

Understanding the Governance of Family Endowments in the Context of Dual Accountability

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Abstract

This research aims to conceptualize the governance of family endowment (*waqf ahli*) to provide both social and economic benefits. The significance of this research lies in the fact that parties involved in waqf development in Indonesia, such as Indonesian Waqf Board (BWI) and traditional leaders, must establish appropriate policies to ensure the sustainability of *waqf ahli*. Furthermore, this research not only aims to enrich waqf literature but is also crucial for preserving the potential of local wisdom in efforts to promote socio-economic development in the community. This research uses a qualitative approach with ethnography as its research design. The research employs in-depth interviews and documentation as data collection methods. Interviews were conducted in an unstructured manner with open-ended questions involving key stakeholders directly involved in the management of *waqf ahli* in several regions. In analyzing the data, the researchers used the thematic network method. The findings of this research indicate the need for a serious approach to the organization of family waqf so that the agenda for waqf revitalization can proceed effectively.

Keywords: *waqf ahli*, dual accountability, governance.

1. Introduction

The history of Islamic civilization shows that waqf (endowment) has been an effective instrument in providing infrastructure for the socio-economic development of the community. Unfortunately, waqf was forgotten for centuries. The past success in managing waqf has led to the revitalization of waqf becoming a primary goal in various countries over the last two decades. Indonesia has also shown a positive response to this waqf revitalization agenda by enacting Waqf Law No. 41 of 2004. This perspective aligns with the findings of Fuadi (2018), who concluded that waqf is one of the Islamic economic instruments that can offer significant solutions. Waqf has advantages in terms of sustainability and benefits that are of a general nature, unlike other social instruments in Islamic economics, such as zakat, infaq, and sadaqah, which are more consumptive in nature.

The Indonesian government pays significant attention to efforts to rejuvenate waqf from its decline. This is reasonable, considering that Indonesia, as the country with the largest Muslim population in the world, possesses substantial waqf potential. According to data released by the Ministry of Religious Affairs, there are 440.5 thousand waqf locations in Indonesia, with a total area of 57.2 hectares. Furthermore, the waqf sector has the potential to

reach 180 trillion Indonesian Rupiah per year, particularly in terms of cash waqf. According to the Indonesian Waqf Board, the acquisition of cash waqf reached 1.4 trillion Indonesian Rupiah in March 2022, showing an increase from 855 billion Rupiah during the 2018-2021 period.

After the Waqf Law was enacted, various efforts have been made to expedite the revival of waqf. The government issued Government Regulation No. 42 of 2006 to govern waqf management. Additionally, the Indonesian Waqf Board (Badan Wakaf Indonesia or BWI) was established as the regulatory body for waqf in Indonesia. Guidelines for institutional waqf management were also published in the form of Waqf Core Principles. Furthermore, the Statement of Financial Accounting Standards (PSAK) 112, approved by the Indonesian Institute of Accountants as the reporting standard for waqf in Indonesia, represents another development in improving waqf governance. Waqf has also become a key point in the development of Islamic economics in Indonesia and is included in the Master Plan for Islamic Economics in Indonesia, prepared by the National Committee for Islamic Economics and Finance (Komite Nasional Ekonomi dan Keuangan Syariah or KNEKS). Overall, the waqf revitalization movement continues to progress extensively.

However, amidst the rapid development of endowments (waqf) in Indonesia, there is something that many people often overlook. Prophet Muhammad (pbuh) and his companions practiced two types of endowments, namely waqf khair (public endowment) and *waqf ahli* (family endowment). Unfortunately, the development of family endowments is frequently neglected because more attention is given to public endowments, which are considered more related to the common good. However, in reviving the concept of endowments, family endowments cannot be disregarded. Equal attention must be given to the development of family endowments in Indonesia. Furthermore, the practice of family endowments is a part of local wisdom that has been long-standing in various regions of Indonesia.

According to Ihsan and Ibrahim (2011), being accountable to Allah (God) can be achieved by obeying all His commandments and avoiding all His prohibitions. However, there are some factors that can make human accountability visible. These factors are accountability mechanisms (Ebrahim, 2003). According to Ebrahim (2003), there are at least five mechanisms that can be used to operate the capacity for accountability, namely disclosure of statements and reports, performance assessment, participation, self-regulation, and social audit.

Although the Waqf Law No. 41 of 2004 contains provisions regarding family endowments (*waqf ahli*), there have not been any serious efforts so far to further regulate the management of family endowments. However, activating waqf should not be taken lightly. Both public endowments (*waqf khairi*) and family endowments (*waqf ahli*) require proper management because fundamentally, both types of endowments stem from the same Sharia principles. On the other hand, governance of waqf, particularly family endowments, is highly necessary as it will determine the accountability of waqf management.

Thus far, some studies have been conducted on governance and accountability of waqf (Zein et al, 2008; Huda et al, 2014; Ihsan and Ayedh, 2015). Some studies even more focus on the issue of accountability (Ihsan, Eliyanora and Septriani (2016); Ihsan et al., 2016; Ihsan et al., 2017) However, it is evident that there have been no specific efforts to understand the governance of family endowments. Therefore, a study is required to comprehend the governance of family endowments from an accountability perspective.

2. Literature Review

Waqf ahli is an endowment where the services are dedicated for the general welfare of relatives based on kinship (*nasab*) with the endower (*waqif*). The legal basis for *waqf ahli* is derived from the hadith of the Prophet Muhammad, who instructed Abu Thalhah to endow his most beloved date palm garden, the "Bairoha" date palm garden, in direct response to the revelation of Allah's command in Surah Ali Imran, verse 92, which means: "You will never attain righteousness until you spend [in the way of Allah] from that which you love." The Prophet then informed Abu Thalhah that the benefits from that property would increase for his family. In addition to Abu Thalhah, other companions of the Prophet also made *waqf ahli*, such as Abu Bakr, who donated his land in Mecca to his descendants, and Zubair bin Awwam, who donated his house to his descendants.

In Indonesia, *waqf ahli* is not widely recognized, as in the minds of the Muslim community in Indonesia, the term *waqf* typically refers to assets allocated for public or Islamic community interests rather than for the benefit of the endower (*waqif*) or the endower's family. However, Indonesia acknowledges the existence of *waqf ahli*. Article 30, paragraphs 4-6 of Government Regulation No. 42 of 2006 regarding endowments state and recognize the existence of *waqf ahli* as follows: Article (4) The intention of the endower as referred to in paragraph (4) can be in the form of *waqf Khairi* or *waqf-ahli*. Article (5) *Waqf ahli* as referred to in the paragraph is intended for the general well-being of relatives based on blood relations (*nasab*) with the endower. Article (6) In the event that relatives of the endower under *waqf ahli* have deceased, then *waqf ahli*, by law, changes its status to become *waqf khairi*, the designation of which is determined by the Minister based on the considerations of the Indonesian Waqf Board (BWI).

To date, there has been no in-depth research addressing the issues related to the management of *waqf ahli* (family endowment). Some researchers, such as Ihsan et al. (2006) and Cajee (2011), who agree on the importance of good governance in *waqf*, have not specifically discussed the issue of good governance in *waqf ahli*. Ihsan et al.'s (2006) study began with a review of the problems of non-transparency and accountability in the current management of *waqf*. In addition to emphasizing the need for accounting standards to achieve transparent reporting, Ihsan et al. also recommended the importance of a governance model that could lead to the best institutional *waqf* practices. Similarly, Cajee (2011) emphasizes the need for a set of good governance rules for *waqf* institutions. He believes that good governance is one of the critical factors that will help achieve *waqf* revitalization programs.

One of the few studies addressing *waqf* management issues is by Ihsan and Ayedh (2015). They attempt to link this with accountability issues, subsequently elaborating on possible dimensions that shape the governance concept in *waqf* institutions. However, Ihsan and Ayedh (2015) proposed a *waqf* governance model based on previous studies, not empirical findings.

3. Research Method

Research Design

This research was conducted using a qualitative approach with an ethnographic research design. The reason for choosing ethnography is that this approach allows the researchers to study the cultural aspects of family endowment practices. In this study, primary data was collected through observation and interviews. This aligns with the concept of ethnography, which describes culture to understand their way of life from a cultural perspective (Cresswell,

2008). Furthermore, in ethnographic research, there is a process in which one culture studies another culture to construct a systematic understanding of that culture from the perspective of those who have studied it (Spradley, 2007).

In doing so, this research examines the practices of managing *harato pusako tinggi* (high ancestral heritage), with a specific focus on the Minangkabau community. The study is conducted in the Kuranji District of Padang City. The rationale for selecting *harato pusako tinggi* as a model for family endowment practices is based on several opinions that assert the essence of these valuable ancestral heritages as family endowments (Hamka, 1984; Sumarni, 2018; Tono et al., 2019)."

Data Collection

Observation and in-depth interviews are two data collection techniques used in this research. Individuals directly involved in the management of family endowments were interviewed in an unstructured and open-ended manner. In this case, the researchers conducted interviews with the managers or *nazhir*, regulators, traditional leaders and academician. The reason for selecting these respondents is that they are considered to represent those who have knowledge and experience in handling family endowment issues.

Data Analysis

The researchers employed the thematic network method to analyze the data. Thematic network analysis is a qualitative data analysis technique based on the network of themes formed from research findings (Attride-Striling, 2001). Three themes were used to categorize the research results: basic themes, organizing themes, and global themes. Basic themes are fundamental ideas derived from data that have been transformed into text. Organizing themes are formed from basic themes with similar patterns, while global themes represent the final conclusions drawn from various organizing themes. Grouping themes within the thematic network is essentially similar to coding (Strauss and Corbin, 1998). Here, the formation of basic themes is a process of open coding, which involves constructing basic categories from the acquired information. Subsequently, the process of developing organizing themes aligns with axial coding, which determines the relationships between categories. Meanwhile, determining global themes is akin to selective coding, which weaves a "narrative" connecting the categories.

4. Result and Discussion

The Status of Family Endowment

From the interview, it was found that, to date, there is no clear position regarding family endowments (*waqf ahli*). The perceptions of the *nazhir* (manager) and regulators about family endowments, and their association with *harato pusako tinggi* in Minangkabau society, vary depending on their legal knowledge and religious beliefs. However, in general, the respondents agree that both concepts share many similarities.

According to the representatives of the Indonesian Waqf Board (Badan Waqf Indonesia - BWI) in West Sumatra, *harato pusako tinggi* refers to the heritage from ancestors in ancient times. On the other hand, *waqf ahli* refers to the act of endowing assets, initially intended for family benefit but eventually can also be enjoyed by the general public. Nevertheless, in the context of Islamic jurisprudence (*fiqh*) in Minangkabau, *harato pusako tinggi* shares similarities with family endowments (*waqf ahli*). This is because the origin of *harato pusako*

tinggi comes from ancestral heritage and follows the waqf principle, which prohibits selling. The concept of endowment is similar to these concepts. Therefore, in West Sumatra, *harato pusako tinggi* is associated with family endowments (*waqf ahli*).

Members of the Indonesian Ulama Council (Majelis Ulama Indonesia - MUI) assert that *harato pusako tinggi* cannot be considered the same as family endowments (*waqf keluarga*), although some experts argue that they share similarities. In Minangkabau culture, the heritage passed down through generations is referred to as *harato pusako tinggi*. According to Minangkabau customs, this heritage should not be sold or pawned unless in emergency situations regulated by customs, such as for the expenses of a daughter's wedding, burial, traditional house maintenance, and repayment of debts to family members.

The academic perspective, as explained by Dr. Ahmad Wira, outlines several principles regarding *harato pusako tinggi*. First, *harato pusako tinggi* should not be divided or designated for ownership by specific individuals. Second, it is to be used for family purposes, particularly for the benefit of female family members. Consequently, there are two principles that closely resemble family endowments (*waqf ahli*). The first principle is the utilization of endowed assets for the family. The second principle of endowment is how we preserve the principal assets and only take their benefits. From this standpoint, we observe that *harato pusako tinggi* must be maintained and should not be sold, gifted, or transferred, just like endowed assets that should not be gifted or sold, among other restrictions. Additionally, the benefits are intended for specific individuals. Hence, *harato pusako tinggi* is also exclusively for one's own family, and that's where the similarity lies with family endowments.

The role of stakeholders in the family endowment in Minangkabau

In the management of family endowments, several parties that should be involved include:

a. *Nazhir* (Manager or trustee)

Mr. Zainudin's perception in carrying out his role in decision-making is explained as follows: The head of the family usually gathers members of the extended family to discuss how to manage the family's ancestral heritage. To reach a consensus, a consultation is held among the family elders and heirs, where various opinions and perspectives are discussed. If the distribution of the ancestral heritage by the family head is not done wisely and fairly, mistakes can occur. If not carefully considered, assessing the family's needs based on a stable economic factor can lead to injustice. Conflicts within the family and the community can arise due to unequal distribution. Mr. Zainudin regrets such actions as the family head, acknowledging the lack of wisdom in the distribution of the ancestral heritage. He explains this well and plans to take new measures to avoid any jealousy among the families receiving the inheritance.

According to the trustee's duties in the Customary Assembly of Nagari Minangkabau regarding ancestral heritage or pawn transactions, their role is to ensure the enforcement of customs and customary values related to the management of family inheritance. They are also responsible for resolving disputes and conflicts that may arise concerning the distribution and management of such assets. Additionally, the Customary Assembly of Nagari is tasked with assisting parties involved in the process of managing ancestral heritage or pawn transactions and maintaining balance and harmony within the family tribe or environment. However, the reality does not align with the trustee's expectations, as the Customary Assembly of Nagari is not fulfilling its duties effectively.

b. Nephews and nieces

The role of nephews and nieces is crucial in Minangkabau culture for managing ancestral heritage or family endowment. Nephews and nieces can participate in discussions and decisions regarding the preservation of ancestral heritage or family endowment. Their involvement in this process can provide a more diverse and comprehensive perspective.

c. *Mauquf 'alaih* (The family receiving the benefits of the ancestral heritage)

Mrs. Arisma states that the family receiving the high ancestral heritage or family endowment, which includes land for building a house, plays a crucial role in managing these assets. According to her, the responsibilities of the recipient family include managing and maintaining the land provided to them. Preserving the quality of the land and taking care of the buildings are part of their duties to ensure the longevity of these assets.

Mrs. Arisma argues that the recipient family should be actively involved in decision-making regarding the care and management of the land and the family endowment or ancestral heritage house. She believes that all family members should participate in significant decisions such as renovations, repairs, or changes in usage. Mrs. Arisma also emphasizes the importance of transparency in managing these assets. Families can ensure that all aspects related to the care and management of the land and house are well-informed through clear communication or formal consultations.

Until now, in the management of ancestral heritage, especially among the Sikumbang tribe, there is an awareness of the importance of fairness in asset distribution, and the significance of transparency in family asset management will be implemented. Every aspect of management will be conducted fairly and transparently. Everything related to the use, care, and maintenance of assets is done in a clear and communicable manner. In this situation, Mrs. Arisma explains that, as the party responsible for the ancestral heritage, the trustee uses the principle of transparency as the main guide in decision-making. This means that every family member has equal access to information and decision-making, just like the trustee. As expressed by *Mamak Kapalo Waris* (customary leader) below:

“After a few years, it becomes apparent. An example is the distribution of heritage; in the case of ancestral heritage, the distribution must be fair. Fairness in social matters may not be the same as fairness in ancestral heritage. Placing things in their proper context, fairness in ancestral heritage doesn't mean an equal distribution. True fairness lies in distributing according to needs, and that's where we've been wrong all this time.”

d. Regulator

According to the Indonesian Waqf Board and the Indonesian Ulama Council, assisting managers in fulfilling their responsibilities involves considering local values. Regulators can help ensure that the management of ancestral heritage in Minangkabau is conducted professionally and in accordance with regulations in the event of disputes related to its management. Regulators can also act as mediators or intermediaries in conflicts or disagreements regarding the management of family endowment, referring to Islamic teachings to find fair solutions in line with religious values. With these roles, regulators can ensure that disputes are resolved fairly.

Principles of Family Endowment Governance

The trustee's perception explains that in the management of ancestral heritage in Minangkabau, they have applied principles of good governance and have adhered to Islamic teachings. The *Mamak*, as the customary leader, should have played an active role in overseeing asset management to ensure alignment with customary values and Islamic principles. However, there have been some challenges in the family tribe. The managers believed they were fair in distributing the endowment to those in greater need (family members). However, the shortcomings became apparent over the years. The *Mamak Kapalo Waris* felt guilty for distributing according to the needs of families with sufficient economic means. Consequently, as the manager, they plan to take action to ensure a fair distribution of the ancestral heritage, not just to those in need, but fairly to all families, considering their economic conditions.

As the resurgence of these historical institutions unfolds, calls for good governance and best practices in endowment have emerged. To revitalize endowment institutions, many agree that the principles of good governance should be applied (Ihsan and Ayedh, 2015). As mentioned earlier, discussions on governance are related to accountability. There is no doubt that accountability is a central theme in Islam because being accountable to Allah and society is crucial in the belief of a Muslim (Lewis, 2006).

Women are the custodians of wealth in Minangkabau because the kinship system here is matrilineal, meaning it is centered around the female line. Meanwhile, the *mamak* (maternal uncle) plays a role in overseeing and regulating the use of that wealth, as expressed by the *Mamak Kapalo Waris* below:

“In Minangkabau, women have authority over wealth within their family tribe, while men are primarily responsible for managing ancestral heritage that has been passed down since our ancestors' time. Additionally, men also have significant responsibilities in overseeing and managing this heritage.”

In Minangkabau, a *mamak* is responsible for the wealth. As stated by *Mamak Kapalo Waris*, he plays a crucial role in managing the high ancestral heritage of the Sikumbang Tribe. *Mamak Kapalo Waris* is accountable for safeguarding this ancestral heritage. The proceeds or benefits from the ancestral heritage are directly given to the deserving family (*mauquf 'alaih*). In addition to the role of *Mamak Kapalo Waris*, nephews and nieces also play a significant role in consultations regarding the distribution of ancestral heritage. *Mamak Kapalo Waris* collaborates with nephews and nieces to preserve the ancestral heritage and make decisions about its distribution. This illustrates that family members with vested interests are actively involved in the decision-making process of managing ancestral heritage.

The interests and fairness of each family member must be taken into account when making these decisions. The family can maintain peace and fairness with such a management model, which also helps implement principles of good governance. Management involving various parties can prevent internal conflicts and encourage family members to participate in decision-making. This aligns with the principles of Good Governance, which emphasize transparency, accountability, and participation.

In this context, the roles of *Mamak Kapalo Waris* and nephews/nieces hold significant meaning as an implementation of good governance in high ancestral heritage. The collaboration between the primary manager and other parties in decision-making reflects the principles of

transparency, accountability, participation, and consensus-based decision-making. These are crucial components of Good Governance and align with the values of Islamic Sharia.

Practically, not all decisions are made solely by the *mamak*; rather, the decisions are the result of consultations with nephews/nieces, mothers, and all members of the family tribe. Although everyone in a tribe is responsible for managing the high ancestral heritage, *Mamak kapalo waris*, as the legally appointed male head, oversees the high ancestral heritage. This aligns with what the trustee expressed below:

“Every family member in that family tribe has a right to participate in the management of ancestral heritage, not limited to just the mamak or nephews/nieces. While the general responsibility for managing and maintaining the heritage falls on the male figure acting as the mamak, it doesn't mean that nephews/nieces don't have a role in its preservation. Decisions are made through consultation or mutual agreement within the family.”

Rashid (2008) asserts that the religious orientation of the trustees is necessary to rejuvenate and instill accountability in endowments. He believes that the responsibilities of trustees can be enhanced in this manner. However, there is no empirical evidence yet to confirm Rashid's argument. It is intriguing to discover the actual elements that can improve accountability in the management of endowment assets. Nevertheless, it is essential to understand the dual accountability definition in the context of endowments before suggesting components that can enhance accountability. As stated by Sinclair (1995), the main issue with accountability is understanding it. This is due to the fact that without a clear agreement on who is responsible, the methods to achieve it will be inconsistent.

Family endowment governance and dual accountability

The principles of family endowment governance reflect dual accountability because all these principles originate from revelation. The application of the concepts of *amanah* (trust), *'adalah* (justice), and *syura*' (consultation) in good governance will assist the trustees in fulfilling their accountability to Allah. Another essential principle in endowment governance is transparency, as everything should be reported openly, especially in the context of inheritance distribution. To be accountable to Allah SWT, one needs only to follow all His commands and avoid all His prohibitions, based on the Quran and hadith. For example, trustees should not violate Sharia rules when managing family endowment assets. Simultaneously, the trustee must demonstrate responsibility to the family tribe to fulfill the endowment's goals according to the donor's wishes.

Islam is inseparable from accountability because, from an Islamic perspective, accountability stems from the concept of *amanah*, which is related to the concept of khalifah (stewardship). Essentially, individuals are first accountable to Allah SWT and then to fellow human beings. The Quran explicitly states that every person will be examined and held accountable. Allah states in Surah Al-Ankabut, verse 13:

“And [for] every person We have imposed his fate upon his neck, and We will produce for him on the Day of Resurrection a record which he will encounter spread open.”

However, it is further explained by the trustee regarding the responsibility given to the sons who will manage and take care of the ancestral heritage in their family, as follows:

“The responsibility given to men as the mamak in managing and taking care of the ancestral heritage is indeed entirely the mamak's responsibility. It does not mean that nephews are not allowed to participate in managing it. Because, the decisions will be made through consultation or mutual agreement among the members of the family tribe later on.”

The quote above indicates that the monotheism of good governance in the endowment institution is about ensuring the accountability of the trustee. Institutional values from the basic Islamic perspective (trust, justice, and consultation) can be derived from various governance principles. Sincerity drives the trustees to seek perfection in managing endowment assets to seek the pleasure of Allah first and then the family tribe.

In the discussion, the trustee explains how to manage waqf assets in their family tribe. As expressed by the trustee below:

“In this world, as creatures created by Allah, we should be able to make the most of everything He has given us. Now, in carrying out the responsibility of managing ancestral heritage within the family, it should indeed be for worshiping Allah, but not everyone understands it well. Some approach it casually, while others do it sincerely and earnestly. Therefore, in managing this heritage, it is advisable to do it to the best of our ability. After fulfilling our worship obligations, such as the five daily prayers, for example, we should also be able to learn from the experiences of those who came before us.”

Moreover, the Quran reminds believers not to betray the trust (responsibility) entrusted to them. Allah states in Surah Al-Anfal, verse 27, which means:

O you who have believed! Do not betray Allah and the Messenger, nor betray your trusts while you know [the consequence] (QS. Al-Anfal:27).

From the concept of *amanah*, it will determine how an individual's relationship is within their surrounding society. If someone truly understands the concept of *amanah*, then any issues they face regarding their rights and obligations in an institution can be resolved properly. According to Shahul (2000), in the context of accountability, the meaning of *amanah* refers to the obligation of each person to fulfill the recognized and agreed-upon responsibilities in every contract or agreement they make with others. This concept emphasizes the importance of fulfilling commitments fairly, honestly, and in accordance with the moral and ethical principles that apply. Building trust and maintaining integrity in social and business interactions can be achieved by respecting the principles of *amanah*. As expressed by the trustee below:

“Therefore, a "mamak kapalo waris" must remain neutral, not favoring anyone, whether it be their own child, sibling, or even other relatives. The

head trustee must stand above personal interests for the greater good. In such a family, people may not always understand this situation and may feel aggrieved, like a child who feels neglected.”

The principle of good governance is trust that encourages trustees to manage endowment assets as a trust from Allah for the benefit recipients, considering this endowment as a trust. The principle of *'adala*, which is also crucial in the distribution process among the beneficiaries (recipient families), requires the trustee to act justly (*'adala*) in determining the amount of endowment income for the beneficiaries and themselves.

From the explanation above, in the Minangkabau inheritance system, "just" does not always mean an equal distribution of assets but rather considers a person's social status, involvement in the family, and personal needs. As expressed by the trustee below:

“A good example of the distribution of ancestral heritage is when it is done fairly. However, fairness in a social context does not always align with fairness in the distribution of ancestral heritage. Often, someone may position themselves advantageously in the distribution of ancestral heritage, so the concept of fairness in this context may not always be the same as fairness in the broader family tribe.”

In the context of inheritance in Minangkabau society, the principle of transparency refers to openness and clarity in the process of distributing ancestral heritage. This means that every step in the distribution process should be carried out in a clear, open, and accountable manner for all heirs involved. Transparency is implemented to prevent conflicts, ensure fairness, and foster trust within the family. Moreover, this principle demands effective and accurate communication, as well as the involvement of all stakeholders in the process of distributing ancestral *heritage*. In the process of distributing ancestral heritage, every heir who has a right to the inheritance will have the opportunity to express their opinions and preferences.

In addition to the above-mentioned principles, the management of ancestral heritage in Minangkabau should apply the principle of transparency (openness) to address any issues facing the family. As expressed by the trustee below:

“Certainly, before endowing, the process of distributing family ancestral land must be done in a good and open manner to all members of the endowed family. Nothing should be hidden. If there are differences of opinion in the deliberation, we must accept the views of nephews and others with an open heart. Some may disagree with the endowment decision, but as the head trustee, we must be able to handle it well without diminishing the spirit of the nephews who have provided their views. In the distribution of the inheritance, openness to all heirs is key. No one should speak behind others or take actions that could cause further problems.”

Another principle is "syura", which should be the basis for the decision-making process. The trustee must involve representatives of all relevant parties in the decision-making process.

"In my community, when there is an issue related to a nephew who wants to build a house, I will first discuss it with the elder members, nephews, and the family receiving the inheritance. This is to reach a decision that is suitable. Usually, I urge all the grown-up nephews who understand the inheritance to inform the other elders that there will be a deliberation at the house of individual A."

The strong principles of accountability and responsibility applied by families or individuals as trustees in the management of Minangkabau ancestral heritage are also linked to the concept of dual accountability. This concept refers to dual responsibility, namely responsibility to God and responsibility to the community and individuals benefiting from the ancestral heritage. By applying the principles of accountability in the management of ancestral heritage, they respect the obligation to God to safeguard the trust and also uphold the responsibility to the community to regulate and distribute the wealth fairly. Ultimately, these principles create a strong dual accountability system in Minangkabau.

Therefore, the practice of ancestral heritage, including the concept of endowment in Islam, is part of the Islamic faith. This endowment has actually been exemplified by Prophet Muhammad (PBUH) and his companions, making it a part of the lives of Muslims in the past. In the practice of ancestral heritage, the head trustee is responsible for managing it as a trustee, and then it is used collectively with family members as "*mauquf 'alaih*." Therefore, it is expected that the head trustee is able to oversee, organize, and develop the ancestral heritage and is responsible for the well-being of the family.

5. Conclusion

This research investigates the elements of family endowment, a concept that is not specifically regulated by law. The focus of this research is on the understanding and practices of family endowment in the absence of specific regulations. Interviews with religious experts, family tribe leaders, and others are part of the research methodology. The study found numerous challenges and prospects in managing family endowments without a clear legal foundation. Additionally, the research examines public opinions on the need for more stringent regulations regarding family endowments. Families or individuals serving as custodians of ancestral heritage in Minangkabau adhere to robust principles of accountability and responsibility. These principles are intertwined with the concept of dual accountability, involving responsibilities to both God and the community, as well as individuals benefiting from the heritage. By applying accountability principles in heritage management, they fulfill their duty to God by safeguarding the trust, while also honoring their responsibility to the family tribe in justly governing and distributing the assets. Ultimately, these principles establish a strong dual accountability system in Minangkabau.

It is important to remember that in the Minangkabau tradition and culture, the distribution of *harato pusako tinggi* is not solely based on money. Cultural values, family ties, and social obligations also influence this distribution. Customs that promote justice and togetherness can be violated by neglecting relatives in dire need and giving more to wealthier

family members. Therefore, the *mamak kapalo waris* must carefully consider many factors when making decisions about the distribution of *harato pusako*. This includes social conditions, financial needs, and cultural values passed down from ancestors. Transparency and good communication with all involved parties can help avoid incorrect distributions and make fair decisions that are accepted by all family members.

Although there is no specific law governing *harato pusako tinggi*, this research provides valuable insights into how family endowments are conducted and addressed in a legal context that is not clearly defined. The Indonesian Waqf Board (Badan Wakaf Indonesia or BWI) and the Indonesian Council of Ulama (Majelis Ulama Indonesia or MUI) have the expectation that *harato pusako tinggi* can also be considered a form of worship. Therefore, it is recommended that such assets be dedicated as family waqf (*waqf ahli*), allowing them to be certified and defined with clear boundaries. This way, the trustee (*nazhir*) can manage them more effectively and in an organized manner.

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