

Musyawarah Badunsanak: Conflict Resolution Efforts in Bungus Teluk Kabung Padang City

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Abstract: This study examines the impact of divorce in a Minangkabau family in Bungus Teluk Kabung, West Sumatra, which adheres to a matrilineal kinship system. The main issues raised include two questions: first, how does divorce affect family structure and social relations in Minangkabau society, and second, what is the role of customary law and Islamic law, especially maqashid sharia, in resolving divorce cases and protecting the rights of women and children? This research uses a descriptive qualitative method with a field approach, through in-depth interviews with affected individuals, traditional leaders, and officials of the Religious Court and KUA. The results show that divorce not only affects the couple, but also disrupts social stability and weakens the extended family structure. In the matrilineal system, children are still cared for by the mother, but women often bear the economic and social burden after divorce. Musyawarah badunsanak as a customary mechanism is still predominantly used, but has no formal legal force in guaranteeing the rights of women and children. On the other hand, the Religious Courts play an important role in upholding justice through the maqashid sharia approach, such as the protection of offspring (hifz an-nasl) and property (hifz al-mal). This study concludes that synergy between customary approaches and Islamic law is needed so that divorce can be resolved fairly and equitably in the local socio-cultural context.

Keywords: Divorce, Minangkabau Customary Law, and family

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Abstract: Penelitian ini mengkaji dampak perceraian dalam keluarga Minangkabau di Bungus Teluk Kabung, Sumatera Barat, yang menganut sistem kekerabatan matrilineal. Permasalahan utama yang diangkat meliputi dua pertanyaan pertama Bagaimana perceraian memengaruhi struktur keluarga dan relasi sosial dalam masyarakat Minangkabau?, dan kedua Bagaimana peran hukum adat dan hukum Islam, khususnya maqashid syariah, dalam menyelesaikan perkara perceraian serta melindungi hak perempuan dan anak? Penelitian ini menggunakan metode kualitatif deskriptif dengan pendekatan lapangan, melalui wawancara mendalam dengan individu terdampak, tokoh adat, serta aparat Pengadilan Agama dan KUA. Hasil penelitian menunjukkan bahwa perceraian tidak hanya berdampak pada pasangan, tetapi turut mengganggu stabilitas sosial dan memperlemah struktur keluarga besar. Dalam sistem matrilineal, anak tetap diasuh oleh pihak ibu, namun perempuan sering memikul beban ekonomi dan sosial pascaperceraian. Musyawarah badunsanak sebagai mekanisme adat masih dominan digunakan, namun tidak memiliki kekuatan hukum formal dalam menjamin hak-hak perempuan dan anak. Di sisi lain, Pengadilan Agama memainkan peran penting dalam penegakan keadilan melalui pendekatan maqashid syariah, seperti perlindungan terhadap keturunan (*hifz an-nasl*) dan harta (*hifz al-mal*). Penelitian ini menyimpulkan bahwa sinergi antara pendekatan adat dan hukum Islam sangat diperlukan agar perceraian dapat diselesaikan secara adil dan berkeadilan dalam konteks sosial-budaya lokal.

Kata kunci: Perceraian, Hukum Adat Minangkabau, dan keluarga

Introduction

Divorce is one of the social phenomena that has a broad impact on family, social, and cultural structures in society¹. In Indonesia, including in areas with strong traditions such as Minangkabau, divorce is not only a personal matter between a married couple, but also closely related to customary norms and applicable laws². One area with strong local wisdom and cultural traditions is Bungus Teluk Kabung, which is part of Padang Regency, West Sumatra. The Minangkabau community in Bungus Teluk Kabung upholds the matrilineal system, where lineage, inheritance, and position in society are determined through the mother. Therefore, divorce in this area often affects not only the husband-wife relationship, but also involves extended family, customs and other social aspects.

¹ A. Octamaya Tenri Awaru, *Sosiologi Keluarga* (Bandung: CV. Media Sains Indonesia, 2020), <https://doi.org/10.32388/zxlcjz>.

² Syukri Albani Nasution, *Hukum Perkawinan Muslim: Antara Fikih Munakahat Dan Teori Neo-Receptie In Complexu*, 1st ed. (Jakarta: Prenamedia Group, 2019).

The Minangkabau community in Bungus Teluk Kabung upholds the matrilineal system, where lineage, inheritance and position in society are determined through the mother. Therefore, divorce in this area often affects not only the husband-wife relationship, but also the extended family, customs and other social aspects. In this matrilineal system, the role of the mother's family is very dominant in maintaining household stability, even in resolving conflicts that lead to divorce³. The divorce process is not necessarily resolved by state law, but often through customary deliberations first. The involvement of *ninik mamak* (customary leaders), *alim ulama*, and community leaders in dealing with household problems reflects the strong social role of the collective in addressing divorce. This shows that divorce in Bungus Teluk Kabung has not only a legal and emotional dimension, but also cultural values and communal responsibilities. Thus, understanding divorce in this area requires a holistic approach, which includes legal, customary and socio-cultural aspects simultaneously.

The focus of this research is to examine the impact of divorce in Minangkabau families in Bungus Teluk Kabung, with regard to three main aspects: the impact of divorce on family structure, the role of customary law and Islamic family law in regulating divorce, and the analysis of religious court decisions that reflect the principles of *maqashid sharia*⁴. This research also aims to explore how social perceptions of divorce in this area affect the individuals involved, particularly couples and families.

Minangkabau tradition views divorce not only as the end of a relationship, but as an event that has far-reaching implications for the lives of extended families, especially for children. The concept of "Patah Tumbuh Hilang Berganti" reflects the view that although divorce is painful and challenging, there is always hope to bounce back and grow again, both personally and within the family. This view suggests that separated families

³ Usman Muh.Said HM, Syafi'ah, "MENJAGA TRADISI: Dinamika Hukum Adat Dalam Perkawinan Di Asia Tenggara," *Nusantara; Journal for Southeast Asian Islamic Studies* 20, no. 2 (2024).

⁴ Vierda Anggraini Wandoyo, "Al-Iqtisodiyah : Jurnal Ilmu Hukum Dan Hukum Keluarga Islam," *Al-Iqtisodiyah: Jurnal Ilmu Hukum Dan Hukum Keluarga Islam*, 2024, 21-33.

can still adapt, maintain harmony, and find new forms of togetherness for the sustainability of mutual welfare.

However, the impact of divorce cannot be underestimated, especially in a community with strong family ties such as Bungus Teluk Kabung. Many factors need to be considered in assessing the impact of divorce, such as the role of the extended family in supporting or even stigmatizing the divorced couple, as well as how customary law and state law, particularly Islamic family law, view and regulate divorce and the rights related to children and maintenance⁵.

Minangkabau society has a customary law system that plays a role in regulating divorce, but in the realm of Islamic law, there are also provisions that regulate divorce, children's rights, and maintenance, which need to be understood in the context of maqashid sharia. Maqashid sharia places the main purpose of religious regulations as an effort to maintain the welfare of the people and prevent harm. This principle is the basis so that every rule that is applied is not only normative, but also aims to bring benefits and protect humans from all forms of harm and loss, and fulfill the basic needs of individuals, including in the context of divorce⁶. Therefore, it is important to analyze how court decisions in divorce cases in the Religious Courts can affect the fate of families, especially children, and to what extent these decisions are in line with the principles of maqashid sharia which prioritize benefit and justice.

This research also aims to explore the social perceptions of divorce in Bungus Teluk Kabung, and its impact on the individuals involved, especially women and children. Minangkabau society, which prioritizes friendship and close family relationships, often puts social pressure on divorced couples, which in turn can affect their adaptation process after divorce.

⁵ Doni Azhari, "Komparasi Otoritas Hukum Adat Dan Hukum Positif Dalam Adata Beseang Masyarakat Suku Ssak Perspektif Maqasid Syariah," *Unniversitas Islam Indonesia*, 2024.

⁶ Bagus Ary Darmawan et al., "Analisis Hak Asuh Anak Dalam Putusan Pengadilan Agama Lahat Nomor 685 / Pdt . G / 2022 / Pa . Lt : Perspektif Maqâsid Al- Syarî ' Ah Muhammad Thâhir Ibn Âsyûr Magister Hukum , Fakultas Hukum , Universitas Pembangunan Nasional Veteran Jakarta ," no. 4 (2024).

The importance of this research lies in a deeper understanding of the phenomenon of divorce in Bungus Teluk Kabung from a cultural, social, and legal perspective, especially in the context of Islamic family law and maqashid sharia. This research aims to further explore the impact of divorce in Minangkabau families, as well as provide useful recommendations for policy makers, legal practitioners, and the community in dealing with the issue of divorce in a wiser and more just manner. The questions in this research are first, How does divorce affect family structure and social relations in Minangkabau society in Bungus Teluk Kabung? Second, What is the role of customary law and Islamic law, especially in the perspective of maqashid sharia, in resolving divorce cases and protecting the rights of women and children?

The previous research related to this research is a study written by Syamsi Yusrizal entitled *Minangkabau Matrilineal Family Law in Maqashid Shari'ah Perspective*. The researcher examines Minangkabau matrilineal family law, including aspects of marriage, husband's responsibility towards wife and children, divorce, and inheritance, in maqashid sharia perspective. This research emphasizes the importance of preserving offspring (*hifdzu al-nasl*) and the welfare of children after divorce⁷. Furthermore, Rabiatul Adawiyah Catur Putri's research entitled *Division of Post-Divorce Joint Property in Matrilineal Customary Marriage in Minangkabau according to Positive Law and Islamic Fiqh*, this journal explains the division of joint property (*suarang* property) after divorce in the Minangkabau matrilineal customary system. This research shows that the division of joint property is carried out fairly between husband and wife, in accordance with Indonesian positive law and the principles of Islamic fiqh⁸. Furthermore, an article written by Rahmad Darmuji entitled *Manjapuik Tradition in Baganyi Action: Mediation Study in Minangkabau Household Conflicts*, this research explores how the

⁷ Syamsi Yusrizal, "Hukum Keluarga Matrilineal Minangkabau Dalam Perspektif Maqashid Syari'ah," (UIN Sultan Syarif Kasim Riau, 2020).

⁸ Rabiatul Adawiyah Catur Putri, "Pembagian Harta Bersama Pascaperceraian Dalam Perkawinan Adat Matrilineal Di Minangkabau Menurut Hukum Positif Dan Fiqh Islam," *Journal of Indonesian Comparative of Syari'ah Law*, 2022, 84-103.

manjapuik tradition is implemented in the mediation of baganyi conflicts and the reasons Minangkabau people continue to preserve this tradition as an effort to prevent divorce⁹.

This research is a type of field research with a descriptive-analytic qualitative approach conducted in the Bungus Teluk Kabung area¹⁰. This research aims to systematically examine the phenomenon of divorce and its impact in Minangkabau families, as well as examine the role of customary law and Islamic law based on maqashid sharia principles in its resolution. Data were obtained through direct interviews with former spouses, children affected by divorce, traditional leaders, Religious Court officials, and local KUA officials. In addition, the data were also reviewed through literature materials¹¹. The data sources in this research consist of primary and secondary data¹². Primary data includes the results of interviews that provide direct information about people's experiences and views on divorce, while secondary data is obtained from books, scientific journals, laws and regulations, religious court decision documents, and the results of previous research related to divorce, Islamic family law, Minangkabau customary law, and maqashid syariah¹³. Through this method, it is hoped that the research will be able to provide a comprehensive picture of the social and legal realities in the settlement of divorce cases in Bungus Teluk Kabung.

The Impact of Divorce on Minangkabau Family Structure

Divorce in Minangkabau society, especially in Bungus Teluk Kabung, has a very complex impact on the family structure, both socially, psychologically and culturally. In the matrilineal kinship system adopted by the Bungus community, the family is built based on the mother's lineage, so

⁹ Rahmad Darmuji, "Tradisi Manjapuik Dalam Tindakan Baganyi: Studi Mediasi Dalam Konflik Rumah Tangga Minangkabau," 2024.

¹⁰ Moleong, *Metodologi Penelitian Kualitatif* (Jakarta: Remadja Karya, 1989).

¹¹ KUA, "Interview" (Padang: personal interview, 2025).

¹² Bahrum Subagiya, "Eksplorasi Penelitian Pendidikan Agama Islam Melalui Kajian Literatur: Pemahaman Konseptual Dan Aplikasi Praktis," *Ta'dibuna: Jurnal Pendidikan Islam* 12, no. 3 (2023): 304-18, <https://doi.org/10.32832/tadibuna.v12i3.13829>.

¹³ Sahmiar Pulungan et al., "Pada Pengadilan Agama Medan Dan Pengadilan Agama," 2022.

women play a central role in inheritance, ownership of the gadang house, and childcare. When divorce occurs, the family structure experiences significant shocks, especially in terms of parenting and the social role of the father. The children remain with their mother and extended family, while the father, who comes from a different tribe, traditionally returns to his original home. This causes the relationship between father and children to become tenuous, both physically and emotionally, and has the potential to cause psychological disturbances for children due to the loss of a father figure in their daily lives. In addition, in Bungus Teluk Kabung, which is known for its strong family ties and traditional values, women who experience divorce not only bear the burden of care, but also face social pressure from the community.

The stigma of being a "failed woman" or "unable to maintain a household" is still strong, even though in many cases, the cause of divorce comes from external factors such as domestic violence or injustice in household roles. This pressure often makes women feel isolated or reluctant to rebuild a new family. On the other hand, the prevailing customary system sometimes does not provide space for formal legal protection, especially when divorce is only carried out through family deliberations without being recorded at the Religious Court¹⁴. This makes women and children lose access to legal rights such as maintenance, custody, and division of joint property.

Post-divorce conflicts also often arise over ownership or access to gadang houses and high heirloom land. As the husband does not have rights to the heirloom property, he must leave the house after the divorce, but if he has lived in the house for a long time during the marriage, emotional conflicts arise that can lead to disputes between families¹⁵. The context of Bungus Teluk Kabung, which still upholds the resolution through fair and inclusive

¹⁴ Muhammad Ihsan, "Dualisme Kewenangan Penyelesaian Sengketa Antara Mahkamah Syar'iyah Dan Lembaga Peradilan Adat," *Tanfidziy: Jurnal Hukum Tata Negara Dan Siyasa* Vol. 2, no. No. 1 (2023): 1-19, <https://journal.iainlhokseumawe.ac.id/index.php/tanfidziy/article/view/1558>.

¹⁵ M Agung Setiawan et al., "Konflik Dan Resolusi Dalam Pembagian Harta Pasca Perceraian Di Tanah Pusaka Minangkabau," *USRATY: Journal of Islamic Family Law* 2, no. 1 (2024): 42-52.

customary deliberations. Therefore, divorce in Bungus is not only a nuclear family issue, but also a social issue that concerns the dignity and stability of the adat community as a whole.

The custom in Bungus Teluk Kabung, which is part of Minangkabau society, has its own mechanism in dealing with and resolving divorce issues so as not to cause protracted conflicts and damage social order. One of the main strengths of Bungus adat lies in the deliberation system and the collective involvement of the extended family, especially through the role of ninik mamak (maternal uncle), alim ulama, and traditional leaders, in addressing household problems that lead to divorce.

In general, the resolution of domestic conflicts is not taken directly to the formal legal realm, but is first pursued through customary channels. This tradition is known as "badunsanak", which is a deliberation between the husband and wife's families facilitated by traditional leaders from both parties¹⁶. The main purpose of this deliberation is not only to decide whether the couple will divorce or not, but rather to find an amicable solution and prevent divorce as much as possible. If divorce is inevitable, then adat will ensure that the process is carried out in an orderly, respectful manner, and does not cause animosity between the families.

When it comes to children and property, Bungus custom upholds the principles of justice and maintains the continuity of family relationships. Children will remain in the care of the mother and be protected by the extended maternal family, in accordance with the matrilineal system. However, the father's family is also invited to play an active role, especially in terms of maintenance and moral responsibility. In the event of a dispute, such as the right to live in a gadang house or the division of property that is not high heirloom, the ninikmamak will mediate, ensuring that neither party feels wronged.

¹⁶ Yanti Mulia Roza, *Konflik Dan Akomodasi Antara Adat Dan Agama Dengan Pemerintah Sumatera Barat Tahun 1999 Hingga 2015 (Studi Kasus Kabupaten Tanah Datar)* (Tangerang Selatan: Cinta Buku Media, 2020), http://repository.uinjkt.ac.id/dspace/bitstream/123456789/50348/1/Yanti_Mulia_Roza-SPS.pdf.

The main strength of Bungus Teluk Kabung adat in resolving these divorce issues is the emphasis on the balance between law, custom and humanity (shame and respect in tribes and clans). With this approach, the community in Bungus tries to minimize the social impact of divorce, especially on children and women. This tradition is also a local way of maintaining social harmony, preventing prolonged conflict, and maintaining good relations between tribes and families despite separation.

Lewis Coser's Conflict Resolution Theory states that social conflict does not always have a negative impact, but can also serve as a means to clarify existing social norms and structures. In the context of indigenous communities such as Bungus Teluk Kabung, household conflicts resolved through badunsanak deliberation show a form of resolution that emphasizes reconciliation and social balance. This approach reflects high values of collectivity and solidarity, where conflict is not allowed to develop into hostility, but is directed into a productive dialogue process to maintain social harmony¹⁷.

Musyawah badunsanak in the Bungus Teluk Kabung community is a form of local wisdom rooted in the Minangkabau traditional value system. In Lewis Coser's theoretical framework, this mechanism functions as a safety valve that allows the expression of tension without disrupting overall social stability. Household conflicts, for example, are not considered a disgrace that must be hidden, but rather a common problem that needs to be resolved with a cool head by the extended family and ninik mamak as mediators. This process reinforces the social ties between community members, as resolution is not done individually but in a collective spirit.

In addition to being a means of resolution, conflicts managed with the badunsanak deliberation approach also function as a medium for social learning. In traditional meetings, values such as patience, wisdom and responsibility are re-emphasized and instilled, especially to the younger generation. Thus, conflicts are not only resolved, but also used to strengthen

¹⁷ Argyo Demartoto, "Strukturalisme Konflik: Pemahaman Akan Konflik Pada Masyarakat Industri Menurut Lewis Coser Dan Ralf Dahrendorf," *Jurnal Sosiologi* 24, no. 1 (2010): 2-65.

collective awareness of the norms and limits of acceptable behavior in the community. This is in line with Coser's idea that conflict can clarify social structures and renew existing consensus.

This approach also shows that traditional communities have conflict resolution systems that are no less effective than formal mechanisms such as state courts. In fact, in local contexts such as Bungus Teluk Kabung, custom-based solutions are often more accepted and respected by the community because they prioritize humanitarian aspects and family relationships. Therefore, an understanding of conflict should not solely be seen from a destructive perspective, but also as an opportunity to strengthen social cohesion and maintain the sustainability of cultural values within the community.

Families play an important role in the development and mental growth of individuals. Interactions within the family reflect the dominant culture as a reference in a relationship. The reflection of cultural tendencies occurs through the intergenerational inheritance of values, including the transmigration of values, attitudes, roles, etc., especially between parents and children. Family interaction is conceptualized as a network in which there is a communication model that strives for connectedness and frequency of interaction between family members, not only parents and children but also close relatives¹⁸.

Interaction based on open communication and the balance of the role of parental authority in interacting plays an important role in maintaining family harmony. When communication is unequal or distant, children often grow up with an elusive void, and in many cases, a fear of marriage emerges as a manifestation of unresolved childhood relational wounds. Fear of marriage often does not arise from a single event, but rather from an accumulation of small experiences internalized early on.

Such fears not only impact an individual's decision to marry, but also create an intergenerational cycle of trauma that is difficult to break. Children

¹⁸ Hamda Sulfinadia, "The Phenomenon Marriage Is Scary: Causal Factors and Efforts Faced by Muslim Communities In Indonesia," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025): 355-77, <https://doi.org/10.29240/jhi.v10i1.12414>.

who grow up in conflict-ridden families or experience parental divorce without a healthy resolution, tend to develop a negative view of the institution of marriage¹⁹. In many cases in Bungus Teluk Kabung, the absence of a father figure or the lack of a father's emotional role after divorce exacerbates children's feelings of insecurity. This affects their self-concept and interpersonal relationships in adulthood. Therefore, it is important for extended families, especially *ninikmamak* and mothers, to create a nurturing environment of acceptance and warmth after divorce. Psychological assistance based on local wisdom, such as outpouring within the family circle or traditional advice, can be a relevant and contextualized method of emotional healing for children affected by domestic conflict.

In the context of the Bungus Teluk Kabung community, the process of post-divorce assistance by extended family is not only emotional but also includes social and economic aspects. When a woman becomes a single parent, the responsibility of caring for and providing for her children does not fall entirely on her individually²⁰. The maternal family, especially the *mamak* and *niniak mamak*, collectively take on the role of ensuring the children's survival. This solidarity shows that the Minangkabau matrilineal system provides a strong social safety net, especially when the nuclear family structure disintegrates. However, challenges remain, especially if economic support is limited or if collective values are weakened by modern individualism.

Furthermore, the strength of *adat* in managing the impact of divorce can also be seen in the community's efforts to maintain the dignity of divorced parties so that they do not become the subject of social gossip or stigma²¹. In the highly respected culture of shame (*malu jo urang*), peaceful conflict resolution is a way to avoid disgrace that could damage the good name of the people or tribe. *Ninikmamak* will usually try to ensure that the divorce is done amicably, with open family meetings and mutually agreed decisions. Even after

¹⁹ P. R. Amato, "The Consequences of Divorce for Adults and Children," 2020, 1269-1287.

²⁰ Achmad Asfi Burhanudin, "Kewajiban Orang Tua Atas Hak-Hak Anak Pasca Perceraian," *El-Faqih* 1, no.1(2015):28-69.

²¹ Reni Permata Sari, "Laporan Penelitian Tahun 2019" (Pekalongan: STAIN Pekalongan, 2019).

the divorce, the relationship between families is not immediately terminated, but is maintained so that there is no protracted hostility. Thus, divorce in the customary system is not seen as an absolute failure, but rather as a process that must be managed wisely for social sustainability and community honor.

The Role of Family and Ninikmamak in Conflict Resolution

In the Minangkabau social structure that adheres to the matrilineal system, the extended family - especially from the mother's side - plays a role as the main foundation in the formation and resolution of household dynamics²². When a conflict occurs in a marriage, the family does not let the problem develop on its own, but immediately takes a collective approach to reduce and resolve it. In this case, the role of the ninikmamak becomes central as the leader of the community who is not only respected by custom, but also has a moral responsibility for the welfare of his community members. The ninikmamak is not only present at traditional ceremonies, but is also an active figure in social life, including resolving household conflicts. They are the first to be consulted by women in their clan who are experiencing domestic problems. This indicates that the resolution process is not individualized, but involves wider social forces within the framework of customary collectivity.

The involvement of ninikmamak in conflict resolution is carried out through a customary deliberation mechanism called "badunsanak". In this deliberation, both sides of the family are brought together to find the best solution that prioritizes peace and maintains the honor of each party. Ninikmamak acts as a neutral and wise mediator, with an approach that emphasizes the values of shame (*malu jo urang*), respect (*rasa santan*), and the obligation to maintain tribal relations²³. They do not necessarily encourage

²² Nurwani Idris, "Kedudukan Perempuan Dan Aktualisasi Politik Dalam Masyarakat Matrilineal Minangkabau," *Masyarakat Kebudayaan Dan Politik* 25, no. 2 (2005): 1-11, https://www.mendeley.com/catalogue/bcfc3a8e-0327-3850-b410-5b2a2c1b81c9/?utm_source=desktop&utm_medium=1.19.4&utm_campaign=open_catalog&userDocumentId=%7B6f6e73dc-01ed-4f33-84e2-4747e7a5d8a3%7D#author-supplied-keywords-title.

²³ Afif Shobhan Chan, "Peranan Ninik Mamak Sebagai Mediator Dalam Menyelesaikan Konflik Keluarga Di Minangkabau (Studi Kasus Nagari Salimpaung, Kecamatan

divorce as the first solution, but instead strive to prevent it through advice and careful consideration. If divorce is considered to be the only way forward, then the *ninikmamak* will ensure that the process is orderly, without humiliating either party, and maintaining the relationship between families. In this context, the role of the extended family is not merely symbolic, but functional in maintaining the social and psychological structure of individuals affected by domestic conflict.

However, while *musyawarah badunsanak* is effective in defusing conflict and avoiding greater escalation, there are limitations in terms of the enforcement of legal rights, especially with regard to alimony, child custody and property division. There are many cases where women and children do not have legal certainty because settlements are only made through customary law without involving the courts. This shows that the role of *ninikmamak* is very important in the mediation stage, but still requires synergy with formal legal institutions so that civil rights can be guaranteed. In some cases, the absence of formal legal elements actually puts women in a vulnerable position, especially if the husband neglects his post-divorce responsibilities. Therefore, there needs to be an effort to strengthen collaboration between customary institutions and legal institutions, so that conflict resolution really touches the substantive justice side for all parties involved.

The extended family and *ninikmamak* also have an important function in psychologically strengthening women and children after divorce. In Minangkabau society, the residence and care of children generally return to the mother, and in this context, the extended family of the mother takes over most of the roles of care, protection, and even economic fulfillment²⁴. It is not uncommon for the *ninikmamak* to become a surrogate father figure for the children in the family, providing role modeling, supervision and

Salimpaung, Kabupaten Tanah Datar)" (Universitas Islam Negeri Sultan Syarif Kasim Riau, 2024).

²⁴ Nenang Julir, "Akulturasi Adat Perkawinan Minang Ke Dalam Hukum Perkawinan Islam Dan Relevansinya Terhadap Pengembangan Hukum Keluarga Islam Di Indonesia," *Universita Islam Negeri Raden Intan Lampung* (Universita Islam Negeri Raden Intan Lampung, 2020).

emotional support. This keeps the matrilineal system solid, because when there is a breakup in the nuclear family, the extended family is there as the main support for the continuation of the children's lives. Under these conditions, strong social ties within the adat community have proven effective in maintaining social stability, although the system still needs to be strengthened from the aspect of formal legal rights guarantees through legal court institutions.

Thus, the role of family and *ninikmamak* cannot be underestimated in the context of household conflict resolution in Bungus Teluk Kabung. They are not only symbolic figures in adat, but also the main implementers of the collective values that sustain matrilineal society. In order to build a fair and comprehensive conflict resolution system, their involvement needs to be integrated with modern legal institutions. In other words, the best way is to strengthen the synergy between customary approaches and Islamic legal approaches, especially those based on *maqashid sharia*, so that conflict resolution not only promotes social harmony, but also ensures legal justice and the continued protection of vulnerable groups such as women and children.

In addition to carrying out the mediation function in resolving household conflicts, *ninikmamak* also has a preventive role in maintaining family resilience. Before a marriage takes place, *ninikmamak* is usually involved in the process of selecting a partner, talking between families, and determining the terms of marriage by custom. This process is not just ceremonial, but a place for an initial assessment of the couple's readiness to live in a household. Thus, the role of *ninikmamak* does not only arise when conflict occurs, but also from the beginning as a guide so that the marriage is within the corridors of custom, religion and social norms. This shows that conflict resolution in Minangkabau custom is part of a comprehensive system - not reactive, but also proactive in maintaining family integrity. The practice of resolving household conflicts through customary approaches is not unique to Minangkabau. Studies conducted in the context of the Bugis community in South Sulawesi, as explained in the article "Between Mahar and Uang Panai", show that the application of traditions such as *uang panai*, which is thick with

local culture, can lead to social and economic inequality if not aligned with the principles of justice in Islam. Although customs aim to preserve the dignity of the family, in practice they often burden certain parties, especially men, and can be a source of domestic stress. This shows the importance of synchronization between customary law and Islamic law so that conflict resolution not only prioritizes social harmony, but also guarantees the protection of the rights of all parties²⁵

However, the current social reality shows a shift in values in the lives of Minangkabau people, especially the younger generation who tend to be more individualistic and less attached to customary structures. Many young couples no longer actively involve *ninikmamak* in their domestic life. When conflicts arise, they go straight to formal institutions such as the Religious Court without going through family deliberations first. This results in a distance between the younger generation and the customary structures that have been a social support in resolving conflicts. In this context, revitalizing the role of *ninikmamak* is very important so that collective values are not lost and the community still has humane and contextual resolution options, in addition to formal legal channels.

In the midst of changing times, it is also important for customary institutions to make adjustments to modern challenges, including by increasing legal literacy among *ninikmamak* and extended families. By understanding formal legal provisions such as maintenance rights, child custody rights and judicial mechanisms, *ninikmamak* can be more empowered in bridging social needs and legal protection as a whole. This is in line with the *maqashid sharia* approach, which prioritizes the benefit and protection of vulnerable groups. Therefore, training in customary and Islamic law for customary leaders is very important so that the synergy between custom and state can run harmoniously. This step will strengthen the position of the

²⁵ Nur Indah Nurhikmah.Purnamasari and Nursalam, "Between Mahar and Uang Panai: A Comparative Study of Islamic Family Law and Customary Law in Marriage Traditions of South Sulawesi," *Ahlika: Jurnal Hukum Keluarga Dan Hukum Islam* 2, no. 23 (2019): 301-16, <https://doi.org/10.15797/concom.2019..23.009>.

family and *ninikmamak* as a social and spiritual fortress capable of maintaining balance and justice in the evolving Minangkabau society.

The results show that divorce in Minangkabau society in Bungus Teluk Kabung is not just an event of breaking the relationship between husband and wife, but touches a deeper social structure. Matrilineal societies like Minangkabau place children in the mother's lineage. When a divorce occurs, the responsibility for childcare traditionally falls on the mother, who also has the full support of her extended family in that lineage.

Based on an interview with 39-year-old divorced female informant Lasmaini, she said that after the divorce, she not only had to raise the children alone, but also faced pressure from the surrounding environment. "People in *kampung* sometimes whisper, even though it is not your fault. But because the man is not responsible, you are blamed," she said. This informant also revealed that although traditionally the extended family from the mother's side provided support, she still felt that her right to child maintenance was not being fulfilled because there was no court ruling that strictly regulated this.

An interview with one of the *ninik mamak* in Bungus Teluk Kabung, Angku Sabar, a grandfather in Bungus Teluk Kabung, also confirmed that divorce settlements in the area still rely heavily on customary deliberation. "If it can be reconciled, it is good to reconcile. If it can't be, it should be decided well. But now many *urang awak* run to the court, *alah indak mau balapeh elok-elok dalam kaum*," he said ²⁶. This view shows that although customary law has an amicable and collective resolution, the need for formal legal protection remains a demand, especially for women and children who are affected economically and psychologically. However, psychologically and economically, divorced women often face severe challenges, both in terms of social stigma, the double burden of childcare, and the non- fulfillment of legal rights such as maintenance and division of joint property - especially if the divorce is not formalized in the Religious Court²⁷. This answers the first research question, that divorce not only affects the family structure directly, but also disrupts social balance because not all post-divorce rights of women and children can be fulfilled fairly in a custom-based settlement alone.

²⁶ Angku Sabar, "Interview" (Padang: personal interview, 2025).

²⁷ NURMANI ANISA, "Beban Perempuan Terhadap Tanggungan Biaya Hidup Anak Pasca Cerai Studi Kasus Di Kecamatan Blangpegayon, Kabupaten Gayo Lues," *Universitas Islam Negeri Ar-Raniry* (Universitas Islam Negeri Ar-Raniry, 2021).

Answering the second question, this research found that customary law in Bungus Teluk Kabung is still the main mechanism in resolving household conflicts. The settlement process is conducted through the customary kerapatan institution, which emphasizes a deliberative approach to avoid hostility. However, despite being familial in nature and prioritizing peaceful values, customary settlements often lack the formal legal power to enforce civil rights. Therefore, Islamic law formalized through the Religious Courts plays an important role in providing real legal protection. In a number of cases, judges in the Religious Courts have considered the principles of maqashid sharia, such as the protection of offspring (hifz an-nasl), soul (hifz an-nafs), and property (hifz al-mal), in making decisions regarding child custody, maintenance, and the division of joint property²⁸. This shows that the synergy between customary law and Islamic law needs to be continuously built so that divorce settlements not only have an impact on customary social peace, but also ensure legal protection and justice for women and children in accordance with sharia values and the civilization of state law.

Settlement through formal legal channels such as religious courts also faces its own challenges, especially regarding the effectiveness of the implementation of mediation as regulated in PERMA No. 1 of 2016. Based on a study conducted at the Idi Syar'iyah Court, out of 498 divorce cases handled between 2020 and 2023, only two cases were successfully resolved through mediation. This low number indicates that the mediation procedure has not been optimal in preventing divorce. The lack of availability of non-judicial mediators, the community's low understanding of the function of mediation, and the tendency to resolve conflicts through customary means are the dominant factors influencing the failure of this process. This situation reflects that the effectiveness of state legal instruments still depends on the socio-cultural readiness of the local community²⁹.

²⁸ Fikri and Agus Muchsin, *Hak-Hak Anak Dalam Hukum Keluarga Islam Pendekatan Yurisprudensi Di Pengadilan Agama*, ed. Muhmmad Munzir (Parepare: IAIN Parepare Nusantara Press, 2022).

²⁹ Azharuddin Zulfikar, Aminah, "The Effectiveness of Mediation in the Syar ' Iyah Court of Idi in Divorce Cases Institut Agama Islam Negeri Langsa , Indonesia," *Ahlika: Jurnal*

Conclusion

This research concludes that divorce in Minangkabau society in Bungus Teluk Kabung not only affects the married couple, but also significantly affects family structure, social relations, and the protection of women and children. In the matrilineal system, children remain in the mother's lineage, while women often carry the double burden of being both caregivers and economic responsible after divorce. Customary settlement mechanisms, such as musyawarah badunsanak, are still upheld to resolve divorce peacefully and maintain the honor of the extended family, although they do not fully guarantee formal legal protection, especially regarding maintenance rights and the division of joint property. The presence of Islamic law through the Religious Courts provides an alternative and complement in ensuring substantive justice with the application of maqashid sharia principles, such as the protection of offspring (hifz an-nasl), soul (hifz an-nafs), and property (hifz al-mal). Therefore, strengthening the synergy between customary settlement and Islamic law mechanisms is key in dealing with the complexity of divorce in indigenous communities. A holistic and integrative approach is needed so that divorce settlements are not only in line with local cultural values, but also ensure legal protection and justice for vulnerable groups, especially women and children.

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Interviews

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- Interview with Lasmainsi, 39, a widow in Bungus Teluk Kabung, 2025
- Interview with Padang City Religious Court officials, 2025
- Interview with Bungus Teluk Kabung District Court officials, 2025
- Interview with children affected by divorce, 2025