

The *Manompang Datuak* Tradition as a Condition for Immigrant Marriage in Nagari Aia Gadang, West Pasaman: A Study of Sociology and Anthropology of Family Law

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Abstract

The *manompang datuak* tradition is a Minangkabau customary law practice that requires every immigrant who wants to get married in Nagari Aia Gadang, West Pasaman Regency, to first undergo a traditional procession to *ninik mamak* or *datuak penghulu nagari*. This study examines these traditions from the perspective of sociology and anthropology of family law, focusing on *socio-legal* functions, normative legitimacy, and their relationship with Islamic law and state law. Using an empirical-qualitative legal research method through in-depth interviews, participatory observations, and document studies in Nagari Aia Gadang in the period March-May 2024, this study found that *manompang datuak* functions as a mechanism of social control, marker of communal identity, and a reciprocal instrument of social protection. Normatively, this tradition is rooted in the traditional philosophy of *basandi syarak, syarak basandi Kitabullah* so that it does not contradict the principles of Islamic law and can be categorized as a valid 'urf. This article argues that *manompang datuak* represents a concrete form of living law in Indonesia's system of legal pluralism, which functionally complements not replaces the formal marriage provisions in Law No. 1 of 1974. The contribution of this article lies in providing a comprehensive empirical and theoretical analysis of the interaction between customary law, Islamic law, and state law in the context of immigrant marriage in the Minangkabau country.

Keywords: Manompang Datuak; Minangkabau Customary Law; Immigrant Marriage; Sociology Of Family Law; Legal Pluralism.

Introduction

The issue of legal pluralism in the life of Muslims in Southeast Asia has long been a serious concern for scholars of law, sociology, and anthropology. In the context of Indonesia as a country with the largest Muslim population in the world, the interaction between customary law, Islamic law, and state law creates complex normative dynamics, which often give rise to

tension and creative adaptation at the community level.¹ Benda-Beckmann and Benda-Beckmann (2006) affirm that legal pluralism is not just a phenomenon that occurs in developing countries, but rather is a common condition found in almost all societies, where various legal systems operate simultaneously with overlapping claims of legitimacy.² In Indonesia, this condition has historically formed unique patterns of negotiation between customary law as *living law* and positive legal provisions imposed by the state.³

West Sumatra Province, with the Minangkabau people as its dominant ethnic group, is one of the regions in Indonesia that displays the most complex legal relationship between customary law, Islamic law, and state law. The Minangkabau matrilineal kinship system which governs inheritance, customary titles, and tribal membership through the maternal line creates a normative framework that differs substantially from the provisions of national civil law as well as conventional Islamic inheritance law.⁴ In this context, nagari as the smallest unit of Minangkabau customary government plays a crucial role as an arena where these various normative systems meet and are negotiated on a daily basis.⁵

Nagari Aia Gadang, located in Luhak Nan Duo District, West Pasaman Regency, is one of the villages that in recent decades has experienced significant social pressure due to the increasing flow of migrant migration driven by the development of the oil palm plantation sector in the West Pasaman area.⁶ BPS data for West Pasaman Regency (2023) noted that Luhak Nan Duo District experienced an average immigrant population growth of 3.2 percent per year during the 2015-2023 period, making it one of the sub-districts with the highest rate of inward migration in the district.⁷ This demographic pressure creates an urgent context for indigenous institutions to respond to the presence of migrants in a structured and normative manner, as an effort to maintain social cohesion and the nagari's communal identity.

The study of Minangkabau customary marriage law and its relationship with Islamic law and state law has produced a number of important academic contributions. From a historical-anthropological perspective, Kato (1982) documents how the Minangkabau matrilineal system evolved in the face of modernization and migration pressures, while Abdullah (1966) analyzes the tense relationship between customs and Islam that has been going on since colonial times.⁸ Saputra and Mirwati (2020) more specifically examined the position of *ninik mamak* in the Minangkabau customary law system, and found that the

¹ Franz von Benda-Beckmann dan Keebet von Benda-Beckmann, "The Dynamics of Change and Continuity in Plural Legal Orders," *Journal of Legal Pluralism and Unofficial Law* 38, no. 53–54 (2006): 1–44, <https://doi.org/10.1080/07329113.2006.10756610>.

² Sally Engle Merry, "Legal Pluralism," *Law and Society Review* 22, no. 5 (1988): 869–896, <https://doi.org/10.2307/3053638>.

³ Ratno Lukito, *Tradisi Hukum Indonesia* (Yogyakarta: Teras, 2008), 12.

⁴ Tsuyoshi Kato, *Matriliney and Migration: Evolving Minangkabau Traditions in Indonesia* (Ithaca: Cornell University Press, 1982), 23.

⁵ Mochtar Naim, *Merantau: Pola Migrasi Suku Minangkabau* (Yogyakarta: Gadjah Mada University Press, 1984), 45–47.

⁶ "Peraturan Daerah Kabupaten Pasaman Barat Nomor 7 Tahun 2018 tentang Nagari," Pasal 1 angka 5.

⁷ Badan Pusat Statistik Kabupaten Pasaman Barat, *Kecamatan Lubak Nan Duo dalam Angka 2023* (Simpang Empat: BPS Pasaman Barat, 2023), 14.

⁸ Taufik Abdullah, "Adat and Islam: An Examination of Conflict in Minangkabau," *Indonesia* 2 (1966): 1–24, <https://doi.org/10.2307/3350753>; Kato, *Matriliney and Migration*, 56–80.

authority of *ninik mamak*, despite the challenges of modernization, is still significant in regulating customary affairs involving members of the *nagari* community.⁹

From the perspective of legal sociology and legal anthropology, Bowen (2003) analyzes how the Indonesian Muslim community negotiates various normative demands derived from different legal sources, and shows that the negotiation process is dynamic and contextual.¹⁰ Mulyadi and Huda (2020) specifically examined legal pluralism in Minangkabau customary marriage and concluded that there are compromise zones that allow various legal systems to operate simultaneously without having to eliminate each other.¹¹

However, studies that specifically and in-depth raise the *tradition of Manompang Datuak* as a condition for the marriage of immigrants in Minangkabau countries especially from the perspective of sociology and anthropology of family law are still very limited in the Indonesian and international academic literature. Ernatip (2017) has indeed documented various marriage traditions in the Minangkabau country, but his study is more descriptive-ethnographic and does not analytically explore the socio-legal dimension of the *Manompang Datuak* tradition comprehensively.¹² Similarly, Putri (2020) discusses the role of *Nagari Customary Density* in resolving marriage disputes, but does not specifically examine the mechanism of *Manompang Datuak* as a legal-customary entrance for immigrants who want to get married.¹³ This academic gap is the main starting point and justification for this research. This article argues that the *Manompang Datuak* tradition in *Nagari Aia Gadang* is a complex and multifunctional socio-legal mechanism, which functions not only as a ceremonial customary ritual, but also as a system of social integration, an instrument of normative control, and a bridge between the various legal systems that apply in *nagari* society. In the context of Indonesian legal pluralism, this tradition represents a form of creative adaptation of customary law that is able to survive and even strengthen its relevance in the contemporary era.

Based on this background, this research is directed to answer three main questions: (1) What is the structure, procedures, and actors involved in the *Manompang Datuak* tradition in *Nagari Aia Gadang*, West Pasaman? (2) What sociological function is carried out by the *Manompang Datuak* tradition in the context of the integration of immigrants into the *nagari* community? (3) What is the normative position of the *Manompang Datuak* tradition in the framework of family law anthropology, especially in its relationship with Islamic law and national marriage law? This article is structured as follows: after the introductory part, a description of the research methodology is presented, followed by three sections of results and discussions, each of which answers one research question, and ends with a conclusion.¹⁴

⁹ Wendi Saputra dan Yulia Mirwati, "Kedudukan *Ninik Mamak* dalam Hukum Adat Minangkabau," *Jurnal Hukum dan Peradilan* 9, no. 1 (2020): 46–51, <https://doi.org/10.25216/jhp.9.1.2020.45-66>.

¹⁰ John R. Bowen, *Islam, Law and Equality in Indonesia: An Anthropology of Public Reasoning* (Cambridge: Cambridge University Press, 2003), 3–7.

¹¹ Mohammad Mulyadi dan Nurul Huda, "Pluralisme Hukum dalam Perkawinan Adat Minangkabau," *Jurnal Hukum Islam* 18, no. 2 (2020): 213–234, <https://doi.org/10.28918/jhi.v18i2.2935>.

¹² Ernatip, "Tradisi Perkawinan di *Nagari* Minangkabau," *Jurnal Penelitian Sejarah dan Budaya* 3, no. 1 (2017): 679–700.

¹³ Rahmi Aulia Putri, "Eksistensi Lembaga Kerapatan Adat *Nagari* dalam Penyelesaian Sengketa Perkawinan," *Jurnal Hukum dan Pembangunan* 50, no. 3 (2020): 567–589.

¹⁴ Zainal Abidin, *Hukum Adat Minangkabau dalam Perspektif Islam* (Padang: IAIN Imam Bonjol Press, 2015), 78–95.

Research Methods

This research is an empirical legal research (*socio-legal research*) with a qualitative approach. The selection of this type of research is based on the consideration that the object of study, namely the *tradition of Manompang Datuak* as a condition for immigrant marriage, is a living legal phenomenon in society, so it cannot be adequately studied only through the analysis of formal legal documents alone.¹⁵ The qualitative approach was chosen because this study aims to understand the meaning, function, and dynamics of the tradition from the perspective of the perpetrators (*emic perspective*), which requires a depth of analysis that cannot be achieved through a quantitative approach.¹⁶

The research was carried out in Nagari Aia Gadang, Luhak Nan Duo District, West Pasaman Regency, West Sumatra Province, during the period from March to May 2024. The selection of this location is based on three considerations: first, Nagari Aia Gadang is one of the nagari that consistently maintains the tradition of *Manompang Datuak* and has codified it in Nagari Regulation Number 3 of 2020; second, this nagari has a significant proportion of immigrants (around 28% of the total population) so that the dynamics of *Manompang Datuak* actively occurs; and third, field accessibility that allows research to be carried out comprehensively.

Primary data was obtained through three complementary data collection techniques. **First**, *in-depth interviews* were conducted with 18 key informants who were selected purposively, consisting of: five *ninik mamak*/datuak from various tribes in Nagari Aia Gadang, including Datuak Rajo Nan Sati from the Caniago Tribe¹⁷ and Datuak Bandaro Kayo from the Koto Tribe;¹⁸ two officials of the KUA of Luhak Nan Duo District along with the head who are experienced in the marriage procession of immigrants;¹⁹ *wali nagari* and two nagari officials who understand nagari regulations related to customs; seven immigrants who have been or are in the process of undergoing *Manompang Datuak*, with diverse backgrounds (from within West Sumatra and from outside the province); and one *alim ulama nagari*. **Second**, participatory observations were made of the two *Manompang Datuak* processions that took place during the research period, which allowed researchers to directly observe the procedures, the customary language used, and the interactional dynamics between the parties.²⁰ **Third**, a document study was carried out on Nagari Aia Gadang Regulation Number 3 of 2020, records of customary processions (*tambo nagari*), marriage administrative documents from KUA, and relevant laws and regulations.²¹

Data analysis is carried out through a *thematic coding* process consisting of three stages: data reduction, data presentation, and conclusion/verification, following the interactive analysis model of Miles, Huberman, and Saldaña. The theoretical frameworks used to analyze and interpret the data include: (1) the theory of legal pluralism from Benda-Beckmann and Benda-Beckmann (2006) and Merry (1988) to analyze the relationship between various

¹⁵ Peter Mahmud Marzuki, *Penelitian Hukum*, edisi revisi (Jakarta: Kencana, 2011), 24–25.

¹⁶ Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: RajaGrafindo Persada, 2003), 13.

¹⁷ Wawancara dengan Datuak Rajo Nan Sati, Wali Suku Caniago Nagari Aia Gadang, 15 Maret 2024.

¹⁸ Wawancara dengan Datuak Bandaro Kayo, Wali Suku Koto Nagari Aia Gadang, 16 Maret 2024.

¹⁹ Wawancara dengan Kepala KUA Kecamatan Luhak Nan Duo, 17 Maret 2024.

²⁰ Observasi partisipatif prosesi *manompang datuak* di Nagari Aia Gadang, 20 Maret 2024.

²¹ Dokumen “Peraturan Nagari Aia Gadang Nomor 3 Tahun 2020 tentang Pelestarian Adat dan Budaya,” Pasal 7 dan 8.

applicable legal systems; (2) the concept of *living law* from Eugen Ehrlich as adapted in the context of Indonesian customary law by Soekanto (2012), to understand the applicability of *Manompang Datuak* as a living law in society; and (3) an anthropological perspective of family law that views marriage not only as a private legal event, but also as a social institution bound by a system of communal norms. Data validation is carried out through source triangulation, method triangulation, and *member checking* (confirming the results of interpretation to key informants).

Structure, Procedures, and Actors in the *Manompang Datuak* Tradition in Nagari Aia Gadang

Manompang Datuak etymologically comes from the words *manompang* (hitchhiking, asking for a ride) and *datuak* (the title of ninik mamak or traditional headman). Terminologically in the context of Minangkabau customs, this term refers to a series of customary processions in which a person who is not a native member of a nagari (*urang sumando* or immigrant) formally asks for permission, recognition, and protection from the ninik mamak penghulu nagari to be able to live and carry out social life including marriage in the nagari.²² This tradition is a concrete manifestation of one of the main principles of Minangkabau customary law, namely the principle of "*nan tuo direspect, nan ketek disayang, samo gedang samo barek*" (the old are respected, the young are loved, the peer bear each other).²³

Based on field data collected through in-depth interviews and participatory observation, the *Manompang Datuak* procedure in Nagari Aia Gadang consists of six structured stages. What needs to be emphasized is that each stage in this procession is not just an administrative procedural sequence, but contains a deep socio-legal meaning and has direct implications for the customary legal status of immigrants in the country.²⁴ The six stages are as follows: (1) submission of applications by immigrants to *the house or mother* who is willing to become the social responsible person; (2) the preparation of an application file containing personal identity, origin, and purpose of presence in Nagari; (3) a preliminary meeting between *the parent of the semang* and ninik mamak to submit the application; (4) the *official manompang* procession in front of Ninik Mamak with the handover of *Siriah jo Pinang* as a traditional symbol; (5) the recitation of prayers by the religious scholars of Nagari as a marker of Islamic legitimacy; and (6) the issuance of a customary certificate by Ninik Mamak as a formal recognition document.

Of the six stages above, there are several aspects that are sociologically-legally very significant. **First**, the existence of the *house mamak* institution or *the mother of the house* as a mediator between the immigrant and the ninik mamak reflects how the Minangkabau customary law system operates through a personalized network of social relations. In contrast to the impersonal and bureaucratic state legal system, Minangkabau customary law places personal relationships as the foundation of normative relationships.²⁵ Datuak Rajo Nan Sati explained: "The mother of the semang is social security for immigrants. If the

²² Idrus Hakimy Dt. Rajo Penghulu, *Rangkaian Mustika Adat Basandi Syarak di Minangkabau* (Bandung: Remaja Rosdakarya, 1997), 12–15.

²³ Amir M.S., *Adat Minangkabau: Pola dan Tujuan Hidup Orang Minang* (Jakarta: Mutiara Sumber Widya, 2003), 89.

²⁴ Hilman Hadikusuma, *Hukum Perkawinan Adat* (Bandung: Citra Aditya Bakti, 2003), 57–60.

²⁵ Lukito, *Tradisi Hukum Indonesia*, 33.

immigrant makes a mistake, the mother of the semang will be called ninik mamak first to be questioned and responsible. Therefore, not just anyone wants to be a host for immigrants they don't know well."²⁶ This statement reveals the dimension of collective responsibility which is one of the characteristics of the Minangkabau customary law system.

Second, the use of *siriah jo pinang* as a traditional device in the *Manompang Datuak* procession is not just a ceremonial formality, but is a symbolic language that has a legal position in the Minangkabau customary system. From the perspective of legal anthropology, the material symbols used in customary rituals function as a normative medium of communication that activates legal obligations between the parties.²⁷ Hadikusuma (2003) explained that in Minangkabau customary law, the handing over of *the Siriah jo pinang* in various contexts including in the *procession of Manompang Datuak* is customarily equivalent to the signing of an agreement in the modern legal system: it binds the parties to certain commitments that are recognized and enforceable by customary institutions.²⁸

Third, the issuance of customary certificates by Ninik Mamak reflects the informal codification process of customary recognition that has been given. In the context of legal pluralism, this document serves as a bridge between the realm of customary law and the realm of state law: it transforms customary-based communal recognition into a formal document that can be integrated into the state's administrative procedures in the KUA.²⁹ This phenomenon is in line with Lukito's (2008) observation about the ways in which customary law in Indonesia adapts to the demands of state legal formalism without losing its original normative substance.³⁰

It should be noted that the *Manompang Datuak procedure* is not completely uniform between one tribe and another in Nagari Aia Gadang. There are variations in terms of delivery procedures, the choice of customary language used, and the completeness of the offerings, depending on the specific traditions of each tribe and the policy of the ninik mamak concerned.³¹ This variation, instead of weakening the argument about the applicability of *Manompang Datuak* as a coherent legal system, reflects one of the characteristics of customary law that is flexible and responsive to the specific context of the community, as stated by Kato (1982) in his analysis of the adaptability of Minangkabau traditions.³²

The Sociological Function of *Manompang Datuak* in the Social Integration of Immigrants

A sociological analysis of the *Manompang Datuak* tradition reveals at least four main functions that are interrelated and mutually reinforcing in the life order of Nagari Aia Gadang. These functions are not only descriptively relevant to understanding the

²⁶ Wawancara dengan Datuak Rajo Nan Sati, Wali Suku Caniago Nagari Aia Gadang, 15 Maret 2024.

²⁷ Soerjono Soekanto, *Hukum Adat Indonesia* (Jakarta: RajaGrafindo Persada, 2012), 95–102.

²⁸ Hadikusuma, *Hukum Perkawinan Adat*, 62–65.

²⁹ Benda-Beckmann dan Benda-Beckmann, "The Dynamics of Change and Continuity," 7–12.

³⁰ Lukito, *Tradisi Hukum Indonesia*, 47–52.

³¹ Saputra dan Mirwati, "Kedudukan Ninik Mamak," 51–53.

³² Kato, *Matriliney and Migration*, 56–58.

phenomenon, but also have important normative implications in the context of the relationship between customary law and the nagari social order.

Social Control Functions

The first and most fundamental function of *Manompang Datuak* is as a mechanism of social control over immigrants who enter the country. In the perspective of legal sociology, social control refers to the various mechanisms used by society to ensure the adherence of its members to applicable norms and to prevent behavior that is considered deviant.³³ In the context of *Manompang Datuak*, social control is carried out through two complementary mechanisms: the initial selection mechanism and the continuous supervision mechanism. The initial selection mechanism operates through the procession of *accepting the Manompang Datuak* itself, where the *ninik mamak* has the authority to reject the immigrant's application if the immigrant's application is considered not to meet the necessary criteria, for example because he has a poor track record, does not show adequate respect for the custom, or for other reasons assessed by the *ninik mamak*.³⁴ Datuak Bandaro Kayo said: "*We never refuse carelessly. But if there is information that the immigrant has caused trouble in another country, or if his behavior in the manompang procession does not reflect respect, we have the right not to accept it until there is a clear clarification.*"³⁵ This statement shows that the selection authority of *ninik mamak* is not an arbitrary authority, but is based on normative considerations rooted in traditional values and the well-being of the nagari community.

The continuous supervision mechanism operates through the *relationship between the master semang* which is permanent and does not end after the *Manompang Datuak* procession is completed. In a follow-up interview, Datuak Rajo Nan Sati explained that the *mother of the semang* has a customary obligation to report to the *ninik mamak* if the migrants under her protection commit actions that violate the norms of nagari customs.³⁶ This personal relationship-based surveillance system, according to Putri (2020), has proven to be more effective in the context of indigenous peoples compared to formal surveillance systems run by state officials, because it operates through existing social networks and has legitimacy recognized by all community members.³⁷

Functions of Communal Identity Markers

The second function that is no less important is *the function of Manompang Datuak* as a marker of communal identity. In societies that have strong customary-based identity systems, such as the Minangkabau people, the boundary between "community members" and "outsiders" is a socially meaningful boundary that has direct implications for a person's rights and obligations within the community.³⁸ The *Manompang Datuak* tradition functions as a rite of *passage* that marks a person's transition from the status of "outsider" (*urang foreign*) to part of

³³ Abdullah, "Adat and Islam," 5–8; lihat juga Soekanto, *Hukum Adat Indonesia*, 78–82.

³⁴ Yusuf, *Nagari dan Ninik Mamak*, 102–105.

³⁵ Wawancara dengan Datuak Bandaro Kayo, Wali Suku Koto Nagari Aia Gadang, 16 Maret 2024.

³⁶ Wawancara dengan Datuak Rajo Nan Sati, Nagari Aia Gadang, 28 Maret 2024 (wawancara lanjutan).

³⁷ Putri, "Eksistensi Lembaga Kerapatan Adat Nagari," 575–577.

³⁸ Mulyadi dan Huda, "Pluralisme Hukum dalam Perkawinan Adat Minangkabau," 218–222.

the nagari community, although with a status that remains different from the original resident (*urang nagari*).³⁹

Analytically interesting is that the *Manompang Datuak* procession creates a new category of identity which can be referred to as "customarily accepted immigrants" that is different from simply the administrative resident status granted by the state through an ID card or family card. A person can be administratively recorded as a resident of Nagari Aia Gadang without ever undergoing *Manompang Datuak*, and in this case he will still be considered an "outsider" from the perspective of the indigenous community, even though the state legally has the same status as the rest of the population.⁴⁰ Merry (1988) identifies similar dynamics in various systems of legal pluralism, in which membership in different normative communities creates layers of status that are not always coherent with each other.⁴¹ Mr. Hasan, an immigrant from Agam Regency who had undergone a procession of *Manompang Datuak* two years before the interview, described his experience: "After the manompang, I felt different. The neighbors are more open, and if there is a traditional event I have been invited. Before I left, even though I had lived here for a long time, I still often felt like a guest."⁴² This empirical testimony illustrates how the process of customary recognition through *Manompang Datuak* has a real impact on the quality of social integration of immigrants in the country, beyond just formal administrative recognition from the state.

Reciprocal Social Protection Function

The third function is the function of social protection which is reciprocal between immigrants and the nagari community. In the context of *Manompang Datuak*, this protection relationship operates in two directions: on the one hand, the *ninik mamak* and the nagari community provide customary protection, recognition, and access to social networks for migrants; on the other hand, the nomadic immigrants acquire the obligation to comply with the customary norms of the nagari, contribute to communal life, and morally support the authority of the indigenous institutions.⁴³

Ibu Ratna, a Javanese immigrant who married a Nagari native, said: "*I was worried first, because I was from Java and didn't understand Minang customs. But after the win, there is a feeling of security. Datuak said that I was his responsibility, so if there was a customary problem that I didn't understand, I could ask him first.*"⁴⁴ Ibu Ratna's experience reveals an affective dimension of *Manompang Datuak* that cannot be ignored: in addition to formal normative functions, this tradition also produces a sense of psychological security and emotional connectedness that facilitates the cultural adaptation of immigrants.

This dimension of social protection is becoming increasingly important in the context of a society that is experiencing high population mobility pressure. Sudiyat (2010)

³⁹ Ernati, "Tradisi Perkawinan di Nagari Minangkabau," 685–690; lihat juga Koentjaraningrat, *Pengantar Ilmu Antropologi* (Jakarta: Rineka Cipta, 2009), 145–148.

⁴⁰ Merry, "Legal Pluralism," 878–882.

⁴¹ Merry, "Legal Pluralism," 878–882.

⁴² Wawancara dengan Bapak Hasan (nama samaran), pendatang asal Agam yang telah menjalani prosesi *manompang datuak*, 22 Maret 2024.

⁴³ Imam Sudiyat, *Hukum Adat Sketsa Asas* (Yogyakarta: Liberty, 2010), 113.

⁴⁴ Wawancara dengan Ibu Ratna (nama samaran), pendatang asal Jawa yang menikah dengan warga Nagari Aia Gadang, 23 Maret 2024.

noted that in indigenous peoples that face a large influx of migrants, indigenous institutions that are able to provide effective social integration mechanisms tend to have greater resilience compared to indigenous institutions that do not have similar mechanisms.⁴⁵ In this context, the *tradition of Manompang Datuak* in Nagari Aia Gadang can be seen as one of the factors that contribute to the social stability of the nagari in the midst of increasing migration pressures.⁴⁶

The Function of Integrating Islamic Values into the Customary System

The fourth function that needs to be analyzed specifically is the function of *Manompang Datuak* as an arena for the integration of Islamic values into the customary system. The recitation of prayers by religious scholars in the *procession of Manompang Datuak* is not just an addition to an accessory religious ritual, but reflects the fundamental principle of *the traditional basandi syarak, syarak basandi Kitabullah* (ABS-SBK) which is the philosophical foundation of the life of the Minangkabau people.⁴⁷ The ABS-SBK principle epistemologically emphasizes that authentic Minangkabau customs are customs that have been validated by Islamic law and in turn are sourced from the Qur'an and Hadith.⁴⁸

In the context of *Manompang Datuak*, the integration of Islamic values can be seen in several aspects: the confirmation of the Islamic status of immigrants who want to get married, the emphasis on the value of *deliberation* and *consensus* in the decision-making procession by *ninik mamak*, and the use of prayer as a marker of religiosity that legitimizes traditional actions.⁴⁹ These findings are important because they challenge the narrative that positions customary law and Islamic law as two entities that are always in tension. As shown by Abdullah (1966) in the historical context and confirmed by the empirical findings of this study, the Minangkabau people have developed a normative syncretism strategy that allows the two to coexist harmoniously in most contexts.⁵⁰ In the context of *Manompang Datuak* in particular, no elements were found that were substantially contrary to the principles of Islamic law, so it can be concluded that this tradition is a good example of what Abdullah called "Islamist customs".⁵¹

Manompang Datuak in the Framework of Family Law Anthropology: Relations with Islamic Law and State Law

Manompang Datuak as Living Law in the Perspective of Legal Anthropology

From the perspective of legal anthropology, *Manompang Datuak* is a paradigmatic example of what Eugen Ehrlich classified as *living law* a law that truly lives in the consciousness and practice of society, as opposed to a law that is only listed in textbooks or laws and regulations.⁵² Soekanto (2012) adapts this concept in the context of Indonesian customary

⁴⁵ Sudiyat, *Hukum Adat Sketsa Asas*, 118–121.

⁴⁶ BPS Kabupaten Pasaman Barat, *Kecamatan Lubak Nan Duo dalam Angka 2023*, 17–19.

⁴⁷ Abidin, *Hukum Adat Minangkabau dalam Perspektif Islam*, 30–38.

⁴⁸ Dt. Rajo Penghulu, *Rangkaian Mustika Adat Basandi Syarak*, 20–25; Amir M.S., *Adat Minangkabau*, 101–107.

⁴⁹ Wawancara dengan alim ulama nagari, Nagari Aia Gadang, 19 Maret 2024; Observasi prosesi *manompang datuak*, 20 Maret 2024.

⁵⁰ Abdullah, "Adat and Islam," 14–18.

⁵¹ Abdullah, "Adat and Islam," 21–22; Bowen, *Islam, Law and Equality in Indonesia*, 67–72.

⁵² Eugen Ehrlich, *Fundamental Principles of the Sociology of Law*, terj. Walter L. Moll (Cambridge: Harvard University Press, 1936), 36–41; sebagaimana dikutip dalam Soekanto, *Hukum Adat Indonesia*, 60.

law and explains that *living law* in Indonesian indigenous peoples is dynamic, responsive, and constantly evolving in line with changes in socio-economic conditions of their communities.⁵³ The enactment of *Manompang Datuak* in Nagari Aia Gadang meets the criteria of *living law* in several dimensions: it is voluntarily complied with by the majority of citizens and immigrants; it has an effective social sanction mechanism for violators; and it continues to adapt in form and procedures along with the changing times, for example with the issuance of customary certificates in response to the demands of state administrative formalism.⁵⁴

Rato (2011) explained that in the Indonesian customary law system, *living law* operates not only as norms that regulate behavior, but also as a value system that gives meaning and orientation to communal life.⁵⁵ In the context of *Manompang Datuak*, the value system contained in it such as respect for parents and customary institutions, collective responsibility, consensus deliberation, and harmonization between customs and religions are not only the norms that govern the *manompang* procedure itself, but also the principles that shape the social character of the Nagari Aia Gadang community as a whole. Thus, *Manompang Datuak* cannot be adequately understood only within a formal legal framework, but requires a legal anthropological approach that pays attention to the cultural dimensions and the values that surround them.⁵⁶

***Manompang Datuak* in the Framework of Islamic Law: An Analysis of 'Urf**

From the perspective of Islamic law, the validity of the *Manompang Datuak* tradition can be analyzed using the concept of *'urf* (customary customs recognized in Islamic jurisprudence). Al-Zuhaili (1989) defines *'urf* as everything that has been habituated by people and made a habit in their lives, whether in the form of words, deeds, or the act of leaving something.⁵⁷ In the study of ushul fiqh, *'urf* is recognized as one of the secondary sources of Islamic law that can be the basis for determining laws in matters that are not explicitly regulated by the Qur'an and Hadith, provided that the *'urf* does not contradict the definitive principles of sharia.

In order to categorize *Manompang Datuak* as a valid *'urf* in the perspective of Islamic law, it is necessary to examine whether this tradition meets the requirements of *'urf ṣaḥiḥ* (valid customs), namely: (1) it is generally applicable and accepted by the majority of society; (2) not contrary to the true Qur'an and Hadith; (3) not legalizing the prohibited or prohibiting the legalized; and (4) not contrary to common sense and universal justice values.⁵⁸ Based on an analysis of the procedure and substance of *Manompang Datuak* in Nagari Aia Gadang, this tradition fulfills all four conditions: it is widely accepted and adhered to by the Nagari community including local scholars; it does not contain elements that are directly contrary to the teachings of Islam; it does not prohibit what is permissible or otherwise; and it can be rationally maintained as a mechanism that is fair and beneficial for all parties.⁵⁹

⁵³ Soekanto, *Hukum Adat Indonesia*, 60–65.

⁵⁴ Wawancara dengan Wali Nagari Aia Gadang, 18 Maret 2024; “Peraturan Nagari Aia Gadang Nomor 3 Tahun 2020,” Pasal 7–8.

⁵⁵ Dominikus Rato, *Hukum Adat di Indonesia (Suatu Pengantar)* (Yogyakarta: LaksBang Pressindo, 2011), 67.

⁵⁶ Rato, *Hukum Adat di Indonesia*, 72–75; Soekanto, *Hukum Adat Indonesia*, 66–68.

⁵⁷ Wahbah al-Zuhaili, *Al-Fiqh al-Islami wa Adillatuhu*, vol. 7, edisi ke-4 (Damaskus: Dār al-Fikr, 1989), 6513–6515.

⁵⁸ Al-Zuhaili, *Al-Fiqh al-Islami wa Adillatuhu*, vol. 7, 6516–6520; lihat juga Abdul Wahab Khallaf, *Ilmu Ushul al-Fiqh* (Kuwait: Dār al-Qalam, 1978), 89–92.

⁵⁹ Observasi prosesi *manompang datuak* dan wawancara dengan alim ulama nagari, Nagari Aia Gadang, Maret–April 2024.

Abidin (2015) more specifically examines the relationship between Minangkabau customary law and Islamic law, and concludes that most Minangkabau customary institutions, including various customary processions related to marriage, can be categorized as *valid 'urf* in the perspective of Islamic law, because they have gone through a long process of Islamization that began in the 17th century.⁶⁰ In the context of *Manompang Datuak*, the process of Islamization is most clearly seen in the existence of a component of prayer reading that is an integral part of the procession, as well as in the orientation of values that prioritize justice, deliberation, and common interests values that are in harmony with *maqāṣid al-syarī'ah* (the goals of Islamic law). Therefore, it can be concluded that the *Manompang Datuak tradition* is not only **not contrary** to Islamic law, but can also be seen as an implementation of Islamic values in the Minangkabau cultural context.

Manompang Datuak within the Framework of National Marriage Law

In its relationship with national marriage law, *the Manompang Datuak tradition* is in a position that is juridically ambiguous but socially functional. Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019 does not explicitly regulate customary requirements as legal requirements for marriage.⁶¹ Article 2 paragraph (1) of the Marriage Law states that marriage is valid if it is carried out according to the laws of each religion and belief, which in the context of the Nagari Aia Gadang Muslim community means that the validity of marriage is determined by Islamic law (*a valid marriage contract*), not by the traditional *procession of Manompang Datuak*.⁶² Formally juridical, an immigrant who gets married in Nagari Aia Gadang without undergoing a *Manompang Datuak* procession can still have a valid marriage in the eyes of state law, as long as his marriage procession meets the provisions of the Marriage Law and is recorded by the KUA.⁶³

However, this is where the real complexity of legal pluralism lies. The Head of KUA Luhak Nan Duo District explained that in practice, the KUA informally encourages prospective brides who are immigrants to first undergo a *Manompang Datuak* procession before registering their marriage, even though the customary certificate from *ninik mamak* is not a document that is legally required by laws and regulations. The informal policy of the KUA reflects a pragmatic recognition of the indigenous authorities living in the community and its important social function in maintaining communal harmony.⁶⁴ Fauzi (2023) found a similar dynamic in the context of marriage in East Java, where formal state institutions often

⁶⁰ Abidin, *Hukum Adat Minangkabau dalam Perspektif Islam*, 85–90; lihat juga Muhammad Daud Ali, *Hukum Islam: Pengantar Ilmu Hukum dan Tata Hukum Islam di Indonesia* (Jakarta: RajaGrafindo Persada, 2007), 234–238.

⁶¹ “Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan,” Pasal 2 ayat (1); “Undang-Undang Nomor 16 Tahun 2019 tentang Perubahan atas Undang-Undang Nomor 1 Tahun 1974,” Pasal 1.

⁶² “Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan,” Pasal 2 ayat (1); lihat juga Khoiruddin Nasution, *Hukum Perdata (Keluarga) Islam Indonesia dan Perbandingan Hukum Perkawinan di Dunia Muslim* (Yogyakarta: Academia + Tazzafa, 2009), 67–70.

⁶³ “Undang-Undang Nomor 16 Tahun 2019 tentang Perubahan atas Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan,” Pasal 1.

⁶⁴ Wawancara dengan Kepala KUA Kecamatan Luhak Nan Duo, 17 Maret 2024; lihat juga Muhammad Lutfi Hakim dan Khoiruddin Nasution, “Accommodating Non-Muslim Rights: Legal Arguments and Legal Principles in the Islamic Jurisprudence of the Indonesian Supreme Court in the Post-New Order Era,” *Oxford Journal of Law and Religion* 11, no. 2–3 (2023): 288–313.

informally accommodate the demands of the local customary law system that are not officially recognized in laws and regulations.⁶⁵

This relationship between *Manompang Datuak* and national marriage law creates what can be called "facilitated legal pluralism", which is a condition in which the state legal system informally provides space for the operation of the customary law system, without formally recognizing it as part of a positive legal system.⁶⁶ Benda-Beckmann and Benda-Beckmann (2006) identified this condition as one of the most common forms of legal pluralism in post-colonial countries, where the state often lacked the capacity or willingness to completely replace local legal systems that had been firmly rooted in society. In the context of Nagari Aia Gadang, this "facilitated legal pluralism" seems to work well: it provides formal legal certainty through the KUA mechanism while maintaining social legitimacy through the *Manompang Datuak* mechanism, so that the two legal systems are ultimately complementary in regulating immigrant marriage.⁶⁷

However, there are also cases where the absence of a *Manompang Datuak* procession causes real social conflicts. Mr. Zainudin, an immigrant who chose not to undergo *Manompang Datuak* because he considered it a heresy practice, experienced social rejection from some nagari residents and difficulties in accessing the social networks of indigenous communities.⁶⁸ Cases like this expose the limitations of the "facilitated legal pluralism" model: when different legal systems bring conflicting demands, individuals caught between those demands can experience double marginalization not fully protected by the laws of countries that have no mechanisms to resolve customary conflicts, and not fully accepted by indigenous communities who feel their normative rights are being violated.⁶⁹ Mulyadi and Huda (2020) identified similar dynamics in various nagari in West Sumatra and recommended the need for more systematic dialogue and accommodation between customary institutions and state institutions in regulating migrant marriage.⁷⁰

From the perspective of Islamic family law, Nasution (2009) emphasizes the importance of viewing marriage not only as a private legal event involving two individuals, but also as a social event that has a communal dimension and involves the responsibility of the extended family and community.⁷¹ In this framework, *the Manompang Datuak tradition* can be seen as an expression of the communal dimension of marriage in the context of Minangkabau customs: it asserts that marriage is not only a matter of two individuals (or two families), but also concerns the interests of the nagari community as a whole. This view, although different in form, is substantially in line with the principles of Islamic family law that emphasize the importance of the consent of the guardian and the involvement of the

⁶⁵ Muhammad Latif Fauzi, *Aligning Religious Law and State Law: Negotiating Legal Muslim Marriage in Pasuruan, East Java* (Boston: Brill, 2023), 45–49.

⁶⁶ Benda-Beckmann dan Benda-Beckmann, "The Dynamics of Change and Continuity," 18–22; Merry, "Legal Pluralism," 889–893.

⁶⁷ "Peraturan Daerah Kabupaten Pasaman Barat Nomor 7 Tahun 2018 tentang Nagari," Pasal 12 dan 13.

⁶⁸ Wawancara dengan Bapak Zainudin (nama samaran), pendatang yang tidak menjalani prosesi *manompang datuak*, 25 Maret 2024.

⁶⁹ Wawancara dengan Datuak Rajo Nan Sati, 28 Maret 2024 (wawancara lanjutan); Mulyadi dan Huda, "Pluralisme Hukum dalam Perkawinan Adat Minangkabau," 222–225.

⁷⁰ Mulyadi dan Huda, "Pluralisme Hukum dalam Perkawinan Adat Minangkabau," 225–228.

⁷¹ Nasution, *Hukum Perdata (Keluarga) Islam Indonesia*, 67–70.

community in the formation of a *sakinah, mawaddah, wa rahmah* family.⁷² Thus, *Manompang Datuak* can be read as the Minangkabau cultural articulation of Islamic principles of social responsibility in marriage, which gives it a strong normative legitimacy in the eyes of the nagari Muslim community.

Furthermore, if we consider the perspective of *maqāṣid al-syarī'ah* (the purposes of Islamic law), the institution of *Manompang Datuak* can be analyzed as a means of protection for the five main elements that are the purposes of the sharia: soul (*nafs*), intellect (*'aql*), offspring (*nasl*), property (*māl*), and religion (*dīn*). Through its mechanisms of social control and mutual protection, *Manompang Datuak* contributes to the protection of the soul through the prevention of social conflicts, the protection of offspring through orderly and monitored marriage arrangements, and religious protection through the confirmation of Islamic status and the integration of religious values in traditional processions. This analysis of *maqāṣid* reinforces the argument that *Manompang Datuak* is a tradition that is substantively in line with the goals of Islamic law, even when it appears in a specific Minangkabau cultural form.⁷³

The challenge ahead that needs serious attention is how to formalize the recognition of *Manompang Datuak* within a positive legal framework, without sacrificing the flexibility and adaptability that are the main strength of this tradition as *living law*. Some models that are worth considering include: integrating the *ninik mamak* customary certificate as an administrative document officially recognized by the KUA; development of more comprehensive Nagari regulations on the rights and obligations of migrants; and the establishment of a tripartite forum between customary institutions, KUA, and the nagari government to resolve cases where there is tension between customary law claims and state law.⁷⁴

Conclusion

This research has shown that the *Manompang Datuak* tradition in Nagari Aia Gadang, West Pasaman, is a complex, multifunctional, and adaptive customary law institution. Through a procession structured in six interconnected stages, the tradition performs at least four main sociological functions: social control over migrants, markers of communal identity, reciprocal social protection, and the integration of Islamic values into the nagari customary system. These functions collectively contribute to the social stability of the nagari in the midst of the increasing pressure of migrant migration flows, while maintaining the relevance of customary institutions in the contemporary life of the Minangkabau people.

From the perspective of sociology and the anthropology of family law, this article contributes to the theoretical understanding of legal pluralism by showing that *Manompang Datuak* represents a form of *living law* that manages to maintain its relevance and effectiveness precisely because of its ability to adapt to the demands of state legal formalism without losing its original normative substance. Normatively, this tradition has proven to be compatible

⁷² Hakim dan Nasution, "Accommodating Non-Muslim Rights," 300–305; lihat juga Abdul Manan, *Aneka Masalah Hukum Perdata Islam di Indonesia* (Jakarta: Kencana, 2006), 12–15.

⁷³ Soekanto, *Hukum Adat Indonesia*, 102–108; Hilman Hadikusuma, *Pengantar Ilmu Hukum Adat Indonesia* (Bandung: Mandar Maju, 2010), 78–82.

⁷⁴ Mulyadi dan Huda, "Pluralisme Hukum dalam Perkawinan Adat Minangkabau," 229–231; Putri, "Eksistensi Lembaga Kerapatan Adat Nagari," 580–585.

with Islamic law through the *framework of 'urf ṣaḥīḥ*, and is functionally complementary not competitive to the formal marriage provisions of the Marriage Law. Analysis of maqāṣidī further confirms that this tradition supports the fundamental goals of Islamic sharia in safeguarding the welfare of individuals and communities.

The methodological contribution of this article lies in the application of a *socio-legal research* approach that integrates the perspectives of legal sociology, legal anthropology, and Islamic jurisprudence to analyze customary law phenomena holistically. This approach allows for a richer and more multidimensional understanding of *Manompang Datuak*, going beyond mere doctrinal-normative analysis. By paying attention to empirical, cultural, and normative dimensions at the same time, this study succeeds in showing how an indigenous tradition can function effectively as a socio-legal mechanism that bridges various legal systems in a pluralistic society.

This study has limitations in scope that is only focused on one country, so generalization of findings needs to be done with caution. In the future, comparative research covering various countries in West Sumatra with different socio-demographic characteristics is needed, to obtain a more comprehensive understanding of the variations and dynamics of *Manompang Datuak* in the context of ongoing social change. In addition, a study of the policy implications of the findings of this study—particularly related to the possibility of integrating *Manompang Datuak* more formally into marriage regulations at the nagari and district levels also needs attention from policymakers, customary law academics, and Minangkabau customary institutions.

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