Indonesian Journal of Islamic Law

ISSN (Online) 2615-7543, ISSN (Print) 3089-5839
Vol. 9, No. 2, 2026, pp. 234–261
https://doi.org/10.35719/jt058391
https://ijil.uinkhas.ac.id/index.php/IJIL

OPEN ACCESS

Sharia Prescribes, *Adat* Applies: Reconstructing Cognitive Justice in Minangkabau Legal Historiography

Mhd. Ilham Armi[1*], Ahmad Luthfy Nasri[2]
Syukra Latif[3], Ayu Ariska[4], Fitri Rahmawati[5]
[1]UIN Sunan Kalijaga, Yogyakarta, Indonesia
[2]Al-Azhar University, Cairo, Egypt
[3]Universitas Islam Internasional Indonesia, Depok, Indonesia
[4]UIN Syarif Hidayatullah, Jakarta, Indonesia
[5]UIN Imam Bonjol, Padang, Indonesia
*Corresponding email: ilhamarmi99@gmail.com

Received: 18-01-2026	Revised: 26-04-2026, 17-08-2026	Accepted: 01-09-2026

Abstract

Colonial legal historiography in Minangkabau has long portrayed matrilineal *adat* and Islamic law as antagonistic systems, casting *adat* as static custom and Islam as an external imposition. This article repositions the formula *Syarak Mangato, Adaik Mamakai* (SMAM), rendered here as "Sharia Prescribes, Adat Applies," as an analytical method for dismantling this binary, rather than treating the formula merely as a cultural description, as much of the existing scholarship has done. The analysis proceeds in three stages: a genealogical critique of eight colonial legal sources; an analysis of allochronism, examining how twelve Indonesianist studies softened but did not fully dismantle the colonial dualism; and a contemporary socio-legal analysis of twelve cases spanning household and kinship relations, economic and asset relations, and public governance. The findings show that SMAM operates as a working legal practice within *nagari*-based authorities, which negotiate inheritance disputes through asset categorisation, mobilise ancestral property (*pusako*) as productive economic capital, and assert local social control in the face of institutional hegemony. The article argues that the integration of *adat* and Islamic legal norms is better understood as cognitive justice, grounded in the recognition of two epistemologies operating alongside one another, rather than as a compromise between competing systems. Rather than proposing SMAM as a generalisable model, the article advances it as an empirically

Copyright © 2026 by Author(s)
This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License (CC BY-SA 4.0)

grounded comparative approach to examining pluralistic legal orders in postcolonial Southeast Asia.

[*Historiografi hukum kolonial di Minangkabau telah lama menggambarkan adat matrilineal dan hukum Islam sebagai dua sistem yang saling bertentangan, dengan menempatkan adat sebagai tradisi statis dan Islam sebagai kekuatan eksternal yang dipaksakan dari luar. Artikel ini menempatkan kembali formula Syarak Mangato, Adaik Mamakai (SMAM), yang dalam artikel ini diterjemahkan sebagai "syarak menetapkan ketentuan, adat menerapkannya", sebagai metode analitis untuk membongkar dikotomi tersebut, alih-alih memperlakukannya semata-mata sebagai deskripsi kebudayaan sebagaimana dilakukan oleh sebagian besar penelitian terdahulu. Analisis dilakukan melalui tiga tahap: kritik genealogis terhadap delapan sumber hukum kolonial; analisis alokronisme dengan menelaah bagaimana dua belas studi Indonesianis melunakkan, tetapi belum sepenuhnya membongkar, dualisme kolonial; serta analisis sosiolegal kontemporer terhadap dua belas kasus yang mencakup hubungan rumah tangga dan kekerabatan, hubungan ekonomi dan pengelolaan aset, serta tata kelola publik. Temuan penelitian menunjukkan bahwa SMAM beroperasi sebagai praktik hukum yang hidup dalam otoritas berbasis nagari. Otoritas tersebut merundingkan sengketa waris melalui kategorisasi aset, memobilisasi harta pusaka (pusako) sebagai modal ekonomi produktif, serta menegaskan kontrol sosial lokal dalam menghadapi dominasi institusional. Artikel ini berargumen bahwa integrasi norma adat dan hukum Islam lebih tepat dipahami sebagai keadilan kognitif, yang bertumpu pada pengakuan terhadap dua epistemologi yang bekerja berdampingan, daripada sebagai kompromi di antara sistem-sistem yang saling bersaing. Alih-alih mengajukan SMAM sebagai model yang dapat digeneralisasi, artikel ini menawarkannya sebagai pendekatan komparatif berbasis bukti empiris untuk mengkaji tatanan hukum pluralistik di Asia Tenggara pascakolonial*.]

Keywords: Decolonial legal methodology; *Syarak Mangato, Adaik Mamakai* (SMAM); socio-legal historiography; cognitive justice; Islamic law in motion.

Introduction

The historiography of law in Minangkabau represents a prolonged contestation over cognitive sovereignty, in which colonial knowledge production has played a constitutive role in shaping legal understanding. Since the colonial period, Indologist scholarship has systematically constructed what may be termed an 'antagonistic binary dualism' between *adat* and Islam (Adatrecht 1928; Hasan

1937). Through early colonial administrative discourse, *adat* is positioned as static, archaic, and culturally bounded, while Islam is framed as an external nomos. This construction is reinforced through what Johannes Fabian conceptualises as the denial of coevalness, whereby Minangkabau legal traditions are temporally distanced and stripped of their internal dynamism (Fabian 2014). The implication is not merely descriptive distortion but the systematic delegitimisation of indigenous legal authority. This delegitimisation occurs precisely because the colonial dualism forced the community to choose between *adat* and Islam, treating them as mutually exclusive, thereby fracturing a previously cohesive and integrated socio-legal system (Rahmat, Warassih, and Syamsudin 2023).

Within the broader Southeast Asian context, studies on the resilience of Islamic law have shown that its continuity depends on both codified structures and adaptive socio-cultural practices (Gallop 2020; Darna et al. 2025). While this literature successfully demonstrates the capacity of Islamic law to coexist with local traditions, it often underestimates the enduring impact of colonial epistemic frameworks that continue to structure legal interpretation in the post-colonial period. The persistence of intellectual imperialism and what has been termed the *colonisabilité* (Lawrence 2021) has sustained a tendency toward epistemic dualism, in which Islamic law and *adat* are still implicitly treated as separable domains (Federspiel 2022; Milner 2022). As a result, the problem is not only historical misrepresentation but also the ongoing reproduction of fragmented legal consciousness.

Previous scholarship has examined the epistemology and operation of Islamic law in Southeast Asia from socio-legal and historical perspectives, highlighting its adaptive and dialectical interaction with local customs (Feener 2024; Peletz 2021; Lohlker 2021). These studies have been instrumental in demonstrating that Islamic law functions as a living normative system capable of sustaining social continuity amid structural change. However, their primary focus remains on describing patterns of interaction and resilience, rather than interrogating the epistemic foundations through which these interactions have been historically framed.

In Minangkabau, the philosophical formulation of *Adat Basandi Syarak, Syarak Basandi Kitabullah* ("Adat is founded upon Sharia, and Sharia is founded upon the Qur'an"), is operationalised through the ontological framework of SMAM, in which Islamic norms provide normative orientation and *adat* functions

as its social instrument (Arrasuli 1939). This framework is institutionalised through a fourfold hierarchy of adat: *adat nan sabana adat* (the absolute customary law), *adat nan diadatkan* (institutionalised custom), *adat nan taradat* (customs by consensus), and *adat istiadat (everyday traditions)* (Navis 1984; Abdullah 2021). Rather than reflecting dualism, this structure demonstrates a layered integration of law as a living system (Shidarta 2013).

Indonesianist scholarship has significantly challenged colonial representations by emphasising resilience, adaptation, and legal pluralism in Minangkabau society. Studies by Tsuyoshi Kato, Jeffrey Hadler, and Franz and Keebet von Benda-Beckmann, for instance, demonstrate how social change, Islamic reformism, and plural legal arrangements coexist dynamically (Kato 1978, 1980, 1982; Hadler 2008; F. von Benda-Beckmann 1979; K. von Benda-Beckmann 1984). However, these approaches largely operate within descriptive or functionalist paradigms, focusing on how legal systems interact rather than questioning the epistemic structure that initially framed them as separate. Consequently, the colonial binary is softened but not fully dismantled.

This study departs from these approaches by introducing a decolonial socio-legal methodology, in which SMAM is repositioned not as an object of cultural description but as an analytical and methodological instrument. Through this lens, SMAM functions as a tool to deconstruct colonial legal historiography and to reconstruct Minangkabau law as an integrated epistemic system. This repositioning transforms SMAM into an active "method of reading" legal history, enabling the recovery of indigenous legal rationality and the restoration of cognitive justice, which prioritises epistemic inclusion and recognition of local knowledge systems.

Empirically, this methodological approach is applied to contemporary socio-legal issues, including gender relations, economic transformation, and local governance within the matrilineal structure. These domains demonstrate that Islamic law in Minangkabau operates not as a patriarchal imposition but as a normative system that reinforces justice and welfare through contextual integration. Addressing these issues through a decolonial lens highlights the practical relevance of the methodology in fostering social justice and legal coherence within local communities (Andaya 2022; Aljunied 2024; Sealy et al. 2022).

Accordingly, SMAM is conceptualised in this study as a core component of a decolonial socio-legal methodology that centres legal authority within the lived

experiences and normative consciousness of the community. Legal legitimacy is emerging from the dialectical interaction between revelation and local practice. Within this framework, the integration of *adat* and Islam is interpreted as an expression of cognitive justice rather than as a compromise between competing systems. Unlike a 'compromise', which implies a zero-sum concession where parts of a system must be sacrificed or diluted, 'cognitive justice' entails the equal recognition and seamless integration of both epistemologies, allowing them to function together without diminishing their respective core values.

In this study, the SMAM framework is operationalised as a three-stage socio-legal analysis procedure. *First*, it identifies the universal principles of Islamic law (*Syarak*) as an ethical foundation (Smith 2012). *Second*, it analyses how this ethical foundation translates into the constitutional framework of customary law (*adat nan diadatkan*) (Alatas 2000). *Third*, it examines how local actors actively negotiate these frameworks within contemporary public and domestic spheres (*adat istiadat*) (Banakar 2015; Salaymeh 2021). This procedural framework prevents arbitrary interpretation by grounding decolonial analysis in verifiable empirical practices.

The article addresses a central problem in Minangkabau legal historiography: colonial and post-colonial scholarship has persistently constructed *adat* and Islam as a dualistic legal order, thereby producing an epistemic distortion that obscures their coexistence and mutual constitution. Existing studies have contributed important insights into resilience, adaptation, and legal pluralism. However, they often accept colonial dualism as a given, which limits their critique. This study departs from prior work by employing a decolonial socio-legal methodology, with SMAM repositioned as an active analytical instrument to dismantle colonial binary constructions, recover indigenous legal rationality, and restore cognitive justice in Minangkabau legal historiography, explicitly challenging colonial epistemic dualism.

Method

This study employs a qualitative-exploratory socio-legal design structured in three sequential stages to deepen understanding of Minangkabau legal history and practice, avoiding the impression of a merely additive theoretical assemblage (Smith 2012; Shidarta 2024). The first stage is genealogical critique, which systematically maps how colonial knowledge production constructed legal categories and binaries between *adat* and Islam. Functionally, this stage serves as

a historiographical audit (Fabian 2014); it identifies the epistemic foundations of legal dualism by tracing temporal categorisation, lexical dichotomies, ontological separation, and the reduction of juridical authority within colonial texts. The dataset at this level consists of 8 key colonial sources, selected for their explicit role in shaping the dominant narrative of Minangkabau legal history.

The second stage is critique of allochronism, which operates as an analytical deepening of the genealogical findings by interrogating how colonial temporal distancing (denial of coevalness) was reproduced and partially challenged in Indonesianist scholarship. Rather than treating Indonesianist works as neutral corrections, this stage critically evaluates their dual role, deconstructing *adat* rigidity while still relying on macro-structural approaches that risk overlooking micro-level legal dynamics (Irianto 2012; Banakar 2015). Here, allochronism criticism exposes how the 'freezing' of *adat* persists, albeit subtly, even within revisionist narratives, while also recovering alternative interpretations of resilience, adaptation, and legal pluralism. This layer reviews 12 Indonesianist sources, forming a bridge between colonial discourse and contemporary reinterpretation.

The third stage is contemporary socio-legal analysis, which translates the deconstructive insights into an empirical examination of how law operates in present-day Minangkabau society (Alatas 2000). At this stage, the study analyses the operationalisation of the SMAM framework across domestic, economic, and public domains, treating law as a living and adaptive system rather than a static norm. This stage functions as empirical validation and reconstruction (Smith 2012); it tests whether the dismantled colonial categories hold in practice and demonstrates how local actors actively produce legal coherence through pluralistic mechanisms. The analysis draws on 12 contemporary socio-legal studies, systematically mapped across three domains of legal practice, ensuring transparency and triangulation (Creswell and Creswell 2018). Across all stages, the method proceeds iteratively: genealogy establishes the problem, allochronism critique deconstructs its temporal logic, and socio-legal analysis reconstructs its contemporary operation, thus forming a coherent, staged research design that is historically grounded, analytically rigorous, and empirically anchored.

Colonial and Indonesianist Constructions of Legal Dualism in Minangkabau

This section presents its primary analytical objective: to uncover the epistemological mechanisms by which legal dualism in Minangkabau is systematically constructed and naturalised. By deconstructing these colonial narratives, this presentation reveals how intellectual imperialism engineered a binary opposition that undermined the contemporary equality and internal dynamics of local systems, thereby paving the way for SMAM's methodological intervention.

Studies by Indologists and Indonesianists show a systematic tendency to map and separate *adat* and Islam. In this regard, various literature, ranging from colonial publications to post-independence and reform era publications, consistently represent *adat* in a binary position that is opposed to Islam. The main finding from this literature is the attempt to create a temporal distance that positions *adat* as a cultural order of society. At the same time, Islam is placed as an external nomos. In fact, ontologically, the position of both is a series of coexistent elements.

This exposition uses an allochronism approach, namely a temporal separation that creates distance between the researcher and the object being studied (Fabian 2014). This aims to construct a legal rhetoric that argues that the law is a static, ancient, and backward legal culture. The meaning behind this construction is to present *adat* as 'noble' but frozen in the past. Meanwhile, another rhetoric represents Islam as a force that came to overturn this nobility, being substitutive, transgressive, dynamic, and carrying a mission of modernisation.

From the Indologist group, the literature produced explicitly and implicitly has dichotomised *adat* and Islam as epistemological confusion and a complex legal paradigm. The selection of historical sources used purposeful sampling. The selected literature serves as a foundational administrative and academic blueprint for Minangkabau legal governance during the colonial and early post-colonial periods.

The first finding is temporal categorisation. This refers to a systematic effort to deny coevalness, in which Minangkabau *adat* is locked in a frozen (static) past. This narrative positions *adat* as an inherited order without substantial change, an ancient order that contrasts with Islam as an agent of intervention that brings progress of knowledge (Marsden 1811). This pattern is reinforced by the term *'oer-tijd'* (ancient time) to describe *adat*, while Islam is seen as encroaching on history (Willinck 1909). This categorisation ignores the reality of functional

coexistence in which the two have interacted dynamically for centuries. This interpretation of separation shows that Indologist researchers tend to fail to see living law, preferring to view Islam as an inorganic outer layer to the foundation of *adat*. The function of *adat* law was frozen with the claim that it was 'merely tradition' in the face of outside influences (Joustra 1923).

The second finding, lexically and iconographically, is a sharpened dichotomy in the choice of terms that construct contradictory images of *adat* and Islam. *Adat* is consistently labelled with diction that refers to inanimate objects or static organisms, such as 'genuine', 'original', and 'ancient' (Marsden 1811), to extreme metaphors such as 'ruins' and 'retrograde state' (Raffles 1830). In contrast, Islam is portrayed through aggressive and masculine diction such as 'encroachment', 'remorseless fanatic', and 'oppressor', even using pejorative terms by referring to Islam as a 'parasite' attached to 'natuur-plantje' (natural order), which is *adat* (Willinck 1909). The use of diction such as 'versteend' (petrified) by (Joustra 1923) and 'survivals' by (Maretin 1961) reinforces the epistemic distortion that deprives *adat* of its right to be considered a contemporary legal system, rebirthing it as a relic in the process of extinction under the pressure of the future 'resolution' brought by Islam.

The third finding is ontological. Colonial literature produced by dominant Indologists constructed *adat* as part of a passive, irrational order attached to the physical-geographical. At the same time, Islam was positioned as nomos, or an active external legal system. S. van Ronkel implicitly identified *adat* as reducing its authority to mere tradition without independent intellectual power (Ronkel 1919). This is supported by *adat's* mystifying sentiment towards superstition and collective memory, in contrast to Islam, which functions as an agent of change through the logic of legislation and legalisation (Stapel 1935). This criticism attempts to separate the ontological levels of culture and legal systems (nomos). Thus, the identity of the Minangkabau people is portrayed as ontologically divided. This mapping of the intellectual-spiritual of society refers to 'foreign' civilisations in order to be considered legal and modern.

The fourth finding is the reduction of juridical authority. *Adat* law, which was originally sovereign, became merely an antiquity that required a colonial 'curator'. Marsden stated that the local population had no strict concept of law other than tradition, which stifled the internal dynamism of *adat* law (Marsden 1811). This interpretation of the law legitimised the colonial authorities' position as 'saviours' of the indigenous civilisation from the influence of Islamic

'fanaticism' (Raffles 1830) or from the 'inability' of *adat* law to cope with economic change (Korn 1941). The dynamic authority of adat was reduced to merely an inefficient guardian of tradition so that interpretive power was transferred to Western legal experts who better understood its internal logic. Ultimately, this fragmentation severed the continuity between the nomos of society and the legal needs of the present, forcing *adat* into the sentimental private domain of the family. In contrast, the public domain and the state were dominated by the colonial legal system.

These four strategies, collectively undermine the recognition of customary law and Islamic law as living, parallel legal systems. By freezing customary law within a static past and portraying Islam as an external, nomadic force, colonial legal rationality effectively delegitimises the sovereignty of indigenous communities. This systematic subordination creates an epistemological void that is subsequently filled by colonial legal formalism, reinforcing the reductionist paradigm that continues to haunt postcolonial legal historiography. Understanding these mechanisms is crucial for formulating a decolonial response that restores cognitive justice to local knowledge systems, empowering indigenous communities to reclaim their legal sovereignty.

Resilience and Dialectics: Indonesianist Deconstruction of Adat Rigidity

Indonesianist studies deconstruct the 'temporal distance' created by colonial Indologists by offering narratives of resilience and adaptation as a counterpoint to *adat* rigidity. Jeffrey Hadler emphatically rejects claims of decadence, arguing that Minangkabau is a 'paradoxical culture' that did not collapse when confronted with modernity or scriptural Islam but rather strengthened its identity through this dynamic tension (Hadler 2008). This argument is reinforced by Tsuyoshi Kato in his three studies, reviewing macro-scale social changes in Minangkabau society that impacted the formation of the nuclear family, which did not mean the destruction of the old (matrilocal) family structure but rather a form of accommodation amid the pressures of a monetary economy (Kato 1978, 1980, 1982).

The matrilineal system continues to be buffeted by the currents of urbanisation and Western education. However, it remains resilient and has not been wholly eradicated as predicted by earlier colonial researchers (Schrijvers and Postel-Coster 1977). This interpretation reverses the logic of achronism; *adat*

and Islam are no longer seen as two mutually exclusive poles but as entities that rub against each other in the face of historical intervention.

The cohesion among legal systems in Minangkabau is then explained through the framework of legal pluralism, in which *adat*, Islam, and Western law are seen as mutually permeating and reconstructed through social interaction. Nancy Tanner interprets this interaction as a process of 'rationalisation of conflict' (Tanner 1970), in which legal ideas from both *adat* and Islam serve as a cognitive basis for local actors to negotiate their interests in constantly changing situations (Tanner 1969). Similarly, the research couple, Franz and Keebet von Benda-Beckmann, deconstructed the Western concept of 'ownership' by showing how the Minangkabau people separated livelihood assets (*pancaharian*) (in Islamic law) from the matrilineal structure in order to preserve *adat* assets (*pusako*) (F. von Benda-Beckmann 1979). This criticism targets the failure of formal judicial institutions, which often fail to capture the essence of *adat* law because they are trapped in Western legal procedures that are incompatible with the logic of deliberation (K. von Benda-Beckmann 1984). In this context, legal pluralism provides pragmatic leeway for communities to make adjustments without sacrificing the essence of their matrilineal identity (F. von and K. von Benda-Beckmann 2012).

Indonesianists collectively reject the teleology of universal history, which assumes that Minangkabau society must move towards a Western model of patriarchy or the nuclear family in order to be considered modern. Audrey Kahin emphasises the dynamic tension that rejects the claim that *adat* and Islam are a single strand of intractable conflict. This tension builds a narrative of integration within the national framework (Kahin 1984, 1999). According to Peggy Reeves Sanday, this interpretation is defined as a new, more stable pattern, called the modern matriarchy (Sanday 2002). The rejection of this linear path gives the Minangkabau community full agency to determine the evolution of their own laws, which ontologically unites *adat* and Islam in a solid dialectic (understood here as a continuous socio-legal negotiation rather than sheer syncretism) rather than a division of identity.

Critically, Minangkabau legal identity is a complex synthesis that has survived through continuous negotiation between the three pillars of legal discourse (*adat*, Islam, and modernity). Although Indonesianist studies have succeeded in deconstructing the image of traditional rigidity through the lens of legal pluralism, they remain constrained by significant epistemological

limitations. By focusing primarily on macro-functionalist explanations of social resilience, these studies tend to unconsciously accept the colonial dichotomy as the starting point for analysis, thereby softening the underlying epistemological dualism. Consequently, legal pluralism is presented as a descriptive reality of interaction when it ought to be a challenge to the coloniality of knowledge itself. Therefore, this section positions the Indonesianist approach as a necessary, yet insufficient, stage in legal historiography. It highlights the urgent need to move beyond functionalist descriptions and adopt SMAM as a fully structured decolonial socio-legal methodology centred on indigenous legal rationalities, inspiring confidence in transformative change.

Reconstruction of SMAM as an Instrument for Decolonisation

The reconstruction of SMAM in this study marks a shift from normative synthesis to an operational decolonial methodology (Smith 2012). Rooted in Minangkabau indigenous epistemology, SMAM was not invented in an isolated sense; rather, Hamka systematically codified an already established system of knowledge into a coherent legal and linguistic framework to clarify its epistemological orientation (Hamka 1984). By positioning sharia as the normative spirit and *adat* as its dynamic social instrument, SMAM operates as an active 'method of reading' for deconstructing colonial historiography. Its methodological force is further strengthened by the dialectical insights of Taufik Abdullah, whose analysis of the tension between Islamic universality and *adat* particularism provides the socio-historical grounding for structural equilibrium amid change (Abdullah 1971, 1987), and A.A. Navis, whose concept of *sandar-menyandar* (mutual reliance) and the metaphor of *basilang kayu* frame the diversity of perspectives as a generative mechanism for iterative legal discovery (Navis 1984). Taken together, these perspectives reposition SMAM from a cultural maxim into a robust decolonial socio-legal methodology that structures the analytical trajectory of this study.

To empirically validate the operationalisation of the SMAM framework, this study analyses 12 contemporary socio-legal studies. These studies were selected based on strict criteria: *First*, peer-reviewed publications published between 2019 and 2024. *Second*, explicit focus on the intersection of Islamic law and Minangkabau matrilineal practices. *Third*, presenting original fieldwork data. The selected literature is mapped across three distinct legal domains

(domestic, economic, and public governance) to show how cognitive justice is negotiated in practice on the ground, as detailed in Table 1.

Table 1
Causal Mapping of SMAM Operationalisation

No.	Domain	Empirical Focus	SMAM Causal Mechanism	Impact of Practical Decolonisation
1.	**Domestic** (Herlambang 2020; Elfira 2023; Warman et al. 2023; Halimatussa'diyah et al. 2024)	Marriage & Gender Roles	Integration of sharia protection into matrilineal kinship.	Shifting to functional complementarity and family resilience.
2.	**Economic** (Tono et al. 2019; Nurdin 2022; Tarigan and Naldo 2022; Elfia et al. 2024)	Land & Communal Assets	Differentiating *pusako* (communal) from *pancaharian* (individual) rights.	Modern asset transformation while maintaining cultural sovereignty.
3.	**Public** (Aziz, Dzofir, and Widodo 2020; Rahmat, Warassih, and Syamsudin 2023; Ismail, Hendri, and Nurhakim 2023; Saputra, Arrasyid, and Ritonga 2023)	Governance & Social Control	Nagari as an autonomous arena for *adat* salingka N*agari* enforcement.	Affirming indigenous legal authority against state unification.

Source: Literature matrix by the author(s).

Domestic and Kinship Sphere

The practice of customary marriage (*pulang ka bako*) in Nagari Lasi, Agam (West Sumatra) provides a clear picture of how a local community operationalises local wisdom to address the challenges of family resilience in the modern era. By marrying daughters to the sons of their father's sisters, this practice has empirically strengthened kinship ties that tend to weaken as individualism spreads. Arifki Budia Warman et al. interpret this through the lens of *maqāṣid al sharīʿah*. This phenomenon is an effective strategy for protecting property (*ḥifẓ al-māl*) and honour (*ḥifẓ al-ʿirḍ*), whereby collective support from two large families

minimises the potential for domestic conflict while ensuring the child's long-term welfare (Warman et al. 2023). In this context, *syarak mangato* serves as an ethical and philosophical foundation (*uṣūl*) that instils Islamic values into the matrilineal structure. Furthermore, the alignment of the '*pulang ka bako*' tradition with the *maqāṣid al-sharīʿah* is not merely a theoretical imposition from outside (an ethical perspective). This is reflected in the public reasoning of the community itself (an emic perspective), in which local actors explicitly justify this kinship strategy as a moral obligation to protect the dignity of the lineage and communal welfare, which intrinsically reflects the objectives of *hifzh al-mal* and *ḥifẓ al-nasl*. Observations at the grassroots level show that living and evolving family laws have their own power in creating social stability through the utilisation of close kinship relations.

The shift of locus to contemporary migrant areas, such as the island of Java, reveals a more complex and consistent pattern of adaptation in maintaining the core of *adat* matrilineal. Amidst an urban social structure that tends to formally recognise men as the head of the family in accordance with Islamic law, Minangkabau women in the diaspora cleverly modify their roles through informal authority as managers of the household and *adat* assets (Elfira 2023). Criticism of the assumption that *adat* matrilineal descent will fade in diaspora is refuted by the fact that the role of mothers has actually strengthened as transmitters of traditional values and guarantors of property rights for daughters. This indicates that despite negotiations with patriarchal norms in the public sphere, the matrilineal structure remains the backbone that preserves the identity and economic security of Minangkabau women amid the tide of modernity.

The need for a synthesis between *adat* and Islam finds intellectual legitimacy in Hamka's social criticism, which demands a reinterpretation of *adat* to ensure it remains in line with Islam's principles of human dignity (Herlambang 2020). This criticism seeks to offer a model of integration that promotes equality and justice in marriage and broader gender relations (Halimatussa'diyah et al. 2024). Through an interpretation of the domestic and kinship spheres, it can be concluded that Minangkabau identity is the result of a cohesive dialectic between *adat* and Islam, which continues to transform to ensure family resilience and the protection of individual rights by harmonising local wisdom, social realities, and universal principles of justice.

The dynamics observed in the domestic sphere are the direct result of analysis through the SMAM methodological framework, which is central to understanding social change. In this context, *syarak mangato* (sharia norms) acts as a normative catalyst that instils Islamic values regarding human dignity and protection into the matrilineal structure. This constitutes a functional transformation wherein the maternal lineage remains the structural backbone, whilst Islamic principles of justice provide an ethical foundation for modern gender negotiations. Consequently, family resilience is achieved through a decolonial synthesis that prioritises communal well-being over individualistic secular models.

Economic and Asset Sphere

The legal structure of land in West Sumatra (Minangkabau) distinguishes between private state land and collective customary land (*ulayat*) under the auspices of a matrilineal kinship system, based on the power relationship between *mamak* (maternal uncle) and *kamanakan* (nephew or niece) (Nurdin 2022). The existence of customary land tends to be caught in regulatory disharmony, where land certification policies under formal law fail to capture the essence and norms of *adat* law that prohibit the permanent transfer of customary ownership. Interpretation of this phenomenon shows that, for the Minangkabau community, land is a determinant of social stratification and kinship identity, with an immaterial dimension beyond its economic value. Therefore, the tension between formal law and living law demands efforts to restore *adat* status in order to maintain cognitive justice and the sovereignty of indigenous communities over their living space.

This economic transformation occurs within the hierarchical filtering mechanisms of the Minangkabau *adat* system. At the level of *adat nan sabana adat*, the operationalisation of this economy is rooted in the universal principles of Islam regarding the obligation to maintain welfare and combat poverty. These values are then negotiated through *adat nan diadatkan*, in which the matrilineal structure is maintained as a constitutional framework to ensure that *adat* assets do not transfer ownership to external parties. This is evident at the level of *adat nan taradat*, where, through village-level consensus, the community functionally redefines communal assets, such as converting customary land into productive business units as an adaptive response to monetary economic demands.

The dynamics of this law are then manifested in the practice of inheritance, which shows a significant paradigm shift from the mere personal-consumptive

use of assets to collective-productive management oriented towards the welfare of the community. This phenomenon is clearly evident in physical conversions, such as the transformation of traditional houses (*rumah gadang*) into productive business units (guesthouses or restaurants) and the conversion of customary land into organic farms, the benefits of which are widely distributed. While this adaptation carries inherent sociological risks, such as the potential commodification of cultural identity or internal class tensions, it nonetheless demonstrates how Minangkabau subjects reposition customary practices to remain competitive. This change is seen as a form of institutionalising *maqāṣid al-sharīʿah*, particularly in the aspect of *hifzh al-nasl* through strengthening the extended family institution (Elfia et al. 2024). By converting *adat* assets into independent financial capital, at this stage, the Minangkabau subjects have repositioned customary practices to remain relevant and competitive amid the destructive tide of modernisation.

The reconstruction of the function of inheritance as business capital is a breakthrough that strengthens the economic resilience of Minangkabau families, both domestically and abroad (Tono et al. 2019). The synergy between the category of *adat* assets as *mussābalah* (assets dedicated for public or collective utility) and livelihood assets under Islamic law proves that the two legal systems can operate simultaneously without negating each other. Between Islamic doctrine and customary practices, this creates a well-established inheritance management strategy (Tarigan and Naldo 2022). From these sociological and juridical facts, a general conclusion can be drawn: the integration of matrilineal *adat* and Islamic law is a driving force for economic welfare grounded in collective justice.

The hierarchical filters of the SMAM framework systematically generate this economic transformation, highlighting its role in empowering indigenous agency. Specifically, the *adat nan diadatkan* level functions as a constitutional safeguard preventing the permanent transfer of communal land (*pusako*), whilst the *adat nan taradat* provides procedural flexibility to redefine these assets as productive business capital. This causal relationship demonstrates that SMAM is an operational tool for practical decolonisation, enabling indigenous subjects to engage in the modern monetary economy without sacrificing their ancestral epistemic identity or collective sovereignty over their living spaces.

Public and Governance Sphere

The prohibition of adultery in Nagari Sialang, Lima Puluh Kota District, provides empirical evidence of *adat* law's effectiveness in exercising social control at the grassroots level (Ismail, Hendri, and Nurhakim 2023). In practice, this reflects the operationalisation of Islamic law based on the principle of SMAM, which provides a normative foundation and mechanisms for the enforcement of social sanctions such as fines and ostracism. This phenomenon shows that the community tends to view living law as adequate in accommodating justice related to public morality, which has a more organic deterrent effect because it is directly rooted in the values and moral integrity of the local community (Aziz, Dzofir, and Widodo 2020).

The success of *adat* law enforcement is inseparable from the central role of religious, *adat*, and *Nagari* (village) leaders within the *tigo tungku sajarangan* leadership concept. In West Sumatra, religious and customary authorities tend to have broader recognition, especially in shaping social order discourse in line with the *adat Salingka Nagari* philosophy, where the law applies autonomously within village jurisdiction (Saputra, Arrasyid, and Ritonga 2023). This dynamic shows that public governance is carried out through a reciprocal-dialectical and transformative process that prioritises religious and cultural consistency. Thus, there is synchronisation among authorities, which serves as the central axis for directing regional development, maintaining social harmony, and avoiding discordant obstacles.

Nagari has legal independence and collective leadership in Minangkabau. However, *Nagari* is bureaucratically the lowest administrative unit in the central government. *Nagari* has been tested through a long history of bureaucratisation and political instrumentalisation since the colonial period in maintaining its functional identity as an autonomous matriarchal political arena (Rahmat, Warassih, and Syamsudin 2023). The combination of interpersonal and inter-authority structures proves that *Nagari* is a space where identity is dynamically reproduced. This conclusion confirms that any public policy efforts at the local level will only be successful if the *Nagari* is recognised as an active political subject within the central government's centralistic agenda.

The resilience of the *Nagari* as an autonomous political arena is an empirical manifestation of SMAM's capacity to reconfigure legal authority. Within this framework, the *tigo tungku sajarangan* leadership model functions as a deliberative mechanism that operationalises the *adat salingka nagari* as a sovereign legal system. This demonstrates that SMAM enables indigenous subjects to

maintain their sovereignty through local legal systems, fostering trust in their legal agency. Thus, the *Nagari* functions as a practical site of legal decolonisation, where indigenous subjects actively produce their own normative order in dialogue with universal Islamic ethics.

Operationalisation of SMAM: A Decolonial Framework in Legal Reform and Social Transformation

The operationalisation of law in the domestic, economic, and public spheres, as previously mapped, is a manifestation of *adat* law's hierarchical structure, which operates in layers. Findings from this research demonstrate that the claims of dualism and disharmony constructed by colonial Indologists are reclaimed through the SMAM methodology, which functions as a structured epistemological tool. In this mechanism, *adat nan sabana adat* provides a foundation of universal values which are then negotiated through *adat nan diadatkan* as a matrilineal constitutional framework. This dynamic renegotiates gender roles, transforms culture-based economic assets at the *adat nan taradat* level, and strengthens the authority of the *Nagari* within the scope of autonomous *adat istiadat*. Thus, Islamic law in Minangkabau operates as a populist law, in which the system and nomos are firmly rooted in hierarchical social consensus and the community's cognitive justice (Shidarta 2024).

In this study, populist nomos is conceptualised as a legal order in which the authority to establish norms and the sense of justice are rooted entirely in the collective consciousness of non-state communities. Although it bears similarities to Ehrlich's concept of living law in its focus on social reality, populist nomos goes beyond this by emphasising the community's active political agency in synthesising transcendental values (sharia) with *adat* practices. Unlike traditional legal pluralism, which often still privileges state law as the primary center of gravity, a populist nomos explicitly recognises grassroots consensus and local epistemic frameworks (such as the SMAM hierarchy) as fully sovereign and independent sources of legal rationality.

In this reality, there is an urgency to reformulate the authority of legal knowledge in the Global South. By dismantling colonial biases and critiquing reductionist Western methodologies, this study's reconstruction of SMAM offers a new imagination for the future of Islamic law. The position of *adat* and Islam in SMAM has transformed into a decolonisation methodology that responds to the challenges of dynamic, ethical, and transformative legal reform. This section will

elaborate on how the synthesis of historiography, empiricism, and theory shapes SMAM into a new paradigm in socio-legal studies. Here, the four levels of *adat* are positioned as a living legal architecture capable of offering original theoretical contributions to the discourse on post-colonial global legal governance.

The operational capacity of SMAM as a decolonial framework is demonstrated through its ability to dismantle the alochronic distance between tradition and modernity. By integrating historical genealogy with socio-legal analysis, SMAM provides a multi-tiered research design that moves beyond functionalist description towards an active reconstruction of legal sovereignty. This situated methodology directly addresses the global debate on decolonial legal reform by offering a model in which legal legitimacy derives from an internal epistemic authority capable of reconciling religious universality with cultural particularity.

Redefining Authority

Fundamental criticism of the legal architecture in post-colonial countries is rooted in the hegemony of state authority, which tends to ignore the legal consciousness of local communities. Historically, Dutch colonialism systematically distorted the legal system by subordinating Islamic law to *adat* law. This strategy was an attempt to emasculate the sovereignty of Islamic law as an independent and sovereign system (Manse 2024). This artificial separation failed to capture the organic dynamics in which the Minangkabau community had actually integrated the transcendental values of sharia with local wisdom without requiring validation from colonial legal formalism.

The reclamation of this lost authority is manifested in the reconstruction of the *Nagari* as a space for the growth of 'living law'. Within the SMAM framework, there has been a significant epistemological shift, with legal authority centred on autonomous community institutions. *Nagari* becomes an arena where justice is viewed as a populist process based on the social consensus of the local community. This interpretation affirms that *Nagari* is a political and legal entity that has full agency to determine the direction of its internal regulations in accordance with the spirit of *adat* and Islam (Rahmat, Warassih, and Syamsudin 2023).

The cohesion of authority in the *Nagari* system is strengthened through the synergy of collective leadership between religious and customary subjects, ensuring that every legal policy is grounded in ethics and morality and is socially functional (Ismail, Hendri, and Nurhakim 2023). Authority in this system is

distributed and harmonious through continuous dialogue between sacred texts (*syarak*) and cultural practices (*adat*). This leadership model demonstrates that integrating *adat* and Islam is a dynamic approach to managing an inclusive legal system responsive to the challenges of modernity, such as protecting communal rights and advancing social justice.

As an original contribution to legal discourse in the global south, the *Nagari*-as-arena offers a new paradigm of sustainable legal sovereignty. The success of the *Nagari* in maintaining its functional identity amid the pressure of state legal unification shows that communities have independent theoretical tools to carry out legal reform. By grounding itself in cognitive justice, the *Nagari* demonstrates that effective law can voice the aspirations and dignity of its own community. This redefinition of authority explains the evidence that legal decolonisation is an effort at harmonisation that positions the practice of life as law as an active and equal political subject in the global legal architecture (Malkani 2025).

Transcending Binaries

The integration of *adat* and Islam in Minangkabau critically breaks down the binary assumption that *adat* is restrictive while Western values are the only path to liberation. Historically, women in the Minangkabau matrilineal structure have had strong agency within the social order, long before secular modernity entered the region. An outside perspective shows that the failure to understand these dynamics is rooted in colonial patriarchal bias, which views Islamic law and *adat* as two opposing forces that weaken each other. However, the facts show that the SMAM framework is a reclamation of colonial distortions that failed to capture how local communities balanced cultural identity with the universality of sharia without adopting an unfamiliar model of liberalism.

In the domestic sphere, the renegotiation of gender roles through the SMAM paradigm shows the matrilineal system's ability to assimilate Islamic teachings dynamically without losing its original identity (Fakhyadi et al. 2025). Admittedly, at a strict doctrinal level, there is an inherent structural tension between the patrilineal orientation of Islamic inheritance (*faraid*) and the matrilineal transmission of customary wealth. However, empirical observation reveals that Minangkabau society does not resolve this tension through mutual negation but through functional categorisation. The community delineates economic domains by applying customary law to communal ancestral assets (*harta pusako*) to protect women's social security, while applying Islamic inheritance to individually earned livelihood assets (*harta pencaharian*). Although

in certain discourses sharia is positioned patriarchally by early orientalist scholars and secular-liberal observers, Minangkabau society, by consensus, upholds women's position in the social structure (Shidarta 2013).

Gender justice in this context is operationalised as functional complementarity and moral protection within a communitarian framework. Within a matrilineal structure, women's agency is expressed through control over *pusako* assets, whilst sharia norms provide an ethical orientation to ensure these rights are translated into tangible well-being and social dignity. Thus, justice is achieved when women's domestic authority is protected by the religious mandate of sharia, creating a resilient social order that transcends the binary dichotomy between patriarchal and matriarchal domination.

In the economic sphere, the operationalisation of SMAM contributes theoretically through the concept of culturally based asset ownership, particularly in distinguishing between *adat* assets and livelihood assets. The transformation of *adat* assets managed by women into productive capital proves that the communal economic system can run in tandem with the principles of justice in *muamalah fiqh* without losing its social orientation (Elfia et al. 2024). This practice, in theory, implements the *maqāṣid al sharīʿah* through internal cultural mechanisms that provide layered financial protection for women. The existence of *adat* assets demonstrates that economic empowerment can be effective when recognised as part of the community's cognitive justice, rather than as a commodity imposed by an atomistic global market (Halimatussa'diyah et al. 2024).

The discourse between gender renegotiation and economic transformation confirms that Islamic law in Minangkabau operates as nomos and is populist in nature. The potent combination of universality and particularity can foster organic social change within the community's cognitive structure, ensuring the sustainability of cultural identity amid the tide of global change. This discovery of law operating in the domestic and economic spheres proves that sustainable legal sovereignty can only be achieved through respect for its true identity. SMAM offers a new perspective for Global South countries: social transformation and legal reform do not necessarily entail secularisation but can be achieved through the ethical integration of religion and culture.

The Normative Futures of Islamic Law in Southeast Asia

The SMAM paradigm addresses the urgent need to challenge epistemic distortions perpetrated by univocal Western legal methodologies. In much of the

mainstream literature, the terms sharia or Islam are often misinterpreted as merely 'religious law' or as a static, rigid codification of positive law (Ramstedt 2025). In fact, in the Islamic intellectual tradition, it is intertwined with custom and encompasses a comprehensive, dynamic, and contextual methodology of interpretation (Zuhdi and Abdun Nasir 2024). SMAM seeks to restore the dignity of local knowledge systems that have been considered subordinate under the shadow of colonial or secular legal positivism.

SMAM positions itself as a 'decolonial translation' that restores the meaning of law as a practice centred on the achievement of human welfare (*maṣlaḥah*) and recognition of identity diversity. For communities in the Global South struggling to build post-colonial national legal systems, this paradigm reflects their valid national identity without being trapped in the imitation of Western secular law (Kumar 2025). This middle ground views Islamic law as a dynamic driving force, refuting its status as a relic of the past. By promoting ethical values and justice that are alive in society, SMAM provides a framework for transformative legal reform rooted in socio-cultural realities.

The significance of SMAM in the global legal pluralism debate lies in its ability to offer concrete solutions to the tension between state law, which tends to be top-down, and *adat* law, which is alive at the grassroots level. Within this framework, SMAM provides a solid foundation for achieving cognitive justice. In this context, local knowledge is positioned as a source of law that is equal to modern legal norms. The potential of this integration inspires the development of Islamic law and its impact on accommodating the reality of global cultural fusion without neglecting Islamic nomos, the moral foundation of Muslim communities in various parts of the world.

This study positions SMAM as a relevant comparative model and epistemological inspiration, particularly within the Southeast Asian context. The reclamation of legal authority from the state back to the community, as practised in the *Nagari* model, demonstrates how pluralistic societies can reconcile religious universality with cultural particularity. By examining this adaptive mechanism, researchers studying post-colonial legal architectures can explore analogous frameworks to develop inclusive legal systems that respond to contemporary social complexities without neglecting local cognitive justice (Gebremariam 2025).

Conclusion

In summary, this article makes an original contribution to decolonial socio-legal studies by repositioning SMAM as a methodological instrument, rather than merely a normative synthesis. Unlike previous Indological or Indonesianist approaches that describe legal pluralism from an external or functionalist perspective, this research uses SMAM as an internal lens to dismantle colonial binary constructs and restore legal and social rationality. Empirical evidence from 12 contemporary studies indicates that Minangkabau law operates as a nomos *populis*, in which integration occurs through the consensus of autonomous communities across the domestic, economic, and public domains. These findings are empirically grounded in observed social transformations, such as functional complementarity in gender roles and the productive conversion of communal assets, which are then theoretically interpreted through the SMAM framework to demonstrate practical decolonisation.

Furthermore, this study highlights that cognitive justice is realised in practice through a *nagari*-based legal architecture, in which normative hierarchies and deliberative mechanisms are recognised as equivalent to those of modern legal systems. While SMAM offers a robust epistemological model for analysing legal pluralism, its operational transferability is highly context-sensitive. Therefore, this study does not offer SMAM as a rigid global template but rather as a grounded methodological inspiration for socio-legal scholarship in Southeast Asia to re-examine the relationship between religion, culture, and legal governance. Finally, this research opens up new analytical pathways by re-examining the relationship between religion, culture, and legal sovereignty beyond the secular paradigm. Future research must address these analytical gaps by conducting micro-ethnographic studies of the dialectics of law within decentralised village governance, particularly in response to economic complexities and global migration flows. Such targeted investigations will further strengthen the development of an inclusive and sovereign national legal system.

Declarations

Author Contribution Statement

Mhd. Ilham Armi contributed to the conceptualisation, research design, and development of the research framework. Ahmad Luthfy Nasri contributed to data collection, data analysis, and interpretation of the findings. Syukra Latif

contributed to the development of the theoretical framework and critical analysis of the findings. Ayu Ariska contributed to the drafting, reviewing, and editing of the manuscript. Fitri Rahmawati contributed to the literature review, validation of the findings, and revision of the manuscript. All authors reviewed and approved the final version of the manuscript.

Funding Statement

This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

AI Use Statement

The authors used generative artificial intelligence solely for language refinement, grammar, and readability. The authors remain fully responsible for the intellectual content, analysis, arguments, interpretation, accuracy, and integrity of the manuscript.

Conflict of Interest/Competing Interests Statement

The authors declare that there are no financial, professional, institutional, or personal conflicts of interest that could have influenced the research or publication of this article.

Ethical Approval Statement

Not applicable.

Bibliography

Abdullah, Taufik. 1971. *School and Politics: The Kaum Muda Movement in West Sumatra 1927-1933*. Ithaca, New York: Cornell Modern Indonesia Project, Cornell University.

———. 1987. "Adat Dan Islam: Suatu Tinjauan Tentang Konflik Di Minangkabau." In *Sejarah Dan Masyarakat: Lintasan Historis Islam Di Indonesia*, edited by Taufik Abdullah, 104–29. Jakarta: Pustaka Firdaus.

———. 2021. *Panggilan Kemajuan: Sejarah Sosial Minangkabau, 1900-1927*. Yogyakarta: Suara Muhammadiyah.

Adatrecht, Commissie voor het, ed. 1928. *Adatrechtbundels XXVII: Sumatra*. 's-Gravenhage: Martinus Nijhoff.

Alatas, Syed Hussein. 2000. "Intellectual Imperialism: Definition, Traits, and Problems." *Southeast Asian Journal of Social Science* 28 (1): 23–45.

Aljunied, Khairudin. 2024. "Sufi Warriorism in Muslim Southeast Asia."

Sociology Lens 37 (4): 502–16. https://doi.org/10.1111/johs.12474.

Andaya, Barbara Watson. 2022. "Islam and Women in Precolonial Southeast Asia." In *Routledge Handbook of Islam in Southeast Asia*, edited by Khairudin Aljunied, 157–75. New York: Routledge.

Arrasuli, Sulaiman. 1939. *Pertalian Adat Dan Syara'*. Bukittinggi: Snelpers Drukkerijh Islamijah.

Aziz, Erwati, Mohammad Dzofir, and Aris Widodo. 2020. "The Acculturation of Islam and Customary Law: An Experience of Minangkabau, Indonesia." *QIJIS (Qudus International Journal of Islamic Studies)* 8 (1): 131–60. https://doi.org/10.21043/qijis.v8i1.7197.

Banakar, Reza. 2015. *Normativity in Legal Sociology: Methodological Reflections on Law and Regulation in Late Modernity*. Cham: Springer International Publishing. https://doi.org/10.1007/978-3-319-09650-6.

Benda-Beckmann, Franz von. 1979. *Property in Social Continuity: Continuity and Change in the Maintenance of Property Relationships Through Time in Minangkabau, West Sumatra*. Leiden: Nijhoff Publishers.

Benda-Beckmann, Franz von, and Keebet von Benda-Beckmann. 2012. "Identity in Dispute: Law, Religion, and Identity in Minangkabau." *Asian Ethnicity* 13 (4): 341–58. https://doi.org/10.1080/14631369.2012.710073.

Benda-Beckmann, Keebet von. 1984. *The Broken Stairways to Consensus: Village Justice and State Courts in Minangkabau*. Dordrecht-Holland/Cinnaminson-U.S.A.: Foris Publications.

Creswell, John W., and J. David Creswell. 2018. *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. 5th ed. California: SAGE Publications, Inc.

Darna, Andi, Ridhwan, Abidin Nurdin, and Mohammad Nizar. 2025. "Development and Practice of Islamic Law Codification in Southeast Asia." *Legitimasi: Jurnal Hukum Pidana Dan Politik Hukum* 14 (1): 1–19. https://doi.org/10.22373//legitimasi.v14i1.30008.

Elfia, Nurus Shalihin, Surwati, Yan Fajri, and Aulia Rahmat. 2024. "Institutionalizing Maqāsid Ḥifz Al-Naṣl within the Minangkabau Inheritance Framework." *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24 (2): 193–222. https://doi.org/10.18326/ijtihad.v24i2.193-222.

Elfira, Mina. 2023. "Minangkabau Mothers and Daughters in Contemporary 'Rantau' Society; Regaining Power with Modified Matrilineal Principles and Patriarchal 'Rantau' Norms." *Wacana, Journal of the Humanities of Indonesia* 24 (2): 197–224. https://doi.org/10.17510/wacana.v24i2.1170.

Fabian, Johannes. 2014. *Time and the Other: How Anthropology Makes Its Object*. New York: Columbia University Press.

Fakhyadi, Defel, Muhammad Adib Samsudin, Vito Dasrianto, Muhammad Danil, and Ade Arga Wahyudi. 2025. "Reconstructing Gender Relations for

Family Resilience in Minangkabau: Integrating Islamic Law and Customary Law." *Al-Ahkam* 35 (1): 1–30. https://doi.org/10.21580/ahkam.2025.35.1.22906.

Federspiel, Howard M. 2022. "European Colonialism and Southeast Asian Islam." In *Routledge Handbook of Islam in Southeast Asia*, edited by Khairudin Aljunied, 128–43. New York.

Feener, R. Michael. 2024. "Islamic Jurisprudence and Adat in Southeast Asia." In *Southeast Asian Islam: Integration and Indigenisation*, edited by Nasr M. Arif and Abbas Panakkal, 61–85. New York: Routledge.

Gallop, Annabel Teh. 2020. "Shifting Landscapes: Remapping The Writing Traditions of Islamic Southeast Asia through Digitisation." *Jurnal Humaniora* 32 (2): 97–109. https://doi.org/10.22146/jh.55487.

Gebremariam, Eyob Balcha. 2025. "Decentering Coloniality: Epistemic Justice, Development Studies and Structural Transformation." *The European Journal of Development Research* 37 (2): 442–53. https://doi.org/10.1057/s41287-024-00681-6.

Hadler, Jeffrey. 2008. *Muslim and Matriarchs: Cultural Resilience in Indonesia through Jihad and Colonialism*. New York: Cornell University Press.

Halimatussa'diyah, Kusnadi, Ai Y. Yuliyanti, Deddy Ilyas, and Eko Zulfikar. 2024. "Minangkabaunese Matrilineal: The Correlation between the Qur'an and Gender." *HTS Teologiese Studies / Theological Studies* 80 (1): 1–7. https://doi.org/10.4102/hts.v80i1.8643.

Hasan, Teuku Moehammad. 1937. *Ontwerp-Ordonnantie Op De Ingeschreven Huwelijken*. Batavia: Buitenzorgsche Drukkerij.

Herlambang, Saifuddin. 2020. "Hamka, Social Criticism and The Practices of Polygamy in Minangkabau." *Al-Albab* 9 (1): 69–86. https://doi.org/10.24260/alalbab.v9i1.1593.

Irianto, Sulistyowati. 2012. "Memperkenalkan Kajian Sosio-Legal Dan Implikasi Metodologisnya." In *Kajian Sosio-Legal*, edited by Adriaan W. Bedner, Sulistyowati Irianto, Jan Michiel Otto, and Theresia Dyah Wirastri, 1st ed., 1–18. Denpasar: Pustaka Larasan.

Ismail, Novi Hendri, and Putri Rahmah Nurhakim. 2023. "Minangkabau's Doro Tradition: Coexistence of Customary Law and Islamic Law in Caning Punishment." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7 (1): 579–601. https://doi.org/10.22373/sjhk.v7i1.15904.

Joustra, M. 1923. *Minangkabau Overzicht van Land, Geschiedenis En Volk*. Leiden: Martinus Nijhoff.

Kahin, Audrey. 1984. "Repression and Regroupment: Religious and Nationalist Organizations in West Sumatra in the 1930s." *Indonesia* 38 (October): 39–54. https://doi.org/10.2307/3350844.

———. 1999. *Rebellion to Integration: West Sumatra and the Indonesian Polity, 1926-*

1998. Amsterdam: Amsterdam University Press.

Kato, Tsuyoshi. 1978. "Change and Continuity in the Minangkabau Matrilineal System." *Indonesia* 25 (April): 1–16. https://doi.org/10.2307/3350964.

———. 1980. "Unbreakable Lance vs. Impenetrable Shield? On the Relationship between Islam and Matriliny in Minangkabau Society." *Japanese Journal of Southeast Studies* 18 (2): 222–56.

———. 1982. *Matriliny and Migration: Evolving Minangkabau Traditions in Indonesia*. New York: Cornell University Press.

Korn, V. E. 1941. "De Vrouwelijke Mama' in de Minangkabausche Familie." *Bijdragen Tot de Taal-, Land- En Volkenkunde* 100 (1): 301–38. https://doi.org/10.1163/22134379-90001275.

Kumar, Arvind. 2025. "Indigeneity, Caste, Tribe and the Limitations of Decolonial Thought in South Asian Socio-legal Studies: The Need for a Decolonial–Debrahmanical Approach." *Journal of Law and Society* 52 (1): 241–59. https://doi.org/10.1111/jols.12547.

Lawrence, Bruce. 2021. "Il/Legitimate Violence in Modern Islamic Thought: A Minority Report on Muslim Violence." In *Violence in Islamic Thought from European Imperialism to the Post-Colonial Era*, edited by Mustafa Baig and Robert Gleave, 17–38. Edinburgh: Edinburgh University Press.

Lohlker, Rüdiger. 2021. "Fiqh Reconsidered: Indigenization and Universalization of Islamic Law in Indonesia." *Interdisciplinary Journal for Religion and Transformation in Contemporary Society* 7 (1): 188–208. https://doi.org/10.30965/23642807-bja10011.

Malkani, Bharat. 2025. "Legal Pluralism, Decolonisation and Socio-legal Studies." *Journal of Law and Society* 52 (1): 182–92. https://doi.org/10.1111/jols.12550.

Manse, Maarten. 2024. "The Plural Legacies of Legal Pluralism: Local Practices and Contestations of Customary Law in Late Colonial Indonesia." *Legal Pluralism and Critical Social Analysis* 56 (3): 328–48. https://doi.org/10.1080/27706869.2024.2377447.

Maretin, J.V. 1961. "Disappearance of Matriclan Survivals in Minangkabau Family and Marriage Relations." *Bijdragen Tot de Taal-, Land- En Volkenkunde* 117 (1): 168–95. https://doi.org/10.1163/22134379-90002200.

Marsden, William. 1811. *The History of Sumatra*. 3rd ed. London: Longman, Hurst, Rees, Orme, and Brown, Paternoster-Row.

Milner, Anthony. 2022. "Kerajaan Islamization in the Malay World." In *Routledge Handbook of Islam in Southeast Asia*, edited by Khairudin Aljunied, 30–47. New York: Routledge.

Navis, A. A. 1984. *Alam Terkembang Jadi Guru: Adat Dan Kebudayaan Minangkabau*. Jakarta: Grafiti Pers.

Nurdin, Zefrizal. 2022. "Legal Protection of Customary Rights Under Legal Pluralism and Its Impact on the Minangkabau Society: An Empirical Study

in the District of Lima Puluh Kota, West Sumatra." *Cogent Social Sciences* 8 (1): 1–10. https://doi.org/10.1080/23311886.2022.2045722.

Peletz, Michael G. 2021. "Hegemonic Muslim Masculinities and Their Others: Perspectives from South and Southeast Asia." *Comparative Studies in Society and History* 63 (3): 534–65. https://doi.org/10.1017/S0010417521000141.

Raffles, Sophia. 1830. *Memoir of the Life and Public Services of Sir Thomas Stamford Raffles*. London: John Murray, Albemarle Street.

Rahmat, Aulia, Esmi Warassih, and Muhamad Syamsudin. 2023. "The Existence of Nagari in West Sumatra on State Policy Hegemony." *Malaysian Journal of Syariah and Law* 11 (2): 310–29. https://doi.org/10.33102/mjsl.vol11no2.452.

Ramstedt, Martin. 2025. "Towards an Epistemological Decolonization of Legal Pluralism: The Case of Indonesia." *Oñati Socio-Legal Series* 15 (5): 1717–48. https://doi.org/10.35295/osls.iisl.2157.

Ronkel, S. van. 1919. "Een Maleisch Getuigenis over Den Weg Des Islams in Sumatra." *Bijdragen Tot de Taal-, Land- En Volkenkunde* 75 (1): 363–78. https://doi.org/10.1163/22134379-90001639.

Salaymeh, Lena. 2021. "Decolonial Translation: Destabilizing Coloniality in Secular Translations of Islamic Law." *Journal of Islamic Ethics* 5: 250–77. https://doi.org/10.1163/24685542-12340054.

Sanday, Peggy Reeves. 2002. *Women at the Center: Life in a Modern Matriarchy*. Ithaca & London: Cornell University Press.

Saputra, Riki, Arrasyid, and Mahyudin Ritonga. 2023. "Contestation of Islamic Discourses: Responses of West Sumatra Scholars to Contemporary Religious Discourses." *Inferensi: Jurnal Penelitian Sosial Keagamaan* 17 (2): 193–206. https://doi.org/10.18326/infsl3.v17i2.193-206.

Schrijvers, Joke, and Els Postel-Coster. 1977. "Minangkabau Women: Change in a Matrilineal Society." *Archipel* 13 (1): 79–103. https://doi.org/10.3406/arch.1977.1328.

Sealy, Thomas, Zawawi Ibrahim, Pradana Boy Zulian, and Imran Mohd Rasid. 2022. "South and Southeast Asia: Deep Diversity under Strain." *Religion, State and Society* 50 (4): 452–68. https://doi.org/10.1080/09637494.2022.2126258.

Shidarta. 2013. *Hukum Penalaran Dan Penalaran Hukum*. Yogyakarta: Genta Publishing.

———. 2024. *Ilmu-Ilmu Empiris Tentang Hukum: Penerapannya Pada Kajian Sosio-Legal*. Jakarta: Kencana.

Smith, Linda Tuhiwai. 2012. *Decolonizing Methodologies: Research and Indigenous Peoples*. 2nd ed. London & New York: Zed Books.

Stapel, F.W. 1935. "Een Verhandeling Over Het Ontstaan van Het Menangkabausche Rijk En Zijn Adat." *Bijdragen Tot de Taal-, Land- En Volkenkunde* 92 (1): 460–70. https://doi.org/10.1163/22134379-90001396.

Tanner, Nancy. 1969. "Disputing and Dispute Settlement among the Minangkabau of Indonesia." *Indonesia* 8 (October): 21–68. https://doi.org/10.2307/3350668.

———. 1970. "Disputing and the Genesis of Legal Principles: Examples from Minangkabau." *Southwestern Journal of Anthropology* 26 (4): 375–401. https://doi.org/10.1086/soutjanth.26.4.3629367.

Tarigan, Azhari Akmal, and Jufri Naldo. 2022. "The New Construction of Inheritance in Minangkabau People: Competition and Strategy to Produce Successful Entrepreneurs in Indonesia." *Millati: Journal of Islamic Studies and Humanities* 7 (2): 129–41. https://doi.org/10.18326/mlt.v7i2.7151.

Tono, Sidik, M Roem Syibly, Amir Mu'allim, Ahmad Nurozi, and Muhammad Roy Purwanto. 2019. "The Harmonious Relationship Between Minangkabau Custom and Islam in the Distribution of Inheritance." *Al-Shajarah*, no. Sharī'ah and Law as Catalysts for Global Peace: 39–55.

Warman, Arifki Budia, Zulkifli, Yustiloviani, Wardatun Nabilah, and Riska Fauziah Hayati. 2023. "Strengthening Family Resilience Through Local Wisdom: Pulang Ka Bako Type of Marriage in Minangkabau." *Al-Istinbath: Jurnal Hukum Islam* 8 (1 May): 253–65. https://doi.org/10.29240/jhi.v8i1.6971.

Willinck, G. D. 1909. *Het Rechtsleven Bij de Minangkabausche Maleiërs*. Leiden: E. J. Brill.

Zuhdi, Muhammad Harfin, and Mohamad Abdun Nasir. 2024. "Al-Mashlahah and Reinterpretation of Islamic Law in Contemporary Context." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8 (3): 1818. https://doi.org/10.22373/sjhk.v8i3.24918.