The New Construction of Inheritance in Minangkabau People: Competition and Strategy to Produce Successful Entrepreneurs in Indonesia

Azhari Akmal Tarigan  
State Islamic University of North Sumatra  
azhariakmaltarigan@uinsu.ac.id

Jufri Naldo  
State Islamic University of North Sumatra  
jufrinaldo@uinsu.ac.id

Abstract
The Minangkabau people are one of the dynamic groups of traders in Indonesia. This study follows a field study approach, and it aims to reveal the influence of inheritance when it is used as business capital. The study starts by discussing theoretical debates about inheritance in Islam. Then, it is followed by new construction of inheritance within the Minangkabau tribe. The findings of this study indicate that the management of inheritance into business capital in Minangkabau is a new idea that was never carried out in the past. Furthermore, the productive pattern of inheritance is positively correlated with the economic welfare of a family. Finally, the development of businesses built from inheritance can automatically encourage new Muslim entrepreneurs to compete with other entrepreneurs in Indonesia.

Keywords: New construction of inheritance, Minangkabau people, Successful entrepreneurs

INTRODUCTION
Former Vice President of Indonesia, Jusuf Kalla, revealed that as one of the countries with the largest Muslim population in the world, Indonesia should have a large number of Muslim entrepreneurs. However, Indonesia lacks Muslim entrepreneurs, which indicates an irony in a
Muslim-majority country. Many great entrepreneurs are non-Muslims. Many factors are contributing to this phenomenon, but what should be discussed academically is how to find the best pattern so that Muslim businessmen can compete in the business world. This is important because the implications of entrepreneurial activity are directly proportional to the prosperity of society and the economy of a country.

Entrepreneurs are businessmen – small, medium, or large businesses, and the main purpose of doing business is to gain profit and be successful. Therefore, anyone can do business because it is an instinct owned by people of every group, religion, or ethnicity.

One of the ethnic groups in Indonesia that possess the characteristics of an entrepreneur is the Minangkabau people. This can be evidenced by looking at different kinds of businesses in various regions of Indonesia which are dominated by people from the Minangkabau tribe, such as culinary traders, and traders in traditional markets and services. Other tribes that are also known to have skills in doing business in Indonesia are as Madura tribe and Banjar tribe. An interesting fact is that in addition to being entrepreneurs, the people from the tribes above are also very religious. For example, in the case of the Minangkabau people, Islam has merged into part of their ethnic identity.

Such well-known characteristics of the Minangkabau people should be able to encourage the people of Minangkabau to be successful entrepreneurs. However, many of the businessmen from the Minangkabau tribe tend not to follow that kind of purpose. There are some barriers that hinder the progress of many entrepreneurs. For example, the idea of the joint venture, hierarchical specialization of positions, good accounting of profits and capital, and clear and orderly administration.

As a result, entrepreneurs are very difficult to grow and develop to become more successful. Even though some of them have tried to implement a business theory, this does not always work. Their low level of education and traditional customs suggest that profits from the business are distributed to their hometowns. The competition with other entrepreneurs who have larger capital is the reason why they fall behind. As a result, many of them cannot advance to the next level because of having low capital in doing business.

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1 BPS, “BPS Data : In 2015 Indonesia’s Population Was 254.9 Million People and around 80% Were Muslim,” 2015.
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The strategy that can be implemented so that they can develop their business to be better and more advanced is to reconstruct the function of inheritance in the Minangkabau tribe. In other words, inheritance can be used as business capital, and it can also be used for business development. The implications of this kind of pattern have a strong impact on business continuity and can produce entrepreneurs who can compete in the business world.6

METHODS
This study follows a field study approach, and it aims to reveal the influence of inheritance when it is used as business capital. The study starts by discussing theoretical debates about inheritance in Islam. Then, it is followed by new construction of inheritance within the Minangkabau tribe. This study focuses on discussing the strategy carried out by the Minang people who manage their inheritance so that this can be used as capital for their business development. The study also aims to see the development of economic welfare from one generation to the next. Finally, this study aims to see whether it is possible to produce more Muslim entrepreneurs in Indonesia through the strategies implemented by the Minangkabau people.

DISCUSSION
Inheritance in Islam: The Study of Jurisprudence
The inheritance rights received by the heirs are the continuity of the heir's responsibility to his family.7 In the study of Fiqh, the issue of inheritance becomes an important debate, giving rise to several principles which are then used as guidelines for Muslims in the application of inheritance distribution. The principles of inheritance can be seen as follows:

Ijbari principle
In Islamic law, the inheritance of a person who passed away will be automatically given to the heir of the inheritance without any element of coercion from various parties, both from the heir and from the person who bequeaths the inheritance. The spontaneity of this transition is agreed upon by scholars of Islamic law as the principle of ijbari. Linguistically, ijbari means "coercion" or doing something that is against someone's will. Based on the science of kalam, the “coercion” in ijbari

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corresponds to the actions committed by humans, not of their own will, but the will of God.\(^8\)

According to Fiqh scholars who study inheritance, the application of *ijbari* principle in Islamic law means that the property of someone who passed away will be automatically passed to the heir without the will of the heir. The meaning of coercion in this principle is that the heir is forced to accept the fact related to the transfer of property to himself according to what has been determined.

Thus, with this principle, negative consequences will not be experienced by the beneficiary because the heir only needs to receive the property inherited by the deceased without bearing any debts of the deceased. The heir's obligation is only limited to paying off the debts of the deceased with the inheritance without using the heir's property. This means that there is no psychological burden of debt transferred from the deceased to the heirs.

*Ijbari* also implies that the heir cannot refuse the transfer of the property in his life. Even if the heir has coercion on his property, such coercion is limited by the provisions set by God. Therefore, before he dies, the owner of the property does not need to think about where his property will be inherited because when he dies, based on the *ijbari* principle, all the property left behind will automatically be passed to his heirs.\(^9\)

**Bilateral Principle**

Bilateral is a principle that discusses how to distribute the inheritance of the deceased. In Islam, this principle means that the inheritance is transferred to the beneficiary in two directions. In other words, each recipient has the right to inherit from both parties, both male and female relatives. This statement can be found in the Q.S. an-Nisa in verses 7, 11, 12, and verse 176.\(^10\) In verse 7, for example, it is explained that a man has the right to inherit property from his father and his mother. This verse is the basis for bilateral inheritance.

Furthermore, in the Q.S. an-Nisa: 11, it is explained that daughters receive an inheritance from both parents as what happened to sons. Daughters and sons will get an equal inheritance. The same verse also explains that the mother is also entitled to inherit from her child whether the child is a boy or a girl. Likewise, a father can become an heir to his son's inheritance provided the deceased son has left a child.

In the Q.S an-Nisa: 12, it is also explained that if the inheritor is a man who happens to have no heirs, automatically all his brothers get a share of the inheritance that he left. At the same time,

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\(^8\) Harun Nasution, *Islamic Theology* (Jakarta: Yayasan Penerbit Universitas Indonesia, 1974).


\(^10\) *Al-Qur’an*, n.d.
this line also applies if the inheritor is a woman who also does not have an heir, so all her siblings have the right to inherit.

Then, in the Q.S an-Nisa: 176, it is stated that if a man has no child, but he has brothers and sisters, his brothers are entitled to receive his inheritance. If a woman does not have children, but she has brothers and sisters, then her brothers are entitled to get her inheritance.

Based on the verses of Q.S. an-Nisa above, it is seen that inheritance in Islam passes down, up, and sideways from both sides of the family line, namely male and female lines, and inheritance is received from two family lines, namely from the male line and female line. Thus, from the verses of an-Nisa above, this principle is known as a bilateral principle.

**Individual Principle**

In this principle, the inheritance can be owned by individuals. Each heir receives his share separately without being tied to the other heirs. All inherited assets are stated in certain values and levels that may be divided. Then, the amount is distributed to each heir who is entitled according to their respective shares.

It should be emphasized that each heir is entitled to the share he gets without being dependent and bound by other heirs. This is based on the stipulation that every human being as a person can accept rights and carry out obligations which are referred to as *Ahliyat al-Wujub* in *Usul Fiqh*. In this explanation, each heir has the right to claim the inheritance individually and has the right not to do so.

This principle can be seen in the rules in the Qur'an concerning the distribution of inheritance. In verse 7 of Surah an-Nisa, it is generally explained that men and women have the right to receive an inheritance from their parents and close relatives, regardless of the amount of the property, and with a predetermined share. From this verse, it is understood the amount of the share for each heir is not determined by the amount of property left behind by the deceased, but the property left behind is subject to the applicable provisions.

Meanwhile, in the Q.S. an-Nisa: 11, 12, and 176, it is explained in detail that the rights of each heir individually are according to a certain and definite section. In an indefinite form, such as sons and daughters in verse 11, and verse 176 for example, it is also explained that the balance of the distribution is that the male share is equal to two female parts. Based on this equal distribution, the share of each heir should be clear.

The division of inheritance using this individual principle is a binding provision and must be carried out by every Muslim with severe consequences in the hereafter for those who violate it, as
written in Surah an Nisa: 13 and 14. Therefore, if the distribution has been carried out separately for each heir, the heirs have full rights to use the property. However, there are other provisions behind the freedom to use the property which is called Abliyat al-ada in Usul Fiqh. Therefore, if the heirs do not fulfill the provisions to claim their assets, the inheritance obtained is under the power of their guardians and can be used for the child's daily expenses. This is based on the provisions of the Qur'an Surah an Nisa verses 4 and 5 which state that it is not permissible to hand over the property to a safih person, namely a person who has not reached adulthood.

Concerning that, every heir is fully entitled to the assets he inherits, and some heirs are not entitled to use their assets before he grows up, the adult heirs may not give the inheritance individually to the heirs that have not reached adulthood yet. In this case, the eldest brother among several brothers can temporarily control this common property by himself. However, it must still be considered by calculating the share of each heir, for example, maintaining the property of people who are not ready to manage their property. However, when the rightful person has reached adulthood, the property must be returned to him/her. Thus, neither party is harmed in the manner described above.

Eliminating the individual form of heirs by mixing up inheritance without calculation, and intentionally making the inheritance rights to be collective inheritance means violating the provisions mentioned above. Such a thing will result in the perpetrator being subject to sanctions as mentioned in Q.S. an-Nisa: 2, namely a major sin. Therefore, from the explanation above, it can be concluded that the form of collective inheritance is not following Islamic teachings because this method might lose the rights of the orphans on the property.

**Equal Justice Principle**

The word "adil" (justice) is a word in the Indonesian language, and this word comes from the Arabic language, namely "al-'adlu". In the Qur'an, the word al-'adlu and its derivatives are mentioned more than 25 times. Some of it was revealed by God in the form of a command sentence and some in the form of a declarative sentence. The word al-'adlu is used in different contexts and different directions, so it has different definitions according to the context and purpose of its use. Concerning inheritance, the word can be understood as equality between rights and obligations and equality between what is obtained.

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Based on the above explanation, the principle of equal justice in the distribution of inheritance in Islamic law can be understood. Gender differences do not determine inheritance rights in Islam. This means men and women also have the same rights to inherit. This is clearly stated in the Q.S. an-Nisa: 7 which informs the equal position of men and women in terms of getting an inheritance. In the Q.S. an-Nisa: 11, 12, and 176, a detailed explanation related to the equal power of inheritance rights between men and women can be seen.

Regarding the number of shares received by men and women, there are two forms of inheritance. First, men get the same amount as women, for example, a mother and a father both get one-sixth when the deceased leaves biological children, as stated in verse 11 of Q.S. an-Nisa. Likewise, brothers and sisters both get one-sixth in the case that the deceased is a person who does not have a direct heir as mentioned in verse 12.

Second, men get double what women get in the same case, namely sons and daughters in verse 11 and brothers and sisters in verse 176. In separate cases, the widower gets twice the share obtained by the widow, which is half to a quarter if the deceased does not leave a biological child as stated in paragraph 12 of Q.S. an-Nisa.

Concerning the number of shares obtained when receiving the rights, there are indeed differences. However, this does not mean that it is unfair because justice in the view of Islam is not only measured by the amount obtained when receiving inheritance rights but also related to uses and needs.

Men get a bigger amount of inheritance than women because in Islamic teachings men have a double obligation, namely to themselves and their families. If the amount received is related to the obligations and responsibilities mentioned above, it will be seen that the amount of inheritance received by men is the same as what is received by women. Even though in the beginning men receive twice as much as women, part of what they receive will be given to women in their capacity and responsibility. This is justice in the concept of Islam.

Even though upper-line relatives such as parents, and lower-line relatives such as children, are entitled to inheritance in the same case, and even though in the Q.S. an-Nisa: 11 it is stated explicitly that both have the same position, there are differences in the amount of inheritance received. Children get a larger share if compared to what is received by their parents. This difference can be studied in terms of rights and obligations as well as responsibilities. The responsibility of parents to children is greater than the responsibility of children to parents.

Minangkabau Inheritance: Construction and Strategy
Every indigenous people in Indonesia certainly have their form of kinship system and inheritance law system because inheritance law is strongly influenced by the kinship system that applies to the community concerned. Furthermore, the kinship system also affects the determination of heirs, and the distribution of inheritance.

In general, a child is automatically seen as a descendant of his parents. The consequence is that every child has a kinship relationship that can be traced, either through the father's kinship line or from the mother's kinship line. Kinship through the father's line is called patrilineal while kinship through the mother's line is known as matrilineal, and when it refers to both it is called bilateral.

In Indonesia, several patterns of inheritance law apply and are accepted by the community. Among them are inheritance law based on civil law, Islamic law, customary law, and inheritance law according to jurisprudence.\(^{12}\) The Minangkabau tribe one of the ethnic groups that are geographically located in the Province of West Sumatra is a strong community in the application of customary law, especially in the rules of inheritance. Even though they are an ethnically devoted religion (Islam), in the implementation of the distribution of inheritance they tend to use the rules that have been set by customary laws.

There are two elements inherited by the Minangkabau people. First, harato pusako (heirloom treasures). In this case, women occupy a special position because descendants and family unity are based on the mother's lineage.\(^{13}\) Women’s inheritance includes houses, fields, and other economic inheritance rights. The second is in the form of Sako (customary honorary title). This intangible property in the matrilineal kinship tradition is passed down from generation to generation according to a certain path. Sako was passed down by an uncle (mamak) to a married nephew. Therefore, it can simply be understood that harato pusako is material wealth while sako is immaterial wealth.

Harato pusako (heirloom treasures) which have been described above in the matrilineal context are also divided into two types. First, in the form of pusako tinggi (high inheritance), these assets are not only in the form of economic rights as described above, but also in the form of burial places, places of worship (surau), and equipment. In the pattern of inheritance, women are considered recipients of inheritance. Meanwhile, harato pusako randah (low inheritance) which is included in the second type of property is the result of business assets obtained by a husband and a wife during the marriage bond. In inheritance, besides being passed down to daughters, sons also


get a share, the share for sons is even greater than the share for women.\(^\text{14}\) This is concerning the inheritance pattern that is regulated in Islam.

Thus, between men and women in the context of Minangkabau culture, both get inheritance rights as regulated by customary laws.\(^\text{15}\) However, the inherited property is not always the same in its form. The practice of inheritance is at first glance contrary to the provisions of Islamic law. As previously explained, in Islam, men inherited a bigger amount of inheritance than women. However, the ideal pattern of inheritance in Minangkabau matrilineal kinship requires that women have higher inheritance rights than men. In response to this contradictory situation, the decision on the formulation of low inheritance is the best solution to resolve the conflict between tradition and Islamic law. Meanwhile, high inheritance is maintained as an implication of Minangkabau kinship which adheres to matrilineal principles.

However, Franz von Benda-Backmann, in his study found an interesting phenomenon. One of the efforts or strategies to have high inheritance is investing.\(^\text{16}\) Other studies have also shown that high heritage assets can be sold or transferred for several reasons, such as due to an agreement between two people, the breaking up or extinction of generations, or because of economic problems.\(^\text{17}\) In Kanagarian Kurai, Padang Pariaman Regency, West Sumatra Province, the low inheritance has shifted into high inheritance by not sharing it with sons. Daughters in this case-control low inheritance, including the unmoving inheritance.\(^\text{18}\) This phenomenon is very interesting to be further studied.

An issue related to how the inheritance is divided in the form of business capital is strongly supported by the fact that the Minangkabau people are well-known as persistent traders. Even the acculturation of Islamic teachings into the community identity indicates that ideological values will have a strong effect on the continuity of business activities.\(^\text{19}\) The context of the adage “\textit{adat basandi sya'ar}, syarak basandi Kitabullah, the custom of using something, syara' mangato” (adat based on shari'ah, syari'at based on Kitabullah, the custom of using something, shari'at of speaking) which is firmly entrenched in Minangkabau culture is a reflection of that intensity.\(^\text{20}\)


The Emergence of Successful Entrepreneurs in Indonesia

The reconstruction of inheritance as business capital for Minangkabau people – especially those living outside their hometown (West Sumatra), is a recent breakthrough that never happened in the past. Based on the information received from several informants, the researchers strongly believe in the increasing number of Muslim entrepreneurs in the future. Even though in many theories, it is believed that learning is a must to become a successful entrepreneur, the informants whom the researchers interviewed did not only learn but also lived and grew up in a situation where the place of business was started and developed.

Managerial ability in business that they possess has greatly influenced the business to move forward. The discovery of ideas and innovations in business development is inseparable from managerial abilities. The Minangkabau people who participated in this study are very rich in ideas and innovations. The ideas for managing the inheritance emerged after the death of their parents. This kind of creativity certainly gives hope that many Muslim entrepreneurs will appear in Indonesia.

In some places, many Minangkabau entrepreneurs have started to grow with good management of inheritance. Therefore, with this kind of phenomenon, it is possible that in the future Indonesia will experience changes with the appearance of many entrepreneurs from the Muslim community.

The hope of the emergence of Muslim entrepreneurs is also supported by the blooming of the sharia economic system that has been promoted by the government. The sharia economic system will have a significant impact on the financial management of entrepreneurs. Based on the data obtained, it was found that many young Minangkabau entrepreneurs in several cities in Indonesia conduct savings and loan transactions through Islamic banks for business development. The synergy between the government and business actors, as what is experienced by the informants, certainly answers the statement made by Jusuf Kalla regarding a few numbers of Muslim entrepreneurs.

Furthermore, the reconstruction of inheritance which is practiced by the Minangkabau people functions to realize the 1991 Islamic Law Compilation rules regarding the development of inheritance in a more productive direction. Even though at first this idea was only limited to

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Presidential Instructions, the issue of inheritance development in the regulation has the potential to be considered and can even be used as a reference for Muslims in managing an inheritance. Paragraph 1 in article 189 of the Islamic Law Compilation emphasizes that if the inheritance to be divided is in the form of agricultural land with an area of more than one hectare, for example, it must be maintained and used for the common interest of the heirs.24

From the perspective of that rule, the legal doctrine in Islam recommends preserving the inheritance and protecting it for the survival of the descendants left by the owner of the property. In other words, apart from being a form of gift or the last gift of the deceased, inheritance can also function as a means of empowering or prospering the family economy. Therefore, the existence of Islamic Law Compilation which regulates inheritance in Islam needs to be implemented more seriously.

The existence of Islamic Law Compilation is also expected to have a positive influence such as ensuring the legal status of the inheritance assets, providing a sense of security for the heirs, the realization of procedural and technical order in the distribution of inheritance, protecting an inheritance from expropriation by other parties, becoming an instrument of accountability by the parties involved in developing inheritance, becoming a policy corridor in resolving inheritance problems or disputes, encouraging optimization of inheritance potential management, and expanding or developing inheritance potential.25

As a result, after the Minangkabau people’s inheritance is managed properly and professionally, it can provide extraordinary benefits to the wider community. It can also protect the valuable assets of Muslims in the long term, and it can be used to create economic opportunities for Muslims in particular. Therefore, when the economic standard of living is prosperous, this can contribute to Indonesia in improving the economic life of the Indonesian community.

An example of this can be seen in the case at the Lamun Ombak restaurant in Padang. This restaurant is a hereditary heritage that is managed together. It was founded for the first time in 1965 in Padang Pariaman Regency. This restaurant has expanded its branch in Padang. In the period since its establishment, this restaurant already has four branches, one branch in Padang Pariaman Regency and three branches in Padang.26

In its management, the Lamun Ombak restaurant is managed by the second generation. From the data obtained, the heir never had a desire for this restaurant to be sold and divided equally

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24 Pagar, Renewal of Indonesian Islamic Law (Bandung: Cipta Pustaka Media, 2007).
25 Pagar.
26 “Interview,” n.d.
among the heirs. Instead, the heir tries to make these existing assets get bigger and become a place of employment for the community at large. The assertive and creative attitude of the informants above was also found in some of the informants who live in other cities. As the heirs, the arguments for developing inheritance into business capital have become the main priority for those who live outside their hometown.

CONCLUSION

Minangkabau people are one of the ethnic groups in Indonesia who like to work as traders, possess dynamic character, and have an identity as Muslims. They are very rich in ideas and innovations. The idea of managing inheritance as business capital is a breakthrough to increase the spirit of the Minangkabau people to become more successful entrepreneurs. The data obtained from the informants indicate an optimistic message that there will be many Muslim entrepreneurs who are from the Minangkabau people. In addition to the basic skills they already have in managing the business, capital support from inheritance greatly influences the business to develop. Therefore, with this kind of phenomenon, Indonesia may have many entrepreneurs from the Minangkabau tribe.

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