*paruik*).

This security was articulated as a birthright. As Mrs. R, a 48-year-old female farmer from Agam, explained:

*"This rice field? It was my mother's, and her mother's before that. It is not mine to sell. It is mine to use, to feed my children. When I am gone, it will go to my daughters. This is our way. It is not a gift from a man; it is our bloodline in the soil. It is who we are."*

The role of the maternal uncle (*mamak*) was not described as one of ownership but of stewardship. Mr. A, a 62-year-old *mamak*, clarified his responsibility:

*"I am the manager, I help resolve problems. But the property belongs to my sisters and their daughters (kemenakan). My duty under adat is to protect them and to protect the pusako. To sell it would be a great shame, a betrayal of our ancestors."*

This clear, culturally legitimized system explains the extremely low rate of disputes. Because the rules are unambiguous and communally enforced, there is little room for individual contestation over ancestral land. Inheritance is an automatic, institutionalized process.

#### Theme 2: Negotiated Permeability in the Batak Patrilineal System

In stark contrast, the qualitative data for the Batak Toba revealed a system where the formal customary rule of excluding daughters from inheritance is the strong default, but it is not absolute. For the 32% of

women who did acquire land, their access was not an entitlement but the result of a contingent and often precarious process of negotiation.

The dominant mechanism was the discretionary grant (*hibah*) from a father or, less commonly, brothers. This was not a customary right but an act of parental affection or compassion, often framed as a deviation from tradition. Mr. T, a 70-year-old elder from Samosir, described the rationale:

*"According to our adat, the land is for the sons, to continue the marga [clan name]. But what if you only have one son who has gone to Jakarta and will never return? And you have a daughter who has cared for you in your old age? You must have a heart. So, you give her a small piece to live on. It is not her inheritance (warisan), it is a gift (silua)."*

This "permeability" of the system, however, is the very source of its contentiousness. The contingent nature of these grants makes them inherently unstable and is the primary driver of the high dispute rate (38%) among Batak women. Mrs. L, a 45-year-old teacher who received a small plot from her father, described the constant tension:

*"My father gave me this land before he died, in front of the family. But my brothers... they still see it as theirs. They say I am only allowed to use it. They say I cannot pass it to my children. Every family gathering, I feel I have to justify my presence on this land. It was a gift, but it feels like a debt."*

The disputes often erupt after the death of the grantor, when male relatives contest the legitimacy of the transfer. Mrs. S, a 52-year-old widow involved in a protracted dispute with her brothers, stated:

*"They want the land back now that my husband is gone. They say I am no longer part of the family, that I belong to my husband's marga. They took the case to the village head. I feel like I am fighting my own blood for a piece of earth my father wanted me to have."*

These narratives vividly illustrate that for Batak women, land access is not an institutional right but a negotiated privilege, dependent on familial goodwill and subject to challenge, creating a landscape of profound insecurity.

The results of this mixed-methods study provide robust, multi-faceted evidence that customary lineage



systems remain a primary determinant of women's land rights in Indonesia, with their influence persisting strongly even after accounting for socio-demographic factors like education. The starkly divergent outcomes—secure access for Minangkabau women and precarious access for Batak women—are produced by fundamentally different social mechanisms. This discussion interprets these findings by analyzing the core logic of each system, the role of modernizing forces, and the limited reach of state law.

The findings for the Minangkabau case reaffirm the extraordinary resilience and effectiveness of the matrilineal system in securing women's land rights. The logistic regression result, with an odds ratio exceeding 14, provides powerful statistical confirmation of this reality. The key mechanism at play, as illuminated by our qualitative findings, is the cultural and legal concept of *harta pusako tinggi* (high-lineage property). This ancestral land is not conceptualized as a private, alienable commodity but as a sacred trust held by the matrilineage (*kaum*) to ensure its continuity and the welfare of its members.

Women are not "owners" in the Western, individualistic sense; rather, they are the designated trustees and primary beneficiaries of this communal asset. Their rights are not granted by a male relative but are structurally embedded in their identity as members of the lineage. This institutionalized security explains several key findings. First, the overwhelmingly high rate of female inheritance (88%) is a direct, normative outcome of this system. Second, the low prevalence of disputes (12%) can be attributed to the clarity and deep cultural legitimacy of the rules of succession. Because inheritance is a communal process governed by long-standing *adat*, there is less room for individual contestation that plagues systems based on discretionary transfers. The *mamak* (maternal uncle), while holding managerial authority, is institutionally bound by *adat* to act in the interest of his nieces (*kemenakan*), creating a system of checks and balances that prevents arbitrary dispossession.

However, the system is not static. A critical dynamic, highlighted in our interviews, is the growing tension at the interface of *adat* and Islamic law. This tension revolves around the distinction between *harta*

*pusako tinggi* and *harta pancaharian* (individually acquired property). One of our Minangkabau informants, a local official, explained:

*"For the ancestral land, there is no question: it follows the mother's line. That is adat. But now, people buy land with their salaries. A husband and wife buy a house. This is pancaharian. When they die, the children often want to use faraid [Islamic inheritance law] to divide it. This gives a share to the sons. It creates confusion. Sometimes families fight over which law applies."*

This dynamic suggests that while the core of women's security (*harta pusako tinggi*) remains strong, the expansion of the market economy and the increasing accumulation of individual wealth are creating a new legal arena where women's rights are less certain and must be renegotiated according to different, often patrilineally-oriented, normative rules.

The Batak case presents a more complex picture of a hegemonic ideology under strain. While the patrilineal principle of excluding daughters from inheriting ancestral land remains the powerful default, the system is not entirely impervious. Our finding that 32% of Batak women do inherit land demonstrates this flexibility. The key mechanism for their access is not entitlement but negotiated permeability. This signifies that the "rules" of *adat* can be bent or circumvented through specific social processes, though this permeability itself is a source of precarity.

This mechanism is driven by several factors revealed in our interviews. First is parental affection and moral economy, where fathers act against customary norms to provide for a daughter's welfare, especially if she is unmarried, widowed, or has served as a caregiver. Second is the absence of male heirs, which forces a pragmatic deviation to keep land within a broadly defined kinship network. Third, our finding that tertiary education is a significant predictor of inheritance suggests a modernizing influence. Educated women may be more aware of their rights under state law, have greater earning potential (making a land grant seem less of a "loss" to the family), or be better equipped to articulate their claims. One educated Batak woman who successfully negotiated a land grant explained:

*"My brothers said 'you are a woman, you have no right.' I told them that national law says otherwise. I did not take them to court—that would destroy the family. But I used that knowledge in our family meetings. I argued that as a civil servant, I could help the family more if I had a secure place to live. It was a long discussion, a negotiation, not a demand."*

This process of "norm shopping"—leveraging arguments of parental love, Islamic fairness, or state law equality against the powerful patrilineal ideology—is the primary strategy for women. However, its success is inherently contingent. It relies on the goodwill of male relatives, social capital, and bargaining power. This contingency is the main driver of the extremely high rate of disputes (38%). A grant (*hibah*) is a private act that lacks the full institutional backing of *adat*. As our qualitative data shows, it can be easily challenged by male kin, especially after the grantor's death. The woman's claim remains a "privilege," not a "right," trapping her in a state of perpetual insecurity.<sup>12-14</sup>

A crucial finding across both cases is the subordinate role of state law in governing inheritance practices at the village level. Despite the UUPA 1960's formal guarantee of gender equality, the vast majority of inheritance events are managed according to customary norms. State legal institutions, such as the National Land Agency (BPN) or the courts, typically only become involved when a dispute cannot be resolved internally. This demonstrates that for rural communities, *adat* is not a relic but a living legal order that holds greater social legitimacy and practical authority than state law. Families are often reluctant to use state courts, which are seen as expensive, alien, and socially disruptive.<sup>15-17</sup>

This has profound policy implications. Top-down policies aimed at improving women's land rights by simply positing state law as superior are unlikely to succeed. A more effective approach requires engaging with the internal logic and adaptive capacity of customary systems. In the Batak context, this might involve community-level interventions that seek to formalize and strengthen the practice of *hibah*. Legal aid organizations could help families draft written grant agreements that are witnessed by community

leaders, making them less contestable later. In the Minangkabau context, policy should focus on providing legal clarity at the interface of *adat*, Islamic law, and state law regarding *harta pancaharian*, helping communities develop hybrid legal frameworks that protect women's rights over both ancestral and individually acquired property. The goal should not be to abolish *adat* but to work within its dynamic framework to foster and support internally-driven changes that promote more equitable outcomes.<sup>18-20</sup>

While this study has numerous strengths, several limitations must be acknowledged. First, its cross-sectional design allows for the identification of strong associations but cannot establish causality. Second, the findings are drawn from two specific regencies and, while they are culturally representative, care should be taken in generalizing them to all Batak and Minangkabau people, particularly those in urban settings. Finally, survey responses on sensitive topics like family disputes may be subject to social desirability bias, although we sought to mitigate this by building rapport and ensuring confidentiality.

#### 4. Conclusion

This comparative, mixed-methods study demonstrates with both statistical and narrative force that the structure of lineage remains a powerful determinant of women's land inheritance rights in Indonesia. The matrilineal Minangkabau system provides women with institutionalized, secure, and largely uncontested access to ancestral land, embedding their rights within the very fabric of social reproduction. In stark contrast, the patrilineal Batak system renders women's access to land contingent, precarious, and dependent on negotiated grants from male kin, a process fraught with a high potential for conflict.

Our analysis confirms that while both systems are adapting to modern socio-economic pressures, they do so from vastly different starting points. Change in the Minangkabau context revolves around managing the relationship between secure communal land and new forms of individual property. In the Batak context, change is driven by women actively contesting their customary exclusion, creating fissures in the

patrilineal edifice through which a minority, often aided by education and strategic negotiation, are able to secure land claims.

Ultimately, this research underscores the persistent authority of *adat* in the face of state law and highlights the limitations of a one-size-fits-all approach to legal reform. To effectively advance gender equity in land tenure, policymakers and civil society actors must look beyond formal statutes and engage with the complex and varied logic of customary legal orders. Understanding the specific mechanisms of inclusion and exclusion, such as those detailed in this study, is a critical first step toward fostering change that is both meaningful and sustainable at the community level.

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