

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

Arifki Budia Warman

Universitas Islam Negeri Mahmud Yunus Batusangkar
E-mail: arifkibudiaman@uinmybatusangkar.ac.id

Elimartati

Universitas Islam Negeri Mahmud Yunus Batusangkar
E-mail: elimartati@uinmybatusangkar.ac.id

Dodon Alfiander

Universitas Islam Negeri Mahmud Yunus Batusangkar
E-mail: dodonalfiander@uinmybatusangkar.ac.id

Ashabul Fadhli

Universitas Putra Indonesia YPTK Padang
E-mail: ashabulfadhli@gmail.com

Wardatun Nabilah

Universitas Islam Negeri Mahmud Yunus Batusangkar
E-mail: wardatunnabilah@uinmybatusangkar.ac.id

DOI: 10.18326/ijtihad.v23i2.161-183

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.

Studi ini bertujuan untuk menjelaskan pergeseran otoritas dalam menyelesaikan sengketa keluarga pada masyarakat Minangkabau. Setidaknya ada tiga otoritas yang berperan dalam menyelesaikan permasalahan-permasalahan keluarga di Minangkabau, yaitu otoritas agama yang diwakili oleh pemuka agama yang memiliki pengetahuan agama, otoritas adat yang dipegang oleh pemangku adat dengan hukum adatnya, dan otoritas negara yang diperankan oleh hakim dalam memutus perkara di pengadilan berdasarkan pada peraturan perundangan. Penelitian ini merupakan penelitian lapangan dengan pendekatan sosio-legal. Penelitian dilakukan terhadap beberapa rumah tangga Minangkabau yang berada di wilayah pedesaan dan perkotaan. Data dikumpulkan melalui angket dan wawancara mendalam. Angket dan wawancara dilakukan terhadap pihak-pihak yang rumah tangganya terjadi sengketa. Data kemudian direduksi, disajikan, dan diverifikasi. Studi ini menemukan bahwa selain menggunakan ketiga otoritas yang sudah bertahan lama dalam masyarakat Minangkabau, para pihak yang bersengketa lebih cenderung menggunakan otoritas individu dalam menyelesaikan sengketa keluarga mereka. Para pihak yang bersengketa lebih cenderung menyelesaikan permasalahan keluarga mereka secara mandiri tanpa melibatkan pemuka agama, pemangku adat, maupun hakim pengadilan agama. Kecenderungan terhadap otoritas individu lebih banyak terjadi pada masyarakat perkotaan. Menguatnya otoritas individu tersebut diiringi dengan melemahnya institusi formal dari ketiga otoritas dalam masyarakat minangkabau. Modernisasi, kemajuan teknologi dan digitalisasi menjadi faktor melemahnya ketiga otoritas tersebut yang mendorong para pihak yang bersengketa memilih secara rasional untuk menyelesaikan sengketa mereka sendiri demi keuntungan dan kepentingan sendiri. Berdasarkan temuan penelitian tersebut, studi ini mengkonfirmasi bahwa pergeseran otoritas penyelesaian sengketa keluarga mengindikasikan telah terjadinya pergeseran pola *extended family* ke *nuclear family* dalam masyarakat Minangkabau.

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 (Nofardi, 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; Nofardi, 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; Widiastuti, 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

al., 2022). 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 *bakam* – 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 1.
Settlement of Domestic Disputes through Religious Authorities

No.	Name (Initials)	Address	Disputes	Resolving Authority	Settlement Mechanism
1	SN	Bukittinggi	<ul style="list-style-type: none">• Husband and Wife• Children• Inherited property	Religious Authority	Mediation

2	FH	Bukittinggi	Marital status	Religious Authority	Mediation
3	WD	Tanah Datar	Nafkah <i>Baganyi</i>	Religious Authority	Mediation

Source: Research Data, 2022

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* (Nofardi, 2018).

Data on the settlement of domestic disputes in Minangkabau through customary

authorities can be seen in the following table:

Table 2.
Settlement of Domestic Disputes through Customary Authorities

No.	Name (Initials)	Address	Disputes	Resolving Authority	Settlement Mechanism
1	DL	Tanah Datar	Sasuku Marriage	Mamak	Kinship Custom
2	ZN	Tanah Datar	Property	Mamak	Kinship Custom
3	RG	Tanah Datar	• Baganyi	Parents	Kinship
			• Violence	Mamak	Custom
4	MO	Bukittinggi	• Livelihood	Parents	Kinship
			• Accused of Cheating	Mamak	Custom
			• Family divorce rights		
5	SW	Tanah Datar	Baganyi	Parents	Kinship
				Mamak	Custom
6	NB	Tanah Datar	Property	Parents	Kinship
				Family	Custom
				Mamak	
				Nagari	
7	AY	Tanah Datar	Joint Property	Parents	Mediation
				Family	Kinship
				Mamak	Custom
				Nagari	
8	YL	Tanah Datar	Sexual abuse	Family	Kinship
				Mamak	Custom
				Nagari	
9	EDA	Tanah Datar	Baganyi	Parents	Kinship
				Mamak	Custom
10	YHY	Bukittinggi	• Baganyi	Mamak	Kinship
			• Livelihood		
11	EK	Bukittinggi	• Baganyi	Mamak	Kinship
			• Children		

Source: Research Data, 2022

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*, *sesuku* 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 3.
Settlement of Domestic Disputes through State Authorities

No.	Name (Initials)	Address	Disputes	Resolving Authority	Settlement Mechanism
1	VL	Tanah Datar	Drugs	All Elements	Court
2	YM	Bukittinggi	<ul style="list-style-type: none"> • <i>Baganyi</i> • Child abuse • Polygamy 	Friends/partners	Kinship of P2TP2A Office Court
3	HR	Bukittinggi	Violence	Parents Court	Kinship Court
4	RK	Bukittinggi	<ul style="list-style-type: none"> • <i>Baganyi</i> • Right of divorce 	Individual Court	Court Kinship
5	SY	Bukittinggi	Husband and Wife	Court	Court
6	LW	Bukittinggi	<ul style="list-style-type: none"> • Livelihood • Husband and Wife 	Parents Court	Kinship Court
7	SAS	Bukittinggi	<ul style="list-style-type: none"> • Violence • Livelihood 	<i>Mamak</i> Court	Kinship Court

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 4.
Settlement of Domestic Disputes through Individual Authority

No.	Name (Initials)	Address	Disputes	Resolving Authority	Settlement Mechanism
1	MI	Bukittinggi	• Children • Inherited Property	Family <i>Mamak</i> Individuals	Kinship
2	ER	Bukittinggi	Children	Family Individuals	Kinship
3	EW	Bukittinggi	Husband and Wife	Individuals	Kinship
4	IS	Bukittinggi	• <i>Baganyi</i> • Children	Parents Individuals	Kinship
5	MR	Bukittinggi	• <i>Baganyi</i> • Children	Parents Individuals	Kinship
6	FT	Bukittinggi	• <i>Baganyi</i> • Children	Individuals	Kinship
7	SY	Bukittinggi	Children	Family Individuals	Kinship
8	MZ	Bukittinggi	Children	Parents Individuals	Kinship
9	VMS	Bukittinggi	Husband and Wife	Individuals	Kinship

No.	Name (Initials)	Address	Disputes	Resolving Authority	Settlement Mechanism
10	JH	Bukittinggi	<ul style="list-style-type: none"> • Livelihood • Children 	Parents Individuals	Kinship
11	MO	Bukittinggi	<ul style="list-style-type: none"> • Livelihood • Children 	Individuals	Kinship
12	EL	Tanah Datar	Cheating	<i>Mamak</i> Individuals	Kinship
13	MT	Tanah Datar	Underage Marriage	Parents Family Individuals	Kinship
14	AR	Tanah Datar	<ul style="list-style-type: none"> • Husband and Wife • <i>Siri</i> Marriage 	<i>Mamak</i> Individuals	Kinship
15	ZH	Tanah Datar	Husband and Wife	Family Individuals	Kinship
16	GS	Tanah Datar	Husband and Wife	Parents Family Individuals	Kinship
17	RY	Tanah Datar	<ul style="list-style-type: none"> • 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

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.

Bibliography

- Afnaini, A. and Syamsudin, M. (2022) 'Changes In The Inheritance System Of Pusako Tinggi Assets And Their Impact On The Minangkabau Traditional Inheritance System', *Prophetic Law Review*, 4(2), pp. 222-240. doi: 10.20885/plr.vol4.iss2.art5.
- Alfarisi, M.A., Hayat, M.J. and Hakimi, A.R. (2023) 'Solving Out-of-Wedlock Pregnancy: "Dual Validity" of Ngampang Marriage among Dayak Muslim Community in Sintang,

- Indonesia', *Journal of Islamic Law (JIL)*, 4(2), pp. 123-147. doi: 10.24260/jil.v4i2.1283.
- Alfander, D. (2022) 'Disparity in the Considerations of Judges in Deciding Divorce Disputes in Religious Courts and District Courts', *Juris: Jurnal Ilmiah Syariah*, 21(1), pp. 109-119. doi: 10.31958/juris.v21i1.5716.
- Amriwan, A., Warman, K. and Andora, H. (2020) 'Settlement of Land Pawn Disputes Through Courts in West Sumatra', *International Journal of Multicultural and Multireligious Understanding*, 7(4), pp. 435-443. doi: 10.18415/ijmmu.v7i4.1622.
- Andreas, R. and Suryadi, B. (2019), 'Nilai Islam dan Pancasila: Pengaruh Globalisasi dan Modernisasi dalam Pembangunan Sistem Hukum di Indonesia', *Nizham: Jurnal Studi Keislaman*, Vol. 7 No. 01, pp. 80-97.
- Arsil, F. and Wasti, R. M. (2020) 'The role of ulama, adat and government institutions as the stability factors of the Minangkabau system of government', in Susetyo, H., Waagstein, P. R., and Cahyono, A. B. (eds) *Advancing Rule of Law in a Global Context*. London: CRC Press, p. 8. doi: <https://doi.org/10.1201/9780429449031>.
- Asmaniar, A. (2018) 'Perkawinan Adat Minangkabau', *Binamulia Hukum*, 7(2), pp. 131-140. doi: 10.37893/jbh.v7i2.23.
- Awaludin, R. (2021) 'Penyelesaian Sengketa Keluarga Secara Mediasi Non Litigasi dalam Kajian Hukum Islam dan Hukum Positif', *Al maqashidi: Journal of Islamic Law Nusantara*, 4(2), pp. 1-16. doi: 10.32665/almaqashidi.v4i2.918.
- Aziz, E., Dzofir, M. and Widodo, A. (2020) 'The acculturation of Islam and customary law: An experience of Minangkabau, Indonesia', *Qudus International Journal of Islamic Studies*, 8(1), pp. 131-160. doi: 10.21043/QIJIS.V8I1.7197.
- Benda-Beckmann, F. von and Benda-Beckmann, K. von (2013) *Political and Legal Transformations of an Indonesian Polity: The Nagari From Colonisation to Decentralisation*. United Kingdom: Cambridge University Press. Available at: <https://www.cambridge.org/id/academic/subjects/law/socio-legal-studies/political-and-legal-transformations-indonesian-polity-nagari-colonisation-decentralisation?format=HB&isbn=9781107038592>.
- Bhojani, A.-R. and Clarke, M. (2023) 'Religious Authority beyond Domination and Discipline: Epistemic Authority and Its Vernacular Uses in the Shi'i Diaspora', *Comparative Studies*

- in Society and History*, 65(2), pp. 272-295. doi: 10.1017/s0010417522000470.
- Coleman, J. S. (1994) *Foundations of social theory*. Harvard university press.
- Coleman, J. S. and Fararo, T. J. (1992) 'Rational Choice Theory: Key Issues in Sociological Theory'. New York: Sage.
- Cooper, D. and Field, R. (2008) 'The family dispute resolution of parenting matters in Australia: An analysis of the notion of an "independent" practitioner', *Law and Justice Journal*, 8(1), pp. 158-175. doi: 10.3316/jelapa.727829157655044.
- Damayanti, A. (2022), 'Contribution Of Islamic Law To Legal Development In Indonesia', *MILRev: Metro Islamic Law Review*, Vol. 1 No. 1, pp. 17–33, doi: 10.32332/milrev.v1i1.6188.
- Djawas, M. and Samad, S. A. A. (2020) 'Conflict, Traditional, and Family Resistance: The Pattern of Dispute Resolution in Acehese Community According to Islamic Law', *Samarab: Journal of Family Law and Islamic Law*, 4(1), pp. 65-84. doi: 10.22373/sjhc.v4i1.5271.
- Eficandra, E. (2022) 'The Reconstruction of High-Inherited Wealth in Minangkabau through Cash Waqf Movement', *JURIS (Jurnal Ilmiah Syariah)*, 21(1), pp. 121-133. doi: 10.31958/juris.v21i1.5850.
- Elfia et al. (2022) 'Patterns for Settlement of Punah Inheritance Disputes in the Community of Nagari Salareh Aia from the Perspective of Islamic Law', *Al-Ihkam: Journal of Law and Social Institutions*, 17(2), pp. 480-505. doi: 10.19105/al-Ihkam.v17i2.6246.
- Elimartati, E. et al. (2023) 'Family Instability: A Study of Livelihoods during the Covid-19 Pandemic in Tanah Datar Regency, Indonesia', *JURIS (Jurnal Ilmiah Syariah)*, 22(1), pp. 93-104. doi: 10.31958/juris.v22i1.6054.
- Field, R. and Crowe, J. (2007) 'The construction of rationality in Australian family dispute resolution: A feminist analysis', *Australian Feminist Law Journal*, 27(1), pp. 97-122. doi: 10.1080/13200968.2007.10854387.
- Fletcher, R. J. and StGeorge, J. M. (2010) 'Practitioners' understanding of father engagement in the context of family dispute resolution', *Journal of Family Studies*, 16(2), pp. 101-115. doi: 10.5172/jfs.16.2.101.
- Hakim, A. (2023), 'Penentuan Hari Baik Pernikahan Menurut Adat Jawa dan Islam (Kajian

- Kaida Al-Addah Al-Muhakkamah)', *Nizham: Jurnal Studi Keislaman*, Vol. 10 No. 1, pp. 76–89, doi: 10.32332/nizham.v10i1.6834.
- Handayani, M. and Pinasti, V. I. S. (2018) 'Pergeseran Peran Ninik Mamak pada Masyarakat Minangkabau dalam Era Modernisasi (Studi kasus di Nagari Kamang Hilia, Kecamatan Kamang Magek, Agam, Sumatera Barat)', *Journal of Sociology Education*, 7(7), pp. 1-19. Available at: <https://journal.student.uny.ac.id/index.php/societas/article/view/12793>.
- Handayani, Y. (2021) 'Islamic Family Law in the Digital Space Gender Bias in the Discourse of Family Law on Instagram', *Al-Ahwal*, 14(2), pp. 112-132. doi: 10.14421/ahwal.2021.14201.
- Iqbal, M., Yahya, A. and Kamal, H. (2020) 'Patterns of Domestic Dispute Resolution through Gampong Customary Courts in Aceh', *Geuthè Journal: Multidisciplinary Research*, 03(01), pp. 383-392. doi: 10.52626/jg.v3i1.72.
- Irwan, I. et al. (2022) 'Analisis perubahan peran dan fungsi keluarga pada masyarakat Minangkabau dalam teori feminisme dan teori kritis', *Satwika: Review of Cultural Science and Social Change*, 6(1), pp. 191-205. doi: 10.22219/satwika.v6i1.19383.
- Iska, S. (2019) 'The Process of Dispute Settlement of Inheritance in Indigenous People Minangkabau, Luhak Nan Tuo, Tanah Datar', *Transylvanian Review*, XXIV(5), pp. 299-305. Available at: <http://www.transylvanianreviewjournal.com/index.php/TR/article/view/114>.
- Jauhari, I. (2011) 'Penyelesaian Sengketa Rumah Tangga di Luar Pengadilan Menurut Hukum Islam', *Kanun Journal of Legal Science*, 13(1), pp. 35-48. Available at: <https://jurnal.usk.ac.id/kanun/article/view/6230>.
- Kailani, N., Ikhwan, M. and Suhadi (2019) 'Preface: Exploring Public Islamic Discourse and the *Politics* of Ulama in Indonesian Cities', in Burdah, I., Kailani, N., and Ikhwan, M. (eds) *Ulama, Politics, and Narratives of Nationhood: The Fragmentation of Religious Authority in Indonesian Cities*. Yogyakarta: PusPIDeP.
- Lundberg, D. and Moloney, L. (2010) 'Being in the room: Family Dispute Resolution practitioners' experiences of high conflict family dispute resolution', *Journal of Family Studies*, 16(3), pp. 209-223. doi: 10.5172/jfs.16.3.209.

- Miles, M. B. and Huberman, A. M. (1994) *Qualitative Data Analysis: An Expanded Sourcebook*. SAGE Publications Inc.
- MO. (2022), Personal Interview in Bukittinggi, 16 August.
- Mursalin, S. et al. (2023) 'Pecoah Kohon: The Restriction on Inter-Cousins Marriage in Indigenous the Rejang Society', *JURIS (Jurnal Ilmiah Syariah)*, 22(1), pp. 69-80. doi: 10.31958/juris.v22i1.9025.
- Nasir, M. (2022) 'Land Dispute Settlement Review From Minangkabau Traditional Law (Case Study of Limapuluh Regency, West Sumatra Province City)', *Indonesian Journal of Multidisciplinary Science*, 1(10), pp. 1222-1236. doi: 10.55324/ijoms.v1i10.189.
- Nelli, J. et al. (2023) 'The Immorality of a Husband as the Cause of a Working Wife to File for Divorce Lawsuit in Indonesia', *JURIS (Jurnal Ilmiah Syariah)*, 22(1), pp. 119-132. doi: 10.31958/juris.v22i1.7392.
- Nofiard, N. (2018) 'Perkawinan dan Baganyi di Minangkabau: Analisis Sosiologis Kultural dalam Penyelesaian Perselisihan', *AL-IHKAM: Journal of Law & Social Institutions*, 13(1), pp. 49-72. doi: 10.19105/al-lhkam.v13i1.1613.
- Petridis, T. and Hannan, J. (2011) 'Innovations in practice: A safety assessment approach to child-inclusive family dispute resolution', *Journal of Family Studies*, 17(1), pp. 36-43. doi: 10.5172/jfs.2011.17.1.36.
- Putri, E. S. and Montessori, M. (2020) 'Mapping and Resolution of Conflicts Pagang-Gadai Land Ulayat in Minangkabau Case study: clan customary land conflict in Jorong Kajai, Nagari Ladang Panjang, Tigo Nagari District, Pasaman Regency, West Sumatra', in *International Conference On Social Studies, Globalisation And Technology (ICSSGT 2019)*, pp. 83-91. doi: 10.2991/assehr.k.200803.011.
- Rais, I. (2021) 'The impact of COVID-19 pandemic on divorce rates among Indonesian Muslim societies', *Indonesian Journal of Islam and Muslim Societies*, 11(2), pp. 271-297. doi: 10.18326/ijims.v11i2.271-297.
- Ramadhan, S. and Muslimin, J. (2022) 'Indonesian Religious Court Decisions on Child Custody Cases: Between Positivism and Progressive Legal Thought', *JURIS (Jurnal Ilmiah Syariah)*, 21(1), p. 89. doi: 10.31958/juris.v21i1.5723.
- RY. (2022), Personal Interview in Tanah Datar, 19 August.

- Saini, M. et al. (2016) 'Understanding pathways to family dispute resolution and justice reforms: Ontario court file analysis & survey of professionals', *Family Court Review*, 54(3), pp. 382-397. doi: 10.1111/fcre.12236.
- Sakirman, S. (2016), 'Indonesia Islamic Law Study on Children Nasab', SSRN Scholarly Paper, Rochester, NY, 21 December, doi: 10.2139/ssrn.2888312.
- Sakirman, S. (2017), 'Tafsir Hukum Atas Posisi Ganda Hakim di Indonesia', *Jurnal Konstitusi*, Vol. 14 No. 1, pp. 188–212, doi: 10.31078/jk1419.
- Sakirman, S. and Amanda, Y.R. (2022), 'Effectiveness of Marriage Age Limit According to Law Number 16 of 2019 in East Lampung', *MILRev: Metro Islamic Law Review*, Vol. 1 No. 2, pp. 164–175, doi: 10.32332/milrev.v1i2.6206.
- Sihite, K. N. (2016) 'Konflik Penentuan Uang Hantaran Pada Perkawinan Perempuan Suku Batak Toba dengan Laki-laki Suku Minangkabau (Studi Kasus Mekanisme Konflik Perkawinan Campuran Perempuan Suku Batak Toba dengan Laki-laki'. Brawijaya University. Available at: <http://repository.ub.ac.id/122227/>.
- Siregar, F. A. et al. (2022) 'Staying at Home: The Perspectives of Minangkabau Ulemas Concerning Husbands' Provision of Sustenance in Covid-19 Impacted Households', *Juris: Jurnal Ilmiah Syariah*, 21(2), pp. 133-142. doi: 10.31958/juris.v21i2.6551.
- Sugitanata, A. et al. (2023) 'Violation of Women's Rights: The Kawin Magrib Tradition of the Sasak Muslim Community in Lombok, Indonesia', *Journal of Islamic Law (JIL)*, 4(2), pp. 197-217. doi: 10.24260/jil.v4i2.1772.
- Suryani, I. et al. (2022) 'Menelusuri Peran Dan Fungsi Bundo Kanduang Saat Ini Sebagai Bagian Lembaga Adat Dan Kaitannya Dalam Menyelesaikan Kasus KDRT Di Sumatera Barat', *JISIP (Journal of Social Science and Education)*, 6(2), pp. 2538-2549. doi: 10.36312/jisip.v6i2.3178.
- Tono, S. et al. (2019) 'The harmonious relationship between Minangkabau custom and Islam in the distribution of inheritance', *Al-Shajarah*, 2019 (Special Issue Sharia hand Law), pp. 39-55. Available at: <https://journals.iium.edu.my/shajarah/index.php/shaj/article/view/931>.
- Tuhri, M. (2020) 'Islam As Adat or Adat As Islam? Reexamining Minangkabau Identity in Contemporary Global Context', *Indonesian Journal of Islamic Literature and Muslim*

- Society*, 5(2), pp. 207-218. doi: 10.22515/islimus.v5i2.2461.
- Warman, A. B. (2017) *Konservatisme Fikih Keluarga (Kajian Terhadap Buku-Buku Populer Rumah Tangga Islami)*. UIN Sunan Kalijaga Yogyakarta.
- Warman, A. B. (2019) ‘Dinamika Perkembangan Hukum Keluarga Islam di Indonesia’, *Ijtihad*, 35(2), pp. 11-28. Available at: <https://journals.fasya.uinib.org/index.php/ijtihad/article/view/14>.
- Warman, A. B., Jafar, W. A., et al. (2023) ‘Reforming Marriage Registration Policies in Malaysia and Indonesia’, *Bestuur*, 11(1), pp. 61-74. doi: 10.20961/bestuur.v11i1.66320.
- Warman, A. B., Zulkifli, et al. (2023) ‘Strengthening Family Resilience Through Local Wisdom: Pulang Ka Bako Type of Marriage in Minangkabau’, *Al-Istinbath: Journal of Islamic Law*, 8(1), pp. 253-268. doi: <http://dx.doi.org/10.29240/jhi.v8i1.6971>.
- Weller, S., Martin, J. A. and Lederach, J. P. (2001) ‘Fostering culturally responsive courts: The case of family dispute resolution for Latinos’, *Family Court Review*, 39(2), pp. 185-202. doi: 10.1111/j.174-1617.2001.tb00603.x.
- Widihastuti, S., Puji Wulandari and Nurhayati, I. (2019) ‘Pudarnya peran mamak Minangkabau perantauan di Kota Yogyakarta terhadap kemenakan’, *Jurnal Civics: Media for Civic Studies*, 16(2), pp. 187-198. doi: 10.21831/jc.v16i2.29249.
- Wimra, Z. et al. (2023) ‘The Living Fiqh: Anatomy, Philosophical Formulation, and Scope of Study’, *JURIS (Jurnal Ilmiah Syariah)*, 22(1), pp. 185-198. doi: 10.31958/juris.v22i1.9491.
- Zurnetti, A. et al. (2023) ‘The Role of the Minangkabau Customary Law Tigo Tungku Sajarangan in Preventing Domestic Violence against Women and Children in West Sumatra, Indonesia’, *Journal of the International Society for the Study of Vernacular Settlements*, 10(1), pp. 229-237. Available at: https://isvshome.com/pdf/ISVS_10-1/ISVSej10.1.16_Aria.pdf.

