



IMPLEMENTATION OF DISTRIBUTION OF INHERITANCE IN PATRILINEAL SOCIETY: (A STUDY IN METINARO SUB-DISTRICT, DILI MUNICIPALITY, TIMOR-LESTE)

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Article Info

ABSTRACT

Keywords:

Customary Inheritance System, Gender Inequality, Social Transformation.

This research explores the patrilineal inheritance system in Metinaro Sub-District, Dili Municipality, Timor-Leste, focusing on how it reinforces gender inequality and patriarchal dominance. Using a qualitative approach with case study methodology, data were collected through in-depth interviews, participant observation, and a literature review. The findings reveal that the inheritance system transfers not only physical assets like land and traditional houses to sons but also socio-spiritual responsibilities. Women, however, are structurally subordinated, with limited access to family assets and a symbolic role in the inheritance process. Despite this, emerging initiatives, particularly among the younger generation, advocate for a more inclusive inheritance model. These changes are influenced by education, national law (Article 1888 of Timor-Leste's Civil Code), and modern values. The research underscores the need for intergenerational dialogue and the involvement of traditional leaders to foster a more inclusive and equitable inheritance system.

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1. INTRODUCTION

Sharing inheritance is a complicated and symbolic social construct that not only involves the distribution of material assets among family members, but also shows how cultural values, power relations, and social legitimacy are formed within conventional societal structures [1] [2]. Within this framework, inheritance mechanisms serve as a medium for the reproduction of cultural identity and as a tool for preserving social stratification within indigenous communities. In various local contexts, including Timor-Leste, inheritance distribution systems tend to be more subject to customary institutions than to positive state legal regulations [3] [4].

These customary norms not only function as collective codes of ethics but also possess imperative social authority and are passed down through generations as part of the collective identity treasury. Therefore, examining inheritance practices from a scientific perspective is an academic urgency, in order to unravel not only the formal-juridical aspects but also to explore the sociocultural dynamics that shape these practices and their consequences for the construction of social justice within the family and indigenous communities.

A meaningful social dynamic can be clearly observed in the Metinaro Sub-District, Dili Municipality, where a patrilineal kinship structure remains deeply rooted in community life. In this pattern, the eldest son generally holds the position of primary heir to customary land, the traditional house (uma lulik), and other symbols of

honor, with the legitimacy of continuing the lineage, preserving cultural heritage, and bearing collective spiritual responsibility. Conversely, women are often denied direct inheritance rights because they are assumed to transfer their social affiliation to their husband's family upon marriage. This inheritance pattern explicitly reflects a patriarchal social system, in which women are marginalized in terms of resource ownership and authority in family decision-making.

This gap not only limits women's access to strategic economic resources but also reinforces social constructs that restrict their participation in domestic and public spheres of influence. However, in the context of social transformation marked by the penetration of education, modernization, and increasing awareness of human rights, this gender-based inheritance system has begun to draw criticism, particularly from the more progressive younger generation. Thus, the tension between conservative customary norms and the principles of gender justice as stipulated in the national legal framework. Article 17 of the 2002 Constitution of the Republic of Timor-Leste states that women and men have equal rights and obligations in family, cultural, social, economic, and political life has become an important area of discourse that deserves reflective and multidimensional study.

Several previous studies have examined inheritance systems in indigenous communities. Research by [5] shows that patrilineal inheritance plays a role in maintaining social structures and power, although it often gives rise to gender inequality. Meanwhile, research by [6] highlights the conflict between customary values and the principle of gender equality, which is beginning to be advocated in many developing countries, including Southeast Asia. Another finding by [7] reveals that customary laws, such as *tara bandu* (do not forbid), have the potential to adapt to changing times, but have not been widely studied in practice at the local community level.

While these three studies make important contributions, none have specifically addressed how indigenous communities in areas like Metinaro respond to changing values, or the extent to which customary norms can interact with formal law to create social justice. Therefore, there remains a gap in the academic literature that needs further exploration, particularly regarding inheritance practices in the context of ongoing social change.

The gap in previous studies lies in the lack of research that specifically explains how indigenous communities, in practice, balance traditional inheritance norms with principles of gender justice. Most previous studies are theoretical and have not addressed the social realities that develop at the community level. Yet, community responses to social change and demands for gender equality vary widely, depending on their respective cultural and social conditions. Therefore, this research aims to fill this gap through a field approach in Metinaro, directly exploring the practices and perspectives of the local community. In this way, the research not only describes but also analyzes how customary values can persist, adapt, or even change when faced with modern laws and social demands.

The novelty of this research lies in its approach, which combines the study of customary law and a gender justice perspective directly through qualitative methods. Unlike previous studies, which tended to be normative, this research begins with the concrete experiences of the community. This approach allows for the exploration of various forms of adaptation, rejection, or change in customary norms in the face of modernization. Furthermore, this research develops a new analytical model that links the patrilineal inheritance system to gender inequality in the local context of Timor-Leste, specifically in Metinaro. Therefore, the novelty of this research is evident not only in its content but also in the approach and model used.

The primary objective of this research is to comprehensively describe inheritance practices in the patrilineal Metinaro community, highlighting the role of customary law, social structure, and their impact on gender justice. This research aims to understand how customary norms are implemented and how society responds to them amid ongoing social change. This research is important because it concerns the fulfillment of the basic rights of family members, especially women, who are often neglected in traditional inheritance systems. By linking actual community practices with modern values, this research is expected to provide theoretical and practical contributions to broadening the discourse on the relationship between custom, gender, and social justice, as well as offering contextual solutions to bridge the tension between tradition and changing times.

2. RESEARCH METHOD

This research uses a qualitative approach with a case study type to describe in depth the phenomenon of inheritance distribution in the patrilineal society in the Metinaro Sub-District, Dili Municipality, Timor-Leste. The choice of this approach is based on the research objective to understand the social reality, community views, and cultural meaning behind inheritance practices in the context of local customs [8] [9]. The location of Metinaro was chosen because this area still maintains a strong traditional kinship system and implements customary law as the main guideline in social life, including in terms of inheritance. Data collection techniques were carried out through several methods, namely in-depth interviews with various parties who play important roles in inheritance practices such as traditional leaders, male and female heirs, and members of the general public who have direct experience or understanding of the inheritance distribution process. In addition to

interviews, the researcher also conducted participatory observations of customary processions related to the distribution of assets, including traditional ceremonies that are an important part of the legitimacy of inheritance. In addition, a documentation study was conducted on various documents and written sources, including traditional manuscripts, local regulations, and relevant formal legal documents, to gain a broader understanding of the applicable legal framework and norms. All data obtained was analyzed using thematic analysis methods, which aimed to identify dominant patterns, key themes, and the relationships between customs, family structures, and cultural values that influence the inheritance distribution process in the patrilineal Metinero community.

3. RESULT AND ANALYSIS

Customary Inheritance System in Metinero

The inheritance system practiced in the Metinero Sub-District, Dili Municipality, is based on patrilineal principles, a kinship system that emphasizes lineage, family identity, and property ownership rights through the male line [10] [11]. In communities that practice this pattern, sons, especially the eldest, are considered the primary inheritors of family wealth. This inheritance includes not only tangible assets such as customary land, agricultural land, and traditional houses (*uma lulik*), but also heirlooms of high symbolic value such as spears, gongs, and sacred woven fabrics. These assets serve a dual function: they serve as economic support, symbols of spiritual ties to ancestors, and manifestations of communal identity within a traditional context.

This inheritance system not only regulates the distribution of ownership but also imposes social and moral responsibilities on male heirs. They are expected to preserve ancestral heritage, uphold cultural values, and perform traditional rituals as part of their social role in society. This aligns with Lévi-Strauss's (1969) perspective within the framework of structuralist kinship theory, which emphasizes that inheritance systems in traditional societies are designed to ensure the continuity of social structures and maintain intergenerational stability through a structured division of roles based on gender and birth hierarchy [12].

Within the traditional family structure, sons are seen not only as successors to the lineage but also as those responsible for the network of social, spiritual, and symbolic relationships between families and between tribes. A study by [13] shows that in the Timorese context, land and traditional houses are not merely physical assets but are considered embodiments of the family's social and spiritual structure. Therefore, the responsibility for caring for and maintaining the continuity of these relationships rests entirely with male heirs.

Thus, the inheritance system in Metinero is not merely seen as a process of transferring asset ownership, but as a mechanism for transmitting intergenerational responsibilities concerning honor, cultural identity, and sacred family values. Field research by M also supports this finding, showing that in the inheritance process, symbolic recognition from traditional elders is an essential step in determining the legitimacy of inheritance. This means that the right to inheritance is not only materially based, but also highly dependent on social and spiritual recognition within the traditional community.

In contrast, girls' positions within the customary inheritance system tend to be marginalized. They are generally not recognized as recipients of rights to fixed assets such as land or ancestral homes, as they are culturally assumed to transfer to the husband's family structure upon marriage. As a result, although women play a significant role in family life, they typically receive only indirect compensation such as *lia* (dowry), jewelry, or other symbolic rewards. This pattern demonstrates the dominance of a patriarchal system that limits women's access to economic resources and strategic roles within the family. This aligns with feminist analysis by Sylvia Walby (1990), who stated that patriarchy in traditional societies creates social and economic structures that place women in subordinate positions, including in the ownership and control of assets [15].

Furthermore, inheritance mechanisms in Metinero are not only internal family decisions but also accompanied by traditional rituals involving the participation of community leaders and elders, as well as the use of cultural symbols for social and spiritual validation. These processes serve as a means of preserving the social structure and transmitting noble values to future generations. Research conducted by [16] shows that inheritance processes in Timor are always linked to *lulik* (sacred) values, which are the foundation of traditional social order. Within this framework, the heir not only receives property but also assumes responsibility for maintaining harmonious relationships between humans, the environment, and ancestors. Implicitly, this process also serves as a means of cultural education, instilling traditional values in the younger generation so that they remain sustainable amidst the tide of social change.

Although the traditional inheritance system in Metinero remains deeply rooted, it undeniably leaves behind serious issues related to gender inequality. As discourses of equality and justice strengthen within national and international law, inheritance practices that exclude women's rights have begun to draw criticism. In Metinero, some women have begun to voice their dissatisfaction with this injustice, although this is still done indirectly and

through informal channels to avoid confrontation with established customary norms. This phenomenon reflects the emergence of critical awareness within the community regarding the structural inequalities reinforced by the patrilineal inheritance system. As found in the study by [17] young Timorese women with higher educational backgrounds tend to have a better understanding of the law and begin to question the legitimacy of customary norms that are discriminatory against gender.

Social change is slowly becoming apparent in the practices of a small number of families attempting to implement more inclusive inheritance schemes. In some cases, daughters are beginning to be involved in the distribution of inheritance, but in Timor-Leste's civil code, Article 1888 (Ideas) states that "Succession" refers to one or more individuals legally possessing the deceased's inheritance, which is then distributed to others, often in a form or amount unequal to that of sons. These measures remain limited and often face resistance from traditional communities, who consider them a violation of ancestral heritage. This phenomenon did not emerge suddenly but was influenced by various external factors such as formal education, urbanization, cross-cultural interactions, and the penetration of national legal norms that favor women's rights. This aligns with Anthony Giddens' (1991) theory of reflexive modernity, which explains that traditional societies confronted with modernization undergo a process of renegotiation of old values to adapt to a more dynamic social configuration [18]. Thus, although patrilineal norms remain the mainstay of Metinaro society, a shift in perspectives driven by modern values and principles of gender equity is beginning to emerge. This transformation demands a dialogical approach involving multiple generations to ensure that change does not lead to conflict but instead becomes a path toward more inclusive customary renewal. Therefore, the active participation of stakeholders, including traditional leaders, community leaders, and policymakers, is essential to foster constructive dialogue that bridges traditional values with demands for equality within a more just and sustainable legal and social framework.

The Role of Traditional Figures

The role of traditional leaders in the Metinaro community is central and inseparable from the traditional social order, which has been passed down through generations [19]. They serve not only as cultural symbols but also as key actors in the inheritance process of family property. In practice, traditional leaders play a dual role as mediators in resolving family conflicts and as guardians and preservers of the normative values inherent in the traditional community. This role aligns with Talcott Parsons' (1951) theory of structural functionalism, which emphasizes that each component of society has a specific function in maintaining social order and stability. In this regard, traditional leaders act as social instruments, ensuring the continuity of cultural values and the harmony of the social structure [20]

[21] research on the inheritance system in Timor-Leste confirms that the authority of traditional leaders in decision-making is inherited and strengthened through their active involvement in traditional rituals. Furthermore, their influence stems from a deep understanding of customary norms that have become part of the community's collective consciousness. This makes them a crucial pillar in maintaining the legitimacy and sustainability of the inheritance system prevailing in the local community.

In practice, the inheritance distribution process in Metinaro is generally carried out through an extended family deliberation forum led directly by a traditional leader. This deliberation is not simply an administrative meeting, but rather a space imbued with spiritual and symbolic meaning, which gains legitimacy through the performance of traditional rituals. In this context, traditional leaders fulfill the function, as described by Clifford Geertz (1973), of interpreters of meaning, namely interpreters of cultural meaning who bridge customary norms with everyday social practices [22]

The series of customary processions accompanying the inheritance distribution strengthen the authority of traditional leaders as central figures in the social structure, while also affirming the socio-spiritual rights and responsibilities of the heirs. For boys, in particular, this procession symbolizes recognition of their position as successors to the patrilineal system still deeply rooted in Metinaro. This finding is reinforced by an interview with one of the Metinaro tribal chiefs, Gozi Usulawan, who stated that customary leaders are required to be present during inheritance distributions to ensure all decisions are in accordance with custom and prevent resentment between families. This confirms that the presence of customary leaders is not merely ceremonial, but vital in maintaining harmony and social legitimacy in the inheritance process.

In addition to establishing inheritance distribution schemes, customary leaders also play a crucial role as mediators in inheritance disputes. From a conflict resolution perspective, this role is known as an informal authority mediator, a figure with informal but socially recognized authority [23]. Customary leaders resolve disputes using a culture-based approach, harmonizing customary norms and human values so that decisions are accepted by all parties willingly and without coercion.

Qualitative research conducted by [24] on the traditional inheritance system in the Atoni community, East Nusa Tenggara, shows that the presence of traditional leaders plays a strategic role in mitigating potential conflict because they are considered representatives of ancestral law, an unwritten but highly respected and adhered to.

More than simply implementing traditions, traditional leaders in Metinaro also serve as agents of education and cultural preservation. They act as linkages between ancestral values and the younger generation, acting as informal educators who transmit traditional knowledge from generation to generation. This view aligns with Paulo Freire's (1970) notion that education is a liberating cultural process that shapes critical consciousness [25]. Traditional leaders teach the importance of preserving ancestral heritage, both tangible assets such as land, houses, and livestock, and intangible assets such as traditional rituals, spirituality, and social norms passed down from generation to generation.

These findings are reinforced by a UNESCO report (2020), which emphasizes the vital role of traditional leaders in preserving intangible cultural heritage and ensuring cultural continuity through intergenerational learning. In Metinaro, traditional leaders are active in various forms of traditional education, such as training in ancestral summoning rituals, knowledge of customary boundaries, and understanding the symbolic meaning of heirlooms. Therefore, traditional leaders have a role that goes beyond the legal function of inheritance; they serve as guardians of social cohesion and bridges between the past and the future. The decisions they make regarding inheritance distribution are imbued with spiritual and social meaning, strengthening community harmony. Maintaining their presence is not only a form of respect for the local justice system but also a crucial step in maintaining the sustainability of the Metinaro community's social structure and cultural identity.

Social and Gender Impacts

In the Metinaro community, the patrilineal inheritance system has significant social consequences, particularly related to gender inequality [26]. This pattern prioritizes sons, particularly the eldest son, as the primary recipients of inheritance, which includes customary land, inherited houses, and heirlooms of high cultural symbolic value. Conversely, daughters generally do not receive direct inheritance rights but instead receive informal compensation, such as a dowry or other modest gifts from the family. This inheritance pattern reflects Ortner's (1974) analysis, which describes women's position in traditional society as the second sex, a group that experiences social subordination due to limited access to resources and control over family property [27].

This structural inequality not only impacts the economy but also reinforces social constructs that place women in subordinate positions within the family and community. When women are denied access to land and family assets, this creates economic dependence on male figures such as fathers, husbands, or brothers. This dependency limits women's participation in important decision-making processes, both domestically and socially, thus perpetuating the dominance of a deeply entrenched patriarchal system. As Walby (1990) argues, patriarchy is a social system that continually shapes and reinforces men's power over women through control of family, economic, and cultural institutions [28].

Psychologically, women who do not receive inheritance rights experience decreased self-esteem and are marginalized from recognition of their social identity. Interviews with several female informants in Metinaro revealed feelings of neglect due to not being recognized as beneficiaries of inheritance. This situation supports Nussbaum's (2000) argument regarding capability justice, which states that every individual, especially women, has the right to access resources for holistic self-development [29]. This inequality also often becomes a source of conflict within families, particularly when sisters feel treated unfairly compared to brothers in the distribution of family property.

The position of traditional leaders within the Metinaro social order is highly influential in legitimizing the prevailing inheritance mechanisms. They play a crucial role as mediators of inheritance conflicts, decision-makers based on customary norms, and leaders in inheritance ceremonies steeped in spiritual significance. Their authority stems not only from their mastery of customary law but also from religious symbols and local culture passed down through generations. However, the strong dominance of these traditional leaders often hinders the transformation towards a more just and inclusive inheritance system. As Bourdieu (1977) explains, the social structure within customary spaces creates a habitus that continues to reproduce patterns of domination, even when these practices create injustices for certain groups, such as women [30].

Although the dominance of customary systems remains strong, dynamics of social change are beginning to emerge, particularly among the younger generation. Field findings indicate that increased access to education and legal understanding have fostered a new awareness of the importance of gender equality in inheritance distribution. Young people, especially women, are beginning to challenge the moral and legal legitimacy of discriminatory practices that have long been accepted as the norm. In fact, some progressive families in Metinaro

have initiated more equitable inheritance practices, including daughters as heirs to land and other productive assets. This phenomenon reflects a shift in values within traditional society toward more modern principles of equality, as described in the cultural transformation approach by Inglehart & Welzel (2005).

Table 1. Main Findings

| Aspect | Key Findings |
|---|---|
| Customary Inheritance System | The inheritance system in Metinaro is patrilineal, with male descendants—particularly the eldest son—serving as the primary heirs who receive ancestral land, family homes, and heirlooms. Daughters generally do not inherit directly but may receive indirect compensation such as dowries or minor assets. Inheritance is not merely a transfer of ownership but also a delegation of social and spiritual responsibilities to male heirs. |
| Role of Traditional Leaders | Traditional leaders play a central role as mediators in inheritance disputes, decision-makers in property distribution according to customary law, and as ceremonial figures who confer legitimacy and spiritual meaning to the inheritance process. They also serve as cultural educators, preserving customary values and ensuring social harmony. |
| Social and Gender Impacts | The patrilineal inheritance practice leads to significant gender inequality, causing women to be economically dependent and restricting their access to vital resources such as land and family assets. This undermines their social and psychological position and reinforces patriarchal structures within society. Addressing this injustice poses a major challenge to women's empowerment efforts. |
| Attitudes and Shifts Among Youth | Younger generations are increasingly questioning the traditional inheritance system due to its perceived unfairness towards women, driven by better access to education and legal information. Some families have begun adopting more inclusive inheritance practices, though resistance remains among traditionalists. Efforts for change require prolonged dialogue and collective awareness to maintain social and cultural balance. |

However, this process of change cannot occur suddenly. The Metinaro community remains in a dilemma between maintaining respect for traditional traditions and the need to achieve social justice and gender equality. The traditional values that have shaped the community's collective identity cannot be drastically altered without causing social upheaval. Therefore, reforms in inheritance practices need to be implemented gradually through open intergenerational dialogue while still respecting local cultural wisdom. In this regard, the role of traditional leaders is crucial, not as perpetrators of injustice, but as agents of change who support wise social transformation. This aligns with Giddens' (1984) view that social structures are dynamic and can be transformed through the reflective actions of actors within society [31]. In other words, gender inequality in inheritance practices in the Metinaro is not merely a cultural legacy but also reflects fundamental issues of social justice. Efforts towards a more inclusive and equitable inheritance system require participatory strategies, increased gender literacy, and policy support that guarantees equal rights to land ownership and family assets. This transformation can only be achieved through synergy between traditional leaders, local government, and civil society elements, so that the Metinaro can build a more equitable social order without neglecting their cultural identity.

4. CONCLUSION

This research reveals that the inheritance system in the Metinaro Sub-District is dominated by a patrilineal pattern, which not only influences the distribution of family assets but also deeply shapes social relations and gender roles within the indigenous community. Inheritance is not solely material but also encompasses spiritual dimensions and social responsibilities that must be upheld by male heirs. This finding reinforces the concepts of Lévi-Strauss's structuralism and Parsons's functionalism in explaining the sustainability of indigenous values through a strict inheritance structure. However, this system also creates significant gender inequality, particularly for women who are excluded from direct access to productive resources. The emergence of critical awareness among the younger generation, particularly educated women, provides an important lesson that modernity and values of equality can foster new negotiating spaces within the indigenous system without necessarily destroying the entrenched cultural order. The primary contribution of this research lies in its ability to holistically and in-depth elucidate the complex relationship between custom, gender, and social transformation in the local Metinaro context. This study enriches the literature on customary inheritance by introducing the role of

customary leaders as cultural agents with the potential to catalyze change toward social justice. Furthermore, it expands feminist discourse within traditional societies by highlighting emerging internal dynamics, such as women's limited involvement in inheritance distribution. The limitations of this study lie in its limited geographic focus on a single customary region and its descriptive qualitative approach, which precludes comprehensive generalizations.

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