

Institutionalizing *maqāsid ḥifz al-naṣl* within the Minangkabau inheritance framework

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This research explores the utilization of inherited assets by the Minangkabau community in Indonesia, moving from individual and consumptive practices to collective and productive *maṣlahah*. Data were collected through interviews with *ninik mamak* (traditional leader), heirs, and ulama (religious scholar). The analysis involved managing the data, reading and recording, describing, categorizing, interpreting, and visualizing the information. The findings were examined using the *maqāsid* framework. This research highlights the shift in how inherited assets are being utilized, from individual consumption to collective productivity within the clan. A further finding reveals that this transformation is particularly evident in the use of houses and land. *Rumah gadang* (traditional houses of Minangkabau), formerly served as a venue for customary activities, has been repurposed into a homestay and cafe. Meanwhile, the lands have been converted for organic farming and irrigation, benefiting a greater community. The research concludes that the shift in the Minangkabau community's approach to managing and utilizing heritage assets—from personal and consumptive to collective and productive—demonstrates that these cultural assets can be used for the welfare of the extended family and the common good. The integration of the *maqāsid* framework in this research not only helps in fostering collective *maṣlahah* for Minangkabau inheritance but also sets the foundation for broadening the scope of *maqāsid* analysis. Traditionally focused on individuals, particularly in preserving and enhancing human resources, this framework is extended in this research to the development and advancement of institutions, introducing the concept of “institutional *Maqāsid*.”

Penelitian ini bertujuan untuk melihat pemanfaatan harta warisan oleh masyarakat Minangkabau Indonesia secara individual dan konsumtif, dikembangkan menjadi *maṣlahah* kolektif dan produktif. Data dikumpulkan melalui wawancara dengan *ninik mamak* (pemimpin adat), ahli waris dan ulama. Data dianalisis melalui manajemen data, membaca dan mencatat data, deskripsi, klasifikasi dan penafsiran

data, serta visualisasi data. Temuan penelitian didiskusikan dengan pendekatan *maqāsid*. Penelitian ini menemukan, pertama, pemanfaatan harta warisan telah bertransformasi dari penggunaan personal oleh ahli waris untuk keperluan konsumtif menjadi pemanfaatan kolektif oleh kaum (*extended family*) yang dikelola secara produktif. Kedua, transformasi pemanfaatan ini terutama terlihat pada harta warisan berupa rumah dan tanah. Rumah gadang (rumah adat Minangkabau) yang sebelumnya berfungsi sebagai tempat kegiatan adat dialihfungsikan menjadi *homestay* dan kafe, sedangkan tanah dialihfungsikan untuk pertanian organik dan pengairan yang dimanfaatkan oleh masyarakat luas. Penelitian ini menyimpulkan bahwa bergesernya paradigma masyarakat Minangkabau dalam mengelola dan memanfaatkan harta warisan dari personal konsumtif menjadi kolektif produktif, maka harta warisan sebagai aset kultural dapat didayagunakan untuk kesejahteraan kaum dan kemashalatan umum. Penggunaan *maqāsid* sebagai kerangka memahami praktik pemanfaatan harta warisan dalam penelitian tidak saja berkontribusi mendorong munculnya *maṣlahah* kolektif kewarisan Minangkabau, melainkan juga dapat dijadikan inspirasi bagi analisis *maqāsid* yang selama ini lebih diorientasikan pada orang atau manusia sebagai obyek analisis yaitu, pemeliharaan dan pengembangan sumber daya manusia ke arah penguatan dan pengembangan institusi (*Maqāsid* institusional).

Keywords: *Institutionalizing maqāsid; inheritance; Minangkabau inheritance framework*

Introduction

Currently, the Minangkabau community in Indonesia is experiencing significant changes in the management and utilization of inherited assets, shifting from a consumptive and personal nature to a productive and collective one (Fikri, 2018). The management of inherited assets within this community presents unique challenges because these assets are not merely economic possessions shared and passed down through generations (Putri et al., 2024), but also embody deep cultural values and identity (Shalihin, 2013). This complexity requires a deeper and more comprehensive approach to understanding the dynamics of inheritance management in Minangkabau (Indrasukma, 2021).

For the Minangkabau community, inherited assets include not only physical assets such as *rumah gadang* (traditional Minangkabau houses), rice fields, and gardens but also customs and social values passed down through generations (Haron & Hafuiddin, 2012). These assets have a broad and comprehensive cultural value (Halimatussa'diyah et al., 2024; Ismail & Nofardi, 2024). Another unique aspect of this inheritance system is the central role of women as inheritors of these assets (Sukmawati, 2019), who also bear the responsibility of preserving and developing family heritage (Lindayanti, 2019).

The management of inherited assets in Minangkabau is more personal, based on the

Kaum (extended family), rather than collective, with a priority on individual use rather than shared ownership (Azaria & Aristiawati, 2022; Rahmananil & Zuwanda, 2021). *Kaum* is a large family unit consisting of the mother, the mother's siblings, the sons and daughters of the maternal grandmother, the sons and daughters of the mother, the sons and daughters of the mother's sisters, the maternal grandmother, the brothers and sisters of the maternal grandmother, the sons and daughters of the maternal ancestors, the great-grandmother, the brothers and sisters of the ancestors, and so on, up to five generations (Shalihin, 2014). Unlike the concept of Islamic inheritance law, the inheritance of *barta pusaka tinggi* (high-value inherited assets) in Minangkabau not only transfers assets but also the responsibility of management from one generation to the next (Elfia et al., 2020; Lilis, 2022a). This is in line with the Minangkabau proverb that states, "*dari niniek turun ka mamak, dari mamak ka kamanakan*" (Ridwan, 2023), meaning that assets are inherited through the maternal line or matrilineally (Hidayat et al., 2024)

The management of high-value inherited assets in Minangkabau, which traditionally falls under the authority of women, still involves men in daily practices (Rahmad et al., 2022). However, with the dynamics of modernization, many high-value inherited assets are now neglected (Rajab et al., 2022). The main factors driving this condition are economic pressures that force family members to work outside the community and the low interest of the younger generation in managing these assets (Manangin et al., 2020). As a result, inherited assets that should be a source of economic and cultural strength become a burden at risk of neglect (Hasbullah et al., 2021).

Studies on inheritance have become a frequent topic in the academic world, yet existing research has not highlighted the aspects that are the focus of this study. Previous research has categorized inheritance distribution into several forms, such as customary inheritance (Hirdayari & Ansar, 2018; Fauzi, 2019; Dzakkii & Ardi, 2020; Tarmizi, 2020; Karjoko et al., 2021; Zaelani et al., 2022; Zubair et al., 2022), inheritance barriers (Yaqin, 2020), dualism in inheritance practices (Mustika & Dastina, 2020; Permana, 2018; Ilyas et al., 2023), and the resolution of related cases (Wahidah, 2021; Supriyadi and Ma'mun, 2023). In addition, the management of productive assets has been extensively studied in the context of waqf (Kasdi, 2014; Furqon, 2016; Rusydiana and Devi, 2017 & Usman, 2014), wills (Saputra et

al., 2019), hibah, zakat (Abdullah, 2013), and alms (Rafdison, 2018), which generally focus on the utilization of assets for productive purposes. Meanwhile, studies on the management of high-value inherited assets have discussed the distribution to extended family members as well as through pawning, buying and selling, and profit-sharing. These practices are forms of non-productive management (Rahmat, 2019; Novianti, 2015; Ernawati, 2017).

However, the management of high-value inherited assets is often overlooked despite its significant potential to enhance welfare. Firdawaty's study (2019) highlights the economic potential of inherited assets in Minangkabau, including the utilization of *rumah gadang*, land, and rice fields as sources of sustainable income, through agriculture, plantations, or tourism. This research supports the argument that cultural assets, such as inherited assets, can function as beneficial economic resources if managed with sustainable strategies and community participation (Gusra, 2022; Basri & Ratna, 2020; Lerario, 2022). Therefore, this study aims to explore the transformation of heritage management as a cultural asset that can support community welfare.

Method

The research was conducted in *Daerah Darek* (Agam Regency, Tanah Datar Regency, and Lima Puluh Kota Regency, West Sumatra Province) and *Daerah Rantau* (Pariaman Regency and Pesisir Selatan Regency, West Sumatra Province). *Daerah Darek* and *Daerah Rantau* represent two different Minangkabau communities, each with its own characteristics and nature. The *lubak/darek* area is considered the origin of the Minangkabau indigenous community, which is generally more homogeneous and traditional in adhering to customs and religion. In contrast, the Rantau area is usually more heterogeneous, dynamic, and open to various innovations, and not as strict in adhering to customs and religion (Shalihin et al., 2021). Customs dominate in the *Daerah Darek*, while Islam is the main current in the *Daerah Rantau* (Fatimah, 2023). Data were collected through interviews with the management of Minangkabau Nature Adat Density Institute (LKAAM), *ninik mamak* (traditional leaders), heirs, and religious figures. Data analysis involves steps such as data reduction, presentation of empirical material, drawing conclusions, and verification (Miles et al., 2014). The data were analyzed through several stages. First, the data obtained from the interviews were

organized and converted into text units such as words, sentences, or stories. Second, the organized data were read repeatedly, and brief memos or notes were given. Third, detailed descriptions, theme development, and interpretation of the data were conducted. After that, the data were grouped into categories and themes. Finally, the interpreted data were presented in narrative text form (Shalihin et al., 2021).

The findings of the research were discussed using a *maqāsid* approach, particularly on the aspects of preserving wealth (Aziz et al., 2024) and preserving offspring (Busyro et al., 2023). Simply put, *maqāsid* in this study refers to maintaining and developing welfare as both a goal and a method or *manḥāj*. The dimensions of *ḥifẓ al-māl* and *ḥifẓ al-naṣl* in this study are key to understanding how the institutionalization of *maqāsid* occurs within Minangkabau inheritance. *Ḥifẓ al-māl* and *ḥifẓ al-naṣl*, or the protection of wealth and offspring, both fall into the category of *maṣlahah ḍarūriyyah*, which are basic needs that must be prioritized. This is part of the main objectives of sharia to protect offspring, along with the protection of religion, life, intellect, and wealth (Tahir & Hamid, 2024). The use of *ḥifẓ al-naṣl* in this study refers to the guardianship or maintenance of offspring, which is one of the goals of sharia (*maqāsid al-sharī'ah*) that should not be ignored (Azis et al., 2024). The concept of *ḥifẓ an-naṣl* or the maintenance of offspring in *maqāsid al-sharī'ah* aims to preserve human offspring (Ma'mun, 2020). Meanwhile, according to Jasser Auda, the concept of *ḥifẓ al-naṣl* involves protection or concern for family members (Auda, 2008; 2021; 2022a). Each family member has a duty to take care of their family, especially the head of the family who has the responsibility to care for their family (Cholidah, 2023). The *Maqāsid ḥifẓ al-naṣl*, which means “preservation of offspring,” has evolved into “concern for the family” and even proposes the existence of an “Islamic civil social system” within the contemporary *maqāsid al-sharī'ah* context (Sidiq, 2017).

Model of inherited asset management

The management of high-value inherited assets in Minangkabau is carried out collectively by the extended family through the consensus deliberation mechanism (Zahara & Mirwati, 2019). This is in line with the principles of Minangkabau customary law, which prioritize collective principles (Shalihin, 2014). In this system, inherited assets are not owned by

individuals but are controlled and managed by the family group together. The assets are not inherited through distribution but are managed by the *mamak tuo* (eldest uncle) for the common benefit of all family members, ensuring the sustainability of ownership and use of high-value inherited assets for all parties (LKAAM, 2023).

Mamak Tuo plays a key role in the management of inherited assets as a leader and decision-maker, aiming to maintain the welfare of the clan. Inherited assets are considered collective assets that must be utilized for the common good and are prohibited from being sold (Murniwati, Nurdin and Rosari, 2021). Inherited assets, including communal land, traditional houses, and other assets, are inherited matrilineally and must remain intact to ensure the continued welfare of the extended family community (LKAAM, 2023).

In Minangkabau society, which adheres to a matrilineal system, the distribution of inherited assets is specifically regulated (Noviardi & Rozi, 2017). High-value inherited assets, such as land and *rumah gadang*, are inherited through the mother's line and managed collectively by the extended family (Noviardi, 2020a; Zuwanda, 2021), without individual distribution, with the aim of maintaining the overall welfare of the family. On the other hand, low-value inherited assets, such as joint marital property acquired after marriage, are divided according to Islamic inheritance law. This reflects the fusion between Minangkabau customs and religious law (Lilis, 2022). This inheritance system is based on the principle of excellence, where the right to manage is given to the highest-ranking family member, and this right can only be passed on to another if the primary heir is no longer present (Noviardi & Rozi, 2017).

The matrilineal kinship system of Minangkabau is marked by six main characteristics that emphasize the central role of women and the mother's lineage. Descent and tribal identity are determined through the mother's line, and every member of society is required to marry a partner from outside the tribe (exogamy) (Fakhyadi & Samsudin, 2024). Power within the tribe is also held by the mother and *mamak*, highlighting the dominant role of women in the social structure. In addition, marriage is patrilocal, where the husband lives in the wife's house, while wealth and inheritance rights are passed down from the *mamak* (mother's brother) to the nephew (Shesa et al., 2021). This structure strengthens the position of women in the continuity of kinship and the inheritance of values within

Minangkabau society.

The utilization of high-value inherited assets among the Minangkabau community, both in the Rantau and Darek regions, tends to be consumptive. Land and rice fields that are part of high-value inherited assets in areas such as Pariaman Regency, Pesisir Selatan Regency, Agam Regency, Tanah Datar Regency, and Lima Puluh Kota Regency are managed independently by clan members for common needs. The head of LKAAM emphasized that *barta pusaka tinggi*, including communal land and traditional houses, have important cultural and historical value, so their management must be carried out collectively to preserve these values for future generations (Kabasaran, 2023; Mangkuto, 2023). This collective management reflects the spirit of mutual cooperation and concern for common interests (Ismail et al., 2020). When high-value inherited assets in the form of buildings are used as business premises with capital from clan members, profit sharing is based on the percentage between the capital owner and the clan. If the capital comes from a third party, the proceeds are shared among all clan members (Alfiander et al., 2022).

The management of high-value inherited assets in Minangkabau society is generally in the hands of clan members, with the benefits enjoyed by themselves. However, in some situations, this management can involve outsiders through the transfer of rights, although the transfer process does not always change the ownership of the inherited land (Rahmat, 2019a; Fauzi, 2012). Minangkabau customs prohibit the sale of inherited land, except with the agreement of all clan members (clan decision), according to the proverb "*indak kayu janjang di kapiang, indak ameh bungkah di asah,*" which allows the reduction of assets through pawning or customary sale (Nidal et al., 2020). Customary principles also emphasize that inherited assets must be maintained sustainably, as in the proverb "*dijua indak dimakan bali, digadai indak dimakan sando,*" meaning that inherited assets should not be sold or used as collateral/pawn (Mujib, 2019; Ibrahim, 2020).

One mechanism that allows management without the transfer of rights is through the "*pagang gadai*" profit-sharing agreement, where management rights are given to outsiders, but ownership rights remain with the clan. This confirms that the land remains the property of the clan, while the proceeds can be utilized by others, as long as an agreement is reached among clan members. In situations where the owner of high-value inherited assets passes

away, distribution is carried out by the *mamak* and the family through discussion. If a dispute arises, the resolution is made through family discussions, with solutions such as rotating management so that all clan members continue to benefit without losing ownership rights (Indrasukma, 2021).

The inheritance, management, and utilization of inherited assets in Minangkabau aim to maintain the continuity of offspring within the matrilineal kinship system. This action is consistent with the *maqāsid shariah*, which emphasizes the importance of protecting offspring as one of the main objectives of sharia. By maintaining collectively owned inherited assets, the continuity of the clan and the values of ownership are ensured, while preventing the transfer of assets outside the lineage (Ma'mun, 2020; Bakar & Rahim, 2021; Busyro et al., 2023). This strategy ensures that inherited assets continue to play a role in strengthening the identity and the continuity of the tribe.

The kinship system in Minangkabau, which is based on matrilineality, has a significant influence on the practice of inheritance and the management of high-value inherited assets. Laras Shesa identifies three inheritance systems in Indonesia: first, the patrilineal system in Java; second, the unilateral Minangkabau system, where inheritance follows the mother's lineage and is collective, not individual; and third, the parental system in Jambi, which divides inheritance based on bilateral kinship (Sesha et al., 2021). In Minangkabau, high-value inherited assets are inherited collectively, while low-value inherited assets follow Islamic law (Maryani et al., 2022). This inheritance system is in line with the principles of excellence in Minangkabau customs (Pongoliu, 2019).

Aniroh reveals that the Acehnese community prefers the division of inheritance based on customary law, which gives equal rights between men and women, not following the principles of Islamic inheritance law that differentiate the shares of men and women (Aniroh et al., 2024). This division is based on the principle of balanced justice and flexibility, adapted to economic, social, and local values (Ridwan, 2022). This approach is similar to the collective principle in inheritance distribution in Minangkabau. Conversely, in Makassar, inheritance distribution for women is done through three approaches: according to Islamic inheritance law, which gives a 2:1 share to men and women; based on family consensus deliberation; or through court decisions (Basri et al., 2022). Thus, local kinship

and customs play a key role in inheritance management in various societies.

The fusion between inheritance distribution according to customs and Islamic law can be achieved by considering the local cultural context. For example, Gusti Muzainah (2022) notes that the Chinese Muslim community in Banjarmasin, South Kalimantan, applies equal inheritance rights for women and men. This practice contradicts Chinese Customary Law, which only grants inheritance rights to male children, but is in line with Islamic Inheritance Law and Banjar Customary Law (Muzainah and Mansyuroh, 2022). Andi Sukmawati (2022) adds that in this custom, a mixed inheritance model is proposed that integrates aspects of family, governance, customs, and religion, with the distribution of assets based on the needs and goals of the heirs. This reflects the principle of excellence in the Minangkabau customary inheritance system (Dzakkii & Ardi, 2020; Assaad et al., 2022). On the other hand, Qodir Zaelani found that the Lampung community still prioritizes family and social factors in inheritance distribution, although the influence of customary law remains strong, in line with the principle of excellence in customary inheritance (Zaelani et al., 2022b). This shows the flexibility in the application of inheritance law that takes into account customary, religious, and socio-economic aspects.

Changes in the utilization of inherited assets

With the passage of time and changes in societal needs, there has been a shift in the management patterns of inherited assets in Minangkabau. This shift is driven by various factors that influence how the Minangkabau community utilizes their cultural heritage (Rahmat, 2019). The management pattern of inherited assets, which was initially conventional, consumptive, and oriented towards the personal interests of the clan, has now shifted towards a more productive, useful, and collective orientation.

This change is reflected in several real-life examples in the community, such as traditional houses (*rumah gadang*) being turned into homestays, rice fields being utilized for homestays, land being converted into sports facilities, land being used for rental housing, land being turned into shops, and the use of land for irrigation facilities for the community (Kamal et al., 2020). These six changes indicate efforts to maximize the economic potential of inherited assets while maintaining their cultural aspects.

This transformation not only reflects innovation in the management of traditional assets but also shows the adaptation of the Minangkabau community to modern economic challenges and opportunities while preserving the values of collectivity in the utilization of shared resources. Evidence of this transformation in the management of inherited assets can be seen in Table 1 below.

Table 1
Data on Changes in the Utilization of Inherited Assets

Informant names	Interview Data	Findings	
		Origin	Conversion
Evi Nazriani	This homestay and restaurant were originally an unused <i>Rumab Gadang</i> that was almost in ruins. Then, the clan members agreed to modify the <i>Rumab Gadang</i> into a lodging. The reason the <i>Rumab Gadang</i> was unused and neglected was that the women of the clan, who are the owners of this high-value inherited asset, did not reside in the house and had all gone to live elsewhere.	<i>Rumab Gadang</i>	Homestay
Datuak Tuanku Rajo Mangkuto	In fact, there is another form of utilization and development of their high-value inherited assets in the form of a homestay. However, this homestay cannot be said to be purely a high-value inherited asset because the asset has already been allocated to the women within the clan.	Rice field	Homestay
Datuak Tuanku Rajo Mangkuto	This hall was built on inherited land that is actually owned jointly by several clan members. However, based on a collective agreement, the unused land was converted into a sports facility or hall. The construction and management of the hall are carried out together by all clan members, as well as the proceeds obtained.	Land	Hall (Sport facilities)

Lihayati	There are five rental houses built on high-value inherited land. However, this high-value inherited land is already in the form of “ <i>ganggam bauntuak</i> ,” which means that the land has been allocated to the female children within the clan.	Land	Houses for rent
Yulismar	Even though the high-value inherited assets have been exhausted, and there are no more women to inherit, while there are still men in the clan, the solution taken by the clan is to make the land productive in the form of a business or shop.	Land	Shop
Datuak Bagindo	High-value inherited assets are made productive as a water source that is donated to the Nagari in writing. Such management is considered productive, both in terms of management and the rewards obtained by clan members, because the purpose of creating this community-based clean water supply system is for social purposes. There are 175 houses that have benefited from the water from this source.	<i>Kaum</i> land	Irrigation site

Source: Compiled from Research Informants

The data above show, first, the innovation in the management of high-value inherited assets (*rumah gadang*), which have been transformed into homestays and restaurants. A concrete example can be found in Bonjol, Nagari Panampuang, where Evi Nazriani successfully modified an unused *rumah gadang* into a lodging and restaurant (Nazriani, 2023). The *rumah gadang*, which was previously neglected and almost in ruins, is now utilized productively, showing an effort to revitalize historic buildings while also serving an economic function. The use of the *rumah gadang* as a homestay and restaurant not only contributes to the local economy but also preserves cultural values, as the traditional building now has a new function that still respects its history.

The success of managing the *rumah gadang* shows that cultural assets can be utilized for economic activities without sacrificing their traditional values (Mulia et al., 2024). Income from the business is not only allocated for employee salaries but also set aside to support orphans and those in need, demonstrating the spirit of mutual cooperation in the collective management of resources. This confirms that high-value inherited assets in the form of *rumah gadang* can remain productive and beneficial for the entire community, serving as an innovative solution in utilizing traditional assets to improve collective welfare.

Second, there is innovation in the utilization of high-value inherited assets through the development of sports facilities in Nagari Baso (Mangkuto, 2023). The clan's high-value inherited land has been utilized since 2010 as a sports hall, where income is generated from the rental of sports equipment and facilities (Zaidah et al., 2023). The use of inherited land to establish this hall reflects an effort to optimize traditional assets to produce economic value that can be reused by the clan.

The management of this inherited land shows that high-value inherited assets are not only passively preserved but can also be transformed into a productive source of income. This is a concrete example of innovation in the management of cultural heritage, where land that is usually only preserved now functions as an economic asset. The benefits from managing the hall are returned for the benefit of the clan, showing the spirit of collectivism in resource management. In addition, the fact that high-value inherited assets, in this case, have been divided among women reflects changes in traditional inheritance patterns, which historically have often been dominated by men. This reflects a shift in inheritance practices, allowing women to take a more active role in the management and utilization of high-value inherited assets, while also showing adaptation to modern social and economic dynamics.

Third, the development of high-value inherited assets into rental houses, as done by Lihayati in Nagari Baso (Lihayati, 2023), reflects innovation in the utilization of traditional inherited assets. She utilized her clan's high-value inherited land to build rental houses that were then leased to others, making the asset economically productive (Lihayati, 2023). This shows that high-value inherited assets are not only static symbols of culture or ancestral heritage but can be transformed into a sustainable source of income. By renting out the houses, Lihayati not only optimizes land use but also demonstrates a modern way of managing

traditional assets that can improve the overall welfare of the clan (Armiadi et al., 2020). Such innovation reflects the community's ability to adapt to contemporary economic needs while still preserving traditional values in the management of high-value inherited assets.

Fourth, there is a new development in the utilization of high-value inherited assets in the form of a *rumah gadang* that has been converted into a shop or business place in Nagari Panampuang. The *rumah gadang* is owned by a Koto clan member named Datuak Putiah (Yulismar, 2023). Although the *rumah gadang* has been allocated to the rightful heirs, problems arise when the lineage of the heirs, especially the women who are entitled to inherit, has ended. This issue reflects the complex dynamics in the traditional inheritance system of high-value inherited assets, where the role of heirs, especially women, is crucial in maintaining the continuity of ownership. When female heirs are no longer present, challenges arise in determining who is entitled to inherit the asset. This situation opens up discussions on how the traditional inheritance system can be adapted to face modern situations, especially when the entitled lineage has ended. The development of the *rumah gadang* into a shop or business place also shows an effort to utilize high-value inherited assets more productively, although inheritance issues remain a main concern (Murdiyanto, 2020). This innovation shows the economic potential that can be generated from traditional assets but also emphasizes the need for more flexible inheritance solutions to ensure that the assets can still be managed well amidst social changes.

Fifth, the form of managing high-value inherited assets through the practice of low-cost pawning in Kamang Hilir. Datuak Bagindo, as the heir, emphasizes the importance of protecting inherited assets, especially in the face of crises that threaten the continuity of the clan (Bagindo, 2023). The sale of inherited assets is not a decision that can be made unilaterally but requires the consent of all clan members, showing the importance of the principle of collectivism in the management of these traditional assets (Bagindo, 2023). The choice to pawn inherited assets to close relatives reflects a preference to keep family heritage within the clan, ensuring that the assets do not fall into outside hands. This shows the strength of kinship ties and the spirit of mutual cooperation that still exists in the community. By keeping high-value inherited assets within the extended family, they not only preserve cultural heritage and clan identity but also demonstrate an innovative form

of maintaining ownership of traditional assets in the face of modern economic challenges.

Fifth, there is innovation in the utilization of high-value inherited assets through the donation of land for the PAMSIMAS (Community-Based Drinking Water and Sanitation Provision) program in Nagari Kamang Hilir (Bagindo, 2023). The donated high-value inherited land has become a source of clean water for the local community, and the management of this water is carried out independently by the community, showing that this asset has been utilized productively for the public interest. The use of high-value inherited assets as a source of clean water not only meets the basic needs of the community but also reflects the community's ability to manage natural resources independently and sustainably (Bagindo, 2023). This community-based PAMSIMAS program has proven to be efficient in meeting the need for clean water, while also showing that community involvement in resource management can yield positive and sustainable social impacts. In addition, the donation of high-value inherited land for public interest through this program indicates the spirit of mutual cooperation in maintaining and utilizing communal assets for collective welfare. The success of community-based clean water management reflects that high-value inherited assets can be adapted to modern needs without neglecting traditional values, while also showing the potential of inherited assets to support infrastructure development that directly impacts the quality of life for the community.

The changes in the utilization of inherited assets in Minangkabau reflect the concept of *hifẓ al-māl*, which focuses not only on the preservation of wealth but also on the continuity of generations (*hifẓ an-nasl*). According to Jasser Auda, *hifẓ al-nasl* is a form of protection aimed at family members and is considered a necessity (*daruriyāt*) in life, especially in the context of family. Auda emphasizes that every individual in the family, especially the head of the family, has a great responsibility to ensure the protection and welfare of the family (Auda, 2008, 2021, 2022a, 2022b).

In the context of Minangkabau, the maintenance of inherited assets, which initially served to maintain the lineage, now undergoes a shift in meaning towards broader development and utilization. This is in line with the evolution of the concept of *maqāsid al-shariah*, especially in the aspect of *hifẓ al-nasl*, where the focus is not only on the preservation of descendants but also on expanding concern for the welfare of the family and society

in general. In fact, Auda proposes that these *maqāsid* develop into a framework for the formation of a civil Islamic social system in the context of contemporary *maqāsid shariah* (Sidiq, 2017). This analysis shows that changes in the utilization of inherited assets in Minangkabau are not only related to economic aspects but also social and spiritual aspects, where Islamic values continue to evolve with the dynamics of the times.

The development of high-value inherited assets within the community tradition does not shift the clan's ownership rights over these assets but focuses on optimizing their economic value and productivity. This shows that the development of inherited assets is more directed towards creating collective welfare, where the results of development can be reinvested for the benefit of the clan. Specifically, this development plays an important role in providing economic support to clan members in need, especially in financing the education of the next generation. Therefore, this strategy not only maintains collective ownership of inherited assets but also creates sustainable economic benefits for the clan, without sacrificing the cultural values attached to these assets.

The above discussion describes fundamental changes in the management and utilization of inherited assets in Minangkabau. First, there is a shift from individual management by clan members to collective management. This shift shows an effort to strengthen social bonds within the clan, prioritizing common interests over personal interests. Second, there is a change in the utilization of inherited assets from consumptive to more productive uses. Inherited assets that were once used for daily needs are now directed to become productive assets that can sustainably improve the welfare of the clan.

These changes can be seen as an effort to achieve *maṣlaḥah 'ammah* or collective welfare (Al-Muthahhiri et al., 2023), which is one of the main pillars in Islamic law, along with *shari'ah* and *'adalah* (Noviardi, 2020b). In the context of Minangkabau, this change is also in line with the concept of preserving wealth (*ḥifz al-māl*) which not only functions to maintain the continuity of wealth itself but also to preserve descendants and the integrity of the clan (Lathifah et al., 2022). Therefore, changes in the management of inherited assets are not only related to economic aspects but also to efforts to maintain social institutions, places, and the life of the clan so that they can continue to develop.

From the perspective of *maqāsid* or the objectives of Islamic law, this change shows an institutional orientation in the management of inherited assets, where the main focus is on achieving collective welfare through the development of social institutions and strengthening human resources (Azis et al., 2024). This shows that changes in the management and utilization of inherited assets in Minangkabau are not only aimed at maintaining material welfare but also at strengthening social structures and togetherness within the clan. The integration of *maqāsid al-sharʿah* considerations into the management of inherited property is a significant contribution to the academic world, as it fosters interdisciplinary between religious studies, anthropology, and institutional management. The focus on local Minangkabau traditions exemplifies how *maqāsid* principles can be adapted to specific socio-cultural contexts, similar to how the protection of cultural heritage in Islamic traditions acknowledges the importance of cultural diversity and human rights, offering a promising common ground for universal cultural heritage policies (Alshehaby, 2020; Azhar, 2024). Furthermore, the emphasis on architectural conservation as a tool for cultural continuity highlights the importance of preserving both the physical and non-material aspects of culture, which are crucial for maintaining national and ethnic identities in the Islamic world (Khan, 2015). The challenges faced in Najaf, where the conservation of heritage is often overshadowed by priorities for modern development, underscore the need for improved conservation management and education to protect cultural heritage effectively (Abid, 2016). Additionally, the case of Mecca illustrates the potential for modern development to coexist with spiritual and cultural sustainability, as long as developments enhance rather than diminish the spiritual value of sites (Serafi & Fouseki, 2017). By integrating these diverse perspectives, this study not only enriches the academic literature on cultural heritage management and institutions but also offers practical implications for developing sustainable policies and management strategies for global cultural resources. This comprehensive approach contributes to a more inclusive and contextual research methodology, advancing the field of heritage management in various cultural and religious contexts.

Conclusion

The changes in the management and utilization of inherited assets in Minangkabau, as shown by the findings of this study, can be summarized as efforts to create collective welfare or *maṣlahah ‘ammah*, which is one of the three pillars of sharia: *maṣlahah*, *rahmah*, and *‘adalah*. Although the management of inherited assets is fundamentally related to the preservation of wealth (*ḥifẓ al-māl*), in the context of Minangkabau, the concept goes beyond just safeguarding material assets. The inheritance system in Minangkabau has a broader function, which is to ensure the continuity of descendants and the integrity of the clan, which is an important component of the social structure of Minangkabau society. Therefore, changes in the management of inherited assets are not only aimed at preserving wealth or lineage but also at maintaining and developing various institutional aspects, including human resources, places of residence, communities, and existing ways of life. Thus, the orientation of these changes can be seen as a larger effort to support institutional *maqāsid*, where collective welfare is achieved through the maintenance and development of institutions that, in turn, strengthen human resources and the Minangkabau community as a whole.

The *maqāsid* approach in understanding the shifts in the management and utilization of inherited assets in Minangkabau not only focuses on the individual as the main subject but also contributes to the development of *maqāsid* as both a goal and a method (*manḥāj*). This development reflects a shift from an anthropological orientation—where humans are the main focus—towards a more institutionally oriented development. Therefore, the study of *maqāsid* in an institutional context becomes increasingly relevant, especially concerning how local traditions can be managed and preserved through this approach. A deeper understanding of the relationship between *maqāsid* and the management of inheritance through an institutional perspective offers great potential to enrich future *maqāsid* thinking, especially in unique socio-cultural contexts such as Minangkabau. This study is important to be conducted in the future to affirm the position of tradition within the framework of sustainable institutional change. This study has the potential to contribute to the international academic world. By focusing on globally relevant issues such as cultural preservation, good governance, and social justice, this research can provide valuable

contributions to the development of science and the solution of contemporary problems, especially on the relationship between tradition and Islamic law.

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