

MALAY WARIS POETRY AS SOCIAL DOCUMENTATION OF ISLAMIC INHERITANCE LAW

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ABSTRACT

This study examines Social Dynamics in Malay Inheritance Poetry focusing on the relationship between Islamic inheritance law and Malay socio-cultural values. The Malay Inheritance Poetry is not only a literary work but also a rich cultural heritage and social documentation that reflects the complex dynamics of Malay society in the context of inheritance distribution. This study, adopting a qualitative methodology based on both literature and field studies, using content analysis with structuralism and Derrida's post-structuralism theory. This approach aims to understand how inheritance distribution in the poetry reflects Islamic legal principles, as well as how gender roles in inheritance rights are portrayed in the text. The findings indicate that the poetry functions as a medium for articulating and internalizing Islamic legal values in the social and cultural life of the Malay community. The poetry also illustrates the interaction between tradition and modernity, as the Malay society faces challenges in maintaining cultural identity amidst the changing times. The study also reveals how social values related to family responsibility and mutual agreements in inheritance distribution are reinforced through the poetry. Furthermore, it shows how Islamic law is accepted and adapted within the local context, maintaining its socio-cultural relevance to this day. This research makes a significant contribution by enriching the understanding of the integration of Islamic law and Malay culture through literature and opens up opportunities for further studies in the field of law and literature within local cultural contexts.

Keywords: Derrida's post-structuralism, Islamic Inheritance Law, Islamization, Malay Inheritance Poetry, Social documentation

ABSTRAK

Penelitian ini mengkaji Dinamika Sosial dalam Syair Waris Melayu yang berfokus pada hubungan antara hukum waris Islam dan nilai-nilai sosial budaya Melayu. Syair Waris Melayu bukan hanya sekadar karya sastra, tetapi juga merupakan warisan budaya yang kaya serta dokumentasi sosial yang mencerminkan dinamika kompleks masyarakat Melayu dalam konteks pembagian harta warisan. Penelitian ini menggunakan pendekatan metodologi kualitatif berbasis studi pustaka dan lapangan, menggunakan analisis konten dengan teori strukturalisme dan post-strukturalisme Derrida. Pendekatan ini digunakan untuk memahami bagaimana pembagian warisan dalam syair tersebut mencerminkan prinsip-prinsip hukum Islam, serta bagaimana peran gender dalam pembagian hak waris tercermin dalam teks. Temuan penelitian menunjukkan bahwa syair ini berfungsi sebagai media untuk mengartikulasikan dan menginternalisasi nilai-nilai hukum Islam dalam kehidupan sosial budaya masyarakat Melayu. Syair ini juga menggambarkan interaksi antara tradisi dan modernitas, di mana masyarakat Melayu menghadapi tantangan dalam mempertahankan identitas budaya di tengah arus perubahan zaman. Penelitian ini juga menemukan bahwa melalui syair, nilai-nilai sosial yang berkaitan dengan tanggung jawab keluarga dan kesepakatan bersama dalam pembagian warisan diperkuat. Selain itu, syair ini memperlihatkan bagaimana hukum Islam diterima dan diadaptasi dalam konteks lokal, serta menunjukkan relevansi sosial budaya yang masih terjaga hingga saat ini. Penelitian ini memberikan kontribusi signifikan dalam memperkaya pemahaman tentang integrasi hukum Islam dan budaya Melayu melalui sastra, serta membuka peluang bagi penelitian lebih lanjut dalam bidang hukum dan sastra dalam konteks budaya lokal.

Kata Kunci: Dokumentasi Sosial, Hukum Waris Islam, Islamisasi, Post-strukturalisme Derrida, Syair Waris Melayu

INTRODUCTION

In this paper, the author aims to discuss the social dynamics reflected in the Malay Poetry Manuscript on inheritance knowledge, which is currently located on Penyengat Island, collected by Raja Malik and stored at the Indera Sakti Foundation. This manuscript is one of the important cultural heritages. This manuscript has been digitized by the National Library of Indonesia and is available on the <https://khastara>.

perpusnas.go.id/ website, making it more accessible to researchers. There is only one digital manuscript collected by with the following manuscript criteria: catalog ID 1447981, BIBID 0010-0422002924, Type of Material: Not specified. Category: All collections, Manuscript Title: Syair Melayu, Author: Anonymous, Publication Status: Not identified, Physical Description: only one digital file, Subject: Manuscript, with call number: PPN 22_21.72_MALIK_130, see figure 1.



Source: <https://khastara.perpusnas.go.id/>

Figure 1.

Manuscript of Malay Poetry Page I

This poetry plays a significant role in depicting and preserving the social, religious, and cultural values of the Malay community. This research also emphasizes the role of poetry as a social medium that not only strengthens the cultural identity of the Malay community but also serves as an effective tool for socialization, especially for the younger generation. Thus, the Syair Waris Melayu is not only a literary work but also an important instrument in preserving social cohesion and strengthening the identity of the Malay community, while also

-serving as a valuable study in understanding social dynamics amidst the challenges of modern culture.¹

In the context of Malay society, poetry is not merely a medium of entertainment, but also an effort to develop local culture to capture the moral-historical messages contained in the form and cultural values of the poetry text. The content analysis approach is from a formal perspective that refers to the use of word order and syllable count in the line patterns of the poetry text, while cultural values are related to Riau culture. The Malay region connotes the religiosity of customary values, religion, and traditions. Expression plays an important role in Malay culture, as this form of literature usually contains strong and concise values such as advice and teachings. Language is usually woven into the expressions of Malay art and culture. The arts and culture of Malaysia are usually woven with beautiful language full of meaning and symbolism. These expressions can take the form of *pantun*, poetry, and *gurindam*. Like other traditional marriages, Malay traditional marriages also have specific ritual stages. Each stage of the ritual has a specific meaning.²

Currently, the world order has opened a global landscape that influences human life without clear spatial boundaries between regions. The global world is often referred to as the virtual world, where everything changes rapidly and without boundaries.³ The impact of external factors easily spreads to various aspects of human life, while the rapid growth of technology in various fields, including information technology and engineering technology, can improve the quality of human life. The global world refers to the integration of personal, social,

¹ Nor Kholis, “Syair Melalui Syair (Eksistensi Kesenian Tradisional Sebagai Media Dakwah Di Era Budaya Populer),” *Al-Balagh: Jurnal Dakwah Dan Komunikasi* 3, no. 1 (2018): 103–25, <https://doi.org/10.22515/balagh.v3i1.984>.

² Akmal, “Kebudayaan Melayu Riau (Pantun, Syair, Gurindam),” *Risalah* 26, no. 4 (2015): 159–65, <https://doi.org/http://dx.doi.org/10.24014/jdr.v26i4.1283>.

³ Habibi Malik, “Cyber Religion Dan Real Religion Di Tengah Masyarakat Digital,” *KOMUNIKA* 4, no. 1 (2021): 63–78, <https://doi.org/10.24042/komunika.v4i1.8615>.

cultural, economic, and political life with the global community, where the lines of original identity become blurred, and human character can appear ambiguous. Caught in the dynamics of life that are constantly changing rapidly and unpredictably. Literary works can be considered a way for society to redesign its life with depth through various ideas. Therefore, throughout history, the literary works of Islamic writers have played an important role in the spread of Islam and the formation of societal morals.⁴

Colonial researchers frequently misinterpret the conventional perspective of Malay social reality, believing it a primary factor in the physical, mental, and spiritual decline of the society. Nevertheless, the study conducted by other researchers effectively counters the colonisers' views with robust rationale. This prompts the subsequent inquiry. What comprehension do the Malay people possess about the "reality" that underpins the author? This research aims to enhance comprehension of the traditional authority within Malay society, as articulated by field specialists, by elucidating their perspective on "reality" and developing a classification of poetry grounded in that reality.

From the research findings, the classification of poetry based on the realities of community life, which has been emphasized by previous scholars, becomes one of the transparent classification criteria, in order to utilize the events and experiences lived by the citizens. This shows that these requirements must be met. king, government, colonial powers, and the people. Here is poetry as one of the genres that is always "evergreen" as a subject of research due to its ability to attract any group of society with clearer and more transparent themes. In fact, the "self-awareness of literature" has successfully broken the shackles of poetry that was "king-centered," and individuals who are "not kings" have also become the focus of poetry.

It is very rare for existing journals to discuss Malay inheritance poetry, especially in the case of Syair Waris Melayu, which is still very uncommon. Generally, research tends to focus

⁴ Mulyadi H, "Tunjuk Ajar Melayu; Warisan Nilai Pada Bait-Bait Syair Gurindam Dua Belas Raja Ali Haji," *Madania: Jurnal Ilmu-Ilmu Keislaman* 8, no. 2 (2019): 256, <https://doi.org/10.24014/jiik.v8i2.6139>.

more on Malay poetry in a more general form, especially in the context of cultural and religious values reflected within it. However, the inheritance poetry has a uniqueness in presenting social dynamics related to human relationships, especially in terms of inheritance and the distribution of wealth that reflects strong familial ties and social norms. By studying the social dynamics in this inheritance poetry, we can understand how the Malay community manages traditional values in the face of social changes, making it highly relevant in this modern era.⁵ One of the main focuses of this research is to identify the social values embedded in the *Syair Waris Melayu*. These poems usually contain moral, ethical, and social messages relevant to the daily lives of the Malay community. By identifying these values, it is hoped that insights can be gained into how the Malay community interprets social norms and how these values are maintained or change over time.

This research aims to analyze changes in social dynamics reflected in the *Syair Waris Melayu*. By comparing poems from various time periods, this study will attempt to uncover how social, political, economic, and cultural developments in Malay society influence the content and themes that emerge in the poetry. These changes may involve shifts in social relationships, family structures, or changes in societal perceptions of traditional norms. The function of poetry as a social and cultural medium will also be a primary focus of this research. *Waris Melayu* poetry is not only a form of entertainment but also a means of conveying social messages, moral education, and even social criticism. Therefore, this research aims to explore the function of *syair* in a social context, how it influences community life, and how this *syair* is used to preserve Malay cultural identity in the face of changing times.

Syair Waris Melayu plays an important role in shaping the social identity of the Malay community. This research aims to uncover how these poems contribute to the construction and

⁵ Marlina, "Sosiologi Masyarakat Melayu Riau Dalam *Syair 'Surat Kapal'* Karya H. Muhammad Ali Thalib," *TOTOBUANG* 6, no. 2 (2019) : 245, <https://doi.org/10.26499/tbng.v6i2.83>.

preservation of social identity, both within the Malay community itself and in facing external cultural influences. In this study, it will also be examined how these poetry's are used to strengthen the sense of togetherness and social solidarity among community members. Melayu Heritage Poetry often contains deep symbols and philosophical meanings that reflect the worldview of the Malay community towards life, nature, and human relationships. This research aims to explore the symbolic meanings and relate them to the social context of the society at the time the poetry was created. This is important for understanding how the Malay community interprets social changes and how their traditional values are manifested in literary works.

The ultimate goal of this research is to contribute to the study of Malay literature, particularly in the field of oral literature and culture. By delving deeper into the social dynamics within the *Syair Waris Melayu*, it is hoped that this research will enrich our understanding of the social and cultural development of the Malay community. In addition, it is hoped that this research can provide new insights for the study of oral literature and its role in preserving social values amidst the currents of modernization and globalization. Thus, this research will provide a comprehensive picture of the social dynamics depicted in the *Syair Waris Melayu*, as well as the important role of this poetry in preserving the cultural heritage and social values of the Malay community. Hopefully, the results of this research can also provide meaningful insights. new insights into how traditional literary works remain relevant in understanding social dynamics in modern society. social and cultural dynamics in the broader Malay community.

This research makes a significant contribution to the broader field of Nusantara religious literature, even internationally and globally. This is by introducing the distinctive characteristics of Malay inheritance poetry as a means of conveying inheritance knowledge combined with advice and noble Malay moral values, as a solution and prevention of disputes that may arise in the practice of inheritance distribution. This differs from Rohabiyah inheritance poetry, which conveys inheritance knowledge using Arabic language and literature that focuses solely on the tech-

nical aspects of inheritance law.⁶ This research is also relevant in the context of Southeast Asia, providing a reflection of the past and present, especially in neighbouring countries such as Singapore, which was once part of the Riau-Lingga Sultanate with a strong Malay cultural heritage, but now prioritizes the application of inheritance law based on state provisions influenced by secular thinking, making inheritance distribution part of state regulations rather than the domain of religion.

METHOD

The type of research we used in this research method is a qualitative method⁷ based on literature and field studies.⁸ Meanwhile, the research model we used was content analysis with a linguistic approach using literary analysis theory, structuralism in each group of lines of poetry, and Derrida's post-structuralism in the analysis of selected words, paying attention to contradictions, shifts in meaning, and the use of language that may create multiple interpretations.⁹ Understanding of the text is constructed through deconstructive interpretation, revealing the complexity and layers of meaning that may be overlooked in traditional analysis. The choice of Derrida's hermeneutics is motivated by the desire to deconstruct the structure of language, explore contradictions, and reveal hidden meanings in the text in order to gain a broad and deep understanding.¹⁰

The methodology we used in this study adopts a holistic approach, combining philological, historical, linguistic, and

⁶ Hisyam Kaamil, *Al-'Ujālah Ar-Rajabiyyah Sharḥ Matn Ar-Rahabiyyah Bughyat Al-Bāḥith Fī Al-Mawāriḥ*, II (Kairo: Tharois, 2021): 24-185.

⁷ Hardani Ahyar et al., *Metode Penelitian Kualitatif & Kuantitatif*, ed. Husnu Abadi (Yogyakarta: CV. Pustaka Ilmu Group, 2020): 15-51.

⁸ Edi Purwanta, *Metode Penelitian Kualitatif Studi Pustaka Dan Studi Lapangan, Pre-Print Digital Library, UIN Sunan Gunung Djati Bandung*, vol. I (Bandung: Pre-print Digital Library UIN Sunan Gunung Djati Bandung, 2020): 1-6.

⁹ Ida Nursida, "Menakar Hermeneutika Dalam Kajian Sastra," *Alqalam* 34, no. 1 (2017): 81, <https://doi.org/10.32678/alqalam.v34i1.1833>.

¹⁰ I Made Suta Paramarta, "Jacques Derrida: Dekonstruksi Konsep Berpikir Melawan Binaritas Logosentrisme," no. January (2022), <https://doi.org/https://www.researchgate.net/publication/357781830> Jacques.

hermeneutic methods. Through a philological approach, we deconstructed Malay poetry manuscripts to carefully understand their structure, vocabulary, and syntax.¹¹ The historical approach is used to immerse ourselves in the history and context of the manuscript's writing,¹² tracing historical events and identifying their influence on the themes and content of the manuscript.¹³ The linguistic approach focuses on linguistic elements, exploring the deeper meaning of each verse, while the hermeneutic approach helps interpret symbolism and hidden meanings, linking the text to a broader cultural context.¹⁴

There are several data sets that are the focus of our research, both primary and secondary data. The Malay poetry manuscript from Penyengat Island in the Riau Islands, which consists of 12 pages, is the primary data and source in this study, while our secondary data and sources are taken from several books, articles, journals, and references related to the manuscripts and texts we are studying. Historical sources such as historical records, historical documents, archives, or other historical literature can also provide an important historical context for understanding the texts and related cultures. This helps philological researchers to place the texts in a time frame and understand the historical influence on them.

The research methodology consists of eight steps, beginning with identifying manuscripts, which involves searching for manuscripts both online and offline, as well as visiting the locations where the manuscripts are stored and the collectors who own them. Once the manuscripts have been identified, the next

¹¹ Edwar Djamaris, *Filologi Dan Cara Kerja Filologi* (Jakarta: Pusat Penelitian dan Pusat Pengembangan Bahasa., 1997): 45-65.

¹² Abdurahman Dudung, "Metodologi Penelitian Sejarah Islam," in *Penerbit Ombak* (Yogyakarta: ombak, 2011), 226.

¹³ Rahimah Hamdan and & Arba'ie Sujud, "Klasifikasi Realiti Dalam Syair Menurut Masyarakat Melayu Tradisional (Classification Of Reality In Poetry According To Traditional Malay Society)," in *Klasifikasi Realiti Dalam Syair Menurut Masyarakat Melayu Tradisional* *JMS*, vol. 4, 2021, 206–29.

¹⁴ Dipa Nugraha, "Pendekatan Strukturalisme Dan Praktik Triangulasi Di Dalam Penelitian Sastra," *Arif: Jurnal Sastra Dan Kearifan Lokal* 3, no. 1 (2023): 58–87, <https://doi.org/10.21009/arif.031.04>.

step is inventorying and describing them, which includes recording their origins, physical condition, and storage. Next, the researcher conducts codicological work, analyzing the physical form of the manuscript, such as the quality of the paper, ink, and damaged or missing parts. The next step is text editing, producing a diplomatic edition through transcription, followed by textual criticism to assess the consistency and accuracy of the edited text. Texts originally written in Jawi script are then transliterated into Latin letters, followed by text structure analysis, analyzing the rhythm, rhyme, and literary elements in the poetry. Finally, the last step is text and context interpretation, which connects the moral messages and inheritance laws in the text with the social, cultural, and Islamic teachings context.

In analyzing the text, the approaches of structuralism, post-structuralism, and hermeneutics are used to explore meaning and understand the dynamics of the text. Structuralism focuses on analyzing the elements in the text, such as language patterns, symbols, and internal structures, to reveal how the text constructs meaning through the relationships between its parts. Post-structuralism introduces doubt about fixed structures and emphasizes shifts in meaning and contradictions within the text, paying attention to how the meaning of a text can change depending on the context and different interpretations. Meanwhile, hermeneutics plays a role in text interpretation by relating the text to the relevant cultural, social, and historical contexts, as well as considering the author's intentions and objectives. These approaches complement each other to provide a deeper understanding of the meaning contained in the text and how the text functions in a social and cultural context.

FINDINGS AND DISCUSSION

Findings

The Malay Inheritance Poetry functions not only as a literary work but also as a reflection of social, cultural, and legal values in Malay society. Through this poetry, the concept of inheritance distribution in accordance with Islamic legal principles can be seen, emphasizing the importance of justice and social

responsibility among families.¹⁵ The process of distributing inheritance in Malay culture underscores the importance of mutual agreement and family deliberation, ensuring that the decisions made reflect social justice that can be accepted by all parties involved. Additionally, this poetry also raises the issue of gender roles in inheritance rights, where inheritance rights between men and women are differentiated. This provision reflects the typical division of responsibilities within the family, which aligns with traditional Malay values. This poetry, therefore, not only conveys a moral message but also reinforces the social identity and cultural structure present in Malay society.

Malay inheritance poetry reflects the social dynamics of Malay society facing the challenge of Islamic identity amid colonialism, while also serving as evidence of the integration of Islamic law with local customs through a process of social and cultural adaptation and negotiation, demonstrating how Islamic law can be accepted and interpreted through unique social and cultural negotiations. Malay inheritance poetry is a cultural heritage that contains values of justice, ethics, and Islamic teachings that are important to understand and preserve.¹⁶ The ulama play a strategic role as agents of education and social change, maintaining a balance between tradition and modernity through the process of internalizing noble values, with literature as the main medium for spreading Islamic values.

A major finding in this study shows that Malay inheritance poetry legitimizes the idea that Malay is synonymous with Islam, and that Malay society has always sought to transmit Islamic legal values and Malay civilization through social and cultural adaptations that are internalized in people's lives. The effort to Islamize culture through literature is not only applicable in the social order of manners and ethics of life, but has also entered every line of religious norms, even every layer of Islamic law,

¹⁵ Armansyah Anwar, "Syair Melayu Riau (Sebuah Tinjauan Makna Dan Identitas)," *Koba* 02, no. 2 (2015): 12, <https://journal.uir.ac.id/index.php/koba/article/view/1216>.

¹⁶ Melani Putri et al., "Perbandingan Tema Dan Gaya Dalam Syair Melayu Riau Dan Syair Melayu Lainnya," *Sintaksis* 2, no. 4 (2024), <https://doi.org/https://doi.org/10.61132/sintaksis.v2i4.879>.

not only in the jurisprudence of worship, but also in the jurisprudence of inheritance.

Discussion

The Position of Poetry in the Malay Community and Its Characteristics

Poetry is a form of poetry in classical Malay literature that comes from the Arabic word *syu'ur*, which means feeling. This word later evolved into *shi'ru*, which refers to poetry in general. In Malay literature, poetry has undergone adaptation so that it becomes distinctively Malay and different from Arabic traditions. An important figure in the development of Malay poetry is Hamzah Fansuri, with famous works such as *Syair Perahu*, *Syair Burung Pingai*, *Syair Dagang*, and *Syair Sidang Fakir*.¹⁷ Classical Malay literary works in the early days of the spread of Islam in the archipelago were greatly influenced by Islamic values. The authors often do not include their names, considering the work as a contribution to the archipelago and a means of Islamic *da'wah*.¹⁸

Poetry in Malay literature has undergone changes since its arrival from Persia with the entry of Islam into the archipelago. The poetry is modified with the use of Old Malay, Sanskrit, and Arabic, making it distinctively Malay and different from Arabic poetrys. Its appearance in Indonesia in the 14th century, including in the form of prayers on the tombstones of Aceh kings, shows the adaptation of local culture. *Syair* is a form of long poetry that tells a story, and plays a role as a symbol of pride of Malay culture, especially in Riau, with a strong influence on the culture and identity of the Malay community. Malay poetry has an important role in strengthening the cultural identity of the people of Riau. Apart from being entertainment, these poetrys

¹⁷ Fitriana Rosa, Neni Hermita, and Achmad Samsudin, *Karya Sastra Melayu Riau*, I (Yogyakarta: CV Budi Utama, 2017).

¹⁸ Rusdin, "Islam Dan Sastra Melayu Klasik Oleh Rusdin STAIN Datokarama Palu, Jurusan Tarbiyah," *Jurnal Hunafa* 2, no. 3 (2005): 273–86, <https://www.jurnalhunafa.org/index.php/hunafa/article/download/324/311>.

are a medium for conveying messages that affirm their cultural characteristics and identities.

The distinctive features of the verse include that each stanza consists of four lines, of which all four lines are in the form of content,¹⁹ with the number of syllables between 8 and 14 in each line, all of which have a deep meaning, with a rhyming pattern of a-a-a-a-a, without sampiran, and the meaning determined by the next stanzas.²⁰ The language used in the poetry is figurative. In addition, poetry also has a function that involves various aspects of Malay life, both from ordinary people and the court, and is spread in oral and written form.

Malay poetry reflects the literary and cultural richness of the Malay community through the use of metaphors, parables, and symbolism, which shows a sensitivity to the beauty of the language and local wisdom. This poetry contains moral messages, advice, and life teachings, so that it serves as a means of education and the dissemination of social and religious values. In addition, Malay poetry reflects the social and cultural context of its time, becoming an important source for understanding the views and social life of the Malay community. The beauty of the lyrics and rhythm are often sung in oral traditions, playing a role in the transfer of knowledge and values between generations.

Classical Malay literature is part of the rich cultural and literary heritage of the archipelago that has grown and developed over centuries. This work not only reflects the social, political, and religious life of that time but also contains valuable values that have been passed down through generations. As a literary work rich in legal and moral values, this poetry invites us to reflect more deeply on how social dynamics play a role in regulating relationships between individuals, families, and communities through the concept of inheritance.

In traditional societies, inheritance is not just about the distribution of property it reflects the balance between response-

¹⁹ E Djamaris, *Pengantar Sastra Rakyat* (Jakarta: Yayasan Obor, 2022).

²⁰ Endah Tri Priyatni, *Membaca Sastra Dengan Ancangan Literasi Kritis*, *Bumi Aksara* (Jakarta: Bumi Aksara, 2015).

bilities and rights, between social justice and gender roles, as well as how religious laws are applied in daily life.²¹ This poetry presents various views on who is entitled to inheritance, as well as how the distribution is strictly regulated based on Islamic Sharia principles. Islamic inheritance law emphasizes balanced justice, not equal justice between male and female heirs. This principle has sparked controversy and debate not only among women's movements striving for equal rights with men but also among heirs. Currently, men and women have almost equal rights in managing household economies.²²

Furthermore, this poetry also implies that it enables members of a society to collectively accept and adhere to social regulations that govern the distribution of rights and responsibilities among its members.²³ In this case, there is a moral and spiritual dimension that guides the distribution of inheritance. Fair and just distribution according to the law is not only a religious commandment but also an effort to maintain harmony and stability in society. However, behind these strict rules, there is room to see how gender roles influence individual rights. Men and women have different inheritance rights, and this difference reflects how society understands their social roles.²⁴ Just like in other aspects of life, there will be punishment for those who violate the established rules; this poetry also shows the threat of punishment for those who have broken the established rules. The punishment is not only legal in nature but also encompasses social and religious dimensions, highlighting the importance of

²¹ Muchamad Imron, "Fungsionalisme Pembagian Waris Sebelum Pewaris Meninggal Dunia Dalam Keberlanjutan Keluarga" 7, no. 4 (2023): 514–29.

²² Marilang Nashirun, Kurniati, "Konsep Keadilan Dan Kesetaraan Gender Tentang Pembagian Harta Waris Dalam Perspektif Hukum Islam," *Madani Legal Review* 6, no. 1 (June 28, 2022): 65–78, <https://doi.org/10.31850/malrev.v6i1.1708>.

²³ Iqbal Hasanuddin, "Keadilan Sosial: Telaah Atas Filsafat Politik John Rawls Iqbal Hasanuddin Universitas Bina Nusantara," 2002, 193–204.

²⁴ Ina Salmah Febriani, "Keseimbangan Karakter Feminin Dan Maskulin Dalam Mewujudkan Masyarakat Madani," *Tsaqofah* 19, no. 1 (2021): 45, <https://doi.org/10.32678/tsaqofah.v19i1.5298>.

adherence to inherited rules as part of an individual's moral responsibility.²⁵

This poetry conveys those messages as if through a story, and the author uses the tale between a parent and child to reveal messages about the relationship between humans and the laws, regulations, and rules that are upheld in society. Therefore, this poetry is not just about the beauty on the surface of its verses; rather, it carries messages about the structure of society, justice, balance, and our role in maintaining it. In other words, this poetry is not about what is inherited but about how. Specifically, this poetry shows that true inheritance is not in the form of coins or inherited wealth, but in a deep understanding of balance and duty. In this case, justice is not just about who gets what, but about how each person plays the role determined by their rights and obligations.²⁶ In this way, this poetry also reminds us that it is important to understand the power of the law from a spiritual perspective because we are all bound by this spirit.

Literary and Cultural Values of Malay Poetry

The concept of "Customs are based on Islamic Sharia, Sharia is based on the Book of Allah" is a very important principle in Malay culture, this principle reflects the close integration between customs and religion in the life of the Malay community. This philosophy can be used as a structure in the social life of the community. Overall, the poetry reflects the integration of Islamic culture with the life of the Malay community, especially on Penyengat Island, and plays a role in maintaining the continuity of Islamic law in daily social practices, even said by the community leaders of Penyengat Island, there are almost no disputes in the community in matters of inheritance.²⁷

²⁵ Zakiyuddin Baidhawiy, "Pancasila Tauhid Sosial Dalam Kehidupan Berbangsa Dan Bernegara," *Maarif* 11, no. 1 (2016): 41–78. <https://www.academia.edu/29281559/>

²⁶ Liana Endah Susanti, "Kajian Terhadap Sila Keadilan Dan Teori Keadilan Berfalsafah Libertarianisme Dari Sudut Pandang Berideologi Pancasila," *Yustisia Merdeka : Jurnal Ilmiah Hukum* 4, no. 2 (2019): 101–10, <https://doi.org/10.33319/yume.v4i2.11>.

²⁷ Raja Abdurrahman, Interview, July 24, 2024.

In line with what has been conveyed by him, a religious leader who has lived for approximately eighteen years on Penyengat Island in carrying out the task of prosecuting in madrassas and communities, only once in his life has he seen a dispute in the distribution of inheritance.²⁸ Not only does it contain literary values, the Malay poetry manuscripts that we research also contain the cultural values of the people. In this poetry manuscript of Ilmu Waris, there are also many mentions of the customs of the Malay community, livelihoods, and also the social caste among them. Among them are verse verses, see figure 2.



Source: <https://khastara.perpusnas.go.id/>

Figure 2.

The second stanza of the Malay poetry manuscript on the fourth page in the chapter on the heir who gets half.

ايغتنك دغن فهم يفتراغ # دترومبو فرائض بوله بركاراغ

Remind with a clear understanding # On the reef faraidh can be calculated.

This poetic methapor is also a cultural representation for the Malay community about how they integrate with coastal area activities. Coral reefs are one of the high-value natural resources and are also one of the most important potential marine resources in Indonesia.²⁹The poet borrows the terms reef and coral for a compilation of inheritance. The point is that the reader should take many benefits from Faraidh (Inheritance). The word “Berkarang” at the end of the poetry above,³⁰ in the context of

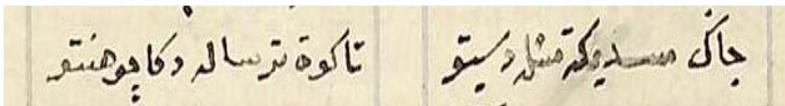
²⁸ Mukhtar, Interview, July 24, 2024.

²⁹ Linda Noviana et al., “Study of Coral Reef Ecosystem in Taman Nasional Kepulauan Seribu,” *Jurnal Pengelolaan Sumberdaya Alam Dan Lingkungan* 9, no. 2 (2019): 352–65, <https://doi.org/10.29244/jpsl.9.2.352-365>.

³⁰ Written in Jawi script in Malay poetry بركاراغ

Malay society, refers to the activity of searching for fish, shrimp, shellfish, and other marine products on coastal reefs when the tide is low. This activity is often carried out in coastal areas with coral reefs, where the Malay people take advantage of the low tide to search for seafood trapped between the coral rocks.³¹

The metaphor of “reef” in the above lines of poetry describes the structure and dynamics of inheritance in Malay society. From a structuralist perspective, this metaphor links the power of coral reefs as a symbol of the power and stability of inheritance laws that are well organized in Islam, which provide protection for every Muslim. However, according to post-structuralism, coral reefs that can grow and sway reflect the dynamics of inheritance practices that continue to change according to the social and cultural context, while still adhering to the strong rules of Islam, like coral that remains sturdy. From a hermeneutic perspective, readers are invited to interpret how Faraidh, as the science of inheritance, must be understood with deep insight to remain relevant to existing social and religious values, while also reminding us that even as social contexts change, fundamental principles must be upheld.



Source: <https://khastara.perpusnas.go.id/>

Figure 3.

The eighth stanza of the Malay poetry manuscript is the fourth page in the chapter on the heir who gets half.

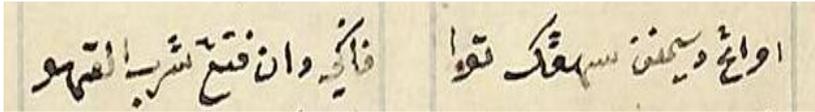
جاك مسديكة مثله دسيو # تاكو ترساله دكاچو هنتو

Keep a little example there # Fear of being mistaken by a ghost

Ghosts are timeless to be discussed by any human, including among the Malay community (see, figure 3). According to the beliefs of the Malay community, the term ghost is related to 3

³¹ Isriyanto , Interview, July 23, 2024.

different entities, namely the spirit of the dead, the spirit (a spirit that has power), and the jinn or demon.³² The term "ghost" here is used metaphorically to remind students of inheritance law to safeguard what they have learned, ensuring peace of mind and accuracy in solving inheritance problems, while avoiding distractions or negative influences.



Source: <https://khastara.perpusnas.go.id/>

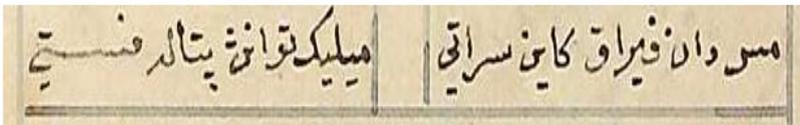
Figure 4.

The twelfth stanza of the Malay poetry manuscript, the fourth page in the chapter on the heir who gets half.

اواغ دسيمفن سهغك توأ # فأكيه دان فتح شرب القهو

Money is saved until old age # Morning and evening *syurbul qahwa*

Syurbul qahwa is a compound word arrangement in Arabic that means drinking coffee (see, figure 4) . We find a lot of coffee drinking culture in various parts of society in Indonesia. Coffee was developed in Indonesia in the 17th century during Dutch colonialism.³³ In the Malay community on Penyengat Island, drinking coffee is also tied to the time as mentioned in this verse, namely in the morning and evening.



Source: <https://khastara.perpusnas.go.id/>

Figure 5.

³² M.Z.M Amin, Mohamed Akhiruddin Ibrahim, and Azlina Mohamed Nor, *The Belief in Hantu in the Malay Culture From the Perspective of Islam*, 2016, <https://doi.org/10.15364/ris14-0101-02>.

³³ Detria Fitriani, "Eksistensi Budaya Minum Kopi Dari Era Kolonial Hingga Era Modern," *Jurnal Pendidikan Ilmu-Ilmu Sosial Dan Humaniora* 1, no. 3 (2023): 114–19, <https://doi.org/10.26418/jdn.v1i3.70369>.

The last stanza of the Malay poetry manuscript on page six in the chapter on the heirs of the male line.

مس دان فيراق كاين سراتي # ميليڪ توانث پتاله فستي

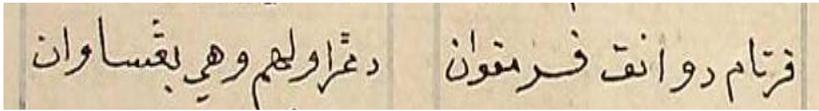
Gold and silver serati cloth # Belonging to the master is definitely

This verse is included in the discussion about heirs from among men, *Riqq* (the man who freed the slaves) is one of them (see, figure 5). In this chapter, it is explained, if a slave who is freed dies, then his inheritance falls to the freed. The poet mentioned the categories of treasures that can be used as inheritance, namely gold, silver, and serati cloth. Gold and silver have always been one of the most valuable and prestigious icons anywhere. And for the Malay people, serati cloth is part of valuable objects. The term "cloth" here is not figurative but refers to an actual type of fabric commonly used by the Malay community.³⁴ However, to understand how valuable this fabric is, we must take an inquisitive semantic approach by connecting language, culture, non-cognition and reason.

Serati cloth in Malay society refers to a type of traditional woven fabric that is usually made from cotton or silk threads. The weaving craft that is still spread in Indonesia is songket weaving. One of the songket weaving that still survives today is the Riau Malay songket weaving, this preservation is not only for the function of physical needs but also has values, meanings and symbols that are messages in people's lives.³⁵ Songket woven fabric is usually woven with gold thread. In fact, this cloth has rules for who can wear it and what it is intended for what event. During the Riau kingdoms, this cloth was only used by the royal family. So it is very natural for poets to call serati cloth one of the most prestigious fabrics of their time.

³⁴ Nadia Imelda et al., "Eksplorasi Identitas Budaya Dan Nilai Tradisional Melayu Melalui Kain Tenun Songket," *Kaisa: Jurnal Pendidikan Dan Pembelajaran* 3, no. 2 (2023): 69–79, <https://doi.org/10.56633/kaisa.v3i2.617>.

³⁵ Khairiah Khairiah, Jani Arni, and Jarir Jarir, "Fenomena Sarung Di Masyarakat Melayu Riau: Kajian Material Culture," *Sosial Budaya* 21, no. 1 (2024): 73, <https://doi.org/10.24014/sb.v21i1.31099>.



Source: <https://khastara.perpusnas.go.id/>

Figure 6.

The third stanza of the Malay poetry manuscript, page seven in the chapter on the heirs who get 2/3.

فرتام دو انق فرمفوان # دغراولهم وهي بغساوان
First two daughters # Hear by you, O nobleman

The use of the interjection 'o' here has a serious connotation of calling and invitation (see, figure 6). The title of nobility is not intended for its true meaning, but is a metaphor. The point is that the poet wants this inheritance to be really noticed by you, O noble person. In the poetry of the Science of Inheritance that we studied, there are 4 times the title of noble. After conducting research, the word noble serves to complete the arrangement of verse verses and points to people who want to glorify themselves with their intellect through studying the Science of Inheritance. This is in line with the high literary value of Malay language culture and efficiency in shaping a person's character.³⁶

Division of Inheritance

Inheritance is a widely discussed topic, and the Qur'an provides detailed explanations about it, particularly in relation to marriage. For Muslims, understanding inheritance law is crucial as Islam outlines who is entitled to inherit property and who is not.³⁷ The term "inheritance" comes from the Arabic word ورث (waratha), meaning inheritance. *Al-Mawāris* (المواريث) is an

³⁶ Moh Hafid Effendy, "Nilai Religius Pada Kearifan Lokal Tembang Macapat Madura," *Khazanah Theologia* 3, no. 1 (2021): 1–12, <https://doi.org/10.15575/kt.v3i1.10959>.

³⁷ Dahrir Siregar, "Prinsip Keadilan Hukum Waris Islam Tentang Pembagian Warisan Antara Laki-Laki Dan Perempuan," *As-Salam: Jurnal Studi Hukum Islam & Pendidikan* 13, no. 1 (2024): 94–105, <https://doi.org/10.51226/assalam.v13i1.505>.

Islamic discipline that governs the distribution of inheritance.³⁸ Islamic law specifies various conditions for dividing property among heirs.³⁹

Gender Role

In Islam, justice is one of the principles that must be adhered to. Allah is the most just (*Al- 'Adl*) that His servants must emulate. For most people, social justice is a noble ideal. In fact, countries often have development goals such as maintaining justice. Since Islam obliges people to enjoy their rights as human beings by fulfilling their basic needs, such as the safety of their religion, the safety of their person (soul, body, honor), and the safety of their property, there are many obligations that must be carried out by justice from their descendants. To ensure the security of property, including how Islam protects property when there is a change of ownership, Islam regulates the role of men and women in inheritance law.

Webster's New World Dictionary defines gender as "the observable differences between men and women in values and behavior," while The Encyclopedia of Women's Studies describes it as a cultural concept that distinguishes the roles, behaviors, spirituality, and emotional traits of men and women in society.⁴⁰ Gender equality, a growing movement worldwide, is also a significant issue in Indonesia, with its roots tracing back to the efforts of R.A. Kartini, who fought for equal education for women.

Kartini's advocacy for emancipation became the foundation for Indonesian women's fight for freedom and education. She

³⁸ Hikmatullah, *Fiqh Mawaris: Panduan Kewarisan Islam*, ed. Zulaikha, 1st ed. (A-Empat, 2021), <https://doi.org/www.a-empat.com>.

³⁹ Fatimatuz Zahro and Shinta Pramesti K.M, "Kesetaraan Gender Dalam Hukum Kewarisan Islam Perspektif M. Syahrur," *Mahakim: Journal of Islamic Family Law* 7, no. 1 (2023): 25–46, <https://doi.org/10.30762/mahakim.v7i1.201>.

⁴⁰ Mohammad Ruslan and Taufik Putra Saputra, "Tinjauan Al-Qur'an Terhadap Kesetaraan Gender Dalam Pembagian Warisan (Studi Analisis Pada Surah Al-Nisa Ayat 11)," *JADID: Journal of Quranic Studies and Islamic Communication* 03, no. 01 (2023): 17–50.

expressed that her desire for change was driven by personal experiences, even before the concept of emancipation was fully understood. Her longing for independence and equality was fueled by the injustices she witnessed, which deeply moved her and reinforced her commitment to the cause.⁴¹

In Indonesia, there are many cases of inheritance distribution that do not follow Islamic principles, based on the premise of gender equality. There are also those who use wills as a form of inheritance, but the contents do not follow the distributive principles of Islamic law.⁴² Whereas in the Qur'an Allah has provided rules for the distribution of this inheritance.

لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ
الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ نَصِيبًا مَّفْرُوضًا

“Men have the right to participate in the inheritance of their parents and relatives, and women have the right to participate in the inheritance of their parents and relatives, whether it is a small amount or a large amount, depending on their share, that is certain.” QS. An-Nisa’: 7.

The above verse states that both boys and girls have equal rights in inheritance and women have rights and responsibilities in inheritance between men and women to ensure a fair and balanced distribution of inheritance. This means that everyone is entitled to receive inheritance in accordance with their burdens and obligations. This section explains the number of shares that your heirs will receive. At the same time, it also explains that because the obligations that only men have, such as dowry and child support, are greater and heavier than those of women, sons receive twice as much as daughters. In this case, men and women

⁴¹ Citra Mustikawati, “Pemahaman Emansipasi Wanita (Studi Hermeneutika Makna Emansipasi Wanita Dalam Pemikiran R.A.Kartini Pada Buku Habis Gelap Terbitlah Terang),” *Kajian Komunikasi* 3, no. 1 (2015): 65–70.

⁴² Raja Ritonga and Amhar Maulana Harahap, “Harmoni Dalam Kewarisan: Solusi Damai Untuk Mencegah Konflik Keluarga,” *El-Faqih : Jurnal Pemikiran Dan Hukum Islam* 10, no. 1 (2024): 117–33, <https://doi.org/10.58401/faqih.v10i1.1282>.

still receive the inheritance even though the shares are not equal. What you see when you receive your inheritance will depend on your burdens and responsibilities.

Despite the clear regulations, in reality men's shares and rights are prioritized, while women's rights and shares are often ignored. This is due to the community's perception that men have higher leadership qualities than women and are seen as more powerful individuals. In addition to the problem of disparity in rights between men and women, there are other problems in the distribution of inheritance. For example, there is intense competition between those closest to the deceased and other heirs to get a larger share of the inheritance. So far, in addition to gender inequality in terms of inheritance, with a male to female ratio of 2:1, Islam is often considered to favor men over women. This is considered unfair, at least in the world of work, considering that times are advancing and are no longer dominated by men alone. Even the figure of women is not only limited to apes, children or cooks. Today, many women work and often earn more than men.⁴³

Therefore important to ensure that the division of inheritance is carried out peacefully and openly through deliberation and in accordance with the provisions of the Qur'an. The purpose of this process is to prevent disputes and disagreements over the inheritance that could be detrimental to all parties involved. These principles reflect the values of justice and equality affirmed in Islamic teachings and should be the primary guidelines in resolving inheritance division issues. Actually, if the Indonesian people want to learn more about this inheritance law, they will find that what is in the Qur'an and hadith about this inheritance problem is fair. Because Allah must make a rule fairly as one of His names in asma'ul husna which is *Al- 'Adl*.

Justice is the pinnacle of all Islamic law. More specifically, justice must be achieved as it relates to the primary sources of

⁴³ Mita Kusuma Ningsih, M Husen Musthofa, and Widodo Hami, "Keadilan Gender Terhadap Pembagian Waris Dalam Prespektif Agama Islam," *Mitsaq: Islamic Family Law Journal* 2, no. 1 (2024): 94–106, <https://doi.org/10.21093/jm.v2i1.7552>.

law in Islam: The Qur'an and Hadith, which emphasize the administration of justice. When combined with law, the primary criterion of justice becomes the main element that must be met. Several Qur'anic verses refer to the principle of justice as well as absolute and particular principles.⁴⁴ The principle of justice in Islamic inheritance law is based on the principle of balanced justice, which states that the share of property obtained is balanced with the obligations that must be borne and fulfilled by the heirs. In other words, when considering the responsibilities of equal heirs without considering the amount of inheritance received, the proportionality of the two-to-one division becomes important. Because the essence of the principle of balanced justice is in two aspects: the rights received and the obligations assumed.

In this case, we can conclude that the rules of inheritance distribution in Islam may seem unfair to some people, especially women. However, the Islamic rules are based on a different perspective from humans, Allah's math is different from the math of his servants. Allah's division will always be fairer in every case, including the division of inheritance based on gender.

Social Justice

The Indonesian Archipelago is a country that adheres to various legal systems ranging from Islamic law systems, customary law systems, and civil law legal systems. Of the three laws present in Indonesia, all three are still valid and become the basis for the formation of legal products in general in Indonesia.⁴⁵ The implementation of three legal systems in

⁴⁴ Muhammad Nasrulloh and Doli Witro, "Pembagian Waris Sama Rata Anak Laki-Laki Dan Perempuan Perspektif Maslahat Dan Keadilan Islam: Analisis Putusan 3052/Pdt.G.2010/PA.Kab.Malang," *Jurnal AL-MAQASID: Jurnal Ilmu Kesyarifan Dan Keperdataan* 7, no. 2 (2022): 200–216, <https://doi.org/10.24952/almaqasid.v7i2.4350>.

⁴⁵ Cislia Maiyori, Wismar Harianto, and Rizana Rizana, "Tinjauan Yuridis Tanggung Jawab Ahli Waris Menurut Kompilasi Hukum Islam Dan Kitab Hukum Perdata Terhadap Warisan Dalam Bentuk Utang Di Indonesia,"

Indonesia-Islamic law, customary law, and the civil law system- is expected to support the achievement of social justice as stated in the 5th Precept of Pancasila, namely “Social justice for all Indonesian people.” Islamic law focuses on social responsibility and justice in the distribution of wealth, especially through the instruments of inheritance, zakat and alms, which aim to create social balance.

Inheritance law in Islam is one aspect that is regulated in great detail in the Qur'an and Hadith. Allah has set clear rules regarding the division of inheritance to create social justice and balance in society. This division is not only based on family relationships, but also considers the roles and responsibilities of each individual in the family. In Islam, the concept of justice does not mean giving the same share to everyone, but rather giving a share in accordance with their respective responsibilities, needs and roles. One of the main principles often discussed in Islamic inheritance law is that men generally receive a larger share than women.⁴⁶ For example, in the case of inheritance from parents to children, a son usually gets double the share of a daughter. This is often questioned in the context of gender equality, but in the Islamic view, this division reflects the different responsibilities of men and women.

In Islamic families, men bear greater financial responsibilities, such as providing for the family and caring for dependents, which is why they receive a larger share of inheritance. Women, while receiving smaller shares in some cases, are not burdened with the same financial duties and are entitled to keep their inheritance without obligation to spend it on the household. They continue to be supported by their husbands or guardians. Islamic inheritance law aims to balance rights and responsibilities within the family.

Jurnal Karya Ilmiah Multidisiplin (JURKIM) 4, no. 1 (2024): 47–53, <https://doi.org/10.31849/jurkim.v4i1.19026>.

⁴⁶ Ahmad Haries, “Pembagian Harta Warisan Dalam Islam: Studi Kasus Pada Keluarga Ulama Banjar Di Kabupaten Hulu Sungai Utara Provinsi Kalimantan Selatan,” *Diskursus Islam* 2, no. 2 (2014): 191–208. <https://www.semanticscholar.org/>

Thus, inheritance law in Islam, if implemented in accordance with sharia provisions, can be an important pillar in maintaining social balance, strengthening moral and financial responsibility, and maintaining family harmony. Muthahhari argues that justice in a broad sense means maintaining social balance. In other words, justice means anything that is beneficial to society or that can make society better and advance it.⁴⁷ The statement that justice means putting things in their proper place, not equating everything equally, emphasizes that justice is not necessarily about giving everyone equal portions, but rather about giving what is due based on the individual's role, responsibilities, and circumstances.⁴⁸ For example, in Islamic inheritance law, men receive a larger share because they have greater financial responsibilities in the family, while women, although getting a smaller share, are not burdened with the same responsibilities. This shows that justice is proportionality, which is giving rights according to needs and responsibilities, not generalizing without considering the context.

CONCLUSIONS

This research uncovers the social dynamics reflected in *Syair Waris Melayu*, which serves not only as a literary medium, but also as a social documentation of the values, norms, and traditions of the Malay community. The main findings show that the division of inheritance is strictly governed by the principles of sharia law, which reflects the importance of family and justice in Malay culture. *First*, the distribution of inheritance in the context of Malay poetry is strictly regulated by the principles of sharia law that provide clear guidance on who is entitled to receive inheritance. This provision reflects the importance of family in Malay culture, where each family member has specific roles and responsibilities. In the analyzed poetries, we find

⁴⁷ Roro Fatihin, "Keadilan Sosial Dalam Perspektif Al-Qur'an Dan Pancasila," *Panangkaran: Jurnal Penelitian Agama Dan Masyarakat* 1, no. 2 (2017): 293, <https://doi.org/10.14421/panangkaran.2017.0102-06>.

⁴⁸ Suheri Suheri and Yeni Tri Nurrahmawati, "Moderasi Beragama Di Era Disrupsi Digital," in *Proceedings of Annual Conference for Muslim Scholars*, vol. 6, 2022, 933–44, <https://doi.org/10.36835/ancoms.v6i1.453>.

various ways in which the division of inheritance is expressed, emphasizing the value of togetherness and justice within the family.

Second, gender roles are one of the important issues in the inheritance poetry. The depiction of differences in inheritance rights between men and women reflects complex social realities. Although men usually get a larger share, the poetry also points out that women have important responsibilities in managing the estate. This opens up space for discussion on gender justice and the role of women in Malay society, which is evolving with the changing times. *Third*, the aspect of social justice in the distribution of inheritance is highlighted as a central theme. The poems we examined show that despite clear legal provisions, the application of social justice in the distribution of wealth is often faced with practical challenges. Family consensus and deliberation are important to ensure that each family member feels fairly treated.

Fourth, social punishment for violators of inheritance laws is also an important theme in the poetry. This element shows that violations of inheritance provisions not only affect the individual who violates them, but can also disrupt social harmony in the family. Thus, *Syair Waris Melayu* is not only a literary work, but also a rich cultural heritage as well as social documentation that reflects the complex dynamics of Malay society. This work is relevant in understanding the values of justice, social structure, and cultural identity of Malay society, especially in the modern era full of challenges of globalization.

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