From communal to individual: Shifting authorities of family dispute resolution in Minangkabau society

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This study aims to explain the shift of authority in resolving family disputes in Minangkabau society. At least three authorities are involved in resolving family issues in Minangkabau: religious authority, represented by leaders with religious knowledge; customary authority, held by leaders with their own laws; and state authority, enforced by judges in court based on laws and regulations. This research is a field study with a socio-legal approach. The study examined Minangkabau households in both rural and urban areas, utilizing questionnaires and in-depth interviews to collect data from individuals involved in household disputes. The data were then reduced, presented and verified. This study found that in addition to using the three long-standing authorities in Minangkabau society, disputants are more likely to use individual authority in resolving their family disputes. The disputants are more likely to resolve their family problems independently without involving religious leaders, customary leaders, or religious court judges. The tendency towards individual authority is more prevalent in urban communities. The strengthening of individual authority coincides with the weakening of the formal institutions of the three authorities in Minangkabau society. The factors contributing to the diminishment of these authorities include modernisation, technological advancements, and digitalisation which incentivises the involved parties to logically settle their disputes for their individual gains and aspirations. Based on the research findings, the current study confirms that the shift in family dispute resolution authority indicates that there has been a shift from extended to core family patterns in Minangkabau society.

Keywords: authorities; family dispute resolution; Minangkabau society; shifting
Introduction

The number of divorce cases in Indonesia is steadily rising. One of the reasons for divorce is family disputes. These disputes are not limited to urban areas, but also occur among the Minangkabau community, which strictly adheres to Islamic and customary practices (Nofiardi, 2018). When resolving family disputes, the Minangkabau community relies on three authorities: Islamic law, customary law, and state law. Based on the philosophy of “Adat Basandi Syarak, Syarak Basandi Kitabullah”, household rules are formed according to adat (customary law), which is based on syarak (Islamic law). All family matters are subject to customary law and Islamic law (Aziz, Dzofir and Widodo, 2020; Tuhri, 2020). The state participates in regulating family life via the marriage law (Warman, 2019). These three legal authorities, namely Islamic law, customary law, and state law (Damayanti, 2022), give rise to an intriguing dialectic in shaping Minangkabau family life (Benda-Beckmann and Benda-Beckmann, 2013). This dialectic not only determines the legitimacy of Minangkabau marriage customs (Asmaniar, 2018), but also addresses the family issues that arise within the household. Although the relationship between these three authorities appears well balanced (Tono et al., 2019; Arsil and Wasti, 2020), they tend to be ignored when family problems occur. This is demonstrated by the numerous unresolved family issues in Minangkabau (Suryani et al., 2022).

Studies of family disputes may be classified into four categories. The first category pertains to conflicts in Minangkabau more broadly, which are mainly centered on disputes over heirloom land and inheritance (Iska, 2019; Amriwan, Warman and Andora, 2020; Putri and Montessori, 2020; Elfia et al., 2022; Nasir, 2022). The second category consists of studies that examine various cases of family disputes in Minangkabau, encompassing both traditional Minangkabau practices and clashes with external traditions (Sihite, 2016; Nofiardi, 2018; Suryani et al., 2022). Thirdly, there have been investigations into addressing family conflicts in various regions, excluding the Minangkabau area. These regions include Aceh (Djawas and Samad, 2020), Sintang (Alfarisi, Hayat and Hakimi, 2023), and Lombok (Sugitanata et al., 2023). In addition, non-violence resolution models and models of family conflict resolution without litigation (adat) have been explored (Iqbal et al., 2020; Imam, 2011; Awaludin, 2021). Fourth, studies on family dispute resolution models in countries
where litigation is more common than relying on customs or religion have been conducted (Weller, Martin and Lederach, 2001; Field and Crowe, 2007; Cooper and Field, 2008; Fletcher and StGeorge, 2010; Lundberg and Moloney, 2010; Petridis and Hannan, 2011; Saini et al., 2016). However, none of these trends specifically analysed the authority to resolve family disputes among the Minangkabau.

This study aims to address the gap in research on household dispute resolution practices in Minangkabau, specifically focusing on resolution authority. The study intends to explore the different forms of authority holders and patterns of household dispute resolution in Minangkabau. Furthermore, it seeks to examine the shift of authority in Minangkabau society, from communal authority held by scholars, customary leaders, and state officials to individual authority wielded by each party involved in the dispute. Ultimately, the objective of this study is to demonstrate that the Minangkabau society shows a preference for individual authority in comparison to the three established authorities.

This study is significant for three reasons. Firstly, several studies explain the diminishing roles of customary institutions and actors, particularly mamak, in regulating family life in Minangkabau (Handayani and Pinasti, 2018; Widihastuti, Puji Wulandari and Nurhayati, 2019; Irwan et al., 2022). Secondly, many family disputes in Minangkabau remain unresolved, despite regulations by Islam, customs, and the state. Thirdly, the introduction of modernity has altered the household pattern in Minangkabau.

Method

This study is categorised as legal research on a social institution using a socio-legal approach. The study examined households in rural and urban areas inhabited by Minangkabau people, with Tanah Datar serving as the sample location for the rural area and Bukittinggi representing the urban area. Data collection methods consisted of questionnaires and in-depth interviews. Questionnaires were distributed randomly to families in Bukittinggi and Tanah Datar to examine the household dispute resolution patterns they favoured. To gain further insights into the pattern of household dispute resolution, interviews were conducted purposively, using a snowballing technique. Subsequently, data was reduced, presented and verified (Miles and Huberman, 1994). The form of authority involved in
family dispute resolution was analysed using Max Weber’s theory of authority. Max Weber categorizes authority into three types: charismatic authority, traditional authority, and rational legal authority (Bhojani and Clarke, 2023). Charismatic authority describes religious leaders’ authority. Traditional authority refers to customary authority held by traditional leaders. Rational legal authority denotes the state authority exercised by judges based on the rule of law. The decision to resolve disputes individually was examined through James S. Coleman’s rational choice theory (Coleman and Fararo, 1992). This theory elucidates the social actions taken by disputing parties in settling their disagreements based on specific objectives determined by values or choices.

The holder of authority for the resolution of family disputes in Minangkabau society

Four authorities for household dispute resolution were identified in Minangkabau society through the conducted research. These authorities consist of the religious authority, referring to Islamic law (Sakirman, 2016), customary authority governed by customary law, state authority which utilizes state law, and individual authority.

Religious authority in family dispute resolution

Religious authority is embodied by individuals who possess religious knowledge acquired through formal religious education, for instance, Islamic boarding schools, Islamic universities, or other rigorous knowledge assemblies. This educational proficiency and knowledge entitle them to disseminate religious doctrines to the Muslim community, and those who complete this process are recognised as traditional religious authorities. Meanwhile, individuals who gain religious knowledge from widely available and easily accessible sources, such as translated literature, recitations, and the consumption of new media such as the internet and television, are identified as contemporary religious authorities (Kailani, Ikhwan and Suhadi, 2019).

In the present study, religious authority for resolving household disputes pertains to conventional scholars in Minangkabau, such as Buya – a term referring to a person knowledgeable in religious teachings who disseminates them to the community (Siregar et
In Minangkabau society, *Buya* plays a crucial role not only as a forum for religious inquiries, but also as a resource for addressing matters concerning everyday life or those confronted by the community, such as those pertaining to domestic life. To settle domestic disputes, *Buya* turns to Islamic law and assumes an authoritative role due to his expertise. According to the Quran, verse Al-Hujurat: 9, a *Buya* is designated as a *hakam* – a person who administers justice in domestic disputes. The significance of the *Buya*’s religious authority is pivotal in the community’s resolution of household disputes.

In accordance with Max Weber’s theory of authority, the *Buya*’s authority can be categorised as either charismatic or religious (Bhojani and Clarke, 2023). The community obeys and follows the *Buya* due to their charisma and authority. The *Buya* serves as a determining factor in guiding the community in accordance with religious teachings. Additionally, if a problem arises, the *Buya* plays a role in resolving it in accordance with religious provisions. The figure of *Buya* in Minangkabau society began to decrease and there was no successor who could replace it. It is in this condition that people begin to lose their grip on life and look for other alternatives to determine their life problems. This also happens when determining how to resolve their household disputes.

In resolving family disputes, certain Minangkabau individuals still resort to religious authority wielded by *Buya* or *Ustadz*. Data pertaining to the resolution of household disputes via religious authorities in Minangkabau is presented in the following table.

<table>
<thead>
<tr>
<th>No.</th>
<th>Name (Initials)</th>
<th>Address</th>
<th>Disputes</th>
<th>Resolving Authority</th>
<th>Settlement Mechanism</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>SN</td>
<td>Bukittinggi</td>
<td>• Husband and Wife</td>
<td>Religious Authority</td>
<td>Mediation</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>• Children</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>• Inherited property</td>
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</tbody>
</table>
The data indicates that religious authorities mediate disputes related to marriage, children, maintenance, inheritance, marital status, and baganyi (husband leaving home). In such cases, individuals with religious knowledge, specifically Buya or Ustadz, are involved. The conflict resolution model involves direct mediation by the appointed parties, with the parties involved in the dispute seeking advice from Buya regarding their family conflicts. Buya, with his charisma and authority, outlined the issue that arose between the disputing parties. The resolution is guided by religious teachings, and the disputing parties will feel content and at ease with the solution, as it adheres to religious principles.

**Customary authority in family dispute resolution**

Customary authority in this instance is represented by customary stakeholders. The lowest tier of customary authority comprises ninik mamak, or uncle. The mamak holds the legitimacy of hereditary leadership that is passed down through generations. Within Minangkabau society, the mamak plays a crucial role in organizing the lives of their people, which includes managing inheritance properties (Eficandra, 2022). In case of a dispute or conflict between nephews, clans, or conflicting customs, the role of resolving it lies with the mamak through custom. The settlement process is carried out through deliberation and consensus. Due to the emphasis on family ties in Minangkabau society, all conflicts are resolved exclusively within the family under the supervision of the ninik mamak (Zurnetti et al., 2023). When domestic issues arise, such as baganyi (when the husband departs the residence due to a disagreement with his wife and goes back to his parents’ home), the mamak assumes the responsibility of fetching his son-in-law in accordance with customary law and returning him to his parents’ house, which is also supported by the man’s mamak (Nofiardi, 2018).

Data on the settlement of domestic disputes in Minangkabau through customary
The data demonstrates that numerous cases resolved through customary authority...
pertain to baganyi and property disputes and sasuku marriages (Hakim, 2023). These disputes fall within the mandate of customary authority to resolve because property matters pertain to communal property, whereas sasuku marriage concerns customary regulations (Warman, Zulkifli, et al., 2023). The mamak, as the customary authority, resolves disputes through consensus-based deliberations. Furthermore, the resolution of disputes involves a sequence of customary processions, as demonstrated in the resolution of baganyi disputes (Nofiardi, 2018). This information also illustrates that rural communities, specifically Tanah Datar, prefer to rely on customary authority.

The community's decision to adhere to and abide by customary authority is rooted in customs that have been passed down through generations. Weber refers to this type of authority as traditional authority. Ninik mamak and penghulu obtain their authority by serving as the guardians and heirs of tradition. Customs and traditions serve as the bedrock for the community's way of life. Customary authority operates effectively only when the custom or tradition can provide solutions to the problems that arise. These problems ought to share similarities with past problems that were addressed through traditional methods, since there are already established customs that govern them. Family disputes are resolved through customary authority, such as baganyi, sasuku marriage, and inheritance issues. These disputes often follow customary rules governing customary processions, and they have occurred in the past. When new problems occur, but are resolved using old methods or customs, they are often not resolved properly by customary authorities. Customary authority is typically applied to communities that still adhere to old customs and traditions. This aligns with research that indicates customary settlements are prevalent in rural areas of Tanah Datar, where traditional customs hold greater prominence.

State authority in family dispute resolution

The regulation of family matters falls under the strong authority of the state, which is formulated in various legal frameworks, including Law No. 1 of 1974 on marriage, Law No. 16 of 2019 on the Amendment to Law No. 1 of 1974 on Marriage, Government Regulation No. 9 of 1975 on the Implementation of Law No. 1 of 1974 on marriage (Sakirman and Amanda, 2022), the Compilation of Islamic Law, and other regulations concerning family issues, such as Law No. 23 of 2004 on the Elimination of Domestic Violence (Warman,
et al., 2023). Judges, representing the state, settle domestic matters in both Religious and District Courts (Sakirman, 2017). They do so in accordance with government laws (UUP and KHI) (Alfiander, 2022).

The resolution of domestic disputes in religious courts by judges according to the relevant laws and regulations can be classified as rational legal authority (Andreas and Suryadi, 2019). Individuals will adhere to this authority based on rules that are rationally formulated. Laws created by the state are deemed capable of promoting justice and preventing discrimination between different communities.

The resolution of household disputes in Minangkabau through this state authority can be seen in the following table.

<table>
<thead>
<tr>
<th>No.</th>
<th>Name (Initials)</th>
<th>Address</th>
<th>Disputes</th>
<th>Resolving Authority</th>
<th>Settlement Mechanism</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>VL</td>
<td>Tanah Datar</td>
<td>Drugs</td>
<td>All Elements</td>
<td>Court</td>
</tr>
<tr>
<td>2</td>
<td>YM</td>
<td>Bukittinggi</td>
<td>• Baganyi</td>
<td>Friends/partners</td>
<td>Kinship of P2TP2A Office</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Child abuse</td>
<td></td>
<td>Court</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Polygamy</td>
<td></td>
<td>Court</td>
</tr>
<tr>
<td>3</td>
<td>HR</td>
<td>Bukittinggi</td>
<td>Violence</td>
<td>Parents</td>
<td>Kinship</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Court</td>
<td>Court</td>
</tr>
<tr>
<td>4</td>
<td>RK</td>
<td>Bukittinggi</td>
<td>• Baganyi</td>
<td>Individual</td>
<td>Court Kinship</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>• Right of divorce</td>
<td>Court</td>
<td>Courts</td>
</tr>
<tr>
<td>5</td>
<td>SY</td>
<td>Bukittinggi</td>
<td>Husband and Wife</td>
<td>Court</td>
<td>Court</td>
</tr>
<tr>
<td>6</td>
<td>LW</td>
<td>Bukittinggi</td>
<td>• Livelihood</td>
<td>Parents</td>
<td>Kinship</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Husband and Wife</td>
<td>Court</td>
<td>Court</td>
</tr>
<tr>
<td>7</td>
<td>SAS</td>
<td>Bukittinggi</td>
<td>• Violence</td>
<td>Mamak</td>
<td>Kinship</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Livelihood</td>
<td>Court</td>
<td>Court</td>
</tr>
</tbody>
</table>

Source: Research Data, 2022

Compared to the data on dispute resolution through customary authorities, fewer disputing families opted for dispute resolution through state authorities. This was particularly evident in urban areas, namely Bukittinggi. Furthermore, this data demonstrates that
state authority primarily deals with domestic violence and husband-wife relations. Issues pertaining to customs, such as sasuku marriage, banganyi and inheritance, were not resolved through court proceedings. The dispute resolution process is based on court procedures.

**Individual authority in family dispute resolution**

In addition to the three authorities of religion, custom, and the state, parties involved in a domestic dispute may also resolve their conflicts independently. This implies that they do not seek external parties to resolve their issues but instead resolve them autonomously, or with the involvement of their parents. In this study, we refer to this independent authority as “individual authority”.

Data on the settlement of domestic disputes through individual authorities can be seen in the following table.

<table>
<thead>
<tr>
<th>No.</th>
<th>Name (Initials)</th>
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<th>Disputes</th>
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<th>Settlement Mechanism</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>MI</td>
<td>Bukittinggi</td>
<td>• Children</td>
<td>Family Mamak</td>
<td>Kinship</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Inherited Property</td>
<td>Individuals</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>ER</td>
<td>Bukittinggi</td>
<td>Children</td>
<td>Family Individuals</td>
<td>Kinship</td>
</tr>
<tr>
<td>3</td>
<td>EW</td>
<td>Bukittinggi</td>
<td>Husband and Wife</td>
<td>Individuals</td>
<td>Kinship</td>
</tr>
<tr>
<td>4</td>
<td>IS</td>
<td>Bukittinggi</td>
<td>• Baganyi</td>
<td>Parents</td>
<td>Kinship</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Children</td>
<td>Individuals</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>MR</td>
<td>Bukittinggi</td>
<td>• Baganyi</td>
<td>Parents</td>
<td>Kinship</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Children</td>
<td>Individuals</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>FT</td>
<td>Bukittinggi</td>
<td>• Baganyi</td>
<td>Individuals</td>
<td>Kinship</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Children</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>SY</td>
<td>Bukittinggi</td>
<td>Children</td>
<td>Family Individuals</td>
<td>Kinship</td>
</tr>
<tr>
<td>8</td>
<td>MZ</td>
<td>Bukittinggi</td>
<td>Children</td>
<td>Parents</td>
<td>Kinship</td>
</tr>
<tr>
<td>9</td>
<td>VMS</td>
<td>Bukittinggi</td>
<td>Husband and Wife</td>
<td>Individuals</td>
<td>Kinship</td>
</tr>
<tr>
<td>No.</td>
<td>Name (Initials)</td>
<td>Address</td>
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<td>Resolving Authority</td>
<td>Settlement Mechanism</td>
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<td>-----------------------------------------------</td>
<td>---------------------</td>
<td>----------------------</td>
</tr>
</tbody>
</table>
| 10  | JH             | Bukittinggi | • Livelihood  
|      |                |          | • Children                                    | Parents             | Kinship              |
| 11  | MO             | Bukittinggi | • Livelihood  
|      |                |          | • Children                                    | Individuals         | Kinship              |
| 12  | EL             | Tanah Datar | Cheating                                   | Mamak              | Kinship              |
| 13  | MT             | Tanah Datar | Underage Marriage                           | Parents             | Kinship              |
| 14  | AR             | Tanah Datar | • Husband and Wife  
|      |                |          | • *Siri* Marriage                             | Mamak               | Kinship              |
| 15  | ZH             | Tanah Datar | Husband and Wife                            | Family              | Kinship              |
| 16  | GS             | Tanah Datar | Husband and Wife                            | Parents             | Kinship              |
| 17  | RY             | Tanah Datar | • Livelihood  
|      |                |          | • Property in the Family  
|      |                |          | • Joint Property  
|      |                |          | • Wife's Obligations                        | Individuals         | Kinship              |
| 18  | JN             | Tanah Datar | Husband and Wife: no offspring               | Individuals         | Kinship              |
| 19  | AB             | Tanah Datar | Husband and Wife                            | Individuals         | Kinship              |

Source: Research Data, 2022

The disputants’ final decision was to settle their dispute on an individual basis since they were unable to reach a solution through prior methods. MO, one of the respondents, attempted to resolve her conflict with her husband but to no avail. Ultimately, MO sought her parents’ intervention. The problem persisted, resulting in accusations of infidelity on MO’s part, leading to her husband leaving the home. MO’s mother, or ‘*mamak*’, played a part in resolving the issue. However, as per MO’s admission, the *mamak* was unable to resolve the matter and referred the decision back to her.
“My mum and dad tried to resolve it, but they just left it up to us how to solve our family problems. I finally decided to apply for divorce to the Religious Court, but until now it hasn’t worked because of problems with the marriage book. Finally, I resolved it myself” (MO, 2022).

Individual dispute resolution was also conducted by RY due to a conflict with her spouse regarding maintenance, property, and obligations. RY attempted to address the issues with her husband, but a mutually agreeable solution has yet to be found.

“My husband rarely gives alimony, does not know his obligations, so we argued with each other, and he left the house. My husband is reluctant to talk to me. I also don’t want to involve other people in our problems, let us resolve them” (RY, 2022).

RY acknowledged that she exclusively addressed the issue herself by persistently contacting her husband and refrained from involving third parties due to her feelings of shame regarding the complications in her domestic life. In contrast to MO’s revelation, RY autonomously tackled her struggles as she did not desire to involve others. Hence, RY solely exercised her individual agency. In MO’s case, after exhausting all available religious, customary and state authorities to resolve her dispute, she independently decided on a course of action.

According to the data, it is evident that each authority—religion, custom, and state—has a role in solving family disputes. Nonetheless, resolution of these disputes tends to be dominated by the conflicting parties’ own authority. In this context, the disputing parties do not generally employ religious authority represented by the Buya. It leads to the Buya barely resolving the household disputes encountered by the researching respondents. Despite resolving disputes independently, religious provisions are still commonly used. Disputants have rarely employed customary authority, which is represented by customary leaders. The authority was only used when they were unable to resolve their problems or when it had been previously used and failed to resolve their issues, prompting them to handle the disputes on their own. In addition, customary authority is only used when it relates to family property issues. Customary authority is more commonly employed in Tanah Datar in comparison to Bukittinggi.

In contrast, the state authority embodied by judges at the Religious Court was
inadequately utilised. The Religious Court’s influence was inclined towards being employed more frequently in the urban setting of Bukittinggi rather than Tanah Datar. However, a few participants acknowledged that utilizing the Religious Court was challenging and intricate. The obstacles experienced were not solely related to the judicial procedures, but other parties impeding the process of utilizing the Religious Court, as MO pointed out (MO, 2022).

It is apparent from the gathered data that disputants still resort to religious, customary, and state authorities in resolving domestic disputes. Nevertheless, they mainly attempt to solve their issues independently or individually. These aforementioned authorities come into play merely when the involved parties are unable to find a mutually acceptable solution. However, according to the obtained interviews, when the parties were unable to resolve the dispute on their own, they tended to keep their issues to themselves.

**Shifting authority in Minangkabau family dispute resolution: Strengthening individualism and weakening formal institutions**

The study’s findings indicate that individual authority prevails over the other three authorities in resolving family disputes in Minangkabau. Consequently, this study highlights the strengthening of individualism and a weakening of formal institutions, such as the religion, the custom, and the state in Minangkabau, particularly in family dispute resolution. This study identifies a shift in the authority of family dispute resolution in Minangkabau, from communal to individual. The study aims to investigate the reason for the strengthening of individualism and the weakening of formal institutions.

Internal family circumstances greatly impact the development of individualism, including economic challenges and familial understanding. The previous outbreak of the Covid-19 pandemic has led to economic difficulties for families. While Covid-19 has not significantly increased divorce rates in Indonesia (Rais, 2021), it has had a marked impact on household economic instability (Elimartati et al., 2023) and the escalation of domestic violence cases. This also motivates women to work more than men in order to support their family’s financial needs (Siregar et al., 2022; Nelli et al., 2023). The emergence of such employment opportunities provides women with the chance to engage with the outside world, thereby enhancing their knowledge and comprehension. This shapes the understanding of women
that they can earn their own livelihood and manage their household affairs independently without seeking assistance.

Internal familial issues lead to a decline in customary authority, as demonstrated by the abandonment of various traditions by communities (Warman, et al., 2023). While some customary communities still uphold these practices (Mursalin et al., 2023), the progression of time and technology has contributed to the deterioration of customs and traditions. Young individuals’ lack of interest in customs is gradually leading to the disappearance of such traditions, replaced by new technologies. Furthermore, customary authority is weakened by the contrasting roles of customary leaders (Afnaini and Syamsudin, 2022). This decline in traditional leadership not only stems from advancements in technology and changes in time but also because of the lack of a well-established bond between mamak (uncle) as a customary leader and kemanakan (nephew). The perception of a mamak among their nephews has become negative. One respondent stated that mamak will only solve problems if given payment upfront (MO, 2022). This behaviour contributes to the nephews’ lack of trust in mamak as the person responsible for the issues facing their community.

Technological advancements have impacted not only traditional authorities but also religious ones. The proliferation of diverse media has led to the emergence of new religious authorities. People use the media to consume and reproduce religious knowledge (Warman, 2017). Religious knowledge is easily accessible on different forms of media, and individuals are at liberty to reproduce it. Thus, numerous new religious authorities have surfaced, arousing the interest of the community. Nowadays, when individuals encounter household issues, they no longer consult a Buya or Ustadz for solutions. Instead, they turn to various media outlets to seek guidance on how to tackle their problems. Certain forms of media even offer a platform for individuals to express their troubles and obtain remedies (Handayani, 2021). In other words, traditional religious authorities have almost no place in the hearts of certain people who have troubles in their lives, particularly family problems. They no longer require the assistance of other authorities to address their problems once they have found a solution. The problem is then solved independently using the knowledge obtained from the new religious authority.

On the contrary, certain participants showed disregard for the state’s jurisdiction in
resolving familial conflicts, owing to several factors, such as the extensive procedures and challenges involved (MO, 2022). Consequently, the courts, which embody the state’s authority, have lost some of their power in resolving family disputes. Despite the courts’ efforts to provide litigants with a simple means of resolving their disputes, they have not been successful in enticing them into the courts. Distrust in state authority also stems from the constraints judges face when making rulings in legal disputes, leading to varying verdicts (Alfiander, 2022; Ramadhan and Muslimin, 2022). Judges’ inflexibility in resolving disputes without considering the circumstances of the local community exacerbates this issue (Wimra et al., 2023). The inflexibility of judges in deciding cases without considering the realities of community life (Wimra et al., 2023) can dissuade individuals from seeking recourse through the Religious Courts. This was exemplified by MO’s experience, whose divorce application was dismissed by the Religious Court due to incomplete requirements, resulting in a reluctance to pursue further legal action (MO, 2022).

In addition to the aforementioned factors, the reinforcement of individualism in resolving family conflicts also derives from a sense of shame (RY, 2022). There is a shame associated with being labelled as a dysfunctional family, which brings discomfort in daily life. Such a feeling of shame is rooted in deep-seated social constructs that have long portrayed families that frequently engage in fights, disputes or divorce proceedings at the Religious Court as being inherently troublesome. This leads her to internalise her problems and not seek support from others in resolving them. In other words, she resolved them independently.

The resolution of family issues individually comes down to the rational decisions made by the disputants. Under rational choice theory, disputants are agents with options to attain desired objectives or values related to the family disagreements they confront. In addition to the declining influence of formal institutions, the choice to settle disputes on one’s own is also influenced by the resources that the disputing parties have. The disputants possess their own resources when facing family disputes. For instance, parties now acquire knowledge not just through formal education or lectures from scholars but also via online channels, including social media. Furthermore, resolving disputes independently is motivated exclusively by personal interests and benefits. Resolving these issues through
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customary, religious or state authorities may incur costs and consume time, particularly as the parties involved in the dispute often originate from modest backgrounds. Thus, the choice of independent or individual dispute resolution for them is the right choice according to their respective conditions.

Some aspects that require examination are the strengthening of individualism and the weakening of formal institutions in resolving family disputes. The outcome of this investigation is that the power structure of family dispute resolution in Minangkabau has shifted due to modernisation, technological progress, and digitalisation, among other factors. Ultimately, this confirms a transition in the family structure within Minangkabau society, from extended families to core families.

Conclusion

The study discovered that individual authority surpasses the religion, the custom, and the state in resolving family disputes within Minangkabau society. Therefore, there is a shift in authority whereby resolving family disputes that were once communal is now individual. The rise of individualism and the decline of formal institutions contribute to this change. The aforementioned situation is influenced by changing times, modernization, technological advances, and digitalization, further compounded by declining public trust in formal institutions. According to this study, Minangkabau society, which was once a communally-oriented society, has started to transition towards individualism, particularly in household matters. It is significant to note, however, that this conclusion is exclusively confined to the matter of family dispute resolution authority, and therefore necessitates further scrutiny in future investigations.

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