

## **Sometimes the Government Must Solve the Case: The Example of a Minangkabau Land Conflict**

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The Minangkabau society is due to its matrilineal social structure quite 'unique'. Many anthropologists give the impression that the so-called 'traditional' society is able to solve conflicts and disputes. In this paper a conflict will be illustrated that could not be solved by the 'traditional' levels of jurisdiction. The district court had to intervene and find a solution. This case has some impacts: it shows that parts of the 'traditional' society are in a process of disintegration. Furthermore it shows that there is a lack of the authority of the *adat* dignitaries and that the people even try to be an active part of that process by putting the clan system aside and referring to a system from outside. The objective of this case study is to illustrate a conflict which concerns people who are not original inhabitants of a Minangkabau village and to show the difficulty of finding a solution.

*Key Words:* Minangkabau – conflict – process of disintegration – case study

### **Introduction**

The Minangkabau people live in the Indonesian province of West Sumatra and form the largest matrilineal society of the world with more than four million people (Badan, n.d.). Many anthropologists were fascinated by the fact that this society is able to integrate opposing elements like a matrilineal way of life on one side and an Islamic way of life on the other side. For many researchers the traditional<sup>1</sup> society with its customs (*adat*) was able to solve the conflicts. Nancy Tanner wrote:

Most disputes, as in many societies, our own included, are settled out of court by the parties involved or with the informal assistance of a mediator (Tanner 1969, pp. 24-25).

The 'traditional' society tries to settle the disputes without involving the courts of the Indonesian government. However this is not always possible. There are conflicts which will be solved in government courts. In this article the reasons will be analyzed. Moreover this case will show that there are situations which do not suit into the 'ideal' patterns of social structure and property relations which were described by many social scientists.

The situation became more and more complex when newcomers from outside settled in a 'traditional' Minangkabau village community. Until now there is a lack of researches who described the situation of this group during a conflict situation. Most probably these 'newcomers' will have an influence on the authority of 'traditional' clan leaders.

Changes in authority were likely to affect property relations and inheritance, and changes in property relations would inevitably have implications for political and administrative authority. (Benda-Beckmann, 2013, p. 26.)

A case study will have the advantage of describing an event which took place (Yin, 2009; Swanborn, 2010). The internal dynamics which appear will become obvious. This is helpful in order to understand the role of the 'newcomers' and how they act. To whom should they appeal? To the 'traditional' authorities or the state courts? The laws within greater states are of main concern for the people (Benda-Beckmann, von & Griffiths, 2009, p. 12). Such a difficult situation can be illustrated by describing a concrete case in which the situation of the acting persons will become clear. On one side there are the 'traditional' heads which must be interested in maintaining their authority and on the other side are the people from outside who are not completely integrated in the 'traditional' system and who challenge the authority of these leaders.

### **The Social Structure and Terms of Property of the Minangkabau Society**

In this chapter the main traits of the Minangkabau social structure and the property relations will be illustrated very briefly in order to understand the case. But at the beginning it must be stressed that the terminology in describing the social structure varies amongst the anthropologists. Josselin de Jong wrote about that fact:

...we are faced by the difficulty that the data furnished by the various writers on the subject do not always agree the terms as used by the Minangkabau themselves, and partly to local differences. (Josselin de Jong 1952, p. 49).

Josselin de Jong stressed the fact that there are local varieties. For example Kato used the term *payuang* when he referred to a sub-clan whilst Josselin de Jong (1952) and Umar Junus (1964) used the term *kampueng*. For the further terminology the author decided to follow the terms which were used by Kato as these are the same like in the village where the research was conducted.

The core region of the Minangkabau is the highland of West Sumatra with its three districts Agam, Limapuluh Koto and Tanah Datar. A Minangkabau village community (*nagari*) consists of certain clans (*suku*). Here it must be added that there are clans which were originally from that place and newcomers who settled within the *nagari* later.

The head of a clan is the so-called *panghulu suku* who gets the honorary title *Datuak* (abbreviated as Dt. in front of the name).

Nowadays there are around 22 *suku* in West-Sumatra (Soelaiman 1995, p. 39) but not all of them can be found in one village. For example in Taram, a village in the district of Limapuluh Koto there are seven clans (Bachtiar 1967, p. 373). A clan can be divided into sub-clans which are called *payuang*. The head of such a sub-clan is called *panghulu*. He represents this matrilineal unit within the village. Usually he works somewhere else. For example he can be a farmer who works on the rice field during the day. Only on special occasions will he work as a *panghulu* and represents his sub-clan in the *balai adat* which is an open hall in which the affairs of the *adat* will be discussed.

The sub-clans can be divided into genealogical segments which are called *paruik* (Kato 1982, p. 45). Often such a genealogical segment lives in a traditional house (*rumah gadang* – big house) (see Figure 1).



Figure 1: A traditional house in the neighbourhood of the conflict (Photo by the author Dec. 2009).

If we look at such a house in detail then it is possible to get more information about the matrilineal organisation of the Minangkabau. The matrilineal relatives, the progeny of a certain mother live in such a house. All the female relatives (and the young children) live in a *rumah gadang*. The interior of the house consists of two halves: the front which is an open place and the back which consists of various sleeping rooms of the adult female family members. After the marriage the husband will sleep in the room of the wife.

With time the family becomes too big then some family members will leave the house and build a new one on the land of the *paruik*.

The smallest unit of a family consists of a mother and her children (*samandai*) (Josselin de Jong 1952, p. 10). The father stays during the day in the house of his mother. Therefore the brother of the wife is the most important person for the upbringing of the children. He is called *mamak*.

The right of ownership rules the handling of property and inheritance. Every *paruik* of the village owns a certain amount of land. Such a

property is called *harato pusako*. There are four different categories (Benda-Beckmann 1985, p. 252-253):

1. *Harato pusako tambilang ruyuang*: The *pusako* property which was originally cultivated by the ancestors.
2. *Harato pusako tambilang aneh*: The *pusako* property which was acquired through money.
3. *Harato pusako tambilang busi*: cultivated land.
4. *Harato pusako tambilang budi*: Land which was acquired through social relationships.

On the other side there is the individual acquired property, the *harato pancaharian* (Benda-Beckmann 1979, p. 149). For the inheritance law the differentiation between individual and communal is decisive. The individual property will be inherited from the father to the son. However from this moment on the individual property will become *harato pusako*. Evers summarizes this fact in a brief way:

According to adat, self-earned, property is turned into “low ancestral property” as soon as it is inherited and becomes “high ancestral property” after some generations. (Evers 1975, p. 88)

Evers mentions here two more relevant distinctions: low ancestral property (*harato pusako rendah*) and high ancestral property (*harato pusako tinggi*). The high ancestral property will be bequeathed from the grandmother to the mother and from the mother to the daughter (Amir 2007, p. 96).

An assembly has to decide about the *harato pusako*. It can decide whether the land will be leased or sold. Moreover it can rule how the land will be partitioned. It is important to know the right of every individual to raise his voice in these matters.

### Research and Research Setting

#### *Hypothesis and Objective of the Study*

The hypothesis of this research was as follows: The traditional society of the Minangkabau and its

customs (*adat*) is not always able to solve the inherent conflicts.

Often the anthropologists described an ‘ideal’ society of the Minangkabau which is founded on the books of its representatives like the clan chiefs. Sanday for example noted that the female world view was neglected very often (Sanday, 2002, p. 212). However the women play an important role within the daily life and of course they are also part of conflicts.

The objective of this research is to illustrate a case which could not be solved by the traditional *adat* representatives. It is necessary to analyze such a case in order to get an insight view in such a conflict and it will give information about modernization, changes within the village community, gender conflicts etc.

#### **Research Setting and Research Method**

From the years 2008 until 2011 the author conducted fieldwork in one village which is located in the district of Limapuluh Koto. I stayed in this village several months during these years. The main topic was about medical anthropology (for example Huszka / Stark 2013). But it should be mentioned that I know this village since 1996 when I conducted a smaller fieldwork about the Minangkabau *adat*. I witnessed that there are some conflicts between *panghulu* and other clan members. Therefore I became intrigued and wanted to know more. But to ‘study’ conflicts is a sensitive topic. Only after I knew the people and the conflict parties I dared to ask about one conflict which happened some years ago. I conducted open interviews in order to get a better picture about this conflict.

#### *The Case*

In this chapter the case will be described starting from the family background until the situation today. In order to protect the privacy of the people the names will be pseudonyms. Some main specifics which are remarkable will be added in brackets.

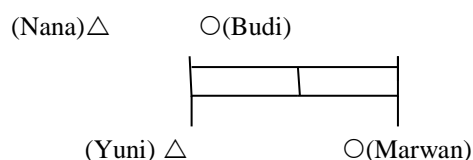


Figure 2: The first generation that was involved at the beginning of the conflict.

Nana was a girl and came from the area of Agam whilst her later husband Budi lived in G. a village in Limapuluh Koto. When they married she

followed her husband and moved to his place [This is quite unusual as in the Minangkabau way of life the husband normally moves into the house of the

wife's family]. In G. Nana and Budi got two children: Yuni and Marwan. They grew up in G. but Nana became more and more sick and decided to move back with her children to her house in Agam whilst Budi continued to stay in G. However the situation deteriorated and Nana passed away. Yuni and Marwan could not stay in the house of their mother because the *mamak* did not want to take over the responsibility for the two children [This behaviour is uncommon. The *mamak* is the person who is responsible for the children. However in this case he was already quite old and physically weak]. Therefore Budi adopted Nana and Marwan. So they moved back to G. When Budi passed away he himself bequeathed some rice-fields to the children. This was decided before he passed away and this became the starting point of the conflict. The head of the clan Dt. Ridwan did not agree. It concerned four rice fields. The main argument of Dt. Ridwan was that the two children can not inherit anything because they were no original members of that *suku*. Yuni tried to settle the problem. She gave two rice fields to the *Datuak* and his clan but the other two remained the property of herself and her brother. After some years Dt. Ridwan passed away. The successor of Dt. Ridwan was Dt. Agung. He tried to start the case anew. Marwan who was already an adult became angry. The two men could not find a solution and the other local *panghulu* did not dare to interfere into the affairs of another *suku*. But a clan leader from the neighboring village Dt. Uda tried to be a mediator. However he was not successful because he was accused by Dt. Agung to be one-sided. He accused him to be on the side of Marwan. The conflict continued and Dt. Agung insisted to take away one of the rice fields. If Marwan would not agree now then he would take away all after the death of Yuni. Marwan became angrier and the conflict seemed to escalate. The locals of G. still did not want to interfere and they said that Yuni and Marwan are people from outside.

Finally the two parties went to the court (in the year 1997) and the court made a final verdict: The rice fields of Yuni and Marwan must be divided into two: one rice field will be for Dt. Agung (respectively his clan) and the other one for Yuni and Marwan. This verdict is final and Dt. Agung is not allowed to question it any more. Even after the death of Yuni he will not get the remaining field.

With this verdict the land conflict was over but not the bad relationship in general. The *Datuak* was still upset even though he got one rice-field. He still had a bad relationship with Yuni and her descendants. The children of Marwan are clan-members of his wife due to the matrilineal descent, so that Dt. Agung could not interfere into their way of life. For example when the grandchild of Yuni wanted to marry, the *Datuak* did not give his permission. In that case Yuni and her daughters

asked the other clan representatives of the *payuang* and they asked Dt. Agung but he did not change his decision. So the granddaughter of Yuni simply married without the approval of Dt. Agung. There were some other incidents in which he did not give his approval. Yuni and her daughters decided to leave the *suku*. But there are two main conditions for someone who wants to make such a step: 1) The person has to find another *suku* that is willing to accept him 2) The old *suku* must agree, i. e. in our case Dt. Agung. Yuni found another clan but Dt. Agung did not approve that she could leave the *suku*. So she still remains in her *suku* but she ignores Dt. Agung until today.

### Discussion and Concluding Remarks

The above case shows some peculiarities. The most striking ones were commented in brackets. The traditional *adat* could not act in the usual way due to the fact that one of the conflict parties came originally from outside the *nagari* and the local leaders of the other clans did not want or could not call for an assembly in the hall of *adat* (*balai adat*) or in another place within the village community. Sanday (2002) wrote about a dispute in which case the reaction of the local *panghulu* was quite harsh:

In support, another *penghulu* [in Minang language *panghulu*] spoke up saying that whatever the *penghulu* agree on must "be fisted strongly" (followed strictly). This is true of all lands associated with all *penghulu* titles. There is no letter, no written deed, unless it is land that has been bought during a person's lifetime. Even the chief justice in Payakumbuh understands this fact, this man noted. (Sanday 2002, p. 200 – Brackets added by the author).

This quotation shows that the *adat* representatives are not interested that the conflicts were taken to the courts. One *panghulu* clearly stressed: "Those who don't want to observe *adat* must leave Minangkabau" (Sanday, 2002, p. 201). But many Minangkabau ignore these threats. Nancy Tanner showed in her research that there are nevertheless land conflicts which had to be solved by the district courts:

Civil property cases are extraordinarily complex; they have generally been heard by a variety of settlement institutions outside the courts without success. Thus it is only the most insoluble of property disputes which reach the district court (Tanner, 1969, p. 69).

A land conflict which can only be solved by the government courts is quite complex and in the described case it is obvious that the head of the whole clan is directly involved. But the first contact person is usually the head of a sub-clan. This alone is an indication that the case is complex. Moreover it must be stressed that the conflict usually follows an approach which is like climbing up a ladder, i.e.

from the lowest part to the highest part. Keebet von Benda-Beckmann summarized this as follows:

Solutions for the problem must be found in the lowest level of authority, and if no solution is found the case must be taken higher up, step by step, until a solution is found. (Benda-Beckmann, 1984, p. 52). But in the described case the conflict parties did not follow that pattern. The persons who were involved

did go straight to the state court. This state court followed mostly the position of Dt. Agung. This is actually not surprising. Benda-Beckmann wrote that in many cases *adat* law is applied in the state courts (Benda-Beckmann, 1984, p.66). But the case is actually much more complex. Different levels are involved (see Table 1).

Table 1.

Level	Effects on the conflict
Original inhabitants versus new inhabitants	It is impossible to find a mediator
Gender	Yuni and in particular her daughters did not respect the authority of the <i>Datuak</i> any more (especially due to his behaviour after the verdict)
Different interpretation of ownership	Both conflict parties insist on their rights, for one party it was land which was owned by a person whilst for the other conflict party it was land which was owned by the clan.
Matrilineage versus nuclear family	Budi preferred his own children in the inheritance instead of his clan.

It can be seen that the conflict took place at different levels. The most striking one is probably the one between the matrilineage (Dt. Ridwan) and the nuclear family. It is difficult for the outsider to decide who has right but like already mentioned it can be observed that the government court followed the demands of Dt. Agung. It can be assumed that Budi wanted to help his children as the old *mamak* of Yuni was not able to support his nephews due to health problems. What is remarkable is the fact that the daughters of Yuni challenged the authority of the *panghulu*. They even wanted to leave the *suku*. Actually in the history of West Sumatra there were persons like Sheikh Ahmad Khatib who questioned the whole *adat*. He was an *Imam* in Mekkah and rejected to return to his home place. For him the whole inheritance law was forbidden (*haram*). But Yuni and her daughters simply got the impression to be badly treated due to the fact that they were 'newcomers'. This shows the inconsistency of Dt. Agung. On one side he stressed the fact that these 'newcomers' can not be considered as a member of the *suku* and on the other side he refused the request of Yuni and her daughters to leave the *suku*. It has to be cleared in further more detailed researches whether there is an erosion of trust regarding the *adat* representatives or whether the *adat* itself becomes more and more marginal. Van Reenen for example discovered in her research the following fact:

The autonomy of the nagari and the power and prestige of the village council has greatly

diminished through a combination of external and internal factors...In 1990 we were told that the village council had not convened for years (Reenen, 1996, p. 246).

During the research the author witnessed the same. Only one village council meeting was held sporadically within months. So whenever there is an urgent conflict then the people can not bring this case to the council. They must bring it to the state court.

Even some locals confirmed this fact when they said that they do not follow the *panghulu* in all aspects. This is quite remarkable as the provincial government of West Sumatra tries to promote the 'traditional' system like the introduction of cultural values within the school system (for example Syamsir, 1995).

The above-mentioned case shows also that the traditional system can not simply solve all the disputes. Sometimes an institution from outside has to settle it. Moreover more and more outsiders settle down within the village community nowadays. These newcomers have difficulties in raising their voice. This fact will be a challenge for further researches.

#### Note

1. The term "traditional" is quite problematic as the colonial power created *adat* positions, like the *panghulu suku rodi*. These positions should help in the coffee cultivation (Kahn, 1976: 85). Therefore the term 'traditional' is written with quotation marks.

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