

The Validity of Testamentary Alterations Reducing Heirs' Rights under Rejang Customary Law: A Study of *Pagiak Hok Waris*

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ABSTRACT

This study discusses the validity of modifications to the content of a will that reduce the rights of heirs according to Rejang customary law, particularly within the context of the principle "*Pagiak Hok Waris*." In Rejang society, a will is not only evaluated based on formal legal aspects but also on social acceptance and family consensus. The research method employed is a normative-empirical approach, combining literature review and interviews with customary leaders. The findings reveal that changes to the contents of a will that reduce heirs' rights may still be considered valid under Rejang customary law if agreed upon through family deliberation (*musyawarah*). The core principle of this customary law is to uphold harmony and social justice within the family. Therefore, a will that leads to conflict may be deemed invalid in the customary context, even if it is legally valid under written law. This study emphasizes the importance of deliberation and familial values in inheritance distribution according to Rejang customary law.

INTRODUCTION

Inheritance law is a part of family law that regulates the transfer of rights and obligations over a person's assets after their death. In the Indonesian national legal system, inheritance is governed by three concurrently applicable legal systems: Western civil law, Islamic law, and customary law. One of the emerging issues in the practice of inheritance law relates to the validity of the contents of a will that unilaterally reduces the rights of heirs without family consent. This issue becomes increasingly complex when it intersects with customary legal systems that prioritize collective justice and family deliberation.

In the Rejang community of Rejang Lebong Regency, there is a recognized customary inheritance principle known as "*Pagiak Hok Waris*." Etymologically, "*Pagiak*" means the command or last will of the testator, while "*Hok Waris*" refers to the inheritance rights belonging to the heirs. This principle holds that even if someone leaves a will, its implementation must still take into account fairness and the agreement of the extended family. A will that creates jealousy, unreasonably reduces inheritance rights without consensus, or violates familial justice may be rejected or deemed unenforceable under Rejang customary law.

This issue is important to examine as it reveals tensions between customary law and national law. On one hand, a will that complies with formal legal regulations may be enforceable; on the other, it could be considered invalid under customary law if it lacks deliberative consensus. This reality reflects the legal pluralism in Indonesia, which demands reconciliation among differing legal systems.

METHOD

This research employs a normative-empirical method. Primary data were obtained through interviews with the Head of the Rejang Lebong Customary Deliberation Council (BMA), while secondary data were sourced from literature on Rejang customary law and relevant statutory regulations. The data were analyzed qualitatively.

RESULT AND DISCUSSION

The Position of Wills in Rejang Customary Law Based on the Values of the "*Pagiak Hok Waris*" Principle that Reflect the Local Wisdom of the Rejang People?

The Rejang people are one of the oldest ethnic groups in Sumatra. They predominantly inhabit the regions of Rejang Lebong Regency, Kepahiang Regency, Central Bengkulu Regency, North Bengkulu Regency, and Lebong Regency.

Historically, the Rejang community lived in relative isolation from colonial powers until around 1860, due to their geographic location surrounded by the Bukit Barisan Mountains and dense forests. After the British transferred control of Bengkulu to the Dutch in 1825, the Rejang people continued to maintain their indigenous governance structure, which consisted of five *tuwi kutei*, the heads of customary law communities known as *kutei*. Each *kutei* was comprised of 10 to 15 families, and the *tuwi kutei* were selected based on the lineage of the founder of a *petulai* or the original kinship group of the Rejang people.

In addition to their unique governance system, the Rejang people also possess their own traditional script, known as Ka Ga Nga, used as a medium of communication and information exchange. Even today, the Rejang people hold strong to their customary values,

cultural pride, and continue to preserve their cultural heritage, including the use of the Rejang language, which consists of several dialects such as Rejang Kepahiang, Rejang Curup, and Rejang Lebong. Despite the differences in dialect, speakers of the Rejang language are able to understand one another, reflecting their shared cultural roots.¹

In communities influenced by Islam or those that have embraced Islam, the inheritance system typically follows Islamic teachings. However, due to regional cultural development, each area often has its own system of inheritance.² Among the Rejang people, inheritance concerns not only arise upon the death of a parent but also in the case of divorce.³ In Rejang communities in Bengkulu, especially those residing in areas like Rejang Lebong, Kepahiang, Lebong, and parts of North Bengkulu, inheritance distribution is governed by customary law that distinguishes between *hak sorang* and *hak suwarang*.⁴ *Hak sorang* refers to individual property owned by a man or woman before marriage, either through personal effort or as inheritance from their parents.

*Before marriage, both parties must report their respective possessions to the tuai kutei (customary elder) or religious leader who will officiate the marriage. This is important so that the property can be recorded by the tuai kutei.*⁵ This record is intended to serve as a reference so that, in the event of divorce or the death of either party, the respective property brought into the marriage can be reassessed, his recording ensures that in the event of divorce or the death of one spouse, the original belongings can be identified and returned accordingly. If one spouse sells the other's *hak sorang* without permission and without a valid reason, the offending party will be subject to customary sanctions and must compensate for the sold items.⁶

Hak sorang serves as the foundational wealth for a new family and will eventually be passed down to the children when they get married. This means that a parent's *hak sorang* can be inherited by either sons or daughters as their own *hak sorang* at the time of marriage, provided the assets still exist and are usable.⁷ *Hak sorang* may include land, kitchen tools, household furnishings, weapons, jewelry, or anything else considered valuable by the family.⁸

On the other hand, *hak suwarang* is property acquired together after marriage. Even if it originates from *hak sorang*, once it generates income during the marriage, it is regarded as *hak suwarang*. For example, if a rice field is brought into the marriage as *hak sorang*, the crops harvested from it are considered *hak suwarang*. Inheritance distribution is conducted based on the principle of gender equality, where both sons and daughters receive equal shares.⁹

¹ Pemerintah Kabupaten Rejang Lebong. "Profil Daerah." Diakses pada 12 April 2025, dari <https://www.rejanglebongkab.go.id/profil-daerah/>.

² Syamsir. *Sistem Pewarisan dalam Masyarakat Adat Rejang*. Bengkulu: Dinas Kebudayaan dan Pariwisata, 2004, hlm. 12.

³ Ibid., hlm. 15.

⁴ Rasyid, A. *Struktur Sosial dan Adat Perkawinan Masyarakat Rejang*. Jurnal Adat Nusantara, Vol. 3, No. 2, 2011, hlm. 88.

⁵ Syamsir, *Sistem Pewarisan dalam Masyarakat Adat Rejang*, hlm. 19.

⁶ Kozok, Uli. *Surat Ka-Ga-Nga: A Study of the Rejang Script*. University of Hawai'i Press, 2009, hlm. 57.

⁷ Sahtantra, R. (2015). *Perkawinan dan Pewarisan Hak Sorang dan Hak Suwarang pada Masyarakat Hukum Adat Suku Rejang, Provinsi Bengkulu*. Tesis S2 Kenotariatan, Universitas Gadjah Mada.

⁸ Syamsir, hlm. 20.

⁹ Andaya, Leonard Y. *The Kingdom of Bengkulu and the Rejang People*. Southeast Asian Studies Journal, Vol. 35, No. 2, 2005, hlm. 128.

Inheritance in Rejang society is not solely about the type of assets but is closely linked to a cultural concept known as *Pagiak Hok Waris*. Etymologically, *pagiak* means "final command" or "last will," while *hok waris* means "inheritance rights." Thus, *Pagiak Hok Waris* is the expression of the testator's will in distributing assets, carried out based on extended family consensus and customary values.¹⁰

The *Pagiak Hok Waris* principle remains alive, recognized, and actively practiced in inheritance distribution among the Rejang Lebong customary community to this day. This tradition is not merely preserved as a cultural symbol but is also implemented in real-life situations by the Rejang community to resolve inheritance matters through deliberation and consensus. Its continued practice shows that despite the changing times and the growing familiarity with national law, customary values remain the primary guide in maintaining justice and harmony within extended families.¹¹

Pagiak Hok Waris also holds profound symbolic meaning. It represents respect for deceased ancestors who have left behind wealth for the next generation. By applying this principle, families demonstrate honor and gratitude toward their ancestors.¹²

Pagiak Hok Waris is especially applied when there is inequality or differing backgrounds among heirs that require adjustments through family deliberation. For example, a child who already received land while the parents were still alive may have their share reduced upon the parents' death. This reduction is not seen as unjust but rather to maintain balance so that other heirs receive their fair share.¹³

The flexibility of this system allows adjustments based on each heir's contributions and sacrifices. For instance, if one child cared for the parents until death, they may receive a larger share as recognition. Conversely, a child who lived independently and had already received significant support might have their share reduced. These adjustments are central to the *Pagiak Hok Waris* principle.¹⁴

This principle can also resolve potential conflicts arising from wills. In Rejang customary law, a will is not absolute; it is only valid if agreed upon through family deliberation. A will that reduces an heir's share without prior discussion may be considered invalid according to customary law, even if it is valid under national law.¹⁵

The Rejang community places greater importance on togetherness and harmony than on written legal formalities. Therefore, the validity of a will is judged based on the process by which it was made and whether all parties accept it. In many cases, if a will is deemed unfair by one party, it will be referred to an adat forum to prevent long-term conflict.¹⁶

Beyond economic aspects, *Pagiak Hok Waris* also considers social and emotional values. For example, if an heir has been absent from the family for a long time, their inheritance may be adjusted as a form of social responsibility. These adjustments aim to

¹⁰ Interview with Rusli, Head of Badan Musyawarah Adat (BMA) Kabupaten Rejang Lebong, 2 April 2025

¹¹ Ibid

¹² Rahmat. (2019). Makna Simbolis Pagiak Hok Waris dalam Tradisi Suku Rejang. *Jurnal Ilmu Budaya*, 11(2), 123-134.

¹³ Sibarani, Robert. *Kearifan Lokal: Hakikat, Peran, dan Metode Tradisional*. Jakarta: Asosiasi Tradisi Lisan, 2012, hlm. 83.

¹⁴ Dialogue about Adat in Sumber Urip village, Rejang Lebong, 2023

¹⁵ Soekanto, Soerjono. *Hukum Adat Indonesia*. Jakarta: Rajawali Press, 2015, hlm. 66.

¹⁶ Nurhayati, Siti. *Hukum Waris Adat dan Relevansinya dengan Hukum Nasional*. Bandung: Mandar Maju, 2016, hlm. 99.

maintain harmony and a sense of justice within the customary community.¹⁷

In other words, *Pagiak Hok Waris* reflects the nature of Rejang customary law—flexible, contextual, and focused on social relational balance. Customary law is not just about rules but about preserving order and mutual respect within the family. This process plays a crucial role in upholding the noble cultural values of the Rejang people.¹⁸

In practice, *Pagiak Hok Waris* serves as a bridge between customary law and the modern needs of Rejang society. It proves that traditional legal systems can coexist with modern law, as long as there is room for deliberation and respect for local values. Hence, through this principle, Rejang customary law has successfully maintained a balance between individual rights and collective interests.¹⁹

The *Pagiak Hok Waris* principle, as an integral part of Rejang customary law, is not only practiced socially by the community but also gains legitimacy through national and regional statutory regulations. Constitutionally, the recognition of customary law is affirmed in Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which state “he states recognizes and respects traditional communities along with their customary rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia”

This recognition provides a juridical foundation affirming that customary legal practices—including inheritance systems based on family consensus such as *Pagiak Hok Waris*—hold legitimate standing within the national legal framework.

At the regional level, the Rejang Lebong Regency Government has also strengthened the enforcement of customary law through two significant local regulations. First, Regional Regulation No. 2 of 2007 concerning the Implementation of Rejang Customary Law, which asserts that Rejang customary law can be applied in various aspects of community life, including inheritance matters. Second, Regional Regulation No. 5 of 2018 on the Recognition and Protection of Customary Law Communities, which provides legitimacy for the Rejang customary law communities to manage their own legal systems, including the regulation of inheritance distribution. Moreover, Rejang customary law is also grounded in codified references such as the *Kitab Hukum Sumber Cahayo* and scholarly works like those by Prof. Dr. Haji Abdullah Siddik.

This is further reinforced by an interview conducted by the author with Mr. Drs. Rusli, the Chairperson of the *Badan Musyawarah Adat* (Customary Deliberation Council) of Rejang Lebong Regency, who affirmed that the *Pagiak Hok Waris* principle has been consistently implemented in inheritance practices among the Rejang community. In customary perspective, the validity of a will is not solely determined by its written form, but rather by the consensus and acceptance of the extended family through a deliberative process. If a will generates conflict or jealousy among the heirs, then according to customary law, the document can be declared invalid—even if it is formally recognized under state law.

Thus, the *Pagiak Hok Waris* principle serves not only as a moral and social guideline within the Rejang community but also has obtained normative reinforcement from both national and local legal systems. This proves that customary law is not marginalized but rather complements and coexists with state law in resolving inheritance matters.

¹⁷ Yuliana, Erni. *Peran Musyawarah dalam Penyelesaian Sengketa Warisan Adat Rejang*. Jurnal Hukum Adat Nusantara, Vol. 3 No. 2, 2021, hlm. 123.

¹⁸ Sibarani, Robert, *op. cit.*, hlm. 84.

¹⁹ Nurhayati, *op. cit.*, hlm. 100.

Prinsip *Pagiak Hok Waris* mengandung berbagai nilai kearifan lokal yang menegaskan bahwa pewarisan bukan semata proses hukum, tetapi juga praktik sosial dan budaya. The *Pagiak Hok Waris* principle embodies various values of local wisdom, emphasizing that inheritance is not merely a legal process but also a social and cultural practice. First, there is the principle of *musyawarah jeme kutai*, meaning that inheritance decisions must be made through extended family deliberation involving all relevant parties, including customary elders. This reflects the Rejang people's appreciation of the consensus principle. Second, the value of *pemejang hak seimbai* or relational justice, which means that inheritance distribution can be adjusted based on the services rendered, emotional closeness, or the contribution of heirs during the lifetime of the deceased. Third, the principle of *urang bejasa dijunjung*, where heirs who made significant contributions—such as caring for parents until their passing—are given greater inheritance, even if they are not the primary formal heirs.²⁰

Furthermore, the Rejang community upholds the principle of *berukuk adat*, which emphasizes preserving harmony and balance within the family. A will that causes conflict is considered invalid, even if it is legally valid under national law. In the Rejang customary system, collective harmony and acceptance are prioritized over formal legalities.²¹ There are also customary mechanisms such as *ngambau* and *menegak jurai*, which regulate inheritance rights for daughters who marry outside their father's lineage (*jurai*), resulting in loss of inheritance rights unless they return to the *jurai* through specific customary processes.²² This entire system is rooted in the patrilineal structure of *urang semaku jurai* but still allows room for daughters to receive inheritance in the form of *hak sorang*.²³

Although Rejang customary law does not explicitly regulate wills, the practice of giving a will in most Indonesian customary communities generally requires the process to be open and witnessed by family members and customary leaders. This ensures that the testator's intentions are known and agreed upon by all concerned parties, thereby minimizing the potential for future disputes.²⁴

Therefore, even though there are no specific provisions regarding wills in Rejang customary law, it is advised that individuals who wish to express their last will do so openly in the presence of family and local customary leaders. According to the interview with Mr. Drs. Rusli, Chairperson of BMA Rejang Lebong, in practice, a will that reduces the share of certain heirs may still be deemed valid under customary law. However, such validity is conditional upon the approval of all heirs in a family deliberation forum.²⁵

Rejang customary law, a will does not hold absolute authority like in formal written legal systems. What matters most is not merely the content of the will, but the process of its creation and acceptance within the family. In many cases, a testator may draft a will that favors one child or reduces the share of another

Rejang customary law, formal legality is secondary to social legitimacy.²⁶ The Rejang people value a will that is accepted by all parties more than one that merely fulfills written formalities. In many instances, a legally valid will is not executed if it causes internal conflict. Conversely, a will that does not adhere to formal written procedures but is agreed upon through customary deliberation is considered valid and morally binding. This illustrates the

²⁰Ibid.

²¹Effendi, A. (2005). *Kedudukan Adat dalam Sistem Hukum Indonesia*. Bandung: Citra Aditya Bakti, hlm. 134.

²²Hasil observasi lapangan penulis di Desa Taba Renah dan Desa Tes, Kabupaten Lebong, Februari–Maret 2023.

²³Hasil wawancara dengan Bapak Nurdin, Tokoh Adat Rejang, Desa Lebong Tandai, 12 Maret 2023.

²⁴Departemen Pendidikan dan Kebudayaan. *Hukum Adat di Indonesia*. Jakarta: Balai Pustaka, 1993, hlm. 99.

²⁵Wawancara dengan Ketua BMA Kabupaten Rejang Lebong, tanggal [3 april 2025].

²⁶Koentjaraningrat, hlm. 221.

orientation of Rejang customary law toward social values and familial harmony.

The position of wills in Rejang customary law is not absolute or unilaterally binding but depends on social acceptance and legitimacy within the testator's family. This is because the Rejang community upholds values of deliberation (*musyawarah*), consensus (*mufakat*), and extended family harmony, which are the primary foundations in resolving inheritance matters. A will is only considered a personal expression of the testator's intent; however, such intent lacks executory force unless jointly agreed upon by the heirs and customary leaders. This aligns with the Rejang belief that decisions regarding inheritance distribution must involve collective agreement and adherence to customary norms. Particularly in matters involving ancestral property, the Rejang people firmly believe in the concept of communal ownership, thus such property cannot be inherited unilaterally via a will.²⁷ Therefore, Rejang customary law does not treat wills as final legal instruments but rather as supplementary tools in the inheritance process that must be consulted and approved through family deliberation. As such, the function of a will in the Rejang customary context is complementary and facilitative, rather than being a decisive and binding determinant.

The BMA Chair also emphasized that the main principle of Rejang customary law lies not in the content of a written document but in the presence of deliberation and mutual agreement among family members, reflecting values of mutual cooperation (*gotong royong*), justice, and familial harmony. Therefore, even if a will formally contradicts the principles of legal justice in inheritance law, it will still be considered valid if all parties accept and agree to its content.²⁸

The Validity of a Will That Reduces the Rights of Heirs According to Rejang Customary Law "Pagiak Hok Waris"

In the Rejang customary community, inheritance is not merely a matter of law and administration but is also closely related to deeply rooted social and cultural values. The Rejang inheritance system is based on principles of togetherness, mutual cooperation, and social justice, oriented towards deliberation.²⁹ In this context, a will is not merely a legal document, but a symbol of the good intentions of the testator, which must be agreed upon by all heirs.

A will that reduces the rights of one or more heirs is a sensitive issue in Rejang society. In formal (written) law, such a will may be considered valid as long as it does not violate positive legal provisions.³⁰ However, in Rejang customary law, the validity of a will relies more on social legitimacy and acceptance by all relevant parties. Therefore, even if the will has been formally written, it does not automatically become valid under customary law if it causes conflict or lacks family approval.³¹

It is important to understand that Rejang customary law places family harmony above legal formalities. This is reflected in the practice of *Pagiak Hok Waris*, a social mechanism in which heirs deliberate to accept or reject a will. If all heirs agree to the contents of the will—

²⁷ Lihat Tabrani, H. (1993). *Hukum Adat dan Sistem Sosial di Bengkulu*. Jakarta: Rajawali Press, hlm. 87; Koentjaraningrat (2009). *Pengantar Ilmu Antropologi*. Jakarta: Rineka Cipta; serta wawancara dengan tokoh adat Rejang, Bapak Nurdin, Desa Lebong Tandai, 12 Maret 2023.

²⁸ Syamsir, hlm. 23.

²⁹ Interview with the Head of BMA Rejang Lebong, 2025.

³⁰ Nurhayati, Siti. *Hukum Waris Adat dan Relevansinya dengan Hukum Nasional*. Bandung: Mandar Maju, 2016.

³¹ Ibid.

even if it reduces their rights—then it is considered valid according to custom.³² Conversely, if any heir rejects it as unjust, the will may be annulled through a family meeting involving customary elders.³³

In many cases throughout Rejang Lebong, customary leaders play a crucial role in assessing and considering the validity of a will. Elders such as *tuai kutei* (or in formal terms, the head of the Customary Consultative Assembly/BMA) act as mediators in inheritance disputes.³⁴ Their decisions are not legally binding in a formal sense but carry moral and social weight based on local wisdom and customary norms.³⁵ Another important aspect is that a will should not be made secretly or unilaterally. Ideally, it must be created openly, known to the extended family, and even read out before customary figures prior to the testator's death. This process ensures transparency and helps prevent conflicts among siblings after the passing of the testator. It also serves as a sign of respect for familial values.³⁶

Wills made without the knowledge of the extended family or without involving customary leaders risk being socially rejected, even if they are formally signed and legalized under state law. This is because the Rejang community still prioritizes family principles in inheritance matters. A will that violates customary ethics may be viewed as a breach of moral agreement and could sever family ties.³⁷ However, not all wills that reduce the rights of heirs are viewed negatively or harmfully. In some situations, a testator may give a larger share to one child for specific reasons, such as devotion, care during illness, or financial need. If these reasons are deemed fair and accepted by other heirs, the decision is justifiable under custom and does not cause conflict.³⁸

In Rejang customary law, inheritance is not merely a legal process but an integral part of the social and cultural system passed down through generations. One key principle in inheritance distribution is *Pagiak Hok Waris*, conceptually referring to adjustments in inheritance rights based on fairness, consensus, and real-life family conditions. This emphasizes that inheritance is not only about mathematical division or written law but also about moral, social, and familial considerations.³⁹

From this perspective, the presence of a will that unequally distributes assets—particularly if it reduces or excludes the rights of certain heirs—becomes a sensitive matter that is not fully acceptable under Rejang customary law. This is due to the collective justice and communal values upheld by the Rejang people, where all heirs have the right to receive their share according to their position in the family. A will that violates these values is considered likely to create tension or even conflict and cannot be implemented automatically without joint deliberation.

Rejang customary law views inheritance not as a matter of individual legal entitlement between the deceased and recipient but as a social responsibility to maintain harmony and balance in the extended family. Therefore, if the contents of a will contradict customary values—such as clearly favoring one child over another, discriminating between male and female, or differentiating between biological and stepchildren—the will may be rejected or revised through a customary family forum. In many cases, customary leaders and

³² Interview with the Head of BMA Rejang Lebong, 2025.

³³ Ibid.

³⁴ "Profil Daerah." <https://www.rejanglebongkab.go.id/profil-daerah/> (diakses 12 April 2025).

³⁵ Ibid.

³⁶ Syahrizal, T. *Sistem Pewarisan dalam Masyarakat Adat di Indonesia*. Jakarta: Rajawali Press, 2018.

³⁷ Ibid.

³⁸ An Interview with a Customary Leader in Curup, 2025.

³⁹ Syahrizal, T. *Sistem Pewarisan dalam Masyarakat Adat di Indonesia*. Jakarta: Rajawali Press, 2018, hlm. 112–115.

family heads will act as mediators and offer suggestions to ensure the will is not perceived as unjust.

Thus, a will that distributes assets unequally is not only socially inappropriate but also invalid under custom unless it has obtained legitimacy from the family and customary leaders through deliberation. Rejang customary law prioritizes justice, consensus, and balance over rigid execution of the testator's written will.⁴⁰ In other words, Rejang customary law recognizes consensus as the main form of legitimacy in inheritance practice. A will, even if it reduces the formal rights of heirs, can be implemented if its contents have been discussed and agreed upon in a family deliberation process. This sets it apart from the positive legal system, where the validity of a will is more dependent on formal format and legal procedures.⁴¹

The *Pagiak Hok Waris* principle serves as a bridge between the testator's individual wishes and the collective interests of the family. For example, a testator may assign a larger portion to one child due to years of devotion or reduce another's share because they had already received significant financial help during the testator's lifetime. From the perspective of customary law, such actions are considered legitimate as long as they do not create glaring inequality and have gained mutual consent.⁴²

Furthermore, the deliberation process serves as a social forum to assess whether an inheritance distribution, including one based on a will, is acceptable under customary law. In practice, if any heir objects to the contents of the will, a "balai adat" or customary deliberation forum will be held to resolve the conflict and seek common ground. The outcome of this deliberation becomes the basis for determining the customary validity of the will. Thus, consensus becomes a dynamic and collective legal instrument within the structure of Rejang customary law.⁴³

Moreover, Rejang customary law views family unity and harmony as values that are more important than merely dividing assets. Therefore, the validity of a will is also assessed based on its ability to maintain relationships among family members, not solely on formal rights and obligations. This aligns with the restorative nature of customary law, which emphasizes peaceful and sustainable conflict resolution.⁴⁴

The validity of a will that reduces the rights of an heir is considered acceptable under Rejang customary law if it has been agreed upon by all family members or heirs. Although a will reflects the intention of the testator, Rejang customary law does not recognize it as a final and binding decision without collective agreement. Therefore, even if a will includes a reduction of rights for a particular heir, its validity can only be accepted once it has been approved through a deliberation process involving all heirs. Thus, Rejang customary law emphasizes the importance of consensus and familial harmony, ensuring that every decision regarding inheritance distribution is carried out fairly and equitably through family deliberation.⁴⁵

⁴⁰ Interview with the Head of BMA Kabupaten Rejang Lebong, April 2025.

⁴¹ Nurhayati, Siti. *Hukum Waris Adat dan Relevansinya dengan Hukum Nasional*. Bandung: Mandar Maju, 2016, hlm. 88–89.

⁴² Syahrizal, T. *Sistem Pewarisan dalam Masyarakat Adat di Indonesia*. Jakarta: Rajawali Press, 2018, hlm. 113

⁴³ Interview with the Head of BMA Kabupaten Rejang Lebong, April 2025.

⁴⁴ Syahrizal, T. *Sistem Pewarisan dalam Masyarakat Adat di Indonesia*. Jakarta: Rajawali Press, 2018, hlm. 116.

⁴⁵ Wawancara dengan Ketua Badan Musyawarah Adat (BMA) Kabupaten Rejang Lebong, April 2025

CONCLUSION

The position of a will in Rejang customary law is neither absolute nor unilaterally binding, but depends on social acceptance and legitimacy within the testator's family. A will is regarded as an expression of the testator's intent that must still be framed within the values of deliberation (*musyawarah*), consensus (*mufakat*), and family harmony. In this context, Rejang customary law does not recognize a will as a final legal instrument if it has not been agreed upon by the heirs. Therefore, the position of a will in Rejang customary society is more of a supporting tool in the inheritance process, not the sole determinant. A will that reduces the rights of an heir can still be considered valid under Rejang customary law if it has gone through a family deliberation process and has received consensus from all concerned parties. This aligns with the principle of *Pagiak Hok Waris*, a customary inheritance concept that prioritizes contextual justice and social balance in the distribution of inheritance. Through this principle, inheritance distribution considers not only formal rights but also the contributions, needs, and dedication of each heir toward the testator.

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